



Mayor
John Gates

Councilmembers

Jonathan Smail
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Stacy Suniga
At-Large

Robb Casseday
At-Large

A City Achieving
Community Excellence

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

City Council Agenda

April 02, 2019 at 6:30 PM

1001 11th Avenue, City Center South, Greeley, CO 80631

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Recognitions and Proclamations
5. Citizen Input
6. Approval of the Agenda
7. Reports from Mayor and Councilmembers
8. Petitions from Mayor and Councilmembers

Consent Agenda

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council or staff may request an item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

9. Approval of the City Council Proceedings of March 19, 2019
10. Acceptance of the Report of the March 26, 2019, City Council Worksession
11. Consideration of a resolution authorizing the Mayor to enter into an Intergovernmental Agreement regarding the Weld County Drug Task Force
12. Introduction and first reading of an Ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Jackson Annexation, located at 245 83rd Avenue
13. Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, establishing R-E (Residential Estate) zoning for a parcel of property located in Weld County, Colorado, at 245 83rd Avenue, recently annexed and known as the Jackson Annexation

End of Consent Agenda

- [14.](#) Pulled Consent Agenda Items
- [15.](#) Public hearing and final reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018
- [16.](#) Public hearing and final reading of an Ordinance authorizing a salary increase for the City Manager
- [17.](#) Public hearing and final reading of an Ordinance authorizing a merit pay increase for the City Attorney
- [18.](#) Public hearing and final reading of an Ordinance authorizing a merit pay increase for the Municipal Judge
- [19.](#) Public hearing and final reading of an Ordinance adopting various amendments to the Greeley Municipal Code Chapters, including repealing Chapter 16.60 (Historic Preservation Code) and Chapter 16.61 (Historic Preservation Low Interest Loan Program) and enacting Chapter 18.36 (Historic Preservation), Chapter 18.37 (Historic Preservation Low Interest Loan Program), and Appendix 18-L (Illustrative Flow Chart for Historic District Designation Process), and amending Appendix 18-B (Definitions)
- [20.](#) Scheduling of Meetings, Other Events
- [21.](#) Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances
- [22.](#) Adjournment

Council Agenda Summary

April 2, 2019

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

April 2, 2019

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

April 2, 2019

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Smail

Councilmember Payton

Councilmember Casseday

Councilmember Fitzsimmons

Councilmember Suniga

Councilmember Hall

Council Agenda Summary

April 2, 2019

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

Councilmember Casseday will present the What's Great about Greeley Report.

Mayor Gates will present five proclamations: one recognizing Holocaust Memorial Observances (April 7-14, 2019), one recognizing National Youth Service Day (April 2, 2019), one recognizing National Service Recognition Day (April 2, 2019), one proclaiming April as Parkinson's Awareness Month, and one entering Greeley into the National Mayor's Challenge for Water Conservation for the month of April.

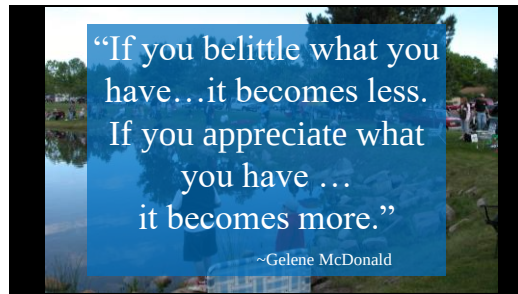
Attachments

April 2, 2019 What's Great about Greeley Report
Holocaust Memorial Observances Proclamation
National Youth Service Day Awards Proclamation
National Service Recognition Day Proclamation
Parkinson's Awareness Month Proclamation
National Mayor's Challenge for Water Conservation Proclamation

Slide 1



Slide 2



At each Council Meeting, we recognize the people, organizations and businesses that make Greeley Great.

Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging everyone to share the word that Greeley is Great.

Slide 3



U.S. News and World Report has ranked the graduate program for the Colorado School of Public Health, 23rd in the nation out of Master of Public Health schools and programs accredited by the Council on Education for Public Health. The Colorado School of Public Health consists of three partner institutions: Colorado State University, the University of Colorado Anschutz Medical Campus and the **University of Northern Colorado**.

Slide 4



University of Northern Colorado junior Malaika Michel-Fuller has been selected by the Campus Compact for the Newman Civics Fellowship program. She is the first UNC student to earn the one-year fellowship which supports students and provides resources to develop social change strategies for public leadership. She serves as the student trustee on UNC's Board of Trustees and is the founder and president of UNC's chapter of IGNITE, a national, nonpartisan nonprofit dedicated to increasing gender parity in government.

Slide 5



Congratulations to Greeley Police Chief Mark Jones for his selection to participate in the Law Enforcement Executive Development at the FBI Academy. Chief Jones will join executives from across the country to learn and share best practices.

Slide 6



Congratulations to Greeley Central's Taylor Henderson for being awarded the prestigious Boettcher Foundation scholarship. The scholarship provides full tuition at any Colorado four-year college or university, as well as fees, a book allowance and an annual stipend for living expenses. Taylor will also have the opportunity to attend several events for the entire Boettcher Scholar community throughout the year. Taylor is the 20th Boettcher recipient for SD6 since 2007.

Slide 7





Holocaust Memorial Observances

WHEREAS, a sound knowledge of history is a foundation for participation in self-government, and our democracy does best with thoroughly informed voters; and

WHEREAS, the annual Holocaust Memorial Observances of Northern Colorado provide an opportunity for all who live here to learn about the decisions, actions, and consequences of the Nazi government that intended to destroy whole groups of people it deemed “inferior” based on their “blood” being a danger to the “superior German race,”; and

WHEREAS, the Nazi campaign slogans from the 1920’s through their government’s propaganda that ended with the allied victory in 1945 might be rendered in more modern language of 2019. For example, in today’s language a Nazi spokesman might have said: Our enemies need to be eliminated because their “biological inferiority” threatens the “genetic superiority” of those of us who are “truly German people,”; and

WHEREAS, we study this history to be able to learn its details involving genocide - millions of planned deaths of people because of who they were and not for any wrong they did. As importantly, we seek from the Holocaust the meanings that we hope can help us protect our own future; and

WHEREAS, there are groups espousing hatred of others in America today, who echo false ideas of racial supremacy and urge our government to act to make their manifestos into rules to protect “true white Americans,”; and

WHEREAS, a well-educated community is necessary to promote the ability to respond effectively to hateful speech and to prevent actions based upon hate; and

WHEREAS, these Holocaust Memorial Observances are recognized and supported by the cities of Greeley, Eaton, and Evans, and also by the University of Northern Colorado, Aims Community College, the High Plains Library District, high schools in Greeley and Eaton, as well as the Greeley Interfaith Association, Beth Israel Congregation, the Unitarian Universalist Church, and many other local organizations and individuals; and

WHEREAS, We sponsor these Observances in the hope that all who attend will be better prepared to speak out when they hear others speaking hatefully. Whenever we are confronted with hate, we all need to act lawfully to prevent others from inciting hateful actions.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim April 7-14, 2019 as ***Holocaust Memorial Observances*** and encourage the residents of Greeley to participate in these free activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 2nd day of April, 2019.

John Gates
Mayor



National Youth Service Day Awards

WHEREAS, the future of our community, our state and our nation depends upon the type of young people we raise to handle the affairs of tomorrow; and

WHEREAS, it is the duty of all parents, citizens and youth organizations to develop a proper attitude among the young people of our community, and to provide them with the right examples, environments and opportunities; and

WHEREAS, the purpose of organizing a National Youth Service Day is to reinforce in our young Americans the importance and excitement of helping others and in creating a public awareness of the positive contributions that young people make in the nation's progress, and to link their talents and resources to help the elderly and children, and to be role models to their peers; and

WHEREAS, the City of Greeley will designate April 2, 2019, as National Youth Service Day and will recognize youth for their community service.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, do hereby proclaim April 2, 2019 as ***National Youth Service Day*** in the city of Greeley.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 2nd day of April, 2019.

John Gates
Mayor



National Service Recognition Day 2019

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's elected leaders are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities; they educate students for 21st century jobs, fight the opioid epidemic, respond to natural disasters, and support veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 2, 2019.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim April 2, 2019, as National Service Recognition Day and

encourage the residents of our community, and communities across the country, to recognize the positive impact of national service in our community, to thank those who serve; and to find ways to give back to their communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 2nd day of April, 2019.

John Gates
Mayor



Parkinson's Awareness Month

WHEREAS, Parkinson's disease is a chronic, progressive neurological disease and is the second most common neurodegenerative disease in the United States, after Alzheimer's disease; and

WHEREAS, it is estimated that one million people in the United States and an estimated ten million in the world live with Parkinson's disease; and

WHEREAS, every year an estimated 60,000 Americans are diagnosed with Parkinson's disease; and

WHEREAS, there are millions of Americans who are caregivers, family members and friends greatly impacted by this disease; and

WHEREAS, the combined direct and indirect costs of Parkinson's disease, including treatment, disability and lost income from the inability to work, are estimated at \$20 billion per year; and

WHEREAS, there is no known cure or drug to slow or halt the progression of this disease; and

WHEREAS, the symptoms vary from person to person and can include tremors, slowness of movement and rigidity; gait and balance difficulty; speech and swallowing difficulty, cognitive impairment and dementia, mood disorders and much more.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim the month of April 2019, as Parkinson's Awareness Month, and do hereby proclaim April 11, 2019, as World Parkinson's Recognition Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 2nd day of April, 2019.

John Gates
Mayor



National Mayor's Challenge for Water Conservation

WHEREAS, the City of Greeley in the State of Colorado continues to explore ways to manage residential consumption of water and power, and to inspire its residents to care for our natural resources; and

WHEREAS, cities can engage in efforts to inspire their own communities, as well as their neighboring cities, to become better environmental stewards; and

WHEREAS, the eighth annual National Mayor's Challenge for Water Conservation presented by the Wyland Foundation and Toyota, with support from the U.S EPA WaterSense, The Toro Company, National League of Cities, Conserva Irrigation, EcoSystems, Inc., and Earth Friendly Products (makers of ECOS), is a non-profit challenge to residents to encourage pollution reduction and smart water use; and

WHEREAS, with the encouragement of their Mayors, residents may register their participation in their city's Challenge, online, by making simple pledges to decrease their water use and to reduce pollution for the period of one year, thereby assisting their cities to apply State and Federal water conservation strategies and to target mandated reductions; and

WHEREAS, from April 1- 30, 2019, the City of Greeley wishes to inspire its residents and its neighboring communities to take the "Wyland Mayor's Challenge for Water Conservation" by making a series of online pledges at mywaterpledge.com to reduce their impact on the environment and to see immediate savings in their water, trash, and electricity bills.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim that the City of Greeley supports the "Wyland Mayor's Challenge for Water Conservation" emphasis, and this program is to be implemented from April 1 through 30, 2019, through a series of communication and outreach strategies, whether new or existing, to encourage Greeley residents to take the conservation "Challenge."

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 2nd day of April, 2019.

John Gates
Mayor

Council Agenda Summary

April 2, 2019

Agenda Item Number 5

Title

Citizen Input

Summary

During this 15-minute portion of the meeting, anyone may address the Council on any item of City business appropriate for Council's consideration that is not already listed on this evening's agenda.

Individual speakers will be limited to 3 minutes each. Council and staff will respond tonight, if possible, to questions or requests. If further time or discussion is needed, a staff member will contact you within the next couple of days. Some items may need to be scheduled for a future meeting.

Council Agenda Summary

April 2, 2019

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

April 2, 2019

Agenda Item Number 7

Title

Reports from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.

Board/Commission	Meeting Day/Time	Assignment
--Team of 2-- Board/Commission Interviews	Monthly as Needed	Council Rotation
Water & Sewer Board	3 rd Wed, 2:00 pm	Gates
Youth Commission Liaison	4 th Mon, 6:00 pm	Smail
Historic Preservation Loan	As Needed	Suniga
Police Pension Board	Quarterly	Suniga
Employee Health Board	As Needed	Suniga
Human Relations Commission Liaison	2 nd Monday, 12:30 P.M.	Suniga
Airport Authority	3 rd Thur, 3:30 pm	Casseday/Payton
Visit Greeley	3 rd Wed, 7:30 am	Fitzsimmons
Upstate Colorado Economic Development	Last Wed, 7:00 am	Gates/Hall
Greeley Chamber of Commerce	4 th Mon, 11:30 am	Gates
Island Grove Advisory Board	1 st Thur, 3:30 pm	Smail
Weld Project Connect Committee (United Way)	As Needed	Fitzsimmons
Downtown Development Authority	3 rd Thur, 7:30 am	Casseday/Smail
Transportation/Air Quality MPO	1 st Thur, 6:00 pm	Casseday/Gates
Poudre River Trail	1 st Thur, 7:00 am	Hall
Interstate 25 Coalition	As Needed	Gates
Highway 85 Coalition	As Needed	Payton
Highway 34 Coalition	As Needed	Payton
CML Policy Committee (Council or Staff)	As Needed	Payton and City Manager Roy Otto/Fitzsimmons alternate
CML Executive Board opportunity	As Needed	
CML - Other opportunities	As Available/Desired	

Council Agenda Summary

April 2, 2019

Agenda Item Number 8

Title

Petitions from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Petitions will generally fall into three categories:

- 1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;
- 2) A request to the City Manager for information or research;
- 3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

Attachments

Status Report of Council Petitions and Related Information

Greeley City Council

Status Report of Council Petitions

Council Request		Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
03-2019	Councilmembers encouraged staff to continue looking for other creative options for addressing the trash in alleyways, etc., issue in particular parts of the community.	February 12, 2019 Worksession	This subject will be discussed during the April 9 th Worksession.	Brad Mueller

Consent Agenda

April 2, 2019

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Once the Clerk has read each Consent Agenda item into the record, along with Council's recommended action, Council or staff may request the item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

The Consent Agenda includes Items No. 9 through 13 and their recommended actions.

Council's Recommended Action

To approve Items No. ____ through ____ or

To approve Items No. ____ through ____ with the exceptions of No.(s) ____

Council Agenda Summary

April 2, 2019

Agenda Item Number 9

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Approval of the City Council Proceedings of March 19, 2019

Summary:

A meeting of the City Council was held on March 19, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

1. To approve the proceedings as presented; or
2. Amend the proceedings if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council proceedings as presented.

Attachments:

March 19, 2019 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
 March 19, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Cheryl Aragon, Deputy City Clerk, called the roll. Those present were Mayor Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail and Stacy Suniga.

4. Recognitions and Proclamations

Councilmember Smail presented the What's Great About Greeley Report.

Mayor Gates presented a Proclamation recognizing National Volunteer Week to Becky Safarik, Assistant City Manager.

5. Citizen Input

Steve Teets, Greeley resident, spoke about the City's Food Tax Rebate Program going on until the end of May and of the 9 Health Fair making a stop in Greeley at the University of Northern Colorado Student Center. He also advised staff of the deteriorating condition of some of the roadways on Centepace Drive at 47th Avenue noting that the road is actually cracking.

Mayor Gates thanked Mr. Teets for his comments and noted that staff will take a look at the roadways mentioned.

6. Approval of Agenda

The agenda was approved as presented.

7. Reports from Mayor and Councilmembers

Councilmember Hall reported that the Colorado Municipal League (CML) is looking for ways to adjust SB-181 related to oil and gas and noted that he will be meeting with CML soon and is welcoming feedback on needed amendments that he can take to that meeting. He also reported that he was happy to attend the Water Rental Roundup that the City hosted at the Eaton Country Club noting that it was well attended and was very informative featuring great speakers.

Councilmember Smail reported on his attendance at the ribbon cutting at Planet Fitness and that Planet Fitness made a donation to the Boys & Girls Club of Weld County. He also spoke of the artist who v

recently selected who will be designing a transportation-related sculpture that will be located at the new Greeley-Evans Transit Center.

8. Petitions from Mayor and Councilmembers

Councilmember Payton reported that there is a “Red Flag Bill” sitting in the Colorado State Senate right now that came out of the House that has the potential to violate due process, so he petitioned Council to direct staff to work up an Ordinance that would grant the Greeley Police Department “safe harbor” from having to enforce that law should it become law. He stated that he prefers an ordinance over a Resolution like the County passed two weeks ago, and prefers the language “safe harbor” over “sanctuary” that the County used.

Councilmember Suniga stated that she is clear about what the County adopted, and noted that she is concerned for the police officers and for residents. She stated if the City proceeds with something on this issue, she will want to keep safety in mind for those with mental issues.

The general consensus of Council was to move forward with having staff draft some language for Council’s consideration.

Doug Marek, City Attorney, noted that he is already preparing for a meeting with the City Manager and the Police Chief to collect information on this matter. He added that he would welcome feedback from the Council as he prepares to comply with this petition.

Mayor Gates noted that he has a number of concerns with the Red Flag Bill as it stands today, and noted that it is important to balance the safety of residents and those with mental health needs. He stated that this Bill did not come out with an emphasis on mental health, and stated that if it had, he would feel differently about it.

Councilmember Hall provided an update on his trash petition noting that staff has diligently been working on it. During that time, he stated that Waste Management came along and bought Northern Colorado Disposal so dumpsters are overflowing, and service is not adequate. He stated that this is a very disturbing situation and expressed his disappointment with Waste Management. He expressed a hope that the Code Division of Community Development be considerate of this situation and have a willingness to work with citizens through this transition.

Councilmember Casseday reported that recycling opportunities have been discussed in the city. As a result of that same acquisition, he stated that the Recycle Center is now closed. He expressed concern that by default, the City has been handed this problem.

Becky Safarik, Assistant City Manager, confirmed that Code Compliance is in the process of communicating with Waste Management and that staff is working to not be heavy handed when it comes to violations.

Councilmember Suniga asked about the update to her petition about sidewalks near parks, and Roy Otto, City Manager, advised that the resolution to her petition was in the last agenda packet, March 5, 2019, along with a staff memorandum closing it out.

*** * * * Consent Agenda * * * ***

9. Approval of the City Council Proceedings of March 5, 2019

The Council action recommended was to approve the Proceedings.

10. Acceptance of the Report of the March 12, 2019 City Council Worksession

The Council action recommended was to accept the Report.

11. Consideration of a Resolution authorizing the City of Greeley to enter into a grant agreement between the City of Greeley and the State of Colorado, Division of Local Affairs, regarding receipt of grant funding provided by the Gray and Black Market Marijuana Enforcement Grant Program

The Council action recommended was to adopt the Resolution. **(Resolution No. 10, 2019)**

12. Consideration of a Resolution of the Greeley City Council authorizing the Greeley Police Department to assess reasonable fees for the actual costs incurred for the release of criminal justice records and authorized viewings of criminal justice records

The Council action recommended was to adopt the Resolution. **(Resolution No. 11, 2019)**

13. Consideration of a Resolution finding substantial compliance with state annexation laws for property known as the Jackson Annexation located at 245 83rd Avenue

The Council action recommended was to adopt the Resolution and set the public hearing for April 16, 2019. **(Resolution No. 12, 2019)**

14. Introduction and first reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for April 2, 2019.

15. Introduction and first reading of an Ordinance authorizing a salary increase for the City Manager

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for April 2, 2019.

16. Introduction and first reading of an Ordinance authorizing a merit pay increase for the City Attorney

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for April 2, 2019.

17. Introduction and first reading of an Ordinance authorizing a merit pay increase for the Municipal Judge

The Council action recommended was to introduce the Ordinance and schedule the Public Hearing and final reading for April 2, 2019.

18. Introduction and first reading of an Ordinance adopting various amendments to the Greeley Municipal Code Chapters, including repealing Chapter 16.60 (Historic Preservation Code) and Chapter 16.61 (Historic Preservation Low Interest Loan Program) and enacting Chapter 18.36 (Historic Preservation), Chapter 18.37 (Historic Preservation Low Interest Loan Program), and Appendix 18-L (Illustrative Flow Chart for Historic District Designation Process), and amending Appendix 18-B (Definitions)

This item was pulled from the Consent Agenda.

***** End of Consent Agenda *****

Councilmember Payton moved, seconded by Councilmember Hall to approve the items on the Consent Agenda and their recommended actions with the exception of Item No. 18. The motion carried: 7-0

19. Pulled Consent Agenda items

(18.) Introduction and first reading of an Ordinance adopting various amendments to the Greeley Municipal Code Chapters, including repealing Chapter 16.60 (Historic Preservation Code) and Chapter 16.61 (Historic Preservation Low Interest Loan Program) and enacting Chapter 18.36 (Historic Preservation), Chapter 18.37 (Historic Preservation Low Interest Loan Program), and Appendix 18-L (Illustrative Flow Chart for Historic District Designation Process), and amending Appendix 18-B (Definitions)

Mayor Gates reported that he received a long correspondence from the Greeley Area Realtors Association outlining several concerns with this ordinance.

He summarized by stating that members are concerned that these procedures will add processing time to building or demolition; that there is no justification for changing the definitions of significant or not significant; that the authorization for denial can be done without approval or notification to the property owner; and that there is no super majority requirement on votes by the Commission.

He noted that the public hearing on this item is set for two weeks out, so he wanted to get this concerns on the record for some discussion.

Mike Garrot, Planning Manager, introduced Betsy Kellums, Historic Preservation Specialist, who has spent a lot of time on this proposal. Ms. Kellums provided a review of the changes proposed noting that a couple of the proposals are for the purpose of being able to review additions and properties like carriage houses with some agricultural history.

She noted that she will be attending a Greeley Area Realtor's Association, GARA, meeting with Community Development Director Brad Mueller on Wednesday, March 27th to discuss these concerns

further. She added that she had discussed concerns with GARA previously and felt that they were satisfied following that information was provided, but that she would continue working through their concerns with them. She said that there still might be an opportunity to work through some of this with them and will definitely keep them in the loop.

Mr. Otto emphasized that a vast majority of this Ordinance is just a modification of what is already on the books and nothing new from that standpoint.

Councilmember Casseday moved, seconded by Councilmember Payton to introduce this Ordinance and schedule the Public Hearing for April 2, 2019. The motion carried: 7-0

20. Public hearing and final reading of an ordinance amending Greeley Municipal Code enacting Chapter 1.34; amending Chapter 2.09, enacting Section 10.28.051; and amending Title 11 all related to parking within the City of Greeley

Will Jones, Deputy Public Works Director, reviewed how the City got to this juncture, proposed code changes and what's next. He stated that funding for license plate recognition was approved which offered the opportunity take a good, comprehensive look at our process and Code and recommend changes and added that a lot of public outreach and feedback has been sought and received throughout this process.

Mr. Jones went on to provide an overview of the Code changes proposed and made note of the appeal process, the parking referee provision, the removal of immobilized vehicles, the relocation of parking to a different chapter of the Code, and then the retrieval of impounded vehicles.

In response to a question from Councilmember Suniga regarding the Downtown Development Authority's, DDA, participation in this process, Mr. Jones advised that there was significant support from the DDA and that they are very excited about the direction this is going.

Councilmember Suniga stated that she was approached twice by a long-time Downtown business owner who says he's closing because of these plans. She added that this plan will help now, but will have a parking space problem.

Mr. Jones stated that staff is monitoring that and added that this is the "basement" model of parking but is a nice next step for the City and for Downtown. He added that they are watching the number of electric vehicles, but noted that the number is low in Downtown.

Mr. Jones received accolades from the Mayor and Councilmembers for his work and dedication with regard to this project.

Mayor Gates opened the public hearing at 7:34 p.m.

Bianca Fisher, Executive Director of the Downtown Development Authority, stated that if you don't have a downtown parking problem, there's a problem with your downtown. She stated that management is more the issue.

She went on to state that she cannot say enough about the work Mr. Jones has done on this project and that the time he spent on outreach and the candor used with business owners and residents has been

nothing but commendable. She added that the DDA Board is fully behind this plan and stressed that this is a positive sign that the city is growing up and innovating.

There being no additional public testimony offered, the Public Hearing was closed at 7:40 p.m.

Councilmember Casseday stated that Mr. Jones' work with the Downtown businesses and residents has been impressive given that it was such a challenging task.

Councilmember Casseday moved, seconded by Councilmember Hall to adopt the ordinance and publish it by reference to title only. The motion carried: 7-0 (**Ordinance No. 12, 2019**)

21. Appointment of applicants to the Citizen Transportation Advisory Board, Human Relations Commission, Museum Board, Planning Commission, and Union Colony Civic Center Advisory Board

Citizen Transportation Advisory Board -	Mike McFadden, Steve Teets, Recruit for 3 rd
Human Relations Commission -	Jessica McKague
Museum Board -	Kathy Webb, Recruit for 2nd
Planning Commission -	Chelsie Romulo
Union Colony Civic Center Advisory Board -	Ken Andrews, Cher Heimbegner

22. Scheduling of meetings, other events

No additional meetings or events were scheduled.

23. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Payton moved, seconded by Councilmember Hall to approve the above authorizations, and the motion carried: 7-0

24. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:47 p.m.

John Gates, Mayor

Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

April 2, 2019

Agenda Item Number 10

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Acceptance of the Report of the March 26, 2019, City Council Worksession

Summary:

A City Council Worksession was held on March 26, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

1. To accept the Report as presented; or
2. Amend the Report if amendments or corrections are needed, and accept as amended.

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

March 26, 2019 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
 March 26, 2019

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Mayor John Gates, in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. PLEDGE OF ALLEGIANCE

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. ROLL CALL

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, Jon Smail, and Stacy Suniga.

4. WORKFORCE DEVELOPMENT PROGRESS REPORT

Ben Snow, Economic Health & Housing Director, provided a brief introduction, discussed why workforce development matters, and highlighted the current and historical unemployment rate both nationally and in Colorado. He continued by discussing the skills gap, decreasing teen employment, increased college tuition prices, and increasing student loan debt. Mr. Snow concluded by introducing Roy Otto, Greeley City Manager.

Mr. Otto provided a history of where the city has come from since he was appointed City Manager. He continued by discussing the City Council Priorities from 2005 which were a catalyst in getting the city where it is today. He concluded by highlighting the G-Town Promise and its four main components before introducing Sarah Rice, Director of the Bright Futures Program.

Ms. Rice started by thanking a number of individuals responsible for the success of the Bright Futures Program. She continued by highlighting the impact Bright Futures has had on the community so far, the diversity of degrees earned by participants, and their partnership with the University of Northern Colorado. Ms. Rice concluded by discussing the future of the program.

Dr. Deirdre Pilch, Superintendent of School District 6, described Innovation 2020 which is the District's comprehensive plan, including priorities and measurements. She continued by highlighting concurrent enrollment numbers, industry certifications, and business partners. Dr. Pilch also described the District's internship program and the School District 6/Vestas Apprenticeship Program before concluding by highlighting the program's next steps.

Mike Trotter, Achieving Community Excellence (ACE) Advisory Board Chair, discussed a "look ahead" for the City and for ACE before concluding by urging everyone to keep the momentum going as it relates to workforce development in Greeley.

In response to questions from Councilmember Suniga, Dr. Pilch noted that students participating in the Vestas apprenticeship program are doing so during school hours and getting school credit for doing so. She added that there are other apprenticeship/internship opportunities coming in the future.

Councilmember Casseday and Mayor Gates both thanked everyone involved in Greeley's success in the arena of workforce development.

5. KERSEY, EVANS, AND GREELEY INTERGOVERNMENTAL AGREEMENT ("IGA") UPDATE

Brad Mueller, Community Development Director, provided background about the IGA, discussed the purview of the IGA, and described a map that illustrates the Kersey/Evans/Greeley Cooperative Planning Area. He continued by highlighting the annexation protocol, describing the allowed and prohibited land uses, and discussing the noticing requirements and additional terms and conditions of the IGA.

In response to questions from Councilmember Hall, Mr. Mueller elaborated on the definition of "first priority" and noted that the community being contacted by a landowner wishing to be annexed will contact the neighboring community to let them know about the annexation request. He also explained that the communities involved with this IGA have not met with Weld County yet, but they will once it has been approved.

Councilmember Payton and Mayor Gates thanked everyone involved in making this agreement/community partnership successful.

6. WPCF MASTER PLAN UPDATE

Sean Chambers, Water and Sewer Director, provided an overview and history of the Water Pollution Control Facility (WPCF) Master Plan. He also highlighted the drivers of the 2018 Treatment and Nutrient Master Plan. Mr. Chambers concluded by introducing Adam Prior, Chief Water and Sewer Engineer, and Jeff Berlin, representative from Carollo Engineers.

Mr. Prior and Mr. Berlin described the City of Greeley Wastewater Service Area, the regulatory drivers related to nutrients (fertilizers), the long-term average flows. They noted that average flows have been flat recently because of water conservation efforts and rehab to the City's sewer infrastructure. They continued by describing the long-term average load trends with population growth and highlighted why loads of organic material have grown disproportionately since 2012 noting that the City's current facility is reaching its organic material load limit.

Mr. Prior and Mr. Berlin also discussed regulatory flow and load triggers, described the Treatment and Nutrient Master Plan and its four phases, highlighted the projected estimates of sewer rate increases over the next 20 years, described the proposed implementation schedule, and highlighted the WPCF next steps.

In response to a question from Councilmember Suniga, Mr. Berlin noted that a spike in organic material in 2012 was caused by an industrial issue that the City was able to appropriately prepare for.

In response to questions from Councilmember Payton, Mr. Berlin explained that the City will apply for incentives and then must prove later that they are qualified before receiving them. Mr. Prior added that the City has already surpassed the load trigger.

In response to a question from Councilmember Casseday, Mr. Prior explained that the City is planning for expansion of the Water & Sewer facility noting that we will not be land-locked for a while into the future. He added that they are currently evaluating potential parcels of land that the City could acquire for future expansion.

7. MONTHLY FINANCIAL REPORT

Robert Miller, Budget Manager, provided a summary of the General Fund noting that revenues are up and expenditures are down. He continued with a description of the Sales Tax distribution among the major sales tax categories noting that sales tax revenues are up overall. Mr. Miller went on to describe the Building Permit Revenue, the Water Funds, the Sewer Funds, and the Stormwater Funds. He concluded by highlighting the Lodging Tax revenues, which are up from last year, and providing a summary of February's overall financial picture.

8. SCHEDULING OF MEETINGS, OTHER EVENTS

No additional meetings or other events were scheduled.

9. ADJOURNMENT

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 6:53 p.m.

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

April 2, 2019

Agenda Item Number 11

Key Staff Contact: Mark Jones, Police Chief, 970-350-9665

Title:

Consideration of a resolution authorizing the Mayor to enter into an Intergovernmental Agreement regarding the Weld County Drug Task Force

Summary:

The City of Greeley Police Department, the County of Weld and the City of Evans intend to work together in a joint effort to effectively and efficiently combat the existing drug problem that crosses jurisdictional boundaries within Weld County. Pooling resources allows for a greater impact on the drug problem than any one Party could achieve individually.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	N/A
What fund of the City will provide Funding?	N/A
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	N/A
Is this grant onetime or ongoing?	N/A
Additional Comments:	This does not create a fiscal impact; it adjusts reimbursements and responsibilities of affiliate outside agencies.

Legal Issues:

The IGA has been reviewed by the City Attorney's Office.

Other Issues and Considerations:

None

Applicable Council Priority and Goal:

Public Safety

Decision Options:

1. Adopt the resolution as presented; or
2. Amend the resolution and adopt as amended; or
3. Deny the resolution; or

4. Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution for IGA regarding Weld County Drug Task Force

IGA regarding Weld County Drug Task Force

THE CITY OF GREELEY, COLORADO

RESOLUTION _____, 2019

A RESOLUTION OF THE CITY OF GREELEY COUNCIL AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT REGARDING THE WELD COUNTY DRUG TASK FORCE

WHEREAS, in accordance with C.R.S. § 29-1-203, governments may cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, the City of Greeley, the County of Weld, and the City of Evans (individually referred to as a “Party” and collectively referred to as the “Parties”) are political subdivisions of the State of Colorado duly organized and existing in accordance with Colorado law; and

WHEREAS, the Parties recognize that a cooperative and coordinated multi-jurisdictional drug Task Force is the most effective and efficient way to impact the existing drug problem that crosses jurisdictional boundaries within Weld County; and

WHEREAS, the Parties believe that the pooling of each Party’s resources, information, expertise, equipment, and money allows for a greater impact on the drug problem than any one Party could achieve within their own jurisdictional boundaries; and

WHEREAS, the objectives of the Parties are to impact the availability of drugs locally and regionally through a balanced enforcement approach which targets high-level dealers/wholesalers, as well as neighborhood drug problems; and to provide a deterrent to the distribution of drugs by increasing the risk of detection, apprehension, prosecution and conviction; and

WHEREAS, the Parties previously entered into an Intergovernmental Agreement dated December 21, 1999 and have successfully operated the Weld County Drug Task Force since that time; and

WHEREAS, staff believes it is important for the Agreement between the Parties to be updated; and

WHEREAS, it is in the best interest of the citizens of the City of Greeley for Council to enter into this Agreement.

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

Section 1. The City Council hereby authorizes the City to enter into an Intergovernmental Agreement Regarding the Weld County Drug Task Force, a copy of which is attached hereto and

incorporated herein as Exhibit A.

Section 2. City staff is hereby authorized to make changes and modifications to the Agreement, so long as the substance of the Agreement remains unchanged.

Section 3. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2019.

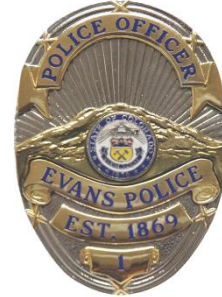
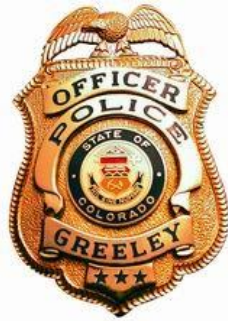
ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

INTERGOVERNMENTAL AGREEMENT REGARDING THE WELD COUNTY DRUG TASK FORCE



Greeley Police Department Weld County Sheriff's Office Evans Police Department

This Agreement is made and entered into this ____ day of _____, 2019 by and between the City of Greeley by and through the Greeley Police Department, Board of County Commissioners of Weld County on behalf of the Weld County Sheriff's Office, and the City of Evans by and through the Evans Police Department.

Whereas, the City of Greeley, the County of Weld, and the City of Evans (individually referred to as a "Party" and collectively referred to as the "Parties") are political subdivisions of the State of Colorado duly organized and existing in accordance with Colorado law; and

Whereas, pursuant to CRS Section 29-1-203(1), the Parties, are authorized to cooperate with one another to provide any function or service lawfully authorized to each and are therefore authorized under CRS 29-1-203(1), to enter into this agreement; and

Whereas, the Parties recognize that a cooperative and coordinated multi-jurisdictional drug Task Force is the most effective and efficient way to impact the existing drug problem that crosses jurisdictional boundaries within Weld County; and

Whereas, the Parties believe that the pooling of each Party's resources, information, expertise, equipment, and money allows for a greater impact on the drug problem than any one Party could achieve within their own jurisdictional boundaries; and

Whereas, the objectives of the Parties are to impact the availability of drugs locally and regionally through a balanced enforcement approach which targets high-level dealers/wholesalers, as well as neighborhood drug problems (resources allowing); provide a deterrent to the distribution of drugs by increasing the risk of detection, apprehension, prosecution and conviction, And

Whereas, the Parties to this Agreement previously entered into an Intergovernmental Agreement dated December 21, 1999 which provided for the formation and continued operation of the Weld County Drug Task Force, and although the previous agreement has been mutually beneficial, the Parties desire to provide for the continued existence of the Task Force and provide for changing circumstances of its membership through this new Agreement.

NOW, THEREFORE, in consideration of the Parties' mutual promises and agreements contained herein, and other good and valuable consideration, the receipt in adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Termination of prior intergovernmental agreement:** The Parties agree that this agreement shall replace and supersede in all respects any previous agreement between them concerning the operation of the Task Force as of **April 1, 2019**.
2. **Purpose and Continuation of Task Force.** The Parties hereto agree to the continuation of the association of entities known as the Weld County Drug Task Force (the "Task Force") for the purpose of coordinating and facilitating multi-jurisdictional drug enforcement. The Task Force is not a separate legal entity. The Parties enter into this agreement as separate and independent entities and each shall maintain such status throughout the term of this Agreement. All Task Force operations will be primarily focused on the following Areas:
 - A. Conducting investigations related to the unlawful sale, distribution, or manufacturing of controlled substances and other related criminal activity in the Weld County area. The emphasis of these efforts will be to target medium to large sized distribution networks with an emphasis on identifying and eliminating, to the extent possible, drug trafficking organizations at their source.
 - B. Establish and maintain a viable and efficient criminal intelligence system that will provide for the collection, storage, and dissemination of relevant criminal intelligence to those authorized by law to receive it.
 - C. Maintain effective collaboration with the 19th Judicial District Attorney's Office to work towards prosecution strategies that are in the best interest of the community. Furthermore, the Weld County District Attorney's Office and the Task Force will coordinate and collaborate on asset forfeitures that are handled through the State of Colorado legal system.
3. **Term of the agreement:** The term of this Agreement shall begin **April 1, 2019**, and continue for consecutive one-year periods ending on **March 31, 2024**, unless sooner terminated as provided herein or extended by mutual written agreement of the Parties. The Parties shall review this agreement at least every five (5) years to determine if renewal is appropriate.

4. **Management Committee:** The Management Committee shall be comprised of the Chief of Police or Sheriff of each of the Managing Agencies, or their designees. The role of the Management Committee is to provide strategic guidance to the Task Force Commander.
 - A. Financial Reports: The Management Committee shall receive a financial report from the Task Force Commander or the Financial Coordinator prior to each scheduled committee meeting. The substance of the financial report will be determined by the management committee.
5. **Task Force membership:** Any law-enforcement agency in Weld County may become a member of the Task Force by providing the Management Committee with a proposal identifying the personnel the agency wishes to contribute to the Task Force. The Management Committee has the authority to approve this membership. Any agency granted membership to the Task Force must agree to the terms and conditions of this Agreement and shall execute a counterpart copy of this Agreement and all subsequent amendments or addenda thereto, at which point such agency will become a Party to this Agreement. Any personnel assigned to the Task Force shall remain an employee of their respective agencies. Increasing or decreasing personnel assigned to the Task Force will require a review and adjustment to this agreement as it relates to Fiscal Management, Section 9 of this agreement.
 - A. Managing Agency: A law enforcement agency that has assigned full-time personnel to the Task Force operations is designated as a “Managing Agency.” The actual number of full-time personnel assigned to the Task Force operations by each agency may fluctuate year-to-year, depending on the financial circumstances of each agency and the addition or withdrawal of any other agency to or from the Task Force operations.
 - B. Participating Agency: Any law enforcement agency that does not assign personnel to the Task Force operations, but does provide investigative cooperation, enforcement assistance, intelligence and information sharing and /or any other non-personnel contribution to the Task Force operations is defined as a “Participating Agency.” Participating agencies are not voting members of the Management Committee and will not receive any asset forfeiture distributions. As part of the working relationship with the Task Force, Participating Agencies may receive assistance in narcotics investigations including the investigation of illegal drug laboratories, access to investigative technology and the ability to access the Task Force criminal intelligence system through Task Force detectives and supervisors. Requests for assistance will be approved by the Commander based on available resources and other Task Force priorities. The Task Force Commander will attend the Weld Chief’s Association meetings, as directed by the Management Committee, to provide an update on task force priorities and current projects.
 - C. Other Agencies or affiliations: The Federal Drug Enforcement Administration, FBI, probation or parole Divisions and the Colorado National Guard (through counter drug programs) may assign personnel to the Task Force operations. The obligations of these agencies are governed by a separate agreement.
6. **Task Force Organization:** Sworn personnel engaging in operational activities through the Task Force shall have full peace officer authority and arrest powers within Weld County through the

Weld County Sheriff's Office commissions in addition to the authority granted by the home agency. Additionally, sworn personnel may operate in other areas under the authority of any federal deputation, which may be granted to the Task Force members. Task Force policy and procedure will parallel that of the Greeley Police Department, which acts as the administrative agency for the Task Force. Personnel assigned to the Task Force shall follow GPD policy. In case of an alleged policy violation the Task Force Commander will collaborate and assist the home agency of any Task Force employee who may be undergoing a personnel investigation. Disciplinary action shall be the responsibility of the employee's home agency.

- A. Task Force Commander: The Commander who also serves as the Project Director for the Task Force shall be a Greeley Police Commander and is subject to the Greeley Police Department chain of command. The Commander or their designee shall manage field and investigative operations of the Task Force. The Commander shall supervise the Task Force Sergeant(s). The Commander is authorized to apply for grants or to seek supplemental funding sources through state or federal avenues and are to be used for purposes related to Task Force operations.
- B. Task Force Sergeants: Task Force Sergeants shall supervise detectives and/or officers assigned to Task Force operations. Supervision does not include the authority to make personnel decisions, but the Task Force Sergeant may communicate with the agency that employs those assigned to Task Force operations regarding a person's conduct and performance during Task Force operations.
- C. Detectives and Civilians assigned to Task Force operations: Task Force detectives and civilian personnel assigned to Task Force operations will work as part of a mixed agency team under the supervision and direction of the Commander and Sergeant(s). The Managing Agency executives shall have sole discretion concerning the assignment of their personnel to the Task Force. Due to the unique nature of the assignment, it is recommended that a formal selection process be conducted with the current task force supervisor(s) participation. Applicants may be required to successfully complete a drug screen (urinalysis), polygraph examination and financial background investigation (according to the Fair Credit Reporting Act rules and regulations), and an employment background investigation including review of personnel files. The Commander may also remove individuals from participation in Task Force operations with approval of the individual's home agency.
- D. Nothing contained in this Agreement, and no performance under this Agreement shall in any respect alter or modify the status of officers, agents, or employees of the respective parties for purposes of workers' compensation or their benefits or entitlements, pension, levels or types of training, internal discipline, certification, or rank procedures, methods, or categories, or for any purpose, or other conditions or requirements of employment. While assigned to the Task Force, employees remain subject to their home agency's human resource regulations.
- E. All agencies that utilize resources that come about as a result of Task Force operations shall agree to follow the protocols established by the Task Force or set forth in the Greeley Police Department's policies. Direct access to the Task Force intelligence

system is available to selected members of the Managing Agencies. Direct access to the intelligence system shall not be allowed to a Managing Agency employee until the Commander or Sergeant(s) verify the employee has completed the Task Force intelligence training, and the employee agrees to follow the Task Force requirements and protocols governing use of the intelligence system. Participating Agencies are encouraged to access the intelligence system through a Task Force detective or supervisor in accordance with Task Force policy.

- F. In order to maintain consistency in operations, the members of the Task Force shall utilize the following support services of the Greeley Police department. All evidence collected during Task Force operations will be stored by the Greeley Police Department's Property and Evidence section. All police reports and associated paperwork shall be maintained by the Greeley Police Department Records Section. Computer support and other IT services will be provided by the City of Greeley Information Technology Division with necessary assistance from Weld County Public Safety Information Technology. Other support services for the Task Force will be decided based on the type of service, geographic location and availability.

7. **Initial Transition of Equitable Funds:** The Parties acknowledge that this Agreement replaces the previous Agreement controlling the structure and operations of the Task Force. As of February 26, 2019, the Task Force currently has *equitably* shared reserves in the amount:

- Department of Justice- \$243,760.62
- Department of Treasury- \$31,534.51

In order to comply with federal rules, the Parties agree that all existing Task Force equitably shared federal funds shall be transferred to the City of Greeley which is acting as the fiduciary for the Task Force. The City of Greeley will distribute those funds to the member agencies according to the sharing percentages noted in section 9(F) below. The member agencies may use these funds at their discretion but must remain in compliance with the Department of Justice *Guide To Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies*, July 2018. Nothing in this paragraph shall limit or restrict the existing management committee and Task Force Commander from spending necessary funds as authorized in this Agreement while this transition occurs.

8. **Initial Transition of Non-Equitable Funds:** All non-equitable funds (those forfeited funds not received through the federal government) shall be transferred to the City of Greeley in their entirety. Those funds shall be held by the City of Greeley to support future task force operations. As of February 26, 2019, the Task Force currently has *non-equitably* shared reserves in the amount of \$515,585.77.

9. **Fiscal Management:** The Commander shall oversee the fiscal management of the Task Force. There shall be a Financial Coordinator who shall be supervised by the Greeley Police Chief or his/her designee. Financial policies and procedures of the City of Greeley shall govern all financial matters involving the Task Force.

- A. **Grant Funding:** The Greeley Police Department shall act as the sub-grantee for any state or federal drug grants or awards. The Commander shall act as the grant coordinator or manager. No grant which requires matching funds will be applied for

without consultation and approval of the Management Committee. Grant match obligations, if any, shall be apportioned among the Managing Agencies according to each agency's proportionate share of full time personnel under the command structure of the Task Force.

- B. Funding Strategy:** Essential to the sustainability of the Task Force is a funding strategy that minimizes dependence on federal grant funding. In recognition thereof, each Managing Agency shall fund its own personnel costs incurred in its performance of the Task Force operations. Other expenses such as vehicles, supplies and other operating expenses shall be covered through the Task Force's allotted budget. Federal and/or state grant awards and project income, which includes monies from seizure/forfeiture awards, court surcharges, restitution, and interest from Task Force operations in the designated agency's reserve accounts, may be used for expenses specific to carrying out daily drug enforcement efforts, including but not limited to confidential funds, off-site lease expenses, a portion of overtime, and other operating expenses not otherwise funded or provided. Supplemental funding that may be received for overtime will be reimbursed to each Managing Agency. Overtime reimbursement awarded shall not exceed the proportionate share of the award based upon the agreed sharing percentages.
- C. Equipment:** Equipment and/or vehicles purchased in whole or in part, through funding or equitable sharing, prior to the implementation of this agreement, shall be jointly-owned by all Managing Agencies. In the event the Task Force is disbanded in its entirety, or a member agency elects to leave Task Force membership, such equipment will be distributed pursuant to the sharing percentages in this Agreement noted in Section F below. Percentage of ownership will be determined through the formula established in section F below. Items purchased with Equitable sharing funds will be distributed in accordance with the current Department of Justice *"Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies."* Managing Agencies will be entitled to proportional shares after 3 years of continual Managing Agency status. Maintenance, repair and replacement of any such equipment shall be the responsibility of the Task Force Commander or their designee.
- D. Joint Use and Operation:** Equipment, including but not limited to computers, hardware and software, vehicles, cell phones, and any other equipment owned by an Agency that is used, or has been made available for use by for Task Force operations, shall remain the property of said Agency. All maintenance, replacements and repairs of such equipment shall be the responsibility of that Agency.
- E. Task Force Asset Forfeiture Distributions:** The Commander shall be the signatory for the Management Committee to dispose of forfeited property in accordance with federal and state guidelines. Further, any revenue or assets generated through forfeiture actions initiated by or processed through Task Force operations shall be distributed to the Managing Agencies based on formulas set forth in this Agreement. However, when an asset forfeiture results from Task Force activity, the federal match percentage, or state award of such asset forfeiture shall first be placed directly into the designated agency's account before any distribution under this paragraph is made.

- F. Equitable Sharing/Seizures:** Each Managing Agency shall be responsible for staying in compliance with all applicable federal agency guidelines regarding the use and management of equitable sharing dollars. Direct requests for equitable sharing by Managing Agencies will be determined by the percentage of the requesting agency's contribution of full time investigative employees to the Task Force. In these instances, the requesting agency shall complete a DAG71 (form for federal asset sharing) requesting asset sharing from a Task Force seizure case. Effective **April 1, 2019** the following equitable sharing percentages for monetary forfeitures will be adhered to:

Percentages based on 12 Full time Task Force employees		
Agency	Number FTE	Percentage
Greeley Police	9	73
Weld County Sheriff	2	20
Evans Police	1	7

The Evans Police Department agrees to accept a reduced equitable share distribution in lieu of making an upfront contribution for administrative costs. Therefore, the administrative agency will be entitled to deduct 3% of the equitable share distribution percentage from the Evans Police Department's share to help compensate the administrating agency for administrative cost. The Weld County Sheriff's Office agrees to contribute 20% of the administrative and operational cost of the task force, which includes the cost of the task force commander and administrative assistant.

When tangible property (i.e. motor vehicle, trailer, technology, etc.) is forfeited for Task Force use, the Administrative Agency will complete the DAG71 and that property will be designated for Task Force Use.

- G. Non Equitable Sharing/Seizures:** Assets that are forfeited through the State of Colorado forfeiture system are referred to as "non-equitable" funds. These funds will remain in a separate accounting fund so that the non-equitable funds are not co-mingled with the equitable sharing from the federal government. Transfer, management and disbursement of non-equitable funds will be the responsibility of the fiduciary. The fiduciary will prepare a financial statement to be presented to the Management committee at each regularly scheduled meeting.
10. **Voluntary Change of Membership Level:** It is agreed that participating in the Task Force is voluntary, and that in the event a Managing or Participating Agency wishes to change its level of participation in the Task Force, said agency shall notify the Management Committee not less than ninety (90) days Prior to the anticipated change. An agency changing from a Managing to a Participating Agency shall have no claim of ownership over any assets purchased in whole or in part through grant funding, or to that Party's funds held for Task Force operations, equipment or vehicles acquired through forfeiture proceedings, nor any asset forfeiture proceeds which have been applied for, but have not yet been distributed at the time of the notice. All such assets, equipment, vehicles and forfeiture proceeds shall be retained by the then existing Managing Agencies. Change in participation level pursuant to this section shall not relieve a Party of its obligations incurred up to the change date. Any Participating Agency that wishes to

become a Managing Agency shall notify the Commander and provide the Management Committee with a proposal regarding personnel that they will assign under the command of the Task Force. The change in membership status is not effective until approved by the Management Committee.

11. **Indemnification and Liability:** The Parties acknowledge that each are governmental entities that may not be permitted under current Colorado law to indemnify another entity, and further acknowledge that each Party's agreement to indemnify the other is limited by applicable constitutions, statutes and case law. As such, to the extent permitted by law, each Party shall indemnify and hold harmless the other Parties, their officers, employees and agents from and against all liabilities, claims and demands that may arise from the negligent acts or omissions of the indemnifying Party or any of his or her subordinates, agents or other persons acting under its authority. In addition, the indemnifying Party shall indemnify the other Parties, their officers, employees and agents for all costs and expenses related to defending such liabilities, claims and demands, including, without limitation, litigation costs and attorneys' fees, whether or not such liabilities, claims or demands are groundless, frivolous, false or fraudulent. However, the Parties agree that all such liabilities, claims and demands shall be subject to any notice requirements, defenses, immunities or limitations to liability under the Colorado Governmental Immunity Act (Section 24-10-101, C.R.S., et seq.) and to any other defenses, immunities or limitations to liability available pursuant to law.
12. **Workers' Compensation Insurance.** If an employee of a Party is injured, disabled or dies while providing services to the Task Force under this Agreement, said individual shall remain covered by, and eligible for, the workers compensation and other benefits to which said individual would otherwise be entitled if the injury, disability or death had occurred while acting solely as an employee of the Party and not providing services to the Task Force under this Agreement.
13. **Vehicles.** Only Employees of the Greeley Police Department, the Weld County Sheriff's Office, the Evans Police Department or any other agency as may from time to time be authorized by the Commander or their designee ("Authorized Agencies") shall be authorized or permitted to operate any vehicle owned, leased, controlled and/or insured by the Task Force or the Greeley Police Department (collectively referred to as a "Task Force Vehicle"). In the event an employee of an Authorized Agency other than the Greeley Police Department is involved in an accident while operating a Task Force Vehicle, it shall be the obligation of the employing agency to indemnify the City of Greeley from any and all liability pursuant to paragraph 10. The employing agency shall reimburse the City of Greeley for any expenses, fees and/or costs related to an accident occurring in a Task Force Vehicle no later than thirty (30) days after receiving written notice from the City of Greeley of the expenses, fees or costs. Managing Agencies shall be financially responsible for any damage that occurs to a vehicle while assigned to an employee of that Managing Agency
14. **Contingencies:** This Agreement and obligations of the Parties hereunder are expressly contingent upon each Party's budgeting and appropriating the funds necessary to fulfill the Party's obligations hereunder.
15. **No Third Party Beneficiaries:** This Agreement is made for the sole and exclusive benefit of the Parties hereto and shall not be construed to be an agreement for the benefit of any third party or parties and no third party shall have a right of action hereunder for any cause whatsoever
16. **Waiver:** No waiver by any of the Parties hereto of any of the terms and conditions of this Agreement shall be deemed to be or be construed as a waiver of any other term or condition of

this Agreement, nor shall a waiver of any breach of this Agreement be deemed to constitute a waiver of any subsequent breach of the same provision of this Agreement.

17. **Severability:** If any provision of this Agreement, or the application of such provision to any person, entity or circumstance, shall be held invalid, the remainder of this Agreement, or the application of such provision to persons, entities, or circumstances other than those in which it is held invalid, shall not be affected thereby.
18. **Force Majeure:** Notwithstanding anything contained herein to the contrary, it is agreed that in the event and to the extent that fire, flood, earthquake, natural catastrophe, explosion, accident, war, illegality, act of God, or any other cause beyond the control of any of the Parties hereto, or strikes and labor troubles (whether or not within the power of the Party affected to settle the same) prevents or delays performance by any Party to this Agreement, such Party shall be relieved of the consequences thereof without liability, so long as and to the extent that performance is prevented by such cause; provided, however, that such party shall exercise due diligence in its efforts to resume performance within a reasonable period of time.
19. **Authority:** The persons who sign and execute this Agreement represent that they are duly authorized to execute this Agreement in their individual or representative capacity.
20. **Binding Effect:** The Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.
21. **Counterpart and Electronic Signatures:** The Parties agree that counterpart signatures shall be acceptable and that execution of the Agreement in the same form by each Party shall be deemed to constitute full and final execution of the Agreement. This Agreement may be executed and delivered by electronic signature by any Party and all Parties consent to the use of electronic signatures.
22. **Law Enforcement Authorization:** To the extent any Parties to this Agreement (Managing, Participating or Contributing) are also signatories to the February 10, 2015 "Agreement for Law Enforcement Authorization", an officer's assignment to the Task Force shall constitute notice as required by Section 4(A) of the "Agreement for Law Enforcement Authorization" and no further notice shall be necessary as long as the officer remains assigned to the Task Force.
23. **Dissolution:** Upon a majority vote of the Managing Committee and approval by each Party's Chief of Police or Sheriff, the Task Force may be completely dissolved. Upon dissolution, any assets, equipment or funds shall be distributed as follows:

All assets of the Task Force will be divided between the then existing Managing Agencies based upon the percentage of full time employees assigned by each Managing Agency to the Task Force as of the date of the dissolution vote.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by each Party's duly authorized representatives as set forth below.

Greeley Police Department

Date

Weld County Sheriff's Office

Date

Evans Police Department

Date

Council Agenda Summary

April 2, 2019

Agenda Item Number 12

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Introduction and first reading of an Ordinance annexing to the City of Greeley, Colorado, certain unincorporated territory located in Weld County, Colorado, known as the Jackson Annexation, located at 245 83rd Avenue

Summary:

The applicants, Ron Jackson and Jeanne Jackson, are petitioning to annex a 38.41 acre parcel of unincorporated property located at 245 83rd Avenue. In the summer of 2018, the applicants approached Weld County with a proposal to subdivide a parcel of land and construct a single family home. Due to the parcel's contiguity to the City of Greeley, annexation is required of the applicants in order to obtain City water service, per City policy. Through inter-jurisdictional review and coordination, the applicants were allowed to complete the recorded exemption process through the County to divide their property, and receive a building permit for the construction of the single-family home, with the agreement that the residence would not be able to connect to City water until annexed.

The Planning Commission met on March 26, 2019, and unanimously recommended approval to City Council. Discussion centered around the applicant's desire for city water service and city policy in that regard, as well as the secondary benefits to other residents in the area who currently have extra-territorial city water service and would have improved water pressure if this service is built.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Ongoing impacts only
What is the annual impact?	Police, fire and other city services
What fund of the City will provide Funding?	General budgeted funds
What is the source of revenue within the fund?	Varies
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	Impacts will be proportionate to any new development of the property in the future, though adequate public facility policies are designed to ensure that new growth pays for its initial costs.

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation
- 2) Council questions of staff
- 3) Applicant presentation
- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 6) Rebuttal, if requested
- 7) Council discussion
- 8) Council decision

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

Consistency with *Imagine Greeley* Comprehensive Plan, and with the following Council goals:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Economic Health & Development: Foster and maintain public and private investment in business development.

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for April 16, 2019.

Attachments:

Ordinance
Vicinity Map

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2016

CASE NO. ANX2018-0006

AN ORDINANCE ANNEXING TO THE CITY OF GREELEY, COLORADO, CERTAIN UNINCORPORATED TERRITORY LOCATED IN WELD COUNTY, COLORADO, KNOWN AS THE JACKSON ANNEXATION, LOCATED AT 245 83RD AVENUE

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The City Council of Greeley, Colorado, hereby finds that the property which is legally described in Section 2 below, for which one hundred percent (100%) of the land owners have petitioned for annexation to the City of Greeley, is in all respects eligible for annexation and that said annexation proceedings have been conducted in compliance with the laws of the State of Colorado.

Section 2. The territories described below in this section are hereby approved for annexation and are hereby annexed to the City of Greeley. These territories referred to are located at 245 83rd Avenue, and are described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said parcel contains 38.41 acres, more or less, and is subject to any easements or rights-of-way as granted or reserved by instruments of record, or as now existing on said described parcel of land.

Section 3. Pursuant to C.R.S. §31-12-113, one (1) copy of the map of the above-described territory and the original of the annexation ordinance shall be filed with the City Clerk of the City of Greeley, Colorado. Two (2) certified copies of this annexation ordinance and map of the area annexed shall be filed for recording with the Clerk and Recorder of Weld County, Colorado, within thirty (30) days after the effective date of this ordinance. The Clerk and Recorder of Weld County, Colorado, is required to file one (1) certified copy of the annexation ordinance and map with the Division of Local Government of the Colorado Department of Local Affairs, as required by C.R.S. §13-12-113(2)(a).

Section 4. The City of Greeley, Colorado, hereby consents pursuant to C.R.S. §37-45-136(3.6), to the inclusion of lands identified above in Section 2 into the municipal subdistrict, Northern Colorado Water Conservancy District.

Section 5. Except for the purposes of general taxation, this annexation shall be effective five (5) days after the final publication of this ordinance.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

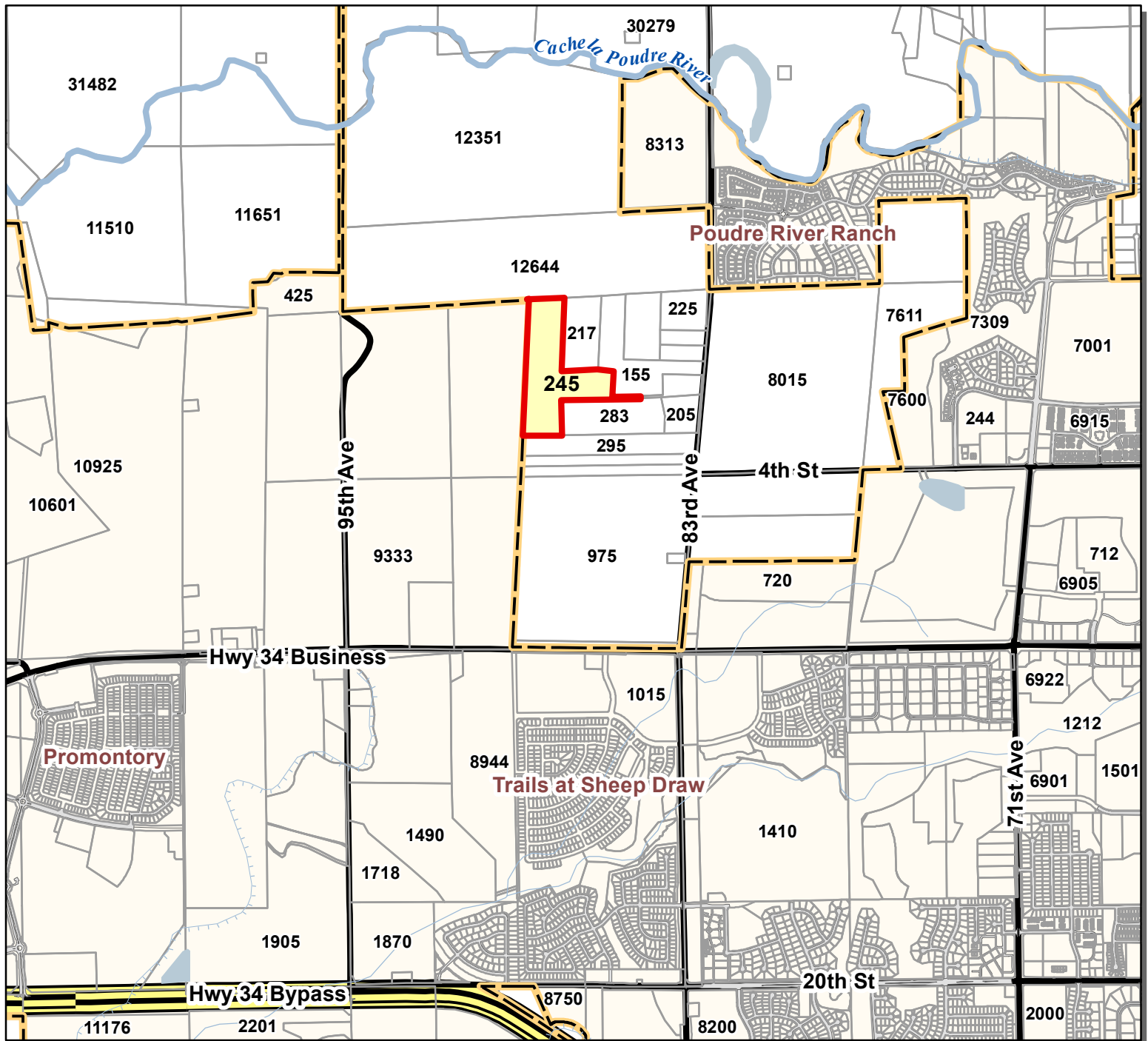
CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6 TO BEAR NORTH $86^{\circ}36'27''$ EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH $02^{\circ}51'51''$ WEST, 2151.34 FEET; THENCE NORTH $89^{\circ}08'51''$ EAST, 643.46 FEET; THENCE NORTH $00^{\circ}50'54''$ WEST, 559.99 FEET; THENCE NORTH $89^{\circ}39'15''$ EAST, 791.07 FEET; THENCE NORTH $87^{\circ}39'10''$ EAST, 497.79 FEET; THENCE NORTH $02^{\circ}20'50''$ WEST, 29.93 FEET; THENCE SOUTH $87^{\circ}38'01''$ WEST, 494.48 FEET; THENCE NORTH $3^{\circ}39'27''$ EAST, 417.37 FEET; THENCE NORTH $85^{\circ}14'29''$ WEST, 210.13 FEET; THENCE NORTH $88^{\circ}25'21''$ WEST, 49.91 FEET; THENCE NORTH $88^{\circ}38'26''$ WEST, 565.90 FEET; THENCE NORTH $2^{\circ}37'36''$ EAST, 1130.98' TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE ALONG SAID NORTH LINE SOUTH $86^{\circ}36'27''$ WEST, 575.15 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,673,177.6 SQUARE FEET OR 38.41 ACRES MORE OR LESS.

