

Planning Commission Staff Report

October 27, 2025

AGENDA ITEM # 1

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| Project Name | Title 18 Unified Development Code Amendment |
| Staff Planner | Kerri Burchett |

Amendment Summary

This item is an amendment to the Unified Development Code (UDC) to align the Code with adopted Colorado legislation related to parking near transit, electric vehicle (EV) charging projects, and accessory dwelling units (ADUs). The new State laws affect the City's land use standards and permitting processes and require amendments to the UDC to ensure compliance.

Three State House Bills requiring City action were signed into law in 2024: HB 24-1304, HB 24-1152 and HB 24-1173. Two of the House Bills, governing ADUs and parking near transit, are already in effect (HB 24-1304 and HB 24-1152). The third House Bill, HB 24-1173, that relates to EV permitting, requires jurisdictions to align codes with the State mandates by December 31, 2025.

1. HB 24-1304 Parking Near Transit: Prohibits enforcement of minimum parking requirements for multifamily housing developments within designated transit service areas. Parking provided in these areas would be voluntary.
2. HB 24-1173: EV Charging Accessibility: Establishes a standardized and expedited permitting process for EV charging systems. The law directed the Colorado Energy Office to develop a model permitting code (the EV Charging Model Land Use Code) and requires jurisdictions to either adopt the code, create their own administrative review standards, or affirm their current permitting procedures by December 31, 2025. The law requires an administrative review for most EV Charging Projects and prohibits local governments from creating unnecessary barriers to installation or operation of EV charging stations.
3. HB 24-1152 Accessory Dwelling Units: Allows the construction of ADUs as an accessory use to all single-family detached dwellings. The bill requires administrative approval and removes barriers such as owner-occupancy requirements, architectural standards, and parking requirements. It also creates a certification program for "ADU Supporting Jurisdictions" along with State grant and loan programs to help finance ADUs.

The amendment was presented to the Planning Commission in a study session on September 22, 20205 and as an informational item to the Construction Advisory Board on October 22, 2025. Additionally, the amendment language was reviewed by the State Department of Local Affairs (DOLA) for compliance with the transit parking requirement and by MIG Consultants, contracted by the State, for compliance with the EV Charging Model Land Use Code. The redlines included as **Attachment 1** have been adjusted accordingly. Adoption of an amendment to the UDC requires approval of an ordinance by the City Council.

Recommended Motion

Move to recommend approval to the City Council of amendments to Title 18 Unified Development Code of the Loveland Municipal Code as provided in Attachment 1 and presented to the Planning Commission on October 27, 2025.

I. Attachments

1. Redlined Code Amendment
2. Code Comparison Table
3. Colorado Electric Vehicle Charging Model Land Use Code & Guidance
4. HB 24-1304 Parking Near Transit
5. HB 24-1152 Accessory Dwelling Units
6. HB 24-1173 EV Charging Accessibility

II. Outreach

The following outreach and notification occurred:

Outreach

- Planning Commission study session – September 22, 2025
- Construction Advisory Board – October 22, 2025
- State review of amendment

Notification

- Notification of the public hearing was published in the Reporter Herald on October 11, 2025.
- The amendment was posted on the City's website on October 21, 2025

III. Amendment Description

The following is a description of the code amendment. Redlines of the amendment are included as **Attachment 1**.

1. HB 24-1304 – Parking Near Transit

- Overview: Prohibits enforcement of minimum parking requirements within designated transit service areas.
- UDC Impact: Adds a "Transit Service Area Exemption" that removes minimum parking requirements for multifamily residential and mixed-use developments near applicable transit routes. Parking provided in these areas would be voluntary.
- Applicable Section in Attachment 1 Redlines: 18.05.03.02.B Exemptions from Parking Requirements

This House Bill eliminates off-street parking requirements for multifamily housing projects located within ¼ mile of a bus stop with service intervals of 30 minutes or less (see map on page 2). Multifamily and mixed-use developments with at least 50% of the floor area used for residential units, would not be required to meet the City's off-street parking standards. This exemption does not apply to nonresidential projects or single family residential and does not preclude an applicant from providing parking voluntarily. The intent of the bill is to promote housing and affordability by removing parking requirements that could consume developable land and increase project costs.

In Loveland, three transit routes currently meet this criteria: Routes 1, 2, and 6, as mapped by the Department of Local Affairs (DOLA). The law took effect on June 30, 2025, and since that time, the City has not applied parking minimums in the designated transit areas. The UDC must be updated to formally reflect the parking exemption, ensuring alignment with the House Bill.

