

**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 <sup>1,2</sup>					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:**  
<sup>1</sup> Structures 50 feet in height or taller shall be set back a minimum of 15 feet from the face of the curb.  
<sup>2</sup> 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 <sup>1</sup>					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:**  
<sup>1</sup> 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.



3.

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 <sup>1</sup>	15%	15%

**TABLE NOTE:**  
<sup>1</sup> 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.
- 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.
- C. **Accessory Dwelling Units.** Capital expansion fees are not charged for accessory dwelling units 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 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.



#### **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.

**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.

<b>Table 18.14.04.03 Information Requirements by Application Type</b>				
<b>Required Information</b>	<b>Notice Type</b>			
	<b>Published</b>	<b>Posted</b>	<b>Mailed</b>	<b>Internet</b>
<b>Application Information</b>				
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	✓	-	✓	✓
<b>Project Description</b>				
Existing zoning (and proposed zoning, if the application is for zoning or rezoning)	✓	-	✓	✓
Summary of proposed development, including subject matter of application	✓	-	✓	✓
<b>Contact Information</b>				
Primary contact (applicant or applicant's representative) (name, company name, phone number, email address)	-	-	✓	✓
Secondary contact <sup>1</sup>	-	✓	✓	✓
URL where additional project information is provided	-	-	✓	✓
<b>Additional Contents for Public Hearing Notices and Neighborhood Meetings</b>				
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 <a href="#">Division 18.14.05, Appeals</a> , Loveland Unified Development Code	-	-	✓	✓
<b>Additional Contents for Administrative Decision Notices</b>				
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 <a href="#">Division 18.14.05, Appeals</a> , Loveland Unified Development Code	N/A	-	✓	✓
<sup>1</sup> 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 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 recorded with the County Clerk and Recorder prior to May 16, 1967. 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.



### 18.08.04.01 Street Trees

- D. **Maintenance.** Maintenance of street trees shall be the responsibility of the adjacent property owner, in accordance with Section 16.28.020 Property Owner Responsibilities.

### 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.
  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 of this Code;
    - 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:
    - 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 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](#):
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.

### 18.17.13.05 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 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.
  4. *Procedure.* The owner of a subject property that is eligible pursuant to subsection B.2., 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 lots included in the unity of title as separate parcels without first subdividing it.
  6. *Release of Unity of Title.* The unity of title shall be released by the City 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](#).

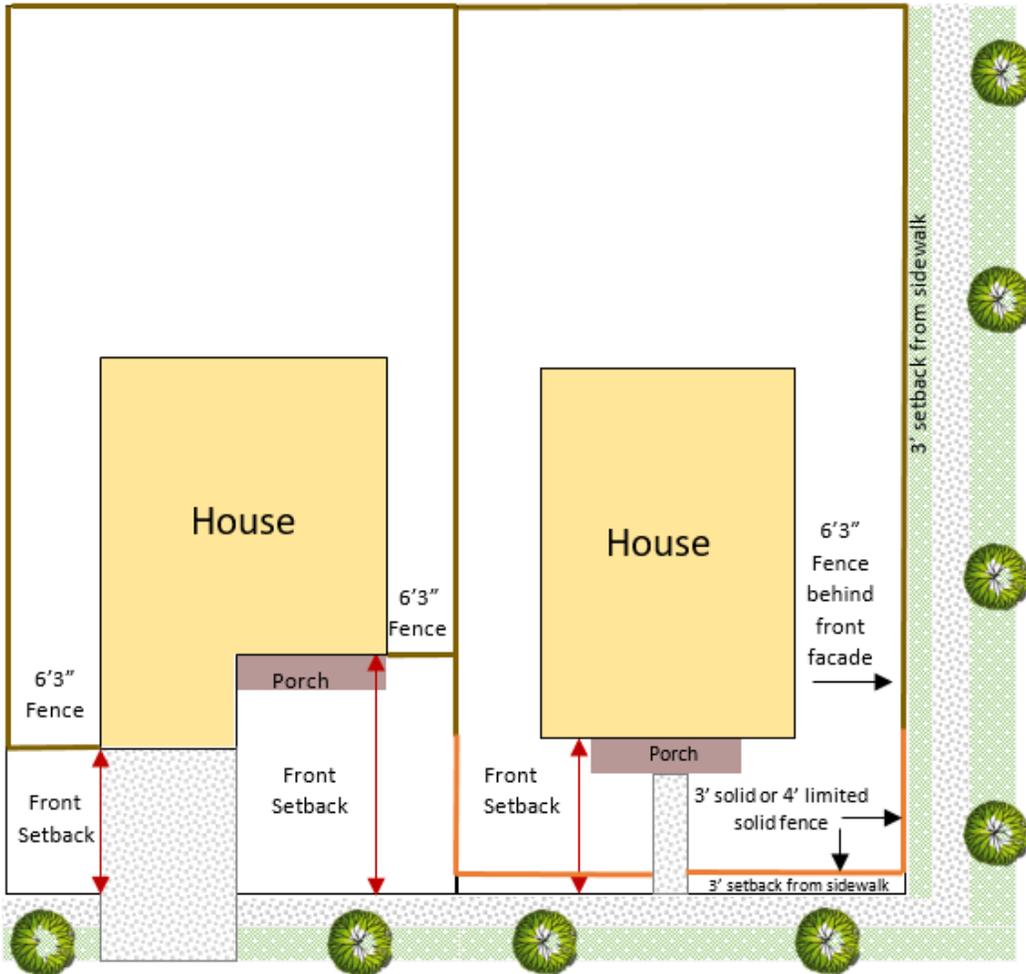
### 18.14.03.11 Neighborhood Notice and Comment for Sketch Plats and Final Plats

