

Greeley City Council Agenda

Regular Meeting

Regular Meeting Tuesday, July 20, 2021, 6:00 p.m.

City Council Chambers at City Center South, 1001 11th Ave, Greeley, CO 80631

Zoom Webinar link: <https://greeleygov.zoom.us/j/91910136877>

NOTICE:

Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

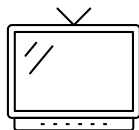
City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on GTV8 on cable television.



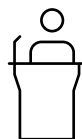
Meetings are livestreamed on the City's website, greeleygov.com as well as YouTube at youtube.com/CityofGreeley

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at cityclerk@greeleygov.com.

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at greeley-co.municodemeetings.com/

Comment in real time:

During the public input portion of the meeting and public hearings:



In person attendees can address the Council in the Chambers.

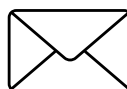


The public can join the Zoom webinar and comment from the remote meeting.

Submit written comments:



Email comments about any item on the agenda to cityclerk@greeleygov.com



Written comments can be mailed or dropped off at the City Clerk's Office at City Hall, at 1000 10th St, Greeley, CO 80631





Mayor

John Gates

Councilmembers

Tommy Butler
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Kristin Zasada
At-Large

Ed Clark
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

July 20, 2021 at 6:00 PM

**City Council Chambers, City Center South 1001 11th Ave &
via Zoom at <https://greeleygov.zoom.us/j/91910136877>**

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

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. Acceptance of the Reports of City Council Work Sessions
 10. Approval of the City Council Proceedings
 11. Consideration of a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Greeley's Police Department and the Weld County Sheriff's Office regarding distribution of joint funding provided by the Bureau of Justice Assistance.
 12. Introduction and first reading of an ordinance to adopt an Enhanced Sales Tax Incentive Program (ESTIP)
 13. Consideration of a Resolution authorizing the Mayor to enter into a Separation Agreement and General Release with Roy Otto

End of Consent Agenda

14. Pulled Consent Agenda Items

- [15.](#) Consideration of a Substantial Amendment to the 2020-2024 Consolidated Plan and 2020 Action Plan (CDBG-HUD)
- [16.](#) Public hearing and second reading of an ordinance establishing Local Improvement District No. 343795 for the construction of the regional Ashcroft Lift Station infrastructure.
- [17.](#) Public hearing and second reading of an ordinance making supplemental assessments against the lots and lands in Local Improvement District No. 463 to cover the costs of the maintenance of landscaping around the perimeter of Range View Estates (35th Avenue and 20th Street) in the City of Greeley, Colorado
- [18.](#) Public hearing for an ordinance amending Title 24 of the Greeley Municipal Code relating to the Development Code by deleting the current Title in its entirety and adding a new Chapter 7 relating to Access and Parking, a new Chapter 8 relating to Landscape Standards, a new Chapter 9 relating to Sign Standards, a new Chapter 10 relating to Special Districts and Areas, a new Chapter 11 relating to Supplemental Standards, and a new Chapter 12 Reserved for Metropolitan Districts
- [19.](#) Appointment of applicants to the Citizen Transportation Advisory Board and the Parks & Recreation Advisory Board
- [20.](#) Appointment to Greeley/Weld Housing Authority
- [21.](#) Scheduling of Meetings, Other Events
- [22.](#) 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
23. Adjournment

Council Agenda Summary

Title

Recognitions and Proclamations

Summary

Council Member Payton will present the *What's Great about Greeley* Report.

Mayor Gates will present a proclamation declaring July 21, 2021, as Bob Ruyle Day in the City of Greeley.

Attachments

What's Great about Greeley Report

Bob Ruyle Day Proclamation

Slide 1



Slide 2



Connections for Independent Living in Greeley has been awarded a Social Isolation Quality of Life grant by The Christopher & Dana Reeve Foundation, a national nonprofit dedicated to improving quality of life for individuals living with paralysis. The grant is a special award cycle for COVID-19 and will go towards to creation of a new technology program for people living with paralysis in the rural area of High Plains of northeastern Colorado.

Slide 3



Congratulations to University of Northern Colorado women's soccer player Maddie Barkow for earning a spot on the College Sports Information Directors of America Academic All-**America** First Team AND the Academic All-**District** First Team.

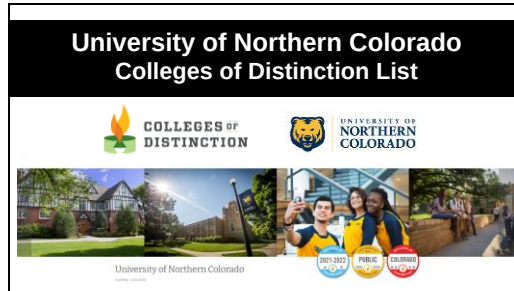
Also, congrats to six Northern Colorado women's golfers who have earned a spot on the Women's Golf Coaches Association Scholar All-America list.

Slide 4



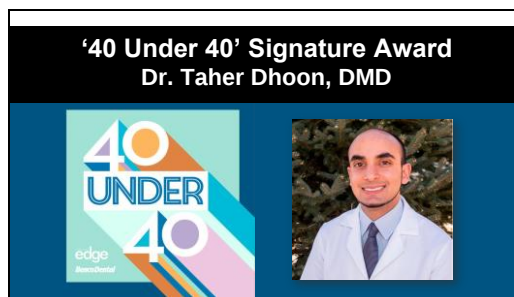
Weld County's accounting department has been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. This is the 39th year the department has won the prestigious award.

Slide 5



The University of Northern Colorado has been honored as a College of Distinction for its high-impact approach to education by Colleges of Distinction. UNC also received special recognition for its business and nursing programs, and for its specialized student support services in career development and equity and inclusion.

Slide 6



Congratulations to dentist, Taher Dhoon (Tah-here Doon) of Greeley for being selected to receive Incisal Edge dental magazine's 40 Under 40 signature award in the general dentist category.

Slide 7



Dayspring Christian freshman Eboselulu Omofoma has been named the Class 2A track and field Athlete of the Year by the Colorado High School Activities Association. She won state titles in the girls 100-meter hurdles and high jump, and placed second in long jump.

Additionally, Frontier Academy senior Baylor Lewis, swimming with the Greeley West Boys team, was named a 4A 200-yard individual medley state champ and first team selection in boys swimming and diving; and, finally, University's 800-meter relay team of Zach Clark, Nolan Johnson, Caden Measner and Dylan Sup earned all-state honors after winning a state title.

Slide 8



And that's What's Great about Greeley.



Bob Ruyle Day

WHEREAS, Mr. Robert Ruyle has served on the Water and Sewer Board continuously since January 1975; during the course of his service, the city's population has grown from 39,000 residents in 1975 to approximately 111,000 residents today; and

WHEREAS, Mr. Ruyle regularly provided guidance and expertise at monthly Board meetings contributing to numerous strategic water and sewer decisions in the areas of long range planning, water conservation, resource acquisition, and development of water assets and facilities for the City; and

WHEREAS, Mr. Ruyle demonstrated a consistent passion for promoting and protecting the city's water utility assets and the roles and responsibilities of the board under the City's charter; and

WHEREAS, Mr. Ruyle participated in the establishment of the Industrial Water Bank; and

WHEREAS, Mr. Ruyle was an important policy and strategic advisor on many Greeley Water Court matters and change of water rights cases; and

WHEREAS, during the term of Mr. Ruyle's service, a number of data driven policy refinements have occurred that refined the yield per share of dedicated water; and development code policy updates to raw water dedication requirements for single family residential development, for commercial and multifamily development, and to the policy that allows development to buy water from the city in lieu of dedication, known as the cash-in-lieu of raw water dedication policy; and

WHEREAS, during Board member Ruyle's terms, major renovations to existing infrastructure were undertaken with cement lining of old water lines and renovation of old sewer lines with cured in place liners creating new structurally sound collection lines; and

WHEREAS, during Mr. Ruyle's service on the Board, the 2019 wastewater master plan was developed; and a phased construction of upgrades at the city's wastewater treatment facility; and

WHEREAS, Mr. Ruyle participated in strategic decisions that led to the development of robust water wise education and water conservation programs that have grown to help meet the city's long range water needs and provide citizens with appropriate tools for managing their use; and

WHEREAS, during Mr. Ruyle's service, rehabilitation construction projects were completed at Milton Seaman Reservoir Spillway, Hourglass Dam, the Twin Lakes Dam, and Peterson Lake Reservoir, completely renovating Greeley's high mountain reservoirs; and

WHEREAS, during Board member Ruyle's terms, more than \$37.7 million has been invested in capital upgrades at the Boyd Lake Water Treatment Plant, and more than the \$39 million invested in upgrades and filter plant replacements at the city's Bellvue Water Treatment Plant, along with many investments in the potable water transmission, storage and distribution systems; and

WHEREAS, Mr. Ruyle was an important participant in the development of the city's 2003 Water Master Plan, 2004 Non-potable Water Plan, and the 2021 Wastewater Collections Infrastructure Master Plan, Water Transmission & Distribution Master Plan and the Updated Non-Potable Master Plan, all developed to guide Greeley's water future and prepare the city for adaptively managing the future and its economic growth; and

WHEREAS, Mr. Ruyle helped guide the city's long range water storage strategy with key actions that included:

- a) Establishing the Upper and Lower Equalizer visions for non-potable systems
- b) Developing the Poudre Ponds raw non-potable water storage project
- c) Developing the framework for acquisition and development of the Overland Ponds raw water storage facility in Larimer County, in partnership with other municipal water providers
- d) The recovery from wildfires feeding debris into the city's storage reservoirs
- e) The development of refined alternatives screening incorporating additional storage options, and therein shifting the city's preferred alternative to a less environmentally impactful, more cost effective, project that could obtain the permitting requirements; and

WHEREAS, Mr. Ruyle's generous contributions of time, wisdom and insight to the city's many functions and its Water & Sewer Board have been invaluable to the City's progress over the past 46 years.

NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, do hereby proclaim July 21, 2021, as **Bob Ruyle Day** in the City of Greeley in recognition of Mr. Ruyle's tireless and distinguished service to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 20th day of July, 2021.

John Gates
Mayor

Council Agenda Summary

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 consideration that is not already listed as a public hearing on this evening's agenda.

As this meeting is being conducted in a hybrid format, citizen input will be accepted first from those in the City Council Chambers, and then from the virtual meeting audience via the meeting's webinar.

Written comments submitted for any item on the agenda will be placed in the public record and provided to the Council for their review and should include the name and city of residence of the person submitting the comments for the record.

Council Agenda Summary

Title

Initiatives from Mayor and Council Members

Summary

During this portion of the meeting any Council Member 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.

Initiatives 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 Initiatives and Related Information

Greeley City Council

Status Report of Council Initiatives

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
03-2021	Hall	Request for formation of a committee, to be chaired by Council Member Hall, regarding the section of the Poudre River Trail known as the Narrows. This section is facing increasing risks of erosion, with some portions in danger of falling into the river, and no available alternative areas for trail placement in that vicinity. The School of Mines will do a project to work on some engineering solutions for the area, in addition to other engineering studies that have already been done. The committee will review and determine options to move forward in addressing this with the assistance of City staff. City Manager Otto added information about potential Capital Improvement Projects through this area, and Council Member Hall provided information about existing potential rough cost estimates.	February 2, 2021 Council Meeting	Update: 04/20/2021 Council Member Hall reported the committee had its first meeting and he is pleased with engagement from City staff and the community. A committee, chaired by Council Member and Poudre River Trail Corridor Chairman Hall, has been formed with representatives from the Poudre Trail Corridor Board, Culture, Parks and Recreation/Natural Areas and Trails, Public Works, Water and Sewer, the Poudre River Run Master HOA, a member of the Parks and Recreation Advisory Board, and a representative from the Ditch #3 Board. Committee Chairman Hall has also referenced initial communications with Otak Engineering, a consulting firm who produced a study of this area in 2018 for the City of Greeley, as well as the Colorado School of Mines engineering students who will conduct a capstone project this semester towards a suggested course of action and suggested funding mechanism(s). An initial assessment with design parameters, recommended	Andy McRoberts

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
				course(s) of action including recommended funding sources, is expected in June, 2021 post consultation with the Mines student project and engineering consultants. Although this project will carry on in practicality through committee work	
07-2021	Zasada	A two part review of current code enforcement practices was requested: 1) Review of what current code compliance looks like – how many code compliance officers are there, how many cases they each have, etc. 2) Analysis of options to increase the current level of enforcement efforts and potentially toughen the existing nuisance ordinance.	June 1, 2021 Council Meeting	Update: 06/11/2021 Staff is compiling information on current code compliance operations and plans for stronger enforcement, with a work session planned with Council on July 27, 2021.	Brad Mueller
08-2021	Butler	Request for a presentation at a work session about the infrastructure improvements planned for the next year to alleviate flooding issues, particularly downtown.	July 6, 2021 Council Meeting	Completed at July 13 work session	Paul Trombino
09-2021	Mayor Gates	Mayor Gates requested statistics from the police department regarding the number of calls about fireworks GPD has received this year, and the amount of enforcement that GPD has done relating to fireworks.	July 6, 2021 Council Meeting	GPD to provide a report within the next two weeks.	Mark Jones

Council Agenda Summary

Key Staff Contact: Anissa Hollingshead, City Clerk, 970-350-9742

Title:

Acceptance of the Reports of City Council Work Sessions

Summary:

A City Council Work Session was held virtually utilizing the Zoom Platform on June 22, 2021, and a Work Session was held in the City Council Chambers on July 13, 2021. The reports of those work sessions have been prepared for the Council's review and acceptance.

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 Reports as presented.

Attachments:

Draft Report of June 22, 2021

Draft Report of July 13, 2021

City of Greeley, Colorado
COUNCIL WORK SESSION REPORT
June 22, 2021

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:00 p.m. via the City's Zoom platform.

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.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Brett Payton

Council Member Dale Hall

Council Member Michael Fitzsimmons

Council Member Ed Clark

Council Member Kristin Zasada

4. Reports from Mayor and Council Members

Council Member Hall reported that at the recent annual Colorado Municipal League (CML) business meeting, he had been elected to serve as the Vice President of the CML Executive Board.

5. COVID-19 Update

Dan Frazen, Emergency Manager, provided a brief COVID-19 update and referenced the latest statistics that can be found on the City's Dashboard.

6. Greeley Strategic Housing Plan Update

Ben Snow, Economic Health and Housing Director, provided a brief update on the Greeley Strategic Housing Plan. He reviewed the three foundational documents that are used to drive efforts to promote housing in Greeley and referenced the 33 action items identified in the plan that were provided in Council's agenda packet. He shared that after two years of progress within the plan, staff has made progress on 20 of the 33 action items.

Director Snow stated that work will continue on the remaining six ongoing short-term priorities and seven of the nine mid-term priorities within this plan and directed Council to the information within their packet including demographics, recent market sales reports, comparative permit data from the past few years and a summary of data on Greeley's Metro Districts.

7. Scheduling of Meetings, Other Events

No additional meetings or events were scheduled.

Mayor Gates noted that information would be forthcoming relative to Council's role in the annual Fourth of July Stampede Parade.

8. Adjournment

There being no further business to come before the Council, the Work Session was adjourned at 6:31 p.m.

John Gates, Mayor

Cheryl Aragon, Deputy City Clerk

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
July 13, 2021

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:00 p.m. in the City Council Chambers.

2. Pledge of Allegiance

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

3. Roll Call

Anissa Hollingshead, City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Brett Payton

Council Member Dale Hall

Council Member Michael Fitzsimmons

Council Member Ed Clark

Council Member Kristin Zasada

4. Reports from Mayor and Council Members

There were no reports from Council.

5. American Rescue Plan Act (ARPA) Overview and Funding Plan

John Karner, Finance Director, came forward to present as set forth in the PowerPoint in the agenda packet.

There was a question from the Council about the recommendation to spread out funding over four years and how much is anticipated to be allocated per year. Director Karner indicated that determination was still under consideration.

Council provided consensus for general support of the proposal as presented by the Finance Director.

6. Downtown Stormwater CIP Update

Paul Trombino, Public Works Director, came forward and introduced the item before turning it over to Andrew Fisher, Floodplain Administrator with the Public Works Stormwater Management Division. Administrator Fisher presented as set forth in the PowerPoint in the agenda packet. City Manager

Roy Otto also provided information about the City's efforts over time in this area.

In response to questions from Council regarding whether it was possible to be more aggressive about phases 2, 3, and 4, Administrator Fisher noted it was planned out this way because the line is quite flat, and because of that design, it may be necessary to go back and redo earlier segments if the work is not fully complete.

7. Scheduling of Meetings, Other Events

City Manager Roy Otto noted there was an additional item added to the agenda for the night, with the late addition necessitated by the timing associated with new information for consideration. Mayor Gates then read item 8 into the record.

8. Consideration of an Executive Session to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Fire Fighters Union Local 888.

Council Member Payton moved, seconded by Council Member Hall, that the City Council go into Executive Session to discuss the above matter as provided under C.R.S. 24-6-402(4)(e)(I) and Greeley Municipal Code 2.04.020 (a)(5) to determine positions, develop strategy, and instruct negotiators regarding collective bargaining with the Greeley Fire Fighters Union Local 888.

The motion carried 7-0.

9. Adjournment

There being no further business to come before the Council, the Work Session was adjourned to the executive session at 6:34 p.m. The Executive Session began at 6:41 p.m., with all members present, and adjourned at 7:05 p.m.

John D. Gates, Mayor

Anissa N. Hollingshead, City Clerk

Council Agenda Summary

Key Staff Contact: Anissa Hollingshead, City Clerk, 350-9742

Title:

Approval of the City Council Proceedings

Summary:

A meeting of the City Council was held in the City Council's Chambers.

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:

Draft Proceedings of July 6, 2021

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
July 06, 2021

1. Call to Order

Mayor John Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado.

2. Pledge of Allegiance

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

3. Roll Call

Anissa Hollingshead, City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Brett Payton

Council Member Dale Hall

Council Member Michael Fitzsimmons

Council Member Ed Clark

Council Member Kristin Zasada

4. Approval of the Agenda

The agenda was approved as presented.

5. Recognitions and Proclamations

Mayor Gates recognized Council Member Kristin Zasada to present the *What's Great About Greeley* report.

6. Citizen Input

Randy Sparkman, Greeley, spoke in the Council Chambers on behalf of collective bargaining unit Greeley Local 88 representing members of the Greeley Fire Department in support of a new collective bargaining agreement.

Shana Cordova, a Greeley fire fighter, spoke in the Council Chambers in support of a new collective bargaining agreement.

Mike Medhurst, president of Greeley Fire Fighters Local 888, spoke in the Council Chambers in support of a new collective bargaining agreement. Medhurst presented a hand out with wage comparisons to the Council, which was placed in the public record.

Yanna Curry, Greeley, spoke regarding the recent flooding following last week's torrential rain storm and impacts to her home in the downtown area.

At the request of Mayor Gates, City Manager Roy Otto provided information about the plans the City already has underway to take steps to address drainage issues downtown.

Ashley Rodriguez, Greeley, spoke regarding the damage to her downtown home due to the recent flooding.

7. Reports from Mayor and Council Members

Council Member Hall commended City staff for getting out and working with impacted neighborhoods after last week's storm.

Mayor Gates commented on the response of City staff as well, and noted that by the parade in the following days the downtown streets were fully cleaned. He also noted his appreciation to the Stampede committee, and their excellent work on a wonderful event.

8. Initiatives from Mayor and Council Members

Council Member Butler requested a presentation to Council at a future work session about the infrastructure improvements that will be underway over the next year.

Consensus was obtained to move forward with this initiative.

Mayor Gates commented on fireworks in the community being out of control. He noted this is not a problem exclusive to Greeley, but he also noted the volume of calls he received this year is about three times what it has been previously. He requested the following statistics from the Greeley Police Department: Number of calls GPD received; and amount of enforcement for GPD.

Council Member Clark commented regarding his concern with placing police officers in a potentially adversarial situation in some instances when responding to fireworks complaints. There was discussion about tolerating fireworks on the actual 4th of July holiday, while recognizing the growing time period around the holiday this is presenting an issue. There was consensus for this initiative to proceed.

Consent Agenda

Council Member Butler moved, seconded by Council Member Payton, to approve the recommended actions on items 9-13.

The motion carried 7-0 on a roll call vote.

9. Acceptance of the Report of the City Council Work Session

The Council action recommended and approved was to accept the report as presented.

10. Approval of the City Council Proceedings

The Council action recommended and approved was to approve the proceedings as presented.

11. Introduction and first reading of an ordinance establishing Local Improvement District No. 343795 for the construction of regional Ashcroft lift station infrastructure.

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and final reading for July 20, 2021.

12. Introduction and first reading of an ordinance amending Title 24 of the Greeley Municipal Code relating to the Development Code by deleting the current Title in its entirety and adding a new Chapter 7 relating to Access and Parking, a new Chapter 8 relating to Landscape Standards, a new Chapter 9 relating to Sign Standards, a new Chapter 10 relating to Special Districts and Areas, a new Chapter 11 relating to Supplemental Standards, and a new Chapter 12 Reserved for Metropolitan Districts.

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing for July 20, 2021, and the final reading for September 21, 2021.

13. Consideration of a resolution finding substantial compliance with state annexation laws for property known as The Cache Annexation located at 12351 County Road 62 and 12644 County Road 62 1/4, including an unaddressed parcel (no. 080736400039) located east of 95th Avenue and north of County Road 62. The subject site is comprised of 450.477 acres.

The Council action recommended was to adopt the resolution.

Resolution No. 21, 2021, finding substantial compliance with state annexation laws for the property known as The Cache Annexation, was adopted.

End of Consent Agenda

14. Pulled Consent Agenda Items

No items were pulled from the Consent Agenda.

15. Public hearing and final reading of an ordinance authorizing the sale of city-owned property located in Section 22, Township 8 North, Range 65 West Of The 6th P.M., Weld County, Colorado, containing 282.00 acres of land, more or less, commonly referred to as the Hasbrouck Farm and city-owned property located in Section 28, Township 8 North, Range 65 West Of The 6th P.M., Weld County, Colorado, containing 156 acres of land, more or less, commonly referred to as the Varra Farm.

Sean Chambers, Water and Sewer Director, came forward to introduce this item and Adam Jokerst, Deputy Director of Water Resources, to present as set forth in the PowerPoint in the agenda packet.

Mayor Gates opened the public hearing at 6:38 p.m.

There being no one wishing to be heard in the Council Chambers or virtually, the hearing was closed.

Council Member Hall moved, seconded by Council Member Fitzsimmons, to adopt the ordinance and publish by reference to title only.

The motion carried 7-0 by roll call vote.

Ordinance No. 18, 2021, authorizing the sale of City-owned property, was adopted.

16. Public hearing to consider a change of zone from PUD (Planned Unit Development - Promontory Preliminary PUD) to PUD (Planned Unit Development - Promontory Preliminary PUD, Areas F, L & M, 2nd Amendment) zoning for approximately 99.233 acres, located east of Promontory Parkway, south of 16th Street and north of future 20th Street, known as Promontory PUD, Areas F, L & M, 2nd Amendment, and final reading of an ordinance changing the official zoning map to reflect the same.

Mayor Gates noted Council Member Payton has reported a conflict of interest on this and the next item and has been recused. Council Member Payton stepped out of the chambers for the duration of the consideration of items 16 and 17.

Mayor Gates also read item 17 into the public record to hear both items together.

Mike Garrott, Planning Manager, came forward to present on these items as set forth in the PowerPoint in the agenda packet. He noted the applicants were also present for any questions.

Mayor Gates opened the public hearing at 6:48 p.m.

There being no one wishing to be heard, the hearing was closed.

Council Member Fitzsimmons moved, seconded by Council Member Hall, that based on the application received and the project summary and accompanying analysis, the proposed amendment to the Promontory Preliminary PUD, Areas F, L & M meets the applicable Development Code criteria, Section 24-625 (c)(3) a. b. f. g. and h., and Section 24-663 (b)1 and 2; and therefore, the rezoning be approved.

The motion carried 6-0 by roll call vote.

Recused: Council Member Payton.

Council Member Fitzsimmons moved, seconded by Council Member Butler, to adopt the ordinance and publish by reference to title only.

The motion carried 6-0 by roll call vote.

Recused: Council Member Payton.

Ordinance No. 19, 2021, changing the official zoning map for the City of Greeley, was adopted.

17. Public hearing to consider establishment of a Preliminary PUD (Planned Unit Development) of 99.233 acres of land for the development of 362 residential lots, a

2.077 mixed use lot, a 9.40 acre future park site, open space and drainage outlots. The PUD is known as Promontory Imagine School, Third Filing Preliminary PUD. The property is located east of Promontory Parkway, south of 16th Street and north of future 20th Street.

Council Member Payton also recused himself on this item.

There were no additional questions from Council on this item.

Mayor Gates opened the public hearing at 6:51 p.m.

There being no one wishing to be heard, the hearing was closed.

Council Member Zasada moved, seconded by Council Member Clark, that, based on the project summary and accompanying analysis, the proposed Preliminary PUD Plan is consistent with Section 24-663 of the Development, and therefore is approved.

The motion carried 6-0 by roll call vote.

Recused: Council Member Payton.

18. Public hearing and final reading of an ordinance amending portions of the Greeley Municipal Code, Title 22, Chapter 11 (Electrical Code) as it relates to adopting the 2020 edition of the National Electrical Code, one- and two-family dwellings, Type NM cable, central heating equipment, and auxiliary grounding of photovoltaic systems

Brad Mueller, Director of Community Development, came forward to introduce this item and the City's chief building official Tim Swanson to present on this item. Swanson provided a verbal report regarding the requirement for the City to adopt the National Electrical Code on a three year cycle.

Mayor Gates opened the public hearing at 6:55 p.m.

There being no one wishing to be heard, the hearing was closed.

Council Member Fitzsimmons moved, seconded by Council Member Hall, to adopt the ordinance and publish with reference to title only.

The motion carried 7-0 by roll call vote.

Ordinance No. 20, 2021, amending portions of the Greeley Municipal Code Title 22, Chapter 11, relating to the Electrical Code, was adopted.

The motion carried 7-0 by roll call vote.

19. Scheduling of Meetings, Other Events

No other meetings or events were scheduled.

20. 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 Member Payton moved, seconded by Council Member Butler, to approve the above authorizations.

The motion carried 7-0.

21. Consideration of an Executive Session to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Fire Fighters Union Local 888

Council Member Fitzsimmons moved, seconded by Council Member Payton, that the City Council go into an Executive Session to discuss the following matter as provided under C.R.S. 24-6-402(4) (e)(I) and Greeley Municipal Code 2.04.020(5): to determine positions, develop strategy and instruct negotiators regarding collective bargaining with the Greeley Fire Fighters Union Local 888.

The motion carried 7-0.

22. Consideration of an Executive Session to conference with the City Attorney for the purpose of receiving legal advice regarding potential claims and litigation against the City.

Council Member Payton moved, seconded by Council Member Clark, that the City Council go into an Executive Session to conference with the City Attorney as provided by C.R.S. 24-6-402 (4)(b) and Greeley Municipal Code 2.04.020 (a)(2) for the purpose of receiving legal advice regarding potential claims and litigation against the City

The motion carried 7-0.

23. Adjournment

There being no further business, the meeting adjourned to the executive session at 6:58 p.m. The first executive session began at 7:06 p.m. and concluded at 8:04 p.m. The second executive session began at 8:06 p.m. and concluded at 8:44 p.m.

John D. Gates, Mayor

Anissa N. Hollingshead, City Clerk

Council Agenda Summary

July 20, 2021

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

Title:

Consideration of a resolution authorizing the Mayor to enter into a Memorandum of Understanding between the City of Greeley's Police Department and the Weld County Sheriff's Office regarding distribution of joint funding provided by the Bureau of Justice Assistance.

Summary:

The Memorandum of Understanding is between Weld County and the City of Greeley for the division of funds that has been pre-determined and provided by the Bureau of Justice Assistance for each agency's designated program.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$38,547
What is the annual impact?	Unknown
What fund of the City will provide Funding?	General Fund
What is the source of revenue within the fund?	Grant
Is there grant funding for this item?	Yes
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	One time
Additional Comments:	Approval of a Memorandum of Understanding is a requirement to receive the grant funds of \$52,105 (\$38,547 for the City of Greeley and \$13,558 for Weld County).

Legal Issues:

None

Other Issues and Considerations:

None

Strategic Work Program Item or Applicable Council Priority and Goal:

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

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 to approve the MOU between Weld County and the City of Greeley.

Attachments:

Draft Resolution
Draft MOU

**THE CITY OF GREELEY, COLORADO
RESOLUTION No. _____, 2021**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF
UNDERSTANDING BETWEEN THE CITY OF GREELEY'S POLICE DEPARTMENT AND THE WELD
COUNTY SHERIFF'S OFFICE REGARDING DISTRIBUTION OF JOINT FUNDING PROVIDED BY
THE BUREAU OF JUSTICE ASSISTANCE**

WHEREAS, the City of Greeley's Police Department and the Weld County Sheriff's Office desire to enter into a Memorandum of Understanding regarding the Bureau of Justice Assistance joint funding in the amount of \$52,105; and

WHEREAS, both parties acknowledge that their needs and use for the funds are different, and the Greeley Police Department and the Weld County Sheriff's Office are each willing to cooperate in this matter under terms and conditions set forth in the Memorandum of Understanding; and

WHEREAS, it is in the best interest of the citizens of the City of Greeley to enter into this agreement between the Greeley Police Department and the Weld County Sheriff's Office.

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

1. The Mayor of the City of Greeley, Colorado, is authorized to execute a Memorandum of Understanding between and the City of Greeley, Colorado and Weld County Board of County Commissioners for the receipt of grant funds.
2. City staff is hereby authorized to make changes and modifications to the Agreement, so long as the substance of the Agreement remains unchanged.
3. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ day of _____, 2021.

ATTEST

THE CITY OF GREELEY COLORADO

City Clerk

Mayor

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is made this 12TH day of July, 2021, by and between THE CITY OF GREELEY, COLORADO and THE WELD COUNTY BOARD OF COUNTY COMMISSIONERS, COUNTY OF WELD, COLORADO.

WHEREAS, the Bureau of Justice Assistance has provided joint funding that is available to both the City of Greeley and Weld County; and

WHEREAS, the funding that is being provided by the Bureau of Justice Assistance is in the total amount of \$52,105; and

WHEREAS, the City of Greeley Police Department will be the Fiscal Agent for the grant and will initially receive the total grant award of \$52,105; will remit the amount of \$13,558 to Weld County as the Sheriff's Office portion of the grant award; and, will retain the amount of \$38,547 as the City of Greeley Police Department's portion of the award.

WHEREAS, as with previous funding, both agencies have determined that they have different needs and uses for the funds being made available; and

WHEREAS, this Memorandum of Understanding provides for the division of funds being made available; and

WHEREAS, the parties wish to reduce their understanding to writing.

THE PARTIES HEREBY AGREE AS FOLLOWS:

1) Upon receipt of the total funding amount of \$52,105, the Greeley Police Department (Fiscal Agent) will pay the sum of \$13,558 to the Weld County Sheriff's Office as and for the Weld County's portion of the Edward Byrne Memorial Justice Assistance Grant (JAG) formula program.

2) The remaining sum in the amount of \$38,547 will be retained by the City of Greeley as and for the Greeley Police Department's portion Edward Byrne Memorial Justice Assistance Grant (JAG) formula program.

3) The financial reporting to the Bureau of Justice Assistance will be maintained by the Greeley Police Department (Fiscal Agent) with each party maintaining a financial and operational record of their respective portions of the program and in compliance with the Federal Financial Guide, the parameters of the grant and any special conditions as noted in the SOGA award. The

Weld County Sheriff's Office shall transmit said records to the Greeley Police Department upon request by the Department.

IN WITNESS WHEREOF, the parties have executed this contract on the day and year first written above.

THE CITY OF GREELEY, COLORADO

WELD COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Mayor

By: Steve Moreno
Chair, Steve Moreno JUL 12 2021

ATTEST:

City Clerk

ATTEST: Cather G. Smith
Weld County Clerk to the Board
BY: Cheryl Smith
Deputy Clerk to the Board

Approved as to Substance:

Approved as to Legal Form:

By: _____
City Manager

By: B.B. Chase
County Attorney

Approved as to Legal Form:

By: _____
City Attorney

Recommended:

Approved as to Finance:

By: John Rus
Sheriff
Weld County Sheriff's Office

By: _____
Director of Finance

Recommended:

By: _____
Chief of Police
Greeley Police Department

Council Agenda Summary

July 20, 2021

Key Staff Contact: Benjamin Snow, Economic Health & Housing Director, 970-350-9384

Title:

Introduction and first reading of an ordinance to adopt an Enhanced Sales Tax Incentive Program (ESTIP)

Summary:

While Greeley has performed well in overall in generating sales tax revenue for City operations, EHH has determined that there are certain areas within the City that lack essential retail services. The City might be able to attract new sales tax generating entities to those underserved areas by adopting a new economic development tool, known as an Enhanced Sales Tax Incentive Program (ESTIP). This tool has been in use in Colorado for many years, and there are many cities and towns that currently compete for new sales tax generating entities using this tool.

Adoption of this ordinance and incentive tool will allow Greeley to remain competitive with other cities when attracting retailers. In addition to capturing sales taxes from current residents, many of whom may leave town to shop in other nearby cities, attracting retailers to the identified underperforming areas of town will likely also result in new sales taxes being generated from non-residents who will travel to Greeley to work and shop.

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?	Share back of net new sales taxes generated on approved projects. Will depend on each project.
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:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

Strategic Work Program Item or Applicable Council Priority and Goal:

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 August 3, 2021.

Attachments:

[Link to Presentation Slide Deck from June 8, 2021 Council Worksession](#)

Proposed Ordinance and Appendix

**CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2021**

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 12 OF THE GREELEY MUNICIPAL CODE,
RELATING TO REVENUE & FINANCE: BUSINESS DEVELOPMENT INCENTIVE PLAN, TO ADD A
NEW ARTICLE VII, ENHANCED SALES TAX INCENTIVE PROGRAM**

WHEREAS, this ordinance amends the Greeley Municipal Code to create a new Article under Title 6, Revenue & Finance, Chapter 12, Business Development Incentive Plan, to create an Enhanced Sales Tax Incentive Program; and

WHEREAS, the Enhanced Sales Tax Incentive Program will provide an additional economic stimulus tool to recruit and retain retail sales tax generating businesses within the City of Greeley, thereby stimulating the economy, providing new employment opportunities, expanding the goods and services available within the City of Greeley, and further increasing sales tax revenues.

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

Section 1. That Chapter 12 of Title 6 of the Greeley Municipal Code be amended to add a new Article VII to read as shown in Appendix A.

Section 2. 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 ON THIS _____ DAY OF
_____, 2021.**

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

APPENDIX A
**ORDINANCE AMENDING TITLE 6, CHAPTER 12 OF THE GREELEY MUNICIPAL CODE,
RELATING TO REVENUE & FINANCE: BUSINESS DEVELOPMENT INCENTIVE PLAN, TO ADD A
NEW ARTICLE VII, ENHANCED SALES TAX INCENTIVE PROGRAM
GREELEY MUNICIPAL CODE**

Section 1. Chapter 12 of Title 6 of the Greeley Municipal Code shall be amended to add a new Article VII to read as follows:

ARTICLE VII. – ENHANCED SALES TAX INCENTIVE PROGRAM

Sec.6-919 Title.

This Article VII shall establish and be known as the City of Greeley's Enhanced Sales Tax Incentive Program (ESTIP).

Sec.6-920 Purpose.

The purpose of the enhanced sales tax incentive program or ESTIP is to recruit and retain retail sales tax generating businesses within the City of Greeley, thereby stimulating the economy of and within the city, thereby providing employment for residents of the city and others, thereby further expanding the goods and services available for purchase and consumption by businesses and residents of the city, and further increasing the sales taxes collected by the city. Such increased sales tax collections will enable the city to provide expanded and improved municipal services to and for the benefit of the city, while at the same time providing public-related improvements to the city and its taxpayers and residents.

Sec.6-921 Definitions.

As used in this Article VII, the following phrases shall have the following meanings unless the context clearly indicates another meaning:

(a) The phrase *enhanced sales tax* shall mean the amount of sales tax collected by the city over and above a base amount negotiated by the city manager or the designee, and agreed upon, by the applicant and the city. The base amount shall never be lower than the amount of sales taxes collected by the city at the property in question in the previous twelve (12) months. In the case of a newly established business, an amount which represents the good faith determination by the applicant and the city as to the amount of sales taxes which could be generated from the new business without the participation by applicant in the ESTIP.

(b) The phrase *owner or applicant* shall mean the record owner or potential owner of the project.

Sec.6-922 Eligibility.

Participation in ESTIP shall be based upon approval by the city. Any owner or applicant of a newly established or proposed retail business, or the owner or applicant of an existing retail business which wishes to expand substantially, may apply to the city for inclusion within the ESTIP, provided that the new or expanded business is reasonably likely to generate enhanced or increased sales taxes.

Sec.6-923 Limitations.

Approval by the city of an agreement implementing this ESTIP shall entitle the successful applicant to share in enhanced sales taxes derived from applicant's property or business, however, that applicant shall use said amounts only for improvements specified in section 6-924(b) and which are expressly approved by city at the time of consideration of the application. The time period in which said enhanced sales taxes may be shared shall not commence until all improvements are completed and meet city standards, and shall be limited by the city, in its discretion, to a specified time, or until an amount of enhanced sales taxes specified in the agreement required by section 6-928 hereof has been collected.

Sec.6-924 Obligations on participants.

(a) The uses to which any shared enhanced sales taxes may be put by an applicant shall be strictly limited to those improvements installed or constructed as part of the development of the subject property.

(b) For the purposes of this article, *improvements* shall mean public improvements, including, but not limited to streets, sidewalks, curbs, gutters, pedestrian malls, street lights, drainage facilities, landscaping, decorative structures, public art, fountains, identification signs, traffic safety devices, bicycle paths, off-street parking facilities, benches, restrooms, information booths, public meeting facilities, and all necessary, incidental, building facades, architectural enhancements, and appurtenant structures and improvements, together with the relocation and improvement of existing utility lines, and any other improvements of a similar nature which are specifically approved by the city.

(c) Nothing contained herein shall limit the city from appropriating additional capital improvement funds for capital improvements directly or indirectly affecting the property in question as a part of the city's regular appropriation, capital improvement, or budget process.

Sec.6-925 Administration.

The base figure for sales taxes shall be divided into monthly, quarterly, semi-annually or annual increments as determined by the city, which increments are subject to agreement between the parties, and approval by the city, and which increments shall be reasonably related to the average performance of the business or property in question, or similar businesses in the area (i.e., adjusted for seasonal variations) for the incremental period. If in any incremental period the agreed base amount is not met by an owner or proprietor and, thus, no enhanced sales taxes are generated for that incremental period, no funds shall be shared with the owner or proprietor for said incremental period, and no increment shall be shared until that deficit, and any other cumulative deficit, has been met, so that at the end of the term of the agreement, funds in excess of those *enhanced sales taxes* agreed to be shared shall not have been shared with any owner or proprietor.

Sec.6-926 Accounting.

(a) It is an overriding consideration and determination of the city council that existing sources of city sales tax revenues shall not be used, impaired, or otherwise affected by this enhanced sales tax incentive program. Therefore, the city council

conclusively determines that only enhanced sales taxes generated by the properties described in an application, and a subsequent agreement, shall be subject to division under this article.

(b) Pursuant to section 6-3, an ESTIP escrow account is hereby established. It shall be the affirmative duty of the finance director of the City of Greeley to collect and escrow *enhanced sales taxes* payable to the owner or applicant in the ESTIP escrow account, separate and apart from the sales taxes generated by, and collect from, any other sales tax generating sources within the city, and to provide an accounting system which accomplishes the overriding purpose of this section 6-926. Interest earnings on such account shall accrue to the city. Such funds shall not be considered city funds for purposes of any ordinance or resolution allocating sales tax monies from particular sources to particular purposes but shall be applied exclusively to this program.

(c) The city council of the City of Greeley conclusively states that this article would not be adopted or implemented but for the provisions of this section 6-926.

Sec.6-927 Review of application.

Approval of an application for inclusion in this ESTIP shall be in the discretion of the director of finance, in consultation with the city manager or designee, based upon the following criteria:

- (a) The city's reasonable discretion to target the development, growth, or rehabilitation of any areas within the city;
- (b) The amount of enhanced sales taxes which are reasonably anticipated to be derived by the city through the expanded or new retail sales tax generating business;
- (c) The public benefits which are provided by the applicant through public works, improvements, additional employment for city residents;
- (d) The amount of expenditures which may be deferred by the city based upon improvements to be completed by the applicant at the applicant's expense;
- (e) The conformance of the applicant's property or project with the comprehensive plan, zoning ordinances and building codes of the city; and
- (f) The agreement required by section 6-928 having been reached, which agreement shall contain and conform to all requirements of section 6-928.

Sec.6-928 Agreement.

Each application for approval submitted to the city shall be determined solely on its own merits. Approval of an application shall require that an agreement be executed by the owner or applicant and the city, which agreement shall, at a minimum, contain:

- (a) A list of those improvements shall be provided which justify the owner or applicant's inclusion within the ESTIP, and the amount which shall be spent by the owner or applicant on said improvements;
- (b) The maximum amount of enhanced sales taxes to be shared, and the maximum time during which said agreement shall continue, it being expressly understood that any such agreement shall expire and be of no further force and effect upon the occurrence of the earlier to be reached of the maximum time of the agreement

(whether or not the maximum amount to be shared has been reached) or the maximum amount to be shared (whether or not the maximum time set forth has expired);

(c) A statement that the agreement shall never constitute a debt or obligation of the city within any constitutional or statutory provision;

(d) A provision identifying the incremental period during which the amount of enhanced sales tax funds to be shared, if any, will be calculated, which incremental period may be monthly, quarterly, semi-annually or annually;

(e) The base amount which is agreed upon by incremental period, and the fact that if, in any incremental period as specified, sales taxes received from the property do not at least equal said amount, that there shall be no sharing of enhanced sales tax funds for said incremental period, and that any deficit for any such period shall be carried over to succeeding periods until the difference between the base amount and the amount of sales tax actually paid is recovered by the city;

(f) The base tax amount agreed upon in the agreement shall consider the historic level of sales at the property in question, or a similar property within the area in the event of a new business, and a reasonable allowance for increased sales due to the improvements and upgrades completed as a result of inclusion within the ESTIP;

(g) A provision that any enhanced sales taxes subject to sharing shall be escrowed in the event there is a legal challenge to the enhanced sales tax incentive program or the approval of any application therefore;

(h) An affirmative statement that the obligations, benefits, and provisions of the agreement may not be assigned in whole or in any part without the express, written authorization of the city, and further that no third party shall be entitled to rely upon or enforce any provision of the agreement or this article; and

(i) Any other provisions agreed upon by the parties and approved by the city council.

Sec.6-929 Legislative intent.

(a) The city council has enacted this article as a joint benefit to the public at large and to private owners for the purposes of: providing the city with increased sales tax revenues generated upon and by properties improved as a result of this program; Encouraging the construction of public improvements by private owners without debt obligations being incurred by the city; and allowing owners and proprietors opportunities to improve properties which generate sales activities, which improvements make those properties more competitive in the marketplace and further provide to owners and proprietors additional contingent sources of revenues for upgrading said properties.

(b) City council specifically finds and determines that creation of this ESTIP is consistent with the city's powers as a home rule municipal corporation, and that exercise of those powers in this article promotes the public health, safety and general welfare. Notwithstanding any provision hereof, the city shall never be a joint venturer in any private entity or activity which participates in this ESTIP, and the city shall never be liable or responsible for any debt or obligation of any participant in ESTIP.

Sec.6-930 Severability.

If any clause, sentence, paragraph, or part of this article or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect its application to other persons or circumstances.

Sec.6-931 Safety clause.

The city council hereby finds, determines, and declares that this ordinance is promulgated under the home rule powers and general police power of the City of Greeley, that it is promulgated for the health, safety, and welfare of the public and this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The city council further determines that the ordinance bears a rational relation to the properly legislative object sought to be attained.

Sec.6-~~919~~932-939. Reserved.

Council Agenda Summary

July 20, 2021

Key Staff Contact: Stacey Aurzada, City Attorney's Office, 970-350-9758

Title:

Consideration of a resolution authorizing the Mayor to enter into a Separation Agreement and General Release with Roy Otto

Summary:

Roy Otto has served as the Greeley City Manager since August 2, 2005. Mr. Otto and representatives of the City Council have discussed Mr. Otto's desire to resign his employment as City Manager, and have discussed the terms and conditions of such resignation. A proposed separation agreement will be presented to Council for approval.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$123,000; payout of PTO and holiday leave
What is the annual impact?	N/A
What fund of the City will provide Funding?	General Fund
What is the source of revenue within the fund?	Sales Tax
Is there grant funding for this item?	No
If yes, does this grant require a match?	N/A
Is this grant onetime or ongoing?	N/A
Additional Comments:	

Legal Issues:

Consideration of this resolution is a legislative matter.

Other Issues and Considerations:

None

Strategic Work Program Item or Applicable Council Priority and Goal:

N/A

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

**CITY OF GREELEY, COLORADO
RESOLUTION No. _____, 2021**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
A SEPARATION AGREEMENT AND GENERAL RELEASE WITH ROY OTTO**

WHEREAS, under Sec. 4-1 of the City Charter, the City Council is authorized to appoint a City Manager as administrative head of the municipal government under the direction, supervision and control of the City Council and, upon appointment, the City Manager holds such office for an indefinite term; and

WHEREAS, on August 2, 2005, the City Council appointed Roy Otto as the City Manager for the City of Greeley, and Mr. Otto has served in that capacity until the present time; and

WHEREAS, Mr. Otto and representatives of the City Council have discussed Mr. Otto's desire to resign his employment as City Manager, and have discussed the terms and conditions of such resignation; and

WHEREAS, a proposed separation agreement has been considered by City Council with terms that will authorize the City to receive continuing consultation services from Mr. Otto, and that will provide compensation for such services and in recognition of his past service to the City; and

WHEREAS, the City Council believes that it would be in the best interests of the City for the City Council to enter into such agreement with Mr. Otto.

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

1. That the City Council accepts the resignation of City Manager Roy Otto.
2. That the City Council hereby approves the substance and form of the Separation Agreement and General Release and hereby authorizes the Mayor to execute said Agreement, with modifications as the Mayor, in consultation with the City Attorney's Office, may deem to be necessary to effectuate the purposes and intent of the Agreement, provided such modifications do not alter the substantive terms of the Agreement.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ day of _____, 2021.

ATTEST

THE CITY OF GREELEY COLORADO

City Clerk

Mayor

SEPARATION AGREEMENT AND GENERAL RELEASE

This Agreement is made this _____ day of July, 2021, by and between the City of Greeley, Colorado, hereinafter referred to as “the City,” and Roy Otto, hereinafter referred to as “Employee.”

WHEREAS, Employee is currently employed with the City in the capacity of City Manager under the Terms of a Compensation and Employment Agreement dated September 6, 2005 (the “Employment Agreement”); and

WHEREAS, on July 20, 2021, Employee submitted to the Greeley City Council his notice of voluntary resignation with the City; and

WHEREAS, the Employment Agreement provides that in the event the City Manager voluntarily resigns his position with the City he shall provide a minimum of 30 days’ notice unless the parties agree otherwise; and

WHEREAS, the City and the Employee wish to provide for an orderly transition of duties to a new Acting or Interim City Manager; and

WHEREAS, notwithstanding the provisions of the Employment Agreement, it is the desire of the City and the Employee through this Separation Agreement and General Release, hereinafter referred to as “this Agreement,” to compensate Employee for his long-term service to the City, including nearly 22 years of service to the City, as the second longest serving City Manager for the City, as well as to establish terms and conditions upon which the transition of duties will occur, and for limited consulting services and assistance during the transition of duties, as well as to resolve any and all potential disputes and claims that Employee may have against the City, and to resolve all potential disputes and claims that City may have against Employee.

NOW, THEREFORE, in consideration of the mutual benefits and advantages hereinafter contained, and further in consideration of the mutual promises and covenants hereinafter more specifically set forth, the parties hereto do stipulate and agree as follows:

A. OBLIGATIONS OF EMPLOYEE

1. The Employee’s current employment with City as City Manager will end effective at 5:00 p.m. on August 18, 2021.
2. Employee will make himself available for consultation upon request of the interim or acting City Manager at times that are mutually agreeable for a period of up to twenty-four weeks.
3. In recognition of Employee’s long period of service and in light of Employee’s agreement to provide consulting services, Employee will be compensated as detailed in Section B.1 of this Agreement.

4. If he has not already done so, at or before the end of Employee's last day of full-time work for the City, the Employee will return to the City the following:
 - a. Any and all proximity cards and keys to all buildings and facilities of the City that the Employee had in his possession due to his employment;
 - b. Any supplies, equipment, uniforms, monies, checks, credit cards, manuals, documents, identification cards, and other property of the City;
 - c. Employee's mobile phone and computer, as outlined below:
 - i. With respect to Employee's mobile phone and computer, Employee and the City specifically agree as follows:
 - 1) Employee shall return Employee's mobile phone and computer to the City, at which time the City will promptly remove all confidential information and licensed or proprietary software from those devices, except that the City specifically will not remove contacts from Employee's mobile phone and contacts from Employee's computer;
 - 2) Employee shall specifically be allowed to retain all contact information for any contacts contained within his mobile phone and his computer;
 - 3) City will promptly return Employee's mobile phone and computer to Employee, still containing any and all contacts in the mobile phone and computer, but with any other confidential information or licensed or proprietary software having been removed;
 - 4) Upon return of Employee's mobile phone and computer to Employee, such mobile phone and computer will then become the sole personal property of Employee, without any warranty or ongoing service agreement;
 - 5) City will specifically allow Employee to maintain his City mobile phone number and to use such phone number on his mobile phone and/or "port" such phone number to any other phone;
 - 6) City and Employee agree that thereafter, Employee may maintain his mobile phone as his own personal phone and Employee may

maintain his City mobile phone number as his own personal phone number, both at his own personal expense.

5. In consideration of the obligations of City set forth below, Employee, including his successors, agents, and estate, hereby releases City, its current and former officers, employees, elected and appointed officials, agents, insurance companies, and attorneys (hereinafter referred to as "Releasees") from any and all claims, causes of action, liabilities, expenses, and/or damages which he may have or may assert against City for any acts by City which occurred prior to the date that Employee's obligation for consulting availability ends (six months after Employee's last day of work as City Manager), or omissions by City to perform acts which should have been performed prior to the date that Employee's obligation for consulting availability ends, including, without limiting the generality of the foregoing, any act or omission of City arising out of or relating to Employee's employment with the City, except any potential claims for breach of this Agreement. Specifically, but not by way of limitation, this Release includes claims under:
- a. Any federal, state or local law concerning employment, including but not limited to: the Constitution of the United States, Title VII of the Civil Rights Act of 1964, as amended, Age Discrimination in Employment Act ("ADEA") (29 U.S.C. 621 *et seq.*), as amended, Employee Retirement Income Security Act of 1974, Americans with Disabilities Act, Civil Rights Acts of 1866, 1870, 1871 and 1991, Fair Labor Standards Act, Family and Medical Leave Act, Constitution of the State of Colorado, Colorado Anti-Discrimination Act, Workers' Compensation Act of Colorado, the Charter of the City of Greeley, and the Code of the City of Greeley;
 - b. Claims based upon, relating to or arising out of the Employee's employment relationship with the City and/or the termination of that relationship;
 - c. Claims of constructive discharge, wrongful discharge, hostile work environment, retaliation, or discrimination of any kind including discrimination based on sex, gender, religion, race, ancestry, color, marital status, creed, age, sexual orientation, national origin, disability or disparate impact;
 - d. Claims of breach of contract, quasi contract, and promissory estoppel, except any potential claims for breach of this Agreement;
 - e. Claims based on the First Amendment to the United States Constitution and Article II, Section 10 of the Colorado Constitution; and
 - f. Claims for attorneys' fees, costs of suit, interest and the like.

Without limiting the generality of the foregoing, this Release and Agreement applies to all matters asserted, or which could have been asserted, up to the date that Employee's obligation for consulting availability ends.

6. Notwithstanding the above and foregoing, nothing within this Agreement shall be construed as a release or waiver by the Employee of any claim, defense, right of indemnification or immunity arising pursuant to the provisions of the Colorado Governmental Immunity Act (C.R.S. § 24-10-101), as amended, and/or any other like or similar statutory or municipal provision or any other like or similar provision of law which may be available to Employee by reason of his employment with the City in the event any person brings an action against Employee for any act or omission of Employee occurring within the course and scope of his employment with the City.
7. Employee further warrants and represents that he has made no assignment and will make no assignment of the claims, demands, or causes of action released herein. Employee agrees he has not instituted and will not file, re-file, or institute legal proceedings of any kind based upon, arising out of, or relating to any claim, demand, or cause of action released herein. In the event there is pending legal action in any federal, state or local court or governmental agency, commission, division or department, which was brought or initiated by the Employee against any or all of the aforementioned Releasees, Employee hereby agrees to cause each and every said action to be dismissed with prejudice immediately upon execution of this Agreement. Employee further agrees to indemnify and hold harmless all Releasees against any loss or any other liability whatsoever, including reasonable attorneys' fees and costs, caused by any action or proceeding before any court or governmental agency, commission, division or department, whether federal, state or local, which is brought by Employee or his successors in interest, if such action or proceeding arises out of, is based upon, or is related to any of the claims, demands or causes of action released herein, which occurred prior to the date that Employee's obligation for consulting availability ends.
8. Employee does not waive any claims that cannot be waived as a matter of law, including any claims that may arise after the date that Employee's obligation for consulting availability ends.
9. The Employee acknowledges that he is relying solely upon the contents of this Agreement and is not relying on any other representations whatsoever of the City or other Releasees as an inducement to enter into this Agreement. The Employee further acknowledges the following:
 - a. That he has read and understands this Agreement; and

- b. That he has been provided a full and ample opportunity to study it, including, if he so desires, a reasonable period of 21 days from receipt within which to consider it; and
- c. That he has been advised to consult with an attorney prior to signing this Agreement; and
- d. That he is signing this Agreement voluntarily with full knowledge that it is intended, to the maximum extent permitted by law, as a complete release and waiver of any and all claims; and
- e. That he further understands that he has the right to revoke this Agreement for a period of seven (7) calendar days following its execution by him and that this Agreement shall not become effective or enforceable until the seven-day revocation period expires. Written notice of such revocation shall be provided to Douglas Marek, City Attorney, 1100 10th Street, Suite 401, Greeley, CO 80631.

