



**PROCLAMATION**

**WHEREAS,** scooters and motorcycles use less fuel, cause less pollution and have little impact on our infrastructure; and

**WHEREAS,** scooters and motorcycles require only a fraction of space taken by other vehicles to park, thereby addressing an ongoing problem in our City; and

**WHEREAS,** for these reasons, scooters and motorcycles offer a form of daily transportation to be encouraged; and

**WHEREAS,** June 20, 2011 has been designated as “Ride To Work Day” to highlight the positive daily use of scooters and motorcycles.

**NOW, THEREFORE,** we, the City Council of the City of Loveland, do hereby proclaim June 20, 2011 as

**RIDE TO WORK DAY**

and to encourage scooter and motorcycle riders to ride to work on that day.

Signed this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor



## CITY COUNCIL

Civic Center • 500 East Third Street • Loveland, Colorado 80537  
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

[www.cityofloveland.org](http://www.cityofloveland.org)

### PROCLAMATION

**WHEREAS,** the City of Loveland is dedicated to providing safe and alternative modes of transportation; and

**WHEREAS,** the benefits of bicycling are numerous, both to the individual and to the community as a whole; and

**WHEREAS,** the City of Loveland received a Bicycle Friendly Community Honorable Mention recognition from the League of American Bicyclists in 2010.

**WHEREAS,** our fair city maintains nearly 140 miles of bicycle routes, lanes and trails; and

**WHEREAS,** persons of all ages and abilities are encouraged to use helmets for their protection; and

**WHEREAS,** the month of June has been declared as Bike Month to recognize and encourage bicycling as a viable source of transportation and recreation.

**NOW, THEREFORE,** we, the City Council of the City of Loveland, do hereby proclaim the week of June 20 through June 24, 2011 as

### **BIKE WEEK**

in Loveland and encourage citizens to try bicycling as an alternative transportation method and to participate in Bike-to-Work Day on Wednesday, June 22.

Signed this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

# PROCLAMATION

## *The Greeley Independence Stampede*

*Recognizes the City of*

# Loveland, Colorado

*WHEREAS, the City of Loveland, Colorado has been a strong supporter of the Greeley Stampede in the past; and*

*WHEREAS, the Greeley Stampede is the World's Largest 4th of July Rodeo & Western Celebration; and*

*WHEREAS, this community celebration that was started to honor local potato farmers, has since grown into an internationally acclaimed festival attracting over 250,000 people annually; and*

*WHEREAS, the 2011 Greeley Stampede is celebrating its 89th Anniversary Year; and*

*WHEREAS, Colorado's premier summer western offers something for all interests, while focusing on quality affordable family entertainment; and*

*WHEREAS, the Greeley Stampede would like to invite everyone to Celebrate this year's event that features six Pro Rodeo performances, four arena concerts, Colorado's largest demolition derby, parades, carnival, fireworks, and other exciting events; and*

*WHEREAS, the Stampede Committee would like to invite the City of Loveland Council Members and Citizens to celebrate their western heritage during the 89th Annual Greeley Stampede*

*NOW, THEREFORE, the 2011 Greeley Independence Stampede Committee proclaims Wednesday, June 29, 2011 City of Loveland Day at the Greeley Independence Stampede.*



Mayor Gutierrez called the Study Session of the Loveland City Council to order at 6:30 p.m. on the above date. Councilors present: Gutierrez, Solt, Klassen, McEwen, Rice, Heckel and Shaffer. Councilors Johnson and McKean were absent. City Manager, Bill Cahill was also present.

1. BUSINESS DEVELOPMENT

City of Loveland Economic Development Strategic Plan

Business Development Manager, Betsey Hale presented this as an information only item. The City of Loveland has an Economic Incentive Policy but does not have a clearly defined strategy to carry out the tasks of economic development. Ms. Hale outlined the process and timeline to be used, the five stages of developing a local economic development strategy, who will do the work and the areas on which particular emphasis will be placed when creating the plan. Council thanked Ms. Hale for the presentation.

The study session was adjourned at 6:51 p.m.

Respectfully Submitted,

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Jeannie M. Weaver, Deputy City Clerk

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Cecil A. Gutierrez, Mayor

**CALL TO ORDER** Mayor Gutierrez called the Special meeting of the Loveland City Council to order on the above date at 6:52 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Roll was called and the following responded: McEwen, Solt, Klassen, Rice, Heckel, Shaffer, McKean and Gutierrez. Councilor Johnson was absent.

**1. CITY MANAGER**

**Executive Session to receive legal advice concerning the Agilent Property purchase**

6:55 p.m.

Councilor McEwen moved that City Council go into executive session as authorized in C.R.S. § 24-6-402 (4)(a), (4)(b), (4)(e) and (4)(g) and in Loveland Charter Sections 4-4 (c)(1), (c)(2), (c)(3) and (c)(6) pertaining to the prospect of the ACE Manufacturing and Innovation Park being located in Loveland, a matter subject to future negotiation and potentially involving the acquisition of real property, the details of which, if prematurely disclosed, could result in other parties gaining an unfair competitive or bargaining advantage; and related to this matter: to receive reports from negotiators, determine negotiation positions, develop negotiation strategy, and to instruct negotiators concerning such positions and strategy; to receive legal advice from the City Attorney, Deputy City Attorney, and Jon Steeler, the City's Special legal counsel; and to receive and review documents and information that are not subject to public inspection under the Colorado Open Records Act, such as work-product documents, at 6:55 p.m. Councilor Heckel seconded the motion which carried with all present voting in favor thereof. Council reconvened into the special meeting session at 10:28 p.m.

**2. CITY MANAGER**

**Agilent Property Purchase Appropriation**

1<sup>st</sup> Rdg Ord & P.H.

Administrative Action: City Manager Cahill introduced this item to Council. The City has competed successfully to be named as the candidate site for the ACE project. The City has entered into a Purchase and Sale Agreement to purchase the subject Agilent property for \$5.5 million, in order to transfer the property for ACE. This action appropriates for the purchase, as well as for environmental insurance, closing costs and short-term operations. The Mayor opened the public hearing at 10:56p.m. Hearing no comments, the Mayor closed the public hearing at 10:56 p.m. Councilor McEwen made a motion to approve and ordered published on first reading "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE PURCHASE OF REAL ESTATE AND WATER RIGHTS (FORMER AGILENT PROPERTY). Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**ADJOURNMENT** Having no further business to come before Council, the May 10, 2011 Special Meeting was adjourned at 11:11 p.m.

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Jeannie M. Weaver, Deputy City Clerk

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Cecil A. Gutierrez, Mayor

**CALL TO ORDER** Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, Rice, McEwen, Johnson, Shaffer and Solt.

**PROCLAMATION** Councilor McKean read a proclamation declaring June 7, 2011, as "National Trails Day". The proclamation was received by Parks & Recreation Planner Janet Meisel-Burns. She also announced the grand opening of the underpass on N. Hwy 287 will be held June 7, 2011 at 4:15 p.m.

**PROCLAMATION**

**WHEREAS** the City of Loveland recognizes the importance of recreation and active living by providing opportunities for walking, biking and enjoying the outdoors and  
**WHEREAS** the City started the development of the recreation trail system in 1990 and over the last 21 years has constructed 17.5 miles of trail; and  
**WHEREAS** More than 280,000 people used the City of Loveland trail system in 2010; and  
**WHEREAS** the City received more than \$600,000 in Federal funding for the new underpass at North US 287 and 64th Street to improve safety and connectivity of the trail system and the City has spent Conservation Trust (Colorado Lottery) dollars to fund the construction of the trail system; and  
**WHEREAS** To recognize the significance of the City recreation trail system and the American Hiking Society's National Trails Day annual trail awareness program to celebrate the 200000+ miles of trails in our country.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim that June 7, 2011

**NATIONAL TRAILS DAY**

in Loveland, Colorado, and in so doing, urges all citizens to join in a national celebration to protect healthy living, encourage the protection of outdoor spaces and educate adults and youth on the importance of trails.

Signed this 17th day of May, 2011

Cecil A. Gutierrez,  
Mayor

**PROCLAMATION** Councilor Klassen read a proclamation declaring May 15, 2011 as "Peace Officers' Memorial Day". The proclamation was received by Sgt Phil Metzler.

**PROCLAMATION**

**WHEREAS** The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and

**WHEREAS** the members of the law enforcement agency of the Loveland Police Department play an essential role in safeguarding the rights and freedoms of the City of Loveland; and

**WHEREAS** it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

**WHEREAS** the men and women of the law enforcement agency of Loveland Police Department unceasingly provide a vital public service;

NOW, THEREFORE, we, the City Council of the City of Loveland, call upon all citizens of Loveland and upon all patriotic, civil and educational organizations to observe the week of May 15-21, 2011, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their

communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

We further call upon all citizens of Loveland to observe Sunday, May 15th, as

**PEACE OFFICERS' MEMORIAL DAY**

in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, I have hereunto set my hand and caused the Seal of Loveland to be affixed.

Signed this 17th day of May, 2011

Cecil A. Gutierrez  
Mayor

**PRESENTATION**

Larimer County Sheriff Justin Smith introduced himself to Council and confirmed the commitment between the Sheriff's department and the City of Loveland.

**PRESENTATION**

Vaughn Baker, from Rocky Mountain National Park provided a spring park update.

**PROCEDURAL  
INFORMATION**

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

**CONSENT AGENDA**

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Councilor Johnson moved to approve the Consent Agenda. The motion was seconded by Councilor McEwen and a roll call vote was taken with all councilors present voting in favor thereof.

**1. MINUTES**

- a) Minutes for the April 26, 2011 special meeting were approved.
- b) Minutes for the April 26, 2011 study session were approved.
- c) Minutes for the May 3, 2011 regular meeting were approved.

**2. POLICE**

**Municipal Code Amendment - Panhandling  
Ordinance #5584**

Legislative Action: "AN ORDINANCE AMENDING CITY CODE SECTION 9.30.030 CONCERNING PANHANDLING AND SOLICITATIONS ON OR NEAR PUBLIC STREETS AND HIGHWAYS" was approved and ordered published on second reading.

**3. PUBLIC WORKS**

**Contract Amendment #2 – City Property N. Taft Avenue  
Ordinance #5585**

Administrative Action: "AN ORDINANCE APPROVING AMENDMENT NUMBER TWO TO CONTRACT TO BUY AND SELL CITY PROPERTY LOCATED AT 905, 915, 925, 933 AND 935 N. TAFT AVENUE" was approved and ordered published on second reading.

#### **4. CITY MANAGER**

##### **Appointment to North Front Range Metropolitan Organization Air Quality Technical Committee**

**Motion** Administrative Action: A motion to appoint Irene Fortune as the City of Loveland representative to the North Front Range Air Quality Technical Committee was approved.

#### **5. WATER & POWER**

##### **Appointment to Platte River Power Authority Board of Directors**

**Motion** Administrative Action: A motion appointing Steve Adams to serve as the appointed director from Loveland on the Platte River Power Authority Board of Directors commencing May 18, 2011 and expiring December 31, 2013, and authorizing the Mayor to sign the Mayor's Certificate confirming the appointment of a director to Platte River Power Authority was approved.

#### **6. DEVELOPMENT SERVICES**

##### **Municipal code Amendment Title 6 Animals**

**1<sup>st</sup> Rdg Ord & P.H.** Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 6 OF THE LOVELAND MUNICIPAL CODE REGARDING ANIMALS BY ADDING A NEW SECTION 6.16.170 TO REQUIRE PROPER TETHERING OF ANIMALS AND A NEW SUBSECTION G. TO SECTION 6.20.010 TO REQUIRE ADEQUATE FENCING FOR ANIMALS" was approved and ordered published on first reading.

#### **7. DEVELOPMENT SERVICES**

##### **Petition for Annexation Motorplex Entry Addition**

**Resolution #R-30-2011** Legislative Action: Resolution #R-30-2011 finding a certain Petition for Annexation known as Motorplex Entry Addition, filed April 28, 2011, to be in substantial compliance with Section 30 of Article II of the Colorado Constitution and with the Requirements of §31-12-107(1), C.R.S.; and establishing a Date, Time, and Place for a hearing to determine whether the proposed annexation complies with the applicable requirements of Sections 31-12-104 and 31-12-105, C.R.S., and is eligible for annexation to the City of Loveland, Colorado was approved.

##### **RESOLUTION #R-30-2011**

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS MOTORPLEX ENTRY ADDITION, FILED APRIL 28, 2011, TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 30 OF ARTICLE II OF THE COLORADO CONSTITUTION AND WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S.; AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on April 28, 2011, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with Section 30 of Article II of the Colorado Constitution and the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:



(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys;

(b) That said Petition requests the City of Loveland to annex said area; and

(c) That said Petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for June 21, 2011, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies Section 30 of Article II of the Colorado Constitution and with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This Resolution shall become effective on the date and at the time of its adoption.

APPROVED the 17th day of May, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

## **8. PARKS & RECREATION**

### **Residential Lease Agreements**

#### **Resolution #R-31-2011**

Administrative Action: Resolution #R-31-2011 approving residential lease agreements with Adam Clark and Greg Hays was approved.

#### **RESOLUTION #R-31-2011**

A RESOLUTION APPROVING RESIDENTIAL LEASE AGREEMENTS WITH ADAM CLARK AND GREG HAYS

WHEREAS, the City of Loveland owns a house located at 1211 D. Big Thompson Canyon, Loveland, Colorado 80537 (the "Park House") on the grounds of the City of Loveland Viestenz-Smith Mountain Park (the "Park"); and

WHEREAS, the City of Loveland also owns a house located at 1702 North Cleveland, Loveland, Colorado 80538 (the "Cemetery House") on the grounds of the City's Loveland Burial Park (the "Cemetery"); and

WHEREAS, the City desires to lease the Park House to Adam Clark ("Clark"), a City employee working for the Parks & Recreation Department whose job site is located at the Park and for whom residence in the Park House is a condition of employment; and

WHEREAS, the City desires to lease the Cemetery House to Greg Hays ("Hays"), a City employee working for the Parks & Recreation Department whose job site is located at the Cemetery and for whom residence in the Cemetery House is a condition of employment; and

WHEREAS, the City has negotiated a Residential Lease Agreement with Clark (the "Park House Lease") and a Residential Lease Agreement with Hays (the "Cemetery House Lease") whereby the City will lease to and Clark and Hays will lease from the City, the Park House and the Cemetery House, respectively, on a month-to-month basis for so long as Clark and Hays are each employed by the City in their respective positions, unless is terminated by either party in accordance therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Park House Lease to Clark attached hereto as Exhibit A and incorporated herein by reference is hereby approved.

Section 2. That the Cemetery House Lease to Hays attached hereto as Exhibit B and incorporated herein by this reference is hereby approved.

Section 3. That the City Manager is authorized, following consultation with the City Attorney, to modify the Park House Lease and the Cemetery House Lease, in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 4. That the City Manager and the City Clerk are hereby authorized and directed to execute the Park House Lease and the Cemetery House Lease on behalf of the City of Loveland.

Section 5. That in accordance with C.R.S. § 24-18-201, Clark shall execute and deliver to the City Council a disclosure notice as set forth in Exhibit B of the Park House Lease concurrently with Clark's execution of the Park House Lease.

Section 6. That in accordance with C.R.S. § 24-18-201, Hays shall execute and deliver to the City Council a disclosure notice as set forth in Exhibit B of the Cemetery House Lease concurrently with Hays' execution of the Cemetery House Lease.

Section 7. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 17th day of May, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibits A and B are available in the City Clerk's Office

## **9. AIRPORT**

### **CH2M Hill, INC CONTRACT AMENDMENT #13**

#### **Motion**

Administrative Action: A motion approving Amendment No. 13 to contract between CH2M Hill, Inc and the Cities of Loveland and Fort Collins for construction management services for the runway 15.33 rehabilitation and runway safety area improvements AIP 3-08-0023-29 at the Fort Collins-Love3land Municipal Airport, and authorizing the City Manager to execute Amendment No. 13 was approved.

## **10. PUBLIC WORKS**

### **Supplemental Appropriation Traffic Signal Updates**

#### **1<sup>st</sup> Rdg Ord & P.H.**

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR TRAFFIC SIGNAL UPGRADES IN THE US 34, WILSON AVENUE, AND TAFT AVENUE CORRIDORS" was approved and ordered published on first reading.

## **11. PUBLIC WORKS**

### **Message Signage and Traffic Signal Improvements**

#### **1) Resolution #R-32-2011**

Administrative Action: Resolution #R-32-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the Colorado Department of Transportation for variable message signage in I-25 / US 34 and the I-25 / Crossroads areas was approved.

#### **RESOLUTION #R-32-2011**

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR VARIABLE MESSAGE SIGNAGE IN I-25/US 34 AND THE I-25/CROSSROADS AREAS

WHEREAS, the City of Loveland desires to the install variable message signage improvements in the I-25 / US 34 and I-25 / Crossroads areas in Loveland (the "Project"), which is to be funded by federal-aid funds administered and made available through the State of Colorado, acting through the Colorado Department of Transportation ("CDOT"); and

WHEREAS, federal-aid funds are available for the Project in the amount of \$370,000; and

WHEREAS, the City and CDOT desire to enter into an intergovernmental agreement, a copy of which is attached hereto Exhibit A and incorporated herein by this reference (the "Agreement"), to define the division of responsibilities with regard to the Project; and

WHEREAS, as governmental entities in Colorado, the City of Loveland and CDOT are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Intergovernmental Agreement in the form substantially similar to that attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and the City Manager is authorized, following consultation with

the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City

Section 2. That the City Manager and the City Clerk are authorized and directed to execute the Contract on behalf of the City.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 17th day of May, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- 2) Resolution #R-33-2011** Administrative Action: Resolution #R-33-2011 approving an Intergovernmental Agreement between the City of Loveland, Colorado and the Colorado Department of Transportation for traffic responsive signal timing improvements in the I-25 / US 34 and Crossroads / Centerra areas was approved.

RESOLUTION #R-33-2011

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND THE COLORADO DEPARTMENT OF TRANSPORTATION FOR TRAFFIC RESPONSIVE SIGNAL TIMING IMPROVEMENTS IN THE I-25/US34 AND CROSSROADS/CENTERRA AREAS

WHEREAS, the City of Loveland desires to the install traffic responsive signal timing plans and improvements in the I-25 / US 34 and Crossroads Boulevard/Centerra areas in Loveland (the "Project"), which is to be funded by federal-aid funds administered and made available through the State of Colorado, acting through the Colorado Department of Transportation ("CDOT"); and

WHEREAS, federal-aid funds are available for the Project in the amount of \$130,000; and

WHEREAS, the City and CDOT desire to enter into an intergovernmental agreement, a copy of which is attached hereto Exhibit A and incorporated herein by this reference (the "Agreement"), to define the division of responsibilities with regard to the Project; and

WHEREAS, as governmental entities in Colorado, the City of Loveland and CDOT are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Intergovernmental Agreement in the form substantially similar to that attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and the City Manager is authorized, following consultation with the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City

Section 2. That the City Manager and the City Clerk are authorized and directed to execute the Contract on behalf of the City.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 17th day of May, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

- 3) 1<sup>st</sup> Rdg Ord & P.H.** Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR INSTALLATION OF VARIABLE MESSAGE SIGNAGE AND TRAFFIC RESPONSIVE SIGNAL TIMING PLANS AND IMPROVEMENTS" was approved and ordered published on first reading.

## **12. PUBLIC WORKS**

### **Supplemental Appropriation - Improvements to Transit Center & Bus Replacement**

1<sup>st</sup> Rdg Ord & P.H.

Administrative Action: A public hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR IMPROVEMENTS TO THE ORCHARDS REGIONAL TRANSIT CENTER AND THE REPLACEMENT AND RETROFIT OF ONE BUS WITH LIGHTNING HYBRID" was approved and ordered published on first reading.

## **13. WATER & POWER**

### **Municipal Code Amendment – Commercial Wastewater Charge**

1<sup>st</sup> Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 13.08.100 CONCERNING THE WASTEWATER CHARGE AND AUTHORIZING A REFUND TO CERTAIN NONRESIDENTIAL WASTEWATER CUSTOMERS WHO RECEIVE METERED WATER SERVICE FROM NON-CITY PROVIDERS" was approved and ordered published on first reading.

## **14. DEVELOPMENT SERVICES**

### **Fee Waivers for Food Bank for Larimer County**

Resolution #R-34-2011

Administrative Action: Resolution #R-34-2011 waiving certain development fees for construction of the tenant finish at the Food Bank for Larimer County facility located at 2600 N. Lincoln Avenue in Loveland, Colorado was approved.

#### RESOLUTION #R-34-2011

A RESOLUTION WAIVING CERTAIN DEVELOPMENT FEES FOR CONSTRUCTION OF THE TENANT FINISH AT THE FOOD BANK FOR LARIMER COUNTY FACILITY LOCATED AT 2600 N. LINCOLN AVENUE IN LOVELAND, COLORADO

WHEREAS, the Food Bank for Larimer County has requested the waiver of certain City-imposed development fees for construction of the tenant finish at its facility located at 2600 N. Lincoln Avenue in Loveland, Colorado, legally described as Lot 2, Block 1, Ferrero 1st Addition, Amended Lots 1 & 2, Block 1, City of Loveland, County of Larimer, State of Colorado (the "Facility"), construction of which is to begin in 2011; and

WHEREAS, Section 16.38.075 of the Loveland Municipal Code provides that the City Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the City upon new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed will provide not-for-profit facilities open to Loveland area residents that might otherwise be provided by the City at taxpayer expense, that such facilities relieve the pressures of growth on City-provided facilities, and that such facilities do not create growth or growth impacts; and

WHEREAS, the Food Bank of Larimer County is willing and able to enter into a development agreement with the City whereby it will construct the tenant finish at the Facility; and

WHEREAS, the City Council finds that the waiver of development fees that will result from adoption of this Resolution will provide a not-for-profit facility open to Loveland area residents that might otherwise be provided by the City at taxpayer expense, and that such facility relieves the pressures of growth on City-provided facilities and does not create growth or growth impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That development fees, including without limitation all building permit fees, plan review fees, and any and all other fees due and payable between permit application and final certificate of occupancy (excluding capital expansion fees, system impact fees, raw water fees, tap fees, or any other enterprise fees), in an amount not to exceed \$7,727.04, that are payable to the City for construction of the tenant finish at the Facility are hereby waived.

Section 2. That pursuant to Section 16.38.075, no reimbursement to the capital expansion fund or any enterprise fund by the general fund is necessary because the development fees waived in Section 1 above do not include capital expansion fees, system impact fees, raw water fees, tap fees, or any other enterprise fees.

Section 3. That the fee waiver set forth in Section 1 above is conditioned upon the City, through its City Manager, and the Food Bank for Larimer County entering into a development agreement, which agreement shall provide for the waiver

of said fees in an amount not to exceed \$7,727.04 in exchange for construction of the tenant finish at the Facility, as well as such other conditions as the City Manager deems necessary.

Section 4. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 17th day of May, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

## END OF CONSENT AGENDA

## CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

### CITY COUNCIL

#### a) Citizens' Reports

Ralph Trenary, Chair of the Citizens' Financial Advisory Commission (CFAC), spoke to Council on the relationship between the 2010 Quality of Life Survey and the 2011 Financial Sustainability Forums. His key points were: Reduction in public safety and infrastructure services and/or quality of the existing infrastructure should be exempt from budget reduction, but under current circumstances not necessarily receive any increase in their current budget levels. Do not reduce the City's focus on economic development. Increase the recovery of Planning Department Costs, eliminate/reduce/shorten the period of sales tax "breaks", and considerate a moderate increase in those fees that provide revenue for the General Fund. Beyond these, there is nothing to suggest that the CFAC proposals summarizing the results of the Forums and the FSCS that have been previously presented to Council should be amended.

#### b) Business from Council

Johnson

Councilor Johnson stated there are a number of openings on Loveland's Board and Commissions. The last day to apply is May 27th.

Shaffer

Councilor Shaffer mentioned she would not be in attendance at the May 24<sup>th</sup> Special Meeting and Study Session.

Gutierrez

Mayor Gutierrez mentioned he attended a number of functions over the past few weeks.

#### c) City Manager Report

None

#### d) City Attorney Report

None

### PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

## REGULAR AGENDA

### CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

#### 15. DEVELOPMENT SERVICES

##### MUNICIPAL CODE AMENDMENT OFF-TRACK BETTING FACILITIES

1<sup>ST</sup> Rdg Ord & P.H.

Legislative Action: City Planner Kerri Burchett introduced this item to Council. This item is a legislative action to adopt an ordinance on first reading amending Title 18 relating to off-track betting facilities. The proposed code amendment for off-track betting facilities provides a definition, clarifies what zone districts the use is permitted and establishes parameters under which the use is considered a use by right or a use by special review. An off-track betting facility is generally defined as a business that accepts wagers on horse and greyhound races away from a racetrack. The use is licensed and regulated by

the State's Division of Gaming and the Colorado Racing Commission. The Planning Division has recently received inquiries regarding the establishment of such a facility within the City. As the Municipal Code is silent with respect to this land use, the codification of the use is necessary. The Planning Commission conducted a public hearing on April 25, 2011 and is recommending approval of the amendment by a vote of 7 to 2. The Mayor opened the public hearing at 7:23 p.m. and hearing no comments closed the hearing at 7:24 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE TO ALLOW FOR OFF-TRACK BETTING FACILITIES IN CERTAIN DISTRICTS WITHIN THE CITY OF LOVELAND". Councilor Klassen seconded the motion. Councilor Shaffer moved to amend the Ordinance by having the Special Review Use be required for any Off-Track Betting application. Councilor Heckel seconded the motion and a roll call vote was taken with seven Councilors voting in favor and Councilors Solt and McEwen voting against. A roll call vote was taken on the original motion as amended by Council, with five Councilors present voting in favor and Councilors Gutierrez, Shaffer, Solt and McEwen voting against. The motion as amended passed.

## **16. DEVELOPMENT SERVICES**

### **Loveland Classical School**

#### **1<sup>st</sup> Rdg Ord & P.H.**

Legislative Action: City Planner Troy Bliss introduced this item to Council. Also present were Dustin Jones, charter school consultant, Tamara Cramer associated with the charter school and City Engineer Dave Klockeman. This item is a legislative action for adoption of an ordinance on first reading to amend The Church at Loveland Addition Annexation Agreement. The agreement pertains to a property located north of 14th Street S.W. between Angora Drive and South County Road 21 west of South Wilson Avenue at 3835 14th Street S.W. The property is approximately 5.9 acres in size and zoned B – Developing Business. The current use on the property is the Church at Loveland. The applicant is Loveland Classical School represented by Tamara Cramer. The owner of the property is CDF Holdings, LLC. The Mayor opened the public hearing at 7:55 p.m. Ron McCrimmon, vicinity property owner, spoke in opposition. Heather Jackson, spoke in support. Shelly McCrimmon spoke in opposition. Rhonda James, vicinity property owner, spoke in support. Rebecca Paulia, spoke in support. Rob McCrimmon spoke in opposition. Brandi Dill spoke in support. Andrew Gilmer spoke in support. Josh Reynolds spoke in support. The Mayor closed the hearing at 8:22 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO". Councilor Klassen seconded the motion and a roll call vote was taken with eight Councilors present voting in favor and Councilor Shaffer voting against.

## **17. CITY MANAGER'S OFFICE**

### **Annual Inflation Increases in Capital Expansion Fees**

#### **1<sup>st</sup> Rdg Ord & P.H.**

Administrative Action: Executive Fiscal Advisor Alan Krcmarik introduced this item to Council. This is an administrative action to consider an ordinance on first reading to repeal Ordinance No. 5540. Ordinance No. 5540 suspended the annual inflation increases to the capital expansion fees for 2011 pending the outcomes of a public comment process that was completed in April, 2011. The inflationary increases based on the construction cost index would have been 8.62%. Based on the suspension there was no increase in capital expansion fees for 2011. If this Ordinance is approved by a majority of Council, the fee increases would be effective beginning July 1, 2011. The

Mayor asked staff to look at the Capital Expansion Fee levels for the Police Range and Fire Station. The City Manager stated staff would look at devising methods for new growth to pay for operation and maintenance in 2012. The Mayor opened the public hearing at 9:21 p.m. Ann Harroun, 3321 Apple Ave, spoke in support. Bob Massaro, 4250 Terrell, spoke in support. The Mayor closed the hearing at 9:26 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE REPEALING ORDINANCE NO. 5540 WHICH SUSPENDED THE ANNUAL INFLATION INCREASES IN CAPITAL EXPANSION FEES PURSUANT TO SECTION 16.38.110 OF THE LOVELAND MUNICIPAL CODE FOR 2011" Councilor Rice seconded the motion and a roll call vote was taken with five Councilors present voting in favor and Councilors Klassen, Heckel, Johnson, and Rice voting against. The motion passed.

#### **18. CITY MANAGER**

##### **Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park**

Discussion was held regarding details of the ACE project. Council took no action at this meeting.

#### **19. HUMAN RESOURCES**

##### **Annual Evaluation Redevelopment Process**

###### **Motion**

Administrative Action: Human Resources Director Julia Garcia introduced this item to Council. This is an administrative action to discuss and receive direction from Council regarding the annual performance evaluation redevelopment process used for appointed City officials. Councilor Johnson made a motion to appoint Councilor Johnson and Councilor Rice to a subcommittee along with Mayor Gutierrez to develop a new evaluation process for appointed City officials. Councilor McEwen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

#### **20. HUMAN RESOURCES**

##### **Executive Session for the purpose of discussing the City Manager's six month evaluation and discussion of lump sum merit distributions**

At 10:45 p.m. Councilor Johnson moved for City Council to go into an executive session as authorized in CRS Sections 24-6-402(4)(f) and (4)(g) and in Loveland Charter Sections 4-4<sup>©</sup>(5) and <sup>©</sup>(6) for the purposes of considering the City Manager's 6-month evaluation and lump-sum merit payments to the Municipal Judge and City Attorney for their 2010 performance and, in connection with these purposes, to receive and discuss documents not subject to public inspection under the Colorado Open Records Act, such as work-product documents. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof. Council reconvened at 10:57 p.m.

#### **21. HUMAN RESOURCES**

##### **Lump Sum Merit Distributions**

Administrative Action: Human Resources Director Julia Garcia introduced this item to Council. This is an administrative action to approve the distribution of lump sum merit payments based on performance for the City Attorney and Municipal Judge.

###### **a) Resolution #R-35-2011**

Councilor Johnson made a motion to approve Resolution #R-35-2011 of the Loveland City Council regarding the compensation of the City Attorney giving the City Attorney a one-time merit based payment of 2.5% of the City Attorney's current annual salary. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-35-2011

A RESOLUTION OF THE LOVELAND CITY COUNCIL REGARDING THE COMPENSATION OF THE CITY ATTORNEY

WHEREAS, on April 23, 2001, the City of Loveland ("the City") and John Duval entered into an Agreement appointing John Duval ("Duval") as Loveland's City Attorney effective May 8, 2001 (the "Agreement"); and

WHEREAS, on March 2, 2004, the City and Duval entered into that certain "First Addendum to Employment Agreement" (the "First Addendum") in which paragraph 6.B. of the Agreement was amended to provide a severance payment after Duval's initial three years of employment with the City; and

WHEREAS, in January of 2005, the City and Duval entered into that certain "Second Addendum to Employment Agreement" (the "Second Addendum") in which paragraph 4.B. of the Agreement was amended to provide that the City's contribution to Duval's 401a plan was increased from two and one-half percent (2.5%) of Duval's annual salary to three percent (3%) of Duval's annual salary; and

WHEREAS, on March 3, 2009 City Council adopted Resolution #R-20-2009 increasing the compensation of Duval based on its annual evaluation of Duval in his capacity as City Attorney; and

WHEREAS, on November 3, 2009, City Council adopted Resolution #R-107-2009 that decreased the compensation of Duval through the use of four furlough days based on the economic downturn and to be consistent with the 2010 budget which reduced pay to most city employees through the implementation of four furlough days; and

WHEREAS, on December 7, 2010, City Council adopted Resolution #R-107-2009 that increased Duval's vacation benefits by 5 days annually and increased the annual maximum vacation accrual carryover from 480 hours to 520 hours, as reflected in the "Third Addendum to Employment Agreement" (the "Third Addendum") and excluded furlough days from Duval's compensation; and

WHEREAS, on May 3, 2011, City Council adopted ordinances providing for an employee merit-based recognition program due to the positive 2010 General Fund budget performance and now undertakes consideration of a similar increase in compensation for the City Attorney; and

WHEREAS, the City and Duval desire to amend the Agreement as previously amended by the First Addendum, Second Addendum, and Third Addendum to increase Duval's compensation for 2011 with a one-time, merit-based payment of 2.5 percent (2.5%) of Duval's current annual base salary as reflected in the "Fourth Addendum to Employment Agreement" (the "Fourth Addendum") attached hereto as Exhibit A and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO that:

Section 1. The Fourth Addendum is hereby approved and the Mayor is authorized to enter into the Fourth Addendum on behalf of the City to increase Duval's compensation for 2011 with a one-time merit-based payment of 2.5 percent (2.5%) of Duval's current annual base salary.

Section 2. Except as amended by this Resolution and the First Addendum, Second Addendum, and Third Addendum, Duval's compensation and benefits as set forth in the Agreement shall remain unchanged and in full force and effect.

Section 3. That the Agreement, as amended by the First Addendum, Second Addendum, Third Addendum and Fourth Addendum is hereby reaffirmed and ratified.

Section 4. Adequate cash reserves have been and shall be placed irrevocably in the City budget to be held for any severance payment made necessary pursuant to the terms of the Agreement.

Section 5. This Resolution shall take effect on the date and at the time of its adoption.

ADOPTED this 17<sup>th</sup> day of May, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

**b) Resolution #R-36-2011**

Councilor Johnson made a motion to approve Resolution #R-36-2011 of the Loveland City Council regarding the compensation of the Municipal Judge giving the Municipal Judge a one-time merit based payment of 1.75% of the Municipal Judge's current annual salary. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.



RESOLUTION #R-36-2011

A RESOLUTION OF THE LOVELAND CITY COUNCIL REGARDING THE COMPENSATION OF THE MUNICIPAL JUDGE

WHEREAS, on February 2, 1999, the City of Loveland (the "City") and William E. Starks ("Starks") entered into an agreement appointing Starks as Loveland's Municipal Judge for a two-year term effective February 15, 1999; and

WHEREAS, on February 20, 2001, the City and Starks entered into a second agreement reappointing Starks as Loveland's Municipal Judge for a second two-year term effective February 15, 2001 (the "Agreement"); and

WHEREAS, on February 4, 2003, the City and Starks entered into that certain "Addendum to Employment Agreement" (the "First Addendum") amending the Agreement to reflect Starks' reappointment for a third two-year term effective February 15, 2003; and

WHEREAS, in January of 2005, the City and Starks entered into that certain "Second Addendum to Employment Agreement" (the "Second Addendum") amending the Agreement to reflect Starks' reappointment for a fourth two-year term effective February 15, 2005; and

WHEREAS, on February 6, 2007, the City Council adopted Resolution #R-7-2007 reappointing Starks to a fifth two-year term effective February 15, 2007 as reflected in the "Third Addendum to Employment Agreement" which the City and Starks have entered into (the "Third Addendum"); and

WHEREAS, on February 17, 2009, the City Council adopted Resolution #R-13-2009 reappointing Starks to a sixth two-year term effective February 15, 2009 as reflected in the "Fourth Addendum to Employment Agreement" which the City and Starks have entered into (the "Fourth Addendum"); and

WHEREAS, on March 3, 2009 the City Council adopted Resolution #R-19-2009 increasing the compensation of Starks based on its annual evaluation of Starks in his capacity as Municipal Judge; and

WHEREAS, on November 3, 2009, the City Council adopted Resolution #R-106-2009 that decreased the compensation of Starks through the use of four furlough days based on the economic downturn and to be consistent with the 2010 budget which reduced pay to most city employees through the implementation of four furlough days; and

WHEREAS, on December 7, 2010, City Council adopted Resolution #R-68-2010 reappointing Starks to a seventh two-year term effective February 15, 2011, as reflected in the "Fifth Addendum to Employment Agreement" (the "Fifth Addendum") and excluded furlough days from Starks' compensation; and

WHEREAS, on May 3, 2011, City Council adopted ordinances providing for an employee merit-based recognition program due to the positive 2010 General Fund budget performance and now undertakes consideration of a similar increase in compensation for the Municipal Judge; and

WHEREAS, the City and Starks desire to amend the Agreement as previously amended by the First Addendum, Second Addendum, Third Addendum, Fourth Addendum, and Fifth Addendum to increase Starks' compensation for 2011 with a one-time, merit-based payment of 1.75 percent (1.75%) of Starks' current annual base salary as reflected in the "Sixth Addendum to Employment Agreement" (the "Sixth Addendum") attached hereto as Exhibit A and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, that:

Section 1. The Sixth Addendum is hereby approved and the Mayor is authorized to enter into the Sixth Addendum on behalf of the City to increase Starks' compensation for 2011 with a one-time, merit-based payment of 1.75 percent (1.75%) of Starks' current annual base salary.

Section 2. That the Agreement, as amended by the First Addendum, Second Addendum, Third Addendum, Fourth Addendum, Fifth Addendum and Sixth Addendum is hereby reaffirmed and ratified.

Section 3. Except as amended by this Resolution and the Sixth Addendum, Starks' compensation and benefits as set forth in the Agreement and Resolution #R-19-2009 shall remain unchanged and in full force and effect.

Section 4. This Resolution shall take effect on the date and at the time of its adoption.

ADOPTED this 17<sup>th</sup> day of May, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

May 24, 2011 Special Meeting

**Motion**

Councilor Johnson moved to start the May 24, 2011 special meeting (called at the May 3, 2011 Regular Meeting) at 6:00 pm with an Executive Session to consider the City Manager's six month evaluation. Councilor McKean seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

**ADJOURNMENT**

Having no further business to come before Council, the May 17, 2011 Regular Meeting was adjourned at 11:14 p.m.

Respectfully Submitted,

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Teresa G. Andrews, City Clerk

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Cecil A. Gutierrez, Mayor



**CITY OF LOVELAND**  
CITY MANAGER

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 2  
**MEETING DATE:** June 7, 2011  
**TO:** City Council  
**FROM:** City Manager's Office  
**PRESENTER:** Bill Cahill

**TITLE:**  
Appointment to Youth Advisory Commission

**DESCRIPTION:**  
This is an Administrative Item recommending appointments of members to the Youth Advisory Commission.

**BUDGET IMPACT:**  
 Yes  No

On May 21, 2011, four of the current **Youth Advisory Commission** ("YAC") members will graduate from high school. Additionally, one member will turn 21 this summer and will not be eligible anymore. Interviews were conducted by Jenni Dobson (staff liaison) and some current commissioners on April 13 and 15, 2011 to fill these vacancies. YAC would also like to reappoint commissioners and alternates who are not graduating or leaving. YAC has 12 total voting commissioners and four alternates. YAC recommends the following for appointment or reappointment as members and alternates for June, 2011 through May, 2012.

**Reappoint as YAC Commissioners**

Hope Skeen  
Alisha Wolfe  
Natalie Howard  
Erik Trenary  
Alison Geroche  
Emily Erickson  
Aimee Molloy

**Appoint as YAC Alternates**

Dylan Crescibene  
Alvin Perry  
Andrew Woodward  
Michal Bower

**Appoint as YAC Commissioners**

Logan Peiffer  
Wesley Walton  
Mallory Leach  
Reid Maynard  
Mary Askham

**LIST OF ATTACHMENTS:**

None

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**RECOMMENDED CITY COUNCIL ACTION:**

Motion to accept the appointment and reappointment of the mentioned to commissioners and alternates to the Youth Advisory Commission for terms effective June 1, 2011 through May 31, 2012.

**REVIEWED BY CITY MANAGER:**



**CITY OF LOVELAND**  
CITY MANAGER'S OFFICE

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**AGENDA ITEM:** 3  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** City Manager  
**PRESENTER:** Bill Cahill

---

**TITLE:**

A Resolution Amending the Scheduled Meeting Dates for the Youth Advisory Commission

**DESCRIPTION:**

This is an Administrative Item requesting the amendment of scheduled meeting dates for the Youth Advisory Commission

**BUDGET IMPACT:**

Yes  No

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**SUMMARY:**

From the minutes of the May 4, 2011 Youth Advisory Commission meeting:

"The Youth Advisory Commission is a unique board for the City in that members who make up the board are middle school and high school students, who have summers off, in which they travel and get jobs. Therefore, meeting a quorum during the summer months is difficult.

The Youth Advisory Commission, at their May 4 meeting, motioned and approved 12-0 to change the meeting dates of the commission to occur every Wednesday during the school year and to not occur during the summer months of June, July, and August."

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**LIST OF ATTACHMENTS:**

Resolution

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**RECOMMENDED CITY COUNCIL ACTION:**

Motion to approve a Resolution Amending the Scheduled Meeting Dates for the Youth Advisory Commission.

**REVIEWED BY CITY MANAGER:**

**RESOLUTION #R-38-2011**

**A RESOLUTION AMENDING THE SCHEDULED MEETING DATES FOR THE YOUTH ADVISORY COMMISSION**

**WHEREAS**, on December 7, 2010, the City Council adopted Resolution #R-67-2010 setting the 2011 meeting dates for the City’s Boards and Commissions; and

**WHEREAS**, on May 4, 2011, the Youth Advisory Commission (“YAC”) adopted a motion recommending that the City Council change the YAC’s meeting dates from the first Wednesday of every month to the first Wednesday of each month during the months of September through May, with no meetings in June, July, or August.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the meeting dates adopted in Resolution #R-67-2010 are hereby amended to change the YAC’s meeting dates from the first Wednesday of every month, to the first Wednesday of each month during the months of September through May, with no meetings in June, July, or August.

**Section 2.** That except as amended by this Resolution, Resolution #R-67-2010 shall remain in full force and effect.

**Section 3.** That pursuant to City Code Section 2.14.020B, the City Clerk is directed to publish the revised meeting dates established by this Resolution within seven days after the date of this Resolution to be published in a newspaper of general circulation in the City and in addition post such notice of revised meeting dates in a conspicuous place in the City Municipal Building.

**Section 4.** That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 7<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney



**CITY OF LOVELAND**  
**PUBLIC WORKS DEPARTMENT**  
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
 (970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

**AGENDA ITEM:** 4  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Keith Reester, Director, Public Works Department  
**PRESENTER:** David Klockeman, City Engineer

**TITLE:**

Consideration of an Ordinance on Second Reading Enacting A Supplemental Budget And Appropriation To The 2011 City Of Loveland Budget For Traffic Signal Upgrades In The US 34, Wilson Avenue, And Taft Avenue Corridors

**DESCRIPTION:**

This is an administrative action for consideration of an ordinance on second reading. The ordinance appropriates additional funding from a federal Congestion Mitigation and Air Quality (CMAQ) grant for traffic signal equipment Upgrades along the US 34, Wilson Avenue and Taft Avenue Corridors in Loveland. The Contract between the City of Loveland and CDOT was approved by City Council at the December 7, 2010 Meeting. The original grant of \$120,000 was for the US 287 corridor and the supplement was approved by Council on Second Reading at the February 1, 2011 meeting. The additional funding in this supplemental budget and appropriation request is \$125,000, bringing the total federal funds for this project to \$245,000. The ordinance was approved on first reading at the May 17, 2011 City Council meeting.

**BUDGET IMPACT:**

Yes  No

The funding is from Federal grants. This grant only requires in-kind contributions for the installation of the traffic signal upgrades and other associated work.

**SUMMARY:**

Under the previously approved agreement, CDOT agreed to reimburse the City of Loveland up to \$120,000 for the purchase of traffic signal controllers for all traffic signal locations and mesh radios (traffic signal communications equipment) which will provide communication for those locations not already connected via fiber-optic to the City's Traffic Operations Center for the US 287 Corridor in Loveland. The additional funding of \$125,000 included in this supplemental



budget and appropriation request allows for similar work to be completed on the US 34, Wilson Avenue and Taft Avenue corridors. The installation, programming and retiming of the signals will be performed by City Traffic Division personnel as an in-kind contribution. This work will be completed in 2011.

After adoption of the ordinance on second reading, the City Manager will execute an amendment to the previously approved CDOT agreement

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**LIST OF ATTACHMENTS:**

1. An Ordinance Enacting A Supplemental Budget And Appropriation To The 2011 City Of Loveland Budget For Traffic Signal Upgrades In The US 34, Wilson Avenue, And Taft Avenue Corridors
- 

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading.

**REVIEWED BY CITY MANAGER:**

**FIRST READING** May 17, 2011

**SECOND READING** June 7, 2011

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR TRAFFIC SIGNAL UPGRADES IN THE US 34, WILSON AVENUE, AND TAFT AVENUE CORRIDORS**

**WHEREAS**, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues in the amount of \$125,000 from a Federal Congestion Mitigation and Air Quality (CMAQ) Grant in the Capital Projects Fund 02 are available for appropriation. These revenues are appropriated for equipment to upgrade traffic signal system controllers in the U.S. 34, Wilson Avenue, and Taft Avenue Corridors. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Capital Projects Fund 02 - Traffic Signal Equipment Upgrades**

<b>Revenues</b>		
002-0270-334-48-00-TS1102	Federal Grants -Traffic Signal Controllers	125,000
<b>Total Revenue</b>		<b>125,000</b>
<b>Appropriations</b>		
002-0270-409-09-40-TS1102	Construction -Traffic Signal Controllers	125,000
<b>Total Appropriations</b>		<b>125,000</b>

**Section 2.** That as provided in City Charter Section 11-5(d), this Ordinance shall be effective upon final adoption.

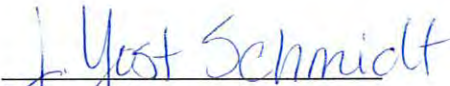
ADOPTED this 7<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
**PUBLIC WORKS DEPARTMENT**  
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
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**AGENDA ITEM:** 5  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Keith Reester, Director, Public Works Department  
**PRESENTER:** David Klockeman, City Engineer

**TITLE:**

Consideration of an ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2011 City of Loveland Budget for Installation of Variable Message Signage and Traffic Responsive Signal Timing Plans and Improvements

**DESCRIPTION:**

This is an administrative action to consider second reading of an ordinance to appropriate federal grant funds for the projects included in the intergovernmental agreements. The ordinance was approved on first reading at the May 17, 2011 City Council meeting.

**BUDGET IMPACT:**

Yes     No

The projects are funded from grant funds. The local match is within the approved budget for the Transportation Capital Program.

**SUMMARY:**

1. CDOT will provide federal funds to the City of Loveland to reimburse it for the costs, up to \$370,000, of the installing back to back variable message signs (VMS) at two median locations to inform regional, multi-modal travelers of roadway conditions or other items that may affect their travel. The two proposed locations are on US 34 east of Centerra Parkway and the second location is on Fairgrounds Avenue just north of Crossroads Boulevard (just south of The Ranch complex). This project is currently in the preliminary planning phase. Construction is planned for late 2011 or early 2012.

Funding Summary:

Federal Funds	\$370,000
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Local Agency Match (required)	\$ 76,914	
Local Over-Matching Funds	<u>\$ 3,086</u>	
Subtotal Local Funds	\$ 80,000	<u>\$ 80,000</u>
Total Project Funds:		\$450,000

2. CDOT will provide federal funds to the City of Loveland to reimburse it for the costs, up to \$130,000 for traffic responsive/interactive signal timing plans and related improvements along 4 miles of roadway and the Interchanges of I-25 / US 34 and I-25 / Crossroads. The roadways included are Crossroads Boulevard, Fairgrounds Avenue / Centerra Parkway, and US 34 with a total of six (6) signalized intersections. The purpose of the project is to reduce travel time through the use of improved technology to automatically adjust the traffic signal system based on real-time conditions. This work will be completed in 2011.

Funding Summary:

Federal Funds		\$130,000
Local Agency Match (required)	\$ 27,024	
Local Over-Matching Funds	<u>\$ 7,976</u>	
Subtotal Local Funds	\$ 35,000	<u>\$ 35,000</u>
Total Project Funds:		\$165,000

3. An ordinance is required to appropriate the Federal Funds as the award of these two projects occurred after the 2011 budget was adopted.
4. The Intergovernmental Agreements will be signed by the City Manager after approval of the ordinance on second reading.

**LIST OF ATTACHMENTS:**

1. An Ordinance Enacting A Supplemental Budget And Appropriation To The 2011 City Of Loveland Budget For Installation Of Variable Message Signage And Traffic Responsive Signal Timing Plans And Improvements

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading.

**REVIEWED BY CITY MANAGER:**

**FIRST READING** May 17, 2011

**SECOND READING** June 7, 2011

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR INSTALLATION OF VARIABLE MESSAGE SIGNAGE AND TRAFFIC RESPONSIVE SIGNAL TIMING PLANS AND IMPROVEMENTS**

**WHEREAS**, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues in the amount of \$500,000 from Federal Congestion Mitigation and Air Quality Grants in the Capital Projects Fund 002 are available for appropriation. Revenues in the total amount of \$500,000 are hereby appropriated for variable message signage and signal timing improvements and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Capital Projects Fund 002 - Transportation Capital Program**

**Revenues**

002-0270-334.48-00-TS1103	Federal Congestion Mitigation Air Quality Grant	370,000
002-0270-334.48-00-TS1002	Federal Congestion Mitigation Air Quality Grant	130,000

**Total Revenue** **500,000**

**Appropriations**

002-0270-409-09-60-TS1103	Construction - Transportation Program - Variable Message Signs	450,000
002-0270-409-09-60-TS1002	Construction - Transportation Program - Interactive Signal Timing	165,000
002-0270-409-09-60-EN0332	Construction - Transportation Program - Miscellaneous Projects	(16,000)
002-0270-409-09-60-EN0223	Construction - Transportation Program - Small Capital Projects	(64,000)
002-0270-409-09-60-EN0332	Construction - Transportation Program - Miscellaneous Projects	(7,000)
002-0270-409-09-60-EN0223	Construction - Transportation Program - Small Capital Projects	(28,000)

**Total Appropriations** **500,000**

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).


ADOPTED this 7<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

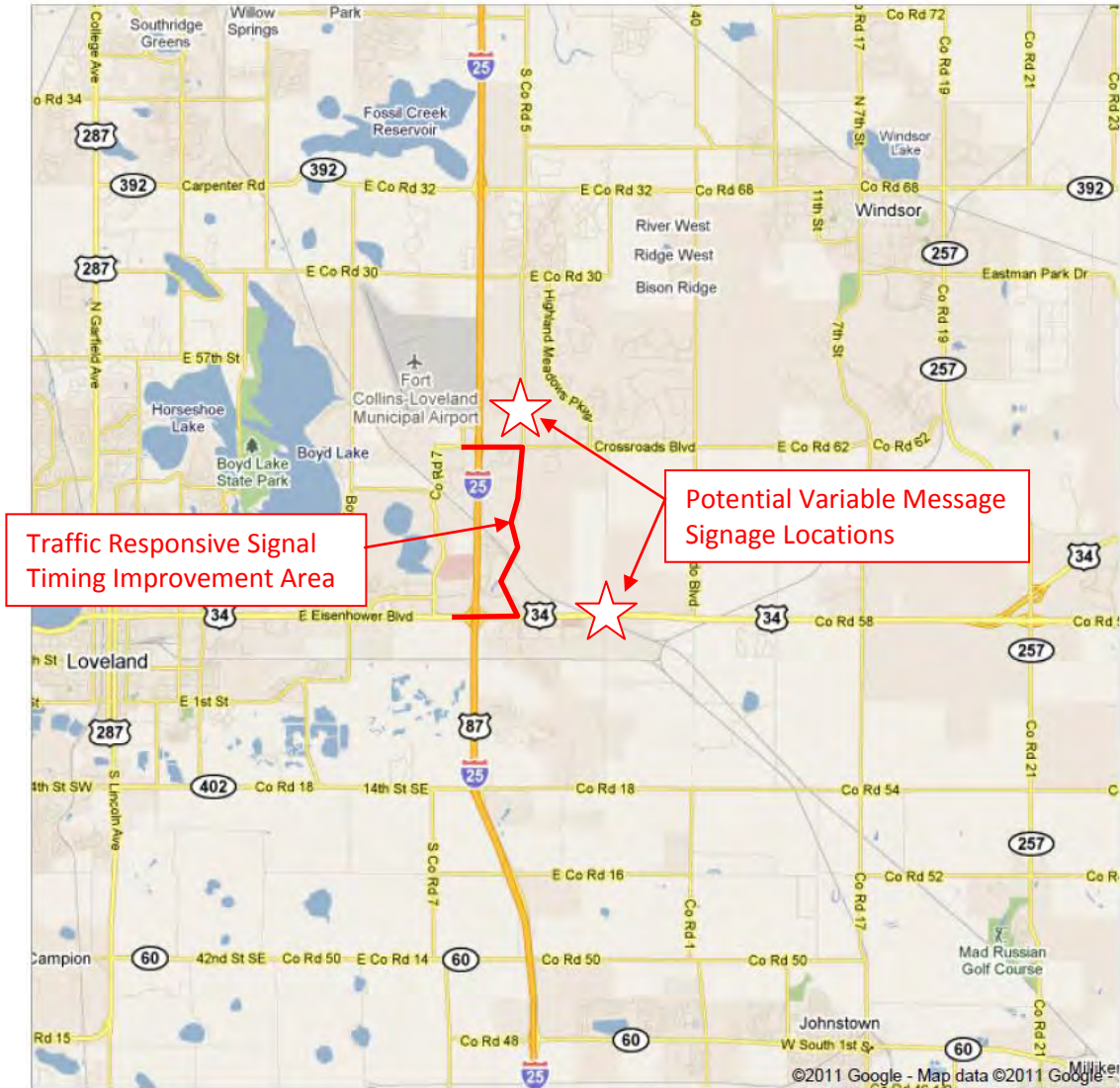
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

# Map Exhibit

1. I-25 Area Variable Message Signing
2. I-25 Area Traffic Responsive Signal Timing Improvements







**CITY OF LOVELAND**  
PUBLIC WORKS DEPARTMENT

Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537  
(970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

**AGENDA ITEM:** 6  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Keith Reester, Public Works Department  
**PRESENTER:** Marcy Abreo, Transit Manager

**TITLE:**

Consideration of an ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for improvements to the Orchards Regional Transit Center and the replacement and retrofit of one bus with Lightning Hybrid.

**DESCRIPTION:**

This is an administrative action.

**BUDGET IMPACT:**

Yes  No

The projects are funded with Federal and State Grants, with the local match from a reallocation of Transportation Capital funds and fund balance in the Fleet Fund.

Orchards Regional Transit Center

Total Project Cost: \$280,700  
State Funding: \$224,500  
Local Match: \$56,200

Lightning Hybrid Bus Retrofit

Total Project Cost: \$148,320  
Federal Funding: \$103,360  
Local Match: \$44,960

**SUMMARY:**Orchards Regional Transit Center

The transit division has been awarded Funding Advancements for Surface Transportation and Economic Recovery (FASTER) monies through the Colorado Department of Transportation (CDOT) for construction and related costs for improvements to the regional transfer facility between Loveland and Fort Collins. Due to the growth and expansion of the local and regional bus service it is necessary to expand the transfer facility to accommodate more riders, larger buses and ease of access, mitigate traffic, and enhance pedestrian safety.

Since 1999, Loveland and Fort Collins have participated in regional bus service with a transfer point in downtown Loveland. In 2005, due to ridership growth and an increase in traffic on Hwy 287, the transfer point for the regional bus service between the two communities was relocated to the Orchards Shopping Center located at Hwy 287 and 29th Street and referred to as the “North Transfer Center”. This was made possible through a partnership with Waterbury Properties, Inc. via contract with terms allowing for 5-year renewals. Since then the local and regional service has seen tremendous growth in ridership especially with the addition of the FLEX route that now connects the communities along Hwy 287 from Fort Collins to Longmont. With the increase in ridership the need for larger buses and more space is critical in continuing to provide safe and efficient service between the communities as well as local transit service.

The North Transfer Center currently consists of a concrete bus pad and two bus shelters in a location that has seen an increase in both pedestrian and vehicle traffic due to the addition of the King Soopers fueling station. The proposed location not only addresses the need for better transit amenities for passenger access and comfort but also improves the traffic flow on the site and safer pedestrian movement. The proposed location will have a bus pullout, turnaround, passenger shelters, a driver break area, and space for park-n-ride users. In addition, a bike library is being considered in future years at this location.

#### Lightning Hybrid Bus Retrofit

Through the federal Section 5309 Bus and Bus Facilities program in support of the State of Good Repair (SGR) initiative, the transit division has been awarded a grant to replace and retrofit a bus. The project will replace a bus that is identified in the fleet replacement plan and install a hydraulic hybrid system on above mentioned bus which will be the first “green” bus in the transit fleet. This advanced vehicle technology provides fuel mileage increases of over 40% and reduces emissions by 50%. Lightning Hybrids Inc. (LHI) along with the City of Loveland are working together to promote energy efficiency in the fleet.

This grant will help the City of Loveland Transit begin the transition of its fleet to clean energy and will encourage other fleets to use hydraulic hybrids to reduce their fuel costs and cut emissions. The bus will be retrofit with the LHI HyPER Assist™ (Hydraulic Power & Energy Recovery) technology and will be used in every day operation. COLT’s bus will be used to provide service to the elderly, disabled, and general population to the community in Loveland. Over five years the City of Loveland will save over 5,000 gallons of fuel and more than \$15,000 (based on gas average of \$3 a gallon for the five years) due to this one system. In addition, this bus will be a great ambassador for hydraulic hybrid technology which is proven safe and clean and will establish Loveland Colorado transit fleets on the leading edge of emerging energy efficient vehicle technology. This grant proposal is a great example of what can be accomplished with public/private partnerships as Lightning Hybrids is a local Loveland company.

**LIST OF ATTACHMENTS:**

1. An ordinance on second reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for improvements to the Orchards Regional Transit Center and the replacement and retrofit of one bus with Lightning Hybrid.
- 

**RECOMMENDED CITY COUNCIL ACTION:**

Approve the ordinance on second reading

**REVIEWED BY CITY MANAGER:**

**FIRST READING** May 17, 2011

**SECOND READING** June 7, 2011

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR IMPROVEMENTS TO THE ORCHARDS REGIONAL TRANSIT CENTER AND THE REPLACEMENT AND RETROFIT OF ONE BUS WITH LIGHTNING HYBRID**

**WHEREAS**, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

**WHEREAS**, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That revenues and/or reserves in the total amount of \$372,820, consisting of \$224,500 from a State of Colorado Department of Transportation Grant in the Capital Projects Fund 02 and \$103,360 from a Federal Transit Administration Grant and \$44,960 from fund balance in the Fleet Fund 080, are available for appropriation. Revenues in the total amount of \$372,820 are hereby appropriated for improvements to Transit Center, the replacement of one bus and the retrofit of one bus with Lightning Hybrid’s fuel efficient hydraulic hybrid drivetrain system, and are transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget  
Capital Projects Fund 002 - Orchards Regional Transit Center**

<b>Revenues</b>		
002-2302-335.30-01	State Department of Transportation Grant	224,500
<b>Total Revenue</b>		<b>224,500</b>
 <b>Appropriations</b>		
002-0270-409-09-60-EN0332	Transportation Program -Miscellaneous Projects	(56,200)
002-2304-409-09-60-TR1101	Construction - Transit Center	280,700
<b>Total Appropriations</b>		<b>224,500</b>

**Supplemental Budget  
Fleet Fund 080 - Bus Replacement and Retrofit**

<b>Revenues</b>		
Fund Balance		44,960
080-0000-338.90-00	Federal Transit Grant	103,360
<b>Total Revenue</b>		<b>148,320</b>
 <b>Appropriations</b>		
080-2360-409-09-44	Motor Vehicle	148,320
<b>Total Appropriations</b>		<b>148,320</b>

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

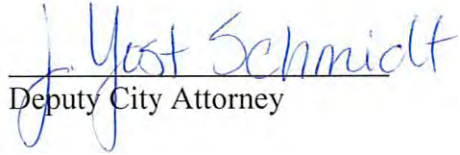
ADOPTED this 7<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney



**CITY OF LOVELAND**  
WATER & POWER DEPARTMENT  
200 North Wilson • Loveland, Colorado 80537  
(970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

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**AGENDA ITEM:** 7  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Jim Lees, Utility Accounting Manager, Water & Power  
Steve Adams, Interim Director, Water & Power  
**PRESENTER:** Jim Lees

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**TITLE:**

Consideration on second reading of an ordinance amending the Loveland Municipal Code at Section 13.08.100 concerning the Wastewater Charge and authorizing a refund to certain nonresidential wastewater customers who receive metered water service from non-City providers.

**DESCRIPTION:**

This is an legislative action. Staff is seeking to change the way we bill our commercial wastewater customers who receive their water from another water utility. Currently, these customers are being billed a flat rate which is based on the overall average monthly water consumption for the commercial rate class. We are proposing instead to obtain their actual water consumption from their water utility, and bill for their wastewater service based on their actual water consumption.

**BUDGET IMPACT:**

Yes  No

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**SUMMARY:**

In the spring of 2009, all three utilities were investigating ways in which we could reduce our expenses (this was the period when there were 11.5 positions eliminated in W&P). One of the areas that was a focus for cost reduction was overtime expense, and Utility Billing (UB) was included in this assessment. At this time, there were about 1,325 customers who were on the City's wastewater system, but received their water from a different water utility. The normal method for billing these customers for their wastewater service was to use a flat monthly rate based on the average monthly water usage for the appropriate rate class (residential was 4,600 gallons per month and commercial was 33,400 gallons per month). 1,252 of the 1,325 customers were billed on the flat monthly rate. For many years, our UB division made another option available to these customers. They could bring a copy of their water bill to UB, and UB

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would do a manual calculation of their wastewater bill based on the water consumption information from their water utility. At this time (Spring of 2009), there were a total of 73 customers who were taking advantage of this offer (68 residential and 5 commercial), and a lot of UB staff time was required to do these manual calculations. So, in order to streamline operations and save on some overtime costs in the UB area, the decision was made to discontinue the option to bring in water bills and have UB manually calculate wastewater bills. As a result, these 73 customers were put on the flat rate billing starting in 2010.

Shortly after the first bill of 2010 was sent out that reflected the change to the flat rate billing for these customers, we heard from one of the five commercial customers who previously had their wastewater bill manually calculated by UB. This customer informed us that their wastewater bill had nearly quadrupled, and that they were paying nearly \$130 more per month than their previous wastewater bills. This led us to investigate what the impact was for the other four commercial customers who formerly had their wastewater bills manually calculated by UB. Of those four, none had water usage that was close to the 33,400 gallons per month average that we were using to calculate the wastewater commercial flat rate. Staff then gave consideration to a number of options to address how these commercial customers could more accurately be billed for their wastewater service. We ultimately decided to pursue obtaining their actual water usage from their water utility (either Little Thompson Water District or Fort Collins-Loveland Water District) and use that as the basis for billing for their wastewater service. Staff felt that this would be the most fair and accurate way to bill them, and that it would not be too time-consuming administratively since there are only ten commercial customers who fit into this category. It also is consistent with how we bill for wastewater service for commercial customers who are on our water system. In addition, it is consistent with how other Northern Colorado utilities are billing their commercial wastewater customers who are served by a different water utility. It is estimated that implementing this change will increase annual wastewater revenues by \$14,000.

In addition to making this change going forward, staff would recommend making the change retroactive to billings starting in January of 2010 for customers who have been overbilled for their wastewater service. We would propose refunding to customers the total amount overbilled from January 1, 2010 through June 30, 2011. For customers who have been underbilled for their wastewater service, in comparison to what they would have paid based on their actual water usage, we would propose just implementing the new billing process starting with bills generated after June 30, 2011, and not attempt to collect amounts that were underbilled from January 1, 2010 through June 30, 2011. The estimated one-time total payout to all customers who qualify for the refund is \$13,000.

Part of implementing this change involves getting the customers to sign a release form permitting the City to have ongoing access to the customer's water consumption data from their water utility. Staff recommends that for future customers, signing this release form be a requirement for receiving wastewater service from the City.

This ordinance was passed unanimously on first reading by City Council at the May 17, 2011 meeting.



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**LIST OF ATTACHMENTS:**

Ordinance

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**RECOMMENDED CITY COUNCIL ACTION:**

Adopt the Ordinance on second reading

**REVIEWED BY CITY MANAGER:**

**FIRST READING**      May 17, 2011

**SECOND READING**   June 7, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 13.08.100 CONCERNING THE WASTEWATER CHARGE AND AUTHORIZING A REFUND TO CERTAIN NONRESIDENTIAL WASTEWATER CUSTOMERS WHO RECEIVE METERED WATER SERVICE FROM NON-CITY PROVIDERS**

**WHEREAS**, in January 2010, the City implemented a new flat rate for wastewater service to the City's nonresidential wastewater customers who receive metered water service from non-City providers; and

**WHEREAS**, shortly after the new flat rate went into effect, Water & Power staff discovered that said flat rate disproportionately billed most of the customers within this customer class, resulting in significant increases to the wastewater bills received by many customers, and significant decreases to the wastewater bills received by a few customers; and

**WHEREAS**, Water & Power staff has studied this issue and now recommends that the City Council amend Section 13.08.100 of the Loveland Municipal Code to adopt a new billing method for wastewater service provided to nonresidential wastewater customers who receive metered water service from non-City providers to be based on metered water consumption, which staff believes would be the most accurate and equitable method for billing this customer class; and

**WHEREAS**, on April 20, 2011, the Loveland Utilities Commission adopted a motion recommending that the City Council: (1) adopt an ordinance so amending Section 13.08.100; and (2) authorize a refund to those nonresidential wastewater customers who receive metered water service from non-City providers who, by virtue of the flat rate, overpaid for City wastewater service between January 1, 2010 until implementation of the corrected rate; and

**WHEREAS**, the City Council desires to adopt the above-described billing method and authorize the above-described refund as being in the best interests of the City and its wastewater ratepayers.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That Section 13.08.100 of the Loveland Municipal Code is hereby amended to read as follows:

**13.08.100 Wastewater charge.**

Every property upon which is located any building connected with the City's wastewater system shall pay a monthly wastewater charge set by resolution of the city council adopted after two readings. The wastewater charge shall be determined as follows:

- A. For all residential properties with metered city water service, the wastewater charge shall be as follows: (a) for the months of December, January, and February, the wastewater charge shall be based on the metered water consumption for the month being billed; and (b) for the months of March through November, the wastewater charge shall be based on the lesser of the average monthly water consumption determined by the meter readings shown in the immediately preceding December, January, and February utility billings (the "winter quarter average") or the metered water consumption for the month being billed. However, a customer may request, in writing, to be charged the monthly flat rate provided for in subsection C, below, for the months of March through November. The request must demonstrate to the satisfaction of the city's water and power director that the property's winter quarter average is not representative of the property's wastewater discharge. If the request is approved, the property shall be charged the monthly flat rate set forth in subsection C, below, for the months of March through November. Said approval shall be valid only for that calendar year.
- B. For all nonresidential properties with metered water service, the wastewater charge for all months shall be based on metered water consumption. However, a customer may request, in writing, that it be billed for the months of March through November based on the lesser of the property's winter quarter average or the metered water consumption for the month being billed. The request must demonstrate to the satisfaction of the city's water and power director that only a portion of the metered water consumption is discharged to the wastewater system. If the request is approved, the property shall be billed for the months of March through November based on the lesser of the property's winter quarter average or the metered water consumption for the month being billed. Said approval shall be valid only for that calendar year. For all nonresidential properties with metered water service from non-city providers, the customer must sign a release permitting the city to have ongoing access to the customer's water consumption data. The city shall not be obligated to provide wastewater service to any customer with water service from a non-city provider who refuses or fails to sign the release required herein.
- C. The monthly flat rate for residential and nonresidential properties shall apply to all properties that do not qualify for billing based on metered water consumption as provided in subsections A and B above.

**Section 2.** That nonresidential wastewater customers with metered water service from non-City providers shall be entitled to a refund for the difference, if any, in the amount paid by

said customers for City wastewater service from January 1, 2010 to June 30, 2011 under the flat rate applicable to that customer class, and the amount they would have paid under a billing method based on metered water consumption had said method then been in effect; provided, however, that only those customers who provide the City's Water & Power Department with a signed release on or before July 1, 2011 permitting the City to have ongoing access to the customer's water consumption data shall be entitled to said refund.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b); provided, however that implementation of its provisions shall take effect for all billings mailed on or after July 1, 2011.

ADOPTED this 7<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

**DEVELOPMENT SERVICES  
ADMINISTRATION**

500 East Third Street, Suite 210 • Loveland, CO 80537  
(970) 962-2346 • Fax (970) 962-2903 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

**AGENDA ITEM:** 8  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Greg George, Development Services  
**PRESENTER:** Greg George

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**TITLE:**

AN ORDINANCE AMENDING TITLE 6 OF THE LOVELAND MUNICIPAL CODE REGARDING ANIMALS BY ADDING A NEW SECTION 6.16.170 TO REQUIRE PROPER TETHERING OF ANIMALS AND A NEW SUBSECTION G. TO SECTION 6.20.010 TO REQUIRE ADEQUATE FENCING FOR ANIMALS.

**DESCRIPTION:**

Consider a legislative action to adopt an ordinance on second reading amending Title 6 of the Loveland Municipal Code to include additional provisions to: (i) prohibit the tethering of an animal in a manner that is likely to cause bodily injury to the animal; and (ii) require that fences intended to enclose an animal be properly and adequately constructed to secure the animal within the fenced area and that the fence be kept in good repair.

**BUDGET IMPACT:**

Yes  No

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**SUMMARY:**

The Larimer County Humane Society is responsible for enforcing Title 6 under a contract with the City. Based on the experience of its animal control officers in enforcing Title 6, the Humane Society is recommending the amendments regarding tethering and adequate fencing of animals to ensure the health, safety, and general welfare of animals in the City. City Council adopted the ordinance on first reading on the Consent Agenda on May 17, 2011.

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**LIST OF ATTACHMENTS:**

- Ordinance amending Title 6 of the Loveland Municipal Code

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion for Council action:

Move to adopt on second reading AN ORDINANCE AMENDING TITLE 6 OF THE LOVELAND MUNICIPAL CODE REGARDING ANIMALS BY ADDING A NEW SECTION 6.16.170 TO REQUIRE PROPER TETHERING OF ANIMALS AND A NEW SUBSECTION G. TO SECTION 6.20.010 TO REQUIRE ADEQUATE FENCING FOR ANIMALS.

**REVIEWED BY CITY MANAGER:**

**FIRST READING:** May 17, 2011

**SECOND READING:** June 7, 2011

**ORDINANCE No.** \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 6 OF THE LOVELAND MUNICIPAL CODE REGARDING ANIMALS BY ADDING A NEW SECTION 6.16.170 TO REQUIRE PROPER TETHERING OF ANIMALS AND A NEW SUBSECTION G. TO SECTION 6.20.010 TO REQUIRE ADEQUATE FENCING FOR ANIMALS**

**WHEREAS**, Title 6 of the City Code regulates the maintenance and keeping of animals within the City; and

**WHEREAS**, the Larimer County Humane Society (“Humane Society”), under a contract with the City, is responsible for enforcing this Code Title; and

**WHEREAS**, the Humane Society, based upon its experience enforcing Title 6, proposes amendments to the City Code as necessary to ensure the health, safety and general welfare of City residents and animals within the City; and

**WHEREAS**, the Humane Society recognizes that in order to prevent improper treatment of animals up to and including death there is a need to amend the City Code to regulate the manner in which animals are tethered; and

**WHEREAS**, the Human Society also recognizes that in order to prevent animals at large there is a need to amend the City Code to require that fences intended as enclosures be adequately and securely constructed to prevent animals from escaping; and

**WHEREAS**, City Council finds and determines that the above-concerns expressed by the Humane Society are valid and that the proposed amendments to Title 6 of the City Code are necessary to ensure the public’s health, safety and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO as follows:**

**Section 1.** That Chapter 6.16 of the City Code is hereby amended by the addition of a new Section 6.16.170 to read in full as follows:

**6.16.170 Tethering of Animals.**

- A. No person shall cause or permit an animal to be improperly tethered. For purposes of this Section, “improperly tethered” shall mean use of a fixed point tether in a manner that is likely to cause bodily injury to the animal or endanger the health or safety of other animals or people. As used in this Section, “tether” shall have the same meaning as “leash” or “lead” as these

words are defined in Code Section 6.04.010M. An animal control officer is empowered to make a prima facie determination as to whether an animal is improperly tethered, which determination may be based upon, but is not limited to, the consideration of the following factors:

1. using a tether made of rope, twine, cord or any other material that is insufficient to restrain the animal;
2. using a tether that:
  - a. is less than ten (10) feet in length;
  - b. does not have swivels on both ends;
  - c. is not attached to the animal by means of a properly fitting harness or collar of at least one (1) inch in width; and/or
  - d. is wrapped around the animal's neck;
3. using a tether that is too heavy or too big for the size and weight of the animal so that the animal is prohibited from moving about freely;
4. allowing an animal to be tethered in such a manner that the animal is not confined to the owner's property or so that the tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter; or
5. using a chain as a primary collar rather than a collar made of nylon, cotton, leather or similar material.

**Section 2.** That Section 6.20.010 is hereby amended by the addition of a new subsection G. to read in full as follows:

- G. It shall be unlawful for any keeper or owner who uses a fence to enclose an animal to fail to ensure that the fence is properly and adequately constructed for the purpose of securing the animal within the fenced enclosure and that the fence is kept in good repair to so secure the animal.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).



Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

AN ORDINANCE AMENDING TITLE 6 OF THE LOVELAND MUNICIPAL CODE REGARDING ANIMALS BY ADDING A NEW SECTION 6.16.170 TO REQUIRE PROPER TETHERING OF ANIMALS AND A NEW SUBSECTION G. TO SECTION 6.20.010 TO REQUIRE ADEQUATE FENCING FOR ANIMALS



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 9

**MEETING DATE:** 6/7/2011

**TO:** City Council

**FROM:** Thomas Hawkinson, Development Services

**PRESENTER:** Thomas Hawkinson, Building Official

**TITLE:**

1. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION;
2. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION;
3. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION;
4. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION;
5. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION;
6. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION; and
7. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION
8. AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION

**DESCRIPTION:**

A public hearing to consider a legislative action to adopt by reference the International Building Code, 2009 edition; International Residential Code, 2009 edition; International Mechanical Code, 2009 edition; International Plumbing Code, 2009 edition; International Fuel Gas Code, 2009 edition; International Property Maintenance Code, 2009 edition; International Existing Building Code, 2009 edition; and International Energy Conservation Coded, 2009 edition. Pursuant to 31.15.203, a public hearing is schedule for the July 5, 2011 regular City Council meeting.

**BUDGET IMPACT:**

Yes     No

**SUMMARY:**

Adoption of these codes will allow design professionals to incorporate current construction technologies, methods and materials into building designs. These codes also include updated building safety requirements, such as those relating to existing buildings, structural elements, and fire safety. Attachment A describes the important differences between the 2006 code series and the 2009 code series and changes proposed to each code in the 2009 series for application within the City of Loveland.

The City's Construction Advisory Board (CAB) has conducted subcommittee hearings since the beginning of the year on the review of the 2009 International Codes during which they received input from many stakeholders, including code officials, design professionals, as well as members of the construction industry. The CAB is recommending adoption of the codes as presented herein.

**ATTACHMENTS:**

- A. 2009 International Codes Adoption Summary
- B. Ordinances (eight)

**RECOMMENDED CITY COUNCIL ACTION:**

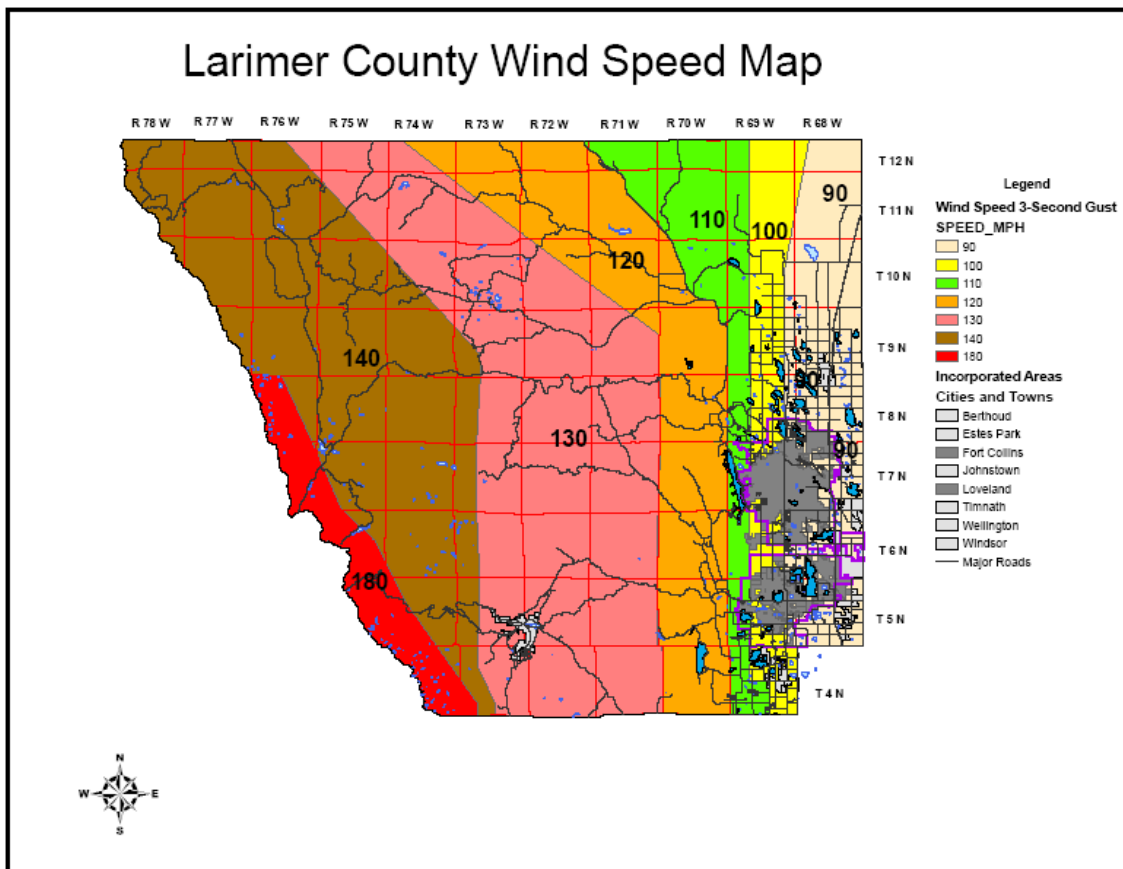
City staff recommends the following motions for City Council actions:

1. Move to adopt on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION.
2. Move to adopt on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION.
3. Move to adopt on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION.
4. Move to adopt on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION.
5. Move to adopt on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION.
6. Move to adopt on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION.
7. Move to adopt on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION.
8. Move to on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION

**REVIEWED BY CITY MANAGER:**

## 2009 INTERNATIONAL CODES ADOPTION SUMMARY

The City of Loveland is in the process of adopting the 2009 International Codes which include the Residential Code (IRC), one-and two-family residential structures; International Building Code (IBC), non-residential structures; International Fuel Gas Code (IFGC); International Mechanical Code (IMC); International Plumbing Code (IPC); International Existing Building Code (IEBC); International Energy Conservation Code (IECC); and proposed amendments to each code. The adoption of the most current National Electrical Code (NEC) will update itself as the State of Colorado updates the code in July 2011, to the 2011 NEC. Again, the Wind Design Speed for any given project area shall reference the Colorado Front Range Basic Wind Speed Study Map referred to by Colorado Front Range Gust Map Dated Oct. 15, 2005 (see partial map enclosed).



### **Item highlights in the 2009 International Building Code (IBC)**

- The introduction of the work-live provisions in the 2009 IBC has been deleted. The Loveland Municipal Code (LMC) has local provisions which address this issue without creating additional hardships through new code provisions.
- A new provision in the 2009 IBC which would require all Group M occupancies that display or sell upholstered furniture regardless of size to have automatic sprinkler systems has been amended. The amendment would require automatic sprinklers in structures of 6,000 sq. ft. or greater.

