

18.04.06.05 Core Character Area Urban Design Standards

F. Dimensional and Intensity Standards

1. *Generally.* Standards for building setbacks, open space and lot size for downtown multifamily, nonresidential and mixed use buildings are set out in Table 18.04.06.05.B, Dimensional and Intensity Standards. Setbacks for residential structures are set out in Division 18.04.02, Housing Palette.

Table 18.04.06.05.B Dimensional and Intensity Standards								
Use	Minimum ^{1, 2}					Open Space and Lot Size		
	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Rear Street Setback	Useable Open Space	Min. Lot Size	Min. Lot Width
Downtown Multifamily	10 ft.	5 ft.	0 ft.	10 ft.	0 ft.	0%	5,000 sf.	50 ft.
Nonresidential and Mixed Use	0 ft.	0 ft.	0 ft.	10 ft.	0 ft.	0%	-	-
Table Notes: ¹ Structures 50 feet in height or taller shall be set back a minimum of 15 feet from the face of the curb. ² See Table 18.04.06.05.A, Setbacks and Build-To-Lines, for setbacks and build-to-lines from public streets in the core character area.								

18.04.06.06 General Character Area Urban Design Standards

E. Dimensional and Intensity Standards

1. *Generally.* Standards for building setbacks, open space and lot size for downtown multifamily, nonresidential and mixed use buildings are set out in Table 18.04.06.06.A, Dimensional and Intensity Standards. Setbacks for residential structures are set out in Division 18.04.02, Housing Palette.

Table 18.04.06.06.A Dimensional and Intensity Standards								
Use	Minimum ¹					Open Space and Lot Size		
	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Rear Street Setback	Useable Open Space	Min. Lot Size	Min. Lot Width
Downtown Multifamily	10 ft.	5 ft.	0 ft.	10 ft.	0 ft.	10%	5,000 sf.	50 ft.
Nonresidential and Mixed Use	0 ft.	5 ft.	0 ft.	10 ft.	0 ft.	7.5%	-	-
Table Notes: ¹ Structures 50 feet in height or taller shall be set back a minimum of 15 feet from the face of the curb.								

G. 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.

H. 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 18.04.06.06.B, Minimum Facade Openings, sets out the minimum percentage of street-facing building facades that must be comprised of windows or doors.

Table 18.04.06.06.B 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.		

Division 18.16.04 Capital Expansion Fees

18.16.04.03 Exemptions

- A. **Generally.** As specified in this Section certain areas in the City and certain types of development are exempt from the payment of capital expansion fees. ~~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.** Any construction project within Historic Downtown Loveland, as described in Appendix D: Historic Downtown Loveland - Legal Description and Appendix D, Exhibit 1: Historic Downtown Loveland Map, is exempt from the capital expansion fees imposed by this Division and any building permit fees imposed upon a construction project by the City. ~~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 ~~that are 900 square feet or less in gross floor area,~~ in accordance with Section 18.04.07.02, Accessory Dwelling Units.
- D. **City Projects.** Any City-funded development and construction of buildings and facilities to be used for City purposes, except for those buildings and facilities built, maintained and operated by a City utility or enterprise, are exempt from the capital expansion fees imposed by this Division.

18.16.04.04 Unpaid Capital Expansion Fee – Lien

- E. **Lien Created.** All capital expansion fees shall be a ~~perpetual~~ lien upon ~~each lot or parcel of land~~ the real property for which the fees are owed from the due date thereof, determined as set forth in Section 18.16.04.02 Capital Expansion Fees Imposed until paid ~~and such lien shall have priority over all other liens except those for real property taxes.~~
 - F. **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.
 - G. **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.
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18.04.05.04 General Building Design Standards

- O. **360-Degree Architecture.** The architectural features, materials, and articulation of the front façade shall be continued on all sides of a building that are visible from a public or private street. The Director may waive all or portions of this standard for side or rear building walls that face alleys or other similarly low volume and low visibility roadways.
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18.14.04.03 Contents of Public Notice

- A. **Generally.** Table 18.14.04.03, 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 18.14.04.03 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	✓	-	✓	✓
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 ¹ (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 for a sketch or final plat	N/A	✓	✓	✓
Deadline for appeal of an adaptable use	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	-	✓	✓
¹ Posted notice must contain the current planning division phone number. Mailed notice must contain the reviewing planner's name, phone number, and email address.				



- B. **Appeal Notices.** Notices of an **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.



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 ~~was is~~ recorded with the County Clerk and Recorder prior to ~~May 16, 1967~~~~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.