B. OBLIGATIONS OF CITY

- 1. Provided that the Employee has not exercised his right under Section A.8. to revoke this Agreement, in order to compensate Employee for his long-term service to the City, including nearly 22 years of service to the City, as the second longest serving City Manager for the City, as well as to ensure the Employee's continuing availability for consultation upon request of interim or acting City Manager for a period of up to twenty-four weeks, and as a complete settlement of all potential claims that Employee may have against the City, and that the City may have against Employee, and for the release set forth in Section A.4. of this Agreement, the City agrees as follows:
 - a. City will pay to the Employee all wages, including accrued but unused PTO and unused floating holiday time, less deductions and withholdings as required by law or authorized by Employee; and
 - b. City will pay to the Employee \$123,000.00, which is the equivalent of 6 months of Employee's current salary less deductions and withholdings as required by law or authorized by Employee; and
 - c. City agrees that payment to Employee of the aforementioned amounts will occur specifically as follows:
 - i. City agrees that the payment of the aforementioned \$123,000.00 will be paid to the Employee on the City's ordinary established biweekly

pay periods, in an amount that is equal to Employee's current biweekly salary, until \$123,000.00 has been paid in full;

- ii. City agrees that upon payment in full of the aforementioned \$123,000.00, it will thereafter pay Employee all accrued but unused PTO and unused floating holiday time on the City's ordinary established biweekly pay periods, in an amount that is equal to Employee's current biweekly salary, until all unused PTO and unused floating holiday time have been paid in full.
2. City and Employee agree that during the course of time when Employee is receiving the \$123,000.00 payment referenced in Section B.1(c), Employee will not accrue any employment benefits, other than those outlined in Section B.7, including additional PTO or floating holiday time.
3. City and Employee agree that during the course of time when Employee is receiving biweekly payment for unused PTO and floating holiday time referenced in Section B.1(c), Employee will not accrue any employment benefits, other than those outlined in Section B.7, including PTO or floating holiday time.
4. City and Employee agree that during the course of time when Employee is receiving the \$123,000.00 payment referenced in Section B.1(c), neither Employee nor City will contribute additional funds to Employee's defined contribution retirement plan through the City.
5. City and Employee agree that during the course of time when Employee is receiving biweekly payment for all unused PTO and floating holiday time referenced in Section B.1(c), neither Employee nor City will contribute additional funds to Employee's defined contribution retirement plan through the City.
6. City and Employee agree that no interest will accrue on any deferred or delayed payments as outlined in Section B.1(c).
7. City agrees that it will continue to provide health, dental, and vision insurance to Employee and his family until Employee reaches the age of 65, as follows:
 - a. City agrees that City will continue to pay City's portion of Employee's health, dental, and vision premiums during all time periods when Employee is receiving the payments detailed in Section B.1(c)(i);
 - b. Employee agrees that after he has been paid in full all payments detailed in Section B.1(c)(i), Employee will be responsible for paying the full cost of the

monthly premiums for health, dental, and vision insurance, if Employee decides he wishes to remain on the City's insurance plans;

- c. City agrees that Employee will be permitted to cancel or modify health, dental, and vision coverage annually during open enrollment periods, until Employee reaches the age of 65.
8. The City specifically agrees that it will indemnify Employee for any claims, causes of action, liabilities, expenses, and/or damages brought by anyone related to actions taken by Employee during his employment for the city, as follows:
 - a. For the remainder of Employee's life, beyond that required under Federal, State or Local law, City shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, by any person or entity, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Manager or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. The Employee may request and the City shall not unreasonably refuse to provide independent legal representation at City's expense and City may not unreasonably withhold approval. Legal representation, provided by City for Employee, shall extend until a final determination of the legal action including any appeals brought by either party. The City shall indemnify Employee against any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings including attorneys' fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his or her duties. Any settlement of any claim must be made with prior approval of the City in order for indemnification, as provided in this Section, to be available.
 - b. Employee recognizes that City shall have the right to compromise and shall notify the Employee who is a party to the suit of any such settlement. Further, City agrees to pay all reasonable litigation expenses of Employee throughout the pendency of any litigation to which the Employee is a party, witness or advisor to the City.
9. In consideration of the obligations of Employee set forth above, the City, including its successors, agents, and employees, hereby releases Employee, from any and all claims, causes of action, liabilities, expenses, and/or damages which it may have or may assert against Employee for any acts by Employee which occurred prior to the date that Employee's obligation for consulting availability ends, or omissions by

Employee to perform acts which should have been performed prior the date that Employee's obligation for consulting availability ends, including, without limiting the generality of the foregoing, any act or omission of Employee arising out of or relating to Employee's employment with the City. Specifically, but not by way of limitation, this Release includes claims by the City against Employee, under:

- a. Claims based upon, relating to or arising out of the Employee's employment relationship with the City and/or the termination of that relationship;
- b. Claims of breach of contract, quasi contract, and promissory estoppel; and
- c. Claims for attorneys' fees, costs of suit, interest and the like.

Without limiting the generality of the foregoing, this Release and Agreement applies to all matters asserted, or which could have been asserted, up to the date that Employee's obligation for consulting availability ends.

10. All payments and other compensation made to Employee by the City under Section B.1. are intended to compensate the Employee for his long-term, service to the City, including nearly 22 years of service to the City, as the second longest serving City Manager for the City, as well as to ensure the Employee's continuing availability for consultation upon request of interim or acting City Manager for a period of up to twenty-four weeks, and as a complete settlement of all potential claims that Employee may have against the City, and that the City may have against Employee, and for the release of all potential claims referred to throughout this Agreement, and for all other provisions of this Agreement.

C. GENERAL PROVISIONS

1. All parties have specifically taken into account that there may be a mistake of fact or law in regard to the nature or extent of claimed injuries, damages or losses. The parties are specifically taking into account those potential mistakes of fact or law in reaching this particular settlement. All parties acknowledge that there may be unknown injuries, damages or losses of which they are not aware. It is the intent of all parties hereto that Employee releases City from any and all claims, whether those claims or damages are now known or unknown, and that City releases Employee from any and all claims, whether those claims or damages are now known or unknown.
2. The City denies that it has violated any of its policies or procedures, any federal or state laws, or any City Charter or Code provision, or any other regulations with respect to the Employee's employment or the termination thereof. The Employee and the City expressly acknowledge and agree that this Agreement, the terms of

this Agreement and the negotiation of this Agreement are not to be construed as an admission on the part of the City of any wrongdoing or liability whatsoever, or be admissible as evidence in any proceeding other than to enforce this Agreement.

3. Employee denies that he has violated any of City's policies or procedures, any federal or state laws, or any City Charter or Code provision, or any other regulations with respect to his employment or the termination thereof. The Employee and the City expressly acknowledge and agree that this Agreement, the terms of this Agreement and the negotiation of this Agreement are not to be construed as an admission on the part of the Employee of any wrongdoing or liability whatsoever, or be admissible as evidence in any proceeding other than to enforce this Agreement.
4. The parties expressly recognize and agree that neither the Employee's resignation, nor this Agreement, shall be construed as an admission of any wrongful conduct or violation of any law by either party. Each party expressly denies any wrongful conduct or violation of any law on its part and also expressly denies any liability to the other party. This Agreement is intended for the purpose of settlement only and may not be used for any purposes other than those described herein.
5. Nothing contained in this Agreement shall be construed to release the City from payment of benefits, if any, the Employee may be entitled to receive now or in the future under any retirement or pension plan that Employee is a participant of pursuant to his employment with the City. The City specifically agrees that it will cooperate fully with Employee in the payout or transfer of any retirement or pension plan funds to which Employee is entitled.
6. The City and Employee agree that it is in the best interests of both parties that neither disparage the other, either publicly or privately. Specifically, the parties agree as follows:
 - a. City will not disparage Employee in any way, either publicly or privately, with respect to anything that occurred during Employee's years of service to the City;
 - b. City will not encourage, and will specifically discourage, any employees of the City from disparaging Employee in any way, either publicly or privately, with respect to anything that occurred during Employee's years of service to the City;
 - c. City specifically agrees that (as with all other employees of the City) to the extent permitted by law, City will make good faith, reasonable efforts to keep confidential and private the Employee's personnel file and any other documents

pertaining to Employee's performance of his duties, and will not release the Employee's personnel file or any other documents pertaining to Employee's performance of his duties without a court order or valid public records request requiring the City to do so. The City also specifically agrees that it will make all reasonable efforts to notify the Employee of any requests for the Employee's personnel file or other documents pertaining to Employee's performance of his duties prior to release of any such information. All members of the current City Council agree that they will not waive any applicable privileges associated with any such documents.

- d. Employee will not disparage City in any way, either publicly or privately, with respect to anything that occurred during his years of service to the City;

7. That the parties hereto do further stipulate and agree as follows:

- a. That no promise, inducement or agreement has been offered, negotiated or accepted except as herein more specifically set forth, and this Agreement is not executed in reliance upon any statements or representations not contained herein;
- b. That each of the parties hereto is legally competent to execute this Agreement and accepts full responsibility therefore and has consulted with legal counsel;
- c. That the terms of this Agreement are contractual in nature and not mere recitals;
- d. That the acceptance of the terms and conditions of the within Agreement are in accord and satisfaction of any potential disputed matters relating to the employment relationship of the parties, and neither of the parties' acceptance of the within terms shall be construed in any way as an admission of guilt or liability on their part to the within Agreement;
- e. That each party has had the opportunity to cooperate in the drafting and preparation of this Agreement, and therefore the Agreement is not to be construed for or against one party based upon attribution of drafting;
- f. That each of the parties has executed this Agreement after carefully reading the contents hereof and signing the same in his or her or its free will and as a voluntary act without coercion or distress by any party or entity whatsoever; and
- g. That the within Agreement is binding upon the parties individually and their respective heirs, devisees, agents, employees, personal representatives,

administrators, attorneys, guardians, conservators, trustees, fiduciaries, grantees, donees, successors, and assigns.

8. This Agreement contains the entire understanding of the parties hereto with respect to its subject matter and supersedes all prior oral and written understandings and agreements between the parties. Any modification to this Agreement must be made in writing and signed by both parties. This Agreement shall also be binding upon and inure to the benefit of the successors and assigns of City and to the heirs, personal representatives, successors and assigns of Employee.
9. This Agreement shall be interpreted according to the laws of the State of Colorado.
10. If any one or more of the provisions of this Agreement are found to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby. Further, any provision found to be invalid, illegal or unenforceable shall be deemed, without further action on the part of the parties hereto, to be modified, amended and/or limited to the extent necessary to render such provisions valid and enforceable.
11. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document. This Agreement may be executed and delivered by electronic signature by any of the parties and all parties consent to the use of electronic signatures.

EMPLOYEE UNDERSTANDS THAT THIS AGREEMENT IS A FINAL AND BINDING WAIVER OF ANY CLAIMS AGAINST THE CITY INCLUDING CLAIMS FOR AGE DISCRIMINATION UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT.

THE ONLY PROMISES MADE TO CAUSE EMPLOYEE TO SIGN THIS AGREEMENT ARE THOSE STATED IN THIS AGREEMENT. EMPLOYEE ACKNOWLEDGES THAT CITY HAS ADVISED HIM TO CONSULT WITH AN ATTORNEY PRIOR TO SIGNING THIS AGREEMENT.

EMPLOYEE AFFIRMS THAT THIS AGREEMENT HAS BEEN FULLY EXPLAINED BY EMPLOYEE'S ATTORNEY(S), OR THAT EMPLOYEE HAS WAIVED CONSULTATION WITH AN ATTORNEY, CONTRARY TO THE CITY'S RECOMMENDATION.

EMPLOYEE ACKNOWLEDGES THAT EMPLOYEE HAS THE RIGHT TO REVOKE THIS AGREEMENT FOR SEVEN (7) DAYS AFTER SIGNING IT. THIS AGREEMENT WILL NOT BE EFFECTIVE UNTIL THAT TIME HAS PASSED.

IN WITNESS WHEREOF, the parties hereto have executed this Separation Agreement and Release as of the date first above written, and agree to and accept the terms set forth herein.

Employee:

DATE

Roy Otto
Employee

STATE OF COLORADO)

COUNTY OF WELD) ss.

The foregoing Separation Agreement and General Release was subscribed and sworn to before me this _____ day of _____, 2021, by Roy Otto. Witness my hand and official seal.

My commission expires: _____

NOTARY PUBLIC

APPROVED AS TO FORM:

Tom Grant
Attorney for the Employee

THE CITY OF GREELEY, COLORADO:

ATTEST:

By: _____
Mayor

City Clerk

APPROVED AS TO FUNDS AVAILABILITY:

By: _____
John Karner
Director of Finance

APPROVED AS TO LEGAL FORM:

By: _____
Douglas Marek
City Attorney

Council Agenda Summary

July 20, 2021

Agenda Item Number

Key Staff Contact: Benjamin L. Snow,
Economic Health & Housing Director, 350-9384

Title

Consideration of a Substantial Amendment to the 2020-2024 Consolidated Plan and 2020 Action Plan

Summary

By letter dated April 2, 2020, Mayor John Gates was notified that the City of Greeley would receive \$493,277 in CARES Act funding through Community Development Block Grant-Coronavirus (CDBG-CV) funds (first round). A subsequent notice dated September 11, 2020 was sent to Mayor Gates notifying him that the City was also eligible for CDBG-CV third round funds of \$526,790. The grants are to specifically prepare for, prevent, and respond to the COVID-19 pandemic. The City was not eligible for the second round of funding, which went to states.

The City approved a Substantial Amendment in June 2020 that identified several possible CDBG-CV activities. Only one resulted in an actual activity, that being support of the United of Way of Weld County Non-Congregate Homeless Shelter at Bonell. All other proposed activities were either cancelled or never came to fruition.

The attached Substantial Amendment will again amend the 2020-2024 Consolidated Plan and 2020 Action Plan. The proposed actions of the Substantial Amendment are identified and described in better detail on page three of the Substantial Amendment and include:

1. Addition of an activity using CDBG-CV 1 funds.
2. Amendment to CDBG-CV 1 budgets.
3. Addition of the CDBG-CV 3 funding source.
4. Add a CDBG-CV 3 activity and administration "activity".
5. Budget the CDBG-CV 3 funds.

The U. S. Department of Housing and Urban Development (HUD) imposed a deadline of August 16, 2021 by which the CDBG-CV 3 funds must be successfully applied for by the City. The application for CDBG-CV 1 funds was completed and approved by HUD in 2020.

Fiscal Impact

Does this item create a fiscal impact on the City of Greeley?	Yes; it is an additional entitlement grant available to the City, specific to COVID-19 pandemic.
---	--

If yes, what is the initial or onetime impact?	\$526,790
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?	U. S. Dept. of Housing & Urban Development
Is there grant funding for this item?	Yes, this is a HUD grant
If yes, does this grant require a match?	No
Is this grant onetime or ongoing?	One-time
Additional Comments:	

Legal Issues

None.

Other Issues and Considerations

None.

Applicable Council Goal or Objective

Infrastructure & Growth: Public facilities & equipment; social infrastructure support

Decision Options

1. Approve the Substantial Amendment with noted activities and budgets, as presented; or
2. Request changes to the Substantial Amendment and then adopt with changes; or
3. Continue consideration of the items to the next regular Council meeting, understanding the HUD deadline by which the CDBG-CV funds must be applied for.

Council's Recommended Action

A motion to accept the Substantial Amendment as presented.

Attachments

Summary Slide Deck
Substantial Amendment for the CARES Act Funding

Substantial Amendment to the 2020-2024 Consolidated Plan and 2020 Action Plan

July 20, 2021

**Benjamin Snow, CEcD
Director, Economic Health & Housing
City of Greeley
Benjamin.Snow@greeleygov.com**



History of Funding

- **April 2, 2020 = \$493,277**
- **September 11, 2020 = \$526,790**
- **Total from CARES = \$1,020,067**
- **City Approved Amendment in June 2020 = Resulted in Bonell non-congregate facility assistance**

Summary of Current Amendment

- **Mix of assistance:**
 - **Congregate Cold Weather Sheltering**
 - **Non-congregate Cold Weather Sheltering**
 - **Housing Navigation**
 - **Acquisition and/or rehab of existing buildings**
 - **Multi-family housing**
 - **Persons vulnerable to the spread of COVID**

See Page 3 of Amendment for details

Next Steps and Recommendation

- **Deadline**
 - HUD imposed deadline of August 16, 2021
- **Fiscal Impact & Legal Issues**
 - One-time fiscal impact of \$526,790
 - No ongoing or annual fiscal impact
- **Recommendation**
 - Motion to accept the Substantial Amendment as presented.

Questions . . .

Benjamin Snow, CEcD
Director, Economic Health & Housing
City of Greeley
Benjamin.Snow@greeleygov.com





CITY OF GREELEY, COLORADO

**CARES ACT FUNDS SUBSTANTIAL AMENDMENT
TO THE 2020-2024 CONSOLIDATED PLAN and
2020 ANNUAL ACTION PLAN**

Public Comment Period – July 15, 2021-July 20, 2021

Prepared by the Greeley Urban Renewal Authority
1100 10th Street, Suite 201
Greeley, CO 80631
Benjamin L. Snow, Economic Health and Housing Director

Contact Information
J. R. Salas, GURA Manager
970-350-9380
j.r.salas@greeleygov.com

**CARES ACT SUBSTANTIAL AMENDMENT
TO THE 2020-2024 CONSOLIDATED PLAN AND 2020 ACTION PLAN
TO AMEND ACTIVITIES AND FUNDING FOR CDBG-CV 1 (FIRST ROUND)
AND
ADD COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS 3rd ROUND (CDBG-CV 3)
FUNDS AND ACTIVITIES**

Cares Act Background

On March 27, 2020, the United States Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136. The bill provided \$5 billion in Community Development Block Grant (CDBG) funds to rapidly respond to COVID-19. The U. S. Department of Housing and Urban Development (HUD) allocated \$2 billion of that the same day. This constituted the first round of CDBG-Coronavirus (CDBG-CV) funds. In the second round, \$1 billion was allocated to States and insular areas. The final (third round) \$2 billion was allocated on September 11, 2021. As an entitlement community, the City of Greeley was awarded \$493,277 in the first round of allocations and \$526,790 in the third (cumulative \$1,020,067). All funds must be used specifically to prevent, prepare for, and/or respond to the COVID-19 pandemic.

First Substantial Amendment for CDBG-CV Funds

A Substantial Amendment was prepared for the first round of funding and was submitted to HUD with four activities identified: Public facility support, including move and extend the Cold Weather Shelter; support the Personal Isolation Facility at Bonell; Emergency Rental Assistance; and program administration. The only activity outside of program administration to be implemented with the use of CDBG-CV 1 funds was the facility at Bonell; it continued to operate as the Non-Congregate Homeless Shelter at the Bonell Campus (Bonell Shelter) for vulnerable homeless persons after the Isolation Facility closed.

Qualifying as a Substantial Amendment

A Substantial Amendment to the City's Consolidated Plan/Annual Action Plan for use of its grants from the U. S. Department of Housing and Urban Development is required any time one of the following occurs:

1. A change is made to allocation priorities or the method of distribution of funds;
2. To implement an activity not previously described in the action plan, using funds from any program covered by the consolidated plan (including program income, reimbursements, repayment, recaptures, or reallocations from HUD; or
3. There is a change the purpose, scope, location, or beneficiaries of an activity.

Proposed Substantial Amendments

1. Add CDBG-CV 1 Priority D - Acquire and/or rehab a public facility to serve as a cold weather shelter, housing navigation center, or other type of day-use center/facility for persons vulnerable to contracting and/or spreading COVID-19.
2. Amend the activities and budgets for identified priorities, as noted in the table following. The Priority A and B activities and funding were combined to fund a shelter/isolation facility for vulnerable homeless persons (Bonell Non-Congregate Shelter). Remaining funds will move to Priority D. Program administration reduces slightly.

CDBG-CV I Uses	Budget by Priority - Initial	Amended Budget Proposed
CDBG-CV 1 Award	493,277.00	493,277.00
Administration – (approximately 18% of an allowable 20%)	89,777.00	88,273.64
Administration		
Priority A	165,660.00	0.00
Identified activity Priority A – Move and extension of Cold Weather Shelter		
Unidentified activities under Priority A		
Priority B	37,840.00	180,003.36
Identified activity under this priority – Personal Isolation Facility/Shelter services – Goal 1 Public Service; 75 people		
Priority C	200,000.00	0.00
Emergency Rental Assistance, COVID-19-related		
Priority D		225,000.00
Support the acquisition and/or rehab of new congregate Cold Weather Shelter, Housing Navigation Center, or other type of day-use center/facility with social distancing for COVID-19 – Goal 1 Public Facility; 100 people		

3. Add funding source: CDBG-CV 3 - \$526,790
4. Add CDBG-CV 3 Administrative budget and Priority A - Acquire and/or rehab housing for persons vulnerable to contracting and/or spreading COVID-19, particularly persons who are homeless or have other special needs.
5. Budget the CDBG-CV 3 funds in the following manner:

CDBG-CV 3 Uses	Budget Proposed
CDBG-CV 3 Award	526,790.00
Administration – (14.65% of an allowable 20%)	76,790.00
Administration	
Priority A	450,000.00
Support acquisition and/or rehab of existing buildings for multi-family housing for persons vulnerable to the spread of COVID – Goal 1 housing development; 75 people	

Analysis

This proposal qualifies as a substantial amendment because it meets all of the three instances noted in the Qualifying as a Substantial Amendment section. The Substantial Amendment will be to the 2020-2024 Consolidated Plan and 2020 Annual Action Plan.

Meeting a National Objective

The CDBG-CV funds allocated under the CARES Act must be used specifically for the preparation for, prevention of, and response to the COVID-19. All CDBG-CV activities must still meet a National Objective of the CDBG Program:

- Benefit low-and-moderate income people (minimum of 70% of the CDBG-CV grant)
- Aid in the prevention or elimination of slum or blight
- Meet an urgent need

Citizen Participation Requirements

Substantial Amendments are required to follow the City's Citizen Participation Plan, which requires a public comment period of 30 days with 10 days' notice of upcoming comment periods and public hearings.

- Virtual public hearings, to comply with federal and local orders (social distancing, stay-at-home, etc.) are allowable and how notice will be provided is a part of the Citizen Plan Amendment.

Consultation

The consultations requirement for the Consolidated Plan were met prior to its submittal to HUD on March 31, 2020. However, due to the nature of the needs for which CDBG-CV funds are to be used, City staff notified non-profit agencies considered to be "CDBG Partners" with the City with regard to changes/additions being proposed. These agencies are the "boots on the ground" and work daily with low- moderate-income residents affected by COVID-19. Notification of the upcoming Substantial Amendment and request for comments/ideas was emailed to the partner group on May 21, 2021 with a request for response by June 1, 2021. Additionally the partner group was provided with the Substantial Amendment (on June 17, 2021) with request for comments by July 30, 2021. Any comments received from the City's CDBG partner group are included in the Substantial Amendment.

Citizen Participation

The City is required to consult the public in the manner described in its Citizen Participation Plan, as amended, to address priorities added to the Consolidated Plan utilizing CDBG-CV. The Public was consulted in the following manner:

These are subject to update, as they are for the most part future dates.

1. The Substantial Amendment was available for review by the general public for a 30-day period beginning 8:00 a.m. June 30, 2021 and ending at 5:00 p.m. on July 30, 2021. Notice of the comment period was provided through legal ads in the Greeley Tribune (published June 19, 2021 in English and Spanish) and on the City's website – www.greeleygov.com.
2. The Citizens Committee for Community Development members were mailed the Substantial Amendment for comment on June 17, 2021 and asked to have comments returned by 5:00 p.m. July 30, 2021.
3. Two public hearings were held, per the City's Citizen Participation Plan.

- A. GURA Board of Commissioners: Ad published July 2, 2021; public hearing date July 14, 2021 at 4:30 p.m.
 - B. Greeley City Council: Ad published July 7, 2021; public hearing date July 20, 2021 at 6:00 p.m.
4. Written comments on the Substantial Amendment were accepted during the comment period noted above or by comment at one of the public hearings.

Public Comment Received

A 30-day public comment period was held from 8:00 a.m. June 30, 2021 through 5:00 p.m. July 30, 2021. The following comments were received.

- *Enter any public comments received here on change in use of funds and addition of additional uses.*

Approvals

The following approvals are anticipated.

- Approval to recommend the Substantial Amendment to the Greeley City Council was given on July 14, 2021 by the GURA Board of Commissioners.
- Approval to the Substantial Amendment was given by the Greeley City Council on July 20, 2021; however, public comment continued through July 30, 2021.

References

- City of Greeley Consolidated Plan for Years 2020 -2024 and 2020 Action Plan and Draft of the Substantial Amendment, link: www.greeleygov.com/services/ehh/greeley-urban-renewal-authority

Council Agenda Summary

July 20, 2021

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Public hearing and final reading of an ordinance establishing Local Improvement District No. 343795 for the construction of the regional Ashcroft Lift Station infrastructure.

Summary:

Water and Sewer is proposing the creation of a Local Improvement District (LID) for construction of a regional wastewater lift station and gravity sewer line to serve existing and future developments. The 2.9 Million Gallons per Day (MGD) full build out capacity lift station will be located adjacent to the southeast corner of existing St. Michaels Subdivision along 65th Ave. Wastewater treatment for the residents in St Michaels Subdivision, which are Greeley W&S customers, are currently provided service by the City of Evans, subject to an Intergovernmental Agreement (IGA). This IGA was amended by ordinance in May of 2021 to address temporary treatment rates and allows for Evans to provide emergency overflow for the proposed Ashcroft Lift Station.

While Evans has provided treatment in this basin since 2013, they have experienced limited treatment capacity, which has limited development potential within the Ashcroft Draw Basin. In 2018, Evans upgraded their wastewater plant, which significantly increased the monthly sewer rates, for which Greeley has paid the difference. Even with the recent upgrades the existing wastewater plant is experiencing capacity limitations, which will continue to limit development potential in the basin and further increase sewer rates.

The proposed Ashcroft Lift Station will allow Greeley to provide wastewater treatment to existing and future developments in Greeley within the Ashcroft Draw Basin. W&S will cover all up front cost of the proposed lift station improvements and with approval of the LID will recover all of the cost of the improvements, at time of future property development. W&S will be responsible for the portion of the cost of the lift station associated with developed St Michaels Subdivision that are currently Greeley W&S customers.

The LID establishes two rates, 1) properties only tributary to the downstream proposed gravity sewer, and 2) properties tributary to the proposed lift station, force main, and gravity sewer as depicted in Exhibit A of the Ordinance. The Lift Station service area is approximately 900 acres, while the gravity sewer service area is approximately 1080 acres, with 180 acres of the service area being directly tributary to the gravity sewer main.

The basis of repayment for the LID will be water service tap size and ¾" equivalents. The lift station will have a ¾" equivalent capacity of 5156 and the downstream gravity

sewer has a ¾" equivalent of 7,051. The current budget for the project is \$5.3 million, however the LID rate may be adjusted after completion of the project in 2022 with the second LID ordinance.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	One-time \$5,300,000.00
What is the annual impact?	N/A
What fund of the City will provide Funding?	412 Sewer New Construction
What is the source of revenue within the fund?	Plant Investment Fees, Bonds
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	The Local Improvement District will enable the City to recover the costs of the regional lift station, force main, and gravity sewer from the undeveloped parcels that are benefiting from the sewer infrastructure.

Legal Issues:

The City Attorney's Office drafted the proposed ordinance. 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:

Strategic Work Program Item or Applicable Council Priority and Goal:

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 with reference to title only for the Local Improvement District No. 343795 for the construction of the regional Ashcroft Lift Station infrastructure.

Attachments:

Proposed Ordinance
Presentation

**CITY OF GREELEY, COLORADO
ORDINANCE _____, 2021**

**AN ORDINANCE ESTABLISHING LOCAL IMPROVEMENT DISTRICT NO. 343795
FOR THE CONSTRUCTION OF SANITARY SEWER INFRASTRUCTURE IN GREELEY, COLORADO;
DETERMINATION OF LOTS AND LANDS TO BE INCLUDED WITHIN LOCAL IMPROVEMENT DISTRICT
343795; SETTING FORTH THE MAXIMUM COSTS OF CONSTRUCTION; AND SETTING FORTH THE
PROPERTY TO BE INCLUDED AND NAMES OF THE APPARENT OWNERS OF PROPERTY TO BE
INCLUDED (ASHCROFT DRAW BASIN SANITARY SEWER INFRASTRUCTURE)**

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX, and Section 7 of Article X of the Colorado Constitution to, *inter alia*, levy assessments against real property within the City for municipal purposes, including, without limitation, for local improvements; and

WHEREAS, the Charter for the City of Greeley, Colorado further empowers the City to establish local improvement districts, for the purpose of, *inter alia*, constructing local improvements and assessing the costs thereof upon the property especially benefitted by such improvements; and

WHEREAS, Title 18, Chapter 6 (Local Improvement Districts) of the Greeley Municipal Code sets forth the particular authority and procedures by which the City may establish such local improvement districts; and

WHEREAS, the Ashcroft Draw Basin is a geographic area, a portion of which is located generally south of U.S. Highway 34, north of 37th Street, and east of 95th Avenue in southwest Greeley; and

WHEREAS, the City anticipates continued development within the Ashcroft Draw Basin and has accordingly identified the need for additional sanitary sewer infrastructure in this area; and

WHEREAS, the City Council desires, on its own initiative, to establish a local improvement district for the construction of municipal sanitary sewer infrastructure for the benefit of undeveloped properties without sanitary sewer service located within the Ashcroft Draw Basin in Greeley;

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

Section 1. Establishment of Local Improvement District 343795. Pursuant to the authority set forth in Section 18-379(d) of the Greeley Municipal Code, the City Council hereby orders the creation of a local improvement district for the construction of sanitary sewer infrastructure to the benefit of undeveloped properties within the Ashcroft Draw Basin in Greeley, Colorado ("Ashcroft Draw Basin Sanitary Sewer Infrastructure"). The local improvement district shall be assigned number 343795 and contain the lots and lands set forth in Section 7 below. The anticipated location of the Ashcroft Draw Basin Sanitary Sewer Infrastructure, and the currently undeveloped lots and lands to be included within Local Improvement District No. 343795, are shown on the map attached hereto as Exhibit A.

Section 2. Anticipated Infrastructure Capacity. The Lift Station and Force Main aspects of the Ashcroft Draw Basin Sanitary Sewer Infrastructure are anticipated to have a maximum capacity of 5156 three-quarter inch ($\frac{3}{4}$ ") tap equivalents. The Gravity Main aspect of the Ashcroft Draw Basin Sanitary Sewer Infrastructure is anticipated to have a maximum capacity of 7051 three-quarter inch ($\frac{3}{4}$ ") tap equivalents.

Section 3. Estimation and Description of Maximum Costs. The total maximum cost of construction and incidental expenses for the Ashcroft Draw Basin Sanitary Sewer Infrastructure is estimated at this time to be \$5,300,000.00. Incidental expenses may include those expenses associated with design, inspection, engineering, advertising, abstracting, publishing, postage, collections, and other similar expenses attributable to the construction of the Ashcroft Draw Basin Sanitary Sewer Infrastructure and the establishment of Local Improvement District 343795. Of the total estimated maximum cost, \$4,875,000.00 is attributable to the Lift Station and Force Main aspects of the project, and \$425,000.00 is attributable to the Gravity Main. This total estimated maximum cost includes expenses for which the City will be responsible, as described in Section 4.

Section 4. City Portion of Infrastructure Costs. Of the total estimated maximum cost set forth in Section 3, the City will be responsible for the construction and incidental expenses attributable to the 466.34 three-quarter inch ($\frac{3}{4}$ ") tap equivalents existing and associated with developed properties within the City of Greeley that will be served by the Ashcroft Draw Basin Sanitary Sewer Infrastructure.

Section 5. Assessments against Local Improvement District 343795 Properties. The final determination of assessments to be made against the lots and lands included in Local Improvement District 343795 shall be established by an ordinance adopted after completion of the Ashcroft Draw Basin Sanitary Sewer Infrastructure improvements described herein, and such assessments shall be based upon the costs of construction, incidental expenses, and a fair market rate of projected interest to be recommended by the Director of Finance and set forth in the assessment ordinance at the time it is adopted. Interest shall accrue on each assessment from the date of the City's final payment on construction costs until the assessment is paid in full. The portion of the total maximum cost of construction and incidental expenses for the Ashcroft Draw Basin Sanitary Sewer Infrastructure to be assessed against the lots and lands described in Section 7 below, and interest accrued thereon, shall be first allocated between two divisions of undeveloped properties within Local Improvement District 343795 – those properties benefitted by the Lift Station, Force Main, and Gravity Main aspects of the overall project, and those properties benefitted only by the Gravity Main aspect of the project, as is shown on the map attached hereto as Exhibit A. Within such allocations, the costs, expenses, and interest shall then be assessed proportionally in accordance with the water tap size and $\frac{3}{4}$ " tap equivalents against sanitary sewer taps requested on the lots and lands within Local Improvement District 343795. Assessments shall be due from the property owner at the time sanitary sewer plant investment fees are collected, and payable in accordance with the terms set forth in the assessment ordinance.

Water Tap Size	$\frac{3}{4}$ " Tap Equivalents
$\frac{3}{4}$ "	1
1"	1.67
1½"	3.33
2"	5.33
3"	10.67
4"	16.67
6"	33.33
8"	53.33

Section 6. City of Greeley staff shall perform construction of the Ashcroft Draw Basin Sanitary Sewer Infrastructure, or authorize it to be done, within a reasonable time after passage of this ordinance.

Section 7. Lots and Lands to be Included in Local Improvement District 343795; Owners. The lots and lands that shall be included within Local Improvement District 343795, the street addresses (if applicable) and legal descriptions of such lots and lands, and the current record owners of such lots and lands, according to the records of the Weld County Clerk and Recorder's Office, are as follows.

- Owner(s): Edward Rose Development Co., LLC
Mailing Address of Owner(s): 38525 Woodward Avenue
Bloomfield Hills, MI 48304-5011
Address of LID Property: 6070 Hwy 34 Bypass
Greeley, CO 80634
Weld County Parcel No.: 095921100005
Legal Description of LID Property:

PT NE4 21-5-66 EXC BEG AT A PT ON E LINE OF SEC 21 WHICH NE COR BEARS N0D08'E 170' TH N89D55'W 1173.70' S84D22'W 201' N89D55'W 1246.80' S0D18'E 276.90' S16D17'W 65.50' S83D42'W 31.30' N0D18'W 530' S89D55'E 2671.90' S0D08'W 170' TO BEG ALSO EXC ASHTON ESTATES SUB ALSO EXC COMM N4 COR S00D47E 1002.59 N89D23E 30 TO POB N00D47W 432.44 THENCE ALNG CURVE R 44.98 (R=376.50 CH=N02D37E) N15D47E 60.65 N00D47W 18.06 THENCE ALNG CURVE R 53.98 (R=376.5 CH=N22D04E) S07D13W 99.09 S02D08W 234.92 THENCE ALNG CURVE L 100.36 (R=1952 CH=S00D40W) THENCE ALNG CURVE R 21.87 (R=111 CH=S04D51W) THENCE ALNG CURVE L 18.72 (R=95 CH=S04D51W) S00D47E 129.83 S89D23W 8.5 TO POB ALSO EXC COMM N4 COR S00D47E 530 N89D12E 31.30 N15D47E 65.50 N00D47W 148.86 TO POB N00D47W 128.04 N89D34E 28.70 THENCE ALNG CURVE L 30.62 (R=69 CH=S12D01W) S00D47E 69.55 THENCE ALNG CURVE L 35.91 (R=436.5 CH=S36D48W) TO POB

2. Owner(s): Spirit Hospitality, LLC
Mailing Address of Owner(s): 4836 S. College Avenue
Fort Collins, CO 80525
Address of LID Property: N/A
Weld County Parcel No.: 095921281001
Legal Description of LID Property:

LOT 1 VILLAGE AT ST MICHAELS 3RD RPLT
3. Owner(s): Lotts, LLC
Mailing Address of Owner(s): c/o Boomerang Self Storage, LLC
7025 W. 8th Street
Greeley, CO 80634-1214
Address of LID Property: 6714 W. 31st Street Road
Greeley, CO 80634
Weld County Parcel No.: 095921282001
Legal Description of LID Property:

Lot 9A ST MICHAELS 4TH MINOR
4. Owner(s): Park Place Homes, LLC
Mailing Address of Owner(s): c/o Boomerang Self Storage, LLC
7025 W. 8th Street
Greeley, CO 80634-1214
Address of LID Property: 3105 67th Avenue Place
Greeley, CO 80634
Weld County Parcel No.: 095921232005
Legal Description of LID Property:

GR STM L5 BLK32 ST MICHAELS
5. Owner(s): Greeley Commons Investments, LLC
Mailing Address of Owner(s): 5189 Copper Blush Court
Castle Rock, CO 80108-8063
Address of LID Property: N/A
Weld County Parcel No.: 095920000018
Legal Description of LID Property:

GR 17606-B PT NE4 & SE4 20 5 66 (HURST ANNEXATION) BEG NE COR NE4 S0D58'E 1274.46' TO TRUE POB TH CONT S ALG E LN SEC S0D58'E 1378.53' TO E4 COR SEC & AGAIN S0D59'E 1054' TH N62D02'W 873' N43D01'W 875' TH ACROSS ASHCROFT DRAW N40D30'E 35.21' TH N36D44'W 151.07' N45D26'W 235.41' N56D21'W 687.89' N18D52'W 180.13' N49D23'E 225.72' S44D29'E 236.53' N51D43'E 96.55' N32D39'E 372.53' S85D15'W 404.26' N56D59'W 46.95' TO N BANK GREELEY-LOVELAND IRRIGATION DITCH TH ALG SD N BANK N68D16'E 193.42' N83D37'E 230.14' N59D55'E 575.32' N86D02'E 508.51' S62D29'E 422.11' S77D46'E 238.34' TO POB AKA PARCEL B AMD SUB EXEMPT SE-162 (3.98R3D)
6. Owner(s): Greeley Commons Investments, LLC

Mailing Address of Owner(s): 5189 Copper Blush Court
 Castle Rock, CO 80108-8063
 Address of LID Property: N/A
 Weld County Parcel No.: 095920000012
 Legal Description of LID Property:

GR 17608 PT NE4 20 5 66 (BASTDOFBA ANNEX) COMM NE COR THENCE S0D58'E 2652.99' TO SE COR NE4 S0D59'E 1054' N62D03'W 873' N43D01'W 875' TO TRUE POB THENCE S89D47'W 1274.97' N01D18'W 1169.01' N88DE 449.08' N75D58'E 150.88' S56D59'E 61.11' N85D15'E 404.26' S32D39'W 372.53' S51D43'W 96.55' N44D29'W 236.53' S49D23'W 225.72' S18D52'E 180.13' S56D21'E 687.89' S45D26'E 235.41' S36D44'E 151.07' S40D30'W 35.21' TO TRUE POB AKA LOT A AMD SUB EXEMPT SE-162 (1D)

7. Owner(s): Gary W. Wiedeman
 Mailing Address of Owner(s): 5880 49th Street
 Greeley, CO 80634-9643
 Address of LID Property: N/A
 Weld County Parcel No.: 095920400069
 Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 1ST ANNEX) BEG E4 COR S01D21'E 1120.66' TO TRUE POB S01D21'E 107.03' S88D38'W 20' N01D21'W 184.88' S62D45'E 22.78' S01D21'E 66.94' TRUE POB

8. Owner(s): Gary W. Wiedeman
 Mailing Address of Owner(s): 5880 49th Street
 Greeley, CO 80634-9643
 Address of LID Property: N/A
 Weld County Parcel No.: 095920400070
 Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 2ND ANNEX) BEG E4 COR S01D21'E 1227.69' TO TRUE POB S88D38'W 20' N01D21'W 184.88' N62D45'W 45.56' S01D21'E 226.68' N88D38'E 20' S01D21'E 336.05' N88D38'E 20' N01D21'W 336.05' N88D38'E 20' N01D21'W 20' TRUE POB

9. Owner(s): Gary W. Wiedeman
 Mailing Address of Owner(s): 5880 49th Street
 Greeley, CO 80634-9643
 Address of LID Property: N/A
 Weld County Parcel No.: 095920400071
 Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 3RD ANNEX) BEG E4 COR S01D21'E 1247.69' TO TRUE POB S01D21'E 1078.16' S88D38'W 20' N01D21'W 722.11' S88D38'W 20' S01D21'E 722.11' S88D38'W 20' N01D21'W 1078.16' N88D38'E 20' S01D21'E 336.05' N88D38'E 20' N01D21'W 336.05' N88D38'E 20' TRUE POB

10. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: N/A
Weld County Parcel No.: 095920400072
Legal Description of LID Property:

GR PT SE4 20-5-66 (WIEDEMAN 4TH ANNEX) BEG E4 COR S01D21'E 2325.85' TO TRUE POB
S01D21'E 297.19' S89D36'W 812.69' N1973.87' S62D45'E 804.09' S01D21'E 1304.84'
N88D38'E 20' N01D21'W 772.11' N88D38'E 20' S01D21'E 722.11' N88D38'E 20' TRUE POB
11. Owner(s): Gary W. Wiedeman
Mailing Address of Owner(s): 5880 49th Street
Greeley, CO 80634-9643
Address of LID Property: 7727 County Road 27
Greeley, CO 80634
Weld County Parcel No.: 095920400073
Legal Description of LID Property:

GR PT S2 20-5-66 (WIEDEMAN 5TH ANNEX) BEG E4 COR S01D21'E 2623.04' S89D36'W
812.69' TO TRUE POB S89D36'W 1798.35' S89D11'W 1440.74' N29D44'E 730.86' N23D40'E
95.64' S86D25'E 308.53' N29D19'E 306.47' S79D36'E 36.40' S73D0'E 146.25' N86D34'E 71.57'
N54D52'E 111.32' N43D02'E 71.79' N36D06'E 288.57' N30D25'E 81.42' N22D57'E 44.85'
N15D40'E 35' N0D46'E 705.36' N09D04'W 76.82' N18D44'W 314.19' N14D14'W 134.48'
N89D18'E 1292.17' S43D12'E 875' S1973.87' TRUE POB
12. Owner(s): Lundvall, LLC
Mailing Address of Owner(s): 2015 Clubhouse Drive, Suite 101
Greeley, CO 80634-3644
Address of LID Property: N/A
Weld County Parcel No.: 095920000064
Legal Description of LID Property:

17607-A PT S2 20 5 66 LYING NLY & WLY OF C/L OF LOVELAND & GREELEY CANAL ALSO
BEG AT SW COR SEC N65D19'E 1795.15' TO WLY LN OF LOVELAND & GREELEY CANAL
& TRUE POB N29D46'E 210.36' N42D21'E 131.83' N71D05'E 79.38' S80D26'E 251.07'
S30D08'W 336.1' N85D36'W 348.24' TO BEG (2.69R 5D)
13. Owner(s): Suncor Energy (USA) Pipeline Company
Mailing Address of Owner(s): c/o Right of Way/Claims
717 17th Street, Floor 29
Denver, CO 80202-3330
Address of LID Property: N/A
Weld County Parcel No.: 095919000008
Legal Description of LID Property:

17605-B PT SE4 19 5 66 BEG N0D29'E 30 & N88D47'W 30' OF SE COR SE4 N88D47'W 295.17'
N45D51'E 414.78 S0D29'W 295.29' TO POB (1A M/L) EXC UPRR RES

14. Owner(s): Cynthia Dean Chismar 2012 Irrevocable Trust; Dylan Alexander Chismar 2012 Irrevocable Trust; Alexis Carol Chismar 2012 Irrevocable Trust
Mailing Address of Owner(s): 3051 Taliesin Way
Fort Collins, CO 80524-9383
Address of LID Property: N/A
Weld County Parcel No.: 095919000049
Legal Description of LID Property:

GR 17605-E S2 19 5 66 (LUNDVALL ANNEXATION) EXC E265' W2SW4 ALSO EXC BEG N0D29'E 30' & N88D47'W 30' OF SE COR SE4 N88D47'W 295.17' N45D51'E 414.78' S0D29'W 295.29' TO POB (8R)
15. Owner(s): Public Service Company of Colorado
Mailing Address of Owner(s): Tax Service Department
P.O. Box 1979
Denver, CO 80201-1979
Address of LID Property: N/A
Weld County Parcel No.: 095919000007
Legal Description of LID Property:

17605D E265' W2 19 5 66 EXC UPRR RES
16. Owner(s): Public Service Company of Colorado
Mailing Address of Owner(s): Tax Service Department
P.O. Box 1979
Denver, CO 80201-1979
Address of LID Property: N/A
Weld County Parcel No.: 095919000014
Legal Description of LID Property:

17605C S75' OF NE4 19 5 66 EXC UPRR RES
17. Owner(s): Dale L. Boehner
Mailing Address of Owner(s): 3207 83rd Avenue
Greeley, CO 80634-9041
Address of LID Property: 3207 County Road 27
Greeley, Colorado 80634
Weld County Parcel No.: 095919000068
Legal Description of LID Property:

GR PT NE4 19-5-66 (LUNDVALL ANNEX) LOT A REC EXEMPT RE-1540 EXC UPRR RES (.25R)
18. Owner(s): Lundvall, LLC
Mailing Address of Owner(s): 2015 Clubhouse Drive, Suite 101
Greeley, CO 80634-3644
Address of LID Property: N/A

Weld County Parcel No.: 095919000069
 Legal Description of LID Property:

GR PT NE4 19-5-66 (LUNDVALL ANNEX) LOT B REC EXEMPT RE-1540 EXC UPRR RES (1.14R)

19. Owner(s): Nicholas J. Noce and Julianne Noce
 Mailing Address of Owner(s): 2815 83rd Avenue
 Greeley, CO 80634-9009
 Address of LID Property: 2815 83rd Avenue
 Greeley, CO 80634-9009
 Weld County Parcel No.: 095919000066
 Legal Description of LID Property:

GR PT NE4 19-5-66 LOT A (WEST RIDGE AREA ANNEX) REC EXEMPT RE-867 EXC UPRR RES (.38R)

20. Owner(s): Loren L. Johnson and Dorothy A. Johnson
 Mailing Address of Owner(s): 8200 W. 28th Street
 Greeley, CO 80634-9679
 Address of LID Property: N/A
 Weld County Parcel No.: 095920000067
 Legal Description of LID Property:

GR PT W2NW4 20-5-66 (WEST RIDGE AREA ANNEX) PT LOT A AMENDED REC EXEMPT AM-RE-800 DESC AS BEG NW4 COR THN N89D47'E 319.60' S300' S89D47'W 317.42' N0D11'E 299.99' TO POB (.41R)

21. Owner(s): Loren L. Johnson and Dorothy A. Johnson
 Mailing Address of Owner(s): 8200 W. 28th Street
 Greeley, CO 80634-9679
 Address of LID Property: 8200 W. 28th Street
 Greeley, CO 80634-9679
 Weld County Parcel No.: 095920000065
 Legal Description of LID Property:

GR PT W2NW4 20-5-66 PT LOT A (WEST RIDGE AREA ANNEX) AMENDED REC EXEMPT AM-RE-800 DESC AS BEG NW COR SEC THN N89D47'E 319.60' TO TRUE POB THN CONT N89D47'E 293.33' S0D13'W 300' S89D47'W 293.33' N300' TO TRUE POB AKA LOT A RE-800 (.2R)

22. Owner(s): Herbies Homes
 Mailing Address of Owner(s): 2563 W. 28th Street
 Greeley, CO 80634-8043
 Address of LID Property: N/A
 Weld County Parcel No.: 095920000068
 Legal Description of LID Property:

GR PT W2NW4 20-5-66 (BASTDOFBA ANNEX) PT LOT B AMENDED REC EXEMPT AM-RE-800 DESC AS LOT B EXC BEG NW4 COR S30°N89°46'W 30' TO TRUE POB CONT N89°46'E 291 M/L THN S270° S89°46'W 291' M/L N270° TO TRUE POB (2.41R)

23. Owner(s): Jerald L. Stugart and Joanne M. Stugart
 Mailing Address of Owner(s): 7700 W. 28th Street
 Greeley, CO 80634-9678
 Address of LID Property: 7700 W. 28th Street
 Greeley, CO 80634-9678
 Weld County Parcel No.: 095920000061
 Legal Description of LID Property:

GR 17609 E2NW4 20 5 66 (BASTDOFBA ANNEX) (2D 1R)

24. Owner(s): David C. Funderburk and
 Rebecca A. Funderburk
 Mailing Address of Owner(s): 7520 W. 28th Street
 Greeley, CO 80634-9678
 Address of LID Property: 7520 W. 28th Street
 Greeley, CO 80634-9678
 Weld County Parcel No.: 095920000037
 Legal Description of LID Property:

GR 17606-A PT NW4NE4 20 5 66 (BASTDOFBA ANNEX) BEG AT PT 30'S OF N4 COR N89D47'E 1295' S55D25'W 350' S35D58'W 273.18' S89D47'W 844.65' TO PT ON W LINE NW4NE4 N1D17'W 423.60' (10.41A M/L) (.25R)

25. Owner(s): David C. Funderburk and
 Rebecca A. Funderburk
 Mailing Address of Owner(s): 7520 W. 28th Street
 Greeley, CO 80634-9678
 Address of LID Property: N/A
 Weld County Parcel No.: 095920000058
 Legal Description of LID Property:

GR PT NE4 20-5-66 (BASTDOFBA ANNEX) LOT A REC EXEMPT RE-376

26. Owner(s): Linnea S. Dollard and Robert G. Dollard
 Mailing Address of Owner(s): 7440 W. 28th Street
 Greeley, CO 80634-9652
 Address of LID Property: 7440 W. 28th Street
 Greeley, CO 80634-9652
 Weld County Parcel No.: 095920000052
 Legal Description of LID Property:

GR 17606-C PT NE4 20 5 66 (BASTDOFBA ANNEX) BEG S01D18'E 1119.98' FROM NW COR OF NE4 THENCE S01D18'E 364.24' N88D0'E 449.08' N75D58'E 150.88' N08D26'E 317.88' S89D47'W 650.11' TO BEG (5A M/L)

27. Owner(s): Greeley Commons Investments, LLC
Mailing Address of Owner(s): 5189 Copper Blush Court
Castle Rock, CO 80108-8063
Address of LID Property: 7220 W. 28th Street
Greeley, CO 80634
Weld County Parcel No.: 095920100003
Legal Description of LID Property:
- PT NE4 20 5 66 COMM NE COR S00D58E 197.56 N90D00W 1074.06 TO POB THENCE
ALNG CURVE R 241.24 (R=1146 CH=N77D24W) N73D58W 147.90 S55D24W 225.60
S33D58W 273.18 S28D58W 136.89 N90D00E 677.82 N79D07E 106.37 N00D00E 360.87 TO
POB
28. Owner(s): Greeley Commons Investments, LLC
Mailing Address of Owner(s): 5189 Copper Blush Court
Castle Rock, CO 80108-8063
Address of LID Property: N/A
Weld County Parcel No.: 095920100004
Legal Description of LID Property:
- PT NE4 20-5-66 (HURST ANNEXATION) BEG NE COR SEC S0D58'E 250' TPOB S0D58'E
1024.46' TO POINT ON N BANK GREELEY-LOVELAND IRRIGATION DITCH N77D46'W
238.34' N62D29'W 422.11' S86D02'W 508.51' S59D55'W 575.32' S83D37'W 230.14'
S68D16'W 193.42' N56D59'W 14.16' N08D26'E 797.61' N28D58'E 221.62' N33D58'E 273.18'
N55D24'E 25.60' S73D58'E 147.90' CURVE TO LEFT (R=1146' CHORD S79D51'E) N89D51'E
390.80' S85D28'E 588.10' TPOB EXC COMM NE COR S00D58E 197.56 N90D00W 1074.06
TO POB THENCE ALNG CURVE R 241.24 (R=1146 CH=N77D24W) N73D58W 147.90
S55D24W 225.60 S33D58W 273.18 S28D58W 136.89 N90D00E 677.82 N79D07E 106.37
N00D00E 360.87 TO POB
29. Owner(s): St. Michael's Commercial Enterprises, LLC
Mailing Address of Owner(s): c/o CMCL, Inc.
P.O. Box 1734
Eagle, CO 81631-1734
Address of LID Property: N/A
Weld County Parcel No.: 095921253001
Legal Description of LID Property:

GR STM1R TRACT 1 ST MICHAELS 1ST RPLT

Section 8. Assessments shall be collected only against properties requesting sanitary sewer taps that connect directly to, or upstream of, the Ashcroft Basin Sanitary Sewer Infrastructure associated with Local Improvement District 343795, and only against the properties described in Section 7 above.

Section 9. Properties within the boundaries of Local Improvement District No. 343795 remain subject to all requirements of the Greeley Municipal Code regarding City sanitary sewer

service, including, without limitation, the requirement to construct additional sanitary sewer line extensions, if necessary, to facilitate connection to the Ashcroft Basin Sanitary Sewer Infrastructure, and the requirement to pay sanitary sewer plant investment fees.

Section 10. This ordinance shall take effect on the fifth (5th) day following its final publication, as set forth in Section 3-16 of the Greeley City Charter.

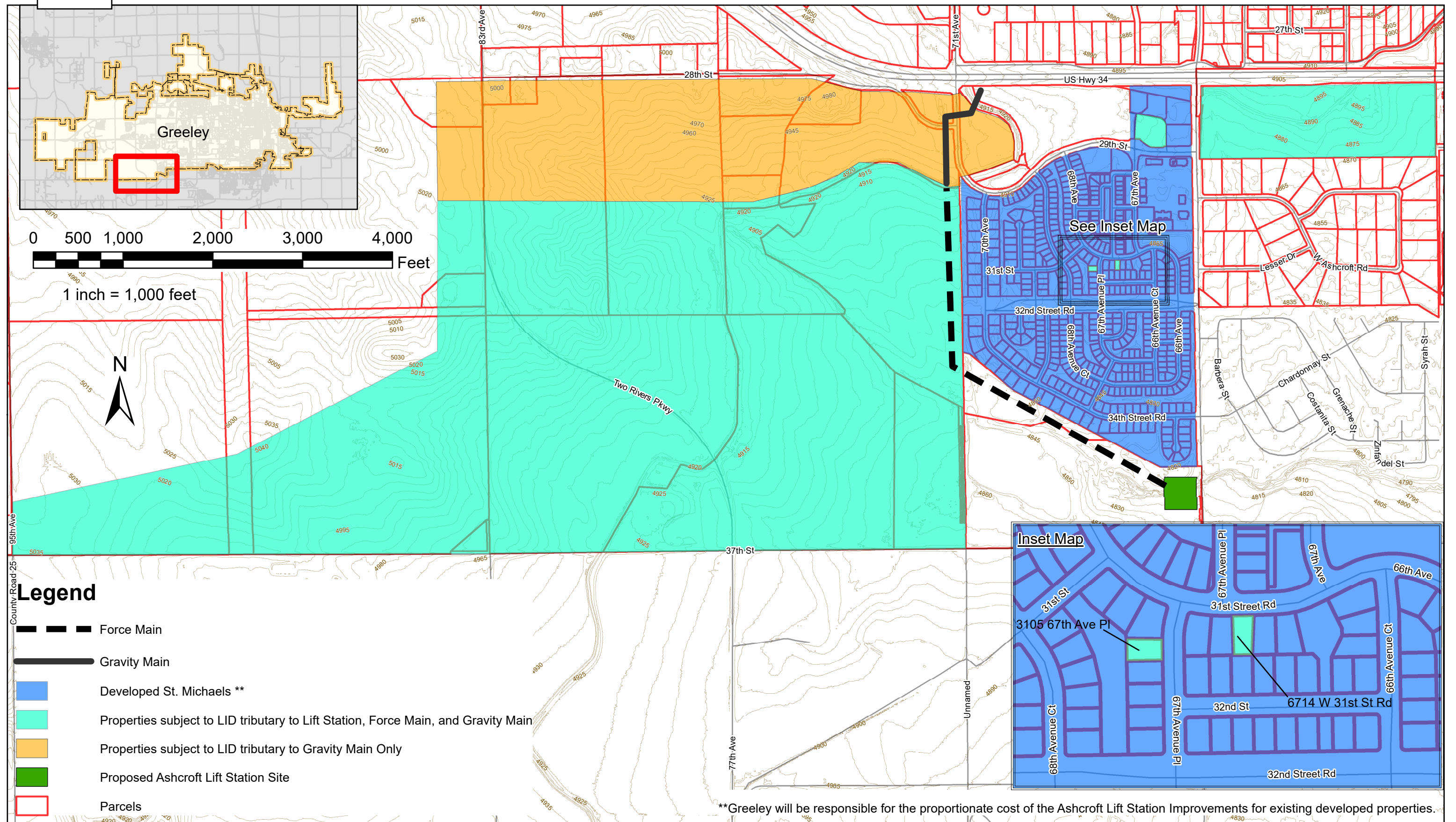
**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF
_____ 2021.**

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor



**Greeley will be responsible for the proportionate cost of the Ashcroft Lift Station Improvements for existing developed properties.