### **Item highlights in the 2009 International Residential Code (IRC)**

- The introduction of a provision that would require automatic fire sprinkler systems in one and two family dwellings by January 1, 2011 is deleted. With the support of the Loveland Fire Department as well as other jurisdictions in Colorado, this provision will be re-evaluated from time to time in the future.

### **Item highlights in the 2009 International Fuel Gas, Plumbing & Mechanical Codes**

- No significant changes to the code documents. Primarily reorganization of sections, language clarifications which are intended to simplify and clarify current code text.

### **Item highlights in the 2009 International Property Maintenance Code (IPMC)**

- No significant changes to the code document.

### **Item highlights in the 2009 International Energy Conservation Code (IECC)**

- No significant changes to the code document. Similar to the *REScheck* in the 2006 IRC, the non-residential *COMcheck* is currently being used as a tool by design professionals in the submittals for energy efficiency in construction.
- Again, the 2009 IECC exempts removal, alteration or abandonment of, nor prevents the continued use and maintenance of, an existing building or building system lawfully in existence at time of adoption of this code.
- Again, the 2009 IECC exempts buildings or structures that are listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource with a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Registers of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

**Item highlights in the 2009 International Existing Building Code (IEBC)**

- Once again, the intent is to provide flexibility in using alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare as affected by repair, alterations, a change in occupancy, or the addition to, or relocation of, an existing building.
- Again, does not apply to alterations complying with laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of this code unless the building has sustained substantial structural damage, or the building is undergoing more than a limited structural alteration.
- Also, provides different approaches to evaluate existing structures.

The 2009 International Codes and amendments have been through subcommittee review and approval as well as approved by the Construction Advisory Board. The construction community has been aware of these changes since December 2010. This allowed the development and contracting communities to make necessary adjustments in projects. The Building Division is currently allowing the use of the 2009 code documents as an alternate method of construction

**First Reading: June 7, 2011**

**Second Reading \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Existing Building Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Existing Building Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Existing Building Code, 2009 Edition, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 15.52 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

**Chapter 15.52**

**INTERNATIONAL EXISTING BUILDING CODE**

**Sections:**

- 15.52.010 International Existing Building Code – Adopted.**
- 15.52.020 Modifications to the International Existing Building Code, 2009 Edition.**
- 15.52.030 Violations and penalties.**

**Section 15.52.010 – International Existing Building Code – Adopted.**

The International Existing Building Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the property maintenance code of the city. This code is a



complete code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, relocation of existing buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Existing Building Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

**Section 15.12.020 - Modifications to International Existing Building Code, 2009 Edition.**

The International Existing Building Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

**101.1 Title.** These regulations shall be known as the Existing Building Code of the City of Loveland, hereinafter referred to as “this code” or the “existing building code.”

- B. Section 103 is amended in part by the revision of Subsection 103.1 to read in full as follows:

**103.1 Creation of enforcement agency.** The Building Division is hereby created, and the official in charge thereof shall be known as the code official.

- C. Subsection 105.3 is amended in part by the revision of the first sentence in Subsection 105.3 to read as follows:

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Division for that purpose.

- D. Appendix A “Referenced Standards”; Appendix B “Supplementary Accessibility Requirements for Existing Buildings and Facilities”; and Resource A “Guidelines on Fire Ratings of Archaic Materials and Assemblies” are all deleted in their entirety.

**Section 15.12.030 – Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Existing Building Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Existing Building Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

**Section 2.** That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL EXISTING BUILDING CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

**FIRST READING: June 7, 2011**

**SECOND READING: \_\_\_\_\_**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE  
ADOPTING BY REFERENCE THERETO THE INTERNATIONAL  
BUILDING CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending certain revisions to Title 15 of the Loveland Municipal Code and further recommending the adoption of the International Building Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Building Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Building Code, 2009 Edition, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 15.04 of the Loveland Municipal Code is amended by the revision of Section 15.04.060 to read in full as follows:

Applications for building, plumbing, electrical, mechanical and sign permits shall be made to the building official. Such application shall be accompanied by plans which are sufficient to determine whether the proposed project complies with the provisions of these codes. In the event any changes, additions or amendments are made in said plans and specifications at any time before completion of the work, the changes shall be submitted to the building official for his approval. Such approval shall be noted on the records of the building official. Upon receipt of evidence that the applicant is duly licensed (if the nature of the work for which the permit is sought requires the applicant to be licensed) and that all conditions for the issuance of a permit have been met by the applicant, and that all necessary fees have been paid to the city, the building official shall issue the permits required.

**Section 2.** Chapter 15.08 of the Loveland Municipal Code is amended by the revision of Section 15.08.010 to read in full as follows:

**Section 15.08.010 – International Building Code – Adopted.**

The International Building Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices C, E, I, and J, is hereby adopted by reference as the building code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city, and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city and certain equipment specifically regulated therein for the purpose of protecting the public health, safety and general welfare. At least one copy of the International Building Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

**Section 3.** Section 15.08.020 of the Loveland Municipal Code is repealed in its entirety and reenacted to read in full as follows:

**Section 15.08.020 - Modifications to International Building Code, 2009 Edition.**

The International Building Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

**101.1 Title.** These regulations shall be known as the Building Code of the City of Loveland, hereinafter referred to as “this code” or “building code.”

- B. Section 103 is deleted in its entirety.

- C. Subsection 105.2 is amended in part as follows:

- (1) Paragraph number 4. under the section titled “Building” is amended to read in full as follows:

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of wall, unless supporting a surcharge. Specific manufacturer’s instructions of retaining wall products may be more restrictive regardless of the height of the retaining wall, thereby the more restrictive will apply.

- (2) A new paragraph number 14. is added under the section titled “Building to read in full as follows:

14. Structures or work performed on properties of the government of the United States of America, State of Colorado, and the County of Larimer.

- (3) The following language shall be added at the end of Subsection 105.2:

. . . . .  
*Unless otherwise exempted in this code, separate plumbing, electrical and mechanical permits may be required meeting the requirements of this subsection.*

D. Section 105 is amended in part by the revision of Subsection 105.5 to read in full as follows:

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. All permits issued shall become null and void regardless of the provisions of this section within eighteen (18) months of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension must be requested in writing and justifiable cause demonstrated.

E. Section 105 is amended in part by the addition of a new Subsection 105.8 to read in full as follows:

**105.8 Transfer of permits.** A building permit or application may be transferred from one party to the other upon written request to the building official, provided there are no changes to the plans and specifications. The party to which the permit is transferred must be licensed in the appropriate license category and in good standing.

F. Section 107 is amended in part by the addition of the following language at the end of Subsection 107.3.4.1 to read as follows:

. . . . .  
In accordance with this Section, the building official may require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed in the State of Colorado.\*

*\* CRS 12-25-301 Board of Licensure for Architects, Engineers and Land Surveyors of the State of Colorado.*

G. Section 109 is amended in part by the revision of Subsection 109.2 to read in full as follows:

**109.2 Schedule of permit fees.** Fees for any permit or inspection required by this code shall be established from time to time by resolution of the City Council.

H. Section 109 is amended in part by the addition of a new Subsection 109.2.1 to read in full as follows:

**109.2.1 Plan Review Fee.** When submittal documents are required, a plan review fee shall be paid separate from and in addition to, any required permit fee.

- I. Section 109 is amended in part by the addition of a new Subsection 109.2.2 to read in full as follows:

**109.2.2 Expiration of plan review.** Applications for which no permit is issued within ninety (90) days following the date of the last action of review without any response or additional information submitted by the applicant, shall expire. Plans submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding sixty (60) days upon written request by the applicant, demonstrating that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and shall pay an additional review fee.

- J. Section 109 is amended in part by the revision of Subsection 109.4 to read in full as follows:

**109.4 Work commencing before permit issuance.** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. This fee can equal up to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or other applicable regulations, nor from any penalties prescribed by law.

- K. Section 109 is amended in part by the revision of Subsection 109.6 to read in full as follows:

**109.6 Refunds.** The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled provided that no examination time has been expended.

The building official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original applicant not later than 60 days after the date of fee payment.

- L. Section 109 is amended in part by the addition of a new subsection 109.7 to read in full as follows:

**109.7 Investigative fees - Work without a permit.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is issued. The maximum investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum set forth and adopted by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalties as prescribed by law.

- M. Section 109 is amended in part by the addition of a new Subsection 109.8 to read in full as follows:

**109.8 Re-inspections.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which the inspection called for is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code; but as controlling the practice of calling for inspections before a job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed in the following circumstances: When the inspection card is not posted or otherwise not available on the work site; the approved plan is not readily available to the inspector; for failure to provide access on the date for which an inspection is requested; or for deviating from the plans requiring the approval of the building official.

- N. Section 110 is amended in part by the addition of a new Subsection 110.1.1 to read in full as follows:

**110.1.1 Inspection record card.** Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in a position as to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures which have been verified by the Building Division.

- O. Section 110 is amended in part by the addition of a new Subsection 110.3.1.1 to read in full as follows:

**110.3.1.1 Drilled pier inspection.** Inspection will be made while the piers are being drilled. The Engineer of record or his authorized representative shall be present during the drilling operations and be available to the City inspector during required inspections.

P. Section 110 is amended in part by the revision of Subsection 110.3.3 to read in full as follows:

**110.3.3 Lowest floor elevation.** The elevation certificate required in Section 1612.5 shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

Q. Section 110 is amended in part by the addition of the following sentence at the of Subsection 110.3.7 to read as follows:

. . . . .

Energy efficiency inspections, if required, shall be provided by the owner and at the owner’s expense to verify compliance with the provisions of this section.

R. Section 111 is amended in part by the addition of the following paragraph at the end of Subsection 111.1 to read as follows:

. . . . .

The issuance of a temporary certificate of occupancy may be granted when all provisions of a permit are not complete, provided that all required life and safety requirements are met. Where occupancies are not determined at time of building permit application, permit applications for no occupancy and core & shell construction shall be issued a limited letter of completion or letter of completion rather than a temporary certificate of occupancy.

S. Section 111 is amended in part by the addition of a new subsection 111.1.1 to read in full as follows:

**111.1.1 Exception.** Certificates of occupancy are not required for work exempt from permits under Section 105.2. No certificate of occupancy shall be required for Private U Occupancies and permits not establishing a use.

T. Subsection 112.3 is deleted in its entirety.

U. Section 113 is deleted in its entirety.

V. Section 202 is amended in part by the addition of the following definitions for “Room, Sleeping (Bedroom),” and “Utility Space (Room)” to read as follows:

**Room, Sleeping (Bedroom).** A habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.



**Utility Space (Room).** A room designed or used to house heating and general maintenance equipment.

W. Subsection 310.1 is amended in part by deleting “Live/work units” under paragraph **R-2**.

X. Section 419 is deleted in its entirety.

Y. Subsection 508.1 is amended in part by the deletion of exception 3.

Z. Section 901 is amended in part by the revision of Subsection 901.1 to read in full as follows:

**901.1 Scope.** The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation and operation of fire protection systems. When the requirements of this code and the adopted fire code are in conflict the most restrictive shall apply.

AA. Section 901 is amended in part by the revision of Subsection 901.2 to read in full as follows:

**901.2 Fire protection systems.** Fire protection systems shall be installed, repaired, operated and maintained in accordance with this code and the adopted fire code.

Any fire protection system for which an exception or reduction to the provisions of this code has been granted shall be considered to be a required system.

**Exception:** Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection provided that such system meets the requirements of this code and the adopted fire code.

BB. Section 903 is amended in part by the revision of Subsection 903.1.1 to read in full as follows:

**903.1.1 Alternative protection.** Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building official and by the fire code official.

CC. Subsection 903.2.7 is amended in part by the revision of item number 4. to read in full as follows:

4. A Group M occupancy is used for the display and sale of upholstered furniture which does not exceed six thousand (6,000) sq. ft.

DD. Section 903 is amended in part by the addition of a new subsection 903.2.13 to read in full as follows:

**903.2.13 Dead-end Roadways.** An automatic fire sprinkler system shall be installed in all Group R fire areas, other than single family detached residences, on a dead-end roadway when the dead-end is in excess of 400 feet.

EE. Section 903 is amended in part by the addition of a new subsection 903.3.5.3 to read in full as follows:

**903.3.5.3 Backflow protection.** All fire sprinkler systems undergoing modification, unless exempt by the Director of the City of Loveland Water and Power Department, shall be isolated from the public water system by a backflow prevention device meeting the requirements of the Loveland Municipal Code.

FF. Section 903 is amended in part by the revision of Subsection 903.4.3 to read in full as follows:

**Section 903.4.3 Floor Control Valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.

GG. Subsection 907.2.10.1 is amended in part by the addition of the following numbered paragraph 4. to read in full as follows:

4. In Groups R-2, R-3, R-4 and I-1 occupancies all attached garages, an interconnected heat detector shall be installed.

HH. Section 907 is amended in part by the addition of a new subsection 907.2.10.4 to read in full as follows:

**907.2.10.4 Exterior Strobe.** An exterior strobe shall be provided on the exterior of all R-3 and R-4 occupancies in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection.

II. Section 1101 is amended in part by the revision of Subsection 1101.2 to read in full as follows:

**1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible in accordance with this code; the ICC A117.1, most current edition; and Colorado Revised Statutes Title 9 Article 5, 9-5-101, et seq., as amended.

JJ. Section 1301 is amended in part by the addition of a new Subsection 1301.1.2 to read in full as follows:

**1301.1.2 Design values.** The exterior design values shall be as follows:

Winter Design Dry-bulb	4 degrees F
Summer Design Dry-bulb	94 degrees F
Summer Design Wet-bulb	63 degrees F
Degree Days Heating	6600 degrees F
Degrees North Latitude	40 degrees 35 minutes

KK. Section 1403 is amended in part by the addition of the following paragraph at the end of Subsection 1403.5 to read as follows:

. . . . .

For buildings in flood hazard areas as established in Section 1612.3, all construction shall comply with the provisions of the Floodplain Building Code, Chapter 15.14 of the Loveland Municipal Code, and any Floodplain Overlay Areas established by the City of Loveland.

LL. Subsection 1505.1 is amended in part by the addition of the following footnotes d & e to Table 1505.1 Minimum Roof Covering Classification for Types of Construction to read in full as follows:

d. The roof covering on any new structure or on the re-roofing of fifty percent (50%) or more during a one year period of any existing structure located west of the following described line shall be upgraded from a Class C to a Class B: Starting at the intersection of the Wyoming border line and Range 69 West, then South nine miles to S.W. Corner of Section 31, Township 11, Range 69, then West three miles to N.W. Corner of Section 3, Township 10, Range 70 then South five miles to S.W. corner of Section 27, Township 10, Range 70, then East three miles to S.W. corner of Section 30, Township 10, Range 69, then South nine miles to S.W. corner of Section 7, Township 9, Range 69, then West one mile to N.W. corner of Section 13, Township 8, Range 70, then South four miles to S.W. corner of Section 36, Township 8, Range 70, then East two miles, to N.W. corner of Section 6, Township 7, Range 69, then South three miles to S.W. corner of Section 17, Township 7, Range 69, then East one mile to S.W. corner of Section 17, Township 7, Range 69, then South four miles to S.W. Corner of Section 4, Township 6, Range 69, then East one mile to S.W. corner of Section 4, Township 6, Range 69, then South four miles to S.W. corner of Section 27, Township 6, Range 69, then West one mile to S.W. corner of Section 28. Township 6, Range 69, then South three miles to intersection of U.S. Hwy. 34 then West following Hwy. 34 two miles to intersection with Range 69 West, then South seven and three quarter miles to S.W. corner of Section 18, Township 4, Range 69, then West one mile to S.W. corner of Section 13, Township 4, Range 70, then South three miles to where the S.W. corner of Section 36, Township 9, Range 70 meets the Boulder County Line.

e. For the purpose of using Table 1507.8, Wood Shingle and Shake Installation, the City of Loveland shall be considered to be within the temperate climate classification. Underlayment in temperate climate: shakes shall be applied over solid sheathing with an

underlayment of type 15 felt and with not less than 18 wide strips of type 30 felt applied shingle fashion between each course with no felt exposed below the butt of the shingle. Alternatively, shakes may be applied over solid sheathing with an underlayment of not less than two type 30 felts applied single fashion.

MM. Section 1608 is amended in part by the revision of Subsection 1608.2 to read in full as follows:

**1608.2 Ground snow loads.** The ground snow loads to be used in determining the design snow loads for roofs are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official. Minimum design ground snow load for the City of Loveland shall be thirty (30) pounds per square foot.

NN. Section 1609 is amended in part by the revision of Subsection 1609.3 to read in full as follows:

**1609.3 Basic wind speed.** The Special Wind Region, as indicated in Figure 1609 of the 2009 Edition of the International Building Code, shall apply. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Basic Wind Speed Study Map. Refer to Colorado Front Range Gust Map dated October 15, 2005.

Minimum design wind speed is 100 mph (3-second gust), exposure C

Note: Exposure B may be allowed if the site plan and Colorado registered engineer’s calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official.

OO. Section 1611 is amended in part by the addition of the following sentence at the end of the first paragraph of Subsection 1611.1 to read as follows:

**1611.1 Design rain loads.**

. . . .

City of Loveland design rain loads are as follows:  
60 minute duration, 100 year event is 2.66 inches/hour; 0.0275 gpm/square foot

PP. Section 1612 is amended in part by the revision of Subsection 1612.3 to read in full as follows:

**1612.3 Establishment of flood hazard areas.** To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for the City of Loveland” as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

QQ. Section 1803 is amended in part by the addition of a new numbered paragraph 11. at the end of Subsection 1803.6 to read in full as follows:

11. An investigation of the potential for subsurface water, and if necessary, designs for the control of subsurface water.

RR. Section 1809 is amended in part by the addition of the following sentence at the end of Subsection 1809.5 to read as follows:

. . . . .

The frost line for footing/foundation design, shall be a minimum of 30 inches below finished grade line.

SS. Section 2304 is amended in part by the addition of the following footnote d to Table 2304.6.1 to read in full as follows:

d. The use of staples is permitted provide the staples are tested and listed for the appropriate installation and/or specified by a Colorado licensed design professional.

TT. Section 3001 is amended in part by the revision of Subsection 3001.2 to read as follows:

**3001.2 Referenced standards.** Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1, ASME A18.1 (Platform Lifts & Stairway chairlifts), ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3.

UU. Section 3109 is amended in part by the revision of Subsection 3109.1 to read in full as follows:

**3109.1 General.** Swimming Pools shall comply with the requirements of this section and any other applicable sections of this code, as well as Colorado Revised Statutes Title 25 Article 5, 25-5-802 et. seq., as amended.

VV. Appendix A, “Employee Qualifications” is deleted in its entirety.

WW. Appendix B, “Board of Appeals” deleted in its entirety.

XX. Appendix D, “Fire Districts” is deleted in its entirety.

YY. Appendix F, “Rodent Proofing” is deleted in its entirety.

ZZ. Appendix G, “Flood Resistant Construction” is deleted in its entirety.

AAA. Appendix H, “Signs,” is deleted in its entirety.

BBB. Appendix K, “Administrative Provisions” is deleted in its entirety.

**Section 4.** Section 15.10.030 of the Loveland Municipal Code is amended to read as follows:

**Section 15.08.030 – Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Building Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Building Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

**Section 5.** That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION”. Copies of the above referenced INTERNATIONAL BUILDING CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

**Section 6.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

ATTEST:

CITY OF LOVELAND:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

First Reading: June 7, 2011

Second Reading \_\_\_\_\_

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE  
AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL  
ENERGY CONSERVATION CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Energy Conservation Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Energy Conservation Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Energy Conservation Code, 2009 Edition, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 15.48 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

**Chapter 15.48**

**INTERNATIONAL ENERGY CONSERVATION CODE**

**Sections:**

- |                  |   |
|------------------|---|
| <b>15.48.010</b> | <b>International Energy Conservation Code – Adopted.</b>                          |
| <b>15.48.020</b> | <b>Modifications to the International Energy Conservation Code, 2009 Edition.</b> |
| <b>15.48.030</b> | <b>Violations and penalties.</b>  |

**Section 15.48.010 – International Energy Conservation Code – Adopted.**

The International Energy Conservation Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the energy conservation code of the city. This code is a complete



code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, relocation of existing buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Energy Conservation Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

**Section 15.48.020 - Modifications to International Energy Conservation Code, 2009 Edition.**

The International Energy Conservation Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsections 101.1 and 101.2 to read in full as follows:

**101.1 Title.** These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as “this code” or the “energy conservation code.”

**101.2 Scope.** This code applies to residential and commercial buildings.

**Exceptions:**

1. Energy conservation systems and components in existing buildings or structures undergoing repair, alterations or additions, and change of occupancy, shall be permitted to comply with the International Existing Building Code and Chapter 34 of the International Building Code.
2. Utility and miscellaneous group U occupancies and agricultural structures as defined by the International Building Code which are neither heated or cooled by fossil fuels or electricity.

- B. Section 302 is amended in part by the revision of Subsection 302.1 to read in full as follows:

**302.1 Interior design conditions.** The interior design temperatures used for heating and cooling load calculations shall be as defined in Section 1301.1.2 of the 2009 International Building Code.

**Section 15.12.030 – Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the

provisions of the 2009 International Energy Conservation Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Energy Conservation Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

**Section 2.** That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL ENERGY CONSERVATION CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney



**FIRST READING: June 7, 2011**

**SECOND READING: \_\_\_\_\_**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE  
AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL  
FUEL GAS CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Fuel Gas Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Fuel Gas Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Fuel Gas Code, 2009 Edition, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 15.18 of the Loveland Municipal Code is repealed in its entirety and reenacted to read in full as follows:

**Chapter 15.18**

**FUEL GAS CODE**

**Sections:**

- |                  |  |
|------------------|--|
| <b>15.18.010</b> | <b>International Fuel Gas Code – Adopted.</b>                          |
| <b>15.18.020</b> | <b>Modifications to the International Fuel Gas Code, 2009 Edition.</b> |
| <b>15.18.030</b> | <b>Violations and penalties.</b>                                       |

**Section 15.18.010 – International Fuel Gas Code – Adopted.**

The International Fuel Gas Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A and B, is hereby adopted by reference as the fuel gas code of the city. This code is a complete code and its purpose is to provide minimum standards to safeguard life and limb, health, property

and public welfare by regulating and controlling fuel gas systems and gas-fired appliances, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Fuel Gas Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

**Section 15.18.020 - Modifications to International Fuel Gas Code, 2009 Edition.**

The International Fuel Gas Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

**101.1 Title.** These regulations shall be known as the Fuel Gas Code of the City of Loveland, hereinafter referred to as “this code” or “fuel gas code.”

- B. Section 101 is amended in part by the addition of the following sentence at the end of the first paragraph of Subsection 101.2 to read as follows:

**101.2 Scope.**

.....

Liquefied petroleum gases, including construction and temporary heating, shall only be installed per adopted fire code and per the manufacturer specifications and listing per appliances.

.....

- C. Section 103 is deleted in its entirety.
- D. Section 106 is amended in part by the revision of Subsection 106.5.1 to read in full as follows:

**106.5.1 Approved construction documents.** When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

The code official shall have the authority to issue a permit for the construction of part of an installation before the construction documents for the entire installation have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire installation will be granted.

- E. Section 106 is amended in part by the revision of Subsections 106.6.2 and 106.6.3 to read in full as follows:

**106.6.2 Fee Schedule.** Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

**106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

F. Subsection 108.4 is deleted in its entirety.

G. Subsection 108.5 is amended in part by the revision of the last sentence of the subsection to read as follows:

. . . .

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and subject to the penalty provisions of the Loveland Municipal Code.

H. Section 109 is deleted in its entirety.

I. Section 303 is amended in part by the deletion of the following numbered paragraphs in Subsection 303.3:

**303.3 Prohibited Locations.**

. . . .

Paragraph 3.

Paragraph 4.

J. Section 304 is amended in part by the addition of the following numbered paragraph 9. to Subsection 304.11 to read in full as follows:

**304.11 Combustion air ducts.**

. . . .

9. In all R Occupancies a minimum of a six inch round duct or equivalent from the furnace and/or water heater shall be provided for combustion air.

- K. Section 402 is amended by the addition of the following second paragraph to Subsection 402.6.1 read as follows:

**402.6.1 Liquefied petroleum gas systems.**

.....

Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, under floor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquid petroleum gases, including construction and temporary heating shall only be installed per the adopted fire code, manufacturer's specifications and listing of the appliance(s).

- L. Section 406 is amended in part by the revision of Subsection 406.4 to read in full as follows:

**Section 406.4 Test pressure measurement.**

Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than **three** times the test pressure.

- M. Section 406 is amended in part by the revision of Subsection 406.4.1 to read in full as follows:

**406.4.1. Test pressure and duration.** These inspections shall include a determination that the gas piping size, material, and installation meet the requirements of this code and shall be made after all piping authorized by the permit has been installed and before any portions thereof which are to be covered or concealed are so concealed and before any fixture, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO<sub>2</sub> or nitrogen pressure test, at which time the gas piping shall stand not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the building official, the piping and valves may be tested at a pressure of at least six (6) inches (152mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure.

For welded piping, and for piping carrying gas at pressure in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the building official, but in no case for less than thirty (30) minutes.

These tests shall be made using air, CO<sub>2</sub>, or nitrogen pressure only and shall be made in the presence of the building official. All necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall comply with Chapter 4 of this code.

N. Subsection 406.4.2 is deleted in its entirety.

O. Section 501 is amended in part by the deletion of the following numbered paragraphs in Subsection 501.8:

**501.8 Equipment no required to be vented.**

.....

Paragraph 8.

Paragraph 10.

P. Appendix C “Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems” is deleted in its entirety.

Q. Appendix D “Recommended Procedure for Safety Inspection of an Existing Appliance Installation” is deleted in its entirety.

**Section 15.18.030 – Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Fuel Gas Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Fuel Gas Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

**Section 2.** That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION”. Copies of the above referenced INTERNATIONAL FUEL GAS CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or



the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

**FIRST READING: June 7, 2011**

**SECOND READING: \_\_\_\_\_**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE  
AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL  
MECHANICAL CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Mechanical Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Mechanical Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Mechanical Code, 2009 Edition, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 15.16 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

**Chapter 15.16**

**MECHANICAL CODE**

**Sections:**

- |                  |  |
|------------------|--|
| <b>15.16.010</b> | <b>International Mechanical Code – Adopted.</b>                          |
| <b>15.16.020</b> | <b>Modifications to the International Mechanical Code, 2009 Edition.</b> |
| <b>15.16.030</b> | <b>Violations and penalties.</b>   |

**Section 15.16.010 – International Mechanical Code – Adopted.**

The International Mechanical Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendix A, is hereby adopted by reference as the mechanical code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved

into the city and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Mechanical Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

**Section 15.16.020 - Modifications to International Mechanical Code, 2009 Edition.**

The International Mechanical Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

**101.1 Title.** These regulations shall be known as the Mechanical Code of the City of Loveland, hereinafter referred to as “this code” or “mechanical code.”

- B. Section 103 is deleted in its entirety.

- C. Section 106 is amended in part by the addition of the following numbered paragraphs 9. and 10. at the end of Subsection 106.2 “Permits Not Required” to read in full as follows:

9. Replacement or repair of a category one (1) furnace or water heater of the same BTU rating in buildings classified as R-3 occupancies, provided the initial installation has been permitted, inspected and approved.

10. Replacement or repair of air conditioning equipment of the same size, energy source, and rating in buildings classified as R-3 occupancies, provided the initial installation has been permitted, inspected and approved.

- D. Section 106 is amended in part by the revision of Subsection 106.4.1 to read in full as follows:

**Section 106.4.1 Approved construction documents.** When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

The code official shall have the authority to issue a permit for the construction of part of a mechanical system before the construction documents for the entire system have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall

proceed at his or her own risk without assurance that the permit for the entire mechanical system will be granted.

- E. Section 106 is amended in part by the revision of Subsections 106.5.2 and 106.5.3 to read in full as follows:

**106.5.2 Fee schedule.** Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

**106.5.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original Permittee not later than 90 days after the date of fee payment.

- F. Section 108 is amended in part by the revision of Subsection 108.5 to read in full as follows:

**108.5 Stop work orders.** Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and subject to the penalty provisions of the Loveland Municipal Code.

- G. Section 109 is deleted in its entirety.

- H. Section 801 is amended in part by the addition of the following sentence at the end of the first paragraph in Subsection 801.2 to read as follows:

**801.2 General.**

....

Un-vented gas appliance(s) and room heaters are prohibited, except for domestic gas range installations per manufacturers listing.

I. Section 905 is amended in part by the addition of the following sentence at the end of the paragraph in Subsection 905.1 to read as follows:

**905.1. General.**

No permit shall be issued for the installation of a wood stove appliance, unless the wood stove appliance is listed and tested by an approved testing agency, fully complies with the manufacturer's listing and conforms to any emissions standards of the State of Colorado in effect at the time of permit application.

J. Section 1001 is amended in part by the addition of a new Subsection 1001.2 to read in full as follows:

**1001.2 Operations and maintenance of boilers and pressure vessels.** Boilers and pressure vessels shall be operated and maintained in conformity with requirements for adequate protection of the public according to nationally recognized standards. The State Boiler Inspector shall notify the owner or the authorized representative of defects or deficiencies, which shall be properly and promptly corrected.

K. Section 1011 is amended in part by the revision of Subsection 1011.1 to read in full as follows:

**1011.1 Tests.** Tests. An installation for which a permit is required shall not be put into service until it has been inspected and approved. It is the duty of the owner or his or her authorized representative to notify the State of Colorado Boiler Inspector or an authorized alternate that the installation is ready for inspection and test. The results of such test shall be submitted to the building official for acceptance.

L. Section 1011 is amended in part by the deletion of Subsection 1011.2.

M. Appendix B "Recommended Permit Fee Schedule" is deleted in its entirety.

**Section 15.16.030 – Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Mechanical Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Mechanical Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

**Section 2.** That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the

Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION”. Copies of the above referenced INTERNATIONAL MECHANICAL CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

First Reading June 7, 2011

Second Reading \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE  
AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL  
PROPERTY MAINTENANCE CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Property Maintenance Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Property Maintenance Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Property Maintenance Code, 2009 Edition, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 15.12 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

**Chapter 15.12**

**PROPERTY MAINTENANCE CODE**

**Sections:**

- |                  |  |
|------------------|--|
| <b>15.12.010</b> | <b>International Property Maintenance Code – Adopted.</b>                          |
| <b>15.12.020</b> | <b>Modifications to the International Property Maintenance Code, 2009 Edition.</b> |
| <b>15.12.030</b> | <b>Violations and penalties.</b>   |

**Section 15.12.010 – International Property Maintenance Code – Adopted.**

The International Property Maintenance Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the property maintenance code of the city. This code is a complete code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions

essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Property Maintenance Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

**Section 15.12.020 - Modifications to International Property Maintenance Code, 2009 Edition.**

The International Property Maintenance Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Loveland, hereinafter referred to as “this code” or “property maintenance code.”

- B. Section 102 is amended in part by the revision of Subsection 102.3 to read in full as follows:

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the current adopted building code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the adopted zoning code.

- C. Section 103 is amended in part by the deletion of Subsection 103.2 in its entirety.

- D. Section 103 is amended in part by the revision of Subsection 103.5 to read in full as follows:

**103.5 Fees.** Fees for the administration and enforcement of this code shall be established from time to time by resolution of the City Council.

- E. Section 304 is amended in part by inserting the following dates into the brackets of the first paragraph of Subsection 304.14.

From: “January 1 to December 31.”

- F. Section 602 is amended in part by inserting the following dates into the brackets of the first paragraph of Subsection 602.3.

From: “January 1 to December 31.”

- G. Section 602 is amended in part by inserting the following dates into the brackets of the first paragraph of Subsection 602.4:

From: “January 1 to December 31.”

- H. Appendix A “Boarding Standard” is deleted in its entirety.



**Section 15.12.030 – Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Property Maintenance Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Property Maintenance Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

**Section 2.** That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL PROPERTY MAINTENANCE CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

First Reading June 7, 2011

Second Reading \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE  
AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL  
RESIDENTIAL CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Residential Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Residential Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Residential Code, 2009 Edition, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 15.10 of the Loveland Municipal Code is amended by the revision of Section 15.10.010 to read in full as follows:

**Section 15.10.010 – International Residential Code – Adopted.**

The International Residential Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A, B, C, D, H, J, K, and O is hereby adopted by reference as the residential code of the city. This code is a complete code covering certain buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Residential Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

**Section 2.** Section 15.10.020 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

**Section 15.10.020 - Modifications to International Residential Code, 2009 Edition.**

The International Residential Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section R101 is amended in part by the revision of Subsection R101.1 to read in full as follows:

**R101.1 Title.** These provisions shall be known as the Residential Code of the City of Loveland, hereinafter referred to as “this code” or “residential code.”

- B. Section R103 is deleted in its entirety.

- C. Section R105 is amended in part by the revision of Subsection R105.2 as follows:

(1) Paragraph number 7. under the section titled “Building:” is amended to read in full as follows:

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L), and are installed entirely above ground.

(2) Paragraph number 10. Under the section titled “Building:” is amended to read in full as follows:

10. Replacement and repair of roofing of like materials on buildings classified as Group R-3 and U Occupancies, when such work is determined not to be historical as defined by the Loveland Historic Preservation Commission.

(3) The following paragraphs shall be added under the section titled “Building:” to read as follows:

11. Replacement and repair of nonstructural siding or siding which is not part of a required fire rated assembly on buildings classified as Group R-3 and U Occupancies.

12. Gutters, downspouts and storm windows (unless specified through design).

13. Pergola\*\* (unenclosed, no roof decking or covering) which are not placed in any required setback or connected to a deck.

\*\*a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.

Unless otherwise exempt by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in a manner in violation of the provisions of this code or any other laws or resolutions of the City of Loveland.

- D. Section R105 is amended in part by the deletion of Subsection R105.3.1.1 in its entirety.
- E. Section R105 is amended in part by the revision of Subsection R105.5 to read in full as follows:

**R105.5 Expiration**

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated. Notwithstanding the above provisions, all permits shall become null and void within twelve (12) months of issuance.

- F. Section R105 is amended in part by the addition of two new Subsections, R105.8.1 and R105.8.2, to read in full as follows:

**R105.8.1. Transfer of permit.** A building permit or application may be transferred from one party to another party upon written request to the building official, provided there are no changes to the plans and specifications. Additionally, the party to whom the permit is transferred must be licensed and in good standing in the appropriate license category.

**R105.8.2. Owner assuming role as contractor.** Provided that no change in ownership has occurred since the permit was issued, the building official may allow the property owner to assume the role of contractor at any time on an active building permit provided the building official is in receipt of a written request from the application holder stating that the applicant is no longer the contractor of record on the permit application. Additionally, the letter shall list the permit number, the address of the project and must state that the original contractor is no longer in the employ of the owner. This change may be done at no charge. No change will be made in the expiration date of the original building permit.

- G. Section R106 is amended in part by the addition of two new Subsections R106.3.4 and R106.3.5 to read in full as follows:

**R106.3.4 Responsibility for preparation of plans and specifications.** In accordance with this section of the building code, the building official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed in the State of Colorado in certain circumstances, including but not limited to the following:

- (1) When foundations are constructed on caissons or any other method. The building official may exempt this provision on additions to existing residential and accessory structures constructed on spread footing conforming to the requirements of Chapter 4.
- (2) If roof framing or wall framing is constructed in non-conformance with the requirements of Chapter 8 and 9 of this code.
- (3) Upon confirmation that beam sizes and spans, loading, or any structural element affects the integrity of the building.

**R106.3.5 Deferred submittals.** For the purpose of this section R106, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall require the prior approval of the building official. The registered design professional responsible for submittal of the construction documents, shall list the deferred submittals on the construction documents for review by the building official.

Submittal documents for deferred submittal items shall initially be submitted to the responsible design professional, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in conformance with the design of the building or structure. The deferred submittal items shall not be installed until their corresponding design and submittal documents have been approved by the building official.

- H. Section R108 is amended in part by the revision of Subsection R108.2 and by the addition of Subsections R108.2.1 and R108.2.2 to read in full as follows:

**R108.2 Schedule of permit and inspection fees.** On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit or inspection, a fee for each permit, or inspection, shall be paid as required in accordance with the schedule established from time to time by resolution of the City Council.

**R108.2.1 Plan Review Fee.** When submittal of documents are required by Section R106, a plan review fee shall be paid. The plan review fees specified in this section are separate from the permit fees specified in Section 108.2 and are in addition to the permit fees.

**R108.2.2 Expiration of plan review.** Applications for which no permit is issued within ninety (90) days following the date of last action of review without any response or additional information submitted by the applicant shall expire. Such plans submitted for checking may therefore be returned to the applicant or destroyed by the building official. Upon written request by the applicant showing circumstances beyond the control of the applicant have prevented action from being taken, the building official may extend the time for action by the applicant for a period not to exceed sixty (60) days. In order to

renew action on an application after expiration, the applicant shall resubmit plans and shall pay an additional review fee.

- I. Section R108 is amended in part by the addition of new Subsections R108.4.1, R108.4.2, and R108.4.3 to read in full in as follows:

**R108.4.1 Fee for commencing work without a permit.** The fee for commencing work without a permit shall be equal to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of this code or other requirements nor from any penalty prescribed by law.

**R108.4.2 Investigative fees - work without permit.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigative fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The maximum investigative fee shall be equal to the amount of the permit fee required by this code. The minimum investigative fee shall be the same fee as the minimum set forth and adopted by the City Council. The payment of such investigative fee shall not exempt any person from compliance with all other provisions of either this code or other requirements nor from any penalty prescribed by law.

**R108.4.3 Re-inspections.** A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which a permit is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Re-inspection fees may be assessed when the inspection card is not posted or otherwise not available on the work site, the approved plans are not readily available to the inspector, failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. The re-inspection fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

- J. Section R108 is amended in part by the revision of Subsection R108.5 to read in full as follows:

**R108.5 Refunds.** The building official is authorized to establish a refund policy in accordance with the following criteria:

1. The building official shall be permitted to authorize refunding of not more than 50 percent of the permit fee paid when no work has been done under the permit issued in accordance with this code; and
2. The building official shall be permitted to authorize refunding of not more than 50 percent of the plan review fee paid when an application for a permit for which a plan

review fee has been paid is withdrawn or canceled provided that no examination time has been expended; and

3. The building official shall not be permitted to authorize refunding of any fee paid except upon written application filed by the original permittee not later than sixty (60) days after the date of fee payment.

K. Section R109 is amended in part by the revision of Subsection R109.1 to read in full as follows:

**R109.1 Types of inspections – inspection card.** For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in a position to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures and verified by the building official.

L. Section R109 is amended in part by the addition of a new Subsection R109.1.1.1 to read in full as follows:

**R109.1.1.1 Drilled pier inspection.** Drilled pier inspections shall be made while the piers are being drilled. The design engineer of record or his authorized representative shall be present during the drilling operations and shall be available to the City inspector during required inspections.

M. Section R109 is amended in part by the addition of a new Subsection R109.1.3.1 to read in full as follows:

**R109.1.3.1 Lowest floor elevation.** The elevation certificate required in Section R109.1.3 shall be submitted when required by the building official or as required by Chapter 15.14 of the Loveland Municipal Code.

N. Section R109 is amended in part by the addition of the following exception to Subsection R109.1.5.1 to read as follows:

. . . . .

**Exception:** Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

- O. Section R109 is amended in part by the addition of new Subsections R109.1.5.2 and R109.1.5.3 to read in full as follows:

**R109.1.5.2 Fire-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

**R109.1.5.3. Special inspections.** For special inspections, Section 1704 of the building code shall apply. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability as set forth in the building code.

- P. Section R112 is deleted in its entirety.

- Q. Section R202 is amended in part by the revision of the definition of “Townhouse” and by the addition of the following definitions of “Room, Sleeping (Bedroom),” and “Utility Space (Room)” to read as follows:

**Room, Sleeping (Bedroom).** A habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

**Townhouse.** A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and opens on at least two sides.

**Utility Space (Room).** A room designed or used to store heating and general maintenance equipment.

- R. Section R301 is amended in part by the addition of the following criteria to Table R301.2(1):

**Table R301.2(1),** insert the following:

Ground Snow Load: 30 psf (1436.4 pa)\*

\*designed in accordance with Table 1608.1, 2003 International Building Code  
Wind speed: Minimum design 100 mph (3 second gust), exposure C\*\*

\*\*Exposure B may be allowed if site plan and Colorado licensed engineer’s calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Wind Speed Study Map. See the attached map BWS-1.



Seismic Design Category: B  
 Weathering: SEVERE  
 Frost Line Depth: Minimum 30” (762 mm) below finished grade  
 Termite: SLIGHT TO MODERATE  
 Decay: NONE TO SLIGHT  
 Winter Design Temperature: -2 F (-18.9 C)  
 Flood Hazards: VARIES\*\*\*

\*\*\*See Chapter 15.14 Floodplain Building Code of City of Loveland Municipal Code

- S. Section R301 is amended in part by the modification of the minimum uniformly distributed live loads for “attics with limited storage,” and “sleeping rooms” set forth in Table R301.5 to read as follows:

**TABLE R301.5  
 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS  
 (In pounds per square foot)**

USE	LIVE LOAD
Attics with limited storage <sup>b,e</sup>	40
Sleeping rooms	40

- T. Section R302 is amended in part by modification of the minimum fire separation distance for “Walls” and “Projections” as set forth in Table R302.1 to read in full as follows:

**TABLE R302.1  
 EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPERATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	3 feet
Openings	Not allowed	N/A	< 3 feet
	25% max. of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R317.3	< 5 feet
		None required	5 feet

- U. Section R302 is amended in part by the revision to Subsection R302.5.1 to read in full as follows:

**R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with a solid wood door not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick, or 20- minute fire rated doors. Doors providing opening protection shall be maintained as self-closing and self-latching.

V. Subsection R303.1 is amended in part by the addition of a new paragraph 4. under “Exceptions:” to read in full as follows:

4. Adequate artificial light may be provided as approved by the building official Upon documented information demonstrating practical difficulties providing additional natural light.

W. Section R305 is amended in part by the revision of the first paragraph of Subsection R305.1 to read in full as follows:

**R305.1 Minimum height.** Habitable Rooms shall have a ceiling height of 7 feet 6 inches (2286 mm). Hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finish floor to the lowest projection from the ceiling.

**Exceptions:** . . . .

X. Section R310 is amended in part by the addition of a second paragraph at the end of Subsection R310.2.1 to read as follows:

**R310.2.1 Ladder and steps.**

. . . .

Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanent affixed ladder or steps usable with the window in the fully open position. If the window well is stepped and has a horizontal dimension less than 36 inches, a ladder is required out of that said level complying with requirements for ladders or steps.

Y. Section R311 is amended in part Section R311.7.5 is amended by adding the following language at the end of the paragraph titled “**Exception:**” to read as follows:

**R311.7.5 Landings for stairways.** There shall be a floor or landing at the top and bottom of each stairway.

**Exception:** . . . .

Where a stairway of two or fewer risers is located on the exterior side of a door, a landing is not required for the exterior side of the door, but a landing is required at the bottom of the risers.

Provided that the exterior doorway is not for the exit doorway required by Section 311, the step between the landing and an exterior doorway and top of the threshold shall have a rise not greater than permitted in Section R311.7.4.1. The door, other than an exterior storm or screen door shall not swing over the landing.

Z. Section R311 is amended in part by the revision of Subsection R311.8.3.1 to read in full as follows:

**R311.8.3.1 Height.** Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 32 inches (812.8 mm) and not more than 38 inches (965 mm).

AA. Section R313 is deleted in its entirety.

BB. Section R315 is amended in part by the addition of the following Subsection R315.4 to read in full as follows:

**R315.4** Carbon monoxide alarms and detectors shall be installed per Title 38 of the Colorado Revised Statutes.

CC. Section R322 is amended in part by the addition of the following paragraph to Subsection R322.1.5 to read as follows:

The elevation certificate required by this section shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

DD. Section R401 is amended in part by the addition of the following sentence at the end of Subsection R401.2 paragraph to read as follows:

**R401.2 Requirements.**

.....

Investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water shall be required.

EE. Section R905 is amended in part by the addition of the following sentence at the end of Subsection R905.1 to read as follows:

**R905.1 Roof covering application.**

.....

Table 1505.1 Minimum Roof Covering Classification for Types of Construction as adopted in the 2009 International Building Code shall be used for all roof coverings.

FF. Section N1101 is amended in part by the revision of Subsection N1101.1 to read in full as follows:

**N1101.1 Scope.** This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

**Exceptions:**

- 1) Portions of the building envelope that do not enclose conditioned space.
- 2) Utility and miscellaneous group U occupancies and agricultural structures.

GG. Section N1101 is amended in part by the addition of the following paragraph to Subsection N1101.2 to read as follows:

Thermal design parameters for the City of Loveland is Zone 5B, and shall be used for calculations required under this code. All ducted air-distribution heating and cooling systems shall be sized using cooling loads. All heating and cooling equipment shall be tested to ensure such equipment is operating within the manufacturers’ recommended parameters and standards according to the applicable protocols established by the building code official and in accordance with the mechanical code adopted by City of Loveland.

HH. Section N1102 is amended in part by the revision of Table N1102.1 to read in full as follows:

**Table N1102.1  
Single-Family Prescriptive Package<sup>(a) (h)(i)</sup>**

<b>Max</b>	<b>Max</b>	<b>Max</b>	<b>Min</b>	<b>Min</b>	<b>Min</b>	<b>Min</b>	<b>Min</b>	<b>Min</b>	<b>Min</b>	<b>Min</b>
<b>Glazing area window to wall %</b>	<b>Fenestration U-Factor</b>	<b>Skylight U-factor (b)</b>	<b>Ceiling R-value</b>	<b>frame wall R-value</b>	<b>Mass Wall R-value (g)</b>	<b>Floor R-value over unheated space (e)</b>	<b>Basement Wall R-Value Continuous cavity</b>	<b>Slab perimeter R-value/ Depth (d)</b>	<b>Crawl Space R value Cont./ cavity (c)</b>	<b>Heating/ Cooling efficiency Rating (AFUE)</b>
NA	.35	.60	38	19 or 13+5 (f)	13	30	10/13	10, 2ft.	10/13	80/13
NA	.35	.60	38	13	8	30	10/13	10, 2ft.	10/13	90/ 13

(a) R-values are minimums. U-factors Solar Heat Gain Coefficient (SHGC) are maximums.  
R-19 shall be permitted to be compressed into a 2x6 cavity.

- (b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- (c) The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- (d) The R-5 shall be added to the required slab edge R-values for heated slabs.
- (e) Or insulation sufficient to fill the framing cavity, R-19 minimum.
- (f) 13+5 means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing cover 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural cover more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- (g) Nominal log thickness of 6 inches has a mass wall R-Value (8.3), an 8 inch log is (11.3), a 10 inch log is (13.9), and a 12 inch log is (16.5).
- (h) The thermal design parameters shall be used for calculations required under this code as listed in Design Value section.

Winter Outdoor, Design Dry-bulb (°F)	= 4
Winter Indoor, Design Dry-bulb (°F)	= 72
Summer, Outdoor Design Dry-bulb (°F)	= 94
Summer, Indoor Design Dry-bulb (°F)	= 75
Summer, Design Wet-bulb (°F)	= 63
Degree days heating	= 6600
Degree days cooling	= 479
Degrees North Latitude	= 40 degrees 35 minutes

- (i) In addition City of Loveland will accept any Climate Zone 5B Single Family Prescriptive Packages in the 2009 International Energy Conservation Code (IECC) and ResCheck Compliance Report that passes using 2009 IECC and HDD = 6600, and any Home Energy Rating Score (HERS) less than 100 by an approved qualified energy rater. For additional information on energy codes or free software download of ResCheck go to [www.energycodes.gov](http://www.energycodes.gov).

II. Section M1307 is amended in part by the addition of a new Subsection M1307.7 to read in full as follows:

**M1307.7 Liquefied Petroleum Appliances.** Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, underfloor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquefied petroleum gases, including construction and temporary heating, shall only be installed per adopted fire code and per manufacturers specifications and listing per appliances.

JJ. Section M1410 is amended in part by the addition of the following sentence at the end of Subsection M1410.1 to read as follows:

**M1410.1 General.**

.....

Un-vented gas appliance(s) and room heaters are prohibited, except for listed domestic gas range installations.

KK. Section M2005 is amended in part by the revision of Subsection M2005.1 to read in full as follows:

**M2005.1 General.** The minimum Energy Factor for water heaters shall be .60 for fuel-fired type, and .92 for electrical types.

LL. Appendix E “Manufactured Housing Used as Dwelling” is deleted in its entirety.

MM. Appendix F “Radon Control Methods” is deleted in its entirety.

NN. Appendix G “Swimming Pools, Spas and Hot Tubs” is deleted in its entirety.

OO. Appendix I “Private Sewage Disposal” is deleted in its entirety.

PP. Appendix L “Permit Fees” is deleted in its entirety.

QQ. Appendix M “Home Day Care—R-3 Occupancy” is deleted in its entirety.

RR. Appendix N “Venting Methods” is deleted in its entirety.

SS. Appendix P “Sizing of Water Piping System” is deleted in its entirety.

TT. Appendix Q “ICC International Residential Code Electrical Provisions/National Electrical Code Cross-Reference” is deleted in its entirety.

**Section 3.** Section 15.10.030 of the Loveland Municipal Code is amended to read as follows:

**Section 15.10.030 – Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Residential Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Residential Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

**Section 4.** That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference “AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE

AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL RESIDENTIAL CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

**Section 5.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

**FIRST READING: June 7, 2011**

**SECOND READING: \_\_\_\_\_**

**ORDINANCE NO.**

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Plumbing Code, 2009 Edition, and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to Section 31-16-203, C.R.S. concerning the adoption of the International Plumbing Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Plumbing Code, 2009 Edition, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 15.20 of the Loveland Municipal Code is repealed in its entirety and reenacted to read in full as follows:

**Chapter 15.20**

**PLUMBING CODE**

**Sections:**

- 15.20.010 International Plumbing Code – Adopted.**
- 15.20.020 Modifications to the International Plumbing Code, 2009 Edition.**
- 15.20.030 Violations and penalties.**

**Section 15.20.010 – International Plumbing Code – Adopted.**

The International Plumbing Code, 2009 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the plumbing code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to



provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Plumbing Code, 2009 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

**Section 15.20.020 - Modifications to International Plumbing Code, 2009 Edition.**

The International Plumbing Code, 2009 Edition, adopted in this chapter, is modified as follows:

- A. Section 101 is amended in part by the revision of Subsection 101.1 to read in full as follows:

**101.1 Title.** These regulations shall be known as the Plumbing Code of the City of Loveland, hereinafter referred to as “this code” or “plumbing code.”

- B. Section 103 is deleted in its entirety.

- C. Section 106 is amended in part by the revision of Subsection 106.5.1 to read in full as follows:

**106.5.1 Approved construction documents.** When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE.”

The code official shall have the authority to issue a permit for the construction of a part of a plumbing system before the entire construction documents for the whole system have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire plumbing system will be granted.

- D. Section 106 is amended in part by the revision of Subsections 106.6.2 and 106.6.3 to read in full as follows:

**106.6.2 Fee Schedule.** Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

**106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

- E. Subsection 108.4 is deleted in its entirety.
- F. Subsection 108.5 is amended in part by the revision of the last sentence in the paragraph to read as follows:

. . . . .

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and subject to the penalty provisions of the Loveland Municipal Code.

- G. Section 109 is deleted in its entirety.
- H. The following appendices are deleted in their entirety:
  - Appendix A “Plumbing Permit Fee Schedule”;
  - Appendix B “Rates of Rainfall for Various Cities”;
  - Appendix C “Gray Water Recycling Systems”;
  - Appendix D “Degree Day and Design Temperatures”;
  - Appendix E “Sizing of Water Piping System”;
  - Appendix F “Structural Safety”;
  - Appendix G “Vacuum Drainage System”;
- I. The 2009 International Private Sewage Disposal Code being a part of the 2009 International Plumbing Code, is deleted in its entirety.

**Section 15.20.030 – Violations and penalties.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the 2009 International Plumbing Code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the 2009 International Plumbing Code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

**Section 2.** That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing and once at least eight day preceding the public hearing, the following notice:

Public Notice is hereby given that at 6:30 p.m. or as soon as possible thereafter on July 5, 2011 in the City Council Chambers, City Hall, 500 E. Third St., Loveland,

Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Title 15 of the Loveland Municipal Code to Adopt by Reference "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION". Copies of the above referenced INTERNATIONAL PLUMBING CODE and any codes adopted by reference within title 15 are on file with the Loveland City Clerk and are open to inspection.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 10  
**MEETING DATE:** June 7, 2011  
**TO:** City Council  
**FROM:** Greg George, Development Services Department  
**PRESENTER:** Steven Williams, Current Planning

**TITLE:**

AN ORDINANCE VACATING A PORTION OF A POSTAL AND UTILITY EASEMENT ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

**DESCRIPTION:**

A public hearing to consider a legislative action to adopt an ordinance on first reading vacating a 59 square foot postal and utility easement located in Lot 1, Block 17, Alford Lakes First Subdivision. The applicant is Tom Kennedy of Serenity Homes of Northern Colorado.

**BUDGET IMPACT:**

Yes  No

**SUMMARY:** The application proposes to vacate a portion of the postal and utility easement at 5267 Coral Burst Circle, east of Brandywine Drive, on Lot 1, Block 17, Alford Lake First Subdivision. The vacation is necessary to correct a field error resulting from the foundation crew measuring the building setback from the edge of the sidewalk rather than measuring it from the property line, which lies roughly 1 foot inside of the sidewalk. Consequently, the west side of the home extends into the subject easement approximately 1 foot. All providers of public utilities have reviewed the vacation application and recommend approval.

**LIST OF ATTACHMENTS:**

- Easement vacation ordinance
- Staff memorandum with attachments

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion for City Council action:

Move to make the findings in Section V of the staff memorandum dated June 7, 2011 and, based on those findings, adopt on first reading, AN ORDINANCE VACATING A PORTION OF A POSTAL AND UTILITY EASEMENT ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO.

**REVIEWED BY CITY MANAGER:**

FIRST READING: June 7, 2011

SECOND READING: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT LOCATED ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO**

**WHEREAS**, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of a utility easement described below, located on Lot 1, Block 17, Alford Lake First Subdivision, City Of Loveland, Larimer County, Colorado.

**WHEREAS**, the City Council finds and determines that no land adjoining any right-of-way 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

**WHEREAS**, the City Council finds and determines that the utility easement to be vacated is no longer necessary for the public use and convenience; and

**WHEREAS**, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the following described portion of a utility easement be and the same is hereby vacated:

That portion of LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, situate in the West ½ of Section 35, Township 6 North, Range 69 West of the 6th P.M., City Of Loveland, Larimer County, Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 1, Block 17 of Alford Lake First Subdivision, and assuming the West line of Lot 1 as bearing North 00°23' 51" West, being a grid distance of 103.00 feet with all bearings contained herein relative thereto.

THENCE North 89°36'09" East along the South line of said Lot 1 a distance of 14.00 feet to a line parallel with and 15.00 feet Easterly of, as measured at a right angle to the West line of Lot 1; THENCE North 00°23'51" West along said parallel line a distance of 15.38 feet to the POINT OF BEGINNING;

THENCE South 89°36'09" West a distance of 0.86 feet to a line parallel with and 13.14 feet Easterly of, as measured at a right angle to the West line of Lot 1, Block 17;

THENCE North 00°23'51" West along said parallel line a distance of 68.40 feet;  
THENCE North 89°36'09" East a distance of 0.86 feet to the Easterly line of an existing 14.00 foot postal and utility easement and to a line parallel with and 14.00 feet Easterly of, as measured at a right angle to the West line of Lot 1, Block 17;  
THENCE South 00°23'51" East along said parallel line a distance of 68.40 feet to the POINT OF BEGINNING.

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

**Section 3.** That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney



## Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537  
 (970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

### MEMORANDUM

**TO:** City Council

**FROM:** Steven Williams, Current Planning Division

**DATE:** 6/7/2011

**SUBJECT:** Vacation of a utility easement on Lot 1, Block 17 of the Alford Lake First Subdivision

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#### **I. ATTACHMENTS**

1. Vacation Exhibit

#### **II. KEY ISSUES**

Staff believes that there are no outstanding issues regarding this requested easement vacation.

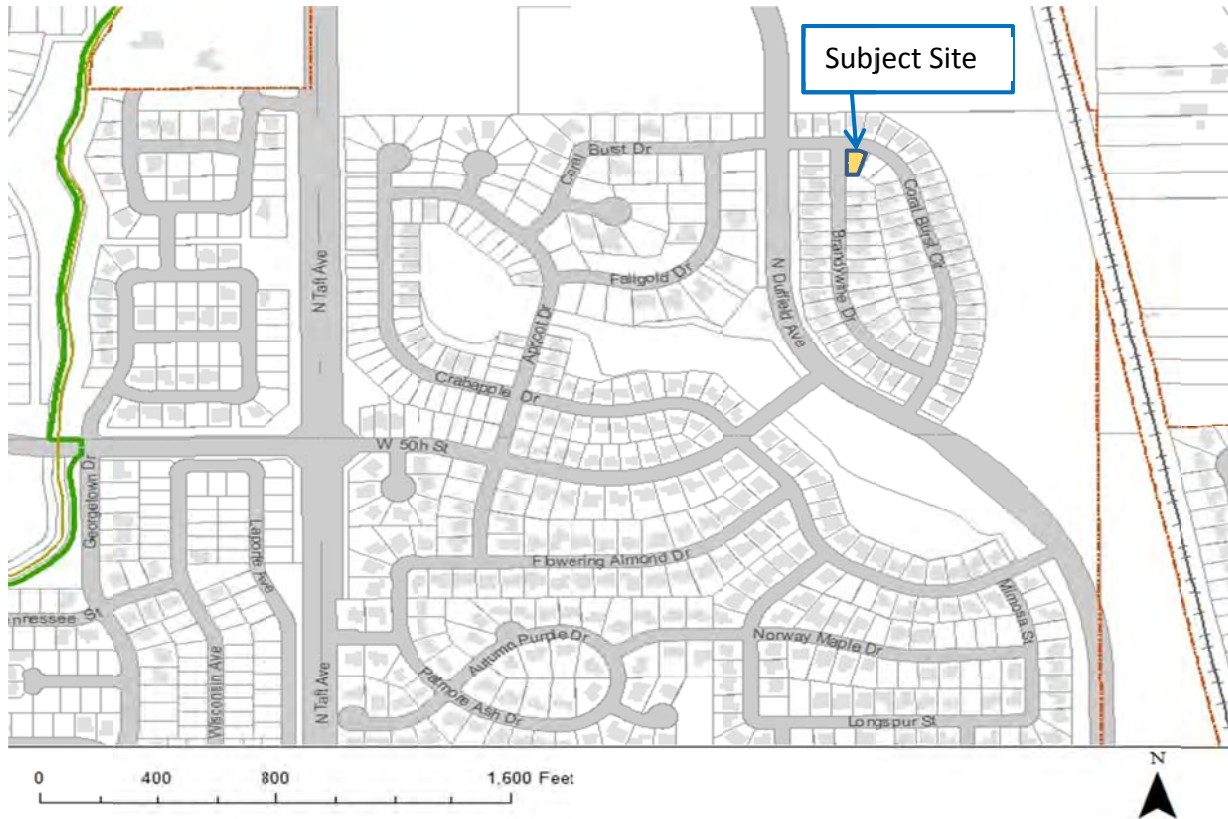
#### **III. PROJECT DESCRIPTION**

The application proposes to vacate a 59 square foot portion of a postal and utility easement to correct a 0.86 foot encroachment of the existing single-family home into said easement. This home is located at 5267 Coral Burst Circle in the Alford Lake First Subdivision (see vicinity map below).

#### **IV. BACKGROUND**

The applicant, Tom Kennedy of Serenity Homes of Northern Colorado, attests that the foundation crew that was working on this home measured the setback from the edge of the sidewalk, rather than measuring it from the property line, which lies roughly 1 foot inside of the sidewalk when they were establishing the location of the building. Consequently, the westside of the home extends into said easement.





**V. FINDINGS and ANALYSIS**

The following two findings must be met in order for the City Council to vacate the utility and postal easement. These findings are included in section 16.36.010.B of the Loveland City Code.

1. *That no land adjoining any right-of-way 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.*

**Current Planning:** Current Planning staff believes this finding can be met because the vacation is internal to the property and being conducted to accommodate the location of the new building.

**Transportation:** The Transportation Division understands per the easement vacation application received, that this is a proposed vacation of a portion of a postal and utility easement on the property, (with no proposed vacation of any existing street rights-of-way which exist in this area). Public street rights-of-way presently exist to serve as vehicular access to the property.

Since the proposed vacation of this easement does not involve the vacation of any existing public street or alley rights-of-way, no land will be 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. (This utility easement vacation will not leave adjoining land without access to the existing public street/alley system).

2. *That the right-of-way or easement to be vacated is no longer necessary for the public use and convenience.*

**Transportation:** Since this vacation is for a utility and postal easement only, and does not include any existing alley or street rights of way, the vacation of the utility easement has no bearing to the existing public use and convenience in regards to access.

In light of all of the above the Transportation Division has no objection to the vacation of the easement (no public street or alley right-of-way is involved in this easement vacation).

**Power:** The right-of-way or easement to be vacated is no longer necessary for the public use and convenience.

**Stormwater:** The existing utility easement, to be vacated, is not used to convey stormwater and thus is not necessary for the public use and conveyance of stormwater.

**Water/Wastewater:** The existing easement to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development.

The existing easement to be vacated is no longer necessary for public use and convenience

## **VI. RECOMMENDATION**

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council approve the vacation ordinance on first reading.

## **VII. CONDITIONS**

No City departments or other review agencies have submitted any recommended conditions for this application.

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**Exhibit A**  
**PROPERTY DESCRIPTION**

A parcel of land for easement vacation purposes, located in Lots 1, Block 17, Alford Lake First Subdivision, recorded October 31, 2002 as Reception No. 2002116653 of the Records of Larimer County, situate within the West Half (W1/2) of Section Thirty-five (35), Township Six North (T.6N.), Range Sixty-nine West (R.69W.), Sixth Principal Meridian (6th P.M.), Larimer County, Colorado, more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 1, Block 17 of Alford Lake First Subdivision, and assuming the West line of Lot 1 as bearing North 00°23'51" West, being a grid distance of 103.00 feet with all bearings contained herein relative thereto.

THENCE North 89°36'09" East along the South line of said Lot 1 a distance of 14.00 feet to a line parallel with and 15.00 feet Easterly of, as measured at a right angle to the West line of Lot 1; THENCE North 00°23'51" West along said parallel line a distance of 15.38 feet to the **POINT OF BEGINNING**;

THENCE South 89°36'09" West a distance of 0.86 feet to a line parallel with and 13.14 feet Easterly of, as measured at a right angle to the West line of Lot 1, Block 17; THENCE North 00°23'51" West along said parallel line a distance of 68.40 feet; THENCE North 89°36'09" East a distance of 0.86 feet to the Easterly line of an existing 14.00 foot postal and utility easement and to a line parallel with and 14.00 feet Easterly of, as measured at a right angle to the West line of Lot 1, Block 17; THENCE South 00°23'51" East along said parallel line a distance of 68.40 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains a total of 59 sq. ft, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.

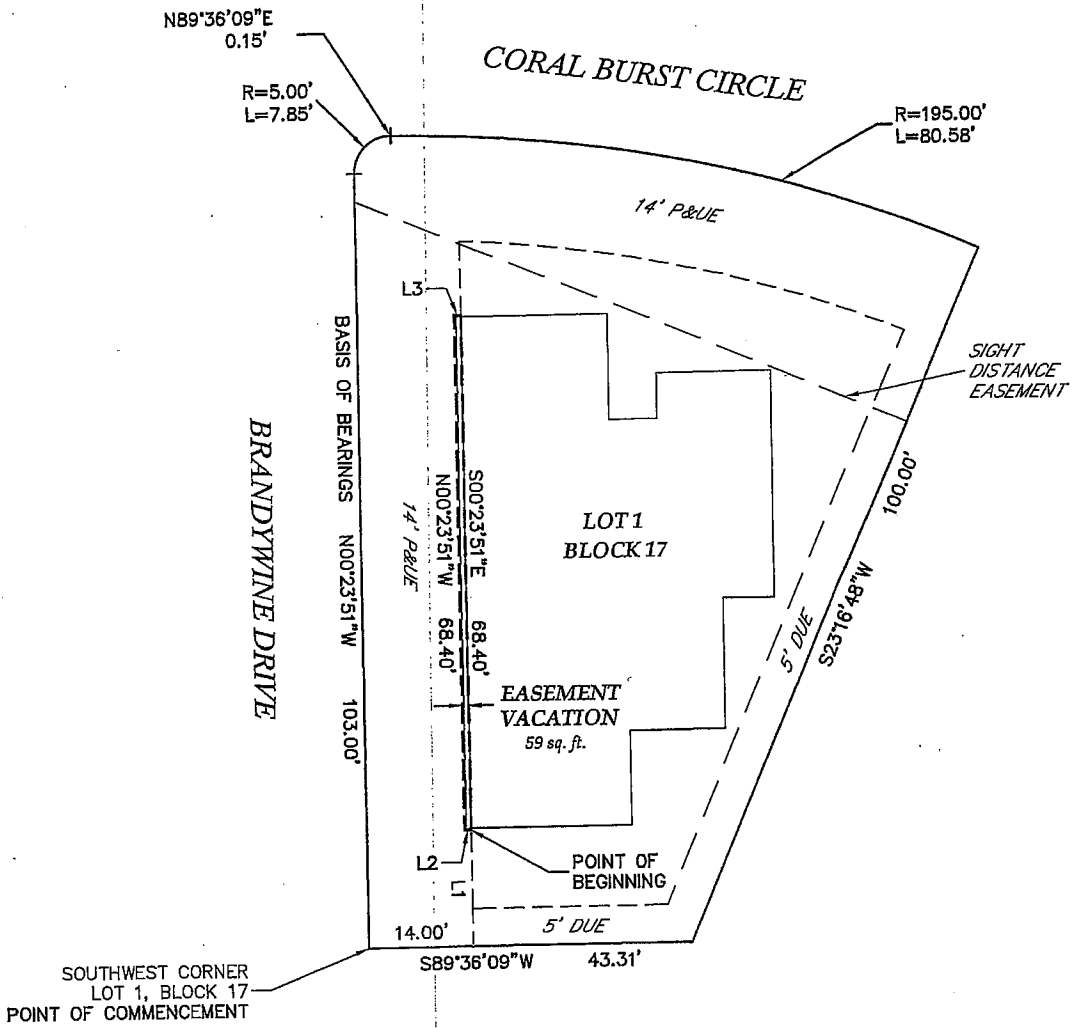
**SURVEYOR'S CERTIFICATE**

I, Paul B. Groves, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Paul B. Groves – on behalf of King Surveyors, Inc.  
Colorado Registered Professional  
Land Surveyor #38209

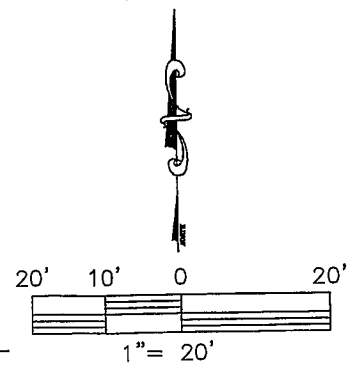
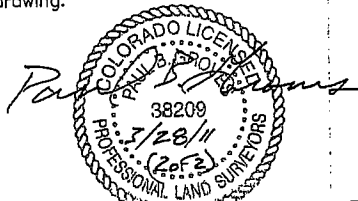
**KING SURVEYORS, INC.**  
650 Garden Drive  
Windsor, Colorado 80550  
(970) 686-5011



LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°23'51"W	15.38'
L2	S89°36'09"W	0.86'
L3	N89°36'09"E	0.86'

ATTACHMENT 1

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



Paul B. Groves - On Behalf Of King Surveyors, Inc.  
Colorado Registered Professional  
Land Surveyor #38209



**KING SURVEYORS, INC.**  
650 E. Garden Drive | Windsor, Colorado 80550  
phone: (970) 686-5011 | fax: (970) 686-5821  
www.kingsurveyors.com

PROJECT NO: 2010481  
DATE: 03/28/11  
CLIENT: SERENITY HOMES  
DWG: 2010481EXH  
DRAWN: PG CHECKED: PG

**CITY OF LOVELAND**  
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
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**AGENDA ITEM:** 11  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** City Manager  
**PRESENTER:** Bill Cahill / Renee Wheeler

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**TITLE:**

A Resolution adopting a Strategy for Financial Sustainability Dated June 7, 2011

**DESCRIPTION:**

This is an administrative action to approve recommendations for financial sustainability over the next ten years based on a process approved by City Council that incorporated feedback from citizens, City Council, Boards and Commissions, and employees. The \$33.5 million recommendations over ten years include both revenue enhancements and expenditure reductions and include no new taxes.

**BUDGET IMPACT:**

Yes    No

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**SUMMARY:**

Recommendations to close annual average \$3.5 million gap between projected revenue and expenditures are presented in the attached report. This report provides information on the process, the recommendations, and the impact of the recommendations on the ten year financial projections for the General Fund. The detail documentation for the public feedback was included as appendices with the study session materials for May 24, 2011 but was not reproduced for this report to reduce the cost of packet production. Please contact Renee Wheeler (contact information below) to request copies. There was general consensus at the May 24, 2011 study session to bring the Financial Sustainability Plan to the June 7, 2011 City Council meeting for official action.

Renee Wheeler, Assistant City Manager/Finance Director,  
[wheelr@ci.loveland.co.us](mailto:wheelr@ci.loveland.co.us), 970-962-2704

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**LIST OF ATTACHMENTS:**

Resolution with Exhibits for the Strategy for Financial Sustainability and the table demonstrating the projected Ten Year Impact

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**RECOMMENDED CITY COUNCIL ACTION:**

Approve a Resolution adopting a Strategy for Financial Sustainability dated June 7, 2011.

**REVIEWED BY CITY MANAGER:**

**RESOLUTION #R-39-2011****A RESOLUTION ADOPTING A STRATEGY FOR FINANCIAL SUSTAINABILITY DATED JUNE 7, 2011**

**WHEREAS**, based on structural economic changes and current information available, it has become clear that the City's projected annual general fund revenues will not be sufficient to cover its projected annual general fund expenditures, sometimes referred to as a "structural deficit" in the coming years; and

**WHEREAS**, it is projected that this structural deficit in the City's general fund budget will average approximately \$3.5M annually over the period from 2012 through 2020, this structural deficit; and

**WHEREAS**, beginning in December, 2010, the City has engaged in a dynamic process, including stakeholder and citizen input, to define guiding principles, collect data, evaluate, and recommend to City Council potential actions and measures to address this anticipated structural deficit known as the Financial Sustainability Process; and

**WHEREAS**, the Financial Sustainability Process resulted in the "Strategy for Financial Sustainability" dated June 7, 2011 attached hereto and incorporated herein by this reference (the "Strategy") and the Recommendations and Long Term Measures set forth therein, which include revenue enhancements and expenditure reductions, but no new taxes; and

**WHEREAS**, the Council desires to approve the Strategy and direct the City Manager and City Staff to proceed with steps to implement the Recommendations and further evaluate Long Term Measures identified therein beginning with the 2012 budget year.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the "Strategy for Financial Sustainability" dated June 7, 2011 attached hereto and incorporated herein by this reference is hereby approved.

**Section 2.** That the City Manager and City Staff are directed to proceed with steps to implement the Recommendations and further evaluate Long Term Measures identified in the Strategy beginning with the 2012 budget year and to include presentation of action items to Council for approval as may be necessary or appropriate as implementation proceeds.



**Section 3.** That this Resolution shall be effective as of the date of its adoption.

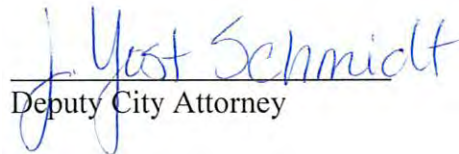
ADOPTED this 7<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

**EXHIBIT A**

**A Strategy for Financial Sustainability**



**June 7, 2011**

# Financial Sustainability

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The Financial Sustainability Process

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Recommendations

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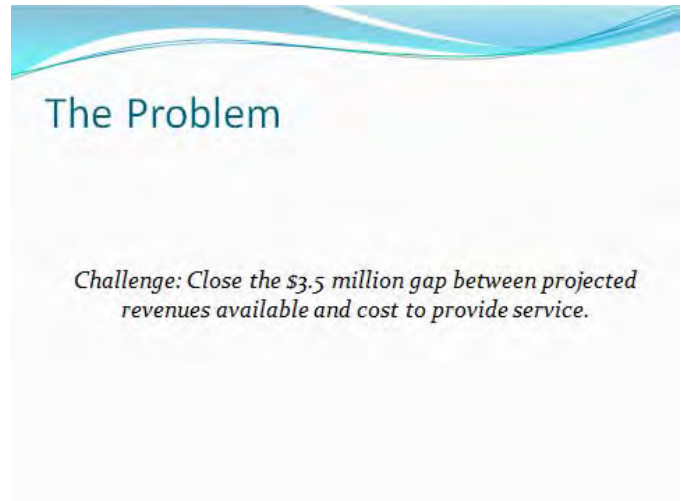
1. City Vision Statement, Mission Statement and City Council Goals
2. Process Detail

Table 1: Recommendations

Table 2: Status of Ten Year General Fund Financial Master Plan

**Introduction and Purpose**

The City of Loveland is growing and has been financially healthy. The City’s tradition of conservative fiscal management has placed it in a position that other local governments might envy. The City Council has placed a high degree of importance on creating a plan for maintaining the strong financial position of the City of Loveland in a sustainable manner for the future of the community.



However, the General Fund Financial Master plan indicated that reserves in excess of the policies and practices would be consumed by 2013. It became clear that based on the current information available for projections the projected annual revenues will not be sufficient to cover the projected annual expenditures, sometimes referred to as a structural deficit.

A more intensive focus on long term strategies for balancing the budget within the ten year planning horizon has been initiated. The City engaged in a process for bringing together practical, actionable ideas to meet the challenge. This long term focus is the basis for labeling it the “Financial Sustainability Process”.

This Sustainability Strategy is based on the City’s Financial Master Plan as a baseline. The Master Plan contains projections of operating and maintenance (O &M) costs, including new O & M costs brought on as a result of new capital projects. So it is a “holistic” look, incorporating existing operations as well as additions due to growth of City facilities. However, the Master Plan – and this Sustainability Strategy – do not include completely new initiatives which have not been approved. In particular, the potential new Fire Authority, including the ramp-up of City Fire staffing to new service levels, is not included. However, the increase in Fire staffing projected for Station 2 is included in this analysis, because it is already incorporated into the Financial Master Plan.

**The Financial Challenge**

The City’s General Fund budget for 2012-2020 is projected to have a gap between revenues and expenditures that on the average is \$3.5 million annually. The “gap” between resources and expenditures that has been identified is roughly 5%. While 5% is significant because of the reductions that have occurred in recent years, it is certainly not a crisis. The financial master plan expenditure estimates (as shown to the right) do



include the operations and maintenance impact of capital projects in the capital improvements plan.

The plan also includes employee base pay increases, restoring street maintenance and equipment replacement. It is expected that service reductions would need to be implemented if the recommendations were all on the expenditure side. The strategic evaluation of a variety of recommendations (revenue, expenditures and reserves) is preferable to annual reductions approach to ensure that permanent and thoughtful recommendations are implemented. Using this approach, the City positions itself to be in the best position to take full advantages of the opportunities that arise over the next ten years.

**The Financial Sustainability Process**

The Financial Sustainability Process was designed and approved by City Council at the December 14, 2010 study session. There were several phases of the process that were being implemented simultaneously to allow for all the parties involved to have at least two and preferably three opportunities to consider the information before making decisions at any stage. The process itself was dynamic in response to feedback collected during the implementation.

	Dec	Jan	Feb	Mar	Apr	May
Problem Definition & Process Development	X					
Data Collection	X	X	X	X		
Principles		X				
Priorities		X	X			
Strategy Development				X	X	X
Strategy Approval						X

**Data Collection**

Once the problem was defined, a process was developed to create strategies. Many stakeholder groups were involved in the process. Three public forums were hosted by the Citizens’ Finance Advisory Commission and two separate on-line surveys were made available that focused on budget balancing strategies. This combined effort resulted in survey completion by 492 respondents. The City Council also completed a survey early in the process.

Employees were actively engaged in strategy development as well. 165 ideas were submitted through an internal employee survey and a representative group of employees evaluated those ideas to submit the most viable strategies. The executive management team was assigned a variety of topics to study in more depth; and those groups brought recommendations forward. Nearly all the executive management team meetings over the period of February to May 2011 have been dedicated to vetting potential strategies. Over the last six months a comprehensive process has been undertaken to develop the reasonable and actionable recommendations for sustainability.

**Principles for Financial Sustainability**

City Council, boards and commissions, citizens, and employees at all levels of the organization have been involved in development of recommendations for City Council consideration guided by the following principles approved by City Council February 22, 2011:

1. Provide the highest quality of public service which is sustainable on a long-term basis.
2. Set reasonable expectations for delivering quality, customer-centered services in a fair, equitable, efficient and cost-effective manner.
3. Advance services and programs that promote safety, quality of life and business growth.
4. Balance the services to be delivered with the resources available, both in terms of people and money.
5. Promote a fiscally conservative approach to achieve financial sustainability, maintaining flexibility to respond to opportunities and challenges.
6. Maintain the City as an employer of choice, able to attract and retain high-quality employees.

### **Priorities and Summary of Public Participation**

The City Council participated in a questionnaire and study session discussion of priorities for city services and evaluation of various measures. Complete results are found in Appendix 3. Key results:

- The City should proceed with a TABOR ballot measure (de-Brucing) in November, 2011. It should be time-limited, and limited to the same purposes as in the previous measure.
- There was no strong inclination to pursue other tax measures at this time.
- Priorities for General Fund expenditures are as follows:
  - Fire and Rescue
  - Police
  - Streets Maintenance
  - Transportation Planning/Engineering
  - Traffic Management
  - Building Review and Inspections
  - Development Review
  - Library
  - Transit
  - Downtown Planning
  - Land Use Code Review and Update
  - Code Enforcement
  - Economic Development (Cash Incentives/Fee Waivers)
  - Parks and Recreation
  - Museum
  - Public Information
  - Rialto
  - Non-Profit Grants
  - Historic Preservation Grants and Planning Support

Public participation, as reflected in public meetings as well as on-line surveys, yielded the following results:

- Citizens believe that a balanced approach is appropriate, using both cost reduction and revenue increases in roughly equal proportions.
- Citizens think that certain City activities should generate more of their own revenues. In particular, increased fees are seen as appropriate for development services, cultural service facilities, and other City facilities.

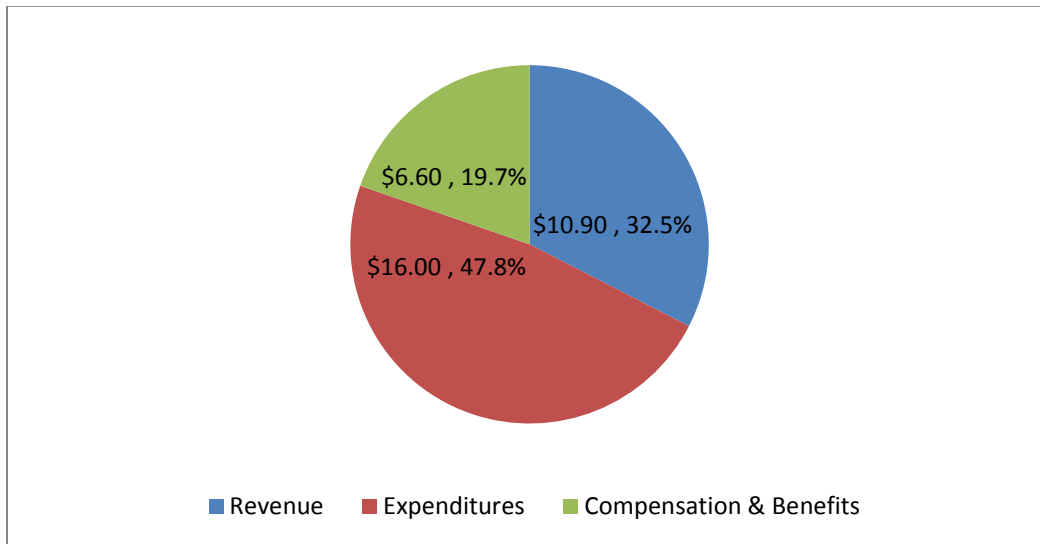
- Citizens also favor submitting a TABOR ballot measure (de-Brucing) to the voters, incorporating a sunset provision, with restrictions on the use of revenue similar to the existing Loveland restrictions.
- Citizens think that targeted reductions are more appropriate than across the board reductions.