18.17.15.07 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.**
1. The Zoning Board of Adjustment may grant a variance only when ~~the applicant demonstrates that there are unusual and exceptional circumstances creating an undue hardship, applicable only to the property involved, which do not generally apply to the other land areas within the same zone. it is demonstrated that:~~
 2. ~~In addition to Section B.1 above, the Zoning Board of Adjustment shall consider the following factors in determining whether to grant a variance:~~
 - a. Granting the variance will not substantially conflict with any adopted plans or policies of the City, or the purposes or intent ~~set out in~~ of this Code;
 - b. ~~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;~~
 - c. ~~The Applicant cannot derive a reasonable use of the property without approval of a variance;~~
 - b. 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);
 - c. Granting the variance will not be detrimental to any adjacent properties or the area;
 - d. Granting the variance will not be detrimental to public health, safety, or welfare; and
 - e. Adequate relief cannot be reasonably obtained through a different procedure, such as the application of alternative compliance standards, if applicable.
 3. ~~In addition to the provisions in Sections B.1 and B.2, above, for a variance to Section 18.04.08.12.E Electronic Message Signs, the Zoning Board of Adjustment shall consider and make findings regarding the following factors in determining whether to grant a variance:~~
 - b. ~~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;~~
 - c. ~~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~~
 - d. ~~There are no reasonable alternatives to the increased sign face area, increased height, decreased setback, and/or design of the electronic message sign.~~
 4. ~~The Zoning Board of Adjustment shall have broad discretion in determining the weight given to each of the factors in Section B.2, above.~~
 5. ~~The Applicant requesting the variance shall have the burden of proof in establishing by a preponderance of the evidence that a variance should be granted.~~
- 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](#):
2. The variance is necessary to preserve an historic building; or
 3. 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.

18.17.13.05 Lot Merger and Unity of Title Alternative

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 ~~that have been historically used as one parcel and for which there would be little value in processing a lot merger (referred to collectively as the "property" for purposes of this Section only).~~
 2. *Eligibility.* To be eligible for a unity of title alternative, the property must meet the following criteria:
 - a. ~~The property~~ consists of two or more adjoining lots under a common ownership;
 - b. ~~The property is in a single zone district;~~
 - c. One or more of the lots which are part of the property are undevelopable due to the lot size or lot square footage being nonconforming with the provisions in Division 18.04.02 Housing Palette and Division 18.04.03 Nonresidential and Mixed-Use Bulk Standards; and either
 1. ~~The lot contains an existing structure(s) that is located on or over a property line,~~ for which issuance of a building permit would otherwise require the consolidation of the lots; ~~or~~
 2. ~~The unity of title alternative is also available to owners of a property that~~The lot was legally created prior to the establishment of the City's subdivision procedures ~~on May 15, 1967.~~
 3. *Limitations.* ~~An owner of property is not eligible for the unity of title alternative for the following purposes:~~
 - a. ~~Redevelopment (as defined in Division 18.19.03, Definitions);~~
 - b. ~~Development of vacant property; and~~
 - c. ~~The issuance of a building permit for a property that does not meet the criteria set forth in B. 2, above.~~
 - d. ~~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.~~
 4. *Procedure.* The owner of a subject property that ~~qualifies~~is eligible pursuant to subsection B. ~~21.~~, 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.
 5. *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~~lots included in the unity of title as separate parcels without first subdividing it. ~~or completing a lot merger.~~
 6. *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.
 7. *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 18.14.03.14, *Recording of Approvals*.

**18.14.03.11 Neighborhood Notice and Comment for Sketch Plats and Final Plats**

- A. **Generally.** Sketch plats and final plats ~~Certain administrative review procedures~~ require a neighborhood notice and comment period.
- 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.
 - 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. **When Required.** The neighborhood notice and comment period is required for the following applications:
- Sketch Plat; and
 - Final Plat that did not require a sketch plat
- C. **Exceptions.** A neighborhood notice and comment period is not required for the following:
- Sketch plats or final plats that are being processed concurrently with a development application that requires a public hearing and the boundaries of the sketch plat or final plat are the same as the development application;
 - Sketch plats or final plats for properties with existing development that do not create an additional developable parcel(s);
 - Final plats that conform to a sketch plat for which the neighborhood notice and comments period was satisfied; and
 - Final plats for which the neighborhood notice and comment period was not required for the sketch plat in accordance with this subsection.
- D. **Notice and Comment Period.** The notice and comment period shall be in accordance with Section 18.14.04.04, [Specific Requirements by Notice Type](#).

18.14.04.02 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 18.14.04.02, Notice Requirements by Application Type.