Vicinity Map

Jackson Annexation & Establishment of Zoning



ANX2018-0006 & ZON2018-0015

Legend

- | | | | |
|--|-----------------|--|-------------------|
| | City Limits | | Expressway |
| | 245 83rd Avenue | | Arterials |
| | | | Local, Collectors |
| | | | Unknown |

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Miles

Council Agenda Summary

April 2, 2019

Agenda Item Number 13

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Introduction and first reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, establishing R-E (Residential Estate) zoning for a parcel of property located in Weld County, Colorado, at 245 83rd Avenue, recently annexed and known as the Jackson Annexation

Summary:

In the summer of 2018, the applicants approached Weld County with a proposal to subdivide a parcel of land and construct a single-family home. Due to the parcel's contiguity to the City of Greeley, annexation was required of the applicant in order to obtain City water service, consistent with City policy. Through inter-jurisdictional review and coordination, the applicant was allowed to complete, through the County, the recorded exemption process to divide their property, and to pull a building permit for the construction of the single-family home, with the agreement that the residence would not be able to connect to City water until annexed.

The applicants are required by State annexation laws to request establishment of zoning within 90 days of the annexation. The applicants are requesting the establishment of R-E (Residential Estate) zoning for the property and believes it is the most contextually appropriate zoning for the area and intended use.

The Planning Commission met on March 26, 2019 and unanimously recommended approval to City Council.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a quasi-judicial process which includes the following public hearing steps:

- 1) City staff presentation
- 2) Council questions of staff
- 3) Applicant presentation
- 4) Council questions of applicant
- 5) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 6) Rebuttal, if requested
- 7) Council discussion
- 8) Council decision

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

Consistency with *Imagine Greeley* Comprehensive Plan, and the following Council priorities:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for April 16, 2019.

Attachments:

Ordinance
Vicinity Map

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2016

CASE NO. ZON2018-0015

AN ORDINANCE CHANGING THE OFFICIAL ZONING MAP OF THE CITY OF GREELEY, COLORADO, ESTABLISHING R-E (RESIDENTIAL ESTATE) ZONING FOR A PARCEL LOCATED IN WELD COUNTY, COLORADO, AT 245 83RD AVENUE, RECENTLY ANNEXED AND KNOWN AS THE JACKSON ANNEXATION

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The following described property located in the City of Greeley known as the Jackson Annexation is hereby placed into the R-E (Residential Estate) zoning district in the City of Greeley, County of Weld, State of Colorado, and is described as follows:

SEE ATTACHED LEGAL DESCRIPTION

Said described parcel of land contains 38.41 acres, more or less.

Section 2. The boundaries of the pertinent zoning districts as shown on the official zoning map are hereby changed so as to accomplish the above-described zoning changes, and the Mayor and City Clerk are hereby authorized and directed to sign and attest an entry which shall be made on the official zoning map to reflect this change.

Section 3. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6th PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

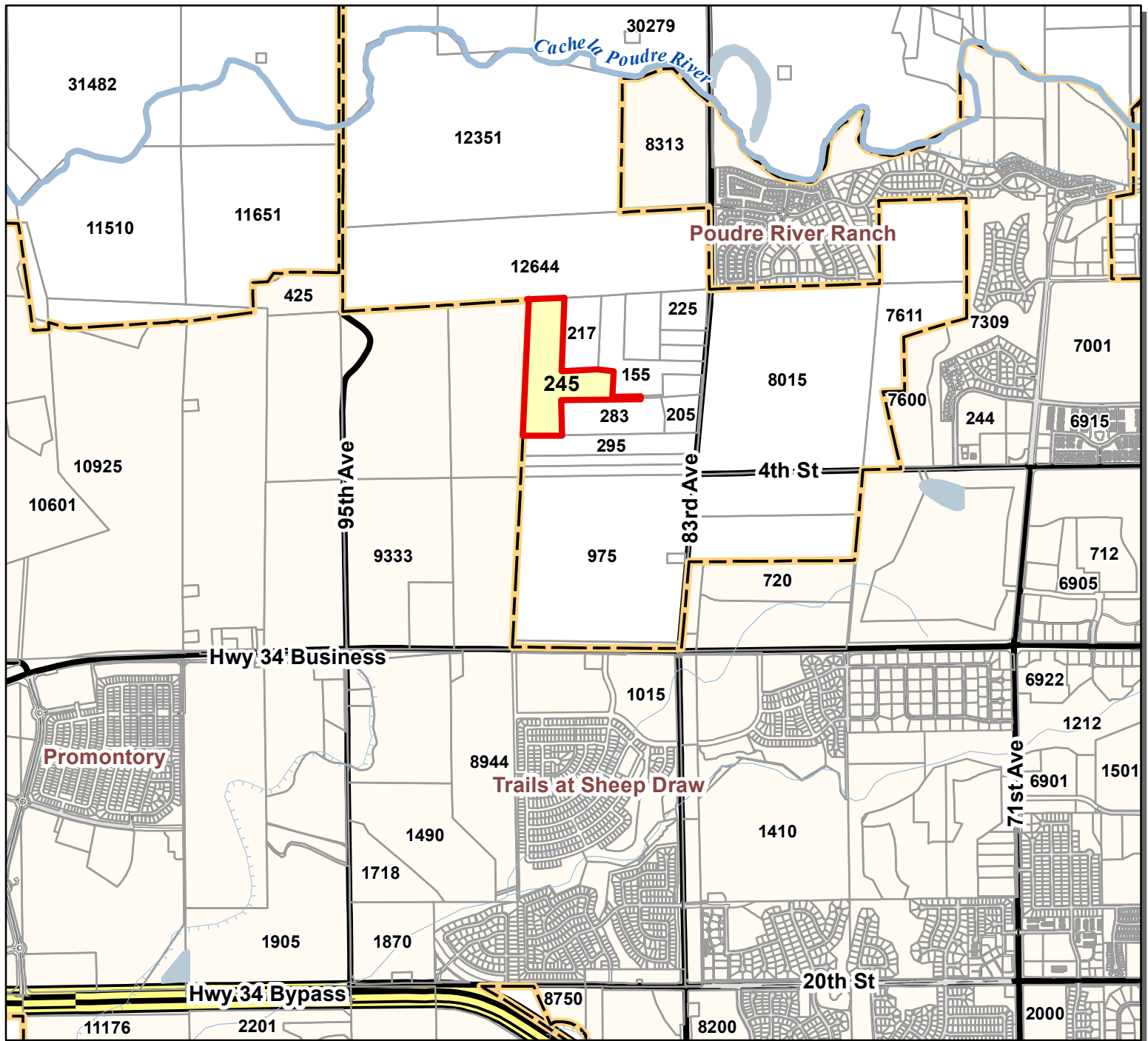
CONSIDERING THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 6 TO BEAR NORTH $86^{\circ}36'27''$ EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH $02^{\circ}51'51''$ WEST, 2151.34 FEET; THENCE NORTH $89^{\circ}08'51''$ EAST, 643.46 FEET; THENCE NORTH $00^{\circ}50'54''$ WEST, 559.99 FEET; THENCE NORTH $89^{\circ}39'15''$ EAST, 791.07 FEET; THENCE NORTH $87^{\circ}39'10''$ EAST, 497.79 FEET; THENCE NORTH $02^{\circ}20'50''$ WEST, 29.93 FEET; THENCE SOUTH $87^{\circ}38'01''$ WEST, 494.48 FEET; THENCE NORTH $3^{\circ}39'27''$ EAST, 417.37 FEET; THENCE NORTH $85^{\circ}14'29''$ WEST, 210.13 FEET; THENCE NORTH $88^{\circ}25'21''$ WEST, 49.91 FEET; THENCE NORTH $88^{\circ}38'26''$ WEST, 565.90 FEET; THENCE NORTH $2^{\circ}37'36''$ EAST, 1130.98' TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE ALONG SAID NORTH LINE SOUTH $86^{\circ}36'27''$ WEST, 575.15 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 1,673,177.6 SQUARE FEET OR 38.41 ACRES MORE OR LESS.

Vicinity Map

Jackson Annexation & Establishment of Zoning



ANX2018-0006 & ZON2018-0015

Legend

- | | | | |
|--|-----------------|--|-------------------|
| | City Limits | | Expressway |
| | 245 83rd Avenue | | Arterials |
| | | | Local, Collectors |
| | | | Unknown |

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Council Agenda Summary

April 2, 2019

Agenda Item Number 14

Title

Pulled Consent Agenda Items

Council Agenda Summary

April 2, 2019

Agenda Item Number 15

Key Staff Contact: Renee Wheeler, Finance Director, 970-350-9732

Title:

Public hearing and final reading of an Ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2019 and for funds held in reserve for encumbrances at December 31, 2018

Summary:

This is the second additional appropriation ordinance modifying the 2019 budget. This ordinance was introduced at the March 19, 2019 Council meeting.

Fiscal

Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes																
If yes, what is the initial, or, onetime impact?	\$ 45,685,938																
What is the annual impact?	\$ 45,685,938																
What fund of the City will provide Funding?	See Ordinance																
What is the source of revenue within the fund?	Fund Balance, Operating Transfers, Bond Proceeds, Grants, State Pass Through, Expense Reimbursement, and Rental Fees.																
Is there grant funding for this item?	Yes Items 18, 20, & 75																
If yes, does this grant require a match?	Yes																
Is this grant onetime or ongoing?	Onetime																
Additional Comments:	Total appropriations made by this ordinance are \$45,685,938. The following funding sources will be used to cover the appropriations made by this ordinance. <table> <tr> <td>Fund Balance</td><td>\$ 22,621,968</td></tr> <tr> <td>Operating Transfers</td><td>8,877,618</td></tr> <tr> <td>Bond Proceeds</td><td>12,000,000</td></tr> <tr> <td>Grants</td><td>1,482,314</td></tr> <tr> <td>State Pass Through</td><td>572,563</td></tr> <tr> <td>Expense Reimbursement</td><td>125,475</td></tr> <tr> <td>Rental Fees</td><td>6,000</td></tr> <tr> <td>Grand Total:</td><td>\$ 45,685,938</td></tr> </table>	Fund Balance	\$ 22,621,968	Operating Transfers	8,877,618	Bond Proceeds	12,000,000	Grants	1,482,314	State Pass Through	572,563	Expense Reimbursement	125,475	Rental Fees	6,000	Grand Total:	\$ 45,685,938
Fund Balance	\$ 22,621,968																
Operating Transfers	8,877,618																
Bond Proceeds	12,000,000																
Grants	1,482,314																
State Pass Through	572,563																
Expense Reimbursement	125,475																
Rental Fees	6,000																
Grand Total:	\$ 45,685,938																

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Legal Issues:

City Charter prohibits actual expenditures from exceeding appropriations at the fund level. This ordinance will insure that this does not occur.

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Applicable Council Priority and Goal:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Decision Options:

1. Adopt the ordinance as presented; or
2. Amend the ordinance and adopt as amended; or
3. Deny the ordinance; or
4. Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance
Detail Supporting Schedule
PowerPoint

THE CITY OF GREELEY
ORDINANCE NO.____, 2019

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2019 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2018.

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2019 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2018, exceeded the amount of revenues estimated in the 2018 Budget by more than the total amount of the expenditures in the same year;

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

Section 1. In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2019 budget and amounts held in fund balance reserves from 2018, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2019:

Fund	Total
001 General	\$ 12,950,774
104 Streets & Roads	269,214
108 Designated Revenue	760,785
112 NEAHR Grants	572,563
301 Public Improvement	13,465,000
303 Public Art	33,250
304 Food Tax	147,011
305 Softball Improvement	3,500
306 Fire Equipment & Acquisition Replacement	1,943,687
307 Fire Protection Development	943,687
309 Island Grove Development	6,000
312 Transportation Development	400,000
314 Park Development	1,201,230
318 Quality of Life	2,175,036
321 Street Infrastructure Improvement	2,425,000
322 2016 City Center	750,000
403 Sewer Capital Replacement	288,000
406 Water Capital Replacement	1,709,000
407 Water Rights Acquisition	500,000
408 Cemetery	88,525
409 Municipal Golf Courses	15,000
502 Equipment Maintenance	50,000
503 Information Technology	591,714
512 Fleet Replacement	185,839
513 Information Technology Acquisition	4,211,123
Grand Total:	\$ 45,685,938

Section 2. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by

the officers, agents and employees of the City in connection with this appropriation are hereby ratified, approved and confirmed.

Section 3. This Ordinance shall become effective five (5) days after its final publication as is provided by Section 3-16 of the Greeley Charter,

PASSED AND ADOPTED, SIGNED AND APPROVED THIS ____ DAY OF _____, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

BY _____
Mayor



City of Greeley
2019 Appropriation No. 2
Ordinance #
City Council Meetings: March 19 and April 2

3/19/2019

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
001 General							
18	Grant		Grant funds are being requested which were received from the State of Colorado for presentation of National Alliance of Preservation Commissions (NAPC) Commission Assistance and Mentoring Program (CAMP) at the Colorado Preservation, Inc. Saving Places Conference in Denver in February 2019. The City completed its contract with the State of Colorado Department of Higher Education (History Colorado, the State Historical Society) on July 12, 2018. The grant is a reimbursement grant, so the City will pay the workshop fee of \$9,100 and then get reimbursed following approval of final project reports. The grant was not in the original budget because the application was submitted in January 2018 and the City did not get under contract until July 2018. This is a federal pass through grant. No resolution was required. No cash match, the cash match indicated in the project budget will be paid by History Colorado or Colorado Preservation, Inc. from the registration fees for the workshop.	-	9,100	9,100	-
48	Transfer from Designated Revenue Fund		The addition of 10 new fire fighters throughout 2019 at Fire Station #6 using the voter approved .16% Public Safety funding.	-	750,000	750,000	-
75	Fund Balance & Grants		Encumbrances & Commitments from 2018 include: compressed natural gas buses for \$1,347,722 with \$1,078,178 in Federal Transit Authority grants, license plate readers for \$178,564, repairs from hail damage for \$460,773, codification and records inventory software for \$57,250, use of grant fund balance funding for Natural Areas & Police purchases for \$94,517, home buyers assistance program for \$154,661, designated disability reserve funds of \$181,389, repairs of gates at police station for \$48,321, homeless shelter funding for \$155,190, remaining broadband commitments of \$325,337, PROpel, consulting, and succession planning for \$307,457, and purchased services and supplies for \$832,169.	3,065,172	1,078,178	4,143,350	-
80	Fund Balance		The Parks division identified existing equipment in need of replacement earlier than anticipated to maintain parks and public areas for \$150,000. Equipment includes two utility vehicles, a turf sweeper, two aerators, and a seeder.	150,000	-	150,000	-
			In 2017, the voters approved an SB-152 measure allowing staff to investigate alternatives for the provision of Broadband services in Greeley. \$1 million is requested to fund the Fiber Conduit Colocation Ordinance, which enables the City to add broadband conduit in conjunction with construction projects throughout the City for two years. \$600,000 would fund technical and consulting work in 2019 and 2020.	1,600,000	-	1,600,000	-
			The implementation of the TRAKIT software in Community Development in 2018 has resulted in regular analytical needs and created opportunities for on-going business system improvements for services offered by the department, and potentially others in the city. Funding of \$172,286 will cover the cost of the new position and related operating expenses for 2019 & 2020. \$70,623 is requested in this appropriation for 2019 with the remaining balance to be part of the 2020 budget.	70,623	-	70,623	-
			The City has created a task force to evaluate the current Emergency Medical Services (EMS) deployment model. \$75,000 would allow for the completion of an EMS Development Study. The study would include conducting necessary technical research, assessing feasibility of the current EMS delivery model, and analyzing potential alternative care delivery models.	75,000	-	75,000	-
			The City has begun to conduct a review and audit of the City's oil and gas assets with the support of a qualified consultant. The audit will include an oil and gas lease review, producer audit, and forecasting of future revenues. Currently \$50,000 has been set aside for the audit. After further examination of the requirements and resources needed for the review and audit, an additional \$50,000 is requested.	50,000	-	50,000	-
			Over a ten year period, the City is recommending treatment (chemical application), removals and replacements, depending on evaluations by Forestry staff for 862 ash tress maintained by the city. Funding to treat, replace, and remove trees impacted by the Emerald Ash Bore the City total \$600,000 over ten years; \$120,000 is being requested to support the first two years of this project.	120,000	-	120,000	-
001 General				5,130,795	1,837,278	6,968,073	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
104 Streets and Roads							
	75	Fund Balance	Encumbrances & Commitments for the remodel of the restroom 1203 3rd Street, document scanning to digital, and supplies for signal operations.	161,085	-	161,085	-
	80	Transfer from General Fund	A Utility Coordinator position is necessary in Public Works to handle the additional regulatory requirements for underground utility coordination, as well as to facilitate the utility phase of capital improvement projects (CIP). These projects have become increasingly more complicated and impact the construction schedule. This position will also be responsible for overseeing conduit coordination with other utilities doing work in City rights-of-way to help facilitate the potential for additional fiber optics that could support broadband, traffic signals, and other city buildings. Funding of \$208,142 will cover the cost of the position, equipment, vehicle, and related operating expenses for 2019 and 2020. Expenditures for 2019 are \$108,129 with the remaining balance to be part of the 2020 budget.	-	108,129	108,129	-
104 Streets and Roads				161,085	108,129	269,214	-
108 Designated Revenue							
	19	Fund Balance	The PRTC, Inc. is requesting funding to purchase two trail counters to be placed at permanent locations on the Poudre Trail. During the period of time the trail operated without a Trail Manager, excess intergovernmental funding (reserve funding) has accumulated. The PRTC board, with representation from each jurisdiction, desires to use the accumulated funds to offset annual maintenance increases, purchases and other necessary amenities. The current 2018 end of year reserve balance is \$156,854. Trail counters are becoming an important tool to support requests such as grants and governmental funding. Currently the Poudre Trail has three permanent counters to cover 21 miles. They are located at River Bluffs (Larimer County), Kodak Trailhead (nearby highway 257) and at Rover Run (Greeley). The new counters will be placed near Island Grove and near the Poudre Learning Center.	10,785	-	10,785	-
108 Designated Revenue				10,785	-	10,785	-
112 NEAHR Grants							
	72	State Pass Through	Funding is being requested to re-budget Northeast Colorado All Hazard Regions (NEAHR) grant funds from prior years (2016, 2017 and 2018). The grant funding provided in prior years are a result of a project's timing, project expenditures being below budget and lower planning and management time allocated towards the coordinator of the program whereby the oldest grant funds are used first. Additionally, a portion of the funding was redistributed to specific projects occurring later in the year.	-	572,563	572,563	-
112 NEAHR Grants				-	572,563	572,563	-
301 Public Improvement							
	44	Bond Proceeds	Funding is being requested to support the design and construction of Fire Station #6 at Promontory.	-	6,300,000	6,300,000	-
	45	Bond Proceeds	Funding is being requested to support the replacement of Fire Station #2 at 2301 Reservoir Road.	-	5,700,000	5,700,000	-
	80	Transfer from General Fund	Additional space is requested to accommodate ambulance staff at fire stations #4 and #7. The cost of the remodels is \$265,000. This includes adding a restroom, bedrooms, furniture, HVAC changes, lighting at station #7, and additional interior walls at station #4.	-	265,000	265,000	-
	80	Transfer from General Fund	There are minor intersection improvements that have been prioritized based on safety of traffic flow. The request of \$1.2 million adds resources for some additional improvements such as turn lanes, damaged pole replacement, and signal upgrades. This money will also be used to evaluate and prioritize future traffic signals as warranted. A top priorities is improvement of 10th Street and 37th Avenue Court, where damaged signal poles and left turn arrows need to be replaced to improve the intersections efficiency.	-	1,200,000	1,200,000	-
301 Public Improvement				-	13,465,000	13,465,000	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
303 Public Art							
	37	Fund Balance	Funding is required for the Art Commission to build larger artwork at the Peakview Park site and support project management fees. The artist selected for the Skate Park Artwork has submitted a proposal that includes both a small scale design for artwork to be installed at each location. Additionally, the artist has submitted an option to build a larger design for the Peakview Skate park that would be more visible from public streets to the west, particularly the intersection of 59th Ave and 13th Street.	33,250	-	33,250	-
303 Public Art				33,250	-	33,250	-
304 Food Tax							
	21	Fund Balance	Funding is being requested to complete what was originally budgeted in 2018 to accommodate design services for the Family FunPlex. This includes overall facility lighting upgrades (excluding pool), color scheming, and previous concession area remodel. The project was postponed when only one formal proposal was received and which was financially beyond available budget. It is recommended to re-appropriate the funding to 2019 and roll it in to 2019 budgeted design fees for pool lighting (currently a \$50,000 budget). An electrical engineering/architectural firm will need to be retained for the pool area, the additional funds will allow other lighting upgrade designs and the possibility of other remodeling needs.	68,611	-	68,611	-
	49	Fund Balance	Repairs to get phones and computers operational at Boomerang Links GC maintenance facility. Phones have been out (not working) for many months and now the computers are not working. IT is proposing complete new wireless service to bring network connectivity to the facility from the water tower at 20th St and Clubhouse Dr. In addition, the same relay source (water tower) will provide wireless network service to Boomerang Clubhouse, Highland Hills Golf Clubhouse, Highland Hills Golf Maintenance Shop, and JB Jones/Forestry Offices. All of these facilities (5 in all) utilize Comcast and Century Link services which are not dependable. Cost savings by eliminating private service providers is projected to be over \$14,700 a year. Total Project Cost is \$50,000. \$35,000 coming from existing Food Tax Fund Balance and \$15,000 from the Golf Fund Balance.	35,000	-	35,000	-
	78	Fund Balance	The City has budgeted in 2019 to replace HVAC units in Island Grove. This request is to add the Island Grove Event Center to the replacement list for 2019 as it is currently a Trane unit and we will be replacing the other buildings with Carrier units. This addition to the HVAC project would allow us to standardize our system and reduce future costs. The additional cost to standardize and add to the building automation system is \$43,400. \$62,000 in savings in 2018 from the Museum roof top units replacements project would provide the funding needed for this additional Island Grove roof top unit and reduce the cost of mobilization of the crane.	43,400	-	43,400	-
304 Food Tax				147,011	-	147,011	-
305 Softball Improvement							
	38	Fund Balance	Funding is being request at the Twin Rivers Softball Complex for three temporary fences at youth tournaments. Youth softball matches necessitate a temporary fence to create a smaller defined outfield for the dimensions required by youth games. To maintain a professional environment the old equipment needs replacement that is worn, contains numerous holes of large size and lacks the quality required by the organization. Current attempts to repair and stitch the material have proved ineffective. The new temporary fences will help prevent players and teams from moving to newer fields, in Eaton or Evans who have recently built new softball fields.	3,500	-	3,500	-
305 Softball Improvement				3,500	-	3,500	-
306 Fire Equipment & Acquisition Replacement							
	80	Transfer from General Fund	Greeley Fire has been strategically analyzing the fire response model and the related fire apparatus replacement plan to cost effectively meet first responder service delivery expectations of the community in the context of community and firefighter safety, response reliability, risk management, and fiscal stewardship. \$1 million is requested to "seed" the Fire Apparatus Replacement Fund for the implementation of an apparatus replacement plan that transitions the leasing strategy to a cash basis strategy and stabilizes the General Fund contributions over the initial years of the plan.	-	1,000,000	1,000,000	-
	47	Transfer from Fire Development Fund	Funding is being requested to purchase a new fire station engine that will be associated with the new Fire Station #6 at Promontory.	-	943,687	943,687	-
306 Fire Equipment & Acquisition Replacement				-	1,943,687	1,943,687	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
309 Island Grove Development							
	69	Rental Fees	Funding is being requested to support the relocation of the Island Grove Scheduling Office from the Southwest Corner of the Event Center to the Outrider building located at 1229 D Street. This is necessary since several events are renting out the entire park with a growing number of events necessitating the blockage of Island Grove streets for traffic control. Hence, customer access is restricted to our Scheduling Office during these times. To support this transition the following will be needed: a new door and installation, office furniture, additional conduit, and signage.	-	6,000	6,000	-
309 Island Grove Development				-	6,000	6,000	-
312 Transportation Development							
	3	Fund Balance	Funding is being requested to build the sidewalk on the north side of 10th Street from 63rd Avenue (Pumpkin Ridge Subdivision) west to the Sheep Draw trail crossing at Sheep Draw. The construction of the sidewalk will allow people to safely cross 10th St instead of walking on the shoulder up to 69th Avenue to cross at the traffic signal. This allows the shortest sidewalk construction distance since Sheep Draw trail on the south side of 10th Street already exists.	150,000	-	150,000	-
	60	Fund Balance	Funding is being requested to fulfill the City's responsibility to build an arterial road towards 20th Street at Promontory Parkway. This road will be the access point for the new Fire Station #6. Design work requires the road to be taken east past the fire station lot. Although, the developer of Promontory also has interested builders for this area, the City would like to do a preliminary design of 20th Street from Promontory Pkwy to 95th Avenue to establish alignment for ROW dedication in the future and to determine grading so the road can be properly built for the section adjacent to Fire Station #6. The construction costs for the road are included in the fire station's project funding.	250,000	-	250,000	-
312 Transportation Development				400,000	-	400,000	-
318 Quality of Life							
	20	Grant	In 2018 the Culture, Parks and Recreation Department was awarded a 3 year, \$1.1 million grant from the Colorado Health Foundation to perform work in the East Memorial neighborhood. The goal is to engage residents and activate the neighborhood with "Healthy Spaces" to encourage residents to get outside and use existing Park spaces while incorporating new themes and elements into the spaces. These spaces include, but are not limited to, East Memorial Park, Balsam Park, Delta Park, and the East Memorial Open Space. Part of the funding was approved by City processes to fund a fulltime position for all 3 years to help coordinate activities and track the project. The first year of funding is primarily designated for stakeholder engagement, design work, and some programmatic work through the Recreation Division. The budget for all 3 years was planned out as part of the grant application. This appropriation represents the first year as approved by the grantor.	-	395,036	395,036	-
	41	Fund Balance	Funds are being requested to supplement the public skate park project beyond the original skate park construction budget. Therefore, \$400,000 is being requested to add lighting at Centennial Park, a number 1 priority as identified in public meetings. Additional funding is needed for high priority projects including additional landscaping features at the 3rd Street Plaza and shading structures at 3rd Street and at Peak View Park.	400,000	-	400,000	-
	70	Fund Balance	Funding is being requested in regards to an intergovernmental agreement (IGA) with Weld County School District 6 to install athletic improvements at several D6 sites. This primarily includes synthetic turf conversions and tennis court improvements. Additionally, the City staff Director in alignment with Public Works, decided to install supplemental lighting as a part of the original project to the west side of Greeley West Park which adjoins to Greeley West High School as a cohesive joint-use site. The cost of the lighting exceeded the funding established with the District 6 projects. Although the lighting has been completed as has the D6 work, invoicing from the D6 project to finalize the reimbursement was not received until Feb, 2019. Therefore funding is needed to resolve the delayed invoicing of this project.	30,000	-	30,000	-
	71	Fund Balance	Funding is being requested to support the installation of railings and fencing as requested by numerous users and service agencies at Aven's Village. A majority of the project was completed in 2016 with considerable donor funding (over \$262,000) to reduce the City's obligations towards this project. Currently, at the end of 2018 this project has a remaining balance \$240,952 at the end of 2018. Originally, this project was intended to complete this work in 2018 during the three year budget window for the project. Unfortunately the vendor's schedule was overloaded in addition to the vendor's unresponsive communication, which prevented the timeliness of quotes to allow the project to be completed as originally intended.	50,000	-	50,000	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
79		Transfer from Park Development Fund, Fund Balance	Staff have been working with the Developer (Journey Homes) for the Trails at Sheep Draw subdivision to design and construct a neighborhood park. Journey Homes (developing as Stephen's Farms Investments, LLC) dedicated 13 acres of park land and has paid a total of \$1.2 million in Park Development Impact Fees (405 SF homes), which is the primary funding source for construction of the park. The Developer is scheduled to construct the park this summer and the City will reimburse the Developer through these funds. A formal Agreement, including final design and specifications approved by staff, is approved to carry this project forward as a collaborative effort. This project was also specifically identified and approved for the 20 year capital plan formulated for the Imagine Greeley (Quality of Life) Fund.	98,770	1,201,230	1,300,000	-
318 Quality of Life				578,770	1,596,266	2,175,036	-
321 Street Infrastructure Improvement (Keep Greeley Moving)							
59		Fund Balance	4th Avenue between 22nd and 25th Street necessitates funding to support the repair of drainage issues relating to a deteriorated road with a missing curb, gutter and sidewalk. Significant work is required beyond just mill and overlay construction to repair the road. The necessity of this work is demonstrated by flooding during high water events that causes substantial damage to adjacent properties. These funds will support a comprehensive investigation and design to address alleviate these concerns.	75,000	-	75,000	-
61		Fund Balance	Funding is being requested in relations to the Keep Greeley Moving initiatives to support additional concrete repairs in the Glenmere and Downtown neighborhoods. The funds will allow the replacement of damaged concrete, eliminating tripping hazards. These funds will allow for smaller construction contracts associated with citizen requests that were unaddressed due to more critical larger concrete or road pavement repairs.	100,000	-	100,000	-
62		Fund Balance	Funding is being requested as a part of the Keep Greeley Moving initiative to support road construction expenses including overlay, patching and seal coat applications.	2,250,000	-	2,250,000	-
321 Street Infrastructure Improvement (Keep Greeley Moving)				2,425,000	-	2,425,000	-
322 2016 City Center							
80		Transfer from General Fund	Improvements to existing facilities continues to be a priority as staff works to consolidate similar services to more effectively serve the citizens and to accommodate the expected growth in staff over the planning horizon. Additional space can be created at the City Center North building by enclosing the first and second floors to match the third and fourth floors at both entrances. This creates an additional 2,100 feet of office space for 16 positions at a cost of \$750,000.	-	750,000	750,000	-
322 2016 City Center				-	750,000	750,000	-
403 Sewer Capital Replacement							
23		Fund Balance	Funding is being requested to support water sampling and replacement of one influent pump. The engineering and Water Pollution Control Facility (WPCF) staff completed the WPCF Master Plan in 2018 because of an unexpected increased biochemical oxygen demand (BOD) loading into the plant. W&S then completed some preliminary sampling of the main sewer trunk lines entering the plant and confirmed the need for additional sampling within the wastewater collections system. These planned samples points will then be analyzed to determine the highest potency wastewater inflows to the treatment plant. It will also help with isolation of these sources, allowing for better control and monitoring of these sources, and proper revenue collection. Replacement of the raw influent pump and motor is necessary to allow wastewater into the facility for treatment. This pump is needed in order to prevent pumping limitations into the plant when existing pumps fail or need to be rebuilt, which takes four months. Several pumps have recently shown early indications of failure making this a critical need not previously identified.	288,000	-	288,000	-
403 Sewer Capital Replacement				288,000	-	288,000	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
406 Water Capital Replacement							
	22	Fund Balance	Funding is being requested to support additional water distribution rehabilitation projects that have been added to the 2019 Distribution workload. These funds are necessary to support the coordination of schedules with the Streets Overlay and Keep Greeley Moving streets projects. By including these Water & Sewer projects in 2019, they can be completed in coordination with the Public Works projects, reducing time and budget, and ensuring new streets are not being impacted in the following years.	759,000	-	759,000	-
	24	Fund Balance	Funding is being requested to support the 20" Transmission Lining Project from Mosier Reservoir to 23rd Avenue Reservoir. This is a first priority transmission project for 2019 due to the breaks in the line. The costs for the 2019 phasing of this project were higher than expected, consuming a majority of the 2019 budget. Additional funds are needed for miscellaneous transmission break repairs that arise throughout the year.	100,000	-	100,000	-
	81	Fund Balance	Water and Sewer field operations staff need to move out of the City's A Street facility to free up additional space for Public Works staff. The state of Colorado is selling the nearby CDOT facility at 14th Avenue and 2nd Street this year for a competitive price. The site would meet the needs of Water and Sewer's operations staff well and it's proximity to the existing A Street facility makes this an ideal location to purchase. The existing 5-year capital budget has a \$4 million placeholder budget in 2022 for a W&S facility, but taking advantage of this opportunity requires appropriating funds now.	850,000	-	850,000	-
406 Water Capital Replacement				1,709,000	-	1,709,000	-
407 Water Rights Acquisition							
	42	Fund Balance	Greeley has contracted with Hall-Irwin to mine material to develop additional storage pits at the Poudre Ponds site. Funding is needed to complete the mining project done by Hall-Irwin, since the project is ahead of schedule. The project also needs additional funding to escalate the schedule of the reclamation on site beginning fall 2019. The area along the river bank which is in the Army Corps Floodway is under reclamation. The Corps is currently updating their floodway mapping which will likely affect the design of the reclamation, require additional permitting, and will likely delay the project by more than a year. By starting the project in 2019, through the requested funding, the design can be permitted under current requirements allowing the project to be completed within schedule.	500,000	-	500,000	-
407 Water Rights Acquisition				500,000	-	500,000	-
408 Cemetery							
	39	Fund Balance	Fund balance will be used to replace and update inoperable alarm systems in the Linn Grove Cemetery main office building and secondary storage building, requiring new security cameras and electrical lines to the cold storage facility. This system is needed to secure tens of thousands of dollars' worth of equipment stored in these locations, as well as personal records for over 26,000 deceased people buried on the grounds. Recent successful robberies necessitate the installation of this system. Additionally, a GPS surveying locator is needed to properly mark all burial plots with sub-centimeter accuracy. The entire grounds need to be updated for GIS mapping to ensure proper plot size, layout and reclamation of abandoned plots. This is a joint partnership with IT and the Stormwater Division who are upgrading the cities current GPS system. The new unit will be used to map the entire cemetery to provide an accurate AutoCad map for supporting upcoming road improvements and new irrigation system (currently scheduled in the CIP budget over the next 3 years).	78,000	-	78,000	-
	75	Fund Balance	Encumbrance for the completion of the Ossuary project.	10,525	-	10,525	-
408 Cemetery				88,525	-	88,525	-
409 Municipal Golf Courses							
	49	Fund Balance	Repairs to get phones and computers operational at Boomerang Links GC maintenance facility. Phones have been out (not working) for many months and now the computers are not working. IT is proposing complete new wireless service to bring network connectivity to the facility from the water tower at 20th St and Clubhouse Dr. In addition, the same relay source (water tower) will provide wireless network service to Boomerang Clubhouse, Highland Hills Golf Clubhouse, Highland Hills Golf Maintenance Shop, and JB Jones/Forestry Offices. All of these facilities (5 in all) utilize Comcast and Century Link services which are not dependable. Cost savings by eliminating private service providers is projected to be over \$14,700 a year. Total Project Cost is \$50,000. \$35,000 coming from existing Food Tax Fund Balance and \$15,000 from the Golf Fund Balance.	15,000	-	15,000	-
409 Municipal Golf Courses				15,000	-	15,000	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
502 Equipment Maintenance							
	80	Transfer from General Fund	A larger lift is necessary to support the proper servicing of numerous city vehicles that have been purchased. The current lift does not adequately service these vehicles. This request in the amount of \$50,000 would allow the City to better service and care for these vehicles in a timely manner.	-	50,000	50,000	-
502 Equipment Maintenance				-	50,000	50,000	-
503 Information Technology							
	33	Expense Reimbursement	Funding is being requested to support the replacement of defective dell computers.	-	125,475	125,475	-
	75	Fund Balance	Encumbrances to complete the fiber relocation project and software operating expenses.	194,167	-	194,167	-
	80	Transfer from General Fund	Information Technology Security for 2019 and 2020 improvements for \$272,027 of a total \$341,580 is being recommended regarding necessary security enhancements for 2019 and 2020. The recommend security enhancements include improved threat detection by monitoring events and services, use of a phishing assessment service to reduce risk of phishing attacks, and a firewall upgrade. Additional wireless and network protection for additional use of public WiFi and additional protection from ransomware are not recommended to be funded at this time.	-	272,072	272,072	-
503 Information Technology				194,167	397,547	591,714	-
512 Fleet Replacement							
	75	Fund Balance	Encumbrance to complete the purchase of bucket truck with a telescopic aerial device for the streets division.	148,339	-	148,339	-
	80	Transfer from General Fund	With the addition of Fire Station #6 in west Greeley, the City will be adding an additional Battalion Chief. This request is to fund the cost of maintaining and replacing the new vehicle in the 2019 and 2020 budgets for \$37,500.	-	37,500	37,500	-
512 Fleet Replacement				148,339	37,500	185,839	-
513 Information Technology Acquisition							
	75	Fund Balance	Encumbrance & commitments to complete the implementation of TRAKIT for \$78,124, IT hardware & related purchases for \$409,114, Fire High Plains software replacement for \$8,785, and \$1,415,100 for the implementation of a new ERP system.	1,911,123	-	1,911,123	-
	80	Transfer from General Fund	The ERP system will replace five existing systems, including a 27-year-old financial system, with integrated functionality that will substantially increase efficiency. The 2018 carryover request for consideration is \$2.3 million to add to the \$1.5 million that was appropriated for the project in the 2017 carryover. These funds will support the cloud software, accounting, consulting, implementation and contingency fees. This project is a mission critical, organization wide strategy to assist with managing the impacts of growth, shifting employee efforts from processing to analysis, and creating a scalable platform for meeting information needs to strategically allocate resources well into the future.	-	2,300,000	2,300,000	-
513 Information Technology Acquisition				1,911,123	2,300,000	4,211,123	-
Total Less Additional Operating Expenditures Between Funds				13,744,350	23,063,970	36,808,320	-

Fund	Item	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
Additional Operating Expenditures Between Funds							
47		Fund Balance	Operating Transfer of fund Balance from the Fire Development Fund to the Fire Replacement & Acquisition Fund	943,687	-	943,687	-
48		Fund Balance	Operating Transfer of fund Balance from the Designate Revenue Fund to the General Fund	750,000	-	750,000	-
79		Fund Balance	Operating Transfer of fund Balance from the Park Development Fund to the Quality of Life Fund	1,201,230	-	1,201,230	-
80		Fund Balance	Operating Transfer of fund balance from the General Fund to the Streets & Roads Fund	108,129	-	108,129	-
80		Fund Balance	Operating Transfer of fund balance from the General Fund to the Public Improvement Fund	1,465,000	-	1,465,000	-
80		Fund Balance	Operating Transfer of fund balance from the General Fund to the Fire Equipment & Replacement Fund	1,000,000	-	1,000,000	-
80		Fund Balance	Operating Transfer of fund balance from the City Center Fund	750,000	-	750,000	-
80		Fund Balance	Operating Transfer of fund balance from the General Fund to the Fleet Maintenance Fund	50,000	-	50,000	-
80		Fund Balance	Operating Transfer of fund balance from the General Fund to the Information Technology Fund	272,072	-	272,072	-
80		Fund Balance	Operating Transfer of fund balance from the General Fund to the Fleet Replacement Fund	37,500	-	37,500	-
80		Fund Balance	Operating Transfer of fund balance from the General Fund to the IT Acquisition & Replacement Fund	2,300,000	-	2,300,000	-
Total Additional Operating Expenditures Between Funds				8,877,618	-	8,877,618	-
Grand Total				22,621,968	23,063,970	45,685,938	-

2019 2nd Additional Appropriation



April 2nd, 2019

Renee Wheeler – Finance Director
Presented by Robert Miller – Budget & Compliance Manager

Second Appropriation - 2019

- The second appropriation includes the allocation of fund balances to ensure the completion of identified projects and commitments.
- The appropriation records grants and other received revenues.

Fund Budget Balance

Fund	2019 Budget (3/1/2019)	Ordinance	2019 Revised Budget
001 General	\$ 105,390,668	\$ 12,950,774	\$ 118,341,442
104 Streets & Roads	10,243,096	269,214	10,512,310
108 Designated Revenue	850,517	760,785	1,611,302
112 NEAHR Grants	-	572,563	572,563
301 Public Improvement	1,003,000	13,465,000	14,468,000
303 Public Art	503,205	33,250	536,455
304 Food Tax	8,321,140	147,011	8,468,151
305 Softball Improvement	125	3,500	3,625
306 Fire Equipment & Acquisition Replacement	1,594,954	1,943,687	3,538,641
307 Fire Protection Development	2,200	943,687	945,887
309 Island Grove Development	63,378	6,000	69,378
312 Transportation Development	4,565,413	400,000	4,965,413
314 Park Development	1,833,854	1,201,230	3,035,084
318 Quality of Life	6,812,239	2,175,036	8,987,275
321 Street Infrastructure Improvement	14,398,450	2,425,000	16,823,450

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CITY OF GREELEY

Fund Budget Balance

Fund	2019 Budget (3/1/2019)	Ordinance	2019 Revised Budget
403 Sewer Capital Replacement	\$ 8,245,503	\$ 288,000	\$ 8,533,503
406 Water Capital Replacement	20,109,723	1,709,000	21,818,723
407 Water Rights Acquisition	11,541,018	500,000	12,041,018
408 Cemetery	654,186	88,525	742,711
409 Municipal Golf Courses	1,878,586	15,000	1,893,586
502 Equipment Maintenance	3,205,135	50,000	3,255,135
503 Information Technology	4,681,018	591,714	5,272,732
512 Fleet Replacement	3,112,427	185,839	3,298,266
513 Information Technology Acquisition	218,275	4,211,123	4,429,398
Grand Total	\$ 215,026,110	\$ 45,685,938	\$ 260,712,048

Fund	2019 Budget (3/1/2019)	Ordinance	2019 Revised Budget
All Funds	\$ 430,253,131	\$ 45,685,938	\$ 475,939,069

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CITY OF GREELEY

Appropriation Categories

Appropriation Categories	Ordinance
2018 Carryover Recommendations	\$ 14,031,025
Public Safety	15,387,374
Quality of Life	3,376,266
Encumbrances & Commitments	6,568,589
Water & Sewer	2,497,000
Street Infrastructure Improvement (KGM)	2,425,000
Transportation Development	400,000
Food Tax	147,011
Additional Requests	853,673
Total	\$ 45,685,938

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CITY OF GREELEY

Appropriation Funding Sources

Funding Sources	Amount
Fund Balance	\$ 22,621,968
Operating Transfers	8,877,618
Bond Proceeds	12,000,000
Grants	1,482,314
State Pass Through	572,563
Expense Reimbursement	125,475
Rental Fees	6,000
Grand Total:	\$ 45,685,938

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CITY OF GREELEY

General Fund Carryover Recommendations

Category	Project / Activity	Amount	Recommended
Facilities	Additional Building Remodeling Costs (Expand 1st & 2nd Floors City Center North)	750,000	750,000
	Fire Station Ambulance Remodels	265,000	265,000
Vehicles/ Equipment	Parks Equipment (2 utility vehicles, turf sweeper, 2 aerators, seeder)	150,000	150,000
	Fire Equipment/Vehicles Purchased with Cash	1,000,000	1,000,000
	Fleet Vehicle Lift	50,000	50,000
	Replacement Costs for Fire SUV (New Fire Station Battalion Chief)	37,500	37,500
Technology Infrastructure	Broadband Conduit (Middle mile)	500,000	500,000
	Broadband Conduit (71st Ave and/or fiber conduits from the FCCC program)	500,000	500,000
	Broadband Project Technical and Consulting Work (2019 & 2020)	600,000	600,000
	ERP System	2,300,000	2,300,000
Operational Support	IT Network Security (2019 & 2020)	272,072	272,072
	Utility Coordinator (Equipment, Salary, & Benefits, 2019 & 2020)	208,142	208,142
	TRAKiT Analyst Position (2019 & 2020)	172,286	172,286
	EMS Deployment Study	75,000	75,000
	Traffic Signal Intersection Study/Improvements	1,200,000	1,200,000
	Oil and Gas Royalty Audit	50,000	50,000
	Emerald Ash Bore City Trees (2 yrs., total for 10 yrs. \$600,000)	120,000	120,000
Total		\$ 8,250,000	\$ 8,250,000

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CITY OF GREELEY

General Fund Carryover Recommendations

Carryover Recommendations	Ordinance
2018 General Fund Carryover	\$ 8,048,324
Operating Transfers	5,982,701
Total	\$ 14,031,025

Fund	Ordinance
001 General	\$ 8,048,324
104 Streets and Roads	108,129
301 Public Improvement	1,465,000
306 Fire Equipment Replacement & Acquisition	1,000,000
322 City Center	750,000
502 Equipment Maintenance	50,000
503 Information Technology	272,072
512 Fleet Replacement	37,500
513 IT Acquisition	2,300,000
Total	\$ 14,031,025

Appropriated in 2020 Budget (2 Positions)	\$ 201,676
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CITY OF GREELEY

Public Safety

Public Safety	Ordinance
Fire Station #6	\$ 6,300,000
New Fire Engine for Station #6	943,687
Firefighters for Station #6	750,000
Fire Station #2 Replacement	5,700,000
Operating Transfers	1,693,687
Total	\$ 15,387,374

Fund	Ordinance
001 General	\$ 750,000
108 Designated Revenue	750,000
301 Public Improvement	12,000,000
306 Fire Equipment Replacement & Acquisition	943,687
307 Fire Protection Development	943,687
Total	\$ 15,387,374

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CITY OF GREELEY

Quality of Life

Quality of Life	Ordinance
East Memorial Neighborhood - Grant	\$ 395,036
Skate Park Lighting, Landscaping, & Shading	400,000
Synthetic Turf & Lighting for IGA with D6	30,000
Railings & Fencing at Aven's Village	50,000
Neighborhood Park - Trails at Sheep Draw	1,300,000
Operating Transfers	1,201,230
Total	\$ 3,376,266

Fund	Ordinance
314 Park Development	1,201,230
318 Quality of Life	2,175,036
Total	\$ 3,376,266

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CITY OF GREELEY

Encumbrances & Commitments

Encumbrances & Commitments	Ordinance
Compressed Natural Gas Buses	\$ 1,347,722
License Plate Readers	178,564
Hail Damage Repairs	460,773
Codification & Records Inventory Software	57,250
Grant Fund Balance - Natural Areas & Police	94,517
Home Buyer's Assistance Program	154,661
Disability Reserve Funds	181,389
Repair of Gates at Police Station	48,321
Homeless Shelter	155,190
Broadband Commitments	325,337
PROPEL, Succession Planning, and Consulting	307,457
Remaining Commitments of Services & Supplies	832,169
Restroom Remodel & Document Scanning	161,085
Ossuary Project	10,525
Fiber Relocation & Software Expense	194,167
Bucket Truck for Streets	148,339
ERP System	1,415,100
TRAKiT, Fire Software, & IT Hardware	496,023
Total	\$ 6,568,589

Fund	Ordinance
001 General	\$ 4,143,350
104 Streets and Roads	161,085
408 Cemetery	10,525
503 Information Technology	194,167
512 Fleet Replacement	148,339
513 IT Acquisition	1,911,123
Total	\$ 6,568,589

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CITY OF GREELEY

Water & Sewer

Water & Sewer	Ordinance
Water Sampling & Replacement of Influent Pump	\$ 288,000
Rehabilitation Projects to Support Keep Greeley Moving	759,000
20" Transmission Lining Project: Mosier Reservoir to 23rd Ave. Reservoir	100,000
CDOT Facility: 14th Ave. & 2nd St.	850,000
Poudre Ponds: Additional Storage Pits	500,000
Total	\$ 2,497,000

Fund	Ordinance
403 Sewer Capital Replacement	\$ 288,000
406 Water Capital Replacement	1,709,000
407 Water Rights Acquisition	500,000
Total	\$ 2,497,000

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CITY OF GREELEY

Street Infrastructure Improvement (Keep Greeley Moving)

Street Infrastructure Improvement (KGM)	Ordinance
Repair - 4th Avenue:22nd to 25th Street	\$ 75,000
Concrete Repair - Glenmere and Downtown	100,000
Overlay, Patching & Seal Coat	2,250,000
Total	\$ 2,425,000

Fund	Ordinance
321 Street Infrastructure Improvement	\$ 2,425,000
Total	\$ 2,425,000

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CITY OF GREELEY

Transportation Development

Transportation Development	Ordinance
Sidewalk - North side 10th St. - 63rd Ave to Sheep Draw Trail	\$ 150,000
Design - Arterial Road at Fire Station #6	250,000
Total	\$ 400,000

Fund	Ordinance
312 Transportation Development	\$ 400,000
Total	\$ 400,000

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CITY OF GREELEY

Food Tax

Food Tax	Ordinance
Family FunPlex - Design Services from 2018	\$ 68,611
Network Connectivity at JB Jones/Forestry Offices	35,000
Island Grove Event Center HVAC Replacement	43,400
Total	\$ 147,011

Fund	Ordinance
304 Food Tax	\$ 147,011
Total	\$ 147,011

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CITY OF GREELEY

Additional Requests

Additional Requests	Ordinance	Fund	Ordinance
Grant - Reimbursement for Workshop	\$ 9,100	001 General	\$ 9,100
Two Trail Counters on Poudre Trail	10,785	108 Designated Revenue	10,785
Northeast Colorado All Hazard Regions Grants	572,563	112 NEAHR Grants	572,563
Peakview Park: Skate Park Art	33,250	303 Public Art	33,250
Temporary Fences for Youth Softball Tournaments	3,500	305 Softball Improvement	3,500
Relocation of Island Grove Scheduling Office	6,000	309 Island Grove Development	6,000
Replace Alarm Systems at Linn Grove Cemetery	78,000	408 Cemetery	78,000
City Network Connections at Golf Courses	15,000	409 Municipal Golf Courses	15,000
Replace Defective Dell Computers	125,475	503 Information Technology	125,475
Total	\$ 853,673	Total	\$ 853,673

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CITY OF GREELEY

Summary

- The Appropriations in this Ordinance increase the Total Budget by \$45,685,938.
- This Ordinance affirms prior commitments for various City projects.
- This Ordinance completes the necessary accounting actions that maintain the transparency required for all City reporting.
- Budgets are living documents that must adjust to ongoing changes.

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CITY OF GREELEY 

Council Agenda Summary

April 2, 2019

Agenda Item Number 16

Key Staff Contact: Sharon McCabe, Human Resources Director, 970-350-9714

Title:

Public hearing and final reading of an Ordinance authorizing a salary increase for the City Manager

Summary:

As part of the 2019 budget process, City Council approved 1% of the base salary costs for all non-union employees (\$318,765) for the purpose of allocating market pay increases to individuals in positions wherein compensation was determined not to be at a market-competitive level based on placement in the pay range and tenure. Market pay adjustments for general employees were conducted and increases were effective December 27, 2018. A market pay analysis for positions reporting to City Council was conducted and information was provided to Council at the time of the annual performance reviews. Based on the formula applied to all non-union employees, the report prepared by staff indicated Council should consider a market pay increase of 4.42% for Roy Otto, City Manager to be retroactive to December 27, 2018.

Additionally, City Council conducted the annual performance review of the City Manager on January 22, 2019. A summary of Council performance review comments is attached. Based on this annual review, a merit increase of five (5%) retroactive to February 21, 2019 is being considered by Council.

The market and merit increases in compensation will bring the City Manager's annual base salary to a more competitive level when compared with the average of other surveyed Colorado municipalities:

	Annual Base Compensation
Greeley City Manager – Current	\$217,224
Average Colorado Surveyed Municipalities	\$242,900
Greeley City Manager – after market and merit increases	\$238,167

City Manager Compensation Survey:

	Population	2018 Annual Actual Salary	Annual Retirement	Annual Car Allowance	Annual Total Comp	Date of Hire (year)	2018 City Operating Budget
Arvada	115,368	\$236,000	\$30,727	\$6,600	\$273,327	2011	\$210,561,283
Boulder	108,090	\$264,725	\$36,267	\$0	\$300,992	2008	\$389,210,000
Fort Collins	171,000	\$262,489	\$34,124	\$9,000	\$305,613	2004	\$549,000,000
Lakewood	154,796	\$249,371	\$72,379	\$8,400	\$330,150	2009	\$200,448,616
Longmont	94,777	\$227,772	\$28,188	\$5,000	\$260,960	2012	\$317,220,000
Loveland	76,899	\$191,484	\$17,233	\$0	\$208,717	2016	\$470,334,295
Thornton	138,901	\$216,240	\$14,812	\$6,000	\$237,052	2017	\$368,708,501
Westminster	113,130	\$295,122	\$30,250	\$9,000	\$334,372	2015	\$211,576,684
Average		\$242,900			\$281,398		
Greeley	108,000	\$217,224	\$26,067	\$6,000	\$249,291	2005	\$367,858,520

This ordinance was introduced at the March 19, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	Market Pay: Salary \$ 9,602 Benefits \$ <u>1,887</u> \$11,489 Merit Pay: Salary \$11,341 Benefits \$ <u>2,229</u> \$13,570 Total: \$25,058
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person,

- hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

1. Adopt the ordinance as presented; or
2. Amend the ordinance and adopt as amended; or
3. Deny the ordinance; or
4. Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

Summary of January 22, 2019 City Council performance review comments

CITY OF GREELEY, COLORADO

ODINANCE NO. _____ 2019

AN ORDINANCE AUTHORIZING A SALARY INCREASE FOR THE CITY
MANAGER.

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance.

Section 2. As a result of a market pay analysis, the City Manager will receive a market pay increase of 4.42% increasing annual compensation by \$9,601 annually. Such increase shall be retroactive to December 27, 2018.

Section 3. Based on performance, the City Manager will receive a merit pay increase of 5% increasing compensation by \$11,341 annually. Such increase shall be retroactive to February 21, 2019.

Section 4. The City Manager's annual compensation will be \$238,167.

Section 4. The above referenced ordinance shall be effective upon passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor



2019 Council Performance Appraisal

Roy Otto - City Manager

City Manager – Roy Otto

Summary of City Council Performance Review Comments – January 22, 2019 Review

City Council Aggregate Performance Rating: 4.62 (maximum 5.0)

Integrity & Honesty

Summary of Comments:

Excels in this area; shining example of integrity and honesty; oozes mutual trust/confidence; through Roy's influence, the sense of corporate responsibility/commitment to public service ripples up and down the chain; someone I can trust and I know I'm getting an honest response to my questions; ethics, trust & confidence are never in question.

Customer Service

Summary of Comments:

Displays a diverse skill set that allows continual adjustment as priorities dictate; things appear to be running smooth; always analyzing priorities/demands and evaluating the merits of readjusting priorities, allowing him to thoughtfully, but rapidly, respond to new challenges; though I don't agree philosophically at times with priorities for community requests, Roy has a pretty good balance and does listen to our customers; good at getting back to me about issues; customers given full attention and service when referred.

City Council Relationship

Summary of Comments:

Adept at identifying emerging issues and communicating effectively with City Council; great rapport with Council – asks good questions, allows access to staff; good job with retreat and budget workshop; always feel informed before making decisions – receive timely, educated response to questions; disseminating information to Council is a strength; petitions I submitted were generally delegated to staff for a clarification of status quo/put to bed before results were discussed; very supportive and encouraging; supportive and able to supply resources and answers.

Fiscal Management

Summary of Comments:

Outstanding job in short and long range financial planning – good custodian of the City budget; we were presented with a tight, balanced, reasonable budget – always feel informed about our finances; always pleased with the fiscal priorities suggested to Council; information provided by staff is outstanding; meets Council's goals and budget objectives – proposes best alternatives to spending overages.

Change Management

Summary of Comments:

Catalyst for regional collaboration on future water issues – outstanding leadership; quick to bypass/reject an idea if he can't picture its success – ignores without discussing/communicating merits/weaknesses; willing to buck tradition and shake things up to achieve higher performance/efficiency; has a handle on how departments are performing – hires well and identifies clear goals with department heads; willing to listen to other side of issues; could work on this by listening to staff's ideas and suggestions.

Conflict Management

Summary of Comments:

Improvement over a number of years is evident but still tension in communication with direct reports; great emotional intelligence and able to confront while minimizing negative personal impact; concerned with his ability to launch into a conversation with argumentative debate – it doesn't feel like he is listening when this happens; some conflicts unresolved but Roy appropriately asserts authority.



2019 Council Performance Appraisal Roy Otto - City Manager

Communication

Summary of Comments:

Knowledge of all facets of City government is strong and displays strong sense of knowledge when communicating with all stakeholders; listening is communication; able to distill a lot of complicated information into understandable format – weekly Snapshots great communication tool; can find appropriate times for humor but sometimes not appropriate in certain settings; well organized and intelligently answers questions which to some may sound intimidating.

Self Management

Summary of Comments:

Roy saw a perceived weakness in dominating conversations and has taken great strides to improve; the passion and energy that makes Roy so strong is the area that often trips him up as well; needs continuous improvement on controlling emotions especially when challenged; his results-oriented nature helps keep City on right track; great at getting things done – sets clear goals and achieves them; positive attitude and promotes the City in a positive way; loves Greeley and sets high standards for himself.

Strategic Thinking

Summary of Comments:

Oversees the City's work program in stellar fashion and has developed a good professional development plan; strategic thinking/vision are best strengths; he starts tackling/considering solutions long before others even recognize the problem; excellent at strategic thinking; good strategic thinker and manages organization's objectives in a positive way; able to think out of the box.

Council Agenda Summary

April 2, 2019

Agenda Item Number 17

Key Staff Contact: Sharon McCabe, Human Resources Director, 970-350-9714

Title:

Public hearing and final reading of an Ordinance authorizing a merit pay increase for the City Attorney

Summary:

City Council conducted the annual performance review of the City Attorney on February 12, 2019. A summary of Council performance review comments is attached. Based on this annual review, a merit increase of 5.6% retroactive to February 21, 2019 is being considered by Council.

	Annual Base Compensation
Greeley City Attorney – Current	\$194,376
Average Colorado Surveyed Municipalities	\$196,749
Greeley City Attorney – after merit increase	\$205,164

City Attorney Compensation Survey:

Organization	Population	Annual Actual Salary	Annual Retirement	Annual Car Allowance	Annual Total Comp	Date of Hire (year)	2018 Operating Budget
Arvada	115,368	\$205,000	\$31,160	\$4,200	\$240,360	1995	\$2,171,814
Boulder	108,090	\$223,812	\$30,662	\$0	\$254,474	2010	\$3,476,336
Fort Collins	171,000	\$194,259	\$25,254	\$0	\$219,513	2015	\$2,359,670
Longmont	94,777	\$179,856	\$9,123	\$3,587	\$192,566	2009	\$1,185,780
Loveland	76,899	\$160,014	\$11,201	\$0	\$171,215	2006	\$1,640,631
Thornton	138,901	\$189,251	\$18,925	\$4,800	\$212,976	2016	\$2,268,150
Westminster	113,130	\$225,050	\$23,068	\$6,000	\$254,118	2015	\$1,674,612
Average		\$196,749			\$220,746		
Greeley	108,000	\$194,376	\$21,381	\$0	\$215,757	2012	\$1,813,268

This ordinance was introduced at the March 19, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	Salary \$10,788

	Benefits \$ 2,012 \$12,800
What is the annual impact?	
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

1. Adopt the ordinance as presented; or
2. Amend the ordinance and adopt as amended; or
3. Deny the ordinance; or
4. Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

Summary of February 12, 2019 City Council performance review comments

CITY OF GREELEY, COLORADO

ODINANCE NO. _____ 2019

AN ORDINANCE AUTHORIZING A MERIT PAY INCREASE FOR THE CITY ATTORNEY.

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance.

Section 2. Based on performance, the City Manager will receive a salary merit increase of 5.6% to \$205,164 annually.

Section 3. The above referenced ordinance shall be effective upon passage and shall be retroactive to February 21, 2019.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor



City Attorney – Douglas Marek

Summary of City Council Performance Review Comments – February 12, 2019 Review

City Council Aggregate Performance Rating: 4.69 (maximum 5.0)

Integrity & Honesty

Summary of Comments:

Consummate professional with high standards for honesty and integrity; epitome of legal professional that instills high confidence in his department; great resource for the law – always someone I can trust; Integrity is high; highly respected and trusted; reflects a high level of integrity necessary to properly represent the City; every confidence in what Doug tells us is true and for our best interest.

