

TITLE 18 UNIFIED DEVELOPMENT CODE

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(Ord. # 6248, AN ORDINANCE REPEALING TITLES 16, 17 AND 18 OF THE LOVELAND MUNICIPAL CODE AND REPLACING SUCH TITLES WITH A NEW TITLE 18, adopted 11/06/2018)

PART 1: PRELIMINARIES

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Chapter 18.01 Preliminaries

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Division 18.01.01 Title, Purpose, and Applicability

18.01.101 Title; Short Title

- A. **Title.** This Chapter shall be known as the City of Loveland Unified Development Code
- B. **Short Title.** This Chapter may also be referred to herein as “UDC” or “Code”.

18.01.102 General Purposes

- A. **Generally.**
 - 1. The general purposes of this UDC are to combine the City’s zoning, subdivision, and annexation regulations into a unified code; to implement the City’s Comprehensive Plan and other adopted plans; and to advance the purposes stated herein.
 - 2. The regulations and zones, as herein set forth, which have been made in accordance with a comprehensive zoning study, are designed to promote public health, safety, and general welfare by:
 - a. Promoting economic opportunity and activity, encouraging investment, and improving property values;

- b. Promoting a balance of land uses within the City, with high-quality livable neighborhoods, vibrant commercial areas, and a variety of civic, healthcare, educational, commercial, service, and industrial employment opportunities;
 - c. Promoting good civic design and site layout;
 - d. Promoting fiscally responsible investments in infrastructure and services;
 - e. Providing for an interconnected multi-modal transportation system;
 - f. Maintaining an appropriate level of service on City streets and regional thoroughfares;
 - g. Lessening the risk of fire, flood, panic, and other dangers;
 - h. Preventing unhealthy overcrowding of land;
 - i. Allowing for a variety of housing types that meet market demands for a variety of lifestyles and price points;
 - j. Promoting the conservation of energy, water, and environmental resources, and the use of renewable energy;
 - k. Protecting the integrity of historic landmarks, buildings, and districts;
 - l. Promoting physical compatibility among nearby land uses;
 - m. Ensuring that adequate public facilities, services and infrastructure (including transportation, water, wastewater, schools, parks, public safety, and other public improvements) are in place to serve development when its impacts on those facilities, services and infrastructure are realized; and
 - n. Ensuring that new development is accountable for its proportionate fair share of the cost of necessary facility construction and expansion.
- B. **Considerations.** This UDC was created with reasonable consideration as to the character of each zone and its suitability for particular uses, with a view to conserving the value of buildings and land, and encouraging the most appropriate use of land throughout the City in accordance with the City’s Comprehensive Plan, other adopted plans, and engineering studies.
- C. **Application of Purpose Statements.** Purpose statements in this UDC are intended to provide context for the standards of this UDC, and to provide assistance with interpretation of substantive requirements, if such interpretation is necessary. Purpose statements are not to be interpreted as independent criteria for development approvals.

18.01.103 Applicability

A. **Generally.**

- 1. All development within the City is subject to this UDC, except:
 - a. As may be specifically exempted herein; or
 - b. As may be outside of the City’s regulatory jurisdiction.
- 2. Development is a specifically defined term for the purposes of this UDC. Not all activities on land or within buildings or structures are considered development. See the definition of development for details.

- B. **Applicability to Publicly Owned Property.** The provisions of this UDC are applicable not only to private persons, agencies, corporations and organizations, but also to all public agencies and organizations to the full extent that they may be enforceable under the United States Constitution and the Constitution and Statutes of the State of Colorado.
- C. **Protection of Commercial Mineral Deposits.** No real property shall be zoned or rezoned, nor shall a variance to the application of this title be granted, which violates the provisions of C.R.S. § 34-1-301, *et seq.*

Division 18.01.02 Interpretation, Transitional Provisions, and Severability

18.01.201 Interpretation

- A. **Generally.** As this UDC affects constitutionally protected rights, it has been written with an understanding of, and subject to, these rights, which are articulated in the Constitutions of the United States and the State of Colorado and interpreted by federal and state courts with jurisdiction in and over the City of Loveland.
- B. **Relationship to Policy and Land Use Plans.** It is the City Council's intent that this UDC provide for implementation over time of the policies that are set out in the Comprehensive Plan, as well as any specific area, transportation, or facility plans that may be adopted prior or subsequent to the adoption of this UDC. However, neither this UDC nor any amendments thereto may be challenged on the basis of any alleged inconsistency or nonconformity with any planning document.
- C. **Permits Issued in Conflict with UDC.** Any permit issued in conflict with the provisions of this UDC shall be null and void and shall not be construed as waiving any provision of this UDC, unless such waiver is expressly authorized by variance or other comparable procedure set out herein. No oversight or dereliction of any office or employee of the City shall legalize, authorize, or excuse any violation of any provision of this UDC. No legal, vested, or equitable rights shall be acquired under any invalid zoning or building permit, certificate of occupancy, or license.
- D. **Basic Requirements.** In their interpretation and application, the provisions of this UDC shall be regarded as the basic requirements for the protection of public health, safety, comfort, convenience, prosperity, and welfare. This UDC shall be liberally interpreted in order to further its underlying purposes.
- E. **Construction with Other Laws.** Whenever any provision of this UDC or any provision of any other law, rule, contract, resolution, ordinance, or regulation of the City, County, state, or federal government contains certain standards covering the same subject matter, the interpretation that gives effect to all of the applicable laws controls. Generally, that means that the more restrictive requirements or higher standards control the decision.
- F. **Signs; Substitution of Noncommercial Speech for Commercial Speech.** Notwithstanding anything contained in this UDC to the contrary, any sign erected pursuant to the provisions of this UDC or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that:
 - 1. The sign is not a prohibited sign or sign-type;
 - 2. The frequency of message changes does not exceed the maximum frequency established by this UDC for electronic message centers; and
 - 3. The size, height, setback, and other dimensional criteria contained in this UDC have been satisfied, or the sign structure is legally nonconforming.
- G. **Hyperlinks.** This UDC may contain hyperlinks to referenced standards. The Director is authorized to update hyperlinks from time to time without further action by the City Council. The hyperlinks are provided for the convenience of the end-user, and City makes no representation as to whether hyperlinked materials that are hosted on domains that are outside of the City's control are accurate or current.

18.01.202 Effect on Pending Applications

- A. **Generally.** An application for approval of a site specific development plan, as well as the approval, conditional approval, or denial of approval of such plan, shall be governed only by the duly adopted laws and regulations in effect at the time the complete application is submitted. See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.
- B. **Immediate Public Health and Safety Exception.** The City may adopt a new or amended ordinance or regulation, when necessary, for the immediate preservation of public health and safety, and may enforce such ordinance or regulation in relation to applications pending at the time such ordinance or regulation is adopted. See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.

18.01.203 Effect on Approvals and Permits that Pre-Date the Effective Date

- A. **Generally.** Development that was approved by the City prior to the effective date of this UDC, but not completed as of the effective date, may be carried out within the scope of the development approval or permit, provided that the

approval or permit is valid and has not lapsed. Work that is authorized by permits must be commenced during the period in which the permit is valid, and then diligently pursued to completion.

B. Duration of Development Approvals.

1. Development approvals and permits that are valid on the effective date, but for which no further action has been taken with respect to permitting, construction, or establishment of a land use are valid until the earlier of:
 - a. Their stated expiration date, which may be on the face of the permit or development approval, or within related documents such as development agreements or regulations in force on the date of the approval; or
 - b. One year after the date of approval of a general development plan (“GDP”) or preliminary development plan (“PDP”), if the next step in the planned unit development process is not initiated before the anniversary date of the approval or an extension is approved by the Director.
 - c. Three years after the date of approval of a site development plan (“SDP”), if no applications for related permits have been filed with the City before the third anniversary of the approval.
 - d. Three years after the date of approval of a special review permit, if the special review use has not been established by the third anniversary of the approval.
 - e. Three years after the effective date of this UDC for other approval types, except those set out in subsection B.2., below.
2. Approved final plats and approved final development plans do not have expiration dates. However, property that is subject to a final development plan for which rights have not been vested may be rezoned by the City if no action is taken with respect to permitting, construction, or establishment of a land use for a period of three years after the date of approval.
3. The Director may grant an extension of up to one year for the approvals and permits listed above for good cause shown, provided that a request for the extension is filed with the Director not less than 30 days prior to the expiration date of the approval or permit.

C. Scope of Approvals.

1. This Section shall not be interpreted to confer rights upon an applicant that are not set out within the scope of a development approval or permit. For example, if building design standards are adopted after a site plan is approved, but before any other applications are filed, then they may be applied to subsequent building permits because they are outside of the scope of site plan approval.
2. The standards of this UDC apply to planned unit developments unless the Director finds that the approved planned unit development documents include standards addressing the same item, and the planned unit development approval is vested.

D. Conditions of Prior Approvals or Permits. All conditions of development approvals or permits that were granted or issued prior to the effective date remain in force according to their own terms, regardless of the standards or requirements of this UDC. Conditions of approval may be modified or eliminated pursuant to [Division 18.17.15, Administrative Variations, Design Flexibility, Reasonable Accommodations, Height Exceptions, and Variances](#), or upon periodic review if the condition of approval required periodic review.

E. Effect of Termination of Approval. Approvals that terminate pursuant to this Section become void on the date of termination, and no further development approvals or permits may be issued in reliance upon them. No application for an extension or modification of an approval or permit will be accepted after termination of the approval or permit for which extension or modification is sought.

18.01.204 Effect on Development, Annexation, and Improvement Agreements

This UDC does not affect existing development agreements, improvement agreements, or annexation agreements, except as may be provided therein or by applicable state or federal law.

18.01.205 Effect on Special Review Approvals

- A. **Generally.** Property that is subject to an approved special review that was submitted or approved prior to the effective date of this UDC may be developed in accordance with the approved special review plan. The approved special review plan shall be considered a site development plan for an adaptable use.
- B. **Amendment to an Existing Special Review Plan.** Minor amendments (administrative variations) complying with the thresholds in subsection D. of Section 18.17.1501, [Administrative Variations](#), shall be processed in accordance with a Track 1 Decision-Making Track. Major amendments that exceed the thresholds in subsection D. of Section 18.17.1501, [Administrative Variations](#), shall be processed as a new adaptable use.

18.01.206 Effect on Flexible Overlay Zones

- A. **Generally.** Property that is subject to a Flexible Overlay Zone that was approved prior to the effective date of this UDC may be developed in accordance with the approved plan as provided in this Section. No new Flexible Overlay Zones shall be established.
- B. **Minor Amendments.** A flexible overlay plan may be amended administratively if the Director determines that the proposed amendment meets the criteria of this subsection. Where these criteria have been met, the amendment shall be considered minor and the Director shall have the authority to approve, approve with conditions, or deny the proposed amendment:
 1. The boundaries of the flexible overlay zone would not expand;
 2. The amendment would not allow new uses;
 3. The amendment would not allow a change in development density or intensity greater than 20 percent;
 4. The amendment would not alter a condition approved by City Council; and
 5. The amendment would not create material negative impacts on adjacent property owners or other owners of property within the Flexible Overlay Zone.
- C. **Major Amendments.** Amendments exceeding the thresholds in subsection B., above, shall require rezoning to an appropriate zone that is listed in Section 18.02.201, [Zones Established](#).

18.01.207 Effect on Existing Violations

- A. **Generally.** Any violation of the previous versions of the UDC or sections of the City of Loveland Municipal Code that were repealed and replaced upon adoption of this UDC shall be treated as follows:
 1. If a violation occurred prior to the effective date and continued past the effective date, then the City may pursue remedies for each day of violation, based on the UDC or municipal code sections that were in effect on each day that the violation occurred.
 2. If a violation occurred prior to the effective date, but the same activity is no longer a violation after the effective date, then the City may pursue remedies for each day of the violation, based on the UDC or municipal code sections that were in effect on each day prior to the effective date during which the violation occurred.
- B. **Fines and Penalties.** Payment of fines shall be required for any civil penalty assessed prior to the effective date (under the previous versions of the UDC or City of Loveland Municipal Code), even if the original violation is no longer considered a violation under this UDC.

18.01.208 No Effect on Existing Easements, Covenants, or Agreements

- A. **Generally.** This UDC is not intended to abrogate or annul any easement, covenant, or any other agreement related to the use or development of land if the easement, covenant, or agreement pre-dates the effective date.
- B. **No Effect on Private Restrictions.**
 1. *Generally.* The UDC does not change or override private restrictions on property. The UDC will be enforced on property that is subject to private restrictions in the same manner as other properties.
 2. *No Duty to Search for Private Restrictions.* The City has no duty to search for the existence of private restrictions on property. In the review of applications pursuant to this UDC, the City will enforce only its own regulations and agreements to which it is a party or has an interest.

3. *No Duty to Interpret Private Restrictions.*
 - a. The City will not interpret or apply private restrictions unless:
 1. It is a party to them; and
 2. As a party, the County determines that interpretation is necessary.
 - b. When the City zones or rezones property or otherwise issues a development approval, such action shall not be considered an interpretation regarding existing private restrictions to which the City is not a party.
 - c. Parties to private covenants who seek permits or development approvals from the City that are inconsistent with their private covenants do so at their own risk that the covenants may be enforced by other private parties who may have standing to file suit.
4. *No Duty to Enforce Private Restrictions.* The City will not generally seek to enforce private restrictions. The City may become involved in the enforcement of private restrictions only if:
 - a. The City is a party to or has an explicit right of enforcement set out in the restrictions; or the City Council or City Manager determines that enforcement is in the interest of the City as a whole; and
 - b. The City finds that it is likely to have legal standing to enforce the private restrictions.

18.01.209 Severability

- A. **Generally.** It is the legislative intent of the City Council that provisions of this UDC and subsequent amendments (unless otherwise set out in the adopting ordinance for said amendments) shall be severable in accordance with the provisions set out in this Section.
- B. **Severability of UDC Provisions, Except Signs.** If any chapter, division, section, subsection, paragraph, clause, provision, or portion of this UDC is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this UDC shall not be affected, and shall continue in full force and effect unless and until the City Council acts to modify the UDC or part thereof. If any application of this UDC to a particular building, use, structure, improvement, land, or water is adjudicated as unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other building, use, structure, improvement, land, or water that is not specifically included in said judgment.
- C. **Severability of UDC Provisions Regarding Signs.** With respect to [Division 18.04.08, Signs](#), the following severability provisions shall apply instead of those set out in Subsection B., above:
 1. *Generally.* If any section, subsection, paragraph, clause, provision, or portion of [Division 18.04.08, Signs](#), or any other provision of this UDC that is related to signage (collectively “Sign Regulations”), is declared unconstitutional by judgment or decree of a court, then the declaration of such unconstitutionality shall not affect any other Sign Regulation, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
 2. *Severability of Provisions Pertaining to Prohibited Signs and Sign Elements.* It is the intent of the City Council to ensure that the sign types and sign elements that may be constitutionally prohibited by the Sign Regulations continue to be prohibited. Accordingly, without diminishing or limiting in any way the declarations of intent with respect to subsection C.1., above, if any Sign Regulation related to prohibited signs and sign elements is declared unconstitutional by judgment or decree of a court, the declaration of such unconstitutionality shall not affect any other Sign Regulation that pertains to prohibited signs or sign elements.
 3. *Severability of Provisions if Adjudicated Stricken Due to a Content-Basis.* If any Sign Regulation is declared unconstitutional by judgment or decree of a court on the basis that said Sign Regulation is content-based and does not survive strict scrutiny review, then it is the intent of the City Council that only that portion of the provision that is found to be unconstitutional be severed from this UDC, and if it is not possible for the court to strike only the portion of the provision that is found to be unconstitutionally content-based, then it is the intent of the City Council that all signs that would be subject to the stricken provision will instead be subject to the next surviving provision for a sign of comparable geometry and character that is more restrictive than the stricken provision in terms of sign area, and if the sign area is the same, sign height.

PART 2: ZONES, LAND USE, BUILDINGS, AND STRUCTURES

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- Chapter 18.03 Density and Intensity
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Chapter 18.02 Zones, Overlay Zones, and Land Use

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- Division 18.02.02 Establishment of Zones and Overlay Zones
- Division 18.02.03 Land Use by Zone
- Division 18.02.04 Use Standards
- Division 18.02.05 Temporary Uses
- Division 18.02.06 Business Use of the Home
- Division 18.02.07 Airport Influence Area Overlay Zone
- Division 18.02.08 North Cleveland Overlay Zone
- Division 18.02.09 Enhanced Corridor Overlay Zone

Division 18.02.01 Purpose and Application of Chapter

18.02.101 Purpose of Chapter

- A. **Generally.** The purpose of this Chapter is to create zones within the City for the application of this UDC, and to set out the permitted, limited, adaptable, conditional, and prohibited uses in each zone.
- B. **Zones.** Zones are established by [Division 18.02.02, Establishment of Zones and Overlay Zones](#).
 - 1. The zones that are established by this Chapter are divided into five general categories, which are intended to:
 - a. Guide new development according to the City's Comprehensive Plan;
 - b. Respect and reinforce the fabric of the City's stable, established neighborhoods;
 - c. Promote development of a character and quality that is compatible with its context;
 - d. Provide opportunities for commercial, industrial, and mixed-use development to serve City and regional residents;
 - e. Provide opportunities for development of employment centers;
 - f. Protect agricultural areas and natural landscapes;
 - g. Provide for development patterns that reduce carbon emissions by reducing vehicle miles traveled and promoting multimodal transportation choice; and
 - h. Continue existing, active planned development approvals.
 - 2. The five general categories are:
 - a. Residential(Established Residential Neighborhoods);
 - b. Residential (Other);
 - c. Mixed-Use;
 - d. Nonresidential; and
 - e. Agriculture and Open Space.
- C. **Land Use.** The purpose of [Division 18.02.03, Land Use by Zone](#), is to set out the uses of land that are permitted in each zone. In each zone, each use is allowed as-of-right ("permitted"), allowed subject to compliance with

additional standards (“limited” or “adaptable”), allowed subject to additional standards and public hearing (“conditional”), or not allowed at all (“prohibited”).

18.02.102 Application of Chapter

- A. **Generally.** Chapter 18.02, *Zones, Overlay Zones, and Land Use*, is applied as set out in this Section. This Section is intended to provide background about how to use Chapter 18.02, and not to establish substantive requirements or limit the effect of the individual Sections of this Chapter.
- B. **Establishment of Zones and Overlay Zones.** Division 18.02.02, *Establishment of Zones and Overlay Zones*, establishes the basic geographic framework for application of most of the other Chapters of this UDC. The Division:
 1. Establishes the zones in which various uses of land and intensities of development are allowed;
 2. Establishes the overlay zones in which certain development forms or design parameters may be applied;
 3. Establishes the Official Zoning Map of the City of Loveland and provides rules for its interpretation of zone and overlay zone boundaries;
 4. Provides for how land will be zoned upon annexation; and
 5. Provides standards for rezoning property from one zone to another.
- C. **Land Use by Zoning District.** Division 18.02.03, *Land Use by Zone*, provides a comprehensive set of tables that set out the uses are allowed in each zone, identifies the process required to obtain an approval for a proposed use, and provides a cross-reference to additional standards that must be met (if any) for approval of the proposed use. Division 18.02.03, *Land Use by Zone*, also provides a list of uses that are prohibited in every zone, and a set of standards for deciding which requirements will apply to uses that are not specifically listed in the tables.
- D. **Use-Specific Standards.** Division 18.02.04, *Use Standards*, provides standards that are specific to land uses that are set out in Division 18.02.03, *Land Use by Zone*, when the land uses are allowed as limited uses, adaptable uses, or conditional uses.
- E. **Temporary Uses.** Division 18.02.05, *Temporary Uses*, provides standards for the location and conduct of certain temporary land uses.
- F. **Business Use of the Home.** Division 18.02.06, *Business Use of the Home*, provides standards for home occupations, medical marijuana caregivers, and home child care uses.

Division 18.02.02 Establishment of Zones and Overlay Zones

18.02.201 Zones Established

In order to carry out the provisions of this UDC, the City is divided into the zones that are set out in Table 18.02.201, Loveland Zones.

Table 18.02.201 Loveland Zones			
Zone Classification / Name	Abbreviation	Character	Purposes
Residential			
Estate Residential	ER	Estate	To establish and preserve quiet, very low-density single-family residential neighborhoods with urban level services, that, in general, is separated from the City’s primary employment or commercial activity centers and located adjacent to major public open space features on the edge of the growth management area. To provide an urban estate transition from higher urban densities in the City to rural densities in the county and preserve environmentally sensitive areas as open space. To provide for generous building setbacks and lot frontages that ensure significant space between dwellings, resulting in an estate residential appearance within developed neighborhoods and preserved view corridors. To allow for the development “complete neighborhoods” with appropriate transitions

**Table 18.02.201
Loveland Zones**

Zone Classification / Name	Abbreviation	Character	Purposes
			to ensure that they are compatible with the surrounding developed context.
Established Low-Density Residential	R1e	Suburban	To protect the character of the City's established low-density residential neighborhoods. To allow for the development "complete neighborhoods" with appropriate transitions to ensure that they are compatible with the surrounding developed context.
Developing Low-Density Residential	R1	Suburban	To provide standards for establishing and preserving low-density residential neighborhoods that include single family detached dwellings and complementary uses. To allow for the development "complete neighborhoods" with appropriate transitions to ensure that they are compatible with the surrounding developed context.
Developing Two-Family Residential	R2	Auto-Oriented	To provide for the orderly development of single-family residential uses and two-family dwellings in appropriate locations as a gradual transition from single-family residential to multifamily or commercial uses. To allow for the development "complete neighborhoods" with appropriate transitions to ensure that they are compatible with the surrounding developed context.
Established High-Density Residential	R3e	Urban	To preserve the traditional building and use pattern of mixed housing types (including multifamily dwellings), and complementary low-intensity commercial uses that are predominantly located within established neighborhoods. To allow for the development "complete neighborhoods" with appropriate transitions to ensure that they are compatible with the surrounding developed context.
Developing High-Density Residential	R3	Auto-Oriented or Urban	To provide standards for establishing and preserving mixed-density residential neighborhoods, including a wide range of housing opportunities and complementary non-residential uses. To allow for the development "complete neighborhoods" with appropriate transitions to ensure that they are compatible with the surrounding developed context.
Commercial and Mixed-Use			
Downtown	DT	Urban Core	To promote the development of a pedestrian-oriented downtown mixed-use business district with a variety of retail, commercial, office, civic, and residential uses. To maintain and enhance the architectural and historic character of the zone; To promote adaptive re-use and compatible infill development and redevelopment through the application of flexible development standards; To encourage a diverse mixture of land uses throughout the zone, including arts and technology related uses and vertically mixed-use development; To encourage revitalization and redevelopment of the downtown in a manner that preserves and complements its existing unique character; To increase housing density to support the vitality of the downtown; To increase employment density and economic opportunities; To encourage high-quality design that is contextually appropriate; To encourage redevelopment and increased density, while maintaining appropriate transitions between the downtown zone and surrounding residential neighborhoods; and To support multi-modal transportation.
Developing Business	B	Auto-Oriented	To designate areas to provide for a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of buildings. To provide for auto-oriented and auto-dependent uses, primarily along established commercial corridors of the City.
Mixed-Use Activity Center	MAC	Urban	To implement the mixed-use activity center designation of the Comprehensive Plan. To provide for a wide variety of retail and commercial uses serving the surrounding area as well as larger retail uses serving a community-wide or regional market,

Table 18.02.201 Loveland Zones			
Zone Classification / Name	Abbreviation	Character	Purposes
			particularly at major road and highway intersections, or along major corridors. To allow for residential and office uses adjacent to the MAC's core or above ground floor retail. To provide for multi-modal access, including connections to adjacent neighborhood(s) for pedestrians and bicyclists
Employment Center	E	Suburban or Urban	To provide locations for a variety of workplaces and commercial uses, including light industrial, research and development, offices, institutions, commercial services and housing. To encourage the development of planned office and business parks and promote excellence in the design and construction of buildings, outdoor spaces, transportation facilities, streetscapes, lodging, and other complementary uses. To provide for land uses that are complementary and supportive to the primary employment uses, including hotels, retail, restaurants, convenience shopping, child care, and housing.
Industrial			
Developing Industrial	I	Auto-Oriented	To provide a location for a variety of employment opportunities such as manufacturing, warehousing and distribution, and a wide range of commercial and higher intensity industrial operations. To accommodate complementary and supporting uses such as convenience shopping centers and appropriately located accessory commercial child day care centers. To minimize potential conflicts between heavy truck traffic and passenger vehicle, bicycle, and pedestrian traffic.
Agriculture and Open Space			
Public Park	PP	Natural or Rural	To establish and preserve areas for public recreation facilities, parks and open space land that is described in the Parks and Recreation Master Plan.
Developing Resource	DR	Rural	To provide a zoning designation for property that is being annexed into the City, but for which there are no specific or imminent plans for development; or for property that is intended to be designated as permanent open space. To provide a zone for agricultural and mineral development.
Public and Planned			
Planned Unit Development	PUD	Varies	To provide for procedures by which land areas in the City can be uniquely zoned and developed to meet the needs of the City, property owners, residents and developers. To encourage flexibility and innovative design of residential, commercial or industrial development, and to provide an alternative to compliance with conventional zoning and subdivision regulations. To exercise all powers authorized by the Planned Unit Development Act of 1972, C.R.S. 24-67-101 to -108, and to that end, the powers and duties therein granted to municipalities are incorporated herein by this reference as if set forth fully.

18.02.202 Overlay Zones Established

- A. **Generally.** This Section establishes overlay zones that may be applied to certain areas of the City.
- B. **Establishment of Overlay Zones.** Overlay zones are established as provided in Table 18.02.202, Loveland Overlay Zones.

Table 18.02.202 Loveland Overlay Zones		
Overlay Zone / Sub-Zone	Abbreviation	Purpose
Enhanced Corridor Overlay Zone (See Division 18.06.09, Standards for the Enhanced Corridor Overlay Zone)	ECOZ	To promote development, redevelopment, and infill of high-density residential, commercial, civic, and primary employment uses along major corridors, in patterns that promote alternative transportation mode choice.
Oil and Gas Overlay Zone (See Division 18.10.04, Oil and Gas Overlay Zone)	OGO	To protect public health and safety by limiting new land uses within 1,000 feet of oil and gas facilities to uses that are compatible with the industrial nature of the oil and gas facilities.
Critical Sub-Zone	OGO-CZ	To control land uses that are located less than 200 feet away from oil and gas facilities.
Restricted Sub-Zone	OGO-RZ	To control land uses that are located 200 feet to 500 feet (inclusive) away from oil and gas facilities.
High-Occupancy Building Sub-Zone	OGO-HO	To control land uses that are located more than 500 feet, up to 1,000 feet, away from oil and gas facilities.
Floodplain Overlay Zone (See Division 18.09.03, Floodplain Regulations)	FP	To help identify and clarify where flood hazards may exist and, in those areas, regulating land use and development to minimize public and private losses due to flooding, as prudent to protect the public health, safety, and welfare, and as required for participation in the National Flood Insurance Program.
Floodway Sub-Zone	FP-FW	To help identify the regulatory floodway.
Flood Fringe Sub-Zone	FP-FF	To help identify the regulatory flood fringe.
Airport Influence Area Overlay Zone (see Division 18.02.07, Airport Influence Area Overlay Zone)	AIAOZ	To manage land uses within airport impact areas in order to ensure that they do not interfere with airport operations
North Cleveland Overlay Zone (See Division 18.06.08, Standards for North Cleveland Overlay Zone)	NCOZ	To promote the adaptive re-use of residential buildings within designated areas of the City, subject to standards set out in Division 18.06.08, Standards for North Cleveland Overlay Zone.

18.02.203 Official Zoning Map Adopted

- A. **Official Zoning Map Adopted.** The boundaries of Zones and Overlay Zones are shown upon the map entitled “Official Zoning Map of the City of Loveland” (referred to hereinafter as “Zoning Map”) which is incorporated into and made part of this UDC by this reference.
- B. **Force and Effect.** The Zoning Map and all notations, references, and other information shown on it are a part of this UDC and have the same force and effect as this UDC.
- C. **Status of Zoning Map.** The Zoning Map that is on file at the Development Services Department shall control in the event of a conflict between the map that is on file and any other reproduction of said map, including but not limited to, maps that are made available electronically.
- D. **Maintenance of Zoning Map.** Amendments to the zoning district map shall be made administratively to implement all zone boundary changes approved by Ordinance by the City Council. Technical changes to the Zoning Map that are necessary to ensure that the Zoning Map accurately reflects zone boundaries previously approved by Ordinance of the City Council shall also be made administratively.

18.02.204 Interpretation of Zoning Map

- A. **Generally.** The precise location of any zone boundary line shown on the Zoning Map shall be defined by the rules of this Section.

B. Rezoning Ordinances.

1. Rezoning ordinances shall be promptly reflected on the Zoning Map. The boundaries of property that are specified in a rezoning ordinance are controlling, except as provided in this subsection.
2. Conflicts between the zone boundaries on the Zoning Map and the zoning for property provided by an adopted rezoning ordinance dated after the effective date of this UDC could result from administrative or scrivener's errors. In the event of such conflict:
 - a. It is presumed that the adopted rezoning ordinance controls, and the Zoning Map shall be promptly corrected when the conflict is identified. The Director shall provide written notice of the correction to the owners of property that is the subject of a Zoning Map correction.
 - b. The presumption may be rebutted if it is obvious that the error is within the text of the rezoning ordinance, in that:
 1. The rezoning affects property that was not the subject of the application for rezoning; or
 2. The rezoning affects only a portion of the property that was the subject of the application, the application requested rezoning for the entire property, and the application was granted without conditions that restricted the extent of the rezoning.
3. Any conflict between the boundaries on the Zoning Map and a development approval granted before the effective date shall be resolved as follows:
 - a. If the Zoning Map conflicts with a rezoning ordinance adopted before the effective date, the Zoning Map boundaries control. However, if the rezoning ordinance was tied to a site specific development plan, then the Zoning Map designation shall not interfere with any vested rights created by the site specific development plan.
 - b. If the Zoning Map conflicts with an active planned unit development ("PUD") ordinance that was adopted before the effective date, the PUD ordinance controls, unless there is record evidence to show that the Zoning Map was intended to adjust the boundaries of the PUD.
 - c. If the Zoning Map conflicts with an inactive PUD ordinance, or with the boundary of a completed PUD, then the Zoning Map controls.
 - d. If the Zoning Map conflicts with a development or annexation agreement, then the conflict shall be resolved according to the terms of the agreement.

C. Identifiable Features. In the absence of a rezoning ordinance that specifies parcel boundaries, where zone boundary lines appear to follow identifiable features, their location shall be determined by applying the rules of this subsection in order from 1. to 5.:

1. *Rights-of-Way.* Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where the location of the actual streets or alleys differs from the location of corresponding streets or alleys on the Zoning Map, the location of the actual streets or alleys controls.
2. *Property Lines.* Boundary lines shown as following, or approximately following, lot lines or other property lines shown on the Zoning Map shall be construed as following such lines.
3. *Toe or Top of Slope.* Boundary lines shown as following, or approximately following, the toe or the top of a steep slope, shall be construed as following the contour line of the toe or top of slope.
4. *Watercourses.* Boundaries shown as following, or approximately following, the centerline of streams, canals, or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline. However, such movement shall not render existing development nonconforming.
5. *Parallel to Features.* Boundaries shown as separated from and parallel, or approximately parallel, to any of the features listed in paragraphs 1. through 4., above, shall be construed to be parallel to such features and at such distances as are shown by the scale on the zoning map.

- D. **Un-subdivided Land or No Identifiable Feature.** In the absence of a rezoning ordinance that specifies parcel boundaries, on un-subdivided land, or where a district boundary follows no identifiable feature, the location of zone boundaries shall be determined by applying the following rules in sequential order until the boundaries are known:
1. *Text Dimensions.* The boundary shall be located by reference to dimensions shown in text on the zoning map, if any.
 2. *Map Scale.* The boundary shall be located using the map scale appearing on the Zoning Map.
- E. **All Land Within City Limits Shall Be Zoned.** It is the intent of the City Council that all land within the City be zoned. Accordingly, the Developing Resource Zone (“DR”) shall be applied to all land on the zoning map that is not the subject of one of the conflicts identified in subsection B.2. or B.3., above, and:
1. Within the corporate limits of the City;
 2. Not within a right-of-way; and
 3. Not shown within the boundaries of a particular zone.

18.02.205 Zoning of Annexed Land

- A. **Generally.** Zoning of annexed land or land in the process of annexation is an initial zoning. The standards and procedures that apply to zoning of annexed land are the same as those applied to a rezoning of property within the City limits.
- B. **Timing of Adoption of Zoning Ordinance.** An ordinance proposing zoning of a parcel or parcels to be annexed shall not be finally adopted by the City Council before the date of final adoption of the annexation ordinance, but the annexation ordinance may include the zoning ordinance for the annexed property.
- C. **Compliance with State Law.** All annexations to the City shall meet the requirements of C.R.S. § 31-12, *et seq.*, shall be consistent with the Comprehensive Plan, and shall be in compliance with [Division 18.17.01, Annexation](#).

Division 18.02.03 Land Use by Zone

18.02.301 Interpretation of Land Use by Zone Tables

- A. **Generally.** The tables set out in this Division describe which land uses are permitted “as-of-right,” permitted if certain conditions are met, permitted after notice and comment if certain conditions are met, permitted after public hearing if certain conditions are met, and not allowed in each zone.
- B. **Legend.** The following symbols are used in the tables in this Division:
1. “R” means “permitted as-of-right.” These uses are subject to administrative review for compliance with the general requirements of this UDC.
 2. “L” means “limited use.” Limited uses are subject to administrative review for compliance with specific standards that pertain to the use, as well as the general requirements of this UDC.
 3. “A” means “adaptable use.” Adaptable uses are subject to administrative review for compliance with specific standards that pertain to the use, the general standards for all adaptable uses, and the general requirements of this UDC. Adaptable uses do not require a public hearing, but do require a neighborhood meeting.
 4. “C” means “conditional use.” Conditional uses are subject to public hearing review for compliance with specific standards that pertain to the use, the general standards for all conditional uses, and the general requirements of this UDC.
 5. “-” means that the use is not allowed in the specified district.
- C. **Multiple Uses.** In instances where a proposed development will combine more than one listed use, except those developments that qualify as mixed-use, each listed shall be evaluated independently for compliance with applicable standards.

18.02.302 Residential Land Use by Zone

The residential land uses that are allowed in each zone are set out in Table 18.02.302, Residential Land Use by Zone. Refer to Division 18.04.02, Housing Palette for descriptions and standards for individual housing types.

Table 18.02.302 Residential Land Use by Zone													
Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use				Industrial	Parks and Resource		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use													
Single-Family Detached													
Urban ²													
- in complete neighborhoods	-	R	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	-	-	L ³	L ³	L ³	L	R	-	-	-	-	§ 18.02.403
Large Urban													
- in complete neighborhoods	-	R	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	-	-	L ³	L ³	L ³	L	R	-	-	-	-	§ 18.02.403
General													
- in complete neighborhoods	-	R	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	-	-	L ³	L ³	L ³	L	R	-	-	-	-	§ 18.02.403
Suburban													
- in complete neighborhoods	R	R	R	R	R	-	-	R	-	-	-	-	-
- in all other locations	-	L ³	L ³	L ³	L ³	L ³	L	R	-	-	-	-	§ 18.02.403
Large Suburban													
- in complete neighborhoods	R	R	R	R	R	-	-	R	-	-	-	-	-
- in all other locations	-	L ³	L ³	-	-	L ³	L	R	-	-	-	-	§ 18.02.403
Estate													
- in complete neighborhoods	R	R	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	R	L ³	L ³	-	-	-	-	-	-	-	-	-	§ 18.02.403
Large Estate													
- in complete neighborhoods	R	R	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	R	L ³	-	-	-	-	-	-	-	-	-	-	§ 18.02.403
Zero Lot Line Home													
- in complete neighborhoods	R	R	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	A ³	A ³	A ³	A ³	-	-	R	-	-	-	-	§ 18.02.403
Duplex and Townhouse													
Side-by-Side Duplex ²													

**Table 18.02.302
Residential Land Use by Zone**

Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use			Industrial	Parks and Resource			
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use													
- in complete neighborhoods	-	R	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	A ³	L ³	L ³	L ³	L ³	L	R	R	-	-	-	§ 18.02.403
Over-Under Duplex ²													
- in complete neighborhoods	-	R	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	A ³	L ³	L ³	L ³	L ³	L	R	R	-	-	-	§ 18.02.403
Standard Townhouse ²													
- in complete neighborhoods	-	-	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	-	-	L ³	L ³	L ³	L	R	L	-	-	-	§ 18.02.403
Multiplex and Multifamily													
Multiplex ²													
- in complete neighborhoods	-	-	R	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	-	A ³	L ³	L ³	L ³	R	R	L	-	-	-	§ 18.02.403
General Multifamily ²													
- in complete neighborhoods	-	-	R	-	R	-	-	R	R	-	-	-	-
- in all other locations	-	-	-	A ³	L ³	-	R	R	R	-	-	-	§ 18.02.403
Infill Multifamily ²													
- in complete neighborhoods	-	-	-	R	R	-	-	R	R	-	-	-	-
- in all other locations	-	-	-	L ³	L ³	-	L	R	R	-	-	-	§ 18.02.403
Downtown Multifamily ²													
- all locations	-	-	-	-	-	L ³	-	-	-	-	-	-	-
Manufactured Home Parks and Subdivisions													
Manufactured Home Park or Subdivision													
- in complete neighborhoods	-	-	-	-	-	-	-	-	-	-	-	-	
- in all other locations	-	-	-	-	A ³	-	-	-	-	-	-	-	§ 18.02.403
Manufactured Homes ⁴	-	-	-	-	L	-	-	-	-	-	-	-	§ 18.02.403
Micro Homes ⁴	-	-	-	-	L	-	-	-	-	-	-	-	§ 18.02.403
Clustered Housing													
Clustered Housing Development ⁵													
- in complete neighborhoods	L	L	L	L	L	-	-	L	-	-	-	-	§ 18.02.403

Table 18.02.302 Residential Land Use by Zone													
Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use			Industrial	Parks and Resource			
										PP	DR		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use													
- in all other locations	-	-	A	A	A	-	-	L	-	-	-	-	§ 18.02.403
Micro Homes ⁶	L	L	L	L	L	-	-	L	-	-	-	-	§ 18.02.403
Cottages ⁶	L	L	L	L	L	-	-	L	-	-	-	-	§ 18.02.403
Cluster Duplexes ⁶	L	L	L	L	L	-	-	L	-	-	-	-	§ 18.02.403
TABLE NOTES:													
¹ This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited ("L"), Adaptable ("A"), or Conditional ("C").													
² This land use is allowed as a permitted use in any zone within the Enhanced Corridor Overlay Zone if both: (1) the subject property is developed with both residential and nonresidential uses; and (2) the applicant opts to apply the Enhanced Corridor Overlay Zone Standards. See Division 18.06.09, Standards for the Enhanced Corridor Overlay Zone.													
³ Type of review may vary based on scale of new construction. See Sec. 18.02.402, Scale Thresholds in DT and Residential Zones.													
⁴ Within an approved Manufactured Home Park or Manufactured Home Subdivision.													
⁵ Except in manufactured home park or subdivision, the subject property developed with the housing types listed under the heading "Cluster Housing Types" shall comply with Section 18.04.208, Clustered Housing Types.													
⁶ Within an approved Clustered Housing Development.													

18.02.303 Special Residential Land Use by Zone

The special residential land uses that are allowed in each zone are set out in Table 18.02.303, Special Residential Land Use by Zone.

Table 18.02.303 Special Residential Land Use by Zone													
Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use			Industrial	Parks and Resource			
										PP	DR		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use													
Assisted Living or Congregate Care	-	-	-	A ²	A ²	A ²	L	L	L	-	-	-	§ 18.02.404
Group Home	L	L ²	L ²	L ²	L ²	L ²	L	L	L	-	-	-	§ 18.02.404
Live-Work Unit	-	-	-	L ²	L ²	L ²	L	L	L	-	-	-	§ 18.02.404
Nursing Home, Memory Care, Alzheimer's Care	-	-	-	A ²	A ²	A ²	L	L	L	-	-	-	§ 18.02.404
Protective Care	-	-	-	-	C ²	C ²	A	A	A	-	-	-	§ 18.02.404
Rooming House (Large)	-	-	A ²	L ²	L ²	L ²	L	L	L	-	-	-	§ 18.02.404
Rooming House (Small)	-	-	L ²	L ²	L ²	L ²	L	L	L	-	-	-	§ 18.02.404
Shelter for Victims of Domestic Violence	-	L ²	L ²	L ²	L ²	L ²	L	L	L	-	-	-	§ 18.02.404
TABLE NOTES:													
¹ This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited (“L”), Adaptable (“A”), or Conditional (“C”).													

**Table 18.02.303
Special Residential Land Use by Zone**

Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use				Industrial	Parks and Resource		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	

Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use

² Type of review may vary based on scale of new construction. See Sec. 18.02.402, Scale Thresholds in DT and Residential Zones.

18.02.304 Hospitality, Recreation, and Entertainment Land Use by Zone

The hospitality, recreation, and entertainment land uses that are allowed in each zone are set out in Table 18.02.304, Hospitality, Recreation, and Entertainment Land Use by Zone.

**Table 18.02.304
Hospitality, Recreation, and Entertainment Land Use by Zone**

Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use				Industrial	Parks and Resource		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	

Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use

Bar, Tavern, or Nightclub (Large)	-	-	-	-	-	A ⁴	A	A	-	-	-	-	§ 18.02.405
Bar, Tavern, or Nightclub (Small) ²	-	-	-	-	-	L ⁴	L	L	L	A	-	-	§ 18.02.405
Bed and Breakfast	-	-	L ⁴	L ⁴	L ⁴	L ⁴	-	-	-	-	-	-	§ 18.02.405
Brew Pub, Distillery Pub, or Limited Winery ²	-	-	-	-	-	L ⁴	L	L	L	L	L	-	§ 18.02.405
Campground	-	-	-	-	-	-	A	-	-	-	A	A	§ 18.02.405
Commercial Lodging, Business or Tourist ²	-	-	-	-	-	L ⁴	L	L	L	A	-	-	§ 18.02.405
Commercial Lodging, Convention	-	-	-	-	-	L ⁴	L	L	L	A	-	-	§ 18.02.405
Golf Course	A	A ⁴	-	-	-	-	-	-	-	-	L	-	§ 18.02.405
Indoor Amusement, Recreation, and Entertainment ²	-	-	-	-	-	R ⁴	R	R	R	A	L	-	§ 18.02.405
Indoor Firing or Gun Range	-	-	-	-	-	-	A	-	-	A	-	-	§ 18.02.405
Off-Track Betting Facility	-	-	-	-	-	A	A	A	A	-	-	-	§ 18.02.405
Outdoor Commercial Recreation or Amusement	-	-	-	-	-	-	A	A	-	-	L	-	§ 18.02.405
Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater	-	-	-	-	-	A ⁴	A	A	A	-	A	-	§ 18.02.405
Parks (Passive) ³	R	R	R	R	R	R	R	R	R	-	R	-	§ 18.02.405
Parks (Active) ³	L	L ⁴	L ⁴	L ⁴	L ⁴	-	-	L	L	-	L	-	§ 18.02.405

Table 18.02.304
Hospitality, Recreation, and Entertainment Land Use by Zone

Land Use	Zones													Standards Reference ¹
	Residential					Mixed-Use			Industrial	Parks and Resource				
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR		
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use														
Restaurant ²	-	-	-	-	-	R ⁴	R	R	R	L	-	-	§ 18.02.405	
Restaurant, Fast Food	-	-	-	-	-	L ⁴	L	L	L	L	-	-	§ 18.02.405	
RV Park	-	-	-	-	-	-	L	-	-	-	-	-	§ 18.02.405	
Sexually-Oriented Business	-	-	-	-	-	-	-	-	-	L	-	-	§ 18.02.405	
Zoo	-	-	-	-	-	-	-	-	-	-	C	-	§ 18.02.405	

TABLE NOTES:

¹ This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited ("L"), Adaptable ("A"), or Conditional ("C").

² This use is allowed in the neighborhood activity center of a complete neighborhood.

³ This use is allowed anywhere within a complete neighborhood.

⁴ Type of review may vary based on scale of new construction. See Sec. 18.02.402, Scale Thresholds in DT and Residential Zones.

18.02.305 Commercial Land Use by Zone

The commercial land uses that are allowed in each zone are set out in Table 18.02.305, Commercial Land Use by Zone.

Table 18.02.305
Commercial Land Use by Zone

Land Use	Zones													Standards Reference ¹
	Residential					Mixed-Use				Industrial	Parks and Resource			
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR		
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use														
General Commercial														
Business Services ²	-	-	-	-	-	L ³	R	R	R	R	-	-	§ 18.02.406	
Convenience Lending	-	-	-	-	-	L ³	R	R	R	L	-	-	§ 18.02.406	
Liquor Store	-	-	-	-	-	R ³	R	R	R	L	-	-	§ 18.02.406	
Office, General ²	-	-	-	L ³	L ³	R ³	R	R	R	L	-	-	§ 18.02.406	
Office, Medical ²	-	-	-	A ³	A ³	R ³	R	R	R	L	-	-	§ 18.02.406	
Pawnbroker	-	-	-	-	-	L ³	L	R	R	L	-	-	§ 18.02.406	
Personal Services ²	-	-	-	L ³	L ³	R ³	R	R	R	L	-	-	§ 18.02.406	
Recording or TV Studio	-	-	-	-	-	L ³	R	R	R	L	-	-	§ 18.02.406	
Retail Sales and Services ²	-	-	-	-	-	L ³	L	L	L	L	-	-	§ 18.02.406	
Veterinary and Domestic Animal Uses														
Commercial Equestrian Facilities	A	-	-	-	-	-	-	L	L	-	L	-	§ 18.02.406	
Kennel (Indoor) or Pet Store ²	-	-	-	-	-	L ³	L	L	L	L	-	-	§ 18.02.406	
Kennel (Outdoor)	-	-	-	-	-	-	A	-	-	A	-	-	§ 18.02.406	
Veterinarian (Large Animal)	-	-	-	-	-	-	-	-	A	L	-	-	§ 18.02.406	

**Table 18.02.305
Commercial Land Use by Zone**

Land Use	Zones													Standards Reference ¹
	Residential					Mixed-Use				Industrial	Parks and Resource			
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR		
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use														
Veterinarian (Small Animal) ²	-	-	-	-	-	L ³	R	R	R	R	-	-	§ 18.02.406	
TABLE NOTES:														
¹ This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited (“L”), Adaptable (“A”), or Conditional (“C”).														
² This use is allowed in the neighborhood activity center of a complete neighborhood.														
³ Type of review may vary based on scale of new construction. See Sec. 18.02.402, Scale Thresholds in DT and Residential Zones.														

18.02.306 Community, Civic, Educational, and Institutional Land Use by Zone

The community, civic, education, and institutional land uses that are allowed in each zone are set out in Table 18.02.306, Community, Civic, Educational, and Institutional Land Use by Zone.

**Table 18.02.306
Community, Civic, Educational, and Institutional Land Use by Zone**

Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use			Industrial	Parks and Resource			
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use													
Cemetery	L	L ³	-	-	-	-	-	-	-	-	L	-	§ 18.02.407
Crematorium	-	-	-	-	-	-	L	-	L	L	-	-	§ 18.02.407
Day Care, Adult or Child (Large) ²	-	-	-	L ³	L ³	L ³	L	L	L	-	-	-	§ 18.02.407
Day Care, Adult or Child (Small) ²	L	L ³	L ³	L ³	L ³	L ³	L	L	-	-	-	-	§ 18.02.407
Funeral Home	-	-	-	-	-	L ³	L	L	-	-	-	-	§ 18.02.407
Hospital	-	-	-	-	L ³	L ³	L	L	L	-	-	-	§ 18.02.407
Place of Assembly ²	L	L ³	L ³	L ³	L ³	L ³	R	R	R	R	L	-	§ 18.02.407
Prison or Jail	-	-	-	-	-	C ³	C	C	C	C	-	-	§ 18.02.407
School, Elementary or Middle (private)	-	L ³	L ³	L ³	L ³	-	L	L	L	-	-	-	§ 18.02.407
School, High (private)	-	L ³	L ³	L ³	L ³	-	-	L	L	-	-	-	§ 18.02.407
School, Vocational or Trade ²	-	-	-	-	-	L ³	L	L	L	L	-	-	§ 18.02.407
University or College (private)	-	-	-	-	-	L ³	L	L	L	L	-	-	§ 18.02.407
TABLE NOTES:													
¹ This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited (“L”), Adaptable (“A”), or Conditional (“C”).													
² This use is allowed in the neighborhood activity center of a complete neighborhood.													
³ Type of review may vary based on scale of new construction. See Sec. 18.02.402, Scale Thresholds in DT and Residential Zones.													

18.02.307 Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zone

The industrial, processing, recycling, storage, and disposal land uses that are allowed in each zone are set out in Table 18.02.307, Industrial, Processing, Recycling, and Disposal Land Use by Zone.

Table 18.02.307 Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zone													
Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use			Industrial	Parks and Resource			
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use													
Composting Facility	-	-	-	-	-	-	-	-	-	C	-	-	§ 18.02.408
Disposal	-	-	-	-	-	-	-	-	-	C	-	-	§ 18.02.408
Heavy Industry	-	-	-	-	-	-	-	-	-	C	-	-	§ 18.02.408
Heavy Logistics Center	-	-	-	-	-	-	-	-	C	C	-	-	§ 18.02.408
Light Industry	-	-	-	-	-	-	L	L	L	R	-	-	§ 18.02.408
Recycling Collection Center (Attended)	-	-	-	-	-	-	A	L	L	L	-	-	§ 18.02.408
Resource Extraction (minerals) ⁴	C	C ³	C ³	C ³	C ³	-	C	C	C	C	C	C	§ 18.02.408
Resource Extraction (oil and gas) ⁴	See Chapter 18.10, Oil, Gas, and Mineral Development												
Salvage Yard	-	-	-	-	-	-	-	-	-	C	-	-	§ 18.02.408
Self-Storage	-	-	-	-	-	-	L	L	L	L	-	-	§ 18.02.408
Storage Yard	-	-	-	-	-	-	-	-	-	L	-	-	§ 18.02.408
Waste Transfer Station	-	-	-	-	-	-	-	-	-	C	-	-	§ 18.02.408
Workshop ²	-	-	-	-	-	L ³	L	L	L	R	L	-	§ 18.02.408
TABLE NOTES:													
¹ This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited ("L"), Adaptable ("A"), or Conditional ("C").													
² This use is allowed in the neighborhood activity center of a complete neighborhood.													
³ Type of review may vary based on scale of new construction. See Sec. 18.02.402, Scale Thresholds in DT and Residential Zones.													

18.02.308 Motor Vehicle and Transportation Land Use by Zone

The motor vehicle and transportation land uses that are allowed in each zone are set out in Table 18.02.308, Motor Vehicle and Transportation Land Use by Zone.

Table 18.02.308 Motor Vehicle and Transportation Land Use by Zone														
Land Use	Zones													Standards Reference ¹
	Residential					Mixed-Use				Industrial	Parks and Resource			
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR		
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use														
Motor Vehicle Uses														
Fueling, charging or service stations	-	-	-	-	-	A ²	L	L	L	L	-	-	§ 18.02.409	
Motor vehicle wash	-	-	-	-	-	A ²	L	L	L	L	-	-	§ 18.02.409	
Surface parking	-	-	-	-	-	L	L	L	L	R	-	-	§ 18.02.409	
Structured parking	-	-	-	-	-	L ²	A	A	A	R	-	-	§ 18.02.409	
Passenger motor vehicle sales or rental	-	-	-	-	-	A ²	L	L	L	L	-	-	§ 18.02.409	
Heavy motor vehicle sales or rental	-	-	-	-	-	-	A	A	A	R	-	-	§ 18.02.409	
Heavy motor vehicle service	-	-	-	-	-	-	A	A	A	R	-	-	§ 18.02.409	
Motorcycle, scooter, or ATV sales or rental	-	-	-	-	-	A ²	L	L	L	L	-	-	§ 18.02.409	
Other Transportation Uses														
Airport	-	-	-	-	-	-	-	-	C	C	-	-	§ 18.02.409	
Heliport	-	-	-	-	-	-	-	-	C	C	-	-	§ 18.02.409	
Helistop	-	-	-	-	-	-	A	A	A	A	-	-	§ 18.02.409	
Bus or Taxi Terminal	-	-	-	-	-	A ²	A	A	A	A	-	-	§ 18.02.409	
TABLE NOTES:														
¹ This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited (“L”), Adaptable (“A”), or Conditional (“C”).														
² Type of review may vary based on scale of new construction. See Sec. 18.02.402, Scale Thresholds in DT and Residential Zones.														

18.02.309 Utility and Wireless Telecommunications Land Use by Zone

The utility and wireless telecommunications land uses that are allowed in each zone are set out in Table 18.02.309, Utility and Wireless Telecommunications Land Use by Zone.

Table 18.02.309 Utility and Wireless Telecommunications Land Use by Zone														
Land Use	Zones													Standards Reference ¹
	Residential					Mixed-Use				Industrial	Parks and Resource			
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR		
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use														
Utility Uses														
Data Center	-	-	-	-	-	L ²	L	L	L	L	-	-	§ 18.02.410	
Overhead Power Lines (110 kV or more)	C	C	C	C	C	-	C	C	C	C	C	C	§ 18.02.410	

Table 18.02.309 Utility and Wireless Telecommunications Land Use by Zone													
Land Use	Zones												Standards Reference ¹
	Residential					Mixed-Use				Industrial	Parks and Resource		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR	
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use													
Utilities, Minor	A	A	A	A	A	A	A	A	A	R	A	A	§ 18.02.410
Utilities, Major	C	C	C	C	C	C	C	C	C	A	C	C	§ 18.02.410
Wireless Telecommunications Facilities													
Freestanding Telecommunications Tower	-	-	-	-	-	-	C	C	C	C	C	C	§ 18.02.411
Stealth Telecommunications Tower	L	L	L	L	L	L	L	L	L	L	L	L	§ 18.02.411
Other Telecommunications Facilities	L	L	L	L	L	L	L	L	L	L	L	L	§ 18.02.411
TABLE NOTES:													
¹ This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited (“L”), Adaptable (“A”), or Conditional (“C”).													
² Type of review may vary based on scale of new construction. See Sec. 18.02.402, Scale Thresholds in DT and Residential Zones.													
³ Essential utilities are not considered a primary land use, and are allowed in all zones with appropriate construction approvals.													

18.02.310 Agricultural Land Use by Zone

The agricultural land uses that are allowed in each zone are set out in Table 18.02.310, Agricultural Land Use by Zone.

Table 18.02.310 Agricultural Land Use by Zone														
Land Use	Zones												Standards Reference ¹	
	Residential					Mixed-Use				Industrial	Parks and Resource			
											PP	DR		
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR		
Key: “R” = Allowed Use; “L” = Limited Use; “A” = Adaptable Use; “C” = Conditional Use														
Community Garden	L	L	L	L	L	L	-	L	L	-	L	L	§ 18.02.412	
Farm or Ranch	-	-	-	-	-	-	-	-	-	-	L	A	§ 18.02.412	
Nursery or Greenhouse, Wholesale	-	-	-	-	-	-	L	-	L	L	-	A	§ 18.02.412	

18.02.311 Uses That Are Not Allowed in Any Zone

The following uses are not allowed in any zone:

1. Disposal of radioactive wastes;
2. Outdoor shooting ranges;
3. Intensive agriculture; and
4. Marijuana uses that are prohibited under Loveland Municipal Code Chapter 7.60, Medical Marijuana, and Chapter 7.65, Marijuana Establishments Prohibited.

18.02.312 Uses That Are Not Listed

- A. **Generally.** If a proposed use is not listed in the Land Use by Zone table, then the Director shall determine whether the proposed use is functionally comparable to a use that is listed in the table. A proposed use is functionally comparable to a use that is allowed if it is reasonably comparable to the use, and with regard to each of the decision criteria enumerated in Subsection B., the proposed use has no greater impacts than the use with which it is functionally comparable.
- B. **Decision Criteria.** The following decision criteria shall be evaluated when the Director determines whether a proposed use is functionally comparable to an allowed use:
1. Parking demand;
 2. Average daily and peak hour trip generation (cars and trucks);
 3. Noise;
 4. Vibration;
 5. Lighting;
 6. Dust;
 7. Odors;
 8. Vibration;
 9. Potentially hazardous conditions, such as projectiles leaving the site;
 10. Use and storage of hazardous materials;
 11. Design of buildings and structures;
 12. Character of operation; and
 13. Hours of operation.
- C. **Effect of Determination.** If the Director approves an application for a decision pursuant to this Section, then the use is permitted, subject to the same standards and procedures as the use to which it was compared for the purposes of the favorable decision. If the Director determines that a proposed use is not functionally comparable to a use that is permissible in the table in the zone that applies to the subject property, then the proposed use is a prohibited use in that zone.

Division 18.02.04 Use Standards

18.02.401 Applicability of Use Standards

- A. **Generally.** The standards in this Division apply to uses designated in the Land Use Tables in [Division 18.02.03, Land Use by Zone](#), as Limited Use (“L”), Adaptable Use (“A”), or Conditional Use (“C”). Where a provision requires the application of Adaptable Use or Conditional Use standards, the use is subject to the adaptable use standards (see [Section 18.02.413, General Standards for Adaptable Uses](#)) and procedures, or Conditional Use standards (see [Section 18.02.414, General Standards for Conditional Uses](#)) and procedures, as applicable.
- B. **Conversion to an Adaptable Use.**
1. Generally, in the event that a use standard for a Limited Use cannot be met, and the use standard does not represent a dimensional or numerical standard that can be processed through [Section 18.17.1501, Administrative Variations](#), the use may be treated (at the applicant’s option, subject to the exceptions of subsection B.2., below) as an Adaptable Use. Thereafter, it shall be processed in accordance with the Adaptable Use standards in [Section 18.02.413, General Standards for Adaptable Uses](#), and the Adaptable Use procedures in [Section 18.14.202, Decision-Making Tracks by Application Type](#), and the applicable use-specific standards from this Division shall be met to the extent practicable. The Adaptable Use process shall be applied to offset the impacts that may result from the inability to fully comply with applicable Limited Use standards.
 2. The conversion to adaptable use process shall not be used to modify the following types of standards:
 - a. Spacing standards related to Sexually-Oriented Businesses; and

- b. Standards that are cross-referenced from [Chapter 18.04, Lots, Buildings, and Structures](#).

18.02.402 Scale Thresholds in DT and Residential Zones

- A. **Generally.** In the DT zone and the residential zones (R1, R1e, R2, R3e, and R3), alternative procedures may apply if the proposed development of a subject property crosses certain thresholds for scale. The thresholds and alternative procedures are set out in this Section. Uses that are subject to these standards may also be subject to other use-specific standards in this Division.
- B. **DT Zone.** In the DT zone, proposed development that would otherwise be allowed as a limited use (“L”), or as an adaptable use (“A”), shall be processed as a conditional use in accordance with [Section 18.14.202, Decision-Making Tracks by Application Type](#), if the proposed development exceeds the following thresholds:
1. All character areas: New construction that exceeds 70 feet in building or structure height.
 2. General, Core or Fourth Street Character Areas: 25,000 sf. GFA of new construction.
 3. Neighborhood Transition Character Area: 10,000 sf. GFA of new construction.
- C. **Residential Zones.** If the proposed use of a subject property in an R1, R1e, R2, R3e, or R3 zone is subject to scale limitations according to the applicable land use table in [Division 18.02.03, Land Use by Zone](#), then the type of review required for the use shall be as set out in [Table 18.02.402, Scale Thresholds](#). Uses identified as Adaptable or Conditional in [Division 18.02.03, Land Use by Zone](#), shall be processed in accordance with the applicable Adaptable or Conditional procedures regardless of the scale threshold, but shall not exceed the maximum building coverage ratio and building or structure height in [Table 18.02.402, Scale Thresholds](#). Scale thresholds apply to residential (except within Complete Neighborhoods) and nonresidential land uses within the residential zones.

Table 18.02.402 Scale Thresholds		
Building Coverage Ratio	Building or Structure Height	Type of Review Required
up to 45%	up to 26 ft.	If classified as Use-By-Right in Division 18.02.03, Land Use by Zone : Use-by-Right If classified as Limited Use in Division 18.02.03, Land Use by Zone : Limited Use If classified as Adaptable Use in Division 18.02.03, Land Use by Zone : Adaptable Use If classified as Conditional Use in Division 18.02.03, Land Use by Zone : Conditional Use
more than 45%, up to 65%	more than 26 ft., up to 35 ft.	If classified as Use-By-Right in Division 18.02.03, Land Use by Zone : Adaptable Use If classified as Limited Use in Division 18.02.03, Land Use by Zone : Adaptable Use If classified as Adaptable Use in Division 18.02.03, Land Use by Zone : Adaptable Use If classified as Conditional Use in Division 18.02.03, Land Use by Zone : Conditional Use

18.02.403 Residential Standards

- A. **Complete Neighborhoods.** The standards of this subsection apply within complete neighborhoods. Complete neighborhoods are also subject to the design standards set out in [Division 18.06.04, Standards for Complete Neighborhoods](#).
1. *Micro Homes, Cottages, and Cluster Duplexes.*
 - a. Micro homes, cottages, and cluster duplexes are allowed in complete neighborhoods, provided that:
 1. The standards of [Section 18.04.208, Clustered Housing Types](#), and [Section 18.06.501, Housing Clusters](#), are met; and
 2. If multiple clusters are developed on adjoining parcels, each cluster is visually distinct and buffered from adjoining clusters.

- b. The requirement of subsection A.1.a.ii., above, shall not be interpreted to prevent pedestrian connectivity among clusters, or to prevent multiple clusters from sharing a single common house.
- B. **Manufactured Home Parks and Subdivisions.** Micro homes and cottages are allowed in manufactured home parks and subdivisions, subject to the following limitations and use standards:
 1. No more than 15 percent of the lots or spaces in the manufactured home park or subdivision are allocated to micro homes and cottages;
 2. The micro homes and cottages are constructed in accordance with the Building Code and placed on a permanent foundation; and
 3. In existing manufactured home parks and subdivisions prior to adoption of this UDC, a micro home or cottage can replace a manufactured home at a ratio of one to one, unless otherwise approved as an adaptable use.
- C. **All Other Locations.** The standards of this subsection apply to residential development that is not part of a complete neighborhood and not within a manufactured home park or subdivision.
 1. *Urban, Large Urban, General, Suburban, Large Suburban.* The use is allowed, subject to the following limitations and use standards:
 - a. In Residential Zones and the DT Zone, the use complies with Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#).
 - b. In the B Zone, the use is allowed on an existing residential lot established for that purpose prior to the effective date of this UDC. Conversion of a nonresidential use or development as a new residential use is not permitted.
 - c. In the DT Zone, the minimum front setback shall be 10 feet.
 2. *Side-by-Side Duplex, Over-Under Duplex, Standard Townhouse, and Multiplex.* The uses are allowed, subject to the following limitations and use standards:
 - a. In Residential Zones and the DT Zone, the use shall comply with Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#).
 - b. In the B Zone, the use is allowed on an existing lot established for a side-by-side duplex, over-under duplex and standard townhouse prior to the effective date of the UDC. Conversion of a nonresidential use or development as a new use is not permitted.
 - c. In the DT Zone, the use is allowed in the Core, Neighborhood Transition, and General character areas, subject to compliance with Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#).
 3. *General Multifamily, and Infill Multifamily.* The use shall comply with Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#).
 4. *Zero Lot Line Homes.* The use shall comply with Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#).
 5. *Downtown Multifamily.* The use shall comply with the Division 18.04.06, [Downtown Design Standards](#).
 6. *Micro Homes, Cottages, and Cluster Duplexes.*
 - a. Micro homes, cottages, and cluster duplexes are allowed, provided that:
 1. The standards of Section 18.04.208, [Clustered Housing Types](#), and Section 18.06.501, [Housing Clusters](#), are met;
 2. If multiple clusters are developed on adjoining parcels, each cluster is visually distinct and buffered from adjoining clusters; and
 3. If any boundary of the subject property adjoins a lot that is developed with a single-family detached dwelling unit, a type B bufferyard that includes a six-foot tall privacy fence shall be installed along the property boundary.
 - b. The requirement of subsection C.6.a.ii., above, shall not be interpreted to prevent pedestrian connectivity among clusters, or to prevent multiple clusters from sharing a single common house.

18.02.404 Special Residential Standards

- A. **Assisted Living or Congregate Care.** Assisted living and congregate care uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Required Access.* Vehicular access to the subject property shall be provided based on the residential capacity of the facility, as follows:
 - a. More than eight residents: Arterial or collector street, or a local street, provided that the route between the access point and the nearest arterial or collector street does not pass a single-family or duplex residential use.
 - b. Eight or fewer residents: Any street type.
 2. *Outdoor Recreation and Leisure Areas.* The subject property shall include 50 sf. outdoor recreation and leisure area per resident at capacity, of which a minimum of 750 sf. shall be contiguous.
- B. **Group Home.** Group home uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Spacing.* Group homes shall be spaced a minimum of 750 feet apart on the same block face and shall be located only within a single-family detached dwelling, side-by-side duplex, or over-under duplex.
- C. **Live-Work Unit.** Live work units shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *R3e, R3, B, MAC, and E Zones.*
 - a. Live work units shall be located on lots that have frontage on arterial or collector streets (including in multifamily buildings that are oriented towards arterial or collector streets); or
 - b. Within 300 feet of the Neighborhood Activity Center in a Complete Neighborhood. (See [Division 18.06.04, Standards for Complete Neighborhoods](#)).
 2. *DT Zone.* In the DT zone, the residential portion of the live-work unit in buildings that front on Fourth Street shall be located above the ground floor or behind the nonresidential portion of the live-work unit.
- D. **Nursing Home, Memory Care, Alzheimer's Care.** Nursing home, memory care and Alzheimer's care uses shall comply with the following standards, in addition to all other applicable standards in this UDC:
1. *Access.* Vehicular access shall be from a collector or an arterial street.
 2. *Location.* In the R3 zone, the subject property shall be situated such that it:
 - a. Adjoins a nonresidential or mixed-use zone and fronts on a collector or arterial street; or
 - b. Is located in the mixed-use center of a complete neighborhood; or
 - c. Is located at the intersection of two arterial streets, an arterial and collector street, or two collector streets.
 3. *Bufferyards.*
 - a. Street Property Lines: Type A.
 - b. Interior Property Lines: Type C, if the subject property adjoins an R1, R1e, R2, R3e, or R3 zone.
- E. **Protective Care.** Protective care uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Access.* Vehicular access shall be from a collector or an arterial street.
 2. *Bufferyards.*
 - a. Street Property Lines: Type A.
 - b. Interior Property Lines: Type C, if the subject property adjoins an R1, R1e, R2, R3e, or R3 zone.
 3. *Perimeter Walls.* Where the use adjoins residential property of any type, a minimum six-foot tall masonry wall shall be installed within the bufferyard.

- F. **Rooming House (Large).** Large rooming houses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *All Zones.* The following design requirements apply in all zones.
 - a. Public ingress and egress to the large rooming house shall be through a common principal entrance.
 - b. Access to sleeping rooms shall be from the interior of the building.
 - c. The building shall include not less than one full bathroom that is accessible from a common area for every five residents or fraction thereof.
 - d. Sleeping rooms shall not include cooking facilities.
 2. *R2 Zone.* In addition to the requirements of subsection F.1., above, large rooming houses shall be subject to the standards that apply to multiplex buildings.
 3. *R3e and R3 Zones.* In addition to the requirements of subsection F.1., above, large rooming houses shall be subject to the standards for multiplex or infill multifamily buildings.
 4. *DT Zone.* In addition to the requirements of subsection F.1., above, large rooming houses shall be located:
 - a. In mixed-use buildings above the ground floor; or
 - b. In single-use buildings that both:
 1. Comply with the standards that are applicable to downtown multifamily buildings; and
 2. Are located outside of the Fourth Street Character Area.
- G. **Rooming House (Small).** Small rooming houses shall comply with the following standards, in addition to all other applicable standards in this UDC:
1. *All Zones.* The following design requirements apply in all zones.
 - a. Public ingress and egress to the small rooming house shall be through a common principal entrance.
 - b. Access to sleeping rooms shall be from the interior of the building.
 - c. The building shall include not less than two full bathrooms that are accessible from common areas.
 - d. Sleeping rooms shall not include cooking facilities.
 2. *R2, R3e, and R3 Zones.* In addition to the requirements of subsection G.1., above, small rooming houses shall be subject to the standards for any allowable single-family detached dwelling in the zone in which the subject property is located.
 3. *DT Zone.* In addition to the requirements of subsection G.1., above, small rooming houses shall be located in existing single-family detached residential buildings or in mixed-use buildings above the ground floor.
- H. **Shelter for Victims of Domestic Violence.** Shelter for victims of Domestic violence uses shall comply with the following standards, in addition to all other applicable standards in this UDC:
1. *Number of Bedrooms.* The facility shall be limited to a maximum of eight bedrooms, each limited to occupancy by one adult or by families consisting of one adult and their dependents. A ninth bedroom may be occupied by staff.
 2. *Information Requirements.* In addition to the information required in the submittal checklist, the applicant shall include the following supplemental information:
 - a. A description of the facility's operation including staff levels, services provided to patrons, facility operational rules and maintenance responsibilities;
 - b. An organizational outline of the governing body of the facility, including grantors and boards that provide oversight to the facility;
 - c. A description of qualifications and experience of the facility operators;
 - d. A map showing any of the following uses located within 300 feet of the boundaries of the property on which the shelter is proposed:
 1. Daycare facility licensed with the state;

2. School meeting all requirements of the compulsory education law of the state or licensed with the state as a preschool;
 3. Group home; and
 4. Other shelters for victims of domestic violence that are known to the applicant.
- e. A description and location for all proposed lighting and security measures demonstrating compliance with CPTED lighting, security, and construction provisions including the following:
1. All entryways, porches, walkways and sides of the residence shall be well lit;
 2. All exterior entrance doors shall be constructed of solid core or steel and shall have security devices such as deadbolts, strike plates, door viewers and locks located away from any glass; and
 3. All homes shall have an intrusion alarm and or exterior camera system.
3. *Landscaping.*
- a. All landscaping shall be maintained in a manner to promote and increase security of the facility.
 - b. A landscape plan shall be submitted demonstrating compliance with the following standards:
 1. All shrubs located near sidewalks, driveways, doors or gates shall be a low growing species obtaining a maximum height of not more than two feet;
 2. All trees placed near the home shall be a canopy tree species and shall be trimmed so that lower branches are at least six feet off the ground; and
 3. Decorative stone or rock shall be used as ground cover near home so that it makes noise when someone walks on it.
4. *Additional Information.* The City may require other material as necessary to evaluate the application for compliance with City standards.
5. *Review Authority.*
- a. In approving a site development plan, the Current Planning Division and the Loveland Police Department shall determine whether the location of the use will be compatible with the uses identified in subsection H.2.d, and that appropriate security and landscape measures will be in place, in compliance with the standards contained in subsection H.2.e. and H.3.
 - b. As part of the determination, the City may impose restrictions and conditions, as deemed necessary, to insure compliance with the standards contained in this subsection.
6. *Confidentiality.* The operator of a shelter for victims of domestic violence may request confidentiality pursuant to C.R.S. § 24-72-204(3.5), and such request shall be granted. Thereafter, all application materials, inspection records, and any related documents for shelters for victims of domestic violence that identify the location of the facility shall be kept confidential and shall not be inspected or released to any person or entity pursuant to an open records request, except upon written permission by the director of the shelter for victims of domestic violence.

18.02.405 Hospitality, Recreation, and Entertainment Standards

- A. **Bar, Tavern or Nightclub (Large).** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *All Zones.*
 - a. Exterior loudspeakers and noise from the interior of the building shall not be audible off-site between the hours of 11:00 PM and 6:30 AM, except that if the use adjoins one or more lots that are used or zoned for residential purposes, such noise shall not be audible off-site between the hours of 9:00 PM and 7:00 AM.
 - b. If the use adjoins property that is used or zoned for residential purposes, the subject property shall be buffered from said uses with a type C bufferyard that includes a noise barrier.

- c. If the use adjoins any lot that is used or zoned for residential uses, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
 2. *I Zone*. In addition to the standards of subsection A.1., above:
 - a. The use is allowed on property already developed with a bar, tavern or nightclub (large) use; or
 - b. The use shall be located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
 3. *DT Zone*. In addition to the standards of subsection A.1., above, the use is not allowed in the Neighborhood Transition Character Area.
- B. **Bar, Tavern or Nightclub (Small)**. The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *All Zones*.
 - a. Exterior loudspeakers shall not be audible off-site between the hours of 11:00 PM and 6:30 AM, except that if the use adjoins one or more lots that are used or zoned for residential uses, loudspeakers shall not be audible off-site between the hours of 9:00 PM and 7:00 AM.
 - b. Parking areas shall be screened from adjoining lots used or zoned for residential uses:
 1. With opaque walls that are not less than five feet in height; or
 2. By a grade change such that the parking lot surface is five feet or more below the elevation of the finished floor of buildings on abutting lots used or zoned for residential uses; or
 3. A combination of a. and b. above that produces an equivalent result with respect to the screening headlights.
 - c. If the use adjoins any lot that is used or zoned for residential uses, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
 2. *I Zone*. In addition to the standards of subsection B.1., above:
 - a. The use is allowed on property already developed with a bar, tavern or night club (small) use; or
 - b. The use shall be located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
- C. **Bed and Breakfast**. The use shall comply with the following standards, in addition to all other applicable standards in the UDC, except as noted:
1. *R2, R3e, and R3 Zones*.
 - a. The minimum area of the subject property shall be 2,000 sf. per bedroom that is made available to guests.
 - b. All parking shall be provided off-street, on the subject property.
 2. *DT Zone*.
 - a. Bed and breakfast uses are not allowed in the Fourth Street or Core Character Areas.
 - b. The use shall comply with Section 18.04.203, [Single-Family Detached](#), and not Section 18.04.301, [Nonresidential and Mixed-Use Lot and Building Standards](#).
- D. **Brew Pub, Distillery Pub, or Limited Winery**. The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *All Zones*.
 - a. Overhead doors shall not face streets unless:
 1. They are set back at least 100 feet from the street.
 2. They are at least 75 percent transparent and are not used for truck access, loading, or unloading; or

- b. Overhead doors that are within 100 feet of a property line of a residential use or residential zone, shall be closed at all times, except during the movement of raw materials, supplies, finished products, or wastes into and out of the building.
 - c. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 7:00 AM and 9:00 PM.
 - d. No outdoor storage shall be allowed, including the use of portable storage units, cargo containers and tractor trailers, except that spent or used grain (and comparable nontoxic byproducts of the brewing process), may be stored outdoors for not more than 24 hours, provided that the temporary storage area of spent or used grain is:
 1. Designated on the approved site development plan;
 2. Located in the interior side or rear yard (except where the adjoining property is used or zoned for residential uses), or within the building envelope; and
 3. Fully enclosed within a suitable container, secured and screened behind a solid, opaque fence or wall measuring a minimum five feet in height.
 2. *DT Zone*. In addition to the standards of subsection D.1., above, the use is not allowed in the Neighborhood Transition Character Area
 3. *I Zone*. In addition to the standards of subsection D.1., above:
 - a. The use is allowed on property already developed with a brew pub, distillery pub, or limited winery use; or
 - b. The use shall be located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
- E. **Campground**. The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Minimum Area of Subject Property*. The minimum area of the subject property shall be 10 acres.
 2. *Standard of Development*. Campgrounds shall be developed to the “modern” standard as defined in 6 CCR 1010-9 § 2.10e.
 3. *Campsite Density and Campsite Standards*. The density, dimensions and location of each campsite shall be as set out in Table 18.02.405E, Campsite Density and Campsite Standards.

Table 18.02.405E Campsite Density and Campsite Standards	
Density (campsites per acre of the subject property)	6 sites/acre
Minimum RV Campsite Dimensions (for campgrounds that also include RV campsites)	35 ft. x 50 ft.
Minimum Tent Campsite Dimensions	35 ft. x 35 ft.
Minimum and Maximum Number of Campsites (Tent or RV) in a Cluster	Min.: 4 Max.: 12
Minimum Spacing Between Clustered Campsites	40 ft.

4. *Building Coverage Ratio*. The maximum building coverage ratio for the subject property shall be 10 percent.
5. *Required Access*. Campgrounds may be accessed from any classification of street. However, the route between the nearest arterial street and the campground shall not include a local residential street.
6. *Accessory Uses*. Accessory uses may include indoor recreation; outdoor recreation; coin-operated laundry; boat and ATV storage; security shelters; storage buildings; and convenience retail for guests of the campground or RV park. Accessory uses are subject to the building coverage ratio limitations in subsection E.4., above.
7. *Configuration of Campsites*.
 - a. Access to camping spaces shall be from paved internal, private streets.
 - b. Parking spaces must be paved or gravel.

- c. An internal pedestrian circulation system shall be provided.
- 8. **Bufferyards.**
 - a. Campgrounds that adjoin arterial streets or are located within 100 feet of residential zones (measured between the nearest property lines) shall be buffered from such streets and zones with a type C bufferyard.
 - b. A type B bufferyard is required on all other sides of the campground, except as required in subsection E.8.a, above.
- F. **Commercial Lodging, Business or Tourist.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *All Zones, except the I Zone.*
 - a. Primary access to the use shall not be from a local or minor collector street.
 - b. A type B Bufferyard shall be installed along property lines adjacent to a residential use or residential zone.
 - 2. *DT Zone.* The standards of subsection F.1., above, do not apply within the DT zone. In the DT zone:
 - a. The use shall be an Adaptable Use in the General Character Area and the Fourth Street Character Area.
 - b. The use shall be a Limited Use in the Core Character Area.
 - c. The use shall not be allowed in within the Neighborhood Transition Character Area.
 - 3. *I Zone.* In addition to the standards of subsection F.1., above:
 - a. The use is allowed on property already developed with a commercial lodging, business or tourist use; or
 - b. The use shall be located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
- G. **Commercial Lodging, Convention.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *All Zones, except the I Zone.*
 - a. Primary access to the use shall be from an arterial, major collector street.
 - b. A type B bufferyard shall be installed along property lines adjacent to a residential use or residential zone.
 - 2. *DT Zone.* The standards of subsection G.1. do not apply within the DT zone. In the DT zone:
 - a. The use shall be an Adaptable Use in the General Character Area and Core Character Area; and
 - b. The use shall not be allowed in the Fourth Street or Neighborhood Transition Character Area.
 - 3. *I Zone.* In addition to the standards of subsection G.1., above:
 - a. The use is allowed on property already developed with a commercial lodging, convention use; or
 - b. The use shall be located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
- H. **Golf Course.** Golf courses shall comply with the following standards, in addition to other applicable standards in this UDC:
 - 1. As projectiles have the potential to leave the property (*e.g.*, golf balls), the designed centerline of each hole shall be a minimum of 150 feet from adjacent property boundaries;
 - 2. Total lot coverage with principal and accessory buildings shall not exceed 15 percent;
 - 3. No dwelling units shall be allowed on the subject property;
 - 4. No principal or accessory building, swimming pool, or tennis court shall be located less than 50 feet from any lot line;
 - 5. Appropriate controls shall be put in place to prevent such golf balls from leaving the property; and
 - 6. Noise shall be controlled, either:

- a. By closure of the park between the hours of 9:00 PM and 7:00 AM; or
 - b. By setting back the edges of fairways least 300 feet from residential property lines; or
 - c. By compliance with other measures for noise mitigation approved by the Director, based on a finding of compliance with Section 18.09.501, [Noise Barriers](#).
- I. **Indoor Amusement, Recreation, and Entertainment.** The use shall comply with the following standards, in addition to all other applicable standards in this UDC:
 - 1. *I Zone.* The use is allowed:
 - a. On a subject property that is already developed with an indoor amusement, recreation, or entertainment use; or
 - b. On a subject property that is located at least 500 feet from heavy industrial or heavy logistics uses, or from any industrially-zoned property that is 10 acres or more in area, upon which a heavy industrial or heavy logistics use may be permitted.
 - 2. *PP Zone.* The use is exempt from the standards in Table 18.03.301, [Landscape Surface Ratio by Zone](#). The use shall be subject to a minimum landscape surface ratio of 15 percent.
- J. **Indoor Firing or Gun Range.** Indoor firing or gun range uses shall comply with the following standards, in addition to all other applicable standards in this UDC:
 - 1. *All Zones.*
 - a. The use shall be located within a free-standing building;
 - b. The building shall be sound-proofed so that the shooting activities are not audible from outside the building;
 - c. Range ventilation systems shall be closed loop, shall include HEPA filtration, and shall be dedicated to the range (not connected to the general HVAC system);
 - d. The range shall be designed to prevent dangers from ricochets, backsplash, and lead dust; and
 - e. No door or entrance shall be located forward of the rearmost firing point, unless secured from the inside. A red light shall be fitted above all doors giving direct access to the range itself (not the building). Such lights must be lit whenever the range is in use.
 - 2. *I Zone.* The use is allowed on property already developed with a indoor firing or gun range use.
- K. **Off-Track Betting Facility.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *All Zones.*
 - a. Exterior loudspeakers and noise from the interior of the building shall not be audible off-site between the hours of 11:00 PM and 6:30 AM, except that if the use adjoins one or more lots that are used or zoned for residential purposes, such noise shall not be audible off-site between the hours of 9:00 PM and 7:00 AM.
 - b. If the use adjoins property that is used or zoned for residential purposes, the subject property shall be buffered from said uses with a type C bufferyard that includes a noise barrier.
 - 2. *DT Zone.* In addition to the standards of subsection K.1., above, the use is not allowed in the Neighborhood Transition Character Area.
- L. **Outdoor Commercial Recreation or Amusement.** Outdoor commercial recreation or amusement uses shall comply with the following standards, in addition to all other applicable standards in this UDC:
 - 1. *All Zones.*
 - a. The use shall be located at least 600 feet from property that is used or zoned for residential purposes;
 - b. Interior property lines shall be buffered with a type B bufferyard, and
 - 1. The bufferyard shall include a noise barrier; or
 - 2. The use shall close at 10:00 PM; and

- c. If the use involves potential projectiles that could leave the subject property, appropriate controls shall be put in place to prevent such projectiles from leaving the property.
 2. **PP Zone.** In addition to the standards set out in subsection L.1., above, the use is exempt from the standards in Section [18.03.301, Landscape Surface Ratio by Zone](#). The use shall be subject to a minimum landscape surface ratio of 15 percent.
- M. Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater.** Outdoor stadium, arena, amphitheater, or drive-in theater uses shall comply with the following standards, in addition to all other applicable standards in this UDC:
1. **DT Zone.**
 - a. The use shall be limited to outdoor amphitheater; and
 - b. Noise generated by the use shall not exceed 45 dBA at any residential zone boundary between the hours of 9:00 PM and 7:00 AM.
 2. **B, MAC, E, and PP Zones.**
 - a. Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM; and
 - b. The use shall be enclosed with a type C bufferyard.
- N. Parks (Active).** Active parks shall comply with the following standards, in addition to all other applicable standards in this UDC:
1. If the use involves potential projectiles (*e.g.*, baseballs, etc.) that could leave the subject property, appropriate controls shall be put in place to prevent such projectiles from leaving the property; and
 2. Noise is controlled, by any of the following methods:
 - a. Closure of the park between the hours of 9:00 PM and 7:00 AM;
 - b. Setting back the edges of ballfields, play fields, and play courts at least 300 feet from residential property lines; or
 - c. Compliance with other measures for noise mitigation approved by the Director, based on a finding of compliance with Section [18.09.501, Noise Barriers](#).
- O. Restaurant.** Restaurant uses shall comply with the following standards, in addition to all other applicable standards in this UDC:
1. **I Zone.** Restaurant uses are allowed:
 - a. On a subject property that is already developed with a restaurant; or
 - b. If they are located along an arterial or a collector street, unless approved as a conditional use (see Section [18.14.301, Process Overview](#), subsection B.4.).
- P. Restaurant, Fast Food.** Restaurant, fast food uses shall comply with the following standards, in addition to all other applicable standards in this UDC:
1. **All Zones.** Where the use adjoins lots used or zoned for residential uses, the ordering/communication station shall be:
 - a. Turned off at 10:00 PM.
 - b. Located at least 50 feet away, and oriented to direct sound away from, said lots; or
 - c. Buffered from said lots with a Type C bufferyard that includes a noise barrier.
 2. **I Zone.** The use is allowed:
 - a. On a subject property that is already developed with a restaurant use; or
 - b. Along an arterial or a collector street, unless approved as a conditional use (see Section [18.14.301, Process Overview](#), subsection B.4.).

3. *I Zone*. In addition to the standards in subsection P.1., above, fast-food restaurant uses in the I zone are allowed:
 - a. On a subject property that is already developed with a restaurant use; or
 - b. Along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
 4. *DT Zone*. Drive-in and drive-through facilities are not allowed.
- Q. **RV Park**. RV Park uses shall comply with the following standards, in addition to all other applicable standards in this UDC:
1. *Standard of Development*. RV Parks shall be developed to the “modern” standard as defined in 6 CCR 1010-9 § 2.10e.
 2. *Campsite Standards*. Each RV campsite shall have dimensions of at least 35 ft. in width and 50 feet in depth.
 3. *Required Access*. RV parks may be accessed from any classification of street. However, the route between the nearest arterial street and the campground shall not traverse a local street.
 4. *Accessory Uses*. Accessory uses may include indoor recreation; outdoor recreation; coin-operated laundry; boat and ATV storage; security shelters; storage buildings; and convenience retail for guests of the campground or RV park.
 5. *Configuration of Campsites*.
 - a. Access to RV camping spaces shall be from paved internal, private streets.
 - b. RV parking spaces must be paved.
 - c. An internal pedestrian circulation system shall be provided, with sidewalks along internal streets that are at least 4 ft. wide.
 6. *Bufferyards*.
 - a. RV parks that adjoin arterial streets or are located within 100 feet of residential zones (measured between the nearest property lines) shall be buffered from such streets and zones with a type C bufferyard.
 - b. A type B bufferyard is required on all other sides of the campground or RV park, except as required in subsection Q.6.a, above.
- R. **Sexually-Oriented Business**. Sexually-oriented business uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Locations*.
 - a. No person shall operate or cause to be operated a sexually-oriented business within 1,500 feet of:
 1. Any place of assembly; or
 2. Any school meeting all requirements of the compulsory education law of the state or licensed with the state as a preschool; or
 3. The boundary of any residential district; or
 4. Any daycare facility licensed with the state; or
 5. Any park (active or passive); or
 6. Any other sexually oriented business.
 - b. No person shall cause or permit the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof.
 2. *Measurement of Distance*.
 - a. For purposes of this subsection R., the distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each business.

- b. For purposes of this subsection R., the distance between any sexually oriented business and any place of assembly, school, residential district, licensed daycare facility, or park shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sexually-oriented business is conducted to the nearest property line of the premises of a place of assembly, school, residential district, licensed daycare facility, or park.
3. *Other Locational Regulations.*
- a. Any sexually-oriented business lawfully operating on the effective date of the ordinance from which this section derives that is in violation of this subsection R. shall be permitted to continue operation as a non-conforming use and shall be subject to the provisions of [Chapter 18.11, Nonconformities](#), as they pertain to nonconforming uses.
 - b. If two or more sexually oriented businesses are within 1,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at the particular location shall be deemed to be in compliance with this subsection R., and the later established business shall be deemed a non-conforming use pursuant to [Chapter 18.11, Nonconformities](#) for so long as the first established business is in operation.
 - c. A lawfully operating sexually oriented business is not in violation of this subsection R., by location, subsequent to the issuance or renewal of the sexually oriented business license, of a place of assembly, school, residential district, licensed daycare facility, or park within 1,500 feet of said sexually oriented business. This exemption applies only to the renewal of a valid license and does not apply when an application submits for a sexually oriented business license after such a license is expired or revoked.
4. *Visibility.* The sexually-oriented business shall be conducted entirely within an enclosed building. The building shall be designed so that areas used for merchandise display or entertainment purposes are not visible from outside of the building.
5. **Zoo.** Zoos shall comply with the following standards, in addition to all other applicable standards in this UDC:
- 1. *Minimum Lot Area.* The subject property shall be at least 10 acres in area.
 - 2. *Noise.* Noise generated by the use shall not exceed 45 dBA at any residential building wall between the hours of 9:00 PM and 7:00 AM.
 - 3. *Buffering.* The use shall be enclosed with a type C bufferyard.
 - 4. *Licensing.* The zoo operator shall maintain a Colorado wildlife exhibitor's park license.

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- A. **Business Services.** In addition to all other applicable standards in the UDC, the use is not allowed at ground level in the Fourth Street Character Area.
- B. **Convenience Lending.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *DT Zone.* The use is not allowed at ground level in the Fourth Street Character Area.
 - 2. *I Zone.* The use shall be on a subject property:
 - a. Developed with a use that is listed under the heading "General Commercial" in Table [18.02.305, Commercial Land Use by Zone](#); or
 - b. Located along an arterial or a collector street, unless approved as a conditional use (see Section [18.14.301, Process Overview](#), subsection B.4.).
- C. **Liquor Store.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *I Zone.* The use shall be on a subject property:
 - a. Developed with a use that is listed under the heading "General Commercial" in Table [18.02.305, Commercial Land Use by Zone](#); or

- b. Located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
- D. **Office, General.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *I Zone.* The use shall be on a subject property:
 - a. Developed with a use that is listed under the heading “General Commercial” in Table 18.02.305, [Commercial Land Use by Zone](#); or
 - b. Located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
 - 2. *R3e and R3 Zones.*
 - a. The use shall be located along an arterial or a collector street, unless approved as an adaptable use (see Section 18.14.301, [Process Overview](#), subsection B.3.).
 - b. A type B bufferyard shall be required along property lines adjacent to residential uses.
 - c. Building additions and new development shall be designed so that the style of the building is not an obvious departure from the style of the residential buildings on the same block and generally, in terms of cladding materials, color, scale, massing, height, street orientation, fenestration, roof pitch, and entryways.
 - d. Off-street parking shall be provided behind the front building line of the principal building, and shall have a minimum setback of three feet from side yard property lines. Where parking in this configuration is not possible, the Director may approve alternative parking, provided that not more than 30 percent of the area between the front setback line and the street is paved.
 - e. Parking bufferyards are required as provided in Section 18.08.306, [Parking Bufferyards](#), except that the bufferyard shall not be installed between the front building line of the adjacent property and the public right-of-way, and trees are not required between the principal building and the side property line if the installation of trees would obstruct access to the parking lot.
- E. **Office, Medical.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *I Zone.* The use shall be on a subject property:
 - a. Developed with a use that is listed under the heading “General Commercial” in Table 18.02.305, [Commercial Land Use by Zone](#); or
 - b. Located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
 - 2. *R3e and R3 Zones.*
 - a. The use shall be located along an arterial or collector street, unless approved as an adaptable use (see Section 18.14.301, [Process Overview](#), subsection B.3.).
 - b. A type B bufferyard shall be required along property lines adjacent to residential uses.
 - c. Building additions and new development shall be designed so that the style of the building is not an obvious departure from the style of the residential buildings on the same block and generally, in terms of cladding materials, color, scale, massing, height, street orientation, fenestration, roof pitch, and entryways.
 - d. Off-street parking shall be provided behind the front building line of the principal building, and shall have a minimum setback of three feet from side yard property lines. Where parking in this configuration is not possible, the Director may approve alternative parking, provided that not more than 30 percent of the area between the front setback line and the street is paved.
 - e. Parking bufferyards are required as provided in Section 18.08.306, [Parking Bufferyards](#), except that the bufferyard shall not be installed between the front building line of the adjacent property and the public

right-of-way, and trees are not required between the principal building and the side property line if the installation of trees would obstruct access to the parking lot.

- F. **Pawnbroker.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *All Zones (including DT Zone and I Zone).* Pawnbroker uses shall (in addition to complying with all other applicable standards of this UDC) be spaced at least one mile from other pawnbroker uses, measured in a straight line between property lines, without regard to intervening structures, objects, or City limits. However, a pawnbroker that had a sales tax license issued by the City before February 21, 2012 may relocate one time to a new location without regard to the spacing requirement, provided that the pawnbroker notify the City Clerk regarding the address of the new location and the date of occupancy within 30 days after the occupancy of the new location.
 2. *DT Zone.* The use is not allowed in the Fourth Street Character Area.
 3. *I Zone.* The use shall be on a subject property:
 - a. Developed with a use that is listed under the heading “General Commercial” in Table 18.02.305, [Commercial Land Use by Zone](#); or
 - b. Located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
- G. **Personal Services.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *I Zone.* The use shall be on a subject property:
 - a. Developed with a use that is listed under the heading “General Commercial” in Table 18.02.305, [Commercial Land Use by Zone](#); or
 - b. Located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
 2. *R3e and R3 Zones.*
 - a. The use shall be located along an arterial or collector street, unless approved as an adaptable use (see Section 18.14.301, [Process Overview](#), subsection B.3.).
 - b. A type B bufferyard shall be required along property lines adjacent to residential uses.
 - c. Building additions and new development shall be designed so that the style of the building is not an obvious departure from the style of the residential buildings on the same block and generally, in terms of cladding materials, color, scale, massing, height, street orientation, fenestration, roof pitch, and entryways.
 - d. Off-street parking shall be provided behind the front building line of the principal building, and shall have a minimum setback of three feet from side yard property lines. Where parking in this configuration is not possible, the Director may approve alternative parking, provided that not more than 30 percent of the area between the front setback line and the street is paved.
 - e. Parking bufferyards are required as provided in Section 18.08.306, [Parking Bufferyards](#), except that the bufferyard shall not be installed between the front building line of the adjacent property and the public right-of-way, and trees are not required between the principal building and the side property line if the installation of trees would obstruct access to the parking lot.
- H. **Recording or TV Studio.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *DT Zone.* The uses are not allowed in the Fourth Street Character Area or Neighborhood Transition Character Area.
 2. *I Zone.* The uses shall be on a subject property:

- a. Developed with a use that is listed under the heading “General Commercial” in Table 18.02.305, Commercial Land Use by Zone; or
 - b. Located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, Process Overview, subsection B.4.).
- I. **Retail Sales and Services.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
- 1. *All Zones.* No outdoor display shall be located within bufferyards or parking lot landscape areas, occupy required parking spaces, or otherwise interfere with parking lot or pedestrian circulation. Permanent outdoor display areas shall be enclosed by a privacy fence or wall that is at least five feet in height.
 - 2. *All Zones Except B and I.* The area used for outdoor display of products shall be limited to no more than 15 percent of the area used inside the principal building for display of products.
 - 3. *B Zone.* The area used for outdoor display of products shall be limited to no more than 15 percent of the area used inside the principal building for display of products, unless:
 - a. The area used for outdoor display is located behind the front building setback line and is screened from view from streets and neighboring properties with a six-foot tall fence or wall; or
 - b. The use is approved as an adaptable use (see Section 18.14.301, Process Overview, subsection B.3.).
 - 4. *I Zone.*
 - a. The use shall be on a subject property:
 - 1. Developed with a use that is listed under the heading “General Commercial” in Table 18.02.305, Commercial Land Use by Zone; or
 - 2. Located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, Process Overview, subsection B.4.); or
 - b. The type of retail sales or service provided shall specifically support industrial, construction, landscaping, or agricultural uses, or engage principally in business-to-business support and services (*e.g.*, agricultural supply, construction materials, lumber, landscaping materials and equipment, restaurant supply, linens service, uniforms, contractor's supply, and plumbing supply); or
 - c. The use requires an outdoor display area of more than 15 percent of the area used inside the principal building for display of products, due to the nature of the products sold (*e.g.*, lumber; landscape supplies; garden planters, fountains, and statuary; etc.).
- J. **Commercial Equestrian Facilities.** The use shall comply with the following standards, in addition to all other applicable standards of this UDC:
- 1. *ER Zone.*
 - a. The minimum area of the subject property shall be six acres or 1.5 acres per horse, whichever is larger.
 - b. Barns and stables shall be located not less than 100 feet from property lines that adjoin residential uses.
 - c. Riding arenas that host events are not allowed.
 - 2. *PP Zone.*
 - a. The minimum area of the subject property shall be 10 acres or 1.5 acres per horse, whichever is larger.
 - b. Barns and stables shall be located not less than 100 feet from property lines that adjoin residential uses.
 - c. Access to the use shall be from an arterial or collector street, or from a local street that does not provide frontage to residential uses between the subject property and the nearest arterial or collector street.
 - 3. *MAC and E Zones.* In the MAC and E zones, the use is limited to enclosed riding arenas. Boarding, outdoor arenas, and paddocks are not allowed.
- K. **Kennel (Indoor) or Pet Store.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:

1. *All Zones.* Indoor kennel or pet store uses that are located less than 100 feet from lots that are used or zoned for residential uses shall (in addition to complying with all other applicable standards of this UDC) be located within soundproofed buildings so that barking dogs are not audible at the property line.
 2. *I Zone.* In addition to the standards of subsection K.1., above, the use shall be on a subject property:
 - a. Developed with a use that is listed under the heading “General Commercial” in Table 18.02.305, [Commercial Land Use by Zone](#); or
 - b. Located along an arterial or a collector street, unless approved as a conditional use (see Section 18.14.301, [Process Overview](#), subsection B.4.).
 3. *DT Zone.* In addition to the standards of subsection K.1., above, the use is not allowed in the Neighborhood Transition Character Area.
- L. **Kennel (Outdoor).** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Limitations on Dog Runs.* If the use includes one or more dog runs, then:
 - a. The minimum lot or parcel area allocated to the use shall be one acre.
 - b. The use shall be located at least 200 feet from lots used or zoned for residential uses.
 - c. Fencing for dog runs shall not exceed six feet in height in the E zoning district and eight feet in height in the I zoning district.
 - d. Dog runs shall not be used after 7:00 PM or before 7:00 AM.
 2. *Limitations on Noise.* If the use is located less than 100 feet from lots used or zoned for residential uses, the building shall be soundproofed so that barking dogs are not audible at the property line.
- M. **Veterinarian (Large Animal).** In addition to all other applicable standards in the UDC, the use shall be located in a freestanding building and shall not adjoin a lot used or zoned for residential uses.
- N. **Veterinarian (Small Animal).** In addition to all other applicable standards in the UDC, the use is not allowed in the Fourth Street Character Area.

18.02.407 Community, Civic, Educational, and Institutional Standards

- A. **Crematorium.** The use shall comply with the following standards, in addition to all applicable standards in the UDC:
1. Prior to the issuance of a certificate of occupancy for any crematorium, the operator shall provide documentation of the issuance of all applicable federal, state and local permits and provide all the equipment manufacturers’ specifications for construction, installation, operation, and maintenance.
 2. Crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers’ specifications and all applicable federal, state and local permits, as amended. City inspectors shall have the right to enter and inspect the operations of the crematoriums to determine compliance with this provision.
 3. Each incinerator within a crematorium shall have a modern automated control panel and a dedicated natural gas meter.
 4. The height of the exhaust stack for each crematorium unit shall be a minimum of two feet above the roof line or other nearby obstruction to minimized downdrafts of the exhaust.
- B. **Cemetery.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Demonstration of Need.* The need for the use to serve the City of Loveland shall be demonstrated.
 2. *Minimum Land Area.* The minimum land area of the subject property shall be:
 - a. Five acres for a cemetery; or
 - b. One acre for a mausoleum.
 3. *Required Endowment.* An endowment shall be provided for the perpetual maintenance of the cemetery or mausoleum, or a comparable irrevocable source of funding for such maintenance shall be in place.

4. **Setbacks.** All grave sites shall be set back at least 20 feet from public rights-of-way
- C. **Day Care, Adult or Child (Large).** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. **R3 or R3e Zone.**
 - a. The subject property shall be either:
 1. Accessed from a collector or arterial street, or a local street if access to the subject property is within 200 feet of an intersection with the collector or arterial street;
 2. Within a neighborhood activity center of a complete neighborhood; or
 3. An existing place of assembly.
 - b. Outdoor play areas shall be enclosed with a type B bufferyard that includes a fence that is at least five feet in height.
 2. **DT Zone.** In the DT zone, the use is allowed only within the general and transition character districts.
 3. **B, MAC, or E Zone.** Outdoor play areas shall be enclosed with a type B bufferyard that includes a fence that is at least five feet in height.
- D. **Day Care, Adult or Child (Small).** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. **ER, R1, R1e, R2, R3, or R3e Zone.** In the ER, R1, R1e, R2, R3, and R3e zones:
 - a. Not more than two small adult or child day care centers shall be located on the same street segment;
 - b. The subject property shall be developed with a single-family dwelling unit or a place of assembly; and
 - c. The subject property shall conform to [Division 18.05.03, Parking and Loading Calculations](#) with respect to the number of required parking spaces.
 2. **DT Zone.** In the DT zone, the use is allowed only within the general and transition character districts.
 3. **MAC Zone.** In the MAC zone, the use is allowed within a complete neighborhood, provided that:
 - a. Not more than two small adult or child day care centers shall be located on the same street segment;
 - b. The subject property shall be developed with a single-family dwelling unit or a place of assembly; and
 - c. The subject property shall conform to [Division 18.05.03, Parking and Loading Calculations](#) with respect to the number of required parking spaces.
 - d. If the subject property is developed with a single-family dwelling unit, the use shall comply with [Section 18.04.203, Single-Family Detached](#), and not [Section 18.04.301, Nonresidential and Mixed-Use Lot and Building Standards](#).
- E. **Funeral Home.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. In the DT zone, funeral home uses are allowed only in the General and Transition character districts.
 2. In addition to the standards of this subsection E., funeral home uses that include a crematorium shall be subject to the use standards in subsection A., above.
- F. **Hospital.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. **DT Zone.** In the DT zone, the use are allowed in the core and general character districts.
 2. **B, MAC, and E Zones.** In the B, MAC, and E zones, if the use includes an emergency room, primary access to the use shall be from an arterial street.
- G. **Place of Assembly.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. **ER Zone.** The use is allowed within the neighborhood activity center of a complete neighborhood. In all other areas:

- a. The minimum lot area is 2.5 acres.
 - b. Access to the use shall be from an arterial or collector street.
 - c. The use shall be buffered from adjacent uses with a type B bufferyard
2. *R1, R1e, R2, R3e, and R3 Zones.* The use is allowed within the neighborhood activity center of a complete neighborhood. In all other areas:
 - a. The minimum lot area is 2.5 acres.
 - b. Building height and scale is limited by Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#).
 - c. The use shall be buffered from adjacent uses with a type B bufferyard.
 3. *DT Zone.* The use is not allowed at ground level in the Fourth Street character district.
 4. *PP Zone.* The use is exempt from the standards in Table 18.03.301, [Landscape Surface Ratio by Zone](#). The use shall be subject to a minimum landscape surface ratio of 15 percent.
- H. **Prison or Jail.** Prison or jail uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *DT, B, MAC, or E Zones.* the prison or jail shall be connected to a courthouse facility and shall be used only as a holding facility for people awaiting hearing, trial, or transfer to another facility.
 2. *I Zone.*
 - a. *Minimum Dimensions of Subject Property.*
 1. Minimum Area: 10 ac.
 2. Minimum Lot Width: 500 ft.
 - b. *Minimum Setbacks.* The use shall be set back from all property lines a minimum of 50 ft.
 - c. *Minimum Spacing.* The use shall be spaced not less than 1,000 feet, measured in a straight line from property line to property line of the respective uses, from the following uses:
 1. Residential uses;
 2. Places of assembly;
 3. Schools (any type); and
 4. Libraries.
 - d. *Limitation on Location.* No property line of a protective care use shall also be a boundary line of a zoning district, unless the boundary is:
 1. A municipal boundary line; or
 2. A boundary with an I zoning district.
 - e. *Bufferyards.*
 1. Bufferyards shall be provided along property lines as follows:
 - a. Street Property Lines: Type B.
 - b. Interior Property Lines: Type C.
 2. Bufferyards shall be designed to mitigate the visual impacts of security fencing; however, the Director may approve plant substitutions as necessary to ensure that adequate surveillance of the subject property is not impeded by landscaping.
 - f. *Other Requirements.* An emergency response plan shall be provided to the Development Services Department.
- I. **School, Elementary or Middle (private).** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Minimum Lot Area.* The minimum land area of the subject property shall be:

- a. Elementary Schools. The greater of five acres or 1,200 sf. per student at design capacity.
 - b. Middle Schools. The greater of 10 acres or 1,900 sf. per student at design capacity.
- 2. **Access.** Access to the subject property shall be provided based on the design capacity of the proposed use, as follows:
 - a. More than 250 students design capacity. Arterial or collector street.
 - b. 50 to 250 students design capacity. Arterial or collector, or a local street, provided that the route between the access point and the nearest arterial or collector does not pass a single-family or duplex residential use.
 - c. Less than 50 students design capacity. Any street type.
- J. **School, High (private).** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *Minimum Lot Area.* The minimum land area of the subject property shall be the greater of 20 acres or 2,000 sf. per student at design capacity.
 - 2. **Access.** Access to the subject property shall be provided based on the design capacity of the proposed use, as follows:
 - a. More than 250 students design capacity. Arterial or collector street.
 - b. 50 to 250 students design capacity. Arterial or collector, or a local street, provided that the route between the access point and the nearest arterial or collector does not pass a single-family or duplex residential use.
 - c. Less than 50 students design capacity. Any street type.
 - 3. *Building Setbacks from Residential Uses.* Buildings shall be set back not less than 100 feet from property lines that are shared with property that is used or zoned for residential purposes.
- K. **School, Vocational or Trade.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *All Zones.* In all zones in which the use is allowed, if the use provides hands-on instruction, it shall meet the standards for the use that is most closely related to the hand-on instruction. If the use that is most closely related to the hands-on instruction is not allowed in the zone, then the vocational or trade school is not allowed in the zone. For example, heavy motor vehicle service is not allowed in the DT zone, so a vocational school that offered hands-on instruction in auto body repair would not be allowed in the DT zone.
 - 2. *Special Standards for DT Zone.* In addition to the standard set out in subsection K.1., above, in the DT zone, the use is not allowed at ground level along primary pedestrian streets.
- L. **University or College.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *DT Zone.* In the DT zone, the use is not allowed at ground level along primary pedestrian streets.
 - 2. *B, MAC, E, and I Zones.* In the B, MAC, E, or I zones:
 - a. Access to the subject property shall be provided based on the design capacity of the proposed use, as follows:
 - 1. More than 250 students design capacity: Arterial or collector street.
 - 2. 50 to 250 students design capacity: Arterial or collector, or a local street, provided that the route between the access point and the nearest arterial or collector does not pass a single-family or duplex residential use.
 - 3. Less than 50 students design capacity: Any street type.
 - b. Buildings shall be set back not less than 100 feet from property lines that are shared with property that is used or zoned for residential purposes.

18.02.408 Industrial, Processing, Recycling, Storage, and Disposal Standards

- A. **Composting Facility.** Composting facilities shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Limitations on Location.* Composting facilities are not allowed within:
 - a. Critical wildlife habitat.
 - b. Areas of geologic hazard; or
 - c. Areas of special flood hazard;
 2. *Minimum Lot Area.* The minimum area of the subject property shall be five acres.
 3. *Minimum Setbacks.* All composting operations, including storage of compostable wastes, shall be set back 200 feet from all property lines.
 4. *Spacing.*
 - a. The use shall be spaced not less than 1,320 feet, measured as the shortest distance from the principal entrance of the use to the nearest property line of the use from which spacing is required, from:
 1. Lots that are developed with dwelling units;
 2. Residential zone boundaries;
 3. Parcel boundaries of schools, public parks, and child care centers; and
 4. Places of assembly.
 - b. Composting facilities that are located within 10,000 feet of the end of any airport runway used by turbojet aircraft or within 5,000 feet of the end of any airport runway used only by piston-type aircraft shall be designed and operated in a manner that will not result in bird hazards (including bird strike hazards) to aircraft.
 5. *Truck Routing Plan.* A truck routing plan is required.
 6. *Operations.*
 - a. Piles of mulch or raw materials shall not exceed 40 feet in height.
 - b. Use, processing, storage, or disposal of hazardous materials is not allowed.
 7. *Buffering.* A type C bufferyard shall be installed along all property lines.
- B. **Disposal.** No disposal site shall be developed or operated without a certificate of designation, as required by Title 30, Article 20, Part 1, Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes or Title 25, Article 15, Part 2, Hazardous Waste Disposal Sites, Colorado Revised Statutes, as applicable. All disposal uses shall also comply with the following standards, in addition to all other applicable standards in the UDC:
1. *State Review.*
 - a. Applications for approval of a disposal facility shall be reviewed by the Colorado Department of Public Health and Environment ("CDPHE") pursuant to Title 30, Article 20, Part 1, Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes.
 - b. The report and recommendation of CDPHE are required prior to the processing of the application by the City.
 - c. No disposal site shall be approved without a recommendation of approval by CDPHE.
 - d. Technical conditions of approval suggested by CDPHE shall be incorporated into the certificate of designation.
 2. *General Evaluation Criteria.* No certificate of designation shall be issued unless the facility has a recommendation of approval by the CDPHE and the City Council finds that:
 - a. There is no exclusive site for solid waste disposal (pursuant to C.R.S. § 30-20-107) with capacity to serve the City's needs;
 - b. There is a demonstrated need for the facility to serve the residents and businesses of the City of Loveland;

- c. The facility conforms to any the objectives or policies set out in the Comprehensive Plan with respect to such facilities;
 - d. The facility complies with all technical rules promulgated by CDPHE;
 - e. The financial assurances provided pursuant to C.R.S. § 30-20-104.5, are adequate to serve their purposes; and
 - f. The disposal facility would create a net public benefit to the region and the residents and property owners of the City of Loveland, taking into account:
 1. The effect that the disposal site and facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions;
 2. The convenience and accessibility of the solid wastes disposal site and facility to potential users;
 3. The ability of the applicant to comply with the health standards and operating procedures provided for in Title 30, Article 20, Part 1, Solid Wastes Disposal Sites and Facilities, Colorado Revised Statutes, and such rules and regulations as may be promulgated thereunder; and
 4. Recommendations by health departments that have jurisdiction within five miles of the facility.
3. *Hazardous Waste Disposal Evaluation Criteria.* No certificate of designation shall be issued unless the City Council finds all of the following:
- a. CDPHE has made a recommendation of approval pursuant to C.R.S. § 25-15-202(4)(c)(III);
 - b. The site would not pose a significant threat to the safety of the public, taking into consideration:
 1. The methods to be used for processing and disposal;
 2. The existing density of population of the areas neighboring the site;
 3. The anticipated density of population of the areas neighboring the site, based on planning and zoning designations;
 4. The density of population of the areas adjacent to the delivery roads within a 50 mile radius of the site; and
 5. The risk of accidents during the transportation of waste to or at the site.
 - c. The applicant has demonstrated a need for the facility by Colorado hazardous waste generators.
 - d. The applicant has documented its financial ability to operate the proposed site.
 - e. The applicant, taking into account its prior performance record, if any, in the treatment, storage, or disposal of hazardous waste, has documented sufficient reliability, expertise, and competency to operate and manage the proposed facility.
 - f. The facility conforms to any the objectives or policies set out in the Comprehensive Plan with respect to such facilities.
4. *Truck Routing Plan.* A truck routing plan is required.
5. *Limitations on Location.* Disposal facilities are not allowed within:
- a. Areas of special flood hazard;
 - b. Areas of geologic hazard; or
 - c. Critical wildlife habitat.
6. *Minimum Lot Area.* The minimum area of the subject property is 100 acres.
7. *Minimum Setbacks.* All disposal operations must be set back at least 300 feet from all property lines.
8. *Spacing.*
- a. The use shall be spaced not less than 1,320 feet (or such additional distance as may be necessary to protect public health and safety), measured as the shortest distance from the principal entrance of the use to the nearest property line of the use from which spacing is required, from:

1. Lots that are developed with dwelling units;
 2. Residential zone boundaries;
 3. Parcel boundaries of schools, public parks, and child care centers; and
 4. Places of assembly.
- b. Disposal facilities that are located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 feet of any airport runway end used only by piston-type aircraft shall be designed and operated in a manner that will not result in bird hazards to aircraft.
9. *Buffering.*
- a. A type E bufferyard with a security fence is required between the use and abutting street frontages.
 - b. A type D bufferyard with a security fence is required between the use and all other property lines.
- C. **Light Industry.** Light industrial uses in the B zone shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Location.* The light industrial building or activity shall be set back at least 100 feet from residential uses and zone boundaries, and:
 2. *Screening.* The light industrial use shall be screened from arterial street rights-of-way as follows:
 - a. A building that is used for commercial retail or wholesale use is located between the right-of-way and the light industrial use; or
 - b. The light industrial use is located within the same building as a commercial retail or wholesale use and accessed via a service entrance that does not face the arterial street; or
 - c. The light industrial use is located within a commercial retail or wholesale use, occupies less than 30 percent of the gross floor area of that use, and is not of a type that produces noise, dust, or fumes that are materially different than the retail or wholesale use.
 3. *Access.* Access to the use may be from any classification of street, however, there shall be no residential use between the access point and the nearest intersection with an arterial or collector street.
 4. *Buffering.* If the use is not integrated into a commercial retail or wholesale use according to Subsection C.2.b. or C.2.c., above, and one or more of the interior property lines of the subject property is a zone boundary, then a zone bufferyard shall be provided along zone boundaries as if the subject property were zoned I.
- D. **Heavy Logistics Center.** Heavy logistics center uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Location.* The subject property shall not adjoin a property that is zoned or used for residential purposes.
 2. *Access.* The use shall be located such that trucks have direct access to an arterial or collector street, or to a local street that is only used for industrial purposes.
 3. *Buffering.* A type C bufferyard shall be installed along arterial street or state or federal highway frontages.
 4. *Truck Routing Plan.* A truck routing plan is required.
- E. **Heavy Industry.** Heavy industry uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Minimum Lot Area.* The minimum area of the subject property is five acres.
 2. *Setbacks.* Heavy industrial buildings and activities shall be set back 100 feet from all property lines.
 3. *Hazardous Materials.* Heavy industries shall not dispose of hazardous materials on-site.
 4. *Outdoor Storage.* Outdoor storage areas shall comply with the standards for storage yards (see subsection J, below).
 5. *Truck Routing Plan.* A truck routing plan may be required.
- F. **Recycling Collection Center (Attended).** Attended recycling collection center uses shall comply with the following standards, in addition to all other applicable standards in the UDC:

1. *Access.* Access to the use shall be provided as follows:
 - a. From an arterial or collector street; or
 - b. From a local street if there is no residential use between the access point and the nearest intersection with an arterial or collector street.
2. *Spacing.* Attended recycling collection and / or processing facilities shall be spaced at least 200 feet from residential zone boundaries, measured as the nearest distance from property line to zone boundary line.
3. *Limitations on Use.*
 - a. A processing facility may accept household hazardous wastes for recycling from the generator in accordance with applicable state health and safety regulations.
 - b. All drop-off and storage of recyclable materials shall be:
 1. Within enclosed buildings; or
 2. In durable, rust-proof, water-tight containers that are stored under shelters, such that the containers are not visible from the street or adjoining properties.
 - c. Storage containers for combustible materials shall be approved by the Loveland Fire Rescue Authority.
 - d. All containers shall be clearly marked to:
 1. Identify the types of material to be deposited, and, if needed, operating instructions; and
 2. Notify users that no material shall be left outside the recycling enclosure or containers.
 - e. Processing facilities are limited to bailing, briquette, crushing, compacting, grinding, shredding, and sorting recyclable materials. All processing of recyclable materials shall take place within an enclosed building. If the use is located within 500 ft. of a residential use or zone boundary, any power-driven processing equipment shall not operate between 7:00 PM and 7:00 AM.
 - f. Facilities shall be secured from scavenging, and shall have a capacity that is sufficient to accommodate materials collected and the collection schedule proposed.
 - g. The operation of the facility and the storage and handling of materials shall be practiced so as to prevent the attraction, harborage, or breeding of wildlife or insects, rodents, and other vectors (e.g., flies, maggots, roaches, rats, mice, and similar vermin) and to eliminate conditions which cause or may potentially cause:
 1. Harm to the public health and the environment;
 2. Congregation of birds;
 3. Safety hazards to individuals and surrounding property;
 4. Excessive odor problems;
 5. Unsightliness; and
 6. Other nuisances.
4. *Maintenance.* The use shall be maintained free of litter and any other undesirable materials, and must be cleaned of loose debris before the close of business each day.
5. *Truck Routing Plan.* A truck routing plan is required.
6. *Buffering.* The use shall be buffered on all sides by a type C bufferyard that includes a security fence.
- G. **Resource Extraction (Minerals).** Extraction of minerals may be allowed as a conditional use in the DR and I zones if in addition to the other applicable standards of this UDC, it is demonstrated that:
 1. *Master Plan for Extraction.* All extraction activities shall be in accordance with an approved Master Plan for Extraction.
 2. *Buffering.* Extraction operations shall be buffered from adjacent land uses and public rights-of-way by a type E bufferyard with a security fence installed along the inside edge of the bufferyard.
 3. *Truck Routing Plan.* A truck routing plan is required.

- H. **Salvage Yard.** Salvage yards shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Buffering.* Salvage yards shall be surrounded by a type D bufferyard that includes a noise barrier, configured so that inoperable vehicles and other junk are not visible from:
 - a. Adjoining public rights-of-way; and
 - b. State highways that are located within 1,000 feet of any property line of the use.
 2. *Spacing.* Salvage yards shall be spaced not less than 1,000 feet from residential zones.
 3. *Hazardous Waste or Hazardous Materials.* No hazardous wastes or hazardous materials shall be accepted or deposited at any salvage yard, except as incidental to the salvage operation. Salvage operations shall be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements.
 4. *Truck Routing Plan.* A truck routing plan is required.
- I. **Self-Storage.** Self-storage uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *All Zones.* The operator/owner of a self-storage facility shall ensure that the following requirements are met, and shall provide notice to tenants or purchasers of the following requirements:
 - a. Climate controlled self-storage facilities are permitted. In no event, however, shall a self-storage facility be refrigerated (climate controlled at a temperature below 55 degrees Fahrenheit for more than one hour per day).
 - b. The self-storage facility shall be secured so that access is limited to tenants (or owners) and fire, police, or emergency service officials.
 - c. No self-storage unit shall be used for the storage of explosives, ammunition, hazardous, or flammable materials.
 - d. Self-storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit. However, a garage sale of goods located within a self-storage unit is allowed upon the termination of the rental contract for that unit.
 2. *B, MAC, and E Zones.* Self-storage is allowed in the B, MAC, or E zones if, in addition to the standards set out in subsection I.1., above:
 - a. The self-storage use shall be located such that:
 1. The area of the subject property that is used for self-storage facilities (including parking, loading, and landscape areas) shall not exceed five acres.
 2. A building that is used for commercial land uses as specified in Section 18.02.305 [Commercial Land Use by Zone](#), or a hospitality, recreation, and entertainment land use as specified in Section 18.02.304, [Hospitality, Recreation, and Entertainment Land Use by Zone](#), that screens the use from arterial rights-of-way.
 - b. No outdoor storage is permitted on the site of the self-storage facility.
 - c. If the subject property adjoins a residential use or zone boundary, it shall be closed and secured between the hours of 9:00 PM and 7:00 AM.
 - d. The facility provides convenient, attractive, and protected pedestrian pathways and entries.
- J. **Storage Yard.** Storage yard uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Location.* The subject property shall not have frontage upon a state highway.
 2. *Fencing.* Storage yards shall be enclosed by a type C bufferyard.
 3. *Prohibited Materials.* The following materials shall not be stored in outside storage yards:

- a. Liquids, gels, pastes (e.g., paints, sealers, etc.); or
 - b. Explosives or motor fuels.
- 4. *Disposal Prohibited.* Storage yards shall not be used to dispose of inoperable machines or wastes. Temporary storage of non-hazardous construction wastes generated by the contractor who operates the storage yard is permitted, provided that:
 - a. The materials are not stored for more than 48 hours;
 - b. The materials do not generate dust;
 - c. The materials are of types that will not become wind-blown debris.
- 5. *Property Maintenance.* Storage yards shall be maintained at all times in an orderly manner.
- K. **Waste Transfer Station.** Waste transfer station uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
 - 1. *State Review.* The City shall request a technical review of the site and facility documents and operation plan from CDPHE pursuant to 6 CCR 1007-2 § 7.1 for all applications for approval of a waste transfer station.
 - 2. *Location Requirements.*
 - a. Waste transfer stations shall be located so that truck traffic generated by the station can access an arterial street without need for travel upon a public street within or adjacent to any residential use or zone, or along thoroughfares adjacent to any public park or public recreational area or facility.
 - b. Setbacks. No building or area in which the unloading, storage, processing, or transfer of wastes or recyclable materials takes place shall be located within:
 - 1. 100 feet of the lot line on which the waste transfer station is located; or
 - 2. 500 feet of:
 - a. Any nonresidential structure located on property that is not owned or leased by the owner of the waste transfer station;
 - b. Any area of special flood hazard;
 - c. Any wetland;
 - d. Any water well;
 - e. Any natural or artificial pond (including a detention or retention pond or facility), stream, irrigation ditch or canal, water way, or water course; and
 - 3. 1,000 feet of a lot line of a residential use or zone.
 - 3. *Minimum Lot Area.* The minimum area of a subject property proposed for use as a waste transfer station shall be five acres.
 - 4. *Required Enclosure.* The site shall be designed such that all activities associated with waste transfer, such as tipping, sorting, storage, compaction, transfer, reloading, and related activities are conducted in a fully enclosed building. No outdoor storage of materials or equipment shall be allowed.
 - 5. *Administration and Restroom Facilities.* Appropriate enclosed office / and plumbed employee restroom facilities shall be provided on-site.
 - 6. *Snow Storage.* Adequate snow storage areas shall be provided within the site of the waste transfer station. Snow storage areas shall be made accessible and available at all times for exclusive use for snow storage from October 1 to April 30 of each year.
 - 7. *Mitigation of Hazards to Aircraft.* Waste transfer stations handling putrescible wastes within 10,000 feet of the end of any airport runway used by turbojet aircraft or within 5,000 feet of the end of any airport runway used only by piston-type aircraft shall be designed and operated in a manner that will not result in hazards (including bird strike hazards) to aircraft.
 - 8. *On-Site Parking and Roads.*

- a. The facility shall be designed with sufficient off-street parking and stacking areas to accommodate all employees, visitors, and trucks. Public streets shall not be utilized at any time for parking, stacking, or storage of employee vehicles, visitor vehicles, or trucks.
 - b. The facility shall be designed with sufficient drive aisles and parking areas to avoid potential conflicts between facility operations by trucks and passenger vehicles (e.g., for drop-off of household wastes), and the use of emergency access easements and fire lanes.
 - c. The road surface design shall be suitable for heavy vehicles and the road base shall be capable of withstanding all expected loads.
 - d. On-site roads shall be passable by loaded collection and transfer vehicles in all weather conditions.
 - e. The road system shall be designed to eliminate the need for the backing of truck traffic.
9. *Duration of Storage.* Solid wastes shall not remain at the transfer station for more than 72 hours.
10. *Unloading and Loading Areas.*
- a. The unloading area shall be adequate in size and design to facilitate efficient ingress, unloading, loading, and egress from the collection and long-range transport vehicles, and the unobstructed movement of vehicles through the site.
 - b. Drive aisles shall be constructed of concrete or asphalt paving material and equipped with adequate drainage structures and systems.
 - c. Processing, tipping, sorting, storage, compaction, and loading areas shall be located within an enclosed building.
 - d. Provisions shall be made for weighing or measuring all solid wastes transferred through the facility.
11. *Buffering.* Waste transfer stations shall be enclosed by a type D bufferyard that includes a six foot tall security fence, interrupted only by necessary access and maintenance gates. If the facility is visible from an arterial or collector street, then fencing shall be constructed of brick, block, stone, or other materials with similar aesthetic and quality characteristics.
12. *Waste Liquid Collection and Disposal.*
- a. All waste transfer stations shall be designed and constructed to include a collection and disposal system that will prevent liquids contained in waste materials and generated by normal operations, such as wash-out and cleaning of equipment, trucks, and floors ("waste liquids"), from contaminating the soil, surface water, or ground water.
 - b. Tipping, loading, and unloading areas shall be constructed of impervious material and equipped with drains connected to either:
 1. A wastewater system if approved by Loveland Water and Power; or
 2. A corrosion-resistant holding tank; or
 3. An alternative system, if the applicant demonstrates that the alternate design will prevent waste liquids from contaminating the soil, surface water, and ground water.
13. *Limitation on Wastes.* Only household wastes, commercial, and industrial wastes and recyclable materials shall be accepted at any waste transfer station. Unless otherwise collected in accordance with a plan approved by the City, no wastes classified as hazardous in accordance with C.R.S. § 25-15-101 et seq. shall be knowingly accepted. No asbestos wastes shall be knowingly accepted at a transfer station facility. The operator shall employ a plan for proper identification, control, and disposal of hazardous and asbestos wastes.
14. *Overnight Truck Parking.* Any vehicle maintenance services shall be a secondary and subordinate use of the site and shall be limited to maintenance of vehicles associated with trash collection and transfer at the waste transfer station. Junked or inoperable vehicles shall not be stored at a waste transfer station.
15. *Emergency Access.* Emergency access easements and fire lanes shall be maintained at all times in an unobstructed and fully accessible condition.

16. *Supervision of Facility.* The waste transfer station or recycling center shall have an on-site operator on duty at all times that the facility is open. Such operator shall be licensed and/or certified if licensure or certification is required by state law. Suitable security measures and signage shall be provided to limit unauthorized persons from access to the facility when the station is closed.
17. *Control of Litter, Insects, Odors, and Vectors.* The operation of the waste transfer station and the storage and handling of all solid wastes shall be practiced so as to prevent the attraction, harborage, or breeding of wildlife or insects, rodents, and other vectors (e.g., flies, maggots, roaches, rats, mice, and similar vermin), and to eliminate conditions which cause or may potentially cause:
 - a. Harm to the public health and the environment;
 - b. Congregation of birds;
 - c. Safety hazards to individuals and surrounding property; and
 - d. Excessive odor problems, unsightliness, and other nuisances.
18. *Facility Maintenance.*
 - a. Waste transfer stations shall be maintained in a neat and orderly appearance at all times through the control of uncontained waste, trash, and litter. Operators shall cause periodic monitoring not less than once every day (or more often as needed) of the entire waste transfer station or recycling center site.
 - b. Sanitary conditions shall be maintained through the periodic wash-down or other appropriate cleaning method of the transfer station and transfer vehicles. Frequency of cleaning shall be sufficient to prevent odors and other nuisance conditions from developing. All residuals shall be properly disposed of following cleaning operations.
19. *Other Operational Requirements and Prohibitions.*
 - a. No liquids, other than those used to disinfect, to suppress dust, or to absorb or cover odors from the solid waste, shall be added to the solid waste.
 - b. Open burning is prohibited.
 - c. Scavenging is prohibited.
20. *Operations Plan Requirements.* The Operations Plan shall describe all activities to be conducted at the waste transfer station and describe programs and requirements to be imposed to ensure compliance with the provisions of this subsection K. The Operations Plan shall be maintained and be made readily available for reference and inspection at the waste transfer station, and shall be updated and re-approved by the City, as necessary, to reflect changes in operations. The Operations Plan shall, at a minimum, describe:
 - a. How the requirements of this subsection will be satisfied;
 - b. The schedule of operations including the days and hours that the facility will be open;
 - c. Personnel required and their training and responsibilities;
 - d. A description of measures that will be taken to identify and control undesirable wastes received that could either contaminate other wastes or pose unusual health hazards and risks to employees, such as infectious medical waste and hazardous wastes;
 - e. Equipment provided at the facility and its operation;
 - f. Site access control method;
 - g. A description of potential safety hazards and the safety equipment and protective gear to be available on site, including, but not limited to, showers, eye wash stations, fire extinguishers, hoses, hard hats, safety goggles, respirators, hearing protection devices, and personal hygiene facilities;
 - h. Fire fighting procedures, including availability of water for fire fighting;
 - i. A contingency plan outlining the corrective or remedial measures that will be taken if unapproved wastes are delivered to the facility and in the event of odors, surface or ground water contamination, spills, equipment breakdown, and other undesirable conditions such as fires, dust, and noise; and
 - j. Other information as required by the City that is appropriate to the facility Operations Plan.

21. *Truck Routing Plan.* A truck routing plan is required.

L. Workshop.

1. *DT, B, MAC, and E Zones.* Workshop uses are allowed if, in addition to all other applicable standards in the UDC, any noise, odor, smoke, heat, glare, or vibration resulting from the production or repair of goods at the workshop is confined within the building.
2. *PP Zone.* The use is exempt from the standards in Table 18.03.301, *Landscape Surface Ratio by Zone*. The use shall be subject to a minimum landscape surface ratio of 15 percent.

18.02.409 Motor Vehicle and Transportation Standards

A. Fueling, Charging, or Service Station. Fueling, charging, or service station uses shall comply with the following standards, in addition to all other applicable standards in the UDC:

1. *Reverse-Mode Design Standards.* Reverse-mode designs, if used, shall incorporate a pedestrian route to the entrance to the principal building that is accessible from the street-facing side of the building, and shall provide transparency along street-facing building elevations such that not less than 25 percent of the building elevation between a height of two feet and seven feet above adjacent grade is occupied by windows or glass doors.
2. *Location.* Fueling, charging, or service station uses shall be located along arterials or major collectors. On a corner lot, access to the subject property shall be provided from adjacent properties or service roads if feasible, rather than directly from the adjoining streets.
3. *Canopy Design.*
 - a. Canopies and all other accessory structures shall be architecturally comparable to the principal building by use of the same or complementary materials, design motif, and colors.
 - b. Structural supports for the canopy shall incorporate masonry elements as used on the principal building.
 - c. Total canopy height shall not exceed 17 feet 6 inches unless the roof structure has a pitched form that matches the principal building. Canopy fascia width (measured vertically) shall not exceed 3 feet.
4. *Signs.* All freestanding signs or price reader boards shall not exceed eight feet in total height, shall have a monument style base, and shall not exceed 32 square feet.
5. *Lighting.*
 - a. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface more than two inches.
 - b. The material and color used on the underside of the canopy shall not be highly reflective, with the intent of minimizing the amount and intensity of light which reaches beyond the site boundary.
6. *Bufferyards.*
 - a. Parking lot buffers shall be required along all street frontages.
 - b. All bufferyards shall be designed to screen from view the gasoline service islands and pumps and any other product dispensing areas from all abutting street and residentially zoned properties.
7. *Adjacency to Residentially Zoned Property.* The following standards shall apply to sites that are adjacent to property zoned ER, R1e, R3e, R1, R2, and R3 ("Residentially Zoned Property"):
 - a. Delivery and vendor vehicles, including fuel delivery trucks and refuse pick-up trucks shall be on site only during the hours of between 9 am to 5 pm.
 - b. No part of the canopy fascia shall be illuminated
 - c. Signs oriented towards residentially zoned properties shall be non-illuminated.
 - d. A Type C bufferyard shall be provided along the zone boundary, unless a larger bufferyard is required by Section 18.08.304, *Zone Boundary Bufferyards*. The bufferyard shall include a noise barrier.

