

Chapter 15.01

GENERAL PROVISIONS

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15.01.010 Title.

The regulations of this Title 15 of the Longmont Municipal Code shall be officially known and cited as the "Longmont Land Development Code," although it may be referred to hereafter as the "Development Code." (Ord. 0-2001-78 § 1 (part))

15.01.020 Authority.

This Development Code is enacted under the City of Longmont Charter and the powers granted and limitations imposed on municipalities by the Constitution and laws of the state of Colorado, including without limitation CRS Section 29-20-101 et seq. (Local Government Land Use Control Enabling Act). (Ord. 0-2001-78 § 1 (part))

15.01.030 Purpose and intent.

The regulations of this Development Code are intended to implement the Longmont Area Comprehensive Plan and the Community Quality of Life Benchmarks, as amended, and more specifically are intended to:

- A. Promote the public health, safety, convenience, comfort, prosperity, and general welfare;
- B. Secure the safety of persons and property from fire, flood, and other dangers, and to secure adequate open spaces for light, air, and amenity;
- C. Conserve and stabilize property values through appropriate land uses;
- D. Protect private property rights as guaranteed by the Colorado and United States Constitutions;
- E. Preserve and protect existing trees and vegetation, agricultural lands, floodplains, stream corridors, wildlife habitats and corridors, wetlands, lakes and other water bodies, scenic views, and other areas of environmental significance from adverse impacts of development;

F. Promote environmental quality as a critical element in Longmont's quality of life and encourage the wise use of natural resources, including energy and water conservation and reduction of wastes;

G. Facilitate the efficient provision of adequate public facilities such as transportation, water, sewage disposal, drainage, electricity, public schools, parks, and other public services;

H. Coordinate transportation and land use planning, including the evaluation of transportation impacts from proposed development, to provide a safe and efficient transportation system in Longmont and to improve air quality;

I. Minimize congestion in travel and transportation, reduce community dependence on automobile travel, encourage trip consolidation, and facilitate development of alternative modes of transportation consistent with the Multi-Modal Transportation Plan;

J. Conserve and enhance the architecture, history, pedestrian orientation, mixed use, and character of Longmont's Central Business District and Main Street core;

K. Conserve and enhance the character of Longmont's older, established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development;

L. Encourage innovative and quality residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings;

M. Encourage pedestrian and vehicular connections between residential neighborhoods and surrounding employment and shopping centers and community facilities such as parks and schools;

N. Encourage innovative and quality non-residential development that preserves and protects the character of the community, including its natural landscape, and that minimizes adverse impacts of such development, especially when adjacent to residential uses;

O. Improve the aesthetics and design of all primary entrance corridors (gateways) to the city;

P. Manage overall community growth, including population and employment growth, to benefit the community and to encourage fiscally efficient and orderly development; and

Q. Encourage a balance of residential and non-residential uses and development in the community so that future growth occurs in a fiscally prudent manner. (Ord. 0-2006-66 § 2; Ord. 0-2001-78 § 1 (part))

15.01.040 Applicability and jurisdiction.

A. Generally. The provisions of this Development Code shall apply to:

1. All land and land development, including the subdivision of land, within the incorporated areas of the city of Longmont;
2. Use of all structures and land within the incorporated areas of the city of Longmont; and
3. All structures and land owned by the city or by city agencies, departments, districts, or utilities within the incorporated areas of the city of Longmont. In addition, this Development Code shall apply to all structures and land owned by other governmental entities (e.g., state and federal), to the extent allowed by law, and to special or metropolitan districts and public utilities within the incorporated areas of the city of Longmont.

B. Modifications of Infill Development, Redevelopment and Changes of Use. The decision-making body may modify applicable scenic entryway overlay standards, river, stream and wetland setbacks, common open space, landscaping, off-street parking, and residential and non-residential design standards in this Development Code for infill development, redevelopment projects or changes of use where the applicant demonstrates and the city determines that the modification of a standard is appropriate and necessary and can be achieved without detriment to surrounding properties or neighborhoods, the natural environment or to the city's ability to provide services and maintain public facilities.