Exhibit A - Local Improvement District 343795 - Ashcroft Draw Basin

Coordinate System: NAD 1983 HARN StatePlane Colorado North FIPS 0501 Feet
Units: Foot US

Ashcroft Draw Sewer Lift Station Local Improvement District (LID)

City Council

July 20, 2021 6:00 PM



Role for Local Improvement Districts

Local Improvement Districts (LIDs) are an infrastructure financing tool for making improvements of a special nature.

- Applied to a specific limited area of the city that needs specific infrastructure**
- Applied for the benefit of properties within the specific area**
- Improvement districts can be used for the construction, extension maintenance or reconstruction of water, sewer, or stormwater infrastructure;**

**Source: Greeley Municipal Code, Chapter 6
LOCAL IMPROVEMENT DISTRICTS, Sec. 18-379**

Ashcroft Basin Sewer Service Challenges

- Currently Evans provides Wastewater Treatment to Greeley Resident's in St Michaels, via Intergovernmental Agreement (IGA)
 - Development in Greeley is contingent on Evans Treatment Plant Capacity and Approval
 - Evans Treatment is Capacity Limited
 - Historically development has been limited by Evans Treatment Capacity
 - Greeley W&S pays the difference between Greeley and Evans monthly rates
 - Evans \$43/month vs Greeley \$23/month



Sewer Lift Station Project Drivers

Wastewater Management

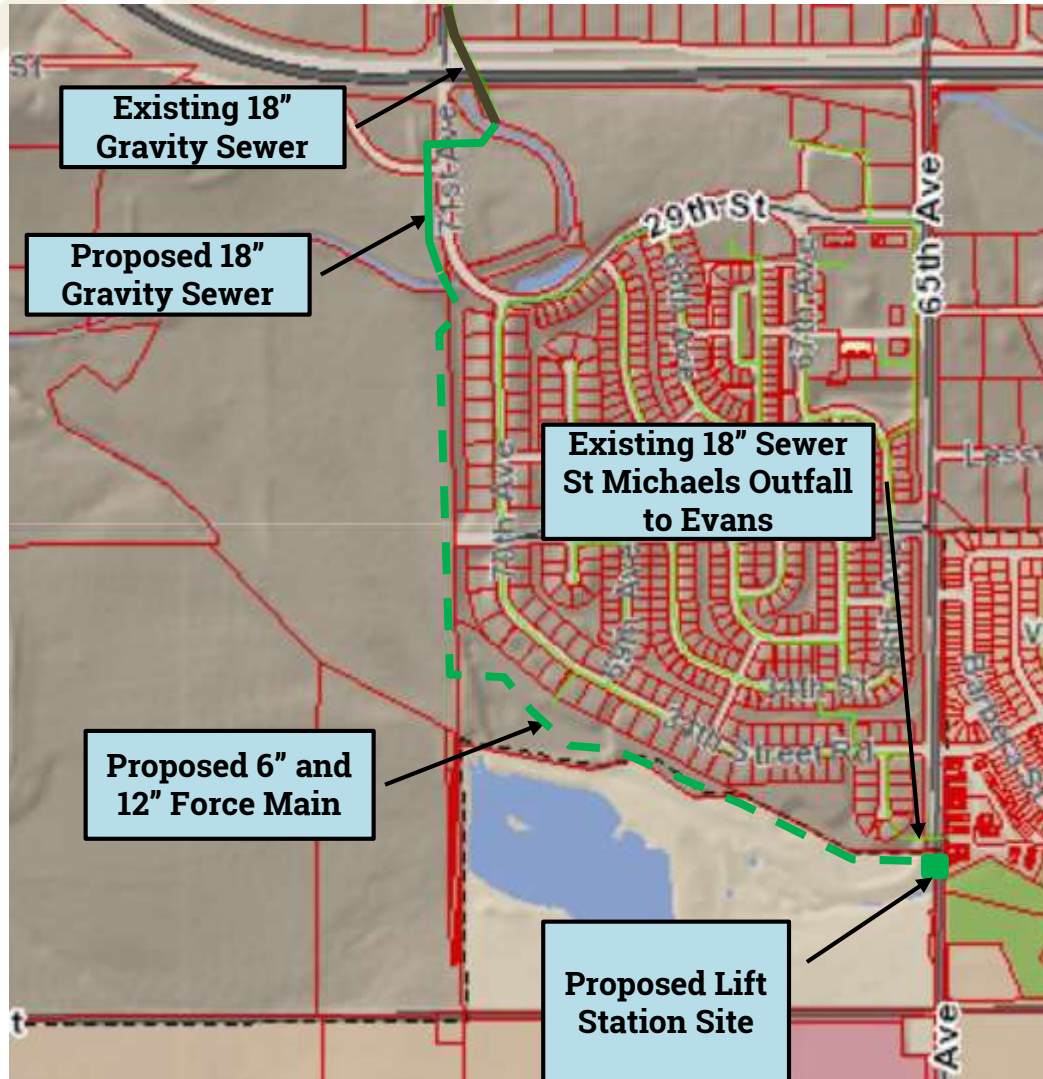
- Manage Wastewater flows for Existing Greeley Customers
- Insure Reliable Wastewater Delivery and Treatment to Existing and Future Greeley Customers
- Allow Development Potential for properties within the basin

Cost Recovery

- Reimburse Cost to W&S through Local Improvement District (LID)
- Fair cost of service for all future and existing developments



Ashcroft Lift Station Improvements



Lift Station Project

- Serves 900 acres
- Build Out Capacity 2.9 MGD (sized by on Greeley Comprehensive Plan)
- Emergency Gravity Overflow to Evans (Evans IGA Amendment)

Ashcroft Lift Station Project Schedule

- 90% Construction Drawings - April 28, 2021
- Contractor Guaranteed Maximum Price - June 2021
- Local Improvement District (LID) Ordinance - July 2021
- Construction anticipated start between July-November (dependent on land acquisition)
- 7 month construction duration

Light Station Site



Lift Station Location



Access Road

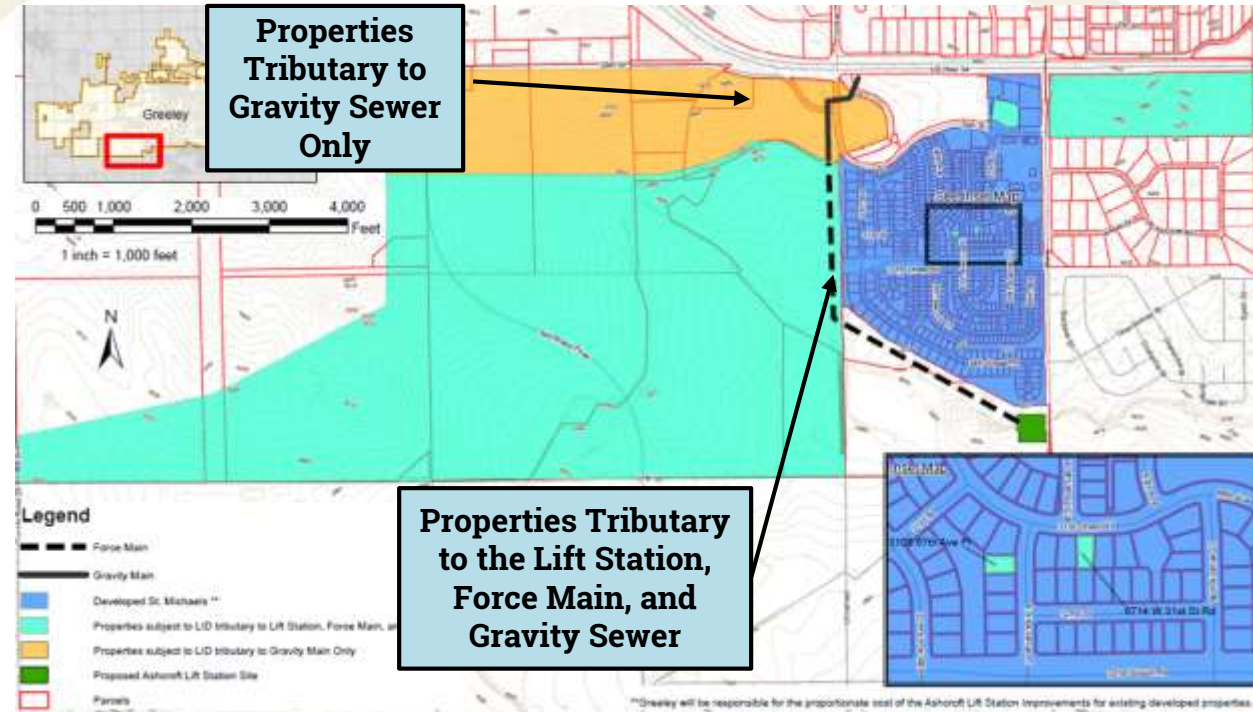


65TH AVENUE VIEW (SOUTH-BOUND)



Local Improvement District Structure

- Two rates established with Local Improvement District (LID)
 - 1) Properties Tributary to Lift Station, Force Main, and Gravity Sewer Main
 - 2) Properties only Tributary to Gravity Sewer Main (Not subject to Lift Station Cost)
- Water and Sewer will front all project costs
- LID fee due at Building Permit
- Interest Rate assessed to LID established based on bond rates (2-3 percent)



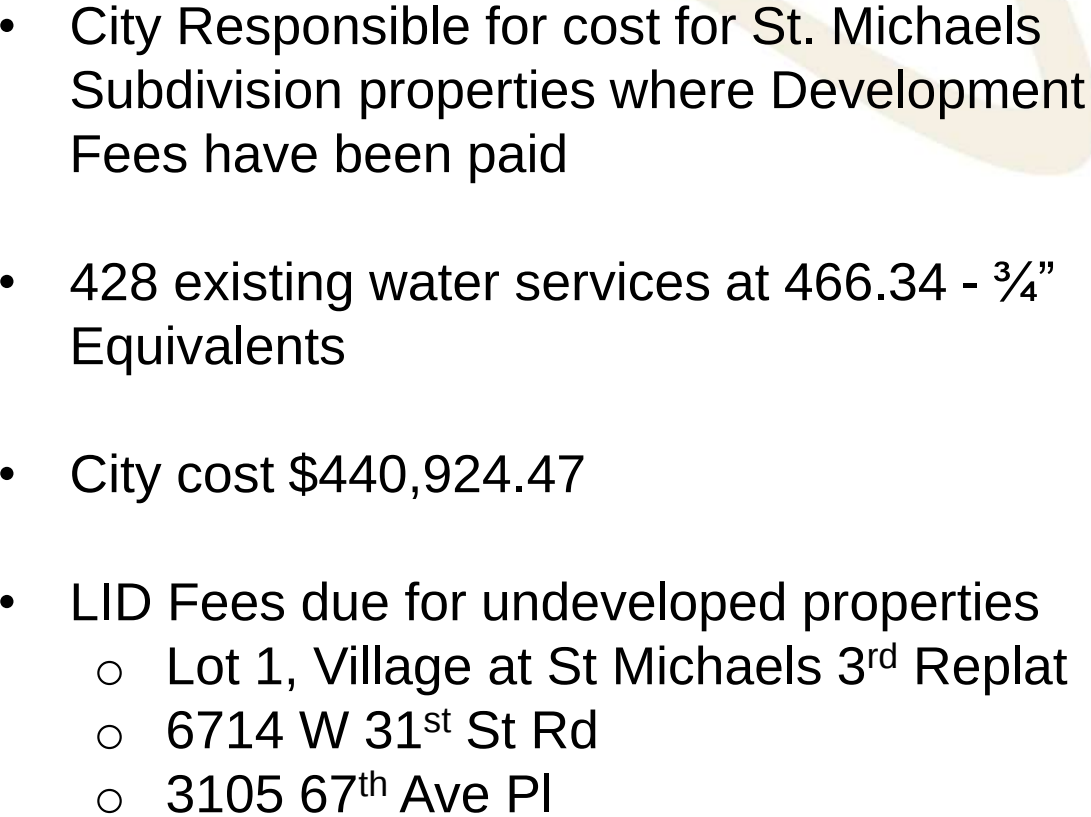
Services Boundaries based on the topography

Local Improvement District Cost

Ashcroft Draw Sewer Main and Lift Station Total Project Cost = \$5.3 Million

- Local Improvement District Fee Methodology and Calculation
 - Methodology allocates costs based upon the sewer assets required for service and the proportion of overall capacity required for development.
- Project Costs:
 - Lift Station \$4,875,000.00
 - Gravity Sewer \$425,000.00

	Gravity Sewer	Lift Station and FM Only
Total 3/4" Equiv	7051	5156
Estimated Cost	\$425,000	\$4,875,000
Cost per 3/4" Equiv	\$60.28	\$945.50



Local Improvement District Schedule

- ✓ Community Information Sharing and Q&A Meeting
- ✓ June 16th Water & Sewer Board Approval and Recommendation

The LID requires two step approval process by City Council:

- 1st Ordinance defines the LID boundary, list properties, and maximum total cost.
 - Residents listed will receive a mailed public hearing notice for July 20th hearing
- 2nd Ordinance defines the actual cost of the project and cost per tap
 - 2nd Ordinance goes to council upon completion of the project

Recommended City Council Action

Ashcroft Regional Lift Station is Recommended for Approval by Water & Sewer Board and Dept. Staff

- **Recommend Approval of the Ordinance Establishing Local Improvement District #343795 for the Ashcroft Regional Lift Station, a critical sewer system infrastructure extension project**

Ashcroft Draw Lift Station Local Improvement District

Questions?

Council Agenda Summary

July 20, 2021

Key Staff Contact: John Karner, Finance, 970-350-9730

Title:

Public hearing and second reading of an ordinance making supplemental assessments against the lots and lands in Local Improvement District No. 463 to cover the costs of the maintenance of landscaping around the perimeter of Range View Estates (35th Avenue and 20th Street) in the City of Greeley, Colorado

Summary:

Adjusting the annual cost in the ordinance making supplemental assessments against the lots and land in Local Improvement District No. 463 to cover the costs of the maintenance and landscaping around the perimeter of Range View Estates (35th Ave and 20th St). At the request of the property owners within the LID, annual costs are increasing from the current amount of \$9,988 to \$15,400 to ensure the LID is to cover the increased cost of landscaping and maintenance responsibilities. The fee collected for the costs incurred by the city is increasing from a flat fee of \$132 to a fee of 5% of amount collected to accurately reflect the administrative cost incurred by the City. The total annual new assessment will be \$16,170

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?	\$16,170
What fund of the City will provide Funding?	General Fund
What is the source of revenue within the fund?	LID Fee Assessments
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	The City acts as a collection partner for the LID passing through \$15,400 of the \$16,170 to the neighborhood HOA to administer the landscaping and maintenance work. The City will collect an administrative fee from the LID of \$770, as outlined in the creation LID creation ordinance, to cover the cost of collections including staff time, postage cost, etc.

Legal Issues:

This ordinance has been reviewed by the City Attorney's Office.

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:

This ordinance was first adopted on December 3, 2002 and has been reviewed every three years since and adjustments have been made when requested by the Rangeview HOA property owners.

Strategic Work Program Item or Applicable Council Priority and Goal:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play. – Maintenance of landscaping around the perimeter of Rangeview Estates contributes to the beauty of Greeley.

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 with reference to title only.

Attachments:

Draft Ordinance

THE CITY OF GREELEY, COLORADO
ORDINANCE NO. _____ 2021

AN ORDINANCE MAKING SUPPLEMENTAL ASSESSMENTS AGAINST THE LOTS AND LANDS IN LOCAL IMPROVEMENT DISTRICT NO. 463 TO COVER THE COSTS OF THE MAINTENANCE OF LANDSCAPING AROUND THE PERIMETER OF RANGE VIEW ESTATES (35TH AVENUE AND 20TH STREET) IN THE CITY OF GREELEY, COLORADO

WHEREAS, the City of Greeley, Colorado adopted Ordinance No. 62, 2002, on December 3, 2002, thereby creating Improvement District 463 in order to provide for the installation and maintenance of landscaping in the right-of-way around the perimeter of Range View Estates in the City of Greeley, Colorado; and

WHEREAS, the Greeley City Council found that the improvements authorized by the Improvement District 463 specially benefit the properties in the improvement district and provide no benefit to the general public; and

WHEREAS, the installation of the landscaping authorized by Ordinance No. 62, 2002, was completed at a total cost of \$82,173.52 and assessed equally against the lots and lands included in Improvement District 463; and

WHEREAS, Ordinance No. 62, 2002 set the total annual costs for maintenance of the landscaping at \$5,250.00 and provided that the annual maintenance costs should be assessed equally against the lands and lots in the special improvement district in accordance with Sections 18-384 through 18-387 (former citations were Sections 13.44.050 through 13.44.080) of the Greeley Municipal Code; and

WHEREAS, the City of Greeley, Colorado, adopted Ordinance No. 8, 2004, on February 17, 2004, set the annual maintenance costs of the landscaping at \$7,500.00; and

WHEREAS, the City of Greeley, Colorado, adopted Ordinance No. 23, 2017, on June 27, 2017 set the maintenance cost of landscaping at \$9,988.00; and

WHEREAS, both Ordinance No. 62, 2002 and Ordinance No 8, 2004 provided that the annual cost should be reviewed every three years for adequacy and adjusted accordingly; and

WHEREAS, the annual cost has not been adjusted since 2017; and

WHEREAS, in establishing the collection of annual maintenance costs as part of the local improvement costs, Ordinance No. 62, 2002 provided that these costs should be assessed in accordance with Sections 18-384 through 18-387 of the Greeley Municipal Code; and

WHEREAS, Section 18-387 of the Greeley Municipal Code (entitled "Scope of costs included"), provides that the costs of local improvements to be assessed against the lots in a local improvement "shall include the expense of ... postage, collection and any other incidental costs directly related to the creation of the improvement district and the making of assessments ... "; and

WHEREAS, the City incurs costs associated with the collection of the annual landscape maintenance costs, which costs include postage and staff time associated with collection which should be recouped by the City in the form of a fee included in the total amount of the annual landscape maintenance costs; and

WHEREAS, the City has determined the annual fee for postage and collection associated with the Improvement District 463 shall be equal to five percent (5%) of the annual landscape cost; and

WHEREAS, the City has obtained updated costs from the members of the Range View neighborhood which accurately reflect the annual landscape costs in the amount of \$15,400.00; and

WHEREAS, the total costs of \$16,170 represent a reasonable annual maintenance amount to be assessed against the properties located in Improvement District 463.

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

Section 1. The total annual costs of \$16,170 appears to be a reasonable annual maintenance cost, which amount shall include the annual costs for maintenance of the landscaping and the annual costs of collection as authorized by Greeley Municipal Code Section 18-387. This annual cost shall be reviewed every three (3) years from the date of the assessing ordinance, for adequacy and shall be adjusted accordingly. Collections of maintenance assessments shall be remitted to the Range View Homeowners Association upon request. The Range View Homeowners Association shall be responsible for contracting the maintenance of the landscaping. The City of Greeley has the right to audit the books of the Homeowners Association to determine actual costs.

Section 2. The following lots and lands together with the street addresses of those lots and lands and the apparent owners within the City of Greeley, Colorado, all being within Improvement District No. 463 are hereby assessed as follows:

OWNER:	Thomas E. Royer/Kirtley W. Royer
OWNER'S	PO Box 336091, Greeley, Colorado 80633
ADDRESS:	
PROPERTY	1943 Homestead Road, Greeley, Colorado
ADDRESS:	80634
PARCEL:	095911410005
ANNUAL MAINTENANCE	\$367.50
COSTS	

OWNER:	Larry L. Paulsen
OWNER'S	1939 Homestead Road, Greeley, Colorado
ADDRESS:	80634
PROPERTY	1939 Homestead Road, Greeley, Colorado
ADDRESS:	80634
PARCEL:	095911410006

ANNUAL MAINTENANCE
COSTS \$367.50

OWNER: Robert O. Kron/Judy R. Kron
OWNER'S 1929 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 1929 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911410002
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: James A. Webster/Sally J. Webster
OWNER'S 1913 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 1913 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911410001
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: Bond Lila R. Revocable Trust
OWNER'S 1903 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 1903 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911416006
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: Patrick Lujan/Nicole Lujan
OWNER'S 1902 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 1902 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911416004
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: Evelyn Ellorin Pieterick Living Trust
OWNER'S 1906 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 1906 Homestead Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911416003
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: Jeffrey Sedillos
 OWNER'S 1849 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1849 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911416002
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Wendy K. Spencer
 OWNER'S 1845 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1845 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911416001
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Richard Recor/Verna Recor
 OWNER'S 1836 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1836 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911416009
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Shanna Lynn White/Slade A Jones
 OWNER'S 1848 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1848 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911416008
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Rebecca S. Edgren
 OWNER'S 1900 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1900 Homestead Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911416011
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Royal R. Lovell/Angela Lovell
 OWNER'S 1847 Homestead Road, Greeley, Colorado
 ADDRESS: 80634

PROPERTY ADDRESS: 1847 Homestead Road, Greeley, Colorado
 80634
 PARCEL: 095911416005
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Benjamin Rudolph/Kimberly Rudolph
 OWNER'S ADDRESS: 1912 Homestead Road, Greeley, Colorado
 80634
 PROPERTY ADDRESS: 1912 Homestead Road, Greeley, Colorado
 80634
 PARCEL: 095911409013
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Slaughter Judith A. Trust
 OWNER'S ADDRESS: 3541 Wagon Trail Road, Greeley, Colorado
 80634
 PROPERTY ADDRESS: 3541 Wagon Trail Road, Greeley, Colorado
 80634
 PARCEL: 095911409012
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Larry Fay Bethards/Connie Jean Bethards
 Kay Joanne Mehl/Janet Gay Mehl
 OWNER'S ADDRESS: 3535 Wagon Trail Road, Greeley, Colorado
 80634
 PROPERTY ADDRESS: 3535 Wagon Trail Road, Greeley, Colorado
 80634
 PARCEL: 095911409011
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Peter E Graham/Judith Anne Graham
 OWNER'S ADDRESS: 3531 Wagon Trail Road, Greeley, Colorado
 80634
 PROPERTY ADDRESS: 3531 Wagon Trail Road, Greeley, Colorado
 80634
 PARCEL: 095911409009
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Robert E. Banghart/Linda Love Kendrick
 Banghart
 OWNER'S ADDRESS: 3530 Range View Road, Greeley, Colorado
 80634
 PROPERTY ADDRESS: 3530 Range View Road, Greeley, Colorado
 80634

PARCEL: 095911409005
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Kelly Lawrence Martinez/Nova Renee
 Martinez
 OWNER'S 3540 Range View Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3540 Range View Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911409006
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Anne M O'Connor/Joseph D O'Connor
 OWNER'S 3550 Range View Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3550 Range View Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911409001
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Joshua J. Dollard/Nicole M. Dollard
 OWNER'S 1810 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1810 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911407001
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Ryan Kurtz
 OWNER'S 1816 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1816 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911407002
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Bradford N. Edgren/Nannelle R. Edgren
 OWNER'S 1822 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1822 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911407003
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Jennifer L Reeve
 OWNER'S 1828 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1828 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911407004
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Scott L. Schuttenberg/Barbara M.
 Schuttenberg
 OWNER'S 1834 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1834 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911407005
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Donna Lee Lakin
 OWNER'S 1840 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1840 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911407006
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Matthew E Brown/Susan M Brown
 OWNER'S 1846 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1846 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911407007
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Donald L. Ericson/Barbara J. Ericson
 OWNER'S 1854 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 1854 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911407012
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Ali Emranl

OWNER'S
ADDRESS: 1864 Frontier Road, Greeley, Colorado
PROPERTY 80634
ADDRESS: 1864 Frontier Road, Greeley, Colorado
PARCEL: 80634
095911407010
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: William L. Rietfors/Dana R. Rietfors
OWNER'S 3507 Range View Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 3507 Range View Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911407011
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: Mark Steen Daviet/Mary Patricia Daviet
OWNER'S 3527 Range View Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 3527 Range View Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911408003
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: Frontier Capital LLC
OWNER'S 1821 Frontier Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 1821 Frontier Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911408002
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: Janet S. Listen Living Trust
OWNER'S 119 Brubaker Lane, Laramie, Wyoming
ADDRESS: 82070
PROPERTY 1833 Frontier Road, Greeley, Colorado
ADDRESS: 80634
PARCEL: 095911408001
ANNUAL MAINTENANCE \$367.50
COSTS

OWNER: Bret Naber/Janae Naber
OWNER'S 1841 Frontier Road, Greeley, Colorado
ADDRESS: 80634
PROPERTY 1841 Frontier Road, Greeley, Colorado
ADDRESS: 80634

PARCEL: 095911408005
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Michael A. Carmichael/Nina K. Carmichael
 OWNER'S PO Box 1338, Platteville, Colorado 80651
 ADDRESS:
 PROPERTY 1855 Frontier Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911408004
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Jack Sattler
 OWNER'S 3502 Range View Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3502 Range View Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411009
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Ronald A. Kingsford/Lisa M. Kingsford
 OWNER'S 3514 Wagon Trail Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3514 Wagon Trail Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411001
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Julie D Herren/Casey J Herren
 OWNER'S 3518 Wagon Trail Place, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3518 Wagon Trail Place, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411008
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Jeremy Grover/Tracie Grover
 OWNER'S 3522 Wagon Trail Place, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3522 Wagon Trail Place, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411014
 ANNUAL MAINTENANCE \$367.50
 COSTS

OWNER: Kaan Inceoglu/Kimberly Lynn Inceoglu
 OWNER'S 3526 Wagon Trail Place, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3526 Wagon Trail Place, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411013
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Mary-Jo Dickinson/David Dale Dickinson
 OWNER'S 3530 Wagon Trail Place, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3530 Wagon Trail Place, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411004
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Stephen E Thomas/Elizabeth P Thomas
 OWNER'S 3534 Wagon Trail Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3534 Wagon Trail Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411003
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Rachel E. Payne/Caleb A. Payne
 OWNER'S 3538 Wagon Trail Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3538 Wagon Trail Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411002
 ANNUAL MAINTENANCE COSTS \$367.50

OWNER: Diane W. Miller
 OWNER'S 3542 Wagon Trail Road, Greeley, Colorado
 ADDRESS: 80634
 PROPERTY 3542 Wagon Trail Road, Greeley, Colorado
 ADDRESS: 80634
 PARCEL: 095911411001
 ANNUAL MAINTENANCE COSTS \$367.50

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

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF
_____, 2021.

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Council Agenda Summary

July 20, 2021

Brad Mueller, Community Development Director, 970-350-9786

Carol Kuhn, Chief Planner, 970-350-9276

Mike Garrott, Planning Manager, 970-350-9784

Title:

Public hearing for an ordinance amending Title 24 of the Greeley Municipal Code relating to the Development Code by deleting the current Title in its entirety and adding a new Chapter 7 relating to Access and Parking, a new Chapter 8 relating to Landscape Standards, a new Chapter 9 relating to Sign Standards, a new Chapter 10 relating to Special Districts and Areas, a new Chapter 11 relating to Supplemental Standards, and a new Chapter 12 Reserved for Metropolitan Districts

Summary:

The Community Development Department is undertaking a multi-year project to update the Development Code, with an anticipated final adoption in September of 2021. The last major update to the Development Code was in 1998. A Plan Conformance Report was prepared and used as a guide to determine areas where the code could be improved to conform to the Comprehensive Plan and other policy documents; staff reviewed this report with the citizen Advisory Committee, Planning Commission, and City Council.

As discussed with Council in worksessions, the purposes for an update to the entire Development Code are to better organize it for easier use by developers and citizens, and secondly to implement key policies already adopted by Council, particularly regarding housing.

Council held a public hearing on the first of three sections of the overall code on June 15, and staff is now bringing the second section for consideration. (The third section with all remaining chapters will be brought in August.) The 2nd Reading in September, then, is intended to formally bring the three portions together as a final codification, but without re-opening the public hearings or soliciting additional public comment.

These five additional chapters are part of the overall code update project. These Chapters include updates related to access, parking, landscaping, signs, special districts and areas, and supplemental standards for specific processes such as wireless facilities.

It is important to note that most of the code language represents existing regulations. This is particularly true of most of these topical chapters, and there is no attempt to substantively alter regulations regarding, for example, landscaping, oil/gas, signs or wireless regulations, all of which have been reviewed or updated in the recent past. Any substantive changes are discussed in the attached "Section Maps," which explain the purpose for re-organizing the chapters in the manner proposed, as well as the rationale for simplifying, conforming to existing law, or implementing policies found in

the Comprehensive Plan and other city documents. Staff will also briefly highlight these as part of the presentation to Council.

On May 25, 2021, Staff conducted a worksession with the Planning Commission regarding the proposed revisions for Chapters 7-12 and presented it with draft code language.

On June 8, 2021, with a vote of 5-0, the Planning Commission recommended that Council adopt Chapters 7-12. Planning Commission also discussed a couple of code elements that were not being revised with the overall code update. These have been added to a "punch list" of items to look at with the Commission after the overall code update is adopted. City Council is urged to use the same approach with any single topical items that you may note in reviewing the sections. These "punch list" items will then be brought back to you for separate discussion after the larger update initiative is completed.

A summary of each Chapter and key elements follows:

Chapter 7– Access & Parking

This chapter provides parking standards, along with related standards for access, pedestrian, vehicle, and bicycle circulation. The changes in this section are designed to coordinate with proposed changes in other chapters: street design standards, frontage design standards, and landscape standards (Chapter 8). Improvements are aimed at "right-sizing" parking requirements, based on context while allowing for increased flexibility.

- Required Parking, Maximum Parking. Incorporating the current parking maximums, but requiring a range of mitigating options for any parking request that substantially exceeds the required minimum parking.
- Required Parking & Parking Reductions. Incorporating existing flexibility for parking, but adding specific criteria and parameters for certain situations – specifically new emphasis on on-street parking, bicycle parking (adding a requirement for bicycle parking and setting parameters for parking reductions), and shared parking (with a default shared parking schedule).
- Parking Design. Coordinating with the recent landscape code updates (which included most of the parking lot design standards), but adjusting the size and placement of landscape areas based on the location (front, side, or rear) of the parking lot, and on the size of the parking lot.
- Alternate Access & Parking Plan. Allowing increased flexibility for parking standards based on a plan for the specific context and uses involved. These plans allow different thresholds of deviations from the standards for staff review and Planning Commission review.

Chapter 7 includes the following sections:

Chapter 7 -- Access & Parking

24-701	Intent & Applicability
24-702	Access & Circulation
24-703	Required Parking
24-704	Parking Design
24-705	Loading Areas
24-706	Recreational & Oversized Vehicles
24-707	Alternative Access & Parking Plan

Chapter 8 – Landscape Standards

This chapter incorporates the recent landscape code updates. It includes changes to the organization, language, and format to better match the new development code structure and format. Proposed changes are intended to simplify the language or administration of the standards, but do not change recently adopted provisions. The minor revisions include:

- The parking lot tree requirement remains 1 tree per 5 spaces, but the allocation of those trees has been simplified to allow design flexibility. It maintains at least 1 tree per 35 feet of parking lot perimeter, and converts the internal rate to 1 per island and a minimum of 1 per 300 s.f. of islands. These are similar to the current code but simplified so that beyond these minimum parameters, the required trees may be allocated in any manner that best serves the site.
- The perimeter treatment and buffer yard standards have been combined. These are similar concepts and the 8 different perimeter and buffer standards had some overlap. Consolidating these provided the opportunity to simplify the standards, but also draw greater distinctions among the landscape and screening standards. Each perimeter type roughly reflects the current perimeter or buffer yard requirements; however, the Type IV plant requirements were increased to reflect “3 layers” of separation (ground, middle, and high) necessary in these limited circumstances.

Chapter 8 includes the following sections:

Chapter 8 -- Landscape Standards

24-801	Intent & Applicability
24-802	Landscape Design
24-803	Perimeter Landscape & Screening
24-804	Plant Specifications

Chapter 9 – Sign Standards

This chapter incorporates the recent sign code updates. Limited revisions were made and include: changes to the organization, language, and format to better match with the overall development code structure and format. A provision to allow electronic message display signs for institutional uses (churches, schools, etc.) in residential zone districts was added. Beyond that, there are no notable changes to this chapter. Cross references were updated.

Chapter 9 includes the following sections:

Chapter 9 -- Sign Standards

24-901	Intent & Applicability
24-902	Exempt Signs
24-903	Prohibited Signs
24-904	Standards Applicable to All Signs
24-905	Specific Sign Allowances
24-906	Historic signs
24-907	Non-conforming Signs
24-908	Sign Measurements & Interpretation
24-909	Relief from Standards
24-910	Sign Chart

Chapter 10 – Special Districts & Areas

This chapter incorporates all of the overlay districts and special district regulations into one chapter. It includes topics that span multiple districts (overlay districts); topics that require specific details and study (i.e. airport, flood, historic districts); or a combination of both. Because these areas and districts do not follow the same format and structure as the generally established “base” zoning districts (Chapter 4), they have been included here in a separate chapter. Changes to the organization, language, and format were made to match the overall development code structure and format. Minor revisions to Areas of Ecological Significance have been made, as requested by the Colorado Department of Natural Resources. There are no notable changes to this chapter.

Chapter 10 includes the following sections:

Chapter 10 -- Special Districts & Areas

- 24-1001 Floodplain Overlay District
- 24-1002 Airport Overlay District
- 24-1003 Historic Preservation
- 24-1004 Areas of Ecological Significance
- 24-1005 General Improvement District Overlay
- 24-1006 Redevelopment District Overlay
- 24-1007 Character Overlay Districts
- 24-1008 Entertainment Districts
- 24-1009 Hillside Development Standards

Chapter 11 – Supplemental Standards

This chapter incorporates special topic regulations that either are broad and apply city-wide (i.e. wireless communications) or that are very detailed and warrant their own section out of the structure of other uses and standards (i.e. marijuana uses). Changes to the organization, language and format were made to match the overall development code structure and format. A 50-foot setback from plugged and abandoned wells has been added to the Oil & Gas section, consistent with current Fire Department practices and request. Other than this, there are no notable changes to this chapter.

Chapter 11 includes the following sections:

Chapter 11 -- Supplemental Standards

- 24-1101 Wireless Communication Facilities
- 24-1102 Oil & Gas
- 24-1103 Adult Uses
- 24-1104 Marijuana Uses

Chapter 12 – Reserved for Metropolitan Districts

This chapter is established as a reserved chapter for a future amendment to move the Metropolitan District requirements, currently located in Chapter 9 of the Municipal Code. The intent is to bring move the Metropolitan District regulations (24-9) into the Development Code at a future date.

The schedule for the adoption of the Development Code is as follows:

Track	Chapter(s)	PC Worksession	PC Hearing	CC Public Hearings
COMPLETED: Track I - Non-substantive changes for organization and improved usability.	Ch 1 – General Provisions	March 23, 2021	April 13, 2021	June 1, 2021 (First Reading)
	Ch 2 - Procedures	April 27, 2021	May 18, 2021	June 15, 2021 (Public Hearing) September 21, 2021 (2 nd Reading – No public comment)
CURRENT: Track II - Non-policy technical changes and coordination with other City policies and documents.	Ch 7 – Access & Parking Ch 8 – Landscape & Site Design Standards Ch 9 – Signs Ch 10 – Special Purpose Districts & Areas Ch 11 – Supplemental Standards Ch 12 - Reserved	May 25, 2021	June 8, 2021	July 6, 2021 (First Reading) July 20, 2021 (Public Hearing) September 21, 2021 (2 nd Reading – No public comment)
FUTURE: Track III - Substantive changes called for in the Comprehensive Plan, Strategic Housing Plan, and Council's 3-Year Priorities that need broader input and direction from the Advisory Committee, Planning Commission, and City Council.	Ch 3 – Subdivision Standards Ch 4 – Zoning Districts & Uses Ch 5 – Residential Development Standards Ch 6 – Non-residential Development Standards Ch 13 – Definitions	June 22, 2021 and July 13, 2021	July 27, 2021	August 3, 2021 (First Reading) August 17, 2021 (Public Hearing) September 21, 2021 (2 nd Reading – No public comment)

Staff has provided a Section Map for each of the chapters (see Attachments) which track and “map” the existing code sections to the corresponding new Chapter and Section format. New sections are also identified, with an explanation provided for the rationale behind the new sections and revisions.

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:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

None

Strategic Work Program Item or Applicable Council Priority and Goal:

The Development Code Update project relates to a number of Council Priorities and Goals:

Image: Reinforce Greeley's vision as an attractive and vibrant community in which to live, learn, work and play. The revised code will create opportunities to reinforce the City's vision as an attractive and vibrant community by modernizing, streamlining, and simplifying the Development Code requirements. The revised code language is designed to provide tables, charts, graphics, and clear intent statements to make the code easier to navigate and will be written in clear, simplified language.

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors. The first zoning regulations in the United States were developed to protect health, safety, and welfare. This update to the City's development code continues this original intent, by setting standards for well-designed streets, water and sewer systems, neighborhoods, parks, trails, open space, and floodplains.

Economic Health & Development: Foster and maintain public and private investment in business development. Throughout the code update process, staff

has worked with an Advisory Committee comprised of members from the development community, businesses, homebuilders, and citizen as well as the Planning Commission to draft regulations that create a streamlined, clear, and predictable development process.

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community. The revised regulations have been developed to support Council's 3-Year Priorities, the Strategic Housing Plan, and the Imagine Greeley Comprehensive Plan. The proposed regulations will encourage a variety of housing options, mixed-use development options, and walkable, human-scale development to help keep Greeley competitive with neighboring jurisdictions.

Decision Options:

- 1) Direct staff to bring the ordinance for second reading on September 21; or
- 2) Direct staff to amend the ordinance and bring the amended ordinance for a second reading; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to direct staff to bring back the ordinance as presented for a second reading on September 21, 2021.

Attachments:

Draft Ordinance for Adoption of Chapters 7-12 (includes all draft code language)

Section Maps for Chapters 7 - 12

Planning Commission Summary (Staff Report) (June 8, 2021) (omits duplicative draft code & Section Maps)

Draft Planning Commission Minutes, June 8, 2021

PowerPoint

**CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2021**

AN ORDINANCE AMENDING TITLE 24 OF THE GREELEY MUNICIPAL CODE RELATING TO THE DEVELOPMENT CODE BY DELETING THE CURRENT TITLE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 7 RELATING TO ACCESS AND PARKING, A NEW CHAPTER 8 RELATING TO LANDSCAPE STANDARDS, A NEW CHAPTER 9 RELATING TO SIGN STANDARDS, A NEW CHAPTER 10 RELATING TO SPECIAL DISTRICTS AND AREAS, A NEW CHAPTER 11 RELATING TO SUPPLEMENTAL STANDARDS, AND A NEW CHAPTER 12 RESERVED FOR METROPOLITAN DISTRICTS

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt zoning codes and development standards that continue to align with public values and Council priorities; and

WHEREAS, amending the Development Code in this manner will update those elements of the Code relative to such court cases and provide for the public interest and further protect the health, safety and welfare of City residents; and

WHEREAS, the Planning Commission conducted a public hearing to review and consider the proposed changes on June 8, 2021, and recommended their adoption by City Council.

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

Section 1. That the current Title 24 of the Greeley Municipal Code be and hereby is repealed.

Section 2. That the Greeley Municipal Code be amended by adding thereto a new Chapter 7 of Title 24 to read as shown in Appendix A.

Section 3. That the Greeley Municipal Code be amended by adding thereto a new Chapter 8 of Title 24 to read as shown in Appendix A.

Section 4. That the Greeley Municipal Code be amended by adding thereto a new Chapter 9 of Title 24 to read as shown in Appendix A.

Section 5. That the Greeley Municipal Code be amended by adding thereto a new Chapter 10 of Title 24 to read as shown in Appendix A.

Section 6. That the Greeley Municipal Code be amended by adding thereto a new Chapter 11 of Title 24 to read as shown in Appendix A.

Section 7. That the Greeley Municipal Code be amended by adding thereto a new Chapter 12 of Title 24 to read as shown in Appendix A.

Section 8. This ordinance shall become effective on October 1, 2021.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF
_____, 2021.

ATTEST

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Appendix A

AN ORDINANCE AMENDING TITLE 24 OF THE GREELEY MUNICIPAL CODE RELATING TO DEVELOPMENT CODE BY DELETING THE CURRENT TITLE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 7 RELATING TO GENERAL PROVISIONS AND CHAPTER 2 RELATING TO PROCEDURES

Section 1. Title 24 of the Greeley Municipal Code is hereby repealed in its entirety.

Section 2. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 7 – Access & Parking in Title 24 to read as follows:

Chapter 7. Access & Parking

24-701 Intent & Applicability

24-702 Access & Circulation

24-703 Required Parking

24-704 Parking Design

24-705 Loading Areas

24-706 Recreational & Oversized Vehicles

24-707 Alternative Access & Parking Plan

24-701 Intent & Applicability

- a. **Intent.** The intent of the Access and Parking standards is to:
1. Emphasize the importance of site access for multiple modes of transportation.
 2. Preserve streetscape design and street functions by coordinating access along blocks and internal to blocks.
 3. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
 4. Create access and parking standards appropriate to the context of the site, considering street designs and surrounding development patterns.
 5. Ensure appropriate site design features that mitigate the physical and aesthetic impact of parking on streetscapes and surrounding sites.
 6. Maximize opportunities for on-street parking, shared parking, or reduced parking rates where appropriate, and reduce the inefficiency from underutilized and redundant surface parking on adjacent sites.
 7. Promote parking designs that minimize runoff, incorporate low-impact design features, infiltrate stormwater into the ground, and reduce the heat island effect from large paved surfaces.

- b. **Applicability.** Access and parking shall be shown on site plans, according to the application requirements in Chapter 2. Specifically the standards in this Chapter apply to:
1. All new development, buildings, or uses on a site.
 2. A change of use for an existing lot or building, or additions to existing buildings, that would require 25% or more additional required parking than the previous condition.
 3. Where additional parking is required for an existing lot or building, the parking design standards shall only apply to the newly constructed parking; except, when more than 50% of a parking area is reconstructed, all parking and access shall comply with this Section.
 4. When an existing parking area is resurfaced, the parking area shall comply with the dimension and accessible space requirements.
 5. The Director may otherwise determine the extent of parking requirements to account for any non-conforming situations specified in Section 24-105, Nonconformities, and to facilitate reuse of an existing site and building.

24-702 Access & Circulation

- a. **Vehicle Access.** Vehicle access shall be designed according to the following standards.
1. *Driveway Width and Location.* Driveways shall generally be located according to the Design Criteria and Construction Specifications Manual for Streets, Volume I. The subsections below provide specific and additional considerations to coordinate access with the streetscape and site design of a particular location.
 - a. Wherever feasible, adjacent lots with a similar land use shall use shared access to preserve the streetscape and eliminate conflicts with pedestrians and vehicles.
 - b. Direct access to an arterial street shall be permitted only when the subject property has no other reasonable access to the street system, after considering alternatives such as access from side streets, shared driveways, common frontage lanes, rear alleys, or internal access streets.
 - c. The frontage design standards on a particular lot or block in Sections 24-503.b and 24-603, Frontage Design may further restrict the width, location, or extent of driveways. Where driveway spacing standards for streets limit or prohibit access, shared driveways, common access lanes, or alleys internal to blocks shall be used.
 2. *Driveway Setbacks.* Driveways shall be set back from side or rear lot lines as stated in Table 24-7-1: Driveway Setbacks.

Table 24-7-1: Driveway Setbacks

Access	Minimum Setback from Side or Rear Lot Line	Setback from Street Side Lot Line
<i>Driveways for residential lots and buildings with < 13 units</i>	3'	10'
<i>Driveways for residential lots and buildings with 13 – 40 units</i>	5'	10'
<i>Driveways for non-residential access and residential lots and buildings with 41+ units</i>	10' if abutting non-residential uses or lessor zoning districts; otherwise 5'	20'
<i>Shared access</i>	0', with a portion of the access on each lot, subject to easements.	10'

3. *Internal Access Streets.* Any single project, lot or site greater than 5 acres, or lots where access is constrained by driveway standards, shall provide a system of internal access streets that establish access and circulation within the site. Internal access streets:
- Shall be laid out to organize the site into smaller internal blocks between 1 and 4 acres.
 - Shall be designed to mimic public street cross-sections in Section 24-301, including sidewalks, landscape amenities, on-street parking, and travel lanes.
 - May be treated as public streets for determining the proper location, orientation, and design of sites and buildings within the project.
 - Shall include a maintenance plan with the associated land use application for the internal private facilities, or designated as common areas for all properties in the project .
 - Trail, greenway, or pedestrian passages meeting the standards of section 24-302 may account for a portion of this internal circulation network, provided it connects buildings, open spaces, and internal streets with similar networks external to the site and presents a logical connection point for pedestrians and bicycles.



Figure 24-7-1: Internal access streets.

4. *General Access Design Standards.* All access shall meet any accepted Transportation Impact Study recommendations associated with the development and the following design standards.
 - (a) All vehicle stacking or queuing must be accommodated on-site and shall not interfere with street traffic.
 - (b) Provisions for circulation between adjacent parcels shall be provided by internal access streets, cross access easements, and other shared access provisions to protect the function, design, and character of public streets.
 - (c) Driveway spacing and design shall be located so that safe ingress and egress are provided, considering the function and the design speed of the street from which the access is provided, and minimizing potential conflicts of all modes of transportation, including pedestrians, bicycles and vehicles.
 - (d) Landscape, buildings, and other site elements at access points shall be designed to meet the sight distance requirements of Section 24-301.d.2, Sight Distances.
 - (e) Any access from a state highway shall only be permitted as authorized and approved by the Colorado Department of Transportation (CDOT). An applicant for any development project with access to a state highway should coordinate with CDOT prior to an application with the City.

b. Sidewalks.

1. *Generally.* Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided for vehicles. Sidewalks shall connect public entrances of buildings and sites to the following, in the most direct manner possible:
 - (a) Sidewalks in the public streetscape or along internal access streets.
 - (b) Parking areas and any perimeter sidewalks, internal walkways or crosswalks associated with the parking areas.
 - (c) Civic or open space, or other common areas designed for active use.

- (d) Transit stops, stations, or park and ride locations – existing or anticipated.
- (e) Where connections from sidewalks in the public streetscapes or internal access streets is not practical or is too remote, sites shall provide pedestrian connections to any of the above areas or amenities on adjacent sites. Connections directly to adjacent sites shall be made in any case where the connections by sidewalks on public streets or through access ways result in pedestrian routes greater than 300 feet.

2. *Sidewalk Width.* Internal sidewalks shall meet the requirements of Table 24-7-2: Internal Sidewalk Widths.

Table 24-7-2: Internal Sidewalk Widths

Location	Minimum Width
▪ Generally; OR ▪ Any residential property	5'
▪ Along the facade of a commercial or institutional building of 5,000 s.f. or less abutting a parking area; OR ▪ Along any internal access street	6'
▪ Along the facade of a commercial or institutional building of 5,001 s.f. to 19,999 s.f. abutting a parking area; OR ▪ A primary route between the street or parking area and the building entrance.	8'
▪ Along the facade of any commercial or institutional building of less than 20,000 square feet with a primary entrance, or similar building with significant public and pedestrian access.	10'
▪ Along the facade of a commercial or institutional building of 20,000 s.f. or more abutting a parking area or with a primary entrance.	15'
▪ Any access designed for both pedestrians and bicycles.	12'
▪ Along any parking area with vehicle overhangs;	+ 2' to other required widths

3. *Pedestrian Amenities.* Sidewalks and internal pedestrian circulation shall be separated from moving vehicles with curbs, landscape buffers, curbside parking, or similar elements of the circulation and open space systems; except crosswalks or other similar limited segments, which may be distinguished by paint, brick, or colored or scored concrete and similar design features that signify pedestrian priority.

4. *Americans with Disabilities Act.* All internal sidewalks and other pedestrian areas shall meet all applicable Americans with Disabilities Act (ADA) standards and guidelines.
- c. **Alternative Compliance.** Alternative compliance to the access and circulation standards in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following applicable additional criteria:
1. The standards, when applied to a particular project or street, will adversely impact the function of the transportation network in the vicinity of the site.
 2. A specific access management study or plan for a portion of the City or street segment has altered the application of these standards.
 3. The context of the project warrants a different access design when considering the functional class of the street, the streetscape design on the particular block, and existing and anticipated adjacent land uses.
 4. The location of any paved surfaces may reduce or eliminate setbacks, provided the design adequately addresses potential drainage and screening issues relative to abutting property.
 5. Alternatives shall be evaluated balancing the streetscape design objectives, traffic conditions of a particular street segment, and pedestrian needs, and may be approved if the intent of this Chapter is equally or better met by the alternative.

24-703 Required Parking

- a. **Vehicle Parking Rates.** Table 24-7-3: Required Parking provides minimum parking requirements, and general categories apply to all similar uses not specifically listed. Where a use is not similar to a general use in the table or could meet more than one category, the Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, format, and operation. The following criteria shall be used in interpreting the table:
1. Employee rates shall consider the maximum number of employees likely to be on-site at one time.
 2. Square footage rates shall consider leasable floor area or active area dedicated to the particular use. Where this number is not easily or readily determined, 85% of gross floor area may be used.
 3. A seating or capacity rate shall consider the total number of seats based on industry standards for typical layouts of buildings or building codes, where actual seating is not yet known.
 4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated and apportioned under the most applicable rate.

Table 24-7-3: Required Parking

Use Category / Specific Use	Minimum Parking Rate
Residential	
Secondary Dwelling	1 / per bedroom
Dwellings (detached, manufactured)	2 / unit Blocks without on-street parking may require guest parking within 250' of units.
Dwellings (attached, multiple, or mixed)	1.25 / unit (Studio / Efficiency) 1.5 / unit (1 bedroom) 1.75 / unit (2 bedroom) 2 / unit (3 bedroom) 3 / unit (4+ bedrooms) + 1 additional space per 10 required spaces for guest parking
Senior Living (independent)	Same as Dwellings (attached, multiple or mixed)
Senior Living (assisted or nursing)	1 / 4 beds + 2 per 3 employees
Group Home (up to 8 units)	Same as Dwellings (detached, manufactured) + 2 per 3 employees
Group Home (more than 8 units)	1 / 2 beds + 2 per 3 employees
Public / Civic	
Assembly	1 / 3 seats
Public Safety / Services	1 per employee + 1 per company vehicle
Hospital	1 / 2 beds + 2 per 3 employees
Library	1 / 300 s.f.
Museum	1 / 1,000 s.f.
School	2 / class (elementary or junior) + 1 per 10 students 1 / 4 students + 1 / employee (senior or higher education) OR 1 / 4 seats of all auditorium or event space, whichever is greater
Commercial	
Retail – Small (under 3K)	1 / 500 s.f.
Retail – General (3K +)	1 / 250 s.f.
Retail - Outdoor Display Area (generally)	1 / 300 s.f.
Retail - Outdoor Display Area (large equipment)	1 / 1,000 s.f.

Table 24-7-3: Required Parking

Use Category / Specific Use	Minimum Parking Rate
<i>Drive-through (restaurant)</i>	100' of stacking (5 cars) per service areas, but subject to use-specific performance criteria
<i>Drive-up services (service bays or non-food services)</i>	30' of stacking space (3 cars) per service area
<i>Lodging - B&B</i>	2 spaces + 1 / guest room
<i>Lodging - Hotel / Motel</i>	1 / guest room + 1 / 200 s.f. of restaurant
<i>Medical Care</i>	1 / 300 for all general office and service areas + 1 / 2 beds (admittance permitted)
<i>Office & Services</i>	1 / 300 s.f. generally 1 / 200 s.f. or 1 per patron station, whichever is greater, for any uses with frequent customer visits (i.e., salon, barber, etc.)
<i>Restaurant, general</i>	1 / 100 s.f.
<i>Restaurant - quick-serve, or bar or nightclub</i>	1 / 75 s.f.
<i>Health and Fitness Center</i>	1 / 200 s.f.
<i>Recreation and Entertainment</i>	1 / 200 s.f. generally - indoor)
	1 / 500 s.f.(large-scale – indoor (i.e., skating ring, dance hall)
	1 / 4 seats for uses with fixed seating areas
	1 / 2 active patron station (i.e., 2 per lane bowling; 2 per hole golf course; etc.)
	1 / 100 s.f. for food and beverage service areas with seating
Industrial	
<i>Manufacturing</i>	1 / 400 s.f. (artisan/limited or light) 1 / 1,000 or 2 / 3 employees, whichever is greater (all others)
Agriculture	
<i>.All uses</i>	Use combination of residential, public/civic commercial and industrial rates based on type and general nature of agriculture activities.

- b. **Maximum Parking.** Non-residential uses shall not provide more than 125% of the minimum required vehicle parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 125% of the minimum shall require mitigating potential impacts of additional parking through one or more of the following strategies, based on the Directors discretion:

-
1. Utilize all eligible parking reductions permitted by Section 24-703.c, Parking Reductions.
 2. Provide shared parking for other uses on the block or adjacent blocks according to this Chapter.
 3. Utilize alternative surfaces designed to infiltrate stormwater, approved by the Director, and subject to installation, maintenance, and performance assurances.
 4. Provide additional landscape to screen parking with at least a 10% increase in the required parking landscape area and at least a 25% increase in the amount of landscape material required for the parking.
 6. Increase the lot open space required for the building and site in Section 24-503 or Section 24-603 by an amount equal to the area of parking that exceeds the 100% minimum parking requirement, and locate this open space to limit the impact and visibility of parking.
- c. **Parking Reductions.** The parking required by Table 24-7-3: Required Parking may be reduced depending on context and according to the following strategies. Reductions beyond those provided in this subsection may only be approved according to an Alternative Parking and Access Plan in Section 7.06:
1. *GID Exempt.* No parking is required in the General Improvement (GID) overlay district, except that any residential uses shall meet the parking requirements for that building type, and the required spaces shall be located with 400 feet of the residential building. The Director may require parking for any non-residential use over 10,000 square feet provided the location, accessibility, and design of the parking is consistent with the overall planning and urban design objectives of the downtown area.
 2. *Administrative Reduction.* The Director may reduce the required parking for any use that requires more than 10 spaces by up to 15% of the required spaces due to the nature of a particular use or any unique circumstances on the site.
 3. *On-street Parking Credit.* All on-street parking within 300 feet of any lot frontage shall count towards the parking requirement at a rate of 0.25 spaces for every on-street space not on the lot boundary and 0.75 spaces for every space on the lot boundary.
 4. *Bicycle Parking Credit.* All bicycle parking designed and located according to Section 24-703.d. may reduce the required vehicle parking at a rate of 1 space for every 4 bicycle parking spaces up to a maximum of 15% of the required vehicle parking spaces. To be eligible for this credit, the applicant must demonstrate that it is practical to expect significant bicycle access to the site based on the location and proximity to the city-wide bicycle transportation network, the design of the site, and the nature of the use and anticipated patrons.
-

5. *Public Parking Credit.* Any site within 1,320 feet of a public parking area may reduce the required vehicle parking at a rate of one space for every two parking spaces, except that if the public parking is part of a managed district, the district policies and management may establish a different allocation of spaces.
6. *Transit Credit.* The Director may reduce the parking requirement up to 25% for any development within 1,320 feet of a transit stop. In making a determination on the eligibility for and amount of the credit, the Director may consider the nature of the use, the likelihood that it generates transit trip origins and destinations, and the level of transit service at the stop.
7. *Shared Parking.* Required parking may be reduced for any site containing multiple uses or for adjacent sites with different uses according to Table 24-7-4: Shared Parking. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues. The agreement shall be recorded for each participating property with the office of the applicable county clerk and recorder. The agreement shall state that it cannot be changed or modified without the approval and signature of the Director. A shared agreement that differs from this table may also be approved based on a joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

Table 24-7-4: Shared Parking

Use	Percentage of Required Parking by Time Period				
	Weekday		Weekend		All
	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6 AM
<i>Employment</i>	100 %	10 %	5 %	5 %	5 %
<i>Retail or Service</i>	75 %	75 %	100 %	90 %	5 %
<i>Restaurant</i>	50 %	100 %	75 %	100 %	10 %
<i>Entertainment & Recreation</i>	30%	100 %	75 %	100 %	5 %
<i>Place of Worship</i>	5 %	25 %	100 %	50 %	5 %
<i>School</i>	100 %	10 %	10 %	10 %	5 %
<i>Dwellings</i>	25 %	75 %	50 %	75 %	90 %
<i>Lodging</i>	50 %	90 %	75 %	100 %	100 %

- d. **Bicycle Parking.** All non-residential or multifamily development shall provide bicycle parking spaces according to Table 24-7-5: Bicycle Parking.