- e. *Special Standards for I Zone.* In addition to the other standards of this subsection A., the use shall be located along an arterial or a collector street, unless approved as a conditional use.
 - f. *Special Standards for DT Zone.* In addition to the other standards of this subsection A.:
 1. The use is an Adaptable Use in the General Character District within the DT zone.
 2. The use is not allowed in the Core, Neighborhood Transition, and Fourth Street Character Districts within the DT zone.
- B. **Motor Vehicle Wash.** Motor vehicle wash uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Design.* Ingress to and egress from automated and full-service vehicle wash facilities shall be oriented to side lot lines, unless a type B bufferyard is provided at the front lot line.
 2. *Hours of Operation.* Vehicle wash facilities adjacent to residential zones shall not be open for business between the hours of 9:00 PM and 6:00 AM.
 3. *Detailing, Finishing, and Vacuum Stations.*
 - a. Detailing and finishing operations shall not block required parking spaces.
 - b. Vacuum stations shall be screened from view from the street and located to minimize noise impacts on residential uses.
 4. *Bufferyards.* A type C bufferyard with a noise barrier shall be installed along residential zone boundaries.
 5. *Special Standards for I Zone.* In addition to the other standards of this subsection B., the use shall be located along an arterial or a collector street, unless approved as a conditional use.
 6. *Special Standards for DT Zone.* In addition to the other standards of this subsection B.:
 - a. The use is an Adaptable Use in the General Character District within the DT zone.
 - b. The use is not allowed in the Core, Neighborhood Transition, and Fourth Street Character Districts within the DT zone.
- C. **Surface Parking.** Surface parking shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. A type C bufferyard including a sound barrier is required along all property lines that adjoin residential uses.
 2. A type B bufferyard is required along all other property lines that are not street frontages.
- D. **Structured Parking.** Structured parking shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Architectural Elements.*
 - a. Exterior building elevations shall be compatible with the architecture found in the DT zone in terms of style, material, architectural rhythm, and other exterior elements.
 - b. Parking garages shall include a minimum of three of the following elements on any facade facing a public street or plaza space:
 1. Window and door openings comprising a minimum of twenty-five percent of the ground floor facade;
 2. Awnings;
 3. Sill details;
 4. Columns;
 5. Recessed horizontal panels or similar features to encourage pedestrian activity at the street level.
 2. *Integration of Commercial Uses.* Along arterial or collector streets, commercial uses shall be provided along the ground level, where feasible, to create pedestrian activity.
 3. *Vehicular Ingress and Egress.* Vehicle ingress and egress points shall be located to minimize pedestrian/auto conflicts.

- E. **Passenger Motor Vehicle Sales or Rental.** Passenger motor vehicle sales or rental uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Access.* Access to the use shall not be from a local street, unless there is no residential use between the access point for the uses and the nearest intersection with the local street and an arterial or collector street.
 2. *Setbacks and Spacing.*
 - a. If repair and maintenance of rented equipment occurs on site, such accessory use shall be located behind the principal building, and at least 100 feet away from a residential zone boundary.
 - b. All vehicle maintenance activities shall take place in an enclosed building that is located at least 100 feet away from a residential zone boundary.
 - c. Vehicle inventory shall not be stored in on-street parking spaces, nor in off-street parking spaces that apply toward the parking requirement.
 3. *Bufferyards.* The following bufferyards shall be provided along property lines:
 - a. If the use includes repairs and service to motor vehicles, a type C bufferyard with a noise barrier shall be installed along residential zone boundaries.
 - b. A type B bufferyard shall be installed along all other property lines. The bufferyard may be interrupted for a distance of not more than 15 feet at intervals of not less than 30 feet for the display of inventory. If the principal building screens the inventory from the street, a parking lot bufferyard may be used instead of a type B bufferyard along the principal street frontage.
 - c. All paved areas used for vehicle storage that are within 100 feet of a street right-of-way line shall be landscaped and buffered as required for parking lots.
 - d. Paved areas used for vehicle storage may be covered with canopy structures, including but not limited to photovoltaic panels.
 4. *Special Standards for I Zone.* In addition to the other standards of this subsection E., the use shall be located along an arterial or a collector street, unless approved as a conditional use.
 5. *Special Standards for DT Zone.* In addition to the other standards of this subsection E.:
 - a. The use is an Adaptable Use in the General Character District within the DT zone.
 - b. The use is not allowed in the Core, Neighborhood Transition, and Fourth Street Character Districts within the DT zone.
- F. **Heavy Motor Vehicle Sales or Rental.** Heavy motor vehicle sales or rentals shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Spacing.* The use shall be located not less than 300 feet, measured as the shortest distance from property line to property line, from a residential use or zoning district.
 2. *Access.* Access to the use shall be from an arterial, major collector street, or local industrial street.
 3. *Repair and Maintenance.* If repair or maintenance activities occur on the subject property, such accessory use shall be located in an enclosed building located behind the principal building.
 4. *Bufferyards.*
 - a. A type B bufferyard shall be installed along street frontages.
 - b. A type C bufferyard shall be installed along all property lines that are not street frontages.
 5. *Inventory Storage.* Vehicle inventory shall not be stored in on-street parking spaces, nor in off-street parking spaces that apply toward the parking requirement.
- G. **Heavy Motor Vehicle Service.** Heavy motor vehicle service uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Bay Doors.* Bay door access to service buildings shall be provided on interior side or rear building elevations.
 2. *Hours of Operation.* If the subject property adjoins a residential zone, the use shall not be open for business between the hours of 9:00 PM and 6:00 AM.

3. *Spacing.* Motor vehicle service shall be performed within an enclosed building that is set back at least 100 feet from residential zone boundaries.
 4. *Bufferyards.* A Type C bufferyard with a noise barrier shall be installed along residential zone boundaries.
- H. **Motorcycle, Scooter, or ATV Sales or Rental.** Motorcycle, scooter, or ATV sales or rental uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Spacing from Residential Uses and Zones.* The use shall be located not less than 300 feet, measured as the shortest distance from property line to property line, from a residential use or zoning district.
 2. *Access.* Access to the use shall be from an arterial, major collector street, or local industrial street in an industrial zone.
 3. *Repairs and Maintenance.* If repair and maintenance occurs on the subject property, such accessory use shall be located in an enclosed building, and access to such use shall be on a side or rear elevation of the principal building, or in an accessory building located behind the principal building.
 4. *Bufferyards.* A type B bufferyard shall be installed along all other property lines that are not street frontages. A parking lot bufferyard shall be installed along street frontages.
 5. *Inventory Storage.* Vehicle inventory will not be stored in on-street parking spaces, nor in off-street parking spaces that apply toward the parking requirement.
 6. *Special Standards for DT Zone.* In addition to the other standards of this subsection H.:
 - a. The use is an Adaptable Use in the General Character District within the DT zone.
 - b. The use is not allowed in the Core, Neighborhood Transition, and Fourth Street Character Districts within the DT zone.
- I. **Airport.** Airport uses shall comply with the following standards, in addition to all other applicable standards in the UDC:
1. *Minimum Land Area.* The minimum land area for a new airport shall be 300 acres. Any application for a new airport shall conclusively demonstrate that its operation will not interfere with the operation of the Northern Colorado Regional Airport. The Northern Colorado Regional Airport may be expanded or reconfigured according to the standards of this subsection.
 2. *Legal and Technical Compliance.* All applications for new or expanded airport development shall demonstrate compliance with all applicable federal and state regulations that apply to airport expansion or reconfiguration.
 3. *Noise Impact Assessment Required.* All applications for new or expanded airport development that will involve additional airport traffic shall include a noise impact assessment. The assessment shall identify the initial and 20-year projected Day Night Level ("DNL") noise contour lines beginning with 50 DNL and proceeding to 65 DNL. The following standards shall be met:
 - a. The 20-year 65 DNL line shall lie completely within airport property or property zoned I that is subject to an easement for noise and aviation.
 - b. 55 DNL Limited Development Area.
 4. *Noise Mitigation; New Airports.* If the application is for a new airport, no land that is in a residential zone shall be located within the 55 DNL line, unless noise and aviation easements have been granted to the airport.
 5. *Noise Mitigation; Airport Expansions.* If the application is to expand an existing airport, and the proposal would expand the 55 DNL area, a zoning and land use map for all land within the 55 DNL noise contour shall be provided, along with a plan to restrict such land to nonresidential uses, and / or to minimize noise intrusion into existing residential zones and to prohibit new residential development that would hinder anticipated future airport expansion.
- J. **Heliport.** In addition to generally applicable zoning standards, the following use-specific standards apply.
1. *Minimum Land Area.* The minimum land area for a new heliport shall be 300 acres. Any application for a new heliport shall conclusively demonstrate that its operation will not interfere with the operation of the Northern

Colorado Regional Airport. The Northern Colorado Regional Airport may be expanded or reconfigured for heliport operations according to the standards of this subsection.

2. *Legal and Technical Compliance.*

- a. All applications for new or expanded heliport development shall demonstrate compliance with all applicable federal and state regulations that apply to heliport expansion or reconfiguration.
- b. Heliports shall be designed according the applicable design standards set out in U.S. Department of Transportation Advisory Circular No. 150/5390-2B, dated September 30, 2004, as may be amended or supplemented from time to time; and shall meet all Federal Aviation Administration ("FAA") requirements.

3. *Noise Impact Assessment Required.* All applications for new or expanded heliport development that will involve additional helicopter traffic shall include a noise impact assessment. The assessment shall identify the initial and 20-year projected Day Night Level ("DNL") noise contour lines beginning with 50 DNL and proceeding to 65 DNL. The following standards shall be met:

- a. The 20-year 65 DNL line shall lie completely within airport property or property zoned I that is subject to an easement for noise and aviation.
- b. 55 DNL Limited Development Area.

4. *Noise Mitigation; New Airports.* If the application is for a new heliport, no land that is in a residential zone shall be located within the 55 DNL line, unless noise and aviation easements have been granted to the heliport.

5. *Noise Mitigation; Airport Expansions.* If the application is to expand an existing heliport, and the proposal would expand the 55 DNL area, a zoning and land use map for all land within the 55 DNL noise contour shall be provided, along with a plan to restrict such land to nonresidential uses, and / or to minimize noise intrusion into existing residential zones and to prohibit new residential development that would hinder anticipated future heliport expansion.

K. **Helistop.** In addition to generally applicable zoning standards, the following use-specific standards apply.

1. *Spacing.* Helistops shall be spaced, measured as the shortest distance from the boundary of the touchdown and lift-off area to the nearest property line of the use from which spacing is required, at least 1,000 feet (horizontal distance) from residential uses and all types of schools.
2. *Accessory Helistops.* In the interest of public safety, police stations, fire stations, hospitals, and trauma centers uses may be developed with an accessory helistop regardless of noise limitations.
3. *No Interference with Airport or Heliport Operations.* No helistop shall be located or operated in a manner that would interfere with the aviation operations of an existing airport or heliport.
4. *Legal and Technical Compliance.* All applications for helistop development shall demonstrate compliance with all applicable federal and state regulations that apply to heliports.

L. **Bus and Taxi Terminal.** In addition to generally applicable zoning standards, the following use-specific standards apply.

1. *Spacing.* Bus terminals shall be located not less than 150 feet, measured as the shortest distance from property line to property line, from a residential zone. Taxi terminals are not subject to this limitation.
2. *Access.* Access to the use shall be from an arterial or major collector street. For bus terminal, bus ingress and egress shall be separated from passenger motor vehicle ingress and egress, with such access points designed to avoid bus-passenger vehicle conflicts.
3. *Maintenance Buildings.* All vehicle maintenance activities shall take place in an enclosed building. Service bay doors shall not face street frontages.
4. *Special Standards for B Zone.* In addition to the other standards of this subsection L.,
 - a. For bus terminals in the B zone, a Type C bufferyard shall be installed along all property lines that are not street frontages, and a Type B bufferyard shall be installed along street frontages.

- b. For taxi terminals in the B zone, a Type B bufferyard shall be installed along all property lines that are not street frontages, and a parking lot bufferyard shall be installed along street frontages.
5. *Special Standards for DT Zone.* In addition to the other standards of this subsection L., the use is allowed only in the General Character District.

18.02.410 Utility Standards

- A. **Data Center.** The use is allowed if, in addition to compliance with all other applicable standards in the UDC, the use complies with the following standards;
 1. *B, MAC, E, and I Zones.* Building elevations shall be screened from view from adjoining streets with a type C bufferyard if both:
 - a. The elevation is comprised of less than 15 percent windows and doors; and
 - b. The elevation is visible from the street.
 2. *DT Zone.* The use is not allowed in the Fourth Street Character Area or the Neighborhood Transition Character Area.
- B. **Overhead Power Lines (110 kV or more).** Overhead power lines (110 kV or more) shall comply with the following standards, in addition to all other applicable standards in the UDC:
 1. *State Requirements.* If required by the Colorado Public Utilities Commission ("PUC"), no new transmission lines shall be installed without a certificate of need from the PUC, or an exemption certification.
 2. *Use of Existing Easements.* To the extent practicable, new transmission lines shall be located within existing transmission easements or routed outside of the City.
 3. *Location Priorities.* New transmission lines that are not located within existing transmission easements shall be routed to minimize the impact of poles and lines on existing development through spacing between the transmission line and the following uses or infrastructure:
 - a. 300 feet from dwelling units, schools (all types), and places of assembly; and
 - b. 500 feet from arterial streets.
- C. **Minor Utilities.** Minor utilities shall comply with the standards set out in Section 18.02.413, *General Standards for Adaptable Uses*.
- D. **Major Utilities.** Major utilities shall comply with the following standards, in addition to all other applicable standards in the UDC:
 1. The utility provider finds that there is a need for the major utility in order to serve residents of the City of Loveland;
 2. The use is enclosed with a type B bufferyard that includes a security fence;
 3. The major utility use is not located in a special flood hazard area; and
 4. If the utility is a sewer plant, the subject property is situated in a location that will tend to minimize the impacts of odors on nearby residential uses and zones.

18.02.411 Wireless Telecommunications Standards

- A. **Purpose and Interpretation.**
 1. The purpose of this section is to provide specific regulations for the placement, construction and modification of wireless telecommunications facilities. The provisions of this section 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 section 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 section are inconsistent or in conflict with any other provision of the City Code or any ordinance of the City, the provisions of this section shall be deemed to control.

2. The goals of this section are to:
 - a. Encourage the location of towers in non-residential areas and to minimize the total number of towers throughout the City;
 - b. Encourage strongly the joint use of new and existing tower sites;
 - c. 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;
 - d. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 - e. Enhance the ability of the providers of personal wireless services to provide such services throughout the city quickly, effectively, and efficiently.
- B. **Historic Properties.** If the subject property is designated as an individual landmark or as a part of a historic district or site, additional criteria are applied pursuant to Section 18.17.303, [Wireless Telecommunications Facility Shot Clocks](#).
- C. **Design Criteria.** Every wireless telecommunications facility shall comply with the following design criteria:
 1. *Architectural Compatibility.* Wireless telecommunications facilities shall be architecturally compatible with the surrounding buildings and land uses in the same zone, or otherwise integrated, through location and design, to blend in with the existing characteristics of the subject property to the extent practical. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facilities.
 2. *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.
 3. *Lights, Signals, and Signs.* No signals, lights, or signs shall be permitted on towers or other structures unless required by the FCC or the FAA.
- D. **Tower Setbacks.** Tower setbacks shall be measured from the base of the tower to the property line of the subject property.
 1. *Residential Zones.* Towers shall be set back from all property lines a distance equal to 300 percent of tower height; provided, however, that a lesser setback may be permitted if the Director determines that:
 - a. There are unusual geographical limitations that justify the reduced setback;
 - b. The setback is not less than a distance equal to 100 percent of tower height; and
 - c. The tower is camouflaged or otherwise adapted to be compatible with the surrounding area.
 2. *All Other Zones.* In all zones that are not residential zones, towers shall comply with the minimum setback requirements of the area in which they are located.
- E. **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 350 square feet and the maximum height is 12 feet.
 2. 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 generally accepted engineering practices. Equipment, buildings, antennas, and related equipment shall occupy no more than 25 percent of the total roof area of a building.
- F. **Structural Design.** Towers shall be constructed to the FCC and EIA Standards, as may be amended from time to time, and all applicable construction, building, and safety codes.
- G. **Fencing.** In the DT, B, or I zones, a stucco, masonry, or stone security wall, not less than six feet in height, shall be provided around each tower. In other zones, chain-link fencing is also allowed if it is surrounded by an evergreen hedge that is at least six feet in height. Security walls or fencing shall be colored or designed to visually blend into the character of the existing environment. Access to the tower shall be through a locked gate.

- H. **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, except that in the DT, B, or I zones, permissible towers may be taller pursuant to conditional use review.
- I. **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.
- J. **Site Characteristics.** Site location and development shall preserve the pre-existing character of the area in which the subject property is located 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
- K. **Antenna Design Criteria.** Antenna mounted on any tower, building or other structure shall comply with the following requirements:
1. 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.
 2. 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.
 3. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires.
 4. 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.
 5. 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.
 6. On buildings that are 30 feet or less in height, the antenna may be mounted on the roof if:
 - a. The City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
 - b. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building.
 - c. 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.
 - d. No portion of the antenna extends more than 10 feet above the height of the existing building.
- L. **Equipment Shelters.** If an accessory equipment shelter is present, such building or structure shall blend with the surrounding buildings in architectural character and color.
- A. **Landscaping and Screening.**
1. 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.

2. 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:
 - a. 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
 - b. A continuous hedge, at least 36 inches high at planting and capable of growing to at least 48 inches in height within eighteen months, shall be planted in front of the tree line referenced above.
3. 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.

B. Maintenance and Inspection.

1. 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 and safety codes, regulations of the FCC, and the applicable standards for towers that are published by the 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 30 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 30 days, the City may remove such tower at the owner's expense, the costs of which shall constitute a lien against the property.
2. 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 60 days of the inspection, file a report with the City building division.

C. Non-Use or Abandonment.

1. In the event the use of any tower has been discontinued for a period of six months, 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 or affidavits from the tower owner or operator regarding the issue of tower usage. Upon such abandonment, the owner or operator of the tower shall have an additional 60 days within which to complete one of the following:
 - a. Reactivate the use of the tower or transfer the tower to another owner or operator who makes actual use of the tower.
 - b. Dismantle and remove the tower. In such instance, if such tower is not removed within said sixty days, the city may remove such tower at the owner's expense.
2. If there are two or more users of a single tower, then removal of the tower is not required unless all users cease using the tower. However; parts of the tower that are rendered unnecessary by partial abandonment shall be removed.
3. At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the tower shall automatically expire.
4. 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 telecommunications or broadband services, the owner of the tower shall maintain the prescribed painting or illumination of such tower until it is dismantled.

- D. Federal 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 Section 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.

- E. **Co-Location in All Zones.** The applicant shall demonstrate that any new antenna can not be co-located on an existing structure.
- F. **New Towers in the DT Zone.** New towers that are not co-located on an existing structure in the DT zone shall be processed as an adaptable use.

18.02.412 Agricultural Land Use Standards

- A. **Community Gardens.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:

- 1. *Location.* The use is allowed in the locations set out in Table 18.02.412, Community Garden Locations.

Table 18.02.412 Community Garden Locations								
Location	Zone							
	ER, R1e, R1, R2, R3e, or R3	DT	B	MAC	E	I	PP	DR
Public Parks	✓	✓	✓	✓	✓	-	✓	✓
Common Open Space	✓	✓	✓	-	-	-	-	-
Private Lots	✓	✓	✓	✓	✓	✓	-	-
Roof Tops	-	✓	✓	-	-	-	-	-

- 2. *Setbacks.* Garden plots that are located at ground level shall be set back at least 10 feet from all property lines.
- 3. *Composting Facilities.* Composting facilities are allowed, provided that:
 - a. They are of a type that minimizes odors and fire risks; and
 - b. They are used to compost only organic wastes that are generated by the community garden.
- 4. *Storage Buildings.* Secured storage buildings for gardening equipment are allowed. However, if the garden is counted towards common open space requirements, then individual storage buildings shall not exceed 200 square feet in gross floor area, and the total gross floor area of storage buildings shall not exceed one percent of the land area used for community garden.
- 5. *Buffering.* Generally, buffering is not required. However, in the ER, R1e, R1, R2, R3e, and R3 zones, community gardens that are located on private lots and that are situated closer than 30 feet to the side or rear lot line of an adjoining residential lot shall be buffered from side or rear property lines with a five-foot tall opaque fence.

B. **Farm or Ranch.**

- 1. *All Zones.*
 - a. In addition to all other applicable standards in the UDC, the uses shall comply with the following standards:
 - 1. Access to the farm or ranch shall be from an arterial street; and
 - 2. The farm or ranch shall not grow crops that require controlled burning or the aerial application of pesticides.
 - b. In recognition of the protected right to farm (C.R.S. § 35-3.5-101, *et seq.*), the standards of this subsection do not apply to farms or ranches that existed on the effective date of this UDC, or that are annexed into the City after the effective date of this UDC, provided that the standards of C.R.S. § 35-3.5-102 are met.
- 2. *PP Zone.* The use is exempt from the standards in Table 18.03.301, **Landscape Surface Ratio by Zone**. The use shall be subject to a minimum landscape surface ratio of 15 percent.

- C. **Nursery or Greenhouse, Wholesale.** In addition to all other applicable standards in the UDC, the uses shall comply with the following standards:
1. *Required Access.* Access to the use shall be provided as follows:
 - a. From an arterial or collector street; or
 - b. From a local street if there is no residential use between the access point and the nearest intersection with an arterial or collector street.
 2. *Setbacks.* Greenhouses and nursery storage buildings shall be set back according to the requirements that apply to principal buildings of the applicable zone.
 3. *Spacing.* Active areas of open air nurseries shall be spaced not less than 200 feet from residential zones and uses, measured as the shortest distance from the nearest edge of the part of the nursery that is used to grow plants for sale to the property line of the residential zone or use.

18.02.413 General Standards for Adaptable Uses

- A. **Generally.** All uses that are listed in the tables of [Division 18.02.03, Land Use by Zone](#), as adaptable uses (“A”) shall meet the standards of this Section in addition to the standards of this [Division 18.02.04, Use Standards](#), that apply to the proposed use.
- B. **Review Standards.** An application for adaptable use approval may be approved if, in addition to the specific standards of this [Division 18.02.04, Use Standards](#), that apply to the proposed use (except as provided in subsection C., below), it is demonstrated that, in its proposed location and with its proposed design:
1. The proposed adaptable use will not tend to frustrate the implementation of any current, adopted plans of the City, including, but not limited to, the Comprehensive Plan;
 2. The location, size, design and operating characteristics of the proposed adaptable use will be consistent with and / or complimentary to the existing and future land uses within the surrounding neighborhood, and will not create significant additional amounts of noise, traffic, or other conditions, compared to those other uses, that may be objectionable or detrimental to other permitted uses in the vicinity;
 3. The proposed adaptable use will not negatively impact the land use patterns of existing or approved development within the neighborhood or discourage permitted uses or reinvestment in permitted uses by making the vicinity less desirable for them; and
 4. The proposed adaptable use is otherwise consistent with the standards in the UDC, as amended, and meets the requirements in [Chapter 18.15, Adequate Community Facilities](#).
- C. **Use Standard Modification.** The Director may approve variations to the use-specific standards of this [Division 18.02.04, Use Standards](#), that apply to the proposed use through the adaptable use process, provided that the variation substantially meets the intent of the use standard and the review standards in subsection B., above.
- D. **Conditions of Approval.** The Director may approve an adaptable use with conditions to mitigate its impacts, in order to ensure continuing compliance with the review standards set out in subsection B., above. Conditions may relate to:
1. Type, size, amount, and placement of landscaping;
 2. Use, location, number, height, size, architectural design, material, and color of buildings;
 3. Configuration and placement of vehicular and pedestrian access and circulation;
 4. Amount and configuration of off-street parking;
 5. Amount, placement, and intensity of lighting;
 6. Operational characteristics of the use, including hours of operation; and
 7. Emissions of noise, dust, fumes, glare and other pollutants.

18.02.414 General Standards for Conditional Uses

- A. **Generally.** All uses that are listed in the tables of [Division 18.02.03, Land Use by Zone](#), as conditional uses (“C”) shall meet the standards of this Section in addition to the standards of this [Division 18.02.04, Use Standards](#), that apply to the proposed use.
- B. **Review Standards.** An application for conditional use approval may be approved if, in addition to the specific standards of this [Division 18.02.04, Use Standards](#), that apply to the proposed use, it is demonstrated that:
1. The proposed conditional use in its proposed location will not tend to frustrate the implementation of current adopted plans of the City, including, but not limited to, the Comprehensive Plan;
 2. The location, size, design and operating characteristics of the proposed conditional use will be consistent with or complimentary to the existing and future land uses within the surrounding neighborhood and will not create significant noise, traffic, or other conditions that may be objectionable or detrimental to other permitted uses in the vicinity;
 3. The proposed conditional use will not negatively impact the land use patterns of existing or approved development within the neighborhood or discourage permitted uses or reinvestment in permitted uses by making the vicinity less desirable for them;
 4. The proposed conditional use is consistent with the standards in the UDC, as amended, and meets the requirements in [Chapter 18.15 Adequate Community Facilities](#);
 5. The design, operation, location, and buffering of the use mitigates its impacts with regard to:
 - a. Risks associated with the use and storage of hazardous materials;or
 - b. Potentially hazardous conditions, such as projectiles leaving the subject property; and
 - c. Odors;
 - d. Dust;
 - e. Lighting;
 - f. Vibration; and
 - g. Noise; and
 6. There is a demonstrated need in the City for the conditional use, in order to serve demands created by City residents.
- C. **Use Standard Modification.** The Planning Commission may approve variations to the specific standards of this [Division 18.02.04, Use Standards](#), that apply to the proposed use through the conditional use process, provided that the variation substantially meets the intent of the use standard and the review standards in subsection B, above.
- D. **Conditions of Approval.** The Planning Commission may approve a conditional use with conditions to mitigate its impacts, in order to ensure continuing compliance with the review standards set out in subsection B., above. Conditions may include standards for:
1. Type, size, amount, and placement of landscaping;
 2. Use, location, number, height, size, architectural design, material, and color of buildings;
 3. Configuration and placement of vehicular and pedestrian access and circulation;
 4. Amount and configuration of off-street parking;
 5. Amount, placement, and intensity of lighting;
 6. Operational characteristics, including hours of operation;
 7. Emissions of noise, dust, fumes, glare and other pollutants; and
 8. Such other conditions as the Planning Commission determines are necessary to mitigate impacts and roughly proportional to the significance of the impact.

Division 18.02.05 Temporary Uses

18.02.501 Purpose and Application of Division

- A. **Purpose.** The purpose of this Division is 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 Division 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 sf. or less;
 3. Occur on residential properties; or
 4. Are required to obtain a Special Event, Vendor or Peddler approval, or Mobile Vending Permit under the Loveland Municipal Code.

18.02.502 Allowable Temporary Uses and Duration Permitted

The uses specified in Table 18.02.502, Temporary Uses, are allowable temporary uses for not more than the specified maximum duration.

Table 18.02.502 Temporary Uses				
Temporary Uses	Maximum Duration ¹	Level 1	Level 2	Level 3
	Uses lasting longer than the maximum time below are not eligible for a temporary use permit.	One day/over the counter review Limited DRT review to address public safety 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.	One week review period ² Full DRT review 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.	One week review period ² Full DRT review Posted notice (see Division 2.14.05) Public comment (see Sec. 2.14.311)
Agricultural produce sales, farmer's markets. 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
Retail goods, seasonal goods, prepared meals, truckload sales. Including sunglasses, rugs & domestic items; seasonal goods including Christmas trees, pumpkins & fireworks; vehicle sales.	60 days annually ³	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 ³
Services and associated sales. 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

Table 18.02.502 Temporary Uses				
Temporary Uses	Maximum Duration ¹	Level 1	Level 2	Level 3
Arts and craft fairs, flea markets. 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
Table Notes: ¹ Duration is exclusive of set-up and teardown time. ² Permit applications shall be reviewed in a one week time period except in situations, as determined by the Director, 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. ³ Vehicle sales (auto, boat, RV, and motorcycle) are limited to 30 days annually and ineligible for a Level 3 permit.				

18.02.503 Standards for Temporary Uses

- A. **Generally.** Temporary uses shall be subject to the use standards of the applicable zoning district as set forth below:
- Any “by-right” use in the applicable zoning district may operate as a temporary use in such district.
 - Any limited or adaptable 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. **Modification of Development Standards.** Temporary uses shall be subject to the development standards of this UDC.
- The following standards may be modified or waived by the Director 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:
 - Bufferyards
 - Building elevation standards
 - Minimum parking
 - A request to modify or waive any other UDC development standard may be requested by an applicant through the submittal of a written appeal to the Director. The Director may modify or waive such requirements if the following findings are met with respect to the particular location or operation:
 - The modification or waiver of such requirements is necessary to avoid an undue hardship on the applicant due to special circumstances or conditions; and
 - 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 of Approval.** Conditions may be attached to the approval of a temporary use permit to:
- Prevent harm to the public welfare or to other property in the vicinity in which said property is situated; or
 - 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
 - Ensure compliance with modifications or waivers pursuant to subsection B., above.
- D. **Relationship to Other Ordinances.**
- Temporary uses and associated structures shall be subject to all other applicable requirements of the Municipal Code, including but not limited to:
 - Sales tax license
 - Tent permit
 - Building permit

2. 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.
- E. **Restoration of Subject Property.** The subject property shall be restored to its original condition 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.

18.02.504 Term of Temporary Use Permit

The temporary use permit shall be valid for a period of one 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 years, provided that the temporary use operation is not substantively altered from that of the previous year(s).

18.02.505 Model Homes and Temporary Sales Offices

- A. **Generally.** Model homes and sales offices shall be allowed as an temporary use within a residential subdivision so long as the provisions of this Section are met.
- B. **Number of Model Homes.** Each subdivision shall be allowed one model home for each unit type or style offered for sale within the subdivision.
- C. **Number of Sales Offices.** Each subdivision shall be allowed one sales office for purposes of sale of lots or dwelling units within the subdivision, so long as the sales office is located within a model home or temporary building in a location that is approved by the Director.
- D. **Duration of Use.**
 1. The use of a temporary building for a sales office shall cease upon construction of a model home in which the sales office may be located.
 2. The use of a building for a model home or sales office shall cease upon sale of all residential units or lots located within the boundaries of the subdivision.
 3. Upon termination of use of the model home or sales office for the subdivision, the unit shall be restored for residential use, including, but not limited to, restoration of the garage for auto storage and installation of a driveway

Division 18.02.06 Business Use of the Home

18.02.601 Home Occupations, Generally

- A. **Generally.**
 1. The purpose of this Section is to ensure that an occupation or business that is conducted within a residential dwelling unit is incidental to or secondary to the residential use, and does not disrupt the physical character or quality of life of the neighborhood.
 2. It is the intent of this Section to permit only those home occupations that do not adversely affect the residential character and quality of the neighborhood and the premises on which the home occupation is located. It is the further intent of this section to limit the types of business that will be allowed as home occupations, because locating certain businesses within residential neighborhoods tend to have adverse effects upon the physical character or quality of life of the neighborhoods in which they are located.
 3. This Section applies to all business uses of dwelling units, except:
 - a. The use of dwelling units for child care (see Section 18.02.603, Home Child Care); and
 - b. Uses that involve dwelling units but are otherwise identified as principal uses (e.g., live-work unit or bed and breakfast).
- B. **General Limitations on Home Occupations.** The following standards apply to all home occupations:
 1. The home occupation shall not result in an increase in the life safety hazard rating of the subject property as defined in the building code.

2. No chemicals or substances that are physical or health hazards as defined in the fire code shall be used, sold or stored in conjunction with a home occupation in quantities that are larger than typical for household use.
 3. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail or parcel delivery service, or sales are transacted on the premises no more than one time per calendar month. However, this restriction does not apply to incidental sales of products in conjunction with the provision of services (*e.g.*, hair care products sold in conjunction with a beauty salon, or instructional books sold in conjunction with music lessons).
 4. There shall be no deliveries to or from the subject property using a vehicle longer than 16 feet or rated over 8,000 pounds gross vehicle weight (a standard United Parcel Service truck), except that larger vehicles are permitted for the purpose of delivering or removing household or office furnishings.
 5. No clients, customers, pupils, employees shall be on the premises for business purposes between the hours of 10:00 PM and 7:00 AM.
 6. No additional off-street parking shall be created on the subject property for the home occupation.
 7. The home occupation shall not generate, in excess of levels customarily found in residential neighborhoods, any vibration, smoke, dust, odors, noise, electrical interference with radio or television transmission or reception, or heat or glare that is noticeable at or beyond the property line of the subject property.
 8. There shall be no exterior activity, or exterior alteration of the home that would in any way indicate that the subject property is being used for a home occupation, except that in the Adaptive Re-Use Overlay Zone (see [Division 18.06.08, Standards for North Cleveland Overlay Zone](#)), one sign that complies with the standards of [Section 18.04.810, Sign Regulations for Nonresidential Uses in Residential Zones](#), is allowed.
 9. The home occupation shall occupy not more than 25 percent of the combined total floor area of the dwelling unit and any accessory buildings, included but not limited to the basement, garage, and upper floors of the dwelling unit.
 10. A person who is involved in the conduct of the home occupation shall reside on the subject property.
 11. Home occupations shall be conducted entirely within the dwelling unit or associated accessory building.
- C. **Prohibited Home Occupations.** The following uses, regardless of whether they meet the performance standards of subsection B., above, are not permitted as home occupations:
1. Veterinary offices or clinics, animal hospitals or kennels;
 2. Equipment rental;
 3. Funeral chapels, mortuaries, or funeral homes;
 4. Wedding chapels;
 5. Medical or dental clinics;
 6. Repair or painting of automobiles, motorcycles, trailers, boats, or other vehicles;
 7. Repair of large appliances (*e.g.*, stoves, refrigerators, washers, and dryers);
 8. Repair of power equipment (*e.g.*, lawn mowers, snow blowers, chain saws, string trimmers, and the like);
 9. Restaurants;
 10. Welding or metal fabrication shops;
 11. Dispatching of vehicles to and from residential premises (*e.g.*, taxi services or towing services); and
 12. The retail sale of firearms.
- D. **Minor Home Occupations.** A home occupation shall be classified as a minor home occupation and allowed without a business occupancy permit in all residential districts, provided that the home occupation complies with the requirements and limitations of subsections B. and C., and the following standards are met:
1. Only persons who reside on the premises are involved in the conduct of the home occupation.
 2. No commercial vehicle shall be used in conjunction with the home occupation.
 3. No more than one client or pupil shall be served at one time on the subject property.

4. Business deliveries and business shipments (other than by mail or comparable parcel delivery services), on the average, may not occur more than once per month, and such deliveries and shipments shall occur only on weekdays between the hours of 8:00 AM and 5:00 PM.
5. Any minor home occupation involving the preparation, sale or handling of foodstuffs shall obtain approval from the Larimer County Health Department prior to commencing business.

E. Major Home Occupations.

1. A use shall be classified as a major home occupation, and allowed by business occupancy permit in all residential districts, provided that the home occupation complies with the requirements and limitations of subsections B. and C., and the following standards are met:
 - a. The home occupation employs not more than one person who works at the subject property but does not live on the subject property.
 - b. Business deliveries and business shipments (other than by mail or comparable parcel delivery services), on the average, may not occur more than once per week, and such deliveries and shipments shall occur only on weekdays between the hours of 8:00 AM and 5:00 PM.
 - c. No more than one commercial vehicle that is stored or parked on the subject property shall be used in conjunction with the home occupation.
 - d. The addition of a secondary entrance to the home shall be the only permitted exterior alteration to accommodate the home occupation.
 - e. No more than four persons at one time may avail themselves of the services provided by the home occupation, or more than 12 people during a 24-hour period. Barber and beauty shops shall have no more than two stations.
2. Any major home occupation involving the preparation, sale or handling of foodstuffs shall obtain approval from the Larimer County Health Department prior to commencing business. Proof of health department approval must be furnished to the City at the time of application for a business occupancy permit.

18.02.602 Medical Marijuana Caregivers

- A. **Generally.** Medical marijuana caregivers are subject to the standards for minor home occupations in Section 18.02.601, [Home Occupations, Generally](#), and the standards of this Section.
- B. **Limitations.** Medical marijuana caregivers are subject to the following limitations:
 1. There shall not be more than one primary caregiver per dwelling unit cultivating, storing, manufacturing, or providing medical marijuana in any form to patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106.
 2. The primary caregiver shall not have more than 30 medical marijuana plants being grown on the subject property at any given time. Areas of the subject property that are used for marijuana cultivation shall be secured as required by Colorado law.
 3. A primary caregiver providing medical marijuana in any form to patients in accordance with Article XVIII, Section 14 of the Colorado Constitution and C.R.S. § 25-1.5-106, shall not provide such medical marijuana to patients in or on the subject property, except for those patients who reside on the subject property.

18.02.603 Home Child Care

- A. **Generally.** The standards of this Section apply to the child care uses within dwelling units (hereinafter “home child care uses”) that are listed in this subsection. Such uses require a major home occupation permit.
 1. Specialized group homes, as defined in § 7.701.2.B., 12 CCR 2509-8, except as provided in subsection B., below;
 2. Family child care homes, as defined in § 7.707.22.A. and B., 12 CCR 2509-8, and including:
 - a. Three (3) under two (2) family child care homes, as defined in § 7.707.22.C., 12 CCR 2509-8;
 - b. Family child care homes with infant/toddler licenses, as defined in § 7.707.22.D., 12 CCR 2509-8;

- c. Experienced child care provider, as defined in § 7.707.22.F., 12 CCR 2509-8; and
 - d. Large child care homes, as defined in § 7.707.22.E., 12 CCR 2509-8.
- B. **Exceptions.** The following child care uses are allowed without a permit in all dwelling units, provided that all licenses (if any) that are required by state law (see 12 CCR 2509-8) are obtained prior to establishment of the use, and thereafter maintained:
- 1. Specialized group homes that are licensed to provide care for three or more children pursuant to C.R.S. § 26-6-102(10), but that are providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.
 - 2. Exempt family child care home providers, as defined in C.R.S. § 26-6-102(12);
 - 3. Foster care homes, as defined in C.R.S. § 26-6-102(14); and
 - 4. Licensed host family homes, as defined in § 7.701.21., 12 CCR 2509-8.
- C. **Standards.** In addition to any state regulatory requirements, the following standards apply to the home child care uses that are subject to this Section:
- 1. The operator of the home child care use shall reside on the subject property.
 - 2. The home child care use shall not generate, in excess of levels customarily found in residential neighborhoods, any noise that is noticeable at or beyond the property line of the premises upon which the home child care use is located.
 - 3. No additional off-street parking shall be created on the subject property for the home child care use.
 - 4. Commercial vehicles shall not be parked or stored on the subject property.
 - 5. Home child care uses that serve more than five children who are not related to the operator shall be spaced from each other so that there are not more than two such facilities fronting on the same street segment, or within 500 feet along the street in both directions, whichever distance is shorter.
- D. **Maximum Number of Children.** The number of children that may be cared for in a home child care use is limited by the applicable state license or statutory definition and not this UDC.

Division 18.02.07 Airport Influence Area Overlay Zone

18.02.701 Purpose of Division

- A. **Generally.** The purpose of this Division is to establish standards within the Airport Influence Area Overlay Zone. The regulations in this Division are intended to apply to specific areas of the City that recognize benefits and potentially adverse impacts that may occur within certain distances from an airport, and to provide regulations that both minimize these impacts and protect aircraft operations.
- B. **Noise-Sensitive Uses.** These regulations are intended to minimize exposure of residential and other noise-sensitive land uses from uncontrollable aircraft noise and high numbers of aircraft overflights; to minimize risks to public safety from potential aircraft accidents; to discourage traffic congestion within these areas by regulating land use densities; and to restrict incompatible land uses within the Airport Influence Area Overlay Zone.
- C. **Interagency Coordination.** These regulations recognize the efforts of other agencies and show the City's willingness to cooperate with these agencies in the administration of these regulations.

18.02.702 Interpretation and Disclaimer

- A. **Interpretation.** In the event a lot is located within more than one noise contour, the entire lot shall be subject to the restrictions of the noise contour that most restricts development of the lot. This provision shall not be applied to prevent or discourage subdivision of a subject property to minimize encroachment into noise contours or to prevent straddling the boundary between noise contours.
- B. **Disclaimer.** The degree of protection provided by this Division is considered reasonable for regulatory purposes and is based on planning, engineering and scientific methods of study, and in coordination with aviation agencies. This Division does not imply that areas outside of the Airport Influence Area Overlay Zone will be totally free from

aircraft hazards, and, therefore, shall not create a liability on the part of the City or any of its officers or employees for any damages resulting from reliance on this Division.

18.02.703 Airport Influence Area Overlay Zone Boundaries

A. Generally.

1. The boundaries of the Airport Influence Area Overlay Zone and its noise contours, are based in part upon predictions of day to day noise levels that are perceptible at ground level. These predictions are based upon acoustical modeling techniques that are accepted as accurate and reliable by the Federal Aviation Administration ("FAA") and by hundreds of airport operators and municipalities nationwide, but are difficult for property owners to test or confirm.
2. The City Council has determined that the noise contours and critical areas that are relied upon in part as the basis for the Airport Influence Area Overlay Zone regulations are accurate and reliable for the purposes of land use planning. The City Council has also determined that, based upon the usage patterns of the airport, the contours and the restrictions associated therewith reflect sound land planning principles and are justified based upon the current airport traffic regardless of whether the noise predictions are accurate.
3. The boundaries of the Airport Influence Area Overlay Zone and its associated noise contours and critical areas shall be reviewed and amended when appropriate, either in conjunction with adoption of updated studies by the airport, or based upon other credible information and studies as determined by the City Council.

- B. Boundaries and Mapping.** The Director shall maintain maps of the vicinity of the airport, depicting the Airport Influence Area Overlay Zone; the 55 DNL, 60 DNL, and 65 DNL noise contours, and the critical zones within and around the airport.

18.02.704 Interference with Airport Operations Prohibited

No use may be made of land within an Airport Influence Area that:

1. Creates electrical interference with radio communication between an Air Traffic Control ("ATC") facility and an aircraft;
2. Makes it difficult for pilots to distinguish between airport lights and other lights;
3. Causes glare in the eyes of pilots using the airport;
4. Impairs visibility in the vicinity of the airport; or
5. Otherwise endangers the landing, taking off, or maneuvering of aircraft at an airport or in the vicinity of the airport.

18.02.705 Airport Influence Area Restrictions

- A. Generally.** The regulations of this Section apply to the Airport Influence Area Overlay Zone.

- B. Avigation Easement Required.** All development approvals within the Airport Influence Area Overlay Zone shall be conditioned upon the grant of an avigation easement over the subject property. The easement shall:

1. Be in a form approved by the City Council and City Attorney;
2. Permit flight operations above the subject property;
3. Release the aircraft operator, the airport owner and operators, and the City from liability or responsibility for the effects of their flight operations;
4. Run with the land with a perpetual term, unless released by the City Manager upon the permanent cessation of operations of the airport;
5. Include language stating that, where applicable, noise mitigation construction techniques are required to mitigate the noise to which the property is exposed; and
6. Be recorded in the office of the County Clerk and Recorder.

- C. Compliance with Federal Regulations.** All features of property within the Airport Influence Area Overlay Zone shall comply with the requirements of 14 C.F.R. Part 77 ("FAR Part 77"). The City shall require a study establishing

compliance at time of a rezoning request, and may also require a similar study at the time of application for development approval. The City's standard note requiring compliance with FAR Part 77 criteria shall be required on all recorded development approvals. Where structures are permitted, the maximum height must comply with the minimum requirements of FAR Part 77 in effect at the time of permit issuance. The City Council may require additional height restrictions be placed on any proposal within the Airport Influence Area Overlay Zone, consistent with sound planning principles.

- D. **Construction Requirements.** Buildings that are required to be constructed using noise mitigation construction techniques shall comply with applicable building code requirements for noise mitigation construction, and shall include a central air conditioning and ventilation system that is sufficient to enable occupancy of the building without the need for ventilation from open windows or doors.
- E. **Requirements Within Noise Contours.**
 - 1. *65 DNL Noise Contour.* Residential and other noise-sensitive uses are not allowed within the area bounded by the 65 DNL Noise Contour.
 - 2. *60 DNL Noise Contour.* Residential, educational, and child care uses are not allowed within the area between the 60 DNL Noise Contour and the 65 DNL Noise Contour. All other noise-sensitive uses may be permitted if constructed using noise mitigation construction techniques to achieve an expected interior noise level of no greater than 45 DNL.
 - 3. *55 DNL Noise Contour.* Residential, educational, or child care uses are not allowed without a super-majority vote of the City Council. Upon such approval, buildings containing residential, educational or child care uses shall be constructed using noise mitigation construction requirements, to achieve an expected interior noise level of no greater than 45 DNL. All other noise-sensitive uses may be permitted if constructed using noise mitigation construction techniques to achieve an expected interior noise level of no greater than 45 DNL.

18.02.706 Annotation Requirements

- A. **Generally.** The requirements of this Section apply in all cases where noise mitigation construction is required by Section 18.02.705, [Airport Influence Area Restrictions](#).
- B. **Required Annotations on Applications for Development Approval.** Applications for development approval within the Airport Influence Area Overlay Zone shall depict the boundaries of the Airport Influence Area Overlay Zone and all noise contours on or in the vicinity of the subject property.
- C. **Required Annotations on Development Approvals.**
 - 1. *Generally.* A specific note indicating the reception number of the aviation easement required by Section 18.02.705, [Airport Influence Area Restrictions](#), shall be required on all development approvals.
 - 2. *Site Plans and Plats.* A note in a form approved by the City Attorney shall be included on each site plan and each plat that is subject to this Section, disclosing the existence of the noise mitigation construction technique requirement and stating that the applicant and its successors-in-interest consent to the requirements and to the City's enforcement of the requirements.
 - 3. *Additional Requirements.* The City may also require any of the following annotations or disclosures on site plans or plats:
 - a. Excerpts of the regulations of this Division (transcribed or summarized);
 - b. Noise disclosure text; or
 - c. Other notes that are intended to ensure full and adequate disclosure of the hazards and the development conditions applicable to the parcel proposed for development.

Division 18.02.08 North Cleveland Overlay Zone

18.02.801 Purpose and Application of Division

- A. **Purpose.** The purpose of the North Cleveland Overlay Zone is to preserve and maintain the existing physical character of certain areas that were originally constructed as residential streets, but which, due to changes in the

form and use of the street, have become suitable for nonresidential uses. The North Cleveland Overlay Zone is intended to allow for the conversion of residential structures into low-intensity nonresidential uses and to promote physical and functional integration of differing land uses within designated areas of the R3e Zone.

- B. **Application.** In addition to the standards that apply within the R3e Zone, the supplemental standards in [Division 18.06.08, Standards for North Cleveland Overlay Zone](#), shall apply to all properties that are located within the North Cleveland Overlay Zone.
- C. **Designation as Redevelopment Area.** The North Cleveland Overlay Zone is designated as a redevelopment area that is subject to Section 1.13, City of Loveland Street Standards.

18.02.802 Overlay Zone Boundaries

The boundaries of the North Cleveland Overlay Zone are shown in [Appendix E: Overlay Zone Maps](#).

Division 18.02.09 Enhanced Corridor Overlay Zone

18.02.901 Purpose and Application of Division

- A. **Purpose.** The purpose of the Enhanced Corridor Overlay Zone (“ECOZ”) 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 Comprehensive Plan, for the ECOZ 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 ECOZ provides an option for applicants to apply an alternative to the underlying zoning with respect to land use and development form.
 - 2. ECOZ standards are applied to applications for development approval when the subject property is located within the ECOZ as designated in [Appendix E: Overlay Zone Maps](#), and the property is zoned B-Business or I-Industrial. Properties located within the designated ECOZ in zone districts other than B-Business and I-Industrial must be rezoned prior to application of the ECOZ standards.
 - 3. The election to use the ECOZ standards shall be shown on the proposed and approved sketch site development plan and site development plans.
- C. **Application of ECOZ to Existing Development.** The ECOZ may be applied to a subject property 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 ECOZ 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.

18.02.902 Request for Inclusion in ECOZ Boundaries

- A. **Generally.** Owners of property that is located outside of the designated ECOZ boundaries may request that their property be included within the ECOZ, provided that the property is located adjacent to Highway 287 or Highway 34, or adjacent to property designated within the ECOZ.
- B. **Planning Commission Approval Required.** Application for inclusion in the ECOZ must be approved by Planning Commission.

Chapter 18.03 Density and Intensity

Contents:

Division 18.03.01 Purpose and Application of Chapter

Division 18.03.02 Residential Density

Division 18.03.03 Mixed-Use and Nonresidential Development Yield

Division 18.03.01 Purpose and Application of Chapter

18.03.101 Purpose of Chapter

The purpose of this Chapter is to set out the standards for calculating the maximum development yield of a subject property in terms of density or floor area.

18.03.102 Application of Chapter

- A. **Generally.** This Chapter provides standards to calculate the development yield of a subject property. Individual sections of this Chapter contain applicability provisions that exempt certain types of development.
- B. **Residential Development.** Residential density is calculated based on the type of residential development (*e.g.*, standard neighborhood, complete neighborhood, or Enhanced Corridor Overlay Zone). Standards for these calculations are set out in [Division 18.03.02, Residential Density](#).
- C. **Mixed-Use and Nonresidential Development.** [Division 18.03.03, Mixed-Use and Nonresidential Development Yield](#), provides a minimum landscape surface ratio for nonresidential and mixed-use development in each zone.
- D. **Limitations.** Not all properties will be able to achieve the maximum development yield due to factors such as parcel geometry; physical conditions such as ditches, soils, or natural hazards; infrastructure limitations; or restrictions on proposed uses. Accordingly, the application of the other standards of this UDC may, in some cases, limit the development potential of a subject property to less than what is provided by this Chapter.

Division 18.03.02 Residential Density

18.03.201 Residential Development Types

- A. **Generally.** New residential neighborhoods are classified into three types:
 1. Standard Neighborhoods;
 2. Complete Neighborhoods; and
 3. Enhanced Corridor Overlay Zone Neighborhoods.
- B. **Density.** The maximum density for each of the neighborhood types is established by application of [Section 18.03.202, Residential Density](#).

18.03.202 Residential Density

- A. **Generally.**

1. The maximum number of dwelling units that may be constructed in a residential development is based on the type of development and the zone (or overlay zone) in which it is proposed. The maximum density of new residential development in each zone is established by this Section.
2. Once the maximum number of dwelling units is determined, the specifications for individual lots or building types shall comply with the requirements of [Division 18.04.02, Housing Palette](#), for the type(s) of housing that will be developed (which must be allowable housing types pursuant to [Section 18.02.302, Residential Land Use by Zone](#)).

B. Applicability.

1. All subdivisions or re-subdivisions of property that create at least three buildable residential lots, or developments with at least three dwelling units on a subject property, shall comply with the standards of this Section.
2. Development that is exempt from this Section due to the number of lots created or the number of dwelling units proposed is subject to the requirements of [Division 18.04.02, Housing Palette](#).

- C. Density.** The maximum gross density for each residential development type in each zone shall be as set out in Table 18.03.202, Maximum Gross Density, below

Table 18.03.202 Maximum Gross Density													
Residential Development Type	Zones												
	Residential						Mixed-Use				Industrial	Parks and Resource	
	ER	R1	R1e	R2	R3	R3e	DT	B	MAC	E	I	PP	DR
Standard	2 u/a	4 u/a	5 u/a	10 u/a	17 u/a	20 u/a	not limited	20 u/a	28 u/a	28 u/a	-	-	-
Complete Neighborhood ^{1,2}	4 u/a	6 u/a	7 u/a	14 u/a	21 u/a	24 u/a	-	-	32 u/a	32 u/a	-	-	-
Enhanced Corridor Overlay	If the subject property is within a Complete Neighborhood, then the densities for a Complete Neighborhood apply. If not, then the densities for Standard apply.						-	40 u/a ³	-	-	-	-	-
TABLE NOTES:													
¹ 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.													
² In MAC and E zones, the calculation of gross density in Table 18.03.202 shall apply only to areas designated for residential use.													
³ Density may be increased to 60 u/a if a transit stop is located within 660 feet of the boundary of the subject property.													

Division 18.03.03 Mixed-Use and Nonresidential Development Yield

18.03.301 Landscape Surface Ratio by Zone

The minimum landscape surface ratio for nonresidential or vertically mixed-use development in each zone is set out in Table 18.03.301, Nonresidential and Vertically Mixed-Use LSR by Zone.

Table 18.03.301 Nonresidential and Vertically Mixed-Use LSR by Zone	
Zone	Minimum Landscape Surface Ratio ("LSR")
ER	40%
R1e	25%

Table 18.03.301 Nonresidential and Vertically Mixed-Use LSR by Zone	
Zone	Minimum Landscape Surface Ratio ("LSR")
R1	25%
R2	15%
R3e	10%
R3	10%
DT	N/A
B	10%
MAC	10%
E	10% ¹
I	10%
PP	70%
DR	90%
TABLE NOTES: ¹ Applies to individual lots; additional common open space is also required as set out in Section 18.06.1103, Campus-Like Character	

Chapter 18.04 Lots, Buildings, and Structures

Contents:

- Division 18.04.01 Purpose and Application of Chapter
- Division 18.04.02 Housing Palette
- Division 18.04.03 Nonresidential and Mixed-Use Bulk Standards
- Division 18.04.04 Exceptions and Adjustments to Bulk Standards
- Division 18.04.05 Building Design Standards
- Division 18.04.06 Downtown Design Standards
- Division 18.04.07 Supplemental Standards
- Division 18.04.08 Signs

Division 18.04.01 Purpose and Application of Chapter

18.04.101 Purpose of Chapter

The purpose of this Chapter is to provide standards for:

1. The creation of new lots and the adjustment of lot boundaries;
2. The design and placement of buildings on individual lots;
3. The design and placement of other improvements on individual lots (*e.g.*, fences, garden walls, etc.); and
4. The type, size, placement, display, and illumination of signs.

18.04.102 Application of Chapter

- A. **Generally.** This Chapter provides standards related to individual lots, buildings, and structures.
- B. **Housing Palette.** Division 18.04.02, *Housing Palette*, provides standards for a variety of housing types, including single-family detached, duplex, townhome, multiplex, multifamily, manufactured homes, micro-homes, and clustered housing types. The housing types that are described in the housing palette are allowed in each zone as provided in Section 18.02.302, *Residential Land Use by Zone*.

- C. **Nonresidential and Mixed-Use Lots.** Division 18.04.03, [Nonresidential and Mixed-Use Bulk Standards](#), provides standards for the creation of new nonresidential or mixed-use lots, the adjustment of their lot boundaries, and the placement of buildings within them.
- D. **Exceptions and Adjustments to Bulk Standards.** Division 18.04.04, [Exceptions and Adjustments to Bulk Standards](#), sets out the types of improvements that may encroach into required setbacks, and special setback requirements along alleys, easements, ditches, and waterbodies.
- E. **Building Design Standards.** Division 18.04.05, [Building Design Standards](#), establishes minimum standards for the design of various types of buildings.
- F. **Downtown Design Standards.** Division 18.04.06, [Downtown Design Standards](#), establishes building and site design standards for buildings in the DT zone.
- G. **Supplemental Standards.** Division 18.04.07, [Supplemental Standards](#), sets out standards for accessory buildings; accessory dwelling units; accessory structures; apiaries; fences, garden walls, and hedges; outdoor displays of merchandise; outdoor storage; refuse, recycling, and compost containers; renewable energy systems; retaining walls; satellite dishes and antennae; swimming pools, hot tubs, and spas; unattended donation drop-off boxes; and vending and reverse vending machines.
- H. **Signs.** Division 18.04.08, [Signs](#), sets out standards for the construction, installation, display, and maintenance of permanent and temporary signs.
- I. **Modification of Bulk Standards.** The bulk standards that are set out in this Chapter may be modified as provided in [Division 18.17.06, Complete Neighborhoods](#); [Division 18.17.08, Planned Unit Development](#), and [Division 18.17.15, Administrative Variations, Design Flexibility, Reasonable Accommodations, Height Exceptions, and Variances](#).

Division 18.04.02 Housing Palette

18.04.201 Using the Housing Palette

- A. **Generally.**
 - 1. The housing palette provides lot and building standards so that a variety of different housing types may be constructed. The housing palette allows an applicant to provide a variety of lot sizes and product types, but does not require a minimum floor area for any particular building (minimum floor area is set by the applicable building code).
 - 2. After the number of dwelling units that are allowed on a subject property is calculated pursuant to [Division 18.03.02, Residential Density](#), and after required dedications and open spaces are set aside, the applicant may design the buildable areas of the property to include any of the housing types that are allowable for the subject property pursuant to [Section 18.02.302, Residential Land Use by Zone](#).
 - 3. The design of the development is subject to the applicable provisions of [PART 3: Site Design and Environmental Quality](#).
- B. **Differentiating Among Single-Family Detached Housing Types.**
 - 1. [Section 18.04.203, Single-Family Detached](#), sets out seven lot types for single-family detached housing. To meet the requirements for any lot type, both the lot area and the lot width minimums must be met.
 - 2. For example:
 - a. If a developer proposes a 4,000 sf. lot that is 45 ft. wide, the lot would be classified as an “urban” lot.
 - b. If a developer proposes a 7,000 sf. lot that is 50 ft. wide, the lot would be classified as a “general” lot.
- C. **Classifications that Include Floor Area Thresholds.** Certain housing types are defined by their floor area (*e.g.*, micro homes, cottages, and cluster duplexes). A micro home or cottage may be constructed as the principal dwelling unit on any single-family detached lot, and a cluster duplex may be constructed as the principal building on any duplex lot (or pair of lots, as applicable). Unlike their larger single-family detached or duplex counterparts, these “cluster housing types” may also be constructed as allowed in [Section 18.04.207, Manufactured Homes and Micro Homes in Manufactured Home Parks and Manufactured Home Subdivisions](#), and [Section 18.04.208, Clustered Housing Types](#).

D. Alternative Standards for Condominium Ownership or Alternative Lotting Patterns.

1. The standards of this Division with respect to lot area, lot width, and setbacks relate to the development of residential buildings on conventional lots that are intended to be owned in fee-simple by the owners of the buildings. However, the standards are not intended to preclude other ownership types, such as condominiums (in which the land is owned in common by the owners of the condominium units), or common maintenance communities (in which fee simple ownership is limited to the land under the building, and, in some cases, a small area around it).
2. Alternative standards for lot area, lot width, and setbacks may be approved, provided that the proposed development could be approved pursuant to this UDC using conventional fee-simple ownership arrangements. That applicant must demonstrate that it would comply with the density, open space, and applicable setback requirements of this UDC if the proposed development was platted with lots that meet the minimum requirements of this Division for each of the proposed housing types.

18.04.202 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 18.04.203, *Single-Family Detached*, Section 18.04.204, *Duplexes*, or Section 18.04.205, *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.

18.04.203 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 may also be located on property that is covered by a condominium declaration, 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. See Figure 18.04.203.A., *Illustrative Single-Family Detached Home*.

**Figure 18.04.203.A.
Illustrative Single-Family Detached Home**



B. Lot and Building Standards. The lot and building standards for single-family detached homes are set out in Table 18.04.203.A., Single-Family Detached Lot and Building Standards. There are seven lot types, which are classified based on their area, width, and location of vehicular access.

**Table 18.04.203.A.
Single-Family Detached Lot and Building Standards**

Lot Type	Vehicular Access	Minimum						Maximum Height ¹
		Lot Area	Lot Width	Front Setback (Building / Garage Door)	Interior Side Setback	Street Side Setback	Rear Setback	
Urban	Alley	3,500 sf.	35 ft.	10 ft. / N/A	5 ft.	8 ft.	15 ft. ²	26/35 ft.
	Street	3,500 sf.	35 ft.	15 ft. / 20 ft. ³	5 ft.	8 ft.	15 ft.	26/35 ft.
Large Urban	Alley	4,500 sf.	45 ft.	10 ft. / N/A	5 ft.	8 ft.	15 ft. ²	26/35 ft.
	Street	4,500 sf.	45 ft.	15 ft. / 20 ft. ³	5 ft.	8 ft.	15 ft.	26/35 ft.
General	Any	5,500 sf.	50 ft.	15 ft. / 20 ft. ³	5 ft.	15 ft.	15 ft. ²	26/35 ft.
Suburban	Any	7,000 sf.	65 ft.	15 ft. / 20 ft. ³	6 ft.	15 ft.	15 ft. ²	26/35 ft.
Large Suburban	Any	10,800 sf.	80 ft.	15 ft. / 20 ft. ³	6 ft.	15 ft.	15 ft. ²	26/35 ft.
Estate	Any	18,500 sf.	100 ft.	30 ft. / 30 ft. ³	10 ft.	20 ft.	25 ft. ²	26/35 ft.
Large Estate	Any	2.5 ac.	300 ft.	30 ft. / 30 ft. ³	30 ft.	30 ft.	30 ft. ²	26/35 ft.

TABLE NOTES:

¹ Maximum height (and maximum building coverage) may vary based on the zone in which the subject property is located, and whether it is within a complete neighborhood. See Sec. 18.02.302, Residential Land Use by Zone (which for some zones or development types refers to Sec. 18.02.401, Scale Thresholds in DT and Residential Zones).

² Setbacks for alley-loaded garages shall be subject to Sec. 18.04.403, Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies. Garages that are accessed across front or side lot lines are subject to the same setbacks as the principal building.

³ Setback is measured from the property line or the back of the sidewalk, whichever provides a greater setback.

C. Zero Lot Line Home.

1. Zero 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.
2. *Subdivision Layout.* Lots that are designated for lot-line homes must be configured such that the zero setback (the “zero lot line”) is on the same side of the lot for all of the lots on each street face. 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.
3. *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. The window sill 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.
4. *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.
5. *Lot and Building Standards.* The lot and building standards for lot-line homes are set out in Table 18.04.203.B., Lot-Line Home Lot and Building Standards.

Table 18.04.203.B. 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 ²	Building Coverage ²
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.	15 ft.. ¹	26/35 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.	26/35 ft.	35%

TABLE NOTES:
¹ Setbacks for alley-loaded garages shall comply with Section 18.04.403, Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies.
² Maximum height and maximum building coverage may vary based on the zone in which the subject property is located. See Sec. 18.02.302, Residential Land Use by Zone and Sec. 18.02.403, Residential Standards.

18.04.204 Duplexes

- A. **Generally.** There are two types of duplex houses: standard duplexes and over-under duplexes:
1. In the side-by-side 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 shall only be allowed in the rear yard.
- B. **Lot and Building Standards.** Table 18.04.204, Duplex Lot and Building Standards, sets out the lot and building requirements for duplexes.

**Table 18.04.204
Duplex Lot and Building Standards**

Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side Setback ³	Street Side Setback	Rear Setback	Height ⁵	Building Coverage ⁵
Side-by-Side Duplex	Alley	3,000 sf. ¹	30 ft. ¹	10 ft.	5 ft.	10 ft.	15 ft. ⁴	35 ft.	50%
	Street	3,500 sf. ¹	45 ft. ¹	20 ft.	5 ft.	10 ft.	15 ft.	35 ft.	50%
Over-Under Duplex	Alley	5,000 sf. ²	50 ft. ²	10 ft.	5 ft.	10 ft.	15 ft. ⁴	35 ft.	50%
	Street	5,500 sf. ²	55 ft. ²	20 ft.	5 ft.	10 ft.	15 ft.	35 ft.	50%

TABLE NOTES:

¹ Per unit

² Per building

³ For outer building walls (does not apply to common wall)

⁴ Setbacks for alley-loaded garages shall be subject to Section 18.04.403, Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies

⁵ Maximum height and maximum building coverage may vary based on the zone in which the subject property is located. See Sec. 18.02.302, Residential Land Use by Zone and Sec. 18.02.403, Residential Standards.

18.04.205 Townhomes

- A. **Generally.** Townhomes are an attached housing type in which units are attached to each other in groups of three to 12, with common side walls that do not have penetrations, and ground floor exterior access to each unit. See Figure 18.04.205, Illustrative Townhome Building.

**Figure 18.04.205
Illustrative Townhome Building**



- B. **Lot and Building Standards.** Table 18.04.205, Townhome Lot and Building Standards, sets out the lot and building requirements for townhomes.

**Table 18.04.205
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 ¹	Building Coverage ¹
Standard Townhome	Alley or Parking Court	1,360 sf. ³	20 ft.	10 ft.	8 ft.	10 ft. ²	10 ft.	12	35 ft.	85%
	Street	2,000 sf. ³	20 ft.	Principal Buildings: 15 ft. Garage Doors: 20 ft.	8 ft.	10 ft.	10 ft.	12	35 ft.	70%

TABLE NOTES:

¹ Maximum height and maximum building coverage may vary based on the zone in which the subject property is located. See Sec. 18.02.302, Residential Land Use by Zone and Sec. 18.02.403, Residential Standards.

² Setbacks for alley-loaded garages shall be subject to Section 18.04.403, Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies.

³ Per unit.

18.04.206 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. See Figure 18.04.206.A., Illustrative Multiplex Building. 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 that apply to nonresidential and mixed use buildings and not the standards of this Section.
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.
 - a. General multifamily refers to a development that contains two or more multifamily buildings that, together, contain more than 30 dwelling units.
 - b. Infill multifamily refers to a development that contains one or two multifamily buildings that, together, contain 30 or fewer dwelling units.
 - c. Downtown multifamily refers to “urban” multifamily development, with any number of dwelling units. This type is different from general multifamily and infill multifamily in that it is constructed next to the street right-of-way, it is generally more dense, and dwelling units that are located on upper floors are accessed from inside the building.

Figure 18.04.206.A.
Illustrative Multiplex Building



B. **Lot and Building Standards.** Table 18.04.206, Multiplex and Multifamily Lot and Building Standards, sets out the lot and building requirements for multiplex and multifamily.

Table 18.04.206 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 ³	Building Coverage ³
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. ¹	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.	15 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. ¹	not limited ²	(by zoning)	35%
	Street	10,000 sf.	100 ft.	25 ft.	6 ft.	15 ft.	15 ft.	not limited ²	(by zoning)	35%
Infill Multifamily	Alley or Parking Court	10,000 sf. ⁴	70 ft.	10 ft.	5 ft. ⁵	8 ft.	0 ft. ¹	not limited	2 stories	40%
	Street	10,000 sf. ⁴	70 ft.	25 ft.	5 ft. ⁵	15 ft.	15 ft.	not limited	2 stories	40%
Downtown Multifamily	See Division 18.04.06, Downtown Design Standards									

TABLE NOTES:

¹ May be increased as provided in Section 18.04.403, Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies.

² 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.

³ Maximum height and maximum building coverage may vary based on the underlying zoning district or applicable overlay district in which the property is located (if the district or overlay district limits height), based on limited, adaptable, or conditional use standards, or based on whether the development is located in a complete neighborhood.

⁴ The maximum lot area for this housing type is 65,000 sf.

18.04.207 Manufactured Homes and Micro Homes in Manufactured Home Parks and Manufactured Home Subdivisions

A. Generally.

1. Manufactured homes are a special type of single-family detached dwelling unit, in that they are constructed in factories according to federal standards, and are designed to be moved. See Figure 18.04.207.A., Illustrative Manufactured Homes. There are three types of manufactured homes:
 - a. Single-wide (transported in one section);
 - b. Double-wide (transported in two sections); and
 - c. Triple-wide (transported in three or more sections).

**Figure 18.04.207.A.
Illustrative Manufactured Homes**



2. Micro homes are detached, building code compliant dwelling units with a floor area of 500 sf. or less.

B. Lot and Building Standards.

1. The lot and building standards for manufactured and micro homes are set out in Table 18.04.207, Manufactured Home Lot and Building Standards. The standards of this section apply to micro homes and 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 or micro 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 18.04.207
Manufactured Home and Micro 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
Micro Homes									
Micro Homes	side of unit	1,650 sf.	30 ft.	15 ft.	5 ft.	10 ft.	10 ft.	1.5 stories	N/A
	front of unit	1,500 sf.	25 ft.	20 ft.	5 ft.	10 ft.	10 ft.	1.5 stories	N/A
	off-lot	1,100	20 ft.	15 ft.	5 ft.	10 ft.	10 ft.	1.5	N/A

	(centralized)	sf.						stories	
Manufactured Homes									
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%

18.04.208 Clustered Housing Types

- A. **Generally.** Clustered housing types are small homes that are arranged in clusters with common parking areas, common open spaces, and in some cases, a common building that includes amenities such as a shared kitchen, conference room, game room, or up to two guest rooms. There are three clustered housing building types:
1. *Micro Homes.* Micro homes are detached, building code compliant dwelling units with a floor area of 500 sf. or less.
 2. *Cottages.* Cottages are detached dwelling units with a floor area that is more than 500 sf., but not more than 800 sf.
 3. *Cluster Duplexes.* Cluster duplexes are duplex buildings in which individual dwelling units have a floor area that is 600 sf. or less.
- B. **Housing Type Equivalencies.** The clustered housing types may be mixed within a single cluster. For the purposes of the application of density standards and the minimum and maximum number of dwelling units in Table 18.04.208, Clustered Housing Types Site and Building Standards:
1. A cottage is counted as one dwelling unit,
 2. A cluster duplex building is counted as two dwelling units, and
 3. A micro unit is counted as one-half of a dwelling unit.
- For example, for the purposes of compliance with this Section, a cluster than includes two duplex buildings, four cottages, and four tiny homes would be counted as including 10 dwelling units $((2 \times 2) + (4 \times 1) + (4 \times 0.5))$.
- C. **Site and Building Standards.** The site and building standards for clustered housing types are set out in Table 18.04.208, Clustered Housing Types Site and Building Standards. Standards apply to the subject property upon which the cluster will be developed. Standards for individual lots in a cluster (if the cluster is divided into lots) are not specified.

Table 18.04.208 Clustered Housing Types Site and Building Standards		
Standard	Location of Housing Cluster	
	Complete Neighborhood	All Other Locations ¹
Cluster Size		
Min. Number of Dwelling Units ²	4	2
Max. Number of Dwelling Units ²	14	12
Land Area and Open Space for Each Cluster		
Min. Cluster Width	75 ft.	75 ft.
Min. Open Space Ratio	35%	35%
Setbacks from Perimeter of Cluster Boundaries		
Street (public or private) or Other Property Line	15 ft.	15 ft.
Parking Setbacks from Perimeter of Cluster Boundaries³		
Street (public or private)	15 ft.	15 ft.
All Other	5 ft.	5 ft.
Building Height and Spacing within Each Cluster		
Max. Building Height (Dwelling Units)	1.5 stories	1.5 stories
Max. Building Height (Common Building)	26 ft.	26 ft.
Min. Spacing Between Buildings	10 ft.	10 ft.
Min. Front Setback (to common area)	5 ft.	5 ft.
Min. Rear Setback ⁴	10 ft.	10 ft.
TABLE NOTES: ¹ Except manufactured home parks. For manufactured home parks and manufactured home subdivisions, see Sec. 18.04.207, Manufactured Homes and Micro Homes in Manufactured Home Parks and Manufactured Home Subdivisions ² See subsection B., above. ³ Measured to parking aisle or spaces in a shared parking area; does not include driveways that provide access from the parking area to the street. ⁴ Setbacks for alley-loaded garages or carports shall be subject to Section 18.04.403, Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies .		

Division 18.04.03 Nonresidential and Mixed-Use Bulk Standards

18.04.301 Nonresidential and Mixed-Use Lot and Building Standards

- A. **Generally.** The standards of this Section apply to nonresidential or mixed-use development, except within Neighborhood Activity Centers in Complete Neighborhoods, which are subject to the standards of Section 18.06.405, [Neighborhood Activity Centers](#).
- B. **Lot Area and Lot Width.**
- The minimum lot area and minimum lot width for nonresidential and mixed-use lots is set out in Table 18.04.301.A., [Standards for New Nonresidential and Mixed-Use Lots](#).

Table 18.04.301.A. Standards for New Nonresidential and Mixed-Use Lots		
Zone	Minimum Lot Area	Minimum Lot Width
ER	18,500 sf.	100 ft.
R1e	6,000 sf.	65 ft.
R1	7,000 sf.	65 ft.
R2	8,000 sf.	65 ft.

**Table 18.04.301.A.
Standards for New Nonresidential and Mixed-Use Lots**

Zone	Minimum Lot Area	Minimum Lot Width
R3e	6,000 sf.	50 ft.
R3	7,000 sf.	65 ft.
DT	See Division 18.04.06, Downtown Design Standards	
B	1/2 acre	100 ft.
MAC	1/2 acre	100 ft.
E	1/2 acre	100 ft.
I	1 acre	100 ft.
PP	N/A	N/A
DR	N/A	N/A

2. The Director may require additional lot area and lot width:
 - a. To provide for safe ingress or egress;
 - b. To implement access management plans or Colorado Department of Transportation (“CDOT”) access management requirements;
 - c. To ensure that adequate area is available on the lot for the proposed development;
 - d. If required by Division 18.02.04, Use Standards.
3. The Director may allow reduction in lot area and lot width:
 - a. If the affected lots are part of a nonresidential or mixed-use development that:
 1. In the aggregate, meets the minimum lot area and minimum lot width requirements of Table 18.04.301, Standards for New Nonresidential and Mixed Use Lots; and
 2. Utilizes shared access to limit curb cuts to the number that would be allowed for a single parcel; or
 - b. To allow existing uses to be platted on separate lots; or
 - c. In order to provide locations for essential services.

C. Setbacks and Height.

1. The standards for setbacks and building height for nonresidential and mixed-use buildings in each zone are set out in Table 18.04.301.B., Nonresidential and Mixed-Use Lot and Building Standards.
2. The standards set out Division 18.06.09, Standards for the Enhanced Corridor Overlay Zone, and Division 18.02.04, Use Standards, supersede the standards of this Section where such standards are in direct conflict.

**Table 18.04.301.B.
Nonresidential and Mixed-Use Setback and Building Standards²**

Zone	Min. Building Setbacks (Principal / Accessory) ¹				Max. Height	
	Front	Interior Side	Street Side	Rear	Principal Buildings	Accessory Buildings
ER	30 ft.	20 ft.	20 ft.	25 ft.	35 ft.	20 ft.
R1e	20 ft.	25 ft.	15 ft.	15 ft.	26/35 ft. ⁷	20 ft.
R1	20 ft.	25 ft.	15 ft.	15 ft.	26/35 ft. ⁷	20 ft.
R2	20 ft.	25 ft.	15 ft.	15 ft.	26/35 ft. ⁷	20 ft.
R3e	15 ft. ³	5 ft.	15 ft.	15 ft.	26/35 ft. ⁷	20 ft.
R3	15 ft.	5 ft.	15 ft.	15 ft.	26/35 ft. ⁷	20 ft.
DT	See Division 18.04.06, Downtown Design Standards					

B	25 ft.	0 ft. ²	25 ft.	25 ft. / 15 ft. ⁴	40 ft.	40 ft.
MAC	80 ft. / 35 ft. / 25 ft. ⁵	width of buffer, if required	80 ft. / 35 ft. / 25 ft. ⁵	width of buffer, if required	120 ft. / 50 ft. ⁶	50 ft.
E	80 ft. / 35 ft. / 25 ft. ⁵	width of buffer, if required	80 ft. / 35 ft. / 25 ft. ⁵	width of buffer, if required	120 ft. / 50 ft. ⁶	50 ft.
I	25 ft.	0 ft. ²	25 ft.	0 ft. ²	50 ft.	40 ft.
PP	10 ft.	10 ft.	10 ft.	10 ft.	40 ft.	40 ft.
DR	30 ft.	30 ft.	30 ft.	30 ft.	0 ft.	40 ft.

TABLE NOTES:

¹ Certain limitations apply to accessory buildings. See Section 18.04.701, Accessory Buildings.

² Setbacks may vary depending on compliance with bufferyards and building and fire codes.

³ Within the North Cleveland Sub-Area, as defined in Section 18.06.801, Operational Standards, +/- 3 ft. from average setback on block face.

⁴ The first distance is from rear lot lines where no alley adjoins the rear lot line; the second distance is from rear lot lines where an alley adjoins the rear lot line.

⁵ The first distance is in relation to I-25; the second distance is in relation to arterial streets; the third distance is in relation to non-arterial streets.

⁶ The first height is for office, research, commercial lodging, or vertically mixed-use buildings that include residential uses; the second height is for all other land uses

⁷ See Section 18.02.402, Scale Thresholds in DT and Residential Zones.

Division 18.04.04 Exceptions and Adjustments to Bulk Standards

18.04.401 Supplementary Building Height Standards

- A. **Generally.** Building height is subject to the applicable standards of this Section.
- B. **Height Limitation within 50 feet of Residential Uses.** Any nonresidential building, vertically mixed-use building, or multifamily building, or portion thereof, that is located closer than 50 feet from the property boundary of a residential use (excluding multifamily), shall be limited to the maximum height allowed for the residential use. This standard shall not apply within the DT Zone or the Enhanced Corridor Overlay Zone.
- C. **Dwelling Units.** All dwelling units shall be constructed with at least 50 percent of the roof surface higher than seven feet from grade.
- D. **No Interference with Avigation.** It is unlawful to construct, build, install, or establish any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenance thereto that may constitute a hazard or obstruction to the safe navigation, landing, or take-off of aircraft at a publicly used airport.

18.04.402 Setback Encroachments

- A. **Generally.** Certain encroachments into required setbacks are allowed, pursuant to the standards of this Section.
- B. **Exceptions to Setback Requirements.** The following architectural elements and structures are not subject to the setback requirements of this UDC.
 - 1. Fences and walls including trellises and arbors that meet the requirements of Section 18.04.705, Fences, Garden Walls, and Hedges.
 - 2. Retaining walls that meet the requirements of Section 18.04.711, Retaining Walls.
- C. **Allowed Encroachments.** Architectural elements and structures may encroach into required setback areas as provided in Table 18.04.402, Setback Reductions for Building Elements, Equipment, and Structures. Encroachments into drainage easements shall be subject to approval by the City's Stormwater Engineer.

Table 18.04.402
Setback Encroachments for Building Elements, Equipment, and Structures

Architectural Elements and Structures	Setback Areas In Which Encroachments Are Allowed				Amount of Encroachment Allowed (Measured From Setback Line Towards Property Line)
	Front	Interior Side	Street Side	Rear	
Air conditioning units	No	Yes	Yes	Yes	3 ft.
Awnings and canopies without supports that extend to ground	Yes	Yes	Yes	Yes	3 ft.
Balconies	No	No	Yes	Yes	1.5 ft.
Chimneys and fireplace inserts	Yes	Yes	Yes	Yes	2 ft.
At grade decks, porches, or patios which are not covered	No	No	Yes	Yes	Any distance ²
One-story bay windows	Yes	No	Yes	Yes	3 ft.
Overhanging eaves and gutters	Yes	Yes	Yes	Yes	3 ft.
Parking shelters for multifamily uses, detached from the principal building and open on all sides ³	No ¹	No	No	Yes	25% of the required setback
Parking shelters for single family detached, duplexes, and townhomes detached from the principal building and open on all sides	No ¹	No	No	Yes	Any distance ²
Window wells	Yes	Yes	Yes	Yes	3 ft.
Cantilevered walls up to 50 percent of the elevation length	Yes	No	Yes	Yes	2 ft.
Stairways which are necessary for access to a permitted building or for access to property; fire escapes	No	No	Yes	Yes	6 ft. ⁴
TABLE NOTES: ¹ Shelter shall not extend in front of the front wall plane of the principal dwelling. ² The rear setback shall not be less than five feet and the street side set back not less than eight feet. These setback encroachments shall not apply in the ER Zone. ³ This standard does not apply to lots that are developed with single-family detached dwelling units, but does apply to parking shelters in shared parking areas of clustered housing arrangements. ⁴ The City Engineer may approve a revocable right-of-way encroachment permit for a fire escape if necessary for a safe design.					

D. Limitations.

1. No building, building element, or structure shall encroach:
 - a. Into separately owned property, unless a recorded document provides for access to and maintenance of the projection;
 - b. Into public property or rights-of-way, unless a revocable encroachment permit is issued by the City Engineer;
 - c. Into a ditch easement, unless the ditch company or irrigation district consents to the encroachment in writing;
 - d. Into access easements;
 - e. Into conservation easements, unless the encroachment is consistent with the terms of the easement; or
 - f. Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility or the City to efficiently remove the encroachment at the property owner's expense.
2. The encroachments that are allowed by this Section shall not be allowed if the result would be encroachment into a required bufferyard, unless the Director approves the encroachment pursuant to Section 18.08.307, Variations from Bufferyard Standards.

18.04.403 Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies

- A. **Generally.** This Section provides standards for adjusting setbacks near certain infrastructure and natural features.
- B. **Alleys.**
1. *Increased Setback.* Where this Code specifies a zero setback along an alley, the City Engineer may establish a greater setback for a subject property if the City Engineer determines that such setback is required in order to provide safe passage along the alley for passenger vehicles and service trucks (e.g., trash removal, utility trucks, etc.), adequate access for the maintenance of existing utility lines, safe movement between the alley and an intersecting street, or safe and adequate maneuvering areas from the alley to adjoining lots.
 2. *Garage Access.* No garage door that faces an alley shall be located in the area that is between five feet from the edge of pavement of the alley and the area that is 20 feet from the edge of pavement of the alley.
- C. **Trail or Access Easements.** Outside of the DT zone and outside of Neighborhood Activity Centers within Complete Neighborhoods, buildings shall be set back 15 feet from public trail or access easements (except shared driveways) or 20 feet from the edge of the trail or access easement, whichever provides for a greater setback. Within the DT zone and Neighborhood Activity Centers within Complete Neighborhoods, no setback is required unless the City Engineer determines that a setback is necessary to provide for maintenance of the trail, or the Parks and Recreation Director determines that the building placement will create detrimental shading on the trail.
- D. **Ditches.**
1. *Ditch Boundaries.* Notwithstanding the described width of a ditch in a recorded ditch easement or ditch right-of-way owned in fee simple by a ditch company, the ditch company may have rights to an easement or right-of-way that are larger in width, either under the rules of adverse possession, prescription, or irrevocable license, or other applicable state or federal law. The City does not adjudicate rights that are not recorded, but in the event of a good faith dispute, the County may withhold approvals until the shared boundaries are agreed to or adjudicated.
 2. *Required Setbacks.* For the purposes of evaluating building and structure setbacks, the boundaries of a ditch easement or ditch right-of-way that is owned in fee simple by a ditch company shall be considered property lines.
 - a. Drainage features, such as detention ponds, swales, and underdrains, shall be set back a sufficient distance from irrigation ditches to ensure that they will not affect the hydrology of the ditch.
 - b. Buildings and structures shall be set back a sufficient distance from the ditch bank to ensure that maintenance access is not impeded.
- E. **Natural Water Courses and Waterbodies.** Buildings and structures (except fences and water-dependent structures) shall be set back from the ordinary high water mark of natural water courses and waterbodies, the greater of:
1. 25 feet; or
 2. The distance required to ensure that the development is outside of the boundary of the FP overlay zone; or
 3. The distance necessary to meet the requirements of Section 18.09.602, [Environmentally-Sensitive Areas](#).
- F. **Sidewalks.** Garage doors that face sidewalks shall be setback a minimum of 20 feet from the closest edge of that sidewalk.

Division 18.04.05 Building Design Standards

18.04.501 Application of Division

- A. **Generally.** The standards that are set out in this Division apply as set out in this Section.
- B. **New Construction.** The standards of this Division shall apply to new construction of buildings of the types that are addressed in this Division, unless the subject property is located within a PUD, MAC, or E zone in which building design standards are established by approved development plans. Where an approved development plan does not contain design standards, the provisions in this Division shall apply.

- C. **Expansions of Existing Buildings.** The standards of this Division apply to expansions of existing buildings as follows:
1. The standards shall apply to expansions of existing buildings after an “Application Threshold” is crossed, as follows:
 - a. The floor area of the existing building as of the effective date of this UDC is the “Base Floor Area.”
 - b. Expansions of the Base Floor Area are exempt from this Division provided that, cumulatively, they do not increase the Base Floor Area by more than 25 percent (25 percent is the “Application Threshold”).
 - c. When the Application Threshold is crossed, all applications for expansions of the existing building must meet the standards of this Division. See Figure 18.04.501, Illustrative Application.

Figure 18.04.501
Illustrative Application

1. Building A had 10,000 square feet of floor area at the time this UDC was adopted. As such:
 - a. The Base Floor Area is 10,000 square feet, and
 - b. The Application Threshold (25 percent of the Base Floor Area) is 2,500 square feet.
 2. Two years after the UDC was adopted, the owner of Building A obtains a permit to add 1,500 square feet of floor area.
 - a. 1,500 square feet is less than the Application Threshold, so this Division does not apply.
 3. Five years after the UDC was adopted, the owner of Building A seeks another permit to add 1,500 square feet of floor area.
 - a. Since 1,500 square feet had already been added, the new application, if approved, would result in 3,000 square feet of cumulative expansion.
 - b. The application thus crosses the Application Threshold (2,500 square feet), and is therefore subject to the standards of this Division.
2. It is intended that a building expansion that is subject to these standards be reasonably integrated with the existing building or site condition in a manner that is consistent with the applicable standards of this Division.
 3. The standards of this Division shall not be construed to necessitate improvements to existing buildings or site conditions beyond those necessary to integrate the proposed improvement with existing conditions in a manner that is consistent with these standards.

- D. **Exemption for Historic Buildings.** The standards of this Division shall not apply to designated historic buildings or structures that are proposed to be altered or restored in compliance with a building alteration certificate authorized pursuant to Chapter 15.56, Loveland Municipal Code.

18.04.502 Residential Buildings with Four or Fewer Dwelling Units

- A. **Generally.** These standards are intended to minimize the extent to which overhead garage doors dominate residential streetscapes, and to add visual variety in building design. The standards in this Division apply to public and private streets.
- B. **Building Entrances.** All buildings shall be designed such that a primary entrance and windows face a street . On double-frontage lots, the primary entrance must face the street from which the property takes access.
- C. **Garage Doors.**
1. *Recessed Design.*
 - a. On at least 75 percent of the dwelling units on a block face, garage doors that face the street shall be recessed a minimum of four feet behind either the living portion of the house or from the front of a covered porch measuring at least six feet in depth by eight feet in length.
 - b. No more than 25 percent of the dwelling units on a block face shall have garage doors that face the street that do not meet the provision in subsection C.1.a., above.

- c. No two homes with garage doors facing the street that do not meet the standards in subsection C.1.a., above, shall be constructed on lots that share a side property line.
- d. For buildings with garages that are designed to accommodate three or more cars, the third or fourth car garage door opening shall be recessed a minimum of three feet from the vertical plane of the two-car garage door opening, or shall not have the same orientation as the first two garage doors.

2. *Visual Mitigation.*

- a. Garages that extend not more than 10 feet in front of the living portion of the house shall incorporate at least one of the following mitigation measures:
 - 1. A defined outdoor space such as a patio or courtyard surrounded by a masonry wall or fence no more than 42 inches in height that is designed to include the entire front yard space between the front facade of the living portion of the house and the front facade of the garage, developed to extend outward to be at least flush with the garage door opening. As an alternative to the masonry wall or fence, the outdoor space may contain a permanent covered feature such as a pergola, veranda, or patio cover that integrates with the colors, materials and design of the house and is located flush with the garage door opening; or
 - 2. A second story living area shall be constructed directly above the garage that contains architectural details and features such as dormers, windows, brackets, and roof variations, that integrate the garage into the front façade and covers a minimum of 50-percent of that portion of the garage in front of the front facade of the living unit. As an alternative for one-car garages, a second story porch that covers five feet of the 10-foot extension may substitute for a second story living area.
- b. Garages that extend more than 10 feet in front of the living portion of the house shall have garage doors located perpendicular to the street.

3. *Perpendicular Orientation.* Garages that are adjacent to the street but that have side-facing garage doors (perpendicular to the street) shall be clad with the same predominant materials, architectural detail, and windows that mimic the features of the living portion of the dwelling on the side of the garage facing the street.

4. The following additional standards apply to garage doors that face streets:

- a. Garage door openings on homes that are constructed on lots greater than 50 feet in lot width shall not comprise more than 50 percent of the street-facing building facade, except that garages that are designed to accommodate three or more cars may comprise up to 60 percent of the street-facing building facade.
- b. Garage door openings on homes on lots of less than 50 feet in width shall be handled on a case-by-case with design review. Architectural treatments and design elements shall be used to soften the effects of the garage door openings such as the following:
 - 1. The overhead garage door shall be recessed beneath a second story deck, pergola, or veranda measuring at least six feet in depth and matching the street-facing building facade in width; or
 - 2. A second story living element is incorporated above the garage.

5. *Alley Exemption.* Overhead doors facing alleys are exempt from the provisions in this subsection C.

6. *Alternative Treatments.* Alternative overhead garage door treatments may be approved by the Director if:

- a. The configuration of the lot or other existing physical constraints make the application of the standards of this subsection C. impractical; or
- b. The proposed design substantially meets the intent of this subsection to line streets with active living spaces, create pedestrian-oriented streetscapes, and provide variety and visual interest in the exterior design of residential buildings.

D. **Roof Design.** The maximum length of a continuous street facing roof ridge is 40 feet, unless the roof is punctuated by dormers or intersections with perpendicular roof systems.

- E. **Housing Model Variety.** Single family detached, duplex, or multiplex building developments that contain more than 10 dwelling units shall comply with the following standards:
1. *Distinguishing Features.* Each housing model shall have at least three characteristics which clearly and obviously distinguish it from the other housing models, which characteristics may include, without limitation, differences in exterior materials, changes in roof lines, garage placement, placement of the footprint on the lot, and / or building fenestration.
 2. *Differentiation of Models.* Any development of 100 or more housing units shall have at least four different types of housing models. Any development containing fewer than 100 housing units shall have at least three different types of housing models. The applicant shall include documentation on how the development will comply with this requirement with the submittal of their housing palette.
- F. **Architectural Diversity Standard.** The standards of this subsection apply to each new development that contains 20 or more single-family detached, duplex, or multiplex dwelling units (not including clustered housing types). The standards are applied to “proximate lots,” which are lots that adjoin or share side property lines, or lots that, although separated by a street, face each other such that the extension of side lot lines across the street creates an overlap along the front lot line of more than 30 percent.
1. *General Standards.* No two buildings of similar front elevation shall be constructed or located on more than three proximate lots. Front elevations shall be deemed to be similar if there is no substantial difference in the:
 - a. Roof lines (see subsection F.2., below);
 - b. Fenestration (see subsection F.3., below); and
 - c. Color or type of cladding materials (see subsection F.4., below).
 2. *Roof Lines.* For the purpose of this subsection F., the following differences in roof lines that are visible on the front building elevation are sufficient to meet the requirements of subsection F.1.a., above:
 - a. Changing gable roofs to hip roofs or vice-versa;
 - b. Providing an intersecting roof ridge or dormer on the main roof, provided that the height of the intersecting roof or dormer is at least 50 percent of the height of the main roof;
 - c. Rotating gable roof systems 90 degrees; or
 - d. Other comparable changes that are approved by the Director.
 3. *Fenestration.* For the purpose of this subsection F., the following differences in the size, location, or type of windows that are visible on the front building elevation are sufficient to meet the requirements of subsection F.1.b., above:
 - a. Changing from single windows to a multiple window arrangement or vice-versa;
 - b. Changing the types of windows (*e.g.*, casement to double hung); or
 - c. In the event that because of its size, location or design, one window is the predominant window on the front building elevation, if the size, location, or type of that window is changed, then no other window need be changed.
 4. *Cladding and Color.* For the purpose of this subsection F., the following differences in the size, location, or type of windows that are visible on the front building elevation are sufficient to meet the requirements of subsection F.1.c., above:
 - a. Changes in cladding materials throughout the facade or elevation for a minimum of one story in height.
 - b. Changes in color (rather than merely shade).

18.04.503 Residential Buildings with More than Four Dwelling Units

- A. **Generally.** The standards of this Section apply to all residential buildings that contain more than four dwelling units (including multiplex, multifamily (all types), and townhomes), except those that are located in the DT Zone.
- B. **Horizontal Articulation.**

1. Buildings that are three or more stories in height shall include elements that provide meaningful horizontal articulation on building elevations facing public streets, street-like private drives, or open space, including at least one change in cladding materials (e.g., from brick to siding, or from stone to stucco), and any combination of two or more of the following:
 - a. Awnings that are aligned on a horizontal plane;
 - b. Balconies;
 - c. Belt courses, score lines, or other relief, combined with a change in color; or
 - d. Stepbacks or cantilevered projections from the building wall.
 2. Townhomes shall include elements that differentiate the townhome units from each other. Such elements may include:
 - a. Offsetting wall planes on the front building elevation at common walls, or at other locations on the front building elevation that highlight the differentiation among the individual dwelling units;
 - b. Changes in cladding materials and color from dwelling unit to dwelling unit; or
 - c. Changes in roofline or parapet height from dwelling unit to dwelling unit.
- C. **Offsets and Variation of Wall Planes.** Building elevations that are 60 feet or longer (except townhome elevations that comply with subsection B., above) shall include offsets according to the standards of this Subsection.
1. *Maximum Distance Between Offsets.* 50 feet
 2. *Minimum Offset Distance (measured perpendicularly to the wall plane from which the offset is taken).*
 - a. Two feet; or
 - b. Partially recessed balconies that meet the requirements of this subsection C. may be used to meet the offset requirement, if the balcony extends at least two feet from the building wall plane and the total depth of the balcony is at least six feet.
 3. *Minimum Width of Offset.* 10 feet
 4. *Minimum Height of Offset.* The minimum vertical distance of each offset shall be as follows (the vertical distance may be interrupted for elements such as a recessed portion of a balcony):
 - a. One-story buildings: 90 percent of the height of the wall that establishes the plane from which the offset is taken.
 - b. Two or more story buildings: 70 percent of the height of the wall that establishes the plane from which the offset is taken.
 5. *Materials.* Offsets shall be incorporated into the architecture and materials of the principal building (e.g., wood decking with wood post supports that are mounted on a ledgerboard on a continuous wall plane is not sufficient to achieve the offset required by this Subsection).

18.04.504 General Building Design Standards

- A. **Generally.** The standards of this Section are intended to promote high-quality buildings. Accordingly, the City may require prototypical or franchise architecture to be modified to meet these standards. Such changes may include, but are not limited to, modifications to roofs, windows, doors, building mass, materials, building colors, and placement of architectural features and details. Franchise architectural styles found to meet the standards of this Section and other applicable standards of this UDC will not require modification.
- B. **Applicability.** The standards of this section shall apply to all buildings, including buildings in commercially-designated areas of a PUD and buildings that are subject to [Division 18.11.05, Other Physical Nonconformities](#), except that the standards in this Section shall not apply to:
 1. Buildings in the DT Zone;
 2. The uses in [Table 18.02.302, Residential Land Use by Zone](#);

3. The uses in Table 18.02.307, Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zone, except as set forth in subsection C., below;
 4. The uses in Table 18.02.309, Utility and Wireless Telecommunications Land Use by Zone, except the standards in this section shall apply to Data Center uses;
 5. The uses in Table 18.02.310, Agricultural Land Use by Zone; and
 6. The following uses in Table 18.02.303, Special Residential Land Use by Zone:
 - a. Rooming House (small);
 - b. Rooming House (large);
 - c. Group Home; and
 - d. Shelter for Victims of Domestic Violence.
 7. The following uses in Table 18.02.304, Hospitality, Recreation, and Entertainment Land Use by Zone:
 - a. Bed and Breakfast;
 - b. Campground;
 - c. Parks (passive); and
 - d. RV Park.
- C. **Limited Application to Industrial Buildings in I Zone and PUD Zones.** The standards of this Section do not apply to buildings that are located in the I Zone, except as follows:
1. For such buildings in the I zone, the exterior portions of the building that enclose the non-industrial space shall comply with the this section.
 2. These standards shall apply to the buildings in the I Zone that are located on sites that are adjacent to an arterial street, if at least 50 percent of the building's gross floor area is put to a use other than a use listed in Table 18.02.307, Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zone, counting any outdoor area used for retail displays as an area put to non-industrial use.
 3. When these standards are applied to buildings that contain industrial and non-industrial uses, only the area of the building that encloses non-industrial uses is required to comply with this section.
- D. **Discretionary Waiver of Commercial Building Design Standards.**
1. The Director may waive the application of the standards set forth in this Section as applied to side or rear building walls in cases where the visibility of the walls is obstructed from adjacent properties or streets by any combination of landscaping, buffering, topography, distance, or decorative screening walls or earthen berms, provided that such screening is at least 60 percent opaque to a height of six feet upon installation, and at least 80 percent opaque to a height of six feet within five years after planting.
 2. If living materials are used to meet the standards of subsection D.1., above, said landscaping shall consist of primarily evergreen plant material to provide year-round screening. The required landscaping shall be maintained in healthy condition by the property owner. In the event any required landscaping material dies or is destroyed, it shall be replaced by the owner within six months. Replacement material shall conform to the original intent of the landscape plan.
- E. **Design Continuity in Multi-Building Developments.** Developments with multiple buildings shall include predominant characteristics in each building so that the buildings within the development appear to be part of a cohesive, planned area, yet are not monotonous in design. Predominant characteristics may include use of the same, similar, or complimentary architectural style, materials, and colors.
- F. **Primary Building Entrances.** Primary public entrances shall be clearly defined and recessed and projected or framed by elements such as awnings, arcades, porticos, or other comparable architectural features.
- G. **Building Colors.**
1. Colors shall be used to blend buildings into their context, and to unify different elements of a development. Color should compliment the surrounding area and, if in a new development area, shall be selected to establish an attractive image and set a standard of quality for future developments and buildings within the area.

2. Buildings that are larger than 10,000 square feet shall be finished with more than one color on all elevations that are visible from public streets.
3. Accent colors that are used to call attention to a particular feature or portion of a building, or to form a particular pattern, shall be compatible with the predominant building base colors. Accent colors shall cover no more than five percent of a street-facing building elevation.

H. Design Integration.

1. Building design shall contribute to the special or unique characteristics of an area and/or development through building massing and scale, building materials, architectural elements, and color palette.
2. Design integration shall be achieved through any combination of techniques, such as the repetition of roof lines, the use of comparable proportions in building mass and outdoor spaces, comparable relationships to the street, comparable window and door patterns on street-facing facades, or the use of building materials that have color shades and textures that are comparable to or complimentary to those existing on, or in the immediate area of, the subject property.
3. Where there is no established or consistent neighborhood or area character or unifying theme, or where it is not desirable to reinforce the existing character because it does not reflect a design theme that is consistent with the architectural standards as described in this Division, the proposed development shall be designed to establish an attractive image and set a standard of quality for future development.

I. Building Design. All buildings shall be designed and maintained using the following building elements, with a minimum of one item each selected from four of the five groups below:

1. *Group 1 – Exterior Wall Articulation.*
 - a. Openings or elements simulating openings that occupy at least 20 percent of the wall surface area (excluding overhead or loading dock doors); or
 - b. Building bays created by columns, ribs, pilasters or piers or an equivalent element that divides a wall into smaller proportions or segments with elements being at least one foot in width, a minimum depth of eight inches, and spaced at intervals of no more than 25 percent of the exterior building walls. For buildings over 20,000 sf. in gross floor area, such elements shall be at least 18 inches in width, with a minimum depth of 12 inches, and spaced at intervals of no more than 20 percent of the width of the exterior building walls; or
 - c. A recognizable base treatment of the wall consisting of thicker walls, ledges, or sills using integrally textured and colored materials such as stone, masonry, or a decorative concrete; or
 - d. Some other architectural feature that breaks up the exterior horizontal and vertical mass of the wall in a manner equivalent to subsections I.1.a., b., or c., above.
2. *Group 2 – Roof Articulation.*
 - a. Changes in roof lines, including the use of stepped cornice parapets, a combination of flat and sloped roofs, or pitched roofs with at least two roof line elevation changes; or
 - b. Some other architectural feature or treatment that breaks up the exterior horizontal and vertical mass of the roof in a manner equivalent to subsection I.2.a., above.
3. *Group 3 – Building Openings, Walkways and Entrances.*
 - a. Canopies or awnings over at least 30 percent of the openings of the building; or
 - b. Covered walkways, porticos, or arcades covering at least 30 percent of the horizontal length of the primary street-facing building elevation; or
 - c. Raised cornice parapets over entries; or
 - d. Some other architectural feature or treatment that adds definition to the building openings, walkways or entrances in a manner equivalent to subsection I.3.a., b., or c., above.
4. *Group 4 – Cladding Materials.*

- a. At least two kinds of materials distinctively different in texture or masonry pattern, at least one of which is decorative block, brick or stone, with each of the required materials covering at least 25 percent of the exterior walls (excluding the areas of windows, doors, and overhead doors) of the building; or
 - b. Brick or stone (including synthetic stone) covering at least 50 percent of the exterior walls (excluding the areas of windows, doors, and overhead doors) of the building.
5. *Group 5 – Other Architectural Definition.*
- a. Overhanging eaves extending at least 24 inches past the supporting walls, or with flat roofs, cornice parapets or capstone finish; or
 - b. Ornamental lighting fixtures (excluding neon) for all exterior building lighting; or
 - c. Other features that add architectural definition to the building, in a manner equivalent to subsection I.5.a., or b., above.
- J. **Articulation of Walls.** No horizontal width of building wall shall run for more than 100 feet without a wall plane projection or recess having a depth of at least four percent of the length of the building elevation, extending for a distance that is not less than 20 percent of the width of the building elevation.
- K. **Loading Docks and Trash or Recycling Storage and Pickup Areas.**
1. No loading dock or trash or recycling storage and pickup area shall be located on the principal street-facing facade of the building.
 2. Any loading dock or trash or recycling storage and pickup area that is located on the side or rear wall of the building shall be screened in accordance with the requirements of Section 18.05.406, *Loading Design*.
 3. If the subject property has multiple street frontages, loading docks and trash or recycling pickup areas shall be located in the least obtrusive manner, with preference for sides of the building that do not face streets or surface parking lots (except employee-only parking lots), then for sides that are set back more than 150 feet, and if such location is not practicable, the frontage with the least public visibility.
- L. **Multi-Building Developments.** Developments with multiple buildings shall integrate architectural characteristics into each building, that, taken together in the aggregate, make the development appear to be a cohesive, planned area that is not monotonous in design. Such architectural characteristics may include use of the same, similar, or complimentary architectural styles, materials, or colors.
- M. **Exterior Building Illumination.**
1. The following are not allowed:
 - a. Illumination that highlights the entire width of a building elevation, or a significant portion of a building elevation; and
 - b. Back-lit translucent awnings.
 2. This subsection is not intended to preclude the use of lighting (including neon lighting) to accent limited portions of a building elevation.
- N. **Metal Cladding and Finishes.**
1. Metal wall panels with exposed fasteners (e.g., wall panels commonly referred to as “R-Panel,” “U-Panel,” “Corrugated Panel,” “7.2 Panel,” and other comparable panel systems), and metal wall panels with hidden fasteners that have a corrugated appearance that resembles the typical exposed fastener panels described above, combined, shall not be used as cladding on any building wall.
 2. Standing seam metal panels may be used for cladding on not more than 25 percent of any building wall (exclusive of windows, doors, and overhead doors), provided that they integrate into the architectural style and color of the building.
 3. Insulated architectural metal wall panels with hidden fasteners are allowed without limitation, provided that they do not have a corrugated appearance that resembles the typical exposed fastener panels described in subsection P.1., above.

4. The Director may permit other metal cladding or finishes, such as bronze, brass, copper, or wrought iron, if a determination is made that such materials are equal or superior to the primary building materials.

18.04.505 Building Design Standards in the I Zone

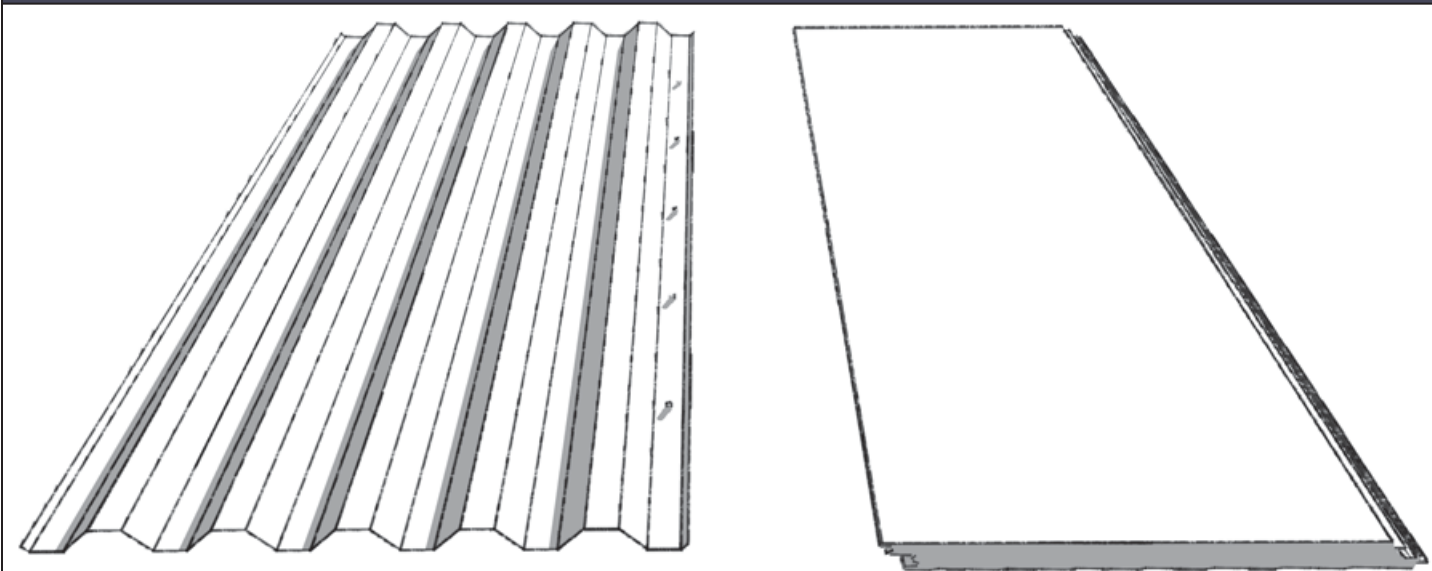
- A. **Generally.** The standards of this Section are intended to promote high-quality buildings in the I Zone, when such buildings are adjacent to major streets and therefore have an impact on the image and character of the City. These standards may require changes including, but not limited to, modifications to roofs, windows, doors, building mass, materials, colors, and inclusion of architectural features and details.
- B. **Applicability.**
 1. This Section applies to buildings that are located in the I zone and areas with PUD districts that are designated for industrial use on property that is adjacent to:
 - a. An arterial street; or
 - b. An Interstate highway.
 2. This Section does not apply to buildings adjacent to collector or local streets in the I Zone.
 3. If the subject property is adjacent to a public or private service road, and there is no developed or developable private land between the service road and the arterial street or Interstate highway, the subject property shall be considered adjacent to such arterial street or Interstate highway. Property on service roads that are separated from an arterial street or Interstate highway by public or private commuter facilities, or other public facilities within the right-of-way, shall also be considered adjacent to such arterial street or Interstate highway.
 4. If more than 50 percent of the gross floor area of the building is put to a use other than a use listed in Table 18.02.307, [Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zone](#), the standards of Section 18.04.504, [General Building Design Standards](#), subsection C., and not the standards of this Section, shall apply to the building.
 5. In the case of industrially designated areas within a PUD zone, or industrial uses that were approved by special review prior to the effective date of this UDC, or industrial uses that were approved by limited, adaptable, or conditional use review after the effective date, standards that were negotiated as part of a PUD district, or that were required by the findings of the special review, limited use approval, adaptable use approval, or conditional use approval may be less or more stringent than those set forth in this Section.
- C. **Design Integration.**
 1. Building design shall contribute to the special or unique characteristics of an area and / or development through building massing and scale, building materials, architectural elements, and color palette.
 2. Design integration shall be achieved through any combination of techniques, such as the repetition of roof lines, the use of comparable proportions in building mass and outdoor spaces, comparable relationships to the street, comparable window and door patterns on street-facing facades, or the use of building materials that have color shades and textures that are comparable to or complimentary to those existing on, or in the immediate area of, the subject property.
 3. Where there is no established or consistent neighborhood or area character or unifying theme, or where it is not desirable to reinforce the existing character because it does not reflect a design theme that is consistent with the architectural standards as described in this Division, the proposed development shall be designed to establish an attractive image and set a standard of quality for future development.
- D. **Roof Articulation.**
 1. Changes in roof lines, including the use of stepped cornice parapets, a combination of flat and sloped roofs, or pitched roofs with at least two roof line elevation changes; or
 2. Some other architectural feature or treatment that breaks up the exterior horizontal and vertical mass of the roof in a manner equivalent to subsection D.1., above.
- E. **Rooftop Mechanical Units.**

1. Roof top mechanical units and other miscellaneous rooftop equipment shall be substantially screened from view from public rights-of-way and other public places.
2. Screening material shall be of the same or comparable material, texture, and color as the material used for cladding the building.
3. Screening shall be constructed as an encompassing monolithic unit, rather than as individual screens. Multiple equipment screens, or “hats”, surrounding individual elements shall not be permitted.
4. The height of the screening element shall equal or exceed the height of the structure’s tallest piece of installed equipment.

F. Metal Cladding and Finishes.

1. Metal wall panels with exposed fasteners (*e.g.*, wall panels commonly referred to as “R-Panel,” “U-Panel,” “Corrugated Panel,” “7.2 Panel,” or “Standing Seam Panel,” and other comparable panel systems), and metal wall panels with hidden fasteners that have a corrugated appearance that resembles the typical exposed fastener panels described above, combined, shall not cover more than:
 - a. 25 percent of building elevations that face arterial streets or Interstate highways.
 - b. 25 percent of the first third of building elevations that are perpendicular to arterial streets or Interstate highways.
2. Insulated architectural metal wall panels with hidden fasteners are allowed without limitation, provided that they do not have a corrugated appearance that resembles the typical exposed fastener panels described in subsection C.1., above.

Figure 18.04.505
Illustrative Metal Cladding Types



The metal panel on the left-hand side is an illustrative 7.2 Panel. This panel would be subject to the limitations of subsection C.1.

The metal panel on the right-hand side is an illustrative architectural insulated metal panel with hidden fasteners and a smooth finish. This panel would be allowed without limitation pursuant to subsection C.2.

3. The Director may permit other metal cladding or finishes, such as bronze, brass, copper, or wrought iron, if a determination is made that such materials are equal or superior to the primary building materials.
- D. Articulation of Walls.** No horizontal width of building wall shall run for more than 100 feet without a wall plane projection or recess having a depth of at least four percent of the length of the building elevation, extending for a distance that is not less than 20 percent of the width of the building elevation.
- E. Loading Docks and Trash or Recycling Storage and Pickup Areas.**

1. No loading dock or trash or recycling storage and pickup area shall be located on the principal street-facing facade of the building unless such facade is set back at least 150 feet from the street and screened from view by a type C bufferyard.
2. Any loading dock or trash or recycling storage and pickup area that is located on the side or rear wall of the building shall be screened in accordance with the requirements of Section 18.05.406, [Loading Design](#).
3. If the subject property has multiple street frontages, loading docks and trash or recycling pickup areas shall be located in the least obtrusive manner, with preference for sides of the building that do not face streets, then for sides that are set back more than 150 feet, and if such location is not practicable, the frontage with the least public visibility.

F. Building Colors.

1. Colors shall be used to blend buildings into their context, and to unify different elements of a development. Color should compliment the surrounding area and, if in a new development area, shall be selected to establish an attractive image and set a standard of quality for future developments and buildings within the area.
2. Buildings that are larger than 10,000 square feet shall be finished with more than one color on all elevations that are visible from public streets.
3. Accent colors that are used to call attention to a particular feature or portion of a building, or to form a particular pattern, shall be compatible with the predominant building base colors. Accent colors shall cover no more than five percent of a street-facing building elevation.

G. Exterior Building Illumination.

1. The following are not allowed:
 - a. Illumination that highlights the entire width of a building elevation, or a significant portion of a building elevation; and
 - b. Back-lit translucent awnings.
2. This subsection is not intended to preclude the use of lighting (including neon lighting) to accent limited portions of a building elevation.

Division 18.04.06 Downtown Design Standards

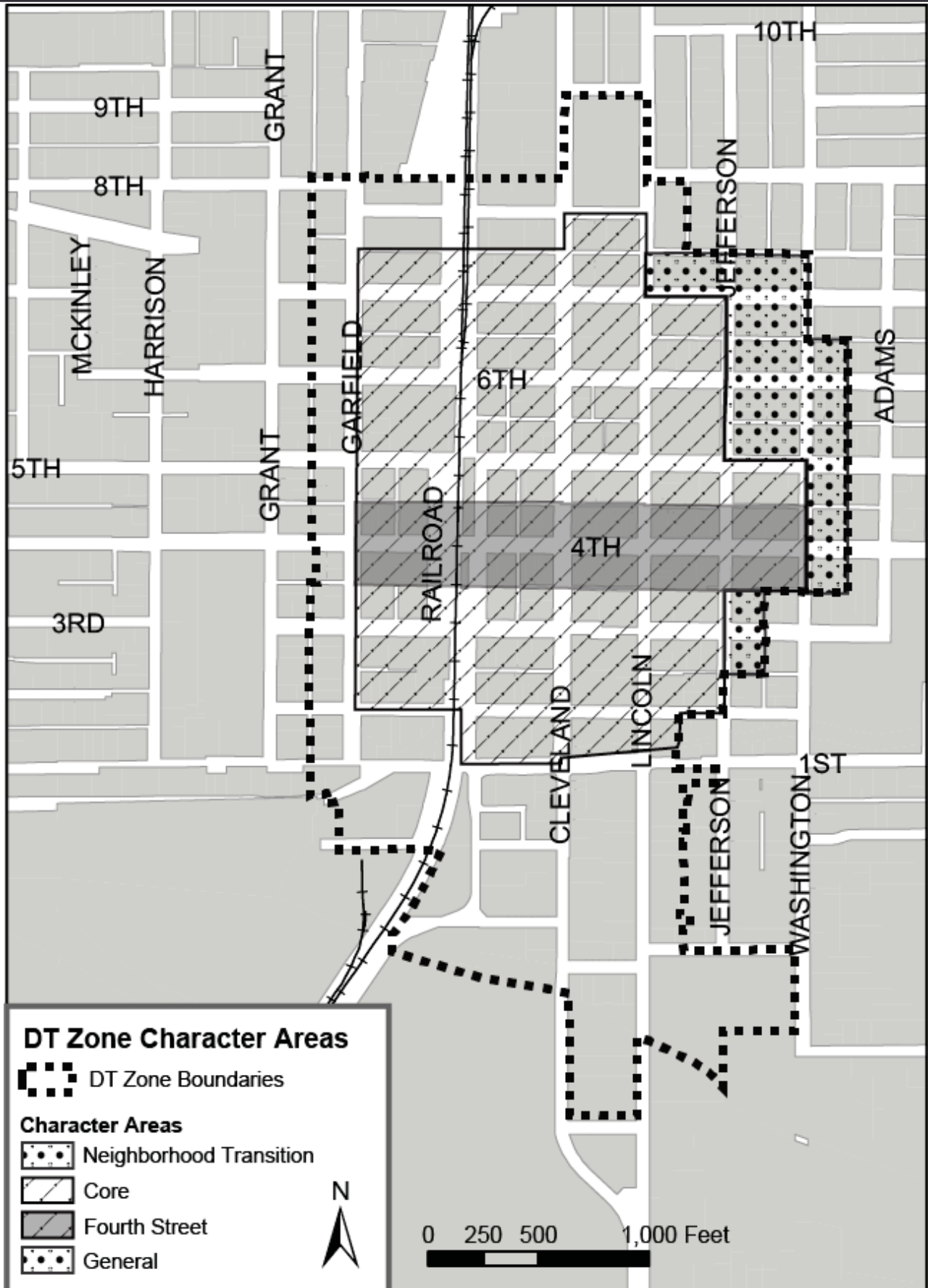
18.04.601 Purpose and Application of Division; Exceptions

- A. **Purpose.** The standards of this Division are intended to further the objectives of the DT Zone, which are set out in Section 18.02.201, [Zones Established](#).
- B. **Application.** Section 18.04.602, [Establishment of Character Areas and Primary Pedestrian Streets](#), establishes the boundaries of four areas within the DT Zone that have distinct character, and identifies the primary pedestrian streets within the DT Zone. Section 18.04.603, [Downtown Building Height](#), establishes the boundaries of five areas with different maximum building heights. Section 18.04.604, [Generally Applicable Standards](#), provides standards for parking structures, outdoor dining, outdoor merchandise displays, and outdoor storage that apply throughout the DT Zone. Sections 18.04.605, [Core Character Area Urban Design Standards](#), through Section 18.04.608, [Neighborhood Transition Character Area Urban Design Standards](#), inclusive, establish standards that are applicable within each of the four character areas.
- C. **Exceptions for Civic Buildings and Places of Assembly.** In traditional downtown areas, civic buildings and places of assembly were designed, sited, and constructed in a manner that differentiated them from other buildings, which provided a visual cue to their special function. The differentiation was expressed in terms of setbacks, materials, and openings (*e.g.*, windows and doors). To provide for comparable differentiation of such buildings in the DT Zone, buildings that are designed to be put to civic or place of assembly use are not required to comply with the standards of this Division regarding:
 1. Materials, windows, or openings; and
 2. Build-to lines.

18.04.602 Establishment of Character Areas and Primary Pedestrian Streets

- A. **Character Areas.** Character areas within the DT zone are established as depicted in Figure 18.04.602.A., DT Zone Character Areas. Specific development standards may apply within each character area. Development and redevelopment within each character area shall meet the standards set forth for that respective character area, as well as the generally applicable standards that are set out in this Division.

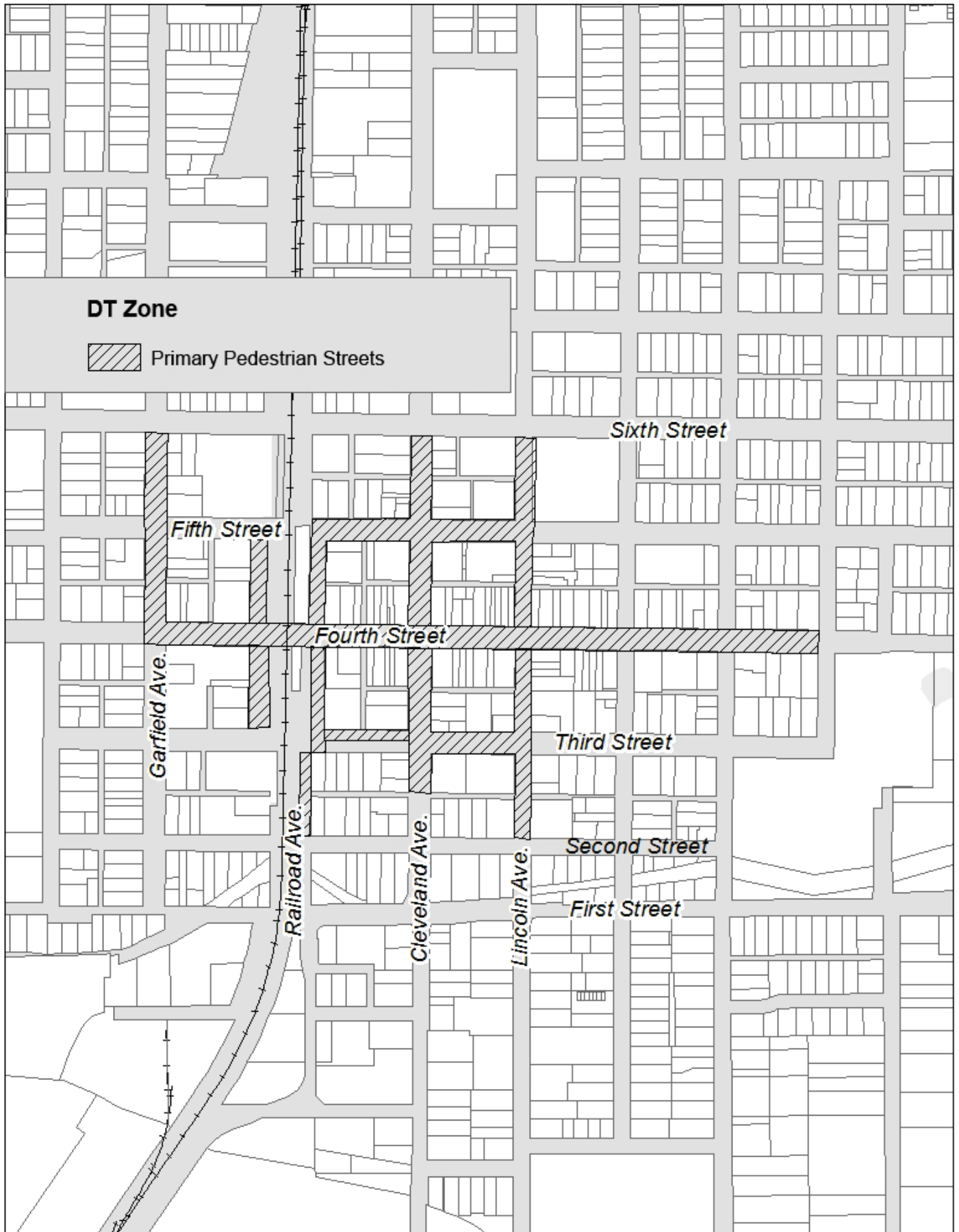
Figure 18.04.602.A.
DT Zone Character Areas



B. Primary Pedestrian Streets.

1. Primary pedestrian streets are designated to:
 - a. Ensure that primary pedestrian routes remain inviting to pedestrians;
 - b. Maintain the established commercial architectural character along certain streets within the downtown;
 - c. Maximize commercial activity by not separating commercial areas with large areas of non-commercial facades;
 - d. Facilitate comfortable pedestrian circulation between destinations; and
 - e. Facilitate pedestrian circulation between parking areas and destinations to support “parking once” and walking to multiple destinations.
2. Primary pedestrian streets are established as shown in Figure 18.04.602.B., Primary Pedestrian Streets.

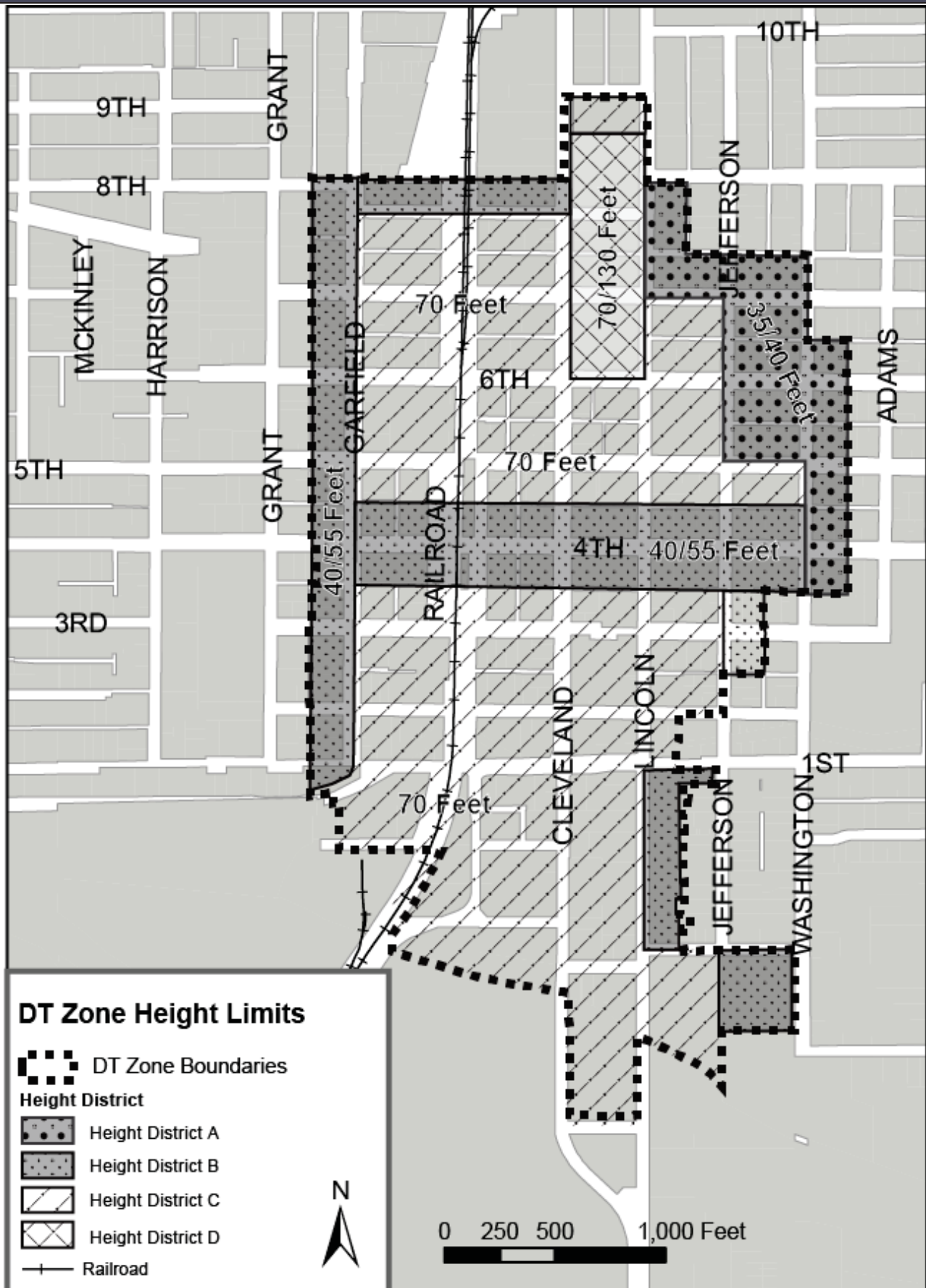
Figure 18.04.602.B.
Primary Pedestrian Streets



18.04.603 Downtown Building Height

- A. **Generally.** The standards of this Section apply to all buildings in the DT Zone.
- B. **Establishment of Height Districts.** Five height districts are established in the DT Zone. The locations of the height districts are set out in Figure 18.04.603.A., Location of DT Zone Height Districts.

Figure 18.04.603.A.
Location of DT Zone Height Districts



- C. **Maximum Buildings Height; Alternative Maximum Building Height.** Each height district establishes a maximum height and an alternative maximum height. The maximum height is by-right. The alternative maximum height is allowed according to alternative maximum height conditions. Maximum height, alternative maximum height, and alternative height conditions are set out in Table 18.04.603, DT Zone Height District Standards. The standards in the table are subject to the limitations of subsection D., below.