Map of Applicable Transit Stops and Stations in Loveland – HB 24-1304

Applicable Transit Stops and Stations
HB24-1304

- Bus
- Light/Commuter Rail
- Commuter BRT

2,000'

2. HB 24-1173 – EV Charging Accessibility

- Overview: Establishes a standardized and expedited permitting process for EV charging systems. The law directed the Colorado Energy Office to develop a model permitting code called the EV Charging Model Land Use Code (EV-MLUC) and requires jurisdictions to either adopt the EV-MLUC, create their own objective standards with an administrative review process, or affirm their current permitting procedures by December 31, 2025. The EV-MLUC requires streamlined administrative review for most EV Charging Projects and prohibits local governments from creating unnecessary barriers to installation or operation of EV charging stations. The EV-MLUC is included as **Attachment 3**.
- UDC Impact: The UDC currently classifies charging stations as part of the fueling and service station land use and does not provide specific standards for EV charging stations or the streamlined review required by State law. A new land use category is needed, along with standards to address the development of EV Charging Projects.
- Applicable Sections in Attachment 1 Redlines: 18.02.03.08 Motor Vehicle and Transportation Land Use by Zone, 18.02.04.09 Motor Vehicle and Transportation Standards, 18.04.07.01 Accessory Use EV Charging, 18.05.03.01 Calculation of Required Parking Spaces, 18.19.02.02 Table of Acronyms, and 18.19.03 Definitions.

The EV-MLUC provides the most effective path to comply with State requirements. It identifies mandatory standards and areas where local discretion is allowed. Jurisdictions can be more permissive than the base requirements in the EV-MLUC but cannot be more restrictive. The model code also outlines optional standards that are not required for compliance but can be implemented by jurisdictions if desired. Staff recommends incorporating provisions from the EV-MLUC provisions into the UDC, as outlined in **Attachment 1**.

There are 4 types of EV charging stations identified in the EV-MLUC:

1. Level 1 – slow charging, usually 1-2 chargers in homes
2. Level 2 – medium-speed charging, usually 2-10 chargers in parking lots
3. Accessory Use Direct Current (DC) Fast Charging – fast charging, usually 2-16 chargers in existing parking lots
4. Primary Use DC Fast Charging – 10+ chargers used as the primary use on a lot, similarly to a gas station

The EV-MLUC specifies that the City can only apply land use regulations to EV charging stations that provide DC fast charging. In Loveland, Target and Embassy Suites are the only 2 businesses that currently have incorporated DC fast charging stations as an accessory use in their parking lots. Generally, Level 2 chargers are primarily used by businesses.

The EV-MLUC requires DC fast charging projects to be allowed as a use-by right and processed administratively with the following land use exceptions:

If you are complying with HB24-1173 through Model Code adoption...

→ DCFC charging (primary & accessory use) is allowed by-right and processed administratively in all land use contexts/zone districts. Allowed exceptions:

| Land Use Context | Primary Use | Accessory Use |
|-------------------------|------------------|---------------|
| Low density housing | Prohib. or Cond. | Cond. |
| Ped-oriented commercial | Prohib. Or Cond. | |
| Low density mixed-use | Cond. | |
| Mid density housing | Cond. | |
| Rec, OS, Ag, Forestry | Cond. | |



Staff recommends adoption of the exceptions permitted by the State for primary use EV charging projects. The following are the key land use approvals and standards proposed in the UDC amendment:

1. “EV Charging Projects” would be defined to include only DC fast charging stations that are the primary use on the site. Existing businesses adding DC fast chargers in their parking lots would not be classified as an “EV Charging Project” and would not require land use approval. Accessory use DC chargers would be reviewed through the building permit process.
2. EV Charging Projects would not be allowed in low-density residential zones (ER, R1, and R1e) and in the Downtown Core, 4th Street, and Neighborhood Transition areas, similar to a gas station or carwash.
3. EV Charging Projects would be allowed in the medium-density residential (R2), Public Parks (PP), and Development Resources (DR) zones as a conditional use requiring Planning Commission approval. This represents the most restrictive regulatory process permitted under the EV-MLUC.
4. Screening, setbacks, lighting, and design standards for charging stations and equipment would be incorporated as base standards in compliance with the EV-MLUC. Restrictions on large advertising screens and bright lighting would be applied to properties adjacent to or within residential zones.

Redlines of the amendment are included as **Attachment 1** and a code comparison table summarizing each required standard in the EV-MLUC and the proposed UDC revision is provided as **Attachment 2**. Optional standards and areas of local discretion were reviewed by the Planning Commission at a study session on September 22, 2025, and the redlines have been adjusted based on the feedback received.