Table 24-7-5: Bicycle Parking	
Activity	Required Spaces
<i>Primary or secondary school</i>	10% of the student capacity + 3% of employees
<i>Retail or office uses</i>	10% of the required vehicle spaces.
<i>Recreation and community facilities</i>	15% of the required vehicle spaces
<i>Other institutional, employment, industrial or entertainment uses</i>	5% of the required vehicle spaces.
<i>Multi-unit Residential Buildings</i>	0.5 per 1 bedroom dwelling unit; 1.5 per dwelling unit with 2 or more bedrooms

Bicycle parking shall be designed according to the following standards:

1. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames, and have 2 feet x 6 feet clearance for each bicycle.
2. Structures that serve another primary function but are designed to meet these standards may count toward this requirement.
3. Bicycle parking shall be located in a well-lit area with convenient and safe pedestrian access and be on pavement or all-weather, dust-free, stabilized surface.
4. Bicycle parking for non-residential uses shall be located within 100 feet of and visible from the primary entrance.
5. At least 50% of required bicycle parking for residential uses, employment uses, or other similar uses where bicycles are likely to be parked for longer than 4 hours, shall be located within the building or other all-weather and secure enclosure.
6. Short-term bicycle parking facilities may be located in the right-of-way subject to streetscape design plans and the Director's approval. Structures shall be designed for some other primary purpose meeting the streetscape standards or be designed with artistic or ornamentation enhancements compatible with the streetscape character at the specific location.
7. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the Director through site plan review.

- e. **Accessible Parking.** Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the Americans with Disabilities Act (ADA) standards and guidelines for quantity, design, and location.
- f. **Alternative Compliance.** Alternative compliance to the required parking standards in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and as provided in Section 24-707, Alternative Access and Parking Plan.

24-704 **Parking Design**

- a. **Parking Landscape Design Objectives.** Landscape areas required by Table 24-7-6, Parking Lot Design, shall be arranged to achieve the following design objectives:
 - 1. All perimeter landscape and islands shall have the proper allocation of landscape materials required by Section 24-802, Landscape Design, and be arranged to provide shade, infiltrate runoff, soften large expanses of pavement, and screen parking from adjacent streets and property.
 - 2. In general, no parking or circulation area expanse shall be more than 200 feet in any direction without providing perimeter landscape, internal island, or parking block edge.
 - 3. Parking rows shall be no more than 15 contiguous spaces without landscape islands (end caps, center islands, or peninsulas), or no more than 3 double-loaded bays without perimeter landscape or a landscape median. This may be adjusted on a specific site plan that results in the same amount of islands and landscape on average for the entire parking lot.
 - 4. No landscape island shall be less than 8 feet in any dimension and no less than 160 square feet in area.
 - 5. Any perimeter or center landscape area that contains a sidewalk shall have at least 5 feet of landscape on each side of the sidewalk or 8 feet of landscape on one side in order to contribute to the parking landscape requirement.

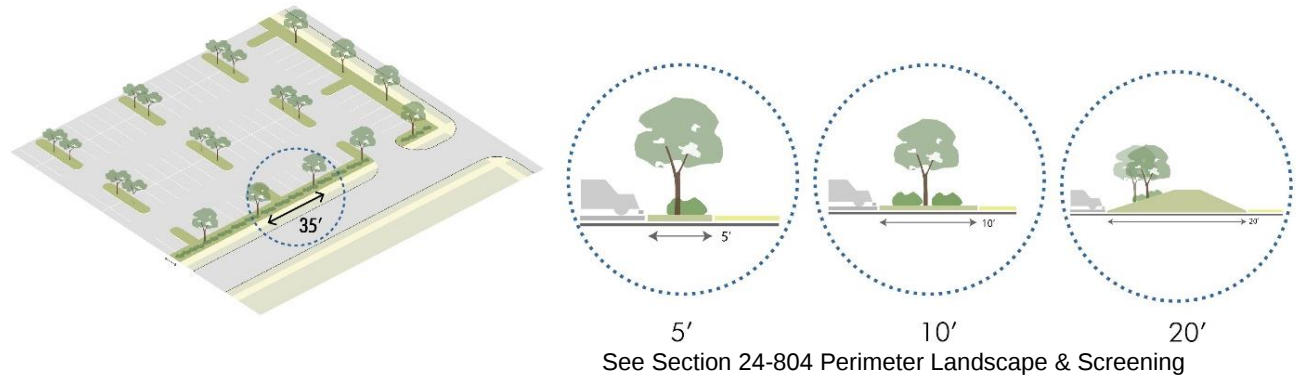


Figure 24-7-2: Parking lot screening.



Figure 24-7-3: Parking lot islands and perimeter landscape.

- b. **Location, Size and Landscape Area.** On-site parking shall be designed and located to mitigate adverse impacts on streetscapes and adjacent property. The design standards in Table 24-7-6: Parking Lot Design are based on the

number of parking spaces per area and the location on the parking lot relative to the principal building (front, side, or rear).

Table 24-7-6: Parking Lot Design

Spaces per Parking Block	Front [1]	Side	Rear
201 or more	Must be broken into parking blocks smaller than 126 spaces each. [2]	Must be broken into parking blocks smaller than 201 spaces each. [2]	10% internal landscape islands; AND 15' perimeter landscape.
126 - 200		6% internal landscape; AND 15' perimeter landscape.	6% internal landscape islands; AND 15' perimeter landscape.
51 - 125	10% internal landscape island 10' perimeter landscape; AND 20' front setback	6% Internal Landscape Islands; AND 5' perimeter landscape.	6% internal landscape islands; AND 5' perimeter landscape
15-50	6% internal landscape islands; AND 5' perimeter landscape; AND 10' front setback	5' perimeter landscape	5' perimeter landscape
Under 15	5' perimeter landscape; AND 5' front setback	5' perimeter landscape	5' perimeter landscape; unless abutting an alley

[1] Any surface parking lot in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less; parking in non-residential districts may be located at the setbacks specified in this table, according to the parking lot size.

[2] Where individual sites require or provide parking areas larger than the maximum size in this table, parking lots shall be broken into "parking blocks" meeting the size, location, and landscape requirements of this table. These "parking blocks" shall be arranged around perimeter landscape, landscape medians, and internal access streets that mimic public streetscapes.

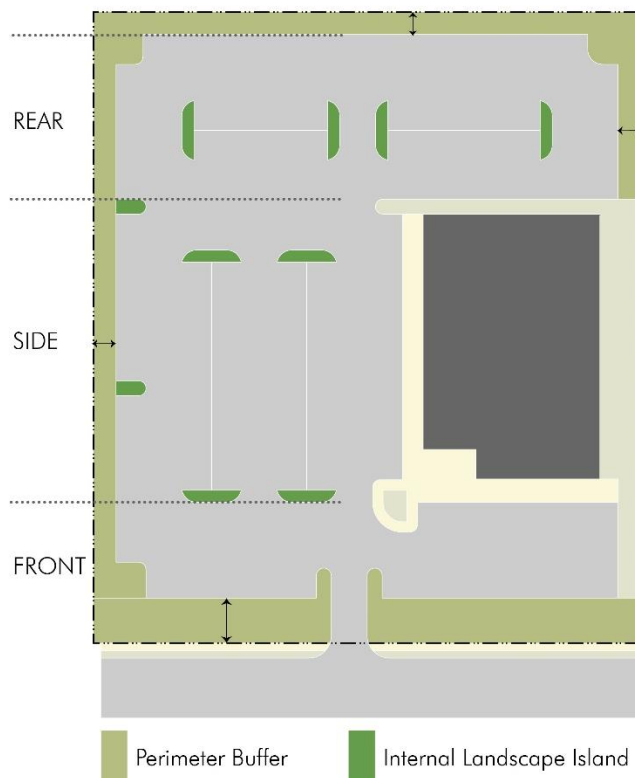


Figure 24-7-4: Parking lot design and location.

- c. **Sidewalks.** In meeting the standards of Sections 24-702.b and 24-704. b, a sidewalk connection shall be provided from the perimeter of the parking lot to the building entrance or building frontage. For parking areas over 200 spaces, a sidewalk connection shall be provided through the parking area and to the building frontage at least once every 300 linear feet of frontage. Sidewalks meeting this standard may be located along internal access streets, in perimeter landscape, or located in a center landscape median.
- d. **Footstep Access.** Landscape islands or other perimeter landscape areas adjacent to a parking stall shall have an additional 1-foot setback from the curb or parking surface to provide a footstep for pedestrian access from the vehicle.
1. The footstep may be accomplished by a wider sidewalk, enlarged curb or striping on the parking surface in addition to the stall width and striping.
 2. If the footstep is inside the landscape island, it must be concrete or an acceptable all-weather compacted material that does not float or drain into the stormwater sewer system,

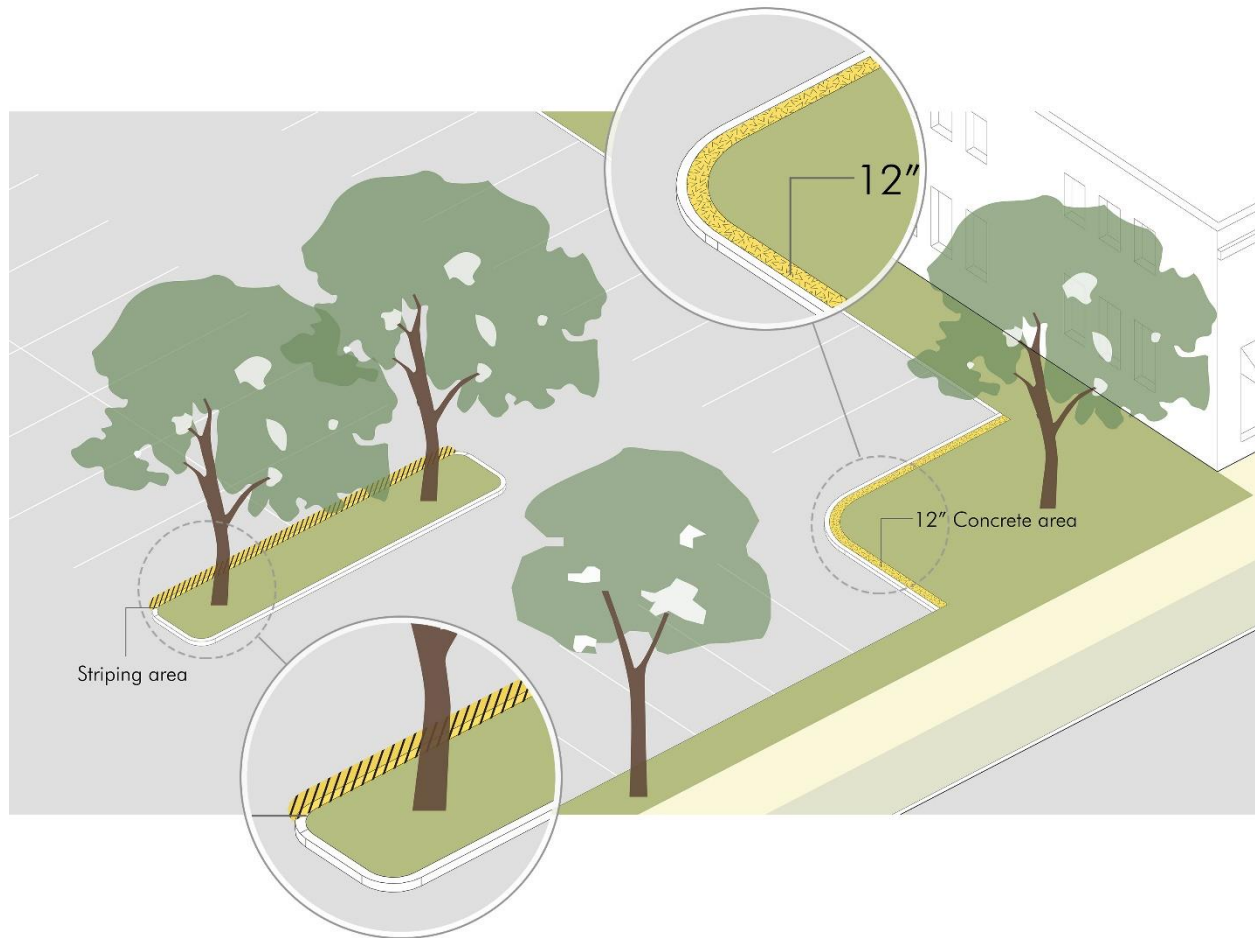


Figure 24-7-5: Landscape island footstep access.

- e. **Parking Dimensions.** Parking areas shall be designed to meet the dimension specifications in Table 24-7-7: Parking Dimensions.

Table 24-7-7: Parking Dimensions						
Parking Angle (A)	Width (B)	Depth to Curb (C) [1]	Curb Width (D)	Aisle Width – One-way (E)	Aisle Width – Two-way (E)	Bumper Overhang [2]
0°	8.0'	8.0'	22'	12'	20'	n/a
30°	8.5'	16'	17'	12'	20'	1.5'
45°	8.5'	19'	12'	14'	20'	1.5'
60°	9.0'	20'	10.5'	15'	24'	2.0'
90°	9.0'	18'	9.0'	20'	24'	2.0'

[1] Where angled parking is interlocked opposite other angled parking, each can use to the farthest corner of the stall for this dimension.

[2] Amount of Depth to Curb dimension that may overhang landscape area or sidewalk other wheel stop block. If overhanging sidewalk, this amount shall be added to the required minimum sidewalk width.

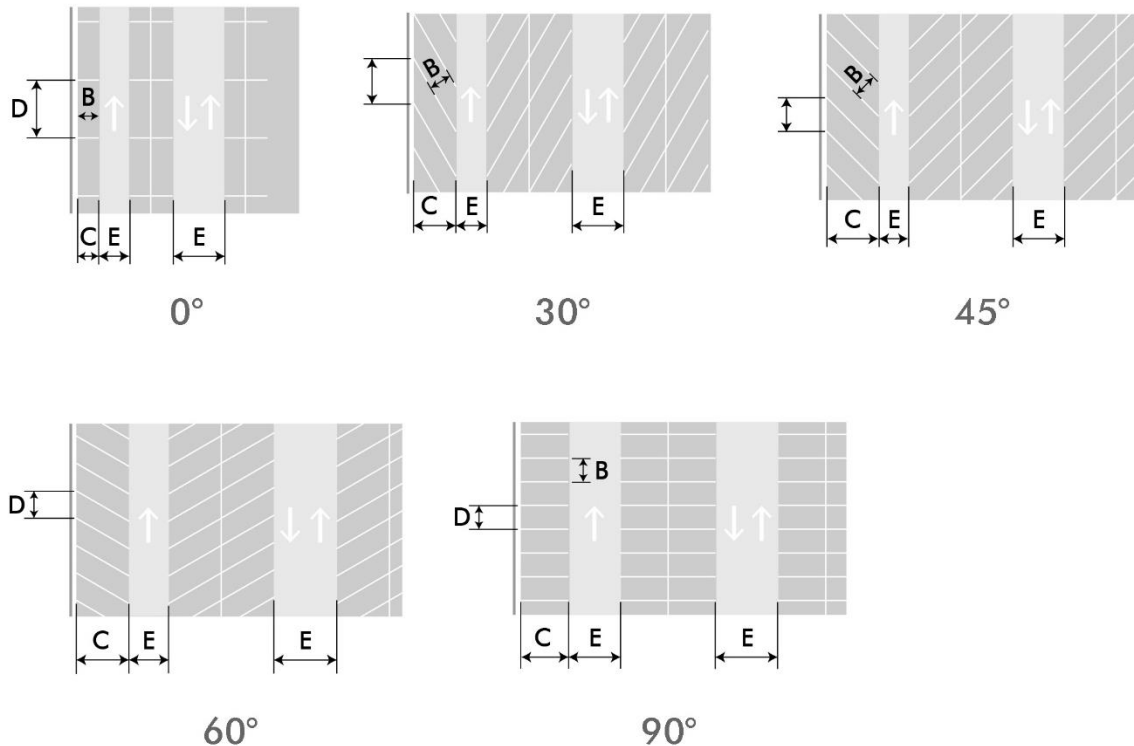


Figure 24-7-6: Parking dimensions.

f. General Design Standards.

1. A flatwork permit is required prior to the installation of any paving
2. All required parking shall be on-site except as specifically provided in this Chapter for credits or shared parking sections or as approved through alternative compliance.
3. No parking space shall be located where it backs into a street or internal access street except:
 - (a) Residential parking in driveways, permitted for detached houses, multi-unit houses, row houses, or small apartments for up to 10 parking spaces.
 - (b) On-street parking on streets or internal access streets designed according to the standards in Section 24-301.
4. All required parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants, or employees of the use unless specifically authorized otherwise by provisions in this code.
5. All parking and access areas shall be designed to adequately address drainage and runoff, including curb, gutters, and inlets, or any other drainage strategy approved by the Director to support best management practices to minimize runoff and encourage infiltration of stormwater.

6. All off-street parking areas and driveways shall be graded and paved with asphalt or concrete, meeting City's Design Criteria and Construction Specifications.
 7. All off-street parking spaces in parking lots shall be outlined with painted stripes or other similar markings on the surface. All non-parking spaces, such as loading zones, emergency lanes, drive-through lanes, or spaces in front of doorways and entrances shall be clearly differentiated from parking.
- g. **Alternative Compliance.** Alternative compliance to the parking design standards in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and the following additional criteria:
1. Properties that include large monumentation, artwork, architectural hardscape, or other similar civic spaces, and that locate them in a manner that reduces the impact or perceived extent of surface parking, may request alternate parking location and dimensions.
 2. Parking lots designed with bio-retention strategies that cleanse and infiltrate parking lot runoff may request alternate design and construction standards that better address parking lot runoff, subject to installation, maintenance and performance assurances.
 3. Alternative all-weather surfaces for parking or storage areas may be approved on residential property located in a rear yard or interior side yard behind the principal building.
 4. Dimensions for compact vehicle parking spaces may be reduced to 8 feet by 16 feet for up to 25% of the total parking spaces on lots over 10 spaces, provided signs and a plan for management of the spaces are provided. Additional reductions may be made through an Alternative Access & Parking Plan in Section 24-707.
 5. All or a portion of required parking may be off-site subject to the following specific considerations:
 - (a) The parking area is within 500 feet of the subject site for non-residential and 250 feet for residential, measured along pedestrian connection routes;
 - (b) It is in the same or comparable zoning district;
 - (c) The presence of the off-site lot does not negatively impact potential development on that lot or any lot in the vicinity;
 - (d) There are no pedestrian barriers or other access constraints between the lot and the use;
 - (e) An agreement shall demonstrate rights and control of the off-site property, coordinated with the duration of the use, or a comparable contingency plan is reasonably available if the agreement is terminated. The City may require recording of the agreement or some other mechanism to enforce parking if there is default or termination of the agreement.

- a. **Loading Requirements.** In mixed-use, commercial, or industrial districts, off-street loading shall be required as indicated in Table 24-7-8: Loading Areas.
1. The number and size of spaces may be revised based on the operating characteristics of the particular use and determined through site plan review.
 2. Loading areas shall be located on a remote portion of the building and site or internal to the block and buffered by other buildings wherever possible.
 3. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access streets, or public streets.
 4. Loading shall be screened from public streets or adjacent residential areas in a manner that best limits visibility and mitigates noise, according to the buffer types and design standards in Section 24-803.

Table 24-7-8: Loading Areas

Gross Floor Area	Required Loading Area and Size
<i>Under 3,000 s.f</i>	N/A, or may be shared per 7.05.B
<i>3,000 – 10,000 s.f</i>	1 space; 10' x 25'
<i>10,001 – 25,000 s.f</i>	2 spaces; 10' x 25'
<i>25,001 – 40,000 s.f.</i>	2 spaces; at least one of which is increased to 10' x 50'
<i>40,001 or more s.f.</i>	3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least every third space shall be increased to 10' x 50'

- B. **Mixed Use Buildings or Districts.** In any area, project, or zoning district designed to promote pedestrian activity or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted by the Director. Alternate loading standards may include sharing loading spaces among multiple smaller tenants, using side streets, using on-street parking, or using alleys – particularly where there is sufficient spaces during off hours for loading or deliveries per Table 24-7-9, or other similar strategies that avoid designing sites for large vehicle access.

24-706 Recreational & Oversized Vehicles

- a. **Recreational Vehicle & Equipment Storage.** Recreational vehicles and equipment shall be prohibited from being located in any setback of residential property, except as specified below:

1. *Location.* Recreational and oversized vehicles and equipment may be located in the following areas:
 - (a) Rear yards and at least 5 feet from the rear lot line;
 - (b) Interior side yards if behind the front building line; or
 - (c) Street side yards, if at least 10' from the lot line, and provided the side yard does not abut the front yard of an adjacent lot.
 - (c) In no case shall they be stored closer than 3 feet to a structure or over any window wells.
2. *Quantity.* No more than one recreational vehicle or major recreational equipment shall be stored per lot. Recreational vehicles are defined in Section 24-5, and major recreational equipment includes boats over 18' and utility trailers greater than 5 feet by 8 feet. There is no limit on the quantity of minor recreational equipment that can be stored, such as canoes, snowmobiles, jet skis, ATVs, small and low-profile recreational equipment
3. *Surfaces.* Storage surfaces shall be paved, or a gravel surface surround be a constructed collar of concrete, pavers, or other solid form of edging at least 6 inches wide and sufficient to contain the gravel fully. Gravel shall be of a depth and density to fully cover the storage area and support the width of the vehicle without ruts or displacement of the gravel. Access to the storage shall be an approved all-weather surface.

b. **Limited Parking.**

1. *Loading, unloading, and repairs.* Recreational vehicles shall be permitted to park in front yard driveways if located at least three feet in back of the sidewalk, or the front property line where no sidewalk exists, for loading, unloading or emergency repairs for a maximum of 48 hours.
2. *Guests.* Guests traveling in recreational vehicles shall be permitted to park their RV in front yard driveways for a maximum period of seven consecutive days if parking is:
 - (a) At least three feet back from the sidewalk, or the front property line where no sidewalk exists;
 - (b) No clear vision zone is adversely affected;.
 - (c) Parking shall be limited to one 7-day period per vehicle in 12 consecutive months. The Director may grant extensions for one additional week where unusual circumstances warrant. In no event shall an extension be granted more than one time in a 365-day period for a single property unless there is a change in ownership or occupancy of the property.
3. *Dwelling.* Recreational vehicles or equipment stored on a residential property shall not be used for temporary, accessory, or permanent living.

- c. **Registration and Licenses.** Recreational vehicles, trailers, or equipment shall be operable and be current on all registrations or licenses required by law, and be legally registered to or owned by the owner or tenant of the dwelling where it is stored.
- d. **Oversize Vehicles.** Work vehicles exceeding one-ton capacity, trailers exceeding 15 feet in length, tow trucks, taxicabs, limousines or vehicles not typically associated with a residential use shall not be parked at any time at single-family or two-family dwellings, except as follows:
1. For deliveries made to the dwelling;
 2. For construction or maintenance work contracted to be done at the dwelling;
 3. As allowed associated with permitted home occupation standards and conditions; or
 4. When the occupant of the dwelling has obtained a minor variance from the community development department based upon the user of the vehicle being required to occasionally have the vehicle present overnight on the residential premises as part of limited, on-call work requirements that relate exclusively to a public utility (such as Xcel or Atmos) for emergency response or service.
 5. Refer to section 16-397 for additional information regarding the parking of oversized vehicles on public roadways and private land.

24-707 Alternate Access & Parking Plan

- a. **Site Plan.** The Director may approve an alternative access and parking plan that varies from the design standards or reduces the parking required by this Chapter by up to 25%, in addition to all other eligible reductions. The application shall be in association with the Site Plan process in Section 24-207, and the Director shall consider the following:
 1. The intensity and operating of the proposed use, as well as potential future uses on the site.
 2. Evidence of similar uses in similar contexts or other industry standard indicates a lesser number will be sufficient due any of the following:
 - (a) The format of the use;
 - (b) The likelihood that patrons or tenants have reduced car ownership or drive less;
 - (c) The availability and practicality of walking, bicycling or transit access supporting the use; or
 - (d) Other transportation demand management plans proposed by the applicant.
 3. The character of the surrounding area and adjacent land uses, and the availability and overall demand on alternative parking within 600 feet, including on-street parking.
 4. All potential negative impacts on adjacent property are mitigated by the plan, in terms of parking design, operation, and contingency plans.
 5. The reduction will equally or better meet the intent of this Chapter.
- b. **Use by Special Review.** The Planning Commission may approve alternative access and parking plans beyond what may be approved by the Director as a Use by Special Review according to the procedures in Section 24-206. The Planning Commission review shall be based on the same criteria in Section 24-707.a., and be supported by a specific study or industry standard.
- c. **Deferral of Required Spaces.** In either of the above cases, a portion of the required parking may be deferred through the site plan review if the initial occupancy of the premises will be adequately served by the lesser number of spaces and an approved final plan clearly indicates the location, pattern, and circulation of deferred parking. The deferred parking area shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading, or other purposes. The approval of the site plan shall specify a time, criteria, or occurrences where the Director may require construction of the necessary parking.

Reserved Sections 24-708 through 24-800

Section 3. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 8 of Title 24 to read as follows:

Chapter 8. Landscape Standards

24-801 Intent & Applicability

24-802 Landscape Design

24-803 Perimeter Landscape & Screening

24-804 Plant Specifications

24-801 Intent & Applicability

- a. **Intent.** The intent of the landscape standards is to:
1. Protect natural landscapes, Greeley's agriculture traditions, and "Tree City USA" designation to strengthen the City's identity as growth occurs.
 2. Improve City's image and build value with a well-designed public realm, coordinating landscape design for streetscapes, open spaces, civic places.
 3. Promote quality private investment that corresponds with investments in the public realm, and emphasize distinct areas throughout the City with natural landscape materials.
 4. Coordinate landscape and design amenities across multiple sites with special attention to the relationship of public and private frontages.
 5. Encourage site and landscape design that allows spaces to serve multiple aesthetic, screening, environmental, recreational, or social functions.
 6. Provide comfort, spatial definition, and visual interest to active spaces including streetscapes, walkways, civic spaces, parks, trails, or other similar outdoor gathering places.
 7. Conserve energy and limited resources through landscape design, and protect and integrate established natural amenities rather than plant or design new ones.
 8. Screen and mitigate the visual, noise, or other impacts of high-intensity areas of sites and buildings, or where the scale and pattern of development changes.
 9. Implement the City's Landscape Policy Plan for Water Efficiency, conserve water, and shift to water-conscious landscape design that is regionally appropriate and specific to the arid Front Range climate.
- b. **Applicability.** The standards of this section shall apply to all new development as follows:
1. *Minor Development.* Minor development shall meet the landscape standards to the extent of any work or improvement on the site, however,

are not required to upgrade landscape areas or non-conformances where no work is being done. Minor development includes:

- (a) Expansion by 5% to 25% of an existing multi-family or non-residential building footprint or associated impervious surface;
- (b) Detached house or Multi-unit house projects involving 5 or fewer new buildings or occurring in association with a Minor Subdivision in Section 24-205.

2. *Major Development.* Major development shall require full compliance with all standards of this Chapter for the entire site, any public streets and frontages, and any common areas. Major development includes:

- (a) Any new non-residential or multi-family building;
- (b) Expansion of more than 25% of any existing non-residential or multi-family building footprint or associated impervious surface
- (c) Any detached house or multi-unit house project involving more than 5 new buildings, or occurring through a major subdivision in Section 24-203.

For major development, the intent is to bring the site into full compliance with these standards, except that the Director may prorate the requirements to the extent of new development on the site where full compliance is not possible or practical.

3. *Exemptions.* These standards do not apply to rehabilitation or adaptive reuse projects in the General Improvement District (GID) and the Redevelopment District (RD). Projects that involve a complete redevelopment of the property shall comply.

4. *Landscape Plan.* Construction or development of a site shall not be undertaken until a landscape plan has been approved by the Director.

- (a) The landscape plan shall be designed in conjunction with the drainage plan for the subject property in such a manner as to maximize stormwater runoff absorption.
- (b) Landscape plans shall be prepared and stamped by a Colorado registered landscape architect unless waived by the Community Development Director or Designee
- (c) For phased development, a proportionate share of landscaping acceptable to the City, as outlined in an approved Subdivision Improvement Agreement, Development Agreement or Planned Unit Development (PUD) Plan, shall be installed and maintained with each phase based on the size of the proposed phase and shall be considered completed for the purposes of these regulations when such proportionate share of landscaping has been installed prior to issuance of a building permit.

5. *Inspection and Approval.* Installation of approved landscape plans shall occur in the following manner:

- (a) Minor development shall require an inspection by the City prior to a Certificate of occupancy. If not previously installed, all required on-lot and rights-of-way landscaping for detached houses and multi-unit houses shall be installed within one year of the issuance of the certificate of occupancy.
- (b) Major development shall require a letter of substantial completion of the landscape plan, stamped by a landscape architect or certified irrigation auditor, and City inspection prior to Certificate of Occupancy, or as otherwise approved in the Subdivision Improvement Agreement, Development Agreement, or Planned Unit Development.
- (c). If weather prevents the required landscaping from being installed, collateral in the form of a Financial Security Agreement, acceptable to the City, in the amount of one 125% of the cost of materials and installation is to be provided to the City and approved prior to issuance of the certificate of occupancy.

24-802 Landscape Design

- a. **Design Objectives.** Landscape plans shall meet the following design objectives:
 1. Frame important streets and emphasize gateways with street trees, landscape massing, and other vertical elements.
 2. Promote stormwater management and prevent erosion through natural landscape elements and site features that intercept precipitation, filter, infiltrate, store, and convey runoff.
 3. Encourage the use of bioretention facilities or other creative landscape and stormwater designs that use vegetation and natural processes to improve the quality of stormwater prior to discharge or infiltration into the ground.
 4. Create focal points, gathering places, and pathways that enhance the comfort, interest and movement of pedestrians.
 5. Improve resource and energy efficiency with landscape arrangements that consider wind blocks, strategic shading, heat gain, water usage, slope and drainage patterns, and other elements inherent to the site.
 6. Encourage the protection and preservation of healthy plants that can meet the current and future needs of the site through development.
- b. **Planting Requirements.** The required plants shall be based on different elements of the site according to Table 24-8-1, Plant Requirements, subject to the applicability provisions of Section 24-801.b.1. and 2.

Table 24-8-1: Plant Requirements

Site Element	Trees	Evergreen Trees	Shrubs
Streetscape: The landscape area in	1 shade tree per 35' of lot frontage;	n/a	n/a

Table 24-8-1: Plant Requirements

Site Element	Trees	Evergreen Trees	Shrubs
the ROW or along the lot line immediately abutting the right of way.	Rights-of-way may with constrained planting areas may substitute 1 ornamental tree per 25' in place of the shade tree requirement.		
Frontage & Foundation. The area between the building line and ROW along a street, including sides of corner lots, used to create transitions to the streetscape and to provide accents and soften larger expanses of buildings	1 shade tree per residential lot or per 50' of non-residential or multi-family lot frontage, if buildings are setback more than 10'. (0' to 10' = no requirement)	Evergreen trees may be substituted for shade trees at a rate of 1 for 1 for up to 50% of the requirement.	4 shrubs per 25' of building foundation. 3 ornamental grasses or large perennials may be substituted for each shrub up to 50% of the requirement.
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the Frontage & Foundation requirement. Ornamental trees may be substituted for shade trees at a rate of 1 for 1 if buildings are setback less than 25', or at a rate of 2 for one if buildings are setback 25' or more.		Seasonal planting beds or pots associated with the streetscape and entrance may substitute for any building located closer than 10' to the front lot line.
Parking. Areas on the exterior edge or interior of parking where plants are used to soften the appearance, mitigate heat gain, and infiltrate stormwater.	1 shade tree per 5 parking spaces	Evergreen trees may be substituted for shade trees at a rate of 2 for 1, for up to 50% of the parking lot requirement.	4 shrubs per 25' of parking lot exterior edge. 8 shrubs per 25' for any exterior edge within 20' of the right-of-way or a sidewalk.
	Ornamental trees may be substituted for shade trees at a rate of 2 for 1 for up to 50% of the requirement.		3 ornamental grasses or large perennials may be substituted for each shrub up to 50% of the requirement
Perimeter Treatment. Areas of a site that require additional plants to create transitions or	See Section 24-802		

Table 24-8-1: Plant Requirements

Site Element	Trees	Evergreen Trees	Shrubs
<i>mitigate potential impacts on streetscape or adjacent property.</i>			
Civic and Open Spaces. Areas of the site or area designed as part of a broader system of formal and natural open spaces.	See Section 24-301		
Other. All other unbuilt or unpaved areas of a site.	All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch, or other natural and permeable surfaces. Up to 50% of any landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers, or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff through associated planting areas. Artificial turf is only acceptable as ground cover for areas not visible from public rights of way and streets, and may be subject to other engineering specifications subject to grading or drainage plans. Native grass or native grass seed shall be planted in detention and retention ponds and areas not highly trafficked by pedestrian activity.		

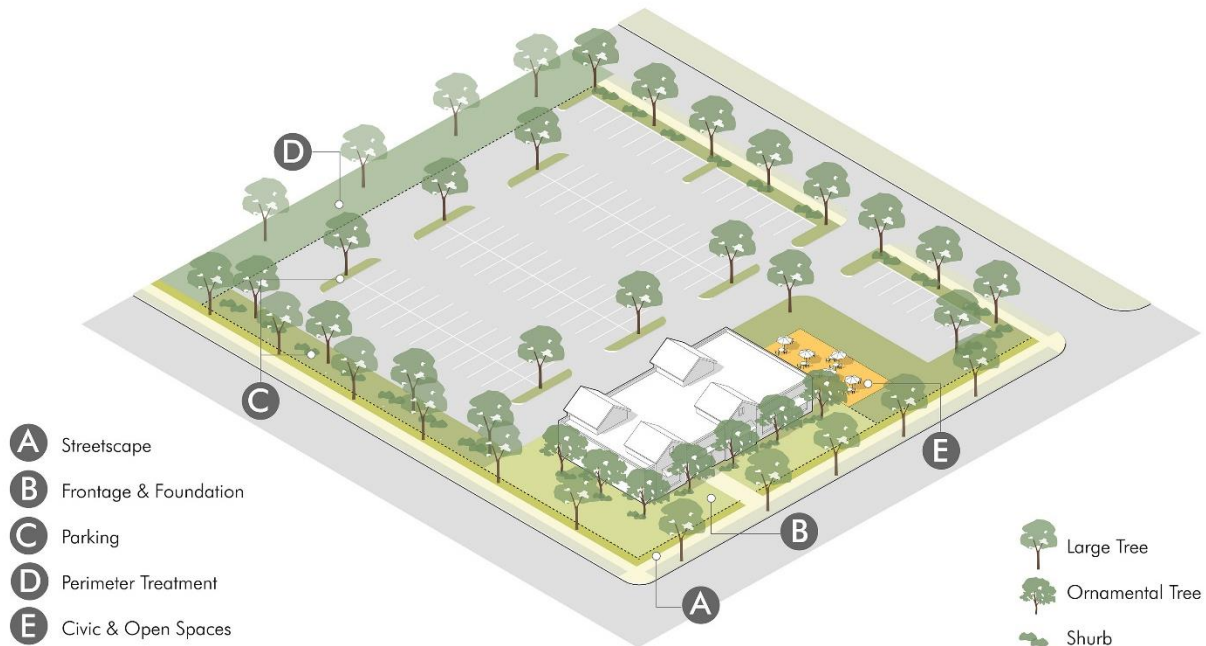


Figure 24-8-1 Plant requirements and site elements

- c. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and a desirable species may count towards these requirements, provided measures are taken to ensure the survival of the vegetation through construction, and all other location and design standards are met.
1. Landscape plans shall provide an inventory of all existing trees or significant woody vegetation including size, health, species, and any trees proposed to be removed.
 2. Existing landscape credits shall only count towards the portion of the site where it is located, according to the site elements in Table 24-8-1. For example, an existing tree may only count towards the required planting for parking lots if it remains in the parking lot in the final design.
 3. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 3-inch caliper to count. The Director may approve landscape material that is more than 3 times the size specified for new plants on a 2 for 1 basis, or may approve plants of exceptional quality due to species, location, maturity, and health on a 3 for 1 basis.
 4. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and protected by a construction fence installed for the entirety of construction around the Tree Protection Zone (TPZ). The TPZ shall be based on ANSI A300 Standards and Best Practices but be at least 15 feet from the trunk of any tree and to the extent of the drip line in all cases. Tree wells or retaining walls may be necessary to protect existing plants.
- d. **Design & Location.** The plants required by Table 24-8-1 shall be arranged and designed on a particular site in a way that best achieves the intent and design

objectives of this Chapter, considering the specific context, street frontage, property adjacencies, and other elements proposed on the site. Required plantings shall be planted in the following specific locations and open spaces on the lot.

1. *Streetscape Trees.* Streetscape trees shall be located in line with other trees along the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the absence of a clearly established line along the block, trees may be planted in the following locations where applicable and in order of priority.
 - (a) On center in the parkway where at least 6 feet of landscape area exists;
 - (b) 5 to 10 feet from the back of curb where no sidewalk exists or 5 feet from the sidewalk where sidewalks are attached and no parkway exists; or
 - (c) Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
 - (d) Ornamental trees may be substituted for street trees only in situations where no other alternative is available due to constraints of the site and right-of-way conditions.
 - (e) Trees shall maintain a clearance of at least 8' above any sidewalk and at least 14 feet above any street or similar vehicle access way.
 - (f) Shrubs or perennials planted in the parkway shall not exceed 36 inches, or 30 inches in any area impacted by the sight distance limits of Section 24-301.d.2.



Figure 24-8-2 Streetscape and parkway landscape

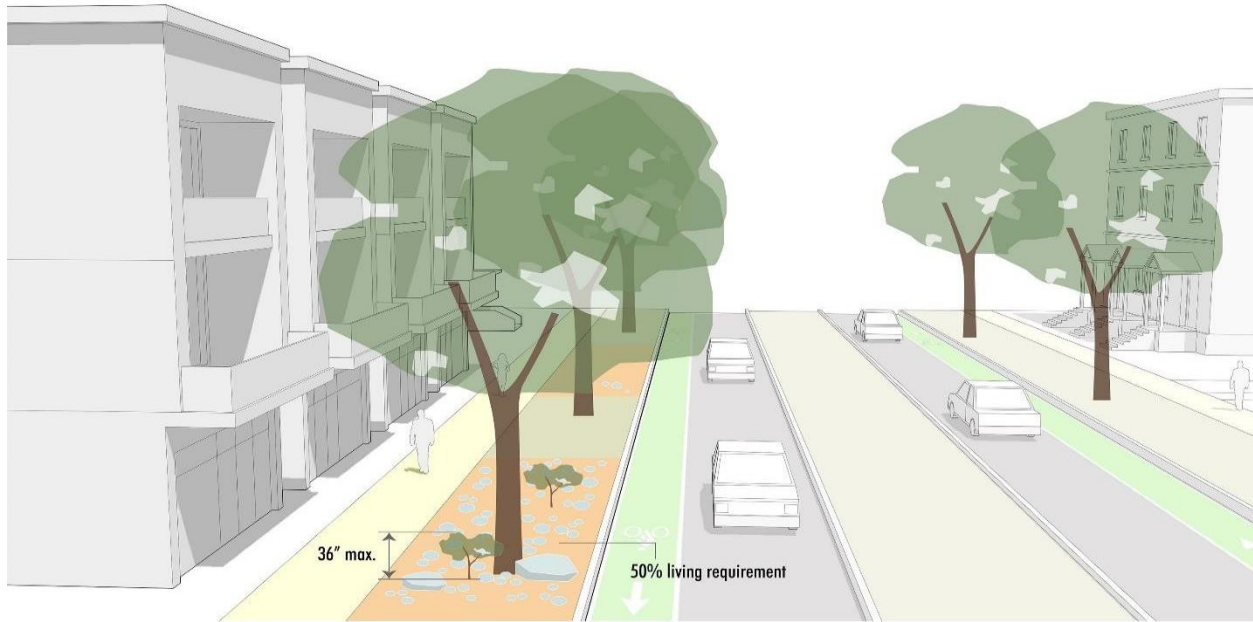


Figure 24-8-3 Streetscape – pedestrian frontages

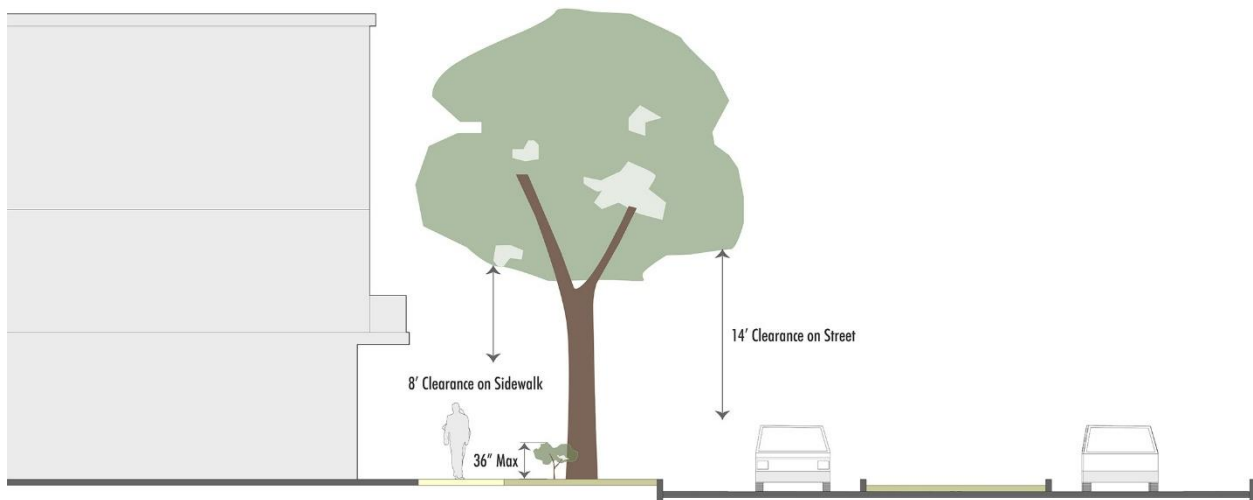


Figure 24-8-4 Tree clearance – pedestrian frontage



Figure 24-8-5 Streetscape— residential frontages

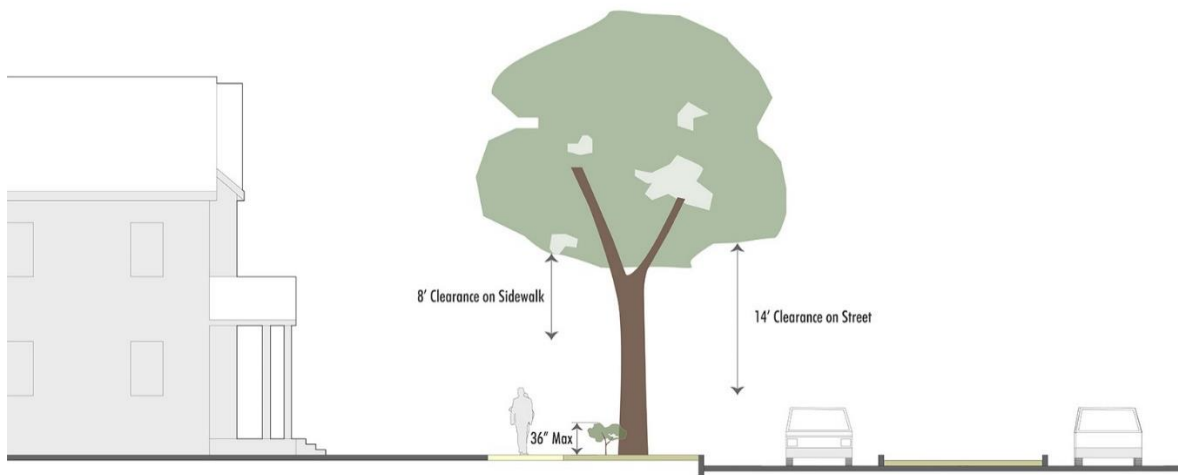


Figure 24-8-6 Tree clearance – residential frontage

2. *Frontage & Foundation Plantings.* Frontage and foundation plantings shall be located in open spaces between the building and the right-of-way or in planting beds associated with any hardscape design along the building frontage.
 - (a) Where the building setback require additional shade trees per Table 24-8-1, Plant Requirements, they shall be coordinated with the streetscape planting locations and located at least 20 feet from any streetscape tree.

- (b) Shrubs and other plantings shall be located within 8 feet of the foundation, or abutting any sidewalk or hardscape areas along the foundation.
 - (c) Where planting beds are used within hardscape around a foundation, they should be at least 6 feet deep, at least 80 square feet, and concentrated along at least 50% of the building frontage.
 - (d) Use larger and vertical landscape elements to frame entrances, anchor the corners of buildings, or break-up and soften larger building expanses. Ornamental and evergreen trees shall be located within 20 feet from the building to support this design objective.
- 3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted along the exterior edge and landscape islands planned and designed according to Section 24-704, Parking Lot Design.
 - (a) There shall be at least one shade tree per 35 feet of parking lot exterior edge, or one ornamental tree per 25 feet of exterior edge.
 - (b) There shall be at least one shade tree or two ornamental trees per 300 square of parking lot islands or other internal landscape areas.
 - (c) Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create low barriers along sidewalks and streetscapes. The required shrubs may be reduced by 50% when used in combination with a decorative fence or wall between 30 and 42 inches tall that complements the architecture of the building or other hardscape features of the site.
- 4. *Visibility at Intersections.* All landscape materials, screens, or buffers shall be located and designed to maintain proper line of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in Section 24-301.d.2, Sight Distances.
- 5. *Specific Applicability.* Where landscape standards for different conditions or elements of a site overlap, effective site and landscape design may enable the space and plants to count toward more than one requirement. Approval shall be based on the greater requirement applicable to that area, and subject to the Director determining that the intent and design objectives of this section are achieved.
- 6. *Utility Line Clearance Zones.*
 - (a) Landscaping shall not obstruct or grow into fire hydrants, water meter pits, public traffic signs, sidewalks, or utility boxes except to comply with the requirement to screen mechanical equipment, pursuant to Section 24-803.d.
 - (b) No plant material with mature growth greater than 3 feet in height shall be planted within potable water, sanitary, or non-potable irrigation easements.
 - (c) No shrubs shall be planted within 5 feet or trees within 10 feet of potable and non-potable water meters, fire hydrants, sanitary

sewer manholes, or potable water, sanitary sewer, and non-potable irrigation mains and services.

- (d) Trees or shrubs may encroach into the utility clearance zone but shall never touch or bump into overhead phone or utility lines when the landscape material has fully matured. Shorter ornamental trees with a maximum height of 20 feet are typically acceptable but shall follow service provider guidelines.
- (e) Placement of landscape materials that are determined to produce pollutants that may negatively affect the quality of stormwater runoff shall not be permitted near drainage, stormwater detention, or 100-year floodplain areas.

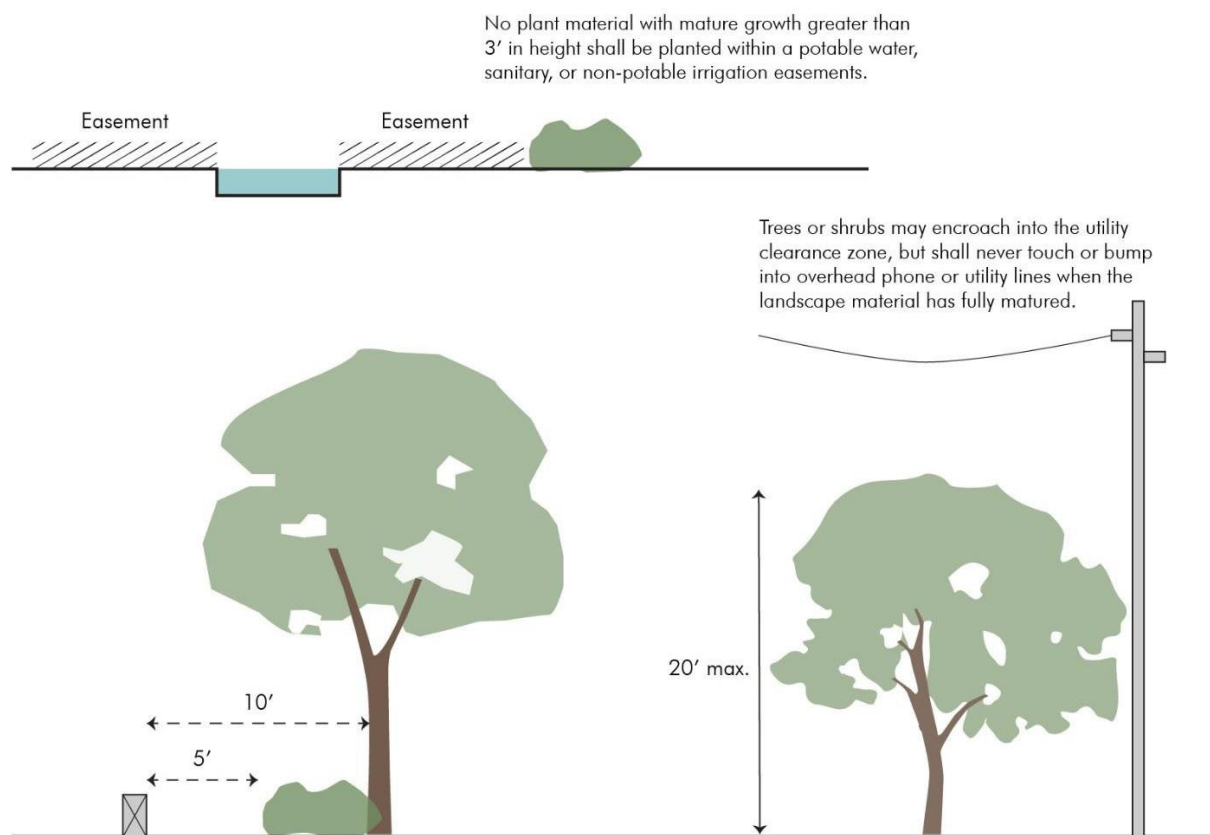


Figure 24-8-7 Utility line clearance zones

- e. **Alternative Compliance.** Alternative compliance to the landscape design standards in this section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and the following additional criteria:
 - 1. Properties that include large monumentation, artwork, architectural hardscape, or other similar civic spaces, and that locate them in a manner that reduces the impact or perceived extent of surface parking, may request up to 25% reduction in parking lot or frontage and foundation landscape requirements.

2. Parking lots that include bio-retention areas greater than 1,000 square feet, or that otherwise use design strategies that cleanse and infiltrate parking lot runoff may request up to 25% reduction in parking lot landscape requirements.

24-803 Perimeter Landscape & Screening

- a. **Design Objectives.** Intense land uses or site elements shall use perimeter landscape to transition or separate from streetscapes and adjacent property according to the following design objectives.
 1. Areas of parking or circulation near streets or property lines require physical barriers or landscape transitions to reduce impacts of surface parking areas and provide low-level headlight screening.
 2. Areas that transition to different uses or building scale require landscape areas to soften transitions or screen and buffer potentially incompatible transitions with a combination of dense vegetation or fences and walls compatible with the buildings on the site.
 3. Service and utility areas of buildings and sites shall be screened with architectural features, fences, or landscape materials to limit visibility or noise from adjacent property or streetscapes.
 4. Berms, vertical landscape elements, dense plantings, or other grade or spatial changes shall be used to alter views, subdue sound, mitigate lighting, and change the sense of proximity of high-intensity elements of a site or building in relation to adjacent property and public rights-of-way.
 5. Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.
 6. Address layers of screens, including shade trees (high layer – 30'+); evergreen or ornamental trees (mid-layer – 6' to 30'); and shrubs, annuals and perennials, and ground cover (low layer– under 6'), in a way that most directly mitigates the potential impacts and adjacencies.

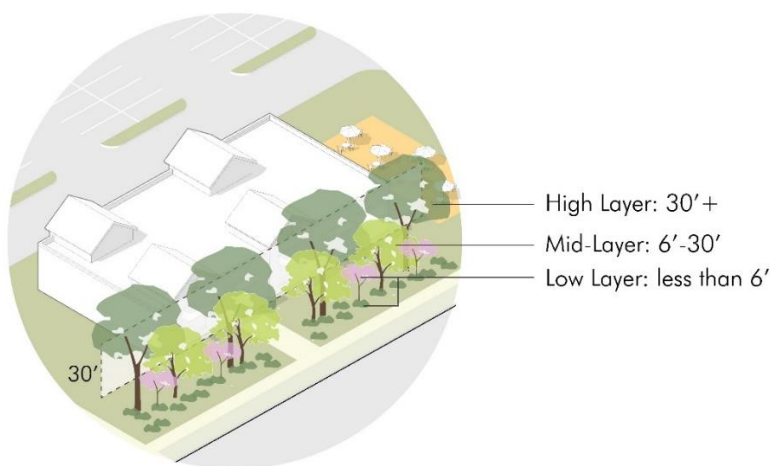


Figure 24-8-8 Planting layers

- b. **Perimeter Planting.** The planting requirements in Table 24-8-2: Perimeter Design shall be used to create transitions or to buffer and screen more intense uses or elements of a site, according to the design objectives of this section. The perimeter width exists independent of and may include any setback, parking edge or other open space requirements, and whichever width is greater and whichever planting requirement is greater for each type of plan will control.

Table 24-8-2 Perimeter Design				
Perimeter Type & Application:	Width	Plant Requirements (per 100 linear feet)		
		Trees	Evergreen	Shrubs
Type I - Applied where any parking is within 20' of the right of way or along a public sidewalk	5'	3	n/a	32
Type II - Applied to: Medium to Low, and High to Medium land use transitions Perimeter of residential projects along collector streets; or perimeter of commercial and industrial projects along collector or arterial streets	10'	2	n/a	16
Type III Applied to: Very High to High land use transitions Perimeter of residential projects on arterial streets; or perimeter of commercial or industrial projects along highways, expressways, or freeways	15'	2	2	16
Type IV - Applied to High to Low, and Very High to Medium land use transitions	20'	3	3	24
Type V - Applied to perimeter of residential projects along highways, expressways, or freeways	30'	3	3	36
Design Details & Alternatives:	Shrub amounts may be reduced by 50% along ROW where a property fronts on the street; or be designed according to the frontage standards in Section 24-503.c and 24-603.c All landscape requirements may be reduced by 25% if used in combinations with decorative walls and fences meeting applicable fence standards or with berms meeting 24-803.f.			