Table 18.04.603 DT Zone Height District Standards			
Height District	Max. Building Height	Alternative Max. Building Height	Alternative Height Conditions
A	35 ft.	40 ft.	Subject property is bounded on at least one side by Colorado Ave., Lincoln Ave., Jefferson Ave., Washington Ave., First St. or W. Eighth St.
B	40 ft.	55 ft.	Any part of the building that is taller than 40 ft. is set back at least 65 ft. from the nearest property line within a residential zone unless a public street separates the subject property from the residential zone. See Figure 18.04.603.B., Height District B--Height Setback from Residential Zone
C	70 ft.	N/A	N/A
D	70 ft.	130 ft.	Any part of the building that is taller than 70 ft. is set back from public streets a distance of at least 25 percent of the overall building height. See Figure 18.04.603.C., Height District D--Height Step-back from Public Streets
E	40 ft.	55 ft.	Any part of the building that is taller than 40 ft. must be stepped back from the facade at least 5 ft., and shall be within a height plane that is 40 degrees from the horizontal plane of the roof that is at or below the max. building height, with the angle measured towards the building from the front facade plane. To qualify for alternative max. building height, the step back shall be above the second floor. See Figure 18.04.603.D., Height District E--Fourth Street Character Area Height Step-Back

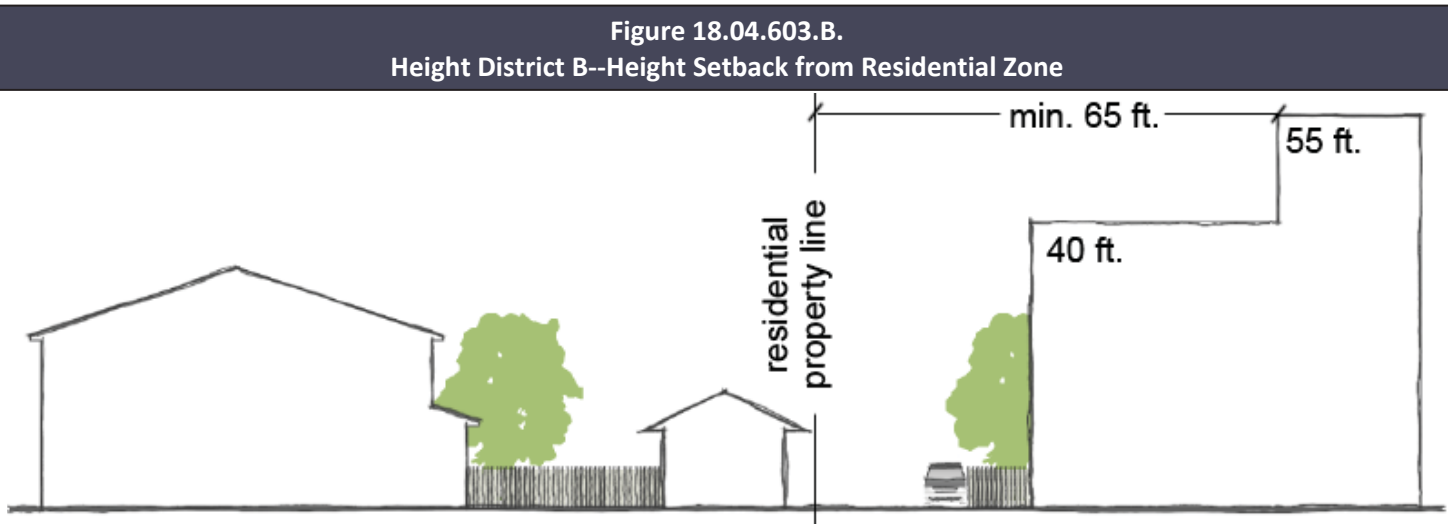
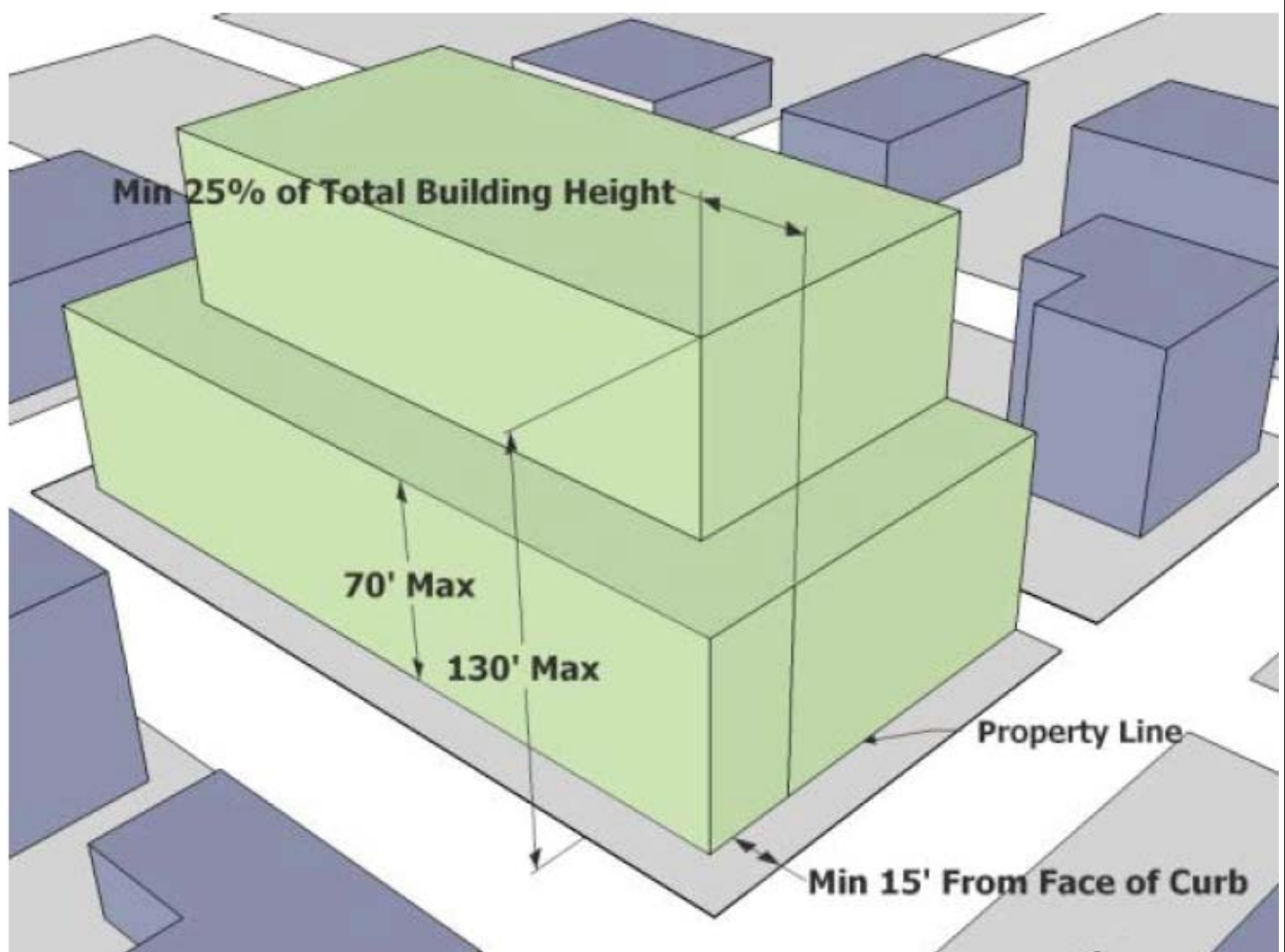
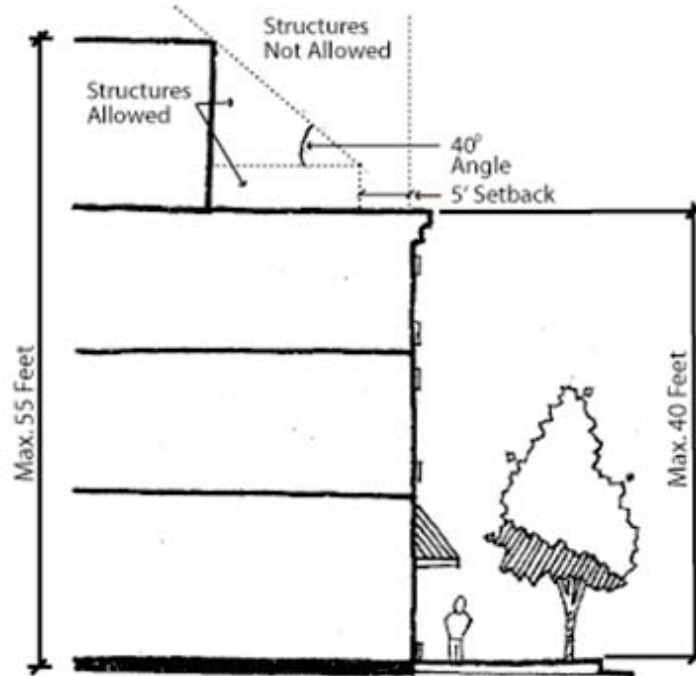


Figure 18.04.603.C.
Height District D--Height Step-back from Public Streets



NOTE: FIGURE TO BE UPDATED FOR CONSISTENCY IN STYLE.

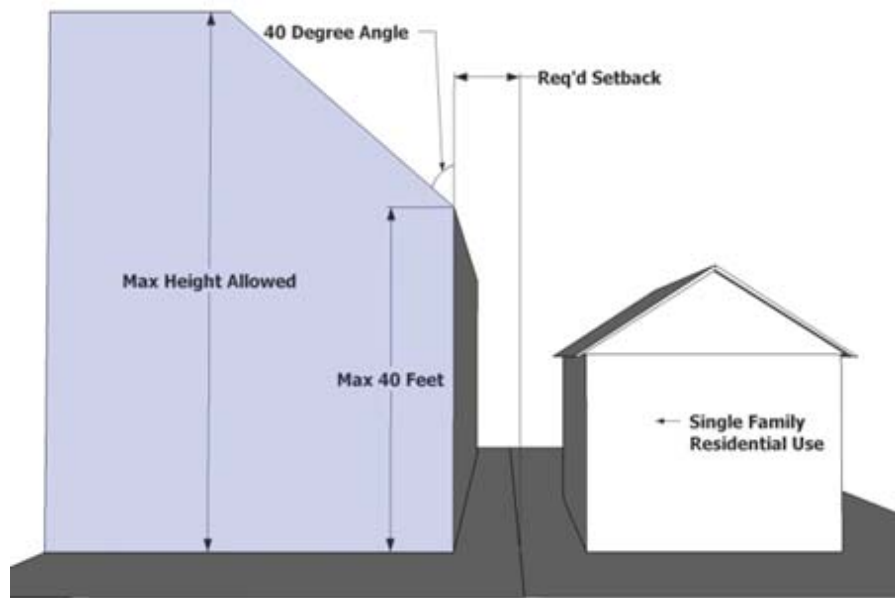
Figure 18.04.603.D.
Height District E--Fourth Street Character Area Height Step-Back



NOTE: FIGURE TO BE UPDATED FOR CONSISTENCY IN STYLE.

- D. **Limitations.** If the subject property is adjacent to a single-family residential use, then building height shall be limited by a height plane that is 40 degrees from the horizontal plane that is 40 ft. in height, with the angle measured towards the building from the setback line that parallels the single-family residential lot line. Se Figure 18.04.603.E., Height Plane Limitation Adjacent to Single-Family Residential Properties.

Figure 18.04.603.E.
Height Plane Limitation Adjacent to Single-Family Residential Properties



NOTE: FIGURE TO BE UPDATED FOR CONSISTENCY IN STYLE.

18.04.604 Generally Applicable Standards

- A. **Generally.** This Section applies in all Character Areas of the DT Zone.
- B. **Parking Structures.**
1. *Design Compatibility.* Exterior building elevations shall be compatible with the architecture found in the DT Zone in terms of style, mass, material, height, and other exterior elements.
 2. *Detailing.* Parking structures shall include a minimum of three of the following elements on any facade facing a public street or plaza space:
 - a. window and door openings comprising a minimum of 25 percent of the ground floor facade;
 - b. awnings;
 - c. sill details;
 - d. columns;
 - e. recessed horizontal panels; or
 - f. similar features that tend to provide for pedestrian interest or comfort at the street level, as may be approved by the Director.
 3. *Commercial Use of Ground Floor.* Along primary pedestrian streets, as defined in Section 18.04.602, *Establishment of Character Areas and Primary Pedestrian Streets*, commercial uses shall be provided along the ground level, where feasible, to create pedestrian activity.
 4. *Ingress and Egress.* Points of pedestrian and vehicular ingress and egress shall be located and configured to minimize vehicular-pedestrian conflict.
- C. **Accessory Outdoor Dining Areas.** Restaurants may operate outdoor eating areas on public sidewalks, rooftops, balconies, courtyards, or other similar locations, provided that pedestrian circulation and access to building entrances is not impeded, and adequate horizontal and vertical clear space within the sidewalk is maintained to allow for pedestrian circulation and to meet any applicable City Codes and regulations as well as the Americans with Disabilities Act, as appropriate, and such outdoor eating areas comply with the following standards:
1. If the outdoor dining area is located on a sidewalk, the applicant shall comply with Section 12.28.030, Loveland Municipal Code;
 2. Planters, fences, or other removable enclosures shall be used to define the limits of the outdoor eating area;
 3. Adequate refuse containers shall be provided within the outdoor eating area;
 4. Tables, chairs, planters, extended awnings, canopies, umbrellas, trash receptacles and other street furniture shall be compatible with the architectural character of the building and surrounding area in terms of style, color, and materials; and
 5. The area within and immediately adjacent to the outdoor dining area shall be maintained in a clean and well-kept condition.
- D. **Accessory Outdoor Merchandise Displays.**
1. The limited outdoor display of merchandise for retail sale is allowed, provided that:
 - a. The display is incidental to the primary retail use or activity within an enclosed building;
 - b. The merchandise on display is of the same type or related to merchandise for sale within the primary retail building; and
 - c. If located on a sidewalk, the display complies with Section 12.28.030, Loveland Municipal Code.
 2. Temporary displays, erected for not more than four days in duration during special events (*e.g.*, a farmers market, or a weekend or holiday sales event) may be allowed within parking areas or landscape areas.
- E. **Accessory Outdoor Storage.** Accessory outdoor storage areas shall be screened from view from public rights-of-way and adjacent properties and shall comply with the following standards:
1. Outdoor storage shall not be located within any required front or street side yard.
 2. Outdoor storage areas shall not be more than 100 sf. in area.

3. Outdoor storage shall be screened with a solid masonry wall no less than six feet in height. In the alternative, a decorative fence, landscape screen, berm, or any combination thereof, may be approved by the Director, provided that it meets or exceeds the masonry wall in terms of screening effect, aesthetic quality, and durability.
4. Stored material shall not exceed the height of the screening wall, fence, or berm.
5. Stored material shall not be of a type that will not attract animals, generate foul odors, or become windblown debris.
6. Landscaping may be required to visually soften the screen wall where:
 - a. Sufficient space is available to provide a planting area;
 - b. It is not impractical to provide irrigation water;
 - c. The space available for storage is not unreasonably restricted; and
 - d. Landscape as screening is desirable to transition between the DT zone and an adjacent residential zone.

18.04.605 Core Character Area Urban Design Standards

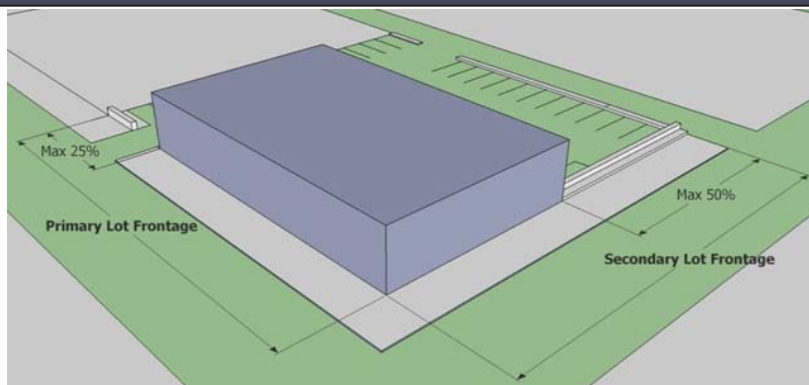
- A. **Generally.** The intent of this Section is to promote quality infill development, redevelopment, and building renovation within the core character areas of the DT zone. The standards of this Section are intended to create and reinforce a strong pedestrian orientation, and to ensure that key historic building design characteristics are carried forward as the core character area is intensified.
- B. **Applicability.** The standards of this Section apply in lieu of [Division 18.04.05, Building Design Standards](#), within the core character area that is established in [Section 18.04.602, Establishment of Character Areas and Primary Pedestrian Streets](#).
 1. *New Construction.* These standards shall apply to new construction of buildings and structures, including additions to existing buildings or structures. These standards shall not apply to the existing portions of a building or structure to which an addition is being constructed, if there are no modifications proposed to the existing portion of the building or structure.
 2. *Facade Renovation.* These standards shall apply to facade renovations. Standards shall apply only to the portion(s) of elevation(s) which are being renovated. For example, an applicant proposing a renovation of the ground floor facade on one elevation would not be required to alter upper stories on that elevation, nor to alter other elevations.
 3. *Exemption for Historic Buildings or Landmarks.* These standards shall not apply to designated historic buildings or landmarks that are or were altered or restored in compliance with a landmark alteration certificate authorized pursuant to Chapter 15.56, Loveland Municipal Code.
- C. **Primary and Secondary Elevations and Lot Frontage.**
 1. *Primary Elevation, Generally.* For buildings facing onto a public street right-of-way, the ground floor elevation facing onto said right-of-way shall be considered the primary elevation and the lot frontage on said right-of-way shall be considered the primary lot frontage.
 2. *Primary Elevation, Corner Lots.* For a building on a corner lot:
 - a. One ground floor elevation and one lot frontage shall be determined to be the primary elevation and the primary lot frontage.
 - b. If one of the streets is designated as a primary pedestrian street (see [Section 18.04.602, Establishment of Character Areas and Primary Pedestrian Streets](#)), then the ground floor elevation and lot frontage facing the primary pedestrian street shall be the primary elevation and lot frontage.
 - c. If the lot fronts onto two or more streets that are primary pedestrian streets, then the applicant shall designate one ground floor elevation and lot frontage as the primary elevation and primary lot frontage.
 3. *Secondary Elevations.* All other ground floor elevations and lot frontages are considered secondary elevations and lot frontages.

D. Building Disposition.

1. *Setbacks and Build-To Lines, Generally.* Buildings shall be constructed such that the facades along primary pedestrian streets and other streets are situated between the build-to lines and setback lines for the minimum percentage of the frontage set out in Table 18.04.605.A., Setbacks and Build-To Lines.

Table 18.04.605.A. Setbacks and Build-To Lines			
Street Frontage	Build-To Line (From Curb Face)	Setback Line (From Curb Face)	Min. Percentage of Frontage ²
Primary Pedestrian Streets			
Third Street, Railroad to Lincoln (North Side) ¹	16.5 ft.	20 ft.	75%
Third Street, Cleveland to Lincoln (South Side) ¹	17 ft.	20 ft.	75%
Fifth Street, Railroad to Lincoln (North Side) ¹	10 ft.	20 ft.	75%
Fifth Street, Railroad to Lincoln (South Side) ¹	15 ft.	20 ft.	75%
All Other Primary Pedestrian Street	15 ft.	20 ft.	75%
All Other Streets			
Sixth Street, Railroad to Lincoln (North Side) ¹	14.5 ft.	20 ft.	50%
Sixth Street, Railroad to Lincoln (South Side) ¹	14.5 ft.	20 ft.	50%
All Other Streets	12 ft.	20 ft.	50%
TABLE NOTES: ¹ These requirements are pursuant to the Destination Downtown: HIP Streets Master Plan. ² See Figure 18.04.605.A., Illustration of Setbacks Minimum Percentage of Frontage Requirement.			

**Figure 18.04.605.A.
Illustration of Setbacks Minimum Percentage of Frontage Requirement**



E. Relationship to Sidewalk.

1. *Generally.* Buildings shall be located as near as possible to the edge of the public sidewalk to enhance pedestrian access and continue the existing pattern of development (which is characterized by buildings located in close proximity to the sidewalk).

2. **Building Placement.** Pedestrian easements shall be dedicated in the area between the portion of the building facade meeting the minimum percentage of frontage requirement in Table 18.04.605.A., Setbacks and Build-To Lines. This area shall be paved so as to function as part of the public sidewalk.
3. **Alternative Standards.** The following may also be used to satisfy the minimum percentage of frontage requirement in Table 18.04.605.A., Setbacks and Build-To Lines:
 - a. For buildings with ground floor residential uses, a setback of up to 35 feet from the face of curb, on that portion of the building facade containing the ground floor residential use, provided that the area greater than a minimum of fifteen feet from the face of curb consists of landscaping or a hardscaped plaza with pedestrian improvements such as street furniture, seating walls, water features, or comparable improvements.
 - b. For development on a corner lot, a public open space (e.g., a plaza) may be constructed along one frontage.
 - c. An arcade at least 6 feet in depth.
 - d. A setback of up to 25 feet from the face of curb to allow for outdoor dining (up to a maximum of 25 percent of the total lot frontage).

F. Architectural Features.

1. Buildings shall incorporate a combination of the following features:
 - a. columns;
 - b. pilasters;
 - c. window dormers;
 - d. bay windows;
 - e. corbels;
 - f. balconies;
 - g. porches (residential buildings only); or
 - h. other similar architectural features to add visual interest and diversity.
2. All elevations facing a public street right-of-way, public plaza or pedestrian space, or public parking lot shall contain a cornice parapet, capstone finish, eaves projecting at least twelve inches, or other comparable features that provide definition to the roof line.
3. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials that are comparable in color, tone, and texture to the materials used for cladding.
4. Each building fronting a public street shall have at least one primary entrance that shall be clearly defined and recessed or framed by elements such as awnings, porticos or other architectural features. Buildings fronting onto a primary pedestrian street shall place the primary entrance on the primary pedestrian street frontage.

G. Building Openings.

1. No wall facing a plaza or public street shall extend more than 25 horizontal linear feet on the ground floor without a window, door, or other opening.
2. Table 18.04.605.C., Minimum Facade Openings, sets out the minimum percentage of street-facing building facades that must be comprised of windows or doors.

Table 18.04.605.C. Minimum Facade Openings		
Facade Type / Location	Street Type	
	Primary Pedestrian Street	Non-Primary Pedestrian Street
Primary, Ground Floor	40%	40%
Secondary, Ground Floor	40%	30%

**Table 18.04.605.C.
Minimum Facade Openings**

Facade Type / Location	Street Type	
	Primary Pedestrian Street	Non-Primary Pedestrian Street
Residential, Ground Floor	20%	20%
Upper Floors, All Uses ¹	15%	15%

TABLE NOTE:

¹ Upper floor surface area shall be measured excluding cornice or other roof features.

- H. **Building Articulation.** Facades that are greater than 75 feet in horizontal dimension shall contain recesses or projections of a minimum depth of three percent of the facade length extending for a minimum of 20 percent of the length of the facade.
- I. **Cladding Materials.** Facades that are visible from a public street, public plaza, or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the downtown, as follows:
 - 1. At least 30 percent of the cladding (which does not include windows and doors) of each street-facing facade shall consist of brick or stone or finish materials that are consistent with the historic character of the area.
 - 2. The remainder of the cladding shall consist of quality materials such as brick, textured or ground face concrete block, textured architectural precast panels, masonry, natural or synthetic stone, stucco, or similar high quality materials as approved by the Director.
 - 3. Wood or metal shall not (combined) account for more than 20 percent of the cladding material on any facade.
 - 4. Exterior insulated finishing systems ("EIFS") may be used for architectural details, provided that not more than five percent of any facade is finished with EIFS, and all EIFS is installed at least eight feet above adjacent grade.
- J. **Historic Context.** Certain areas of the Core Character Area contain established patterns of historic buildings and historic building facades. Fifth Street between Railroad Avenue and Cleveland Avenue, and Lincoln Avenue between Fourth Street and Sixth Street are examples of this pattern. Where the surrounding block contains a pattern of historic buildings and historic building facades, new buildings shall be designed with facades that are complimentary to historic buildings in terms of rhythm and materials. This standard shall not be interpreted to require historic architecture, or comparable building mass or scale.
- K. **Open Space.** If the subject property is at least one-half acre in area, common open space shall be provided in the form of one or more central courts or squares that are visible and accessible from the street.
- L. **Pedestrian Amenities.** Pedestrian amenities shall include ornamental street lighting, fencing, planters, benches, and feature landscaping at entries and within central open spaces, in designs that are consistent with the historic character of Downtown Loveland.

18.04.606 General Character Area Urban Design Standards

- A. **Generally.** The intent of this Section is to promote quality infill development, redevelopment, and building renovation and re-use within the general character area of the DT zone. The standards of this Section are intended to create and reinforce a strong pedestrian orientation, and to provide an appropriate transition between the DT zone and adjacent residential zones.
- B. **Applicability.** The standards of this Section apply in lieu of [Division 18.04.05, Building Design Standards](#), within the general character areas that are established in [Section 18.04.602, Establishment of Character Areas and Primary Pedestrian Streets](#).
 - 1. *New Construction.* These standards shall apply to new construction of buildings and structures, including additions to existing buildings or structures. These standards shall not apply to the existing portions of a building or structure to which an addition is being constructed, if there are no modifications proposed to the existing portion of the building or structure.
 - 2. *Facade Renovation.* These standards shall apply to facade renovations. Standards shall apply only to the portion(s) of elevation(s) which are being renovated. For example, an applicant proposing a renovation of the

ground floor facade on one elevation would not be required to alter upper stories on that elevation, nor to alter other elevations.

3. *Exemption for Historic Buildings or Landmarks.* These standards shall not apply to designated historic buildings or landmarks that are or were altered or restored in compliance with a landmark alteration certificate authorized pursuant to Chapter 15.56, Loveland Municipal Code.

C. Primary and Secondary Elevations and Lot Frontage.

1. *Primary Elevation and Lot Frontage, Generally.* Generally, the building elevation facing the public street and its corresponding lot frontage shall be designated the primary elevation and primary lot frontage, respectively.
2. *Primary Elevation and Lot Frontage, Corner Lots.* For a corner lot, one building elevation and its corresponding lot frontage that faces a north-south oriented street shall be designated as the primary elevation and primary lot frontage, respectively.
3. *Secondary Elevations.* All other building elevations and lot frontages are considered secondary elevations and lot frontages.

D. Relationship to Sidewalk.

1. *Generally.* Buildings shall be located as near as possible to the edge of the public sidewalk to enhance pedestrian access and continue the existing pattern of development (which is characterized by buildings located in close proximity to the sidewalk).
2. *Building Placement.* Pedestrian easements shall be dedicated in the area between the portion of the building facade meeting the minimum percentage of frontage requirement in Table 18.04.606.A., Setbacks and Build-To Lines. This area shall be paved so as to function as part of the public sidewalk.
3. *Alternative Standards.* The following may also be used to satisfy the minimum percentage of frontage requirement in Table 18.04.606.A., Setbacks and Build-To Lines:
 - a. For buildings with ground floor residential uses, a setback of up to 35 feet from the face of curb, on that portion of the building facade containing the ground floor residential use, provided that the area greater than a minimum of fifteen feet from the face of curb consists of landscaping or a hardscaped plaza with pedestrian improvements such as street furniture, seating walls, water features, or comparable improvements.
 - b. For development on a corner lot, a public open space (*e.g.*, a plaza) may be constructed along one frontage.
 - c. An arcade at least 6 feet in depth.
 - d. A setback of up to 25 feet from the face of curb to allow for outdoor dining (up to a maximum of 25 percent of the total lot frontage).

E. Architectural Features.

1. Buildings shall incorporate a combination of the following features:
 - a. columns;
 - b. pilasters;
 - c. window dormers;
 - d. bay windows;
 - e. corbels;
 - f. balconies;
 - g. porches (residential buildings only); or
 - h. other similar architectural features to add visual interest and diversity.
2. All elevations facing a public street right-of-way, public plaza or pedestrian space, or public parking lot shall contain a cornice parapet, capstone finish, eaves projecting at least twelve inches, or other comparable features that provide definition to the roof line.

3. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials that are comparable in color, tone, and texture to the materials used for cladding.
4. Each building fronting a public street shall have at least one primary entrance that shall be clearly defined and recessed or framed by elements such as awnings, porticos or other architectural features. Buildings fronting onto a primary pedestrian street shall place the primary entrance on the primary pedestrian street frontage.

F. Building Openings.

1. No wall facing a plaza or public street shall extend more than 25 horizontal linear feet on the ground floor without a window or other opening.
2. Table 18.04.606, Minimum Facade Openings, sets out the minimum percentage of street-facing building facades that must be comprised of windows or doors.

Table 18.04.606 Minimum Facade Openings		
Facade Type / Location	Street Type	
	Primary Pedestrian Street	Non-Primary Pedestrian Street
Primary, Ground Floor	30%	30%
Secondary, Ground Floor	30%	20%
Residential, Ground Floor	20%	20%
Upper Floors, All Uses ¹	15%	15%
TABLE NOTE: ¹ Upper floor surface area shall be measured excluding cornice or other roof features.		

- G. **Building Articulation.** Facades that are greater than 75 feet in horizontal dimension shall contain recesses or projections of a minimum depth of three percent of the facade length extending for a minimum of 20 percent of the length of the facade.
- H. **Cladding Materials.** Facades that are visible from a public street, public plaza or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the downtown.
 1. At least 30 percent of the cladding (which does not include windows and doors) of each street-facing facade shall consist of brick or stone or finish materials that are consistent with the historic character of the area.
 2. The remainder of the cladding shall consist of quality materials such as brick, textured or ground face concrete block, textured architectural precast panels, masonry, natural or synthetic stone, stucco, or similar high quality materials as approved by the Director.
 3. Wood or metal shall not (combined) account for more than 20 percent of the cladding material on any facade.
 4. Exterior insulated finishing systems ("EIFS") may be used for architectural details, provided that not more than five percent of any facade is finished with EIFS, and all EIFS is installed at least eight feet above adjacent grade.
- I. **Pedestrian Amenities.** Pedestrian amenities shall include ornamental street lighting, fencing, planters, benches, and feature landscaping at entries and within central open spaces, in designs that are consistent with the historic character of Downtown Loveland.

18.04.607 Fourth Street Character Area Urban Design Standards

- A. **Generally.** The intent of this Section is to preserve and enhance the historic character of the Fourth Street character area; to enhance the area as a specialty retail, restaurant, and entertainment district; and to maintain and enhance a pedestrian-friendly environment.
- B. **Applicability.** These standards shall be applicable to properties within the Fourth Street character area. See Section 18.04.602, [Establishment of Character Areas and Primary Pedestrian Streets](#).
 1. *New Construction.* These standards shall apply to new construction of buildings and structures.

2. *Facade Renovation.*

- a. These standards shall apply to facade renovations. Standards shall apply only to the portion(s) of elevation(s) which are being renovated.
- b. The Director may waive the requirements of this Section with regard to including a storefront within a renovated facade if:
 1. The building was not originally constructed with a storefront, or had not been renovated to create a storefront in the past;
 2. The installation of a storefront is not practicable based on the cost of such renovation being greater than 50 percent of the total building permit valuation for the work being performed on the structure; or
 3. The proposed renovation will not materially change the form of the facade.
- c. No change in existing setbacks shall be required under this Section for a facade renovation.

3. *Lots that Do Not Have Frontage on Fourth Street.* Lots that are located in the Fourth Street character area, but with no lot line adjacent to Fourth Street, shall comply with standards for the core area (see Section 18.04.605, *Core Character Area Urban Design Standards*).

C. **Building Disposition in Fourth Street Character Area.** Front, side, and rear setbacks or build-to lines in the Fourth Street character area shall be as shown in Table 18.04.607.A., Setbacks and Build-To Lines.

Table 18.04.607.A. Setbacks and Build-To Lines		
Lot Line	Distance	Setback or Build-To
Fourth Street Lot Line ^{1, 3}	0	Build-To
Rear Lot Line ²	0	Setback
Side Lot Line	0	Setback
TABLE NOTES: ¹ Except for minor recesses and projections and recessed doorways. ² Garage doors shall be set back five feet or less or eighteen feet or more from alley rights of way. ³ Variation of the build-to line may be allowed in order to allow for the plaza spaces shown in the Destination Downtown HIP Streets Master Plan.		

D. **Building Units.** The provisions of this subsection are intended to result in building forms that are compatible with the historic pattern of 25 foot wide lots and storefronts found in the Fourth Street character area (see Figure 18.04.607.A., Illustrative Building Unit Diagram).

1. New buildings constructed along Fourth Street shall, at the ground floor, shall be segmented into storefronts of between 20 feet and 50 feet in width.
2. Each storefront shall have a separate entrance.
3. Each storefront shall be separated from the adjoining storefront by a solid vertical element or feature a minimum of eight inches wide.
4. Buildings with more than 75 feet of facade width facing Fourth Street shall be designed so as to appear to be multiple buildings (*e.g.*, using obvious changes in facade cladding material, window design, facade height, cornice treatment, or other decorative details). There should be some slight variation in alignments among the facade elements (*e.g.*, window heights).

Figure 18.04.607.A.
Illustrative Building Unit Diagram



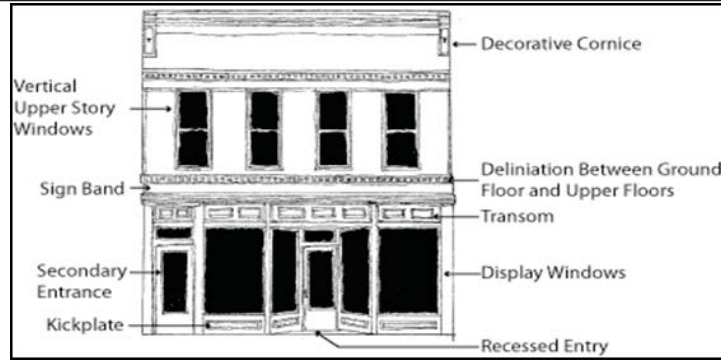
- E. **Corner Buildings.** The provisions of this subsection are intended to ensure that buildings that front on two streets reinforce the pedestrian orientation of both streets through window and door openings--a characteristic that is common within the Fourth Street character area. This enhances pedestrian comfort and the walkability of the DT zone.
1. Corner buildings are those that have a frontage on Fourth Street and frontage on an intersecting street including Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue, or Washington Avenue.
 2. For lots located at the corner of Fourth Street and any intersecting street, storefronts shall be designed to appear to wrap around corners by including a corner entrance or large pane display window at least ten feet in width along the side street facade. See Figure 18.04.607.B., Illustrative Corner Treatments.
 3. Any corner building having more than seventy-five feet of frontage on an intersecting street, shall have at least one storefront at ground level (as described in subsection F.3.), facing the intersecting street and measuring at least 25 feet in width.

Figure 18.04.607.B.
Illustrative Corner Treatments



- F. **Architectural Features.** The provisions in this subsection are intended to lead to a building form that is compatible with the existing historic character of the Fourth Street character area, and that maintains or enhances the attractiveness of the area for specialty retail, restaurant, and entertainment uses, and maintains or enhances the pedestrian-friendly character of this area. See Figure 18.04.607.C., Illustrative Architectural Treatments.

**Figure 18.04.607.C.
Illustrative Architectural Treatments**



1. Upper floors shall be designed with a pattern of vertically oriented windows with spacing between windows, and a ratio of solid-to-void similar to surrounding historical facades.
 2. Floor-to-floor heights of the ground floor and upper floors shall appear to be compatible with surrounding historic buildings;
 3. Ground floor facades facing Fourth Street shall be designed as a typical storefront having the following features:
 - a. Large display windows with metal or wood frames;
 - b. Transom windows;
 - c. Kick plates that are between 12 and 30 inches in height above the sidewalk, constructed of metal, tile, stone, brick, or comparable high-quality material.
 4. Ground floor storefront doorways shall be recessed a minimum of three feet from the front plane of the building. The width of the recessed area shall not be more than 40 percent of the width of the individual storefront or 20 feet, whichever is less.
 5. A recessed storefront doorway is not required for every entrance to a building that is divided into more than one store-front. Secondary doors and doors servicing upstairs uses are not required to be recessed unless the door is required to open outwards by building or fire codes.
 6. Ornamentation or a banding technique shall be used to provide a visual cue that appears to delineate the ground floor from the upper floors.
 7. Excepting the recessed door and any upper-story stepbacks, the facade should appear as predominantly flat, with any decorative elements and projecting or setback “articulations” appearing to be subordinate to the dominant building form.
 8. The roof shall incorporate a parapet wall with a cornice treatment, capstone finish, or similar feature facing public streets.
 9. Awnings, if used, shall provide weather protection, express the dimensions of the storefront framing, and not obscure characteristic lines or details of the facade.
 10. Facades are not required to mimic historic buildings, but shall be of a style that is compatible to the historic character of Fourth Street in terms of rhythm, massing, cladding and glazing material, and design. Thematic facade designs that were not historically present in the DT zone (such as “Swiss chalet”) shall not be used.
- G. Building Finish Materials.** This subsection is intended to ensure that quality materials that will compliment the existing character and historic precedent of the Fourth Street character area will be used in new construction and renovations, and that building facades will be durable, maintain or improve the attractiveness of the area for specialty retail, restaurant, and entertainment uses, and maintain or enhance the pedestrian-friendly character of this area.
1. Facades facing Fourth Street shall consist of brick, stone, masonry, or similar high quality, traditional cladding material.

2. Facades facing Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue, and Washington Avenue, or any identified pedestrian alley, shall consist of a minimum of 50 percent brick, stone, masonry, or similar high quality cladding material.
 3. Non-party walls facing side lot lines shall consist of a minimum of 50 percent brick, stone, or masonry.
 4. These materials standards shall not apply to upper floors that are stepped back to comply with Section 18.04.603, [Downtown Building Height](#).
- H. **Building Openings.** These provisions are intended to result in a permeable street wall that matches existing character and historic precedent and enhances the pedestrian and retail character of the Fourth Street character area. The standards of this subsection do not apply to renovations to existing buildings unless the standards can be met by safely opening original windows, doors, or storefronts that were previously closed.
1. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as indicated by Table 18.04.607.B., Minimum Facade Openings.
 2. Any section of wall facing Garfield Avenue, Arthur Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, or Jefferson Avenue may not exceed 25 feet in width without containing windows or doors on the ground floor.
 3. Highly reflective or darkly tinted glass is not allowed in first-floor storefront display windows.
 4. During renovation of the facade of a building that has been evaluated as contributing to a downtown historic district in the Historic Preservation Plan, historic window openings that have been altered shall be restored if feasible and consistent with applicable building codes.

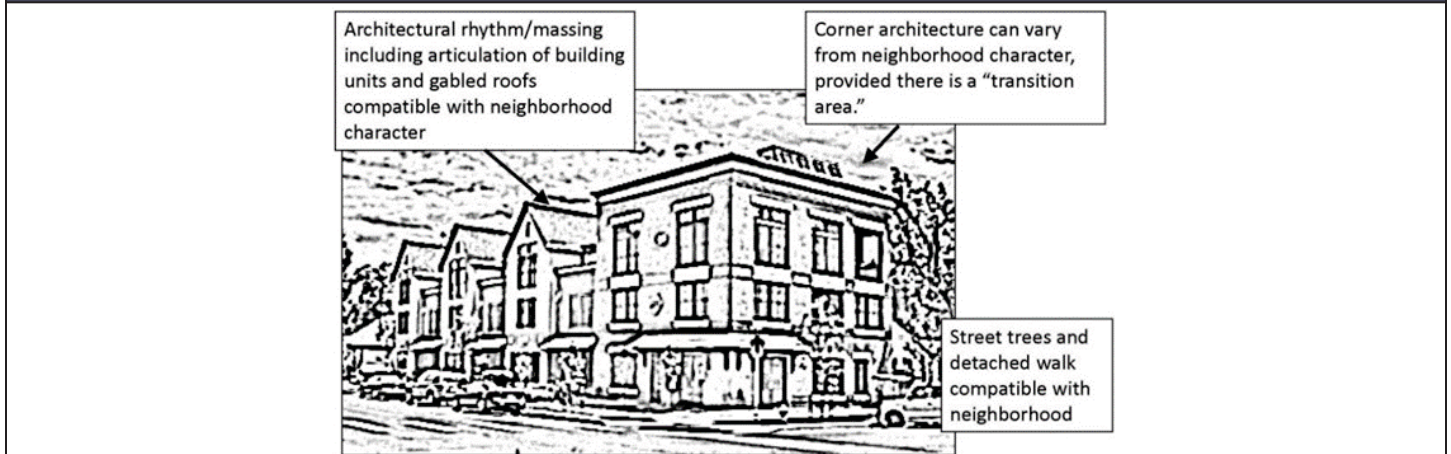
Table 18.04.607.B. Minimum Facade Openings	
Facade Type / Location	Minimum Percentage of Windows and Doors
Ground Floor, Facing Fourth Street	50%
Ground floor, cross street	30%
Upper floors ¹	15%
Facing Alley	0%
TABLE NOTE: ¹ Upper floor surface area shall be measured excluding cornice or other roof features.	

18.04.608 Neighborhood Transition Character Area Urban Design Standards

- A. **Generally.** Certain areas of the DT zone maintain a largely consistent character of high-quality historic homes. The neighborhood transition character area is meant to protect the character of these areas when redevelopment or new development occurs, while allowing for a mix of uses appropriate to these areas and allowed by zoning. The neighborhood transition areas are also meant to transition to adjoining neighborhoods.
- B. **Applicability.** These standards shall be applicable to properties within the neighborhood transition character area. *See Section 18.04.602, [Establishment of Character Areas and Primary Pedestrian Streets](#).*
1. *New Construction.* These standards shall apply to new construction of buildings and structures, including additions to existing buildings or structures.
 2. *Facade Renovation.* These standards shall apply only to those portion(s) of each elevation that is being renovated. This section shall not require a change in existing setbacks during a facade renovation.
 3. *Exception to Setback Requirements.* This section shall not be interpreted to require modification of existing setbacks in cases of building expansion, except that a building cannot be expanded in such a manner that the setback of the new construction will not conform to subsection D, below.
 4. *Limited Exceptions for Single-Family Detached and Duplex Residential Uses.* These standards, other than those pertaining to setbacks, shall not apply to single-family detached and duplex residential uses.
- C. **Massing and Architectural Rhythm.**

1. *Continuation of Massing Pattern.* New buildings or additions shall continue a massing pattern that is similar to the existing pattern of the block face as shown in Figure 18.04.608.A., Illustrative Rhythm of Block Face. For the purposes of this subsection, massing shall refer to height, width, bulk, roof form, roof slope, and direction of slope. Compliance may be accomplished by creating independent building modules through articulation, roofline, or other distinguishing features.

Figure 18.04.608.A.
Illustrative Rhythm of Block Face



2. *Roof Form.* New buildings shall have pitched roofs including hips or gables in order to reflect the residential character of the area, unless the buildings located on a lot with frontage on Washington Avenue, Jefferson Avenue, or Lincoln Avenue.
 3. *Building Openings.*
 - a. Building elevations that face a public street shall consist of at least 15 percent openings (*i.e.*, windows and doors).
 - b. Each principal building shall have at least one entrance facing a public street. This entrance shall have a direct pedestrian connection to the adjacent sidewalk.
 4. *Garage Placement and Design.* Attached garages shall be setback from the front facade of the building a minimum of six feet. The width of the total elevation of garage doors facing a public street may be no more than eighteen feet.
- D. **Cladding Materials.** Facades that are visible from a public street, public plaza, or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the downtown, as follows:
1. At least 30 percent of the cladding (which does not include windows and doors) of each street-facing facade shall consist of brick or stone or finish materials that are consistent with the historic character of the area.
 2. Architectural metal shall not account for more than 20 percent of the cladding material on any facade.
 3. Exterior insulated finishing systems ("EIFS") may be used for architectural details, provided that not more than five percent of any facade is finished with EIFS, and all EIFS is installed at least eight feet above adjacent grade.
- E. **Setbacks.**
1. Building setbacks shall be in accordance with Table 18.04.608, Setbacks in Neighborhood Transition Character Area. Front setbacks shall be within four feet of the average setback on the block face, provided that the resulting setback is in keeping with the pattern of the block face. See Figure 18.04.608.B., Measurement of Average Setback, for an example of how a front yard setback is determined.

Table 18.04.608
Setbacks in Neighborhood Transition Character Area³

Building Type	Front Setback ¹	Side Setback, Adjoining Lot	Side Setback, Right-of-Way ¹	Rear Setback, Adjoining Lot	Rear Setback, Alley
Principal Building	Within 4 ft. of the average setback on the block face	1 ft. per 5 ft. of building height, not less than 5 ft.	10 ft.	10 ft.	0 ft.
Accessory Building ²	Not less than setback of principal structure	5 ft.	10 ft.	5 ft.	0 ft.

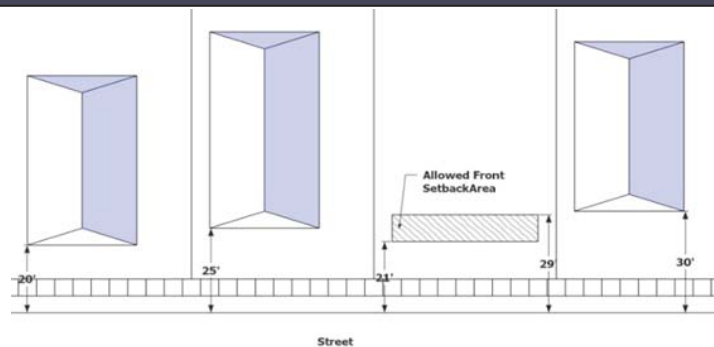
TABLE NOTES:

¹ See subsection E.2. for setback requirements for lots with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue.

² Garages must be set back less than five or more than eighteen feet from alley rights of way.

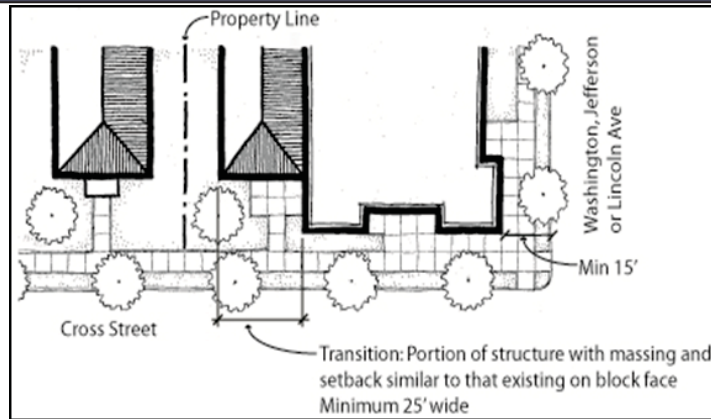
³ No building shall be located closer than fifteen feet from the face of curb.

Figure 18.04.608.B.
Measurement of Average Setback



2. *Setbacks Along Washington Avenue, Jefferson Avenue, and Lincoln Avenue.* For lots with frontage on Washington Avenue, Jefferson Avenue, or Lincoln Avenue, the setback for buildings may be reduced or buildings may be built to the back of the public sidewalk on all street frontages, provided there is a transition between the corner lot and the rest of the block face. Such transition may include:
 - a. A front yard setback that meets the requirements of subsection E.1. for a minimum width of 25 feet, combined with a building massing of at least 25 feet in width that is similar to the massing pattern on the rest of the intersecting street's block face, that is implemented for the entire length, front to back, of the building, and has at least two of the following characteristics that are comparable to typical buildings along the block face:
 1. height;
 2. width;
 3. bulk;
 4. roof form; or
 5. roof slope and direction of slope (see Figure 18.04.608.C., Illustrative Transition); or
 - b. An existing alley.

**Figure 18.04.608.C.
Illustrative Transition**



F. Additions, Expansions, or Modifications to Existing Buildings. The intent of this subsection is to provide guidelines that maintain the residential character of the largely historically intact neighborhood transition character areas when existing buildings are expanded or converted from residential to commercial use. All of the following apply to additions, expansions, or modifications to existing buildings:

1. When a residential structure is converted into a commercial use, the basic residential form of the building shall be maintained.
2. Existing front porches shall remain and shall not be enclosed.
3. The existing window pattern on street-facing facades shall not be materially changed.
4. The exterior cladding or material should remain that of a residential building (e.g., brick, stone, siding, or other appropriate material).
5. Additions or expansions to existing buildings shall not be in front of the front building elevation or side building elevation on corner lots unless the existing elevation is set back more than three feet from the allowed setback on the affected block face.
6. Additions or expansions of an existing building shall utilize a roof form with the same pitch as the existing roof and be constructed of similar material as the original building.
7. The use of architectural metal as anything other than an accent material is prohibited.

18.04.609 Exceptions to Design Standards

Exceptions to the standards in this division (Division 18.04.06, Downtown Design Standards) may be granted by the Planning Commission, provided:

1. The applicant submits a written request to the Director to have the request for an exception be considered by Planning Commission;
2. The Planning Commission finds that granting any such exception would either:
 - a. Result in only a *de minimus* departure from the design standards; or
 - b. Satisfy the intent of the design standards to promote high-quality architecture that is compatible with the surrounding built environment, and not conflict with the objectives of the DT Zone as set out in Section 18.02.201, Zones Established.

Division 18.04.07 Supplemental Standards

18.04.701 Accessory Buildings

A. Generally.

1. *Nonresidential Property.* All permitted accessory buildings on nonresidential property must be located at a distance from the front lot line that is equal to or greater than the actual front setback for the principal building or use with which it is associated, or be screened from view from public sidewalks, streets, and adjacent property.
 2. *Residential Property.* All permitted accessory buildings on residential property must be located at a distance from the front lot line that is equal to or greater than the actual front setback for the principal building or use with which it is associated; except that common buildings in housing clusters (see Section 18.06.501, [Housing Clusters](#)) shall be set back as if they are principal buildings, without regard to the actual setbacks of the other buildings in the cluster.
- B. **Detached Garages and Storage Buildings in Residential Zones.** Unless otherwise specified for a particular type of development elsewhere in this UDC, the following limitations and requirements shall be applied to a detached garage or storage building in a residential zone district, in order for the garage or storage building to be considered an accessory building (as opposed to a principal building):
1. The garage or storage building shall not exceed a cumulative of 900 square feet in building footprint.
 2. The roof pitch and style shall match the roof pitch and style on the principal building.
 3. Storage buildings exempt from a building permit are exempt for the standards in this Section.

18.04.702 Accessory Dwelling Units

- A. **Generally.** Accessory dwelling units (“ADUs”), subject to the standards of this Section, are allowed as accessory uses to single-family detached dwelling units that are conforming uses under this UDC.
- B. **General Development Standards.** The following development standards apply to ADUs in all zones:
1. ADUs shall:
 - a. Be located on the same lot, either integrated into or detached from an existing principal single-family detached dwelling unit;
 - b. Have a separate exterior entrance from the principal dwelling unit;
 - c. Have its own cooking and bathing facilities, independent of the principal dwelling unit;
 - d. Be of comparable architectural style, materials, and colors as the principal dwelling unit; and
 - e. Meet all of the setback requirements within the applicable zoning district (if the ADU is located above a garage, it is subject to garage setback requirements).
 2. No portion of an ADU shall be located nearer the front lot line than the front wall of the principal dwelling unit;
 3. The minimum required lot area is:
 - a. 10,000 square feet in the ER, R1, and R1e Zones; or
 - b. 5,000 square feet in all other zones, or in a complete neighborhood in the R1 or R1e Zones.
 4. An ADU may be approved on a lot that is smaller than the minimum requirements of subsection B.3., above, if it is approved as an Adaptable Use;
 5. Only one ADU is allowed per lot;
 6. The subject property shall contain the required number of parking spaces for the principal dwelling unit; and in addition to the parking for the primary dwelling unit, one parking space shall be provided for the ADU, unless the width of the adjacent street is 28 feet or greater and on-street parking is allowed.
- C. **Zone-Specific Development Standards.**
1. *Residential Zones.* In the ER, R1, R1e, R2, R3 and R3e zones, the maximum floor area of an ADU is 900 square feet.
 2. *Scale Threshold.* Accessory dwelling units within the R1, R1e, R2, R3, and R3e zones shall comply with Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#) (unless the residential lot is within a complete

neighborhood), and shall be considered cumulatively with all other buildings on the lot for the purposes of building coverage.

3. *Nonresidential Zones.*

- a. The maximum cumulative building coverage shall not exceed 65 percent; and
- b. The floor area of the ADU shall be less than the floor area of the principal dwelling unit, unless the ADU is proposed to be located in an existing accessory building that conforms to the standards of the UDC or was legally permitted prior to the adoption of the UDC.

D. **Utilities.**

1. Water, wastewater, and electric service to the ADU shall be connected to the service mains for the principal dwelling unit.
2. Utility design shall ensure that water and electric utilities for the ADU can be shut off independently from the principal dwelling unit.

18.04.703 Accessory Structures

A. **Generally.** The standards of this Section apply to accessory structures that are not specifically addressed elsewhere in this UDC:

B. **Setbacks.** Accessory structures shall be set back as follows:

1. Front: Behind the principal building or half of the lot depth, whichever is less.
2. Street Side: Same as required for the principal building.
3. Interior Side: Five feet, or the same as the principal building, whichever is less.
4. Rear: Five feet, or the same as the principal building, whichever is less.

C. **Other Standards.** Accessory structures shall not be located in the following locations:

1. Within a utility easement, unless the property owner obtains written permission from the easement holder.
2. Within an area where the presence of the structure will alter or block the flow of stormwater drainage (unless the structure is part of an approved stormwater management system).

18.04.704 Apiaries

A. **Generally.** Apiaries are allowed on lots that are used for single-family detached residential, community garden, or farm or ranch uses. Apiaries shall comply with the standards of this Section.

B. **Setbacks.**

1. All hives shall be located at least five feet from any property line.
2. Apiaries shall be set back at least 200 feet from the property lines of schools and all types of day care facilities.

C. **Fencing of Flyways.** In each instance in which any colony is situated within 25 feet of a property line of the property upon which the apiary is situated, or within 25 feet of an area of the property used for public recreation or assembly (e.g., picnic tables, playground, etc.), as measured from the nearest point on the hive to the property line or recreation / assembly area, the beekeeper shall establish and maintain a flyway barrier at least six feet in height, consisting of a solid wall or fence parallel to the property line or recreation / assembly area and extending 10 feet beyond the colony in each direction, so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.

D. **Water.** Each property owner or beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.

E. **Colony Densities.**

1. No more than the following number of colonies are allowed on any lot or parcel within the City, based upon the size or configuration of the parcel on which the apiary is situated:

- a. Lot or parcel area 1/4 acre up to but not including 1/2 acre: 4 colonies.
 - b. Lot or parcel area 1/2 acre up to but not including one acre: 6 colonies.
 - c. Lot or parcel area one acre or more: 8 colonies.
2. Notwithstanding subsection E.1., above, regardless of lot or parcel size, where all hives are situated at least 200 feet in any direction from all property lines of the subject property, there shall be no limit to the number of colonies.
- F. **Nucleus Colonies.** For each two colonies that are allowed on a lot or parcel, there may be maintained upon the same lot or parcel one nucleus colony in a hive structure not exceeding one standard 9 5/8-inch depth, 10-frame hive body with no supers attached, as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an allowed colony within 30 days after the date it is acquired.

18.04.705 Fences, Garden Walls, and Hedges

- A. **Generally.** It is the purpose of the provisions of this Section to establish requirements for the height, location, materials, and maintenance of fences, garden walls, or hedges in all zones. The standards of this Section shall be implemented in a manner that complies with Section 18.05.202, *Sight Triangles*.
- B. **Location.**
1. All fences and garden walls must be located on or within the boundary lines of the property owned by the person or persons who construct and maintain them, unless expressly approved otherwise in writing by the Director upon proof of consent from the affected adjacent property owner.
 2. Fences or walls that are located within bufferyards that are not installed along street right-of-way lines may be located upon the property line.
 3. Fences or walls that are located within bufferyards that are installed along street right-of-way lines shall be located along the boundary of the bufferyard that is furthest from the street edge.
- C. **Height.**
1. *Front Yards.*
 - a. Generally. Limited solid material fences and walls that are located within 15 feet from the front property line shall have a maximum height of four feet, and solid material fences and walls or hedges that are located in front yard areas shall have a maximum height of three feet.
 - b. Exceptions. The standards of subsection C.1.a. do not apply if the fence, wall, or hedge:
 1. Is necessary to screen a particular use, as required by this UDC or Colorado law; or
 2. Bounds or encloses a publicly-owned recreation area.
 2. *Side or Rear Yards.*
 - a. Generally. In side or rear yards, the maximum height of fences, walls, and hedges shall be six feet three inches in all zones except E or I, in which the maximum height shall be eight feet.
 - b. Exceptions. The standards of subsection C.2.a. do not apply if the fence, wall, or hedge:
 1. Encloses or bounds a play court, ballfield, or publicly-owned recreation area and is a limited solid material fence or wall;
 2. Is a noise barrier;
 3. Is necessary to screen a particular use, as required by this UDC or Colorado law.
- D. **Construction Adjacent to Streets.** For fencing facing a street, the finished surface of the fence shall face towards the street frontage. Non-decorative elements such as fence posts and supporting structures, when visible on one side and not the other, shall face inward.
- E. **Perimeter Subdivision Fencing.** Fencing or walls along the perimeter of a subdivision shall be of a consistent design and have obvious columns that are located at intervals of not more than 35 feet.

- F. **Drainage.** No fence or wall may be constructed in a manner or location which will interfere with natural surface water runoff, or which will result in a negative impact to any adjacent property by natural surface runoff. All fences and walls must be constructed in a manner that complies with City drainage requirements and standards, and in compliance with any approved drainage plans on file with the City for the subject property.
- G. **Security Fencing.**
1. No barbed wire or other sharp-pointed fences shall be installed on any property, except:
 - a. In the DT, B, E, I, and DR zones upon demonstration to the Director that:
 1. A substantial security need justifies the installation; and
 2. The fence will be safe and in compliance with Colorado law; or
 - b. To secure utility facilities in any zone.
 2. Electrically charged fences are not allowed unless necessary for livestock control.
- H. **Maintenance and Restrictions.**
1. All fences, hedges and walls shall be maintained in good condition at all times. All fences and walls shall be neatly finished and repaired, including all parts and supports.
 2. It shall be unlawful for any person to place, allow or be placed, or allow to remain on any lot, tract or parcel of land which is either owned or otherwise legally controlled by them a fence, hedge, or wall that creates an unsafe or dangerous obstruction or condition, or that obstructs reasonable access to utility, irrigation, or drainage equipment, structures, or facilities located within a dedicated easement or right-of-way, by utility providers, agencies, ditch companies or irrigation districts, corporations, or businesses and their designated representatives who are entitled to gain access to such equipment, structures, or facilities.

18.04.706 Outdoor Display of Merchandise

- A. **Generally.** This Section sets out the standards that are applicable to permanent outdoor merchandise display areas. These standards do not apply to sales or rental of motor vehicles or heavy equipment.
- B. **Display Areas that are Attached to Principal Buildings.** Outdoor display areas are allowed if they are:
1. Attached to or adjoin a principal building;
 2. Configured as a walled or decoratively fenced area;
 3. Set back from property lines as required for the principal building; and
 4. Not larger than the area set out in Table 18.04.706, Area of Outdoor Display of Merchandise.

Table 18.04.706 Area of Outdoor Display of Merchandise	
Zone	Maximum Outdoor Display Area
MAC, E, or DT (general character area only)	15% of footprint of principal building
B or I	33% of footprint of principal building

18.04.707 Outdoor Storage, Generally

- A. **Generally.** Outdoor storage is allowed, provided that it is located, configured, and buffered as set out in this Section
- B. **Nonresidential Outdoor Storage Areas.**
1. *Generally.* Outdoor storage is permitted as an accessory to nonresidential uses in the DT, I, B, MAC, E, DR, and PP zones, subject to the standards of this Section. Such nonresidential outdoor storage refers to the outside storage of materials or equipment used in production or other course of business, or for property maintenance, and does not refer to the outdoor display of merchandise (which is subject to Section 18.04.706, [Outdoor Display of Merchandise](#)). Outdoor storage areas that exceed the area limitations of this Section are considered storage yards, which are industrial uses.

2. *Prohibitions.* Nonresidential outdoor storage areas shall not be used to store or dispose of inoperable machines or wastes, store or dispose of hazardous materials, or store or dispose of materials that will create windblown dust or debris or storm water contaminants.
3. *Standards by Zone.*
 - a. DT Zone. See Section 18.04.604, *Generally Applicable Standards.*
 - b. I Zone. Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:
 1. Is not larger in area than the gross floor area of the principal building; and
 2. Is screened from view with a six-foot tall opaque wall or fence that is surrounded on the outside perimeter with a continuous hedge, except at points of ingress and egress.
 - c. B, MAC, or E Zone. Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:
 1. Is located behind the principal building and not visible from rights-of-way; or
 2. Is screened from public rights-of-way with a six-foot tall opaque wall or fence.
 - d. DR or PP Zone. Outdoor storage areas for equipment or materials shall be set back 50 feet from public rights-of-way and properties that have different zoning; or screened from off-site view by a type C bufferyard.

C. Residential Outdoor Storage Areas.

1. *General Requirements.* All outdoor storage shall conform to the following requirements:
 - a. The area used for outdoor storage shall be kept orderly, pest-free, and odor free; and
 - b. The outdoor storage does not include:
 1. Storage of garbage, except as provided in Section 18.04.709, *Refuse, Recycling, and Compost Containers*;
 2. Stockpiling of junk;
 3. Storage of materials, products, and equipment used in the course of a resident's commercial business;
 4. Storage of gasoline, other liquid motor fuels, or comparable or greater fire or explosion hazards; and
 5. Storage of items that have a high potential for generating obnoxious odors or windblown debris.
2. *Common Outdoor Storage Areas.*
 - a. Common outdoor storage areas in residential developments shall be surrounded by a type B bufferyard.
 - b. Access to the common outdoor storage area shall be provided from a street within the development.
 - c. Common outdoor storage areas shall not be located such that they adjoin neighboring residential development.
3. *On-Lot Outdoor Storage.* Outdoor storage is not allowed in front yards, but is permitted in the rear yards of single-family, duplex, townhome, and multiplex lots.

18.04.708 Outdoor Storage, Repair, and Parking of Vehicles in Residential Zones

- A. **Generally.** It is the purpose of the provisions of this Section to establish requirements for the storage, repair, and parking of vehicles as accessory uses in residentially zoned areas of the City.
- B. **Collection, Storage, and Parking of an Unregistered Vehicle.** The collection or storage of an unregistered vehicle on any lot, tract, or parcel of land located within a residential zone shall be considered a permitted accessory use only, provided that each of the following conditions are met:
 1. The collection, storage or parking area is maintained in such a manner that it does not constitute a health, safety or fire hazard;
 2. The collection, storage or parking area is kept free of weeds, trash and accumulations of waste;

3. The unregistered vehicle is completely enclosed, screened from public and private off-lot view, or covered with a securely fastened tarp; and
 4. Not more than one unregistered vehicle is collected, stored or parked on any lot, tract or parcel.
- C. **Storage of Collector's Vehicle.** One or more collector's vehicles and parts cars for collector's vehicles may be stored upon a lot, tract, or parcel of land located within a residential zone as a permitted accessory use only, provided that each of the following conditions are met:
1. Each collector's vehicle and any parts cars for the collector's vehicle is maintained in such a manner that it does not constitute a health, safety, or fire hazard, either individually or collectively;
 2. The outdoor storage area is maintained in such a manner that it does not constitute a health, safety or fire hazard;
 3. The outdoor storage area is kept free of weeds, trash, and other objectionable items;
 4. Each collector's vehicle and any parts care for the collector's vehicle is totally screened from ordinary public view by means of a solid fence, trees, shrubbery, or securely fastened tarp; and
 5. The registered owner of each collector's vehicle is also the owner or a resident of the lot, tract, or parcel upon which said vehicle is stored.
- D. **Repair of Vehicles.** The repair, maintenance, restoration or rebuilding of a registered or unregistered vehicle on an unenclosed area of a lot, tract, or parcel of land located within a residential zone shall be considered a permitted accessory use only, provided that each of the following conditions are met:
1. The owner of the vehicle is either the owner or resident of the lot, tract or parcel upon which the vehicle is being repaired, maintained, restored, or rebuilt;
 2. Not more than one vehicle is being repaired, maintained, restored, or rebuilt on any one lot, tract, or parcel at any given time; and
 3. If the vehicle being repaired, maintained, restored, or rebuilt is an unregistered vehicle, then no other unregistered vehicle is being collected, stored, or parked on the lot, tract, or parcel.

18.04.709 Refuse, Recycling, and Compost Containers

- A. **Generally.** The standards of this Section apply to refuse, recycling, compost, and solar digester containers.
- B. **Individual Refuse and Recycling Containers for Residential Purposes.** The use and placement of individual refuse and recycling containers shall comply with Title 7, Loveland Municipal Code.
- C. **Community Refuse and Recycling Containers for Residential Purposes.** In development in which curbside trash pickup is not provided, centralized facilities shall be provided for solid waste and recycling collection. The centralized facilities shall comply with Title 7, Loveland Municipal Code, and shall be designed and located as follows:
1. *Distance to Dwelling Units.* The centralized facilities shall be located so that they are within 200 linear feet of the principal entrance of each dwelling unit.
 2. *Container Specification.* Centralized refuse and recycling containers that are stored outdoors shall be fly-tight, watertight, and rodent-proof.
 3. *Location on Subject Property.*
 - a. Centralized solid waste and recyclable material collection facilities shall be set back 10 feet from all property lines of the subject property.
 - b. In the alternative, if it is not possible to service the centralized facilities in a location which is at least 10 feet from all property lines, then the facilities may be located closer to the property lines, provided that:
 1. They are designed and constructed to be consistent and compatible with the building or buildings on the subject property in terms of materials and architecture;
 2. The setback reduction is applied to the front setback only after the Director finds that no other setback reduction will solve the service problem; and

3. They are located as far from the property line as is practicable.

4. *Enclosure Requirements.*

- a. The areas where refuse and recycling containers are stored shall be fully enclosed to a height of one foot above the top of the containers by:
 1. An opaque fence or wall; and / or
 2. Landscaped earthen berms.
- b. The enclosures shall include a concrete pad for containers, and shall be sized to include solid waste and recycling containers that are approved for the proposed use by the City.

5. *Access Configuration.*

- a. Service gates shall be provided, and shall remain closed at all times except when the containers are being serviced. The dimensions of the service access shall be configured to meet the requirements of the service provider.
- b. The enclosure shall also provide separate pedestrian access gates or a pedestrian access opening that screens the dumpster from view.

D. **Solar Compost Digesters and Compost Bins for Residential Purposes.**

1. Solar compost digesters and compost bins are permitted in side and rear yards of single-family detached, duplex, and multiplex buildings, and in the rear yards of townhomes. Composters that are smaller than five cubic feet in capacity are allowed on porches and balconies of all residential uses.
2. All solar compost digesters and compost bins shall be set back:
 - a. 10 feet from interior side and rear property lines;
 - b. 20 feet from street rights-of-way; and
 - c. 20 feet from any habitable building.
3. All solar compost digesters and compost bins shall be used and maintained in a manner that protects adjacent properties from adverse environmental, health, and safety impacts, such as noise, odors, runoff of water, windblown dust and debris, and attraction of rodents or other pests. The City may require removal of solar compost digesters or compost bins that do not comply with these requirements.

E. **Compost Piles for Residential Purposes.** Compost piles are subject to the requirements of Title 7, Loveland Municipal Code.

F. **Outside Trash Receptacles for Non-Residential Purposes.** The use and placement of refuse and recycling containers shall comply with Title 7, Loveland Municipal Code, and the following standards:

1. Dumpsters and any other receptacle of trash shall be placed on a concrete pad and be entirely screened from view with opaque six foot high walls and gate;
2. The enclosure and gate shall be:
 - a. Designed to prevent trash from being scattered by wind or animals;
 - b. Constructed of sturdy, high quality wood, masonry, and / or metal; and
 - c. Sited to allow the garbage truck room to maneuver without backing into a public right-of-way.

18.04.710 Renewable Energy Systems

A. **Generally.** Renewable energy systems include photovoltaic arrays (solar electric panels), geothermal heating and cooling systems, and small wind energy conversion systems. They do not include the manufacture of renewable combustible fuels (e.g., ethanol or biodiesel).

B. **Photovoltaic Arrays.** The following standards apply to photovoltaic arrays:

1. *Roof-Mounts*. Photovoltaic arrays may be roof-mounted on principal and accessory buildings and roofed structures in all zones. Photovoltaic arrays are subject to all applicable height limits and setback requirements of the zone in which they are located.
 2. *Other Mounts*. Photovoltaic arrays that are not mounted on buildings or roof structures shall be set back as if they were detached accessory buildings.
- C. **Geothermal Heating and Cooling Systems**. Geothermal heating and cooling systems use buried pipes to exchange heat with the ground, cooling buildings in the summer and warming them in the winter. Closed loop systems (horizontal and vertical loop systems) are permitted, provided that the loops are set back two feet from property lines and do not encroach into utility easements. Lake loop and open loop systems are not permitted.
- D. **Small Wind Energy Conversion Systems**. Small wind energy conversion systems are generators that convert wind into electricity. Small wind energy conversion systems are rated for not more than 20kW of generation capacity. The following standards apply to small wind energy conversion systems:
1. *Setbacks and Positioning*.
 - a. Towers shall be located behind principal buildings (either in the rear yard or in the building envelope) and set back from the building envelopes of adjoining properties one foot for each foot in height.
 - b. Towers that are located in other types of residential development may be located as set out in Subsection E.1.a., above, or in common open space areas if it is demonstrated that:
 1. They are set back at least 100 feet from rights-of-way and residential property lines that are not within the development; or
 2. Screened from view from outside the development by buildings, topography, and / or landscaping.
 - c. No tower shall be located such that it casts a shadow between the hours of 10 AM and 3 PM on December 21, which impacts any nearby building's unshaded roof area that is oriented within 30 degrees either side of due South.
 - d. Turbines shall be installed in locations that will prevent flickering shadows from being cast into the windows of buildings on nearby properties.
 2. *Turbine Blade Clearance*. The vertical clearance of the blades of tower-mounted horizontal axis turbines shall be not less than 15 feet from the ground surface when the blades are at their lowest point.
 3. *Access*. Climbing access shall be limited by either:
 - a. A six-foot tall fence around the base of the tower with a locking gate; or
 - b. A design that does not allow for tower climbing at heights lower than 12 feet.
 4. *Noise*. Documentation provided by the manufacturer shall demonstrate that noise will not exceed 50 dBA at any property line at peak generation, based on the proposed location of the turbine.
 5. *Reflections*. Turbine blades shall be coated to minimize reflection.
 6. *Tower Height and Screening*. The maximum height of towers and the required screening for tall towers is set out in Table 18.04.710, Maximum Height of Small Wind Energy Conversion Systems. Tower height shall be measured as follows:
 - a. For horizontal axis systems, to the highest point on the rotor blade at its highest point of rotation.
 - b. For vertical axis systems, to the highest point of the tower or turbine, whichever is higher.

Table 18.04.710 Maximum Height of Small Wind Energy Conversion Systems		
Lot Area	Maximum Height	Required Screening
Lot area greater than 5 acres	120 ft.	Continuous evergreen hedge around sides of base that face lot lines. Existing vegetation, fencing, or garden walls that provide comparable screening may be substituted for this requirement.
Lot area greater than 12,000 sf.	75 ft.	
All other lots	40 ft.	None.

7. **Durability Requirements.** Small wind energy conversion systems that become inoperable shall be repaired or removed by the owner or operator within 45 days.

18.04.711 Retaining Walls

- A. **Generally.** The standards of this Section apply to retaining walls in all zones.
- B. **Height.** Individual retaining walls shall not be more than eight feet tall. Where taller retaining walls are needed, a series of terraces or benches shall be used so that no individual wall is taller than eight feet. Terraces or benches shall be at least five feet wide and shall be planted with approved landscaping.
- C. **Finish.** Retaining walls that are taller than three feet in height shall be finished with native rock or other masonry that conveys a scale and texture similar to that of natural rock.
- D. **Engineering.** Retaining walls shall be designed and stamped by a Colorado Registered Professional Engineer, specializing in Structural Engineering, under the following conditions:
- Any wall that is six feet or greater at its highest point, as measured from the top of the wall to the lowest adjacent ground level, not including its foundation depth; or
 - Any wall that is four feet in height or greater, where its height exceeds its distance from a right-of-way line or a common property line.

18.04.712 Satellite Dishes and Antennae

- A. **Generally.** The standards of this Section apply to satellite dishes and antennae that are typically associated with residential uses. They are not applicable to facilities that are used for commercial purposes or the provision of personal wireless telecommunication services to people who do not reside on the lot on which the dish or antenna is located.
- B. **TV Antennae, DTV Antennae, Wireless Cable Antennae, and Satellite Dishes.**
- The following are permitted if they are attached to a building or mounted on a mast that extends not more than 12 feet above the highest peak of the roof:
 - TV antennae;
 - DTV antennae;
 - Wireless cable antennae; or
 - Satellite dishes that are one meter or less in diameter.
 - Masts that are greater than 12 feet above the peak of the roof are permitted if it is demonstrated that:
 - An adequate signal cannot be obtained at a lower height;
 - The mast and antenna are lower than overhead utility lines, or set back from overhead utility lines such that a collapse of the mast will not result in contact with the lines; and
 - The mast and antenna are designed to withstand a 100 mile per hour sustained wind load.

3. Satellite dishes that are up to one meter in diameter shall be constructed or painted in a manner that is compatible with or blends with the surroundings. No signage shall be allowed on satellite dishes for residential use.
 4. Satellite dishes that are more than one meter in diameter are permitted if:
 - a. They are located on the ground in the rear yard and are not visible from ground-level views from public rights-of-way or adjoining properties; or
 - b. If the dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the building, and the dish or antenna is fully screened from view from public rights-of-way with:
 1. A masonry wall; or
 2. An evergreen hedge or evergreen shrubs and understory trees.
 5. Where feasible, all cabling must be run internally (or underground, as appropriate), securely attached, and as inconspicuous as practicable.
- C. **Amateur Radio Antennae.** Amateur radio antennae are permitted if the following standards are met:
1. Height, setbacks, and screening for the antenna structure shall be as provided in Table 18.04.712, Amateur Radio Antennae.
 2. Support structures that are not attached to the antenna structure shall be treated as accessory structures for the purposes of height, setbacks, and screening.

Table 18.04.712 Amateur Radio Antennae					
Height of Antenna	Minimum Lot Area	Min. Front Setback ¹	Min. Street Side Setback	Min. Side and Rear Setback	Required Screening
120 ft.	Greater than two acres	100 ft.; or, alternatively, 20 ft. behind rear elevation of principal building	Height of antenna	70 ft.	Continuous evergreen hedge around sides of base that face lot lines; Three small trees, located to maximize interruption of views from adjacent property and public rights-of-way. Existing vegetation that provides comparable screening may be applied toward this requirement.
72 ft.	12,000 sf.	72 ft.; or alternatively, 15 ft. behind rear elevation of principal building	Height of antenna	25 ft.	
40 ft.	N/A	Same as required for principal building			None

18.04.713 Shopping Cart Storage

Shopping cart storage areas shall be placed inside the principal building, placed in an accessory structure designed to compliment the principal building, or screened with walls and landscaping. Shopping cart return areas (for the temporary storage of shopping carts) may be located within surface parking lots.

18.04.714 Swimming Pools, Hot Tubs, and Spas

- A. **Generally.** Swimming pools, hot tubs, and spas are permitted according to the standards of this Section and applicable health and building codes.
- B. **Standards for Private Residential Lots.**
 - 1. Swimming pools, hot tubs, and spas on private residential lots (single-family detached, duplex, townhome, or multiplex) shall be located in the rear yard and set back at least 10 feet from property lines. No swimming pool shall encroach into a utility easement. No pool deck shall encroach into an easement that contains or is designated to contain underground utilities.
 - 2. Unobstructed deck areas shall extend not less than five feet in every direction from in-ground swimming pools.
- C. **Standards for Commercial Uses or Community Amenities.** Swimming pools, hot tubs, and spas that are constructed as commercial uses or community amenities shall be located, configured, and enclosed as follows:
 - 1. *Location.* Swimming pools, hot tubs, and spas shall be set back 25 feet from all property lines.
 - 2. *Required Enclosure.*
 - a. Swimming pools, hot tubs, and spas shall be enclosed by any combination of fence, building, or wall to prevent unauthorized access. All access points shall be controlled entrances.
 - b. Enclosures shall be a minimum of five feet in height, measured on the side of the enclosure that faces away from the pool, hot tub, or spa.
 - 3. *Access.* Entrances to the swimming pool, hot tub, or spa area shall be accessible to disabled individuals, with gates that are self-closing and self-latching. Latches shall be at least four and one-half feet above the surface of the ground.
 - 4. *Deck Areas.* Unobstructed deck areas shall extend not less than five feet in every direction from in-ground swimming pools.

18.04.715 Unattended Donation Drop-Off Boxes

- A. **Generally.** Unattended donation drop-off boxes are allowed in any zone if the subject property is used for nonresidential purposes.
- B. **Location.** Unattended donation drop-off boxes:
 - 1. Shall be set back at least 15 feet from all property lines; and
 - 2. Shall not obstruct parking or on-site or off-site vehicular movements.
- C. **Construction.** Drop-off boxes shall be constructed of waterproof and rustproof materials, and shall be secured against scavenging.
- D. **Maintenance.** Materials that are deposited in drop-off boxes shall be collected on a regular schedule that is sufficient to prevent the boxes from overflowing.

18.04.716 Utilities and Mechanical Equipment

- A. **Generally.** The standards of this Section apply to all buildings in the City.
- B. **Electrical, Gas, Communications, Water, Wastewater, and Storm Drain.**
 - 1. Electrical and communications utilities that serve individual buildings shall be installed underground.
 - 2. Gas, water, wastewater, and storm drain utilities shall be installed underground.
- C. **Roof-Mounted Equipment.**
 - 1. Roof-mounted HVAC and elevator equipment (except chimneys and vent pipes), shall be not less than 90 percent screened from view from street-level and adjoining properties.
 - 2. Screening material shall be of the same or comparable material, texture, and color as the material used for building cladding.
 - 3. Screening shall be constructed as an encompassing monolithic unit, rather than as individual screens. Multiple equipment screens, or “hats”, surrounding individual equipment shall not be permitted.

4. The height of the screening element shall equal or exceed the height of the structure's tallest piece of installed equipment.
- D. **Radon Mitigation.** Radon mitigation systems, if used, shall be integrated into the building design, or if retrofitted and visible from public streets, shall be designed to appear as gutter pipes, or painted the same color as the building wall.
- E. **Ground-Mounted Equipment.** Ground-mounted HVAC equipment shall be completely screened from view from street-level and adjoining properties by building walls, landscaping, or screen walls.

18.04.717 Vending and Reverse Vending Machines

- A. **Generally.** Generally, vending machines and reverse vending machines shall be located inside of buildings.
- B. **Exceptions.** Vending machines and reverse vending machines may be provided outside at transit facilities; public parks; outdoor stadiums, arenas, amphitheaters, or drive-in theaters; outdoor commercial recreation or amusement uses; campgrounds; and RV parks; provided that:
 1. They are located under a roofed structure that provides cover from rain and snow;
 2. If internally illuminated, they do not face a public street or residential use or property unless:
 - a. They are screened from view by fences, walls, topography, or landscaping; or
 - b. They are at least 50 feet away from the property line; and
 3. For vending machines that dispense food or beverages, trash and recycling containers are located within 30 feet of the vending machines.

Division 18.04.08 Signs

18.04.801 Purpose

The purpose of this Division is to promote and protect the public health, safety, and welfare, which includes traffic safety and the public's right to a high quality aesthetic environment, by regulating existing and proposed signs of all types within the City in order to assure that:

1. For the public convenience, businesses, services and activities have the right to identify themselves by using signs;
2. Signs are legible in the circumstances in which they are seen;
3. Signs are expressive of the identity of individual properties or of the community as a whole;
4. Signs are well designed and compatible with their surroundings and with the uses to which they are an accessory;
5. Hazardous and unsafe sign conditions are eliminated;
6. There is a reasonable balance between the right of individuals to free expression and the legitimate interest of the public to be protected from the unrestricted proliferation of signs; and
7. Signs are compatible with adjacent land uses and the overall aesthetic environment of the community.

18.04.802 General Sign Regulations in All Zones

- A. **Applicability.** The provisions in this Division shall apply to all signs, whether or not a permit is required prior to construction, installation, or display, except governmental signs and bus stop signs.
- B. **Right-of-Way.** No sign shall be allowed in any public right-of-way, except for projecting and wall signs that meet all of the requirements of Section 18.04.812, [Sign Regulations in Nonresidential Zones](#).
- C. **Sight Distance Triangle.** All signs located within a required sight triangle (*see* Section 18.05.202, [Sight Triangles](#)) shall be of pole construction with a twelve-inch maximum diameter of a pole, and a minimum distance from grade to the bottom of the sign of 10 feet.
- D. **Unimpaired Traffic Visibility.** No sign shall be located to impair traffic visibility or the health, safety, or welfare of the public. The direct or reflected light illuminating any sign shall not create a traffic hazard or otherwise be detrimental to public health, safety, or welfare.

- E. **Additional Conditions.** Signs may also be subject to use-specific standards set out in [Division 18.02.04, Use Standards](#).

18.04.803 Measurement of Sign Dimensions in All Zones

A. **Sign Face Area Measurement.**

1. *Generally.* The sign face area shall be measured by including within a single continuous rectilinear perimeter of not more than eight straight lines which enclose the extreme limits of writing, representation, lines, emblems, or figures contained within all modules together with any air space, materials or colors forming an integral part or background of the display or materials used to differentiate such sign from the building or structure against which the sign is placed. Except as provided in subsection A.3., below, architectural features, structural supports, and landscape elements shall not be included within the sign face area.
2. *Wall Signs.* For the purpose of determining sign face area (and the number of wall signs, in locations where the number of wall signs is limited), wall signs that are located closer than five feet to each other will be counted as a single sign, unless:
 - a. They are attached to a different building elevation;
 - b. They are attached to building walls that are not on the same vertical plane;
 - c. They are located above different tenant spaces in a multi-tenant building; or
 - d. A planned sign program is approved for the subject property (see [Section 18.04.818, Planned Sign Program Option](#)).
3. *Freestanding Signs.* The sign face area of a freestanding sign shall include, in addition to the sign face area measured pursuant to subsection A.1., above, any portion of the freestanding sign structure that exceeds one and one-half times the sign face area (to the extent of the excess). The base (including the vertical element of raised landscape planter boxes) shall be any structural component of the sign.

- B. **All Sign Faces Counted Towards Maximum Total Sign Area Allowance.** In locations where there is a maximum total sign area allowance, all sign faces of all signs are counted and considered part of the maximum total sign area of the premises.

- C. **Freestanding Sign Setback Measurement.** The required setback for freestanding signs shall be measured as the distance between the sign's leading edge and the closest ultimate curb. However, no sign shall be located closer than two feet from the back of the sidewalk, unless the sign is located on a premises where the building is set back less than 15 feet from the street right-of-way, or in the DT zone, and the sign is specifically allowed under:

1. [Section 18.04.813, Sign Regulations for Urban Areas and Downtown Sign District](#); or
2. [Section 18.04.814, Portable Signs - Downtown Sign District](#).

- D. **Sign Height Measurement.** The height of a sign is the vertical distance measured from either the elevation of the nearest public or private sidewalk within 25 feet of the sign, to the upper most point of the sign structure, including architectural appendages, or from the lowest grade within 25 feet of the sign to the upper most point of the sign structure, including architectural appendages, whichever is lower.

- E. **Awning Sign Measurement.** All writing, representations, emblems, or figures forming an integral part of a display used to identify, direct, or attract the attention of the public shall be considered to be a sign for purposes of measurement.

18.04.804 Signs Not Subject to Permit - Exempt Signs

- A. **Generally.** There is community interest in allowing certain types of signs to be erected without a permit. Due to their temporary nature or limited aesthetic impact, the following signs may be erected without a sign permit, provided that they meet all applicable standards of this Division, as well as any applicable construction or safety standards of the City.
- B. **Exempt Signs.**

1. *Small Signs.* Up to two signs, tablets, nameplates, or plaques per frontage, per premises, provided that no individual sign face exceeds two square feet.
2. *Temporary Signs.* Certain temporary signs, as set out in Section [18.04.806, Temporary Signs](#).
3. *Flying Banners.* Up to three flying banners per subject property, provided that such flying banners are flown from one or more permanent flagpoles, and no individual flying banner exceeds 48 square feet in sign face area.
4. *Holiday Decorations.* Holiday decorations.
5. *Required Signs.* Signs that are required by federal or state law or City ordinance (e.g., public notices, disabled parking signs, traffic control devices, etc.).
6. *Window Signs.* Window signs.

18.04.805 Prohibited Signs

The following signs are not allowed in any zone except as provided in Section [18.04.806, Temporary Signs](#):

1. Animated or flashing signs, except electronic message signs meeting the requirements of Section [18.04.812, Sign Regulations in Nonresidential Zones](#), either inside or outside a building and which are visible from a public right-of-way; and except traditional barber poles and searchlights that are specifically allowed by this Division.
2. Roof signs, except as part of a planned sign program as provided for in Section [18.04.818, Planned Sign Program Option](#).
3. Portable signs, except for signs that comply with the provisions of Section [18.04.807, Commercial Vehicle Signs](#) or Section [18.04.814, Portable Signs - Downtown Sign District](#).
4. Bare light bulbs, except as part of a planned sign program as provided for in Section [18.04.818, Planned Sign Program Option](#), or temporary signs as provided for in Section [18.04.806, Temporary Signs](#).
5. Signs of a nonpermanent nature such as cardboard, paper, cloth, plastic, or similar material except as provided in Section [18.04.806, Temporary Signs](#).
6. Signs in the public rights-of-way, except as provided in Section [18.04.802, General Sign Regulations in All Zones](#).

18.04.806 Temporary Signs

- A. **Generally.** Temporary signs shall under no circumstances be used as a substitute for permanent signage, or be situated to screen permanent signage on an adjacent lot or premises.
- B. **Temporary Signs Subject to a Permit.**
 1. *Permissible Signs.* For all businesses and non-residential uses, the following temporary sign types are permissible:
 - a. Banners
 - b. Balloons
 - c. Pennants
 - d. Valances
 - e. Flying banners
 - f. Any sign device which operates from an external power source including but not limited to searchlights, balloons, and animated signs
 2. *Permit and Duration.*
 - a. All permissible temporary signs as specified in subsection B.1., above, shall require the approval of a temporary sign permit application by the Director.
 - b. Temporary sign permit applications shall be valid for terms of 15 consecutive days. A maximum of four temporary sign permits may be issued to an individual business or non-residential use per calendar year (and may be approved in succession). The maximum cumulative display for all permitted temporary signs shall not exceed 60 days per calendar year unless a variation is approved under subsection E., below.

3. *Number.* No more than two of the sign types specified in this subsection B.1. shall be permitted on a lot or premise for an individual business or non-residential use.
 4. *Sign Area and Location.* All permissible temporary signs as specified in subsection B.1., above, shall comply with the following standards:
 - a. Banners: A banner or banners must not cumulatively exceed one-hundred square feet in total sign area, and shall be attached to an exterior building wall. All portions of such banner(s) shall be in contact with the building wall, and shall not flap, extend beyond the wall, or be fastened to support structures.
 - b. Balloons: Except as allowed in subsection D.1.a., below, balloons shall not exceed a total maximum dimension (in any direction) of ten feet, inclusive of a base. Attaching balloons to tethers is permitted, provided that the tether is no greater than fifteen feet in length. Balloons must be secured to a building, structure, stable object, or the ground, and shall not extend beyond the boundaries of the lot or premise. Balloons shall not be attached to trees or shrubs.
 - c. Pennants and valances: A single pennant strand shall not exceed 50 feet in length. Each pennant or valance strand must be secured to a building, structure, stable object, or the ground at both ends. Pennant strands shall not be attached to trees or shrubs.
 - d. Flying banners: Except as allowed in subsection D.1.b., each flying banner shall not exceed 25 feet in height, inclusive of the staff or support structure, and 75 square feet in size. Flying banners are to be attached to a single, permanent, vertical staff support structure. The support structure may be mounted securely to a building, structure, stable object, or the ground. Flying banners shall not extend beyond the boundaries of the lot or premise. Flying banners shall not be attached to trees or shrubs.
 - e. Sign devices operated from an external power source: Sign devices operated from an external power source shall comply at all times with the City's noise ordinance. These types of temporary signs shall be secured to the ground and limited to 25 feet in height, provided that they do not extend beyond the boundaries of the lot or premises. The lighting component for searchlights must be projected upward so as not to diminish public safety or welfare.
 5. *Lighting.* Temporary signs requiring a permit may only be illuminated indirectly by means of a separate light source (excluding searchlights). It shall be demonstrated that no off-site impacts associated with glare will occur by indirectly illuminating a temporary sign. The light source shall also comply with applicable provisions of [Division 18.09.02, Lighting](#).
- C. **Maintenance.** All temporary signs shall be kept neatly finished and repaired, including all parts and supports. Temporary signs that are materially damaged shall be removed from display. The building official and/or an authorized representative may inspect temporary signs and shall have authority to order the painting, repair, alteration or removal of a sign that constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.
- D. **Temporary Signs Not Subject to Permit.**
1. On a lot or premises associated with a nonresidential use, a sign permit shall not be required for the following temporary signs:
 - a. Balloons, provided that no balloon has a horizontal or vertical dimension greater than two feet;
 - b. Flying banners, provided that no more than four banners are installed on the lot or premises and each individual flying banner does not exceed ten feet in height and 25 square feet in sign face area;
 - c. A-frame or T-frame portable signs, provided that no more than one such sign is installed per nonresidential tenant on the lot or premise; and:
 1. No such sign exceeds six square feet in sign face area and a height of four feet;
 2. The sign shall be located within 10 feet of the principal public entrance to the business;
 3. Placement of the sign shall allow a minimum unobstructed access width of five feet along all sidewalks;
 4. The sign shall not be placed in a public right-of-way (except in the DT zone, as provided by Section [18.04.814, Portable Signs - Downtown Sign District](#));

5. The sign shall be displayed only during regular operating hours of the nonresidential tenant to which to sign relates;
 6. The sign shall not be located in off-street parking areas, public roadways, landscape planters, or landscape beds, and may not be arranged so as to create sight distance conflicts at road intersections or driveways;
 7. The sign shall be constructed of materials that are of a rigid and durable nature that is not subject to fading or damage from weather. See Section 18.04.814, Portable Signs - Downtown Sign District. The use of paper or cloth is not permitted unless located within a glass (safety glass) or plastic enclosure; and
 8. The sign shall not have electrical moving parts. Decorative and ornamental features, if included, shall be maintained in good condition.
- d. Site signs, provided:
1. The number of such signs on the lot or premise shall not exceed one sign per frontage;
 2. No such sign shall exceed seven feet in height and thirty-two square feet in sign face; and
 3. No such sign shall be displayed on the lot or premise for more than 6 consecutive months.
- e. Any signage device similar to those described in subsections D.1.a. through D.1.c., above, if so determined and approved in writing by the Director.
2. On a lot or premise associated with a residential use, a sign permit shall not be required for U-Frame and H-Frame portable signs, provided;
 - a. The number of such signs on the lot or premise shall not exceed twelve signs;
 - b. No such sign shall exceed three feet in height or four square feet in sign face; and
 - c. No such sign shall be displayed on the lot or premise for more than two periods during a calendar year, with no individual period exceeding 100 consecutive days.
 3. Internal and external illumination shall be prohibited for the temporary signs listed in this subsection D.

18.04.807 Commercial Vehicle Signs

- A. **Generally.** Due to their aesthetic and economic impact, especially along business corridors and other major streets and highways, the following specific regulations for signs that are applied to commercial vehicles are necessary to carry out the purposes of this Division.
- B. **Exceptions.**
1. The regulations of this section are not applicable to signs applied to government and emergency response vehicles.
 2. It shall not be a violation of this Section if a vehicle to which a commercial vehicle sign is mounted, painted, or otherwise affixed is used to travel home from work, to make deliveries or service calls, or is otherwise used for its intended purpose as a commercial vehicle, and therefore is temporarily parked during such use.
- C. **Standards.**
1. The vehicle, trailer, or semi-trailer (vehicle) to which a commercial vehicle sign is mounted, painted, or otherwise affixed:
 - a. Must be operable, appropriately registered, and regularly used for its intended purpose as a commercial vehicle;
 - b. Must not be primarily used to display signage.
 2. The vehicle to which a commercial vehicle sign is mounted, painted or otherwise affixed must be parked in a marked parking space at least 50 feet away from the public right-of-way, unless the premises does not include parking or does not include parking spaces that are more than 50 feet from public rights-of-way.

3. The commercial vehicle sign does not project above the roofline of the vehicle to which it is mounted, painted, or otherwise affixed.

18.04.808 Project Signs

- A. **Sign Area.** The maximum sign area of a project sign shall be 39 square feet. The sign area shall only include the extreme limits of lettering, except when the surface area of the structure to which the sign is attached or affixed exceeds one and one-half times the area of the sign face, in which case all additional surface area will be included in the sign area measurement. The foregoing notwithstanding, this limitation shall not be applied when the sign is attached or affixed to a landscape planter bed constructed with quality design and materials such as masonry, timbers, or natural stone which has been approved by the Director for the site.
- B. **Number.** There shall be no more than two project signs per project entry from an arterial or collector street as defined in the City's master street plan. Commercial and industrial project signs shall be counted as a freestanding sign for the premises on which it is located.
- C. **Height.** Project signs shall be a maximum of six feet in height.
- D. **Lighting.** Any lighting shall be indirect.
- E. **Maintenance.** All applicants shall provide adequate assurance acceptable to the City that the sign and the lot or tract upon which it is located will be maintained.

18.04.809 Temporary Project Signs

- A. **Sign Area.**
 1. The maximum sign face area for a temporary project sign in residential zones and residential PUDs shall be 50 square feet.
 2. The maximum sign face area for a temporary project sign in non-residential zones and non-residential PUDs shall be 75 square feet.
 3. Notwithstanding the contrary provision in Section 18.04.803, *Measurement of Sign Dimensions in All Zones*, the sign face area shall include only the extreme limits of lettering and depictions, except when the surface area of any structure to which the sign is affixed exceeds 50 percent of the area of the sign face, in which case all additional surface area will be included in the sign area measurement. Monument style sign bases and pole covers shall be included in calculating all such additional surfaces which are subject to the 50 percent limitation.
- B. **Number.** There shall be no more than one temporary project sign per project entry from any adjacent street and no more than two temporary project sign per project or phase of a project.
- C. **Height.** Temporary project signs shall be no more than 12 feet in height.
- D. **Lighting.** Any lighting shall be indirect. All lighting shall be aimed and/or shielded to insure that no direct light is seen upon the driving surface of any streets or upon any nearby residential properties.
- E. **Duration.** Temporary project signs shall be allowed to remain for no more than two years following commencement of construction of the public improvements within the project, unless a written request to extend this time period is approved by the Director.
- F. **Location.** Temporary project signs shall be located within the boundaries of a project or premise that is under development or that has been recently developed and not yet conveyed to third-party purchasers. For projects within a mixed-use planned unit development, the premises shall include the boundaries of the entire planned unit development.
- G. **Maintenance.** All applicants shall provide adequate assurance acceptable to the City that the temporary project sign and the lot or tract upon which it is located will be maintained in good condition at all times.

18.04.810 Sign Regulations for Nonresidential Uses and Business Uses of the Home in Residential Zones

- A. **Generally.**

1. All signs for nonresidential uses in residential zones shall be limited to 20 square feet in sign face area. All such signs shall be unlit or indirectly lit. All lighting shall be aimed and / or shielded to insure that no direct light is seen upon any nearby street or upon any nearby residential property.
 2. For the purposes of subsection A.1., above, a business use of the home is not considered a “nonresidential use.”
- B. **Business Uses of the Home.** Properties within the Adaptive Re-Use Overlay Zone, as defined in Section 18.02.202, [Overlay Zones Established](#), shall be permitted one sign on North Cleveland Avenue subject to the standards of subsection A.1., above.

18.04.811 Sign Setback from Adjacent Residentially Zoned Land

Any sign that requires a permit and that is accessory to a nonresidential use adjacent to a residentially zoned property, shall be located at a point that is furthestmost from the residential property unless such sign is not visible from the residentially zoned property, provided that the sign is also located in a yard that is adjacent to any adjoining streets.

18.04.812 Sign Regulations in Nonresidential Zones

- A. **Generally.** The following regulations shall apply to all uses in nonresidential zones. Included are DT, B, I, MAC, E, and DR districts. In addition, within the downtown development authority boundary, all signs shall comply with Section 18.04.813, [Sign Regulations for Urban Areas and Downtown Sign District](#), and along Interstate Highway-25 (I-25), all signs shall comply with Section 18.04.815, [Sign Regulations for the I-25 Corridor](#). All signs allowed pursuant to this section shall have their sign area applied to the total allowable sign area.
- B. **Maximum Total Sign Area Allowance.**
1. The maximum total sign area allowance for all permitted signs shall not exceed two square feet per linear foot of building frontage for the first 200 linear feet of building frontage, plus one square foot per linear foot of building frontage thereafter. No more than two sides of a building may be counted towards the building frontage total. The total sign area for all sign faces shall be deducted from the maximum total sign area allowance.
 2. However, each premises shall be, at a minimum, entitled to one freestanding sign per street frontage of 50 square feet per face and one wall sign per street frontage of 32 square feet in area, provided that all other requirements of this Division are met. Each occupant of a multi-tenant center that has a separate ground floor principal entrance shall be entitled to one wall sign per street frontage of 32 square feet in size.
 3. If permits are approved by the City for signs based on the minimum provisions of subsection B.1.b. above, the maximum total sign area allowance based on the building frontage as set forth in subsection B.1.a. above shall not be recognized by the City as allowable sign area.
- C. **Freestanding Signs.**
1. *Number.* One freestanding sign is allowed per street frontage per premises located on each street frontage, except with an approved planned sign program (see Section 18.04.818, [Planned Sign Program Option](#)).
 2. *Sign Face Area.*
 - a. Generally, all freestanding signs that are set back eight feet or less from face of curb or edge of pavement shall be entitled to 27 square feet of sign face area. All freestanding signs that are set back more than eight feet from face of curb or edge of pavement shall be allowed 3.3 square feet of sign face area per foot of setback up to a maximum of 75 square feet per face. The maximum sign face area of all faces of a freestanding sign shall be two times the maximum sign area per face allowed based on setback.
 - b. If the premises also includes a canopy sign, no freestanding sign shall exceed thirty-two square feet in sign face area.
 3. *Freestanding Sign Face Area Bonus.* To encourage design excellence, a sign face area bonus is available for freestanding signs as follows:

- a. Integration with Building Structure. A 10 percent sign face area bonus is allowed if the freestanding sign is designed to integrate with the building structure. The sign will be considered integrated if the same or similar building materials and colors are used. If discrepancy occurs, the Director shall make the final decision.
- b. Landscaping. A 10 percent bonus shall be allowed if the freestanding sign is located entirely within a landscaped area and:
 1. A minimum of four square feet of landscaping is provided for every one square foot of sign face area, calculated as follows:
 - a. That portion of the sign that is on the ground is not counted toward landscaped area; and
 - b. Within three years of normal plant growth:
 - A. 75 percent of the landscaping shall be live plant cover; or
 - B. 50 percent of the landscaping shall be live plant cover where the landscape area includes a rock mulch of river cobbles of varying sizes; or
 - C. 40 percent of the landscaping shall be live plant cover where the landscaped area includes flagstone, patterned concrete, brick pavers, or exposed aggregate concrete; or
 2. One square foot of landscaping for every one square foot of sign area to qualify for the bonus if the freestanding sign is integrated into a raised planter box.

4. *Height.*

- a. Generally, a freestanding sign may be eight feet in height for the first eight feet of setback from the ultimate curb, then one foot of height for each foot of setback thereafter up to a maximum height of 12 feet. However, should it be adequately demonstrated that the only feasible location for a freestanding sign is within the clear vision triangle due to the location of existing buildings, entrances and parking, or shallowness of the lot, the Director may permit a freestanding sign up to a maximum height of 14 feet.
- b. If the premises also includes a canopy sign, no freestanding sign shall exceed eight feet in total height.

5. *Location.* All freestanding signs shall be located on the premises so as to be compatible with required landscaping, including street trees at maturity, so that the public's view of the sign will not be obstructed.

6. *Sign Modules.* Not more than three sign modules are allowed per sign.

7. *Design.* If the premises also includes a canopy sign, any freestanding sign shall have a monument style base.

D. **Building Mounted Signs.** Each business shall be entitled to no more than one building mounted sign per signable wall. Building mounted signs may only be installed on a signable wall which adjoins that portion of the building occupied by the business or use with which the sign is associated;

1. *Wall Signs.*

- a. Size. No wall sign shall exceed 100 square feet in sign face area; except that the sign face area of signs that are painted on, or applied directly to the surface of, a side or rear building wall in the DT zone is not limited (and not counted towards the maximum total sign area allowance in subsection B. of this Section);
- b. Height. No wall sign or sign support shall extend above the top of wall or parapet wall of the building to which the wall sign is attached. Wall signs shall be allowed on a mansard-style roof, provided the roof is constructed at an angle of not less than forty-five degrees, as measured from the horizontal plane, and in such a manner that the sign is not silhouetted against the sky as viewed five feet above grade at the property line;
- c. Wall sign bonus. A 10 percent sign face area bonus shall be provided if all wall signs within a single or multi-tenant center are individual lettered signs.

2. *Projecting Signs.*

- a. Location. No projecting sign is allowed to be located on the same street frontage as a freestanding sign;
- b. Sign Area. Projecting signs shall not exceed 15 square feet in sign face area with a maximum of 30 square feet for all faces;

- c. Projection. Projecting signs shall not extend more than five feet from a building, nor extend beyond the curbline of any street or off-street parking area;
- d. Clearance. Projecting signs shall provide a minimum of eight feet of clearance from the ground to the bottom edge of the sign when located over a public or private sidewalk;
- e. Height. The maximum height of projecting signs shall be 25 feet, and shall not extend above the roof peak or parapet wall of the building to which it is attached.

3. *Awning Signs.*

- a. Location. Awning signs shall not be allowed above the first story of a building;
- b. Sign Area. The maximum amount of sign face area allowed on awnings, per street frontage, shall be 50 square feet, exclusive of banding and striping;
- c. Clearance. When extended over either a private or a public sidewalk, the minimum clearance from the lowest point of the awning to the top of pavement shall be eight feet. No awning sign shall be allowed to project over a private or public vehicular way.

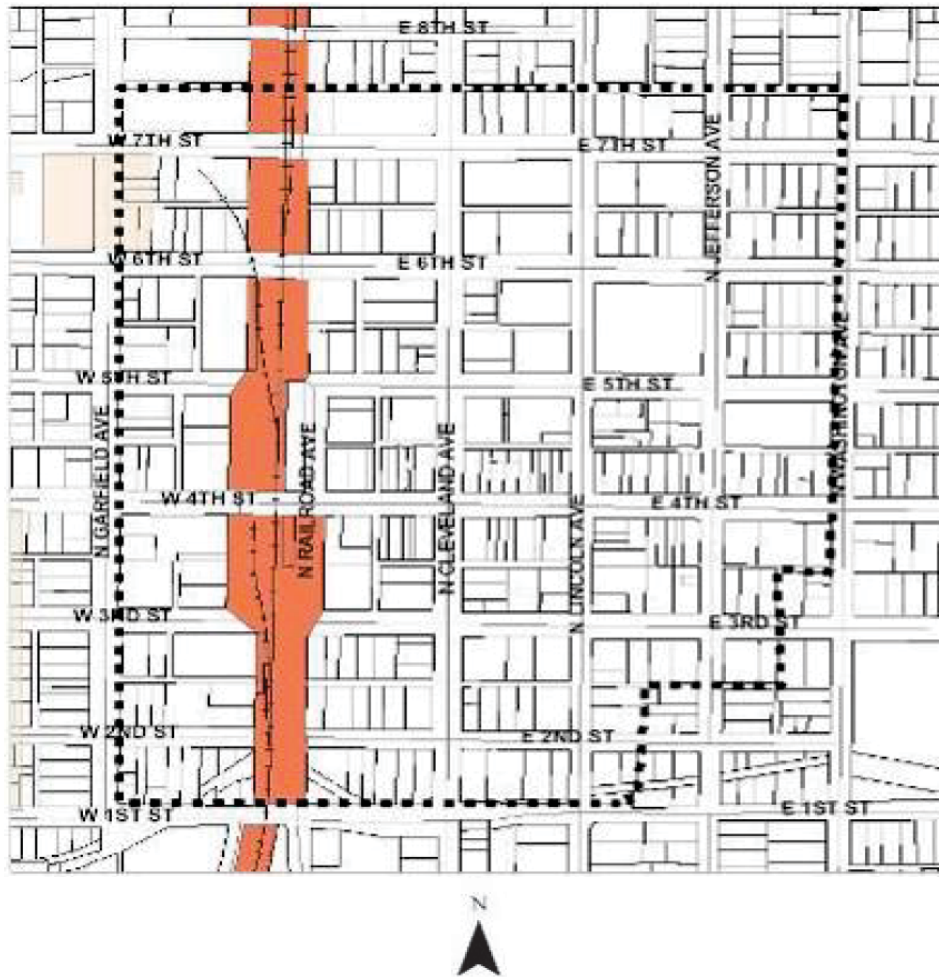
E. **Electronic Message Signs.** Electronic message signs shall be subject to the following limitations:

- 1. The displayed message shall not change more frequently than once per five seconds.
- 2. The sign shall contain static messages only, changed only through dissolve or fade transitions, but which may otherwise not have movement, or the appearance or optical illusion of movement or varying light intensity, of any part of the sign structure, design or pictorial segment of the sign. The change of messages using a dissolve or fade transition shall not exceed of 0.3 seconds of time between each message displayed on the sign.
- 3. The sign shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare. Lighting from the message module shall not exceed 600 nits (candelas per square meter) between dusk to dawn as measured from the sign's face. Applications for sign permits containing an electronic display shall include the manufacture's specifications and nit (candela per square meter) rating. City officials shall have the right to enter the property and view the programed specifications of the sign to determine compliance with this provision.
- 4. Unless otherwise specifically allowed by this Division, the area of the electronic message sign display shall not exceed 50 percent of the total sign face.
- 5. All existing electronic message signs that contain an electronic changeable copy module that does not comply with the provisions of this section shall be made to conform to the brightness and duration of copy provisions upon the effective date of the ordinance approving such provisions.
- 6. Electronic message signs within the Highway 34 corridor, as defined in the U.S. 34 Corridor Plan, shall be permitted only within a planned sign program for commercial centers on premises sharing a boundary with the Highway 34 right-of-way for more than 500 lineal feet, provided that the maximum sign area for the electronic message module shall not exceed 50 percent of the total sign face.
- 7. A request for variance shall be heard by the Zoning Board of Adjustment in accordance with Section [18.17.1507, Variances](#). In addition to the findings specified said section, before granting any request, the Board shall also find that:
 - a. The proposed area, setback and/or height of the electronic message sign module is the minimum required to be fully visible from the adjacent arterial or interstate roadway right-of-way;
 - b. Traffic safety conditions will not be diminished by the increased sign face area, increased height, or decreased setback of the electronic message sign module; and
 - c. There are no reasonable alternatives to the increased size, height, setback and/or design of the electronic message sign.

18.04.813 Sign Regulations for Urban Areas and Downtown Sign District

- A. **Generally.** This section shall apply when a building is set back 15 feet or less from the ultimate curb, or is within the boundary of the Downtown Sign District, which boundary is set out in Figure 18.04.813, Downtown Sign District.

Figure 18.04.813
Downtown Sign District



B. **Number of Signs.**

1. Except as otherwise specified in this Section, a premises with a building that is set back 15 feet or less from the ultimate curb shall be allowed one wall sign per street frontage pursuant to subsection A. of Section 18.04.812, [Sign Regulations in Nonresidential Zones](#).
2. In addition to the allowance for one wall sign, such premise shall also be allowed to display sign messages on the front and/or side valance flap of an awning provided the total wall and awning sign area does not exceed the total sign area limitations of this section. Such awning signs shall be coordinated with the display of wall signs to provide easy readability of signs for both pedestrians and vehicles and shall comply with other standards of this section. The color of an awning sign shall be compatible with and complementary to the color and material of the building to which it is attached.
3. Additionally, a planned sign program pursuant to Section 18.04.818, [Planned Sign Program Option](#), may be allowed with no specific limit on the number of signs, provided that the cumulative total of area in signs does not exceed the total area allowed pursuant to this section.

- C. **Area of Signs.** Except as otherwise specified in this section, the maximum total sign area allowance for a building that is set back 15 feet or less from the ultimate curb shall be 10 percent of the first floor facade area, or 32 square

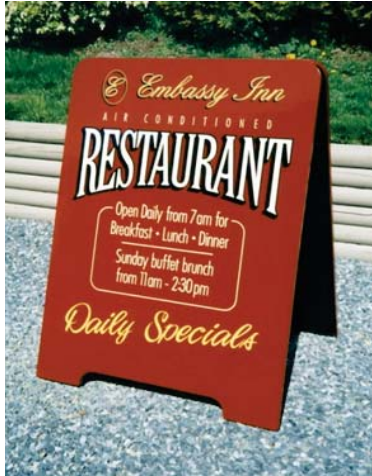
feet, whichever is greater. For multistory buildings, only the facade area for the first story shall be used to calculate the allowed sign area.

- D. **Downtown Sign District.** In addition to the standards of subsections B. and C., above, all signs within the boundary of the Downtown Sign District shall also comply with the provisions of this subsection.
1. *Historical Context and Pedestrian Scale.* All signs allowed pursuant to this subsection shall be designed and integrated into the architecture of a building and street so as to enhance and preserve the historic character of the downtown area. Signs shall be designed for viewing from two vantage points:
 - a. By a driver of an automobile traveling at 10 mph, and
 - b. By a pedestrian on the sidewalk.
 2. *Architectural Compatibility of Signs.* All signs allowed pursuant to this subsection shall be in keeping with the architectural style of the to which they are applied or attached, and with other signs on the building (if any). For purposes of interpretation, the phrase “in keeping with” means that the sign lends itself in character, material, color, design, and style to the building upon which it is applied or attached.
 3. *Downtown Sign Design Guidelines.* The Design Guidelines for Downtown Loveland (see [Appendix C: Design Guidelines for Downtown Loveland](#)) shall be used when approving any sign within the Downtown Sign District.

18.04.814 Portable Signs - Downtown Sign District

- A. **Portable Signs Allowed.** For properties located within the boundaries of the Downtown Sign District (see Section [18.04.813, Sign Regulations for Urban Areas and Downtown Sign District](#)), one portable sign shall be allowed. Such portable signs are intended to be directed at pedestrian traffic, shall minimize disruption of vehicular and pedestrian traffic, and shall be located and designed to meet all requirements of this section.
- B. **Permit.** No sign permit shall be required for portable signs permitted under this section.
- C. **Size.** The sign face area of the portable sign shall not exceed six square feet. In measuring the sign face area, the entire face of the sign (one side) shall be counted, irrespective of the area devoted to the sign message. Signs are permitted to have two sign faces. The maximum height of the sign shall be four feet.
- D. **Removal.** Portable signs may be displayed only during regular operating hours of the use to which they relate, and shall be removed during non-operating hours.
- E. **Placement.**
1. Portable signs may be located on private property or within the public right-of-way adjacent to the property (excluding any vehicular travel lane), provided the placement of the portable sign does not interfere with vehicle access, pedestrian movement, or wheelchair access to, through, and around the site.
 2. A minimum unobstructed access width of five feet shall be maintained along all sidewalks and building entrances accessible to the public. This measurement shall be made from the edge of the sidewalk or pedestrian passage to the nearest point of the sign. See Figure 18.04.814, Placement and Materials.
 3. Portable signs shall not be located in off-street parking areas, public roadways, public landscape planters, or landscape beds, and may not be arranged so as to create sight distance conflicts at road intersections or driveways.
- F. **Material and Appearance.**
1. Portable signs shall be constructed of materials that are of a rigid and durable nature that is not subject to fading or damage from weather. See Figure 18.04.814, Placement and Materials. The use of paper or cloth is not permitted unless located within a glass (safety glass) or plastic enclosure.
 2. Signs shall be maintained in a neat, orderly fashion so as not to constitute a public nuisance or hazard.
 3. Portable signs shall not have electrical moving parts. Decorative or ornamental features, if included, shall be maintained in good condition.

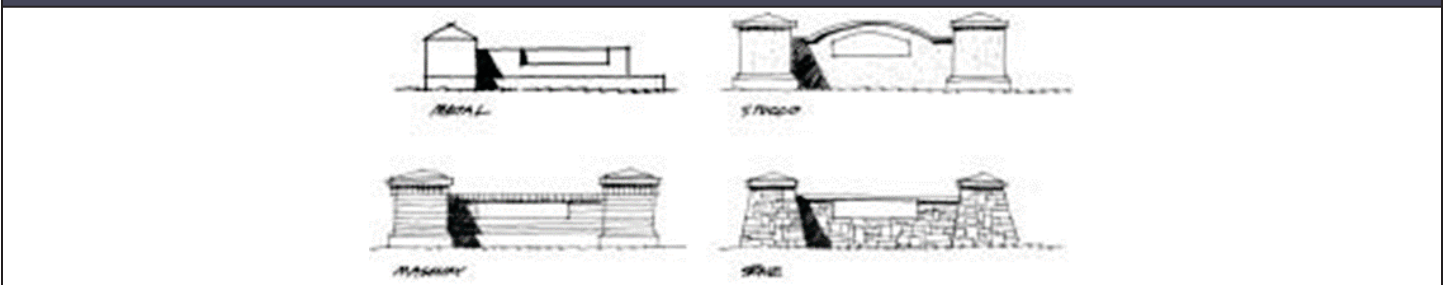
Figure 18.04.814
Placement and Materials

Appropriate Placement of Portable Sign	Desirable Materials and Design
	

18.04.815 Sign Regulations for the I-25 Corridor

- A. **Generally.** These provisions shall apply to any premises in a nonresidential zone that shares a boundary with the right-of-way of I-25. This area is referred to herein as “the I-25 corridor area.” This Section applies only to freestanding signs in the I-25 corridor area, and the standards of this Section are applied in addition to all other sign regulations in this Division. Within the I-25 corridor area, approval from the Colorado Department of Transportation may also be required for the display of signs.
- B. **Prohibited Signs.** Existing signage within the I-25 corridor area includes tall, pole-mounted signs, billboards, and site-specific monument signs of all shapes and sizes. The number, frequency, and variety of signs has created a visual clutter within the I-25 corridor area that detracts from its character. To help alleviate this problem, billboards, pole-mounted freestanding signs, roof signs, and flashing signs shall be eliminated over time as provided in this UDC.
- C. **Modification of Existing Signs.** The addition or enlargement of pole signs, billboards, or flashing signs is prohibited.
- D. **Freestanding Signs.**
 1. All new or replacement freestanding signs shall be monument signs that do not exceed 20 feet in height.
 2. Monument signs shall have a horizontal profile.
 3. Signs shall be designed with consistent design elements (e.g., base material, height, and lettering style), to create a visual continuity and add quality to development. Such signs shall be consistent with the architectural character of the site and building, incorporating at least one of the primary materials, colors, or design elements of the associated building or buildings. See Figure 18.04.815.A., Illustrative Freestanding Signs.

Figure 18.04.815.A.
Illustrative Freestanding Signs



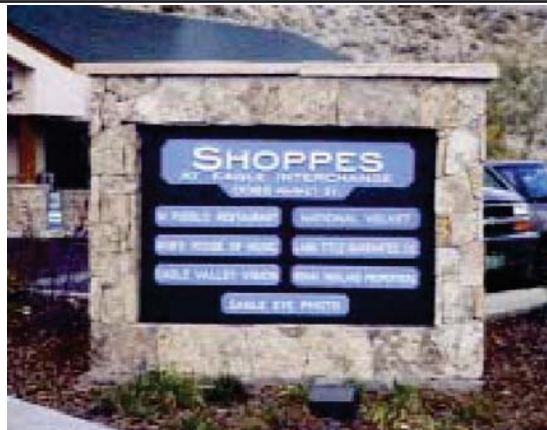
- E. **Sign Face Area.** Except as provided in subsection F., below, the maximum sign face area of a freestanding sign shall be 180 square feet.
- F. **Number.**
1. Generally, one freestanding sign shall be allowed for properties with 500 feet or less of property boundary that is shared with I-25 right-of-way.
 2. If the subject property shares a boundary with the I-25 right-of-way for more than 500 feet:
 - a. Up to two freestanding signs are allowed upon approval of a planned sign program (Section 18.04.818, [Planned Sign Program Option](#)), provided that a minimum separation of 175 feet exists between the freestanding signs; or
 - b. The owner of the subject property may opt for a single sign along the I-25 frontage with increased sign area and sign height as follows:
 1. Sign Face Area: Signs shall be allowed 11.3 square feet of sign face area per foot of setback, up to a maximum of 340 square feet.
 2. Height: Signs shall be allowed 1.3 feet of height for each foot of setback with a maximum height of 30 feet, as measured to the top of the sign face. The height can be extended by a maximum of 11 feet for architectural features only, such as lanterns, columns or design features that integrate the sign into the context or theme of the development. The extended height for architectural features shall not count against the sign height ratio;
 3. Setback: For the purposes of determining the allowable sign area and height, the setback shall be measured from the boundary of the I-25 right-of-way.
 - c. Upon exercise of the single sign option in subsection E.2.b., above, a second freestanding sign is not allowed unless all signs are brought into conformance with the requirements of this Division.
- G. **Setback.** No setback is required for freestanding signs in the I-25 corridor area. However, no part of a sign shall encroach into a public right-of-way or adjacent property.
- H. **Sign Design.** Signs shall be designed with a horizontal profile and shall relate to the architectural style of the principal building on the premises by integrating comparable architectural features and materials. The sign face shall be oriented in a perpendicular fashion to the street frontage associated with the sign. Signs shall be of a high quality design that provides the following:
 1. Readability of the message on the sign panel (as described in the U.S. 34 Corridor Plan);
 2. Sign face materials and base having warm-toned, natural materials such as brick, sandstone, textured and colored concrete or stucco; and
 3. A design that is not top-heavy in appearance.
- I. **Items of Information.** All freestanding signs established under this Section shall be limited to ten items of information. An item of information is a word, an initial, a graphic, an abbreviation, a number, a symbol, or a geometric shape.
- J. **Lighting.** Signs shall be lit by directional, external light sources, internally illuminated letters and logos, or backlit raised letters and logos. Internal illumination of the entire sign face is not allowed.
- K. **Electronic Message Signs.** Within the I-25 Corridor, electronic message signs shall be permitted only within a planned sign program for commercial centers on premises sharing a boundary with the I-25 right-of-way for more than 500 lineal feet, provided that the maximum sign area for the electronic message sign module shall not exceed 60 percent of the total sign face, and the sign shall comply with the provisions in subsection E. of Section 18.04.812, [Sign Regulations in Nonresidential Zones](#). Only one electronic message sign shall be permitted per frontage of a subject property.
- L. **Landscaping.** Landscaping shall be included around the base of the sign to minimize the visual impact of the base of the sign. A minimum of four square feet of landscaping shall be provided for every one square foot of sign face (only one face of the sign shall be counted for this purpose). The portion of the sign on the ground shall not count toward landscaped area. To count as landscaping, 75 percent of the sign area landscaping shall be live plant cover within

three years of normal plant growth. If the freestanding sign is integrated into a raised planter box, the landscape area may be reduced to two square feet of landscaping for every one square foot of sign area.

M. Finish Materials for Signs in Activity Centers.

1. Monument sign bases and/or signs shall utilize one of the following complementary materials or elements as a primary feature to create visual continuity within activity centers in the I-25 corridor area:
 - a. Native Colorado sandstone or similar type of stone;
 - b. River cobblestone;
 - c. Brick;
 - d. Color tinted and textured concrete masonry;
 - e. Metal or iron detailing; or
 - f. Other finish materials of comparable quality, as utilized on the principal buildings in the Activity Center. See Figure 18.04.815.B., Illustrative Finish Materials.
2. Monument signs shall be attached to the ground with a base with a width and length that are at least as large as the bottom edge of the sign face.
3. Signs shall not be placed where they obscure significant architectural features such as entrances, display windows, or decorative elements when viewed from the public right-of-way.

**Figure 18.04.815.B.
Illustrative Finish Materials**



18.04.816 Sign Regulations the Highway 34 Corridor

All signs that require a permit and that are related to a building or use that is located within the Highway 34 Corridor shall comply with the design guidelines for signs as contained in the Highway 34 Corridor Plan (see [Appendix F: U.S. 34 Corridor Plan](#)).

18.04.817 Canopy Signs

- A. **Generally.** Canopy signs may be applied to or installed upon only the canopy fascia, on each side of the canopy that is visible from a public or private street. Such signs shall have a vertical dimension no greater than seventy-five percent of the vertical dimension of the canopy fascia and shall be no greater than 12 square feet in sign face area per sign.
- B. **Amortization.** All legal non-conforming signs installed on premises developed as convenience store sites before October 9, 1989 shall be subject to the provisions of Section [18.11.401, Application of Division](#).

18.04.818 Planned Sign Program Option

- A. **Generally.** Variations from the basic sign regulations of Section 18.04.812, *Sign Regulations in Nonresidential Zones* may be authorized by a planned sign program for the entire premises, approved as provided in Section 18.17.1002, *Planned Sign Program Option*. Planned sign programs allow the variations authorized by this Section.
- B. **Total Allowable Sign Area.** The total allowable sign area for all signs shall be based upon the requirements contained in Subsection A.1. of Section 18.04.812, *Sign Regulations in Nonresidential Zones*, and may not be changed by a planned sign program option.
- C. **Freestanding Signs.**
1. *Number.* One per street frontage per premises. For a premises with more than 500 feet of street frontage, one additional freestanding sign is allowed.
 2. *Sign Area.*
 - a. 3.3 square feet of sign face area per foot of setback up to a maximum of 100 square feet.
 - b. The maximum sign face area of all faces of a freestanding sign shall be two times the maximum sign face area allowed based on setback.
 3. *Freestanding Sign Area Bonus.* To encourage design excellence, the maximum sign face area for freestanding signs for all nonresidential uses as set forth in this section may be increased by the percentages shown below if the criteria are met. There shall be a maximum bonus of 20 percent for freestanding signs:
 - a. *Integration with building structure:* a 10 percent bonus shall be provided if the freestanding sign is designed to integrate with the building structure. The sign will be considered well integrated if the same or similar building materials and colors are used. If discrepancy occurs, the current planning manager shall make the final decision.
 - b. *Landscaping:* a 10 percent bonus shall be provided if the freestanding sign is located entirely within a landscaped area. The bonus shall be granted if a minimum of four square feet of landscaping is provided for every one square foot of sign face. Only one face of the sign shall be counted. The portion of the sign on the ground shall not count toward landscaped square footage. To count as landscaping, 75 percent of the sign area landscaping shall be live plant cover within three years of normal plant growth. The percentage of live plant cover may be reduced to 50 percent when used in conjunction with a rock mulch of river cobbles of varying sizes; or reduced 40 percent when used in conjunction with flagstone, patterned concrete, brick pavers, or exposed aggregate concrete. If the freestanding sign is integrated into a raised planter box, the landscape area may be reduced to two square feet of landscaping for every one square foot of sign area to qualify for the bonus.
 4. *Height.* One foot of height for each foot of setback up to a maximum height of 25 feet.
 5. *Setback.* For purposes of determining setbacks and the allowable sign area and height of a freestanding sign that are based on setbacks, the setback of a freestanding sign shall be measured from ultimate curb.
 6. *Location.* All freestanding signs shall be located on the premises so as to be compatible with required landscaping, including street trees at maturity, so that the public's view of the sign will not be obstructed.
 7. *Separation.* A minimum of seventy-five linear feet of separation is required between any two freestanding signs.
 8. *Sign Modules.* A maximum of three sign modules is allowed per freestanding sign.
 9. *Changeable Copy.* The standards of this Division that apply to changeable copy and electronic message centers shall not be changed by a planned sign program.
- D. **Building Mounted Signs.** The maximum sign face area per signable wall for all combined building mounted signs shall be 15 percent of the wall surface area, including only the first story of the building. Building mounted signs may only be installed on a signable wall that adjoins that portion of the building occupied by the business or use with which the sign is associated.
1. *Wall Signs.*
 - a. *Number:* No limit with approval of a planned sign program;
 - b. *Sign Face Area:* A maximum of 150 square feet per signable wall for each business;

- c. Height: No wall sign or sign support shall extend more than one-third the width of the sign above a roof peak or above a parapet wall of a building to which the wall sign is attached. No sign shall be allowed on a roof with an angle less than forty-five degrees, as measured from the horizontal plane, or in such a manner as to be silhouetted against the sky as seen from the nearest street except as provided in this section;
- d. Wall sign bonus: a 10 percent bonus in sign face area shall be provided if all wall signs within a single or multi-tenant center are individual lettered signs.

2. *Projecting Signs.*

- a. Number: One projecting sign per wall per business with approval of planned sign program;
- b. Sign Face Area: Projecting signs shall not exceed 50 square feet of sign face area, with a maximum total of 100 square feet for all faces;
- c. Projection: Projecting signs shall not extend more than 10 feet from the building nor extend beyond the curbline of any street or off-street parking area.
- d. Clearance: Projecting signs shall provide a minimum of eight feet of clearance from the ground to the bottom edge of the sign when located over a public or private sidewalk.
- e. Height: The maximum height of projecting signs shall not extend above the top of the wall or parapet wall of the building to which it is attached.

3. *Awning Signs.*

- a. Location: Awning signs shall not be allowed above the first story of a building;
- b. Sign Face Area: All signs on awnings shall be integrated into the overall design of the awning so as to present a unified appearance; and
- c. Design: Whenever a sign is placed on an awning, the awning shall be integrated into the overall design of the building to present a unified architectural theme.

4. *Interior Freestanding Signs.*

- a. Additional freestanding signs are allowed if a subject property includes more than four tenants, and provided that each of the following conditions are met:
 - 1. Number: One additional freestanding sign is allowed per pedestrian entry, not to exceed two such signs per subject property;
 - 2. Sign Face Area: The maximum sign face area shall be 12 square feet per sign face, with a maximum total of 24 square feet for all faces;
 - 3. Height: Additional freestanding signs shall not exceed six feet in height; and
 - 4. Setback: Additional freestanding signs shall be setback a minimum of 50 feet from a public right-of-way and shall be located to best serve its intended function.
- b. Additional freestanding signs are also allowed in conjunction with drive-through uses, under the following circumstances:
 - 1. Number: Not more than two such signs are allowed per drive-through use;
 - 2. Sign Face Area: The maximum sign face area shall be 25 square feet.
 - 3. Height: The maximum height of the sign shall be six feet.
 - 4. Wall Mounted Option: The freestanding sign allowed by this subsection D.4.b., may be substituted for a wall sign the sign face area of which shall not count towards the maximum allowable sign area.

5. *Small Freestanding Signs at Ingress and Egress Points.* Freestanding signs are allowed at ingress and egress points as follows:

- a. Number: One per vehicular ingress or egress.
- b. Sign Face Area: Each sign shall have a sign face area of not more than four square feet.

6. *Flying Banners or Pennants.* Flying banners or pennants may be located on the tops of walls of a building so long as they are fixed to permanent poles no more than three feet in height and are architecturally integrated into the design of the building and into the sign program. No more than four such flags or pennants may be displayed on each wall of the building. All faces of such flags or pennants will be counted as part of the maximum total sign area allowance.

18.04.819 Maintenance

All signs shall be maintained in good condition at all times. All signs shall be kept neatly finished and repaired, including all parts and supports. The building official or his or her authorized representative shall inspect and shall have authority to order the painting, repair, alteration, or removal of a sign that constitutes a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

18.04.820 Abandoned or Obsolete Signs

Any sign that is associated with a land use that is no longer being conducted from the premises on which the sign is located, such that it is apparent that the sign is abandoned and the message is obsolete, shall have the sign face altered so that the message is no longer visible to the public within 90 days after the cessation of such use.

PART 3: SITE DESIGN AND ENVIRONMENTAL QUALITY

Contents:

- Chapter 18.05 Access, Circulation, Parking, and Loading
- Chapter 18.06 Site Design
- Chapter 18.07 Mobility and Utilities
- Chapter 18.08 Landscaping and Buffering
- Chapter 18.09 Environmental Quality
- Chapter 18.10 Oil, Gas, and Mineral Development

Chapter 18.05 Access, Circulation, Parking, and Loading

Contents:

- Division 18.05.01 Purpose and Application of Chapter
- Division 18.05.02 Access and Circulation
- Division 18.05.03 Parking and Loading Calculations
- Division 18.05.04 Parking and Loading Design
- Division 18.05.05 Use and Maintenance of Parking Areas

Division 18.05.01 Purpose and Application of Chapter

18.05.101 Purpose of Chapter

The purpose of this Chapter is to promote safe and efficient access to development and to specify minimum requirements for the provision and design of parking and loading areas.

18.05.102 Application of Chapter

A. **Generally.** The divisions within this Chapter are applied as follows:

1. **Division 18.05.02, Access and Circulation,** sets out standards for how access to a subject property is to be provided, and how the circulation system within the subject property is to be designed. If the subject property is proposed to be developed as a subdivision or to include new streets, see also [Chapter 18.07, Mobility and Utilities](#).

2. **Division 18.05.03, Parking and Loading Calculations**, sets out standards for calculating the number of required parking and loading spaces based on the likely demand for parking and loading generated by the use of the subject property. The Division also provides for certain exemptions from parking requirements, as well as methodologies for reducing the amount of required parking.
 3. **Division 18.05.04, Parking and Loading Design**, sets out standards for the design of parking and loading areas.
 4. **Division 18.05.05, Use and Maintenance of Parking Areas**, sets out standards for how parking areas may be used, as well as minimum standards for their ongoing maintenance.
- B. **Fire Codes.** The access standards of **Division 18.05.02, Access and Circulation** may be modified by the City where necessary to ensure compliance with the current adopted Fire Code.

Division 18.05.02 Access and Circulation

18.05.201 Access Approval Required; Access Standards

- A. **Generally.** Access approval from the City is required for access onto the City's streets, as provided in the City of Loveland Street Standards. Approval is granted during the development review process (through plan approval) or by issuance of a right-of-way permit.
- B. **State Highways.** All access onto State Highways shall comply with the Colorado Department of Transportation State Highway Access Code, and is subject to approval by the Colorado Department of Transportation.
- C. **Types of Access.** There are two types of access that are subject to permitting:
 1. Access for land use (driveways); and
 2. Public streets (street intersections).
- D. **Design Requirements.** Driveways and intersections shall be designed as provided in the City of Loveland Street Standards to provide for the safety of motorists, pedestrians, and bicyclists.
- E. **Restricted Access.** Generally, direct access to individual lots from Collectors and Arterials is restricted, and all/any access must meet the criteria (separation, location, design, etc.) identified in the City of Loveland Street Standards.

18.05.202 Sight Triangles

- A. **Generally.** Street intersections, alley-street intersections, and street connections to adjacent property shall be designed so that adequate sight distance is provided along the streets. The required sight distance shall be determined by the design speed and grades of the street and the acceleration rate of an average vehicle as prescribed below.
- B. **Minimum Requirements.** All designs must provide minimum safe stopping sight distance in accordance with Chapter 7, City of Loveland Street Standards, and AASHTO. In addition, for all streets that intersect with arterial and collector streets, the sight distance must be large enough to allow a vehicle to enter the street and accelerate to the average running speed without interfering with the traffic flow on the arterial or collector street.
- C. **Landscaping, Hardscaping, and Structures.**
 1. No hardscaping or structures that are greater than 30 inches in height above the flowline of the adjacent street shall be permitted within a sight triangle.
 2. Trees, shrubs, and other plant materials located within sight distance triangles shall be trimmed in accordance with the requirements of Section 7 of the City of Loveland Street Standards. Trees shall be limbed to a height of not less than eight feet, and shrubs and other plant materials shall be maintained in perpetuity at a height of not more than 30 inches.

18.05.203 Site Circulation

The circulation system (*i.e.*, streets, alleys, service drives, access points, sidewalks, trails, and parking and loading areas) within the subject property and at points of connection to other properties or rights-of-way shall provide for the safe, efficient, convenient, and functional movement of vehicles, bicyclists, and pedestrians. These objectives shall be implemented such that the circulation system:

1. Provides users the necessary sight distances, stacking space, and traffic control devices to ensure the safest and most predictable system of parking and circulation;
2. Includes clearly defined points of ingress and egress that promote the orderly, safe, and logical movement of traffic within the subject property and on adjoining streets;
3. Provides for emergency vehicle access (unobstructed by parking or loading areas), and sufficient areas to allow the staging of emergency rescue or fire-fighting efforts;
4. Logically connects adjoining properties where appropriate;
5. Minimizes the number of vehicular turning movements and points of vehicular conflict (particularly at access points); and
6. Minimizes points of potential conflict between pedestrian and vehicular traffic.

18.05.204 Stacking

- A. **Generally.** Stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Stacking spaces measure eight feet wide by 20 feet long and provide direct access to a service window, ATM, or station at a drive-through bank (collectively, for the purposes of this section, a “station”). The position in front of a station is counted as a stacking space.
- B. **Requirements.** Uses that include drive-through service shall provide not less than the following numbers of stacking spaces:
 1. Financial institutions, convenience retail, liquor store, or pharmacy: Three stacking spaces per station.
 2. Coffee shop (except as provided in subsection B.4.): Eight stacking spaces.
 3. Restaurant: Five stacking spaces.
 4. Drive-through only use in a building with less than 300 square feet of gross floor area and no detached menu board (*e.g.*, coffee stands): Three stacking spaces per station.
 5. Dry cleaner: Two stacking spaces per station.
 6. Vehicle Wash:
 - a. Three stacking spaces for each bay in a self-service vehicle wash facility;
 - b. Five stacking spaces for each in-bay or conveyor vehicle wash facility; and
 - c. If the facility provides detailing, manual drying or polishing, and / or vacuuming, sufficient area to provide those services without creating additional demand for stacking at the vehicle wash entrance.
 7. Stacking spaces for other uses are determined by the Director.
- C. **Design.**
 1. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation or parking access.
 2. Generally, stacking areas shall not be situated between the facade of a building and the primary street frontage. The Director may waive this requirement if:
 - a. Either:
 1. The applicant demonstrates that the subject property is unusual in its configuration such that such design is necessary; or
 2. The applicant demonstrates that the configuration of the stacking area is preferable in terms of mitigating impacts on adjoining properties; and
 - b. A parking lot bufferyard is installed and maintained between the stacking lane and the street.

3. If a stacking area is aligned in parallel to a secondary street frontage and is not screened from the street by buildings, a parking lot bufferyard shall be installed and maintained between the stacking area and the street.