The decision-making body shall base its decision on the practicality of meeting a particular standard, taking into consideration the type, scope, or design of a proposed infill development, redevelopment or change of use, or existing conditions that reasonably preclude compliance. The applicant shall make reasonable efforts to meet the purpose and intent of the standard and to mitigate potential adverse impacts associated with a modification of the standard.

C. Exception for Emergencies. When the planning director determines that, because of an emergency, compliance with the normal procedures and requirements of this title would threaten life, safety, or property, the planning director may exempt land use activities of the city or any city agency, department, district, or utility responsible for the facility involved in the emergency from this Development Code. The city or agency shall complete any improvements or revegetation that would have been required if normal procedures had been followed as soon as reasonably practicable after the necessary emergency actions are taken. The city council shall ratify such exemption after-the-fact at its next regularly scheduled public meeting, and shall base its ratification on specified findings of

fact related to the emergency involved. (Ord. 0-2006-66 § 3; Ord. 0-2001-78 § 1 (part))

15.01.050 Minimum standards and compliance.

A. Minimum Standards. In their interpretation and application, the provisions of this Development Code shall be held to be minimum requirements necessary for the promotion of the public health, safety, and general welfare.

B. Compliance—Subdivision, Use, or Occupancy. No building, structure, or land shall be subdivided, used, or occupied, and no building or structure or portion thereof shall be erected, moved, constructed, reconstructed, extended, enlarged, or altered contrary to this Development Code. No land shall be conveyed or developed until a plat has been approved, except as specifically exempted, under the provisions of this Development Code. Site plans and development plans may be approved and building permits may be issued for legally existing unplatted parcels with the same legal description as created prior to April 1, 1967, must be part of an approved subdivision plat to receive site plan, development plan or building permit approval.

C. Compliance—Multiple Use of Space Prohibited. No part of a setback or other open space or off-street parking or loading space required about or in connection with any building, for the purpose of complying with this Development Code, shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building, except as allowed in an approved planned unit development or through a joint use (shared) parking agreement.

D. Compliance—Future Reduction or Creation of Lots and Yards. No setback or lot existing at the time of the effective date of this Development Code shall be further reduced in dimensions or area below the minimum requirements stated in this Development Code, unless a variance or exception is approved. Setbacks or lots created after the effective date of this Development Code shall meet at least the minimum requirements established by this Development Code.

E. Non-Conforming Uses, Structures, and Lots. See Chapter 15.08 of this Development Code for regulations regarding non-conforming uses, structures, lots, and signs. (Ord. 0-2006-66 § 4; Ord. 0-2001-78 § 1 (part))

15.01.060 Official zoning map.

A. Official Zoning Map. The location and boundaries of the zoning districts designated in Chapter 15.03, "Zon-

ing Districts,” of this Development Code are established as shown on the map entitled “Zoning District Map of the city of Longmont, Colorado” and referred to as the Official Zoning Map, as it may from time to time be revised, updated, or redrafted. The Official Zoning Map shall be that map bearing the most recent date of publication.

B. **Adopted by Reference.** The Official Zoning Map, as published upon adoption of this title, and as amended and republished upon any amendment, is adopted by reference and declared a part of this Development Code.

C. **Interpretation of Official Zoning Map Boundaries.** In the event of uncertainty, unless otherwise specified, district boundaries shown on the Official Zoning Map shall be on section lines, lot lines, the centerlines of highways, streets, alleys, railroad rights-of way, or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map.

D. **Map—Amendment Upon Zoning Establishment or Modification.** As soon as practicable after approval and recordation of any ordinance annexing and establishing zoning or modifying existing zoning for any property, the planning and development services division shall revise the Official Zoning Map to include the annexed or rezoned area.

E. **Map—Availability for Public Inspection.** The Official Zoning Map shall be available and on display at the planning and development services division during normal city business hours.