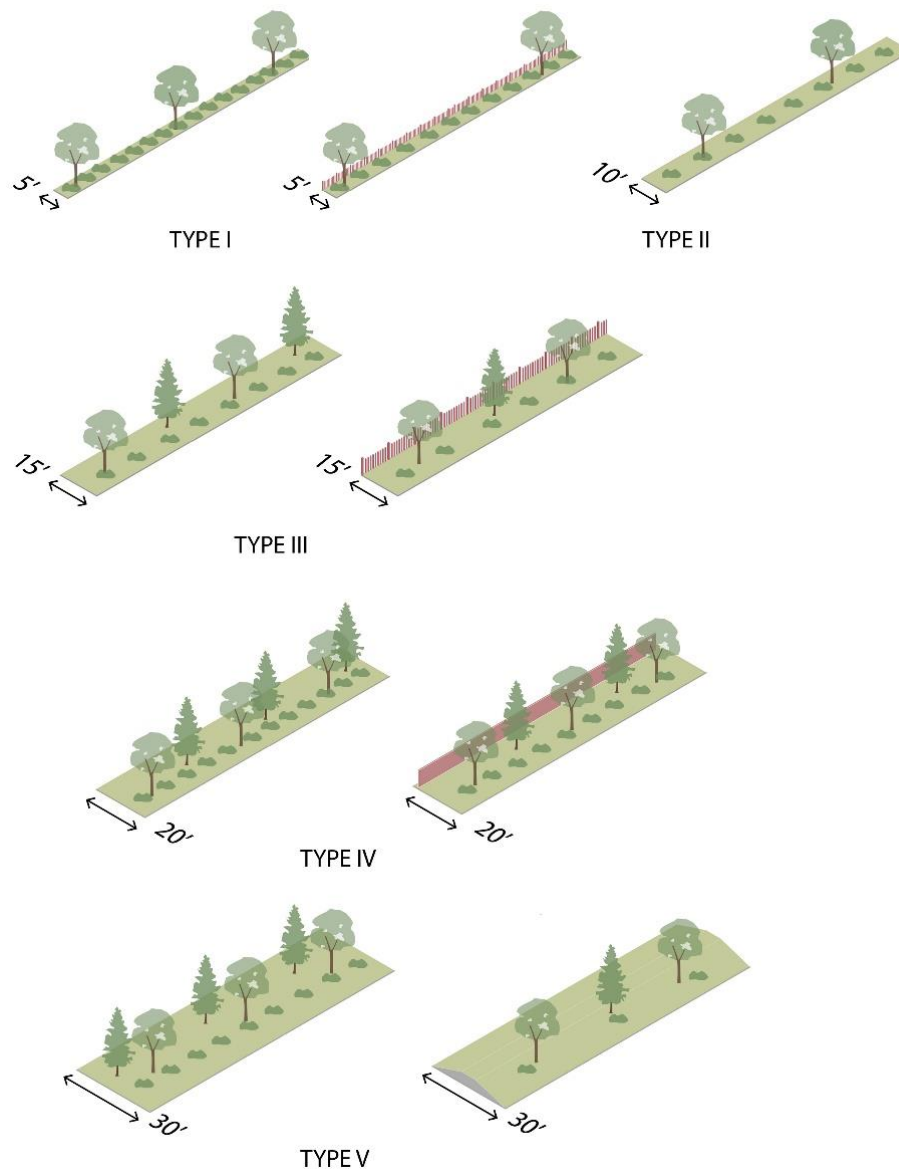


Figure 24-8-9 Perimeter design.

- c. **Perimeter Locations.** Perimeter landscape required in Table 24-8-2, Perimeter Design, and shall generally be located based on the land use intensity in Table 24-8-3, Perimeter Application. Perimeter landscape shall be required on lots of the more intense level of development. However, perimeter landscape may be required on lots of lower intensity in association with the platting process when located near existing higher-intensity uses.

Table 24-8-3: Perimeter Application

Intensity	Land Use
Low-intensity Use	<i>Residential:</i> detached house, multi-unit house, row house, and small-lot apartment building types <i>Institutions:</i> churches, schools, public facilities including recreation fields, community swimming pools and similar facilities. <i>Commercial:</i> offices, day-care, and similar non-retail services 2 stories or less
Medium-intensity Use	<i>Residential:</i> medium-lot apartment, large-lot apartment, or apartment complexes <i>Commercial:</i> neighborhood retail (under 3K s.f.), or office uses (3 stories or more); neighborhood service uses (non-drive-up service), or similar uses that typically do not operate between 10 PM and 7 AM
High Intensity Use	<i>Commercial:</i> general commercial uses that may be larger scale (over 3K), higher intensity (repair shops, gas stations, or drive-up services), or similar uses that typically operate beyond 10 PM. <i>Industrial:</i> light manufacturing and research facilities - Any other commercial or industrial use under 3,000 square feet of gross floor area
Very High-intensity Use	<i>Commercial:</i> Commercial uses with outside sales or storage; outside commercial recreation; vehicle or heavy equipment sales and storage <i>Industrial:</i> heavy industrial and manufacturing uses - Other commercial or industrial properties typically greater than 20,000 square feet gross floor area.
Oil & Gas	Reductions to perimeter landscape requirements for oil and gas sites located in non-urbanized areas may be approved by the Director on a case-by-case basis, considering the context of the site and long-term anticipated development patterns in the area.

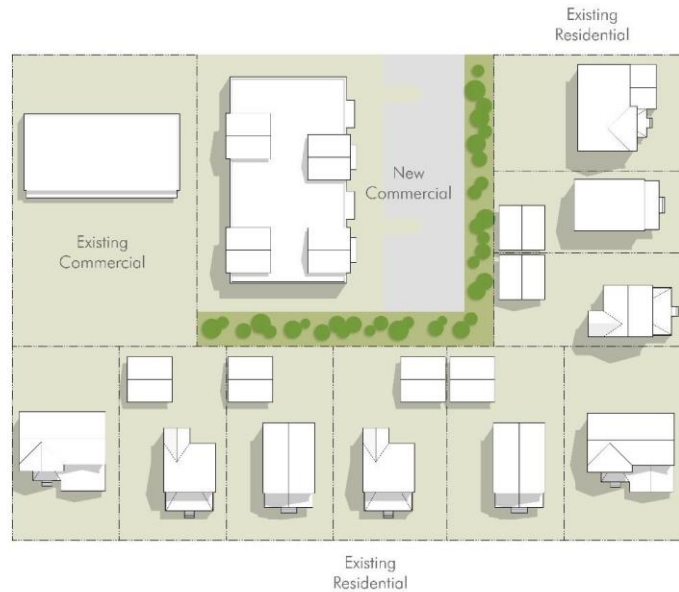


Figure 24-8-10 Perimeter treatment along differing land uses

- d. **General Screening.** All of the following shall be screened from streets or adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.
1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.
 2. Permanent or temporary outdoor storage areas.
 3. Trash enclosures.
 4. Utility stations or fixtures.
 5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
 6. Large blank walls visible from public streets, public or common areas or other sensitive boundaries in association with the buffer standards.
 7. Non-residential parking lots, or multi-family parking lots over 10 spaces, adjacent to residential lots.
- e. **Alternative Compliance.** Alternative compliance to the perimeter landscape standards in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and the following additional criteria:
1. Projects with vegetative water quality ponds, bio-swales, or prominent native or xeric landscape designs that lead to better water resource management and improved water quality may request up to a 25% reduction in the landscape materials.

-
2. Projects that incorporate improved civic spaces and streetscapes beyond those required by the subdivision standards or development standards, and which provide active gathering places on the site with seating, public art, or other enhanced architectural hardscape and amenities, may request up to a 25% reduction in the perimeter landscape standards.
 3. Projects that retain significant amounts of existing trees, plant or animal habitat, or other natural areas, and which result in improved aesthetic or environmental performance, may request up to a 25% reduction in the perimeter landscape standards.
 4. Areas where a compatible mix and relationship of different land uses is better achieved through the enhanced design of buildings, streetscapes, and civic spaces, and where it results in a compact, walkable pattern may request a waiver of the perimeter standards.

24-804 Plant Specifications

- a. **Design Objectives.** The plant specifications have the following design objectives:
1. Ensure the longevity and survival of landscape investments with proper species, location, installation, and maintenance of plants.
 2. Promote regionally appropriate strategies, including limiting the risk of disease or infestation through diversity of urban forest materials on an area- or city-wide basis.
 3. Establish minimum standards that balance immediate conditions with reasonable long-term growth and performance of landscape plans.
 4. Require water-efficient strategies in terms of the water needs of landscape plans, and the continued operations and maintenance of sites.
- b. **Species.** All trees and shrubs shall be selected and planted according to Greeley's official landscape manual. In addition to any species on these lists, alternatives may be proposed and approved as part of the site plan provided they:
1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;
 2. Are adaptable to the climate of the Front Range region and the specific conditions in which they are proposed; and
 3. Are not invasive or otherwise problematic to the overall health of the landscape.
- c. **Plant Specifications.** All landscape materials shall be healthy at the time of planting and be selected for their native characteristic or survival in the climate for the Front Range region. Species, specifications installation, and maintenance shall otherwise be according to American National Standards Institute (ANSI) standards. Plants shall meet the following specifications at planting:

Table 24-8-4: Plant Specifications

Type	Specification
Tree (large, shade)	2" DBH; mature height of 30'+
Ornamental Tree	1.5" DBH ; 8' to 10' minimum planting height for multi-stemmed; mature height 15' – 25'
Evergreen Tree	6' minimum planting height; Mature height of 10'+; Evergreens with mature heights of 20' or more may be classified as large trees.
Shrub	Volume #5 (ANSI Standards)
Perennials	Volume # 1 (ANSI Standards); Volume # 2 (ANSI Standard) if substitution for shrubs

Table 24-8-4: Plant Specifications

Type	Specification
<i>Ground Cover</i>	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons
<i>General</i>	Plants used for screening and buffers shall achieve the required opacity and function in its winter seasonal conditions within 2 years following planting.

- d. **Xeric Guidelines.** Projects that incorporate xeric planting design in streetscapes, outlots, and common open space areas, may request a raw water reduction subject to review and approval by the Water and Sewer Department. Landscape plans are recommended to conserve water with landscape materials and design techniques using the following xeric principles.
1. Reduce water demand by grouping plants with similar water requirements together. Water-efficient, drought-tolerant, pollinator gardens and xeric landscaping are encouraged to be planted together to promote water conservation
 2. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs, and use water-efficient or drought-tolerant grasses.
 3. Use drought-tolerant plants suitable to the region, with low watering and pruning requirements.
 4. Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas should receive soil amendments of at least 3 cubic yards per 1,000 square feet.
 5. Install efficient automatic irrigation systems that incorporate water conservation measures, including spray heads for ground cover, drip irrigation for shrubs and trees, and high-efficiency or precision nozzles. Provide regular and attentive maintenance to ensure irrigation systems are functioning properly.
 6. Alternative sources of irrigation for all landscape areas is encouraged.
- e. **Installation and Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods.
1. The developer, owners' association, property owner and/or tenant, shall be responsible for maintaining all on-lot plantings, right-of-way landscaping, or other landscaping in common areas.
 2. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details.
 3. Prior to the installation of turf-grass and/or other plant materials in areas that have been compacted or disturbed by construction activity, such

areas shall follow soil amendment procedures pursuant to Title 14.08 and the Water and Sewer lawn installation specifications.

4. Installed landscape material may be inspected periodically throughout the life of a development.
5. Plant material that fails to grow within a 3-year period from the certificate of occupancy or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying is considered a violation of the site plan approval. The Director may order that the plants be removed and replaced, or otherwise enforce this as a violation of this code.

f. **Berms.** Where earthen berms are used as part of the buffer or screen requirements, they shall meet the following specifications

1. Berms shall have a slope not exceeding a horizontal to vertical ratio of no less than 3:1 ratio to no greater than a 4:1 ratio for turf-grass mowing, and must have a crown width of at least 2 feet.
2. All berms, regardless of size, shall be stabilized with grasses, especially at the crown.
3. Berms proposed to be placed along street rights-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair the safe operation of vehicles.

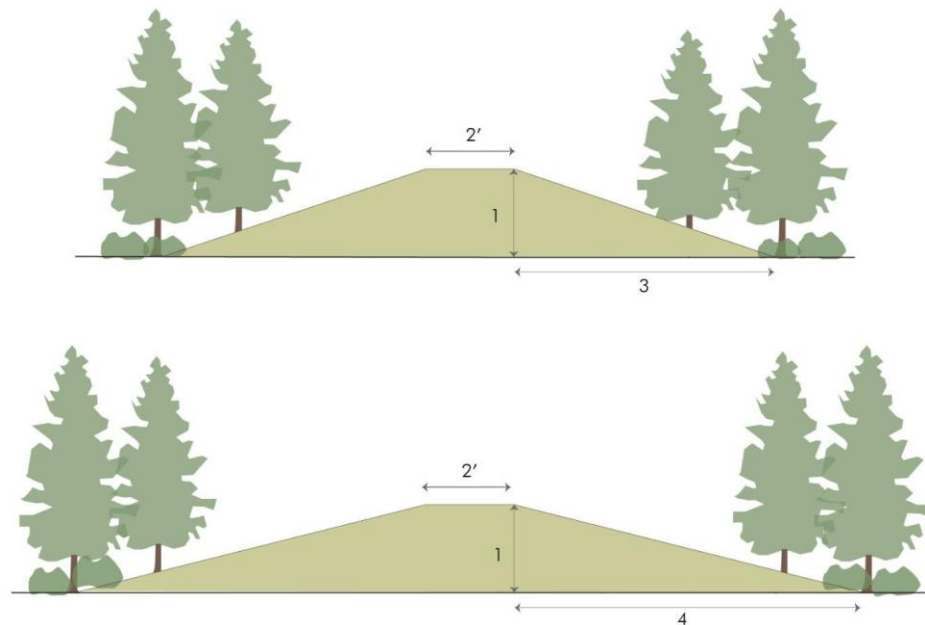


Figure 24-8-11 Earthen berms

- g. **Stormwater Treatment.** Landscape amenities that incorporate stormwater treatment are recommended. Techniques such as bioswales, water quality ponds, and rain gardens should be used to infiltrate runoff from parking lots, streets, civic spaces, and other impervious surfaces. Native grass or native grass seed shall be planted in detention and retention ponds and areas not highly trafficked by pedestrian activity. Landscape areas that are part of the

stormwater system shall adhere to the Storm Drainage Design Criteria and Construction Specifications and the Urban Design Criteria Manual.



Figure 24-8-12 Bio-retention facilities

- h. **Irrigation Systems.** All major and minor development shall have an automatic irrigation system for all landscape areas, meeting the requirements of the Storm Drainage Design Criteria and Construction Specifications, and including the following:
1. Irrigation systems for major development shall require review and approval by the Water and Sewer Department.
 2. Irrigation systems shall be designed and maintained to minimize overspray and runoff onto adjacent impervious surfaces, such as roadways, sidewalks, and parking lots.
 3. Trees, shrubs, and plantings in bed areas, such as landscape islands, shall be designed to group plants with similar water requirements and be irrigated by drip, bubbler systems, low volume spray heads and/or subsurface irrigation systems.
 4. A temporary irrigation system is only allowed where native grass has been installed on an undeveloped lot or part of a developed lot, an outlot, or retention or detention pond., Plants shall be established within three to four growing seasons and shall comply with the re-vegetation standards as provided in the Storm Drainage Design Criteria and Construction Specification. After native grass is established, the temporary irrigation must be removed within three months after establishment is complete.
 5. An irrigation audit shall be required following the installation of the irrigation system.
 6. The Director may waive the requirement for irrigation systems for minor development or to facilitate infill development or redevelopment of existing sites without irrigation.

- i. **Alternative Compliance.** Alternative compliance to the plant specification standards in this Section may be authorized according to the process and criteria in Section 24-235, Alternative Compliance, and the following alternative criteria:
 1. Projects with vegetative water quality ponds, bio-swales, or prominent native or xeric landscape designs that will lead to better water resource management and improved water quality may request equal or better alternates to the specifications in this section.
 2. Projects that include plantings with demonstrated superior survival rates in the Front Range climate, or which have reduced maintenance may request equal or better alternates to the specifications in this section.

Reserved Sections 24-805 through 24-900

Section 4. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 9 of Title 24 to read as follows:

Chapter 9 Sign Standards

24-901	Intent and Applicability
24-902	Exempt Signs
24-903	Prohibited Signs
24-904	Standards Applicable to All Signs
24-905	Specific Sign Allowances
24-906	Historic signs
24-907	Nonconforming Signs
24-908	Sign Measurements & Interpretation
24-909	Relief From Standards
24-910	Sign Chart

24-901 Intent & Applicability

- a. **Intent.** The intent of the sign standards is to:
 1. Create an attractive aesthetic environment in the City.
 2. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, landscapes, and other investments in the public realm.
 3. Ensure that signs preserve and contribute to the unique character of distinct places and districts.

-
4. Promote compatibility and tailor sign allowances to the particular location, street, and site.
 5. Promote safety of pedestrians, motorists, or other users of the public rights-of-way with proper location, construction, design, operation, and maintenance of signs.
 6. Improve economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
 7. Provide effective identification and communication for businesses, public places, neighborhoods, institutions, and other community destinations without excessive competition for visual attention.
 8. Protect property values and investments by minimizing adverse effects of signs on adjacent property.
 9. Ensure that the constitutionally guaranteed right of free speech is protected through appropriate standards for signs as a way of public communication.
 10. Encourage lawful nonconforming signs to come into full compliance with these regulations.

b. **Applicability.** The provisions in this Chapter shall apply to all signs within the City.

1. *Permits.* All signs, including the replacement, repair, or major alteration of a sign, require a permit prior to installation unless specifically exempted by Section 24-902. Fees for sign permits are as established in Section 24-201.a. of the Development Code. Community Development Department staff shall review sign applications for consistency with this Chapter, and the Building Official shall be responsible for issuing sign permits.
2. *Change of copy.* Once a structure receives legally conforming status from the City, the sign copy may thereafter be changed without a permit. All other copy changes, such as painted signs or channel lettering, shall require a sign permit. Where a sign frame or structure has been approved as a changeable copy sign, subsequent changes of copy only shall not require a permit.
3. *Interpretation.* This Chapter is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter shall be construed to favor commercial speech over non-commercial speech. Messages may be changed without the need for any approval or permit, provided that the size and structure of the sign are not altered. To the extent any provision of this Chapter is ambiguous, the provision shall be interpreted not to regulate on the basis of the content of the message.
4. *Abandoned Signs.* Abandoned signs must be removed or covered upon determination of their abandonment. At the time that either a portion or all of a sign, sign frame, sign components, or sign supporting structure are no longer in use for a period of 90 consecutive days, the sign frame, sign components, or sign supporting structure shall be brought into

conformance by removal or the placement of a new permitted conforming sign, components and structure.

24-902 Exempt Signs

The following signs are exempt from the sign permit process provided the sign meets all other applicable requirements of this Chapter and any other applicable building and electrical code. Unless specifically noted, exempt signs do not count towards the sign allowance specified for applicable the zoning district. Any sign beyond the limits of this section shall require a permit and be subject to other general sign limits and standards.

- a. **Required Signs.**
- b. **Temporary Signs.** Temporary signs associated with approved temporary uses under Section 24-1297, provided that the schedule for display and removal of the signs is set out in the temporary use permit:
- c. **Construction Site Sign.** Up to three site signs per street frontage are allowed as follows:
 1. Construction Site signs on H-A, C-D, and all residentially zoned properties shall not exceed 7 square feet of sign area per face and 5 feet in height. Properties greater than 2.5 acres are allowed up to one thirty-two-square-foot sign.
 2. Construction Site signs on nonresidential zoned properties with less than two hundred 200 feet of lot frontage shall not exceed 24 square feet of sign area per face and 8 feet in height;
 3. Construction Site signs on nonresidential zoned properties greater than two hundred 200 feet and less than 500 feet of frontage shall not exceed 32 square feet of sign area per face and 8 feet in height;
 4. Construction Site signs on nonresidential zoned properties with greater than five hundred 500 feet of frontage shall not exceed 64 square feet per sign face and 10 feet in height; and
 5. The sign may be displayed no more than 45 calendar days before and 45 calendar days after the completion of construction.
- d. **Cornerstone Sign.** A cornerstone may be up to a total of 4 square feet in size.
- e. **Directional On-premises Sign.** A property may have any number of directional on-premises signs sufficient to safely direct customers to key locations; however, each shall not exceed 6 square feet in size per face, nor 5 feet in height. Such signs shall not include the business name or logo but may include a single background color associated with the business.
- f. **Yard and Site Signs.** Yard signs and site signs are allowed in all zoning districts and are subject to the following provisions:
 1. The total cumulative sign area allowed for yard signs is as follows:

Table 24-9-1: Yard and Site Signs

Lot Size	Less than ¼ acre	Over ¼ acre to 1 acre	Over 1 acre to 3 acres	Over 3 acres to 5 acres	Over 5 acres
Sign Allowance (cumulative square feet)	64 square feet	128 square feet	192 square feet	224 square feet	256 square feet

2. No individual sign shall have a sign area that exceeds 32 square feet.
 3. Yard signs and site signs may be located on a property only with the consent of the property owner, authorized property manager, or legal tenant.
 4. In no event shall a yard sign or site sign be posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard. If any yard sign exceeds 6 square feet, it is counted towards any applicable standards of Section 24-902.c.
- g. **Flag.** Flags are allowed which do not exceed a maximum size of 150 square feet in size per flag. A total of 300 square feet flag area is allowed per property.
1. No part of any flag when fully extended shall protrude over any public right-of-way or property line in any direction.
 2. The freestanding maximum mounting height of flags shall be equal to or less than the maximum building height allowed in the zone district in which the flag is located or 10 feet above the height of the principal structure on the premises, whichever is less.
 3. The flag pole for any individual flag over 100 square feet must be set back at least equal to the flag pole height from the property line.
- h. **Holiday Decoration.** Temporary decorations, lighting, or displays which are clearly incidental to and customarily and commonly associated with any national, state, local, religious, or commonly celebrated holiday shall be displayed not more than 60 days prior to the holiday and no more than 30 days after the holiday. The decorations may be of any type, number, size, location, illumination, or animation if the decorations are located so as not to conflict with traffic regulatory devices or create a traffic hazard.
- i. **Incidental Sign.** The combination of incidental signs shall not exceed 1.5 square feet in sign area per building entrance.
- j. **Interior Signs.** Signs within a building, or other signs Interior to a development and not legible beyond the boundaries of the property on which they are located, and which are not intended to attract off-site attention, shall not be counted for the purpose of zoning regulations toward sign calculations.

- k. **Portable Sign.** One portable sign is allowed per storefront if it can meet all of the following conditions:
1. Is located within 20 feet of the principal public entrance to the tenant or occupant that displays the sign;
 2. Is no larger than 6 square feet per face and no greater than 48 inches in height;
 3. Is located outside of clear vision zones in Section 24-301.d.2;
 4. Is in place only during hours of operation;
 5. Is not posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard;
 6. Two immediately adjacent tenants or occupants may share a single sign, not to exceed the standards listed above; and
 7. Any portion of a portable sign located within the public right-of-way must be authorized by a right-of-way revocable sign permit from the City.
- l. **Public Sign.** Public signs may be of any type, number, area, height above grade, location, illumination, or animation required by the law, statute, or ordinance under which the signs are erected. Public signs, government signs, and signs on public bus benches and/or shelters in the right-of-way shall not be subject to a right-of-way revocable sign permit. Signs on governmental property outside of the right-of-way shall require a right-of-way revocable sign permit.
- m. **Subdivision or Multifamily Entry Signs.** Detached wall signs or monument signs that are located within 40 feet of a street intersection that provides entry into a subdivision or multifamily complex, provided that they are no greater than 20 square feet in sign area, including all sign faces, and not greater than 6 feet in height. Two residential complex identification signs are allowed per intersection.
- n. **Vehicle Signs.** It shall not be a violation of this Chapter if the vehicle to which a sign is mounted, painted, or otherwise affixed is used for travel between home and work or is temporarily parked away from the business premises while being used to provide the business' services or products, or as personal transportation for the vehicle operator. A parked vehicle that contains or displays signs is allowed when;
1. The sign does not extend more than 1 foot above the roofline of the vehicle;
 2. The vehicle is not illuminated or does not have flashing signs;
 3. The vehicle is licensed and operable; and
 4. The vehicle is in use or legally parked.
- o. **Wind-Driven Devices.** The following devices, which are designed to move with wind or forced air, are allowed as follows, provided that signs are not affixed to the device:
1. *Pennant.* A pennant flag may be a maximum of 1 square foot per flag face, and pennant lines shall be no longer than the front lot line or exceed the height of the building. For residentially zoned properties, pennants are allowed for open house events only three days per year. For

-
- commercial and industrial zoned properties, pennants are allowed on a single property for any length of time, provided they are maintained and in good condition.
 - 2. *Ground Kite*. Ground kites are allowed only in commercial or industrial zoned properties as follows:
 - a. Ground kites shall be affixed to the ground and shall not exceed 2 feet wide and 8 feet tall.
 - b. One ground kite is allowed for every 25 feet of lot frontage.
 - 3. *Sky Dancer*. Sky dancer devices are allowed only in commercial and industrial zoned properties as follows:
 - a. Sky dancers shall be affixed to the ground and shall not exceed 2 feet wide and 8 feet tall.
 - b. One sky dancer is allowed for every 50 feet of lot frontage, with a maximum of three for each property.
 - 4. *Wind Signs*. Wind signs cannot be used in combination on a property, unless approved in advance with a temporary sign permit.
- p. **Window Sign**. A window sign is allowed but shall not exceed 25% of the glass surface of individual window panes visible from the public right-of-way.

24-903 Prohibited Signs

Except for signs within buildings and not legible or intended to attract the attention of persons outside the building, or signs interior to a development, the following signs are declared to be a public nuisance and are prohibited in all zoning districts of the City. They must be removed unless determined to be legally nonconforming except as provided in Section 24-907.

- a. Exposed incandescent, high-intensity exposed light bulbs. The use of exposed light bulbs independently or as a sign or portion of a sign visible from any property line on which the sign is located is prohibited.
- b. Flashing, animated or imitating signs, including signs that have moving, blinking, chasing, scrolling, or other animation effects. Signs either inside (including but not limited to: open signs and electronic display signs, etc.) or outside of a building and which are legible from a public right-of-way must be removed except as follows:
 - 1. Time and temperature messaging, which changes its message instantly and does not change copy more frequently than every once every three seconds;
 - 2. Electronic message boards used by the City or other public agency to address a health, safety, or welfare matter; or
 - 3. Electronic message boards which do not change copy more frequently than every once every 30 seconds as otherwise permitted in this Chapter.
- c. Imitating sign. Regardless of any clear safety concerns are present.

- d. Off-premises signs, except as follows:
 - 1. Temporary real estate signs which are located on a common area outlot, approved by the property owners association; and
 - 2. When two or more adjacent landowners co-locate signs on a single sign structure or on a shared property line through a legally binding agreement. For purposes of this provision, the combined lot frontage is used to determine the number of signs allowed.
- e. Nongovernmental signs on public utilities. No sign may be attached to utility poles or other public structures within the public right-of-way, except as specifically authorized by the City.
- f. Roof signs.
- g. Right-of-way signs. Except as otherwise permitted elsewhere in this Chapter, no signs other than regulatory signs are allowed in the public right-of-way, except as provided by a right-of-way revocable sign permit.
 - 1. In addition to all other enforcement authority available to the City, the City may also remove or cause to be removed any illegal or unauthorized sign from the public right-of-way without notice to any party. The cost of removal as may be assessed by the City is the responsibility of the owner of the sign or, if unknown, the property owner.
 - 2. The City shall have the authority to dispose of all unauthorized or illegal signs removed from the public right-of-way without notice to the owner of such signs. The cost of removing and storing of removed signs as may be assessed by the City shall be the sole responsibility of the owner of the sign.

24-904 Standards Applicable to All Signs

- a. **General Standards.**
 - 1. With the exception of real estate, election, ideological, and prohibited activities signs, signs shall not be permitted unless there is a primary structure on the parcel.
 - 2. All signs shall comply with the adopted building and electrical codes, Model Traffic Code, Historic Preservation, and other codes and ordinances as adopted by the City. All electric signs shall comply with and bear independent testing laboratory labels. In the event of any conflict between any of these codes or ordinances and this Chapter, the more restrictive provision shall apply.
 - 3. No person may damage, destroy, trim or remove any trees or shrubs located within the public right-of-way for increasing visibility of a sign. The Director may authorize this work through an approved use by special review, site plan, or any other land use zoning permit.
 - 4. All signs shall be designed to be consistent and compatible with the character of the principal buildings to which the signs relate, including the

use of similar or complementary colors and materials in the design and construction of signs and their surroundings.

- b. **Sign Lighting.** Signs may be internally illuminated, backlit, or illuminated by down-lighting or by ground-mounted light fixtures that illuminate only the sign face and base and shall conform to the following:
 1. Illuminated signs on the C-D, H-A, and all residentially zoned properties or illuminated signs on commercial or industrial zoned properties immediately adjacent to residentially zoned properties shall either have an opaque background and translucent letters or letters without background lighting;
 2. In no case shall sign lighting create more than one-tenth (0.1) foot-candle impact on habitable residential uses in residentially zoned areas;
 3. Neon lighting shall only be permitted within the lettering or logo of a sign;
 4. Illumination of the sign face by down-lighting or ground-mounted light fixtures shall not exceed 50 foot-candles as measured on the sign face; and
 5. Flashing or strobe lighting shall not be permitted, whether used as part of a sign or to draw attention to a site or location.
- c. **Construction and Maintenance Standards.**
 1. All signs and sign parts, portions, and materials shall be manufactured, assembled, and erected in compliance with all applicable state, federal, and City regulations and the adopted building and electrical codes.
 2. All signs, including those exempt from sign permits, shall be maintained and kept in good repair, and in conformance with the original sign permit. A sign that is maintained and kept in good repair shall meet the following criteria:
 - (a) All sign supports, braces, guy wires, anchors, and related screening are kept in repair, in a proper state of preservation, including as may be required by Section 24-803.d. General Screening.
 - (b) There is no evidence of deterioration, including chipped or peeling paint, rust, corrosion, fading, discoloration, broken or missing sign faces, text, logos, graphics, or other elements of the sign.
 - (c) There are no missing, flickering, or inoperative lights that create a perception of deterioration or abandonment of the sign.
 3. Where repairs involve a nonconforming sign, the provisions of Section 24-907 shall also apply.
 4. Any non-maintained sign shall be repaired or replaced within 15 calendar days following notification from the City. Noncompliance with such notice shall constitute a nuisance subject to enforcement actions.
 5. Signs, their structures and supports, and related screening shall be constructed of materials normally and typically intended to be used for such items.

24-905 Permitted Sign Allowances

This section provides allowances and standards for specific types of permitted signs.

a. **Awning Sign.**

1. Awning signs greater than 25% of the exterior surface of the awning shall be permitted as and count to the wall sign allowance.
2. The entire surface of the awning shall be considered the sign.
3. The entire illuminated exterior area of an internally illuminated sign shall be included in the calculation of the sign area.
4. Any portion of an awning sign projecting over the public right-of-way must obtain a right-of-way revocable sign permit.

b. **Canopy Sign.**

1. If the canopy is attached to a building, all or a portion of the available wall sign allowance may be transferred to the canopy, subject to setback provisions.
2. If the canopy is a freestanding structure, all or a portion of the available freestanding sign allowance may be transferred to the canopy, subject to setback provisions and height.

c. **Electronic Messaging Display (EMD).**

1. EMD signs are allowed only in the C-L, C-H, I-L, I-M, I-H, and PUD zone districts, and for institutional uses in any district. EMD signs require a site plan review subject to the process and criteria in Section 24-207. An EMD sign in the C-L zone district or for institutional uses in any residential district is limited in hours of operation from 6:00 a.m. to 10:00 p.m.
2. The area of the EMD shall not exceed 50% of a sign face.
3. The EMD shall contain static messages only, with changes only occurring instantly, through dissolve or fade transitions, or with the use of other subtle transitions and frame effects. No message, image, change, or transition shall have the appearance or optical illusion of movement, including any illumination, flashing, scintillating or varying of light intensity.
4. The displayed message shall not change more frequently than once per 30 seconds.
5. The EMD shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed 600 nits (candelas per square meter) between dusk and dawn as measured from the sign's face.
6. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and initial nit (candela per square meter) rating and dimming method.
7. All existing electronic message displays that contain an electronic changeable copy module which does not comply with the provisions of this Section shall be made to conform to the duration of copy provisions upon the effective date of the ordinance approving such provisions.

8. Any premise that contains an outdoor electronic message display shall not be allowed any temporary signs (per Section 24-905.i.).
- d. **Freestanding and Monument Signs.** Table 24-9-2 provides the allowance for permitted freestanding signs:

Table 24-9-2 Freestanding & Monument Sign Allowance		
	<i>R-H, C-L, and Institutional Uses in any Residential District</i>	<i>C-H, I-L, I-M, I-H</i>
Size	33 s.f. Plus 1 s.f. for each 1' setback over 50', up to a maximum of 150 s.f.	50 s.f. Plus 1 s.f. for each 1' setback over 50', up to maximum of 250 s.f.
Height	6'	12' plus 0.26' for each 1' setback over 50', up to a maximum of 25'
Quantity		
< 200' of frontage	1 freestanding sign in place of one allowed wall sign; OR Allocate a percentage of the wall sign allowance to a freestanding sign, provided the cumulative wall and freestanding sign size does not exceed the maximum allowed for either category.	
200' – 499' of frontage	1 free standing sign	
500' + of frontage	2 free standing signs	

- Freestanding signs in the H-A, C-D, R-E, R-L, R-M, and R-MH are only allowed through Section 24-902, Exempt Signs.
 - All freestanding signs shall have a base covering at least 25% of the sign width, unless there is less than 2 feet clearance from the bottom of the sign.
 - Where two or more property owners share a common lot line, the property owners may combine the lot frontage for the purpose of sharing a freestanding sign on or near the common lot line.
 - If a lot has more than one street frontage, such as with corner lots, up to two cumulative lot frontages may be used to determine the maximum number of signs.
 - Noncontiguous lot frontage is calculated separately.
- e. **Projecting Wall Sign.**

1. A projecting sign shall not be higher than the top of the wall or the bottom of the roof eave.
2. A projecting sign must have 8 feet clearance from grade and may not extend more than 4 feet from the building wall except where the sign is an integral part of an approved canopy or awning.
3. A projecting sign is included in the total wall sign allowance.
4. A projecting sign over public right-of-way must obtain a revocable sign permit.

f. **Wall Signs.** Table 24-9-3 provides the allowance for permitted wall signs:

Table 24-9-3: Permitted Wall Sign Allowance			
Zone District	Principal Building Frontage	Secondary Building Frontage	Maximum Area per Sign
H-A, C-D, R-E, RMH, R-L and R-M	N/A	N/A	N/A
R-H	.25 sq. ft.	N/A	40 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 150 s.f.
C-L	1 sq. ft.	.5 sq. ft.	
C-H and I-L	1.5 sq. ft.	1 sq. ft.	60 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 200 s.f.
I-M and I-H	2 sq. ft.	1 sq. ft.	90 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 250 s.f.

1. No wall sign may be attached to or displayed against any parapet wall that does not extend at least 75% of the perimeter of the roof enclosed by the parapet. No sign shall exceed the height of the parapet wall. This standard does not apply to an existing building as of the date of the adoption of the Code.
2. No wall sign may extend above the roof-line of a building except as permitted on a parapet wall.
3. No wall sign may be displayed on the wall of a mechanical room or penthouse or other such enclosed space which is not habitable by the occupants of the building.
4. No sign, including any light-box or other structural part, shall exceed a depth of 20 inches.

-
- g. **Public and Institutional Uses.** Nonresidential institutional and public uses allowed in residential districts shall comply with the R-H zoning district sign standards. Public schools are encouraged to comply with the same standards as other public or institutional uses.
- h. **Planned Unit Development (PUD).** The provisions in this Chapter shall be used to guide signs within Planned Unit Development (PUD) requests. Proposed PUD development may include a specific and coordinated sign plan with standards that address size, height, design, lighting, color, materials, location and method of construction of all signs planned within the PUD. Absent a specific sign plan, the City shall apply sign standards closest to the zone district the PUD land uses represent. The City Council may impose alternate standards relating to signs if it is determined that there are commensurate design trade-offs proposed for signs through the procedures and criteria in Section 24-205.
- i. **Temporary Signs.**
1. Temporary signs shall be allowed per tenant in addition to the amount of permanent signs that is otherwise permitted. Except for signs exempt from permits in Section 24-902, temporary signs shall require a temporary sign permit according to the standards of this section.
 2. The total amount of temporary signs shall not exceed 33 square feet in all residential zones and C-L zones or 50 square feet in all other commercial and industrial zones.
 3. Temporary signs shall be allowed for any individual commercial or industrial use for no more than a total of 60 days in any calendar year.
 4. If more than one temporary sign is proposed, each sign will count towards the total calendar year allowance (i.e., 3 signs for 20 days = 60 days). The total sign area for all signs shall not exceed the total amount of temporary sign allowance.
 5. Temporary signs associated with a temporary use under the provisions of Section 24-405, Temporary Uses shall be limited to the duration of the temporary use, not to exceed more than 90 days in any calendar year. The temporary sign permit may be extended for up to an additional 30 days, provided the Community Development Director has granted an extension of the associated temporary use.
 6. Any property that contains an outdoor electronic messaging display shall not be permitted to have an additional temporary sign allowance.
 7. Balloons, inflatable signs and other inflatable objects containing text and/or graphics, which have a total visible area (individually or combined) that does not exceed 33 square feet shall be considered a temporary sign and shall require a sign permit. Balloons that do not contain text and/or graphics shall not require a sign permit. No balloon, inflatable sign, or other inflatable objects shall exceed the height of the principal building on the site, shall not extend over the public right-of-way when fully extended, shall not impede pedestrian or vehicular traffic.
 8. Searchlights or beacons shall be considered temporary signs, shall require a sign permit, and are allowed a maximum of three days per calendar year. Searchlights or beacons shall not be placed or used in such a way

that impedes pedestrian or vehicular traffic, or results in light or glare at grade.

24-906 Historic Signs

- a. Notwithstanding any other provisions of this Chapter, a historic sign may be kept, used, owned, maintained, and displayed subject to the following provisions:
 - 1. The sign has been designated as a historic landmark by the Greeley Historic Preservation Commission (HPC) and
 - 2. The sign is structurally safe or is capable of being made structurally safe while maintaining its historic character. All structural repairs and restoration of the sign to its original condition shall be made within 365 calendar days of designation of the sign as a historic landmark and shall be subject to approval by the HPC prior to any work commencing.
- b. All signs that have been designated as historic landmarks shall be exempt from Section 24-901.b.4. relating to abandoned signs if the sign continues to meet all of the requirements of this Section.
- c. For the purposes of this Section, if a historic sign has been moved from its original site, such sign shall no longer be considered a historic sign unless specifically so considered by the HPC. If such a sign is moved, a new sign permit shall be required for the new location.
- d. Words, symbols, or "ghost signs" that are painted, engraved or carved into a building and that no longer relate to the use or occupant of the building shall not be counted as a sign.

24-907 Nonconforming Signs

- a. A legal nonconforming sign or sign structure may continue to exist until one of the following conditions occurs:
 - 1. The sign has been abandoned and not reestablished for 90 consecutive days or longer.
 - 2. Other than for routine maintenance involving spot repainting, cleaning, or light bulb replacement that does not make substantial improvements, if repairs involve nonconforming sign alterations other than allowed in 9.04.C, compliance with all provisions of this Chapter shall be required.
 - 3. Changing the copy of an off-premises sign and nonconforming signs shall not be considered a change requiring compliance with this Chapter unless there is a change to the size; a change, or removal of, a support structure or frame, or a portion thereof, whether replacing such structure or frame or not, and/or a change in the orientation of the sign.
- b. Lawfully nonconforming signs which are nonconforming due to size are included in the total sign allowance for the property as follows:

1. If the excess signs are in the wall sign the amount greater than the allowed is considered a transfer to the freestanding sign allowance and the freestanding sign allowance is thereby reduced proportionally.
 2. If the nonconforming sign is freestanding, no transfer is allowed to the wall.
- c. Two or more legal, nonconforming, freestanding signs on the same lot may be combined into one new legal nonconforming sign. In this event, the maximum size of this new sign shall be 125% of the maximum size specified in Section 24-905.d. for the particular location and type of sign. This provision shall be utilized only one time per property.
- d. The Director may approve alternative compliance nonconforming sign proposals one time per property as long as the proposed alternative reduces all elements of the sign nonconformance, by at least 50%. This one-time provision may be used to address all nonconforming signs on the site or for only one nonconforming sign type on the site.
- e. Temporary signs, window signs, and dilapidated signs shall not be considered legal nonconforming signs.

24-908 Sign Measurements & Interpretation

- a. **Sign Area.** The area of a sign is measured by determining the total sign face, which includes the backing and the frame of the sign.
1. The area of a sign shall be measured utilizing a single, continuous rectilinear perimeter of not more than 12 straight lines, the extreme limits of writing, representation, lines, emblems, or figures contained within all modules, together with any air space, materials or colors forming an integral part or background of the display or materials used to differentiate such sign from the structure against which the sign is placed. For replacement of existing signs, the applicant may choose to utilize an exact calculation of sign area in lieu of this requirement.
 2. A freestanding sign area and its support structure may be equal in size to one and one-half times the maximum-sized sign allowance at that location. The base of a monument sign shall not be counted as part of the calculation, provided that:
 - (a) The base does not account for more than one-third of the combined area of the sign face and the base; and
 - (b) At least 60% of the bottom edge of the sign, including its supports and structure, has contiguous contact with the ground. Where the base has an unusual shape, such as circular or diamond-shaped, the bottom of the base shall be determined by measuring at a point that is one-third of the distance from the ground to the top of the base; and

- (c) Any portion of the base that contains a sign will be counted, with the exception of a numeral address that is clearly incidental to the sign.
3. The area of a sign which has multiple sign faces not parallel to the right-of-way, such as V-shaped, triangles, or cubes, shall be calculated using the total of all faces which may be viewed at the same time from the public right-of-way or adjacent property.
 4. All writing, representations, emblems, or figures forming an integral part of a display used on an awning to identify, direct or attract the attention of the public shall be considered to be a sign for the purposes of measurement.
 5. Internally illuminated awning signs that are translucent, with backlighting, shall include the entire area of the awning in the calculation of the sign area (see also 9.05.A.).
- b. **Sign Height.** The height of a sign shall be determined by measuring the vertical distance from the adjacent grade to the highest point of the sign or sign structure. For purposes of this section, "grade" as a point of measure shall mean either of the following, whichever yields a greater sign height:
1. The elevation of the highest ground surface within a five-foot horizontal distance from the leading edge of the sign, when there is less than a ten-foot difference between the highest and lowest ground surfaces within a five-foot horizontal distance from said sign; or

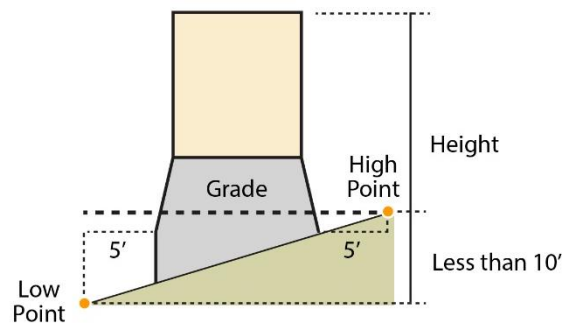


Figure 24-9-1: Sign height – grade change of 10 feet or less.

2. An elevation 10 feet higher than the lowest ground surface within a five-foot horizontal distance from the leading edge of the sign, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said sign.

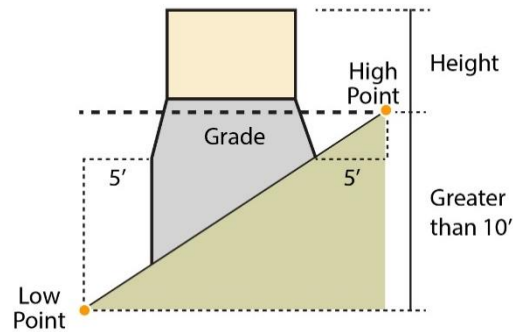


Figure 24-9-2: Sign height – grade change more than 10 feet

- c. **Orientation.** The principal orientation of any sign shall be determined by the Director in accordance with the intent and standards of this Chapter, street classification, and the following:
1. The orientation of a freestanding sign is to the nearest public right-of-way to which it is perpendicular or parallel;
 2. The orientation of a wall sign is to the nearest street with the highest traffic volume;
 3. The orientation of a projecting wall sign is to the nearest street with the highest traffic volume and to which the sign is most nearly perpendicular;
 4. The orientation of all other signs, including canopy signs, shall be to the nearest public right-of-way.
- d. **Sign Setbacks.** Sign setbacks are the minimum distance required between the apparent centerline of the right-of-way and any portion of a sign or sign structure. Where the property is adjacent to a frontage road, the centerline of the highway to the leading edge of the sign is used to determine setback (i.e., frontage road is disregarded for calculation of the setback)..)

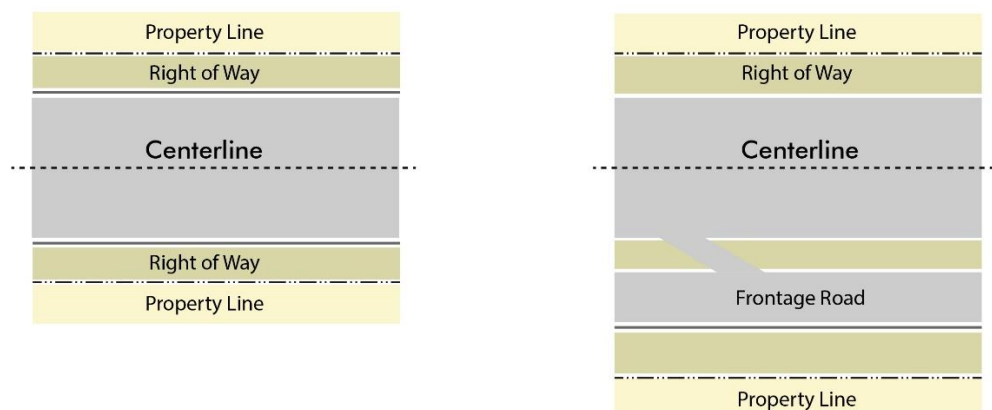


Figure 24-9-3: Sign setbacks from centerline.

- a. **Alternative Compliance.** Conditions may exist where strict compliance is impractical or impossible, or where maximum achievement of the intent of this Chapter can only be obtained through alternative compliance. Alternative compliance to the sign standards in this Chapter shall be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and are supplemented by this Section.
1. Requests for alternative compliance may be accepted in association with a sign permit, based on one or more of the following criteria:
 - (a) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical, or improved environmental quality would result from alternative compliance.
 - (b) Space limitations, unusually shaped lots, and prevailing practices in the surrounding neighborhood may justify alternative compliance for infill sites and for improvements and redevelopment in older neighborhoods.
 - (c) Safety considerations make alternative compliance necessary.
 - (d) The proposed alternative is aesthetically more complementary to the site, better fits into the context of the area, improves the overall architectural appeal of the area and/or meets or exceeds the design objectives as described in the City's Comprehensive Plan. Where there is a strong architectural theme established in an area, the proposed alternative shall be consistent with or complementary to that theme. In an existing area where there is no established theme, the proposed alternative shall provide an architectural theme consistent with the Comprehensive Plan and improve the quality of development in the area.
 2. Application for alternative compliance shall include the following information:
 - (a) Written description of the conditions provided in Section 24-909.a.1 above, which apply to the subject property;
 - (b) The applicant shall submit a sign plan consisting of a written statement addressing the proposal and the review criteria of this Section and Section 24-208, along with dimensioned graphic plans identifying the following items for all signs on the property:
 - (1) Written and graphic illustration of the proposed alternative, including areas of departure from code standards;
 - (2) Sign style, type, location, size (area), and height for wall and freestanding signs;
 - (3) Materials and colors for all signs and support structures;
 - (4) Sign illumination devices and brightness levels, if applicable
- b. **Variance.** Variances to the dimensional standards established in this Chapter shall be authorized according to the process and criteria in Section 24-209, Variances, and are supplemented by this Section. Variances to any other provision of this Chapter shall not be permitted.

-
1. In addition to the criteria in Section 24-209, the Zoning Board of Appeals shall consider the following additional factors for sign variances:
 - (a) Historic value as determined by the Historical Preservation Commission;
 - (b) Architectural integrity;
 2. Sign variances shall not be transferable to a new location on the property unless first approved in writing by the Director that the changed location on the site substantially complies with the conditions of the original variance. Changes to a sign that received a variance, with the exception of changes in sign text or copy that do not result in any structural changes to the sign, shall require compliance with all applicable provisions of this code.
 3. Any sign variance which was in effect and applied to an installed sign still in place prior to the adoption of this code may be continued under the provisions of that variance until a change to a sign is requested, at which time a new variance shall be applied for, or the sign shall comply with all applicable provisions of this Chapter.

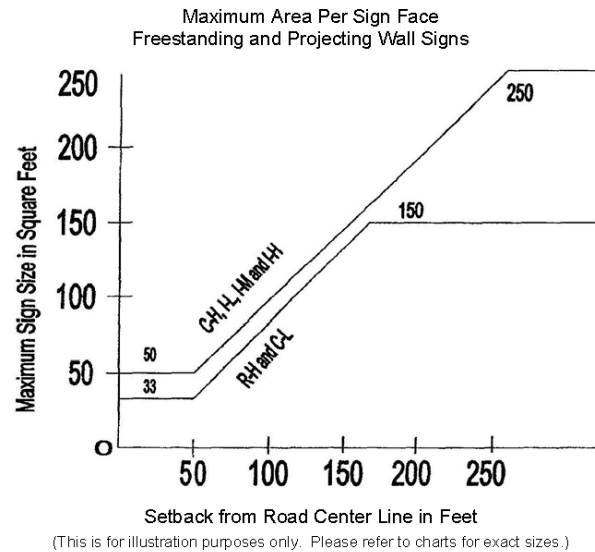
24-910 Sign Chart

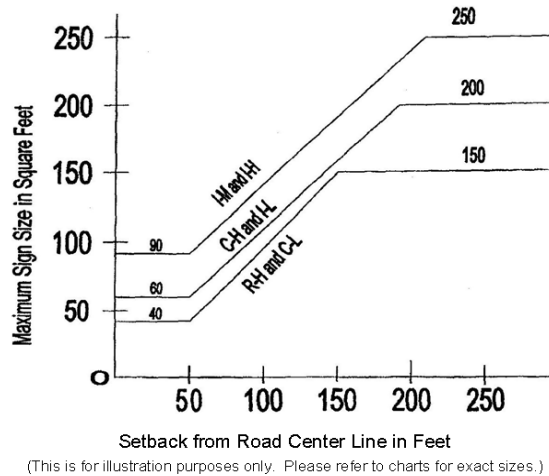
Sign Chart*						
Zoning District	Type of Sign Allowed	Max. total amount awning, wall & projecting wall signage allowed per linear foot of wall	Max. Sign Face Area for Awning and Wall Signs	Maximum Freestanding Sign Height	Maximum Size for Freestanding Signs	Number of Freestanding Signs
C-D, H-A, R-L, R-E, R-MH, R-M	See Section 9.02	See Section 24-902	See Section 24-902	See Section 24-902	See Section 24-902	See Section 24-902
R-H	Freestanding, wall and awning	.25 sq. ft.	See Section 24-905	6 ft.	See Subsection 24-905.d	1 sign where lot frontage is greater than or equal to 200 ft., but less than 500 ft.
C-L	Freestanding, wall and awning	1 sq. ft., plus an additional .5 sq. ft. (for secondary building frontage)	See Section 24-905	6 ft.	See Subsection 24-905.d	2 signs where lot frontage is greater than 500 ft.
C-H, I-L	Freestanding, wall, projecting wall and awning	1.5 sq. ft., plus an additional 1 sq. ft. (for secondary building frontage)	See Section 24-905	See Subsection 24-905.d	See Subsection 24-905.d	2 signs where lot frontage is greater than 500 ft.

Sign Chart*

Zoning District	Type of Sign Allowed	Max. total amount awning, wall & projecting wall signage allowed per linear foot of wall	Max. Sign Face Area for Awning and Wall Signs	Maximum Freestanding Sign Height	Maximum Size for Freestanding Signs	Number of Freestanding Signs
I-M & I-H	Freestanding, wall, projecting wall and awning	2 sq. ft., ply an additional 1 sq. ft. (for secondary building frontage)	See Subsections 24-905	See Subsection 24-905.d	See Subsection 24-905.d	2 signs where lot frontage is greater than 500 ft.

* This chart summarizes key signage allowances; see specific code sections for code details and/or exceptions.





Reserved Sections 24-911 through 24-1000

Section 5. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 10 of Title 24 to read as follows:

Chapter 10. Special Districts & Areas

24-1001	Floodplain Overlay District
24-1002	Airport Overlay District
24-1003	Historic Preservation
24-1004	Areas of Ecological Significance
24-1005	General Improvement District Overlay
24-1006	Redevelopment District Overlay
24-1007	Character Overlay Districts
24-1008	Entertainment Districts
24-1009	Hillside Development Standards

24-1001 Floodplain Overlay District

- a. **Intent.** The Floodplain Overlay District is a zoning overlay for land within Special Flood Hazard Areas and, along with the floodplain development permit, creates an overlay of special standards and regulations to those zoning districts found to be within Special Flood Hazard Areas. It is the intent of this Section to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

-
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to critical facilities, infrastructure and other public facilities located in floodplains;
 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 7. Ensure that potential buyers are notified that property is located in a flood hazard area.

b. **Applicability.** This Section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City.

1. The Special Flood Hazard Areas identified by FEMA and any revisions thereto are hereby adopted by reference and declared to be a part of this Section. These Special Flood Hazard Areas identified are the minimum area of applicability of this Section and may be supplemented by studies designated and approved by the City. The Floodplain Administrator shall keep a copy of the Flood Insurance Studies (FIS), Digital Flood Insurance Rate Maps (DFIRMs), Flood Insurance Rate Maps (FIRMs), and/or Flood Boundary and Floodway Maps (FBFMs) on file and available for public inspection.
2. No structure or land shall hereafter be located, altered or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Section. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.
3. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not imply or create, and the City expressly disclaims, any liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

c. **Floodplain Development Permits.**

1. A floodplain development permit shall be required before construction or development in a Special Flood Hazard Area to ensure conformance with the provisions of this Section.
2. Application for a floodplain development permit shall be presented to the Floodplain Administrator on required forms and may include, but not be limited to, plans in duplicate drawn to scale showing the location,

dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the Special Flood Hazard Area. Additionally, the following information is required:

- (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (c) A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 24-1001.e.2 and
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
3. Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this Section and the following relevant factors:
- (a) The danger to life and property due to flooding or erosion damage;
 - (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (c) The danger that materials may be swept onto other lands to the injury of others;
 - (d) The compatibility of the proposed use with existing and anticipated development;
 - (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (f) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities, such as sewer, gas, electrical and water systems;
 - (g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
 - (h) The necessity to the facility of a waterfront location, where applicable; and
 - (i) The availability of alternative locations not subject to flooding or erosion damage for the proposed use.
- d. **General Standards for Flood Hazard Reduction.** In all Special Flood Hazard Areas, the following provisions are required for all new construction and substantial improvements:
- 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

e. **Specific Standards for Flood Hazard Reduction.** In all Special Flood Hazard Areas where Base Flood Elevation data has been provided as set forth in this Section, the following provisions are required:

1. *Residential Construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 1 foot above the Base Flood Elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
2. *Nonresidential Construction.* With the exception of critical facilities, outlined in Section 24-1001.k, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to 1 foot above the Base Flood Elevation or, together with attendant utility and sanitary facilities, be designed so that, at 1 foot above the Base Flood Elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this

Section. Such certification shall be maintained by the Floodplain Administrator.

3. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect, or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings, having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding, shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

4. *Manufactured Homes.* All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to 1 foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above Paragraph shall be elevated so that either:
 - (a) The lowest floor of the manufactured home is 1 foot above the Base Flood Elevation; or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and it is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. *Recreational Vehicles.* All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM shall either:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or

-
- (c) Meet the permit requirements of Section 24-1001.c. and the elevation and anchoring requirements for manufactured homes in Section 24-1001.e.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

6. *Prior Approved Activities.* Any activity for which a floodplain development permit was issued by the City, or a CLOMR was issued by FEMA prior to the effective date of this Section, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Chapter if it meets such standards.
- f. **Standards for Areas of Shallow Flooding (AO/AH Zones).** Located within Special Flood Hazard Areas are areas designated as shallow flooding. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures. These areas have special flood hazards associated with base flood depths of 1 to 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; therefore, the following additional provisions apply:
1. *Residential Construction.* All new construction and substantial improvements of residential structures must have the lowest floor, including basement, elevated above the highest adjacent grade at least 1 foot above the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
 2. *Nonresidential Construction.* With the exception of critical facilities, outlined in Section 24-1001.k., all new construction and substantial improvements of nonresidential structures, must have the lowest floor, including basement, elevated above the highest adjacent grade at least 1 foot above the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least 1 foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.
- g. **Floodways.** Floodways are administrative limits and tools used to regulate existing and future floodplain development. The state has adopted floodway standards

that are more stringent than the FEMA minimum standard (see definition of floodway in Section 24-1001.I. Located within Special Flood Hazard Areas are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
2. If subsection g.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section 24-1001.
3. Under the provisions of 44 C.F.R., Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

h. **Alteration of Watercourse.** For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

1. Channelization and flow-diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
2. Channelization and flow-diversion projects shall evaluate the residual 100-year floodplain.
3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
4. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
5. All activities within the regulatory floodplain shall meet all applicable federal, state and local floodplain requirements and regulations.
6. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not a rise in the proposed conditions compared to existing conditions, otherwise known as a no-rise

certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 24-1001.g.

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

- i. **Properties Removed from Floodplain by Fill.** A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with 1 foot of freeboard that existed prior to the placement of fill.

- j. **Standards for Subdivision Proposals.**
 1. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
 2. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet floodplain development permit requirements of Section 24-1001.c. and all applicable standards of this Section.
 3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions which are greater than 50 lots or 5 acres, whichever is lesser, if not already provided.
 4. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
 5. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.

- k. **Standards for Critical Facilities.** A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, 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.
 1. *Classification of Critical Facilities.* Critical facilities are classified under the following categories: 1) Essential services; 2) Hazardous materials; 3) At-risk populations; and 4) Vital to restoring normal services.
 - (a) Essential Services Facilities. Essential services facilities consist of:
 - (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);

- (2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions and nonambulatory surgical structures);
- (3) Designated emergency shelters;
- (4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
- (5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but excluding towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
- (6) Air transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions and associated infrastructure [aviation control towers, air traffic control centers and emergency equipment aircraft hangars]). .

Specific exemptions to this category include wastewater treatment plants (WWTP), nonpotable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances. Public utility plant facilities may be exempted if it can be demonstrated, to the satisfaction of the City, that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City upon request.

- (b) *Hazardous Materials Facilities.* Hazardous materials facilities may include:
 - (1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
 - (2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
 - (3) Refineries;
 - (4) Hazardous waste storage and disposal sites; and
 - (5) Aboveground gasoline or propane storage or sales centers.
 Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS)

on file for any chemicals stored or used in the workplace, AND the chemicals are stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R., § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R., § 1910 (2010). Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated by hazard assessment and certification by a qualified professional, to the satisfaction of the City, that a release of the subject hazardous material does not pose a major threat to the public.
- iii. Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Section.

- (c) *At-risk Population Facilities.* At-risk population facilities consist of:
 - (1) Elder care (nursing homes);
 - (2) Congregate care serving 12 or more individuals (daycare and assisted living); and
 - (3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children).
- (d) *Facilities Vital to Restoring Normal Services.* Facilities vital to restoring normal services, including government operations, consist of:
 - (1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers); and
 - (2) Essential structures for public colleges and universities (dormitories, offices and classrooms only).

These facilities may be exempted if it is demonstrated, to the satisfaction of the City, that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Section, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City upon request.

2. *Protection for Critical Facilities.* All new and substantially improved critical facilities and new additions to critical facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be critical facilities. Protection shall include one of the following:
 - (a) Location outside the Special Flood Hazard Area; or
 - (b) Elevation or floodproofing of the structure to at least 2 feet above the Base Flood Elevation.
3. *Ingress and Egress for New Critical Facilities.* New critical facilities shall, when practicable as determined by the City, have continuous noninundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

- I. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the City, except where the context clearly indicates a different meaning.

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).

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.

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.

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

Community shall mean any political subdivision in the state that has authority to adopt and enforce floodplain management regulations through zoning, including but not limited to cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

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.

Critical facility shall mean a structure or related infrastructure, but not the land on which it is situated, as specified in Section 24-1001.k. 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.

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.

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.

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.

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 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 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 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 this Chapter.

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 (0.5) 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.

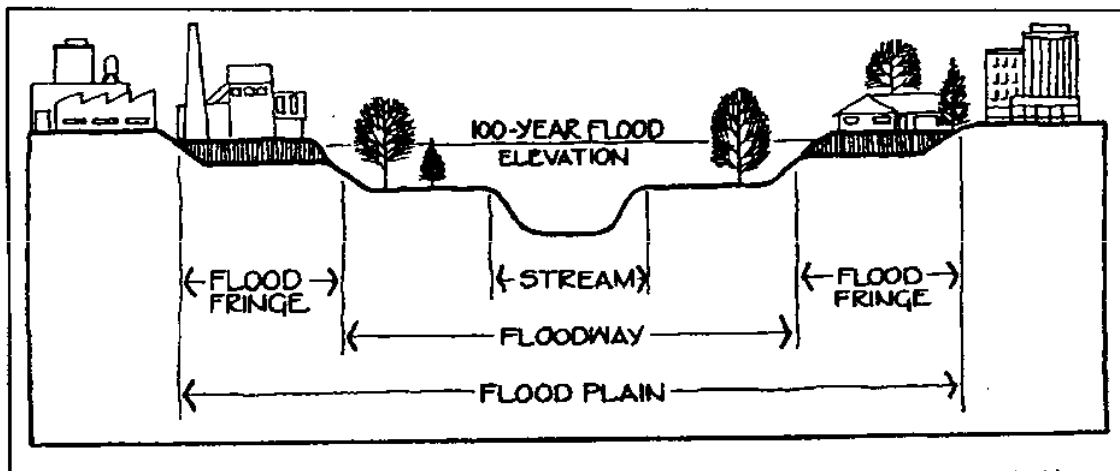


Figure 24-10-1: Illustration of floodway, flood plain and flood fringe.

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.

Highest adjacent grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure shall mean any structure that is:

1. 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;
2. 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;
3. 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
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a). By an approved state program as determined by the Secretary of the Interior; or
 - (b). Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) shall mean FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), 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.

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 this Section.

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.

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 Chapter 13 of this Code and which has all of the following characteristics:

1. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and which has plumbing and electrical connections provided for attachment to outside systems;
2. Designed to be transported after fabrication, on its own wheels, or on a flatbed or other trailer or on detachable wheels;
3. 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;
4. Exceeding 8 feet in width and 32 feet in length, excluding towing gear and bumpers; and
5. Is without motive power.

Mobile home park or community shall mean a site or tract of land, at least 8 acres in size, held under one 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 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).

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.

New construction shall mean structures for which the start of construction commenced on or after the effective date of the ordinance codified in this Section.

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.

Physical Map Revision (PMR) shall mean FEMA's action whereby one 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.

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.

Start of construction 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 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.

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 50% of the market value of the structure just prior to when the damage occurred.

Substantial improvement shall mean any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 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:

1. 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
2. Any alteration of a historic structure, provided that the structure's designation as a historic structure remains.

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.

Violation shall mean the failure of a structure or other development to be fully compliant with the community's floodplain management regulations, or structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this Section.

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.

24-1002 **Airport Overlay District**

- a. **Intent.** The intent of this Section is to provide regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Greeley-Weld County Airport by creating the appropriate zones and establishing the boundaries thereof. The use of land within this overlay district affects the safe and efficient operation of the airport and aircraft using the airport, and this Section is intended to minimize risks to public safety and hazards to aircraft users and to protect the capacity of the airport to serve the area's air transportation needs, while allowing development that is compatible with the continued operation of the airport.
- b. **Applicability.** The Airport Overlay District shall include those lands within the Greeley-Weld County Airport Zoning Map, prepared by Isbill Associates, Inc., Airport Consultants, dated July 1, 1984. The requirements of this Section shall supplement those imposed on the same lands by any underlying zoning provision of this Code or any other ordinance of the City.
- c. **Airport Zone.**
 1. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Greeley-Weld County Airport. Such zones are shown on the Greeley-Weld County Airport Zoning Map. An area located in more than one of the following zones is considered to

be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) *Utility Runway Visual Approach Zone*. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The center line is the continuation of the center line of the runway.
- (b) *Runway larger than Utility Visual Approach Zone*. The inner edge of this approach zone coincides with the width of the primary surface and is one 1,000 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The center line is the continuation of the center line of the runway.
- (c) *Precision Instrument Runway Approach Zone*. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,00 feet at a horizontal distance of 50,000 feet from the primary surface. The center line is a continuation of the center line of the runway.
- (d) *Transitional zone*. The transitional zone is the area beneath the transitional surface.
- (e) *Horizontal zone*. The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (f) *Conical zone*. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

2. Except as otherwise provided in this Code, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question, as follows:

- (a) *Utility Runway Visual Approach Zone*. Slopes 20 feet outward for each foot upward beginning at the end and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended center line.
- (b) *Runway larger than Utility Visual Approach Zone*. Slope 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
- (c) *Precision Instrument Runway Approach Zone*. Slopes 50 feet outward for each foot upward beginning at the end of and at the

same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.

- (d) *Transitional Zone.* Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 4,690 feet above mean sea level. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at ninety-degree angles to the extended runway center line.
- (e) *Horizontal zone.* Established at 150 feet above the airport elevation or at a height of 4,840 feet above mean sea level.
- (f) *Conical zone.* Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 1,500 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

- d. **Use Restriction.** Except as may otherwise be provided, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

- e. **Nonconforming Use.**

- 1. The regulations prescribed in this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use, except as may otherwise be provided. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Code.
- 2. The owner of any existing nonconforming use or tree shall be required to permit the installation, operation and maintenance of such markers and

lights as shall be deemed necessary by the Greeley-Weld County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Greeley-Weld County Airport Authority.

- f. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the City, except where the context clearly indicates a different meaning.

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 40°26'8" North and Longitude 104°37'55" West.

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 this Section. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Conical surface shall mean a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

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.

Height , for the purposes of determining the height limits in all zones set forth in this Section and shown on the Greeley-Weld County Airport Zoning Map, shall be the mean sea level elevation unless otherwise specified.

Horizontal surface shall mean a horizontal plane 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).

Larger than utility runway shall mean a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

Obstruction shall mean any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 24-1002.c.

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.

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. 250 feet for runways having only visual approaches.
- b. 1,000 feet for precision instrument runways.

Runway shall mean a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure, for the purposes of this Section, 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.

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 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 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

Utility runway shall mean a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway shall mean a runway intended solely for the operation of aircraft using visual approach procedures.

24-1003 Historic Preservation

- a. **Intent.** The intent of this Section is to:

1. Designate, preserve, protect, enhance and perpetuate 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.
2. 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.
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.

b. **Applicability.** 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. Undesignated properties contributing in a Greeley Historic Register historic district are subject to the district designation plan.
4. Undesignated structures or buildings that are 40 years or older are subject to an administrative review for potential historic significance
5. 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.
6. All pertinent municipal zoning and building codes are applicable for all properties.

c. **Administrative Review of Undesignated Properties.** 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 40 years or older at the time of such request, the application shall be forwarded to and reviewed by the Director.

1. Significant alterations shall include:
 - (a) Siding: including new stucco or similar exterior material applied over original or other existing siding materials, including wood,

-
- metal or brick exterior; removal of all or a portion of the original or existing siding and replaced with new siding.
 - (b) Fenestration: window or door openings enlarged or reduced.
 - (c) Roof: changes of roofline or structure.
 - (d) Porches: changes to porch visible from streetscape.
 - (e) Additions.
 - (f) Accessory structures.
 - (g) Any building modification as viewed from any public street.
2. Non-significant alterations shall be excluded from review by the Director. Non-significant alterations shall include:
- (a) Fenestration: replacement of windows or doors in original openings.
 - (b) Roof: new shingles or deck without changing original roofline.
 - (c) Patios: additions of back patios or decks.
 - (d) Landscaping.
 - (e) Signs.
3. The Director shall have ten business days to review and comment on applications with significant alterations. The ten business days shall commence on the day the permit application is submitted to the building inspection office. Should ten business days expire without written comment from the Director, then the Director shall not be allowed to comment on the permit.
- (a) The Director shall review the property and, if necessary, research the historical significance of the building for which a permit has been applied.
 - (b) If the Director determines that a building currently holds no historical, architectural and/or geographical significance, then a notice shall be placed with the permit that will be issued through the building inspection office.
 - (c) If the Director determines that potential significance exists, the Director shall make the information available to the groups named in Section 24-1003.d.2
 - (d) The Director 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 Director may also make suggestions of ways to make the changes more compatible or acceptable with the age or type of the structure.
4. Whenever an application for development includes significant alterations or demolition and is required to go through the community development department review according to this section, the department will use its best efforts to inform the applicant of the ramifications that this section will have on the application.
5. 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.

d. **Criteria for Designation.**

1. *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 or more criteria in one or more of the following categories:
 - (a) *Historical Significance.* The site, building or property:
 - (1) Has character, interest and integrity and reflects the heritage and cultural development of the City, State or Nation.
 - (2) Is associated with an important historical event.
 - (3) 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.
 - (b) *Architectural Significance.* The property:
 - (1) Characterizes an architectural style or type associated with a particular era and/or ethnic group.
 - (2) Is identified with a particular architect, master builder or craftsman.
 - (3) Is architecturally unique or innovative.
 - (4) Has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.
 - (5) Has visual symbolic meaning or appeal for the community.
 - (c) *Geographical Significance.* The property:
 - (1) 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.
 - (2) 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.

2. *Criteria for Individual, Non-owner-nominated Properties.* In addition to meeting criteria requirements in Section 24-1003.d.1., 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:
 - (a) 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) 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.

3. *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 or more of the following criteria:

- (a) Is an area which exemplifies or reflects the particular cultural, political, economic or social history of the community.
- (b) Is an area identified with historical personages or groups or which represents important events in national, state or local history.
- (c) 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.
- (d) Is an area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.
- (e) Is an area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community or City.

4. *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":

- (a) Location—the place where the historic property was constructed or the place where the historic event occurred.
- (b) Design—the combination of elements that create the form, plan, space, structure and style of a property.
- (c) Setting—the physical environment of a historic property.
- (d) 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.
- (e) Workmanship—the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- (f) Feeling—a property's expression of the aesthetic or historic sense of a particular period of time.
- (g) Association—the direct link between an important historic event or person and a historic property.

- e. **Designation.** A property or district may only be nominated once in any twelve-month period, unless such nomination is uncontested. Submittal of an incomplete application will result in a delay in the nomination and public hearing process. The following provisions shall apply to the nomination of individual properties and districts:

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 the following procedures:

- (a) *Submittal Requirements.* The owner shall submit a complete application, as determined by Historic Preservation staff. A complete nomination application will include:

- (1) 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.
 - (2) 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 Director if necessary).
 - (3) 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.
 - (4) 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 Director shall make determinations on fee waiver requests.
- (b) *Public hearing procedure.*
- (1) *Quorum required.* At least five 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 alternate Commission members 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.* 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 majority of the quorum present. The Commission decision is final unless appealed to City Council, pursuant to Section 24-1003.g
2. *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 the following procedures:

-
- (a) *Submittal Requirements.* All paperwork for the application must be completed pursuant to the rules of the Commission. A complete nomination application will include:
- (1) 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.
 - (2) 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 Director if necessary) and a detailed statement on how the nominated property possesses the characteristics of compelling historic importance to the community.
 - (3) 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 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.
 - (4) 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.
 - (5) Application fee, payable to the City of Greeley.
- (b) *Public hearing Procedure.*
- (1) *Quorum required.* At least five 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 alternative Commission members 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 approval of non-owner-nominated properties if five 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 24-1003.g.

- (4) City Council action on non-owner nominations. Within 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.
3. *Historic Districts.* Two or more individuals may nominate a district within which they own property.
 - (a) *Submittal Requirements.* All paperwork for the application must be completed pursuant to the rules of the Commission. A complete nomination application will include:
 - (1) 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.
 - (2) 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.
 - (3) 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 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.
 - (4) 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.
 - (5) Proposed status of all properties as contributing or noncontributing. The applicants should consult with the Director in making these proposed determinations. This item may be supplemented or modified during the nomination process prior to the designation hearing.
 - (6) Application fee, payable to the City of Greeley.
 - (7) District designation plan, developed in accordance with the requirements in this Section. The applicant must submit two unbound copies and an electronic version contained in a PDF file and a Word or other editable file.
 - (8) Historic context statement.

-
- (9) Statement of significance, including a detailed explanation of how the proposed district meets one or more criteria in Section 24-1003.d.3 above and how it meets the definition of historic district, as defined in Section 24-1003.m.
- (10) 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:
- i. The petition shall contain no less than 20 signatures or 20% of the number of properties or lots within the proposed area, whichever is less.
 - ii. Each property or lot shall only be represented by one signature. Properties held in any type of joint ownership do not get split votes.
 - iii. The petition shall be considered final for purposes of accounting for the 20% at the time of submission to the City.
- (b) *District Designation Plan.* 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 Section, then the district designation plan approved by the City Council 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 Director 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.
- (c) *Neighborhood Meeting.* 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.
- (d) *Owner Vote.* 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 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 50% of votes cast must be in favor of historic designation or the nomination fails. If greater than 50% of cast

votes are in favor of the district designation, a public hearing shall be scheduled according to Section 24-1003.e.5.(e).

(e) *Public Hearing Procedure.*

1. Quorum required. At least five 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 alternative Commission members 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 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 24-1003.g.
4. City Council action on historic districts. Within 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.

(f) *Modification.* 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.

4. *Recording.* The certificate of designation shall be recorded with the County Clerk and Recorder as follows:
 - (a) Owner-nominated properties shall be recorded within five days after the thirty-day period for appeal pursuant to Section 24-1003.g if no appeal is filed, or within five days after a final City Council decision.
 - (b) Non-owner-nominated properties or historic districts shall be recorded 35 days after approval by the City Council pursuant to the procedures set forth in this Paragraph.
 - (c) Recording fees shall be paid by the nominating party.

-
- (d) Within 15 days after recording of the historic designation, the Director shall send, via first-class mail or via e-mail, notice to the owners outlining reasons for the designation.

5. *Moratorium.*

- (a) A potential historic property or district which has been nominated but not yet designated shall be legally protected for 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 24-1003.m; 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 Director. If the Commission votes by a two-thirds majority 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.

- 6. *Signs.* 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.

f. **Notice.** Notice of Commission public hearings shall be as follows:

- 1. *Nomination and Designation.* The Director shall send a letter of notification of nomination and public hearing for all Greeley historic register nominations.
 - (a) 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) 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 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) The City shall receive notice for city-owned properties by hand delivery or by electronic mail.
 - (e) Notice shall be postmarked no less than 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.
 - (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 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 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.

g. **Appeal.**

1. *Administrative Decision.* A final decision by the Director under this Section may be appealed by the applicant to the Commission.
 - (a) Appeals to the Commission shall be filed by mailing or hand-delivering to the Director a written notice of appeal within 30 days after the applicant has been served with notice of the decision by the Director. A determination by the Commission shall be issued within 30 days.
 - (b) 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.

-
2. **Commission Decision.** Decisions of the Commission are reviewable by the City Council
 - (a) 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.
 - (b) Appeals to the City Council shall be filed by mailing or hand-delivering to the City Clerk a written notice of appeal within 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 30 days of filing of the notice of appeal and shall constitute final agency action.
- h. **Incentives.** 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:
1. Applicable state and federal tax credits.
 2. The low-interest loan pool created by the City pursuant to Section 24-1003.I., 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.
 4. The Commission shall attempt to identify and implement other economic incentives for historic properties. The Director shall notify the owners of historic properties of economic incentive opportunities available.
 5. The Commission shall make the determination for each request for state historic preservation income tax credits.
- i. **Alterations to Designated Property.** 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.
1. All required building, relocation and/or demolition permits shall be applied for. Permits will not be released without Commission approval or unless the Director determines that the permit should be released due to extenuating or emergency circumstances. The Commission or Director 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.

2. After consultation with the City's development departments, the owner shall submit a plan for review by the Director or Commission, and a Certificate of Approval shall be issued to properties that the Director or Commission believes can be altered without diminishing the historic character of the property or district.
3. *Major Alterations.*
 - (a) *Application Requirements.* 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.
 - (b) *Application and Hearing Process.*
 - (1) *Notification.* Upon receipt of a complete application, the Director 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 24-1003.f.
 - (2) *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 alternate Commission members shall be used.
 - (3) The Director 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 24-1003.j. in taking action to approve, approve with conditions, deny or table the application for future consideration.
 - (c) *Findings.* The findings of the Commission shall be based on criteria and standards in Section 24-1003.j., 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 24-1003.g.

-
- (d) *Certificate of Approval.* After approval of a Certificate of Approval major alteration application, the Director 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 Commission approval, with the option for up to two six-month extensions as approved by the Director. Work not complete within these time parameters will require new approval through submittal of a new application to the Commission for review.
 - (e) *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 Director to the Commission and decisions of the Commission to the City Council, in accordance with appeal procedures in Section 24-1003.g.

4. *Minor Alterations.*

- (a) *Application Requirements.* 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.
- (b) *Application Process.*
 - (1) *Notification.* Upon receipt of a complete application, the Director shall notify the property owner and applicant of receipt of the application and requirement for staff review.
 - (2) *No Public Hearing.* No public hearing is required for minor alteration applications.
 - (3) *Findings.* The Director shall review the application for minor alterations and make findings based on criteria and standards set forth in Section 24-1003.j..
 - (4) *Certificate of Approval.* The Director shall approve the application and issue a Certificate of Approval if the proposed project meets the criteria and standards set forth in Section 24-1003.j., and can be completed without negatively impacting the historical integrity of the property. After approval, the Director shall cause the Certificate of Approval for minor alterations to be signed by the Director, 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.

- (5) If the Director finds that the proposed project does not meet the criteria and standards in Section 24-1003.j., the Director will notify the applicant of the reasons for denial and notify the applicant of the opportunity to appeal the decision to the Commission.

5. *Relocation.*

- (a) *Application Requirements.* 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.
- (b) *Application Process.* The application process for relocation applications will follow the same process as for major alterations, as set forth in this Section.

6. *Demolition.*

- (a) *Application Process and Requirements.* 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.
- (b) *Application Process.* The application process for demolition applications will follow the same process as for major alterations, as set forth in this Section.

7. *Emergencies.* In the event of an emergency, as defined in Section 24-1003.m., owners shall perform necessary measures to preserve the property and notify the Director within three 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 Director to assist in establishing the proper treatment for the property and to obtain a Certificate of Approval if necessary.

8. *Requirement of Maintenance to Prevent Demolition by Neglect.*

- (a) 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 24-1003.m.
- (b) 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 24-1003.m.
- (c) Noncompliance with this subsection will be punishable in accordance with other violations of this Section, the same as for violations that are sanctioned administratively as Code infractions, pursuant to Chapter 1.33 of the Greeley Municipal Code, and shall proceed as set forth in Chapter 24-209 of the Greeley Municipal Code.

j. **Criteria for Certificate of Approval.**

1. *Alterations.* Criteria and standards for alterations to a designated property or a property in a historic district are as follows:
 - (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 current Secretary of the Interior's Standards for the Rehabilitation of Historic Properties, as defined in 24-1003.m.
 - (g) 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.
 - (h) 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.

2. *Relocation.* Criteria for relocation of a designated property or contributing properties in a district are as follows:
 - (a) In all cases, it shall be the preference of the Commission to keep structures at their original sites.
 - (b) For relocation applications, the Commission shall consider the following criteria in addition to those described for alterations:
 - (1) Original site.
 - i. Documentation showing that 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 that 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.
- (2) 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 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.
- 3. *Demolition.* 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 Section by balancing the criteria of a. through d. below versus e. Not all of the criteria must be met for the Commission to recommend demolition. Appeals of the decision shall be made under Section 24-1003.g.
 - (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:
 - (1) Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur.
 - (2) Significant impact on the historical importance of other structures located on the property and adjacent properties.
 - (3) 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:
 - (1) Impacts on the historical importance of the structure or structures located on the property.

-
- (2) Impacts on the architectural integrity of the structure or structures located on the property.

- k. **Removal from Historic Register/Hardship Exemptions.** 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. 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 Section 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 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 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 Section 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.

- I. **Historic Preservation Low Interest Loan Program .** This Section shall be used to promote the intent stated in Section 24-1003.a, 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.
 1. *Historic Preservation Loan Committee.*
 - (a) The Historic Preservation Loan Committee (HPLC) shall consist of seven voting members as appointed by the Historic Preservation Commission, including:
 - (1) A member with experience in residential and/or commercial construction management,
 - (2) A member engaged in regional or local history,
 - (3) A licensed real estate broker,
 - (4) A member of the Historic Preservation Commission
 - (5) The Director;
 - (6) A planning staff member that administers the Historic Preservation Commission; and
 - (7) The Assistant City Manager.
 - (8) Ex officio members: a member of the City Attorney's office as the legal advisor; a representative of the City Finance Department; and one member of the City Council.
 - (b) One City employee HPLC member shall be appointed by the City Manager as the staff liaison to administer the HPLC.
 - (c) Appointment of the HPLC members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.
 - (1) Vacancies on the HPLC shall be filled by the Historic Preservation Commission.
 - (2) Members of the HPLC whose terms of office expire may apply for reappointment.
 - (3) Members of the HPLC wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing, with a copy sent to the HPLC Chair and the Staff Liaison.
 - (d) The HPLC 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 HPLC.
 - (e) The HPLC shall have the duty to conduct itself in a professional manner, holding all financial information and other sensitive

information in strict confidence; and make all loan decisions with consideration for the future and stability of the loan pool.

2. *Powers of HPLC.* The HPLC shall have the power to:
 - (a) Establish loan criteria to be approved by Council resolution.
 - (b) Receive and review applications for credit.
 - (c) Approve or deny applications for loans.
 - (d) Conduct inspections.
 - (e) 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.
3. *Application to HPLC.*
 - (a) Any owner of an eligible property may submit an application for consideration by the HPLC. 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 HPLC.
 - (d) The HPLC 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 HPLC determines pertinent.
 - (e) A person who applies for a loan pursuant to this subsection and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the HPLC are final.
4. *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, 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 HPLC, and be in compliance with all zoning codes.
 - (c) The owner will provide documents and proof of title, including encumbrances, liens, restrictions of record or other evidence of the title to the property as the HPLC may request. The owner shall agree to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the HPLC may deem

necessary or appropriate. All costs must be paid by the owner at the commencement of the loan application process.

- (d) The HPLC shall apply loan repayment criteria to each historic preservation loan application as the HPLC determines is appropriate.
- (e) The HPLC 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. 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 and a 10% 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 10% collection charge, and any other penalties and costs of collection. Upon payment, the applicants shall be restored to nondelinquent status and may pay in installments in the same manner as if default had not been made.

- m. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the City, except where the context clearly indicates a different meaning.

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 staff is necessary under this Section and/or the district designation plan and in accordance with the definitions of major and minor alterations.

Area means the geographical region or the extent of land identified with one or more areas of significance as set forth in the criteria for designation at Section 24-1003.e., and may be nominated for historic designation on the local register.

Burden of proof under this Section 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 Section.

Commission means the Historic Preservation Commission as created in Chapter 1, Section 24-103.e. of this code.

Contributing buildings, sites, structures and objects 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.

Demolition 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 and criteria in this Section.

District designation plan 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 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 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 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 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 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 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 means severe economic impact to the property as determined on a case-by-case basis by the Commission.

24-1004 **Areas of Ecological Significance**

- a. **Intent.** The intent of this Section is to:
 1. Protect the natural environment and conserve environmentally sensitive lands by directing new development into areas with few natural or environmental constraints
 2. Mitigate adverse impacts when developing near sensitive areas, including wildlife habitat and areas of native or unique plants.
 3. Plan and integrate topographic features, natural systems and sensitive lands into open space systems, and coordinate open spaces and natural areas with surrounding development patterns.
 4. Improve stormwater management, protect water resources, preserve ecosystems and habitats, and improve sustainability efforts by protecting areas of ecological significance.
 5. Enhance the environmental and ecological function of un-built portions of sites, projects or other areas, in a manner that supports development in nearby areas.
- b. **Applicability.** This Section shall apply to any development application in the impact areas show on the City's Areas of Ecological Significance Map. This map shall be based on the mapping and research done by the Colorado Division of Wildlife and the City, and on file with the Community Development Department. The City may update the map periodically, and may include areas which are

not mapped but which upon further investigation are determined to possess similar characteristics as those included in the Map. The Director may exempt areas from the provisions of this code where a specific investigation demonstrates that the area subject to a development application does not possess the characteristics of areas delineated on the Areas of Ecological Significance Map, and applying the standards would not further the intent of this Section.

c. **General Provisions.**

1. To the maximum extent practicable, all development plans shall be designed and arranged to ensure that little or no disturbance shall occur to any high or moderate impact area identified on the Areas of Ecological Significance Map as a result of the development.
2. If any development generates a disturbance or influence to an impact area or to a natural feature located in an impact area, the development shall restore or replace the natural resource either on the site or off the site in the vicinity as approved by the City after notice has been provided to the adjacent property owners. Any such restoration or replacement shall be equivalent to replace the natural resource which was lost.
3. To the extent practicable, mitigation measures shall be targeted to the specific natural features, wildlife species and/ or wildlife habitat impact brought about by a particular development. Such measures may be mixed and matched to address a diversity of potential impacts encompassed within a single application.
4. Where more than one species inhabits a site, priority shall be given to that species which is at the highest risk. Development plans shall include provisions to ensure that any habitat that is key or critical to the survival of threatened or endangered species shall not be disturbed or diminished and, to the maximum extent practicable, shall be enhanced.

d. **High & Moderate Impact Areas.**

1. *Designation of Impact Areas.* Impact areas as determined on the Areas of Ecological Significance Map shall be used to designate specific areas of the site in which limited development may occur upon compliance with the regulations of this Chapter. Impact areas may be multiple and noncontiguous on a development plan.
 - (a) The boundaries of high and moderate impact areas as mapped are approximate. The true boundary of such areas shown on development plans shall be proposed by the applicant, subject to approval by the City through site evaluation, and shall be based on the ecological characterization of the site in conjunction with the Areas of Ecological Significance Map.

-
- (b) In establishing boundaries for wetlands found on a development site, the applicant and the City may use hydrological evidence, ecological characterization and/or soil analysis. Such information may be existing or the Director may request that the applicant provide additional information determined by the Director to be necessary for a thorough and comprehensive review.
- (1) Standards and guidelines and/or professional recommendations of the Colorado Division of Wildlife or other agencies or persons with technical expertise in wetland delineation may be used to determine wetland boundaries.
 - (2) In no event shall the defined wetland boundary be less inclusive than that which would be determined by the standards used by the U.S. Army Corps of Engineers.
- (c) The following shall be considered in identifying or amending the high and moderate impact areas:
- (1) Ecological character and wildlife use of the impact area, stream corridor and wetland protection and buffering, wildlife movement corridors and type and quality of existing plant communities, preservation of significant tree and shrub stands and native grasslands;
 - (2) Foreseeable impacts of development on wildlife usage, ecological character or function of the impact area;
 - (3) Visual impacts, including ridge line and hillside protection areas;
 - (4) Existence of special habitat features such as key raptor habitat (including hunting roosts, night roosts and nest sites); key production areas, concentration areas and feeding areas for waterfowl; key use areas for shorebirds and water birds; key nesting sites for migrant songbirds and ground-nesting songbirds; deer concentration areas; black-tailed prairie dog colonies over 50 acres in size; grasslands; plains cottonwood-willow riparian habitat; and any wetland;
 - (5) Flood plains and flood ways;
 - (6) Erosion prevention and control, including but not limited to, protection of natural drainageways and compliance with approved storm water drainage management plans;
 - (7) Water conservation, including but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated suburban development and other considerations;
 - (8) Practical needs of approved construction activity in terms of ingress, egress, necessary staging and operation sites and the extent of proposed construction impact, including utility line construction and installation;
 - (9) Character of the completed development in terms of use, density, traffic flow, quantity and quality of water runoff, noise, light and other impacts; and

- (10) Site topography including slope, drainage features, terraces, bluffs and hillsides, or ridge lines.

2. *Biologists Report.* If a development site contains or is adjacent to an impact area as mapped, then a report prepared by a qualified biologist or ecologist shall be provided unless waived by the City if adequate information is available for the site. The report shall cover the following:
- (a) Areas inhabited by or frequently used by state or federally listed endangered or threatened species and species of special concern;
 - (b) Use of the area by significant wildlife including a species list, season of use and the purpose of use that the area provides for wildlife;
 - (c) Location of predominant species and characteristics of significant stands of vegetation;
 - (d) High water mark of any permanent water body or lake, or bank and one-hundred-year flood zone of any stream or river, if applicable;
 - (e) Wildlife movement corridors or special habitat features;
 - (f) Ecological functions of the site in relation to surrounding areas;
 - (g) Structures or uses that would discourage wildlife use of the area;
 - (h) Recommendations concerning desirable and undesirable development features, site improvements and uses; and
 - (i) The biologist shall develop recommendations to mitigate the negative impacts of development proposals. Such recommendations shall consider the intentions of the applicant for the development of the property in determining which of the following mitigation measures may apply:
 - (1) All measures shall first be considered that avoid potential influences to impact areas if deemed feasible and practicable by the Director. If not deemed feasible and practicable, then;
 - (2) All measures shall be considered that minimize potential influences to impact areas if deemed feasible and practicable by the Director. If not deemed feasible and practicable, then;
 - (3) Measures shall be taken to rectify negative influences to impact areas by repairing, rehabilitating or restoring the affected environment if deemed feasible and practicable by the Director. If not deemed feasible and practicable, then;
 - (4) Measures shall be taken to reduce or eliminate the negative influences to impact areas over time by preservation and maintenance operations during the life of the project if deemed feasible and practicable by the Director. If not deemed feasible and practicable, then;
 - (5) Measures shall be taken to mitigate the influences to impact areas by replacing or providing substitute resources and/or environments.

3. *Biologist Qualifications & Cost Estimate.* The report in Section 24-1004.d.2 shall be provided by a qualified biologist or ecologist under contract to the City, the cost of which shall be borne by the applicant. Upon request, the City shall provide an estimate for the cost of the report. Preparation of the biologist's report may be waived if the applicant has a report acceptable to the City to submit as a substitute.

e. **Development Standards**

1. *Generally.* Development shall be prohibited in high and moderate impact areas unless approved by the City under the provisions herein.
 - (a) No disturbance due to approved development activity such as grading or alteration of vegetation shall occur within any impact area except as provided in Section 24-1004.d. Disturbance shall include draining, filling, dredging or clearing activities, or stockpiling materials that leads to alteration of habitat within the impact area.
 - (b) No construction activity, including grading, excavation or stockpiling of materials, shall be permitted within the impact area prior to approval by the City of a storm water drainage and erosion control plan.
 - (c) If site development causes any disturbance within an impact area, the applicant shall propose appropriate mitigation measures for approval by the City, whose approval shall not be unreasonably withheld. Such mitigation or restoration measures shall be included in the biologist's report, as required by Section 24-1004.d.2. Any mitigation or restoration effort shall be equivalent to, or exceed the loss suffered by the community as a result of, the disturbance. Restoration or mitigation plans shall emphasize the use of native plant species.
 - (d) In addition to those projects which require a building permit, construction may be permitted within the impact areas subject to approval by the Director for:
 - (1) Mitigation of damage due to development;
 - (2) Restoration of disturbed, degraded or damaged areas;
 - (3) Utility work when such activities cannot reasonably be located outside the impact areas or on surrounding lands;
 - (4) Public safety purposes; or
 - (5) Habitat enhancement projects.
2. *Protection of Wildlife Habitat and Ecological Integrity.*
 - (a) To the extent practicable, construction shall be timed to minimize disturbance of endangered or threatened species or species of special concern occupying or using the site and adjacent lands.
 - (b) Black-tailed prairie dogs inhabiting portions of the site shall be relocated or humanely euthanized by the developer or developer's agent using legally approved methods for relocation and euthanasia which do not displace prairie dogs onto other

properties prior to the onset of construction activity. Destruction of prairie dog towns shall not occur during the nesting season (March 15 – August 31) of the burrowing owl unless the town has been surveyed by a professional biologist/ecologist familiar with burrowing owl behavior and it is found that burrowing owls are not engaged in nesting/brood-rearing activities. If burrowing owls are found actively nesting or brood-rearing on a construction site, a plan shall be developed by the applicant and approved by the City and/or the Colorado Division of Wildlife for protecting the owls from disturbance by construction activity. This plan shall be implemented before development activity may begin.

- (c) If the development site contains existing areas that connect or provide corridors to adjacent impact areas, the development plan shall preserve those connections intact. Developments adjacent to streams, rivers and other designated natural drainage ways shall incorporate movement corridors for wildlife as part of the development plan. Movement corridors in such areas shall not be obstructed by fencing that prevents the free movement of deer and other wildlife along the corridor.
- (d) If the development site contains a lake, reservoir or pond, the development plan shall include enhancements and restoration necessary to protect and provide reasonable wildlife habitat, improve the aesthetic quality and protect areas subject to wind and wave action.
- (e) Water features incorporated as an aesthetic enhancement for developments shall be designed and constructed in a manner that will minimize their attractiveness for Canada geese. The City may not approve water features with large expanses of blue grass immediately surrounding the water impoundment area. Tree and shrub thickets may be used to discourage use by Canada geese in such areas.

3. *Protection During Construction.*

- (a) Designation of impact areas as approved by the City shall be shown on the final site plan. Impact areas shall be designated and marked in the field by methods approved by the City, prior to the onset of construction activity.
- (b) Temporary construction barrier fencing shall be installed and maintained at the impact area before and during construction. The marking of trees, shrubs and thickets to be preserved within impact areas that will be disturbed during construction shall be done in a way that will not permanently scar or deface the plant.

4. *Proof of Compliance.*

- (a) When a proposed development will disturb existing wetlands, the applicant shall provide to the City a written statement from the U.S. Army Corps of Engineers that the development plan fully complies

with all applicable federal wetland regulations established in the Clean Water Act.

- (b) The applicant shall provide a certification to the City that the development plan complies with all applicable federal, state or county environmental regulations.

- f. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the City, except where the context clearly indicates a different meaning.

Community shall mean one or more populations of plants and animals in a common grouped arrangement within a specified area.

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.

Development shall mean any construction or activity which changes the basic characteristics 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.

Ecological character shall mean the natural features and attributes of an area or landscape that, combined, give the area its character.

Enhancement shall mean the improvement of the land or water of the impacted or replacement area beyond that which would occur without the development.

Habitat shall mean areas that contain adequate food, water and cover to enable one or more species of wildlife to live in or use the area for part or all of the year and which typically consists of natural or planted vegetation along with one 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 or more species of wildlife.

High impact areas 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.

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.

Loss shall mean a change in wildlife resources due to development activities that is considered adverse and which would: 1) reduce the biological value of habitat; 2) reduce the numbers of species; 3) reduce population numbers of species; 4) increase population numbers of nuisance/generalist species; 5) reduce the human use of wildlife resources; or 6) disrupt ecosystem structure and function.

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: 1) avoiding the impact altogether by not taking a certain action or parts of an action; 2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; 3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; 4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or 5) compensating for the impact by replacing or providing substitute resources or environments.

Moderate impact areas 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 Significance Map.

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 or more impact 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.

Practicable shall mean capable of being done within existing constraints, including environmental, economic, technological or other pertinent considerations.

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.

Significant (biologically) shall mean wildlife or habitats that because of their relative attributes deserve greater consideration in resource management decisions. *Relative attributes* may include: 1) species that have state and/or federal listing as endangered/threatened, or have standing as species of special concern; 2) species with restricted distributions or highly specific habitat requirements; 3) species that are representative of a particular habitat type; 4) indicator species whose physical presence denotes the presence of other species or environmental conditions not readily observed; or 5) 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.

Species, endangered shall mean those species of wildlife and plants which have been identified and listed by the U.S. Fish and Wildlife Service and/or the Colorado Department of Wildlife 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 and/or the Colorado Department of Wildlife as threatened.

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.

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: 1) hydric soils, with undrained substrate; 2) hydrophilic plant populations; 3) standing water or deposits of leached compounds in surface soils; or 4) 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.

24-1005 General Improvement District Overlay

- a. **Intent.** The intent of this Section is to provide standards for the use and development of land in the General Improvement District (GID) #1. The specific intent is to:
 1. Allow development that reflects the historic development patterns of Downtown Greeley.
 2. Compliment the scale, mass, form and design of buildings, and promotes the unique character of downtown Greeley.
 3. Coordinate development in the downtown area with the design and investments in public spaces, including streets, civic spaces and other gathering places.
 4. Implement the planning and urban design policies for Downtown reflected in the Comprehensive Plan, or any specific plan for any parts of the Downtown area.
- b. **Applicability.** The provisions herein shall apply to all land located within the General Improvement District (GID) #1, which is bounded by 6th Street to the north, 11th Avenue to the west, 11th Street to the south and 7th Avenue to the east, excluding City Block 35
- c. **District Regulations** .Land in the General Improvement District #1 shall be exempt from:
 1. The Zoning District Development Standards in Chapter 4, or the corresponding Development Standards in Chapters 5 and 6 applicable to the district in which the property is located;
 2. The Landscape Design Standards in Chapter 8; and
 3. The off-street parking and loading standards in Chapter 7; however if parking is provided, any applicable landscape standards shall apply to the parking that is provided.

24-1006 Redevelopment District Overlay

- a. **Intent.** The intent of this Section is to apply alternative standards for the use and development of land and to allow additional discretion via the application of alternative compliance within the Redevelopment District. The specific intent is to:

1. Remove unnecessary barriers to infill development where it reflects the development pattern and scale of a particular district, area or block.
 2. Ensure complimentary development where the purposes of this code and the intent or design objectives can be met by alternative designs.
 3. Provide equivalent standards in a creative way based on a more specific analysis of a site or building, and not modify or reduce requirements of the building or zoning codes.
- b. **Applicability.** The provisions of this Section shall apply to all land located within the Redevelopment District, which is 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.
- c. **Redevelopment District Performance Options.**

Table 24-10-1: Redevelopment District Performance Options

Option # / Description	Conditions Required to Use Option (all must be met)
1. Open Space: Reduced - for commercial, cluster, multi-family and mixed-use development.	<i>The amount of required open space in a commercial, cluster, multi-family or mixed-use development may be reduced by up to 2% of the total site for every recreational amenity provided. Recreational amenities may include the following incorporated into the open space designs of Section 24-302 and 24-503.d: : swimming pools; clubhouses or community centers or buildings; playgrounds with play equipment; picnic shelters/barbeque areas; court game facilities such as tennis, volleyball or basketball; or trail systems not otherwise required as a substitute for sidewalks,</i>
2. Landscape Cash-en-lieu	<i>When the applicant presents evidence that the placement of trees and/or shrubs as required in this Chapter would not be practical or feasible, a portion of the trees and shrubs may be located in alternative locations on the same lot, subject to approval by the Director. If required trees cannot be located on-lot due to site constraints, the applicant shall pay to the City cash in lieu of the required trees based on a schedule maintained by the Planning Division for the cost of labor and materials.</i>

24-1007 Character Overlay Districts

- a. **Intent.** The intent of this Section is to provide criteria and procedures for the creation of Character Overlay Districts. Generally, overlay districts are used to

either create distinctions within a single zoning district, separating areas with distinct characteristics based on a particular context, or blend portions of multiple zoning districts, combining areas with similar characteristics based on a particular context. The specific purpose of this Section is to:

1. Maintain and preserve unique attributes that make up the character of a particular area;
2. Promote investments that reinforce compatible development patterns, site or landscape design, or architectural characteristics in a definable area.
3. Promote elements of the comprehensive plan and allow a broader mix of buildings or uses in a specific area based on a broader analysis or plan common urban design attributes throughout the area.

Character overlay districts are not intended to substitute for or take the place of a Historic Preservation District, nor shall it be used to prevent the demolition of any structure.

- b. **Applicability.** Character Overlay Districts are a specific form of rezoning and shall follow all procedures for rezoning property included in Section 24-204. In addition, any Character Overlay District initiated by property owners of the district shall include the following:

1. *Name and Area.* The proposed specific name of the character overlay district and as specific and defined boundary on a map drawn to scale. Where lot lines exist, the boundaries shall follow established lot lines, and otherwise follow the centerlines of rights-of-way, watercourses, or other geographic boundaries. The district shall generally not be less than a block face.
2. *Petition.* A petition shall be signed by at least 51% of the property owners, both by number of property owners and by area within the district. Evidence shall be provided to show that all property owners were made aware of the application and had the opportunity to participate in the petition. A City-initiated Character Overlay District is not subject to this requirement, but it may be used as criteria in considering the approval.
3. *Characteristics and Standards.* A statement or analysis of the justification of the overlay district shall be provided, whether separating the area from similarly zoned property or blending the area of differently zoned property, or both. The statement shall identify the unique attributes of the area, or where established to permit new development define the desired unique attributes for future development. This statement shall be supported by the specific standards applicable in the overlay, which are different from the applicable base zoning district standards, which may include the following:

- (a) Distinct development standards, including lot size, building location, and building dimensions.
 - (b) Specific site design standards, including parking, landscape, open space or sign standards.
 - (c) Specific building design standards, including frontages, building scale and massing, and facade design or materials, or other architecture details.
 - (d) Additions or specific limitations or conditions on uses, including justification of why these additions or limitations are more compatible with the area than the base zoning district use standards.
 - (c) A clear delineation of any sub-areas within the district where transitions exist or changes in the standards apply, whether by area, street type or other physical attribute within the district
4. *Additional Information.* Any other information, analysis, plans or documentation that may be required by the Director to ensure a complete and comprehensive review of the proposed Character Overlay District.
- c. **Effect of Decision.** Adoption of a Character District Overlay shall have the same effect as rezoning property. All future development or redevelopment shall be subject to the base zoning district standards, as modified specifically by the Character Overlay District. The district shall be designated on the official zoning ordinance, and noted in Section 24-1007.d, and specific plans, standards, guidelines and procedures for the district may be referenced as an appendix to this Code. Any changes to a Character Overlay District shall only be made through the same procedures establishing the district.
- d. **Specific Districts.** The following Character Overlay Districts have been established through the applicable procedures of this code. Each district may be supported by additional documents in an appendix to this code or otherwise referenced and incorporated.
 1. *Northeast Greeley Mercado District.*
 - (a) *Advisory Board.* There is hereby established a Northeast Greeley Mercado District Advisory Board, the purpose of which is to review and comment to other City Boards and the City Council concerning area development proposals and related matters as it relates to the objectives of the voluntary architectural and development design guidelines as described in the Mercado del Norte Plan dated May 2001.
 - (b) *Board Members.* The Northeast Greeley Mercado District Advisory Board shall be comprised of seven members as provided by this

Section. Three members shall represent residential land owners; three members shall represent business interests; and one member shall represent at-large interests of the area. A majority of the members shall be landowners of property within the designated Mercado District boundaries.

24-1008 Entertainment Districts

- a. **Intent.** The intent of this Section is to authorize the creation of an Entertainment District within which, through its Local Licensing Authority, the City may allow the establishment of common consumption areas as provided for in Section 12-47-301(11), C.R.S.
- b. **Applicability.** The provisions herein shall apply to all land designated as an Entertainment District of a size no more than 100 acres and containing at least 20,000 square feet of premises licensed as a tavern, hotel and restaurant, brew pub or vintner's restaurant at the time the District is created. The following specific districts are hereby created:
 1. *Downtown Entertainment District.* The Downtown Entertainment District shall include area 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. In addition to compliance with all aspects of this Section, any promotional association created to manage common consumption areas within the Downtown Entertainment District shall include an official representative of the Downtown Development Authority as a director of any promotional associations which may be authorized therein by the Local Licensing Authority.
- c. **General Provisions.**
 1. Entertainment Districts may be established by the City from time to time as determined to be in the best interest of the public and the specific geographic area to be served, subject to demonstration that the proposed district is consistent with the definition and purpose of an Entertainment District contained in this Section.
 2. Common consumption areas shall be approved by the Local Licensing Authority, consistent with its authority provided in Chapter 6.16 of the

Greeley Municipal Code, provided the Local Licensing Authority finds that, in addition to finding that the applicable requirements of Chapter 6.16 have been met, all of the following conditions are met:

- (a) The size of the common consumption area is contained wholly within an Entertainment District as set forth in this Section;
- (b) The area is clearly delineated using physical barriers to close the area to motor vehicle traffic and limit pedestrian access;
- (c) The promotional association governing the common consumption area has obtained and maintained at all times a properly endorsed general liability and liquor liability insurance policy acceptable to the Local Licensing Authority of at least one million dollars (\$1,000,000.00) per incident and names the City as an additional insured.
- (d) The promotional association has provided security deemed sufficient by the Local Licensing Authority to assure compliance with the liquor code and limit safety risks to the neighborhood and the general public patronizing the Entertainment District. All security within the common consumption area or its attached licensed premises shall complete the state server and seller training program and be approved by the Chief of Police.
- (e) The promotional association has met the conditions further listed under Section 6.16.220 of the Greeley Municipal Code.

24-1009 Hillside Development Standards

- a. **Intent.** This intent of this Section is to:
1. Specify the conditions under which development may take place in hillside areas ;
 2. Protect the aesthetic, geologic and ecological function of natural feature, including ridge lines, bluffs, rock outcroppings, natural drainage ways and other geologic conditions.
 3. Ensure that development minimizes the removal of existing vegetation and natural features and avoids geologic conditions which may pose a threat to life and property.
- b. **Applicability.** This Section is applicable to all development which contains existing natural slopes greater than 15%.
- c. **Development and Design Standards.**

1. *Lot Size.*

Table 24-10-2: Lot Size for Hillside Development

Existing Natural Slope of Site	Minimum Lot Size
0 – 15%	Established by zoning district
15.01% - 25%.	Residential = 2 times the minimum zoning district size Non-residential = 2 times the Gross Floor Area.
25.01% or more	Established by Planning Commission approval.

2. *Site Grading.*
 - (a) Grading shall be limited to only what is necessary to construct buildings, drives and usable open space. Any allowed grading shall be designed to conserve natural topographic features and appearances by sculpting the land to blend graded slopes and benches with natural topography and retain major natural topographic features, including natural drainage courses and existing vegetation.
 - (b) Cuts and fills shall be limited to the extent necessary; and in no event shall cuts and fills occur in areas with slopes in excess of 25%,

nor disturb more than 75% of the area of a lot or site without approval of a variance by the Zoning Board of Appeals.

- (c) All graded areas shall be protected from wind and water erosion through the use of acceptable slope stabilization methods such as planting, retaining walls, or netting.
- (d) Construction equipment and stockpiled soils shall be stored in areas which are to be disturbed during construction, including driveway pad locations and previously disturbed street cuts.

3. *Building Siting.*

- (a) Buildings shall be sited so that existing land forms serve as backdrops to the buildings rather than using the sky as a backdrop, and shall be designed to fit the site rather than modifying the site to fit the proposed buildings.
- (b) Retaining walls shall be permitted as long as they are not in excess of six feet above final grade. Multiple parallel retaining walls shall be designed to be part of a tiered or terraced retaining wall system.
- (c) If a site has unique geological features, such as rock outcroppings or cliff faces, special care shall be taken to design the buildings for the site so that such site features are preserved.

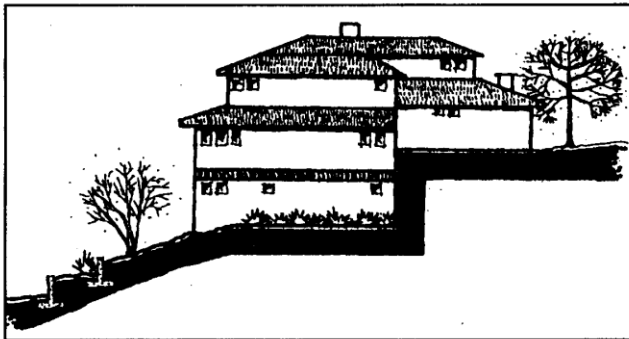


Figure 24-10-1: Building designed to fit site.

4. *Building Height.*

- (a) The maximum height of a proposed building or structure shall not exceed the mid-point of the tallest building or structure on the adjacent uphill lot. If more than one lot meets the definition of adjacent uphill lot, the measurements required shall be made against the lower lot.
- (b) The maximum height of a proposed structure on a lot which has no adjacent uphill lot shall be as established in the Zoning District in which the lot is located.
- (c) No building shall exceed that allowed in the underlying zoning district, nor be limited to less than a single-story structure.

5. *Architecture.* Buildings and structures shall be designed to be compatible with the natural surroundings of the area and shall not dominate the natural environment using the following techniques:
- (a) Exterior finishes shall blend in with the natural surroundings by using earth-tone colors and avoiding reflective materials or finishes.
 - (b) Varying setbacks, roof lines, innovative building techniques and building and wall forms which blend buildings into the terrain shall be used.
 - (c) Building design shall enhance the site's natural features through the use of split level designs and stepped foundations which mirror the slope of a hillside.
 - (d) Roof lines shall be broken into smaller components to reflect the irregular natural hillside patterns and shall be oriented in the same direction of the slope contour.

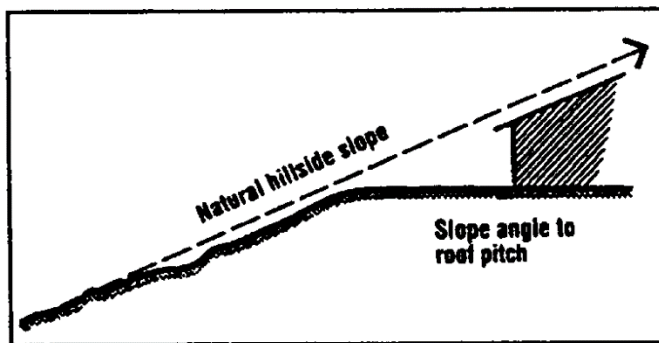


Figure 24-10-2: Roof pitch reflects hillside slope.