Division 18.05.03 Parking and Loading Calculations

18.05.301 Calculation of Required Parking Spaces

- A. **Generally.** Section 18.05.303, [Parking Requirements Tables](#), sets out the number of parking spaces that are required for each land use that is listed in [Division 18.02.03, Land Use by Zone](#). The number of parking spaces is based on one or more independent variables, which are measured as provided in this Section.
- B. **Factors.** The factors for parking calculations are measured as follows:
 1. *Per sf.* The phrase “per sf.” means that the number of parking spaces is calculated based on the number of square feet of gross floor area put to the use, as calculated using the methodology in [Section 18.19.105, Floor Area and Floor Area Ratio](#).
 2. *Per dwelling unit or per BR.* The phrase “per du” means that the number of parking spaces is calculated based on the number of dwelling units. In some cases, the parking requirements are based on the number of bedrooms (per “#” BR du) in the dwelling units.
 3. *Per Bed.* The phrase “per bed” means that the number of parking spaces is based on the number of beds in the facility instead of the number of sleeping rooms or some other measure. Per bed calculations are normally applied to uses that offer residential care or overnight accommodations with shared rooms.
 4. *Per Employee.* The phrase “per employee” means that the number of parking spaces is based on the number of employees (full-time and part-time) on the maximum shift, that is, the work shift in which the maximum number of employees are present.
 5. *Per Seat / Per Seat Design Capacity.* The phrase “per seat” means that the number of parking spaces is based on the number of seats that are provided to guests (patrons, members, etc.); and the phrase “per seat design capacity” means that the number of parking spaces is based on the maximum seating capacity of the use as determined by applicable fire codes.
 6. *Per Person Design Capacity.* The phrase “per person design capacity” means that the number of parking spaces is based on the maximum number of people who may occupy the use pursuant to applicable fire code standards or licensing requirements, whichever is less.
 7. *Others.* Other factors are measured according to their common meanings.
- C. **Rounding.** When the calculation of required parking spaces results in a fractional parking space, the result of the parking calculation shall be rounded up to the nearest whole number.
- D. **Tandem Parking Spaces.** Tandem spaces are not counted towards the parking requirements of this Division, except as follows:
 1. *Residential Uses.* Where a garage is provided for an individual dwelling unit, tandem spaces in front of the garage are counted toward meeting off-street parking requirements for the dwelling unit, provided that the unit is within a single-family detached, duplex, townhome, or multiplex.
 2. *Valet Parking.* Tandem spaces may be used in lots that are designated exclusively for valet parking.
- E. **Parking Reductions.** Generally, the total number of required parking spaces is equal to the sum of the required parking for each use of a subject property. However, parking requirements may be reduced according to the methodology of [Section 18.05.305, Shared Parking](#), and the provisions of [Section 18.05.306, Parking Credits and Reductions](#).

18.05.302 Exemptions from Parking Requirements

Nonresidential and mixed-use development that is located within the boundaries of General Improvement District #1 is exempt from the parking requirements of this Division. However, if parking is provided, such parking shall be designed as provided in [Division 18.05.04, Parking and Loading Design](#).

18.05.303 Parking Requirements Tables

- A. **Residential Land Uses.** The required off-street parking for residential land uses is set out in Table 18.05.303.A., Residential Land Use Parking Standards.

Table 18.05.303.A. Residential Land Use Parking Standards	
Land Use	Minimum Required Parking
Single-Family Detached (all types)	2 sp. / du ¹
Duplex or Townhouse (all types)	2 sp. / du ¹
Multiplex	2 sp. / du ¹
General Multifamily	1 sp. / studio; 1.5 sp. / 1 BR du; 2 sp. / 2+ BR du; +5% for visitor parking
Infill Multifamily	1 sp. / studio; 1.5 sp. / 1 BR du; 2 sp. / 2+ BR du
Downtown Multifamily	1 sp. / studio or 1 BR du; 2 sp. / 2 or more BR du
Manufactured Homes	2 sp. / du ¹
Micro Home	1.1 sp. / du
Cottage	1.5 sp. / du
Cluster Duplex	1.5 sp. / du
Residential Amenity Area Clubhouse and Pools	1 sp. / 750 sf.
TABLE NOTES: ¹ Tandem spaces may be counted towards this requirement	

- B. **Special Residential Land Uses.** The required off-street parking for special residential land uses is set out in Table 18.05.303.B., Special Residential Land Use Parking Standards.

Table 18.05.303.B. Special Residential Land Use Parking Standards	
Land Use	Minimum Required Parking
Live-Work Unit	3 sp. / du
Rooming House (Small)	1 sp. / BR
Rooming House (Large)	1 sp. / BR
Group Home	1 sp. / 3 person design capacity
Protective Care	1 sp. / 2 beds
Assisted Living or Congregate Care	1 sp. / 3 beds + 1 sp. / employee
Nursing Home, Memory Care, Alzheimer's Care	1 sp. / 3 beds + 1 sp. / 2 employees
Shelter for Victims of Domestic Violence	2 sp. + 1 sp. / 2 employees

- C. **Hospitality, Recreation, and Entertainment Land Uses.** The required off-street parking for hospitality, recreation, and entertainment land uses is set out in Table 18.05.303.C., Hospitality, Recreation, and Entertainment Land Use Parking Standards

Table 18.05.303.C. Hospitality, Recreation, and Entertainment Land Use Parking Standards	
Land Use	Minimum Required Parking
Bar, Tavern, or Nightclub (Large)	1 sp. / 100 sf.
Bar, Tavern, or Nightclub (Small)	1 sp. / 100 sf.
Bed and Breakfast	2 sp. + 1 sp. / BR
Brew Pub, Distillery Pub, or Limited Winery	1 sp. / 100 sf. customer service area + 1 sp. / 1,000 sf. other floor area
Campground	1 sp. / campsite (at campsite) + 1 sp. / 10 campsites (at office)
Commercial Lodging, Business or Tourist	1.1 sp. / guest room + 50% of parking that would be required for accessory uses (e.g., restaurant, retail, bar, tavern, or nightclub) if they were principal uses
Commercial Lodging, Convention	1.1 sp. / guest room + 50% of parking that would be required for accessory uses (e.g., restaurant, retail, bar, tavern, or nightclub) if they were principal uses + 1 sp. / 300 sf. of meeting space
Golf Course	4 sp. / hole + 1 sp. / 200 sf. for office, lobby, pro shop, health club, clubhouse, lounge, snack bar, dining, and meeting space
Indoor Amusement, Recreation, and Entertainment	Bowling alley: 4 sp. / lane + 1 sp. / 75 sf. of dining, billiards, or arcade; Indoor archery range: 2 sp. / station + 1 sp. / 250 sf. of retail area; All others: 1 sp. / 200 sf.
Indoor Firing or Gun Range	2 sp. / station + 1 sp. / 250 sf. of retail area
Outdoor Commercial Recreation or Amusement	Batting cages: 2 sp. + 1.25 sp. / station; Go-cart racing, bumper boats, or bumper cars: 1.25 sp. per car or boat; All others: by special study
Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater	Greater of: 1 sp. / 3 seats, or 1 sp. / 35 sf. of seating area (if no fixed seats); except there is no specific parking requirement for a drive-in theater
Parks (Passive)	1 sp. / 750 sf. of playground area + 1 sp. / picnic table
Parks (Active)	2 sp. / court + 20 sp. / play field + 1 sp. / 10 lf. of bleacher seating
Restaurant	Greatest among: 1 sp. / 3 seats or 1 sp. / 200 sf. (including outdoor seating areas) or 5 sp.
Restaurant, Fast Food	Greatest among: 1 sp. / 3 seats or 1 sp. / 150 sf. (including outdoor seating areas) or 5 sp.
RV Park	1 sp. / RV space (at RV space) + 1 sp. / 10 RV spaces (at office)
Sexually-Oriented Business	1 sp. / 250 sf.
Zoo	special study

- D. **Commercial Land Uses.** The required off-street parking for commercial land uses is set out in Table 18.05.303.D., Commercial Land Use Parking Standards.

**Table 18.05.303.D.
Commercial Land Use Parking Standards**

Land Use	Minimum Required Parking
Business Services	1 sp. / 300 sf.
Convenience Lending	1 sp. / 300 sf.
Farmers Market	3 sp. / booth
Liquor Store	1 sp. / 300 sf.
Office, General	3 sp. / 1,000 sf.
Office, Medical	1 sp. / 225 sf.
Pawnbroker	1 sp. / 300 sf.
Personal Services	1 sp. / 300 sf.
Recording or TV Studio	special study
Retail Sales and Services	1 sp. / 300 sf.
Commercial Equestrian Facilities	1 sp. / 4 stables + if facilities include seating or areas for spectators, 1 sp. / 3 seats, or 1 sp. / 35 sf. of such area (if no fixed seats)
Kennel (Indoor)	1 sp. / 500 sf.
Kennel (Outdoor)	1 sp. / 500 sf. (including dog runs)
Veterinarian (Large Animal)	1 sp. / 400 sf.
Veterinarian (Small Animal)	1 sp. / 300 sf.

- E. **Community, Civic, Educational, and Institutional Land Uses.** The required off-street parking for community, civic, educational, and institutional land uses is set out in Table 18.05.303.E., Community, Civic, Educational, and Institutional Land Use Parking Standards

**Table 18.05.303.E.
Community, Civic, Educational, and Institutional Land Use Parking Standards**

Land Use	Minimum Required Parking
Cemetery	special study
Crematorium	1 sp. / 300 sf.
Day Care, Adult or Child (Large)	Adult day care: 1 sp. / 300 sf. Child day care: 2 sp. / employee
Day Care, Adult or Child (Small)	Adult day care: 1 sp. / 300 sf. Child day care: 2 sp. / employee
Funeral Home	1 sp. / 4 seats, or 1 sp. / 50 sf. seating area (if no fixed seats)
Hospital	2 sp. / bed + 1 sp. / 300 sf. outpatient clinics and service areas + medical office parking for areas used for medical office
Place of Assembly	1 sp. / 4 seats in the principal place of assembly; or 1 sp. / 35 sf. of seating area in principal place of assembly if no fixed seats, or 1 sp. / 18 lineal inches of bench seating in principal place of assembly. Where multiple uses or times of use overlap at a place of assembly with over 200 seats, parking shall be required for all proposed uses based on this section, and shared parking reductions may be applied.
School, Elementary or Middle	2 sp. / classroom
School, High	1 sp. / 3 seats in auditorium or principal place of assembly, or 1 sp. / 35 sf. seating area in auditorium or principal place of assembly (if no fixed seats)

Table 18.05.303.E. Community, Civic, Educational, and Institutional Land Use Parking Standards	
Land Use	Minimum Required Parking
School, Vocational or Trade	1 sp. / person design capacity
University or College	special study

- F. **Industrial, Processing, Recycling, Storage, and Disposal Land Uses.** The required off-street parking for industrial, processing, recycling, storage, and disposal land uses is set out in Table 18.05.303.F., Industrial, Processing, Recycling, Storage, and Disposal Land Use Parking Standards.

Table 18.05.303.F. Industrial, Processing, Recycling, Storage, and Disposal Land Use Parking Standards	
Land Use	Minimum Required Parking
Composting Facility	1.1 sp. / employee
Disposal	special study
Heavy Industry	special study
Heavy Logistics Center	1 sp. / 1,000 sf. up to 100,000 sf., then 1 sp. / 5,000 sf. thereafter
Light Industry	1 sp. / 500 sf.
Recycling Collection Center (Attended)	1 sp. / loading area + 2 sp.. / 3 employees
Resource Extraction (minerals)	1 sp. / employee
Resource Extraction (oil and gas)	1 sp. / employee during drilling or reworking operations; 1 sp. thereafter
Salvage Yard	4 sp. / ac. of yard
Self-Storage	2 sp. + 1 sp. / 10,000 sf.
Storage Yard	4 sp. / ac. of yard
Waste Transfer Station	special study
Workshop	2 sp. / 3 employees

- G. **Motor Vehicle and Transportation Land Uses.** The required off-street parking for motor vehicle and transportation land uses is set out in Table 18.05.303.G., Motor Vehicle and Transportation Land Use Parking Standards.

Table 18.05.303.G. Motor Vehicle and Transportation Land Use Parking Standards	
Land Use	Minimum Required Parking
Fueling, charging or service stations	1 sp. / pump island + 1 sp. / 200 sf.
Motor vehicle wash	2 sp.
Surface parking	N/A
Structured parking	N/A
Passenger motor vehicle sales or rental	1 sp. / 450 sf. of showroom, office, service areas, and parts sales
Heavy motor vehicle sales or rental	1 sp. / 500 sf. of showroom, office, service areas, and parts sales
Heavy motor vehicle service	1 sp. / 300 sf.

Table 18.05.303.G. Motor Vehicle and Transportation Land Use Parking Standards	
Land Use	Minimum Required Parking
Motorcycle, scooter, or ATV sales or rental	1 sp. / 300 sf. of showroom, office, service areas, and parts sales
Airport	2 sp. / 3 employee + 1 sp. / 200 sf. of lobby or waiting areas + 1 sp. / 1,000 sf. hangar space
Heliport	2 sp. / 3 employee + 1 sp. / 200 sf. of lobby or waiting areas + 1 sp. / 1,000 sf. hangar space
Helistop	2 sp.
Bus or Taxi Terminal	special study

- H. **Utility and Wireless Telecommunications Land Uses.** The required off-street parking for utility and wireless telecommunications land uses is set out in Table 18.05.303.H., Utility and Wireless Telecommunications Land Use Parking Standards.

Table 18.05.303.H. Utility and Wireless Telecommunications Land Use Parking Standards	
Land Use	Minimum Required Parking
Utility Uses	
Data Center	1 sp. / 500 sf.
Overhead Power Lines (110 kV or more)	N/A
Electrical Substation	1 sp. / 10,000 sf. of secured area
Utilities, Major	special study
Wireless Telecommunications Facilities	
Freestanding Telecommunications Tower	1 sp.
Stealth Telecommunications Tower	1 sp.
Other Telecommunications Facilities	N/A

- I. **Agricultural Land Uses.** The required off-street parking for agricultural land uses is set out in Table 18.05.303.I., Agricultural Land Use Parking Standards.

Table 18.05.303.I. Agricultural Land Use Parking Standards	
Land Use	Minimum Required Parking
Community Garden	N/A
Farm or Ranch	N/A
Nursery or Greenhouse, Wholesale	2 sp. / 3 employees

- J. **Uses Not Listed.** For uses that are allowed pursuant to Section 18.02.312, [Uses That Are Not Listed](#), the parking shall be established pursuant to an approved parking study. See Section 18.05.307, [Parking Studies](#).

18.05.304 Required Accessible Parking Spaces

- A. **Generally.** Parking spaces that are accessible to disabled persons ("accessible parking spaces") shall be provided as set out in this Section. Such spaces shall be counted toward the total number of spaces that are provided for compliance with Section 18.05.303, [Parking Requirements Tables](#), after applicable reductions pursuant to Section 18.05.305, [Shared Parking](#). Section 18.05.306, [Parking Credits and Reductions](#).
- B. **Number of Required Spaces.** Accessible parking spaces shall be provided as set out in Table 18.05.304, Number of Accessible Parking Spaces, or as required by the 2010 ADA Standards for Accessible Design, Section 208 (as may be amended or retitled from time to time) ("ADAAG"), whichever requires more parking spaces and more van accessible parking spaces for disabled persons.

Table 18.05.304 Number of Accessible Parking Spaces		
Number of Parking Spaces Required by this Division	Number of Accessible Spaces	Number of Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 6 accessible parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 6 accessible parking spaces, rounded up

- C. **Use-Specific Standards.** Hospital outpatient facilities, rehabilitation facilities or outpatient physical therapy facilities, and residential uses are subject to ADAAG §§ 208.2.1, 208.2.2, and 208.2.3, respectively.

18.05.305 Shared Parking

- A. **Generally.** The City encourages the sharing of parking for its potential to reduce impervious surfaces or enhance the efficiency of land use. Thus, where a mix of uses creates synergy with respect to the utilization of parking spaces due to differences in peak parking demand periods, the City may reduce the required number of spaces according to the provisions of this Section.
- B. **Shared Parking Table.** Shared parking allows a reduction in the total number of required parking spaces when a subject property is occupied by two or more uses that typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed in Table 18.05.305.A., Shared Parking, the minimum total number of required parking spaces may be determined by the Director by the following procedures:
1. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals (except car share programs), by the appropriate percentage listed in Table 18.05.305.A., Shared Parking, for each of the designated time periods.
 2. Calculate a sum for all uses for each of the five time periods (columns). The minimum parking requirement is the highest of these sums, plus any reserved spaces that were excluded from the calculation in the first step. Figure 18.05.305.A., Illustrative Shared Parking Credit Calculation, provides an example of how to use Table 18.05.305.A., Shared Parking, to calculate required parking.

Table 18.05.305.A. Shared Parking Table					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Retail / Commercial	5%	70%	90%	100%	70%
Commercial Lodging	80%	80%	100%	50%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

Figure 18.05.305 Illustrative Shared Parking Credit Calculation					
EXAMPLE: A mixed-use building has 50, 2-bedroom residences, 50,000 square feet of office space, and 50,000 square feet of retail space. Separately, these uses would require 450 parking spaces ((50 sp. x 2 sp. / unit) + (50,000 sf. x (1 sp. / 250 sf.)) + (50,000 sf. x (3 sp. / 1,000 sf.)) = 450). However, combined, they could share 350 parking spaces, as shown in the calculation below.					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential 100 spaces	100% x 100= 100	60% x 100= 60	90% x 100= 90	80% x 100= 80	90% x 100= 90
Office 150 spaces	5% x 150= 8	100% x 150= 150	10% x 150= 15	10% x 150= 15	5% x 150= 8
Retail / Commercial 200 spaces	5% x 200= 10	70% x 200= 140	90% x 200= 180	100% x 200= 200	70% x 200= 140
Commercial Lodging	80% x 0 = 0	80% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Restaurant	10% x 0 = 0	50% x 0 = 0	100% x 0 = 0	50% x 0 = 0	100% x 0 = 0
Entertainment	10% x 0 = 0	40% x 0 = 0	100% x 0 = 0	80% x 0 = 0	100% x 0 = 0
All Others	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0	100% x 0 = 0
COLUMN TOTALS	118	350¹	285	295	238
TABLE NOTE: ¹ The largest number, 350, is the number of parking spaces that are required. This example is a 22 percent reduction compared to individual calculations.					

C. Special Shared Parking Study.

1. In the alternative to the methodology in subsection B., above, an applicant may submit a special study to demonstrate that the parking required to serve mixed uses is less than the sum of the parking requirements for each individual use. The special study shall be conducted by a qualified transportation planner or traffic engineer at the applicant's expense (the Director shall develop and maintain a list of qualifications and / or certifications that are acceptable to the City for this purpose), and shall:
 - a. Review peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and shall propose a required number of parking spaces based on the combined maximum peak hour demand for parking.
 - b. Provide data on the following:

1. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
 2. Similar mixes of uses in other areas of the community.
 3. Degree of variability of parking for individual uses (average, range, and standard deviation).
2. The City may require a reserved open area (which shall not be counted as open space) if it finds that the risk of parking needs changing over time so warrants. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.
- D. **Shared Parking Among Lots.** When a shared parking reduction is to be applied to uses on several different lots, the following shall be provided:
1. A plan that provides for a pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move among uses; and
 2. Recorded easements, approved as to form by the City Attorney, that provide, at a minimum, for:
 - a. Cross-access among the parking areas and connections to permit parking by the different uses anywhere in the connected properties;
 - b. Allocation of maintenance responsibilities; and
 - c. A right of enforcement by the City.
 3. As an alternative to the establishment of an easement, a recorded shared parking agreement may be provided. The agreement shall include provisions indicated in subsection D.2.a., D.2.b., and D.2.c., above, unless otherwise approved by the Director.

18.05.306 Parking Credits and Reductions

- A. **Generally.** This section sets out several ways to reduce the number of off-street parking spaces that must be provided, as set out in Section 18.05.303, [Parking Requirements Tables](#). If used in conjunction with shared parking (see Section 18.05.305, [Shared Parking](#)), these reductions may be applied to one type of use to reduce the parking requirement for the use prior to calculating the shared parking reduction.
- B. **Limitations.**
1. The credits and reductions set out in this Section are not available to uses that base their parking on a special study (see Section 18.05.307, [Parking Studies](#)), unless the special study's methodology specifically addresses these credits and reductions and determines that they are appropriate.
 2. The credits and reductions set out in subsections F. and G., below shall not be used, alone, together, or in combination with any other standards, to allow a reduction in required parking of more than 15 percent.
- C. **On-Street Parking Credits.** In approved mixed-use developments and complete neighborhoods that provide new on-street parking along internal streets in locations approved by the City Engineer, on-street parking may be credited to particular uses in accordance with the formula: $\text{Parking Credit} = (\text{Sa} \times \text{P})$, where:
1. Sa = the area of the subject property divided by the area of the mixed-use development (or in the case of complete neighborhoods, the neighborhood activity center); and
 2. P = the total parking that is available on-street in the mixed-use development (or in the case of complete neighborhoods, the neighborhood activity center).
- D. **Reduction of Parking Requirements for Qualified Affordable Housing Development.** The off-street parking requirements for qualified affordable housing developments (see Division 18.16.05, [Affordable Housing](#)), are reduced as follows:
1. For units that are affordable to households that earn more than 60 percent, up to and including 80 percent of the area-wide median income ("AMI"): parking requirements are reduced by 25 percent.
 2. For units that are affordable to households that earn at least 30 percent, up to and including 60 percent of AMI, parking requirements are reduced by 50 percent.

3. For units that are affordable to households that earn less than 30 percent of AMI, parking requirements are reduced by 75 percent.
- E. **Reduction of Parking Requirements for Age-Restricted Multifamily Residential Development.** The off-street parking requirements for dwelling units may be reduced if the Applicant restricts the occupancy of all the units in the project to persons aged 67 years and older. Reductions shall apply as follows:
1. Studio, 1 BR, 2 BR, Micro Homes, and Cottages: 1 space per dwelling unit
 2. 3+ BR: 2 spaces per dwelling unit
- F. **Reduction of Parking Requirements by Re-Use for a Beneficial Purpose.** Up to five percent of parking spaces that existed on the effective date of this UDC may be converted to other functions, provided that:
1. The reduction is used to improve the design or overall function of a site with an existing building, and not to maximize the building envelope of a subject property;
 2. The conversion is used to provide an area for:
 - a. Bringing the subject property into compliance with disabled parking and / or accessibility requirements;
 - b. A screened enclosure for solid waste or recycling bins;
 - c. Utility pedestals used for the relocation of overhead utilities underground, provided that the utility providers agree that the best location for the pedestals requires displacement of the parking space or spaces; and / or
 - d. Adding landscaped area to a lot which does not conform to the landscape requirements of this UDC.
 3. The reduction does not reduce the amount of parking provided in the lot by more than 10 percent; and
 4. There are no practical alternative locations for the functions that displace the parking spaces.
- G. **Discretionary Parking Reduction.**
1. The Director may allow application of an alternative parking standard, provided that the Director determines the following:
 - a. The applicant has demonstrated that either:
 1. Site-specific physical constraints necessitate application of the alternative standard, and such constraints will not allow a reasonable use of the property without application of such alternative standard; or
 2. The alternative standard achieves the intent of the parking standard to the same or greater degree than the parking standard, and results in equivalent or greater benefits to the community as would compliance with the parking standard.
 - b. The reduction in the number of required parking spaces is not more than 10 percent.
 2. Whenever the Director grants a Discretionary Parking Reduction, the Director shall prepare a written statement of findings based on the above criteria for such action. Such statement shall be placed in the development application file.
- H. **Redevelopment Corridors.**
1. The off-street parking requirements of this Division that apply to development that has with frontage on the following redevelopment corridors, excluding areas zoned DT, may be reduced up to 10 percent.
 - a. S.H. 287 (including Buchanan Avenue, Cleveland Avenue, Garfield Avenue, and Lincoln Avenue) from Ranch Acres Drive to 14th Street SE.
 - b. Eisenhower Avenue from Namaqua Drive to Boise Avenue.
 2. The Director may approve parking reductions of up to 25 percent for development within the redevelopment corridor, if the Director finds that the reduction is appropriate for the use due to:
 - a. The location of the subject property;
 - b. The availability of sufficient on-street parking and public off-street parking;

- c. Vehicular access to the site and parking area(s);
- d. Pedestrian, bicycle, and transit access to the subject property;
- e. The potential for negative impacts from parking spillover as a result of insufficient off-street parking on the subject property.

I. R3e Reductions.

1. Parking reductions of up to 25 percent are allowed for property within the R3e zone that is located within the area bounded by U.S. Highway 34 on the north; Boise Avenue on the east; the Big Thompson River on the south; and Taft Avenue on the west. In addition, on-street parking spaces directly adjacent to the subject property may be counted toward off-street parking requirements.
2. The Director may approve parking reductions of up to 50 percent, if the Director finds that the reduction is appropriate for the use due to:
 - a. The location of the subject property;
 - b. The availability of sufficient on-street parking and public off-street parking;
 - c. Vehicular access to the site and parking area(s);
 - d. Pedestrian, bicycle, and transit access to the subject property;
 - e. The potential for negative impacts from parking spillover as a result of insufficient off-street parking on the subject property.

- J. LEED Credit Reductions.** Where Leadership in Energy and Environmental Design (“LEED”) certification is being sought for new buildings, major building renovations, or for existing buildings, and LEED credit is achieved for addressing alternative modes of transportation, the Director may approve a reduction in the number of required parking spaces that corresponds to the reasonably anticipated reduction in parking demand.

18.05.307 Parking Studies

A. Generally.

1. Some of the uses that are listed in the tables set out in Section 18.05.303, [Parking Requirements Tables](#), have nonlinear or widely varying parking demand characteristics. Accordingly, their parking requirements are listed in the table as “special study.” Required parking for these uses shall be established according to the standards of this Section.
2. Required parking for uses that are not listed in Section 18.05.303, [Parking Requirements Tables](#) shall be established according to the standards of this Section.
3. Special studies may also be submitted to support a request to reduce the number of required parking spaces to less than that set out in Section 18.05.303, [Parking Requirements Tables](#), due to the nature of the operations and / or location of a proposed use. Such special studies shall include and support all requested reductions in parking. Further parking credits and reductions that are otherwise available pursuant to Section 18.05.305, [Shared Parking](#), and Section 18.05.306, [Parking Credits and Reductions](#), shall not be applied when parking reductions are granted pursuant to this Section, unless such reductions are supported by the special study.

B. Special Study Requirements.

1. A special study shall be conducted by a qualified transportation planner or traffic engineer at the applicant’s expense. The Director shall develop and maintain a list of qualifications and / or certifications that are acceptable to the City for this purpose.
2. The special study shall provide:
 - a. A peak parking analysis of at least five functionally comparable uses.
 - b. Documentation regarding the comparability of the referenced uses, including: name, function, location, gross floor area, parking availability, access to transportation network (including vehicular, bicycle, pedestrian, and transit), use restrictions, and other factors that could affect the parking demand.

- C. **Abbreviated Special Study Requirements.** The analytical requirements set out in Subsection B., above, may be reduced to two functionally comparable uses if:
1. The uses are located in the City or within five miles of its corporate limits;
 2. The proposed use to which the special study is to be applied has less than 5,000 square feet of floor area; or
 3. The special study is used to justify a reduction in required parking and the requested reduction is 15 percent or less.
- D. **Approval of Special Study.**
1. The City may rely upon the special study or may request additional information or analysis, including, but not limited to: alternative or new data points, or consideration of additional or alternative factors related to comparability or peak demand, as supported by sound engineering principles.
 2. As a condition of approval of a special study, the City may require that land be reserved or land-banked for additional parking if there is a demonstrably high probability the use could change, resulting in a higher demand for parking. Such additional land shall not be counted as open space.

18.05.308 Required Loading

- A. **Generally.** Off-street loading areas shall be required for non-residential uses that require goods, merchandise, or equipment to be routinely delivered to or shipped from the subject property.
- B. **Minimum Required Loading Spaces.** Unless additional loading space is necessary to meet the requirements of the use, loading spaces for nonresidential uses (including nonresidential components of mixed-use development) shall be provided as follows:
1. One off-street loading space for buildings between 5,000 sf. and 20,000 sf.; plus
 2. One additional off-street loading space for each 20,000 sf. or fraction thereof of additional gross floor area in excess of 20,000 sf.
- C. **DT Zone and Neighborhood Activity Centers.**
1. In the DT zone and within the neighborhood activity center of a complete neighborhood, the Director may allow:
 - a. Alley loading if the Director finds that:
 1. Off-street loading is impractical; and
 2. Alley access is available and safe; or
 - b. Over-the-curb loading if the Director finds that:
 1. Alley loading is unavailable or unsafe; and
 2. Over-the-curb loading will not materially disrupt traffic movements on the street.
 2. If the Director allows alley loading or over-the-curb loading pursuant to this subsection, the Director may place conditions on the timing and types of vehicles used in order to promote the safe operation of the street or alley.

18.05.309 Bicycle Parking

- A. **Generally.** Bicycle parking shall be provided as set out in this Section, and designed according to the requirements of Section 18.05.407, [Bicycle Parking Design](#). Each inverted U type bicycle rack is counted as two bicycle parking spaces. All fractions are rounded up.
- B. **Exceptions.**
1. Bicycle parking is not required in the DR zone.
 2. Bicycle parking is not required for the following uses:
 - a. Single-family detached

- b. Duplex
- c. Multiplex
- d. Townhome
- e. Composting facility
- f. Disposal
- g. Heavy logistics centers
- h. Salvage yards
- i. Waste transfer stations
- j. Helistops
- k. The land uses that are set out in Section 18.02.309, [Utility and Wireless Telecommunications Land Use by Zone](#)
- l. Farms or ranches

C. **Minimum Number of Bicycle Parking Spaces.** Except as provided in subsection B., above, bicycle parking shall be provided as follows:

- 1. *Multifamily and Clustered Housing Developments.* One space for every two dwelling units.
- 2. *School.* One space for every 10 students, plus one space per 33 employees.
- 3. *Amenity Areas,* such as clubhouses, pools and active parks. One space for every 10 required motor vehicles spaces.
- 4. *College or University.* One space for every 16 students, plus one space per 33 employees.
- 5. *Personal Services,* if related to personal fitness (e.g., boxing or kickboxing instruction; fitness centers; martial arts instruction; swim instruction; or yoga instruction). One space for every 10 required motor vehicle spaces.
- 6. *Heavy Industry.* One space for every 50 required motor vehicle parking spaces.
- 7. *All Other Uses.* One space for every 20 required motor vehicle parking spaces.

Division 18.05.04 Parking and Loading Design

18.05.401 General Design Principles

- A. **Single-Family Detached, Duplex, Multiplex, and Townhome Uses.** Single-family detached, duplex, multiplex, or townhome dwelling units may be parked in a manner that permits vehicles to back directly onto one public local street.
- B. **All Other Uses, Except Extraction and Agricultural Uses.** All parking lots (surface or structured) for uses that are not subject to subsection A., above, shall be designed as follows:
 - 1. Backing and turning movements associated with parking shall not extend into a street, and shall not obstruct or conflict with traffic, either on-site or off-site.
 - 2. The closest driving distance from the flowline of the street at a point of ingress, to the first parking space or drive aisle intersection that is accessible from that point of ingress, is controlled by the City of Loveland Street Standards, Figure 19-6, Minimum Off-Street Parking Setback Distance.
 - 3. Parking lots with more than three parking spaces shall:
 - a. Be designed and traffic controlled therein so that access to and from a public street requires vehicular traffic to be traveling in a forward direction when entering and exiting from the parking lot;
 - b. Include curbs, wheel stops, or other barriers to prevent vehicles from extending beyond the perimeter of the parking lot, and to prevent vehicles from contacting an unprotected wall, fence, or sidewalk;
 - c. Be clearly and permanently marked on the parking surface (e.g., stalls shall be located and traffic channelized with painted stripes); and

- d. Be designed using the angles, layout, and dimensions in Section 18.05.402, **Parking Space and Aisle Standards**.
4. Parking lots shall be designed in accordance with Section 18.08.403, **Parking Lots**.
5. Parking aisles shall be designed to collect and channel traffic from parking compounds towards points of ingress and egress.
6. Unobstructed access to and from a street shall be provided for all off-street parking spaces.
- C. **Location.** Parking is not allowed in a required front setback except on a single-family detached, duplex, townhome, or multiplex residential driveway or parking pad that extends through a front setback.
- D. **Surfacing.** All parking, loading, maneuvering and driving areas shall be paved with asphalt, concrete, or similar permanent material approved by the City. The Director may waive surfacing requirements for extraction and agricultural uses, provided that appropriate dust control measures are in place.

18.05.402 Parking Space and Aisle Standards

- A. **Generally.** Parking spaces and access aisles shall be designed according to the standards of this Section.
- B. **Arrangement.**
 1. All parking spaces located across from each other, on the opposite side of a drive lane, shall be located at the same angle to the drive lane, except that parallel parking may be provided on one side of the drive lane in order to enhance disabled access.
 2. Angle parking located on a drive lane with a dead-end is not allowed unless:
 - a. The angle of the parking space is 90 degrees to the direction of travel; or
 - b. The geometry of the subject property requires such a configuration for an efficient parking layout and the Director determines that the design provides for safe circulation.
- C. **Compact Car Spaces.**
 1. All parking spaces that are designated for compact cars shall be at least eight feet wide and 15 feet long. No reduction in size shall be allowed for vehicles that extend over the sidewalk (see subsection D., below).
 2. Compact car spaces shall be:
 - a. No more than 35 percent of the total number parking spaces in the parking lot; and
 - b. Identified with blue colored striping and a clearly legible “C” symbol.

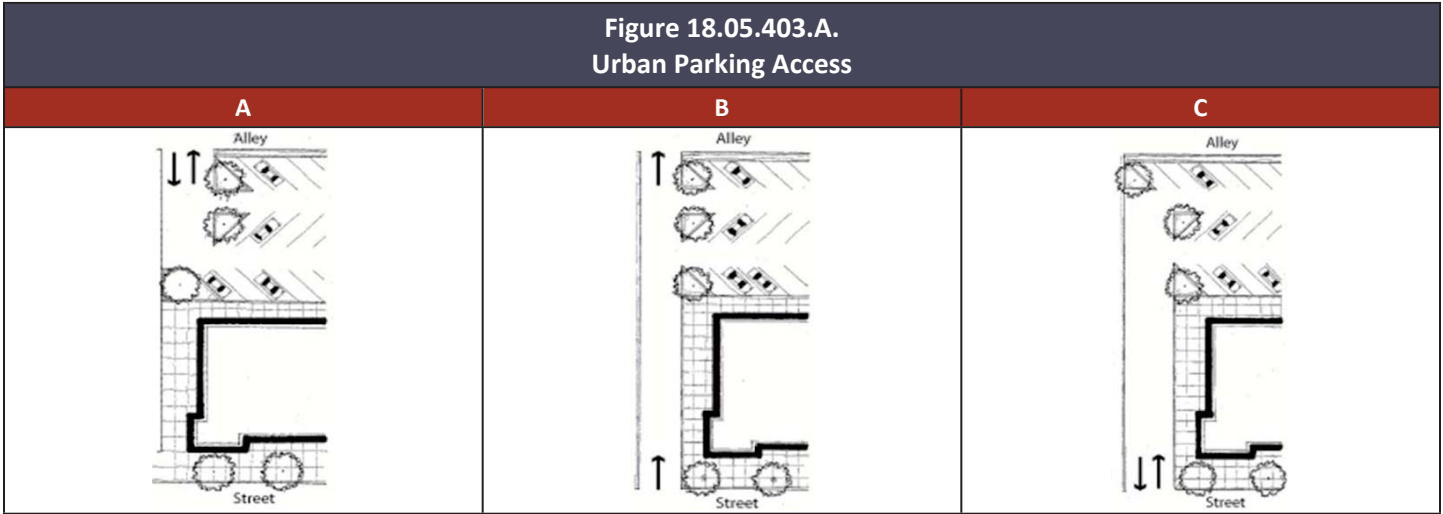
Table 18.05.402 Parking Area Dimensions						
Parking Angle (A)	Stall Width (B)	Stall Length (C) ¹	Stall Depth (D)	Curb Length (E)	Two-Way Drive Width (F) ²	One-Way Drive Width (G) ²
Standard Vehicle						
0°	8 ft.	23 ft.	8 ft.	23 ft.	20 ft.	12 ft.
30°	8.5 ft.	20 ft.	17.4 ft.	17 ft.	20 ft.	15 ft.
45°	8.5 ft.	20 ft.	20.2 ft.	12 ft.	20 ft.	15 ft.
60°	9 ft.	19 ft.	21 ft.	10.4 ft.	24 ft.	20 ft.
90°	9 ft.	19 ft.	19 ft.	9 ft.	24 ft.	N/A
Compact Vehicle						
0°	7.5 ft.	19 ft.	7.5 ft.	19 ft.	20 ft.	12 ft.
30°	7.5 ft.	16.5 ft.	14.8 ft.	15 ft.	20 ft.	15 ft.
45°	7.5 ft.	16.5 ft.	17 ft.	10.6 ft.	20 ft.	15 ft.
60°	8 ft.	16 ft.	17.9 ft.	9.2 ft.	24 ft.	20 ft.
90°	8 ft.	15 ft.	15 ft.	8 ft.	24 ft.	24 ft.

Table 18.05.402 Parking Area Dimensions						
Parking Angle (A)	Stall Width (B)	Stall Length (C) ¹	Stall Depth (D)	Curb Length (E)	Two-Way Drive Width (F) ²	One-Way Drive Width (G) ²
TABLE NOTES: ¹ Stall length may be reduced up to 2 ft. when a corresponding overhang is provided. ² Under special conditions, these dimensions could be varied with the City Engineer's approval.						

- D. **Overhangs.** The length of standard parking spaces may be reduced by up to two feet where the adjacent sidewalk or landscape area is protected by a curb and not less than seven feet in width, allowing for vehicle overhang and an unobstructed walkway or landscape area of at least five feet in width. The use of wheel barriers in such locations is prohibited.
- E. **Enclosed Individual Garages.** To count towards parking requirements, individual garage interiors shall be not less than 11 feet by 21 feet in dimension.

18.05.403 Urban Parking Design (DT Zone and Neighborhood Activity Centers)

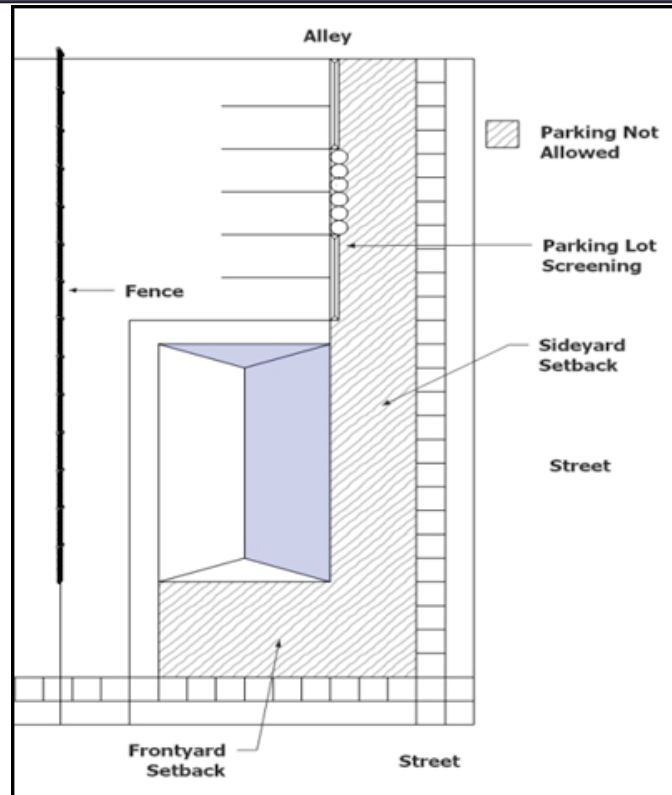
- A. **Generally.** The intent of this section is to reduce the impact of parking in pedestrian-oriented areas with urban character. The standards of this section apply within the DT zone, and may be applied within neighborhood activity centers in complete neighborhoods.
- B. **DT Zone (Except Neighborhood Transition Character District) and Neighborhood Activity Centers.** The standards of this subsection apply within the DT zone (except in the neighborhood transition character district) and within neighborhood activity centers in complete neighborhoods.
 - 1. **Access.** Vehicular access to parking lots (surface or structured) shall be from alleys unless the Director determines that such access is infeasible or would create a public safety hazard. In such cases, access shall be provided:
 - a. With ingress from a public street and egress into the alley, or if such an arrangement is infeasible or would create a public safety hazard;
 - b. With ingress and egress from the street. (See options A, B, and C in Figure 18.05.403.A., Urban Parking Access).



- 2. **Location.**
 - a. Parking spaces and drive aisles in surface parking lots shall not be located between the primary elevation of the building and the public right-of-way.

- b. Parking lot frontage may not comprise more than 50 percent of any secondary lot frontage facing a public street right-of-way. This standard does not apply to lot frontage on an alley or on a lane that functions as an alley.
 - c. Parking lot frontage may not comprise more than 25 percent of the primary lot frontage, with the exception that a drive aisle and a single bay of parking perpendicular to the primary lot frontage is permitted where alley access is not utilized.
 - 3. *Screening.* Parking shall be screened from public rights of way, not including alleys, and residential zones or uses as provided in Section 18.08.403, *Parking Lots*.
 - 4. *Pedestrian Facilities.* Pedestrian sidewalks at least five feet in width shall connect the parking area to the street. Sidewalks shall provide access to adjacent streets, public spaces, parks, and adjacent developments, when feasible. Front ground floor entrances to residential units shall be connected by a porch and/or walkway to the public sidewalk.
 - 5. *Access Aisle Widths.* Access aisle width shall not exceed the minimum required width unless an increase in width is necessary to serve a demonstrated public safety interest.
- C. **Parking in DT Zone Neighborhood Transition Area.** The standards of this subsection apply to development within the neighborhood transition character area, except single-family detached and duplex residential uses.
- 1. *Access.* Access shall be provided in one of the following ways:
 - a. Where curb cuts from adjoining streets already exist or are required and no alley is present, two-way access to the street will be allowed.
 - b. Where curb cuts from adjoining streets already exist or are required, the preferable design is to have vehicular ingress from the public street and egress into an alley. See Figure 18.05.403.B., Neighborhood Transition Character Area Parking.
 - c. Unless waived by the Director for public safety reasons, vehicular access to lots should be provided through the existing alleys.
 - 2. *Location.* Parking is not allowed:
 - a. Between the front façade and a public street; or
 - b. In the side yard setback adjacent to a public street on corner lots (see Figure 18.05.403.B., Neighborhood Transition Character Area Parking).

**Figure 18.05.403.B.
Neighborhood Transition Character Area Parking**



3. *Screening.* Parking shall be screened from adjacent residential zones and residential uses by an opaque fence or wall that is six feet in height. The fence shall or wall not extend beyond the front setback line. Parking shall be screened from public rights of way, not including alleys, as provided in [Section 18.08.403, Parking Lots](#).
 4. *Width of Access Points.* Access points from streets to parking lots shall not exceed the minimum required width.
 5. *Preservation of Street Trees.* Whenever possible and consistent with safe traffic movement, new curb cuts shall be placed so as to not require the removal of existing street trees.
 6. *Parking as Principal Use.* For lots where parking is the principal use, the parking lot shall be set back 10 feet from lot lines that adjoin streets and five feet from all other lot lines.
- D. **Shared Access.** In all areas of the DT Zone and within neighborhood activity centers in complete neighborhoods, if shared access is available, it shall be provided unless the Director finds that the use of a shared access point would be less safe than the use of separate access points.

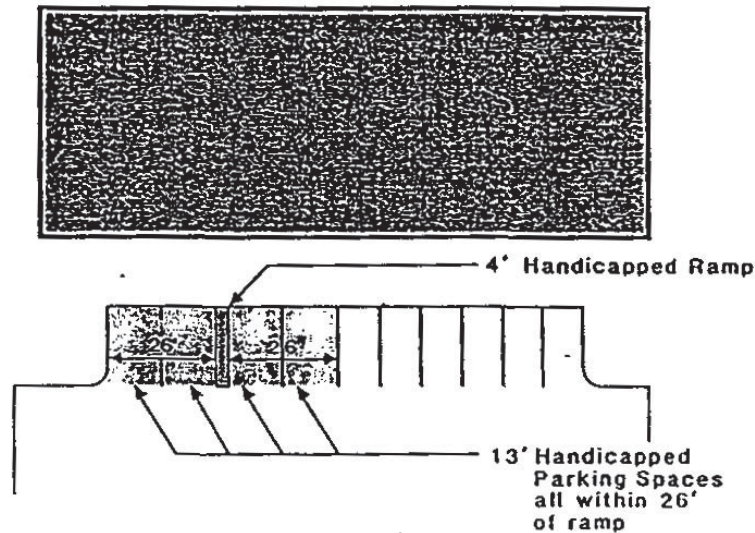
18.05.404 ADA Accessible Parking Standards

- A. **Generally.** Parking for persons with disabilities shall be as required by the 2010 ADA Standards for Accessible Design, Section 208 (as may be amended or retitled from time to time) ("ADAAG"). Where provisions of this section conflict with ADAAG, ADAAG shall control unless this section provides for better access and such requirement is not prohibited by the Americans with Disabilities Act. Where the ADAAG provides design standards that are not included in this Section, such design standards shall control.
- B. **Dimensions of ADA Accessible Parking Spaces and Access Aisles.**
 1. Standard disabled parking spaces shall be nine feet wide and 19 feet long.
 2. Van-accessible disabled parking spaces shall be 11 feet wide and 19 feet long.
 3. ADA accessible access aisles shall be five feet wide, shall run the full length of the parking spaces they serve, and shall connect to an accessible route.

C. **Design of ADA Accessible Parking Spaces.** Required ADA accessible parking spaces shall be:

1. Situated so that they adjoin an ADA accessible access aisle, and such that ADA van-accessible parking spaces adjoin the access aisle on the passenger side of the vehicle;
2. Paved with asphalt, concrete or other approved material;
3. Designed so that slope, measured in any direction, and does not exceed a one foot rise to a 48 foot run;
4. Designed so that whenever there is more than a one-half inch change in the elevation of the surface between an accessible route and the ADA accessible parking space, a ramp is provided within 26 feet, connecting the route to the parking spaces. See Figure 18.05.404.A., Ramp Accessibility.

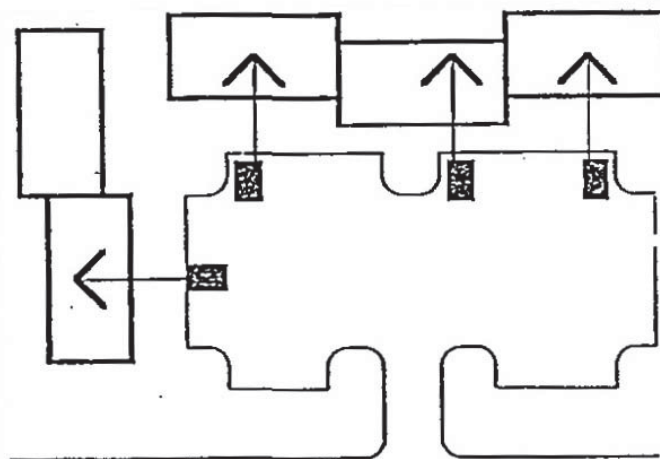
Figure 18.05.404.A.
Ramp Accessibility



D. **Location.** The location of ADA accessible parking spaces shall be:

1. As close as possible to principal accessible entrance(s);
2. Dispersed in a multi-building development or shopping center to ensure easy access, and to minimize the travel distance for the disabled. See Figure 18.05.404.B., Distribution of ADA Accessible Parking Spaces.

Figure 18.05.404.B.
Distribution of ADA Accessible Parking Spaces



E. Marking.

1. Each ADA accessible parking space shall be identified with a sign that includes:
 - a. The International Symbol of Accessibility set out in ADAAG § 703.7.2.1.
 - b. The statement "Van Accessible," if the space is an ADA van-accessible parking space.
 - c. The statement "Vehicle I.D. Required."
2. Signs shall be printed with white lettering and symbols on a blue background.
3. Signs shall be one foot wide by 18 inches high, and installed at least five feet, but not more than six feet, above the finished floor (for parking structures) or ground surface (for surface parking), measured to the bottom of the sign.
4. Signs shall be permanently mounted, with anchor bolts, on a post or on an adjacent structure or wall within 10 feet of the ADA accessible parking space, oriented to the center of the front of each parking space, facing the rear of the space.

F. Accessible Routes. All accessible routes shall serve as emergency exits for disabled individuals and shall be free from obstructions. Required ramps shall be identified with a sign and be made with a permanent material which will provide all-weather access.

18.05.405 Off-Site Parking

In lieu of locating parking spaces required by [Division 18.05.03, Parking and Loading Calculations](#) on the lot that generates the demand for the required parking, parking spaces may be provided on any lot or premises controlled by the owner of the use that generates the parking demand, provided that the parking spaces are within 300 feet of the boundaries of the property generating such parking requirements, and are not already counted towards the parking requirements of another use after application of [Section 18.05.305, Shared Parking](#), [Section 18.05.306, Parking Credits and Reductions](#), or [Section 18.05.307, Parking Studies](#), as may be applicable. As used in this subsection, "control" may include fee-simple ownership, easement interests, lease interests, or participation in a parking district or other joint venture to provide off-street parking.

18.05.406 Loading Design

A. Generally. Loading areas shall be designed as provided in this Section.

B. Screening.

1. Loading areas shall be screened from principal building entrances and other highly visible areas of the subject property.
2. If a loading area is located within 150 feet of a residential zone, a street, a park, or a designated open space, then the following standards apply:
 - a. Any bufferyard required by [Division 18.08.03, Standards for Bufferyards](#), along the property boundary of the residential zone, street, park, or designated open space shall include a wall that is eight feet in height; or
 - b. The loading area shall be enclosed with a roof and a screen wall that is at least 60 percent opaque.

C. Maneuvering Space.

1. Loading areas shall be of sufficient size to accommodate vehicles that will serve the use, such that all backing and maneuvering to and from loading areas is done on the subject property, and egress of vehicles from the subject property is in a forward direction.
2. The location of the loading area shall not block or obstruct any public street, alley, driveway, or sidewalk.

18.05.407 Bicycle Parking Design

A. Generally. Bicycle parking shall be designed and located according to [Section 17.4, City of Loveland Street Standards](#).

- B. **Materials.** Bicycle parking facilities shall be made out of a durable and strong material, permanently anchored to the ground, and designed to allow bicycles to be secured and locked to the parking facility.
- C. **Illumination.** If the bicycle facility is to be used at night, it shall be sufficiently illuminated.

Division 18.05.05 Use and Maintenance of Parking Areas

18.05.501 Use of Parking and Loading Facilities

- A. **Generally.** Required off-street parking spaces shall be available for operable passenger automobiles of the residents, customers, patrons, and employees of the use to which they relate. Off-street parking spaces that are not required by this UDC may be put to other temporary uses.
- B. **Storage.**
 - 1. *Parking Spaces and Parking Aisles.* Storing materials, boats, campers, recreational vehicles, or inoperable vehicles, or overnight parking of trucks or trailers is prohibited in parking areas of multifamily, nonresidential, and mixed-use developments, unless:
 - a. The outdoor storage use is permitted in the applicable zone and approved for the subject property;
 - b. The areas that are set aside for such parking are not counted towards the parking requirements for the use; and
 - c. The areas that are set aside for such parking comply with the requirements for outdoor storage (e.g., buffering or screening of outdoor storage areas).
 - 2. *Loading Spaces.* Storage of trailers in loading spaces for more than 48 hours is prohibited. Such spaces shall be available for routine use by delivery vehicles.
- C. **Blocking of Access Prohibited.**
 - 1. Blocking loading spaces or required parking spaces is prohibited, except as may be allowed by temporary use permit.
 - 2. Loading spaces or parking spaces shall not be designed or located in a manner that blocks access to other loading spaces, parking spaces, parking aisles, fire lanes, ingress or egress points, or building entrances, except that tandem parking is allowed for single-family detached, duplex, multiplex, and townhome uses, and for valet parking lots.
 - 3. Parking, loading, and access areas shall be kept free of any type of permanent or movable structures that block access (e.g., trash receptacles, unattended donation collection boxes, etc.).
 - 4. Parking within or otherwise obstructing a driveway approach or across public sidewalks is prohibited.

18.05.502 Maintenance of Parking Areas

Parking areas shall be maintained as follows:

- 1. Off-street parking surfaces shall be kept in good condition, free of weeds, dust, trash or debris;
- 2. Parking space lines or markings shall be kept clearly visible and distinct; and
- 3. Surfaces shall be repaired as necessary to prevent potholes and ponding that is not contemplated by the stormwater management plan for the subject property.

Chapter 18.06 Site Design

Contents:

Division 18.06.01 Purpose and Application of Chapter

Division 18.06.02 General Standards for Subdivision Layout

Division 18.06.03 Standards for Residential Subdivisions

Division 18.06.04 Standards for Complete Neighborhoods

Division 18.06.05 Standards for Housing Clusters

Division 18.06.06 Standards for Manufactured Home Parks and Subdivisions

Division 18.06.07 Standards for Multifamily Development

Division 18.06.08 Standards for North Cleveland Overlay Zone

Division 18.06.09 Standards for the Enhanced Corridor Overlay Zone

Division 18.06.10 Standards for Mixed-Use Activity Center Zone

Division 18.06.11 Standards for Employment Zone

Division 18.06.01 Purpose and Application of Chapter

18.06.101 Purpose of Chapter

The purpose of this Chapter is to provide standards for site design for various types of development, and for development within the Adaptive Re-Use Overlay Zone and the Enhanced Corridor Overlay Zone.

18.06.102 Application of Chapter

A. **Generally.** The divisions within this Chapter are applied as follows:

1. Division 18.06.02, General Standards for Subdivision Layout, provides standards that apply to all new development that involves the creation of new lots or blocks.
2. Division 18.06.03, Standards for Residential Subdivisions, provides standards that apply to residential subdivisions, except those that are subject to Division 18.06.04, Standards for Complete Neighborhoods, Division 18.06.05, Standards for Housing Clusters, Division 18.06.06, Standards for Manufactured Home Parks and Subdivisions, or Division 18.06.07, Standards for Multifamily Development.
3. Division 18.06.04, Standards for Complete Neighborhoods, provides standards for the development of complete neighborhoods.
4. Division 18.06.05, Standards for Housing Clusters, provides standards for site layout for the clustered housing types that are identified in Section 18.04.208, Clustered Housing Types.
5. Division 18.06.06, Standards for Manufactured Home Parks and Subdivisions, provides standards for the development of manufactured home parks and manufactured home subdivisions.
6. Division 18.06.07, Standards for Multifamily Development, provides standards for the layout of three types of multifamily development: downtown multifamily, infill multifamily, and general multifamily.
7. Division 18.06.08, Standards for North Cleveland Overlay Zone, provides standards for development within the Adaptive Re-Use Overlay Zone.
8. Division 18.06.09, Standards for the Enhanced Corridor Overlay Zone, provides standards for development within the Enhanced Corridor Overlay Zone.

B. **Relationship to Other Standards of this UDC.** The standards set out in Division 18.06.08, Standards for North Cleveland Overlay Zone, and Division 18.06.09, Standards for the Enhanced Corridor Overlay Zone, supersede any conflicting standards in this UDC.

Division 18.06.02 General Standards for Subdivision Layout

18.06.201 Lots

- A. **Generally.** All new lots shall comply with the provisions of this UDC related to their access, dimensions, and area.
- B. **Relationship to Street.** When practical, lot lines shall be at right angles to the street line or at right angles to the tangent of the curve of the street line.
- C. **Double Frontage Lots.**

1. New double frontage lots shall not be permitted unless vehicular access to the lots meets the applicable City of Loveland Street Standards, and the options that are set out in Section 18.06.202, Blocks, cannot reasonably be implemented.
 2. All access restrictions shall be noted on the final plat or development agreement.
- D. **Access.** All new lots shall have direct vehicular access to a public street or alley, except that:
1. Lots within manufactured home parks or manufactured home subdivisions may take access from private streets;
 2. If a housing cluster is divided into individual lots for each dwelling unit, the access requirement applies to the cluster, and not each individual lot.
- E. **Minimum Frontage.**
1. *Residential Lots.* The minimum frontage for residential lots shall not be less than 80 percent of the minimum lot width, except that:
 - a. Frontage for lots within manufactured home parks or manufactured home subdivisions that take access from private streets is measured along the private street;
 - b. If a housing cluster is divided into individual lots for each dwelling unit, the frontage requirement applies to the cluster, and not each individual lot;
 - c. The frontage for single family detached lots that take access from a cul-de-sac may be reduced to 30 feet, regardless of the required lot width.
 2. *Nonresidential and Mixed-Use Lots.* The minimum frontages for nonresidential and mixed-use lots are set out in Section 18.04.301 Nonresidential and Mixed-Use Lot and Building Standards.

18.06.202 Blocks

- A. **Generally.** All contiguous lots bounded by right-of-way, boundaries of the subject property, or designated or dedicated open space shall be grouped and labeled as distinct blocks. The City may require one or more easements through a block for the purpose of access.
- B. **Residential Blocks with Arterial or State Highway Frontage.**
1. Generally, the City strongly discourages the use of double frontage residential (except general multifamily and downtown multifamily housing types) lots along arterial frontages, either as a method of restricting vehicular access to those properties or for maximizing the number of lots within a residential subdivision. Along all arterial streets, development design shall allow for homes to face arterial streets, with generous front yard setbacks, and vehicular access being taken from either an alley or local street. The City also encourages the use of cul-de-sacs in conjunction with pocket parks that are adjacent to arterial streets. This arrangement should provide a high degree of visible permeability to residential development and allow for pedestrian and bicycle access, while at the same time limiting auto access along the arterial or state highway.
 2. Where rear yards are allowed along arterials or state highways, buffering shall be provided as required by Section 18.08.305, Street Bufferyards.

Division 18.06.03 Standards for Residential Subdivisions

18.06.301 Outdoor Recreation Areas

- A. **Generally.** Subdivisions that are created for single family detached dwellings, duplexes, or multiplexes shall include outdoor areas that are designed for recreational activities targeted towards the anticipated demographics of the subdivision residents. Recreation areas may include playgrounds with tot lots, plazas, gathering areas with seating and wildlife viewing, community gardens, dog parks, or active hard surface courts. The standards of this Section apply to residential subdivisions that are not complete neighborhoods. For standards that apply to complete neighborhoods, see Division 18.06.04, Standards for Complete Neighborhoods.

- B. **Minimum Required Outdoor Recreation Area.** Outdoor recreation areas are required at a rate of one acre for every 100 dwelling units for residential subdivisions containing 50 or more residential dwelling units.
- C. **Design.** Outdoor recreation areas shall be of suitable size, dimension, topography, and general character for the particular purpose of providing adequate space within the development for outdoor recreational activities. The recreation areas shall be integrated into the development design to create meaningful areas within a reasonable distance of the maximum number of residential dwelling units, as well as to provide visibility, and where practicable, views to the mountains or other landmarks from public rights-of-way. The recreation areas shall be connected by walkways that emphasize and place priority on pedestrian movement. The minimum dimension of an outdoor recreation area shall be 50 feet. Small, odd, “left-over” open space areas, areas within street bufferyards, detention pond two-year storm inundation areas, and areas isolated in corners of the development shall not be included in outdoor recreation areas.
- D. **Maintenance.** Outdoor recreation areas shall be maintained by a property owners’ association and shall have no effect on the amount of capital expansion fees otherwise imposed under [Division 18.16.04, Capital Expansion Fees](#).

Division 18.06.04 Standards for Complete Neighborhoods

18.06.401 Purpose and Application of Division; General Requirements for Pattern Books

- A. **Generally.** A Complete Neighborhood is a community that may include a variety of housing types and densities at a variety of price points. A Complete Neighborhood may also include prominently sited civic or community buildings, public open spaces, and neighborhood activity centers including stores, offices, entertainment, and services. Schools and other public facilities may also be included in a Complete Neighborhoods. Complete neighborhoods provide a balanced mix of activities in close proximity to each other and have a recognizable center (or centers). Edges of the community are clearly defined and integrate land uses that appropriately transition to adjacent development. Wide detached sidewalks with amenities like benches, planters, and gathering places are provided throughout the neighborhood. Streets are designed to be comfortable for bicycling with slow vehicle speeds and bicycle lanes on collectors.
- 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. **Zones in Which Complete Neighborhoods May Be Developed.** An application for a Complete Neighborhood may be submitted only for development within the ER, R1, R1e, R2, R3, R3e, MAC, and E Zones.
- D. **Required Documents.** An application for a complete neighborhood shall include the documentation set forth in [Section 18.17.602, Minimum Pattern Book Requirements](#).
- E. **Application.** A pattern book for a Complete Neighborhood is a design guide that addresses the design of the individual buildings, the relationship among buildings, streets, and public spaces, the cross-sections of streets, and other defining features of the development. A pattern book provides the following:
 - 1. A palette of housing types, architectural themes and styles, and finish materials (as such, it addresses the design elements, not the density or intensity of development);
 - 2. Generalized street cross-sections, streetscape design, and landscaping parameters; and

3. May propose standards different than in the UDC, including housing types.

18.06.402 Common Amenities

- A. **Generally.** This section is used to determine the total area within a complete neighborhood that must be used for the provision of common amenities.
- B. **Common Amenity Ratio.**
 1. The minimum common amenity ratio shall be as provided in Table 18.06.402, Minimum Common Amenity Ratio, below.

Table 18.06.402 Minimum Common Amenity Ratio	
Zoning District	Minimum Common Amenity Ratio (percentage of area of subject property)
Estate Residential (ER)	10
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. The calculation of minimum common amenity area in Table 18.06.402, Minimum Common Amenity Ratio, shall be limited to land intended for active use by residents of the community or other persons. Common amenity areas may contain impervious surfaces and buildings for uses such as plazas, play courts, swimming pools and indoor recreation facilities. Common amenity areas may also include walkways or multi-purpose paths that provide access along the edges or through natural areas or flood fringe areas. Common amenity areas shall not include features such as stormwater detention ponds, drainage channels, or floodways.
3. In MUC and E zones, the calculation of minimum common amenity ratio shall only apply to areas designated for residential use.

18.06.403 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 18.06.403, Minimum Housing Mix in Complete Neighborhoods. Each table row in each section of [Division 18.04.02, Housing Palette](#), is a different housing type for purposes of determining compliance with Table 18.06.403, Minimum Housing Mix in Complete Neighborhoods.

Table 18.06.403 Minimum Housing Mix in Complete Neighborhoods			
Total Number of Dwelling Units ¹	Minimum Number of Housing Types by Zone (see Division 18.04.02, Housing Palette)		
	ER, R1e, and R1	R2 and R3e	R3, MAC, and E
up to 50 ²	2	2	2
51 to 100 ²	2	3	3
101 to 150 ³	3	4	3
Greater than 150 ³	4	4	3

Table 18.06.403 Minimum Housing Mix in Complete Neighborhoods			
Total Number of Dwelling Units ¹	Minimum Number of Housing Types by Zone (see Division 18.04.02, Housing Palette)		
	ER, R1e, and R1	R2 and R3e	R3, MAC, and E

TABLE NOTES:

¹ A micro home shall be considered one dwelling unit for the purpose of calculating the total number of dwelling units in this table.

² To meet the minimum requirement for diversity, a complete neighborhood that includes only single-family detached housing types shall include not less than 20 percent of any one housing type. This standard does not apply to additional housing types beyond the minimum number of required housing types.

³ Complete neighborhoods that include more than 100 units shall include at least 20 percent of units in housing types that are not single-family detached.

- C. **Maximum Land Area for Nonresidential Uses.** Complete neighborhoods may include non-residential uses as provided in Division 18.02.03, Land Use by Zone. 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.
- D. **Spatial Mix of Housing Types.** Complete Neighborhoods shall be designed as integrated places in which housing types are mixed in a manner that does not create areas containing a single type. Such designs may include lessening of density from a point of high density near a neighborhood activity center to areas of lower density, mixing of housing types on a single block, and other comparable techniques to create an integrated mix of housing types. See Figure 18.06.403, Spatial Mix of Housing Types.



18.06.404 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 on a sketch plat or sketch site plan. The sketch plat or sketch site plan 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, or places of assembly will be included in the neighborhood, it shall also include areas designated as neighborhood activity centers.

C. Blocks.

1. *Arrangement.* 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.
2. *Maximum Block Length.*
 - a. Block lengths 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. The Director may require pedestrian and bicycle access mid-block for block lengths greater than 800 ft.

D. Off-Street Circulation.

1. A network of sidewalks, off-street trails, or multi-use paths shall be integrated into the design of the Complete Neighborhood to enhance access to and through parks, outdoor recreation areas, schools, places of assembly, and neighborhood activity centers and to connect to existing or planned sidewalk, trail, or multi-use path systems in the City.
2. The network of sidewalks, off-street trails, or multi-use paths shall be consistent with the objectives of Complete Streets.
3. In residential areas, sidewalks shall be detached and not less than six feet in width.
4. In Complete Neighborhoods that include cul-de-sacs, the Director may require that the pedestrian circulation system 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 are integrated into the development design to create meaningful areas of useable 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. Site design shall minimize or eliminate small, odd, “left-over” open space areas, except where necessary for the stormwater system. The Director may require extra landscaping 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. Where feasible, trails shall be provided along greenways to provide access for residents of the proposed development. Greenways, trails, and landscaping shall 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. Common open spaces shall be designed to provide areas of visual focus, recreation, or public assembly within the Complete Neighborhood. Landscaping and furniture for pedestrians is included in these areas to enhance functionality.

- 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 included in the definition of outdoor recreation area.

18.06.405 Neighborhood Activity Centers

- A. **Generally.** Neighborhood activity centers shall be designed according to the standards of this Section. Compliance with each subsection of this Section shall be demonstrated using a Pattern Book and Sketch Plat or Sketch Site Development Plan.
- B. **Designation of Streets.** All streets in neighborhood activity centers shall be designated as either primary streets or secondary streets.
 1. *Primary Streets.* The primary streets shall provide the principal pedestrian circulation system.
 2. *Secondary Streets.* Secondary streets shall provide for circulation of service vehicles and access to alleys and parking areas.
- C. **Sidewalks.**
 1. *Minimum Width.* Sidewalk widths shall be not less than:
 - a. 12 feet along primary streets; and
 - b. Eight feet along secondary streets.
 2. *Pedestrian Amenities.* Sidewalks in neighborhood activity centers shall include amenities such as street furniture, trash receptacles, water features, sculptures, or planters at intervals of not less than 75 feet.
 3. *Pedestrian-Scale Lighting.* Pedestrian-scale lighting shall be provided along sidewalks.
- D. **Loading and Service Areas.** Service areas, including loading docks and trash and recycling storage and pickup, shall be located behind buildings and screened from parking areas. Screening is not required for employee and service entrances in the form of standard doors. Over-the-curb loading is allowed if approved by the City Engineer.
- E. **Off-Street Parking.**
 1. Off-street parking shall be located in surface parking lots or parking structures that are situated behind the building that they are intended to serve, or in shared surface parking lots or parking structures.
 2. Access to surface parking lots or parking structures shall be provided from:
 - a. Alleys;
 - b. Secondary streets; or
 - c. Mid-block driveways on primary streets, provided that the surface parking lot or parking structure is located behind buildings.
- F. **Connections to Residential Areas.** The neighborhood activity center shall connect to the residential areas of the complete neighborhood via one or more primary streets. Generally, buildings in the neighborhood activity center shall not be oriented such that they share rear lot lines with single-family detached, duplex, townhome, or multiplex residential lots outside of the neighborhood activity center. If rear lot lines are also boundaries of the neighborhood activity center, the Director may require pedestrian access easements to provide connections to residential areas of the complete neighborhood.
- G. **Building Design.**
 1. *Architectural Theme.* An architectural theme shall be developed for the neighborhood activity center, and conceptual elevations that demonstrate the theme's key elements shall be included in the Pattern Book. A general palette of colors and materials to implement the theme shall also be included.

2. *Visual Interest.* Buildings (or groups of attached buildings) that are more than 200 feet wide shall include at least three of the following elements:
 - a. Shade structures such as awnings, porticos, or arcades.
 - b. Standard architectural details of windows, doors, and decoration, with their use specified on the pattern book elevations.
 - c. Varying setbacks (or build-to lines) that provide interest using one or more of the following:
 1. Areas for seating or outdoor eating on the sidewalk or a small plaza.
 2. Differing setbacks for portions of the building that are detailed to make them visually interesting.
 3. Upper level setbacks to provide corner window opportunities.
 - d. Varying heights.
3. *360-Degree Architecture.* The architectural features, materials, and articulation of the front facade shall be continued on all sides that are visible from a primary street, secondary street, sidewalk or trail, or street that bounds the complete neighborhood.
4. *Massing.* Buildings shall be designed to appear as a group of attached buildings with horizontal elements in regular increments of not more than 50 feet.
5. *Blank Walls.* All exterior building elevations that face a primary street, secondary street, sidewalk or trail, or street that bounds the complete neighborhood shall be designed so that there are no areas of blank wall that are more than 16 feet in horizontal or vertical direction. This requirement can be met by window openings, articulation of the building, porches or balconies, material and color variations, decorative cornices, or wall signs.
6. *Transparency.*
 - a. Building elevations that face streets shall be transparent, including window or door openings that allow views into and out of the interior of the building, as provided in Table 18.06.405, Required Transparency

Table 18.06.405 Required Transparency		
Street Frontage	Ground Floor Transparency ¹	Upper Floor Transparency
Primary Street	Not less than 50 percent	Not less than 15 percent or more than 50 percent
Secondary Street	Not less than 30 percent	Not less than 10 percent or more than 50 percent

TABLE NOTES:
¹ Ground floor transparency refers to the area between a height of 30 inches and nine feet above adjacent grade.

- b. The Director may approve reductions in transparency for specialized buildings (*e.g.*, theaters), if it is demonstrated that the transparency requirements of this Section would materially diminish the function of the building.

18.06.406 Relationship Between Complete Neighborhood and Adjoining 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:
 1. 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 determined to be compatible; and
 2. Any residential use (including multifamily) that is located across an arterial or collector street from existing lots that are developed or approved for single-family or duplex residential use shall be determined to be compatible with the existing single-family lots.
- 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 18.06.406, Complete Neighborhood Alternative Edge Buffers.

Table 18.06.406 Complete Neighborhood Alternative Edge Buffers	
Ratio of Edge Lot Width to Adjoining Lot Width	Required Bufferyard Type ¹
up to 50 percent	D
more than 50 percent but less than 90 percent	C
greater than 200 percent	B
TABLE NOTES: ¹ See Section 18.08.302, Bufferyard Specifications	

18.06.407 Modification of Setback Standards

- A. **Generally.** The general standards for housing types in a Complete Neighborhood are set out in [Division 18.04.02, 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.

18.06.408 Front Yard Commons and Parking Court Arrangements

- A. **Generally.** Front yard commons and parking court arrangements are alternative ways to provide vehicular access to lots. In the front yard commons 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 Front Yard Commons.** Single-family, duplex, lot-line home, and townhome lots may front on a common green and take vehicular access from alleys if:

1. The alleys do not serve more than 16 dwelling units;
 2. The common green is at least the greater of:
 - a. 30 feet wide; or
 - b. A width that is 1.5 times the height of the tallest building that fronts on the common green; and
 3. 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.

18.06.409 Wireless Telecommunications Plan

An application for approval of a complete neighborhood may include a plan for the provision of wireless telecommunications services to the development. Said plan shall be reviewed for compliance with applicable standards of Section 18.02.411, [Wireless Telecommunications Standards](#). Approval of the plan shall constitute approval of the wireless telecommunications facilities identified in the plan for the purposes of this LDC, provided that they are constructed in the locations and to the design specifications set out in the plan.

Division 18.06.05 Standards for Housing Clusters

18.06.501 Housing Clusters

- A. **Generally.** The standards of this Section apply to developments of the clustered housing types that are described in Section 18.04.208, [Clustered Housing Types](#), except for micro homes that are located within manufactured home parks.
- B. **Common Green.**
1. Clustered housing types shall be organized around one or two common greens, with no dimension that is less than the larger of:
 - a. 1.5 times the height of the tallest building on the common green; or
 - b. 20 feet, for micro homes; or
 - c. 30 feet, for cottages and cottage duplexes.
 2. The common green shall be developed and maintained to provide for passive and/or active recreational activities for the residents of the housing cluster.
 3. The common green (or greens) shall be centrally located and easily accessible to all dwelling units within the cluster.
 4. The common green shall be surrounded by cluster housing types on at least two sides, which do not have to be opposite sides.
 5. Stormwater management facilities are allowed within the common greens, if they do not adversely impact access to or use of the common greens for all-season pedestrian access to the dwelling units, and for anticipated active and passive recreation activities.
- C. **Front Porches.**
1. *Cottages and Cluster Duplexes.* Each cottage or cluster duplex dwelling unit shall have a front porch that is not less than seven feet in any dimension.
 2. *Micro Homes.* Each micro home shall have a front porch that is not less than five feet in any dimension.
- D. **Private Entry Yards.**

1. Each dwelling unit may have a private entry yard (in front of the building elevation that contains the primary entrance to the dwelling unit) that is:
 - a. Not more than 10 feet deep, and
 - b. Enclosed with a fence that is not more than 36 inches in height in front of the front building plane and not more than 60 inches in height behind the front building plane.
 2. Private entry yards may border the common green, but are not included in the dimensions of the common green.
- E. **Relationship to Street and Common Green.** Housing clusters shall relate to both the street and to the common green, in that:
1. Each building that is constructed along the principal street side of the subject property shall include architectural features that provide visual continuity with adjoining properties and visual interest from the street, such as a primary or secondary entrance or porch that is oriented to the street.
 2. Not less than 50 percent of the dwelling units shall front on the common green.
- F. **Pedestrian Network.**
1. Pedestrian connections shall link all buildings to the street, common green, and parking areas.
 2. Pedestrian connections from parking areas to common buildings and dwelling units shall cross the common green.
 3. If housing clusters share a common building, the pedestrian network shall connect the housing clusters.
- G. **Common Building.** A common building with amenities is required within clustered housing developments containing more than 12 dwelling units. Amenities may include a kitchen, meeting area, common dining area, indoor recreation facilities, storage (provided that other amenities are also provided in the building), and up to two guest bedrooms. Up to two housing clusters that are connected with pedestrian pathways may share a common building, unless the size of the common building and provided amenities are designed to accommodate additional clusters, the common building is centrally located and easily walkable from all dwelling units, and the common building is connected to the clusters by pedestrian pathways.
- H. **Individual Storage Buildings.** One individual storage building is allowed for each dwelling unit, provided that:
1. The storage building is not more than 10 feet in height;
 2. The storage building is not more than 80 sf. in floor area;
 3. The storage building is located behind the dwelling unit, and set back:
 - a. 30 feet from any street; and
 - b. 5 feet from any boundary of the housing cluster.
 4. The storage building is screened from the street and the common green.
- I. **Parking Design.**
1. *Generally.*
 - a. Required parking shall be provided in shared surface parking lots, covered parking spaces in shared parking lots, shared detached garage buildings, or in the rear yard accessed from an alley.
 - b. No parking space or drive aisle shall be located between a front building elevation and a common green.
 - c. For alley accessed parking, parking spaces shall be located between the alley and rear building planes, and shall not extend in side or front yards.
 2. *Surface Parking and Covered Parking Spaces.*
 - a. Surface parking and covered parking spaces shall be set back from streets as provided in Section [18.04.208, Clustered Housing Types](#).
 - b. Surface parking and covered parking spaces shall be screened from the street and the common green and from individual units with a parking lot bufferyard.

- c. Surface parking shall be distributed on the site to minimize visual impacts and optimize access to individual units.
3. *Shared Detached Garage Buildings.*
 - a. Shared detached garage buildings may not exceed four overhead doors per building, and a total floor area of 1,200 square feet.
 - b. Shared detached garage buildings shall be reserved for the parking of vehicles owned by the residents of the development.

Division 18.06.06 Standards for Manufactured Home Parks and Subdivisions

18.06.601 Minimum Area of Subject Property; Lot and Building Standards

A. Minimum Area of Subject Property.

1. *Manufactured Home Subdivisions.* No subject property proposed for use as a manufactured home subdivision shall be less than 10 acres.
2. *Manufactured Home Parks.* No subject property proposed for use as a manufactured home park shall be less than five acres.

B. Lot and Building Standards.

1. Lots or spaces within the manufactured home park or subdivision shall comply with the requirements of Section 18.04.207, *Manufactured Homes and Micro Homes in Manufactured Home Parks and Manufactured Home Subdivisions*.
2. Up to 10 percent of the spaces within a manufactured home park may be occupied by recreational vehicles. Such spaces shall meet the standards for a single-wide manufactured home, as set out in Section 18.04.207, *Manufactured Homes and Micro Homes in Manufactured Home Parks and Manufactured Home Subdivisions*.

18.06.602 Required Improvements and Facilities

A. Utilities.

1. Connections to City water and sewer shall be available for each manufactured home lot or space.
2. All utility lines shall be placed underground.

B. Interior Streets. All interior streets (whether public or private) shall be:

1. Surfaced with asphalt or concrete to a width of at least 34 feet.
2. Illuminated by covered street lamps.

C. Sidewalks. Sidewalks shall be provided as required by Division 18.07.03, *Sidewalks, Trails, and Multi-Use Pathways*.

D. Recreational Areas. A recreational area at least equal to one space in area for every ten manufactured home lots or spaces.

E. Refuse Disposal. Refuse disposal shall be available in covered receptacles.

F. Dependent Units. If the manufactured home park or subdivision includes spaces for dependent units, a service building containing adequate auxiliary toilets and laundry facilities shall be provided for use by the dependent units.

Division 18.06.07 Standards for Multifamily Development

18.06.701 Purpose and Application of Division

- A. **Purpose.** The purpose of this Division is to provide minimum standards for development design in order to promote attractive and functional multifamily development that furthers the community's expectations for quality of life and goals for high-quality design in a variety of development contexts.
- B. **Application.**

1. The standards of this Division apply to sketch site plans and site plans for multifamily development.
2. Building standards are set out in [Division 18.04.05, Building Design Standards](#).
3. Vertically mixed-use buildings with a residential component are subject to the design standards set out in [Division 18.06.04, Standards for Complete Neighborhoods](#), [Division 18.06.09, Standards for the Enhanced Corridor Overlay Zone](#), [Division 18.06.10, Standards for Mixed-Use Activity Center Zone](#), [Division 18.06.11, Standards for Employment Zone](#), or [Division 18.04.06, Downtown Design Standards](#), as applicable, and not this Division.

18.06.702 Downtown Multifamily

Downtown multifamily shall be designed to meet the requirements of [Division 18.04.06, Downtown Design Standards](#).

18.06.703 General Multifamily

- A. **Generally.** Site and building plans for general multifamily uses shall conform to the requirements of this Section.
- B. **Relationship Between Buildings and Street Frontage.** In addition to front setbacks (or build-to lines), buildings shall relate to the street by way of building orientation, fenestration, the design of building entrances, and the location and format of parking areas, as follows:
 1. *Multiple-Building Multifamily Development.*
 - a. In developments that include more than one multifamily building, the buildings shall be oriented in one of the following ways:
 1. To the street from which the subject property takes access, with prominent, architecturally defined entrances, with a defined connection between each entrance and the public sidewalk; or
 2. To an interior courtyard that is at least partially visible from the street and at least 1.5 times as wide as the adjoining buildings are tall, with a prominent pedestrian entry to the courtyard and a walkway connecting directly between each building entrance and the public sidewalk through the pedestrian entry; or
 3. To a cohesive, connected system of open space and pedestrian pathways, with a prominent pedestrian entry to the site and a walkway connecting directly between each building entrance and the public sidewalk through the pedestrian entry to the subject property.
 2. *Single-Building Multifamily Development.* If the multifamily residential development is in the form of a single building, the building shall be oriented to the street from which the site takes access. The building shall have a prominent, architecturally defined entrance, with a defined connection to the public sidewalk.
- C. **Pedestrian Circulation and Connectivity.**
 1. The subject property shall have a defined pedestrian circulation system that provides connections among the dwelling units, common mailboxes, amenities, and the public sidewalk.
 - a. Sidewalks and multi-use pathways that comprise the pedestrian circulation system shall be at least five feet wide, and, except at crossing points, separated from parking and vehicular circulation areas.
 - b. Sidewalks and multi-use pathways shall be designed and organized to be highly visible from buildings and parking areas.
 2. Connections between the public sidewalk and the pedestrian circulation system on the subject property shall be provided at intervals of not more than 300 feet.
- D. **On-Site Amenities.** General multifamily developments that include more than 20 dwelling units shall provide on-site amenities as set forth in this subsection.
 1. *Total Area of On-Site Amenities.* The total area provided for on-site amenities shall be as set forth in [Table 18.06.703, Minimum On-Site Amenities](#).

Table 18.06.703 Minimum On-Site Amenities		
Zone	Minimum Contiguous Area ¹	Minimum Area per D.U.
R2	5,000 sf.	240 sf.
R3e		
R3	3,000 sf.	
B		
MAC		
PUD		
TABLE NOTES:		
¹ Applies to a single outdoor area that is used for one or more on-site amenities.		

2. *Types of On-Site Amenities.* On-site amenities shall provide facilities for outdoor or indoor recreation and leisure. The types of on-site amenities are as follows:
 - a. Outdoor Passive amenities include paths; picnic areas; play fields and; dog parks (if pets are allowed), and other facilities with a comparable amenity value.
 - b. Outdoor Active Level One amenities include play courts and tot lots with appropriate equipment, lighting, and seating for adults, and other facilities with a comparable amenity value.
 - c. Outdoor Active Level Two amenities include swimming pools.
 - d. Indoor amenities include buildings containing swimming pools, fitness facilities, clubhouses (excluding leasing office space and maintenance rooms), common kitchens, movie theaters, billiard rooms, and other facilities with comparable amenity value.
 - e. Balconies that are not less than 36 square feet in size and not less than six feet in any dimension.
3. *Calculation of Amenity Area.* The different types of on-site amenities listed in subsection D.2. are counted differently towards the on-site amenity requirement. To calculate compliance with the requirement, multiply the area of each type of amenity times the ratio set out for that type of amenity in Table 18.06.703, Ratios for On-Site Amenities.

Table 18.06.703 Ratios for On-Site Amenities	
Type of Amenities	Ratio
Outdoor	
Passive	0.5
Outdoor Level One	1.0
Outdoor Level Two	2.0
Balconies	0.5
Indoor	
Indoor	2.5

4. *Director's Authorization.*
 - a. The Director is authorized to make determinations as to whether an amenity that is not listed in subsection D2, above has comparable amenity value to a listed amenity.
 - b. The Director is also authorized to grant a 20 percent reduction in the area of required on-site amenities if the Director finds either:
 1. Off-site recreation amenities (e.g., public parks and recreation amenities in a PUD or complete neighborhood) are available and have capacity to serve the proposed development in that:
 - a. There is a safe pedestrian route of access from the proposed development to the off-site recreation amenity;

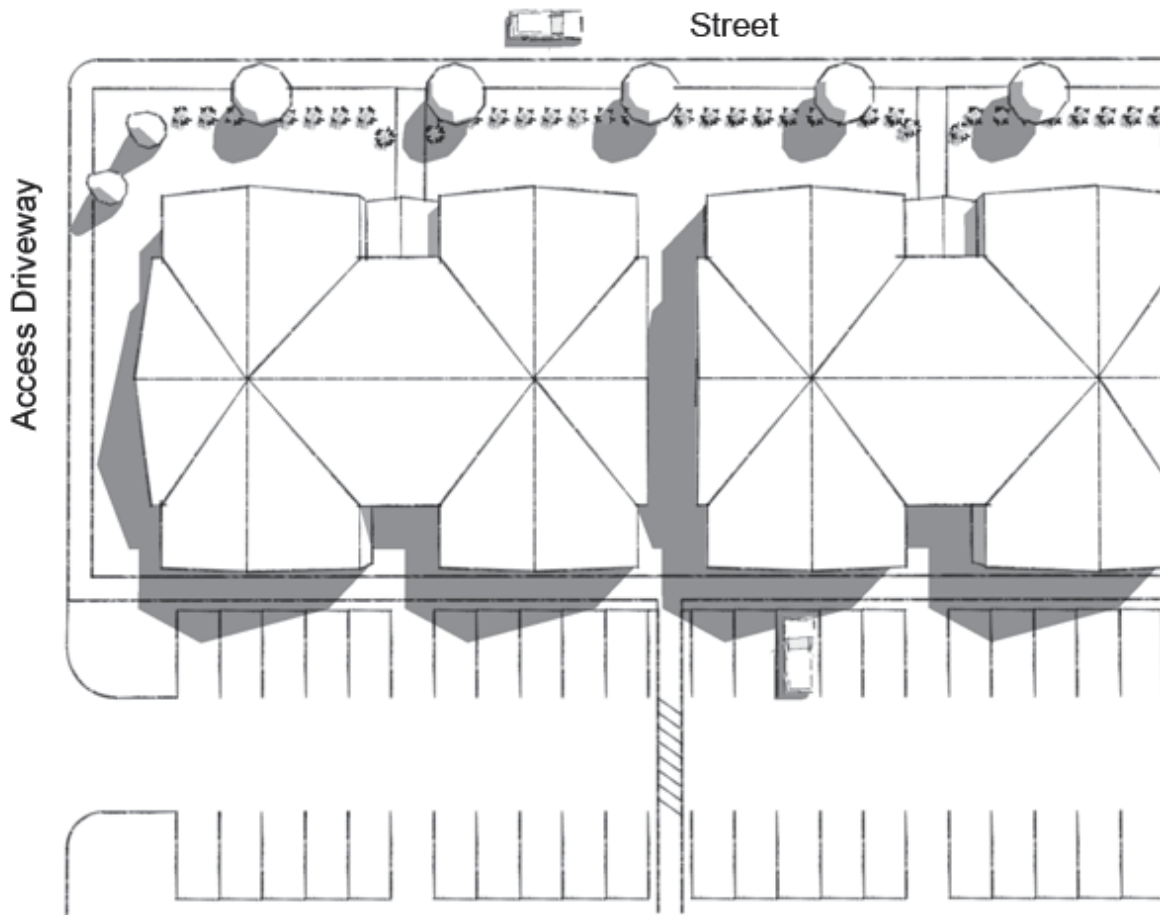
- b. The walking distance between the subject property and the off-site amenity is 600 feet or less; and
 - c. The off-site amenity is of a type that is likely to be used by residents of the proposed development; or
- 2. The subject property is approved as a qualifying affordable housing development and the reduction is necessary and appropriate to ensure the desired level of affordability.
- c. If the Director makes a decision regarding comparable amenity value or grants a reduction in the minimum on-site amenity area, then the Director shall document, in the project file, the good cause rationale for making the decision.

E. Parking Design.

1. *Surface Parking and Covered Parking Spaces.*

- a. Parking modules in which the access aisles roughly parallel the adjoining street shall be set back not less than 30 feet from street rights-of-way, and:
 - 1. Shall be screened from view from the street by:
 - a. A multifamily building, or a combination of an enclosed parking building and a type A bufferyard, located between the building and the street (see Figure 18.06.703, Illustrative Parking and Building Configuration); or
 - b. A type C bufferyard.
 - 2. Shall be screened from view from adjacent property by:
 - a. A multifamily building, or a combination of an enclosed parking building and a type B bufferyard, located between the building and the street; or
 - b. A combination of a detached enclosed parking facility and a type B bufferyard located between the building and the property line; or
 - c. A type C bufferyard.

Figure 18.06.703
Illustrative Parking and Building Configuration



- b. Surface parking areas in which the access aisle is roughly perpendicular to the adjoining street shall:
 - 1. Be spaced so that the boundaries of parking modules that are roughly parallel to each other are at least 50 feet apart; and
 - 2. Be buffered from the adjoining street with a type B bufferyard.
- c. Covered parking spaces are allowed.
- 2. *Attached Individual Garages and Detached Enclosed Parking Facilities.* Overhead doors shall not be located on building elevations that face adjacent property or public streets unless the building elevation is at least 60 feet from the property line, and intervening buildings or landscaping mitigate the appearance of the overhead door.

18.06.704 Infill Multifamily

- A. **Generally.** The standards of this Section apply to infill multifamily development.
- B. **Relationship Between Building and Street Frontage.**
 - 1. Each building that is constructed along the principal street side of the subject property shall include architectural features that provide visual continuity with adjoining properties and visual interest from the street, such as a primary or secondary entrance and windows that are oriented to the street.
 - 2. One or more prominent, architecturally defined entrances shall be provided to the building or to a courtyard or paseo. These entrances shall include a defined connection to the public sidewalk. This standard does not preclude buildings that also have dwelling units that are accessed from the side or rear of the building.

- C. **Relationship Between Buildings on Subject Property and Buildings on Adjacent Property.** Infill multifamily buildings may be up to 20 feet in height at interior side setback lines. Building massing above 20 feet in height shall be stepped back from interior side setback lines one foot for each additional foot in height.
- D. **Outdoor Living Space.**
 - 1. Not less than 75 square feet of outdoor living space shall be provided for each dwelling unit.
 - 2. Outdoor living space may take the form of a common amenity such as a courtyard or paseo, or a semi-private or private outdoor space such as a porch or balcony.
 - 3. Outdoor living spaces that are configured as common amenities shall be accessible to the dwelling units, connected to the dwelling units and the street by pedestrian walkways, and situated as a central organizing feature of the subject property.
 - 4. If outdoor living spaces are provided between infill multifamily buildings (e.g., courtyards or paseos), no dimension of the space shall be less than 1.5 times the height of the tallest building that frames the space.
- E. **Parking Design.**
 - 1. *Surface Parking and Covered Parking Spaces.*
 - a. Surface and covered parking spaces shall be set back three feet from side and rear property lines.
 - b. Surface parking spaces that face adjoining residential property shall be screened from said property with a privacy fence, garden wall, or opaque evergreen hedge that is at least five feet tall.
 - c. No parking space shall have direct access to a public street.
 - d. If the subject property has alley access, parking or vehicular access shall not be located in the front yard unless the Director finds that the alley cannot be safely used to provide access.
 - e. If the subject property does not have alley access (or if the Director determines that alley access cannot be safely provided), not more than 30 percent of the front yard may be covered with surface parking or access drives.
 - 2. *Garage Parking.* Overhead doors shall not be located on building elevations that face adjacent property or streets, unless intervening buildings, fences, garden walls, or landscaping substantially mitigate the appearance of the overhead doors.

Division 18.06.08 Standards for North Cleveland Overlay Zone

18.06.801 Operational Standards

The hours of operation for nonresidential uses, in which services are provided to the general public, shall be limited to between 7:00 AM and 7:00 PM daily, unless otherwise approved through the adaptable use process.

18.06.802 Building Design

- A. Building additions and new development shall be designed so that the style of the building is not an obvious departure from the style of the other residential buildings on the same block and generally within the North Cleveland Overlay Zone, in terms of cladding materials, color, scale, massing, height, street orientation, fenestration, roof pitch, and entryways.
- B. Building additions and new development shall include pitched roofs with slope ratios and overhangs consistent with the characteristics of existing residential structures within the North Cleveland Overlay Zone. Principal buildings shall have primary building entries and vertically-oriented windows that face Cleveland Avenue.

18.06.803 Parking, Landscaping, and Lighting

- A. **Off-Street Parking.**
 - 1. Off-street parking for nonresidential uses shall be provided behind the front building line of the principal building, and shall have a minimum setback of three feet from side yard property lines. Where parking in this

configuration is not possible, the Director may approve alternative parking, provided that not more than 30 percent of the area between the front setback line and the street is paved.

2. Parking bufferyards are required as provided in Section 18.08.306, [Parking Bufferyards](#), except that the bufferyard shall not be installed between the front building line of the adjacent property and the public right-of-way, and trees are not required between the principal building and the side property line if the installation of trees would obstruct access to the parking lot.
3. The maximum width of a drive aisle connecting to North Cleveland Avenue shall be 12 feet for that portion of the aisle that is in front of the front building elevation of the principal building.

B. Landscaping.

1. Corridor bufferyards are not required. All other landscaping standards apply except as provided in subsection A., above.
2. Street trees shall be provided along North Cleveland Avenue at an approximate spacing of 35 feet on center.
3. Existing healthy, mature trees shall be preserved and incorporated into the site design for new off-street parking areas and building additions.
4. Additional landscaping and screening may be required by limited or adaptable use review in order to maintain the residential character of the overlay zone and to preserve privacy between residential and nonresidential uses.

- C. Lighting.** Exterior lighting on the subject property shall meet the provisions for residential parking areas, as set out in Section 18.09.203, [Intensity and Distribution of Light](#).

18.06.804 Accessory Dwelling Units

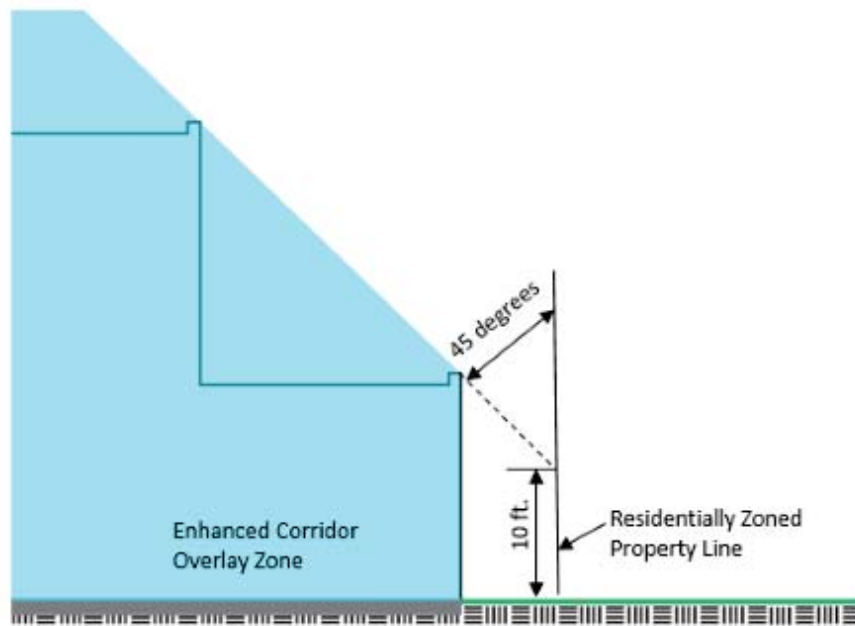
Accessory dwelling units shall be permitted on the same lot as a nonresidential use, provided that they comply with the requirements of Section 18.04.702, [Accessory Dwelling Units](#). For the purposes of evaluating compliance with Section 18.04.702, [Accessory Dwelling Units](#), the nonresidential use shall be considered the “Single-Family Detached Dwelling Unit” and “Primary Dwelling Unit.”

Division 18.06.09 Standards for Enhanced Corridor Overlay Zone

18.06.901 Bulk Standards

- A. Generally.** Upon an applicant’s election to apply the ECOZ standards pursuant to Section 18.02.901, [Purpose and Application of Division](#), and thereafter, the standards of this Section are applied. For the purposes of this Division 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 subject property, 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 Subject Property at an upwards angle of 45 degrees. See Figure 18.06.901.A., Illustrative Building Height Plane.

Figure 18.06.901.A.
Illustrative Building Height Plane



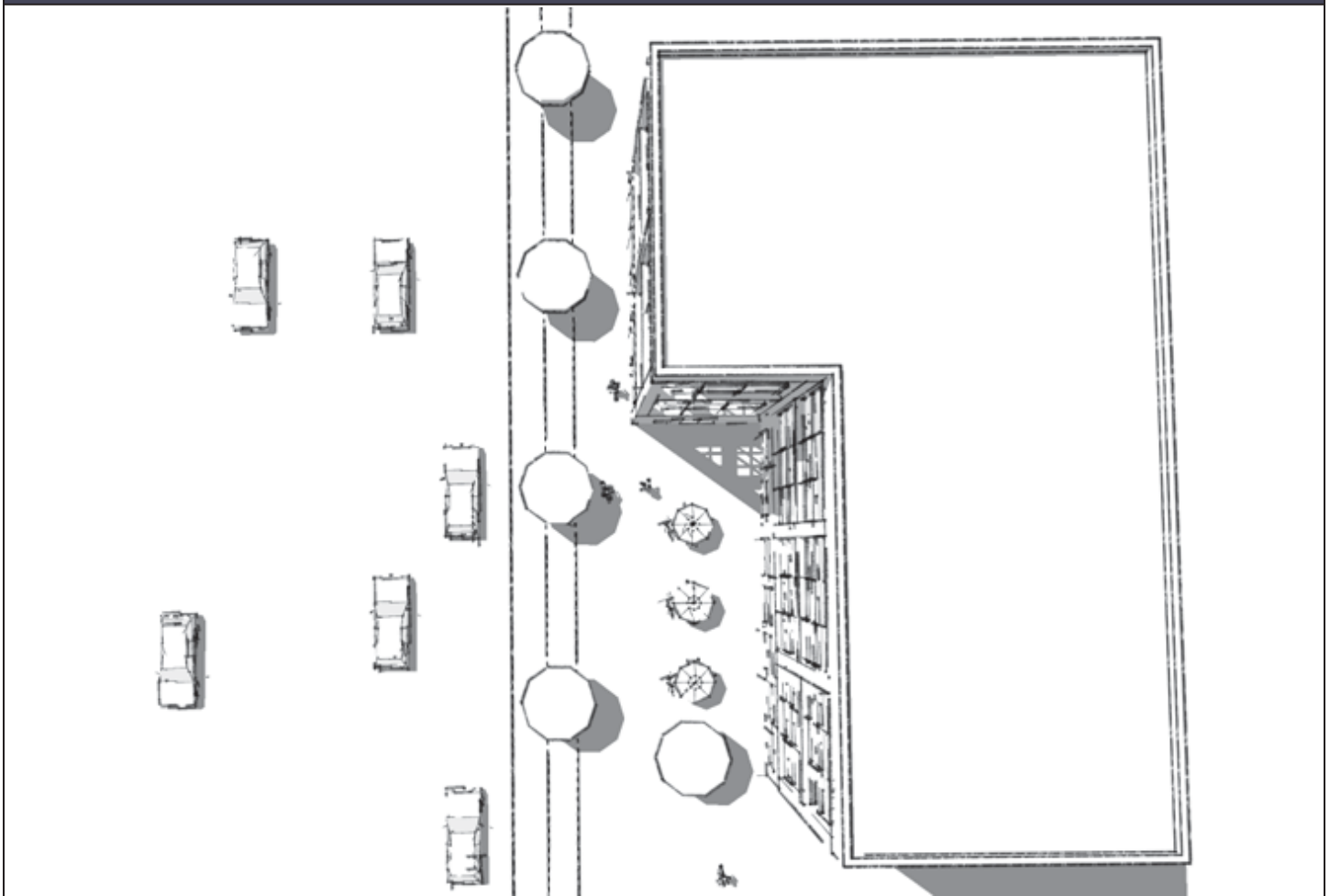
- C. **Perimeter Setbacks and Build-To Lines.** The perimeter setbacks and build-to lines set out in this subsection apply along the boundaries of the subject property, and supersede any conflicting setbacks or build-to lines in the underlying zone. Where build-to lines would require construction within 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 ECOZ.
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 of the abutting arterial street, and as necessary to provide “transition areas” as defined in Section 18.06.902, *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 18.04.403, *Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies*.
 - b. To buildings: 3 ft., or as required to maintain safe travel along the alley.
 4. Interior side setback:
 - a. Subject Property borders Residentially-Zoned Property: 15 feet
 - b. Subject Property does not border Residentially-Zoned Property: 0 feet
 5. Rear setback:
 - a. Subject Property borders Residentially-Zoned Property: 15 feet

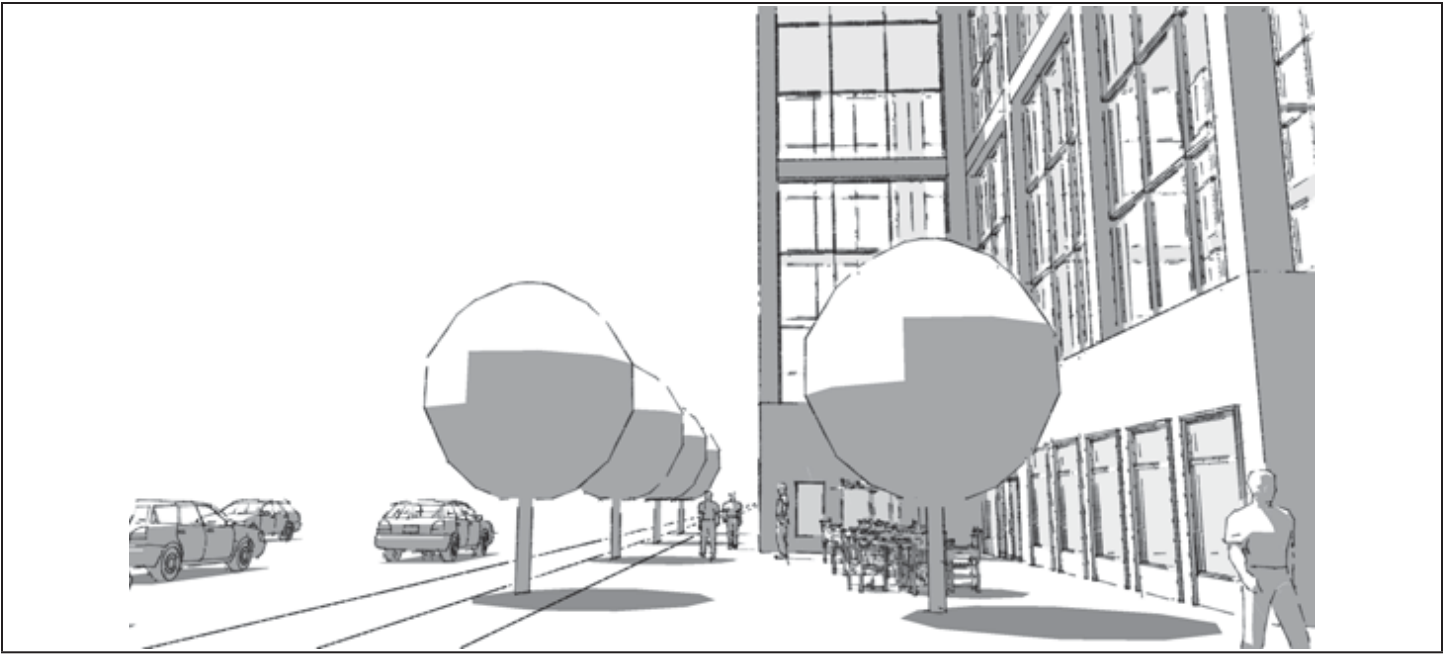
- b. Subject Property does not border Residentially-Zoned Property: 5 ft.

18.06.902 Site Design Standards

- A. **Generally.** Upon an applicant's election to apply the ECOZ standards, and thereafter, the standards of this Section are applied.
- B. **Transition Areas.** As used in this Section and in Section 18.06.901, **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 18.06.901, **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.

Figure 18.06.902.A.
Illustrative Transition Area (Plan View and Cross Section)





C. Pedestrian Circulation.

1. For every 200 linear feet of front property line or fraction thereof, at least one pedestrian access to the subject property 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 subject property, the pedestrian circulation system shall connect to the access points.
3. The subject property 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.

D. Vehicular Circulation.

1. If access to the subject property 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 subject property would connect streets on opposite sides of the subject property, then the streets shall be connected across the subject property 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 subject property and the bordering property owners, then an alley shall be constructed along the rear property line.
4. All accesses shall comply with the City of Loveland Street Standards.

E. Parking Configuration. Parking modules shall be set back from front property lines by the greatest of:

1. The distance that is required by the City of Loveland Street Standards, Figure 19-6, Minimum Off-Street Parking Setback Distance.
2. 25 feet from the front property line to the boundary of any parking space.
3. 50 feet from the front property line to the boundary of any parking aisles that runs parallel or roughly parallel to the front property.

F. Utilities and Solid Waste Collection. Above-ground utility service infrastructure that serves the subject property (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.

18.06.903 Building Design Standards

In addition to any other applicable standards in [Division 18.04.05, Building Design Standards](#), 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 (allowing visibility into the building).

Division 18.06.10 Standards for Mixed-Use Activity Center Zone

18.06.1001 Application of Division

The standards of this Division apply within the MAC Zone. Development within the MAC Zone requires an approved Conceptual Master Plan, in accordance with [Division 18.17.07, Conceptual Master Plan](#), followed by one or more Site Development Plans.

18.06.1002 Balance of Land Uses

There shall be no limit on the amount of land area within a MAC Zone that may be put to residential use; however, for projects exceeding 50 percent residential land area, the applicant must demonstrate that sufficient land area is used or zoned for commercial purposes within the project, or within a one-mile vicinity of the project, to meet future commercial needs and demands. Such evidence may consist of a market analysis or an analysis of development trends and existing and proposed land uses within the vicinity of the project.

18.06.1003 Architectural Standards

In addition to any other applicable standards in [Division 18.04.05, Building Design Standards](#), commercial and mixed-use buildings in MAC zones shall include at least one significant defining architectural element or feature that conveys a sense of architectural depth and substance. Examples include substantial offsets that differentiate building masses; arcades with substantial columns; towers with roofs that extend fully around the building or feature; extensive use of decorative block; stone and/or brick finish material; deep gable roofs with substantial eaves or over hangs; or other equivalent feature.

18.06.1004 Pedestrian Circulation

A continuous primary pedestrian route shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, and building entrances. Pedestrian-auto crossings shall be concentrated at key intersections, shall be incorporated into the primary pedestrian network, and shall be clearly delineated by a change in paving materials. The primary pedestrian route shall feature an adjoining landscaped area on at least one side with trees, shrubs, benches, ground covers or other such materials for no less than 50 percent of the length of the primary pedestrian route.

18.06.1005 Surface Parking Lots

Sites with large retail surface parking lots shall place and orient outlot or pad site buildings to interrupt views of the parking lot from the street. Outparcels or pad sites shall be configured to minimize parking between the building and the street, in order to create a “building wall” along the frontage road. Where possible, landscape features (*e.g.*, trees and shrubs, trellis, decorative wall, entry feature, etc.) shall be used to fill gaps between outlot buildings and areas where outlots are not planned. Where possible, “overflow” parking shall be placed to the side or rear of principal buildings.

18.06.1006 Flexible Development Standards

- A. **Setbacks and Bufferyards.** Setback and bufferyard standards of this UDC may be reduced or waived for projects that orient buildings to streets to create an attractive pedestrian environment following “new urbanism” or “smart code” principles (see “The Lexicon of the New Urbanism” or “Smart Code”), as provided in this Section.
- B. **Front Setback Reduction.**
 - 1. Where front setbacks are reduced, a tree lawn not less than four feet in width shall be provided between the outer edge of the curb and the sidewalk. Canopy trees planted not less than 30 feet on-center shall be provided in the tree lawn. Landscaped bulb-outs and trees planted in tree grates in the sidewalk, with on-street parking, may be provided instead of a tree lawn.
 - 2. Residential buildings with reduced setbacks shall include features such as covered porches or front stoops and walkways between buildings and the public sidewalk. Also, garages shall be placed to the rear of the lot behind the primary structure, with side driveway or alley access.
 - 3. Setbacks to individual garages shall not be reduced to less than 20 feet.
 - 4. In evaluating proposals with reduced setbacks, consideration shall be given to existing setbacks in adjacent developed areas to avoid incompatible and/or inconsistent design conditions.

Division 18.06.11 Standards for Employment Zone

18.06.1101 Application of Division

The standards of this Division apply within the E Zone. Development within the E Zone requires an approved Conceptual Master Plan, in accordance with [Division 18.17.07, Conceptual Master Plan](#), followed by one or more Site Development Plans.

18.06.1102 Balance of Land Uses

- A. **Generally.** Not more than 40 percent of the land area within a site development plan shall be dedicated to non-primary workplace uses. Non-primary workplace uses include hotels, retail, convenience and service uses, restaurants, child care, housing or other uses intended to support and compliment primary workplace uses. For the purposes of this requirement, primary workplace uses shall include but shall not be limited to office, research, or light industrial.
- B. **Exception.** A proposed site development plan that does not meet this requirement may be permitted if within two miles of the boundaries of the proposed development, primary workplace uses exist or the zoning for such uses is in place, in an amount that is sufficient to comply with the intent of the E Zone and meet the long term need for primary employment land uses anticipated by the Comprehensive Plan.

18.06.1103 Campus-Like Character

- A. **Generally.** The E Zone is intended to have a “campus-like” character with strong unifying design elements meeting the standards of this Section.
- B. **Unified Building Design.** Building design shall be coordinated with regard to color, materials, architectural form, and detailing to achieve design harmony, continuity, and horizontal and vertical relief and interest.
- C. **Unified Open Space.**
 - 1. *Generally.* Projects shall include a unifying internal system of pedestrian-oriented paths, open spaces, and walkways that function to organize and connect buildings and public gathering spaces, and to provide connections to common origins and destinations (e.g., transit stops, restaurants, child care facilities, and convenience shopping centers). Open space and natural features shall serve as buffers and transitions to adjacent areas.
 - 2. *Minimum Open Space.* At least 20 percent of the gross site area within the contiguous E Zone shall be used for common open space features, such as common area landscaped buffers, parks or plaza spaces, entrance treatments, natural areas, or wetlands, but excluding any open space or landscaped areas within required building setbacks or parking lots. Areas dedicated to storm water drainage may also be counted toward

meeting the open space requirement, provided that they are designed to be recreation space or an attractive site feature incorporating a natural shape or informal native landscaping.

D. Other Unifying Features.

1. *Entry Points.* Major project entry points shall include well-designed signage and entry features such as sculpture, plazas, special landscape clusters, etc.
2. *Parking.* The visibility of surface parking lots or parking structures shall be minimized by placement to the side or rear of buildings or using landscape screening.
3. *Shared Facilities.* Shared vehicular and pedestrian access, shared parking, common open space, and related amenities shall be integrated into the project's design. The overall design and layout shall be compatible with the existing and developing character of the neighboring area.

E. Viewshed Protection. Care shall be taken to minimize disruptions to adjacent neighborhood views of open spaces or natural features through the sensitive location and design of buildings, structures, and associated improvements. Visual impacts can be reduced and better view protection provided through careful building placement and consideration of building heights, building bulk, and separations between buildings.

18.06.1104 Retail and Office Uses

Sites that include more than 50,000 square feet of retail or office uses shall be designed in accordance with the standards that are set out in Section 18.06.1003, *Architectural Standards*, through Section 18.06.1005, *Surface Parking Lots*, inclusive.

18.06.1105 Unified Design Agreement

In the case of multiple parcel ownerships, an applicant shall make reasonable attempts to enter into cooperative agreements with adjacent property owners within the E Zone to create a shared Pattern Book and Sketch Site Plan that establishes an integrated pattern of streets, outdoor spaces, building styles, and land uses consistent with the standards in this Division.

18.06.1106 Flexible Development Standards

- A. Setbacks and Bufferyards.** Setback and bufferyard standards of this UDC may be reduced or waived for projects that orient buildings to streets to create an attractive pedestrian environment following “new urbanism” or “smart code” principles (see “The Lexicon of the New Urbanism” or “Smart Code”), as provided in this Section.
- B. Front Setback Reduction.**
1. Where front setbacks are reduced, a tree lawn not less than four feet in width shall be provided between the outer edge of the curb and the sidewalk. Canopy trees planted not less than 30 feet on-center shall be provided in the tree lawn. Landscaped bulb-outs and trees planted in tree grates in the sidewalk, with on-street parking, may be provided instead of a tree lawn.
 2. Residential buildings with reduced setbacks shall include features such as covered porches or front stoops and walkways between buildings and the public sidewalk. Also, garages shall be placed to the rear of the lot behind the primary structure, with side driveway or alley access.
 3. Setbacks to individual garages shall not be reduced to less than 20 feet.
 4. In evaluating proposals with reduced setbacks, consideration shall be given to existing setbacks in adjacent developed areas to avoid incompatible and/or inconsistent design conditions.

Chapter 18.07 Mobility and Utilities

Contents:

Division 18.07.01 Purpose and Application of Chapter

Division 18.07.02 Streets and Alleys

Division 18.07.03 Sidewalks, Trails, and Multi-Use Pathways

Division 18.07.01 Purpose and Application of Chapter

18.07.101 Purpose of Chapter

The purposes of this Chapter are to set out the general rules for the arrangement and construction of streets, alleys, sidewalks, trails, multi-use paths, and utilities, and to adopt (by cross-reference) engineering standards for such construction.

18.07.102 Application of Chapter

The Divisions within this Chapter are applied to all development as follows:

1. [Division 18.07.02, Streets and Alleys](#), adopts engineering standards for streets and alleys, establishes design standards for the layout of streets and alleys, and adopts naming conventions for streets.
2. [Division 18.07.03, Sidewalks, Trails, and Multi-Use Pathways](#), sets out the standards for on-site pedestrian and bicycle circulation and connections to off-site pedestrian and bicycle circulation systems.
3. [Division 18.07.04, Utilities](#), adopts engineering standards for utilities and establishes standards for utility easements.

Division 18.07.02 Streets and Alleys

18.07.201 Street Development Standards – Adopted

The City of Loveland Street Standards are adopted by reference as the development standards of the City, for the purpose of establishing standards for streets, street signs, highway, curb and gutters, traffic control devices, sidewalks, multi-use pathways, and other improvements as required to be constructed as public improvements within all developments within the City. Notwithstanding anything in this UDC to the contrary, any revisions to the City of Loveland Street Standards, including amendments that adopt codes by reference, shall be made in accordance with the process set forth in the City of Loveland Street Standards.

18.07.202 Street Layout and Design

- A. **Generally.** The street layout of each subdivision and the width of the streets therein shall be based upon and shall be in accordance with the [City of Loveland Transportation Master Plan](#), as amended, and the City of Loveland Street Standards.
- B. **Design Requirements.**
 1. Streets shall have a logical relationship to topography and to the location of existing or platted streets in adjacent properties.
 2. Local residential streets shall be designed with detached sidewalks, except in qualified affordable housing developments (see [Division 18.16.05, Affordable Housing](#)).
 3. Certain proposed streets, as determined by the City Engineer, shall be extended to the boundary of the subject property to provide for safe and efficient traffic circulation within the vicinity. To this end, the City Engineer may require stub-outs and temporary turn-arounds to provide for future connections. Half-streets are not allowed.
 4. Streets, utility rights-of-way, and public open spaces shall conform to the City-approved plans for the extension or provision of such public facilities.
 5. Streets, utility rights-of-way, and public open spaces shall comply with the provisions of C.R.S. § 43-2-101, *et seq.*

18.07.203 Alleys

- A. **Generally.** The City may require rights-of-way for alleys that are open at both ends in non-residential districts and in the rear of lots that front on arterial or collector streets, in accordance with the City of Loveland Street Standards. The City may allow alleys in other areas, but may condition such approval on the applicant's provision of a perpetual maintenance entity other than the City.
- B. **Alley Level of Service Standards in DT Zone.** Where deemed appropriate, the City Engineer may grant a variance to the adequate community facilities ordinance for alley levels of service in accordance with Section 1.9.4 of the City of Loveland Street Standards.

18.07.204 Street Naming Conventions

- A. **Generally.** Proposed street names shall be approved by the fire and police departments and the Director, and shall not duplicate or too closely approximate, phonetically, the name of any other street in the City or vicinity.
- B. **Standards for Street Names.** Street names shall be in compliance with Chapter 12.08, Loveland Municipal Code.

Division 18.07.03 Sidewalks, Trails, and Multi-Use Pathways

18.07.301 Pedestrian Accesses

- A. **Generally.** Where street layout is such that sidewalks are insufficient to provide for adequate pedestrian mobility, the Director may require perpetual unobstructed easements of up to 20 feet in width within a proposed development in order to facilitate pedestrian and bicycle access from streets to schools, parks, playgrounds, or other community or commercial services. Any such easements shall be shown on the subdivision plat, and shall generally not follow street rights-of-way.
- B. **Connections.**
 - 1. Sidewalks or pedestrian paths shall be constructed and located in order to:
 - a. Provide a system of pedestrian movement to points both on-site and off-site;
 - b. Provide a logical link between the origins and destinations of pedestrian traffic;
 - c. Provide a convenient, safe, and visible pedestrian route between parking areas and building entrances (whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated); and
 - d. Break up long blocks and connect cul-de-sacs to other pedestrian paths to promote a pedestrian-friendly environment.
 - 2. Generally, a pedestrian or multi-use path shall connect the street adjoining the subject property to each building on the subject property. The Director may waive this requirement where the nature of the use would create a high potential for a safety hazard.
 - 3. When a pedestrian or multi-use path traverses a parking lot, a surface material change, lighting, painted surface, or similar means of traffic control should be provided to ensure safe pedestrian and bicycle movement.
- C. **Design.** Pedestrian paths shall be not less than five feet in width. Multi-use paths shall not be less than 10 feet in width. All paths shall be paved and designed to drain stormwater away from the travel surface.

18.07.302 Sidewalks and Trails

- A. **Generally.** If required by the City of Loveland Street Standards and not present at the time of development, sidewalks shall be provided along streets that adjoin the subject property. Sidewalks shall be designed in accordance with the City of Loveland Street Standards, and shall also meet the following requirements:
 - 1. All new sidewalks shall be constructed as a detached walks, separated from the street by a tree lawn in accordance with Section 18.08.401, [Street Trees](#).
 - 2. Where a detached sidewalk is impractical or inconsistent with the pattern of existing sidewalks, an alternative alignment may be approved by the Director and the City Engineer.

- B. **Sidewalks on Private Streets.** Sidewalks shall be provided along private streets that serve a residential development and shall meet the following requirements:
1. All new sidewalks shall be constructed as a detached walks, separated from the street by a tree lawn in accordance with Section [18.08.401, Street Trees](#).
 2. A sidewalk only on one side of the private street may be approved by the Director if alternative off-street pathways are provided that connect residents to amenity areas.
 3. Where a detached sidewalk is impractical or inconsistent with the pattern of existing sidewalks, an alternative alignment may be approved by the Director and the City Engineer.
- C. **Required Trails.** Trails shall be provided as follows:
1. If a trail stub-out from adjacent property connects to the subject property, the trail shall be connected to or across the subject property.
 2. If a trail stub-out is planned or approved on adjacent property, the subject property shall provide a stub-out to connect to the trail when it is constructed.
 3. If a trail is planned across the subject property and adjacent property, the trail segment within the subject property shall be constructed, and shall stub-out to adjacent property.

Division 18.07.04 Utilities

18.07.401 Underground Utilities Required

All proposed utility facilities, including, but not limited to gas, electric power (except transmission wires), telephone, fiber optic, and cable television (“CATV”) cables, shall be located underground. Whenever practical, existing utility facilities that are located above ground, except when located in the public right-of-way, shall be relocated underground.

18.07.402 Utility Easements

Easement widths along lot lines, where necessary for utility facilities such as poles, wires, conduits, stormwater sewers, gas lines, wastewater lines, or water lines, shall be determined by the affected utility.

18.07.403 Electric Development Standards – Adopted

The “[Requirements for Electric Service](#)” (hereinafter, the “Electric Standards”) are adopted by reference. All electric facilities that are to become part of or to be connected with the City’s electric utility shall be constructed and connected in accordance with the Electric Standards. Notwithstanding anything in this UDC to the contrary, any revisions to the Electric Standards, including amendments that adopt codes by reference, shall be made in accordance with the process set forth in the Electric Standards.

18.07.404 Water and Wastewater Development Standards – Adopted

The “[City of Loveland Water and Wastewater Development Standards](#)” (hereinafter, the “Water and Wastewater Standards”) are adopted by reference. All facilities for water and wastewater shall be constructed in accordance with the Water and Wastewater Standards. Notwithstanding anything in this UDC to the contrary, any revisions to the Water and Wastewater Standards, including amendments that adopt codes by reference, shall be made in accordance with the process set forth in the Water and Wastewater Standards.

18.07.405 Storm Drainage Development Standards – Adopted

The “[City of Loveland Storm Drainage Standards](#)” (hereinafter, the “Storm Drainage Standards”) are adopted by reference. All facilities for storm drainage shall be constructed in accordance with the Storm Drainage Standards. Notwithstanding anything in this UDC to the contrary, any revisions to the Storm Drainage Standards, including amendments that adopt codes by reference, shall be made in accordance with the process set forth in the Storm Drainage Standards.

Chapter 18.08 Landscaping and Buffering

Contents:

- Division 18.08.01 Purpose and Application of Chapter
- Division 18.08.02 Calculation of Landscape Requirements
- Division 18.08.03 Standards for Bufferyards
- Division 18.08.04 Standards for Landscape Areas
- Division 18.08.05 Tree Preservation and Protection
- Division 18.08.06 Landscape Elements, Maintenance, and Warranties

Division 18.08.01 Purpose and Application of Chapter

18.08.101 Purpose of Chapter

The purposes of the landscaping standards that are set out in this Chapter are to:

- A. Preserve, protect, and enhance the character of the City by:
 - 1. Ensuring that development in the City has a balance of buildings, paved areas, and landscaping that is consistent with the intended character of the zone in which the development is located;
 - 2. Buffering uses that tend to diminish the appearance of the community; and
 - 3. Creating well-landscaped, high-quality views along streets.
- B. Encourage non-vehicular modes of travel by:
 - 1. Creating deciduous tree-lined streets that offer shelter in summer months and solar access in winter months; and
 - 2. Enhancing the experience of the pedestrian.
- C. Preserve, protect, and enhance the environmental quality of the City by:
 - 1. Using landscape materials to clean the air, slow runoff, and prevent soil erosion by wind and water;
 - 2. Reducing the "heat island" effect that is created by large areas of exposed pavement;
 - 3. Promoting landscape designs that conserve energy and water resources;
 - 4. Preserving or replacing native grasses, valuable mature trees, and other desirable vegetative cover.
- D. Protect and enhance property values and land use compatibility by:
 - 1. Buffering street frontages and zone boundaries;
 - 2. Buffering certain land uses from each other; and
 - 3. Landscaping parking lots and open space areas.

18.08.102 Application of Chapter

- A. **Calculations.** Division 18.08.02, *Calculation of Landscape Requirements* sets out the standards for calculating the landscape requirements of this Chapter.
- B. **Bufferyards.** Division 18.08.03, *Standards for Bufferyards*, sets out types, dimensions, and planting requirements for different types of bufferyards that are required by this UDC, and authorizes the Director to allow variations from those standards in certain circumstances.
- C. **Other Landscape Areas.** Division 18.08.04, *Standards for Landscape Areas*, sets out standards for street trees, plazas, parking lots, and certain other interior portions of a subject property.
- D. **Tree Preservation and Protection.** Division 18.08.05, *Tree Preservation and Protection*, sets out standards for preserving certain trees on-site, and for protecting trees that are designated for preservation.

- E. **Installation, Maintenance, and Warranties.** Division 18.08.06, Landscape Elements, Maintenance, and Warranties, sets out standards for how landscaping is to be installed, maintained, and warrantied.
- F. **Sight Triangles.** The standards of this Chapter shall be implemented in a manner that complies with Section 18.05.202, Sight Triangles.

Division 18.08.02 Calculation of Landscape Requirements

18.08.201 Approved and Prohibited Plant Lists

- A. **Generally.** Only those plants on the approved plant list may be used to meet the standards of this Chapter. Plants on the prohibited plant list shall not be installed, and the City may require their removal as a condition of development approval. Applicants may request that plants which are not listed be included on the approved plant list, and the Director may add them according to the standards in subsection B.3., below. Plants that are on neither the approved plant list nor the prohibited plant list may be installed, but are not counted towards compliance with this Chapter.
- B. **Approved Plant List.**
 - 1. The Director shall maintain a list of approved plants in the following categories:
 - a. Street Trees (deciduous trees with a mature height that is generally more than 35 feet, planted between the street side curb and the sidewalk, typically in the public right-of-way);
 - b. Large Trees (deciduous trees with a mature height that is generally more than 35 feet);
 - c. Small Trees (deciduous trees with a mature height that is generally 35 feet or less);
 - d. Evergreen Trees (conifers or other evergreens with a mature height of more than 20 feet); and
 - e. Shrubs (perennials or evergreens with a mature height of at least three feet).
 - 2. The Director may further classify the approved plant list according to:
 - a. Locations where approved plants are appropriate or not appropriate (*e.g.*, street tree species may be identified, etc.); and
 - b. Level of water usage (*e.g.*, identification of species which may be used to meet the requirements of Section 18.08.207, [Water-Wise Landscaping Requirement](#), and Section 18.08.208, [Irrigation Subject to Hydrozone Water Budget](#)).
 - 3. The Director may modify the approved plant list on his or her own initiative or in response to requests. Plants may be added to the list if the Director finds that they are appropriate for planting in the City (or in certain locations, see subsection B.2., above)), in consideration of:
 - a. Climate zone;
 - b. Growth habits;
 - c. Invasiveness;
 - d. Lifespan;
 - e. Habitat;
 - f. Hardiness (resistance to disease and harmful insects);
 - g. Leaf litter;
 - h. Structural strength; and
 - i. Watering needs / drought tolerance.
 - 4. The Director may approve proposed plantings that are not on the approved plant list for use in a specific development, in order to determine their suitability for use in the City. Such plantings will be counted as “approved plants” for the purposes of the proposed development’s compliance with the standards of this Chapter.

- C. **Prohibited Plant List.** The following plants are not allowed in the City, and shall be removed during development or redevelopment if they are present on the subject property:
1. Plants that are identified as noxious, invasive, or prohibited in Loveland by the United States or the State of Colorado; and
 2. Plants that are identified on the City's list of prohibited plants, which is maintained by the Director.

18.08.202 Substitution of Plant Types

- A. **Generally.** The planting requirements of this Chapter are expressed in terms of the number of large trees, small trees, evergreens, and shrubs that must be planted within a specific area. In some circumstances, it may not be practicable to plant the specified types of vegetation. In those cases, the Director may allow substitutions as provided in this Section.
- B. **Use of Equivalent Plant Types.** The Director may allow the substitution of required plants for other plant types, if the Director finds that:
1. The substitution will improve the buffering qualities of the bufferyard, given the nature of the use to be buffered;
 2. The substitution is justified by the habits (forms) of the proposed plantings, in that it will provide for adequate space for the trees to grow to maturity, and will not compromise the buffering effect of the bufferyard; and
 3. Unique conditions of the site (e.g., soil conditions, overhead power lines, solar orientation) justify the substitution.

18.08.203 Tree Preservation Credits

- A. **Generally.** Existing trees that are protected on a subject property, excluding existing, individual residential lots, count towards the planting requirements of this Chapter, provided that:
1. They are either:
 - a. On the approved plant list; or
 - b. Established for at least five years and not on the prohibited plant list; and
 2. They are not:
 - a. Overmature;
 - b. Diseased;
 - c. Poor in form;
 - d. Leaning heavily over buildings;
 - e. Too close to building foundations;
 - f. Damaging sidewalks and driveways; or
 - g. Impacting utilities.
- B. **Credit for Preservation of Trees.** Healthy, mature trees that are preserved on-site may count as more than one tree for the purposes of the landscaping requirements, as set out in Table 18.08.203, Tree Preservation Credits.

Table 18.08.203 Tree Preservation Credits			
DBH of Tree to be Preserved		Large Tree Credit	Landscape Area Where Credit May Be Applied
Min. Diameter	Up to, But Not Including		
none	10 inches	1	Location of preserved tree.
10 inches	15 inches	2	Location of preserved tree.
15 inches	20 inches	3	Location of preserved tree, or any other location except a street tree or bufferyard.

Table 18.08.203 Tree Preservation Credits			
DBH of Tree to be Preserved		Large Tree Credit	Landscape Area Where Credit May Be Applied
Min. Diameter	Up to, But Not Including		
20 inches	no limit	5	Location of preserved tree, or any other location except a street tree or type C or D bufferyard.

18.08.204 Identification of Landscape Areas

- A. **Generally.** This Section sets out several different areas of a subject property in which specific quantities or techniques of landscaping may be required.
- B. **Identification of Landscape Areas in All Development Types.**
1. *Bufferyards.* Bufferyards are areas of a subject property that must be used for buffering the subject property from adjoining lots, parcels, or public rights-of-way. Bufferyards are generally situated along (or close to) property lines, outside of the public right-of-way.
 2. *Street Tree Lawns.* Street tree lawns are areas of a subject property or adjoining right-of-way that are used for the planting of street trees. This landscape area may or may not be a part of the subject property.
 3. *Parking Lot Landscape Areas.* Parking lot landscape areas are those areas within surface parking lots that must be landscaped. Parking areas are delineated to include access aisles and off-street parking spaces, and any corners that are necessary to give the parking area a relatively regular shape, except:
 - a. Corners and other landscape areas that bound access points (the areas used for ingress / egress stacking at connections to streets).
 - b. Parking in service areas that are hidden by screen walls; and
 - c. Individual driveways that provide access to single-family detached, duplex, townhome, or multiplex development.
 4. *Foundation Plantings.* Planting beds adjacent to buildings are not required, but are encouraged to add a natural element to building elevations. Such planting beds shall be given credit toward meeting open space standards in the UDC. Plant material in planting beds shall be low water usage plants, with drip irrigation.
 5. *Protected Open Spaces.* Protected open spaces are the areas of a subject property that meet the definition of open space and which are subject to an easement or dedication that restricts future development to open space uses.
- C. **Landscape Areas in Single-Family Detached, Duplex, Townhome, and Multiplex Development.**
1. *Private Lots.* Private lot landscape areas are the yards on lots that are intended for individual ownership, or, in the case of common maintenance communities or condominiums, areas around dwelling units that would be located within private lots if the subdivision were platted for fee-simple ownership.
 2. *Common Landscape Areas.* Common landscape areas are those areas of land within a subject property that are either owned by a property owners' association or dedicated to the City or another governmental or non-profit entity for the purpose of maintaining the areas in their natural or landscaped condition. Bufferyards, street tree lawns along new streets, open stormwater detention or retention facilities, recreation areas, and protected open spaces may be components of the common landscape area.
- D. **Landscape Areas in Multifamily, Mixed-Use, and Nonresidential Development.**
1. *General Landscape Area.* General landscape areas are those areas of a subject property that are required to be landscaped or designated as open space. They may be privately owned, owned by a property owners' association, or dedicated to the City or another governmental or non-profit entity for the purpose of maintaining the areas in their natural or landscaped condition. Bufferyards, street tree lawns along new

streets, protected open spaces, open stormwater retention and detention facilities, foundation landscape areas, recreation areas, and parking lot landscape areas are components of the general landscape area.

18.08.205 Size and Quality of Landscape Plants

- A. **Generally.** In general, plant materials that are installed according to the requirements of this Chapter shall meet the standards that are set out in this Section. However, larger sizes may be required to ensure survival or to implement a condition of approval of a limited or conditional use.
- B. **Minimum Size of Landscape Materials.** The minimum sizes of landscape materials used to satisfy the requirements of this Chapter are set out in Table 18.08.205, Minimum Size of Landscape Materials.

