

ORDINANCE O-2018-31

A BILL FOR AN ORDINANCE UPDATING THE LAND DEVELOPMENT CODE BY REPEALING
AND REENACTING TITLE 15 OF THE LONGMONT MUNICIPAL CODE AND ASSOCIATED
CROSS-REFERENCES; UPDATING THE OFFICIAL ZONING MAP; ADDING CHAPTER 4.11;
AND AMENDING CHAPTERS 13.24, 16.04, AND 16.06

WHEREAS the City of Longmont, as a home-rule city is authorized by Article XX, Section
6 of the Colorado Constitution, state statutes and its City Charter to develop and implement
policies and ordinances regulating the development of land within the City;

WHEREAS the City has previously adopted various sections of the Longmont Municipal
Code pertaining to zoning and the development of land including title 15;

WHEREAS the City has completed the process of reviewing and updating the various
sections of the Longmont Municipal Code related to zoning and the development of land;

WHEREAS the City's staff, professional consultants, and Planning and Zoning
Commission have prepared and presented to the City Council new land use regulations known as
the Longmont Land Development Code which include standards and criteria to regulate the
location, timing and design of new development within the City;

WHEREAS the City Council has determined that it is in the best interest of the health,
safety and welfare of the citizens of the City that title 15 be repealed and reenacted as the Longmont
Land Development Code;

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

1 Section 1

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

4 Section 2

5 The Council amends the Longmont Municipal Code by repealing and reenacting title 15,
6 the Land Development Code, to read as shown in Attachment A to this ordinance. Unless
7 otherwise expressly provided, this repeal and reenactment shall not affect the prosecution for
8 violations of ordinances committed before the effective date of these enactments, nor affect the
9 validity of any land use approval, denial, bond, cash deposit or other security required under any
10 ordinance. Unless otherwise expressly provided, all rights and obligations under such approvals
11 and security shall continue in full force and effect.

12 Section 3

13 The Council amends the Official Zoning Map of the City of Longmont in its entirety,
14 reenacting it as shown in Attachment B to this ordinance.

15 Section 4

16 The Council amends the Longmont Municipal Code by adding the following Chapter 4.11,
17 moving it from its prior location as section 15.07.080:

18 Chapter 4.11 Special improvement districts.

19 4.11.010. - Special improvement districts policies and procedures.

20 A. General. Special improvement districts, authorized by C.R.S. title 31, art. 25, pt. 5
21 (C.R.S. § 31-25-501 et seq.), are typically formed to finance infrastructure improvements within
22 newly emerging urban areas. Such districts are authorized to issue tax-exempt bonds to fund the

1 installation of streets, sidewalks, water and sewer lines, street lighting, and other public
2 improvements. Bonds are paid with a property tax levied on all property located in the district.

3 B. Formation of district discretionary with city council. Consistent with the provisions
4 of section 10.4 of the Charter for the city, nothing in this section and nothing in any general laws
5 of the state shall be deemed to impose any obligation upon the city council to create any particular
6 special improvement district. Such findings and the decision as to whether any particular special
7 improvement district shall or shall not be created shall remain within the sole discretion of the city
8 council. The exercise of that discretion shall not be questioned in any action or proceeding.

9 C. General law to control. Except as provided by the City Charter and except as
10 provided in this section, the procedure for the creation of special or local improvement districts,
11 the method and manner of making improvements, the assessment of costs, and the issuance of
12 bonds, shall be as provided by the general laws of the State of Colorado relating to special or local
13 improvement districts (C.R.S. title 31, art. 25, pt. 5 (C.R.S. § 31-25-501 et seq.)).

14 D. Types of improvements. The improvements authorized to be acquired, constructed,
15 or installed in special or local improvement districts may consist of the construction,
16 reconstruction, repair, replacement, and extension of improvements that result in a special benefit
17 to the real property included within the district. Without limiting the generality of the foregoing,
18 such improvements may include grading, paving, curbing, guttering, lighting or otherwise
19 improving any street or alley; traffic safety improvements; including signals and signs; sidewalk
20 and bike path improvements, park, open space and recreational improvements; storm drainage and
21 flood-control improvements; water, sewer, gas, electrical and other utility improvements, and
22 aesthetic improvements and amenities. Improvements authorized by this section shall be located

1 in or on public rights-of-way or other public property, except as may be otherwise provided in the
2 ordinance creating the district.

3 E. Method of assessment. In all cases where the cost of a local improvement is
4 assessed wholly or in part upon the real property within the district, the cost shall be assessed in
5 proportion to the special benefit received. Such assessment may be made in a frontage, area, zone,
6 unit or other equitable basis according to special benefits, as determined by the city council. Two
7 or more methods of assessments for different kinds of improvements may be included in a single
8 district.