3. HB 24-1152 Accessory Dwelling Units (ADUs)

- **Overview:** Allows the construction of ADUs as an accessory use to all single-family detached dwellings. The bill requires administrative approval and removes barriers such as owner-occupancy requirements, architectural standards, and parking requirements. It also creates a certification program for “ADU Supporting Jurisdictions” along with State grant and loan programs to help finance ADUs.
- **UDC Impact:** The City amended the UDC in April 2025 to comply with the House Bill and has received preliminary certification as an ADU Supporting Jurisdiction. As part of the certification process, the State reviewed Loveland’s ADU standards and identified two areas of partial compliance: off-street parking and rear setbacks. To maintain eligibility for State grant funding, the City must amend the UDC to fully comply with the State law.
- **Applicable Section in Attachment 1 Redlines:** 18.04.07.02 Accessory Dwelling Units and 18.04.07.03 Accessory Structures

Proposed Amendments

- A. **Off-Street Parking:** The House Bill prohibits requiring new off-street parking for ADUs unless the following conditions are all met:
- a. The property does not have an existing off-street parking space that could be used for the ADU, including a driveway, garage, or tandem parking space;
 - b. The property is located in a zoning district that, as of January 1, 2024, requires one or more parking spaces for the primary dwelling unit; and
 - c. The property is located on a block where on-street parking is prohibited.

Under current UDC standards, one off-street parking space is required for an ADU when on-street parking is not permitted. Staff counts driveways and garage spaces as meeting this requirement, provided the spaces are in addition to the two spaces required for the primary residence. The State has determined that as written, the UDC is not in full compliance with conditions (a) and (b) outlined above.

The UDC must be updated to address ADU parking requirements. The following are 2 amendment options which would both bring the UDC into compliance with State law.

- **Option 1: No Off-Street Parking Requirement**
Off-street parking would not be required for ADUs.
- **Option 2: Conditional Off-Street Parking Requirement**
Off-street parking for an ADU would not be required unless the three conditions required by the State existed (outlined above). If all three conditions exist, one off-street parking space for the ADU would need to be provided.

Staff Recommendation: Option 1

Staff recommends adopting Option 1, which eliminates the off-street parking requirement for ADUs. Since the UDC was adopted in late 2018, the City has approved 36 ADU building permits, which is about 5 per year. In most cases, parking for ADUs has been provided within existing driveways. The few exceptions have been when ADUs are accessed from alleys and applicants have voluntarily added a new parking space near the ADU.

Removing the parking requirement would eliminate a standard that is rarely applied and align the UDC with State requirements. Additionally, based on the State’s required language, in order to require a new off-street parking space, the City would need to determine that the three conditions listed above are met. The burden is placed on the City to demonstrate the need for off-street parking.

Option 2 would also bring the UDC into compliance with State requirements by clearly incorporating the State’s specific exceptions for requiring an off-street parking space for an ADU. Staff is seeking feedback on the two parking options.

- B. **Rear Setbacks:** The House Bill limits rear setbacks for ADUs to no more than those required for other accessory structures, or 5 feet. While the UDC establishes a 5-foot setback for detached ADUs, attached ADUs are subject to the principal dwelling's setback, which is generally 15 feet. The amendment establishes a standard 5-foot setback for both attached and detached ADUs.
- C. **Other Adjustments:** In addition to meeting State compliance requirements, staff is recommending further amendments to the ADU standards to provide flexibility and encourage ADU development. Although these amendments were not identified in the State's preliminary review of Loveland's Supportive Jurisdiction application, they demonstrate the City's continued commitment to removing barriers to ADU construction and may strengthen Loveland's eligibility for future ADU-related grant opportunities.

The first amendment removes the building footprint restrictions tied to lot size, allowing homeowners to construct either a single-story or two-story ADU, regardless of lot area. Setbacks for the ADU would comply with zoning standards and the maximum living area for an ADU would remain at 900 square feet. This change simplifies the code standards and review process, provides greater design flexibility to applicants, supports accessibility and aging in place opportunities, and could improve neighborhood compatibility.

The second amendment incorporates a Loveland Fire Rescue Authority (LFRA) standard requiring a clear and unobstructed path from the street or driveway to the ADU when necessary for emergency access. While this standard is currently administered by LFRA, its inclusion in the UDC will give applicants early awareness of the requirement during project planning and design.

4. Definition Additions and Adjustments

The UDC amendment also proposes additions and adjustments to Section 18.19.03 Definitions to incorporate definitions for terms introduced in the House Bills and to update related terminology for consistency with the proposed ADU amendments. As part of this update, the definition of "Accessory Structure" is proposed to be revised to include additional clarifying examples such as sheds, pergolas, shade structures, and chicken coops, listed under the broader category of animal pens. These changes aim to improve clarity, support regulatory alignment, and ensure ease of interpretation for applicants.

IV. Staff Recommendation

Staff recommends that, after review of the UDC amendment, the Planning Commission forward a recommendation of approval to the City Council.