- A. **Generally.** Sketch plats and final plats 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. **When Required.** The neighborhood notice and comment period is required for the following applications:
1. Sketch Plat; and
  2. Final Plat that did not require a sketch plat.
- C. **Exceptions.** A neighborhood notice and comment period is not required for the following:
1. 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;
  2. Sketch plats or final plats for properties with existing development that do not create an additional developable parcel(s);
  3. Final plats that conform to a sketch plat for which the neighborhood notice and comments period was satisfied; and
  4. 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](#).

### 18.04.07.05 Fences, 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 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.*
    - 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, shall have a maximum height of four feet.
      2. Solid material fences and walls or hedges that are located in front 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.*
    - 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;
      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 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, 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 that obstructs reasonable access to utility, irrigation, or drainage equipment, structures, or facilities located within a dedicated easement or right-of-way, by persons 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.

**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.

<b>Table 18.14.04.02 Notice Requirements by Application Type</b>				
<b>Application Type</b>	<b>Notice Type</b>			
	<b>Published<sup>2</sup></b>	<b>Posted</b>	<b>Mailed</b>	<b>Internet</b>
<b>1. Annexation, Zoning and Rezoning</b>				
Annexation <sup>1</sup>	✓	✓	✓	✓
Zoning and Rezoning	✓	✓	✓	✓
<b>2. Overlays</b>				
Enhanced Corridor Overlay Zone Designation	-	✓	✓	✓
<b>3. Development Plans, Permits, and Approvals</b>				
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			
<b>4. Subdivisions, Plats, and Vacations</b>				
Final Plat <sup>3</sup>	-	✓	✓	✓
Sketch Plat <sup>3</sup>	-	✓	✓	✓
Vacation of Easement	-	-	✓	✓
Vacation of Obsolete Subdivision	✓	✓	✓	✓
Vacation of Right-of-Way or Access Easement by Ordinance	✓	✓	✓	✓
<b>5. Planned Unit Developments</b>				
Sketch Plat with GDP	-	✓	✓	✓
Sketch Site Development Plan with GDP	-	✓	✓	✓
Zoning Document	✓	✓	✓	✓
<b>6. Variances, Appeals, Modifications, Exceptions and Conversions</b>				
Adequate Community Facilities (ACF) Exception	-	✓	✓	✓
Appeal of Director Decisions	-	-	✓	✓
Appeal of Planning Commission Decision	-	-	✓	✓
Height Exception	-	✓	✓	✓



<b>Table 18.14.04.02 Notice Requirements by Application Type</b>				
<b>Application Type</b>	<b>Notice Type</b>			
	<b>Published<sup>2</sup></b>	<b>Posted</b>	<b>Mailed</b>	<b>Internet</b>
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	-	✓	✓	✓
<b>7. Vested Rights</b>				
Vested Rights (and Extension of Vested Rights)	✓	✓	✓	✓
<b>8. Amendments</b>				
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)	✓	✓	✓	✓
<b>9. Land Use Classifications</b>				
Adaptable Use <sup>4</sup>	-	✓	✓	✓
Conditional Use <sup>4</sup>	-	✓	✓	✓
<p><b>Table Notes:</b></p> <p><sup>1</sup> As required by applicable provisions of C.R.S § 31-12-101, <i>et seq.</i></p> <p><sup>2</sup> Publication required for public hearings only.</p> <p><sup>3</sup> See Section 18.14.03.11 Neighborhood Notice and Comment for Sketch Plats and Final Plats for exceptions to notice.</p> <p><sup>4</sup> Notice is not required for site development plans for adaptable or conditional uses if they conform to an approved sketch site development plan.</p>				

