

Greeley City Council Agenda

Regular Meeting

Tuesday, September 21, 2021 at 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.

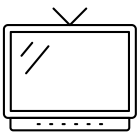
City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

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.

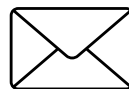


The public can join the Zoom webinar and comment from the remote meeting.

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

September 21, 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 Councilmembers
8. Initiatives from Mayor and Councilmembers

Consent Agenda

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

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

9. Approval of the City Council Proceedings of September 7, 2021
10. Consideration of a Resolution approving an Intergovernmental Agreement with the Town of Windsor for the purposes of joint acquisition, ownership and management of open space lands
11. Consideration of a Resolution authorizing the City Attorney to initiate appropriate legal action against the Taylor & Gill Ditch Company and William O. Seaworth for damages
12. Introduction of an Ordinance ratifying and adopting the Collective Bargaining Agreement between the Greeley Fire Fighters Union, International Association of Fire Fighters Local 888 and the City of Greeley, which agreement by its terms is for a period commencing December January 1, 2022 through December 31, 2023

End of Consent Agenda

13. Pulled Consent Agenda Items
- [14.](#) Final reading of three amended ordinances amending Title 24 of the Greeley Municipal Code by deleting the current Title in its entirety and adding a new Chapter 1 - General Provisions, a new Chapter 2 – Procedures, a new **Chapter 3 – Subdivision Standards, a new Chapter 4 – Zoning Districts and Uses, a new Chapter 5 – Residential Development Standards, a new Chapter 6 – Nonresidential Development Standards, a new Chapter 7 – Access and Parking, a new Chapter 8 – Landscaping Standards, a new Chapter 9 – Sign Standards, a new Chapter 10 – Special Districts and Areas, a new Chapter 11 – Supplemental Standards, a new Chapter 12 – Reserved – Metropolitan Districts, and a new Chapter 13 – Definitions and Terms**
- [15.](#) Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2021 and for funds held in reserve for encumbrances at December 31, 2020
- [16.](#) Appointment of applicants to the Construction Trades Advisory & Appeals Board and the Housing Authority
- [17.](#) Appointment to Greeley/Weld Housing Authority
- [18.](#) Scheduling of Meetings, Other Events
- [19.](#) 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
20. Adjournment

Council Agenda Summary

Title

Recognitions and Proclamations

Summary

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

Mayor Gates will present a proclamation in recognition of Hispanic Heritage Month, and a proclamation declaring September Suicide Prevention Awareness Month.

Attachments

What's Great about Greeley Report

Hispanic Heritage Month Proclamation

Suicide Prevention Awareness Month Proclamation

Slide 1



Slide 2



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

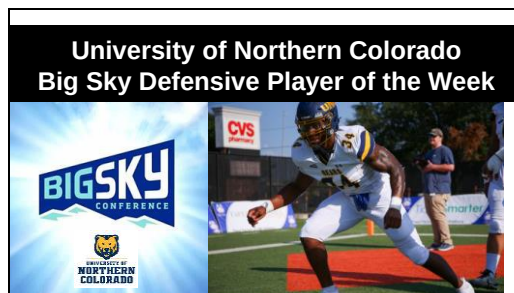
Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging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

Slide 3



Congratulations to Greeley resident Bud Wells who is being inducted into the Colorado Automotive Hall of Fame as part of its inaugural class.

Slide 4



University of Northern Colorado sophomore defensive lineman David Hoage has earned his first Big Sky Defensive Player of the Week.

Slide 5



The University of Northern Colorado has been selected to receive an \$850,000 Colorado Opportunity Scholarship Initiative Back to Work Grant from the Colorado Department of Higher Education. The funding will provide new career paths for workers displaced by the economic impacts of the COVID-19 pandemic while also addressing the need for teachers in Colorado's classrooms.

Slide 6



And that's What's Great about Greeley.



Hispanic Heritage Month

WHEREAS, the City of Greeley is a community enriched by the variety of the ethnicities of the residents who call Greeley home; and

WHEREAS, residents who identify as Hispanic comprise nearly 40% of its residents; and,

WHEREAS, the City of Greeley City Council benefits from the service of several of its Hispanic residents as employees, volunteers, representatives of City boards and commissions, and as members of City Council; and,

WHEREAS, the roots of Hispanic Heritage Month go back to 1968 by recognizing the contributions made and the important presence, heritage and culture of Hispanic and Latino Americans to the United States; and,

WHEREAS, the term Hispanic or Latino refers to Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

NOW, THEREFORE, I, John D. Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, Colorado, and on behalf of the Greeley City Council, do hereby recognize September 15th to October 15th 2021 as ***Hispanic Heritage Month*** in Greeley and encourage all community members to join in celebratory events this month and throughout the year in recognition of the contributions of this important culture within our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, this 21st day of September, 2021.

John D. Gates
Mayor



Suicide Prevention Awareness Month

WHEREAS, suicidal thoughts can affect anyone, regardless of age, gender, race, orientation, income level, or background; and

WHEREAS, over 48,000 deaths annually are attributed to suicide; with suicide rates in Colorado ranking 6th nationally, and 70 lives lost to suicide in Weld County during 2019; and

WHEREAS, we all have a role in suicide prevention, which starts with learning how to release our own shame around mental health, sharing messages of hope, and talking about suicide without increasing risk of harm; and

WHEREAS, one of the most important protective factors from suicide is having a trusted person to turn to when feeling isolated or hopeless; a person who will not judge, dismiss, or try to fix the problem, but instead create a safe space for individuals to feel their feelings, tell their stories, and share their pain; and

WHEREAS, North Range Behavioral Health's Suicide Education and Support Services (SESS) program offers support to those who have lost someone to suicide and provides resources and education that help Greeley residents build critical suicide prevention skills and learn to talk about a subject that has been taboo for far too long; and

WHEREAS, hope exists in Greeley because of the collaborative prevention and education efforts of North Range, Suicide Education and Support Services (SESS), Imagine Zero of Weld County, numerous survivors, and community partners; and

WHEREAS, September is recognized as National Suicide Prevention Awareness Month with the goal of promoting awareness surrounding suicide prevention resources and support available to us and our community; and

WHEREAS, we encourage all residents to take the time to inquire about national and local suicide prevention resources; check in on the wellbeing of family, friends, and neighbors, and genuinely convey appreciation for their existence by any gesture you deem appropriate.

NOW THEREFORE, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim September 2021, as Suicide Prevention Awareness Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Greeley, Colorado, this 21st day of September, 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

Reports from Mayor and Councilmembers

Summary

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

Council Agenda Summary

Title

Initiatives from Mayor and Councilmembers

Summary

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

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	
10-2021	Butler	Request to restart the conversation about recycling, and for staff to research the cost and feasibility of doing a drop off facility for recycling, including potentially in partnership with other communities	July 20, 2021 Council Meeting	Scheduled to return for a presentation at the October 12, 2021, Work Session	Paul Trombino
11-2021	Clark	Request for a report on the status of resolving issues with the City's ERP implementation.	September 7, 2021 Council Meeting	City Manager's Office is working on plans to bring an update to the Council	Raymond Lee

Council Agenda Summary

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

Title:

Approval of the City Council Proceedings of September 7, 2021

Summary:

A meeting of the City Council was held in the City Council's Chambers on September 7, 2021. The draft proceedings have been prepared and are being presented for the Council's review and approval.

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 September 7, 2021

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
September 07, 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 Gates

Council Member Tommy Butler

Council Member Brett Payton (participating remotely)

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

Council Member Fitzsimmons presented the *What's Great about Greeley* report.

6. Citizen Input

Vernon Morgan, Greeley resident, came forward to offer remarks about the annexation of his property into the city, resulting in a change in zoning, and brought up questions regarding increased traffic due to the recent change in zoning of other neighboring properties near 10th St and 83rd Ave.

Acting City Manager Raymond Lee indicated City staff would follow up with Mr. Morgan regarding his concerns.

7. Reports from Mayor and Council Members

Mayor Gates noted it was his pleasure to take a ride the previous day on the world's largest steam engine, Big Boy, from Denver to Greeley, and thanked Union Pacific for the opportunity.

Council Member Clark recognized outgoing police chief Mark Jones for his 35 years of service to the City. Mayor Gates echoed his appreciation on behalf of the organization and the community.

8. Initiatives from Mayor and Council Members

Council Member Clark offered an initiative regarding the City's ERP software, asking for an update on plans for resolving issues involved in its implementation. Discussion amongst the Council centered on the need for expediency in having something come forward, and the appropriate format for doing so.

There was consensus to proceed.

Consent Agenda

Council Member Clark requested that item 14 be removed from the Consent Agenda.

Council Member Butler moved, seconded by Council Member Fitzsimmons, to approve the items on the Consent Agenda and their recommended actions for Item Nos. 9-13 and 15-16.

The motion carried 7-0 by roll call vote.

9. Acceptance of the Report of the City Council Work Session of August 24, 2021

The Council action recommended and approved was to accept the report of August 24, 2021.

10. Approval of the City Council Proceedings of August 17, 2021

The Council action recommended and approved was to approve the City Council Proceedings of August 3, 2021.

11. Consideration of a Resolution authorizing a Second Amendment to the IGA for Treated Water Service with the Town of Windsor

The Council action recommended and approved was to adopt the resolution.

Resolution No. 28, 2021, authorizing a second amendment to an existing intergovernmental agreement for treated water service with the Town of Windsor, was adopted.

12. Consideration of a resolution authorizing the Mayor to execute an agreement with the State Board of the Great Outdoors Colorado Trust Fund for the construction of improvements in the east Greeley natural area

The Council action recommended and approved was to adopt the resolution.

Resolution No. 29, 2021, authorizing the mayor to execute an agreement with the State Board of the Great Outdoors Colorado (GOCO) Trust Fund, was adopted.

13. Consideration of a Resolution Authorizing the City of Greeley to Enter into a Grant Agreement between the City of Greeley and the State of Colorado, Division of Local Affairs, Regarding Receipt of Grant Funding Provided by the Gray and Black Market Marijuana Enforcement Grant Program

The Council action recommended and approved was to adopt the resolution.

Resolution No. 30, 2021, authorizing entering into a grant agreement with the State of Colorado, Division of Local Affairs (DOLA) regarding receipt of funding provided by the Gray and Black Market Marijuana Enforcement Grant Program, was adopted.

14. Consideration of a resolution appointing Jerry Manzer as an Assistant Municipal Judge and Assistant Liquor Licensing Hearing Officer for the City of Greeley, Colorado

Pulled from the consent agenda.

15. Introduction and first reading of an Ordinance Amending Article VI, Chapter 3, Title 20 of the Greeley Municipal Code(Industrial Pretreatment Chapter)

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and final reading for October 19, 2021.

16. Introduction and first reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2021 and for funds held in reserve for encumbrances at December 31, 2020

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and final reading for September 17, 2021.

End of Consent Agenda

17. Pulled Consent Agenda Items

14. Consideration of a resolution appointing Jerry Manzer as an Assistant Municipal Judge and Assistant Liquor Licensing Hearing Officer for the City of Greeley, Colorado

Mayor Gates moved, seconded by Council Member Clark, to correct the spelling of Jerry Manzer's name, from Mazer to Manzer, on the agenda and to approve the adoption of the resolution.

The motion carried 7-0 by roll call vote.

Resolution No. 31, 2021, appointing Jerry Manzer as an Assistant Municipal Judge and Assistant Liquor Licensing Hearing Officer for the City of Greeley, was adopted.

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 3 – Subdivision Standards, Chapter 4 – Zoning Districts and Uses, Chapter 5 – Residential Development Standards, Chapter 6 – Nonresidential Development Standards, and Chapter 13 – Definitions and Terms

Carol Kuhn, Chief Planner with Community Development, came forward to present as set forth in the PowerPoint in the agenda packet. This action is part of case number CU2021-0005. Planner Kuhn noted interest groups were in attendance and would be offering remarks as well.

Council Member Butler expressed his appreciation to Planner Kuhn and all planning staff for the excellent work in the full rework of the development code.

Sherry Witt-Brown with Habitat for Humanity came forward to offer her appreciation for the excellent visionary work done that will make Habitat's ongoing development work easier to accomplish.

Julie Jensen, CEO of the Greeley Area Realtor Association, shared her perspective via remote participation as part of the team that was able to provide input throughout the process of working on the development code, and offered her appreciation and support for the end result.

Amanda Meek, vice president of purchasing for Hartford Homes, offered her appreciation via remote participation for the opportunity to participate and provide feedback in the development code process, and recognized the flexibility and openness of staff to new ways of doing.

Mayor Gates opened the public hearing at 6:35 p.m.

There being no one to speak, the hearing was closed.

Council Member Fitzsimmons moved, seconded by Council Member Butler, to direct staff to bring back the revised ordinance as presented for a final reading on September 21, 2021.

The motion carried 7-0.

19. Public hearing to consider a resolution for approval of a Colorado Revised Statutes Title 32 Special District Consolidated Service Plan precedent to formation of five interrelated metropolitan districts known as Poudre Heights Metropolitan Districts Nos. 1-5 that would provide public facilities financing, operations, and maintenance

Brittany Hathaway, Planner, came forward to present as set forth in the PowerPoint in the agenda packet. At the conclusion of her presentation, Planner Hathaway noted the applicant was present and prepared to provide a presentation as well if desired.

In response to a question from Council, Planner Hathaway noted state statute has now changed to prohibit the use of oil and gas revenues towards the costs of development in a metropolitan district.

The developer, Todd Johnson, came forward to advise his presentation was in the meeting materials packet and he was available for any questions. In response to a question from Council, Mr. Johnson noted the metro district addresses the addition of affordable housing through the addition of more housing, including a greater portfolio of attainable housing in the area with a range of uses.

Mayor Gates opened the public hearing at 6:46 p.m.

There being no one to speak, the hearing was closed.

Council Member Payton moved, seconded by Council Member Hall, that based on the application received and the analysis in the staff report, that the City Council finds the request for the approval of a Colorado Revised Statutes Title 32, Special District service Plan for Poudre Heights Metropolitan Districts Nos. 1-5 is in conformance with the City of Greeley's Municipal Code Chapter 9, and therefore approves the request and adopts the resolution.

The motion carried 6-1 by roll call vote.

Ayes: Council Members Payton, Hall, Fitzsimmons, Clark, Zasada, and Mayor Gates.

Nays: Council Member Butler.

Council Member Payton moved, seconded by Council Member Hall, to adopt the Resolution approving the Intergovernmental Agreement between the City of Greeley and Poudre Heights Metropolitan District Nos. 1-5, regarding the service plan for the districts.

The motion carried 6-1 by roll call vote.

Ayes: Council Members Payton, Hall, Fitzsimmons, Clark, Zasada, and Mayor Gates.

Nays: Council Member Butler.

Resolution No. 32, 2021, approving a Colorado Revised Statutes Title 32 Special District Consolidated Service Plan precedent to formation of five interrelated metropolitan districts known as Poudre Heights Metropolitan Districts Nos. 1-5 that would provide public facilities financing, operations, and maintenance, was adopted.

20. Public hearing and final reading of an ordinance of appreciation and appointment of Mr. Robert A. Ruyle as a member emeritus of the Water and Sewer Board

Water and Sewer Director Sean Chambers, came forward to present as set forth in the PowerPoint in the agenda packet.

Mayor Gates opened the public hearing at 6:50 p.m.

There being no one to speak, the hearing was closed.

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

The motion carried 7-0 by roll call vote.

Ordinance No. 29, 2021, expressing appreciation to Robert A Ruyle and appointing him as a member emeritus of the Water and Sewer Board, was adopted.

21. Public hearing and final reading of an ordinance adopting the 2021 Sanitary Sewer Master Plan and the 2021 Water Transmission and Distribution Master Plan and Amending the 2018 Comprehensive Plan to include the same by reference

Sean Chambers, Water and Sewer Director, came forward to present as set forth in the PowerPoint in the agenda packet. He was joined by Adam Prior to assist in the presentation.

Mayor Gates opened the public hearing at 7:06 p.m.

There being no one to speak, the public hearing was closed.

Council Member Clark 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. 30, 2021, adopting the 2021 Sanitary Sewer Master Plan and the 2021 Water Transmission and Distribution Master Plan and amending the 2018 Comprehensive Plan to include both these plans, was adopted.

22. Public hearing and final reading of an ordinance repealing Sections 12-626 – 12-628 and amending portions of Chapter 10 of Title 12 and Chapter 5 of Title 18 of the City of Greeley Municipal Code, all regarding forestry requirements in the City of Greeley

Andy McRoberts, Culture Parks and Recreation Director, came forward and presented as set forth in the PowerPoint in the agenda packet. In response to questions from Council, City Forrester Shiloh Hatcher came forward to provide information about the spread of the Emerald Ash Borer.

Mayor Gates opened the public hearing at 7:12 p.m.

There being no one to speak, 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. 31, 2021, repealing and amending sections of Title 12, Chapter 10, and Title 18, Chapter 5 of the Greeley Municipal Code relating to forestry requirements, was adopted.

23. Public hearing and final reading of an ordinance amending portions of Chapter 1 of Title 16 of the city of Greeley Municipal Code, all regarding the traffic code in the city of Greeley relating to golf cars

Andy McRoberts, Culture Parks and Recreation Director, came forward and presented as set forth in the PowerPoint in the agenda packet. In response to questions from Council, Director McRoberts provided more information about the intention to develop a permit system by the City Manager for the allowance of the use of golf carts as part of community events.

Mayor Gates opened the public hearing at 7:18 p.m.

There being no one to speak, the hearing was closed.

Council Member Hall moved, seconded by Council Member Fitzsimmons, to adopt the ordinance and publish with reference to title only.
The motion carried 7-0 by roll call vote.

Ordinance No. 32, 2021, amending portions of Title 16, Chapter 1 of the Traffic Code relating to golf cars, was adopted.

24. Scheduling of Meetings, Other Events

No additional meetings or events were scheduled.

25. 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 Clark, to approve the above authorizations.
The motion carried 7-0.

26. Adjournment

There being no further business to come before the City Council, Mayor Gates adjourned the meeting at 7:19 p.m.

John D. Gates, Mayor

Anissa N. Hollingshead, City Clerk

Council Agenda Summary

September 21, 2021

Key Staff Contact: Andy McRoberts, Culture, Parks and Recreation Director, 970-350-9425

Title:

Consideration of a resolution approving an Intergovernmental Agreement with the Town of Windsor for the purposes of joint acquisition, ownership and management of open space lands

Summary:

The City of Greeley and Town of Windsor presently coordinate regarding planning and management of a number of issues within the common geographic area between the two communities. Specifically, the City and Town adopted an Intergovernmental Agreement (IGA) in 2004, and expanded in 2008 to delineate a cooperative planning area between the two communities for land use planning, utilities coordination, and other items. Acquisition of land individually, or in partnership, for the purposes of open spaces and trails were not conceived of in the 2004 or 2008 IGA as neither community had formalized open space programs at the time.

With the continuing maturation and development of the City's and Town's open space programs, and with a large open space and community separator property (ShurView property) under contract by conservation partners within the cooperative planning area, staff have collaboratively developed a proposed IGA for consideration. The agreement outlines roles and responsibilities between the communities as collaborative open space and trails land acquisition and management opportunities will most likely increase in the future. Establishing a policy and process structure for the municipalities to acquire and manage open space in partnership (or individually) within the cooperative planning area will benefit both parties. Additionally, executing an agreement prior to the closing of the ShurView acquisition (tentatively scheduled for the spring of 2022) will make processes streamlined and mutually beneficial.

Furthermore, a formalized IGA as regional collaborators will be an expected and key component in seeking competitive grant funding for the ShurView property and others that may arise.

The body of the IGA details the major categories of land acquisition and management of acquired lands within the cooperative planning area, including:

- Planning and coordination prior to property acquisition
- Ownership and cost-sharing
- Property management plans
- Improvement development
- Revenue generation
- Emergency/disaster response
- Reporting

- Disposing of property
- Notifications and updating process

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:	The approval of the IGA doesn't immediately create a fiscal impact yet the ultimate course regarding maintenance costs and cost sharing for any jointly managed lands will be determined through future budgeting endeavors.

Legal Issues:

The IGA has been reviewed and vetted through the City of Greeley Attorney's Office and the Town of Windsor Attorney's Office.

Other Issues and Considerations:

The Parks & Recreation board unanimously recommended to Council adoption of the IGA as presented in their regular meeting on August 6th, 2021.

Additionally, the IGA was presented at a work session to the Windsor Town Board by Town and City staff during their regular meeting on August 9, 2021. The Board supported moving it onto a regular agenda for adoption on a similar timeline as the City of Greeley.

The IGA was also presented as an informational item to the Poudre River Trail Corridor, Inc. Board's regular meeting on September 2, 2021.

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.

and

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

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

Intergovernmental Agreement

THE CITY OF GREELEY, COLORADO

RESOLUTION _____, 2021

A RESOLUTION OF THE CITY OF GREELEY COUNCIL AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF WINDSOR FOR THE PURPOSES OF JOINT ACQUISITION, OWNERSHIP AND MANAGEMENT OF OPEN SPACE LANDS

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

WHEREAS, the City of Greeley and the Town of Windsor established a cooperative planning area in the area between the two communities in 2004, which expanded in 2008 to collaboratively plan and manage municipal services within the planning area; and

WHEREAS, the subsequent Intergovernmental Agreements within the cooperative planning area did not address land acquisition and management between the parties for the purposes of open spaces, trails, and outdoor recreation; and

WHEREAS, the City of Greeley has completed the Get Outdoors Greeley strategic plan for natural areas and trails in 2021 and the Town of Windsor is in the process of developing a strategic plan with an anticipated adoption date in late 2021, both which further define and guide potential strategic open lands acquisitions and joint management areas; and

WHEREAS, the City and conservation partners are under contract to purchase a large open space and community separator property within the cooperative planning area and the Town of Windsor may have joint ownership and/or management of the property once the transaction is completed; and

WHEREAS, the Greeley Parks and Recreation Advisory Board recommended adoption of the Intergovernmental Agreement at their regular meeting of August 6, 2021; and

WHEREAS, the City of Greeley through its Culture, Parks, and Recreation Department (“City”) and the Town of Windsor (“Town”) through its Public Services Department are desirous of entering into an agreement for mutual services; and

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

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

Section 1. The City Council hereby authorizes the City to enter into an Intergovernmental Agreement entitled “Intergovernmental Agreement with the Town of Windsor for the purposes

of joint acquisition, ownership and management of open space lands”.

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

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

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

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

INTERGOVERNMENTAL AGREEMENT FOR ACQUISITION, OWNERSHIP AND MANAGEMENT OF OPEN SPACE LAND

This Intergovernmental Agreement for Acquisition, Ownership and Management of Open Space Land (“Agreement”) is made this ____ day of _____, by and between the CITY OF GREELEY, COLORADO (“City”) and TOWN OF WINDSOR, COLORADO (“Town”), each a Colorado home rule municipality.

WHEREAS, part of 2 of Article 1 of Title 29, C.R.S. authorizes governments to cooperate and contract with one another to provide any function, service or facility lawfully authorized to each, including the sharing of costs; and

WHEREAS, the parties, together with the Poudre River Trail Corridor Inc., have worked cooperatively to prepare and adopt *A Plan (Poudre Greenway Guide/ Priority Parcels Map Books) for the Region Between Greeley and Windsor* (“Plan”) to protect and promote the quality of life, the natural environment and the character of each community; and

WHEREAS, the parties have worked cooperatively to prepare and adopt the *Comprehensive Cache la Poudre Greenway Guide – Greeley-Windsor Reach* (“Guide”) to direct future urban development toward municipal boundaries, while balancing preservation of open lands and critical natural areas around the Cache la Poudre River and within areas between Greeley and Windsor; and

WHEREAS, the Guide identifies certain critical lands to be protected from development through various means such as fee acquisition, conservation easements, and regulatory measures; and

WHEREAS, the Guide further speaks to the management of lands within the identified Resource Management Area and the Regional Park Preserve; and

WHEREAS, the City has completed the Get Outdoors Greeley strategic plan in 2021 and the Town is in the process of developing a strategic plan with the anticipated adoption date in late 2021, which will further define and guide potential strategic open lands acquisitions and joint management areas; and

WHEREAS, each party may in the future acquire lands without contribution from the other, yet such acquisitions may fit into the overall strategic objectives of the Guide; and

WHEREAS, the parties desire to assure that independently-acquired lands will be subject to cooperative management and use as permitted and contemplated herein; and

WHEREAS, the parties desire to cooperate and contract with one another concerning the sharing of costs and responsibilities for the acquisition, ownership, improvement, and management of the properties acquired by each.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

A. Prior to Contracting for Purchase. Prior to the execution of any agreement for purchase of real property interests that may be appropriate for administration under this Agreement, the parties will:

- (1) Communicate regarding the suitability of each parcel under consideration, and will arrive at consensus as to whether the acquisition meets the criteria found in the Plan and the Guide.
- (2) Communicate regarding acquisition of interests in open space lands through fee transfers, conservation easements or other legal means, and will arrive at the preferred mode of ownership interest for each suitable parcel.
- (3) Communicate as to whether title to the acquisition will be held jointly or separately.
- (4) Communicate as to contractual terms for closing, title insurance, appraisals, due diligence and other items, and will between them allocate responsibility for such terms.
- (5) Communicate regarding each party's contribution, if any, toward the purchase price of any interests being acquired, and will obtain required authority to commit funds to each acquisition.

B. Approval of Purchase Contracts. The specific terms of purchase will be reduced to writing and subject to the following requirements:

- (1) Each party's representatives will obtain required governing body approval for each contract of sale for each acquisition of property interests that may be appropriate for administration under this Agreement.
- (2) The parties' representatives will coordinate and cooperate to assure timely governing body approval, understanding that executive sessions may be required to assure acceptable terms are negotiated and legal opinions are received as needed.
- (3) In the event one or the other party does not receive governing body approval for execution of a purchase agreement, the other party may proceed with the acquisition independently of the non-approving party. In this event, the acquiring party shall bear all expense associated with the acquisition. Nothing in this sub-section shall prevent the parties from later negotiating terms for the joint management of a parcel acquired separately by either party.

C. Pre-Closing Contract Performance. Each party will carry out its agreed responsibilities for contract terms necessary to satisfy closing requirements. The parties will coordinate any

contractual interpretations, modifications and communication with seller representatives in a manner mutually-acceptable to accommodate unforeseen circumstances. Neither party shall be compelled to undertake any obligation or commit additional funds outside of the approved contract terms without first obtaining governmental body approval, if such governmental body approval is needed in the sole estimation of any party.

D. Post-Closing. Upon closing of a parcel acquisition, the parties will negotiate a parcel-specific Management Plan as described in Section E below.

E. Property Management Plans. For each acquisition intended for administration under this Agreement, the parties will arrive at acceptable terms for a written management (“Management Plan”) to be adopted as provided in this Section.

- (1) Ownership. The parties will specifically agree as to how title to each acquisition will be held for so long as the acquisition is administered under this Agreement. Nothing herein will be deemed to compel joint ownership if the open space values of the parties can otherwise be achieved. Regardless of how title is held, management of each acquisition will be undertaken jointly as set forth in the approved management plan for the acquisition.
- (2) Management Best Practices. Each acquisition will be managed in accordance with industry best practices as set forth in the Management Plan, subject to any prior leases, declarations, or other legal restrictions otherwise affecting the property.
- (3) Management Cost-sharing. The Management Plan for each acquisition will define the sharing of cost and human resources needed to administer the property in a manner that promotes the parties’ open space values. The dedication of fiscal resources in future fiscal years will be subject to appropriation and legal availability of funds. Unless otherwise expressly agreed in the Management Plan for a particular acquisition, liabilities and costs outside of customary management costs for site improvements, the Poudre River Trail, or property management will be shared by the parties in proportion to their ownership interest in the acquisition. However, in the event such liability or extraordinary costs arise solely or in part from the negligent acts or omissions of one party, the responsible party shall be responsible for such liability or extraordinary cost attributable to its acts or omissions.
- (4) After-imposed Encumbrances, Restrictions, Conditions. The Management Plan for each acquisition will identify any encumbrances, restrictions or conditions the parties agree are appropriate, subject to approval of each party’s governing body. Regardless of how title is held, neither the Town nor the City may establish, memorialize or record any encumbrance or restriction on a parcel subject to a Management Plan established under this Agreement without the express consent of the other party.