Customer Service

Summary of Comments:

Manages a busy office, employees, department directors and external customers in excellent fashion; impressed with professionalism and desire to respond to questions in a very timely manner; readily responsive to questions; professional and well prepared in the law.

Research & Legal Counsel

Summary of Comments:

Efforts in this regard are superb – keeps City Council informed as appropriate; wonderful watchdog/protector of the City; fine job and trust his knowledge and work ethic as our legal counsel; information provided timely; knowledgeable and accurate in interpreting the law and legal matters; great work on amendment 74.

Prosecution

Summary of Comments:

Continues to have regular contact with municipal judge to ensure that his employees who function as prosecutors in the court are effective; know information is thorough but have not observed in court proceedings.

Fiscal Management

Summary of Comments:

Ability to stay within budget even with tremendous growth in workload; budget was clear and reasonable during budget cycle; not familiar with city attorney's operations but he makes prudent decisions with staff and managing the office; keeps department in budget and stays accountable to Council.

Change Management

Summary of Comments:

Continues to utilize leadership skills and expertise to make our City Attorney's office a model; like that he has been proactive with the municipal court judge and his attorneys to make sure the office is maintaining high standards; concerns about delegation – does not seem to like change; department employees feel he could be better in this area.

Conflict Management

Summary of Comments:

Calm demeanor and management style makes conflict more pleasant than it could be; performance is good in resolving day-to-day issues and concerns; this appears to need work; despite some department conflict, keeps staff on task and shows leadership.

Communication

Summary of Comments:



Quarterly litigation updates are well done and appreciate by City Council – presentations to City Council are clear and concise; skilled in explaining information in a way that non-legal minds can understand; documentation is well organized and is effective; great communication to Council – may need to work on the same for staff/community; able to articulate legal matters to Council accurately and effectively; engagement in Council meetings could be more apparent.

Self-Management

Summary of Comments:

Manages an office that is understaffed; very skilled at managing his own duties/responsibilities – less skilled in managing others; effectively delegates and assigns responsibilities and uses a positive and receptive management style; committed to his job – always positive, busy and gets work done; motivated and able to accurately and quickly make decisions.

Strategic Thinking

Summary of Comments:

Summary to City Council displays his attentiveness to the overall operations in a busy office; work on distributing work more fairly; creates a positive work environment; great at strategic thinking – work on delegating duties to others; good plan for taking employees forward, job descriptions and department organization.

Council Agenda Summary

April 2, 2019

Agenda Item Number 18

Key Staff Contact: Sharon McCabe, Human Resources Director, 970-350-9714

Title:

Public hearing and final reading of an Ordinance authorizing a merit pay increase for the Municipal Judge

Summary:

City Council conducted the annual review of the Municipal Judge on February 26, 2019. A summary of Council performance review comments is attached. Based on this annual review, a merit increase of six (6%) retroactive to February 21, 2019 is being considered by Council.

	Annual Base Compensation
Greeley Municipal Judge – Current	\$146,000
Average Colorado Surveyed Municipalities	\$162,060
Greeley Municipal Judge – after merit increase	\$154,760

Municipal Judge Compensation Survey:

Organization	Population	Annual Actual Salary	Annual Retirement	Annual Total Comp	Date of Hire (year)	2018 Court Operating Budget
Boulder	108,090	\$161,051	\$22,064	\$183,115	2001	\$2,258,016
Broomfield	69,086	\$158,704	\$9,522	\$168,226	2011	\$445,865
Fort Collins	171,000	\$150,834	\$19,608	\$170,442	1989	\$1,069,712
Longmont	94,777	\$140,400	\$17,529	\$157,929	2016	\$570,120
Loveland	76,899	\$145,017	\$8,701	\$153,718	2015	\$821,039
Thornton	138,901	\$158,681	\$16,265	\$174,946	1988	\$1,975,550
Westminster	113,130	\$166,615	\$17,078	\$183,693	2017	\$1,968,256
Average		\$154,472		\$170,296		
Greeley	108,000	\$146,000	\$16,060	\$162,060	2018	\$1,157,017

This ordinance was introduced at the March 19, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of	Yes
--	-----

Greeley?	
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	Salary \$ 8,760 Benefits \$ <u>1,634</u> \$10,394
What fund of the City will provide Funding?	General
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

1. Adopt the ordinance as presented; or
2. Amend the ordinance and adopt as amended; or
3. Deny the ordinance; or
4. Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

Summary of February 26, 2019 City Council performance review comments

CITY OF GREELEY, COLORADO

ODINANCE NO. _____ 2019

AN ORDINANCE AUTHORIZING A MERIT PAY INCREASE FOR THE MUNICIPAL JUDGE.

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. Section 3-15 of the Greeley City Charter requires the fixing of compensation to be by ordinance.

Section 2. Based on performance, the Municipal Judge will receive a salary merit increase of six percent (6%) to \$154,760 annually.

Section 3. The above referenced ordinance shall be effective upon passage and shall be retroactive to February 21, 2019.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

BY: _____
City Clerk

BY: _____
Mayor



Municipal Judge – Mark Gonzales

Summary of City Council Performance Review Comments – February 26, 2019 Review

City Council Aggregate Performance Rating: 4.96 (maximum 5.0)

Integrity & Honesty

Summary of Comments:

Fosters a high standard of ethics and decorum in his court; very honest and his integrity and professional demeanor strong; epitome of integrity; heard great feedback - evident that Judge does a great job toward impartiality and honesty; highly demonstrates honesty, trust and confidence.

Customer Service

Summary of Comments:

Strikes an important balance between making defendant's feel comfortable and firmly running his courtroom; explained to defendants very clearly what is happening with the process; runs court/hearings very efficiently – several positive comments about pacing; received very positive feedback; goes above and beyond to make sure that everyone is heard and understands the process.

Court Room Management

Summary of Comments:

The written report submitted by Judicial Review Board clearly epitomizes the Judge's success in this area; very thorough and makes sure that people know their rights; "sessions run a lot smoother due to his personality"; exceptional judge and a great department director.

Change Management

Summary of Comments:

Inherited a situation where court personnel were fragmented – his efforts turned the court into a very healthy environment; staff reviewed show he is good at change management; views as his strength; pleased with his goals and level of ambition; turned courts around and results have greatly improved.

Conflict Management

Summary of Comments:

Calm and soothing demeanor is perfect for satisfactory resolution of conflicts; excellent to defendants; continues to reach out to staff to ensure that things are going well – department staff seem very happy; well- liked by staff and defendants.

Communication

Summary of Comments:

Masterful at making those in his courtroom feel comfortable; observed excellent listening skills; clear strength – many positive, affirming comments about the Judge's communication expertise across different levels of customers/professionals; seems to treat each case as an individual event, there was some question about the equality of penalties give in similar circumstances; great feedback and self evaluation positive also.

Self-Management

Summary of Comments:

Was aware of friction amongst his employee group when he took over and took charge immediately and fixed it; clearly a self-started – excited about plans for 2019; pleased with his success and future goals for Municipal Court; positive changes in courtroom efficiency.

Strategic Thinking

Summary of Comments:

Has set ambitious but measurable goals moving forward to further advance our Municipal Court; communicates his vision clearly to others; our municipal system is in the best of hands; good evaluation charts provided to Council.

Council Agenda Summary

April 2, 2019

Agenda Item Number 19

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Title:

Public hearing and final reading of an Ordinance adopting various amendments to the Greeley Municipal Code Chapters, including repealing Chapter 16.60 (Historic Preservation Code) and Chapter 16.61 (Historic Preservation Low Interest Loan Program) and enacting Chapter 18.36 (Historic Preservation), Chapter 18.37 (Historic Preservation Low Interest Loan Program), and Appendix 18-L (Illustrative Flow Chart for Historic District Designation Process), and amending Appendix 18-B (Definitions)

Summary:

The Historic Preservation code has remained mostly unrevised since its original adoption in 1995, nearly a quarter century ago. It is a best practice to periodically revise any code over time to improve functionality and comprehension of the code so that it remains practical in its use and administration.

The proposed changes are designed to improve the overall effectiveness of the code for citizens' use, including moving decision-making to the administrative level for minor alterations to historic properties. In some cases, the proposed code clarifies interpretations or administrative practices that have been in place over the years. Pages 2 – 6 of the Historic Preservation Commission Summary (attached) provides a list of key changes, with explanation.

In addition, the following chart provides an overview of key changes:

Historic Preservation Code Update Summary Matrix		
	Current Code, Chapter 16.60	Proposed Code, Chapter 18.36
function		
Muni code title	Title 16, Buildings and Construction	Title 18, Development Code
enforcement	criminal misdemeanor	civil infraction
designation: owner nomination	final decision by the Historic Preservation Commission (HPC), with appeal to City Council	same
designation: non-owner nomination	HPC recommendation to Council, final decision by Council	same
designation: district	HPC recommendation to Council, final decision by Council	same
designation: eligibility criteria	1 criterion in 2 areas of significance required	1 criterion in 1 area of significance, plus meet integrity criteria

designation: eligibility criteria for non-owner	must meet higher threshold of significance	same
designation: eligibility criteria for district	2 criteria	1 criterion in 1 area of significance, plus meet integrity criteria
design review	HPC review of all	staff review minor alterations, HPC review major alterations
design review criteria	section for criteria, section for standards for alterations	combined and condensed alteration criteria and standards
design review process	not in the code	processes added into the code for Major, Minor alterations, relocation and demolition
staff review of non-designated properties out of district that are 40 and older	limited list of permits for HP Staff to review properties for significance	revises the list of permits for HP Staff to review for significance, to include additions and accessory structures
application of design guidelines	not in the code	section added to clarify what design guidelines apply to what type of properties - individually designated, district contributing, and district non-contributing
definitions	in definitions section	added several definitions, and definitions also added to the Development Code Definitions Appendix for consistency
notification requirements	all designation notice letters (even if City is owner) requires Certified Return Receipt for hearing notice and Registered Mail for designation notice	changing postage service requirements so not registered mail for designation notice, and not certified return receipt for City owned properties, etc.
Appeals	HPC to City Council	adding appeal of staff decisions to HPC
Action of Commission upon denial of permit	requires applicant to "work with HPC and staff" (again) before appeal can proceed	eliminating this section; if HPC denies, then option is appeal to Council immediately
Loan ordinance	currently Chapter 16.61	moving to Chapter 18.37

Staff held a public meeting for input on February 11, with eleven attendees. Staff also received correspondence from the Greeley Area Realtor Association (GARA) on February 15. Staff subsequently talked with GARA representatives, and also provided written responses to various points on February 22 (see Attachment C of the Historic Preservation Commission Summary).

Several revisions were made as a result of the public meeting and conversation with GARA. The realtors association also subsequently sent correspondence to Council on March 15 (see attached) prior to First Reading, reiterating certain points that the Historic Preservation Commission did not choose to forward to Council. Staff then met again with GARA last Tuesday to further clarify the intent of certain provisions, and to clearly understand each other's remaining positions. This ordinance was introduced at the March 19, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Legal Issues

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None noted.

Applicable Council Priority and Goal:

This agenda items addresses all Council goals:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play.

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

Economic Health & Development: Foster and maintain public and private investment in business development.

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

1. Adopt the ordinance as presented; or
2. Amend the ordinance and adopt as amended; or
3. Deny the ordinance; or

4. Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish in full.

Attachments:

Ordinance with Exhibits A & B (i.e., proposed code)

Current code (Chapters 16.60 & 16.61)

Historic Preservation Commission Summary (Staff Report), including correspondence

Historic Preservation Commission Draft Minutes (March 4, 2019)

GARA correspondence to Council (March 5, 2019)

Historic Greeley Inc. correspondence to Council (March 26, 2019)

CITY OF GREELEY, COLORADO

ORDINANCE NO. ____, 2019

AN ORDINANCE ADOPTING VARIOUS AMENDMENTS TO THE GREELEY MUNICIPAL CODE, INCLUDING REPEALING CHAPTER 16.60 (HISTORIC PRESERVATION CODE) AND CHAPTER 16.61 (HISTORIC PRESERVATION LOW INTEREST LOAN PROGRAM) AND ENACTING CHAPTER 18.36 (HISTORIC PRESERVATION) AND CHAPTER 18.37 (HISTORIC PRESERVATION LOW INTEREST LOAN PROGRAM), AND APPENDIX 18-L (ILLUSTRATIVE FLOW CHART FOR HISTORIC DISTRICT DESIGNATION PROCESS), AND AMENDING APPENDIX 18-B (DEFINITIONS)

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to continue to improve functionality and align with public values and Council priorities; and

WHEREAS, a number of clarifications and amendments are necessary to offer clarity in comprehension, improve enforcement in the historic preservation chapter, and relocate the historic preservation chapter into the Development Code Title 18 due to its connection with land use; and

WHEREAS, the City desires to provide more effective customer service and give staff authority for approving minor alterations to historic properties and to provide clarity about designation and design review processes; and

WHEREAS, the inclusion of the historic preservation chapter in the Development Code requires amendment of the Definitions Appendix; and

WHEREAS, the City continues to offer the low interest loan program to owners of historic properties to assist in preserving those properties; and

WHEREAS, the Historic Preservation Commission conducted a public hearing to review and consider the proposed changes on March 4, 2019, and recommended their adoption by City Council.

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

Section 1. Chapters 16.60 and 16.61 are hereby repealed in full

Section 2. Chapters 18.36 and 18.37, and Appendix 18-L, as set forth in Exhibit A attached hereto, are hereby enacted.

Section 3. Appendix 18-B is hereby amended, as set forth in Exhibit B.

Section 4. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 2ND DAY OF APRIL, 2019.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

EXHIBIT A

Greeley Municipal Code Title 18 is amended by the addition of the following Chapters 18.36 and 18.37 (because the entire Chapters are being adopted, changes are not indicated in redline):

CHAPTER 18.36 – HISTORIC PRESERVATION

18.36.010 - Purpose and intent.

The intent of this Chapter is to:

- (1) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage; and also establish a method to draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character by creating a quasi-judicial Commission to review and approve or deny any proposed demolition of, moving-of or alteration to properties of historic value. In cases of historic districts or non-owner-nominated properties for historic designation, and changes to an existing district designation plan, decisions of the Commission are forwarded to the City Council for approval under Paragraph 18.36.070(5) of this Chapter. All other actions by the Commission are considered final actions and may be appealed to the City Council under Section 18.36.090 of this Chapter. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council, as provided in Section 18.36.090.
- (2) Foster civic pride in the beauty and accomplishments of the past.
- (3) Stabilize or improve aesthetic and economic vitality and values of such sites, neighborhoods, structures, objects and districts.
- (4) Protect and enhance the City's attraction to tourists and visitors, increase the quality of life for the citizens and enhance future economic development.
- (5) Promote the use of outstanding historic or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City.
- (6) Promote good urban design.
- (7) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts.
- (8) Integrate historic preservation with the City's comprehensive development plan.

18.36.020 - Applicability of Code.

This Section applies to the following properties:

- (1) Individually designated properties are subject to the most current version of the Historic Preservation General Design Review Guidelines.
- (2) Individually designated properties contributing in a Greeley Historic Register historic district are subject first to the district designation plan, then to the Historic Preservation General Design Review Guidelines.
- (3) Nondesignated properties contributing in a Greeley Historic Register historic district are subject to the district designation plan.

- (4) Noncontributing properties located in a historic district are subject to portions of the district designation plan applicable to noncontributing properties, unless specifically excluded under the plan.
- (5) All pertinent municipal zoning and building codes are applicable for all properties.

18.36.030 - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings defined as follows:

Alteration means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Historic Preservation Commission or the Historic Preservation Specialist is necessary under this Chapter and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of this Chapter.

Area, for the purposes of this Chapter, means the geographical region or the extent of land identified with one (1) or more areas of significance as set forth in the criteria for designation at Section 18.36.060 of this Chapter, and may be nominated for historic designation on the local register.

Burden of proof under this Chapter shall be a preponderance of the evidence.

Certificate of Approval means a certificate issued by the City authorizing the construction, alteration or demolition of property and improvements designated under this Chapter.

Commission means the Historic Preservation Commission as created in Section 18.36.040 of this Chapter.

Contributing buildings, sites, structures and objects, for the purposes of this Chapter, means historic properties within the proposed or designated district and includes individually designated properties and nondesignated properties that contribute to the historic district by their shared and unique architectural, historic or geographical characteristics.

Days mean calendar days, unless otherwise noted.

Demolition, for the purposes of this Chapter, means any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

Demolition by neglect means neglect in maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

- (1) The deterioration of exterior walls or other vertical supports or a portion thereof;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of exterior chimneys;
- (4) The deterioration of exterior plaster or mortar;
- (5) The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; or
- (6) The serious deterioration of any documented exterior architectural feature or significant landscape feature which, in the judgment of the Commission, produces a detrimental effect upon the character of the district.

Designated property means a historic property individually listed on the City's historic register through the procedural requirements in Section 18.36.070 of this Chapter and which meets the criteria set forth in Section 18.36.060 of this Chapter.

District designation plan, for the purposes of this Chapter, means a plan generated by the historic district residents and/or owners for Commission use in reviewing Certificate of Approval applications. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction.

Emergency, for the purposes of this Chapter, means an unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

Historic district means a geographically definable area with a concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations, that is recognized through listing in a local, state or national landmarks register.

Historic property means the public and private resources in the City, including buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites, that have importance in the history, architecture, archeology or culture of the City, State or Nation, as determined by the Commission.

Maintenance, as used in this Chapter, means measures to protect and stabilize a property, including ongoing upkeep, protection and repair of historic materials and features. *Maintenance* shall include the limited and responsive upgrading of mechanical, electrical and plumbing systems and other Code-required work to make a property safe and functional.

Major alteration, for the purposes of this Chapter, means a modification to a structure that has potential to significantly alter the character of the property and includes, but is not limited to, window replacement; building addition; porch enclosure; reconstruction of a portion of the primary building; addition of dormers or other alteration to the roofline; reconstruction of features on a building; material replacement with a different material (e.g., siding); alteration or replacement of a character-defining feature; demolition; relocation; and new construction. *Major alteration* includes any modification that is not considered maintenance or a minor alteration.

Minor alteration, for the purposes of this Chapter, means a modification to a structure that does not significantly alter the character of the property and includes, but is not limited to, replacement of roof; installation and repair or replacement of gutters if exterior trim elements are not altered; reconstruction and/or repair of portions of secondary structures; addition or replacement of storm windows and doors to existing windows and doors; repair or replacement of architectural elements with the same material, design, size, color and texture; replacement of less than fifty percent (50%) of a porch railing; replacement of original material with the same material (e.g., replacing a portion of wood siding with wood siding of the same size, profile and type); removal of nonoriginal material, such as vinyl, aluminum, etc.; adding awnings; repainting masonry; and signs requiring a permit.

Moving or relocating means lifting a building, structure or object from the existing location and taking it to a new location.

Nomination, for the purposes of this Chapter, means the process of filing an application for designation.

Noncontributing buildings, sites and structures means those properties which do not share the architectural, historical or geographical characteristics of the historic district except for their physical presence within the district. These properties do not contribute to the historic district's characteristics. New construction shall be considered a noncontributing building or structure.

Preservation plan means the officially adopted document which provides information about local history and preservation programs, articulates City preservation goals and objectives, and guides decisions and actions of the Commission and staff.

Public comment means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed Commission action.

Register means a locally maintained list of properties designated as historic.

Replica means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the Commission.

Secretary of the Interior's Standards means the Secretary of the Interior's Standards for the Treatment of Historic Properties, in Title 36 of the Code of Federal Regulations, Part 68, which governs alterations to historic properties listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials and define Preservation, Rehabilitation, Restoration and Reconstruction as treatments. This reference shall always refer to the current standards and definitions, as amended.

Streetscaping, for the purposes of this Chapter, means rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street side setback and/or the public right-of-way.

Structure means anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

Unreasonable economic hardship, for the purposes of this Chapter, means severe economic impact to the property as determined on a case-by-case basis by the Commission.

Yard, front or street side, for the purposes of this Chapter, means that portion of a lot between the primary structure and right-of-way. A yard may contain more land area than a setback area.

18.36.040 - Historic Preservation Commission; establishment, powers and duties.

(a) Commission established. There is hereby created a Historic Preservation Commission, which shall have principal responsibility for matters of historic preservation.

(b) Membership. The Commission shall consist of seven (7) members providing a balanced, community-wide representation, and all members shall have an interest in historic preservation. The Commission shall be composed of members with the following areas of representation: one (1) architect, landscape architect, design professional and/or licensed contractor or building tradesperson; one (1) historian, archaeologist and/or architectural historian; one (1) licensed real estate broker; and four (4) citizens at large.

(c) Use of alternates in designations.

(1) When a conflict of interest occurs with one (1) or more Commissioners associated with the proposed designation of a historic property or district, the use of an alternate is optional to replace the conflicted members to secure a quorum. Alternates shall be selected from a pool of former Commission members who meet the minimum City board and commission standards, except for term limits, at the time of the temporary appointment, and who shall vote on the proposed designation. Best efforts will be made to replace conflicted members; however, if a quorum of five (5) is attainable, the designation hearing may proceed.

- (2) A pool of alternates shall be appointed by the City Council. The total number of potential alternates shall be between two (2) and twelve (12) people. The selection of the alternates to fill the role of any conflicted Commission members shall be at random and in advance of the historic designation hearing. The Historic Preservation Specialist shall draw names through a random process; e.g., draw names from a hat. The selection shall be done during a special session or meeting of the Commission where public notice has been given.
 - (3) The alternate may only act upon the matter with which a Commission member has a conflict.
 - (4) If a quorum is unattainable through the use of alternates in designations as provided for in this Section, then the historic designation hearing will be directly heard before the City Council by a special hearing for a designation vote, using the same guidelines as mandated by the Commission under this Chapter, except that such City Council vote shall be carried by a simple majority of the quorum present.
- (d) Powers and duties. The Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character. It shall have the following powers, duties and rulemaking authority, subject to approval by the City Council under this Chapter:
- (1) Recommend criteria for approval by the City Council by which the Commission shall conduct its review of historic properties and review proposals to alter, demolish or move designated properties. The Commission shall recommend or designate those properties or districts which meet the applicable criteria by placing them on the local register under the rules and procedures under this Chapter.
 - (2) Oversee surveys that are undertaken for the purpose of creating an inventory of potential historic properties and areas. Such inventory is to document existing structures in older areas of the community and assess the potential for historic designation, and for the purpose of informing landowners of such properties that such properties may meet the criteria for designation.
 - (3) Review and make a decision on any application for altering, moving or demolishing any designated properties.
 - (4) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.
 - (5) Develop and assist in public education programs, such as walking tours, brochures, a marker program for historic properties, lectures and conferences.
 - (6) Advise the City Council on matters related to preserving the historic character of the City.
 - (7) Assist in pursuing financial assistance for preservation-related programs.
 - (8) Establish such rules, regulations and procedures relating to designation, nomination, preservation, relocation, demolition, exemptions, economic incentives, appeal of decisions or other processes relating to the powers and duties of the Commission.
 - (9) Recommend to the City Council removal of properties from the register for reasons the Commission deems appropriate, including but not limited to acts of God, undue hardship and public health and safety concerns.
 - (10) Cause to be issued by the appropriate City department such municipal citations as are appropriate for enforcement of this Chapter.

18.36.050 - Historic Preservation Specialist.

(a) Appointment of Historic Preservation Specialist. There shall be a Historic Preservation Specialist appointed by the City Manager ("Specialist"), to serve as a resource to the Commission. The Specialist shall not be a member of the Commission.

(b) Role. The role of the Specialist as the staff liaison shall include responsibilities related to administration of this Code and advancing historic preservation goals adopted by the City. These shall include items designated below and as found elsewhere in this Chapter.

(c) Duties and responsibilities.

(1) Minor alterations. The Specialist is authorized to review applications for minor alterations, issue Certificates of Approval for properties designated on the Greeley Historic Register and for those properties included in Greeley Historic Register-designated historic districts, and issue Certificates of Approval that meet pertinent design guidelines and the Secretary of the Interior's Standards, as defined in Section 18.36.030 of this Chapter, and have a minimal impact on the integrity of the historic structure or district. If the Specialist does not issue the Certificate of Approval for a minor alteration, the applicant may appeal the decision to the Commission. The Specialist may refer any minor alteration application to the Commission for review.

(2) Building permit fee refund applications. The Specialist is authorized to review and approve or deny applications for building permit fee refunds, in accordance with policies established by the Commission, as established in Section 18.36.100 of this Chapter.

(3) Administrative review of undesignated properties forty (40) years old or older outside of a designated historic district.

a. When application for a permit is made with the City that would make significant alterations to the streetscape view of the exterior of or demolition of any structure or building that is forty (40) years or older at the time of such request, the application shall be forwarded to and reviewed by the Specialist.

b. Significant alterations shall include:

1. Siding – including new stucco or similar exterior material applied over original or other existing siding materials, including but not limited to wood, metal or brick exterior; removal of all or a portion of the original or existing siding and replaced with new siding.

2. Fenestration – window or door openings enlarged or reduced.

3. Roof – changes of roofline or structure.

4. Porches – changes to porch visible from streetscape.

5. Additions.

6. Accessory structures.

7. Any building modification as viewed from any public street.

c. The Specialist shall have ten (10) business days to review and comment on applications that meet the criteria set forth above. The ten (10) business days shall commence on the day the permit application is submitted to the Building Inspection office. Should ten (10) business days expire without written comment from the Specialist, then the Specialist shall not be allowed to comment on the permit.

1. The Specialist shall review the property and, if necessary, research the historical significance of the building for which a permit has been applied.

2. If the Specialist determines that a building currently holds no historical, architectural and/or geographical significance, then such a notice shall be placed with the permit that will be issued through the Building Inspection office.

3. If the Specialist determines that potential significance exists, the Specialist shall make the information available to the groups named in Paragraph 18.36.070(4)a. of this Chapter.

4. The Specialist shall issue comments and/or suggestions to the Building Inspection office. These comments shall recognize the historical, architectural and/or geographical significance or lack thereof concerning the building for which a permit has been requested. The Specialist may also make suggestions of ways to make the changes more compatible or acceptable with the age or type of the structure.

d. Nonsignificant alterations shall be excluded from review by the Specialist. Nonsignificant alterations shall include:

1. Fenestration – replacement of windows or doors in original openings.
2. Roof – new shingles or deck without changing original roofline.
3. Patios – additions of back patios or decks.
4. Landscaping.
5. Signs.

e. Whenever an application for development includes alterations or demolition described in this Section and is required to go through the Community Development Department, the Community Development Department will use its best efforts to inform the applicant of the ramifications that this Section will have on the application.

f. If a building must be demolished because it poses a threat to the health, safety or welfare of the citizens of the City, this Section shall not apply.

18.36.060 - Criteria for designation.

(a) Criteria for individual, owner-nominated properties. A property shall be eligible for designation for historic preservation and eligible for economic incentives if it meets one (1) or more criteria in one (1) or more of the following categories:

(1) Historical significance. The site, building or property:

- a. Has character, interest and integrity and reflects the heritage and cultural development of the City, State or Nation.
- b. Is associated with an important historical event.
- c. Is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.

(2) Architectural significance. The property:

- a. Characterizes an architectural style or type associated with a particular era and/or ethnic group.
- b. Is identified with a particular architect, master builder or craftsman.

- c. Is architecturally unique or innovative.
 - d. Has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.
 - e. Has visual symbolic meaning or appeal for the community.
- (3) Geographical significance. The property:
 - a. Has proximity and a strong connection or link to an area, site, structure or object significant in the history or development of the City, State or Nation.
 - b. Is a visual feature identifying an area or neighborhood or consists of buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites historically or geographically associated with an area.
- (b) Criteria for individual, non-owner-nominated properties. In addition to meeting criteria requirements in this Section, non-owner nominations shall be reviewed under stricter protections. The nominated property must demonstrate that it possesses the characteristics of compelling historic importance to the entire community, including at least one of the following criteria:
 - (1) Unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Greeley; or
 - (2) Superior or outstanding examples of architectural, historical or geographical significance criteria outlined in the criteria for designation in this Section. The term *superior* shall mean excellence of its kind, and the term *outstanding* shall mean marked by eminence and distinction.
- (c) Criteria for district designation. A district shall be designated if the City Council determines that the proposed district meets the definition of a historic district pursuant to this Section and meets one (1) or more of the following criteria:
 - (1) Is an area which exemplifies or reflects the particular cultural, political, economic or social history of the community.
 - (2) Is an area identified with historical personages or groups or which represents important events in national, state or local history.
 - (3) Is an area which embodies distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method of construction or indigenous materials of craftsmanship.
 - (4) Is an area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.
 - (5) Is an area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community or City.
- (d) Integrity criteria. All properties and districts shall be evaluated for their physical integrity using the following criteria, as defined by the National Park Service in the current version of the publication "How to Apply the National Register Criteria for Evaluation":
 - (1) Location – the place where the historic property was constructed or the place where the historic event occurred.
 - (2) Design – the combination of elements that create the form, plan, space, structure and style of a property.
 - (3) Setting – the physical environment of a historic property.

- (4) Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- (5) Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- (6) Feeling – a property's expression of the aesthetic or historic sense of a particular period of time.
- (7) Association – the direct link between an important historic event or person and a historic property.

18.36.070 - Designation.

The following provisions shall apply to the nomination of individual properties and districts:

- (1) A property or district may only be nominated once in any twelve-month period, unless such nomination is uncontested.
- (2) Submittal of an incomplete application will result in a delay in the nomination and public hearing process.
- (3) Owner-nominated properties:
 - a. Owner nominations. Any owner may nominate his or her area, building, house, replica, structure, object, property, park, land feature, tree and site for designation on the local register, subject to all the rules and procedures of this Chapter.
 - b. Procedure.
 - 1. The owner shall submit a complete application, as determined by Historic Preservation staff. For the purposes of this Chapter, a complete nomination application will include:
 - a) Nomination form with ownership information, including address of record, signatures of all owners of record or legally authorized representative of the owner, legal description or indication of an attached legal description.
 - b) Historic Building Inventory form, with the following required minimum information completed: nominated property address, owner, mailing address, phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible) and significance (determined in consultation with the Specialist if necessary).
 - c) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least three hundred (300) dpi. All photos should be provided with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.
 - d) Application fee, payable to the City of Greeley. The fee may be waived under certain circumstances. If the owner has a financial hardship, the owner may submit a request for a reduction or waiver of the nomination fee, explaining the need for the waiver or reduction. The Community Development Director shall make determinations on fee waiver requests.
 - 2. Public hearing procedure.

a) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Subsection 18.36.040(c) above shall be used.

b) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

c) Commission action/decision. After the Commission has heard all interested parties and relevant evidence, the Commission may approve the designation if it casts votes in favor of historic designation by a two-thirds (2/3) majority of the quorum present. The Commission decision is final unless appealed to City Council, pursuant to Section 18.36.090 of this Chapter.

(4) Non-owner-nominated properties.

a. Non-owner nominations. The Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate an area, building, house, replica, structure, object, property, park, land feature, tree or site for designation on the local register, subject to all the rules and procedures of this Chapter.

b. Procedure. For a non-owner application for designation, all paperwork for the application must be completed pursuant to the rules promulgated by the Commission. Non-owner nominations must be approved by the City Council pursuant to the procedures set forth in this Paragraph.

1. For the purposes of this Chapter, a complete nomination application will include:

a) Nomination form, with ownership information including address of record, signature of an authorized official of the applicant organization and legal description or indication of attached legal description.

b) Historic Building Inventory form, with the following required minimum information completed: nominated property address, owner, mailing address, phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible), significance (determined in consultation with the Specialist if necessary) and a detailed statement on how the nominated property possesses the characteristics of compelling historic importance to the community.

c) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least three hundred (300) dpi. All photos should be provided with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.

d) Copy of a legally recorded document containing the legal description of the property. This could be an abstract of title, warranty deed, quit claim deed, etc., which may be obtained from the County Clerk and Recorder.

e) Application fee, payable to the City of Greeley.

2. Public hearing procedure.

a) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Subsection 18.36.040(c) above shall be used.

b) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

c) Commission action/decision. Commissioners may recommend in favor of historic designation for approval of non-owner-nominated properties if five (5) votes are cast in favor of such recommendation, subject to approval by the City Council under this Section. Owners may appeal the decision pursuant to Subsection 18.36.090(b) of this Chapter.

d) City Council action on non-owner nominations. Within thirty (30) days of the Commission decision, City Council shall hold a public hearing and consider all relevant evidence. The Council shall vote and render a decision to affirm, deny or modify the designation with a vote of the simple majority. The Council decision constitutes final agency action.

(5) Historic districts.

a. Procedure.

1. For a district application for designation, all paperwork for the application must be completed pursuant to the procedures set forth herein. Historic district nominations must be approved by the City Council pursuant to the procedures set forth in this Paragraph.

2. District nominations. Two (2) or more individuals may nominate a district within which they own property. For the purposes of this Chapter, a complete nomination application will include:

a) The complete nomination form with original signatures of all applicants. In the case of absentee owners as applicants, original signed statements will meet this requirement.

b) Completed Historic Building Inventory form for district properties for all properties within the nominated area. The following fields must be completed: address, legal description, owner name and address, style, materials, stories, other historic designation and designating authority, historic use, present use, date of construction, condition, original owner, associated buildings, architectural description, proposed status and the name, address, phone number and signature of the person or group who completed the inventory form.

c) Current digital photos of the front of each property and streetscape photos of each block. The photos should be at least three hundred (300) dpi and be provided

with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.

d) List of owners, mailing addresses, district property address and legal description of each property. This item may be supplemented or modified during the nomination process prior to the designation hearing.

e) Proposed status of all properties as contributing or noncontributing. The applicants should consult with the Specialist in making these proposed determinations. This item may be supplemented or modified during the nomination process prior to the designation hearing.

f) Application fee, payable to the City of Greeley.

g) District designation plan, developed in accordance with the requirements in this Section. The applicant must submit two (2) unbound copies and an electronic version contained in a .pdf file.

h) Historic context statement.

i) Statement of significance, including a detailed explanation of how the proposed district meets one (1) or more criteria in Subsection 18.36.060(c) above and how it meets the definition of historic district, as defined in Section 18.36.030 of this Chapter.

j) Petition with signatures of property owners within the district showing support of the nomination. Support of the nomination for a historic district requires the following:

1) The petition shall contain no less than twenty (20) signatures or twenty percent (20%) of the number of properties or lots within the proposed area, whichever is less.

2) Each property or lot shall only be represented by one (1) signature. Properties held in any type of joint ownership do not get split votes.

3) The petition shall be considered final for purposes of accounting for the twenty percent (20%) at the time of submission to the City.

3. District designation plan required. Owners of properties being nominated as part of a district must develop a district designation plan. The plan shall address all properties: contributing, noncontributing and properties individually listed on the City's historic register. If a provision of the district designation plan conflicts with this Chapter, then the district designation plan approved by the City Council under Paragraph (5) of this Section shall prevail unless doing so would negatively affect the City's certification standing regarding historic preservation. Requirements under the plan will be drafted by the applicant, reviewed by the Specialist and considered by the Commission. The Commission shall forward a recommendation for the plan with the district application to the City Council, which shall render the final designation decision.

4. Neighborhood meeting required. If the nomination is for designation of a historic district, a neighborhood meeting shall be held to describe the proposed

designation. All owners of property within the proposed district boundaries will be notified by first-class mail of the time, date and location.

5. Historic district owner vote required. After the neighborhood meeting but prior to the Commission's designation hearing, a vote by property owners of the nominated district shall be cast to ascertain consent or objection about the proposed designation. The vote shall be done by mail ballot, with one (1) ballot per property as sent by first-class mail by the City Clerk's office. The City Clerk's office will be responsible for conducting the election of the eligible voters in the proposed historic district. The ballot must be received by the City Clerk's office by mail or in person by the date and time specified by the City Clerk. Greater than fifty percent (50%) of votes cast must be in favor of historic designation or the nomination fails.

6. If greater than fifty percent (50%) of cast votes are in favor of the district designation, a public hearing shall be scheduled and notification requirements shall be completed by the City in accordance with Section 18.36.080 below.

b. Public hearing procedure.

1. Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Subsection 18.36.040(c) of this Chapter shall be used.

2. The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

3. Commission action/decision. Commissioners may recommend in favor of historic designation for historic districts if five (5) votes are cast in favor of such recommendation, subject to approval by the City Council under this Section. Owners may appeal the decision pursuant to Section 18.36.090 of this Chapter.

4. City Council action on historic districts. Within thirty (30) days of the Commission decision, the City Council shall hold a public hearing and consider all relevant evidence. The City Council shall vote and render a decision to affirm, deny or modify the designation. The City Council decision constitutes final agency action.

c. Modification of a district designation plan will follow the same rules and procedures as for the nomination of a historic district, except no moratorium shall be placed on district properties. Property owners within the district or the Commission may propose to modify a district designation plan. Proposals to modify a district designation plan shall be reviewed by the Commission for recommendation to the City Council.

(6) Recording of Certificates of Designation and notification of designation after approval.

a. The Certificate of Designation shall be recorded with the County Clerk and Recorder as follows:

1. Owner-nominated properties shall be recorded within five (5) days after the thirty-day period for appeal pursuant to Section 18.36.090 of this Chapter if no appeal is filed, or within five (5) days after a final City Council decision.

2. Non-owner-nominated properties or historic districts shall be recorded thirty-five (35) days after approval by the City Council pursuant to the procedures set forth in this Paragraph.

3. Recording fees shall be paid by the nominating party.

b. Within fifteen (15) days after recording of the historic designation, the Specialist shall send, via first-class mail, notice to the owners outlining reasons for the designation.

(7) Moratorium.

a. A potential historic property or district which has been nominated but not yet designated shall be legally protected for one hundred twenty (120) days or until its status is determined, whichever is sooner.

b. Permits to alter or remodel the exterior of a property or to build, relocate or raze shall not be issued during the moratorium, except by written exemption by the Commission under the following criteria:

1. As necessary by law under federal or state law or City ordinance;

2. When deemed to be an emergency;

3. Due to unreasonable economic hardship, as defined in Section 18.36.030 of this Chapter; or

4. Due to improper nomination.

c. Owners requesting such exemption may seek an expedited public hearing before the Commission at the next scheduled Commission meeting by filing such a request with the Specialist. If, at such hearing, the Commission votes by a two-thirds (2/3) majority vote that the property is eligible for exemption, the moratorium or nomination shall be suspended in whole or in part in consideration of the property seeking the waiver.

18.36.080 - Notice.

(a) Notification. Notification of a Commission public hearing at which a designation application or Certificate of Approval application will be considered shall be given by mailing or emailing a letter to the property owner and the applicant and by posting a sign at the property. Notification of designation hearings shall also be published in a newspaper of local circulation twice in the two (2) weeks prior to the hearing.

(b) Notification of nomination and designation public hearings.

(1) Notice of nomination and public hearing letter. The Specialist shall send a letter of notification of nomination and public hearing for all Greeley historic register nominations.

a. Owner-nominated properties. For owner-nominated properties, all owners shall receive notice of the nomination and public hearing by first-class mail, sent by the City, by hand delivery or by electronic mail.

b. Non-owner-nominated properties. All owners of non-owner-nominated properties shall receive notice of the nomination and public hearing by certified mail, return receipt requested, sent by the City.

c. All properties within a nominated district. All owners in a nominated district shall receive notice of the nomination and neighborhood meeting by certified mail, return receipt requested, sent by the City.

- d. City-owned properties. The City shall receive notice by hand delivery.
- e. Such notice of nomination and public hearing shall be postmarked no less than fifteen (15) days prior to the hearing and shall reference the following:
 - 1. Privileges, obligations and restrictions which apply to historic properties or districts.
 - 2. For individual owner and non-owner nominations, the time, place and date of the Commission public hearing for designation.
 - 3. For historic district nominations, such notice shall also include the time, place and date of the district informational neighborhood meeting, as required in Subparagraph 18.36.070(5)a.4. above.
- f. If sufficient ballots voting in favor of district designation are returned from property owners, a district designation hearing shall be scheduled. For notification of the public hearing for historic district nominations, notice shall include the time, date and place of the public hearing, and letters shall be mailed certified mail, return receipt requested, by the City.
- g. The notification letters shall be mailed to the owners at their last known address of record.
- (2) Newspaper notice. The notice of designation hearing shall also be published in a newspaper of local circulation once a week for two (2) weeks prior to the hearing. Newspaper notice shall include the following information:
 - a. Street address of the property or a list of addresses or boundaries for properties in a proposed historic district;
 - b. Type of application: request for certificate of designation;
 - c. Date, time and place of the public hearing; and
 - d. Statement that additional information about the request is available at the Historic Preservation office.
- (3) Sign. A sign of sufficient size to be readily visible by landowners of adjoining property and from a public right-of-way shall be posted in a prominent place on the property no less than fourteen (14) days prior to the public hearing. In the case of nominations for a historic district, postings shall occur in the district in a manner clearly visible from public rights-of-way adjacent to the proposed district.
- (c) Notification of Certificate of Approval public hearings. Applicants and property owners shall receive written notice, via first-class mail, at their last known address of record of the time, place and date of the hearing. Such notice shall be mailed no less than seven (7) days prior to the public hearing. Notice shall also be posted at the property, in a manner clearly visible from the public right-of-way, no less than seven (7) days prior to the public hearing. The notification requirements may be waived administratively with signed approval by the property owner and Certificate of Approval applicant.

18.36.090 - Appeal.

- (a) Specialist to Commission.
 - (1) A final decision by the Specialist may be appealed by the applicant to the Commission.
 - (2) Appeals to the Commission shall be filed by mailing or hand-delivering to the Specialist a written notice of appeal within thirty (30) days after the applicant has been served with notice

of the decision by the Specialist. A determination by the Commission shall be issued within thirty (30) days.

- (3) The decision of the Commission on appeal shall be final unless the applicant or developer elects to appeal the Commission decision to the City Council.
- (b) Commission to City Council.
- (1) Decisions of the Commission are reviewable by the City Council. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council.
- (2) Appeals to the City Council shall be filed by mailing or hand-delivering to the City Clerk a written notice of appeal within thirty (30) days after the determination has been made and entered upon the records of the Commission. Determinations issued by the City Council shall be conducted within thirty (30) days of filing of the notice of appeal and shall constitute final agency action.

18.36.100 - Incentives.

(a) An owner of a property that has been designated as historic or an owner of a contributing property in a designated 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 pursuant to its rules and regulations:

- (1) Applicable state and federal tax credits.
- (2) The low-interest loan pool created by the City pursuant to Chapter 18.37 of this Title, subject to annual availability.
- (3) Building permit fee refund. The building portion of permit fees may be refunded for applications for projects on individually designated properties and all properties in a Greeley Historic Register designated district, including contributing and noncontributing properties. The Commission shall develop a format for establishing projected costs and rules of the restoration, preservation or rehabilitation in order that such refund of fees is equitable.

(b) The Commission shall attempt to identify and implement other economic incentives for historic properties. The Specialist shall notify the owners of historic properties of economic incentive opportunities available.

(c) The Commission shall make the determination for each request for state historic preservation income tax credits.

18.36.110 - Signage.

A sign approved by the Commission may be installed indicating the designation. The Commission may supply and pay for uniform signs for designated properties, subject to availability of funds. Such signs shall conform to City ordinances governing other signs in the City.

18.36.120 - Fines and penalties.

(a) Failure to comply with requirements of this Chapter or of a district designation plan shall be a violation punishable in accordance with this Section.

(b) Whenever any work is being done contrary to the provisions of this Chapter or any plan adopted by the Commission or approved by City Council, a code enforcement inspector or other authorized City official may issue a stop work order by posting notice at the property or providing notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work,

until authorized by the Code Enforcement Officer, City official or Commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Code.

(c) A penalty may be imposed by the Commission. The maximum penalty for violation of this Chapter shall be the same as for violations that are sanctioned administratively as Code infractions, pursuant to Chapter 1.33, and shall proceed as set forth in Chapter 2.09 of this Code.

18.36.130 - Illustrative flow chart.

A process flow chart for illustrative purposes only has been added as Appendix 18-L to this Title.

18.36.140 - Alterations to designated properties and properties within a designated district.

(a) Owners intending to reconstruct, improve, demolish or in any way significantly alter or change a designated property or a property in an historic district must first submit their plan for review to the appropriate City departments as to compliance with all City codes and ordinances.

(b) All required building, relocation and/or demolition permits shall be applied for. Permits will not be released without Commission approval or unless the Community Development Director determines that the permit should be released due to extenuating or emergency circumstances. The Commission or Specialist shall not issue a Certificate of Approval without evidence of permit application, if required. Certificates of Approval shall be issued contingent upon the owner and/or applicant obtaining all required permits.

(c) After consultation with the City's development departments, the owner shall submit a plan for review by the Specialist or Commission, and a Certificate of Approval shall be issued to properties that the Specialist or Commission believes can be altered without diminishing the historic character of the property or district.

(d) Major alterations.

(1) Application requirements. For the purposes of this Chapter, a complete application for major alterations will contain the following: a signed application, legal description, narrative, drawings and mockups as necessary, product literature and/or samples as necessary, and digital photos as determined by the City. Projects shall be reviewed in accordance with the criteria and standards for altering properties set forth in this Section.

(2) Application and hearing process.

a. Notification. Upon receipt of a complete application, the Specialist shall schedule a public hearing for a Certificate of Approval on the matter before the Commission, providing sufficient staff review time. Notice will be given by the City in accordance with requirements in Section 18.36.080 of this Chapter.

b. Public hearing. A quorum must be present at a public hearing for a Certificate of Approval. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Subsection 18.36.040(c) of this Chapter shall be used.

c. The Specialist shall prepare a report which shall include a summary of all comments received on the Certificate of Approval application, along with the staff recommendation, which shall be presented to the Commission. In taking action on a Certificate of Approval application, the Commission shall consider the staff report and recommendation and comments received from the applicant and the public. The Commission shall also consider whether the proposed project meets the criteria and standards in Section 18.36.150 below in taking action to approve, approve with conditions, deny or table the application for future consideration.

- (3) Findings. The findings of the Commission shall be based on criteria and standards in Section 18.36.150 below, and the decision of the Commission on a Certificate of Approval major alteration application shall be considered final unless appealed by the property owner or applicant to the City Council, in accordance with the appeal process in Section 18.36.090 of this Chapter.
 - (4) Certificate of Approval issued and recorded. After approval of a Certificate of Approval major alteration application, the Specialist shall cause the Certificate of Approval, signed by the Commission Chair, which may include plans, drawings, photos and other documents, as approved, to be recorded in the office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees. Work shall be completed within twelve (12) months of the date of Commission approval, with the option for up to two (2) six-month extensions as approved by the Community Development Director. Work not complete within these time parameters will require new approval through submittal of a new application to the Commission for review.
 - (5) Denial. If an application for a Certificate of Approval is denied, the applicant may revise the application extensively or submit a new application for review by the Commission. In this case, the application would be considered a new application and would follow the entire process for Certificate of Approval applications. The applicant may appeal decisions of the Specialist to the Commission and decisions of the Commission to the City Council, in accordance with appeal procedures in Section 18.36.090 of this Chapter.
- (e) Minor alterations.
- (1) Application requirements. For the purposes of this Chapter, a complete application for minor alterations will contain the following: signed application, photos, narrative, product literature or drawings as necessary and the application fee as determined by the City.
 - (2) Application process.
 - a. Notification. Upon receipt of a complete application, the Specialist shall notify the property owner and applicant of receipt of the application and requirement for staff review.
 - b. No public hearing. No public hearing is required for minor alteration applications.
 - c. Findings. The Specialist shall review the application for minor alterations and make findings based on criteria and standards set forth in Section 18.36.150 below.
 - d. Certificate of Approval issued and recorded. The Specialist shall approve the application and issue a Certificate of Approval if the proposed project meets the criteria and standards set forth in Section 18.36.150 below and can be completed without negatively impacting the historical integrity of the property. After approval, the Specialist shall cause the Certificate of Approval for minor alterations to be signed by the Specialist, which may include plans, photos or other documents, to be recorded in the office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees.
 - e. If the Specialist finds that the proposed project does not meet the criteria and standards in Section 18.36.150 below, the Specialist will notify the applicant of the reasons for denial and notify the applicant of the opportunity to appeal the decision to the Commission.
- (f) Relocation.
- (1) Application requirements. For the purposes of this Chapter, a complete application for relocation will contain the following: signed application, location information, narrative, drawings, digital photos and the application fee as determined by the City.

- (2) Application process. The application process for relocation applications will follow the same process as for major alterations, as set forth in this Section.
- (g) Demolition.
 - (1) Application process and requirements. For the purposes of this Chapter, a complete application for demolition will contain the following: signed application, narrative, digital photos, additional documentation as requested and the application fee as determined by the City.
 - (2) Application process. The application process for demolition applications will follow the same process as for major alterations, as set forth in this Section.
- (h) Emergencies. In the event of an emergency, as defined in Section 18.36.030 of this Chapter, owners shall perform necessary measures to preserve the property and notify the Specialist within three (3) days of the emergency event. Owners shall make efforts to document the damage and provide that documentation, including photos and the measures done to preserve the structure, to the Specialist to assist in establishing the proper treatment for the property and to obtain a Certificate of Approval if necessary.
 - (i) Requirement of maintenance to prevent demolition by neglect.
 - (1) The owner of a designated property and owners of properties in a historic district must perform reasonable maintenance of the properties, as that term is defined in Section 18.36.030 of this Chapter.
 - (2) The owner of a designated property and owners of properties in a historic district shall not commit demolition by neglect, as that term is defined in Section 18.36.030 of this Chapter.
 - (3) Noncompliance with this Subsection will be punishable in accordance with other violations of this Chapter, the same as for violations that are sanctioned administratively as Code infractions, pursuant to Chapter 1.33, and shall proceed as set forth in Chapter 2.09 of this Code.

18.36.150 - Criteria and standards for review of Certificate of Approval applications.

- (a) Criteria and standards for alterations to a designated property or a property in a historic district are as follows:
 - (1) The effect of the alteration or construction upon the general historical or architectural character of the designated property.
 - (2) The architectural style, arrangement, texture and materials of existing and proposed construction, and their relationship to the other buildings.
 - (3) The effects of the proposed work in creating, changing or destroying the exterior architectural features and details of the structure upon which the work shall be done.
 - (4) The compatibility of accessory structures and fences with the main structure on the site and with adjoining structures.
 - (5) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district.
 - (6) Compliance with the current Secretary of the Interior's Standards for the Rehabilitation of Historic Properties, as defined in Section 18.36.030 of this Chapter.
 - (7) If the property is a noncontributing property in a historic district, then alterations will be in accordance with the district designation plan as recommended by the Commission and approved by City Council.

- (8) Other requirements for alterations of a designated property or contributing property in a district as are required by the procedures and bylaws established by the Commission.
- (b) Criteria for relocation of a designated property or contributing properties in a district are as follows:
 - (1) In all cases, it shall be the preference of the Commission to keep structures at their original sites.
 - (2) For relocation applications, the Commission shall consider the following criteria in addition to those described for alterations:
 - a. Original site.
 - 1. Documentation showing that the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property.
 - 2. The significance of the structure as it relates to its present setting.
 - 3. When a governmental entity exercises power of eminent domain, the Commission should first consider relocating before demolishing.
 - 4. Whether the structure can be moved without significant damage to its physical integrity, and the applicant can show that 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-siting.
 - 6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.
 - b. New location.
 - 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 proposed to be moved.
 - 2. Whether the structure's architectural integrity is consistent with the character of the neighborhood.
 - 3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.
 - 4. Whether the proposed relocation is in compliance with all City ordinances.
 - (c) Criteria for demolition of a designated property or contributing property in a district. A permit for demolition shall be issued if the applicant can clearly demonstrate that the designated property meets the criteria for demolition as set forth under this Chapter by balancing the criteria of Paragraphs (1) through (4) below versus Paragraph (5) below. Not all of the criteria must be met for the Commission to recommend demolition. Appeals of the decision shall be made under Section 18.36.090 of this Chapter.
 - (1) The structure must be demolished because it presents an imminent hazard.
 - (2) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.
 - (3) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.

- (4) The structure cannot be moved to another site because it is physically or economically impractical.
- (5) The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:
 - a. Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur.
 - b. Significant impact on the historical importance of other structures located on the property and adjacent properties.
 - c. Significant impact to the architectural integrity of other structures located on the property and adjacent properties.
- (6) If partial demolition is approved by the Commission and is required for the renovation, restoration or rehabilitation of the structure, the owner should mitigate, to the greatest extent possible:
 - a. Impacts on the historical importance of the structure or structures located on the property.
 - b. Impacts on the architectural integrity of the structure or structures located on the property.

18.36.160 - Removal from historic register/hardship exemptions.

(a) Removal. City Council may remove the designation of a historically designated property or district if it finds that historic designation creates an undue hardship in accordance with the criteria in this Section.

(b) Criteria for removal or hardship exemption. If a request to the Commission for a Certificate of Approval does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this Chapter are not significantly eroded, and provided that adequate documentation is submitted to the Commission either in writing or by testimony to establish qualification for one (1) of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained.

- (1) Economic hardship exemption. An economic hardship exemption may be granted if:
 - a. The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.
 - b. For non-income-producing properties, the owner is unable to resell the property in its current condition or if rehabilitated.
 - c. The economic hardship claimed is not self-imposed, including from lack of maintenance.
- (2) Health/safety hardship exemption. To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.
- (3) Inability to use exemption.
 - a. If no sale can be made or no feasible use is found for the structure within two (2) years of denial of a permit, the owner may request a waiver of all or part of the process described above.

b. In determining the applicability of this Section, the Commission shall include the following factors in its deliberations:

1. Written documented evidence illustrating efforts by the owner to make repairs, find an appropriate use or sell the property.
 2. Written evidence of the owner's efforts to secure assistance for conforming the application with this Chapter without demolition or defacement.
- (4) For the purpose of establishing and maintaining sound, stable and desirable historic districts within the City, the removal of historic designation is to be discouraged. This policy is based on the opinion of the City Council that the City's historic districts and individually designated properties are the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other considerations while supporting the City's historical significance; and, as such, the policy should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

18.36.170 - Severability clause.

If any provision of this Chapter, any provision of any rule or regulation lawfully promulgated hereunder or any application of this Chapter or rule or regulation promulgated hereunder to any person or circumstance is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this Chapter or rules or regulations. The City Council hereby declares that, in these regards, the provisions of this Code and all rules and regulations promulgated hereunder are severable. In the event that any part of this Chapter negatively affects the City's certified status as a certified local government by the National Park Service, then the conflicting provision shall be severable.

CHAPTER 18.37 – HISTORIC PRESERVATION LOW INTEREST LOAN PROGRAM

18.37.010 - Statement of purpose.

The purpose of this Chapter is to:

- (1) Promote and support the maintenance of historic properties by providing a pool of available funds which will be loaned at low rates of interest for the maintenance and improvement of properties designated as historic by the City;
- (2) Foster civic pride in the accomplishments and heritage contained in Greeley's past as exhibited in Greeley's architecture, homes and public and private buildings;
- (3) Enhance the physical attractiveness of Greeley;
- (4) Promote the recycling and adaptive reuse of architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of Greeley; and
- (5) Promote the economic revitalization of Greeley.

18.37.020 - Creation of Committee.

(a) The Historic Preservation Loan Committee (hereafter the "Committee") shall consist of seven (7) voting members as appointed by the Historic Preservation Commission. The Committee shall have one (1) member with experience in residential and/or commercial construction management, one (1) member engaged in regional or local history, one (1) licensed real estate broker, one (1) member of the Historic Preservation Commission and the following City employees: Director of Community Development, Historic Preservation Specialist and Assistant City Manager.

(b) The Committee shall have the following ex officio members: a member of the City Attorney's office as the legal advisor; a representative of the City Finance Department; and one (1) member of the City Council.

(c) One (1) City employee Committee member shall be appointed by the City Manager as an administrator, to be referred to hereafter as "Staff Liaison."

(d) Appointment of the Committee members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.

(e) Vacancies on the Committee shall be filled by the Historic Preservation Commission.

(f) Members of the Committee whose terms of office expire may apply for reappointment.

(g) Members of the Committee wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing, with a copy sent to the Committee Chair and the Staff Liaison.

18.37.030 - Rules of procedure.

The Committee shall conduct its proceedings in accordance with "Robert's Rules of Order" and set forth additional rules and procedures in the form of bylaws for the Committee.

18.37.040 Powers and duties of Committee.

(a) The Committee shall have the power to:

(1) Establish loan criteria to be approved by Council resolution.

(2) Receive and review applications for credit.

(3) Approve or deny applications for loans.

(4) Conduct inspections.

(5) Supervise and administer a historic preservation loan program between and among the City and the owners of designated properties, including those properties designated on the State Register or the National Register of Historic Places.

(b) The Committee shall have the duty to:

(1) Conduct itself in a professional manner, holding all financial information and other sensitive information in strict confidence;

(2) Make all loan decisions with consideration for the future and stability of the loan pool.

18.37.050 - Procedure for application to Committee.

(a) Any owner of an eligible property may submit an application for consideration by the Committee. As part of the application process, the owner shall also submit a detailed description of the owner's plan for the historic preservation and protection of the subject property.

(b) The property owner shall submit an itemized brands and materials list.

(c) The owner shall also submit financial statements for all persons applying for historic preservation loans as may be requested by the Committee.

(d) The Committee reserves the right to request such additional information as it determines necessary relative to ownership, financial considerations, plans, contractor information and/or other information the Committee determines pertinent.

18.37.060 - Criteria for approval or denial.

(a) Applications for participation in the Historic Preservation Loan Program shall be in the names of all owners of title. Application in the names of less than all owners shall not be permitted.

(b) Ownership and title to the property, which will be the subject of the historic preservation loan, must be in "good" or marketable title, with all taxes and loans current, liens paid, no foreclosure proceedings pending and all restrictions of record and encumbrances disclosed and approved by the Committee, and be in compliance with all zoning codes.

(c) The owner will provide such documents and proof of title, including encumbrances, liens, restrictions of record or other evidence of the title to the property as the Committee may request. The owner shall agree to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the Committee may deem necessary or appropriate. All such costs must be paid by the owner at the commencement of the loan application process.

(d) The Committee shall apply such loan repayment criteria to each historic preservation loan application as the Committee determines is appropriate.

(e) The Committee shall, after consultation with the applicants, determine an appropriate loan repayment schedule which may be on a monthly basis, but in no event shall it be on less than a quarterly basis. Forty-five (45) days after failure to make timely payment shall cause the entire principal balance, together with all accrued interest thereon, to become a lien upon the property. The lien shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified by the Director of Finance, together with all accrued interest thereon and a ten-percent collection charge, to the County Treasurer for collection as provided by law; provided, however, that, at any time prior to sale of the property, the applicants may pay the amount of all delinquent installment payments, together with all accrued interest and the ten-percent collection charge thereon, and any other penalties and costs of collection. Upon such payment, the applicants shall thereupon be restored to nondelinquent status and may thereafter pay in installments in the same manner as if default had not been made.

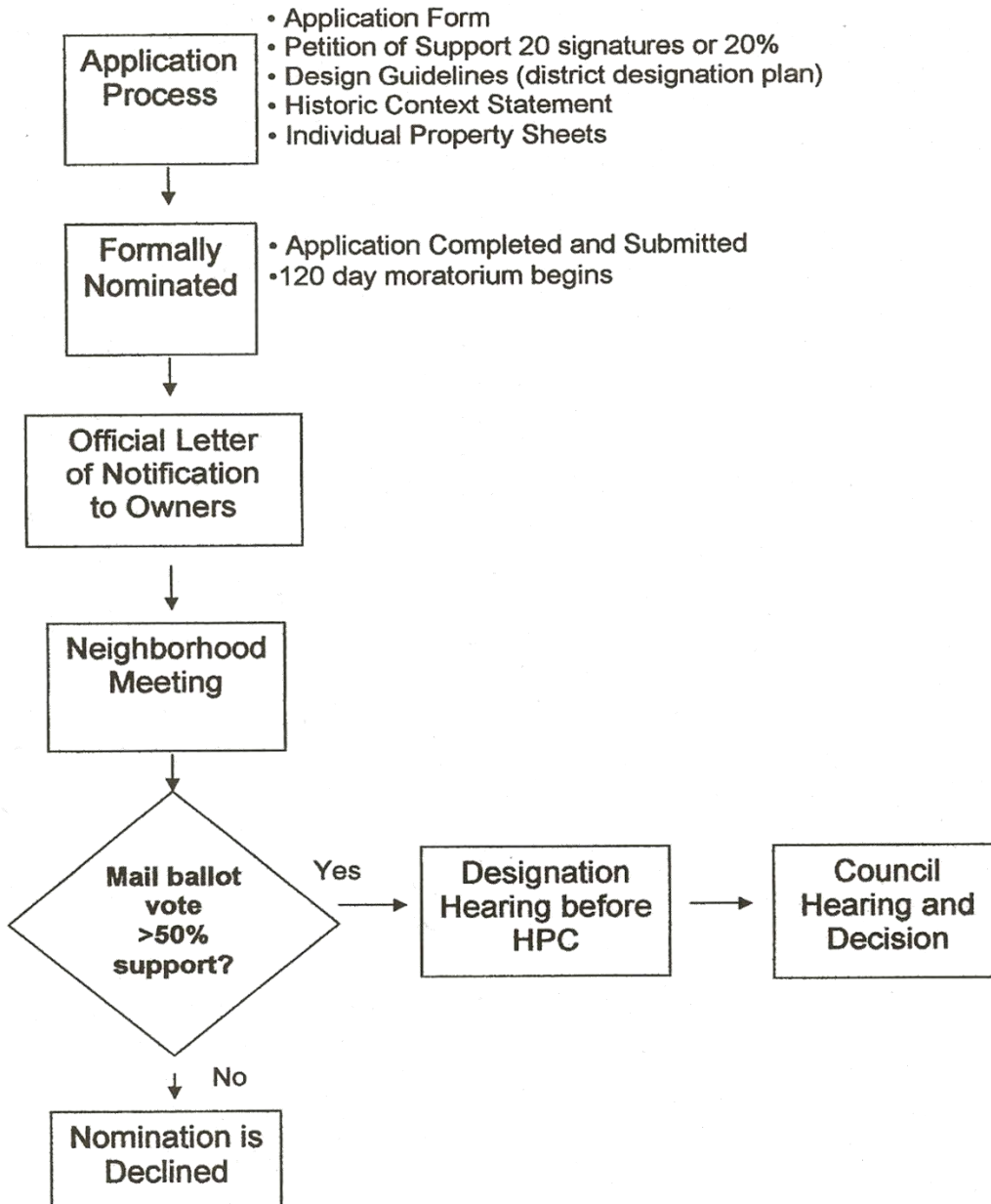
18.37.070 - Request for reconsideration.