Table 18.08.205 Minimum Size of Landscape Materials	
Type of Plant Material	Minimum Caliper, Height, or Container Size
Large Trees and Street Trees	2 in. Caliper
Small Trees	1.5 in. Caliper
Evergreen Trees	6 ft. Height
Shrub	5 gallon container minimum, except that ornamental grasses may be 2 quart containers; If used in bufferyards, estimated growth to 3 ft. in height within 3 years

C. **Specification of Landscape Materials.**

1. All new plant material shall meet specifications of the American Standard for Nursery Stock (ANSI Z60.1) and 8 CCR § 1203-5, Rules Pertaining to the Administration and Enforcement of the Colorado Nursery Act.
2. Plant materials shall be true to name and type, and first class representatives of their species or varieties.
3. Trees shall be balled and burlapped, with the burlap wrapped in a metal wire basket. Container and bare root tree plantings are not permitted without the written permission of the Director upon good cause shown.

18.08.206 Required Biodiversity

- A. **Generally.** Diversity of the genus and species of trees and shrubs is required in order to prevent monocultures which could result in large-scale losses in the event of disease or blight.
- B. **Standards.**
1. Within each category of required landscape plants (*i.e.*, large trees, small trees, evergreens, and shrubs), not more than 30 percent shall be of any one genus.
 2. Each street frontage where at least six street trees are required shall include at least three genera of street trees. For the purpose of this paragraph only, street trees shall include all trees that are planted within 10 feet of the public street right-of-way.
 3. No more than six trees of one genus may be located within an individual cluster of trees on the subject property, with such clusters separated from each other such that the driplines of trees in different clusters are at least 100 feet apart.
 4. Exceptions may be made with written permission of the Director upon good cause shown.

18.08.207 Water-Wise Landscaping Requirement

- A. **Generally.** The requirements of this Section are applied to all landscaped areas within a subject property.
- B. **Plant Selection and Grouping Requirements.**
1. Plants shall be selected based on their suitability for the site. Where possible, native species shall be installed, protected, or preserved.

2. Not more than 50 percent of the trees and shrubs that are installed to meet the requirements of this Chapter shall be classified as high water use. Plants or trees that produce food for human consumption are not counted in this calculation.
3. Low water use plants (including grasses) are allowed in any location, but are required:
 - a. On slopes that are steeper than 25 percent; and
 - b. In areas that the Director determines are not appropriate for permanent irrigation (unless such areas are characterized by hydric soils).
- C. **Mulch.** Mulch, such as bark, stone, or other materials, left loose, or other water-saving treatments applied to the soil surface at a depth of four inches for bark, or two to four inches for stone, shall be used for all planting areas (except turf areas) in order to help maintain soil moisture and inhibit weeds. Landscape fabric is required below non-organic materials.

18.08.208 Irrigation Subject to Hydrozone Water Budget

- A. **Generally.** The City provides cost-saving incentives for the implementation of a hydrozone landscape plan, for new landscapes, redeveloped landscapes, and retrofits to existing landscapes. Participation in the hydrozone landscape plan incentive program is voluntary.
- B. **Relationship to Water Budget Program.** Submittal of a qualifying hydrozone landscape plan is a requirement of the City's voluntary water budget program that is designed to protect the City's water resources by encouraging the design, installation, and maintenance of hydrozone landscapes in which plantings are grouped by hydrozone and are subject to an annual water budget. *See Chapter 19.06, Loveland Municipal Code.*
- C. **Applications.**
 1. Hydrozone landscape plans shall be designed for and secure a dedicated irrigation meter (under provisions established by the City's Water Division) that provides irrigation water to landscape areas governed by the program.
 2. Hydrozone landscape plans shall be provided as a component of standard landscape plan submittals.
- D. **Plan and Hydrozone Standards.** A complete and appropriately detailed landscape plan and irrigation plan shall demonstrate compliance with the standards of this Chapter and this Section.
 1. Landscape and irrigation plans must satisfy standards specified by this Division, including soil amendment requirements and landscape / irrigation design requirements. Landscape plans shall clearly demonstrate compliance with program requirements, including the identification of hydrozones, specification of plant lists with Evapo-Transpiration ("ET") or Kc-values and indication of plant spacing.
 2. Planting areas must be organized into distinct hydrozones according to their microclimatic needs and water requirements. Plants with similar water usage shall be grouped into distinct hydrozones. High water use hydrozones shall be separated from low and very low water use hydrozones by moderate water use hydrozones whenever possible.
 3. A water budget that is based on submitted landscape and irrigation plans must demonstrate the requirements of Chapter 19.06.050.F.1, Loveland Municipal Code.
 4. Irrigation system design shall be based on a maximum irrigation period (window) of not more than 16 hours of operation per day, excluding subsurface irrigation of trees, shrubs, and other plantings.
 5. Irrigation systems shall be provided with automatic rainfall shut-offs to limit the unnecessary application of irrigation water.
 6. ET irrigation system controllers (or similar controllers) may be utilized to ensure that irrigation water is provided efficiently based on the moisture needs of landscape plantings.
 7. Landscape and irrigation system design and operation shall comply with requirements specified in Chapter 19.06, Loveland Municipal Code.
- E. **Preparation of Plans.** Unless waived by the Director for good cause shown, irrigation plans shall be prepared and signed by a Professional Engineer, Landscape Architect, or by a designer that is certified by the Association of

Landscape Contractors of Colorado (CLT-E Certification), the Irrigation Association (CID Certification), or similar certifying program approved by the Director.

Division 18.08.03 Standards for Bufferyards

18.08.301 Purpose and General Design Parameters for Bufferyards

- A. **Purposes of Bufferyards.** Bufferyards are used to beautify street edges, soften the visual interaction between differing zones, improve compatibility of adjoining uses, and protect natural resources from impacts of nearby development.
- B. **Opacity and Width Standards.**
 1. *Classes of Bufferyards.* This Chapter describes five classes of bufferyards: A, B, C, D, and E. The relative opacity of the bufferyards (see subsection B.2., below) increases in alphabetical order. This Chapter also describes three special purpose bufferyards:
 - a. Zone Boundary Bufferyard;
 - b. Street Bufferyard; and
 - c. Parking Bufferyard.
 2. *Opacity Standards.* The opacity of the bufferyard is a measure of the rough proportion of the view that is blocked by the bufferyard (at maturity) from grade to 35 feet above grade. Opacity is related to planting density, plant forms, bufferyard widths, and the presence of structures (e.g., fences and walls) or topographical features (e.g., natural slopes or constructed berms).
 3. *Width Standards.* Comparable opacities can be achieved with bufferyards of different widths. However, in certain circumstances (e.g., where noise, dust, runoff, or other non-visual impacts are to be mitigated by the bufferyard), the width of the bufferyard may be as important or more important than its opacity. Where bufferyard widths are specified by limited, adaptable, or conditional use standards, alternatives with narrower widths are not allowed.
- C. **Bufferyard Design.** Section 18.08.302, *Bufferyard Specifications*, sets out standard bufferyard widths and planting requirements for each class of bufferyard.
- D. **Bufferyard Requirements.**
 1. Bufferyards may be required for certain land uses in certain zones or locations, based on applicable limited, adaptable, or conditional use standards. See Division 18.02.04, *Use Standards*.
 2. Bufferyards are required along zone boundaries as set out in Section 18.08.304, *Zone Boundary Bufferyards*.
 3. Bufferyards are required along certain streets, as set out in Section 18.08.305, *Street Bufferyards*.
- E. **Nonconforming Bufferyards.** Nonconforming bufferyards shall comply with Section 18.11.501, *Uses Proposed on Sites with Physical Nonconformities*.

18.08.302 Bufferyard Specifications

- A. **Generally.** Bufferyard specifications are set out in Table 18.08.302, *Bufferyard Specifications*. The table includes two alternative configurations; one with landscaping only (“standard bufferyards”), and one with berms, fences, or walls (“constrained bufferyards”). Fences and walls shall meet the standards set out in Section 18.04.705, *Fences, Garden Walls, and Hedges*.

Table 18.08.302 Bufferyard Specifications					
Requirements	Bufferyard Class				
	A	B	C	D	E
Standard Bufferyards					
Minimum Width (ft.)	10	15	15	25	30

**Table 18.08.302
Bufferyard Specifications**

Requirements	Bufferyard Class				
	A	B	C	D	E
Large Trees per 100 lf.	1	2	3	4	5
Small Trees per 100 lf.	2	1	2	3	4
Evergreens per 100 lf.	1	2	3	4	5
Shrubs per 100 lf.	10	20	20	20	20
Constrained Bufferyards					
Minimum Width (ft.)	8	10	10	15	15
Large Trees per 100 lf.	1	2	3	3	3
Small Trees per 100 lf.	1	0	0	0	3
Evergreens per 100 lf.	0	1	2	3	6
Shrubs per 100 lf. ¹	10	15	20	25	25
Wall, Opaque Fence, or Berm Height ²	3 ft.	3 ft.	5 ft.	6 ft.	8 ft.

TABLE NOTES:

¹ Shrubs must be planted on the outside of any wall or fence

² For the purposes of compliance with this Section, wall or fence height is measured from the elevation of the property line against which the bufferyard is installed. A berm may be used to increase the elevation and thereby reduce the height of the wall or fence. Berms shall be planted with slopes no greater than 4 feet of run per foot of rise.

B. Location of Plantings in Relation to Walls and Fences.

1. *Walls or Fences that are Installed along Streets.* Walls or fences that are installed along streets shall be installed along the inside boundary of the bufferyard, with landscaping installed between the wall or fence and the property line. Walls and fences shall not be located less than 15 feet from the property line. The Director may authorize an alternative location or meandering wall if all required plantings are planted on the street side of the wall and the wall or fence height is not greater than three feet, or a constrained bufferyard is approved by the Director in compliance with Section 18.08.303, [Use of Constrained Bufferyards](#).
 2. *Walls or Fences that are Installed along Other Interior Property Lines.* Along interior property lines that are not specified in subsection B.1., above, walls and fences may be installed at the property line, provided that:
 - a. The decorative sides of walls or fences face out, with structural members facing the interior of the subject property; and
 - b. Shrubs required as part of a bufferyard are exchanged for materials with a mature height of more than 125 percent of the wall height, unless:
 1. Such landscaping would conflict with existing overhead utilities; or
 2. The inside of the wall is highly visible from an arterial or collector street.
- C. **Existing Walls.** Existing walls may be counted towards the bufferyard requirements if they are of sound construction and in good repair. However, if more than one wall is installed in adjoining bufferyards, only the tallest of the walls is counted towards the overall opacity of the combined bufferyard. Fences and walls in adjoining bufferyards shall not be located closer than 10 feet to each other.
- D. **Noise Barriers.** Where a bufferyard specification requires a noise barrier, the bufferyard shall include a barrier that reflects or absorbs noise generated from the subject property to the extent necessary to attenuate noise on adjoining property to comply with the noise standards set forth in [Division 18.09.05, Noise and Ground Vibration](#).
- E. **Use of Equivalent Plant Materials.** The number of large trees, small trees, evergreens, and shrubs may be modified in a particular bufferyard as set out in Section 18.08.202, [Substitution of Plant Types](#).

18.08.303 Use of Constrained Bufferyards

Constrained bufferyards (as described in Section 18.08.302, [Bufferyard Specifications](#)) are allowed if compliance with all bufferyard requirements would result in more than 15 percent of a subject property being required for use as bufferyards, or if the Director determines that it is impractical to meet the required bufferyard standards due to specific site constraints, which may include the locations of existing buildings and parking areas.

18.08.304 Zone Boundary Bufferyards

- A. **Generally.** Bufferyards are required along certain zone boundaries that are also boundaries of the subject property (or within the subject property), except street frontages. The required classification of bufferyard at each boundary is as set out in Table 18.08.304, *Zone Boundary Bufferyards* (the letter in each cell corresponds to the class of bufferyard that is defined in Section 18.08.302, [Bufferyard Specifications](#)). Limited, adaptable, or conditional use standards or conditions may impose additional requirements in certain circumstances.

Table 18.08.304 Zone Boundary Bufferyards												
Subject Property Zone	Adjoining Property Zone											
	Residential					Mixed-Use				Industrial	Parks and Resource	
	ER	R1/R1e	R2	R3e	R3	DT	B	MAC	E	I	PP	DR
ER		-	-	-	-	-	-	-	-	-	-	-
R1/R1e	-		-	-	-	-	-	-	-	-	-	-
R2	-	-		-	-	-	-	-	-	-	-	-
R3e	C	B	A		-	-	-	-	-	-	-	-
R3	C	B	A	-		-	-	-	-	-	-	-
DT	-	-	-	-	-		-	-	-	-	-	-
B	C	C	B	B	B	-		-	-	-	B	B
MAC	C	C	B	B	B	-	-		-	-	-	B
E	C	C	B	B	B	-	-	-		-	-	B
I	D	D	D	D	D	C	C	C	C		C	B
PP	-	-	-	-	-	-	-	-	-	-		-
DR	-	-	-	-	-	-	-	-	-	-	-	

- B. **Bufferyards Adjacent to Other Zones.** The classification of bufferyards adjacent to a Planned Unit Development or property not within the City's jurisdiction shall be established by the Director based on the land uses in the PUD.
- C. **Waiver of Zone Boundary Bufferyards.** Where a zone boundary separates land uses that are allowable in both zones, the Director may waive zone boundary bufferyards. Use-specific bufferyards, if applicable, still apply.

18.08.305 Street Bufferyards

- A. **Generally.** Street bufferyards shall be installed along state highways, arterials, collectors, local commercial / industrial, and local residential (public or private) streets as provided in this Section, except that landscaping shall be provided:
1. In the DT Zone as set out in Section 18.08.402, [Street Trees and Plazas in DT Zone](#).
 2. As set forth in the U.S. 34 Corridor Plan (see [Appendix F: U.S. 34 Corridor Plan](#)) for those sections of U.S. Highway 34 within the study area of the plan;
 3. As set forth in the Site Development Standards and Guidelines for the I-25 Corridor (see [Appendix G: Site Development Standards and Guidelines for the I-25 Corridor](#)).
- B. **Plant Materials.** Plant materials that are used in street bufferyards shall also be counted towards other bufferyards that may be required along the same frontage by other standards of this UDC, including subsection D., below,

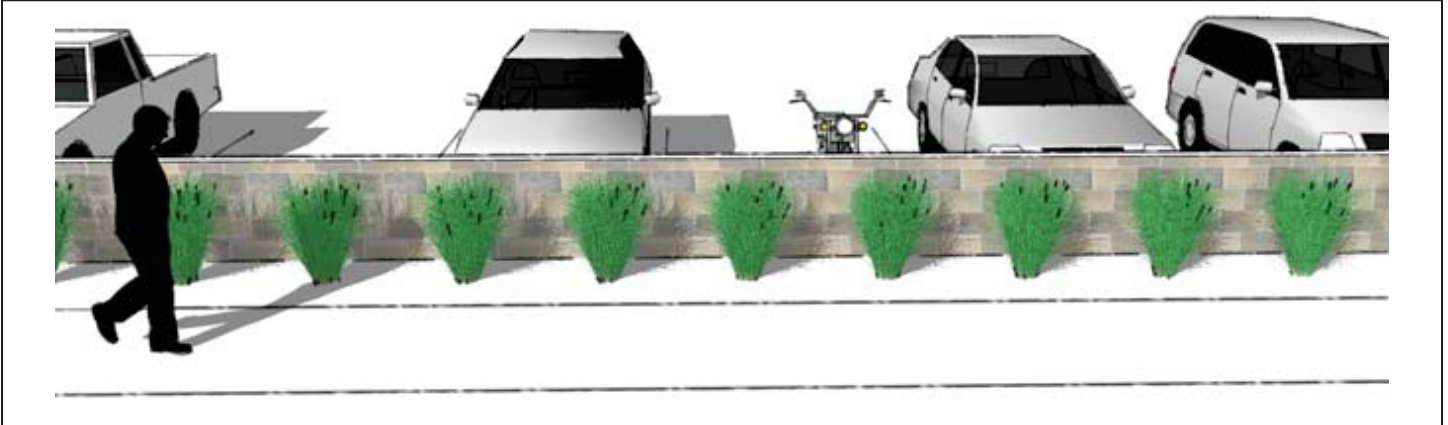
except where the location of the plant materials specifically disqualifies them (e.g., see Section 18.08.306, [Parking Bufferyards](#)). The requirements of this Section do not apply at points of ingress, egress, or intersection with a street, trail, irrigation ditch right-of-way (including service roads), or waterbody.

- C. **State Highway, Arterial, Collector and Commercial / Industrial Streets.** Street trees as defined in Section 18.08.201, [Approved and Prohibited Plant Lists](#), shall be provided between the sidewalk and the ultimate curb in accordance with Section 18.08.401, [Street Trees](#). A type B bufferyard shall be planted on the private property side of the sidewalk. The street trees may be counted towards the large trees that are required by the type B bufferyard.
- D. **Local Commercial / Industrial Streets in the I Zone.** Street trees shall be provided between the sidewalk and the ultimate curb, or within an area not more than 15 feet from the ultimate curb in accordance with Section 18.08.401, [Street Trees](#). A type A bufferyard shall be planted along the inside of the sidewalk. The street trees may be counted towards the large and small trees that are required by the type A bufferyard.
- E. **Residential Streets.** A tree lawn in accordance with Section 18.08.401, [Street Trees](#) shall be provided between the sidewalk and the ultimate curb for all subdivisions approved after the effective date of the UDC.
- F. **Additional Bufferyard Where Residential Lots Adjoin a Street on Side or Rear Yards.** Where residential lots (except general multifamily) adjoin a street on side or rear yards, such lots shall be buffered from the street by a type C bufferyard. Along state highways or arterial streets, the bufferyard shall include a six-foot privacy fence or wall located on the inside of the bufferyard with the plantings placed between the street and the fence or wall. The bufferyard shall be located in a separate tract of land maintained by a homeowners or similar association.

18.08.306 Parking Bufferyards

- A. **Generally.** Parking bufferyards shall be installed along the boundaries of surface parking lots of nonresidential, mixed-use, multifamily uses, or clustered housing developments if the surface parking lots include more than three parking spaces that are visible from the street or adjoining property. Plant materials and walls or fences that are used in parking bufferyards shall also be counted towards other bufferyards that may be required along the same boundary of the subject property by other standards of this UDC. The requirements of this Section do not apply at points of ingress or egress to the surface parking lot.
- B. **Exception.** In the DT Zone, buffering shall be provided as set out in Section 18.08.402, [Street Trees and Plazas in DT Zone](#), and not this Section.
- C. **Standards for Parking Bufferyards Along Residential Property Lines.** Parking bufferyards along property boundaries that adjoin single-family detached, duplex, multiplex, or townhome uses shall be buffered as follows:
 - 1. Parking bufferyards shall be not less than three feet in width, not including any vehicular overhang areas, with areas of larger width where necessary to accommodate required trees.
 - 2. Parking bufferyards shall include a fence or wall that is at least five feet in height, and two large trees per 100 linear feet of bufferyard.
- D. **Standards for Parking Bufferyards Along All Other Property Lines.**
 - 1. Parking bufferyards shall be not less than five feet in width, not including any vehicular overhang areas.
 - 2. Along streets, parking bufferyards shall be installed between the parking lot and the sidewalk and are allowed to overlap (be included in) the width of the street bufferyard. Plant materials that are installed in tree lawns on the other side of a detached sidewalk are not counted towards parking bufferyards.
 - 3. Parking bufferyards shall include shrubs and any combination of berms, walls, fences, evergreens, planters, or other approved visual obstructions, provided the bufferyard includes a mix of coniferous plantings necessary to comply with subsection D.4., below, and the shrubs are installed along not less than 75 percent of the width of the parking bufferyard.
 - 4. Parking bufferyards shall provide a visual obstruction up to a height of:
 - a. Five feet above the surface of the parking lot at installation if the bufferyard is planted along a single-family, duplex, multiplex, or townhome property line; or
 - b. Three feet above the surface of the parking lot within three years after installation in all other locations (see Figure 18.08.306, Illustrative Parking Bufferyard).

Figure 18.08.306
Illustrative Parking Bufferyard



18.08.307 Variations from Bufferyard Standards

- A. **Generally.** The Director may authorize variations from the bufferyard standards as may be justified by the context of the subject property, as provided in this Section.
- B. **Timing of Installation.**
 - 1. The Director may allow for the installation of a bufferyard along property lines that are shared with vacant property that is not the subject of an approved or pending application for development approval to be delayed, provided that:
 - a. Sufficient land is reserved for the bufferyard that is required by this UDC;
 - b. A development agreement provides for the installation of the bufferyard upon issuance of building permits for the adjoining property.
 - 2. When a delay is authorized pursuant to this subsection, the bufferyard that is ultimately installed on the subject property shall not be required to exceed the dimensions or planting requirements of the bufferyard that was required at the time the delay was authorized. If the vacant property is zoned or developed in such a manner that a bufferyard is not required by this UDC, then the requirements of the development agreement referred to in subsection B.1. shall be released.
- C. **Landscape Easements on Adjoining Property.** The Director may allow for bufferyards to be constructed within landscape easements on adjoining property, provided that such easements are in a form approved by the City Attorney and the Director finds that sufficient terms are provided to ensure that the requirements of this UDC will be carried out.
- D. **Waiver of Bufferyard Standards.** The Director may waive or reduce bufferyard standards if the Director finds that the context of the subject property is such that the bufferyard will not serve a useful purpose or if the Director determines that unique site conditions create a hardship in meeting the strict application of the specified standards.
- E. **Averaging of Bufferyard Width.** The Director may authorize reductions in the width of a bufferyard at specified locations, provided that:
 - 1. The average width of the bufferyard is equal to the required width; and
 - 2. The effectiveness of the bufferyard is not materially compromised.
- F. **Phasing of Installation.** The Director may authorize phasing of landscape installation if the Director determines that phasing is desirable in order to provide for logical, sequential installation of improvements on a subject property.

Division 18.08.04 Standards for Landscape Areas

18.08.401 Street Trees

- A. **Generally.** Street trees must be installed in street rights-of-way in locations approved by the Director (in consideration of location of utilities, street lights, sight distance triangles, and other engineering considerations) or within 10 feet of street rights-of-way with approval by the Director in cases where the Director determines that it is impractical to plant the street trees within the right-of-way. Street trees shall be located and spaced in accordance with the standards of this Section.
- B. **Tree Lawns and Sidewalk Cutouts.** Street trees shall be installed in tree-lawns and / or sidewalk cutouts.
1. *Spacing.* Street trees shall be planted on 35-foot centers, with variations allowed to avoid public utilities, sight triangles, and curb cuts.
 2. *Alternative Character.* The linear spacing of street trees may be altered based on the character of the streetscape. The Director may approve a clustered spacing of street trees for developments with meandering sidewalks or in corridor overlay zones and PUDs that stipulate an informal street character.
 3. *Tree Lawns.* The following requirements apply to tree lawns:
 - a. Street trees shall be installed in tree lawns, unless otherwise approved by the Director.
 - b. The groundcover in tree lawns shall be a minimum of 75 percent turfgrass, or other surface treatments as follows:
 1. In locations where on-street parking is allowed adjacent to the tree lawn:
 - a. The Director may approve 75 percent vegetative groundcover, other than turfgrass, (see [Appendix A: Approved Plant List](#)) if such groundcover will not impede pedestrian access to the sidewalk, and is of a type or in a location such that it will not be damaged by pedestrian traffic; or
 - b. The Director may approve rock or organic mulch in combination with live plant material, provided the rock and / or mulch is installed over a weed barrier, the depth of the rock and mulch below the street curb and sidewalk is sufficient to contain the material, and the rock size and / or form of mulch will not impede pedestrian access to the sidewalk.
 2. In tree lawns adjacent to streets where on-street parking is prohibited, the Director may approve 75 percent plant material (see [Appendix A: Approved Plant List](#)) consisting of a combination of low water usage, low-growing shrubs and groundcover other than turfgrass.
 3. In approving any of the alternative surface treatments set out in subsection B.3.b.i. through B.3.b.iii., inclusive, above, the Director shall first determine that such treatment provides visual continuity with, and is functionally appropriate within, the surrounding context.
 - c. Generally, street trees shall be centered within the width of tree lawns that are eight feet wide or less; however, street trees may be planted closer to lot lines if such locations would provide:
 1. Equal or greater area for healthy root growth; and
 2. A preferable arrangement with regard to spacing from underground or overhead utilities.
 4. *Sidewalk Cutouts.* In the alternative to tree lawns, sidewalk cutouts are allowed in the DT zone, the E zone, the MAC zone, and in neighborhood activity centers within complete neighborhoods. Sidewalk cutouts shall be of sufficient size to support healthy tree growth.
 5. *Root Barrier.* A root barrier is required along all concrete sidewalks, curbs, and driveways.
 6. *Technical Installation Specifications.* The City Engineer is authorized to develop technical specifications for the installation of street trees.
- C. **Setbacks.**
1. The trunks of street trees shall be set back from sidewalks, buildings, and structures as follows:
 - a. Driveways and alleys: 15 feet.
 - b. Buildings, utilities, and other structures (except fences): 10 feet
 2. Street trees shall be planted so that:

- a. Their eventual growth can be reasonably controlled so as to avert interference with or obstruction of any improvements installed for public benefit; and
 - b. Nearby overhead and underground utilities such as water, wastewater, gas, communications, and electrical, will not be disrupted or materially affected by branches or roots.
3. No street trees that are more than 25 feet in height at maturity shall be planted under or within 10 feet of any overhead power line, except street light or service lines.
- D. **Maintenance.** Maintenance of street trees shall be the responsibility of the adjacent property owner, unless the applicant has provided for an alternative perpetual maintenance arrangement that is acceptable to the Director (e.g., via a property owners' association or special district).

18.08.402 Street Trees and Plazas in DT Zone and in Neighborhood Activity Centers in Complete Neighborhoods

- A. **Purpose.** The street tree and plaza standards for the DT zone and in neighborhood activity centers in complete neighborhoods are intended to set a minimum landscape standard that emphasizes those elements most important to the creation of a pedestrian-friendly environment that can support a variety of uses and building forms.
- B. **Applicability.**
1. Street trees and tree lawn landscaping improvements (subsection C., below) shall be required in the DT zone and in neighborhood activity centers within complete neighborhoods when:
 - a. There is new construction of primary structures;
 - b. Renovations of a value of greater than 25 percent of the assessed valuation of the building are undertaken;
 - c. The footprint of an existing building is expanded by more than 25 percent; or
 - d. The building changes from a residential use to a non-residential use.
 2. The standards of subsection D., below, shall apply to plazas in the DT zone and in neighborhood activity centers within complete neighborhoods.
 3. The requirements of this Section shall not apply when building improvements or modifications do not increase the gross floor area (e.g., facade renovations, the construction of external stairwells or porches, or the installation of awnings).
- C. **Street Trees.**
1. *Location.*
 - a. Street trees shall be located between the curb and the main pedestrian pathway, unless otherwise approved by the Director to respond to available right-of-way, sight triangles, or utility conflicts.
 - b. Street trees shall be provided along all street frontages of a lot.
 2. *Spacing.* Street trees shall be planted on 35-foot centers, with variations allowed to avoid public utilities, sight triangles, and curb cuts.
 3. *Width and Sidewalk Clearance.*
 - a. The location used for the installation of street trees shall be a minimum of 10 feet in width in situations associated with new construction of sidewalks. The Director may reduce this width based on site constraints. The installation of trees should utilize design practices such as interconnecting tree soil from planting bed to planting bed.
 - b. A minimum sidewalk horizontal clearance of six feet shall be maintained.
 4. *Species.* Street trees shall be of a family, genus, and species approved by the Director for such use.
 5. *Tree Lawns.* In instances where a tree lawn is provided, the ground cover in the tree lawn shall be low growing and durable so as not to prevent or interfere with people using curbside parking and exiting from vehicles onto the tree lawn. The use of rock or stone (except stepping stones or pavers) in the tree lawn is not allowed.

6. **Maintenance of Existing Trees.** Existing mature street trees shall be maintained. Diseased or dying trees shall be removed by the property owner and replaced with new trees in accordance with these provisions by the end of the following planting season.
- D. **Plazas.** Living landscape elements that cover not less than two percent of the plaza area shall be provided in public plaza spaces that are larger than 500 square feet. Such elements are not required to be installed in permeable ground surfaces (i.e., they may include such elements as planter boxes, potted plants, or hanging baskets).
- E. **Maintenance.** Maintenance of street trees shall be the responsibility of the adjacent property owner, unless the applicant has provided for an alternative perpetual maintenance arrangement that is acceptable to the Director (e.g., via a property owners' association or special district).

18.08.403 Parking Lots

- A. **Generally.** Areas within parking lots shall be landscaped to mitigate expansive hard surfaced areas, to slow stormwater runoff, to improve parking lot appearance, and to reduce heat build-up.
 1. This section applies to any surface parking lot that contains more than:
 - a. 75 parking spaces in the DT zone;
 - b. 30 parking spaces in the neighborhood activity center of a complete neighborhood; or
 - c. 15 parking spaces in all other zones or areas.
 2. The landscaping required by this Section shall be installed in parking lot islands. and in corners of parking lots that cannot be used for parking spaces due do geometric constraints. Such corners shall be delineated by the extension of the back line of the parking spaces that form the corner.
- B. **Planting Area Requirements.**
 1. At least one large tree and five shrubs shall be planted in the interior of the parking lot for every 15 parking spaces. Fractions shall be rounded up to the nearest whole number.
 2. Where parking lot islands are required, they shall be the same dimensions as the parking stall. Double rows of parking shall provide parking lot islands that are the same dimension as the double row.
 3. A minimum of one large tree shall be provided in each parking lot island. If the island extends the width of a double row, then two large trees shall be provided.
 4. Parking lot islands and landscaped areas shall be at least six inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. Such islands and landscape areas shall be property drained and irrigated in accordance with this UDC.
 5. At least 75 percent of landscaped areas within a parking lot shall be covered with living materials within three years of installation.
 6. Parking lot islands shall be designed to allow plant materials to survive and flourish given harsh conditions and the need to store snow during the winter.
- C. **Parking Lot Island Arrangement.**
 1. A parking lot island shall be installed at each corner of the parking lot that cannot be used for parking spaces due to geometric constraints. Such corners shall be delineated by the extension of the back line of the parking spaces that form the corner.
 2. Parking lot islands shall be installed on the ends of parking rows and entry drives to separate parking from drive aisles.
 3. A parking lot island shall be provided between every 15 contiguous parking spaces, unless a clustered design is approved per subsection C.4, below.
 4. Clustering of landscaping in larger, consolidated parking lot islands can be provided in lieu of individual parking lot islands as set forth in subsection C.3 above. Landscaping arranged in a cluster design shall be placed in centralized locations or along areas of pedestrian activity. The number of interior parking lot trees required in subsection B.1, above, shall be met regardless of the parking lot island design.

- D. **Additional Planting Requirements Based on Parking Spaces.** In addition to the planting area requirements of subsection B, above, an additional large tree shall be provided for every additional 10 parking spaces in excess of the minimum required parking. The additional landscaping can be distributed throughout the interior of the entire parking lot or within 10 feet of the perimeter of the parking lot. Any additional trees required by this subsection shall not count toward other landscaping requirements.
- E. **Large Surface Parking Lots.**
1. For the purposes of this subsection, a large surface parking lot is a stand-alone surface parking lot that contains more than 200 parking spaces.
 2. Large surface parking lots shall be divided into smaller modules by using landscaping separators that comply with the following standards:
 - a. Each module shall contain a maximum of three drive aisles or 200 parking spaces, whichever results in a smaller module.
 - b. Landscape separators shall be parallel to the parking rows.
 - c. The first landscape separator in a large surface parking lot shall contain a pedestrian walkway. The walkway shall be located in front of an entrance into the building unless an alternate location meeting the intent of this subsection is approved by the Director.
 - d. Additional landscape separators with a pedestrian walkway shall be provided in a parking area at a rate of one separator with a walkway for every two separators without a walkway.
 - e. The pedestrian walkway shall connect to the perimeter sidewalks. Where the pedestrian walkway crosses a drive-aisle, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian crossing shall be continuous as it crosses the drive-aisle and shall be distinguished through the use of raised or striped crosswalks or special pavement treatments such as scored concrete, colored concrete, pavers, brick or other similar materials.
 - f. Landscape separators with a pedestrian walkway shall be a minimum of 22 feet in width. Landscape separators without a pedestrian walkway shall be a minimum of 10 feet in width.
 - g. Pedestrian walkways within a landscape separator shall be a minimum of seven feet wide.
 - h. Trees required in parking lot islands attached to the landscape separator can be installed within the separator. In such case, the parking lot islands shall be landscaped with shrubs complying with subsection B.5, above.
 - i. Landscaped separators shall be designed according to the illustration below unless an alternate design meeting the intent of this section is approved by the Director.
 - j. Landscape separators shall have at least one large tree for every 35 linear feet along the length of the separator.
 - k. The groundcover for landscape separators shall be irrigated grass or mulch and shall comply with subsection B.5, above.
 - l. Plantings with a mature height of six inches or more shall not be planted within two feet from the back of the curb to avoid conflicts with vehicle overhang.

Division 18.08.05 Tree Preservation and Protection

18.08.501 Tree Survey or Inventory Required

- A. **Generally.** A tree survey performed by a certified arborist, registered landscape architect, or a registered land surveyor shall be submitted prior to any new development that is proposed where a landscape plan is required that would impact a significant tree.
- B. **Tree Survey.** The tree survey shall address the location, species, size, and condition of all significant trees.
- C. **Partial Tree Survey.** The City may accept a partial tree survey in lieu of a full tree survey if the Director finds that significant trees only exist on a portion of the site.

- D. **Tree Inventory Alternative.** The City may accept a tree inventory in lieu of a tree survey if significant trees are located in areas of designated open space.

18.08.502 Tree Preservation

- A. **Generally.** To the maximum extent feasible, existing significant trees and vegetation shall be preserved.
- B. **Protection of Significant Trees.** No significant tree that is shown on an approved landscape plan shall be removed unless it meets one of the criteria below and its removal is approved by the City:
1. The tree is infected with an epidemic insect or disease where the recommended control is not applicable and removal is the recommended practice to prevent transmission.
 2. The tree poses an extreme public nuisance because of its species, size, location, or condition. The nuisance could be caused by fruit or seed drop, harboring of insects, or excessive twig or limb breakage.
 3. The tree poses a severe safety hazard that cannot be corrected by pruning, transplanting, or other treatments.
 4. The tree severely interferes with the growth and development of a more desirable tree.
 5. The aesthetic values of the tree are so low or negative that the site is visually enhanced by the tree's removal.
 6. The tree is located within a sight distance triangle and materially interferes with lines of sight.
 7. The tree is a prohibited species as verified by City inspection.
 8. The tree is located within a utility corridor or easement, ditch easement, or ditch property, and interferes with the operation or maintenance of the utility or ditch.
 9. The tree is removed pursuant to a plan approved by the Director to enhance visibility of the subject property while maintaining a portion of mature canopy at all times.
- C. **Replacement of Significant Trees.** In cases where it is not feasible to preserve significant trees, in that no reasonable alternative site design at the same density or intensity could be approved and relocation of the protected tree to another location on-site is not practical or feasible for the survival of the trees, such trees shall be replaced on-site.

18.08.503 Tree Protection

- A. **Generally.** All preserved trees shall be protected from mechanical injury during construction or demolition by construction fencing or similar technique.
- B. **Grading.** No cut or fill with greater than a four-inch depth shall occur within the drip line or root area of any preserved tree without evaluation by a qualified arborist or forester and City approval of the cut or fill.
- C. **Restrictions within Dripline or Critical Root Zone of Trees.**
1. No cutting or filling, nor storage of building materials or debris, nor disposal of wastes, shall take place within the larger of the dripline or critical root zone of any protected tree.
 2. No impervious paving shall be placed within the critical root zone of any protected tree.
 3. The larger of the dripline or critical root zone of all protected trees shall be barricaded prior to grading activities, and shall remain in place during construction to prevent damage to the trees and their roots by construction equipment.

Division 18.08.06 Landscape Elements, Maintenance, and Warranties

18.08.601 Trees, Ground Covers, and Mulch

- A. **Trees.** Trees shall be planted in locations that allow for their full mature growth, and that will avoid obstruction of the visibility of traffic control devices.
- B. **Ground Cover.** All unimproved ground surfaces shall be planted or otherwise protected from erosion. Except in the DT zone, 75 percent of all landscaped areas shall be covered with living ground cover within three years after planting.

- C. **Mulch.** All planting areas for trees and shrubs (except tree grates) shall be mulched to a depth of at least four inches.

18.08.602 Irrigation

- A. **Generally.** All areas that are planted with live plants (except areas that are left in natural condition) shall be equipped with an irrigation system that will provide sufficient water to maintain the plants in a healthy condition. The system shall meet the standards of this Section. A City inspector will observe a test of the irrigation system prior to issuance of a certificate of occupancy or acceptance of public improvements, whichever occurs earlier. Where the City approves phased installation of landscapes, the installation of irrigation systems may also be phased accordingly.
- B. **Plans.** Site development plans containing hydrozone plans shall show the type of irrigation in each landscape area or irrigation zone (*e.g.*, pop-up or drip) and the point of connection to the water supply (including tap size). All other site development plans shall include notes regarding irrigation in compliance with this Section.
- C. **Irrigation System Requirements.** Irrigation based on the size of the irrigated area and the landscape type are as follows:
1. Whenever there are 2,000 sf. or more of planting areas on a subject property, whether or not the planting areas are contiguous, the subject property shall have an underground, permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on the subject property.
 2. Whenever there are less than 2,000 sf. of planting areas on a subject property, there shall be at least one reliable water source available during the growing season. The hose bib or other water source shall be within not more than 50 feet from the border of the planting areas.
 3. If there are areas of the subject property that require watering only to establish plantings (*e.g.*, areas planted with native seed mixes), a temporary irrigation system for the establishment period is permitted.
- D. **Irrigation System Design.**
1. Irrigation systems shall be designed to avoid overspray onto non-planted and impervious surfaces.
 2. Sprinkler systems shall be designed to minimize overspray.
 3. Subsurface and/or drip irrigation systems should be used for shrubbed areas.
- E. **Irrigation System Maintenance.** All irrigation systems shall be maintained in good working order.

18.08.603 Soil Amendments

- A. **Generally.** Soil amendments that are appropriate for the site conditions and landscape design shall be provided. The landscape installer must certify that soil amendments have been installed in accordance with the requirements of this Section and in accordance with submitted plans.
- B. **Requirements.**
1. Soil amendments that are appropriate for the intended plant materials, design of the site, and soil conditions shall be selected and installed.
 2. For groundcovers, soil shall be tilled and amendments incorporated to a minimum depth of six inches. The following schedule specifies the minimum soil amendment requirements per 1,000 square feet of landscape area:
 - a. Bluegrass and High-Water Plantings: 3 cubic yards
 - b. Shrubs, Perennials and Moderate to Low-Water Plantings: 2 cubic yards
 - c. Xeric and Very Low-Water Plantings: 1 cubic yard or comparable treatment
 - d. Dryland and native grassland re-establishment areas: no required treatment

18.08.604 Visibility of Fire Hydrants

The visibility of fire hydrants shall not be obstructed by landscaping. No plants which will mature to a height of six inches or more should be planted within three feet of a fire hydrant.

18.08.605 Landscape Maintenance

- A. **Generally.** All living plants required by this UDC or shown on an approved landscape plan shall be maintained in a live and healthy state.
- B. **Plant Replacement.**
 - 1. Generally, dead or unhealthy plants shall be immediately replaced with the size and type of plants required on the site development plan and by this Chapter.
 - 2. However, replacement of plants may be delayed up to nine months whenever the City determines that:
 - a. Extenuating circumstances, beyond the owner's control, prevent the immediate replacement of the dead or unhealthy plants, and
 - b. The owner agrees to replace the dead or unhealthy plants within a time established by the City.
- C. **Landscape Structures.** All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence, or other signs of deterioration shall be immediately repaired, refinished, or replaced as appropriate.
- D. **Sight Triangles.** All trees, shrubs, and other plant materials located within clear sight triangles shall be trimmed in accordance with the requirements of Section 7 of the City of Loveland Street Standards.

18.08.606 Invasive Species, Disease, and Pests

- A. **Invasive Species.** All invasive species shall be removed from property proposed for development, substantial improvement, or redevelopment. Developed property shall be kept free of invasive species.
- B. **Disease and Pests.** Any tree that, because of an epidemic disease (e.g., Dutch Elm Disease) or insect infestation (e.g., Mountain Pine Beetle), poses a threat to other trees or plants in the community shall be treated so as to control the spread of the problem organism.

18.08.607 Required Warranty

- A. **Generally.** Landscaping that is installed or protected according to this Chapter shall be guaranteed according to the standards of this Section. This warranty is in addition to the maintenance of the landscaping shown on an approved landscape plan, as required by Section 18.08.605, [Landscape Maintenance](#).
- B. **Required Warranty.**
 - 1. *Term.* The owner shall guarantee all plant material to be in healthy condition (free of dead or dying branch tips; bearing foliage of normal density, size, and color; and closely matching adjacent specimens of the same species) for a term of two years. The warranty term commences on the date of acceptance of installed plant materials. When work is accepted in parts, the warranty terms extend from each acceptance to the terminal date of the guarantee of the last acceptance.
 - 2. *Guarantee.* During the required warranty term, the owner shall replace, without cost to the City, all plants determined by the City to be dead or in a condition that does not meet the standards of this Chapter. Replacements shall be made within a specified planting period, as soon as weather conditions allow. Replacements shall meet the minimum specifications of the materials replaced.
- C. **Extension of Warranty Term.** Replacement plants shall be guaranteed for a new warranty term for the duration specified in subsection B.1. In the event that a replacement plant dies or is not in a healthy condition during or at the end of said new warranty term, the City may require that a different genus, species, or type of plant material be installed.

Chapter 18.09 Environmental Quality

Contents:

Division 18.09.01 Purpose and Application of Chapter

Division 18.09.02 Lighting

Division 18.09.03 Floodplain Regulations

Division 18.09.04 Grading, Drainage, and Snow Storage

Division 18.09.05 Noise and Ground Vibration

Division 18.09.06 Irrigation Canals and Ditches; Environmentally-Sensitive Areas

Division 18.09.01 Purpose and Application of Chapter

18.09.101 Purpose of Chapter

The purpose of this Chapter is to establish minimum standards for maintaining environmental quality within the City, and for mitigating natural hazards to life, safety, and property through the location and design of development.

18.09.102 Application of Chapter

A. **Generally.** The Divisions within this Chapter are applied as follows:

1. [Division 18.09.02, Lighting](#), establishes standards for exterior illumination.
2. [Division 18.09.03, Floodplain Regulations](#), establishes standards for development within the Floodplain Overlay Zone, in order to reduce and mitigate flood hazards.
3. [Division 18.09.04, Grading, Drainage, and Snow Storage](#), adopts storm drainage standards and criteria by cross-reference, establishes design principles for grading and drainage system design, and requires adequate snow storage areas.
4. [Division 18.09.05, Noise and Ground Vibration](#), establishes minimum standards for noise barriers, which apply to such barriers when they are required by this UDC; and establishes standards for the maximum amount of ground vibration that is allowed in each zone.
5. [Division 18.09.06, Irrigation Canals and Ditches; Environmentally-Sensitive Areas](#), establishes standards for development near irrigation canals, irrigation ditches, and environmentally-sensitive areas.

B. **Relationship to Other Standards of this UDC.** The standards of this Chapter, particularly [Division 18.09.03, Floodplain Regulations](#), and [Division 18.09.06, Irrigation Canals and Ditches; Environmentally-Sensitive Areas](#), may restrict development on certain locations of a subject property. In circumstances where the application of these standards creates an unreasonable hardship, a variance may be permissible pursuant to [Section 18.17.1507, Variances](#).

Division 18.09.02 Lighting

18.09.201 Lighting Plan Required

- A. **Generally.** A point-by-point lighting plan shall be submitted for all commercial building permits and for all development review plans that include uses that will require a commercial building permit (i.e., multi-family developments containing buildings with three or more dwelling units per building; all developments containing commercial, industrial, and institutional land uses; and all developments containing a mix of these land uses).
- B. **Waiver.** The Director may waive the requirement for a lighting plan where the Director finds that conditions such as size of site, location, adjacent land uses, hours of operation/lighting, the presence of physical barriers or bufferyards, and/or proposed lighting levels are such that a lighting plan is not warranted.
- C. **Contents of Lighting Plan.** The lighting plan shall include the following information:
1. Photometric calculations that are determined using a light loss factor of 1.0;
 2. Photometric foot-candle lighting levels for all exterior areas, including sidewalks, plazas, parking areas, and driveways;

3. Photometric foot-candle lighting levels for all areas extending 20 feet outwards from the boundaries of the subject property; and
4. The locations of proposed exterior light fixtures, including, but not limited to ornamental pedestrian lights, wall-mounted lights, and parking lot lights.

18.09.202 Restrictions on Glare and Nuisance Lighting

A. Cut-Off and Shielding Required.

1. *Generally.*
 - a. Exterior light fixtures, including roadway, street, parking lot, walkway and building-mounted fixtures, shall be full cut-off with flat lenses, and shielded (if needed) so that all of the light falls upon either the surface of the structure to be illuminated or the ground.
 - b. Illuminated signs shall not be visible from the building envelopes of single-family, duplex, townhome, manufactured home, or multiplex residential lots within residential zones.
 - c. Lamps within light fixtures on properties used for nonresidential purposes shall not be directly visible from adjoining properties in residential zones.
2. *Exceptions.*
 - a. The Director may approve the use of exterior lighting fixtures that are not full cut-off where a specific neighborhood character and / or architectural style warrants such use, and the intensity of glare and sky glow are minimized.
 - b. Unshielded, decorative lighting shall be permitted in the DT zone, provided that:
 1. The fixtures are not more than 12 feet above grade; and
 2. The light intensity will not cause annoyance or generate a nuisance or hazard.

B. **Interior Lighting that is Visible from Exterior.** Interior lighting shall not be directed to illuminate exterior spaces. Interior lights visible from the exterior of a building shall not produce glare and shall not have visible light sources.

C. Light Overspill.

1. *Generally.* In nonresidential and mixed-use zones, illumination levels in the area up to 20 feet beyond the boundaries of the subject property shall not be increased by more than one-tenth (0.1) foot-candle as a result of the lighting on the subject property.
2. *Overspill from Nonresidential Uses or Zones into Residential Property.* Exterior lighting of nonresidential uses shall be shielded or directed away from property used for residential purposes, so that light from a direct or indirect source of illumination is not disturbing, offensive, annoying, or a nuisance or safety hazard to occupants of the residential property.

D. **Nuisance Lighting.** No illumination shall be designed or used which produces direct, incident, or reflected light that interferes with the safe movement of motor vehicles on public streets, including:

1. Any light fixture not designed for street illumination that produces light that could be disturbing or disabling to the operator of a motor vehicle;
2. Any light that may be confused with or construed as a traffic control device; or
3. Any animated, flashing, or changing intensity lights, except for temporary holiday displays.

E. **Hours of Illumination.** The use of exterior lighting between the hours of 10:00 PM and sunrise is not allowed unless such lighting is needed for safety or security reasons (and alternative lighting, such as motion sensor security lights, are inadequate), or to support a use that is operating after 10:00 PM.

18.09.203 Intensity and Distribution of Light

A. **Generally.** With the exception of lighting for public streets, lighting used to illuminate buildings, parking lots, walkways, plazas, or the landscape shall be evaluated during the development review or building permit process.

Table 18.09.203, Light Levels at Initial Installation, provides lighting criteria for outdoor facilities that are used at night.

Table 18.09.203 Light Levels at Initial Installation ¹				
Outdoor Facility	Minimum horizontal Illuminance	Maximum Uniformity Ratio (max. to min.)	Maximum average Illuminance	Minimum vertical Illuminance
Paths, plazas, walkways ²	0.1 foot-candle	20:1	0.5 foot-candle	0.1 foot-candle
Bicycle parking areas	0.2 foot-candle	20:1	0.5 foot-candle	0.1 foot-candle
Commercial parking areas	0.5 foot-candle	10:1	2 foot-candles	0.2 foot-candle
Industrial, office parking areas	0.2 foot-candle	10:1	1 foot-candle	0.1 foot-candle
Residential parking areas	0.1 foot-candle	20:1	0.5 foot-candle	N/A
School parking areas	0.1 foot-candle	20:1	0.5 foot-candle	N/A
All other (except as provided in subsection B., below)	Lighting criteria contained in the IESNA Lighting Handbook (most current edition) shall be used to determine minimum horizontal distance, maximum uniformity ratio, maximum average luminance, and minimum vertical luminance.			
TABLE NOTES:				
¹ Lighting criteria is adopted from the IESNA, 8 th Edition, and Lighting Handbook.				
² Excludes recreational trails and paths that are not typically used at night.				

B. Maximum Illuminance Level.

1. *Generally.* Maximum on-site illuminance levels shall not exceed 10 foot-candles.
2. *Exceptions.*
 - a. Vehicle display lots and inventory/merchandise display lots shall not exceed a maximum on-site illuminance level of 20 foot-candles, and shall also comply with the following criteria:
 1. Maximum average of ten (10) foot-candles;
 2. 10:1 maximum to minimum uniformity;
 3. 5:1 average to minimum uniformity;
 4. Front row (row closest to perimeter roadways) of inventory display areas shall have a 5:1 maximum to minimum uniformity.
 - b. Feature vehicle display pads, approved by the City, shall not exceed twenty (20) foot-candles as measured on the hood of the displayed vehicle.

18.09.204 Light Poles

- A. **Generally.** Parking lot and street lights shall have a dark, anodized aluminum finish or a material with similar quality and durability, unless the Director finds that an alternative design is appropriate to match existing light poles in the same area.
- B. **Height.**
 1. *Small Lot and Residential Parcel Lighting.* Light fixtures for properties 5 acres or less in size or residential properties shall have a maximum total height of 20 feet.
 2. *Large Lot, Campus, and Industrial Parcel Lighting.* Light fixtures for parking areas on sites greater than 5 acres in size, parking in a campus setting, or parking for industrial land uses shall have a maximum total height of 37 feet provided that:
 - a. The use of taller poles and fixtures results in a design that otherwise complies with the standards of this Division;

- b. The property incorporates pedestrian light fixtures adjacent to building entries and along designated pedestrian pathways within the parking area; and
 - c. The Director determines that the proposed poles and fixtures are more energy efficient and more appropriate for the subject property.
- 3. Pedestrian light fixtures shall not be installed more than 14 feet above adjacent grade. Ornamental embellishments on the light pole may extend up to two feet higher than the fixture.
- 4. *Street Lighting.* Street lighting shall be designed in accordance with the requirements of Chapter 15 of the City of Loveland Street Standards.
- C. **Location of Light Poles.** Light poles shall be located so as not to obstruct parking spaces, backing movements, traffic flow, and pedestrian walkways, and so as not to conflict with interior parking lot landscaping requirements. No light poles shall be located within the pedestrian travelway of a sidewalk or trail.

18.09.205 Flags

Illumination of flags is allowed, provided that the light sources meet the standards of this Division, except subsections A.1.a., A.1.b., and E. of Section 18.09.202, [Restrictions on Glare and Nuisance Lighting](#).

18.09.206 Lighting Inspection

An inspection of lighting levels to determine compliance with the lighting levels in the approved lighting plan may be required by the Director prior to issuance of a certificate of occupancy.

Division 18.09.03 Floodplain Regulations

18.09.301 Purpose

It is the overall purpose and intent of this Division to promote the health, safety, and general welfare and to provide appropriate regulations to minimize public and private losses due to flooding. It is further intended that these regulations will help to identify and clarify where flood hazards may exist and to ensure that potential buyers or builders are aware that certain properties are within areas with special flood hazards.

18.09.302 Definitions

In addition to the definitions set out in [Chapter 18.19, Measurements, Word Usage, and Definitions](#), the definitions set forth in Section 15.14.020, Loveland Municipal Code shall be applied to this Division.

18.09.303 Floodplain Overlay Zones

- A. **Generally.** This Division applies the floodplain overlay zone ("FP"), floodway zone ("FP-FW"), and flood fringe zone ("FP-FF") that are established in Section 18.02.202, [Overlay Zones Established](#).
- B. **Overlay Zone Boundaries.**
 - 1. The boundaries of the zones set out in subsection A., above, are as shown by the Flood Insurance Rate Map ("FIRM") accompanying the Flood Insurance Study for Larimer County, Colorado and Incorporated areas, dated February 6, 2013, published by the Federal Emergency Management Agency, which map constitutes an addition to the Official Zoning Map, adopted by Section 18.02.203, [Official Zoning Map Adopted](#).
 - 2. The designation of such overlay zone boundaries on the Official Zoning Map shall be in addition to the designations shown on the map, which designations are called "underlying zones" elsewhere in this chapter.
- C. **Modifications of Overlay Zone Boundaries.** Modifications of the boundaries for the FP-FW and FP-FF zones may be made by the City Council in accordance with the rezoning procedures established by this UDC. Such boundary adjustments shall be based upon City-approved engineering studies that present modifications or refinements to the original engineering and surveying determinations.

18.09.304 Interpretation

The provisions of this Division shall be interpreted to apply in conjunction with the other regulations of this UDC. If irreconcilable conflicts with other provisions of this UDC occur, the provision that tends to maximize flood protection shall apply.

18.09.305 Floodplain Development Permit Required

- A. **Generally.** A floodplain development permit is required for all development, including but not limited to, cutting, filling, dredging, grading, storage, utility installation, street work, or construction, within the Floodplain Overlay Zone.
- B. **Exception.** Routine or major maintenance of irrigation ditches does not require a floodplain development permit, provided that such routine or major maintenance does not involve the placement of fill such that the base flood elevation is increased.
- C. **Application Requirements.** All applications for floodplain development permits shall include, at a minimum:
 - 1. Floodway, and floodplain boundary information based on currently recognized FEMA maps.
 - 2. Base flood elevation.
 - 3. The number of acres in the floodplain for the proposed development.
- D. **Denial of Permit.** The Director may, when deemed necessary for the health, safety, or welfare of the present and future population of the area, or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the subject property that lies within the flood fringe or floodway of any stream, river, or drainage course. Such flood fringe and floodway areas shall thereafter be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except as authorized by the Director.

18.09.306 Floodway Overlay Zone

- A. **Generally.** Land use is restricted in the floodway overlay zone, as provided in this Section. Some uses are allowed by administrative review, as provided in subsection B., below. Other uses are allowed after conditional use approval, as provided in subsection C., below.
- B. **Administrative Approvals.**
 - 1. *Land Uses.* The Director may permit the following uses in the floodway overlay zone, provided the special conditions of subsection B.2, below, are met:
 - a. Agricultural uses, including general farming, grazing of horses and livestock, forestry, sod farming, crop harvesting, raising of plants and flowers, and open-air nurseries;
 - b. Outdoor recreational uses, including, but not limited to, golf courses, golf driving ranges, swimming pools, parks and recreation areas, picnic grounds, horseback riding, and hiking trails; and
 - c. Wildlife and nature preserves, game farms, and fish hatcheries.
 - 2. *Administrative Approval Standards.*
 - a. No use shall limit or restrict or create an obstruction of the flow capacity of the floodway or channel or a main stream or a tributary to a main stream;
 - b. No permitted use shall include structures, fill, or storage of materials or equipment within the FP-FW overlay zone;
 - c. Any proposed well, solid waste disposal area, or sewage disposal system shall be protected from inundation by floodwater;
 - d. No use shall increase flood heights during the base flood discharge; and
 - e. No new manufactured homes, manufactured home parks, or manufactured home subdivisions shall be permitted.
- C. **Conditional Use Approvals.**

1. *Land Uses.* The following uses may be permitted by conditional use review (see Section 18.14.202, *Decision-Making Tracks by Application Type*), subject to the conditional use approval standards set out in subsection C.2., below, which shall be in addition to the conditional use approval standards set out in Section 18.02.414, *General Standards for Conditional Uses*:
 - a. Boat rentals, docks, and piers;
 - b. Open pit mining for removal of topsoil, sand, gravel, or other materials.
2. *Conditional Use Approval Standards.* The following special conditions shall apply for uses permitted by conditional use approval in the floodway district:
 - a. No structure, deposit, obstruction or other use shall be allowed which acting alone or in combination with existing or future uses adversely affects the flow capacity of the floodway or increases flood heights;
 - b. The storage processing of materials that are in time of flooding buoyant, flammable, poisonous, explosive, or could be injurious to human, plant, or animal life shall be prohibited; and
 - c. No storage of movable objects shall be permitted.

18.09.307 Flood Fringe Overlay Zone

- A. **Generally.** Land use is restricted in the flood fringe overlay zone, as provided in this Section. Some uses are allowed by administrative review, as provided in subsection B., below. Other uses are allowed after conditional use approval, as provided in subsection C., below.
- B. **Administrative Approvals.**
 1. *Land Uses.* The Director may permit the following uses in the flood fringe overlay zone, provided the special conditions of subsection B.2, below, are met:
 - a. All uses permitted as-of-right in the underlying zone except outside storage.
 2. *Administrative Approval Standards.*
 - a. All structures shall be placed on fill so that the lowest floor (including basement) of such structures is at or above the regulatory flood protection elevation;
 - b. Any new structure or addition to an existing structure on a property removed from the flood fringe district by the issuance of a FEMA Letter of Map Revision Based on Fill ("LOMR-F") must still be constructed such that its lowest floor level is at or above the regulatory flood protection elevation;
 - c. Nonresidential structures may be permitted without being placed on fill, provided the floodproofing requirements of Loveland Municipal Code § 15.14.080 are met;
 - d. No use shall be commenced or structure built which may limit or restrict the flow capacity of the channel of a tributary or drainageway, or retard drainage of flood waters from the area in which a structure is built;
 - e. Fill or deposition of materials shall be permitted only to the extent required for placement of structures and their accessory uses;
 - f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems; and
 - g. All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters, and on-site waste disposal systems shall be designed and located so as to avoid impairment to them or contamination from them during flooding.
- C. **Conditional Use Approvals.**
 1. *Land Uses.* The following uses may be permitted by conditional use review (see Section 18.14.202, *Decision-Making Tracks by Application Type*), subject to the conditional use approval standards set out in subsection C.2., below, which shall be in addition to the conditional use approval standards set out in Section 18.02.414, *General Standards for Conditional Uses*:

- a. All uses that may be approved by adaptable use review or conditional use review in the underlying zone, except uses that involve outdoor storage.
2. **Conditional Use Approval Standards.** The following special conditions shall apply for uses permitted by conditional use approval in the flood fringe district:
 - a. Fill or deposition of materials shall not be permitted if such is found to reduce the storage or flow capacity of a waterway;
 - b. The lowest floor (including basement) of all new structures or substantial improvements to existing structures shall be placed at or above the regulatory flood protection elevation;
 - c. Any new structure or addition to an existing structure on a property removed from the flood fringe district by the issuance of a FEMA LOMR-F must still be constructed such that its lowest floor level is at or above the regulatory flood protection elevation;
 - d. Nonresidential structures may be permitted without being placed on fill, provided the floodproofing requirements of Loveland Municipal Code § 15.14.080 are met;
 - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
 - f. All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems shall be designed and located so as to avoid impairment to them or contamination from them during flooding; and
 - g. The storage or processing of materials that are in time of flooding buoyant, flammable, poisonous, explosive, or could be injurious to human, plant, or animal life shall be prohibited.

18.09.308 Critical Facilities

- A. **Generally.** All new and substantially improved critical facilities and new additions to critical facilities located within the areas of special flood hazard shall be regulated to a higher standard than structures not determined to be critical facilities.
- B. **Required Protections.** For the purposes of this Division, protections shall include one of the following:
 1. The structure shall be located outside of the special flood hazard area; or
 2. The structure's lowest floor level shall be elevated or flood-proofed to at least two feet above the regulatory flood datum.
- C. **Access During Flood Event.** New critical facilities shall, when practical as determined by the public works department stormwater division senior civil engineer, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

18.09.309 Additional Information Requirements

Applications for development approval within a floodway overlay zone or flood fringe overlay zone shall include the following information (in addition to other applicable application requirements), as the Director determines are necessary:

1. Plans drawn to scale and prepared by a professional engineer showing the nature, location, dimensions, and elevation of the lot, parcel or tract of land;
2. Location and dimensions of all proposed structures;
3. The amount of fill to be used, if any;
4. A description and specifications of all flood-proofing measures;
5. The relationship of the use or structures to the location of the channel, floodway, and flood protection devices;
6. The flood protection elevation;

7. A typical valley cross-section showing the channel of streams, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;
8. Surface view plans showing elevations or contours of the ground, pertinent structures, fill or storage elevations, size, location, and spatial arrangement of all proposed and existing structures on the site;
9. Location and elevations of streets, water supply, and sanitary facilities;
10. A profile showing the slope of the bottom of the channel or flow line of the stream; and
11. Specifications for building construction and materials, flood-proofing, filling dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities.

18.09.310 General Review Standards and Criteria

In addition to the other standards of this Division and this UDC, as applicable, the following factors shall be considered during review of applications for development approval within the FP-FW overlay zone or the FP-FF overlay zone:

1. The danger of life and property due to the increased flood heights or velocities caused by encroachments upstream or downstream within the floodplain;
2. The danger of materials being swept away onto other lands or downstream to the injury of others in the event of a flood;
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions in the event of a flood;
4. The relationship of the proposed use to the flood management program for the area in question;
5. The safety of access to the property in times of flood;
6. The expected heights, velocity, duration, rate of the rise and sediment transport of floodwaters at the proposed location and their effect on the proposed use; and
7. For recommendations or decisions by the Planning Commission or decisions by the City Council, the recommendations of the planning and engineering staff and the building official.

18.09.311 Flood Protection Standards and Criteria

- A. **Generally.** All subdivision or annexation proposals for areas located within the Floodplain Overlay Zone shall be located and designed to minimize flood damage in accordance with the provisions of this Chapter and Chapter 15.14, Loveland Municipal Code. All development proposals within the Floodplain Overlay Zone must conform to all federal, state and local floodplain regulations.
- B. **Drainage.** All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- C. **Prevention of Water Infiltration.**
 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.
 2. All new and replacement wastewater systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- D. **Location of Utilities.** All new subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

18.09.312 Nonconforming Buildings or Uses

- A. **Generally.** A structure or use within a structure or use of premises which was lawful before the passage of this Division, but which is not in conformity with the provisions of this Division may be continued without compliance with this Division. Such nonconforming uses or nonconforming buildings may be repaired, expanded or altered only upon compliance with the following conditions:

1. Any nonconforming use of property may be expanded, provided that such expansion is approved by the public works director. Any appeal of the public works director's final decision shall be made to the Planning Commission in accordance with Division 2.14.06, Administrative Appeals.
 2. Any nonconforming structure may be repaired, altered or enlarged, provided the repair, enlargement or alteration does not exceed 50 percent of the nonconforming structure's market value as existing prior to such enlargement.
 3. If a nonconforming use of property or nonconforming building is discontinued or vacated for a period of 12 consecutive months, it shall be deemed to be abandoned and any further use of the property or structure shall conform to this Division.
- B. **Damage by Calamity Other than Flood.** A nonconforming structure that is damaged or destroyed by any calamity, except flood, may be restored to its original condition if such restoration commences within one year from the date of the calamity. If any nonconforming structure is damaged to the extent of 50 percent of its actual value by flood, the nonconforming structure shall be restored only in compliance with this Division. If such flood damage is less than 50 percent of the structure's actual value, such structure may be restored without compliance with this Division, Chapter 15.14, or the Floodplain Building Code, provided the restoration commences within one year from the date of damage.

18.09.313 Nonliability of the City

- A. **Generally.** The degree of flood protection provided by the terms of this Division is, after considering numerous relevant factors, considered reasonable for regulatory purposes. Floods of greater magnitude may occur and flood heights may be increased as a result of natural or manmade causes. Further, provisions of this Division do not imply that areas outside the boundaries of areas of special flood hazard or that land uses permitted within the area of special flood hazard will be free from flooding or flood damage.
- B. **Statement of Nonliability.** The grant or approval by the City under the regulations as contained in this Division shall not constitute a representation, guarantee, or warranty of any kind or nature by the City, or by any officer, board member, or employee thereof, of the practicability or safety of any structure, building, or other proposed use; and shall create no liability upon or cause of action against such public body, officer, board member, or employee of the City for any damages, from flood or otherwise, that may result from such use.

Division 18.09.04 Grading and Drainage

18.09.401 Storm Drainage Criteria and Storm Drainage Standards – Adopted

- A. **Storm Drainage Criteria Adopted.**
1. The "City of Loveland Storm Drainage Criteria," (hereinafter, the "Stormwater Criteria"), are adopted by reference. The Stormwater Criteria consist of:
 - a. The Denver, Colorado Urban Drainage & Flood Control District's "Urban Storm Drainage Criteria Manual," Volume 1 (June 2001), Volume 2 (June 2001), and Volume 3, Best Management Practices (September 1999); and
 - b. The City of Loveland "Addendum to the Urban Storm Drainage Criteria Manuals Volumes 1, 2, and 3 (September 1, 2002)."
 2. All stormwater facilities, whether public or private, shall be designed in accordance with the Stormwater Criteria.
- B. **Storm Drainage Standards Adopted.** The "City of Loveland Storm Drainage Standards" (hereinafter, the "Stormwater Standards") are adopted by reference. All stormwater facilities, whether public or private, shall be constructed in accordance with the Stormwater Standards.
- C. **Amendments.** Any and all amendments to the Stormwater Criteria or the Stormwater Standards, including amendments that adopt codes by reference, shall be made in accordance with the following process:

1. *Policy Amendments.* Policy amendments shall be adopted by City Council by resolution. Policy amendments shall include major changes, changes in law, changes that cause significant increased cost or controversy, and changes that relate to the public use and convenience.
2. *Technical Amendments.*
 - a. Technical amendments may be approved by the Director of the Public Works Department, provided that the amendments:
 1. Are consistent with all existing policies relevant to the amendment;
 2. Do not result in any significant additional cost to persons affected by the amendment; and
 3. Are consistent with existing law.
 - b. Technical amendments shall consist solely of such minor additions, revisions, and corrections as necessary, in the judgment of the Director of the Public Works Department, to be necessary to better conform to sound engineering or construction standards and best practice.
 - c. The Director of the Public Works Department shall place a notice of technical amendments on the City's web page where the applicable document is posted, and shall report the technical amendments to the City Council.

18.09.402 Grading and Drainage Design Principles

A. Generally.

1. Surface and subsurface drainage systems shall be provided, as appropriate for the collection and disposal of stormwater.
2. Site drainage shall be routed to a permanent surface or subsurface outfall adequate to dispose of present and anticipated future runoff from the site and from contributing off-site watershed areas, except where such water is necessary for controlled irrigation; storm-water drainage shall be connected only to outfalls approved by the City.
3. Whenever applicable, a grading plan designed in accordance with the subdivision master drainage plan should be provided.

B. Grading and Drainage Design.

1. Drainage systems and site grading shall be designed to minimize erosion, siltation, flooding, and standing water.
2. Generally, drainage systems shall use natural vegetative cover to provide a permanent, effective, and stable course for stormwater runoff. Permanent landscaping shall be installed in a timely manner after site improvements are installed in order to prevent rapid runoff, erosion, and downstream flooding.
3. Where storm drainage flow is concentrated, permanent structural facilities shall be provided to prevent significant erosion or flooding on the site or on adjacent properties.
4. Underground vaults and systems that require pumps shall not be allowed unless there is no feasible alternative to their use.
5. Stormwater management systems shall be designed so that:
 - a. They do not increase runoff or seepage into irrigation ditches or reservoirs; and
 - b. They do not increase seepage from irrigation ditches or reservoirs.

C. Runoff Onto Adjacent Property.

1. Drainage systems shall be designed and constructed so as to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.
2. The drainage plan shall illustrate that the historical flow onto adjacent properties will not be increased, and that water is not sent down in a manner or quantity to do more harm than formerly.

3. Any proposed drainage onto adjacent properties that vary from pre-development patterns, including historic rate, character, and volume of flow patterns, shall be allowed only upon written approval from the affected property owners in the form of a perpetual drainage easement.
- D. **Revisions to Individual Lot Grades.**
1. If the proposed grading elevation for a lot is not consistent with the approved grading plan for the development, the applicant shall submit a revised grading plan designed and stamped by a professional engineer that demonstrates compliance with subsection C., above.
 2. If the top of foundation for a proposed structure exceeds the elevation approved in the grading plan for the development by more than six inches, the applicant shall submit a revised grading plan designed and stamped by a professional engineer and a justification for the proposed top of foundation.
 3. If the top of foundation for a proposed structure is less than the elevation approved in the grading plan for the development, the applicant shall submit a revised grading plan designed and stamped by a professional engineer.
- E. **Streets.** Streets shall be constructed to accommodate runoff as required by the City of Loveland Storm Drainage Criteria.
- F. **Stabilization of Slopes.** Slopes that are greater than one foot rise to three feet of run shall be stabilized to prevent erosion.
- G. **Protection of Buildings and Structures.**
1. The minimum grades at buildings and at openings into basements should be at elevations that will prevent adverse effects by water or water entering basements from flood levels equivalent to a 100-year storm frequency.
 2. Runoff water shall be routed to assure buildings and other important facilities will not be endangered by flood waters which exceeds the capacity of the storm drainage system.
 3. Provide positive surface drainage away from buildings and heavily used areas to swales, gutters, drain inlets or outfalls. Prevent hydrostatic buildup of water behind foundations, retaining walls, and other development by providing sub-drains and other devices.
- H. **Protection of Irrigation Ditches.** Surface or subsurface drainage systems shall not be located or designed in a manner that poses a material risk of:
1. Impacting the stability of an irrigation ditch bank;
 2. Flooding a ditch service road;
 3. Creating stormwater overflow into an irrigation ditch in excess of pre-development conditions; or
 4. Causing seepage into or out of an irrigation ditch.
- I. **Changes to Existing Grade.** Elevating the existing grade of property by three or more feet on properties adjacent to existing streets or developed properties is prohibited, unless authorized by the Director and City Stormwater Engineer for good cause shown and a demonstration of compliance that the standards of subsection C., above, are met.

18.09.403 Snow Storage

- A. **Generally.** Adequate areas for snow storage throughout the development shall be provided.
- B. **Location and Configuration.** Snow storage areas shall be located and configured to safely and efficiently melt snow, and to minimize and manage the impacts of pollutants from the resulting runoff, as follows:
1. Snow storage areas shall be located to drain away from pedestrian and vehicular use areas, and into vegetated buffer strips or other appropriate best management practices ("BMPs").
 2. Snow storage areas shall be configured so that stored snow does not obstruct:
 - a. Sight triangles at driveways and intersections;
 - b. Emergency access routes;

- c. Required parking spaces; and
 - d. Pedestrian routes.
3. To the greatest extent feasible, snow storage areas shall be located in areas with solar exposure, away from streets.
4. Snow storage areas shall not be located:
 - a. Within 50 feet of a river, creek, irrigation ditch, or wetland; or
 - b. Over drain inlets.

Division 18.09.05 Noise and Ground Vibration

18.09.501 Noise Barriers

- A. **Generally.** Where noise barriers are required by this UDC, they shall meet the requirements of this Section.
- B. **Height.** Noise barriers shall be 10 feet in height, unless the applicant demonstrates that a lower height is sufficient to attenuate noise to meet the standards of Chapter 7.32, Sound Limitations, Loveland Municipal Code.
- C. **Design.**
 1. Noise barriers may include berms or walls, or combinations of berms and walls.
 2. Berms shall have a slope not greater than 1 foot of rise to 3 feet of run, and shall be planted with groundcovers to prevent erosion.
 3. Unfinished smooth-faced concrete masonry unit construction is not allowed. Split face concrete masonry units and other pre-cast masonry shall have integral color.
 4. Walls shall be finished on both sides. Finishes shall include texture and variations to provide visual interest.
 5. Walls shall appear to be constructed in modules that are not wider than twenty feet.
 6. Noise barriers shall be designed and constructed without gaps that reduce their effectiveness.
- D. **Materials.** Noise barrier walls shall be constructed of materials with a sound transmission loss (TL) of 25 dB or greater. Such materials may include 8-inch by 8-inch by 16-inch concrete block, concrete that is at least 4 inches thick, finished metal panels composed of 18 gauge steel or 0.25-inch thick aluminum), or other materials (including composites) approved by the Director with a TL of 25dB or greater.

18.09.502 Ground Vibration

- A. **Generally; Unit of Measurement.** The maximum vibration standard is maximum peak particle velocity. This standard is measured as the maximum displacement vector sums of three mutually perpendicular directions, recorded simultaneously, multiplied by the frequency in cycles per second. Where these standards are not met five feet beyond the building walls or the generator, if it is located outside, then barriers, structures, or dampening measures shall be used to ensure that all uses meet these standards at the property line.
- B. **Standards.** The standards of Table 18.09.502, Vibration Standards, shall be met, except as provided in subsection B., below.

Table 18.09.502 Vibration Standards ¹				
Frequency (cycles per second)	Adjoining Zoning			Impact Vibration ⁵
	Residential ²	Commercial ³	Industrial/Other ⁴	
Less than 10	0.0004	0.002	0.0039	0.0098
10-19	0.0002	0.0011	0.0022	0.0055
20-29	0.0001	0.0006	0.0011	0.0028
30-39	0.0001	0.0004	0.0007	0.0018

**Table 18.09.502
Vibration Standards¹**

Frequency (cycles per second)	Adjoining Zoning			Impact Vibration ⁵
	Residential ²	Commercial ³	Industrial/Other ⁴	
40-49	0.0001	0.0003	0.0005	0.0013
50 or more	0.0001	0.0002	0.0002	0.0010

TABLE NOTES:

¹ Vibrations that do not exceed 60 per minute may be twice this value.

² "Residential" includes the ER, R1e, R1, R2, R3e, and R3 Zones, and residential areas of planned unit developments, residential areas in E and MAC zones, and residential areas of complete neighborhoods.

³ "Commercial" includes the DT, B, MAC, and E Zones (except as provided in footnote 2, above), areas of planned unit developments that include commercial land uses, and neighborhood activity centers in complete neighborhoods.

⁴ "Industrial/Other" includes the I, PP, and DR Zones, and industrial areas of planned unit developments.

⁵ Vibrations occurring no more than eight times in a 24-hour period with a minimum separation of one minute.

C. Exceptions. The following are excepted from these standards:

1. Vibrations emanating from construction activities between the hours of 7:00 AM and 7:00 PM that are temporary in nature.
2. Transient vibrations of moving vehicles, such as trucks, automobiles, or trains.
3. Extraction or seismic activities may be granted limited exceptions to impact vibration standards during the approval process, and those conditions shall be controlling.

D. Measurement. An operator trained to measure vibrations shall make all such measurements and shall submit and certify them to the City.

Division 18.09.06 Irrigation Canals and Ditches; Environmentally-Sensitive Areas

18.09.601 Irrigation Canals and Irrigation Ditches

- A. Generally.** Where an irrigation canal or irrigation ditch is adjacent to or traverses a subject property, the City may require the applicant to install walls, fences, or protective covering separating the lot or lots therefrom.
- B. Agreement Required.** The City does not adjudicate the relative interests of landowners and owners of irrigation canals and irrigation ditches (whether such interests are fee-simple or easement interests). As such, where development has the potential to impact an irrigation canal or irrigation ditch (*e.g.*, by installation of an overhead, surface, or subterranean crossing; installation of infrastructure or improvements that may increase seepage (*e.g.*, detention ponds in close proximity to the canal or ditch, or subsurface drainage systems); grading that could result in changes to the amount of stormwater runoff or pollution that reaches the canal or ditch; or improvements that increase the risk of trespass onto canal or ditch infrastructure or rights-of-way, including service roads), the applicant shall provide to the City a fully executed agreement between the applicant and the owner of the canal or ditch that is satisfactory to the City and addresses the impacts of the development on the canal or ditch.
- C. Public Utility Crossings.** Notwithstanding the foregoing, any agreement related to crossing an irrigation canal or ditch for the purpose of accessing or obtaining service from a public utility shall be subject to review and approval by the City. The agreement shall identify the City as a third party beneficiary or ultimate assignee and require prior written approval by the City for any modification or termination of the agreement.
- D. Relocation or Construction of New Canals and Ditches.** Irrigation canals and irrigation ditches shall not be constructed within public rights-of-way, except:
 1. At necessary points of crossing (and to make improvements at existing points of crossing); or
 2. As approved by the City Council in order to provide for an exceptional public benefit.

18.09.602 Environmentally-Sensitive Areas

- A. **Generally.** In 2008, Cedar Creek Associates, Inc. and the City of Loveland prepared an update to the 1993 / 1996 natural areas report “In the Nature of Things: Loveland’s Natural Areas”. The update, entitled “City of Loveland Natural Areas Sites,” dated July 2008 (the “Report”), gathered information on sites that were not evaluated in the original report or had been developed or preserved. Table 1 of the July 2008 report contains a numerical rating of the overall habitat quality of 153 sites. The Report, as amended from time to time, is hereby adopted by reference for the purposes of this Section.
- B. **Applicability.** The standards of this Section apply if the subject property includes or is within 100 feet of:
1. Any of the environmentally-sensitive area as identified in the Report; or
 2. Any land within the ordinary high water mark of a river, stream, creek, lake, or reservoir; or
 3. Any of the following environmentally sensitive areas:
 - a. Mature stands of vegetation;
 - b. Jurisdictional (“USACE”) or non-jurisdictional wetlands;
 - c. Physical linkages to other natural areas or open space including wetlands, waterways, native vegetation, conserved open lands and natural areas, and other natural corridors within or connected to the project area;
 - d. Existing drainage patterns and areas within the floodway and flood fringe including areas within the designated floodway or 100-year floodplain of major drainages, as well as smaller tributary drainages without designated floodways or floodplains;
 - e. Irrigation canals and ditches and water courses; and
 - f. Fault and aquifer recharge and discharge areas.
- C. **Environmentally Sensitive Areas Report Required.** Where, as determined by the City of Loveland Parks and Recreation Department, the thresholds of subsection B., above, are met, an Environmentally Sensitive Areas Report shall be prepared by the applicant and submitted to the City in accordance with Section [18.14.305, Formal Application](#). The report shall identify and assess the potential impacts of development on environmentally sensitive areas (and vice-versa) and describe measures to mitigate such impacts. The Environmentally Sensitive Areas Report shall include the information required in the checklist for such report provided by the Director. The Environmentally Sensitive Areas Report shall be subject to approval by the Director, in consultation with the Director of the Parks and Recreation Department. The mitigation measures set out in an approved Environmentally Sensitive Areas Report shall be incorporated into the proposed development of the subject property.
- D. **Unbuildable Areas.** The following areas shall be protected as open space as provided in subsection E., below:
1. Natural areas identified in Table 1 of the Report with an overall rating of six or higher, rated in accordance with the approved Environmentally Sensitive Areas report;
 2. Other areas identified in the approved Environmentally Sensitive Areas report to be protected as open space.
- E. **Designation as Open Space.** Environmentally sensitive areas that are located on the subject property and listed in subsection D., above, to be maintained as permanent open space shall be located in separate tracts designated as “open space” on a subdivision plat (and not included within any lot on which a building is permitted). Such areas shall be permanently preserved as open space through dedication of ownership to a property owners’ association, if acceptable to the City, or placement of an appropriate conservation easement granted to the City or nonprofit organization acceptable to the City. The easement shall establish restrictive provisions and future interests as may be necessary to ensure protection of the environmentally sensitive area in accordance with the recommendations of the approved Environmentally Sensitive Areas Report. As a condition of approval, the City may also require that the open space be maintained under the terms of a management and maintenance agreement with the City.

Chapter 18.10 Oil, Gas, and Mineral Development

Contents:

Division 18.10.01 Authority, Purpose, and Applicability

Division 18.10.02 General Standards for Oil and Gas Operations

Division 18.10.01 Authority, Purpose, and Applicability

18.10.101 Authority

This Chapter is enacted pursuant to the City's police powers and land use authority under Article XX of the Colorado Constitution, C.R.S. § 31- 1- 101, et seq., the OGC Act, the COG regulations, and under all other applicable laws, rules and regulations. It is the intent of this Chapter that these powers and authority be exercised in a manner that will not create an operational conflict with the provisions of the OGC Act or the COG regulations, which conflict could arise if any application of this Chapter has the effect of materially impeding or destroying a state interest as expressed in the OGC Act or the COG regulations. The provisions of this Chapter are therefore to be interpreted and applied in a manner that is consistent and in harmony with any conflicting provisions of the OGC Act or the COG regulations, so as to avoid an operational conflict.

18.10.102 Purpose

The purpose of this Chapter is to generally protect the public's health, safety, and welfare and the environment and more specifically to regulate oil and gas operations within the City so as to minimize the potential land use conflicts and other adverse impacts that may negatively affect existing and future land uses when oil and gas operations occur within the City near those uses. This purpose is intended to be achieved in a manner that recognizes the state's interests in oil and gas operations as expressed in C.R.S. § 34-60-102, which include:

1. Fostering the responsible and balanced development of the state's oil and gas resources in a manner consistent with the protection of the public's health, safety, and welfare, including protection of the environment and wildlife resources;
2. Protecting public and private interests against waste in both the production and use of oil and gas; and
3. Allowing Colorado's oil and gas pools to produce up to their maximum efficient rate subject to the prevention of waste, protection of the public's health, safety, and welfare, protection of the environment and wildlife resources, and the protection and enforcement of the rights of owners and producers to a common source of oil and gas so that each owner and producer obtains a just and equitable share of production from that source.

18.10.103 Applicability

A. Generally.

1. Except as otherwise provided in this section, the provisions of this Chapter shall apply to all surface oil and gas operations occurring within the City's boundaries, which shall include, without limitation, any oil and gas operation requiring the commission's issuance or re-issuance of a drilling permit or any other permit under the COGCC regulations. Prior to any person commencing any such operations within the City, that person shall apply for and receive an oil and gas permit from the City in accordance with the standards set out in this Chapter.
2. The standards set out in [Division 18.10.02, General Standards for Oil and Gas Operations](#), apply to all oil and gas permits.
3. The standards set out in [Division 18.10.03, Enhanced Standards for Oil and Gas Operations \(Administrative Review\)](#), apply to oil and gas permits that are issued administratively.

- B. **Exceptions.** This Chapter does not apply to those surface oil and gas operations for which a drilling permit was issued under the COGCC regulations prior to April 2, 2013, the effective date of this Chapter, and under which permit the oil and gas operations were commenced before April 2, 2013. It shall also not apply to any surface oil and gas operations occurring on real property annexed into the City on or after April 2, 2013, provided those operations are occurring as of the effective date of the Annexation pursuant to a drilling permit issued under the

COGCC regulations. This Chapter shall apply to all other surface oil and gas operations occurring within the City's boundaries after April 2, 2013.

- C. **Other Applicable UDC Provisions.** In addition to the standards of this Chapter, all oil and gas operations conducted within the City shall comply with the following provisions of this UDC:
1. Division 18.05.02, Access and Circulation
 2. Division 18.07.04, Utilities
 3. Chapter 18.09, Environmental Quality (except as specifically modified in this Chapter)
 4. Division 18.04.08, Signs
 5. Division 18.09.03, Floodplain Regulations
 6. Chapter 18.15, Adequate Community Facilities ("ACF")
 7. Division 18.16.04, Capital Expansion Fees
- D. **Other Applicable Municipal Code Provisions.** In addition to the provisions of this UDC, all oil and gas operations conducted within the City shall comply with all applicable provisions and registration or permitting requirements of the following chapters of the Loveland Municipal Code:
1. 3.16, Sales and Use Tax;
 2. 7.12, Nuisances - Unsanitary Conditions;
 3. 7.16, Solid Waste Collection and Recycling (to the maximum extent feasible);
 4. 7.18, Weed Control;
 5. 7.26, Accumulations of Waste Materials;
 6. 7.30, Graffiti;
 7. 7.36, Fire Protection;
 8. 10.04, Traffic Regulations;
 9. 10.20, Parking;
 10. 12.16, Use of City Rights-of-Way;
 11. 12.28, Prohibited Uses of Streets and Other Public Places;
 12. 13.04, Water Service;
 13. 13.06, Cross Connection Control;
 14. 13.18, Stormwater Management;
 15. 13.20, Stormwater Quality;
 16. 15.08, Building Code;
 17. 15.12, Property Maintenance Code;
 18. 15.14, Floodplain Building Code;
 19. 15.16, Mechanical Code;
 20. 15.24, Electrical Code;
 21. 15.28, Fire Code;
 22. 15.56.030 (The installation and operation of any oil and gas facility shall not cause significant degradation of cultural or historic resources, of sites eligible as City Landmarks, or the State or National Historic Register);
 23. 12.25, Street Maintenance Fee; and
 24. 19.06, Irrigation.
- E. **Federal and State Regulations.** The operator shall comply with all applicable federal and state regulations including, without limitation, the OGC act and the COGCC regulations.
- F. **Decision-Making Procedures.** The oil and gas permits that are required by this Chapter shall be processed in accordance with Chapter 18.14, General Review Procedures.

Division 18.10.02 Oil and Gas Standards

18.10.201 COGCC Standards Adopted

- A. **Generally.** Applicants for oil and gas permits shall provide appropriate documentation to the City to demonstrate compliance with the COGCC regulations listed in this Section.
- B. **Setback Requirements.** Setbacks meet the standards of COGC Rule 603, as amended.
- C. **Groundwater Baseline Sampling and Monitoring.** Groundwater baseline sampling and monitoring will be performed in compliance with COGCC Rule 318.A.e, as amended.
- D. **Lighting.** All oil and gas operations shall comply with COGCC Rule 803, as amended.
- E. **Noise Mitigation.** All permits for oil and gas operations shall comply with COGCC Rule 802, as amended.
- F. **Protection of Wildlife Resources.** The oil and gas operation will comply with COGCC Rule series 1200, as amended. The operator shall notify the Director if consultation with Colorado Division of Parks and Wildlife is required pursuant to COGCC Rule 306.c.
- G. **Hydraulic Fracturing Chemical Disclosure.** The operator will comply with COGCC Rule 205.A, as amended, and provide to the Loveland Fire Rescue Authority in hard copy or electronic format the operator's chemical disclosure form that the operator has filed with the chemical disclosure registry under COGCC Rule 205.A. Such form shall also be filed with the Director within five days after the form is filed in the chemical disclosure registry.
- H. **Reclamation.**
 - 1. The oil and gas operations will comply with COGCC Rule Series 1000, as amended. The operator shall provide copies of the Commission's drill site reclamation notice to the Director at the same time as it is provided to the surface owner.
 - 2. Temporary access roads associated with oil and gas operations shall be reclaimed and re-vegetated to the original state in accordance with COGCC Rule Series 1000.
- I. **Stormwater Quality and Dust Control.** Stormwater quality and dust control will be provided in accordance with COGCC Rule 805, as amended.
- J. **Odor.** All oil and gas operations shall comply with COGCC Rule 805.
- K. **Pipeline Abandonment.** Any pipelines abandoned in place shall comply with COG Rule 1103 and the operator's notice to the commission of such abandonment shall be promptly filed thereafter by the applicant with the Director.
- L. **Well Abandonment.** The oil and gas operation will comply with the well abandonment regulations set forth in COGCC Rule 319, as amended.
 - 1. The operator shall provide a copy of the approval granted by the Commission for the abandonment to the Director within 30 days after receiving such approval.
 - 2. The operator shall provide copies of the Commission's plugging and abandonment report to the Director at the same time as it is provided to the Commission.
 - 3. The operator shall notify the Loveland Fire Rescue Authority not less than two hours prior to commencing plugging operations.
 - 4. Upon plugging and abandonment of a well, the operator shall provide the Director with surveyed coordinates of the abandoned well and shall leave onsite a physical marker of the well location.

18.10.202 Visual Impacts, Fencing, and Lighting

- A. **Generally.** All applications considered in the planning commission review process and the administrative review process and all oil and gas operations approved under either process shall be subject to and comply with the following standards and requirements, as applicable:
- B. **Visual Impacts and Screening.**
 - 1. *Visual Impacts.*

- a. To the maximum extent practicable, oil and gas facilities shall be:
 1. Located away from prominent natural features such as distinctive rock and land forms, vegetative patterns, river crossings, and other landmarks;
 2. Located to avoid crossing hills or ridges;
 3. Located to avoid the removal of healthy trees; and
 4. Located at the base of slopes to provide a background of topography and/or natural cover.
- b. Access roads shall be aligned to follow existing grades and minimize cuts and fills.
- c. One or more of the following landscaping practices may be required on a site-specific basis:
 1. Establishment and proper maintenance of adequate ground cover, shrubs and trees;
 2. Shaping cuts and fills to appear as natural forms;
 3. Cutting rock areas to create irregular forms; and
 4. Designing the facility to utilize natural screens.
2. **Color.** Oil and gas facilities, by the time development of the site is complete, shall be painted in a uniform, non-contrasting, non-reflective color, to blend with the surrounding landscape, with colors that resemble the land rather than the sky. The color should be slightly darker than the surrounding landscape.
3. **Landscaping.** If an oil and gas operation site is less than 100 feet from a public street, a Type D Bufferyard shall be required between the oil and gas operation and the public street.
- C. **Fencing.** After the drilling, well completion and interim reclamation operations are completed, the operator shall install permanent fencing six feet in height around the entire perimeter of the production operations site, including gates at all access points. Such gates shall be locked when employees of the operators are not present on the site. Such fencing and gates shall be solid, opaque, and consist of masonry, stucco, steel, or other similar materials. The Director may allow chain link fencing if solid and opaque fencing creates a threat to public safety or interferes with emergency or operations access to the production site.
- D. **Lighting.** In addition to compliance with COG Rule 803, as amended, the following standards apply to lighting:
 1. Except during drilling, completion or other operational activities requiring additional lighting, down-lighting shall be required, meaning that all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture; and
 2. A lighting plan shall be developed to establish compliance with this subsection. The lighting plan shall indicate the location of all outdoor lighting on the site and on any structures, and include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures.

18.10.203 Oil and Gas Access Roads

- A. **Generally.** All private roads used to access the tank battery or the wellhead shall meet or exceed the standards of this Section.
- B. **Width and Overhead Clearance of Access Road.** A graded gravel roadway at least 20 feet wide with a minimum unobstructed overhead clearance of 13 feet six inches.
- C. **Construction Standards.** The access road shall have a prepared subgrade and an aggregate base course surface a minimum of six inches thick compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the City Engineer. The aggregate material, at a minimum, shall meet the requirements for a Class 6, Aggregate Base Course as specified in the Colorado Department of Highways Standard Specifications for Road and Bridge Construction, latest edition.
- D. **Grades.** Grades shall be established so as to provide drainage from the roadway surface and shall be constructed to allow for cross-drainage to waterway (*i.e.*, roadside swells, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of culvert pipes shall be subject to approval by the City Engineer.

18.10.204 Water Supply and Disposal

A. Water Supply.

1. The operator shall identify on the site plan its primary source(s) for water used in both the drilling and well completion phases of operation. In addition, if requested by the City's water and power department director, the applicant's source(s) and amounts of water used in the City shall be documented and a record of it shall be provided to the City.
2. When operationally feasible, the operator shall minimize adverse impacts caused by the delivery of water to the operation site by truck.
3. If available and commercially viable, the operator shall make a service line connection to a domestic water supplier who is willing to provide such water at the same rates, fees, and charges and provided that the amount of the water that can be supplied by that provider can be done so without delay or negative impact to the operator's drilling and well completion operations.
4. When operationally feasible, the operator may alternatively purchase non-potable water from any other sources and transfer that water through ditches or other waterways and/or through above or below ground lines.

B. **Water Disposal.** The disposal of water used on site shall be reported to the water and power department director.

18.10.205 Temporary Housing

Temporary housing shall be prohibited on any oil and gas operations site, including, without limitation, trailers, manufactured homes, modular homes, and recreational vehicles, except for the temporary housing customarily provided and required during 24-hour drilling, well completion, and flowback operations.

18.10.206 Emergency Response

A. **Generally.** Operators agree to take all reasonable measures to assure that oil and gas operations shall not cause an unreasonable risk of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, hazardous material vehicle accidents or spills.

B. Emergency Preparedness Plan.

1. Each operator with an operation in the City is required to provide to the City its emergency preparedness plan for operations within the City, which shall be in compliance with the applicable provisions of the International Fire Code as adopted in the City Code. The plan shall be filed with the Loveland Fire Rescue Authority and updated on an annual basis.
2. The emergency preparedness plan shall contain, at a minimum, all of the following information:
 - a. The designation of the operator's office group or individual(s) responsible for emergency field operations. An office group or individual(s) designated to handle first response situations, emergency field operations or on-scene incident commands will meet this requirement. A phone number and address of such office group or individual(s) operation shall be required.
 - b. A map identifying the location of pipelines, isolation valves and/or a plot plan, sufficient in detail to enable the Loveland Fire Rescue Authority to respond to potential emergencies. The information concerning pipelines and isolation valves shall be kept confidential by the Loveland Fire Rescue Authority, and shall only be disclosed in the event of an emergency or as otherwise required by law.
 - c. A provision that any spill outside of the containment area that has the potential to leave the facility or to threaten waters of the state and that is required to be reported to the COGCC or the COGCC's director shall be immediately reported to the Loveland Fire Rescue Authority emergency dispatch at 911 and to the Director promptly thereafter.
 - d. Access or evacuation routes and health care facilities anticipated to be used in the case of an emergency.
 - e. A project-specific emergency preparedness plan for any operation that involves drilling or penetrating through known zones of hydrogen sulfide gas.

- f. A provision obligating the operator to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency caused by oil and gas operations and not promptly handled by the operator or its agents.
 - g. Detailed information showing that the applicant has adequate personnel, supplies and funding to implement the emergency response plan immediately at all times during construction and operations.
- C. **Emergency Response Costs.** The operator shall reimburse the Loveland Fire Rescue Authority for any emergency response costs incurred by the Authority in connection with fire, explosion, or hazardous materials at the well or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by mistake of the Authority or in response to solely a medical emergency.

18.10.207 Insurance and Performance Security

A. Insurance.

1. *Generally.* Every operator granted a permit under this Chapter shall procure and maintain throughout the duration of the operator's oil and gas operations a policy of comprehensive general liability insurance, or a self-insurance program approved by the Colorado Insurance Commission, insuring the operator and naming the City as an additional insured, against:
 - a. Any liability for personal injury, bodily injury or death arising out of the operator's permitted operations, with coverage of at least \$1,000,000.00 per occurrence; and
 - b. Any damages that may occur to the City's streets, roads or rights-of-way (in excess of the amount of the security provided pursuant to subsection B., below) as a result of any weight stresses or spillage of hauled materials including, without limitation, water, sand, waste fluids, waste solids and mixed wastes, with coverage in an amount determined by the City Engineer based on the approved Truck Routing Plan.
2. *Qualifying Insurance Companies.* Unless the operator is self-insured, the insurance required by this subsection A. shall be with a company (or companies) qualified to do business in the State of Colorado.
3. *Deductible.* Unless the operator is self-insured, the insurance required by this subsection A. may provide for a deductible as the operator deems reasonable, but in no event greater than \$10,000.00. The operator shall be responsible for payment of any deductible.
4. *Cancellation.* No such policy shall be subject to cancellation or reduction in coverage limits or other modification except after 30 days' prior written notice to the City.
5. *Additional Policy Requirements.*
 - a. The operator shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal the operator changes to "occurrence," the operator shall carry a 12-month tail. The operator shall not do or permit to be done anything that shall invalidate the policies. In addition, the insurance required by this subsection A. shall cover any and all damages, claims or suits arising out of the actual, alleged or threatened discharge, disbursement, seepage, migration, release or escape of pollutants, and shall not exclude from coverage any liability or expense arising out of or related to any form of pollution, whether intentional or otherwise.
 - b. Further, the policies required by this subsection A. shall be deemed to be for the mutual and joint benefit and protection of the operator and the City and shall provide that although the City is named as additional insured, the City shall nevertheless be entitled to recover under said policies for any loss occasioned to the City or its officers, employees or agents by reason of negligence of the operator or of its officers, employees, agents, subcontractors, or business invitees and such policies shall be written as primary policies not contributing to or in excess of any insurance coverage the City may carry.
6. *Certificates of Insurance Required.* Prior to the issuance of the operator's permit, the operator shall furnish to the City certificates of insurance evidencing the insurance coverage required herein. In addition, the operator shall, upon request by the City and not less than 30 days prior to the expiration of any such insurance coverage, provide the City with a certificate of insurance evidencing either new or continuing coverage in accordance with the requirements of this section.

- B. **Performance Security for Road Damage.** Prior to the issuance of an oil and gas permit, the applicant shall provide the City with a \$25,000.00 performance security for each well that is permitted while the well is in operation, in the form of an irrevocable letter of credit or equivalent financial security acceptable to the Director to cover the City's costs to repair any damages to the City's public rights-of-way caused by the operator's use of said rights-of-way. In the event this security is insufficient to cover the City's costs to repair any such damages, the operator shall be liable to the City for those additional costs, and the City may pursue a civil action against the operator to recover those costs as provided in Section 18.18.304, [Special Provisions for Oil and Gas Permits](#). Reclamation and other activities and operations which fall under the COGCC regulations are exempted from this performance security requirement.

18.10.208 Noise Mitigation

- A. **Generally.** In addition to COGCC Rule 802, as amended, oil and gas operations are subject to the noise mitigation standards of this Section.
- B. **Equipment Exhaust.** The exhaust from all engines, coolers, and other mechanized equipment shall be vented up and in a direction away from the closest existing residences.
- C. **Electric Equipment.** The use of electric-powered equipment during production operations shall be required if a provider of electric power agrees at the provider's customary rates, fees and charges to provide electric service to an oil and gas facility and the cost to make the electrical connection is economically practicable. If available, electric service to the oil and gas facility shall be acquired by the operator within the shortest time period reasonably practicable. Natural gas or diesel generators may be used until electric service is provided. Electric equipment shall not be required during drilling and well completion operations.
- D. **Additional Mitigation.**
1. Additional noise mitigation may be required based on specific site characteristics, including, but not limit to, the following:
 - a. Nature and proximity of adjacent development;
 - b. Prevailing weather patterns, including wind direction;
 - c. Vegetative cover on or adjacent to the subject property; and
 - d. Topography.
 2. The level of required noise mitigation may increase with the proximity of the well and well site to existing residences and platted subdivision lots, and the level of noise emitted by the well site. To the extent feasible and not inconsistent with its operations, operator may be required to use one or more of the following additional noise mitigation measures to mitigate noise impacts:
 - a. Acoustically insulated housing or cover enclosures on motors, engines and compressors;
 - b. Vegetative screens consisting of trees and shrubs;
 - c. Solid wall or fence of acoustically insulating material surrounding all or part of the facility;
 - d. Noise mitigation plan identifying and limiting hours of maximum noise emissions, type, and frequency, and level of noise to be emitted and proposed mitigation measures; and
 - e. Lowering the level of pumps or tank batteries.

18.10.209 Land Disturbance

The following mitigation measures shall be used to achieve compatibility and reduce land use impacts:

1. Pad dimensions for a well shall be the minimum size necessary to accommodate operational needs while minimizing surface disturbance.
2. Oil and gas operations shall use structures and surface equipment of the minimal size necessary to satisfy present and future operational needs.
3. Oil and gas operations shall be located in a manner that minimizes the amount of cut and fill.

4. To the maximum extent feasible, oil and gas operations shall use and share existing infrastructure, minimize the installation of new facilities and avoid additional disturbance to lands in a manner that reduces the introduction of significant new land use impacts to the environment, landowners, and natural resources.
5. Landscaping plans shall include drought tolerant species that are native and less desirable to wildlife and suitable for the climate and soil conditions of the area.

18.10.210 Floodplains

All surface oil and gas operations within the FP-FW and FP-FF overlay zones, shall be conducted, to the extent allowed under COGCC regulations, in accordance with all applicable COGCC regulations, including, without limitation, COGCC Rules 603.h. and 1204. In addition, if the operator's oil and gas operations will involve any development or structures regulated under the City's Floodplain Building Code in Chapter 15.14, the operator shall also obtain a floodplain development permit before beginning such regulated operations.

18.10.211 Seismic Operations

The operator shall provide at least a 15-day advance notice to the Director and the Loveland Rural Fire Authority whenever seismic activity will be conducted within the City.

18.10.212 Site Maintenance

- A. **Weed Control.** The applicant shall be responsible for ongoing weed control at oil and gas operations sites, pipelines, and along access roads during construction and operations, until abandonment and final reclamation is completed pursuant to Commission rules. Control of weeds shall comply with the standards in Chapter 7.18.
- B. **Flammable Materials.**
 1. No burning of trash shall occur on the site of any oil and gas operations.
 2. All land within 25 feet of any tank, pit or other structure containing flammable or combustible materials shall be kept free of dry weeds, grass or rubbish.
- C. **Impacts to Streets.**
 1. *Chains.* Traction chains on heavy equipment shall be removed before entering a city street.
 2. *Mud Tracking.* An operator shall take all practical measures to ensure that the operator's vehicles do not track mud or leave debris on city streets. Any such mud or debris left on city streets by an operator's operation shall be promptly cleaned up by the operator.
- D. **Maintenance of Machinery.** Routine field maintenance of vehicles and mobile machinery shall not be performed within 300 feet of any water body.
- E. **Clean-Up.**
 1. *Removal of Debris.* When oil and gas operations become operational, all construction-related debris shall be removed from the site for proper disposal. The site shall be maintained free of debris and excess materials at all times during operation. Materials shall not be buried on-site.
 2. *Removal of Equipment.* All equipment used for drilling, re-drilling, maintenance and other oil and gas operations shall be removed from the site within 30 days after completion of the work. Permanent storage of moveable equipment on well pad sites is prohibited.
- F. **Spills.** Chemical spills and releases shall be reported in accordance with applicable state and federal laws, including, without limitation, the COGCC regulations, the Emergency Planning and Community Right to Know Act, the Comprehensive Environmental Response Compensation and Liability Act, the Oil and Pollution Act, and the Clean Water Act, as applicable. If a spill or release impacts or threatens to impact a water well, the operator shall comply with existing COGCC regulations concerning reporting and notification of spills, and the spill or release shall also be reported to the director within 24 hours of the operator becoming aware of the spill or release.

Division 18.10.03 Enhanced Standards for Oil and Gas Operations (Administrative Review)

18.10.301 Applicability of Division

All applications considered in the administrative review process and all oil and gas operations approved under this process shall be subject to and comply with the standards and requirements of this Division, as applicable, in addition to the standards and requirements in Division 2.10.02, General Standards for Oil and Gas Operations. The operator shall designate these standards and requirements, to the extent applicable, as agreed upon best management practices on any application the operator files with the COGCC.

18.10.302 Setbacks

- A. **Generally.** All oil and gas facilities shall comply with the setback distances set forth in Table 18.10.302, Setbacks for Oil and Gas Facilities, below, or such greater distances as may be required by the COGCC. Setback distances shall be measured from the closest edge of any equipment included in the oil and gas facility to the nearest part of the nearest feature associated with the sensitive area as described in Column C in Table 18.10.302. For the purpose of measuring the setback from any sensitive area that does not have a defined property or boundary line, the Director shall establish the boundary line for measurement purposes.

Table 18.10.302 Setbacks for Oil and Gas Facilities		
Sensitive Area ("Column A")	Setback Distance ("Column B")	Setback to be Measured to the Following Nearest Feature of Sensitive Area ("Column C")
Building	500 ft.	Wall or corner of building
Public road, major above-ground utility facility, or railroad tracks	200 ft.	Boundary of right-of-way or easement
Property on which the oil and gas facility is located ¹	200 ft.	Property line
Lease area on which the oil and gas facility is located	200 ft.	Property line
Natural area or wetland	500 ft.	Property line
Property managed by City's Parks and Recreation Department, and City Park, or property subject to a conservation easement managed by a public or non-profit entity	500 ft.	Property line of property or easement
Surface water body	500 ft.	Operating high water line or ordinary high water line, as applicable
FP-FW overlay zone	500 ft.	Overlay zone boundary
Domestic or commercial water well	500 ft.	Center of wellhead
Outdoor assembly area	1,000 ft.	Property line
High occupancy building	1,000 ft.	Wall or corner of building
TABLE NOTE: ¹ The setback is measured from the boundaries of the facility within the subject property to the property line of the subject property.		

- B. **Report to COGCC.** Once the setbacks for a well permitted under the administrative review process have been approved and established, the Director shall submit to the COGCC a site plan showing the exact location of those setbacks for the permitted well.

18.10.303 Bufferyards

Commission Mitigation Regulations. All oil and gas operations shall comply with the mitigation measures required under COGCC Rule 604.c, as amended.

Bufferyards. The bufferyards set forth in Table 18.10.303, Bufferyards for Oil and Gas Operations, below, shall be established once the well is in production around the entire perimeter of the oil and gas production site, excluding vehicular access points, and maintained until the site has been restored in accordance with the final reclamation plan approved by the city and the commission. Bufferyards shall not be required during drilling and well completion operations. The use of xeriscape plant types shall be used unless a permanent irrigation system is provided by the operator. A temporary irrigation system shall be provided, maintained and operated for xeriscape plant types for a period of two years from planting.

REINTERPRET BUFFERYARD TABLE ON PAGE 18-244

18.10.304 Air Quality

- A. **Generally.** Air emissions from oil and gas facilities shall be in compliance with the permit and control provisions of the Environmental Protection Agency, Air Quality Control Commission and COGCC. In addition, the operator of the oil and gas facility that is administratively approved agrees to employ the enhanced standards for air quality mitigation that are set out in this Section.
- B. **General Duty to Minimize Emissions.** All continuously operated equipment, including but not limited to, storage vessels and dehydrators shall route vapors to a capture and control device with at least a 98 percent destruction efficiency. Operators shall submit to the Director test data of like equipment or manufacturer's data demonstrating the control device can meet the destruction efficiency. Any combustion device, auto ignition system, recorder, vapor recovery device or other equipment used to meet the destruction efficiency shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instructions, and operating manuals.
- C. **Combustion Devices.** All flares shall be designed and operated as follows:
 - 1. The combustion devices shall be designed and operated in a manner that will ensure it complies with 40 Code of Federal Regulations ("CFR") § 60.18 (General control device and work practice requirements);
 - 2. The combustion device, during production operations, shall be operated with a pilot flame present at all times vapors may be routed to it. Presence of a pilot flame shall be continuously monitored and recorded; and
 - 3. Combustion devices shall be equipped with automatic flame ignition systems in the event the pilot flame is extinguished.
- D. **Fugitive Emissions.** The operator shall develop and follow a leak detection and repair plan to minimize emissions from fugitive components. The plan will be submitted to the Director for incorporation into the permit.
- E. **Pneumatic Controllers.** The operator shall use only no-bleed or low-bleed pneumatic controllers, where such controllers are available for the proposed application. High-bleed pneumatic controllers may be used where air is the motive gas for operation of the controller and valve.
- F. **Well Completion Practices.** For each well completion operation, the operator shall minimize emissions from the operation as set forth below:
 - 1. For the duration of flowback, route the recovered gas to the sales pipeline once the well has enough gas to safely operate the separator, or like device, and liquid control valves;
 - 2. If flow and gathering lines are not available to comply with subsection F.1., above, the operator shall capture the recovered gas to a completion combustion device, equipped with a continuous ignition system, to oxidize the recovered gas stream except in conditions that may result in a fire hazard or explosion, or where high heat emissions from the completion device may negatively impact a sensitive area or nearby structure;
 - 3. Operators shall have a general duty to safely maximize resource recovery and minimize releases to the atmosphere during flowback; and
 - 4. Operators shall maintain a log for each well completion operation. The log shall be completed in accordance with the methods outlined in the Environmental Protection Agency's Code of Federal Regulations, specifically 40 CFR Part 60, Subpart OOOO.

- G. **Well Maintenance and Blowdowns.** The operator shall utilize best management practices during well maintenance and blowdowns to minimize or eliminate venting emissions.
- H. **Capture of Produced Gas from Wells.** Gas produced during normal production shall be captured, to the maximum extent feasible, and not flared or vented, except in situations where flaring or venting is required to ensure that associated natural gas can be safely disposed of in emergency shutdown situations.
- I. **Rod-Packing Maintenance.** Operators shall replace rod-packing from reciprocating compressors located at facilities approved after April 15, 2013, every 26,000 hours of operation or 36 months, whichever occurs first.
- J. **Monitoring Compliance and Reporting.** Operators shall submit to the Director an annual report providing the following information concerning the operator's oil and gas operations as related to air emissions:
 - 1. Dates when the operator or its agent inspected its oil and gas facilities under its leak detection and repair plan;
 - 2. A record of the expected and actual air emissions measured at the facilities;
 - 3. The operator's emissions data collected during well completion activities;
 - 4. Dates and duration when operator conducted well maintenance activities to minimize air emissions;
 - 5. If venting occurred at any time during the reporting period, an explanation as to why best management practices could not have been used to prevent such venting; and
 - 6. Dates when reciprocating compressor rod-packing is replaced.

18.10.305 Pipelines

Any newly constructed or substantially modified pipelines on site shall meet the following requirements:

Flowlines, gathering lines and transmission lines shall be sited at a minimum of 50 feet away from residential and non-residential buildings, as well as the high water mark of any surface water body. This distance shall be measured from the nearest edge of the pipeline. Pipelines and gathering lines that pass within 150 feet of residential or non-residential building or the high water mark of any surface water body shall incorporate leak detection, secondary containment, or other mitigation, as appropriate;

To the maximum extent feasible, pipelines shall be aligned with established roads in order to minimize surface impacts and reduce habitat fragmentation and disturbance;

To the maximum extent feasible, operators shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts; and

Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank, and riparian areas, except that open cuts may be used across irrigation ditches if the affected ditch company approves the technique.

18.10.306 Noise

All oil and gas facilities shall comply with the sound limitation standards set forth in Chapter 7.32 after development of the well is complete (i.e., while the well is in production). A noise mitigation study shall be submitted with the application to demonstrate compliance with said code Chapter. If necessary to comply with said Chapter, a noise screen shall be constructed along the edge of the oil and gas facility between the facility and existing residential development or land zoned for future residential development.

Division 18.10.04 Oil and Gas Overlay Zone

18.10.401 Purpose of Division

The purpose of this Division is to set out the standards within overlay zones in the vicinity of existing oil and gas facilities. The overlay zones allow certain land uses that are compatible with the industrial nature of oil and gas facilities, and disallow other land uses in order to protect the public health, safety and welfare. Nothing in this Division is intended to regulate the location of an oil and gas facility, but only to regulate the use of land proposed to be developed for other uses and purposes.

18.10.402 Oil and Gas Overlay Zone and Sub-Zone Boundaries

The boundaries of the Oil and Gas Overlay (“OGO”) Zone extend 1,000 feet from the boundaries of each oil and gas facility within the City limits, or within 1,000 feet outside of the City limits. OGO Zone boundaries surrounding oil and gas facilities outside of the City limits shall only be mapped within the City limits. The OGO Zone is divided into three sub-zones:

1. The Critical Sub-Zone (“OGO-CZ”), which extends 200 feet from the outer boundary of each oil and gas facility;
2. The Restricted Sub-Zone (“OGO-RZ”), which extends 300 feet from the outer boundary of each OGO-CZ; and
3. The High Occupancy Building Sub-Zone (“OGO-HO”), which extends 500 feet from the outer boundary of each OGO-RZ.

18.10.403 Land Use Restrictions

- A. **Generally.** Notwithstanding the land uses that are allowed by the underlying zones established in this title, land that is located in the Critical Zone (“OGO-CZ”), Restricted Zone (“OGO-RZ”), or High Occupancy Building Zone (“OGO-HO”), development of such land shall be subject to and shall comply with the applicable restrictions set out in this Division.
- B. **Critical Zone.** In the OGO-CZ, land uses shall be limited to any of the following:
 1. Essential underground public utility facilities; and
 2. Undeveloped, access-restricted open space.
- C. **Restricted Zone.**
 1. *Land Use.* In the OGO-RZ, land uses shall be limited to any of the following:
 - a. Airport, heliport, or helistop;
 - b. Composting facility;
 - c. Storage yard;
 - d. Essential public utility uses, facilities, services and structures;
 - e. Heavy industry;
 - f. Wireless telecommunications facilities (all types);
 - g. Nursery or greenhouse, wholesale;
 - h. Recycling collection center (attended); Recyclable materials processing;
 - i. Resource extraction (minerals);
 - j. Resource extraction (oil and gas);
 - k. Self-storage;
 - l. Street;
 - m. Heavy logistics center;
 - n. Waste transfer station;
 - o. Disposal;
 - p. Passenger motor vehicle sales or rental;
 - q. Heavy motor vehicle sales or rental;
 - r. Motorcycle, scooter, or ATV sales or rental.

2. *Approval Process.* Generally, the land uses listed in subsection C.1., above, shall be permitted in the OGO-RZ if approved by adaptable use review, even if the underlying zoning or approved development plan governing the subject property prohibits such land use. However, if the underlying zone requires conditional use review for the proposed use, then conditional use review is required.
 3. *Restrictions.* None of the uses listed above shall include an outdoor assembly area, building, or surface or structured parking lot within the OGO-RZ.
- D. **High-Occupancy Building Zone.** In the high occupancy building zone, all land uses authorized for the affected land by the land's underlying zone as provided in this UDC shall be allowed subject to the requirements of that zone, except that high occupancy buildings and outdoor assembly areas shall not be allowed within this zoning overlay district.

Division 18.10.05 Hard Minerals

18.10.501 Commercial Mineral Deposits

For the purpose of this UDC, there are or may be established and designated on the Zoning Map, commercial mineral deposits as defined by C.R.S. § 34-1-302(1). A master plan for the extraction of such deposits may be adopted by the City Council. No real property shall be used, or permanent structures placed thereon, that would permanently preclude the extraction of such mineral deposits by an extractor in violation of the provisions of C.R.S. § 34-1-305.

PART 4: NONCONFORMITIES, DEVELOPMENT REVIEW, AND ENFORCEMENT

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- Chapter 18.11 Nonconformities
- Chapter 18.12 Operations Plans and Special Studies
- Chapter 18.13 Development Review Bodies
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Chapter 18.11 Nonconformities

Contents:

- Division 18.11.01 Purpose and Application
- Division 18.11.02 Nonconforming Uses
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- Division 18.11.05 Other Physical Nonconformities

Division 18.11.01 Purpose and Application

18.11.101 Purpose of Chapter

- A. **Generally.** The application of new regulations to existing development may create circumstances in which existing lot dimensions, density, intensity, land uses, buildings, structures, landscaping and buffering, lighting, parking areas, or signs do not strictly conform to the requirements of the new regulations. For existing lots or development (including uses, buildings, structures, and signs) that are legally nonconforming to the standards in the UDC, this Chapter sets out equitable rules for whether, when, and how the regulations of this UDC apply.

- B. **Conversion of Nonconformities.** Generally, nonconforming uses, buildings, structures, and signs are not allowed to be enlarged, expanded, increased, nor be used as grounds for adding other structures or uses that are now prohibited in the same zone. This Chapter provides standards by which nonconforming uses can be made conforming through a public hearing process.
- C. **Reduction of Nonconformities.** It is the policy of the City to encourage reinvestments in property that increase its value and utility and reduce its external impacts. Since bringing a developed property into full compliance with this UDC may involve substantial costs that may discourage reinvestment, this Chapter provides certain thresholds and priorities for determining when new construction or modifications to development implicate a requirement for increasing conformity with the various requirements of this UDC.

18.11.102 Application of Chapter

- A. **Generally.** This Chapter applies to uses, buildings, structures, landscaping, buffering, signs, lighting, parking, density, and lots that were:
 - 1. Lawfully established, constructed, installed, platted, or created prior to the effective date, but do not conform to the requirements of, this UDC; or
 - 2. Lawfully established, constructed, installed, platted, or created in one zone, but no longer conform to the requirements of this UDC after the subject property is rezoned.
- B. **Effect of Chapter.** Nothing in this Chapter shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully obtained from the City prior to the effective date of this UDC or subsequent amendment, provided that construction:
 - 1. Was commenced before the expiration of the building permit; and
 - 2. Work is proceeding diligently toward completion.
- C. **Changes of Ownership.** Nothing in this Chapter shall be construed to affect or restrict changes in ownership, nor shall changes in ownership affect the application of any of the requirements of this Chapter.
- D. **Evidence of Status.** Evidence that a nonconforming situation is a legal nonconformity and not a violation of this UDC shall be submitted by the owner of the property or use upon request of the Director.
- E. **Exceptions to Chapter.**
 - 1. *R1e, R1, R2, R3e, and R3 Zones.* Lots of record within the R1e, R1, R2, R3e, and R3 zones regardless of their size, and existing buildings on said lots of record, are deemed to be conforming lots and conforming buildings, respectively. To the extent they are used for single-family detached residential purposes, they are also deemed to be conforming density.
 - 2. *DT Zone.* Lots of record within the DT zone, regardless of their size, and existing buildings on said lots of record, and existing uses in said buildings, are deemed to be conforming lots, conforming buildings, and conforming uses, respectively.
 - 3. *Partitions.* Lots that are created by judicial partition are deemed to be conforming lots.
 - 4. *Vested Rights.* This Chapter does not apply to site-specific development plans for which rights are vested, during the period of vested rights.
 - 5. *Natural Shifts of Zone Boundaries.* If a zone boundary changes as a result of a change in location of a river, stream, or ditch channel centerline, other natural boundary-defining feature, or street, such change of zone boundary does not render existing development nonconforming.
 - 6. *Taking for Public Use.* Any nonconforming building, structure, parking, or lot that is expressly created or caused by a conveyance of privately-owned land to a Federal, State, or local government to serve a public purpose is conforming for the purposes of this UDC, and is not subject to limitations in this Chapter. This exemption applies in cases where private land is obtained by a governmental entity for a public purpose, through condemnation, threat of condemnation, or otherwise, when that transaction would otherwise create a nonconformity in the remainder parcel in terms of setback, lot area, or other standards of this UDC. However, this exemption does not apply to right-of-way dedication or other public conveyances of land required by the City in the course of subdivision, site plan, or other development approvals.

- F. **Unlawful Uses, Buildings, or Structures.** This Chapter does not allow for the perpetuation of unlawful development. Such development is not legally nonconforming, but instead, unlawful, and is subject to all of the provisions of this UDC (including enforcement provisions) and any other applicable law.

Division 18.11.02 Nonconforming Uses

18.11.201 Continuation of Nonconforming Use

Subject to the provisions of this Chapter, a nonconforming use may be continued and maintained in reasonable repair, and may be expanded, cumulatively, by up to 25 percent of its footprint on the effective date of this UDC, provided that such expansion does not create additional physical nonconformity. For the purposes of this Section, the extension of a nonconforming use to a portion of an existing building or structure that was designed and constructed for the nonconforming use at the time of adoption of this UDC is not an extension of a nonconforming use.

18.11.202 Change of Nonconforming Use

If a nonconforming use is changed to a different use, the new use shall be a use that conforms to the regulations of the zone in which the use is located. After such change, all future use of the subject property shall comply with applicable use-related provisions of this UDC.

18.11.203 Discontinuance of a Nonconforming Use

- A. **Nonconforming Uses that Involve Buildings or Structures.** If a nonconforming use involving a building or structure is discontinued from use for a period of 12 months, further use of the subject property shall conform to the requirements of this UDC.
- B. **Nonconforming Uses that Do Not Involve Buildings or Structures.** If a nonconforming use not involving a building or structure is discontinued for a period of six months, further use of the subject property shall conform to the requirements of this UDC.

18.11.204 Conversion of a Nonconforming Use to a Conforming Use

- A. **Generally.** In many instances, nonconforming uses may be integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy of retaining existing businesses or protecting its character and neighborhoods. In these instances, the classification nonconforming use and resulting restriction on investment may not be what the community desires. As such, a nonconforming use may be made conforming pursuant to this Section in order to remove the potential stigma associated with the nonconforming designation.
- B. **Limitation.** Unlawful uses may not be made conforming under this Section.
- C. **Conversion by Conditional Use Approval; Standards.** A conditional use approval may be granted to make a nonconforming use conforming, if:
1. The criteria for approval of a conditional use set forth in [Section 18.02.414, General Standards for Conditional Uses](#), are met; and
 2. The use has minimal nonconformities and has been integrated into the function of its surrounding neighborhood or zone, as evidenced by the following:
 - a. Nearby City residents regularly patronize the use or are employed by the use (for nonresidential uses in or abutting residential neighborhoods).
 - b. Management practices eliminate nuisances such as:
 1. Spillover of noise or light;
 2. Odors and appearance of waste materials and litter;
 3. Unreasonably congested on-street parking; or
 4. Comparable conflicts with abutting and nearby properties.

- c. There is no material history of complaints about the use (a history of complaints is justification for denying the conditional use permit, unless the conditions of the permit will eliminate the sources of the complaints).
 - d. If the use is nonresidential, it is licensed in accordance with the applicable ordinances of the City.
 - e. The use has been maintained in good condition and its classification as a nonconforming use would be a disincentive for such maintenance.
- D. **Conditions.** Conditions may be imposed relative to physical conditions or operations (including limitations on future expansion), that the Planning Commission determines are necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may include, but are not limited to, changes or upgrades to infrastructure, buildings, structures, lighting, landscaping, parking, drainage, or hours of operation of the use.
- E. **Effect of Approval.** Uses that comply with the terms of a conditional use approval that is issued in accordance with this Section are converted from legally nonconforming uses to conforming uses by virtue of the issuance of the conditional use permit, and subject to its terms. Conditional use approvals shall be provided to the Applicant in writing and may be recorded by the Applicant at the Applicant's expense.
- F. **Effect of Denial.** If an application for conversion of a nonconforming use is denied, the use shall thereafter retain its status as a nonconforming use.

Division 18.11.03 Nonconforming Buildings and Structures

18.11.301 Modifications to a Nonconforming Building or Structure

A building or structure (other than a sign) that is located on a subject property that is conforming as to use, but is nonconforming as to height, setback, or coverage, may be altered or extended, provided that the alteration or extension does not result in a further violation of this UDC or applicable Building Codes.

18.11.302 Damage to a Nonconforming Building or Structure

- A. **Cost of Repair is 50 Percent or More of Appraised Value.** If a nonconforming building or structure is damaged to the extent that the cost of repair is 50 percent or more of the appraised value of the subject property (including the building or structure) for ad valorem tax purposes, then future construction on the subject property shall conform to the requirements of this UDC.
- B. **Cost of Repair is Less than 50 Percent of Appraised Value.** If a nonconforming building or structure is damaged to the extent that the cost of repair is less than 50 percent of the appraised value of the subject property (including the building or structure) for ad valorem tax purposes, then restoration is allowed, provided that it is commenced within 18 months after the damage, and completed within 36 months after commencement.

18.11.303 Conversion of a Nonconforming Building or Structure to a Conforming Building or Structure

- A. **Generally.** In many instances, nonconforming buildings or structures may be integral parts of the City's fabric, that is, its character and function, so their continuing existence promotes the City's policy of retaining existing businesses or protecting its character and neighborhoods. In these instances, the classification nonconforming building or structure and resulting restriction on investment may not be what the community desires. As such, a nonconforming building or structure may be made conforming pursuant to this Section in order to remove the potential stigma associated with the nonconforming designation.
- B. **Limitation.** This Section does not apply to nonconformities involving the Building Code.
- C. **Administrative Conversions.** A nonconforming building may be made conforming using Section 18.17.1501, Administrative Variations; or Section 18.17.1505, Reasonable Accommodations for Persons with Disabilities.
- D. **Public Hearing Conversions.** A nonconforming building or structure may be made conforming using Section 18.17.1507, Variances.
- E. **Conditions.** Conditions may be imposed relative to physical conditions (including limitations on future building or structure expansion), that the decision-maker determines are necessary to ensure that, as a conforming building or

structure, the building or structure will not become a nuisance. Such conditions may include, but are not limited to, changes or upgrades to infrastructure, buildings, structures, lighting, landscaping, parking, or drainage.

- F. **Effect of Approval.** Buildings or structures that are approved as provided in subsection C. or D., above, are converted from legally nonconforming buildings or structures to conforming buildings or structures by virtue of the issuance of the approval, subject to its terms. Such approvals shall be provided to the Applicant in writing and may be recorded by the Applicant at the Applicant's expense.
- G. **Effect of Denial.** If an application for conversion of a nonconforming building or structure is denied, the building or structure shall thereafter retain its status as a nonconforming building or structure.

Division 18.11.04 Nonconforming Signs

18.11.401 Application of Division

- A. **Generally.** The standards of this Division shall apply to nonconforming signs.
- B. **Determination of Nonconformity.** Signs erected before January 1, 1987 are not presumed to be illegal merely because a sign permit is not on file with the City. Other factors, including the size, setback, height and applicable regulations on the date of erection or installation of the sign will be considered in determining whether or not a sign was illegal when erected or installed.
- C. **Minor Sign Area or Height Nonconformities.** Any existing nonconforming sign for which a sign permit has been issued pursuant to a previously adopted code, excluding prohibited signs, which exceeds only the maximum sign area for each sign or maximum height limitations of this UDC, as specified in [Division 18.04.08, Signs](#), by 20 percent or less shall be considered a conforming sign and shall not need to be removed or altered. However, should the sign or sign structure, excluding the sign face, be replaced, the replacement sign or sign structure shall comply with all applicable requirements of this UDC.
- D. **Variance and Special Review Approvals.** All permanent signs that were approved by the City through the variance or special review process, but do not meet the current requirements of this UDC, shall be considered conforming signs for so long as they comply with the provisions of the variance or special review approval, and for so long as the variance or special review approval remains in effect. If a variance or special review approval is abandoned, all signs that were approved by the variance or special review shall be brought into conformance with this UDC.

18.11.402 Historic Signs

- A. **Historic Sign Permit.** Within ten days after application by the owner of the subject property, the Director shall issue an historic sign permit for any sign that the Director determines meets the following criteria:
 - 1. The sign provides evidence of the historic use of the subject property.
 - 2. The sign is representative of signs from the era in which it was constructed;
 - 3. The sign is structurally safe or capable of being made structurally safe without substantially altering its historic character;
 - 4. The sign is not a free-standing off-premises sign; and
 - 5. The sign and the use have been at the present location since 1956.
- B. **Initial Structural Repairs.** If a freestanding sign is not structurally safe at the time of issuance of the historic sign permit, the applicant shall restore the sign so that it is structurally safe within 60 days after issuance of the historic sign permit.
- C. **Effect of Historic Sign Permit.** Notwithstanding any other provisions in this UDC, an historic sign may be kept, used, maintained, repaired, restored, and displayed, provided that it is not altered in a manner that changes its historic appearance.

18.11.403 Sign Face Area Incentive for Bringing Signs into Conformance

Any existing nonconforming sign that is brought into conformance with this UDC within four years from the effective date shall be entitled to a 10 percent increase in applicable maximum sign face area.

18.11.404 Removal of Nonconforming Signs

- A. **Generally.** The right to keep, use, maintain, or display a sign that is prohibited by the terms of [Division 18.04.08, Signs](#), shall cease and terminate in accordance with the standards of this Section.
- B. **Removal of Nonconforming Signs.** A nonconforming sign shall be removed or brought into conformance with this UDC if any one of the following conditions occur:
1. For nonconforming freestanding signs, a change of use of the subject property occurs as defined in this UDC;
 2. If the use of the subject property that is associated with the nonconforming sign terminates for a period of 90 consecutive days or more;
 3. If the nonconforming sign becomes a hazardous or dangerous sign and is not repaired within 14 days after such condition is discovered;
 4. The use or building with which the nonconforming sign is associated expands either singularly or cumulatively, its building gross floor area, outdoor retail/display area, or outdoor storage area by at least 25 percent of the gross floor area on the effective date of this UDC;
 5. The structural support of a nonconforming sign is altered to the extent that a building permit is required;
 6. The nonconforming sign structural support is modified or the original support materials are replaced to the extent that a building permit is required or a nonconforming sign module is substantially modified to the extent that a building permit is required;
 7. The nonconforming sign is relocated on the same or different premises and will still be in noncompliance with this UDC;
 8. The nonconforming sign is damaged or destroyed and the cost of reconstruction or repair is 60 percent or more of its depreciated value at the time it is damaged or destroyed;
 9. The principal building or use with which the sign is associated is demolished or destroyed; and
 10. The non-conforming sign includes a sign face that is modified to include an electronic message sign or an animated or flashing sign.

Division 18.11.05 Other Physical Nonconformities

18.11.501 Uses Proposed on Sites with Physical Nonconformities

- A. **Generally.** Uses designated as a “Permitted by Right”, “Limited Use”, “Adaptable Use”, or “Conditional Use”, as set forth in [Division 18.02.03, Land Use by Zone](#), may be continued, established, modified, enlarged, or extended on a developed site containing physical nonconformities such as:
1. The use is located on a nonconforming lot;
 2. The use occupies a nonconforming building;
 3. The use is located on a lot with nonconforming landscaping or buffering;
 4. The use utilizes a nonconforming sign;
 5. The use is illuminated by nonconforming lighting;
 6. The use has nonconforming parking;
 7. The use occupies a building that is nonconforming with respect to building design standards; or;
 8. The use occupies a building that is nonconforming with respect to standards for screening utilities and mechanical equipment.
- B. **Standards.** Uses that are designated as a “Permitted by Right”, “Limited Use”, “Adaptable Use”, or “Conditional Use”, as set forth in [Division 18.02.03, Land Use by Zone](#), may be continued, established, modified, enlarged, or extended on a developed site containing physical nonconformities, subject to compliance with the standards in this Section. Uses that are designated “Adaptable Use”, or “Conditional Use” as set forth in [Division 18.02.03, Land Use by Zone](#), shall also comply with the standards in [Section 18.02.413, General Standards for Adaptable Uses](#), and [Section 18.02.414, General Standards for Conditional Uses](#), as applicable.