**The Sustainability Strategy**

Strategic recommendations were developed pursuant to the principles adopted by City Council, and reflecting the policy views and priorities expressed by the City Council and the public.

The resulting strategy is balanced between expenditure reductions and revenue increases, as both the Council and the public indicated desirable. The recommended actions consists of 81% cost reductions and 19% in revenues benefiting the General Fund for 2012.

The strategy is also phased in over a number of years. Over time savings in early actions allow phased-in reductions in cost over the time period. Cumulative saving from recommended actions will mount over the decade to \$33.5 million. The graph below, stated in millions of dollars, demonstrates the composition of the recommendations for the ten year period.



Each of the changes is felt to be durable, so that it is not simply a one-time cut which will need to be reversed later.

**Recommendations**

The recommended recommendations include both expenditure reductions and revenue enhancements. Table 1 lists the recommended actions. First- year reductions are:

- \$285,200 - Employee generated operational efficiency options.
- \$903,750 - Employee benefit and administration cost reductions.

- \$76,450 - Fleet management strategy, including elimination of underutilized equipment and “pooling” the use of remaining equipment. This also generates savings through the elimination of future year replacement costs.
- \$33,270 - Fleet reduction: sale of units targeted for elimination from the fleet (one-time savings)
- \$ 30,000 - Reduction of City Council budget
- \$510,000 - Line item budget reduction in all General Fund departments
- \$150,000 - Voluntary Severance Program
- \$134,000 - Strategic Attrition
- \$651,600 - Payment In Lieu of Taxes increase of 1% on utility enterprise funds only
- \$343,900 - Minor fee increases in several departments

\$3,118,170 of the \$3,116,443 target for 2012 has been identified, leaving \$1,727 that could be applied to future year imbalances. These recommendations are highlighted below in greater detail.

### ***Employee Savings and Efficiency Options***

There were about 165 ideas submitted by City employees. After sorting for feasibility and value, an employee task force recommends thirteen actionable options that are expected to generate \$285,200 in value. These options are related to reducing costs for the way the City currently conducts business. The suggestions are related to limiting take home vehicles, eliminating vehicle allowances, eliminating supplies, budget FICA taxes more specifically to account for pretax elections for medical and dependent care, finding corporate sponsors for public events like 4<sup>th</sup> of July, charge fees for museum exhibits/shows, and publishing ordinances by title only (which would require an election).

### ***Employee Compensation and Benefits Review***

The City’s employee compensation and benefits were compared to market (both public and private) in an attempt to identify any components of the salaries and benefits provided that might be out of alignment. The total savings in this category of options is estimated to be \$903,750.

Principle number 6 above is followed in evaluating employee compensation and benefits. In general, compensation changes are tested against general market trends. Pay reductions are not recommended. However, there are minor areas of benefits which can be adjusted without the City suffering a disadvantage compared to the market.

The benefit review only revealed a couple of benefits that exceeded the market, (1) life insurance and (2) the management of sick leave hours. The City currently offers 2 times the annual salary for life insurance, where the market is reflecting a benefit of 1.5 times the annual salary. If the benefit is decreased to align with the market the difference in the premium would save the City \$23,000. The City’s sick leave accumulation and payout policies also differ from the general market and an adjustment may yield savings, particularly when aligned with potential changes in short-term and long-term disability coverage of up to \$235,077.



Finally, the financial master plan expects that salaries will increase on the average by 3.5%. Decreasing the amount of the base raise can create savings throughout the plan, but prolonged periods of holding employee compensation down can damage the City's ability to retain and recruit high-quality employees (therefore violating principle #6 above). It is therefore important to keep pace with market in being able to compensate employees.

The recommendation therefore steps up the rate of employee pay as the economy improves, and as the job market improves. In 2009 and 2010, there were no employee raises. In 2011, the City has been able to make a one-time merit pay distribution (which did not change permanent pay ranges). The recommended action is to return to a permanent pay range increase in 2012 of 2%, and then return to pay range increases averaging 3.5% in 2013.

### ***Fleet Management Strategy***

The Vehicle Maintenance staff conducted a study of vehicle utilization to identify the bottom 10% of underused vehicles and equipment. Using utilization standards for municipal government fleets from both the National Association of Fleet Administrators and the American Public Works Association, a significant number of vehicles or equipment were identified for elimination from the fleet.

The City can reduce costs of managing the operations and maintenance costs of the fleet by \$76,450 and the future replacement costs of the fleet. The significant number of vehicles or equipment identified by the study would be sold for an estimated one time savings of \$33,270 in 2012.

### ***Reduce City Council Budget***

The City Council budget will be reduced by \$30,000 following Council comments at the April 22, 2011 study session. This would be achieved by reducing the amount of travel supported by the City and reducing meeting expenditures. Both of these represent permanent changes in the operation of the City Council, not simply one-time reductions.

### ***Line Item Budget Reduction in Other General Fund Departments***

Other City departments receiving General Fund revenues have reduced their budgeted levels by approximately \$510,000. These reductions have been made proportionally to the amount of General Fund support received by each department, with attention to avoiding impacts to critical services. In most cases, this involves a more austere approach to expenses, or improvements in organizational efficiency. The \$510,000 in reductions will be made in 2012, creating a new budget "baseline" or "core" level of expenditure, and is then projected forward through the 10-year financial planning period.

### ***Voluntary Severance Program***

A voluntary severance program is recommended to be offered in the fall of 2011. This reduces the City's overall personnel cost by offering a one-time payout to those interested in retirement or other separation, and maintaining positions as open or in some cases under-filling to create net savings. Only positions which produce net savings will be approved. The service impacts of any vacant positions will also be carefully considered in accepting applications.

### ***Strategic Attrition Program***

A program of "strategic attrition" will be used to reduce the overall size of the City workforce. It will reduce the overall personnel by eliminating selected positions as they become vacant producing continued savings. Existing General Fund positions vacated will eliminate about \$134,000. Maintaining this approach will create an estimated \$50,000 in added reduction each fiscal year.

As attrition is employed to reduce total expenditures, it will be carefully managed to minimize the impacts on key programs. Not every vacated position will be left vacant. In addition, each vacancy will be viewed as an opportunity to re-organize the way in which the City does business. It is important to recognize that this approach will be taken regardless of the level of the position. Whether in executive or middle management, supervisor or line staff, each position vacancy will result in similar analysis.

### ***Minor Fee Increases***

There are a variety of fee increases that have been submitted for consideration that would generate approximately \$343,900. The risk associated with the estimates is that they would assume that the participation would not be impacted by the fee increases. The following is a brief listing of those that are being considered.

- \$47,000 - Minor fees for services provided Culture (Museum donation solicitation and Rialto rental fee increase), and facilities rental increase (for Pulliam, Library Gertrude Scott Room, Civic Center Plaza).
- \$30,000 - Public Works Rights of Way Permit and Inspection fee increases.
- \$14,000 – Development Services application fee increases will be phased in over a multi-year period, being sensitive to the balance between better cost recovery for services provided and the impact on development and building activity. Current Planning currently recovers about 8% of its costs from user fees. Transportation Development Review (TDR) has no charges or fee revenue at all. Direction from the public input to date indicates that this should be significantly higher.
- \$168,900 - Increase cost recovery for the street maintenance fee charged monthly on the utility bills from 50% to 60%

- \$12,000 - Municipal violation ticket surcharge increase from \$10 to \$25.
- \$10,000 - Increase in fees for public safety coverage during special events. The fees currently charged by Police and Fire (averaging \$40.00 per hour) do not recover costs of service.
- \$62,000 - A new \$20 fee on sales tax license renewals. Most cities are already charging a renewal fee annually.

### ***Payment in Lieu of Taxes (PILT)***

All Enterprise Funds currently pay the General Fund a 6% PILT on gross revenues (with some consideration with specific revenue line item exclusions) in all but the Golf Enterprise Fund, which pays 3% of gross revenues. The recommendation is to increase the PILT by 1% to 7% in all utility enterprise funds, excluding Golf.

While this payment to the General Fund has been called a PILT, City Charter Section 13-2(c) provides that the City's utilities can be required by the Council to pay the General Fund "a reasonable return on the City's investment in utility properties and capital investments" and the equivalent of what the City would obtain "from a franchise fee or utility occupation tax" imposed on its utilities. Therefore, the use of the term PILT to describe the current 6% charge to the utilities more accurately should be called a franchise fee.

Charging an additional 1% to the Enterprise Funds, except the Golf Enterprise Fund, provides the City a reasonable return of its investment. *It is imperative to understand that even a 1% increase will likely be passed through directly to utility enterprise fund customers over future years.* It is possible that even with a rate increase; the revenue would be equitably generated by the community in a manner that may be more acceptable than a mill levy increase. Nearly all funds are considering a 2012 rate increase for various business reasons, (i.e., wholesale power rate increases), so it is likely that most funds will still see a 2012 rate increase. Collecting this return on investments from the utilities in addition to the current PILT or franchise fee would make Loveland the highest in the neighboring communities with the exception of the 8% PILT that Longmont charges its electric utility.

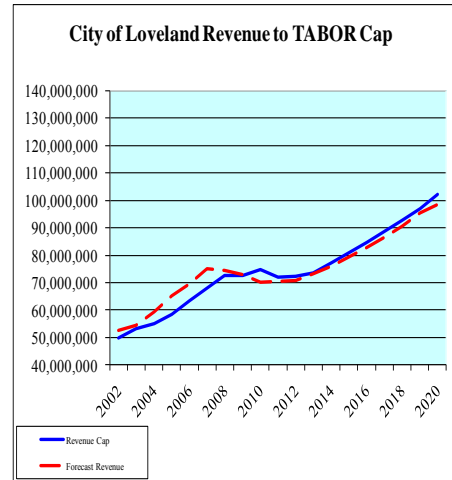
While the recommendation is to increase the fee by 1% to generate 651,600, increasing the rate by 2% would generate \$1,303,239. The increase would need to be considered at the household impact level. If the average residential bill is \$47, then a 1% increase monthly would be 47 cents a month and a 2% increase would be 94 cents a month.

### **Longer Term Measures**

There are other sustainability strategies that staff proposes for consideration as the City progresses annually through the update of the financial master plan.

**TABOR Ballot Measure**

Previous City Council discussion and the results of public participation during the course of the Sustainability Strategy work, indicate that a measure should be placed on the November 2011 election ballot to allow the City to keep and spend revenues over the TABOR cap. Preliminary indications are that the ballot measure should be similar to Loveland’s last TABOR measure approved by the voters in the range of services to be funded, and the “sunset” measure.

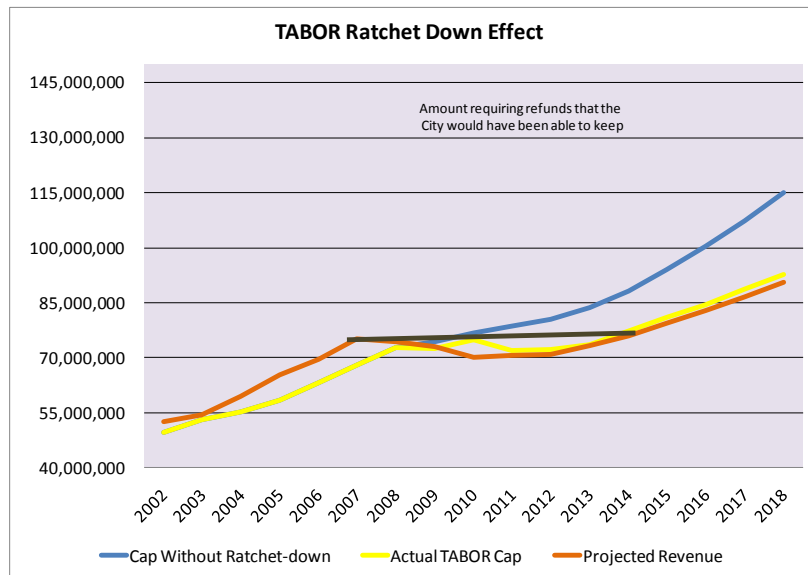


Beginning in 2010, the City will be beneath the TABOR cap and may remain underneath the cap throughout the Financial Plan horizon. While the actual amount varies from year to year, on average the City will be approximately \$1.7 million below each year, or, on average, 2% below the revenue limit. It is important to note that the City will only be under the cap by 1%-2% during 2011-2015 and is on average under by 2% for the remainder of the ten –year period to 2020. It will only take minor fluctuations in revenue collections or the two factors that inflate the cap for the City to once again be over the revenue limitation.

	2011	2012	2013	2014	2015
Projected Revenue under cap	1,373,048	1,511,258	308,466	1,310,427	1,688,837

The revenue limitation is allowed to increased based on two factors; the Consumer Price Index for the Denver-Boulder-Greeley area and “local growth”, which is calculation to determine the percentage of new construction property value to existing property values. For the years 2009 and 2010 we have experienced significantly lower inflation than past history, and due the recession, the local growth factor is exceptionally low.

The greater concern to the City at this point is the other requirement of TABOR; commonly known as the “ratchet –down effect”. Within the Amendment there is the requirement that if an entity has revenue below the allowed limit; the actual revenue becomes the new limit from which the inflation



and local growth adjustments are applied to. Since the ten-year forecast currently has the City under the limit each year, the revenue limit allowed by the Amendment is reduced each year.

### ***Mehaffey Park Operating Costs Absorption into Existing Budget***

Mehaffey Park has been projected in the Financial Master Plan to come on line for operations in 2013, increasing operating costs by \$249,400 annually and continuing through the time horizon of the Plan. However, analysis performed in this Strategy has identified reductions and efficiencies that can be made in the existing Parks and Recreation Department budget, sufficient to pay these costs without increasing the baseline Parks budget. This creates savings equal to the cost increases that had been previously projected.

### ***Boards and Commissions***

A working group of staff reviewed City boards and commissions for possible streamlining and reductions. These bodies are important avenues for public participation in city affairs, and make significant recommendations to the City council. However, two particular recommendations are made:

1. Eliminate the Communications Technology Commission as a standing body. This group achieved their ad-hoc mission in assisting with the cable franchise agreement, but has met infrequently and irregularly since. Members should be thanked for their service and the Commission retired. This would require specific City Council action.
2. Change the informal expectation for City Council liaison attendance to quarterly, or as deemed appropriate for the individual body, rather than every meeting.

### ***Administrative Changes in Budgeting***

Two administrative changes in budgeting will be made in the future, which do not require City Council approval but may create significant cost savings incrementally over the time period of the financial plan:

1. Change in Annual Budget Preparation Process: Currently, department preparing their budgets receive several items directly from Finance or Risk Management. These include personnel costs, insurance costs, and other items. The primary budget constraint issued to departments is the “core” total expenditure level for the department, based on continuation of status quo services and spending levels, adjusted for any previous year unusual items. This “core” expense level is the primary limitation upon departmental budgets.

In 2012 and the future, departments will also be issued a revenue constraint, based upon expected General Fund receipts. This “General Fund support constraint” will provide each department with a target of how much in General Fund support the department will receive. Departments also “earn” revenues through cost recovery fees and charges, which department estimate subject to Finance Department review, and departments will retain

the ability to earn more revenues. Departments will be constrained by the more restrictive of the “core expenditure” level or the “General Fund support” revenue level.

2. Increased refinement of cost accounting: Currently, enterprises are charged for their use of City administrative support services, and all departments are charged a share of a few expenses, such as insurance. However, the City’s costs of central administrative services (such as legal, executive, finance, and human resources) are not currently distributed to departments. It is therefore difficult to pinpoint precisely the true costs or service provision, and departments are not responsible for their consumption of central administrative costs. Over the next several years, the City will refine its cost accounting structure to more accurately assign costs to the appropriate centers.

### ***Increased Oversight of Equipment Replacement***

The City’s equipment replacement budget is developed by departments, which take primary responsibility for this function. Equipment replacement is calculated prior to the development of the operating budgets. Replacement schedules will be reviewed more closely, and revenue-constrained to a percentage of operations and/or the available use tax revenues.

### ***Electronic Billing***

The Utility Billing Division has been working on a software conversion that would allow for electronic billing to eliminate the cost of paper and postage. The conversion should be complete within a year or two. The newsletter enclosed with the bill is already under consideration for electronic posting.

### ***Electronic City Council Agendas***

A pilot program for three council members to begin receiving city council agendas electronically has been initiated. The group will select the software and hardware that is deemed most beneficial and will receive the agendas electronically for a number of months to evaluate the operational feasibility and cost benefit of full implementation.

### ***Target Building Use Tax Revenues for Capital and Equipment***

Building Use Tax revenues from new construction are essentially “one-time” revenues from construction projects, and are volatile depending on the pace of development. Use of these revenues for operations makes operational revenue less predictable. These revenues will be targeted increasingly for capital and equipment, rather than operations.

### ***Cultural Services Facilities: Increased Self-Sufficiency***

The Rialto Theater and the Museum currently generate part of their costs through fees and rentals. Potential exists to increase the amount of cost recovery. Cost recovery targets of 60% for the Rialto in five years (and 70% in eight years) and 15% for the Museum in five years (and 30% in eight years) are realistic.

### ***Increased Airport Self-Sufficiency***

The airport is co-owned with Fort Collins and receives about \$85,000 annually in General Fund support from each City. Developing self-sufficiency (reducing General Fund support) will need to be coordinated between the two cities as a multi-year effort, but has already been envisioned in the Airport's business plan as a goal. The Airport's business is expected to grow substantially so the General Fund subsidy may be reduced over time.

### ***Evaluate Potential for New Revenue focused on New Growth***

The City already charges Capital Expansion Fees (CEFs) to new development, so that new development pays for capital improvements which are necessitated by growth in the community. In general, the City has relied on CEFs to assure that "growth pays for itself". However, CEFs are limited to paying for capital improvements, which then must be operated and maintained. There is currently no method to charge new development for these increased operations and maintenance costs.

In order to balance funding for new capital projects with revenue to operate and maintain new capital investments, the City will research and evaluate possible methods for new development to contribute to ongoing operations and maintenance. The options will be reported to the City Council for consideration.

### ***Evaluate the Potential for a Library District***

Conduct a study and public participation to determine the feasibility of a library district to encompass Loveland and the surrounding areas. This work will be complete for City Council review in 2013.

### ***Consider an Infrastructure Use Tax***

The City currently receives use tax on new construction of buildings (homes, businesses, and others). However, Loveland does not currently apply use tax to the construction of new public improvements. While some public improvements are constructed by the City or its enterprises, most are built through private activity in the form of new subdivisions or other development. It is proposed that the City review and evaluate the possibility of use tax on infrastructure as a potential revenue source, and return the concept to the City Council for consideration.

These strategies will meet the principles established by the City Council and will demonstrate careful scrutiny of resources and cost recovery. They will demonstrate the sustainable approach to evaluating the delivery of service within scarce resources projected to be available over the next ten years.

**Overview of Projected Results**

Taken together, these measures address the projected structural deficit which was forecast in the City’s long-range financial plan.

Table 2 shows the ten –year financial projection, adjusted for the corrective measures contained in the Financial Sustainability Strategy. The forecast for each year shows the net results, eliminating the previous structural deficit.

**Follow-Up and Implementation**

Implementation of the strategy requires administrative actions by City management, but also requires several actions by the City Council.

In general, cost reductions can be made administratively and will commence upon City Council approval of the Strategy. Revenue measures, which focus upon increases in fees and charges, generally require City Council action and will be brought to the City Council for consideration and action during the period of the 2012 budget process.

The long-term actions identified will be brought to the City Council as individual proposals over a multi-year period.

**Schedule**

June 2011	City Council to Adopt Strategy
June/July 2011	Begin 2012 Budget Development Administrative actions to carry out cost reduction measures
September 2011	Study Session to review the City Manager’s 2012 Recommended Budget
October 2011	Adopt 2012 Budget and Fees and Charges Resolutions



Appendix 1: City Vision Statement, Mission Statement and City Council Goals

Community Vision

# Loveland

A vibrant community  
*—surrounded by natural beauty—*  
where you belong

VISION



**Loveland is a community:**

- That is characterized by **welcoming neighborhoods** and a sense of **individual belonging**;
- That embraces the **heritage** and **natural beauty** of the region and values its strategic location;
- That is **well planned** and **environmentally sensitive**, where all citizens are *safe and secure* and have **equal access** to services and amenities, including **plentiful recreational and cultural activities**;
- With an **integrated system of technology, utility and transportation networks** that support a **vital economy** and coordinates with regional plans;
- That is continuously developing **partnership** of citizens, business and educational communities, with a **stable and diverse economic base**;
- That offers **ample employment and business opportunities** to all;
- That encourages **active public involvement** and is responsive to the needs of its citizens.

## **Organization Mission Statement**

*The mission of Loveland city government is to deliver cost efficient, high quality services to all citizens of the City of Loveland through dedicated public employees and progressive and innovative leadership.*

## **City Council Goals as Established at the 2011 City Council Advance**

### **Goal 1, Public Safety: Continue public safety as the key priority of the City.**

- 1.1 Regional Crime Lab
- 1.2 Consolidation of City & Rural District for Fire/Rescue Services
- 1.3 Public Safety Infrastructure

### **Goal 2, Economic Vitality: Build and strengthen Loveland's economic vitality.**

- 2.1 Economic Development Strategy
- 2.2 Downtown Catalyst Projects
- 2.3 Redevelopment of the Agilent Campus, including public engagement
- 2.4 Rialto Bridge
- 2.5 Airport Growth and Capital Projects
- 2.6 Targets of Opportunity
- 2.7 Regionalism and Annexation Agreement with Johnstown
- 2.8 Artspace Project
- 2.9 Pulliam Building
- 2.10 "Black Boxes" (significant vacant buildings)

### **Goal 3, Financial Responsibility: Maintain Loveland's healthy financial position.**

- 3.1 Financial Sustainability Strategy
- 3.2 "De-Brucing" Election
- 3.3 Analyze and Reduce Reliance on Intergovernmental Revenue
- 3.4 Capital Expansion Fees (CEFs)

### **Goal 4, Infrastructure Quality: Maintain and develop Loveland's infrastructure.**

- 4.1 Street Maintenance Funding
- 4.2 Water Shares, Supply and Infrastructure
- 4.3 Electric Power Infrastructure

### **Goal 5, Quality of Life: Preserve and enhance Loveland's quality of life.**

- 5.1 Public policy concerning poverty and homelessness
- 5.2 Environmental Sustainability Plan
- 5.3 Comprehensive Plan Update
- 5.4 Visual Arts Commission: Selection Process for Public Art
- 5.5 Transportation Plan

## Appendix 2: Process Detail

### Problem Definition (Dec 2010 – Mar 2011)

- Analysis
- Presentations
  - Management Team
  - City Council
  - CFAC
  - Employees
- Articles in local newspapers
- First Session of Public Forum-televised and rebroadcast
- Article in the City newsletter in March for information and recognition of citizen participation
- Channel 16 show broadcast in April

### Process Development (Nov – Dec 2010)

- Set a Work Plan Internally
- Present the Plan for City Council Approval, December 14, 2010
- Present plan to Citizen Finance Advisory Commission (CFAC)
  - In concept Nov 2010
  - Detail Jan 2011

### Data Collection (Jan 2011- Mar 2011)

- Departmental Service Inventory Lists
- Employee Working Teams developed reports and reported to management team
  - Revenue Enhancement/Minor Revenues
  - Payment in Lieu of Taxes Paid by Enterprise Funds
  - Red Light Cameras
  - Compensation and Benefits
  - Fleet Management
  - Boards and Commissions
- Employee Ideas for Savings, evaluated by an employee committee
- Public Forms hosted by CFAC – 52 participants
- Service Priorities and Ideas Budget Balancing Strategies—reported to Council by CFAC 3/22 Study Session
- Department 20% reductions scenarios from ballot measure response last quarter of 2010
- On-line Survey 168 people completed the survey
  - Leadership Loveland
  - Chamber Board and Legislative Group
  - School District Accountability Groups for Loveland Schools

- League of Women’s Voters
- March 23 – Mar 29: make on-line survey available on the home page of the City website and included:
  - Parks & Rec Subscriber List
  - Library Subscriber List (story time)
- CFAC Presentation of Forum and On-line Results Presented to City Council March 22, 2011
- Council requested broader availability of On-Line Survey
  - Distributed the link to survey to all Boards and Commission members
  - Search for other groups that might share email distribution lists; press release and general promotion
  - Same survey reopened on the website April 1 - April 30 – 2XX people completed the survey

#### Principles and Strategies (Jan 2011 – Mar 2011)

- Value Words Affinity Exercise with City Council (1/25/11)
- Staff developed draft set of principles
- City Council revised and set of 6 principles at 2/22/11 study session
- City Council Priorities Survey
- Began synthesizing ideas deemed valuable

#### Recommendation Development (Mar 2011 – May 2011)

- City Council study session on ideas 4/12
- Draft strategies to CFAC 4/27
- CFAC recommendation development 5/11
- Council to consider strategies on 5/24 and action on those strategies 6/7

Table 1. Recommended Solutions

## General Fund Cost Reductions

Item	Year 1 Value	Value Over 10 Years
Floor mats, rags, rugs: change rugs less frequently; evaluate purchase versus service	\$10,000	103,685
Car allowances, review if positions come open over the ten year period	4,200	91,200
Evaluate the cost effectiveness of the City's "take home vehicle" policy	21,000	217,738
Eliminate food for staff functions, trainings	25,000	259,212
Budget FICA taking into consideration pretax deductions	30,000	311,055
Refine the equipment replacement list	150,000	828,877
Refine the sick hours policy and disabilities plans	235,000	2,095,884
Reduction in Employee Assistance Plan Administration Fees	11,000	114,053
Life Insurance Coverage Change	23,000	238,475
Employee merit based raises at 2% on the base salaries	634,750	4,168,479
Fleet Replacement and Maintenance: pooling of vehicles and equipment	109,720	801,721
City Council Budget Reduction	30,000	311,055
Voluntary Severance Program	150,000	1,555,274
Strategic Attrition	134,000	2,826,564
Line Item Reductions in all General Fund Departments	510,000	5,287,933
Airport Self Sufficiency	0	455,810
Electronic Newsletters	0	161,851
Rialto cost recovery targets of 60% in 5 years and 70% in eight years	0	88,875
Museum cost recovery targets of 15% in 5 years and 30% in eight years	0	398,713
Mehaffey Park operations costs to be absorbed within existing operating budget	0	2,257,491
<b>Total</b>	<b>\$2,077,670</b>	<b>\$22,573,945</b>

Table 1. Recommended Solutions

## General Fund Revenue Increases

Item	Year 1 Value	Value Over 10 Years
Find corporate sponsors for the 4th of July celebration/fireworks	\$35,000	\$362,897
Culture fee changes (exhibits, donations, Rialto rentals)	37,000	380,897
ROW Work Permits: New fees for Test Bores, Potholing, Vacuum Excavations, & Horizontal Boring	10,000	101,591
Street and Storm Water Inspections: Double fees to cover cost of \$50k inspector position	20,000	207,370
Development Application Fees: Phased in an increase of fees and set fees for applications that currently do not have fees	14,000	292,698
Street Maintenance Fee Increase: Increase cost recovery from 50% to 60%	168,900	1,716,084
Facilities Rental Fees: Current flat rate approach for Library Gertrude Scott Room, Foote Lagoon/Plaza, Pulliam Community Room, and Pulliam Meeting Rooms 1 & 2 will continue. Rates will be increased by 2.3 times in 2012 to meet revenue goal. A cost recovery target of 70% over three years is planned to generate \$35,000 in 2013 and ultimately \$44,000 annually in 2014. Discounts around 50% for local non-profits have also been built into rate structure. Current rental structure recovers approximately 14% of operating costs or \$8,500 annually.	20,000	392,148
Ticket Surcharge increase from \$10 to \$25	12,000	121,909
Sales Tax License Renewal: Currently no charge to process license renewals. Recommend charging \$20	62,000	642,847
PILT: Increase the payment in lieu of taxes to all utility enterprises from 6% of revenue to 7%	651,600	6,619,848
Special Event Rate to be evaluated for Fire and Police personnel	10,000	101,591
<b>Total</b>	<b>\$1,040,500</b>	<b>\$10,939,880</b>

Table 2. Status of Ten Year General Fund Financial Master Plan

Plan Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	Ten Year Total
Target Reduction	\$3,116,443	\$2,865,803	\$3,308,413	\$3,544,273	\$5,073,913	\$2,831,413	\$3,799,093	\$3,446,903	\$3,280,584	\$31,266,838
<b>Recommendations:</b>										
Employee Recommendations	285,200	214,785	226,355	237,984	245,879	254,051	262,509	271,263	280,323	2,278,349
Revenues	995,500	1,048,463	1,098,003	1,131,621	1,166,273	1,201,991	1,238,809	1,276,760	1,315,879	10,473,298
Fleet	109,720	76,450	79,126	81,895	84,761	87,728	90,799	93,977	97,266	801,721
Compensation and Benefits	903,750	935,458	951,445	569,271	589,197	593,162	661,254	702,707	710,647	6,616,891
City Council Budget Reduction	30,000	31,050	32,137	33,262	34,426	35,631	36,878	38,168	39,504	311,055
Voluntary Severance Program	150,000	155,250	160,684	166,308	172,128	178,153	184,388	190,842	197,521	1,555,274
Strategic Attrition	134,000	188,690	245,294	303,879	364,515	377,273	390,478	404,145	418,290	2,826,564
Budget Line Item Reductions	510,000	527,850	546,325	565,446	585,237	605,720	626,920	648,862	671,573	5,287,933
Airport Self Sufficiency					85,000	87,975	91,054	94,241	97,539	455,810
Electronic Billing/Newsletters			20,805	21,533	22,287	23,067	23,874	24,710	25,575	161,851
Rialto Cost Recovery					16,573	17,154	17,754	18,375	19,018	88,875
Museum					69,939	72,386	74,920	89,173	92,295	398,713
Mehaffey Park Opr Costs Absorbed		249,400	258,129	267,164	276,514	286,192	296,209	306,576	317,306	2,257,491
<b>Total Budget Recommendations</b>	<b>\$3,118,170</b>	<b>\$3,427,396</b>	<b>\$3,618,302</b>	<b>\$3,378,362</b>	<b>\$3,712,730</b>	<b>\$3,820,483</b>	<b>\$3,995,845</b>	<b>4,159,799</b>	<b>\$4,282,736</b>	<b>\$33,513,825</b>
<b>Amount (Over)/Under Target</b>	<b>-\$1,727</b>	<b>-\$561,593</b>	<b>-\$309,889</b>	<b>\$165,911</b>	<b>\$1,361,183</b>	<b>-\$989,070</b>	<b>-\$196,752</b>	<b>-\$712,896</b>	<b>-\$1,002,152</b>	<b>-\$2,246,987</b>



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 12  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Greg George, Development Services Department  
**PRESENTER:** Bethany Clark, Community & Strategic Planning

**TITLE:**

AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION

**DESCRIPTION:**

A public hearing to consider a legislative action to approve on first reading an ordinance amending Title 15 of the Loveland Municipal Code. The amendment would:

- Adopt new Historic Residential Design Guidelines to be used by the Historic Preservation Commission when reviewing applications proposing to alter the exterior elevations of buildings on the Loveland Historic Register;
- Add provisions for processing partial demolition permits for properties on the Loveland Historic Survey; and
- Clarify process procedures.

**BUDGET IMPACT:**

Yes     No

**SUMMARY:**

On May 16, 2011, the Historic Preservation Commission held a public hearing to receive public comments on these amendments to Title 15, including the proposed Historic Residential Design Guidelines. The Commission, by unanimous vote, is recommending that City Council adopt the subject ordinance amending Title 15.

The Historic Preservation ordinance has not been changed or updated since it was adopted in 2002, and over the years, City staff has become aware of some procedural issues related to the ordinance. For a description of the proposed amendments, please refer to the accompanying staff memorandum.



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**LIST OF ATTACHMENTS:**

- Ordinance
- Staff memorandum, including redline version of ordinance.
- Historic Residential Design Guidelines

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion:

Move to adopt on first reading AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION

**REVIEWED BY CITY MANAGER:**

**FIRST READING: June 7, 2011**

**SECOND READING: \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION**

**WHEREAS**, City Council finds that updates to Title 15 of the Loveland Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

**WHEREAS**, the City Council has received a recommendation from the Historic Preservation Commission recommending adoption of revisions to Chapter 15.56 of the Loveland Municipal Code, regarding Historic Preservation; and

**WHEREAS**, the City Council desires to adopt the recommendations of the Historic Preservation Commission by repealing and reenacting Chapter 15.56 of the Loveland Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** Chapter 15.56 of the Loveland Municipal Code is repealed in its entirety and reenacted to read in full as follows:

**CHAPTER 15.56  
HISTORIC PRESERVATION**

**Sections:**

- 15.56.010. Purpose.**
- 15.56.020. Definitions**
- 15.56.030. Designation of historic structures, sites or districts.**
- 15.56.040. Procedure to amend or rescind designation of landmarks or historic districts.**
- 15.56.050. Landmark alteration certificate required.**
- 15.56.060. Landmark alteration certificate application and staff review.**
- 15.56.070. Landmark alteration certificate public hearing.**
- 15.56.080. Unsafe or dangerous conditions exempted from the alteration certificate requirement.**
- 15.56.090. Violations.**
- 15.56.100. Designation criteria.**
- 15.56.110. Historic Residential Design Guidelines and criteria for review of alterations certificates.**

- 15.56.120. Criteria to review relocation of a structure.**
- 15.56.130. Criteria to review demolition of a structure.**
- 15.56.140. Exemptions from an alteration certificate.**
- 15.56.150. Maintenance of designated landmarks and structures within a historic district.**
- 15.56.160. Economic incentives for historic restoration.**
- 15.56.170. Demolition or relocation of historic buildings or structures not designated as local landmarks.**
- 15.56.180. Rehabilitation loan program.**

**15.56.010. Purpose.**

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value, located within the City, is a public necessity and is required in the interest of the health, safety and welfare of the people. The purposes of this Chapter are to promote the public health, safety, and welfare through:

- A. The protection, enhancement, and perpetuation of such improvements and of districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- B. Promoting and encouraging continued private ownership and utilization of such improvements and historic districts;
- C. Safeguarding the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;
- D. The enhancement of property values, and the stabilization of historic neighborhoods;
- E. Fostering civic pride in the beauty and noble accomplishments of the past;
- F. Protecting and enhancing the City's attraction to residents, tourists, and visitors, and serving as a support and stimulus to business and industry;
- G. Strengthening the economy of the City;
- H. Promoting good urban design; and
- I. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the public.

The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public's interest in preserving Loveland's unique historic character by ensuring that demolition of, moving, or alterations to properties of

historic value, or actions that impact the historic value of properties, shall be carefully considered for impact on the property's contribution to Loveland's heritage.

**15.56.020. Definitions**

The following terms, when used in this Chapter, shall have the meanings defined as follows:

*Days* – The term days shall mean all calendar days, including Saturday and Sunday. Any computation of days under this Chapter shall not include the date a final decision is made. If a deadline falls upon a Saturday, Sunday, or other legal holiday when City offices are closed, the deadline shall continue to the following day when City offices are open.

*Partial Demolition* – The dismantling, razing, or destruction of a portion of a building or structure, or the removal of architectural elements which define or contribute to the character of the structure.

*Total Demolition* – The dismantling, razing, or destruction of an entire building or structure.

**15.56.030. Designation of historic structures, sites or districts.**

- A. Designation authorized. Pursuant to the procedures hereinafter set forth in this section, the City Council may, by ordinance:
  - 1. Designate as a historic landmark an individual structure, site, or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; and
  - 2. Designate as an historic district an area containing a number of structures having a special historical or architectural value.
- B. Each such designating ordinance shall include a description of the characteristics of the landmark or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark or historic district. An ordinance designating a historic district shall identify the contributing structures located within the district.
- C. The property included in any such designation shall be subject to the controls and standards set forth in this Chapter and shall be eligible for such incentive programs as may be developed by the Commission and the City Council.

- D. Procedures for designating structures and districts for preservation:
1. Nomination Process for Landmarks. Except as otherwise provided in section 15.56.170 of this Chapter, a nomination for designation as a landmark may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property proposed for designation, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owner or owners of such landmark and outline the privileges, obligations, and restrictions that apply to designated landmarks. The Development Services Department shall also attempt to secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review.
  2. Nomination Process for Historic Districts. A nomination for designation as a historic district may be made by the Commission acting by majority vote of a quorum, by City Council acting by majority vote of a quorum, or by any person owning property within the proposed district, by filing an application with the City of Loveland Development Services Department. Once an application is received, the Development Services Department shall contact the owners of the properties within the proposed district and outline the privileges, obligations, and restrictions that apply to properties within historic districts.
  3. Commission Public Hearing on Landmark or Historic District Nominations. The Commission shall hold a public hearing on the designation application not more than sixty (60) days after the filing of a complete application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

4. Commission Review. The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first set, unless otherwise mutually agreed by the Commission and the applicant, the Commission shall either recommend approval, modification and approval, or disapproval of the proposal. The Commission may recommend approval conditional upon the voluntary execution of certain easements, covenants, or licenses.
  5. Commission Recommendation to City Council. The Commission shall forward to the City Council in writing any recommendation concerning a designation and further state any recommendations as to easement, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation. The Commission shall also notify the City Council immediately of any decision disapproving a designation initiated by the City Council.
  6. Owner Consent Required for Further Processing of Landmark Nominations. For applications for designation as a landmark that have gone to a public hearing before the Commission without the owner's consent, such consent shall be required, in writing, prior to review by the City Council of the application. If the owner(s) do not consent to the proposed designation, the application will not move forward.
- E. City Council Review.
1. City Council Public Hearing on Landmark or Historic District Nominations. Within thirty (30) days after the date of any referral from the Commission, the City Council shall hold a public hearing on the designation application. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and

not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

2. City Council Review. The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. The City Council shall approve, modify and approve, or disapprove the proposed designation.
3. Owner Notification of Landmark or District Designation. When a historic landmark or district has been designated as provided herein, the City Clerk shall promptly notify the owners of the property included therein and shall cause a copy of the designating ordinance as described in subsection B of this section to be recorded with the County Clerk and Recorder.
4. Effect of Disapproval of Landmark or Historic District Designation. Whenever the City Council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one (1) year from the effective date of the final action on the denied application.

**15.56.040. Procedure to amend or rescind designation of landmarks or historic districts.**

- A. A landmark or historic district designation may be amended or rescinded in the same manner as the original designation was made using the following criteria:
  1. The property or historic district no longer meets the criteria for designation set forth in section 15.56.100 of this Chapter.
  2. If the request is to revoke the designation of a portion of a historic district, the revocation will not impact the integrity of the remainder of the district.

**15.56.050. Landmark alteration certificate required.**

- A. Landmark Alteration Procedure. No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the City.

- B. **Building Division Referral.** The Development Services Department shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Division receives an application for a permit to carry out any new construction, alteration, removal, partial demolition, or total demolition of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the City's Building Division shall promptly forward such permit application to the Development Services Department.
- C. **Effect of Application for Landmark or Historic District Designation.** No person shall receive a permit to construct, alter, remove, partially demolish, or totally demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date a complete application has been filed to initiate the designation of such landmark site or district. No such permit application filed after such date will be approved while proceedings are pending on such designation.

**15.56.060. Landmark alteration certificate application and staff review.**

- A. **Application.** An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate. The application shall contain all information that the Commission determines is necessary to consider the application, including, without limitation, plans and specifications showing the proposed exterior appearance with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners.
- B. **Review of Impact.** The Development Services Director, or designee, and two (2) designated members of the Commission shall review all applications for landmark alteration certificates for alterations to buildings or special features and shall determine within fifteen (15) days after a complete application is filed whether or not the proposed work would have a significant impact upon or be potentially detrimental to a landmark site or historic district.
- C. **Determination of No Significant Impact.** If it is determined by the Development Services Director, or designee, and the designated members of the Commission that there would be no significant impact or potential detriment, the Development Services Director shall issue a certificate to the applicant and shall notify the Commission of such issuance.
- D. **Determination of Significant Impact.** If either the Development Services Director, or designee, or one of the Commission designees determines that the proposed work would create a significant impact or potential detriment, they shall refer the application to the Commission for a public hearing and shall promptly notify the applicant of the referral. The



Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the landmark alteration certificate.

**15.56.070. Landmark alteration certificate public hearing.**

- A. Commission Public Hearing on Landmark Alteration Certificate Application. The Commission shall hold a public hearing on all referred applications for landmark alteration certificates for new construction, removal, alteration total demolition, or partial demolition of a designated landmark structure or a structure within an historic district within sixty (60) days after the completed application was filed.
- B. Commission Review Criteria. The Commission shall determine whether the application meets the standards in sections 15.56.110, 15.56.120 or 15.56.130, whichever applies. Within thirty (30) days after the hearing date first set, unless otherwise mutually agreed upon by the Commission and applicant, the Commission shall adopt written findings and conclusions.
- C. Extended Review Period. When reviewing alteration certificate applications involving moving or demolition of a resource, the Commission may extend the review period up to ninety (90) additional days if the Commission finds that the original application does not meet the standards in sections 15.56.120 or 15.56.130, whichever applies. The ninety-day extension period shall be used to encourage both the applicant and the Commission to explore acceptable alternative solutions to the original submittal.
- D. Commission Decision Final Unless Appealed. The decision of the Commission approving, disapproving, or suspending action on an application for a landmark alteration certificate is final unless appealed to the City Council. An appeal to the City Council must be filed with the Development Services Department within ten (10) days of the Commission's decision. Any property owner of a designated landmark or

owner of property located within an historic district shall have standing to appeal the decision of the Commission on an application for a landmark alteration certificate.

- E. City Council Public Hearing on Appeal. The City Council shall hold a public hearing on the appeal within thirty (30) days of the date that it is filed with the Development Services Department. The Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by first class regular mail. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record, shall not invalidate any proceedings in connection with the landmark alteration certificate.
- F. Issuance of Landmark Alteration Certificate. The Development Services Department shall issue a landmark alteration certificate if an application has been approved by the Commission or City Council. When approving an application for a landmark alteration certificate, the Commission or City Council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.
- G. Building Permit Required. Once an applicant has obtained a landmark alteration certificate, the applicant must apply for a building permit and comply with all other requirements under the City's building codes, fire code, all other ordinances of the City, and all applicable rules, regulations, and policies of the City. The Chief Building Official and Fire Chief shall have the discretion to modify the alteration certificate as necessary to mitigate health and safety issues pursuant to Section 15.56.070.
- H. Documentation of Structure Prior to Total Demolition. The Commission or City Council may, as a condition of its approval of a landmark alteration certificate allowing the total demolition of a historic structure, require the property owner to provide the City either with photographic documentation of such structure or right of access for the taking of such photographs.
- I. Removal of Artifacts From Structure Prior to Total Demolition. The Commission or City Council shall have the authority to enter into an

agreement with the owner of any structure proposed to be totally demolished whereby the City, or certain designated third parties, may enter upon the property upon which such structure is situated for the purpose of removing and taking possession and ownership of any particular artifacts, and other items of historic interest or value, identified in such agreement.

- J. Effect of Disapproval of Landmark Alteration Certificate. If the Commission or City Council disapproves an application for a landmark alteration certificate, no person may submit a subsequent application for the same construction, alteration, removal, or demolition within six (6) months from the date of the final action upon the earlier application.

**15.56.080. Unsafe or dangerous conditions exempted from the alteration certificate requirement.**

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City's Building Division or Fire Department and where the proposed measures have been declared necessary by the City's Chief Building Official or Fire Chief to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. This Section shall be administered by the Chief Building Official or Fire Chief utilizing the relevant sections of the Uniform Building Code, Uniform Fire Code, or Uniform Code for Building Conservation, as adopted and amended by the City, regarding existing or historic structures.

**15.56.090. Violations.**

Violations of this Chapter are punishable as provided in Chapter 1.12 of the Loveland Municipal Code and are subject to the following additional penalties:

- A. Unauthorized Alterations to Historic Structures. Alterations to a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property; and
- B. Unauthorized Moving or Demolition of Historic Structures. Moving or demolishing a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location.

**15.56.100. Designation criteria.**

The Commission and City Council shall consider the following criteria in reviewing nominations of properties for designation:

- A. Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.
  - 1. Historic sites shall meet one (1) or more of the following:
    - a) Architectural.
      - (1) Exemplifies specific elements of an architectural style or period;
      - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
      - (3) Demonstrates superior craftsmanship or high artistic value;
      - (4) Represents an innovation in construction, materials, or design;
      - (5) Represents a built environment of a group of people in an era of history;
      - (6) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
      - (7) Is a significant historic remodel.
    - b) Social/cultural.
      - (1) Is a site of an historic event that had an effect upon society;
      - (2) Exemplifies the cultural, political, economic, or social heritage of the community; or
      - (3) Is associated with a notable person(s) or the work of a notable person(s).
    - c) Geographic/environmental.
      - (1) Enhances sense of identity of the community; or

- (2) Is an established and familiar natural setting or visual feature of the community.
- 2. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:
  - a) Architectural.
    - (1) Exhibits distinctive characteristics of a type, period, or manner of construction; or
    - (2) Is a unique example of structure.
  - b) Social/cultural.
    - (1) Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
    - (2) Is associated with an important event in the area's development;
    - (3) Is associated with a notable person(s) or the work of a notable person(s);
    - (4) Is a typical example/association with a particular ethnic or other community group; or
    - (5) Is a unique example of an event in local history.
  - c) Geographic/Environmental.
    - (1) Is geographically or regionally important.
- 3. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
  - a) Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
  - b) Retains original design features, materials, and/or character;
  - c) Is the original location or same historic context if it has been moved; or
  - d) Has been accurately reconstructed or restored based on documentation.

B. Historic Districts.

1. For the purposes of this Section, a district is a geographically definable area including a concentration, linkage, or continuity of subsurface or surface sites, buildings, structures, and/or objects. The district is related by a pattern of either physical elements or social activities.
2. Significance is determined by applying criteria to the pattern(s) and unifying elements(s).
3. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
4. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
5. In addition to meeting at least one (1) of the criteria as outlined in subsection 6 of this subsection B, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
6. Historic districts shall meet one (1) or more of the following:
  - a) Architectural.
    - (1) Exemplifies specific elements of an architectural style or period;
    - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
    - (3) Demonstrates superior craftsmanship or high artistic value;

- (4) Represents an innovation in construction, materials, or design;
  - (5) Represents a built environment of a group of people in an era of history;
  - (6) Is a pattern or a group of elements representing at least one of the above criteria; or
  - (7) Is a significant historic remodel.
- b) Social/cultural.
- (1) Is the site of an historical event that had an effect upon society;
  - (2) Exemplifies cultural, political, economic or social heritage of the community; or
  - (3) Is associated with a notable person(s) or the work of a notable person(s).
- c) Geographic/environmental.
- (1) Enhances sense of identity of the community; or
  - (2) Is an established and familiar natural setting or visual feature of the community.
- d) Archaeology/subsurface.
- (1) Has the potential to make an important contribution to the area's history or prehistory;
  - (2) Is associated with an important event in the area's development;
  - (3) Is associated with a notable person(s) or the work of a notable person(s);
  - (4) Has distinctive characteristics of a type, period or manner of construction;
  - (5) Is of geographic importance;
  - (6) Is a typical example/association with a particular ethnic group;

- (7) Is a typical example/association with a local cultural or economic activity; or
- (8) Is a unique example of an event or structure.

**15.56.110. Historic Residential Design Guidelines and criteria for review of alterations certificates.**

- A. Historic Residential Design Guidelines Adopted. The “Historic Residential Design Guidelines,” dated May, 2011, are hereby adopted.
- B. Application. The Commission shall use the Historic Residential Design Guidelines to review alteration certificates on designated landmark sites, contributing properties within a designated historic district, or any other property that requires an alteration certificate, as provided in this code and in the design guidelines.
- C. Amendment. The Historic Residential Design Guidelines may be amended from time to time by resolution of the city council.
- D. In addition to the criteria set forth in the Historic Residential Design Guidelines for alterations certificates, the Commission shall also use the following criteria to determine compatibility:
  - 1. The effect upon the general historical and architectural character of the structure and property;
  - 2. The architectural style, arrangement, texture, and material used on the existing and proposed structures and their relation and compatibility with other structures;
  - 3. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structures and the site;
  - 4. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
  - 5. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
  - 6. The condition of existing improvements and whether they are a hazard to public health and safety;



7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; and
  8. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in Title 36 of the Code of Federal Regulations, Part 68. This reference shall always refer to the current standards, as amended.
- E. For properties which have historically been non-residential, only the criteria set forth in section 15.56.110(D) shall be applicable to determine compatibility for alterations certificates.
  - F. The Commission shall issue an alterations certificate for any proposed work on a designated historical site or district only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any architectural or landscape feature which contributes to its original historical designation. The Commission must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass, and height. When the subject site is in an historic district, the Commission must also find that the proposed development is visually compatible with the development on adjacent properties. For the purposes of this section, the term "compatible" shall mean consistent with, harmonious with, and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.
  - G. Conflicts. In the event of a conflict between a provision of the Historic Residential Design Guidelines and any other provision of this code or any other applicable regulation, the more stringent provision shall apply.

**15.56.120. Criteria to review relocation of a structure.**

In addition to the alterations criteria in Section 15.56.110, the Commission shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on a landmark site, a building or structure within a historic district, a structure onto a landmark site, or a structure onto property in an historic district:

- A. Original Site Review Criteria. For consideration of the original site, the Commission shall review for compliance with all of the following criteria:
  1. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;

2. The contribution the structure makes to its present setting;
  3. Whether plans are specifically defined for the site to be vacated;
  4. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
  5. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-sitting; and
  6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.
- B. New Site Review Criteria. For consideration of the new location, the Commission shall review for compliance with all of the following criteria:
1. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
  2. The structure's architectural integrity and its consistency with the character of the neighborhood; and
  3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

**15.56.130. Criteria to review demolition of a structure.**

If a demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, a certificate will not be issued until a replacement/reuse plan for the property has been approved by the City.

- A. Review Criteria for Total Demolition. Applicants requesting a certificate for demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;
2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;
3. The structure cannot be practically moved to another site in Loveland;
4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
  - (a) Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;
  - (b) Any impact on the historic importance of the structure or structures located on the property and adjacent properties;
  - (c) Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties; and
5. In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.

B. Review Criteria for Partial Demolition. Applicants requesting a certificate for partial demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and
2. The applicant has mitigated, to the greatest extent possible:
  - (a) Impacts on the historic importance of the structure or structures located on the property; and
  - (b) Impacts on the architectural integrity of the structure or structures located on the property.

**15.56.140 Exemptions from an alteration certificate.**

If an alteration certificate request does not conform to the applicable criteria set forth in this Chapter, the applicant may request an exemption from the certificate requirement. The applicant must provide adequate documentation and/or testimony to establish qualification for one (1) of the listed exemptions. The data provided by the applicant must be substantiated by either professionals in an applicable field, or by thorough documentation of how the information was obtained. The Commission may request additional information from the applicant as necessary to make informed decisions.

- A. Economic Hardship Exemption. An economic hardship exemption may be granted if:
  - 1. For investment, or income producing properties, the owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition;
  - 2. For non-income producing properties, the owner's inability to resell the property in its current condition or if rehabilitated;
  - 3. The economic hardship claimed is not self-imposed.
- B. Health/safety Hardship Exemption. An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.
- C. Inability to Use. Three (3) years after denial of a demolition permit approval, if no feasible use or ownership is found for the structure, the owner may request a waiver of all or a part of the restraint of demolition. The Commission shall include the following factors in their consideration of the request:
  - 1. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the property owner to make necessary repairs, to find an appropriate user, or to find a purchaser for the property; and
  - 2. The adequacy of the property owner's efforts to locate available assistance for making the property functional without demolition.

**15.56.150. Maintenance of designated landmarks and structures within a historic district.**

- A. Normal Maintenance. Nothing in this Chapter shall be construed to prohibit the accomplishment of any work on any landmark or in any landmark district which will neither change the exterior appearance nor the exterior architectural features of improvements or structures, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.
- B. Minimum Maintenance. All designated landmarks and all properties within designated districts shall be maintained in such fashion as to meet the requirements of the applicable building codes adopted by the City. The owner(s) of such properties shall also keep in good repair all structural elements thereof which, if not so maintained, may cause or tend to cause the exterior portions of such properties to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair which would have a detrimental effect upon the historic character of such designated landmark or district in which it is situated.

**15.56.160 Economic incentives for historic restoration.**

- A. An owner of a property that has been designated as a landmark or an owner of a contributing property in a historic district may apply for the following economic incentives for the restoration or rehabilitation of that property, and such additional incentives as may be developed by the Commission or City Council:
  - 1. Refund of City building permit fees for exterior restoration, preservation, and rehabilitation. The Commission shall develop a format for establishing projected costs, rules of the restoration, preservation, or rehabilitation in order that such refund of fees is equitable;
  - 2. Receipt of loan funds from the zero-interest loan pool, when available, created by the City pursuant to section 15.56.180 of this Chapter; and
  - 3. Applicable state and federal income tax credits.
- B. The Commission shall attempt to identify and advise the City Council regarding the implementation of other economic incentives for historic properties. The Commission shall notify the owners of historic properties of economic incentive opportunities available.
- C. The Commission shall make the determination for each request regarding economic incentives.

**15.56.170. Demolition or relocation of historic buildings or structures not designated as local landmarks.**

- A. Demolition Procedure. With the exception of any building or structure determined to present a dangerous condition by the Fire Chief or Chief Building Official, or any building or structure governed by the provisions of section 15.56.050 of this Chapter, no building or structure identified in the Loveland Historic Preservation Survey (“Survey”) as eligible for nomination to the State of Colorado Register of Historic Places, which Survey is part of the Loveland Historic Preservation Plan, as amended, may be partially demolished, totally demolished, or relocated nor shall any permit for such demolition or relocation be issued unless the owners of such building or structure have complied with the provisions of this section.
- B. Building Division Referral. The Development Services Department shall maintain a current record of all buildings and structures identified in the Survey as eligible for nomination to the State of Colorado Register of Historic Places located within the City. If the Building Division receives an application for a permit to carry out any partial demolition, total demolition, or relocation of such building or structure, the City’s Building Division shall promptly forward such permit application to the Development Services Department.
- C. Review for Landmark Nomination. The Development Services Director, or designee, and two (2) designated members of the Commission shall review the building permit application and shall determine, within (15) days after an application for a building permit to partially demolish, totally demolish or relocate a historic building or structure, whether or not the building or structure should be nominated for designation as a landmark.
- D. Additional Information for Partial Demolition Permits. The owner of property in the Survey who has submitted a permit for partial demolition of a building or structure shall submit building plans for the reconstruction of those portion(s) of the building or structure to be demolished, unless waived by the Development Services Director.
- E. Disapproval of Landmark Nomination. If it is determined, by the Development Services Director, or designee, and the designated members of the Commission, that the building or structure proposed to be partially demolished, totally demolished or relocated does not meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter the Development Services Director shall notify the City’s Building Division, in writing, that the permit has been reviewed and approved for further processing within the Building Division.
- F. Approval of Landmark Nomination. If either the Development Services Director, or designee, or one of the Commission designees determines that the historic building or structure does meet the criteria for designation as a landmark set forth in section 15.56.100(A) of this Chapter, the Commission designees shall submit an application for landmark designation of the building or structure to the Development Services Department within sixty (60) days, after the completed application was filed. The Development Services Department shall process the

application in accordance with the procedures set forth in section 15.56.030 of this Chapter. No permit for partial demolition, total demolition or relocation of the historic building or structure shall be approved while proceedings are pending on such designation.

- G. Effect of Disapproval of Landmark Designation. If a historic building or structure nominated for landmark designation pursuant to this section is not designated as a landmark, it shall not be reconsidered for landmark designation pursuant to this section within one-hundred and eighty (180) days of the date the initial landmark application was submitted to the Development Services Department by the Commission designees.

**15.56.180. Rehabilitation loan program.**

- A. Purpose. There is hereby established a landmark rehabilitation loan program created for the valid public purpose of increasing the quality, integrity, and permanence of the City's stock of historic landmarks for the enjoyment and benefit of present and future generations of citizens of the City by making available to the owners of locally designated landmarks or contributing structures in local landmark districts a source of funding for exterior rehabilitation of such structures.
- B. Funding. The Commission shall administer the program for awarding zero-interest loans for the rehabilitation of local landmark structures and/or contributing structures in local landmark districts. The Commission may promulgate procedural rules and regulations for the efficient administration of the program. No such loan shall exceed the sum of five thousand dollars (\$5,000.00) for a residential property or ten thousand dollars (\$10,000.00) for a commercial property unless the City Council, by ordinance or resolution, authorizes a larger loan. All loans shall be funded solely from those funds held by the City for financial support of the program in the General Fund, and all loans shall be expressly contingent upon the availability of sufficient funds to support the loan. Loan recipients shall, as a condition of obtaining the loan, agree to repay the loan in full upon sale or transfer of the property. All loan repayments shall be returned to the landmark rehabilitation loan program.
- C. Criteria. No landmark rehabilitation loan shall be awarded unless the following criteria and requirements have been met:
1. The subject structure must have been designated as a local landmark or be a contributing structure in a local landmark district pursuant to this Chapter before the landmark rehabilitation loan can be awarded;
  2. All loan recipients shall provide matching funds in an amount equal to or greater than the amount of the loan;

3. The matching funds provided by the loan recipient may be utilized only for exterior rehabilitation of the subject property and/or the stabilization of the structure, the rehabilitation of electrical, heating or plumbing systems, and/or the rehabilitation or installation of fire sprinkling systems in commercial structures;
4. Neither the loan nor the matching funds may be used for the installation of nor rehabilitation of signage or interior rehabilitation or decoration, nor the installation of building additions or the addition of architectural or decorative elements which are not part of the landmark structure;
5. Loan funds may be expended only for rehabilitation of the exterior of a locally designated landmark structure or contributing structure in a local landmark district;
6. No interior improvements may be purchased utilizing City loan funds;
7. The Secretary of the Interior's Standards for the Treatment of Historic Properties as forth in Title 36 of the Code of Federal Regulations, Part 68, as amended, shall serve as the standards by which all rehabilitation work must be performed;
8. No loan funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected by the City, and has been approved by the Commission and the loan recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders, and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by the actual proof of expense;
9. Loan recipients shall, as a condition of the loan, prominently place a sign upon the property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's landmark rehabilitation loan program;
10. Property owners who have previously received loans shall be eligible for subsequent loans;
11. All rehabilitation work shall be completed within one (1) year from the date upon which the loan was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may



authorize an extension of up to one (1) additional year for completion of the work;

12. No landmark rehabilitation loan shall be awarded unless the Commission (or in cases of loans exceeding the maximum amounts established herein, the City Council) first determines that:

(a) The applicant has demonstrated an effort to return the structure to its original appearance;

(b) It is in the best interests of the public welfare that the structure proposed to be rehabilitated be preserved for future generations;

(c) The amount proposed to be spent on exterior rehabilitation is reasonable under the circumstances; and

13. No landmark rehabilitation loan shall be awarded unless the loan recipient has, as a condition of obtaining the loan, agreed to repay the loan in full upon sale or transfer of the property.

D. Application. The Commission shall establish the application deadline for each year that the program is administered, which deadline shall be no sooner than sixty (60) days from the date that it was established by the Commission. Applications received after the application deadline will not be considered.

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTESTED:  
COLORADO

CITY OF LOVELAND,

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney



## COMMUNITY & STRATEGIC PLANNING

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### Loveland City Council Staff Report

**Meeting Date:** June 7, 2011  
**To:** Loveland City Council  
**From:** Bethany Clark, Community & Strategic Planning  
**Re:** Amendment of Title 15 Regarding Historic Preservation

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There are a variety of changes proposed to update and clarify Title 15 of the Loveland Municipal Code regarding Historic Preservation. Staff has been working with the Historic Preservation Commission on these changes and received public comment at a public hearing held on May 16, 2011. The proposed changes are as follows:

1. Adding Section 15.56.020 to include definitions for days, total demolition, and partial demolition;
2. Requiring a separate process for partial demolitions of properties on the Loveland Historic Survey, as set forth in renumbered Section 15.56.170;
3. Establishing a time limit within which the Commission may submit an application for landmark designation of a property that has gone through the demolition review process;
4. Removing the requirement to send all notices certified return receipt;
5. Replacing all references of the "Community Services Director" and "Community Services Department" to "Development Services Director" and "Development Services Department," which reflects the current department name.
6. Revising the language in Section 15.56.030(D.1, D.2) to clearly identify the process for designation of a landmark.
7. Adding provisions under Section 15.56.110 to officially adopt the Historic Residential Design Guidelines as the criteria for the Commission to use in reviewing exterior alterations to buildings on the Loveland Historic Register.

**Partial Demolitions:** The Historic Preservation Commission has been charged with protecting Loveland's historical resources. The code allows the Commission to review demolition applications for properties on the Loveland Historic Survey to ensure that Loveland does not lose its stock of historically significant properties. Recently, the City has noticed an increase in the number of applications for partial demolition of properties on the Survey. The code still allows the Commission to review these applications for partial demolition, but the review process does not require building plans for the rebuild. To help protect Loveland's historic character, a separate process for partial demolitions of properties on the Loveland Historic Survey is being proposed. A separate demolition permit application will require submittal of

rebuild plans, if applicable. The addition of Section 15.56.020 includes definitions of total demolition and partial demolition to create clarity in the process.

**Time Limit for Application for Designation:** This change relates to the decision of the Historic Preservation Commission to submit an application for landmark designation of a property that went through the demolition review process. Currently, there is no established time limit on how long the Commission can delay demolition of the property. By adding a time limit of 60 days, contractors and owners will know what the maximum delay could be. Although owner consent is still required for the designation to be heard by City Council, the 60 day time frame gives the Commission the time necessary to work with the owner to seek nomination.

**Certified Return Receipt:** This change would remove the requirement of sending all mailings certified return receipt, as the failure of a property owner to sign and return the receipt does not invalidate any proceedings and is simply an added cost.

**Landmark Designation:** Language in Section 15.56.030 would be revised to clarify the process for nominating a property for landmark designation by the Historic Preservation Commission or the City Council.

**Historic Residential Design Guidelines:** The final change involves adding language to Section 15.56.110 to adopt the Historic Residential Design Guidelines. These design guidelines will be used as the review criteria for alteration certificates for historically residential properties that are on the Loveland Historic Register. The existing ordinance provides only very general guidance for review of alteration certificates. While this allows flexibility, the standards used must be interpreted on a case-by-case basis and lack the specificity needed to help staff and the Historic Preservation Commissioners make consistent decisions. The Historic Residential Design Guidelines will serve to become a more predictable set of guidelines and further the goals of protecting and preserving the historic buildings in Loveland's residential neighborhoods. The clearer set of guidelines will also help make owners of designated properties more confident about what alterations are permitted, and provide a comprehensive, easy to understand document as a design reference for new construction.

## Chapter 15.56 Historic Preservation

### Sections:

- 15.56.010. Purpose.**
- 15.56.020 Definitions**
- 15.56.~~020~~030. Designation of historic structures, sites or districts.**
- 15.56.~~030~~040. Procedure to amend or rescind designation of landmarks or historic districts.**
- 15.56.~~040~~050. Landmark alteration certificate required.**
- 15.56.~~050~~060. Landmark alteration certificate application and staff review.**
- 15.56.~~060~~070. Landmark alteration certificate public hearing.**
- 15.56.~~070~~080. Unsafe or dangerous conditions exempted from the alteration certificate requirement.**
- 15.56.~~080~~090. Violations.**
- 15.56.~~090~~100. Designation criteria.**
- 15.56.~~100~~110. Historic Residential Design Guidelines and ~~C~~riteria ~~to~~for review of~~an~~ alterations certificates.**
- 15.56.~~110~~120. Criteria to review relocation of a structure.**
- 15.56.~~120~~130. Criteria to review demolition of a structure.**
- 15.56.~~130~~140. Exemptions from an alteration certificate.**
- 15.56.~~140~~150. Maintenance of designated landmarks and structures within a historic district.**
- 15.56.~~150~~160. Economic incentives for historic restoration.**
- 15.56.~~160~~170. Demolition or relocation of historic buildings or structures not designated as local landmarks.**
- 15.56.~~170~~180. Rehabilitation loan program.**

### 15.56.010. Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of improvements of special character or special historical interest or value, located within the City, is a public necessity and is required in the interest of the health, safety and welfare of the people. The purposes of this Chapter are to promote the public health, safety, and welfare through:

- A. The protection, enhancement, and perpetuation of such improvements and of districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- B. Promoting and encouraging continued private ownership and utilization of such improvements and historic districts;
- C. Safeguarding the City's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts;

- D. The enhancement of property values, and the stabilization of historic neighborhoods;
- E. Fostering civic pride in the beauty and noble accomplishments of the past;
- F. Protecting and enhancing the City’s attraction to residents, tourists, and visitors, and serving as a support and stimulus to business and industry;
- G. Strengthening the economy of the City;
- H. Promoting good urban design; and
- I. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the public.

The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public’s interest in preserving Loveland’s unique historic character by ensuring that demolition of, moving, or alterations to properties of historic value, or actions that impact the historic value of properties, shall be carefully considered for impact on the property’s contribution to Loveland’s heritage.

**15.56.020. Definitions**

The following terms, when used in this Chapter, shall have the meanings defined as follows:

Days – The term days shall mean all calendar days, including Saturday and Sunday. Any computation of days under this Chapter shall not include the date a final decision is made. If a deadline falls upon a Saturday, Sunday, or other legal holiday when City offices are closed, the deadline shall continue to the following day when City offices are open.

Partial Demolition – The dismantling, razing, or destruction of a portion of a building or structure, or the removal of architectural elements which define or contribute to the character of the structure.

Total Demolition – The dismantling, razing, or destruction of an entire building or structure.

**15.56.020030. Designation of historic structures, sites or districts.**

- A. Designation authorized. Pursuant to the procedures hereinafter set forth in this section, the City Council may, by ordinance:
  - 1. Designate as a historic landmark an individual structure, site, or other feature or an integrated group of structures and features on a

single lot or site having a special historical or architectural value;  
and

2. Designate as an historic district an area containing a number of structures having a special historical or architectural value.
- B. Each such designating ordinance shall include a description of the characteristics of the landmark or historic district that justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark or historic district. An ordinance designating a historic district shall identify the contributing structures located within the district.
- C. The property included in any such designation shall be subject to the controls and standards set forth in this Chapter and shall be eligible for such incentive programs as may be developed by the Commission and the City Council.
- D. Procedures for designating structures and districts for preservation:
1. Nomination Process for Landmarks. Except as otherwise provided in section 15.56.~~160–170~~ of this Chapter, a nomination for designation as a landmark may be made by the Commission ~~or City Council~~ acting by majority vote of a quorum, ~~or more, of the members,~~ or by City Council acting by majority vote of a quorum, or by any person owning property proposed for designation, by filing an application with the City of Loveland ~~Community Services~~Development Services Department. Once an application is received, the ~~Community—Services~~Development Services Department shall contact the owner or owners of such landmark and outline the privileges, obligations, and restrictions that apply to designated landmarks. The ~~Community—Services~~Development Services Department shall also attempt to secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review.
  2. Nomination Process for Historic Districts. A nomination for designation as a historic district may be made by the Commission ~~or City Council~~ acting by majority vote of a quorum, ~~or more, of the members~~by City Council acting by majority vote of a quorum, or by any person owning property within the proposed district, by filing an application with the City of Loveland ~~Community Services~~Development Services Department. Once an application is received, the ~~Community—Services~~Development Services Department shall contact the owners of the properties within the

proposed district and outline the privileges, obligations, and restrictions that apply to properties within historic districts.

3. Commission Public Hearing on Landmark or Historic District Nominations. The Commission shall hold a public hearing on the designation application not more than sixty (60) days after the filing of a complete application. The ~~Community Services~~Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by ~~both~~ first class regular mail ~~and certified mail return receipt requested. Failure of the property owner to sign and return the certified mail receipt shall not invalidate any proceedings in connection with the proposed designation.~~ Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
4. Commission Review. The Commission shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after the hearing date first set, unless otherwise mutually agreed by the Commission and the applicant, the Commission shall either recommend approval, modification and approval, or disapproval of the proposal. The Commission may recommend approval conditional upon the voluntary execution of certain easements, covenants, or licenses.
5. Commission Recommendation to City Council. The Commission shall forward to the City Council in writing any recommendation concerning a designation and further state any recommendations as to easement, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation. The Commission shall also notify the City Council immediately of any decision disapproving a designation initiated by the City Council.



6. Owner Consent Required for Further Processing of Landmark Nominations. For applications for designation as a landmark that have gone to a public hearing before the Commission without the owner's consent, such consent shall be required, in writing, prior to review by the City Council of the application. If the owner(s) do not consent to the proposed designation, the application will not move forward.
- E. City Council Review.
1. City Council Public Hearing on Landmark or Historic District Nominations. Within thirty (30) days after the date of any referral from the Commission, the City Council shall hold a public hearing on the designation application. The ~~Community Services~~Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark or historic district designation has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Such written notice shall be sent by ~~both~~ first class regular mail ~~and certified mail return receipt requested. Failure of the property owner to sign and return the certified mail receipt shall not invalidate any proceedings in connection with the proposed designation.~~ Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.
  2. City Council Review. The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this Chapter. Due consideration shall also be given to the written view of owners of affected property. The City Council shall approve, modify and approve, or disapprove the proposed designation.
  3. Owner Notification of Landmark or District Designation. When a historic landmark or district has been designated as provided herein, the City Clerk shall promptly notify the owners of the property included therein and shall cause a copy of the designating ordinance as described in subsection B of this section to be recorded with the County Clerk and Recorder.

4. Effect of Disapproval of Landmark or Historic District Designation. Whenever the City Council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one (1) year from the effective date of the final action on the denied application.

**15.56.030040. Procedure to amend or rescind designation of landmarks or historic districts.**

- A. A landmark or historic district designation may be amended or rescinded in the same manner as the original designation was made using the following criteria:
  1. The property or historic district no longer meets the criteria for designation set forth in section 15.56.090-100 of this Chapter.
  2. If the request is to revoke the designation of a portion of a historic district, the revocation will not impact the integrity of the remainder of the district.

**15.56.040050. Landmark alteration certificate required.**

- A. Landmark Alteration Procedure. No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal, ~~or partial demolition, or total demolition~~ of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the City.
- B. Building Division Referral. The ~~Community Services~~Development Services Department shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Division receives an application for a permit to carry out any new construction, alteration, removal, ~~or partial demolition, or total demolition~~ of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the City's Building Division shall promptly forward such permit application to the ~~Community Services~~Development Services Department.
- C. Effect of Application for Landmark or Historic District Designation. No person shall receive a permit to construct, alter, remove, ~~or partially demolish, or totally demolish~~ any structure or other feature on a proposed landmark site or in a proposed historic district after the date a complete application has been filed to initiate the designation of such landmark site

or district. No such permit application filed after such date will be approved while proceedings are pending on such designation.

**15.56.050060. Landmark alteration certificate application and staff review.**

- A. Application. An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate. The application shall contain all information that the Commission determines is necessary to consider the application, including, without limitation, plans and specifications showing the proposed exterior appearance with texture, materials, and architectural design and detail, and the names and addresses of the abutting property owners.
- B. Review of Impact. The ~~Community Services Director~~Development Services Director, or designee, and two (2) designated members of the Commission shall review all applications for landmark alteration certificates for alterations to buildings or special features and shall determine within fifteen (15) days after a complete application is filed whether or not the proposed work would have a significant impact upon or be potentially detrimental to a landmark site or historic district.
- C. Determination of No Significant Impact. If it is determined by the ~~Community Services Director~~Development Services Director, or designee, and the designated members of the Commission that there would be no significant impact or potential detriment, the ~~Community Services Director~~Development Services Director shall issue a certificate to the applicant and shall notify the Commission of such issuance.
- D. Determination of Significant Impact. If either the ~~Community Services Director~~Development Services Director, or designee, or one of the Commission designees determines that the proposed work would create a significant impact or potential detriment, they shall refer the application to the Commission for a public hearing and shall promptly notify the applicant of the referral. The ~~Community Services~~Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by ~~both~~ first class regular mail ~~and certified mail return receipt requested. Failure of the property owner to sign and return the certified mail receipt shall not invalidate any proceedings in connection with the landmark alteration certificate.~~ Failure

to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the landmark alteration certificate.

**15.56.06070. Landmark alteration certificate public hearing.**

- A. Commission Public Hearing on Landmark Alteration Certificate Application. The Commission shall hold a public hearing on all referred applications for landmark alteration certificates for new construction, removal, alteration ~~or total~~ demolition, or partial demolition of a designated landmark structure or a structure within an historic district within sixty (60) days after the completed application was filed.
- B. Commission Review Criteria. The Commission shall determine whether the application meets the standards in sections 15.56.~~100110~~, 15.56.~~110120~~ or 15.56.~~120130~~, whichever applies. Within thirty (30) days after the hearing date first set, unless otherwise mutually agreed upon by the Commission and applicant, the Commission shall adopt written findings and conclusions.
- C. Extended Review Period. When reviewing alteration certificate applications involving moving or demolition of a resource, the Commission may extend the review period up to ninety (90) additional days if the Commission finds that the original application does not meet the standards in sections 15.56.~~110120~~ or 15.56.~~120130~~, whichever applies. The ninety-day extension period shall be used to encourage both the applicant and the Commission to explore acceptable alternative solutions to the original submittal.
- D. Commission Decision Final Unless Appealed. The decision of the Commission approving, disapproving, or suspending action on an application for a landmark alteration certificate is final unless appealed to the City Council. An appeal to the City Council must be filed with the ~~Community Services~~Development Services Department within ten (10) days of the Commission's decision. Any property owner of a designated landmark or owner of property located within an historic district shall have standing to appeal the decision of the Commission on an application for a landmark alteration certificate.
- E. City Council Public Hearing on Appeal. The City Council shall hold a public hearing on the appeal within thirty (30) days of the date that it is filed with the ~~Community Services~~Development Services Department. The ~~Community Services~~Development Services Department shall provide notice of the time, date and place of such public hearing, and a brief summary or explanation of the subject matter of the hearing, by at least

one (1) publication in a newspaper of general circulation within the City not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Department shall post the property in the application so as to indicate that a landmark alteration certificate has been applied for and mail written notice of the hearing to the record owners, as reflected by the records of the county assessor, of all property included in the landmark or district. Such written notice shall be sent by ~~both~~ first class regular mail ~~and certified mail return receipt requested. Failure of the property owner to sign and return the certified mail receipt shall not invalidate any proceedings in connection with the landmark alteration certificate.~~ Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the landmark alteration certificate.

- F. Issuance of Landmark Alteration Certificate. The ~~Community Services~~Development Services Department shall issue a landmark alteration certificate if an application has been approved by the Commission or City Council. When approving an application for a landmark alteration certificate, the Commission or City Council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.
- G. Building Permit Required. Once an applicant has obtained a landmark alteration certificate, the applicant must apply for a building permit and comply with all other requirements under the City's building codes, fire code, all other ordinances of the City, and all applicable rules, regulations, and policies of the City. The Chief Building Official and Fire Chief shall have the discretion to modify the alteration certificate as necessary to mitigate health and safety issues pursuant to Section 15.56.070.
- H. Documentation of Structure Prior to Total Demolition. The Commission or City Council may, as a condition of its approval of a landmark alteration certificate allowing the total demolition of a historic structure, require the property owner to provide the City either with photographic documentation of such structure or right of access for the taking of such photographs.
- I. Removal of Artifacts From Structure Prior to Total Demolition. The Commission or City Council shall have the authority to enter into an agreement with the owner of any structure proposed to be totally demolished whereby the City, or certain designated third parties, may enter upon the property upon which such structure is situated for the purpose of removing and taking possession and ownership of any particular artifacts, and other items of historic interest or value, identified in such agreement.

- J. Effect of Disapproval of Landmark Alteration Certificate. If the Commission or City Council disapproves an application for a landmark alteration certificate, no person may submit a subsequent application for the same construction, alteration, removal, or demolition within six (6) months from the date of the final action upon the earlier application.

**15.56.070080. Unsafe or dangerous conditions exempted from the alteration certificate requirement.**

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the City's Building Division or Fire Department and where the proposed measures have been declared necessary by the City's Chief Building Official or Fire Chief to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. This Section shall be administered by the Chief Building Official or Fire Chief utilizing the relevant sections of the Uniform Building Code, Uniform Fire Code, or Uniform Code for Building Conservation, as adopted and amended by the City, regarding existing or historic structures.

**15.56.080090. Violations.**

Violations of this Chapter are punishable as provided in Chapter 1.12 of the Loveland Municipal Code and are subject to the following additional penalties:

- A. Unauthorized Alterations to Historic Structures. Alterations to a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property; and
- B. Unauthorized Moving or Demolition of Historic Structures. Moving or demolishing a designated landmark or a structure within an historic district without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location.

**15.56.090100. Designation criteria.**

The Commission and City Council shall consider the following criteria in reviewing nominations of properties for designation:

- A. Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social/cultural, or geographic/environmental significance. A landmark could be exempt

from the age standard if it is found to be exceptionally important in other significant criteria.

1. Historic sites shall meet one (1) or more of the following:
  - a) Architectural.
    - (1) Exemplifies specific elements of an architectural style or period;
    - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
    - (3) Demonstrates superior craftsmanship or high artistic value;
    - (4) Represents an innovation in construction, materials, or design;
    - (5) Represents a built environment of a group of people in an era of history;
    - (6) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
    - (7) Is a significant historic remodel.
  - b) Social/cultural.
    - (1) Is a site of an historic event that had an effect upon society;
    - (2) Exemplifies the cultural, political, economic, or social heritage of the community; or
    - (3) Is associated with a notable person(s) or the work of a notable person(s).
  - c) Geographic/environmental.
    - (1) Enhances sense of identity of the community; or
    - (2) Is an established and familiar natural setting or visual feature of the community.
2. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:

- a) Architectural.
    - (1) Exhibits distinctive characteristics of a type, period, or manner of construction; or
    - (2) Is a unique example of structure.
  - b) Social/cultural.
    - (1) Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
    - (2) Is associated with an important event in the area's development;
    - (3) Is associated with a notable person(s) or the work of a notable person(s);
    - (4) Is a typical example/association with a particular ethnic or other community group; or
    - (5) Is a unique example of an event in local history.
  - c) Geographic/Environmental.
    - (1) Is geographically or regionally important.
3. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
- a) Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
  - b) Retains original design features, materials, and/or character;
  - c) Is the original location or same historic context if it has been moved; or
  - d) Has been accurately reconstructed or restored based on documentation.

## B. Historic Districts.

- 1. For the purposes of this Section, a district is a geographically definable area including a concentration, linkage, or continuity of subsurface or surface sites, buildings, structures, and/or objects.



The district is related by a pattern of either physical elements or social activities.

2. Significance is determined by applying criteria to the pattern(s) and unifying elements(s).
3. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
4. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
5. In addition to meeting at least one (1) of the criteria as outlined in subsection 6 of this subsection B, the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
6. Historic districts shall meet one (1) or more of the following:
  - a) Architectural.
    - (1) Exemplifies specific elements of an architectural style or period;
    - (2) Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;
    - (3) Demonstrates superior craftsmanship or high artistic value;
    - (4) Represents an innovation in construction, materials, or design;
    - (5) Represents a built environment of a group of people in an era of history;

- (6) Is a pattern or a group of elements representing at least one of the above criteria; or
  - (7) Is a significant historic remodel.
- b) Social/cultural.
- (1) Is the site of an historical event that had an effect upon society;
  - (2) Exemplifies cultural, political, economic or social heritage of the community; or
  - (3) Is associated with a notable person(s) or the work of a notable person(s).
- c) Geographic/environmental.
- (1) Enhances sense of identity of the community; or
  - (2) Is an established and familiar natural setting or visual feature of the community.
- d) Archaeology/subsurface.
- (1) Has the potential to make an important contribution to the area's history or prehistory;
  - (2) Is associated with an important event in the area's development;
  - (3) Is associated with a notable person(s) or the work of a notable person(s);
  - (4) Has distinctive characteristics of a type, period or manner of construction;
  - (5) Is of geographic importance;
  - (6) Is a typical example/association with a particular ethnic group;
  - (7) Is a typical example/association with a local cultural or economic activity; or
  - (8) Is a unique example of an event or structure.