F. **Zoning Required Upon Annexation.** No annexation of property to the city shall become final without the annexed property also including zoning classification(s). (Ord. 0-2006-66 § 5; Ord. 0-2001-78 § 1 (part))

15.01.070 Rules of construction and interpretation.

A. **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this Development Code shall be construed according to this Development Code’s stated purpose and intent.

B. **Text Controls.** In case of any difference of meaning or implication between the text of this Development Code and any heading, drawing, table, or figure, the text shall control.

C. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

D. **Computation of Time.** Periods defined by a number of days shall mean a number of consecutive calendar

days, including all weekend days, holidays, and other non-business/working days. However, if the last day falls on a Saturday, Sunday, or legal holiday, the period extends to the next day that is not a Saturday, Sunday, or legal holiday.

E. **Delegation of Authority.** Whenever this title requires the head of a department or division, or another officer or employee of the city to perform an act or duty, the department/division head or officer may delegate the responsibility to subordinates, unless this title specifies otherwise.

F. **Technical and Non-Technical Words.** Words and phrases not otherwise defined in this Development Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Development Code that may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

G. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the city of Longmont, unless otherwise indicated.

H. **Mandatory and Discretionary Terms.** The words “shall,” “must,” or “will” are always mandatory, and the words “may” or “should” are always discretionary.

I. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions, or events shall apply; and
2. “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.

J. **Tense and Usage.** Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

K. **Gender.** The masculine shall include the feminine, and vice versa. (Ord. 0-2001-78 § 1 (part))

15.01.080 Relationship to other codes, ordinances, and regulations.

A. **Conflict with State or Federal Regulations.** If the provisions of this Development Code are inconsistent with those of the state or federal governments, the more restrictive provision will control, to the extent permitted by law.

B. **Conflict with Other City Regulations.** If the provisions of this Development Code are inconsistent with one another, or if they conflict with provisions found in other adopted codes, ordinances, or regulations of the city of Longmont, the more restrictive provision will control unless otherwise expressly stated.

C. **Conflict with Private Agreements.** It is not the intent of this Development Code to interfere with, abrogate, annul, or prevent the private enforcement of any easement, covenant, deed restriction, or other agreement between private parties. The provisions of this Development Code are in addition to, and not in lieu of, any restriction imposed by a private agreement. The city is not responsible for monitoring or enforcing private agreements. (Ord. 0-2001-78 § 1 (part))

15.01.090 Transitional provisions.

This section addresses the applicability of new substantive standards enacted by this Development Code to activities, actions, and other matters that are pending or occurring as of the effective date of this Development Code.

A. **Effective Date of Code.** The effective date of this Land Development Code is January 1, 2002.

B. **Violations Continue.** Any violation of the previous land development (zoning or subdivision) regulations of the city shall continue to be a violation under this Development Code and shall be subject to the penalties and enforcement stated in Chapter 15.09 of this Development Code, unless the use, development, construction, or other activity is clearly consistent with the express terms of this Development Code.

C. **Completion of Development Commenced or Approved Under Previous Codes Buildings or Developments with Previously Issued Building Permits.**

a. Any building or development granted a building permit before the effective date of this Development Code may proceed to construction even if such building or development does not conform to this Development Code.

b. If construction has not begun within sixty days, or been substantially completed within the time limits of the building permit, the community development director may, for good cause shown, grant one extension of up to six months. Good cause includes development delays that are unavoidable due to forces beyond the permit applicant's control (e.g., weather or widespread labor or materials shortages).

c. If the construction has not begun or been substantially completed, or the intended use not established within the applicable time stated above, or within any extension granted, then the building or development shall be constructed, completed, used, and occupied only in compliance with the requirements of this Development Code.

