

ORDINANCE O-2024-06

A BILL FOR AN ORDINANCE AMENDING CHAPTER 15.02, SECTION 15.02.060.I OF  
THE LONGMONT MUNICIPAL CODE ON REVIEW OF VARIANCE REQUESTS

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THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

In this ordinance, ellipses indicate material not reproduced as the Council intends to leave that material in effect as it now reads.

Section 2

The Council amends section 15.02.060.I of the Longmont Municipal Code, by adding italicized material and deleting stricken material, to read as follows:

I. Variances.

1. Purpose and applicability. Variances are intended to alleviate practical difficulties or hardship arising from the strict application of the provisions of chapters 15.03, 15.04, 15.05, 15.06, and 15.07 to a specific property. Variances address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

2. Use variances prohibited. A decision-making body shall not grant a variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this development code for the applicable zoning district.

3. Authority to determine variance requests.

a. Variances reviewed by the BOA. The BOA is the decision-making body only on requests for the following variances, but not if the request is proposed or required in conjunction with another development application to be reviewed by the P/Z or the city council:

i. Fences.

ii. Setbacks.

iii. Signage.

...

4. Review procedure. All applications for variances from the provisions of this development code shall follow the core review procedures for major development applications, stated in section 15.02.050.B, except for the following modifications:

a. Variances determined by the BOA.

i. Steps 1 and 2. Step 1 (pre-application conference) and step 2 (neighborhood meetings) are not required.

ii. Step 3 (submission of application/completeness determination). Applicants shall submit variance applications to the ~~chief building official~~ Director of Planning and Development Services. The ~~chief building official~~ Director of Planning and Development Services shall review the application for the completeness according to section 15.02.050.B.3.

iii. Steps 4 and 5 (DRC review and report and submission of revised application). The ~~chief building official~~ Director of Planning and Development Services may refer the variance application to the DRC for review if the ~~chief~~

1 ~~building official~~Director of Planning and Development Services determines that  
2 the variance request may have a substantial impact on adjacent properties or land  
3 uses, or on public facilities. If necessary after the DRC review, the ~~chief building~~  
4 ~~official~~Director of Planning and Development Services may require revised  
5 drawings prior to scheduling the application for the BOA review.

6 iv. Step 6 (BOA review). The variance application shall be scheduled for the  
7 next available BOA meeting for consideration.

8 v. If the BOA is unable to be convened for any reason, including but not  
9 limited to insufficient membership to form a quorum, the P/Z shall be the decision-  
10 making body for any variances reviewable by BOA. In this circumstance, the P/Z  
11 will review the variance in the same manner as if it were the BOA and the decision  
12 of the P/Z will have the same effect as if it were from the BOA.

13 . . .

#### 14 Section 4

15 To the extent only that they conflict with this ordinance, the Council repeals any conflicting  
16 ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of  
17 any part shall not affect the validity or effectiveness of the rest of this ordinance.

18 Introduced this 9th day of January, 2024.

19 Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

20 \_\_\_\_\_  
21 MAYOR  
22  
23

1 ATTEST:

2  
3  
4 \_\_\_\_\_  
5 CITY CLERK  
6  
7

8 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT  
9 7:00 P.M. ON THE 23RD DAY OF JANUARY, 2024, AT THE LONGMONT CITY COUNCIL  
10 MEETING.  
11  
12

13 APPROVED AS TO FORM:

14  
15  
16 /s/ Jeremy Tyrrell 01/05/2024  
17 ASSISTANT CITY ATTORNEY DATE  
18

19  
20 /s/ Katy Kubier 01/05/2024  
21 PROOFREAD DATE  
22

23  
24 APPROVED AS TO FORM AND SUBSTANCE:  
25

26  
27 /s/ Glen Van Nimwegen 01/05/2024  
28 ORIGINATING DEPARTMENT DATE  
29

30 CA File: 23-002667