Table 18.14.04.02 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			



Table 18.14.04.02
Notice Requirements by Application Type

Application Type	Notice Type			
	Published ²	Posted	Mailed	Internet
Site Development Plan	By Land Use Classification. See Subheading 9 of this Table			
4. Subdivisions, Plats, and Vacations				
Final Plat ³	-	✓	✓	✓
Sketch Plat ³	-	✓	✓	✓
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	-	✓	✓	✓
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)	✓	✓	✓	✓



Table 18.14.04.02
Notice Requirements by Application Type

Application Type	Notice Type			
	Published ²	Posted	Mailed	Internet
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, *et seq.*

² Publication required for public hearings only.

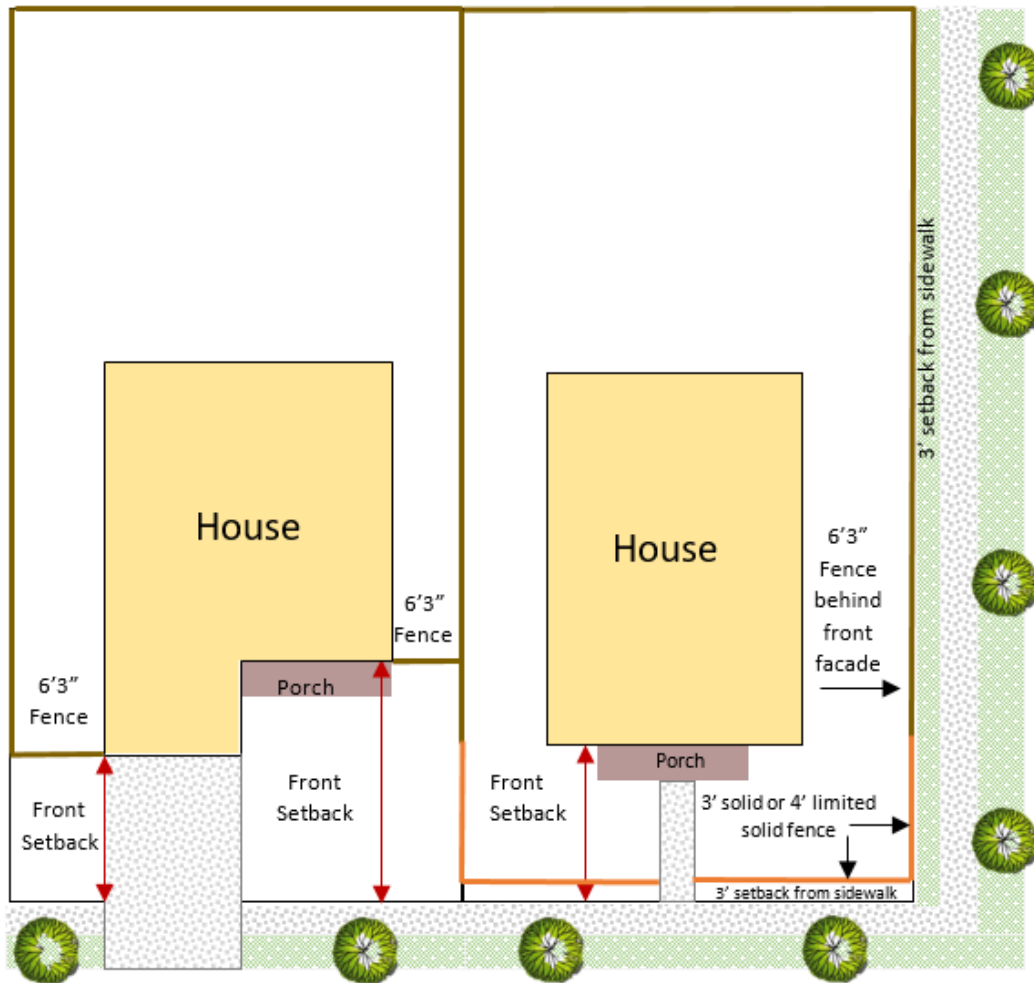
³ See Section 18.14.03.11 Neighborhood Notice and Comment for Sketch Plats and Final Plats for exceptions to notice.

⁴ Notice is not required for site development plans for adaptable or conditional uses if they conform to an approved sketch site development plan.

18.04.07.05 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 18.05.02.02, *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.
 4. Fences or walls that are located adjacent to a sidewalk or trail shall be set back a minimum of three feet from the back of sidewalk or on the property line, whichever is greater.
- C. **Height.**
1. *Front ~~Setback~~Yards.*
 - a. Generally.
 1. Limited solid material fences and walls that are located in front setbacks, between the front property line and the front facade of the principal structure, within 15 feet from the front property line shall have a maximum height of four feet.
 2. Solid material fences and walls or hedges that are located in front yards setbacks between the front property line and the front facade of the principal structure, shall have a maximum height of three feet.
 3. Fences or walls that are located outside of the front setback, either flush or behind the front facade of the principal structure, shall have a maximum height of six feet three inches.
 4. For residential properties that have garages that extend in front of the living portion of the house, the front setback for the purpose of calculating fence and wall heights, shall be measured to both the garage and the living portion of the house. See Figure 18.04.07.05.A, Fence and Wall Location.
 - b. Industrial Zone. Fences or walls that are located behind the front facade of the primary structure shall have a maximum height of eight feet.
 - c. 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 ~~Setbacks~~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.