**15.56.100110. Historic Residential Design Guidelines and Criteria for review of alterations certificates.**

~~—The Commission shall issue an alterations certificate for any proposed work on a designated historical site or district only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any architectural or landscape feature which contributes to its original historical designation. The Commission must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass, and height. When the subject site is in an historic district, the Commission must also find that the proposed development is visually compatible with the development on adjacent properties. For the purposes of this section, the term “compatible” shall mean consistent with, harmonious with, and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.~~

- A. Historic Residential Design Guidelines Adopted. The “Historic Residential Design Guidelines,” dated May, 2011, are hereby adopted.
- B. Application. The Commission shall use the Historic Residential Design Guidelines to review alteration certificates on designated landmark sites, contributing properties within a designated historic district, or any other property that requires an alteration certificate, as provided in this code and in the Design Guidelines.
- C. Amendment. The Historic Residential Design Guidelines may be amended from time to time by resolution of the city council.
- D. In addition to the criteria set forth in the Historic Residential Design Guidelines for alterations certificates, the Commission shall also use the following criteria to determine compatibility:
1. The effect upon the general historical and architectural character of the structure and property;
  2. The architectural style, arrangement, texture, and material used on the existing and proposed structures and their relation and compatibility with other structures;
  3. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structures and the site;
  4. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;

5. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
6. The condition of existing improvements and whether they are a hazard to public health and safety;
7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property; and
8. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in Title 36 of the Code of Federal Regulations, Part 68. This reference shall always refer to the current standards, as amended.

E. For properties which have historically been non-residential, only the criteria set forth in section 15.56.110(D) shall be applicable to determine compatibility for alterations certificates.

F. The Commission shall issue an alterations certificate for any proposed work on a designated historical site or district only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any architectural or landscape feature which contributes to its original historical designation. The Commission must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass, and height. When the subject site is in an historic district, the Commission must also find that the proposed development is visually compatible with the development on adjacent properties. For the purposes of this section, the term "compatible" shall mean consistent with, harmonious with, and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

E.G. Conflicts. In the event of a conflict between a provision of the Historic Residential Design Guidelines and any other provision of this code or any other applicable regulation, the more stringent provision shall apply.

#### **15.56.~~110~~120. Criteria to review relocation of a structure.**

In addition to the alterations criteria in Section 15.56.~~110~~110, the Commission shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on a landmark site, a building or structure within a historic district, a structure onto a landmark site, or a structure onto property in an historic district:

A. Original Site Review Criteria. For consideration of the original site, the Commission shall review for compliance with all of the following criteria:

1. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
2. The contribution the structure makes to its present setting;
3. Whether plans are specifically defined for the site to be vacated;
4. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
5. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-sitting; and
6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

B. New Site Review Criteria. For consideration of the new location, the Commission shall review for compliance with all of the following criteria:

1. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
2. The structure's architectural integrity and its consistency with the character of the neighborhood; and
3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

| **15.56.120130.** **Criteria to review demolition of a structure.**

If a demolition approval is granted on any basis other than that of an imminent hazard or economic hardship, a certificate will not be issued until a replacement/reuse plan for the property has been approved by the City.

A. Review Criteria for Total Demolition. Applicants requesting a certificate for demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure;
2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;
3. The structure cannot be practically moved to another site in Loveland;
4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
  - (a) Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;
  - (b) Any impact on the historic importance of the structure or structures located on the property and adjacent properties;
  - (c) Any impact to the architectural integrity of the structure or structures located on the property and adjacent properties; and
5. In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.

B. Review Criteria for Partial Demolition. Applicants requesting a certificate for partial demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

1. The partial demolition is required for the renovation, restoration or rehabilitation of the structure; and
2. The applicant has mitigated, to the greatest extent possible:

- (a) Impacts on the historic importance of the structure or structures located on the property; and
- (b) Impacts on the architectural integrity of the structure or structures located on the property.

**15.56.130140 Exemptions from an alteration certificate.**

If an alteration certificate request does not conform to the applicable criteria set forth in this Chapter, the applicant may request an exemption from the certificate requirement. The applicant must provide adequate documentation and/or testimony to establish qualification for one (1) of the listed exemptions. The data provided by the applicant must be substantiated by either professionals in an applicable field, or by thorough documentation of how the information was obtained. The Commission may request additional information from the applicant as necessary to make informed decisions.

- A. Economic Hardship Exemption. An economic hardship exemption may be granted if:
  - 1. For investment, or income producing properties, the owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition;
  - 2. For non-income producing properties, the owner's inability to resell the property in its current condition or if rehabilitated;
  - 3. The economic hardship claimed is not self-imposed.
- B. Health/safety Hardship Exemption. An applicant requesting an exemption based on undue hardship must show that the application of the criteria create a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.
- C. Inability to Use. Three (3) years after denial of a demolition permit approval, if no feasible use or ownership is found for the structure, the owner may request a waiver of all or a part of the restraint of demolition. The Commission shall include the following factors in their consideration of the request:
  - 1. Documented evidence of applications and written correspondence, including written consultations, illustrating efforts made by the property owner to make necessary repairs, to find an appropriate user, or to find a purchaser for the property; and

2. The adequacy of the property owner’s efforts to locate available assistance for making the property functional without demolition.

**15.56.~~140~~150. Maintenance of designated landmarks and structures within a historic district.**

- A. Normal Maintenance. Nothing in this Chapter shall be construed to prohibit the accomplishment of any work on any landmark or in any landmark district which will neither change the exterior appearance nor the exterior architectural features of improvements or structures, nor the character or appearance of the land itself and which is considered necessary as a part of normal maintenance and repair.
- B. Minimum Maintenance. All designated landmarks and all properties within designated districts shall be maintained in such fashion as to meet the requirements of the applicable building codes adopted by the City. The owner(s) of such properties shall also keep in good repair all structural elements thereof which, if not so maintained, may cause or tend to cause the exterior portions of such properties to deteriorate, decay, or become damaged or otherwise to fall into a state of disrepair which would have a detrimental effect upon the historic character of such designated landmark or district in which it is situated.

**15.56.~~150~~160 Economic incentives for historic restoration.**

- A. An owner of a property that has been designated as a landmark or an owner of a contributing property in a historic district may apply for the following economic incentives for the restoration or rehabilitation of that property, and such additional incentives as may be developed by the Commission or City Council:
  1. Refund of City building permit fees for exterior restoration, preservation, and rehabilitation. The Commission shall develop a format for establishing projected costs, rules of the restoration, preservation, or rehabilitation in order that such refund of fees is equitable;
  2. Receipt of loan funds from the zero-interest loan pool, when available, created by the City pursuant to section 15.56.~~170~~180 of this Chapter; and
  3. Applicable state and federal income tax credits.
- B. The Commission shall attempt to identify and advise the City Council regarding the implementation of other economic incentives for historic properties. The Commission shall notify the owners of historic properties of economic incentive opportunities available.



- C. The Commission shall make the determination for each request regarding economic incentives.

**15.56.~~160~~170. Demolition or relocation of historic buildings or structures not designated as local landmarks.**

A. Demolition Procedure. With the exception of any building or structure determined to present a dangerous condition by the Fire Chief or Chief Building Official, or any building or structure governed by the provisions of section 15.56.~~040-050~~ of this Chapter, no building or structure identified in the Loveland Historic Preservation Survey (“Survey”) as eligible for nomination to the State of Colorado Register of Historic Places, which Survey is part of the Loveland Historic Preservation Plan, as amended, may be partially demolished, totally demolished, or relocated nor shall any permit for such demolition or relocation be issued unless the owners of such building or structure have complied with the provisions of this section.

B. Building Division Referral. The ~~Community Services~~Development Services Department shall maintain a current record of all buildings and structures identified in the Survey as eligible for nomination to the State of Colorado Register of Historic Places located within the City. If the Building Division receives an application for a permit to carry out any partial demolition, total demolition, or relocation of such building or structure, the City’s Building Division shall promptly forward such permit application to the ~~Community Services~~Development Services Department.

C. Review for Landmark Nomination. The ~~Community Services Director~~Development Services Director, or designee, and two (2) designated members of the Commission shall review the building permit application and shall determine, within (15) days after an application for a building permit to partially demolish, totally demolish or relocate a historic building or structure, whether or not the building or structure should be nominated for designation as a landmark.

D. Additional Information for Partial Demolition Permits. The owner of property in the Survey who has submitted a permit for partial demolition of a building or structure shall submit building plans for the reconstruction of those portion(s) of the building or structure to be demolished, unless waived by the Development Services Director.

~~DE.~~ Disapproval of Landmark Nomination. If it is determined, by the ~~Community Services Director~~Development Services Director, or designee, and the designated members of the Commission, that the building or structure proposed to be partially demolished, totally demolished or relocated does not meet the criteria for designation as a landmark set forth in section 15.56.~~090~~100(A) of this Chapter the

~~Community Services Director~~Development Services Director shall notify the City's Building Division, in writing, that the permit has been reviewed and approved for further processing within the Building Division.

~~EF.~~ Approval of Landmark Nomination. If either the ~~Community Services Director~~Development Services Director, or designee, or one of the Commission designees determines that the historic building or structure does meet the criteria for designation as a landmark set forth in section 15.56.~~090100~~100(A) of this Chapter, the Commission designees shall submit an application for landmark designation of the building or structure to the ~~Community Services~~Development Services Department within sixty (60) days, after the completed application was filed. The ~~Community Services~~Development Services Department shall process the application in accordance with the procedures set forth in section 15.56.~~020030~~030 of this Chapter. No permit for partial demolition, total demolition or relocation of the historic building or structure shall be approved while proceedings are pending on such designation.

~~FG.~~ Effect of Disapproval of Landmark Designation. If a historic building or structure nominated for landmark designation pursuant to this section is not designated as a landmark, it shall not be reconsidered for landmark designation pursuant to this section within one-hundred and eighty (180) days of the date the initial landmark application was submitted to the ~~Community Services~~Development Services Department by the Commission designees.

**15.56.~~170180~~180. Rehabilitation loan program.**

- A. Purpose. There is hereby established a landmark rehabilitation loan program created for the valid public purpose of increasing the quality, integrity, and permanence of the City's stock of historic landmarks for the enjoyment and benefit of present and future generations of citizens of the City by making available to the owners of locally designated landmarks or contributing structures in local landmark districts a source of funding for exterior rehabilitation of such structures.
- B. Funding. The Commission shall administer the program for awarding zero-interest loans for the rehabilitation of local landmark structures and/or contributing structures in local landmark districts. The Commission may promulgate procedural rules and regulations for the efficient administration of the program. No such loan shall exceed the sum of five thousand dollars (\$5,000.00) for a residential property or ten thousand dollars (\$10,000.00) for a commercial property unless the City Council, by ordinance or resolution, authorizes a larger loan. All loans shall be funded solely from those funds held by the City for financial support of the program in the General Fund, and all loans shall be expressly contingent upon the availability of sufficient funds to support the loan. Loan recipients shall, as a condition of obtaining the loan, agree to repay the loan

in full upon sale or transfer of the property. All loan repayments shall be returned to the landmark rehabilitation loan program.

C. Criteria. No landmark rehabilitation loan shall be awarded unless the following criteria and requirements have been met:

1. The subject structure must have been designated as a local landmark or be a contributing structure in a local landmark district pursuant to this Chapter before the landmark rehabilitation loan can be awarded;
2. All loan recipients shall provide matching funds in an amount equal to or greater than the amount of the loan;
3. The matching funds provided by the loan recipient may be utilized only for exterior rehabilitation of the subject property and/or the stabilization of the structure, the rehabilitation of electrical, heating or plumbing systems, and/or the rehabilitation or installation of fire sprinkling systems in commercial structures;
4. Neither the loan nor the matching funds may be used for the installation of nor rehabilitation of signage or interior rehabilitation or decoration, nor the installation of building additions or the addition of architectural or decorative elements which are not part of the landmark structure;
5. Loan funds may be expended only for rehabilitation of the exterior of a locally designated landmark structure or contributing structure in a local landmark district;
6. No interior improvements may be purchased utilizing City loan funds;
7. The Secretary of the Interior's Standards for the Treatment of Historic Properties as forth in Title 36 of the Code of Federal Regulations, Part 68, as amended, shall serve as the standards by which all rehabilitation work must be performed;
8. No loan funds shall be disbursed until after the recipient has completed the work, the work has been physically inspected by the City, and has been approved by the Commission and the loan recipient has documented the cost of the work by submitting to the City copies of all bills, invoices, work orders, and/or such other documentation showing, to the satisfaction of the City, that the funds requested are reasonable and are supported by the actual proof of expense;

9. Loan recipients shall, as a condition of the loan, prominently place a sign upon the property being rehabilitated stating that such rehabilitation has been funded, in part, through the City's landmark rehabilitation loan program;
  10. Property owners who have previously received loans shall be eligible for subsequent loans;
  11. All rehabilitation work shall be completed within one (1) year from the date upon which the loan was awarded; provided, however, that upon application and a showing of good cause as to why the project cannot be timely completed, the Commission may authorize an extension of up to one (1) additional year for completion of the work;
  12. No landmark rehabilitation loan shall be awarded unless the Commission (or in cases of loans exceeding the maximum amounts established herein, the City Council) first determines that:
    - (a) The applicant has demonstrated an effort to return the structure to its original appearance;
    - (b) It is in the best interests of the public welfare that the structure proposed to be rehabilitated be preserved for future generations;
    - (c) The amount proposed to be spent on exterior rehabilitation is reasonable under the circumstances; and
  13. No landmark rehabilitation loan shall be awarded unless the loan recipient has, as a condition of obtaining the loan, agreed to repay the loan in full upon sale or transfer of the property.
- D. Application. The Commission shall establish the application deadline for each year that the program is administered, which deadline shall be no sooner than sixty (60) days from the date that it was established by the Commission. Applications received after the application deadline will not be considered.



# HISTORIC RESIDENTIAL DESIGN GUIDELINES

MAY 2011



ALLER • LINGLE • MASSEY  
ARCHITECTS  
P.C.



The activity which is the subject of this material has been financed in part with Federal funds from the National Historic Preservation Act, administered by the National Park Service, U.S. Department of the Interior and for the Colorado Historical Society. However, the contents and opinions do not necessarily reflect the views or policies of the U.S. Department of the Interior or the Society, nor does the mention of trade names or commercial products constitute an endorsement or recommendation by the Department of the Interior or the Society.

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## City of Loveland Historic Residential Design Guidelines

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Loveland, Colorado was settled in the 1860s, growing during the late 19th and early 20th centuries into a regional market community to serve the surrounding agricultural area. Growth accelerated in the 1960s with the establishment of Hewlett Packard and other high technology employers. During its early development, residential areas were established to both the east and west of the historic 4th Street downtown area, then slowly stretched northward as the community grew. These neighborhoods are characterized by an eclectic collection of one - and two-story brick, wood and stone buildings of historical and architectural significance, worthy of preservation.

These historic residential neighborhoods have remained remarkably intact for over 100 years, but the character and charm that has driven this stability are now making them increasingly vulnerable to alterations, additions, “scrape-offs” and infill development. Both the City of Loveland and the property owners within these historic residential neighborhoods have recognized these threats, and the need to develop advisory design guidelines to protect their character and guide the design of additions and redevelopment. The City received a grant in 2010 from the Certified Local Government Program, administered by the Colorado Historical Society, to help fund the development of Historic Residential Design Guidelines to assist property owners and residents in preserving and enhancing these irreplaceable community assets.

The intent of these Historic Residential Design Guidelines is to protect and preserve the historic buildings in Loveland’s residential neighborhoods by:

- Provide design guidance for property owners in the restoration or rehabilitation of their historic properties.
- Provide design guidance for the redevelopment and infill of vacant properties within the historic residential neighborhoods.
- Protect and enhance the qualities of the residential neighborhoods, while providing design guidance for the conversion of single family homes into more commercial uses.
- Provide specific design guidance for historic building features and treatments, such as windows, doors, and porches.
- Prevent inappropriate alterations or additions to historic buildings that would jeopardize their historic designation, or their eligibility for future designation.
- Provide criteria for the City’s Historic Preservation Commission in reviewing alteration certificate applications on designated properties.

Loveland contains a broad mix of neighborhoods with varying character-defining features. Overall, the consistency of these characteristics defines the visual quality of a neighborhood. A single building that is out of context with its surroundings can have a dramatic impact on the visual character of a place and the image of the neighborhood as a whole. The context of a building is defined by the neighborhood’s overall age, lot size, setbacks, building placement on a lot, lot coverage, height and massing of homes, rooflines, fences, alleys, vehicular access, architectural styles, building materials and vegetation. Property owners should carefully study the context of their surroundings before making changes to their property. Changes within these established neighborhoods should conform to the existing context so as not to significantly alter the character of the neighborhood.



The Design Guidelines are intended to provide design assistance to individual property owners for restoration or rehabilitation of their historic properties, encourage appropriate historic preservation techniques, and guide new development so that it remains compatible with the historic fabric of Loveland's historic residential neighborhoods.

The following guidelines have been developed by Aller • Lingle • Massey Architects P.C., Fort Collins, Colorado. The project was directed for the City of Loveland by Tangier Barnes, Karl Barton and Bethany Clark, City Planners, and Greg George, Director of Community and Strategic Planning. The guidelines were adopted by City Council, by reference to Article 15 of the Loveland Municipal Code, on \_\_\_\_\_, 2011.

### ***How the Historic Residential Design Guidelines will be used:***

The Design Guidelines will be used by the Loveland Historic Preservation Commission as the specific design criteria to evaluate alteration certificates on designated landmark sites, contributing properties within a designated historic district, or any other property that the Commission has the authority to review per Section 15.56 of the Loveland Municipal Code.

These Guidelines are also intended as a voluntary guide to assist property owners in designing appropriate alterations, additions, redevelopment and infill development on other properties in historic residential neighborhoods.

### ***How specific designs will be reviewed:***

Building or property owners will submit scaled plan and elevation drawings for their proposed restoration, rehabilitation or new infill construction project. The designs will be reviewed by the Historic Preservation Commission for compliance with these Design Guidelines, the Secretary of Interior's Standards for Rehabilitation and other applicable City of Loveland codes and standards.

Applications on non-designated properties will be reviewed through the standard applicable building permit process.

## *Secretary of the Interior's Standards for Rehabilitation*

The Secretary of Interior's Standards, developed by the National Park Service, form the basis for the Design Guidelines, as well as review by the City's Historic Preservation Commission.

1. *A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
2. *The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
3. *Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
4. *Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
5. *Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.*
6. *Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
7. *Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
8. *Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*
9. *New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
10. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*



Loveland's historic residential neighborhoods contain houses, churches and commercial buildings that date from the 1880s through the post-war 1950s. Retaining and reusing older buildings promotes environmental sustainability, with restoration or rehabilitation consuming far fewer resources than new construction. Buildings from different eras should be retained and protected to represent the changes in architectural styles, building materials, construction techniques and shifts in societal trends.



These historic residential neighborhoods contain a rich variety of single-family homes, multi-family homes, schools, churches and commercial buildings, representing how different uses co-existed during Loveland's early development.

#### Guidelines

- The mixed-use character of Loveland's historic residential neighborhoods should be preserved and enhanced.
- Changes in use, such as the conversion of single family homes into professional offices or churches into artist's studios or multi-family residences, are permissible, provided the historic character of the building is preserved and any adverse impacts on the neighborhood are adequately mitigated.
- New development in these neighborhoods should allow for mixed-use, blending residential housing with traditional commercial and retail businesses and providing downtown live/work opportunities.



Historic buildings are distinguished by the unique details, materials, and craftsmanship of their construction. Architectural details found in the buildings of Loveland’s historic neighborhoods represent changes in architectural styles, and give each building a distinctive character.

**Guidelines**

- Character defining architectural details, such as original doors, windows, mouldings, door hoods, brackets, and rafter tails should be retained and preserved.
- Significant architectural details should not be removed, altered or covered when buildings are renovated or remodeled, or when additions are constructed.
- Damaged or deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
- Missing character defining details may be replicated or reconstructed, provided such reconstruction is based upon accurate physical or documentary evidence, including appropriate historical photographs.



Loveland’s historic residential neighborhoods predominately feature small single story, with a few two- or three-story homes, churches and schools scattered throughout.

**Guidelines**

- This predominant neighborhood scale should be preserved when infill, redevelopment or additions are proposed.
- Likewise, the building footprints within these historic neighborhoods should respect the scale of the existing buildings within the same block or block face.
- The existing front yard setback established along a block face should be preserved when an addition or redevelopment project is proposed. If porch additions are proposed that would encroach into this setback, the porch shall remain predominately open.
- Side yard setbacks shall also be preserved, particularly on corner lots or where additions taller than one-story are proposed.



Scale of infill development should respect the historic character of the adjacent existing houses



Appropriate scale of infill development



New development that is out of scale to adjacent existing houses

“Scrape-Offs” and the resulting infill construction or redevelopment can significantly alter the character of historic residential neighborhoods.

**Guidelines**

- Infill or redevelopment should respect the scale and historic character, including architectural style and materials, of the adjacent structures.
- Upper level additions should attempt to minimize the visual impact of the addition on the front of the historic building.
- Infill or redevelopment should not adversely impact adjacent property’s storm water drainage runoff, solar access, privacy, etc.
- Window placement, raised porches or decks and other design aspects of infill or redevelopment should take into account the layout of adjacent structures, and protect their privacy to the extent possible
- Roof forms, such as gabled, hipped, shed, mansard, flat, etc. should be consistent with surrounding properties and the historical precedent established for the architectural style.
- Materials chosen should be consistent with those found in surrounding historic buildings.



Compatible design and massing of addition, although taller than original house



Appropriate location and scale of addition



Appropriate scale and roofline of addition, with different stucco texture on the addition



Inappropriate design, massing and roofline of addition

Additions to historic buildings should be compatible in scale and design to the original building.

### Guidelines

- In general, the scale of additions should be compatible with the original structure in height, massing, bulk, volume and roof form.
- The original character, form and roofline of the historic building should remain distinguishable from an addition.
- The articulation of an addition's overall form, mass and volume should be compatible with the original building.
- The architectural style of additions should be compatible with, but not copy or mimic, the original building.
- Materials used for additions should be compatible with the original building. For example, if the original building is predominately brick, the addition should also be predominately brick, although variations in color, texture and detailing are acceptable. Likewise, if the original building is stucco, the addition should preferably be stucco, but can have different texture to differentiate the addition from the original. Situations may exist where the use of other compatible materials is appropriate.
- Architectural detailing of the addition should be "subordinate" to the original, compatible but simplified.
- Original materials and character defining features of the original building should not be destroyed or obscured in the design of new additions.

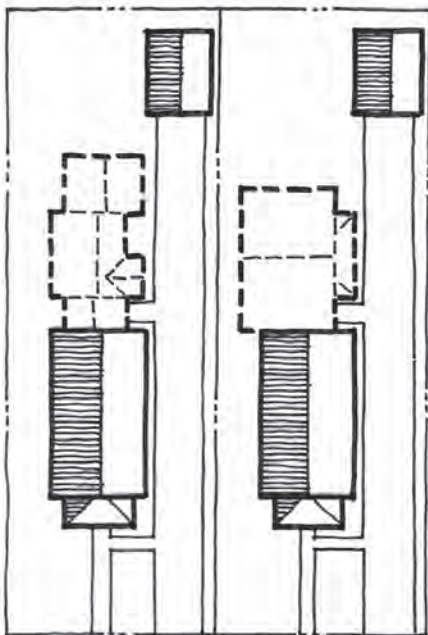




Appropriate scale and roof form of addition



Appropriate scale and articulation of addition



Appropriate location, scale and articulation for addition

Inappropriate location, scale and articulation for addition of same size



Additions should not project beyond side wall of original building



Inappropriate scale and massing of addition



Inappropriate scale and massing of addition



Inappropriate scale and massing of addition

### Guidelines

- Additions on corner lots should follow the Design Guidelines for all additions, but also maintain the same level of architectural design articulation and detailing on the side street facade as exists on the front facade.
- Additions should preferably not extend beyond the side walls of the original building.
- Two-story additions should follow the Design Guidelines for all additions, but be smaller in scale than the original building.



Before (similar house)



After - Appropriate upper level addition



Appropriate upper level addition



Inappropriate design and massing of upper level addition



Appropriate upper level addition



Inappropriate - location and scale of addition

Upper level additions, or “pop-ups” should respect the massing and architectural style of the original building.

### Guidelines

- Upper level additions that add 1/2 story volumes with dormers are preferred to full second story additions.
- Upper level additions should attempt to minimize the visual impact of the addition on the front of the historic building.
- Upper level additions should retain balanced character and massing, although exact symmetry is not required. Additions to only one side of an upper level should be avoided.
- Upper level additions should be designed with roof forms that are similar to the roof of the original building.



Appropriate dormer scale



Inappropriate dormer design, massing and roofline



Appropriate dormer scale



Inappropriate scale and height of dormer



Appropriate dormer design



Inappropriate dormer scale

Dormers shall be compatible with the architectural style and detailing of the original historic building.

### Guidelines

- Gabled or shed dormers are both appropriate designs.
- Scale and massing of dormers should be compatible with the overall size and form of the original roof. The ridge of gable dormers should not be higher than the original roof.
- Single larger dormers, even if they incorporate multiple windows, are preferred to multiple smaller dormers, depending on the architectural style of the historic building. Dormer design should be based upon compatible examples of similarly styled buildings.
- Materials and architectural detailing of dormers should be complementary to the original building.



Original porch preserved



Original porch preserved



New porch constructed in style compatible with original house



Original porch preserved



Original door hood preserved



Inappropriate porch architectural style and materials



Inappropriate porch materials

Front porches are significant, character defining elements for most historic homes, particularly prior to 1960.

### Guidelines

- Front porches are encouraged to remain intact and “open” if possible.
- Rear or side porches are subject to these Design Guidelines, but the application of the guidelines may be more discretionary, unless the location of such porch is significantly visible from the front or any side street.
- Character defining porch and railing materials and details should be retained and preserved, such as posts, columns, brackets, railings and trims.
- Missing porches can be reconstructed if adequate physical or photographic evidence exists to guide an authentic reconstruction of the porch, using appropriate materials. Use of modern materials, such as composite wood polymer decking and railings, is discouraged except for elements not exposed to view.
- Porches shall not be demolished and reconstructed in an architectural style that is not compatible with the house, or using the materials or details that are not complementary to the original. Porches shall not be reconstructed using concrete for the porch deck and stairs if this material is not original to the house.
- Fiberglass or other incompatible roofing materials are not permitted.



Appropriate porch enclosure maintaining original structural brick columns



Appropriate porch enclosure using multiple windows to preserve the original "open" character



Appropriate porch enclosure using window types that match original house



Inappropriate porch enclosure, with incompatible window style and sliding patio doors

As previously mentioned, existing historic porches are encouraged to remain open if possible.

### Guidelines

- If enclosure of all or part of the front porch is desired, the original character of the porch openings should continue to "read" in the design.
- Porch enclosures should be primarily glazed to help maintain the original "open" character of the porch.
- Original brick or stone porch columns, or wood posts, should be retained and exposed to view in the porch enclosure.
- Original porch openings should not be reduced in size or infilled with non-original siding or other wall materials.
- Window units used to enclose the porch should be complementary to the building's other windows in style, scale and materials.
- Use of modern materials, such as sliding glass patio doors, vinyl windows, etc., is discouraged.



Retain streetscape of detached sidewalks and tree lawns



Infill development should preserve the streetscape of detached sidewalk and street tree lawn

Most of Loveland's historic residential neighborhoods are characterized by detached sidewalks, separated from the street by tree lawns and street trees, all located within the public right-of-way. This streetscape contributes to the character, charm and sense of place of these neighborhoods.

### Guidelines

- The residential character of these streetscapes should be maintained.
- While selection of landscape materials is not governed by these Design Guidelines, retaining the current streetscape of turf covered tree lawns and front yards is encouraged. Selection of water-conserving and drought-tolerant species for shrub beds is encouraged.
- Existing front yard setbacks should be respected, with additions and infill redevelopment not permitted to encroach into the front setback.
- The existing streetscape of detached sidewalks, tree lawns and street trees should be retained. Street trees shall not be pruned or cut and removed except as authorized by the City of Loveland. If street trees are missing, the city maintains a list of appropriate street tree species to guide Owners in planting new trees.
- Parking should be provided off of the alley, and not in front, rear or side yards.
- Replacement of turf grass in the tree lawn (between the street curb and the detached sidewalk) with rock mulch, pavers, etc. is discouraged.
- Sprinkler systems should be adjusted and maintained so as not to overspray onto the walls and foundations of the building, particularly brick or stone masonry.



Appropriate gate-type signage



Appropriate post-mounted signage

As traditionally residential properties in historic neighborhoods convert to commercial uses, signage for businesses needs to be provided in a manner that maintains the integrity and character of the residential neighborhood. Design regulations for signage are found in various City of Loveland codes. In addition to these standards, other Design Guidelines are included for historic residential neighborhoods.

### Guidelines

- Signage should not detract from the character of the neighborhood, and should be of a type and size to complement the house and property.
- Signage in residential neighborhoods should be relatively small in size and low in profile, in order to maintain the residential scale of the streetscape. Signs should not exceed 4'-0" in height.
- Signage should be low gate-type, post mounted or other signs of residential character, in materials and colors that are compatible with the house or building that they are associated with.
- More modern sign designs are permitted, if other design criteria are met.
- Signs can be externally illuminated with small floodlights or similar fixtures, provided the lighting is directed back toward the sign, there is no light spillage off of the property, and does not cause glare onto the street or sidewalk.



Appropriate fencing design and materials



Original fencing preserved or re-installed



Details of new fencing should be complementary to the character of the house

Design standards for fencing are found in various City of Loveland codes, regulating fencing placement and heights. In addition to these standards, other Design Guidelines are included for historic residential neighborhoods.

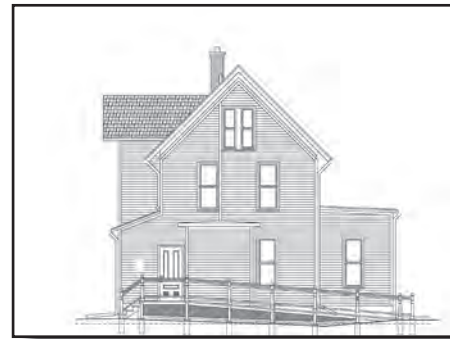
### Guidelines

- Decorative fencing and gates for enclosure of front and side yards of historic homes is permitted. If decorative fencing is added, the style and materials should be appropriate to the era of the house.
- Existing historic fencing and gates should be retained and preserved.
- Fencing and gate materials shall be complementary to the architecture, materials and details of the original building.
- Use of modern fencing materials, such as vinyl or composite wood polymers, is discouraged.





Handicapped access not provided to front porch, so does not adversely impact the primary historic facades



Access provided to rear or side door of house



Appropriate access provided by ramp up from the side to the main entrance



Inappropriate access that adversely impacts the historic character of the building's primary facade

Handicapped access is required to the main level of all historic buildings or houses adaptively converted to commercial or public use, but is not necessarily required to be to the front door. Access to existing or new side or rear entrances is permitted, if it is not an unreasonable distance from public sidewalks or parking areas.

**Guidelines**

- Handicapped accessible ramps or lifts should be sited on the side or rear of the building, where possible, so as not to adversely impact the historic front or street-facing facades. Accessible ramps leading from the public sidewalk to the front porch or entry to an historic building is discouraged.
- If access must be taken to the front of the building, the design should be as inobtrusive as possible to the historic facade.
- Ramps should be designed in a style that is compatible with the building, using materials that complement its building materials and details.
- Materials for required railings should be compatible with the style and materials of the historic building.



Original detached garage preserved



Appropriate detached garage accessed from side street



Appropriate 1-car garage, set back from front facade



Appropriate carriage house garage with living space above



Appropriate 1-car garage, set back from front facade



Appropriate rear-loaded garage

Garages and historic outbuildings form an integral part of the character of historic residential neighborhoods.

**Guidelines**

- Original detached garages, chicken coops, sheds and other outbuildings should be retained and preserved when possible.
- New garages or additions to existing structures should be complementary to the primary residential building in architectural style, scale, materials and detailing.
- Where properties are adjacent to rear alleys or side streets, access to garages is encouraged to be from the alley or street.
- Where not sited behind the historic residential building, detached or attached garages shall be set back from the front facade of the house a minimum of 5’-0”.
- Detached “carriage houses” containing living space, artist space, storage, etc., over garages are permitted, when allowed by other City of Loveland zoning and development standards. If constructed, the design of carriage houses should comply with the other Design Guidelines.



Appropriate cleaning and repointing



Preserve original stucco



Use of historic color palettes is encouraged



Sandblasting not permitted



Preserve original brick and stone



Contemporary materials and colors are appropriate for infill development, provided they are compatible with the character of the historic neighborhood

Historic buildings are distinguished by the natural textures, colors and quality of their materials, and often utilized local materials and local craftsmen. Historic building materials illustrate the local history of construction and building trades. Hand-faced stone or soft-fired brick masonry establishes a building's place in history and distinguishes it from wire-cut brick, cast iron, or the steel and glass construction of later eras. Likewise, the colors of natural materials help establish a building's history and indicate the use of locally available materials.

### Guidelines

- Owners are encouraged to consult with knowledgeable materials representatives or craftsmen in analyzing issues related to the cleaning or repair of historic building materials.
- Historic brick or stone masonry should be preserved and mortar joints repointed as needed to maintain their historic character. Mortar used for repointing should be compatible with the original in strength, color and material composition.
- Historic brick or stone masonry can be gently cleaned to remove dirt and pollution damage. High-pressure washing of historic brick is discouraged. Sandblasting of historic brick or stone masonry is not permitted.
- Likewise, historic stucco should be preserved and repaired as needed. New stucco repair materials should be compatible with the original in strength, texture and material composition.
- Historic brick or stone masonry should not be painted. Painting and, in some cases, sealing of historic brick or stone masonry does not allow the building walls to 'breathe' and can lead to deterioration from moisture build-up within the walls.
- If buildings have been painted, stripping of the paint using products specifically developed for historic brick, stone or other materials is encouraged.
- Rehabilitation of historic buildings should use materials of like kind, including salvaged brick and other materials, where possible.
- Use of historically accurate color palettes is encouraged, as appropriate, for different architectural styles. The use of bright or luminous colors is discouraged.
- Infill and redevelopment should utilize materials and color palettes that are compatible with buildings in the immediate neighborhood.



Narrow profile wood bevel lap siding with alternating bands of butt wood shingles in gable end



Wider profile wood or composite siding, with simple detailing



Narrow profile wood bevel lap siding with wood corner trims, wide head trim at fascia and decorative scalloped shingles in gable end



Decorative shingles in multiple patterns in gable end



Narrow profile wood bevel lap siding with pre-formed metal corners

Distinctive or character defining siding, cladding and trim materials or examples of craftsmanship should be preserved.

### Guidelines

- Wood and other materials used for siding should be retained and evaluated for repair before being replaced. Epoxy wood repair compounds can be used to consolidate or fill in gaps in deteriorated wood siding and trim materials.
- Replacement of cladding materials, if warranted, used for additions should be done with the same (in kind) materials, matching lap exposure, profile depth, texture and finish.
- Historic brick or stone masonry should not be covered with new stucco or other non-original material.
- Siding and cladding materials used for additions should be of the same type and general design as the original cladding, although variations in lap exposure, profile, texture and finish are acceptable to differentiate the new materials from the old.
- Modern siding materials, intended to be painted, such as molded hardboard or fiber cement board, are acceptable for additions and new construction, provided other Design Guidelines such as lap exposure and profile are met.
- Modern, non-original materials, such as vinyl or aluminum siding, are not permitted to be installed over original siding. Where these materials have been installed, Owners are encouraged to remove them and rehabilitate the underlying original siding materials.



Appropriate replacement fiberglass shingles with metal hip and ridge caps, half-round gutters and round downspouts



Reroofing original houses with metal roofing is discouraged



Original wood shingles preserved



Inappropriate replacement fiberglass shingles in "faux" slate tile pattern

Likewise, original or distinctive roofing materials, trims and details should be preserved.

### Guidelines

- Replacement of roofing materials should be done using original materials, if possible. Owners are encouraged to consult historic photographs to determine the original materials. Wood shingles, if applicable, need to meet current City building standards.
- Modern laminated, textured architectural fiberglass shingles are an acceptable alternative to wood shingles, if wood is not permitted. Patterns and colors of modern fiberglass shingles should replicate wood shingles, without mimicking slate, clay tile or other materials.
- Non-original roofing materials should be removed down to the original plank or sheet plywood roof sheathing. If new structural sheathing is installed over older materials that allowed for ventilation beneath the roofing, a ventilating underlayment should be used to prolong the life of the roofing. Additional attic ventilation may also be required.
- Historic roof details, such as metal hip and ridge caps, should be retained, and salvaged and reinstalled during reroofing.
- Roofing materials used for additions should be of the same type and material as the original roof, although variations in color or texture are acceptable to differentiate the new materials from the old.
- Modern roofing materials, such as standing seam metal, are acceptable for redevelopment or new infill construction, but are discouraged for reroofing of historic buildings.



Windows in additions should be compatible with the originals in type, sizes, design and detailing



Preserve distinctive corner windows



Preserve distinctive corner windows



Original wood storm windows preserved



Inappropriate window replacement, where window openings have been reduced in size.

Windows are one of the most important and significant character defining elements of historic residential buildings.

### Guidelines

- Original windows, sashes, screens/storm windows, casings and hardware should be retained and preserved or rehabilitated, where feasible.
- Original fenestration pattern and rhythm, such as paired double hung windows, double hung windows flanking a fixed “picture“ window unit, etc., should be retained and preserved.
- Original window opening sizes and distinctive characteristics, such as corner windows, should be retained.
- Where the original window opening sizes, pattern and rhythm have previously been altered, Owners are encouraged to restore the original sizes and pattern.
- Original wood windows and sashes should be repaired or rehabilitated (where feasible) before the window units are replaced.
- Likewise, original steel sash or other window materials should be retained and preserved or rehabilitated.
- Where exterior screens and/or storm windows existed, replica units can be reconstructed as needed. Where they did not originally exist, installation of interior storm windows is preferred to window replacement.
- If full window replacement is warranted, replacement units should be high quality, wood (or aluminum-clad wood) or metal units, as appropriate to the style of the building, using units specifically designed for historic buildings. Window sizes should not be reduced or altered significantly when replaced. Frame and sash profile and dimensions should match the originals as closely as possible. Owners should strive to replace windows with original materials, and consult photographic documentation (if available) where physical evidence does not exist.
- Replacement windows should match the muntin patterns of the original windows. Replacement windows are encouraged to have true divided-lite sashes, not applied muntins.
- Introduction of octagonal windows, boxed or bay windows, etc., where these window types are not original to the building is an inappropriate addition and is not permitted.
- Use of vinyl or fiberglass replacement windows is discouraged.



Appropriate location for roof window



Appropriate location for roof window



Appropriate solar "tube" installation

Fixed and operable roof windows are encouraged where their use is more appropriate to preserving the historic character of the building than installation of dormers or other more obtrusive construction.

#### Guidelines

- Roof windows are allowable on any roof plane, provided they are installed as flush as possible with the roof plane. Placement on front facing roof planes is discouraged.
- Preferred locations for roof window placement are where they can be screened behind dormers or roof gables.
- Solar "tubes" or other natural daylighting equipment are allowable on any roof plane, although placement on front facing roof planes is discouraged.



Retain original doors



Retain original doors



Retain original doors



Retain original hardware



Appropriate screen door



Appropriate storm door



Inappropriate replacement door

Likewise, entry doors are a significant character defining element of historic residential buildings.

### Guidelines

- Original entry doors, glazing, sidelites, transoms, casings and hardware should be retained and preserved, where feasible. New door hardware added to historic doors, such as lever handles or deadlocks, should match the original finishes but can be more contemporary in design.
- Original doors and sidelites or transoms should be repaired or rehabilitated (where feasible) before the door units are replaced.
- If replacement is warranted, doors should be high quality wood units specifically designed for historic buildings. Door style and materials should be compatible with the architectural style, materials and details of the house. Owners should strive to replace doors with original materials, and consult photographic documentation (if available) where physical evidence does not exist.
- Use of vinyl, fiberglass or embossed metal replacement doors and screen/storm doors is discouraged.
- Original screen doors should be retained and preserved.
- Introduction of non-original screen or storm doors are permitted, provided they are predominantly glazed to allow the original historic door to continue to be seen.





Appropriate solar panel installation, on rear roof shielded by dormer



Inappropriate solar panel installation



Inappropriate satellite dish installation

Energy conserving technologies are encouraged where their installation respects the historic character of the building.

### Guidelines

- Solar or photovoltaic panels should be installed flush with the roof surface, not elevated on metal framework.
- Solar or photovoltaic panels should be installed on rear or side facing roof planes.
- Solar or photovoltaic panels are not be permitted on front or street facing roof planes, unless no other roof orientation provides sufficient solar access.
- Wind turbines, if roof mounted, should be installed on rear or side facing roof planes, and shielded by dormers or projecting gables if possible.
- Satellite television dishes and similar equipment should be mounted as inconspicuously as possible, preferably below projecting roof eaves or other architectural features.



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 13  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Greg George, Development Services Director  
**PRESENTER:** Troy Bliss, Current Planning

**TITLE:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO

**DESCRIPTION:**

Consideration of a legislative action to adopt an ordinance on second reading amending The Church at Loveland Addition Annexation Agreement. The agreement pertains to a property located north of 14<sup>th</sup> Street S.W. between Angora Drive and South County Road 21 west of South Wilson Avenue at 3835 14<sup>th</sup> Street S.W. The property is approximately 5.9 acres in size and zoned B – Developing Business. The current use on the property is the Church at Loveland. The applicant is Loveland Classical School represented by Tamara Cramer. The owner of the property is CDF Holdings, LLC.

**BUDGET IMPACT:**

Yes  No

**SUMMARY:**

This proposed amendment focuses primarily on paragraph 8 of the original agreement pertaining to the limitations on allowable land uses. Loveland Classical School is seeking to expand the existing church building for operating a charter school including grades kindergarten through ninth grade initially. Under the current agreement, use of the property is limited to a church. The proposed amendment to paragraph 8 would allow a variety of uses, including public and private schools and accessory uses (see Exhibit A to the ordinance). Paragraph 5 of the amended agreement would establish a sunset clause in the event Loveland Classical School does not select this site. Paragraph 7 would require street improvements on 14<sup>th</sup> Street

S.W. to allow left turns exiting the property. The proposed amendments to the annexation agreement have been agreed to by all parties and are being presented to City Council for consideration. City Council held a public hearing on May 17, 2011 regarding this matter. City Council approved an ordinance on first reading by a vote of 8-1.

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**LIST OF ATTACHMENTS:**

A. Ordinance

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion for City Council action:

Move to adopt on second reading AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO

**REVIEWED BY CITY MANAGER:**



**CITY OF LOVELAND**  
 DEVELOPMENT SERVICES DEPARTMENT  
 Civic Center • 500 East 3<sup>rd</sup> Street • Loveland, Colorado 80537  
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

**AGENDA ITEM:** 14  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Greg George, Development Services  
**PRESENTER:** Karl Barton, Development Services

**TITLE:**

- A. AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT
- B. AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS

**DESCRIPTION:**

A public hearing to consider a legislative action to adopt on first reading:

- A. An ordinance repealing and reenacting Chapter 18.24 BE District – Established Business District; and
- B. An ordinance amending Chapter 18.54 Building Height Regulations relating to the building height allowances in the BE Established Business Zoning District.

**BUDGET IMPACT:**

Yes     No

**SUMMARY:**

This item is a comprehensive re-write of the zoning district for Loveland's Downtown area. It contains updated standards covering topics such as allowed uses, building design, building height, and approval process. The code amendments were drafted with the assistance of an ad-hoc committee composed of stakeholders and experts including downtown property owners, real estate professionals, architects and Councilor Larry Heckel.

The updated code is part of the City's larger Downtown revitalization strategy. It is intended to facilitate the goals of the Downtown Strategic plan and Implementation Strategy of increasing residential and office density in the Downtown. Also, it is intended to help achieve the vision for

Downtown as stated in the Loveland Comprehensive Plan, which is to make the Downtown a pedestrian friendly and vibrant place.

The code amendments were drafted through an iterative and collaborative process. The proposed amendments were presented for review and comment to a number of boards and committees, including the Historic Preservation Commission, the Loveland Downtown Team, the Downtown Loveland Association, and the Title 18 Committee. City Council reviewed the proposed amendments at two study sessions. The proposed code amendments were also presented at a public open house.

On May 9, 2011, the Planning Commission recommended approval of the proposed amendments a vote of 5 to 1.

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**LIST OF ATTACHMENTS:**

- A. Ordinance repealing and reenacting Chapter 18.24
- B. Ordinance amending Chapter 18.54
- C. Current version of Chapter 18.24
- D. Current version of Chapter 18.54
- C. City Council staff memorandum, June 7, 2011

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motions for City Council action:

1. Move to accept the staff recommendation and adopt on first reading: AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT
2. Move to accept the staff recommendation and adopt on first reading: AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS

**REVIEWED BY CITY MANAGER:**

**FIRST READING: May 17, 2011**

**SECOND READING: June 7, 2011**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO**

**WHEREAS**, on December 5, 2006, under Ordinance No. 5151, the Loveland City Council approved annexation of certain property known as the Church at Loveland Addition to the City of Loveland, Colorado, more particularly described in Attachment 1, attached hereto and incorporated herein, (the “Property”); and

**WHEREAS**, the Church at Loveland Addition is subject to an Annexation Agreement which was approved by Loveland City Council also under Ordinance No. 5151 (The “Annexation Agreement”); and

**WHEREAS**, the Annexation Agreement requires that the primary use of the Property shall be limited to a Place of Worship or Assembly, and any accessory uses associated therewith; and

**WHEREAS**, the future owners of the Property desire to build a charter school on the Property, which under the Annexation Agreement was allowed as an accessory use, but not as a primary use; and

**WHEREAS**, City staff has reviewed the future owners’ request and have no objection to an Amendment to the Annexation Agreement allowing a charter school on the Property as a primary use.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That an amendment to the Annexation Agreement Pertaining to The Church at Loveland Addition to The City of Loveland, Larimer County, Colorado, attached hereto and incorporated herein by reference as **Exhibit A**, is hereby approved.

**Section 2.** That the City Manager is authorized, following consultation with the City Attorney, to approve changes to the form of the Amended Annexation Agreement provided that such changes do not impair the intended purpose of the Amended Annexation Agreement as approved by this Ordinance. The City Manager and the City Clerk are authorized and directed to execute the Amended Annexation Agreement on behalf of the City of Loveland.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading, unless the Ordinance has been amended since first reading, in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

**Section 4.** That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with state statutes.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

**EXHIBIT A**

**FIRST AMENDMENT TO THE ANNEXATION AGREEMENT PERTAINING TO THE  
CHURCH AT LOVELAND ADDITION TO THE CITY OF LOVELAND, LARIMER  
COUNTY, COLORADO**

This FIRST AMENDMENT to the Annexation Agreement for The Church at Loveland Addition to the City of Loveland, Larimer County, Colorado, is entered into this \_\_\_\_ day of \_\_\_\_\_, 2011 (“First Amendment”), by and among the CITY OF LOVELAND, COLORADO, a home rule municipality (“City”); and CDF Holdings, LLC, a Colorado limited liability company, jointly referred to herein as (“the Parties”).

**WITNESSETH**

WHEREAS, on January 5, 2007, the Parties entered into an Annexation Agreement Pertaining to the Church at Loveland Addition to the City of Loveland, Larimer County, Colorado, (“the Annexation Agreement”) regarding certain property, more particularly described in **Attachment 1**, attached hereto and incorporated herein, (“the Property”); and

WHEREAS, on December 5, 2006, the Loveland City Council passed on second reading, Ordinance No. 5151 approving the Annexation Agreement, which was recorded in the Larimer County Records on February 13, 2007 at Reception No. 20070011386; and

WHEREAS, the Annexation Agreement provides that it may only be amended by the City and the Developer which at the time of the Agreement consisted of the Church at Loveland; and

WHEREAS, the current owner, CDF Holdings, LLC is in the process of selling the Property, and Loveland Classical School Project Development LLC, or a related entity is in the process of purchasing the property for the use and benefit of Loveland Classical Schools, a Colorado nonprofit corporation and public charter school, and will thereby take on the responsibilities, benefits and burdens of the Developer; and

WHEREAS, the Parties now desire to make certain changes to the Annexation Agreement.

NOW, THEREFORE, by and in consideration of mutual covenants contained herein and other good and valuable consideration, the parties hereto agree to the following:

1. The numeric paragraph 7. of the Annexation Agreement is amended to read in full as follows:

7. Public Street Improvements. If the Property is used as a public or private school, in order to safely accommodate the traffic associated with such school use within the Property, the Developer shall modify the existing center median in 14th Street



Southwest, per the approval of the City Engineer, to allow exiting left-turns from the Property's site access onto 14th Street Southwest. The Developer shall design and construct these improvements per the approval of the City Engineer prior to the opening of the public or private school.

2. The numeric paragraph 8. of the Annexation Agreement is amended to read in full as follows:

8. Limitation on allowable land uses. Notwithstanding the provisions of the B-Developing Business Zone District, use of the Property shall be limited to a Place of Worship or Assembly; Public and Private schools; and Accessory Uses associated therewith. Allowable Accessory Uses shall include, without limitation, the following uses provided that such uses are in compliance with all other applicable provisions of Chapter 18.48 of the Loveland Municipal Code.

- a. Single-family dwelling(s) – strictly for staff housing;
- b. Two-family dwelling(s) – strictly for staff housing;
- c. Accessory buildings, fields, and play areas for public or private schools;
- d. Commercial day-care center licensed by the state;
- e. Pre-school or before and after school program operated in conjunction with a Public or Private school;
- f. Community facility; and
- g. Conference Center.

3. The numeric paragraph 10. of the Annexation Agreement is amended to read in full as follows:

10. Compliance of exterior architecture. The initial improvements by Developer to the Property for use as a public school have been approved by the City Planning Manager. Any future phases of improvements constructed on the Property shall remain consistent with the architectural features and standards of the existing buildings on the Property.

4. Except for the changes set forth above, all of the terms and conditions of the Annexation Agreement shall continue in full force and effect and shall continue to be binding on all parties thereto, except to the extent that a public school owner or user of the Property is otherwise specifically exempt from the same pursuant to C.R.S. §22-32-124. Notwithstanding the foregoing sentence of this paragraph, the parties acknowledge and agree that the City is not hereby waiving or releasing any future rights or claims it may have to enforce the terms and conditions of the Annexation Agreement, as herein amended, with respect to any future use or development of the Property by any such school or by any of its successors or assigns.

5. This First Amendment shall be null and void if a public or private school does not occupy the Property by December 31, 2011. In such instance, the original Annexation Agreement Pertaining To The Church At Loveland Addition To The City Of Loveland, Larimer

County, Colorado shall remain in full effect as originally recorded at Reception No. 20070011386 on February 13, 2007.

6. The City shall record this First Amendment with the Larimer County Clerk and Recorder.

ATTEST:

CITY OF LOVELAND, COLORADO:


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City Clerk

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William D. Cahill, City Manager

APPROVED AS TO FORM:



Susan Va. Sharma  
Assistant City Attorney

CDF Holdings, LLC,  
a Colorado limited liability company

By: [Signature]

Title: VP

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }  
County of ORANGE }

On May 9, 2011 before me, RANDY S. CRANE, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared Charles Bruny

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]  
Signature of Notary Public

Place Notary Seal Above

**ATTACHMENT 1**

That portion of Section 21, Township 5 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, described as follows: Beginning at the Southwest corner of said Section 21; thence along the centerline of that certain parcel of land described in deed recorded in Book 1028 Page 527 records of said County, North 00°56'30" East 543.02 feet; thence North 89°43'30" East 30.01 feet to the Southwest corner of that certain parcel of land described in instrument recorded in Book 1333 Page 39 records of said County; thence along the Southerly line of said land recorded in Book 1333 Page 39, North 89°43'30" East 502.10 feet; thence South 89°50'00" East 637.74 feet to the TRUE POINT OF BEGINNING; thence continuing South 89°50'00" East 513.46 feet to the Southeast corner of said land recorded in Book 1333 Page 39; thence South 00°56'30" West 509.07 feet to a line that is parallel with and 40.00 feet North (measured at right angles) of the South line of the Southwest Quarter of Section 21; thence along said parallel line North 89°46'02" West 513.45 feet to a line that bears North 00°56'30" East and passes through the TRUE POINT OF BEGINNING; thence along said line North 00°56'30" East 508.48 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 5.996 acres, more or less, and is subject to all existing easements and/or rights of way of record.

FIRST READING: June 7, 2011

SECOND READING: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT**

**WHEREAS**, City Council finds that updates to Title 18 of the Loveland Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

**WHEREAS**, the City Council has received a recommendation of the Planning Commission recommending adoption of revisions to Title 18 of the Loveland Municipal Code, including changes to Chapter 18.24 regarding the BE – Established Business District; and

**WHEREAS**, the City Council desires to adopt the recommendations of the Planning Commission by repealing and reenacting Chapter 18.24 of the Loveland Municipal Code regarding the BE – Established Business District.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** Chapter 18.24 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

**Chapter 18.24  
BE DISTRICT - ESTABLISHED BUSINESS DISTRICT  
Sections:**

- 18.24.010 Purpose.**
- 18.24.020 Uses permitted by right.**
- 18.24.030 Uses permitted by special review.**
- 18.24.040 BE zoned area on West Eisenhower Boulevard.**
- 18.24.050 Proposals requiring approval by planning commission.**
- 18.24.060 Standards applying to entire BE zoning district.**
- 18.24.070 Description of general, core, Fourth Street, and neighborhood transition character areas.**
- 18.24.080 General and core character areas urban design standards.**
- 18.24.090 Fourth Street character area urban design standards.**
- 18.24.100 Neighborhood transition character area urban design standards.**
- 18.24.110 Landscaping.**

**18.24.010 Purpose.**

The BE - Established Business District is intended to promote the development of a pedestrian-oriented downtown mixed-use business district in which a variety of retail, commercial, office, civic and residential uses are permitted. The district is also intended to:

- A. Encourage preservation of the architectural and historic character of the district;

- B. Foster redevelopment through the application of flexible development standards;
- C. Encourage a diverse mixture of land uses throughout the district including arts and technology related uses and mixed-use development;
- D. Encourage revitalization and redevelopment of the downtown in a manner that preserves and complements its existing unique character;
- E. Increase housing density to support vitality downtown;
- F. Increase employment density and opportunities;
- G. Encourage high-quality design that is context appropriate;
- H. Encourage redevelopment and increased density, while maintaining compatibility between the downtown BE district and surrounding residential neighborhoods;
- I. Support multi-modal transportation, including higher density surrounding transit nodes; and;
- J. Allow for development to respond to infill conditions by utilizing type 2 standards.

**18.24.020 Uses permitted by right.**

The following uses are permitted by right in the BE district:

- A. Accessory buildings and uses;
- B. Accessory dwelling units;
- C. Art gallery, studio and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40;
- D. Bar or tavern in general, core, and Fourth Street character areas;
- E. Bed and breakfast establishment;
- F. Boarding and rooming house;
- G. Clubs and lodges;
- H. Combined use (or mixed-use) development of permitted uses;
- I. Commercial day care center, licensed according to the statutes of the state;
- J. Community facility;
- K. Convention & conference center;
- L. Essential public utility uses, facilities, services, and structures (underground);
- M. Financial services;
- N. Food catering;
- O. Funeral home without crematorium;
- P. Garden supply center;
- Q. Government or semipublic use;
- R. Health care service facility;
- S. Hospital;
- T. Indoor entertainment facility & theater;
- U. Indoor recreation;
- V. Light industrial entirely within a building;
- W. Lodging establishment;
- X. Long term care facility;
- Y. Lumberyard in the general character area;

- Z. Medical, dental and professional clinic or office;
- AA. Micro-winery, micro-brewery, and micro-distillery;
- BB. Multiple-family dwelling for the elderly;
- CC. Multiple-family dwelling;
- DD. Nightclub in core and Fourth Street character areas;
- EE. Office, general administrative;
- FF. One-family (attached or detached) dwelling, including mixed-use dwellings;
- GG. Open-air farmers market;
- HH. Parking garage in the general and core character areas;
- II. Parks and recreation area;
- JJ. Parking lot in the general character area;
- KK. Personal service shop;
- LL. Place of worship or assembly;
- MM. Printing and newspaper office;
- NN. Public or private school;
- OO. Research laboratory;
- PP. Restaurant, fast food without drive-in;
- QQ. Restaurant standard, indoor or outdoor;
- RR. Retail laundry;
- SS. Retail store and wholesale store;
- TT. Shelters for victims of domestic violence;
- UU. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
- VV. Veterinary clinic;
- WW. Two-family dwelling; and
- XX. Workshop and custom small industry uses if entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.; Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40.

#### **18.24.030 Uses permitted by special review.**

The following uses are permitted by special review subject to the provisions of Chapter 18.40:

- A. Attended recycling collection facility;
- B. Antennas, as defined in Section 18.55.020(A), located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
- C. Bar or tavern in the neighborhood transition character area;
- D. Combined-use (mixed-use) development containing one or more special review use(s);
- E. Congregate care facility;
- F. Contractor's storage yard in the general character area;
- G. Domestic animal day care facility;
- H. Essential public utility uses, facilities, services, & structures (above ground);

- I. Gas station with or without convenience goods or other services in the general character area subject to Section 18.52.060 and Section 18.50.135;
- J. Greenhouse;
- K. Group care facility;
- L. Nightclub in the general and neighborhood transition character areas;
- M. Off-track betting facility;
- N. Outdoor recreation facility;
- O. Outdoor storage as an accessory use;
- P. Parking garage in the Fourth Street and neighborhood transition character areas;
- Q. Parking lot in the core and neighborhood transition character areas;
- R. Personal wireless service facility as defined in Section 18.55.020(A), located on a new structure, meeting all requirements of Chapter 18.55;
- S. Unattended recycling collection facility;
- T. Vehicle minor and major repair, servicing and maintenance in the general and core character areas;
- U. Vehicle rental, cars, light trucks and light equipment in the general and core character areas;
- V. Vehicle sales and leasing of cars and light trucks in the general and core character areas; and
- W. Warehouse and distribution uses enclosed within a building.

#### **18.24.040 BE zoned area on West Eisenhower Boulevard.**

The area zoned BE and shown in Figure 18.24.040-1 shall not be governed by the allowances, standards and provisions of this Chapter 18.24, with the exception that the uses allowed in this area shall be subject to Sections 18.24.020 and 18.24.030. For the purposes of determining allowed uses, this area shall be considered to be in the general character area (see section 18.24.070 for a discussion of character areas). All development in this area shall otherwise comply with Chapter 18.28, Chapter 18.53, Chapter 18.42, Chapter 18.50, Chapter 18.54 and all other applicable City code regulations.

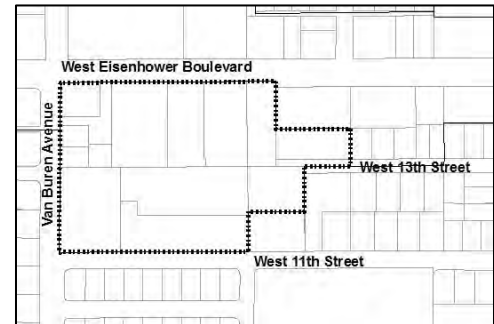


Figure 18.24.040-1

#### **18.24.050 Proposals requiring approval by the planning commission.**

- A. Structures, buildings or additions meeting the criteria listed in this section shall require approval by the planning commission at a public hearing noticed in accordance with Chapter 16.16.070. Uses listed in Section 18.24.030 as requiring a special review and meeting the thresholds listed in this section shall require approval by the planning commission at a public hearing in lieu of a special review.
  - 1. Any allowed uses located in the general, core or Fourth Street character areas containing more than 25,000 square feet of gross floor area construction.

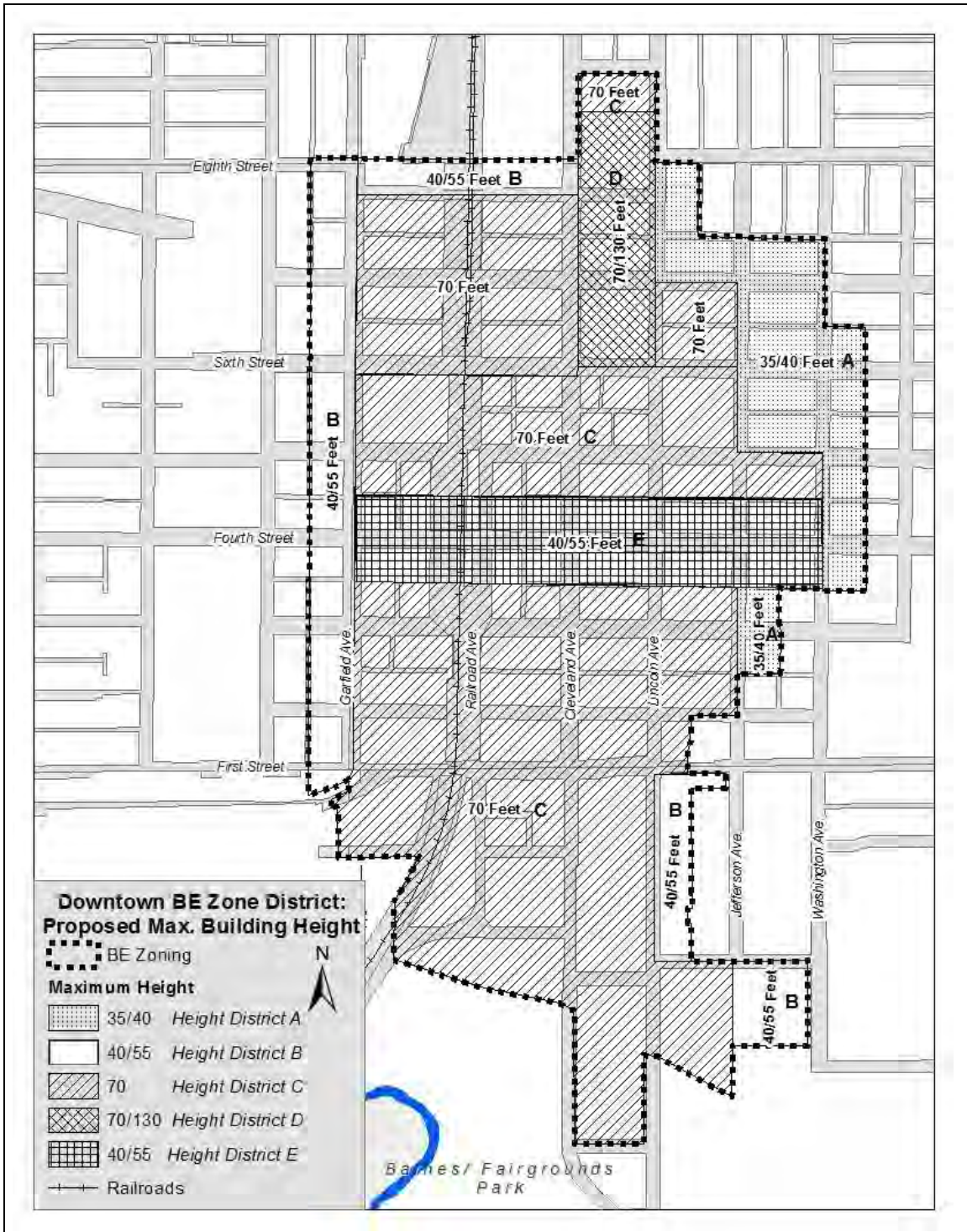


2. Any allowed uses located in the neighborhood transition character area containing more than 10,000 square feet of gross floor area construction.
  3. Any building or structure height above seventy (70) feet, exclusive of church spires, chimneys, ventilators, pipes, elevator shafts, or similar appurtenances.
- B. In evaluating proposals, the planning commissions shall make the findings included in this section.
1. The proposed development complies with the standards of this chapter and any other applicable provisions of the Loveland Municipal Code.
  2. The proposed development is consistent with the goals of the document, *Destination Downtown: Heart Improvement Project Downtown Strategic Plan and Implementation Strategy*.
  3. The proposed development is compatible with surrounding properties while considering its location in an urban environment characterized by a diversity of uses and building types.

**18.24.060 Standards applying to entire BE zoning district.**

The following standards shall apply to all development within the BE zone district, except for that area described in Section 18.24.040 and depicted in Figure 18.24.040-1. The building envelopes depicted in this section are not intended to depict actual building forms. Building heights shall be defined and measured per Chapter 18.04.113.2. Therefore, portions of a building including pitched or gabled roofs may extend outside of the building envelopes as depicted in this section.

- A. Building height: Type 1 standards.
1. Building height for all structures, including primary and accessory uses, shall not exceed the maximum heights set forth in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3.



. Figure 18.24.060-1: Downtown Area Height Limits



Figure 18.24.060-2  
BE Eighth Street and Colorado Avenue Area  
Height Limits

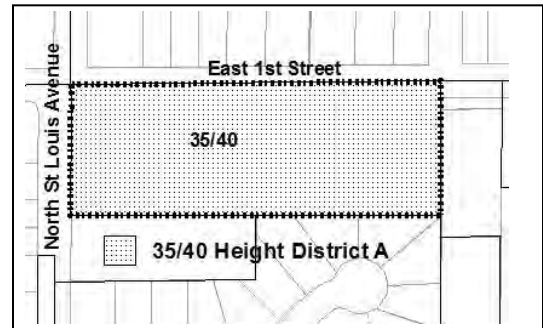


Figure 18.24.060-3  
BE East First Street Area  
Height Limits

2. Where Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 indicate two numbers, the lower of the two numbers shall be considered the standard allowable height.
3. Building heights up to the higher of the two numbers in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 may be permitted as stipulated in the following height provisions:
  - a. Height district A - 35/40 residential buffer: These height limits are intended to maintain the existing character of the area and ensure compatibility with adjacent uses and residential zoning districts. Building heights in height district A are as specified below:
    - i. Buildings located in height district A shall have a standard allowable height of thirty five (35) feet.
    - ii. Buildings on property located adjacent to Colorado Avenue, Lincoln Avenue, Jefferson Avenue, Washington Avenue, First Street or West Eighth Street may have a maximum height of forty (40) feet.
  - b. Height district B - 40/55 residential buffer: These height limits are intended to protect the character of adjacent residential neighborhoods. The maximum building height of fifty five (55) feet is allowed except as specified below:
    - i. Structures on lots located directly adjacent to residential zoning districts or across public alleys from residential zoning districts shall be limited to forty (40) feet in height within sixty five (65) feet of the property line of the adjacent residentially zoned lot. This sixty-five (65) foot setback shall be measured from the property line of the adjoining residentially zoned lot and shall include any land within an alley right-of-way (see Figure 18.24.060-4).
    - ii. This provision shall not apply to lots separated from a residential zone district by a public street other than an alley.

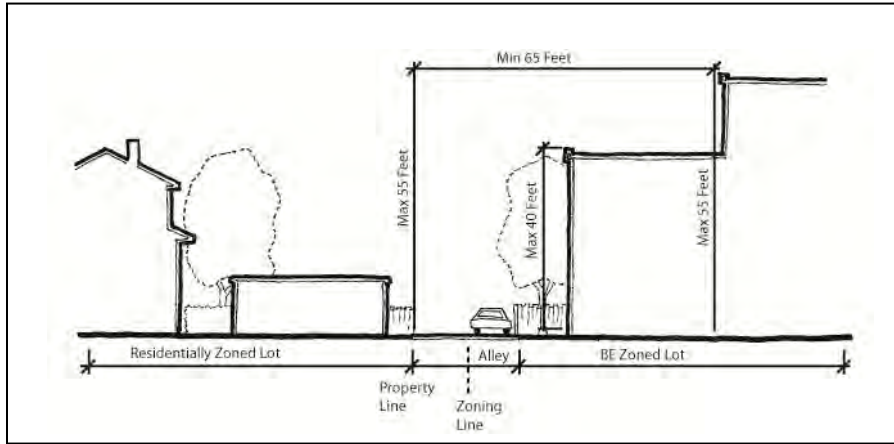
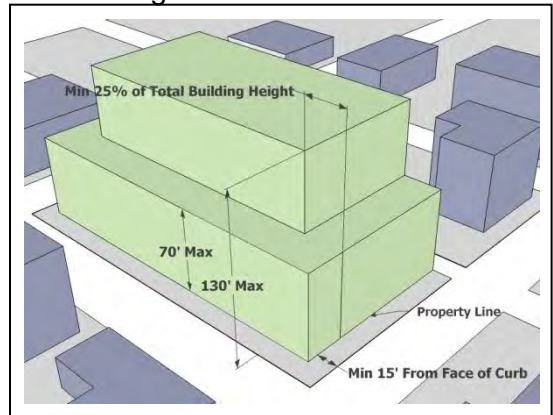


Figure 18.24.060-4  
Setback from residential zone districts

- c. Height district D - 70/130 high rise zone: These height limits are intended to allow for the construction of tall buildings subject to standards designed to mitigate potential negative effects on adjacent properties. Buildings over seventy (70) feet in height must meet the following massing standards:



See Figure 18.24.060-5

- i. Portions of a building greater than seventy (70) feet in height shall be set back from public streets, not including alleys, a minimum of 25% of the total building height. See Figure 18.24.060-5.

- d. Height district E – 40/55 Fourth Street character area: These height limits are intended to maintain a historic and pedestrian scale, and protect solar access to the north sidewalk of Fourth Street for the majority of the year. Building heights in height district E are as specified below:

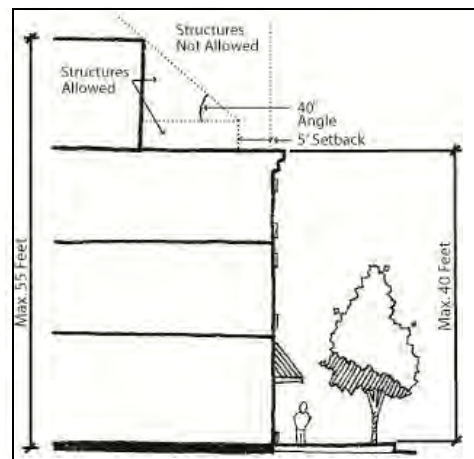


Figure 18.24.060-6

- i. Facades fronting on Fourth Street or intersecting public street rights-of-way shall have a standard allowable height of forty (40) feet.
  - ii. Structures may be allowed up to fifty five (55) feet in height provided

those portions of buildings exceeding forty (40) feet in height shall be stepped back at an angle of 40 degrees from horizontal. Portions of buildings greater than forty (40) feet in height shall be stepped back a minimum of five (5) feet from the public right of way. See Figure 18.24.060-6.

iii. Only those stories above the second story may be stepped back.

4. Building height adjacent to one-family residential uses: The maximum building height on properties located adjacent to a one-family residential

use shall be limited to the height restrictions indicated in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3; except that on the lot line adjacent to the one-family residential use, portions of the structure greater than forty (40) feet in height shall be stepped back at an angle of 40 degrees from horizontal as depicted in Figure 18.24.060-7.

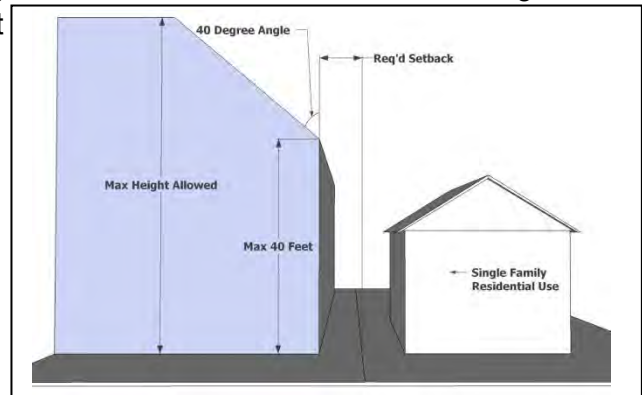


Figure 18.24.060-7

B. Off street parking: Type 2 standards.

1. Off-street parking shall be provided as set forth in Chapter 18.42.030 for all uses outside the boundaries of General Improvement District #1 (GID #1) with boundaries as established by city council, and for residential uses that are not part of a mixed-use development.
2. No off-street parking shall be required for non-residential or mixed use development located in GID #1.

C. Parking garages: Type 2 standards.

1. Exterior building elevations shall be compatible with the architecture found in the BE district in terms of style, mass, material, height, and other exterior elements.
2. Parking garages shall include a minimum of three (3) of the following elements on any facade facing a public street or plaza space: (i) window and door openings comprising a minimum of 25% of the ground floor facade; (ii) awnings; (iii) sill details; (iv) columns; (v) recessed horizontal panels or similar features to encourage pedestrian activity at the street level.
3. Along primary pedestrian streets, as defined in Section 18.24.080.C, commercial uses shall be provided along the ground level, where feasible, to create pedestrian activity.
4. Vehicle entrances shall be located to minimize pedestrian/auto conflicts.

D. Signs: Type 1 standards. All signs shall comply with Chapter 18.50 of this code.

E. Illumination: Type 2 standards. Section 3.09 of *the City of Loveland Site Development Performance Standards* shall apply to site lighting with the exception that unshielded,

decorative lighting shall be permitted, provided the lights are not installed at a height exceeding twelve (12) feet and the light intensity does not cause glare as defined in said section.

- F. Outdoor eating area: Type 1 standard. Restaurants may operate outdoor eating areas on public sidewalks, rooftops and balconies and in courtyards or other similar locations, provided that pedestrian circulation and access to building entrances is not impeded, and adequate clear space within the sidewalk is maintained to allow for pedestrian circulation and to meet any applicable City codes and regulations as well as the *Americans with Disabilities Act*, as appropriate, and such outdoor eating areas comply with the following type 2 standards:
  1. Planters, fences, or other removable enclosures shall be used to define the limits of the outdoor eating area.
  2. Adequate refuse containers shall be provided within the outdoor eating area.
  3. Tables, chairs, planters, extended awnings, canopies, umbrellas, trash receptacles and other street furniture shall be compatible with the architectural character of the building and surrounding area in terms of style, color, and materials.
  4. The area within and immediately adjacent to the outdoor eating area shall be maintained in a clean and well-kept condition.
- G. Outdoor storage: Type 1 standard. The storage area shall be screened from view from public rights-of-way and adjacent properties and shall comply with the following type 2 standards:
  1. Such storage shall not be located within any required front yard.
  2. The preferred method of screening is a solid masonry wall no less than six (6) feet in height. A decorative fence, landscape screen, berm, or any combination thereof, may be approved by the current planning manager as a screening substitution provided it meets the intent of this section. Chain link fencing with slats shall not be allowed as a permitted screening alternative. Stored material shall not exceed the height of the screening wall, fence, or berm.
  3. Landscaping may be required to supplement the fence or wall where sufficient space is available to provide a planting area without unreasonably restricting space available for storage and where landscape as screening is more appropriate.
- H. Outdoor Display: Type 2 Standards. The limited outdoor display of merchandise for retail sale is allowed, provided such display is incidental to the primary retail use or activity within an enclosed building. Merchandise on display shall be of the same type or related to merchandise for sale within the primary retail building. Temporary displays, erected for not more than four days in duration, may be allowed within parking areas or buffer yards for special events, such as a farmers market, or a weekend or holiday sales event.
- I. Alley levels of service (LOS) standards: Where deemed appropriate, the City engineer may grant a variance to the adequate community facility ordinance for alley LOS in accordance with Section 1.9.4 of the *Larimer County Urban Area Street Standards*.
- J. Civic Structures: The historic pattern seen in traditional downtown areas is that civic structures such as churches and theaters were constructed in a manner that differentiated them from commercial or residential structures and announced their

special functions to citizens. Typically, these differences were seen in aspects such as setback, materials, and openings such as windows and doors. Therefore, structures designed to be used either wholly or partially for civic use shall not be required to adhere to the standards included in this chapter regarding, materials, windows and openings. Additionally, civic structures shall not have any maximum setbacks.

**18.24.070. Description of general, core, Fourth Street, and neighborhood transition character areas.**

Character areas are established as depicted in Figure 18.24.070-1 and Figure 18.24.070-2.

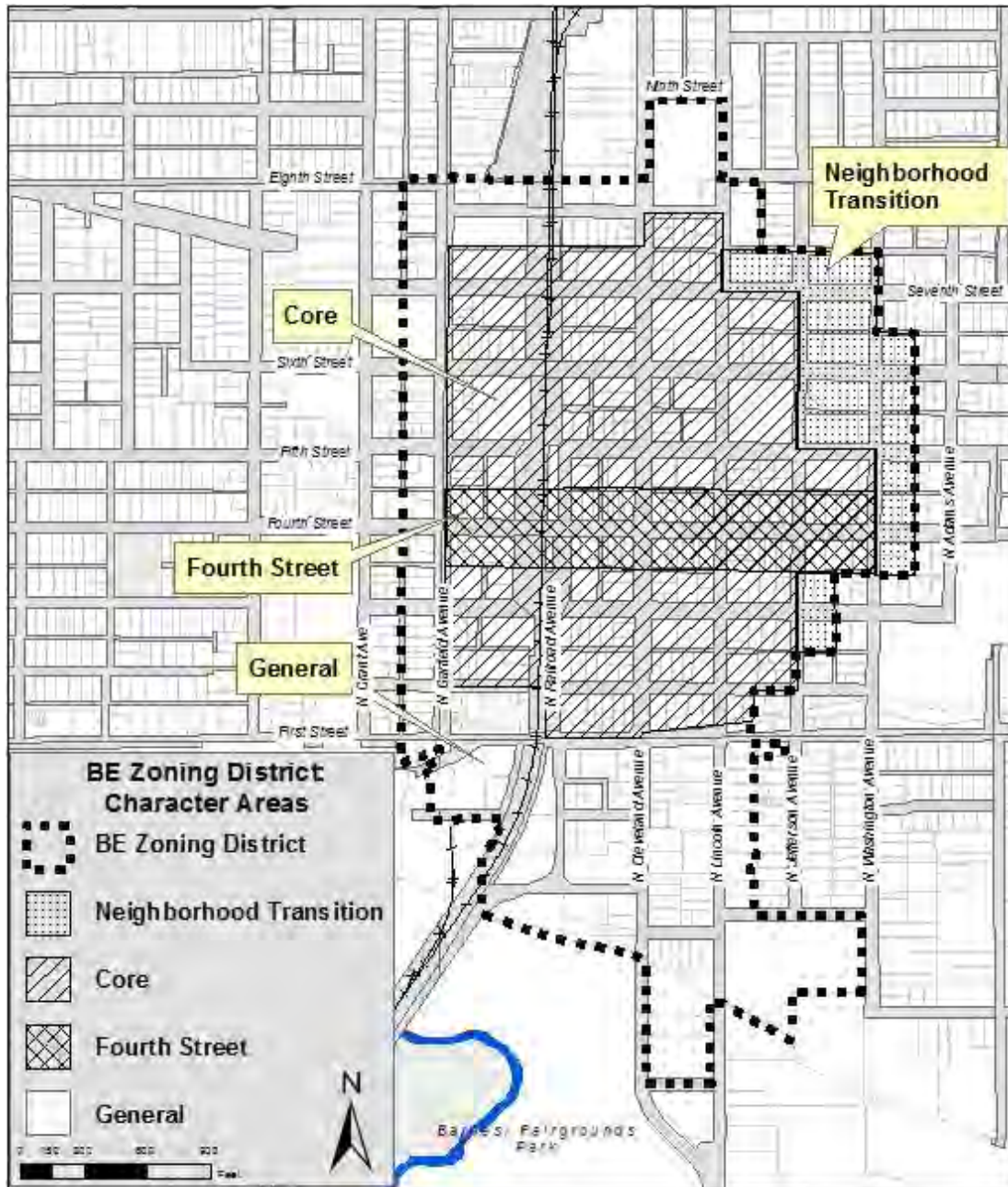


Figure 18.24.070-1: BE Zone District, Downtown Character Areas

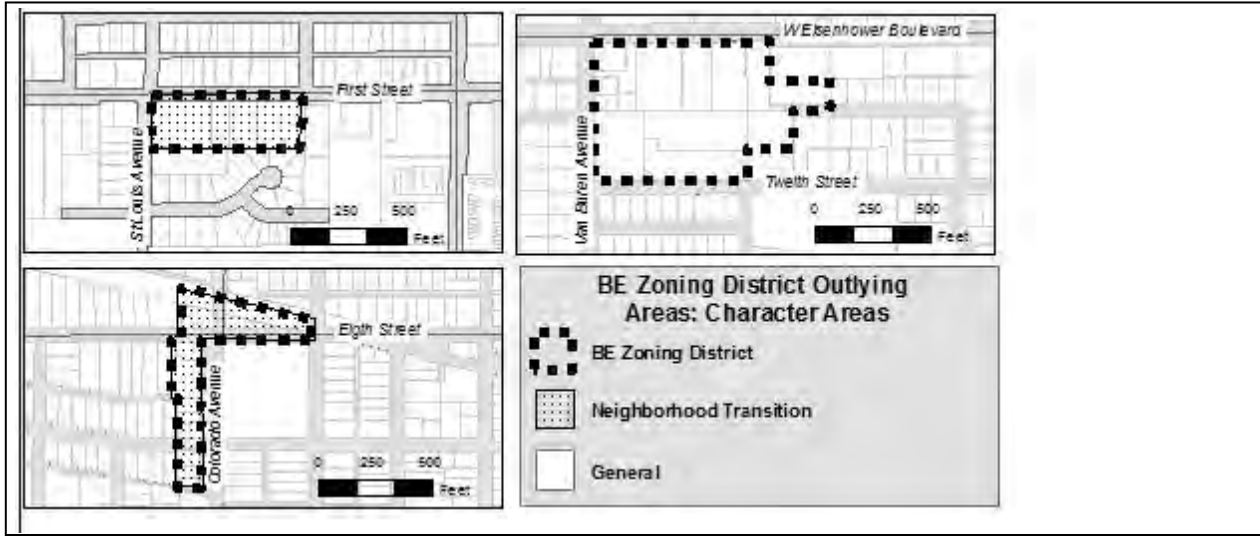


Figure 18.24.070-2: BE Zone District, Outlying Areas

Specific development standards are created for each character area. Development and redevelopment within each character area shall meet the standards set forth for that respective character area, as well as the standards set forth in Section 18.24.060.