- C. **No Implied Waivers.** The authorization in subsection A., above, shall not be construed as a waiver of the requirements of [Division 18.11.03, Nonconforming Buildings and Structures](#), [Division 18.11.04, Nonconforming Signs](#), or this Division with respect to the physical nonconformities that are present on the subject property. Modifications to buildings, structures, landscaping and buffering, signage, lighting, parking, building design, or utilities may require correction or partial correction of nonconforming situations, as provided in this Division.
- D. **Level of Compliance.** The following three categories are established to identify the level of site improvements that are required when a permitted use is established on a site that contains physical nonconformities, as set forth in subsection A., above:
1. No exterior site modifications;
 2. Site modifications and / or building expansions; and
 3. Redevelopment.
- E. **No Exterior Site Modifications.** When only a tenant finish permit is required for a proposed use on a site, excluding multi-tenant sites, and no modifications are required to exterior site features, including parking, lighting, building facades, landscaping, buffering, circulation, vehicle access, signs, or outdoor storage areas, the following standards shall be met prior to issuance of a tenant finish permit, letter of completion, or certificate of occupancy:
1. *Parking.* Existing parking areas shall be refurbished to comply with subsection A. of Section [18.05.502, Maintenance of Parking Areas](#);
 2. *Lighting.* Existing lighting shall be modified to comply with Section [18.09.202, Restrictions on Glare and Nuisance Lighting](#);
 3. *Roof Top Equipment.* Screening of roof top equipment shall be installed to comply with subsection C. of Section [18.04.716, Utilities and Mechanical Equipment](#);
 4. *Landscaping.* Existing landscaping shall be refurbished, modified and / or supplemented to comply with Section [18.08.605 Landscape Maintenance](#), and any landscape plan approved by the City;
 5. *Signs.* Existing signs shall be subject to compliance with Section [18.04.819, Maintenance](#), and Section [18.04.820, Abandoned or Obsolete Signs](#); and
 6. *Outdoor Storage.* Outdoor storage areas shall comply with Section [18.04.707, Outdoor Storage, Generally](#).
- F. **Site Modifications and / or Building Expansions.** When a building permit is required for a proposed uses on a site, excluding multi-tenant sites, and modifications are required to exterior site features, including parking, lighting, building facades, landscaping, buffering, circulation, vehicle access, signs, or outdoor storage areas, the following standards shall be met in addition to the standards in subsection D., above, prior to issuance of a tenant finish permit, letter of completion, or certificate of occupancy:
1. *Parking.* If the change in use requires additional parking spaces, the new parking area shall comply with [Chapter 18.05, Access, Circulation, Parking, and Loading](#), and be landscaped as set out in Section [18.08.403, Parking Lots](#);
 2. *Lighting.* All new lighting shall comply with [Division 18.09.02, Lighting](#);
 3. *Building Facade.* The facade of any building addition or new building shall comply with [Division 18.04.05, Building Design Standards](#). If the cumulative floor area of any building addition or new building exceeds 25 percent of the existing building floor area, then the existing building facade shall comply with [Division 18.04.05, Building Design Standards](#);
 4. *Landscaping and Buffering.* Street bufferyards shall be installed to comply with [Division 18.08.03, Standards for Bufferyards](#); and
- G. **Redevelopment.** Redevelopment shall comply with the development standards in this UDC.
- H. **Alternative Compliance.** The Director shall be authorized to allocate the estimated costs for the level of site improvements required in subsections D. or E., above, to further enhance other nonconforming site features to maximize the functional benefit and aesthetics of the site. For example, the total estimated cost, or a portion thereof, to construct a new parking lot in compliance with subsection E., above, may be allocated to enhance

building design or street-side landscaping to a greater extent than otherwise required in subsection E., above. The Director's allocation of costs shall be subject to the standards and criteria in subsection H., below:

- I. **Standards and Objectives.** The Director shall allocate cost pursuant to subsection G., above, in compliance with the following standards and objectives:
1. *Cumulative Costs.* The cumulative cost of the site improvements authorized under subsection G., above, shall not exceed the cost for the level of site improvements required to comply with subsections D. and E., as applicable;
 2. *Greatest Overall Improvement.* The site improvements authorized under subsection G., above, shall be allocated to provided the greatest overall improvement to the property and reduce existing external impact to the greatest extent possible;
 3. *Planning Objectives.* The Director shall consider the following planning objectives in determining the allocation of site improvements under subsection G., above:
 - a. Further goals and polices in the Comprehensive Plan, including corridor plans;
 - b. Improving landscaping and buffering as viewed from State highways, arterial and collector streets;
 - c. Mitigating lighting impact by retrofitting existing lighting with shielded, full cut-off fixtures;
 - d. Achieving a unified building design for existing and proposed building facades facing State highways, arterial and collector streets; and
 - e. Screening utilities or mechanical equipment visible from State Highways, arterial and collector streets.
- J. **Director Discretion.** The Director may grant variations to or waive compliance with the standards in this Section when existing site constraints make compliance demonstrably impracticable.

18.11.502 Nonconforming Density

If a subject property contains more dwelling units than are allowed by standards that are applicable to the subject property and the building or buildings in which the dwelling units are located, then the building or buildings may be expanded or extended as may be otherwise allowed by this UDC, but no new dwelling units shall be created, and no new bedrooms shall be created unless parking for the subject property conforms to the requirements of [Chapter 18.05, Access, Circulation, Parking, and Loading](#).

18.11.503 Nonconforming Lots of Record

A. **Generally.**

1. *Nonconforming Lot Used for Single Family Detached Dwelling Unit.* In any zone in which single-family detached dwelling units are permitted, a single-family residence and customary accessory buildings may be erected on any single lot of record that exists on the effective date of this UDC. Such a lot must have been in separate ownership and not of continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the zone in which it is located for area, or width, or both, provided that standards of the housing palette (see [Division 18.04.02, Housing Palette](#)) that apply to lots most similar to the nonconforming lot of record shall be met.
2. *Nonconforming Lot Used for Other Purposes.* If a nonconforming lot is proposed to be used for purposes other than a single-family detached dwelling unit, the Director shall determine whether, based on a sketch site plan presented by the applicant, the lot is of suitable area and dimensions for the proposed use. The Director may deny an application (even for a By-Right Use) if the Director finds that the lot is not of a suitable area or dimension for the proposed use.

- B. **Combination Required.** If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the effective date, and part or all of the lots do not meet the requirements of the zone in which they are located as to minimum area or frontage or both, the lands shall be considered for the purpose of this UDC to be an undivided parcel, and no portion of the parcel shall be sold or used in a manner that diminishes compliance with lot width and area requirements established by this UDC.

Chapter 18.12 Operations Plans and Special Studies

Contents:

Division 18.12.01 Traffic Studies and Truck Routing Plans

Division 18.12.01 Traffic Studies and Truck Routing Plans

18.12.101 Traffic Impact Studies

The City may require a traffic impact study as determined by the City of Loveland Traffic Impact Study Guidelines and Policies.

18.12.102 Truck Routing Plans

- A. **Generally.** A truck routing plan is required for uses as specifically identified in this UDC and for uses that the Director determines will involve the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy trucks at a frequency of more than 14 truck trips per week.
- B. **Updates.** Truck routing plans shall be updated when:
 - 1. New truck routes are proposed by the applicant.
 - 2. The applicant proposes to increase truck traffic by more than 20 percent compared to that set out in the approved truck routing plan.
 - 3. Truck routes are changed by the City or other relevant transportation authority in a manner that affects the approved truck routing plan.
- C. **Contents.** The truck routing plan shall include, at a minimum:
 - 1. The type or class of vehicles that will be used by the proposed land use and a description of said vehicles (including the number of wheels and axles);
 - 2. The anticipated frequency of delivery and departures of trucks;
 - 3. The estimated weights of vehicles when loaded;
 - 4. The hours of truck traffic;
 - 5. A map illustrating the route(s), from an interstate or other regional arterial, of all trucks used by the proposed land use (such map shall be prepared at a scale of one inch equals 250 feet or other scale approved by the Director);
 - 6. A map illustrating the routing and flow of trucks at points of ingress and egress, and within the subject property (such map shall be prepared at a scale of not greater than one inch equals 50 feet or other scale approved by the Director); and
 - 7. Any other information required by the City Engineer that is relevant to the evaluation of the proposed truck routes.

Chapter 18.13 Development Review Bodies

Contents:

Division 18.13.01 City Staff and Referral Agencies

Division 18.13.02 Elected and Appointed Officials

Division 18.13.01 City Staff and Referral Agencies

18.13.101 Director of Development Services

- A. **Generally.** The Director of Development Services ("Director") is the member of the City Staff who is ultimately responsible for processing an application to decision (in the case of administrative approvals) or making a recommendation to an approving body (in the case of public hearing approvals). The Director shall designate staff

members to manage applications through the review process and be points of contact for applicants. The Director may also delegate review responsibilities to other members of the City Staff with relevant technical training or expertise, or, as appropriate, to consultants that are authorized by the City Council.

B. Duties and Responsibilities. The Director shall allocate and supervise staff from the Development Services Department to administer this Code, including the following functions:

1. Developing and promulgating application forms and checklists as provided in Section 18.14.305, *Formal Application*.
2. Coordinating and conducting concept review meetings.
3. Coordinating and conducting various meetings with applicants and citizens relating to development review and planning activities.
4. Receiving and logging applications for development approval.
5. Keeping records of development applications, including materials and outcomes.
6. Reviewing application materials and verifying that applications are complete.
7. Communicating with applicants to inform them that their applications are complete or not complete; and if the applications are not complete, what items are required to complete the application.
8. Managing the processing of applications for development approval pursuant to this UDC.
9. Processing and reviewing all applications (or causing applications to be reviewed) and either deciding the applications or making a recommendation regarding how the application should be decided based on the record documents and the applicable provisions of this Code.
10. Setting applications on the agendas of the Planning Commission or City Council, as appropriate.
11. Setting applications on the agendas of the Zoning Board of Adjustment or other boards and commissions as appropriate.
12. Providing public notice (or verifying public notice) as required by this Code.
13. Promptly issuing written approvals, permits, resolutions, or orders that reflect the substance of approvals granted pursuant to this Code.
14. Maintaining the Zoning Map, including:
 - a. Updates to reflect rezoning;
 - b. Appropriate annotations to indicate adaptable use approvals;
 - c. Appropriate annotations to indicate limited use approvals; and
 - d. Resolution numbers to indicate conditional use approvals.
15. Tracking the term of approvals, and keeping records of approvals that have expired.
16. Enforcing the provisions of this Code and approvals granted hereunder.
17. Making recommendations regarding amendments to this Code and to the Comprehensive Plan and other land use or strategic plans approved or adopted by the City.
18. Developing or supervising the development of master plans, special area plans, or strategic plans, however titled, as directed by the City Council.

C. Additional Authorization.

1. The Director is authorized to:
 - a. Create illustrations, figures, and illustrative examples, and include them in this UDC as the Director determines appropriate to provide additional clarity as to the intent of the standards set out herein;
 - b. Add and maintain internal cross-references to this UDC as the Director determines appropriate to facilitate navigation of this UDC;
 - c. Add and maintain external hyperlinks to this UDC as the Director determines appropriate to facilitate access to materials referenced in this UDC; and
 - d. Correct typographical and punctuation errors within this UDC.

2. If the Director exercises the authority that is delegated by this subsection C., the Director shall report same to the Planning Commission and City Council at their next regular meetings.

18.13.102 City Engineer

- A. **Generally.** The City Engineer is the member of the City Staff who is responsible for approval of construction plans for infrastructure and other public improvements, landscaping, grading, erosion and sediment control, and for various uses of City rights-of-way. The City Engineer may also delegate review responsibilities to other members of the Public Works Department with relevant technical training or expertise, or, as appropriate, to consultants that are authorized by the City Council.
- B. **Duties and Responsibilities.** The City Engineer shall allocate and supervise staff from the Engineering Office of the Public Works Department to administer provisions of this UDC that are the responsibility of the City Engineer, including the following functions:
 1. *Management of Streets and Alleys.*
 - a. Authorization of over-the-curb loading;
 - b. Issuance of revocable right-of-way encroachment permits;
 - c. Approval of street design and layout;
 - d. Approval of variations to level of service standards for alleys in DT Zone.
 - e. Approval of truck routing plans.
 2. *Public Improvements and Landscaping.*
 - a. Establishment of technical specifications for public improvements and landscaping.
 - b. Approval of construction plans for public improvements, stormwater systems, and landscaping.
 - c. Approval of location and species of street trees.
 - d. Approval of standard-form improvements agreements and approval of amount of collateral required in improvements agreements.
 - e. Approval of maintenance agreements for public improvements and street trees.
 1. Attending concept review meetings.
 2. Promptly issuing written approvals, permits, resolutions, or orders that are designated by this UDC to be issued by the City Engineer, and that reflect the substance of approvals granted pursuant to this UDC.
 3. Making recommendations regarding amendments to this UDC.
 - f. Preliminary acceptance of public improvements and landscaping.
 - g. Approval of exceptions to subdivision requirements.
 - h. Approval of area within which public improvements are to be installed.
 3. *Site Work; Erosion and Sediment Control.*
 - a. Issuance of site work permits.
 - b. Issuance of erosion and sediment control permits.

18.13.103 Referral Agencies

- A. **Generally.** The Director shall maintain a list of referral agencies, including but not limited to: the Colorado Department of Transportation ("CDOT"), Larimer County, special districts, fire protection districts, school districts, ditch or reservoir companies, irrigation districts, and utility providers that may be affected by land use and development within the City. The Director shall refer applications to affected referral agencies as required by this Code or, if not required by this Code, as the Director may determine appropriate.
- B. **Referral Agency Review.** The applicant for development approval shall be responsible for the payment of review fees charged by referral agencies, if any.

Division 18.13.02 Elected and Appointed Officials

18.13.201 City Council

- A. **Powers.** The City Council shall have all powers conferred upon it by the City of Loveland Home Rule Charter.
- B. **Delegations.**
 - 1. The City Council delegates authority to the Director, the Planning Commission, and the Board of Adjustment and Appeals as provided in this UDC.
 - 2. The City Council may adopt and amend by resolution, from time to time, a City of Loveland Handbook for Boards and Commissions. The handbook may provide requirements for organization of boards and commissions, conduct of meetings, appointments and vacancies, expense reimbursements, liabilities, and other topics that the City Council determines are appropriate. The current version of Handbook for Boards and Commissions is attached as [Appendix B: Handbook for Boards and Commissions](#).
- C. **Appointments.** The City Council shall have the power to appoint members of the Planning Commission and the Zoning Board of Adjustment as provided in Article 10 of the City of Loveland Home Rule Charter.
- D. **Decisions.** The City Council shall decide applications for:
 - 1. UDC Text Amendments
 - 2. Rezoning
 - 3. Certificates of Designation
 - 4. Vacations of Existing Rights-of-Way
 - 5. Vacation of Obsolete Subdivisions
 - 6. General Development Plan
 - 7. Creation of Vested Rights
 - 8. Extension of Vested Rights
 - 9. Administrative Appeals from decisions of the Planning Commission (except decisions by the Planning Commission on appeals from decisions of the Director)
 - 10. City Council shall also adopt or approve, as it determines appropriate, the comprehensive plans and other plans for the physical development of the City.

18.13.202 Planning Commission

- A. **Generally.** There is established a Planning Commission consisting of nine members appointed by the City Council.
- B. **Powers and Duties.** The Planning Commission shall:
 - 1. Consider and decide the following types of applications:
 - a. Conditional Use
 - b. Height Exception
 - c. Oil and Gas Permit (Public Hearing)
 - d. Preliminary Development Plan
 - 2. The Planning Commission shall consider and recommend to the City Council approval, approval with conditions, or disapproval of the following types of applications:
 - a. Rezoning
 - b. Certificate of Designation
 - c. General Development Plan
 - d. Amendments to the Unified Development Code
 - 3. The Planning Commission shall decide appeals from final decisions of the Director.

4. The Planning Commission also shall consider and advise the City Council on all proposed changes to the Unified Development Code and recommend adoption of comprehensive plans for the physical development of the City, which plans may be adopted by resolution of the City Council, and perform such other duties as the City Council may by ordinance or resolution prescribe.

C. Meetings.

1. *Generally.* Meetings and special meetings shall be conducted in accordance with the rules set out in the City of Loveland Handbook for Boards and Commissions. See [Appendix B: Handbook for Boards and Commissions](#).
2. *Order of Business.* The order of business at all regular meetings shall be established by the Planning Commission.
3. *Times and Locations.* Meetings of the planning commission for the City shall be held in Council Chambers, or other place designated by the Planning Commission Chairperson, in accordance with the schedule of meetings adopted by the City Council, and with respect to special meetings, as determined by the Planning Commission according to the rules set out in the City of Loveland Handbook for Boards and Commissions.

18.13.203 Zoning Board of Adjustment

- A. **Generally.** The Zoning Board of Adjustment is created and delegated the authority to grant variances to the regulations contained in this UDC.
- B. **Powers and Duties.** The Zoning Board of Adjustment shall be empowered to grant variances from certain standards set forth in this UDC according to the standards set out in Section [18.17.1507 Variances](#).
- C. **Membership.** The Zoning Board of Adjustment shall be composed of the members of the Planning Commission as it may be constituted from time to time.
- D. **Hearing Officer.** The Zoning Board of Adjustment may appoint a Zoning Hearing Officer from within the Board to conduct public hearings and make decisions on variances. The Hearing Officer, in its discretion or at the request of an applicant before the close of a public hearing, may forward any matter on to the full Zoning Board of Adjustment.
- E. **Order of Business.** The order of business at all regular meetings shall be established by the Zoning Board of Adjustment.
- F. **Meetings. Meetings.**
 1. *Generally.* Meetings and special meetings shall be conducted in accordance with the rules set out in the City of Loveland Handbook for Boards and Commissions. See [Appendix B: Handbook for Boards and Commissions](#).
 2. *Order of Business.* The order of business at all regular meetings shall be established by the Zoning Board of Adjustment.
 3. *Times and Locations.* Meetings of the Zoning Board of Adjustment shall be held in Council Chambers, or other place designated by the Zoning Board of Adjustment Chairperson, in accordance with the schedule of meetings adopted by the City Council, and with respect to special meetings, as determined by the Zoning Board of Adjustment according to the rules set out in the City of Loveland Handbook for Boards and Commissions.

18.13.204 Affordable Housing Commission

- A. **Generally.** The Affordable Housing Commission is created.
- B. **Powers and Duties.**
 1. The Affordable Housing Commission shall review applications for designation of a housing development as an affordable housing development pursuant to [Division 18.16.05 Affordable Housing](#), and make recommendations to the City Council regarding whether approval of such applications should be granted. The Affordable Housing Commission may also recommend conditions of such designation.
 2. The Affordable Housing Commission shall perform such other tasks as may be assigned by the City Council from time to time.

- C. **Membership.** The Affordable Housing Commission shall be composed of members appointed by the City Council as provided in the City of Loveland Handbook for Boards and Commissions. See [Appendix B: Handbook for Boards and Commissions](#).
- D. **Order of Business.** The order of business at all regular meetings shall be established by the Affordable Housing Commission.
- E. **Meetings.**
 - 1. *Generally.* Meetings and special meetings shall be conducted in accordance with the rules set out in the City of Loveland Handbook for Boards and Commissions.
 - 2. *Order of Business.* The order of business at all regular meetings shall be established by the Affordable Housing Commission.
 - 3. *Times and Locations.* Meetings of the Affordable Housing Commission shall be held in Council Chambers, or other place designated by the Affordable Housing Commission Chairperson, in accordance with the schedule of meetings adopted by the City Council, and with respect to special meetings, as determined by the Affordable Housing Commission according to the rules set out in the City of Loveland Handbook for Boards and Commissions.

Chapter 18.14 General Review Procedures

Contents:

Division 18.14.01 Purpose and Application

Division 18.14.02 Required Development Approvals

Division 18.14.03 Standardized Decision-Making Procedures

Division 18.14.04 Required Notices

Division 18.14.05 Appeals

Division 18.14.01 Purpose and Application

18.14.101 Purpose

The purpose of this Chapter is to set out a standardized process for development review and administrative appeals.

18.14.102 Application

- A. **Generally.** All procedures for obtaining development approvals and for appealing decisions of the Director or the Planning Commission are set out in this Chapter.
- B. **Required Development Approvals.** [Division 18.14.02 Required Development Approvals](#), sets out the approvals and permits required by the City for the use and development of real property. [Section 18.14.202 Decision-Making Tracks by Application Type](#), establishes six decision-making tracks for approval of development applications and the four land use classifications in [Division 18.02.03, Land Use by Zone](#).
- C. **Standardized Decision-Making Procedures.** [Division 18.14.03, Standardized Decision-Making Procedures](#), sets out the steps in the standardized procedures for development review.
- D. **Required Notices.** [Division 18.14.04 Required Notices](#), details the notice requirements for each type of application that requires one or more public notices.
- E. **Appeals.** [Division 18.14.05 Appeals](#), sets out the process for appealing a decision of the Director or the Planning Commission.

Division 18.14.02 Required Development Approvals

18.14.201 Development Approval Required

Unless specifically exempt from the application of this UDC, development approval is required for:

1. Development;
2. Redevelopment, and
3. Re-grading of:
 - a. all nonresidential property; or
 - b. property within the FP overlay zone.

18.14.202 Decision-Making Tracks by Application Type

- A. **Generally.** Different Type of development applications and land use approvals are subject to different decision-making procedures.
- B. **Decision-Making Tracks.** Table 18.14.202.A, Decision-Making Tracks, sets out five procedural tracks for review and approval of development applications.

Table 18.14.202.A. Decision-Making Tracks						
Track	Decision-Making Bodies	Appeal	Public Outreach		Public Hearing	Final Decision
			Neighborhood Meeting	Notice		
Track 1	Director	No	No	No ¹	No	Director
Track 2	Director	Yes ²	Yes ³	Yes	No (unless appealed)	Director Planning Commission (if appealed)
Track 3	Director / Planning Commission	Yes	Yes ³	Yes	Planning Commission City Council (if appealed)	Planning Commission City Council (if appealed)
Track 4	Director / City Council	No	No	Yes	City Council	City Council
Track 5	Planning Commission / City Council	No	Yes	Yes	Planning Commission and City Council	City Council
Track 6	Director/Zoning Board of Adjustments	Yes	No	Yes	Zoning Board of Adjustment Hearing Officer Zoning Board of Adjustment (if appealed)	Zoning Board of Adjustment Hearing Officer Zoning Board of Adjustment (if appealed)

Table Notes:

¹ Except that notice shall be given for Sketch Plat, Final Plat, and Vacation of Easement applications in accordance with Sec. 18.14.402, [Required Notice by Application Type](#).

² For Oil and Gas Administrative Permits (Division 18.10.03, [Enhanced Standards for Oil and Gas Operations \(Administrative Review\)](#)), the Director's decision is not subject to administrative appeal.

³ A neighborhood meeting is not required for an appeal hearing, only for the Director's decision.

- C. **Decision-Making Tracks by Application Type.** Table 18.14.202.B, Decision-Making Track by Application Type, provides:
1. A brief purpose and description for each application type;
 2. A reference to where more information can be found regarding each application type;
 3. The decision-making track required for each application type; and
 4. The requirements for agency referrals.

**Table 18.14.202.B.
Decision-Making Track by Application Type**

Application Type	Purpose of Application	Reference	Decision-Making Track	Agency Referral
1. Annexation, Zoning and Rezoning				
Annexation	Annexing property into the City	Division 18.17.01, Annexation	Track 5	Yes
Zoning and Rezoning	To zone land being annexed or rezone land with the City.	Division 18.17.09, Zoning and Rezoning	Track 5	Yes
2. Overlays				
Enhanced Corridor Overlay Zone Standards	Utilize special standards to promote redevelopment along Highway Corridors	Sec. 18.17.401, Enhanced Corridor Overlay Zone Application	Track 1	Discretionary
Enhanced Corridor Overlay Zone Designation	Request inclusion within the boundaries of the Enhanced Overlay Zone	Sec. 18.17.402, Request for Inclusion of Property	Track 3	Yes
3. Development Plans, Permits, and Approvals				
Certificate of Designation	To establish a disposal site regulated by C.R.S.	Sec. 18.02.408, Industrial, Processing, Recycling, Storage, and Disposal Standards, subsection B.	Track 5	Yes
Complete Neighborhood	To utilize standards for Complete Neighborhoods	Division 18.17.06, Complete Neighborhoods	Track 2	Yes
Conceptual Master Plan	A generalized land use and development plan for property proposed to be included within the MAC or E Zones	Division 18.17.07, Conceptual Master Plan	Track 5	Yes
Design Review	Optional for approval of building design	Division 18.17.12, Design Review	Track 1	No
Major Home Occupation	To establish a home-based business in a residential district	Sec. 18.02.601, Home Occupations, Generally	Track 1	Discretionary
Oil and Gas Administrative	To obtain a permit for oil and gas development in compliance with enhanced standards	Division 18.10.03, Enhanced Standards for Oil and Gas Operations (Administrative Review)	Track 1	Yes
Oil and Gas Planning	To obtain a permit for oil and gas development in compliance with	Division 18.10.02, General	Track 3	Yes

**Table 18.14.202.B.
Decision-Making Track by Application Type**

Application Type	Purpose of Application	Reference	Decision-Making Track	Agency Referral
Commission	general standards	Standards for Oil and Gas Operations		
Planned Sign Program	To established a sign program for unity of sign design	Sec. 18.17.1002, Planned Sign Program Option	Track 1	Discretionary
Public Improvement Construction Drawings	To obtain approval of construction drawings for wastewater, water, stormwater, street, and landscaping improvements	Sec. 18.17.201, Wastewater, Water, Stormwater, Street, and Landscaping Improvements	Track 1	Discretionary
Sketch Site Development Plan	To obtain approval of a generalized land use plan showing the general layout of an area proposed to be included within one or more Site Development Plans	Sec. 18.17.1101, Sketch Site Development Plan	In accordance with Division 18.02.03, Land Use by Zone; see Table 18.14.202.C., below.	Discretionary
Sign Permit	To obtain a permit to install a sign	Sec. 18.17.1001, Sign Permits	Track 1	No
Site Development Plan	A site specific land use plan required for all development, with some exceptions	Sec. 18.17.1102, Site Development Plan	In accordance with Division 18.02.03, Land Use by Zone	Discretionary
Site Work Permit	To obtain authorization to commence construction of improvements shown on approved PICPs	Division 18.17.14, Site Work Permit	Track 1	Discretionary
Temporary Use Permit	To be allowed to conduct a temporary use on property for limited time period	Sec. 18.02.502, Allowable Temporary Uses and Duration Permitted	Track 1	Discretionary
4. Subdivisions, Plats, and Vacations				
Boundary Line Adjustment	To modify a lot line	Sec. 18.17.1304, Boundary Line Adjustments	Track 1	Yes
Final Plat	Creation of one or more new lots	Sec. 18.17.1302, Final Plat	Track 1 ¹	Yes
Lot Merger	To merge lots into a single lot	Sec. 18.17.1305, Lot Merger and Temporary Unity of Title Alternative	Track 1	Yes
Simple Plat	To convert a parcel of land described by metes and bounds into a legal lot of record	Sec. 18.17.1306, Simple Plat	Track 1	Yes

**Table 18.14.202.B.
Decision-Making Track by Application Type**

Application Type	Purpose of Application	Reference	Decision-Making Track	Agency Referral
Sketch Plat	To obtain approval of a generalized land use plan showing the general layout of an area proposed to be subdivided	Sec. 18.17.1301, Sketch Plat	Track 1 ¹	Discretionary
Termination of Temporary Easement	To terminate a temporary easement assigned to the City solely for its use	Sec. 18.17.1604, Termination of Temporary Easements	Track 1	Discretionary
Unity of Title Alternative	To obtain a building permit when such building permit would otherwise require the consolidation of lots	Sec. 18.17.1304, Boundary Line Adjustments or Sec. 18.17.1305, Lot Merger and Temporary Unity of Title Alternative	Track 1	Yes
Vacation of Easement	To vacate an emergency access, a utility, or non-constructed access easement	Sec. 18.17.1603, Vacation of Emergency Access, Utility, and Non-Constructed Access Easements	Track 1 ¹	Yes
Vacation of Obsolete Subdivision	To vacate all or part of a subdivision that may interfere with the orderly development of land within the City.	Sec. 18.17.1605, Vacation of Obsolete Subdivisions	Track 4	Yes
Vacation of Right-of-Way or Access Easement by Ordinance	To vacate City title in any right-of-way or established access easement in use by the public	Sec. 18.17.1602, Vacation of Right-of-Way or Easement by Ordinance	Track 4	Yes
5. Planned Unit Developments				
Concept Plan	A generalized land use and site plan to allow the Director to determine conformance with the Comprehensive Master Plan	Sec. 18.17.806, PUD Concept Plans	Track 1	Discretionary
Sketch Plat with GDP	To continue development pursuant to an approved GDP	Sec. 18.17.1301, Sketch Plat and Sec. 18.17.802, Continued Development of Existing Planned Unit Developments	Track 2	Discretionary
Sketch Site	To continue development pursuant	Sec. 18.17.1101,	Track 2	Discretionary

**Table 18.14.202.B.
Decision-Making Track by Application Type**

Application Type	Purpose of Application	Reference	Decision-Making Track	Agency Referral
Development Plan with GDP	to an approved GDP	Sketch Site Development Plan, and Sec. 18.17.802, Continued Development of Existing Planned Unit Developments		
Zoning Document	To establish zoning standards for the development of property to be zoned PUD	Sec. 18.17.807, Zoning Documents	Track 5	Yes
6. Variances, Appeals, Modifications, Amendments, Exceptions, and Conversions				
Adequate Community Facilities (ACF) Exception	Exception to ACF standards	Division 18.15.02, Processing	Track 4	Discretionary
Appeal of Director Decision	To obtain administrative relief from the decision of the Director	Division 18.14.05, Appeals and Chapter 18.13, Development Review Bodies	Track 3	No
Appeal of Planning Commission Decision	To obtain administrative relief from the decision of the Planning Commission	Division 18.14.05, Appeals and Chapter 18.13, Development Review Bodies	Track 5	No
Exceptions to Subdivision Requirements	Approval of subdivision plat that does not strictly comply with applicable standards	Sec. 18.17.1303, Limited Exceptions to Subdivision Approval Requirements	Track 1	Yes
Height Exception	To exceed building or structure height standards in the UDC	Sec. 18.17.1506, Height Exception	Track 3	Discretionary
Nonconforming Building and Structure Public Hearing Conversion	To convert a nonconforming building or structure to a conforming building or structure	Sec. 18.11.303, Conversion of a Nonconforming Building or Structure to a Conforming Building or Structure	Track 6	Discretionary
Nonconforming Use Conversion	To convert a nonconforming use to a conforming use	Sec. 18.11.204, Conversion of a Nonconforming	Track 3	Discretionary

**Table 18.14.202.B.
Decision-Making Track by Application Type**

Application Type	Purpose of Application	Reference	Decision-Making Track	Agency Referral
		Use to a Conforming Use		
Oil and Gas Overlay Zone Variance	Property owner request for relief from limitations of the oil and gas overlay zone	Sec. 18.17.1509, Oil and Gas Overlay Zone Variances	Track 4	Discretionary
Oil and Gas Variance	Oil and gas applicant request for relief from provisions in Chapter 18.10	Sec. 18.17.1508, Oil and Gas Variances	Same as original application	Yes
Variance	To be granted authorization to depart for the strict application of the standards in the UDC	Sec. 18.17.1507, Variances	Track 6	Discretionary
7. Vested Rights				
Vested Rights (and Extension)	To obtain vested rights in accordance with Article 68 of Title 24, C.R.S., as amended	Sec. 18.14.315, Vested Rights	Track 4	Discretionary
8. Amendments				
Annexation Agreement Amendment	Amending an annexation agreement	Sec. 18.17.107, Amendment to Annexation Agreements	Track 5	Discretionary
Comprehensive Plan Amendment	Major: To amend text or Future Land Use Map that do not fall within the category of “minor”	Comprehensive Master Plan, Chapter 4, page 6	Track 5	Yes
	Minor: To correct errors, either text or mapping, including outdated information	Comprehensive Master Plan, Chapter 4, page 6	Track 1	No
Conceptual Master Plan Amendment	Major: Amendments to a Conceptual Master Plan approved with a MAC or E Zone that not fall within a “minor” amendment	Sec. 18.17.702, Amendments to a Conceptual Master Plan	Track 3	Discretionary
	Minor: Amendments to a Conceptual Master Plan approved with a MAC or E Zone	Sec. 18.17.702, Amendments to a Conceptual Master Plan	Track 1	Yes
Improvements Agreement Amendment	Amending a recorded improvements agreement	Sec. 18.14.203, Improvements Agreements	Track 1	Discretionary
Flexible Overlay Plan Amendment	Major: To change standards in the overlay zone that do not fall within the category of “minor”	Sec. 18.01.206, Effect on Flexible Overlay Zones	Track 5	Yes
	To allow minor changes to the standards in the overlay plan	Sec. 18.01.206, Effect on Flexible Overlay Zones	Track 1	Discretionary
Major	Amendment to an approved	Sec. 18.17.1503,	Same Track as the	Discretionary

Table 18.14.202.B. Decision-Making Track by Application Type				
Application Type	Purpose of Application	Reference	Decision-Making Track	Agency Referral
Amendment	development plan that does not fall within a “minor” amendment	Major Amendments	application being amended	
Administrative Variations	Minor amendment to an approved development plan	Sec. 18.17.1501, Administrative Variations	Track 1	Discretionary
UDC Amendment	Major: To change procedures or standards in the UDC that does not fall within the category of “minor”	As provided in the City of Loveland Charter, Article 4, upon recommendation by the Planning Commission after public hearing	Track 5	Discretionary
	Minor: To correct non-substantive errors to the UDC text, maps, or add or correct illustrations	Sec. 18.13.101, Director of Development Services	Track 1	No
Zoning Document Amendment	Major: To amend the standards and procedures within an approved PUD Zoning Document	Sec. 18.17.809, Major Amendments to Zoning Documents	Track 5	Yes
	Minor: Adjustments to the standards within a PUD Zoning Document that fall within the thresholds of 18/17.906	Sec. 18.17.808, Minor Amendments to Zoning Documents	Track 1	Discretionary
Table Note: ¹ The Director may require a Track 2 decision-making process if the Director determines that, based on public comments, the subdivision may have adverse impact on the neighborhood.				

D. Land Use Approval Procedures. Table 18.14.202.C, Land Use Approval Procedures, identifies:

1. The standards that are applicable to each of the four land use classifications;
2. The land use classifications that are subject to conditions of approval, and
3. The decision making track that is required for each land use classifications.

Table 18.14.202.C. Land Use Approval Procedures			
Land Use Classification ¹	Standards	Qualitative Mitigation Measures ²	Track
By-Right Use	Generally Applicable Zoning	No	1
Limited Use	Generally Applicable Zoning and Use Specific	Yes	1
Adaptable Use	Generally Applicable Zoning, Use Specific, and General Adaptable	Yes	2
Conditional Use	Generally Applicable Zoning, Use Specific, and General Conditional	Yes	3

**Table 18.14.202.C.
Land Use Approval Procedures**

Land Use Classification ¹	Standards	Qualitative Mitigation Measures ²	Track

Table Notes:

¹ The tables in Division 18.02.03, *Land Use by Zone*, identify the land use classification for each land use in each zone.

² Adaptable and Conditional Land Uses may include conditions requiring qualitative mitigation measures (see Division 18.02.04, *Use Standards*).

18.14.203 Improvements Agreements

- A. **Generally.** Development approvals may include requirements for the provision of public improvements, drainage improvements, or landscaping to serve the proposed development or land on which development is to occur, or to mitigate the impacts of the development, pursuant to the requirements of this Code. Such requirements are memorialized in an Improvements Agreement. An Improvements Agreement may be combined with a Development Agreement (see Section 18.14.204, *Development Agreements*) in a single document.
- B. **Public Improvements Determination.** The Director shall determine whether the dedication, acquisition, relocation, modification, improvement, installation or construction of public improvements, drainage improvements, or landscaping shall be required for a proposed development or property based on applicable standards.
- C. **Improvements Agreement Required.** If the provision of public improvements, drainage improvements, or landscaping is required, the applicant (and landowner, if different) shall be required to enter into an improvements agreement in a form approved by the City Attorney and executed by the City Manager.
- D. **Essential Terms.** Improvements agreements shall include the following essential terms:
 1. *Identification of Improvements.* The improvements agreement shall identify the public improvements, drainage improvements, and landscape improvements that are required.
 2. *Assurances.* The improvements agreement shall provide adequate assurances that:
 - a. The improvements will be installed and constructed to the City's established standards in a timely manner; and
 - b. The improvements will be maintained, repaired, or replaced, as appropriate, during their applicable warranty periods.
 3. *Security.* The improvements agreement may require the applicant to submit a cash deposit, irrevocable letter of credit, or bond to provide appropriate security for the assurances in the agreement. The City may require that the security be provided to the City prior to and as a condition of the issuance of permits for construction of the proposed development.
 4. *Subordination of Liens.* Except as otherwise agreed by the City, all mortgagees shall be required to subordinate their liens and interest in the property to the covenants and the restrictions of the improvements agreement.
- E. **Phasing.** The improvements agreement may, if approved by the Director, authorize the installation, construction, or reconstruction of public improvements, drainage improvements, or landscaping to be carried out in phases. Any phase of development approved through an improvements agreement must be an integrated, self-contained project consisting of all improvements, landscaping, and irrigation necessary to serve the portion of property to be developed as part of such phase. The City may impose reasonable conditions on phasing in order to preserve the integrity of the development, or to protect the public health, safety and welfare of the community or adjacent properties.
- F. **Public Improvement Construction Plans.** Prior to issuance of any development approval or permit for which an improvements agreement is a prerequisite, public improvement construction plans must be submitted to the City for review and approval. The City-approved public improvement construction plans shall be used as the basis for the cost estimates that are used to calculate the amount of security that is required by the improvements agreement.

- G. **Early Building Permits.** The improvements agreement may authorize the issuance of building permits prior to installation, construction, or reconstruction of certain public improvements, drainage improvements, or landscaping (collectively, the “Improvements”) provided the applicant demonstrates and the Director finds that:
1. Unanticipated difficulties beyond the applicant’s control make it commercially impracticable to install the required improvements prior to the issuance of building permits, but it is reasonably probable that the Improvements will be installed within six months after the issuance of the building permits;
 2. Issuance of such building permits will not create a threat to public health, safety, or welfare;
 3. Prior to the issuance of any such building permits:
 - a. The Public Works Department has approved the Subdivision Lot Grading Certificate form;
 - b. Adequate all-weather access to the construction site is provided for fire and emergency vehicles and approved by the Loveland Fire and Rescue Authority;
 - c. All underground electric lines and related equipment are installed, unless such installation is waived by the Loveland Water and Power Department;
 - d. Temporary erosion control measures are installed on the site in compliance with City standards and approved by the Public Works Department;
 - e. Prior to the delivery of any combustible building materials to the construction site, adequate water supply for fire protection is provided to the construction site;
 - f. The Director has verified that any other conditions the Director has determined to be necessary to avoid a threat to public health, safety, or welfare have been met; and
 - g. Financial security in a form satisfactory to the City, in the amount of 110 percent of the cost of installation of the Improvements that remain to be constructed at the time the building permits are issued has been provided to the City.
- H. **Temporary Certificates of Occupancy.** The Director may issue temporary certificates of occupancy prior to installation of all required improvements if the Director determines that issuance of such certificates of occupancy will not cause a threat to public health, safety or welfare.
- I. **Clear Certificates of Occupancy.** No inspections shall be made by the City for purposes of issuing a clear certificate of occupancy until all final improvements and other requirements imposed by the provisions of this Code or by the City at the time an annexation map or subdivision plat is approved have been installed or performed by the applicant in compliance with plans and specifications approved by the City engineer and as required by this Code or any other applicable ordinances or resolutions passed by the City.

18.14.204 Development Agreements

- A. **Generally.** A development agreement is a legal document between the City, the developer, and owners of property to ensure all development requirements and conditions will be met. A development agreement describes and defines conditions specific to the development of a property. A Development Agreement may be combined with an Improvements Agreement (*see* Section 18.14.203, *Improvements Agreements*) in a single document.
- B. **Development Agreement Required.** All conditions of approval applicable to a plat shall be included in a development agreement. A development agreement may also be required for other development applications that specify conditions of approval to be satisfied at a future date.
- C. **Approval.** Development agreements shall be processed in accordance with Section 18.14.202, *Decision-Making Tracks by Application Type*.
- D. **Amendment.** Amendments to a development agreement may be approved by the Director unless otherwise specified in the development agreement.
- E. **Recording.** Development agreements shall be recorded with the Larimer County Clerk and Recorder. When a development agreement is associated with a plat, the agreement shall be recorded concurrently with the recording of the plat. All other development agreements shall be recorded prior to approval of the associated development application.

Division 18.14.03 Standardized Decision-Making Procedures

18.14.301 Decision-Making Process Overview

- A. **Generally.** This Division sets out the steps in the decision-making process for applications decided by the Director or City Engineer, the Planning Commission, the Zoning Board of Adjustment, and the City Council.
- B. **Decisions by the Director or City Engineer.** Applications that are decided by the Director (see Section 18.14.202, [Decision-Making Tracks by Application Type](#)) or City Engineer require the following process:
 - 1. Concept review meeting (if applicable) (Section 18.14.302, [Concept Review Meeting](#));
 - 2. Neighborhood meeting (if applicable) (Section 18.14.304, [Neighborhood Meetings](#));
 - 3. Formal application (Section 18.14.305, [Formal Application](#));
 - 4. Completeness review (Section 18.14.306, [Completeness Review](#));
 - 5. Stale applications (Section 18.14.307, [Stale Applications](#));
 - 6. Administrative review (Section 18.14.308, [Administrative Review](#));
 - 7. Agency referrals (Section 18.14.310, [Agency Referrals](#));
 - 8. Effect of approvals (Section 18.14.313, [Effect of Approvals](#));
 - 9. Effect of denial; successive applications (Section 18.14.316, [Effect of Denial; Successive Applications](#))
- C. **Decisions by the Planning Commission, Zoning Board of Adjustment, and City Council.**
 - 1. Decisions by the Planning Commission, Zoning Board of Adjustment, and City Council are subject to Section 18.14.302, [Concept Review Meeting](#), through Section 18.14.316, [Effect of Denial; Successive Applications](#), inclusive.
 - 2. If a decision requires a recommendation of the Planning Commission before a decision of the City Council, then the public hearing notice requirements of Section 18.14.309, [Public Hearing Notice and Schedule](#), and the hearing procedures requirements of Section 18.14.312, [Hearing Procedures](#), shall apply to the Planning Commission hearing and the City Council Hearing.
- D. **City of Loveland Handbook for Boards and Commissions.** Board and Commission meetings shall be conducted according to the requirements of the City of Loveland Handbook for Boards and Commissions. See [Appendix B: Handbook for Boards and Commissions](#).

18.14.302 Concept Review Meeting

- A. **Generally.** A concept review meeting is required for all application types except amended plats, home occupations, vacations, sign permits, and administrative appeals. The Director may establish and post a regular schedule for concept review meetings and for intake of required materials. The Director may make provisions for telephonic or video conferences.
- B. **Waiver.** The Director may waive the concept review meeting for good cause shown.
- C. **Purpose.** The purpose of the concept review meeting is threefold:
 - 1. To ensure the applicant is familiar with the procedural and substantive requirements of this Code;
 - 2. To coordinate with representatives from agencies and departments with an administrative interest in the development in order to discuss issues concerning the development early in the review process;
 - 3. To review the applicant's concept plan and to identify application requirements.
- D. **Required Materials.** A concept review meeting shall be requested on a form approved by the Director, which may include requirements for supplemental materials (*e.g.*, preliminary plans) based on the type of application to which the concept review meeting relates. At a minimum, the request shall include sufficient supporting materials to explain:
 - 1. The location of the proposed project;
 - 2. The proposed uses (in general terms);

3. The proposed general arrangement of buildings, parking, access points, open spaces, and drainage facilities (including water quality and stormwater detention facilities);
 4. The relationship to existing development;
 5. Existing and proposed utilities;
 6. Generally, the presence of natural resources, irrigation ditches or reservoirs, wetlands, open water, floodplains, and floodways on the subject property; and
 7. Such other preliminary materials that the applicant or the Director believes will be pertinent to the application.
- E. **Concept Review Meeting Report.** The Director shall provide written comments to the potential applicant at the concept review meeting.
- F. **Formal Application Timing.** The applicant shall have 180 days from the date of the concept review meeting to file an application.

18.14.303 *Ex Parte* Communications

- A. **Generally.** *Ex parte* communications are communications between applicants or others (including, but not limited to, City residents) and the zoning board of adjustment or its designated hearing officer, Planning Commissioners or City Council members about the merits of a pending application for development approval or appeal outside of a noticed public hearing at which the development approval or appeal will be heard. It is the policy and practice of the City to decide applications and appeals only on the merits presented in the application or petition for appeal, in on-record public comments, and at public hearings (if public hearings are required). *Ex parte* communications are not allowed.
- B. **Timing.**
1. *Zoning Board of Adjustment.* The prohibition on *ex parte* communications begins on the date that an appeal to the Zoning Board of Adjustment or its designated hearing officer is filed pursuant to the requirements of this code and ends when the appeal period for a variance has expired.
 2. *Planning Commission.* The prohibition on *ex parte* communications begins on the date that an appeal to the Planning Commission is filed pursuant to the requirements of this code and ends when the appeal period for a development approval has expired.
 3. *City Council.* The prohibition on *ex parte* communications begins on the date that an appeal to City Council is filed pursuant to the requirements of this code and ends when the appeal period for a development approval has expired.
- C. **Inadvertent Communications.** It is not always possible to prevent *ex parte* communications. The zoning board of adjustment or its designated hearing officer, Planning Commissioners and City Council members shall not privately discuss the merits of a pending application or appeal. If a communication is received outside of the record (*e.g.*, it is not in the application, agency comments, or public comments, nor was it presented at a noticed public hearing) then the member shall disclose the communication, including the speaker and the substance of the communication, on the record of the public hearing before the application is heard. The decision-maker or recommending body must base its decision only on the evidence presented on the record. The contents of the *ex parte* communication shall not be considered part of the record for decision-making unless the information in the communication is also presented at the hearing (other than through the required disclosure).

18.14.304 Neighborhood Meetings

- A. **Purposes and Intent.**
1. *Purposes.* The purposes of the neighborhood meeting are:
 - a. To educate and inform City residents of pending development proposals in and near their neighborhood;
 - b. To encourage applicants to pursue early and effective communications with the affected residents in conjunction with applications, giving the applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed project on the adjoining community;

- c. To provide residents and property owners a forum to work together to resolve potential concerns at an early stage of the process; and
 - d. To facilitate ongoing communication between the applicant, interested residents and property owners, the Director, and City officials throughout the application review process.
- 2. *Intent.* Neighborhood meetings are forums in which the applicant and community members work together in good faith. However, they are not required to achieve consensus on all aspects of the applications, nor to supplant or add to the standards of this UDC. The applicant is primarily responsible for describing the development and answering questions about the development and potential impacts on the community. City staff is primarily responsible for describing applicable review procedures and opportunities for public input.
- B. **Notice.** Notice of the neighborhood meeting shall be prepared by the City per the requirements of [Division 18.14.04, Required Notices](#).
- C. **Conduct of Meetings.**
 - 1. *Meeting Plan.* Neighborhood meetings shall be conducted according to a meeting plan approved by the Director, and shall be attended by a City staff member.
 - 2. *Sign-In Sheet.* Participants in the meeting shall be invited to provide contact information on a sign-in sheet, and shall be notified that signing in will give them the opportunity to provide formal comments on the application at a later date.
- D. **Community Participation Report.** If a neighborhood meeting is required, the applicant shall include a written Community Participation Report on the results of the neighborhood meeting with the formal application. At a minimum, the Community Participation Report shall include the following information:
 - 1. Dates and locations of all meetings where residents were invited to discuss the applicant's proposal;
 - 2. Copies of the sign-in sheets;
 - 3. A summary of concerns, issues and problems expressed by participants; and
 - 4. A summary of:
 - a. How the applicant has addressed identified issues; and
 - b. Issues that cannot or should not be addressed, and why those issues cannot or should not be addressed.
- E. **City Staff Summary.** City staff shall create a summary of the neighborhood meeting for inclusion in the Planning Commission staff report and/or project file for the development, based upon the type of approval process.

18.14.305 Formal Application

- A. **Generally.** Every application for development approval required by this Code shall be submitted on a form approved by the Director, along with the corresponding development review fee, and as applicable, community facilities information pursuant to [Chapter 18.15, Adequate Community Facilities](#). Applications shall include electronic versions of application forms and all attachments in a format approved by the Director.
- B. **Forms.** The Director shall promulgate and periodically revise forms for each type of application required by this UDC. The specific information requirements for each application shall have the purpose of facilitating:
 - 1. The administration of the development review process;
 - 2. The evaluation of the applications for compliance with the standards of this Code; and
 - 3. Efficient and appropriate record-keeping.
- C. **Waiver of Application Requirements.** The Director may waive specific submittal requirements, except application fees, if the Director determines that such requirements are unnecessary for the processing of the application for which the waiver is requested. However, if the Director subsequently finds that such information is pertinent to the evaluation of compliance with the standards of this Code, the Director may require the applicant to supplement the application.
- D. **Schedule.** The Director is authorized, but not required, to establish regular intake days for any or all classifications of applications for development approval, except sign permits and appeals.

18.14.306 Completeness Review

- A. **Generally.** The Director shall review the application to verify that it is complete.
- B. **Complete Applications.**
 - 1. A complete application is an application that includes:
 - a. All of the information requested on the application form (except any items waived by the Director);
 - b. All supporting documents required by the application form (except any items waived by the Director); and
 - c. All supporting documents requested by the Director as a result of the Conceptual Review meeting.
 - 2. Complete applications shall be processed according to the applicable procedures of this Code.
- C. **Incomplete Applications.**
 - 1. Incomplete applications shall be refused with a written explanation that describes in general terms the materials that must be submitted in order to complete the application.
 - 2. Incomplete applications are not considered filed.
- D. **Application Filing Fee.** The applicable application filing fee shall be paid in accordance with the procedures established by the Director.

18.14.307 Stale Applications

- A. **Generally.** Applications for development approval shall be diligently pursued by the applicant. This section is intended to extinguish applications that become stale due to inaction by the applicant.
- B. **Expiration of Stale Applications.** When an action by the applicant is required for further processing of an application (for example, if revisions are requested after agency referrals), the application shall become void six months after the date that the action is requested if the applicant either fails to take action or fails to request an extension of time pursuant to subsection C., below.
- C. **Extension of Time.** The Director may extend the time for expiration of an application by up to six additional months upon written request of the applicant before the end of the period set out in subsection B., above.

18.14.308 Administrative Review

- A. **Generally.** Upon determination that an application is complete, the Director shall cause the application to be reviewed by the City's Development Review Team (DRT) for a recommendation regarding technical compliance with all applicable requirements of this Code.
- B. **Referrals.** The Director shall refer applications to referral agencies pursuant to Section 18.14.310, [Agency Referrals](#), when such referral is required by Section 18.14.202, [Decision-Making Tracks by Application Type](#), or allowed in the Director's discretion. The Director may refer any application to one or more referral agencies if the Director determines that the agency will be affected by the application and the agency's expertise will be helpful to the review of the application.
- C. **Notice and Comment.** If the application type requires public notice and comment, the applicant shall provide notice as required by [Division 18.14.04 Required Notices](#), and the Director shall thereafter collect and review public comments during the notice and comment period.
- D. **Recommended Revisions.**
 - 1. After the referral period, notice and comment period, or neighborhood meeting, as applicable, and upon completion of the Director's review, the Director shall provide to the applicant the comments from City staff, and if applicable, referral agencies or the public. The applicant shall respond to the comments by either revising the application materials or by providing a response that describes why revisions are not necessary.
 - 2. The Director may refer a revised application or response to comments to referral agencies again if changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments (or lack thereof), if the response requires the agency's technical expertise for adequate review, or if requested by the referral agencies.

3. A fee in the amount of 50 percent of the application fee shall be due upon a fourth resubmittal resulting from repeated failure to address comments in prior resubmittals or modifications to the project by the applicant that warranted additional review.
- E. **Administrative Decision or Recommendation.** Promptly after submittal of an application that appropriately addresses comments pursuant to subsection D., above, or promptly after the Director determines that no revisions to an original application are necessary:
1. If the application is for an administrative development approval, the Director shall approve, approve with conditions, or deny the application, as appropriate.
 2. If the application is for an administrative development approval for which public notice is required, the applicant shall send mailed notice of the decision on a template provided by the Director within the notice radius established by [Section 18.14.404 Specific Requirements by Notice Type](#).
 3. If the application is for a public hearing development approval, the Director shall make a recommendation regarding the application and forward the recommendation to the next body that will consider it for further recommendation or approval. The recommendation shall include the comments of the referral agencies and the public, if such comments are provided.
- F. **Decision on Sign Permits.** The Director shall approve or deny a sign permit within 10 business days after it is determined to be complete pursuant to [Section 18.14.306 Completeness Review](#), unless the applicant agrees to an extension of time. If the Director fails to timely decide the sign permit, it shall be deemed approved. Denial of a sign permit shall be in writing, which shall include the reasons for the denial.
- G. **Decision on Planned Sign Program Option.** The Director shall approve or deny a planned sign program option within 10 business days after it is determined to be complete pursuant to [Section 18.14.306 Completeness Review](#). If the Director fails to timely decide the planned sign program option, it shall be deemed approved. Denial of a planned sign program option shall be in writing, which shall include the reasons for the denial.

18.14.309 Public Hearing Notice and Schedule

- A. **Generally.** For applications that require public hearings, when administrative review pursuant to [Section 18.14.308, Administrative Review](#), is complete, the Director shall coordinate with the applicant to cause notice to be issued according to the requirements of [Division 18.14.04, Required Notices](#), and set the application on the next available agenda of the next body that will consider the application, consistent with the legal requirements for public notice.
- B. **Coordination with Decision-Making Bodies.** The Director shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings.
- C. **Notice to Applicant.** The Director shall notify the applicant regarding the time and place of public hearings.

18.14.310 Agency Referrals

- A. **Generally.** As part of the review process, referral agencies may be notified and provided the opportunity to comment on the application.
- B. **Referral Agency Review Fees.** Referral agencies may charge a fee or require reimbursement for their review. The applicant shall be responsible for the payment of agency review fees.
- C. **Referral Period.**
1. The referral period shall be established on the notification sent by the City, and shall commence upon delivery of the application and any applicable review fee to the referral agency.
 2. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate consent by that agency to the contents of the application.
- D. **Extension of Referral Period.** Upon written request by the applicant or referral agency, the Director may extend the referral period or suspend the development review process in order to allow time for the applicant and the referral agency to resolve conflicts.

18.14.311 Neighborhood Notice and Comment

- A. **Generally.** Certain administrative review procedures require a neighborhood notice and comment period.
1. During the neighborhood notice and comment period, the Director shall make application materials available at reasonable times for inspection, and shall accept written comments from the public regarding the application's compliance with this UDC.
 2. The Director shall not consider public comments that are not pertinent to the evaluation of whether the application complies with the requirements of this Code.
- B. **Notice and Comment Period.** The notice and comment period shall be in accordance with Section [18.14.404, Specific Requirements by Notice Type](#).

18.14.312 Hearing Procedures

- A. **Generally.** All public hearing development approvals that require a public hearing before the Planning Commission, Zoning Board of Adjustment, or City Council are subject to the procedural requirements of this Section and the applicable rules of the body conducting the hearing.
- B. **Hearing Procedures.** The Planning Commission, Zoning Board of Adjustment, and City Council shall adopt rules of procedure for the conduct of public hearings. In addition to any requirements of the City of Loveland Handbook for Boards and Commissions (see [Appendix B: Handbook for Boards and Commissions](#)), the following general procedures shall be reflected in the adopted rules of procedure:
1. Any person may appear at a public hearing, submit evidence, and be heard. Persons (other than the applicant) who seek party status shall provide written evidence regarding why such status should be recognized.
 2. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
 3. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
 4. Citizens, applicants, and the City shall have the right to present expert witnesses.
- C. **Continuances or Withdrawals.**
1. Requests for continuance may be granted at the discretion of the body holding the public hearing. If granted, the applicant shall pay all additional costs associated with the rescheduling of the hearing.
 2. Any application may be withdrawn, either in writing or on the record during the hearing, provided that the application is withdrawn before the vote on the recommendation or decision.
- D. **Decision or Recommendation.**
1. If the hearing is before the Planning Commission, the Planning Commission shall:
 - a. If the Planning Commission is to decide the application according to Section [18.14.202, Decision-Making Tracks by Application Type](#):
 1. Approve the application;
 2. Approve the application with conditions;
 3. Deny the application; or
 4. Continue the hearing on the application; or
 - b. If the Planning Commission is to make a recommendation on the application according to Section [18.14.202 Decision-Making Tracks by Application Type](#):
 1. Make a corresponding recommendation to the City Council on the application; or
 2. Continue the hearing on the application.
 2. If the hearing is before the Zoning Board of Adjustment the Board shall:
 - a. Approve the application;
 - b. Approve the application with conditions;
 - c. Deny the application; or

- d. Continue the hearing on the application.
3. If the hearing is before the City Council, the City Council shall:
 - a. Approve the application;
 - b. Approve the application with conditions;
 - c. Deny the application;
 - d. Continue the hearing on the application; or
 - e. Refer the application back to the Planning Commission for further review and recommendation if the Planning Commission previously considered the application.

18.14.313 Effect of Approvals

- A. **Generally.** Approval of an application authorizes only the particular use, plan, or other specific activity for which the approval was granted. Approvals run with the land that is the subject of the approval. Exceptions are UDC Amendments and Comprehensive Plan Amendments, which generally impact more than one parcel of land.
- B. **Writing and Findings Required.** Approvals shall be reduced to writing and shall include findings that support the decision. For administrative approvals, the approval and findings shall be signed by the Staff member who is ultimately responsible for the decision. For public hearing approvals and appeals, the approval and findings shall be signed by the person who presided over the meeting in which the decision was made.
- C. **Expiration of Approvals.**
 1. Permitted time frames for an approval do not change with changes in ownership and shall expire as indicated in Table 18.14.313, Time Limitations, if either of the following occur:
 - a. The next required approval or permit has not been applied for to establish the use or commence the construction that is authorized by the approval (if the next required approval or permit is a building permit and said building permit expires or lapses, the related approvals also lapse upon the later of the expiration of the period in Table 18.14.313, Time Limitations, or the expiration or lapse of the building permit); or
 - b. The use does not require a building permit and is not established, ongoing, and in operation.
 2. Although a permit may expire, nothing in subsection C.1. abrogates the right to seek a new permit.
 3. Any approval not listed in Table 18.14.313, Time Limitations, shall not expire. Such approvals shall continue in force until superseded by an amendment to this UDC, a subsequent, inconsistent application, or other similar specific action that would alter the approval.

Table 18.14.313 Time Limitations	
Approval Type	Time Limitation ¹
1. Zoning and Land Use	
Major Home Occupation; Permitted Use; Limited Use; Adaptable Use; Conditional Use; Certificate of Designation	24 months
2. Zoning, Development Permits and Approvals	
Sketch Site Development Plan; Design Review	12 months
Site Development Plan	36 months
Sign Permit; Erosion and Sediment Control Permit; Site Work Permit	12 months
Oil and Gas Permit (Administrative); Oil and Gas Permit (Public Hearing)	See Section 18.17.504, Expiration of Permits
Public Improvement Construction Plans	36 months
3. Subdivision	
Sketch Plat	12 months
4. Planned Unit Developments	

Table 18.14.313 Time Limitations	
Approval Type	Time Limitation ¹
Zoning Document; Concept Plan	36 months
5. Modifications, Exceptions, and Variances	
Administrative Minor Modifications	Same as approval that is modified
Height Exceptions	36 months
Variances	18 months
6. Vested Rights	
Vested Rights (and Extension)	36 months
TABLE NOTES:	
¹ Unless specified otherwise in the approval or by development agreement.	

- D. **Extensions.** Upon written request and good cause shown (unless otherwise specified in the approval), one extension may be granted by the Director for a period not to exceed the original approval period. No request for an extension shall be considered unless a written application requesting the extension is submitted to the Director no later than two weeks prior to the expiration of the approval. Failure to submit an application for an extension within the time limits established by this Section shall result in the expiration of the approval as provided above.
- E. **Appeals.** If there is an appeal or litigation during the time period that is not brought by the applicant, and limits the applicant's ability to proceed, the appeal or litigation shall suspend the expiration date, and the date shall be recalculated when the appeal or litigation, including appeals, is complete. The new expiration date shall be established by adding the number of days that the approval remained valid before the appeal or litigation commenced to the date the appeal or litigation was completed by a final, non-appealable order. This subsection does not apply if the litigation involves City enforcement of a violation of this UDC.

18.14.314 Recording of Approvals

The following types of approvals shall be recorded in the public records of Larimer County, Colorado at the applicant's expense:

1. Pattern Books for Complete Neighborhoods
2. Zoning Documents
3. Final Plats
4. Improvements Agreements
5. Development Agreements
6. Annexation Maps and Annexation Agreements
7. Boundary Line Adjustment Plats
8. Lot Merger Plats
9. Unities of Title in Lieu of Lot Merger Plat
10. Vacations of Rights-of-Way
11. Notice of Vacation of Easements

18.14.315 Vested Rights

- A. **Purpose.** The purpose of this Section is to provide procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.
- B. **Vested Property Right Created.**

1. A vested property right shall be deemed to have been created only upon the approval of a site specific development plan in accordance with this Section.
 2. Any approval of a site specific development plan, or amendment to an existing site specific development plan, that creates vested property rights shall be adopted by ordinance as a legislative act and shall be subject to referendum. When creating a vested property right, City Council may expressly exempt, in whole or in part, administrative amendments to a site specific development plan from additional review and approval by City Council under this Section.
 3. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and which are applicable to all property subject to land use regulation by the City, including but not limited to the regulations concerning uniform building codes, uniform design standards, regulations concerning subdivision improvements and right-of-way dedications, and regulations establishing requirements and specifications for any public improvements.
 4. The establishment of a vested property right shall not preclude the application of any legislatively adopted fees which are general in nature, uniform in character and applicable to all properties or a similarly situated class of properties.
 5. The City may approve a site specific development plan subject to such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare of the City and its residents.
 6. Any site specific development plan for a multiple-phase development may have separate vesting periods created for each phase. The vesting for any subsequent phase may be contingent upon completion of the preceding phase and review by the City Council. Such review shall include but not be limited to whether the landowner or developer is in compliance with its obligations to the City, including but not limited to the site specific development plan, the improvements agreement and any other agreements between the landowner and the City, as they may have been amended from time to time.
- C. **Notice and Hearing.** Consideration of a site specific development plan for creation of vested property rights must be preceded by the applicable notice and public hearing in compliance with Section 18.14.309, [Public Hearing Notice and Schedule](#), and Section 18.14.312, [Hearing Procedures](#).
- D. **Notice of Approval.**
1. Each document constituting a site specific development plan shall contain the following language: “Approval of this plan or agreement constitutes a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended, and Section 18.14.315 of the Loveland Unified Development Code as amended.” The failure of the document constituting a site specific development plan to contain the language specified this subsection shall invalidate and void the creation of the vested property right.
 2. A notice stating that a vested property right has been created shall be published once by the City in a newspaper of general circulation in the City not more than 14 days after final adoption of the ordinance approving the site specific development plan. The notice shall include the following information:
 - a. A statement advising the public of the site specific development plan approval, including the name of the project and general location of the specific property or development parcels affected;
 - b. A statement that a vested property right has been created in accordance with Article 68 of Title 24, Colorado Revised Statutes, and Section 18.14.315 of the Loveland Unified Development Code.
- E. **Duration of Vested Right.**
1. *Generally.* A property right vested pursuant to this Section shall remain vested for a period of three years.
 2. *Extended Vesting Periods.* The City Council, in its legislative discretion, may approve an initial vesting period that is longer than three years, in consideration of the following factors:
 - a. The size and phasing of the development, and specifically but not limited to, whether the development can be reasonably completed within three years;
 - b. Economic cycles (including, local, regional, and state economic cycles, and national economic cycles);

- c. Market conditions, and specifically but not limited to, absorption rates for leasing and sales of similar development projects;
- d. Consistency with the City of Loveland Comprehensive Plan and other adopted plans;
- e. Proposed public amenities and benefits that enhance the project and the overall attractiveness of the community, including the degree to which such public amenities and benefits are defined in terms of design, timeframe, and phasing with development;
- f. Projected public financial benefits or costs anticipated to result from the development, including the timeframe for realization by the City or other public entities and potential costs for operation and maintenance of any new public amenities or infrastructure dedicated to the City or other public entities;
- g. The breadth and scope of the requested vested property right, including but not limited to, the extent to which such vested property right restricts the City's ability to apply future regulations for the purpose of providing public infrastructure, public services, or public facilities and for the purpose of meeting evolving community needs;
- h. Any proposed modifications to previously approved vested property rights to address changed conditions within the City, consistency with the Comprehensive Plan and other community plans, or performance of previously approved site specific development plans; and
- i. Any other factors deemed relevant to the City Council.

F. Extension of Vested Property Rights. A landowner may request an extension of vested property rights by submitting an application for extension of vested property rights at least 120 days prior to the expiration of the period of vested property rights. The extension request shall be processed in accordance with the procedural requirements of this Chapter, including but not limited to notice, public hearing, adoption by ordinance, and post-approval publication. The criteria in subsection E., above, shall be considered by City Council when determining whether to grant an extension to a vested property right.

G. Application Contents. An application for vested property rights or extension of vested property rights shall include such information as required in the application checklist approved by the Director, which shall be, at a minimum, the following information:

- 1. Terms of vesting requested;
- 2. Justification statement; and
- 3. Site Specific Development Plan.

H. Forfeiture of Vested Property Rights.

- 1. Failure to abide by the terms and conditions of a site specific development plan may result in a forfeiture of the vested property rights in accordance with the procedures set forth herein.
- 2. The process to consider forfeiture of vested property rights shall be initiated by passage of a resolution by the City Council stating the grounds therefor.
- 3. No vested property right shall be deemed forfeited until after notice and a public hearing. Notice shall be provided at least 30 days prior to the date of the public hearing, by publishing notice in a newspaper of general circulation in the City of Loveland and by mailing notice to the property owner(s), sent to the address of record according the County Assessor's records via first class United States mail. A copy of the resolution initiating the process to consider forfeiture of the vested property right shall be included with the mailed notice to the property owner(s).
- 4. At the hearing, the City Council shall consider all evidence and testimony presented concerning any failure to abide by the terms and conditions of a site specific development plan. The City Council may continue the public hearing to allow additional evidence to be presented.
- 5. If City Council finds a failure to abide by the terms and conditions of an approved site specific development plan, the City Council may take action by ordinance to declare the vested property rights forfeited. The forfeiture of a vested property right shall have no effect upon public streets, alleys, rights-of-way, or other lands or easements previously dedicated or conveyed to the City or other public entities pursuant to the terms

of a site specific development plan. Upon forfeiture of vested property rights, the site specific development plan shall be subject to all zoning, land use, and general regulations in effect at the time of forfeiture and as such may be amended from time to time thereafter.

18.14.316 Effect of Denial; Successive Applications

- A. **Generally.** It is the policy of the City not to allow successive applications for the same development approval after an application is denied. The limitations of this Section limit the consideration of successive applications.
- B. **Minimum Interval Between Submittal of Substantially Similar Applications.** If an application is denied, the City shall not accept any application that is substantially similar to the denied application for a period of 12 months, unless:
 - 1. After the application is denied, the City amends the applicable provisions in this Code in a manner that could allow for approval of the application; or
 - 2. The Planning Commission waives the minimum interval requirement of this Section for good cause shown; or
 - 3. The denied application is for a sign permit.

Division 18.14.04 Required Notices

18.14.401 General Notice Requirements

- A. **Computation of Time.** In computing any period of time prescribed for the purpose of giving notice under this Division, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.
- B. **Notice Cost.**
 - 1. All costs for providing mail and posted notice as required by this Division shall be the direct responsibility of the applicant.
 - 2. The City shall provide published notice and internet notice. The cost of such notice shall be included in the development review fee.
- C. **Applicant's Certification.** Prior to the event that is the subject of public notice, the applicant shall provide the Director with an executed affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this Division have been met. The Director shall make available sample certifications, that address all applicable forms of public notice required by this UDC.
- D. **Failure to Provide Notice; Defective Notice.** Failure to timely provide the required affidavit, or evidence that a mailing list or notice letter was defective, shall be cause to suspend the review process until proper notice is provided. Such suspension may be ordered by the Director or body that is responsible for the meeting, hearing, or decision (*e.g.*, neighborhood meeting, public hearing, or staff decision) that is the subject of the notice.
- E. **Continuation of Hearings and Neighborhood Meetings.** A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Division, provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

18.14.402 Required Notice by Application Type

Public notice of pending administrative decisions, neighborhood meetings, or scheduled public meeting or public hearings shall be provided as set out in Table 18.14.402, Notice Requirements by Application Type.

Table 18.14.402
Notice Requirements by Application Type

Application Type	Notice Type			
	Published ²	Posted	Mailed	Internet
1. Annexation, Zoning and Rezoning				
Annexation ¹	✓	✓	✓	✓
Zoning and Rezoning	✓	✓	✓	✓
2. Overlays				
Enhanced Corridor Overlay Zone Designation	-	✓	✓	✓
3. Development Plans, Permits, and Approvals				
Certificate of Designation	✓	✓	✓	✓
Complete Neighborhood	-	✓	✓	✓
Conceptual Master Plan	-	✓	✓	✓
Oil and Gas (Administrative Permit)	-	✓	✓	✓
Oil and Gas (Planning Commission Permit)	-	✓	✓	✓
Sketch Site Development Plan	By Land Use Classification. See Subheading 9 of this Table			
Site Development Plan	By Land Use Classification. See Subheading 9 of this Table			
4. Subdivisions, Plats, and Vacations				
Final Plat ³	-	✓	✓	✓
Sketch Plat	-	✓	✓	✓
Vacation of Easement	-	-	✓	✓
Vacation of Obsolete Subdivision	✓	✓	✓	✓
Vacation of Right-of-Way or Access Easement by Ordinance	✓	✓	✓	✓
5. Planned Unit Developments				
Sketch Plat with GDP	-	✓	✓	✓
Sketch Site Development Plan with GDP	-	✓	✓	✓
Zoning Document	✓	✓	✓	✓
6. Variances, Appeals, Modifications, Exceptions and Conversions				
Adequate Community Facilities (ACF) Exception	-	✓	✓	✓
Appeal of Director Decisions	-	-	✓	✓
Appeal of Planning Commission Decision	-	-	✓	✓
Height Exception	-	✓	✓	✓
Nonconforming Building or Structure, Conversion to Conforming Building or Structure (Public Hearing)	-	✓	✓	✓
Nonconforming Use, Conversion to Conforming Use (Public Hearing)	-	✓	✓	✓
Oil and Gas Overlay Zone Variance	-	✓	✓	✓

Table 18.14.402 Notice Requirements by Application Type				
Application Type	Notice Type			
	Published ²	Posted	Mailed	Internet
Oil and Gas Variance	-	✓	✓	✓
Variance	-	✓	✓	✓
7. Vested Rights				
Vested Rights (and Extension of Vested Rights)	✓	✓	✓	✓
8. Amendments				
Annexation Agreement Amendment	-	✓	✓	✓
Comprehensive Plan Amendment (major)	✓	✓	✓	✓
Conceptual Master Plan Amendment (major)	-	✓	✓	✓
Flexible Overlay Plan Amendment (major)	-	✓	✓	✓
Major Amendment	Same notice type as the original application			
UDC Amendment (major)	✓	-	-	✓
Zoning Document Amendment (major)	✓	✓	✓	✓
9. Land Use Classifications				
Adaptable Use ⁴	-	✓	✓	✓
Conditional Use ⁴	-	✓	✓	✓
Table Notes: ¹ As required by applicable provisions of C.R.S § 31-12-101, <i>et seq.</i> ² Publication required for public hearings only. ³ Notice is not required if the final plat conforms to an approved sketch plat. ⁴ Notice is not required for site development plans for adaptable or conditional uses if they conform to an approved sketch site development plan.				

18.14.403 Contents of Public Notice

- A. **Generally.** Table 18.14.403, Information Requirements by Application Type, sets out the information that is required for each type of required notice. Information requirements for appeal notices are set out in subsection B., below, and information requirements for vested rights notices are set out in subsection C., below.

Table 18.14.403 Information Requirements by Application Type				
Required Information	Notice Type			
	Published	Posted	Mailed	Internet
Application Information				
The application type(s) for which notice is provided	✓	✓	✓	✓
Case number	✓	✓	✓	✓
Project name	✓	✓	✓	✓
Vicinity map identifying the site with respect to major cross-streets and community landmarks	-	-	✓	✓
Address of the subject property	✓	-	✓	✓

Table 18.14.403
Information Requirements by Application Type

Required Information	Notice Type			
	Published	Posted	Mailed	Internet
Legal description of subject property, or if lengthy, a statement that the legal description of the subject property is on file with current planning division	✓	-	✓	✓
Applicant name	✓	-	✓	✓
Project Description				
Existing zoning (and proposed zoning, if the application is for zoning or rezoning)	✓	-	✓	✓
Summary of proposed development, including subject matter of application	✓	-	✓	✓
Contact Information				
Primary contact (applicant or applicant's representative) (name, company name, phone number, email address)	-	-	✓	✓
Secondary contact (current planning division) (reviewing planner name, phone number, email address)	✓	✓	✓	✓
URL where additional project information is provided	-	✓	✓	✓
Additional Contents for Public Hearing Notices and Neighborhood Meetings				
Time, date, and location of public hearing or neighborhood meeting	✓	✓	✓	✓
A statement that interested parties may appear and speak on the matter at the neighborhood meeting and public hearing and/or file written comments with the current planning division, and that the right to appeal a Director or Planning Commission decision may be limited by Division 18.14.05, Appeals , Loveland Unified Development Code	-	-	✓	✓
Additional Contents for Administrative Decision Notices				
Deadline for public comments	N/A	✓	✓	✓
Earliest date for administrative decision on application	N/A	-	✓	✓
A statement that the right to appeal an administrative decision may be limited by Division 18.14.05, Appeals , Loveland Unified Development Code	N/A	-	✓	✓

- B. **Appeal Notices.** Notices of a pending appeal must include a copy of the petition for appeal and a date, time, and location for the appeal hearing, a copy of the rules of procedure for the Appellate Body. Such notices must be mailed to the applicant (if different from the appellant), the appellant, any person or entity that has applied for party status, and by internet posting.
- C. **Vested Rights Notices.** Notice of a decision to grant vested rights shall be published in accordance with the requirements of C.R.S. § 24-68-101, as it may be amended from time to time.

18.14.404 Specific Requirements by Notice Type

A. Mailed Notice.

1. *Certified Mailing List.* The applicant shall submit a certified mailing list to the Director, including the names and addresses of all surface owners of record of all properties within the Notice Area described in Table 18.14.404, Notice Area, as may be modified pursuant to subsection A.3., below. The list shall be compiled from the names and addresses that appear in the records of the Larimer County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid (by the applicant, at the applicant's expense), to all property owners on the certified mailing list.

3. *Modification of Notice Area.*

a. Subject Property Adjacent to Lake, Golf Course, or Park.

1. In general, if the subject property adjoins a lake, golf course, or park (including properties that are separated from the lake, golf course, or park by an undevelopable parcel of land up to 50 feet in width), the notice shall area shall be doubled in the direction of the lake, golf course, or park.
2. The Director may expand the required notice area to include up to all properties that adjoin the same lake, golf course, or park if the Director reasonably anticipates that the proposal may impact the use, enjoyment, or viewshed of the other properties beyond the distance specified in subsection A.3.a.i., above.

b. Reduction in Notice Area for Infill Projects. Subject to subsection A.3.c., below, the distances in Table 18.14.404, Notice Area, shall be reduced by 50 percent for applications related to infill projects (except for oil and gas permits and variances) that are less than five acres in area. For the purposes of this provision, a project is an “infill project” if it is adjacent, on at least eighty percent of its boundary, to properties within the existing City limits.

c. Expansion of Notice Area. The distances in Table 18.14.404, Notice Area, may be expanded up to twice the specified distance if the Director reasonably anticipates that due to unusual elements of the application, material interest or concern regarding the application from community members beyond the required distance is probable. The reduction in notification area as described in subsection A.3.b., above, shall not apply when there is an expansion of the Notice Area pursuant to this provision.

d. Notice to Applicant Regarding Expanded Notice Area. The Director shall notify the applicant in writing of any determination to expand the required notification area, including the reasons for the expansion, at least seven days prior to the deadline for postmarking the notice as set forth in subsection A.4., below.

4. *Deadlines.* Mailed notices shall be postmarked not later than:

- a. 10 days before an administrative decision for which neighborhood notice and comment is required; or
- b. 15 days before a neighborhood meeting, public hearing, or appeal.

5. *Affidavit of Compliance.* An affidavit of the applicant’s compliance with the mailed notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates. For mailed notices of public hearings, failure to provide the affidavit of compliance shall result in continuation of the public hearing.

Table 18.14.404 Notice Area ^{1, 2}	
Application Type	Notice Distance
1. Annexations, Zoning and Rezoning	
Annexation	500 ft.
Zoning and Rezoning	500 ft.
2. Overlays	
Enhanced Corridor Overlay Zone Designation	500 ft.
3. Development Plans, Permits, and Approvals	
Certificate of Designation	2,200 ft.
Complete Neighborhood	500 ft.
Conceptual Master Plan	500 ft.
Oil and Gas (Administrative Permit)	2,200 ft. ³
Oil and Gas (Planning Commission Permit)	2,200 ft. ³
Sketch Site Development Plan	By Land Use Classification. See Subheading 9 of this Table

Table 18.14.404 Notice Area ^{1, 2}	
Application Type	Notice Distance
Site Development Plan	By Land Use Classification. See Subheading 9 of this Table
4. Subdivisions, Plats, and Vacations	
Final Plat ⁴	300 ft.
Sketch Plat	300 ft.
Vacation of Easement	Notice to parties having legal interest in easement
Vacation of Obsolete Subdivision	300 ft.
Vacation of Right-of-Way or Access Easement by Ordinance	Owners of property contiguous to the right-of-way or access easement to be vacated
5. Planned Unit Developments	
Sketch Plat with GDP	300 ft.
Sketch Site Development Plan with GDP	300 ft.
Zoning Document	500 ft.
6. Variances, Appeals, Modifications, Exceptions, and Conversions	
Adequate Community Facilities (ACF) Exception	300 ft.
Appeal of Director Decisions	Same distance as original decision
Appeal of Planning Commission Decision	Same distance as original decision
Height Exception	150 ft.
Nonconforming Building and Structure Public Hearing Conversion	150 ft.
Nonconforming Use Public Hearing Conversion	150 ft.
Oil and Gas Overlay Zone Variance	500 ft.
Oil and Gas Variance	2,200 ft.
Variance	150 ft.
7. Vested Rights	
Vested Rights (and Extension)	Notice to all owners of the property within the boundaries being requested for vested rights
8. Amendments	
Annexation Agreement Amendment	Notice to all owners of property within the annexation boundaries, plus 500 feet around affected property
Comprehensive Plan Amendment (Major)	300 ft.
Conceptual Master Plan Amendment (Major)	500 ft.
Flexible Overlay Plan Amendment (Major)	500 ft.
Major Amendment	Same distance as the original decision
Zoning Document Amendment (major)	Notice to all owners of property within the PUD, plus 500 ft around affected property
9. Land Use Classifications	
Adaptable Use ⁵	300 ft.

Table 18.14.404
Notice Area^{1, 2}

Application Type	Notice Distance
Conditional Use ⁵	500 ft.

TABLE NOTES:

¹ All properties that are wholly or partially within the stated distances in this Table, as measured from the perimeter of the subject property, shall be included in the notice area.

² Notification distances set out in this Table shall be calculated inclusive of public rights-of-way and public streets.

³ Oil and gas permit notice area is measured from boundary of property on which surface use will occur under permit.

⁴ Notice is not required if the final plat conforms to an approved sketch plat.

⁵ Notice is not required for site development plans for adaptable or conditional uses if they conform to an approved sketch site development plan.

B. Additional Requirements for Published Notice.

1. *Generally.* Published notice shall be published at the applicant's expense in a newspaper of general circulation in the City that is published not less frequently than weekly.

C. Posting Requirements.

1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the applicant at the applicant's expense. It is the applicant's responsibility to post the sign(s) and ensure that they remain in place from the date of posting to the date of the decision or hearing to which they relate.
2. *Minimum Requirements.* Posted notice shall be provided with one sign per 600 feet of frontage or fraction thereof along each frontage of the subject property. Such notice shall be in compliance with the sign specifications, materials and template approved by the Director. Signs shall be located so that they are clearly visible from the adjoining street.
3. *Deadline for Posting.* Notices shall be posted not less than 15 days before the decision date (if the decision is administrative) or 15 days before the public hearing to which the notices relate.
4. *Affidavit of Compliance.* An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates. For posted notices of public hearings, failure to provide the affidavit of compliance shall result in continuation of the public hearing.

- D. Internet Requirements.** The City shall create and maintain web pages upon which Director shall provide timely notice of applications and decisions for which Internet notice is required. Such internet notice shall provide, at a minimum, a way for interested persons to request an opportunity to review the application materials; and may provide for electronic access to the application materials.

18.14.405 Mineral Estate Notices

The notification of mineral estate owners of the property which is the subject of a public hearing shall be given by the applicant at least 30 days prior to the public hearing in accordance with the requirements of the Colorado Notification of Surface Development Act, C.R.S. § 24-65.5-101, *et seq.* ("CNSDA"). An affidavit of the applicant's compliance with such requirements shall be provided to the Director prior to the public hearing for which the notice was given and shall meet the provisions of CNSDA.

Division 18.14.05 Appeals

18.14.501 Purpose

The purpose of administrative appeals is to provide an opportunity for affected parties to seek review of a final decision of the Director or Planning Commission (the "Decision Below") to ensure that it is correct.

18.14.502 Appellate Body

Appeals shall be heard by the Planning Commission or the City Council. The Planning Commission shall hear appeals from final decisions of the Director. The City Council shall hear appeals from final decisions of the Planning Commission, except that the City Council shall not hear appeals of decisions made in the Planning Commission's role as an appellate body.

18.14.503 Party Status Required

- A. **Generally.** Appeals may be brought only by parties to the Decision Below.
- B. **Qualifications.** A person or entity is a "party" if the person is:
 - 1. The applicant;
 - 2. An adjoining property owner;
 - 3. A property owner who received mailed notice of an application for which a neighborhood meeting was required, and attended the neighborhood meeting or provided written comments to the Director before the Director's decision; or
 - 4. A property owner who received mailed notice of public hearing and either participated in the public hearing or provided written comments to the Director at or before the public hearing.

18.14.504 Initiation of Appeal

- A. **Generally.** An appeal of a Decision Below is initiated by filing a petition, along with the required fee, with the Director.
- B. **Contents of Petition.** The petition for appeal shall include all of the following information:
 - 1. The name, address, email address; and telephone number of the appellant.
 - 2. The planning project number of the application that is the subject of the appeal.
 - 3. The date of the decision that is the subject of the appeal.
 - 4. The reasons why the petitioner should be granted party status pursuant to Section 18.14.503, [Party Status Required](#).
 - 5. A short statement regarding how the decision did not conform to the applicable requirements of this UDC. The statement shall:
 - a. Refer to the specific section numbers upon which the appellant relies; and
 - b. Describe how the decision did not conform to the referenced UDC sections.
- C. **Timing.** The petition for appeal shall be filed within 10 business days after the date of the decision that is the subject of the appeal.

18.14.505 Threshold Review

- A. **Consultation with City Attorney.** The Director shall promptly confer with the City Attorney on all petitions for appeal in order to determine:
 - 1. Whether the petitioner has party status pursuant to Section 18.14.503, [Party Status Required](#); and
 - 2. Whether the petitioner has provided sufficient detail in the petition to put the City on notice as to the legal basis of the appeal.
- B. **Threshold Findings.**
 - 1. If the Director finds that the petitioner does not have party status or that the petition lacks the required specificity, then the Director shall summarily deny the appeal, and the Director shall notify the petitioner of the findings made as the basis for denial.
 - 2. If the Director finds that the petitioner has party status and that the petition includes the required level of specificity, then:
 - a. The Director shall notify the petitioner and the applicant (if different) that the appeal has been accepted for review;

- b. The Director shall promptly provide internet notice and place the item on the agenda of the Planning Commission or City Council, as appropriate, for the meeting that is set out in the notice;
 - c. The Director shall notify the petitioner that the petitioner must provide mailed notice as required by [Division 18.14.04, Required Notices](#), and that failure to timely provide such notice shall be grounds for denial of the appeal.
- C. **Effect of Threshold Decision.** Decisions of the Director regarding threshold review are not subject to review under this [Division 18.14.05, Appeals](#).

18.14.506 Standards for Review

Administrative appeals shall be decided according to the same standards that applied to the Decision Below.

18.14.507 Scope of Review

- A. **Generally.** The scope of appellate review is limited to the issues raised in the petition. Issues that are not described or obviously implied by the petition will not be considered on appeal.
- B. **New Evidence.** New evidence shall not be introduced on appeal.

18.14.508 Decision

- A. **Generally.** Upon review of the record evidence together with the arguments advanced on appeal, the Appellate Body shall determine whether the Decision Below was correct based on the evidence presented to the original decision-maker and the applicable Code provisions.
- B. **Nature of Relief on Appeal.**
 - 1. If the Decision Below was incorrect, the Appellate Body shall reverse and correct the Decision Below, and approve the original application, approve the original application with appropriate conditions, or deny the original application.
 - 2. If the Decision Below was correct, the Appellate Body shall affirm it.
 - 3. If the Decision Below is partially correct, the Appellate Body may affirm part, deny part, or place conditions on the original application.
- C. **Decisions Reduced to Writing.** The decision of the Appellate Body shall be promptly reduced to writing and shall include findings of fact and conclusions of law. The written decision shall be reviewed and executed by a member of the Appellate Body (as appropriate) who is designated by the members who cast votes in the majority.
- D. **Further Appeal.** The decision of the Appellate Body is a final quasi-judicial decision of the City that may be appealed to a court pursuant to the applicable Colorado Rules of Civil Procedure. The date of execution of the written decision shall be considered the date the appeal was adjudicated.

CHAPTER 18.15 ADEQUATE COMMUNITY FACILITIES

Contents:

[Division 18.15.01 Purpose and Application of Chapter](#)

[Division 18.15.02 Processing](#)

[Division 18.15.03 Standards and Thresholds](#)

Division 18.15.01 Purpose and Application of Chapter

18.15.101 Purpose of Chapter

The purposes of this Chapter are:

- 1. To set out a program to ensure that the community facilities that are needed to support new development either meet or exceed adopted level of service standards;

2. To ensure that no development approval is granted or issued that would result in a reduction in the levels of service for any community facilities below the adopted level of service;
3. To ensure that the adequate community facilities that are needed to support new development are available concurrent with the impacts of such development;
4. To establish uniform procedures for the review of the adequacy of community facilities that are needed to service new development;
5. To facilitate the implementation of goals and policies as set forth in the Comprehensive Plan relating to adequacy of community facilities; and
6. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

18.15.102 Application of Chapter

A. Generally. Except as provided in subsection C., below:

1. The provisions of this Chapter shall apply to all applications for development approval of:
 - a. A preliminary or final development plan;
 - b. A final site development plan; or
 - c. A final plat.
2. Preliminary determinations of adequacy pursuant to Section 18.15.203, [Preliminary Determination of Adequacy](#), may be issued for:
 - a. A preliminary development plan;
 - b. A sketch site development plan; or
 - c. A sketch plat.

B. Determination of Adequacy Required. No application for development approval shall be approved unless a positive determination of adequacy or a positive determination of adequacy subject to conditions has been made by the City in accordance with this Chapter.

C. Exemptions.

1. *Adaptive Re-Use Overlay Zone.* This Chapter does not apply to land within the Adaptive Re-Use Overlay Zone (*see* Section 18.02.202, [Overlay Zones Established](#)).
2. *Development Without Material Marginal Impacts.* This Chapter does not apply to any use, development, project, structure, fence, sign, or activity that does not result in any of the following:
 - a. The creation of a new commercial or industrial use, building, or structure; or
 - b. The development of more than 12 net new dwelling units; or
 - c. An increase in floor area of an existing commercial or industrial use, building, or structure; or
 - d. An increase in the number of dwelling units in an existing multi-family residential structure.
3. *Vested Rights.*
 - a. Nothing in this Chapter shall limit or modify the rights of an applicant to complete any development for which the applicant has obtained and possesses a vested right to undertake and complete the development pursuant to C.R.S. § 24-68-101, *et seq.*, as implemented by Section 18.14.315, [Vested Rights](#), or pursuant to Colorado law.
 - b. If an applicant has, by decisions in reliance on prior approvals and regulations, obtained and possesses vested rights that by law prevent the City from changing those regulations in a manner adverse to the applicant's interests, nothing in this Chapter shall be deemed to authorize the City to abridge those rights.
4. **City Council May Grant Exceptions.** City Council may grant exceptions to this Chapter provided the application for such an exception includes either a sketch plan or sketch site development plan in compliance with Division 18.17.11, [Sketch Site Development Plans and Site Development Plans](#), and City Council finds:

- a. There are special circumstances or conditions affecting said property which creates practical difficulties upon the applicant;
 - b. The development for which exceptions are sought is of such extraordinary commercial, social, or cultural merit that the potential benefits to the community outweigh the intangible costs to the community created by the exception; and
 - c. Granting the exception will not be materially detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated or in conflict with the purpose and objectives of the Loveland Comprehensive Plan.
5. **DT Zone.** In the DT Zone, the City Engineer may grant exceptions to this Chapter for alley levels of service in accordance with Section 1.9.4 of the City of Loveland Street Standards.
- D. **Development Agreements.** A development agreement may include provisions related to a determination of adequacy, including but not limited to the duration of the determination, conditions attached to the determination, project phasing requirements, and financial guarantees.
- E. **Effect of Determination.** A determination of adequacy or exemption from adequacy is intended only to demonstrate compliance with this Chapter, and shall not affect the otherwise operable and applicable provisions of this UDC or other City Codes or Standards, all of which shall be operative and remain in full force and effect without limitation.

Division 18.15.02 Processing

18.15.201 Administration, Generally

- A. **Rules and Regulations.** The Director may promulgate any necessary rules, regulations, administrative guidelines, forms, worksheets, or processes to efficiently and fairly administer and implement this Chapter. The Director is authorized to maintain and update the appendices referenced in this Chapter, in consultation with affected departments and service providers.
- B. **Administrative Fees.** The City Council may establish, by ordinance or resolution, fees and a fee schedule for each of the administrative procedures, determinations, approvals, and certifications required by this Chapter.
- C. **Conflict.** To the extent of any conflict between the City Charter, the UDC, ordinances, resolutions, or regulations and this Chapter, the more restrictive is deemed to be controlling. This Chapter is not intended to amend or repeal any existing ordinance, resolution, or regulation.

18.15.202 Application Materials and Information Requirements

- A. **Generally.** The Director shall promulgate such application materials, forms, or checklists as necessary to ensure that applicants provide sufficient information to allow the City to determine the projected impact of proposed development on community facilities.
- B. **Minimum Requirements.** The Director shall require, at a minimum, the following information:
 - 1. The total number and type of structures or dwelling units, and gross density of the proposed development;
 - 2. The number of dwelling units or the use, type, and floor area of nonresidential uses, structures, or buildings that will be removed from the subject property;
 - 3. The location of the subject property;
 - 4. An identification of the community facilities impacted by the proposed development;
 - 5. If an applicant seeks an exemption from the requirements of this Chapter based upon a claim that the applicant has obtained and possesses a vested right to undertake and complete the development, information sufficient to permit the City to determine the validity of the applicant's claim of exemption;
 - 6. Any information required by this Chapter for specific City facilities; and
 - 7. Any other appropriate information as may be deemed necessary by the City in evaluating the adequacy of community facilities consistent with the provisions of this Chapter.

18.15.203 Preliminary Determination of Adequacy

An applicant may request a non-binding preliminary determination of adequacy for any type of application for which a preliminary determination of adequacy is allowed by Section 18.15.102, [Application of Chapter](#). The preliminary determination of adequacy does not, itself, reserve capacity in any community facilities. However, it may be used to identify capacity issues that may affect proposed development, to identify potential conditions of development approval, and to support terms within a development agreement that provide for the construction or installation of community facilities.

18.15.204 Recommendation Regarding Adequacy

A. **Generally.** The development review team shall evaluate:

1. The number and type of structures or units proposed by the applicant;
2. The proposed timing and phasing of the development, if applicable;
3. The specific community facilities impacted by the proposed development;
4. The extent of the new impact of the proposed development on all community facilities;
5. The capacity of existing community facilities serving the proposed development that will be impacted by the proposed development, based on the adopted level of service;
6. The demand on the existing capacity of community facilities from all existing and approved development;
7. The availability of existing capacity to accommodate the proposed development;
8. If existing capacity is not available, any capacity that is planned to be added and the year in which such planned capacity is projected to be available to serve the proposed development; and
9. If the applicant seeks an exemption from the requirements of this Chapter based upon a claim that the applicant has obtained and possesses a vested right to undertake and complete the development, a determination of vested rights from the Director and an opinion regarding same from the City Attorney.

B. **Positive Recommendation of Adequacy.** If the development review team determines that each community facility will be available concurrent with the impacts of the proposed development at the applicable adopted levels of service, the development review team shall make a positive recommendation of adequacy.

C. **Negative Recommendation of Adequacy or Conditional Positive Recommendation of Adequacy.** If the development review team determines that any community facility will not be available concurrent with the impacts of the proposed development at the applicable adopted level of service based upon existing community facilities, the development review team may:

1. Make a positive recommendation regarding adequacy, with appropriate conditions that are consistent with any combination of the following:
 - a. Deferral of further development approval until all community facilities are available and adequate if community facilities are not available and adequate to meet the adopted level of service for the development proposal;
 - b. Reduction of the density or intensity of the proposed development, including conditions regarding the phasing of the development, to a level consistent with the available capacity of the community facilities;
 - c. Provision by the applicant of the community facilities necessary to provide capacity to accommodate the proposed development at the adopted level of service and at the time that the impact of the proposed development will occur; or
 - d. Any other reasonable conditions to ensure that all community facilities will be adequate and available concurrent with the impacts of the proposed development, or concurrent with the planned extension of the community facility by the City; or
2. If the circumstances do not allow for a positive recommendation of adequacy with conditions, make a negative recommendation regarding adequacy.

D. **Report and Recommendations.**

1. A written recommendation of adequacy by the development review team shall include a report addressing and summarizing the development review team's evaluation.
2. The development review team's recommendation of adequacy shall be made part of any staff report accompanying any administrative, Planning Commission, or City Council review of an application for development approval to which this Chapter applies.

18.15.205 Determination Regarding Adequacy

Following receipt of the recommendation of adequacy, and as part of the City's procedures for review and final approval of any application for development approval to which this Chapter applies, and subject to compliance with all other standards applicable to the application and requested approval, the City Council, or other board, commission, or administrative staff member vested with authority to approve development may:

1. Make a positive determination of adequacy; or
2. Make a positive determination of adequacy with appropriate conditions consistent with the conditions contained in Section 18.15.204, *Recommendation Regarding Adequacy*; or
3. Make a negative determination of adequacy.

18.15.206 Effect and Expiration of Determination of Adequacy

- A. **Effect.** A positive determination of adequacy shall be deemed to indicate that community facilities are or will be available and adequate to serve the proposed development until such time that the determination of adequacy expires. No application for development approval that is subject to this Chapter shall be approved unless a positive determination of adequacy or a positive determination of adequacy subject to conditions has been made by the City.
- B. **Expiration.** A positive determination of adequacy issued pursuant to this Chapter shall be deemed to expire at the earlier of:
 1. The expiration, waiver, lapse, or revocation of the development approval for which the positive determination of adequacy was issued; or
 2. Failure by the applicant to timely comply with the conditions attached to a positive determination of adequacy; or
 3. Two years following the date of issuance of a positive determination of adequacy.

Division 18.15.03 Standards and Thresholds

18.15.301 Criteria for Determining Availability and Adequacy of Community Facilities

- A. **Level of Service Standards.** Compliance with level of service standards shall be measured in accordance with the standards set forth in this Chapter, the City of Loveland Street Standards, or other adopted development standards, as they may be amended from time to time.
- B. **Range of Impacts.** Any proposed development that could result in a range of potential impacts shall be reviewed as if the greatest impact shall result. The review and evaluation of community facilities required by this Chapter shall compare the capacity of community facilities to the maximum projected demand that may result from the proposed development.
- C. **Existing Demand and Capacity.** Where the adequacy and availability of a community facility is based upon an evaluation of available capacity, the existing demand upon the community facility shall be determined by adding together:
 1. The existing demand placed upon the community facility from all users whether within or outside of the City;
 2. The projected demand for the community facility created by the anticipated completion of approved but uncompleted development; and

3. The projected demand upon the community facility created by the anticipated completion of any proposed developments for which information about adequate community facilities has been submitted to the City pursuant to this Chapter.
- D. **Capacity Improvements.** No improvement proposed or undertaken to increase existing capacity of a community facility or an improvement proposed to be made to avoid a deterioration in the adopted levels of service shall be accepted by the City unless the improvement is a planned capital improvement included within the City's capital improvement program, appropriate facility master plan or development standards, or unless the improvement is determined by City Council to directly and substantially advance one or more established goals or policies of the City. An applicant's commitment to construct or expand a community facility prior to the issuance of a building permit may be included as a condition of the determination of adequacy and any such commitment shall include, at a minimum, the following:
 1. A finding that the planned capital improvement is included within the capital improvement program, appropriate facility master plan or development standards;
 2. An estimate of the total funding needed to construct the planned capital improvement and a description of the cost associated therewith;
 3. A schedule for commencement and completion of construction of the planned capital improvement with specific target dates for multi-phase or large-scale capital improvement projects;
 4. A statement, based on analysis, that the planned capital improvement is consistent with the Comprehensive Plan; and
 5. At the option of the City and pursuant to an agreement between the City and the applicant, and only if the planned capital improvement will provide capacity exceeding the demand generated by the proposed development, reimbursement to the applicant for the pro rata cost of providing the excess capacity.

18.15.302 Fire Protection and Emergency Rescue Services

Fire protection and emergency rescue services shall be deemed to be adequate and available for a proposed development, provided that:

1. Adequate fire protection services and emergency rescue services are currently in place; or
2. Provision of adequate fire protection services and emergency rescue services as required by Loveland Fire Rescue Authority are a condition of the development application approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or
3. Facilities necessary for providing adequate fire protection services and emergency rescue services are under construction and will be available at the time that the impacts of the proposed development will occur; or
4. Provision of fire protection services and emergency rescue services are guaranteed by an executed and enforceable development agreement which ensures that such services will be in place at the time that the impacts of the proposed development will occur.

18.15.303 Transportation Facilities

Transportation facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Section 4.5 of the City of Loveland Street Standards, and:

1. All transportation facilities are currently in place or will be in place prior to issuance of a building permit for the development; or
2. Provision of transportation facilities are a condition of the development approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or
3. Transportation facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or

4. Provision of transportation facilities needed to achieve the adopted level of service are guaranteed by an executed and enforceable development agreement which ensures that such facilities will be in place at the time that the impacts of the proposed development will occur; or
5. Transportation facilities needed to achieve the adopted level of service are included in the capital improvements program; and
 - a. The capital improvements program contains a financially feasible funding system from available revenue sources which are adequate to fund the streets required to serve the proposed development, and
 - b. The transportation facilities are likely to be constructed and available at the time that the impacts of the proposed development will occur, or at the time the city extends the transportation facilities to provide a logical link to the project.

18.15.304 Water Facilities and Services

Water facilities and services shall be deemed to be adequate and available for a proposed development if such facilities and services for the development meet or exceed the applicable adopted level of service standards provided below and in the Water and Wastewater Standards:

1. A supply of raw water adequate to serve the projected needs of the proposed development is owned or controlled by the City and such water supply is or will be available for use by the proposed development prior to the issuance of the first building permit within the proposed development;
2. Sufficient raw water storage capacity, including on-site and off-site capacity, is available to serve the proposed development and such capacity is or will be available for use by the proposed development prior to the issuance of the first building permit within the proposed development;
3. Sufficient water treatment capacity is available or, through new capacity improvements will be made available, to ensure a supply of potable water to the proposed development prior to the issuance of the first building permit within the proposed development;
4. Sufficient water main capacity and pressure (during max-day demand scenarios) will be available or, through new capacity, pumping, or storage improvements will be made available, to serve the proposed development prior to the issuance of the first building permit within the proposed development; and
5. If service is not provided by the City then the above requirements need to be met by another water service provider.

18.15.305 Wastewater Facilities and Services

Wastewater facilities and services shall be deemed to be adequate and available for a proposed development if such facilities and services meet or exceed the applicable adopted level of service standards provided below and in the Water and Wastewater Standards:

1. Sufficient wastewater treatment (both hydraulic and organic) capacity is available or, through construction of new capacity improvements will be made available, to treat waste generated by the proposed development prior to the issuance of the first building permit within the proposed development;
2. Sufficient wastewater trunk line capacity (during peak flow scenarios) is available and, where required, lift station capacity is available to serve the proposed development prior to the issuance of the first building permit within the proposed development; and
3. If service is not provided by the City, then the above requirements shall be met:
 - a. By another wastewater service provider; or
 - b. If a private wastewater disposal system is proposed, it is permitted through Larimer County.

18.15.306 Stormwater Facilities

Stormwater facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service, and:

1. The proposed development meets all applicable requirements contained in the City of Loveland Master Drainage Plan, including the City of Loveland Storm Drainage Criteria; and
2. The proposed development provides for adequate major drainage facilities to convey stormwater flows from a one hundred year storm event which will minimize property damage; and
3. The proposed development meets all applicable drainage requirements of the City.

18.15.307 Power

Power facilities shall be deemed to be adequate and available for a proposed development provided:

1. The development will obtain utility services from the City through a system that meets all engineering and design standards that are applicable to the utility, as set out in the document entitled “Requirements for Electric Services”;
2. Adequate substation and feeder capacity will be maintained to supply all electric customers during summer and winter peak loading conditions in the event of the loss of one substation, transformer, or switchgear line-up; and
3. System voltages will be maintained to provide nominal customer voltage at the delivery point in accordance with the latest version of the American National Standard for Electric Power Systems and Equipment—Voltage Ratings (60 Hertz) (ANSI C84.1).

CHAPTER 18.16 REQUIRED IMPROVEMENTS, DEDICATIONS, AND FEES

Contents:

Division 18.16.01 Purpose, Application, and Waiver

Division 18.16.02 Development Review Fees

Division 18.16.03 Land Dedications and Fees-in-Lieu

Division 18.16.04 Capital Expansion Fees

Division 18.16.05 Affordable Housing

Division 18.16.06 Public Improvements

Division 18.16.01 Purpose, Application, and Waiver

18.16.101 Purpose of Chapter

The purpose of this Chapter is to set out the required public improvements, dedications, and development-related fees, and to provide a process for waiver or deferment of fees in certain cases.

18.16.102 Application of Chapter

- A. **Waivers and Deferrals.** The City may authorize a fee waiver or deferral pursuant to Section 18.16.103, [Waiver of Fees](#), Section 18.16.104, [Recapture of Waived Fees](#), and Section 18.16.105, [Deferment of Fees](#).
- B. **Development Review Fees.** [Division 18.16.02, Development Review Fees](#), authorizes the City to impose fees to offset the City’s costs of development review.
- C. **Land Dedications and Fees-in-Lieu.** [Division 18.16.03, Land Dedications and Fees-in-Lieu](#), establishes standards for land dedication for certain public purposes, or for the payment of fees-in-lieu of land dedication in cases where the dedication of land is not practical.
- D. **Capital Expansion Fees.** [Division 18.16.04, Capital Expansion Fees](#), establishes fees on new development or expansions of existing development to provide for the expansion of the City’s capital facilities.
- E. **Affordable Housing.** [Division 18.16.05, Affordable Housing](#), establishes standards for the designation of a residential development as an affordable housing development, authorizes reductions in fees and taxes for affordable housing development, and provides for design flexibility to improve the affordability of housing.

- F. **Public Improvements.** Division 18.16.06, Public Improvements, sets out the requirements for the installation of public improvements and for the provision of the associated warranties and financial guarantees, and provides a process for inspection and acceptance of public improvements.

18.16.103 Waiver of Fees

- A. **Generally.** City Council may, by resolution, grant an exemption from all or part of the requirements of this UDC related to the payment of fees imposed by the City upon new development, whether for capital or other purposes, upon a finding that such waiver is in the best interests of the public by encouraging activities that provide significant social, economic, or cultural benefits.
- B. **Specific Requirements.**
1. *Not-for-Profit Facilities.* City Council may waive fees for not-for-profit facilities upon a finding, set forth in a development agreement, that:
 - a. The project for which the fees would otherwise be imposed will provide not-for-profit facilities open to City residents that might otherwise be provided by the City at taxpayer expense;
 - b. Such facilities relieve the pressures of growth on City-provided facilities; and
 - c. Such facilities do not promote additional growth or growth impacts.
 2. *Affordable Housing.* City Council may waive fees for affordable housing developments (including rental housing) as set forth in subsection B.2.a. or subsection B.2.b., below. City Council may waive fees for affordable housing developments including for-sale housing as set forth in subsection B.2.c. or subsection B.2.d., below.
 - a. Rental Housing - Option 1. If granted for rental housing that is designated as an affordable housing development pursuant to Division 18.16.05, Affordable Housing, the waiver may be up to 100 percent, provided that the development meets the following criteria:
 1. The development does not include market-rate for-rent housing;
 2. 100 percent of the dwelling units will be available for rent by persons earning 60 percent of the areawide median income or lower; and
 3. At least 50 percent of the units will be available for rent by persons earning 50 percent of the areawide median income or lower.
 - b. Rental Housing - Option 2. If granted for rental housing that is designated as an affordable housing development pursuant to Division 18.16.05, Affordable Housing, the exemption shall be as set out in Table 18.16.103, Affordable Housing Fee Waivers, provided that any such exemption shall not be applied to market housing:

Table 18.16.103 Affordable Housing Fee Waivers	
Percentage of area median income to be served	Percentage of fees waived for affordable housing unit
30%	100%
40%	90%
50%	80%
60%	70%

- c. For-Sale Housing - Option 1. If granted for for-sale housing made available for-sale to persons earning 60 percent of the areawide median family income or lower, the exemption up to 100 percent may be granted if the development meets the following criteria:
 1. The affordable housing units shall be available for-sale to only persons earning 60 percent of the areawide median income or lower; and
 2. Such waiver shall not apply to market-rate for-sale housing units.

d. **For-Sale Housing - Option 2.** If granted for for-sale housing made available for-sale to persons earning 61 percent to 100 percent of the areawide median family income, an exemption may be granted, depending upon the unique circumstances of the project and only following specific review and approval of the project by the Director and the City Council. A waiver of fees or charges, or other economic or infrastructure incentives, may be granted, in the sole discretion of the City Council, for projects that meet the characteristics and requirements as follows:

1. The project furthers the goal of increasing the supply of affordable housing to the residents of the City;
2. The project is designated by Council as an affordable housing development;
3. The terms of the waiver of fees or charges, or other incentives, are detailed in a development agreement;
4. The City finds that a *pro forma* financial analysis for the development justifies the waiver; and
5. Preference is given for selling affordable housing units to families or individuals that currently live or work in Loveland.

C. **Increased and Decreased Waivers.** Notwithstanding the provisions of subsection B.2., above, the City Council may increase the percentage of fees waived upon making a finding at its discretion that additional fee waivers will serve a public purpose, which public purpose shall be specified in the resolution. The City Council may also decrease the percentage of fees waived based upon the unique circumstances of a proposed development, the availability of funds, or any other reason.

D. **Duration.** Exemptions granted pursuant to this section shall be effective for one year from the date on which the exemption is granted unless extended by the City Council for good cause shown. Any such extension shall be set forth in an amendment to the development agreement approved by resolution of the City Council.

E. **Policy on Capital-Related Fees.** When a capital-related fee is waived or reduced, it is the general policy of the City Council to direct that the waived fee be paid by the general fund or another appropriate fund, except in the case of waivers pursuant to subsection B.1., B.2.a., and B.2.c., which are generally only reimbursed if the waived fee involves a utility fund. However, such general policy is not binding upon the City Council, is subject to appropriation, and shall not be construed to create a multi-year fiscal obligation.

18.16.104 Recapture of Waived Fees

A. **Generally.** No certificate of occupancy shall be issued for any building for which a fee waiver is granted pursuant to Section 18.16.103, **Waiver of Fees**, unless a deed restriction or encumbrance according to the standards of this Section and in a form approved by the City Attorney, is executed and recorded.

B. **Required Provisions.** The deed restriction or encumbrance shall:

1. Prohibit the sale of the property to any person or entity at a price or for use or management in a manner that is inconsistent with the purposes of the fee waiver (*e.g.*, sale price, land use, rental rate, etc.) for a period of 20 years from the date of the certificate of occupancy;
2. Include a provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants, equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties; and
3. Include a provision indicating that the restriction automatically expires:
 - a. If title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or
 - b. 20 years after the date on which the certificate of occupancy was issued, provided there is no existing default under the deed restriction or encumbrance.

18.16.105 Deferment of Fees

- A. **Generally.** City Council may allow for the deferral of fees imposed on new development in the City in the manner set out in this Section.
- B. **Deferral Agreements.**
 - 1. Council may authorize deferral of fee payments by approving by resolution a written deferral agreement entered into with the person or entity from which the fees are payable, which agreement shall contain such terms and conditions as the City Council determines are in the best interests of the City, and provided that the City Council also determines and finds in the resolution that allowing the deferral of capital expansion fees or any other fees imposed on new development will serve a public purpose.
 - 2. For the purposes of this subsection B., a public purpose may include, without limitation, providing the public with significant social, economic or cultural benefits.
 - 3. Deferral agreements may be stand-alone agreements or components of other agreements between the applicant and the City with respect to the development of the subject property.
- C. **Enforcement Provisions.**
 - 1. All deferral agreements shall include the following enforcement provisions:
 - a. In the event that any amounts owed under the deferral agreement are not paid when due, and except as otherwise provided in the deferral agreement, such unpaid amounts shall be a perpetual lien upon the real property for which the deferred fees are owed from the date the fees are due under the agreement until paid. Such lien shall have priority over all other liens except those for real property taxes.
 - b. If any deferred fee is not paid when due, the City may pursue all remedies available to it under the law to collect such fee, including, without limitation, by judicially foreclosing the lien. The City Clerk may also certify any delinquent fees and other amounts owed under the deferral agreement to the treasurer of Larimer County and such fees and amounts shall then be collected in the same manner as though they were real property taxes.
 - 2. A deferral agreement may also provide that the City has the right to withhold or revoke any building permits, certificates of occupancy, and other City approval relating to the development of the real property for which deferred fees are delinquent in payment.

Division 18.16.02 Development Review Fees

18.16.201 Development Review Fees

- A. **Generally.** Development review fees are required in order to offset the cost of processing application for development approval.
- B. **When Required.** Development review fees shall be paid at the time of application, unless such fees are waived or deferred pursuant to subsection D., below.
- C. **Establishment of Fee Schedule.** The City Council shall establish development review fees by resolution for each type of development approval set out in this Code.
- D. **Fee Waivers.** An applicant may submit a written request to the Director for waiver or deferral of all or a portion of development review fees. The letter shall set forth the extent of the waiver or deferral requested and the reasons for the request. The Director shall review the request and forward the request and the Director's recommendation to the City Council, which shall consider the item on its next available regular agenda.

Division 18.16.03 Land Dedications and Fees-in-Lieu

18.16.301 Schools

- A. **Purposes.** The purposes of this Section are to:

1. Create a rational system for identifying growth-related land needs and costs incurred by the school district in providing for new and expanded capital facilities made necessary by expanded population levels and economic activity levels;
2. Develop a land dedication and fee structure that is directly related to such needs and costs; and
3. Provide a method of dedication and collection of such land and fees.

B. Intent. It is the intent of this Section that:

1. Such land dedication and fee imposition accurately reflect actual growth-related capital needs and costs;
2. The system be understandable and inexpensive to apply;
3. Policies and fees be subject to revision as conditions change; and
4. The system be linked to a realistic capital improvements program that is designed to provide the facilities for which the land dedication requirements and fees-in-lieu are imposed.

C. School Dedication Requirement.

1. *Dedication or Fee-in-Lieu Required.* There is imposed upon every land development project, as a condition which must be satisfied prior to requesting a final building inspection, proof that the appropriate land dedication has been made to the school district, or that the school district has been paid an in-lieu fee, in accordance with the land dedication and fee schedules adopted by the school district and approved by the city pursuant to intergovernmental agreement.
2. *Consultation with School District.* Prior to or at the time that any proposed initial or modified land development project is submitted to the City for review, the applicant shall meet with the superintendent of the school district, or designee for the purpose of determining whether the school district desires the dedication of any land for schools within the land development project consistent with school district planning standards. In the event the dedication of sites or land areas is not deemed feasible or in the best interests of the school district as determined by the superintendent, or designee, the school district may require that the applicant pay the in-lieu fees as provided in this Section.
3. *Timing of Dedication or Payment.* The requirement of land dedication and the payment of fees in-lieu of land dedication shall be imposed as a condition that must be satisfied prior to a request for final building inspection for all development for which building permits were applied for after the effective date of this ordinance, and upon all development which has been bound to such requirements by contract. If the applicant is required to pay the in-lieu fee, the fee shall be paid to the City, prior to a request for final inspection, and concurrently with the payment Capital Expansion Fees (see [Division 18.16.04, Capital Expansion Fees](#)).

D. Exemptions.

1. The following shall be exempted from the land dedication and in-lieu fees requirements of this Section:
 - a. Alteration or expansion of an dwelling unit that does not create a net increase in floor area that exceeds 1,000 square feet.
 - b. Replacement of a dwelling unit such that the new dwelling unit contains not more than 1,000 square feet more floor area than the demolished dwelling unit.
 - c. Construction of a non-dwelling unit accessory building or structure.
 - d. Construction of an accessory residential dwelling unit according to the provisions of this Code.
 - e. Nursing homes, independent living facilities, licensed, personal care boarding home (assisted living), Alzheimer homes, day care homes for mature adults (elder care homes), as defined in this chapter.
 - f. City-approved planned residential developments that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling units may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988.
2. Any claim of exemption under this subsection must be made in writing by the applicant no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.

- E. **Payment to School District.** All in-lieu fees collected by the city on behalf of the school district shall be paid over to the school district no less than monthly. Upon receipt of the in-lieu fees from the City, the school district shall properly identify the fees and promptly deposit the fees into a trust fund to be established and held as a separate account by the school district. The school district shall be the owner of the funds in the account and shall comply with the provisions of C.R.S. § 29-1-801, *et seq.*
- F. **Use of Funds.** The funds deposited into the account shall be earmarked and expended solely to acquire, develop, or expand school educational sites, or for capital facilities planning, site acquisition or school site capital outlay purposes, within the senior high school feeder attendance area boundaries that include the land development project for which the fee was paid. Subject to the time limitations contained in this Section, the time for, nature, method, and extent of such planning or development shall be within the sole discretion of the school district.
- G. **Refunds.** Any in-lieu fees which have not been expended by the school district for the purposes set forth in this Section within ten years of the date of collection shall be refunded, with interest at the rate of six percent per annum compounded annually, to the person who paid the fee. If applicable, notice of such refund opportunity shall be mailed to the payer's address as reflected in the records maintained by the school district at the end of the ten-year period. If the person who paid the fee does not file a written claim for such refund with the school district within ninety days of the mailing of such notice, such refund shall be forfeited and shall revert to the school district to be utilized for capital facilities or improvements that will benefit the dwelling unit for which the fee was paid. Council may extend the ten-year expenditure deadline set forth herein upon the request of the school district for good cause shown and following public hearing.
- H. **Annual Report.** The school district shall submit to the city an annual report on or before October 1st of each year describing the school district's receipt of land dedications and expenditure of the in-lieu fees during the preceding fiscal year. This report shall include:
 - 1. A review of the assumptions and data upon which the methodology is based, including student generation ratios, and attendance area boundaries;
 - 2. Statutory changes or changes in the school planning standards or in City policies related to construction of school facilities; and
 - 3. Any recommended modifications to the land dedication and fee-in-lieu schedule.
- I. **Periodic Review.** Council shall, at least every two years, review and update, as necessary, the land dedication and in-lieu fee schedule requirements as set forth in the intergovernmental agreement.

Division 18.16.04 Capital Expansion Fees

18.16.401 Purpose and Intent

- A. **Purpose.** It is the purpose of this Division to adopt a rational system for identifying growth-related costs incurred by the City in providing for new and expanded capital facilities made necessary by expanded population levels and economic activity levels, to develop a fee structure therefor directly related to such costs and to provide a method for collection of such fees.
- B. **Intent.** It is the intent of this Division that:
 - 1. Such fees accurately reflect actual growth-related capital costs;
 - 2. Once such costs are paid ongoing operating charges will be similar to charges imposed prior to such development;
 - 3. The system be understandable and inexpensive to apply;
 - 4. Policies and fees will be subject to revision as conditions change; and
 - 5. The system will be linked to a capital improvement program designed to provide the facilities for which the fees are imposed.

18.16.402 Capital Expansion Fees Imposed

- A. **Generally.** There are imposed capital expansion fees upon:

1. Every additional dwelling unit of residential development listed in Table 18.02.302, Residential Land Use by Zone, except that cottages and micro homes shall be equivalent to 0.5 dwelling units;
 2. Every additional square foot of buildings occupied by a use listed in Table 18.02.303, Special Residential Land Use by Zone, except that a Live-Work Unit shall be charged the fees for a dwelling unit;
 3. Every additional square foot of buildings occupied by a use listed in Table 18.02.304, Hospitality, Recreation, and Entertainment Land Use by Zone, except Campground, Parks (Passive), and Parks (Active);
 4. Every additional square foot of buildings occupied by a use listed in Table 18.02.305, Commercial Land Use by Zone;
 5. Every additional square foot of buildings occupied by a use listed in Table 18.02.306, Community, Civic, Educational, and Institutional Land Use by Zone, except for Cemetery;
 6. Every additional square foot of buildings occupied by a use listed in Table 18.02.307, Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zone;
 7. Every additional square foot of buildings occupied by a use listed in Table 18.02.308, Motor Vehicle and Transportation Land Use by Zone;
 8. Every additional square foot of buildings occupied by a use listed in Table 18.02.309, Utility and Wireless Telecommunications Land Use by Zone;
 9. Every additional square foot of buildings, except dwelling units that shall be subject to the fees for a dwelling unit, occupied by a use listed in Table 18.02.310, Agricultural Land Use by Zone; and
 10. Every additional dwelling unit or additional square footage of buildings occupied by a use determined by the Director to be functionally comparable to a use listed in Division 18.02.03, Land Use by Zone in accordance with Section 18.02.312, Uses That Are Not Listed.
- B. **Unlawful to Occupy or Use.** It is unlawful for any person or entity to occupy or use any real property for any purpose for which a capital expansion fee is due and payable prior to having paid such capital expansion fee. Each day of such occupancy or use shall be a separate offense.
- C. **Amount of Fee.** The amount of the capital expansion fee shall be established by resolution of the City Council.
- D. **Payment of Fee.** Capital expansion fees shall be due and payable as follows:
1. For any activity requiring a certificate of occupancy, the fees shall be due and payable at the time that a final inspection for a certificate of occupancy is requested, except that if a temporary certificate of occupancy or other certificate of occupancy does not issue within 30 days after the call for inspection, the paid fees shall be returned to the party who paid such fees.
 2. Upon a change in the use of property where the new use is in a different category for which additional or higher fees are applicable, such additional or higher fees shall be due and payable at the time that a final inspection is requested, but if no certificate of occupancy is required, then at such time as the new use is actually commenced.
 3. For all other activities for which a certificate of occupancy is not required, including expansion or remodeling which creates additional dwelling units or additional square footage for commercial or industrial use, fees shall be due and payable at the time such additional space is actually occupied, except that a credit shall be received for all fees for the prior use.
 4. Prior to recording any annexation map of property which contains a mobile home which existed on the property on or before July 1, 1984, or which contains the type of structure for which capital expansion fees are currently collected and for which a building permit was issued on or after July 1, 1984.
- E. **Administrative Deferment.** The Director may allow a person to defer payment, of a portion of the capital expansion fees for unfinished space, if any, in proportion to the pro rata amount of such unfinished space. The length of such deferral shall be paid when put into use (when completed), but shall not exceed three years.
- F. **Review and Revision.**
1. The fees imposed by this Division and moneys expended from the public works fund shall be reviewed as follows:

- a. The capital expansion fees shall be adjusted annually, effective January 1 of each year. The adjustment shall be equal to the percentage change in the construction cost index for the Denver area as set forth in the preceding year's September issue of the Engineering News-Record published by McGraw Hill Companies. However, with respect to the street capital fee, the adjustment factor shall be equal to the most current preceding eight quarters' average annual percentage change in the construction costs as determined by the Colorado Department of Transportation Construction Cost index.
 - b. The City Manager shall report to the City Council, in conjunction with the presentation of the proposed budget, annually, on the actual and proposed expenditures and projects accomplished and to be accomplished from the public works fund.
2. Capital expansion fees shall be reviewed and approved by resolution of City Council at intervals of not more than five years.

18.16.403 Exemptions

- A. **Generally.** Capital expansion fees are not charged in the areas of the City or for the types of development that are specified in this Section.
- B. **Historic Downtown Loveland.** The capital expansion fees imposed by this Division and any building permit fees imposed upon a construction project by the City, shall not be charged or collected for any construction project located within Historic Downtown Loveland, as legally described in [Appendix D: Historic Downtown Loveland - Legal Description](#).
- C. **Accessory Dwelling Units.** Capital expansion fees are not charged for accessory dwelling units in accordance with Section [18.04.702, Accessory Dwelling Units](#).

18.16.404 Unpaid Capital Expansion Fee – Lien

- A. **Lien Created.** All capital expansion fees shall be a lien upon each lot or parcel of land from the due date thereof, determined as set forth in Section [18.16.402 Capital Expansion Fees Imposed](#) until paid.
- B. **Collection.** If such fees are not paid when due, in addition to any other means provided by law, the City Clerk shall certify such delinquent charges to the treasurer of Larimer County and the charges shall be collected in the same manner as though they were part of the taxes.
- C. **Relationship to Approvals and Permits.** The City reserves the right to withhold or revoke any permits, certificates or other approvals to any applicant who is delinquent in the payment of capital expansion fees.

18.16.405 Change in Use Credit

- A. **Generally.** Whenever an existing use on a lot is changed, a credit for capital expansion fees shall be calculated and made available for application as provided in paragraphs B. and C. below for the payment of any capital expansion fee imposed by Section [18.16.402 Capital Expansion Fees Imposed](#), in accordance with the following:
 1. The amount of the credit shall be the amount of capital expansion fees that would be due for a discontinued use as calculated in accordance with the then current capital expansion fees schedule. If no use is then in existence, the credit shall be based on capital expansion fees that would be due for the last previous use for which a certificate of occupancy or letter of completion was issued by the City.
 2. The amount of the credit shall be established at the time capital expansion fees for a new use are due under Section [18.16.402 Capital Expansion Fees Imposed](#).
- B. **Partial Change in Use.** If a change in use occurs in only a portion of a structure that is physically separated and permitted for a single use, the credit shall be calculated only on that portion of the structure for which the use is changed. For example, if a lot includes a single structure of 20,000 square feet and the existing use being changed only pertains to a 5,000 square foot portion of the structure that is physically separated and permitted for a single use, the credit shall be determined based only on that 5,000 square feet.
- C. **Application of Credit on Single Lot.**
 1. The credit shall be applied to capital expansion fees due for new uses established on the lot.

2. If capital expansion fees for a new use on a lot are greater than the amount of the credit, the difference shall be due at the time set forth in Section **18.16.402 Capital Expansion Fees Imposed**.
 3. If capital expansion fees for a new use on a lot are less than the amount of the credit, no additional capital expansion fees shall be due for the new use on the lot.
 4. Any excess capital expansion fee credit after application to a new use established on the lot from which it arose may be applied thereafter to each additional new use or change in use on the lot on a first-come, first-served basis, based on the date upon which a complete application for such development has been accepted by the City, except to the extent the credit has been previously used on other lots as provided in Subsection D. or E. below. Once an excess credit is established, the amount of that credit shall not be adjusted based on an increase in capital expansion fees, inflation or on any other basis.
- D. **Application of Credit to Site with Multiple Lots.** Any remaining excess credit after application to a new use established on the lot from which it arose may be applied to each additional new use or change in use on adjacent lots within a site on a first-come, first-served basis, based on the date upon which a complete application for development for each new use has been accepted by the City.
- E. **Application of Credit Offsite.** Any credit not used on a single lot or within a site may be used for capital expansion fees due for any new use established outside the lot or site only with buildings moved from the lot or site on a first-come, first-served basis, based on the date upon which a complete application for development has been accepted by the City.
- F. **Nature of Credit.** Any capital expansion fee credit established under this section shall not constitute a property right of any kind and shall not be owned by the property owner or transferable or assignable by the property owner to any third party. Except as provided in paragraphs D. and E. above, credit shall remain with the lot from which it arises.

18.16.406 Waivers

City Council may, by resolution, grant an exemption from all or part of the requirements of this UDC related to the payment of capital expansion fees imposed by the City in accordance with Section **18.16.103, Waiver of Fees**.

Division 18.16.05 Affordable Housing

18.16.501 Purposes; Voluntary Participation

- A. **Purposes.** The purposes of this Division are to:
1. Encourage development of diverse housing types and complete neighborhoods;
 2. Support housing that meets the needs of low and moderate income households;
 3. Reduce homelessness by providing supportive housing with services.
- B. **Voluntary Participation.** The City does not require the development of affordable housing. However, the City may provide incentives to applicants who choose to develop affordable housing and voluntarily accept the conditions that are set according to this Division.

18.16.502 Community Housing Development Fund Established

There is created a special fund to be known as the “Community Housing Development Fund” for the purpose of receiving all revenues related to affordable housing programs and services and other appropriations from the general fund or other funds as approved or established by the City Council. The fund and any interest earned in the fund shall be for the specific use of those affordable housing programs and services as determined by the City Council.

18.16.503 Revenue Sources for Community Housing Development Fund

The community housing development fund shall be funded through revenues derived from payments to the City as set forth in Section 18.16.509 Sales of Deed-Restricted Affordable Housing Units, from gifts or grants, and from appropriations from the general fund or other funds, as the City Council may from time-to-time establish or approve.

18.16.504 Designation of Affordable Housing Developments

- A. **Generally.** Before a design flexibility may be approved or an incentive granted pursuant to this Division, a proposed development must be designated as an affordable housing development by the City Council.
- B. **Process.**
 - 1. All applications for designation of a housing development as affordable shall be submitted to the Affordable Housing Commission for review and recommendation to the City Council.
 - 2. The City Council shall review such applications and make the final determination to approve, approve with conditions, or deny such applications by resolution.
- C. **Limitations.**
 - 1. An application for designation of a housing development as affordable may not be combined with or include a request for exemption from a capital expansion fee or other fees.
 - 2. A designation of a housing development as affordable does not guarantee a reduction or exemption of capital expansion fees or other fees by the City Council.

18.16.505 Expedited Development Review for Affordable Housing Developments

The City shall process all applications for affordable housing developments on an expedited basis. Complete applications for affordable housing developments shall be placed ahead of all other complete applications in the review process. All required reviews of applications for affordable housing developments by City staff members and City boards and commissions shall be accomplished in as expeditious a manner as possible consistent with good planning principles.

18.16.506 Dispersion of Affordable Housing Units

- A. **Generally.** Where affordable housing units are part of a residential development also containing market-rate housing units, the Director shall review the Sketch Plat to ensure that the affordable housing units are, to the extent possible without creating practical difficulties, mixed with market-rate housing units, such that the affordable housing units are not clustered together or segregated from the market-rate housing units. The Director, in all instances, shall have the discretion to approve the final location and distribution of affordable housing units in the development on the final plat, provided that such locations are in substantial compliance with the approved Sketch Plat.
- B. **Plat or Plan Annotation.**
 - 1. All development plans for affordable housing developments or that include affordable housing units shall either provide an exhibit or indicate on a sketch subdivision plan which dwelling units shall be constructed as affordable housing units to ensure dispersal of the units within the development.
 - 2. For developments that will be subject to fee-simple ownership (*e.g.*, single-family detached dwelling units on platted lots), each lot upon which an affordable housing unit is to be constructed shall be designated on the Sketch Plat and Final Plat.
 - 3. For developments that will be subject to condominium ownership or offered for-rent (*e.g.*, multi-family housing), the Sketch Site Development Plan and Site Development Plan shall indicate the percentage of units within the development that shall be constructed as affordable housing units.
- C. **Phasing.**
 - 1. An affordable housing development may be developed in phases. For a phased development, each development plan shall indicate which dwelling units shall be constructed as affordable housing units. The Director, in all instances, shall have the discretion to approve the number and location of affordable housing

units within a phased development so long as the required ratio of affordable housing units to the overall number of market-rate units is maintained for each phase of the development.

2. The development agreement for the affordable housing development shall specify the required affordable housing ratio of affordable housing units to market-rate units to be maintained during construction of each phase of the development.

D. **Relocation of Units.** The Director shall also have the authority to approve administrative amendments to development plans changing the location of affordable housing units designated on a development plan for non-phased developments, provided that such locations are in substantial compliance with the planning commission's approval of the preliminary plat and with all other applicable provisions of this chapter.

18.16.507 Deed Restriction for Affordable Housing Units Required

A. **"For Sale" Units.** No certificate of occupancy shall be issued for any "for-sale" affordable dwelling unit or building containing at least one affordable dwelling unit, unless all of the following conditions are met:

1. The applicant provides documentation satisfactory to the Director that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat or site development plan.
2. For a single-family detached dwelling only, the contract household-buyer of such unit has been income-qualified for the purchase of such unit by the Community Partnership Administrator.
3. A deed restriction or encumbrance, in a form approved by the City Attorney, is recorded against the subject property, that includes all of the following conditions:
 - a. The sale of the affordable housing unit(s) to any person or entity other than a qualifying household is prohibited.
 - b. The unit must be owner-occupied, and the rental of the property is prohibited.
4. The required deed restriction also includes provisions stating:
 - a. It is the intent of the parties that the restriction shall constitute covenants, equitable servitudes, and/or liens that run with the land, and shall benefit and burden any personal representatives, successors, and assigns of the parties.
 - b. The deed restriction automatically expires:
 1. If title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or
 2. 20 years after the date of the initial purchase of the affordable housing unit by the initial qualifying household, provided there is no existing default under the deed restriction or encumbrance.

B. **"For Rent" Units.** No certificate of occupancy shall be issued for any "rental" multiplex, multifamily, townhome, or duplex building containing an affordable housing unit(s), unless all of the following conditions are met:

1. The applicant provides documentation satisfactory to the Director that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat or site development plan.
2. A deed restriction or encumbrance, in a form approved by the City Attorney, is recorded against the property, that includes all of the following conditions:
 - a. The rental of the affordable housing units to any person(s) other than a qualifying household is prohibited; and
 - b. The conversion of the affordable housing units from "rental" units to "for-sale" units without the prior written approval of the City is prohibited.
3. The required deed restriction also includes provisions stating:

- a. It is the intent of the parties that the restriction shall constitute covenants, equitable servitudes, and / or liens that run with the land, and shall benefit and burden any personal representatives, successors, and assigns of the parties.
- b. The deed restriction automatically expires:
 1. If title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or
 2. 50 years after the date on which a certificate of occupancy was first issued for the property, provided there is no existing default under the deed restriction or encumbrance.