A person who applies for a loan pursuant to this Chapter and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the Committee are final.

Appendix 18-L

Illustrative Flow Chart for Historic District Designation Process

(Reference Section 18.36.130)



APPENDIX 18-B - Definitions

The following words, terms and phrases, when used in this Code, shall have the meanings defined as follows:

100-year flood shall mean a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms *one-hundred-year flood* and *one-percent-chance flood* are synonymous with the term *100-year flood*.

100-year floodplain shall mean the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

500-year flood shall mean a flood having a recurrence interval that has a two-tenths-percent chance of being equaled or exceeded during any given year (two-tenths-percent-chance-annual flood).

Abandoned sign:

- a. A sign or sign structure and components, for which no legal owner can be found; and/or
- b. A sign and structure which are used to identify or advertise a business, tenant, owner, product, service, use, event or activity that has not been located on the premises for a period of ninety (90) consecutive days or longer.

Accessory building or structure shall mean a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

Accessory use shall mean a use customarily incidental, related and subordinate to the main use of the lot, building or structure which does not alter the principal use.

Act, as used in Chapter 18.56, shall mean the Oil and Gas Conservation Act of the State of Colorado.

Addition shall mean an extension to an existing structure after completion of the original structure. For the purposes of this Title, such additions and the point of attachment thereof shall be habitable space as defined in the Uniform Building Code, as may be amended from time to time, and the dimension of the point of attachment shall constitute a minimum of twenty percent (20%) of the circumference of the exterior walls of the addition.

Address sign shall mean signs that give the address or name of a building or residence without reference to, or inclusion of, the name or logo of a product sold, or service performed on the lot or in a building or structure, or name of the business enterprise occupying the property.

Adjacent shall mean land which shares a boundary line with the lot in question or which would share a boundary line if not for the separation caused by a street, alley, sidewalk, railroad right-of-way, utility line, trail or irrigation ditch.

Adjacent uphill lot shall mean an adjacent lot, whether or not separated by streets, easements or the like, which has an average ground level higher than the average ground level of the subject lot.

Administrative Official shall mean an individual appointed by the City Manager to administer and enforce the provisions of this Title.

Administrative Review Team (ART) shall mean the City staff review team consisting of representatives of City departments involved with development and land use activities within the City and its long-range planning areas.

Adult business shall mean any store, establishment, tavern, club or theater having a substantial portion of its stock in trade, books, magazines or other periodicals; video movies, films, slides or

photographs; instruments, devices or paraphernalia; or live performances, which are characterized by their emphasis on matters depicting, describing, or related to *specified anatomical areas* or *specified sexual activities*. For the purposes of this definition, a business shall not be considered an *adult business* if it carries less than twenty percent (20%) of its stock in adult materials and it prevents the public from viewing or observing merchandise or products that depict *specified anatomical areas* or *specific sexual activities*, as may be displayed by the products or on the packaging.

a. *Specified anatomical areas* means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast above or below a point which would expose any portion of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

b. *Specified sexual activities* means:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
2. Human genitals in a state of sexual stimulation or arousal;
3. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
4. Masturbation, actual or simulated; or
5. Excretory functions as part of or in connection with any of the activities set forth in Paragraphs 1 through 4 above.

Advertise shall mean to attract attention to a business, product, service, use or event with a sign, display item or other device, such as flags, pennants, air driver devices and lights.

Airport shall mean the Greeley-Weld County Airport, located in Sections 2 and 3 and Sections 26 and 35, T5N, R65W of the 6th P.M., Weld County, Colorado.

Airport elevation shall mean the established elevation of the highest point on the usable landing area (four thousand six hundred ninety [4,690] feet above sea level).

Airport reference point shall mean the point established as the geographic center of the airport landing area. The reference point at Greeley-Weld County Airport is a point which geographical coordinates are Latitude forty (40) degrees, twenty-six (26) minutes, eight (8) seconds north and Longitude one hundred four (104) degrees, thirty-seven (37) minutes, fifty-five (55) seconds west.

Alley shall mean a minor way used primarily for vehicular access to the back of properties adjacent to a street and which is not intended to be used for primary access to a property. An alley shall not be considered a street.

Alteration means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Historic Preservation Commission or the City's Historic Preservation Specialist is necessary under Chapter 18.36 and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of Chapter 18.36.

Amortization shall mean the prohibition and removal of a nonconforming use after the expiration of a reasonable period of time.

Amortization period shall mean a reasonable period of time to recoup a return on the investment in an animal confinement use, but which in no event shall exceed nine (9) years from the effective date of this Code, or from the date the use became nonconforming, whichever is later.

Animal confinement use shall mean a place for confinement of livestock for the purposes of commercial food production, where feeding of the livestock is other than grazing and where the capacity at any one (1) time is greater than permitted on the Animal Equivalency Chart for the zoning district in which it is located. Such animal confinement uses may include dairies, feedlots, poultry and swine production facilities.

Animal unit shall mean a unit of measurement used to determine the animal capacity of a particular site or parcel of land and to establish an equivalency for various species of livestock. The animal unit capacity is determined by multiplying the number of animals of each species by the appropriate equivalency factor from the Animal Unit Equivalency Chart in Section 18.52.035 and summing the resulting totals for all animal species contained on a site or parcel of land. The number of animals allowed per acre on a site or parcel of land is based on area requirements for each species, and the resulting acreages are also summed. If the maximum number of permitted animal units as provided on the Animal Unit Equivalency Chart is exceeded for a property that does not contain an animal confinement use as of the effective date of this Code, the property and use contained on said property shall be determined to be a nonconforming use and subject to the provisions in Chapter 18.58.

Animated sign (see *Flashing or animated or Imitating sign*) .

Antenna shall mean a device used to transmit and/or receive radio, television or any other transmitted signal and which may be roof-top, wall or ground-mounted.

Apex shall mean the uppermost or highest point.

Appeal shall mean a review of a final decision by a higher authority.

Applicant shall mean the owners or lessees of property, their agent, or persons who have contracted to purchase property, or the City or other quasi-governmental entity that is proposing an action requiring review and approval by one (1) or more of the sections in this Title. An applicant may subsequently become the developer once approval is granted and, in this case, the terms shall be interchangeable.

Approach surface shall mean a surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Chapter 18.34. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Appurtenances shall mean the visible, functional objects accessory to and part of buildings or structures and which may extend above the height of the roof.

Area, for the purposes of Chapter 18.36, means the geographical region or the extent of land identified with one or more areas of significance as set forth in Criteria for designation, Section 18.36.060, and may be nominated for historic designation on the local register.

Area of shallow flooding shall mean a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard shall mean the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Art shall mean all forms of original creations of visual art, including but not limited to, sculpture; mosaics; painting, whether portable or permanently fixed, as in the case of murals; photographs; crafts made from clay; fiber and textiles; wood; glass; metal; plastics; or any other material or any combination thereof; calligraphy; mixed media composed of any combination of forms or media; unique architectural styling or embellishment, including architectural crafts, environmental landscaping; or restoration or renovation of existing works of art of historical significance. Works of art are not intended to be used for commercial advertising purposes.

Arterial street (see *Street*).

Articulation shall mean using architectural elements such as windows, balconies, entries, etc., to visually break the appearance of large buildings or walls into smaller, identifiable pieces.

Assembly building, as used in Chapter 18.56, shall mean any building or portion of building or structure used for the regular gathering of fifty (50) or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transport.

Assisted living unit shall mean a residential facility that provides rooms, meals, personal care and supervision of self-administered medication, as well as other services, including recreational activities and transportation, to individuals who do not have an illness, injury or disability for which regular medical care or twenty-four-hour nursing services are required. An assisted living unit shall not be considered a board and care home or a nursing home.

Automobile wrecking yard (see *Junkyard*).

Awning shall mean a framed exterior architectural feature, attached to and supported from the wall of a building and/or held up by its own supports, which provides or has the appearance of providing shelter from the elements to pedestrians, vehicles, property or buildings.

Awning, internally illuminated shall mean any transparent backlit awning or awning lettering which transmits light from within the awning to the outside surface of the awning.

Awning sign shall mean a sign that is mounted or painted on or attached to an awning.

Backing shall mean the background area of a sign, which differentiates the total sign display from the background against which it is placed.

Banner shall mean a sign applied to flexible materials (e.g., cloth, paper or fabric of any kind) with no enclosing framework.

Bare tube neon shall mean a bare tube neon light attached to a building that is used to light or accent the building and/or its architecture.

Base Flood Elevation (BFE) shall mean the elevation shown on a FEMA Flood Insurance Rate Map that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement shall mean any level of a building where more than one-half ($\frac{1}{2}$) of the vertical distance between floor and ceiling is below the grade of the site.

Beacon (see *Searchlight, strobe light* or *beacon*).

Bed and breakfast shall mean a building, or portion thereof, of residential character, offering temporary lodging for compensation and at least one (1) meal daily for guests and having a manager residing on the premises. Rooms in a bed and breakfast shall not be rented more than twice during any twenty-four-hour period.

Bedroom shall mean any room intended and used principally for sleeping purposes.

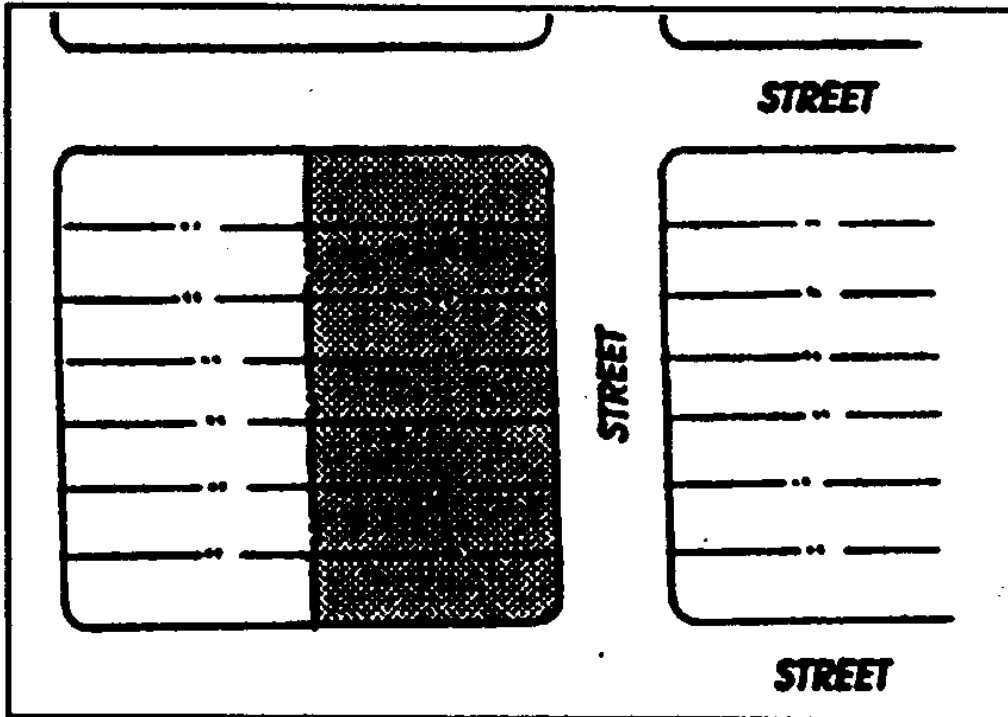
Berm shall mean a mound of earth, higher than grade, used for screening, definition of space, noise attenuation and decoration in landscaping.

Bicycle parking space shall mean a space for one (1) standard bicycle, located in a secure bicycle rack on the same lot as the structure for which the bicycle parking is intended to serve.

Billboards and bus bench/shelter sign (see *Off-premises advertising device*).

Block shall mean a group of lots within defined and fixed boundaries of a subdivision and usually being an area surrounded by streets or other features such as parks, railroad rights-of-way or municipal boundary lines.

Block face shall mean all lots on one (1) side of a block.



Block face

Board and care home shall mean a residential facility providing room and board to one (1) or two (2) individuals who are not related to the owner or principal occupant and who, because of impaired capacity for independent living, elect protective oversight, personal services and social care, but do not require regular twenty-four-hour medical or nursing care. A board and care home shall not be considered an assisted living unit or nursing home.

Boarding and rooming house shall mean a building or portion thereof which is used to accommodate boarders or roomers, not including members of the occupant's immediate family who might be occupying such building, and whose occupants shall have common access to kitchen, bathroom and dining areas. Boarding and rooming houses shall not include hotels, motels and lodges.

Brewpub shall mean a business for the brewing, sale and consumption of alcoholic beverages on the premises and which may also prepare and sell food on the premises.

Buffer shall mean to promote separation and compatibility between land uses of different intensities within or adjacent to a development, or along roadways or other public areas through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof. The term *buffer* may also be used to describe the methods used to promote compatibility such as a landscape buffer.

Buffer yard shall mean that area intended to provide buffering between land uses of different intensities or along roadways or other public rights-of-way.

Building shall mean any structure built for the shelter or enclosure of persons, animals or property of any kind, excluding fences or walls.

Building appurtenance shall mean the visible, functional or ornamental object accessory to and part of a building.

Building Code shall mean any law, ordinance or code which is in force in the City and which pertains to the design and construction of buildings and other structures, or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

Building envelope shall mean the area in which a building or structure is constructed or placed in a development and in which the land area beyond the envelope is under the common ownership of all property owners within the development.

Building footprint shall mean the outline of the total area which is covered by a building's perimeter at the ground level.

Building frontage shall mean the horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy. Corner tenants will be permitted to use their secondary facade to determine their *building frontage*.

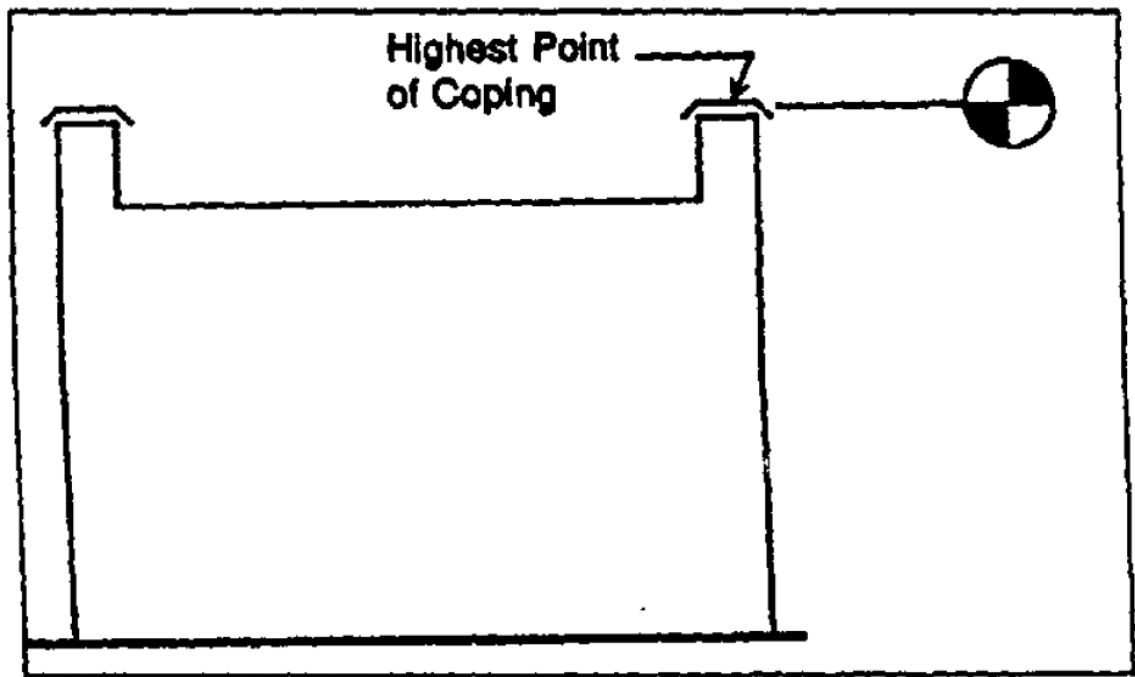
Building frontage, principal shall mean the horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy.

Building frontage, secondary shall mean that dimension of a building abutting a public right-of-way other than the principal building frontage.

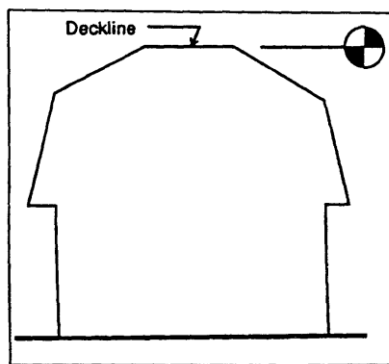
Building or structure height shall mean the vertical distance from grade at an exterior wall of a building or structure to the highest point of the coping of a flat roof, to the average height of the highest gable of a hipped roof, or a monitor roof, or to the highest point of a curved roof. For the purposes of measuring the setback and height performance options in Section 18.38.100 of this Title, setback increases shall only be required for that portion of the building for which a height increase is sought. This measurement shall be exclusive of church spires, cupulas, chimneys, ventilators, pipes and similar appurtenances. For purposes of this definition, *grade* as a point of measure shall mean either of the following, whichever yields a greater height of building or structure:

- a. The elevation of the highest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is less than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.
- b. An elevation ten (10) feet higher than the lowest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.

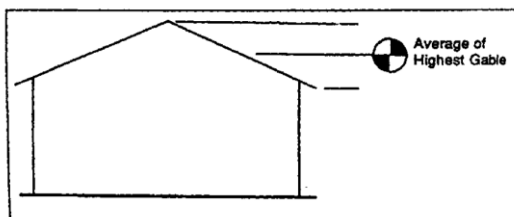
The height of the building is the vertical distance above a reference datum measured to:



Building with flat roof (measured to highest point of coping)



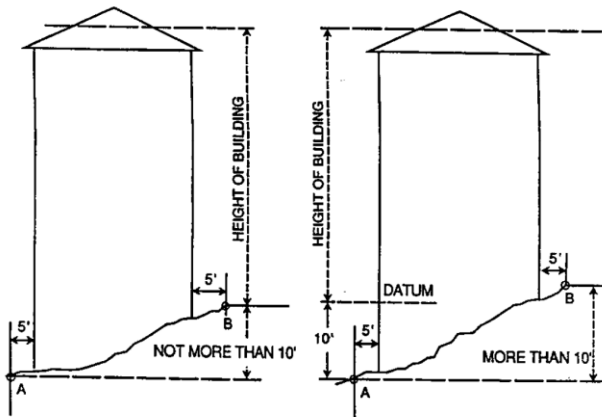
Mansard roof (measured to deckline)



Hipped or gabled roof (measured to average of highest gable)



**Gabled roof (2 or more gables)
(Measured to the average of the
highest gable)**



* Measure height at ten (10) feet above the lowest point of the ground.

Building, principal shall mean the primary building on a lot or a building that houses the principal use.

Building unit, as used in Chapter 18.56, shall mean a building or structure intended for human occupancy. A dwelling unit, every guest room in a hotel/motel, every five thousand (5,000) square feet of building floor area in commercial facilities and every fifteen thousand (15,000) square feet of building floor area in warehouses or other similar storage facilities is equal to one (1) building unit.

Burden of proof under Chapter 18.36 shall be a preponderance of the evidence.

Business identification sign shall mean a sign giving the name, nature, logo, trademark or other identifying symbol of a business and which may also include the address of the business.

Candela is a unit of luminous intensity, defined as the luminous intensity of a source that emits monochromatic radiation of frequency 540×10^{12} Hertz and that has a radiant intensity of $1/683$ watt/steradian and adopted in 1979 as the international standard of luminous intensity.

Canopy shall mean a roofed structure for the purpose of shielding pedestrian walkways or driveways which service operations or equipment, such as with a gas station or bank drive-up facility.

Cemetery shall mean land used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums.

Center line (of public right-of-way) shall mean a line running midway between the bounding right-of-way lines of a street or alley. For the purposes of calculating signage, the center line shall mean the apparent center line of the road determined by finding the point midway between the outer edges of the road surface.

Certificate of Approval means a certificate issued by the City authorizing the construction, alteration or demolition of property and improvements designated under Chapter 18.36.

Change of use shall mean a use that substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.

Changeable copy sign (also known as a *marquee sign*) shall mean a sign designed to allow the changing of copy as with individual letters through manual means, without altering the sign backing or structure in any such way.

Channel shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuous or periodic flowing water.

Channel letters, individual letters, raceway and channel sign shall mean individual letters, flat cutout letters or symbols constructed to be applied singly in the formation of a wall sign or freestanding sign.

Channelization shall mean the artificial creation, enlargement or realignment of a stream channel.

Character shall mean the sum or composition of a building's or group of buildings' attributes which serve to distinguish its appearance and establish its visual image. Attributes that contribute to character include, but are not limited to, size, shape and height of buildings, materials, architectural style, sidewalk location and vegetation.

Character overlay district shall mean an overlay district established for the purposes of maintaining and preserving the attributes which make up the character of a particular and definable area within the City, as provided for in Chapter 18.34.

Chief Building Official shall mean the Chief Building Official of the City.

Child care center shall mean a facility which is maintained for the whole or part of a day for the care of seven (7) or more children under the age of sixteen (16) years and not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. This term also includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps and summer camps.

Child care home shall mean a facility providing care and/or training in a place of residence, on a regular basis, for compensation, for no more than six (6) children under the age of sixteen (16) years who are not related to the caretakers and not including twenty-four-hour care. This type of child care home provides less than twenty-four-hour care for two (2) or more children on a regular basis in a place of residence.

- a. Care may be provided for up to six (6) children from birth to thirteen (13) years of age with no more than two (2) children under two (2) years of age. This shall not prohibit the care of children with special needs ages thirteen (13) to eighteen (18).

- b. Care also may be provided for no more than two (2) additional children of school age attending full-day school. School-age children are children enrolled in a kindergarten program a year before they enter the first grade and children six (6) years of age and older.
- c. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision shall be counted against the approved capacity.
- d. A major child care home is a state-licensed child care facility in a home, operated by an experienced child care provider/proprietor for the purposes of care for up to nine (9) children in conformance with the Colorado Code of Regulations.

Church shall mean a place designed and intended for the regular assembly for the purposes of religious worship, meetings and other church-sponsored activities. Accessory uses such as schools, day-care centers, columbariums, counseling services and bingo parlors shall be permitted, provided that such accessory uses shall be secondary to that of normal church activities and shall be permitted within the zoning district in which the subject property is located.

Circumference shall mean the perimeter measurement of a building or structure, measured as a continuous line.

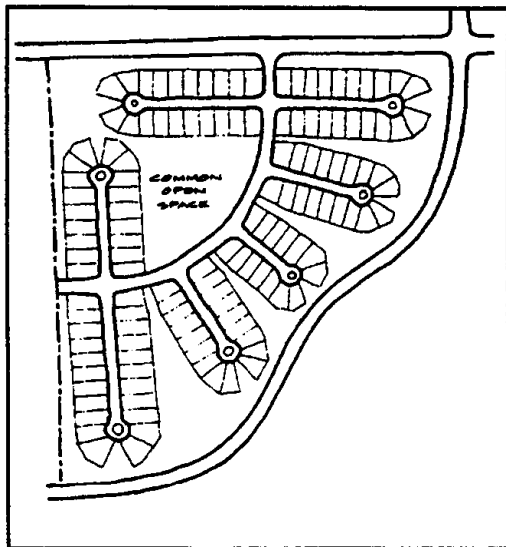
City shall mean the City of Greeley, Colorado.

City Council shall mean the City Council of the City of Greeley, Colorado.

City Manager shall mean the City Manager, or the City Manager's designee or other official, body or agency designated by the Charter or ordinance to act on behalf of the City of Greeley.

Clear vision zone or area shall mean that area which the City requires an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian or bicyclist to avoid a collision.

Cluster subdivision or development shall mean a form of development in which the lot sizes are reduced and the resulting land area is devoted to common open space.



Cluster subdivision

Co-generation plant shall mean a facility for the purposes of producing power as a by-product of a manufacturing or power-producing process.

Collector street (see *Street*) .

Columbarium shall mean a structure or place for the interment of ashes of the cremated dead.

Commemorative sign shall mean a sign, tablet, cornerstone or plaque memorializing a person, event, structure, site or landmark and not used to advertise a product, service or activity.

Commercial or industrial development identification sign shall mean an on-premises sign for identifying a commercial or industrial development, park or subdivision.

Commercial mineral deposit shall mean a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel and quarry aggregate, for which extraction is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic or other scientific data that such deposit has significant economic or strategic value to the area, state or nation.

Commission shall mean the Planning Commission of the City, or in Chapter 18.56, the Oil and Gas Conservation Commission of the State of Colorado (OGCC), or in Chapter 18.36, the Historic Preservation Commission of the City.

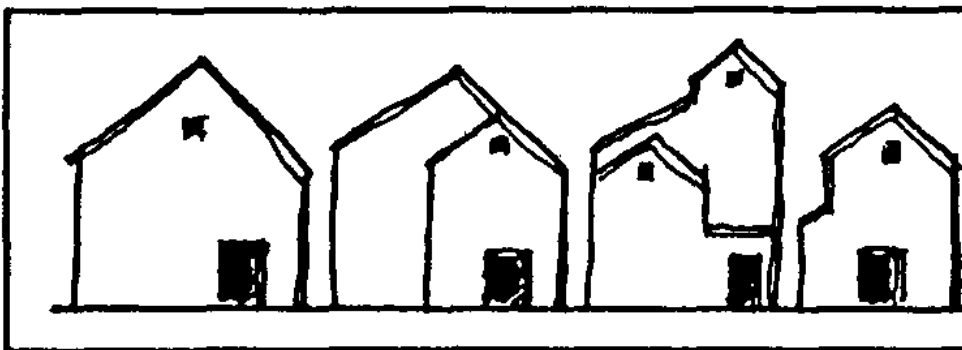
Common consumption area shall mean an area designed as a common area located within a designated Entertainment District and approved by the Local Licensing Authority that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

Community as used in Chapter 18.48 shall mean one (1) or more populations of plants and animals in a common grouped arrangement, within a specified area.

Community Development Director shall mean the Community Development Director of the City.

Community event sign shall mean a sign that provides information relating to any community event sponsored by a nonprofit group or agency.

Compatible shall mean having harmony in design, appearance, use and/or function of the characteristics of a building or structure, a neighborhood or an area. Design characteristics may include, but are not limited to, height, mass, scale, land use, architecture, color and materials.



Compatible roof pitch, scale, massing and height

Comprehensive Plan shall mean the Comprehensive Plan of the City, as provided for in the City Charter and which provides for the future growth and improvement of the community, for the preservation of historic and natural resources and for the general location and coordination of streets and highways, recreation areas, public building sites and other physical development.

Conditional Letter of Map Revision (CLOMR) shall mean FEMA's comment on a proposed project which does not revise an effective floodplain map, which would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Condominium shall mean a form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

Conical surface shall mean a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

Conservation easement shall mean an easement acquired by the public and which is designed to restrict the use of private land to preserve open space or natural resource areas.

Contractor sign shall mean a sign naming those engaged in the design, financing and construction on the property where the sign is located.

Contributing buildings, site, structures and objects, for the purposes of Chapter 18.36, means historic properties within the proposed or designated district and includes individually designated properties and nondesignated properties that contribute to the historic district by their shared and unique architectural, historic or geographic characteristics.

Convenience store shall mean a general retail store which sells goods which may include ready-to-eat products, groceries and sundries which comprise more than twenty-five (percent 25%) of all sales and which may accompany gasoline pumps and the sale of gasoline.

Copy or print shop shall mean an establishment that provides duplicating services using photocopy, blueprint, offset and typesetting printing equipment and including collating of booklets and reports.

Cornerstones shall mean a stone forming a part of a corner or angle in a wall that provides building identification.

Correctional facility shall mean a secured facility providing housing and treatment of those convicted and confined for serious criminal offenses.

Corridor or movement corridor shall mean a belt, band or stringer of vegetation or topography that provides a completely or partially suitable habitat and which animals follow during daily, periodic or seasonal movements.

Coverage shall mean land area which is covered with impervious surfaces, such as buildings, patios or decks with roofs, carports, swimming pools, tennis courts or land area covered by any other type of structure, including parking lots.

Crematorium shall mean a place for the cremation of human or animal remains.

Critical facility shall mean a structure or related infrastructure, but not the land on which it is situated, as specified in Section 18.34.130, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Critical feature shall mean an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Cul-de-sac shall mean a local street of no more than five hundred (500) feet in length, with one (1) open end and the other end terminating in a vehicular turn around.

Day shall mean a calendar day, unless otherwise noted.

Deciduous shall mean a plant with foliage that is shed annually.

Deck shall mean a floored outdoor area, typically elevated above grade and adjoining a residential dwelling.

Dedication shall mean setting aside property for a specific purpose, including but not limited to streets, utilities, parks and trails.

Demolition, for the purposes of this Chapter 18.36, means any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

Demolition by neglect means neglect in maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

- (1) The deterioration of exterior walls or other vertical supports or a portion thereof;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of exterior chimneys;
- (4) The deterioration of exterior plaster or mortar;
- (5) The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; or
- (6) The serious deterioration of any documented exterior architectural feature or significant landscape feature which, in the judgment of the Commission, produces a detrimental effect upon the character of the district.

Density shall mean the number of dwelling units per gross acre of land area.

Designated property means a historic property individually listed on the City's historic register through the procedural requirements in Section 18.36.070 and which meets the criteria set forth in Section 18.36.060.

Detention area shall mean an area which is designed to capture specific quantities of storm water and to gradually release the same at a sufficiently slow rate to reduce the risk of flooding.

Developing shall mean a lot, or grouping of lots or tracts of land, with less than sixty percent (60%) of their perimeter boundary adjacent to existing development. For the purposes of this definition, public parks, natural areas and other such areas which are not eligible for further development shall be considered *developed*. Areas which were originally platted prior to 1978 and which have at least seventy-five percent (75%) of the lots in the development built on within this twenty-year period shall also be considered *developed*. A replat of the original plat shall not affect the commencement of this twenty-year period.

Development shall mean any construction or activity which changes the basic character or use of land on which construction or activity occurs, including but not limited to, any non-natural change to improved or unimproved real estate, substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, extraction or drilling operations.

Development concept master plan shall mean a preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages.

Development or subdivider's agreement shall mean a written instrument for the purposes of specifying all improvements to be constructed by the subdivider, as well as the time table for construction of such improvements, any special conditions of construction and construction cost estimates.

DFIRM database shall mean a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) shall mean a FEMA digital floodplain map. These digital maps serve as regulatory floodplain maps for insurance and floodplain management purposes.

Direct lighting shall mean spot or floodlighting used to illuminate a sign surface.

Directional on-site shall mean signs that direct the movement or placement of pedestrian or vehicular traffic on a lot without reference to, or inclusion of, the name or logo of a product sold or

services performed on the lot or in a building, structure or business enterprise occupying property, such as "welcome," "entrance," "exit," "restrooms," "parking," "loading area" and "drive-thru."

Director, for the purposes of Chapter 18.56, shall mean the Director of the Oil and Gas Conservation Commission of the State of Colorado.

Directory sign shall mean a sign listing the names, uses or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site directions and is not legible off-site.

Dissolve shall mean a mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

District shall mean a portion of the community within which uniform regulations apply.

District designation plan, for the purposes of Chapter 18.36, means a plan generated by the historic district residents and/or owners for Commission use in reviewing Certificate of Approval applications. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction.

Downtown Entertainment District shall mean that area contained within the south curb flow line of 7th Street, the west curb flow line of 8th Avenue, the north curb flow line of 10th Street and the east curb flow line of 9th Avenue.

Drive-in or drive-thru shall mean an establishment that, by design of physical features or by service or packaging procedures, encourages or permits customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

Drive-up shall mean an establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive services or obtain or drop off products while remaining in a motor vehicle and which excludes a menu board and/or audio or video speakers.

Driveway shall mean an improved concrete or asphalt path leading directly to one (1) or more City-approved parking spaces constructed with a concrete, asphalt or similar all-weather surface.

Dry wash channel shall mean natural passageways or depressions of perceptible extent, containing intermittent or low-base flow.

Dust abatement plan shall mean a plan intended and designed to control dust during the construction or development of property.

Dwelling or residence, multiple-family shall mean a building, site or a portion thereof which contains three (3) or more dwelling units, not including hotels, motels, fraternities, sororities and similar group quarters.

Dwelling or residence, secondary shall mean a second, freestanding residential building constructed or placed on an infill lot or tract of land which contains a principal residential building.

Dwelling or residence, single-family shall mean a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family. The term *single-family residence* shall include a manufactured home which:

- a. Is partially or entirely manufactured in a factory;
- b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
- c. Is installed on an engineered permanent foundation;
- d. Has a brick, wood or cosmetically equivalent exterior siding and all exterior walls which provide a consistent, continuous facade from the bottom of the soffit (top of the wall

section) downward to the top of the exposed perimeter wall, foundation or to grade, whichever is applicable; and has a pitched roof; and

- e. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building code, as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.

Dwelling or residence, two-family shall mean a building containing two (2) independent living units and which may commonly be referred to as a *duplex* .

Dwelling unit shall mean one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease as a single unit, on a monthly basis or longer, physically separated from any other room or dwelling units which may be in the same structure and served by no more than one (1) gas meter and one (1) electric meter.

Easement shall mean a right granted by a property owner permitting a designated part of interest in the property owner's property to be used by others for a specific use or purpose.

Ecological character shall mean the natural features and attributes of an area or landscape that, combined, give the area its character.

Educational facility, as used in Chapter 18.56, shall mean any building used for legally allowed educational purposes for more than twelve (12) hours per week for more than six (6) persons. This includes any building or portion of building used for licensed day-care purposes for more than six (6) persons.

Election sign shall mean a sign related to public election.

Electronic message display shall mean a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Elderly group housing shall mean a building which is occupied by not more than eight (8) persons who are sixty (60) years of age or older and who use the building as their primary residence, if the building is either owned by some or all of them or by a nonprofit corporation.

Elevated building shall mean a nonbasement building built to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. *Elevated building* also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Emergency, for the purposes of Chapter 18.36, means an unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

Emergency shelter or mission shall mean a facility operated by a nonprofit, charitable or religious organization providing temporary housing, food, clothing or other support services, such as counseling and referral services, primarily for homeless individuals or those at risk.

Enhancement shall mean the improvement of the land or water of the impacted or replacement area, beyond that which would occur without the development.

Entertainment District shall mean an area within the City that is designated as an Entertainment District of a size no more than one hundred (100) acres and containing at least twenty thousand (20,000) square feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern or vintner's restaurant at the time the District is created.

Entertainment establishment shall be a land use designation in addition to the underlying principal land use and shall mean:

- a. Any commercial establishment which shares a common wall or zero lot line property boundary with a residential land use or that is within one hundred (100) feet of a residential land use as measured from building to building, and:
 1. Dispenses alcohol beverages on the premises and where amplified or live entertainment is provided; or
 2. Does not dispense alcohol beverages but provides amplified or live entertainment either independent of or in conjunction with any other uses, except where amplified sound is provided only as background entertainment and at levels not to interrupt normal conversation at or beyond the property line.

Evergreen shall mean a plant with foliage that persists and remain green year-round.

Existing development shall mean any development in the City once all public improvements, including water, sewer, streets, curb, gutter, streetlights, fire hydrants and storm drainage facilities, are installed and completed.

Exposed incandescent or high intensity discharge lighting shall mean any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon.

Exterior or perimeter wall shall mean a wall, elements of a wall, parapet wall or any elements or groups of elements which define the exterior boundaries or courts of a building.

Facade shall mean the exterior face of a building.

Fade shall mean a mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Family shall mean an individual living alone, or any number of persons living together as a single household who are interrelated by blood, marriage, adoption or other legal custodial relationship; or not more than two (2) unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. In multi-family units, the number of unrelated adults shall be determined based on the provisions of the City's Housing Code. For purposes of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of his or her employment shall be considered a member of the family.

Farming shall mean the production of crops such as vegetables, fruit trees or grain; the growing of trees and shrubs for landscape purposes; and the raising of farm animals such as poultry or swine, which shall be limited to the animal unit capacity as determined in the definition of *animal unit* and the Animal Unit Equivalency Chart in these definitions. Farming shall not include the commercial raising of animals, commercial production of milk, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

Federal register shall mean the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Fence shall mean any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

Figures shall mean an outline, shape or pattern of numbers, letters or abstract images.

Filing plat (see *Plat, filing*) .

Financial security or guarantee shall mean a financial obligation, in a form acceptable to the City, which assures completion and payment for all improvements related to development of property.

Flag shall mean material attached to or designed to be flown from a flagpole or similar device and which may display the name, insignia, emblem or logo of any nation, state, municipality or commercial or noncommercial organization (see also *Pennants*).

Flashing or animated shall mean signs or lighting with flashing, blinking, moving or other animation effects or that give the visual impression of such movement by use of lighting, or intermittent exhibits or sequential flashing of natural or appearance of artificial light or colors, including those signs that rotate, revolve, spin, swing, flap, wave, shimmer or make any other motion, or illusion of motion, or which imitate official governmental protective or warning devices (see *Imitating sign*).

Flea or farmer's market shall mean an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer new and used goods or produce for sale to the public, not including private garage sales.

Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood, base shall mean a flood having a one-percent chance of being equaled or exceeded in any year. This term is used interchangeably with the terms *intermediate regional flood* , *one-hundred-year flood* , *one-percent flood* and *area of special flood hazard* .

Flood Boundary and Floodway Map (FBFM) shall mean an official map, as amended from time to time, issued by the Federal Emergency Management Agency, where the boundaries of the base flood, floodway and five-hundred-year flood have been delineated.

Flood control structure shall mean a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood fringe shall mean that portion of the floodplain that could be obstructed without increasing the water surface elevation of the base flood more than one (1) foot.

Flood hazard, area of special shall mean the land within the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM) shall mean an official map issued by the Federal Emergency Management Agency, as amended from time to time, where the boundaries of the base flood, five-hundred-year flood, water surface elevations of the base flood and Special Flood Hazard Areas and the risk premium zones have been delineated.

Flood Insurance Study (FIS) shall mean an official study by the Federal Emergency Management Agency, as amended from time to time, examining, evaluating and determining flood hazards, corresponding water surface elevations and flood profiles of the base flood.

Floodplain shall mean an area which is adjacent to a stream or watercourse and which is subject to flooding as a result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. This term includes but is not limited to, mainstream floodplains, debris fan floodplains and dry wash channels and floodplains.

Floodplain, debris fan shall mean a floodplain located on land forms that form by deposition of water-transported rock fragments, soil and vegetation debris at the confluence of tributary streams with a larger trunk stream valley.

Floodplain, dry wash shall mean an area adjacent to a dry wash channel which is periodically subject to sudden water and debris flooding.

Flood protection elevation, regulatory shall mean the elevation one (1) foot above the peak water surface elevation of the base flood.

Floodplain Administrator shall mean the community official designated by title to administer and enforce the floodplain management regulations.

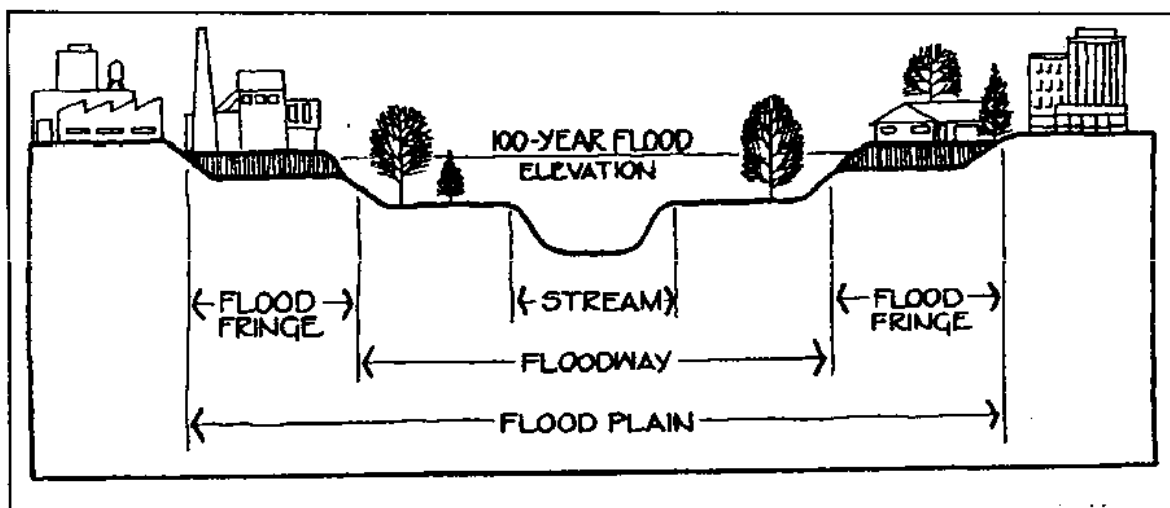
Floodplain development permit shall mean a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). Permits are required to ensure that proposed development projects meet the requirements of the NFIP and Chapter 18.34 of this Code.

Floodplain management shall mean the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing shall mean any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) shall mean the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six [6] inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.



Floodway, floodplain, flood fringe

Floor area, gross shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level, or from the center lines of walls separating two (2) buildings and excluding areas used exclusively for the service of the building such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, any floor space in accessory buildings, or areas within the building which are intended for the parking of motor vehicles.

Floor area ratio shall mean the ratio of floor area to lot area, commonly referred to as FAR .

Flow line shall mean the low point within a street section wherein water is intended to collect and flow, typically the gutters along each edge of pavement.

Food and beverage processing facility (major) shall mean a manufacturing establishment packaging, producing or processing foods for human consumption and certain related products and includes, but is not limited to the following: (1) bakery products, sugar and confectionary products (except facilities that produce goods only for on-site sales and not wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving and related processing; (5) grain mill products and by-products; (6) meat, poultry and fish canning, curing and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Food and beverage processing facility (minor) shall mean a manufacturing establishment primarily for packaging, producing or processing foods for human consumption that meets the definition of *food and beverage processing (major)* but which also dedicates a portion of the building footprint's square footage (a minimum of ten percent [10%], up to fifty percent [50%]) to sales of food, beverages and/or other retail for on-premises purchase and/or consumption; and which occupies a site of three (3) acres or less; and which cannot generate offensive odors, emissions, traffic or other off-site impacts or shall otherwise be considered a major food processing facility.

Frame shall mean a complete, static display screen on an electronic message display.

Frame effect shall mean a visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

Fraternalities and sororities shall mean student organizations established primarily to promote friendship and welfare among the members and which shall provide a place of residence for members.

Freeboard shall mean the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Freestanding sign shall mean a sign which is not attached to any building. A freestanding sign shall include, but is not limited to, a pole, monument, a canopy and freestanding wall sign. A sign that extends more than four (4) feet from a wall but is attached and/or is part of a canopy or an awning shall be considered a freestanding sign.

Freestanding wall or fence shall mean either a wall that is not attached to a building or a wall attached to a building that projects more than four (4) feet beyond the exterior wall of the habitable portion of the building.

Frontage lot/property shall mean that portion of a lot that is directly adjacent to a public street.

Funeral home or mortuary shall mean a building or part thereof used for human funeral services, which may contain space and facilities for services used in preparation of the dead for burial; the storage of caskets, urns and other related funeral supplies; and the storage of funeral vehicles. *Funeral homes* shall not include crematoriums as accessory uses.

Garage or yard sale shall mean the occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building and which shall occur no more than two (2) times during a calendar year, for no more than three (3) consecutive days each time, within any consecutive twelve-month period.

Gas shall mean all natural gases and all hydrocarbons not defined as oil.

General Improvement District #1 shall mean that nineteen-block district bounded by 11th Street to the south, 6th Street to the north, 7th Avenue to the east and 11th Avenue to the west, excluding City Block 35.

Geologic hazard shall mean a geologic condition which is adverse to current or foreseeable future construction or land use associated therewith, constituting a hazard to public health and safety

or property, including but not limited to, landslide, rock fall, subsidence, expansive soils, slope failure, mudflow or other unstable surface or subsurface conditions.

Ghost sign shall mean old hand-painted signage that has been preserved on a building for an extended period of time, whether by actively keeping it or choosing not to destroy it.

Glare shall mean a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

Grade shall mean the average elevation of the finished surface of the ground, paving or sidewalk with a radius of five (5) feet from the base of the structure.

Graphics shall mean drawings, decals, paint or illustrations.

Gravel shall mean inert materials such as loose fragments of rock larger than "pea" size and commonly used as parking surface material.

Gross floor area (see *Floor area*) .

Gross land area shall mean the total land area of a site or property, including land to be dedicated for streets and other public purposes.

Ground cover shall mean those materials used to provide cover of the soil in landscaped areas and shall include river rock, cobble, boulders, patterned concrete, grasses, flowers, low growing shrubs and vines and those materials derived from once-living things, such as wood mulch.

Ground kites are freestanding frames usually covered with flexible fabric and designed to be animated by the wind to attract attention.

Group home shall mean a residence operated as a single dwelling housing no more than eight (8) individuals, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, or social or behavioral problems, provided that authorized supervisory personnel are present on the premises. *Group homes* shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities serving as an alternative to incarceration. Group homes which are mandated by federal or state regulations shall be permitted as required by law.

Group home, over eight (8) residents shall mean an institutional facility for more than eight (8) individuals, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, social or behavioral problems, for alcoholism or drug treatment, or work release facilities.

Guest shall mean a person who is visiting at the principal or primary home of another person for up to thirty (30) days, and which home is not the principal or primary home of the guest.

Habitat shall mean areas that contain adequate food, water and cover to enable one (1) or more species of wildlife to live in or use the area for part of all of the year and which typically consists of natural or planted vegetation, along with one (1) or more sources of water available in the area or adjacent areas.

Habitat, aquatic shall mean areas which are typically adjacent to sub-irrigated areas or standing or flowing water and which can be identified by the presence of water at or near the ground surface, including streams, rivers, creeks, lakes, ponds, reservoirs, wetlands, marshes, springs, seep areas, bogs and riparian areas.

Habitat, terrestrial shall mean trees, shrubs, grasses, forbs and legumes which provide food and/or cover for one (1) or more species of wildlife.

Hazard shall mean any structure or use of land which endangers or obstructs the airspace required for aircraft in landing, take-off and maneuvering at the airport.

Hazard to air navigation shall mean an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Hazardous material shall mean any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance, or which may be detrimental to the natural environment and/or wildlife inhabiting the natural environment.

Health club shall mean those private establishments intended for the purpose of improving or maintaining a person's physical health and well-being, including but not limited to, private gymnasiums, private athletic, health or recreational gyms, reducing salons and weight control establishments.

Height (see *Building height*) .

Height, for the purposes of determining the height limits in all zones set forth in Chapter 18.34 and shown on the Greeley-Weld County Airport Zoning Map, shall be the mean sea level elevation unless otherwise specified.

Heliport shall mean an area licensed for the loading, landing and takeoff of helicopters, including auxiliary facilities such as parking, waiting rooms, fueling and maintenance equipment.

Helistop shall mean a heliport without auxiliary facilities.

High density area, as used in Chapter 18.56, shall mean an area determined at the time the well is permitted on a well-by-well basis, by calculating the number of occupied building units within the seventy-two-acre area defined by a one-thousand-foot radius from the wellhead or production facility and shall mean any tract of land which meets one (1) of the following:

- a. Thirty-six (36) or more actual or platted building units within a one-thousand-foot radius, or eighteen (18) or more building units are within any semi-circle of the one-thousand-foot radius, at an average density of one (1) building unit per two (2) acres. If platted building units are used to determine density, then fifty percent (50%) of said platted units shall have building units under construction or constructed;
- b. An educational facility, assembly building, hospital, nursing home, board and care facility or jail is located within one thousand (1,000) feet of a wellhead or production facility; or
- c. If a designated outside activity area is within one thousand (1,000) feet of a wellhead or production facility, the area may become high density upon application and determination by the OGCC.

High impact areas, as used in Chapter 18.48, shall mean those designated areas which contain significant natural features which would be severely and negatively compromised by development. Such areas are identified on the Areas of Ecological Significance Map.

High intensity use, for the purposes of Chapter 18.44, shall mean a use expected to have a significant effect on adjacent properties as determined on Chart 18-2, *Required Buffer Yard* .

Highest adjacent grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside development shall mean development in areas which contain existing, natural slopes in excess of fifteen percent (15%).

Historic district shall mean a geographically definable area with a concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations, that is recognized through listing in a local, state or national landmarks register.

Historic preservation shall mean the protection, rehabilitation and/or restoration of districts, buildings, structures and artifacts which are considered significant in history, architecture, archaeology or culture.

Historic property shall mean the resources of the City, both public and private, including buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites that

have importance in the history, architecture, archaeology or culture of the City, state or nation, as determined by the Historic Preservation Commission.

Historic sign shall mean a sign that has been officially designated as a historic landmark.

Historic structure shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

Holiday decorations shall mean temporary decorations, lighting or displays which are clearly incidental and customary and commonly associated with any national, state, local, religious or commonly celebrated holiday and which contain no commercial message.

Home occupation shall mean an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential environment and which meets the provisions of Chapter 18.36.

Home occupation, rural shall mean an accessory use to a farming operation or a nonfarm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the dwelling and/or from accessory buildings located within five hundred (500) feet of the dwelling occupied by those conducting the rural home occupation.

Homeowners' association shall mean an association of homeowners or property owners within a development, typically organized for the purpose of enforcement of private covenants and/or carrying out the maintenance of common areas, landscaping, parks, building exteriors and streets.

Horizontal surface shall mean a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan view coincides with the perimeter of the horizontal zone (four thousand eight hundred eight [4,808] feet above sea level).

Hospital shall mean a facility providing health services primarily for in-patients and medical or surgical care of the human sick and injured, including as an integral part, such related facilities as laboratories, out-patient services, rehabilitation and recovery services, training facilities, central service facilities and staff offices.

Hospital, nursing home, board and care facilities, as used in Chapter 18.56, shall mean buildings used for the licensed care of more than five (5) in-patients or residents.

Hotel or motel shall mean a facility offering furnished lodging accommodations on a daily or weekly rate to the general public, for which a lease or deposit is not required and which may provide additional services, such as restaurants, meeting rooms and recreational facilities. Rental of a hotel or motel room on a daily basis shall not occur more than twice during any twenty-four-hour period.

Household pet shall mean any nonvenomous species of reptile and any domestic dog, cat, rodent, primate or bird over the age of four (4) months, which is typically kept indoors. For purposes of this definition, guide or assistance animals shall not be considered household pets.

Human sign shall mean a person carrying or wearing a sign.

Hydric soils shall mean soils which are saturated, or nearly so, during all or part of the year.

Hydrophilic plant populations shall mean vegetation that requires standing or flowing water, or saturated or nearly saturated soils in order to grow.

Ideological sign shall mean a sign which is not used for the purpose of advertising, identifying or announcing any commercial product, goods, establishment, facilities or services and which conveys ideas, philosophy or religious or political views not related to a specific election.

Illumination shall mean the use of artificial or reflective means for the purpose of lighting a sign.

Imitating sign shall mean signs which purport to be, are an imitation of, or resemble an official traffic sign, signal or equipment which attempt to direct the movement of pedestrian or vehicular traffic using such words as "Stop," "Danger" or "Caution" to imply a need or requirement to stop, or a caution for the existence of danger, such as flashing red, yellow and green (see *Flashing or animated*).

Incidental sign shall mean nondescript signs, emblems or decals attached to a permanent structure informing the public only of those facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business.

Indirect lighting shall mean reflected light or lighting directed toward or across a surface.

Individual letters (see *Channel letters*).

Infill shall mean a lot, or grouping of lots or tracts of land, with at least sixty percent (60%) of their perimeter boundary adjacent to existing development. If a right-of-way at least one hundred twenty (120) feet in width or streets designated on the Comprehensive Transportation Plan as major collectors or arterial streets are adjacent to the subject lot, lots across such a street shall be excluded for the purposes of determining *infill* and at least sixty percent (60%) of the remaining boundaries of the site shall be adjacent to existing development for the lot to be determined to be *infill* .

Inflatable sign or *inflatable object* shall mean any object filled with air or other gas, including balloons, which characterize a commercial symbol or contain a message.

Inspector, City, as used in Chapter 18.56, shall mean any person designated by the City Manager or the City Manager's designee, who shall have the authority to inspect a well site to determine compliance with Chapter 18.56 and other applicable ordinances of the City.

Intensity shall mean an expression of the level or nature of development in nonresidential developments, or zones or specific land uses which are expected to have a certain level of intensity.

Intermediate care facility shall mean a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or nursing care facility provides.

Internal illumination shall mean a light source that is contained within the sign itself, or where light is visible through a translucent surface.

Irrigation system shall mean an automatically or manually controlled sprinkler system that supplies water to support vegetation.

Jail, as used in Chapter 18.56, shall mean those structures where the personal liberties of occupants are restrained, including but not limited to, mental hospitals, mental sanitariums, prisons and reformatories.

Joint identification sign shall mean a sign, structure or surface which serves as a common or collective identification for two (2) or more uses on the same premises (see *Multi-tenant sign*).

Junk or refuse shall mean garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish or junk.

Junkyard shall mean an industrial use for collecting, storing or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts.

Kenel shall be a land use designation independent of or in conjunction with another land use and shall mean any premises, operated for compensation, where four (4) or more dogs, cats or other household pets over three (3) months of age are kept for the purpose of boarding, raising, sale, breeding, training, showing, treatment, day care or grooming, whether in special structures or runs or not.

Kiosk shall mean a freestanding structure upon which temporary information and/or posters, notices and announcements are posted.

Land use shall mean the way land is occupied or utilized.

Landing shall mean a level part of a flight of stairs.

Landscape plan shall mean a plan showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way and other landscaped areas, which may include any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, fences and benches. The *landscape plan* may include a perimeter treatment plan as defined in these definitions and shall delineate species, size and location of all landscape elements.

Landscaped area shall mean an area for the planting of trees, shrubs, ground cover or a combination thereof and which is defined by an edge strip material or the adjacency of sod or lawn area.

Landscaping shall mean any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, fences and benches. Landscaping shall not be covered with parking or outdoor displays.

Large retail use shall mean a retail use or any combination of retail uses in a single building occupying more than forty thousand (40,000) square feet of gross floor area.

Larger than utility runway shall mean a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

Leading edge of shall mean the point of a sign, including its support structure, nearest to the public right-of-way.

Legal description shall mean a land description recognized by law, including the measurements and boundaries.

Legally nonconforming sign is a sign that was lawfully constructed prior to the most recent enactment of this Chapter and has been maintained as a sign, but which no longer complies with the provisions of Chapter 18.54 as amended.

Legible shall mean a sign capable of being read with certainty without visual aid by a pedestrian of normal visual acuity.

Letter of Map Revision (LOMR) shall mean FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) shall mean FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee shall mean a manufactured structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system shall mean a flood protection system which consists of a levee or levees, and associated structures such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Live plantings shall mean trees, shrubs and organic ground cover which are in healthy condition.

Livestock shall mean animals typically related to agricultural or farming uses, including but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas and emus.

Living unit shall mean any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

Loading space or zone shall mean an off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

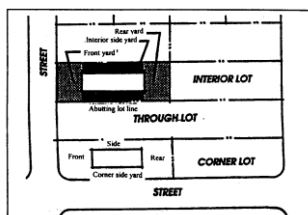
Local government designee, as used in Chapter 18.56, shall mean the office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local governmental designee pursuant to the rules of the OGCC.

Local street (see *Street*) .

Long-term care facility shall mean a health institution that is planned, organized, operated and maintained to provide facilities and services to inpatients who require care on a full-time basis, including continuum care facilities, hospices, congregate and nursing care facilities.

Loss shall mean a change in wildlife resources due to development activities, that is considered adverse and which would: a) reduce the biological value of habitat; b) reduce the numbers of species; c) reduce population numbers of species; d) increase population numbers of nuisance/generalist species; e) reduce the human use of wildlife resources; or f) disrupt ecosystem structure and function.

Lot shall mean a parcel of land, established by a subdivision plat, having a minimum width of at least twenty (20) feet, which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one (1) or more principal buildings, structures or uses.



Types of lots

Lot area shall mean the total square footage or acreage contained within lot lines.

Lot , corner shall mean a lot abutting on and at the intersection of two (2) or more streets.

Lot coverage (see *Coverage*).

Lot depth shall mean the average distance between the front and rear lot lines.

Lot, double frontage or through shall mean a lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot. The lot line abutting the street which provides primary access shall be considered the front lot line.

Lot, interior shall mean a lot other than a corner lot, with frontage on only one (1) street.

Lot line shall mean a line dividing one (1) lot from another lot, or from a street or alley.

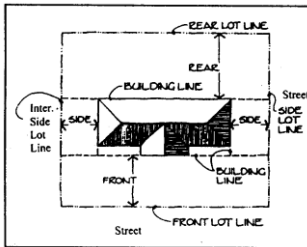
Lot line, front shall mean the property line dividing a lot from a street. On a corner lot, only one (1) street lot line, which generally has the shorter street frontage, shall be considered as a front line.

Lot line, interior side shall mean a side lot line which is adjacent to a side lot line of another lot.

Lot line, rear shall mean the line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front lot line.

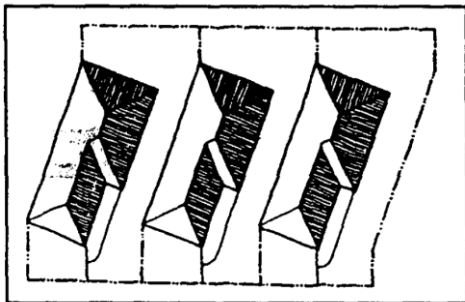
Lot line, side shall mean any lot lines other than the front or rear lot line.

Lot line, street side shall mean a side lot line which separates the lot from a street.



Lot and building lines

Lot line, zero shall mean the location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line, provided that separations or setbacks between buildings meet all applicable building and fire code provisions.



Zero lot line development

Low intensity use, for the purposes of Chapter 18.44, shall mean a use expected to have a limited effect on adjacent properties as determined on Chart 18-2, *Required Buffer Yard* .

Lowest floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, shall not be considered a building's lowest floor; provided that such enclosure shall not be built so as to render the structure in violation of the applicable design requirements of Chapter 18.34, Floodplain Overlay.

Low-water adaptive plants shall mean those plants which have or can adapt to low levels of irrigation water.

Maintenance, as used in Chapter 18.36, shall mean measures to protect and stabilize a property, including ongoing upkeep, protection and repair of historic materials and features. Maintenance shall include the limited and responsive upgrading of mechanical, electrical and plumbing systems and other code-required work to make a property safe and functional.

Maintenance of landscaping shall mean, but not be limited to, regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of irrigation systems.

Maintenance of a sign shall mean cleaning, repairing, painting or replacement of defective parts in a manner that does not alter the dimension, material or structure.

Major Alteration, for the purposes of Chapter 18.36, means a modification to a structure that has potential to significantly alter the character of the property and includes, but is not limited to, window replacement; building addition; porch enclosure; reconstruction of a portion of the primary building; addition of dormers or other alteration to the roofline; reconstruction of features on a building; material replacement with a different material (e.g. siding, etc.); alteration or replacement of a character-defining feature; demolition; relocation; and new construction. Major alterations include any modification that is not considered maintenance or a minor alteration.

Manufactured home (see *Dwelling or residence, single-family*) .

Manufacturing shall mean the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics or resin.

Mass shall mean the total volume in size and height of a building or structure.

Material Safety Data Sheet (MSDS) shall mean a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

Mean sea level shall mean, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Mechanical equipment shall mean any and all equipment ancillary to the use or function of a building and/or structure, including but not limited to, heating or cooling equipment, pool pumps and filters, electrical equipment, transformers, exhaust stacks and roof vents.

Medical or dental clinic or office shall mean the office of practitioners of the healing arts, where the practitioner employs more than one (1) person, the primary use is the delivery of health care services and no overnight accommodations are provided.

Medium intensity use, for the purposes of Chapter 18.44, shall mean a use expected to have a moderate effect on adjacent properties as determined on Chart 18-2 *Required Buffer Yard* .

Membership clubs and facilities shall mean golf courses, tennis courts, swimming pools, country clubs and recreational facilities for fraternal organizations, all of which are owned and operated with a limited membership or by private individuals who own the facilities and are the sole users of them.

Menu board shall mean a permanently mounted sign which lists the products or services available at a drive-in or drive-thru facility and not legible from the right-of-way.

Midpoint shall mean that point equidistant from the foundation at ground level, to the apex of the roof, excluding roof structures, stairways, parapet walls, towers, flagpoles, chimneys or similar structures.