**18.24.080 General and core character areas urban design standards.**

- A. Intent: The intent of these standards is to permit development and redevelopment in a manner that is consistent with the established character of the downtown BE district and the goals of promoting density of employment and residential uses through quality infill and redevelopment with a strong pedestrian orientation. These standards are intended to enhance the livability of residential areas, improve the appearance and attractiveness of land and buildings to customers, and enhance compatibility with adjacent uses.
- B. Applicability: The standards listed in this Section 18.24.080 are type 2 standards. These standards shall apply within the general and core character areas as depicted in Figures 18.24.070-1 and 18.24.070-2.
  - 1. New construction: These standards shall apply to new construction of buildings and structures, including additions to existing structures. These standards shall not apply to the existing portions of a structure to which an addition is being constructed, if there are no modifications proposed to the existing portion of the structure.
  - 2. Facade renovation: These standards shall apply to facade renovations. Standards shall apply only to the portion(s) of elevation(s) which are being renovated. (For example, an applicant proposing a renovation of the ground floor facade on one elevation would not be required to alter upper stories on that elevation, nor to alter other elevations.)
  - 3. Exemption for historic buildings: These standards shall not apply to designated historic structures altered or restored in compliance with a building alteration certificate authorized pursuant to Chapter 15.56 of the Loveland Municipal Code.



4. These standards shall apply in lieu of Chapter 18.53 - Commercial and Industrial Architectural Standards.

C. Primary pedestrian streets:

1. Intent: The intent of this section is to ensure that primary pedestrian routes remain inviting to pedestrians; to maintain the established commercial architectural character along certain streets within the downtown; to maximize commercial activity by not separating commercial areas with large areas of non-commercial facades; to facilitate comfortable pedestrian circulation between destinations; and to facilitate pedestrian circulation between parking areas and destinations to support “parking once” and walking to multiple destinations. Primary pedestrian streets are hereby established as shown in Figure 18.24.080-1.

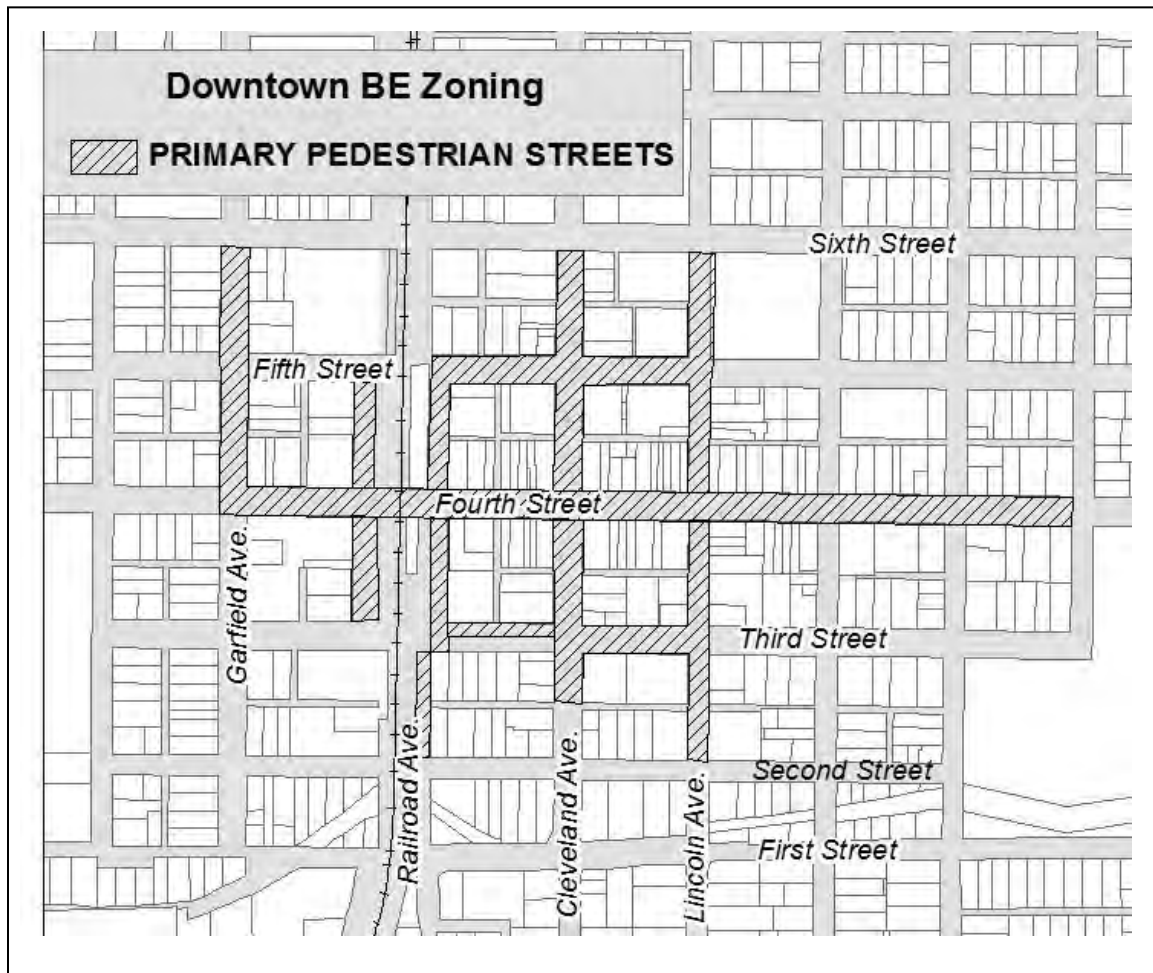


Figure 18.24.080-1: primary pedestrian streets

D. Primary and secondary elevations and lot frontage:

1. For buildings facing onto a public street right-of-way, the ground floor elevation facing onto said right-of-way shall be considered the primary elevation and the lot frontage on said right-of-way shall be considered the primary lot frontage.

a. For a building on a lot which is located on a street corner, one ground floor elevation and one lot frontage shall be determined to be the primary elevation

and the primary lot frontage. If one of these public streets is designated as a primary pedestrian street per this section, then the ground floor elevation and lot frontage facing this primary pedestrian street shall be the primary elevation and lot frontage.

- b. If the lot fronts onto two or more streets which are primary pedestrian streets then the application shall designate one ground floor elevation and lot frontage as the primary elevation and primary lot frontage.
  - c. All other ground floor elevations and lot frontages are considered secondary elevations and lot frontages.
- E. Dimensional standards: The standards set forth in this section and in Table 18.24.080-1 shall apply in the general and core character areas.

1. Dimensional standards

Table 18.24.080-1

Dimensional and Intensity Standards for General and Core Character Areas Only								
Use	minimum yard requirements <sup>1,3</sup>					open space, and lot size		
	Front	Side, Lot Line <sup>4</sup>	Side, Right-of-way	Rear, Lot Line	Rear, Right-of-way	Useable Open Space	Min Lot Size	Min Lot Width
One-family detached	10	5	5	10	5	None	4,000	35
One-family attached <sup>4</sup>	10	5	0	10	5	None	1,600	17
Two-family	10	5	0	10	5	None	4,000	40
Accessory Bldg	25	5	0	5	5	None	N/A	N/A
Multi-Family	10	5	0	10	0	10% Gen	5,000	50
Non-res & mixed	0	5 Gen 0 Core	0	10	0	7.5% Gen 0% Core	None	None
Off-street parking lots and structures <sup>2</sup>	8	8	8	0	5	N/A	N/A	N/A

Notes:

1. Setbacks for garage doors fronting public alleys shall be either five (5) feet or less; or eighteen (18) feet or more. Setbacks for garage doors fronting a public street shall be at least twenty (20) feet.
2. Setbacks may be reduced for surface parking when a decorative masonry wall at least three (3) feet in height is provided along public rights-of-way at least six (6) feet in height when adjacent to any residential use).
3. Structures fifty (50) feet in height or taller shall be set back a minimum of fifteen (15) from the face of curb.
4. Attached one-family dwelling units shall be allowed to have a zero (0) foot sideyard setback where party walls are used.
5. See section 18.24.080.E.2.c for setbacks from public streets in the core character area.

- a. Setbacks adjacent to one-family residential uses: Setbacks on lot lines adjacent to one-family residential uses or residential zoning shall be one (1) foot for each five (5) feet of building height with a minimum setback of five (5) feet or the required setback listed in Table 18.24.080-1, whichever is greater.
2. Core character area supplementary dimensional standards
  - a. Intent: Dimensional standards within the core character area are intended to preserve and enhance the unique character of the area and encourage the renovation of existing buildings in a manner that preserves that character. The

core character area has a strong pedestrian orientation and is characterized by historic buildings with zero or minimal setbacks.

- b. Applicability: These standards shall apply to any development located within the core character area as defined in Section 18.24.070 and meeting the applicability standards set forth in Section 18.24.080.B.
- c. Setbacks: Buildings shall be located as near as possible to the edge of the public sidewalk to enhance pedestrian access and continue the existing pattern of development which is characterized by buildings located in close proximity to the sidewalk. The minimum distance between a building facade and face of curb shall be fifteen (15) feet on primary pedestrian streets as defined in Figure 18.24.080-1, and twelve (12) feet on all other streets except as stated below. Building facades shall be placed at these minimum distances, or up to a maximum of twenty (20) feet from the face of curb, for a minimum of 75% of the primary lot frontage and 50% of the secondary lot frontage. Pedestrian easements shall be dedicated in that area between the portion of the building facade meeting the 50% to 75% requirement outlined above and the property line. This area shall be paved so as to function as part of the public sidewalk. See Figure 18.24.080-2.
  - i. Table 18.24.080-2 contains minimum distance from building facade to face of curb that must be met for the required 50% to 75% of lot frontage per section 18.24.080.E.2.c for segments of Third, Fifth and Sixth Streets between Railroad Avenue and Lincoln Avenue. These requirements are pursuant to the document: *Destination Downtown: HIP Streets Master Plan*.

Table 18.24.080-2

Minimum Distances between facade and face of curb between Railroad Avenue and Lincoln Avenue	
Road Segment	Minimum Distance (in feet)
Third Street	
North Side	16.5
South Side	17
Fifth Street	
North Side	10
South Side	15
Sixth Street	
North Side	16.5
South Side	14.5

- ii The following may also be used to satisfy the above 50% and 75% frontage requirements.
  - 1) For buildings with ground floor residential uses; a setback of up to thirty-five (35) feet from the face of curb, on that portion of the building facade containing the ground floor residential use, provided that the area greater than a minimum of fifteen (15) feet from the face of curb consists of landscape or quality hardscape.

- 2) For buildings or developments with frontage along more than one street a public open space such as a plaza on a maximum of one of a building's street frontages.
- 3) An arcade at least six (6) feet deep.
- 4) A setback of up to twenty-five (25) feet from the face of curb to allow for outdoor dining for up to a maximum of 25% of the total lot frontage.

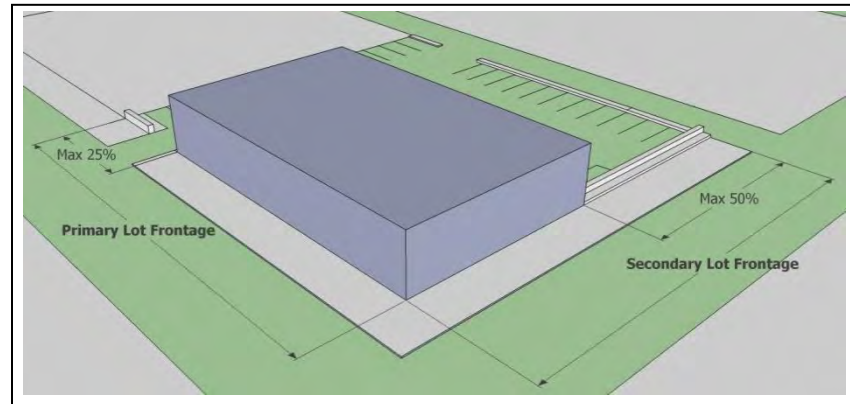


Figure 18.24.080-2

- F. Architectural features: Traditional downtown buildings achieve quality appearance through the use of quality materials and proportions and architectural rhythm. Articulation of downtown buildings is often more subtle than articulation of typical suburban buildings.
1. Buildings shall incorporate a combination of the following features: columns, pilasters, window dormers, bay windows, corbels, balconies, porches, or 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 (12) inches, or other roof features.
  3. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials comparable to the color, tone and texture of materials used on the building.
  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.
  5. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as set forth in Table 18.24.080-3.
  6. No wall facing a plaza or public street shall extend more than twenty (20) horizontal linear feet on the ground floor without a window or other opening.
  7. Facades greater than seventy-five (75) feet in length shall contain recesses or projections of a minimum depth of 3% of the facade length extending for a minimum of 20% of the length of the facade.

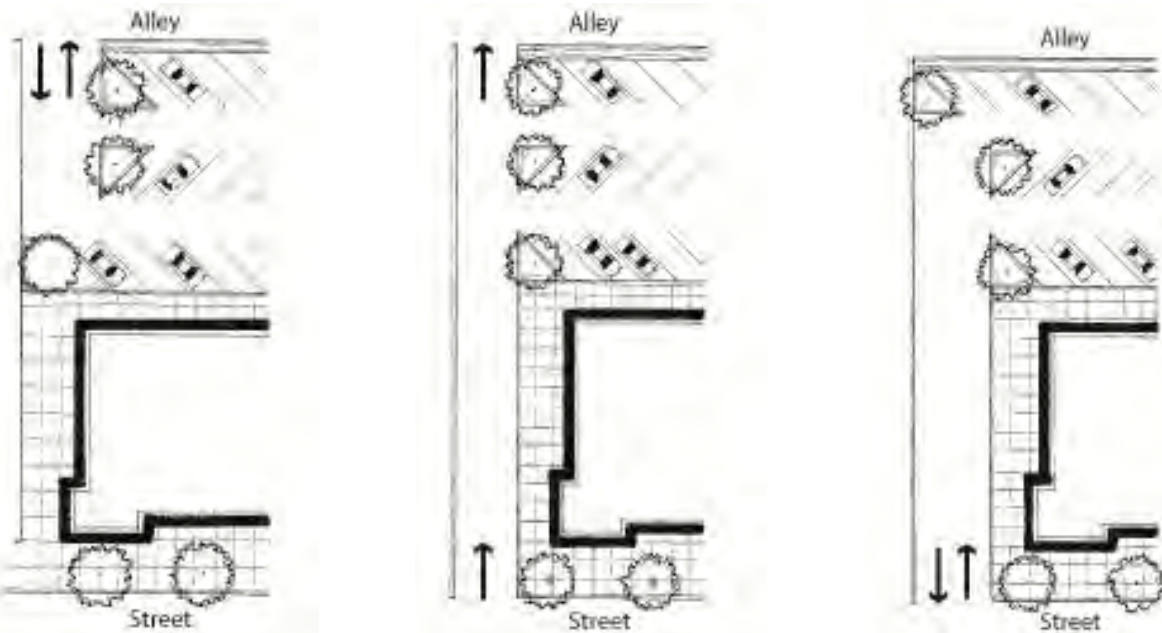
8. Facades visible from a public street, public plaza or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the downtown. Minimum window and door openings shall be limited to the percentages indicated in Table 18.24.080-3.
  - a. At least 30% of facades shall consist of brick or stone or finish materials consistent with the historic character of the area. The area of windows and doors shall be excluded from the external wall area for this calculation.
  - b. The remainder of the facade not consisting of windows and doors shall consist of quality materials such as: brick, textured and/or ground face concrete block, textured architectural precast panels, masonry, natural and synthetic stone, exterior insulation finishing systems, stucco, and similar high quality materials as approved by the current planning manager.
  - c. Wood and metal are acceptable accent materials but should not account for more than 20% of any one facade.
  - d. No wall facing a plaza or public street shall extend more than twenty-five (25) horizontal linear feet without a window or other opening.
9. Historic compatibility: Facades in the core character area are not required to mimic historical architecture. However, certain areas of the core character area contain established patterns of historic building facades. Fifth Street between Railroad Avenue and Cleveland Avenue; or Lincoln Avenue between Fourth Street and Sixth Street are examples of this pattern. Where the surrounding block contains a pattern of historic buildings, new buildings should be designed to be compatible in scale, rhythm, materials, and mass with the historic buildings.

Table 18.24.080-3

<b>Minimum Window and Door Percentage General and Core Character Areas</b>				
Character Area	General		Core	
	Street Type		Street Type	
Facade Type / Location	Primary Pedestrian Street	Non-Primary Pedestrian Street	Primary Pedestrian Street	Non-Primary Pedestrian Street
Primary, Ground Floor	30%	30%	40%	40%
Secondary, Ground Floor	30%	20%	40%	30%
Residential, Ground Floor	20%	20%	20%	20%
Upper Floors, All Uses <sup>1</sup>	15%	15%	15%	15%

1. Upper floor surface area shall be measured excluding cornice or other roof features.

- G. Open space: Where sufficient site area is available, common open spaces shall be provided in the form of central courts and squares to provide a focal point for activity, instead of perimeter buffer yards.
- H. Parking: The intent of this section is to reduce the impact of parking lots on the pedestrian character of the downtown, by encouraging parking to be located to the rear or sides of buildings.
  1. Vehicular access to parking lots shall be from alleys unless determined to be infeasible by the current planning manager. In those cases, it is preferable to have vehicle ingress from a public street and vehicle egress into the adjacent alley. The third preferable option is ingress and egress from the street. (See options A, B, and C in Figure 18.24.080-3).
  2. Parking or drive aisles shall not be located between the primary elevation and the public right-of-way.
  3. Parking lot frontage may not comprise more than 50% of any secondary lot frontage facing a public street right-of-way. This standard does not apply to lot frontage on an alley or on a lane that functions as an alley (see Figure 18.24.080-2).
  4. Parking lot frontage may not comprise more than 25% of the primary lot frontage, with the exception that a drive aisle and a single bay of parking perpendicular to the primary lot frontage is permitted where alley access is not utilized.
  5. Parking lots shall be appropriately screened per Section 3.04 of the *Loveland Site Development Performance Standards*, except that screening shall be provided for the entire length of the parking lot, exclusive of the driveway.
  6. Screening is not required adjacent to public alleys.



A.

B.  
Figure 18.24.080-3

C.

- H. Pedestrian facilities: Pedestrian sidewalks, at least five feet in width, shall be provided along all internal drives. Sidewalks shall provide access to adjacent roads, public spaces, parks and adjacent developments, when feasible. Front ground floor entrances to residential units shall be connected by a porch and/or walkway to the public sidewalk.
- I. Other site amenities: Site amenities shall include ornamental street lighting, fencing, planters, benches, and feature landscaping at entries and within central open spaces consistent with the historic character of the downtown.
- J. Infill streets and drives: Vehicular lane widths shall be kept to the minimum required width to reduce speeds and facilitate pedestrian activity.

**18.24.090. Fourth Street character area urban design standards.**

- A. Intent: The intent of these standards is to preserve and enhance the historic character of the Fourth Street character area; to enhance the character of the retail district; and to maintain and enhance a pedestrian-friendly environment.
- B. Applicability:
  - 1. Fourth Street character area: These standards shall be applicable to properties within the Fourth Street character area as identified in Figure 18.24.070-1.
  - 2. The standards in this Section 18.24.090 are type 2 standards.
  - 3. New construction: These standards shall apply to new construction of buildings and structures.
  - 4. Facade renovation: Standards shall apply only to the portion(s) of elevation(s) which are being renovated. The current planning manager may waive the requirement for a facade being renovated to install a storefront as defined in section 18.24.090.F under the following conditions:
    - (i) the structure was not originally constructed with a storefront or had not been renovated to have a storefront in the past;
    - (ii) the installation of a storefront is not practicable based on the cost of such renovation being greater than 50% of the total building permit valuation for the work being performed on the structure, or;
    - (iii) the proposed renovation is not materially changing the form of the facade.
  - 5. No change in existing setbacks shall be required under this section during a facade renovation.
  - 6. Lots located in the Fourth Street character area, but with no lot line adjacent to Fourth Street, shall comply with standards of Section 18.24.080.E.2.
- C. Front, side and rear setbacks in the Fourth Street character area shall be as shown in Table 18.24.090-1.



Table 18.24.090-1

Fourth Street Character Area Setbacks	
Fourth Street Lot Line <sup>1,3</sup>	0,, Maximum
Rear Lot Line <sup>2</sup>	0" Minimum
Side Lot Line	0" Minimum
Notes: 1. Except for minor recesses and projections and recessed doorways 2. Garage doors shall be set back five (5) feet or less or eighteen (18) feet or more from alley rights of way. 3. Greater setbacks may be allowed in order to allow for the plaza spaces shown in the <i>Destination Downtown HIP Streets Master Plan</i>	

D. Building Unit: These provisions are intended to result in building forms that are compatible with the historic pattern of 25-foot wide lots and storefronts found in the Fourth Street character area (see Figure 18.24.090-1).

1. New buildings constructed along Fourth Street shall, at the ground floor, be segmented into storefronts of between twenty (20) feet and fifty (50) feet in width.
2. Each storefront shall have a separate entrance.
3. Each storefront shall be separated from the adjoining storefront by a solid vertical element or feature a minimum of eight (8) inches wide.
4. Buildings having Fourth Street frontage greater than seventy-five (75) feet shall be designed so as to appear to be multiple buildings.



Figure 18.24.090-1

Changes in facade material, window design, facade height, cornice or decorative details are examples of techniques that may be used. There should be some slight variation in alignments between the facade elements such as window heights.

E. Corner Buildings: These provisions are intended to ensure that buildings that front onto two streets continue a pedestrian character on both streets through window and door openings, a characteristic common to the Fourth Street character area. This enhances pedestrian comfort and the walkability of the downtown (see Figures 18.24.190-2 and Figure 18.24.090-3).

1. Corner buildings are those that have a frontage on Fourth Street and frontage on an intersecting street including Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue, or Washington Avenue.

2. For lots located at the corner of Fourth Street and any intersecting street, storefronts shall be designed to appear to wrap around corners by including a corner entrance or large pane display window at least ten (10) feet in width along the side street facade.
3. Any corner building having more than seventy-five (75) feet of frontage on an intersecting street, shall have at least one storefront at ground level, as described in Section 18.24.090.F.3., facing the intersecting street and measuring at least twenty-five (25) feet in width.

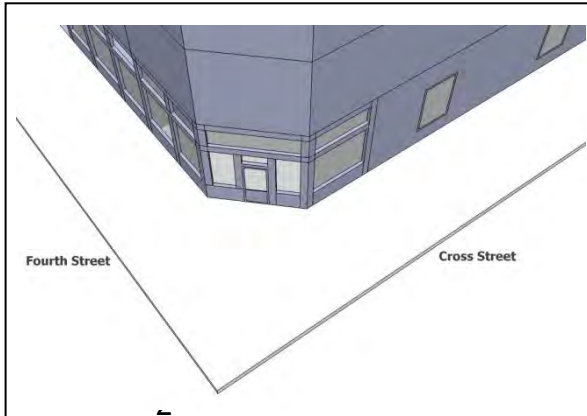


Figure 18.24.090-2

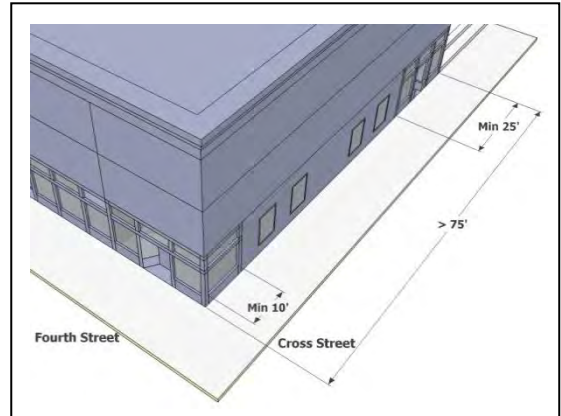


Figure 18.24.090-3

F. Architectural features: The provisions in this section are intended to lead to a building

form that is compatible with the existing historic character of the Fourth Street character area; and that maintains or enhances the retail and pedestrian character of this area (see Figure 18.24.090-4).

1. Upper floors shall be designed with a pattern of vertically oriented windows with spacing between windows and the ratio of solid to void similar to surrounding historical facades.

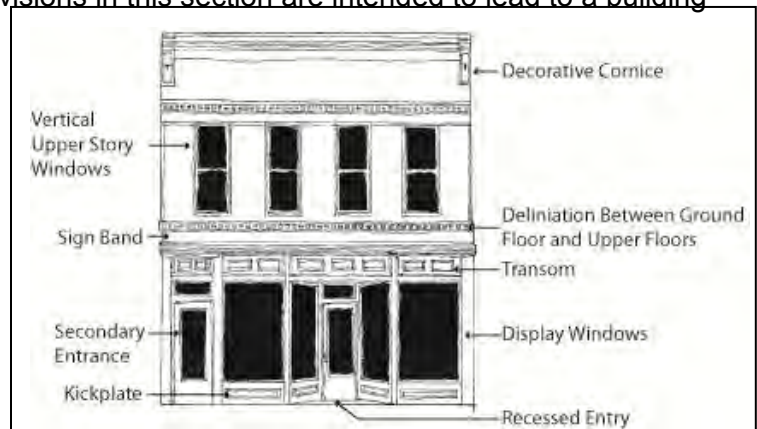


Figure 18.24.090-4

2. Floor-to-floor heights of the ground floor and upper floors shall be compatible with surrounding historic buildings;
3. Ground floor facades facing Fourth Street shall be designed as a typical storefront having the following features: large display windows with metal or wood frames; transom windows; kick plates of between one (1) foot and two and a half (2.5) feet in height and constructed of metal, tile, stone, brick, or other similar high quality material.

4. Ground floor storefront doorways shall be recessed a minimum of three (3) feet from the front of the building. The width of the recessed area shall not be more than 40% of the width of the individual storefront or twenty (20) feet.
  5. A single building divided into more than one store-front need not recess every storefront doorway. Secondary doors and doors servicing upstairs uses need not be recessed unless required to open outwards by building or fire codes.
  6. Ornamentation or a banding technique should be used to delineate the ground floor from the upper floors.
  7. Excepting the recessed door and any upper-story setbacks, the facade should appear as predominantly flat, with any decorative elements and projecting or setback "articulations" appearing to be subordinate to the dominant building form.
  8. The roof shall incorporate a parapet wall with a cornice treatment, capstone finish or similar feature facing public streets rights-of-way.
  9. The traditional function of awnings was to protect pedestrians and shoppers from sun, rain and snow. Awnings should express the dimensions of the storefront framing and not obscure characteristic lines or details.
  10. Facades need not mimic historical buildings, but shall be of a style that is compatible in rhythm, massing, material and design with the historic character of Fourth Street. Thematic facade designs, such as "Swiss chalet", should not be used.
- G. Materials: These provisions are intended to lead to construction with quality materials that will match existing character and historic precedent; that will be durable; and that will enhance the retail and pedestrian character of this area.
1. Facades facing Fourth Street shall consist of brick, stone, masonry, or similar high quality material.
  2. Facades facing Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue and Washington Avenue, or any identified pedestrian alley, shall consist of a minimum of 50% brick, stone, masonry, or similar high quality material.
  3. Non-party walls facing side lot lines shall consist of a minimum of 50% brick, stone, or masonry.
  4. These materials standards shall not apply to upper floors which are recessed in accordance with Section 18.24.060.A.3.d
- H. Windows and Doors: These provisions are intended to result in a permeable streetwall that matches existing character and historic precedent and enhances the pedestrian and retail character of this area.
1. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as indicated by Table 18.24.090-2.
  2. Any section of wall facing Garfield Avenue, Arthur Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, or Jefferson Avenue may not exceed Twenty-five (25) feet without containing windows or doors on the first floor.
  3. Highly reflective or darkly tinted glass is inappropriate in first-floor storefront display windows.

4. Existing buildings need not meet these window and door standards, unless these standards can be met by opening original windows or storefronts which were previously enclosed.
5. During renovation of the facade of a building that has been evaluated as contributing to a downtown historic district in the *City of Loveland Historic Preservation Plan*, historic window openings that have been altered should be restored.

Table 18.24.090.-2

Facade Type / Location	Minimum Percentage of windows and doors
Ground Floor, Facing Fourth Street	50%
Ground floor, cross street	30%
Upper floors <sup>1</sup>	15%
Facing Alley	0%
1. Upper floor surface area shall be measured excluding cornice or other roof features.	

**18.24.100. Neighborhood transition character area urban design standards.**

- A. Intent: Certain areas of the downtown BE zoning district maintain a largely consistent character of high-quality historic homes. Additionally, several pockets of BE zoning district areas lie within traditional residential neighborhoods. These neighborhoods are often characterized by mainly traditional one-family residential structures with pockets of other development; and tree-lined streets. The neighborhood transition character area is meant to protect the character of these areas when redevelopment or new development occurs, while allowing for a mix of uses appropriate to these areas and allowed by zoning. The neighborhood transition areas are also meant to transition to adjoining neighborhoods.
- B. Applicability:
  1. Neighborhood transition character area: These standards shall be applicable to properties within the neighborhood transition character area as identified in Figure 18.24.070-1 and Figure 18.24.070-2.
  2. The standards in this Section 18.24.100 are type 2 standards.
  3. New construction: These standards shall apply to new construction of buildings and structures, including additions.
  4. Facade renovation: These standards shall apply only to those portion(s) of each elevation that is being renovated.
  5. This section shall not require a change in existing setbacks during a facade renovation.
  6. This section shall not require the modification of existing setbacks in cases of building expansion except that a building cannot be expanded, in such a manner that the setback of the new construction will not conform to Section 18.24.110.D below.
  7. These standards, other than those pertaining to setbacks, shall not apply to one-family detached and two-family attached and detached residential uses.
- C. Massing and architectural rhythm:

1. New buildings or additions should continue a massing pattern that is similar to the existing pattern of the block face as shown in Figure 18.24.100-1. For the purposes of this section, massing shall refer to height, width, bulk, roof form, or roof slope and direction of slope.

2. Compliance may be accomplished by creating independent building modules through articulation, roofline, or other distinguishing features.

3. New buildings shall have pitched roofs

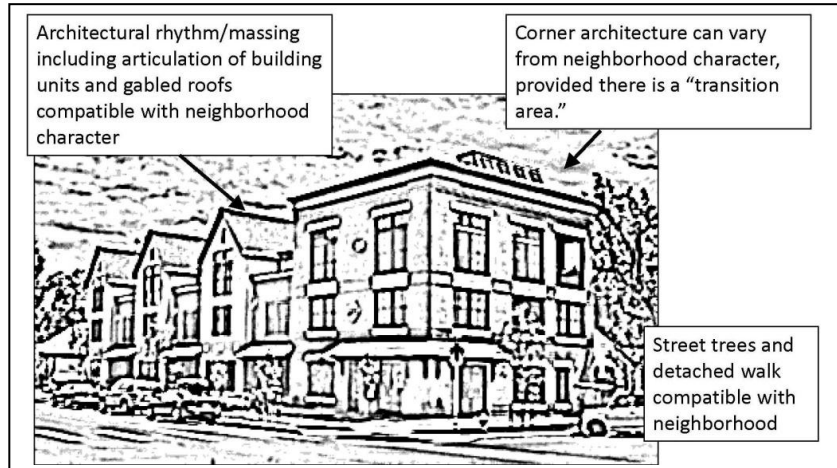


Figure 18.24.100-1

including hips or gables in order to match the residential character of the area.

Buildings located on a lot with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue are not required to have a pitched roof but must meet the massing and setback standards set forth in Section 18.24.100.D.3.a.

4. Elevations facing a public street shall consist of at least 15% openings including windows and doors.
5. Materials: Structures shall be constructed of quality materials as defined in Section 18.24.080.E.b, but designers should consider the use of exterior cladding materials such as brick or siding commonly used on residential structures. Architectural metals such as bronze, copper, and wrought iron may not exceed 20% of any one facade.
6. Garage placement and design: Attached garages shall be setback from the front facade of a structure a minimum of six (6) feet. The width of the total elevation of garage doors facing a public street may be no more than eighteen (18) feet.
1. Each primary structure shall have at least one entrance facing a public street. This entrance shall have a direct pedestrian connection to the adjacent sidewalk.

D. Setbacks:

1. Building setbacks shall be in accordance with Table 18.24.100-1. Front setbacks shall be within four (4) feet of the average setback on the block face, provided that the resulting setback is in keeping with the character of the block. See Figure 18.24.110-2 for an example of how a front yard setback is determined.

Table 18.24.100-1

Setbacks in Neighborhood Transition Character Area <sup>3</sup>					
	Front setback <sup>1</sup>	Side setback, adjoining lot	Side setback, right-of-way <sub>1</sub>	Rear setback, adjoining lot	Rear setback, alley
Principal Structure	Within 4" of the average setback on the block face	1" per 5" of height, not less than 5"	10"	10"	0"
Accessory structure <sup>2</sup>	Not less than setback of principal structure	5"	10"	5"	0"

1. See Section 18.24.100.D.3 for setback requirements for lots with frontage on Washington Avenue, Jefferson Avenue and Lincoln Avenue.  
 2. Garages must be set back less than five (5) or more than eighteen (18) feet from alley rights of way.  
 3. No building shall be located closer than 15 feet from the face of curb.

2. For lots with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue; the setback for buildings may be reduced or buildings may be built to the back of the public sidewalk on all street frontages provided there is a transition between the corner lot and the rest of the block face. A transition may include:

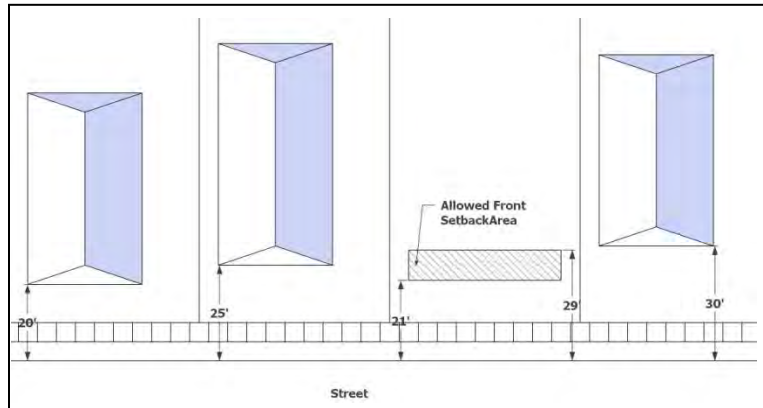


Figure 18.24.100-2

a. A front yard setback that meets the requirements of Section D.1 for a minimum width of twenty-five (25) feet combined with a building massing of at least twenty-five

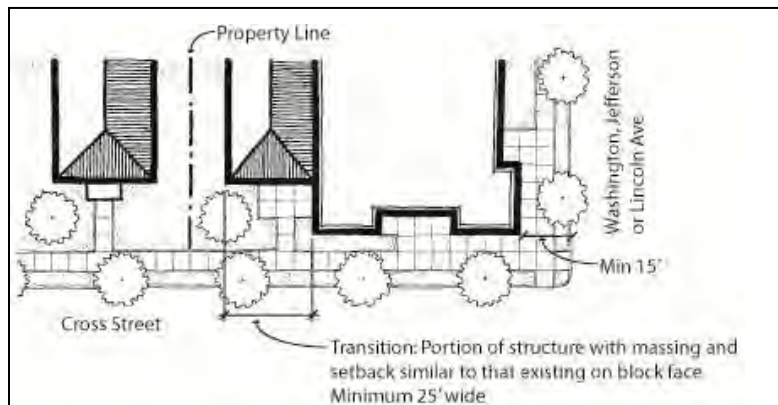


Figure 18.24.100-3

(25) feet in width that is similar to the massing pattern on the rest of the block face, is implemented for the entire length, front to back, of the structure and has at least two (2) of the following aspects: height, width, bulk, roof form, or roof slope and direction of slope similar to other structures on the block face (see Figure 18.24.100-3), or:

b. An existing alleyway.

E. Additions, expansions or modifications to existing buildings: The intent of this provision is to provide guidelines that maintain the character of the largely historically intact neighborhood transition character areas when existing structures are converted from residential to commercial use or are expanded.

1. When a residential structure is converted into a commercial use, the basic residential form of the building should remain.
2. An existing front porch shall remain and shall not be enclosed.
3. The existing window pattern on street-facing facades shall not be dramatically changed.
4. The exterior cladding or material should remain that of a residential building and feature brick, siding or other appropriate material.
5. Additions or expansions to existing structures shall not be in front of the front setback or side setback on corner lots unless the existing setback is more than three (3) feet back from the allowed setback on that block face. Additions or expansions of an existing structure shall utilize a roof form with the same pitch as the existing roof and be constructed of similar material as the original structure.
6. The use of metal as anything other than an accent is prohibited.

F. Parking: The intent of these provisions is to minimize the impact of parking areas on the existing and desired character of the neighborhood transition character areas. These provisions shall not apply to one-family and two-family residential uses.

1. Parking shall not be allowed between the front facade and a public street or in the side yard setback adjacent to a public street on corner lots (see Figure 18.24.100-4).
2. Parking shall be screened from adjacent residentially zoned lots and residential uses by an opaque fence a minimum of six (6) feet tall. This fence shall not extend beyond the front yard setback. Parking shall be screened from

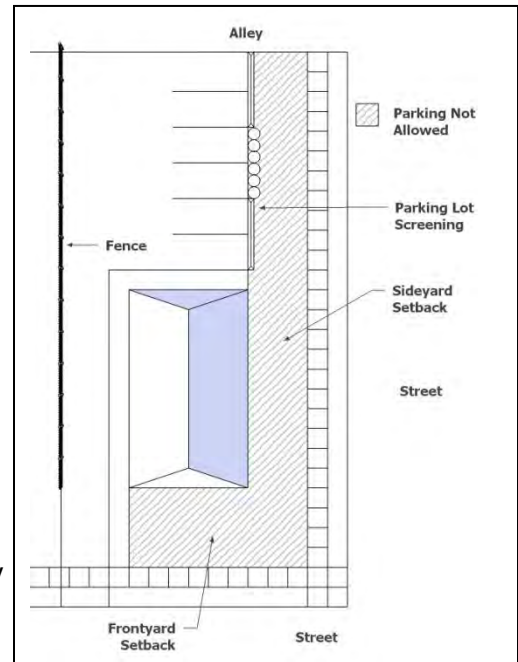


Figure 18.24.100-4

public rights of way, not including alleys, and residential zoning or uses per Section 4.07.02.A of the *Site Development Performance Standards* except that the parking

lot shall be screened per these standards for its entire length exclusive of driveways.

3. To the maximum extent possible, vehicular access to lots should be provided through the existing alleys. Where curb cuts from adjoining streets already exist or are required, the preferable design is to have vehicular ingress from the public street and egress into an alley.
4. In order to maintain a pedestrian friendly environment, vehicular access from public street rights of way shall be designed and constructed to be as narrow as possible. Whenever possible, new curb cuts shall be placed so as to not require the removal of existing street trees.
5. For lots where parking is the principle use, the parking lot shall be setback in accordance with Section 18.24.100.D.

#### **18.24.110 Landscaping.**

- A. Purpose and Intent: The landscaping standards for the BE Zone District are intended to set a minimum landscape standard that emphasizes those elements most important to the creation of a pedestrian friendly environment that can support a variety of uses and building forms.
- B. Applicability:
  1. These standards shall apply in any areas between a building facade and a public street.
  2. These standards shall apply to plaza spaces constructed in accordance with Section 18.24.080.E.2.c.ii.2.
  3. Street trees and tree lawn landscaping improvements shall be required when: (i) there is new construction of primary structures, (ii) renovations of a value of greater than 25% of the assessed valuation of the building are undertaken; (iii) the footprint of an existing building is expanded by more than 25%; (iv) or the building changes from a residential use to a non-residential use.
  4. Landscaping requirements shall not apply when building improvements or modifications do not increase the gross floor area such as in the case of facade renovations, the construction of external stairwells, porches, or the installation of awnings.
- C. Landscaping: Type 1 standard. The Landscaping standards included regarding street trees and parking lot landscaping and screening in Chapter 4 of the *Loveland Site Development Performance Standards* shall be applicable to all non-residential and multi-family residential uses.
- D. Street Trees: The following type 2 standards are applicable to all street trees in the BE district. The provision of street trees is essential for the creation of a pedestrian friendly downtown area. Street trees are generally located between the curb and the main pedestrian pathway. In this location, they provide shade for pedestrians and serve to buffer pedestrians from auto traffic.
  1. Street trees shall be provided along all street frontages of a lot.
  2. Street trees shall be planted on thirty-five (35) foot centers, taking into account the location of public utilities and curb cuts. Diseased or dying trees shall be removed



by the property owner and new trees must be replanted in accordance with these provisions.

- 3. The location used for the installation of street trees shall be a minimum of ten (10) feet in width in situations associated with new construction of sidewalks. The current planning manager may reduce this width based on site constraints. The installation of trees should utilize design practices such as interconnecting tree soil from planting bed to planting bed.
  - 4. Street trees shall be of a species commonly considered to be canopy trees.
  - 5. A minimum sidewalk horizontal clearance of six (6) feet shall be maintained.
  - 6. In instances where a tree lawn is provided the ground cover in the tree lawn shall be low growing and durable so as not to prevent or interfere with people using curbside parking and exiting from vehicles onto the tree lawn. The use of rock or stone in the tree lawn shall not be allowed.
  - 7. Existing mature street trees should be maintained wherever feasible.
  - 8. All existing healthy and mature trees shall be preserved and incorporated into the site design for new off-street parking areas and buildings.
- E. Plazas: Type 2 standard. Landscaping in public plaza spaces built as allowed in Section 18.24.080.E.2.c.ii.2) should be designed with consideration given to the proposed use of the space. It is appropriate for onsite landscaping in the form of plazas or semi-public open space to employ the use of more softscape design elements than the landscape design in the public sidewalk areas, especially if they are attached to a residential use.

**Section 2.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

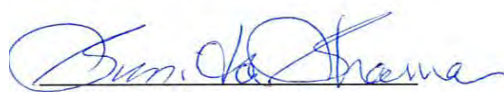
ATTEST:

CITY OF LOVELAND, COLORADO:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

**FIRST READING: June 7, 2011**

**SECOND READING: \_\_\_\_\_**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS**

**WHEREAS**, City Council finds that updates to Title 18 of the Loveland Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

**WHEREAS**, the City Council has received a recommendation of the Planning Commission recommending adoption of revisions to Title 18 of the Loveland Municipal Code, including changes to Chapter 18.54 regarding Building Height Regulations; and

**WHEREAS**, the City Council desires to adopt the recommendations of the Planning Commission and revise Chapter 18.54 of the Loveland Municipal Code regarding Building Height Regulations.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** Chapter 18.54 of the Loveland Municipal Code is amended by the revision of the table in Section 18.54.020 to read in full as follows:

**18.54.020 Height limitations-Conformance required.**

. . .

Use	Maximum height of building or structure	Maximum height of accessory building or structure
One, two, three and four family dwelling units	35	25
Multiple family dwellings more than four dwelling units	40	25
Mobile homes	25	15
<del>Be zoning district uses only if permitted by right and within the boundaries of the Be zoning district and with 2000 feet of the centerline of Lincoln Avenue right-of-way.</del>	<del>60</del>	<del>60</del>
I zoning district east of County Road 9	50	50
Other	40	40

E-Employment Center District	As provided in Chapter 18.30 E District Schedule of Flexible Standards	50
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Use	Maximum height of building or structure	Maximum height of accessory building or structure
MAC-Mixed-use Activity Center District	As provided in Chapter 18.29 MAC District Schedule of Flexible Standards	50
<u>BE – Established Business District</u>	<u>As provided in Chapter 18.24 BE – Established Business Zoning District</u>	<u>As provided in Chapter 18.24 BE -Established Business Zoning District</u>

**Section 2.** Chapter 18.54 of the Loveland Municipal Code is amended by the revision of Section 18.54.040 to read in full as follows:

**18.54.040 Height limitations within fifty feet of residential uses.**

Any nonresidential use or multi-family use located closer than fifty (50) feet from the property boundary of a residential use, excluding multi-family dwelling units, shall be limited to the maximum height allowed for a single family residential use. This standard shall not apply to nonresidential or multi-family uses located within the BE - Established Business District. See Chapter 18.24 for height limitations for nonresidential and multi-family uses located next to residential uses, excluding multi-family dwelling units.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTESTED:

CITY OF LOVELAND, COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney

## Chapter 18.24

### Be DISTRICT-ESTABLISHED BUSINESS DISTRICT

#### Sections:

- 18.24.010** Purpose.
- 18.24.020** Uses permitted by right.
- 18.24.030** Uses permitted by special review.
- 18.24.040** Dimensional, Density, and Intensity Standards.
- 18.24.050** Design Standards.

#### **18.24.010 Purpose.**

The Established Business District is intended to promote the development of a pedestrian-oriented downtown business and commercial service district in which a variety of retail, commercial, office, civic and residential uses are permitted. The district is also intended to:

- A. Encourage preservation of the architectural and historic character of the district;
- B. Foster redevelopment through the application of flexible development standards;
- C. Encourage a diverse mixture of land uses throughout the district including arts-related uses and mixed-use development; and
- D. Encourage revitalization and redevelopment of the Core Area in a manner that preserves and compliments its existing unique character.

#### **18.24.020 Uses permitted by right.**

The following uses are permitted by right in the Be district:

- A. Financial Services;
- B. Gas station with or without convenience goods or other services subject to Section 18.52.060 and 18.50.135 and located 300 feet or more from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);
- C. Place of worship or assembly;
- D. Multiple-family dwellings;
- E. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
- F. Lodging establishments;
- G. Light industrial entirely within a building;
- H. Medical, dental and professional clinic or office;
- I. Clubs and Lodges;
- J. Office, general administrative;
- K. Parking lot and parking garage;
- L. Parks and recreation areas;
- M. Personal and business service shop;
- N. Printing and newspaper office;
- O. Essential public utility uses, facilities, services, & structures (underground);
- P. Indoor recreation;
- Q. Restaurant standard, indoor or outdoor;

- R. Retail store and wholesale store;
- S. Bed and breakfast establishment;
- T. Funeral home without a crematorium as an accessory use; (Ord. 5446 § 3, 2009)
- U. Accessory building and uses;
- V. Commercial child day care center, licensed according to the statutes of the state;
- W. Multiple-family dwellings for the elderly;
- X. Combined use (or mixed-use) development of permitted uses;
- Y. Boardinghouses and rooming house;
- Z. Government or semipublic use;
- AA. One-family (attached or detached) dwellings, including mixed-use dwellings;
- BB. Long term care facilities;
- CC. Retail laundry;
- DD. Public or private school;
- EE. Two-family dwellings;
- FF. Antennas, as defined in Section 18.55.020(A), located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
- GG. Art gallery, studio and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40.
- HH. Bar or tavern;
- II. Community Facility;
- JJ. Convention & conference center;
- KK. Indoor entertainment facility & theater;
- LL. Food catering;
- MM. Garden supply;
- NN. Health care service facility;
- OO. Open-air farmers market;
- PP. Research laboratory;
- QQ. Hospitals;
- RR. Workshop and custom small industry (entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.), Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40; and
- SS. Veterinary clinic. (Ord. 5113§ 1 2006)
- TT. Shelter for Victims of Domestic Violence subject to Section 18.52.070. (Ord. 5413 § 4, 2009)

**18.24.030 Uses permitted by special review.**

The following uses are permitted by special review subject to the provisions of Chapter 18.40:

- A. Mobile home parks and RV park/campgrounds;
- B. Dairy processing plants, laundries and dry-cleaning plants;
- C. Gas station with or without convenience goods or other services subject to Section 18.52.060 and 18.50.135 and located less than 300 feet from a residential use or zone

district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);

- D. Lumberyard;
- E. Warehouse and distribution, (enclosed within a building);
- F. Essential public utility uses, facilities, services, & structures (above ground); (Note: Massage therapy included in definition of Health Care Service Facility);
- G. Drive-in or fast-food restaurants
- H. Vehicle sales and leasing of cars and light trucks;
- I. Vehicle minor and major repair, servicing and maintenance;
- J. Car wash;
- K. Congregate care facility;
- L. Combined-use (mixed-use) development containing one or more special review use(s);
- M. Attended recycling collection facility;
- N. Unattended recycling collection facility;
- O. Personal wireless service facility as defined in [Section 18.55.020\(A\)](#), located on a new structure, meeting all requirements of Chapter 18.55;
- P. Outdoor storage as permitted in 18.24.050.D.10(a-c);
- Q. Group care facility;
- R. Contractor's storage yard;
- S. Domestic animal day care facility;
- T. Greenhouse;
- U. Outdoor recreation facility;
- V. Self-Service storage facility;
- W. Vehicle rental, cars, light trucks and light equipment; and
- X. Nightclub. (Ord. 5113 § 2, 2006)

**18.24.040 Dimensional, Density, and Intensity Standards:**

The following shall be administered as Type 1 standards in accordance with Section 18.24.050(C)(1).

**Table 18.24.040(1)**  
**Schedule of BE Dimensional, Density, and Intensity Standards**

Use	Minimum Yard Requirements <sup>1,2</sup> (ft.)			Density / Intensity / Structure Height Restrictions				Minimum Building Separation (ft.)	
	Front <sup>3</sup>	Side	Rear	Open Space	Structure Height (ft.)	Min. Lot Area (sq. ft.)/ Max. Density <sup>4</sup>	Min. Lot Width (ft.)	face to face	end (side) to end
Single-family detached dwelling units	10 <sup>5</sup>	5	15	None	35	6,000/ N/A	50	N/A	N/A
Single family attached dwelling units	5	5	10	None	35	6,000/ 25 du/ac	N/A	30	10
Two-family dwelling units	10	5	15	None	35	6,000/ N/A	50	N/A	N/A
Accessory Bldgs.	25	5	5	None	28	N/A	N/A	N/A	N/A
Multi-family dwelling units	10	15	15	30%	40 <sup>6</sup>	7,000/ 25 du/ac	50	30	15
Non-residential & mixed-use (retail, office, institutional, and/or residential)	0	0	0	7.5% <sup>7</sup>	60	None	None	None	None
Off-street Parking Lots and Structures	8 <sup>8</sup>	8 <sup>8</sup>	0	N/A	60	N/A	N/A	N/A	N/A

**Notes to Table 18.24.040(1)**

1. Supplemental regulations for yards shall be as provided in Chapter 18.52. Setback standards for the Core Area, as defined in Section 18.24.050 (F), shall be as provided in 18.24.050(F)(2).
2. Minimum yards for BE Districts outside the area illustrated by Figure 18.24.050(2) shall be as provided in Section 18.28.030.
3. For corner lots, both yards abutting a street shall be considered front yards. Front setbacks shall be measured from the front lot line, except when the public sidewalk is located outside the right-of-way, in which case, the setback shall be measured from the structure to the nearest edge of the sidewalk.
4. "Maximum Density" shall mean the maximum number of dwelling units permitted per acre stated as a ratio of units per acre. For the purposes of calculating density, the area of the site shall be used, less any land dedicated to public rights-of-way.
5. The front setback for any attached garage oriented to load directly from the street shall be 20 feet.
6. Multi-family structures located within 50 feet of a residential dwelling other than a multi-family dwelling or residentially zoned, vacant land shall not exceed 35 feet in height.
7. Sites within the Core Area, as defined in Section 18.24.050(F), shall have no minimum open space requirement. Open space excludes areas occupied by buildings or paved for vehicle parking or circulation and includes landscaped areas, paved courtyards or other pedestrian areas, and areas devoted to recreational use and natural areas.
8. Setbacks may be reduced for structured parking meeting the standards of 18.24.050(D)(3)(c), and for surface parking when a decorative masonry wall at least three (3) feet in height is provided along public rights-of-way (at least six (6) feet in height when adjacent to any residential use).

**18.24.050 Site plan approval and administration**

A. Site Plan Approval: Uses listed in Section 18.24.020 are permitted subject to the applicant obtaining a Type 1 Zoning Permit with approval of the site plan by the Planning Commission, with the exception of the following, which shall require a Type I Zoning Permit approved by the Director of Community Services. Consideration of site plan approval shall be limited to findings of whether the proposed development complies with the standards of this Chapter and any other applicable provisions of the City Code. Special review uses listed in Section 18.24.030 may be permitted subject to the applicant obtaining a Type II Zoning Permit, and any such use exceeding the thresholds below shall also be subject to obtaining Planning Commission approval of the site plan:

1. One- and Two-Family Dwellings and accessory structures (also exempt from the Type 1 Zoning Permits).
  2. Multi-family or attached single-family residential projects of 10 dwelling units or less.
  3. Residential or nonresidential accessory buildings and outdoor eating areas.
  4. Building additions or modifications that do not increase the gross building floor area, such as façade renovations, external stairwells, porches, or awnings.
  5. Changes to parking lots, circulation lanes, landscaping, and other similar site improvements.
  6. Non-residential buildings or additions not more than 5,000 square feet in gross floor area, or building additions not more than 10 percent of the existing gross floor area, whichever is greater.
- B. Applicability of Standards:
1. General Standards - apply to all proposed development and areas of the BE district.
  2. Infill Development Standards - apply to any development meeting the definition in Section 18.24.050(E).
  3. Core Area Standards - apply only to the Core Area of the BE District as defined in Section 18.24.050(F).
  4. Other Standards in this Chapter supersede all other standards in Title 18, including the Site Development Performance Standards and Guidelines (SDPS&G), which apply in the BE District as modified herein.
- C. Administration of Standards:
1. Type I Standards: Standards in this Chapter indicated as Type 1 standards are mandatory and require compliance unless relief or a variance from the required standard is granted in accordance with Chapter 18.60.
  2. Type 2 Standards: Type 2 standards are mandatory, however, alternative compliance to Type 2 standards may be allowed if the Director of Community Services makes a finding that: a) site specific, physical constraints necessitate the alternative approach, and such constraints will not allow reasonable use of the property in the absence of such relief; or b) the alternative achieves the intent of the standard to the same or better degree than the subject standard; and results in equivalent or better benefits to the community as would compliance with the subject standard. Findings shall be made in writing.
- D. General Standards: The following standards shall apply to all uses and geographic areas within the BE District. These standards shall also apply to any proposed PUD within the existing boundaries of the downtown BE District (Figure 18.24.050(3)).
1. Intent: The following standards are intended to: a) meet parking requirements with common parking facilities in areas where special districts exist to provide such facilities, rather than with off-street parking facilities on individual development sites; b) provide for modifications to lighting and landscaping requirements in the SDPS&G to reflect the unique conditions of the BE District which has an urban character, historic buildings, and a strong pedestrian orientation; and c) establish standards for outdoor eating areas and outdoor storage and display so that such uses do not negatively impact, cause incompatibilities with adjacent land uses, or detract from the intent of other standards.
  2. Off Street Parking (all Type 2 Standards):



- a. Non-GID Sites: Off-street parking requirements in Section 18.42.030 shall apply to any use located within General Improvement District No. 1 (GID No. 1) and to any residential use located in GID No.1 that is not part of a mixed-use or combined use development.
  - b. Sites in GID: The off-street parking requirements of Section 18.42.030 shall not apply to non-residential or mixed uses that are located in GID No. 1.
  - c. Residential Parking: Parking requirements for attached single-family residential units in Section 18.42.030 may be met by including one parking space in a private driveway in front of a private garage. (Ord. 5336 § 2, 2008)
3. Parking Lot Layout and Location:
    - a. Type 1 Standard: New parking lots shall not dominate a pedestrian-oriented street frontage or interrupt pedestrian routes. (Figure 18.24.050(4)).
    - b. Type 2 Standard: Section 3.04 of the SDPS&G shall apply to any proposed parking and loading facility, with the exception that compliance with the provisions of subsections 3.04.03(B) and 3.04.04 (B) shall not preclude the reasonable use of public alleys to accommodate circulation, and screening requirements may not be applied to loading facilities oriented to public alleys.
    - c. Type 2 Standard: New parking lots shall be located behind buildings, in the interior of blocks, in side yards, underground or in a structure to the extent feasible and shall be screened from view in accordance with the SDPS&G. If a decorative masonry wall at least three feet in height is provided as a screen along public rights-of-way, then requirements for supplemental landscape screening in the SDPS&G may be waived or reduced (See Note #8 to Table 18.24.040(1)).
  4. Parking Structures (Type 2 Standard): Parking structures shall include architectural elements, such as window and door openings, awnings, signage, sill details, posts, recessed horizontal panels and other features to encourage pedestrian activity at the street level. In areas of high pedestrian activity commercial uses shall be provided along the ground level, where feasible, to maintain pedestrian activity. Structures shall be compatible with the architecture found in the BE District in terms of style, mass, material, height, and other exterior elements. Auto entrances shall be located to minimize pedestrian/auto conflicts.
  5. Signs (Type 1 Standard): Signs shall comply with Section 18.50 of this Code, except in the Core Area, which shall comply with standards in Section 18.50.110.
  6. Illumination (Type 2 Standard): Section 3.09 of the SDPS&G shall apply to site lighting with the exception that unshielded, decorative lighting shall be permitted, provided it does not exceed twelve (12) feet in height and the light intensity does not cause excessive glare or disturbance to surrounding properties.
  7. One- and Two-Family Landscaping (Type 1 Standard): A minimum of two (2) trees shall be provided in the front yard for each one- or two-family dwelling. All landscape requirements shall be completed prior to occupancy or within thirty (30) days following the beginning of the next planting season.
  8. Multifamily and Non-Residential Landscaping:
    - a. Type 1 Standard: Quantities and sizes of site landscaping shall be provided in accordance with Chapter 4 of the SDPS&G.

- b. Type 2 Standard: Buffer yards, types of plant materials and installation standards may be modified to permit planting within the more confined urban planting areas found in the BE District.
9. Outdoor Eating Area (Type 1 Standard): Restaurants may operate outdoor eating areas on public sidewalks and in courtyards, on rooftops, balconies or other similar locations, provided that pedestrian circulation and access to building entrances is not impeded, and the following Type 2 Standards are met:
    - a. At least five feet of sidewalk along the curb and to the entrance to the establishment shall be free of tables, fences and obstructions to allow pedestrian circulation (seven feet where parked car bumpers overhang the sidewalk).
    - b. Planters, fences, or other removable enclosures are permitted to define the area occupied by the café.
    - c. Adequate refuse containers shall be provided within the outdoor eating area.
    - d. Tables, chairs, planters, extended awnings, canopies or umbrellas, trash receptacles and other street furniture shall be compatible with the architectural character of the building and surrounding area in terms of style, color, and materials.
    - e. The area within and immediately adjacent to the outdoor eating area shall be maintained in a clean and well-kept condition.
    - f. The seating area or number of seats of the outdoor eating area shall be included in calculations to determine off-street parking requirements.
  10. Outdoor Storage (Type 1 Standard): Outdoor storage associated with the operation of a permitted use within an enclosed building is permitted by special review. The storage area shall be screened from view from public rights-of-way and adjacent sites and shall be subject to the following Type 2 Standards:
    - a. Such storage shall not be located within any required front yard.
    - b. The preferred method of screening is a solid masonry wall no less than six (6) feet in height. A decorative fence, landscape screen, berm, or any combination thereof, may be approved as a screening substitution provided it meets the intent of this Section. Chain link fencing with slats shall not be a permitted screening alternative. Stored material shall not exceed the height of the screening wall, fence, or berm.
    - c. Landscaping may be required to supplement the fence or wall where sufficient space is available to provide a planting area without unreasonably restricting space available for storage.
  11. Outdoor Display (all Type 2 Standards): The limited outdoor display of merchandise for retail sale is allowed, provided such display is incidental to the primary retail use or activity within an enclosed building. Merchandise on display shall be of the same type or related to merchandise for sale within the primary retail building. No such display shall be allowed in parking areas on a permanent basis, or located within any required buffer yard or setback, nor shall it impede pedestrian or vehicular circulation. Temporary displays, erected for not more than four days in duration, may be allowed within parking areas or buffer yards for local events, such as a farmers market, or a weekend or holiday sales event. (Ord. 5569 § 9, 2011)
- E. Infill Standards: The following standards (all Type 2 Standards) shall apply to infill development or redevelopment located within the BE District illustrated by Figure

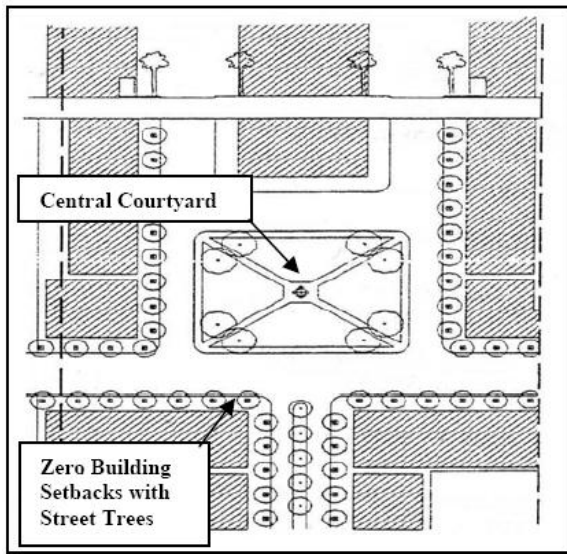
18.24.050(3). Infill development standards shall not apply to any BE District outside of the area depicted by Figure 18.24.050(3). Infill development is defined as the development of a vacant site or the substantial redevelopment of sites with existing structures. Substantial redevelopment occurs when seventy-five percent or more of the floor area of existing structure(s) are removed or the floor area of existing structures is expanded by seventy-five percent or more, or when vacant land is proposed for development.

1. Intent: The intent of these standards is to permit development and redevelopment in a manner that is consistent with the established character of the downtown BE District, which includes a Core Area of principally historic commercial buildings, a strong pedestrian orientation and neighborhoods with a traditional grid pattern of tree-lined streets. These standards are intended to enhance the livability of residential areas, improve the appearance and attractiveness of land and buildings to customers, increase property values, and enhance compatibility with adjacent uses.
2. Architecture:
  - a. Buildings shall incorporate features such as cornices, pilasters, window dormers, bay windows, balconies, porches, or other similar architectural features to add visual interest and diversity.
  - b. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials comparable to the color, tone and texture of materials used on the building.
  - c. A major portion (30 percent or more) of the front and sides of buildings shall be finished with brick or stone or finish materials consistent with the historic character of the area. The composition of finish materials of nearby properties shall be evaluated to determine whether brick or stone requirements should be increased above the minimum requirement of 30 percent. (The area of windows and doors shall be excluded from the external wall area in determining the minimum brick requirement.)
  - d. The primary street level façade shall not be closed to pedestrian access. Windows and door openings shall be used to create visual interest and maintain a pedestrian orientation. Buildings and site improvements shall promote and accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards.
  - e. Side or rear building elevations visible from the public right-of-way shall incorporate windows and architectural features to the greatest extent possible to avoid flat or blank wall sections.
  - f. Ground floor retail, service and restaurant uses shall have large pane display windows. Such windows shall be framed by the surrounding wall and shall not exceed seventy five percent of the total ground level facade area.
  - g. No blank wall facing a public right-of-way, public plaza or walkway shall exceed thirty (30) feet in length without incorporating one or more of the features described above.
  - h. Glass curtain walls and spandrel-glass strip windows shall not be used as the predominant fenestration. This requirement shall not serve to restrict the use of atrium, lobby or greenhouse-type accent features.
3. Open space: Where sufficient site area is available, common open spaces shall be provided in the form of central courts and squares, instead of buffer yards or setbacks

- that inhibit pedestrian activity, to provide a focal point for activity (Figure 18.24.050(1)).
4. Streetscape: Canopy trees, spaced thirty (30) to forty (40) feet on-center in a uniform pattern, shall be provided along all major internal roads and drives and along any perimeter of the site adjacent to a public road. Trees shall be placed between the sidewalk and the edge of the vehicular lane.
  5. Pedestrian Facilities: Detached pedestrian sidewalks, at least five feet in width, shall be provided along all internal drives. Sidewalks shall provide access to adjacent roads, public spaces, parks and adjacent developments, when feasible. (Standards for sidewalks along public rights-of-ways shall be as required by the Larimer County Urban Area Street Standards). Front ground floor entrances to residential units shall be connected by a porch and/or walkway to the public sidewalk.
  6. Other Site Amenities: Site amenities shall include ornamental street lighting, fencing, and feature landscaping at entries and within central open spaces consistent with the historic character of the BE District.
  7. Infill Streets and Drives: Vehicular lane widths shall be kept to the minimum required to reduce speeds and facilitate pedestrian activity.
  8. Neighborhood Infill: Residential neighborhoods in the BE District are characterized by a grid layout of tree-lined streets and predominately single-family homes. New single family development shall be compatible with this character. Multi-family residential development in existing neighborhoods that are predominately single-family is discouraged. In such neighborhoods, the existing single family development pattern is encouraged with allowance for appropriate attached and detached single-family infill development.
- F. Core Area Design Standards:
1. Intent: Core Area standards (all Type 2 Standards) are intended to preserve and enhance the unique character of the Core Area and encourage the renovation of existing buildings in a manner that preserves that character. The Core Area has a strong pedestrian orientation and is characterized by historic buildings with zero or minimal setbacks. Boundaries of the Core Area are illustrated by Figure 18.24.050(3).
  2. Setbacks: Buildings shall be located as near as possible to the edge of the public sidewalk (defined as “Zero Setback”) to enhance pedestrian access and continue the existing pattern of development which is characterized by buildings located in close proximity to the sidewalk. Setbacks established on individual blocks or sites may continue, provided the front yard and/or parking area is enhanced with landscaping, and pedestrian connections are provided from building entrances to the sidewalk.
  3. Architecture: In addition to architectural standards established in Section 18.24.050(E)(2), new buildings, rehabilitated facades or building additions shall pay special attention to retaining the historic architectural character of the Core Area. Long blank street-level building elevations are not permitted. Multiple storied buildings are encouraged to preserve the existing urban scale of the area and to maximize commercial activity.
  4. Landscaping: Landscaping requirements shall not apply when building improvements or modifications do not increase the gross floor area, such as in the case of façade renovations, external stairwells, porches, or awnings.

5. Streetscape: The following streetscape standards shall only apply to developments in the Core Area that meet the definition of infill development in 18.24.050(E). Development proposals that do not meet the definition of infill development shall not be required to provide streetscape improvements in the public right-of-way.
  - a. Street Trees: Street trees within the public right-of-way shall be provided within a greenspace or paved planting area at the edge of the sidewalk along the curb. Accent plantings shall consist of ornamental trees in raised planters at street intersections within bulb-outs, with an understory of shrubs and ground cover.
  - b. Street Lighting: Street lighting shall be decorative and consistent with the historic character of the area.
  - c. Pedestrian Amenities: Special paving treatments and raised concrete, stone and/or brick planters shall be provided within bulb-outs at street intersections where sufficient right-of-way exists.
  - d. Utilities: Overhead utilities shall be relocated or placed underground, where possible.
  - e. Illustration: Figure 18.24.050(2) illustrates the design intent of Core Area streetscape standards for infill development. (Ord. 4768 § 2, 2003)

**Figure 18.24.050-1**



**Figure 18.25.050-2**

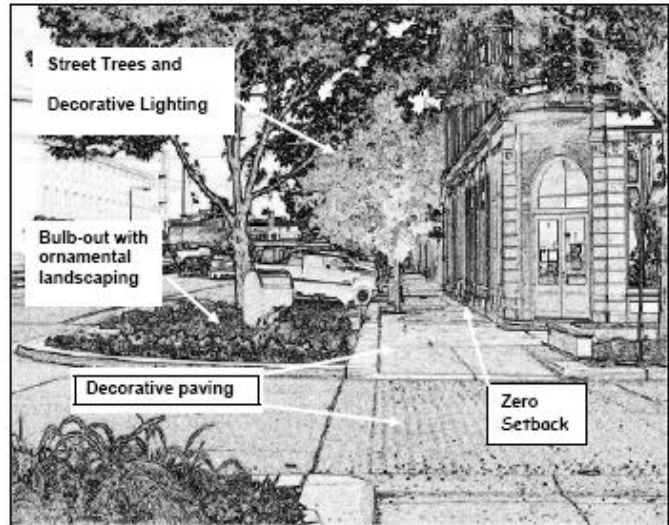
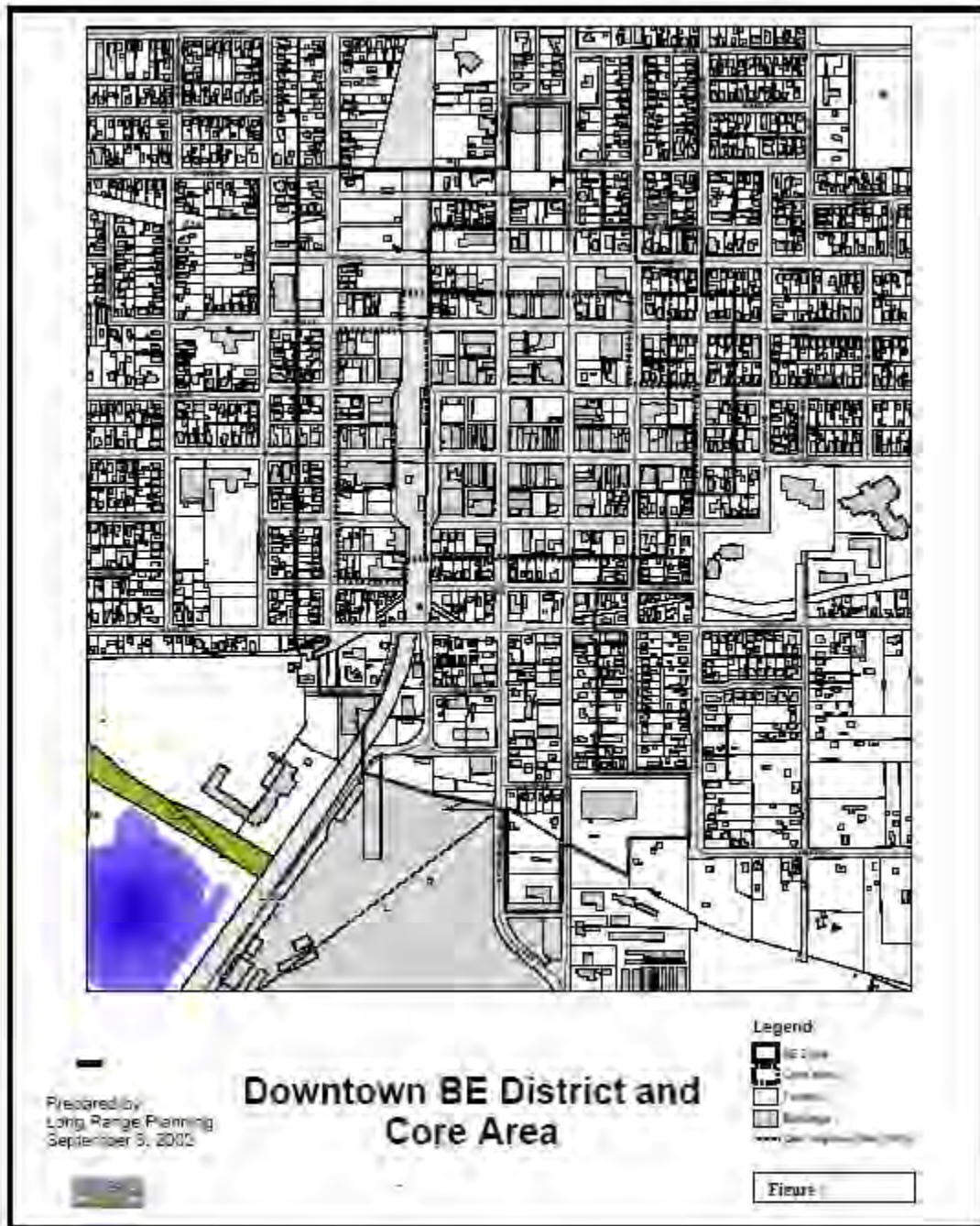
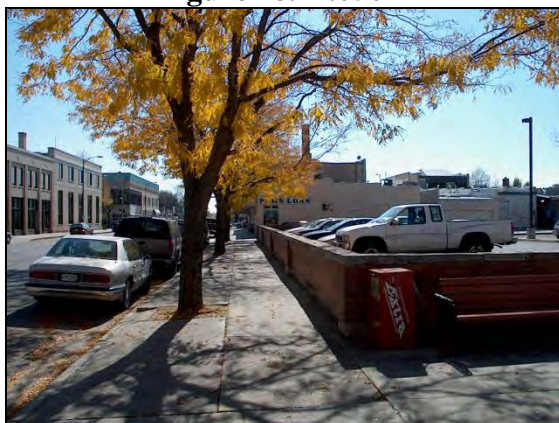


Figure 18.24.050-3



**Figure 18.24.050-4**



*Appropriate Screening and Pedestrian  
Improvements for Surface Parking Lots*





**Chapter 18.54**

**BUILDING HEIGHT REGULATIONS**

**Sections:**

- 18.54.010 Purpose and applicability.**
- 18.54.020 Height limitations-Conformance required.**
- 18.54.030 More restrictive limitations shall supersede.**
- 18.54.040 Height limitations within fifty feet of residential uses.**
- 18.54.050 Request for exception.**
- 18.54.060 Appeal to city council.**
- 18.54.070 Amendments-PUD.**

**18.54.010 Purpose and applicability.**

This chapter is enacted pursuant to and in accordance with [Section 18.04](#) and applies to buildings and structures for which a building permit shall have been obtained after the effective date of this Ordinance. (Ord. 4106 § 3 (part), 1995)

**18.54.020 Height limitations-Conformance required.**

It is unlawful for the owner, developer or occupant of any building or structure to erect, move, alter or extend any building or structure, except in conformity with the height limitations set forth in Schedule A of this chapter. Building or structure height shall be measured as defined in [Section 18.04](#). (Ord. 4106 § 3 (part), 1995)

Use	Maximum height of building or structure	Maximum height of accessory building or structure
One, two, three and four family dwelling units	35	25
Multiple family dwellings more than four dwelling units	40	25
Mobile homes	25	15
Be zoning district uses only if permitted by right and within the boundaries of the Be zoning district and with 2000 feet of the centerline of Lincoln Avenue right-of-way.	60	60
I zoning district east of County Road 9	50	50
Other	40	40
E-Employment Center District	As provided in Chapter 18.30 E District Schedule of Flexible Standards	50

Use	Maximum height of building or structure	Maximum height of accessory building or structure
MAC-Mixed-use Activity Center District	As provided in Chapter 18.29 MAC District Schedule of Flexible Standards	50

**18.54.030 More restrictive limitations shall supersede.**

Where any height limitations set forth in this chapter conflicts with any height limitations set forth in the airport overlay zone, or any other overlay zone, the more restrictive limitation shall apply. (Ord. 4106 § 3 (part), 1995)

**18.54.040 Height limitations within fifty feet of residential uses.**

Any nonresidential use or multi-family use located closer than fifty (50) feet from the property boundary of a residential use, excluding multi-family dwelling units, shall be limited to the maximum height allowed for a single family residential use. (Ord. 4106 § 3 (part), 1995)

**18.54.050 Request for exception.**

The owner of the proposed building or structure may request an exception from the height limitations imposed by this chapter. A request for an exception shall be made to the planning commission. The planning commission shall hold a public hearing on such request, which hearing shall be noticed in accordance with Section 16.16.070 of this code.

Before granting any request, the planning commission shall find that:

- A. The requested exception allows adequate light and air to the adjacent neighborhood; and
- B. The requested exception is compatible with the character of the surrounding neighborhood; and
- C. The requested exception will not be injurious to the adjacent neighborhood or otherwise detrimental to the public health, safety and welfare; and
- D. The requested exception is consistent with the intent of the zoning district and the entire zoning ordinance. (Ord. 5581 § 33, 2011; Ord. 4106 § 3 (part), 1995)

**18.54.060 Appeal to city council.**

Any party-in-interest, as defined in section 18.80.020, may appeal the final decision of the planning commission to the city council. The city council shall hold a public hearing on such appeal, which appeal shall be conducted in accordance with chapter 18.80. Using the criteria set forth in section 18.54.050, the city council may affirm, modify or reverse the planning commission's final decision. (Ord. 5581 § 33, 2011; Ord. 5425 § 5, 2009)

**18.54.070 Amendments-PUD.**

The city council may amend this chapter through approving a planned unit development submitted in accordance with Chapter 18.41 of this code. (Ord. 4106 § 3 (part), 1995)



## Community & Strategic Planning

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### Memorandum

**To:** City Council

**From:** Karl Barton, City Planner II

**Date:** June 7, 2011

**RE:** Amended Chapter 18.24 BE - District Established Business District and Chapter 18.54 Building Height Regulations

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#### I. EXHIBITS

1. Planning Commission Staff Report from May 9, 2011 with Attachments
2. Draft Planning Commission minutes from May 9, 2011

#### II. BACKGROUND

These amendments to Chapter 18.24 BE District - Established Business District represent a comprehensive re-write of the zoning code for Loveland's Downtown area. The amendments to Chapter 18.54 regarding building height are simply to note that all restrictions and allowances regarding building height for properties zoned BE are now located in Chapter 18.24.

The broad purpose of the amendments is to help strengthen the climate for downtown development. The amendments do this by establishing quality standards coupled with a clear path for project approval. This approach will increase the level of certainty experienced in the development process. Developers will be more certain of their entitlements and requirements, and the community will be more certain of a satisfactory development outcome. The amended code supports the Downtown Strategic Plan and Implementation Strategy by supporting the goals of increasing housing density and the amount of quality office space. Also, the amendments are designed to support the vision of the Downtown as articulated in the Comprehensive Plan by fostering a pedestrian friendly place that has a variety of uses and services.