Figure 18.04.07.05.A Fence and Wall Location



D. Materials.

1. Fences or walls shall be constructed of materials customarily commercially sold for fencing and walls, including decorative masonry, stone, brick, ornamental metal, vinyl, wood, wood composite, or other comparable materials.
2. Chain-link or other woven-wire fences are prohibited in the front yard of a lot or parcel, unless otherwise approved by the Director upon a determination that extraordinary and unusual circumstances exist that require such a fence to meet reasonable requirements for public safety. Existing chain link fences shall be subject to Chapter 18.11 Nonconformities.

E. **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.

F. Perimeter Subdivision Fencing.

1. 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.
2. Perimeter fencing and walls located in new residential developments with frontage on an arterial or collector street shall include an adequate number of openings for pedestrian access.

G. **Fences or Walls Adjacent to Open Space.** Fences or walls constructed adjacent to parks, common areas, open space, and environmentally sensitive areas shall not exceed four feet and shall be of a limited solid material, unless the Director determines that alternate fencing is needed for safety or to provide adequate buffering.

- H. **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.
- I. **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; ~~and~~
 3. ~~No more than three strands of barbed wire shall be installed; or~~
 - b. To secure utility facilities in any zone.
 2. Electrically charged fences are not allowed ~~except~~~~unless~~ upon determination by the Director that:
 - a. ~~The fence is~~ necessary for livestock control; ~~and~~
 - b. ~~The fence will be safe and in compliance with Colorado law.~~
 3. ~~Razor and concertina wire are not allowed.~~
- J. **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 ~~or, 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 ~~on property either owned or legally controlled by them. This includes a fence, hedge, or wall, or~~ that obstructs reasonable access to utility, irrigation, or drainage equipment, structures, or facilities located within a dedicated easement or right-of-way, by ~~persons 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.

18.02.04.12 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 complementary 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, **results in equivalent or greater benefits to the community as would compliance with the use standard**, and **complies with** 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.
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18.04.02.06 Multiplex and Multifamily

B. **Lot and Building Standards.** Table 18.04.02.06, Multiplex and Multifamily Lot and Building Standards, sets out the lot and building requirements for multiplex and multifamily.

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- ³ Maximum height and maximum building coverage is subject to Sec. 18.02.04.02, Scale Thresholds in the DT and Residential Zones. ~~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 Maximum height for General Multifamily and Infill Multifamily is subject to Table 18.04.03.01.B. Nonresidential and Mixed-Use Setback and Building Standards.
- ⁵ The maximum lot area for this housing type is 65,000 sf.
- ⁶ Stepback rules may apply, see Section 18.06.07.04, Infill Multifamily.

18.02.04.03 Residential Standards

- A. **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 18.02.04.02, 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 18.02.04.02, 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 18.02.04.02, Scale Thresholds in DT and Residential Zones.
 - ~~3. *General Multifamily, and Infill Multifamily.* The use shall comply with Section 18.02.04.02, Scale Thresholds in DT and Residential Zones.~~
 3. *Zero Lot Line Homes.* The use shall comply with Section 18.02.04.02, Scale Thresholds in DT and Residential Zones.
 4. *Downtown Multifamily.* The use shall comply with the Division 18.04.06, Downtown Design Standards.
 5. *Micro Homes, Cottages, and Cluster Duplexes.*
 - a. Micro homes, cottages, and cluster duplexes are allowed, provided that:
 1. The standards of Section 18.04.02.08, Clustered Housing Types, and Section 18.06.05.01, 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.

18.04.04.03 Setbacks Along Alleys, Sidewalks, Trail or TrailAccess Easements, Ditches, and Waterbodies

- C. **Trail or TrailAccess Easements.** ~~Outside of the DT zone and outside of Neighborhood Activity Centers within Complete Neighborhoods, All structuresbuildings shall be set back 1520 feet from the nearest edge of a public trail or access easements (except shared driveways) or 2015 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 Director, after consultation with the Parks and Recreation Director, may modify or waive the setback requirement upon a determination ~~es~~ that the building placement of the structure will not create detrimental impacts shading on the use and maintenance of the trail.
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- 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 18.05.03.03.F., Industrial, Processing, Recycling, Storage, and Disposal Land Use Parking Standards.

Table 18.05.03.03.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	Warehouse: 1 sp. / 1,000 sf. Other: 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