9 F. Waiver of hearing. If the petition for the creation of a special or local improvement
10 district is signed by 100 percent of the owners of the real property to be included within the district
11 and to be assessed, and contains a request for waiver of the notice, publication, mailing and the
12 hearing on the creation of the district, or if each of the property owners otherwise executes a waiver
13 agreement satisfactory to the city council, the city council may, in its discretion, waive any or all
14 of the requirements for notice, publication, mailing and the hearing on the creation of the district.

15 G. Application fee. All petitions shall be accompanied by an application review fee.

16 H. Requirements relating to undeveloped real property.

17 1. In the event that the proposed district consists of undeveloped real property, or is
18 substantially undeveloped, then prior to filing a petition and waiver described in subsection F
19 above, the following shall be required:

20 a. Submission of the detailed set of plans and specifications showing the proposed
21 improvements to be consistent with official city land use and infrastructure plans and
22 specifications;

1 b. A title insurance policy or other evidence acceptable to the city council indicating
2 ownership of the real property in the name of the petitioner or petitioners;

3 c. In the petition and waiver referred to in subsection F above, inclusion of a waiver
4 of the right to contest or challenge the creation of the district, the method and amount of
5 assessments to be levied or imposed, and the issuance of bonds for the payment of the costs and
6 expenses of the improvements;

7 d. Provisions to insure the payment of special assessments to become due and payable
8 upon the sale of each lot or parcel to a third party; and

9 e. An independent appraisal satisfactory to the city certifying the market value of the
10 real property to be included in the district, after the acquisition, construction and installation of the
11 improvements, will be at least two times the amount of the proposed assessments.

12 The city council may, by resolution or ordinance, waive or modify any of the above
13 requirements.

14 I. Incontestability provision in bonds. Any ordinance that authorizes the issuance of
15 special assessment bonds may provide that each bond therein authorized shall recite that it is issued
16 under the authority of the City Charter and the procedure ordinance codified in this section adopted
17 under to the City Charter. Such recital shall conclusively impart full compliance with all of the
18 provisions thereof, and all bonds issued containing such recitals shall be incontestable for any
19 cause whatsoever after their delivery for value.

20 J. Legal proceedings. No action or proceeding, at law or in equity, to review or to
21 question the validity or enjoin the performance of any act or the issuance or collection of any bonds
22 or the levy or collection of any assessments authorized herein, or for any other relief against any
23 acts or proceedings done or had under to this section or under the provisions of the City Charter,

1 with reference hereto, whether based upon irregularities or jurisdictional defects, shall be
2 maintained unless commenced within 30 days after the performance of the act or the passage of
3 the resolution or ordinance complained of, and all such actions or proceedings shall be thereafter
4 perpetually barred.

5 K. Costs of improvements. The total cost of the improvements that may be included
6 in the assessment roll and assessed against the property within the district includes all direct or
7 incidental costs, whether incurred or to be incurred, in connection with creation and administration
8 of the district, acquisition or construction of improvements, levying and collection of assessments,
9 issuance of bonds, and all other matters required or permitted by this section. Without limiting the
10 generality of the foregoing, such cost shall include initiating and creating the district; publishing
11 or posting notices; printing costs; holding meetings and hearings; designing, constructing or
12 acquiring improvements, including acquiring land, easements and other property rights;
13 contingencies and reserves; inspection and collection; issuing and securing bonds, including
14 capitalized interest for such period as the city council may deem necessary, capitalized bond
15 reserves, and credit enhancements; levying and collecting assessments; legal, engineering,
16 appraisal, financial and other professional fees and expenses connected with the creation of the
17 district, the acquisition or construction of improvements, issuing or securing bonds, levying and
18 collecting assessments, or any other matter under this section, including the costs of confirming,
19 proving or defending the validity of any district, bond or assessment; administrative costs; supplies
20 and equipment; and all other incidental costs.

21 Section 5

22 The Council amends section 13.24.020 of the Longmont Municipal Code, by adding
23 italicized material, to read as follows:

1 13.24.020. - Responsibility for trees and plants.

2 The care and maintenance of trees and other plant material is the responsibility of the owner of the
3 property on which those plants are located.

4 . . .

5 D. Written agreement. A written agreement, such as a landscaping plan or other
6 document approved by the city, may establish responsibility for trees and plants located in public
7 rights-of-way as the responsibility of the adjacent property owner, such as a home owners
8 association, business, or private individual.

9 Section 6

10 The Council amends the Longmont Municipal Code by adding the following section:

11 16.04.135. - Section 310.5 amended.

12 Section 310.5 of the International Building Code is amended by the addition of the following:

13 Dwelling units used as short-term rentals, as defined in section 15.10.010(E) of the
14 Longmont Municipal Code, with five or fewer bedrooms and 12 or fewer occupants.

