

# Chapter 15.05: Development Standards

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## 15.05.010 Purpose

The purpose of this chapter 15.05 is to provide standards regarding environmental protection, landscaping, multi-modal access and connectivity, parking, oil and gas extraction, fences, residential, mixed use and nonresidential design, storage and screening, outdoor lighting, adequate public facilities, wireless telecommunications, mobile homes, and residential compatibility that apply to applications reviewed under this development code.

## 15.05.020 Protection of Rivers/Streams/Wetlands/Riparian Areas

### A. Purpose

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This section is intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors, wetlands, and associated riparian areas provide in the City of Longmont.

### B. Applicability

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This section applies to development applications for site plans, subdivision plats, PUD developments, conditional uses, limited uses, secondary uses, rezonings, and annexations. Appropriate strategies for the protection of rivers, streams, wetlands and riparian areas should be identified as early on in the development process as possible.

### C. Boundaries

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#### 1. Wetland Boundaries

All wetland boundary delineations are subject to the city's approval.

##### a. Qualified Professional

A qualified person with demonstrated expertise in the field shall delineate all wetland areas.

##### b. Mapped Wetlands

Boundary delineation of wetlands shall be established by reference to the Boulder County Wetlands Survey (as amended), which is adopted and incorporated by reference into this development code.

##### c. Unmapped/Disputed Wetlands

If a wetlands has not been mapped, or its boundaries not clearly established, or if either the city or applicant dispute the existing boundaries, the applicant shall retain a qualified person with demonstrated expertise in the field to delineate the boundaries of the wetland according to professional standards approved by the city. The applicant shall use the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January 1987, or as amended), as a guideline and reference for the wetland determination.

#### 2. River/Stream Corridor Boundaries

River and stream corridors shall not include ditches that are commonly known to be irrigation ditches that do not contribute to the preservation and enhancement of fisheries or wildlife. See

chapter 15.10, definitions, for the definition "rivers" and "streams" subject to protection under this section.

### 3. Riparian area Boundaries

All riparian area boundary delineations are subject to the city's approval. See chapter 15.10, definitions, for the definition of "riparian area" subject to protection under this section.

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## D. Compliance with Applicable Federal Wetlands Laws or Regulations

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1. No person shall engage in any activity that shall disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under applicable federal laws or regulations.
2. Notwithstanding any contrary federal law or regulations, draining any wetland that falls in the jurisdiction of the federal government and its agencies is prohibited.
3. The city shall not grant final approval to any development or activity, including subdivisions, in a wetland that falls within the federal government's jurisdiction until the applicant shows that all necessary federal approvals and permits have been obtained.
4. The city shall not prohibit execution of a permitted mitigation plan or maintenance of those projects, nor shall it take responsibility for the mitigation project, even within areas to be accepted by the city upon final acceptance of all improvements. A letter from the Army Corps of Engineers, accepting the mitigation, is required to release the development from further obligations.

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## E. Compliance with Floodplain Regulations

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For construction or activity in a floodplain or flood hazard area, refer to title 20, floodplain regulations, regarding floodplain development permit requirements.

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## F. Setbacks

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The following setbacks are considered minimum distances:

### 1. River/Stream Corridors and Riparian Areas

All buildings, accessory structures, and parking areas shall be set back at least 150 feet from the below-listed river/stream corridors and riparian areas, measured from the outer edge of riparian vegetation, including the outer edge of the canopy edge of riparian trees and shrubs, or from the top of the bank when riparian vegetation is not present.

- a. St. Vrain River;
- b. Boulder Creek;
- c. Dry Creek #2;
- d. Union Reservoir;
- e. Left Hand Creek.

For all other river and stream corridors (as defined in chapter 15.10) not listed above, the setback shall be 100 feet.

### 2. Wetlands

- a. All buildings, accessory structures, and parking areas or lots shall be set back at least 100 feet from the delineated edge of wetlands.

- b. Where the applicant demonstrates that there is sufficient grade separation between the wetlands and the proposed development to minimize adverse impacts to the wetlands, the decision-making body may reduce the setback to no less than 50 feet, measured horizontally (plan view).