Mid-Range Expected Service Area shall mean the growth area capable of accommodating the estimated increase in development in the City in the next five (5) years.

Mineral owner shall mean any person having title or right of ownership in subsurface oil and gas or leasehold interest therein.

Minor Alteration, for the purposes of Chapter 18.36, means a modification to a structure that does not significantly alter the character of the property and includes, but is not limited to, replacement of roof; installation and repair/replacement of gutters if exterior trim elements are not altered; reconstruction and/or repair of portions of secondary structures; addition or replacement of storm windows and doors to existing windows and doors; repair or replacement of architectural elements with the same material, design, size, color and texture; replacement of less than fifty percent (50%) of a porch railing; replacement of original material with the same material (e.g. replacing a portion of wood siding with wood siding of same size, profile, type); removal of non-original material, such as vinyl, aluminum, etc.; adding awnings; repointing masonry; and signs requiring a permit.

Minor subdivision shall mean a subdivision procedure that may be used for division of a parcel of land of two (2) acres or less into not more than five (5) lots which are intended for residential use; or of five (5) acres or less into not more than three (3) lots which are intended for commercial or industrial use; or for the creation of lots not less than eighty (80) acres in size, the plat of which does not propose new public streets or municipal financial participation in any public improvements required as a result of said proposed plat. A minor subdivision may also be used for the aggregation of not more than five (5) parcels into one (1) or more parcels, the dedication and/or vacation of easements, the division of a parcel of land into town house lots, adjustments to lot lines and to correct errors in surveys or plats.

Mitigation shall mean a mechanism for addressing undesirable impacts on fish, wildlife, plants, habitat and other natural resources. Mitigation may be accomplished in several ways, including reducing, minimizing, rectifying, compensating or avoiding impacts. Mitigation may include: a) avoiding the impact altogether by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or e) compensating for the impact by replacing or providing substitute resources or environments.

Mixed-use shall mean a building or structure that contains two (2) or more different uses, one (1) of which shall be residential.

Mobile home shall mean a detached, single-family housing unit that does not meet the definition of single-family dwelling or residence set forth in these definitions and which has all of the following characteristics:

- a. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and has plumbing and electrical connections provided for attachment to outside systems;
- b. Designed to be transported after fabrication on its own wheels, on a flatbed or other trailers or on detachable wheels;
- c. Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;

- d. Exceeding eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers; and
- e. Is without motive power.

Mobile home accessory building or structure shall mean a building or structure that is an addition to or supplements the facilities provided in a mobile home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, garages, storage structures, carports, fences, windbreaks or porches and patios that are open on at least three (3) sides.

Mobile home park or community shall mean a site or tract of land, at least eight (8) acres in size, held under one (1) ownership, which is suited for the placement of mobile homes.

Mobile home park or community, existing shall mean a mobile home park or community for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this Code.

Mobile home park or community, expansion to shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Mobile home site shall mean a plot of ground within a mobile home community designed for the accommodation of one (1) mobile home and its accessory structures.

Model home shall mean an unoccupied dwelling unit built on a site in a development for display and/or sales purposes and which may include an office solely for the development in which it is located, and which typifies the units that will be constructed in the development.

Moderate impact areas, as used in Chapter 18.48, shall mean those designated areas which contain significant natural features which would be moderately and negatively compromised by development. Such areas are identified on the Areas of Ecological Significant Map.

Monoculture shall mean the extensive use of the same species of plant materials.

Monument sign shall mean a freestanding sign supported primarily by an internal structural framework or other solid structure features where at least sixty percent (60%) of the base of the sign is in contact with the ground.

Moving/relocating means lifting a building, structure or object from the existing location and taking it to a new location.

Multi-tenant sign shall mean a sign which serves as a common or collective identification for two (2) or more uses on the same premises (see *Joint identification sign*).

Multiple use shall mean a site, tract of land or development that contains more than one (1) type of land use, including but not limited to, residential, office, retail or industrial uses.

Mural shall mean a graphic displayed on the exterior wall of a building, generally for the purposes of decoration or artistic expression, including but not limited to paintings, frescoes or mosaics, with the exception that any portion of the mural that references the business name, logo, words, text or brand-specific merchandise shall be considered a sign.

Nameplate sign shall mean a door entrance sign indicating the name and address of a building or the name of an occupant.

National Flood Insurance Program (NFIP) shall mean FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief

and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

Natural area shall mean aquatic or terrestrial habitats or areas which exist in their natural condition and which have not been significantly altered by human activity.

Natural area corridor shall mean an aquatic or terrestrial corridor that connects one (1) or more natural areas or habitats together.

Natural feature shall mean those features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

Neighborhood shall mean the land area which is in the vicinity of the lot, tract or parcel of land in question and which will be affected to a greater extent than other land areas in the City by uses which exist on the lot or are proposed for it. A *neighborhood* also includes lots which are adjacent to one another and have a community of shared interest.

Neon shall mean a sign illuminated by a light source consisting of a neon or gas tube that is bent to form letters, symbols or other shapes.

New construction shall mean structures for which the *start of construction* commenced on or after the effective date of the ordinance codified in this Chapter.

Newspaper and publishing plants shall mean industrial facilities used for printing newspapers and large quantities of other printed materials, such as books, posters, leaflets and reports and which may include facilities for the shipping and receiving of materials and products.

Nits shall mean a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one (1) candela per square meter.

Nomination, for the purposes of Chapter 18.36, means the process of filing an application for designation.

Nonconforming shall mean any building, structure or use that does not conform to the regulations of this Code, but which was lawfully constructed, established and/or occupied under the regulations in force at the time of construction or initial operation.

Noncommercial sign (see also *Residential complex, subdivision or residential identification sign*) .

Nonconforming sign (see *Legally nonconforming sign*).

Nonconforming mobile home communities shall mean mobile home communities lawfully established and properly licensed by the City under the 1976 Code, or which were developed and used prior to and as of September 5, 1972, as a place where mobile homes were located for residential occupancy and, as of that date, the area must have been in compliance with any and all applicable City or county ordinances and regulations related to mobile home use of land.

Noncontributing buildings, sites and structures are those properties which do not share the architectural, historical or geographical characteristics of the historic district except for their physical presence within the district. These properties do not contribute to the historic district's characteristics. New construction shall be considered a noncontributing building or structure.

No-rise certification shall mean a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer.

Nursing home (see *Long-term care facility*) .

Obstruction shall mean any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any drain way, channel or watercourse, which might impede, retard

or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water.

Obstruction, for the purposes of Chapter 18.34, shall mean any structure, growth or other object including a mobile object which exceeds a limiting height set forth in Section 18.34.330.

Office shall mean a building or portion thereof where services are performed involving predominantly administrative, professional or clerical operations.

Official map shall mean the map establishing the zoning classifications of all land in the City and showing all amendments to zoning classifications as they may be adopted.

Off-premises advertising device shall mean a sign or device that advertises a business establishment, good, facility, service or product which is not sold or conducted on the premises on which the sign or device is located and which may be designed to change copy on a periodic basis.

Off-street parking areas (see *Parking*) .

Oil shall mean crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

Oil and gas operations shall mean exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

On-premises sign shall mean a sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

Opacity shall mean the degree or extent that light is obscured.

Open space, common shall mean a common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners association, which open area may be landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required rights-of-way.

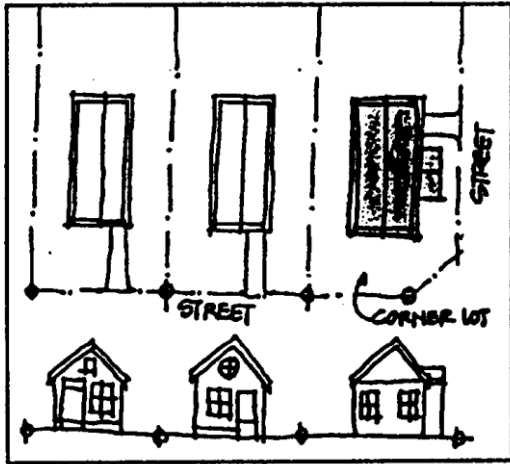
Open space, private or on-lot shall mean an outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the adjacent dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include lawn area, decks, balconies and/or patios.

Open space, usable shall mean that portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants for the building for use for recreational and other leisure activities normally carried on outdoors. The area shall be unobstructed to the sky and shall have a minimum dimension of fifty (50) feet and a minimum area of six thousand (6,000) square feet. Usable open space shall also include recreational facilities as determined in Chapter 18.38

Operating plan, as used in Chapter 18.56, shall mean a general plan which describes an oil and gas exploration and production facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services and infrastructure, any mitigation plans and any other information related to regular functioning of that facility.

Operator, as used in Chapter 18.56, shall mean the person designated by the owner or lessee of the mineral rights as the operator and so identified in Oil and Gas Conservation Commission applications.

Oriented shall mean to locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.



Buildings oriented to the street

Ornamental tree shall mean a deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree.

Outdoor display shall mean the display of products for sale outside a building or structure in areas to which customers have access, including vehicles, garden supplies, tires, motor oil, boats, aircraft, farm equipment, motor homes, burial monuments, building and landscape materials and lumber yards. Outdoor display areas in vehicular parking areas shall not impede access or reduce the number of required parking spaces.

Outdoor storage shall mean the keeping, outside a building, of any goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles. Storage of commercial recreational vehicles / equipment, boat and personal vehicles are excluded from this definition.

Outlot shall mean a tract of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, storm water detention or retention areas, parks, open space, future development or land areas reserved for other public facilities.

Overlay district shall mean a zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning.

Parapet wall shall mean an extension of the fascia wall above the roofline, which appears architecturally contiguous.

Parcel shall mean a unit or contiguous units of land in the possession of, or recorded as the property of one (1) person, partnership, joint venture, association or corporation, or other legal entity.

Park shall mean any dedicated and accepted public or private land available for recreational or scenic purposes.

Parking shall mean the parking or leaving of an operable, licensed vehicle, current in its registration, for a temporary period.

Parking areas or lots shall mean areas designed, used, required or intended to be used for the parking of motor vehicles, including driveways or access ways in and to such areas but excluding public streets and rights-of-way.

Parking lot or structure shall mean a parcel of land devoted to parking spaces as set forth by the parking standards of the City.

Parking, shared shall mean the development and use of parking areas on two (2) or more separate properties for joint use by the uses on those properties.

Parking slab shall mean a paved parking space located off-street and designed to accommodate two (2) standard-sized motor vehicles as provided in the Off-Street Parking and Loading Requirements Chapter of this Code.

Parking space shall mean a space or stall within a parking area established in conformance with this Code.

Parking space, storage shall mean a space for the storage of operable, licensed vehicles, current in registration, including recreational vehicles or equipment, for a period of thirty (30) days or longer.

Parkway shall mean the strip of land located between the sidewalk and the curb.

Party-in-interest shall mean the applicant, developer or subdivider of a development application or a citizen of Greeley who provided verbal or written comments at the hearing on the development application, who may appeal decisions as provided for in Chapter 18.24.

Path or pathway shall mean a designated route or path for nonmotorized use such as for walking or bicycling. *Paths* may include both sidewalks and trails.

Patio shall mean a hard-surfaced outdoor area adjoining a mobile home site not covered by a mobile home and not used for parking.

Pedestrian plaza shall mean that area of 8th Street Plaza between the west right-of-way line of 8th Avenue and the east right-of-way line of 9th Avenue and the mid-block access between the 9th Street Plaza and the 8th Street Plaza.

Pennants shall mean any long, narrow, usually triangular flag typically made of lightweight plastic, fabric or other material, and not containing a message, image or representative symbol, usually found in a series on a line and designed to move in the wind.

Perimeter treatment plan shall mean a plan designed for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. Said plan shall include materials, techniques and sizes of buffering treatments, such as landscaping, fencing, screen walls, berms or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into and shown on the landscape plan.

Permanent sign shall mean a sign attached to a building, structure or the ground in a manner that precludes ready removal or relocation of the sign.

Permitted sign shall mean a sign having a legal permit issued in accordance with the provisions of Chapter 18.54.

Permitted use shall mean a use allowed in a zoning district and subject to the restrictions which apply to that district.

Permitted use, design review shall mean a use allowed in a zoning district and subject to the restrictions and design review criteria which apply to that district and land use.

Person shall mean any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner or any representative, officer or employee thereof.

Personal service shops shall mean shops primarily engaged in providing services generally involving the care of the person, such as portrait and photographic studios, massage therapists, barber, beauty and nail salons, shoe and watch repair, travel agencies and similar services, but excluding adult business, service or entertainment establishments.

Physical Map Revision (PMR) shall mean FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Planned unit development (PUD) shall mean a development planned, designed and constructed with specific standards as an integral unit and which typically consists of a combination of uses on land within a PUD district and provides for an equivalent level of standards.

Planned unit development, final plan shall mean a site specific development plan which describes all details for a specific site and which shall require detailed engineering and design approval as provided in Chapter 18.32

Planned unit development, master plan shall mean a plan required for properties which are intended to be developed over time and which shall include general information on street pattern, school sites, parks or other public areas or facilities and land uses and utility systems within the area surrounding a proposed PUD.

Planned unit development, preliminary plan shall mean a plan that specifies the range of land uses and general layout of improvements, landscaping and buffering, circulation, setbacks, open space and height and massing of buildings and structures proposed for the site.

Planning Commission shall mean the Planning Commission of the City.

Plat shall mean a subdivision map or plan of property.

Plat, filing shall mean a subdivision map used in conjunction with a Planned Unit Development, to identify the legal boundaries of a lot or grouping of lots.

Plat, final shall mean a completed map of a subdivision setting forth fully and accurately all legal and engineering information, survey certification and any accompanying materials as required by Chapter 18.04.

Plat, preliminary shall mean a proposed subdivision map and any accompanying materials as required by Chapter 18.04, which provide sufficiently detailed information so that preliminary agreement as to the form and content of the plat, within the objectives of Chapter 18.04, may be reached between the subdivider and the City.

Pole sign shall mean a sign that is affixed, attached or mounted on a freestanding pole or structure that is not itself an integral part of or attached to a building or structure.

Portable sign shall mean a sign that is not permanently affixed to a building, structure or the ground and that is easily moved, such as a sandwich board sign.

Practicable shall mean capable of being done within existing constraints including environmental, economic, technological or other pertinent considerations.

Precision instrument runway shall mean a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS). It shall also mean a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Premises shall mean the land, site or lot at which, or from which, a principal land use and activity is conducted.

Preservation plan means the officially adopted document which provides information about local history and preservation programs and articulates City preservation goals and objectives and guides decisions and actions of the Historic Preservation Commission and Staff.

Primary entrance shall mean the entrance to a building or structure which is intended to be the principal entrance and which shall typically be located on the front of the building or structure.

Primary surface shall mean a surface longitudinally centered on a runway extending two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary

surface is the same as the elevation of the nearest point on the runway center line. The width of a primary surface is:

- a. Two hundred fifty (250) feet for runways having only visual approaches.
- b. One thousand (1,000) feet for precision instrument runways.

Principal building or structure (see *Building*) .

Private sale or event sign shall mean a sign that provides information relating to a sale or event being held by an individual or group of individuals on private property, which may include, but not be limited to, a garage or yard sale.

Production facilities, as used in Chapter 18.56, shall mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

Prohibited activities sign shall mean signs located on a property posting said property for warning or prohibition, such as "no hunting," "no swimming" or "no parking."

Projecting wall sign shall mean any sign attached to a building and that extends more than twenty (20) inches from the surface to which it is attached, but no more than four (4) feet from the wall of the building. Signs projecting more than four (4) feet from the building shall be considered freestanding signs.

Promotional association shall mean an association that is incorporated within Colorado that organizes and promotes entertainment activities within a common consumption area and is organized or authorized by two (2) or more people who own or lease property within an Entertainment District.

Public shall mean a person, structure, activity or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code.

Public affairs sign shall mean a sign erected and maintained by or on behalf of the government for civic purposes.

Public comment means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed Commission action.

Public hearing shall mean a hearing held to allow interested persons to present their views before the Zoning Board of Appeals, Planning Commission or City Council. A public hearing is different from an open meeting which does not allow participation by the public.

Public improvement shall mean any improvement required by Chapter 18.04 for which the City or a quasi-public agency agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the City or a quasi-public agency is already responsible. Such facilities include, but are not limited to, streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television and other utility facilities.

Public sign shall mean signs required or specifically authorized for a public purpose by any law, statute or ordinance, including public directional signs on the right-of-way; signs which identify the City by name; signs that direct travelers to public buildings, parks or attractions; interpretative signs; way finding signs, Municipal Uniform Traffic Control devices; and the like.

Public structure, activity or purpose shall mean a structure, activity or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all members of the public without regard to membership status.

Quasi-public shall mean a structure, activity or purpose owned or operated by a nonprofit organization which obtains more than fifty-one percent (51%) of its funds from public funds.

Real estate model home sign shall mean a sign identifying a model home within a subdivision and/or a temporary real estate sales office.

Real estate open house sign shall mean a sign identifying that a building or portion of a building is available for inspection by prospective buyers or renters.

Real estate sign shall mean a sign on the offered property which advertises the sale, rental, lease, transfer or exchange of the premises upon which said sign is located.

Recreational equipment shall mean equipment intended for outdoor recreational use, including but not limited to snowmobiles, jet skis, all-terrain vehicles (ATVs), canoes and boats, and including the trailers for transporting such equipment (see also *recreational equipment, major* and *recreational equipment, minor*).

Recreational equipment, major shall mean boats that exceed eighteen (18) feet in length, utility trailers that exceed the dimensions of five (5) feet by eight (8) feet and enclosed utility trailers that exceed the dimensions of five (5) feet by eight (8) feet and are more than three (3) feet in height.

Recreational equipment, minor shall mean boats that are eighteen (18) feet or less in length, utility trailers that are five (5) feet by eight (8) feet in size or less, canoes, snowmobiles, jet skis, all-terrain vehicles (ATVs) and similar small and low-profile outdoor recreational equipment.

Recreational facilities, indoor shall mean establishments primarily engaged in the operation of such indoor activities as exercise and athletic facilities, and amusement and recreational services, such as billiard and pool halls, skating rinks, exercise and health clubs and bowling alleys.

Recreational facilities, intensive shall mean those recreational facilities which are intensively used and create greater impacts, such as noise, lighting and traffic impacts. Such uses may include but are not limited to, miniature golf courses, golf driving ranges, amusement parks, stadiums, go-kart and bumper car tracks, video arcades, slides, skateboard parks, swimming pools and playing fields for soccer, baseball, softball and football.

Recreational facilities, outdoor extensive shall mean establishments primarily engaged in the operation of large scale, low impact outdoor recreational facilities, including but not limited to, hunting, fishing and riding clubs, golf courses and tennis courts.

Recreational vehicle shall mean a vehicle which is designed, intended and used for purposes of temporary living accommodation for recreation, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes, horse trailers and bus campers. For the purposes of this definition neither a pop-up trailer nor a truck topper accessory (also known as a camper shell) which is not higher than eight (8) inches above the truck cab when installed shall be considered a recreational vehicle. A horse trailer used primarily for transport of horses and/or livestock to or from the site it is stored upon shall not be considered a recreational vehicle under this definition.

Recreational vehicle/equipment, boat and personal vehicle storage shall mean an unenclosed area for the purpose of storing non-commercial recreational vehicles, recreation equipment (ATV's, jet skis, trailers) boats or personal vehicles (cars and trucks).

Recreational vehicle (RV) park shall mean any lot of land upon which two (2) or more recreational vehicle or tent sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

Recyclable material shall mean reusable material, including, but not limited to, metals, glass, plastic and paper, which are intended for reuse or reconstitution for the purpose of using the altered form. This term shall not include refuse or hazardous materials or the processing of recyclable materials.

Recycling and collection center shall mean a facility used for the collection and/or processing of reusable material, including but not limited to, metals, glass, plastic and paper.

Redevelopment District shall mean all land located within the boundaries of the urban renewal area of the City, as it may be amended from time to time by the City Council.

Refuse (see *Junk*) .

Refuse transfer station shall mean a facility for the purposes of separation, aggregation and/or compaction of solid waste prior to delivery to a landfill.

Register means a locally maintained list of properties designated as historic.

Rehabilitation center shall mean a facility which provides treatment and care of persons in need of therapeutic and rehabilitative counseling for alcoholism and/or drug addiction, mental condition or illness, or social or behavioral problems, and which treatment may be on a twenty-four-hour basis.

Rehabilitation center, outpatient shall mean a facility which provides treatment and care of persons in need of therapeutic and rehabilitative counseling for alcoholism and/or drug addiction, mental condition or illness, or social or behavioral problems, and which treatment shall occur on an outpatient basis with no overnight care or treatment permitted at the facility.

Rental equipment store shall mean an establishment with the primary purpose of renting equipment, tools and supplies to the public, including but not limited to, the rental of equipment and tools for construction, moving, floor and carpet care, lawn, garden, home and business; equipment for special events; and moving trucks and trailers.

Replica means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the Historic Preservation Commission.

Research or testing laboratory shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential complex, subdivision or residential identification sign shall mean an on-site sign that identifies a specific residential complex or subdivision.

Restaurant shall mean an establishment whose primary business is the preparation and serving of food to the public.

Restaurant, drive-in or drive-thru shall mean an establishment where food and/or beverages are sold to the customer for consumption within the interior of the building, within exterior dining areas or off the premises by order from vehicular passengers, where the product is delivered to the car and which includes a menu board, audio or video speakers and pick-up windows.

Restaurant, pick-up or take-out shall mean an establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, where ordering and pickup of food may take place from an automobile and which does not include a menu board and audio or video speakers.

Restaurant, standard shall mean any establishment whose principal business is the sale of foods and/or beverages to the customer and whose design or principal method of operation includes one (1) or all of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods or beverages by a restaurant employee at the same table or counter at which the items are consumed.
- b. A cafeteria-type operation where foods and beverages are consumed within the restaurant building.
- c. A walk-up window or counter for the ordering and/or pick-up of food to be consumed on- or off-premises.

Restoration, as used in Chapter 18.34, shall mean the reconstruction and repair of a building or structure, or portions of a building or structure, to the condition that existed prior to damage sustained to the building or structure. For the purposes of historic preservation, *restoration* shall mean the reconstruction and repair of a building's or structure's original architectural features.

Retail, large use shall mean a retail use, or any combination of retail uses in a single building, occupying more than forty thousand (40,000) square feet of gross floor area.

Retail sales shall mean the business of selling products directly to the ultimate consumer for any purpose other than for resale.

Right-of-way shall mean a right granted by a property owner and which is intended to be occupied by a street, sidewalk, railroad, utilities and other similar uses.

Riparian zone shall mean an area where the presence of surface and/or high subsurface water levels permits the existence of increased vegetative diversity and abundance as contrasted to surrounding areas.

Roof sign shall mean a sign that is mounted on the roof of a building or structure such as a portico which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, or above the peak of the roof of that portion of the roof on which the sign is placed.

Runway shall mean a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Satellite earth station antenna shall mean a reflective surface configured in the shape of a shallow dish, cone, horn or cornucopia which shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses, including but not limited to, satellite earth stations, television reception only satellite dish antennas and satellite microwave antennas.

Scale shall mean the proportional relationship of the size of a building or structure to its surroundings.

Scenic easement shall mean an easement intended to preserve a view or scenic area.

School shall mean any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

School, adult shall mean a public or private school primarily teaching useable skills to adults, including but not limited to, business, vocational, driving and trade courses.

School, compulsory shall mean any public or private elementary, junior high or high school licensed by the State of Colorado and which meets state requirements for providing compulsory education.

Screening shall mean a method of reducing the impact of visual and/or noise intrusions through the use of plant materials, berms, fences and/or walls, or any combination thereof intended to block that which is unsightly or offensive with a more harmonious element.

Searchlight, strobe light or beacon shall mean a stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention; excluding any device required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Seasonal use shall mean a use intended for a period of limited duration, including, but not limited to, the sale of seasonal goods and products such as pumpkins, Christmas trees, produce and living plants.

Secondary dwelling (see *Dwelling, secondary*) .

Secretary of the Interior's Standards means the Secretary of the Interior's Standards for the Treatment of Historic Properties, in Title 36 of the Code of Federal Regulations, Part 68, which governs alterations to historic properties listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials and define Preservation, Rehabilitation, Restoration and Reconstruction as treatments. This reference shall always refer to the current standards and definitions, as amended.

Setback shall mean the minimum distance a building, structure or use may be erected from a street, alley or property line. *Setbacks* are also called *required yards*.

Setback, front shall mean the area extending across the full width of the lot, between the front lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, interior side shall mean the area extending from the front yard to the rear yard, between the side lot line adjacent to another lot and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, oil and gas (see Chapter 18.56).

Setback, rear shall mean the area extending across the full width of the lot between the rear lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, side shall mean the area extending from the front yard to the rear yard, between the side lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, street side shall mean the area extending from the front yard to the rear yard, which separates the lot from an adjacent street.

Shade tree shall mean a deciduous tree planted primarily for its high crown of foliage or overhead canopy and which typically reaches a height of at least forty (40) feet.

Shrub shall mean a woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

Sidetracking shall mean entering the same wellhead from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

Sidewalk shall mean a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Sight distance (see *clear vision area or zone*).

Sign shall mean any device, surface, object, structure, building architecture or part thereof using graphics, symbols or written copy for the purpose of advertising, identifying or announcing or drawing attention to any establishment, product, goods, facilities, services or idea, whether of a commercial or noncommercial nature.

Sign allowance shall mean the amount of signage that is allowable under the provisions of this Chapter.

Sign alteration shall mean any change of copy (excluding changeable copy signs), sign face, color, size, shape, illumination, position, location, construction or supporting structure of any sign.

Sign area shall mean the entire face of a sign and any backing, frame, trim or molding and which may include the supportive structure.

Sign backing shall mean the surface, pattern or color of which any sign is displayed upon, against or through and that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign, exposed incandescent or high intensity discharge lighting shall mean any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon, in such a fashion as to project light directly on to adjoining property or right-of-way.

Sign face shall mean the area of a sign on which the copy is placed, or, for individual cutout letters, painted letters, channel letters or symbols, the perimeter of the individual elements shall be considered the area of the sign.

Sign frame shall mean a sign cabinet or that portion of the sign that holds the sign face in place.

Sign, for sale or for rent shall mean a sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

Sign, ground shall mean a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and the top of the sign.

Sign height shall mean the vertical distance measured from the grade, as defined herein, to the highest point of the sign or sign structure.

Sign, interior to a building shall mean signs inside buildings that are not legible from the public right-of-way.

Sign, interior to development shall mean any sign that is located so that it is not legible from any adjoining property or the public right-of-way and not oriented in such a way as to attract the attention of those traveling along the right-of-way.

Sign permit shall mean a permit issued by a Building Official and which is required for any sign specified under Section 18.54.060.

Sign, political shall mean a sign relating to public elections.

Sign, public phone shall mean a sign identifying the phone's location and limited to the word "phone" and/or an illustration of a phone.

Sign separation shall mean the distance or spacing between individual signs, whether they are on the same structure or on separate structures, as measured by a straight line.

Sign setback shall mean the minimum distance required from the apparent center line of the right-of-way, to any portion of a sign or sign structure.

Sign structure shall mean the supports, uprights, bracing or framework of any structure for the purposes of displaying a sign.

Sign, wall shall mean a sign attached parallel to and extending less than twenty (20) inches from the wall of a building. This definition includes painted, individual letter, cabinet signs and those signs located on the roof of a building which are not roof signs as defined herein.

Sign, window shall mean any type of sign that is painted or attached to or within twelve (12) inches of any exterior window.

Sign, within building shall mean any sign that is not visible from the public right-of-way or is more than twelve (12) inches from the interior side of a window.

Significant (biologically) shall mean wildlife or habitats that, because of their relative attributes, deserve greater consideration in resource management decisions. *Relative attributes* may include: a) species that have state and/or federal listing as endangered/ threatened or have standing as species of special concern; b) species with restricted distributions or highly specific habitat requirements; c) species that are representative of a particular habitat type; d) indicator species, whose physical presence denotes the presence of other species or environmental conditions not readily observed; or e) species with economic value or possessing traits that are of particular interest to humans.

Significant habitat shall mean an area which is necessary for maintaining viable local populations of organisms.

Silo shall mean a building or structure designed and intended for the bulk storage of grains.

Single-room occupancy facility (SRO) shall mean a facility which provides a single room intended for living purposes for one (1) or two (2) persons per room, offered on a weekly tenancy basis or longer, in which sanitary facilities are provided within the units and cooking facilities may be shared within the facility.

Site plan shall mean a plan showing the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Site specific development plan shall mean and be limited to final subdivision plats or minor subdivision plats as approved pursuant to Chapter 18.04; final PUD site plans as approved pursuant to Chapter 18.32; and use by special review and design review site plans as approved pursuant to Chapter 18.20. Conditions placed on site specific development plans shall be met within the time period such plans are considered vested.

Sky dancers shall mean freestanding tubes which often simulate the shape of a person into which air is forced to inflate and animate and which do not characterize a commercial message or contain a message.

Slope shall mean the ratio between elevation change to horizontal distance, expressed as a percentage.

Special Flood Hazard Area (SFHA) shall mean the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year; i.e., the 100-year floodplain.

Special review, use by shall mean a public review process used to determine if a proposed use, allowed only with special review approval, can be conducted without substantially interfering with the objectives of this Code and which shall be compatible with existing uses.

Species, endangered shall mean those species of wildlife and plants which have been identified and listed by the U. S. Fish and Wildlife Service as endangered.

Species, indicator shall mean those species of wildlife and plants which can be used to gauge or measure the quantity and/or quality of a particular type of habitat.

Species of special concern shall mean those species of wildlife and plants which the Colorado Division of Wildlife has identified and listed as State Species of Special Concern.

Species, sensitive shall mean those species of wildlife and plants which have specialized habitat needs or species that require habitat that is available only in limited quantity, or those species that are sensitive to noise or other types of disturbances which are usually caused by humans.

Species, threatened shall mean those species of wildlife and plants which have been identified and listed by the U. S. Fish and Wildlife Service as threatened.

Stable, commercial shall mean a structure or use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for compensation and which may include an arena.

Stable, private shall mean an accessory structure or use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for the use of the occupants of the premises.

Stacking space shall mean an area for motor vehicles to line up in while waiting to go through a drive-thru facility, a designated passenger drop-off/pick-up area or a parking lot or area.

Start of construction, as used in Chapter 18.34, shall include substantial improvement and shall mean the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. *Permanent construction* does not include land preparation such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Storm water management plan shall mean a plan for the management of storm water drainage and control prepared in conformance with the regulations for storm water management, adopted by the Colorado Department of Public Health and Environment; and further, including a plan for erosion and sediment control pursuant to the requirements of Chapter 9.18 of this Code, including its references.

Story shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling above it.

Street shall mean a way for vehicular, pedestrian or bicycle traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, arterial shall mean those streets that permit relatively unimpeded traffic movement throughout the City and connecting to outside communities.

Street, arterial major shall mean those arterial streets which generally carry traffic volumes greater than twenty thousand (20,000) vehicles per day when the property which the arterial street serves is fully developed and which permit rapid and relatively unimpeded traffic movement throughout the City, connecting major land use elements as well as connecting to outside communities.

Street, arterial minor shall mean those arterial streets which generally carry traffic volumes greater than ten thousand (10,000) vehicles per day when the property which the arterial street serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on routes where four (4) moving lanes and one (1) turn lane are required but where a major arterial cross-section is not warranted.

Street, collector shall mean those streets that collect and distribute traffic between arterial and local streets and serve as main connectors within the City, linking one (1) neighborhood with another and which carry traffic with an origin or destination within the community.

Street, collector major shall mean those collector streets which generally carry traffic volumes greater than seven thousand (7,000) vehicles per day when the property which the collector serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on those routes where four (4) moving lanes are required but where a larger classified street is not warranted.

Street, collector minor shall mean those collector streets which generally carry traffic volumes up to seven thousand (7,000) vehicles per day and collect and distribute traffic between arterial and local streets and which serve as main connectors within communities, linking one (1) neighborhood with another.

Street, local shall mean those streets that provide direct access to adjacent property and which carry traffic with an origin or destination within the immediate neighborhood.

Street, local low volume shall mean those local streets which carry traffic volumes of up to five hundred (500) vehicles per day and which provide direct access to adjacent property.

Street, Local Standard I Residential shall mean those local streets which carry traffic volumes of up to one thousand (1,000) vehicles per day and which provide direct access to adjacent property.

Street, Local Standard II Commercial/industrial shall mean those local streets which carry traffic volumes of up to five thousand (5,000) vehicles per day and which provide direct access to adjacent property.

Street, private shall mean a private roadway used to provide vehicular and emergency access.

Street tree shall mean a tree planted in close proximity to a street in order to provide canopy over the street to provide shade and soften the street environment.

Streetscape shall mean the scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

Streetscaping shall mean rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street side setback and/or the public right-of-way.

Stringer shall mean a strip of vegetation that extends into another type of vegetation, creating an edge effect and providing a movement corridor for a variety of wildlife species.

Structure shall mean anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, and including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

Structure, for the purposes of Chapter 18.34, shall mean an object, including a mobile object, constructed or installed by humans, including but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

Subdivider or developer shall mean any person, partnership, joint venture, association or corporation or other legal entity who or which shall participate as owner, promoter, designer, builder or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, or other division of land in compliance with the requirements of Chapter 18.04.

Substantial damage shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

Substantial improvement , as used in Chapter 18.34, shall mean any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a historic structure, provided that the structure's designation as a historic structure remains.

Symbol shall mean a graphic device which stands for a concept or object.

Temporary sign shall mean any sign, not intended for permanent installation such as, but not limited to, a banner, balloon, pennant, searchlight or beacon. Generally, these signs are intended to be used for a limited period of time or for a purpose announcing a special event or presenting other miscellaneous or incidental information or instructions.

Temporary structure shall mean a structure without any foundation or footings and which is intended to be removed at some point in the future.

Temporary use shall mean a use which shall generally be permitted to exist and be operated for no longer than ninety (90) days in twelve (12) consecutive months and which may occur as an accessory or principal use.

Theater shall mean a building, or a part thereof, devoted primarily to the showing of motion pictures or for entertainment or cultural events.

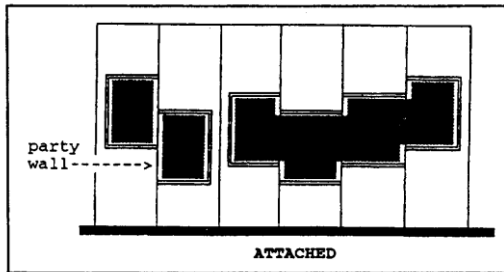
Theater, drive-in shall mean a site devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles and which may include facilities for the sale of food and/or beverages to patrons.

Threshold Planning Quantity (TPQ) shall mean a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Time or temperature sign shall mean a sign or portion thereof on which the only copy that is capable of being changed is an electronic or mechanical indication of time and/or temperature.

Towers, communication and utility shall mean a structure for transmitting or receiving radio, television, microwave and/or electromagnetic impulses or waves.

Town house dwelling shall mean a dwelling in a building which contains two (2) or more dwellings, each of which is individually owned along with the land area which constitutes the lot on which the town house dwelling is situated. To qualify as a town house dwelling, the structure must comply in all respects with applicable building codes and each dwelling unit must be separated by a fire wall, if required by applicable City codes.



Town house or attached single-family units

Tract shall mean a unit of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. A specific purpose may include, but is not limited to, drainage areas, storm water detention or retention areas, parks, open space or land areas reserved for other public facilities. The term *tract* shall be used interchangeably with *outlot*.

Transition shall mean a visual effect used on an electronic message display to change from one (1) message to another.

Transitional surface shall mean those surfaces which extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

Transportation facilities shall mean the offices and vehicular storage areas of those establishments engaged in providing transportation for the public.

Transportation facilities, high impact shall mean those establishments engaged in providing transportation for the public by means which create higher impacts such as noise and vibration and including, but not limited to, railroads, rapid transit and light rail.

Transportation facilities, low impact shall mean those establishments engaged in providing transportation for the public through such low impact means as taxis, buses and trolleys.

Travel trailer or recreational vehicle shall mean a portable structure, mounted on wheels and designed to be towed by a motor vehicle, or propelled by its own motive power, that may contain cooking or sleeping facilities and is intended to provide temporary living quarters for recreational camping or travel. A travel trailer also does not comply with either the National Manufactured Housing Construction and Safety Standards Act of 1974 or the Uniform Building Code standards. Travel trailers are not permitted in residential zones as living quarters except as guest quarters for no longer than seven (7) consecutive days.

Tree shall mean a large woody plant having one (1) or several self-supporting stems or trunks and numerous branches and which may be deciduous or evergreen.

Truck or freight terminal shall mean an area and/or building where trucks load and unload cargo and freight and where such cargo and freight may be separated or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation and/or for storage.

Twinning shall mean the drilling of a well adjacent to or near an existing well when the well cannot be drilled to the objective depth or produced due to an engineering problem, such as a collapsed casing or formation damage.

Unreasonable economic hardship, for the purposes of Chapter 18.36, means severe economic impact to the property as determined on a case-by-case basis by the Historic Preservation Commission.

Use shall mean the type of activity for which land or a building or structure is designated, arranged or intended and also means the activity which regularly takes place upon the land or in a building or structure on the land. Not all uses shall be considered legal or permitted uses.

Use by special review (see *Special review*) .

Use, illegal shall mean a use that is not permitted by the zoning district regulations.

Use, permitted (see *Permitted use*) .

Use, principal shall mean the primary use of a building, structure or lot.

Utility box or pedestal shall mean devices designed and intended to house equipment necessary for the delivery of utility services to commercial and/or industrial customers, including but not limited to, electric transformers, switch boxes, telephone pedestals and boxes, cable television boxes, traffic control boxes and similar devices.

Utility service facility shall mean any above-ground structure or facility, excluding buildings, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the Colorado Public Utilities Commission, and used in connection with the reproduction, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or electronic signals. This shall also include facilities which provide similar services.

Utility stand shall mean that part of a mobile home space which is used for the placement of the utility connections.

Vacant shall mean a site or area that is not put to any use other than gardening.

Vacation shall mean the legal abandonment of a right granted by a property owner, which was intended for a particular purpose, such as for streets or utility lines.

Variance shall mean a modification of the strict terms of this Code as provided in Chapter 18.22.

Vehicle signs shall mean signs which are attached to or located on licensed vehicles, trailers or semi-trailers and contain or display signage for the primary purpose of advertisement, excluding bumper stickers on the bumper and similar-sized adhesive decals.

Very high intensity use, for the purposes of Chapter 18.44, shall mean a use expected to have a very significant effect on adjacent properties as determined on Chart 18-2, Required Buffer Yard.

Vested property right shall mean the right to undertake and complete a development and use of property under the terms and conditions of an approved site specific development plan.

Veterinary clinic or hospital shall mean any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment and prevention of animal diseases and which may include overnight care.

Visual runway shall mean a runway intended solely for the operation of aircraft using visual approach procedures.

Wall sign shall mean a sign attached parallel to and extending less than twenty (20) inches from the wall of a building, fence or freestanding wall. Wall signs shall include painted, individual letter,

cabinet signs and those signs located below the peak of the roof of a building which are not specifically defined as roof signs.

Warehouse shall mean a commercial or industrial building used primarily for the storage of goods and materials.

Warehouse, self-storage shall mean a building or portion of a building used for the storage of goods and materials and which is available to the general public for rental for a fee. Self-storage warehouse space does not include the use of such space for manufacturing or other business purposes, other than for storage purposes of excess goods and materials, nor does it include the use of the storage space for practice or staging areas.

Water surface elevation shall mean the height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Weed shall mean any ground cover or shrub which is typically not installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic.

Well shall mean an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected.

Well site shall mean the areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well or injection well.

Wellhead shall mean the mouth of the well at which oil or gas is produced.

Wetlands shall mean lands that are transitional between aquatic and terrestrial habitat, where the water table is at or near the surface, or the land is covered by water during a portion of the year. Wetlands are characterized by: a) hydric soils, with undrained substrate; b) hydrophilic plant populations; c) standing water or deposits of leached compounds in surface soils; or d) high subsurface water table.

Wildlife shall mean wild, native vertebrates (including fish), mollusks and crustaceans and any species introduced or released by the Division of Wildlife, whether alive or dead, including any part, egg or offspring thereof.

Wind sign (see *Pennants* , *Ground kites* and *Sky dancers*) .

Window sign shall mean any signage or graphics applied directly to a window or surface or any sign hanging within twelve (12) inches of the interior surface of a window, or which is clearly evident through a window and oriented to attract the public onto the premises.

Wireless telecommunication facility shall mean a pole, tower or antenna for the purposes of transmitting and receiving communication signals and shall include, but not be limited to, monopoles and towers with attached appurtenances such as microwave dishes and antennae, rooftop, wall- and ground-mounted microwave dishes and antennae.

Work vehicle shall mean a vehicle outfitted with equipment such as, but not limited to, storage racks, hoists, cranes, vises, heavy equipment or other business and construction equipment, whether attached or removable, or which may have attached trailers carrying such work equipment. A horse trailer used primarily for transport of horses and/or livestock shall not be considered a work vehicle under this definition.

Yard shall mean that area of a lot between the property line and the foundation of a building, structure or use. *Required yard* shall mean that area also described as a required setback area where construction of buildings, structures and uses is limited in placement.

Yard, front or street side, for the purposes of Chapter 18.36, shall mean that portion of a lot between the primary structure and right-of-way. A yard may contain more land area than a setback area.

Zoning Board of Appeals (ZBA) shall mean an official body whose principal duties are to hear appeals and where appropriate, grant variances from the strict application of the zoning regulations.

Zoning district shall mean a classification assigned to a particular area of the City, within which zoning regulations are uniform.

(Ord. [1, 2017](#) §1(Exh. A), 1-17-2017; Ord. [30, 2015](#) §1(Exh. A), 8-18-2015; Ord. 2, 2013 §1; Ord. 7, 2012 §2; Ord. 3, 2012 §3; Ord. 44, 2011 §1; Ord. 34, 2010 §2; Ord. 25, 2010 §1; Ord. 22, 2010 §1; Ord. 01, 2007 §2; Ord. 6, 2006 §1; Ord. 4, 2006 §1; Ord. 6, 2004 §1; Ord. 46 §1, 1999; Ord. 27, 1998 §1)

Chapter 16.60

Historic Preservation

16.60.010 Statement of purpose.

The intention of this Chapter is to:

(1) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage; and also to establish a method to draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character by creating a quasi-judicial Commission to review and approve or deny any proposed demolition of, moving of or alteration to properties of historic value. In cases of historic districts or non-owner-nominated properties for historic designation, and changes to an existing district designation plan, decisions of the Commission are forwarded to the City Council for approval under Section 16.60.085 of this Chapter. All other actions by the Commission are considered final actions and may be appealed to the City Council under Section 16.60.170 of this Chapter. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council, as provided in Section 16.60.170.

(2) Foster civic pride in the beauty and accomplishments of the past.

(3) Stabilize or improve aesthetic and economic vitality and values of such sites, neighborhoods, structures, objects and districts.

(4) Protect and enhance the City's attraction to tourists and visitors, increase the quality of life for the citizens and enhance future economic development.

(5) Promote the use of outstanding historical or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City.

(6) Promote good urban design.

(7) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts.

(8) Integrate historic preservation with the City's comprehensive development plan. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.020 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings defined as follows:

Alteration means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Commission or the City's Historic Preservation Specialist is necessary under Chapter 16.60 and/or the district designation plan.

Burden of proof under this Chapter shall be a preponderance of the evidence.

Certificate of approval means a certificate issued by the Commission to indicate its approval of a building permit, moving permit, demolition permit, sign permit or any other alteration in which a review is necessary by either the Commission or the City's Historic Preservation Specialist to authorize the construction, alteration or demolition of property and improvements designated under this Chapter.

Commission means the Historic Preservation Commission as created in Section 16.60.030 of this Chapter.

Contributing buildings, sites and structures means historic properties within the proposed district which have been designated for inclusion on the City's historic register. Additional properties within the proposed district may be

designated or may remain as contributing nondesignated properties. Nondesignated properties contribute to the historic district by their shared and unique architectural, historical or geographic characteristics. Contributing properties, designated or not, are subject to all historic preservation design review guidelines applicable to individually designated properties as well as design review guidelines applicable to designated and contributing properties within the specific historic district.

Designated property means an historic property individually listed on the City's historic register through the procedural requirements in Sections 16.60.070 and 16.60.080 of this Chapter and which meets the criteria set forth in Section 16.60.060. Designated properties are subject to the restrictions in Section 16.60.100, and the economic incentives are available to designated properties as set forth in Section 16.60.090.

District designation plan is a plan generated by the historic district residents/owners. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction. The plan shall address all properties; contributing, noncontributing and properties individually listed on the City's historic register. If a provision of the district designation plan conflicts with this Chapter, then the district designation plan approved by the City Council under Subsection 16.60.085(b) of this Chapter shall prevail unless doing so would negatively affect the City's certification standing regarding historic preservation.

Emergency means an unexpected and sudden event that must be dealt with urgently that deals with a property in order to preserve the structure.

Front yard means the area of property from the front of the house (main entrance of property) to the edge of property leading away from the front of the house. This area would include sides of the house to the street, either from a fence line or the midline along the side of the house. In cases where a house is on a corner and there is not a fence, the yard from the side would also be included under *front yard*.

Historic district means a geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations. The significance of a district may be recognized through listing in a local, state or national landmarks register.

Historic property means the public and private resources in the City, including buildings, homes, replicas, structures, objects, properties, parks and sites that have importance in the history, architecture, archeology or culture of the City, State or Nation, as determined by the Commission.

House moving, new construction or demolition means any act or process which destroys, in part or in whole, any designated property.

Nomination means the process of filing an application for designation. For a property to be nominated, it is not necessary that all research and paperwork be completed. For a district or nonowner application for designation, all paperwork for application must be completed as per the rules promulgated by the Commission. Nonowner or historic districts must be approved by the City Council under Section 16.60.085 of this Chapter.

Noncontributing buildings, sites and structures are those properties which do not share the architectural, historic or geographical characteristics of the historic district except for their physical presence within the district. These properties are not individually eligible for designation and do not contribute to the historic district's characteristics. Inclusion of these properties within an historic district subjects these properties to those design review standards and guidelines applicable to noncontributing properties established during the creation of the historic district, unless specifically excluded under the district designation plan. All pertinent municipal zoning and building codes are applicable. New construction shall be considered a *noncontributing structure*.

Preservation plan means a survey of the historic properties in the City which the Commission has an interest, consistent with its stated purpose, in placing on the local register.

Public comment means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed Commission action.

Register means a locally maintained list of properties designated as historic.

Replica means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the Commission.

Secretary of the Interior Standards means a document which was originally published in 1977 and revised in 1990. The standards compose one (1) section in the Secretary of the Interior's Standards for Historic Preservation Projects and appear in Title 36 of the Code of Federal Regulations, Part 68, which governs alterations to buildings listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials. This reference shall always refer to the current standards, as amended.

Streetscaping means rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street.

Unreasonable economic hardship means severe economic impact to the property as determined on a case-by-case basis by the Commission. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.030 Commission created.

(a) Commission established. There is hereby created an Historic Preservation Commission, hereinafter in this Chapter referred to as "the Commission," which shall have principal responsibility for matters of historical preservation.

(b) Membership. The Commission shall consist of seven (7) members providing a balanced, community-wide representation, and all shall have an interest in historic preservation. The Commission shall have at least one (1) design professional, one (1) historian, one (1) licensed real estate broker and four (4) citizens at large.

(c) Appointment of Historic Preservation Specialist. There shall be an Historic Preservation Specialist appointed by the City Manager to serve as a link between the City staff and the Commission. The Historic Preservation Specialist shall not be a member of the Commission. (Ord. 34, 2006 §1; Ord. 70, 2002 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.050 Powers, duties and rulemaking authority.

The Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character. It shall have the following powers, duties and rulemaking authority, subject to approval by the City Council under Section 16.60.085 of this Chapter for historic districts and nonowner nominations:

(1) Recommend criteria for approval by the City Council by which the Commission shall conduct its review of historic properties and review proposals to alter, demolish or move designated properties. The Commission shall recommend or designate those properties or districts which meet the applicable criteria by placing them on the local register under the rules and procedures under this Chapter.

(2) Conduct surveys for the purpose of creating a preservation plan of historic properties and districts. Such inventory is for the purpose of informing citizens who own such properties that the Commission expects these properties may meet the criteria for designation.

(3) Review and make a decision on any application for altering, moving or demolishing any designated properties.

(4) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.

(5) Develop and assist in public education programs, including but not limited to walking tours, brochures, a marker program for historic properties, lectures and conferences.

(6) Advise the City Council on matters related to preserving the historic character of the City.

(7) Assist in pursuing financial assistance for preservation-related programs.

(8) Establish such rules, regulations and procedures relating to designation, nomination, preservation, relocation, demolition, exemptions, economic incentives, appeal of decisions or other processes relating to the powers and duties of the Commission.

(9) Remove properties from the register for reasons the Commission deems appropriate, including but not limited to acts of God, undue hardship and public health/safety concerns.

(10) Cause to be issued by the appropriate City department such municipal citations as are appropriate for enforcement of this Chapter.

(11) Establish and collect an application fee for applications made by citizens who are applying for historical designation or who are applying to alter, move or demolish an historically designated property or a property in a designated historic district. Additionally, the Commission shall have the authority to set formal policy regarding the implementation and waiver of the application fee. The Commission will also consider in setting the fee that the purpose of said fee is to partially recover costs the City will incur in providing applications. All fees and or costs promulgated by the Commission shall be reviewed by the City Manager or the City Manager's designee on an annual basis. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 39, 1996 §1; Ord. 33, 1995 §1(part))

16.60.060 Criteria for designation.

(a) A property shall be eligible for designation for historic preservation and eligible for economic incentives if it meets at least one (1) criterion in two (2) or more of the following categories:

(1) Historical significance. The site, building or property:

- a. Has character, interest and integrity and reflects the heritage and cultural development of the City, State or Nation;
- b. Is associated with an important historical event;
- c. Is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.

(2) Architectural significance. The property:

- a. Characterizes an architectural style associated with a particular era and/or ethnic group;
- b. Is identified with a particular architect, master builder or craftsman;
- c. Is architecturally unique or innovative;
- d. Has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance;
- e. Has visual symbolic meaning or appeal for the community.

(3) Geographic significance. The property:

- a. Has proximity to a square, park or unique area deserving of preservation;
- b. Is a visual feature identifying an area or neighborhood or consists of utilitarian and commercial structures historically and geographically associated with an area.

(b) A district shall be designated if the Historic Preservation Commission determines and recommends to the City Council, pending approval, that the proposed district meets the definition of an historic district pursuant to Section 16.60.020 above and meets two (2) or more of the following criteria:

(1) Is an area which exemplifies or reflects the particular cultural, political, economic or social history of the community;

(2) Is an area identified with historical personages or groups or which represents important events in national, state or local history;

(3) Is an area which embodies distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method of construction or of indigenous materials of craftsmanship;

(4) Is an area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community or City; or

(5) Is an area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.

(c) A property or district may only be nominated once a year, unless such nomination is uncontested. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.070 Procedure for nomination of historic properties and districts.

(a) Nomination procedures.

(1) Owner nominations. Any owner may nominate his or her property, area or structure for designation on the City's historic register.

(2) District nominations. Two (2) or more individuals may nominate a district within which they own property by attaching a petition with signatures of property owners within the district showing support of the nomination. Support of the nomination for an historic district requires:

a. A signed showing of support of no less than twenty (20) signatures or twenty percent (20%) of the number of properties or lots within the proposed area, whichever is less.

b. Each property or lot is only able to sign once. Properties held in any type of joint ownership do not get split votes.

c. The petition shall be considered final for purposes of accounting the twenty percent (20%) at the time of submission.

(3) Nonowner nominations. The Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any preservation organization, including nonprofit historic preservation groups, may nominate a property, district, area or structure for designation subject to all the rules and procedures of this entire Chapter. Nonowner individual nominations are to be reviewed under stricter protections and must meet the following criteria of overwhelming historic importance to the entire community:

a. Possessing such unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Greeley; or

b. Possessing superior or outstanding examples of architecture, social or geographic historic significance criteria outlined in the criteria for designation in Section 16.60.060 above. The term *superior* shall mean excellence of its kind and the term *outstanding* shall mean marked by eminence and distinction.

Persons or organizations wishing to initiate a nomination should contact the Historic Preservation Specialist for written policies and procedures for nomination.

(b) Nomination by survey. Designation may be on the basis of a survey subject to all the rules and procedures of this entire Chapter. The Commission is authorized by this Chapter to order a community survey. The list of sites contained in this survey shall be maintained, reviewed and updated annually by the Commission.

(c) A property or structure may be nominated as part of the Commission's preservation plan.

(d) Moratorium. For a potential historic property or district which had been nominated but not yet designated, legal protection for the nominated property shall be afforded for one hundred twenty (120) days until its status is determined.

Permits to alter or remodel the exterior of a property or to build, relocate or raze shall not be issued during that one-hundred-twenty-day period, except by written exemption by the Commission under the following criteria:

- (1) As necessary by law under federal, state or city ordinance;
- (2) When deemed to be an emergency;
- (3) Due to unreasonable economic hardship; or
- (4) Due to improper nomination.

Owners requesting such exemption may seek an immediate hearing before the Commission by filing a request for an immediate hearing with the Historic Preservation Specialist. If at such hearing the Commission votes by a two-thirds ($\frac{2}{3}$) majority vote that the property is eligible for exemption, the moratorium or nomination shall be dropped in the entirety or with specific exclusions for that specific property.

(e) District designation plan required. In addition to Subsections (a) through (d) above, owners of properties being nominated as part of a district must develop a district designation plan. Requirements under this plan will be drafted by the applicant and staff and approved by the Commission at the designation hearing pending approval by the City Council.

(f) Neighborhood meeting required. If the nomination is for designation of an historic district, then a neighborhood meeting shall be held and all owners of property within the proposed district boundaries will be notified by mail of the time, date and location.

(g) Historic district owner vote required. After the neighborhood meeting occurs but prior to the Commission's designation hearing, a vote by property owners of the nominated district shall be cast. The vote shall be done through the mail, and only one (1) ballot per property can be voted upon as sent by the City Clerk's office which must be returned by the date specified on the ballot. Such ballots shall be sent by certified mail, return receipt, but voters may return their vote card either in person or by mail. Greater than fifty percent (50%) of returned votes must be in favor of historical designation or the nomination fails. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.080 Procedure for designation of historic properties and districts.

(a) Notice and time requirements.

(1) All owners of a nominated property shall receive notice from the Commission by certified mail, return receipt, but the City shall receive notice by hand delivery for the nomination of City-owned property. Such notice shall reference the privileges, obligations and restrictions which apply to historic properties.

(2) The Commission shall call for a public hearing, after which the decision to designate shall be put to the Commission. The designation resolution must be passed by a two-thirds ($\frac{2}{3}$) majority vote of the Commission, and the notice of designation resolution must include a detailed description of the property and reasons for nomination. Within thirty (30) days of the Commission's recommendation for designation, the City Council shall hold a hearing whether to approve, modify or deny the designation for historic districts or nonowner individual nominations under Section 16.60.085 of this Chapter.

(3) All owners shall be given written notice at their last known address of the time, place and date of the hearing. Such notice shall be given no less than fifteen (15) days prior to the scheduled hearing. The notice shall also be published in a newspaper of local circulation once a week for two (2) weeks prior to the hearing.

A notice of hearing for designation of property shall be mailed or delivered with a certificate of mailing or a certificate of delivery filled out. Notice shall also be posted, at the property, in a manner clearly visible from a public right-of-way. In the case of nominations for an historic district, postings shall occur in the district in a manner clearly visible from public right-of-ways. The Commission shall create administrative rules regarding the procedure for the number and placing of posting notices, a copy of which shall be held by the Historic Preservation Specialist.

(b) The hearing.

(1) Quorum required. At least five (5) members must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 16.60.082 below shall be used.

(2) The hearing. The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

(c) Approval by the Commission. Approval shall be granted after the Commission has heard all interested parties and relevant evidence if the Commission votes in favor of historic designation by a two-thirds ($\frac{2}{3}$) majority of the quorum present for owner-nominated property. At least five (5) Commissioners must vote in favor of historic designation for approval of non-owner-nominated property or historic districts, subject to approval by the City Council under Section 16.60.085 of this Chapter. If the owner disagrees with the decision of the Commission, the owner may appeal the decision pursuant to Section 16.60.170 of this Chapter.

(d) Recording the designation after approval.

(1) Recording of the designation with the County Clerk and Recorder for:

a. Owner-nominated properties must take place within five (5) days after the thirty-day appeal delay pursuant to Section 16.60.170 if no appeal is filed, or within five (5) days after a final City Council decision.

b. Non-owner-nominated or historic districts must take place thirty-five (35) days after approval by the City Council pursuant to Section 16.60.085 of this Chapter.

Recording fees shall be paid by the nominating party.

(2) Within fifteen (15) days after recording of the historic designation, the Commission shall send a registered notice to the owner outlining reasons for designation.

(e) Signage of designated property. The Commission shall supply and pay for uniform signs for designated properties subject to availability of funds. Such signs shall conform to City ordinances governing other signs in the City. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.081 Procedure for modification of district designation plans.

District designation plans may be modified by property owners within the district. The procedure to modify a district designation plan shall follow the same rules and procedures as outlined in Sections 16.60.070 and 16.60.080 above, except no moratorium shall be placed upon the district. (Ord. 34, 2006 §1)

16.60.082 Use of alternates in designations.

(a) In cases where a conflict of interest arises to the attention of the Commission during the designation of an historic property or district, use of alternates is permissible to replace conflicted members. Alternates shall be selected from a pool of former Historic Preservation Commission members who would meet the minimum City board and commission standards necessary, except for term limits, at the time of the appointment and the vote. Best efforts will be made to replace any and all conflicted members, but if a quorum of five (5) is attainable, the designation hearing may proceed.

(b) A pool of alternates shall be appointed by the City Council. The total number of potential alternates shall be between two (2) and twelve (12) people. The selection of the alternates to fill the role of any conflicted Commission members shall be at random. The Historic Preservation Specialist shall draw names through some random process, e.g. draw names from a hat. The selection shall be done during a special session or meeting of the Commission where public notice has been given. The selection shall be done prior to the actual historic designation hearing to allow the alternates a chance to review any changes to the Municipal Code or procedures.

(c) The alternate may only act upon the matter for which a Commission member has a conflict.

(d) If a quorum is unattainable through the use of alternates in designations as provided for in this Section, then the historic designation hearing will be directly heard before the City Council by a special hearing for a designation vote,

using the same guidelines as mandated by the Commission under this Chapter, except that such City Council vote shall be carried by a simple majority of the quorum present. (Ord. 34, 2006 §1)

16.60.083 Illustrative flow chart.

A process flow chart for illustrative purposes only has been added as Appendix 16-A to this Title. (Ord. 34, 2006 §1)

16.60.085 Approval of Commission's decision by City Council.

(a) All recommendations for designation made by the Commission regarding historic designation of districts or non-owner-nominated properties or modification of district designation plans must be submitted to the City Council, through the City Clerk's office, for approval. Notification of the public meeting regarding approval of historic designation shall be given by posting signage around the historical district boundaries and publishing a notice in the newspaper.

(b) Upon presentation of a district designation plan to the City Council that has additional terms and conditions not stated or is in conflict with this Chapter, the City Council is hereby granted the authority, in its sole discretion, to approve the district designation plan with these terms and conditions, notwithstanding any of the limiting terms and conditions stated in this Chapter unless doing so would negatively affect the City's certification standing regarding historic preservation.

(c) The City Council shall take action within thirty (30) days of the Commission's decision. This decision is deemed a final action by the City. (Ord. 34, 2006 §1)

16.60.090 Economic incentives for historic restoration and/or rehabilitation.

(a) An owner of a property that has been designated as historic or an owner of a contributing property in an 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 pursuant to its rules and regulations:

(1) Matching funds for streetscaping on designated property.

(2) Refund of City building permit fees for interior and 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.

(3) The low-interest loan pool created by the City pursuant to Chapter 16.61 of this Title.

(4) Applicable state and federal income tax credits.

(b) The Commission shall attempt to identify and implement 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. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.100 Special duties, privileges and obligations.

(a) Owners of designated properties shall be eligible to apply for those economic incentives as contained within this Chapter and/or established and developed by the Commission pursuant to its rules and regulations.

(b) Owners intending to reconstruct, improve, demolish or in any way significantly alter or change a designated property, or a property in an historic district, must first submit their plan for review to the appropriate City departments as to compliance with all City codes and ordinances.

(c) After consultation with the City's development departments, the owner shall submit a plan for review by the Commission, and the Commission shall grant a certificate of approval to properties that the Commission feels can be altered without diminishing the historic character of the property or district.

(d) If a certificate of approval is granted by the Commission, the applicant must obtain all necessary permits required by the City ordinances.

(e) Maintenance shall be required by the owner of a designated property and owners of properties in an historic district. *Maintenance* means that owners:

(1) Shall not permit a structure to deteriorate so badly as to produce a detrimental effect on a designated property; and

(2) Shall reasonably maintain the surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.110 Criteria and standards for altering designated properties or contributing properties in a district.