15 Section 7

16 The Council amends the Longmont Municipal Code by adding the following section:

17 16.04.136. - Section 310.5.3 added.

18 Section 310.5 of the International Building Code is amended by the addition of the
19 following subsection:

20 310.5.3 Short-term rentals. Dwelling units used as short-term rentals, as defined in section
21 15.10.010(E) of the Longmont Municipal Code, with five or fewer guest rooms and 12 or fewer
22 occupants, shall be permitted to be constructed in accordance with the International Residential
23 Code.

1 Section 8

2 The Council amends section 16.06.040 of the Longmont Municipal Code, by adding
3 italicized material and deleting stricken material, to read as follows:

4 16.06.040. - Section R101.2 amended—Scope.

5 Section R101.2 of the International Residential Code is amended by the deletion of
6 exceptions 1 and 2-, and the addition of the following:

7 Short-term rental, as defined in section 15.10.010(E) of the Longmont Municipal Code, of
8 dwelling that would otherwise fall within this scope shall not prevent such dwellings from being
9 permitted to be constructed in accordance with the International Residential Code for One- and
10 Two-Family Dwellings, so long as no dwelling unit has more than five guest rooms or more than
11 12 occupants.

12 Section 9

13 Amendment of Cross References.

14 The Council amends the following specific sections of the Longmont Municipal Code to correct
15 cross references, without affecting the remaining portions of those sections, by adding italicized material
16 and deleting stricken material, to read as follows:

17 2.56.090 Economic incentives for preservation.

18 A. Any owner of a property designated as a landmark, or located within a designated
19 historic district, under this chapter may be eligible for the rebate of city permit and development
20 fees for improvements made to the exterior of a structure. The rebate applies to the following
21 permit and development fees established by resolution of the city council:

22 1. Building permit fees as stated in section ~~16.04.090 and~~ pursuant to chapters ~~16.04.090 and~~
23 16.06;

Electrical permit fees ~~as stated in section~~pursuant to chapter 16.08.050;

3. Mechanical permit fees ~~as stated in section~~pursuant to chapter 16.12-050;

4. Plumbing permit fees ~~as stated in section~~pursuant to chapter 16.16.060;

5. Development application fees ~~as stated in appendix A~~pursuant to ~~§~~Title 15.

...

2.56.220 Appeals

...

D. Appeal proceedings to city council.

...

Appeals shall be conducted according to the procedures set out in subsection

15.02.0240.K of this Code, as if it were an appeal to the city council from a decision of the planning and zoning commission, except that notices shall be given according to section 2.56.210, and the liaison, rather than the ~~planning~~ director of planning and development services, shall prepare the appeal report.

...

4.10.010. - Purpose of policies and procedures.

...

E. Mixed-use residential districts. Mixed-use developments that include residential uses may present the same or similar issues to those posed by residential districts, outlined above. However, the council finds it in the public interest to promote mixed-use developments. To balance these competing concerns, the city may approve a particular residential district that includes mixed-use development if, after considering the factors listed in the paragraphs below, and after

1 public notice and a public hearing, the council finds the proposed mixed-use residential district at
2 least satisfies the factors listed in the paragraphs below.

3 (1) There is a distinct need for the proposed development and special district, to promote
4 mixed-use development, consistent with the guiding principles, goals and policies of the Longmont
5 Area Comprehensive Plan including the following livable centers, corridors, and neighborhoods;

6 ~~a. — Strategy LUD-5.1(a). Support development patterns that facilitate the integration of~~
7 ~~residential and non-residential land uses and that are conducive to transit, pedestrians, and~~
8 ~~bicycles; and~~

9 ~~b. — Strategy LUD-5.1(e). Promote urban design and site planning in mixed-use areas to~~
10 ~~make them pedestrian and bicycle friendly and to incorporate on-site interconnections where~~
11 ~~appropriate;~~

12 ...

13 4.72.005. - Findings.

14 The Council of the City of Longmont finds:

15 A. The development of certain commercial and industrial facilities is in the public
16 interest, and the encouragement thereof is a vital and important measure and public purpose to
17 promote economic development in the city;

18 B. An enhanced development incentive program that includes commercial facilities,
19 both retail and office facilities, within the Longmont Downtown Development Authority Area, the
20 Southeast Longmont Urban Renewal Area and along Main Street, and industrial facilities city-
21 wide will promote the following guiding principles, goals, and policies ~~and strategies enunciated~~
22 ~~in~~ of the Longmont Area Comprehensive Plan including livable centers, corridors, and
23 neighborhoods; and job growth and economic vitality through innovation and collaboration;