18.16.508 Development Fees for Affordable Housing

- A. **Generally.** Capital expansion fees, water rights requirements and fees, and any other fees imposed by the city upon an affordable housing development, whether for capital or other purposes (collectively, "development fees"), shall be calculated as of the date on which the City Council adopts a resolution designating the housing development as affordable (the "designation date"). The development fees calculated under this Section shall be valid for five years thereafter. At the end of the five-year period, the development fees shall be calculated each year thereafter on the basis of those development fees in effect five years prior. This adjustment shall continue each year until the last affordable housing unit within the affordable housing development receives a building permit, or the housing development loses its affordable designation in accordance with Subsection B. below.
- B. **Lapse of Designation.** Ten years after the designation date, the housing development shall lose its affordable designation unless at least one affordable housing unit within the housing development has received a certificate of occupancy, in which case the development fees shall continue to be calculated as set forth in Subsection A., above. Notwithstanding the foregoing, any developer that has not obtained a certificate of occupancy at the end of the ten-year period may request that the Affordable Housing Commission consider and make a recommendation to the City Council to extend the development's affordable designation and the fee reduction provided for herein for good cause shown. Any such extension shall be set forth in a development agreement approved by resolution of the City Council.
- C. **Relationship to Standard Fees.** Notwithstanding anything herein to the contrary, the developer shall be entitled to pay the lower of the development fee in effect as of the designation date and the standard development fee in effect at the time such fees are paid.
- D. **Waivers of Fees.** City Council may, by resolution, grant an exemption from all or part of the requirements of this UDC related to the payment of fees imposed by the City in accordance with Section 18.16.103, [Waiver of Fees](#).

18.16.509 Sales of Deed-Restricted Affordable Housing Units

- A. **Generally.** Every household-buyer of a deed-restricted affordable housing unit must be income-qualified by the Community Partnership Administrator.
- B. **Fees Recapture.** Within the deed-restriction period of a particular affordable housing unit, the owner of a deed-restricted affordable housing unit may only sell or transfer the unit to another income qualified household unless the City Council approves a hardship waiver of the requirements of this Section. The requirements of this Section shall not apply to the owner of an affordable housing unit with a deed restriction recorded prior to July 1, 2017 or to those deed restrictions that are related to or the subject of a development agreement executed between the City and a developer prior to July 1, 2017.
- C. **Deed Restriction Hardship Waiver and Payment Required.** The City Council may waive the requirement provided in subsection B., above, to allow the owner of a "for-sale" affordable housing unit to sell such unit to a household that does not meet the definition of a qualified household. Any requests for such deed restriction hardship waiver must be approved first by the Affordable Housing Commission. The Affordable Housing Commission's denial of a waiver may be appealed to the City Council. A deed restriction hardship waiver granted by the City Council shall require the owner to pay the City the amounts set forth by applying the calculations in Table 18.16.509, Early Terminations Fee Recapture, below, except that in no instance shall the payment required exceed the owner's amount of net proceeds from the sale of the affordable housing unit.

Table 18.16.509
Early Termination Fee Recapture

Number of Years from Date of Original Sale¹	Amount of Waived Fees to be Returned to City
1	95%
2	90%
3	85%
4	80%
5	75%
6	70%
7	65%
8	60%
9	55%
10	50%
11	45%
12	40%
13	35%
14	30%
15	25%
16	20%
17	15%
18	10%
19	5%
20	0%

Table Note:

¹ Use standard rounding techniques to round to the nearest whole year.

18.16.510 Use Tax Credit for Qualified Affordable Housing Units

- A. **Incentives Allowed.** An applicant who meets all of the applicable criteria set forth in this Section may receive, as a credit against any fees assessed by the City in connection with the construction of new qualified affordable housing units within the City, or in connection with the reconstruction or remodel of an existing affordable housing unit within the City, a sum equal to the building materials use tax paid to the City in connection with the construction of such units.
- B. **Criteria to Receive Credit.** The credit shall be issued at the time a certificate of occupancy is issued for the building containing an affordable housing unit. In order to receive the use tax credit set forth in Subsection A., the applicant shall meet one of the following criteria:
1. For “for-sale” dwelling units, the applicant shall provide documentation satisfactory to the Director that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat or site development plan.
 2. For “rental” dwelling units, the applicant shall provide documentation satisfactory to the Director and the City Attorney that the building containing affordable housing rental unit(s) is located in an affordable housing development and will provide affordable housing units to qualifying households for not less than fifty years.
- C. **Application.** Any person or entity that wishes to receive the incentive credit provided for in Subsection A., above, shall submit a completed use tax credit application to the Community Partnership Administrator. The application shall be accompanied by documentation in support of the criteria set forth in this Section. An application that fails to contain complete information and sufficient documentation to support the criteria set forth above shall not be

considered. The completed application for the incentive credit shall be submitted and approved prior to issuance of a use tax credit and prior to issuance of a certificate of occupancy.

18.16.511 Annual Review of Affordable Housing Ownership

Once each year, the Community Partnership Administrator shall obtain an ownership report concerning each “for-sale” affordable housing unit for which the City has issued a certificate of occupancy. In the event an affordable housing unit is owned or occupied by a person other than the initial qualifying household, the current owner of the affordable housing unit shall submit documentation to the Community Partnership Administrator verifying that the affordable housing unit is owned by a qualifying household and has not been rented. In the event the current owner fails to provide such information in a timely manner, or the information provided fails to support continuing compliance with the requirements set forth in this Division, the Community Partnership Administrator shall advise the current owner in writing that the payment set forth in Section [18.16.509 Sales of Deed-Restricted Affordable Housing Units](#), shall be paid to the City. If the current owner fails to pay the City within 30 days of the date any decision is made by the Community Partnership Administrator pursuant to this section, the City may institute appropriate legal proceedings to recover the amount owed. Any such funds recovered shall be placed in the affordable housing fund.

Division 18.16.06 Public Improvements

18.16.601 Purpose

The purposes of this Division are to set out:

1. The procedures for installing public improvements and financially securing incomplete public improvements,
2. Required times for completion or performance of public improvements, and
3. The required warranty for such improvements.

18.16.602 Establishment of Area Boundaries

- A. **Generally.** The exterior boundaries of the area within which public improvements are to be installed or grading performed shall be established by the applicant, subject to the approval of the City Engineer. Boundaries for each phase shall be shown on a phasing plan (if more than one phase is proposed).
- B. **Applicability to Subdivisions.** Such area shall include not less than ten lots or a complete cul-de-sac street.
- C. **Landscape Plans.** Implementation of the landscape plan shall be done in accordance with the phasing plan or as otherwise approved by the Director.

18.16.603 Installation of Improvements

- A. **Generally.**
 1. All public improvements shall be in compliance with the final construction and development plans approved by the City.
 2. As used in this section:
 - a. “Preliminary improvements” shall include, but limited to, all-weather street surfaces, street name signs, traffic-control signs, curbs and gutters, water distribution improvements, wastewater collection improvements, electric distribution improvements (including local street lighting), and storm water control facilities.
 - b. “Final improvements” shall include, but not limited to, street pavement, pavement markings, permanent traffic control and street names signs, sidewalks, landscaping, and survey monuments.
- B. **Preliminary and Final Improvements.**
 1. Except as provided in subsection D., below, prior to the issuance of any partial building permit (e.g., footings and foundation permit) in any area within any annexation or subdivision, all preliminary improvements shall be installed by the applicant in compliance with plans and specifications approved by the City.

2. Prior to the issuance of any full building permit within any annexation or subdivision, all final improvements shall be installed by the applicant in compliance with plans and specifications approved by the City, except that the installation of sidewalks may be deferred in the discretion of the City Engineer to any time prior to issuance of a clear certificate of occupancy, letter of completion, or final building inspection of such building(s), as applicable.
- C. **Guarantees.** A financial guarantee, satisfactory to the City, of such installation may be made in-lieu of constructing the required final improvements prior to issuance of the full building permit. The improvements shall be made in the area in which the permit is requested, the boundaries of which shall be as provided in this Division, and such improvements shall be connected to existing improvements of a like nature so as to become a part of the respective systems.
- D. **Exceptions.** The Director may issue a partial or full building permit in an area within an annexation or subdivision prior to installation or preliminary or final improvements as otherwise required pursuant to subsection B., above, provided the applicant demonstrates that unanticipated difficulties beyond the applicant's control have delayed completion of preliminary or final improvements and the Director makes the following findings:
1. Issuance of any such building permit will not create a threat to public health, safety, or welfare.
 2. The applicant has demonstrated that there is a reasonable probability that the improvements otherwise required pursuant to subsection B. will be completed within six months after the issuance of any such partial or full building permit.
 3. Issuance of any such partial or full building permit has been made subject to the following conditions:
 - a. The Public Works Department has approved the Subdivision Lot Grading Certificate form.
 - b. Adequate all-weather access to the construction site shall be provided for fire and emergency vehicles. Such access shall be subject to approval by the fire department.
 - c. All underground electric lines and equipment shall be installed unless such installation is waived by the water and power department.
 - d. Temporary erosion control measures shall be installed on the site in compliance with City standards.
 - e. Prior to delivering any combustible building materials to the construction site, adequate water supply for fire protection shall be provided to the construction site. Such water supply system shall be subject to approval by the Loveland Fire and Rescue Authority.
 4. The Director may impose any other conditions determined to be necessary by the Director to avoid a threat to public health, safety, or welfare, including the posting of financial security in a form satisfactory to the City and in the amount of 110 percent of the cost of the improvements otherwise required pursuant to subsection B., above.
- E. **Temporary Certificates of Occupancy.**
1. *Non-Residential Uses.* The Director may issue a temporary certificate of occupancy for a non-residential use prior to the installation of all preliminary improvements, provided the Director determines that the issuance of any such temporary certificate of occupancy will not create a threat to public health, safety, or welfare and the requirements in subsection B., above, have been met.
 2. *Residential Uses.* The Director may issue a temporary certificate of occupancy for residential uses only after the preliminary improvements have been installed pursuant to subsection B., above, and the Director determines that the issuance of any such temporary certificate of occupancy will not create a public health, safety, or welfare.
- F. **Clear Certificates of Occupancy.** No inspections shall be made by the City for purposes of issuing a clear certificate of occupancy until all final improvements and other requirements imposed by the provisions of this code or by the City at the time any annexation map or subdivision plat is approved have been installed or performed by the applicant in compliance with plans and specifications approved by the City engineer and as required by this code or any ordinance or resolution passed by the City.
- G. **Notification.** The Director shall notify City Council of any actions taken under subsections D. or E. of this section.

18.16.604 Guarantee Form and Deposit

- A. **Generally.** The guarantee required by this section shall be in one of the following forms and shall be deposited prior to the issuance of the first full building permit described in Section 18.16.603, *Installation of Improvements*:
1. *Surety Bond.* A surety bond deposited with the City in an amount not less than 110 percent of the estimated cost of complete installation of all final improvements and compliance with the conditions and requirements of the City in the area established as provided in Section 18.16.602, *Establishment of Area Boundaries*. Such bond shall be conditioned upon the complete installation of such improvements and compliance with such conditions and requirements within the time and in the manner required by this UDC or any ordinance or resolution of the City Council.
 2. *Cash or Other Collateral.* A deposit of cash, certified funds from a financial institution, or other collateral, acceptable to the City, in an amount not less than 110 percent of the estimated cost to complete the installation of all final improvements in compliance with the conditions and requirements of the City in the area established as provided in Section 18.16.602, *Establishment of Area Boundaries*, shall be deposited by the applicant with the City or with any financial institution acceptable to the City.
 - a. Deposits with financial institutions shall be subject to an escrow agreement whereby the holder of such cash, certified funds, or collateral shall pay all or any portion thereof to the City upon the demand of the City as may be required to complete the installation of the public improvements in compliance with such conditions and requirements within the time and in the manner required by this UDC or any applicable ordinance or resolution of the City Council.
 - b. Any deposit of cash or certified funds held by the City shall be subject to an agreement whereby the City retains all, or any portion thereof, including any interest or other income earned therein, as may be required to complete the installation of the public improvements and ensure compliance with such conditions and requirements within the time and in the manner required by this UDC or any applicable ordinance or resolution of the City Council.
 3. *Irrevocable Letter of Credit.* An agreement between the City, the applicant and a financial institution acceptable to the City, in which the financial institution agrees to extend a letter of credit to the applicant, which letter of credit shall be in an amount not less than 110 percent of the cost of the complete installation of all final improvements in compliance with the conditions and requirements of the City Council in the area established, as provided in Section 18.16.602, *Establishment of Area Boundaries*. Said contract shall provide, in part, that the City shall have the right to call upon said line of credit, in the event of default on the part of the applicant, to complete the installation of and payment for such improvements and to ensure compliance with such conditions and requirements within the time and the manner required by this UDC or any ordinance or resolution of the City Council. Said agreement shall be in such form as may be required by the City and shall be accompanied by other documents, including, but not limited to, a letter of credit from the financial institution, as may be required by the City.
- B. **Interest.** No interest or other income earned on the cash or collateral deposited with the city under this Section shall be paid to the applicant by the city.
- C. **Improvements Agreements.** All surety bonds, letters of credit and escrow agreements shall be accompanied by an improvements agreement approved as to form and sufficiency by the City Attorney. Surety bonds shall be deemed sufficient if executed by a corporate surety licensed to do business in the state of Colorado, and countersigned by a resident agent of such corporate surety.

18.16.605 Grading Permit Allowed

- A. **Generally.** Notwithstanding the provisions of the building code adopted by reference with modifications in Chapter 15.08, Loveland Municipal Code, a grading permit may not be issued by the Chief Building Official, but may be issued by the Director for the following purposes only:
1. For overlot grading associated with the construction of public improvements or overlot grading within a subdivision for which final construction drawings have been submitted and are being reviewed by the City and the applicant has addressed at least one round of review comments; or

2. For overlot grading that meets the criteria for the issuance of an overlot grading permit set forth in the building code adopted by the City, provided that the director finds that:
 - a. The grading activity will not disturb any natural areas as defined in the Comprehensive Master Plan; and
 - b. The grading activity will not disturb any environmentally sensitive areas as defined in this UDC.
- B. **Environmentally Sensitive Areas.** Prior to the commencement of any grading activities on a site containing environmentally sensitive areas, temporary construction fencing shall be installed around the drip line of mature trees, vegetation, riparian areas, and other sensitive areas identified for preservation on plans approved by the City.

18.16.606 Time for Completion

- A. **Generally.** The required time for completion or performance of all final improvements, conditions, and requirements shall be as soon as practicable, but no later than one year from the date of application for the first full building permit; provided, that:
 1. The Director may extend such time for completion or performance for a period of up to one year for good cause shown; or
 2. An improvements agreement may provide for an alternative construction schedule.
- B. **Construction Schedule.** To establish the time of completion of the final improvements, conditions and requirements; the applicant shall prepare a detailed construction schedule and provide a financial security to the City for approval at a meeting held prior to the start of any public improvement construction.
- C. **Release of Guarantee.** Upon completion or performance of final improvements, conditions and requirements within the required time, and upon the approval and acceptance thereof by the City, the City shall cause such bond, deposit, escrow agreement or letter of credit provided pursuant to Section [18.16.604, Guarantee Form and Deposit](#), to be released within 15 days after written notification to the City that such improvements, conditions, and requirements are completed or performed.
- D. **Partial Release of Guarantee.** The City may allow a portion of financial security to be released as specific improvements, conditions, and requirements that are approved by the Director are completed or performed and approved or accepted by the City. Such partial releases of guarantees shall be made within 30 days after written notification to the City that the identified improvements, conditions, or requirements are completed or performed.
- E. **Use of Guarantee.** If the improvements, conditions, and requirements are not completed or performed within the required time, the City shall cause the proceeds of the bond, cash deposit, other collateral or moneys in escrow or extended through a letter of credit to be used to complete the same; provided, however, that in the case of financial security held with respect to incomplete improvements, the City may cause the proceeds of the financial security to be used to complete such work or improvements, for the correction or modification of building site conditions, removal of incomplete improvements, or installation of fencing, as may be necessary or appropriate in the City's judgment to protect the public's health, safety, and welfare, and the City shall have no obligation to complete any building site improvements in accordance with approved plans.

18.16.607 Inspection

All improvements shall be inspected as provided in the City of Loveland Street Standards, or where the improvements are not addressed in the City of Loveland Street Standards, according to standards promulgated by the Director or City Engineer.

18.16.608 Dedication on Completion

Upon the completion and written acceptance by the City of the same, all public improvements shall be appropriately dedicated to public use and maintenance.

18.16.609 Warranty

- A. **Generally.**

1. All workmanship and materials (except materials provided by the City) for all required public improvements installed by the applicant (including, but not limited to the water supply system, sanitary sewage disposal system, storm drainage facilities, electrical distribution system, curbs, gutters, street pavement, sidewalks, street signs, survey monuments, landscaping, and pavement markings) shall be warranted to be free from defects by the applicant for a period of two years from the date of acceptance of the required improvement by the City, provided, that such defects are not the result of public abuse, misuse, or natural causes, as determined by the City.
2. City inspection during the warranty period shall not relieve the property owner of such warranty of workmanship and materials.

B. Warranty Notice and Corrections.

1. Upon notification by the City, the applicant shall promptly make all adjustments, repairs, or replacements in accordance with a repair plan approved by the City, which repair, in the judgment of the City, arose out of defects and became necessary during the warranty period. The cost of all materials, parts, labor, transportation, supervision, special tools, and supplies required for replacement or repair of parts and for correction of defects shall be paid by the contractor or by the holder of the approved financial security.
2. If, within 15 days after the City has notified the applicant of a defect, failure, or abnormality in the work, the applicant has not started to make the necessary repairs or adjustments or submitted a written objection to the City's request for repair work, the City is authorized to make the repairs or adjustments or to order the work be done by a third party. The cost of the work shall be paid by the applicant. The Director may authorize a temporary repair if necessary due to weather conditions or materials availability.

C. Continued Warranty. The warranty shall be extended to cover all repairs and replacements furnished under the warranty, and the period of the warranty for each repair or replacement shall be extended one year after installation or completion of the repair or replacement.

D. Objections to Warranty Notice. If an applicant has cause to object to the City's request for repair work, such objection shall be made in writing to the Director. If the Director confirms that the repair is necessary because of a defect in the applicant's materials or workmanship, the applicant shall complete the repairs as directed by the City, or appeal the Director's decision.

E. Emergency Repairs. In the event of an emergency (where in the judgment of the City, delay would cause serious loss or damage), repairs or adjustments may be made by the City or a third party chosen by the City without advance notice to the applicant. The cost of the work shall be paid by the applicant or the holder of the financial security.

F. Final Inspection. Within 30 days prior to expiration of the warranty period, the applicant shall request, in writing, that the City verify that no defects exist. The City shall, within 30 days, inspect the completed work and, if no defects, failures, or abnormalities are observed or detected, the City shall cause the bond, deposit, escrow agent, or letter of credit to be released as provided in Section 18.16.606, *Time for Completion*.

G. Enforcement.

1. In the event that the applicant fails to complete any required repair work, or fails to reimburse the City for legitimate repair work performed by the City on behalf of the applicant, or fails to enter into an agreement with City regarding the satisfactory resolution of the obligation, the applicant shall be prohibited from participating in any further land development activity in the City until such repair, reimbursement, or agreement is completed to the satisfaction of the Director.
2. Both the developer of the project and the contractor performing the defective work shall be subject to this restriction. The developer shall be prohibited from receiving any additional building permits for any lots owned by the developer, as well as from submitting or continuing the processing of any land development applications for review and consideration by the City. The contractor shall be subject to the issuance of a stop work order issued by the City to the contractor for any work within any City right-of-way or easement.

Chapter 18.17 SPECIFIC Review Procedures AND APPROVAL STANDARDS

Contents:

- Division 18.17.01 Annexation
- Division 18.17.02 Public Improvement Construction Plans
- Division 18.17.03 Expedited Reviews and Shot Clocks
- Division 18.17.04 Enhanced Corridor Overlay Zone
- Division 18.17.05 Oil and Gas Permits
- Division 18.17.06 Complete Neighborhoods
- Division 18.17.07 Conceptual Master Plan
- Division 18.17.08 Planned Unit Development
- Division 18.17.09 Zoning and Rezoning
- Division 18.17.10 Sign Permits and Planned Sign Program Option
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- Division 18.17.15 Administrative Variations, Design Flexibility, Reasonable Accommodations, Height Exceptions, and Variances
- Division 18.17.16 Vacation of Rights-of-Way, Easements, and Obsolete Subdivisions

Division 18.17.01 Annexation

18.17.101 Purpose

The purpose of this Division is to set out the policies and procedures for annexing property into the City limits.

18.17.102 Procedure; Consistency with State Law

Annexation of lands to the City shall be in accordance with the constitution and laws of the State of Colorado in effect from time to time. An annexation shall be processed in accordance with this Division except to the extent of any conflict with Colorado law. In the event that additional procedural requirements are imposed by applicable Colorado law, the Director shall modify the annexation process to add any additional procedures required by Colorado law.

18.17.103 Annexation Application Policies

- A. **Generally.** Annexation is a legislative act of the City Council, and all applications are considered on a case-by-case basis. The City is not obligated to annex property, and may negotiate terms for individual annexations.
- B. **Concurrent Zoning.** The annexation application shall be accompanied by an application for initial zoning.
- C. **Public Facilities.** The annexation application must disclose the present and anticipated future (*i.e.*, post-development) public facility requirements of the property to be annexed, and how such requirements are to be met by the applicant (*e.g.*, commitments of land dedication, payment of cash, construction of public facilities, or other method offered in the annexation petition).
- D. **Fiscal Impact Analysis.** In its consideration of any proposed annexation, the Director or City Council may request that an analysis be prepared to measure and assess the fiscal impact of the proposed annexation. The cost of such analysis or additional information shall be borne solely by the applicant. The City Council may make any appropriate findings as a result of said fiscal impact analysis.

18.17.104 Annexation Review Considerations

- A. **Generally.** The City Council may consider an annexation application only after approving a resolution finding that the application complies with the eligibility criteria contained in C.R.S. §§ 31-12-104 and 31-12-105, or C.R.S. § 31-12-106.



- B. **Public Facilities and Community Services.** The City Council will not adopt an annexation ordinance until such time that it determines that the current requirements for public facilities and community services (defined herein), as the City determines to be necessary and required in the area proposed to be annexed, have been fulfilled, and that there is an appropriate mechanism in place to assure that the future requirements for such public facilities and community services will be fulfilled.
1. As used in this subsection, the phrase “public facilities” includes, but is not limited to, streets, sidewalks, bike lanes, bridges, parks and recreation areas, schools, police or fire station sites, water and wastewater, and storm drainage facilities.
 2. As used in this subsection, the phrase “community services” includes, but is not limited to fire and police protection and provision of water and wastewater services.
- C. **Other Annexation Considerations.** After approving the resolution described in subsection A., above, the City Council may consider the following prior making a decision about the adoption of an annexation ordinance:
1. *Consistency with Comprehensive Plan.* Whether the applicant has demonstrated that the proposed annexation of land is consistent with the Comprehensive Plan.
 2. *Impact on Existing Residents of the City.* Whether the annexation of lands to the City creates any additional cost or burden on then-existing residents of the City to provide public facilities and additional community services in any newly-annexed area.
 3. *Impact on School Districts.* Whether the applicant has demonstrated that the applicant arranged with the school district regarding the dedication of school sites, or payment of fees in lieu of said dedication, as may be agreed to among the applicant, the school district and the City.
 4. *Intergovernmental Agreements.* Whether the applicant has demonstrated that the proposed annexation of land is in compliance with all pertinent intergovernmental agreements to which the City is a party.
 5. *Streets; Compliance with City Standards.* All existing and proposed streets in newly annexed territory shall be constructed in compliance with all current City standards unless the City determines that the existing streets will provide appropriate access during all seasons of the year to all lots fronting on each street; and that the curbs, gutters, sidewalks, bike lanes, culverts, drains, and other structures necessary to the use of such streets or highways are satisfactory or not necessary to promote public safety. The location, type, character and dimensions of all structures and the grades for all existing or proposed street work shall be subject to approval by the City.
 6. *Water Rights.* The annexation shall comply with the water rights requirements of Title 19, Loveland Municipal Code.
 7. *Best Interest of Citizens.* Whether the proposed annexation is in the best interest of the citizens of the City of Loveland.

18.17.105 Annexation Procedure

- A. **Petition Processing.** Petitions for annexation shall be processed in accordance with the procedures set forth in C.R.S. § 31-12-101, *et seq.*, as applicable to the type of annexation. To the extent that the procedures of [Chapter 18.14, General Review Procedures](#), are not inconsistent with C.R.S. § 31-12-101, *et seq.*, [Chapter 18.14, General Review Procedures](#) shall apply to give additional specificity to the statutory review procedures.
- B. **Requirement to Zone Annexed Property.** All petitions for annexation shall be accompanied by an application for zoning of the property to be annexed. All zoning applications shall propose a zone that is consistent with the Comprehensive Plan, as amended, unless an application for Comprehensive Plan amendment also accompanies the zoning application.
- C. **Other Concurrent Applications.** The applicant may submit concurrent applications for development approval with the annexation petition. In this case, any public improvement construction plans submitted with the annexation petition shall be deemed to be part of the application for development approval.
- D. **Additional Public Notice.** Where the City Council adopts a resolution pursuant to C.R.S. § 31-12-108(1), the City Clerk or the Clerk’s designee shall give notice in accordance with the provisions of C.R.S. § 31-12-108(2).

E. Planning Commission Recommendation.

1. *Public Hearing.* Subject to available space on the agenda, the Planning Commission shall hold a public hearing on the annexation petition at its next regular meeting, prior to the City Council hearing that is noticed under subsection D. The public hearing shall be noticed in accordance with [Division 18.14.04, Required Notices](#).
2. *Staff Recommendations.* Staff recommendations shall be presented during the Planning Commission public hearing.
3. *Planning Commission Recommendation.* The Planning Commission shall make appropriate findings and recommendations based on the applicable review considerations. Using the policies and the annexation review considerations set out in this Division, the Planning Commission may recommend:
 - a. Approval of the petition;
 - b. Approval of the petition with conditions, with the applicant's consent;
 - c. Denial of the petition as submitted; or
 - d. With the concurrence of the applicant, continue the application and refer the matter back to the applicant for further study.
4. *Recommended Conditions.*
 - a. In recommending approval of any application, the Planning Commission may recommend any condition for any reason, including but not limited to ensuring that the proposal satisfies the review considerations set forth in this Division, the objectives and policies of the Comprehensive Plan, and the requirements of the UDC.
 - b. Before recommending that any condition be imposed on the annexation, the Planning Commission shall request the consent of the applicant to the conditions, either in writing or as a part of the record of the proceeding. If the applicant fails to consent to all of the conditions, such failure to consent shall be grounds for recommending denial of the annexation.

F. City Council Decision.

1. *Public Hearing.* The City Council shall decide whether to grant or deny the annexation petition after public hearing held in accordance with Colorado law.
2. *Presentation of Recommendations.* Staff shall present the Planning Commission's and staff's recommendations as part of the public hearing.
3. *City Council Decision.* Upon review of the petition and supporting materials in light of the policies and the annexation review considerations set forth in this Division, the City Council may:
 - a. Approve the petition as submitted;
 - b. Deny the petition as submitted;
 - c. In accordance with Colorado law, continue the application and refer the matter back to the applicant for further study.
4. *City Council Findings.* If the annexation petition is granted by the City Council, the City Council shall make appropriate findings based on the applicable review considerations and Colorado law.
5. *Conditions.*
 - a. In approving any application, the City Council may impose any condition for any reason, including but not limited to ensuring that the proposal satisfies the review standards set forth in this title, the Comprehensive Master Plan and the Code.
 - b. Before imposing any condition on the annexation, the City Council shall obtain the consent of the applicant to the conditions, either in writing or as part of the record of the proceeding, or after election if an election is required by law. If the applicant fails to consent to all of the conditions, such failure to consent may be grounds for denial of the annexation.

- c. Conditions of approval shall be incorporated into an annexation agreement that is approved by the City, which shall be executed by the applicant and delivered to the Director prior to the second reading of the annexation ordinance.

18.17.106 Recording and Filing Requirements

- A. **Generally.** After the final approval of the annexation map and ordinance, the applicant shall submit to the Director two signed, original mylars or one signed, original mylar and one clearly legible, reproducible copy of the map, containing original signatures. The Director may also require a digital copy of the map in a format approved by the Director.
- B. **Referral to City Clerk.** Upon receipt of the documents described in subsection A., the Director shall forward such documents to the City Clerk. The City Clerk shall:
 1. Cause the annexation map, two copies of the annexation ordinance, certified, the annexation agreement, if applicable, any other written agreements or documents which the Director requires to be recorded, and all other necessary filings as required by C.R.S. § 31-12-113 to be recorded with the Larimer County Clerk and Recorder; and
 2. Distribute sufficient copies of the map to other departments and individuals as required by law or designated by the Director.

18.17.107 Amendments to Annexation Agreements

- A. **Generally.** Amendments to an annexation agreement shall be processed in accordance with [Chapter 18.14, General Review Procedures](#).
- B. **Annexation and Development Agreements.** Agreements titled "Annexation and Development Agreements" shall be considered annexation agreements, and amendments thereto shall be processed in accordance with the annexation agreement process in [Chapter 18.14, General Review Procedures](#).
- C. **Obsolete Annexation Agreements.** If the terms specified in an annexation agreement are determined by the Director to no longer be relevant to the specific property, the Director may, in his or her sole discretion, expedite a request to amend the obsolete annexation agreement. An expedited amendment shall be forwarded directly to City Council for approval by ordinance without a neighborhood meeting or Planning Commission public hearing. Notice for the City Council hearing shall be in accordance with [Section 18.14.402, Required Notice by Application Type](#).

18.17.108 Limitation on Development of Annexed Property

No building permit or development plan shall be approved for property annexed into the City until a subdivision plat or simple plat has been approved and recorded that includes the property that is the subject of the building permit or development plan.

Division 18.17.02 Public Improvement Construction Plans

18.17.201 Wastewater, Water, Stormwater, Street, and Landscaping Improvements

- A. **Generally.** Construction drawings for all necessary wastewater, water, and stormwater systems, landscaping improvements, and street improvements, shall be approved by the City before the recordation of any final plat.
- B. **Contents.** Applications for public improvement construction plans shall include such information as required in the City's Street Standards and in the application checklist approved by the Director.

18.17.202 Revisions and As-Builts

The approved public improvement construction plans shall be revised by the applicant's engineer as record drawings that document all changes to the location of any constructed improvement. The record drawings shall be prepared by the applicant and approved by the City prior to the issuance of any building permits within the subdivision.

18.17.203 Exceptions

Exceptions from the requirements of Section 18.17.201, [Wastewater, Water, Stormwater, Street, and Landscaping Improvements](#) and Section 18.17.202, [Revisions and As-Builts](#), may be granted by the Director (as set out in an approved development agreement) where circumstances beyond the applicant's control justify an exception.

Division 18.17.03 Expedited Reviews and Shot Clocks

18.17.301 Expedited Review for Farmers Markets

Permit applications for farmers markets shall be reviewed within one week, except in situations, as determined by the Director, 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 within two weeks.

18.17.302 Expedited Review for Designated Affordable Housing

The City shall process all applications for affordable housing developments on an expedited time line. Complete applications for affordable housing developments shall be placed ahead of all other complete applications in the review process. All required reviews of applications for affordable housing developments by City staff members and City boards and commissions shall be accomplished in as expeditious a manner as possible consistent with good planning principles.

18.17.303 Wireless Telecommunications Facility Shot Clocks

- A. **Generally.** The procedures of this Section apply to wireless telecommunications facilities that are listed in Section 18.02.309, [Utility and Wireless Telecommunications Land Use by Zone](#).
- B. **"Shot Clock".** The Federal Communications Commission has established mandatory time frames for review of different types of applications for the wireless telecommunications uses that are listed in Section 18.02.309, [Utility and Wireless Telecommunications Land Use by Zone](#).
 - 1. The "shot clock" commences at the time the application is filed, whether the application is complete or not. With respect to telecommunications uses, Section 18.14.306, [Completeness Review](#), is modified as follows:
 - a. The City shall respond to the applicant with regard to whether the application is complete within 30 days after it is filed. The notice from the City shall specifically delineate all missing information, and specify the code provision, ordinance, application instruction, or other publicly-stated procedure that requirements the information. Such determination of incompleteness tolls the "shot clock."
 - b. Applications that are incomplete shall be retained by the City.
 - c. The City shall evaluate a resubmittal for completeness and respond to the applicant within 10 days.
 - 1. If the City requests information that had previously been identified in the notice issued pursuant to subsection B.1.c.1.a., above, the "shot clock" shall be tolled again.
 - 2. If the City requests additional information that was not identified in the notice, the shot clock shall continue to run.
 - 2. The "shot clock" concludes:
 - a. 150 days after commencement for new installations that are regulated by 47 U.S.C. § 332(c)(7).
 - b. 90 days after commencement for substantial changes to existing installations (e.g., co-locations that are not subject to 47 U.S.C. § 1455).
 - c. 60 days after commencement for "eligible facilities" as defined in 47 U.S.C. § 1455.
 - 3. In addition to tolling that occurs automatically under this subsection, the "shot clock" may be tolled by agreement with the applicant.
- C. **Approval of Application.** Approvals shall be in writing and shall specify all design elements that are intended to conceal the wireless telecommunications facility.

- D. **Denial of Application.** Denials shall be in writing and shall specify the reasons for denial, including reference to substantial evidence in the record that supports the denial.

Division 18.17.04 Enhanced Corridor Overlay Zone

18.17.401 Enhanced Corridor Overlay Application Requirements

- A. **Generally.** Owners of property that is designated within the Enhanced Corridor Overlay Zone (“ECOZ”) on the City’s Zoning Map may request to develop in accordance with the standards of the ECOZ.
- B. **Contents.** A written request from the owners of property to develop in accordance with the ECOZ standards shall be submitted with an application for a sketch site development plan or site development plan.
- C. **Application Requirements.** The election to use the ECOZ standards shall be shown on the sketch site development plan and site development plan.

18.17.402 Request for Inclusion of Property

- A. **Generally.** A request for inclusion of property within the ECOZ may be submitted by a property owner, provided that:
1. The property proposed for inclusion is located adjacent to Highway 287, Highway 34, located adjacent to property in the ECOZ boundaries, or as authorized by the Director; and
 2. The property is zoned B-Developing Business, I-Developing Industrial, or the request is being processed concurrently with an application for rezoning to B-Business or I-Industrial.
- B. **Contents.** A request for designation to the ECOZ shall include such information as required by the Director, which shall be at a minimum the following:
1. Consent from all property owners within the boundaries requested for designation;
 2. Written explanation of how the development will implement the policies set out in the Comprehensive Plan for the ECOZ and the All Zones Action Plan set forth in the Highway 287 Strategic Plan and other corridor plans of the City, as appropriate, including items listed in Section 18.02.901, Purpose and Application of Division, with respect to the Enhanced Corridor Overlay Zone; and
 3. Written explanation of how the development addresses transitions between parcels that front on the corridor and adjacent residential neighborhoods, while simultaneously improving connectivity between residential development and highway-oriented uses.

Division 18.17.05 Oil and Gas Permits

18.17.501 Required Application Materials

- A. **Generally.** Applications shall be submitted on a form approved by the Director, which shall include, at a minimum, the information specified in this Section.
- B. **Designated Agent.** The applicant shall include in its application the telephone number and email address of its designated agent and at least one back-up designated agent who can be reached 24 hours a day, seven days a week for the purpose of being notified of any proposed City inspection or in case of an emergency. The applicant shall notify the City in writing of any change in the primary or back-up designated agent or their contact information.
- C. **Applications and Permits.** Copies of all county, state and federal applications and permits that are required for the oil and gas operation shall be provided to the Director.
- D. **Reclamation Plan.** The application shall include any interim and final reclamation requirements required by the COGCC Regulations.
- E. **Representations.** The approved project development plan shall be subject to all conditions and commitments of record, including verbal representations made by the applicant on the record of any hearing or review process and in the application file, including without limitation compliance with all approved mitigation plans.

- F. **Truck Routing Plan.** Applications shall include a truck routing plan that meets the standards of Section 18.12.102, [Truck Routing Plans](#), and provides descriptions of all proposed access routes for equipment, water, sand, waste fluids, waste solids, mixed waste and all other material to be hauled on the City's streets.
- G. **Landscaping Plan.**
1. The operator shall submit to the City a temporary irrigation plan and implement said plan, once approved by the City, for the first two years after the plant material has been planted. If it is practicable to provide a permanent irrigation system, the operator shall submit an irrigation plan for permanent watering and the operator shall provide a performance guarantee for such landscaping that is acceptable to the Director. Produced water may not be used for landscaping purposes.
 2. The application shall include an analysis of the existing vegetation on the site to establish a baseline for re-vegetation upon temporary or final reclamation or abandonment of the operations. The analysis shall include a written description of the species, character and density of existing vegetation on the site and a summary of the potential impacts to vegetation as a result of the proposed operations. The application shall include any commission-required interim and final reclamation procedures and any measures developed from a consultation with the Director regarding site specific re-vegetation plan recommendations.

18.17.502 Recordation of Flowline Locations; Notice of Abandonment

The legal description of all flowlines, including transmission and gathering systems, shall be filed with the Director and recorded with the Larimer County Clerk and Recorder within 30 days after completion of construction. Notice of abandonment of any flowlines shall be filed with the Director and recorded with the Larimer County Clerk and Recorder within 30 days after abandonment.

18.17.503 Transfer of Permits

Oil and gas permits may be assigned to another operator only with the prior written consent of the Director and upon a showing to the Director that the new operator can and will comply with all conditions of the transferred permit and with all of the applicable provisions of this UDC. The existing operator shall assign the permit to the new operator on a form provided by the City and the new operator shall also sign the form agreeing to comply with all of the conditions of the permit and all applicable provisions of this UDC.

18.17.504 Expiration of Permits

An oil and gas permit shall expire and be null and void if drilling operations on the permitted well are not commenced within two years after the date the permit is issued, unless before the expiration date the applicant requests in writing and the Director approves an extension of such permit not to exceed one year. To approve any such extension, the Director must find that the applicant has an existing and valid permit from COGCC for the subject oil and gas operations, and that the oil and gas permit is in compliance with City standards as of the date of the extension request.

Division 18.17.06 Complete Neighborhoods

18.17.601 Application

- A. **Generally.** An application for a Complete Neighborhood shall comply with the standards in this Section and [Division 18.06.04, Standards for Complete Neighborhoods](#).
- B. **Required Documents.**
1. A pattern book shall be included in an application for approval of a Complete Neighborhood. The pattern book shall include information necessary to demonstrate compliance with the standards in [Division 18.06.04, Standards for Complete Neighborhoods](#); and
 2. A sketch plat, in compliance with Section [18.17.1301, Sketch Plat](#), shall be included in the application if the Complete Neighborhood is proposed to include more than one principal land use; or

3. A sketch site development plan, in compliance with [Division 18.17.11, Sketch Site Development Plans and Site Development Plans](#), shall be included in the application if the Complete Neighborhood is proposed to include only one principal land use.
- C. **Redundant Information.** Where the documents required in subsection B., above, require the same information, the Director may authorize the information to be included in only one of such documents.

18.17.602 Minimum Pattern Book Requirements

A. **General Quality.** A pattern book shall demonstrate that:

1. Each principal building is designed to provide a quality appearance from the street, with all street-facing elevations (*i.e.*, front facade and street side facade) on the building having consistent treatment in materials, color, and trim;
2. There is detailing of doors, windows, and their trim that carries around the building sides, so that even if the trim is plain, there is a visual relationship to the general style and character of the front elevation;
3. Front porches are provided on all detached housing types;
4. Outdoor living space is provided for each unit in all cluster housing types, townhomes, multiplex, and multifamily buildings;
5. Utility meters are not located on street-facing elevations unless screened by vegetation or other approved screening; and
6. There is detailing of doors, windows, and their trim that carries around the building sides, so that even if the trim is plain, there is a visual relationship to the general style and character of the front elevation

B. **Required Elements.** The pattern book for a Complete Neighborhood shall include the following information:

1. A description of each housing type that is proposed.
2. Standards for lot dimensions for each type of housing, expressed either as lot width and lot depth or lot width and lot area. Such standards may be expressed as averages, provided that minimums and maximums are also established.
3. Standards for setbacks or build-to lines for front, street side, interior side, and rear lot lines, which may be different for principal buildings and accessory buildings. Such standards may be presented in tabular or illustrated format.
4. Standards for yards or courtyards, if different from areas between required setback lines and lot lines, and fencing.
5. Standards for the maximum height of each type of building (residential, nonresidential, and mixed use) that is proposed in the development;
6. Standards for the design of each type of building (residential, nonresidential, and mixed-use) that is proposed in the development, which shall include:
 - a. Architectural style / typology;
 - b. Typical architectural elements for each style / typology; and
 - c. Typical finish / cladding materials for each style / typology.
7. A collection of illustrative elevations for each architectural style / typology, with standards that will ensure diversity of architectural presentation; or a collection of proposed elevations for each architectural style / typology, which demonstrates diversity of architectural presentation.
8. Standards for accessory buildings, if different from those set out in [Section 18.04.701, Accessory Buildings](#).
9. Standards for accessory dwelling units, if different from those set out in [Section 18.04.702, Accessory Dwelling Units](#).
10. Standards for accessory structures, if different from those set out in [Section 18.04.703, Accessory Structures](#).
11. Standards for fences and garden walls, if different from those set out in [Section 18.04.705, Fences, Garden Walls, and Hedges](#).

12. Standards for street cross-sections (typical) and off-street pedestrian circulation systems, if different from the City of Loveland Street Standards.
13. Standards for transitions between the development on the subject property and any adjoining property that is used or zoned for residential purposes (e.g., bufferyards, land use, lot width and area, building height planes, etc.).

18.17.603 Conditions of Approval

- A. **Generally.** The City may place conditions of approval on the Complete Neighborhood as necessary to ensure compliance with the approval criteria set out in [Division 18.06.04, Standards for Complete Neighborhoods](#).
- B. **Limitations.** Conditions shall not imposed that:
 1. Limit density or intensity or land use, except that if infrastructure or traffic impacts cannot otherwise be mitigated to the extent required by this UDC (or if the applicant chooses not to provide such mitigation), then the City may condition approval upon a reduction in density or intensity to the extent necessary to mitigate such impacts.
 2. Address the design of the development in ways that are covered in the sketch plat or sketch site development plan. The Complete Neighborhood approval shall defer any overall plan layout issues to be addressed in the sketch plat or sketch site development plan.

Division 18.17.07 Conceptual Master Plan

18.17.701 Application

- A. **Generally.** A Conceptual Master Plan (“CMP”) is a generalized land use and development plan for the property proposed to be included within the MAC or E Zones to insure the coordinated development of the entire property.
- B. **When Required.** A CMP is required as part of an application to zone or rezone property to an MAC or E zone, if a sketch site development plan or site development plan is not submitted for the entire property included in the zoning or rezoning application.
- C. **Contents.**
 1. *MAC Zone.* A CMP for property within the MAC zone shall include:
 - a. The general type, intensity, and location of land uses and public facilities;
 - b. The maximum residential density for the CMP;
 - c. The open space ratio for the CMP;
 - d. The maximum nonresidential building square footage for the CMP;
 - e. The overall classification and design of the primary road and pedestrian network;
 - f. A development phasing plan, if applicable; and
 - g. A narrative statement, conceptual renderings, schematic designs, architectural guidelines, or other information as needed to demonstrate compliance with the standards in [Division 18.06.10, Standards for Mixed-Use Activity Center Zone](#).
 2. *E Zone.* A CMP for property within the E zone shall include:
 - a. The items listed in subsections B.1.a through B.1.f, above, inclusive;
 - b. A depiction of the allocation of land uses in a manner that demonstrates compliance with [Section 18.06.1102, Balance of Land Uses](#); and
 - c. A narrative statement, conceptual renderings, schematic designs, architectural guidelines, or other information as needed to demonstrate compliance with the standards in [Section 18.06.1103 Campus-Like Character](#).
- D. **Effect of Approval.**

1. Approval of a CMP shall be deemed an approval of the use, general location, layout, access, mass, density, and intensity shown on the plan;
2. Proposed sketch plats, final plats, sketch site development plans, and site development plans shall be in substantial compliance with the approved CMP. Substantial compliance is achieved when the Director finds that a proposed sketch plat, final plat, sketch site development plan, or site development plan does not:
 - a. Substantially change the areas or locations of land uses or public facilities;
 - b. Change the types of land uses that are allowed by the CMP, such that a new land use would be listed in a different table in [Division 18.02.03, Land Use by Zone](#);
 - c. Modify bufferyards along the boundaries of the conceptual master plan in a manner that would reduce buffering against or increase impacts upon adjacent properties used for single-family detached, duplex, multiplex, or townhome development;
 - d. Increase the number of residential dwelling units by more than 20 percent above the maximum density allowed for the CMP, or nonresidential building floor area by more than 20 percent, provided that the increase in density or floor area ratio does not exceed the maximum allowed by the underlying zone;
 - e. Decrease the number of residential dwelling units by more than 20 percent below the density allowed for the CMP, or decrease the nonresidential building floor area by more than 20 percent;
 - f. Decrease the open space ratio or landscape surface ratio by more than five percent below that for the CMP, provided that the open space ratio or landscape surface ratio does not fall below the minimum requirements of the underlying zone; or
 - g. Materially increase impacts on adjacent properties or change the character or function of the approved CMP.

18.17.702 Amendments to a Conceptual Master Plan

- A. **Minor Amendments to Conceptual Master Plan.** An application for a minor amendment to a CMP may be filed for all or a portion of the land area within an approved CMP. However, minor modifications or variances for individual lots shall be processed according to [Division 18.17.15, Administrative Variations, Design Flexibility, Reasonable Accommodations, Height Exceptions, and Variances](#), and not this Section.
- B. **Thresholds.** Minor amendments to the CMP may be approved by the Director, provided that the Director finds that such amendments do not result in any of the following:
 1. A land use in a location that is different than what is shown on the CMP.
 2. An increase or a decrease in building setback or building height by more than 20 percent;
 3. An increase or a decrease in overall density or intensity of more than 20 percent;
 4. An increase or a decrease in the size of designated open spaces or recreation areas of more than 20 percent;
 5. An increase or a decrease in the amount of landscaping of more than 20 percent;
 6. A change in the street pattern that will adversely impact adjacent property;
 7. A change in the location, number, or classification of curb cuts or street intersections at or outside of the boundaries of the CMP;
 8. Modification of an approved phasing plan; and
 9. Any other proposed change that the Director determines to be a *de minimus* change to the approved Conceptual Master Plan.
- C. **Major Amendment to Conceptual Master Plan.** A major amendment to a Conceptual Master Plan (*i.e.*, an amendment that is not authorized by subsection A. and B., above) shall be processed in accordance with Section [18.14.202, Decision-Making Tracks by Application Type](#).

Division 18.17.08 Planned Unit Development

18.17.801 Intent of Planned Unit Development

- A. **Generally.** The planned unit development (“PUD”) process is intended to provide for the creation of a zoning district that allows for a mix of land uses and development standards that would not otherwise be permitted within the other zoning districts that are established by this UDC. Once approved by City Council, the PUD establishes the land use and development standards for the subject property as a separate and unique zoning district.
- B. **Intent.**
1. The intent of the PUD is to permit greater flexibility of use and, consequently, more creative and imaginative design for development than generally is possible under conventional zoning regulations. The PUD process is intended to be utilized primarily for large-scale projects with multiple lots, a mix of land uses, and an extended build-out period. However, smaller-scale (even single lot) projects that require flexibility because of unique circumstances or unique design may also be suitable for a PUD.
 2. The PUD process is further intended to:
 - a. Promote more economical and efficient use of land;
 - b. Provide flexible zoning entitlements for projects that may be subdivided and developed in multiple phases over an extended period; and
 - c. Provide flexible land use standards to encourage innovative development.

18.17.802 Continued Development of Existing Planned Unit Developments

- A. **Generally.** Property that is subject to an approved general development plan, preliminary development plan, or final development plan that was approved prior to the effective date of this UDC may be developed in accordance with the approved plan as provided in this Section.
- B. **General Development Plan.** An approved general development plan (“GDP”) shall be considered a Zoning Document. In the event that a GDP fails to address a standard of this UDC, the standard of this UDC shall be applied. Subsequent development may be carried out using a sketch plat or sketch site development plan that are consistent with the general development plan, followed by a final plat or site development plan that is consistent with the sketch plat or sketch site development plan, as applicable.
- C. **Preliminary Development Plan.** An approved preliminary development plan (“PDP”) shall be considered the following:
1. A non-phased PDP in which there was not an approved GDP, shall be considered a Zoning Document, a sketch site development plan, and a sketch plat, as applicable. In the event that a PDP fails to address a standard of this UDC, the standard of this UDC shall be applied. Subsequent development may be carried out using a site development plan and final plat, as applicable.
 2. A phased PDP subject to an approved GDP, shall be considered a sketch site development plan or a sketch plat, as applicable. Subsequent development may be carried out using a final plat or site development plan, as applicable.
- D. **Final Development Plan.** An approved final development plan (“FDP”) shall be carried out using a final plat, site development plan, or building permit, as applicable to the type of land use as set forth in [Division 18.02.03, Land Use by Zone](#). In the event that a FDP fails to address a standard of this UDC, the standard of this UDC shall be applied. Amendments to final development plans shall be processed as new final plats or site development plans, as applicable.

18.17.803 Expiration of Existing Planned Unit Developments

- A. **Generally.** Unless the approval is vested in accordance with Section [18.14.315, Vested Rights](#), the approval of an existing general development plan and preliminary development plan shall lapse if an application for a sketch plat, sketch site development plan, site development plan, or final plat is not filed with the City within one year after the date of approval of the general development plan or preliminary development plan.

- B. **Effect of Expiration.** Upon expiration of a general development plan or preliminary development plan, the plan shall continue to be effective if no provisions of this UDC that affect the plan have been amended in such a manner as to make the plan nonconforming to this UDC. If the plan has become nonconforming to this UDC, the applicant may either:
1. Submit a PUD Concept Plan according to Section [18.17.806, PUD Concept Plans](#); or
 2. Submit an application to rezone the subject property.

18.17.804 Engineering Drawings and Reports for Existing PUDs

Engineering drawings and reports that are submitted with approved planned unit development plans shall continue to be valid to the extent they are relevant to subsequent approval steps under this UDC that are timely pursued.

18.17.805 Applicability of UDC Standards to Planned Unit Developments

Land use and development standards that are part of an approved PUD supersede the standards that are set out in this UDC. However, where a PUD approval is silent in regards to a land use or development standard, the standards that are set out in this UDC shall apply.

18.17.806 PUD Concept Plans

- A. **Generally.** A PUD Concept Plan is a generalized land use and site plan for an area that is proposed to be included within a PUD zone. It is the first step in the PUD process, intended to allow for early, informal evaluation of a proposed PUD zone at a conceptual stage. The PUD Concept Plan allows for the initial evaluation of the potential development's conformance with the Comprehensive Plan and the requirements of this UDC, and helps to guide the preparation of a PUD Zoning Document (see Section [18.17.807, Zoning Documents](#)).
- B. **Waiver of Requirement.** The Director may waive the requirement to file a PUD Concept Plan.
- C. **Review.** The Director will review the PUD Concept Plan and provide an authorization letter to proceed, with or without comments. All comments shall be designed to assist the applicant in the development of the PUD Zoning Document application. In addition, if requested by the Director, the Planning Commission may review the PUD Concept Plan and provide further comment.
- D. **Comment Not Binding.** Any comments provided to the applicant are informational only and shall not represent a commitment on behalf of the City regarding the approval of a subsequent PUD Zoning Document.
- E. **Contents.** The PUD Concept Plan shall include such information as required in the application checklist approved by the Director, which shall at a minimum, include the following:
1. Perimeter property lines with measurements;
 2. Existing and platted streets within or adjacent to the proposed PUD zone, with right-of-way dimensions, street classifications, and street names;
 3. Proposed collector and arterial streets within or adjacent to the proposed PUD zone, with right-of-way dimensions, street classifications, and street names;
 4. Land use and zoning district designations for adjacent properties;
 5. Narrative describing the intent of the PUD and an indication of deviations to standards in the UDC that will be requested with the Zoning Document;
 6. Development areas or parcels within the subject property, labeled with the proposed land uses, total acres and square feet, development density and intensity by dwelling units per acre and / or floor area ratio of non-residential uses;
 7. Location and type of existing and proposed vehicular access points;
 8. Location of environmentally sensitive areas, drainage courses, parks, trails, amenity areas, storm water facilities, easements, underground utilities, and existing buildings to remain;

9. Locations of proposed storm detention and / or retention facilities; and
10. Topography of site.

18.17.807 Zoning Documents

- A. **Generally.** A Zoning Document establishes standards for the development of property zoned for PUD, including allowable land uses and bulk standards. A Zoning Document covers all of the land area to be included in the PUD and identifies:
 1. The type and total amount of development to occur within the PUD (land use, number of dwelling units, and nonresidential floor area);
 2. The proposed plan for pedestrian and vehicular circulation within and leading to the PUD; and
 3. Required buffering or transitions along the boundaries of the PUD zone.
- B. **Modification of Zoning Standards.** Development within a PUD shall comply with the design and use standards in the UDC, unless deviations to the standards are set out in the Zoning Document. In the event that the Zoning Document fails to address a standard of this UDC that is not district-specific, the standard of this UDC shall be applied.
- C. **Consistency with PUD Concept Plan.** The Zoning Document shall be consistent with a previously reviewed PUD Concept Plan, or an amendment to the Concept Plan shall be submitted. This requirement does not apply if the PUD Concept Plan requirement was waived by the Director; or
- D. **Design Guidelines.** The Zoning Document may include design guidelines for development within the PUD, in order to provide for a particular building character or theme.
- E. **Subsequent Development.** After approval of a Zoning Document, subsequent development may be carried out using a sketch plat, sketch site development plan, site development plan, or final plat that are consistent with the Zoning Document. Areas identified as public or common amenity areas in the PUD shall be processed as a sketch site development plan or site development plan concurrently with the sketch plat or final subdivision plat that creates the boundaries for the public or common amenity area.
- F. **Simultaneous Processing.** An applicant may, at the applicant's sole risk, submit a sketch plat, sketch site development plan, final plat, or site development plan for simultaneous processing with a Zoning Document.
- G. **Standards.** A Zoning Document may be approved if it is demonstrated that it complies with all of the following standards:
 1. The Zoning Document is consistent with the policies and goals of the Comprehensive Plan, any applicable adopted area plan, or community plan of the City, or reflects stated conditions that have changed since the adoption of the Comprehensive Plan;
 2. The Zoning Document either:
 - a. Advances the following policy objectives:
 1. Promoting more economical and efficient use of land while providing a harmonious grouping of a variety of land uses;
 2. Allowing for a project that assists in the implementation of adopted City plans (and not as a device to circumvent the standards of this UDC and good planning practice);
 3. Addressing a unique situation or conferring a substantial benefit to the City; or
 - b. The creation of a PUD zone is the only practical way to avoid completely prohibiting a legal, permitted business use within the City.
 3. The PUD complies with all applicable City standards not specifically modified or waived by the Zoning Document;
 4. The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, multi-use pathways, and similar features;

5. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;
 6. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development; and
 7. The same development could not be accomplished through the use of other techniques, such as complete neighborhood development, application of the Enhanced Corridor Overlay Zone, height exceptions, variances, minor modifications, or a planned unit development is a preferable way to regulate the subject property due to its large land area or multi-year build-out schedule; and
 8. As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, and capacity.
- H. **Approval by Ordinance.** Because approval of a Zoning Document creates a new zone in the City that requires an amendment to the Zoning Map, the approval shall be in the form of an ordinance.
- I. **Contents.** In addition to the items required in Section 18.17.806, **PUD Concept Plans**, a Zoning Document shall include such information as required in the application checklist approved by the Director, which shall at a minimum, include the following:
1. Narrative describing how the PUD complies with the standards in subsection G., above.
 2. Master drainage study, as determined by the City Engineer;
 3. Master traffic impact study, as determined by the City Engineer;
 4. Environmentally sensitive areas report;
 5. Generalized layout of the areas within the proposed development including conceptual access points and streets, stormwater facilities, and location of natural features.
 6. Building bulk standards and land use table;
 7. Description of public and private improvements, including a conceptual landscape and open space plan;
 8. Typical street cross-sections;
 9. Conceptual utility plan showing the existing and proposed public and private utilities;
 10. Alternative or deviations to standards requested with the PUD; and
 11. Buffering or transitions along the perimeter of the PUD zone.

18.17.808 Minor Amendments to Zoning Documents

- A. **Generally.** An application for a minor amendment to a Zoning Document may be filed for all or a portion of the land area within an approved PUD zone.
- B. **Thresholds.** Minor amendments to the Zoning Document that the Director determines to be a *de minimus* change to the approved PUD zoning document, do not require the applicant to follow the City rezoning procedure, and may be approved administratively by the Director. Minor amendments include:
1. A less than 20 percent increase or decrease in any numerical provision of the Zoning Document, which may include:
 - a. Building coverage;
 - b. Lot frontage, lot depth, or lot area;
 - c. Building setback or building height;
 - d. Size of zoning areas within the boundaries of the PUD;
 - e. Density or intensity in an individual area of the PUD, provided that such increase or decrease does not:
 1. Exceed the maximum density or number of units permitted in the PUD;
 2. Exceed the maximum floor area permitted in the PUD;
 3. Alter the designation of the property with respect to the Comprehensive Plan; or
 4. Modify a condition of approval of the PUD zoning document.

- f. Size of designated open spaces or recreation areas;
 - g. Number of parking, loading, or unloading spaces;
 - h. Amount of landscaping; or
 - i. Width of a proposed street section, right-of-way, or easement held by the City, provided that such increase or decrease is in compliance with the City of Loveland Street Standards.
- 2. A change in the street pattern that will not adversely impact adjacent property;
- 3. Any proposed change in an approved phasing plan, provided that:
 - a. Each phase in the resulting plan could be approved under this UDC without the other phases; and
 - b. The projected build-out date does not change.
- 4. Changes in items such as location of landscaping, fencing, fire access lanes, parking, loading, trash and service areas, signage, and sidewalk location which the Director determines to be insignificant in nature;
- 5. Changes in the location, number, or classification of curb cuts or street intersections, provided that such change is in compliance with the City of Loveland Street Standards; and
- C. **Application Requirements.** The application for a minor amendment to a PUD zoning document shall include, at a minimum, the following:
 - 1. An application form signed by the property owner or authorized representative;
 - 2. A written narrative explaining and justifying the request;
 - 3. Revised Zoning Document sheets, with the revisions clearly documented, including signature blocks for recording as determined by the Director.
- D. **Documentation.** The Director shall note any terms of the approved amendment directly on the minor zoning document amendment sheet(s) and affix his or her signature and the date of approval. As applicable, such amended plans shall be recorded.
- E. **Approval.** The Director may approve the application for a minor amendment or forward the application to the Planning Commission for review and approval.

18.17.809 Major Amendments to Zoning Documents

A major amendment to the PUD Zoning Document (*i.e.*, an amendment that is not authorized by Section 18.17.808, *Minor Amendments to Zoning Documents*) shall be processed as a rezoning.

Division 18.17.09 Zoning and Rezoning

18.17.901 Standards for Rezoning

- A. **Generally.** The City Council may approve an application for rezoning if it finds that:
 - 1. The criteria of subsections B. and C., below, are met; and
 - 2. One or more of the alternatives set out in subsection D., below, are met;
 - 3. The subject property is a legal lot of record (or group of contiguous legal lots of record); and
 - 4. No legal lot of record will contain multiple zones within its boundaries as a result of the rezoning.
- B. **Resource Protection Policy.**
 - 1. It is the policy of the City not to rezone property in a manner that would create or facilitate the creation of development rights or entitlements that would either:
 - a. Reduce the level of protection for significant natural resources that exist on the subject property; or
 - b. Expose additional people or personal property to unmitigated natural hazards that are present on the subject property (*e.g.*, fire, flood, or geological hazards).
 - 2. This policy may be waived upon a finding by the City Council that:

- a. Alternative means have been implemented to achieve a comparable or better level of resource protection (e.g., conservation easements, development agreements, or other comparable mechanisms for resource protection); or
- b. The policy is outweighed by a substantial community interest that is served by approval of the rezoning (see Subsection C.1., below).

C. Plan Consistency and Public Benefits. All applications for rezoning shall meet the following criteria:

1. The proposed zone, as applied to the subject property, is consistent with its land use designation in the Comprehensive Plan or an amendment to the Comprehensive Plan is approved in accordance with Section 4 of the Comprehensive Plan prior to the approval of the rezoning application;
2. Rezoning to the proposed zone will provide a benefit to the community or immediate area that cannot be provided under the existing zone, and the balance between the anticipated benefit, if any, and the anticipated burden on the community or immediate area, if any, is either neutral or favors the rezoning;
3. The proposed zone would not cause an I zone to share a boundary with an ER, R1e, R1, R2, R3e, or R3 zone, unless there is sufficient land area on the subject property to provide a buffer, as set out in [Division 18.08.03, Standards for Bufferyards](#), and a development agreement is approved to mitigate use incompatibilities with fencing, walls, landscaping, noise and lighting restrictions, or other appropriate techniques; and
4. Adequate community facilities are available to serve development in the proposed zone in accordance with Section [18.15.205, Determination Regarding Adequacy](#); or the proposed zone would limit demands upon community facilities more than the existing zone; or reasonable assurances are provided that adequate community facilities will be made available to serve new development by the time the new development places demands on the facilities.

D. Additional Findings. The City Council may approve an application for rezoning upon a determination that at least one of the following three criteria has been met. This finding is in addition to the findings regarding the criteria of subsections B. and C., above:

1. *Alternative #1: Plan Implementation.* The proposed zone is more appropriate than the existing zone to implement an adopted or approved current City plan that was developed with public input (e.g., the Comprehensive Plan, the Highway 287 Strategic Plan, etc.).
2. *Alternative #2: Change in Character of the Area.* The City Council finds that the proposed zone is more appropriate than the existing zone because:
 - a. There has been a change in character or capacity of public infrastructure in the area (e.g., installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.); and
 - b. The proposed zone allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.
3. *Alternative #3: Need for Zone in Land Inventory.* The City Council finds that the proposed zone is more appropriate than the existing zone because:
 - a. There is greater need in the City for land in the proposed zone than the existing zone based on a market study provided by the applicant; and
 - b. The proposed zone will promote a balance of land uses in the City that will improve economic opportunity or community mobility in alignment with the Comprehensive Plan.

18.17.902 Application

An application for rezoning shall include such information as required in the application checklist approved by the Director, which shall include, at a minimum, the following:

1. Zoning petition;
2. Zoning map showing the existing and proposed zoning of the subject property and the existing zoning of all properties within the notice radius;

3. Special provisions request, if applicable; and
4. Rezoning assessment of findings.

Division 18.17.10 Sign Permits and Planned Sign Program Option

18.17.1001 Sign Permits

A. Generally.

1. Except as provided in Section 18.04.804, *Signs Not Subject to Permit - Exempt Signs*, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the City an application in writing and obtaining a sign permit.
2. When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the City. A written record of such approval shall be entered upon the original permit application and maintained in the building permit files of the Building Division.

B. Application Requirements.

1. Applications shall be submitted on a form approved by the Director, which shall include, at a minimum, the information specified in this subsection. The application for a sign permit shall be made by the owner or tenant of the subject property, or his or her authorized agent, or a sign contractor licensed by the City.
2. The application for a sign permit shall be accompanied by the following plans and other information:
 - a. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector;
 - b. The location by street address of the proposed sign structure;
 - c. Elevation drawings of the proposed sign showing the dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;
 - d. The dimensions of the sign's supporting members;
 - e. The maximum and minimum height of the sign;
 - f. The proposed location of the sign in relation to the face of a building, in front of which it is to be erected;
 - g. A site plan showing the proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated and other building improvements;
 - h. Where the sign is to be attached to an existing building, a current photograph of the face of the building to which the sign is to be attached;
 - i. A sign elevation indicating overall the letter / figure / design dimensions, colors, materials proposed, and illumination / lighting / beam method to be used;
 - j. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guidelines, supports and footings, and materials to be used;
 - k. A statement of valuation.

18.17.1002 Planned Sign Program Option

A. Generally. The requirements and standards of this Section apply to the planned sign program option.

B. Application Requirements.

1. Applications shall be submitted on a form approved by the Director, which shall include, at a minimum, the information specified in this subsection.
2. An application form for a planned sign program shall include a description of the unifying elements for the signs that will be subject to the planned sign program, such as sign locations, sizes, materials, colors, lighting, lettering type and structural support, and such other information as may be requested by the Director to ensure compliance with this Section.

3. The application shall be signed by the property owner or the authorized representative of the property owner of the premises for which the application has been submitted.
- C. **Standards.** A planned sign program shall not be approved unless the Director finds that the standards of Section 18.04.818, [Planned Sign Program Option](#), are met, and proposed signs are unified and coordinated as follows:
 1. The sign program shall show unity and coordination among all signs within the project to a building and all other signs on the premises. The following sign characteristics shall be considered when identifying unity and coordination: material, color, height, lettering style, sign type, shape, lighting, and location on a building.
 2. All signs shall incorporate four common visual design elements chosen by the applicant, such as material, letter style, colors, illumination, sign type, sign shape, or location on a building. When awning signs are used as part of a planned sign program, color must be incorporated as one of the approved four visual design elements.

Division 18.17.11 Sketch Site Development Plans and Site Development Plans

18.17.1101 Sketch Site Development Plan

- A. **Generally.** A sketch site development plan is a generalized land use plan for, and generalized layout of, an area proposed to be included within one or more site development plans. Unless otherwise required by this UDC, a sketch site development plan is an optional plan that may be submitted prior to the submittal of a site development plan.
- B. **Contents.** A sketch site development plan shall include such information as required in the application checklist approved by the Director, which shall be, at a minimum, the following information:
 1. The number of residential dwelling units that will be allowed within the subject property;
 2. The minimum landscape surface ratio and the general location of significant landscape areas;
 3. The maximum floor area of each generalized category of nonresidential land use that will be allowed within the subject property;
 4. Number of off-street parking spaces and general location of parking areas;
 5. The general location of buildings, parking areas, significant structures, vehicular, pedestrian and emergency access and circulation, and significant drainage facilities (e.g., detention ponds);
 6. Width and type of buffers along the boundaries of the subject property;
 7. Location of environmentally sensitive areas;
 8. Thematic illustrations of building architecture (unless otherwise provided in a pattern book, or separately provided for design review);
 9. Traffic worksheet or impact study as determined by the City Engineer;
 10. Land designated for on-site amenity areas in general multifamily developments and land areas designated for common amenity areas in a complete neighborhood or residential subdivision.
- C. **Standards.**
 1. Applications for a sketch site development plan shall be reviewed in accordance with the standards in the UDC.
 2. Applications for a sketch site development plan for an adaptable use shall also be reviewed in accordance with Section 18.02.413, [General Standards for Adaptable Uses](#).
 3. Applications for a sketch site development plan for a conditional use shall also be reviewed in accordance with Section 18.02.414, [General Standards for Conditional Uses](#).
- D. **Effect.** Approval of a sketch site development plan shall be deemed an approval of the use, general location, layout, access, mass, density, and intensity shown on the plan, and shall guide the preparation of the site development plan application. Approval of a sketch site development plan shall not constitute final approval of a site development plan. Any subsequent proposed site development plan shall be in substantial compliance with the approved sketch site development plan. Substantial compliance is achieved when the Director finds that the site development plan does not:

1. Change the principal use(s) within the subject property;
2. Increase the number of residential dwelling units by more than 20 percent (limited by the maximum density allowed for the subdivision); or nonresidential floor area by more than 20 percent;
3. Involve a reduction of more than five percent below the stated landscape surface ratio (limited by the minimum landscape surface ratio allowed for the subdivision);
4. Increase the total footprint of buildings by more than five percent; or
5. Materially increase impacts on adjacent properties by altering the general location, layout, and vehicular access, shown on the plan.

18.17.1102 Site Development Plan

- A. **Generally.** A site development plan is a site specific land use plan required for all development, except the following:
1. Single family detached residential or duplex dwelling units, except in where an adaptable use approval is required pursuant to Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#);
 2. Tenant finishes that do not constitute a change in use;
 3. Routine building and site repairs or maintenance;
 4. Landscape maintenance and modification that does not result in noncompliance with a landscape plan approved by the City;
 5. Exterior building modifications that do not expand building floor area or relocate public entrances; or
 6. When the Director determines that a site development plan would otherwise serve no useful purpose in terms of the determination of the proposal's compliance with the requirements of this UDC.
- B. **Common Open Space, Recreation and Amenity Areas.** A site development plan is required for common open space, recreation and amenity areas within a development.
- C. **Contents.** A site development plan shall include such information as required in the application checklist approved by the Director, which shall at a minimum include the following:
1. The number of residential dwelling units and density for multifamily or mixed-use development;
 2. The open space ratio or landscape surface ratio (or both, as applicable), and the location of landscape and common amenity areas;
 3. The gross floor area of each proposed nonresidential land use;
 4. The number of off-street parking spaces;
 5. The location of buildings, parking areas, access, emergency access, trail connections, pedestrian circulation, drainage facilities (e.g., detention ponds and outfalls), and environmentally sensitive areas;
 6. A landscape plan (including all bufferyards and landscape areas);
 7. An Environmentally Sensitive Areas Report;
 8. Proposed building architecture;
 9. A photometric plan;
 10. A traffic worksheet or traffic impact study (as determined by the [City Engineer](#));
 11. A final drainage report and drainage plan; and
 12. Public improvement construction plans.
- D. **Review Standards.**
1. *Generally.* Applications for a site development plan shall be reviewed in accordance with the standards in the UDC.
 2. *Adaptable Uses.* An application for a site development plan for an adaptable use shall also be reviewed in accordance with Section 18.02.413, [General Standards for Adaptable Uses](#).

3. *Conditional Uses.* An application for a site development plan for a conditional use shall also be reviewed in accordance with Section 18.02.414, [General Standards for Conditional Uses](#).
- E. **Deferral to Building Permit.** A site development plan for a use by right or limited use for redeveloping properties may be submitted concurrently with a building permit application, provided that the Director finds the following:
 1. Minimal or no additional utility or street improvements are required;
 2. Parking requirements can be met with minimal additional paving;
 3. The existing vehicular ingress and egress provisions are adequate;
 4. Building additions are less than 20 percent of the existing building floor area; and
 5. Existing landscape area and landscape function is not substantially diminished.
- F. **Waiver.** A site development plan may be waived by the Director for development or redevelopment that proposes minimal landscaping adjustments, site improvements, or exterior building improvements.
- G. **Minor Amendments to a Site Development Plan.**
 1. Amendments complying with the thresholds in subsection D. of Section 18.17.1501, [Administrative Variations](#), shall be processed as a minor amendment to the site development plan in accordance with a Track 1 Decision-Making Track. The Director may approve, approve with conditions, or deny the amendment.
 2. In addition to subsection G.1, above, amendments for adaptable and conditional uses shall be reviewed in accordance with the applicable review standards referenced in subsection D., above. If the Director determines that the amendment may have adverse impacts on the neighborhood, the Director may require a Track 2 Decision-Making Track.
- H. **Major amendments to a Site Development Plan.** Amendments that exceed the thresholds in subsection D. of Section 18.17.1501, [Administrative Variations](#), shall be processed in accordance with Section 18.17.1503 [Major Amendments](#).
- I. **Effect.** Approval of a site development plan shall be deemed approval of the use, location, layout, access, mass, density, architecture, landscaping, lighting, and intensity shown on the plan. No building permit shall be issued until a site development plan has been approved or waived by the Director. A site development plan shall expire in accordance with subsection C. of Section 18.14.313, [Effect of Approvals](#).

Division 18.17.12 Design Review

18.17.1201 Purpose

- A. **Generally.** Design review is an optional process to determine if building architecture complies with the design standards in the UDC prior to submittal of the architectural drawings in a pattern book, sketch site development plan, or site development plan.
- B. **Review.** The Director will review the proposed architecture for all buildings within the property and provide a comment letter to the applicant. If such buildings comply with the applicable building design standards, the comment letter will include a determination of compliance and an authorization to proceed to a pattern book in a complete neighborhood, sketch site development plan, or site development plan, as applicable. If such buildings do not comply with applicable building design standards, the comment letter will identify noncompliant design elements.
- C. **Non-Binding.** Any comments provided to the applicant are informational only and shall not constitute a commitment on behalf of the City regarding the approval of a subsequent pattern book, sketch site development plan, or site development plan.

18.17.1202 Application

A request for a design review shall include such information as required in the application checklist approved by the Director, which shall include, at a minimum, the following:

1. General architectural elevations;

2. General site plan showing building locations; and
3. Items selected from the menu of design standards that are applicable to the building(s).

Division 18.17.13 Subdivisions

18.17.1301 Sketch Plat

- A. **Generally.** A sketch plat is a generalized land use plan for, and generalized layout of, an area proposed to be included within a subdivision. This is an optional step for subdivisions that do not propose new public improvements, but a required step for subdivisions in which new public improvements are necessary (*e.g.*, streets, grading and drainage, and utility services or extensions).
- B. **Waiver.** A sketch plat may be waived by the Director for a subdivision that proposes minimal public improvements.
- C. **Contents.** A sketch plat shall include such information as required by the Director, which shall at a minimum, include the following:
 1. The number of residential dwelling units that will be allowed within the subdivision;
 2. The minimum open space ratio and the general location of significant areas of common open space;
 3. The location and type of environmentally sensitive areas and associated buffers;
 4. The maximum floor area of each generalized category of nonresidential land uses that will be allowed within the subdivision;
 5. The general location of lots, blocks, streets, alleys, trails, and significant drainage facilities (*e.g.*, detention ponds); and
 6. The types of lots and tracts that are anticipated within each block, in terms of generalized land use, housing palette type or types (*see* [Division 18.04.02, Housing Palette](#)), and buffers along the boundaries of the proposed subdivision;
 7. Traffic worksheet or impact study as determined by the City Engineer;
 8. Preliminary utility plan.
 9. Geotechnical report;
 10. Typical street cross sections; and
 11. Horizontal geometry of streets.
- D. **Effect.** The approved sketch plat shall be the basis for approval of one or more subsequent final plats. Proposed final plats shall be in substantial compliance with the approved sketch plat. Substantial compliance is achieved when the Director finds that final plat does not:
 1. Substantially reconfigure the locations of lots, blocks, streets, alleys, or trails;
 2. Change the configuration of lots, uses, or bufferyards within 150 feet of the boundaries of the proposed subdivision in a manner that would tend to reduce buffering against or increase impacts upon adjacent property used for single-family detached, duplex, multiplex, or townhome development;
 3. Change the generalized principal use(s) or materially change the location of said uses within the subdivision;
 4. Increase the number of residential dwelling units by more than 20 percent (limited by the maximum density allowed for the subdivision); or nonresidential floor area by more than 20 percent;
 5. Involve a reduction of more than five percent below the stated open space ratio (limited by the minimum open space ratio allowed for the subdivision); or
 6. Materially increase impacts on adjacent properties.
- E. **Informational Letter.** Prior to approval of a sketch plat, the applicant shall send notice to property owners identified in [Section 18.14.402, Required Notice by Application Type](#). The letter shall including information as specified in the application checklist approved by the Director.
- F. **Decision-Making Process.** If the Director determines that, based on public comments, the subdivision may have adverse impacts on the neighborhood, the Director may require a Track 2 Decision-Making Track.

18.17.1302 Final Plat

- A. **Generally.** Before subdividing or resubdividing any lot, tract, or parcel of land in the City into two or more lots, tracts, parcels, or outlots for the purpose (whether immediate or future) of transfer of ownership or building development, the property owner shall first obtain final plat approval unless an exception therefrom is granted pursuant to Section [18.17.1303, Limited Exceptions to Subdivision Approval Requirements](#).
- B. **Sales Prior to Approval Prohibited.** Except for the exempt transactions described in Section [18.17.1303, Limited Exceptions to Subdivision Approval Requirements](#), no owner or agent of the owner of any land shall transfer, sell, or agree to sell any land located by reference to, exhibition of, or by the use of a subdivision plat before a final plat that describes the lots, tracts, parcels, or outlots has been approved by the City and recorded in the office of the Larimer County Clerk and Recorder. The description of a lot, tract, parcel, or outlot by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring real property shall not exempt the transaction from any penalties provided by law.
- C. **Relationship to Buildings and Building Permits.** No building shall be erected on any lot, tract, or parcel of land, nor shall a building permit be issued for a building unless the lot, tract, or parcel of land is:
1. A listed exemption pursuant to Section [18.17.1303, Limited Exceptions to Subdivision Approval Requirements](#);
 2. Part of a subdivision that is approved pursuant to this UDC or prior subdivision regulations; or
 3. Used exclusively for agricultural purposes.
- D. **Subdivision of Duplex and Townhomes Constructed Prior to the Effective Date of the UDC.** A final plat can be used to subdivide duplex and townhome units built prior to the effective date of this UDC, onto lots that are smaller than the minimum required in the housing palette, when separate conveyance of each unit is desired by the applicant. The duplex or townhome units must have been constructed legally in compliance with the lot standards at the time of construction.
- E. **Contents of Application.** A final plat shall include such information as required by the application checklist approved by the Director, which at a minimum shall include the following:
1. A title commitment or title information binder, dated within 30 days of the application;
 2. A subdivision plat;
 3. An Environmentally Sensitive Areas Report;
 4. A landscape plan for all common and amenity areas;
 5. Final Drainage, Erosion and Sediment Control Reports and Plans;
 6. Public Improvement Construction Plans;
 7. A Geotechnical Investigation Report;
 8. Information necessary to demonstrate compliance with [Division 18.04.02, Housing Palette](#).
- F. **Development Agreements.** Prior to approval of a final plat, all conditions of approval shall be included in a development agreement in accordance with Section [18.14.204, Development Agreements](#).
- G. **Informational Letter.** Prior to approval of a final plat for which a sketch plat was not required, the applicant shall send notice to property owners identified in Section [18.14.402, Required Notice by Application Type](#). The letter shall including information as specified in the application checklist approved by the Director.
- H. **Decision-Making Process.** If the Director determines that, based on public comments, the subdivision may have adverse impacts on the neighborhood, the Director may require a Track 2 Decision-Making Track.

18.17.1303 Limited Exceptions to Subdivision Approval Requirements

- A. **Limited Exceptions for Metes and Bounds Parcels.**
1. Notwithstanding the provisions of this Section or any Colorado law to the contrary, any parcel of land, whether larger or smaller than 35 acres, may be conveyed and transferred by metes and bounds description or by other usual and customary method of land description, without being subject to the subdivision requirements of this Division; provided that no such transfer shall imply or confer any right to develop, or create a new lot, or create

a nonconformity of any nature whatsoever, or circumvent the intent or requirements of this UDC. Before development may occur on any such parcel, the owner shall subdivide the property in conformity with all requirements of this UDC.

2. Every deed or other instrument conveying or otherwise transferring unsubdivided property within the City according to this subsection B. shall contain the following statement in bold type prominently displayed on the face of said deed or instrument:

“The transfer of real property accomplished pursuant to this deed [or other instrument] does not confer or imply that the conveyed property or the remainder property may be used for development within the City of Loveland, Colorado. Any future development of the property shall be subject to all development requirements of the City of Loveland, including, without limitation, all zoning and subdivision requirements and procedures.”

B. Limited Exceptions for Agricultural Uses and Annexed Enclaves.

1. *Agricultural Uses.* The limitation set out in subsection C. of Section 18.17.1302, Final Plat, does not apply to agricultural buildings or to agricultural structures that require building permits.
2. *Enclaves.* For areas annexed into the City as part of an enclave annexation, building permits may be issued for parcels that have not received subdivision approval for the purpose of making interior or exterior improvements to existing structures, regardless of use (*i.e.*, residential, commercial or industrial). Further, for residential structures only, building permits may be issued without subdivision approval for building additions and construction of accessory structures provided any such addition or accessory structure complies with all requirements of this UDC for the zone in which the parcel is located. In such cases, setback measurements shall be based upon a field survey or existing survey monumentation. The exceptions set forth in this subsection shall only apply to residential, commercial or industrial structures that existed on or before the effective date of the enclave annexation.

C. Exemptions to Subdivision Approval Requirement. This Division shall not apply to any division of land created:

1. By division of public streets or rights-of-way pursuant to a lawful right-of-way vacation;
2. By the creation of cemetery plots;
3. By the establishment of street rights-of-way or other divisions of lands for public purposes not involving the necessity of subdividing adjoining lands;
4. By order of a court; or
5. By virtue of the foreclosure of a deed of trust.

18.17.1304 Boundary Line Adjustments

- A. **Generally.** The purpose of a boundary line adjustment is to modify or move the boundary between two or more lots, tracts, outlots, or parcels, generally to resolve uncertain or disputed boundaries between separate owners. Before any boundary adjustment shall be legally effective for any purpose, whether immediate or future, including transfer of ownership or building development of the resulting lots or tracts, the boundary line adjustment shall be processed in accordance with the standards of this Section.
- B. **Standards.** Any decision approving or conditionally approving an application for a boundary line adjustment shall be based upon whether the applicant(s) have demonstrated that the proposed boundary line adjustment meets the following standards:
 1. The adjustment involves adjoining lots, tracts, outlots, or parcels under separate ownership;
 2. No new lot, tract, outlot, or parcels is created;
 3. The resulting lots, tracts, outlots, or parcels (and buildings or structures on the lots, tracts, outlots, or parcels) comply with applicable zoning standards;
 4. The resulting lot, tract, outlot, or parcel boundaries will not create conflict with existing structures or utilities;
 5. The resulting lots, tracts, outlots, or parcels will have adequate access;

6. The adjustment does not create, or mitigates to the extent possible, negative impacts on the surrounding property;
 7. The resulting lots, tracts, outlots, or parcels allow for the efficient use of the property;
 8. The adjustment does not affect any wetland area, unless its purpose is to enhance wetland protection.
- C. **Application.** An application for a boundary line adjustment shall include such information as required by the checklist approved by the Director, which shall at a minimum include the following:
1. A title commitment or title information binder, dated within 30 days of the date of application;
 2. A proposed final plat;
 3. A site plan, if applicable; and
 4. Public improvement construction drawings, as applicable.
- D. **Recordation.** Upon approval by the Director and conclusion of any applicable appeal procedures, the boundary line adjustment plat or unity of title in lieu of boundary line adjustment shall be recorded in compliance with Section 18.14.314, [Recording of Approvals](#).

18.17.1305 Lot Merger and Unity of Title Alternative

A. Lot Mergers.

1. *Generally.* Before any lot merger shall be legally effective for any purpose, whether immediate or future, including transfer of ownership of or building development on, the resulting lot(s), the lot merger shall be processed in accordance with the standards of this Section.
2. *Standards.* Any decision approving or conditionally approving an application for a lot merger shall be based upon whether the applicant has demonstrated that the proposed lot merger meets the following standards:
 - a. The lots or tracts to be merged are, at the time of merger, under common ownership and written consent has been obtained from all record owners and holders of recorded deeds of trust or comparable monetary liens (if applicable);
 - b. The lots or tracts as merged will be in a single zone district and will comply with the applicable zoning standards;
 - c. Access to parcels adjoining the resulting lots or tracts will not be restricted by the merger;
 - d. The merger does not create, or mitigates to the extent possible, negative impacts on the surrounding property; and
 - e. The resulting lots or tracts allow efficient use of the property.
3. *Application.* An application for lot merger shall include such information as required by the application checklist approved by the Director, which shall at a minimum include the following:
 - a. A title commitment or title information binder dated within 30 days of the date of application;
 - b. A proposed plat;
 - c. A site development plan (if applicable); and
 - d. Public improvement construction drawings, as applicable.

B. Unity of Title Alternative.

1. *Generally.* The unity of title alternative is available to owners of a property that consists of two or more adjoining lots under a common ownership with an existing structure(s), for which issuance of a building permit would otherwise require the consolidation of the lots. The unity of title alternative is also available to owners of a property that was legally created prior to the establishment of the City's subdivision procedures in May of 1967.
2. *Limitations.* Redevelopment (as defined in [Division 18.19.03, Definitions](#)), or development of vacant property that consists of two or more adjoining lots are not eligible for the unity of title alternative and shall be processed as a lot merger.

3. *Procedure.* The owner of a subject property that qualifies pursuant to subsection B.1., above, may request that in lieu of a lot merger the City issue the building permit upon execution of a unity of title in a recordable form approved by the City Attorney.
 4. *Contents of Unity of Title.* The unity of title shall be in the form of a covenant or deed restriction that restricts the owner's right to convey the subject property without first subdividing it or completing a lot merger.
 5. *Release of Unity of Title.* The unity of title shall be released by the City upon completion of a lot merger that combines the adjacent lots in common ownership that comprise the subject property, or upon the determination of the Director that the purpose for which the unity of title was executed is no longer served.
 6. *Administrative Authority.* The Director shall have the authority to execute any agreement providing for unity of title, and to any release of a unity of title on behalf of the City.
- C. **Recordation.** Upon approval by the Director and conclusion of any applicable appeal procedures, the lot merger plat or unity of title in lieu of lot merger shall be recorded in compliance with Section 18.14.314, [Recording of Approvals](#).

18.17.1306 Simple Plat

- A. **Generally.** A simple plat is a legal instrument used to convert a subject property that is described with a metes and bounds, or an annexed parcel that is not proposed for subdivision, into a legal lot of record. A simple plat describes the boundaries of property and shall not be used to subdivide property.
- B. **When Required.** A simple plat is required prior to the issuance of a building permit for the development or redevelopment of the subject property if the subject property is not a legal lot of record. Development or redevelopment in this case means the construction of new principal uses, and shall exclude improvements to existing structures or construction of accessory structures on parcels that are annexed as part of an enclave.
- C. **Application.** A simple plat shall include such information as required by the Director, which shall be, at a minimum, the following information:
1. A title commitment or title information binder dated within 30 days of the date of application;
 2. A proposed simple plat; and
 3. A proposed site development plan, if applicable.
- D. **Review.** A simple plat shall be reviewed for conformance with the requirements of the underlying zone, and for closure of the legal boundaries of the simple plat.

18.17.1307 Survey Monuments

- A. **Generally.**
1. In making the survey for a subdivision or annexation, a Colorado professional land surveyor shall set sufficient permanent monuments so that the survey or any part thereof may be readily retraced.
 2. Before final approval of any final subdivision plat or annexation map, permanent survey monuments shall be set at all angle points and points of curvature on the exterior boundary lines. Boundary monuments shall be of a type specified by Colorado statute.
 3. Before the acceptance of any newly constructed streets, centerline monuments shall be set at all street intersections, points of curvature, angle points, all intersections of street centerlines with the boundary of the subdivision and points that define the geometry of cul-de-sacs. Street centerline monuments shall be of a type specified by Colorado statute.
- B. **Placement of Monuments.**
1. Monuments shall be placed:
 - a. As required by the applicable standards of Article 51 of Title 38, Colorado Revised Statutes (Minimum Standards for Land Surveys and Plats); and
 - b. At all points of intersection of street centerlines with the boundary of the subdivision;
 - c. At all street centerline intersections within the subdivision; and

- d. At all street centerline points of curvature and deflection points within the subdivision.
- 2. Monuments that are set in streets shall be set after the final lift of pavement.
- C. **Type of Monuments.** Permanent monuments shall be of the types that are required by Article 51 of Title 38, Colorado Revised Statutes (Minimum Standards for Land Surveys and Plats).
- D. **Annotation of Final Plat.** The character, type, and position of all monuments and corners shall be noted on the final map or plat.

18.17.1308 Subdivision Names

Proposed subdivision names shall be approved by the Director, and shall not duplicate or too closely approximate, phonetically, the name of any other subdivision in the City or vicinity. Subdivisions may be named as sequential, numerical derivations of a development (e.g., Blackacre First Subdivision, Blackacre Second Subdivision, etc.), or of the annexation map that incorporated the property into the City limits.

Division 18.17.14 Site Work Permit

18.17.1401 Purpose and Application

- A. **Generally.** A site work permit authorizes the construction of site improvements and is reviewed and issued following the approval of a site development plan.
- B. **Application.**
 - 1. A site work permit shall include such information as required in the application checklist approved by the City Engineer, which shall at a minimum include the following:
 - a. Development Construction Permit Application;
 - b. Required permits from the Colorado Department of Public Health and Environment;
 - c. Stormwater permits; and
 - d. An engineering deposit for power.
 - 2. The City Engineer may waive application requirements that the City Engineer determines are not pertinent to his or her review.
- C. **Waiver of Permit Requirement.** A site work permit may be waived by the City Engineer for development or redevelopment that proposes minimal or no public improvements.

18.17.1402 Pre-Construction Meeting

A pre-construction meeting is required in order to discuss the construction plans, project schedule, and key items concerning the project. The pre-construction meeting may be waived based on the nature and scope of the project or a determination by the City Engineer that the meeting would not serve a useful purpose. The waiver of a pre-construction meeting associated with a site work permit does not waive any utility pre-construction meeting if required by the utility providers.

18.17.1403 Effect of Site Work Permit

Issuance of a site work permit authorizes the commencement of all site improvements shown or described in the construction plans associated with the site development plan. The site work permit does not authorize any demolition or construction of buildings, building foundations, or similar structures on the subject property or construction in public street or alley rights of way (or pedestrian easements for street sidewalks). Per the City of Loveland Street Standards, a separate City Right-of-Way ("ROW") Work Permit is required to install and / or repair and / or maintain street sidewalks, drive approaches, curbs, gutters, and curb ramps, as well as for excavations, and / or lane closures.

Division 18.17.15 Administrative Variations, Design Flexibility, Reasonable Accommodations, Height Exceptions, and Variances

18.17.1501 Administrative Variations

- A. **Generally.** The purpose of this Section is to provide a process to allow minor variations to dimensional or numerical standards to facilitate efficiency in the development review and approval process and to facilitate development in accordance with development applications that have received final approval. The Director may approve, approve with conditions, or deny administrative variations pursuant to subsection C., below, for development applications in the development review process set forth in [Chapter 18.14, General Review Procedures](#). Variations may be approved, approved with conditions, or denied by the Director, and where indicated, the City Engineer, pursuant to subsection D., below, for development applications that have received final approval in accordance with Section [18.14.202, Decision-Making Tracks by Application Type](#), or prior to the effective date of the UDC.
- B. **General Limitations.** Where different amendment procedures are established in [Chapter 18.17, Specific Review Procedures and Approval Standards](#), those procedures shall supersede the provisions in this Division.
- C. **Development Applications In Process.** The Director may grant up to a 20 percent variation to the dimensional or numerical standards in the UDC, subject to the limitations in subsection C.1. and the standards in subsection C.2., below.
1. *Limitations.*
 - a. [Chapter 18.10, Oil, Gas, and Mineral Development](#). No variation shall be granted to the standards set out in Section [18.10.201, COGCC Standards Adopted](#), or any other standard requiring compliance with COGCC rules or regulations.
 - b. [Chapter 18.06, Site Design](#). A variation to the standard for on-site amenities for multifamily development shall be subject to the findings in subsection D.4. of Section [18.06.703, General Multifamily](#).
 - c. [Chapter 18.04, Lots, Buildings, and Structures](#). Variations granted under this subsection C.1.:
 1. Shall comply with the limitations on encroachments set out in Section [18.04.402, Setback Encroachments](#); and
 2. No variation shall be granted to the building height standards set out in [Chapter 18.04, Lots, Buildings, and Structures](#) (variations to building height shall be subject to approval by the Planning Commission in accordance with Section [18.17.1506, Height Exception](#)).
 - d. [Chapter 18.03, Density and Intensity](#). No increase in density shall be granted if the variation would result in a density that falls within the density range of another zone, as set forth in Section [18.03.202, Residential Density](#).
 - e. [Chapter 18.05, Access, Circulation, Parking, and Loading](#). No variation shall be granted if required parking has previously been reduced pursuant to:
 1. Section [18.05.305, Shared Parking](#);
 2. Section [18.05.306, Parking Credits and Reductions](#); or
 3. Section [18.05.307, Parking Studies](#).
 - f. [Variances](#). Administrative variations shall not be granted if a variance modifying the same standard has been previously granted, and the variance remains in effect.
 2. *Standards.* The Director may grant an administrative variation if it is demonstrated that:
 - a. The proposed variation will not substantially alter the appearance or function of the proposed development in a manner that increases its perceptible negative impacts on adjacent properties or public rights-of-way;
 - b. The proposed variation will not materially increase the intensity of the use of the property;
 - c. The proposed variation will not require an amendment to any previously executed agreement between the applicant and the City or modify a condition or restriction placed on the subject property by the City;

- d. The variation will not adversely affect reasonable development expectations related to, or the present use and enjoyment of, adjacent land;
- e. The proposed variation will not have a perceptible negative impact on public health or safety; and
- f. The proposed variation does not encroach upon easements, or the impacted easement holders have submitted a written authorization for the encroachment.

D. Approved Development Applications. Administrative variations may be granted to modify applications that have already been approved, provided that all of the standards and requirements of this subsection are met.

1. *Range of Administrative Flexibility.* The items listed in this subsection D. qualify for an administrative variation within the ranges specified herein. If an item does not qualify for an administrative variation, it is considered a major amendment, and must be processed as set out in Section 18.17.1503, [Major Amendments](#).
 - a. Non-Residential Floor Area. Up to a one percent increase in building floor area for any commercial or industrial development. The increase is limited to hallways, stairways, restrooms or storage, or a proven necessity for the operational safety of the project.
 - b. Setbacks.
 1. Setback decreases from internal lot lines and (where applicable) between structures (except buildings), up to 20 percent of the original setback or spacing distance, provided that Building Code requirements are met.
 2. Setback decreases from external lot lines adjacent to streets, up to 10 percent of the original setback distance.
 3. A reduction up to 10 percent for the minimum distance between buildings. However, the reduction shall not authorize spacing between that is buildings less than allowed by the Building Code.
 - c. Building Footprints.
 1. A 10 percent increase in building footprint.
 2. A reduction in building footprint, but no increase in approved building height or residential density.
 - d. Location of Buildings. Building envelopes and footprints may be relocated, provided such relocation does not change an approved development restriction. Additionally, an analysis of impacts to the originally approved drainage study shall be provided with a request to alter approved building locations. To accommodate a request to “flip-flop” building footprints of dissimilar configurations, the buildings shall be comparable in height and massing.
 - e. Heights. Building heights may be increased:
 1. Up to 20 percent, for buildings that are four stories or less in height, provided that the administrative variation is not used to circumvent the requirements of Section 18.02.402, [Scale Thresholds in DT and Residential Zones](#).
 2. As required to comply with subsection C. (roof-mounted equipment) of Section 18.04.716, [Utilities and Mechanical Equipment](#).
 - f. Open Space. A reduction of open space of up to 10 percent of the original requirement (e.g., if the original requirement was 25 percent, the Director may authorize a reduction to 22.5 percent).
 - g. Parking. A variation to required parking of up to 10 percent of the original parking requirement, upon demonstration that the increase or decrease is appropriate for the proper function of the development, or that the approved uses have been substantially changed, justifying the request.
 - h. Access. The City Engineer may authorize changes to the number or type of access locations, access design, and/or internal circulation design pursuant to the standards in the City of Loveland Street Standards.
 - i. Drainage. Changes to drainage routing or facility designs in order to allow for revisions that reduce the impacts of drainage on adjacent properties in a manner that is consistent with City requirements.
 - j. Public Improvements. Changes to the specifications of public improvements, provided that the modifications are consistent with the City of Loveland Street Standards or other applicable City standards.

- k. Signage, Lighting, Landscaping, Trash Disposal Areas, Architectural Treatments.
 1. Changes to signage, lighting, landscaping, trash disposal areas, and architectural treatment elements, provided that the changes are consistent with the requirements of this UDC.
 2. Changes to a landscape plan to implement water conservation measures.
2. *Measurements.*
 - a. Standards are considered maximums and minimums as follows:
 1. Maximums: density, building coverage, building height, and floor area.
 2. Minimums: setbacks, open space, and parking.
 - b. No variation is required for reductions to maximum standards, or increases to minimum standards, except as they may require changes to:
 1. Building footprints;
 2. Landscaping for increases in open space; and
 3. Drainage reports for increased parking.
 - c. If an exception set out in subsection D.2.b., above, applies, then a variation to the development plan may be required.
 - d. When a proposed variation involves dimensional or spatial modifications up to the allowable threshold, the base used for measurement shall be the original approval. Prior administrative variations shall not be used as a point of measurement for subsequent administrative variations.
3. *Specific Exclusions.* The following items are not eligible for approval as an administrative variation under any circumstances;
 - a. An increase in the number of residential units;
 - b. An application that requires additional right-of-way dedications or public improvements, a traffic study, a drainage study, a public improvement agreement, or modification of an existing annexation or development agreement;
 - c. A transfer of density from one phase to another or one site to another, unless the transfer is specifically authorized in the plan (where density by area or phase is specified on an approved plan);
 - d. Increases to the approved building heights on a site development plan, except as specifically provided in subsection D.1.e., above; and
 - e. Subdivision related changes (such as lot lines, easements, rights-of-way, internal roadways, vacations and / or drainage systems), which require a plat correction or vacation application.
4. *Approval Standards.* The Director may approve an administrative variation under this subsection D. if it is demonstrated that:
 - a. The variation implements, or does not reduce the potential for implementation of, the Comprehensive Plan or an applicable sub-area plan;
 - b. The variation is consistent with the efficient development and preservation of the approval;
 - c. The variation will not adversely affect reasonable development expectations for, or the use and enjoyment of, adjacent land;
 - d. Approval of the variation is in keeping with the spirit and intent of this UDC and will not weaken the purposes of its regulations; and
 - e. Approval will not adversely affect the public health, safety, or welfare.
5. *Recordation Procedures.* Administrative variations to recorded approvals shall be recorded in accordance with Section 18.14.314, *Recording of Approvals*.
6. *De Minimus Modifications.* If a proposed site improvement is so minor in terms of the overall development (e.g., addition of a generator) as to have no impact on the other elements of the approved development,

including but not limited to minimum open space, parking, access, drainage, signage, lighting, architectural treatments, and landscaping, as determined by the Director, such site improvement shall not require an administrative variation. Such improvements shall not involve the removal of required parking or landscaped areas, nor have an effect on approved drainage plans or vehicular access patterns.

7. *Notice to Planning Commission.* The Planning Commission shall be notified in writing of all decisions of the Director with respect to administrative variations that are granted pursuant to this subsection D.

18.17.1502 Minor Technical Errors

- A. **Plats and Annexation Maps.** Minor corrections to an approved sketch plat, preliminary plat, final plat, or annexation map shall be permitted in accordance with the following:

1. *Unrecorded Plats or Annexation Maps.* Final plats or annexation maps that have not yet been recorded may be corrected prior to recording as follows:

- a. For plats or annexation maps that have not yet been recorded, the Director may authorize a correction to said plat or map for typographical or transposition errors or for minor variations in the boundary dimensions or easements caused by errors or other unforeseen difficulties.
- b. Such changes authorized by this section shall not exceed 10 percent of any measurable standard (except to correct an obvious typographical error) or modify the use, character, or density of an approved application.
- c. All plats or annexation maps so modified shall be revised to show the authorized changes, which changes shall become a part of the permanent records of the City.
- d. No such changes shall be effective unless the owner or owners, all current lienholders, all current easement holders, and the Director sign the corrected plat or map.

2. *Recorded Plats or Annexation Maps.*

- a. If it is discovered that there is a minor survey or drafting error in a recorded final plat or annexation map, the Director may authorize a correction of a plat or map for typographical or transposition errors or minor variations in the boundary dimensions or easements caused by errors or other unforeseen difficulties, so long as said change does not affect lot dimensions, lot layout, fee-simple dedications, or separately recorded easements (unless same are also corrected). No such modification shall be effected unless there is submitted therewith:

1. A surveyor's affidavit certifying the correction; and
2. A certificate signed by all current lienholders, all current easement holders, and the Director, acknowledging the modification.

- b. Changes authorized by this section shall not exceed 10 percent of any measurable standard (except to correct an obvious typographical error) or modify the use, character, or density of an approved application.
- c. All plats or maps shall be revised to show the authorized changes, which changes shall become a part of the permanent records of the City.

3. *Limitations.* Any correction to a plat or annexation map that is beyond the scope of subsection A.1., or A.2., above, shall be made in the same manner as the final subdivision plat or annexation map was approved.

- B. **Other Development Approvals.** Development approvals other than final plats may be corrected by the Director or upon application to the Director as follows:

1. The Director may approve an application to reform a clerical or scrivener's error in a prior development approval, including an error in an application or notice, which error causes the approval to inaccurately reflect the decision-maker's intent, and where it is demonstrated that:
 - a. The correction does not include a change of judgment, policy, or prior intent of the decision-maker;
 - b. The reformation of the development approval is essential to ensure that the documentation reflects the intent and decision of the decision-maker;

- c. The record, including, but not limited to, the Staff recommendation, minutes, and motion, evidences the clear intent of the decision-maker;
 - d. The substance of the decision was clearly evident at the time of the decision, and there was no intent to deceive the public or the decision-maker on the part of the current Applicant at any time;
 - e. Failure to approve the reformation would lead to an unjust result;
 - f. The error in the development approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and
 - g. Any errors related to public notice did not affect the legal sufficiency of the required notice.
2. In the alternative, the Director, within 30 days of the decision on an application for development approval, may correct a clerical or scrivener's error in the development approval if:
- a. The error is not related to public notice;
 - b. The error causes the approval, as written, to inaccurately reflect the clear decision of the decision-maker; and
 - c. The Director promptly notifies the applicant and the decision-maker regarding the corrections.
- C. **Effect on Approval.** A correction to a development approval pursuant to this Section shall relate back to the date of the original approval.
- D. **Notice to Planning Commission.** The Planning Commission shall be notified in writing of all decisions of the Director with respect to corrections issued under this Section.

18.17.1503 Major Amendments

Any change to a development approval that does not qualify for a minor variation pursuant to Section 18.17.1501, [Administrative Variations](#), or Section 18.17.1502, [Minor Technical Errors](#), is a major amendment. A major amendment requires the approval of the decision-maker that approved the original application, and is processed in the same manner as the original application.

18.17.1504 Design Flexibility for Affordable Housing

- A. **Generally.** The Director may approve design flexibility for designated affordable housing developments.
- B. **Landscaping.**
- 1. If the City receives a written guarantee for all such plants for a period of not less than four years:
 - a. The minimum caliper of trees, as set forth in Section 18.08.205, [Size and Quality of Landscape Plants](#), may be reduced to:
 - 1. 1.5 inches for large trees within bufferyards and 1.0 inches for large trees in other locations;
 - 2. 1.0 inches for small trees in all locations; and
 - 3. 4 feet in height for evergreens; and
 - b. The minimum container size for shrubs may be reduced to one gallon.
 - 2. Plant densities, as set forth in Section 18.08.302, [Bufferyard Specifications](#), may be reduced by an amount not to exceed 20 percent for each plant type.
 - 3. The percentage of landscaped areas that must be covered with living ground cover, as set forth in Section 18.08.601, [Trees, Ground Covers, and Mulch](#), may be reduced to 60 percent.
 - 4. Permanent irrigation may not be required within corridor bufferyards, provided that the grasses and groundcovers that are planted in this area that are perennial and drought-tolerant. A security shall be posted with the City for a period the City determines necessary to ensure that the grasses and groundcovers in the corridor bufferyard are established and the area is free of weeds. The security shall not be released until the City determines that the grasses and groundcovers in the curbside bufferyard are established and the area is free of weeds.

5. Maintenance of the corridor bufferyard, including regular mowing and weed control, shall be the responsibility of the developer or a property owners' association. If the bufferyard is to be maintained by a property owners' association, then provisions for maintenance of the corridor bufferyard yard shall be included in the covenants and restrictions for the property owners' association.
- C. **Front Setbacks.** Adjacent to areas that are developed with residential land uses, sidewalks may encroach into the front yard in accordance with the following standards:
1. Any overhead garage door facing the street shall be set back at least 20 feet from the closest edge of the sidewalk; and
 2. The wall of the residential building that is closest to the street shall be set back at least 15 feet from the closest edge of the sidewalk or as provided in [Division 18.04.02, Housing Palette](#) (with the setback being measured to the closest edge of the sidewalk instead of to the property line), whichever is less.
- D. **Outdoor Play Areas.**
1. The provisions concerning outdoor recreation areas (see [Section 18.06.301, Outdoor Recreation Areas](#)), are reduced to 0.8 acres of outdoor recreation areas per 100 dwelling units. All other provision for outdoor recreation areas shall apply.
 2. The Director may approve a further reduction in the outdoor recreation requirements based on the applicant demonstrating that adequate areas for outdoor recreation activities would be available and easily accessible to the residents of the proposed development.
- E. **Streets.**
1. *Low Volume Local Streets.* Low volume local streets serving up to 10 dwelling units may be modified as follows:
 - a. The right-of-way dedication may be reduced from 50 feet to 30 feet.
 - b. A 28-foot wide paved surface that consists of a 20 foot continuous clear width and an eight foot wide parking area on one side only may be used in lieu of a standard low volume local street. Pedestrians may share the space on the street with cars and bicycles. Possible cross-section alternatives include, but are not limited to, the following:
 1. Center crown with valley walk on two sides.
 2. One-way cross slope with parking one side and valley walk opposite side (parking may be either concrete or asphalt).
 3. Rigid pavement inverted crown with striped parking on one side.
 - c. Storm drainage and all other elements of the street design and construction must fully conform to the applicable development standards.
 - d. Low volume local streets may not exceed 150 feet in centerline length.
 2. *Local Streets.* Local streets serving 11 to 100 dwelling units may be modified as follows:
 - a. Right-of-way dedication may be reduced from 50 feet to 36 feet.
 - b. A 28-foot wide paved surface that consists of a 20 foot continuous clear width and an eight foot wide hard surface parking area on one side only may be used in lieu of a standard local street. Separate pedestrian walkways are required on one or both sides of the street. Possible cross-section alternatives include, but are not limited to, the following:
 1. Offset crown with three foot valley walk each side.
 2. Rigid pavement inverted crown with three foot walk on each side or six foot walk on one side.
 - c. Storm drainage and all other elements of the street design and construction must fully conform to the applicable development standards.
 3. *Alternative Curb and Gutter Designs.* Alternative curb and gutter designs may be approved subject to their ability to handle the design storm water flows
- F. **Pedestrian Facilities (On-Site and Off-Site).**

1. **On-Site.** When proposed on both sides of a street, the minimum sidewalk width (not including gutter) shall be five feet. When proposed on one side only, the minimum width shall be six feet.
 2. **Off-Site.** The design and construction of offsite connections for sidewalks and bike paths will not be required to attractions greater than 500 feet from the subject property. When offsite connections are needed, the minimum widths shall be five feet (for pedestrians only) or eight feet (for facilities shared by both bicycles and pedestrians). Asphalt may be used in lieu of concrete for temporary paths that are expected to be replaced or upgraded within five years after the date of project approval.
- G. **Off-Street Parking.** A minimum of four off-street parking spaces shall be provided for each dwelling unit wherever the street width is less than 34 feet.
- H. **Stormwater Facilities.** The City has adopted the Master Drainage Plan, which identifies several major capital projects. If a qualified affordable housing project requires one of these master planned projects or other City approved regional storm water improvement, then the City will consider participating with the developer through an appropriate agreement in the funding or construction of the needed storm water improvements. For these oversized storm water projects, the City will attempt to match the affordable housing cash flow requirements to the available budgeted storm water funds.

18.17.1505 Reasonable Accommodations for Persons with Disabilities

- A. **Generally.** The Federal Fair Housing Act, 42 U.S.C. §3601, *et seq.*, requires that local governments be prepared to make “reasonable accommodations” in order to permit housing for certain protected individuals to be located in residential areas. This section sets out the process for approval of a “reasonable accommodation.”
- B. **Authorization.** In order to provide reasonable accommodations without the need for an additional approval process, the Director is authorized to approve modifications of:
1. Building setbacks;
 2. Building height;
 3. Spacing of group homes;
 4. Building coverage; or
 5. Occupancy limits.
- C. **Resolution of Accommodation.** The Director may approve a type of or degree of reasonable accommodation that is different from that requested by the applicant if the Director finds that a different form or degree of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer impacts on the area in which the parcel proposed for development is located.
- D. **Decision.** The Director shall provide a written decision on an application for reasonable accommodations. The decision shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved.

18.17.1506 Height Exception

- A. **Generally.** Height exceptions are authorizations to exceed the building or structure height standards of this UDC that are not otherwise allowed pursuant to Section 18.17.1501, [Administrative Variations](#). The Planning Commission may grant a height exception pursuant to the standards of this Section.
- B. **Standards.** The Planning Commission may grant a height exception only if it is demonstrated that:
1. The requested exception allows adequate light and air to the notice area;
 2. The requested exception is not an obvious disruption to the established pattern of mass and scale in the notice area;
 3. The requested exception will not be injurious to other property owners within the notice area, or otherwise detrimental to the public health, safety and welfare; and
 4. The requested exception is consistent with the intent of the zone in which the subject property is located.

18.17.1507 Variances

- A. **Generally.** Variances are authorizations to depart from the strict application of the standards of this UDC. The Zoning Board of Adjustment may grant a variance pursuant to the standards of this Section.
- B. **Standards.** The Zoning Board of Adjustment may grant a variance only when it is demonstrated that:
1. Granting the variance will not substantially conflict with any adopted plans or policies of the City, or the purposes or intent set out in this Code;
 2. There are exceptional conditions creating an undue hardship, applicable only to the property involved, or the intended use thereof, which do not generally apply to the other land areas or uses within the same zone;
 3. The Applicant cannot derive a reasonable use of the property without approval of a variance;
 4. Granting the variance will not generally set a precedent for other applications (which would indicate that a text amendment to this UDC should be proposed and considered instead);
 5. Granting the variance will not be detrimental to any adjacent properties or the area;
 6. Granting the variance will not be detrimental to public health, safety, or welfare; and
 7. Adequate relief cannot be reasonably obtained through a different procedure, such as the application of alternative compliance standards, if applicable.
- C. **Alternative Standards for Existing Legal Nonconformities.** In the event the basis or reason for the variance is used to remedy an existing legal nonconformity (*e.g.*, an undersized parcel was created, or a structure whose deficient setbacks were established, or a structure had setbacks which were conforming to requirements prior to the adoption of the current Code requirements), the Zoning Board of Adjustment may approve a variance based on the following standards, but only if such relief is still reasonably necessary after the application of [Chapter 18.11 Nonconformities](#):
1. The variance is necessary to preserve an historic building; or
 2. The variance will not impose unfair burdens on adjacent property with respect to building or fire code compliance, will promote reinvestment in the existing building, and will not frustrate the implementation of the Comprehensive Plan or any adopted special area or corridor plan.

18.17.1508 Oil and Gas Variances

- A. **Generally.** An applicant for an oil and gas permit may request a variance from any provision of [Chapter 18.10, Oil, Gas, and Mineral Development](#). A request for a variance may be included in the applicant's oil and gas permit application and shall be processed, reviewed and granted, granted with conditions or denied in accordance with and as part of the permit review process. The variance provisions of [Section 18.17.1507, Variances](#), shall not be applicable to oil and gas permits.
- B. **Standards for Oil and Gas Variances.** A variance from the application of any provision in [Chapter 18.10, Oil, Gas, and Mineral Development](#), to an oil and gas permit shall be granted on the basis of one or more of the following grounds:
1. The provision is in operational conflict with the OGC Act or the COGCC Regulations, meaning the application of the provision would have the effect of materially impeding or destroying a state interest as expressed in the OGC Act or the COGCC regulations.
 2. There is no technology commercially available at a reasonable cost to conduct the proposed oil and gas operations in compliance with the provision, and granting a variance from the operation of the provision will not have an adverse effect on the public health, safety or welfare or on the environment.
 3. Protection of the public health, safety, and welfare, and of the environment, would be enhanced by an alternative approach not contemplated by the provision.
 4. The City finds that application of the provision would likely constitute a regulatory taking of property without just compensation by the City under Article II, Section 3 of the Colorado Constitution.
 5. Application of the provision is impractical or would create an undue or unnecessary hardship because of unique physical circumstances or conditions existing on or near the site of the oil and gas operations, which

may include, without limitation, topographical conditions, shape or dimension of the operation site, inadequate public infrastructure to the site, or the proximity of occupied buildings.

18.17.1509 Oil and Gas Overlay Zone Variances

- A. **Generally.** An owner of any real property subject to the requirements and limitations of [Division 18.10.04, Oil and Gas Overlay Zone](#), may request a variance from those requirements and limitations. The grounds for such variance shall be those set out in [Section 18.17.1507, Variances](#), to the extent applicable. However, any variance to the oil and gas overlay zone standards must be in compliance with the underlying zoning or approved development plan governing the subject property.
- B. **Alternative Standards for Variance.**
 - 1. In the alternative to a variance under [Section 18.17.1507, Variances](#), an owner may also request a variance from the City Council as to any of the requirements and limitations of [Division 18.10.04, Oil and Gas Overlay Zone](#), on the basis of:
 - a. The existence of a vested right under [Section 18.14.315, Vested Rights](#), or Colorado law; or
 - b. A finding that application of [Division 18.10.04, Oil and Gas Overlay Zone](#) would likely constitute a regulatory taking under Article II, Section 3 of the Colorado Constitution.
 - 2. A variance request under this subsection B. shall be made to the City Council by filing with the Director a written variance request stating all the facts and law the owner is relying on for the variance.
 - 3. A quasi-judicial hearing before City Council to consider the variance request shall be scheduled and held not less than 30 days but not more than 60 days after filing of the owner's written variance request.
 - 4. Any variance approved under this subsection must be in compliance with the underlying zoning or approved development plan governing the subject property.

Division 18.17.16 Vacation of Rights-of-Way, Easements, and Obsolete Subdivisions

18.17.1601 Purpose and Limitations

- A. **Purpose.** This Division establishes provisions for the vacation of rights-of-way, easements, and obsolete subdivisions when partial or full elimination of such legal instruments is pursued.
- B. **Limitations.**
 - 1. Where a vacation is effectuated under this Division, such vacation shall not in any way affect any previously approved annexation involving the same or other lands.
 - 2. No right-of-way or part thereof shall be vacated if such vacation would leave any land adjoining said right-of-way or part thereof without any reasonable means of access to a public street.

18.17.1602 Vacation of Right-of-Way or Access Easement by Ordinance

- A. **Generally.** Except as otherwise provided in [Section 18.17.1603, Vacation of Emergency Access, Utility, and Non-Constructed Access Easements](#), and [Section 18.17.1604, Termination of Temporary Easements](#), all right, title or interest of the City, in and to any right-of-way or established access easement in use by the public shall be divested only upon adoption by the City Council of an ordinance vacating such right-of-way or easement.
- A. **Additional Process for City Boundaries.** If a right-of-way crosses a boundary line of the City, it may be vacated only by joint decision of the governing body of the governmental entity that shares the boundary line and the City Council.
- B. **Required Findings.** Any ordinance effecting a vacation of a right-of-way or easement under this Section shall contain the following findings:
 - 1. That no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement.

2. That the right-of-way or access easement to be vacated is no longer necessary for the public use and convenience.
- C. **Petition Review Process.** Before a final decision by City Council may be taken on such ordinance, an application for vacation shall be submitted and processed as follows:
 1. *Execution of Petition.* A petition for vacation of a right-of-way or access easement shall be made by the record owners of more than 50 percent of property abutting the right-of-way or access easement.
 2. *Referral of Access Easement / Right-of-Way Vacations.* Applications for vacation of rights-of-way or access easements that are in use by the public shall be referred to the City Council.
- D. **Additional Ordinance Requirements.** Any Ordinance effecting a vacation under this Section shall state to whom title to the vacated land or easement rights shall vest upon vacation.
- E. **Rezoning of Vacated Parcel.** Where a vacated right-of-way parcel is zoned differently than the abutting (receiving) parcel, an application for rezoning shall be processed concurrently with the application for vacation.
- F. **Recording Requirements.** The documents that effectuate a vacation shall be recorded by the City Clerk in the office of the Larimer County Clerk and Recorder at the applicant's expense.
- G. **Effect.** Vacation of rights-of-way or access easements pursuant to this Section shall have the effect of terminating said easements or rights-of-way with respect to the City's interests in them. Title to the lands included within a right-of-way or so much thereof as may be vacated shall vest in accordance with the provisions of C.R.S. § 43-2-302.

18.17.1603 Vacation of Emergency Access, Utility, and Non-Constructed Access Easements

- A. **Generally.** Emergency access, utility, and non-constructed access easements that are assigned or conveyed to the City solely for its use may be vacated by the Director. All right or interest of the City, in and to any easement shall be divested only upon the following:
 1. With respect to City-held easements created by a recorded final plat:
 - a. By approving a final plat of the property upon which the easement is located that does not show the easement; or
 - b. By vacating the final plat that created the easement through the obsolete subdivision process.
 2. With respect to City-held easements that are created by deed or other comparable recorded document, said easements may be terminated by the Director by approving and recording a notice of vacation.
- B. **Required Findings.**
 1. Emergency access easements may be vacated pursuant to this Section if the Director, after consultation with the affected emergency service providers, determines that the emergency access is no longer needed.
 2. Utility easements may be vacated pursuant to this Section if the Director, after obtaining written consents from the affected utility providers, determines that the utility easement is no longer needed.
 3. Access easements may be vacated pursuant to this Section if the Director makes the following findings:
 - a. The access easement to be vacated has not been established and is not in use by the public;
 - b. That no land adjoining any access easement to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement; and
 - c. That the easement to be vacated is no longer necessary for the public use and convenience.
- C. **Petition Review Process.** Unless the vacation of easement is being processed as part of a final plat, a petition for vacation of an easement shall be made by the record owners of more than 50 percent of property that is both:
 1. Served or anticipated to be served by the easement; and
 2. Adjoined or traversed by the easement.
- D. **Recording Requirements.** The documents that effectuate a vacation shall be recorded by the City Clerk in the office of the Larimer County Clerk and Recorder at the applicant's expense.

- E. **Effect.** Vacation of easements pursuant to this Section shall have the effect of terminating said easements with respect to the City's interests in them.

18.17.1604 Termination of Temporary Easements

- A. **Generally.** Temporary easements that are assigned or conveyed to the City solely for its use may be terminated before the end of their stated term by the Director.
- B. **Required Findings.** Temporary easements may be terminated before the end of their stated term if the Director makes the following findings:
1. No land adjoining any temporary easement to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement.
 2. The easement to be terminated is no longer necessary for the City's use or convenience.
- C. **Form of Termination.** If the Director decides to terminate a temporary easement as provided in this section, the Director is authorized to sign on behalf of the City those documents, the forms of which must first be approved by the City Attorney, as are necessary to terminate the temporary easement.
- D. **Recordation.** If the temporary easement was recorded, the City Clerk shall record the termination documents with the Larimer County Clerk and Recorder at the applicant's expense.

18.17.1605 Vacation of Obsolete Subdivisions

- A. **Generally.** Obsolete subdivisions may interfere with the orderly development of land within the City, perpetuate obsolete development standards and guidelines, threaten to impose substantial financial burdens on the City, and may create environmental problems and reduce the quality of life for persons who live in or near the obsolete subdivisions. It is the intent of City Council that the provisions of this Section apply to property that was platted before and after the effective date this UDC.
- B. **Initiation of Vacation Process.** The City Council may initiate the process to vacate all or any portion of a final plat of an obsolete subdivision within the City upon its own initiative, the request of a property owner within the boundaries covered by the final plat, or upon recommendation by the Director.
- C. **Resolution of Intent.**
1. Prior to initiating an ordinance to vacate all or a part of a final plat of an obsolete subdivision, the City Council shall adopt a resolution of intent to vacate.
 - a. The resolution may be adopted by City Council after a public hearing. Notice of the public hearing shall be provided according to [Division 18.14.04, Required Notices](#), as follows:
 1. 90 days' mailed notice to all record surface owners and lienholders within the boundaries of the final plat that a resolution to vacate all or a part of the final plat is to be considered;
 2. 10 days' published notice of the full text of the resolution; and
 3. 10 days' mailed notice to all record surface owners and lienholders within the boundaries of the final plat, providing the full text of the resolution.
 - b. The resolution shall set forth the reasons that City Council desires to vacate the final plat, and shall provide the date, time, and place of a public hearing on the proposed vacation.
- D. **Limitations.**
1. The City Council may vacate only the areas within a final plat that consist of:
 - a. Multiple, contiguous lots that are undeveloped and in common ownership;
 - b. Undeveloped streets or alleys, or unused City easements that are:
 1. Not necessary to serve lots that are not vacated; or
 2. Not necessary to carry out the City's transportation or utility plans;
 - c. Partially constructed streets, alleys, or other infrastructure, for which construction activities have ceased for more than one year, and for which schedules established by construction permits, development

agreements, or improvements agreements (however titled) have lapsed, and which do not provide standard or emergency access to lots that are not vacated; and

- d. Tracts that are no longer necessary as a result of the vacation of other areas within the boundaries of the final plat (e.g., drainage tracts or open spaces that were required to serve vacated lots).

2. Nothing in this section authorizes the City to interfere with statutory or common law vested rights, except as such authority may be lawfully exercised.

E. Requirements.

1. At the public hearing on the determination of obsolescence and proposed final plat vacation, the City Council shall receive a report from the Director regarding the proposed vacation, and shall hear from all interested persons.
2. Council may vacate a final subdivision plat by ordinance, after conducting a public hearing (which may be scheduled for the same meeting as first reading of the ordinance) to consider evidence as to:
 - a. Whether the the subdivision is an obsolete subdivision; and
 - b. Vacation of all or a part of the final plat for the obsolete subdivision will promote the health, safety, and general welfare of the City.

F. Recording Requirements.

1. If the City Council vacates all or a part of a final plat of an obsolete subdivision, it shall record a copy of the vacation ordinance with the Larimer County Clerk and Recorder.
2. The ordinance shall describe the areas within the final plat that are subject to vacation by making reference to the subdivision name and the final plat on record with the Larimer County Clerk and Recorder, and if only a portion of the final plat is to be vacated, specifically identifying the portion to be vacated;
3. After the vacation ordinance, the City shall record a copy of the final plat as it was approved by the City, with a prominent notation on the final plat showing that it was vacated in whole or in part by decision of the City Council, and the date of such decision.

G. Effect of Vacation Ordinance. After all or a part of a final plat for an obsolete subdivision has been vacated pursuant to this Section:

1. The land within such vacated subdivision, or vacated portion of such subdivision, may not again be subdivided without first complying with then-applicable regulations.
2. It shall be unlawful to sell the land or any portion thereof with reference to a vacated final plat (or vacated portion of a final plat), or develop any property within the vacated subdivision or vacated portion of such subdivision.
3. The vacation of all or a part of a final plat for an obsolete subdivision shall have the effect of vacating all public easements and rights-of-way within the vacated final plat (or vacated portion of a final plat), unless the ordinance of vacation specifically identifies public easements or rights-of-way that are not thereby vacated.
4. Vacation pursuant to this Section shall not have the effect of interfering with any privately held easements (e.g., those dedicated to third-parties for utility, access, or other similar purposes, which are shown on the final plat that was the subject of the vacation), although releases from the holders of privately held easements may be recorded along with the documents identified in subsection F., above.
5. The title to land subject to City easements or rights-of-way that are vacated pursuant to this Section shall vest as provided in C.R.S. § 43-2-302.

18.17.1606 Conditions and Reservations

- A. **Vacation of Portion of Request.** The City may, in its discretion, refuse any vacation request, or vacate only a portion of the total area that is the subject of a request for vacation.
- B. **Reservation of Rights-of-Way or Easements.** In the event of a vacation in accordance with this Division, alternative rights-of-way or easements may be established or reserved for the use of existing or future streets; water,

wastewater, gas, or similar pipelines and appurtenances; overland drainage, drainage facilities or canals and appurtenances; electric, cable television, telephone, and similar lines and appurtenances; or any other public purpose.

- C. **Conditions on Vacation.** The City Council (in the ordinance effecting a vacation) may impose, reasonable conditions on a vacation, in order to preserve and promote the public health, safety and welfare of the inhabitants of the City and the public generally. Such reasonable conditions may include, but are not limited to, the payment of money to the City as consideration for a vacation, when the vesting of title upon vacation may confer a benefit upon the new owner of the vacated right-of-way or easement, or where the City has purchased or will purchase a right-of-way or easement to replace the one that is proposed to be vacated.

CHAPTER 18.18 ENFORCEMENT

Contents:

Division 18.18.01 Purpose and Application of Chapter

Division 18.18.02 Enforcement Procedures

Division 18.18.03 Remedies and Penalties

Division 18.18.01 Purpose and Application of Chapter

18.18.101 Purpose of Chapter

- A. **Generally.** The City Council finds that the enforcement of this UDC is an important public service, and that code enforcement is vital to the protection of the public health, safety, and quality of life. The purpose of this Chapter is to encourage prompt compliance with the UDC.
- B. **Procedures and Remedies are Not Exclusive.** Nothing in this Chapter is intended to limit the remedies that are available to the City to prevent, cure, or abate violations of this UDC. This Chapter shall not be construed to prevent the City from using other enforcement procedures as are lawful and appropriate, nor shall it be construed to elect remedies.

18.18.102 Application of Chapter

- A. **Generally.** This Chapter provides the general process for enforcing the UDC, and the general remedies that are available to the City. However, as provided in Section [18.18.101, Purpose of Chapter](#), the City may take any lawful action to remedy violations of this UDC, including seeking any remedy or imposing any penalty that is available under this UDC, State law or administrative rules promulgated thereunder, or Federal law.
- B. **Enforcement of UDC, Generally.**
1. [Division 18.18.02, Enforcement Procedures](#), sets out the procedures for enforcing this UDC. The provisions of this UDC may be enforced by any or all of the following methods:
 - a. Requirement of a building permit;
 - b. Requirement of a certificate of occupancy;
 - c. Inspection and ordering removal of violations;
 - d. Proceedings in any court of competent jurisdiction, including municipal court (to the extent of its jurisdiction), which may involve, but are not limited to:
 1. Temporary or permanent injunction (including mandatory injunction);
 2. Abatement;
 3. Declaratory judgment;
 4. Civil or criminal fines; or
 5. Incarceration

2. In addition to the enforcement provisions of this Chapter, specific conditions of development approval may provide additional or alternative enforcement procedures or remedies.
- C. **Remedies.** Division 18.18.03, **Remedies and Penalties**, provides a non-exclusive list of defenses and potential consequences of enforcement when a person is found to have violated this UDC.

Division 18.18.02 Enforcement Procedures

18.18.201 Violation

- A. **Generally.** A person is guilty of a violation of this UDC in any case where:
 1. A court finds a violation of:
 - a. Any of the provisions of this UDC; or
 - b. Any agreement or development approval executed or issued under this UDC or under the former Title 18, Zoning, or Title 16, Subdivisions; or
 2. An order to cease, remove, or abate any alleged violation has been served upon the owner, general agent, lessee or tenant of the building, structure, or tract of land (or any part thereof) or upon the architect, builder, contractor or any other person who commits or assists in any alleged violation, and such person fails to comply with such order within the time specified therein. In such case, if the subject of the order neither complies with the order nor appeals the order within the time specified therein, the violation shall be deemed to have commenced on the date of the order.
- B. **Each Day a Separate Offense.** Each day during which the illegal erection, construction, reconstruction, alteration, maintenance, use, or any other violation of this UDC continues is deemed a separate offense.

18.18.202 Code Enforcement Officer

A duly appointed peace officer, code enforcement officer, building official, or other authorized representative of the City may enforce the provisions of this UDC by the issuance of orders pursuant to this Chapter, or by a summons and complaint as provided in Rule 204 of the Colorado Municipal Court Rules of Procedure.

18.18.203 Inspection and Order

- A. **Generally.** The Code Enforcement Officer or Building Official and their authorized representatives are empowered to cause any building, structure, or tract of land to be inspected and examined in accordance with Chapter 1.08, Loveland Municipal Code, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this title.
- B. **Oil and Gas Permits.**
 1. *Generally.* All oil and gas operations and facilities may be inspected by the City's duly appointed inspectors at reasonable times to determine compliance with the applicable provisions of this UDC and all other applicable provisions of the Loveland Municipal Code. The City's inspections shall be limited to the inspection of those matters directly enforceable by the City. In the event an inspection is desired by the City relating to a matter not directly enforceable by the City, the City shall contact the Colorado Oil and Gas Conservation Commission to request that it conduct the inspection and take appropriate enforcement action.
 2. *Right to Enter.* For the purpose of implementing and enforcing this UDC, the City's inspectors shall have the right to enter upon the private property of a permitted operator after reasonable notification to the operator's designated agent, in order to provide the operator with the opportunity to be present during such inspection. Such notice shall not be required in the event of an emergency that threatens public health or safety. By accepting an oil and gas permit under this Chapter, the operator grants its consent to this right to enter.
- C. **Effect of Order.**
 1. *Generally.* After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such violation. A duly appointed peace

officer, code enforcement officer, building official, or other authorized representative of the City may issue summonses and complaints into municipal court for any violation of the provisions of this UDC.

2. **Limitations Regarding Oil and Gas Permits.** The City's enforcement of the provisions of this UDC with respect to oil and gas operations, and of the conditions included in permits issued under this UDC with respect to same, shall be limited to those provisions and conditions that are not in operational conflict with state law or COGCC Regulations and that are enforced by the Colorado Oil and Gas Conservation Commission, except when the provision or condition is an enhanced standard imposed and agreed to by the applicant through the administrative review process or agreed to by the applicant in the Planning Commission review process.
- D. **Limitation of Liability.** This UDC shall not be construed to hold the City responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or by reason of issuing a building permit.

18.18.204 Suspension and Revocation of Oil and Gas Permit

- A. **Generally.** If at any time the Director has reasonable grounds to believe that an operator is in violation of any enforceable provision of this UDC with respect to oil and gas operations, the Director may suspend the operator's permit. The Director shall give the operator's designated agent written notice of the suspension and, upon receiving such notice, the operator shall immediately cease all operations under the permit, except those reasonably required to protect the public's health and safety.
- B. **Written Notice of Suspension.** The written notice of suspension shall state with specificity the alleged violation(s). The suspension shall continue in effect until the Director determines that the violation(s) has been satisfactorily corrected. At any time during the suspension, the operator may appeal the Director's action to the City Council by filing with the City Clerk a written notice of appeal stating with specificity the operator's grounds for appeal.
- C. **Appeal to City Council.**
 1. Within 30 days of the City Clerk's receipt of that notice, a public hearing shall be held before the City Council. The hearing shall be conducted as a quasi-judicial proceeding with the operator having the burden of proof, and with the Director
 2. After hearing and receiving evidence and testimony from the operator, from the Director, and from other City Staff and consultants, and after receiving public comment, the City Council may revoke the permit, terminate the suspension of the permit, or take such other action as it deems appropriate under the circumstances, taking into consideration and balancing the protection of the public's health, safety and welfare and the operator's rights under this UDC, the oil and gas permit, and state law to conduct its oil and gas operations.
 3. Within 25 days after the hearing, the City Council shall adopt its written findings and conclusion supporting its decision. The Council's written findings and conclusions shall constitute the City Council's final decision.