The criteria and standards for alterations to a designated property or a property in an historic district are determined as follows:

(1) Criteria.

a. The effect of the alteration or construction upon the general historical or architectural character of the designated property.

b. The architectural style, arrangement, texture and materials of existing and proposed construction, and their relationship to the other buildings.

c. The effects of the proposed work in creating, changing or destroying the exterior architectural features and details of the structure upon which the work shall be done.

d. The compatibility of accessory structures and fences with the main structure on the site and with adjoining structures.

e. The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district.

f. Compliance with the Secretary of the Interior's current standards for rehabilitation of historic properties, as defined in Section 16.60.020 of this Chapter.

(2) Standards.

a. Attempts shall be made to use the property in a manner consistent with its original use or a compatible purpose, so long as such use does not violate any current City ordinances.

b. The historic character of the property shall be retained by avoiding the removal of, or alteration of, features and spaces important to the character.

c. Each property shall be recognized as a physical record of its time. The use of original materials shall be encouraged. Distinctive and unique features, finishes, materials and examples of craftsmanship should be retained and preserved. If deteriorated, they should be repaired. Repairs and replacement of such features should match the original in color, shape, texture and design. Replacements should be fully documented with pictorial or physical evidence and a copy of such evidence filed with the Commission.

d. Most properties change over time. Some of those changes acquire their own historical or architectural significance and should be retained. The Commission shall decide what changes are of historic importance and subject to this Chapter.

e. New additions and expansions shall, where possible, be differentiated from the existing building to protect its historic integrity. New additions and constructions shall also be undertaken in such a manner that their removal in the future would not destroy the form or integrity of the original property.

f. If property is a noncontributing property in an historic district, then alterations will be in accordance with the district designation plan as approved by the Commission and the approval by City Council.

g. Other requirements for alterations of a designated property or contributing property in a district as are required by the procedures and bylaws established by the Commission. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.120 Criteria for relocation of a designated property or contributing properties in a district.

In all cases it shall be the preference of the Commission to keep structures at their original sites. The Commission shall consider the following criteria in addition to those described for alterations:

(1) Original site.

a. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property.

b. The significance of the structure as it relates to its present setting.

c. When a governmental entity exercises power of eminent domain, the Commission should first consider relocating before demolishing.

d. Whether 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.

e. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and resiting.

f. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

(2) New location.

a. 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.

b. Whether the structure's architectural integrity and its consistency are with the character of the neighborhood.

c. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

d. Whether the proposed relocation is in compliance with all City ordinances. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.130 Criteria for demolition of a designated property or contributing properties in a district.

Permits for demolition shall be issued if the applicant can clearly demonstrate that the designated property meets the criteria for demolition as set forth under this Chapter by balancing the criteria of Paragraphs (1) through (4) below versus Paragraph (5) below. Not all of the criteria must be met for the Commission to recommend demolition. Appeals of the decision shall be made under Section 16.60.170 of this Chapter.

(1) The structure must be demolished because it presents an imminent hazard.

(2) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.

(3) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.

(4) The structure cannot be moved to another site because it is physically or economically impractical.

(5) The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:

- a. Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur.
- b. Significant impact on the historic importance of other structures located on the property and adjacent properties.
- c. Significant impact to the architectural integrity of other structures located on the property and adjacent properties.

(6) If partial demolition is approved by the Commission and is required for the renovation, restoration or rehabilitation of the structure, the owner should mitigate, to the greatest extent possible:

- a. Impacts on the historic importance of the structure or structures located on the property.
- b. Impacts on the architectural integrity of the structure or structures located on the property. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.140 Action of Commission upon recommendation to deny permit.

(a) If the proposed permit to alter, relocate or demolish is denied, the Commission, acting with all due diligence, shall explore with the applicant available means for substantially preserving the designated property which was affected by the determination. These investigations may include, by way of example and not of limitation:

- (1) Feasibility of modification of the plans.
- (2) Feasibility of any alternative use of the structures which would substantially preserve the original character.

(b) If the Commission is unsuccessful in developing either alternate plans or an appropriate public or private use for such structure, which are acceptable to the applicant, it shall notify the owner and the Building Inspection Division in writing. If the owner and the Commission cannot reach a compromise, then the appeal may be filed pursuant to Section 16.60.170 of this Chapter. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.150 Removal of property from historic register or exemption.

(a) In the event a property or district has been designated as historic under this Chapter, the City Council may remove such property if the City Council finds that the property owner has shown that historic designation creates undue hardship in accord with the criteria in this Section.

(b) Also, if the request to the Commission for a certificate of approval does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this Chapter are not significantly eroded, and provided that adequate documentation is submitted to the Commission either in writing or by testimony to establish qualification for one (1) of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained.

- (1) Economic hardship exemption. An economic hardship exemption may be granted if:
 - a. The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.
 - b. For non-income-producing properties: the owner's inability to resell the property in its current condition or if rehabilitated.
 - c. The economic hardship claimed is not self-imposed.

(2) Health/safety hardship. To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.

(3) Inability to use.

a. If no sale can be made or no feasible use found for the structure within two (2) years of denial of a permit, the owner may request a waiver of all or part of the process described above.

b. In determining the applicability of this Section, the Commission shall include the following factors in its deliberations:

1. Written documented evidence illustrating efforts by the owner to make repairs, find an appropriate use or sell the property.

2. Written evidence of the owner's efforts to secure assistance for conforming the application with this Chapter without demolition or defacement.

(c) For the purpose of establishing and maintaining sound, stable and desirable historical districts within the City, the removal of historical designation is to be discouraged. This policy is based on the opinion of the City Council that the City's historical districts are the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other considerations while supporting the City's historical significance and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.160 Fines and penalties for violation of Chapter provisions; failure to comply with district designation plan.

Failure to comply with requirements of a district designation plan shall be a violation punishable in accordance with this Section. Whenever any work is being done contrary to the provisions of this Chapter or any plan adopted by the Commission or approved by City Council, a code enforcement officer or other authorized City official may issue a stop work order by notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work, until authorized by the code enforcement officer, City official or Commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Code. The maximum penalty for violation of this Chapter shall be the same as for violation of any other City ordinances as found in this Code at Sections 1.32.010 and 1.32.020. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.170 Appeal of decisions.

Decisions of the Commission are reviewable by the City Council. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council. Appeals are filed by presenting to the City Clerk a written notice of appeal within thirty (30) days after the determination has been made and entered upon the records of the Commission. Determinations issued by the City Council shall constitute final agency action. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.180 Severability clause.

If any provision of this Chapter or any provision of any rule or regulation lawfully promulgated hereunder or any application of this Chapter or rule or regulation promulgated hereunder to any person or circumstance is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this Chapter or rules or regulations. The City Council hereby declares that in these regards the provisions of this Code and all rules and regulations promulgated hereunder are severable. In the event that any part of this Chapter negatively affects the City's certified status as a certified local government by the National Park Service, then the conflicting provision shall be severable. (Ord. 34, 2006 §1)

16.60.200 Permit review by Historic Preservation Specialist for undesignated properties outside of an historic district.

(a) When application for a permit is made with the City to significantly alter the streetscape view of the exterior of or move or demolish any structure or building that is forty (40) years or older, the application shall be forwarded and reviewed by the Historic Preservation Specialist or designee.

(1) *Significant alterations* shall be defined as follows:

- a. Siding – including new stucco applied over original or existing wood, existing siding metal or brick.
- b. Fenestration – window openings enlarged or reduced.
- c. Roof – changes of roofline or structure.
- d. Porches – changes to original porch visible from streetscape.
- e. Any building modification as viewed from any public street.

(2) The Historic Preservation Specialist or designee shall have ten (10) working days to review and comment on applications that meet the criteria set forth above. The ten (10) working days shall commence on the day the permit application is submitted to Building Inspection. Should ten (10) working days expire without written comment from the Historic Preservation Specialist or designee, then those parties shall not be allowed to comment on the permit.

a. The Historic Preservation Specialist or designee shall research the historic significance of the building for which a permit has been applied.

b. If the Historic Preservation Specialist or designee determines that a building currently holds no historic significance, then such a notice shall be placed with the permit that will be issued through the Building Inspection office.

c. If the Historic Preservation Specialist or designee determines that potential significance exists, the Historic Preservation Specialist or designee shall make the information available to the groups named in Paragraph 16.60.070(a)(3) of this Chapter.

d. The Historic Preservation Specialist or designee shall issue comments and/or suggestions to the Building Inspection office. These comments shall recognize the historical significance or lack thereof concerning the building for which a permit has been requested. The Historic Preservation Specialist may also make suggestions of ways to make the changes more compatible or acceptable with the age or type of structure.

(3) Nonsignificant alterations shall be excluded from review by the Historic Preservation Specialist or designee. *Nonsignificant alterations* shall be defined as follows:

- a. Siding – vinyl or metal over original.
- b. Fenestration – replacement of windows in original openings.
- c. Roof – new shingles or deck without changing original roofline.
- d. Porches – additions of back porches or decks.
- e. Additions – not visible from the street (less than fifty percent [50%] of original structure).
- f. Doors.
- g. Landscaping.
- h. Accessory structures.
- i. Signs.

(4) Whenever an application for development includes alterations or demolition described in this Section and is required to go through the Planning Department, the Planning Department will use its best efforts to inform the applicant of the ramifications that this Section will have on the application.

(b) If a building must be demolished because it poses a threat to the health, safety or welfare of the citizens of the City, this Section shall not apply. (Ord. 34, 2006 §1; Ord. 55, 2004 §§2,3)

Chapter 16.61

Historic Preservation Low Interest Loan Program

16.61.010 Statement of purpose.

(a) To promote and support the maintenance of historic properties by providing a pool of available funds which will be loaned at low rates of interest for the maintenance and improvement of properties designated as historic by the City;

(b) Foster civic pride in the accomplishments and heritage contained in Greeley's past as exhibited in Greeley's architecture, homes and public/private buildings;

(c) Enhance the physical attractiveness of Greeley;

(d) Promote the recycling and adaptive reuse of architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of Greeley;

(e) Promote the economic revitalization of Greeley. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.020 Creation of Committee.

(a) The Loan Committee shall consist of seven (7) voting members as appointed by the Historic Preservation Commission. The Loan Committee shall have one (1) member with experience in residential/commercial construction management, one (1) member engaged in regional or local history, one (1) licensed real estate broker, one (1) member of the Greeley Historic Preservation Commission and the following City employees: Director of Cultural Affairs, Historic Preservation Specialist and Assistant City Manager.

(b) The Loan Committee shall have the following ex officio members: a member of the City Attorney's office shall be the legal advisor; a representative of the City Finance Department; and one (1) member of the City Council.

(c) Appointment of the Loan Committee members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.

(d) Vacancies on the Loan Committee shall be filled by the Historic Preservation Commission.

(e) Members of the Loan Committee whose term of office expires may apply for reappointment.

(f) Members of the Loan Committee wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing with a copy sent to the Loan Committee Chairman and the Staff Liaison.

(g) One (1) City employee Loan Committee member shall be appointed by the City Manager as an administrator to be referred to hereafter as Staff Liaison. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.030 Rules of procedure.

The Committee shall conduct its proceedings in accordance with "Robert's Rules of Order" and set forth additional rules and procedures in the form of bylaws for the Commission. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.040 Powers and duties of Committee.

(a) The Committee shall have the power to:

(1) Establish loan criteria to be approved by Council resolution;

(2) Receive and review applications for credit;

(3) Approve or deny applications for loans;

(4) Conduct inspections;

(5) Supervise and administer an historic preservation loan program between/among the City and the owners of designated properties, including those designated on the State Register or the National Register of Historic Places.

(b) The Committee shall have the duty to:

(1) Conduct itself in a professional manner, holding all financial information and other sensitive information in strict confidence;

(2) Make all loan decisions with consideration for the future and stability of the loan pool. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.050 Procedure for application to Committee.

(a) Any owner of an eligible property may submit an application for consideration by the Historic Preservation Loan Committee. As part of the application process, the owner shall also submit a detailed description of the owner's plan for the historic preservation and protection of the subject property.

(b) The property owner shall submit itemized brands and materials list.

(c) Owner shall also submit financial statements for all persons applying for historic preservation loans as may be requested by the Loan Committee.

(d) The Loan Committee reserves the right to request such additional information as it determines necessary relative to ownership, financial considerations, plans, contractor information and/or other information the Loan Committee determines pertinent. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.060 Criteria for approval or denial.

(a) Applications for participation in the Historic Preservation Loan Program shall be in the names of all owners of title. Application in the names of less than all owners shall not be permitted.

(b) Ownership and title to the property, which will be the subject of the historic preservation loan, must be in "good" or marketable title with all taxes and loans current, liens paid, no foreclosure proceedings pending, all restrictions of record and encumbrances disclosed and approved by the Loan Committee, and be in compliance with all zoning codes.

(c) Owner will provide such documents and proof of title, including encumbrances, liens, restrictions of record, or other evidence of the title to the property as the Loan Committee may request; owner agrees to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the Loan Committee may deem necessary or appropriate. All such costs must be paid by the owner at the commencement of the loan application process.

(d) The Loan Committee shall apply such loan repayment criteria to each historic preservation loan application as the Loan Committee determines is appropriate.

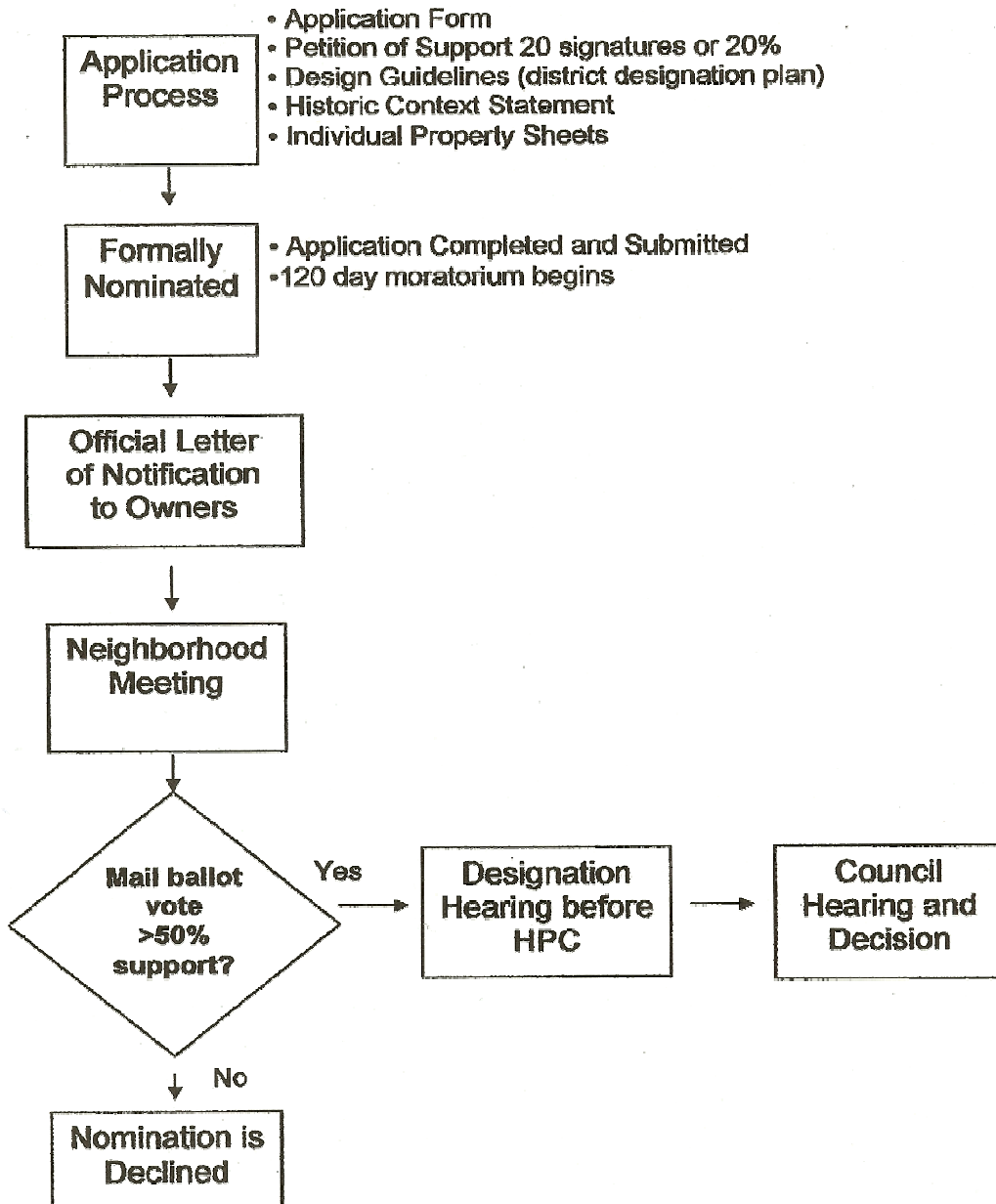
(e) The Loan Committee shall, after consultation with the applicants, determine an appropriate loan repayment schedule which may be on a monthly basis, but in no event shall it be on less than a quarterly basis. Forty-five (45) days after failure to make timely payment shall cause the entire principal balance, together with all accrued interest thereon, to become a lien upon the property, and shall have priority over all liens, except general taxes and prior special assessments and the same may be certified by the Director of Finance, together with all accrued interest thereon and a ten-percent collection charge, to the County Treasurer for collection as provided by law; provided, however, that at any time prior to sale of the property, the applicants may pay the amount of all delinquent installment payments, together with all accrued interest and the ten-percent collection charge thereon, and any other penalties and costs of collection. Upon such

payment, applicants shall thereupon be restored to nondelinquent status and may thereafter pay in installments in the same manner as if default had not been made. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.070 Request for reconsideration.

A person who applies for money pursuant to this Chapter and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the Committee are final. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

**Illustrative Flow Chart for
Historic Preservation Designation Process**



(Ord. 34, 2006 §1)

HISTORIC PRESERVATION COMMISSION SUMMARY

ITEM: Amendments to the Greeley Municipal Code, Title 18 Development Code

CASE NUMBER: CU2019-0003

PROJECT: An ordinance repealing Chapter 16.60 and Chapter 16.61 in their entirety; an ordinance adopting Chapter 18.36 and Chapter 18.37; and amending the Appendix 18-B, all being of the Greeley Municipal Code and all regarding Historic Preservation.

APPLICANT: City of Greeley, Community Development Department

HISTORIC PRESERVATION COMMISSION HEARING DATE: March 4, 2019

HISTORIC PRESERVATION COMMISSION FUNCTION:

Review the proposed changes to the Historic Preservation Chapter and Historic Preservation Loan Chapter of the Greeley Municipal Code, consider the staff report and public comment, and make recommendations to City Council regarding the proposed changes.

PROJECT OVERVIEW AND BACKGROUND:

Community Development Staff proposes changes to the Historic Preservation Chapter and the Historic Preservation Low Interest Loan Chapter of the Greeley Municipal Code to improve the effectiveness of the ordinance and make it more customer service-friendly by codifying processes, providing staff authority to review and make decisions on minor alterations, and to increase the ability of property owners to get their own properties designated on the Greeley Historic Register by changing the required number of areas of significance from two to one. Staff also proposes to change the violation of the ordinance from being a criminal misdemeanor to a civil infraction with enforcement through the administrative hearing officer. The proposed changes also include more definitions to provide clarity, reorganizing some sections and moving the chapters from the Building and Construction Title 16 of the Code to the Development Code Title 18. Since historic preservation is a land use function, and designation and districts are similar to other land use district types, including other types of districts, Staff recommends the move to make it more accessible to the public and bring it in line with other community development functions. Please see the Proposed Version as Chapters 18.36 and 18.37 of the Code (Attachment A), Current Historic Preservation Chapter 16.60 and Loan Chapter 16.61 of the Code (Attachment B), and Public Input comments and Greeley Historic Preservation Office responses (Attachment C).

KEY ISSUES/ STAFF ANALYSIS:

The following list includes the proposed changes and staff analysis for each proposed change.

Move from Greeley Municipal Code Title 16 Buildings and Construction to Title 18 Development Code and Reorganize the Chapter; Proposed to be Chapter 18.36 & 18.37

Staff comments: Staff recommends the change from Title 16, Chapter 16.60 to Title 18, Chapter 18.36 because historic preservation operates as a land use function, similar to other land use functions and districts in the Development code. For example, historic preservation guides the design and architectural details for exterior alterations of historic buildings, while the Development Code has architectural review standards for new buildings. Historic preservation also has districts that act as overlay or zoning districts, one of the primary functions of the Development Code. The Building Code regulates all aspects of building construction and building rehabilitation, and the historic preservation code relates more to use, function and design, like the Development Code regulates. Staff is recommending reorganizing the chapter to follow the organization of the Development Code and adding sections with more detail for designation processes and design review processes. Staff recommends moving the Historic Preservation loan chapter from Chapter 16.61 and placing it in Chapter 18.37 to retain the clear context with the Historic Preservation Chapter.

Addition of Section with Application of Design Guidelines, Section 18.36.020

Staff comments: Staff recommends adding this section to provide guidance on applicability of design guidelines for properties that are individually designated, contributing to a historic district, and non-contributing to a historic district, to give clarity about what guidelines apply to these property categories.

Revisions and Additions to Definitions Section (and addition to Development Code Appendix 18-B, Definitions), Section 18.36.030

Staff comments: Staff recommends revisions to several additions and additions of definitions. Terms proposed to be added include Area, Demolition by Neglect, Maintenance, Major Alteration, Minor Alteration, Structure, Yard – front or street side. Most definitions would also include “for the purposes of Chapter 18.36,” since they would be added to the Development Code Definitions Appendix. The definitions of Major and Minor Alteration would provide clarity about what would be reviewed by the Historic Preservation Commission – major alterations – and what Staff would review – minor alterations – under the proposed Code giving Staff authority to review minor alterations. See Section 18.36.030 for Definitions in proposed Code.

Staff authority to review and approve/deny minor alterations, Section 18.36.050(c)(1)

Staff comments: Staff recommends the addition of giving staff authority to review and approve or deny minor alteration applications, which would significantly expedite review and disposition of Certificate of Approval applications for minor alterations. A similar philosophy of having decisions at the lowest appropriate level led to changes to the Development Code years ago.

Currently all requests go through the Historic Preservation Commission (HPC) for review, which requires 1 – 3 weeks for staff to review projects and then provide them to the HPC for a public hearing. Staff review of minor alterations would allow the process to be completed in 1 to 5 business days (more likely 1 to 2 business days), which would be far more expeditious and efficient for both the customer and staff. In some cases, some applications could be reviewed and approved over-the-counter. Staff would use the same criteria, standards and guidelines as the Commission currently uses.

Add Additions and Accessory Structures to Significant Alterations for Staff Review of Undesignated Properties 40 years old or older outside a Designated Historic District, Section 18.36.050 (3)(b)

Staff comments: Staff recommends adding additions and accessory structures to the list of significant alterations for review of undesignated properties 40 years old or older outside a designated historic district to allow Staff the opportunity to review for significance. While most accessory structures are likely not significant, with Greeley’s agricultural industrial background and old housing stock, significant outbuildings associated with that past or with prominent community members, such as a large carriage house, could be potentially preserved by interested owners if they are made aware of their significance, which would likely only happen if Staff has the opportunity to review them. Several carriage houses in the Monroe Avenue Historic District are very significant and without the protection of designation individually or in a district, they could easily be lost. Additions can have a significant impact on a historic property, even if it is not visible from the street. This review merely provides Staff the opportunity to review the project and the property for significance and does not create any regulatory limits. In the case of additions, if the addition would have a significant impact on the integrity of the property and detract from the significance and the property was determined to have significance, the information could be shared with the groups eligible to nominate as non-owners. To be clear, Staff has provided information on properties determined to be significant and eligible for the Greeley Historic Register, but no property has been taken through the non-owner nomination process, which means the maximum delay has been 10 days. While the submittal of a building permit triggers the review, if applicants contact the Historic Preservation Staff prior to submittal of a building permit, it can expedite this review process.

Change Criteria for Designation Requirement of Two Areas of Significance to One Area of Significance for Individual Designated Properties, add Integrity Criteria and to Change the Criteria for a Historic District to One Criteria, Section 18.36.060 (A), (C) and (D)

Staff comments: Staff proposes to change the requirement from two areas of significance to one area of significance, and to also add integrity criteria, as they would allow more property owners to nominate properties that might not be significant in two areas but would be eligible in one area. The addition of integrity criteria would prevent properties from being designated if they do not have sufficient integrity to be able to convey that significance. While the determination of “sufficient integrity” is somewhat subjective, the “aspects of integrity” can be clearly determined to exist or not. The seven aspects of integrity, as established by the National Park Service,

include location, design, setting, materials, workmanship, feeling and association. For example, integrity of materials would exist if the house had original siding and historic windows, but would be absent if the original siding had been replaced with a different siding material, such as a wood house being replaced with stucco and window openings had been enlarged. Adding the integrity criteria adds a level of requirement. The change to one single area of significance required for individual nominations and for historic districts mirrors the requirements for the National Register of Historic Places, which only require one area of significance and do require sufficient integrity to convey significance. The proposed change brings the program closer to the national program operated by the National Park Service. It would not affect existing individual or district designations. (To be clear, it would still be designation on the Greeley Historic Register, not the National Register.) Finally, if a property is significant in one area, that means it is significant and worthy of preservation and the honor of designation on the Greeley Historic Register. It should not take two areas of significance for a property to be determined significant enough for designation. This proposal does not affect the existing higher threshold of significance for non-owner nominations, found in Section 18.36.060(B).

Adding detail to the Designation Procedures in Section 18.36.070 Designation

Staff comments: Staff is recommending adding specific information for the application process and separating each type of nomination (owner nomination, non-owner nomination, and historic district nomination) for clarity, so that the distinctions between each process are absolutely clear. Similar to the Development Code, the proposed includes specific information about requirements for a complete application. Staff recommends that each type of nomination be separately addressed to make it easier to understand the requirements and processes, and because the non-owner nominations and historic district nominations have the potential for different levels of community engagement. Staff feels repetition for the sake of clarity is important. Another important change proposed is to change the requirement that a designation notification letter outlining reasons for designation, sent within 15 days of the recording of a designation, be sent first-class mail rather than by registered mail, which is about 12 times the cost of first-class mail.

Revisions to Notice Requirements, 18.36.080

Staff comments: Staff proposes the notice requirements be changed based on the type of nomination. For owner-nominated properties, staff recommends the notification letter be sent first-class mail. Since the owners are aware of it, having nominated the property, certified return receipt is not needed. The proposed change also allows the City to receive notice by hand delivery for City-owned properties, which would save money. For non-owner nominated properties and historic districts, staff recommends retaining the requirement to send the nomination notification letter via certified mail with a return receipt. The notice section also adds the requirement for notification by posting at the property and by letter via first-class mail for Certificate of Approval public hearings, which are currently standard best practice but not required by Code.

Addition of Appeal of Staff Decisions to the Historic Preservation Commission, Section 18.36.090(A)

Staff comments: Staff recommends adding the process for appeal of Historic Preservation Staff Certificate of Approval decisions to the Commission, which would be appropriate given the proposed change to give staff authority to review minor alterations.

Incentives – making HPC Final Decision-Maker on only State Tax Credits, Section 18.36.100

Staff comments: The existing Historic Preservation Chapter makes the Commission the final decision-maker on all incentive applications, but the Building Permit Fee Refund program guidelines established that Historic Preservation Staff can make final decisions on minor alterations/refund projects. The Low Interest Loan program, currently in Chapter 16.61 and proposed for 18.37, establishes the Low Interest Loan Committee as the final decision-maker on loan applications, conflicting with the Historic Preservation Chapter that currently states the Commission would make the final decision on loans. To make it more customer-friendly and smoother, the proposed would make the Commission the final decision-maker only for State tax credits, removing that conflict with the loan chapter and allowing the permit refund program to operate more efficiently. This proposal would improve the level of customer service we can provide to the citizen.

Eliminate the Current Section 16.60.140 Action of Commission upon recommendation to deny permit

Staff comments: Eliminating this section would make the process following denial to be an appeal to City Council. Applicants would still always have the opportunity to re-apply and work with staff, but that would be an option rather than a requirement. It would clarify when the opportunity for appeal would end because the time-frame for appeal would start the day after the denial. As it is currently written, applicants are required to work with the Commission, although they might not want to. Also, the deadline for an appeal is unclear when an appeal has to be made. Staff is not proposing to revise this provision, but rather, Staff recommends eliminating this section.

Enforcement in Section 18.36.120 Fines and Penalties

Staff comments: The Code currently establishes historic preservation code violations as a criminal misdemeanor (Sections 1.32.010 and 1.32.020), which seems excessive for historic preservation violations. As proposed, the appropriate violation would be a civil infraction (pursuant to Chapter 1.33 and proceed as set forth in Chapter 2.09), which would still allow for fines up to \$1000 per violation, but would not create a criminal record for the violator. Also, violations directly related to building code issues, such as work done on a designated or district property without a permit, would be enforced through the Building Inspection office, while the

rest of the violations of the historic preservation chapter would be enforced through the Code Compliance office, and both would go through the administrative hearing process.

Process for review of alterations to designated properties and properties within a historic district, Section 18.36.140

Staff comments: The Code currently only establishes the requirement for applicants to obtain a Certificate of Approval when owners intend to reconstruct, improve, demolish or in any way significantly alter or change a designated property, or a property in a historic district, in Section 16.60.100, but does not include requirements for accomplishing that. The Code does establish criteria and standards for review of alterations, relocation and demolition in Sections 16.60.110, 16.60.120 and 16.60.130. Staff recommends deleting the term contributing in the section title for clarification purposes, as non-contributing properties would follow the same procedures and would be subject to the district designation plan. Staff recommends establishing the procedure and requirements for review of alterations, including procedures for major alterations, minor alterations, relocation, and demolition and establishing a requirement for maintenance and a prohibition of demolition by neglect. The proposed procedures are in Section 18.36.140, with the addition of a requirement that work shall be completed within 12 months of the date of Commission approval with the option of two six month extensions as approved by staff. Other codes require work to be completed within a time-frame, and this timeframe is similar to the building code requirements. Staff also proposes combining the existing criteria and standards or review of properties into Section 18.36.150 to reduce unneeded repetition.

In summary, the proposed revisions would make the ordinance more customer service friendly, provide clarity about processes and terminology, and would give staff authority to review minor alterations that would improve function and efficiency. The proposed changes would add to the City's ability to preserve the unique historic character and areas while protecting private property rights, in accordance with the Purpose and Intent in Section 18.36.010.

APPLICABLE CITY GOALS AND OBJECTIVES:

City Council Priority: Image

Goal: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work, and play.

Objective: Healthy Neighborhoods – Develop and sustain neighborhoods that reflect a safe, attractive, and appealing place to live.

Historic Preservation significantly enhances historic neighborhoods and has long been shown to sustain and improve neighborhood attraction and appeal.

City Council Priority: Infrastructure & Growth

Goal: Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community.

Objective: Environmental Infrastructure – Improve and maintain the City's natural resources for the benefit of the community.

While historic preservation focuses on the man-made environment, along with the natural environment, maintenance and improvement of the built environment where we live learn work and play strongly benefits the community, contributing to the ability of Greeley to maintain a safe, competitive, appealing and dynamic community. The historic built environment frequently contributes to the distinction and character of the community.

Imagine Greeley: The City of Greeley Comprehensive Plan, 2018

Goal HC-1: Preserve and promote local heritage

Objective HC-1.5 Historic Registers

Encourage the designation of historically significant buildings and districts to the local, state, and national registers of historic places.

Objective HC1.6 Preservation Tools

Support and implement a range of tools and approaches for protecting the City's historic resources in addition to designation on a historic register, such as design guidelines, character districts, neighborhood plans and federal and state tax credits, among others.

Goal GC-3: Promote new development, infrastructure investments, and public improvements that enhance the character of the community.

Objective GC-3.1 Community Character

Work with residents, businesses, and property owners to define and identify desirable characteristics of their neighborhoods or areas of the city to create neighborhood and special area plans. Reflect the community's character through the design of new developments, streetscapes, public art, landscaping, and related features.

Objective GC-3.2 Historic Preservation & Adaptive Reuse

Encourage the preservation, rehabilitation, or adaptive reuse of historic structures and other notable site features as a part of future development.

Goal GC-4: Prioritize infill and redevelopment

Objective GC-4.1 Priority Infill/Redevelopment Areas

Following the guidance of adopted neighborhood plans and studies, use incentives and infrastructure investments to support infill development and redevelopment in priority locations (as identified on the Land Use Guidance Map):

- Downtown Center and Downtown Neighborhoods
- Multi-modal corridors
- Within or adjacent to Higher Education Hubs
- Existing activity centers (such as the Greeley Mall); and
- Designated redevelopment and urban renewal areas.

Objective GC-4.2 Reinvestment/Adaptive Reuse

Encourage reinvestment in established areas of Greeley to maximize the use of existing public infrastructure. Support the use of creative strategies to revitalize vacant, blighted, or otherwise underutilized structures and buildings through adaptive reuse.

Objective GC-4.3 Infill Compatibility

Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

Objective GC4.4 Sub-Area and Redevelopment Plans

Implement, update, or develop sub-area plans or redevelopment plans for neighborhoods, corridors, or other parts of the city where revitalization and redevelopment is desired. Ensure such plans provide targeted guidance, based on community input, for where and how redevelopment and/or infill development should occur in those areas.

Goal GC-5: Facilitate the rebirth of Downtown Greeley as a regional multi-use activity area while preserving and promoting the cultural aspects of the area.

Objective GC-5.1 Historic Preservation

Encourage historic preservation Downtown through the use of financial, building, and other incentives for rehabilitation, restoration, and/or adaptive reuse of landmark structures and facilities.

Objective GC-5.2 Design Standards

Adhere to the adopted Downtown architectural and design standards to guide redevelopment efforts in the redevelopment efforts in the rehabilitation, replacement, and reuse of existing structures to assure compatibility with the existing character of Downtown.

Objective GC-5.3 Unique Opportunities

Promote mixed-use land use opportunities, such as residential lofts above stores, adaptive reuse of existing structures, and the expansion of education, art, and entertainment venues unique to Downtown.

Objective GC-5.4 Residential Development

Support the viability of Downtown neighborhoods by promoting housing rehabilitation, infill development, and neighborhood improvement projects. Aim to increase the overall residential density Downtown with a blend of home ownership and rental offerings.

Goal GC-6: Maintain and enhance the character and interconnectivity of Greeley's neighborhoods.

Objective GC-6.1 Complete Neighborhoods

Foster the development of "Complete Neighborhoods" that exhibit the following characteristics:

- Contain a variety of attributes that contribute to a resident's day-to-day living (residential, commercial, employment, mixed uses);
- Foster multi-modal connectivity (pedestrians, bicyclists, transit, drivers);
- Incorporate architectural features that are visually interesting and add to a cohesive identity, both internally and as a transition to other adjacent neighborhoods;
- Uses and design foster inclusivity through opportunities for social activities and interaction;
- Promotes community involvement and maintains a secure environment;
- Promote sustainable development practices;

- Have a memorable character or sense of place, conveyed through urban design as well as the features associated with neighborhood common areas and public spaces; and
- Integrates, where possible, small-scale retail or services.

Objective GC-6.3 Neighborhood Character

Maintain, enhance and protect the character of established neighborhoods while recognizing the need for established neighborhoods to evolve to meet community needs.

Objective GC-6.4 Historic and Character Districts

Support neighborhoods in the development of Character Overlay District designations as well as local historic districts to support the preservation of important physical features and land uses unique or characteristic of the neighborhood.

Objective GC-6.6 Neighborhood Retention

Retain defined neighborhoods. Discourage “scrape-offs” and demolition of structures older than 40 years without careful evaluation in order to retain desirable and positive neighborhood identity and conserve existing resources.

Objective GC-6.8 Neighborhood Plans

Work in collaboration with residents to develop neighborhood plans which complement the goals and objectives of this Comprehensive Plan where additional policy guidance or implementation strategies are needed. In addition, neighborhood plans should address issues related to:

- Location and access to health and human services;
- Desired land uses and intensity/density of development;
- Neighborhood character, transitions to adjacent neighborhoods and areas, and compatibility of new development;
- Parks, schools, public gathering spaces, and other neighborhood amenities;
- Transportation and mobility for a range of modes (i.e., pedestrians, bicyclists, automobiles, etc).

Neighborhood plans should include goals and objectives (or similar), as well as a list of implementation actions or strategies the City and/or neighborhood will complete in order to implement the neighborhood plan.

Staff comments: The Comprehensive Plan has a significant number of goals and objectives that relate directly or indirectly to historic preservation. The proposed ordinance changes support these comprehensive plan goals and objectives directly by encouraging designation and reducing the significance requirement to one area of significance, while adding the integrity criteria, thereby strengthening the designations. It makes the use of the incentives easier by removing the requirement for the Commission to make final decisions on all incentives. The Code changes support the Growth and City Form Goals and Objectives related to historic preservation, infill, design standards, and neighborhoods. Clarifying and codifying processes will allow continuity in application of the Code.

NOTICE:

Staff scheduled a public meeting for input for February 13, 2019 and sent a news release for the event and posted the draft and current ordinance on the website for public review. Eleven people attended the public meeting. Several attendees provided feedback, some of which has been integrated into the updated draft. The feedback from the meeting and feedback received by email included comments on the definitions of maintenance, demolition by neglect, vague terminology, staff review of properties 40 years old and older, non-owner nominations and historic districts, and comments on the organization of the chapter. Staff provided written responses to those comments and has not received further comments or concerns, as of February 27, 2019. The hearing agenda for public hearing of the ordinance changes was posted at City Hall and City Center North by Monday, February 25, 2019. Please see Attachment C, Public input comments and Greeley Historic Preservation Office responses.

STAFF RECOMMENDATION:

Approval.

RECOMMENDED MOTION:

Based on the project summary, attachments and staff analysis and public input, the Historic Preservation Commission finds that the proposed amendments to the Greeley Municipal Code, as presented support the intent of the Comprehensive Plan, clarify administration of the Historic Preservation Chapter, and align with City Council goals and objectives, and recommends approval to City Council, of an ordinance repealing Chapter 16.60 and Chapter 16.61 in their entirety; an ordinance adopting Chapter 18.36 and Chapter 18.37; and amending the Appendix 18-B.

ATTACHMENTS:

Attachment A – Proposed version – Chapter 18.36 and Chapter 18.37

Attachment B – Current version – Chapter 16.60 and Chapter 16.61

Attachment C – Public input comments and Greeley Historic Preservation Office responses

CHAPTER 18.36 – HISTORIC PRESERVATION

18.36.010 Purpose and Intent

The intent of this Chapter is to:

(A) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage; and also to establish a method to draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character by creating a quasi-judicial Commission to review and approve or deny any proposed demolition of, moving of or alteration to properties of historic value. In cases of historic districts or non-owner-nominated properties for historic designation, and changes to an existing district designation plan, decisions of the Commission are forwarded to the City Council for approval under Section 18.36.070(E) of this Chapter. All other actions by the Commission are considered final actions and may be appealed to the City Council under Section 18.36.090 of this Chapter. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council, as provided in Section 18.36.090.

(B) Foster civic pride in the beauty and accomplishments of the past.

(C) Stabilize or improve aesthetic and economic vitality and values of such sites, neighborhoods, structures, objects and districts.

(D) Protect and enhance the City's attraction to tourists and visitors, increase the quality of life for the citizens and enhance future economic development.

(E) Promote the use of outstanding historic or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City.

(F) Promote good urban design.

(G) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts.

(H) Integrate historic preservation with the City's comprehensive development plan.

18.36.020 Applicability of Code

This section applies to the following properties:

(A) Individually designated properties are subject to the most current version of the Historic Preservation General Design Review Guidelines.

(B) Individually designated properties contributing in a Greeley Historic Register historic district are subject first to the District Designation Plan then to the Historic Preservation General Design Review Guidelines.

(C) Non-designated properties contributing in a Greeley Historic Register historic district are subject to the District Designation Plan.

(D) Non-contributing properties located in a historic district are subject to portions of the District Designation Plan applicable to non-contributing properties, unless specifically excluded under the plan.

(E) All pertinent municipal zoning and building codes are applicable for all properties.

18.36.030 Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings defined as follows:

Alteration means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Historic Preservation Commission or the City's Historic Preservation Specialist is necessary under Chapter 18.36 and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of Chapter 18.36.

Area, for the purposes of Chapter 18.36, means the geographical region or the extent of land identified with one or more areas of significance as set forth in Criteria for designation, Section 18.36.060, and may be nominated for historic designation on the local register.

Burden of proof under Chapter 18.36 shall be a preponderance of the evidence.

Certificate of Approval means a certificate issued by the City authorizing the construction, alteration or demolition of property and improvements designated under Chapter 18.36.

Commission means the Historic Preservation Commission as created in Section 18.36.040 of this Chapter.

Contributing buildings, sites, structures, and objects, for the purposes of Chapter 18.36, means historic properties within the proposed or designated district and includes individually designated properties and non-designated properties that contribute to the historic district by their shared and unique architectural, historic or geographical characteristics.

Days mean calendar days, unless otherwise noted.

Demolition, for the purposes of Chapter 18.36, means any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

Demolition by neglect means neglect in maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

- (a) The deterioration of exterior walls or other vertical supports or a portion thereof;
- (b) The deterioration of roofs or other horizontal members;
- (c) The deterioration of exterior chimneys;
- (d) The deterioration of exterior plaster or mortar;

- (e) The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; or
- (f) The serious deterioration of any documented exterior architectural feature or significant landscape feature which in the judgment of the commission produces a detrimental effect upon the character of the district.

Designated property means a historic property individually listed on the City's historic register through the procedural requirements in section 18.36.070 and which meets the criteria set forth in section 18.36.060.

District designation plan, for the purposes of Chapter 18.36, is a plan generated by the historic district residents/owners for Commission use in reviewing Certificate of Approval applications. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction.

Emergency, for the purposes of Chapter 18.36, means an unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

Historic district means a geographically definable area with a concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations, that is recognized through listing in a local, state or national landmarks register.

Historic property means the public and private resources in the City, including buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites that have importance in the history, architecture, archeology or culture of the City, State or Nation, as determined by the Historic Preservation Commission.

Maintenance, as used in Chapter 18.36, shall mean measures to protect and stabilize a property, including ongoing upkeep, protection and repair of historic materials and features. Maintenance shall include the limited and responsive upgrading of mechanical, electrical and plumbing systems and other code-required work to make a property safe and functional.

Major Alteration, for the purposes of Chapter 18.36, means a modification to a structure that has potential to significantly alter the character of the property and includes, but is not limited to, window replacement; building addition; porch enclosure; reconstruction of a portion of the primary building; addition of dormers or other alteration to the roofline; reconstruction of features on a building; material replacement with a different material (e.g. siding, etc.); alteration or replacement of a character-defining feature; demolition; relocation; and new construction. Major alterations include any modification that is not considered maintenance or a minor alteration.

Minor Alteration, for the purposes of Chapter 18.36, means a modification to a structure that does not significantly alter the character of the property and includes, but is not limited to, replacement of roof; installation and repair/replacement of gutters if exterior trim elements are not altered; reconstruction and/or repair of portions of secondary structures; addition or replacement of storm windows and doors to existing windows and doors; repair or

replacement of architectural elements with the same material, design, size, color and texture; replacement of less than fifty percent (50%) of a porch railing; replacement of original material with the same material (e.g. replacing a portion of wood siding with wood siding of same size, profile, type); removal of non-original material, such as vinyl, aluminum, etc.; adding awnings; repointing masonry; and signs requiring a permit.

Moving/relocating means lifting a building, structure or object from the existing location and taking it to a new location.

Nomination, for the purposes of Chapter 18.36, means the process of filing an application for designation.

Noncontributing buildings, sites and structures are those properties which do not share the architectural, historical or geographical characteristics of the historic district except for their physical presence within the district. These properties do not contribute to the historic district's characteristics. New construction shall be considered a noncontributing building or structure.

Preservation plan means the officially adopted document which provides information about local history and preservation programs and articulates City preservation goals and objectives and guides decisions and actions of the Historic Preservation Commission and Staff.

Public comment means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed Commission action.

Register means a locally maintained list of properties designated as historic.

Replica means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the Historic Preservation Commission.

Secretary of the Interior's Standards means the Secretary of the Interior's Standards for the Treatment of Historic Properties, in Title 36 of the Code of Federal Regulations, Part 68, which governs alterations to historic properties listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials and define Preservation, Rehabilitation, Restoration and Reconstruction as treatments. This reference shall always refer to the current standards and definitions, as amended.

Streetscaping, for the purposes of Chapter 18.36, means rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street side setback and/or the public right-of-way.

Structure shall mean anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, and including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

Unreasonable economic hardship means severe economic impact to the property as determined on a case-by-case basis by the Historic Preservation Commission.

Yard, front or street side, for the purposes of Chapter 18.36, shall mean that portion of a lot between the primary structure and right-of-way. A yard may contain more land area than a setback area.

18.36.040 Commission (Establishment; Powers and Duties)

(A) Commission established. There is hereby created an Historic Preservation Commission, hereinafter in this Chapter referred to as "the Commission," which shall have principal responsibility for matters of historic preservation.

(B) Membership. The Commission shall consist of seven (7) members providing a balanced, community-wide representation, and all shall have an interest in historic preservation. The Commission shall be composed with the following areas of representation: one (1) architect, landscape architect, design professional and/or licensed contractor/building tradesperson, one (1) historian, archaeologist, and/or architectural historian. one (1) licensed real estate broker, and four (4) citizens at large.

(C) Use of Alternates in Designations

(1) When a conflict of interest occurs with one (1) or more Commissioners associated with the proposed designation of an historic property or district, the use of an alternate is optional to replace the conflicted member(s) to secure a quorum. Alternates shall be selected from a pool of former Commission members who meet the minimum City board and commission standards, except for term limits, at the time of the temporary appointment and vote on the proposed designation. Best efforts will be made to replace conflicted members, but if a quorum of five (5) is attainable, the designation hearing may proceed.

(2) A pool of alternates shall be appointed by the City Council. The total number of potential alternates shall be between two (2) and twelve (12) people. The selection of the alternates to fill the role of any conflicted Commission members shall be at random and in advance of the historic designation hearing. The Historic Preservation Specialist shall draw names through some random process, e.g. draw names from a hat. The selection shall be done during a special session or meeting of the Commission where public notice has been given.

(3) The alternate may only act upon the matter for which a Commission member has a conflict.

(4) If a quorum is unattainable through the use of alternates in designations as provided for in this Section, then the historic designation hearing will be directly heard before the City Council by a special hearing for a designation vote, using the same guidelines as mandated by the Commission under this Chapter, except that such City Council vote shall be carried by a simple majority of the quorum present.

(D) Powers and Duties

The Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's

unique historic character. It shall have the following powers, duties and rulemaking authority, subject to approval by the City Council under this Chapter:

(1) Recommend criteria for approval by the City Council by which the Commission shall conduct its review of historic properties and review proposals to alter, demolish or move designated properties. The Commission shall recommend or designate those properties or districts which meet the applicable criteria by placing them on the local register under the rules and procedures under this Chapter.

(2) Oversee surveys that are undertaken for the purpose of creating an inventory of potential historic properties and areas. Such inventory is to document existing structures in older areas of the community and assess the potential for historic designation and for the purpose of informing landowners of such properties that such properties may meet the criteria for designation.

(3) Review and make a decision on any application for altering, moving or demolishing any designated properties.

(4) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.

(5) Develop and assist in public education programs, such as walking tours, brochures, a marker program for historic properties, lectures, and conferences.

(6) Advise the City Council on matters related to preserving the historic character of the City.

(7) Assist in pursuing financial assistance for preservation-related programs.

(8) Establish such rules, regulations and procedures relating to designation, nomination, preservation, relocation, demolition, exemptions, economic incentives, appeal of decisions or other processes relating to the powers and duties of the Commission.

(9) Recommend to City Council removal of properties from the register for reasons the Commission deems appropriate, including but not limited to acts of God, undue hardship and public health/safety concerns.

(10) Cause to be issued by the appropriate City department such municipal citations as are appropriate for enforcement of this Chapter.

18.36.050 Historic Preservation Specialist

(A) Appointment of Historic Preservation Specialist. There shall be an Historic Preservation Specialist appointed by the City Manager or his designee ("Specialist") to serve as a resource to the Commission. The Specialist shall not be a member of the Commission.

(B) The role of the Specialist as the Staff Liaison shall include responsibilities related to administration of this code and advancing historic preservation goals adopted by the City. These shall include items designated below and as found elsewhere in this chapter.

(C) Duties and Responsibilities

(1) Minor Alterations. The Specialist is authorized to review applications for minor alteration, issue Certificates of Approval for properties designated on the Greeley Historic Register and for those properties included in Greeley Historic Register-designated historic districts, and to issue Certificates of Approval that meet pertinent design guidelines and the Secretary of the Interior's Standards, as defined in Section 18.36.060, and have a minimal impact on the integrity of the historic structure or district. If the Specialist does not issue the Certificate of Approval for a Minor Alteration, the applicant may appeal the decision to the Commission. The Specialist may refer any minor alteration application to the Commission for review.

(2) Building Permit Fee Refund Applications. The Specialist is authorized to review and approve or deny applications for Building Permit Fee refunds, in accordance with policies established by the Commission, as established in Section 18.36.100, Incentives.

(3) Administrative review of undesignated properties 40 years old or older outside of a designated historic district.

(a) When application for a permit is made with the City that would make significant alterations to the streetscape view of the exterior of or demolition of any structure or building that is forty (40) years or older at the time of such request, the application shall be forwarded to and reviewed by the Specialist.

(b) Significant alterations shall include:

i. Siding - including new stucco or similar exterior material applied over original or other existing siding materials, including but not limited to wood, metal or brick exterior; removal of all or a portion of the original or existing siding and replaced with new siding.

ii. Fenestration – window or door openings enlarged or reduced.

iii. Roof - changes of roofline or structure.

iv. Porches - changes to porch visible from streetscape.

v. Additions

vi. Accessory structures

vii. Any building modification as viewed from any public street.

(c) The Specialist or designee shall have ten (10) business days to review and comment on applications that meet the criteria set forth above. The ten (10) business days shall commence on the day the permit application is submitted to Building Inspection. Should ten (10) business days expire without written comment from the Specialist, then the Specialist shall not be allowed to comment on the permit.

i. The Specialist shall review the property and, if necessary, research the historical significance of the building for which a permit has been applied.

ii. If the Specialist determines that a building currently holds no historical, architectural and/or geographical significance, then such a notice shall be placed with the permit that will be issued through the Building Inspection office.

iii. If the Specialist determines that potential significance exists, the Specialist shall make the information available to the groups named in Paragraph 18.36.070 (D) (1) of this Chapter.

iv. The Specialist shall issue comments and/or suggestions to the Building Inspection office. These comments shall recognize the historical, architectural and/or geographical significance or lack thereof concerning the building for which a permit has been requested. The Specialist may also make suggestions of ways to make the changes more compatible or acceptable with the age or type of structure.

(d) Non-significant alterations shall be excluded from review by the Specialist. Non-significant alterations shall include:

- i. Fenestration - replacement of windows or doors in original openings.
- ii. Roof - new shingles or deck without changing original roofline.
- iii. Patios - additions of back patios or decks.
- iv. Landscaping.
- v. Signs.

(e) Whenever an application for development includes alterations or demolition described in this Section and is required to go through the Community Development Department, the Community Development Department will use its best efforts to inform the applicant of the ramifications that this Section will have on the application.

(f) If a building must be demolished because it poses a threat to the health, safety or welfare of the citizens of the City, this Section shall not apply.

18.36.060 Criteria for Designation

(A) Criteria for Individual, Owner-nominated Properties

A property shall be eligible for designation for historic preservation and eligible for economic incentives if it meets one (1) criterion or more in one (1) or more of the following categories:

(1) Historical significance. The site, building or property:

- (a) Has character, interest and integrity and reflects the heritage and cultural development of the city, state or nation;
- (b) Is associated with an important historical event;
- (c) Is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.

(2) Architectural significance. The property:

- (a) Characterizes an architectural style or type associated with a particular era and/or ethnic group;
- (b) Is identified with a particular architect, master builder or craftsman;
- (c) Is architecturally unique or innovative;
- (d) Has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance;
- (e) Has visual symbolic meaning or appeal for the community.

(3) Geographical significance. The property:

- (a) Has proximity and a strong connection/link to an area, site, structure or object significant in the history or development of the city, state or nation;
- (b) Is a visual feature identifying an area or neighborhood or consists of buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites historically or geographically associated with an area.

(B) Criteria for Individual, Non-owner nominated properties

In addition to meeting criteria requirements in this section, non-owner nominations shall be reviewed under stricter protections. The nominated property must demonstrate it possesses the characteristics of compelling historic importance to the entire community, including at least one of the following criteria:

- (1) Unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Greeley;
or
- (2) Superior or outstanding examples of architectural, historical or geographical significance criteria outlined in the criteria for designation in Section 18.36.060 above. The term superior shall mean excellence of its kind and the term outstanding shall mean marked by eminence and distinction.

(C) Criteria for District Designation

A district shall be designated if the City Council determines that the proposed district meets the definition of an historic district pursuant to this section and meets one or more of the following criteria:

- (1) Is an area which exemplifies or reflects the particular cultural, political, economic or social history of the community;
- (2) Is an area identified with historical personages or groups or which represents important events in national, state or local history;
- (3) Is an area which embodies distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method of construction or of indigenous materials of craftsmanship;

(4) Is an area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized; or

(5) Is an area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community or City.

(D) Integrity Criteria

All properties and districts shall be evaluated for their physical integrity using the following criteria, as defined by the National Park Service in the current version of the “How to Apply the National Register Criteria for Evaluation”:

(1) Location – the place where the historic property was constructed or the place where the historic event occurred.

(2) Design – the combination of elements that create the form, plan, space, structure, and style of a property.

(3) Setting – the physical environment of a historic property.

(4) Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

(5) Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory

(6) Feeling – a property’s expression of the aesthetic or historic sense of a particular period of time.

(7) Association – the direct link between an important historic event or person and a historic property.

18.36.070 Designation

The following provisions shall apply to the nomination of individual properties and districts.

(A) A property or district may only be nominated once in any twelve (12) month period, unless such nomination is uncontested.

(B) Submittal of an incomplete application will result in a delay in the nomination and public hearing process.

(C) Owner-nominated Properties

(1) Owner-nominations. Any owner may nominate his or her area, building, house, replica, structure, object, property, park, land feature, tree and site for designation on the local register, subject to all the rules and procedures of this Chapter.

(2) Procedure

(a) Owner shall submit a complete application, as determined by Historic Preservation Staff. For the purposes of this Chapter, a complete nomination application will include:

(i) Nomination form, with ownership information including address of record, signature of all owners of record or of legally authorized representative of the owner, legal description or indication of attached legal description.

(ii) Historic Building Inventory Form, with the following required minimum information completed: nominated property address, owner & mailing address/phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible), and significance (determined in consultation with the Historic Preservation Specialist if necessary).

(iii) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least 300 dpi. All photos should be provided with a photo log indicating name of photographer, date of photo, view (front, rear, yard, etc.), direction (looking north, etc.), and the address of subject property.

(iv) Application fee, payable to the City of Greeley. The fee may be waived under certain circumstances. If the owner has a financial hardship, they may submit a request for a reduction or waiving of the nomination fee, explaining the need for the waiver or reduction. The Community Development Director or designee shall make determinations on fee waiver requests.

(b) Public Hearing Procedure

(i) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 18.36.040(C) shall be used.

(ii) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

(iii) Commission Action/Decision. After the Commission has heard all interested parties and relevant evidence, the Commission may approve the designation if it casts votes in favor of historic designation by a two-thirds (2/3) majority of the quorum present. The Commission decision is final unless appealed to City Council, pursuant to Section 18.36.090.

(D) Non-owner-nominated properties

(1) Non-owner-nominations. The Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate an area, building, house, replica, structure, object, property, park, land feature, tree or site for designation on the local register, subject to all the rules and procedures of this Chapter.

(2) Procedure. For a non-owner application for designation, all paperwork for application must be completed pursuant to the rules promulgated by the Commission. Non-owner nominations must be approved by the City Council pursuant to the procedures set forth in this section.

(a) For the purposes of this Chapter, a complete nomination application will include:

(i) Nomination form, with ownership information including address of record, signature of an authorized official of the applicant organization, legal description or indication of attached legal description.

(ii) Historic Building Inventory Form, with the following required minimum information completed: nominated property address, owner & mailing address/phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible), significance (determined in consultation with the Historic Preservation Specialist if necessary) and a detailed statement on how the nominated property possesses the characteristics of compelling historic importance to the community.

(iii) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least 300 dpi. All photos should be provided with a photo log indicating name of photographer, date of photo, view (front, rear, yard, etc.), direction (looking north, etc.), and the address of subject property.

(iv) Copy of legally recorded document containing legal description of the property. This could be an abstract of title, warranty deed, quit claim deed, etc., which may be obtained from the Weld County Clerk and Recorder.

(v) Application fee, payable to the City of Greeley.

(b) Public Hearing Procedure

(i) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 18.36.040(C) shall be used.

(ii) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

(iii) Commission Action/Decision. Non-owner-nominated properties. Commissioners may recommend in favor of historic designation for approval of non-owner-nominated properties, if five (5) votes are cast in favor of such recommendation, subject to approval by the City Council under this Section of this Chapter. Owners may appeal the decision pursuant to Section 18.36.090(B) of this Chapter.

(iv) City Council Action on Non-owner nominations. Within thirty (30) days of the Commission decision, Council shall hold a public hearing and consider all relevant evidence. They shall vote and render a decision to affirm, deny or modify the designation with a vote of the simple majority. Council decision constitutes final agency action.

(E) Historic Districts

(1) Procedure

(a) For a district application for designation, all paperwork for application must be completed pursuant to the procedures set forth herein. Historic district nominations must be approved by the City Council pursuant to the procedures set forth in this section.

(b) District nominations. Two (2) or more individuals may nominate a district within which they own property. For the purposes of this Chapter, a complete nomination application will include:

(i) Complete nomination form with original signatures of all applicants. In the case of absentee owners as applicants, original signed statements will meet this requirement.

(ii) Completed Historic Building Inventory Form for District Properties for all properties within the nominated area. The following fields must be completed: Address, Legal Description, Owner Name and Address, Style, Materials, Stories, Other historic designation and Designating Authority, Historic Use, Present Use, Date of Construction, Condition, Original Owner, Associated Buildings, Architectural Description, Proposed Status, and the name, address and phone number and signature of the person or group who completed the inventory form.

(iii) Current digital photos of the front of each property and streetscape photos of each block. The photos should be at least 300 dpi and be provided with a photo log indicating name of photographer, date of photo, view (front, rear, yard, etc.), direction (looking north, etc.), and the address of subject property.

(iv) List of owners, mailing addresses, district property address, legal description of each property. This item may be supplemented or modified during the nomination process prior to the designation hearing.

(v) Proposed status of all properties as contributing or non-contributing. The applicants should consult with the Specialist in making these proposed determinations. This item may be supplemented or modified during the nomination process prior to the designation hearing.

(vi) Application fee, payable to the City of Greeley.

(vii) District Designation Plan, developed in accordance with requirements in this Section. The applicant must submit two unbound copies and an electronic version contained in a .pdf file..

(viii) Historic Context Statement.

(ix) Statement of Significance, including a detailed explanation of how the proposed district meets 1 or more criteria in Section 18.36.060(C) and how it meets the definition of historic district, as defined in Section 18.36.030.

(x) Petition with signatures of property owners within the district showing support of the nomination. Support of the nomination for an historic district requires:

a. The petition shall contain no less than twenty (20) signatures or twenty percent (20%) of the number of properties or lots within the proposed area, whichever is less.

b. Each property or lot shall only be represented by one signature. Properties held in any type of joint ownership do not get split votes.

c. The petition shall be considered final for purposes of accounting the twenty percent (20%) at the time of submission to the City.

(c) District Designation Plan required. Owners of properties being nominated as part of a district must develop a District Designation Plan. The plan shall address all properties: contributing, noncontributing and properties individually listed on the City's historic register. If a provision of the district designation plan conflicts with this Chapter, then the district designation plan approved by the City Council under Subsection 18.36.070(E) of this Chapter shall prevail unless doing so would negatively affect the City's certification standing regarding historic preservation. Requirements under this plan will be drafted by the applicant and reviewed by the Specialist and considered by the Commission. The Commission shall forward a recommendation for the Plan with the district application to City Council, who shall render the final designation decision.

(e) Neighborhood meeting required. If the nomination is for designation of an historic district, a neighborhood meeting shall be held to describe the proposed designation. All owners of property within the proposed district boundaries will be notified by first class mail of the time, date and location.

(f) Historic district owner vote required. After the neighborhood meeting, but prior to the Commission's designation hearing, a vote by property owners of the nominated district shall be cast to ascertain consent or objection about the proposed designation. The vote shall be done by mail ballot, with one (1) ballot per property as sent first class mail by the City Clerk's Office. The City Clerk's Office will be responsible for conducting the election of the eligible voters in the proposed historic district. The ballot must be received by the City Clerk's Office by mail or in person by the date and time specified by the City Clerk. Greater than fifty percent (50%) of votes cast must be in favor of historic designation or the nomination fails.

(g) If greater than 50% of cast votes are in favor of the district designation, a public hearing is scheduled and notification requirements are completed by the City in accordance with Section 18.36.080.

(2) Public Hearing Procedure

(a) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 18.36.040(C) shall be used.

(b) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

(c) Commission Action/Decision. Commissioners may recommend in favor of historic designation for historic districts, if five (5) votes are cast in favor of such recommendation, subject to approval by the City Council under Section 18.36.070 of this Chapter. Owners may appeal the decision pursuant to Section 18.36.090 of this Chapter.