2. **Developments with Preliminary or Final Approval.** A development for which preliminary or final approval (excluding concept plan and conveyance plat approval) was granted before the effective date of this Development Code may be completed according to the ap-

proved plat or plan even if such development does not conform with the provisions of this Development Code, subject to the following provisions:

a. For developments that have received preliminary approval, a complete application for the final plat or final plan must be submitted within one year of the decision-making body's preliminary approval, unless the preliminary approval has a vested property right effective for more than one year. The city shall take final action on such complete application within the time frames specified in the previous codes, but no later than one year after the effective date of the Code, unless the preliminary approval has a vested right effective for more than one year after the effective date of this Code, or the city determines a longer time frame is necessary.

i. If the preliminary approval has a vested property right effective for more than one year from the date of preliminary approval, a complete application must be submitted prior to the expiration of the vested right. The city shall take final action on such complete application within the time frames specified in the previous codes, unless the city determines a longer time frame is necessary.

b. Approval of a final subdivision plat does not exempt the property from subsequent site plan or development plan review, if necessary, for development of any portion of the plat. Subsequent site or development plans shall comply with the standards in effect at the time a complete application for site plan or development plan review is submitted, except that development of one-family dwellings according to a previously approved final subdivision plat is exempt from compliance with the residential design standard stated in Section 15.05.110(D) (Garage Doors) for one year from the effective date of this Development Code, unless the city determines a longer time frame is necessary. If a complete application for a building permit is not submitted for the one-family development within this one-year period, or within any extension granted, then the one-family development shall be constructed and completed in compliance with all applicable requirements of this Development Code, including but not limited to the residential design standards stated in Section 15.05.110.

c. Developments that do not require site plan review and that are not otherwise exempt under subsection (C)(2)(b) above shall comply with the development and design standards in Chapter 15.05 (Development Standards), as applicable.

3. **Developments with Applications for Approval Pending.** An applicant that has submitted a complete application for a preliminary subdivision plat (excluding

conveyance plats), preliminary PUD development plan, site plan, conditional use, building permit, or any other type of approval (excluding concept plans), but where the decision-making body has not taken final action on such application before the effective date of this Development Code, may choose to have the standards and procedures of this Development Code apply to the application. Alternately, the applicant may choose to have the complete application reviewed under the previous codes in effect, subject to the following provisions:

a. Such complete application shall receive final city approval within the time frames specified in the previous codes, but no later than one year after the effective date of this Development Code, unless the city determines a longer time frame is necessary.

b. Approval of a preliminary subdivision plat does not exempt the property from subsequent site plan or development plan review, if necessary, for development of any portion of the plat. Subsequent site plans or development plans shall comply with the standards in effect at the time a complete application for site plan or development plan review is submitted.

c. Developments, such as one-family dwellings, that do not require site plan review and that are not otherwise exempt under subsection (C)(2)(b) above shall comply with the development and design standards in Chapter 15.05 (Development Standards), as applicable.

4. Applicability of Chapter 15.08 (Nonconformities). Developments that are completed pursuant to the standards in previous codes, as permitted by this section 15.01.090(C), are subject to all applicable provisions related to nonconforming uses, structures, lots, and signs stated in Chapter 15.08 (Nonconformities) of this Code.

D. Zoning District Conversion. On the effective date of this Development Code, the zoning district names applicable before the effective date of this Development Code are converted as shown in Table 15.01-A:

Table 15.01-A: Zoning District Conversion

District Name	District Name
Old	New
E1	E1
E2	E2
R1	R1
R2	R2
R3	R3
R4	MH
R5	MH
RLE	RLE
RLE2	RMD

District Name	District Name
Old	New
C1	C
C2	C
CS	CR
CBD	CBD
M1	BLI or MI [1]
M2	MI
CM	C or MI [1]
ED	BLI or MI [1]
BLI	BLI
GI	GI
MIU	BLI
MD	MD-0
--	SE-0
--	C-0
--	AIZ-0
PUD-R	PUD-R
PUD-B	PUD-C
PUD-I	PUD-I
PUD-MU	PUD-MU

(Ord. 0-2001-78 § 1 (part))