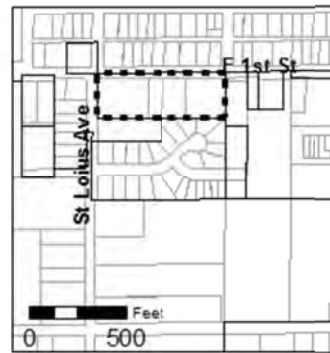
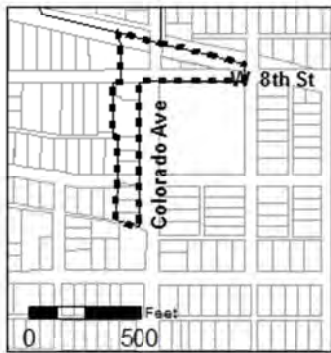
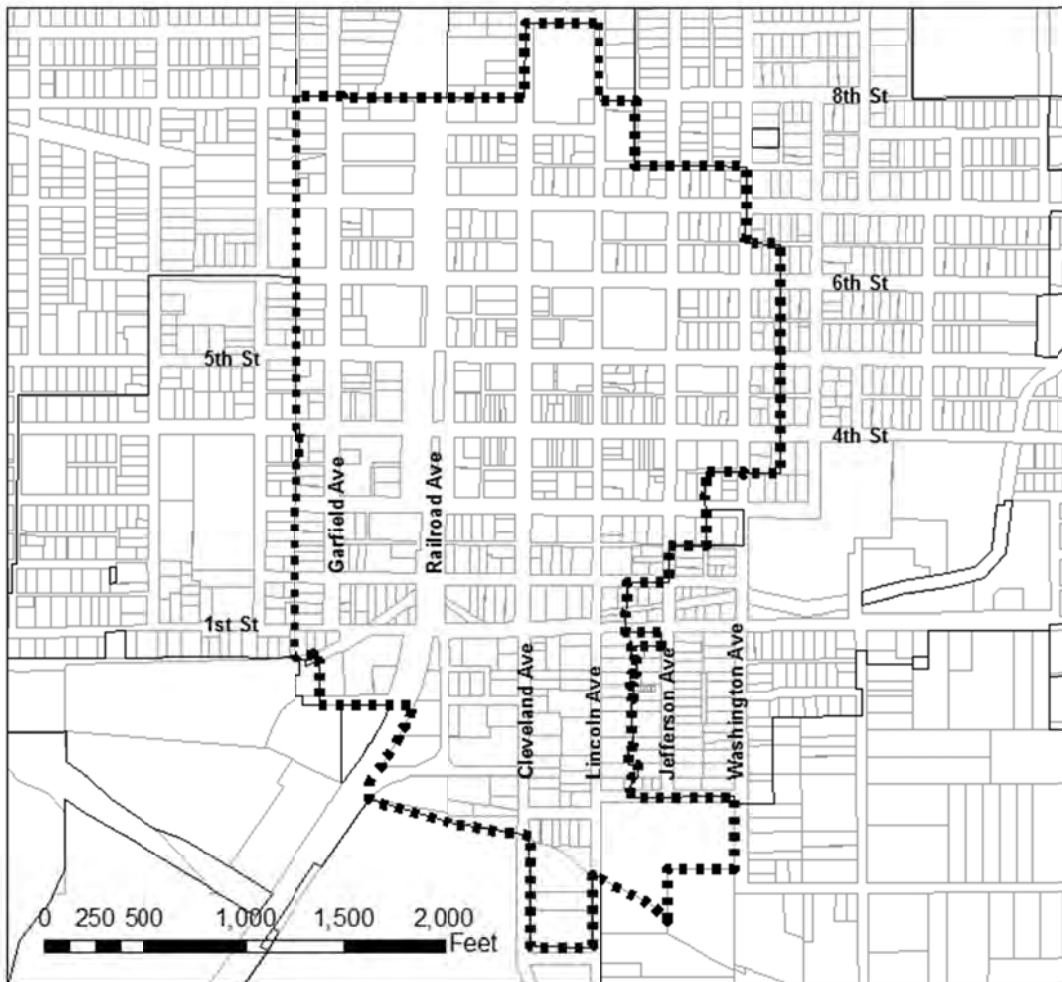
The Planning Commission reviewed the proposed amendments on May 9, 2011 and recommended their approval by a vote of 5-1. The proposed amendments have also been


reviewed by the Title 18 Committee on two separate occasions. The most recent was on April 14, 2011 where they recommend approval with some minor revisions that have been made.

The proposed amendments were developed through an iterative and intensive process involving the energies of a variety of commissions, associations, and stakeholders. Central to the drafting process was the ad-hoc committee made up of downtown property owners, real estate professionals, architects and a City Council member among others. They were involved in shaping both the basic structure and the details of the draft. The draft was presented to a number of commissions and associations for review and input. A public open house was held where all property owners in the BE district were invited.

The BE zoning district covers what is commonly considered to be Loveland's Downtown, plus three outlying areas. Note that this amendment does not propose to change any zoning district boundaries. Please see the map below for a depiction of the BE zoning district boundaries.

### Map of BE - Established Business Zoning District



 **BE Zoning District Boundary**

### III. SUMMARY OF AMENDMENTS

This section will include a brief summary of the amendments to Chapter 18.24. It will cover the basic structure of the updated code and highlight the significant changes to the Be zone, including those changes that garnered the most discussion during the update drafting process. A more complete overview of the changes is included in the Planning Commission staff report.

#### Character Areas

The updated code is structured around the concept of character areas, of which there are four: general, core, Fourth Street, and neighborhood transition. Each character area has a set of development standards that respond to the existing conditions in that area. The standards reinforce existing development patterns where appropriate. Where there are opportunities for redevelopment, the standards describe desirable development patterns that will further the goals of the Downtown Strategic Plan. With standards that better respond to a proposed development's surrounding context, the development process should be more certain for both the developer and the community.

The standards included in the character areas, as well as the rest of the updated code, are primarily type 2 standards. Type 2 standards are flexible standards that must be complied with, but allow for alternative compliance approved administratively by the current planning manager. This flexibility allows for developments to respond to the varying conditions found in infill development situations while still meeting the intent of the code.

The **general character area** consists mostly of the edges of Downtown. It is currently characterized by a mix of uses and buildings of varying ages and forms. The proposed standards are flexible to allow this pattern to continue or to allow for more urban style development if it is desired.

The **core character area** is generally the center of the Downtown area. It contains some of the best opportunities for redevelopment. Therefore it is important that the standards lead to a pedestrian friendly development form that will achieve the goals of the Strategic Plan and the Comprehensive Plan. A key concept in the core character area is that of primary pedestrian streets, where it is especially important to maintain a pedestrian friendly environment. In order to achieve this, buildings located on primary pedestrian streets are required to have most of the building located at the back of the sidewalk and enough windows and doors to create interest for pedestrians.

The **Fourth Street character area** covers Fourth Street between Garfield Avenue and Washington Avenue. As Loveland's Main Street, Fourth Street is unique within the Downtown and the standards reinforce that unique character without requiring new buildings to be historical imitations of past building styles.

The **neighborhood transition character area** is generally the eastern portion of downtown and two of the outlying areas. This area is characterized by a mix of residential and commercial development, much of it in buildings of a typically residential form. The standards for this character area reinforce this form to create compatibility within the character area and with the adjacent residential neighborhoods while still allowing for redevelopment as is allowed by the zoning designation.

### **Height**

In the current Be code, height is regulated by use, with commercial and mixed-use buildings limited to 60 feet in height and residential structures limited to 40 feet in height. The updated code proposes to regulate height based on location instead of use. The height allowances were developed by considering modern architectural practice, surrounding context and the impact of height on surrounding properties.

In the central areas of the Downtown, except along Fourth Street, the allowed heights have been increased. These increased height allowances are intended to allow for a greater density and diversity of uses in the Downtown. For example, much of the Downtown is proposed to allow for buildings of 70 feet in height. Therefore, in this area, residential structures could be built taller than the 40 feet currently allowed. This will help to fulfill one of the goals of the Downtown Strategic Plan of increased residential density. Seventy feet is what is required by modern architectural practice to readily develop a five story building. For reference, Lincoln Place is 65 feet tall.

At the edges of the Downtown, allowed heights have been reduced and combined with setback requirements to protect adjacent residential properties and zoning districts.

In keeping with the goal of a vibrant Downtown with a mix and density of uses, a small area has been set aside to allow for buildings up to 130 feet in height. This height allowance is designed to accommodate a relatively large building that could have a significant, positive impact on market conditions.

### **Planning Commission Review of downtown projects**

The current Be code contains a requirement that projects which include more than 5000 square feet of new gross floor area are subject to approval by the Planning Commission; however, this process was not a public hearing and did not specifically allow for public comment.. During the update drafting process, users indicated that this process should be reworked so that it provides an opportunity for public comment on large projects. The updated process makes the Planning Commission review a public hearing and gives the Planning Commission a set of Downtown specific findings to use in approving or denying a project. It also increases the size threshold over which projects must be approved by Planning Commission, and makes the threshold dependent on which character area the proposed development is in.

#### **IV. PLANNING COMMISSION CONSIDERATIONS**

On May 9, 2011, the Planning Commission reviewed the proposed BE amendments. The following is a summary of their comments.

##### **Height**

Most of the discussion at the Planning Commission hearing dealt with the height allowances and particularly with the allowance for buildings up to 130 feet in height. Two of the Planning Commissioners were not in support of allowing buildings to be built up to this height. These commissioners felt that buildings of this height were not appropriate for Loveland or Loveland's Downtown. One Planning Commissioner felt strongly enough about this issue to vote against approval of the update by City Council. Another Commissioner made the point that buildings over 70 feet in height need to be approved by Planning Commission, thereby providing another level of review that should make people more comfortable with the allowance.

##### **Downtown Utilities**

Another topic of discussion at the Planning Commission hearing was whether or not the other utilities in the Downtown, such as water and stormwater, were able to handle the development that would be allowed under the updated code. It is important that utilities in the Downtown are able to handle the level of development that is desired, but these issues are not something that can be addressed in a zoning code. Utility issues, to the extent that they exist, are being addressed in other portions of the City's Downtown revitalization strategy.

##### **Parking**

Along with the concerns related to the impact of tall buildings, there was some discussion of the effect of new development on the parking situation in the Downtown. This updated code contains no change to the City's parking policy. Similar to utility issues, parking policy should be addressed as part of a comprehensive downtown revitalization strategy.

##### **Pedestrian Streets**

One Commissioner wondered whether a primary pedestrian street designation should be extended along a street to Fairgrounds Park. Staff mentioned that the primary pedestrian street designation is intended to concentrate activity in the core of Downtown. Links between the Downtown and fairground Park are important and have been addressed in the Bicycle and Pedestrian Master Plan currently in progress.

Between the Planning Commission hearing and this City Council hearing, some minor typographical changes were made to the draft code. The version of the draft code contained in the ordinance is the final version.



## Planning Commission Staff Report

May 9, 2011

**Agenda #:** Regular Agenda - 1

**Title:** Amendment to Title 18 of the Municipal Code regarding Section 18.24 – BE District - Established Business District and 18.54 Building Height Regulations

**Applicant:** City of Loveland  
Community and Strategic Planning Division

**Location:** Generally, the Downtown area

**Request:** **Amendment to Title 18**

**Staff Recommendation**  
Subject to additional evidence presented at the public hearing, City staff recommends the following motion:

**Recommended Motion:**

*1. Move to recommend that City Council approve the amendment to Title 18 regarding Chapter 18.24, the BE District – Established Business District and Chapter 18.54 Building Height Regulations.*

**Summary of Analysis**

This is a public hearing to consider an amendment to Title 18, Chapter 18.24 BE District - Established Business zoning district and Chapter 18.54 - Building Height Regulations. The BE zoning district covers what is commonly considered to be the City’s downtown area along with three outlying areas. This amendment does not propose to change any of the zoning district boundaries.

This update represents significant amendments to the existing Be zoning code and is to be considered a replacement of the existing code.

The update amends the provisions and allowances regarding: uses, height, dimensional standards, design standards, parking and landscaping. It is structured around the concept of Character Areas that recognize the diverse existing conditions in Downtown.

The intent is that the regulatory framework established in the zoning code promotes the strategic framework of the Downtown Strategic Plan and Implementation Strategy. The update seeks to make downtown development easier by creating more certainty for both developers and community members.

The update was created with the assistance of an ad-hoc committee. Earlier drafts have been presented for review and comment to City Council, the Loveland Downtown Team, the Historic Preservation Commission, the Downtown Loveland Association, the Title 18 Committee, and to the public at an open house.

## **I. SUMMARY**

This is a public hearing to consider amendments to Title 18, Chapter 18.24 BE District - Established Business zoning district and Chapter 18.54 - Building Height Regulations. The BE zoning district covers what is commonly considered to be the City's downtown area along with three small outlying areas. See Attachment 1 for a map of the BE zoning district.

This update is a comprehensive amendment to the code. It is structured around the concept of Character Areas that recognize the diverse existing conditions in Downtown. These Character Areas contain design standards that reinforce existing patterns of development where desirable and allow for new development that responds to the goals of the Downtown Strategic Plan and Implementation Strategy. The goals of the Strategic Plan include increasing the quality, density and intensity of residential, office, and retail uses in the Downtown.

Downtown revitalization is a priority for the City Council and this amendment supports that effort by aligning the regulatory framework of the zoning code with the strategic framework laid out by the Strategic Plan.

The update seeks to make downtown development easier by creating more certainty for both developers and community members. Developers can be certain of their entitlements and the community will be more amenable to new development because they can be sure that new development is of high quality and appropriate within the unique Downtown urban fabric.

## **II. ATTACHMENTS**

1. Map of BE zoning district
2. Amended Title 18 Chapter 18.24
3. Redlined version of Amended Title 18 Chapter 18.54

## **III. BACKGROUND**

The BE - Established Business zoning district covers the area that is commonly thought of as Loveland's downtown. Additionally, it covers three small outlying areas that are older established commercial nodes. The downtown area is roughly, from 8<sup>th</sup> Street in the north to the Barnes Triangle on the south and from Garfield Ave in the west to Washington Ave in the east. The three outlying areas are:

1. West 8<sup>th</sup> Street and Colorado Avenue,
2. East 1<sup>st</sup> Street and St Louis Avenue,
3. a portion along W Eisenhower Boulevard.

See Attachment 1 for greater detail.

Note that this update does not involve a change to any zoning district boundaries.

The area covered by the BE district is very diverse; it contains a variety of commercial development forms, from the traditional main street pattern on Fourth Street to the more modern development of the Chase building to single family homes converted into businesses. The BE Zone also contains a wide range and densities of residential development, from a number of eras. The surrounding context is also very diverse. The Downtown area is surrounded by residential

neighborhoods and zoning districts, commercial areas zoned B – Developing Business, and City park facilities.

The City’s Comprehensive Plan calls for Downtown to retain and regain its status as the civic, cultural, and commercial center of the City. The Vision for Downtown Loveland from the Comprehensive Plan reads, “The Downtown will have remained the cultural heart of Loveland. The Downtown will have been revitalized as a pedestrian friendly area with shopping restaurants, cultural facilities, employment and housing.”

To work towards the goals of the Comprehensive Plan, the City completed the Destination Downtown Heart Improvement Project Downtown Strategic Plan and Implementation Strategy. This plan sets out a vision of a downtown area with a mix and density of uses: high quality office, residential and retail. This plan represents the strategic framework for the Downtown. The updated BE zoning code is intended to better align the regulatory framework with this strategic framework and incorporate the City Council’s and the Community’s vision into the code that guides development in Downtown. The updated code supports the Strategic Plan in important ways. First, it allows for greater density (mostly through increased building height allowances) in some places. Also, the updated standards are more context sensitive.

The updated, more context sensitive standards provide certainty to developers regarding with respect to entitlements and requirements, while the Community has certainty that the outcome will be satisfactory. The higher level of certainty will make infill and redevelopment easier by assuring stakeholders of the final outcome of the development project.

In essence, the updated code seeks to “make the right thing easy,” which is Step 4 of the Brookings Institution’s Turning Around Downtown: Twelve Steps to Revitalization. Downtown development can be difficult due to the density and large number of stakeholders. Making the right thing easy means setting clear expectations about what is desired by the community so that a development can move forward easily with minimal resistance and the outcome is something that works for both the Community and the developer.

The process of the preparation of this update has been rigorous and iterative. Input on the revisions has been gathered from a wide variety of stakeholders. Integral to the development of the update has been the ad-hoc committee. This committee consists of stakeholders such as downtown property owners, business owners, architects, developers, real estate professionals, and one City Council member. Over the course of several meetings and field trips, this group shaped the basic structure of the update as well as critiquing and contributing to the details. In addition, throughout the drafting process, the update has been presented to many stakeholder and decision making groups, including: the Downtown Loveland Association, the Historic Preservation Commission, the Planning Commission, the City Council, the Loveland Downtown Team, the Title 18 Committee. A public open house was also conducted. At each of these presentations, staff received valuable comments that have been integrated into the update.

#### **IV. DESCRIPTION OF PROPOSED AMENDMENT**

This section of the staff report is intended to provide a narrative explanation of the updated code provisions. It will describe the basic intent and effect of the code sections without going into specifics. This section of the staff report describes the sections of the code in the order that they appear in the code, *except that* this section starts with an explanation of the Character Area concept upon which the code is based.

### Character Areas:

Before going into detail on each section, it is important to discuss the concept of Character Areas, by which the BE code is organized. The existing conditions in the BE are very diverse. They range from the historic main street character of Fourth St, to more diverse commercial development in surrounding areas, to areas that are characterized by residential development mixed with commercial uses. Also, the areas surrounding the BE district are very diverse in terms of zoning and use and this requires a response within the BE standards.

This diversity calls for an approach whereby different areas of the BE have different standards in regards to uses, dimensions and design. The Character Areas allow for development that reinforces the existing character of an area where appropriate, and promotes the desired character where it is warranted.

Every part of the BE district is assigned to one of four Character Areas. They are the:

- General Character Area,
- Core Character Area,
- Fourth Street Character Area,
- Neighborhood Transition Character Area.

Figures 18.24.070-1 and 18.24.070-2 in the updated code show the boundaries of these Character Areas.

The standards are written so that the standards of the Core Character Area are based on the standards of the General Character Area. The standards of the Fourth Street Character Area and Neighborhood Transition Character Area are designed to stand alone. The standards for each Character Area will be described further below.

### Purpose Section:

The first section describes the purpose of the BE zoning code. It describes the vision for the Downtown that the zoning code seeks to facilitate. Also, it provides important background that assists users of the code in evaluating development proposals. It is important to note that most of the standards in the code are Type 2 Standards which allow for alternative compliance approved by the Current Planning Manager. This provides for flexibility to allow development proposals to respond to the diverse existing conditions found in Downtown.

### Uses Sections:

The next two sections are devoted to uses allowed by right and by special review. Only a few changes have been made to the Uses sections. The most important change is that some uses are

now allowed by right, by special review, or not at all based on Character Area. Since the Downtown Area is to be pedestrian friendly, some uses that are more appropriate for auto oriented districts, such as drive through fast food, have been removed.

### BE zoned area on West Eisenhower Boulevard Section:

The next section covers the area along W Eisenhower Boulevard that is zoned BE. See Figure 18.24.040-1 of the code for a map. This area was annexed into the City with the currently existing lumberyard already in place. The intent of this section is to state that this area is in the General Character Area so that the existing lumberyard continues to be an allowed use. However, the other development standards impacting this property, such as height, landscaping, setback, and architecture, are the same as those that apply to properties zoned B – Developing Business, such as the surrounding properties.

### Proposals requiring approval by Planning Commission Section:

The Be zoning district currently contains a requirement that projects of greater than 5000 square feet of new gross floor area or more than 10 dwelling units must be approved by Planning Commission. This process does not include a public hearing; rather, the Planning Commission review is limited to findings of whether or not the project complies with the standards of the code.

The updated code retains the requirement for Planning Commission approval, but requires a public hearing, raises the threshold for projects to require that approval, sets out some downtown specific findings for Planning Commission to use, and specifies a notice radius. The intent is to allow for public input on large projects while allowing smaller projects to proceed without this step.

### Standards applying to entire BE Zoning District Section:

The next section contains standards that apply to the whole of the BE district. These standards cover building height, parking and parking garages, signs, illumination, civic structures, alley level of service, outdoor storage, and outdoor dining.

#### Height

The updated code creates height districts that are mapped in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3. For some of the BE district the update includes an increase in the allowed height to achieve the goals of the Downtown Strategic Plan. For other geographic areas the height allowances have been reduced to better respond to the context of adjacent properties.

Note that these height districts do not always align with the Character Areas.

While the current Be code regulates height based on building use, the height allowances in the updated code were generated through an analysis of building code, current architectural practice,

and on the effects that buildings have on neighboring properties. For example, the 70 foot height limit is designed to allow for a five story building with greater ceiling heights consistent with the current market. To limit the impact on existing residential properties, where the BE zoning district is adjacent to residential zoning districts, allowed building heights have been reduced and setbacks have been introduced. Along Fourth Street, building heights are limited along the front property line, but greater heights are allowed if setback from the street. This provision is intended to limit the impact of shadows on the sidewalks of Fourth Street.

For developments located directly adjacent to a single family residential use, regardless of what height district they are in, there are further height restrictions on the property line adjacent to the single family residential use. These restrictions allow for a building to reach the maximum height allowed by the height district, but require setbacks to protect the adjacent single family use.

Chapter 18.54 Building Height, is also being revised to remove the BE height allowances as building height would now be included in the BE zoning Chapter.

#### Alley Level of Service

This section includes a statement regarding alley Levels of Service which allows the City Engineer to grant a variance to the Adequate Community Facilities ordinance requirements with the intent of allowing more vehicle trips in alleys, making it easier to redevelop properties served by alleys.

#### Civic Structures

Because the Downtown area is the cultural center of Loveland, the Downtown contains several civic structures and will likely contain more in the future. The historic pattern seen in traditional downtown areas is that civic structures such as churches and theaters were designed differently from commercial or residential structures; their unique design announces their special functions to citizens. Therefore, civic structures are exempt from the standards regarding materials and window openings and are allowed to have greater setbacks.

#### Character Areas Section:

This section establishes the Character Areas through maps.

#### General and Core Character Areas urban design standards Section:

The General and Core Character Area standards are described in a single section. These standards cover dimensional standards such as setbacks, architectural features such as materials and window and door openings and parking lot location. This section is arranged so that the General standards serve as the base level requirements and the Core standards build on those standards.

The existing conditions in the General Character Area consist of a variety of commercial and residential uses from several eras. Buildings are of a variety of styles and setbacks are variable. The General standards set out some basic requirements that allow this mixed character to continue, but allow for more urban style development if desired.

A key concept for the General and Core Character Areas is that of Primary Pedestrian Streets. These are streets where it is important to ensure that pedestrian routes remain inviting to pedestrians by ensuring that buildings are built up to the sidewalk and contain architectural features that increase pedestrian interest. Figure 18.24.080-1 defines Primary Pedestrian Streets. Using these defined Primary Pedestrian Streets, buildings that face onto them are required to meet certain standards. Buildings on the corner of a Primary Pedestrian Street and a non-Primary Pedestrian Street must designate the frontage on the Primary Pedestrian Street as the primary lot frontage and the building elevation on this frontage the primary elevation. The frontage on the other street is therefore the secondary frontage and elevation. Buildings located on the corner of two Primary Pedestrian Streets are required to designate one frontage as the primary lot frontage (and therefore the primary elevation) and one frontage as the secondary frontage (and therefore secondary elevation).

The Core Character Area contains some of the most promising sites for redevelopment in the Downtown and is the area where urban style development consisting of buildings built to the back of the sidewalk and architectural features that create interest for pedestrians is desirable. To achieve this goal, buildings are required to be placed at the back of the public sidewalk for a minimum of 75% of the primary lot frontage and 50% of the secondary lot frontage. Parking lots are not allowed to be more than 25% of the primary lot frontage and 50% of the secondary lot frontage.

Wide sidewalks are essential for pedestrian friendly areas. The setbacks in the Core Area are not set at a minimum of zero feet, but are instead a minimum sidewalk width, measured from face of curb is required and the building must be placed to satisfy this minimum. This may result in buildings being setback some distance from the property line. The area between the property line and the face of the building must be placed in a pedestrian easement and paved so as to function as part of the public sidewalk. Greater setbacks are allowed for structures with ground floor residential uses.

In order to provide for a good pedestrian environment buildings are required to have a certain percentage of their facades consist of windows and doors. This percentage varies based on whether the elevation is a primary or secondary elevation.

#### Fourth Street Character Area urban design standards Section:

Fourth Street is a distinctive area within Loveland's Downtown; therefore the standards used to guide development on Fourth Street are intended to reflect and enhance that special character.

Due to Fourth Street's history as the commercial center during the early years of Loveland's development, most of the buildings are of the traditional storefront typology. This typology is characterized by buildings with large display windows, kick plates and recessed doorways. The

standards in the updated code are designed to reinforce this basic form in new construction by requiring the use of these basic design elements. However these standards are not so specific as to not allow for modern interpretations of this typology. It is not the intent to have new buildings appear to be old. Buildings that were never constructed with a storefront type façade are not required to install one if they are renovated.

New buildings on Fourth Street will be required to be built to the back of the public sidewalk.

Standards are also included that address buildings built on the corners of Fourth Street and cross streets. These standards are designed so that buildings create a pedestrian friendly environment on both Fourth Street and on the cross street by using storefronts that wrap around the corner or other similar treatments.

### Neighborhood Transition Character Area urban design standards Section:

The Neighborhood Transition Character Area covers the northeastern area of the Downtown as well as two of the outlying areas. See Figures 18.24.070-1 and 18.24.070-2. These areas either contain significant numbers of single family or other residential uses or are adjacent to residential neighborhoods.

Because these areas are zoned to allow for a wide variety of uses, we can assume that there will be infill development and the conversion of structures from residential uses to non-residential uses. Therefore, the standards in this section are designed to allow for these changes, while ensuring that new development compliments existing conditions.

The front setbacks in this Character Area are based on the existing front setbacks on a block face. Since these setbacks vary, the setbacks for new construction are allowed to vary as well so as to be in character with the rest of the block. The side and rear setbacks are similar to those required by the R1e – Established Low Density Residential and R3e – Established High Density Residential zoning districts.

The architectural standards in this Section are designed to result in structures that are sensitive to the existing character of the area. Sloped roofs, which are a more residential building form, are required except that buildings that are located on the corners of Washington, Jefferson, and Colorado Avenues are allowed to have flat roofs and a reduced setback provided that there is a transition between those buildings and the rest of the block. This transition can consist of a portion of the building with a setback that matches the rest of the block face and a massing that is similar to the rest of the area.

It is very important that parking lots not dominate in this Character Area, so standards are included that require that parking lots not be located in front yard setbacks and are adequately screened.

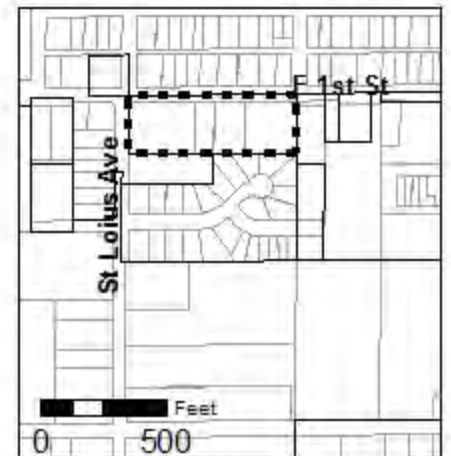
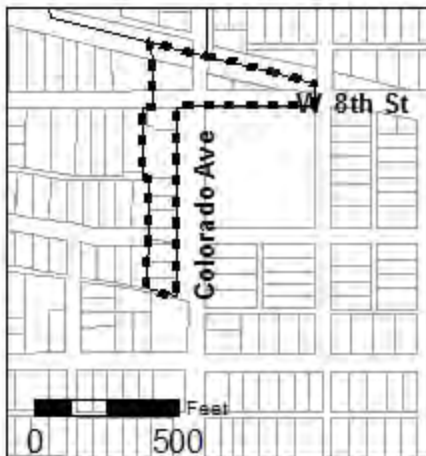
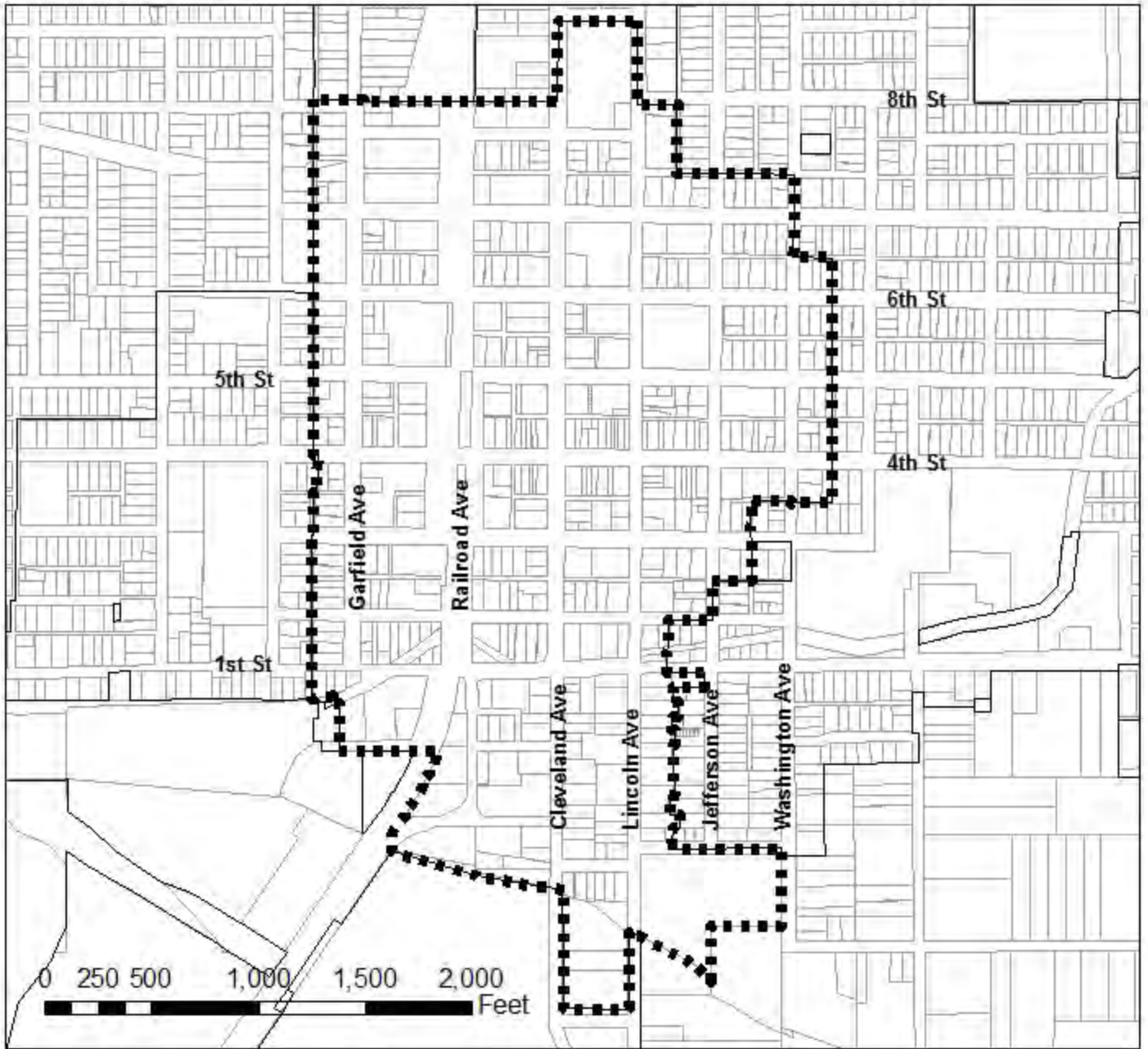
### Landscaping Section:



The Landscaping standards in this section are designed to ensure the adequate provision of street trees, which are the most important landscape feature of downtown areas, while not requiring the heavily landscaped bufferyards found in more suburban settings. Landscapes in downtown areas also are frequently made up of more hardscape materials in areas such as plazas. The standards in this Section do not attempt to provide specific plaza design standards.

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# Map of BE - Established Business Zoning District



 BE Zoning District Boundary

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**Chapter 18.24****BE DISTRICT - ESTABLISHED BUSINESS DISTRICT****Sections:**

- 18.24.010 Purpose.**
- 18.24.020 Uses permitted by right.**
- 18.24.030 Uses permitted by special review.**
- 18.24.040 BE zoned area on West Eisenhower Boulevard.**
- 18.24.050 Proposals requiring approval by planning commission.**
- 18.24.060 Standards applying to entire BE zoning district.**
- 18.24.070 Description of General, Core, Fourth Street, and Neighborhood Transition Character Areas.**
- 18.24.080 General and Core Character Areas urban design standards.**
- 18.24.090 Fourth Street Character Area urban design standards.**
- 18.24.100 Neighborhood Transition Character Area urban design standards.**
- 18.24.110 Landscaping.**

**18.24.010 Purpose.**

The Established Business District is intended to promote the development of a pedestrian-oriented downtown mixed-use business district in which a variety of retail, commercial, office, civic and residential uses are permitted. The district is also intended to:

- A. Encourage preservation of the architectural and historic character of the district;
- B. Foster redevelopment through the application of flexible development standards;
- C. Encourage a diverse mixture of land uses throughout the district including arts and technology related uses and mixed-use development;
- D. Encourage revitalization and redevelopment of the Downtown in a manner that preserves and complements its existing unique character;
- E. Increase housing density to support vitality downtown;
- F. Increase employment density and opportunities;
- G. Encourage high-quality design that is context appropriate;
- H. Encourage redevelopment and increased density, while maintaining compatibility between the downtown BE district and surrounding residential neighborhoods;
- I. Support multi-modal transportation, including higher density surrounding transit nodes; and;
- J. Allow for development to respond to infill conditions by utilizing Type 2 standards.

**18.24.020 Uses permitted by right.**

The following uses are permitted by right in the BE district:

- A. Accessory buildings and uses;
- B. Accessory dwelling units;
- C. Art gallery, studio and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40;
- D. Bar or tavern in General, Core, and Fourth Street Character Areas;
- E. Bed and breakfast establishment;
- F. Boarding and rooming house;

- G. Clubs and Lodges;
- H. Combined use (or mixed-use) development of permitted uses;
- I. Commercial day care center, licensed according to the statutes of the state;
- J. Community facility;
- K. Convention & conference center;
- L. Essential public utility uses, facilities, services, and structures (underground);
- M. Financial services ;
- N. Food catering;
- O. Funeral home without crematorium;
- P. Garden supply center;
- Q. Government or semipublic use;
- R. Health care service facility;
- S. Hospital;
- T. Indoor entertainment facility & theater;
- U. Indoor recreation;
- V. Light industrial entirely within a building;
- W. Lodging establishment;
- X. Long term care facility;
- Y. Lumberyard in the General Character area;
- Z. Medical, dental and professional clinic or office;
- AA. Micro-winery, micro-brewery, and micro-distillery;
- BB. Multiple-family dwelling for the elderly;
- CC. Multiple-family dwelling;
- DD. Nightclub in Core and Fourth Street Character Areas;
- EE. Office, general administrative;
- FF. Off-Track Betting Facility located more than 300 feet, as measured by a straight line, from any property boundary zoned R1, R1e, R2, R3, R3e, or located more than 300 feet from any residential property within a Planned Unit Development;
- GG. One-family (attached or detached) dwelling, including mixed-use dwellings;
- HH. Open-air farmers market;
- II. Parking garage in the General and Core Character Areas;
- JJ. Parks and recreation area;
- KK. Parking lot in the General Character Area;
- LL. Personal service shop;
- MM. Place of worship or assembly;
- NN. Printing and newspaper office;
- OO. Public or private school;
- PP. Research laboratory;
- QQ. Restaurant, fast food without drive-in;
- RR. Restaurant standard, indoor or outdoor;
- SS. Retail laundry;
- TT. Retail store and wholesale store;
- UU. Shelters for victims of domestic violence;

- VV. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
- WW. Veterinary clinic;
- XX. Two-family dwelling; and
- YY. Workshop and custom small industry uses if entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.; Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40.

**18.24.030 Uses permitted by special review.**

The following uses are permitted by special review subject to the provisions of Chapter 18.40:

- A. Attended recycling collection facility;
- B. Antennas, as defined in Section 18.55.020(A), located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
- C. Bar or Tavern in the Neighborhood Transition Character Area;
- D. Combined-use (mixed-use) development containing one or more special review use(s);
- E. Congregate care facility;
- F. Contractor's storage yard in the General Character Area;
- G. Domestic animal day care facility;
- H. Essential public utility uses, facilities, services, & structures (above ground);
- I. Gas station with or without convenience goods or other services in the General Character Area subject to Section 18.52.060 and Section 18.50.135;
- J. Greenhouse;
- K. Group care facility;
- L. Nightclub in the General and Neighborhood Transition Character Areas;
- M. Off-Track Betting Facility located less than 300 feet, as measured by a straight line, from any property boundary zoned R1, R1e, R2, R3, R3e, or located 300 feet or less from any residential property within a Planned Unit Development;
- N. Outdoor recreation facility;
- O. Outdoor storage as an accessory use;
- P. Parking garage in the Fourth Street and Neighborhood Transition Character Areas;
- Q. Parking lot in the Core and Neighborhood Transition Character Areas;
- R. Personal wireless service facility as defined in Section 18.55.020(A), located on a new structure, meeting all requirements of Chapter 18.55;
- S. Unattended recycling collection facility;
- T. Vehicle minor and major repair, servicing and maintenance in the General and Core Character Areas;
- U. Vehicle rental, cars, light trucks and light equipment in the General and Core Character Areas;
- V. Vehicle sales and leasing of cars and light trucks in the General and Core Character Areas; and

W. Warehouse and distribution uses enclosed within a building.

**18.24.040 BE zoned area on West Eisenhower Boulevard.**

The area zoned BE and shown in Figure 18.24.040-1 shall not be governed by the allowances, standards and provisions of this Chapter, 18.24, with the exception that the uses allowed in this area shall be per Sections 18.24.020 and 18.24.030. For the purposes of determining allowed uses, this area shall be considered to be in the General Character Area (see Section 18.24.070 for a discussion of Character Areas). All development in this area shall otherwise comply with Chapter 18.28, Chapter 18.53, Chapter 18.42, Chapter 18.50, Chapter 18.54 and all other applicable City code regulations.

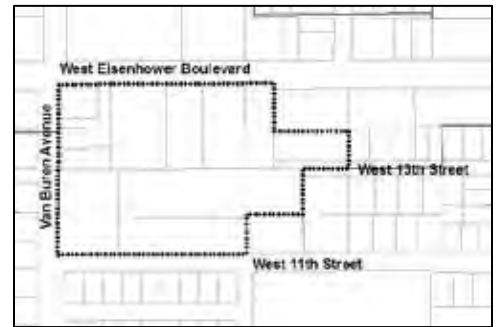


Figure 18.24.040-1

**18.24.050 Proposals requiring approval by planning commission.**

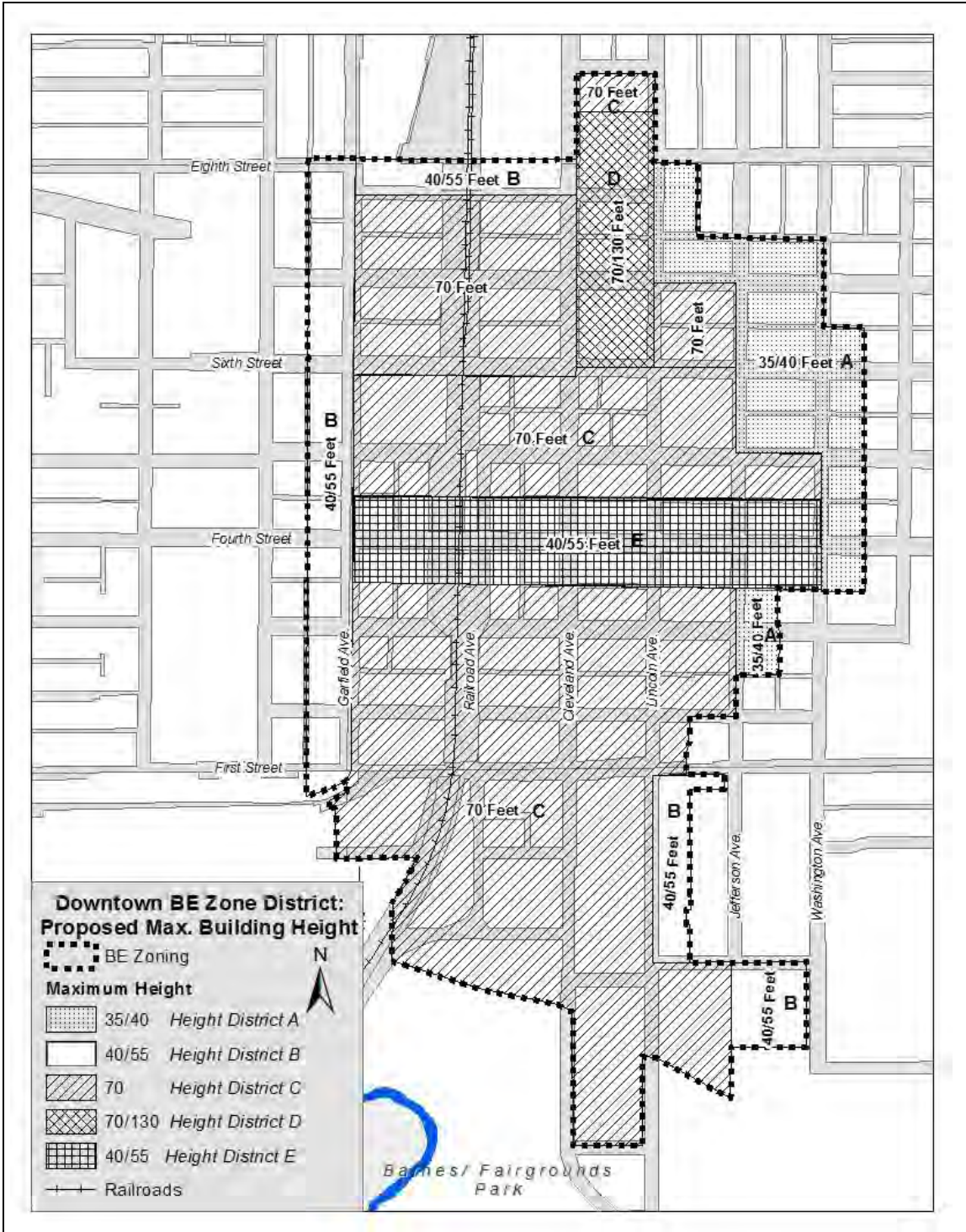
- A. Structures, buildings or additions meeting the criteria listed in this Section shall require approval by the planning commission at a public hearing noticed in accordance with Chapter 16.16.070. Uses listed in Section 18.24.030 as requiring a special review and meeting the thresholds listed in this section shall require approval by planning commission at a public hearing in lieu of a special review.
  1. Any allowed uses located in the General, Core or Fourth Street Character Areas containing more than 25,000 square feet of gross floor area construction.
  2. Any allowed uses located in the Neighborhood Transition Character Area containing more than 10,000 square feet of gross floor area construction.
  3. Any building or structure height above 70 feet, exclusive of church spires, chimneys, ventilators, pipes, elevator shafts, or similar appurtenances.
- B. In evaluating proposals, the Planning Commissions shall make the findings included in this section.
  1. The proposed development complies with the standards of this chapter and any other applicable provisions of the City's Municipal Code.
  2. The proposed development is consistent with the goals of the document, *Destination Downtown: Heart Improvement Project Downtown Strategic Plan and Implementation Strategy*.
  3. The proposed development is compatible with surrounding properties while considering its location in an urban environment characterized by a diversity of uses and building types.

**18.24.060 Standards applying to entire BE zoning district.**

The following standards shall apply to all development within the BE zone district, except for that area described in Section 18.24.040 and depicted in Figure 18.24.040-1. The building envelopes depicted in this section are not intended to depict actual building forms. Building heights shall be defined and measured per 18.04.113.2. Therefore, portions of a building including pitched or gabled roofs may extend outside of the building envelopes as depicted in this section.



- A. Building Height: Type 1 standards.
  - 1. Building height for all structures, including primary and accessory uses, shall not exceed the maximum heights set forth in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3.



. Figure 18.24.060-1: Downtown Area Height Limits



Figure 18.24.060-2  
BE Eighth Street and Colorado Avenue Area  
Height Limits

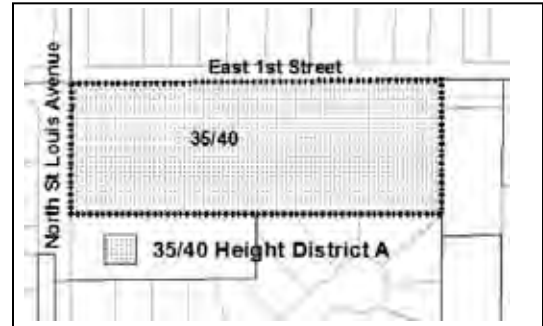


Figure 18.24.060-3  
BE East First Street Area  
Height Limits

2. Where Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 indicate two numbers, the lower of the two numbers shall be considered the maximum height.
3. Building heights up to the higher of the two numbers in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 may be permitted if the following standards are met:
  - a. Height District A - 35/40 Residential Buffer: This height limit is intended to maintain the existing character of the area and ensure compatibility with adjacent uses and residential zoning districts.
    - i. Buildings located in Height District A shall have a maximum height of thirty five (35) feet.
    - ii. Buildings on property located adjacent to Colorado, Lincoln Avenue, Jefferson Avenue, Washington Avenue, First Street or West Eighth Street may have a maximum height of forty (40) feet.
  - b. Height District B - 40/55 Residential Buffer: The following height limits are intended to protect the character of adjacent residential neighborhoods. The maximum building height of fifty five (55) feet is limited in the following instances.
    - i. Structures on lots located directly adjacent to residential zoning districts or across public alleys from residential zoning districts shall be limited to forty (40) feet in height within sixty five (65) feet of the property line of the adjacent residentially zoned lot.
    - ii. This setback shall be measured from the property line of the adjoining residentially zoned lot and shall include any land within an alley right-of-way (see Figure 18.24.060-4).
    - iii. This provision shall not apply to lots separated from a residential zone district by a public street other than an alley.

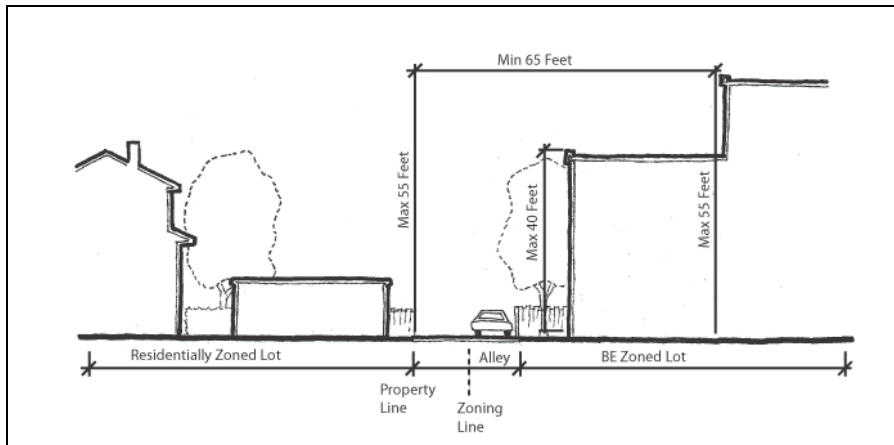


Figure 18.24.060-4  
Setback from residential zone districts

- c. Height District D - 70/130 High Rise Zone: This height limit is intended to allow for the construction of tall buildings subject to standards designed to mitigate potential negative effects on adjacent properties. Buildings over 70 feet tall must meet the following massing standards (see Figure 18.24.060-5).

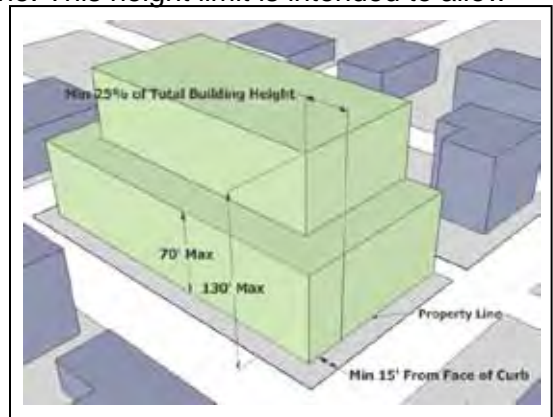


Figure 18.24.060-5

- i. Portions of a building greater than seventy (70) feet in height shall be set back from public streets, not including alleys, a minimum of 25% of the total building height.

- d. Height District E – 40/55 Historic Fourth Street Character Area: The following height limits are intended to maintain a historic and pedestrian scale and protect solar access to the north sidewalk of Fourth Street for the majority of the year.

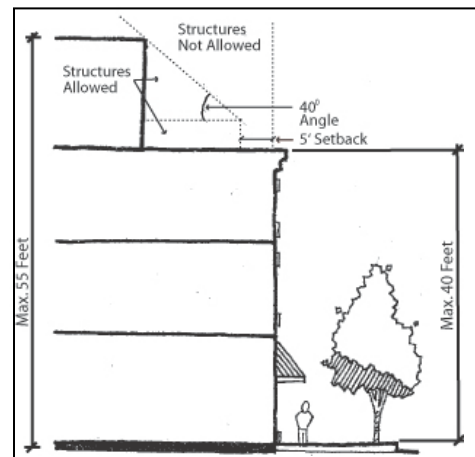


Figure 18.24.060-6

- i. Façades fronting onto Fourth Street or intersecting public street rights-of-way shall have a maximum height of Forty (40) feet.
  - ii. Structures may be allowed to be up to fifty five (55) feet in height provided those portions of buildings exceeding forty (40) feet in height shall be stepped back at an angle of 40 degrees from horizontal. Portions of buildings greater than forty (40) feet in height shall be stepped back a

minimum of five (5) feet from the public right of way. See Figure 18.24.060-6.

- iii. Only those stories above the second story may be stepped back.

4. Building Height Adjacent to One Family Residential Uses: The maximum building height on properties located adjacent to a one family residential use shall be per Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3; except that on the lot line adjacent to the one family residential use, portions of the structure greater than forty (40) feet in height shall be stepped back at an angle of 40 degrees from horizontal as depicted in Figure 18.24.060-7.

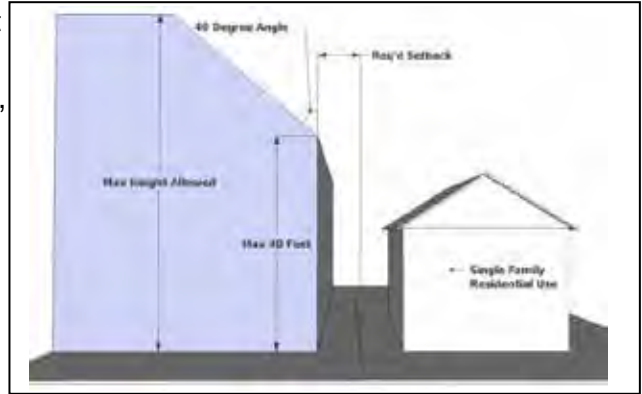


Figure 18.24.060-7

- B. Off Street Parking: Type 2 standards.
  - 1. Off-street parking shall be provided as set forth in Chapter 18.42.030 for all uses outside the boundaries of General Improvement District #1 (GID #1) with boundaries as established by City Council, and for residential uses that are not part of a mixed-use development.
  - 2. No off-street parking shall be required for non-residential or mixed use development located in GID #1.
- C. Parking Garages: Type 2 standards.
  - 1. Exterior building elevations shall be compatible with the architecture found in the BE District in terms of style, mass, material, height, and other exterior elements.
  - 2. Parking garages shall include a minimum of three (3) of the following elements on any facade facing a public street or plaza space: (i) window and door openings comprising a minimum of 25% of the ground floor façade; (ii) awnings; (iii) sill details; (iv) columns; (v) recessed horizontal panels or similar features to encourage pedestrian activity at the street level.
  - 3. Along primary pedestrian streets, as defined in Section 18.24.080.C, commercial uses shall be provided along the ground level, where feasible, to create pedestrian activity.
  - 4. Vehicle entrances shall be located to minimize pedestrian/auto conflicts.
- D. Signs: Type 1 standards. All signs shall comply with Chapter 18.50 of this Code.
- E. Illumination: Type 2 standards. Section 3.09 of the City of Loveland Site Development Performance Standards and Guidelines shall apply to site lighting with the exception that unshielded, decorative lighting shall be permitted, provided the lights are not installed at a height exceeding twelve (12) feet and the light intensity does not cause glare as defined in Section 3.09.

- F. Outdoor Eating Area: Restaurants may operate outdoor eating areas on public sidewalks, rooftops and balconies and in courtyards or other similar locations, provided that pedestrian circulation and access to building entrances is not impeded and such outdoor eating areas comply with the following Type 1 and Type 2 standards:
1. Type 1 standard. Adequate clear space within the sidewalk shall be maintained to allow for pedestrian circulation and to meet any applicable City codes and regulations as well as the Americans with Disabilities Act, as appropriate.
  2. Type 2 standard. Planters, fences, or other removable enclosures shall be used to define the limits of the outdoor eating area.
  3. Type 2 standard. Adequate refuse containers shall be provided within the outdoor eating area.
  4. Type 2 standard. Tables, chairs, planters, extended awnings, canopies, umbrellas, trash receptacles and other street furniture shall be compatible with the architectural character of the building and surrounding area in terms of style, color, and materials.
  5. Type 2 standard. The area within and immediately adjacent to the outdoor eating area shall be maintained in a clean and well-kept condition.
- G. Outdoor Storage: Type 1 standard. The storage area shall be screened from view from public rights-of-way and adjacent properties and shall comply with the following Type 2 standards:
1. Such storage shall not be located within any required front yard.
  2. The preferred method of screening is a solid masonry wall no less than six (6) feet in height. A decorative fence, landscape screen, berm, or any combination thereof, may be approved by the Current Planning manager as a screening substitution provided it meets the intent of this Section. Chain link fencing with slats shall not be allowed as a permitted screening alternative. Stored material shall not exceed the height of the screening wall, fence, or berm.
  3. Landscaping may be required to supplement the fence or wall where sufficient space is available to provide a planting area without unreasonably restricting space available for storage and where landscape as screening is more appropriate.
- H. Outdoor Display: Type 2 Standards. The limited outdoor display of merchandise for retail sale is allowed, provided such display is incidental to the primary retail use or activity within an enclosed building. Merchandise on display shall be of the same type or related to merchandise for sale within the primary retail building. Temporary displays, erected for not more than four days in duration, may be allowed within parking areas or buffer yards for special events, such as a farmers market, or a weekend or holiday sales event.
- I. Alley Levels of Service (LOS) Standards: Where deemed appropriate, the City Engineer may grant a variance to the Adequate Community Facility ordinance for alley LOS in accordance with Section 1.9.4 of the Larimer County Urban Area Street Standards.
- J. Civic Structures: The historic pattern seen in traditional downtown areas is that civic structures such as churches and theaters were constructed in a manner that differentiated them from commercial or residential structures and announced their

special functions to citizens. Typically, these differences were seen in aspects such as setback, materials, and openings such as windows and doors. Therefore, structures designed to be used either wholly or partially for civic use shall not be required to adhere to the standards included in this Section regarding, materials, windows and openings. Additionally, civic structures shall not have any maximum setbacks.

**18.24.070. Description of General, Core, Fourth Street, and Neighborhood Transition Character Areas.**

Character areas are established as depicted in Figure 18.24.070-1 and Figure 18.24.070-2.

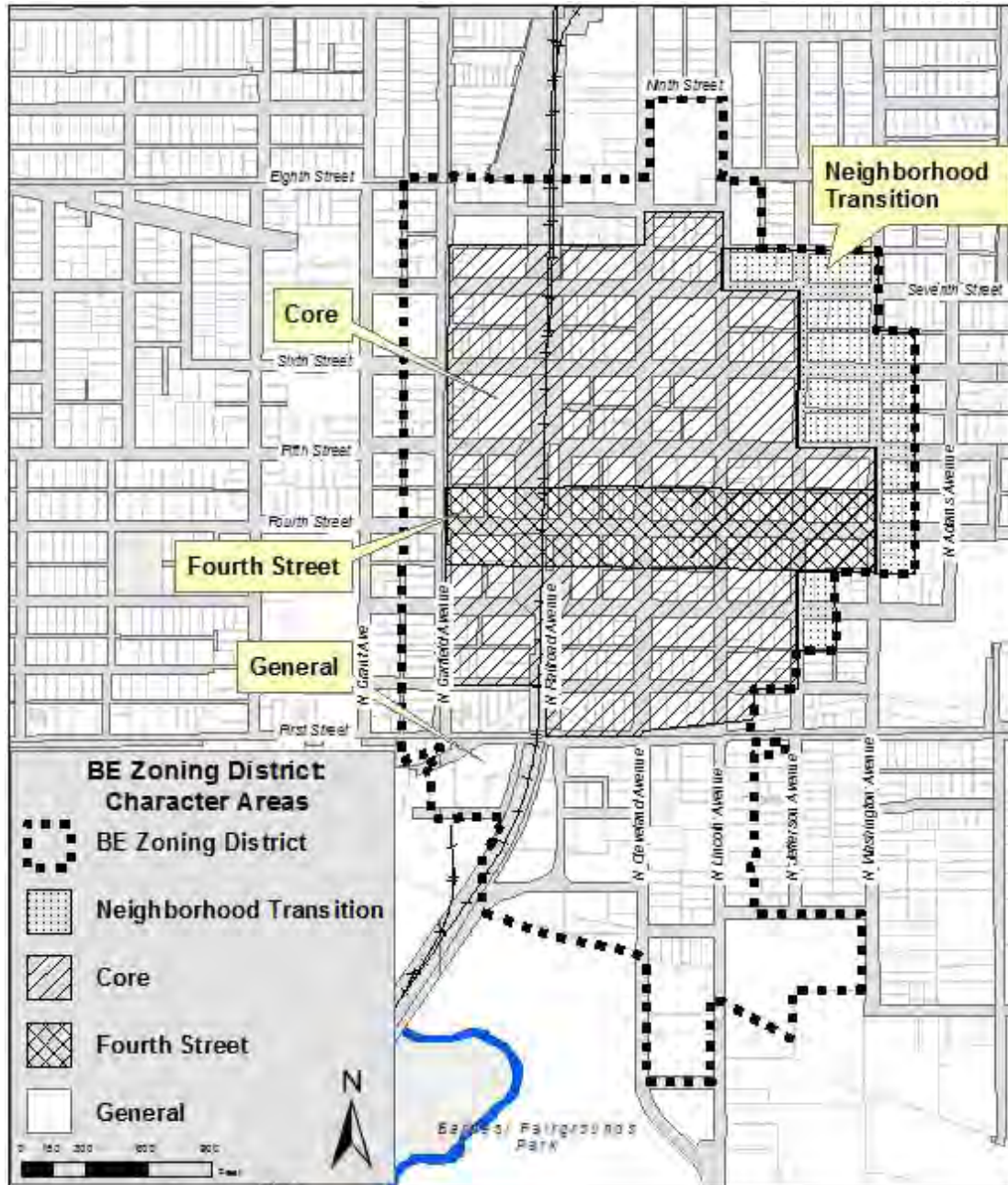


Figure 18.24.070-1: BE Zone District, Downtown Character Areas

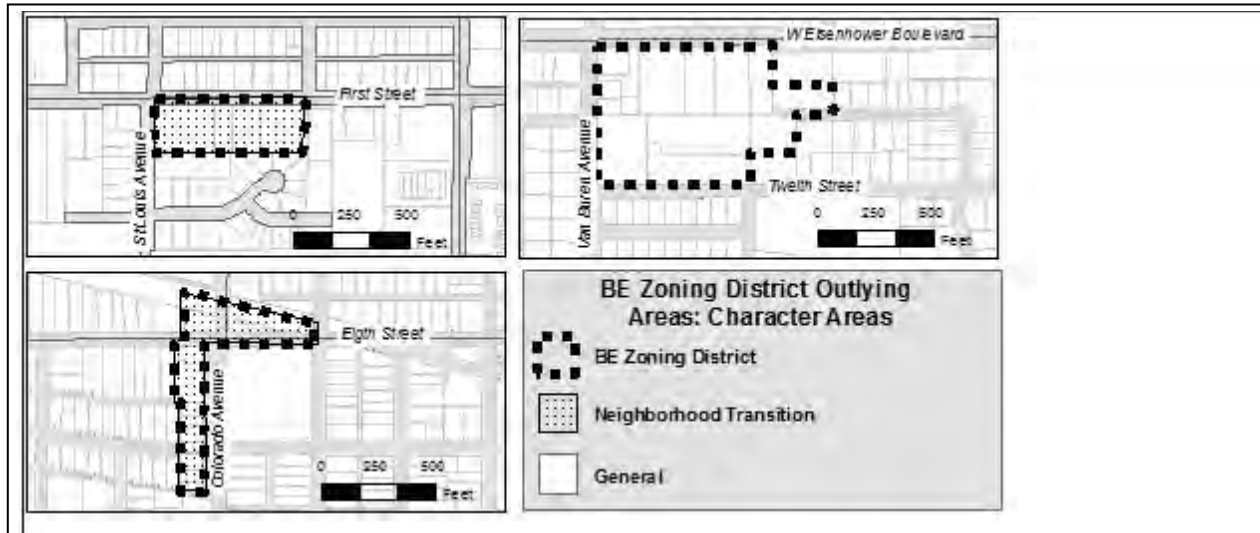


Figure 18.24.070-2: BE Zone District, Outlying Areas

Specific development standards are created for each Character Area. Development and redevelopment within each Character Area shall meet the standards set forth for that respective Character Area, as well as the standards set forth in section 18.24.060.

#### **18.24.080 General and Core Character Areas urban design standards.**

- A. Intent: The intent of these standards is to permit development and redevelopment in a manner that is consistent with the established character of the downtown BE district and the goals of promoting density of employment and residential uses through quality infill and redevelopment with a strong pedestrian orientation. These standards are intended to enhance the livability of residential areas, improve the appearance and attractiveness of land and buildings to customers, and enhance compatibility with adjacent uses.
- B. Applicability: The standards listed in this Section 18.24.080 are Type 2 standards. These standards shall apply within the General and Core Character Areas as depicted in Figures 18.24.070-1 and 18.24.070-2.
  1. New Construction: These standards shall apply to new construction of buildings and structures, including expansion of existing structures. These standards shall not apply to existing portions of a structure to which an addition is being constructed.
  2. Façade renovation: These standards shall apply to façade renovations. Standards shall apply only to the portion(s) of elevation(s) which are being renovated. For example, an applicant proposing a renovation of the ground floor façade on one elevation would not be required to alter upper stories on that elevation, nor to alter other elevations.
  3. Exemption for Historic Buildings: These standards shall not apply to designated historic structures altered or restored in compliance with a building alteration certificate authorized pursuant to Chapter 15.56 of the Loveland Municipal Code.

4. These standards shall apply in lieu of Chapter 18.53, Commercial and Industrial Architectural Standards.

C. Primary Pedestrian Streets:

1. Intent: The intent of this section is to ensure that primary pedestrian routes remain inviting to pedestrians; to maintain the established commercial architectural character along certain streets within the Downtown; to maximize commercial activity by not separating commercial areas with large areas of non-commercial facades; and to facilitate comfortable pedestrian circulation between destinations; and to facilitate pedestrian circulation between parking areas and destinations to support “parking once” and walking to multiple destinations. Primary pedestrian streets are hereby established as shown in Figure 18.24.080-1.

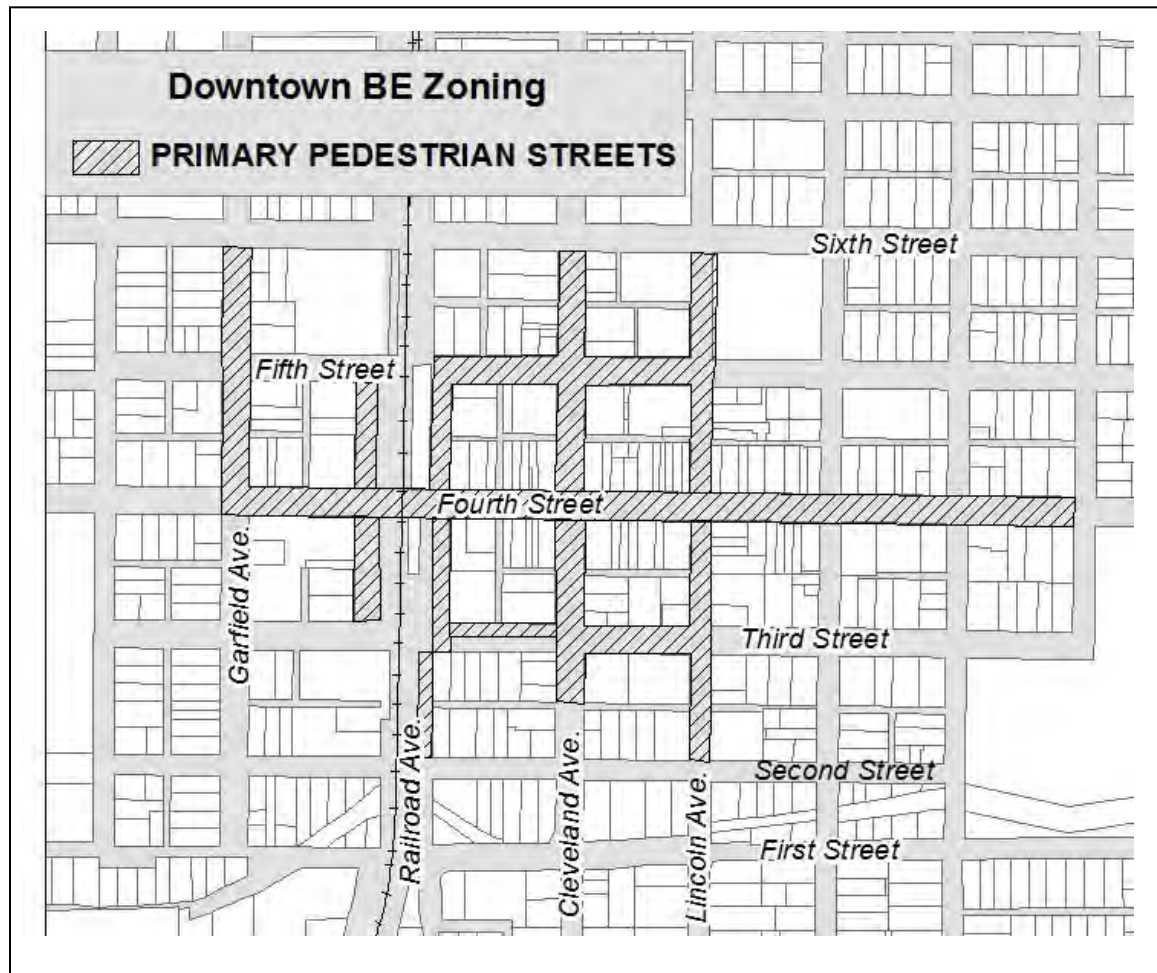


Figure 18.24.080-1: Primary Pedestrian Streets

D. Primary and Secondary Elevations and Lot Frontage:

1. For buildings facing onto a public street right-of-way, the ground floor elevation facing onto said right-of-way shall be considered the primary elevation and the lot frontage on said right-of-way shall be considered the primary lot frontage.

a. For a building on a lot which is located on a street corner, one ground floor elevation and one lot frontage shall be determined to be the primary elevation



and the primary lot frontage. If one of these public streets is designated as a Primary Pedestrian Street per this Section, then the ground floor elevation and lot frontage facing this Primary Pedestrian Street shall be the primary elevation and lot frontage.

- b. If the lot fronts onto two or more streets which are Primary Pedestrian Streets then one ground floor elevation and lot frontage shall be designated the primary elevation and primary lot frontage.
- c. All other ground floor elevations and lot frontages are considered secondary elevations and lot frontages.

E. Dimensional Standards: The standards set forth in this section and in Table 18.24.080-1 shall apply in the General and Core Character Areas.

1. Dimensional Standards

Table 18.24.080-1

Dimensional and Intensity Standards for General and Core Character Areas Only								
Use	Minimum Yard Requirements <sup>1 3,</sup>					Open Space, and Lot Size		
	Front	Side, Lot Line <sup>4</sup>	Side, Right-of-way	Rear, Lot Line	Rear, Right-of-way	Useable Open Space	Min Lot Size	Min Lot Width
<b>OF detached</b>	10	5	5	10	5	None	4,000	35
<b>OF attached<sup>4</sup></b>	10	5	0	10	5	None	1,600	17
<b>Two-family</b>	10	5	0	10	5	None	4,000	40
<b>Accessory Bldg</b>	25	5	0	5	5	None	N/A	N/A
<b>Multi-Family</b>	10	5	0	10	0	10% Gen	5,000	50
<b>Non-res &amp; mixed</b>	0	5 Gen 0 Core	0	10	0	7.5%Gen 0% Core	None	None
<b>Off-street parking lots and structures <sup>2</sup></b>	8	8	8	0	5	N/A	N/A	N/A

Notes:

1. Setbacks for garage doors fronting public alleys shall be either five (5) feet or less; or eighteen (18) feet or more. Setbacks for garage doors fronting a public street shall be at least twenty (20) feet.
2. Setbacks may be reduced for surface parking when a decorative masonry wall at least three (3) feet in height is provided along public rights-of-way at least six (6) feet in height when adjacent to any residential use).
3. Structures fifty (50) feet in height or taller shall be set back a minimum of fifteen (15) from the face of curb.
4. Attached one family dwelling units shall be allowed to have a zero (0) foot sideyard setback where party walls are used.
5. See Section 18.24.080.E.2.c for setbacks from public streets in the Core Character Area.

- a. Setbacks adjacent to one family residential uses: Setbacks on lot lines adjacent to one family residential uses or residential zoning shall be 1 foot for each five (5) feet of building height with a minimum setback of five (5) feet or the required setback listed in Table 18.24.080-1, whichever is greater.
2. Core Character Area Supplementary dimensional standards
  - a. Intent: Dimensional standards within the Core Character Area are intended to preserve and enhance the unique character of the area and encourage the renovation of existing buildings in a manner that preserves that character. The

Core Character Area has a strong pedestrian orientation and is characterized by historic buildings with zero or minimal setbacks.

- b. Applicability: These standards shall apply to any development located within the Core Character Area as defined in Section 18.24.070 and meeting the applicability standards set forth in 18.24.080.B.
- c. Setbacks: Buildings shall be located as near as possible to the edge of the public sidewalk to enhance pedestrian access and continue the existing pattern of development which is characterized by buildings located in close proximity to the sidewalk. The minimum distance between a building facade and face of curb shall be fifteen (15) feet on Primary Pedestrian Streets as defined in Figure 18.24.080-1, and twelve (12) feet on all other streets except as stated below. Building facades shall be placed at these minimum distances, or up to a maximum of twenty (20) feet from the face of curb, for a minimum of 75% of the primary lot frontage and 50% of the secondary lot frontage. Pedestrian easements shall be dedicated in that area between the portion of the building facade meeting the 50% to 75% requirement outlined above and the property line. This area shall be paved so as to function as part of the public sidewalk.. See Figure 18.24.080-2.
- i. Table 18.24.080-2 contains minimum distance from building facade to face of curb that must be met for the required 50% to 75% of lot frontage per Section 18.24.080.E.2.c for segments of Third, Fifth and Sixth Streets between Railroad Avenue and Lincoln Avenue. These requirements are from the document: *Destination Downtown: HIP Streets Master Plan*.

Table 18.24.080-2

Minimum Distances between facade and face of curb between Railroad Avenue and Lincoln Avenue	
Road Segment	Minimum Distance (in feet)
Third Street	
North Side	16.5
South Side	17
Fifth Street	
North Side	10
South Side	15
Sixth Street	
North Side	16.5
South Side	14.5

- ii The following may also be used to satisfy the above 50% and 75% frontage requirements.
  - 1) Buildings with ground floor residential uses a setback of up to thirty five (35) feet from the face a curb, on that portion of the building facade containing the ground floor residential use, provided that the area greater than a minimum of fifteen (15) feet from the face of curb consists of landscape or quality hardscape.

- 2) Buildings or developments with frontage along more than one street or a public open space such as a plaza on a maximum of one of a building's street frontages.
- 3) An arcade at least six (6) feet deep.
- 4) A setback of up to twenty five (25) feet from the face of curb to allow for outdoor dining for up to a maximum of 25% of the total lot frontage.

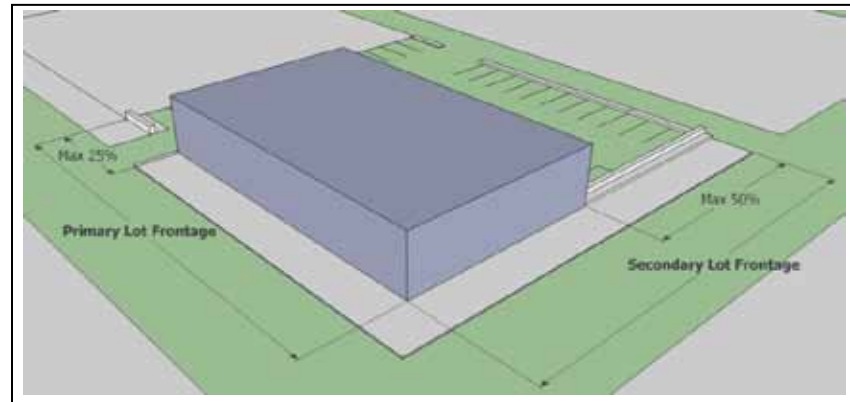


Figure 18.24.080-2

- F. Architectural Features: Traditional downtown buildings achieve quality appearance through the use of quality materials and proportions and architectural rhythm. Articulation of downtown buildings is often more subtle than articulation of typical suburban buildings.
1. Buildings shall incorporate a combination of the following features: columns, pilasters, window dormers, bay windows, corbels, balconies, porches, or 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 (12) inches, or other roof features.
  3. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials comparable to the color, tone and texture of materials used on the building.
  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.
  5. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as set forth in Table 18.24.080-3.
  6. No wall facing a plaza or public street shall extend more than twenty (20) horizontal linear feet on the ground floor without a window or other opening.
  7. Facades greater than seventy five (75) feet in length shall contain recesses or projections of a minimum depth of 3% of the facade length extending for a minimum of 20% of the length of the facade.

8. Facades visible from a public street, public plaza or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the Downtown. Minimum window and door openings shall be per Table 18.24.080-3.
  - a. At least 30% of façades shall consist of brick or stone or finish materials consistent with the historic character of the area. The area of windows and doors shall be excluded from the external wall area for this calculation.
  - b. The remainder of the facade not consisting of windows and doors shall consist of quality materials defined as: brick, textured and/or ground face concrete block, textured architectural precast panels, masonry, natural and synthetic stone, exterior insulation finishing systems, stucco, and similar high quality materials as approved by the Director.
  - c. Wood and metal are acceptable accent materials but should not account for more than 20% of any one facade.
  - d. No wall facing a plaza or public street shall extend more than twenty five (25) horizontal linear feet without a window or other opening.
9. Historic Compatibility: Facades in the Core character area are not required to mimic historical architecture. However, certain areas of the Core character area contain established patterns of historic building facades. Fifth Street between Railroad Avenue. and Cleveland Avenue; or Lincoln Avenue between Fourth Street and Sixth Street are examples of this pattern. Where the surrounding block contains a pattern of historic buildings, new buildings should be designed to be compatible in scale, rhythm, materials, and mass with the historic buildings.

Table 18.24.080-3

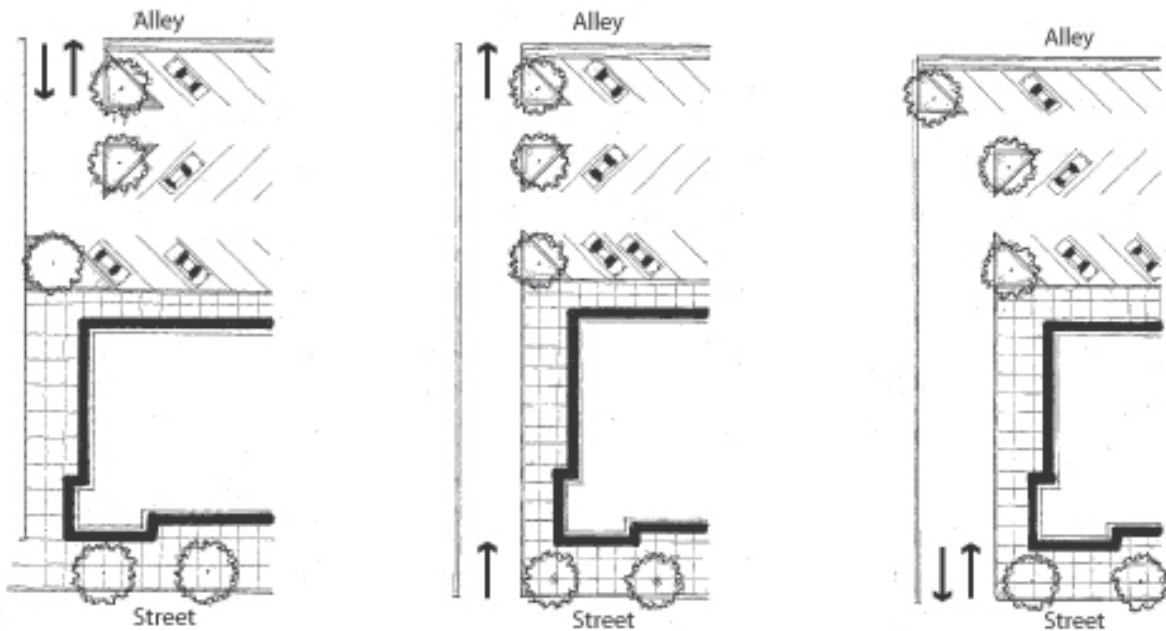
<b>Minimum Window and Door Percentage General and Core Character Areas</b>				
Character Area	General		Core	
	Street Type		Street Type	
Façade Type / Location	Primary Pedestrian Street	Non-Primary Pedestrian Street	Primary Pedestrian Street	Non-Primary Pedestrian Street
Primary, Ground Floor	30%	30%	40%	40%
Secondary, Ground Floor	30%	20%	40%	30%
Residential, Ground Floor	20%	20%	20%	20%
Upper Floors, All Uses <sup>1</sup>	15%	15%	15%	15%

1. Upper floor surface area shall be measured excluding cornice or other roof features.

- G. Open Space: Where sufficient site area is available, common open spaces shall be provided in the form of central courts and squares to provide a focal point for activity, instead of perimeter buffer yards.

H. Parking: The intent of this section is to reduce the impact of parking lots on the pedestrian character of the infill areas, by encouraging parking to be located to the rear or sides of buildings.

1. Vehicular access to parking lots shall be from alleys unless determined to be infeasible by the Current Planning Manager. In those cases, it is preferable to have vehicle ingress from a public street and vehicle egress into the adjacent alley. The third preferable option is ingress and egress from the street. (See options A, B, and C in Figure 18.24.080-3).
2. Parking or drive aisles shall not be located between the primary elevation and the public right-of-way.
3. Parking lot frontage may not comprise more than 50% of any secondary lot frontage facing a public street right-of-way. This standard does not apply to lot frontage on an alley or on a lane that functions as an alley (see Figure 18.24.080-2).
4. Parking lot frontage may not comprise more than 25% of the primary lot frontage, with the exception that a drive aisle and a single bay of parking perpendicular to the primary lot frontage is permitted where alley access is not utilized.
5. Parking lots shall be appropriately screened per Section 3.04 of the Loveland Site Development Performance Standards and Guidelines, except that screening shall be provided for the entire length of the parking lot, exclusive of the driveway.
6. Screening is not required adjacent to public alleys.