(d) City Council Action on historic districts. Within thirty (30) days of the Commission decision, Council shall hold a public hearing and consider all relevant evidence. They shall vote and render a decision to affirm, deny or modify the designation. Council decision constitutes final agency action.

(3) Modification of a district designation plan will follow the same rules and procedures as for the nomination of a historic district, except no moratorium shall be placed on district properties. Property owners within the district or the Commission may propose to modify a district designation plan. Proposals to modify a district designation plan shall be reviewed by the Commission for recommendation to the City Council.

(F) Recording of Certificates of Designation and Notification of the designation after approval.

(1) The Certificate of Designation shall be recorded with the County Clerk and Recorder as follows:

(a) Owner-nominated properties shall be recorded within five (5) days after the thirty (30) day period for appeal pursuant to Section 18.36.090 if no appeal is filed, or within five (5) days after a final City Council decision.

(b) Non-owner-nominated properties or historic districts shall be recorded thirty-five (35) days after approval by the City Council pursuant to the procedures set forth in this section.

(c) Recording fees shall be paid by the nominating party.

(2) Within fifteen (15) days after recording of the historic designation, the Specialist shall send, via first class mail, notice to the owner(s) outlining reasons for designation.

(G) Moratorium

(1) A potential historic property or district which has been nominated but not yet designated shall be legally protected for one hundred twenty (120) days, or until its status is determined, whichever is sooner

(2) Permits to alter or remodel the exterior of a property or to build, relocate or raze shall not be issued during the moratorium, except by written exemption by the Commission under the following criteria:

(a) As necessary by law under Federal, State or City ordinance;

(b) When deemed to be an emergency;

(c) Due to unreasonable economic hardship, as defined in Section 18.36.030; or

(d) Due to improper nomination.

(3) Owners requesting such exemption may seek an expedited public hearing before the Commission at the next scheduled Commission meeting by filing such a request with the Specialist. If at such hearing the Commission votes by a two-thirds (2/3) majority vote that the property is eligible for exemption, the moratorium or nomination shall be suspended in whole or in part in consideration of the property seeking the waiver.

18.36.080 Notice

(A) Notification of a Commission public hearing at which a designation application or Certificate of Approval application will be considered shall be given by mailing or emailing a letter to the property owner and the applicant and by posting a sign at the property. Notification of designation hearings shall also be published in a newspaper of local circulation twice in the two weeks prior to the hearing.

(B) Notification of Nomination and Designation Public Hearings

(1) Notice of nomination and public hearing letter. The Specialist shall send a letter of notification of nomination and public hearing for all Greeley Historic Register nominations.

(a) Owner-nominated properties. For owner-nominated properties, all owners shall receive notice of nomination and public hearing by first class mail, sent by the City, by hand delivery or by electronic mail.

(b) Non-owner nominated properties. All owners of non-owner nominated properties shall receive notice of nomination and public hearing by certified mail, return receipt requested, sent by the City.

(c) All properties within a nominated district. All owners in a nominated district shall receive notice of nomination and neighborhood meeting by certified mail, return receipt requested, sent by the City.

(d) City-owned properties. The City shall receive notice by hand delivery.

(e) Such notice of nomination and public hearing shall be postmarked no less than fifteen (15) days prior to the hearing and shall reference the following:

(i) privileges, obligations and restrictions which apply to historic properties or districts.

(ii) for individual owner and non-owner nominations, the time, place and date of the Commission public hearing for designation.

(iii) for historic district nominations, such notice shall also include the time, place and date of the district informational neighborhood meeting, as required in Section 18.36.070(E)(1)d.

(f) If sufficient ballots voting in favor of district designation are returned from property owners, a district designation hearing shall be scheduled. For notification of public hearing for historic district nominations, notice shall include the time, date and place of the public hearing and letters shall be mailed certified mail, return receipt requested by the City.

(g) The notification letters shall be mailed to the owners at their last known address of record.

(2) Newspaper notice. The notice of designation hearing shall also be published in a newspaper of local circulation once a week for two (2) weeks prior to the hearing. Newspaper notice shall include the following information:

(a) Street address of the property or list of addresses or boundaries for properties in a proposed historic district;

(b) type of application: request for certificate of designation;

(c) date, time and place of the public hearing; and

(d) statement that additional information about the request is available at the Historic Preservation Office

(3) Sign. A sign of sufficient size to be readily visible by landowners of adjoining property and from a public right-of-way shall be posted in some prominent place on the property no less than fourteen (14) days prior to the public hearing. In the case of nominations for an historic district, postings shall occur in the district in a manner clearly visible from public rights of way adjacent to the proposed district.

(C) Notification of Certificate of Approval Public Hearings

Applicants and property owners shall receive written notice, via first class mail, at their last known address of record of the time, place and date of the hearing. Such notice shall be mailed no less than seven (7) days prior to the public hearing. Notice shall also be posted at the property, in a manner clearly visible from the public right-of-way, no less than seven (7) days prior to the public hearing. The notification requirements may be waived administratively with signed approval by the property owner and Certificate of Approval applicant.

18.36.090 Appeal

(A) Specialist to the Commission

(1) A final decision by the Specialist may be appealed by the applicant to the Commission.

(2) Appeals to the Commission are filed by mailing or hand-delivering to the Specialist a written notice of appeal within thirty (30) days after the applicant is served with notice of the decision by the Specialist. A determination by the Commission shall be issued within thirty (30) days.

(3) The decision of the Commission on appeal shall be final, unless the applicant or developer elects to appeal the Commission decision to the City Council.

(B) Commission to City Council

(1) Decisions of the Commission are reviewable by the City Council. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council.

(2) Appeals to the City Council are filed by mailing or hand-delivering to the City Clerk a written notice of appeal within thirty (30) days after the determination has been made and entered upon the records of the Commission. Determinations issued by the City Council shall be conducted within thirty (30) days of filing of the notice of appeal and shall constitute final agency action.

18.36.100 Incentives

(A) An owner of a property that has been designated as historic or an owner of a contributing property in a designated 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 pursuant to its rules and regulations:

(1) Applicable state and federal tax credits.

(2) The low-interest loan pool created by the City pursuant to Chapter 18.37 of this Title, subject to annual availability.

(3) Building Permit Fee Refund. Building portion of permit fees may be refunded for applications for projects on individually designated properties and all properties in a Greeley Historic Register designated district, including contributing and non-contributing properties. 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.

(B) The Commission shall attempt to identify and implement other economic incentives for historic properties. The Specialist shall notify the owners of historic properties of economic incentive opportunities available.

(C) The Commission shall make the determination for each request for State Historic Preservation Income Tax Credits.

18.36.110 Signage

A sign approved by the Commission may be installed indicating the designation. The Commission may supply and pay for uniform signs for designated properties subject to availability of funds. Such signs shall conform to City ordinances governing other signs in the City.

18.36.120 Fines and Penalties

(A) Failure to comply with requirements of this Chapter or of a district designation plan shall be a violation punishable in accordance with this subsection.

(B) Whenever any work is being done contrary to the provisions of this Chapter or any plan adopted by the Commission or approved by City Council, a code enforcement inspector or other authorized City official may issue a stop work order by posting notice at the property or providing notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work, until authorized by the code enforcement officer, City official or Commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Code.

(C) A penalty may be imposed by the Commission. The maximum penalty for violation of this Chapter shall be the same as for violations that are sanctioned administratively as code infractions, pursuant to Chapter 1.33, and shall proceed as set forth in Chapter 2.09 of this Code.

18.36.130 Illustrative flow chart

A process flow chart for illustrative purposes only has been added as Appendix 18-L to this Title.

18.36.140 Alterations to designated properties and properties within a designated district

(A) Owners intending to reconstruct, improve, demolish or in any way significantly alter or change a designated property, or a property in an historic district, must first submit their plan for review to the appropriate City departments as to compliance with all City codes and ordinances.

(B) All required building, relocation and/or demolition permits shall be applied for. Permits will not be released without Commission approval or unless the Community Development Director determines the permit should be released due to extenuating or emergency circumstances. The Commission or Specialist shall not issue a Certificate of Approval without evidence of permit application, if required. Certificates of Approval shall be issued contingent upon the owner and/or applicant obtaining all required permits.

(C) After consultation with the City's development departments, the owner shall submit a plan for review by the Specialist or Commission, and a Certificate of Approval shall be issued to properties that the Specialist or Commission feels can be altered without diminishing the historic character of the property or district.

(D) Major Alterations

(1) Application requirements. For the purposes of this Chapter, a complete application for major alterations will contain the following: a signed application, legal description, narrative, drawings and mockups as necessary, product literature and/or samples as necessary, and digital photos as determined by the City. Projects shall be reviewed in accordance with the Criteria and Standards for altering properties set forth in this Chapter.

(2) Application and Hearing Process

(a) Notification. Upon receipt of a complete application, the Specialist shall schedule a public hearing for a Certificate of Approval on the matter before the Commission, providing sufficient staff review time. Notice will be given by the City in accordance with requirements in Section 18.36.080.

(b) Public Hearing. A quorum must be present at a public hearing for a Certificate of Approval. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 18.36.040(C) shall be used.

(c) The Specialist shall prepare a report which shall include a summary of all comments received on the Certificate of Approval application, along with the staff recommendation, which shall be presented to the Commission. In taking action on a Certificate of Approval application, the Commission shall consider the staff report and recommendation and comments received from the applicant and the public. The Commission shall also consider whether the proposed project meets the criteria and standards in Section 18.36.150 in taking action to approve, approve with conditions, deny or table the application for future consideration.

(3) Findings. The findings of the Commission shall be based on Criteria and Standards in Section 18.36.150 and the decision of the Commission on a Certificate of Approval major alteration application shall be considered final unless appealed by the property owner or applicant to the City Council, in accordance with the appeal process in Section 18.36.090.

(4) Certificate of Approval issued and recorded. After approval of a Certificate of Approval major alteration application, the Specialist shall cause the Certificate of Approval, signed by the Commission chair, which may include plans, drawings, photos and other documents, as approved to be recorded in the office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees. Work shall be completed within 12 months of the date of historic preservation commission approval, with the option for up to two (2) six-month extensions as approved by the community development director or designee. Work not complete within these time parameters will require new approval through submittal of a new application to the historic preservation commission for review.

(5) If an application for a Certificate of Approval is denied, the applicant may revise the application extensively or submit a new application for review by the Commission. In this case, the application would be considered a new application and would follow the entire process for Certificate of Approval applications. The applicant may appeal decisions of the Historic Preservation Staff to the Historic Preservation Commission and decisions of the Historic Preservation Commission to the City Council, in accordance with appeal procedures in Section 18.36.080.

(E) Minor Alterations

(1) Application requirements. For the purposes of this Chapter, a complete application for minor alterations will contain the following: signed application, photos, narrative, product literature or drawings as necessary and application fee as determined by the City.

(2) Application Process

(a) Notification. Upon receipt of a complete application, the Specialist shall notify the property owner and applicant of receipt of the application and requirement for staff review.

(b) No public hearing is required for minor alteration applications.

(c) Findings. The Specialist shall review the application for minor alterations and make findings based on Criteria and Standards set forth in Section 18.36.150.

(d) Certificate of Approval issued and recorded. The Specialist shall approve the application and issue a Certificate of Approval if the proposed project meets the Criteria and Standards set forth in this section and can be completed without negatively impacting the historical integrity of the property. After approval the Specialist shall cause the Certificate of Approval for Minor Alterations to be signed by the Specialist and which may include plans, photos, or other documents, and to be recorded in the Office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees.

(e) If the Specialist finds the proposed project does not meet the Criteria and Standards in this section, the Specialist will notify the applicant of the reasons for denial and notify them of the opportunity to appeal the decision to the Commission.

(F) Relocation

(1) Application requirements. For the purposes of this Chapter, a complete application for relocation will contain the following: signed application, location information, narrative, drawings and digital photos, and application fee as determined by the City.

(2) Application Process – the application process for relocation applications will follow the same process as for Major Alterations, as set forth in this section.

(G) Demolition

(1) Application process and requirements. For the purposes of this Chapter, a complete application for demolition will contain the following: signed application, narrative, digital photos, additional documentation as requested, and application fee as determined by the City.

(2) Application Process – the application process for demolition applications will follow the same process as for Major Alterations, as set forth in this section.

(H) Emergencies

In the event of an emergency, as defined in Section 18.36.030, owners shall perform necessary measures to preserve the property and notify the Specialist, within three (3) days of the emergency event. Owners shall make efforts to document the damage and provide that documentation including photos and the measures done to preserve the structure to the Specialist to assist in establishing the proper treatment for the property and to obtain a Certificate of Approval if necessary.

(I) Requirement of Maintenance to Prevent Demolition by Neglect

(1) The owner of a designated property and owners of properties in an historic district must perform reasonable maintenance of the properties, as that term is defined in section 18.36.030.

(2) The owner of a designated property and owners of properties in an historic district shall not commit demolition by neglect, as that term is defined in section 18.36.030

(3) Non-compliance with this subsection will be punishable in accordance with other violations of this Chapter, the same as for violations that are sanctioned administratively as code infractions, pursuant to Chapter 1.33, and shall proceed as set forth in Chapter 2.09 of this Code.

18.36.150 Criteria and Standards for Review of Certificate of Approval Applications

(A) Criteria and Standards for alterations to a designated property or a property in an historic district.

(1) The effect of the alteration or construction upon the general historical or architectural character of the designated property.

(2) The architectural style, arrangement, texture and materials of existing and proposed construction, and their relationship to the other buildings.

(3) The effects of the proposed work in creating, changing or destroying the exterior architectural features and details of the structure upon which the work shall be done.

(4) The compatibility of accessory structures and fences with the main structure on the site and with adjoining structures.

(5) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district.

(6) Compliance with the current Secretary of the Interior's Standards for the Rehabilitation of Historic Properties, as defined in Section 18.36.030 of this Chapter.

(7) If the property is a noncontributing property in an historic district, then alterations will be in accordance with the district designation plan as recommended by the Commission and approved by City Council.

(8) Other requirements for alterations of a designated property or contributing property in a district as are required by the procedures and bylaws established by the Commission.

(B) Criteria for relocation of a designated property or contributing properties in a district.

(1) In all cases it shall be the preference of the Commission to keep structures at their original sites.

(2) For relocation applications, the Commission shall consider the following criteria in addition to those described for alterations:

(a) Original site.

i. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property.

ii. The significance of the structure as it relates to its present setting.

iii. When a governmental entity exercises power of eminent domain, the Commission should first consider relocating before demolishing.

iv. Whether 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.

v. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting.

vi. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

(b) New location.

i. 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.

ii. Whether the structure's architectural integrity is consistent with the character of the neighborhood.

iii. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

iv. Whether the proposed relocation is in compliance with all City ordinances.

(C) Criteria for demolition of a designated property or contributing property in a district.

(1) A permit for demolition shall be issued if the applicant can clearly demonstrate that the designated property meets the criteria for demolition as set forth under this Chapter by balancing the criteria of Paragraphs (A) through (D) below versus Paragraph (E) below. Not all of the criteria must be met for the Commission to recommend demolition. Appeals of the decision shall be made under Section 18.36.090 of this Chapter.

(a) The structure must be demolished because it presents an imminent hazard.

(b) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.

(c) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.

(d) The structure cannot be moved to another site because it is physically or economically impractical.

(e) The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:

i. Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur.

ii. Significant impact on the historical importance of other structures located on the property and adjacent properties.

iii. Significant impact to the architectural integrity of other structures located on the property and adjacent properties.

(f) If partial demolition is approved by the Commission and is required for the renovation, restoration or rehabilitation of the structure, the owner should mitigate, to the greatest extent possible:

i. Impacts on the historical importance of the structure or structures located on the property.

ii. Impacts on the architectural integrity of the structure or structures located on the property.

18.36.160 Removal from historic register/hardship exemptions

(A) City Council may remove an historically designated property or district if it finds that historic designation creates an undue hardship in accordance with the criteria in this Section.

(B) Criteria for removal or hardship exemption. If a request to the Commission for a Certificate of Approval does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this Chapter are not significantly eroded, and provided that adequate documentation is submitted to the Commission either in writing or by testimony to establish qualification for one (1) of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained.

(1) Economic hardship exemption. An economic hardship exemption may be granted if:

- a. The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.
- b. For non-income-producing properties: the owner's inability to resell the property in its current condition or if rehabilitated.
- c. The economic hardship claimed is not self-imposed, including from lack of maintenance.

(2) Health/safety hardship exemption. To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.

(3) Inability to use exemption.

a. If no sale can be made or no feasible use found for the structure within two (2) years of denial of a permit, the owner may request a waiver of all or part of the process described above.

b. In determining the applicability of this Section, the Commission shall include the following factors in its deliberations:

1. Written documented evidence illustrating efforts by the owner to make repairs, find an appropriate use or sell the property.
2. Written evidence of the owner's efforts to secure assistance for conforming the application with this Chapter without demolition or defacement.

(4) For the purpose of establishing and maintaining sound, stable and desirable historic districts within the City, the removal of historic designation is to be discouraged. This policy is based on the opinion of the City Council that the City's historic districts and individually designated properties are the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other considerations while supporting the City's historical significance and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

18.36.170 Severability clause.

If any provision of this Chapter or any provision of any rule or regulation lawfully promulgated hereunder or any application of this Chapter or rule or regulation promulgated hereunder to any person or circumstance is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this Chapter or rules or regulations. The City Council hereby declares that in these regards the provisions of this Code and all rules and regulations promulgated hereunder are severable. In the event that any part of this Chapter negatively affects the City's certified status as a certified local government by the National Park Service, then the conflicting provision shall be severable. (Ord. 34, 2006 □~1)

CHAPTER 18.37 – HISTORIC PRESERVATION LOW INTEREST LOAN PROGRAM

18.37.010 Statement of purpose.

- (A) To promote and support the maintenance of historic properties by providing a pool of available funds which will be loaned at low rates of interest for the maintenance and improvement of properties designated as historic by the City;
- (B) Foster civic pride in the accomplishments and heritage contained in Greeley's past as exhibited in Greeley's architecture, homes and public/private buildings;
- (C) Enhance the physical attractiveness of Greeley;
- (D) Promote the recycling and adaptive reuse of architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of Greeley;
- (E) Promote the economic revitalization of Greeley.

18.37.020 Creation of Committee.

- (A) The Loan Committee shall consist of seven (7) voting members as appointed by the Historic Preservation Commission. The Loan Committee shall have one (1) member with experience in residential/commercial construction management, one (1) member engaged in regional or local history, one (1) licensed real estate broker, one (1) member of the Greeley Historic Preservation Commission and the following City employees: Director of Community Development, Historic Preservation Specialist and Assistant City Manager.
- (B) The Loan Committee shall have the following ex officio members: a member of the City Attorney's office shall be the legal advisor; a representative of the City Finance Department; and one (1) member of the City Council.
- (C) Appointment of the Loan Committee members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.
- (D) Vacancies on the Loan Committee shall be filled by the Historic Preservation Commission.
- (E) Members of the Loan Committee whose term of office expires may apply for reappointment.

(F) Members of the Loan Committee wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing with a copy sent to the Loan Committee Chairman and the Staff Liaison.

(G) One (1) City employee Loan Committee member shall be appointed by the City Manager as an administrator to be referred to hereafter as Staff Liaison.

18.37.030 Rules of procedure.

The Committee shall conduct its proceedings in accordance with "Robert's Rules of Order" and set forth additional rules and procedures in the form of bylaws for the Committee.

18.37.040 Powers and duties of Committee.

(A) The Committee shall have the power to:

- (1) Establish loan criteria to be approved by Council resolution;
- (2) Receive and review applications for credit;
- (3) Approve or deny applications for loans;
- (4) Conduct inspections;

(5) Supervise and administer an historic preservation loan program between/among the City and the owners of designated properties, including those designated on the State Register or the National Register of Historic Places.

(B) The Committee shall have the duty to:

- (1) Conduct itself in a professional manner, holding all financial information and other sensitive information in strict confidence;
- (2) Make all loan decisions with consideration for the future and stability of the loan pool.

18.37.050 Procedure for application to Committee.

(A) Any owner of an eligible property may submit an application for consideration by the Historic Preservation Loan Committee. As part of the application process, the owner shall also submit a detailed description of the owner's plan for the historic preservation and protection of the subject property.

(B) The property owner shall submit an itemized brands and materials list.

(C) Owner shall also submit financial statements for all persons applying for historic preservation loans as may be requested by the Loan Committee.

(D) The Loan Committee reserves the right to request such additional information as it determines necessary relative to ownership, financial considerations, plans, contractor information and/or other information the Loan Committee determines pertinent.

18.37.060 Criteria for approval or denial.

(A) Applications for participation in the Historic Preservation Loan Program shall be in the names of all owners of title. Application in the names of less than all owners shall not be permitted.

(B) Ownership and title to the property, which will be the subject of the historic preservation loan, must be in "good" or marketable title with all taxes and loans current, liens paid, no foreclosure proceedings pending, all restrictions of record and encumbrances disclosed and approved by the Loan Committee, and be in compliance with all zoning codes.

(C) Owner will provide such documents and proof of title, including encumbrances, liens, restrictions of record, or other evidence of the title to the property as the Loan Committee may request; owner agrees to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the Loan Committee may deem necessary or appropriate. All such costs must be paid by the owner at the commencement of the loan application process.

(D) The Loan Committee shall apply such loan repayment criteria to each historic preservation loan application as the Loan Committee determines is appropriate.

(E) The Loan Committee shall, after consultation with the applicants, determine an appropriate loan repayment schedule which may be on a monthly basis, but in no event shall it be on less than a quarterly basis. Forty-five (45) days after failure to make timely payment shall cause the entire principal balance, together with all accrued interest thereon, to become a lien upon the property, and shall have priority over all liens, except general taxes and prior special assessments and the same may be certified by the Director of Finance, together with all accrued interest thereon and a ten-percent collection charge, to the County Treasurer for collection as provided by law; provided, however, that at any time prior to sale of the property, the applicants may pay the amount of all delinquent installment payments, together with all accrued interest and the ten-percent collection charge thereon, and any other penalties and costs of collection. Upon such payment, applicants shall thereupon be restored to non-delinquent status and may thereafter pay in installments in the same manner as if default had not been made.

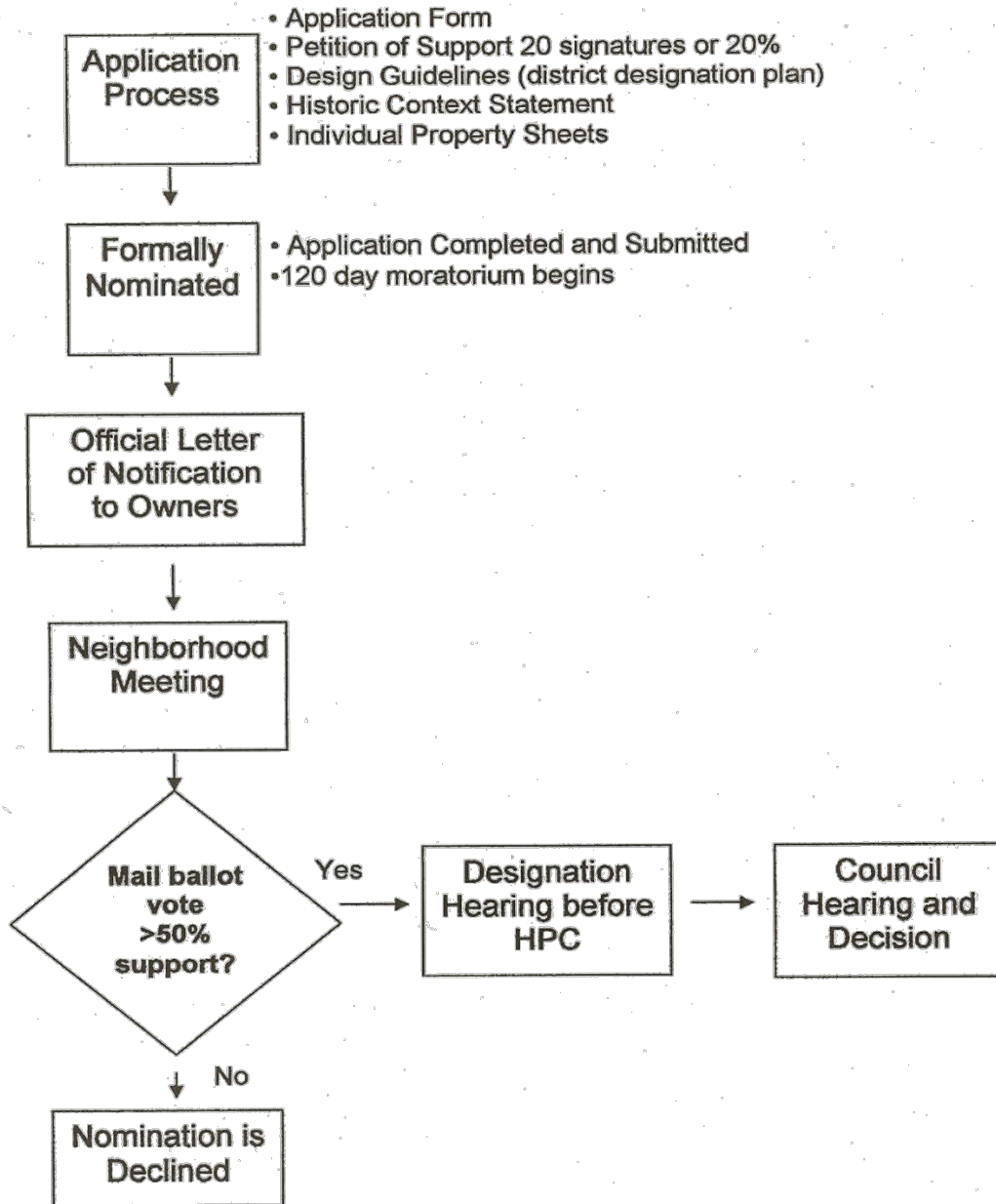
18.37.070 Request for reconsideration.

A person who applies for money pursuant to this Chapter and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the Committee are final.

Appendix 18-L

Illustrative Flow Chart for Historic District Designation Process

(Reference Section 18.36.130)



(Ord. 34, 2006 §1)

Chapter 16.60

Historic Preservation

16.60.010 Statement of purpose.

The intention of this Chapter is to:

(1) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage; and also to establish a method to draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character by creating a quasi-judicial Commission to review and approve or deny any proposed demolition of, moving of or alteration to properties of historic value. In cases of historic districts or non-owner-nominated properties for historic designation, and changes to an existing district designation plan, decisions of the Commission are forwarded to the City Council for approval under Section 16.60.085 of this Chapter. All other actions by the Commission are considered final actions and may be appealed to the City Council under Section 16.60.170 of this Chapter. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council, as provided in Section 16.60.170.

(2) Foster civic pride in the beauty and accomplishments of the past.

(3) Stabilize or improve aesthetic and economic vitality and values of such sites, neighborhoods, structures, objects and districts.

(4) Protect and enhance the City's attraction to tourists and visitors, increase the quality of life for the citizens and enhance future economic development.

(5) Promote the use of outstanding historical or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City.

(6) Promote good urban design.

(7) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts.

(8) Integrate historic preservation with the City's comprehensive development plan. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.020 Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings defined as follows:

Alteration means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Commission or the City's Historic Preservation Specialist is necessary under Chapter 16.60 and/or the district designation plan.

Burden of proof under this Chapter shall be a preponderance of the evidence.

Certificate of approval means a certificate issued by the Commission to indicate its approval of a building permit, moving permit, demolition permit, sign permit or any other alteration in which a review is necessary by either the Commission or the City's Historic Preservation Specialist to authorize the construction, alteration or demolition of property and improvements designated under this Chapter.

Commission means the Historic Preservation Commission as created in Section 16.60.030 of this Chapter.

Contributing buildings, sites and structures means historic properties within the proposed district which have been designated for inclusion on the City's historic register. Additional properties within the proposed district may be

designated or may remain as contributing nondesignated properties. Nondesignated properties contribute to the historic district by their shared and unique architectural, historical or geographic characteristics. Contributing properties, designated or not, are subject to all historic preservation design review guidelines applicable to individually designated properties as well as design review guidelines applicable to designated and contributing properties within the specific historic district.

Designated property means an historic property individually listed on the City's historic register through the procedural requirements in Sections 16.60.070 and 16.60.080 of this Chapter and which meets the criteria set forth in Section 16.60.060. Designated properties are subject to the restrictions in Section 16.60.100, and the economic incentives are available to designated properties as set forth in Section 16.60.090.

District designation plan is a plan generated by the historic district residents/owners. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction. The plan shall address all properties; contributing, noncontributing and properties individually listed on the City's historic register. If a provision of the district designation plan conflicts with this Chapter, then the district designation plan approved by the City Council under Subsection 16.60.085(b) of this Chapter shall prevail unless doing so would negatively affect the City's certification standing regarding historic preservation.

Emergency means an unexpected and sudden event that must be dealt with urgently that deals with a property in order to preserve the structure.

Front yard means the area of property from the front of the house (main entrance of property) to the edge of property leading away from the front of the house. This area would include sides of the house to the street, either from a fence line or the midline along the side of the house. In cases where a house is on a corner and there is not a fence, the yard from the side would also be included under *front yard*.

Historic district means a geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations. The significance of a district may be recognized through listing in a local, state or national landmarks register.

Historic property means the public and private resources in the City, including buildings, homes, replicas, structures, objects, properties, parks and sites that have importance in the history, architecture, archeology or culture of the City, State or Nation, as determined by the Commission.

House moving, new construction or demolition means any act or process which destroys, in part or in whole, any designated property.

Nomination means the process of filing an application for designation. For a property to be nominated, it is not necessary that all research and paperwork be completed. For a district or nonowner application for designation, all paperwork for application must be completed as per the rules promulgated by the Commission. Nonowner or historic districts must be approved by the City Council under Section 16.60.085 of this Chapter.

Noncontributing buildings, sites and structures are those properties which do not share the architectural, historic or geographical characteristics of the historic district except for their physical presence within the district. These properties are not individually eligible for designation and do not contribute to the historic district's characteristics. Inclusion of these properties within an historic district subjects these properties to those design review standards and guidelines applicable to noncontributing properties established during the creation of the historic district, unless specifically excluded under the district designation plan. All pertinent municipal zoning and building codes are applicable. New construction shall be considered a *noncontributing structure*.

Preservation plan means a survey of the historic properties in the City which the Commission has an interest, consistent with its stated purpose, in placing on the local register.

Public comment means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed Commission action.

Register means a locally maintained list of properties designated as historic.

Replica means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the Commission.

Secretary of the Interior Standards means a document which was originally published in 1977 and revised in 1990. The standards compose one (1) section in the Secretary of the Interior's Standards for Historic Preservation Projects and appear in Title 36 of the Code of Federal Regulations, Part 68, which governs alterations to buildings listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials. This reference shall always refer to the current standards, as amended.

Streetscaping means rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street.

Unreasonable economic hardship means severe economic impact to the property as determined on a case-by-case basis by the Commission. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.030 Commission created.

(a) Commission established. There is hereby created an Historic Preservation Commission, hereinafter in this Chapter referred to as "the Commission," which shall have principal responsibility for matters of historical preservation.

(b) Membership. The Commission shall consist of seven (7) members providing a balanced, community-wide representation, and all shall have an interest in historic preservation. The Commission shall have at least one (1) design professional, one (1) historian, one (1) licensed real estate broker and four (4) citizens at large.

(c) Appointment of Historic Preservation Specialist. There shall be an Historic Preservation Specialist appointed by the City Manager to serve as a link between the City staff and the Commission. The Historic Preservation Specialist shall not be a member of the Commission. (Ord. 34, 2006 §1; Ord. 70, 2002 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.050 Powers, duties and rulemaking authority.

The Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character. It shall have the following powers, duties and rulemaking authority, subject to approval by the City Council under Section 16.60.085 of this Chapter for historic districts and nonowner nominations:

(1) Recommend criteria for approval by the City Council by which the Commission shall conduct its review of historic properties and review proposals to alter, demolish or move designated properties. The Commission shall recommend or designate those properties or districts which meet the applicable criteria by placing them on the local register under the rules and procedures under this Chapter.

(2) Conduct surveys for the purpose of creating a preservation plan of historic properties and districts. Such inventory is for the purpose of informing citizens who own such properties that the Commission expects these properties may meet the criteria for designation.

(3) Review and make a decision on any application for altering, moving or demolishing any designated properties.

(4) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.

(5) Develop and assist in public education programs, including but not limited to walking tours, brochures, a marker program for historic properties, lectures and conferences.

(6) Advise the City Council on matters related to preserving the historic character of the City.

(7) Assist in pursuing financial assistance for preservation-related programs.

(8) Establish such rules, regulations and procedures relating to designation, nomination, preservation, relocation, demolition, exemptions, economic incentives, appeal of decisions or other processes relating to the powers and duties of the Commission.

(9) Remove properties from the register for reasons the Commission deems appropriate, including but not limited to acts of God, undue hardship and public health/safety concerns.

(10) Cause to be issued by the appropriate City department such municipal citations as are appropriate for enforcement of this Chapter.

(11) Establish and collect an application fee for applications made by citizens who are applying for historical designation or who are applying to alter, move or demolish an historically designated property or a property in a designated historic district. Additionally, the Commission shall have the authority to set formal policy regarding the implementation and waiver of the application fee. The Commission will also consider in setting the fee that the purpose of said fee is to partially recover costs the City will incur in providing applications. All fees and or costs promulgated by the Commission shall be reviewed by the City Manager or the City Manager's designee on an annual basis. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 39, 1996 §1; Ord. 33, 1995 §1(part))

16.60.060 Criteria for designation.

(a) A property shall be eligible for designation for historic preservation and eligible for economic incentives if it meets at least one (1) criterion in two (2) or more of the following categories:

(1) Historical significance. The site, building or property:

- a. Has character, interest and integrity and reflects the heritage and cultural development of the City, State or Nation;
- b. Is associated with an important historical event;
- c. Is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.

(2) Architectural significance. The property:

- a. Characterizes an architectural style associated with a particular era and/or ethnic group;
- b. Is identified with a particular architect, master builder or craftsman;
- c. Is architecturally unique or innovative;
- d. Has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance;
- e. Has visual symbolic meaning or appeal for the community.

(3) Geographic significance. The property:

- a. Has proximity to a square, park or unique area deserving of preservation;
- b. Is a visual feature identifying an area or neighborhood or consists of utilitarian and commercial structures historically and geographically associated with an area.

(b) A district shall be designated if the Historic Preservation Commission determines and recommends to the City Council, pending approval, that the proposed district meets the definition of an historic district pursuant to Section 16.60.020 above and meets two (2) or more of the following criteria:

(1) Is an area which exemplifies or reflects the particular cultural, political, economic or social history of the community;

(2) Is an area identified with historical personages or groups or which represents important events in national, state or local history;

(3) Is an area which embodies distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method of construction or of indigenous materials of craftsmanship;

(4) Is an area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community or City; or

(5) Is an area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.

(c) A property or district may only be nominated once a year, unless such nomination is uncontested. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.070 Procedure for nomination of historic properties and districts.

(a) Nomination procedures.

(1) Owner nominations. Any owner may nominate his or her property, area or structure for designation on the City's historic register.

(2) District nominations. Two (2) or more individuals may nominate a district within which they own property by attaching a petition with signatures of property owners within the district showing support of the nomination. Support of the nomination for an historic district requires:

a. A signed showing of support of no less than twenty (20) signatures or twenty percent (20%) of the number of properties or lots within the proposed area, whichever is less.

b. Each property or lot is only able to sign once. Properties held in any type of joint ownership do not get split votes.

c. The petition shall be considered final for purposes of accounting the twenty percent (20%) at the time of submission.

(3) Nonowner nominations. The Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any preservation organization, including nonprofit historic preservation groups, may nominate a property, district, area or structure for designation subject to all the rules and procedures of this entire Chapter. Nonowner individual nominations are to be reviewed under stricter protections and must meet the following criteria of overwhelming historic importance to the entire community:

a. Possessing such unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Greeley; or

b. Possessing superior or outstanding examples of architecture, social or geographic historic significance criteria outlined in the criteria for designation in Section 16.60.060 above. The term *superior* shall mean excellence of its kind and the term *outstanding* shall mean marked by eminence and distinction.

Persons or organizations wishing to initiate a nomination should contact the Historic Preservation Specialist for written policies and procedures for nomination.

(b) Nomination by survey. Designation may be on the basis of a survey subject to all the rules and procedures of this entire Chapter. The Commission is authorized by this Chapter to order a community survey. The list of sites contained in this survey shall be maintained, reviewed and updated annually by the Commission.

(c) A property or structure may be nominated as part of the Commission's preservation plan.

(d) Moratorium. For a potential historic property or district which had been nominated but not yet designated, legal protection for the nominated property shall be afforded for one hundred twenty (120) days until its status is determined.

Permits to alter or remodel the exterior of a property or to build, relocate or raze shall not be issued during that one-hundred-twenty-day period, except by written exemption by the Commission under the following criteria:

- (1) As necessary by law under federal, state or city ordinance;
- (2) When deemed to be an emergency;
- (3) Due to unreasonable economic hardship; or
- (4) Due to improper nomination.

Owners requesting such exemption may seek an immediate hearing before the Commission by filing a request for an immediate hearing with the Historic Preservation Specialist. If at such hearing the Commission votes by a two-thirds ($\frac{2}{3}$) majority vote that the property is eligible for exemption, the moratorium or nomination shall be dropped in the entirety or with specific exclusions for that specific property.

(e) District designation plan required. In addition to Subsections (a) through (d) above, owners of properties being nominated as part of a district must develop a district designation plan. Requirements under this plan will be drafted by the applicant and staff and approved by the Commission at the designation hearing pending approval by the City Council.

(f) Neighborhood meeting required. If the nomination is for designation of an historic district, then a neighborhood meeting shall be held and all owners of property within the proposed district boundaries will be notified by mail of the time, date and location.

(g) Historic district owner vote required. After the neighborhood meeting occurs but prior to the Commission's designation hearing, a vote by property owners of the nominated district shall be cast. The vote shall be done through the mail, and only one (1) ballot per property can be voted upon as sent by the City Clerk's office which must be returned by the date specified on the ballot. Such ballots shall be sent by certified mail, return receipt, but voters may return their vote card either in person or by mail. Greater than fifty percent (50%) of returned votes must be in favor of historical designation or the nomination fails. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.080 Procedure for designation of historic properties and districts.

(a) Notice and time requirements.

(1) All owners of a nominated property shall receive notice from the Commission by certified mail, return receipt, but the City shall receive notice by hand delivery for the nomination of City-owned property. Such notice shall reference the privileges, obligations and restrictions which apply to historic properties.

(2) The Commission shall call for a public hearing, after which the decision to designate shall be put to the Commission. The designation resolution must be passed by a two-thirds ($\frac{2}{3}$) majority vote of the Commission, and the notice of designation resolution must include a detailed description of the property and reasons for nomination. Within thirty (30) days of the Commission's recommendation for designation, the City Council shall hold a hearing whether to approve, modify or deny the designation for historic districts or nonowner individual nominations under Section 16.60.085 of this Chapter.

(3) All owners shall be given written notice at their last known address of the time, place and date of the hearing. Such notice shall be given no less than fifteen (15) days prior to the scheduled hearing. The notice shall also be published in a newspaper of local circulation once a week for two (2) weeks prior to the hearing.

A notice of hearing for designation of property shall be mailed or delivered with a certificate of mailing or a certificate of delivery filled out. Notice shall also be posted, at the property, in a manner clearly visible from a public right-of-way. In the case of nominations for an historic district, postings shall occur in the district in a manner clearly visible from public right-of-ways. The Commission shall create administrative rules regarding the procedure for the number and placing of posting notices, a copy of which shall be held by the Historic Preservation Specialist.

(b) The hearing.

(1) Quorum required. At least five (5) members must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the chairperson of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Section 16.60.082 below shall be used.

(2) The hearing. The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

(c) Approval by the Commission. Approval shall be granted after the Commission has heard all interested parties and relevant evidence if the Commission votes in favor of historic designation by a two-thirds ($\frac{2}{3}$) majority of the quorum present for owner-nominated property. At least five (5) Commissioners must vote in favor of historic designation for approval of non-owner-nominated property or historic districts, subject to approval by the City Council under Section 16.60.085 of this Chapter. If the owner disagrees with the decision of the Commission, the owner may appeal the decision pursuant to Section 16.60.170 of this Chapter.

(d) Recording the designation after approval.

(1) Recording of the designation with the County Clerk and Recorder for:

a. Owner-nominated properties must take place within five (5) days after the thirty-day appeal delay pursuant to Section 16.60.170 if no appeal is filed, or within five (5) days after a final City Council decision.

b. Non-owner-nominated or historic districts must take place thirty-five (35) days after approval by the City Council pursuant to Section 16.60.085 of this Chapter.

Recording fees shall be paid by the nominating party.

(2) Within fifteen (15) days after recording of the historic designation, the Commission shall send a registered notice to the owner outlining reasons for designation.

(e) Signage of designated property. The Commission shall supply and pay for uniform signs for designated properties subject to availability of funds. Such signs shall conform to City ordinances governing other signs in the City. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.081 Procedure for modification of district designation plans.

District designation plans may be modified by property owners within the district. The procedure to modify a district designation plan shall follow the same rules and procedures as outlined in Sections 16.60.070 and 16.60.080 above, except no moratorium shall be placed upon the district. (Ord. 34, 2006 §1)

16.60.082 Use of alternates in designations.

(a) In cases where a conflict of interest arises to the attention of the Commission during the designation of an historic property or district, use of alternates is permissible to replace conflicted members. Alternates shall be selected from a pool of former Historic Preservation Commission members who would meet the minimum City board and commission standards necessary, except for term limits, at the time of the appointment and the vote. Best efforts will be made to replace any and all conflicted members, but if a quorum of five (5) is attainable, the designation hearing may proceed.

(b) A pool of alternates shall be appointed by the City Council. The total number of potential alternates shall be between two (2) and twelve (12) people. The selection of the alternates to fill the role of any conflicted Commission members shall be at random. The Historic Preservation Specialist shall draw names through some random process, e.g. draw names from a hat. The selection shall be done during a special session or meeting of the Commission where public notice has been given. The selection shall be done prior to the actual historic designation hearing to allow the alternates a chance to review any changes to the Municipal Code or procedures.

(c) The alternate may only act upon the matter for which a Commission member has a conflict.

(d) If a quorum is unattainable through the use of alternates in designations as provided for in this Section, then the historic designation hearing will be directly heard before the City Council by a special hearing for a designation vote,

using the same guidelines as mandated by the Commission under this Chapter, except that such City Council vote shall be carried by a simple majority of the quorum present. (Ord. 34, 2006 §1)

16.60.083 Illustrative flow chart.

A process flow chart for illustrative purposes only has been added as Appendix 16-A to this Title. (Ord. 34, 2006 §1)

16.60.085 Approval of Commission's decision by City Council.

(a) All recommendations for designation made by the Commission regarding historic designation of districts or non-owner-nominated properties or modification of district designation plans must be submitted to the City Council, through the City Clerk's office, for approval. Notification of the public meeting regarding approval of historic designation shall be given by posting signage around the historical district boundaries and publishing a notice in the newspaper.

(b) Upon presentation of a district designation plan to the City Council that has additional terms and conditions not stated or is in conflict with this Chapter, the City Council is hereby granted the authority, in its sole discretion, to approve the district designation plan with these terms and conditions, notwithstanding any of the limiting terms and conditions stated in this Chapter unless doing so would negatively affect the City's certification standing regarding historic preservation.

(c) The City Council shall take action within thirty (30) days of the Commission's decision. This decision is deemed a final action by the City. (Ord. 34, 2006 §1)

16.60.090 Economic incentives for historic restoration and/or rehabilitation.

(a) An owner of a property that has been designated as historic or an owner of a contributing property in an 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 pursuant to its rules and regulations:

(1) Matching funds for streetscaping on designated property.

(2) Refund of City building permit fees for interior and 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.

(3) The low-interest loan pool created by the City pursuant to Chapter 16.61 of this Title.

(4) Applicable state and federal income tax credits.

(b) The Commission shall attempt to identify and implement 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. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.100 Special duties, privileges and obligations.

(a) Owners of designated properties shall be eligible to apply for those economic incentives as contained within this Chapter and/or established and developed by the Commission pursuant to its rules and regulations.

(b) Owners intending to reconstruct, improve, demolish or in any way significantly alter or change a designated property, or a property in an historic district, must first submit their plan for review to the appropriate City departments as to compliance with all City codes and ordinances.

(c) After consultation with the City's development departments, the owner shall submit a plan for review by the Commission, and the Commission shall grant a certificate of approval to properties that the Commission feels can be altered without diminishing the historic character of the property or district.

(d) If a certificate of approval is granted by the Commission, the applicant must obtain all necessary permits required by the City ordinances.

(e) Maintenance shall be required by the owner of a designated property and owners of properties in an historic district. *Maintenance* means that owners:

(1) Shall not permit a structure to deteriorate so badly as to produce a detrimental effect on a designated property; and

(2) Shall reasonably maintain the surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.110 Criteria and standards for altering designated properties or contributing properties in a district.

The criteria and standards for alterations to a designated property or a property in an historic district are determined as follows:

(1) Criteria.

a. The effect of the alteration or construction upon the general historical or architectural character of the designated property.

b. The architectural style, arrangement, texture and materials of existing and proposed construction, and their relationship to the other buildings.

c. The effects of the proposed work in creating, changing or destroying the exterior architectural features and details of the structure upon which the work shall be done.

d. The compatibility of accessory structures and fences with the main structure on the site and with adjoining structures.

e. The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district.

f. Compliance with the Secretary of the Interior's current standards for rehabilitation of historic properties, as defined in Section 16.60.020 of this Chapter.

(2) Standards.

a. Attempts shall be made to use the property in a manner consistent with its original use or a compatible purpose, so long as such use does not violate any current City ordinances.

b. The historic character of the property shall be retained by avoiding the removal of, or alteration of, features and spaces important to the character.

c. Each property shall be recognized as a physical record of its time. The use of original materials shall be encouraged. Distinctive and unique features, finishes, materials and examples of craftsmanship should be retained and preserved. If deteriorated, they should be repaired. Repairs and replacement of such features should match the original in color, shape, texture and design. Replacements should be fully documented with pictorial or physical evidence and a copy of such evidence filed with the Commission.

d. Most properties change over time. Some of those changes acquire their own historical or architectural significance and should be retained. The Commission shall decide what changes are of historic importance and subject to this Chapter.

e. New additions and expansions shall, where possible, be differentiated from the existing building to protect its historic integrity. New additions and constructions shall also be undertaken in such a manner that their removal in the future would not destroy the form or integrity of the original property.

f. If property is a noncontributing property in an historic district, then alterations will be in accordance with the district designation plan as approved by the Commission and the approval by City Council.

g. Other requirements for alterations of a designated property or contributing property in a district as are required by the procedures and bylaws established by the Commission. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.120 Criteria for relocation of a designated property or contributing properties in a district.

In all cases it shall be the preference of the Commission to keep structures at their original sites. The Commission shall consider the following criteria in addition to those described for alterations:

(1) Original site.

a. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property.

b. The significance of the structure as it relates to its present setting.

c. When a governmental entity exercises power of eminent domain, the Commission should first consider relocating before demolishing.

d. Whether 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.

e. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and resiting.

f. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

(2) New location.

a. 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.

b. Whether the structure's architectural integrity and its consistency are with the character of the neighborhood.

c. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.

d. Whether the proposed relocation is in compliance with all City ordinances. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.130 Criteria for demolition of a designated property or contributing properties in a district.

Permits for demolition shall be issued if the applicant can clearly demonstrate that the designated property meets the criteria for demolition as set forth under this Chapter by balancing the criteria of Paragraphs (1) through (4) below versus Paragraph (5) below. Not all of the criteria must be met for the Commission to recommend demolition. Appeals of the decision shall be made under Section 16.60.170 of this Chapter.

(1) The structure must be demolished because it presents an imminent hazard.

(2) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.

(3) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.

(4) The structure cannot be moved to another site because it is physically or economically impractical.

(5) The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:

- a. Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur.
- b. Significant impact on the historic importance of other structures located on the property and adjacent properties.
- c. Significant impact to the architectural integrity of other structures located on the property and adjacent properties.

(6) If partial demolition is approved by the Commission and is required for the renovation, restoration or rehabilitation of the structure, the owner should mitigate, to the greatest extent possible:

- a. Impacts on the historic importance of the structure or structures located on the property.
- b. Impacts on the architectural integrity of the structure or structures located on the property. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.140 Action of Commission upon recommendation to deny permit.

(a) If the proposed permit to alter, relocate or demolish is denied, the Commission, acting with all due diligence, shall explore with the applicant available means for substantially preserving the designated property which was affected by the determination. These investigations may include, by way of example and not of limitation:

- (1) Feasibility of modification of the plans.
- (2) Feasibility of any alternative use of the structures which would substantially preserve the original character.

(b) If the Commission is unsuccessful in developing either alternate plans or an appropriate public or private use for such structure, which are acceptable to the applicant, it shall notify the owner and the Building Inspection Division in writing. If the owner and the Commission cannot reach a compromise, then the appeal may be filed pursuant to Section 16.60.170 of this Chapter. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.150 Removal of property from historic register or exemption.

(a) In the event a property or district has been designated as historic under this Chapter, the City Council may remove such property if the City Council finds that the property owner has shown that historic designation creates undue hardship in accord with the criteria in this Section.

(b) Also, if the request to the Commission for a certificate of approval does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this Chapter are not significantly eroded, and provided that adequate documentation is submitted to the Commission either in writing or by testimony to establish qualification for one (1) of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained.

- (1) Economic hardship exemption. An economic hardship exemption may be granted if:
 - a. The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.
 - b. For non-income-producing properties: the owner's inability to resell the property in its current condition or if rehabilitated.
 - c. The economic hardship claimed is not self-imposed.

(2) Health/safety hardship. To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.

(3) Inability to use.

a. If no sale can be made or no feasible use found for the structure within two (2) years of denial of a permit, the owner may request a waiver of all or part of the process described above.

b. In determining the applicability of this Section, the Commission shall include the following factors in its deliberations:

1. Written documented evidence illustrating efforts by the owner to make repairs, find an appropriate use or sell the property.

2. Written evidence of the owner's efforts to secure assistance for conforming the application with this Chapter without demolition or defacement.

(c) For the purpose of establishing and maintaining sound, stable and desirable historical districts within the City, the removal of historical designation is to be discouraged. This policy is based on the opinion of the City Council that the City's historical districts are the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other considerations while supporting the City's historical significance and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.160 Fines and penalties for violation of Chapter provisions; failure to comply with district designation plan.

Failure to comply with requirements of a district designation plan shall be a violation punishable in accordance with this Section. Whenever any work is being done contrary to the provisions of this Chapter or any plan adopted by the Commission or approved by City Council, a code enforcement officer or other authorized City official may issue a stop work order by notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work, until authorized by the code enforcement officer, City official or Commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Code. The maximum penalty for violation of this Chapter shall be the same as for violation of any other City ordinances as found in this Code at Sections 1.32.010 and 1.32.020. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.170 Appeal of decisions.

Decisions of the Commission are reviewable by the City Council. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council. Appeals are filed by presenting to the City Clerk a written notice of appeal within thirty (30) days after the determination has been made and entered upon the records of the Commission. Determinations issued by the City Council shall constitute final agency action. (Ord. 34, 2006 §1; Ord. 29, 2002 §1; Ord. 14, 2000 §1(part); Ord. 27, 1999 §1(part); Ord. 33, 1995 §1(part))

16.60.180 Severability clause.

If any provision of this Chapter or any provision of any rule or regulation lawfully promulgated hereunder or any application of this Chapter or rule or regulation promulgated hereunder to any person or circumstance is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this Chapter or rules or regulations. The City Council hereby declares that in these regards the provisions of this Code and all rules and regulations promulgated hereunder are severable. In the event that any part of this Chapter negatively affects the City's certified status as a certified local government by the National Park Service, then the conflicting provision shall be severable. (Ord. 34, 2006 §1)

16.60.200 Permit review by Historic Preservation Specialist for undesignated properties outside of an historic district.

(a) When application for a permit is made with the City to significantly alter the streetscape view of the exterior of or move or demolish any structure or building that is forty (40) years or older, the application shall be forwarded and reviewed by the Historic Preservation Specialist or designee.

(1) *Significant alterations* shall be defined as follows:

- a. Siding – including new stucco applied over original or existing wood, existing siding metal or brick.
- b. Fenestration – window openings enlarged or reduced.
- c. Roof – changes of roofline or structure.
- d. Porches – changes to original porch visible from streetscape.
- e. Any building modification as viewed from any public street.

(2) The Historic Preservation Specialist or designee shall have ten (10) working days to review and comment on applications that meet the criteria set forth above. The ten (10) working days shall commence on the day the permit application is submitted to Building Inspection. Should ten (10) working days expire without written comment from the Historic Preservation Specialist or designee, then those parties shall not be allowed to comment on the permit.

a. The Historic Preservation Specialist or designee shall research the historic significance of the building for which a permit has been applied.

b. If the Historic Preservation Specialist or designee determines that a building currently holds no historic significance, then such a notice shall be placed with the permit that will be issued through the Building Inspection office.

c. If the Historic Preservation Specialist or designee determines that potential significance exists, the Historic Preservation Specialist or designee shall make the information available to the groups named in Paragraph 16.60.070(a)(3) of this Chapter.

d. The Historic Preservation Specialist or designee shall issue comments and/or suggestions to the Building Inspection office. These comments shall recognize the historical significance or lack thereof concerning the building for which a permit has been requested. The Historic Preservation Specialist may also make suggestions of ways to make the changes more compatible or acceptable with the age or type of structure.

(3) Nonsignificant alterations shall be excluded from review by the Historic Preservation Specialist or designee. *Nonsignificant alterations* shall be defined as follows:

- a. Siding – vinyl or metal over original.
- b. Fenestration – replacement of windows in original openings.
- c. Roof – new shingles or deck without changing original roofline.
- d. Porches – additions of back porches or decks.
- e. Additions – not visible from the street (less than fifty percent [50%] of original structure).
- f. Doors.
- g. Landscaping.
- h. Accessory structures.
- i. Signs.

(4) Whenever an application for development includes alterations or demolition described in this Section and is required to go through the Planning Department, the Planning Department will use its best efforts to inform the applicant of the ramifications that this Section will have on the application.

(b) If a building must be demolished because it poses a threat to the health, safety or welfare of the citizens of the City, this Section shall not apply. (Ord. 34, 2006 §1; Ord. 55, 2004 §§2,3)

Chapter 16.61

Historic Preservation Low Interest Loan Program

16.61.010 Statement of purpose.

(a) To promote and support the maintenance of historic properties by providing a pool of available funds which will be loaned at low rates of interest for the maintenance and improvement of properties designated as historic by the City;

(b) Foster civic pride in the accomplishments and heritage contained in Greeley's past as exhibited in Greeley's architecture, homes and public/private buildings;

(c) Enhance the physical attractiveness of Greeley;

(d) Promote the recycling and adaptive reuse of architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of Greeley;

(e) Promote the economic revitalization of Greeley. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.020 Creation of Committee.

(a) The Loan Committee shall consist of seven (7) voting members as appointed by the Historic Preservation Commission. The Loan Committee shall have one (1) member with experience in residential/commercial construction management, one (1) member engaged in regional or local history, one (1) licensed real estate broker, one (1) member of the Greeley Historic Preservation Commission and the following City employees: Director of Cultural Affairs, Historic Preservation Specialist and Assistant City Manager.

(b) The Loan Committee shall have the following ex officio members: a member of the City Attorney's office shall be the legal advisor; a representative of the City Finance Department; and one (1) member of the City Council.

(c) Appointment of the Loan Committee members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.

(d) Vacancies on the Loan Committee shall be filled by the Historic Preservation Commission.

(e) Members of the Loan Committee whose term of office expires may apply for reappointment.

(f) Members of the Loan Committee wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing with a copy sent to the Loan Committee Chairman and the Staff Liaison.

(g) One (1) City employee Loan Committee member shall be appointed by the City Manager as an administrator to be referred to hereafter as Staff Liaison. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.030 Rules of procedure.

The Committee shall conduct its proceedings in accordance with "Robert's Rules of Order" and set forth additional rules and procedures in the form of bylaws for the Commission. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.040 Powers and duties of Committee.

(a) The Committee shall have the power to:

- (1) Establish loan criteria to be approved by Council resolution;
 - (2) Receive and review applications for credit;
 - (3) Approve or deny applications for loans;
 - (4) Conduct inspections;
 - (5) Supervise and administer an historic preservation loan program between/among the City and the owners of designated properties, including those designated on the State Register or the National Register of Historic Places.
- (b) The Committee shall have the duty to:
- (1) Conduct itself in a professional manner, holding all financial information and other sensitive information in strict confidence;
 - (2) Make all loan decisions with consideration for the future and stability of the loan pool. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.050 Procedure for application to Committee.

- (a) Any owner of an eligible property may submit an application for consideration by the Historic Preservation Loan Committee. As part of the application process, the owner shall also submit a detailed description of the owner's plan for the historic preservation and protection of the subject property.
- (b) The property owner shall submit itemized brands and materials list.
- (c) Owner shall also submit financial statements for all persons applying for historic preservation loans as may be requested by the Loan Committee.
- (d) The Loan Committee reserves the right to request such additional information as it determines necessary relative to ownership, financial considerations, plans, contractor information and/or other information the Loan Committee determines pertinent. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.060 Criteria for approval or denial.

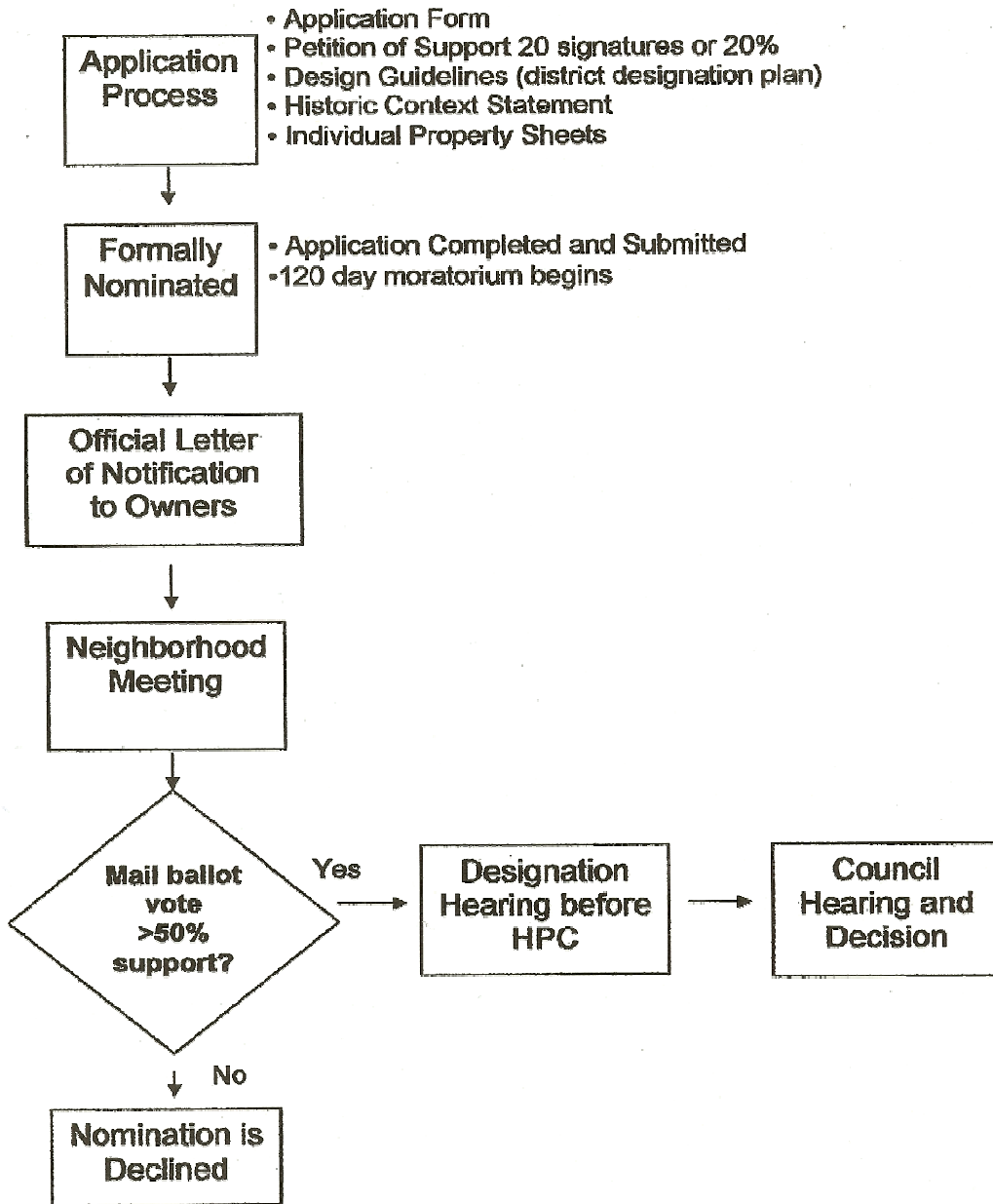
- (a) Applications for participation in the Historic Preservation Loan Program shall be in the names of all owners of title. Application in the names of less than all owners shall not be permitted.
- (b) Ownership and title to the property, which will be the subject of the historic preservation loan, must be in "good" or marketable title with all taxes and loans current, liens paid, no foreclosure proceedings pending, all restrictions of record and encumbrances disclosed and approved by the Loan Committee, and be in compliance with all zoning codes.
- (c) Owner will provide such documents and proof of title, including encumbrances, liens, restrictions of record, or other evidence of the title to the property as the Loan Committee may request; owner agrees to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the Loan Committee may deem necessary or appropriate. All such costs must be paid by the owner at the commencement of the loan application process.
- (d) The Loan Committee shall apply such loan repayment criteria to each historic preservation loan application as the Loan Committee determines is appropriate.
- (e) The Loan Committee shall, after consultation with the applicants, determine an appropriate loan repayment schedule which may be on a monthly basis, but in no event shall it be on less than a quarterly basis. Forty-five (45) days after failure to make timely payment shall cause the entire principal balance, together with all accrued interest thereon, to become a lien upon the property, and shall have priority over all liens, except general taxes and prior special assessments and the same may be certified by the Director of Finance, together with all accrued interest thereon and a ten-percent collection charge, to the County Treasurer for collection as provided by law; provided, however, that at any time prior to sale of the property, the applicants may pay the amount of all delinquent installment payments, together with all accrued interest and the ten-percent collection charge thereon, and any other penalties and costs of collection. Upon such

payment, applicants shall thereupon be restored to nondelinquent status and may thereafter pay in installments in the same manner as if default had not been made. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

16.61.070 Request for reconsideration.

A person who applies for money pursuant to this Chapter and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the Committee are final. (Ord. 78, 2001 §2; Ord. 48, 2001 §2; Ord. 59, 1997 §§1, 2)

**Illustrative Flow Chart for
Historic Preservation Designation Process**



(Ord. 34, 2006 §1)

From: [Betsy Kellums](#)
To: ["Barbara Koelzer"](#)
Cc: [Julie Jensen](#); [Mike Garrott](#); [Betsy Kellums](#)
Subject: RE: New HP Chapter
Date: Friday, February 22, 2019 4:56:39 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Barbara,

I apologize for taking so long to responding to your comments below. We are proposing to keep the Administrative Review Standards and procedures and the public hearing procedures as currently proposed. I talked with the City Attorney's office about it and determined that it will work either way, but the hearing procedures will be clearer as currently drafted, in spite of repetition. It clearly shows the procedures for each type of nomination process, which is especially important for non-owner and districts. We have made the changes you noted as Erroneous Internal References. We have not addressed the comments about hardship, but we will include all public comments and responses with the Historic Preservation Commission packet for the March 4th hearing.