### 3. Variances from the Setback Standards

The setback standards stated in subsections E.1 and E.2 of this section may be modified under the following standards and procedures, taking into consideration the findings of a detailed species or habitat conservation plan (see section 15.05.030.H.).

#### a. Increased Setbacks

The planning and development services director shall increase the setbacks as necessary to protect river/stream corridors, riparian areas, or wetlands, based on site specific conditions if any of the following conditions is present on a site:

- i. An established tiered vegetative system with native ground cover, shrub areas or mature canopy trees creating a diverse habitat;
- ii. Adjacency or proximity to like areas or other associated habitat or other wildlife resources;
- iii. Significant oxbows or meanders in the adjacent waterway that would create diverse aquatic habitat; or
- iv. Presence of known species of concern, including, but not limited to, threatened and endangered species that would enhance the wildlife values of the city.

#### b. Reduced Setbacks

The city council, with a recommendation from the planning and zoning commission under section 15.02.060.I.3, shall reduce the setbacks if it determines that the setbacks are greater than necessary to protect river/stream corridors, riparian areas, and wetlands. The setbacks shall not be reduced to a level below the minimum necessary to provide such protection. The following criteria shall be used to identify circumstances where riparian setback reductions may be warranted:

- i. The purpose and intent of this section, to allow for preservation and enhancement of river and stream corridors and other riparian areas, is maintained;
- ii. The reduced setback is consistent with the scope of the development, taking into consideration existing conditions and the extent of site changes;
- iii. The conservation plan demonstrates an absence of wildlife species or existing or potential wildlife habitat along the river or stream corridor or riparian area; and
- iv. The development mitigates a modified setback standard by providing a higher quality, more desirable wildlife habitat enhancements along the corridor, or alternatively, in another location, as approved by the city council.

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## G. Prohibited Activities

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No person shall engage in any activity that shall disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation and wildlife habitat, within stream corridors, wetlands, and their setbacks, except as may be expressly allowed in this development code or by other applicable city laws or regulations.

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## H. Bridges

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The construction of bridges according to city standards over a stream corridor and within the stream setback area is permitted, provided such bridges are planned and constructed so as to minimize impacts on the stream corridor. Construction of bridges within the wetland setback area shall be prohibited unless appropriate federal permits are granted.

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## I. Utilities

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Utilities may be allowed in a stream corridor or wetlands setback area only if the city determines there is no practical alternative. The applicant shall reclaim any disturbance of the setback area by re-grading and re-vegetation. Provisions for reclamation of the disturbed area shall be included in any development or subdivision agreement for the project, with adequate security to guarantee the reclamation shall be completed. Utility corridors in setback areas shall be located at the outside edge of the area and access roads for maintenance of utilities shall be located outside the setback area. Access for maintenance of utilities in setback areas should be at specific points rather than parallel to the utility corridor.

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## J. Recreation, Education, or Scientific Activities

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Structures and improvements for recreational, educational, or scientific activities such as trails, fishing access, and wildlife management and viewing may be permitted in a stream corridor or wetlands setback area provided a management plan that establishes long-term protection of the setback area is submitted with the final plat or plan and approved.

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## K. Design and Aesthetics

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Projects adjacent to large natural areas or natural area corridors, including, but not limited to, the St. Vrain River, Boulder Creek, Dry Creek #2, Union Reservoir, and Left Hand Creek, shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area.

# 15.05.030 Habitat and Species Protection

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## A. Purpose

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To maintain and enhance the diversity of wildlife species, wildlife habitat, and plant species that occur in the Longmont area, and to plan and design land uses to be compatible with habitat and the species that depend on this habitat for the economic, recreational, and environmental benefit of residents and visitors.

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## B. Applicability

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This section applies to development applications for site plans, subdivision plats, PUD developments, conditional uses, limited uses, secondary uses, rezonings, and annexations. Appropriate strategies for habitat and species protection should be identified as early on in the development process as possible.