A.

B.

C.

Figure 18.24.080-3

H. Pedestrian Facilities: Pedestrian sidewalks, at least five feet in width, shall be provided along all internal drives. Sidewalks shall provide access to adjacent roads, public spaces, parks and adjacent developments, when feasible. (standards for sidewalks

along public rights-of-ways shall be as required by the Larimer County Urban Area Street Standards). Front ground floor entrances to residential units shall be connected by a porch and/or walkway to the public sidewalk.

- I. Other Site Amenities: Site amenities shall include ornamental street lighting, fencing, planters, benches, and feature landscaping at entries and within central open spaces consistent with the historic character of the BE District.
- J. Infill Streets and Drives: Vehicular lane widths shall be kept to the minimum required width to reduce speeds and facilitate pedestrian activity.

**18.24.090. Fourth Street Character Area urban design standards.**

- A. Intent: The intent of these standards is to preserve and enhance the historic character of the Fourth Street Character Area; to enhance the character of the retail district; and to maintain and enhance a pedestrian-friendly environment.
- B. Applicability:
  - 1. Fourth Street Character Area: These standards shall be applicable to properties within the Historic Fourth Street Character Area as identified in Figure 18.24.070-1.
  - 2. The standards in this section 18.24.090 are Type 2 standards.
  - 3. New Construction: These standards shall apply to new construction of buildings and structures.
  - 4. Façade renovation: Standards shall apply only to the portion(s) of elevation(s) which are being renovated. The Current Planning Manager may waive the requirement for the a facade being renovated to install a storefront as defined in Section 18.24.090.F under the following conditions:
    - (i) the structure was not originally constructed with a storefront or had not been renovated to have a storefront in the past;
    - (ii) the installation of a storefront is not practicable based on the cost of such renovation being greater than 50% of the total building permit valuation for the work being performed on the structure, or;
    - (iii) the proposed renovation is not materially changing the form of the facade.
  - 5. No change in existing setbacks shall be required under this section during a façade renovation.
  - 6. Lots located in the Fourth Street Character Area, but with no lot line adjacent to Fourth Street, shall comply with standards of Section 18.24.080.E.2.
- C. Front, Side and Rear Setbacks in the Fourth Street Character Area shall be as shown in Table 18.24.090-1.

Table 18.24.090-1

Fourth Street Character Area Setbacks	
Fourth Street Lot Line <sup>1,3</sup>	0' Maximum
Rear Lot Line <sup>2</sup>	0' Minimum
Side Lot Line	0' Minimum
Notes: 1. Except for minor recesses and projections and recessed doorways 2. Garage doors shall be set back five (5) feet or less or eighteen (18) feet or more from alley rights of way. 3. Greater setbacks may be allowed in order to allow for the plaza spaces shown in the <i>Destination Downtown HIP Streets Master Plan</i>	

D. Building Unit: These provisions are intended to result in building forms that are compatible with the historic pattern of 25-foot wide lots and storefronts found in the Fourth Street Character Area (see Figure 18.24.090-1).

1. New buildings constructed along Fourth Street shall, at the ground floor, be segmented into storefronts of between twenty (20) feet and fifty (50) feet in width.
2. Each storefront shall have a separate entrance.
3. Each storefront shall be separated from the adjoining storefront by a solid vertical element or feature a minimum of eight (8) inches wide.

4. Buildings having Fourth Street frontage greater than seventy-five (75) feet shall be designed so as to appear to be multiple buildings. Changes in facade

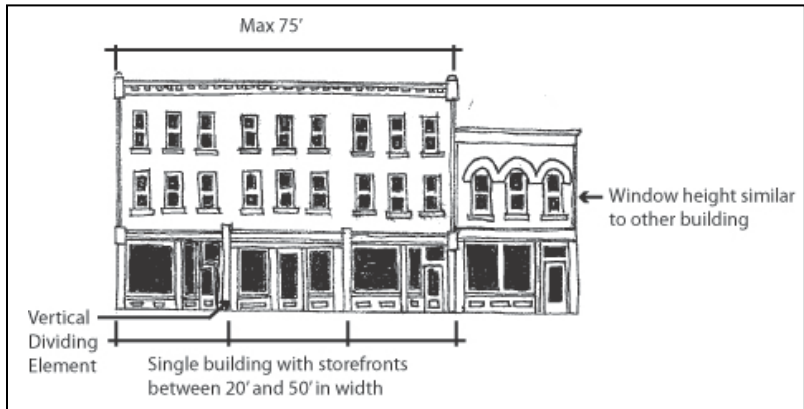


Figure 18.24.090-1

facade height, cornice or decorative details are examples of techniques that may be used. There should be some slight variation in alignments between the facade elements such as window heights.

E. Corner Buildings: These provisions are intended to ensure that buildings that front onto two streets continue a pedestrian character on both streets through window and door openings, a characteristic common to the Fourth Street Character area. This enhances pedestrian comfort and the walkability of the Downtown (see Figures 18.24.190-2 and Figure 18.24.090-3).

1. Corner buildings are those that have a frontage on Fourth Street as well as a frontage on an intersecting street including Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue, or Washington Avenue.
2. For lots located at the corner of Fourth Street and any intersecting street, storefronts shall be designed to appear to wrap around corners by including a corner entrance or large pane display window at least ten (10) feet in width along the side street façade.



3. Any corner building having more than seventy – five (75) feet of frontage on an intersecting street, shall have at least one storefront at ground level, as described in section F.3., facing the intersecting street and measuring at least twenty-five (25) feet in width

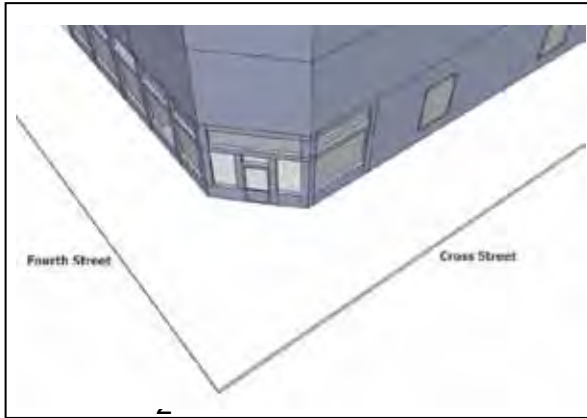


Figure 18.24.090-2

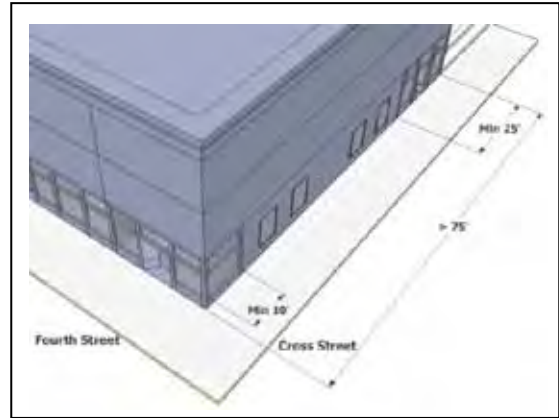


Figure 18.24.090--3

F. Architectural Features: The provisions in this section are intended to lead to a building form that is compatible with the existing historic character of the Fourth Street Character Area; and that maintains or enhances the retail and pedestrian character of this area (see Figure 18.24.090-4).

1. Upper floors shall be designed with a pattern of vertically oriented windows with spacing between windows and the ratio of solid to void similar to surrounding historical facades.
2. Floor-to-floor heights of the ground floor and upper floors shall be compatible with surrounding historic buildings;
3. Ground floor facades facing Fourth Street shall be designed as a typical storefront having the following features:

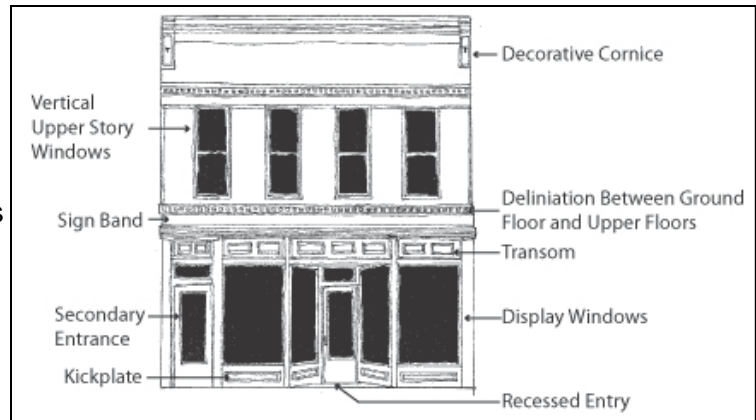


Figure 18.24.090-4

- having the following features: large display windows with metal or wood frames; transom windows; kick plates of between one (1) foot and two and a half (2.5) feet in height and constructed of metal, tile, stone, brick, or other similar high quality material.
4. Ground floor storefront doorways shall be recessed a minimum of three (3) feet from the front of the building. The width of the recessed area shall not be more than 40% of the width of the individual storefront or twenty (20) feet.
5. A single building divided into more than one store-front need not recess every storefront doorway. Secondary doors and doors servicing upstairs uses need not be recessed unless required to open outwards by building or fire codes.

6. Ornamentation or a banding technique should be used to delineate the ground floor from the upper floors.
  7. Excepting the recessed door and any upper-story setbacks, the facade should appear as predominantly flat, with any decorative elements and projecting or setback "articulations" appearing to be subordinate to the dominant building form.
  8. The roof shall incorporate a parapet wall with a cornice treatment, capstone finish or similar feature facing public streets rights-of-way.
  9. The traditional function of awnings was to protect pedestrians and shoppers from sun, rain and snow. Awnings should express the dimensions of the storefront framing and not obscure characteristic lines or details.
  10. Facades need not mimic historical buildings, but shall be of a style that is compatible in rhythm, massing, material and design with the historic character of Fourth Street. Thematic façade designs, such as "Swiss chalet", should not be used.
- G. Materials: These provisions are intended to lead to construction with quality materials that will match existing character and historic precedent; that will be durable; and that will enhance the retail and pedestrian character of this area.
1. Facades facing Fourth Street shall consist of brick, stone, masonry, or similar high quality material.
  2. Facades facing Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue and Washington Avenue, or any identified pedestrian alley, shall consist of a minimum of 50% brick, stone, masonry, or similar high quality material.
  3. Non party walls facing side lot lines shall consist of a minimum of 50% brick, stone, or masonry.
  4. These materials standards shall not apply to upper floors which are recessed in accordance with Section 18.24.060.A.3.d
- H. Windows and Doors: These provisions are intended to result in a permeable streetwall that matches existing character and historic precedent and enhances the pedestrian and retail character of this area.
1. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as indicated by Table 18.24.090-2.
  2. Any section of wall facing Garfield Avenue, Arthur Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, or Jefferson Avenue may not exceed Twenty-five (25) feet without containing windows or doors on the first floor.
  3. Highly reflective or darkly tinted glass is inappropriate in first-floor storefront display windows.
  4. Existing buildings need not meet these windows and doors standards, unless these standards can be met by opening original windows or storefronts which were previously enclosed.
  5. During renovation of the façade of a building that has been evaluated as contributing to a downtown historic district in the *City of Loveland Historic Preservation Plan*, historic window openings that have been altered should be restored.

Table 18.24.090.-2

Façade Type / Location	Minimum Percentage of windows and doors
Ground Floor, Facing Fourth Street	50%
Ground floor, cross street	30%
Upper floors <sup>1</sup>	15%
Facing Alley	0%
1. Upper floor surface area shall be measured excluding cornice or other roof features.	

**18.24.100. Neighborhood Transition Character Area urban design standards.**

- A. Intent: Certain areas of the downtown BE zoning district maintain a largely consistent character of high-quality historic homes. Additionally, several pockets of BE zoning district areas lie within traditional residential neighborhoods. These neighborhoods are often characterized by mainly traditional one-family residential structures with pockets of other development; and tree-lined streets. The Neighborhood Transition Character Area is meant to protect the character of these areas when redevelopment or new development occurs, while allowing for a mix of uses appropriate to these areas and allowed by zoning. The neighborhood transition areas are also meant to transition to adjoining neighborhoods.
- B. Applicability:
  - 1. Neighborhood Transition Character Area: These standards shall be applicable to properties within the Neighborhood Transition Character Area as identified in Figure 18.24.070-1 and Figure 18.24.070-2.
  - 2. The standards in this section 18.24.100 are Type 2 standards.
  - 3. New Construction: These standards shall apply to new construction of buildings and structures, including additions.
  - 4. Façade renovation: Standards shall apply only to those portion(s) of each elevation that is being renovated.
  - 5. This section shall not require a change in existing setbacks during a façade renovation.
  - 6. This section shall not require the modification of existing setbacks in cases of building expansion except that a building cannot be expanded, in such a manner that the setback of the new construction will not conform to Section 18.24.110.D below.
  - 7. These standards, other than those pertaining to setbacks, shall not apply to one family detached and two family attached and detached residential uses.
- C. Massing and Architectural Rhythm:
  - 1. New buildings or additions should continue a massing pattern that is similar to the existing pattern of the block face as shown in Figure 18.24.100-1. For the purposes of this section, massing shall refer to height, width, bulk, roof form, or roof slope and direction of slope.

2. Compliance may be accomplished by creating independent building modules through articulation, roofline, or other distinguishing features.

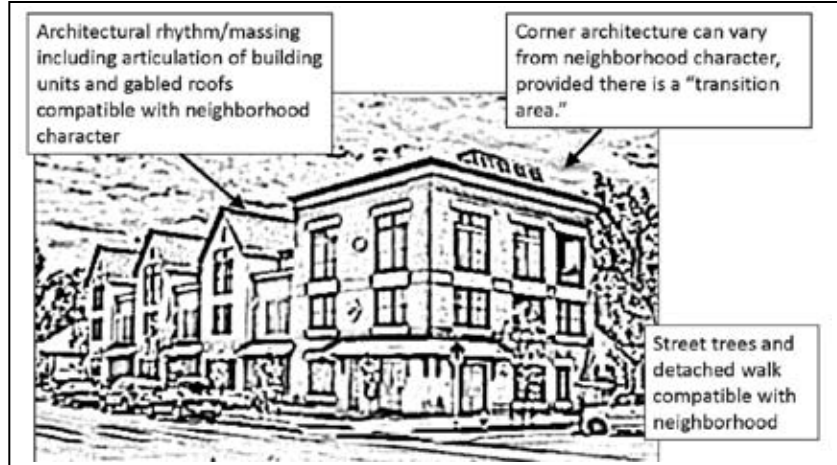


Figure 18.24.100-1

3. New buildings shall have pitched roofs

including hips or gables in order to match the residential character of the block. Buildings locate on a lot with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue are not required to have a pitched roof but must meet the massing and setback standards set forth in Section 18.24.100.D.3.a.

4. Elevations facing a public street shall consist of at least 15% opening including windows and doors.
5. Materials: Structures shall be constructed of quality materials as defined in Section 18.24.080.E.b, but designers should consider the use of exterior cladding materials such as brick or siding commonly used on residential structures. Architectural metals such as bronze, copper, and wrought iron may not exceed 20% of any one facade.
6. Garage placement and design: Attached garages shall be setback from the front façade of a structure a minimum of six (6) feet. The width of the total elevation of garage doors facing a public street may be no more than eighteen (18) feet.
1. Each primary structure shall have at least one entrance facing a public street. This entrance shall have a direct pedestrian connection to the adjacent sidewalk.

D. Setbacks:

1. Building setbacks shall be in accordance with Table 18.24.100-1. Front setbacks shall be within four (4) feet of the average setback on the block face, provided that the resulting setback is in keeping with the character of the block. See Figure 18.24.110-2 for an example of how a front yard setback is determined.

Table 18.24.100-1

Setbacks in Neighborhood Transition Character Area <sup>3</sup>					
	Front setback <sup>1</sup>	Side setback, adjoining lot	Side setback, right-of-way <sub>1</sub>	Rear setback, adjoining lot	Rear setback, alley
Principal Structure	Within 4' of the average setback on the block face	1' per 5' of height, not less than 5'	10'	10'	0'
Accessory structure <sup>2</sup>	Not less than setback of principal structure	5'	10'	5'	0'

1. See Section 18.24.100.D.3 for setback requirements for lots with frontage on Washington Avenue, Jefferson Avenue and Lincoln Avenue.  
 2. Garages must be set back less than five (95) or more than eighteen (918) feet from alley rights of way.  
 3. No building shall be located closer than 15 feet from the face of curb.

2. For lots with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue; the setback for buildings may be reduced or buildings may be built to the back of the public sidewalk on all street frontages provided there

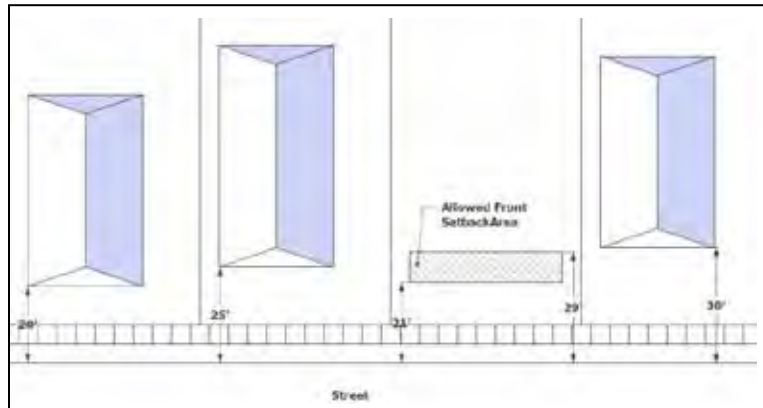


Figure 18.24.100-2

- is a transition between the corner lot and the rest of the block face. A transition may include:
- a. A front yard setback that meets the requirements of Section D.1 for a minimum width of twenty-five (25) feet combined with a building massing of at least twenty-five (25) feet in width that is similar to the massing pattern on the rest of the block face, is implemented for the entire length, front to back, of the structure and has at least two (2) of the following aspects: height, width, bulk, roof form, or roof slope and direction of slope (see Figure 18.24.100-3), or:
  - b. An existing alleyway.

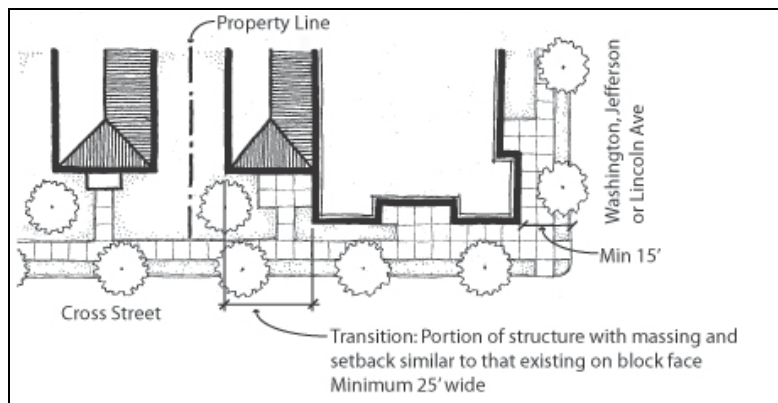


Figure 18.24.100-3

- E. Additions Expansions or Modifications to Existing Buildings: The intent of this provision is to provide guidelines that maintain the character of the largely historically intact neighborhood transition character areas when existing structures are converted from residential to commercial use or are expanded.
  1. When a residential structure is converted into a commercial use, the basic residential form of the building should remain.
  2. An existing front porch shall remain and shall not be enclosed.
  3. The existing window pattern on street-facing facades shall not be dramatically changed.
  4. The exterior cladding or material should remain that of a residential building and feature brick, siding or other appropriate material.
  5. Additions or expansions to existing structures shall not be in front of the front setback or side setback on corner lots unless the existing setback is more than three (3) feet back from the allowed setback on that block face. Additions or expansions of an existing structure shall utilize a roof form with the same pitch as the existing roof and be constructed of similar material as the original structure.
  6. The use of metal as anything other than an accent is prohibited.

- F. Parking: The intent of these provisions is to minimize the impact of parking areas on the existing and desired character of the Neighborhood Transition Character Areas. These provisions shall not apply to one family and two family residential uses.

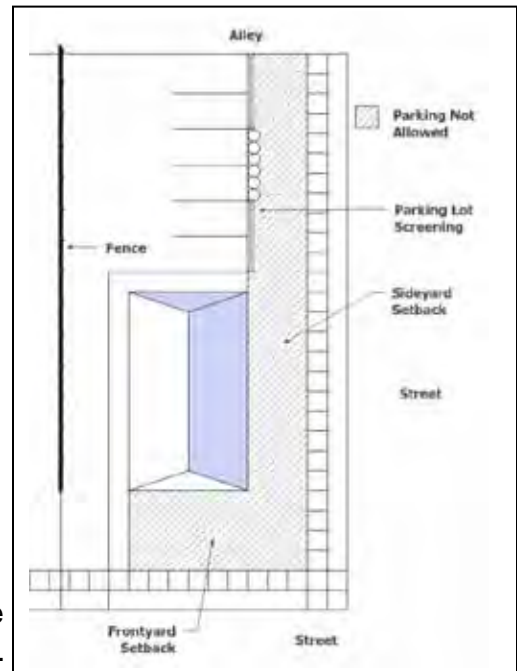


Figure 18.24.100-4

1. Parking shall not be allowed between the front facade and a public street or in the side yard setback adjacent to a public street on corner lots (see Figure 18.24.100-4).
2. Parking shall be screened from adjacent residential lots (zoning or use) by an opaque fence a minimum of six (6) feet tall. This fence shall not extend beyond the front yard setback. Parking shall be screened from public rights of way, not including alleys, and residential zoning or uses per Section 4.07.02.A of the Site Development Performance Standards and Guidelines except that the parking lot shall be screened per these standards for its entire length exclusive of driveways.
3. To the maximum extent possible, vehicular access to lots should be provided through the existing alleys. Where curb cuts from adjoining streets already exist or are required, the preferable design is to have vehicular ingress from the public street and egress into an alley.
4. In order to maintain a pedestrian friendly environment, vehicular access from public street rights of way shall be designed and constructed to be as narrow as possible.

Whenever possible, new curb cuts shall be placed so as to not require the removal of existing street trees.

5. For lots where parking is the principle use, the parking lot shall be setback in accordance with Section 18.24.100.D.

#### **18.24.110 Landscaping.**

- A. Purpose and Intent: The landscaping standards for the BE Zone District are intended to set a minimum landscape standard that emphasizes those elements most important to the creation of a pedestrian friendly environment that can support a variety of uses and building forms.
- B. Applicability:
  1. These standards shall apply in any areas between a building facade and a public street.
  2. These standards shall apply to plaza spaces constructed in accordance with Section 18.24.080.E.2.c.ii.2).
  3. Street trees and tree lawn landscaping improvements shall be required when: (i) there is new construction of primary structures, (ii) renovations of a value of greater than 25% of the assessed valuation of the building are undertaken; (iii) the footprint of an existing building is expanded by more than 25%; (iv) or the building changes from a residential to non-residential.
  4. Landscaping requirements shall not apply when building improvements or modifications do not increase the gross floor area, such as in the case of façade renovations, the construction of external stairwells, porches, or the installation of awnings.
- C. Landscaping: Type 1 standard. The Landscaping standards included regarding street trees and parking lot landscaping and screening in Chapter 4 of the Loveland Site Development Performance Standards and Guidelines shall be applicable to all non-residential and multi-family residential uses.
- D. Street Trees: Type 2 standards.
  1. Purpose and Intent: The provision of street trees is essential for the creation of a pedestrian friendly downtown area. Street trees are generally located between the curb and the main pedestrian pathway. In this location, they provide shade for pedestrians and serve to buffer pedestrians from auto traffic.
    - a. Street trees shall be provided along all street frontages of a lot.
    - b. Street trees shall be planted on thirty-five (35) foot centers, taking into account the location of public utilities and curb cuts. Diseased or dying trees shall be removed by the property owner and new trees must be replanted in accordance with these provisions.
    - c. The location used for the installation of street trees shall be a minimum of ten (10) feet in width in situations associated with new construction of sidewalks. The Current Planning manager can reduce this width based on site constraints. The installation of trees should utilize design practices such as interconnecting tree soil from planting bed to planting bed.
    - d. Street trees shall be of a species commonly considered to be canopy trees.

- e. A minimum sidewalk horizontal clearance of six (6) feet shall be maintained.
  - f. In instances where a tree lawn is provided the ground cover in the tree lawn shall be low growing and durable so as not to prevent or interfere with people using curbside parking and exiting from vehicles onto the tree lawn. The use of rock or stone in the tree lawn shall not be allowed.
  - g. Existing mature street trees should be maintained wherever feasible.
  - h. All existing healthy and mature trees shall be preserved and incorporated into the site design for new off street parking areas and buildings.
- E. Plazas: Type 2 standard. Landscaping in public plaza spaces built as allowed in Section 18.24.080.E.2.c.ii.2) should be designed with consideration given to the proposed use of the space. It is appropriate for onsite landscaping in the form of plazas or semi public open space to employ the use of more softscape design elements than the landscape design in the public sidewalk areas, especially if they are attached to a residential type of use.



**Chapter 18.54**

**BUILDING HEIGHT REGULATIONS**

**Sections:**

- 18.54.010 Purpose and applicability.**
- 18.54.020 Height limitations-Conformance required.**
- 18.54.030 More restrictive limitations shall supersede.**
- 18.54.040 Height limitations within fifty feet of residential uses.**
- 18.54.050 Request for exception.**
- 18.54.060 Appeal to city council.**
- 18.54.070 Amendments-PUD.**

**18.54.010 Purpose and applicability.**

This chapter is enacted pursuant to and in accordance with Section 18.04 and applies to buildings and structures for which a building permit shall have been obtained after the effective date of this Ordinance. (Ord. 4106 § 3 (part), 1995)

**18.54.020 Height limitations-Conformance required.**

It is unlawful for the owner, developer or occupant of any building or structure to erect, move, alter or extend any building or structure, except in conformity with the height limitations set forth in Schedule A of this chapter. Building or structure height shall be measured as defined in Section 18.04. (Ord. 4106 § 3 (part), 1995)

Use	Maximum height of building or structure	Maximum height of accessory building or structure
One, two, three and four family dwelling units	35	25
Multiple family dwellings more than four dwelling units	40	25
Mobile homes	25	15
<del>Be zoning district uses only if permitted by right and within the boundaries of the Be zoning district and with 2000 feet of the centerline of Lincoln Avenue right of way.</del>	60	60
I zoning district east of County Road 9	50	50
Other	40	40
E-Employment Center District	As provided in Chapter 18.30 E District Schedule of Flexible Standards	50

Use	Maximum height of building or structure	Maximum height of accessory building or structure
MAC-Mixed-use Activity Center District	As provided in Chapter 18.29 MAC District Schedule of Flexible Standards	50

<u>BE – Established Business District</u>	<u>As provided in Chapter 18.24 BE – Established Business Zoning District</u>	<u>As provided in Chapter 18.24 BE –Established Business Zoning District</u>
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**18.54.030 More restrictive limitations shall supersede.**

Where any height limitations set forth in this chapter conflicts with any height limitations set forth in the airport overlay zone, or any other overlay zone, the more restrictive limitation shall apply. (Ord. 4106 § 3 (part), 1995)

**18.54.040 Height limitations within fifty feet of residential uses.**

Any nonresidential use or multi-family use located closer than fifty (50) feet from the property boundary of a residential use, excluding multi-family dwelling units, shall be limited to the maximum height allowed for a single family residential use. **This standard shall not apply to nonresidential or multi-family uses located within the BE - Established Business District. See Chapter 18.24 for height limitations for nonresidential and multi-family located next to residential uses, excluding multi-family dwelling units.**  
(Ord. 4106 § 3 (part), 1995)

**18.54.050 Request for exception.**

The owner of the proposed building or structure may request an exception from the height limitations imposed by this chapter. A request for an exception shall be made to the planning commission. The planning commission shall hold a public hearing on such request, which hearing shall be noticed in accordance with Section 16.16.070 and 16.16.080 of this code.

Before granting any request, the Planning Commission shall find that:

- A. The requested exception allows adequate light and air to the adjacent neighborhood; and
- B. The requested exception is compatible with the character of the surrounding neighborhood; and
- C. The requested exception will not be injurious to the adjacent neighborhood or otherwise detrimental to the public health, safety and welfare; and
- D. The requested exception is consistent with the intent of the zoning district and the entire zoning ordinance. (Ord. 4106 § 3 (part), 1995)

**18.54.060 Appeal to city council.**

The owner of the proposed building or structure, any neighborhood property owner, person in attendance at the public hearing on the requested exception held by the planning commission or any member of planning commission or city council may appeal the decision of the planning commission to the city council. The city council shall hold a public hearing on such appeal, which appeal shall be noticed in accordance with Chapter 18.05 Public Notice of this code. Such appeals shall be made within five (5) working days of the decision of the planning commission. Using the criteria set forth in this section, the city council may affirm, modify or reverse the planning commission. (Ord. 5425 § 5, 2009)

**18.54.070 Amendments-PUD.**

The city council may amend this chapter through approving a planned unit development submitted in accordance with Chapter 18.41 of this code. (Ord. 4106 § 3 (part), 1995)

**CITY OF LOVELAND  
PLANNING COMMISSION MINUTES  
May 9, 2011**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers of the Civic Center on May 9, 2011 at 6:30 p.m. Members present: Chairman Molloy; Commissioners Crescibene, Fancher, Leadbetter, Middleton and Ray. Vice Chairman Meyers and Krenning were absent. City Staff present: Karl Barton, Community and Strategic Planning; Robert Paulsen, Current Planning Manager; Sunita Sharma, Assistant City Attorney.

*These minutes are a general summary of the meeting. For more detailed information, the audio and videotapes are available for review in the Community Services office.*

**CITIZEN REPORTS**

There were no citizen reports.

**STAFF MATTERS**

**Robert Paulsen, Current Planning Manager**, reported that two Zoning Board of Adjustment hearings were held earlier in the day, and that he would provide reports on those hearings after the 10-day appeal period has ended. He requested that the minutes of the April 25, 2011 hearing not be adopted due to suggested amendments made by Vice Chair Meyers. He stated that staff would like for Vice Chair Meyers be in attendance for the vote on the minutes; but, because Vice Chair Meyers is absent, Mr. Paulsen recommended that it was best to wait until the next regular meeting.

**REGULAR AGENDA**

1. **Discussion and Public Hearing to Consider Amendment to Title 18 of the Municipal Code regarding Section 18.24 – BE District - Established Business District and 18.54 Building Height Regulations.**

**Karl Barton, Community and Strategic Planning**, gave a report on the proposed amendment to Title 18, Chapter 18.24 BE District - Established Business zoning district and Chapter 18.54 - Building Height Regulations. He indicated that the amendment addresses the provisions and allowances of the Be zone, including: uses; height; dimensional standards; design standards; parking and landscaping. He indicated that the amendments represent significant changes in content and structure to the Be zone, and indicated that the chapter is structured around the concept of Character Areas that recognize the diverse existing conditions in Downtown.

**EXHIBIT 2**

1 **Mr. Barton** described the boundaries of the Be Zoning District and noted modifications to the  
2 zoning district boundaries are not being proposed with this update.

3 **Mr. Barton** commented that this update is intended to achieve the vision for Downtown that is  
4 laid out in the Comprehensive Plan. He stated that the vision includes: the downtown  
5 functioning as the cultural heart of Loveland; downtown being pedestrian friendly; and the  
6 downtown being vibrant and containing a mix of uses. Also, the update is intended to achieve  
7 the goals of the Downtown Strategic Plan and Implementation Strategy, specifically increasing  
8 residential density and increasing employment in the Downtown.

9 **Mr. Barton** commented that this update would make development in the downtown easier by  
10 creating more certainty for both developers and community members. He stated that the  
11 reasons for the update are to:

- 12 • Achieve Downtown goals of the Comprehensive Plan
- 13 • Leverage the City's investment
- 14 • Facilitate quality infill, redevelopment and re-use in downtown
- 15 • Increase certainty – to “Make the Right Thing Easy”

16  
17 **Mr. Barton** commented on the process of drafting the code update stating that it was an  
18 extensive and intensive. It involved an ad-hoc committee comprised of stakeholders such as  
19 property owners, real estate professionals, architects and a City Council member. The draft code  
20 was presented for comment and review to a number of other stakeholder groups, the Title 18  
21 Committee, two City Council study sessions and a public open house. The code reflects the time  
22 and effort that people put into the draft.

23  
24 **Mr. Barton** commented that he would review some of the highlights of the updated code.  
25

26 First, he talked of how the BE zoning district is divided into Character Areas, each with its own  
27 set of development standards that reinforce existing desirable characteristics and support  
28 development that achieves the goals of the Strategic Plan. He explained that most of the  
29 standards in the updated code are type 2 standards that allow for alternative compliance as  
30 approved by the Current Planning Manager. This flexibility makes infill development easier.

31  
32 The four character areas are: General; Core; Fourth Street; and Neighborhood Transition.  
33

34 He stated that the general character area is located around the perimeter of the Downtown and is  
35 characterized by a mix of uses and development types. He clarified that standards in the updated  
36 code are designed to let this mixed character continue.  
37

38 The core character area is the center of the Downtown area and contains some of the best sites  
39 for development in the downtown. Therefore the standards are designed to result in development

## EXHIBIT 2

1 that achieves the goals of the Strategic plan. In the core character area, certain streets are  
2 designated as primary pedestrian streets. On these streets, developments are required to be built  
3 to the back of the sidewalk and contain architectural features that create pedestrian interest.  
4

5 The Fourth Street character area covers Fourth Street between Garfield and Washington. The  
6 standards are designed to reinforce the existing character while not requiring buildings to be  
7 historic mimickers.  
8

9 The neighborhood transition character area is the eastern portion of the Downtown and two of  
10 the outlying areas. Existing conditions are a mix of residential and commercial uses. Design  
11 standards are intended to maintain this character while still allowing for redevelopment and infill  
12 as allowed per the zoning.  
13

14 He clarified that in the current BE District heights are regulated on building usage, a mixed use  
15 building would be allowed more height and a residential building would be a lower. He stated  
16 that it is important to know that the height does not correspond with the character areas. This is  
17 the reason for amending the height standards.  
18

19 **Mr. Barton** spoke of the areas in which the height allowance had been increased as well as areas  
20 that the heights had been reduced, and noted that changes were made to better respond to the  
21 context of adjacent development. He stated that the current zoning regulates height based on  
22 building use, the height allowances in the proposed amendment were generated through an  
23 analysis of the building code, current architectural practice, and the effects that buildings have on  
24 neighboring properties.  
25

26 For example, the 70 ft. height limit is designed to allow for a five story building that is designed  
27 to be consistent with current market trends, including higher ceilings. He stated that the height  
28 limit is designed to minimize the impact on existing residential properties. In cases where the  
29 BE zoning district is adjacent to residential zoning districts, allowed building heights have been  
30 reduced and setbacks have been introduced. Mr. Barton further clarified that along Fourth  
31 Street, building heights are limited along the front property line, but greater heights are allowed  
32 if setback from the street. This provision is intended to limit the impact of shadows on the  
33 sidewalks of Fourth Street.  
34

35 For developments located directly adjacent to a single family residential use, regardless of what  
36 height district they are in, there are further height restrictions on the property line adjacent to the  
37 single family residential use. These restrictions allow for a building to reach the maximum  
38 height allowed by the height district, but require setbacks to protect the adjacent single family  
39 use.  
40

41 Chapter 18.54 Building Height, is also being revised to remove the BE height allowances as  
42 building height would now be included in the BE zoning Chapter. He stated that the 70 ft. height

**EXHIBIT 2**

1 limit is greater than what is currently allowed for residential development and this will allow for  
2 increased residential density as called for in the Strategic Plan. He stated that there is also one  
3 area where buildings are allowed to be built to 130 ft. in height if the market demands it.  
4

5 **Mr. Barton** explained that the existing Be provisions specify a process by which projects  
6 meeting certain size thresholds are required to be approved by the Planning Commission. The  
7 updated code raises these thresholds and aligns them with the character areas. The new  
8 provisions also require that the Planning Commission meeting be a public hearing, and provide a  
9 set of downtown specific findings for the Commission to use in their review.  
10

11 **Mr. Barton** indicated that parking policy is not being changed and that Civic structures are  
12 exempted from requirements for materials and window and door openings and has no maximum  
13 setback. He indicated that the City Engineer can grant a variance to the Adequate Community  
14 Facilities ordinance to allow for more vehicle trips in a public alley.  
15

16 **Mr. Barton** summarized by stating that the updated code is designed to achieve the following:  
17 make doing the right thing easy, leverage city investment in the downtown and support the  
18 comprehensive strategic plan creating a more vibrant downtown.  
19

## 20 COMMISSIONER QUESTIONS

21  
22 **Commissioner Ray** asked how many stories a 130 ft. building would have and what would the  
23 setbacks be for a building height over 70 ft.  
24

25 **Mr. Barton** responded to the question stating that 130 ft. building would be approximately a 10-  
26 story building. He stated that setbacks are based on the total height of a building and that  
27 setbacks are not required from alleys.  
28

29 **Commissioner Dowding** questioned the process in which staff used to determine the three  
30 outlying Be district areas.  
31

32 **Mr. Barton** stated that the three outlying areas already existed and were already zoned Be and  
33 that zoning designation was given for some unknown historical reason. He also reiterated that  
34 the zoning boundaries are not proposed to be changed with this update.  
35

36 **Commissioner Dowding** noted that 18.54.060 does not reflect the appeals provisions recently  
37 adopted by the Commission. She stated that she would like off-track betting to be a use by  
38 special review rather than a use by.  
39

40 **Mr. Barton** stated that he would make the necessary changes to Chapter 18.54.  
41

**EXHIBIT 2**

1 **Commissioner Ray** commented that staff has done a good job of buffering and reducing height  
2 allowances for areas approaching residential neighborhoods and asked why on the east side the  
3 heights are 35-40 vs. 40-45 on the west side.

4  
5 **Mr. Barton** stated that in this instance the height limit corresponds with the neighborhood  
6 transition character area and is designed to maintain the character of the area. He commented  
7 that 35 ft. is the height limit for single-family residential structure. He further stated that 40 ft. is  
8 allowed for structures on the north and south avenues and spoke of the need to strike a balance  
9 between respecting adjacent residential properties and allowing for development.

10  
11 **Commissioner Ray** questioned why there was a 70 ft. height allowance on the very northern  
12 part of the Be Zone.

13  
14 **Mr. Barton** stated that this is being recommended because this area is adjacent to a Business  
15 zoned area that is separated by a public street and therefore buffering is not required because the  
16 street would be the buffer.

17  
18 **Commissioner Crescibene** questioned what would be gained by setting a 70 ft. building back an  
19 additional 12 ft.

20  
21 **Mr. Barton** stated the greater setbacks are specified in order to maintain a comfortable  
22 pedestrian environment along sidewalks. He commented that when a building is too tall where it  
23 meets the sidewalk, the result is an uncomfortable environment created by having the building  
24 looming over the pedestrian.

25  
26 **Commissioner Fancher** asked why there are no primary pedestrian street going to Fairgrounds  
27 Park.

28  
29 **Mr. Barton** stated that it is important to link the downtown to the park. He stated that as staff  
30 looks to make the connection from the Fairgrounds Park to the downtown area, this connection  
31 would be part of a larger plan.

32  
33  
34 **Chair Molloy** questioned if the bicycle and pedestrian committee have reviewed the proposed  
35 downtown Be District amendments.

36  
37 **Mr. Barton** clarified that they have not, noting that the bike and pedestrian plan looks at larger  
38 scale connections and the BE District does not have the mechanism to create new pedestrian  
39 routes where none exist. He stated that in some areas, it may be a while before there is enough  
40 density to generate the qualities of a primary pedestrian street. He clarified that the park is in the  
41 General Character area and it may be sometime before the density in the area would require the  
42 pedestrian plan.

**EXHIBIT 2**

1 **Mr. Paulsen** commented that it is important to remember that the BE zone is a regulatory  
2 framework, not a planning policy document; the Be District places regulations on public and  
3 private development to ensure that the City's policy objectives are met. He indicated that the  
4 regulations need to work in concert with other initiatives but would not need to reference other  
5 plans as long as no obstacles were created in fulfilling those plans.

6  
7 **Chair Molloy** indicated that everyone needs to be on the same page regarding what the primary  
8 pedestrian plan is.

9  
10 **Mr. Barton** commented that he has been working on the Bicycle/Pedestrian Plan and clarified  
11 that nothing in this document would prevent the pedestrian network laid out in the bike and  
12 pedestrian plan from being implemented.

13  
14 **Commissioner Fancher** asked if the fire department has been consulted regarding regulatory  
15 guidelines in the older buildings stating that most of the older buildings do not meet fire  
16 guidelines. She questioned if other departments have reviewed and/or participated in the  
17 amendments.

18  
19 **Mr. Barton** stated that the draft code was reviewed by fire, transportation development review,  
20 stormwater, water, and building divisions. He stated there is nothing in this amendment that  
21 would allow the zoning code to override other codes. He reported that other divisions have their  
22 own approaches to facilitating development in the downtown area and it would be difficult to  
23 anticipate every contingency.

24  
25 **Commissioner Middleton** asked if shadowing studies have been done.

26  
27 **Mr. Barton** showed slides that showed shadowing impacts of a 130 ft. building. He stated that  
28 there would be shadow impacts and visual impacts and noted that those were considered in the  
29 development of the standards. He stated that Lincoln place is 65 ft. in height, the Chase Bank  
30 building is 60 ft. in height and the Lincoln Hotel is 45 ft. in height. He further stated that this  
31 proposed amendment does not impact stormwater requirements and clarified that he was  
32 unaware of the exact mechanism by which stormwater improvements in the downtown are paid  
33 for..

34  
35 **Commissioner Middleton** stated that the slides and the shadow study showed only one 10-story  
36 building, and there could be three. He questioned if there would be any development funds  
37 available for the current owners.

38  
39 **Mr. Barton** stated that the way that the allowance for 130 ft. buildings enhances the historic  
40 character of 4<sup>th</sup> Street is by allowing for a greater density of development that will lead to more  
41 activity and vibrancy downtown while maintaining facades along 4<sup>th</sup> Street and that the taller  
42 buildings would be required to meet the architectural standards.

**EXHIBIT 2**



1 **PLANNING COMMISSION COMMENTS**

2  
3 **Commissioner Middleton** stated that he would like to see development of downtown and felt  
4 that this amendment would help to clarify what is allowed. He stated, however, that he would  
5 not support the amendment and that a 10-story building was too tall for downtown Loveland.  
6

7 **Commissioner Dowding** stated that amendment was beautifully done, and concurred with  
8 comments from Commissioner Middleton regarding a 10-story building. She suggested that  
9 Section D be deleted and that the 70 ft. height be the maximum allowed.  
10

11 **Commissioner Fancher** stated that if an applicant wanted to build higher than 70 ft. would they  
12 be required to come before the Planning Commission. She stated that she likes the plan and the  
13 options that are available. She stated that the corridor which was chosen for the 130 ft. building  
14 height was accurately placed and felt that the parking issue had been adequately addressed and  
15 she would support the motion.  
16

17 **Commissioner Leadbetter** concurred with Commissioner Fancher.  
18

19 **Commissioner Crescibene** stated he supported the amendments, although he did not agree with  
20 the need for the greater setbacks.  
21

22 **Commissioner Ray** stated spoke in support of the amendment, and indicated that he liked the  
23 feathering of heights that would reduce impacts on residential areas.  
24

25 **Chair Molloy** congratulated staff for a great job and was in support of it and stated he believed  
26 that this will help make it easier for developers and believed it would increase the density in the  
27 downtown in the future.  
28

29 *Commissioner Fancher made a motion to recommend that City Council approve the*  
30 *amendment to Title 18 regarding Chapter 18.24, the BE District – Established Business*  
31 *District and Chapter 18.54 Building Height Regulations as amended on the record. Upon a*  
32 *second by Commissioner Ray the motion was adopted 6-1, Commissioner Middleton voted*  
33 *Nay.*  
34

35 Following the vote, **Mr. Paulsen** thanked Mr. Barton for his work, indicating the Be rewrite  
36 represents a very sophisticated planning effort and reflects broad community interest in  
37 establishing a regulatory framework for downtown revitalization. He stressed that the code  
38 effort dovetails with the ongoing revitalization efforts and will help stimulate reinvestment and  
39 revitalization. He thanked the Commission for their comments and efforts.  
40  
41

**EXHIBIT 2**

1 **ADJOURNMENT**

2  
3 *Commissioner Middleton made a motion to adjourn. Upon a second by Commissioner*  
4 *Fancher the motion was unanimously adopted.*  
5

6  
7 \_\_\_\_\_  
8 Robert Molloy, Chair

9  
10 \_\_\_\_\_  
11 Vicki Mesa, Secretary  
12

DRAFT

**EXHIBIT 2**


**CITY OF LOVELAND**

CITY MANAGER

 Civic Center • 500 East Third • Loveland, Colorado 80537  
 (970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 15

**MEETING DATE:** 6/7/2011

**TO:** Mayor and City Councilors

**FROM:** Bill Cahill, City Manager

**INTRODUCTION:** Rod Wensing, Assistant City Manager

**PRESENTER:** Brian Willms, Loveland Chamber President & CEO

**TITLE:**

A Resolution of the City of Loveland regarding the building lease and operation of the Visitor's Center

**DESCRIPTION:**

This is an administrative action. The Resolution amends the current building lease to allow the Loveland Chamber of Commerce to accept a Lodging Tax Grant from the Community Marketing Commission. It also authorizes the City Manager to execute the amended lease.

**BUDGET IMPACT:** \$30,000 from the lodging tax fund

Yes     No

**SUMMARY:**

City of Loveland and the Loveland Chamber of Commerce entered into a Lease Agreement dated October 23, 1995 concerning the construction and lease of an office and visitor's center building located near the intersection of I-25 and Highway 34. On April 16, 1996, the City and The Loveland Chamber of Commerce entered into Amendment #1 to the Lease Agreement pursuant to which the Lease Agreement was amended in several respects arising out of the settlement of a lawsuit against the City and Loveland Chamber of Commerce.

During the recent economic downturn the Chamber asserts that it has struggled greatly to financially maintain the Visitors Center services required under the current Lease. In addition, per City Legal, the current Lease does not allow the Chamber to accept the proposed \$30,000 CMC grant which is targeted to support the Visitor Centers operations during the 2011 summer

traveling season. More detailed information is available for your review in Attachment A listed below.

---

**LIST OF ATTACHMENTS:**

- A. Letter from Chamber of Commerce President & CEO
  - B. A Resolution approving Lease Amendment #2 between the City and the Loveland Chamber of Commerce
  - C. Lease Amendment #2 between the City and the Loveland Chamber of Commerce
- 

**RECOMMENDED CITY COUNCIL ACTION:**

Move for approval of Resolution authorizing the City Manager to sign Lease Amendment #2

**REVIEWED BY CITY MANAGER:**

**TO:** LOVELAND CITY COUNCIL  
**FROM:** LOVELAND CHAMBER OF COMMERCE  
**SUBJECT:** BUILDING LEASE AMENDMENT  
**DATE:** MAY 18, 2011



LOVELAND  
 CHAMBER of COMMERCE

**PROPOSAL:** The Loveland Chamber of Commerce is seeking to work in partnership with the City of Loveland to enhance the operations of Loveland's one and only Visitors Center. Due to the restraints of the Facility Lease Agreement between the Chamber and the City for the facility at 5400 Stone Creek Circle, Loveland, CO 80538, the \$30,000 grant awarded to Chamber by the Community Marketing Commission (CMC) may be in jeopardy. To help assure the Visitors Center is able to continue providing quality services to over 14,000 visitors a year; and to expand the Visitors Centers ability to better meet the mission of increasing revenue (for both the City and its businesses) from Loveland visitors the Chamber is requesting the City Council amend section 10.9 of the current Facility Lease Agreement. In doing so, the Chamber will be able to accept said grant.

**BACKGROUND:** Since 1996 the Loveland Chamber of Commerce has been operating the Loveland Visitors Center. During this time the Visitors Center operations have been fully funded by the Loveland Chamber of Commerce. Although the Chamber has received support in the form of reduced rent on its building lease, the Chamber has struggled for several years to financially maintain the Visitors Center services at a high level as well as meeting its own mission of helping businesses grow and thrive, while proactively working to preserve and improve the economic climate of Loveland.

During the recent economic downturn this unique challenge for the Chamber has been amplified. To help address the Chamber's financial challenges the Chamber has restructured and downsized in staff, eliminating three positions over the last two years which equates to a 27 percent reduction in staff available to support Visitors Center operations. The Loveland Chamber of Commerce has now reached a turning point where the current model of operating the Visitors Center is no longer sustainable. The Chamber is now at a crossroads where additional funding is needed to enhance the current Visitors Center operations.

**RETURN ON INVESTMENT:** The Visitors Center has an established track record of serving more than 14,000 (physical) visitors a year (outside the Northern Colorado region).

**ENHANCED SERVICES:** Based on feedback from other visitor centers, it is likely having a dedicated manager to train, develop and coach the Visitors Center volunteers could lead to converting twenty percent of the visitors to staying in Loveland for at least one night that would double the gross sales in lodging to \$196,000 a year.

Obviously, the ROI would continue on for years to come increasing the return on the investment in the Loveland Visitors Center. A conversion rate of twenty percent produces an ROI of more than 6-to-1 in the first year.

Trained and properly managed volunteers would not only be influencing hotel stays, but they would be able to influence dining decisions as well. Based on feedback from other visitor centers, a likely outcome would be to influence 1 in 3 visitors to have lunch or dinner within the

City. Such an outcome would equate to 4,666 local diners in Loveland. If you calculate the average meal price of \$8 (a conservative price) the Visitors Center would be responsible for an additional local gross – sales number of \$37,328 in one year.

Combining both revenue generated from lodging and dining, the Loveland business community could expect a minimum of \$233,328 a year in gross - sales, providing a local business impact that is more than seven times the requested grant .

**SUMMARY:** In my opinion, this proposal is one that benefits the City and its local business community. An investment with a high ROI is one that most businesses could only hope for in our current economic state. Nonetheless, the Chamber's proposal is not an unusual one. In fact, in most, if not all, communities throughout Colorado and the United States utilize a standard model with public funds supporting the operation of their visitor centers.

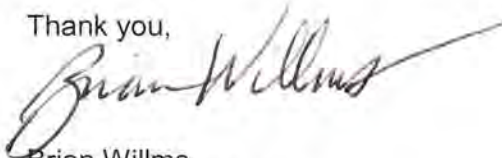
The support of the visitor centers throughout Colorado is not about a charitable handout, but a business decision made by local and state government to invest in one of Colorado's largest economic sectors, tourism. Communities all over the state have chosen to invest in visitor centers because of the revenue they can indirectly generate.

The Chamber recognizes the City has delegated the CMC to develop the plan for utilizing the City's lodging tax. The Chamber also recognizes the CMC is developing a strategic plan before establishing any regular allocation of funds. Please know the Chamber supports City Council and the CMC's decision to do so and was a strong proponent of the CMC developing a strategic plan based on best practices.

In spite of the Chamber's support for the CMC developing a strategic plan the organization is now at a turning point where funding beyond its current revenue streams is needed to support enhanced operations of the Loveland Visitors Center during its most critical time and highest traffic season - May through September.

On behalf of the Chamber Board of Directors and myself, please accept our thanks in advance for your thoughtful consideration of this request.

Thank you,



Brian Willms  
President and CEO

**RESOLUTION #R-40-2011****A RESOLUTION APPROVING AMENDMENT NO. 2 BETWEEN  
THE CITY OF LOVELAND AND THE LOVELAND  
CHAMBER OF COMMERCE CONCERNING THE LEASE  
AND OPERATION OF THE VISITORS CENTER**

**WHEREAS**, on October 23, 1995, the City of Loveland (“City”) and the Loveland Chamber of Commerce (“Chamber”) entered into that certain “Lease Agreement Between the City of Loveland and the Loveland Chamber of Commerce” (“the Lease Agreement”) concerning the construction and lease of an office and visitors center building located on portions of Lots 2 and 3, Block 1, McWhinney Second Subdivision, Loveland, Colorado (“the Visitors Center”); and

**WHEREAS**, the City and the Chamber subsequently entered into that certain “Amendment No. 1 to the Lease Agreement Between the City of Loveland and the Loveland Chamber of Commerce” dated April 16, 1996 (“Amendment No. 1”) pursuant to which the Lease Agreement was amended in several respects arising out of the settlement of a lawsuit brought by five individuals against the City and the Chamber, known as Civil Action 95-CV-814-2 filed in Larimer County District Court (“the Lawsuit”); and

**WHEREAS**, as a result of the City and the Chamber entering into Amendment No. 1, the plaintiffs in the Lawsuit agreed to the dismissal of the Lawsuit, which occurred; and

**WHEREAS**, the settlement and dismissal of the Lawsuit does not restrict the parties’ ability to amend the Lease Agreement as hereafter provided; and

**WHEREAS**, one of the new terms and conditions added to the Lease Agreement by Amendment No. 1 was Section 10.9 which reads in full as follows:

“The City shall not make any financial payments to the Chamber during the Initial or any Extended Term of this Agreement unless the City receives goods or services in return of approximately equal fair market value.”;

and

**WHEREAS**, the City and the Chamber have determined that Section 10.9 is no longer in the best interest of the City or of the Chamber due to the current economic conditions, particularly as they now affect the Chamber in its operation of the Visitors Center; and

**WHEREAS**, attached hereto is **Exhibit A** and incorporated by reference is a copy of a proposed “Amendment No. 2 Between the City of Loveland and the Loveland Chamber of Commerce” (Amendment No. 2”) pursuant to which the Lease Agreement, as amended by Amendment No. 1, would delete and remove Section 10.9 from the Lease Agreement; and

**WHEREAS**, by entering into Amendment No. 2, the City and the Chamber will be able to enter into a proposed amendment to that certain “Contract for City of Loveland Lodging Tax

Grant Funds,” dated November 22, 2010, previously entered into by and between the City and the Chamber; and

**WHEREAS**, that amendment, titled “Amendment No. 1 to Contract for City of Loveland Lodging Tax Grant Funds” will provide additional funds to the Chamber to allow it to continue to operate the Visitors Center as contemplated by the parties in the Lease Agreement, as amended in Amendment No. 1 and Amendment No. 2, for approximately the next twenty-two weeks.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the City Council hereby approves Amendment No. 2

**Section 2.** That the City Manager and the City Clerk are hereby authorized to execute Amendment No. 2 substantially in the form attached as **Exhibit A**, with such modifications as to form and substance as deemed necessary by the City Manager, after consultation with the City Attorney, to effectuate the purposes of this Resolution or to protect the interests of the City.

**Section 5.** That this Resolution shall go into effect as of the date and time of its adoption.

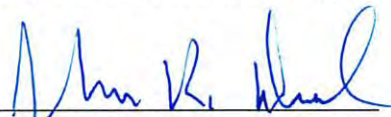
ADOPTED this 7th day of June, 2011.

\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



**EXHIBIT A****AMENDMENT NO. 2 BETWEEN THE  
CITY OF LOVELAND AND THE  
LOVELAND CHAMBER OF COMMERCE**

THIS AMENDMENT NO. 2 TO THE LEASE AGREEMENT BETWEEN THE CITY OF LOVELAND AND THE LOVELAND CHAMBER OF COMMERCE is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF LOVELAND, COLORADO, a home rule municipality, ("City") and the LOVELAND CHAMBER OF COMMERCE, INC., a Colorado non-profit corporation ("Lessee").

**WITNESSETH:**

**WHEREAS**, the City and Lessee entered into that certain "Lease Agreement Between the City of Loveland and the Loveland Chamber of Commerce" dated October 23, 1995 ("the Lease Agreement") concerning the construction and lease of an office and visitors center building located on portions of Lots 2 and 3, Block 1, McWhinney Second Subdivision, Loveland, Colorado ("the Visitors Center"); and

**WHEREAS**, on April 16, 1996, the City and Lessee entered into that certain "Amendment No. 1 to the Lease Agreement Between the City of Loveland and the Loveland Chamber of Commerce" ("Amendment No. 1") pursuant to which the Lease Agreement was amended in several respects arising out of the settlement of a lawsuit brought by five individuals against the City and the Lessee, known as Civil Action 95-CV-814-2 filed in Larimer County District Court ("the Lawsuit"); and

**WHEREAS**, as a result of the City and the Lessee entering into Amendment No. 1, the plaintiffs in the Lawsuit agreed to the dismissal of the Lawsuit, which occurred; and

**WHEREAS**, the settlement and dismissal of the Lawsuit does not restrict the parties' ability to amend the Lease Agreement as herein provided; and

**WHEREAS**, one of the new terms and conditions added to the Lease Agreement by Amendment No. 1 was Section 10.9 which reads in full as follows:

"The City shall not make any financial payments to the Chamber during the Initial or any Extended Term of this Agreement unless the City receives goods or services in return of approximately equal fair market value.";

and

**WHEREAS**, the City and the Lessee have determined that this Section 10.9 is no longer in the best interest of the City or of the Lessee due to the current economic conditions, particularly as they now affect the Lessee; and

**WHEREAS**, the City and the Lessee therefore desire to amend the Lease Agreement, as amended by Amendment No. 1, to delete and remove Section 10.9 from the Lease Agreement; and

**WHEREAS**, by so removing Section 10.9 from the Lease Agreement, the City and the Lessee will be able to enter into a proposed amendment to that certain “Contract for City of Loveland Lodging Tax Grant Funds” dated November 22, 2010, previously entered into by and between the City and Lessee; and

**WHEREAS**, that amendment, titled “Amendment No. 1 to Contract for City of Loveland Lodging Tax Grant Funds,” will be in the best interests of the City and Lessee as it will allow the Lessee to continue to operate the Visitors Center as contemplated by the parties in the Lease Agreement, as amended in Amendment No. 1 and this Amendment No. 2, for approximately the next twenty-two (22) weeks.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the parties hereto agree as follows:

1. Amendment. That Section 10.9 of the Lease Agreement, as added by Amendment No. 1, shall be deleted and removed in its entirety from the Lease Agreement and be of no further force or effect.

2. No Other Amendment. That except as expressly set forth in this Amendment No. 2, the Lease Agreement, as amended by Amendment No. 1, shall remain in full force and effect.

**IN WITNESS WHEREOF**, the City and the Lessee have executed this Amendment No. 2 as of the date and year first above written.

CITY OF LOVELAND, COLORADO

By: \_\_\_\_\_  
William D. Cahill, City Manager

ATTEST:

\_\_\_\_\_  
Teresa G. Andrews, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John R. Duval, City Attorney

LOVELAND CHAMBER OF COMMERCE, INC.,  
a Colorado non-profit corporation

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary



**CITY OF LOVELAND**  
**BUSINESS DEVELOPMENT OFFICE**  
 Civic Center • 500 East Third • Loveland, Colorado 80537  
 (970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 16  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Betsey Hale, Business Development  
**PRESENTER:** Betsey Hale, Business Development Manager

**TITLE:**

A Resolution amending the 2010 Lodging Tax Grant awarded to the Loveland Chamber of Commerce & Visitors Center

**DESCRIPTION:**

This is an administrative action. The Resolution awards an amendment to the Grant Contract agreed to by all parties in October 2010. It also authorizes the City Manager to execute the amended grant contract with the new Scope of Work presented in Exhibit A.

**BUDGET IMPACT:** \$30,000.00 was paid in 2010 from the lodging tax fund.

Yes     No

**SUMMARY:**

The Resolution approves an amendment to the Scope of Work for a 2010 Lodging Tax Grant awarded to the Loveland Chamber of Commerce and Visitor Center. The amendment will provide full-time staff for the operations of the Visitor Center during the busy summer tourism season. The original scope of work provided funds for training volunteers, purchasing equipment to upgrade the Visitor Center, expanding the Visitor Center website and developing a retail merchandising strategy to increase revenue for the Center. At the April 7<sup>th</sup>, 2011 meeting of the Community Marketing Commission, the CMC voted unanimously to support the request for an amendment.

**LIST OF ATTACHMENTS:**

1. Staff Report
2. Resolution
3. Amendment One to the Grant Contract Form

**RECOMMENDED CITY COUNCIL ACTION:** APPROVAL OF THE RESOLUTION

**REVIEWED BY CITY MANAGER:**

**Staff Report from Betsey Hale, Business Development Manager:**

**Re: Amendment to the Loveland Chamber of Commerce 2010 Lodging Tax Grant**

**BACKGROUND:** Since 1996 the Loveland Chamber of Commerce has been operating the Loveland Visitors Center at its current location, 5400 Stone Creek Circle, Ste. 200, Loveland, CO 80538. During this time the Visitors Center has been funded by the Loveland Chamber of Commerce and has received no direct public funding to operate this community asset or to provide services to 14,000+ visitors a year. The Chamber has received support in the form of reduced rent on its building lease and maintenance and repair assistance from the City. The Chamber has consistently struggled to financially maintain the Visitors Center services and meet its own mission of helping small businesses grow and thrive.

During the recent economic downturn this challenge for the Chamber has been amplified. To help address the Chamber's financial challenges the Chamber has restructured and downsized in staff, eliminating three positions over the last two years. The Loveland Chamber of Commerce has now reached a turning point where the current model of operating the Visitors Center is no longer sustainable. The Chamber is at a crossroads where additional funding is needed to support the current operation or the Chamber will need to make the difficult decision of eliminating the visitor center expenses in order to sustain its own mission and operation.

**SUMMARY:** The Loveland Chamber of Commerce has proposed working with the City of Loveland to develop an annual service contract which would outline services provided by the Chamber in operating and managing the Visitor Center and the Chamber would receive funding from the City of Loveland to provide such services. The Chamber has proposed the City use lodging tax to fund the operations of the Visitor Center.

The Chamber recognizes the City has directed the Community Marketing Commission (CMC) to develop a plan for using the City's lodging tax. The Chamber is aware of the CMC effort to develop a strategic plan before establishing any regular allocation of funds for tourism marketing purposes. The Chamber supports the CMC's decision to delay funding these types of requests before a strategic plan is in place; however the need for financial assistance to operate the center this summer requires an immediate and alternate solution to the problem.

In the fall of 2010, the City Council, on the recommendation of the CMC awarded \$30,000 to the Chamber for use at the Visitor Center. The funds were requested to:

- ✓ Hire a project manager to train volunteers, recruit interns, reorganize the center layout, and develop a more successful retail strategy. (\$12,000)
- ✓ Purchase Lightbox signs, a DVD player, a flat screen TV, and produce a video about Loveland.
- ✓ Update the Center website and improve its rankings in search engines.

**The funds awarded to the Chamber have not been spent to date.**

**Amendment to Scope of Work and use of funds:** To address the immediate and temporary need, the Chamber has proposed reallocating the \$30,000 grant funds for hiring a full-time manager of the Loveland Visitor Center for a period not to exceed 22 weeks from June 13<sup>th</sup>, 2011 to October 28<sup>th</sup>, 2011. This proposal would provide dedicated coverage when it is needed most during the “high-season” and address the Chamber’s lack of resources until the CMC’s strategic plan is developed.

The original grant called for utilizing \$12,000 of the \$30,000 for a dedicated Project Manager to assist with development and implementation of a strategic plan for the Visitor Center. The amended scope of work will still address this part of the original scope of work. More details associated with the entire list of changes to the use of funds are included in Exhibit A, the attachment to the Resolution.

The Community Marketing Commission, City Manager and Business Development Manager recommend that the Council consider and approve this request and the associated resolution.

**RESOLUTION #R-41-2011**

**A RESOLUTION AMENDING A  
2010 LODGING TAX GRANT TO THE LOVELAND CHAMBER OF  
COMMERCE**

**WHEREAS**, the City imposes a lodging tax pursuant to Chapter 3.24 of the Loveland Municipal Code (the “Lodging Tax”) for the purpose of promoting tourism, conventions and related activities within the City by marketing the City and sponsoring community events, both in support of this purpose (the “Dedicated Purpose”); and

**WHEREAS**, the Community Marketing Commission (“Commission”) serves as an advisory body to the City Council concerning the City’s use of the revenues received from the Lodging Tax for the Dedicated Purpose pursuant to Section 2.60.075 of the Loveland Municipal Code; and

**WHEREAS**, the Commission made a recommendation to Council and Council adopted Resolution #R-50-2010 approving certain Lodging Tax Grants, including a Grant to the Loveland Chamber of Commerce Inc., a Colorado nonprofit organization (the “Chamber”) as set forth in that certain Contract for City of Loveland Lodging Tax Grant Funds dated November 22, 2010 (the “2010 Chamber Grant Contract”); and

**WHEREAS**, the Chamber has requested that the 2010 Chamber Grant Contract be amended to modify the definition of the Project described therein; and

**WHEREAS**, City Council desires to authorize amendment of the 2010 Chamber Grant Contract to modify the Project and authorize the City Manager to enter into an amendment to the 2010 Chamber Grant Contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF LOVELAND:**

**Section 1.** That the City Council hereby finds that 2010 Chamber Grant Contract, as modified by Amendment Number One to Contract for City of Loveland Lodging Tax Grant Funds attached hereto as **Exhibit A** and incorporated herein by this reference, satisfies the requirements regarding use of the Lodging Tax for the Dedicated Purpose as set forth in Section 3.24.105 of the Loveland Municipal Code.

**Section 2.** That the Amendment Number One to Contract for City of Loveland Lodging Tax Grant Funds between the City and the Chamber attached hereto as **Exhibit A** and incorporated herein by this reference (the “Grant Contract Amendment”), is hereby approved.

**Section 3.** That the City Manager and the City Clerk are hereby authorized to execute the Grant Contract Amendment substantially in the form attached as Exhibit A hereto and incorporated herein by this reference, with such modifications in form or substance as deemed necessary by the City Manager, after consultation with the City Attorney, to effectuate the purposes of this Resolution or protect the interests of the City.

**Section 4.** That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 7<sup>th</sup> day of June, 2011.

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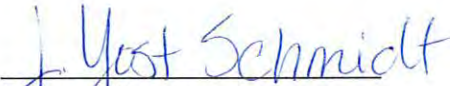
Cecil A. Gutierrez, Mayor

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

---

Deputy City Attorney



**Exhibit A**  
**AMENDMENT NUMBER ONE TO**  
**CONTRACT FOR CITY OF LOVELAND**  
**LODGING TAX GRANT FUNDS**

**THIS AMENDMENT NUMBER ONE TO CONTRACT FOR CITY OF LOVELAND LODGING TAX GRANT FUNDS** (“Amendment”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the CITY OF LOVELAND, COLORADO, a home rule municipality (“City”), and the LOVELAND CHAMBER OF COMMERCE, INC., a Colorado nonprofit organization (“Recipient”).

**WHEREAS**, the City imposes a lodging tax pursuant to Chapter 3.24 of the Loveland Municipal Code (the “Lodging Tax”) for the purpose of promoting tourism, conventions and related activities within the City by marketing the City and sponsoring community events, both in support of this purpose (the “Dedicated Purpose”); and

**WHEREAS**, the Community Marketing Commission (“Commission”) serves as an advisory body to the City Council concerning the City’s use of the revenues received from the Lodging Tax for the Dedicated Purpose pursuant to Section 2.60.075 of the Loveland Municipal Code; and

**WHEREAS**, the Commission made a recommendation to Council and Council adopted Resolution #R-50-2010 approving certain Lodging Tax Grants, including a Grant to the Recipient as set forth in that certain Contract for City of Loveland Lodging Tax Grant Funds dated November 22, 2010 (the “2010 Chamber Grant Contract”); and

**WHEREAS**, the Recipient has requested that the 2010 Chamber Grant Contract be amended to modify the definition of the Project described therein; and

**WHEREAS**, the Commission recommended and the City Council, by adoption of Resolution #R-\_\_\_\_, has approved amendment of the 2010 Chamber Grant Contract to modify the description and scope of the Project described and funded therein and authorized the City Manager to enter into this Amendment; and

**WHEREAS**, the Recipient and the City desire to amend the 2010 Chamber Grant Contract as set forth herein.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreement contained herein, the parties agree as follows:

1. Scope of Project. The scope of services and the project to be accomplished and/or rendered by the Recipient (the “Project”) as set forth in paragraph 1 of the 2010 Chamber Contract is hereby deleted and the scope of services and description of the Project set forth on **Exhibit A** attached hereto and incorporated herein by reference is hereby substituted in lieu thereof.

2. No Other Amendment. Except as expressly set forth in this Amendment, the 2010 Chamber Contract shall remain unmodified and in full force and effect.

**IN WITNESS WHEREOF**, the Recipient and the City have executed this Amendment as of the date first above written.

**CITY OF LOVELAND, COLORADO**

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy City Attorney



## **EXHIBIT A**

### Amended Scope of Project

#### **DEDICATED FULL-TIME MANAGER OF THE VISITORS CENTER**

- Temporary Employee provided by staffing service
  - Staffing service would be responsible for recruiting, hiring (excluding interviews and selection), payroll, payroll taxes (including social security, workers compensation and unemployment insurance), all tax filing and record keeping
- The Visitors Center Manager would be a standard 40-hour a week position; hours would vary depending on the needs of the center and would likely require some weekends
- Cost for the temporary employee would range from \$22,880 to \$24,640 for 22 weeks
  - 22 weeks would be from June 13, 2011 until October 28, 2011
  - Billing rate would be between \$26 and \$28 an hour
    - the likely compensation: between \$19 and \$21 an hour
    - equates to an annual compensation of \$39,520 to \$43,680
    - NO STANDARD BENEFITS (medical insurance, time off, holidays, etc...) would be provided to the temporary employee

#### **SCOPE OF SERVICES**

- Provide a dedicated FT temporary staff member, hired by the Chamber to manage and oversee the operation of the Visitors Center
- Manage and operate a physical Visitors Center that provides general visitor services (e.g., directions, promotions of CITY assets, community information, collateral and publications, answers questions, etc...) to Loveland visitors
- Operate a physical Visitors Center with volunteers as follows:
  - Fall/Winter – Typically Labor Day through the Friday prior to Memorial Day
    - The Center would be closed Mondays
    - Tuesday – Friday, 9 a.m. to 5 p.m.
    - Saturday – 9 a.m. to 5 p.m.
    - Sunday – 9 am to 3pm
  - Spring/Summer – Memorial Day through Labor Day
    - Monday – Sunday, 9 a.m. to 5 p.m.
- Promote and market the Loveland area events and festivals in local, state and regional markets
- Compile and distribute maps, brochures and other informational material which complements the City of Loveland's assets and efforts of the Visitors Center to market Loveland
- Respond to visitor inquiries and area resident inquiries
- Provide information packets to conference and convention meetings that select Loveland assets as their destination
- Provide current inventory of facilities and events in Loveland
- Maintain contact info (phone numbers, addresses, emails, etc...) and details about events and attractions within Loveland and provide the info for any inquiries
- Promote and market the community brand
- Oversee, schedule and manage volunteers for Visitors Center staffing
- Recruit, select and place volunteers for Visitors Center staffing

- Maintain, generate and complete reporting related to volunteer staffing (this is done for the Visitors Center records and for volunteer organization requirements)
- Manage Visitors Center retail inventories, including ordering, stocking and tracking
- Direct Visitors Center consignment agreements and items
- Arrange retail displays for the Visitors Center
- Organize and manage the Artist of the Month program
- Monitor and replenish volunteer snacks and Visitors Center office supplies
- Oversee and manage the finances for the Visitors Center, including the operation and balancing of the Visitors Center cash register

#### **SCOPE OF SERVICES FROM THE ORIGINAL GRANT THAT WOULD STILL BE INCLUDED**

- Assist with development and implementation of a strategic plan for the Visitors Center
- Develop processes, policies and systems for staff and volunteers to implement in order to achieve the mission of the Visitors Center
- Establish an operational system that would expand the Visitors Center current capabilities to promote Loveland
- Improve the current volunteer recruitment process
- Establish a college intern program
- Identify and implement programs and tools to effectively market Loveland
- Identify and implement merchandise and services for revenue that will help fund the operation and potentially expand the Visitors Center services
- Reposition the Visitors Center's layout so if more effectively markets Loveland
- Assist with further development and enhancement a website dedicated to promoting and marketing Loveland;

#### **ELIMINATIONS DUE TO THE REALLOCATION OF FUNDING**

- Lightbox signage
- Development of large, high-end photo images of iconic Loveland assets
- Flat-screen televisions
- Professional web development for search engine optimization



**CITY OF LOVELAND**  
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 17  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Alan Krcmarik, Executive Fiscal Advisor  
**PRESENTER:** Alan Krcmarik

**TITLE:** AN ORDINANCE ON SECOND READING REPEALING ORDINANCE NO. 5540 WHICH SUSPENDED THE ANNUAL INFLATION INCREASES IN CAPITAL EXPANSION FEES PURSUANT TO SECTION 16.38.110 OF THE LOVELAND MUNICIPAL CODE FOR 2011

**DESCRIPTION:** This is an administrative action to consider an ordinance on second reading to repeal Ordinance No. 5540. On May 17, 2011, Council voted 5-4 to approve the proposed ordinance on first reading. Ordinance No. 5540 suspended the annual inflation increases to the capital expansion fees for 2011 pending the outcomes of a public comment process that was completed in April, 2011. The inflationary increases based on the construction cost index would have been 8.62%. Based on the suspension there was no increase in capital expansion fees for 2011. If this Ordinance is approved by a majority of Council, the fee increases would be effective beginning July 1, 2011.

**BUDGET IMPACT:** The City's Capital Expansion Fee program is based on equitable cost recovery and the concept that growth should pay for growth. The inflation adjustment required by the Code provides that, from year to year, the replacement value of the City's capital infrastructure and equipment increases in value. New development is expected to pay approximately the same inflation-adjusted cost as past development. If inflationary adjustments are not made on a regular basis, other sources of City revenue will be needed to back fill the fees that do not keep up with inflation or service levels will decline.

Yes     No

**SUMMARY:** The City of Loveland adopted a capital expansion fee system in 1984. The system was designed to ensure the future ability of the City to adequately provide infrastructure and capital equipment to support provision of services to its residents. One of the key elements of the fee system is to track the cost of construction an adjustment for inflation. The annual inflation adjustment is written into the Municipal Code at section 16.38.110. For 2011, the increase in the construction cost index was 8.62%. When the 2011 Budget was adopted Council voted to approve Ordinance No. 5540 suspending the annual inflation adjustments

pending a public outreach and review process. Staff conducted the process in January through March of 2011 and reported to the Council on April 26<sup>th</sup>. Council directed staff to bring an item back to Council so that a vote could be undertaken on repealing or continuing the 2011 suspension of the capital expansion fee inflation adjustment.

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**LIST OF ATTACHMENTS:**

Ordinance on Second Reading

Capital Expansion Fee Schedule for 2011 with markup showing increases

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**RECOMMENDED CITY COUNCIL ACTION:** For Council's consideration.

To repeal the suspension of the inflationary increases for 2011 and have the adjusted fees go into effect on July 1, 2011, Council members would vote for a motion to approve this ordinance.

To keep the fees at their current levels for the rest of 2011, Council members would vote against the motion to approve this ordinance.

**REVIEWED BY CITY MANAGER:**

**FIRST READING**      May 17, 2011

**SECOND READING**      June 7, 2011

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE REPEALING ORDINANCE NO. 5540 WHICH SUSPENDED THE ANNUAL INFLATION INCREASES IN CAPITAL EXPANSION FEES PURSUANT TO SECTION 16.38.110 OF THE LOVELAND MUNICIPAL CODE FOR 2011**

**WHEREAS**, pursuant to City Code Section 16.38.110, certain capital expansion fees (“CEF’s”) are imposed on development within the City to provide a source of funding for new and expanded capital facilities associated with growth; and

**WHEREAS**, CEF’s are adjusted for inflation annually effective January 1 of each year on the basis of the percentage changes in specified indices pursuant to City Code Section 16.38.110; and

**WHEREAS**, by adoption of Ordinance No. 5540 on October 19, 2010, City Council suspended the annual adjustment of the CEF’s for calendar year 2011, pending outcome of a public comment process that has subsequently been completed; and

**WHEREAS**, City Council desires to repeal Ordinance No. 5540 so that adjusted CEF’s will become effective July 1, 2011.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That Ordinance No. 5540 is hereby repealed effective July 1, 2011.

**Section 2.** That the 2010 CEF’s as adjusted pursuant to City Code Section 16.38.110 set forth on **Exhibit A** attached hereto and incorporated herein by this reference and labeled as “2011 Revised” are hereby adopted to be effective on the date on which this Ordinance is in full force and effect pursuant to Section 3 below or July 1, 2011, whichever date is later.

**Section 3.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this 7<sup>th</sup> day of June, 2011.

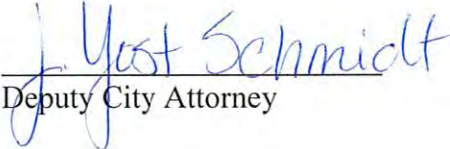


\_\_\_\_\_  
Cecil A. Gutierrez, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

## EXHIBIT A

### Capital Expansion Fees

The Capital Expansion Fees were established by ordinance and incorporated into the Loveland Municipal Code in Section 16.38.020 et seq. Section 16.38.110 requires the fees to be adjusted annually based on the percentage change in the Construction Cost Index for the Denver area as set forth in the preceding year's September issue of the Engineering News-Record published by McGraw Hill Companies. For the Street Capital Fee, the adjustment factor shall be equal to the most current preceding eight quarters' average annual percentage change in the construction costs as determined by the Colorado Department of Transportation Construction Cost Index.

The Engineering News-Record index percentage change is 8.62%. The CDOT Construction Cost index percentage change is 0.0%. Below are the current 2011 Fees (the same as the 2010 Fees) and the 2011 fees based on the 8.62% index change.

	<b><u>2011 (2010)</u></b>	<b><u>2011 Revised</u></b>
<b><u>Residential (amount charged per residential unit)</u></b>		
Fire & Rescue	\$ 678.00	\$ 736.00
Police	881.00	957.00
General Government	968.00	1,052.00
Library	627.00	680.00
Cultural Services & Museum	505.00	549.00
Parks	3,085.00	3,351.00
Recreation	1,546.00	1,679.00
Trails	489.00	532.00
Open Lands	778.00	824.00
<b><u>Commercial (amount charged per square foot)</u></b>		
Fire & Rescue	\$ 0.29	\$ 0.29
Police	0.37	0.38
General Government	0.40	0.41
<b><u>Industrial (amount charged per square foot)</u></b>		
Fire & Rescue	\$ 0.03	\$ 0.03
Police	0.04	0.04
General Government	0.05	0.05

The Street Capital Expansion calculation includes as estimated number of trips generated by the type of use based on the ITE Trip Generation tables and based on the Average Daily Traffic. The current fee basis of \$226.71 per trip will be unchanged since the CDOT index is at 0.0%.

The System Impact Fees (SIF) and Plant Investment Fees (PIF) are included within the Stormwater Utility Schedule of Rates, Charges and Fees and the Schedule of Rates, Charges and Fees for the Water & Power Department.



**CITY OF LOVELAND**  
FINANCE DEPARTMENT

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2695 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 18  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Renee Wheeler, Assistant City Manager/Finance Director  
**PRESENTER:** Renee Wheeler

**TITLE:**  
April 2011 Financial Report

**DESCRIPTION:**

This is an information only item. No action is required. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the four months ending April 30, 2011.

**BUDGET IMPACT:**

Yes  No

**SUMMARY:**

The Snapshot Report is submitted for Council review and includes the reporting of the City's preliminary revenue and expenditures including detailed reports on tax revenue, health claims and cash reserves for the four months ending April 30, 2011. Citywide Revenue (excluding internal transfers) of \$60,722,576 is 102.7% of year to date (YTD) budget or \$1,590,211 over the budget. Sales Tax collections year to date are 102.9% of the YTD budget or \$309,561 over budget. Building Material Use Tax is 46.1% of YTD budget, or \$330,637 under budget. The year to date Sales and Use Tax collections were 100.1% of YTD budget or \$7,950 over YTD budget. When the combined sales and use tax for the current year are compared to 2010 the same period last year, they are higher by 2.1% or \$238,935.