### **18.13.01.01 Director of Development Services**

#### **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. Work with the City Clerk to correct typographical and punctuation errors within this UDC as set forth in Section 1.01.085 Amendments and Corrections.
2. If the Director exercises the authority that is delegated by this subsection C., the Director shall notify the Planning Commission and City Council.

### 18.17.16.03 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;
    - b. By vacating the final plat that created the easement through the obsolete subdivision process; or
    - c. By the Director approving and recording a notice of vacation.
  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.

### 18.13.02.03 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 [18.17.15.07 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, the Director or an applicant prior to notification of the 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.**
  - 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.



### 18.01.01.03 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.*

D. **Exception for Emergencies.** When the City Manager determines that because of an emergency, including but not limited to a declared disaster or other declared state of emergency, compliance with the normal procedures and requirements of this UDC would threaten life, safety, or property or have become impossible to perform, the Director may, after consultation with the City Manager, exempt land use activities of an applicant from requirements of this UDC only to the extent necessary to protect life, safety or property or to cure impossibility. The applicant shall complete any procedures or any improvements that would have been required if normal procedures had been followed as soon as reasonably practical after the emergency actions are taken or as directed by the Director.

### **18.19.03 Definitions**

**Dwelling Unit** means a single unit providing complete and independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Family** means a person or persons living together on the premises as a single housekeeping unit with common access to and use of all living and eating areas within the dwelling unit, as distinguished from a group occupying a rooming house, group home, commercial lodging facility, or similar living arrangement.

**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 five 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.
5. *Group Home for Substance Use Disorders.* A state-certified Group Home serving not more than eight persons protected by the provisions of the Federal Fair Housing Act living in a Recovery Residence.

**Recovery Residence** means any premises, place, facility, or building that provides housing accommodation for individuals with a primary diagnosis of a substance use disorder that:

1. Is free from alcohol and non prescribed or illicit drugs;
2. Promotes independent living and life skill development; and
3. Provides structured activities and recovery support services that are primarily intended to promote recovery from substance use disorders.

### **18.02.04.04 Special Residential Standards**

**B. Group Home.** Group home uses shall comply with the following standards, in addition to all other applicable standards in the UDC:

- a. *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.
- b. *Information Requirements.* The following information shall be submitted to the City:
  - i. All application materials provided to the State for licensure or certification;
  - ii. A description of the facility's operation including staff levels, services provided to patrons, rehabilitation process if applicable, and facility operational rules;
  - iii. A description of qualifications and experience of the facility operators;



- iv. A description of the maintenance responsibilities and policies that minimize negative impacts on the neighborhood;  
and
- v. A parking plan for residents and guests.

## Section 18.19.03 Definitions

**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: detached garages and carports that are accessory to residential buildings, storage buildings that are accessory to lumberyards, and restroom facilities that are accessory to parks. The phrase “accessory structure” does not include signs.

**Temporary Accessory Structure** means a structure that exists on an impermanent basis, is not placed on a permanent foundation, and does not require a building permit.

**Carport** means a covered parking space that is open on one or more sides, and is either attached or detached and accessory to a dwelling unit or units.

