

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT****385 Kimbark Street, Longmont, CO 80501****Phone 303-651-8330 Fax 303-651-8696****Email longmont.planning@longmontcolorado.gov****Written Land Development Code Interpretation 2026-004**

To: Grant Penland, Planning & Development Services Director
From: Jeremy Lott, Development Project Administrator
Date: September 25, 2026
Re: SES Variance Applicability and Procedures

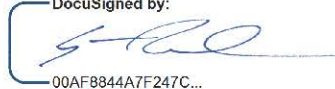
In 2021, Section 15.05.020 of the Longmont Development Code (LDC) was updated to include additional protective standards for riparian areas along specific corridors throughout the City of Longmont. Among other standards, the update established a 150-foot setback along the identified stream and creek corridors and riparian areas and prohibited specific site features within the setback. This section applies to development applications for site plans, site plan waivers, subdivision plats, PUD developments, conditional uses, limited uses, secondary uses, rezonings, concept plan amendments and annexations for any of the following site features (or proposed improvements): buildings and structures, fences and walls, streets, drives, parking and outdoor displays. Pursuant to Section 15.02.070 C.1.a. of the LDC, changes in use require site plan or site plan waiver review and any nonconforming structures or site features might be required to be brought into compliance with the riparian setback standards.

The code also offers a process for full or partial relief from the setback requirements, if an applicant requests such a variance. Riparian setback variances are required to be reviewed by the Planning and Zoning Commission at a public hearing, whose recommendation is forwarded to the City Council to decide at a second public hearing. This variance process takes multiple months to complete.

Administration of Section 15.05.020 of the code as literally written proves challenging in instances where minor or no modifications are proposed. For properties with existing site features that were constructed within the required riparian setback prior to the adoption of the regulations, requiring existing site features to come into conformance with the setback regulation as part of a development application is onerous and dissuades adaptive reuse of existing buildings.

For example, a change in a proposed land use could require the site to be brought into full compliance with the code, including removal of existing structures from the setback, even if there are no physical changes being made to the existing site features. Planning and Development Services staff supports and upholds adherence to the riparian setbacks, but balancing the needs of existing property owners with administrative of setback regulations is important so that businesses can reasonably continue to operate in Longmont and accommodate new tenants. Therefore, staff's interpretation is that the applicability of standards in Section 15.05.020 should be proportionate to the overall scope of the project. For smaller scale proposals, such as a Change of Use or Secondary Uses proposed within existing buildings, staff interprets that so long as any proposed improvements remain outside of the setback, the application can be reviewed in the same manner as other DRC applications, meaning that no riparian setback variance applications are required.

Similarly, in instances where a site feature is partially located within the required riparian setbacks, as outlined in Section 15.05.020, staff's interpretation is such that, so long as any proposed improvements remain outside of the setback, the application should be reviewed as other DRC applications, meaning that Section 15.05.020 does not apply. For example, an instance where a portion of an existing structure is within the setback and a proposal to add a loading dock is fully outside of the setback, staff's interpretation is the same as above. Under these circumstances, the application is processed through the appropriate DRC processes without a riparian setback variance requirement, since non-conforming portions of the site are to remain the same.

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Grant Penland, Planning & Development Services Director

9/25/2026

Date

Cc: Official record of interpretations