- (5) Improvements. To the extent improvements to an acquisition are mutually agreed-upon by the parties (including, without limitation, Recreational Improvements, Landscape Improvements, and Habitat Improvements), the improvements and cost sharing therefor will be included in the applicable Management Plan.
- (6) Revenue Generation. To the extent any acquisition held pursuant to this Agreement generates revenue, any such revenue shall be applied to the customary costs of property management for the current or in future years, unless otherwise expressly agreed by the parties. To the extent that accumulated revenue attributed to an acquisition exceeds sums needed for current or reasonably anticipated future management costs, the parties may apply such accumulated revenue for improvements to any or all acquisitions held pursuant to this Agreement.
- (7) Memorialization of Management Plans. Once all terms for management of an acquisition have been reduced to writing, the written Management Plan will be executed by the Town Manager and City Manager, or their designees. Nothing herein shall be deemed to prohibit each party from undertaking management activity before execution of the written Management Plan, if doing so preserves the open space values of both parties on an interim basis.
- (8) Modifications to Approved Management Plans. In the event the parties mutually determine that modifications to an executed Management Plan are necessary or appropriate to promote the parties' open space values, such changes may be made by written amendments executed by the City Manager and Town Manager or their designee. No amendments will be construed to permit or compel any changes to ownership or additional encumbrances on a parcel without governing body approval as required in sub-sections E. (1) and (4) above.
- (9) Updates to Management Plans. To the extent necessary for management of acquisitions, the parties will consider updated Management Plans every ten (10) years, or as circumstances may otherwise require.
- (10) Emergencies, Unforeseen Circumstances. The parties recognize that exigencies may arise that fall outside of even the best-crafted Management Plan. Therefore, in the event of emergency or unusual circumstances requiring immediate response, the party responsible for administering the Management Plan will be entitled to use reasonable discretion in responding to such circumstances, regardless of the expressed terms of the Management Plan, provided that reasonable efforts are made to consult with the other party regarding the proper course of action.

- (11) **Responsible Party.** Each Management Plan will identify the entity responsible for administering the Management Plan and, if practical, identify individuals or departments with primary management responsibility. Any changes in composition or personnel will be updated to ensure both the Town and the City are accountable to each other on an ongoing basis.
- (12) **Periodic Reports.** The responsible party will provide periodic reporting of management activity for each acquisition on no less than an annual basis. Each party will identify the person or persons to whom reports shall be provided. All items of material importance to the parties will be disclosed through periodic reporting, including but not limited to disclosure of fiscal and human resources devoted to the property during the prior year, to assure that each party is discharging its respective obligations with respect to each acquisition.
- F. **Disposition of Property.** The parties recognize that circumstances may arise which render continued joint management of an acquisition impractical or infeasible. Under such circumstances, the parties agree to the disposition of property held pursuant to the Agreement as follows:
- (1) **Buy-out, jointly-held and Withdrawing Party-held acquisitions.** If for any reason a party no longer desires to participate in joint management of an acquisition (“Withdrawing Party”) to which title is held jointly or solely in the name of the Withdrawing Party, the Withdrawing Party will provide written notice accordingly to the other party (“Remaining Party”). Upon notification, the other party may respond with an offer to purchase to Withdrawing Party’s interest in the acquisition upon terms acceptable to the Remaining Party, which offer the Withdrawing Party must receive within sixty (60) days of the Withdrawing Party’s notice of request for withdrawal. If the Remaining Party’s offer is accepted by the Withdrawing Party, the parties will proceed to transfer ownership in accordance therewith. If the parties are unable to come to terms for the buy-out of the Withdrawing Party’s interest, then title and management of the acquisition will remain as previously agreed pursuant to the then-current Management Plan.
- (2) **Sale to third party, jointly-held and Withdrawing Party-held acquisitions.** If a party (“Transferring Party”) wishes to transfer its interest in an acquisition held jointly or solely by the Transferring Party to a third party, the Transferring Party shall first notify the other party (“Remaining Party”) accordingly. The Remaining Party will have thirty days to request relevant information regarding the party to whom the Transferring Party wishes to transfer its interest (“Third Party”), in order to assess the Third Party’s qualifications to perform the Transferring Party’s responsibilities under the applicable Management Plan. The Remaining Party shall have sixty (60) days following receipt of the Third Party’s qualifications to object to the transfer. If no objection to the Third Party’s qualifications is tendered within sixty (60) days, the Remaining Party will be deemed to consent to the proposed transfer. If the Remaining Party lodges a timely

- objection to the transfer, the parties will endeavor to resolve the Remaining Party's concerns. In the absence of a mutual resolution of the Remaining Party's concerns, title to the acquisition and its management will remain as previously agreed pursuant to the then-current Management Plan.
- (3) Transfer of management responsibilities only. If a party for any reason determines it is unable to continue the joint management of an acquisition under the terms of the then-current Management Plan ("Withdrawing Party"), the Withdrawing Party will tender a request to be relieved of ongoing management responsibility to the other party ("Remaining Party"). The parties will undertake negotiations to modify the terms of the Management Plan. If the parties are unable to modify the Management Plan, the management of the acquisition will remain as previously agreed pursuant to the then-current Management Plan.
 - (4) Transfer of both parties' interests to a third party. The parties may at any time agree to dispose of an acquisition undertaken pursuant to this Agreement. Unless otherwise expressly agreed prior to the transfer, the parties will divide equally the net proceeds of any transfer to a third party. If a governmental entity other than the Town or the City by eminent domain take all or any portion of an acquisition held pursuant to this Agreement, the proceeds of the taking will be divided equally between the parties unless otherwise expressly agreed otherwise.
 - (5) Appraisals. Each party may request one (1) appraisal of any acquisition being disposed of in accordance with this sub-section 9, and the parties will share equally in the cost of each such appraisal.
 - (6) The foregoing terms with respect to disposition of acquisitions held pursuant to this Agreement shall not be deemed exclusive. If the foregoing terms for disposition of acquisitions are unsuccessful, either party may seek equitable relief in the state courts of Colorado sitting in Weld County.
 - (7) Nothing herein shall be deemed to modify the requirements for disposition of real property interests applicable to the parties under their adopted codes, charters and policies
- G. Term and Termination. This Agreement shall take effect upon execution, and shall remain in force for a period of twenty (20) years from the date first appearing above. Notwithstanding this term, the parties commit to reviewing their relationship hereunder every five (5) years to determine whether amendments are necessary. This Agreement may be extended by mutual agreement for additional terms to be negotiated. Either party may terminate this Agreement at any time with written notice to the other party of not less than thirty (30) days. Notwithstanding the expiration or termination of this Agreement, any Management Plan adopted by the parties shall survive termination, and the terms of Section F shall remain in effect as to the disposition of any acquisition held under a Management

Plan at the time of the expiration or termination of this Agreement.

H. Miscellaneous.

1. This Agreement may not be assigned by either party without the prior written consent of the other party.

2. This Agreement shall be binding upon and inure to the benefit of the parties' respective successors and permitted assigns.

3. Financial obligations of the parties payable after the current fiscal year are contingent upon the governing bodies of the parties, in their discretion, appropriating the necessary funds therefor.

4. Nothing in this Agreement waives the immunities, limits of liability, or other terms and conditions of the Colorado Governmental Immunity Act as now in force or hereafter amended.

5. This Agreement contains the entire understanding of the parties with respect to its subject matter, and shall not be deemed a modification of any other written agreements between the parties relating to other topics.

6. Any notices required or permitted to be given shall be in writing and personally delivered to the office of the parties of by first class mail, postage prepaid, as follows:

To the City:

Natural Areas & Trails Superintendent
Culture, Parks & Recreation Department
321 N. 16th Avenue
Greeley, CO 80631

To the Town:

Open Space and Trails Manager
Public Services Department
922 N. 15th Street
Windsor, CO 80550

Any such notice shall be effective (i) in the case of personal delivery, when the notice is actually received, or (ii) in the case of Certified Mail, the third day following deposit in the United States mail, certified mail postage prepaid, addressed as set forth above. Any party may change these persons or addresses by giving notice as required above.

6. This Agreement shall be effective upon the date first appearing above.

CITY OF GREELEY, COLORADO

By: _____
John Gates, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Doug Marek, City Attorney

TOWN OF WINDSOR, COLORADO

By: _____
Paul Rennemeyer, Mayor

ATTEST:

Karen Frawley, Town Clerk

APPROVED AS TO FORM:

Ian D. McCargar, Town Attorney

Council Agenda Summary

September 21, 2021

Key Staff Contact: Doug Marek, City Attorney, 970-350-9755

Title:

Consideration of a Resolution authorizing the City Attorney to initiate appropriate legal action against the Taylor & Gill Ditch Company and William O. Seaworth for damages

Summary:

In 2014, the City entered into a Right of First Refusal Agreement ("Agreement") with the Taylor & Gill Ditch Company ("Company") for carrying capacity in the ditch. The City paid the Company \$119,000 for this right. The Agreement require that, If the Company were to receive an offer for excess carrying capacity in the ditch, then it was required to give the City the opportunity to purchase the capacity on the same terms as the offer. On December 5, 2018, Greeley received notice from the Company that it had received an offer from William Seaworth for excess carriage capacity and that it intended accept the same. The City informed the Company that it intended to exercise its right of first refusal under the Agreement. After several months of attempted negotiations, the Company stopped communications with the City. Recently, the City learned that the Company had already entered into a contract for the excess ditch capacity with Mr. Seaworth, one day before it provided notice to the City of the "offer" it had received. As president of the Company, Mr. Seaworth executed the Agreement and thus was aware of the terms and conditions of the Agreement. The lawsuit will seek damages for breach of contract because Greeley did not receive the benefit of the Agreement.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
If yes, what is the initial, or, onetime impact?	
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:

Greeley Municipal Charter Section 6-3 authorizes the City Attorney to institute any suit, action, or proceeding on behalf of the municipal government when directed to do so by the City Council.

Other Issues and Considerations:

None.

Strategic Work Program Item or Applicable Council Priority and Goal:

None.

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:

Draft Resolution

**THE CITY OF GREELEY, COLORADO
RESOLUTION _____, 2021**

**A RESOLUTION OF THE CITY OF GREELEY COUNCIL AUTHORIZING THE CITY ATTORNEY TO
INITIATE APPROPRIATE LEGAL ACTION AGAINST THE TAYLOR & GILL DITCH COMPANY AND
WILLIAM O. SEAWORTH FOR DAMAGES**

WHEREAS, Section 6-3 of the Greeley City Charter authorizes the City Attorney to institute any suit, action or proceeding on behalf of the municipal government, or agency thereof, when directed by City Council; and

WHEREAS, in 2014, the City of Greeley ("City") entered into a Right of First Refusal Agreement (Ditch Carriage Rights) with the Taylor & Gill Ditch Company (the "Company") for carrying capacity in the ditch for \$119,000; and

WHEREAS, on December 5, 2018, the City received notice from the Company that it had received an offer that it intended to accept from Mr. William O. Seaworth; and

WHEREAS, the City informed the Company that it intended to exercise the right of first refusal. After several months of attempted negotiations, the Company stopped communications with the City; and

WHEREAS, recently, the City learned that the Company entered into the contract for the excess ditch capacity with Mr. Seaworth, one day before it provided notice to the City of the "offer" it had received; and

WHEREAS, Mr. Seaworth, as president of the Company, executed the Agreement with the City on behalf of the Company and, thus, was aware of the terms and conditions in the Agreement between the Company and the City; and,

WHEREAS, it is in the best interest of the citizens of the City of Greeley for Council to direct the City Attorney to initiate appropriate legal action including, but not limited to, instituting court action against the Company and Mr. Seaworth for recovery of damages.

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

Section 1. The City Attorney is hereby authorized to initiate appropriate legal action regarding Taylor & Gill Ditch Company and William O. Seaworth for breach of contract, in addition to any other applicable cause of action or claim.

Section 2. This Resolution shall become effective immediately upon its passage.

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

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

Council Agenda Summary

September 21, 2021

Agenda Item Number

Key Staff Contact:

Maria E. Gonzalez Estevez, Human Resources, Phone 970-888-1857

Title:

Introduction of an ordinance ratifying and adopting the Collective Bargaining Agreement between the Greeley Fire Fighters Union, International Association of Fire Fighters Local 888 and the City of Greeley, which agreement by its terms is for a period commencing December January 1, 2022 through December 31, 2023

Summary:

The City of Greeley and the Greeley Fire fighters Union International Association of Firefighters Local 888 have negotiated a tentative agreement for a two-year contract for the period of January 1, 2022 to December 31, 2023. The terms and duration of the contract were developed taking into account the City's financial situation and financial outlook, including consideration of the economic and financial uncertainties and complications created by the COVID-19 pandemic. The highlights of the tentative agreement are summarized below:

- **ARTICLE XIII regarding salary has been amended to provide for wage increases of 6% in the first year, and 3.75% in the second year.**
- **Article XIII regarding wages has been amended to provide a 2% bonus to Fire Fighters. This bonus payment will be based on the Fire Fighters current salary.**
- **Article XII regarding holidays has been amended to add Martin Luther King, Jr. day as a paid holiday for Fire Fighters.**
- **Article XXIII regarding the term of agreement has been amended to provide for a 2-year term. The agreement will be effective from January 1, 2022 to December 31, 2023.**

The tentative agreement was presented to the Greeley Fire fighters Union local membership and was approved by a vote of 82 in favor and 5 opposed amongst a total membership of 115.

The tentative agreement is presented to the City Council for its consideration and 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?	Onetime 2% Bonus in 2021 \$249,718
What is the annual impact?	Annual Increases : 2022 - \$928,983 (6.0%)

	2023 - \$839,298 (3.75%) Total Two Year Contract Cost \$2,996,893
What fund of the City will provide Funding?	General Fund
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:

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

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

Decision Options:

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

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for October 5, 2021.

Attachments:

Fire Collective Bargaining Agreement 2022-2023
Draft Ordinance

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

AN ORDINANCE RATIFYING AND ADOPTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE GREELEY FIRE FIGHTERS UNION AND THE CITY OF GREELEY, COLORADO, WHICH AGREEMENT BY ITS TERMS IS FOR A PERIOD COMMENCING JANUARY 1, 2022 THROUGH DECEMBER 31, 2023.

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

Section 1. The City Council ratifies and adopts the Collective Bargaining Agreement between the City of Greeley and the Greeley Fire Fighters Union which agreement by its terms is for the period commencing January 1, 2022 through and including December 31, 2023. A copy of the contract is attached hereto and incorporated herein as Appendix A.

Section 2. The ordinance shall become effective five (5) days after its final publication.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS_ DAY OF October, 2021.

ATTEST:

THE CITY OF GREELEY, COLORADO

CITY CLERK

By: _____
MAYOR

COLLECTIVE BARGAINING AGREEMENT

BETWEEN

GREELEY FIRE FIGHTERS UNION
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
LOCAL 888

AND

CITY OF GREELEY

JANUARY 1, 2022 - DECEMBER 31, 2023

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ARTICLE I PREAMBLE

The purpose of this Agreement is to promote and ensure harmonious relations, cooperation, and understanding between the City of Greeley and members of the Greeley Fire Department who are represented by Local 888 of the International Association of Firefighters; and to provide a workable process for equitable and peaceful adjustments of differences which may arise concerning compensation, hours, working conditions, grievance procedures, collection of dues or fees, and other terms and conditions of employment.

ARTICLE II RECOGNITION

The City of Greeley, hereinafter referred to as "City", recognizes Local 888, International Association of Fire Fighters, hereinafter referred to as "Union", as the exclusive bargaining agent for purposes of this Agreement. All sworn Fire Fighters of the Greeley Fire Department, except the ranks of Chief and Division Chief, shall be covered by this Agreement.

Whenever the term "shift personnel" is used, the reference applies to Fire Fighters assigned to work twenty four-hour shifts. Whenever the term "day personnel" is used, the reference applies to Fire Fighters assigned to work forty hour work weeks.

ARTICLE III NONDISCRIMINATION

There shall be no coercion, intimidation, or discrimination on the part of either the City, the Union, or their respective agents against any employee covered by this Agreement which would violate applicable laws because of age, race, creed, color, sex, ancestry, religion, national origin, or disability.

ARTICLE IV RIGHTS OF MANAGEMENT

SECTION 1. Except as otherwise specifically provided in this Agreement, the City has the sole and exclusive right to exercise all the rights or functions of management, and that exercise of any such rights or functions shall not be subject to any grievance procedure, except as to resolution of whether or not a specific matter is a management right. The exercise of the rights of management will be consistent with the overall goals and objectives of City of Greeley and of the Fire Department administration. The below enumerated rights of management are not all-inclusive, but indicate the type of matters or rights which belong or are inherent to management. Any of the rights, powers and authority the City had prior to entering into this Agreement are retained by the City, and nothing in this Agreement shall be construed as delegating to others the authority vested by law in the corporate authority of the City and its duly elected or appointed officers or in any way abridging or reducing such authority or infringing upon the responsibility thereof to the people of this City, except as expressly provided for in this Agreement. Without limiting the generality of the foregoing, as used herein, the term "Rights of Management" includes:

- a) the determination of Fire Department mission and policy including the right to manage the affairs of the Fire Department in all respects;
- b) the right to assign working hours including overtime;
- c) the right to establish, modify, or change work schedules, staffing of equipment, amount of equipment in the main or reserve fleet, and number of personnel to carry out its mission, etc.;
- d) the right to assign Fire Fighters to other duties within the Fire Department when their equipment is out of service;
- e) the right to direct the members of the Fire Department, including the right to hire, promote, transfer, discipline, and discharge any Fire Fighter for just cause;
- f) the organizational structure of the Fire Department including the right to organize and reorganize the Fire Department in any manner it chooses, including the size of the Fire Department and the determination of the job classifications and ranks based upon duties assigned;
- g) the determination of the safety, health, and property protection measures for the Fire Department;
- h) the allocation and assignment of work to Fire Fighters within the Fire Department;
- I) the determination of policy affecting the selection or training of new employees;
- j) the determination of policy affecting the on-going training and certification of Fire Fighters;
- k) the scheduling of operations;
- l) the establishment, amendment and enforcement of Fire Department rules, regulations, and orders;
- m) the transfer of work from one position to another within the sworn Fire Fighter positions of the Greeley Fire Department;
- n) the introduction of new, improved or different methods and techniques of operation of the Fire Department or a change in existing methods and techniques;
- o) the placing of service, maintenance or other work with outside contractors or other agencies of the City;

- p) the determination of the number of ranks and number of Fire Fighters within each rank;
- q) the determination of the amount of supervision necessary;
- r) the transfer of Fire Fighters from one division, shift or station to another.

SECTION 2. The provisions of this Agreement do not prohibit the City from directing any person not covered by this Agreement from performing any task.

SECTION 3. The City of Greeley has the authority to determine the purpose and mission of the Greeley Fire Department and the amount of budget adopted thereto.

ARTICLE V LABOR MANAGEMENT COMMITTEE

SECTION 1. The City and the Union agree to establish a Labor Management Committee. The committee will consist of at least one and no more than three (3) representatives of the Union, as elected by Union members, with the same number of management representatives, as designated by the Fire Chief. The purpose of these meetings will be to discuss matters and objectives of mutual concern not involving grievances or specific employee disciplinary matters.

SECTION 2. Meetings will be scheduled every other month at times mutually agreed upon. By mutual consent meetings can be scheduled more frequently. If meetings are scheduled when a representative(s) is on duty, arrangements will be made to allow all such representative(s) to attend such meetings on duty time. Attendance at meetings scheduled when a representative(s) is not on duty is voluntary.

ARTICLE VI UNION ACTIVITY AND COLLECTION OF DUES OR FEES

SECTION 1. The parties agree that membership in the Union will be on a voluntary basis on the part of each Fire Fighter. No Fire Fighter shall be required to become or remain a member of the Union as a condition of employment.

SECTION 2. Neither the City nor the Union, its officers, agents, representatives or members will intimidate, interfere with or coerce either Union or Non Union Fire Fighters. Union activity or Union business of any kind can only be carried on during working hours with the written permission in advance from the Fire Chief. Failure of the City to enforce any of the provisions of this section, for any reason, on any one or more instances shall not be considered a waiver of any of its provisions.

SECTION 3. The City will accept a signed dues or fees deduction authorization, by any member of the bargaining unit covered by this Agreement as equivalent to a continuing voucher by such member of the bargaining unit in the amount of established monthly dues or fees required by the Union (certified by the Treasurer of the Local Union as the proper amount). Such authorization shall remain in effect unless revoked by the Fire Fighter in writing by sending written notification by certified mail to the City

with a copy of such notification sent by certified mail to the Union.

SECTION 4. The deduction of Union dues or fees shall be made on each paycheck following the pay period in which the authorization was received. The deductions provided herein shall be remitted to the Treasurer of the Union no later than five working days following the payment date in which deductions were made and shall include all deductions made in that period. The City shall furnish, upon request of the Union Treasurer, a deduction listing.

SECTION 5. The City agrees to grant time off to one of the two principle officers, Union President or Union Secretary, to attend the monthly meetings of the Local. The Union agrees to give a minimum of seven (7) calendar days advance notice to the Fire Chief or the Chief's designee. This provision will only be allowed if the Department is not at the minimum staffing level at the time of the absence of the individual.

SECTION 6. The Union shall indemnify the City and hold it harmless against all claims, demands, suits, or any other forms of liability that shall arise out of or by reason of, any action taken by the City for the purpose of complying with the provisions of this Agreement unless such loss or damage is intentionally caused or contributed to by the action of the City.

SECTION 7. The Union expressly herein agrees that it will not institute or participate in, except as a co-defendant or a co-plaintiff with the City, any claim, lawsuit or other legal proceeding, challenging the language of this Agreement as being violated or void under law.

The Union further expressly herein agrees that in the event that any claim, lawsuit or legal proceeding is filed or commenced by any member or members of the Bargaining Unit, acting on their own personal behalf and not on behalf of the Union, challenging the language of this Article as being violative or void under law, the Union shall join with the City in defending, as a party defendant, the provisions and language of this Article. The City and the Union will pay their own defense costs in such a litigation.

ARTICLE VII NO STRIKE CLAUSE

SECTION 1. During the life of this Agreement or any written extension hereof, the Union, on behalf of its officers, agents and members agree that so long as this Agreement or any written extension hereof is in effect, neither the bargaining representative nor the Fire Fighters nor any person acting in concert with them will cause, sanction, promote, or take part in any strike (economic, sympathy, unfair labor practice, or otherwise), walkout, sitdown, slowdown, stoppage of work, abnormal absenteeism, or withholding of services.

SECTION 2. Any employee who violates this provision shall be subject to disciplinary action, including discharge, and such action shall not be raised as a grievance or be subject to the arbitration provision of this Agreement.

SECTION 3. In the event of a strike in violation of this Agreement, the City shall have the right to permanently replace any employee on strike. In the event an employee is continued in employment

after the termination of a strike in violation of this Agreement, such employee shall neither be entitled to any fringe benefit contained in this Agreement nor any accrual thereof during the period of such strike, nor shall the Fire Fighter, for the duration of the strike, accumulate seniority or length of service for any purpose under this Agreement.

SECTION 4. Claims or suits for damages filed by either party resulting from a violation of this Article shall not be subject to the mandatory arbitration provisions set forth in this agreement.

SECTION 5. In the event of violation of this Article by an official action of the Union, the City has the exclusive option to rescind this entire Agreement or any part thereof.

ARTICLE VIII LAYOFF AND RECALL PROCEDURES

SECTION 1. For purposes of this Agreement, "continuous service" shall mean the period of continuous employment in the Fire Department from the most recent date of hire without a break or interruption; provided that any suspension for disciplinary purposes or absences on authorized leave without pay shall not constitute a break or interruption of service so long as it does not exceed 30 calendar days. A list of Fire Fighters arranged in order of continuous service shall be made available for examination at the end of each calendar year. Where two or more Fire Fighters were appointed on the same date, their continuous service standing shall be determined in the order of their rank on the eligibility list from which they were hired.

SECTION 2. The City in its sole discretion shall determine whether layoffs are necessary. Although not limited to the following, layoffs shall ordinarily be for lack of work and/or lack of funds. If it is determined that layoffs are necessary, Fire Fighters will be laid off in accordance with their continuous service. Fire Fighter(s) with the least continuous service will be laid off first.

SECTION 3. No later than thirty (30) calendar days prior to the effective date of such a layoff, the City shall provide the Union a statement of the reasons necessitating the layoff. The individuals selected for layoff will be notified fourteen (14) calendar days before the actual layoff. The notice periods referenced by this section may run concurrently.

SECTION 4. In the event that positions with a higher classification than Firefighter are reduced in force, employees in such reduced classifications with the least continuous service in that classification shall be allowed to displace (bump) Fire Fighters in a lower classification. The salary for the Fire Fighter who has exercised bumping rights shall be reduced to the respective salary schedule. Fire Fighters shall be eligible to exercise bumping rights in reverse order of their length of service in the classification. The Fire Fighter exercising bumping rights shall maintain and continue to accrue seniority as though the reduction in force had not occurred.

SECTION 5. Fire Fighters who are laid off shall be placed on a recall list for a period of three (3) years. If there is a recall, Fire Fighters who are still on the recall list shall be recalled, in the inverse order of their layoff, provided they are presently qualified to perform the work in the job classification to which they are recalled.

Fire Fighters recalled under this section shall not be required to take a written examination or participate in an oral interview but will be required to maintain certifications and may be required to successfully complete the medical screening and background portions of the screening process.

SECTION 6. Notice of recall for a Fire Fighter who is eligible for recall shall be sent to the Fire Fighter and the local president by registered mail. Fire Fighters must notify the Fire Chief of their intention to return to work within seven (7) calendar days after the notice of recall is mailed by the City. If the Fire Fighter fails to be available to return to work within fourteen (14) calendar days after notifying the Fire Chief of intent to return to work, the Fire Fighter shall be deemed to have resigned.

The City shall be deemed to have fulfilled its obligations by mailing the recall notice by registered mail, return receipt requested, to the mailing address provided by the Fire Fighter. It is the responsibility of the Fire Fighter to provide the Fire Chief with a current mailing address.

No new employees shall be hired into a classification until all employees who are on a lay-off status from that classification have been offered recall.

ARTICLE IX GRIEVANCE PROCEDURE FOR AGREEMENT VIOLATIONS

SECTION 1. A grievance under this Agreement shall be confined to an alleged violation of any express provision of this Agreement except that a grievance of the provisions relating to promotions shall follow the grievance process under Article X. Any Fire Fighter or group of Fire Fighters may discuss any matter informally with their supervisor without invoking the formal grievance procedure provided for in this Article and are encouraged to resolve matters at the lowest level of supervision. No resolution reached via informal discussion may conflict with a term of the contract. Informal resolutions are not binding on the City or the Union.

SECTION 2. Except as otherwise stipulated, a grievant may, upon request, be represented at any level of the grievance procedure by a representative of the grievant, or by legal counsel. The time limit set forth for the processing of grievances shall be strictly adhered to. In the event that a grievance is not appealed to the next step of the grievance procedure within the time limits provided at any step, such grievance shall be declared closed and settled on the basis of the most recent City decision.

In the event of failure to answer a grievance within the time limit provided, it shall be considered a denial and the grievant may appeal the grievance to the next step of the procedure in accordance with the time limitation specified. Extensions of time may be requested by either party, and must be mutually agreed upon by both parties. To be effective, any extension of time must be set forth in writing.