1 ~~POLICY G-1.2: Strive for balanced growth where a variety of land uses will provide a high~~
2 ~~quality of life for the residents of Longmont, including the public facilities necessary to serve~~
3 ~~diversity of housing and commercial, industrial, educational, and recreational activities.~~

4 ~~STRATEGY G-1.2(b): Periodically review and revise, as appropriate, all development fees~~
5 ~~to enable their use as incentives to achieve balanced growth without compromising the city's ability~~
6 ~~to raise revenues to pay for required capital improvements and services (Related to Strategy ED-~~
7 ~~1.2(a) "Economic Development" and RG-1.1(a) "Role of Government.")~~

8 ~~STRATEGY G-1.2(c): Plan areas in advance of development so that the city can identify~~
9 ~~the levels of services that both the city and other entities need to provide to accommodate the~~
10 ~~development.~~

11 ~~GOAL ED-1: Strive for a well-balanced, diversified, and stable economic base in order to~~
12 ~~provide job opportunities for Longmont residents and a dependable tax base for the city.~~

13 ~~POLICY ED-1.1: Create and maintain a business environment that encourages the~~
14 ~~retention, growth, and continued profitability of existing businesses which benefit the city, its tax~~
15 ~~base, and its residents.~~

16 ~~STRATEGY ED-1.1(a): Evaluate and revise, as appropriate, the city's fee and tax structure~~
17 ~~and the economic development incentive programs based on the economic climate.~~

18 ~~STRATEGY ED-1.1(c): Use available tools such as federal, state, or other economic~~
19 ~~development programs to facilitate capital investment for the expansion of existing Longmont~~
20 ~~businesses that benefit the city.~~

21 ~~POLICY ED-1.2: Maintain efforts to attract businesses and clean industries that would find~~
22 ~~Longmont an attractive location and that would benefit the city, its tax base, and its residents.~~

1 ~~STRATEGY ED-1.2(b): Use available tools such as federal, state, or other economic~~
2 ~~development programs to facilitate capital investment for businesses moving into Longmont that~~
3 ~~benefit the city.~~

4 ~~POLICY ED-1.4: Encourage desirable industrial development within the city in a manner~~
5 ~~consistent with the city's overall growth policies.~~

6 ~~STRATEGY ED-1.4(a): Use the city's annexation policies, land use authority, and capital~~
7 ~~improvement policies to provide an adequate supply of both finished sites and raw land suitable~~
8 ~~for industrial/economic development in a range of sizes to accommodate all the different~~
9 ~~requirements of various businesses.~~

10 ~~STRATEGY ED-1.4(e): Evaluate and revise the city's regulations periodically to facilitate~~
11 ~~development or rehabilitation of properties to meet the contemporary needs of emerging~~
12 ~~businesses while making a positive contribution to the appearance of the city.~~

13 C. A fee rebate program for nonprofit human service delivery and governmental
14 agencies will promote the following guiding principles, goals, and policies ~~and strategies~~
15 ~~enunciated in~~ of the Longmont Area Comprehensive Plan including livable centers, corridors, and
16 neighborhoods; responsible stewardship of our resources; and housing, services, amenities and
17 opportunities for all.

18 ~~GOAL RG-4: Participate in intergovernmental and regional organizations to accommodate~~
19 ~~and encourage planned growth and development, to orderly extend urban services, to enhance the~~
20 ~~quality of life, to protect the environment and to promote the economic vitality of communities~~
21 ~~within the Denver Metropolitan Region.~~

1 ~~GOAL HS-1: Support and enhance a wide range of social, cultural, informational, and~~
2 ~~educational resources so that all Longmont residents have an equal opportunity to maximize their~~
3 ~~potential and enhance their quality of life.~~

4 ~~STRATEGY HS-1.1(b): Maximize public, private, and nonprofit agencies' coordination in~~
5 ~~providing human services.~~

6 ~~STRATEGY HS-1.1(c): Identify areas for potential improvements in efficiency such as~~
7 ~~encouraging volunteerism, eliminating service duplication, reducing administrative overhead, and~~
8 ~~filling service gaps.~~

9 ~~STRATEGY HS-1.1(d): Focus resources on a continuum of services and programs to assist~~
10 ~~residents with varying levels of need ranging from basic needs (food, shelter, clothing, and~~
11 ~~protection from abuse and neglect) to early intervention and prevention that address human~~
12 ~~conditions or issues before they develop into significant individual, family, and/or community~~
13 ~~issues.~~

14 ~~STRATEGY HS-1.1(e): Evaluate community needs, and target available city funding~~
15 ~~based on those demonstrated needs.~~

16 ~~STRATEGY HS-1.1(f): Explore options to provide increased technical assistance and~~
17 ~~indirect and administrative support to human service providers.~~

18 D. A rebate of the transportation community investment fee for commercial and
19 industrial in-fill development and redevelopment will promote the following guiding principles,
20 goals, and policies and strategies in of the Longmont Area Comprehensive Plan including livable
21 centers, corridors, and neighborhoods; and a complete, balanced and connected transportation
22 system;.