Please let me know if you have any questions.

Cordially,
Betsy

Betsy Kellums
Greeley Historic Preservation Office
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Greeley, CO 80631
Phone: 970.350.9222
Fax: 970.350.9895
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From: Barbara Koelzer <barbara@ires-net.com>
Sent: Friday, February 15, 2019 10:50 AM
To: Betsy Kellums <Betsy.Kellums@Greeleygov.com>
Cc: Julie Jensen <juliejensengara@gmail.com>
Subject: Re: New HP Chapter

We thought a formal letter, that you can share with the HPC, would be the best way to go. We couldn't provide all our comments at the meeting this week and we thought a letter would help get things "on the record." Some of our comments refer to items in the old ordinance that will carry over into the new chapter. The letter can help frame the discussion when the new chapter gets to City Council, none of whom were in office when the old ordinance was adopted 15 years ago.

I know how it is. You've been working on the chapter for months and it's easy to miss things. And no doubt the City Attorney's Office changed things around, too.

I just wanted to be sure you understood our intent.

Barbara Koelzer

Regional Government Affairs Director

303.886.5675

@NoCoGovtAffairs 



*"Information is the currency of democracy."
Thomas Jefferson*

From: Betsy Kellums <Betsy.Kellums@Greeleygov.com>

Date: Friday, February 15, 2019 at 10:31 AM

To: Barbara Koelzer <barbara@ires-net.com>, Julie Jensen <juliejensengara@gmail.com>

Subject: RE: New HP Chapter

Hi Barbara and Julie,

Thank you. I absolutely appreciate your willingness to help and provide feedback. I was unaware of a letter, and I have comments Julie provided at our meeting on Wednesday for which I am working on responses.

I would be glad to meet with you to discuss your concerns in person, if you would like. I appreciate your noting the organizational issues and drafting errors. I've looked at it so much and have missed things, and we certainly want to improve the readability and usability of the code.

Cordially,

Betsy

Betsy Kellums

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email: betsy.kellums@greeleygov.com

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From: Barbara Koelzer <barbara@ires-net.com>

Sent: Friday, February 15, 2019 9:56 AM

To: Betsy Kellums <Betsy.Kellums@Greeleygov.com>

Cc: Julie Jensen <juliejensengara@gmail.com>

Subject: New HP Chapter

Good Morning,

In my review of the proposed historic preservation chapter, I noticed some organizational and drafting issues. I wanted to share them with you so they can get cleaned up before the HPC hearing on March 4. Let me know if you have any questions. I imagine Julie has mentioned we (GARA) will submit a letter next week via email with a list of concerns with the proposed language. I hope you understand we are trying to help. Having clear language that is easy to understand will assist everyone, especially owners and developers who are not accustomed to reading legal regulations.

Best,

Barbara Koelzer

Regional Government Affairs Director

303.886.5675

@NoCoGovtAffairs 



*"Information is the currency of democracy."
Thomas Jefferson*

Organization:

Administrative Review Standards and Procedures are Buried in Section 18.36.050(C)(3) Section 18.36.050(C) establishes the "duties and responsibilities" of the Specialist. However, rather than simply establishing the Specialist's authority to review undesignated properties 40 years or older outside of a designated historic district as one of the Specialist's duties, this provision also contains the administrative standards and procedures by which the Specialist would conduct such reviews. A better approach would be to place the administrative standards and procedures for review of undesignated properties 40 years or older outside of a designated historic district in a separate standalone provision, as it is in Existing Ordinance Section 16.60.200, and as was done with the designation standards and procedures of Sections 18.36.060 and .070. An owner or developer looking for these standards and procedures is unlikely to look for them in Section 18.36.050.

Repetitive Public Hearing Procedures Proposed Section 18.36.070 sets out the requirements for the nomination and designation of owner-nominated properties, non-owner nominated properties, and historic districts. While the procedures for each type of nomination and designation vary, the public hearing procedures are virtually identical. Nevertheless, Section 18.36.070 repeats the "Public Hearing Procedure" three times, with only minimal change, in Subsections (C), (D), and (E). A better and more user-friendly approach would be to establish a single "Public Hearing Procedure" provision that calls out any differences between the requirements for each application type rather than unnecessarily repeating the requirements three times in a single section of the Proposed Amendments.

Drafting Errors and Concerns: There are several drafting errors in the Proposed Amendments, which should be addressed before the draft is considered.

Erroneous Internal Reference No. 1 Section 18.36.050(C)(3)(iii) states that “[i]f the Specialist determines that potential significance exists, the Specialist shall make the information available to the *groups named in Paragraph 18.36.080 of this Chapter.*” Section 18.36.080, however, does not name any groups. **Note:** It appears that the correct reference should be to Section 18.36.070(D)(1), which requires notice to the Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority and any preservation organization, including nonprofit historic preservation groups.

Erroneous Internal Reference No. 2 Section 18.36.140(D)(1) makes reference to “Criteria and Standards for altering properties set forth in this section,” but does not contain any Criteria or Standards.

Erroneous Internal Reference No. 3 Section 18.36.140(D)(2)(c) references “criteria and standards in Section 18.36.090,” but Section 18.36.090 contains appeal procedures, not criteria or standards.

Erroneous Internal Reference No. 4 All of the internal references contained in Section 18.36.140(D)(3) appear to be incorrect. For example, Subsections (3) and (4) make reference to the appeal criteria provided in Section 18.36.080, but the appeal criteria are actually located in Section 18.36.090 of the Proposed Amendments.

Erroneous Internal Reference No. 5 Section 18.36.140(E)(2)(c) also references “Criteria and Standards set forth in this section,” but does not contain any criteria or standards.

Inconsistent Use of “Hardship” terminology There is no consistency in the use the term “hardship” throughout the Proposed Amendments or the Existing Ordinance. Many variations of the term are used, including “unreasonable economic hardship,” “undue hardship,” “financial hardship,” and “economic hardship.” This creates confusion and raises the question whether these terms are intended to have different meanings. If these terms are intended to have different meanings, then each should be defined. If the terms are not intended to have different meanings, then the Proposed Amendments should be revised to eliminate unnecessary variations of the “hardship” term and to ensure consistency.



February 22, 2019

Julie Jensen
Greeley Area Realtors Association

Liberty Gerold
Remax

Via Email: juliejensengara@gmail.com & libbyg.remax@gmail.com

Dear Julie and Liberty,

Thank you for your interest in the Historic Preservation code update and for providing comments at our February 13th public meeting. I have completed response comments and have included them as an attachment to this letter. We appreciate your feedback and made some of the suggested changes and worked with our City Attorney's office to clarify. Please know we are working to make the ordinance effective and efficient for Greeley. Please feel free to call or email if you have further questions or would like to discuss.

You can reach me at 970.350.9222 or betsy.kellums@greeleygov.com.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Kellums".

Betsy Kellums
Historic Preservation Specialist

CC: Barbara Koelzer, Regional Government Affairs Director, barbara@ires-net.com
Mike Garrott, Planning Manager, mike.garrott@greeleygov.com

Historic Preservation Ordinance Update Comments from Greeley Area Realtors Association (GARA) and Historic Preservation response:

February 22, 2019

GARA: Demolition by neglect Section 18.36.140 (1) – the proposed demolition by neglect provision is flawed. It includes inconsistent and competing definitions of maintenance. Subsection (1) proposes a definition of “maintenance” that differs from the definition of the same term in Section 18.36.030 (Definitions) of the proposed amend.

GHPO Response: Thank you for pointing out the differing definitions. The definition of maintenance in the Section 18.36.140 (I) (1) is the same as the existing definition, and the definition in the glossary in Section 18.36.030 is a new addition. I am going to recommend to the Commission that we keep the glossary definition, as it provides more indication of what constitutes maintenance and delete the portion in Section 18.36.140 (I) (1):

18.36.030 Definitions

Maintenance, as used in Chapter 18.36, shall mean measures to protect and stabilize a property, including ongoing upkeep, protection and repair of historic materials and features.

Maintenance shall include the limited and responsive upgrading of mechanical, electrical and plumbing systems and other code-required work to make a property safe and functional.

This is what we propose for 18.36.140(I)(1) now:

(I) Requirement of Maintenance to Prevent Demolition by Neglect

(1) The owner of a designated property and owners of properties in an historic district must perform reasonable maintenance of the properties, as that term is defined in Section 18.36.030.

(2) The owner of a designated property and owners of properties in an historic district shall not commit demolition by neglect, as that term is defined in Section 18.36.030.

GARA: Demolition by Neglect is Not Expressly Prohibited: Section 18.36.140(I)(2) defines the term “demolition by neglect,” but the term is used only in that section and neither that section nor any other provision the Proposed Amendments expressly prohibits demolition by neglect. Section 18.36.140(I)(3) states that “non-compliance with this subsection [i.e. 18.36.140(I)] is punishable in accordance with other violations of this Chapter” but the only explicit requirements in the subsection are the maintenance requirements of Section 18.36.140(I)(1). *This raises the question whether Subsections (1) (the maintenance requirement) and (2) (demolition by neglect definition) are intended to function separately or whether they are supposed to be parts of a single concept (e.g., lack of maintenance resulting in demolition by neglect)* This is where it is unclear.

GHPO Response: We are adding language to prohibit demo by neglect. The intent is for the maintenance requirement to prevent owners from neglecting their properties and giving clarity about

maintenance. The demo by neglect is for the unlikely chance of a property owner would want to neglect it to the point of being able to demo. See below for proposed language:

The definition of demolition by neglect is being moved to the definitions, Section 18.36.030:

Demolition by neglect means neglect in maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

- (a) The deterioration of exterior walls or other vertical supports or a portion thereof;
- (b) The deterioration of roofs or other horizontal members;
- (c) The deterioration of exterior chimneys;
- (d) The deterioration of exterior plaster or mortar;
- (e) The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; or
- (f) The serious deterioration of any documented exterior architectural feature or significant landscape feature which in the judgment of the commission produces a detrimental effect upon the character of the district.

18.36.140

(I) Requirement of Maintenance to Prevent Demolition by Neglect

(1) The owner of a designated property and owners of properties in an historic district must perform reasonable maintenance of the properties, as that term is defined in Section 18.36.030.

(2) The owner of a designated property and owners of properties in an historic district shall not commit demolition by neglect, as that term is defined in Section 18.36.030.

GARA: Vague Terminology – Many of the terms used in Section 18.36.140 (1) are ambiguous and therefore open to interpretation. For example, on what basis would the City determine whether a property had “deteriorated so badly as to produce a detrimental effect on a designated property?” Also what would an owner have to do in order to satisfy the requirement that he “reasonably maintain the surrounding environment”? These concepts are undefined and vague standards that different people may interpret differently and that may result in inconsistent and arbitrary enforcement.

GHPO Response: We are proposing to remove the current definition of maintenance that uses that wording, which should provide clarity and remove the above-referenced vague terminology.

GARA: Undesignated properties 40 years old, Section 18.36.050 (c)(3)(b) – new language would expand the list of alterations that are deemed significant and therefore subject to review by the

Historic Preservation Specialist. It would remove several types of alterations that are designated by the existing code as “nonsignificant” and therefore not subject to review. Unless the City can justify why the existing definitions are no longer adequate, these provisions that would expand the scope of projects involving undesignated properties 40 years old or older should be eliminated.

GHPO Response: The purpose in proposing to change additions and accessory structures from nonsignificant to significant alterations that HP staff would review would be to have a chance to review accessory structures that might have significance. Some potentially significant accessory structures, such as carriage houses, agricultural buildings, etc should be reviewed to determine if they are worthy of preservation and designation and the possibility of tax credit funding or grants for rehabilitation work. Several prominent carriage houses in the Monroe Avenue Historic District are significant enough for individual designation, but were they not located in the designated district, there would be more potential for them to be lost. While accessory structures are not usually as significant as the primary structures they are associated with, and most are not likely to be significant, we would like the opportunity to review them. Additions are significant alterations. They are a major undertaking, often expensive and can be complementary to historic properties. Adding it to the list of significant alterations clarifies that all additions would be reviewed, rather than front or side additions. Rear additions could potentially have a detrimental impact on a property. Staff would like the opportunity to review those properties. It also affords the opportunity to provide information to the property owner about adding on to the property and meeting their needs and goals while maintaining historic character.

GARA: Proposed Section 18.36.050 (c)(3) – could impose a potentially expensive & protracted process on properties simply because they are old. This refers to the requirement for the Historic Preservation Specialist to review any permit to demolish or significantly alter the streetscape view of a structure or building, even if located outside a historic district.

GHPO Response: The process is only 10 days with the possibility of an extension if one of the four organizations, including Planning Commission, GURA Board, DDA and a non-profit preservation group (Historic Greeley, Inc), submitted a non-owner nomination. If they submitted a non-owner nomination, it would cause a delay, but it would be a very unusual circumstance and would likely only happen for properties deemed to have overwhelming significance. Staff has reviewed and sent the information to those organizations numerous times for various properties, including properties determined to be eligible for designation on the Greeley Historic Register, but they have not then followed up with nominations that went through the process. Because non-owner nominations have a higher threshold of significance, and because it could be politically challenging, it is unlikely that it would happen because a property is old.

GARA: The Historic Preservation Commission can deny a demolition or alteration request which could impose a permanent preservation restriction on a structure without the owner's consent. And it appears that only three members of the five member quorum is required to for such a denial.

GHPO Response: While three members of the Commission present would be sufficient for a public meeting, they would not be able to conduct public hearings because the Commission quorum is four members, as established in the Commission Operating Rules and Procedures. For designations, they must have a quorum of five members. All decisions of the HPC are reviewable by City Council, so applicants can appeal an HPC decision if the HPC denies a request to demo or alter.

GARA: Section 18.36.070 (E) would authorize the establishment of a historic district in cases where fewer than 50% of the owners are in favor of the designation. And this provision only counts votes actually cast so only a handful of property owners could make a large impact. We feel that district nomination only move forward if majority of all property owners support it.

GHPO Response: The owners all have the opportunity to vote and express their opinion by casting a ballot, with one ballot per property (not per property owner). The historic district only goes to a designation hearing if the majority of cast votes are in favor of designation. While it could be only a handful of property owners who cast votes, the City does not impact the choice of eligible property owners to cast a vote or not. There is an equal chance that fewer than 50% of the owners are against designation but still prevent a district because they cast more votes than supporters.

GARA: Section 18.36.070 (D) Involuntary designation through a third party, such as the Planning Commission, GURA, DDA, or other group has the potential to result in a taking without just compensation.

GHPO Response: In the case Penn Central Transportation Company vs. City of New York, 438 U.S. 104, the Supreme Court ruled that historic preservation designation does not constitute a taking of property rights without just compensation. Involuntary designation would go through the non-owner nomination process, in which staff reviewed and determined the property to be significant and provide that information to the groups allowed by ordinance, including the Planning Commission, GURA Board, DDA, and a preservation non-profit organization such as Historic Greeley, Inc., and one of those groups chose to nominate it to the Greeley Historic Register. The ordinance requires non-owner nominations to meet a higher threshold of significance. The Historic Preservation Commission would have a public hearing to include testimony from support and opposition if presented, and they would make a recommendation decision for City Council to make the final decision. Designation does not constitute a taking because historic preservation is considered, according to law, to be a legitimate public interest. The property would still have value and have economic potential. There are also financial incentives to help with preservation and rehabilitation of designated properties to help with adaptively reusing historic buildings.

February 27, 2019

Historic Preservation Commission
c/o Betsy Kellums, Historic Preservation Specialist
1100 10th Street, Suite 201
Greeley, CO 80631

Dear Members of the Historic Preservation Commission,

The Greeley Area REALTOR® Association (GARA) wishes to comment on the proposed update to the Historic Preservation Ordinance. We applaud the Historic Preservation Commission's desire to preserve and protect Greeley's history.

GARA's mission is to protect private property rights, and in that spirit, we have some concerns with the proposed language. We offer these detailed comments in the hope that the proposed amendments, also known as Chapter 18.36, can be revised prior to consideration by the Greeley City Council.

Demolition by Neglect Section 18.36.140 (I)

Inconsistent and Competing Definitions of "Maintenance" Subsection (1) proposes a definition of "maintenance" that differs from the definition of the same term in Section 18.36.030. The inconsistency between these definitions may create confusion and cause affected property owners to wonder whether they must maintain their properties in accordance with the definition located at Section 18.36.030, Section 18.36.140(I)(1), or both?

Demolition by Neglect is Not Expressly Prohibited Section 18.36.140(I)(2) defines the term "demolition by neglect," but the term is used only in that section and neither that section nor any other provision the Proposed Amendments expressly prohibits demolition by neglect. Section 18.36.140(I)(3) states that "non-compliance with this subsection [i.e. 18.36.140(I)] is punishable in accordance with other violations of this Chapter" but the only explicit requirements in the subsection are the maintenance requirements of Section 18.36.140(I)(1). This raises the question whether Subsections (1) (the maintenance requirement) and (2) (demolition by neglect definition) are intended to function separately or whether they are supposed to be parts of a single concept (e.g., lack of maintenance resulting in demolition by neglect). As currently written, the purpose and effect of these provisions is unclear.

Vague Terminology Many of the terms used in Section 18.36.140(I) are ambiguous and therefore open to interpretation. For example, on what basis would the City determine whether a property had "deteriorate[d] so badly as to produce a detrimental effect on a designated property"? Also, what would an owner have to do in order to satisfy the requirement that he "reasonably maintain the surrounding environment?"

These concepts are undefined and vague standards that different people may interpret differently and that may result in inconsistent and arbitrary enforcement. The proposed anti-“deterioration” requirements for roofs, chimneys, and other building and site elements are likewise vague and undefined. Section 18.36.140(I)(2) likewise has terms that lack clear and objective meaning. For instance, what percentage of a roof must require repair before it is considered deterioration amounting to demolition by neglect?

Review of Undesignated Properties 18.36.050(C)(3)(b)

There are two ways that proposed Section 18.36.050(C)(3)(b) would expand the scope of projects involving undesignated properties 40 years old or older that are subject to review by the Historic Preservation Specialist. First, it would expand the list of alterations that are deemed “significant” and therefore subject to Specialist review to include additions and accessory structures. Under the Existing Code, additions and accessory structures proposed to be built on an undesignated property 40 years old or older are not subject to review by the Specialist.

Second, the proposed amendments would also remove several types of alterations that are designated by the Existing Code as “nonsignificant” and therefore not subject to Specialist review. These include: siding (vinyl or metal over original); accessory structures; and additions not visible from the street (less than 50% of the original structure).

Based on the annotations accompanying Section 16.60.200 of the Existing Code, it appears that the existing definitions of “significant alteration” and “nonsignificant alteration” have been in effect since at least 2006. Unless the City can justify why the existing definitions are no longer adequate to serve the City’s historic preservation goals, the provisions discussed above that would expand the scope of projects involving undesignated properties 40 years old or older that are subject to review by the Specialist should be eliminated from the Proposed Amendments.

We would also like to comment on provisions that have been carried over from the existing code into the proposed amendments.

Vague and Subjective Standards

Section 18.36.030 defines the term “unreasonable economic hardship” to mean “severe economic impact to the property as determined on a case-by-case basis by the Historic Preservation Commission”). This provision purports to define “unreasonable economic hardship” but raises more questions than it answers. For example, what constitutes “severe economic hardship”? And on what basis would the Historic Preservation Commission determine whether a case of “unreasonable economic hardship” exists?

Section 18.36.070(D)(1) states that a “legally recognized preservation organization” may nominate a property or district for historic preservation but does not define the term or provide a list of such organizations. As a result, it is not clear on what basis the City would determine whether an organization is “legally recognized.”

Section 18.36.070(E)(1)(b)(viii) requires submittal of a “historic context statement” without defining the term. What must be included in such a statement and how does it differ from the statement of significance in the following subsection?

Lack of Definition of “Extenuating or Emergency Circumstances” Section 18.36.140(B) states that building or demolition permits may be released by the Community Development Director without Commission review if there are “extenuating or emergency circumstances.” The Proposed amendments, however, do not define the term “extenuating or emergency circumstances” or provide standards or criteria for the Director to apply in determining whether to release a building or demolition permit due to the existence of such “extenuating or emergency circumstances.”

Each of the above standards contains vague terms or phrases, requiring a property owner (and City officials) to “guess at its meaning,” leaving the Proposed Amendments vulnerable to challenge.

City Council Vote Requirement

Section 18.36.070(E)(2)(d) requires that the City Council “shall vote and render a decision to affirm, deny or modify” the designation of a historic district. However, it does not specify the minimum number of votes required for approval of a historic district. By contrast, under Section 18.36.070(D), the Proposed Amendments require that a non-owner application for designation of a historic property be approved by the City Council by a simple majority vote. Section 18.36.070(C)(2)(b) requires that an owner nominated property receive a 2/3 vote of the Commission in favor of the nomination.

Minimum voting requirements are also lacking in Section 18.36.090(A) of the Proposed Amendments, which authorizes the Commission to hear an appeal of a decision of the Specialist, and Section 18.36.090(B), which authorizes the City Council to hear appeals of Commission decisions.

The proposed Chapter should be revised to include minimum City Council vote requirements in Section 18.36.070(E)(2)(d) and Sections 18.36.090(A)-(B). We also request that Section 18.36.070(E)(2)(d) and Section 18.36.070(D) be modified so that historic district designation and non-owner applications for designation of a historic property must be approved by a *super majority vote*. If the City Council takes action to designate a property or district over owner objections, it is reasonable to require a heightened standard for approval.

Administrative Review of Buildings 40 Years Old or Older

Proposed Section 18.36.050(C)(3) would require that any application to demolish or significantly alter the streetscape view of a structure or building that is 40 years or older, even if located outside of a historic district, must be reviewed by the Historic Preservation Specialist.

The Historic Preservation Specialist's 10-day review period will likely increase the standard processing time for issuing a building or demolition permit. If a permit could normally be issued on an over-the-counter basis (which is not uncommon in the case of adding an accessory structure or siding) then the Specialist's review could cause up to a two-week delay. It is unfair to delay a project on every building 40 years old or older (built in or before 1978), even those with no historic significance, for at least two weeks.

Additionally, while the Specialist is given 10 business days to comment on an application, there is nothing in the Proposed Amendments to ensure that the building or demolition permit will be issued after the review period has elapsed. If the Specialist finds that the property may have historic significance, it must notify certain groups. Once notified, the Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate the building or site for designation.

This raises the following questions: Will the Building Inspection office delay permit issuance to allow these groups to consider and submit an application for designation? If a non-owner nomination is made either within or after the 10-day review period, is the Building Inspections office prohibited from issuing a building or demolition permit?

GARA requests that the language be revised to affirmatively state that a permit must be issued after the 10-day review period so that owners of 40-year old and older buildings have some assurance that building and demolition permits will be issued in a timely manner. It is unfair to permit a notified group to delay permit issuance by filing a nomination application and then subjecting an owner to a hearing before the Commission and the City Council, which could add months to the review process.

A better approach would be to only permit non-owner initiated applications when there are no development applications pending for the property. This would require interested groups to proactively identify potentially significant properties and prevent delay on the "eve" of permit issuance when an owner may already have contractual and other financial obligations.

Authority of the Historic Preservation Commission to Deny a Demolition or Alteration Request

Proposed Chapter 18.36 authorizes the Commission and the City Council to deny a Certificate of Approval for a demolition or major alteration. The denial of a demolition permit would effectively impose a permanent historic preservation restriction, drastically limiting the use and development of the property. This could be done over the objection of the property owner, and without the City ever having made the findings that would be required to formally individually designate the property on a local, state, or national register of historical properties. As a practical matter, the denial of a demolition permit amounts to a "back door" means of imposing landmark status on a property without completing a formal designation process (it appears, although it is not clear, that a Certificate of Approval is required before the demolition or approval of *any* property—even noncontributing properties— in a historic district).

Moreover, it appears that a Certificate of Approval may be denied by a simple majority of a five- person Commission quorum. The denial need only be affirmed by a simple majority of the City Council. This means that it could take just three members of a five-member quorum of the Commission, affirmed by a Council simple majority, to permanently prevent a property owner from demolishing its property in whole or part to facilitate a redevelopment or renovation, or to prevent any major alteration.

GARA requests that the language be revised to require a unanimous vote or at least a super majority of the full Commission membership before the City can outright deny a property owner the right to demolish a building in whole or part or to undertake a major alteration. The Proposed Amendments should also be revised to ensure that only *contributing* properties in a historic district are subject to the Certificate of Approval requirement. Currently, Section 18.36.140 appears to apply to *any* property in a historic district. The section's title references "contributing properties" only, but the text of the section—which typically would control based on principals of statutory interpretation—references *any* property in a historic district.

Voting on Historic District by Property Owners

Pursuant to Section 18.36.070(E), an application for designation of a local historic district must be supported by at least 20 signatures or 20 percent of the number of properties or lots within the proposed district, whichever is less. In order for an application for district designation to be heard by the Commission and the City Council, a vote by property owners of the nominated district must be held and greater than 50 percent of votes cast must be in favor of historic designation.

This provision is especially problematic in that it only counts votes *actually cast* rather than requiring a vote in favor by, for example, owners of more than 50 percent of the properties in the district. In the case of low voter participation, only a handful of property owners could make a large impact by voting to move the designation application forward. If, for example, there are 20 properties in a proposed district, and only 10 owners actually cast a vote, then a district nomination could move forward with just six votes in favor—representing just 30 percent of the properties in the proposed district. A better approach would be to count non-votes as "no" votes.

We request a revision of this language so that a district nomination may only move forward if *a majority of all property owners in a proposed district are affirmatively in favor of district designation*. Owners should also be given an opportunity to opt out of historic district designation and make their own decision regarding the potential positive and negative impacts of designation.

Involuntary Designations of a Historic District or Property

According Section 18.36.070(D), the Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate an area, building, house,

replica, structure, object, property, park, land feature, tree or site for designation on the local register. Designation may be made over an owner's objections.

Such designation can significantly impact an owner's ability to alter, modify, or even demolish her own property. An owner who has a designation thrust upon her in this way may find that it precludes her from improving her property or imposes costly requirements on improvements.

We understand that the economic hardship exemption provisions provide a mechanism for property owners to obtain relief from historic designation requirements in circumstances where the owner would otherwise be deprived of reasonable beneficial use or reasonable economic return. Nevertheless, we feel obligated to point out that it is not fair, or good public policy for the City to place all the burdens of preserving a historic property on an unwilling owner.

Thank you for considering our lengthy comments on the proposed revisions to the Historic Preservation ordinance. We would be happy to answer any questions you might have concerning this letter.

Respectfully Yours,

Liberty Gerold, Chair
Board of Directors
Greeley Area REALTOR® Association



HISTORIC PRESERVATION COMMISSION

**Proceedings
March 4, 2019**

**1001 11th Avenue
City Council Chambers, City Center
South 4:00 p.m.**

I. Call to Order

Chair Scott called the meeting to order at 4:02 pm. Commissioners Anschutz, Zasada, Thompson, Brunswig, Bator and McLean were present.

II. Approval of Minutes for the meeting held on January 21, 2019

Commissioner Anschutz moved to approve the minutes for January 21, 2019. Commissioner McLean seconded the motion. The motion carried 7-0.

III. Public Input

There was no public input.

IV. Continuation of Request for Certificate of Approval: Façade Alterations, 805 9th Street (Applicant: Ely Corliss and Brian Seifried, on behalf of owner LASI LLC)

Commissioner Bator made a motion to continue the request for Certificate of Approval for façade alterations to the April 15, 2019 meeting. Commissioner McLean seconded. The motion carried 7-0.

V. Public Hearing for input on proposed update to the Historic Preservation Chapter of the Municipal Code

Chair Scott called for any conflicts of interest. Commissioner Zasada stated she is a member of the Greeley Area Realtor Association (GARA) and was not part of their initial discussions about the code changes. She spoke with Julie Jensen, GARA Director, on Friday about the generalities of this meeting. City Attorney Michael Axelrad saw no conflict of interest problem with Commissioner Zasada participating.

Ms. Kellums entered the staff report into the record. Staff proposes repealing Chapter 16.60 and Chapter 16.61, adopting Chapter 18.36 and Chapter 18.37, and amending Appendix 18-B.

The function of the Historic Preservation Commission is to review proposed changes, to consider the historic preservation staff report, to consider public comment, and to make a recommendation to City Council based on information presented.

Ms. Kellums first addressed moving it to the Development Code, Title 18, and the reorganization of the chapter to align it with the Development Code organization. Staff also recommended adding a section of application of design guidelines applicable to the code with 3 categories: individually designated properties, contributing properties in a historic district, and non-contributing properties in a historic district.

Staff has also proposed to make additions and revisions to definitions in proposed Section 18.36.030 and additions to Appendix 18-B; for staff authority to review and approve/deny Minor Alterations, Section 18.36.050(c)(1); add accessory structures and additions to staff review of undesignated properties 40 years or older, Section 18.36.050(C)(3)(b); make designation criteria changes, Section 18.36.060 (A), (C), and (D); add detail to Designation Procedures, Section 18.36.070; make revisions to Notice Requirements, Section 18.36.080; add appeals process for appeal of Historic Preservation Staff Certificate of Approval decisions to the Commission, Section 18.36.090; make changes to incentives, Section 18.36.100; eliminate Action of Commission upon denial of project, Section 16.60.140; make enforcement change to civil infraction, Section 18.36.120; codify the application and hearing process for certificates of approval, Section 18.36.140; modify Criteria and Standards for review of Certificates of Approval, Section 18.36.150; and move the Historic Preservation Loan Ordinance to Chapter 18.37. She added that the proposed changes reinforce Council priorities of Image and Infrastructure & Growth and met various Imagine Greeley Comprehensive Plan goals and objectives. Ms. Kellums recommended approval.

There being no questions from the Commission, Chair Scott opened the public hearing at 4:24 p.m. and requested comments be kept to three minutes or less.

Brad Inhulsen, 2200 Mountair Lane, addressed the Commission on behalf of GARA. Mr. Inhulsen stated that as realtors, it is their responsibility to advocate for the rights of private property owners. They asked that the Commission balance the passion for history with the rights of private owners and clarify proposed Chapter 18.36 in that the code be clearly written and that its requirements are easy for everyone to understand. Vague terminology and inconsistent definitions should be revised. GARA asked if the Commission has ever found the need to designate a property, create a district, or delay building permits over an owner's objections. If not, we would like to know why this language should remain in the code. Denying a property owner the right to their property as they see fit is an extremely serious matter and should be undertaken only in very unusual circumstances. He referred to the GARA letter covering their concerns and their suggestions. Mr. Inhulsen offered to answer questions.

Julia Richard, 1313 9th Avenue, addressed the Commission as a Greeley homeowner stating that it has been 24 years since the ordinance was written and that the demolition ordinance was established in 2002. Ms. Richard still feels that historic preservation is somewhat new and is pleased that since its establishment, not many significant buildings have been lost. The ordinance has provided the opportunity to have conversations. She is in agreement with GARA about the importance of protecting and preserving Greeley's history. She agrees with the changes. To her knowledge the non-owner nomination option hasn't been used, but is an important option and would be used as a last resort for a really significant building. She and her husband have not found the ordinance intrusive or extreme, and believes that changes strike a good balance with property owner rights and the historic preservation of the community. She offered to answer any questions.

Ron Thompson, 1616 12th Avenue, works to rehabilitate historic properties and is speaking to how the ordinance has worked, how it works now, and how it will work if it is amended. He stated that the historic preservation ordinance has worked extremely well as it currently stands and has been tweaked and changed several times over the years on a case-by-case basis in response to concerns. Historic preservation is an effective economic development tool and an example of this is the recently completed rehabilitation of the Masonic Temple, which is a building that hasn't been well-utilized in the past. Several years ago, buyers came forward and took advantage of incentives available to owners of property because of the historic preservation ordinance. He explained that the status of Greeley as a Certified Local Government, which means the Greeley ordinance meets federal standards, gives property owners access to incentives, including tax credits and grants for preservation. The project was an \$850,000 rehabilitation, which was partially funded by the State Historical Fund providing a \$178,000 grant, a state income tax credit for \$252,000, and a federal tax credit to owners for \$168,000, for a total of about \$600,000 of incentive money back to the owners. This rehabilitation would not have happened without the incentives. The rehabilitated building now has private owners, resulting in the return of the property to the tax rolls, to the tune of about \$15,000 to \$18,000 in property taxes per year, which benefits the City, the County, the school district and the library district. Mr. Thompson believes that the current ordinance is a good historic preservation ordinance. He understands where the concerns come from to want to make changes, but believes that in the past, cases have always been addressed as they happen, and recommends to leave the current ordinance as is

if there is not a pressing need to change it. He did agree that the proposed changes streamline the ordinance and tighten up protections against adversarial non-owner nomination and make it more effective.

Marshall Clough, 1619 14th Street, made a few points about changing the ordinance. He stated that Historic Preservation Commission has done great work in the past twenty years protecting Greeley's history without infringing on property rights. Mr. Clough doesn't believe this will change with the proposed changes to the ordinance. Designated properties and the two historic districts enhance the quality of life in Greeley by alerting citizens to the rich history of Greeley. If they were to disappear, Greeley would be the poorer and would look like Anywhere, USA. He is concerned with requirements through unanimous votes/super majorities on the commission. He believes that would diminish the Commission's importance in making decisions for historic preservation.

Chair Scott asked for any further comment. There being no further comment, Chair Scott closed the public hearing at 4:38 p.m.

Ms. Kellums addressed the GARA question about whether a property or district has ever been designated against the owners' wishes, or a project been delayed. Ms. Kellums explained the process for reviewing permits on properties that are 40 years old or older and indicated that no non-owner nominations have gone through the process. She indicated the Greeley Urban Renewal Authority Board nominated a property but then withdrew the nomination after they received more information and decided it was not sufficiently significant. She explained the non-owner nomination process is meant to be for properties that are exceptionally significant, such as the Meeker Home or the Courthouse. She further explained that two districts have been designated. When the Monroe Avenue Historic District was designated, one person appealed it to Council because they wanted to be drawn out of the district, not because they opposed it. Council upheld the district designation by the Commission. When the Downtown District was designated, no one opposed the Downtown District at the Historic Preservation Commission public hearing. She explained that when the Cranford neighborhood was nominated it was withdrawn and re-nominated and then appealed to district court and sent back to re-do with the correct process. The code changes that require City Council to approve districts was passed during that time. Since the Cranford district was designated and then overturned by Council, and since the code was changed, no district nominations have been submitted. Ms. Kellums further explained the staff review of permits on properties 40 years old and older, she works with Building Inspection and Planning staff, developers and property owners to review alterations in accordance with the code prior to permits being submitted to facilitate the review process, so the historic preservation review is concurrent with other City reviews of permits, when possible.

Commissioner Anschutz asked if there is anything in the revision that would further restrict an applicant from working through the process that was not there before.

Ms. Kellums explained that adding accessory structures and additions to the list of significant alterations for staff review would potentially add a short delay of up to 10 days, although this is not expected to happen very frequently.

Commissioner Anschutz asked if, in regards to Minor alterations and exception of roofs, it

would be good to put a price on those revisions. She wouldn't want the staff to be the target of criticism.

Ms. Kellums asked if she was proposing to have a financial threshold if it's a project that meets the definition of minor and is under a certain amount of money and if it's a project that meets the definition of minor and is over a certain amount of money, it would become major?

Commissioner Anschutz said that was only a suggestion and felt it was the only potential pitfall of the revisions. Chair Scott expressed concern that costs change overtime and if a cost was put in the code, it could change significantly over a period of time, such as ten years.

Kellums stated that one way to address that would be to add a percentage of the value of the project, which is actually how building permit fees are established. Something along those lines could be done or it could be based on the valuation of the project.

Anschutz thought the line between major and minor is very subjective. Kellums responded saying that there are definitions of "major" and "minor," but if something does not fit a definition specifically, it can be reviewed by the Commission.

Michael Axelrad mentioned that there is a provision in the revised code that allows for an appeal of any determinations to the full Commission and the Council if necessary. Applicant rights are protected through the appeal process.

Commissioner Brunswig stated that the term "vague" appeared in the letter from GARA frequently and he had the impression that it is a means of flexibility. Laws and codes are subject to review through the judicial system. He does not think that "vagueness" is a bad thing in that sense, and that it can actually help facilitate the process.

Commissioner Bator addressed GARA about Attachment C, the February 22nd staff response letter to their public meeting comments, mentioning that answers to concerns in the letter were stated in the attachment. She wanted to clarify that GARA's concerns had been addressed and asked for GARA if there were further concerns or questions.

At 4:52 p.m., Chair Scott reopened the public hearing.

Brad Inhulsen, 2200 Mountair Lane, stated that GARA was satisfied with the responses and there were no further concerns.

Chair Scott asked if anyone else wanted to address the Commission. There being none, she closed the public hearing at 4:53 p.m.

Chair Scott called for discussion or a motion.

Commissioner Bator made a motion that, based on the project summary, attachments and staff analysis and public input, the Historic Preservation Commission finds that the proposed amendments to the Greeley Municipal Code, as presented, support the intent of

the Comprehensive Plan, clarify administration of the Historic Preservation Chapter, and align with City Council goals and objectives, and recommends approval to City Council, of an ordinance repealing Chapter 16.60 and Chapter 16.61 in their entirety; an ordinance adopting Chapter 18.36 and Chapter 18.37; and amending the Appendix 18-B.

Commissioner Anschutz seconded the motion.

Mr. Mueller apologized for interrupting the Commission in a vote, but explained that staff had been anticipating feedback from Colorado Code on technical matters. We just received it and there are minor changes. He asked they include in the motion to give staff authority to incorporate technical corrections that are recommended and that we recognize that if there are major changes we will need to bring it back to the Commission for a new hearing.

Mr. Axelrad provided guidance on how to do motions with the additional information. They could amend the motion. Commissioner Anschutz withdrew her second. Chair Scott called for an amendment to the motion. Mr. Mueller suggested amending the motion to add the approval per the language with the condition that staff be allowed to make minor technical amendments for consistency and grammatical matters. Commissioner Anschutz suggested adding language from the Colorado Code codifying company.

Commissioner Anschutz suggested an amendment that staff further edit the proposal to include those comments from the code codifying company. Commissioner McLean seconded the motion. Chair Scott called for a vote. The motion as amended carried, 7-0.

VI. Historic Preservation Month Awards Discussion

Ms. Kellums requested to put the discussion on the agenda for March 18th.

Commissioner Anschutz moved to move the agenda item Historic Preservation Month Awards to the March 18th agenda. Commissioner Thompson seconded. The motion carried 7-0.

VII. Historic Preservation Commission Reports

Commissioner Anschutz stated that she became aware of a company south of the Sheels store that does window and door restoration. She wasn't aware that someone that close does that type of work. She stated that they are willing to talk to anyone about particulars.

Chair Scott mentioned the Colorado Preservation, Inc. (CPI) conference. Ms. Kellums requested to put the CPI Conference discussion on the agenda for the next meeting.

VIII. Staff Reports

Ms. Kellums reported that the upcoming History Brown Bags are Thursday, March 28th at 12 p.m. and April 11th about American Jewish soldier experience during WWII. She

March 15, 2019

Mayor John Gates and Greeley City Council
via email

Dear Mayor Gates and Greeley City Council,

The Greeley Area REALTOR® Association (GARA) wishes to comment on the proposed update to the Historic Preservation Ordinance, also known as Chapter 18.36 in the Land Use Code. GARA's mission is to protect private property rights, and it is in that spirit we have carefully reviewed the proposed legislation. The Historic Preservation Officer has already made some changes to the proposed amendments based on our recommendations, for which we are appreciative. However, we have remaining concerns we urge the City Council to address prior to adoption.

At the Historic Preservation Commission's public hearing on March 4 we were told more extreme measures such as the historic designation of a property without consent of an owner would only be applied in unusual circumstances. We appreciate that the current Historic Preservation Officer, the Historic Preservation Commission and the City Council are reasonable and would be judicious in the use of their authority. However, it is important to note that staff and the composition of the Historic Preservation Commission and the City Council will change over time. For this reason, the language of this legislation must provide the utmost protection for property owners in situations in which their personal wishes related to the use of their property are denied by the City of Greeley, regardless of how unlikely those scenarios might seem today.

City Council Vote Requirement

Section 18.36.070(E)(2)(d) requires that the City Council "shall vote and render a decision to affirm, deny or modify" the designation of a historic district. However, it does not specify the minimum number of votes required for approval of a historic district. By contrast, under Section 18.36.070(D), the Proposed Amendments require that a non-owner application for designation of a historic property be approved by the City Council by a simple majority vote. Section 18.36.070(C)(2)(b) requires that an owner nominated property receive a 2/3 vote of the Commission in favor of the nomination.

Minimum voting requirements are also lacking in Section 18.36.090(A) of the Proposed Amendments, which authorizes the Commission to hear an appeal of a decision of the Specialist, and Section 18.36.090(B), which authorizes the City Council to hear appeals of Commission decisions.

The proposed Chapter should be revised to include minimum City Council vote requirements in Section 18.36.070(E)(2)(d) and Sections 18.36.090(A)-(B). We also request that Section 18.36.070(E)(2)(d) and Section 18.36.070(D) be modified so that historic district designation

and non-owner applications for designation of a historic property must be approved by a *super majority vote*. If the City Council takes action to designate a property or district over owner objections, it is reasonable to require a heightened standard for approval.

Administrative Review of Buildings 40 Years Old or Older

Proposed Section 18.36.050(C)(3) would require that any application to demolish or significantly alter the streetscape view of a structure or building that is 40 years or older, even if located outside of a historic district, must be reviewed by the Historic Preservation Specialist.

The Historic Preservation Specialist's 10-day review period will likely increase the standard processing time for issuing a building or demolition permit. If a permit could normally be issued on an over-the-counter basis (which is not uncommon in the case of adding an accessory structure or siding) then the Specialist's review could cause up to a two-week delay. It is unfair to delay a project on *every* building 40 years old or older (built in or before 1978), even those with no historic significance, for at least two weeks.

Additionally, while the Specialist is given 10 business days to comment on an application, there is nothing in the Proposed Amendments to ensure that the building or demolition permit will be issued after the review period has elapsed. If the Specialist finds that the property may have historic significance, it must notify certain groups. Once notified, the Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate the building or site for designation.

This raises the following questions: Will the Building Inspection office delay permit issuance to allow these groups to consider and submit an application for designation? If a non-owner nomination is made either within or after the 10-day review period, is the Building Inspections office prohibited from issuing a building or demolition permit?

GARA requests that the language be revised to affirmatively state that a permit must be issued after the 10-day review period so that owners of 40-year old and older buildings have some assurance that building and demolition permits will be issued in a timely manner. It is unfair to permit a notified group to delay permit issuance by filing a nomination application and then subjecting an owner to a hearing before the Commission and the City Council, which could add months to the review process.

A better approach would be to only permit non-owner initiated applications when there are no development applications pending for the property. This would require interested groups to proactively identify potentially significant properties and prevent delay on the "eve" of permit issuance when an owner may already have contractual and other financial obligations.

Review of Undesignated Properties 18.36.050(C)(3)(b)

There are two ways that proposed Section 18.36.050(C)(3)(b) would expand the scope of projects involving undesignated properties 40 years old or older that are subject to review by

the Historic Preservation Specialist. First, it would expand the list of alterations that are deemed “significant” and therefore subject to Specialist review to include additions and accessory structures. Under the Existing Code, additions and accessory structures proposed to be built on an undesignated property 40 years old or older are not subject to review by the Specialist.

Second, the proposed amendments would also remove several types of alterations that are designated by the Existing Code as “nonsignificant” and therefore not subject to Specialist review. These include: siding (vinyl or metal over original); accessory structures; and additions not visible from the street (less than 50% of the original structure).

Based on the annotations accompanying Section 16.60.200 of the Existing Code, it appears that the existing definitions of “significant alteration” and “nonsignificant alteration” have been in effect since at least 2006. Unless the City can justify why the existing definitions are no longer adequate to serve the City’s historic preservation goals, the provisions discussed above that would expand the scope of projects involving undesignated properties 40 years old or older that are subject to review by the Specialist should be eliminated from the Proposed Amendments.

Authority of the Historic Preservation Commission to Deny a Demolition or Alteration Request

Proposed Chapter 18.36 authorizes the Commission and the City Council to deny a Certificate of Approval for a demolition or major alteration. The denial of a demolition permit would effectively impose a permanent historic preservation restriction, drastically limiting the use and development of the property. *This could be done over the objection of the property owner, and without the City ever having made the findings that would be required to formally individually designate the property on a local, state, or national register of historical properties.* As a practical matter, the denial of a demolition permit amounts to a “back door” means of imposing landmark status on a property without completing a formal designation process (it appears, although it is not clear, that a Certificate of Approval is required before the demolition or approval of *any* property—even noncontributing properties— in a historic district).

GARA requests that the language be revised to require a unanimous vote or at least a super majority of the full Commission membership before the City can outright deny a property owner the right to demolish a building in whole or part or to undertake a major alteration. The Proposed Amendments should also be revised to ensure that only *contributing* properties in a historic district are subject to the Certificate of Approval requirement. Currently, Section 18.36.140 appears to apply to *any* property in a historic district. The section’s title references “contributing properties” only, but the text of the section—which typically would control based on principals of statutory interpretation—references *any* property in a historic district.

Voting on Historic District by Property Owners

Pursuant to Section 18.36.070(E), an application for designation of a local historic district must be supported by at least 20 signatures or 20 percent of the number of properties or lots within the proposed district, whichever is less. In order for an application for district designation to be heard by the Commission and the City Council, a vote by property owners of the nominated district must be held and greater than 50 percent of votes cast must be in favor of historic designation.

This provision is especially problematic in that it only counts votes *actually cast* rather than requiring a vote in favor by, for example, owners of more than 50 percent of the properties in the district. In the case of low voter participation, only a handful of property owners could make a large impact by voting to move the designation application forward. If, for example, there are 20 properties in a proposed district, and only 10 owners actually cast a vote, then a district nomination could move forward with just six votes in favor—representing just 30 percent of the properties in the proposed district. A better approach would be to count non-votes as “no” votes.

We request a revision of this language so that a district nomination may only move forward if *a majority of all property owners in a proposed district are affirmatively in favor of district designation*. Owners should also be given an opportunity to opt out of historic district designation and make their own decision regarding the potential positive and negative impacts of designation.

Involuntary Designations of a Historic District or Property

According Section 18.36.070(D), the Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate an area, building, house, replica, structure, object, property, park, land feature, tree or site for designation on the local register. Designation may be made over an owner’s objections.

Such designation can significantly impact an owner’s ability to alter, modify, or even demolish her own property. An owner who has a designation thrust upon her in this way may find that it precludes her from improving her property or imposes costly requirements on improvements.

We understand that the economic hardship exemption provisions provide a mechanism for property owners to obtain relief from historic designation requirements in circumstances where the owner would otherwise be deprived of reasonable beneficial use or reasonable economic return. Nevertheless, we feel obligated to point out that it is not fair, or good public policy for the City to place all the burdens of preserving a historic property on an unwilling owner.

Vague and Subjective Standards

Section 18.36.030 defines the term “unreasonable economic hardship” to mean “severe economic impact to the property as determined on a case-by-case basis by the Historic Preservation Commission”). This provision purports to define “unreasonable economic

hardship” but raises more questions than it answers. For example, what constitutes “severe economic hardship”? And on what basis would the Historic Preservation Commission determine whether a case of “unreasonable economic hardship” exists?

Section 18.36.070(D)(1) states that a “legally recognized preservation organization” may nominate a property or district for historic preservation but does not define the term or provide a list of such organizations. As a result, it is not clear on what basis the City would determine whether an organization is “legally recognized.”

Section 18.36.070(E)(1)(b)(viii) requires submittal of a “historic context statement” without defining the term. What must be included in such a statement and how does it differ from the statement of significance in the following subsection?

Lack of Definition of “Extenuating or Emergency Circumstances” Section 18.36.140(B) states that building or demolition permits may be released by the Community Development Director without Commission review if there are “extenuating or emergency circumstances.” The Proposed amendments, however, do not define the term “extenuating or emergency circumstances” or provide standards or criteria for the Director to apply in determining whether to release a building or demolition permit due to the existence of such “extenuating or emergency circumstances.”

Each of the above standards contains vague terms or phrases, requiring a property owner (and City officials) to “guess at its meaning,” leaving the Proposed Amendments vulnerable to challenge. During the public hearing with the Historic Preservation Commission, one of the Commission members told us that vague terms or phrases are “good” because they give the Commission flexibility. We disagree with this opinion; we assert that the language for this proposed chapter must be clear and unambiguous to avoid misinterpretation.

Thank you for considering our lengthy comments on the proposed revisions to the Historic Preservation ordinance. We would be happy to answer any questions you might have concerning this letter.

Respectfully Yours,

Liberty Gerold, Chair
Board of Directors
Greeley Area REALTOR® Association



HISTORIC GREELEY

A Non-Profit Preservation Organization

P.O. 356 • Greeley, CO 80632 • www.historicgreeley.org • historicgreeleyinc@gmail.com

March 26, 2019

To Mayor Gates and Greeley City Council:

In a city with as rich a history as Greeley, it comes as a surprise to many that our record of preservation of our best historic buildings was less than stellar. The late Jil Rosentrater, a former city leader and cultural director had a slideshow that was a memorial to the grand structures of the past — many in downtown Greeley. The Camfield Hotel, the Post Office, Cranford Hall on the UNC campus, the Sterling Hotel and Theater — the list of lost buildings was depressingly long.

We say “depressing” not just because of nostalgia for the good old days, but because we now know from watching the incredible economic development of other Colorado downtowns that those old buildings mean big opportunities. Areas such as Old Town Fort Collins, the Pearl Street Mall, and LoDo and Larimer Square in Denver — to name just a few — were great examples for Greeley that preservation was good for our souls AND our businesses.

Thankfully, we learned these lessons, and the revitalization of downtown Greeley that we’ve seen in the last couple of decades is proof of that. Those lessons were guided by the 1995 establishment of the historic preservation ordinance that you’re being asked to review once again.

We say “once again,” because like any good law, this ordinance has flexed and changed in the 24 years since it was written. In 1999 sections were added to allow for the creation of historic districts, and we have two in Greeley. In 2008 those sections were significantly revised in a process that changed historic district nomination drastically to address private property rights concerns. Council need not, and should not, address this again.

In 2002, the City Council reviewed the ordinance again, and the Council’s review affirmed the value of a citizen commission continuing to serve as a quasi-judicial body, ruling on details and leaving appeal processes to the City Council.

Greeley’s historic preservation ordinance is flexible — HOWEVER, most importantly, it’s maintained a quality that has deemed Greeley a Certified Local Government (CLG) by History Colorado, the state’s governing entity for historic preservation. This designation is critical for the implementation of important redevelopment financial incentives like grants and tax credits that make Colorado the nation’s leader in historic preservation economic development.

It’s important to know that any significant weakening of Greeley’s preservation ordinance puts our designation as a CLG at risk, and consequently our abilities to extend literally millions of dollars in economic incentives — from big commercial projects to individual homeowners in Greeley. Our private, nonprofit organization, Historic Greeley, Inc., is satisfied that the proposed changes by City staff neither threaten nor expand the ordinance, and we supported the recent unanimous vote of the commission to implement the staff’s changes, which were viewed by our organization as mostly administrative details.

But you have also received a letter from the Greeley Area Realtors asking you to undertake a sweeping rewrite of major sections of the historic preservation ordinance. GARA's objections are not focused on changes that are proposed by staff now, but rather a comprehensive dismantling of preservation processes that have been working well and without incident for years. Some of GARA's suggestions should be implemented — there are definitions that could be added and identifications of groups such as ours that can be named in the ordinance.

But for the sake of critical and continued economic development in Greeley, please adopt the ordinance that has been working so well for so many years. Here are only two examples why: a recent downtown redevelopment of the historic Greeley Masonic Temple afforded the owner/developers more than \$500,000 in historic preservation incentives. In another small multi-family redevelopment, the historic building — eligible for only the local Greeley historic register — can take advantage of a saleable tax credit that will bring back more than \$40,000 — that's possible because Greeley has a preservation ordinance that makes it a Certified Local Government.

We believe that GARA and certainly the City Council can appreciate these real examples of the benefits of a robust historic preservation ordinance and set aside the hypothetical "what ifs?". This ordinance has a proven track record and balances private property rights with the public good of historic preservation. Your Historic Preservation Commission, which includes a historian, a design professional, and a realtor along with other at-large citizens, passed unanimously the proposed update to the Historic Preservation Chapter of the Municipal Code.

Despite the losses of the past, there are still a great many historic properties left to celebrate and redevelop in Greeley. We're sure that the association of realtors, the citizens, and the City Council can see that strong preservation is good for our pocketbooks AND the history books.

Thank you for your consideration and continued support of historic preservation in Greeley.

Sincerely,

Historic Greeley, Inc. Board:



Julia Richard



Becky Brunswig



Annette Jaehn



Kyle Ragland



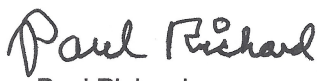
Marshall Clough



Ken Weaver



Stephanie Newton



Paul Richard



Paulette Weaver



Sean Jaehn



Kimberly Bode

Council Agenda Summary

April 2, 2019

Agenda Item Number 20

Title

Scheduling of Meetings, Other Events

Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

Attachments

Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

City Council Meeting Schedule

<u>Date</u>	<u>Description</u>	<u>Staff Contact</u>	
April 9, 2019 Worksession Meeting	Priorities for 2020-2024 Consolidated Plan for CDBG & HOME Funds	Becky Safarik	0.50
	Review of Trash & Alley Option	Brad Mueller	0.75
	Emerald Ash Borer Presentation/Update	Andy McRoberts	0.75
April 16, 2019 Council Meeting	Arbor Day Proclamation	Betsy Holder	Recognitions
	Approval of CAPER and Impediments to Fair Housing Reports	Becky Safarik	Consent
	Approval of Priorities for 2020-24 Consolidated Plan for CDBG & HOME Funds	Becky Safarik	Consent
	Resolution - Kersey, Evans, Greeley IGA	Brad Mueller	Consent
	Ordinance - Final - Jackson Annexation	Brad Mueller	Regular
	Board & Commission Appointments	Betsy Holder	Regular
April 23, 2019 Worksession	2020 Water & Sewer Enterprise Budget and CIP	Sean Chambers	
	Monthly Financial Report	Renee Wheeler	0.50
May 7, 2019 Council Meeting	National Tourism Week Proclamation	Betsy Holder	Recognitions
	National Kids to Parks Day Proclamation	Betsy Holder	Recognitions
	Warnoco Proclamation	Betsy Holder	Recognitions
May 14, 2019 Worksession			
May 21, 2019 Council Meeting			
	Board & Commission Appointments	Betsy Holder	Regular
May 28, 2019 Worksession			
	Monthly Financial Report	Renee Wheeler	0.50
June 4, 2019 Council Meeting	Alzheimer's Proclamation	Betsy Holder	Recognitions
June 11, 2019 Worksession			
June 18, 2019 Council Meeting			
	Board & Commission Appointments	Betsy Holder	Regular
June 25, 2019 Worksession			
	Monthly Financial Report	Renee Wheeler	0.50
July 2, 2019 Council Meeting			
July 9, 2019 Worksession			
July 16, 2019 Council Meeting			
	Board & Commission Appointments	Betsy Holder	Regular
July 23, 2019 Worksession			
	Monthly Financial Report	Renee Wheeler	0.50
August 6, 2019 Council Meeting			
August 13, 2019 Worksession			
August 20, 2019 Council Meeting			
	Board & Commission Appointments	Betsy Holder	Regular
August 27, 2019 Worksession			
	Monthly Financial Report	Renee Wheeler	0.50
September 3, 2019 Council Meeting			
September 10, 2019 Worksession			
September 17, 2019 Council Meeting			
	Board & Commission Appointments	Betsy Holder	Regular
September 24, 2019 Worksession			
	Monthly Financial Report	Renee Wheeler	278 50

April 1, 2019 - April 7, 2019

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6			1	2	3	4
7	8	9	10	11	12	13		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 1

Tuesday, April 2

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue)

Wednesday, April 3

Thursday, April 4

7:00am - Poudre River Trail (Hall)

3:30pm - IG Adv. Board (Smail)

6:00pm - MPO (Gates/Casseday)

Friday, April 5

11:30am - 1:30pm City Anniversary & Retired Council Member Reunion (Council Chambers (1001 11th Avenue)) - Council Master Calendar

Saturday, April 6

6:00pm - 11:00pm Alzheimer's Association Spring Fling Benefit (Evans Moose Lodge, 3456 11th Avenue, Evans) - Council Master Calendar

Sunday, April 7

April 8, 2019 - April 14, 2019

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6			1	2	3	4
7	8	9	10	11	12	13		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 8

Tuesday, April 9

11:30am - 1:30pm State of the City (Greeley Country Club, 4500 W. 10th Street) - Council Master Calendar

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue) 

Wednesday, April 10

Thursday, April 11

3:00pm - 5:30pm RSVP Required: Leprino Plant Tour (Leprino Plant) - Council Master Calendar

6:00pm - 8:00pm Presidential Investiture Reception (Feinstein Family Residence - 2133 45th Avenue, Greeley) - Council Master Calendar

Friday, April 12

12:00pm - 2:00pm UNC Presidential Investiture (UNC Campus Commons Performance Hall, 1051 22nd Street) - Council Master Calendar

5:30pm - 8:30pm Campaign for UNC Celebration (UNC Campus Commons - 1051 22nd Street) - Council Master Calendar

Saturday, April 13

Sunday, April 14

April 15, 2019 - April 21, 2019

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6			1	2	3	4
7	8	9	10	11	12	13		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 15

Tuesday, April 16

5:00pm - 6:00pm Sister City Reception (City Center South Main Lobby (just outside Council Chambers)) - Council Master Calendar

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue) 

Wednesday, April 17

7:30am - 8:30am Visit Greeley (Fitzsimmons) 

2:00pm - 5:00pm Water & Sewer Board (Gates) 

Thursday, April 18

7:30am - 8:30am DDA (Casseday/Smail) 

3:30pm - 4:30pm Airport Authority (Casseday/Payton) 

Friday, April 19

Saturday, April 20

10:00am - 11:00am City Chat with Councilmember Suniga (TBD) 

Sunday, April 21

April 22, 2019 - April 28, 2019

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6			1	2	3	4
7	8	9	10	11	12	13		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 22

11:30am - 12:30pm Greeley Chamber of Commerce (Gates)

6:00pm - 7:00pm Youth Commission (Smail)

Tuesday, April 23

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue)

Wednesday, April 24

7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar

3:00pm - 4:00pm New Police Officer Swearing-in Ceremony (Kent Donahue Room - GPD Headquarters) - Council Master Calendar

Thursday, April 25

Friday, April 26

Saturday, April 27

Sunday, April 28

April 29, 2019 - May 5, 2019

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6			1	2	3	4
7	8	9	10	11	12	13		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 29

Tuesday, April 30

Wednesday, May 1

Thursday, May 2

7:00am - Poudre River Trail (Hall) ☉

3:30pm - IG Adv. Board (Smail) ☉

6:00pm - MPO (Gates/Casseday) ☉

Friday, May 3

Saturday, May 4

Sunday, May 5

Council Agenda Summary

April 2, 2019

Agenda Item Number 21

Title

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

Council's Recommended Action

A motion to approve the above authorizations.

Council Agenda Summary

April 2, 2019

Agenda Item Number 22

Title

Adjournment