### 18.04.07.01 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 from the applicable lot lines as follows:
1. Front: Equal to or greater than the actual front setback for the principal dwelling or building with which it is associated;
  2. Street Side: Same as required for the principal building.
  3. Interior Side: Five feet.
  4. Interior Rear: Five feet or one foot for every four feet of building height, which is greater.
  5. Alley: Five feet.
  6. Garage access doors shall be set back in accordance with Section 18.04.04.03.F Setbacks Along Alleys, Sidewalks, Trail or Access Easements, Ditches, and Waterbodies.
- C. **Residential Detached Garages, Carports and Storage Buildings.** The following limitations and requirements shall be applied to a detached garage, carport, or storage building in a residential zone district or on residential properties, in order for the garage, carport, or storage building to be considered an accessory structure (as opposed to a principal building):
1. The maximum building footprint shall not exceed ten percent of the total lot area or 500 square feet, whichever is greater, and shall be considered cumulatively with all other accessory structures on the lot.
  2. The roof pitch, materials, and style shall match the roof pitch, materials, and style on the principal building.
  3. The exterior treatment shall be similar to the materials and colors of the principal building. Metal shall not be used as the primary material unless the Director determines that the metal material is appropriate based on the nature of the property and the character of the neighborhood.
  4. Storage buildings exempt from a building permit are exempt from the standards in Section C.
- D. **Temporary Accessory Structures** are subject to the following:
1. The structure may be located within a utility easement provided:
    - a. The location of the structure will not alter or block drainage unless the structure is part of an approved stormwater management system.
    - b. The property owner obtains written permission from the easement holder.
  2. Structures less than 36 inches in height are not subject to the setback requirements listed in Section 18.04.07.01.B Setbacks.
  3. The Director may allow a reduction in setbacks for temporary accessory structures if determined that such reduction will not have detrimental impacts on surrounding property and all other provisions in this Section have been met.
- E. **Common Buildings in Housing Clusters.** Common buildings in housing clusters (see Section 18.06.05.01, 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.



- F. **Covered Parking for Multifamily Development.** Covered parking for multifamily developments shall comply with the parking design standards and setbacks set forth in Division 18.06.07 Standards for Multifamily Development.
- G. **Existing Manufactured Home Parks and Subdivisions.** In existing manufactured home parks and subdivisions, accessory structures may be placed on existing lots or spaces that do not comply with the setbacks in this section, provided they are spaced in compliance with the Building Code and set back a minimum of 10 feet from the front property line.
- H. **Encroachments.** Except as set forth in Section D above, accessory structures shall not encroach upon an easement, right-of-way, or a required sight triangle at a street intersection.

**18.19.03 Definitions** *(This definition is being provided for reference only. No changes are proposed)*

**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.

**18.04.07.02 Accessory Dwelling Units**

- A. **Generally.** Accessory dwelling units ("ADUs") are independent and complete dwelling units and are subject to the standards of this Section. ADUs 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 attached to or detached from an existing principal single-family detached dwelling unit, except ADU's in the North Cleveland Overlay Zone are subject to Section 18.06.08.04 Accessory Dwelling Units;
    - 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. Have an exterior finish of a similar architectural style, materials, and colors as the principal dwelling unit;
    - e. Meet all of the setback requirements in Section 18.04.07.01 Accessory Structures;
    - f. Be smaller in size than the principal single-family dwelling; and
    - g. Have a separate address from the principal dwelling unit.
  2. The minimum required lot area is:
    - a. 7,000 square feet in the ER, R1, R1e, and R2 Zones; or
    - b. 5,000 square feet in all other zones or in a complete neighborhood in the R1, R1e, and R2 Zones.
  3. 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;
  4. Only one ADU is allowed per lot;
  5. ADUs in PUDs approved prior to the adoption of the UDC, shall comply with the requirements specified in the PUD.
  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.
  7. The building footprint of an ADU detached from the principal dwelling unit shall be counted towards the maximum building footprint allowed for an accessory structure as indicated in Section 18.04.07.01, Accessory Structures, unless the ADU is located as a second level of an accessory structure.
  8. ADUs attached to a principal dwelling unit shall be designed as separate, independent units and shall not have an internal connection or opening to the principal dwelling unit.
  9. Residential units located in the basement of a principal dwelling shall not be considered an ADU. Conversion of a basement to a residential unit shall comply with all applicable building code and zoning requirements.
- C. **Zone-Specific Development Standards.**
1. *Low and Medium Density Residential Zones.* In the ER, R1, R1e, and R2 zones, the maximum floor area of an ADU shall be 10 percent of the total lot area of the property or 700 square feet, whichever is less.
  2. *High Density Residential Zones.* In the R3e and R3 zones, the maximum floor area of an ADU shall be 10 percent of the total lot area or 900 square feet, whichever is less.
  3. The maximum floor area of an ADU may be increased up to 20 percent if it is approved as an Adaptable Use;
  4. *Scale Threshold.* Accessory dwelling units within the R1, R1e, and R2 zones shall comply with Section [18.02.04.02, Scale Thresholds in DT and Residential Zones](#) (unless the residential lot is within a complete neighborhood).
  5. *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. **Conversion or Expansion of an Existing Structure to an ADU.** An existing accessory structure that was legally permitted prior to the adoption of the UDC may be converted or expanded to an ADU provided the following standards are met:
- 1. Conversion of an Existing Structure. The floor area of the ADU shall not exceed 900 square feet and all other provisions of the Municipal Code shall be met.
  - 2. Expansion of an Existing Structure. An existing accessory structure may be expanded as a second level ADU and match the existing first level building footprint or 900 square feet, whichever is less.
- E. **Utilities.**
- 1. Water and wastewater services to the ADU shall be connected to the services of 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.