1 ~~GOAL LDU 1: Achieve a compact urban form that uses land efficiently, is aesthetically~~
2 ~~pleasing, and minimizes undesirable impacts to the environment.~~

3 ~~POLICY LUD 1.1 : Use the Longmont Comprehensive Plan and the city's land use~~
4 ~~regulations to promote overall moderate intensity development that is sensitive to natural features~~
5 ~~and that will visually enhance the community.~~

6 ~~POLICY T 1.1: Balance land uses and the transportation system to maintain and improve~~
7 ~~current levels of mobility.~~

8 E. A fee rebate program for commercial development projects primarily benefiting the
9 youth of Longmont will promote the ~~following~~ guiding principles, goals, and policies ~~and~~
10 ~~strategies enunciated in~~ of the Longmont Area Comprehensive Plan including housing, services,
11 amenities, and opportunities for all; and a safe, healthy, and adaptable community.

12 ~~STRATEGY HS 1.1(e): Elevate community needs, and target available city funding based~~
13 ~~on those demonstrated needs.~~

14 ~~STRATEGY HS 1.1(h): Consider developing incentives for businesses to provide human~~
15 ~~services to their employees; e.g., health care benefits and day care.~~

16 ~~STRATEGY HS 1.2(g): Provide spaces that families can use and enjoy for unprogrammed~~
17 ~~activities.~~

18 ...

19 4.72.030 Application for rebate-Standards-Contents

20 A. Each new or expanding business may apply for a rebate of the fees described in
21 section 4.72.020, using the forms supplied by the director of communityplanning and development
22 services. The director may rebate up to a maximum of 30 percent of each fee, when a certificate
23 of occupancy is issued, and shall base the amount of rebated fees upon the following factors:

...

8. Other appropriate factors that the director of [community planning and development services](#) may from time to time set forth in an administrative regulation.

B. Each nonprofit human service delivery agency may apply for fee rebates, with a building permit application, using the forms supplied by the director of [community planning and development services](#). The director shall base the amount of fees rebated upon the following factors:

...

5. Other appropriate factors consistent with the purposes of subsection 4.72.005.C

~~T~~he director of [community planning and development services](#) may from time to time set forth in an administrative regulation.

C. Each owner of an in-fill property may apply for a rebate of the transportation community investment fee, along with a building permit application, using the forms supplied by the director of [community planning and development services](#). The director shall base the amount of fees rebated upon the following factors:

...

D. Each application shall contain the name and address of the property owner, the developer, a description of the project and such supporting characteristics deemed necessary by the director of [community planning and development services](#) and the applicant.

E. Each owner of a commercial development project primarily benefiting the youth of Longmont may apply for a rebate of fees, along with a building permit application, using the forms supplied by the director of [community planning and development services](#). The director shall base the amount of fees waived upon the following factors:

1 ...
2 4.72.040 Fees and development requirements--Council granted rebates.

3 ...
4 B. Some or all of the following additional fees and development requirements may be
5 waived, in whole or in part:

6 ...
7 3. The development ~~procedures~~ application fees, ~~established in Appendix A~~
8 ~~established~~ pursuant to Title 15;

9 ...
10 4.79.030 Application for reduction or subsidy-Standards-Contents.

11 A. Each person or organization may apply for fee reductions or subsidies, along with
12 a building permit application, using the forms supplied by the director of ~~community planning and~~
13 development ~~services~~ and which are included in the city's affordable housing program guidelines,
14 available through the city's CDBG office, and planning and ~~building inspection~~
15 ~~divisions~~ ~~development services department~~. The director of ~~community planning and~~ development
16 ~~services~~ shall base the amount of fee reduction or subsidy upon the following factors:

17 1. The number of units to be occupied by tenants or purchased and occupied by
18 homeowners whose incomes meet the specific percentages of the median income by occupancy
19 type as set by ~~subsection sections 15.04.030.A.2 and 15.10.02005.220.E.3~~ of this Code;

20 ...
21 6. The number and type of affordable housing units to be constructed in excess of the
22 minimum requirements of ~~section 15.05.220 of~~ this Code; and

7. Any other factors consistent with the intent of this chapter that the director of [communityplanning and development services](#) may from time to time set forth in an administrative regulation.

B. The application shall contain the name and address of each property owner, the developer, a description of the project and such supporting information deemed necessary by the director of [communityplanning and development services](#).