SECTION 3. A grievance must be initiated only by a grievant, it must be signed by all aggrieved Fire Fighters who are to be included in any resolution thereof. The grievant must reduce the entire grievance and all the reasons thereof to writing along with the provisions of this Agreement which are alleged to have been violated. The written grievance must be dated and signed by the grievant and submitted to the Division Chief, or the Division Chief's designee with a copy to the Fire Chief or the

Chief's designee, the City's Attorney, and the City of Greeley Human Resources Director, and the local president within seven (7) calendar days of the date the grievant knew or should have known the facts which gave rise to the grievance.

SECTION 4. The Division Chief or the Division Chief's designee shall meet with the grievant in an effort or resolve the grievance within seven (7) calendar days after being presented with the written grievance. The Division Chief or the Division Chief's designee must respond in writing to the grievant within seven (7) calendar days following the meeting with the grievant.

SECTION 5. If the grievance has not been satisfactorily resolved with the Division Chief, the grievant may appeal the decision to the Fire Chief or the Chief's designee in writing within seven (7) calendar days of receipt of the response of the Division Chief or the Division Chief's designee. Within seven (7) calendar days of receipt of the appeal of the grievance, the Fire Chief or Chief's designee shall discuss the grievance with the grievant. The Fire Chief or Chief's designee must give the grievant an answer in writing within seven (7) calendar days of the holding of such meeting.

SECTION 6. If the grievance is not mutually resolved with the Fire Chief or the Chief's designee, the grievant may appeal the grievance in writing to the City Manager or the City Manager's designee in writing within seven (7) calendar days of receipt of the response from the Fire Chief or the Chief's designee. Within seven (7) calendar days of receipt of the appeal of the grievance, the City Manager or the City Manager's designee shall discuss the grievance with the grievant. The City Manager or the City Manager's designee must give the grievant an answer in writing within seven (7) calendar days of the holding of such meeting.

SECTION 7. If the grievance is not mutually resolved with the City Manager, the Union president must give written notice of intent to seek final and binding arbitration to the City Manager within fourteen (14) calendar days. Within seven (7) calendar days of the written notice of intent to arbitrate, the parties shall attempt to select a neutral arbitrator to hear and determine the dispute. In the event the parties are unable to agree upon a neutral arbitrator, either party or its representative may refer the matter to the American Arbitration Association or the Federal Mediation and Conciliation Service to request a panel of seven (7) arbitrators and the parties shall choose the arbitrator in accordance with the rules of the respective association. The findings of the arbitrator shall be final and binding on all parties concerned.

SECTION 8. The Arbitrator will have the authority to hold hearings and make procedural rules.

SECTION 9. The findings of the Arbitrator shall be consistent with law and the terms of this Agreement. The Arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the provisions of this Agreement, nor shall the Arbitrator have jurisdiction to determine that the parties by practice or implication have amended or supplemented this Agreement. The Arbitrator shall consider and decide only the question of fact as to whether there has been a violation, misinterpretation, or misapplication of the specific provisions of this Agreement. The Arbitrator shall be in power to determine only the issue raised by the grievance as submitted in writing by the grievant. The Arbitrator shall have no authority to make a recommendation on any issue not so submitted or raised. The Arbitrator shall be without power to make recommendations contrary to or inconsistent with, in any

way, applicable laws or rules and regulations of the administrative bodies that have the force and effect of law. The Arbitrator shall not in any way limit or interfere with the powers, duties and responsibilities of the City under law or applicable court decisions.

SECTION 10. The cost of any arbitration as well as the Arbitrator's fee shall be borne equally by the parties to the Agreement. Any legal representation or costs incurred by each party in preparing or presenting their case in arbitration shall be borne by the party incurring the expense.

SECTION 11. Either party may request a Certified Court Reporter to take a stenographic report of the evidence taken at an arbitration hearing. If such stenographic record is taken, a copy of the transcript shall be provided to the Arbitrator. The party requesting a stenographic record shall pay the cost thereof, except that if the other parties shall request a copy of any transcript, the parties shall share equally the entire cost of making the stenographic report.

SECTION 12. The number of days indicated at each level of the grievance procedure shall be considered as a maximum unless mutually extended by the parties.

SECTION 13. Anything in this Agreement to the contrary notwithstanding, the following matters are not subject to the grievance procedures of this Agreement:

- a) Any grievance which is not filed in accordance with the provisions of this Article or does not meet the definition of a grievance as set forth in this Article; or
- b) Any matter reserved solely to the Rights of Management or to the discretion of the City or the Fire Chief by the terms of this Agreement, except as to the resolution of whether or not a matter is a specific Right of Management; or
- c) Any matter which would require a change from the wages, rates of pay, hours, grievance procedure, working conditions, and all other terms and conditions of employment as set forth in this Agreement; or
- d) Any matter which is not covered by this Agreement; or
- e) Any matter covered by the City of Greeley Employee Handbook, the official Standard Operating Procedures of the Greeley Fire Department, State and Federal Statutes and Constitutional Provisions except to the extent that any such matter is addressed in the Agreement and the grievance alleges that the City has violated an express provision of this Agreement.

ARTICLE X PROMOTION

A. PROMOTION

SECTION 1. Promotional Committee.

- a) Purpose - It shall be the purpose of the Promotional Committee to establish, monitor and approve each testing procedure according to the guidelines of this Article.
- b) Composition - The committee shall consist of an appointee of the Fire Chief, and an appointee of the Union. Appointees must be at least equal to the rank/grade for the position being tested for. The committee may use any other person agreed to by the committee members as necessary to carry out its purpose.
- c) Functions of Committee - The committee is charged with preparing and finalizing specific tests and procedures for establishing a list of qualified candidates.

SECTION 2. Testing and Administration. Testing for promotions, shall be practical and adapted to determine the ability of applicants to perform the essential functions and duties of a particular position. Testing for promotions will always include a Chief panel interview (except for engineer positions). The composition of the panel will be determined by the Fire Chief. All applicants passing the written test (if administered) will be eligible for an interview and all interviews will be scored. The interview score will constitute 45% of the candidate's total aggregate promotional score.

- a) All approved components of the testing process shall be scored with the final score of applicants being an aggregate of all components.
- b) All approved applicants shall be subjected to the same testing.
- c) Any part or all of the testing or administration of any tests may be delegated or contracted by the Promotional Committee to appropriate parties other than the Promotional Committee.

SECTION 3. Notice. Notice of testing shall be posted at least ninety (90) days preceding the date of the first test for the position and shall include a description of the position, reference lists, testing components and procedures, feedback, and such other information as the Promotional Committee may deem pertinent. Notice of selection procedures will be included in the posting. All applications for testing shall be in writing on an approved form.

SECTION 4. Eligibility. Candidates for promotional examination must have the following qualifications:

- a) For promotion to the rank of Fire Engineer, the candidate must have had a minimum of three (3) years' experience as a Firefighter with the Greeley Fire Department.
- b) For promotion to the rank of Fire Lieutenant, the candidate must have had a minimum of five (5) years' experience as a Firefighter and/or Engineer with the Greeley Fire Department.
- c) For promotion to the rank of Fire Captain, the candidate must have had a minimum of two (2) years' experience as a Fire Lieutenant with the Greeley Fire Department.

SECTION 5. Test Results. The results of tests shall be placed in order of finish from highest to lowest of applicants and approved by the Promotional Committee for transmittal to the appointing authority. Candidates shall be ranked by the order of their aggregate test scores. Candidates with the same score shall be placed in the order of their seniority on the Greeley Fire Department.

SECTION 6. Selection. Applicant test results shall be posted (as described in Section 5 above) and promotional appointments covered under this agreement will be made in order of appearance on the posted promotional results.

SECTION 7. Feedback. Feedback will be provided to candidates following the promotional process in a format agreed upon by the Promotional Committee.

SECTION 8. Promotional Process for Ranks Not Listed in the Contract. For promotion to any rank not listed in this contract, input from the bargaining agent may be considered by the Fire Chief or the Fire Chief's designee.

B. GRIEVANCE PROCEDURE FOR PROMOTION

SECTION 1. A grievance under this Article shall be confined to an alleged violation of any express provision of this Article regarding promotional processes. Any Fire Fighter or group of Fire Fighters may discuss any matter with their supervisor without invoking the formal grievance procedure provided for in this Article and are encouraged to resolve matters at the lowest level of supervision.

SECTION 2. A grievant may, upon request, be represented at any level of the grievance procedure by a representative of the grievant, or by legal counsel. The time limit set forth for the processing of grievances shall be strictly adhered to. In the event that a grievance is not appealed to the next step of the grievance procedure within the time limits provided at any step, such grievance shall be declared closed and settled on the basis of the most recent City decision.

In the event of failure to answer a grievance within the time limit provided, it shall be considered a denial and the grievant may appeal the grievance to the next step of the procedure in accordance with the time limitation specified. Extensions of time may be requested by either party, and must be mutually agreed upon by both parties. To be effective, any extension of time must be set forth in writing.

SECTION 3. A grievance must be initiated only by a grievant, it must be signed by all aggrieved Fire Fighters who are to be included in any resolution thereof. The grievant must reduce the entire grievance and all the reasons thereof to writing along with the promotional issue which the grievant wishes to grieve. The written grievance must be dated and signed by the grievant and submitted to the Division Chief, or the Division Chief's designee with a copy to the Fire Chief or the Chief's designee within seven (7) calendar days of the date the grievant knew or should have known the facts which gave rise to the grievance.

SECTION 4. The Division Chief or the Division Chief's designee shall meet with the grievant in an effort to resolve the grievance within seven (7) calendar days after being presented with the written grievance. The Division Chief or the Division Chief's designee must respond in writing to the grievant

within seven (7) calendar days following the meeting with the grievant.

SECTION 5. If the grievance has not been satisfactorily resolved with the Division Chief, the grievant may appeal the decision to the Fire Chief or the Chief's designee in writing within seven (7) calendar days of receipt of the response of the Division Chief or the Division Chief's designee. Within seven (7) calendar days of receipt of the appeal of the grievance, the Fire Chief or Chief's designee shall discuss the grievance with the grievant. The Fire Chief or Chief's designee must give the grievant an answer in writing within seven (7) calendar days of the holding of such meeting.

SECTION 6. If the grievance is not mutually resolved with the Fire Chief or the Chief's designee, the grievant may appeal the grievance to the City Manager or the City Manager's designee in writing within seven (7) calendar days of receipt of the response from the Fire Chief or the Chief's designee. Within seven (7) calendar days of receipt of the appeal of the grievance, the City Manager or the City Manager's designee shall discuss the grievance with the grievant. The City Manager or the City Manager's designee must give the grievant an answer in writing within seven (7) calendar days of the holding of such meeting.

SECTION 7. If the grievance is not mutually resolved with the City Manager or the City Manager's designee, the grievant may file an appeal to the Civil Service Commission, with a copy to the Fire Chief and to the Human Resources Director, within seven (7) calendar days of receipt of the response from the City Manager or the City Manager's designee. The Commission shall, within fourteen (14) calendar days of receipt of the written appeal, schedule a hearing on the matter and within seven (7) calendar days of the hearing shall render its decision in writing to the appellant, which decision shall be final.

SECTION 8. The number of days indicated at each level of the grievance procedure shall be considered as a maximum unless mutually extended by the parties.

ARTICLE XI WORK HOURS

SECTION 1. The twenty-four (24) hour Fire Fighters shall continue to work in the three-platoon, twenty-four hour shift. For the term of this agreement Fire Fighters assigned to a 28-day work cycle shall work nine or ten 24-hour shifts or a total of 216 or 240 hours per cycle. A shift will be considered 24 hours. A rotation shall be two consecutive shifts equaling 48-hours on duty, followed by four consecutive shifts equaling 96 hours off-duty.

SECTION 2. Fire Fighters who work twenty-four hour shifts shall commence work at 7:00 a.m. and continue through to 7:00 a.m. the following day.

SECTION 3. Fire Fighters who are assigned by the Fire Chief to work days will work 80 hours in a two week period. The work cycle begins after midnight Wednesday and continues to and includes the second following Wednesday midnight.

SECTION 4. The pay dates for Fire Fighters will be bi-weekly.

SECTION 5. This Article is intended to identify the normal hours of work. It will not be construed as a guarantee of hours of work per day, per shift or of days of work per week or work cycle as it relates to time for training, emergency call back, transfers, light duty, Fire Department operations and/or other unusual circumstances that may arise.

ARTICLE XII LEAVES

A. LEAVE ADMINISTRATION

SECTION 1. Fire Fighters will be paid at their regular base rate of pay for paid leave granted but in no case more than twenty-four (24) hours per shift for shift personnel or regularly scheduled hours missed for day personnel but in no case more than 80 hours in a two week period for day personnel. The rate for paid leave will be the Fire Fighter's regular, straight time rate of pay in effect for the Fire Fighter's regular job at the time the leave is taken.

SECTION 2. Time spent on any type of paid or unpaid leave will not be considered as hours worked for purposes of overtime calculation.

SECTION 3. Vacation, holiday, personal leave, and compensatory leave must be requested in advance and be approved before it can be taken. Vacation, holiday, personal leave, and compensatory leave will be scheduled at the discretion of the Fire Chief or the Chief's designee in accordance with departmental policy.

SECTION 4. Fire Fighters will not accrue vacation or holiday for any month during which they are on layoff, leave of absence, or other forms of unpaid status.

SECTION 5. A Fire Fighter who terminates for any reason will receive vacation, holiday, and compensatory pay for the actual amount accrued at the time of the separation from employment except that leave accruals are not prorated. The amount of payment for said vacation, holiday and compensatory leave will be calculated based on the Fire Fighter's regular, straight time hourly rate of pay in effect for the Fire Fighter's regular job on the Fire Fighter's last day of work.

SECTION 6. Seniority for Fire Fighters shall determine priority in selecting scheduled leave. Fire Fighters who were hired on the same date, will have their seniority determined by their hiring ranking.

SECTION 7. Due to department workload, Captains regularly exceed normal work hours. Outside of Constant Staffing in Rank, Emergency call-in & Emergency staffing, Captains will receive 120 hrs. of Administrative leave to be used within the calendar year.

B. VACATION

SECTION 1. Fire Fighters who have been in the continuous service of the Greeley Fire Department for more than six (6) months will accumulate vacation at the end of each pay cycle based on the following schedules:

<u>Shift Personnel</u>		
<u>Time In Service</u>	<u>Hours per Pay Cycle</u>	<u>Annual Accrual Amount</u>
7 months to 2 years	4.6	120 hours
3 to 5 years	5.5	144 hours
6 to 10 years	6.5	168 hours
11 to 15 years	7.4	192 hours
16 to 20 years	8.3	216 hours
21 years and over	9.2	240 hours

<u>Day Personnel</u>		
<u>Time In Service</u>	<u>Hours per Pay Cycle</u>	<u>Annual Accrual Amount</u>
7 months to 2 years	3.1	80 hours
3 to 5 years	3.7	96 hours
6 to 10 years	4.6	120 hours
11 to 15 years	5.5	144 hours
16 to 20 years	6.2	160 hours
21 years and over	6.5	168 hours

SECTION 2. Fire Fighters will not earn any vacation during the first six (6) months of employment. Shift personnel will be credited with 60 hours of vacation after completing six (6) full months. Day personnel will be credited with 40 hours of vacation after completing six (6) full months.

SECTION 3. The maximum vacation accrual for Shift personnel is 396 hours. The maximum vacation accrual for Day personnel is 280 hours. The City recognizes on occasion the Fire Fighter might not be able to use scheduled leave due to a Fire Department directed deployment or special assignment. At the discretion of the Fire Chief the Fire Fighter will be allowed to exceed the maximum vacation leave accrual for a reasonable period of time.

C. HOLIDAYS

SECTION 1. Shift personnel will accrue five and a half (5 ½) shifts (132 hours) of holiday leave each year in lieu of taking the actual holiday off. Fire Fighters who are placed in shift positions mid-year will accrue holiday leave on a pro-rated basis of eleven (11) hours per full calendar month worked. The holiday leave may not be used during the year in which it was earned, but must be used in the following year.

SECTION 2. Day personnel will be granted 8 hours of holiday leave for each of the following holidays:

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Fourth Friday in November
Christmas Eve	December 24
Christmas Day	December 25
Floating Holiday	Granted January 1 of each year to be taken off at any time during the calendar year

If a holiday falls on a Fire Fighter's regularly scheduled work day which is greater than 8 hours, the difference can be taken in other available holiday, vacation leave or compensatory leave.

When an observed holiday falls on a Saturday, the preceding Friday will be taken as the holiday. When the holiday falls on Sunday, the next Monday will be taken as the holiday. When Christmas falls on Monday, that Monday and the following Tuesday will be observed as holidays. Day personnel may not elect to be paid for holiday hours in lieu of time off. A Fire Fighter may not take a holiday before it is earned.

SECTION 3. If day personnel are on some type of approved paid leave that encompasses an observed holiday, the holiday will count as a day of holiday leave, rather than as a day of vacation leave, sick leave, etc. If a Fire Fighter is on approved leave without pay that encompasses a holiday there is no holiday accrual.

SECTION 4. Firefighters cannot carry over unused holiday leave from one year to the next. Holiday leave time accrued beginning January 1, 2022 and ending December 31, 2022 but not used by December 31, 2022 will be forfeited. Holiday leave time accrued beginning January 1, 2023 and ending December 31, 2023 but not used by December 31, 2023 will be forfeited.

D. SICK LEAVE

SECTION 1. Shift personnel will accrue sick leave at the rate of 5.5 hours per pay cycle. Day personnel will accrue sick leave at the rate of 3.7 hours per pay cycle. Accruals will occur after each full pay cycle in which the Fire Fighter is in pay status. Shift personnel may accumulate a maximum 57 shifts (1368 hours) of sick leave. Day personnel may accumulate a maximum of 960 hours of sick leave.

SECTION 2. Upon termination from employment, Fire Fighters hired prior to January 1, 1989 will be paid for; 1) one-half of their sick leave accrual at the time of termination; or 2) one-half of their sick leave accrual as of December 31, 1988, whichever is less. In either case, payment will not exceed a maximum of 28.5 shifts (684 hours) for shift personnel or 60 days (480 hours) for day personnel. Fire Fighters hired after January 1, 1989, will not receive pay for accumulated sick leave balances at time of termination.

SECTION 3. When Fire Fighters are absent due to an incapacitating illness or injury, or required medical, dental or optical examination for themselves, they will notify their supervisor as soon as they know they will not be able to report to work. Appointments for non-emergency doctor, dental, or optical appointments must be scheduled on off-duty time unless approved in advance. The Fire Fighter will be paid at the regular straight time rate for each hour missed because of said absence to the extent the Fire Fighter has available sick leave.

SECTION 4. Sick leave may also be by shift and day Personnel used for any reason found in C.R.S. §§ 8-13.3-404 and 8-13.3-405, as they may be amended from time to time. Routine childcare does not meet the requirements of this provision. The need for such leave will be subject to verification if so required by the Fire Chief or the Chief's designee.

SECTION 5. Fire Fighters whose illness requires sick leave in excess of their accumulated amount may be granted leave without pay, or be allowed to use accrued vacation, holiday leave, etc.

SECTION 6. A doctor's certificate or examination by a physician designated by the City may be required by the City as verification of illness. Any abuse of sick leave may be subject to disciplinary action. Fire Fighters returning to work after a major or potentially incapacitating illness must submit a doctor's written release before returning to duty.

E. PERSONAL LEAVE DAY

Once each year shift personnel may convert up to 24 hours of accrued sick leave to Personal Leave (Personal Leave Day). Once each year day personnel may convert up to 8 hours of accrued sick leave to Personal Leave (Personal Leave Day). Personal leave hours are to be scheduled in advance of the date to be taken. If a Fire Fighter chooses not to take Personal Leave, the Fire Fighter may carry the hours from one year to the next as sick leave up to the maximum accrual. Firefighters must request and use converted time in a calendar year with the last available date being;

December 21, 2022 for the 2022 calendar year

December ____ 2023 for the 2023 calendar year

F. MATERNITY LEAVE

SECTION 1. When a Fire Fighter determines that she is pregnant, she will discuss with her doctor the continuance of her line firefighting position. The City reserves the right to require that the Fire Fighter consult a physician designated by the City to determine her physical ability to continue line firefighting duties. If it is determined by the City physician that the Fire Fighter is physically unable to perform line firefighter duties, but is determined to be capable of performing limited work assignments, the Fire Fighter will be scheduled to work under the conditions set forth by the physician, if such work is available and approved. The Fire Fighter may work in the limited work assignment until the birth of the child.

SECTION 2. A pregnant Fire Fighter must make a written request to her supervisor and the Fire Chief for maternity leave approximately thirty calendar days in advance of the anticipated leave. A pregnant Fire Fighter will be expected to work as long as her doctor certifies that she is physically capable of performing line firefighting duties or limited work assignments.

SECTION 3. Accrued sick leave may be taken only for the length of time certified by her physician as medically necessary for the health of the Fire Fighter. Upon returning to work, the Fire Fighter will submit a doctor's slip to verify the requested number of sick leave days taken to be medically necessary. Sick leave days not certified by her physician for medical necessity will be charged to another type of leave.

SECTION 4. The City reserves the right to require a letter from the Fire Fighter's doctor at any time certifying the Fire Fighter's capability or incapability of physically performing job duties. When a Fire Fighter returns to work, she will be reinstated in her previous assigned position or a limited work assignment, if such limited work assignment is available and approved, at her previous wage rate or at the rate she would have received except for her leave.

G. INJURY LEAVE

SECTION 1. If a Fire Fighter has been disabled due to an on-the-job injury and is entitled to receive benefits under the Worker's Compensation Law of the State of Colorado for temporary partial disability or temporary total disability, work time missed will be charged as injury leave, upon approval of the designated Worker's Compensation Administrator.

SECTION 2. Injury leave will terminate after 90 calendar days or as it applies below:

- 1) On the date a ruling of permanent disability is made;
- 2) when the appointed physician releases the Fire Fighter to return to work;
- 3) at such time as the Fire Fighter is declared capable of performing normal duties by a physician appointed by the City;
- 4) when the Fire Fighter reaches maximum medical improvement (MMI).

SECTION 3. If prior to release for normal duties, it is determined by a physician that the Fire Fighter is capable of performing limited work assignments, the Fire Fighter will return immediately to work under the conditions set forth by the physician, if such work is available and approved by the Fire Chief.

SECTION 4. Any limited assignment of duty will be reviewed at least every fourteen calendar days to determine if the Fire Fighter is capable of resuming normal unlimited duties. If the Fire Fighter is not released to return to normal duties by the expiration of the injury leave period, the Fire Fighter will be considered for placement to an available position for which the Fire Fighter possesses the necessary qualifications. If such a placement is not available, the Fire Fighter will be terminated.

SECTION 5. A Fire Fighter who is injured while not on duty with the Greeley Fire Department will not be entitled to injury leave. Fire Fighters traveling to and from work and on unpaid meal breaks are not covered by Worker's Compensation if injured during those times.

H. MILITARY LEAVE

SECTION 1. A leave of absence of a maximum of fifteen calendar days per year shall be granted to Fire Fighters who are active in the National Guard or a branch of the Armed Forces Reserves for the purpose of fulfilling their annual field training obligations. Written application for a military leave of absence must be made as soon as possible after receiving the military order. Fire Fighters will not be entitled to receive their regular wages while absent on military leave of absence. Upon the Fire Fighter's return to work, the appropriate paper work detailing the pay received from the armed forces must be submitted. If the Fire Fighter's salary from the armed forces, exclusive of travel allowance, is less than the gross pay from the employer, the Fire Fighter will receive the difference for a period not to exceed fifteen days of training.

SECTION 2. If their work schedules are such that they conflict with the once a month weekend duty, Fire Fighters may use vacation leave or leave without pay to attend such duty. Normally, Fire Fighters will be able to schedule their monthly duty so that they can take it on their regular days off.

SECTION 3. Fire Fighters who enter the military service by draft, shall be granted a leave of absence without pay for that purpose, after the receipt of a written notice of such leave.

SECTION 4. Within 90 calendar days after the Fire Fighter's military service ends, the Fire Fighter will be reinstated in accordance with applicable provisions of the Selective Service and Training Act and any other applicable laws. The 90-day period may be extended upon approval of the Fire Chief and the City.

SECTION 5. To return to Greeley Fire Department employment, the Fire Fighter must make a written application within 90 calendar days of the Fire Fighter's discharge from military service. Failure to do so will result in resignation. The Fire Fighter will be subject to reexamination for fitness and may be required to successfully complete the medical screening and background portions of the screening process.

SECTION 6. If the Fire Fighter is found to be physically and mentally qualified to do so, the Fire Fighter may return to the classification previously held, at a wage rate the Fire Fighter would have been earning except for the military service. If the Fire Fighter is not found to be able to perform the duties of the previous classification, the Fire Fighter may be placed in a different classification at an appropriate pay rate if such position is available, or terminated.

I. JURY DUTY

SECTION 1. When a Fire Fighter is called for jury duty at a time which conflicts with the regular work schedule, the Fire Fighter will be compensated for time lost from the job at the Fire Fighter's regular straight time rate. Jury duty may not be used in any instance when the Fire Fighter is a party in any fashion to the court action in question, unless the Fire Fighter's involvement arises as a result of the Fire Fighter's job duties or responsibilities.

SECTION 2. If scheduled for work, the Fire Fighter will be expected to report back to work within thirty minutes from the time the Fire Fighter is excused from jury duty.

SECTION 3. If a Fire Fighter is excused and does not serve on the jury, the Fire Fighter will be required to work the regular assigned shift.

SECTION 4. A Fire Fighter will be required to show evidence of jury duty upon request by the Fire Chief or the Fire Chief's designee.

J. ELECTION LEAVE

Fire Fighters are encouraged to vote in all elections. If Fire Fighters can vote before or after work, during their lunch hours, or through the absentee ballot alternative, they are encouraged to do so. If Fire Fighters can not vote during these times, they will be given up to a maximum of two hours of election leave for the purpose of voting.

K. EMERGENCY LEAVE

The Fire Chief or the Chief's designee may grant up to forty (40) hours for day personnel and up to four (4) shifts for shift personnel for unforeseen emergency reasons which are beyond the employee's control to pre-plan. Such leave will be charged to vacation, holiday or compensatory leave accruals.

L. BEREAVEMENT LEAVE

SECTION 1. In the event of the death of a family member, the firefighter may take up to two consecutive scheduled work shifts (48 hours) (three consecutive scheduled work days for day personnel) off with pay.

SECTION 2. For the purpose of bereavement leave, "family" is defined as spouse, civil union partner, child, parent, grandparent, grandchildren, brother, sister (this includes step, half and in-law relationships), aunt, uncle, niece, nephew, and first cousin.

SECTION 3. The Fire Chief may approve an additional two scheduled work shifts consecutive with the initial two shifts if the firefighter needs more than two shifts off or the firefighter may use other accrued leave or leave without pay, subject to the Fire Chief's approval. For day personnel, the Fire Chief may approve an additional two scheduled work days consecutive with the initial three days if the firefighter needs more than three days off or the firefighter may use other accrued leave or leave without pay, subject to the Fire Chief's approval.

M. LEAVE WITHOUT PAY

SECTION 1. Fire Fighters covered by this Agreement may request in writing a leave of absence from the Fire Chief, who may grant a leave of absence to the Fire Fighter, not to exceed ninety (90) calendar days. Upon written request, an extension of such leave of absence may be granted by the Fire Chief. Said extension shall not exceed an additional ninety (90) calendar days. An additional extended period of leave without pay cannot be requested until the Fire Fighter has been back at work for not less than twelve (12) months.

SECTION 2. Leave without pay will not be granted to allow the Fire Fighter to seek other employment or to accept remunerative employment elsewhere.