**18.19.03 Definitions** *(This definition is being provided for reference only. No changes are proposed)*

**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.”

**18.02.06.03 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. **General Development 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 and driveways shall be open and available for use during the child care's hours of operation.
  4. Commercial vehicles shall not be parked or stored on the subject property.
  5. Experienced child care providers and large child care homes 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.
  6. Large child care homes shall be located on streets that have on-street parking allowed adjacent to the property frontage of the child care home.
- D. **Zone-Specific Standards**
1. Low and Medium Density Residential Zones. In the ER, R1, R1e and R2 zones, large child care homes are a conditional use (See Section 18.14.03.01 Process Overview, subsection B.4).
- E. **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.

**Section 18.19.03 Definitions**

**Day Care Center, Adult or Child** means:

1. A facility, whether non-profit or for-profit, that provides care, social services, protection, and supervision for 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 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 center, child” 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 center, child” 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 18.02.06.03, Home Child Care; or
  - c. Residential child care facilities, as defined in § 7.701.2.G., 12 CCR 2509-8.

**18.02.03.06 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 18.02.03.06, Community, Civic, Educational, and Institutional Land Use by Zone.

Table 18.02.03.06 Community, Civic, Educational, and Institutional Land Use by Zone													
Land Use	Zones												Standards Reference <sup>1</sup>
	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 <sup>3</sup>	-	-	-	-	-	-	-	-	L	-	§ 18.02.04.07
Crematorium	-	-	-	-	-	-	L	-	L	L	-	-	§ 18.02.04.07
Day Care Center, Adult or Child <sup>2</sup>	-	L <sup>3</sup>	L	L	L	-	-	-	§ 18.02.04.07				
Funeral Home	-	-	-	-	-	L <sup>3</sup>	L	L	-	-	-	-	§ 18.02.04.07
Hospital	-	-	-	-	L <sup>3</sup>	L <sup>3</sup>	L	L	L	-	-	-	§ 18.02.04.07
Place of Assembly <sup>2</sup>	L	L <sup>3</sup>	R	R	R	R	L	-	§ 18.02.04.07				
Prison or Jail	-	-	-	-	-	C <sup>3</sup>	C	C	C	C	-	-	§ 18.02.04.07
School, Elementary or Middle (private)	-	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	-	L	L	L	-	-	-	§ 18.02.04.07
School, High (private)	-	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	L <sup>3</sup>	-	-	L	L	-	-	-	§ 18.02.04.07
School, Vocational or Trade <sup>2</sup>	-	-	-	-	-	L <sup>3</sup>	L	L	L	L	-	-	§ 18.02.04.07
University or College (private)	-	-	-	-	-	L <sup>3</sup>	L	L	L	L	-	-	§ 18.02.04.07

**TABLE NOTES:**

<sup>1</sup> 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”),

Table 18.02.03.06 Community, Civic, Educational, and Institutional Land Use by Zone													
Land Use	Zones												Standards Reference <sup>1</sup>
	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													
or Conditional ("C").													
<sup>2</sup> This use is allowed in the neighborhood activity center of a complete neighborhood.													
<sup>3</sup> Type of review may vary based on scale of new construction. See Sec. 18.02.04.02, Scale Thresholds in DT and Residential Zones.													

**18.02.04.07 Community, Civic, Educational, and Institutional Standards**

**C. Day Care Center, Adult or Child.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC:

1. The subject property shall conform to Division 18.05.03, Parking and Loading Calculations with respect to the number of required parking spaces.
2. R1, R1e, and R2 Zone. In the R1, R1e, and R2 zones:
  - a. The use shall be allowed as accessory to an existing place of assembly.
3. 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.
4. DT Zone. In the DT zone, the use is allowed only within the general and transition character districts.
5. 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.

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

Table 18.05.03.03.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 Center, Adult or Child	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.