4.79.040 Appeal of decision by director of [communityplanning and development services](#).

Any decision by the director of [communityplanning and development services](#) under this chapter or any applicable administrative regulation related to this chapter may be appealed to the city manager. The appeal shall be made in writing no later than ten days after the decision of the director of [communityplanning and development services](#).

6.65.060 Review by Other Departments.

...

B. The [communityplanning and development services](#) department shall determine whether the proposed business complies with all location requirements in this chapter and in title 15 of this Code. The police department shall determine whether the applicant or any of the individuals required to be listed in the license application have been convicted of a specified criminal activity during the time periods stated in this chapter.

...

D. If the police department fails to complete its review within the 20 day time limit, the City Clerk shall proceed as if the department had completed its review and concluded that the applicant has no convictions of a specified criminal activity during the time periods stated in this chapter. If the [communityplanning and development services](#) department fails to complete its

review within the 20 day time limit, the City Clerk shall proceed as if the department had completed its review and concluded that the proposed business complies with all location requirements in this chapter and in title 15 of this Code.

6.65.140 Location of Sexually Oriented Businesses.

A. A person commits a violation of this chapter if that person operates or causes to be operated a sexually oriented business in any zoning district other than ~~GI (General Industrial)~~ or ~~MI (Mixed Industrial)~~ MU-E (mixed use employment), as defined and described in title 15 of this Code.

B. A person commits an offense if the person operates or causes to be operated a sexually oriented business within five hundred (500) feet of any other premises licensed, under the alcoholic beverage control statutes or regulations of the state or within one thousand (1000) feet of the following protected land uses:

1. A church, synagogue, mosque, temple or building that is used primarily for religious worship and related religious activities;

A school;

3. A boundary of a residential district or a residentially zoned property (~~E1, E2, R1, R2, R3, MH, RLE, RMD, PUD, RR, RU, R-SF, R-MN, R-MF, R-MH~~) and the residential portions of ~~a MU (mixed use) and PUD-MU (planned unit development) districts)~~ a MU (mixed use) and PUD-MU (planned unit development) districts) according pursuant to title 15 of this Code;

...

6.65.150 Nonconforming Uses.

...

1 C. An owner or operator of a nonconforming sexually oriented business use seeking
2 an extension of the six-month time limit stated in subsection A may apply to the ~~Board of~~
3 ~~Adjustment (BOA)~~planning and zoning commission (PZ) for a variance under the following
4 procedures and criteria.

5 1. Review Procedure. All applications for variances shall follow the following
6 procedures:

7 a. Submission of Application/Completeness Determination. Applicants shall submit
8 signed variance applications, verified under oath, to the community development department.
9 Each application must include:

- 10 i. The applicant's full name, address and telephone number;
11 ii. The applicant's legal interest in the property or the business, including
12 documentation of the stated legal interest;
13 iii. The length of variance requested; and
14 iv. Substantial evidence that the requested variance is necessary to recover the initial
15 investment in the business.

16 b. ~~Community~~Planning and development services department staff shall review the
17 application for completeness according to the requirements of this chapter and, if the application
18 is complete shall schedule an application for a public hearing according to this section, and provide
19 public notice, as required for other variance applications under title 15 of this Code. If staff
20 determines the application is not complete, the staff shall notify the applicant in writing of the
21 specific deficiencies and that the application will be held until the complete information is
22 submitted.

23 ...

1 6.70.080 Application Acceptance Periods

A. Window for annexation referrals. No application for a license for a location outside the city limits shall be considered unless, within 63 days of an announcement of a request for expression of interest issued by the authority, the applicant has submitted all materials required under the land development code for presentation of an annexation application to the city council for referral. See title 15, ~~app. B, subsec. B(1)~~. Applications for licenses for locations outside the city must also comply with the time restrictions for applications described in subsection (B), below.

9 ...

10	6.101.090	Hours of operation.
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... ..

B. Collection is allowed between 5:00 a.m. and 10:00 p.m. on Main Street (US 287); one block on either side of Main Street from Highway 66 to Highway 119; and on all streets south of 2nd Avenue and west of Main Street in the ~~MI, CDB, CR, C, BLI, GL, P, PUD-C AND PUD-~~ IMU-N, MU-C, MU-D, MU-E, MU-R, N-PE, N-PF, and nonresidential portions of PUD land-use zoning districts pursuant to title 15.

7.04.130 Prohibited keeping of animals.

8 A. It is unlawful to keep, harbor, care for or possess any animal within the city
9 except:

20 . . .

21 5. Backyard chicken hens.

22 . . .

c. Roosters prohibited. Except as provided in section 15.04.0340, Livestock uses for educational and scientific research facilities, no person may own or keep a rooster in any district not zoned agricultural.