SECTION 3. As a condition to an extension of leave in excess of ninety (90) days being granted, the Fire Fighter may be required to waive all rights to immediate reinstatement to the same position the Fire Fighter had before the leave of absence was granted. The Fire Fighter will retain only the right to be appointed to the first vacancy for the position in which the Fire Fighter had been employed upon the termination of the leave.

SECTION 4. A Fire Fighter granted a leave of absence will continue to accrue leave and be eligible for benefits for only the first thirty (30) calendar days of leave without pay. A Fire Fighter must pay in advance to the City the full cost of insurance or other benefits requiring the payment of a cash premium, if the Fire Fighter wishes to retain such benefits after the thirty-day period. In the event the Fire Fighter does not desire to retain such benefits, a waiver releasing the City from any and all liability resulting from the discontinuance of such benefits must be signed by the Fire Fighter. The Fire Fighter must agree in writing to pay for any costs associated with resuming such benefit coverage and will be subject to the terms and conditions of benefit plans as they exist at the date of reinstatement.

N. FAMILY/MEDICAL LEAVE

All provisions of FMLA will be administered in accordance with the Family and Medical Leave City policy with detailed information available through the Human Resources Department.

ARTICLE XIII

WAGES

A. SALARY

Fire Fighters covered by this Agreement shall be paid in accordance with the position classifications set forth below:

Title	Effective December 23, 2021		Effective December 26, 2022	
	Annual	Hourly	Annual	Hourly
Recruit Firefighter	62,273	21.33	64,608	22.13
Recruit Firefighter / EMT I	66,114	22.64	68,594	23.49
Recruit Firefighter / Paramedic	68,035	23.30	70,586	24.17
Apprentice Firefighter I	66,582	22.80	69,079	23.66
Apprentice Firefighter I / EMT-I	70,423	24.12	73,064	25.02
Apprentice Firefighter I / Paramedic	72,344	24.78	75,057	25.70
Apprentice Firefighter II	71,148	24.37	73,816	25.28
Apprentice Firefighter II / EMT-I	74,990	25.68	77,802	26.64
Apprentice Firefighter II / Paramedic	76,910	26.34	79,795	27.33
Journey Firefighter I	76,193	26.09	79,050	27.07
Journey Firefighter I / EMT-I	80,035	27.41	83,037	28.44
Journey Firefighter I / Paramedic	81,956	28.07	85,029	29.12
Journey Firefighter II	81,496	27.91	84,552	28.96
Journey Firefighter II / EMT-I	85,338	29.23	88,539	30.32
Journey Firefighter II / Paramedic	87,259	29.88	90,531	31.00
Master Firefighter	87,167	29.85	90,436	30.97
Master Firefighter / EMT-I	91,009	31.17	94,422	32.34
Master Firefighter / Paramedic	95,811	32.81	99,404	34.04
Fire Engineer (min)	91,513	31.34	94,945	32.52
Fire Engineer (min) / EMT-I	95,354	32.66	98,930	33.88
Fire Engineer (min) / Paramedic	97,275	33.31	100,923	34.56
Fire Engineer (max)	96,042	32.89	99,644	34.12
Fire Engineer (max) / EMT-I	99,884	34.21	103,629	35.49
Fire Engineer (max) / Paramedic	104,687	35.85	108,612	37.20
Staff Specialist *	98,927	47.56	102,636	49.34
Staff Specialist / EMT-I *	102,895	49.47	106,754	51.32
Staff Specialist / Paramedic *	107,834	51.84	111,878	53.79
Fire Lieutenant (min)	100,866	34.54	104,649	35.84
Fire Lieutenant (min) / EMT-I	104,709	35.86	108,636	37.20
Fire Lieutenant (min) / Paramedic	106,630	36.52	110,628	37.89
Fire Lieutenant (max)	106,317	36.41	110,304	37.78
Fire Lieutenant (max) / EMT-I	110,158	37.73	114,289	39.14
Fire Lieutenant (max) / Paramedic	114,961	39.37	119,272	40.85
Fire Lieutenant Specialist *	109,510	52.65	113,616	54.62
Fire Lieutenant Specialist / EMT-I *	113,478	54.56	117,734	56.60
Fire Lieutenant Specialist / Paramedic *	118,417	56.93	122,857	59.07

Fire Captain (min)	118,580	40.61	123,027	42.13
Fire Captain (max)	125,687	43.04	130,401	44.66
Fire Captain Specialist *	129,352	62.19	134,202	64.52

*Day Shift Pay Rate (2,080 hrs)

Fire Engineers returning to 24 hour shifts from Staff Specialist positions shall displace the least senior Engineer (time in grade). The displaced Fire Engineer shall return to Master Firefighter classification and will be placed at the number one position on the most current eligibility list for Fire Engineer. The displaced individual will remain at that position on any subsequent list until promoted.

For Fire Recruit, Fire Fighter, Fire Engineer, and Fire Lieutenant, the rate of pay will be determined by dividing the annual salary by 2,920 hours. For day personnel eligible for overtime the hourly rate of pay will be determined by dividing the annual salary by 2,080 hours. The pay period rate for all Fire Captains will be determined by dividing the annual salary by 26.

All new hire Fire Fighters will serve a probationary period of 12 months in which there is an opportunity for the supervisor to train, observe, and evaluate the employee. Probationary Fire Fighters do not have any appeal rights and may be demoted, laid off or terminated without cause at the discretion of the City.

Fire Fighters will be eligible for a step increase every twelve (12) months upon satisfactorily completing all requirements. The time for performance appraisal will be based on the Fire Fighter's anniversary date.

Fire Engineers, Fire Lieutenants, and Fire Captains will receive the minimum salary for the position upon appointment and will be eligible for an increase to the maximum salary after 12 months of employment in the position and satisfactorily completing all requirements.

The Fire Chief may exercise discretion in delaying the eligibility of an increase due to pending disciplinary review. Depending on the outcome and circumstances, the pay increase may be made retroactive to the eligibility date.

B. OVERTIME PAY

SECTION 1. For Fire Recruits, Firefighters, Fire Engineers, and Fire Lieutenants who work twenty four-hour shifts, time actually worked over 212 hours in the twenty-eight day cycle will be paid as overtime. Calculation of the regular rate will be based on 2920 hours per year. For Fire Recruits, Firefighters, Fire Engineers and Fire Lieutenants who work days, time actually worked over forty (40) hours in a work week will be paid as overtime. Calculation of the regular rate will be based on 2080 hours per year. Overtime will be calculated at one and one-half times the regular rate. Fire Captains are exempt and not eligible for overtime.

SECTION 2. This Article is intended to divide the normal hours of work and to provide the basis for the calculation of payment of overtime. It will not be construed as a guarantee of hours of work per day, per shift or of days of work per week or work cycle.

C. COMPENSATORY TIME

SECTION 1. At the request of the Fire Fighter, compensatory time will be given in lieu of pay when compensable hours exceed 216 during a scheduled 9 shift pay cycle or 240 during a scheduled 10 shift pay cycle. Such compensatory time will only be allowed for pro-rated hours spent in training assignments. If the Fire Fighter has actually worked over 212 hours in the work cycle, such compensatory time will be given at a time and one-half rate for each hour spent in training. If the Fire Fighter has worked less than 212 hours in the work cycle, such compensatory time will be given at a straight time rate for each pro-rated hour spent in training.

SECTION 2. The total number of compensatory time hours will not exceed 72 and can be carried over from one year to the next. The Fire Fighter will be allowed to take the compensatory time off within a reasonable period of time.

SECTION 3. The chief or the chief's designee may allow the limit in Section 2 to be superseded to allow a Fire Fighter to attend special training. The Fire Fighter shall then use the compensatory time as soon as practical.

D. ONE-TIME PAYMENTS IN 2021. Fire Fighters employed by the City on the date of the full execution of this Agreement shall receive a one-time payment of two percent (2%) of their then-current salaries. This payment shall be made to Fire Fighters within sixty (60) days of the date of full execution of this Agreement.

ARTICLE XIV ACTING PAY

SECTION 1. Fire Fighters who are assigned to an acting position (Engineer, Lieutenant or Captain) will receive one hour at time and one-half of their existing straight time rate for every shift spent in an acting position. Fire Fighters will qualify for acting pay, after serving in the acting position for more than twelve (12) consecutive hours in a twenty-four hour shift.

SECTION 2. Fire Fighters who are assigned to acting Day Staff positions (Staff Specialist, Fire Lieutenant Specialist, or Fire Captain Specialist) will receive one half hour (0.5) at time and one-half of their existing day shift straight time rate for every day spent in an acting position.

SECTION 3. After completing six consecutive months (60 shifts) in a temporary acting position (Engineer, Lieutenant or Captain) the Fire Fighters who are assigned by the Fire Chief or the Chief's designee, to an acting position will receive pay at the current entry level pay of the position being filled.

ARTICLE XV POST EMPLOYMENT HEALTH PLAN

Firefighters shall be required to contribute annually to a Post Employment Health Plan (PEHP) or similar retirement savings plan in accordance with the terms and conditions of the plan's participation agreement as approved by the membership. The City agrees to deduct the contribution from the biweekly paycheck of each Fire Fighter. The Union agrees that the City will not be responsible for administrative or other fees or costs associated with administration of the plan.

ARTICLE XVI
EMERGENCY CALL BACK

SECTION 1. In an emergency situation, Greeley Fire Department personnel may be called back to duty at any time. During a non-emergency situation, personnel may be called back to duty to relieve personnel who need to respond on a special detail such as hazardous materials responses, dive-rescue requests, arson investigations, and the like.

SECTION 2. While an employee may decline the request for call back, if the situation becomes urgent, the employee may be required to accept the assignment.

SECTION 3. The Fire Fighter in Command during situations requiring call back shall be responsible for selecting the qualified employees; e.g. dive rescue team member, hazardous materials team member, arson investigator, etc. When Command has the option, employees to be called back will be chosen so they are not on duty on the next shift.

SECTION 4. All employees except Captains called back to duty shall begin earning compensation at the time they report in at their regular assigned station. Employees will be paid at the rate of one and one half times their regular hourly rate, for a minimum of one hour, and for all time worked over one hour until released from duty by Command.

ARTICLE XVII
HOLIDAY/VACATION SELL BACK

SECTION 1. Two times each calendar year shift personnel may elect to sell back to the City up to a combined maximum of 2 ½ shifts (60 hours) per year of holiday and/or vacation leave. Fire Fighters must have at least two (2) years of service and a balance of 7 ½ shifts (180 hours) of holiday and/or vacation in order to qualify for holiday/vacation sell back. Increments of ½ shifts (12 hours) must be used. The holiday and/or vacation leave will be paid by the City at the Fire Fighter's regular rate of pay.

SECTION 2. Two times each calendar year day personnel may elect to sell back to the City up to a combined maximum of five (5) days (40 hours) per year of vacation leave. Fire Fighters must have at least two (2) years of service and a balance of ten (10) days (80 hours) of vacation leave in order to qualify for vacation sell back. Increments of four (4) hours must be used. The vacation leave will be paid by the City at the Fire Fighter's regular rate of pay.

SECTION 3. Firefighters must submit their request in writing to the Fire Chief or the Chief's designee prior to September 30. Requests must be received in the Human Resources Department by the Friday two (2) weeks prior to the pay check on which the lump sum payment will be made.

ARTICLE XVIII
HEALTH AND WELFARE

A. Health Insurance Contribution. The City agrees to provide Fire Fighters with a health insurance plan substantially equivalent to that provided to City of Greeley employees. The City contribution for health coverage will be 80% for family coverage and 80% for single coverage. The City reserves the right to provide this insurance through a self-insured plan or under a group insurance policy or policies issued by an insurance company or companies selected by the City on the plan document.

B. Dental Assistance Contribution. The City agrees to provide the Fire Fighters with a dental assistance plan substantially equivalent to that provided to City of Greeley employees. The City reserves the right to provide this dental insurance through a self-insured plan or under a group insurance policy or policies issued by an insurance company or companies selected by the City. It is understood that the plan is subject to the rules and regulations of the insurance carrier on the plan document.

C. Life Insurance Contribution. The City agrees to provide Fire Fighters with one and one half (1 ½) times annual salary life insurance with Accidental Death and Dismemberment. The City will continue to provide the current level of coverage for dependents. The City reserves the right to provide this life insurance through a self-insured plan or under a group insurance policy or policies issued by an insurance company or companies selected by the City. It is understood that the life insurance plan is subject to the rules and regulations of the insurance carrier.

D. Physical Examination. Any physical examination or fitness-for-duty examination required of Fire Fighters by the City shall be at City's expense and the results thereof shall be submitted to the City. Upon request, Fire Fighters shall be afforded an opportunity to review the results. The above shall not be construed to include examinations for work-related injuries or illnesses covered by the worker's compensation program.

E. Return to Regular Duty Certification.

SECTION 1. In order to protect the public and department personnel, the City has the responsibility of determining the safety, health and property protection measures for Fire Department personnel.

SECTION 2. Prior to returning to regular duty following leave or an alternate duty assignment resulting from the firefighter's off-duty serious health condition requiring leave or alternate duty assignment of more than four consecutive shifts (shift personnel) or more than 40 consecutive hours (day personnel), the firefighter will be required to obtain and present certification from the firefighter's physician stating that the firefighter is able to return to regular duty and perform the essential functions of the position. The certification completed by the firefighter's physician will be on a form approved by the Labor Management Committee. The fitness-for-duty certification will relate only to the particular health condition that resulted in the firefighter's need for leave or alternate duty assignment.

SECTION 3. Prior to returning to regular duty following leave or an alternate duty assignment resulting from the firefighter's off-duty serious health condition requiring leave or alternate duty assignment of more than six consecutive shifts (shift personnel) or more than 80 consecutive hours (day personnel), the firefighter will be required to obtain and present certification from the firefighter's physician as well as certification from the City-designated physician(s) stating that the firefighter is able to return to regular duty and perform the essential functions of the position. The certification completed by the firefighter's physician will be on a form approved by the Labor Management Committee. The fitness-for-duty certifications will relate only to the particular health condition that resulted in the firefighter's need for leave or alternate duty assignment.

SECTION 4. In cases where the firefighter's physician certifies that the firefighter is able to return to regular duty and perform the essential functions of the position and the physician(s) designated by the City does not certify the firefighter to return to regular duty and perform the essential functions of the position, the firefighter can choose one of the following:

- 1) Follow the limitations and restrictions, if any, of the City-designated physician and return to regular duty or available alternate duty assignment when certified by the City designated physician and within the time frames and limitations for authorized leave;
- 2) Obtain a second opinion from any one of the three or more different physicians on a pre-established list that has been approved by the Fire Chief. The City will reimburse the firefighter for one-half the cost of the second opinion that the firefighter is responsible for paying that is not paid by insurance. When this option is selected, the firefighter must abide by the City-designated physician's decision until the second opinion is obtained. Leave time taken must be charged to approved and available leave. The recommendation of the selected physician will be submitted to the Fire Chief for a final determination on the firefighter's return to regular duty status.
- 3) Request an alternate duty assignment or extension of an alternate duty assignment. In cases where the firefighter requests an alternate duty assignment or extension of an alternate duty assignment, if such alternate duty assignment is available, the City will make such assignment or extension of the assignment available for up to two months (20 shifts or 320 hours if assigned to days) or the day the firefighter is released by the City-designated physician(s) to return to regular duty. Doctor's appointments scheduled during the alternate duty assignment must be requested and approved and leave time will be charged to sick leave, if available, other available leave or leave without pay. The firefighter's participation in rehabilitation activities during scheduled work hours will be at the discretion of the Fire Chief.

SECTION 5. In no case shall approved leave, alternate duty assignment or a combination of approved leave and alternate duty exceed 6 continuous months unless approved by the City.

G. Line of Duty Death. If a firefighter is killed in the line of duty, the City shall pay for the actual funeral expenses incurred by the survivors up to a maximum of ten thousand dollars (\$10,000.00). This payment shall be made to the firefighter's estate.

If a firefighter is killed in the line of duty, the City shall pay the health insurance premium for the twelve (12) months of COBRA coverage for a surviving spouse and eligible dependents of the

firefighter enrolled in the city's health insurance plan at the time of the line of duty death.

H. Tuition Assistance. The City agrees to provide firefighters with a tuition assistance plan substantially equivalent to that provided to City of Greeley employees.

I. Uniforms and Equipment

SECTION 1. Upon employment the City shall provide the initial issue of uniforms to each Fire Fighter as designated by the Fire Chief. All primary and back-up protective clothing or protective devices required of employees in the judgment of the Fire Chief, in the performance of their duties, shall be furnished without cost to Fire Fighters. Every attempt will be made to provide gear that his sized to the Fire Fighter.

SECTION 2. The City shall replace, as needed, and shall provide facilities or programs to maintain, repair and clean uniforms issued by the Fire Department.

SECTION 3. All uniforms, protective clothing and protective devices damaged in the line of duty, shall be replaced by the City without cost to the employee, when necessary in the judgment of the Fire Chief and his/her designee.

SECTION 4. All uniform, clothing, protective gear and devices damaged or lost through neglect or employee carelessness shall be replaced at the expense of the employee.

ARTICLE XI PENSION

The City will deduct appropriate contributions from the wages of each Fire Fighter, and will make contributions to the pension plan of each Fire Fighter, as required by the Colorado Fire and Police Pension Association.

ARTICLE XX DEATH AND DISABILITY

The City will pay the full amount of the premiums charged for the statewide death and disability plan for Firefighters hired on or after January 1, 1997.

ARTICLE XXI STAFFING

SECTION 1. The City and the Union recognize the goal of the Greeley Fire Department is to provide the citizens a high level of service while maintaining the safety of its firefighters. Without abrogating or limiting the management rights set forth in Article IV it is the Parties' goal to staff as follows:

A. Each Engine Company should have an assignment of four (4) with a minimum of three (3) line

personnel.

B. Each Ladder/Truck Company should have a minimum of four (4) line personnel; and

C. Each Battalion should have a minimum of two (2) Captains per shift.

SECTION 2. The City will engage in good faith efforts to meet these levels for the term of the 2022-2023 Collective Bargaining Agreement between the Parties. However, the City retains discretion to change staffing to meet City needs. When the City decides that a change to the staffing levels identified above is necessary, the City will meet with the Union to discuss why those changes are necessary and receive feedback from Union representatives prior to making those changes. When the conditions that cause a reduction in staffing are financial in nature, an evaluation of how and if staffing levels can be restored to the levels identified above shall be performed in conjunction with the Union.

ARTICLE XXII SAVINGS CLAUSE

SECTION 1. If any provision of this Agreement is subsequently declared by legislative or judicial authority to be unlawful, unenforceable, or not in accordance with applicable laws, statutes, and regulations of the United States of America and the State of Colorado, all other provisions of this Agreement shall remain in full force and effect for the duration of this Agreement and the parties shall meet as soon as possible to agree on a substitute provision. However, if parties are unable to agree within thirty (30) days following commencement of the initial meeting then the matter shall be postponed until contract negotiations are reopened. This thirty (30) day time period may be extended at the mutual Agreement of the City and the Union .

SECTION 2. In addition to the provisions of Section 1 of this article, the parties recognize that Article X, Section 20 of the Colorado Constitution presents unknown and inexact requirements and limitations upon the economic decisions and budgetary requirements of the City.

Rather than force a legislative or judicial declaration of invalidity of any of the terms and conditions of this Agreement for violation of the limitations of Article X, Section 20, the parties agree to open further collective bargaining for any and all of the terms of this Agreement that may prospectively violate Article X, Section 20 of the Colorado Constitution.

Determination of whether or not any of the terms and conditions of this Agreement exceed the limitations imposed by Article X, Section 20 of the Colorado Constitution, shall be determined by the appropriate officials of the City. The determination shall be reduced to writing, specifically citing the nature and extent of the prospective violation by any existing term or condition of this Agreement.

ARTICLE XXIII DURATION

SECTION 1. This agreement shall be effective January 1, 2022 and shall continue to and include December 31, 2023. This contract is subject to appropriation and availability of City funds on an annual basis.

SECTION 2. Agreement shall continue for the duration of the contract. This Agreement shall then automatically continue from year to year for successive terms of one (1) year each unless the City or the Union shall give to the other written notice of request for collective bargaining no later than March 1 of the year the contract expires stating its desire to modify or terminate this Agreement.

SECTION 3. When changes in the Agreement are proposed and subsequently agreed upon, they shall be reduced to writing and signed by both parties.

Approved as to Legal Form:

City Attorney

Approved as to Availability of Funds:

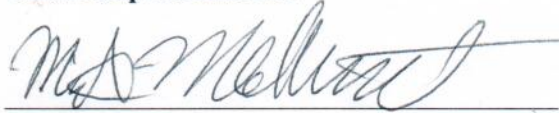
Director of Finance

Approved as to Substance:

City Manager

Union Representative:

President

A handwritten signature in dark ink, appearing to read "M. J. McElroy", is written over a horizontal line.

Council Agenda Summary

September 21, 2021

Becky Safarik, Interim Community Development Director, 970-350-9786

Carol Kuhn, Chief Planner, 970-350-9276

Mike Garrott, Planning Manager, 970-350-9784

Title:

Final reading of three amended ordinances amending Title 24 of the Greeley Municipal Code by deleting the current Title in its entirety and adding a new Chapter 1 - General Provisions, a new Chapter 2 – Procedures, a new Chapter 3 – Subdivision Standards, a new Chapter 4 – Zoning Districts and Uses, a new Chapter 5 – Residential Development Standards, a new Chapter 6 – Nonresidential Development Standards, a new Chapter 7 – Access and Parking, a new Chapter 8 – Landscaping Standards, a new Chapter 9 – Sign Standards, a new Chapter 10 – Special Districts and Areas, a new Chapter 11 – Supplemental Standards, a new Chapter 12 – Reserved – Metropolitan Districts, and a new Chapter 13 – Definitions and Terms.

Summary:

The Community Development Department has completed its work to update the Development Code, with final adoption projected for September of 2021. The last major update to the Development Code was in 1998. The consultant firm of GouldEvans prepared a Plan Conformance Report which was 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, Technical Committee, Planning Commission, and City Council. Planning Commission and City Council held a series of worksessions and public hearings for new development code chapters. Throughout this process, items of interest for more extensive discussion, research, and evaluation were placed on a "punch-list" for subsequent analysis and potential recommendation at a later time.

All chapters for second reading and final adoption of a new Title 24, Chapters 1-13, in three (3) separate amended ordinances are now presented for Council action.

On September 7, 2021, City Council conducted a public hearing for the last set of code revisions to Chapters 3-6 & 13. Since the introduction of the ordinances and public hearings, minor revisions in Chapters 1, 3, 4, 5, 6, & 7 have been made to correct typographical errors and clarify text to align with the final code language. In Chapter 3, a minor clarification was made regarding the timing of updates to the Water and Sewer Service Area Map to reflect current practice. In Chapter 7, a minor clarification related to the parking lot setback was made for clarity between perimeter landscaping and parking lot setbacks.

Adoption of the Development Code has followed the steps as noted below:

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 (2 nd Reading – No public comment)
Track II - Non-policy technical changes and coordination with other City policies and documents.	Ch 7 – Access & Parking	May 25, 2021	June 8, 2021	July 6, 2021 (First Reading)
	Ch 8 – Landscape & Site Design Standards			July 20, 2021 (Public Hearing)
	Ch 9 – Signs Ch 10 – Special Purpose Districts & Areas Ch 11 – Supplemental Standards Ch 12 - Reserved			September 21, 2021 (2 nd Reading – No public comment)
Track III - Substantive changes called for in the Comprehensive Plan, Strategic Housing Plan, and Council's 3-Year Priorities that included input and direction from the Advisory Committee, Planning Commission, and City Council.	Ch 3 – Subdivision Standards	June 22, 2021 and	July 27, 2021	August 17, 2021 (First Reading)
	Ch 4 – Zoning Districts & Uses	July 13, 2021 – continued to July 20, 2021		September 7, 2021 (Public Hearing)
	Ch 5 – Residential Development Standards Ch 6 – Non-residential Development Standards Ch 13 – Definitions			September 21, 2021 (2 nd Reading – No public comment)

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.

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors. This update to the City's development code sets 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) Adopt the amended ordinances; or
- 2) Amend the amended ordinances; or
- 3) Deny the revised ordinance; or
- 4) Continue consideration of the ordinances to a date certain.

Council's Recommended Actions:

- A) A motion to adopt the amended ordinance for Chapters 1 & 2 and publish with reference to title only.
- B) A motion to adopt the amended ordinance for Chapters 7-12 and publish with reference to title only.

- c) A motion to adopt the amended ordinance for Chapters 3-6 & 13 and publish with reference to title only.

Attachments:

Ordinance for Adoption of Chapters 1-2

Ordinance for Adoption of Chapters 7-12

Ordinance for Adoption of Chapters 3-6 & 13

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 1 RELATING TO GENERAL PROVISIONS AND A NEW CHAPTER 2 RELATING TO PROCEDURES.

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 May 18, 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 1 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 2 of Title 24 to read as shown in Appendix A.

Section 4. This ordinance shall become effective on October 1, 2021.

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

ATTEST:

CITY OF GREELEY

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 1 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 1 – General Provisions in Title 24 to read as follows:

Chapter 1. General Provisions

Section 24-101	Overview
Section 24-102	Interpretation
Section 24-103	Administration
Section 24-104	Enforcement
Section 24-105	Nonconformities

24-101 Overview

- a. **Title.** This Title 24 is known as the Greeley Development Code. References to “this code,” “the development code,” or “these regulations” shall be considered a reference to the Greeley Development Code.
- b. **Authority.** The development code is enacted pursuant to the purposes and authority granted by Article XX of the Colorado Constitution and the Greeley Charter, independent of and in addition to the Colorado Revised Statutes, Title 31, Article 23 Planning and Zoning. This Title also supersedes any state legislative enactments which are, by their terms, subject to being superseded by adopted home rule city charters or ordinances.
- c. **Jurisdiction.** The Greeley Development Code applies to all structures and land within the incorporated area of the City of Greeley, as depicted on the official zoning map, and other maps accompanying the City’s plans and policies. It shall be unlawful to conduct any development or use of land until all specified development review processes have been followed, all applicable standards have been fulfilled, and all required approvals, permits or other authorizations have been issued.
- d. **Purposes.** This development code is adopted to promote the public safety, health, and general welfare for the City of Greeley and its citizens and businesses. Specifically, the regulations have the following purposes:
 1. Implement the Comprehensive Plan, and other plans and programs authorized under the guidance of the Comprehensive Plan.

2. Promote the physical, social, and economic well-being of residents and businesses, the long-term value and viability of public investments, and individual property values by balancing the co-equal rights of property owners.
3. Invest public funds effectively and efficiently, and in a manner that creates lasting value for the community.
4. Promote planning and urban design that emphasizes distinct places and unique elements of community character throughout Greeley.
5. Provide parks, trails, and civic spaces that help organize development around systems of connected open spaces and emphasize significant natural landscapes
6. Secure proper arrangement and design of streets to shape efficient development patterns, coordinate with existing and planned streets, create multi-modal networks, improve access and circulation, and support abutting land uses.
7. Divide the city into zones and districts that promote the character and development patterns of distinct places identified in the Comprehensive Plan.
8. Regulate and restrict the development and use of buildings and land within each zoning district to create a compatible scale and range of building types within districts, and to promote the appropriate transitions to adjacent property and to supporting districts.
9. Provide a variety of housing opportunities for all residents and citizens.
10. Secure adequate provisions for transportation, water, drainage, sanitary sewer facilities, utilities, and other public improvements in coordination with development.
11. Protect the natural environment and conserve environmentally sensitive lands by directing new development into areas with few natural or environmental constraints and mitigating adverse impacts when developing in sensitive areas.
12. Allow for the removal of minerals prior to development.
13. Ensure fair consideration of development applications through clear and consistent procedures.
14. Provide for coordinated development of Greeley consistent with established policies of the City.

e. **Severability.**

1. If any court of competent and final jurisdiction declares any part of this development code to be invalid, that ruling shall not affect any other provisions of this development code not specifically included in that ruling.
2. If any court of competent and final jurisdiction declares that the application of this development code to a particular property or structure is invalid, that ruling shall not affect the application of the regulations to any other property or structure, or to development with different circumstances.
3. No provision of this code shall enable any circumstance that is unlawful under superseding federal or state law. If any section, subsection, sentence, clause, phrase, or portion of this code is now or in the future superseded or preempted by state or federal

law, or found by a court of competent jurisdiction to be unauthorized, such provision shall be interpreted and applied as required by law.