18.18.205 Unauthorized Signs on Public Property

- A. **Generally.** Unauthorized signs on public property may be confiscated by the City and held by the Director at the Loveland Development Center pending notification of the owner by the City (if the identity of the owner is known). The owner may retrieve said signs after they are confiscated upon payment of a confiscation and storage charge in an amount established by City Council by resolution. However, the City is not obligated to hold the signs for a period of more than five days after notice to the owner is issued (and if the owner is not known, within five days of the date of confiscation).
- B. **Disposal of Signs.** If no request is made or payment of the charge has not been made within the five-day period, the City may summarily dispose of the signs.
- C. **Building Official and Designee Authorized to Enforce.** For the purposes of the enforcement of [Division 18.04.08, Signs](#), the Building Official and his or her designee is authorized and duly appointed to issue orders and summonses and complaints for such violations.

18.18.206 Order to Abate Nuisance

- A. **Generally.** The Code Enforcement Officer may issue an order to abate a nuisance under the UDC. Such order to be served personally or by first class U.S. mail, requiring the abatement of the nuisance within 15 business days of the date of service of the notice, or such longer time period as the Code Enforcement Officer deems appropriate for the abatement of the nuisance.
- B. **Violation of Order.** If the abatement has not occurred within the stated time, then the Code Enforcement Officer may:
1. If the subject of the Order is a sign, remove the sign (provided that the sign is a portable sign, or a free-standing sign made of paper, balloons, pennants, or banners) and charge the direct cost incurred by the City for removal of the sign, including five percent for inspection and other incidental costs in connection therewith.
 2. If the subject of the Order is not subject to subsection B.1., above, initiate proceedings in an appropriate court to compel abatement of the nuisance.

Division 18.18.03 Remedies and Penalties

18.18.301 Civil Remedies

- A. **Generally.** The provisions of this UDC may be enforced as provided in [Division 18.18.02, Enforcement Procedures](#), and by proceedings in any court of competent jurisdiction, including municipal court (to the extent of its jurisdiction), which may involve, but are not limited to:
1. Fines of up to the maximum amount allowed by Colorado law or the Loveland Municipal Code, whichever is less;
 2. Declaratory judgment;
 3. Abatement; or
 4. Temporary or permanent injunction (including mandatory injunction).
- B. **Preference for Civil Remedies.** Except as otherwise provided herein, it is the intent of the City to apply civil remedies described in this Division, however, the City may use criminal enforcement where:
1. In cases, including, but not limited to, offenses that significantly affect public health or safety, or that materially injure the use of another person's property;
 2. When there is an intentional violation of the provisions of the UDC, including subdivision requirements of [Section 18.17.1302, Final Plat](#); or
 3. As provided in [Section 18.18.304, Special Provisions for Oil and Gas Permits](#).

18.18.302 Criminal Penalty

Subject to [Section 18.18.301, Civil Remedies](#), any person, firm, or corporation violating any provisions of this UDC, upon conviction thereof, shall be fined not more than the maximum amount allowed by the Loveland Municipal Code, or incarcerated not more than one year, or both.

18.18.303 Collection of Delinquent Fees

Any fee due under this UDC that is not paid when due may be recovered by the City, through liens on property, collections services, or any other means available in law or equity.

18.18.304 Special Provisions for Oil and Gas Permits

- A. **Generally.** It shall be unlawful and a misdemeanor offense for any person to do any of the following:
1. Conduct any oil and gas operation within the City without a validly issued oil and gas permit;
 2. Violate any enforceable condition of an approved oil and gas permit; or
 3. Violate any applicable and enforceable provision of this UDC with respect to oil and gas operations.

- A. **Civil Actions.** In addition to any other legal remedies provided under this chapter to enforce this UDC with respect to oil and gas operations, the City may commence a civil action against an operator committing any such violations in any court of competent jurisdiction and request any remedy available under the law or in equity to enforce the provisions of this UDC, to collect any damages suffered by the City as the result of any violation, and to recover any fees, reimbursements, and other charges owed to the City under this chapter or the UDC. If the City prevails in any such civil action, the operator shall be liable to the City for all of the City's reasonable attorney's fees, expert witness costs, and all other costs incurred in the enforcement action.
- B. **Criminal Penalties.** A violation of any enforceable provision of this UDC with respect to oil and gas operations shall constitute a misdemeanor offense punishable as provided in Section 1.12.010, Loveland Municipal Code. A person committing such offense shall be guilty of a separate offense for each and every day, or a portion thereof, during which the offense is committed or continued to be permitted by such person, and shall be punished accordingly.

18.18.305 Special Provisions for Electronic Message Centers

Every person found guilty of violating any provision of subsection E. of Section 18.04.812, [Sign Regulations in Nonresidential Zones](#) shall be subject to the penalty provisions provided in Section 1.12.010, Loveland Municipal Code. Notwithstanding the penalty provisions in Chapter 1.12.010 and Section 18.18.301, [Civil Remedies](#), above, a violation of any provision of said subsection shall result in the following:

1. The first offense shall result in a written notice and order to the property owner specifying the cause of violation and shall provide a 24 hour period to bring the sign into compliance with the standards of this UDC.
2. A second offense within a one year period shall result in a summons into municipal court. If judgment is entered for a violation of subsection E. of Section 18.04.812, [Sign Regulations in Nonresidential Zones](#), a mandatory minimum fine of \$500.00 shall be imposed per day of violation.
3. If judgment is entered for any subsequent violations within a one year period, a mandatory minimum fine of \$1,000.00 shall be imposed per day of violation.

18.18.306 Lien for Fines and Assessments

Fines and assessments charged under this UDC shall be a perpetual lien upon the land on which violation occurs until the fine or assessment is paid. In addition to any other means provided by law for collection, if any fine or assessment is not paid within 30 days after it is imposed and notice thereof is mailed by first class mail to the last known address of the property owner, the same may be certified by the City Clerk to the County treasurer and then placed upon the tax list for the current year. Thereafter, the fine or assessment shall be collected in the same manner as other taxes are collected, with a 10 percent additional fee thereon assessed and payable to defray the cost of collection.

PART 5: MEASUREMENT, WORD USAGE, AND DEFINITIONS

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Chapter 18.19 Measurements, Word Usage, and Definitions

Chapter 18.19 Measurements, Word Usage, and Definitions

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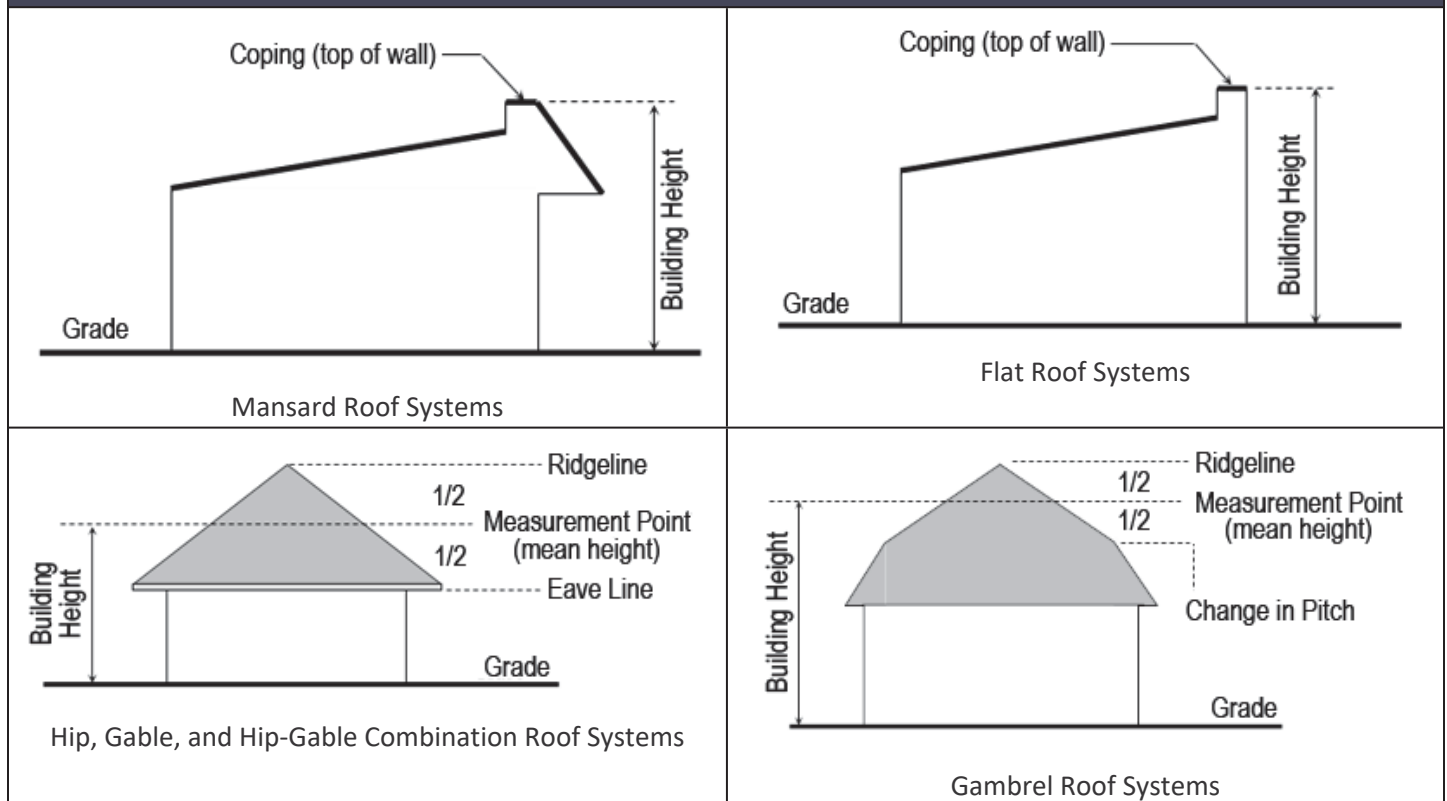
Division 18.19.01 Measurements and Calculations

18.19.101 Measurement of Building Height

- A. **Generally.** Building height is measured as the vertical distance from the point of measurement to:

1. The highest point of the coping of a flat roof; or
2. The midpoint elevation between the eave and the ridge of the highest gable or hipped roof section; or
3. The midpoint elevation between the eave and the highest point of the roof for a shed roof section; or
4. To the highest point of a curved or dome roof.

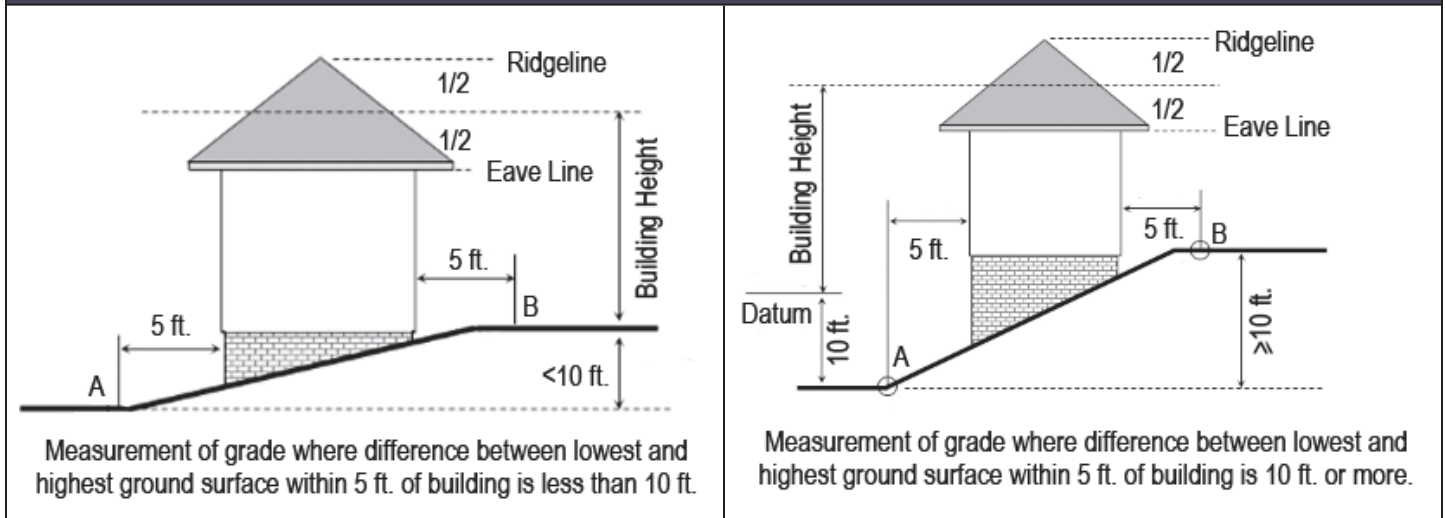
Figure 18.19.101A
Illustrative Building Height Measurements



B. Point of Measurement. The point of measurement is the elevation of either of the following, whichever is lower:

1. The elevation of the highest ground surface within a five foot horizontal distance from the exterior wall of the building, when there is less than a 10 foot difference between the highest and lowest ground surface within a five foot horizontal distance from said wall; or
2. An elevation 10 feet higher than the lowest ground surface within a five foot horizontal distance from the exterior wall of the building, when there is greater than a 10 foot difference between the highest and lowest ground surface from said wall. For purposes of this section, the phrase “ground surface” includes sidewalks.

Figure 18.19.101B
Illustrative Point of Measurement



- C. **Exceptions.** Height measurement shall be exclusive of spires, chimneys, ventilators, pipes, and similar apparatus, provided that they project from less than 10 percent of the overall roof area.

18.19.102 Measurement of Structure Height

- A. **Generally.** The height of anything constructed or erected on the ground, the use of which requires a more or less permanent location on the ground, but not including earthwork, ditches, canals, dams, water towers, reservoirs, pipelines, telephone, telegraph, cable, or electrical power lines or poles and appurtenances thereto, street lighting, landscaping materials, and oil and gas drilling and production facilities, is measured as set out in this Section.
- B. **Roofed Structures.** The height of structures with roofs (e.g., gazebos) is measured as the distance from the lowest grade at the base of the structure to the top of the highest point on the structure, including attachments thereto.
- C. **Wireless Telecommunications Facilities, Radio Towers, and Amateur Radio Antennae.**
1. **Towers.** The height of a wireless telecommunications tower shall be measured as the vertical distance from the base of the 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 subject property. 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.
 2. **Rooftop Facilities.** The height of wireless telecommunications facilities that are mounted on a rooftop is measured from the plane of the top of the roof upon which the facility is mounted to the highest point on the wireless telecommunications facility.
- D. **Fences, Garden Walls, and Hedges.** The height of a fence, garden wall, or hedge shall be measured as follows:
1. The height of a fence, garden wall, or hedge shall be the greatest vertical difference in elevation between the uppermost point on the edge or surface of a fence or wall (not including support posts or architectural features), or the highest point on the uppermost branches or stems of a hedge (above which only leaves or needles naturally grow), and the lowest point of approved grade located perpendicular to and within five feet on either side of the fence, garden wall, or hedge.
 2. When a fence or wall is located on sloping ground with the top constructed in more or less horizontal fashion and not parallel with the slope, the height shall be measured at the midpoint of each fence section.
 3. The maximum height of a fence or wall shall not include the support posts or ornamental features included in the construction, provided that:
 - a. Such posts and ornamental features, in the aggregate, do not extend more than one foot above the upper point to which height is measured (see subsection A.1., above); and

- b. Within the area described by subsection A.3.a., above, such posts and ornamental features do not create a soild-to-void ratio above the maximum height of the fence of more than one to four.
- E. **Signs.** Sign height is measured as set out in Section 18.04.803, [Measurement of Sign Dimensions in All Zones](#).
- F. **All Other Structures.** The height of all other structures is measured from the ground level at the base of the structure to the highest point of the structure.

18.19.103 Setbacks

Setbacks are the minimum required distances between lot lines and buildings or structures. They are generally measured as an offset from the referenced lot lines (or curves) toward the interior of the lot. On regularly-shaped properties, setbacks are measured as follows:

1. Front setbacks are measured from the front property line.
2. Interior side setbacks are measured from side property lines that are not street right-of-way boundaries.
3. Street side setbacks are measured from street side property lines.
4. Rear setbacks are measured from rear property lines.

18.19.104 Lot Area

Lot area is the area enclosed by lot lines.

18.19.105 Measurement of Floor Area and Floor Area Ratio

- A. **Gross Floor Area.** In general, gross floor area (“GFA”) is used to determine floor area ratio (“FAR”) for the purposes of evaluating the physical scale of development. It is also used for other purposes, such as calculating required parking for certain land uses.
 1. *Measurement.* GFA is measured as the sum of the following areas, which shall not include areas identified in Subsection A.2., below:
 - a. The area of the floor planes of all above-grade floors in buildings, measured within the boundaries of the outside building wall planes of the building story being measured. This area includes voids (*e.g.*, stairwells and areas that are open to lower floors).
 - b. The area of the floor planes of below-grade floors, measured within the boundaries of the outside building wall planes of the below-grade floors, but only if the exterior walls of the below-grade floors are exposed to a height of at least three feet above adjacent grade. If only a portion of the walls are exposed to a height of at least three feet, then the portion of the floor plane that is counted is equal to the area of the floor plane times the following quotient:
 1. The perimeter of the outside wall of the below-grade floor that is exposed to a height of at least three feet above adjacent grade (“exposed perimeter”); divided by
 2. The total perimeter of the outside wall of the below-grade floor.
 2. *Exclusions.* The following shall be excluded from the measurement of the areas that are identified in Subsection A.1., above:
 - a. Parking structures, whether integrated into a principal building or not.
 - b. Individual garages.
 - c. Covered parking spaces.
 - d. Non-habitable attic spaces.
 - e. The areas of floors in locations where there is less than five feet of clearance between the finished floor and the ceiling.
 3. For the purposes of various sections of this UDC (*e.g.*, parking calculations), other areas may be added to or subtracted from gross floor area.

- B. **Floor Area Ratio.** Floor area ratio (“FAR”) is the sum of the gross floor area on a subject property, measured as set out in subsection A.1. and A.2., above, divided by the land area of the subject property.

18.19.106 Density

- A. **Generally.** Density is measured as the number of dwelling units on a subject property divided by the land area (in acres) of the subject property.
- B. **Adjustments.**
1. Micro homes are counted as one-half of a dwelling unit.
 2. Multifamily units that are located in mixed-use buildings in the DT Zone, E Zone, MAC Zone, or neighborhood activity center of a complete neighborhood are not counted towards density calculations.

18.19.107 Open Space, Open Space Ratio, and Landscape Surface Ratio

- A. **Open Space.** Open space includes all areas of a subject property that are open from ground to sky, and are used for bufferyards, natural resource protection, outdoor recreation, leisure areas with permeable ground surfaces, naturalized stormwater best management practices, and landscaping, except landscape areas that:
1. Are used as parking overhangs;
 2. Are less than five feet in any dimension; and / or
 3. In a residential subdivision, are allocated to private yards.
- B. **Open Space Ratio.** Open space ratio (“OSR”) is the area of commonly owned or public open space (see subsection A., above) on a subject property, divided by the area of the subject property.
- C. **Landscape Surface Ratio.** Landscape surface ratio (“LSR”) is the area of open space (see subsection A., above) on a subject property, divided by the area of the subject property.

Division 18.19.02 Word Usage and Table of Acronyms

18.19.201 Interpretation of Words and Phrases

When interpreting the provisions of this title, the following rules shall apply:

1. The particular controls the general.
2. In case of any difference of meaning or implication between the text of this title and the captions for each section, the text shall control.
3. The word “shall” is always mandatory and not directory. The word “may” is permissive.
4. Words used in the present tense include the future, unless the context clearly indicates the contrary.
5. Words used in the singular number include the plural and words used in the plural number include the singular unless the context clearly indicates the contrary.
6. A “building” or “structure” includes any part thereof. A “building or other structure” includes all other structures of every kind, regardless of similarity to buildings.
7. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”

18.19.202 Table of Acronyms

Table 18.19.202, Table of Acronyms, sets out the acronyms that are used in this UDC.

Table 18.19.202 Table of Acronyms	
Acronym	Meaning
AASHTO	American Association of State Highway Transportation Officials
ac.	Acre

**Table 18.19.202
Table of Acronyms**

Acronym	Meaning
ACF	Adequate Community Facilities
ADA	Americans with Disabilities Act
ADA 502	2010 ADA Standards for Accessible Design § 502, as amended from time to time, and however subsequently titled or numbered
ADT	Average Daily Traffic
AMI	Area-wide Median Income
Art.	Article
ATM	Automated Teller Machine
BMP	Best Management Practice
BRU	Preceded by a number, “Bedroom Unit” (e.g., 2 Bedroom Unit)
CAFO	Concentrated Animal Feeding Operation
CATV	Cable Television
CC	City Council
CCR	Colorado Code of Regulations
CDPHE	Colorado Department of Public Health and Environment
CPTED	Crime Prevention Through Environmental Design
CMRS	Commercial Mobile Radio Service
CNSDA	Colorado Notification of Surface Development Act, C.R.S. § 24-65.5-101, <i>et seq.</i>
C.O.	Certificate of Occupancy
COGCC	Colorado Oil and Gas Conservation Commission
C.R.S.	Colorado Revised Statutes
dBA	A-weighted Decibels
DBH	Diameter at Breast Height
Div.	Division
e.g.	exempli gratia (translation: “for example”), which is followed by illustrative, non-exclusive examples
EIFS	Exterior Insulation Finishing Systems
EOPC	Engineer’s Opinion of Probable Cost
EPA	United States Environmental Protection Agency
ESMR	Enhanced Specialized Mobile Radio
ET	Evapo-Transpiration
FAR	Floor Area Ratio
FDP	Final Development Plan
ft.	Feet
GFA	Gross Floor Area
i.e.	id est (translation: “that is”), which is followed by an elaboration of the topic
IGA	Intergovernmental Agreement
lf.	Linear Feet
LAN	Local Area Network
LEED	Leadership in Energy and Environmental Design
LSR	Landscape Surface Ratio

**Table 18.19.202
Table of Acronyms**

Acronym	Meaning
Max.	Maximum
Min.	Minimum
MUTCD	Manual on Uniform Traffic Control Devices
N/A	Not Applicable
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
OGC Act	Colorado Oil and Gas Conservation Act, C.R.S. § 34-60-101, <i>et seq.</i>
OSHA	Occupational Safety and Health Act
OSR	Open Space Ratio
PC	Planning Commission
PCS	Personal Communications Services
PICP	Public Improvement Construction Plans
PDP	Preliminary Development Plan
PUD	Planned Unit Development
RV	Recreational Vehicle
Sec.	Section
sf.	Square Feet
sp.	Parking Space (or Parking Spaces)
U	Dwelling Unit
U/A	Dwelling Units per Acre
UDC	City of Loveland Unified Development Code
UDFCD	Urban Drainage and Flood Control District
U.S.	When preceded and followed by numbers, United States Reports (a Supreme Court Reporter); otherwise United States
U.S.C.	United States Code
U.S. DOJ	United States Department of Justice
USDCM	Urban Storm Drainage Criteria Manuals
WTF	Wireless Telecommunications Facilities
ZBA	Board of Adjustment

Division 18.19.03 Definitions

Abandonment, with respect to oil and gas wells, means the plugging process of cementing a well, the removal of its associated production facilities, the removal or abandonment in-place of its flowline, and the remediation and reclamation of the wellsite

Access-Restricted Open Space means open space that is secured from public access and not intended for use by people.

Accessory Building means a building that is:

1. Subordinate to the use and scale of the principal building, or supportive of and incidental to an outdoor land use;
2. Customary in connection with the principal building, other structure, or use of land; and
3. Ordinarily located on the same lot with the principal building, other structure, or use of land.

Examples of accessory buildings include, but are not limited to: detached garages that are accessory to residential buildings; storage buildings that are accessory to lumberyards; and restroom facilities that are accessory to parks.

Accessory Dwelling Unit means a residential dwelling unit (but not a manufactured home, mobile home, or recreational vehicle) that is subordinate in scale to, a single-family detached dwelling unit (the “Principal Dwelling Unit”). An accessory dwelling unit is located either within the same building as the Principal Dwelling Unit or in a detached building on the same lot as the Principal Dwelling Unit.

Accessory Structure means a structure that is:

1. Subordinate to the use and scale of the principal building, or supportive of and incidental to an outdoor land use;
2. Customary in connection with the principal building, other structure, or use of land; and
3. Ordinarily located on the same lot with the principal building, other structure, or use of land.

Examples of accessory structures include, but are not limited to: swing sets that are accessory to residential uses; pavilions that are accessory to parks; dog runs that are accessory to kennels; and loafing sheds that are accessory to commercial equestrian facilities. The phrase “accessory structure” does not include signs.

Accessory Use means a use that is related to, but clearly subordinate to, a specific principal use, and which is located on the same lot as the principal use. Examples of accessory uses include, but are not limited to: outdoor recreation accessory to a school; a gift shop, pharmacy, or cafeteria accessory to a hospital; or concession stands accessory to an outdoor stadium, arena, amphitheater, or drive-in theater.

Adaptable Use means a use that is approved administratively after a public notice and written comment period, 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 this UDC.

Adult Entertainment means an exhibition, display, activity, or dance that involves the appearance or exposure to view of specified sexual activities or specified anatomical areas to an audience for consideration.

Adverse Effect or **Adverse Impact** means the impact of an action that is considerable or substantial and unfavorable or harmful. The phrases include social, economic, physical, health, aesthetic, historical impact, or biological impacts, including but not limited to, effects on natural resources or the structure or function of affected ecosystems.

Affordable, as it pertains to rental housing, means that the monthly cost of a rental housing unit is no more than the monthly rent set forth by income and rent tables released annually by the Colorado Housing and Finance Authority, a copy of which is on file with the City Clerk’s office.

Affordable Housing Development means a development that received a designation as such by City Council by resolution in accordance with Section 18.16.504, *Designation of Affordable Housing Developments*, and that is a housing development, either for-sale or for-rental housing in which a percentage of the total proposed units, as determined by City Council, are affordable to households earning a percentage of qualified income, as determined by City Council.

Affordable Housing Unit means a single dwelling unit that is located within an affordable housing development, or a single dwelling unit that is constructed on a single lot as part of development or redevelopment within a previously platted subdivision, that is made available to a qualifying household.

Agricultural Purposes means purposes related to the operation of an agricultural use that is listed in Section 18.02.310, *Agricultural Land Use by Zone*.

Airport means an area of land that is designated for the take-off and landing of aircraft, which may include areas for ticketing, security, aircraft maintenance, luggage or cargo handling, ground transportation services, and accessory retail and restaurant uses, as well as safety zones.

Alley means a public way with less width than a street, that is designated for special access to the rear of buildings.

Annexation Agreement, Annexation and Development Agreement, or Annexation Development Agreement mean an agreement that is executed between the applicant and the City as part of the process of annexation of property. The agreement includes terms and conditions imposed on the annexation by City Council.

Animal Equivalent Unit means a unit of measurement to compare various animal types based upon equivalent forage needs or waste generation. Animal equivalent units are set out in the table below.

Animal Equivalent Units	
Animal	Animal Equivalent Units
Adult Cow with Unweaned Calf	1.00
Mature Dairy Cattle	1.40
Slaughter or Feeder Cow	1.00
Sheep	0.20
Goat	0.20
Llama	0.60
Horse	1.25
Mule	1.25
Donkey	1.25
Burro	1.25
Swine (>55 pounds)	0.40
Swine (<55 pounds)	0.07
Laying Hens	0.03
Broiler Chickens	0.01
Turkeys	0.02
Other Animals	Average Animal Weight (in pounds) / 1,000 pounds

Animated or "Flashing Sign" means any sign or part of a sign that changes physical position by any movement or rotation, or which gives the visual impression of such movement by use of lighting, including blinking, chasing, scrolling or other animation effects, or signs which exhibit intermittent or sequential flashing of natural or artificial light or color effects.

Approved Grade means the elevation of the ground surface, or any paving or sidewalk built upon it, which has been established on the basis of an engineered grading and drainage plan for the subject property that has been reviewed and approved by the City. When no engineered grading and drainage plan is on file with the City, the established historic grade may be accepted in-lieu of the engineered plan, based on general information available, including (when appropriate), a site inspection of the property by the City. In making a determination regarding established historic grade, the City may, when the Director determines necessary, require submission of current surveyed elevations of the property and other adjacent properties; or may require submittal of an engineered grading and drainage plan.

As-of-Right Use means a land use that is approved administratively, upon a finding that the generally applicable standards of this UDC are met.

Assisted Living or Congregate Care means a residential facility that provides meals and assistance with daily activities, such as dressing, grooming, and bathing, for the elderly or adults who are unable to manage these activities themselves.

Attached Wireless Telecommunications Facilities means wireless telecommunications facilities that are attached to buildings

Awning means a framed exterior architectural feature that is attached to and supported from the wall of a building and/or held up by its own supports, and which is covered with canvas, fabric, or other similar material as its primary surface, and which provides or has the appearance of providing shelter from the elements to pedestrians, vehicles, property, or buildings.

Awning sign means a sign that is painted on or otherwise attached to an awning.

Balloon means an airtight bag or membrane that is inflated with air or a lighter than air gas, typically intended to rise or float above the ground.

Banner means a sign that is constructed of cloth, canvas, vinyl, or other type of natural or man-made fabric, or other similar light material that can be easily folded or rolled, but not including paper or cardboard.

Bar, Tavern, or Nightclub (Large) means an establishment with an occupant load greater than 100 persons designed for the on-site consumption of alcoholic beverages, or evening entertainment such as live music, comedy acts, a floorshow, or dancing. The use may include tables and chairs, but does not have fixed theater-style seating. The use includes the sale of light snacks (chips, pretzels, nuts, etc.) and sandwiches (prepackaged pizzas, burritos, subs, etc.) as required by the applicable liquor license (which may be any of the following classes of State alcohol licenses pursuant to C.R.S. § 12-47-401, et seq.: beer and wine, hotel and restaurant, tavern, vintner's restaurant, or lodging and entertainment facility). The phrase "bar, tavern, or nightclub (large)" does not include the phrase "sexually oriented business" or temporary sales of alcohol for on premise consumption.

Bar, Tavern, or Nightclub (Small) means an establishment with an occupant load of 100 persons or less designed for the on-site consumption of alcoholic beverages, or evening entertainment such as live music, comedy acts, a floorshow, or dancing. The use may include tables and chairs, but does not have fixed theater-style seating. The use includes the sale of light snacks (chips, pretzels, nuts, etc.) and sandwiches (prepackaged pizzas, burritos, subs, etc.) as required by the applicable liquor license (which may be any of the following classes of State alcohol licenses pursuant to C.R.S. § 12-47-401, et seq.: beer and wine, hotel and restaurant, tavern, vintner's restaurant, or lodging and entertainment facility). The phrase "bar, tavern, or nightclub (small)" does not include the phrase "sexually oriented business" or temporary sales of alcohol for on premise consumption.

Base Station means the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the Federal Communications Commission (FCC), between user equipment and a communications network.

The phrase includes, but is not limited to:

1. 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.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
3. Any structure other than a wireless telecommunications tower that, at the time an eligible facilities modification application is filed with the City under this UDC, supports or houses equipment described in above as included within the definition of the phrase "base station," and that has been reviewed and approved under the applicable development review process, or under another State or county review process, even if the structure was not built for the sole or primary purpose of providing such support.

The phrase does not include:

1. Any structure that, at the time a completed eligible facilities modification application is filed with the City, does not support or house equipment described above.
2. A wireless telecommunications tower or any equipment associated with a wireless telecommunications tower.

Baseline Oil and Gas Standards means those review standards and operation requirements set out in [Division 18.10.02, General Standards for Oil and Gas Operations](#).

Bed and Breakfast means an adaptive re-use of a single-family detached building as a place of temporary overnight accommodation, in which:

1. Five or fewer guest rooms are rented for daily and / or weekly terms;
2. Breakfast is provided to guests; and
3. The operator resides on the premises.

Brew Pub, Distillery Pub, or Limited Winery means:

1. A brew pub as defined in C.R.S. § 12-47-103(4);
2. A distillery pub as defined in C.R.S. § 12-47-103(7.3); or
3. A limited winery as defined in C.R.S. § 12-47-103(15).

Building means an enclosed, roofed structure intended for the shelter or enclosure of persons, animals, chattels, property, or substances of any kind.

Building Frontage means any side of the building that aligns with a street or parking lot.

Building Height. See Section 18.19.101, Building Height.

Building Mounted Sign means any permanent sign that is fastened to or painted on any part of a building in such a manner that the building is the supporting structure for or forms the background surface for the sign, including, but not limited to, wall signs, projecting signs, awning signs, and roof signs.

Bus or Taxi Terminal means an off-street premises that is used for the parking or storage of buses or taxis and the loading or unloading of passengers.

Bus Sign means a sign placed upon a transit bus that is owned or operated by, or on behalf of the City pursuant to a written agreement in which the City sets forth the regulations for the size, content, placement, design, and materials used for such sign. A bus sign is not a “portable sign.”

Bus Stop Sign means a sign that is located on a bench or shelter within the public right-of-way or on private property adjacent to public right-of-way at a bus stop, pursuant to a written agreement with the City, that sets forth the terms for the size, content, placement, design, and materials used in the construction of the sign, bench, or shelter.

Business means an activity concerned with the supplying or distribution of goods or services for compensation.

Business Premises means the land, site, or lot at which, or from which, a business is principally conducted, including off-street satellite parking areas or vehicle storage areas that are associated with the business and approved by the City.

Business Services means a business that is primarily engaged in rendering support services to other businesses, such as advertising and mailing, commercial photography, janitorial services, and temporary labor services. Uses that are included within the phrases "office, general," "light industry," or "retail sales and services" (e.g., attorneys, accountants, contractors, or office supply shops), are not included within the phrase "business services")

Campground means a development that has been planned, improved, or used for the placement of tents for transient occupancy, and which may include recreational amenities such as pools, playgrounds, fishing, boating, or hiking. Campgrounds may also include spaces for parking recreational vehicles; however, if the use provides only for the parking of recreational vehicles (and not for the placement of tents), it is classified as “RV Park.”

Canopy means a framed accessory structure or exterior architectural feature that is attached to and supported from a wall or held up by its own supports, which provides shelter from the elements to persons, vehicles, or property.

Canopy Sign means a sign that is mounted on the fascia, or soffit of a canopy.

Capacity means the maximum demand that can be accommodated by a community facility without exceeding the adopted level of service.

Capital Expansion Fee means the fee imposed upon every additional dwelling unit of residential development and every square foot of retail, non-retail, and industrial development pursuant to [Division 18.16.04, Capital Expansion Fees](#).

Capital Improvements Program means the City’s most current adopted budget, which includes a five-year program for providing community facilities and includes the anticipated date by which community facilities will be constructed or when the capacity added by community facilities will be available.

Cemetery means a place in which there is provided space either below or above the surface of the ground for the interment of the remains of human bodies. The term “cemetery” does not include private family burial sites.

Changeable Copy Sign means a sign that displays words, lines, logos, or symbols that may be changed without replacing or altering the sign face. Changeable copy signs include electronic message centers, reader boards with changeable letters, and time and temperature units.

City Engineer means the City Engineer within the Public Works Department, or his or her designee.

City Manager means the City's duly appointed City Manager or his or her designee.

City of Loveland Street Standards means the Larimer County Urban Area Street Standards – Repealed and Reenacted April 1, 2007, as may be amended from time to time.

City of Loveland Traffic Impact Study Guidelines and Policies means Chapter 4, Transportation Impact Studies, Larimer County Urban Area Street Standards – Repealed and Reenacted April 1, 2007, as may be amended from time to time, as it applies within the City of Loveland.

City of Loveland Transportation Master Plan means the City of Loveland 2035 Transportation Plan, dated December 2012, prepared by the City of Loveland, LSA Associates, Inc. and Fox Tuttle Transportation Group, as amended from time to time.

Code, when used within the phrase "this Code," means the City of Loveland Unified Development Code.

COGCC Permit means a permit issued by the Colorado Oil and Gas Conservation Commission ("COGCC") to drill, deepen, re-enter or recomplete and conduct any other oil and gas operation as allowed under the COGCC regulations.

COGCC Rule or **COGCC Regulation** means the Colorado Oil and Gas Rules and Regulations duly adopted by the COGCC, as amended, including but not limited to 2 CCR 400, et seq.

Commencement of Construction means that construction of a portion of improvements shown on final construction drawings approved by the City has begun, and the City has inspected and determined that the improvements that have been installed are in compliance with the approved final construction drawings.

Commercial Equestrian Facility means a boarding stable, riding school or academy, riding arena, or exhibition facility for horses, donkeys, or mules, but not facilities that are associated with residential or agricultural uses and solely for the private use of the residential or agricultural landowner or lessee. Commercial equestrian facilities typically include barns, stables, corrals, riding arenas, or paddocks.

Commercial Lodging, Business or Tourist means a building or group of buildings in which six or more guest rooms are used to provide accommodations for transient guests for compensation. The use may also include services such as small-scale meeting rooms, business centers (personal computers, fax machines, and printers for guest use), food service for guests, and recreational facilities such as swimming pools and fitness centers.

Commercial Lodging, Convention means a building or group of buildings in which 100 or more guest rooms are used to provide accommodations for transient guests for compensation, and meeting rooms, ballrooms, exhibit halls, and / or banquet rooms are arranged to facilitate the hosting of conventions or conferences. Such uses may also include restaurant facilities and recreational facilities.

Commercial Vehicle means:

1. Any motor vehicle, trailer, or semi-trailer that:
 - a. Is designed or used to carry freight, other vehicles, equipment, passengers for a fee, or merchandise in the furtherance of any business enterprise; and
 - b. Has a gross weight of more than 10,000 pounds;
2. Any step van or truck that is designed for commercial moving or parcel delivery services;
3. Any truck that is used for mobile retail sales (e.g., ice cream, lunches);
4. Any vehicle with more than four wheels that is used for business purposes;
5. Any trailer that is used to haul machinery, supplies, or equipment for business purposes (horse trailers, boat trailers, motorcycle trailers, RV trailers, and car trailers put to personal use are not included in the definition);
6. Any trailer that is used for commercial hauling (e.g., waste, junk, or lawn clippings), or commercial moving services;

7. Any vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment, unless such vehicle is used for on-call emergency services contracted by the City or other governmental entity.

Commercial Vehicle Sign means a sign that is permanently mounted or otherwise permanently affixed to a commercial vehicle. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. Bumper stickers and similar size adhesive decals shall not be considered commercial vehicle signs.

Community Facilities means capital improvements provided by the City of Loveland or another governmental entity including, but not limited to facilities for providing water service, wastewater service, fire protection, emergency rescue services, public schools, parks, stormwater management, power, and transportation, that are required by this title to be adequate and available as a condition of development approval.

Community Garden means:

1. Gardens that are maintained and cultivated by non-profit entities or groups of individuals who engage in the activity for their own benefit or
2. Farms that are less than five acres in area, in which produce, plants, or flowers are grown and harvested on behalf of a community of members or shareholders who pledge financial support in advance of the growing season.

The phrase “community garden” includes composting and produce stands as accessory uses.

The phrase “community garden” does not include the phrases “intensive agriculture,” “farm or ranch,” or “nursery or greenhouse (wholesale).”

Compact Car means any vehicle that does not exceed 15 feet in length (measured from bumper to bumper) and five feet, nine inches in width.

Compensation is consideration given for property, goods, or services, which may include money, services, or other things of value.

Completion means, with respect to an oil well, that the first new oil is produced through wellhead equipment into leased tanks from the ultimate producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in the COGCC Regulations. Any well not previously defined as an oil or gas well, shall be considered completed 90 days after reaching total depth. If approved by the director of the COGCC, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

Completion Combustion Device means any ignition device, installed horizontally or vertically, used in exploration and production operations to combust otherwise vented emissions from completions.

Compost Heap means an identifiable but unconfined pile of plant-based organic matter (e.g., leaves, grass clippings, straw, non-woody or woody plant trimmings, sawdust from wood that has not been treated or painted, raw fruit or vegetable scraps, tea bags, or coffee grounds), or dry eggshells, that is left to decompose into compost.

Composting Facility means a facility to which vegetative waste materials, such as lawn clippings, tree trimmings, weeds, and vegetable food scraps from more than one lot or parcel are delivered for composting. The phrase “composting facility” does not include processing of biosolids from wastewater.

Conditional Use means a land use that is 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, and the generally applicable standards of this UDC.

Consideration means compensation or payment in exchange for something, and includes such compensation or payment in terms of money, services, or other things of value to the party being compensated or paid.

Convenience Lending means:

1. A business engaged in providing short-term loans to individuals in exchange for personal checks or bank account access as collateral; or
2. A business that, for a fee, cashes checks, warrants, drafts, money orders, or other commercial paper serving the same purpose, but is not a state or federally chartered bank, savings association, credit union, industrial loan company, or retail store that is engaged primarily in the business of selling consumer goods.

Crematorium means a facility for the burning of corpses, human or animal, to ashes, either as a principal use or as an accessory use. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials, or narcotics.

Data Center means a building or portion thereof that is used by telecommunications carriers, internet access providers, or internet service providers, in which equipment for telecommunications and data processing use (e.g., servers, data storage devices, switches, routers, and other comparable technology infrastructure) is concentrated and physically secured. Equipment in a data center may be owned or operated by more than one entity. The phrase "Data Center" does not include the phrase "wireless telecommunications facility."

Day Care, Adult or Child (Large) means:

1. A facility, whether non-profit or for-profit, that provides care, social services, protection, and supervision for 21 or more adults who are not related to the owner, operator, or manager thereof, on a regular basis away from their primary residence for less than 24 hours per day; or
2. A facility, by whatever name known, that is maintained for the whole or part of a day for the care of 16 or more children who are less than 18 years of age, and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The phrase "day care, child (large)" includes, but is not limited to, facilities commonly known as day-care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children, and those facilities that give twenty-four-hour care for children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school. The phrase "day care, child (large)" does not mean:
 - a. A kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program (operated pursuant to Article 28 of Title 22, C.R.S.);
 - b. Any of the child care uses of the home that are enumerated in Section [18.02.603, Home Child Care](#); or
 - c. Residential child care facilities, as defined in § 7.701.2.G., 12 CCR 2509-8.

Day Care, Adult or Child (Small) means:

1. A facility, whether non-profit or for-profit, that provides care, social services, protection, and supervision for up to 20 adults who are not related to the owner, operator, or manager thereof, on a regular basis away from their primary residence for less than 24 hours per day; or
2. A facility, by whatever name known, that is maintained for the whole or part of a day for the care of five to 16 children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The phrase "day care, child (small)" includes, but is not limited to, facilities commonly known as day-care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, specialized group facilities (except as covered by Section [18.02.603, Home Child Care](#)), preschools, day camps, summer camps, and centers for developmentally disabled children, and those facilities that give twenty-four-hour care for children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school. The phrase "day care, child (small)" does not mean:

- a. A kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program (operated pursuant to article 28 of title 22, C.R.S.); or
- b. Any of the child care uses of the home that are enumerated in Section 18.02.603, Home Child Care.

Dependent Unit means a recreational vehicle that is dependent on service buildings containing toilets, bath, and laundry facilities.

Determination of Adequacy means a determination that each community facility will be available concurrent with the impacts of a proposed development at the adopted levels of service, or will be available subject to certain conditions. A determination of adequacy is made by Council, the Planning Commission, or Staff decision-maker that is vested with authority pursuant to this UDC to review and render a final approval of an application for development approval. See Chapter 18.15, Adequate Community Facilities.

Development means any of the following:

1. *Use of Land.* The use of any building, structure, land, or water. This includes new uses or accessory uses, expansions of existing uses or accessory uses, and material changes to the operational characteristics of existing uses or accessory uses.
2. *Construction, Demolition, or Changes to Buildings or Structures.* The demolition, construction, or modification of buildings or structures, except interior changes that do not:
 - a. Increase floor area,
 - b. Increase residential density; or
 - c. Require a traffic study pursuant to Section 18.12.101, Traffic Studies.
3. *Clearing, Grading, Re-Grading, Cutting, Filling of Land, and Other Disturbance or Alteration.* Land clearing in anticipation of construction of infrastructure, structures, or buildings for non-agricultural purposes and re-construction or regrading of a previously approved site improvement, and any other disturbance of land, soil, vegetation, floodplains, or waterways, but not including agriculture, irrigation ditch or reservoir improvements or maintenance, gardening, or routine maintenance of landscape areas.
4. *Division, Subdivision, or Plat.* Any division, subdivision, or platting of land for construction of infrastructure, structures, or buildings, for sale, or for lease, whether by metes and bounds, platting, or other technique.

Development Agreement means a written agreement between the applicant and the City, which contains such conditions and requirements regarding the completion and / or operation of a proposed development.

Development Review Team means a team that is organized by the Director and composed of City staff and representatives of referral agencies that have an interest in or that may be affected by a proposed application for development approval.

Diameter at Breast Height ("DBH") means the diameter of a tree, measured at four and one-half feet above the ground surface.

Director means the Director of Development Services or his or her designee.

Disposal means facilities for the disposal of non-nuclear waste or fill. The term includes solid waste disposal sites and facilities, as defined by C.R.S. § 30-20-101; and hazardous waste disposal sites, as defined by C.R.S. § 25-15-200.3.

Dissolve means a mode of message transition on an electronic message sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message.

Double Frontage Lot means a lot that has frontage upon:

1. Two parallel streets; or
2. Two streets that do not intersect at the boundaries of the lot.

Easement means any platted or designated easement dedicated to the City by plat or otherwise, whether or not it has been used as such, which the public, the City and / or the public utilities are entitled to use without interference for a specified purpose. Where an easement is granted to the public for a specified purpose, the grant of said easement shall vest in the City and / or the public utilities rights including but not limited to, the right to conduct certain operations and to perform all necessary maintenance thereon; and “without interference” shall mean that persons are prohibited from constructing fences or structures of any kind, or installing landscaping or anything else that interferes with the City’s ability to access, operate, install, and maintain any city facility within said easement. Easements for specified purposes include, but are not limited to access easements, drainage easements, landscape easements, postal easements, and utility easements.

Easement, Public Access means any platted or designated strip of land that is dedicated to the public by plat or otherwise for purposes of vehicular, pedestrian, or bicycle access or travel over, including ingress and egress to, or from, another parcel of property, whether or not it has ever been used as such. All public access easements dedicated or granted do not relieve the property owner of maintenance responsibilities of the property unless otherwise approved by the City.

Easement, Pedestrian means the designated property where the general public is entitled to travel on foot or by other non-motorized methods, including but not limited to, skis, bicycles, skate boards and roller blades, unless otherwise prohibited by official traffic control devices or ordinances.

Easement, Private Access means any property designated by plat or otherwise, which one or more persons, but not the general public, has the right to use for purposes of vehicular or pedestrian access or travel over, including ingress and egress to, or from, another parcel of property and the surface of which is not maintained by the City.

Easement, Utility means a right to use property for the installation, operation, maintenance, modification, repair, or replacement of water, wastewater, storm drainage, electrical, gas, or communication lines and facilities.

Edge Lot means a lot within a subject property that is located such that its side or rear lot line is also a boundary of the subject property.

Electric Standards means “Requirements for Electric Service,” effective May 17, 2017, published by the City of Loveland Power Operations Division, as may be amended from time to time.

Electronic Message Sign means a sign or element of a sign that is capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including animated graphics and video.

Enhanced Oil and Gas Standards means those review standards and best management practices set out in Division 18.10.03, Enhanced Standards for Oil and Gas Operations (Administrative Review).

Environmentally-Sensitive Area means an area with one or more of the following characteristics:

1. Slopes in excess of 20 percent;
2. Floodplain;
3. Soils classified as having a high water table;
4. Soils classified as highly erodible, subject to erosion, or highly acidic;
5. Land incapable of meeting percolation requirements;
6. Land formerly used for landfill operations or hazardous industrial use;
7. Fault areas;
8. Stream corridors;
9. Estuaries;
10. Mature stands of native vegetation;
11. Aquifer recharge and discharge areas;
12. Significant habitat for wildlife; or
13. Any other area possessing environmental characteristics similar to those listed above.

Utilities, Essential means infrastructure necessary to provide utility services and distribution, including: electric distribution; gas distribution; copper, coaxial, or fiber optic telecommunications lines; utility conduits, vaults, pipeline laterals, and mains; utility pedestals; water and wastewater lines; and similar installations and equipment or accessories of a public utility or governmental service that are not defined as “major utilities,” “minor utilities,” “wireless telecommunications facilities,” or “heavy industry.” Essential utilities are shown on PICPs and approved as part of such plans.

Existing Curb means the present location of:

1. The curb of the street; or
2. The edge of the pavement in locations where the street does not have a curb.

Distances measured from the existing curb shall be measured from the side of the curb that is closest to the property line (a.k.a. the “back of the curb”).

Fade means a mode of message transition on an electronic message sign accomplished by varying the light intensity, where the first message gradually and uniformly reduces intensity to the point of not being legible and the subsequent message gradually and uniformly increases intensity to the point of legibility.

Farm or Ranch means apiaries, crop production, silviculture, raising livestock, raising and milking dairy cows or goats, horticulture, floriculture, aquaculture, or viticulture; which may include facilities for the sale of honey, produce, flowers, or dairy products produced or grown on-site. The phrase “farm or ranch” includes composting and produce stands as accessory uses. The phrase “farm or ranch” does not include the phrases “intensive agriculture” or “community garden.”

Farmers Market means an occasional or periodic open air market where items such as fresh produce, seasonal fruits, and fresh flowers are offered for sale directly to the consumer. A farmers market may also include accessory sales of value-added food products such as jams, jellies, pickles, sauces, or baked goods, arts and craft items, and prepared food and beverages. The phrase “farmers market” does not include the sale of second-hand goods or commercially produced or packaged goods.

Fault and Aquifer Recharge and Discharge Areas means areas important for recharge and discharge of water from natural underground storage areas.

Fence Section means a portion or panel of fence construction, normally consisting of pickets, planks, or metal fabric attached to horizontal rails, and which is attached or constructed, in more or less regular intervals, to two supporting vertical posts, or to one supporting vertical post and a the wall of a building or other structure.

Flying Banner means a type of temporary sign consisting of cloth, bunting, canvas, or similar fabric, attached to a single vertical staff support structure.

Freestanding Sign means any non-movable sign that is not affixed to a building and is not a portable sign.

Freestanding Telecommunications Tower means a structure that is designed and constructed to support one or more wireless telecommunication facilities and including all appurtenant devices attached to it. A freestanding telecommunications tower may be designed to be solely supported by attachment to the ground, or supported by direct attachment to the ground and with guy wires, and may be of either lattice or monopole construction.

Fueling, Charging, or Service Station means a building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; Level 3 DC fast-charging of electric vehicles; towing of automobiles and light trucks (but not storage of inoperable automobiles or light trucks); or the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations. The phrase “service station” does not include collision centers or facilities that provide transmission repair, engine overhauls, or repair of commercial vehicles. A fueling, charging or service station may include a retail store that sells goods and services, but primarily ready-to-eat food products (not intended for on-premises consumption), groceries, or sundries.

Funeral Home means an establishment that is used principally for:

1. Human funeral services;
2. Embalming and the performance of other services used in the preparation of the dead for burial;

3. The performance of autopsies and other tests or surgical procedures on human remains.

In addition to these functions, funeral homes may also store caskets, funeral urns, hearses and other vehicles used in funeral processions. A funeral home may also include a crematorium as an accessory use, provided the crematorium has no more than one incinerator.

Future Street means a street right-of-way that will not be opened or improved for present use as a public way, but that is nevertheless dedicated to the public for future use as a street, and present or future use for the installation of public utilities.

Gas means all natural gases and all hydrocarbons not listed under the definition of “oil.”

Golf Course means a use that provides public or private facilities for playing golf and preserving and maintaining open space on the subject property. Accessory uses include, but are not limited to, clubhouses (including pro-shop and restaurant), maintenance facilities, driving range, and similar accessory uses.

Governmental Sign means a sign erected and maintained by or on behalf of the United States, the state, the county, a school district, or the City (*e.g.*, for the purpose of regulating traffic or for other public purposes).

Grading means any stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades. The term “grading” does not include agricultural operations, routine maintenance (*e.g.*, clean-out) of stormwater systems, or maintenance (either routine or periodic major maintenance) of irrigation ditches or reservoirs.

Greenfield Site means open land that is not surrounded by or substantially constrained by development, including leapfrog development, and where there has been no previous development activity other than agricultural uses or similar low-intensity uses.

Ground Cover means landscaping that remains near the surface of the ground. Ground cover does not include the foliage crown of trees, weeds, or non-living materials.

Group Home means a dwelling unit in which six or more individuals live together (but not more than one who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended) and receive supportive services and are supervised by persons who live in the residence. A Group Home does not house more than twelve residents, including supervisory personnel, but not including any children of a resident who are under the age of two years. Except for Group Homes for Juvenile Offenders, “group homes” does not include Detention Facilities. There are four classifications of group homes:

1. *Group Home for Developmentally Disabled Persons.* A state-licensed Group Home serving not more than eight persons, exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Disabilities Services, and the Colorado Department of Public Health and Environment.
2. *Group Home for Elderly Persons.* A Group Home of up to eight persons who are 60 years of age or older who do not require medical attention associated with a residential health care facility. Group Homes for Elderly Persons are either: (1) licensed as an assisted living residence or alternative care facility by the Colorado Department of Public Health and Environment; or (2) certified as an adult foster care facility by the County.
3. *Group Home for Juvenile Offenders.* A Group Home that is licensed or certified by the State of Colorado, housing residents placed by the County or the Colorado Department of Human Services, Division of Youth Corrections, for purposes of rehabilitation, special care, supervision, or treatment for social, behavioral, or disciplinary problems. A Group Home for Juvenile Offenders does not have more than 14 residents, plus additional required staff.
4. *Group Home for Mentally Ill Persons.* A state-licensed Group Home serving not more than eight persons exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Hazardous or Dangerous Sign means a sign which by reason of inadequate maintenance, dilapidation, or obsolescence creates a hazard to public health or safety. The phrase “hazardous or dangerous sign” includes any of the following conditions:

1. The stress in any materials, member or portion of the sign or sign structure, due to all live and dead loads, is more than 1.5 times the working stress or stresses allowed in the building code for new signs of similar structure and location;
2. The sign or sign structure has been damaged by fire, earthquake, wind, flood, vehicle accident, or other casualty, to such an extent that the structural strength or stability of the sign or sign structure is materially less than it was before such casualty, and is less than the minimum requirements of the building code for new signs of similar structure and location;
3. The sign or sign structure includes a portion or member or appurtenance that is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or property;
4. Any portion of the sign or sign structure is not of sufficient strength or stability, or is not anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half that listed in the building code for new signs of similar structure and location, without exceeding the working stresses permitted in the building code for such signs;
5. The sign or sign structure has wracked, warped, buckled, or settled to such an extent that structural portions have materially less resistance to wind or ground vibration than is required for new signs of similar structure and location;
6. The sign or sign structure is likely to collapse or partially collapse due to dilapidation, deterioration, or decay; faulty construction; removal, movement, or instability of any part of the ground necessary to support the sign or sign structure; deterioration, decay, or inadequacy of the foundation of the sign structure; or any other cause;
7. For any reason, the sign or sign structure is manifestly unsafe for the purpose for which it is being used;
8. The sign structure leans or buckles to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;
9. The sign or sign structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members or coverings;
10. The sign or sign structure has been so damaged by fire, earthquake, wind, flood, vehicle accident, or other casualty, or has become so dilapidated or deteriorated as to become an attractive nuisance for children;
11. The sign or sign structure has in any nonsupporting part, member, or portion less than 50 percent, or in any supporting part, member, or portion less than 66 percent of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required in the building code for new signs of similar structure and location;
12. The sign or sign structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate maintenance, or faulty wiring or construction, is determined to be a fire hazard;
13. The sign or sign structure is partially demolished and the rest of the sign or sign structure remain on the subject property in a state of disrepair for a period longer than six months after the partial demolition; or
14. The sign is in such a condition as to constitute a public nuisance known to the common law or equity jurisprudence.

Heavy Industry means industrial uses that are not specifically defined elsewhere in this Code, that can be described in one of the following four ways:

1. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Chapter or this definition, that involve:
 - a. A material risk of significant environmental contamination, explosion, or fire;
 - b. Perceptible ground vibration at the property line;
 - c. Excessive noise or dust emissions at the property line and downwind;
 - d. Large-scale outdoor storage of inputs or products;
 - e. Significant outdoor installations of processing equipment;
 - f. Outside emission of objectionable odors;

- g. 12 or more trips by semi trailer trucks per day; or
- 2. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or
- 3. Activities that are required to undergo New Source Review under the Federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the Federal Clean Air Act.

For illustrative purposes, heavy industrial uses include (if they meet the thresholds of this definition), but are not limited to:

- 1. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units (except retail gasoline stations); and bulk fuel dealers;
- 2. Facilities used in the primary or secondary production of metals (e.g., primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops);
- 3. Portland cement plants;
- 4. Sawmills and pulp mills;
- 5. Incinerators with the capacity to charge more than 250 tons of refuse per day;
- 6. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
- 7. Fossil fuel combustion (except for electricity generation) totaling more than 250 million BTUs per hour of heat input;
- 8. Fabrication of motor vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;
- 9. Drycleaner processing plants that use large quantities of PERC or comparable petrochemical solvents;
- 10. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
- 11. Hot mix asphalt plants; and
- 12. Meat processing involving butchering of large animal carcasses.

Heavy Logistics Center means a wholesaling, warehousing, or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. "product warehouses"), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. "truck terminals" or "logistics centers"), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 12 truck trips per day. Warehousing and distribution uses that involve fewer than 12 truck trips per day are classified as light industry.

Heavy Motor Vehicle Sales or Rental means the sale or rental of commercial vehicles, recreational vehicles, boats, manufactured homes, or construction vehicles at the location where inventory is stored. The phrase "heavy motor vehicle sales or rental" includes outdoor storage of such vehicles for brokers. Not included in the definition are:

- 1. Brokering of commercial or construction vehicles that are stored off-site and delivered directly to customers (a general office use); and
- 2. Indoor storage of commercial or construction vehicles for brokers who are located off-site (a light industrial or heavy logistics use, depending upon the volume of sales).

Heavy Motor Vehicle Service means:

- 1. Repairs to passenger vehicles, such as body repair, paint, upholstery, engine replacement or reconditioning, air conditioning replacement, tire recapping, and custom body work, but not including installation of audio, video, and

navigation systems and services that may be provided at fueling, charging, or service stations (unless such services are provided in addition to services that are categorized as heavy motor vehicle service); and

2. Any type of repairs to commercial vehicles, recreational vehicles, boats, or construction vehicles.

Hedge means several plants that are planted in a pattern so that the branches and stems of adjacent plants grow together in a manner that results in a meshing or intertwining of stems and branches with little or no passable space left between the plants, thus forming more or less a barrier or enclosure.

Heliport means a facility that is designed to be used for the take-off or landing of helicopters, including operations facilities such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

Helistop means an area used for the take-off or landing of private helicopters for the purpose of picking up and discharging of passengers or cargo. Unlike heliports, helistops are not open for general use.

High Occupancy Building means any residential or nonresidential building or structure that is designed to be occupied by natural persons and permitted with an occupancy rating for 50 persons or more.

Historic Downtown Loveland means that area described as follows:

Beginning at the point of intersection of the centerlines of Washington Avenue and E. 4th Street (the “Point of Beginning”),

then extending north along said centerline to the intersection of the centerline of the alley between E. 7th Street and E. 8th Street,

then west along said centerline to the intersection of the centerline of the alley between N. Lincoln Avenue and N. Jefferson Avenue,

then extending north along said centerline to its intersection with the intersection with the centerline of E. 10th Street,

then west to the intersection with the centerline of N. Lincoln Avenue,

then extending north along said centerline to the Great Western/Omni Railroad tracks,

then west along said tracks to the intersection with the tracks of the Burlington Northern/Santa Fe Railroad,

then north to the east/west extension of the centerline of the alley shown on the Plat of Geist Subdivision,

then west along said centerline of the alley to its intersection with the centerline of Garfield Avenue,

then south along the centerline of Garfield Avenue to the intersection of the centerline of 2nd Street SW,

then to the northwest corner of the Henrickson Addition,

then south along the west line of the Henrickson Addition and continuing south to the Farmers Ditch,

then east along Farmers Ditch to the intersection of said ditch and the centerline of S. Cleveland Avenue,

then north along the said centerline to the intersection of the centerline of 3rd Street SE,

then east along said centerline to the intersection of the centerline of S. Jefferson Avenue,

then north along the said centerline to the projected intersection of the south property line of the residence at 110 S. Jefferson Avenue,

then east along the southern property line of said residence,

then continuing east along south property line of the residence at 117 S. Washington Avenue,

then east to the intersection of the centerlines of Washington Avenue and the alley between 1st Street SE and 2nd Street SE,

then east along said centerline to the intersection of the centerline of Monroe Avenue,

then north along the said centerline to the intersection of the centerline of E. 1st Street,

then east along the said centerline to the intersection of the centerline of Hayes Avenue,
then north along said centerline to the intersection of the centerline of E. 3rd Street,
then west along said centerline to the west side of the Loveland/Greeley Ditch,
then north along the ditch to the intersection of the centerline of E. 4th Street,
then west along said centerline to the Point of Beginning.

Historic Sign means a sign that has been designated as historic as provided in Section 18.11.402, Historic Signs

Holiday Decoration means a temporary decoration that is customarily and commonly associated with federal, state, local, or religious holidays, which contains no commercial message.

Home Occupation means a business that is conducted from a dwelling unit by a resident of the dwelling unit, which is limited in extent and incidental to the use of the dwelling unit as a residence. The phrase “home occupation” does not include the phrase “family child care home” or the phrase “bed and breakfast.”

Horizontal Articulation means the use of differentiating horizontal features to add interest and mark (or suggest) transitions between floors (or other vertical divisions) of buildings.

Horizontal Profile means a sign profile where the width of the sign is a minimum of 50 percent greater than the height of the sign.

Hospital means an institution that is licensed, certified, or approved as a "hospital" by the Colorado Department of Public Health and Environment, where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed, and provided nursing and related services. The term "hospital" also includes related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices.

Hydraulic Fracturing means all the stages of the treatment of a well by the application of hydraulic fracturing fluid under pressure that is expressly designed to initiate or propagate fractures in a target geological formation to enhance production of oil and gas.

Hydrozone means a portion of the landscape area having plants with similar water needs. For the purposes of this UDC, there are four hydrozones: high water need; moderate water need; low water need; and very low water need (no irrigation required).

Illegal Sign means any sign which was erected without a sign permit in violation of any of the ordinances of the City governing the same at the time of its erection and which sign has not been in conformance with such ordinances, including this UDC, and which includes signs which are posted, nailed or otherwise fastened or attached to or painted upon structures, utility poles, trees, fences, or other signs.

Independent Unit means a manufactured home or recreational vehicle that is not dependent on service buildings containing toilets, bath, and laundry facilities.

Indirect Lighting, with respect to signage, means that illumination of a surface is provided by an external light source that is directed at and reflected from the surface.

Indoor Amusement, Recreation, or Entertainment means uses that provide amusement and recreational activities indoors (except sexually-oriented businesses, and bars, taverns, or nightclubs), including, but not limited to:

1. Bowling alleys;
2. Escape rooms;
3. Game arcades (e.g., video games, skee ball, and comparable amusement machines);
4. Indoor playgrounds (may include conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment);
5. Indoor skating rinks (ice or roller);
6. Laser tag;
7. Local area network (“LAN”) gaming centers;

8. Pool / billiard rooms;
9. Shooting arcades (but not indoor firing or gun ranges);
10. Indoor archery ranges; and
11. Recreation Centers

Indoor Firing or Gun Range means the use of a building for the discharging of firearms for the purposes of target practice. Excluded from this use type are amusements that simulate shooting but do not involve potentially lethal projectiles (e.g., laser tag, foam darts, etc.) which are classified as “indoor amusement, recreation, or entertainment.”

Industrial Hemp means the plant of the genus *cannabis* and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

Inspector, with respect to oil and gas, means any person designated by the City Manager to have the authority to inspect a well site to determine compliance with this UDC and any other applicable City ordinances.

Intensive Agriculture means:

1. Concentrated animal feeding operations ("CAFOs") of any size, as defined by 40 C.F.R. § 122.23, Concentrated Animal Feeding Operations;
2. Concentrated aquatic animal production facilities, as defined by 40 C.F.R. § 122.24, Concentrated Aquatic Animal Production Facilities;
3. Any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit per acre, including feedlots, hog farms, and poultry operations; or
4. Any other agricultural use that is required to obtain a discharge permit under the Federal Clean Water Act because of animal wastes.

Irrigation Canals and Ditches means man-made waterways that are used for the conveyance of water rights, generally for irrigation purposes, and their associated rights-of-way.

Jurisdictional ("USACE") or Non-Jurisdictional Wetlands means areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophyte vegetation.

Kennel (Indoor) or Pet Store means an indoor facility (with no outdoor components) in which four or more household pets of the same species are temporarily housed, groomed, bred, boarded, or trained, and may also be incidentally treated for medical conditions. The phrase "kennel (indoor)" includes for-profit facilities; as well as not-for-profit or public facilities at which abandoned or rescued animals are housed and offered for adoption. Kennels may also sell animals.

Kennel (Outdoor) means a facility in which four or more household pets of the same species are temporarily housed, groomed, bred, boarded, or trained, and may also be incidentally treated for medical conditions. The facility includes an outdoor component, such as dog runs. The phrase "kennel (outdoor)" includes for-profit facilities; as well as not-for-profit or public facilities at which abandoned or rescued animals are housed and offered for adoption. Kennels (outdoor) may also sell animals.

Leading Edge means the point of a sign, including the sign support structure, closest to the public right-of-way.

Legal Nonconforming Sign means any sign for which a sign permit was issued and said sign was lawfully erected and maintained prior to the enactment of this UDC and any amendments thereto and which does not conform to all the applicable regulations and restrictions of this UDC or any amendments thereto.

Landscape means to cover, adorn, or improve property with living plants (such as trees, shrubs, vines, grass or flowers), loose natural materials (such as rock, wood chips, or shavings), decorative man-made materials (such as patterned paving materials, fences, walls, fountains, or pools), or land contouring. “Landscape” does not include improving property with artificial trees, shrubs, turf, or other artificial plants.

Letter of Completion means evidence issued by the City's building division that construction authorized by a building permit has been substantially completed where:

1. Uses are not determined at time of building permit application and the building permit authorizes construction of core and shell only; or
2. The permit authorizes an expansion or remodel for an existing use, with no change in use.

Level of Service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a community facility based upon and related to the operational characteristics of the community facility or the capacity per unit of demand for the community facility.

Light Court means an area that is:

1. Open from ground to sky;
2. Attached to or integrated into a building; and
3. Enclosed by opaque walls to provide for privacy or security.

Light Industry means a land use that involves research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited truck traffic, external impacts, or risks, such that the use is not defined as "Heavy Industry" or "Heavy Logistics." Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 12 truck trips per day. For illustrative purposes, light industrial uses may include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
 - c. Limited outdoor storage areas;
3. Food production (e.g., commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; or
 - c. Restaurants;
4. Beverage production (alcoholic and non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V permit for air emissions;
9. Research, development, and testing laboratories (e.g., for development of products, equipment, or materials), if not classified as "office" or "heavy industry";
10. Disassembly of consumer electronics and/or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (e.g., window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products; or

15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not Light Industrial uses.

Limited Solid Material Fence or Wall means a fence or wall that has a ratio of solid material to void of not more than one to four.

Limited Use means a land use that is approved administratively upon a finding of compliance with specific standards that pertain to the use, as well as the generally applicable standards of this UDC.

Liquor Store means a business that sells alcoholic beverages, including distilled spirits or hard liquor, for off-premises consumption. The phrase "Liquor Store" includes businesses that are licensed pursuant to C.R.S. 12-47-401, et seq., as retail liquor stores or liquor-licensed drug stores. The phrase "liquor store" does not include a business that sells only beer or wine for off-premises consumption.

Live-Work Unit means building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit.

Lot of Record means a plot of land that was created by subdivision plat, or for which the deed or other instrument that created the plot of land is recorded with the County Clerk and Recorder prior to the effective date of this UDC. A lot of record is not necessarily a platted lot. If a plot of land was conveyed with reference to a plat, but includes multiple lots or combinations of partial lots, the entire plot of land is a lot of record if it is developed or used as a single development site.

Marijuana means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate. The term "marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana Use means:

1. A medical marijuana center;
2. A medical marijuana-infused product manufacturer;
3. An optional premises cultivation operation;
4. A medical marijuana testing facility; or
5. A retail marijuana use.

Mature Stands of Vegetation means established stands of native trees, shrubs, and other vegetation at a mature stage of development, in a continuous corridor along a drainage, in clusters grouped together, or scattered (as in a floodplain or hogback setting).

Medical Marijuana Center means an entity licensed by the state of Colorado to sell marijuana and marijuana products pursuant to Article XVIII, Section 14 of the Colorado Constitution and the Colorado Medical Marijuana Code.

Medical Marijuana-Infused Product Manufacturer means a manufacturer of medical marijuana-infused products, licensed pursuant to C.R.S. § 12-43.3-404.

Medical Marijuana Testing Facility means a facility that performs testing and research on medical marijuana for medical marijuana licensees.

Minimize Adverse Impacts means, with respect to oil and gas operations, to avoid, whenever reasonably practicable, adverse impacts to wildlife resources, the environment, or the public health, safety or welfare from said operations, to minimize the extent and severity of those impacts that cannot be avoided, to mitigate the effects of unavoidable remaining impacts, and to take into consideration cost-effectiveness and technical feasibility with regard to actions and decisions taken to minimize adverse impacts.

Module, with respect to signage, means a self-contained message component which is an integral part of a sign.

Motor Vehicle Wash means any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (e.g., as an accessory use to Fueling, Charging, or Service Station), or as a stand-alone operation, of any type, on a commercial basis.

Motorcycle, Scooter, or ATV Sales or Rental means the sale or rental of motorcycles, scooters, snowmobiles, or ATVs at the location where inventory is stored. The phrase "motorcycle, scooter, or ATV sales or rental" includes outdoor storage of motorcycles, scooters, snowmobiles, or ATVs for off-site brokers. The phrase does not include:

1. Brokering of motorcycles, scooters, snowmobiles, or ATVs that are stored off-site and delivered directly to customers (a general office use); or
2. Indoor storage of motorcycles, scooters, snowmobiles, and ATVs for brokers who are located off-site (a light industrial or heavy logistics use, depending upon the volume of sales).

Multi-Tenant Center means one or more buildings, located on a single premises, containing two or more separate and distinct businesses or activities that occupy separate portions of the building with separate points of entrance, and that are physically separated from each other by walls, partitions, floors, or ceilings.

Natural Area means those areas described or identified as natural areas in the City of Loveland Open Lands Plan.

Non-backed or "Individual Letter Sign" means a wall sign consisting of individual letters, script or symbols without background other than a wall of a building or other structure.

Nonconforming Building means any building that was lawfully constructed before the effective date of this UDC, that does not conform to the minimum setback, dimensional, or design regulations of this UDC for the zone in which such building is located, or to the building due to applicable limited or conditional use standards, either on the effective date or as a result of a subsequent amendment of this UDC.

Nonconforming Parking means any surface or structured parking lot that was lawfully constructed before the effective date of this UDC, that does not conform to the applicable standards of [Division 18.05.02, Access and Circulation](#), [Division 18.05.03, Parking and Loading Calculations](#), or [Division 18.05.04, Parking and Loading Design](#).

Nonconforming Sign means any permanent sign that was lawfully constructed, installed, or displayed before the effective date of this UDC, that does not conform to the regulations of this UDC that apply to the sign, either on the effective date or as a result of a subsequent amendment of this UDC.

Nonconforming Structure means any structure (other than a sign) that was lawfully constructed before the effective date of this UDC, that does not conform to the regulations of this UDC that apply to the structure, either on the effective date or as a result of a subsequent amendment of this UDC.

Nonconforming Use includes any lawfully established land use on a subject property, whether within a building or otherwise, that does not conform to the use regulations of this UDC for the zone in which such use is located, either on the effective date of this UDC, or as a result of subsequent amendments that may be incorporated into the UDC.

Nursery or Greenhouse, Wholesale means the use of land, buildings, or structures for the propagation and cultivation of trees, shrubs, ornamental plants, flowers, herbs, fruiting plants, and vegetable plants for sale to landscaping contractors or retailers, or for use by a specific entity for its own landscaping purposes. The phrase "nursery or greenhouse, wholesale" may include, as an accessory use:

1. The provision of landscaping services in addition to the propagation and cultivation activities; or
2. The sale and delivery of garden tools and equipment, planting pots, mulch, rock, soil, sand, pavers, garden ornaments, and related products to landscaping contractors.

Nursing Home means a State-licensed group living facility regulated as a skilled nursing facility, as defined in C.R.S. § 26-4-103(11). The phrase "nursing home" also includes convalescent centers and memory care facilities, and continuing care communities in which 15 percent or more of the residents (at capacity) receive nursing care. The phrase "nursing home" does not include "group home for the elderly."

Obsolete Subdivision means any property that meets all of the following criteria:

1. The property is within the boundaries of a recorded final plat that has been of record for at least five years;

2. The dimensions of lots, blocks, tracts, streets, or alleys within the final plat are not in substantial compliance with current regulations regarding the subdivision and development of land; and
3. At least two-thirds of the lots within the boundaries of the final plat are not developed.

Office, General means buildings from which professional, administrative, financial, clerical, brokering, real estate, and limited technical services are provided. The phrase includes, but is not limited to, the following types of businesses:

1. Accounting, auditing and bookkeeping;
2. Advertising and graphic design (but not mailing services, which are classified as "business services");
3. Architectural, engineering, and surveying services;
4. Attorneys and court reporters;
5. Banks, savings and loans, credit agencies, and investment companies;
6. Brokering of motor vehicles, commodities, and other items where the thing brokered is not stored on-site for any length of time;
7. Business incubators (unless the businesses being incubated are classified as another type of use, such as light industry);
8. Computer programming and data recovery services;
9. Corporate headquarters;
10. Data processing and word processing services;
11. Detective agencies;
12. Government offices;
13. Insurance;
14. Interior design;
15. Real estate sales and off-site rental offices;
16. Research and development (not including on-site manufacturing or fabrication, and not including marijuana uses);
17. Retail catalog, internet, and telephone order processing, but not warehousing; and
18. Virtual office services.

Office, Medical means office space used for the examination or treatment of patients on an outpatient basis (with no overnight stays by patients), generally by appointment, by such professionals as:

1. Chiropractors, licensed massage therapists, and acupuncturists;
2. Dentists;
3. Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, general and specialist surgeons, podiatrists, ophthalmologists, anesthesiologists, etc.);
4. Midwives;
5. Nutritionists and homeopaths;
6. Optometrists;
7. Occupational therapists, physical therapists, or speech therapists;
8. Psychiatrists, clinical psychologists, clinical social workers, and marriage and family therapists;
9. Physiatrists, physiotherapists, orthotics, prosthetics, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
10. Other comparable health care professionals.

The phrase "Medical Office" includes medical laboratories to the extent necessary to carry out diagnostic services for the medical office's patients.

Off-Track Betting Facility means a facility which is in the business of accepting wagers on horseraces or dog races at locations other than the place where the race is run, which business is licensed by the State of Colorado.

Oil means crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

Oil and Gas Best Management Practices means the best proven and commercially practicable techniques, technologies and practices that are designed to prevent or minimize adverse impacts caused by oil and gas operations to the public health, safety or welfare, including the environment and wildlife resources.

Oil and Gas Facility means equipment or improvements that are used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment or processing of oil or gas, and which shall include, without limitation, operating, shut-in, or abandoned wells, any and all storage, separation, treating, dehydration, artificial lift, compression, pumping, metering, monitoring, aboveground flowlines, and other equipment directly associated with oil wells, gas wells, or injection wells. However, "oil and gas facility" shall not include aboveground or underground power supply, underground flow lines, or underground water lines or abandoned wells that the Director finds will not, as a matter of law, be reopened or reentered in the future for any type of oil and gas operation without the City's prior written consent.

Oil and Gas Operations means exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, re-entering, recompletion, reworking or abandonment of an oil and gas well, underground injection well, or gas storage well; production operations related to any such well, including the installation of flowlines and gathering lines; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

Opaque Fence or Wall means a type of solid material fence or wall that has no obvious voids.

Operator, with respect to oil and gas, means a person who has the legal right under a permit issued under this UDC and under a COGCC Permit to conduct oil and gas operations on the surface within the City's boundaries, by drilling into and producing from a pool, and to appropriate the oil or gas produced therefrom either for the operator or for the operator and an owner.

Optional Premises Cultivation Operation means a Colorado licensed premises where medical marijuana is grown and cultivated, that is contiguous or not contiguous with the licensed premises of a commonly-owned licensed medical marijuana center or a commonly-owned licensed medical marijuana-infused products manufacturer.

Other Telecommunications Facilities means:

1. Telecommunications facilities that are mounted on a base station; or
2. Modification of an existing wireless telecommunications tower or base station that involves:
 - a. Collocation of new transmission equipment;
 - b. Removal of transmission equipment; or
 - c. Replacement of transmission equipment.

Outdoor Assembly Area means an improved facility, not within a building, that is designed to accommodate and provide a place for natural persons to congregate, and is capable of being reasonably occupied by 50 or more natural persons at any one time. The phrase "outdoor assembly area" does not include the front, side, or rear yards of residential lots.

Outdoor Commercial Recreation or Amusement means an outdoor entertainment facility that includes such facilities as batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, water slides, or the use of land as for mock war games that involve paintball equipment or similar equipment that generally involves the use of safety gear such as goggles or vests. Outdoor commercial amusement may also include indoor or outdoor areas with games, food service, and incidental retail uses (e.g., souvenir shops) that are subordinate to the principal outdoor amusement uses. The phrase "outdoor commercial amusement" includes outdoor archery range but does not include "outdoor firing or gun range."

Outdoor Firing or Gun Range means the use of land for the discharging of firearms for the purposes of target practice or skeet and trap shooting. The phrase "outdoor firing, gun, or archery range" does not include hunting or indoor firing or gun ranges.

Outdoor Stadium, Arena, Amphitheater, or Drive-In Theater means an outdoor area surrounded by tiered rows of seats or benches, designed for the viewing of sporting events, rodeos, equestrian events, livestock exhibitions, concerts, or other organized entertainment. Drive-In Theater means an area of land that includes one or more large outdoor screens or other structure for the display of motion pictures and an area for parking automobiles from which the motion pictures are viewed. The use may also include concession sales and outdoor seating areas.

Outdoor Storage means storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that outside of a building, regardless of how long such materials are kept on the premises.

The phrase “outdoor storage” does not include:

1. Outdoor displays of items for sale to the general public, such as new and used cars, recreational vehicles, boats, or landscape and building materials, where such sales are permitted in the zone in which the subject property is located; or.
2. The storage of wrecked or inoperable vehicles (see "salvage yard"); or
3. Parking of operable passenger motor vehicles.

Outlot means a portion of land included in a subdivision that is not intended for development with buildings containing residential, commercial, or industrial uses. It may or may not have public right-of-way access. Common uses include, but are not limited to, easements, recreation, gardens, open space, or drainage detention.

Overhead Power Lines (110kV or More) means high voltage (110 kilovolts or more) power lines that are used to transmit electricity over long distances.

Owner, with respect to oil and gas, means any person having an ownership interest in the oil and gas resources underlying land, either as the owner of a corporeal estate in realty or as an owner of a leasehold interest therein.

Parks (Active) means uses that provide active recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase “parks (active)” includes areas for active recreational activities including, but not limited to:

1. Sports fields, tennis courts, and outdoor racquetball or squash courts;
2. Outdoor swimming pools and splash parks; and
3. Other active recreation-oriented parks, including pickleball.

Parks (Passive) means uses that provide passive recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature. The phrase “parks (passive)” includes areas for passive recreational activities including, but not limited to:

1. Jogging, cycling, tot-lots, fitness trails, playgrounds;
2. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
3. Other passive recreation-oriented parks, including picnic areas.

Passenger Motor Vehicle Sales or Rental means the sale or rental of passenger vehicles at the location where inventory is stored. The phrase "passenger motor vehicle sales or rental" includes outdoor storage of passenger vehicles for brokers. Not included in the definition are:

1. Brokering of passenger vehicles which are stored off-site and delivered directly to customers (a general office use);
2. Indoor storage of passenger vehicles for brokers who are located off-site (a light industrial or heavy logistics use, depending upon the volume of sales);
3. Passenger motor vehicle rental locations that have not more than five rental vehicles stored on-site at any one time (a retail sales and services use).

Pawnbroker means a business that is regulated by C.R.S. § 12-56-101, et seq., that:

1. Regularly contracts to advance money to customers on the delivery of tangible personal property by the customer on the condition that the customer, for a fixed price and within a fixed period of time, has the option to cancel the contract; or
2. Purchases tangible personal property that has not previously been sold at retail in the course of its business of reselling tangible personal property.

Pennant means a type of temporary sign consisting of fabric, plastic, or metal strand drapery with distinctive colors, patterns, symbolic logos, or a series of narrow tapering flags for display.

Person, unless the context clearly indicates otherwise (*e.g.*, provisions related to occupancy of buildings), means any natural person, corporation, association, partnership, limited liability company, receiver, trustee, executor, administrator, guardian, fiduciary or any other kind of entity or representative, and includes any department, agency or instrumentality of the state or any political subdivision thereof and any county, city and country, home rule municipality, statutory municipality, authority, or special district.

Personal Services means an business that is engaged in the provision of informational, instructional, personal improvement, personal care, or similar services within an enclosed building, including but not limited to:

1. Art or music schools;
2. Beauty and barber shops;
3. Boxing or kickboxing instruction;
4. Cooking instruction;
5. Driving schools;
6. Fitness centers;
7. Handicraft or hobby instruction;
8. Laundry and dry-cleaning retail outlets;
9. Martial arts instruction;
10. Portrait shops or photography studios;
11. Shoe repair;
12. Swim instruction;
13. Tailor/alterations shops; or
14. Yoga instruction.

Pit means any natural or man-made depression in the ground used for oil or gas exploration or production purposes. A pit does not include steel, fiberglass, concrete, or other similar vessels that do not release their contents to surrounding soils. The word “pit” shall include, without limitation and as applicable, “production pits,” “special purpose pits,” “reserve pits,” “multi-well pits” and “drilling pits,” as these are defined in the COGCC Regulations.

Place of Assembly means a building in which people assemble for civic, educational, religious, or cultural purposes. This use includes facilities used for worship; meeting halls; event centers; fraternal organizations; and private clubs.

Planned Capital Improvement means a capital improvement or an extension or expansion of a capital improvement that does not presently exist, but that is included within a capital improvement program.

Portable Sign means a sign that is designed to be easily transportable, including but not limited to signs designed to be displayed while mounted or affixed to the trailer by which it is transported, or with wheels remaining otherwise attached during display; signs mounted on transportable frames with wheels removed; signs attached or affixed to a chassis or other moveable support constructed without wheels; signs designed as, or converted to, A-frame or T-frame signs; signs attached temporarily to the ground, a structure, or other signs; signs mounted on a vehicle and visible from the public right-of-way; sandwich boards; and hot air or gas filled balloons that are not designed or approved for navigable flight.

Premises means an area of land occupied by the buildings or other physical uses that are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.

Prison or Jail means a facility for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. The facility may also be established in conjunction with a law enforcement or public safety building, established for the temporary detention of adult or juvenile persons while being processed for arrest or detention by law enforcement.

Project Sign means a freestanding sign that is displayed at points of vehicular access to a residential, nonresidential, or mixed-use subdivision, which are oriented towards the street that provides access to the subdivision and / or the intersecting street. Project signs are often located within subdivision tracts or outlots, but may also be located within easements, or, if a right-of-way encroachment is authorized, within a median within the subdivision.

Projecting Sign means a sign that is wholly or partly dependent upon a building for support and which projects horizontally more than fifteen inches from such building.

Protective Care means a licensed homeless youth shelter as defined in C.R.S. § 26-6-102(17), a day treatment center as defined in C.R.S. § 26-6-102(10), a secure residential treatment center as defined in C.R.S. § 26-6-102(35), an acute treatment unit as defined in 2 CCR § 502-1, substance use disorder treatment facilities that provide ASAM Level III residential services as such services are defined in 2 CCR § 502-1 (*e.g.*, non-hospital residential detoxification units), residential child care facilities that are designated to provide mental health services (see § 7.701.2.G., 12 CCR 2509-8), psychiatric residential treatment facilities, and comparable facilities.

Public Improvement Construction Plans means the set of construction drawings prepared by the applicant's professional engineer and other professional consultants that is submitted to the City for review and approval for the street, water, wastewater, electrical, landscaping, and storm drainage improvements that are required to serve the proposed development.

Recording or TV Studio means a facility for the recording and production of audio or video material, such as the recording of music, voice, video, for live broadcast or post-production.

Recycling Collection Center (Attended) means a location for the collection of clean materials for reuse or recycling, such as aluminum cans, glass, or paper, for transport to another location for reuse or recycling. The phrase "recycling collection center (attended)" does not include the phrase "salvage yard."

Redevelopment means renovation, modification, or reconstruction of a subject property in which:

1. More than 75 percent of the floor area of buildings on site are demolished and reconstructed;
2. A cumulative increase in the gross floor area of a building or use by at least 50 percent from the effective date of this UDC; or
3. The value of new building permits exceeds two times the appraised value of the existing land and improvements.

Residential Premises means a lot or parcel of land containing a home or building used for dwelling purposes, provided that the land is zoned for such use.

Residential Zone, except as otherwise specified for the purposes of certain sections of this UDC, means one of the following zones: ER, R1e, R1, R2, R3e, or R3, or a property zoned PUD, in areas where the property is designated exclusively for residential use by an approved site specific development plan.

Resource Extraction (Minerals) means the extraction of coal or other mineral resources (including sand and gravel, but not oil and gas) from the land (surface or subsurface). The phrase "resource extraction (minerals)" does not include cut and fill operations within a property, construction or maintenance of canals or reservoirs, or the removal and transportation of fill from one property to another as part of an approved development plan, provided that both properties are controlled by the same landowner.

Resource Extraction (Oil and Gas) means exploration for and production of oil and natural gas.

Restaurant means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state, and where the design or principal method of operation includes one or both of the following characteristics:

1. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
2. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

A restaurant may include outdoor eating areas. Fermented malt beverages, and/or malt, special malt, or vinous and spirituous liquors may be produced on the premises as an accessory use pursuant to applicable alcohol beverage licenses.

Restaurant, Fast Food means an establishment engaged in the sale of pre-prepared or rapidly prepared food or beverages to customers in a ready-to-consume state, for consumption either within the restaurant building, outside but on the premises, or off the premises, and which may include a drive-in or drive-through facility. The design or principal method of operation involves two or more of the following characteristics:

1. The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled;
2. Service of food in edible containers or in paper, plastic, foil or other disposable containers; or
3. Insufficient facilities for on premises consumption of the total volume of food sold by the establishment.

Retail Marijuana Use means:

1. A “retail marijuana cultivation facility,” which is an entity that is licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
2. A “retail marijuana products manufacturing facility,” which is an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
3. A “retail marijuana store,” which is an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.
4. A “retail marijuana testing facility,” which is an entity licensed to analyze and certify the safety and potency of retail marijuana, pursuant to C.R.S. § 12-43.4-101, *et seq.*

Retail Sales and Services means a use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, second-hand stores, thrift shops, consignment stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, building supplies, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, games, garden supplies, gifts, groceries, hardware, head shops, home improvement goods, household products, jewelry, lumber, music, musical instruments, office supplies, party supplies, pet supplies, pharmaceuticals, phones, photography equipment, produce, sporting goods, stationary, temporary signs, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as charitable donation collection centers, coin laundries, installation of electronics (*e.g.*, audio systems and navigation systems) into motor vehicles, passenger motor vehicle rentals provided that not more than five rental vehicles are stored on-site at any time, picture framing, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (*e.g.*, a computer store may also repair computers), repairs of consumer electronics, tattoo parlors, and comparable services.

The phrase “Retail Sales and Services” does not include uses that are classified or defined more specifically in this Code, including but not limited to Restaurants (all types); Sexually-Oriented Businesses; Retail Marijuana Uses; Pawnbrokers, Convenience Lending, and Liquor Store. Retail sales and services uses are generally conducted indoors.

Right-of-Way means a strip of land dedicated to the public, the City and / or public utilities which have been constructed or will be constructed, for public transportation, drainage, or utility improvements including but not limited to street paving, curb and gutter, sidewalks, bicycle lanes, and buried or overhead utilities.

Roof Sign means a sign any portion of which projects above the top of the wall of a building, or is mounted on or applied to the roof of a building.

Rooming House (Large) means a building (of portion thereof) with sleeping rooms and a shared kitchen and living areas, that is used to accommodate, for compensation, nine or more people who are not related by blood, marriage, adoption, or legal guardianship.

Rooming House (Small) means a building with sleeping rooms and shared kitchen and living areas (usually designed like a single-family detached residence) used to accommodate, for compensation, four, but not more than eight people who are not related by blood, marriage, adoption, or legal guardianship.

RV Park means a development that has been planned, improved, or used for the parking of recreational vehicles for transient occupancy, and which may include recreational amenities such as pools, playgrounds, fishing, boating, or hiking.

Salvage Yard means any establishment that is maintained, used, or operated for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Salvage yards are also referred to by Colorado law as "automobile graveyards." See C.R.S. § 43-1-502.

School, Elementary or Middle means a school that provides general full-time educational curriculum for two or more grades from Kindergarten through eight.

School, High means a school that provides general full-time educational curriculum for grades nine through 12.

School, Vocational or Trade means an educational facility that primarily teaches skills that directly prepare students for jobs in a trade or profession. Examples include, but are not limited to, art schools, business colleges, trade schools, beauty schools, and secretarial colleges.

Seismic Operations means all activities associated with the acquisition of seismic data including, but not limited to, surveying, shothole drilling, recording, shothole plugging, and reclamation.

Self-Storage means a facility that provides individual storage compartments within a building for household or commercial goods. Storage spaces may be accessed from interior hallways or individual outside doors or overhead doors. This use may include quarters for one or more persons employed by and residing at the self-storage facility for the purpose of on-site management and security.

Semi-Nude means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

Sensitive Uses means single family detached dwelling units, duplex dwelling units, schools, child care facilities, medical care facilities (including hospitals, clinics and nursing facilities), or other comparable uses that may be materially impacted by noise, truck traffic, pollution, and ground vibration.

Sexually-Oriented Business means any of the following:

1. *Adult Arcade* means any commercial establishment or private club where, for any form of consideration, one or more still or motion picture projectors, slide projectors, video displays, or similar machines, or other image producing machines, for viewing by five or fewer persons per machine at any one time, are used to regularly show films, motion pictures, digital images or video, video cassettes, slides, or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas.
2. *Adult Cabaret* means a nightclub, bar, restaurant, concert hall, auditorium, or other commercial establishment or private club which regularly features or presents live adult entertainment.

3. *Adult Motel* means a hotel, motel or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital images or video, slides, or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction; or
 - b. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
4. *Adult Motion Picture Theater* means a commercial establishment or private club, where for any form of consideration, films, digital images or video, motion pictures, video cassettes, slides or similar photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials are regularly shown characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas. An establishment meeting the definition of an adult arcade, above, is not an adult motion picture theater.
5. *Adult Theater* means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
6. *Sexual Encounter Center* means a business or commercial establishment or private club that offers, for the purpose of sexual arousal, pleasure, gratification, or abuse, for any form of consideration, a place where two or more persons may congregate, associate, or consort and observe, view, participate, or engage in specified sexual activities or expose specified anatomical areas.
7. *Sexually-Oriented Retail Establishment*. A commercial establishment that devotes a significant or substantial portion of its business to any one or more of the following:
 - a. The sale, rental or viewing, for any form of consideration, of books, magazines, periodicals or other printed matter or photographs, films, motion pictures, digital video, video cassettes, slides or other photographic reproductions or mechanically, electronically, chemically, or digitally reproduced visual materials which are characterized by an emphasis upon the depiction, display or exhibition of specified sexual activities or specified anatomical areas;
 - b. The sale or rental of instruments, devices, or paraphernalia which are designed for use or marketed primarily for engaging in specified sexual activities; or
 - c. Is characterized by a one or more of the following:
 - i. A significant or substantial portion of its stock in trade consists of the items listed in items 7.a. and / or 7.b., above; or
 - ii. A significant or substantial portion of its revenues is derived from the rental or sale of items listed in items 7.a. and / or 7.b., above; or
 - iii. A significant or substantial portion of its floor space, shelf space or storage space is devoted to the items listed in items 7.a. and / or 7.b., above; or
 - iv. A significant or substantial portion of its advertising is devoted to the items listed in items 7.a. and / or 7.b., above.

Shelter for Victims of Domestic Violence means a facility providing social services in a protective living environment operating twenty-four hours per day and seven days per week, that receives, houses, counsels and otherwise serves victims of domestic violence, as that term is defined in C.R.S. § 18-6-800(3), and their dependents. Such facility may include day care, professional, administrative, and security staff that serve residents only.

Sign means any object, device, or structure, or part thereof, situated outdoors or indoors, which is visible beyond the boundaries of the premises upon which it is located, and which advertises, identifies, directs, or attracts the attention of the public to a business, institution, product, organization, event, message, idea, or location by any means, including, but not limited to, words, letters, graphics, fixtures, symbols, colors, motion, illumination, or projected images.

Sign Face means the area of a sign upon or through which the message is displayed.

Sign Structure means and includes all supports, braces, or other framework of a sign.

Signable Wall means a wall of a building that is visible from a street, parking area, or other public or private way.

Significant Degradation means any degradation to the environment that will require significant efforts and expense to reverse or otherwise mitigate.

Significant Tree means a deciduous tree with a caliper of greater than 4 inches or an evergreen tree that is 15 feet or greater in height. Invasive or nuisance tree species such as Siberian elm or Russian olive, regardless of caliper or height, are not significant trees.

Site means two or more contiguous lots that are being developed or redeveloped pursuant to the same site plan.

Site Development Plan means a plan for the development of a site, approval of which is required prior to or concurrent with the issuance of site work permits or building permits.

Site Plan means a site development plan, or if no site development plan is required, a site plan that is submitted with an application for a building permit.

Site Specific Development Plan means the following types of development approvals, for which vested property rights may attach in accordance with Article 68, Title 24, C.R.S.:

1. Final Development Plan;
2. Final Plat;
3. Conditional Use Permit; and
4. Development Agreement.

Site Work Permit means a City-issued permit that authorizes the commencement of construction of all improvements shown or described in an approved site development plan, except demolition or construction of buildings, building foundations, or similar structures on the site.

Soil Amendment means any material added to a soil to improve its physical properties, such as water retention, permeability, water infiltration, drainage, aeration and structure, in order to provide an improved environment for roots.

Solid Material Fence or Wall means a fence or walls that has a ratio of solid material to void of more than one to four. A solid material fence or wall includes, but is not limited to, a fence or wall that is also defined as an Opaque Fence or Wall.

Specified Anatomical Areas means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
3. Flagellation, mutilation or torture for purposes of sexual arousal, gratification, pleasure, or abuse;
4. Human genitals in a state of sexual stimulation, arousal, or tumescence; or

5. Excretory functions as part of or in connection with any of the activities set forth in list items 1 through 4 of this definition.

Staff means City employees, contractors, or subcontractors who are assigned to perform or participate in the review of an application for development approval.

Stealth Telecommunications Tower means a tower upon which wireless telecommunications facilities are mounted that, due to design, appearance, and context, hides, obscures, or conceals the presence of the tower and wireless telecommunications facilities. Such designs may include, but are not limited to: ballfield light poles, street lights, utility poles, water towers, and artificial trees.

Storage Yard means a location for outdoor storage of:

1. Operable equipment and materials for off-site processing, construction projects, or right-of-way maintenance; and / or
2. Recreational vehicles, boats, trucks, commercial vehicles, and passenger vehicles.

Stormwater Criteria is defined in Section 18.09.401, Storm Drainage Criteria and Storm Drainage Standards – Adopted.

Stormwater Standards is defined in Section 18.09.401, Storm Drainage Criteria and Storm Drainage Standards – Adopted.

Street, without a modifier, means “street, public.”

Street Frontage means a property line that abuts a public right-of-way that provides public access to or visibility to the premises.

Street Maintenance means activities performed for the upkeep and repair of the City’s streets, including but not limited to patching, crack sealing, seal coating, overlaying, resurfacing, and reconstruction.

Street, Part Width means the dedication of a portion of a street, usually along the edge of a subdivision, where the remaining portion of the street is anticipated to be dedicated as the result of another subdivision.

Street, Private means a private way for sidewalk, right-of-way, and utility installations, and including the suffixes “street,” “avenue,” “drive,” “circle,” “place,” “court” or other similar designations, generally intended for use by specified adjacent property owners, public utilities, emergency services, and City operations, including City inspections.

Street, Public means a public way for sidewalk, right-of-way, and utility installations, being the entire width from lot line to lot line, and including the suffixes “street,” “avenue,” “drive,” “circle,” “place,” “court” or other similar designations.

Street, Temporary or No Outlet or Dead End means a street segment that does not connect to another street, but that will connect to another street when the City obtains the right-of-way for such connection.

Structure means anything other than a building that is constructed, erected, or installed, the use of which requires more or less permanent location on the ground, and the form of which extends above or below ground, including, but not limited to fences, walls, gazebos, playground equipment, satellite dishes or antennae, telecommunications towers, swimming pools, and flag poles. Notwithstanding anything to the contrary in this definition, the word “structure” does not include grade changes (e.g., berms), streets, sidewalks, parking lots or spaces, hardscapes, play court surfaces, irrigation ditches, or reservoirs.

Structured Parking means a structure that is composed of one or more above-ground or below-ground levels that are used for the parking of passenger motor vehicles. Structured Parking may be totally below grade (underground structured parking); or partially or totally above grade (above-ground structured parking); and may be separate from or integrated into a building that is used for other purposes. Structured parking includes parking lifts. Structured parking that is the principal use of land is not related to a specific land use on the same parcel. Structured parking uses may include level 3 DC fast-charging stations as an accessory use.

Surface Owner means any person having title or right of ownership in the surface estate of real property or any leasehold interest therein.

Surface Parking means an area of land that is designated for the parking of passenger motor vehicles in parking spaces, the related parking aisles, the landscaped areas that are surrounded by parking spaces and parking aisles, and the landscaped areas at the corners of the paved areas insofar as their inclusion in the surface parking area gives it a regular shape. Surface parking uses may include level 3 DC fast-charging stations as an accessory use. The phrase “surface parking” does not include driveways on individual residential lots, nor does it include individual garages or carports. Surface parking that is a principal use of property is not related to a specific land use on the same parcel.

Surface Water Body means, but is not limited to, rivers, streams, creeks, ditches for the conveyance of water for irrigation or domestic water supply use, reservoirs, and lakes.

Temporary Construction Fence Sign means a temporary sign that is affixed to or incorporated into a temporary construction fence.

Temporary Easement means and includes any real property easement, right-of-way, or license that is conveyed temporarily, meaning that by the written terms and conditions of the instrument creating such interest it is intended to exist for a limited period of time (as distinguished from an indefinite or perpetual basis).

Temporary Project Sign means a temporary freestanding sign that is displayed within a subject property during its development and during the period between development and the time that the lots or units created on the subject property are conveyed to third-party purchasers.

Temporary Sign means a sign which, due to the materials used; the method, manner or location of display; or the method of operation for display; is suited only for occasional, seasonal, or special event display.

Temporary Structure means a structure that exists on an impermanent basis, for example, during the operation of a temporary use.

Temporary Use means a temporary use of land, structures, or buildings that is subject to [Division 18.02.05, Temporary Uses](#).

Temporary Use Permit means a written 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.

Top of Wall means the uppermost point of the vertical exterior surface of a building wall, except that with respect to parapet walls, the “top of wall” is the top of the parapet wall or three feet above the roof, whichever is closer to established grade.

Tract means a parcel of land that is shown within the boundaries of a final plat, which is identified for future re-subdivision.

Transportation Plan means the most current version of said document as adopted by the City.

Tree Lawn means a strip of planted land between the sidewalk and curb.

Ultimate Curb means the eventual location of the curb of a street as determined by the City, or the edge of pavement if no curb is planned.

University or College means an educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates' or higher degrees.

Unightly Area(s) means any one or more of the following:

1. Outside areas where machinery or vehicles are repaired, stored and/or serviced (but not including surface parking lots);
2. Outside trash receptacles;
3. Loading docks;
4. Outside storage areas; and
5. Utility cabinets or boxes.

Utilities, Major means generating plants (except nuclear and photovoltaic), switching stations, water or wastewater treatment plants, or electrical substations, and other comparable infrastructure. The phrase “major utility” does not include utility or communications uses that are more specifically defined as utility, minor or essential utilities.

Utilities, Minor, means water booster stations, wastewater lift stations, electrical distribution substations, gas regulator substations, solar fields, and other comparable infrastructure used in the provision or distribution of utility service.

Utility Box or Cabinet means electric transformers, switch boxes, telephone pedestals and telephone boxes, television pedestals and televisions boxes, traffic boxes, and similar devices.

Veterinarian (Large Animal) means an animal hospital or clinic that provides medical care services for large animals, livestock, or wild animals, including but not limited to: horses, cows, bison, elk, deer, llamas, alpacas, sheep, goats, chickens, turkeys, ducks, and pigs.

Veterinarian (Small Animal) means a use in which medical care is provided for household pets. The phrase "veterinarian (small animal)" does not include medical care for wild animals or livestock.

Volatile Organic Compounds (“VOCs”) means volatile organic compounds that are associated with oil and gas production.

Wall Sign means a sign that is fastened to, applied to, or painted onto a wall of a building in such a manner that the wall is the supporting structure for, or forms the background surface of the sign, and which does not project more than fifteen inches from such building.

Waste Transfer Station means the use of land or a facility, regardless of name or title, to unload solid waste from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. In addition to transferring solid waste, a waste transfer station may also include facilities for drop-off of recyclable materials (e.g., waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded clothing or shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing.

Water and Wastewater Standards means the “City of Loveland Water and Wastewater Development Standards,” current published edition.

Water Budget means the maximum amount of water an irrigator should use in a year to irrigate a specific landscaped area through a dedicated irrigation meter.

Water-Efficient Landscape Plan means a plan qualifying for the City’s dedicated irrigation meter program, as determined by the Director. Water-Efficient Landscape Plans include landscape design using hydrozone methodology that achieves an annual water budget of no greater than 15 gallons per square foot per year.

Weeds are defined in Loveland Municipal Code § 7.16.040, as amended.

Well means an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

Well Blowdown means the maintenance activity designed to remove fluids from mature wells, during which time gas is often vented to the atmosphere.

Well Completion means the process that perforates well casing, stimulates the reservoir using various techniques including, but not limited to, acid treatment and hydraulic fracturing, allows for the flowback of oil or natural gas from wells to expel drilling and reservoir fluids, and tests the reservoir flow characteristic, which may vent produced hydrocarbons to the atmosphere via an open pit or tank.

Wellhead means the equipment attached to the casinghead of an oil, gas, or injection well above the surface of the ground.

Wetland means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wildlife Habitat Areas and Corridors means areas and corridors containing natural vegetation and providing food, nesting, resting, and cover habitat for wildlife. Wildlife habitat areas and corridors are often associated with major drainages, such as the Big Thompson River and other tributaries throughout Loveland and their related uplands. Important habitat also includes lakes, ponds, some reservoirs, and other water bodies; foothills, hogbacks, ridgelines, bluffs, and other unique topographic or geologic features; mature stands of vegetation; sites identified by the Colorado Natural Heritage Program as having high biodiversity significance (rare and imperiled plants and animals, and significant natural communities) and mapped as “Potential Conservation Areas” (PCAs); and areas identified by Colorado Parks and Wildlife as important wildlife habitat.

Window Sign means a sign that is painted on, applied to, or attached to the exterior or interior of a window, or located within one foot of the inside of the window, in such manner that it is visible from the exterior of the building through the window. The phrase “window sign” does not include merchandise in a window display.

Wireless Telecommunications Facility means a facility used to provide:

- A. Personal wireless services as defined at 47 U.S.C. § 332 (c)(7)(C); or
- B. Wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or
- C. Wireless utility monitoring and control services.

The phrase "wireless telecommunications facility" includes, without limitation, directional, omni-directional, and parabolic antennas, base stations, support equipment, attached wireless telecommunications facilities, towers, and stealth towers.

The phrase "wireless telecommunications facility" does not include:

- A. A facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building;
- B. A device attached to a building, used for serving that building only;
- C. The building to which the facility or its components are attached, if the use of such building for such facilities is not its primary use.
- D. Mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios or telephones and their associated transmitting antennas.

Workshop means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including activities such as repairing small engines, making, restoring, and upholstering furniture, restoring motorcycles, creating art work such as paintings and sculptures, ceramics, and other similar activities, wherein noise, odor, smoke, heat, glare, or vibration produced by such activities are confined within the building.

Zoning Board of Adjustment means the Board of Adjustment and Appeals that is described in Section 10 of the City of Loveland Home Rule Charter.

Zoo means a place where live animals are kept and exhibited to the public. The animals may also be studied, given medical treatment, and bred. The term "zoo" does not include uses that sell animals.

APPENDIX A: APPROVED PLANT LIST

City of Loveland Approved Plant List

APPENDIX B: HANDBOOK FOR BOARDS AND COMMISSIONS

City of Loveland Handbook for Boards and Commissions

APPENDIX C: DESIGN GUIDELINES FOR DOWNTOWN LOVELAND

Design Guidelines for Downtown Loveland

APPENDIX D: HISTORIC DOWNTOWN LOVELAND - LEGAL DESCRIPTION

As used in this UDC term “Historic Downtown Loveland” means that area described as follows:

Beginning at the point of intersection of the centerlines of Washington Avenue and E. 4th Street, then extending north along said centerline to the intersection of the centerline of the alley between E. 7th Street and E. 8th Street, then west along said centerline to the intersection of the centerline of the alley between N. Lincoln Avenue and N. Jefferson Avenue, then extending north along said centerline to its intersection with the intersection with the centerline of E. 10th Street, then west to the intersection with the centerline of N. Lincoln Avenue, then extending north along said centerline to the Great Western/Omni Railroad tracks, then west along said tracks to the intersection with the tracks of the Burlington Northern/Santa Fe Railroad, then north to the east/west extension of the centerline of the alley shown on the Plat of Geist Subdivision, then west along said centerline of the alley to its intersection with the centerline of Garfield Avenue, then south along the centerline of Garfield Avenue to the intersection of the centerline of 2nd Street SW, then to the northwest corner of the Henrickson Addition, then south along the west line of the Henrickson Addition and continuing south to the Farmers Ditch, then east along Farmers Ditch to the intersection of said ditch and the centerline of S. Cleveland Avenue, then north along the said centerline to the intersection of the centerline of 3rd Street SE, then east along said centerline to the intersection of the centerline of S. Jefferson Avenue, then north along the said centerline to the projected intersection of the south property line of the residence at 110 S. Jefferson Avenue, then east along the southern property line of said residence, then continuing east along south property line of the residence at 117 S. Washington Avenue, then east to the intersection of the centerlines of Washington Avenue and the alley between 1st Street SE and 2nd Street SE, then east along said centerline to the intersection of the centerline of Monroe Avenue, then north along the said centerline to the intersection of the centerline of E. 1st Street, then east along the said centerline to the intersection of the centerline of Hayes Avenue, then north along said centerline to the intersection of the centerline of E. 3rd Street, then west along said centerline to the west side of the Loveland/Greeley Ditch, then north along the ditch to the intersection of the centerline of E. 4th Street, then west along said centerline to the P.O.B.

APPENDIX E: OVERLAY ZONE MAPS

Contents:

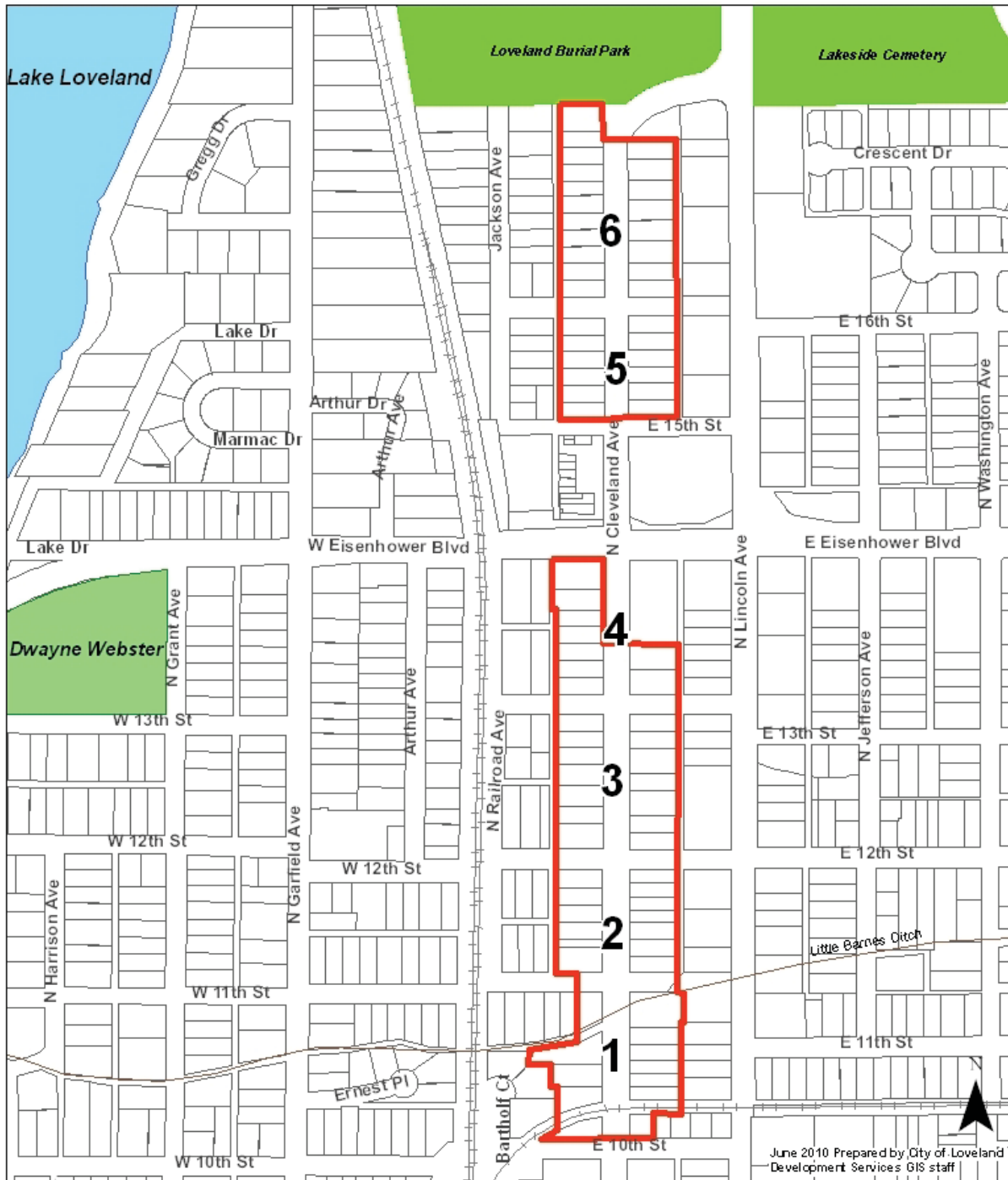
Exhibit 1 North Cleveland Overlay Zone

Exhibit 2 Enhanced Corridor Overlay Zone

Exhibit 3 Airport Influence Area Overlay Zone

Exhibit 1 North Cleveland Overlay Zone

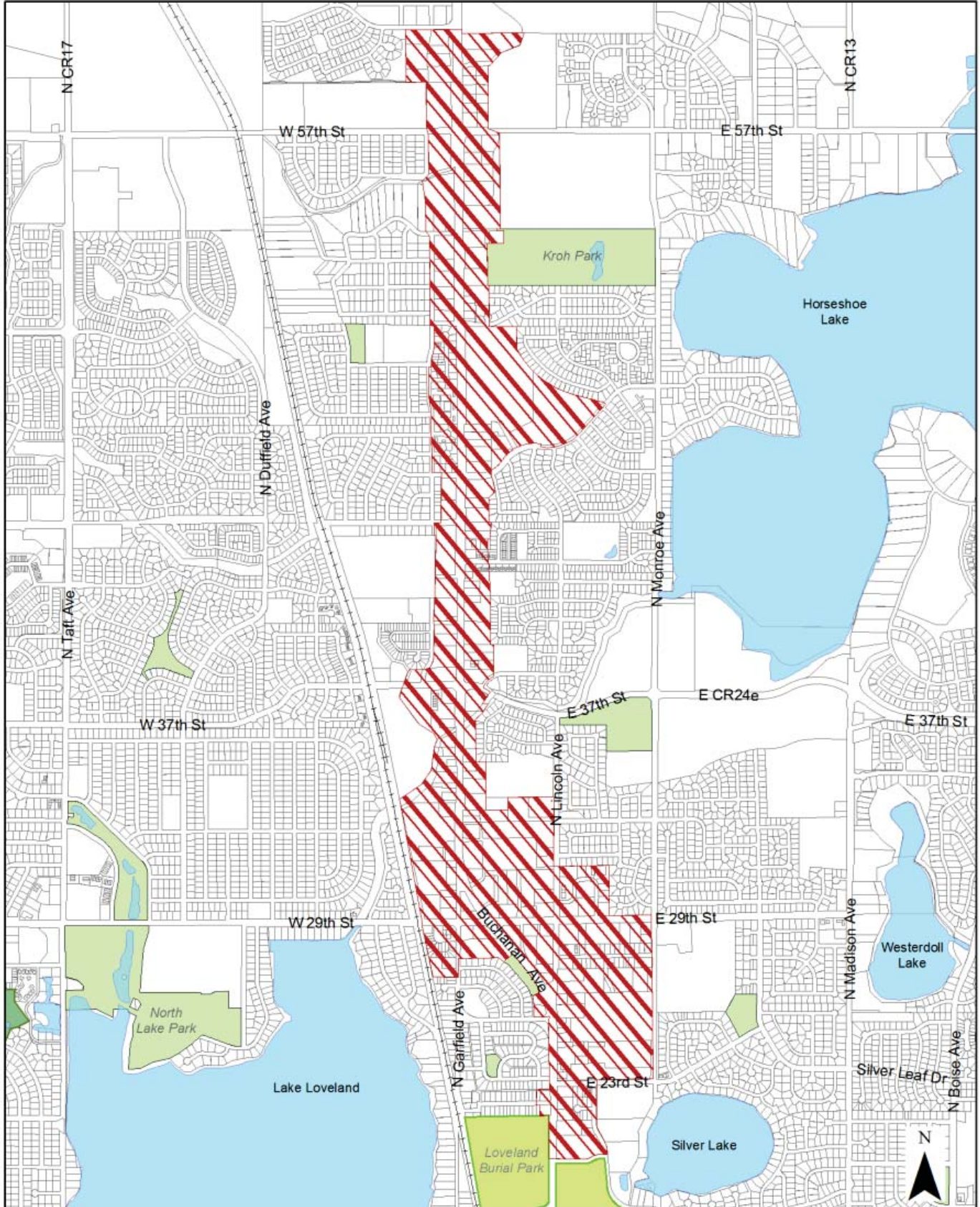
Exhibit 1 North Cleveland Overlay Zone Map



June 2010 Prepared by City of Loveland
Development Services GIS staff

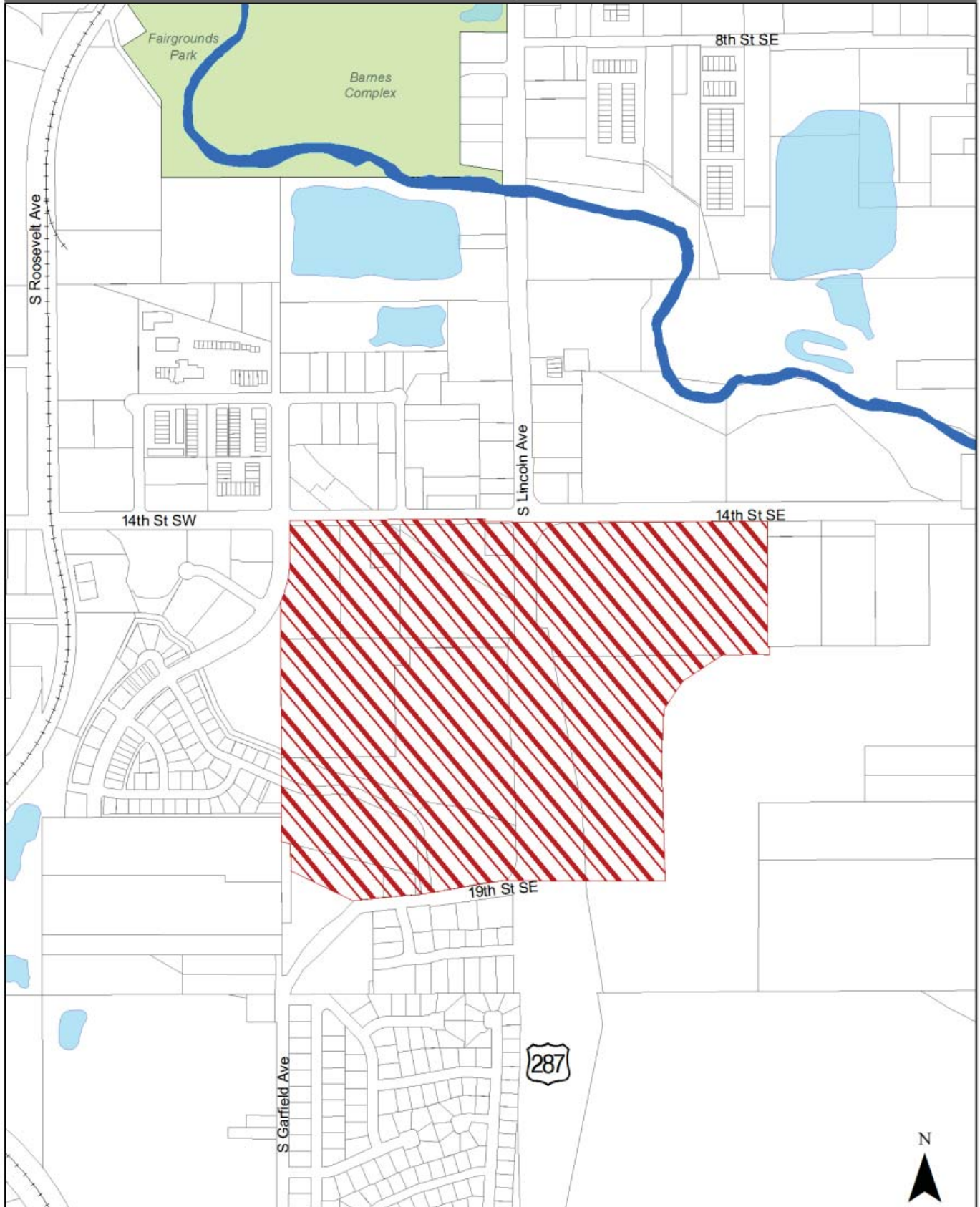
Exhibit 2 Enhanced Corridor Overlay Zone

Exhibit 2.1 Enhanced Corridor Overlay Zone - North US 287



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Exhibit 2.2
Enhanced Corridor Overlay Zone - South US 287



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Exhibit 2.3
Enhanced Corridor Overlay Zone - West Eisenhower Blvd.

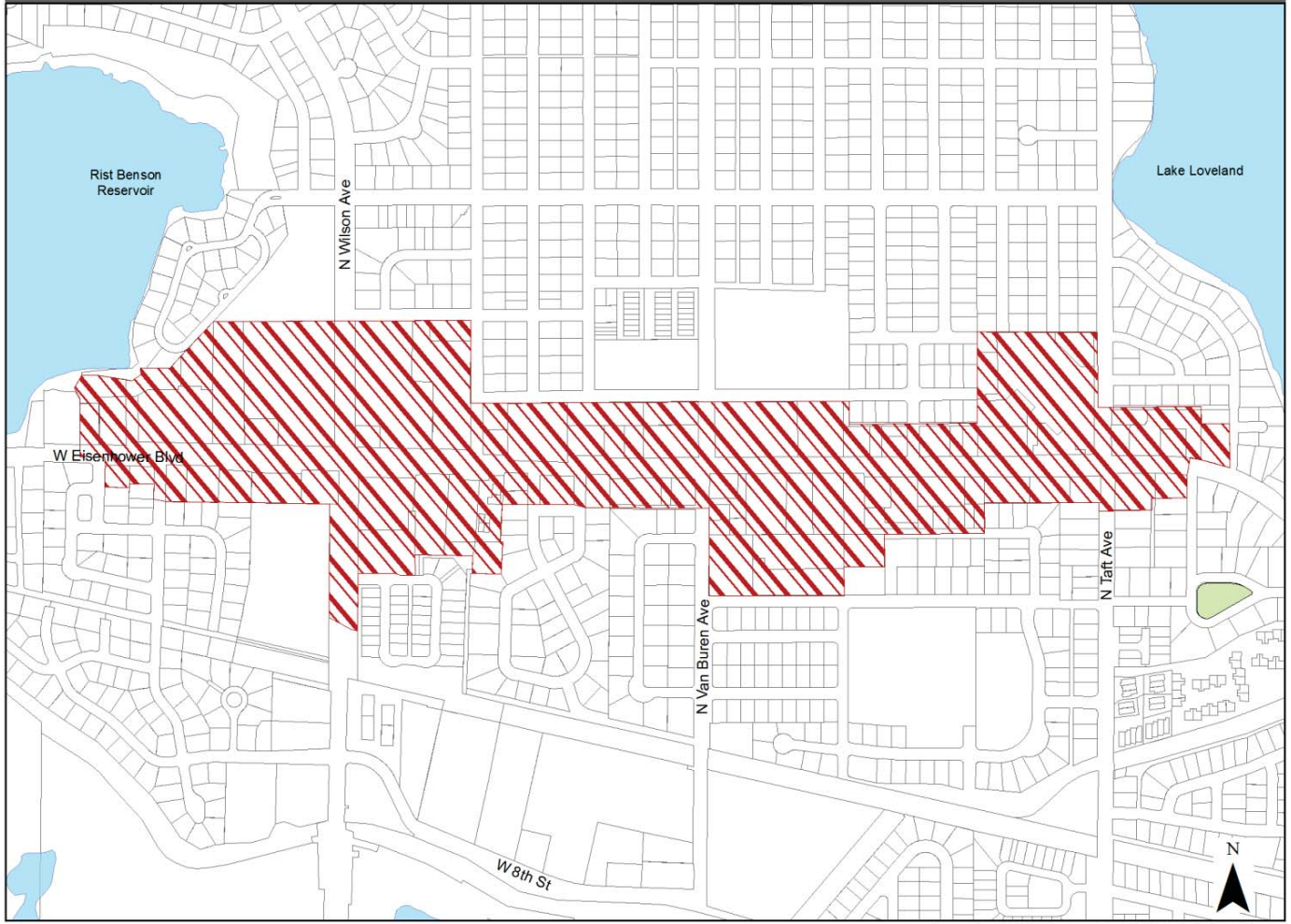


Exhibit 2.4
Enhanced Corridor Overlay Zone - East Eisenhower Blvd.

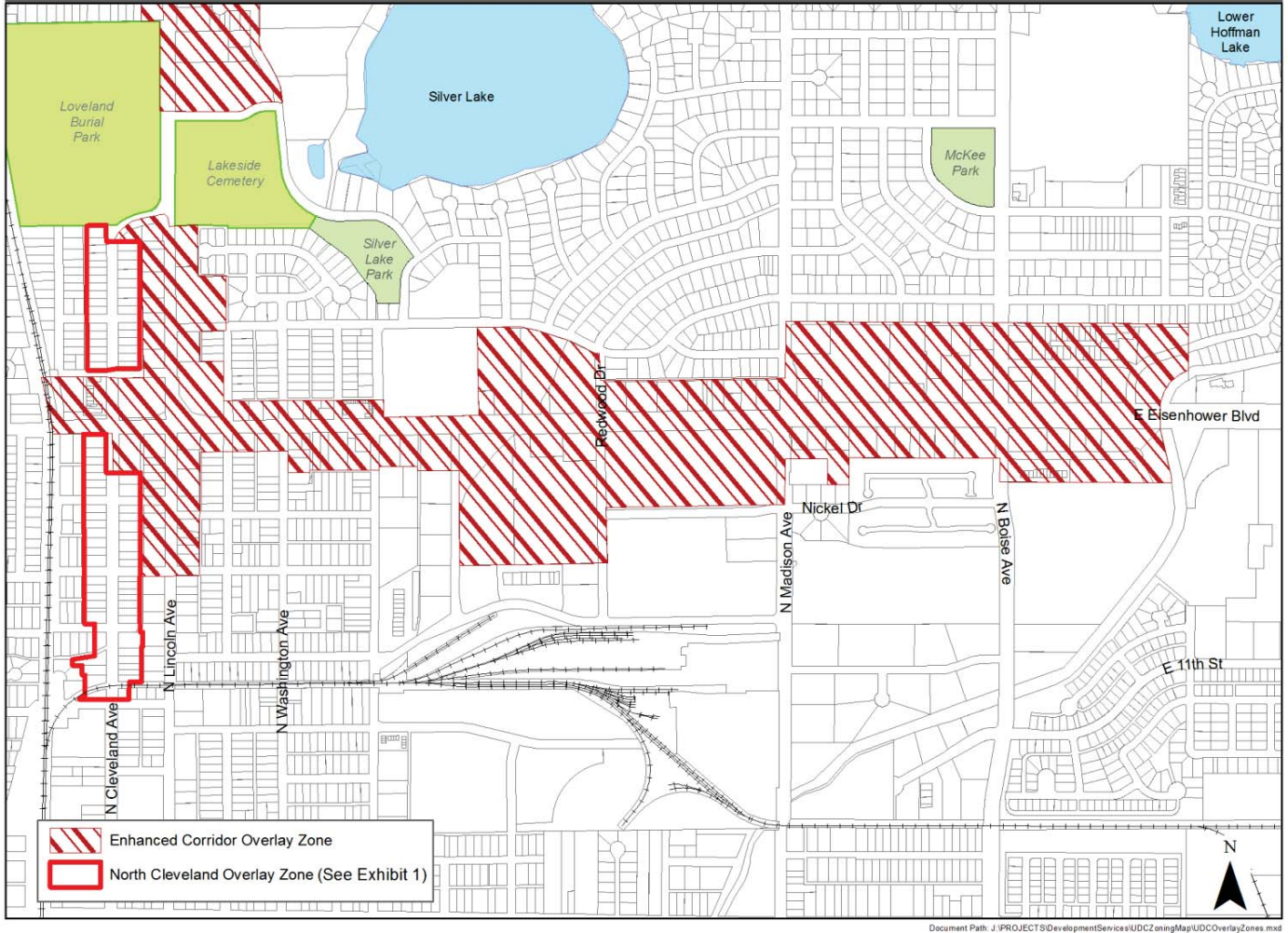
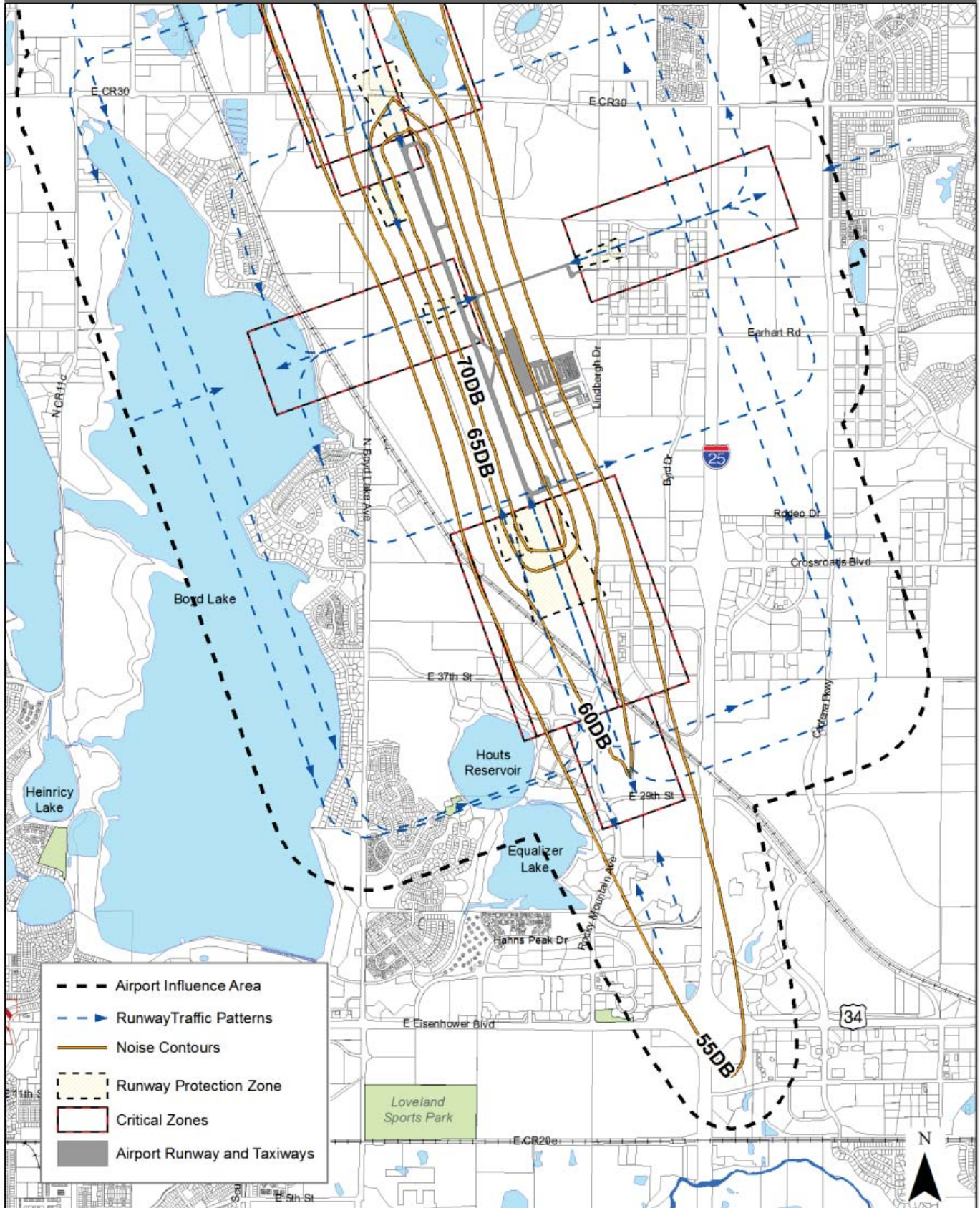


Exhibit 3 Airport Influence Area Overlay Zone

Exhibit 3 Airport Influence Area Overlay Zone



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APPENDIX F: U.S. 34 CORRIDOR PLAN

[U.S. 34 Corridor Plan](#)

APPENDIX G: SITE DEVELOPMENT STANDARDS AND GUIDELINES FOR THE I-25 CORRIDOR

[Site Development Standards and Guidelines for the I-25 Corridor](#)
(Chapter 8 of the Site Development Performance Standards)

Note: The link above is to Chapter 8 only. The other chapters of the Site Development Performance Standards are superseded by the UDC.