<b>Table 18.05.03.03.E. Community, Civic, Educational, and Institutional Land Use Parking Standards</b>	
Land Use	Minimum Required Parking
	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)
School, Vocational or Trade	1 sp. / person design capacity
University or College	special study

### Section 18.19.03 Definitions

**Place of Assembly** means a building, portion of a building, or property in which people assemble for civic, educational, religious, social, or cultural purposes. This use includes facilities used for worship and accessory celebratory events; meeting halls; event centers; fraternal organizations; outdoor assembly areas; and private clubs.

**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. Outdoor assembly areas do not include transit stops or transportation terminals.

### 18.02.04.07 Community, Civic, Educational, and Institutional Standards

**G. Place of Assembly.** The use shall comply with the following standards, in addition to all other applicable standards in the UDC unless approved as a conditional use:

1. *All zones.*
  - i. Vehicular access shall be from a collector or an arterial street.
  - ii. If the use adjoins property that is used or zoned for residential purposes, the subject property shall be:
    1. Buffered from said uses with a type B bufferyard that includes a noise barrier or fence; and
    2. No outside activity shall occur between the hours of 9:00 PM and 7:00 AM.
  - iii. 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 any property that is 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.
  - iv. All parking shall be provided off-street, on the subject property.
  - v. Building height and scale is limited by Section 18.02.04.02, Scale Thresholds in DT and Residential Zones.
  - vi. *ER Zone.* The use is allowed within the neighborhood activity center of a complete neighborhood. In all other areas, the minimum lot area is 2.5 acres.
2. *R1, R1e, and R2 Zones.* The use is allowed within the neighborhood activity center of a complete neighborhood. In all other areas the use is allowed on an existing lot established for a place of assembly.
3. *R3e and R3 Zones.* The use is allowed within the neighborhood activity center of a complete neighborhood. In all other areas, the property shall be situated such that it is:
  - i. On an existing lot established for a place of assembly;
  - ii. Adjoins a nonresidential or mixed-use zone; or
  - iii. Located at the intersection of two arterial streets, an arterial and collector street, or two collectors.
4. *DT Zone.* The use is not allowed at ground level in the Fourth Street character district.
5. *PP Zone.* The use is exempt from the standards in Table 18.03.03.01, [Landscape Surface Ratio by Zone](#).

### Division 18.19.03 Definitions

**Outdoor Storage** means storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature located outside of a building, regardless of how long such materials are kept on the premises. Outdoor storage is considered to be accessory to a principal use, whether nonresidential or residential, as described in Section 18.04.07.07, Outdoor Storage, Generally.

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; or
4. Storage as a principal use.

**Opaque Fence or Wall** means a type of solid material fence or wall that has no obvious voids. Chain link, with or without slats or fabric, is not considered an opaque fence.

**Storage Yard** means a location for outdoor storage of: operable equipment and materials for off-site processing, construction projects, or right-of-way maintenance; and / or recreational vehicles, boats, trucks, commercial vehicles, and passenger vehicles. A storage yard may include an accessory office or caretaker facility. The phrase "storage yard" does not include:

1. Storage of wrecked or inoperable vehicles (see salvage yard); and
2. Accessory outdoor storage.

### 18.04.07.07 Outdoor Storage, Generally

- A. **Generally.** Outdoor storage is allowed as an accessory use, 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 18.04.07.06, Outdoor Display of Merchandise).
  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 18.04.06.04.E, Accessory Outdoor Storage.
    - b. I Zone. Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:
      1. Is not located in front of the front facade of the principal building, any applicable setback, public right-of-way, street bufferyard, or required landscape areas; and
      2. Is screened from view with an eight-foot tall opaque wall or fence that matches or is compatible with the materials and color of the principal building. The gate associated with the screening fence or wall may be of a different material, however the gate must be opaque; and
      3. The following additional screening and location standards apply based on the adjacent street:
        - a. Highway and Arterial Streets: if the subject property has frontage on a highway or arterial street, a type E bufferyard is required and the outdoor storage materials shall not exceed the height of the screening wall or fence, as required in subsection 3.b.2 above, unless a taller height is approved as a Conditional Use and the applicant has demonstrated reasonable screening measures.