- f. **Transition Provisions.** This section shall be used to guide the transition from previously existing regulations. Unless specifically stated otherwise in this code, the following rules shall apply:
1. **Generally.** All standards in this code shall apply after the effective date of the ordinance adopting these standards, and all subsequent amendments shall become effective in the same manner.
 2. **Applications.** Any official application submitted prior to the effective date of the ordinance adopting these standards, and determined a complete application by the Director, shall be reviewed and processed according to the prior standards and procedures. An application submitted prior to the effective date, but determined incomplete, shall be resubmitted and processed according to the regulations in effect at the time of submittal of a complete application.
 3. **Prior Approvals.** All permits, site plans, or other approvals issued under an administrative capacity prior to the effective date of this code shall remain effective for the duration specified with that approval or under the prior code as it existed on September 30, 2021. If no date is specified, the duration of the most applicable approval under this code shall be used. Any changes or amendments to a prior approval requested after the effective date of this code shall be subject to all provisions of this code.
 4. **Plats.** Any approved preliminary plat may continue to advance to final plat according to the standards, procedures and time limits of the prior code. Each subsequent approval of a final plat for a phased project may renew the validity of that preliminary plat for the duration specified in Section 24-203. However, a new preliminary plat shall be required subject to all provisions if:
 - (a) The preliminary plat expires under the conditions of the prior approval or the duration specified for preliminary plats in Section 24-203, whichever is sooner.
 - (b) A major amendment is proposed to the preliminary plat.
 - (c) Any final plat proposes a substantial change to the preliminary plat.
 Final plats submitted after the effective date of this code shall meet all provisions of this code, to the extent it is consistent with the approved preliminary plat.
 5. **Continuation of Enforcement.** Any violations of a previously valid regulation that continues after adoption of this code may be enforced as provided by this code. The City may, in its discretion enforce either the previous regulation or the standards of this Code.

24-102 Interpretation

- a. **Rules of Construction.** The following rules shall apply to the application and interpretation of these regulations, unless the context clearly indicates otherwise:
1. All words shall have the customary dictionary meaning, unless specifically defined in these regulations.
 2. The present tense includes the future tense and the future tense includes the present tense.
 3. The singular includes the plural and the plural includes the singular.
 4. Lists of examples prefaced by “including the following,” “such as,” or other similar clauses shall not be construed as exclusive or exhaustive, and shall not preclude an interpretation of the list to include other similar and non-mentioned examples.

5. The conjunctive “and” in a list means that all apply; the conjunctives “or” and “and/or” mean the provisions may apply singly or in any combination; and the conjunctive “either...or” means the provisions apply singly but not in combinations.
 6. When calculations to determine a requirement results in fraction of physical elements that cannot be divided (i.e. parking space, trees, dwelling units), it shall be rounded up to the nearest whole number if the standard is expressed as a minimum requirement and rounded down to the nearest whole number if the standard is expressed as a maximum allowance.
 7. “Shall,” “will,” or “must” is mandatory; “should” or “may” is permissive but recommended as a way to best meet the standard or achieve the intent of the standard.
 8. A reference to an administrative official shall refer to that official, or his or her designee, and all references to specific city officials may also include any other designee of the City Manager.
 9. Any reference to other official local, state, or federal government rules or regulations shall include the current versions of those regulations, provided they remain binding on the City, or where not binding, provided they remain consistent with the purposes, intent, and objectives included in these regulations.
 10. References to a person shall include individual, partnership, association, agency, corporation or other legal entity and the owners, tenants, occupants, principals, partners, officers, employees, agents and representatives of any legal entity.
- b. **Conflicts.** All provisions of this code shall be considered the minimum requirements to promote the public health, safety, and welfare. In case of a conflict between these regulations and any other adopted rule, regulation, or code, the higher and more restrictive standard shall apply. In making a determination of which standard is higher and more restrictive, the official may consider which is more specific; which is more recent; which is more consistent with the Comprehensive Plan; which is more consistent with the purposes, intent, and objectives of these regulations; and which best promotes the public health, safety, and welfare.
- c. **Computations of Time.** The following rules apply to any computation of time, unless a specific section of these regulations indicates otherwise:
1. The day of the act that commences a time period shall not be counted; for notice requirements the day of the hearing shall not be counted.
 2. The last day of the time period shall be included, unless it is a Saturday, Sunday or legal city holiday, in which case the next working day shall end the time period. In all other cases Saturday, Sunday or legal city holidays count in the time period.
 3. Whenever any time period is expressed for a formal submittal to the City, the time period shall end at midnight on the last day of that time period.
 4. Any time period expressed in years shall include a full calendar year from the act that commences the time period.
- d. **Interpretation of Zoning Map.** Where uncertainty exists with respect to any boundary on the zoning district map, the following rules shall apply:
1. Boundaries approximately following streets or other rights of way or rivers or streams - the centerlines or extension of these centerlines shall be the boundaries.
 2. Boundaries indicated as approximately following property lines - the platted or other official legal line of that property shall be the boundaries, unless the property boundaries on the map have been substantially altered.
 3. Boundaries approximately following city limits shall be interpreted as following the actual city limits.
 4. Boundaries that split any platted lots - the lot shall be interpreted in the district designated to the majority of the lot. In the case of an equal split, the Director shall determine the appropriate zoning based on consideration of the Comprehensive Plan, the context, the

- surrounding existing uses, and the likelihood of change in context or existing uses in the future.
5. Boundaries that split any unplatted property - any future platting of property may generally follow the zoning boundary and then each resulting property may assume the zoning applicable to the majority of the resulting lot actual platted boundary, or where any resulting lots have significant discrepancies with zoning boundaries, rezoning may be required.
 6. Boundaries following a shoreline shall be interpreted to follow the shorelines and in the event of change in the shoreline, shall move with the actual shoreline.
- e. **Non-regulatory Provisions.** Intent statements, design objectives, graphics, and commentary such as captions to graphics or notes in tables, are an aid to interpretation of the standards and criteria. In the event of any conflict between the intent statements, design objectives, graphics or commentary and a specific standard, the specific standard shall control.
- f. **Resources, Guides and Industry Standards.** Resources, guides, and industry standards that are recognized as a reputable authority in the planning, development, and urban design professions, may be used to supplement interpretation of this code. The Director shall make a determination on the applicability of a resource, guide or industry standard to a particular circumstance. These guides shall only be used to the extent that it clarifies or is more specific than the standards, and is consistent with the purposes, intent, and design objectives expressed in these regulations. These guides shall not be used to otherwise change or conflict with any specific standard in these regulations.
- g. **Official Interpretations.** In cases where there is uncertainty how this code applies to potentially recurring situations, the Director may make Official Interpretations.
1. **Filing.** Official Interpretations shall be documented and kept on file with the Community Development Department, or otherwise made accessible to applicants facing similar circumstances.
 2. **Criteria.** In making an Official Interpretation, the Director shall use the following criteria:
 - (a) Sound professional planning and urban design principles.
 - (b) The Comprehensive Plan and any specific plans or policies created under the Comprehensive Plan.
 - (c) The purposes, intent, or design objectives applicable to this code and the specific chapter or sections related to the interpretation.
 - (d) Any resources, guides, or industry standards applicable to the specific situation.
 - (e) Based on the context of the street, block, site, or building, the interpretation is at least one reasonable way the standards could be applied.
 - (f) Whether the same interpretation could be applied to all similarly situated property or circumstances, and meet these criteria; or whether any conditions or limitations are necessary to ensure it meets the criteria.
 3. **Effect of Decision.** An approved Official Interpretation shall be effective upon approval by the Director and may apply to all similar situations unless:
 - (a) It is overruled or modified by a different Official Interpretation.
 - (b) It is overruled by appeal as provided in these regulations.
 - (c) It is amended or overruled by a text amendment to the section addressed by the statement.

24-103 Administration

- a. **Staff.** The following city staff positions are responsible for administering specific aspects of this code.

1. **Community Development Director.** The Community Development Director (Director) is responsible for administration of the development code, and is the principal interpretation and enforcement official of these regulations. The Director may consult with any other department or relevant outside agencies in order to coordinate any plans, policies, and programs that impact the Comprehensive Plan. The Director shall specifically:
 - (a) Prepare and provide development application forms and administer the requirements and review of submittals;
 - (b) Oversee the application, review, and administration processes and prepare presentations and reports for review bodies;
 - (c) Issue official interpretations and approve the use of other resources, guides, and industry standards used in administering this code.
 - (d) Make all final interpretations and any final administrative decision referred to the Director under the procedures and standards of these regulations.

2. **City Manager and Other Staff.** The City Manager is the chief executive and administrative officer for the City and may make any decision delegated to any city staff member under this code. All other department heads and staff may serve in an advisory role to the Community Development Director under this code, as designated by the City Manager.

- c. **Planning Commission.** The Planning Commission is the appointed body of the City responsible for all long-range and comprehensive planning, as well as review, recommendations and decisions on implementation of the Comprehensive Plan. The Planning Commission is established according to Section 19-1 of the Greeley City Charter. In addition to all other general planning authority granted by the Charter, statutes, local ordinances, the Planning Commission shall have the specific review responsibilities and final administrative decisions referred to the Planning Commission under the procedures and standards of these regulations.

- d. **City Council.** The City Council is the elected and governing body of the City responsible for all legislative decisions that affect implementation of the Comprehensive Plan. In addition to other general authority granted by law, the City Council shall have the appeal authority and final decision authority referred to the City Council under the procedures and standards of these regulations.

- e. **Zoning Board of Appeals.** In accordance with Article XIX of the City Charter, the City Council appoints the Planning Commission as the Zoning Board of Appeals. The Zoning Board of Appeals shall act in accordance with same rules and procedures as the Planning Commission but have the following specific authority under this code:
 1. Grant variances to the strict application of the standards in this code;
 2. Hear and decide appeals when an error is alleged in any final order or determination made by an administrative official in the interpretation or enforcement of this code;
 3. Consider any other matters referred to it under this code; and
 4. Otherwise act as the City's board of adjustments under the authority of C.R.S. 31-23-307.

- f. **Historic Preservation Commission.** The Historic Preservation Commission is established to have principal responsibility for matters of historic preservation, as specifically outlined in Section 10.03.
 1. **Membership.** The City Council may appoint the Historic Preservation Commission. The commission shall consist of 7 members. The make-up of the Commission shall be:
 - (a) One architect, landscape architect, design professional and/or licensed contractor or building tradesperson;
 - (b) One historian, archeologist and/or architectural historian;
 - (c) One licensed real estate broker; and
 - (d) Four citizens at-large.

2. **Powers and Duties.** The Historic Preservation Commission shall have the following powers and duties:
- (a) Recommend criteria and procedures for historic designation, recommend designation, or removal of specific properties or districts, and review proposals that impact designated properties as provided in Section 24-1004.
 - (b) Oversee surveys that document structures and assess conditions of potential historic properties and areas, and inform landowners of properties that may meet criteria for designation.
 - (c) Review and make a decision on any application for altering, moving, or demolishing any designated properties.
 - (d) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the National Register of Historic Places.
 - (e) Develop and assist in public education programs, such as walking tours, brochures, and a marker program for historic properties, lectures, and conferences.
 - (f.) Advise the City Council on matters related to preserving the historic character of the city.
 - (g) Assist in pursuing financial assistance for preservation-related programs.
 - (h) Advise appropriate city departments on violations, enforcement and administration of Section 24-1004, Historic Preservation.

24-104 Enforcement

- a. **Violations.** It shall be unlawful for any building, structure, site element or use of land to be constructed, altered, maintained, or otherwise initiated in violation of these regulations. It shall be unlawful for any person to do or cause:
- 1. Any act or thing prohibited by these regulations;
 - 2. Omit any act or thing required by these regulations; and
 - 3. Interfere in any manner with persons in performance of a right or duty granted or imposed by these regulations, maintained, or otherwise initiated in violation of these regulations.
- b. **Enforcement.** The City may investigate and initiate proper actions or proceedings to prevent or terminate any activity or condition that is in violation of these regulations, including withholding any permits or licenses, revoking or suspending any permits or licenses previously granted, issuing stop work orders, preventing the sale or lease of property, correcting or abating the nuisance, withholding any public improvements, or penalizing and initiating legal proceedings to prevent the continuance of unlawful actions or conditions.
- c. **Penalty.** Any and all violations of the provisions of this code shall be a code infraction and shall be subject to the sanctions for code infractions contained in Chapter 1.33 of the Greeley Municipal Code, and any other sanctions permitted under law. The City may seek and obtain remedies provided by law, including civil and administrative sanctions, temporary or permanent injunctive relief, and any other relief set forth in Chapter 1.33 of the Greeley Municipal Code.

24-105 Nonconformities

- a. **Intent.** The general policy of the City is to allow uses, buildings and lots that were created legally and in conformance with then-applicable requirements, but that do not conform to the current applicable requirements of these regulations, to continue to be put to productive use. However, it is the City's intent to bring as many aspects of these nonconformities into compliance with current regulations as is reasonably practical. The intent of this section is to balance the interests of property owners in past investments, discourage investment that expands or reinforces non-conforming situations, and promote investment consistent with the Comprehensive Plan and these regulations.
- b. **Nonconforming Uses.** Uses that were legally initiated prior to the adoption or amendment of this code, but which could not be established under the current terms of this code, may continue to exist subject to the following:
 1. The use shall not be expanded beyond any specific area of the site or lot where it was legally established, beyond any existing building or structure, or within any building or structure where any structural changes expand the exterior footprint of the building or structure. The Director may consider an exception based on the following findings:
 - (a) The enlargement of the structure or buildings is only to facilitate a conforming uses or activities, and does not otherwise allow, encourage or promote expansion or increase impacts of the nonconforming use;
 - (b) The enlargement of the structure or buildings shall not result in conversion of the nonconforming use from a seasonal to a year-round operation or otherwise expand the time of operations; and
 - (c) The enlargement of the structure or buildings complies with all applicable development standards.
 2. If the use is reduced in intensity or abandoned for a period of twelve consecutive months, the property may not be used except at that lower intensity or as a conforming use.
 3. Any change of use shall be to a conforming use, and at this time the nonconforming use shall be abandoned. The Director may authorize a change to a lesser non-conforming use considering the extent, intensity, or operations of the use, provided it lessens impacts on adjacent property and it does not otherwise include investments that extend the period that the property is not conforming to this code.
 4. Any structure in which a non-conforming use is carried on that is damaged to the extent of more than 50% of the replacement value shall not be restored to support the non-conforming use.
 5. Any new activity that triggers specific site design standards shall require full compliance with that site design standard in order for the nonconforming use to continue, and the presence of a non-conforming use shall not be used to justify noncompliance with other applicable standards.
 6. A detached house used as a single-family dwelling in any district that does not permit single-family dwellings, may be enlarged, as long as the lot and building comply with all other base standards applicable to a similar building type.
- c. **Nonconforming Structures.** Structures that were legally constructed prior to the adoption or amendment of this code, but which could not be constructed under the current terms of this code, may continue to exist subject to the following standards. This Section shall not apply to signs, which shall address non-conforming situations as provided in Chapter 9.

1. Rehabilitation or expansion of the structure that increases the degree of nonconformity is prohibited. Other rehabilitation or expansions may occur provided that they comply with all other requirements of this code; are not detrimental to the purposes, intent and objectives of the standards; and do not negatively impact development in conformance with this code on adjacent property. In general, no repairs or alterations that cost more than 50% of the replacement value of the structure shall be permitted. The burden shall be on the applicant to produce evidence that the cost of the repair or alteration is less than 50% of the replacement value.
 2. If damaged by 50% or less of its total replacement cost, the structure may be restored to its original condition if work obtains a permit and work is commenced within 180 days, and work is completed prior to expiration of the permit.
 3. If the structure is determined obsolete or substandard by virtue of any applicable code beyond this chapter, and the applicant fails in their burden of proof that the cost of improvement or restoration is less than 50% of the replacement value, then the right to maintain the nonconformity shall terminate.
 4. Structures granted variances from the dimensional standards are not considered nonconforming and are not subject to the limitations of this section, provided that the there are no changes beyond the limits, conditions, or extent of the approved variance.
- d. **Nonconforming Site Conditions.** Any site condition associated with a conforming use or structure (such as parking, landscape, open space, or other non-building site characteristic) in existence prior to these regulations, but which are not compliant with the standards of these regulations, may continue to exist subject to the following:
1. Any change of use or expansion of use shall require compliance with the new site standards up to the maximum extent practical, considering the extent of area being impacted by work to support the new or expanded use.
 2. Any site development activity on a portion of a site shall require compliance with the new standards on that portion of the site or proportionate to area that is subject to the development activity. For example, a site that is not compliant with the landscape standards must meet the landscape standards prorated to the portion of the site where development activity occurs, but the remainder of the site may remain nonconforming. If more than more than 50% of the entire site area is impacted by development activity, the entire site shall be brought into compliance
 3. Any change of use, building, or site design element that triggers a screening requirement shall require 100% compliance with all screening standards applicable to the site.
 4. Where any application for construction is greater than 50% of the replacement value of a component of the site, that component or the entire site shall be brought into compliance.
 5. The Director may accommodate any other scenarios that meet the intent of this Section and bring the site into greater compliance relative to the level of investment associated with the permitted activity.
- e. **Nonconforming Lots.** Any lot platted legally prior to the adoption or amendment of this code, or any parcel established legally prior to the adoption of subdivision regulations in Greeley, but which could not be platted under the current requirements of this code, may continue to exist provided it complies with the following standards. The size and shape of any nonconforming lot shall not be altered in any way, except to increase the conformity with these regulations.

1. In any district that allows detached houses, a detached house and customary accessory buildings may be erected on any nonconforming lot, provided all standards other than lot dimensions standards are met.
 2. In any district that does not allow detached houses, the nonconforming lot may be used for the smallest-scale building type permitted in the district by these regulations, provided all standards other than lot dimension standards are met.
 3. Where any non-conforming lot is under the same ownership as an abutting lot, the City may require administrative plat procedures with regard to any development activity or use of the non-conforming lot. The administrative plat procedures, including lot line adjustments or lot consolidations, shall be used to create the greatest degree of conformity possible.
 4. Any difficulties in meeting the standards of this subsection, or other applicable standards of the development code, which are attributable to the nonconformity of the lot may be used as criteria for other relief from the standards authorized by this code.
- f. **Burden of Proof.** The burden shall be on the applicant to establish that the nonconformity was established lawfully and the entitlement to continuation of nonconforming situations or completion of nonconforming projects according to this section. Owners of nonconformities may request a “certificate of legal nonconforming status” by filing an application with the Director, and once issued the owner may record the certificate with the Weld County Clerk and Recorder..
- g. **Specific Non-conforming Situations.** At the time of any rezoning, in association with annexation, or associated with any other planning effort for a particular geographic area, the City may create rules for specific nonconforming situations. These rules shall be incorporated into the ordinance establishing a new zoning designation or creating the nonconforming situation, according to the applicable procedures of Section 24-204 Rezoning or Section 24-205 Planned Unit Development. In these situations, the Director or Planning Commission may recommend, and the City Council may approve the following:
1. **Benign Nonconformities.** A determination may be made that the nonconformity has no negative effects on the long-term development within the district, and is compatible with the intent and design objectives for future development in the immediate surroundings. In this circumstance, a benign nonconformity may be permitted with the specifically stated additional rights, beyond the standard nonconforming rights of this section.
 2. **Removal of Non-conformity.** A determination may be made that the nonconformity poses significant negative effects on the long-term development within the district, or is incompatible with the intent and design objectives for future development in the immediate surroundings. In this circumstance, a nonconformity may be phased out over time to reduce the rights of the nonconforming situation to less than permitted by this section. Any phased removal of the non-conformity shall be based upon:
 - (a) Identified risks to long-term investments in the surrounding area, and risks that could not otherwise be protected by a different zoning determination for the properties involved;
 - (b) Consideration of reasonable investments in the property up to the time the zoning established the non-conforming situation, and what is an appropriate time to allow a return on those past investments; and
 - (c) Coordinating with the anticipated rate of change in the area and how the presence of the nonconformity affects that change, including other opportunities available for the nonconforming property.

Reserved Sections 24-106 through 24-200

Section 3. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 2 of Title 24 to read as follows:

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 Appeals of Administrative Decision
- 24-211 Code Amendments
- 24-212 Vacation & Dedication of Easements
- 24-213 Vacation & Dedication of Right-of-way
- 24-214 Annexation

Table 24-2-1: Procedures Summary

Applications	Eligible Applicants			Pre-application Conference	Neighborhood meeting	Notice			Review Body			
	Owner	PC	CC			Post	Publish	Mail	Staff	PC	CC	ZBA
Minor Subdivision	■			☑				☐	D	A	A	
Major Subdivision - Preliminary Plat	■			☑	☐	☑	☑	☑	R	D/PH	A	
Major Subdivision – Final Plat	■			☑					D	A	Ac	
Rezoning	■	■	■	☑	☐	☑	☑	☑	R	R/PH	D/PH	
Planned Unit Development (PUD)	■		■	☑	☑	☑	☑	☑	R	R/PH	D/PH	
Use By Special Review	■			☑	☐	☑	☑	☑	R	D/PH	A	
Site Plan	■			☑		☐		☐	D	A	A	
Alternative Compliance	■			☑				☐	D	A	A	
Minor Variance	■			☑				☐	D		A	A
Variance	■			☑		☑	☑	☑	R		A	D/PH
Appeal of Administrative Decision	■	■	■			☐	☐	☐			A	D/PH
Text Amendment		■	■				☑		R	R/PH	D/PH	
Easement Vacation/Dedication	■							☐	D	A	A	
ROW Vacation/Dedication	■						☑	☑	R	R	D	
Annexation	■		■	☑		☑	☑		R	R/PH	D/PH	

☑ = Require

R = Review and Recommending Authority

☐ = Director Option

☒ = Authorized

PC = Planning Commission

CC = City Council

ZBA = Zoning Board of Appeals

D = Decision Making Authority

Ac = Acceptance of Public Improvements

A = Appeal of Decision

PH = Public Hearing Required

24-201 General – All Applications

a. Applications and Fees

1. **Forms.** Applications required under this code shall be submitted to the Community Development Department in the form and format specified by the Department. The Director is authorized to establish submittal requirements and procedures in order to ensure all applications can be evaluated for conformance with this code. The Director may waive the requirement for specific information at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the standards and criteria of this code.
2. **Fees.** Applications shall be accompanied by a non-refundable fee set administratively by the City Manager. A copy of the fee schedule shall be maintained by the Community Development Department and City Clerk's office for public inspection. No application shall be accepted or processed without the required fee, except applications initiated by the City.
3. **Eligible Applicants.** Table 24-2-1 indicates applicants eligible for each particular application under this code:
 - (a) **Owner.** The property owner of record for the subject property of the application or that owner's agent authorized by written permission of the owner.
 - (b) **Planning Commission.** The Planning Commission, acting on its own initiative or through recommendations brought to it by city staff, and according to its bylaws and rules of procedure.
 - (c) **City Council.** The City Council acting on its own initiative or through recommendations brought to it by city staff of Planning Commission, and according to its bylaws and rules of procedure.

b. Concurrent Applications. When a project requires approvals under more than one type of application, the Director may determine that each application may run concurrently based on the following:

1. The similarity of information required for each type of application, or where they require different information, the ability to coordinate information, review criteria and decisions under each application.
2. The similarity of notice, review meetings and review bodies required for each application.
3. The ability of the staff and review bodies to make effective decisions when reviewing the applications concurrently.

In cases where the Director determines applications may run concurrently, the application shall be processed through the most comprehensive required review, and lesser incorporated approvals may be conditioned on final outcomes of the last of the related decision.

c. Pre-application Meeting. Pre-application meetings may be requested for any application and shall be required as indicated in Table 24-2-1. A required pre-application meeting may be waived at the Director's discretion and upon the applicant's request, for routine applications where the topics below can be addressed by general correspondence. The applicant shall submit schematic plans, existing conditions analysis, or other concepts and analysis in writing prior to the pre-application meeting to facilitate discussion on the following topics:

1. How the proposed project meets the goals of the Comprehensive Plan, or other specific plans or policies that may impact the application.
2. The applicant's vision and understanding of the market for the proposed project.
3. The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.

4. How the project will fit in and contribute to the area and further the intent of the existing or proposed zoning district.
 5. Planning and infrastructure impacts, including timing, phasing, or the need for any technical studies or outside agency coordination and review.
 6. Development review processes and review criteria, and in particular whether any special public information and outreach or specific agency or department reviews are necessary.
 7. Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.
- d. **Staff Review.** Upon receipt of an application, the Director shall take the following steps:
1. **Determination of Complete Application.**
 - (a) If an application is determined incomplete, the Director shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the Director may consider the incomplete application withdrawn.
 - (b) If an application is complete, it shall be processed for formal review.
 2. **Referrals.** The following agencies may be required to review and comment on applications. The Director may determine if other referral agencies may be affected by the project, based on the application and has discretion to add any other relevant or applicable agency to the list.
 - (a) Adjacent or other local governments
 - (b) Colorado Department of Transportation
 - (c) Colorado Parks and Wildlife
 - (d) Colorado Geologic Survey
 - (e) Office of State Engineer
 - (f) Gas and electric utilities;
 - (g) Telecommunications and cable providers;
 - (h) Public safety agencies (police, fire, EMS, health);
 - (i) Respective school district(s) in which the subject property is located;
 - (j) Water and sewer utilities;
 - (k) Ditch companies;
 - (l) Special districts; and
 - (m) Other local, state, or federal government agencies.
 3. **Review & Staff Comments.** The Director shall coordinate a staff review after receipt of a complete application, and may provide the applicant the following information in writing:
 - a. Comments or recommended changes based on the results of any referral agency comments, neighborhood meetings, or staff review.
 - b. Any supplemental information necessary to support the application or to address any comments or recommended changes.
 - c. If the applicant chooses not to address any particular comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and justify why the comment was not addressed. The applicant may request to schedule the application for official review based on this justification.
 - d. If the applicant fails to submit revisions or otherwise address staff comments in writing for more than 120 days, the Director may determine the application withdrawn, and the review terminated. Any further action will require a new application and fees.
 4. **Scheduling.** Applications that have completed staff review, and addressed comments or recommended changes, shall be scheduled for further review according to these regulations.

5. **Staff Report.** The Director shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the policies, plans, regulations and review criteria, and identify relevant facts of the application. The Director shall provide a copy of the report to the reviewing body and to the applicant in association with the public meeting agendas and packets.
- e. **Neighborhood Meeting.** A neighborhood meeting may be required prior to the formal public meeting as indicated in Table 24-2-1.
1. **Director Option.** At the pre-application meeting or in association with the review of an application, the Director may require a neighborhood meeting for any project that requires formal review beyond staff, and where:
 - (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;
 - (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
 - (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.
 2. **Required Meeting or Applicant Option.** A neighborhood meeting is required for any PUD application, and an applicant may elect to have a neighborhood meeting on any other project. These neighborhood meetings should be held prior to a formal application so that input and concerns of potentially impacted property may be considered in the initial application.
 3. **Meeting Format.** Neighborhood meetings shall meet the following:
 - (a) The Director shall coordinate the scheduling, meeting location, and notice..
 - (b) The meeting shall be held at a City facility, or where any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school, community recreation center.
 - (c) The applicant is responsible for all content of the meeting, which at a minimum shall include:
 - (1) The general nature and scope of the proposed project;
 - (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
 - (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
 - (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
 - (d) The applicant shall prepare minutes of the meeting including evidence of the notice, attendance, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.
- f. **Notice.** Notice shall be provided for each application as indicated in Table 24-2-1. Consistent with the provisions in Table 24-2-1, and in addition to the general publication of meeting agendas, required notice may include the following:

1. ***Published.*** Where published notice is required, the City shall post the notice on the public notice portion of the City's official website at least 15 days prior to the meeting or hearing. The notice shall include:
 - (a) A general description of the subject property by reference to streets and address;
 - (b) The zoning classification, specific use or action requested;
 - (c) The date, time and place of the public meeting; and
 - (d) A statement that additional information about the request is available at the Community Development Department, or other links to relevant information.