...

9.36.020 Permitted height of radio towers.

Notwithstanding the limitations on permitted building heights ~~for structures~~ set forth in chapter 15.0503 of this code only, an amateur radio operator having the right of occupancy of any building shall be, if otherwise authorized by the ordinances of the city, permitted to construct a radio tower having, as an accessory use of such property, structure height not exceeding 60 feet, unless a greater height is permitted in the particular zoning district pursuant to chapter 15.0503. All other applicable ~~Uniform Building Code~~ provisions pursuant to Title 16, including building permit and structural requirements, shall remain in full force and effect. At the time that an application for a building permit for a radio tower is submitted, a copy of a valid F.C.C. license required by this chapter shall be provided the chief building official, and no such permit shall be issued for a radio tower having a structure height in excess of the general height limitations set forth in chapter 15.0503 without such submission by the licensed occupant of the building.

9.36.030 Exceptions.

An amateur radio operator wishing to construct a radio tower in excess of the allowed height limitations shall submit a request for a exception variance pursuant to the provisions of Section 15.02.0650. ~~ID~~, which terms and conditions shall apply to the request.

13.36.060 Exceptions-Board of adjustment and planning and zoning commission power.

When in the administration of this regulation the requirements contained in this chapter cause exceptional hardship or conflicts with existing structures on the property to the extent that the remaining land becomes practically unusable for the purpose for which it was zoned, the board of adjustment [or planning and zoning commission pursuant to title 15](#) may waive any or all of this regulation to insure, at a minimum, that the land can in fact be used in accord with the zoning attached to the land.

13.37.090 Pushcart conditions.

It is unlawful for any person to use, conduct sales from, store or place a pushcart on any public property without first obtaining a permit from the city as set forth in section 15.04.0450 of this Code

14.04.360 Installations to follow adopted standards.

All water installations shall be made in accordance with the city of Longmont public improvements design standards and construction specifications, ~~adopted by Section 15.07.050 B. of this code.~~

14.04.450 Watering restrictions-Locations and hours of use-Suspension of nonemergency restrictions-Surcharge-Appeal process.

A. Nonemergency watering restrictions. . . .

1. A water customer may make a personal application for a special permit for daily watering of new seed, new sod or xeriscape landscaping, notwithstanding applicable nonemergency restrictions, as follows:

...

d. For the purposes of this section, landscaping shall be considered xeriscape landscaping if it meets the standards set forth in subsection 15.05.0940(~~HC~~)(~~133~~) of this Code.

1 ...
2 14.05.020 Definitions.
3 ...
4 Development activity means any activity requiring a major, minor or administrative
5 development application, as defined in ~~subsection 15.02.0320.A.~~

6 ...
7 14.07.020 Definitions.
8 For the purposes of this chapter, the following terms have definitions as follows. All other
9 terms shall be defined as in ~~§-chapter 15.10.020:~~

10 ...
11 14.07.060 Lapse.
12 A credit approved for a particular redevelopment shall lapse automatically if, after one year
13 of approval of the credit, there has been no application for a building permit which, in the
14 determination of the city manager or designee, is consistent with the concept plan. A credit which
15 has lapsed shall be null and void. The one-year period may be extended, before its expiration,
16 according to the procedures described in § 15.02.0240.H., or as described in a tap credit agreement
17 executed pursuant to § 14.07.040.B.

18 14.26.230 Fees.
19 The fees and charges in this section shall apply to administration of the stormwater permit
20 requirements in this chapter, unless the permit is issued under another chapter of this Code (for
21 example, for building permits for single lots that are under a common plan of development issued
22 in accordance with title 16 of this Code).

A. The following fees for application, site plan review, and inspection shall apply to construction activity permits associated with stormwater:

...

2. A site plan review fee of \$300.00. This fee shall also apply to the review of any site plan modifications that are associated with new or revised development plans that are required by chapter title 15 of this Code.

...

14.34.010. - Findings.

The city council of Longmont finds:

...

F. That relocation underground of overhead facilities will facilitate implementation of the following guiding principles, goals and polices of the Longmont Area Comprehensive Plan including livable centers, corridors, and neighborhoods.

1.—Goal 5: Promote an attractive appearance from roadways and other public places, and encourage harmonious relationships with natural land forms;

2.—Goal 11: Maintain and enhance the environment of the existing residential neighborhoods of Longmont;

3.—Goal 15: Make provisions for public improvements in a manner appropriate for a modern, efficiently functioning city; and

...

14.36.010 Definitions.

...