- b. **Collector Streets:** if the subject property has frontage on a collector street, a type D bufferyard is required and the outdoor storage materials shall not exceed the height of the screening wall or fence, as required in subsection 3.b.2 above, unless a taller height is approved as an Adaptable Use and the applicant has demonstrated reasonable screening measures.
- c. **Local Streets:** if the subject property has frontage on a local street, a type C bufferyard is required. Certain outdoor storage materials may exceed the height of the screening wall or fence, as required in subsection 3.b.2 above, unless the property is located adjacent to a residential zone or use. Such materials may include: material piles such as construction aggregate and landscape materials, bundled lumber, pallets, shipping containers or construction crane sections. Such materials may not exceed 20 feet in height.
- c. **B, MAC, or E Zone.** Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:
  - 1. Is not larger in area than the footprint of the principal building. The outdoor storage area can be increased by 20 percent as an Adaptable Use;
  - 2. Is located behind the front facade of the principal building and is not visible from rights-of-way;
  - 3. Is screened from view with a six-foot tall opaque wall or fence that matches or is compatible with the materials and color of the principal building. The gate associated with the screening fence or wall may be of a different material, however the gate must be opaque; and
  - 4. Is buffered with a type D bufferyard adjacent to a state highway or arterial street, or a type C bufferyard adjacent to a collector or local street.
- d. **DR or PP Zone.** Outdoor storage areas for equipment or materials associated with a park, open space or agricultural use shall be set back 50 feet from public rights-of-way and properties that have different zoning; or screened from off-site view by an opaque wall or fence or 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 following outdoor storage materials are not allowed:
    - 1. Storage of garbage, except as provided in Section 18.04.07.09, Refuse, Recycling, and Compost Containers;
    - 2. Stockpiling of refuse and rubbish as defined in Chapter 16.12, Accumulations of Waste Material;
    - 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.** Areas located in tracts or outlots in common ownership in a residential neighborhood, such as a homeowner's or similar association, must comply with the following:
  - 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.

### 18.04.07.08 Outdoor Storage, Repair, and Parking of Vehicles in Residential Zones

1. **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.
2. **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 the following conditions are met:
  - a. The unregistered vehicle complies with the provisions in Chapter 16.20 Unlawful Vehicles; and
  - b. Not more than one unregistered vehicle is collected, stored or parked on any lot, tract or parcel.
3. **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:
  - a. 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;
  - b. Not more than one vehicle is being repaired, maintained, restored, or rebuilt on any one lot, tract, or parcel at any given time; and
  - c. 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.

### 18.02.04.08 Industrial, Processing, Recycling, Storage, and Disposal Standards

- H. **Salvage Yard.** Salvage yards 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 or arterial roadway.
  2. *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.
  3. *Spacing.* Salvage yards shall be spaced not less than 1,000 feet from residential zones.
  4. *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.
  5. *Truck Routing Plan.* A truck routing plan is required.
- 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 or arterial roadway.
  2. *Fencing.* Storage yards shall be enclosed by an opaque fence or wall and a type C bufferyard. The bufferyard requirements along interior property lines may be waived by the Director based on a determination that sufficient screening has been demonstrated and that the screening is consistent with the character of the area.
  3. **Storage Height.** The following standards apply to the heights of stored material based on the adjacent street classification:
    - a. **Collector Street:** if the subject property has frontage on a collector street, the storage yard materials may not exceed eight feet in height.
    - b. **Local Street:** if the subject property has frontage on a local street, storage items or materials shall not exceed 20 feet in height. Storage materials exceeding 8 feet in height shall be screened by an opaque fence or wall and a Type D bufferyard.
  4. *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.
    - c. Any materials that create a Public Nuisance as defined in Title 16, Nuisances.



5. *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.
6. *Property Maintenance.* Storage yards shall be maintained at all times in an orderly manner.

### 18.02.04.01 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 [18.02.04.12, General Standards for Adaptable Uses](#)) and procedures, or Conditional Use standards (see Section [18.02.04.13, 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 [18.17.15.01, 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 [18.02.04.12, General Standards for Adaptable Uses](#), and the Adaptable Use procedures in Section [18.14.02.02, 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;
    - b. Standards that are cross-referenced from [Chapter 18.04, Lots, Buildings, and Structures](#);
    - c. Location standards that prohibit the configuration of the use or does not allow the use to be located on a property; and
    - d. Standards referencing compliance with State or Federal requirements.
  3. If the Adaptable Use process is used to modify a separation distance requirement from a residential use or residential boundary zone, the notification radius for the Adaptable Use shall be expanded to match the distance requirement set out in the use standard.