2. ***Posted.*** Where posted notice is required, notice shall be posted on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:
 - (a) The City shall supply the sign(s), which shall include:
 - (1) The zoning classification, specific use or action requested;
 - (2) The date, time and place of the public meeting; and
 - (3) A statement that additional information about the application is available at the Community Development Department
 - (b) One sign facing the most prominent public street is required. The Director may require additional signs and specific locations of signs based on the context of the property.
 - (c) The applicant shall ensure that all signs are posted at least 15 days prior to the public hearing or meeting.
 - (d) The applicant shall supplement the application evidence and a signed statement of compliance with the notice requirement.
 - (e) The applicant shall make a reasonable good faith effort to maintain posted notice throughout the proceedings.

3. ***Mailed.*** Where mailed notice is required, a courtesy letter shall be sent to all record landowners within 500 feet of the property. However, where the project is very large or intense, or where land ownership patterns would result in few owners being notified, the Director may extend this up to 1,000 feet from the property. Where mailed notice is at the option of the Director, any distance may be established by the Director based on the scale and intensity of the proposed project.
 - (a) The city shall supply the list of owners, and the applicant is responsible for mailing notice.
 - (b) The notice shall be mailed at least 15 days prior to the public meeting.
 - (c) Mailed notice shall state the following:
 - (1) A general description of the subject property by reference to streets and address;
 - (2) The zoning classification, specific use or action requested, and a general description of the project;
 - (3) A legal description or abbreviated legal description of the property;
 - (4) The date, time and place of the public meeting;
 - (5) Whether the meeting is a public hearing, where participants will have a right to speak, present testimony or evidence, and establish a record for the decision, or whether it is a public meeting without that right; and
 - (6) A statement that additional information about the application is available at the Community Development Department.
 - (d) The applicant shall submit a copy of the notice with the application, and evidence and a signed statement verifying notice was sent to all landowners prior to the public meeting or hearing.

4. ***Failure of Notice.*** Any failure of published, posted or mailed notice shall not invalidate any subsequent process or decision, in the Director's discretion. In making this decision, the Director shall consider whether:

- (a) Good faith efforts were made to comply with notice, and the failure of notice was beyond the applicant's control;
 - (b) Technical errors in the notice were made, but constructive and actual notice was available to all interested parties; or
 - (c) The failure of notice is not otherwise instrumental to the proceedings, criteria, or record established for the decision.
- 5. **Surface Development Notice.** Where mailed notice is required by state statutes for any project related to mineral estate owners identified on the county tax assessor's records or who have filed in the office of the county clerk and recorder a request for notification, the applicant shall be responsible for notice. The applicant shall certify that notice has been provided as required by this code and Colorado law prior to a public hearing, public meeting or administrative decision.
- g. **Public Hearings.** Where public hearings are required by Table 24-2-1, the following procedures apply:
 - 1. The hearing shall be conducted and a record of the proceedings shall be preserved.
 - 2. Any interested person or party may appear and be heard in person or by agent.
 - 3. The review body may request testimony or a report on the application from any government official or agency, or any other person with information pertinent to the application.
 - 4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice, provided the specific date, time, and place of the continued hearing is announced at the original hearing.
 - 5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.
 - 6. A review body is authorized to establish meeting procedures and bylaws, or otherwise state rules regarding specific conduct and management of public hearings, within the parameters of these regulations.
- h. **Action by Review Bodies.** Review bodies shall take the actions indicated in Table 24-2-1. A review body may take any action on the application consistent with notice given and based on the criteria in this Chapter, or it may recommend such action when the review body is a recommending body, including the following:
 - 1. Approve the application.
 - 2. Approve the application, with conditions or modifications that make it more consistent with the standards and review criteria.
 - 3. Deny the application, making specific findings or stating criteria for the denial.
 - 4. Continue the application to allow further analysis. The continuation period shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.
- i. **Appeals.** Where a review body is designated as the appellate body in Table 24-2-1, the following appeal procedures apply:
 - 1. Appeals shall be filed with the Director within 10 days of the decision by the decision-making review body.
 - 2. Appeals shall identify the exact provisions in dispute, and whether it is incorrect due to one or more of the following:
 - (a) It was against the express standards of this development code;
 - (b) It was an unreasonable interpretation or application of the standards or review criteria;
 - (c) It was erroneous, based on the record and facts reviewed by the decision-making body; or

- (d) It was otherwise clearly contrary to law.
 - 3. Appeals may be filed by:
 - (a) the applicant;
 - (b) any person who received mailed notice and who testified or entered a statement at a public hearing; or
 - (c) any director of a city department or referral agency that provided comments on an application.
 - 4. The appellate body shall consider the application within a reasonable time, considering the next available meeting and the nature of the appeal. The appeal shall be based on the established record, and give deference to the previous review body; however, the appellate body may take any action authorized by the decision-making body under this code if it determines that a clear error was made. The procedure and required notice for an appeal shall be the same as required of the original application.
 - 5. Where no appeal is designated in Table 24-2-1, the decision shall be final and only appealed as authorized by state law.
- j. **Technical Studies.** The Director, on behalf of any public official, department, or agency, the Planning Commission, or the City Council, may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over details of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies, or fiscal and economic impact studies. The persons or firms preparing the studies shall be subject to the approval of the Director. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the City may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.
- k. **Successive Applications.** When the review body takes final action to deny an application, the same or a similar application may not be refiled for one year from date of denial, except as allowed under this section. The Director may permit a refiling of the application sooner than one year when it is determined that significant physical, economic, or land use changes have taken place within the immediate vicinity, or where a significant text amendment to this code has been adopted that may affect the outcome. There shall be no time limitation on an application that the Director determines is substantially different from a previously denied application, considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.
- l. **Vested Rights.** Greeley, through its home rule authority recognizes vested property rights as specified in this Code. This code preempts and determines which applications are "site specific development plans" for the purposes of the Colorado Vested Property Rights Law, and establishes different rights and obligations associated with approvals. The vested rights in this code meet the intent and objectives of the Colorado Vested Property Rights Law, and ensures all constitutional rights intended to be protected by that law. However, through the Greeley home rule authority, and its statutory obligation to implement the Comprehensive Plan and protect the public safety, health and general welfare, vesting shall only occur to the extent of the standards of this code reflected in specific approved applications. Vesting does not include other regulations that are general in nature or that apply equally to all property subject to these regulations. Vesting does not exempt applications from any subsequent review and approvals prior to construction under this code or other codes. Vesting does not insulate a project from other public health and safety codes, including changes or updates to codes associated with subsequent reviews, including construction drawings and specifications, drainage plans and permits, and building permits.

- a. **Applicability.** Minor subdivisions are routine applications that establish or alter legal boundaries of lots or tracts, but do not significantly alter development patterns or impact public improvements and facilities. Minor subdivision applications may be initiated by the property owner. The following actions may be processed as minor subdivisions:
1. **Lot Line Adjustment.** The alteration of legal boundaries for up to four previously platted lots.
 2. **Lot Consolidation.** The consolidation of up to four previously platted lots or parcels into fewer lots, provided that no resulting lot is larger than three times the size of the largest existing lot or parcel.
 3. **Minor Plat.** The division of land or the replat of previously platted lots or tracts into 10 or fewer lots for residential purposes, or six or fewer lots for any non-residential purposes; or the division of land where all resulting lots or tracts are more than 80 acres; or any development without a land division on a previously unplatted parcel.
 4. **Plat Correction.** A survey or other legal instrument to correct an error in the legal description or other element of an approved plat; to dedicate, vacate, or alter easements; or to confirm legal boundaries of lots in an approved plat that could only be determined post-construction, such as for duplexes or row houses where the units and lots are individually owned.
 5. **Condominium Plat .** The division of a building on an existing, legally platted lot into individual air space ownership units, relative to commonly owned elements and common area covenants and agreements.
- b. **Review Criteria.** A minor subdivision may be approved by the Director if the Director determines that all of the following are met.
1. No new streets or other public land dedication is needed. If additional right-of-way for existing streets is included with a minor subdivision, acceptance of the dedication by City Council is required.
 2. No significant increase in service requirements (utilities, schools, traffic control, streets, etc.) or impact on the ability to maintain existing service levels will result.
 3. The application does not alter the interpretation of any zoning district boundaries due to adjustments to any lots.
 4. All resulting lots meet the legal standards of the subdivision regulations and applicable zoning districts.
 5. The lot patterns meet all eligibility requirements for minor subdivisions, and are otherwise compatible with the surrounding area and any previously approved preliminary or final plat for the subject property. In determining compatibility, the size and dimension of lots, the layout and design of existing subdivisions and rights-of-way, the degree of change to the character and pattern of buildings, and potential impact on surrounding property shall be considered.
 6. No other significant issues exist with potential development enabled by the plat that could impact planning policies in the area or adjacent property owners.
 7. A condominium plat shall meet the following additional criteria:
 - (a) Consistent with an approved plat demonstrating legal ownership of the lot and any common areas by a single entity.
 - (b) Consistent with a site plan depicting the building to be subdivided into individual units.
 - (c) Documentation that assigns responsibility and demonstrates capacity to maintain all common ownership elements.
 - (d) Covenants, declarations or party wall agreements or other restrictions to be recorded establish rights and responsibilities for owners of individual units, and designation of all general and limited common elements
 - (e) The site and building comply with all aspects of this development code, other than the proposal to divide individual airspace units for common ownership.

Any application not classified as a minor subdivision or not meeting these criteria shall be processed as a major subdivision with a preliminary and final plat.

- c. **Review Procedures.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to minor subdivision applications:
1. If the Director determines at any point in the process that the application is not eligible for a minor subdivision, the Director may deny the application or allow the applicant to reclassify as a major subdivision according to additional required information or fees.
 2. After staff review, receipt of any comments from referral agencies, and any necessary resubmittals, the Director may make a final decision.
 3. If a minor subdivision includes additions to existing right-of-way, the minor subdivision shall be placed on the consent agenda for the City Council to accept the dedication.
- d. **Effect of Decision.**
1. *Subdivision Improvement Agreement.* The applicant shall enter into a Subdivision Improvement Agreement for any required improvements, which shall be recorded with or prior to recording of the minor subdivision. The Director may waive the need for a Subdivision Improvement Agreement where there are no required improvements or for routine applications, where the requirements of this code are sufficient to address construction of improvements.
 2. *Recording.* The Director shall record the minor subdivision with the Weld County Clerk and Recorder within 60 days. The Director may grant an extension of this period for up to 90 days in order to complete any agreement, or otherwise address the timing and implementation of improvements. Any minor subdivision not recorded within this time shall expire.
 3. *Vested Rights.* A recorded minor subdivision shall create a vested property right for 3 years, or for any other time specifically identified in a Subdivision Improvement Agreement. If improvements or other obligations are not completed within this time, or the applicant or future landowners otherwise default on the Subdivision Improvement Agreement, the minor subdivision shall expire and a new plat shall be required prior to any development.

24-203 Major Subdivision

- a. **Applicability.** Major subdivisions apply to all land divisions or other alterations of legal boundaries of lots or tracts that are ineligible for minor subdivision processes in Section 24-202. Major subdivision applications may be initiated by the property owner. Major subdivisions require comprehensive review through separate preliminary and final plat procedures, due to the complexity of coordinating planning, design and engineering requirements. In accordance with Section 24-201.b, the Director may determine at a pre-application conference that a preliminary and final plat may be submitted concurrently, where the application is small or routine.
- b. **Preliminary Plat.** The preliminary plat provides detailed planning review of development patterns, street networks, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. A preliminary plat shall be processed according to the following specific procedures.
1. **Review Criteria.** A preliminary plat shall be reviewed according to the following criteria:
 - (a) The application is in accordance with the Comprehensive Plan, or any other specific plan created under that plan, and in particular, the physical development patterns and design concepts of the plan.

- (b) The development and infrastructure is arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
- (c) The arrangement and proposed design of streets, blocks, and open spaces meet the development and design standards of the subdivision regulations, and are coordinated with existing or potential development on adjacent property.
- (d) The proposed blocks and lots are capable of meeting all development and site design standards under the applicable zoning district.
- (e) The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
- (f) Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
- (g) Any impacts identified by specific studies or technical reports, including a review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
- (h) The design does not impede the construction of anticipated or planned future public infrastructure within the area, or deter future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.
- (i) The recommendations of professional staff or any other referral agencies authorized to review the subdivision plan.

2. **Review Procedure.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to preliminary plat applications:

- (a) At the pre-application meeting, and based on the size, scope and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the Neighborhood Meeting and any additional notice of meetings or hearings necessary for the formal review.
- (b) Any application that is particularly complex or involves significant planning and design issues, may be coordinated with a Rezoning in Section 24-204 or a Planned Unit in Section 24-205, prior to official submittal of a preliminary plat.
- (c) After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission
- (d) The Planning Commission shall hold a public hearing and make a decision on the preliminary plat. Provided no substantial changes are made in association with a subsequent final plat, a final plat may be administratively approved by staff and public improvements accepted by City Council according to subsection 24-203.c.2.

3. **Effect of Decision.** The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat. Denial of a preliminary plat may be appealed to the City Council.

4. **Term of Expiration.** The approval of the preliminary plat shall be effective for three years, except that any complete submittal of final plat for any phases indicated on a preliminary plat shall stall the three-year period, and approval of the final plat shall extend the expiration deadline for one year for the remaining portions of the preliminary plat. The Director may grant up to two extensions of this period for up to six months each, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat. Any such extension shall be requested by the applicant in writing prior to the expiration of the preliminary plat.

- c. **Final Plat.** A final plat requires review and refinement of the preliminary plat, review and coordination of construction documents, and review and dedication of easements, rights-of-way and public lands prior to recording subdivisions and authorizing the sale of lots to different owners. After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.
1. **Review Criteria.** A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review:
 - (a) The layout and design of the final plat is consistent with the approved preliminary plat considering the number and size of lots and out lots; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments. Deviations that result from further detail in planning, design, and engineering, and that meet the standards of this code, are generally considered “consistent” with the subdivision plan.
 - (b) The construction plans for any utilities, infrastructure or public facilities meet all technical specifications.
 - (c) All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
 - (d) The phasing and timing of public improvements ensures construction and performance guarantees. Any phasing that meets an approved preliminary plat is presumed acceptable. Any deviations of the final plats from an approved phasing plan may be approved provided it does not alter the timing or coordination of required improvements or amenities for the proposed final plat or any previous approved final plats.
 - (e) The recommendations of professional staff or any other public entity authorized to review the final plat.
 - (f) Deviations in the final plat from the approved preliminary plat may be approved if:
 - (1) Any aspect of the project different from the approved preliminary plat complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards.
 - (2) The change does not increase the impact of any development on required improvements beyond the capacity for required improvements established in the preliminary plat;
 - (3) The change does not violate any condition of the Planning Commission associated with the approval of the preliminary plat or any general development plan applicable to the property;
 - (4) If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study; and
 - (5) The change is generally consistent with development concepts in the preliminary plat in terms of land uses, scale and intensity of development, and in no case changes the number of lots, dwelling units, or buildings, or sizes of blocks and open spaces by more than 10 percent.
 2. **Review Procedure.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this section apply to final plat applications:
 - (a) The applicant shall identify all improvements to be constructed, either according to the required improvements listed this code or by a specific agreement for the project. The applicant shall submit final plans and specifications for these

improvements, and ensure construction of these improvements of financial guarantees as provided in Section 24-304.

- (b) The staff shall review the final plat for conformance with the planning and design elements, and the engineering specifications for required improvements, and a final plat meeting these criteria shall be approved.
- (c) A final plat not meeting the review criteria may require reprocessing as a revised preliminary plat.
- (d) The Director shall make the final decision on final plats.
- (e) Any final plat approved by the Director and which includes dedication of rights-of-way, public lands or other public improvements, shall be placed on the consent agenda for the City Council to accept the dedication.

3. **Effect of Decision.**

- (a) *Subdivision Improvement Agreement.* The applicant shall enter into a Subdivision Improvement Agreement with the City for any required improvements, which shall be recorded with or prior to recording of the final plat. The Director may waive the need for a Subdivision Improvement Agreement where there are no required improvements or for routine applications, where the requirements of the code are sufficient to address construction of improvements. At a minimum, the agreement shall indicate the following:
 - (1) Acknowledgement of all required improvements per Section 24-304 of this code, and any specific deviations or additions from this section.
 - (2) A refined timeline coordinating construction drawings, permits, construction, inspections and final acceptance.
 - (3) Specifics on performance and maintenance guarantees, and any particular consequences or contingencies if there is a default.
 - (4) Any additional improvements made necessary by technical studies required by Section 24-201.j or adequate public facilities analysis in Section 24-305.
 - (5) A provision binding any future landowners to the agreement.
 - (6) Any other requirements prior to building permits or certificates of occupancy.
- (b) *Recording.* The Director shall record the final plat with the Weld County Clerk and Recorder within 60 days. The Director may grant an extension of this period for up to 90 days in order to complete any agreement, or otherwise address the timing and implementation of improvements. Any final plat not recorded within this time shall expire.
- (c) *Vested Rights.* A recorded final plat shall create a vested property right for 3 years, or for any other time specifically identified in a Subdivision Improvement Agreement. If improvements or other obligations are not completed within this time, or the applicant or future landowners otherwise default on the Subdivision Improvement Agreement, the final plat shall expire and a new plat shall be required prior to any development.

24-204 **Rezoning**

- a. **Applicability.** The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the Comprehensive Plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. Application for a rezoning may be filed by the property owner, the City Council, or the Planning Commission, or by Staff on behalf of these city entities.

- b. **Review Criteria.** Review, recommendations and decisions for a proposed rezoning shall be based on the following criteria:
1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.
 2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.
 3. Whether the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area
 4. Whether the existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.
 5. The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.
 6. The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.
 7. The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.
 8. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.
 9. The recommendations of professional staff or advisory review bodies.
- c. **Review Procedure.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:
1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
 2. At the pre-application meeting, and based on the size, scope and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the Neighborhood Meeting and any additional notice of meetings or hearings necessary for the formal review.
 3. After review by staff, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission.
 4. The Planning Commission shall hold a public hearing and shall make a recommendation to the City Council. Upon a recommendation from the Planning Commission, the City Council shall hold a public hearing and make the final decision on rezoning applications.
 5. Rezoning may be conditioned upon anything that further ensures the criteria for rezoning will be met, including:
 - (a) A plan that identifies general land use categories, the arrangement and character of streets and open spaces, and the anticipated scale, intensity and character of development and how it relates to adjacent areas.
 - (b) Addressing any existing uses that become non-conforming as provided in Section 24-105.g.
 6. Approval of a rezoning shall be by ordinance approved by the City Council.
- d. **Effect of Decision.** Upon approval of a change in the district boundaries, the Director shall record a copy of the ordinance approving the zone change with the City Clerk. The Director shall

make the change on the official map by an actual change or other record identifying the ordinance and the associated property. The zoning shall remain in effect unless changed by the City Council according to the procedures specified in these regulations.

24-205 Planned Unit Development

- a. **Applicability.** A planned unit development (PUD) application is a type of rezoning based on a specific and integrated development plan, and must follow the procedures and meet the requirements of the rezoning process.
 1. Application for a PUD may be filed by the property owner, the City Council, or by staff on behalf of the City Council.
 2. The PUD process is intended for development concepts that require a higher degree of specific planning based on the scale and complexity of the project. The higher degree of planning affords flexibility in the standards to improve the relationship of the project to the context, and to better meet the purpose, intent and objectives of this code.
 3. A PUD shall include sufficient area to implement planning concepts that generate broader public benefits that can only be gained from flexible application of the standards, and not simply be used to justify deviations for single projects or on a site-specific basis.
 4. Generally PUD applications shall include at least 5 acres. Applications for smaller PUD applications may be processed by the Director for:
 - (a) additions to previously approved PUDs if the flexible application of standards is used to integrate projects with previous plans; or
 - (b) projects with a mix of uses that are not otherwise accounted for by one or a combination of the base zoning districts of the code.
- b. **Development Plan.** A PUD requires approval of a specific plan for coordinated development of the entire area within a PUD and shall include the following:
 1. **Existing Conditions.** Existing conditions reflect the current state of the property. This includes an analysis identifying the general layout of any existing structures, streets or infrastructure; the location of natural features such as watercourses, steep grades, significant stands of trees, specimen trees or other significant or sensitive features; and the presence and relationships to these same conditions on adjacent property.
 2. **Master Development Plan.** A Master Development Plan presents the vision for the project. It identifies the area and relationship of general land use categories, the arrangement and character of streets and open spaces, and the anticipated scale, intensity and character of development through maps, illustrations of development concepts, and statements on the intent and objectives for the project. The Master Development Plan shall indicate why the flexibility requested is justified by the plan and how it could not be easily achieved by other zoning designations. The Master Development Plan shall include the following:
 - (a) **Project Boundary.** The overall boundary and name of the Planned Unit Development.
 - (b) **General Layout.** The general development pattern of streets, blocks and open spaces in the concept plan.
 - (c) **Public and Community Facilities.** The location of school sites, amenities, focal points, parks and trails, including any land dedicated to or reserved for acquisition by any public entities.

- (d) **Planning Areas.** The designation of distinct areas of the project in terms of land uses, intensity or density of development, range of building types, or other unique design characteristics or amenities of the project. All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site. For each planning area or within a separate table, indicate the following: acreage; number of dwelling units; land use designation; residential density or nonresidential square footage.
 - (e) **Specific Regulations & Deviations.** The most applicable base zoning district in terms of uses, development standards or design standards shall be designated for each planning area, and specific deviations from these standards shall be identified. These deviations may be more permissive or more restrictive than otherwise applicable standards, but should anticipate long-term development and potential future changes. To the extent items are not addressed by specific deviations, the base zoning district standards will control.
 - (f) **Phasing or Implementation.** Phasing or implementation indicates a strategy and estimated timing of development, and any other administrative details of implementing the plan through future plats and site plans.
 - 3. **Detail Plans.** The PUD may include detail plans and specifications such as renderings, elevations or plans of buildings, streetscapes, and public spaces or other urban design and architectural details demonstrating how the plan will be executed according to the proposed development standards.
 - 4. **Statement of Commitments.** The applicant shall provide a statement of commitments regarding all future aspects of development, and how these commitments shall be coordinated with the phasing and subsequent platting of the projects. Commitments shall at a minimum include the following:
 - a. Streets and streetscape designs required by Section 24-301.
 - b. Open and civic spaces, whether public, common or private, required by Section 24-302.
 - c. Improvements and performance and maintenance guarantees required by Section 24-304.
 - d. Any additional improvements or dedications to other public entities needed by the adequate facility analysis in Section 24-305.
 - e. Any additional improvements, open spaces, or other development pre-requisites resulting from technical studies that may be required by Section 24-201.j.
 - 5. **Other Information.** Any other information otherwise required by the city for rezoning.
- c. **Review Criteria**
- 1. **Generally.** Review, recommendations and decisions for new PUDs shall be based on the following criteria:
 - (a) The plan reflects greater consistency with or more specificity in implementing the Comprehensive Plan than what could be accomplished under application of general zoning districts and development standards.
 - (b) The benefits from any flexibility in the proposed plan:
 - (1) promote the general public health, safety and welfare of the community, and in particular, that of the areas immediately near or within the proposed project, and is not strictly to benefit the applicant or a single project;

- (2) involves innovative concepts that were not anticipated by the development code; or
 - (3) apply to a unique or specific context in a manner that allows the project to better meet the intent or design objectives of the base zoning districts and standards.
 - (c) The plan reflects generally accepted and sound planning and urban design principles with respect to applying the goals and objectives of the Comprehensive Plan to the area.
 - (d) The plan meets all of the review criteria for zoning map amendments in Section 24-204.
- 2. **Minor Amendment to PUDs.** Minor amendments to PUDs may be approved by the Director, provided it meets the all of the criteria for the initial approval of the PUD, and is limited to the following:
 - (a) Any change in the number of housing units, change in lot sizes or dimensions, or increase in the land of non-residential uses is less than 5%.
 - (b) There is no decrease in the amount of open space or other reduction of amenities from the approved plan.
 - (c) Any change in a building location is no more than 10% of the approved distance to adjacent property lines.
 - (d) Any change in the height or square footage of buildings is no more than 10% of the approved measurements.
 - (e) Any change in a design standard meets the criteria for alternative compliance in Section 24-208.
 - (f) Changes to the boundaries of any planning areas do not change the boundaries of the PUD, do not later the mix of uses by more than 10% in land area or square footage, and otherwise reflect a similar land use plan.
 - (g) The proposed change is consistent with concept plans in the previously approved planned unit development;
 - (h) The plan meets all of the review criteria for site plans in Section 24-207.
- 3. **Major Amendment to PUDs.** Changes to previously approved PUDs that exceed allowances for minor amendments may be proposed for a portion of the area under the following criteria:
 - (a) The proposed change does not create potential impacts on other property in the PUD that are greater than would could typically occur in similar zoning districts or contexts; and
 - (b) The process and criteria for the initial approval of a PUD are met.
- d. **Review Procedure.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to PUDs:
 - 1. The planned unit development application is a type of rezoning and shall follow the procedures applicable to rezoning in Section 24-204.c.
 - 2. Based on the complexity of projects and degree of advanced planning and urban design necessary for a project, the applicant may elect to break elements of a general development plan in subsection 24-205.b. into two or more steps to review concepts and preliminary designs prior to approval of the complete development plan.
 - 3. In most cases, land will need to be subdivided in order to carry out a development plan. The platting process is a separate process but may run concurrently with the planned unit development process, as specified in Section 24-201.b.
- e. **Effect of Decision.** Upon approval of a rezoning to PUD, the Director shall record a copy of the ordinance approving the zone change with the City Clerk. The Director shall make the change on the official map by an actual change or other record identifying the ordinance and the associated

property. The entire area shall be designated by the name of the PUD and reference to the PUD Master Development Plan. The specific regulations in the Master Development Plan may be based on base zoning districts, and allow any development consistent with the base zoning districts except as specifically modified by the PUD Master Development Plan. The PUD zoning shall remain in effect unless changed by the City Council according to the procedures specified in these regulations.

24-206 Use By Special Review

- a. **Applicability.** A use by special review provides flexibility for different uses within a zoning district and allows the potential for additional uses subject to specific conditions and a case-specific review. These uses may require specific design, operational limitations, or additional mitigation to ensure the use is appropriate in a specific location. Use by special review may be initiated by the property owner.

This process is specifically applicable to uses identified as use by special review (“S”) in the Use Table in Section 24-402.