1 Family residential unit includes a one-family dwelling, each dwelling unit of a two-family
2 or multiple-family structure, each space in a trailer park or mobile home park, and any residential
3 facility established as a primary residence for any number of persons, whether or not certain
4 accommodations and services such as food preparation are collectively provided; but excluding
5 commercial residential accommodations for transient or temporary use, or commercial
6 accommodations primarily providing medical care and supervision to persons who are disabled or
7 generally confined to the care facility for medical treatment, or a "dwelling, ~~one~~single-family
8 detached" as defined in section 15.10.0210(A) that has been relocated from within the city.

9 ...

10 Single-family detached residential means a family residential unit that is also a "dwelling,
11 ~~one~~single-family detached" as defined in section 15.10.0210(A).

12 ...

13 14.36.060. - Park improvement fee for redevelopment projects within the Longmont
14 Downtown Development Authority.

15 A. The Council of the City of Longmont finds:

16 ...

17 This redevelopment will promote the ~~following~~guiding principles, goals, and policies
18 ~~and strategies enunciated in~~ of the Longmont Area Comprehensive Plan related to livable centers,
19 corridors, and neighborhoods;

20 a. ~~GOAL CB-1: Revitalize the central business district.~~

21 b. ~~POLICY CB-1.3: Enhance the quality of business opportunities, and reduce the~~
22 ~~vacancy rates in the central business district.~~

1 ~~c. —Strategy CB-1.3(a): Cooperate with various groups interested in the central business~~
2 ~~district to provide assistance to existing businesses and in recruiting new businesses to downtown~~
3 ~~through programs such as the facade improvement program that provides loans and grants.~~

4 ...

5 14.38.010 Definitions.

6 The following words, terms and phrases, when used in this chapter, shall have the meanings
7 ascribed to them in this section:

8 Dwelling and dwelling unit shall have the meanings ascribed to them in section
9 15.10.0210(A).

10 Low- or moderate-income housing means affordable housing as defined in section
11 15.10.020.

12 14.38.050 Credits and exceptions.

13 A. Credits. In the event that any owner dedicates or conveys to the city a portion of
14 any development for transportation purposes, other than as required by section 15.02.100 or a
15 public improvement agreement thereunder, subsection 15.02.0560.A.4- or an annexation
16 agreement thereunder, or another provision of the Code, the city council may by resolution reduce
17 the transportation impact fee by the value of the land dedicated or conveyed. Payments and
18 dedications for transportation purposes required by such other sections of the Code address only
19 site-specific impacts of development, whereas this transportation impact fee defrays only system-
20 wide impacts.

21 ...

22 14.46.010 Definitions.

1 The following words, terms and phrases, when used in this chapter, shall have the meanings
2 ascribed to them in this section:

3 Dwelling and dwelling unit shall have the meanings ascribed to them in section
4 15.10.0210(A).

5 Low- or moderate-income housing means affordable housing as defined in section
6 15.10.020.

7 ...

8 14.46.050 Credits and exceptions.

9 A. Credits. In the event that any owner dedicates or conveys to the city a portion of
10 any development for recreation building purposes, other than as streets, alleys, drainage, utility
11 easements or such other infrastructure required to serve the development, or as required by section
12 15.02.100 or a public improvement agreement thereunder, subsection 15.02.0560.A.4- or an
13 annexation agreement thereunder, or another provision of the Code, the city council may by
14 resolution reduce the recreation buildings impact fee by the value of the land dedicated or
15 conveyed. Payments and dedications for recreation building purposes required by such other
16 sections of the Code address only site-specific impacts of development, whereas this recreation
17 buildings impact fee defrays only system-wide impacts.

18 ...

19 Section 10

20 The zoning of existing conditionally approved annexations recorded after the introduction
21 of this ordinance shall convert to the new zoning districts on the official zoning map as follows: A
22 converts to N-AG, E1 converts to R-RU, R1 converts to R-SF, and R2 converts to R-MN.

1 Section 11

2 The provisions of this ordinance are severable, and invalidity of any part shall not affect
3 the validity or effectiveness of the rest of this ordinance.

4 Section 12

5 The effective date of this ordinance shall be September 1, 2018.

6 Introduced this 24th day of July, 2018.

7 Passed and adopted this _____ day of _____, 2018.

11 MAYOR

13 ATTEST:

17 CITY CLERK

20 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT 7:00 P.M.
21 ON THE 14TH DAY OF AUGUST, 2018, IN THE LONGMONT COUNCIL CHAMBERS.

24 APPROVED AS TO FORM:

27 /s/ Dan Kramer 7/17/2018
28 ASSISTANT CITY ATTORNEY DATE

31 /s/ Cristi Campbell 7/17/2018
32 PROOFREAD DATE

33 APPROVED AS TO FORM AND SUBSTANCE:

36	/s/ Joni Marsh	7/20/2018
37	ORIGINATING DEPARTMENT	DATE

CA File: 10638