City wide total expenditures of \$56,701,874 (excluding internal transfers) are 87.7% of the YTD budget or \$7,915,889 under the budget, primarily due to the construction timing of capital projects (69.2% YTD budget).

The City's health claims paid year-to-date is \$2,741,378 or 104.3% of budget. Compared to 2010 for the same period, claims paid in 2011 increased \$19,912 or .73%. The City's cash and reserve balance year-to-date was \$192,337,294.

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**LIST OF ATTACHMENTS:**

Snapshot report for April 2011

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**RECOMMENDED CITY COUNCIL ACTION:**

No action is required

**REVIEWED BY CITY MANAGER:**

# SnapShot

Monthly Financial Report

April 2011

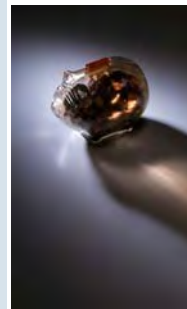
**Inside this edition**

Citywide Revenues & Expenditures	2
General Fund Revenues & Expenditures	4
Tax Totals & Comparison	6
Sales Tax SIC & Geo Codes	8
Health Care Claims	9
Activity Measures	10
Cash & Reserves	11
Capital Projects	12



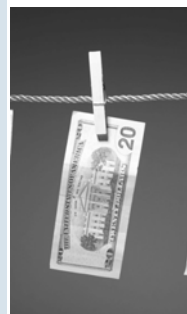
**A Snapshot In Time**

- Citywide Revenue, excluding transfers between funds, \$60.7 million (102.7% of Year-To-Date Budget, 2.7% above projected)
- Sales & Use Tax Collection, \$11.8 million (100.1% of Year-To-Date Budget, .1% above projected)
- Citywide Expenditures, excluding transfers between funds, \$56.7 million (87.7% of Year-To-Date Budget, 12.3% below projected)
- Citywide Year-To-Date Revenues exceed Year-To-Date Expenditures by \$4.0 million.
- General Fund Revenue, excluding transfers between funds, \$21.6 million (103.0% of Year-To-Date Budget, 3.0% above projected).
- General Fund Expenditures, excluding transfers between funds, \$18.0 million, (93.1% of Year-To-Date Budget, 6.9% below projected)
- General Fund Revenues exceed Expenditures by \$3.6 million.
- Health Claims, \$2.7 million (104.3% of Year-To-Date Budget, 4.3% above projected)
- Cash & Reserves Year-To-Date Balance, \$192.3 million, \$142.1 million or 73.9% of these funds are restricted or reserved primarily for future capital projects.



**The Sales Tax Basics**

APRIL 2011	Sales Tax	Motor Vehicle		Building	
		Use Tax	Materials	Use Tax	Combined
Budget 2011	\$ 10,555,330	\$ 628,900	\$ 612,960	\$ 11,797,190	
Actual 2011	\$ 10,864,891	\$ 657,926	\$ 282,323	\$ 11,805,140	
% of Budget	102.9%	104.6%	46.1%	100.1%	
Actual 2010	\$ 10,221,169	\$ 577,132	\$ 767,904	\$ 11,566,205	
Change from prior year	6.3%	14.0%	-63.2%	2.1%	



**Financial Sustainability**

The City maintains projections for financial performance over 10 years into the future. Projections, based on the current information available, indicate that the revenues in the General Fund will not be sufficient to cover expenditures in each of the future years. The average gap between revenues and expenditures is projected to be \$3.5 million annually, 2012–2020. The Financial Sustainability Process has been designed to strategically evaluate durable solutions. City Council has been working on setting priorities and principles to guide the evaluation of ideas generated for solutions. Many different groups of people have been submitting ideas, including employees and citizens. Three Financial Sustainability Forums were held with members of the public. An online survey was open to the public through April 30. Financial sustainability strategy recommendations will be presented to City Council May 24.

# Citywide Revenues & Expenditures

## Monthly Financial Report

### Combined Statement of Revenues and Expenditures APRIL 2011

REVENUE	Current Month	YTD Actual	YTD Revised Budget **	% of Budget
<b>General Governmental</b>				
1 General Fund	\$ 5,736,807	\$ 21,566,642	\$ 20,939,961	103.0%
2 Special Revenue	73,219	211,527	280,109	75.5%
3 Other Entities	1,551,279	4,933,339	4,739,261	104.1%
4 Internal Service	1,349,317	5,188,639	5,399,104	96.1%
5 <i>Subtotal General Govt Operations</i>	<i>\$ 8,710,622</i>	<i>\$ 31,900,147</i>	<i>\$ 31,358,435</i>	<i>101.7%</i>
6 Capital Projects	857,074	3,316,613	3,217,782	103.1%
<b>Enterprise Fund</b>				
7 Water & Power	5,336,462	21,168,283	20,464,030	103.4%
8 Stormwater	351,187	1,393,031	1,433,332	97.2%
9 Golf	285,174	791,563	784,610	100.9%
10 Solid Waste	854,924	2,152,940	1,874,176	114.9%
11 <i>Subtotal Enterprise</i>	<i>\$ 6,827,746</i>	<i>\$ 25,505,817</i>	<i>\$ 24,556,148</i>	<i>103.9%</i>
<b>12 Total Revenue</b>	<b>\$ 16,395,442</b>	<b>\$ 60,722,576</b>	<b>\$ 59,132,365</b>	<b>102.7%</b>
<i>Prior Year External Revenue</i>		58,375,892		
<i>Increase (-Decrease) From Prior Year</i>		4.0%		
13 Internal Transfers	1,666,335	2,834,958	2,943,567	96.3%
<b>14 Grand Total Revenues</b>	<b>\$ 18,061,778</b>	<b>\$ 63,557,534</b>	<b>\$ 62,075,932</b>	<b>102.4%</b>

<b>EXPENDITURES</b>				
<b>General Governmental</b>				
15 General Fund	\$ 4,460,404	\$ 17,755,769	\$ 18,703,288	94.9%
16 Special Revenue	91,495	183,925	236,497	77.8%
17 Other Entities	1,051,178	4,191,631	4,987,505	84.0%
18 Internal Services	1,327,322	4,363,546	5,529,131	78.9%
19 <i>Subtotal General Gov't Operations</i>	<i>\$ 6,930,399</i>	<i>\$ 26,494,870</i>	<i>\$ 29,456,421</i>	<i>89.9%</i>
20 Capital	2,251,846	10,845,025	15,681,877	69.2%
<b>Enterprise Fund</b>				
21 Water & Power	4,661,986	17,087,833	16,534,626	103.3%
22 Stormwater	171,511	555,375	649,700	85.5%
23 Golf	201,978	614,894	882,778	69.7%
24 Solid Waste	347,114	1,103,877	1,412,361	78.2%
25 <i>Subtotal Enterprise</i>	<i>\$ 5,382,589</i>	<i>\$ 19,361,980</i>	<i>\$ 19,479,465</i>	<i>99.4%</i>
<b>26 Total Expenditures</b>	<b>\$ 14,564,834</b>	<b>\$ 56,701,874</b>	<b>\$ 64,617,763</b>	<b>87.7%</b>
<i>Prior Year External Expenditures</i>		49,157,123		
<i>Increase (-Decrease) From Prior Year</i>		15.3%		
27 Internal Transfers	1,666,335	2,834,958	2,943,567	96.3%
<b>28 Grand Total Expenditures</b>	<b>\$ 16,231,169</b>	<b>\$ 59,536,832</b>	<b>\$ 67,561,330</b>	<b>88.1%</b>

\*\* Based on seasonality of receipts and expenditures since 1995.

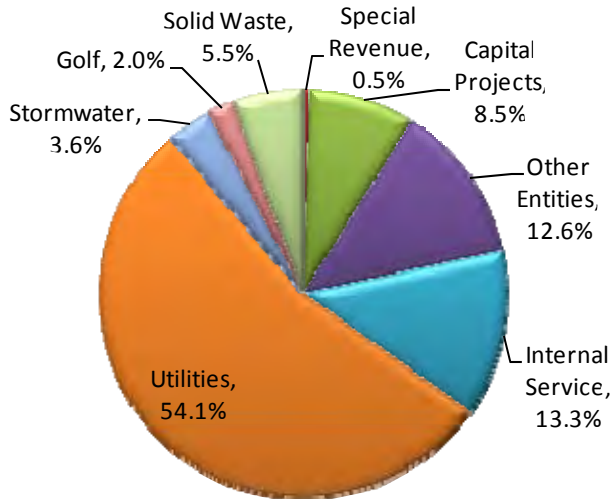
Special Revenue Funds: Community Development Block Grant, Cemetery, Local Improvement District, Lodging Tax, Affordable Housing, Seizure & Forfeitures.

General Government Capital Projects Fund: Capital Expansion Fee Funds, Park Improvement, Conservation Trust, Open Space, Art In Public Places.

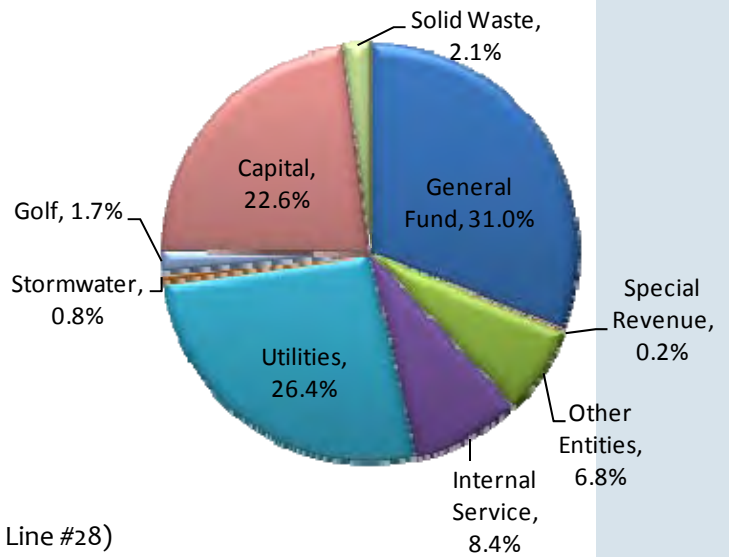
Other Entities Fund: Special Improvement District #1, Airport, General Improvement District #1, Loveland Urban Renewal Authority, Loveland/Larimer Building Authority.

Internal Service Funds: Risk/Insurance, Fleet, Employee Benefits.

### YTD Operating Revenues of \$60.72 Million



### YTD Operating Expenditures of \$56.70 Million



Revenues exceed expenditures YTD by \$4,020,702. (Line #14 less Line #28)

Special Revenues (Line #2) are under budget due to a slow quarter for lodging tax and less grants from Community Development Block Program.

Solid Waste (Line #10) is over budget due to proceeds on sale of assets.

Special Revenue (Line #16) is under budget due to timing of grants from lodging tax revenue.

Other Entities (Line #17) is under budget due to lower than predicted payments for Centerra TIF distribution in the Urban Renewal Authority fund.

Internal services (Line #18) is under budget due to timing of health and unemployment claims, and payments for property, liability, and workers compensation.

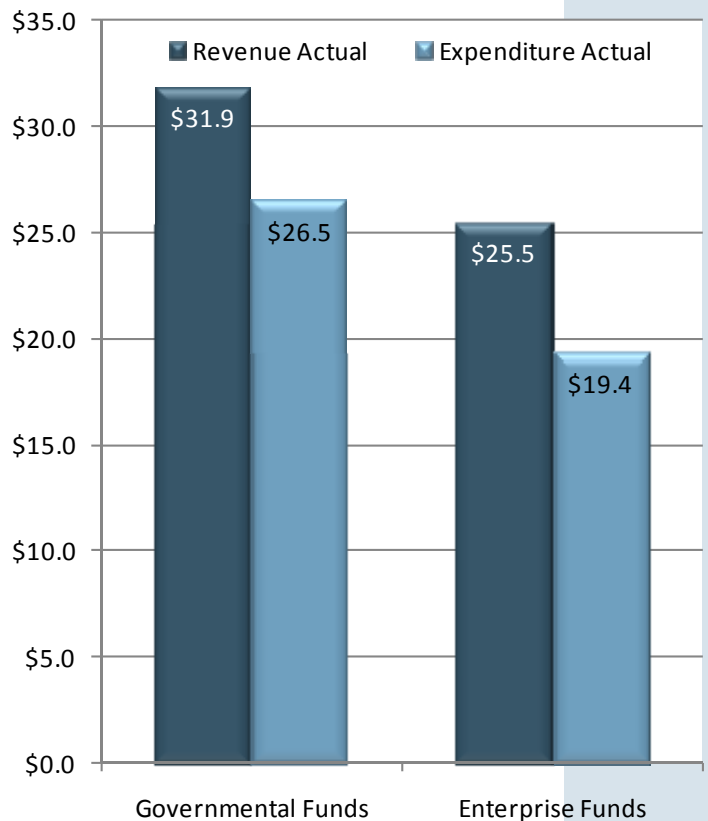
Capital expenditures (Line #20) is under budget mainly due to low activity on the Wastewater and Power projects.

Stormwater (Line #22) is under budget due to less spending in their personal services, supplies, and purchased services.

Golf (Line #23) is under budget due to less spending in their personal services, supplies and purchased services budgets.

Solid Waste (Line #24) is under budget due to less spending on carts and bins, yard waste and solid waste disposal charges, and personal services.

### YTD Operating Revenue & Expenditures By Comparison, Excluding Transfers



# General Fund Revenues & Expenditures

## Monthly Financial Report

### General Fund Revenue & Expenditures APRIL 2011

	REVENUE	APRIL 2011	YTD Actual	YTD Revised Budget	% of Budget
1	Taxes				
2	Property Tax	604,586	2,799,172	2,717,000	103.0%
3	Sales Tax	2,702,024	10,864,891	10,555,330	102.9%
4	Building Use Tax	99,569	282,322	612,960	46.1%
5	Auto Use Tax	221,177	657,927	628,900	104.6%
6	Other Taxes	401,693	1,078,281	886,858	121.6%
7	Intergovernmental	728,362	2,193,417	2,116,265	103.6%
8	License & Permits				
9	Building Permits	99,599	332,152	260,360	127.6%
10	Other Permits	47,001	178,663	94,764	188.5%
11	Charges For Services	345,105	1,246,896	1,192,464	104.6%
12	Fines & Forfeitures	76,899	312,258	320,776	97.3%
13	Interest Income	19,123	143,485	149,260	96.1%
14	Miscellaneous	391,668	1,477,178	1,405,024	105.1%
15	<i>Subtotal</i>	<i>\$ 5,736,807</i>	<i>\$ 21,566,642</i>	<i>\$ 20,939,961</i>	<i>103.0%</i>
16	Internal Transfers	139,747	654,707	686,590	95.4%
17	<b>Total Revenue</b>	<b>\$ 5,876,554</b>	<b>\$ 22,221,348</b>	<b>\$ 21,626,551</b>	<b>102.8%</b>
	<b>EXPENDITURES</b>				
	Operating				
18	Legislative	\$ 8,757	\$ 32,428	\$ 41,570	78.0%
19	Executive & Legal	128,263	519,332	511,933	101.4%
20	Comm. & Bus. Relations	24,107	96,269	133,936	71.9%
21	Cultural Services	83,115	332,088	389,014	85.4%
22	Development Services	273,112	919,527	918,408	100.1%
23	Finance	138,956	573,969	668,750	85.8%
24	Fire & Rescue	588,980	2,414,043	2,449,022	98.6%
25	Human Resources	55,281	220,563	314,110	70.2%
26	Information Technology	168,680	1,153,704	1,397,248	82.6%
27	Library	158,663	726,480	781,131	93.0%
28	Parks & Recreation	665,399	2,045,353	2,695,876	75.9%
29	Police	1,284,654	5,308,216	5,112,381	103.8%
30	Public Works	741,892	3,199,191	3,435,580	93.1%
31	Non-Departmental	282,021	473,986	504,996	93.9%
32	<i>Subtotal Operating</i>	<i>\$ 4,601,881</i>	<i>\$ 18,015,149</i>	<i>\$ 19,353,955</i>	<i>93.1%</i>
33	Internal Transfers	346,639	569,351	1,364,075	41.7%
34	<b>Total Expenditures</b>	<b>\$ 4,948,520</b>	<b>\$ 18,584,501</b>	<b>\$ 20,718,030</b>	<b>89.7%</b>



Building Use Tax (Line #4) is under budget due to low building activity.

Other Taxes (Line #6) is over budget due to higher revenue for sales and use tax audits, and cable franchise fees.

Building Permits (Line #9) is over budget due to fees paid for an office building on Rocky Mountain Ave.

Other Permits (Line #10) is over budget primarily due to school fees in lieu of land, and police special events permits.

Miscellaneous (Line #14) is over budget due to higher than anticipated collections for rental income, Library and Cultural Services donations, and proceeds on sale of assets.

Legislative (Line #18) is under budget mainly due to budget dollars for the Council Advance and travel and meetings not used.

Comm. & Bus. Relations (Line #20) is under budget due to timing in spending their purchased services and personnel services budget.

Cultural Services (Line #21) is under budget due to timing in spending their personal services, supplies, repair and maintenance, and artist fees budgets.

Finance (Line #23) is under budget due to timing in spending their supplies and purchased services budgets for revenue audits.

Human Resources (Line #25) is under budget due to timing in spending their supplies, and purchased services budget, as well as a vacant position.

Information Technology (Line #26) is under budget due to timing in spending their computer supplies budget.

Library (Line #27) is under budget due to timing in purchasing tools and equipment, microfilm reader, and broadcast equipment.

Parks & Recreation (Line #28) is under budget due to timing in spending their personal services, supplies, and purchased services budget.

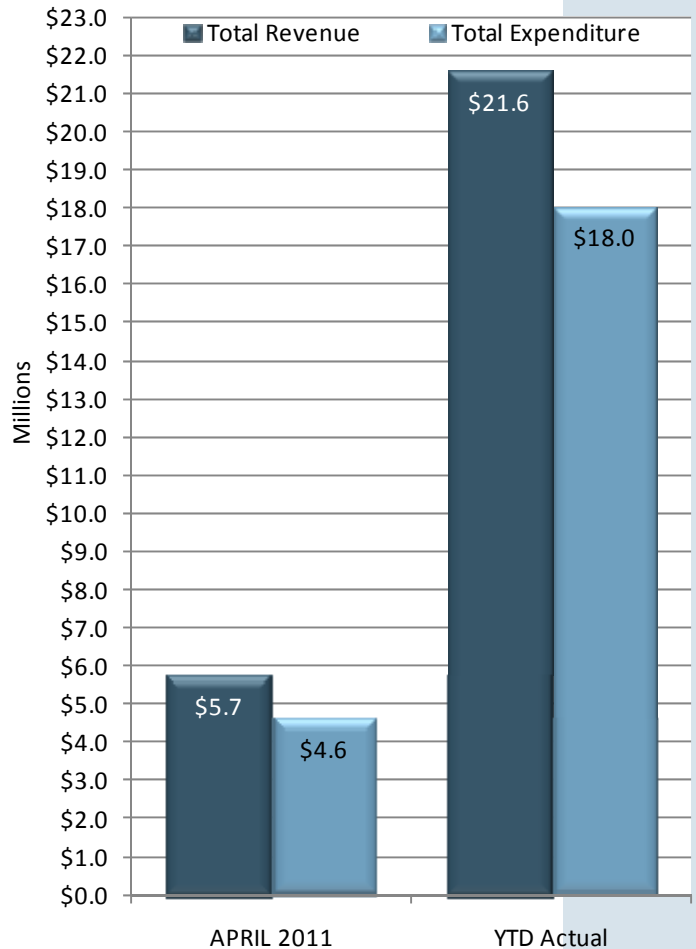
Public Works (Line #30) is under budget due to timing in spending their purchased services budget.

Non-Departmental (Line #31) is under budget due to timing in spending their purchased services budget.

Internal Transfers (Line #33) are under budget due to timing of capital projects expenditures. Transfers are made monthly based on actual project costs.

Revenues exceed expenditures by \$3,636,848 (Line #17 less Line #34)

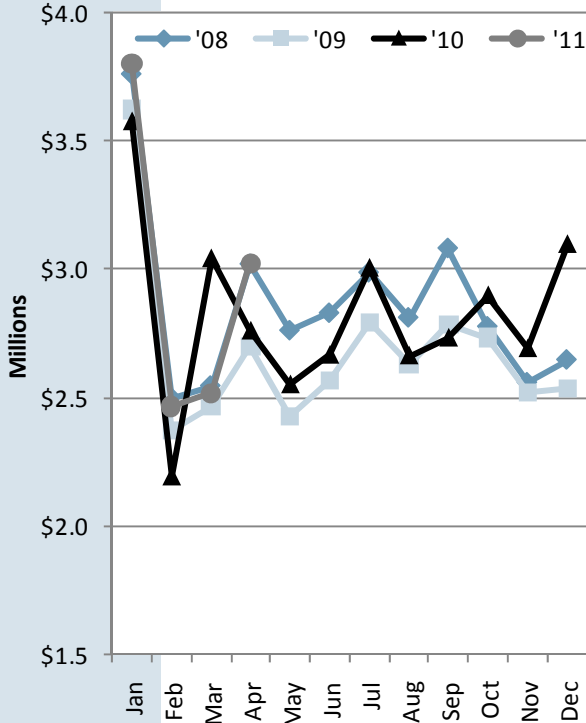
### General Fund Operating Revenue & Expenditures By Comparison, Excluding Transfers



# Tax Totals & Comparisons

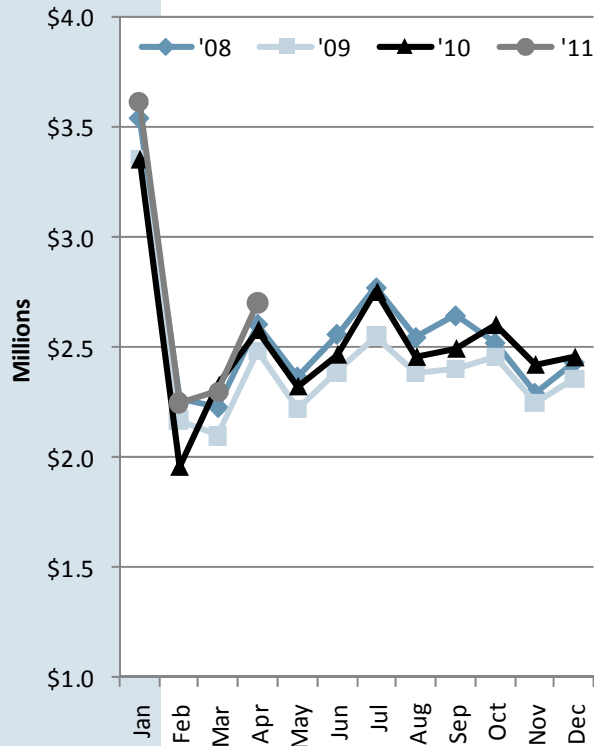
## Monthly Financial Report

### Sales & Use Tax



	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 3,763,212	\$ 3,622,251	\$ 3,573,972	\$ 3,799,760	\$ 3,708,140	2.5%
Feb	\$ 2,499,464	\$ 2,374,608	\$ 2,191,609	\$ 2,465,448	\$ 2,618,440	-5.8%
Mar	\$ 2,544,688	\$ 2,468,095	\$ 3,041,068	\$ 2,517,162	\$ 2,559,770	-1.7%
Apr	\$ 3,020,580	\$ 2,701,737	\$ 2,759,556	\$ 3,022,770	\$ 2,910,840	3.8%
May	\$ 2,761,197	\$ 2,428,860	\$ 2,550,227		\$ 2,628,350	
Jun	\$ 2,829,423	\$ 2,569,125	\$ 2,665,632		\$ 2,738,110	
Jul	\$ 2,987,495	\$ 2,794,222	\$ 3,004,324		\$ 2,968,340	
Aug	\$ 2,811,579	\$ 2,628,842	\$ 2,662,932		\$ 2,815,690	
Sep	\$ 3,082,644	\$ 2,782,768	\$ 2,732,087		\$ 2,884,640	
Oct	\$ 2,776,559	\$ 2,733,964	\$ 2,897,370		\$ 2,941,910	
Nov	\$ 2,557,802	\$ 2,522,092	\$ 2,690,549		\$ 2,659,950	
Dec	\$ 2,646,945	\$ 2,537,802	\$ 3,096,111		\$ 2,682,740	
	\$ 34,281,588	\$ 32,164,365	\$ 33,865,435	\$ 11,805,140	\$ 34,116,920	
<b>YTD</b>	\$ 11,827,943	\$ 11,166,692	\$ 11,566,205	\$ 11,805,140	\$ 11,797,190	0.1%

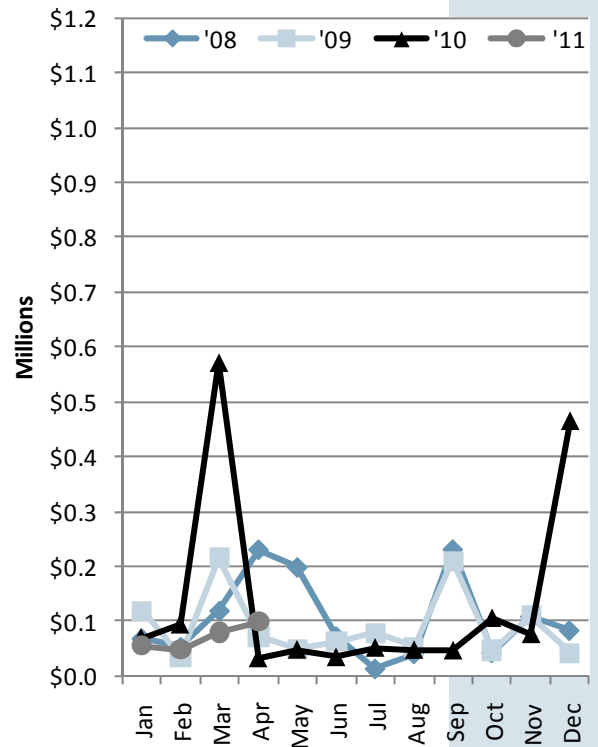
### Retail Sales Tax



	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 3,538,021	\$ 3,354,704	\$ 3,352,821	\$ 3,613,881	\$ 3,419,500	5.7%
Feb	\$ 2,266,805	\$ 2,170,562	\$ 1,959,729	\$ 2,249,749	\$ 2,333,970	-3.6%
Mar	\$ 2,229,963	\$ 2,100,216	\$ 2,328,701	\$ 2,299,237	\$ 2,216,570	3.7%
Apr	\$ 2,605,919	\$ 2,482,752	\$ 2,579,918	\$ 2,702,024	\$ 2,585,290	4.5%
May	\$ 2,367,597	\$ 2,218,482	\$ 2,324,395		\$ 2,310,110	
Jun	\$ 2,560,453	\$ 2,390,535	\$ 2,468,207		\$ 2,489,270	
Jul	\$ 2,770,864	\$ 2,552,195	\$ 2,752,870		\$ 2,657,610	
Aug	\$ 2,546,052	\$ 2,383,119	\$ 2,458,382		\$ 2,481,550	
Sep	\$ 2,644,113	\$ 2,401,596	\$ 2,495,338		\$ 2,500,790	
Oct	\$ 2,521,253	\$ 2,457,158	\$ 2,602,599		\$ 2,558,640	
Nov	\$ 2,294,503	\$ 2,245,659	\$ 2,422,352		\$ 2,338,410	
Dec	\$ 2,432,635	\$ 2,358,273	\$ 2,455,821		\$ 2,424,090	
	\$ 30,778,179	\$ 29,115,253	\$ 30,201,133	\$ 10,864,891	\$ 30,315,800	
<b>YTD</b>	\$ 10,640,708	\$ 10,108,234	\$ 10,221,169	\$ 10,864,891	\$ 10,555,330	2.9%

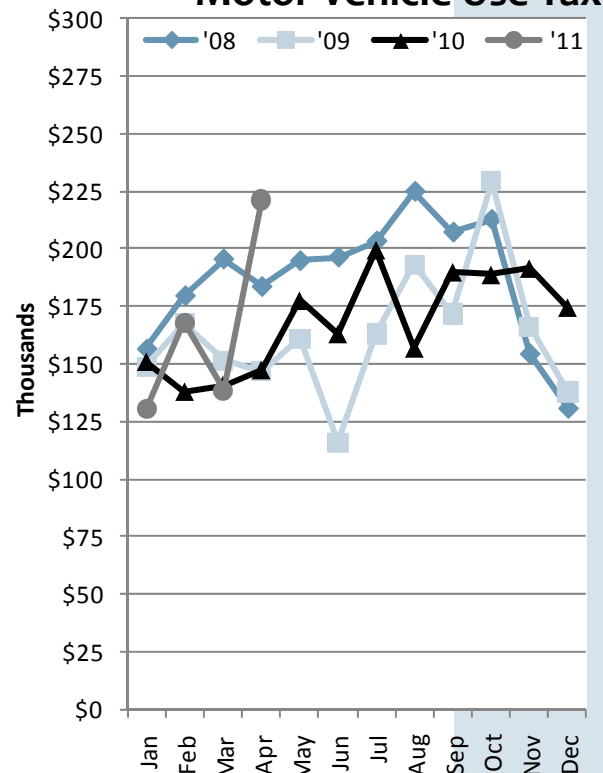
	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 68,522	\$ 118,719	\$ 70,117	\$ 55,542	\$ 136,380	-59.3%
Feb	\$ 52,986	\$ 36,254	\$ 93,928	\$ 47,622	\$ 112,810	-57.8%
Mar	\$ 119,149	\$ 216,500	\$ 571,599	\$ 79,590	\$ 188,330	-57.7%
Apr	\$ 230,954	\$ 72,251	\$ 32,260	\$ 99,569	\$ 175,440	-43.2%
May	\$ 198,765	\$ 49,434	\$ 48,145		\$ 153,590	
Jun	\$ 72,544	\$ 62,723	\$ 34,349		\$ 130,300	
Jul	\$ 13,276	\$ 79,061	\$ 51,657		\$ 144,010	
Aug	\$ 40,683	\$ 52,578	\$ 47,716		\$ 136,550	
Sep	\$ 231,321	\$ 209,338	\$ 46,646		\$ 208,060	
Oct	\$ 42,561	\$ 47,437	\$ 105,818		\$ 148,620	
Nov	\$ 108,737	\$ 110,207	\$ 76,444		\$ 151,490	
Dec	\$ 83,315	\$ 41,844	\$ 465,626		\$ 115,540	
	\$ 1,262,815	\$ 1,096,346	\$ 1,644,305	\$ 282,323	\$ 1,801,120	
<b>YTD</b>	\$ 471,611	\$ 443,724	\$ 767,904	\$ 282,323	\$ 612,960	-53.9%

### Building Material Use Tax



	'08	'09	'10	'11	2011 Budget	+ / - Budget
Jan	\$ 156,669	\$ 148,828	\$ 151,034	\$ 130,337	\$ 152,260	-14.4%
Feb	\$ 179,673	\$ 167,793	\$ 137,951	\$ 168,077	\$ 171,660	-2.1%
Mar	\$ 195,576	\$ 151,378	\$ 140,768	\$ 138,335	\$ 154,870	-10.7%
Apr	\$ 183,707	\$ 146,734	\$ 147,378	\$ 221,177	\$ 150,110	47.3%
May	\$ 194,835	\$ 160,943	\$ 177,687		\$ 164,650	
Jun	\$ 196,426	\$ 115,867	\$ 163,076		\$ 118,540	
Jul	\$ 203,356	\$ 162,966	\$ 199,797		\$ 166,720	
Aug	\$ 224,843	\$ 193,144	\$ 156,834		\$ 197,590	
Sep	\$ 207,209	\$ 171,833	\$ 190,102		\$ 175,790	
Oct	\$ 212,745	\$ 229,369	\$ 188,953		\$ 234,650	
Nov	\$ 154,561	\$ 166,225	\$ 191,753		\$ 170,050	
Dec	\$ 130,995	\$ 137,685	\$ 174,664		\$ 143,110	
	\$ 2,240,595	\$ 1,952,766	\$ 2,019,997	\$ 657,926	\$ 2,000,000	
<b>YTD</b>	\$ 715,624	\$ 614,733	\$ 577,132	\$ 657,926	\$ 628,900	4.6%

### Motor Vehicle Use Tax



# Sales Tax Collections

## Monthly Financial Report

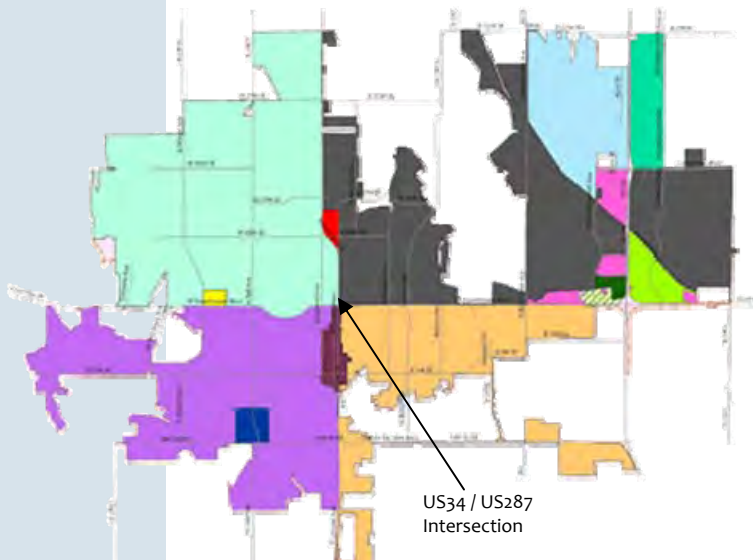
### Collections By Standard Industrial Classification Code

Description	YTD 2011	YTD 2010	\$ Change	% Change	% of Total	Cumulative %
1 Department Stores & General Merchandise	\$ 2,504,522	\$ 2,501,344	\$ 3,178	0.1%	23.1%	23.1%
2 Restaurants & Bars	1,208,173	1,110,029	98,143	8.8%	11.1%	34.2%
3 Grocery Stores & Specialty Foods	1,156,762	1,100,827	55,935	5.1%	10.6%	44.8%
4 Clothing & Clothing Accessories Stores	784,055	667,804	116,251	17.4%	7.2%	52.0%
5 Utilities	712,021	733,301	(21,280)	-2.9%	6.6%	58.6%
6 Motor Vehicle Dealers, Auto Parts & Leasing	623,245	576,473	46,772	8.1%	5.7%	64.3%
7 Building Material & Lawn & Garden Supplies	571,733	517,886	53,847	10.4%	5.3%	69.6%
8 Sporting Goods, Hobby, Book & Music Stores	552,972	492,998	59,974	12.2%	5.1%	74.7%
9 Broadcasting & Telecommunications	459,274	446,410	12,864	2.9%	4.2%	78.9%
10 Used Merchandise Stores	302,647	278,954	23,692	8.5%	2.8%	81.7%
11 Electronics & Appliance Stores	284,262	272,266	11,996	4.4%	2.6%	84.3%
12 Beer, Wine & Liquor Stores	225,315	212,019	13,296	6.3%	2.1%	86.4%
13 Hotels, Motels & Other Accommodations	198,427	156,255	42,173	27.0%	1.8%	88.2%
14 Health & Personal Care Stores	194,285	180,333	13,952	7.7%	1.8%	90.0%
15 Electronic Shopping & Mail-Order Houses	174,211	108,331	65,880	60.8%	1.6%	91.6%
16 Consumer Goods & Commercial Equipment	171,023	175,592	(4,570)	-2.6%	1.6%	93.2%
17 Furniture & Home Furnishing Stores	138,355	131,974	6,380	4.8%	1.3%	94.4%
18 Office Supplies, Stationery & Gift Stores	133,233	128,927	4,306	3.3%	1.2%	95.7%
19 Gasoline Stations with Convenience Stores	72,350	67,084	5,266	7.8%	0.7%	96.3%
20 All Other Categories	398,025	362,360	35,665	9.8%	3.7%	100.0%
<b>Total</b>	<b>\$ 10,864,891</b>	<b>\$ 10,221,169</b>	<b>\$ 643,722</b>	<b>6.3%</b>	<b>100.0%</b>	<b>100.0%</b>

Sales tax received through April 2011, is 6.3% over 2010. All fourteen geographical areas show positive sales trends, with the Airport and Ranch areas showing the largest percentage increase due to new businesses and increased scheduling at the Event Center and the Fairgrounds. The Outlet Mall is up over 16% due to several new store openings. The Centerra Market place (west of I-25) has the largest increase in dollars which may be driven by the 17.4% increase in spending on clothing and clothing accessories and the 8.8% increase at restaurants.

By business category; as the weather continues to improve, spending has increased 10.4% and 12.2% on “Building Materials” and “Sporting Goods” respectively. Hotels & Motels are up 27% over last year’s strong sales numbers, which is great news for our lodging tax and our Community Marketing efforts.

The year to date Audit Revenue is \$120,894 and \$112,049 has been collected in Lodging Tax.



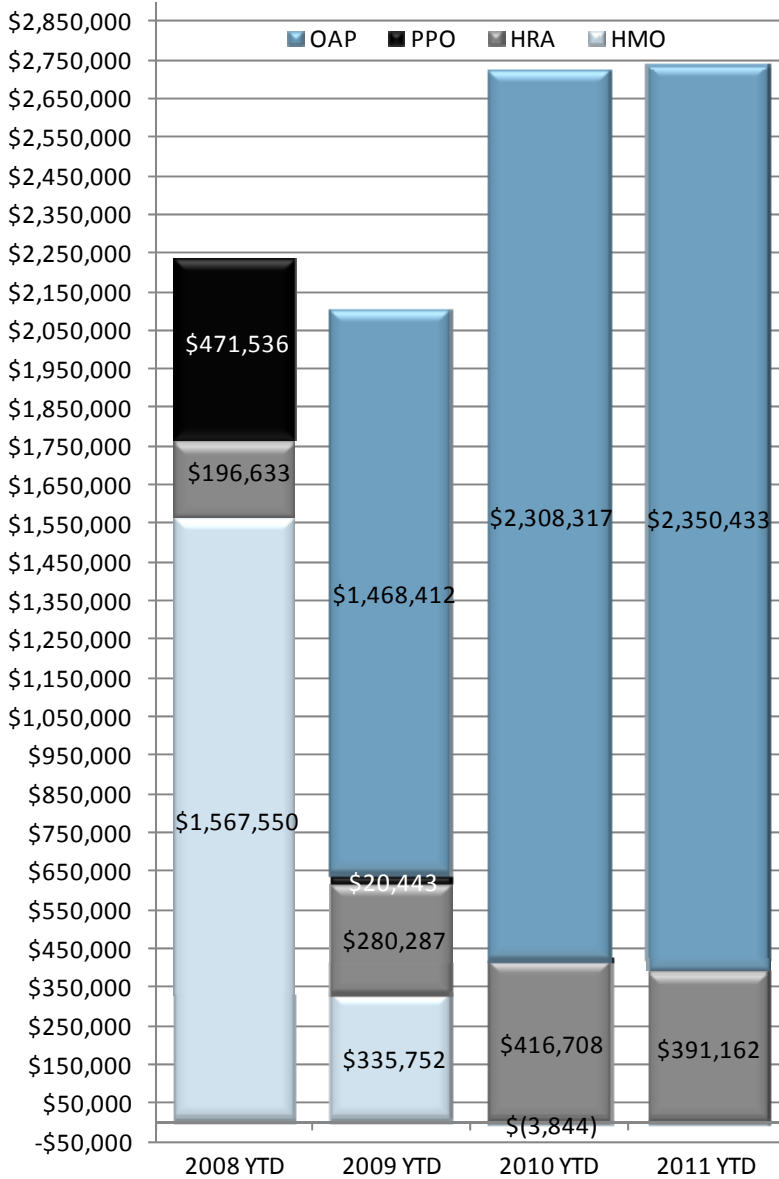
### Collections By Geographical Code

Geographical Area	YTD 2011	YTD 2010	% Change
North West Loveland	\$1,234,379	\$1,199,488	2.91%
South West Loveland	\$337,093	\$307,016	9.80%
North East Loveland	\$654,951	\$612,539	6.92%
South East Loveland	\$2,504,244	\$2,447,786	2.31%
Orchards Shopping Center	\$718,413	\$675,054	6.42%
Columbine Shopping Center	\$190,028	\$181,167	4.89%
Downtown	\$345,896	\$336,119	2.91%
Centerra	\$1,021,320	\$923,233	10.62%
Promenade Shops	\$878,800	\$810,301	8.45%
Outlet Mall	\$417,302	\$358,592	16.37%
Thompson Valley Shopping Center	\$557,847	\$514,724	8.38%
The Ranch	\$225,999	\$183,861	22.92%
Airport	\$104,179	\$80,633	29.20%
All Other Areas	\$1,674,440	\$1,590,654	5.27%
<b>Total</b>	<b>\$10,864,891</b>	<b>\$10,221,169</b>	<b>6.3%</b>

# Health Care Claims

April 2011

## YTD Processed Claims

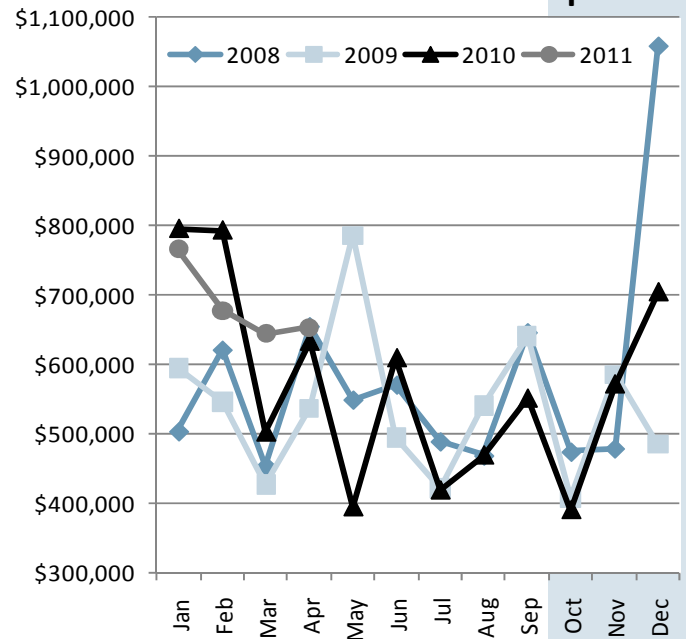


## Claims Over \$25,000 Comparison

	2009	2010	2011
	# of Claims	# of Claims	# of Claims
January	4	5	6
February	7	9	10
March	9	13	13
April	11	15	17
May			
June			
July			
August			
September			
October			
November			
December			

YTD Stoploss Claims: 0

## Total Incurred Claims Comparison



## Cash Basis for Claims Paid

		HMO	OAP	HRA	PPO	Total	Budget	\$ Over / (Under) Budget	% Over / (Under) Budget
		<b>2011</b>	April	\$ -	\$ 518,248	\$ 134,630	\$ -	\$ 652,878	\$ 657,278
	YTD	-	2,350,434	390,944		2,741,378	2,629,113	112,265	4.3%
<b>2010</b>	April	\$ (263)	\$ 557,130	\$ 75,564	\$ -	\$ 632,431	\$ 630,045	\$ 2,386	0.4%
	YTD	\$ (3,844)	\$ 2,308,317	\$ 416,708	\$ 285	\$ 2,721,466	\$ 2,520,180	\$ 201,286	8.0%
<b>Change</b>	April	\$ 263	\$ (38,882)	\$ 59,066	\$ -	\$ 20,447			
	% Apr	0.0%	-7.0%	78.2%	0.0%	3.2%			
	YTD	\$ (3,844)	\$ 42,117	\$ (25,764)	\$ (285)	\$ 19,912			
	% YTD	100.0%	1.8%	-6.2%	0.0%	0.7%			

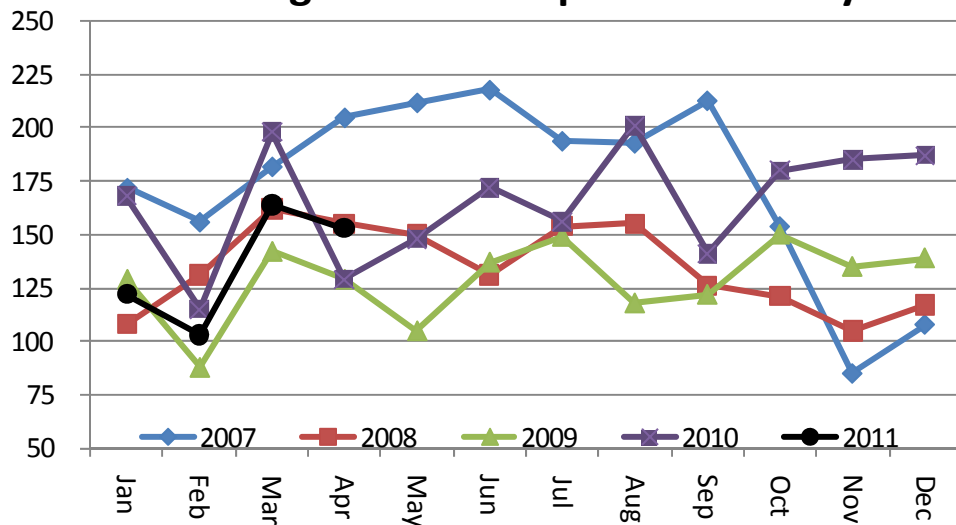
# Activity Measures

## Monthly Financial Report

### Activity Measures

Measures	Apr '09	Apr'10	Apr '11	2009 YTD	2010 YTD	2011 YTD
# of Building Permits	129	129	153	488	610	542
Building Permit Valuations	\$ 5,346,760	\$11,343,573	\$ 9,452,211	\$ 27,458,131	\$ 68,516,803	\$ 25,304,267
# of Certified Occupancies	28	11	26	84	50	76
Net # of Sales Tax Licenses	12	10	31	71	27	21
New Residential Electric Meter Sets	10	21	9	52	39	159
# of Utility Bills Sent	32,640	34,914	35,435	133,431	139,678	141,762
Rounds of Golf	9,008	9,437	8,597	22,505	13,941	19,348
Health Claim Costs/Emp.	\$ 786	\$ 1,023	\$ 1,043	\$ 4,008	\$ 4,412	\$ 4,374
# of Vacant Positions	2	9	6			
# of Frozen Vacant Positions	2	14	16			
# of Eliminated Positions	14	38	45			
KWH Demand (kH)	81,686	78,767	77,453	347,943	354,664	373,070
KWH Purchased (kwh)	51,932,044	51,557,553	54,695,381	218,487,117	220,017,138	228,035,012
Gallons of Water Sold	158,309,104	152,619,681	161,197,613	587,811,174	573,688,986	579,082,439
# of Workers' Comp Claims	8	10	5	28	57	35
\$ of Workers' Comp Claims Paid	\$ 15,092	\$ 10,311	\$ 5,348	\$ 24,382	\$ 16,382	\$ 16,311
# of Open Claims Current Year	NA	9	11			
# of Total Open Claims	NA	15	13			
\$ of Total Open Claims	\$ 122,318	\$ 173,250	\$ 102,355			
# of Hotel Rooms	NA	1,117	1,117			
\$ of Lodging Tax Collected	NA	\$ 31,965	\$ 39,773	NA	\$ 88,174	\$ 112,048

### Building Permit Comparison History



## Cash &amp; Reserves

April 2011

## Cash &amp; Reserves

Total Cash & Reserves = \$192.3 million, of which \$142.1 million is restricted or reserved, or 73.9%, leaving \$50.2 million unrestricted.

Statement of Cash April 2011			
	Beginning	YTD Activity	Ending
<b>Restricted</b>			
1 Capital Expansion Fees	\$ 36,464,857	\$ 245,375	\$ 36,710,232
2 Other Special Revenue Funds	20,268,968	315,402	20,584,370
3 Capital Projects	3,439,842	(1,472,106)	1,967,736
4 Debt Reserves-Golf	-	-	-
5 Water System Impact Fees	5,634,568	643,719	6,278,286
6 Windy Gap	4,776,059	(540,944)	4,235,115
7 Raw Water	22,801,762	(3,994,573)	18,807,189
8 Wastewater System Impact Fees	4,258,451	386,931	4,645,382
9 Storm Drainage System Impact Fees	1,542,372	(217,630)	1,324,742
10 Power System Impact Fees	5,624,382	538,006	6,162,388
11 Cemetery	2,433,991	35,677	2,469,668
12 Other Entities	3,393,300	1,313,687	4,706,987
<b>13 Total Restricted</b>	<b>\$ 110,638,551</b>	<b>\$ (2,746,456)</b>	<b>\$ 107,892,096</b>
<b>Committed/Assigned Balance Amounts</b>			
14 General Fund			
15 Operating/Emergency ***	1,731,040	-	1,731,040
16 Council Contingency	-	-	-
17 Council Capital Reserve ***	4,730,850	(1,091,750)	3,639,100
18 Liability	125,000	-	125,000
19 Equipment Replacement	-	-	-
20 Police Communication Console Replacement	512,000	104,000	616,000
21 Library Reserve	158,379	850	159,229
22 Library Building Reserve	16,750	-	16,750
23 Telephone Switch Reserve	261,460	-	261,460
24 Excess TABOR	5,698,193	(310,313)	5,387,880
25 Water	660,898	(297,384)	363,514
26 Wastewater	816,746	(2,583)	814,163
27 Storm Water	442,355	53,553	495,908
28 Power	2,696,087	179,124	2,875,211
29 Golf	243,784	1,308	245,092
30 Insurance Reserves	4,632,532	(87,132)	4,545,400
31 Employee Benefits	6,443,162	116,350	6,559,512
32 Fleet Replacement	6,208,177	186,816	6,394,993
<b>33 Total Committed/Assigned</b>	<b>\$ 35,377,415</b>	<b>\$ (1,147,161)</b>	<b>\$ 34,230,254</b>
<b>34 Total Restricted/Committed/Assigned</b>	<b>\$ 146,015,966</b>	<b>\$ (3,893,617)</b>	<b>\$ 142,122,349</b>
<b>Unassigned Balance Amounts</b>			
35 General	12,740,445	3,475,645	16,216,089
36 Airport	814,146	36,302	850,448
37 Internal Service - Vehicle Maintenance	57,032	61,818	118,850
38 Golf	902,662	(28,429)	874,233
39 Water	3,745,091	(1,685,176)	2,059,915
40 Wastewater	7,350,712	(23,247)	7,327,465
41 Power	15,277,828	1,015,036	16,292,864
42 Stormwater	2,506,679	303,469	2,810,148
43 Solid Waste	2,873,450	791,483	3,664,933
<b>44 Total Unassigned</b>	<b>\$ 46,268,044</b>	<b>\$ 3,946,901</b>	<b>\$ 50,214,945</b>
<b>45 Total Cash</b>	<b>\$ 192,284,010</b>	<b>\$ 53,284</b>	<b>\$ 192,337,294</b>

\*Operating/Emergency: TABOR Amendment requirement for 3% of operating expenditures excluding transfers and debt.

\*\*Other Entities Fund: Special Improvement District #1, Airport, General Improvement District #1, Loveland Urban Renewal Authority, Loveland/Larimer Building Authority

\*\*\*Contributions made at year end.

(Line #17) Council Capital Reserve: \$900,000 Downtown Improvements \$191,750 Interfund Loan Payment

(Line #22) The market value of the Proctor & Gamble Stock as of December 31, 2010 is \$205,856. This value represents the original value of the stock when it was first donated.

(Line #24) Six main streets projects are: US 34/Madison, Boyd Lake Ave Extension, Signal at 4th/ Lincoln, Crossroads/71st St, 57th/287, and Crossroads/I-25

Prepared by:  
Finance Department

WEBSITE: [WWW.CITYOFLOVELAND.ORG](http://WWW.CITYOFLOVELAND.ORG)

## Citywide Capital Projects Over \$500,000

Project Title	2011 Budget	2011 Expenditures	Remaining 2011 Budget	% of 2011 Budget (Exp/Bud)	Budget Book Page #
<b>Water Capital</b>					
Washington Ave WL Replacement	\$ 547,810	\$ -	\$ 547,810	0.00%	C-115
Filter Plant 2 Improvements	\$ 827,210	\$ 914,016	\$ (86,806)	110.49%	C-113
<b>Raw Water Capital</b>					
Windy Gap Firming Project	\$ 596,490	\$ -	\$ 596,490	0.00%	C-86
Purchase Colorado Big Thompson Water	\$ 4,500,000	\$ 4,500,000	\$ -	100.00%	C-87
<b>Wastewater Utility Capital</b>					
Carlisle Phase IV (Taft to RR)	\$ 601,510	\$ 16,959	\$ 584,551	2.82%	C-101
Waste Activated Sludge Thickening	\$ 5,738,330	\$ 60,140	\$ 5,678,190	1.05%	C-88
<b>Power Capital</b>					
Horseshoe Sub tie S along Taft to ckt existing on West 29th	\$ 2,300,000	\$ 2,111	\$ 2,297,889	0.09%	
West Sub tie E along Arkins Branch, N along Wilson to 29th	\$ 1,300,000	\$ 2,919	\$ 1,297,081	0.22%	
Valley Sub tie W along 402, N along Wilson, W along Arkins to W Sub	\$ 1,100,000	\$ 1,768	\$ 1,098,232	0.16%	
Horseshoe Sub - New Transformer	\$ 1,200,000	\$ -	\$ 1,200,000	0.00%	
<b>Stormwater Capital</b>					
Washington Ave Outfall Phase 4	\$ 3,313,990	\$ 531,035	\$ 2,782,955	16.02%	
<b>Streets Transportation Program</b>					
Boyd Lake Ave Extension	\$ 1,005,100	\$ 198,302	\$ 806,798	19.73%	C-71
2011 Street Rehabilitation	\$ 2,956,210	\$ 120,336	\$ 2,835,874	4.07%	C-39
<b>All Other</b>					
Downtown Infrastructure	\$ 900,000	\$ -	\$ 900,000	0.00%	C-40
Open Lands Acquisition	\$ 2,950,000	\$ -	\$ 2,950,000	0.00%	C-29
MeHaffey Park Development	\$ 640,000	\$ -	\$ 640,000	0.00%	C-28
Library Expansion*	\$ 7,022,384	\$ 955,409	\$ 6,066,975	13.61%	

\*Budget will be rolled from 2010

City of Loveland  
500 East 3rd Street  
Loveland, CO 80537

For more information regarding this report contact:  
Renee Wheeler, Assistant City Manager  
970.962.2704 or [wheeler@ci.loveland.co.us](mailto:wheeler@ci.loveland.co.us)







**CITY OF LOVELAND**  
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

**AGENDA ITEM:** 19  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Alan Krcmarik, Executive Fiscal Advisor  
**PRESENTER:** Alan Krcmarik

**TITLE:** Investment Report for April 2011

**DESCRIPTION:** This is an information only item. No Council action is required. The budget estimate for investment earnings for 2011 is \$3,163,130. For the first four months of 2011, the amount posted to the investment account is \$1,007,789 including realized gains. Actual year-to-date earnings are lower than the year-to-date projection by \$46,588. Based on April's monthly statement, the estimated annualized yield is about 2.04%, just over the annual target rate. Interest rates are trending lower, but annual returns should still meet the target.

**BUDGET IMPACT:** Investment earnings provide revenue to the City's various funds.

Yes  No

**SUMMARY:** At the end of April, the City's total portfolio had an estimated market value of \$193.5 million, about \$ 3.8 million more than a month ago. Of this amount, USBank held (including accrued interest) \$184 million in trust accounts; other funds are held in local government investment pools, in operating accounts at WellsFargo Bank, and a few miscellaneous accounts. Based on the monthly report from the trustee, USBank, the estimated annualized yield on securities held at the end of April was 2.04%, slightly higher than the prior month. Investments are held in US Treasury Notes, highly-rated US Agency Bonds, highly-rated corporate bonds, money market accounts, and local government investment pools. The City's investment strategy emphasizes safety of principal, then sufficient liquidity to meet cash needs, and finally, return on investment. Each percent of earnings on the portfolio equates to \$1.9 million annually. Each basis point would be about \$19,350 annually.

**LIST OF ATTACHMENTS:** Investment Focus April 2011

**RECOMMENDED CITY COUNCIL ACTION:** For Council's information; questions welcomed.

**REVIEWED BY CITY MANAGER:**

Loveland Municipal Building

# Investment Focus

## Monthly Investment Report

## April 2011

### What's in here?

<b>Focal Points</b>	<b>1</b>
<b>Gain / Loss</b>	
<b>Rate Trends</b>	<b>2</b>
<b>Cash Statement</b>	<b>3</b>
<b>Portfolio size</b>	<b>4</b>
<b>Investment types</b>	
<b>Transactions /</b>	<b>5</b>
<b>Maturity</b>	
<b>Future Scan</b>	<b>6</b>

### Focal Points

- \* **2011 targets for the City's portfolio: 1) the interest rate target is 2.0%; 2) the earnings goal = \$3,163,130**
- \* **City investments are in high quality, low risk securities, in compliance with state law and the adopted investment policy.**
- \* **Interest received on trust accounts = \$1,007,789. There has been one sale in this year, resulting in a gain of \$17,598.**
- \* **Each 1% of the total portfolio amounts to about \$1.9 million.**
- \* **\$1.5 million change in unrealized loss – now at \$1 million**

### Two Key Studies Show that Strategic Defaults Continue to Grow

Last year, two studies were published which have tried to get a handle on strategic defaults. First came an April report by three Morgan Stanley analysts entitled "Understanding Strategic Defaults."

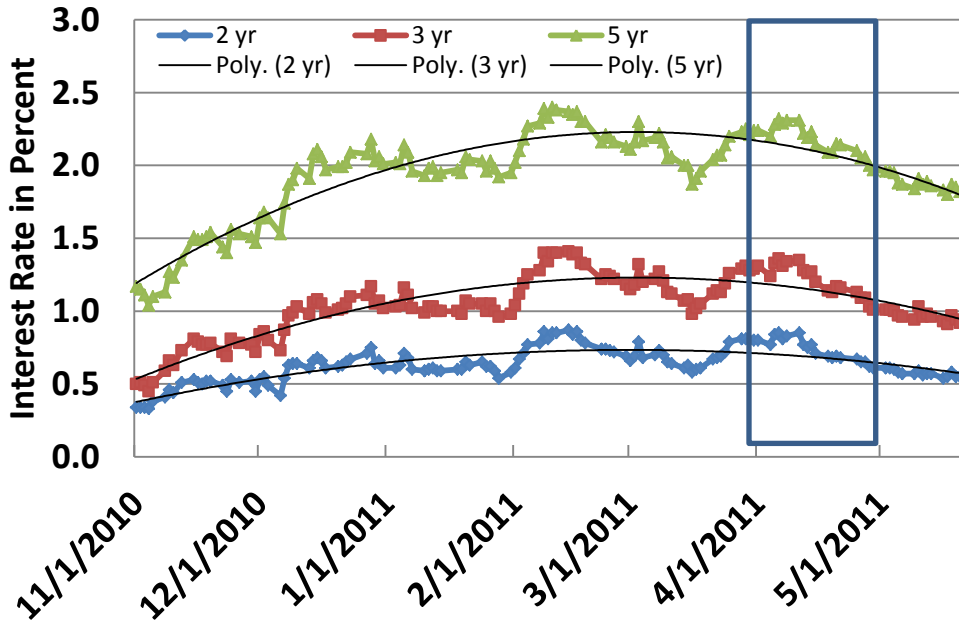
The study analyzed 6.5 million anonymous credit reports from TransUnion's enormous database while focusing on first lien mortgages taken out between 2004 and 2007. The authors found that loans originated in 2007 had a significantly higher percentage of strategic defaults than those originated in 2004. See chart on page 2.

Type of Investment	Purchase Price	Market Value	Unrealized Gain or Loss
Checking Accounts	\$ 9,172,975	\$ 9,172,945	--
Investment Pools	270,370	270,370	--
Money Markets	<u>3,855,135</u>	<u>3,855,135</u>	--
Subtotal	\$ 13,298,479	\$ 13,298,479	--
Notes and Bonds	<u>181,201,618</u>	<u>180,177,087</u>	<b>(\$ 1,024,531)</b>
<b>Total Portfolio</b>	<b>\$ 194,500,097</b>	<b>\$ 193,475,566</b>	<b>(\$ 1,024,531)</b>
Data Sources	(Morgan Stanley)	(US Bank)	

City of Loveland  
500 East 3<sup>rd</sup> Street  
Loveland, CO 80537



## Interest rate trends / strategic housing default



Since reaching record lows in early November, interest rates rose through February and have since trended downward.

Based on the 2-year treasury, the April month-end rate was 19 basis points lower (a 24% decrease) than February.

When the treasury market shifts like this, the value of prior investments increases. The down-side is that reinvestment yields are lower.

**Why are the 2007 borrowers strategically defaulting much more often than the 2004 borrowers?** Prices were rising rapidly in 2004 whereas they were falling in nearly all markets by 2007. So the 2007 loans were considerably more underwater than the 2004 loans.

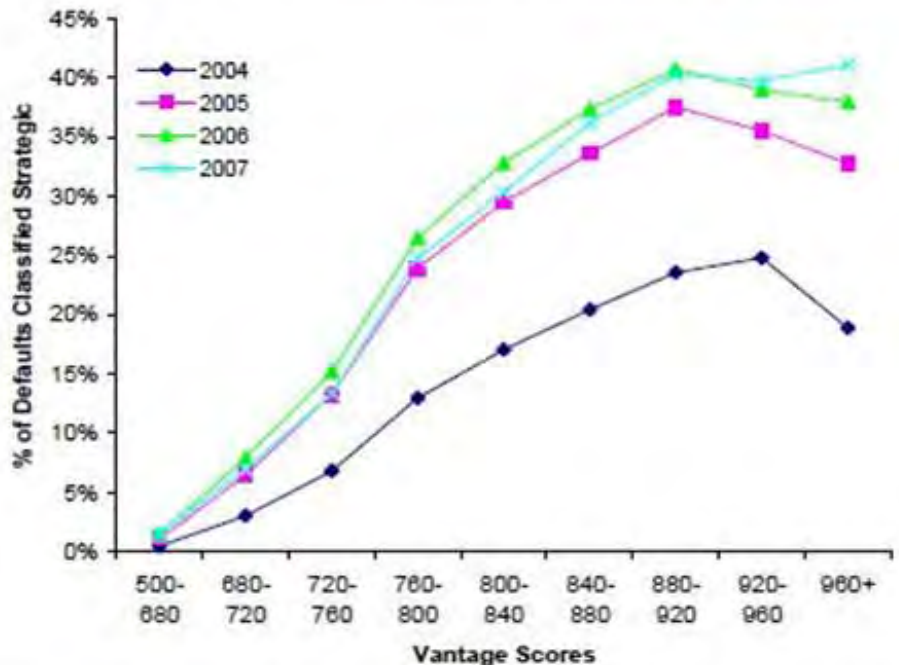
Note also that the strategic default rate rises very sharply at higher Vantage credit scores. (Vantage scoring was developed jointly by the three credit reporting agencies and now competes with FICO scoring.)

Another chart shows us that even for loans originated in 2007, the strategic default percentage climbs with higher credit scores.

### Strategic Defaults Revisited: It Could Get Very Ugly

By Keith Jurow Apr 26, 2011

### Strategic Defaults Across Vintages: Higher Strategic Defaults at Higher Vantage Scores



Source: TransUnion, Morgan Stanley Research

# Cash Position Summary

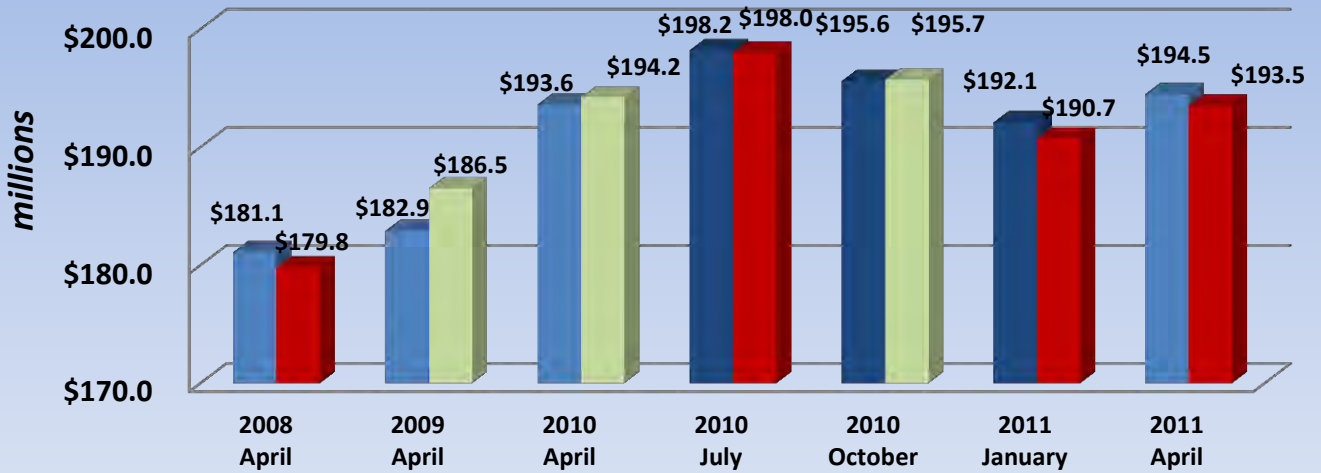
## Cash & Reserves (unaudited)

		2011 Beginning	YTD Activity	Month End Total
<b>Restricted Reserves</b>				
1	Capital Expansion Fees	\$ 36,464,857	\$ 245,375	\$ 36,710,232
2	Water System Impact Fees	5,634,568	643,719	6,278,286
3	Raw Water Revenue – Windy Gap	27,577,821	(4,535,517)	23,042,304
4	Wastewater System Imp. Fees	4,258,451	386,931	4,645,382
5	Storm Drain System Imp. Fees	1,542,372	(217,630)	1,324,742
6	Power Plant Investment Fees	5,624,382	538,006	6,162,388
7	Cemetery Perpetual Care	2,433,991	35,677	2,469,668
8	Other Restricted	27,102,110	156,983	27,259,093
9	<b>Total Restricted</b>	<b>\$ 110,638,551</b>	<b>\$ (2,746,456)</b>	<b>\$ 107,892,096</b>
<b>Reserve Balance Amounts</b>				
10	General Fund	\$ 13,233,672	\$ (1,297,213)	\$ 11,936,459
11	Enterprise Funds	4,859,870	(65,982)	4,793,889
12	Internal Service Funds	17,283,872	216,034	17,499,906
13	<b>Total Reserves</b>	<b>\$ 35,377,415</b>	<b>\$ (1,147,161)</b>	<b>\$ 34,230,254</b>
14	<b>Total Restricted and Reserved</b>	<b>\$ 146,015,966</b>	<b>\$ (3,893,617)</b>	<b>\$ 142,122,349</b>
<b>Unrestricted</b>				
15	General Fund	\$ 12,740,445	\$ 3,475,645	\$ 16,216,089
16	Airport	814,146	36,302	850,448
17	Internal Service – Vehicle Maint	57,032	61,818	118,850
18	Enterprise Funds	32,656,422	373,136	33,029,558
19	<b>Total Unrestricted</b>	<b>\$ 46,268,044</b>	<b>\$ 3,946,901</b>	<b>\$ 50,214,945</b>
20	<b>TOTAL CASH</b>	<b>\$ 192,284,010</b>	<b>\$ 53,284</b>	<b>\$ 192,337,294</b>

# Monthly Investment Report

## Portfolio Size / Types of Investments

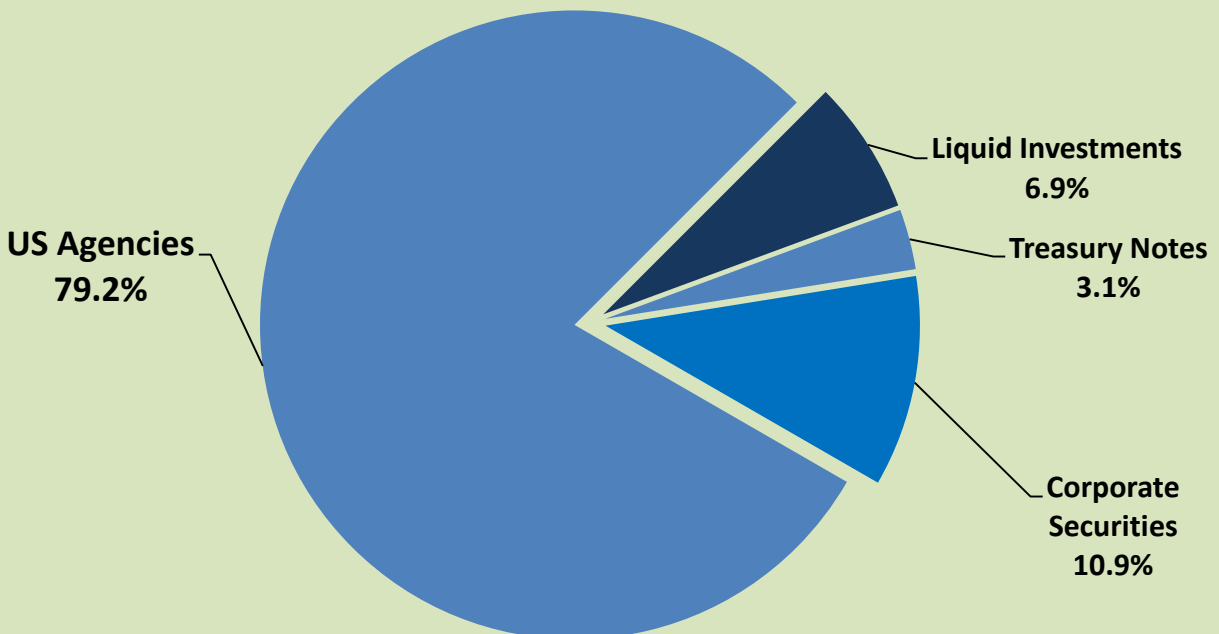
### Portfolio Size since April 2008



Blue bars show Purchase value, red and green bars show market value, red = loss and green = gain

### Portfolio by Type of Investment

April 2011 – Value of \$193.5 million

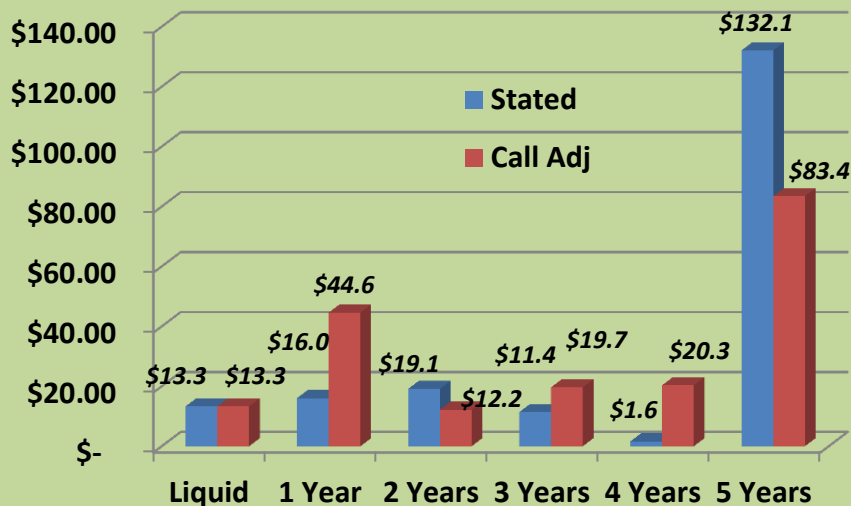


# Transactions / Portfolio by Maturity

	Maturity Date	Face Value	Purchase \$	Stated Rate
<u>Purchases</u>	None this month			
<u>Matured</u>	None this month			
<u>Called</u>	None this month		<u>Call Value \$</u>	
<u>Sales</u>	None this month		<u>Sales \$</u>	

## Portfolio by Maturity Term

(in millions - Total = \$193.5 at the end of April 2011)



The target rate for 2011 is 2.0%. For the 1<sup>st</sup> four months, rates have been near this level, so the portfolio is on track to reach the interest rate target level for 2011.

To support earnings or to reposition the portfolio, bonds may be sold.

The blue bars show the stated term. Red bars show the calls given the recent interest rate trends. It is expected that some of the five year bonds will be called early.



## *Future Scan / rates still on hold and recovery weak*

- ❖ The **Federal Open Market Committee** kept short-term interest rates at a record low near zero at its latest policy meeting April 26-27. The Fed expects the economy to pick up momentum after a slowdown in the first three months, but some officials fear growth may disappoint as high gasoline and grocery prices hurt spending. The FOMC is expected to keep rates low throughout 2011. The next meeting will be on June 21-22.
- ❖ In addition to higher energy and food costs, several other factors pose significant risk to the global and national recoveries. These factors include: the continued fiscal strains in Europe, larger-than-anticipated supply disruptions in the aftermath of the disaster in Japan, continuing fiscal adjustments at all levels of government, financial disruptions that would be linked with a failure to increase the federal debt limit, and the economic weakness in the first quarter signaling far less momentum than previously thought. These events have helped keep interest rates low. Many economists recently revised interest rate forecasts lower.
- ❖ Loveland's labor market **expanded** again in April with 483 more jobs when compared to March. Compared to the revised estimate for April 2010, there are 224 more jobs for city residents. Using non-seasonally adjusted data for April, the national unemployment rate was 9.2%, the State of Colorado was also 8.3%, Larimer County was 6.7%, Fort Collins was 7.7% and Loveland **was 5.8%**. Of Colorado cities, only Lafayette and Parker were lower at 5.0% and 4.6% respectively. Aurora (Adams County) had the highest unemployment rate at 15.7%.
- ❖ The Conference Board's index of leading indicators slipped into negative territory with the April reading. This was the first negative reading after nine consecutive months of positives. It was only the second negative reading in the last 24 months. One month does not a trend make, but economists are watching this indicator closely.
- ❖ Average interest rates in April decreased by 24% (basis the two-year treasury). With the lower rates, the City's unrealized loss position improved by \$1.5 million. The downside is that securities are paying lower interest rates than a few months ago. For 2011 the interest rate projection is 2%. This is higher than current rate levels for the five-year treasury.

[For more information regarding this report, please contact:](#)

***Alan Krcmarik, Executive Fiscal Advisor***  
***970.962.2625 or krcmaa@ci.loveland.co.us***



**CITY OF LOVELAND**

CITY COUNCIL

Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

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**AGENDA ITEM:** 20  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Greg George, Development Services  
**PRESENTER:** Kerri Burchett, Current Planning

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**TITLE:**

AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE TO ALLOW FOR OFF-TRACK BETTING FACILITIES IN CERTAIN DISTRICTS WITHIN THE CITY OF LOVELAND.

**DESCRIPTION:**

Consideration of a legislative action to adopt an ordinance on second reading amending Title 18 relating to off-track betting facilities.

**BUDGET IMPACT:**

Yes  No

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**SUMMARY:**

The proposed code amendment for off-track betting facilities provides a definition and clarifies in what zone districts the use would be permitted. An off-track betting facility is generally defined as a business that accepts wagers on horse and greyhound races away from a racetrack. The use is licensed and regulated by the State's Division of Gaming and the Colorado Racing Commission. At the public hearing on May 17, 2011, City Council amended the ordinance on first reading to require a special review permit for all off-track betting facilities. The ordinance for second reading has been revised to include the special review requirement.

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**LIST OF ATTACHMENTS:**

A. Ordinance amending Title 18

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**RECOMMENDED CITY COUNCIL ACTION:**

City staff recommends the following motion for City Council action:

Move to adopt on second reading: AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE TO ALLOW FOR OFF-TRACK BETTING FACILITIES IN CERTAIN DISTRICTS WITHIN THE CITY OF LOVELAND.

**REVIEWED BY CITY MANAGER:**

**First Reading May 17, 2011**

**Second Reading June 7, 2011**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE TO ALLOW FOR OFF-TRACK BETTING FACILITIES IN CERTAIN DISTRICTS WITHIN THE CITY OF LOVELAND**

WHEREAS, City Council finds that updates to Title 18 Zoning Code are necessary and required in the interest of the health, safety and welfare of the people; and

WHEREAS, the City Council desires to revise certain sections of the code regarding off-track betting facilities; and

WHEREAS, a public hearing was held with the Planning Commission on April 25, 2011, regarding allowance of off-track betting facilities within certain districts within the city, and the Planning Commission is in support of allowing off-track betting facilities within certain districts in the City of Loveland; and

WHEREAS, the City Council has reviewed the recommendations of the Planning Commission and is in support of allowing off-track betting facilities as a use by special review within certain districts in the city; and

WHEREAS, the City Council finds that such revisions to the following sections of the code are necessary to implement these changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

**Section 1.** Chapter 18.04 of the Loveland Municipal Code is amended by the addition of a new Section 18.04.279 to read as follows:

**18.04.279 Off-Track Betting Facility defined.**

A facility which is in the business of accepting wagers on horseraces or dog races at locations other than the place where the race is run, which business is licensed by the State of Colorado.

**Section 2.** Chapter 18.24 of the Loveland Municipal Code, Be District – Established Business District, is amended by the addition of a new Section 18.24.030.Y to read as follows:

**Section 18.24.030 Uses Permitted By Special Review**

Y. Off-Track Betting Facility

**Section 3.** Chapter 18.28 of the Loveland Municipal Code, B District – Developing Business District, is amended by the addition of a new Section 18.28.020.NN to read as follows:

**Section 18.28.020 Uses Permitted By Special Review**

NN. Off-Track Betting Facility

**Section 4.** Chapter 18.29 of the Loveland Municipal Code, MAC District – Mixed-Use Activity Center District, is amended by the addition of a new Section 18.29.030.P to read as follows:

**Section 18.29.030 Uses Permitted By Special Review**

P. Off-Track Betting Facility

**Section 5.** Chapter 18.30.030 of the Loveland Municipal Code, E District – Employment District, is amended by the addition of a new Section 18.30.030.W to read as follows:

**Section 18.30.030 Uses Permitted By Special Review**

W. Off-Track Betting Facility

**Section 6.** Chapter 18.36.020 of the Loveland Municipal Code, I District – Developing Industrial District, is amended by the addition of a new Section 18.36.020.V to read as follows:

**Section 18.36.020 Uses Permitted By Special Review**

V. Off-Track Betting Facility

**Section 7.** That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.


ATTESTED:

CITY OF LOVELAND, COLORADO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
Assistant City Attorney



**CITY OF LOVELAND**  
HUMAN RESOURCES DEPARTMENT  
Civic Center • 500 East Third • Loveland, Colorado 80537  
(970) 962-2371 • FAX (970) 962-2919 • TDD (970) 962-2620

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**AGENDA ITEM:** 22  
**MEETING DATE:** 6/7/2011  
**TO:** City Council  
**FROM:** Terry Andrews, City Clerk  
**PRESENTER:** Bill Cahill

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**TITLE:** Motion setting Special Meetings for Tuesday, June 14, 2011 and June 28, 2011 at 6:30 p.m. in the City Council Chambers 500 E. 3<sup>rd</sup> St, Loveland, CO. The purpose of the meetings are to discuss, consider any necessary items and possibly hold an Executive Session concerning matters related to the ACE Manufacturing and Innovation Park.

**DESCRIPTION:**

This is an administrative action. The City of Loveland has been working on a project known as "ACE Manufacturing and Innovation Park." Certain items will require discussion and consideration that may fall outside of the regular meeting times. Staff is requesting City Council call Special Meetings, on Tuesdays, June 14, 2011 and June 28, 2011 at 6:30 p.m. in the City Council Chambers 500, E. 3<sup>rd</sup> St, Loveland, CO to allow opportunity to discuss and consider any necessary items including holding an Executive Session, if necessary.

**BUDGET IMPACT:**

Yes  No

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**SUMMARY:**

No additional summary necessary

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**LIST OF ATTACHMENTS:**

NONE

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**RECOMMENDED CITY COUNCIL ACTION:**

Approve a motion setting Special Meetings for Tuesday, June 14, 2011 and June 28, 2011 at 6:30 p.m. in the City Council Chambers 500 E. 3<sup>rd</sup> St, Loveland, CO. The purpose of the

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meetings are to discuss, consider any necessary items and possibly hold an Executive Session concerning matters related to the ACE Manufacturing and Innovation Park.

**REVIEWED BY CITY MANAGER:**