- b. **Review Criteria.** A use by special review shall be reviewed according to the following criteria:
1. All criteria for site plan review in Section 24-207. are met
 2. The application furthers the intent of the proposed zoning district, does not conflict with the intent of any abutting districts, and is otherwise determined to be consistent with the Comprehensive Plan.
 3. Any associated site development or construction complies with requirements of this code, including any conditions or additional requirements identified for the particular use.
 4. Compatibility with the area in terms of operating characteristics such as hours of operation, visible and audible impacts, traffic patterns, intensity of use, and other potential impacts on adjacent property. The cumulative impact of a concentration of similar existing uses may be considered as part of the impact of a particular use.
 5. The site is physically suitable for the proposed use, and whether any additional site-specific conditions are necessary for the use to be appropriate and meet these criteria.
 6. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, assess the use against changing conditions in the area, or ensure periodic reporting and ongoing enforcement of the permit.
 7. The long-range plans for the surrounding area are not negatively impacted considering the permanence of the proposed use, the permanence of existing uses in the area, and any changes in character occurring in the area.
 8. The recommendations of professional staff or other technical reviews associated with the application.
- c. **Review Procedure.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the following requirements are specific to use by special review applications:
1. Applications shall be accompanied by a site plan to review conformance of any construction with standards of this code, and to review any performance criteria for the particular uses when applied to the site or building.
 2. After staff review, receipt of any comments from referral agencies, and any necessary resubmittal, the Director shall schedule review by the Planning Commission.
 3. The Planning Commission shall hold a public hearing and shall make a final decision on uses by special review, and the decision may be appealed to the City Council.
 4. The Planning Commission may attach any additional conditions on the use addressing the physical development, operations, maintenance or any other limitation it feels necessary to ensure the application meets the review criteria.

- d. **Effect of Decision.** Approval of a use by special review shall authorize the applicant to apply for a building permit and other applicable development or construction permits.
1. A use by special review shall expire within one year, if the applicant has not submitted a building permit application, or application for other permits, licenses or approvals necessary to establish the use. The Directory may grant a one-year extension to this period. This period is distinct from any duration limits, periodic reviews or renewal periods once the use is established, which may be a condition of approval of the use.
 2. Ceasing the use for a period of more than 1 year shall be considered abandonment of the use by special review, and the approval shall expire.
 3. Minor changes to an approved use by special review may be approved by Director upon finding all of the following:
 - (a) The change expands the floor area of the original approval by less than 10%;
 - (b) There is not a change of use or significant increase in the intensity of the use that could adversely impact adjacent property;
 - (c) The change does not exceed the limits or violate any specific conditions of the original approval; and
 - (d) The change complies with all other provisions of this code, including the Site Plan procedures and criteria in 24-207.

Any other changes to the use shall require an amendment to the use by special review through the same procedures and criteria as the original application
 4. A use by special review may be revoked by the Planning Commission through the same procedures granting the use, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this code.

24-207 Site Plan

- a. **Applicability.** The site plan process provides review of development projects that propose a change to buildings and sites that may impact the relationship to the streetscape or adjacent property, or may include a change of use or activity on the site. It ensures that projects meet the development and design standards of this code, and coordinates projects with surrounding development patterns and public spaces, including compatible arrangement of buildings, pedestrian and vehicle access, site design, lighting and landscape design. Site plans may be initiated by the property owner.

The site plan process specifically applies to reviews prior to any of the following:

1. Any building or site improvements;
 2. A grading or building permit; or
 3. A change of use.
- b. **Review Criteria.** In general, any site plan in compliance with all applicable standards of this code shall be approved. In making a determination of compliance with the standards applied to particular site, or exercising any discretion under the standards, a site plan shall be reviewed according to the following criteria:
1. **Generally.**
 - (a) The plan meets all applicable standards or the criteria for any discretionary approvals.
 - (b) The plan does not substantially undermine any goals or objectives of the Comprehensive Plan that are applicable to the area or to the specific project.
 - (c) The plan does not present any other apparent risks to the public health, safety or welfare of the community.
 2. **Site Design and Engineering.**

- (a) The plan provides safe access and internal circulation considering the site, the block and other surrounding connections, and appropriately balances vehicle, bicycle and pedestrian needs for the context.
 - (b) The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development.
 - (c) The plan provides adequate management of storm water runoff.
 - (d) The plan provides proper grading considering prevailing grades and the relationship to adjacent sites.
- 3. ***Landscape and Open Space Design.***
 - (a) The plan creates an attractive aesthetic environment and improves relationships to the streetscape or other nearby public, civic or common spaces.
 - (b) The plan enhances the environmental and ecological functions of un-built portions of the site, and makes effective use and conservation of water resources.
 - (c) The plan reduces the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties.
- 4. ***Building Design.***
 - (a) The location, orientation, scale and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
 - (b) The selection and application of materials will promote proper maintenance and quality appearances over time.
 - (c) The location, fixtures and types of building and site lighting promotes creates aesthetic enhancements, promotes safety and security, and accounts for sensitive borders with the right-of-way or adjacent property
 - (d) The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any consistency or commonality in the scale, proportion, forms and features, and materials of adjacent buildings, they inform choices on the proposed building.
- c. **Review Procedure.** In addition to the general requirements in Table 24--1 and Section 24-201, the following requirements are specific to site plan applications:
 - 1. At the applicant's discretion, and as part of the pre-application steps, the applicant may present a preliminary or conceptual site plan. This may be used to confirm interpretations, test basic concepts and standards, or review options for a proposed project.
 - 2. Any requests for alternative compliance or a variance from the standards are distinct applications, but may be coordinated with the Site Plan review as provided in Sections 24-208 and 24-209.
 - 3. After staff review, receipt of any comments from referral agencies, and any necessary resubmittals, the Director may make a final decision.
 - 4. The Director may determine that any application meeting these eligibility criteria still presents significant change or potential impacts on the area, or presents substantial interpretation questions on the application of development standards or review criteria. The Director may forward the application to the Planning Commission for a decisions according to the criteria in this Section.
- d. **Effect of Decision.** Approval of a site plan shall be valid and create a vested property right for 1 year, and authorize the applicant to apply for a building permit and all other applicable permits. The decision may be appealed to the Planning Commission. The Director may grant one extension for up to 1 additional year. Failure to obtain permits, or otherwise achieve substantial completion of improvements or commence the use within this time frame shall cause the approval to expire.

24-208 Alternative Compliance

- a. **Applicability.** The alternative compliance process provides limited flexibility in the application of design standards so that the best design solution may be applied to a particular context or site. . It ensures that projects meet the intent and design objectives of the standards of this code, but allows for relief from strict application of the standards where an equal or better design solution is possible. Alternative compliance shall not reduce requirements of this code, but provide equivalent standards applied in a site-specific or creative way. Alternative compliance applications may be initiated by the property owner.

Specifically alternative compliance shall be applicable for any of the following:

1. Residential design standards in Section 24-503;
2. Non-residential design standards in Section 24-603;
3. Access and parking standards in Chapter 7;
4. Landscape standards in Chapter 8; and
5. Sign standards in Chapter 9.

- b. **Review Criteria.** The following criteria apply to any application that is proposing alternative compliance to any of the standards.

1. The alternative shall not alter any use standard, and deviation from any dimension or quantity standard shall be limited to 10%, except where specific sections authorize greater deviations. The Redevelopment Area established in Section 24-1007, shall not be limited in the extent of alternative compliance that may be considered.
2. The alternative shall be based on specific conditions of the site that make the applicable standard impractical, or where compliance with the standard would not clearly advance the intent and design objective of the standard.
3. The proposed alternative shall equally or better meet the intent or design objective of the particular standard.
4. The alternative shall not have negative impacts on the adjacent sites, and otherwise affect adjacent sites in a similar way as would otherwise occur by complying with the standard.
5. The alternative shall not undermine any other planning policy or design goals applicable to the site or general area.
6. The alternative shall not be strictly for the convenience of a specific project, but is justified under any of the following broader community benefits:
 - (a) aesthetic considerations that permit better coordination with the established character of the specific area;
 - (b) improved environmental performance;
 - (c) enhanced pedestrian amenity of civic spaces;
 - (d) adaptive reuse of existing buildings or infill on existing lots that otherwise would likely not occur;
 - (e) better serves public health and safety considerations; or
 - (f) more directly advances any official city-approved plans or policies applicable to a particular area.

- c. **Review Procedures.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the following requirements are specific to site plan applications:

1. Applications for alternative compliance may be submitted independently in advance of a site plan, provided there is sufficient information to evaluate the application according to the criteria. Alternatively, an application for a alternative compliance may be submitted with a site plan, provided that specific standards for which alternative compliance is

- proposed are clearly called out as a separate issue and decision in the application materials.
2. After staff review, receipt of any comments from referral agencies, and any necessary resubmittals, the Director may make a final decision.
 3. Any request for alternative compliance associated with another application that requires approval of another review body, may be approved by the Director conditioned on final approval of the associated application. The alternative compliance shall be noted in the associated application and either affirmed or denied by the review body according to the criteria of the associated application.
- d. **Effect of Decision.** Approval of alternative compliance shall be indicated by a written statement of the Director. It shall authorize deviation from the standards only to the extent demonstrated on the approved plans. The written statement of approval shall be included with a subsequent submitted site plan, or if associated with a site plan application clearly called out distinct from the site plan submittal. The approval shall only be valid for one year from the written statement, unless a complete site plan application is submitted, in which case the alternative compliance approval shall remain valid in association with the site plan submittal. The Director may grant an extension of up to 6 months provided the conditions affecting approval of the approval have not significantly changed. Denial of alternative compliance may be appealed to the Planning Commission.

24-209 Variance

- a. **Applicability.** A variance is a process to provide relief from a strict interpretation of the zoning and development standards of this code, which when applied to a particular property and in a specific context would create practical difficulties or unnecessary hardship on all reasonable use of the property. This application shall only apply to the design, dimension, and other site development standards of this code and shall not be used to authorize a use that is prohibited by the applicable zoning district. Variances may be initiated by the property owner.
- b. **Review Criteria.** A variance shall be reviewed and approved only on the finding by the Zoning Board of Appeals that the following conditions are met:
1. The strict application of this code would result in practical difficulties or unnecessary hardships that limit the reasonable use of the property without granting the variance.
 2. The difficulty or hardship is caused by conditions on the property that are unusual or atypical, are not are result of general conditions in the area, and were not created by the applicant.
 3. Granting the variance will not adversely affect the rights of adjacent property owners or residents.
 4. Granting the variance will not adversely affect the public health, safety, or general welfare.
 5. Granting the variance is consistent with the Land Use Chapter of the Comprehensive Plan and area or neighborhood plans, or may achieve greater consistency with these plans than if the codes were strictly applied.
 6. Granting the variance does not undermine the purposes and intent of this code, and is consistent with the specific intent or design objectives of the provision for which the variance is sought.
 7. The requested variance is the minimum necessary to relieve the difficulty or hardship and permit reasonable use of the property.
- c. **Minor Variance Procedures.** The Director may approve minor variances subject to the following:

1. Applications for minor variances may be submitted independently in advance of a site plan, provided there is sufficient information to evaluate the application according to the criteria. Alternatively, an application for a minor variance may be submitted with a site plan, provided the need for the variance is clearly called out as a separate issue and decision in the application materials.
 2. Mailed notice shall be provided to all abutting property owners, allowing up to 15 days for the owners to object. Any objections shall require the variance to be processed with the Zoning Board of Appeals according to the rest of this Section.
 3. Minor variances shall be limited to the following circumstances:
 - (a) Variance to a setback, building location, or building height requirement by up to 10% of the requirement. Where this would be less than 1 foot, the Director may approve a variance up to 1 foot.
 - (b) Variance to a lot or open space area or dimension requirement of up to 5% of the requirement.
 - (c) Variance to a building coverage requirement by up to 10% of the requirement.
 4. The Director's decision shall be based on the criteria in Section 24-209.b.
- d. **Review Procedures.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the following requirements are specific to variance applications not eligible for minor variances:
1. Applications may be accompanied by a site plan where it is necessary to review conformance with standards of this code and the variance criteria.
 2. After staff review, receipt of any comments from referral agencies, and any necessary resubmittals, the Director shall schedule review by the Zoning Board of Appeals.
 3. Approval by a majority of the Board present shall be necessary to grant a variance.
 4. In granting a variance, the Board may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
- e. **Effect of Decision.** Upon approval of a variance, a Certificate of Variance Approval shall be recorded for the subject property by the Director in the Weld County Clerk and Recorder's Office. Upon filing, the applicant may proceed with any necessary approvals or permits authorized in the variance. Any variance not filed and acted upon within 12 months shall expire and no further action is permitted. The Director may grant an extension of up to 6 months provided the conditions affecting approval of the variance have not significantly changed. Denial of a minor variance by the Director may be appealed to the Zoning Board of Appeals. Denial of a variance by the Board of Zoning Appeals may be appealed to the City Council.

24-210 Appeal of Administrative Decision

- a. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in any final decision in the interpretation, administration or enforcement of this code by an administrative official of the City. Except for where this Chapter and Table 24-2-1 establish a different appeal process for specific applications, appeals of administrative decisions may be filed with the Zoning Board of Appeals. Appeals may be filed by any person aggrieved and materially affected by a final decision of an administrative official, or by any officer, department, board, or official public body of the City. Appeals of administrative decisions shall be filed in writing with the Community Development Department within 10 days of the date of the decision being appealed.
- b. **Effect of Filing.** An appeal halts all proceedings in furtherance of the decision appealed from unless the official making the decision certifies to the Board that it could cause imminent peril to life or property. In such case, the Board may elect to allow the official to continue proceedings in furtherance of the decision while the appeal is pending a final decision of the Board.
- c. **Notice.** Notice of the appeal shall be served upon the person whose decision is being appealed by providing a copy of the appeal. The administrative official whose decision is being appealed shall transmit to the Zoning Board of Appeals all plans, applications and other files directly impacting the decision and constituting the official record upon which the action appealed is taken within 10 days of receipt of such filing of the appeal. If the appeal is based on an application that required any other notice under this code, notice of the appeal shall also occur as required by the original application.
- c. **Action and Review Criteria.** The Zoning Board of Appeals shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. A majority vote of the Board present shall be necessary to sustain an appeal. An appeal shall be sustained only upon written findings that the official was in error. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm wholly or partly or may modify the decision being appealed.
- e. **Effect of Decision.** The decision by the Zoning Board of Appeals shall have the same effect as a decision made by the administrative official but shall be limited to the facts and circumstances of that particular case. The Director may use the Zoning Board of Appeals decision on an appeal as a factor when applying the standard appealed from to other similar circumstances. Any person aggrieved by a final decision of the Zoning Board of Appeals may appeal City Council according to Table 24-2-1 and Section 24-201.i.

24-211 Code Amendments

- a. **Applicability.** Amendments to these regulations may be initiated by the City Council or the Planning Commission, or by Staff on behalf of these entities.
- b. **Review Criteria.** A code amendment shall be reviewed according to the following criteria:
 - 1. The amendment furthers the purposes of these regulations in Section 24-101.c.
 - 2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range affects as well as immediate impacts.
 - 3. The amendment promotes the public safety, health and general welfare of the citizens of Greeley.
 - 4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.
- c. **Review Procedures.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the following requirements are specific to text amendment applications:
 - 1. Applications may be accompanied by a related Comprehensive Plan amendment, or more specific plan, provided the amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed code amendment.
 - 2. All amendments shall first require the recommendation of the Planning Commission. The City Council may recommend the application be returned to Planning Commission for further study or additional information at its next regular meeting. Failure by the Planning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
 - 3. The Planning Commission may recommend or City Council may approve a lessor change than was proposed in the notice, when considering the proposed change relative to the currently applicable standards.
- d. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance. The Director shall incorporate approved amendments into this code by reference to the specific amending ordinance, and indicate the newly applicable provisions and the replaced provisions, or by recodification of the official code, that incorporates the approved amendment.

24-212 Dedication & Vacation of Easements

- a. **Applicability.** Dedication and vacation of easements is used to officially record or eliminate easements granting specific access and property interests stated in the recorded document. Easements may be dedicated or vacated in association with a minor or major subdivision, or by this section. Eligible applicants for dedication of easements include anyone with a property interest in the abutting and underlying land, and eligible applicants for vacations are only the easement holder.
- b. **Review Criteria.** The following criteria apply to dedication and vacation of easements:
 - 1. All legal pre-requisites for recording or eliminating the property interest have been established, and all forms and fees required by the City have been submitted.



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2. The applicant has established written evidence of ownership, and provided notice to all other ownership interests in the easement or affected property.
 3. The application will not be detrimental to any adjacent property owner, and no owner or entity with a property interest in the easement has objected.
 4. All parties in interest or potentially impacted by the application, and any agencies or city departments with an interest, have received notice and have had time to comment.
 5. For a vacation, there is no public purpose for the easement, considering the Comprehensive Plan, any specific transportation, open space or other public facilities plans, or other plans or policies under those plans.
 6. The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the municipal code.
- c. **Review Procedures.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the following requirements are specific to dedicating or vacating easements:
1. The applicant shall submit a plat or other legal document showing the specific property rights to be vacated or dedicated, and the affect to adjacent or abutting property.
 2. The Director shall coordinate review of the application per Section 24-201.f., and in particular determine whether any referral agencies who may have facilities or other interest in the easement or right-of-way should be notified, or if all potentially affected property owners have been notified.
 3. The Director shall sufficient time from notice for necessary referral agencies to comment, or require consent forms from any affected parties. The Director may extend this time period where the nature of the application or caseloads warrant further consideration from referral agencies, city departments, or other interested parties.
 4. After staff review, receipt of any comments from referral agencies, and any necessary resubmittals, the Director shall make a final decision.
- d. **Effect of Decision.** After approval of an easement dedication or vacation, the Director shall record the plat or other legal document with the Weld County Clerk and Recorder's Office. A denial of a vacation or dedication application may be appealed to the Planning Commission.

24-213 Dedication & Vacation of Rights-of-Way

- a. **Applicability.** Dedication and vacation of rights-of-way is used to officially record or eliminate rights granting specific access and property interests stated in the recorded document, which are not associated with a major subdivision process. Eligible applicants include the City or an abutting and underlying property owner. For any right-of-way abutting multiple property owners, the City may require that all owners join in the application.
- b. **Review Criteria.** The following criteria apply to dedication and vacation of rights-of-way:
1. All legal pre-requisites for recording or eliminating the property interest have been established, and all forms and fees required by the City have been submitted.
 2. The applicant has established written evidence of ownership of property abutting or underlying the right-of-way. Where multiple properties are involved each owner shall be joined in the application
 3. The application will not be detrimental to any adjacent property owner, and no owner or entity with a property interest in the easement has objected.
 4. All parties in interest or potentially impacted by the application, and any agencies or city departments with an interest, have received notice and have had time to comment.

5. For a vacation, there is no public purpose for the right-of-way, considering the Comprehensive Plan, any specific transportation, open space or other public facilities plans, or other plans or policies under those plans.
 6. For a dedication, the right-of-way will serve a public purpose and the dedication is sufficient to meet the design standards and specifications of Chapter 3 for streets, trails or other rights-of-way.
 7. The application meets all other procedures and requirements of the Colorado Statutes, the Colorado Constitution, and the municipal code.
- c. **Review Procedures.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the following requirements are specific to vacating rights-of-way or easements:
1. The applicant shall submit a plat or other legal document showing the specific property rights to be vacated or dedicated, and the affect to adjacent or abutting property.
 2. The Director shall coordinate review of the application per section 24-201.f., and in particular determine whether any referral agencies who may have facilities or other interest in the right-of-way should be notified, or if all potentially affected property owners have been notified.
 3. The Director shall allow sufficient from notice for necessary referral agencies to comment, or require consent forms from any affected parties. The Director may extend this time period where the nature of the application or caseloads warrant further consideration from referral agencies, city departments, or other interested parties.
 4. After staff review, receipt of any comments from referral agencies, and any necessary resubmittals, the Director shall schedule review by the Planning Commission.
 5. The Planning Commission shall consider the application subject to the review criteria and make a recommendation to the City Council.
 6. Upon receipt of a recommendation from the Planning Commission, the City Council shall make a final decision, and may condition a decision to vacate right-of-way on reserving any interest it determines necessary to serve a public purpose or the interests of the affected property.
- d. **Effect of Decision.** After approval of a right-of-way dedication or vacation, the City Clerk shall record a copy of the scale drawing or illustration and legal description in the Weld County Clerk and Recorder's Office.

24-214 **Annexation**

- a. **Applicability.** The annexation process is to add unincorporated lands to the municipal boundaries, and consider well-ordered development of the City, and the extension of municipal services and facilities in an efficient, and effective manner. Annexation applications may be by petition of the land owners or at the initiation of the City Council.
- b. **Review Criteria.**
1. *General Eligibility.* The City Council may consider an annexation petition for land that satisfies the eligibility requirements of the statutes of the state as follows:
 - (a) The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the municipal boundaries; and
 - (b) A community of interest exists between the area proposed for annexation and the City; the area is urban or will be urbanized in the near future; and the area is integrated with or is capable of being integrated with the annexing municipality.
 - (c) The full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.



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- (d) The responsibility to apply for exclusion from any applicable special districts shall be upon the applicant of the annexation.
 - (e) Annexations of enclaves may be initiated by the City Council when such enclaves have been completely surrounded by property within the municipal limits for a period of at least three years.
2. *Specific Criteria.* The Planning Commission and City Council shall evaluate annexations according to the following criteria:
 - (a) The proposed annexation is in conformance with the City's Comprehensive Plan;
 - (b) The proposed annexation promotes geographical balance of the City's land use pattern;
 - (c) Adequate services are or will be available to support the development expected to result from the proposed annexation, in accordance with Section 24-305.
 - (d) The proposed annexation provides for a continual and rational boundary; and
 - (e) The proposed annexation is needed to accommodate future land use requirements.
- c. **Review Procedures.** In addition to any specific procedure required by the laws of the state at the time of annexation, and in accordance with the general procedures applicable by Table 24-2-1 and Section 24-201, the following specific procedures apply to annexations:
 1. *Petition for Annexation.* The petition shall be signed by persons comprising more than 50% of the landowners in the area and owning more than 50% of the land area. Sample petitions are available from the Community Development Department.
 2. *Annexation Elections.* As an alternative to an annexation petition, the qualified electors of the area being proposed for annexation may petition the City Council to hold an annexation election.
 - (a) The petition for annexation election shall be signed by at least 75 qualified electors or 10% of the electors, whichever is less, or as otherwise required by state statutes.
 - (b) The petition shall be filed with the City Clerk and shall comply with the provisions of the state statutes.
 - (c) If the petition for annexation election is in substantial compliance with state statutes, the City Council shall call for an election to be held. Notice of such election shall be given by the City Clerk.
 - (d) If a majority of the votes cast are against annexation, or the vote is tied, the annexation proceedings to date will be voided and considered of no effect and the City Council shall proceed no further with the annexation proceedings.
 - (e) If a majority of the votes cast at the election are for annexation, the City Council may thereafter annex the area.
 3. *Application.* Application form and related application fees, including all additional plans and details required on the forms shall be provided by the applicant.
 4. *Request for Zoning.* The applicant shall submit a request for zoning in accordance with this section and Section 24-204, Rezoning or Section 24-205 Planned Unit Development. The Community Development Director shall conduct an analysis of existing land uses on the subject property to ascertain zoning and lawfully established nonconforming uses. Nonconforming uses shall be permitted to continue, as provided in Section 24-105.

5. *Staff and Agency Review.* The Director shall coordinate review of an application with all necessary reviewing agencies, and allow them two weeks from the date of distribution of the annexation plat and supporting documents to make any objections or comments to the Community Development Director. This time period may be extended to the minimum period needed to complete the review.
 6. *Resolution to Consider Annexation.* The City Council shall determine whether to proceed with annexation of property by resolution which shall include the public hearing date and, at the same time, shall determine if an annexation agreement will be required.
 7. *Annexation Impact Report.* For annexations of areas larger than ten acres, the City shall prepare an impact report concerning the proposed annexation. The report shall be prepared at least 25 days prior to the date of the City Council's hearing on the proposed annexation, and a copy of the report shall be filed with the Board of County Commissioners governing the area proposed to be annexed within five days after preparation of the report. The annexation impact report shall contain the following information at a minimum:
 - (a) A map or maps of the municipality and adjacent territory to show the following:
 - (1) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
 - (2) The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and
 - (3) The existing and proposed land uses in the areas to be annexed.
 - (b) A copy of any draft or final annexation agreement, if available;
 - (c) A statement on plans of the City for extending and providing municipal services at the time of annexation;
 - (d) A statement on the method to finance the extension of the municipal services into the area to be annexed;
 - (e) A statement identifying existing districts within the area to be annexed; and
 - (f) A statement on the effect of annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate students.
 8. *Planning Commission Hearing.* The Planning Commission shall hold a public hearing on the annexation. In making a recommendation on an annexation, the Planning Commission shall consider the review criteria in this Section, any comments received from agencies or offices receiving copies of the annexation plat, the staff recommendation and any comments received from citizens.
 9. *City Council Hearing.* The City Council shall hold a public hearing on the annexation. In taking action on an annexation, the City Council shall consider the review criteria in this Section, any comments received from agencies or offices receiving copies of the annexation plat, the staff and Planning Commission recommendations and any comments received from citizens.
- d. **Effect of Decision.** If the annexation is approved, the Community Development Director shall cause a copy of the signed annexation plat to be recorded in the Weld County Clerk and Recorder's Office. Annexed areas shall be included in the City's zoning ordinance and map within 90 days after the effective date of the annexation ordinance, except that the proposed zoning ordinance shall not be passed on final reading prior to the adoption of the annexation



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ordinance. The City shall consider zoning such newly annexed areas under the appropriate zoning category as follows:

1. If land use approval or development of areas being considered for annexation is not pending upon completion of annexation, if the subject property is in a transitional state regarding development or if it is in the best interest of the City, the City Council shall place the newly annexed property into the H-A Holding Agriculture Zoning District.
2. Requests for zoning districts other than the H-A Holding Agriculture District may be considered by the City Council in conjunction with the submittal of all applicable requirements for a rezoning application. The City Council shall place the newly annexed property into the zoning district most appropriate, considering the goals and objectives of the City's Comprehensive Plan and the applicant's future development plans.
3. Requests for zoning to the C-D Conservation District shall be exempt from the requirements of Subsections a. and b. above.
4. Property which does not have an approved Development Plan per Section 24-205.b. or other land use or development plan per Section 24-204.c.5.(a), and does not develop within three years from the effective date of this Section shall be required to submit plan prior to, or in conjunction with, subdivision or site development.
5. During the time in which zoning of newly annexed areas takes place, the City may refuse to issue any building or occupancy permit for any portion or all of the newly annexed area.

Reserved Sections 24-215 through 24-300

**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 3 RELATING TO SUBDIVISION STANDARDS, A NEW CHAPTER 4 RELATING TO ZONING DISTRICTS AND USES, A NEW CHAPTER 5 RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS, A NEW CHAPTER 6 RELATING TO NONRESIDENTIAL DEVELOPMENT STANDARDS, AND A NEW CHAPTER 13 RELATING TO DEFINITIONS AND TERMS.

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 July 27, 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 3 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 4 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 5 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 6 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 13 of Title 24 to read as shown in Appendix A.

Section 7. This ordinance shall become effective on October 1, 2021.

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

ATTEST:

CITY OF GREELEY

City Clerk

Mayor

Appendix A

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 3 RELATING TO SUBDIVISION STANDARDS, A NEW CHAPTER 4 RELATING TO ZONING DISTRICTS AND USES, A NEW CHAPTER 5 RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS, A NEW CHAPTER 6 RELATING TO NONRESIDENTIAL DEVELOPMENT STANDARDS, AND A NEW CHAPTER 13 RELATING TO DEFINITIONS AND TERMS.

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 3 – Subdivision Standards in Title 24 to read as follows:

Chapter 3. Subdivision Standards

24-301 Streets
24-302 Parks & Trails
24-303 Blocks & Lots
24-304 Required Improvements
24-305 Adequate Public Facilities

24-301 Streets

- a. **Intent.** The intent of the street design standards is to:
1. Plan street networks to connect to adjacent projects, correspond with the topography, and to ensure the proper arrangement of blocks and lots for coordinated long-range growth and development.
 2. Emphasize street design as a key determinant of Greeley's community image and unique identity.
 3. Integrate street networks and street designs with open spaces to establish a valuable public realm.
 4. Build complete and multi-modal networks of well-connected streets, trails, and paths to improve the access, capacity, safety, and efficiency of transportation systems.
 5. Plan frequent collector or neighborhood connector streets to link multiple projects or neighborhoods together, and avoid major streets becoming barriers.
 6. Use street design to call attention to differing contexts within the City, and to better support development patterns and uses abutting the streets.
 7. Design streets to account for all potential users of the streets, including pedestrians, bicycles, automobiles, trucks, and transit.
 8. Implement the Greeley Comprehensive Plan and Transportation Master Plan as development occurs, and in particular, the complete street policies and the connectivity policies of those plans.