6. *Landscape Design.*
- (a) Buildings shall be sited to incorporate existing vegetation into the site design to preserve the natural hillside image and character of the area.
 - (b) Existing vegetation shall be retained wherever possible and shall be used to soften structural mass and help blend buildings into the natural setting. Where vegetation is removed for other than fire safety reasons, replacement of the same or compatible plant material elsewhere on the site shall be required in an equal amount based on the number of plants removed.
 - (c) All exposed slopes and graded areas shall be landscaped with ground cover, shrubs and trees, and cuts and fills shall be designed to limit the impact upon existing vegetation on the site.
7. *Street & Driveway Design.*
- (a) Streets shall be designed to follow existing contours, minimizing grading and erosion potential while providing adequate access for vehicles, including emergency service vehicles.
 - (b) The maximum street grade shall not exceed 5% unless otherwise approved by the Planning Commission as part of the platting process, or as a Planned Unit Development.

-
- (c) Guest parking shall be provided at the ratio provided in Chapter 7 either on-street as parallel parking spaces or in off-street locations which are distributed throughout the area for which the spaces are intended to be used.

Reserved Sections 24-1010 through 24-1100

Section 6. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 11 of Title 24 to read as follows:

Chapter 11. Supplemental Standards

- 24-1101 Wireless Communication Facilities
 - 24-1102 Oil & Gas
 - 24-1103 Adult Uses
 - 24-1104 Marijuana Uses
-

24-1101 Wireless Communication Facilities

- a. **Intent.** In order to accommodate the communication need of residents and businesses while protecting the public, health, safety, and general welfare of the community, the City Council finds that these regulations are necessary to:
1. Provide for the managed development and installation, maintenance modification, and removal of wireless communications infrastructure in the City with the fewest number of wireless communications facilities (WCFs) to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;
 2. Minimize adverse visual effects of WCFs through thoughtful design and siting, camouflage design techniques, appropriate and effective screening, and equipment undergrounding whenever possible;
 3. Encourage the location of towers in areas in a manner that minimizes the total number of towers needed throughout the community;
 4. Promote the collocation of WCFs;
 5. Encourage owners and users to locate WCFs in areas where the adverse impact to the community is minimized;
 6. Enhance the ability of wireless communications service providers to provide services to the community quickly, effectively, and efficiently;
 7. Effectively manage the multiple users of the public right-of-way, including limited application of WCFs, and maintain the quality, function and design characteristics that create value in public spaces
 8. Manage amateur radio facilities and over-the-air devices in the City.

- b. **Applicability.** No person, firm or corporation shall construct, establish or build or cause to be constructed, established or built a WCF without first having obtained a site plan or special review permit, a lease (as applicable), pole attachment agreement or license (as applicable), and a building permit for this purpose.

1. *Procedures.* The requirements in this Section shall apply to all WCF applications as specified in Table 24-11-1: WCF Applicability & Process.

Table 24-11-1: WCF Applicability & Process

Type of WCF	Zone District	Process (See Chapter 2)	Timeframe (See 24-1101.b.3.)
<i>Tower</i>	All Zone Districts	Use by Special Review, 24-206	150 day
<i>Alternative Structures in the ROW</i>	All Zone Districts	Site Plan, 24-207, plus Master License Agreement for ROW	90 day - major modification; 150 - new structure/tower
<i>Base Station or Alternative Tower Structure (concealed)</i>	All Zone Districts	Site Plan, 24-207	90 day - major modification 150 day - new structure/tower
<i>Small Cell</i>	All Zone Districts	Site Plan, 24-207	60 day – existing structure 90 day - new structure
<i>Eligible Facilities Request (EFR)</i>	All zone districts	Administrative Process – EFR Application	60 day
<i>Equipment Change (same size)</i>	All zone districts	Building Permit	60 day

2. *Exclusions.* The requirements in this Section shall not apply to:
- Amateur radio antenna owned and operated by a federally licensed amateur radio station operator or are exclusively receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met..
 - Antennas used for reception of television, multi-channel video programming and radio such as Over-the-Air Receiving Device (OTARD) antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to accessory uses contained in this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director has the authority to approve modifications to the height restriction related to OTARD antennas

-
- and OTARD antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.
 - (c) A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the City, or reasonable ability to obtain such written determination within 72 hours
 - (d) A temporary WCF installed for the purpose of providing sufficient coverage for a special event, subject to administrative approval by the City.

 - 3. *Timeframe for Decisions.* The applicant shall submit information demonstrating qualification for specific types of applications and procedures in Table 24-11-1.
 - (a) The Director shall make a decision within the timeframes in Table 24-11-1 for any complete application.
 - (b) The timeframe will toll if the Director notifies the applicant of any deficiencies in the application in writing within 30 days of submission, and how to correct the deficiencies.
 - (c) Upon resubmission, the timeframe will continue, unless the Director notifies the applicant of incompleteness within 10 days.
 - (d) At any point, the Director may determine that the application does not qualify under the provisions of this Section for a specific type of application, and notify the applicant. Any determination shall be subject to other applicable timeframes for the request and the Telecommunications Act timeframes and FCC's rules.
 - (e) Failure of the Director to act within this timeframe shall be deemed approval of the application.

 - 4. *Submittal Requirements.* In addition to submittal requirements for any application authorized under 24-201.a., the following supplemental information is required for WCF applications.
 - (a) Signal non-interference letter;
 - (b) Radio frequency emissions letter;
 - (c) Photo simulations showing before and after conditions;
 - (d) Map, site inventory or other representation of the applicant's current and proposed WCPs in the city and within 0.5 miles of City, including those it anticipates within the next 3 years. Sits shall be identified by name, address, and general description of the type of facility. This information is to assist the city with planning and coordination possible administrative approvals with other applicants. The applicant may omit any proprietary information.
 - (e) Abandonment and removal affidavits from both the property owner and applicant acknowledging responsibility for removal of facilities if abandoned or unused for six months.
 - (f) Sufficient information for the Director to determine which process the application is eligible for under 24-1101.b.1.
 - (1) Whether the project constitutes a substantial change to an existing facility.
-

- (2) Proof of compliance with generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.
- (3) The application shall not require the applicant to demonstrate a need or business case for any proposed modification or collocation application

c. Operation & Development Standards.

1. *Federal Requirements.* All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other federal government agency with the authority to regulate WCFs. If the standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with the revised standards and regulations within the time period mandated by the controlling federal agency. Unless preempted by federal law, failure to meet revised standards and regulations within 30 days of the City's determination of noncompliance shall constitute grounds for the removal of the WCF by the City or owner at the WCF owner's expense.
2. *Other City Codes and Requirements.* WCFs shall comply with all other building, electrical, structural and safety codes and requirements of the City; with any other permit or license issued by a local, state, or federal agency with jurisdiction of the WCF; and with any easements, covenants, condition or restrictions applicable to the underlying real property. The property shall be maintained in good working condition according to any conditions or standards of the approval, and be maintained free from trash, debris, litter, graffiti, and other forms of vandalism. Curing deficiency from any of these standards shall be as soon as practicable, but never more than 10 days from notification by the City or after discovery by the owner or operator. The city may address any issues with any facility in the right-of-way and the owner or operator shall be all costs associated with the maintenance within 30 days of receiving and invoice from the City.
3. *Use of Public Right-of-Way or Public Property.* Siting WCFs in the ROW requires a license agreement with the City, granting a non-exclusive license to use the ROW. Attachment of WCFs on an existing traffic signal, street light pole, or similar structure requires written evidence of a license, or other legal right or approval by its owner, to use the structure. The applicant shall remain the owner of, and solely responsible for, any WCF installed in the ROW. Prior to, or concurrently with, seeking land use approval for a WCF on public property, the applicant shall execute a lease agreement with the City.
4. *Operation and Maintenance.* The owner of a WCF shall maintain the structural integrity of WCFs in compliance with the standards contained in

applicable local building and safety codes. If the City inspects and concludes that a WCF fails to comply with the codes and constitutes a danger to persons or property, the City shall issue written notice of violations. The owner shall have 30 days from the date of notice to bring the WCF into compliance. Upon good cause shown by the owner and meeting reasonable safety considerations, the City's Chief Building Official may extend the compliance period no more than 90 days from the date of notice. If the owner fails to bring such WCF into compliance within this time period, the City may remove the WCF at the owner's expense.

5. *Abandonment and Removal.* An existing WCF that has not been in use for a period of three months requires the owner to notify the City of the non-use and indicate whether re-use is expected within the ensuing three months. Any WCF that is contracted and is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of the WCF shall remove the WCF within 30 days of receipt of written notice from the City. If the WCF is not removed within said thirty 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the City, in its sole discretion, may not approve any new WCF application until the applicant who is also the owner or operator of any abandoned WCF has removed the WCF or payment for removal has been made to the City.
6. *Hazardous Materials.* No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.
7. *Collocation.* No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site. No new towers, excepting small cell facilities in the right-of-way, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application, and sufficient separation of towers is achieved. Evidence may consist of the following:
 - (a) No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
 - (b) Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - (c) The applicant's proposed WCFs would cause electromagnetic interference with the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and

- (d) The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.

8. *Setbacks.* The following minimum setback requirements shall apply to all WCFs, except for alternative tower structures in the right-of-way
 - (a) A tower shall meet the greater of the following minimum setbacks from all property lines:
 - (1) The setback for a principal building within the applicable zoning district; or
 - (2) 25% of the facility height, including WCFs and related accessory equipment;
 - (b) For sites within 100 feet of residential uses, facilities over 30 feet in height shall have a minimum setback from all adjacent residential property lines of one foot for every foot in height
 - (c) Towers over 90 feet in height shall not be located within one-quarter mile from any existing tower that is over 90 feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

d. **Design Standards.**

1. *General Camouflage and Concealment.* WCFs and transmission equipment shall be designed to blend with the surroundings of the natural setting and built environment, with landscape, materials, colors and textures, screening, underground equipment and other design techniques.
 - (a) WCFs in areas of particular sensitivity (e.g historic property, natural views, or other areas with aesthetic or architectural importance) shall locate facilities away from high visibility locations or use elevated camouflage strategies to minimize the profile.
 - (b) All accessory equipment and antenna shall blend with the natural surroundings and buildings or structures they are mounted on, using similar neutral and non-reflective materials and colors.
 - (c) Alternative tower structures should be used where possible and according to Section 24-1101.d.7.
 - (d) Any WCF shall be sited to minimize visual impacts on residential property, including considering feasible locations that are more remote and considering alternative tower structures. In residential areas WCFs shall be placed:
 - (1) Near common property lines between adjoining residential property, to minimize visual impacts equitably among adjacent and nearby property.
 - (2) For a corner lot, the WCF may be placed adjacent to a common property line near adjoining property or on the corner formed by intersecting streets.
 - (3) Other locations may be considered by the Director if the applicant submits a written statement why these

requirements are not feasible from an engineering or design perspective.

2. *Collocation.* WCFs shall be designed and constructed accommodate at least two wireless service providers on the same facility, except where this capacity is not feasible due to engineering and construction justifications, or where it would undermine the intent of this Section, and particularly increase the visibility of facilities.
3. *Lighting.* WCFs shall comply with any FAA lighting requirements. All other lights shall be limited to those common to any alternative tower structure or for security purposes within the equipment yard, on mounted on poles or on buildings below the height of the screen wall or fence.
4. *Noise.* All sites shall comply with the noise requirements of Chapter 9.24 of the Municipal Code. A WCF owner or operator may exceed the noise standards for a reasonable time no more than two hours for repairs, unless a greater time is authorized by the City through the building permit.
5. *Landscape and Screening.*
 - (a) All WCFs, including small cells, shall have buffers screening them from the right-of-way and adjacent property according to Section 24-803.
 - (b) WCFs shall be sited in a manner that does not reduce the landscape area required for other principal uses on the parcel
 - (c) All equipment not located in the right-of-way shall be screened with wall or fence, or enclosed within a building. Fences shall meet the standards of Chapter 6.
 - (d) Roof-mounted equipment shall be screened from off-site views by solid screen walls, building parapets or similar enclosures and architectural features..
6. *Alternative Tower Structures.* WCFs may located on alternative structures or in structures designed to appear as other common elements in the context or landscape, including buildings, trees, public art, clock towers or similar features. The design shall:
 - (a) Be consistent with the size, scale and design of other similar features in the area, and be comparable to the size of the actual elements they are replicating.
 - (b) Be sited in a manner that is sensitive to adjacent property and uses, considering the WCF facility and the alternative structure.
7. *Alternative Tower Structures in the Right-of-Way.* Alternative tower structures and associated small cells, or micro cells in the right-of-way shall meet the following requirements, in addition to those in Section 24-1101.d.6:
 - (a) Located on existing street light poles, distribution lines, utility poles or traffic signals.

- (b) Components shall be located on or within the existing pole, or otherwise designed to create no discernable change to the existing structure. Components may be located on a new utility pole where:
 - (1) Utility lines are aerial;
 - (2) No feasible alternative is available on existing poles; and
 - (3) The applicant is authorized to construct the new utility poles.
- (c) Ground mounted equipment shall be located to address both public safety and aesthetic concerns, be located out of view where possible, and the Community Development Department may require a flush-to-grade underground equipment vault where appropriate and feasible.
- (d) Be collocated with other WCFs in the right-of-way wherever practical, and the City may require collocations where new locations would place an abnormal or unusual amount of structures and accessory equipment in the right-of-way, beyond what would otherwise occur absent the use of common facilities for WCFs.
- (e) No WCF shall be placed in a way to compromise any function, create unreasonable interference, or significantly alter the appearance of the right-of-way and other facilities, whether on existing structures or alternative tower structures.
- (f) Any new alternative structure located in the right of way shall meet the following:
 - (1) Be no more than 5 feet taller than any existing utility or traffic signal pole within 600 feet; or if a new free-standing structure, no taller than 30 feet; or if mounted on an existing pole, no taller than the existing pole.
 - (2) Be no greater than 18 inches in diameter.
 - (3) Be separated from all other WCFs in the right-of-way by at least 600 feet, unless deployed as an existing base station in the right-of-way.

8. Towers.

- (a) Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards and City design approval processes, be painted a neutral color so as to reduce visual obtrusiveness.
- (b) Wherever possible, towers shall locate to utilize existing landforms, vegetation, and structures to aid in screening the facility from view, or otherwise blending in with the surrounding built and natural environment.
- (c) Monopole support structures shall taper from the base to the tip.
- (d) All towers, excluding alternative tower structures in the right-of-way, shall be enclosed by security fencing or wall, and equipped with an appropriate anti-climbing device.
- (e) Towers shall be subject to the height restrictions of each zoning district and no more than 30-feet high in the right-of-way.

9. *Roof-mounted WCFs.*

- (a) Roof-mounted WCFs may be approved only where an applicant sufficiently demonstrates that a wall mounted WCF is inadequate to provide service.
- (b) Roof mounted antennas shall extend no more than 10 feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached.
- (c) Other roof mounted transmission equipment shall extend no more than 10 feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
- (d) All rooftop equipment and antennas must be adequately screened, per Section 24-803.d.

10. *Base Stations.*

- (a) Antennas and other proposed equipment shall be architecturally compatible with the base station and, when appropriate, colored or otherwise camouflaged to integrate with the base station to which they are attached.
- (b) Facilities mounted on a base station shall be installed as flush to the wall as technically practical. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six feet.

11. *Related Accessory Equipment.*

- (a) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely together as technically possible.
- (b) The total footprint coverage area of the WCF's accessory equipment shall not exceed 350 square feet.
- (c) No related accessory equipment or accessory structure shall exceed 12 feet in height.
- (d) Related accessory equipment shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where alternate locations are not available, the accessory equipment shall use camouflage design techniques.

- e **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the City, except where the context clearly indicates a different meaning.

Alternative tower structure shall mean man-made trees, clock towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflages or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to the requirements of this Section. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone pole in the right-

of-way, streetlight, or traffic signal that accommodates small cell facilities is considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this Section.

Antenna shall mean any device used to transmit and/or receive radio or electromagnetic waves such as panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations as well as exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

Base station shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower or any equipment associated with a tower. Base station does include:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Section, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under this Section, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in Paragraphs 1. and 2. above.

Camouflage, concealment, or camouflage design techniques shall mean the designing of a WCF to alter its appearance to substantially integrate it into surrounding building designs and/or natural settings to minimize the visual impacts of the facility on the surrounding uses and ensure the facility is compatible with the environment in which it is located. A WCF site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola; or (ii) is integrated in an outdoor fixture such as a utility tower; or (iii) uses a design which mimics and is consistent with the nearby natural or architectural features (such as a clock tower) or is incorporated into (including being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including stop signs

or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Cell on wheels (COW) shall mean a mobile cell site that consists of an antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to boost reception as part of a larger cellular network and is temporary in nature.

Collocation shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Eligible facilities request shall mean any request for modification of an existing tower or base station that is not a substantial change.

Eligible support structure shall mean any tower or base station as defined in this Section, provided that it is existing at the time the relevant application is filed with the City under this Section.

Existing tower or base station shall mean a constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built; for example, a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

Micro cell facility shall mean a small wireless facility that is no larger than 24 inches in length, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, that is no more than 11 inches in length.

Monopole shall mean a single, freestanding pole-type structure supporting one or more antennas.

Over the air receiving device shall mean an antenna used to receive video programming from direct broadcast satellites, broadband radio services and television broadcast stations, but shall not include antennas used for AM/FM radio, amateur ("ham") radio, CB radio, digital audio radio services or antennas used as part of a hub to relay signals among multiple locations.

Pole-mounted small cell facility shall mean a small cell facility with an antenna that is mounted and supported on an alternative tower structure, which includes a replacement pole.

Public property shall mean real property owned or controlled by the City, excluding the public right-of-way.

Public right-of-way (ROW) shall mean any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

Radio frequency emissions letter shall mean a letter from the applicant certifying, all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions.

Replacement pole shall mean an alternative tower structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a WCF or small cell facility or micro cell facility or to accommodate collocation, and replaces a pre-existing pole or structure.

Signal non-interference letter shall mean a letter from the applicant certifying all WCFs that are the subject of the application shall be designed, sited and operated in accordance with applicable federal regulations addressing radio frequency interference.

Site for towers (other than towers in the right-of-way and eligible support structures) shall mean the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations, micro cell facilities, and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

Small cell facility shall mean a WCF where each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cells may be attached to alternate tower structures, replacement pole, and base stations. The definition of a small cell facility shall also include a micro cell or micro cell facility.

Substantial change shall mean a modification that substantially changes the physical dimensions of an eligible support structure if, after the modification, the structure meets any of the following criteria:

1. For towers, other than alternative tower structures or towers in the right-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent 10% or more than 10 feet, whichever is greater;

2. For towers, other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
4. For towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more 10% larger in height or overall volume than any other existing, individual ground cabinet associated with the structure;
5. For any eligible support structure, it entails any excavation or deployment outside the current site;
6. For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For the purposes of this subsection 6., a change that would undermine the concealment elements of this structure will be considered to defeat the concealment elements of the structure; or
7. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in Paragraphs 1., 2., and 3. of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Toll and tolling shall mean to delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

Tower shall mean any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one or more any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guyed towers, monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

Transmission equipment shall mean equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Unreasonable interference shall mean any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

Wireless communications facility or WCF shall mean a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, base stations, support equipment, alternative tower structures, and towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Title.

24-1102 Oil & Gas

- a. **Intent.** State law recognizes that surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Additionally, the City has the responsibility to protect city infrastructure and resources, manage and mitigate adverse land use impacts, and protect the health, safety, morals and general welfare of the public. This Section has the following intent with regard to the rights of surface and mineral estates:
1. Ensure and monitor compliance with all State and Federal laws and rules;
 2. Enable the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests;
 3. Minimize or mitigate adverse land use impacts on mineral estates, and provide mutual accommodation of the surface and mineral owners.
 4. Protect the City's infrastructure and groundwater resources and require mineral estate developers to ensure these resources are not harmed.

-
5. Mitigate potential negative impacts from mineral estate development on property owners, adjacent or future land uses, and ecological resources through reasonable regulations for initiating, operating and ceasing mineral estate development.
- b. **Applicability.** The standards and procedures in this Section apply to all apply to oil and gas exploration and production operations located on surface property with within all zoning districts in the City limits. No oil and gas facility shall be operated or reactivated, and no site development or equipment shall be located prior to the following:
1. *Use by Special Review.* All oil and gas exploration and production operations shall require a special review permit for the facility according to the procedures and criteria in Section 24-206
 2. *Site Plan.* Approval of a site plan in association with the special review permit, or in accordance with the procedures and criteria in Section 24-207 for any new or relocated facilities, and provided it is compliance with an approved special review permit and the standards of this Section.
 3. *Notice to Proceed.* Prior to commencement of construction, drilling, redrilling or enhanced recovery operations for which a use by special review has been previously granted, a "Notice to Proceed" shall be obtained from the City. A copy of any necessary state or federal permit issued for the operation shall be provided to the City.
 4. *Building Permits.* Building permits shall be obtained as required by the City's adopted Building and Fire Codes and all other applicable codes and regulations.
 5. The initial use by special review permit shall allow any twinning, sidetracking, deepening, recompleting or reworking of a well and relocation of accessory equipment or gathering and transmission lines so long as all applicable regulations of this jurisdiction and the state are met. If any twinning, sidetracking, deepening, recompleting or reworking of a well, or relocation of accessory equipment or gathering and transmission lines occurs, then the operator shall submit a revised site plan according to the procedures and criteria in Section 24-207.
- c. **Site & Development Standards.** All oil and gas sites shall meet the following site and development standards:
1. *General Provisions.* Operators shall conform to the following:
 - (a) City, county, state and federal regulations and standards concerning air quality, water quality, odor and noise.
 - (b) City sanitation and environmental standards
 - (c) All surface trash, debris, scarp or discarded material shall be removed and disposed of in a legal manner.
 2. *Equipment Setbacks.* All oil and gas equipment, except flow lines, transmission lines and power supply, shall be located according to the setbacks in Table 24-11-2.

Table 24-11-2: Oil & Gas Equipment Setbacks

Location	Equipment	Setbacks	From
All areas of the City	Well	150' or 1.5x height, whichever is greater	Lot Line/ROW,
	Well heads		Parking,
	Production tanks		Trail,
	Associated production equipment		Public or private road, Major above ground utility, Rail line Any occupied building (low density areas)
		50'	Any plugged and abandoned well
	New building or structure	150' or 1.5x height, whichever is greater	Any existing oil and gas equipment listed above
High-density areas		200'	Any occupied building (high density areas)
	Well	350' (well and well heads) 500' (production tanks and associated production equipment)	Education facility,
	Well head		Assembly building
	Production tanks		Hospital or care facility
	Associated production equipment		Jail Outdoor activity areas (State designated)
		50'	Any plugged and abandoned well
	Any new building or structure (or per alternative compliance in Section 24-208)	350' (well and well heads) 500' (production tanks and associated production equipment)	Any existing oil and gas equipment listed above

The Planning Commission may allow a lesser setback if necessary to meet other COGCC rules. A waiver shall first require COGCC approval of all other provisions of the application, demonstration that the COGCC requirements make the setbacks unattainable, and the Planning Commission may require other mitigation measures as provided in this Section to account for lesser setbacks.

-
3. *Flow Lines.* All flow lines, including transmission and gathering systems, shall have the legal description of the location recorded with the County Clerk and Recorder within 30 days of completion of construction. Abandonment of any flow lines shall be recorded with the County Clerk and Recorder within 30 days after abandonment.
 4. *Access Roads.* All roads used to access the tank battery and wellhead shall be constructed and maintained according to the following:
 - (a) 20 feet minimum width;
 - (b) 13.5 feet minimum overhead clearance;
 - (c) Surfaced with:
 - (1) Tank access - Gravel with Class 6 aggregate base course per Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction,"
 - (2) Well head access - dirt;
 - (d) 6-inch thick / 95% compacted subgrade and aggregate base course;
 - (e) Graded to allow drainage and constructed to allow cross-drainage of waterways by a culvert or pipe subject to Public Works approval; and
 - (f) Any intersection with city streets or paved alleys shall be paved to Public Works standards from the road to the edge of the right of way, and otherwise protect public streets, sidewalks, curbs and gutter from any mud or gravel.
 - (g) If a well site falls within a high density area at the time of construction, all leasehold roads shall be constructed to accommodate local emergency vehicle access requirements and shall be maintained in a reasonable condition.
 - (h) If mud or gravel is carried onto City streets or sidewalks, the owner or operator shall ensure that the streets are promptly cleaned. With the permission of the Director of Public Works, the owner or operator may make arrangements for the Public Works Department to clean the streets at the sole cost of the owner or operator.
 - (i) No public facilities such as curbs, gutters, pavement, water or sewer lines, etc., shall be damaged by vehicles entering or leaving the site. In the event of damage, the owner and operator, jointly and severally, shall indemnify the City for any reasonable repair costs
 5. *High Density Areas.* In addition to setbacks as required in Section 24-1102.c.2., the following provisions shall apply to high density areas:
 - (a) At the time of initial installation, if a well site falls within a high density area, all pumps, pits, wellheads and production facilities shall be adequately fenced to restrict access by unauthorized persons. For security purposes, all such facilities and equipment used in the operation of a completed well shall be surrounded by a

fence six feet in height, of noncombustible material and which includes a gate which shall be locked.

- (b) Any material not in use that might constitute a fire hazard shall be placed a minimum of 25 feet from the wellhead, tanks and separator. Within 90 days after a well is plugged and abandoned, the well site shall be cleared of all nonessential equipment.
- (c) Adequate blowout prevention equipment shall be provided for drilling operations and well servicing operations.
- (d) The operator shall identify the location of plugged and abandoned wells with a permanent monument which shall include the well number and date of plugging inscribed on the monument.
- (e) Where possible, operators shall provide for the development of multiple reservoirs by drilling on existing pads or by multiple completions or commingling in existing well bores.

d. **Coordination with COGCC Rules.** In addition to any other standards that are part of a special review permit, all oil and gas facilities shall comply with the following rules of Oil the Oil and Gas Conservation Commission of the State of Colorado (COGCC).

1. *Generally.* All exploration and production waste, including drilling mud or other drilling fluids, shall be stored, handled, transported, treated, recycled or disposed of in accordance with COGCC regulations, to prevent any significant adverse environmental impact on air, water, soil or biological resources.
2. *Abandonment and Plugging.* The operator shall comply with all COGCC rules with respect to abandonment and plugging of wells.
 - (a) Operators of wells which are to be abandoned upon the completion of drilling and not be put into production shall notify the Greeley Fire Department not less than two hours prior to commencing plugging operations.
 - (b) Operators of formerly producing wells shall notify the Greeley Fire Department not less than 2 days prior to removing production equipment or commencing plugging operations.
3. *Seismic Operations.* All persons shall comply with all COGCC rules with respect to seismic operations. Seismic operations shall occur within the City only between the hours of 7:00 a.m. and 7:00 p.m. In addition, the owner or operator shall provide a notice of intent to conduct seismic exploration at least seven days prior to commencement of the data recording operations to the Community Development Director and the Fire Chief. Notice shall include the following:
 - (a) Method of exploration;
 - (b) Map showing the proposed seismic lines, at a scale at least one-half inch to the mile;
 - (c) Name and permanent address of the seismic contractor; and

-
- (d) The name, address and telephone number of the seismic contractor's local representative.
 - 4. *Signs.* The well and tank battery owner or operator shall comply with all COGCC rules with respect to signs. In addition, the owner or operator shall maintain all signs in readable condition. Signs shall comply with Chapter 9, Signs, and the International Fire Code, except when any variations from these codes are required by COGCC regulations.
 - 5. *Reclamation.* The operator shall comply with all COGCC rules with respect to site reclamation. The COGCC Drill Site Reclamation Notice shall be filed with the City at the same time it is sent to the surface owner.
 - e. **Environmental Mitigation.** To ensure appropriate integration into the context within the City, and to promote the long-term interests of all land owners, oil and gas shall mitigate the following environmental impacts.
 - 1. *Noise.* State law and regulations concerning noise abatement (Title 25, Article 12, C.R.S.) shall apply to all operations, together with applicable local government ordinances, rules or regulations. In addition, each site shall comply with the following:
 - (a) Where a well or tank battery does not comply with the required setback or other portions of this Section, or where the well or tank battery is in an area of particular noise sensitivity, such as hospitals, schools and churches, additional noise mitigation may be required. In determining noise mitigation, specific site characteristics shall be considered, including the following:
 - (1) Nature and proximity of adjacent development (design, location, type);
 - (2) Prevailing weather patterns, including wind directions;
 - (3) Vegetative cover on or adjacent to the site; and
 - (4) Topography.
 - (b) Based upon the site characteristics, additional noise mitigation may require any combination of the following:
 - (1) Acoustically insulated housing or cover enclosing the motor, engine or compressor, or similar techniques;
 - (2) Vegetative screen consisting of trees and shrubs;
 - (3) Solid wall or fence of acoustically insulating material surrounding all or part of the facility;
 - (4) Noise management plan identifying and limiting hours of maximum noise emissions, type, frequency and level of noise to be emitted and proposed mitigation measures;
 - (5) Lowering the level of pumps or tank battery; and
 - (6) Requirements for electric motors only.
 - (c) Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented in a direction away from all buildings certified or intended for occupancy, to the extent practicable.

2. *Visibility.* Oil and gas facilities shall be located away from prominent natural features and otherwise located to minimize visibility from rights-of-way, public spaces or adjacent property.
 - (a) *General Location.* The following strategies shall be used to minimize visibility:
 - (1). Locate to avoid crossing hills and ridges or silhouetting.
 - (2). Use structures of minimal size to satisfy present and future functional requirements.
 - (3). Minimize the removal of existing vegetation.
 - (4). Locate facilities at the base of slopes to provide a background of topography and natural cover.
 - (5). Replace earth adjacent to water crossings at slopes at an angle, which insures stability for the soil type of the site, to minimize erosion.
 - (6). Align access roads to follow existing grades and minimize cuts and fills.
 - (b) *Landscaping.* One or more of the following landscape strategies may be required, on a site-specific basis:
 - (1). Adequate ground covers, shrubs and trees.
 - (2). Shaping cuts and fills to appear as natural forms.
 - (3). Cutting rock areas to create irregular forms.
 - (4). Designing the facility to utilize natural screens.
 - (5). Construction of fences or walls, such as woven wood or rock, for use with or instead of landscaping.
 - (c) *Painting and Colors.* Facilities shall be painted as follows:
 - (1). Uniform, noncontrasting, nonreflective color tones, similar to Munsell Soil Color Coding System.
 - (2). Color matched to land, not sky, slightly darker than adjacent landscape.
 - (3). Exposed concrete colored to match soil color.
 - (4). Storage tanks and other facilities shall be kept clean and well-painted and otherwise properly maintained, so that signs are legible and all flammable material removed from the site.
 - (d) *Visual Mitigation Plan.* Where a well or tank battery does not comply with the required setback or other portions of this Section or in areas of increased visual sensitivity determined by the City, the applicant shall submit a visual mitigation plan which shall include one or more of the following standards:
 - (1). Exterior lighting shall be directed away from residential areas or shielded from said areas to eliminate glare.
 - (2). Construction of buildings or other enclosures may be required where facilities create noise and visual impacts which cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use.

-
3. *Safety.* Adequate precautions shall be taken and necessary wellhead safety devices used at all times during the drilling, completion, recompletion, reworking, production, repair and maintenance of the well.
 - (a) Adequate fire-fighting apparatus and supplies, approved by the Greeley Fire Department or appropriate fire district, shall be maintained on the drilling site at all times during drilling, completion and repair operations. All machinery, equipment and installations on all drilling sites within the City limits shall conform with such requirements as may be issued by the Greeley Fire Department or appropriate fire district.
 - (b) Any well located less than 350 feet from an occupied building or in high density areas shall be equipped with blowout preventers during drilling.
 4. *Wildlife.*
 - (a) When one or more wells or tank batteries are located within sensitive areas as identified on the City's Areas of Ecological Significance Map, the applicant shall consult with the Division of Wildlife and the City to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures.
 - (b) In lieu of a site specific mitigation review for each well and well site, the applicant may submit to the Community Development Director a multi-site plan addressing cumulative impacts to wildlife from the estimated total number of facilities planned in the same area and including areas within the Long-Range Expected Growth Area, if at least one proposed well site is in the City.
 5. *Flood Plain Restrictions.* The well and tank battery shall comply with all applicable federal, state and local laws and regulations when located in a flood way or a one-hundred-year flood plain area.
 - (a) All equipment at production sites located within a one-hundred-year flood plain shall be anchored as necessary to prevent flotation, lateral movement or collapse or shall be surrounded by a berm with a top elevation at least one foot above the level of a one-hundred-year flood.
 - (b) Any activity or equipment at any well site within a one-hundred-year flood plain shall comply with the Federal Emergency Management Act and shall not endanger the eligibility of residents of the City to obtain federal flood insurance.
- f. **Application Materials.** In addition to all submittal requirements for a use by special review required by Chapter 2 and Section 24-206, a use by special review for oil and gas facilities shall require the following:
1. *Site Plan.* Copies of all information submitted to the COGCC. If any of the following is not included on the COGCC information, it shall be submitted on one or more plats or maps, drawn to scale:

- (a) The proposed location of production site facilities or well site facilities. Future development of the resource shall be considered in the location of the tank battery. Existing tank batteries and transmission and gathering lines within 500 feet of the well site shall be shown.
 - (b) The location of the drilling equipment and related facilities and structures.
 - (c) The following information within a radius of 500 feet of the proposed well or production site:
 - (1) Existing surface improvements;
 - (2) Existing utility easements and other rights-of-way of record; and
 - (3) Existing irrigation or drainage ditches.
 - (4) Names of abutting subdivisions or owners of abutting unplatted property
 - (d) Drainage and erosion control plans for the well site or production site and the area immediately adjacent to such site, if applicable.
 - (e) Location of access roads.
 - (f) Well site or production site's existing lease boundaries, well name and number.
 - (g) True north arrow, scale and plan legend.
 - (h) A title block showing the scale; date of preparation; and name, address and telephone number of the plan preparer, applicant and operator.
2. *Vicinity Maps.* Copies of the vicinity maps as submitted to the COGCC. If any of the following is not included on the COGCC vicinity maps, it shall be submitted included for a three-mile radius around the proposed well:
- (a) Location of all existing water bodies and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5 minute series or assessor base maps which indicate topographic detail and show all existing water bodies and watercourses with a physically defined channel within a four-hundred-foot radius of the proposed well.
 - (b) Location of existing oil and gas wells as reflected in COGCC records. This information shall be submitted on a map and shall include any and all wells within a one-thousand-foot radius of the proposed location for the well.
 - (c) Location of drill site and access from one or more public roads.
 - (d) Surface and mineral lease ownership within 200 feet of the wellhead and within 400 feet of the wellhead in high-density areas.
3. *Other Items.* The application shall include the following:
- (a) The operator's and surface owner's names and addresses, copies of any required COGCC Form 2 and designation of agent, if applicable.
 - (b) An operating plan.

-
- (c) A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than COGCC.
 - (d) An emergency response plan that is mutually acceptable to the operator and the Greeley Fire Department or appropriate fire district that includes a list of local telephone number of public and private entities and individuals to be notified in the event of an emergency, the location of the well and provisions for access by emergency response entities.
 - (e) A plan for minimizing negative impacts, including noise and vibration levels, air and water quality, odor levels, visual impacts, wildlife impacts, waste disposal and public safety.
 - (f) A fire protection plan that is mutually acceptable to the operator and the Greeley Fire Department or appropriate fire district that includes planned actions for possible emergency events and any other pertinent information. Prior to the application to the City, a proposed fire protection plan and emergency response plan shall be submitted to and reviewed by the Greeley Fire Department or appropriate fire district.
- g. **Review Criteria.** In addition to all other general criteria in Section 24-206 for use by special review, the Planning Commission shall consider the following for oil and gas facilities:
- 1. The submittal of all necessary information demonstrates compliance with all federal, state and local laws and regulations regarding siting and operating facilities.
 - 2. The site plans demonstrate compliance with all standards in this Section.
 - 3. The site plan or any additional environmental mitigation plans meet the standards, guidelines and criteria for the specific location and context.
 - 4. No other conditions or circumstances exist that will undermine the intent of this Section.
- h. **Inspections.** The holder or agent of the special review permit shall allow inspections of all wells and accessory equipment and structures by City personnel at any reasonable hour.
- 1. Failure to allow inspections for more than ten days shall result in scheduling a special review permit revocation hearing before the Planning Commission. The Planning Commission's decision on a special review permit revocation based on failure to allow inspections shall be final.
 - 2. Each year the operator of any producing oil or gas well shall provide the following to the Fire Chief:
 - (a) Proof of insurance and bonding required by any City, county, state or federal law or regulation
 - (b) Certification of compliance with the conditions of this Section, the Uniform Building and Fire Codes, and other applicable regulations.
 - (c) Annual inspection fees established by the City to cover inspection costs. This fee shall be paid no later than February 1 for the preceding year. Wells which have been plugged and abandoned are exempt from the fee.
-

- i. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All terms not listed but that are defined in the Act, or in regulations by the COGCC or CDPHE authorized under the Act, shall defer to those definitions, and any conflicts resolved in favor of the state definitions. All other terms shall have their usual customary meaning, the meaning given elsewhere in this code, or any generally accepted oil and gas industry meaning if the term is technical in nature.

Act shall mean the Oil and Gas Conservation Act of the State of Colorado.

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

Building unit shall mean a building or structure intended for human occupancy. A dwelling unit, every guest room in a hotel/motel, every 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 building unit.

Commission or COGCC shall mean the Oil and Gas Conservation Commission of the State of Colorado.

Educational facility shall mean any building used for legally allowed educational purposes for more than 12 hours per week for more than six persons. This includes any building or portion of building used for licensed day-care purposes for more than six persons.

High-density area shall be 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 of the following:

1. 36 or more actual or platted building units are within a one-thousand-foot radius, or 18 or more building units are within any semi-circle of the one-thousand-foot radius, at an average density of one building unit per two acres. If platted building units are used to determine density, then 50% of said platted units shall have building units under construction or constructed;
2. An educational facility, assembly building, hospital, nursing home, board and care facility or jail is located within 1,000 feet of a wellhead or production facility; or
3. 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 COGCC.

Hospital, nursing home, board and care facilities , for the sole purpose of this Chapter, shall mean buildings used for the licensed care of more than five in-patients or residents.

Inspector, City shall mean any person designated by the City Manager or by the Manager's designee, who shall have the authority to inspect a well site to determine compliance with this Chapter and other applicable ordinances of the City.

Jail shall mean those structures where the personal liberties of occupants are restrained, including but not limited to mental hospitals, mental sanitariums, prisons and reformatories.

Local government designee 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 COGCC.

Mineral owner shall mean any person having title or right of ownership in subsurface oil and gas or leasehold interest therein.

Operating plan 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/infrastructure, any mitigation plans and any other information related to regular functioning of that facility.

Operator 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.

Production facilities 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.

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.

Surface owner shall mean any person having title or right of ownership in the surface estate of real property or leasehold interest therein.

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.

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.

24-1103 **Adult Businesses**

- a. **Findings.** The City Council finds that certain areas within the City are zoned to allow for adult businesses. The following shall apply to adult businesses:
1. Regulation of adult businesses protects and preserves the health, safety and welfare of the patrons of such businesses, as well as the citizenry.
 2. Regulation of adult businesses furthers substantial governmental interests and is necessary because, in the absence of such regulation, significant criminal activity has historically and regularly occurred. This history of criminal activity has included prostitution, narcotics and liquor law violations, violent crimes against persons and property crimes.
 3. Adult businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature.
 4. The concern over sexually transmitted diseases, including AIDS, is a legitimate health concern of the City which demands reasonable regulation of adult businesses in order to protect the health and well-being of the citizens.
 5. Adult businesses have a deleterious effect on both neighboring businesses and surrounding residential areas, causing an increase in crime and a decrease in property values.
 6. It is recognized that adult businesses have serious objectionable characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area.
 7. Restricted hours of operation will further prevent the adverse secondary effects of adult businesses.
 8. The City Council desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizens; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; deter the spread of urban blight; and protect the citizens from increased crime.
- b. **Intent.** The intent to of this section is to regulate adult businesses to
1. Promote the health, safety, morals and general welfare of the citizens of Greeley;
 2. Establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult businesses within the City; and

3. Reducing or eliminating the adverse secondary effects from such adult businesses.
 4. The provisions of this Section have neither the intent nor effect of imposing a limitation or restriction on the content of any constitutionally protected communicative materials, including sexually oriented materials.
 5. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.
- c. **General Standards.** The following provisions shall apply to an adult business, service or entertainment establishment:
1. *Age Restriction.* No one under 18 years of age shall be admitted to an adult business, service or entertainment establishment offering any form of live entertainment, nor shall any employee, agent or independent contractor working on such premises where live entertainment is allowed be under 18 years of age.
 2. *Hours of Operation.* Adult entertainment shall only be available at adult business, service or entertainment establishments between the hours of 7:00 a.m. and 12:00 midnight, Monday through Saturday.
 3. *Buffers.* An adult business, service or entertainment establishment shall be adequately buffered through the use of facade treatment, landscaping or fencing to minimize adverse impacts on commercial or residential uses, public parks, churches, public or private schools, preschools or child care centers certified or licensed by the State of Colorado, which are in proximity to such adult businesses. Buffering requirements shall be as provided in Section 24-803.
 4. *Lightning & Signs.* All outside lighting and signs shall be arranged, shielded and restricted so as to prevent adverse impacts and any nuisance on adjacent streets, commercial or residential uses, public parks, churches or public or private schools, preschools or child care centers certified or licensed by the State.
 5. *Location Restrictions.* No adult business, service or entertainment establishment shall be operated or maintained within 1,000 feet of the following uses, measured in a straight line without regard to intervening structures or objects from the closest property line of the use to the property line of the adult establishment.
 - (a) Any school, preschool or child care center certified or licensed by the state;
 - (b) Church property;
 - (c) Property zoned for residential use;
 - (d) A public park; or
 - (e) Any existing adult business

6. *Site Limits.* Not more than one adult business shall be operated or maintained in the same building, structure or portion thereof.
- d. **Public Nuisance.** Any adult business, service or entertainment establishment which engages in repeated or continuing violation of these regulations shall constitute a public nuisance subject to the provisions of Chapter 1.32. For purposes of these regulations, *repeated violations* shall mean three or more violations of any provision set forth herein within a consecutive twelve-month period, dating from the time of any violation. Any *continuing violation* shall mean a violation of any provision set out herein lasting for three or more consecutive days.
- e. **Free Expression.** Nothing in this Section shall be construed to apply to the presentation, showing or performance of any play, drama, ballet or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education or similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of a state of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

24-1104 **Marijuana Uses**

- a. **Intent.** The intent of this Section is to prohibit certain land uses related to commercial and medical marijuana in the City and, in furtherance of this intent, the City Council makes the following findings:
1. The Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., clarifies state law regarding the scope and intent of Article XVIII, Section 14 of the Colorado Constitution.
 2. The Colorado Medical Marijuana Code specifically authorizes the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses."
 3. The Colorado Medical Marijuana Code specifically authorizes a municipality "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses ... based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana."
 4. Article XVIII, Section 16 of the Colorado Constitution ("Amendment 64") specifically authorizes the governing body of a municipality to "prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance."
 5. The City has the power and authority to make and publish ordinances which are necessary and proper to provide for the safety and preserve the health of the citizens of the City not inconsistent with the laws of the State.
 6. Both Section 14 and Section 16 of Article XVIII of the Colorado Constitution provided specific direction regarding the requirements related to growing marijuana for personal use, including providing limits to the number of plants which may be grown; and Section 14 specifically addresses the noncommercial cultivation of marijuana by requiring that marijuana may not be grown openly or publicly, requiring that marijuana be grown in an enclosed and locked space and providing that marijuana grown for personal use may not be made available for sale.
 7. Based on careful consideration of the Colorado Medical Marijuana Code, Article XVIII, Sections 14 and 16 of the Colorado Constitution and the potential secondary effects of the cultivation and dispensing of medical marijuana and the retail sale, distribution and manufacturing of medical marijuana-infused products, such land uses have an adverse effect on the health, safety and welfare of the City and its inhabitants.
- b. **Authority.** The City's authority to adopt this section is found in the following:
1. Article XVIII, Sections 14 and 16 of the Colorado Constitution,
 2. Colorado Medical Marijuana Code, Section 12-43.3-101, C.R.S.;
-

3. Local Government Land Use Control Enabling Act, Section 29-20-101, C.R.S.,
 4. Section 31-23-101, et seq., C.R.S. (Municipal Zoning Powers);
 5. Sections 31-15-103 and 31-15-401, C.R.S. (Municipal Police Powers);
 6. Section 31-15-501, C.R.S. (Municipal Authority to Regulate Businesses); and
 - †
 7. City of Greeley Home Rule Charter.
- c. **Applicability.** This Section shall apply to all property within the City. To the extent that the City is required to allow the cultivation of medical marijuana or marijuana for personal use under state law, the standards, conditions and limited authorizations in this Section apply. Nothing in this Section shall be interpreted to permit marijuana dispensaries of any kind otherwise prohibited by this or any other regulation. If the Colorado Medical Marijuana Code, Article XVIII, Section 14 of the Colorado Constitution and/or the Colorado Recreational Marijuana Code, Article XVIII, Section 16 of the Colorado Constitution are declared unlawful in violation of federal law, nothing in this Code shall be deemed to permit the cultivation, possession or use of marijuana for medical or any other purpose. This Section shall be liberally construed to prevent and prohibit the establishment, operation and continuation of any prohibited activity, but shall not be construed to criminalize lawful activity under Article XVIII, Section 16 of the Colorado Constitution.
- d. **Prohibited Uses.** The following activities are prohibited in the City, and not permitted as a primary land use, incidental activity or accessory use to another lawful land use, or as a home occupation:
1. Medical marijuana dispensaries, medical marijuana centers, medical marijuana-infused products manufacturers and optional premises cultivation operations
 2. Commercial marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores.
 3. Any private marijuana club.
- The City designates the Department of Finance as the entity responsible for processing applications for licenses to operate a marijuana establishment. Pursuant to the prohibitions set forth above, any application for a license to operate a marijuana establishment shall be deemed denied upon the date of submission
- e. **Limited Authorizations.** Caregivers and patients within the City are authorized to engage in only those activities regarding medical marijuana which are set forth in Section 14 of Article XVIII of the Colorado Constitution, as defined and limited by Section 25-1.5-106, C.R.S. Caregivers within the City are subject to any and all restrictions, limitations and prohibitions regarding the possession, consumption, transfer and cultivation of medical marijuana as set forth in Section 25-1.5-106,

C.R.S., and all administrative rules and regulations promulgated by state agencies.

f. **Other Standards & Prohibitions**

1. It is unlawful to grow medical marijuana or marijuana for personal or medicinal use anywhere in the City other than in a detached single-family residence and therein, within an enclosed, locked space which is not open or public within a detached single-family residential property under the ownership of the person cultivating the marijuana or with the written permission of the property owner. For purposes of this Section, a garage or detached structure associated with the residence shall not be used for the cultivation of marijuana.
2. It is unlawful to cultivate marijuana or medical marijuana inside a residential dwelling in an area exceeding 32 square feet or exceeding a height of 10 feet. This limit applies regardless of the number of qualified patients or caregivers or persons otherwise allowed to possess and grow marijuana for personal use residing in the residence. The cultivation area shall be a single, locked area and shall not be accessible to anyone under the age of 21 unless such person possesses a medical marijuana registration card.
3. It is unlawful to use any lighting for the indoor cultivation of marijuana or medical marijuana other than light emitting diodes (LEDs), compact fluorescent lamps (CFLs) or fluorescent lighting. All high intensity discharge (HID) lighting, including but not limited to mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high pressure sodium (HPS) lamps and xenon short-arc lamps, are prohibited.
4. It is unlawful to use gas products (e.g., CO₂, butane) for indoor marijuana or medical marijuana cultivation or processing.
5. It is unlawful to cultivate marijuana or medical marijuana in any structure without complying with applicable building and fire codes, including plumbing, mechanical and electrical, and all applicable zoning codes, including by not limited to lot coverage, setback and height requirements.
6. Any indoor marijuana or medical marijuana cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the property line for detached single-family residences or residential property, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence. This shall include, at a minimum, a system meeting the requirements of the current, adopted edition of the International Residential / Building Code.

7. It is unlawful to store chemicals used for marijuana or medical marijuana cultivation inside of the habitable areas of the residence or within public view from neighboring properties and public rights-of-way.
 8. It is unlawful for any marijuana or medical marijuana cultivation activity to adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts; or be hazardous due to the use or storage of materials, processes, products or wastes or from other actions related to the cultivation.
- g. **Violations and Enforcement.** Violations of this Section shall constitute a Code infraction violation and shall be punished pursuant to Chapter 1.33 of the Greeley Municipal Code. The establishment, operation and continuation of any activity in violation of the terms of this Section is specifically determined to constitute a public nuisance, may be abated by the City as a nuisance and may be enjoined by the City in an action brought in a court of competent jurisdiction in the County in which such activity occurs. The remedies set forth in this Section shall not be exclusive, shall be cumulative and shall be in addition to any other remedy available at law or in equity.
- h. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or Article XVIII, Section 16 of the Colorado Constitution, except where the context clearly indicates a different meaning.

Caregiver shall have the same meaning as set forth in Section 25-1.5-106(2), C.R.S.

Enclosed space means a permanent or semi-permanent area, surrounded on all sides, including the roof. The temporary opening of windows or doors does not convert the area into an unenclosed space.

Locked space means the area where cultivation occurs must be secured at all points of ingress and egress with a locking mechanism designed to limit access, such as a key or combination lock.

Marijuana or marihuana means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marihuana concentrate. *Marijuana or marihuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

Marijuana cultivation facility means an entity licensed to cultivate, prepare and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities and to other marijuana cultivation facilities, but not to consumers.

Marijuana establishment means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility or a retail marijuana store.

Marijuana product manufacturing facility means an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

Marijuana testing facility means an entity licensed to analyze and certify the safety and potency of marijuana.

Medical marijuana shall mean marijuana that is grown and sold pursuant to the provision of Article 43.3 of Title 12, C.R.S.

Medical marijuana center shall mean a person, business or any other entity licensed pursuant to Article 43.3 of Title 12, C.R.S., to operate a business as described in Section 12-43.3-402, C.R.S., that sells medical marijuana to registered patients or caregivers as authorized in the Colorado Revised Statutes, but is not a caregiver.

Medical marijuana dispensary shall have the same meaning as a *medical marijuana center* as set forth above.

Medical marijuana-infused product shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments and tinctures.

Medical marijuana-infused products manufacturer shall mean a person, business or any other entity licensed pursuant to Article 43.3 of Title 12, C.R.S., to operate a business as described in Section 12-43.3-404, C.R.S.

Open means not protected from unaided observations lawfully made from outside its perimeter not involving physical intrusion.

Optional premises cultivation operation shall mean a person, business or any other entity licensed pursuant to Article 43.3 of Title 12, C.R.S., to operate a business as described in Section 12-43.3-403, C.R.S.

Patient shall mean a person who has a debilitating medical condition and who has been provided with a registry identification card pursuant to the Colorado Revised Statutes to obtain medical marijuana.

Primary caregiver shall have the same meaning as set forth in Section 25-1.5-106(2), C.R.S.

Private marijuana club means the consumption of marijuana by persons assembled within a commercial or industrial structure, where such consumption is permitted, encouraged, promoted, enabled or condoned by persons assembled therein, whether such consumption is the primary intended purpose or an intended purpose incidental to other reasons for assembly therein.

Public means an area which is open to general access without restriction.

Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Reserved Sections 24-1105 through 24-1200

Section 7. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 12 of Title 24 to read as follows:

Chapter 12 Reserved – Metropolitan Districts

24-1201-1300 Reserved

Chapter 1. General Provisions

- 24-101 Overview
- 24-102 Interpretation
- 24-103 Administration
- 24-104 Enforcement
- 24-105 Nonconformities

Chapter 2. Procedures

- 24-201 General – All Applications
- 24-202 Minor Subdivision
- 24-203 Major Subdivision
- 24-204 Rezoning
- 24-205 Planned Unit Development
- 24-206 Use by Special Review
- 24-207 Site Plan
- 24-208 Alternative Compliance
- 24-209 Variance
- 24-210 Appeal of Administrative Decision
- 24-211 Code Amendment
- 24-212 Vacation & Dedication of Easements
- 24-213 Vacation & Dedication Right-of-way
- 24-214 Annexation

Chapter 3. Subdivision Standards

- 24-301 Streets
- 24-302 Open & Civic Spaces
- 24-303 Blocks & Lots
- 34-304 Required Improvements
- 24-305 Adequate Public Facilities

Chapter 4. Zoning Districts & Uses

- 24-401 District Intent & Applicability
- 24-402 Allowed Uses
- 24-403 Accessory Uses
- 24-404 Specific Use Standards
- 24-405 District Performance Standards

Chapter 5. Neighborhood Development & Design Standards

- 24-501 Intent & Applicability
- 24-502 Residential Building Types
- 24-503 Residential Design Standards
- 24-504 Courtyard Pattern
- 24-505 Manufactured, Mobile, & Small Format Housing

Chapter 6. Nonresidential Development & Design Standards

- 24-601 Intent & Applicability
- 24-602 Development Standards
- 24-603 Design Standards

Chapter 7. Access & Parking Standards

- 24-701 Intent & Applicability
- 24-702 Access & Circulation
- 24-703 Required Parking
- 24-704. Parking Design
- 24-705 Loading Areas
- 24-706 Recreational & Oversized Vehicles
- 24-707 Alternate Access & Parking Plan

Chapter 8. Landscape Standards

- 24-801 Intent & Applicability
- 24-802 Landscape Design
- 24-803 Perimeter Landscape & Screening
- 24-804 Plant Specifications

Chapter 9. Signs

- 24-901 Intent & Applicability
- 24-902 Exempt Signs
- 24-903 Prohibited Signs
- 24-904 Standards Applicable to All Signs
- 24-905 Specific Sign Allowances
- 24-906 Historic Signs
- 24-907 Nonconforming Signs
- 24-908 Sign Measurements & Interpretation
- 24-909 Relief From Standards
- 24-910 Sign Chart

Chapter 10. Special Purpose Districts & Areas

- 24-1001 Floodplain Overlay District
- 24-1002 Airport Overlay District
- 24-1003 Historic Preservation
- 24-1004 Areas of Ecological Significance
- 24-1005 General Improvement District Overlay
- 24-1006 Redevelopment District Overlay
- 24-1007 Character Overlay Districts
- 24-1008 Entertainment Districts
- 24-1009 Hillside Development Standards

Chapter 11. Supplemental Standards

- 24-1101 Wireless Communication Facilities
- 24-1102 Oil & Gas
- 24-1103 Adult Uses
- 24-1104 Marijuana Uses

Chapter 12 Metropolitan Districts**Chapter 13 Definitions & Terms**

- 24-1301 Description of Uses
- 24-1302 Glossary of Architecture & Design Terms
- 24-1303 Definitions

CHAPTER 7 ACCESS & PARKING: SECTION MAP		
Current Standards	Reorganized	Comment
18.42.010 Purpose & Intent	24-701.a Intent & Applicability, Intent	Expanded to be more specific and coordinate with “purposes” (in 24-101.d; broad and general) and “design objectives (various sub-sections; detailed and outcome oriented or performance based). This aids flexibility and interpretation of the code
18.42.020 Application	24-701.b. Intent & Applicability, Applicability	Expanded to highlight specific instances where compliance with parking standards is encountered in development review.
18.42.030 Definitions	Chapter 12 Definitions	All definitions will be moved to one location to avoid problems of repeating definitions in multiple sections.
18.42.040 Parking – General Provisions	24-704.f. Paring Design, General Design Standards	Similar to current provisions with two additions: more criteria for off-site parking and options for alternative surfaces in tow specific situations.
18.42.050. Off-street Parking Requirements	24-703.a and b. Required Parking, Vehicle Parking Rates and Maximum Parking	Table has been generalized. The current table has a number of very specific uses with only subtle differences between the required parking rates, and some which could overlap with other listed uses causing interpretation issues. A more general list can get interpretations to a base parking requirement more-easily, and with the degree of flexibility in the code work to the appropriate or optimal parking requirement for a specific situation.
18.42.060 Parking for the Disabled	24-703.e. Required Parking, Accessible Parking	no substantive change
18.42.070 Bicycle Parking	24-704.d Required Parking, Bicycle Parking	Broadened and improved with more nuance to uses and context; also, possible reduction in vehicle parking in some cases (24-703.c.4.
18.42.080 Parking Space Dimensions	24-704.b. Parking Design, Location, Size and Landscape area 24-704.e. Parking Design, Parking Dimensions	broadened to overall stall configuration, parking block concepts and landscape design (per above) coordinated specific for parking layouts; but generally retained 15 space limit without islands; 200 space limit without perimeters or center medians. Compact parking space option shifted to alternative compliance / alternative access and parking plan, with more flexibility.
18.42.090 Parking Reduction Options	24-703.c. Required Parking, Parking Reductions	Expanded with more comprehensive approach to context, credits, sharing and reductions Note the following regarding any impact from the downtown exemption not applying to large-scale or residential uses: 1. new required parking may still be reduced by other credits for on-street, bicycle (15%), administrative (15%), transit (25%) 2. Public parking available to the residents can allow a 1 for 2 reduction. 3. Other reductions beyond that number can be done for specific cases with alternative compliance / alternative access and parking plan in 24-707 – additional 25% by staff approval; greater than 25% by PC approval.
18.42.095 Recreational Vehicles and Oversized Vehicles	24-706 Recreational & Oversized Vehicles	Only formatting and simplification changes – no substantive changes
18.42.100 Off-street Loading Regulations	24-705 Loading Areas	Expanded options for different contexts and to account for different loading area needs for small scale uses and in mixed-use or walkable contexts.
18.42.110 Off-street Stacking Regulations	[see Required Parking table – drive-through restaurant and service, and 24-702a.4.(a)	This will also be coordinated with “accessory uses” and use-specific design standards in Chapter 4 for drive-through service.
18.42.120 Historic Parking Credit	24-701.b.2	This was re-characterized from a historical credit to past code requirements, to a general leniency and threshold for all changes of use that parking won't trigger until the new use required more than 125% that exists; this broadens the applicability of credits for any use change, but also limits it to a more practical number and parking impact
18.40.050 Vehicle Access and Circulation	24-702.a. Access and Circulation, Driveways	Integrated with overall access and circulation of the site and within parking areas to emphasize balance of vehicle, bicycle and pedestrian access. (site scale standards; project and area scale standards are addressed in 3.01 – Streets or 3.02 Open & Civic Spaces)

CHAPTER 7 ACCESS & PARKING: SECTION MAP

Current Standards	Reorganized	Comment
18.40.060 Pedestrian and Bicycle Access and Circulation	24-704.c. Parking Design, Sidewalks 24-702.c Access and Circulation, Sidewalks	Integrated with overall access and circulation of the site and within parking areas to emphasize balance of vehicle, bicycle and pedestrian access. (site scale standards; project and area scale standards are addressed in 3.01 – Streets or 3.02 Open & Civic Spaces)
from 18.44.100 (various sub-sections) of updated landscape code	24-704.a Parking Design, Landscape Design Objectives	coordinated with landscape design section, but specific to parking lot layout and design
From 18.44.100.b.4 of updated landscape code	24-704.d. Parking Design, Footstep Access	(new section from landscape updates
new section	7.07 Alternate Parking & Access Plan;	new, but replaces a lot of general flexibility in current standards, consolidated here and quantified to emphasize some of the existing flexibility or alternatives; coordinates with “alternative compliance” provisions, generally

CHAPTER 8 LANDSCAPE STANDARDS: SECTION MAP		
Current Standards	Reorganized	Comment
18.44.010 Purpose and Intent	24-801.a. Intent & Applicability; Intent	Simplified; more succinct section that covers all of the same topics. This is done to: 1. Be more effective and direct in stating the intent. 2. Better guide discretion and interpretation, and not lose sight of important topics in circular, vague or repetitive language; 3. Be consistent with the format and writing style of other intent sections of the code; and 4. Not repeat broad and general "Purposes" of the whole code which are in 24-101.d applicable to the entire code ("Intent" sections are more topic specific and focus just on landscape in relation to the broad purposes.)
18.44.020 Applicability	24-801.b. Intent & Applicability; Applicability	Clarified that the code does apply to SF and 2F in some sections, and that it applies to new buildings and site work (current summary table leaves that out – though obvious and implied) Moved several related sections on permitting, administration, etc. into this section Re-characterized the major/minor distinction on extent of applicability of standards; eliminated it from the structure of other sections (most cases it caused confusion and ordinance structure problems with overlapping standards on no meaningful differences in the substantive standards)
18.44.030 Definitions	Chapter 12 Definitions	All definitions will be moved to one section in the final draft under direction from previous draft reviews.
18.44.040 Landscape plan requirements	24-801.b.3. Intent & Applicability; Applicability; Landscape Plan	Consistent with direction on other sections, consider if this should be removed and shifted to forms and submittal requirements administered by staff according to section 24-201.a.1.
18.44.050 General landscape design standards	24-802 Landscape Design 24-804 Plant Specifications;	Simplified and reorganized general lists of standards based on sub-topics in both 24-802 Landscape Design and 24-804 Plant Specifications Moved the required planting to the front to establish the requirements in a more prominent part of the chapter, and converted all general requirements to a single table (note: the major / minor distinctions of current sub-sections did not have any meaningful distinctions in the plant requirements) Other sections on drainage and water resources were reorganized in more technical and specific sections addressing those topics more directly.
18.44.060 Installation and maintenance	24-804.e. Plant Specifications; Installation & Maintenance 24-801.b. Intent & Applicability; Applicability	Consolidated several sections referring to maintenance in similar ways in one section Moved some of the installation procedures and administrative or permit items to applicability section Several of the items would not be codified under the general project direction to get forms and submittal requirements out of the code (2.01.A.1) and to address internal administrative staff procedures only generally (See 2.01.D.)
18.44.070 Irrigation systems	24-804.h. Plant Specifications; Irrigation systems	Reorganized and simplified. Note: the only meaningful distinction between major and minor and SF/2F seemed to be that major required review by Water and Sewer Department (again note if this internal, administrative detail should be codified, as things as detailed as this are not codified in other areas of the code that receive similar internal scrutiny due to the need to have experts and specialists review them for general compliance. (see 24-201.d.)
18.44.080 Landscape requirements all zoning districts	24-802 Landscape Design 24-803 Perimeter Design	Simplified and reorganized general lists of standards based on sub-topics in both 24-802 Landscape Design Separated out specific additional landscape requirements for buffers and screening and consolidated standards that are repeated frequently (some times in slightly different ways) throughout current standards) Note: SF and 2F frontage landscape / lot coverage (listed at 50% but different for different frontage types), will defer to the frontage design standards in Chapter 5 for the space allocation, but landscape will be based on this chapter.
18.55.090 Buffer yards	24-803 Perimeter Landscape	Consolidated all buffer design standards into single table. Merged with perimeter treatment standards (see comment below). Some tree rates have changed, mainly to create greater distinctions between the buffer types at the higher end of the types.

CHAPTER 8 LANDSCAPE STANDARDS: SECTION MAP		
Current Standards	Reorganized	Comment
		Also reduced the berm landscape reduction from 50% to 25% - to coordinate better with fence/wall and berm credit. (alternative compliance could still allow lower if appropriate)
18.44.100 Parking lot landscape	24-802 Landscape Design 24-704 Parking Lot Design	Moved all plant requirements for parking lots into the single table for plant requirements. Parking lot requirements were simplified by the following: Clarified the application of the parking landscape section to perimeter and internal islands, and emphasized the perimeter landscape; the parking lot requirement of 1 tree per 5 parking spaces is applied to these areas at minimum thresholds for both perimeter (1 per 35') and islands (1 per island or per 300 s.f.), rather than 65% of plants to internal islands. Parking lot layout and design (islands, buffers, etc.) is in Chapter 7 with all of the other parking requirements. (See 24-704)
18.44.110 Perimeter treatment standards	24-803 Perimeter Landscape	Combined perimeter treatment concept with buffer types – many of the types among each category were very similar in dimension and plant requirements, causing the code to make complex distinctions between situations that lead to no meaningful difference in the standards. In this way, the middle buffer types are applied to the perimeter treatment circumstances in the same manner as the current code.
18.44.120 Boulevard median standards	24-301 and 24-302	These standards will be coordinated with the streetscape landscape standards in 24-301 and or the civic and open space standards in 24-302.
18.44.130 Alteration replacement and removal	24-802.c.; 24-804.e	The intent of the current code was to encourage preserving trees, and require all trees part of an approved landscape plan or required by the code to be protected. These topics are more specifically addressed by an escalating credit for preserving existing trees (24-802.c) and basic inspection and enforcement provisions fro approved landscape plans. (24-804.e). Provisions that implied a more formal tree protection requirement for any existing trees or that mixed up these two objective are removed.

CHAPTER 9 SIGN STANDARDS: SECTION MAP		
Current Standards	Reorganized	Comment
18.54.010 Purpose and intent	24-901.a. Intent & Applicability; Intent	Slight revisions to be consistent with the format and writing style of other intent sections of the code; and not repeat broad and general "Purposes" of the whole code which are in 24-101.d applicable to the entire code.
18.54.020 Application and installation	24-901.b Intent & Applicability; Applicability	Used more direct phrasing on what triggers the ordinance; moved some of the permitting provisions, change of copy and abandoned signs here.
18.54.030 Variance and appeals	24-909.b Relief From Standards; Variance	Reorganized with "alternative compliance" (similar concept); referred to and removed things that duplicated 24-209 Variances
18.54.040 Enforcement	n/a; 24-901 Intent & Applicability; Applicability	Eliminated some provisions on general code enforcement -duplicates 24-104.; moved some things specific to particular sign removals to 24-903 Prohibited signs
18.54.050 Definitions and interpretations	Chapter 12 Definitions	All definitions will be moved to one section in the final draft under direction from previous draft reviews.
18.54.060 Sign permits	24-901.b. Intent & Applicability; Applicability or some eliminated	Moved some of the administrative and processing to applicability section; the detail submittal requirements will be removed from code to forms administered by department per direction on other sections (See 24-201.a.1.)
18.54.070 Reserved	eliminated	
18.54.080 General provisions	24-904 Standards Applicable to All Signs	Reorganized; some sections general to overall code and addressed in Chapter 1 removed; duplicative sections of "exempt signs" or prohibitions removed or coordinated with other sections
18.54.090 Sign measurements and orientation	24.908 Sign Measurements & Interpretation	
18.54.100 Sign setbacks	24.908.d Sign Measurements & Interpretation; Setbacks	
18.54.110 Signs not requiring a sign permit	24-902 Exempt Signs	
18.54.120 Prohibited signs	24-903 Prohibited Signs	
18.54.130 Temporary signs, including portable signs, searchlights and beacons	24-905.i. Temporary Signs	
18.54.140 Signs requiring a sign permit	24-905 Permitted Sign Allowance	
18.54.150 Public, quasi-public and institutional uses (nonresidential uses in ...	24-905.g Permitted Sign Allowance; Public and Institutional Uses	
18.4.160 Signs in PUD zoned districts	24.905.h Permitted Sign Allowance; PUDs	
18.54.170 Historic signs	24-906 Historic signs	
18.54.180 Nonconforming signs	24-907 Nonconforming Signs	
18.54.190 Abandoned signs	24-901.b.4. Intent & Applicability; Applicability; Abandoned Signs	
18.54.200 Sign construction and maintenance standards	24-904.c. Standards Applicable to All Signs; Construction and Maintenance Standards	
18.54.210 Alternative compliance	24-909.a Relief From Standards; Alternative Compliance	Coordinated better with 24-208 Alternative Compliance (process and criteria); re-organized with Variances (similar related concept)
18.54.220 Sign Chart	24-910 Sign Chart	

CHAPTER 10 SPECIAL DISTRICTS AND AREAS: SECTION MAP		
Current Sections	Reorganized Code	Comment
Chapter 18.34 Article II Floodplain Overlay District	24-1001 Floodplain Overlay District	
18.34.020 Purpose and intent	a. Intent	Simplified and organized to match new format.
18.34.040 General provisions	b. Applicability	Reorganized and rephrased as "applicability" section
18.34.050 Floodplain development permits	c. Floodplain Development Permits	No substantive changes.
18.34.060 General standards for flood hazard reduction	d. General Standards for Flood Hazard Reduction	No substantive changes
18.34.070 Specific standards for flood hazard reduction	e. Specific Standards for Flood Hazard Reduction	No substantive changes
18.34.080 Standards for areas of shallow flooding (AO/AH Zones)	f. Standards for Areas of Shallow Flooding (AO /AH Zones)	No substantive changes
18.34.090 Floodways	g. Floodways	No substantive changes
18.34.100 Alteration of watercourse	h.. Alteration of Watercourse	No substantive changes
18.34.110 Properties removed from floodplain by fill	i. Properties Removed from Floodplain by Fill	No substantive changes
18.34.120 Standards for subdivision proposals	j. Standards for Subdivision Proposals	No substantive changes
18.34.130 Standards for critical facilities	k. Standards for Critical Facilities	No substantive changes
18.34.030 Definitions	l. Defined Terms	Kept specific technical terms in this section; may need to merge/purge generally applicable terms defined in Chapter 13 to avoid duplication and conflicts
Chapter 18.34 Article IV Airport Overlay District	24-1002 Airport Overlay District	Overall reorganization and formatting with no substantive changes
18.34.300 Purpose	a. Intent	Simplified, removed "legalese," and organized to match new format.
18.34.310 Application	b. Applicability	No substantive changes
18.34.330 Airport zone	c. Airport Zone	No substantive changes
18.34.340 Use restriction	d. Use Restriction	No substantive changes
18.34.340 Nonconforming use	e. Nonconforming Use	No substantive changes
18.34.320 Definitions	f. Defined Terms	Kept specific technical terms in this section; may need to merge/purge generally applicable terms defined in Chapter 13 to avoid duplication and conflicts
Chapter 18.36 Historic Preservation	24-1003 Historic Preservation	Reorganized and formatted with no substantive changes
18.36.010 Purpose and intent	a. Intent	Reorganized and formatted with no substantive changes
18.36.020 Applicability of code)	b. Applicability	No substantive changes
18.36.060 Criteria for designation)	c. Criteria for Designation	No substantive changes
18.36.070 Designation	d. Designation	No substantive changes; reorganized and coordinated with Chapter 2 as much as possible.
18.36.110 Signage		
18.36.080 Notice	e. Notice	No substantive changes; the notice provisions are seem to be unnecessarily complex and could be better coordinated with Section 24-201.f. However, since they include subtle differences (owner-nominated vs. non-owner nominated; "first class, return receipt requested"; etc.) no substantive changes were made. It also retains the newspaper publication provision, which may need to be revisited based on the general direction of other published notice being on the website.
18.36.090 Appeal	f. Appeal	No substantive changes

CHAPTER 10 SPECIAL DISTRICTS AND AREAS: SECTION MAP		
Current Sections	Reorganized Code	Comment
18.36.100 Incentives	g. Incentives	No substantive changes; need appropriate cross reference to 18.37 – see comment below.
18.36.140 Alteration to designated properties and properties within a designated district	h. Alterations to Designated Property	No substantive changes
18.36.150 Criteria and standard for review of Certificate of Approval applications	i. Criteria for Certificate of Approval	No substantive changes
18.36.160 Removal from historic register/hardship exemptions	j. Removal from Historic Register/Hardship Exemptions	No substantive changes
Chapter 18.37 Historic Preservation Low Interest Loan Program	k. Historic Preservation Low Interest Loan Program	No substantive changes – but consider getting out of code and into an administrative policy (see notes on Initial Draft section map)
18.36.030 Definitions	l. Defined Terms	Kept specific technical terms in this section; may need to merge/purge generally applicable terms defined in Chapter 12 to avoid duplication and conflicts
18.36.040 Historic Preservation Commission; establishment, powers and duties	24-103.e Historic Preservation Commission	Simplified and moved to section with all other general administrative bodies established or with powers under the code.
18.36.050 Historic preservation specialist	n/a	Omitted; general staff person assigned this role by Director
18.36.120 Fines and penalties	n/a	Defer to Section 1.04 Enforcement which addresses entire code; no need to repeat same, similar or conflicting enforcement sections throughout different sections of the code
18.36.130 Illustrative flow chart (appendix L	n/a	Omitted; see general procedures and procedure summary table in Chapter 2
18.36.170 Severability	n/a	24-101.e Severability addresses for the entire code; do no need to repeat this in different sections throughout code.
Chapter 18.48 Areas of Ecological Significance	24-1004 Areas of Ecological Significance	
18.48.010 Purpose and intent	a. Intent	Reorganized and formatted with no substantive changes
18.48.020 Application	b. Applicability	Similar substantive content but generalized ability to update map since staff reported they do not regularly do this
18.48.040 General provisions	c. General Provisions	No substantive changes,
18.48.050 High and moderate impact area)	d. High & Moderate Impact Areas	Reorganized; no substantive changes
18.48.060 Development standards	e. Development Standards	Simplified; no substantive change
18.48.030 definitions	f. Defined Terms	Kept specific technical terms in this section; may need to merge/purge generally applicable terms defined in Chapter 13 to avoid duplication and conflicts
Chapter 18.34 Article III General Improvement District Overlay	24-1005 General Improvement District Overlay	
18.34.200 Purpose	a. Intent	Reorganized and formatted with no substantive changes; added more content related to planning and urban design policies and goals for downtown in preparation of adopting mapped frontages and street types
18.34.210 Application	b. Applicability	No substantive changes; eliminated redundancy in sections
18.34.220 District regulations	c. District Regulations	No substantive changes (no standards... note inconsistency with existing “purpose” statement somewhat remains)

CHAPTER 10 SPECIAL DISTRICTS AND AREAS: SECTION MAP		
Current Sections	Reorganized Code	Comment
Chapter 18.34, Article VII Redevelopment District Overlay	24-1006 Redevelopment District Overlay	
18.34.600 Purpose and intent	a. Intent	Simplified and organized to match new format; added some content specific to infill and urban design policies and goals from plan..
18.34.610 Application	b. Applicability	No substantive change; eliminated redundant content.
18.34.640 Cash-in-lieu 18.34.650 Redevelopment District performance options	c. Redevelopment District Performance Options	no substantive changes; formatted cash-in-lieu with other options; [note: very few provisions in this section that aren't equally or better addressed by other general code updates: context-specific application and criteria for standards; substantive standards and development types specifically geared for infill; or the improved criteria for alternative compliance. Therefore, recommend eliminating this district. See only substantive elements of current code: 18.44.030, 18.44.090, 18.46.040, 18.34.640, and 18.34.650]
18.34.620 Definitions	n/a	Defer to general definitions in Chapter 12 (few technical or "terms of art" in this section)
Chapter 18.34, Article IV Character Overlay Districts	24-1007 Character Overlay Districts	
18.34.400 Purpose	a. Intent	No substantive change; formatted to match code structure; added content to frame how overlay districts should be used and to specifically align with how the substantive design standards and alternative compliance are structured, and anticipate more refined, block- or district-scale application of those standards
18.34.410 Application 18.34.420 General Provisions 18.34.430 Standards	b. Applicability	No substantive change; combined and removed redundant sections; coordinated with 2.04; clarified that city-initiated overlays are not subject to petition thresholds
18.34.430 Standards	c. Effect of Decision	No substantive change; coordinated with 2.04
Chapter 18.34, Article V Northeast Greeley Mercado District; 18.34.500 - 510	d. Specific Districts	No substantive change; setting section up to specifically allow for additional districts to be designated here and then either substantive standards / provisions included (if minimal), or cross reference to appendix or other documents if plans and regulations of overlay are significant.
Chapter 18.34, Article VIII Entertainment District Overlay	24-1008 Entertainment Districts	
18.34.700 Purpose and intent	a. Intent	No substantive change
18.34.710 Application	b. Applicability	No substantive change
18.34.730 General Provisions 18.34.735 Downtown Entertainment District	c. General Provisions	No substantive changes [Note: since this district only deals with administrative, licensing, and enforcement in ROW issues, and not development or land use issues, recommend removing it from development code and let other policies, permits and administrative processes address this.
Chapter 18.50 Hillside Development Standards	24-1009 Hillside Development Standards	
18.50.010 Purpose and intent	a. Intent	No substantive change; formatted to match code structure
18.50.020 Application	b. Applicability	No substantive change
18.50.030 General Provisions 18.50.050 Design Standards	c. Development and Design Standards	No substantive change

CHAPTER 10 SPECIAL DISTRICTS AND AREAS: SECTION MAP

<i>Current Sections</i>	<i>Reorganized Code</i>	<i>Comment</i>
18.50.040 Definitions	n/a	Defer to general definitions in Chapter 13 (fe technical or “terms of art” in this section, and general definitions or plain language interpretations should address it all)

CHAPTER 11 SUPPLEMENTAL STANDARDS: SECTION MAP		
Current Sections	Reorganized Code	Comment
Chapter 18.60 Wireless Communication Facilities	24-1101 Wireless Communication Facilities	
18.60.010 Purpose and intent	a. Intent	Simplified and organized to match new format.
18.60.020 Application	b. Applicability	Simplified language with no substantive changes
18.60.070 Standards for approval		
18.60.040 Operational standards	c. Operation & Development Standards	Simplified and reorganized with no substantive changes; separated sections with redundant mix of process and substantive standards.
18.60.070 Standards for approval		
18.60.060 Design standards	d. Design Standards	Simplified and reorganized with no substantive changes; eliminated many repetitive sections through better organization
18.60.050 Review procedures and requirements	e. Review Procedures	Simplified and reorganized with no substantive changes; clarified different types of applications and coordinated better with 24-1101.b (i.e. eligible facility requests; ROW facilities; etc.)
18.60.020 Definitions	f. Defined Terms	Kept specific technical terms in this section; may need to merge/purge generally applicable terms defined in Chapter 13 to avoid duplication and conflicts
Chapter 18.56 Oil and Gas	24-1102 Oil & Gas	Overall reorganization and formatting with no substantive changes
18.56.010 Purpose and intent	a. Intent	Simplified and organized to match new format.
18.56.020 General provisions	b. Applicability	Simplified to basic applicability; coordinated and removed sections redundant to other subsections.
18.56.160 Building Permits		
18.56.200 Notice to Proceed		
18.56.040 Well and production facility setbacks	c. Site & Development Standards	Reorganized with no substantive change; standards by topics noted in sub-sections 1. – 5.
18.56.090 Access roads		
18.56.100 Compliance with environmental requirements		
18.56.120 Recordation of flow lines		
18.56.150 Operations in High-density Areas		
18.56.060 Disposal of drilling mud and exploration and disposal waste	d. Coordination with COGCC Rules	Reorganized various COGCC compliance from several sections here.
18.56.070 Seismic operations		
18.56.080 Signage		
18.56.130 Reclamation		
18.56.140 Abandonment and plugging		
18.56.050 Flood plain restrictions	e. Environmental Mitigation	Reorganized with no substantive change.
18.56.120 Environmental impacts and mitigation		
18.56.170 Requirements and procedures	f. Application Materials	Reorganized and simplified; coordinated with 24-201; moved COGCC requirements to one section (24-1101.d) and development standards (24-1102.c).
18.56.180 Site plan application requirements		
18.56.190 Application review criteria	g. Review Criteria	Current section not really "criteria" but submittal requirements; moved submittal requirements to 24-1102.f. and rephrased others as criteria and coordinated with 24-201 and 24-206
18.56.210 Inspections	h. Inspections	Reorganized with no substantive change

CHAPTER 11 SUPPLEMENTAL STANDARDS: SECTION MAP		
Current Sections	Reorganized Code	Comment
18.56.030 Definitions	i. Defined Terms	Kept specific technical terms in this section; may need to merge/purge generally applicable terms defined in Chapter 13 to avoid duplication and conflicts
18.56.220 Violations and enforcement	n/a	Defer to section 24-104 of General Provisions; eliminate multiple, redundant, but inconsistent enforcement sections.
18.46.060 Adult uses	24-1103 Adult Businesses	Reorganized and formatted with no substantive changes
18.46.060 (a)	a. Findings	Reorganized and formatted with no substantive changes
18.46.060 (b)	b. Intent	
18.46.060 (c)	c. General Standards	
18.46.060 (d)	d. Public Nuisance	
18.46.060 (e)	e. Free Expression	
18.46.135 – 18.46.139	24-1104 Marijuana Uses	Consolidated 4 different sections on the same topic to avoid redundancy of common sections
18.46.135. (a) Legislative intent and authority 18.46.137 (a) Legislative intent and authority 18.46.139 (a) Intent, authority and applicability	a. Intent	Combined multiple sections with no substantive change, but separated intent from authority to match format.
(same as above)	b. Authority	Combined multiple sections with no substantive change, but separated intent from authority to match format.
(same as above)	c. Applicability	Combined multiple sections with no substantive change,
18.46.135 (c) and (d) 18.46.137 (c) and (d) 18.46.138 (b) and (c)	d. Prohibited Uses	Combined multiple sections with no substantive change,
18.46.136 Activities, restrictions, limitations....	e. Limited Authorizations	simplified; no substantive change
18.46.139 (c) – (l)	f. Other Standards & Prohibitions	reorganized – no substantive changed
18.46.137 (f) and (g) 18.46.138 (d) and (e) 18.46.139 (m) and (n)	g. Violations and Enforcement	Combined to eliminate redundant sections; likely could be eliminated due to coordination of 24-104 General Provisions, but retained due to subtle special provisions on nuisance declaration.
18.46.135 (b) Definitions 18.46.137 (b) Definitions 18.46.138 (a) Definitions	h. Defined Terms	Combined multiple sections with no substantive change. Kept specific technical terms in this section; may need to merge/purge generally applicable terms defined in Chapter 13 to avoid duplication and conflicts

PLANNING COMMISSION SUMMARY

ITEM: Amending Title 24 of the 2021 Greeley Municipal Code to Recommend Approval of Chapter 7 – Access & Parking, Chapter 8 – Landscape Standards, Chapter 9 – Sign Standards, Chapter 10 – Special Districts & Areas, Chapter 11 – Supplemental Standards, and Chapter 12 – Reserved - Metropolitan Districts to be Adopted by Ordinance

PROJECT: Title 24 – Chapter 7 – Access & Parking
Title 24 – Chapter 8 – Landscape Standards
Title 24 – Chapter 9 – Sign Standards
Title 24 – Chapter 10 – Special Districts & Areas
Title 24 – Chapter 11 – Supplemental Standards
Title 24 – Chapter 12 – Reserved – Metropolitan Districts

FILE NO: Title 24 – Chapters 7-12 – CU2021-0004

LOCATION: (City-wide)

APPLICANT: City of Greeley, Community Development Department

CASE PLANNER: Carol Kuhn, AICP, Chief Planner

PLANNING COMMISSION HEARING DATE: June 8, 2021

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the staff and the public, and shall then make recommendations to the City Council regarding the proposed amendment to the Development Code.

PROJECT OVERVIEW AND BACKGROUND:

The Community Development Department is undertaking a multi-year project to update the Development Code, with an anticipated final adoption in September of 2021. The last major update to the Development Code was in 1998. A Plan Conformance Report was prepared and used as a guide to determine areas where the code could be improved to conform to the Comprehensive Plan and other policy documents; staff reviewed this report with the citizen Advisory Committee, Planning Commission, and City Council.

The Development Code, Title 18 of the City’s Municipal Code, was recently recodified into Title 24 as part of a citywide initiative.

On May 25, 2021, Staff conducted a worksession with the Planning Commission regarding the proposed revisions for Chapters 7-12 and presented Planning Commission with draft code language for Chapters 7-9 during the worksession.

The proposed schedule for the adoption of the Development Code is as follows:

Track	Chapter(s)	PC Worksession	PC Hearing	CC Public Hearings
Track I - Non-substantive changes for organization and improved usability.	Ch 1 – General Provisions	March 23, 2021	April 13, 2021	June 1, 2021 (First Reading)
	Ch 2 - Procedures	April 27, 2021	May 18, 2021	June 15, 2021 (Public Hearing) September 21, 2021 (Final Adoption)
Track II - Non-policy technical changes and coordination with other City policies and documents.	Ch 7 – Access & Parking Ch 8 – Landscape & Site Design Standards Ch 9 – Signs Ch 10 – Special Purpose Districts & Areas Ch 11 – Supplemental Standards Ch 12 - Reserved	May 25, 2021	June 8, 2021	July 6, 2021 (First Reading) July 20, 2021 (Public Hearing) September 21, 2021 (Final Adoption)
Track III - Substantive changes called for in the Comprehensive Plan, Strategic Housing Plan, and Council's 3-Year Priorities that need broader input and direction from the Advisory Committee, Planning Commission, and City Council.	Ch 3 – Subdivision Standards Ch 4 – Zoning Districts & Uses Ch 5 – Residential Development Standards Ch 6 – Non-residential Development Standards Ch 13 – Definitions	June 22, 2021	July 27, 2021	August 3, 2021 (First Reading) August 17, 2021 (Public Hearing) September 21, 2021 (Final Adoption)

KEY ISSUES / STAFF ANALYSIS:

The attached drafts of Chapters 7-12 include updates related to access, parking, landscaping, signs, special districts and areas, and supplemental standards for specific processes such as wireless facilities and marijuana uses:

Chapter 7– Access & Parking

This chapter provides parking standards, along with related standards for access, pedestrian, vehicle, and bicycle circulation. The changes in this section are designed to coordinate with proposed changes in other chapters - street design standards (Section 302), frontage design standards (Section 503.b and 603.b), and landscape standards (Chapter 8). Improvements are aimed to “right size” parking requirements, based on context and to allow for increased flexibility.

- **24-703.b Required Parking, Maximum Parking** Incorporating the current parking maximums, but requiring a range of mitigating options for any parking request that substantially exceeds the required minimum parking.
- **24-703.c. Required Parking & Parking Reductions** Incorporating existing flexibility for parking, but adding specific criteria and parameters for certain situations – specifically new emphasis on on-street parking, bicycle parking (adding a requirement for bicycle parking in 24-703.d and setting parameters for parking reductions), and shared parking (with a default shared parking schedule).
- **24-704 Parking Design** Coordinating with the recent landscape code updates (which included most of the parking lot design standards), but adjusting the size and placement of landscape areas based on the location (front, side, or rear) of the parking lot, and based on the size of the parking lot.
- **24-706 Alternate Access & Parking Plan** Allowing increased flexibility for parking standards based on a plan for the specific context and uses involved. These plans allow different thresholds of deviations from the standards for staff review and Planning Commission review.

Chapter 7 includes the following sections:

Chapter 7 Access & Parking

24-701	Intent & Applicability
24-702	Access & Circulation
24-703	Required Parking
24-704	Parking Design
24-705	Loading Areas
24-706	Recreational & Oversized Vehicles
24-707	Alternative Access & Parking Plan

A draft of Chapter 7 has been included with this memo.

Chapter 8 – Landscape Standards

This chapter incorporates the recent landscape code updates. It includes changes to the organization, language, and format to better match with the overall development code structure and format. Proposed changes were intended to simplify the language or administration of the standards, but not change recently adopted provisions. The following items are of note:

- The parking lot tree requirement remains (1 tree per 5 spaces), but the allocation of those trees has been simplified to allow design flexibility. It maintains at least 1 tree per 35 feet of parking lot perimeter, and converts the internal rate to 1 per island and a minimum of 1 per 300 s.f. of islands. These are similar to the current code but simplified so that beyond these minimum parameters, the required trees may be allocated in any manner that best serves the site.
- The perimeter treatment and buffer yard standards were combined. These are similar concepts and the 8 different perimeter and buffer standards had some overlap. Consolidating provided the opportunity to simplify the standards, but also draw greater distinctions among the landscape and screening standards. Each perimeter type roughly reflects the existing perimeter or buffer yard, however at the higher end (Type IV) plant requirements were increased to reflect the “3 layers” of separation (ground, mid-, and high) needed in these limited circumstances.

Chapter 8 includes the following sections:

Chapter 8 Landscape Standards

24-801	Intent & Applicability
24-802	Landscape Design
24-803	Perimeter Landscape & Screening
24-804	Plant Specifications

A draft of Chapter 8 has been included with this memo.

Chapter 9 – Sign Standards

This chapter incorporates the recent sign code updates. The revisions include: changes to the organization, language, and format to better match with the overall development code structure and format. A provision to allow electronic message display signs for institutional uses (churches, schools, etc.) in residential zone districts was added. There are no notable changes to this chapter. Cross references were updated.

Chapter 9 – Sign Standards includes the following sections:

Chapter 9 Sign Standards

24-901	Intent & Applicability
24-902	Exempt Signs
24-903	Prohibited Signs
24-904	Standards Applicable to All Signs
24-905	Specific Sign Allowances
24-906	Historic signs
24-907	Non-conforming Signs
24-908	Sign Measurements & Interpretation
24-909	Relief from Standards
24-910	Sign Chart

A draft of Chapter 9 has been included with this memo.

Chapter 10 – Special Districts & Areas

This chapter incorporates all of the overlay districts and special district regulations. It includes topics that span multiple districts (overlay); topics that require specific details and study (i.e. airport, flood, historic); or a combination of both. Because these areas and districts do not follow the same format and structure as the generally established “base” zoning districts (Chapter 4), they have been included here. Changes to the organization, language, and format were made to match the overall development code structure and format. Minor revisions to Areas of Ecological Significance have been made, as requested by the Colorado Department of Natural Resources. There are no notable changes to this chapter.

Chapter 10 Special Districts & Areas

24-1001	Floodplain Overlay District
24-1002	Airport Overlay District
24-1003	Historic Preservation
24-1004	Areas of Ecological Significance
24-1005	General Improvement District Overlay
24-1006	Redevelopment District Overlay
24-1007	Character Overlay Districts
24-1008	Entertainment Districts
24-1009	Hillside Development Standards

A draft of Chapter 10 has been included with this memo.

Chapter 11 – Supplemental Standards

This chapter incorporates special topic regulations that either are not limited to a particular district or area (i.e. wireless communications) or that are very detailed and warrant their own section out of the structure of other uses and standards (i.e. marijuana uses). Changes to the organization, language and format were made to match the overall development code structure and format. A 50-foot setback from plugged and abandoned wells has been added to the Oil & Gas section. There are no notable changes to this chapter.

Chapter 11 Supplemental Standards

24-1101	Wireless Communication Facilities
24-1102	Oil & Gas
24-1103	Adult Uses
24-1104	Marijuana Uses

A draft of Chapter 11 has been included with this memo.

Chapter 12 – *Reserved for Metropolitan Districts*

Staff has provided a section map for each of the chapters (Attachments B, D, F, H, and J) which outline the various sections in the Title 18 (recodified as Title 24) compiled to create Chapters 7-12.

NOTICE AND COMMENTS:

Notice has been published in the Greeley Tribune on May 28, 2021, pursuant to the City's notification requirements for revisions to the Development Code.

The drafts of Chapters 7-12 were posted on the City's website and referrals were sent to neighboring jurisdictions. No comments were received.

PLANNING STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDED MOTION:

Based on the project summary and attached drafts of Chapters 7-12, the Planning Commission finds that the proposed revisions to Chapters 7-12 are consistent with the City's Comprehensive Plan and are necessary and appropriate in meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code. Planning Commission recommends that the City Council adopt Chapters 7-12 of Title 24 as shown in Attachments A, C, E, G, I, and K.

ATTACHMENTS:

- Attachment A – DRAFT – Chapter 7
- Attachment B – Section Map – Chapter 7
- Attachment C – DRAFT – Chapter 8
- Attachment D – Section Map – Chapter 8
- Attachment E – DRAFT – Chapter 9
- Attachment F – Section Map – Chapter 9
- Attachment G – DRAFT – Chapter 10
- Attachment H – Section Map – Chapter 10
- Attachment I – DRAFT – Chapter 11
- Attachment J – Section Map – Chapter 11
- Attachment K – DRAFT – Chapter 12

VI. Public hearing to consider amending Title 24 of the 2021 Greeley Municipal Code to adopt Chapters 7, 8, 9, 10, 11 & 12 as part of the overall code update to be adopted by ordinance at a future date

Project: Title 24 – Chapters 7, 8, 9, 10, 11 & 12 – Development Code Update

Case No.: CU2021-0004

Applicant: City of Greeley, Community Development Dept.

Presenter: Carol Kuhn, Chief Planner

Carol Kuhn addressed the Commission and introduced the item. She reminded Commissioners of the schedule, and review and vetting process. She advised that a section map is included for each chapter and described the key changes proposed for each chapter. Ms. Kuhn advised that notices were published in the newspaper and that referrals were sent to surrounding communities. Staff recommended approval. Ms. Kuhn offered to answer any questions.

Commissioner Schulte pointed out an error or typo on page 65 of the packet and asked whether a final look for those types of things would be conducted at the end of the process. He also stated that the requirements for a quorum for Historic Preservation Commission differed from that of Planning Commission and asked whether both should conform. Chris Brewster responded that no substantive changes were made to the Historic Preservation section and advised that he would go back and confirm the number required for a quorum.

Commissioner Andersen asked about the parking reduction credits and whether the various types of proposed credits were cumulative. Mr. Brewster advised that the intent was to show the outer limits of what staff could approve. He stated that if the 25% limit is exceeded, the matter would bump up to an alternative parking plan and a Use by Special Review for review by the Planning Commission. Commissioner Andersen clarified that the 25% transit credit could be available if a bus stop is located four blocks from a development.

Commissioner Andersen also expressed her concern that the credit allowed for bicycle storage could become onerous on a developer if they are required to construct areas for bicycle storage. Mr. Brewster advised that storage could be as simple as under a stairway or anything that kept bicycles stored outdoors protected from the elements. Upon question by Commissioner Andersen, Ms. Kuhn advised that the requirement for bicycle storage or lockers would pertain only to new development and would not be grandfathered for existing areas. Commissioner Andersen stated that the word "required," seems to be one more hurdle for a developer and when it is an administrative decision, could become a planner's interpretation and not be consistent among planners.

Chair Yeater offered that he is excited about increasing the standard and feels that it is a valuable addition to the code. He added that as parking standards for vehicles are now in place, this is standardizing how to store bicycles and stated that he was in support. Ms. Kuhn advised that she has seen residents in multi-family units requesting this type of code.

Commissioner Schulte asked whether the proposal is following a market trend where people building multi-family units are finding it necessary to accommodate more bicycle users. Chair Yeater pointed out that the Commission recently approved projects along 8th Avenue that included bicycle lockers and areas for bicycle repair. Commissioner Andersen noted that there is a difference between an amenity and a requirement and was uncomfortable with the word "requirement." Mr. Brewster advised that where there is long-term parking, it is a good idea to dedicate some space for bicycles that can be stored out of the weather, adding that it is a matter of staff working with a developer to include available space for bicycles.

With regard to the hillside development standards and requirement that residences are painted using earth tones, Commissioner Andersen asked why that was a concern to add to the code. Ms. Kuhn pointed out that it is part of the current code. Brad Mueller, Community Development Director, added that as a planning principle, the thought is that neutral colors would allow homes to better blend into the environment and minimize the visual impact. Commissioner Andersen expressed that this is a standard she would like to see changed and did not feel it belongs in the code. Mr. Mueller advised that if there is a consensus among the Commission, it could be stricken.

Commissioner Schulte expressed his opinion that this is ministerial in nature and at this time staff is moving existing sections of the code into a new organized table of contents. He indicated that there could be a number of these types of issues to address in the future, but that it seemed outside the scope of the immediate task, adding that doing so on an ad hoc basis may not be the most careful way to go about making revisions. Mr. Mueller suggested that it might be appropriate to flag some of the individual topical matters and bring forward at a later time. Commissioner Andersen expressed appreciation and suggested creating a sort of "punch list." Commissioner Romulo agreed that a list would be helpful to maintain consistency in the future.

Commissioner Andersen had similar questions regarding parking of oversized vehicles, but could not locate the exact code reference in the packet materials. Ms. Kuhn advised that the reference to oversized vehicles is part of the police section in the Municipal Code and not part of the Development Code. Mr. Mueller added that putting this question on the record today provides direction for staff to review in the future.

Chair Yeater summarized that the items to be added to a list include hillside development standards, requirements for bicycle storage, and requirements for oversized vehicles. Ms. Kuhn advised that Chapter 15 of the Municipal Code (police) addressed oversized vehicles. Commissioner Andersen stated that she would like it to be added to the list for future review.

Commissioner Andersen noted that historic signs and monuments such as the Color Portraits, Weld County Garage, and Hillside signs would not be built today given the proposed guidelines and asked if the revised code would restrict a person from building something creative that might one day be considered historic. Commissioner Schulte appreciated the concern and acknowledged that it is difficult to quantify in the code. Upon question by Chair Yeater,

Mr. Mueller advised that an applicant could appeal a staff decision to the Planning Commission. He added that staff is also looking to expand the subarea plan to provide the capacity to do more fine grain planning.

Chair Yeater opened the public hearing at 2:10 p.m. There being no communication by U.S. mail, email or Zoom Chat or Q&A, the public hearing was closed at 2:10 p.m.

There was discussion about whether to include the creation of a punch list in the motion. Upon advice of legal counsel, the recommended motion in the packet was determined to be sufficient.

Commissioner Andersen moved that, based on the project summary and attached drafts of Chapters 7-12, the Planning Commission finds that the proposed revisions to Chapters 7-12 are consistent with the City's Comprehensive Plan and are necessary and appropriate in meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code and recommends that the City Council adopt Chapters 7-12 of Title 24 as shown in Attachments A, C, E, G, I and K. Commissioner Schulte seconded the motion.

Motion carried 5-0.

VI. Public hearing to consider a request for a Preliminary PUD of 99.233 acres of land into 363 residential lots, a 9.40-acre future park site, open space and drainage lots

Project: Promontory Imagine School, Third Filing Preliminary PUD

Case No.: PUD2020-0014

Applicant: Larry Buckendorf, on behalf of Promontory Investments LLC and Weldco Investors LLC

Location: North of Highway 34 Bypass, east of Promontory Parkway and south of future 20th Street

Presenter: Mike Garrott, Planning Manager

Mike Garrott addressed the Commission, introduced the item and presented aerial photographs showing the location of the site. He described the proposal for 363 single-family residential lots on 99.233 acres that also includes a future park, outlots for detention, utilities, open space and a dedicated right-of-way.

Mr. Garrott reported that the zoning allows residential uses on the site, adding that the applicant is proposing a preliminary plat allowing that land uses can vary from a typical residential development. Mr. Garrott stated that the applicant proposes to vary the minimum lot size, setbacks, house frontage area, window and door openings, and driveway coverage.

Mr. Garrott presented a proposed preliminary plat and pointed out the utility easement, Outlot D and open space when fully amenitized. He discussed the proposal for a park and described the access points to the site from Promontory Parkway and 16th Street. Mr. Garrott also presented a proposed landscape plan and stated that non-potable water is proposed for irrigation of landscaping. He

Amending Title 24 to Adopt Chapters 7 – 12

CU2021-0004

City Council Public Hearing
July 20, 2021

Chapters 7-12 – Process

**Technical Committee Review
Work Session**

PC – May 25, 2021

Planning Commission

June 8, 2021 – Recommended Approval

City Council

1st Reading – July 6, 2021

➤ **Public Hearing – July 20, 2021**

**2nd Reading – September 21, 2021 (no additional public
comment intended)**

Chapter 7 – Access & Parking

Chapter 7 Access & Parking

24-701	Intent & Applicability
24-702	Access & Circulation
24-703	Required Parking
24-704	Parking Design
24-705	Loading Areas
24-706	Recreational & Oversized Vehicles
24-707	Alternative Access & Parking Plan

- **Parking requirements by category**
- **Parking lot landscaping requirements moved from Chapter 8 (Landscaping Requirements)**

Chapter 8 – Landscape Standards

- **Chapter 8 Landscape Standards**
 - 24-801 Intent & Applicability**
 - 24-802 Landscape Design**
 - 24-803 Perimeter Landscape & Screening**
 - 24-804 Plant Specifications**
- **Combine perimeter landscape treatment and buffer yard standards for efficiency**

Chapter 9 – Sign Standards

- **Chapter 9 Sign Standards**
 - 24-901 Intent and Applicability**
 - 24-902 Exempt Signs**
 - 24-903 Prohibited Signs**
 - 24-904 Standards Applicable to All Signs**
 - 24-905 Specific Sign Allowances**
 - 24-906 Historic signs**
 - 24-907 Non-conforming Signs**
 - 24-908 Sign Measurements & Interpretation**
 - 24-909 Relief from Standards**
 - 24-910 Sign Chart**
- **Added a provision for electronic message display for institutional uses in residential zone districts**

Chapter 10 – Special Districts & Areas

- **Chapter 10 Special Districts & Areas**
 - 24-1001 Floodplain Overlay District**
 - 24-1002 Airport Overlay District**
 - 24-1003 Historic Preservation**
 - 24-1004 Areas of Ecological Significance**
 - 24-1005 General Improvement District Overlay**
 - 24-1006 Redevelopment District Overlay**
 - 24-1007 Character Overlay Districts**
 - 24-1008 Entertainment Districts**
 - 24-1009 Hillside Development Standards**
- **Updated to include Colorado Parks & Wildlife recommendations**

Chapter 11 – Supplemental Standards

Chapter 11 Supplemental Standards

24-1101 Wireless Communication Facilities

24-1102 Oil & Gas

24-1103 Adult Uses

24-1104 Marijuana Uses

- **Added a 50-foot setback from plugged & abandoned wells, per Fire Dept.**

Chapter 12 – Reserved – Metropolitan Districts

Chapters 7-12– Notice & Comments

- **Notice published in the Greeley Tribune**
- **Information Sheets posted on the City's website**
- **Drafts posted on the City's website**
- **Referrals were sent to neighboring communities**
- **No comments received from the public or referral agencies**

Recommendation

- **Recommend approval of the proposed revisions to Title 24, Chapters 7-12**
- **Recommended Motion:**

A motion to direct staff to bring back the ordinance as presented for a second reading on September 21, 2021.

Council Agenda Summary

July 20, 2021

Key Staff Contact: Anissa Hollingshead, City Clerk, 970-350-9742

Title:

Appointment of applicants to the Citizen Transportation Advisory Board and the Parks & Recreation Advisory Board

Summary:

Council appointment is needed to the above-mentioned boards and commissions due to vacancies and term expirations. Staff continues to actively recruit to fill all vacant positions.

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:

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Other Issues and Considerations:

Not applicable.

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) Appoint or reappoint the individuals to serve on applicable board or commission;
or
- 2) Direct staff to re-advertise applicable vacancy.

Council's Recommended Action:

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

Attachments:

Ballot

July 2021 Boards and Commissions Transmittal Summary

City of Greeley
Boards & Commissions
Appointment Ballot
July 20, 2021



Applicants for the boards and/or commissions listed below are in alphabetical order
 and recommendations from the interview team are shown in bold.

***** BALLOT *****

Citizen Transportation Advisory Board	
<i>2 Positions</i>	
☐	William Gillard
☐	(RECRUIT FOR ADDITIONAL APPLICANTS)

Parks & Recreation Advisory Board	
<i>1 Position</i>	
☐	MONICA RAMIREZ
☐	(Recruit For Additional Applicants)

Incumbent = (I)

Boards & Commissions Transmittal

July 9, 2021

Key Staff Contact: Jerry Harvey, Assistant City Clerk, 350-9746

Interview Date

July 12, 2021

Council Interview Team

Council Members Butler and Hall

Council Appointment Date

July 20, 2021

Boards and Commissions Being Interviewed

- **Citizen Transportation Advisory Board**
- **Construction Trades Advisory & Appeals Board**
- **Historic Preservation Commission**
- **Parks & Recreation Advisory Board**
- **Youth Commission**

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

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

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters & Input from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by:

DS
RHO

Roy Otto, City Manager

DS
CA

Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

July 20, 2021

Key Staff Contact: Cheryl Aragon, Interim City Clerk, 970-350-9743

Title:

Appointment to Greeley/Weld Housing Authority

Summary:

On February 1, 2000, City Council adopted a Resolution authorizing that the local Housing Authority shall be composed of seven commissioners appointed by the Mayor pursuant to the newly enacted Sections of C.R.S. 29-4-205. Two of the commissioners shall be recommended by the Board of County Commissioners of Weld County for appointment by the Mayor. Not more than one commissioner shall be an official of the City of Greeley.

On June 16, 2020, City Council adopted a Resolution expanding the membership of the Housing Authority to nine members by adding two additional Weld County representatives – making the membership five City members and four Weld County members.

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?	N/A
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	N/A

Legal Issues:

N/A

Other Issues and Considerations:

N/A

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) Approve the appointment of Travis Winger; or
- 2) Deny the appointment

Council's Recommended Action:

A motion to approve the appointment of Travis Winger to the Greeley/Weld Housing Authority.

Attachments:

Letter from Board of County Commissioners
Resolution of the Board of County Commissioners



OFFICE OF THE BOARD OF COMMISSIONERS

PHONE: 970-400-4200

FAX: 970-336-7233

1150 O STREET

P.O. BOX 758

GREELEY, CO 80632

July 6, 2021

The Honorable John Gates
Mayor of Greeley
1001 11th Avenue
Greeley, Colorado 80631

RE: Housing Authority of City of Greeley

Dear Mayor Gates,

In accordance with the City of Greeley resolution dated June 16, 2020, regarding membership of the Greeley Housing Authority, the Board of Commissioners passed a resolution recommending the appointment of Travis Winger as a Weld County Representative.

Enclosed is a copy of our resolution stating we recommend appointment. Please advise our office of your decision.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

A handwritten signature in blue ink that reads "Steve Moreno". The signature is fluid and cursive.

Steve Moreno, Chair

C: Tom Teixeira

RESOLUTION

RE: APPROVE APPOINTMENT TO GREELEY HOUSING AUTHORITY

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, a vacancy currently exists on the Greeley Housing Authority, and

WHEREAS, the Weld County Board of Commissioners recommends the Mayor of the City of Greeley appoint Travis Winger to said board as the County Representative, with a term to expire September 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that Travis Winger, be, and hereby is, recommended for appointment to the Greeley Housing Authority, with a term to expire September 30, 2024.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 30th day of June, A.D., 2021.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST: Arthur G. Thaid

Weld County Clerk to the Board

Steve Moreno
Steve Moreno, Chair

EXCUSED

Scott K. James, Pro-Tem

BY

Calae A. Renne
Deputy Clerk to the Board

Gerry L. Buck
Perry L. Buck

APPROVED AS TO FORM:

Mike Freeman
County Attorney

Mike Freeman
Mike Freeman

Lori Saine
Lori Saine

Date of signature: 06/30/21

cc: BACC(KF)
07/01/21

2021-1720
HA0003

Council Agenda Summary

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 Meetings/Other Events Calendar

Council Meeting/Worksession Schedule

July 19, 2021 - July 25, 2021

July 2021						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August 2021						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Monday, July 19

Tuesday, July 20

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, July 21

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, July 22

7:30am - Poudre River Trail (Hall)

Friday, July 23

Saturday, July 24

Sunday, July 25

July 26, 2021 - August 1, 2021

July 2021							August 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30	31				

Monday, July 26

11:30am - 12:30pm Greeley Chamber of Commerce (Hall) 🕒

6:00pm - 7:00pm Youth Commission (Butler) 🕒

Tuesday, July 27

6:00pm - City Council Worksession Meeting - Council Master Calendar 🕒

Wednesday, July 28

7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar 🕒

3:00pm - 3:30pm Swearing In Ceremony (Greeley Police Department)

Thursday, July 29

5:30pm - 7:30pm Judge Quammen - Retirement Celebration (Campus Commons- UNC- 1051 22nd Street, Greeley CO 80631) - Council Master Calendar

Friday, July 30

Saturday, July 31

Sunday, August 1

August 2, 2021 - August 8, 2021

August 2021						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Monday, August 2

Tuesday, August 3

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, August 4

Thursday, August 5

3:30pm - IG Adv. Board (Butler)

6:00pm - MPO (Gates/Payton)

Friday, August 6

Saturday, August 7

Sunday, August 8

August 9, 2021 - August 15, 2021

August 2021						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September 2021						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Monday, August 9

Tuesday, August 10

 **6:00pm - City Council Worksession Meeting** - Council Master Calendar 

Wednesday, August 11

Thursday, August 12

 **7:30am - Poudre River Trail (Hall)** 

Friday, August 13

Saturday, August 14

Sunday, August 15

City Council Meeting Scheduling

	Current as of 07/16/2021		
	This schedule is subject to change		
Date	Description	Sponsor	Placement/Time
July 27, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Current Code Compliance Operations and Upcoming Plans	Brad Mueller	0.50
	Executive Session: City Manager Quarterly Check-in	Roy Otto	
August 3, 2021 Council Meeting	National Health Center Week	Anissa Hollingshead	Recognitions
	Ordinance - Intro - Cache Annexation	Brad Mueller	Consent
	Ordinance - Intro - Cache Preliminary PUD	Brad Mueller	Consent
	Ordinance - Intro - Cache Rezone	Brad Mueller	Consent
	Ordinance - Intro - KGM Ballot Question	Paul Fetherston	Consent
	Resolution - IGA with Weld County for Nov 2021 Coordinated Election	Anissa Hollingshead	Consent
	Ordinance - Final - Enhanced Sales Tax Incentive Program	Ben Snow	Regular
August 10, 2021 Worksession Meeting	Planning Commission Interviews	Anissa Hollingshead	0.50
	Transportation Master Plan Update	Raymond Lee	0.50
August 17, 2021 Council Meeting	Ordinance - Intro - WW Collections Master Plan & Water Transmission & Distributions Master Plan	Sean Chambers	Consent
	Ordinance - Intro - Development Code Chapters 3, 4, 5, 6, & 13	Brad Mueller	Consent
	Ordinance - Final - Cache Annexation	Brad Mueller	Regular
	Ordinance - Final - Cache Preliminary PUD	Brad Mueller	Regular
	Ordinance - Final - Cache Rezone	Brad Mueller	Regular
	Public Hearing - Cache Preliminary PUD	Brad Mueller	Regular
	Ordinance - Final - KGM Ballot Question	Paul Fetherston	Regular
	Public Hearing - Development Code Chapters 3, 4, 5, 6, & 13	Brad Mueller	Regular
	Boards & Commissions Appointments	Anissa Hollingshead	Regular
August 24, 2021 Worksession Meeting	Non-Potable Irrigation Water Master Plan Overview	Sean Chambers	0.50
	Non-Potable Irrigation Water Development Policy Update	Sean Chambers	0.50

Council Agenda Summary

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.