- b. **Street Network.** Arterial, collector, neighborhood connector, and local streets shall generally be laid out according to the policies of the Comprehensive Plan, Transportation Master Plan, and other major street, parks, trail and open space plans. In the absence of more specific guidance in these plans, the following standards shall apply to street networks:

1. **Blocks and Connectivity.** Streets shall be laid out to provide a network of streets and blocks based on the planning context and development pattern as identified in Table 24-3-1:

Table 24-3-1: Block Sizes & Connectivity

Planning Context <i>Comprehensive Plan Development Framework Categories</i>	Block Size	Cul-de-sac Limits
Walkable Commercial & Neighborhoods <i>Downtown; Downtown, Legacy Urban, and Mixed Use Neighborhoods; Mixed Use Areas and Centers; and any other commercial areas or neighborhoods where walkable patterns are planned.</i>	200' min. 500' max. 5.5 ac. max.	Prohibited
Suburban Neighborhoods & General Non-residential <i>Suburban Neighborhoods; Employment, Industrial and Commercial Areas; and other areas supporting commercial corridors or employment areas outside walkable centers.</i>	260' min. 1,000' max. 8 ac. max.	500' max.



Figure 24-3-1 Connectivity & Block Sizes. Street networks shall be based on maximum block sizes (length between centerlines of perimeter streets and area) and stub to adjacent property at a frequency sufficient to create connected networks, unless exceptions justify not connecting.

2. **Exceptions.** The following are exceptions to the block and connectivity standards in Table 24-3-1:
- (a) **Natural Features, Parks, Trails or Other Civic Spaces.** Blocks or parcels abutting or containing important natural features, topographical constraints or otherwise creating parts of the public parks or common space system, may be larger provided the proposed street layout preserves these features and integrates them into public realm design for the area.
 - (b) **Regional Transportation Routes.** Blocks or parcels abutting significant regional transportation routes that impede local network connectivity, such as highways or rail rights-of-way, may be larger provided the street networks and development patterns achieve local connectivity in all other ways possible.
 - (c) **Rural Lots or Future Development Tracts.** Property divided into lots of at least five acres for rural or very low-intensity development, or tracts reserved for future development, may exceed block limits provided development is arranged to allow future streets in compliance with these regulations and a logical pattern of re-subdivision can occur with minimal disruption of buildings, utilities, and other structures.
 - (d) **Oversized Parcels.** Where oversized parcels are platted for special land uses or projects that involve large-scale buildings and development patterns, such as campuses, large-scale employment complexes, or regional commercial areas, blocks may be larger than specified in Table 24-3-1. Internal access streets shall mimic the block structure in Table 24-3-1, include the urban design amenity of streets in Table 24-3-2, and create logical extensions and connectivity to the public streetscape beyond the project.
 - (e) In any case where streets are not required to connect by Table 24-3-1 through exceptions to this Section, alternative designs such as loops, eyebrows, closes, or courtyard layouts are preferred over dead ends and cul-de-sacs.



Figure 24-3-2 Internal Access Streets. Internal access streets used to mimic public street networks and streetscapes for over-sized parcels and large scale development (24-301.b.2.(d)).

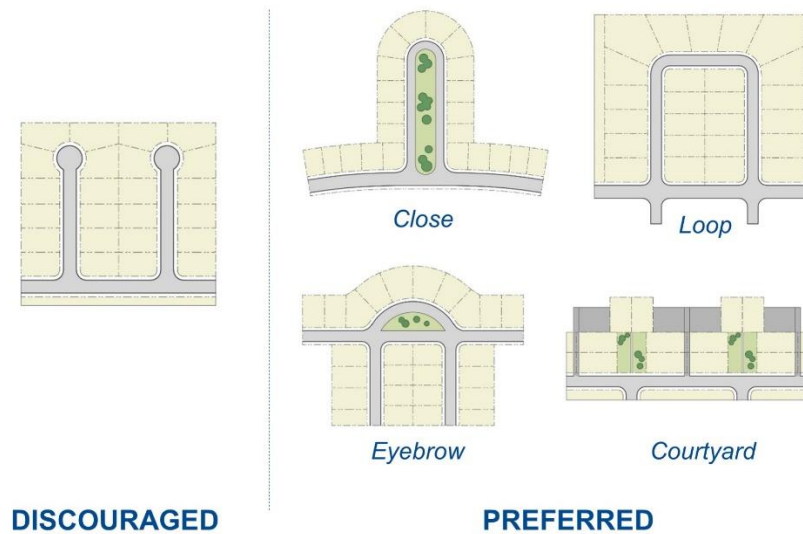


Figure 24-3-3 Disconnected Street Options. Where streets will not connect, blocks and lots should be laid out to limit the need for cul-de-sacs and maximize other options such as loops, closes, eyebrows and courtyard patterns. (24-301.b.2.(e)).

3. **Walkways and Bicycle Routes.** In any case where exceptions for larger blocks apply, or any other area where pedestrian and bicycle connections are important, such as adjacent to schools, parks, trail systems or community centers, the City may require pedestrian walkways or bicycle routes through blocks or at the end of any cul-de-sac. Connections shall be dedicated to the City and meet the City's trail standards or be common areas and meet the Trail or Pedestrian Passage design standards in Section 24-504.

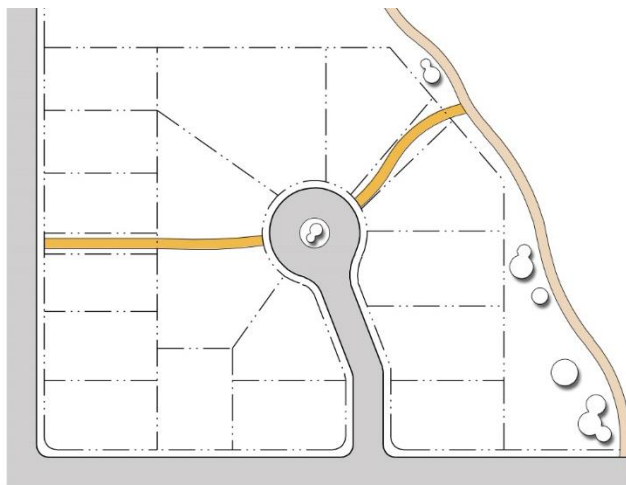


Figure 24-3-4 Walkways and Bicycle Routes. Where streets will not connect or where larger blocks are platted, connections for pedestrians or bikes may be required through blocks or at the ends of disconnected streets. (24-301.b.3).

4. **External Connections.** Streets shall be planned to provide continuation to adjacent undeveloped and future growth areas at intervals of at least the maximum block length in Table 24-3-1, unless justified by an exception in 24-301.b.2. The City may require dedication of right-of-way and construction of streets extended to the boundary line of the property to be subdivided, or approve alternative arrangements for location and timing of

construction that equally or better coordinate with anticipated future development of adjacent areas.

5. **Half Streets.** Street systems shall be laid out to eliminate or avoid new perimeter half streets between adjacent property owners. The full right-of-way width of streets shall be dedicated and half-streets shall only be accepted by the City when it conforms to the Transportation Master Plan.
 6. **Intersections and Offsets.** Streets shall be laid out to intersect subject to the following:
 - (a) Intersection angles should be as near as possible to right angles, and intersections less than 75 degrees are generally not acceptable.
 - (b) Oblique streets should be curved approaching an intersection and should be approximately at right angles for at least 100 feet prior to the intersection.
 - (c) Intersections should be generally aligned with existing intersections on the opposite side of the street, and offsets of the centerlines between 25 feet and 125 feet are generally not acceptable.
 - (d) Intersections of more than two streets at one point are generally not acceptable.
 7. **Alternative Compliance.** Alternative compliance to the street network standards established in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and where the proposed network meets any of the following additional applicable criteria:
 - (a) Better coordinate streets and trail connections with adjacent development, and particularly considering a greater frequency of bicycle and pedestrian connections.
 - (b) Implement any officially approved transportation plan for a specific area.
 - (c) Emphasize unique natural features or better correspond to topography,
 - (d) Implement traffic calming in a manner that improves pedestrian and bicycle connections.
 - (e) Create gateways and focal points within the street network by unique arrangements of streets and blocks.
 - (f) Average block sizes for the project as a whole implement a comparable or greater degree of connectivity, particularly considering the frequency of collector and neighborhood connector streets that can extend beyond the project.
- c. **Street Types & Design.** The street types in this section provide typical cross sections to implement context-based street design, design “complete” streets, and result in multi-modal networks for the various contexts in Greeley, based on the policies of the Comprehensive Plan and Transportation Master Plan.
1. **Context & Type.** The street designs are grouped with the following design types for application to specific contexts:
 - (a) **Neighborhood Streets.** A neighborhood-oriented residential street type, appropriate where a higher level of neighborhood design amenity and neighborhood walkability is desired. It is characterized by large street trees, wide sidewalks, slow speeds, and occasional on-street parking. Neighborhood streets require a well-connected network to disperse traffic and slow speeds, so that no single street is burdened with high volumes and speeds.
 - (b) **Pedestrian Streets.** A pedestrian-oriented commercial or mixed-use street type, appropriate for all areas where walkability is a goal. It is characterized by narrow lanes, slow speeds, on-street parking, wide sidewalks, and large, well-designed pedestrian amenity zones that support social and economic activity along these streets. Pedestrian streets require a highly-connected network so that a variety of street design types can better support abutting uses and urban design characteristics, and ensure that vehicles and pedestrians have multiple alternative and direct routes to destinations.

- (c) *Standard Streets.* A basic street type, appropriate generally where no particular development characteristics or urban design context warrant application of other street types. These streets accommodate peak anticipated vehicle traffic, but seek to balance and integrate other modes of transportation.
- 2. *Alternative Compliance.* The design standards shown for each street type in Table 24-3-2: Street Types and Cross Sections, are typical. They may be modified based on context and according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following additional applicable criteria:
 - (a) The Director shall consult with the Public Works Director to reconcile any planning, urban design, traffic, and engineering issues.
 - (b) In contexts where there is constrained rights-of-way, unusual topographic conditions, or unanticipated development pattern and traffic issues, specific elements of the cross section may be modified to best reflect the priorities for the street type expressed in sub-section c.1.
 - (c) Any official plan approved by the Planning Commission for streets, or applying specific street types or street sections to a particular area, shall be used by the Director and Public Works Director.
 - (d) The Director and Public Works Director may consult the guidance provided by the Transportation Master Plan, or any other street specification and design guides officially authorized by the City that meet the intent of this section.

Table 24-3-2: Street Types & Cross Sections

Street Type	ROW Width	Street Width [1]	Travel Lanes	Edge Condition [2]	Landscape Amenity	Sidewalk	Bicycle Facility [2]	Applicability / Functional Class
<i>Neighborhoods</i>								
Neighborhood Street	54'	30'	16' – 18' yield flow	7' parking both sides	7'+ parkway	5'	N/A slow street / low volume	• Local – Low Volume • Local Residential • 25' – 1-side parking; 20' – no parking
Neighborhood Connector	60'	32' - 34'	2 @ 9'-10'	7' parking both sides	8'+ parkway	6' - 8'	6' bike lane (optional)	• Local - Residential • Minor Collector - Residential
Neighborhood Parkway [3]	90'	34' (+ 12' - 20' center median)	2 @ 10'	bike lane	10'+ parkway 12' -20' median (optional)	8' -10'	6' - 7' bike lane	• Minor Collector – Residential • Major Collector – Residential • Minor Arterial - Residential
Access Alley [4]	20'	14'-16' (< 40 units) 16'-18' (41+ units)	n/a	shoulder	n/a	n/a	n/a	• n/a – internal to block
<i>Pedestrian (Walkable centers / Mixed Use areas)</i>								
Pedestrian Street	60' – 80'	36'	2 @ 10'	8' parallel parking both sides (angled optional)	4' – 8' amenity zone	8' -12'	N/A slow street / low volume;	• Local • Minor Collector
Avenue	90' - 100'	56'	4 @ 10'	8' parallel parking both sides (angled optional)	4' – 8' amenity zone	12' – 16'	6' bike lane (optional)	• Minor Collector • Major Collector • Minor Arterial
Access Alley [4]	20'	18' – 20'	n/a	shoulder	n/a	n/a	n/a	• n/a – internal to block
<i>Standard (Commercial / Industrial)</i>								
Standard Local	60'	36'	2 @ 11'	parking and/or bike lanes	7'+ parkway	5' – 8'	6' bike lane (optional)	• Local
Standard Collector	70'	36'	2 @ 11'	parking and/or bike lanes	8'+ parkway	6' -10'	6' bike lane (optional)	• Minor Collector
Standard Collector	90' – 100'	58'	4 @ 11'	bike lane	8'+ parkway	8' -12'	6' – 7' bike lane	• Major Collector
Standard Arterial	120+	72' (w/ 16' center median)	4 @ 11'	bike lanes	12'+ parkway	8' - 12'	6' - 7' bike lane OR 12' multi-use trail (off-street)	• Minor Arterial
Standard Arterial	130+	82' (w/ 16' center median)	6 @ 11'	curb & gutter	12'+ parkway & 16' center median	12'+ multi-use trail	12' multi-use trail (off-street)	• Major Arterial

[1] Street width is back-of-curb measurement, with curb and gutter included street width where it is on-street parking or a travel lane. Where bike lanes are on the edge, the curb and gutter may need to be added to the width to provide a clear surface for bicycles.

[2] Configurations reflect typical cross sections; where bicycle lanes or angled parking is optional, or where both are provided, greater street and ROW widths may be necessary for proper configuration.

[3] On a Neighborhood Parkway, a center median is optional, but if not provided space shall be allocated to a wider parkway with additional trees.

[4] Access alleys may be located in an easement at the City's discretion and provided a property owner's association or other entity with financial and administrative capacity for maintenance is established.

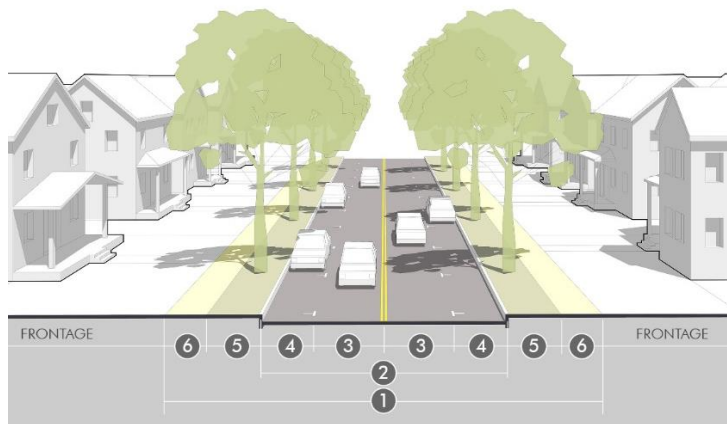
Neighborhood Street

①	ROW width	54'
②	Street Width	30'*
③	Travel Lanes	16' – 18' yield flow
④	Edge Condition	7' parking both sides
⑤	Landscape Amenity	7'+ parkway
⑥	Sidewalk	5'
⑦	Bicycles	N/A
Applicability		• Local – Low Volume • Local Residential



Neighborhood Connector

①	ROW width	60'
②	Street Width	32' – 34'
③	Travel Lanes	2 @ 9' – 10'
④	Edge Condition	7' parking both sides
⑤	Landscape Amenity	8'+ parkway
⑥	Sidewalk	6' – 8'
⑦	Bicycles	6' bike lane (optional)
Applicability		• Local • Minor Collector



Neighborhood Parkway

①	ROW width	90'
②	Street Width (curb-to-curb)	34' (+median width)
③	Travel Lanes	2 @ 10'
④	Edge Condition	bike lane
⑤	Landscape Amenity	10'+ parkway 12' – 20' median (optional)
⑥	Sidewalk	8' – 10'
⑦	Bicycles	6' – 7' bike lane

Applicability	• Minor Collector • Major Collector • Minor Arterial	
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Access Alley (Residential)

①	ROW / Easement width	20'	
②	Street Width	14 – 16" (< 40 units) 16' – 18' (41+ units)	
③	Travel Lanes	N/A	
④	Edge Condition	shoulder	
⑤	Landscape Amenity	N/A	
⑥	Sidewalk	N/A	
⑦	Bicycles	N/A	
	Applicability	N/A – internal to block	

Pedestrian Street

①	ROW width	60" – 80'	
②	Street Width	36'	
③	Travel Lanes	2 @ 10'	
④	Edge Condition	8' parallel parking (angled optional)	
⑤	Landscape Amenity	4' – 8' amenity zone	
⑥	Sidewalk	8' – 12' min.	
⑦	Bicycles	N/A	
	Applicability	• Local • Minor Collector	

Avenue

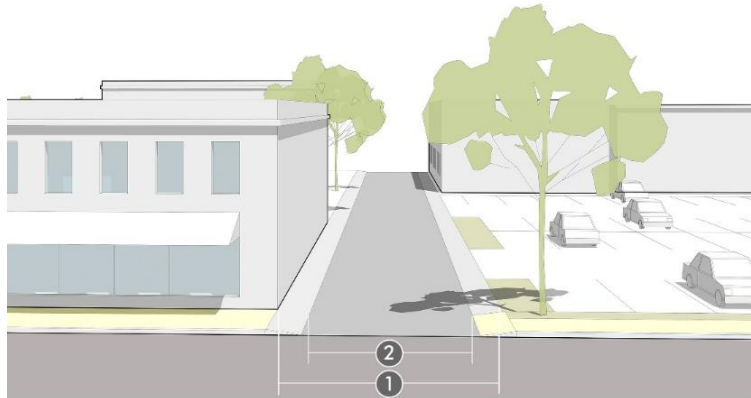
①	ROW width	90' – 100'	
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②	Street Width	58'
③	Travel Lanes	4 @ 10'
④	Edge Condition	8' parallel parking both sides (angled optional)
⑤	Landscape Amenity	4' – 8' amenity zone 12' -20' median (optional)
⑥	Sidewalk	12' – 16' min.
⑦	Bicycles	6' bike lane (optional)
	Applicability	• Minor Collector • Major Collector • Minor Arterial



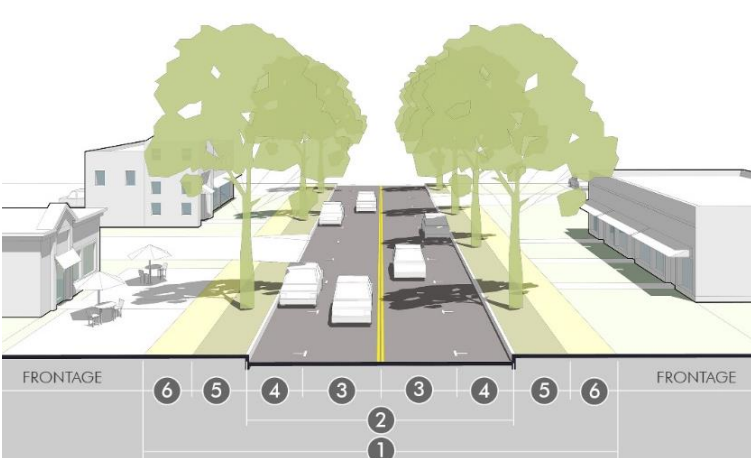
Access Alley (Commercial / Industrial)

①	ROW /Easement width	20'
②	Street Width	18' – 20'
③	Travel Lanes	N/A
④	Edge Condition	shoulder
⑤	Landscape Amenity	N/A
⑥	Sidewalk	N/A
⑦	Bicycles	N/A
	Applicability	N/A – internal to block



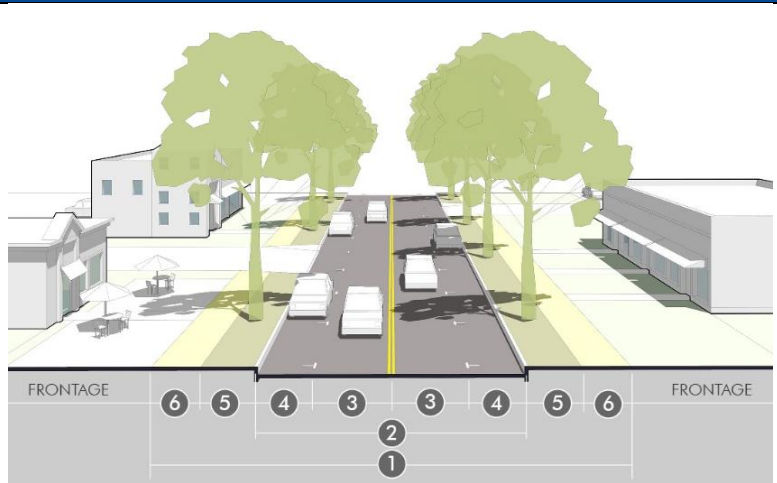
Standard Local

①	ROW width	60'
②	Street Width	36'
③	Travel Lanes	2 @ 11'
④	Edge Condition	Parking and/or bike lanes
⑤	Landscape Amenity	7'+ parkway
⑥	Sidewalk	5' – 8'
⑦	Bicycles	6' bike lane (optional)
	Applicability	• Local

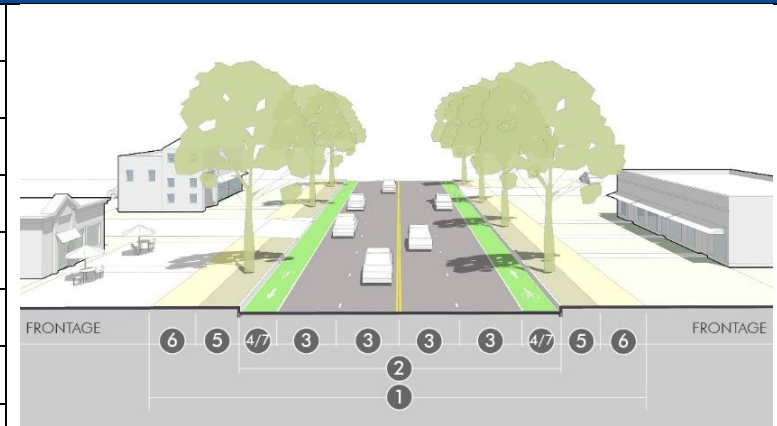


Standard Collector (Minor)

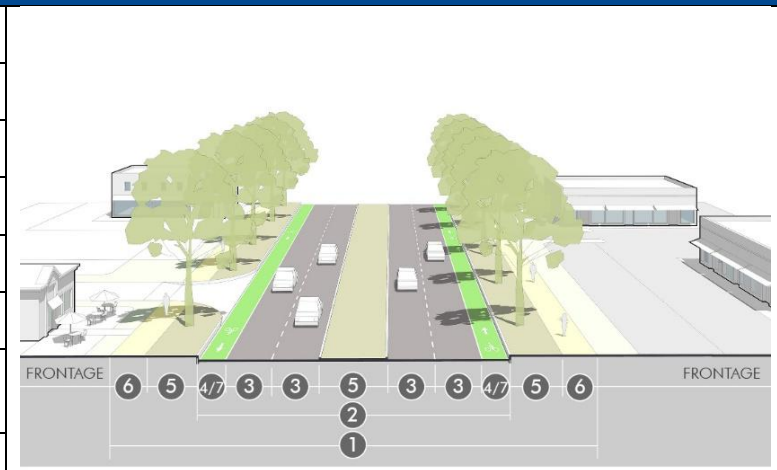
①	ROW width	70'
②	Street Width	36'
③	Travel Lanes	2 @ 11'
④	Edge Condition	Parking and/or bike lanes
⑤	Landscape Amenity	8'+ parkway
⑥	Sidewalk	6' – 10'
⑦	Bicycles	6' bike lane (optional)
	Applicability	• Minor Collector

**Standard Collector (Major)**

①	ROW width	90' – 100'
②	Street Width	58'
③	Travel Lanes	4 @ 11'
④	Edge Condition	bike lane
⑤	Landscape Amenity	8'+ parkway
⑥	Sidewalk	8' – 12'
⑦	Bicycles	6' – 7' bike lane
	Applicability	• Major Collector

**Standard Arterial (Minor)**

①	ROW width	120'+
②	Street Width	72' (w/ median)
③	Travel Lanes	4 @ 11'
④	Edge Condition	bike lanes
⑤	Landscape Amenity	12'+ parkway 16' center median
⑥	Sidewalk	8' – 12'
⑦	Bicycles	6' – 7' bike lane OR 12' multi-use trail (off-street)
	Applicability	• Minor Arterial



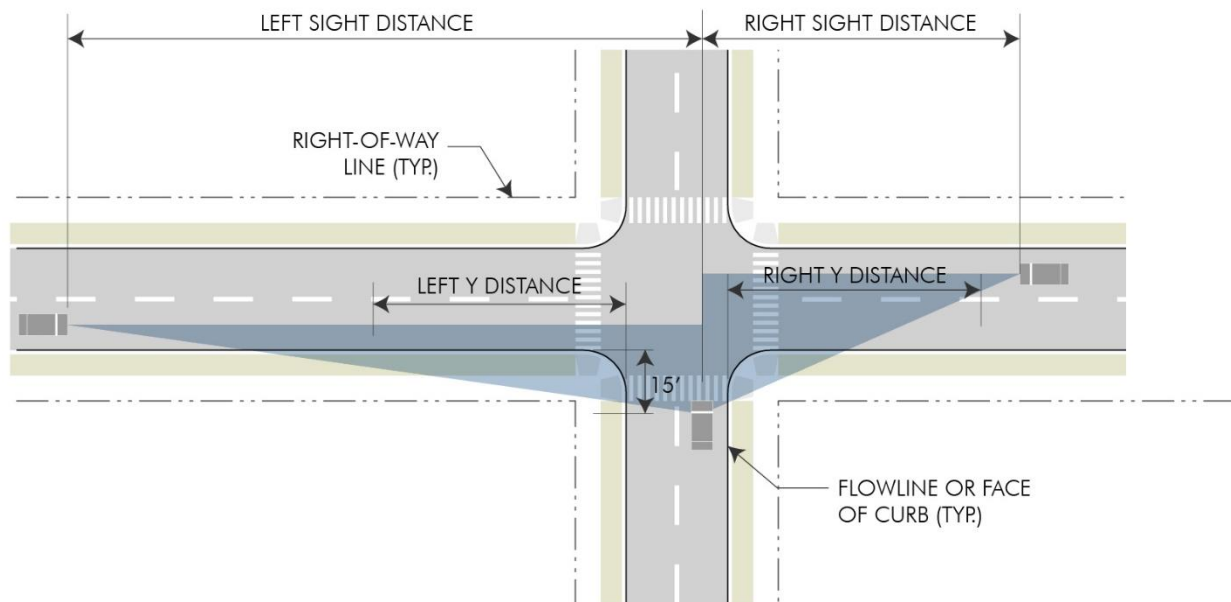
Standard Arterial (Major)		
①	ROW width	130'+
②	Street Width	82' (w/ median)
③	Travel Lanes	6 @ 11'
④	Edge Condition	Curb & gutter
⑤	Landscape Amenity	12'+ parkway 16' center median
⑥	Sidewalk	12' multi-use trail
⑦	Bicycles	12' multi-use trail (off-street)
Applicability		• Major Arterial

d. **Intersection Design.** Intersections shall generally be designed according to the Greeley Design Criteria and Construction Specifications for streets. The subsections below provide specific and additional considerations to align intersection design with the development patterns and public realm design of a particular area.

1. **Corner Radii.** In order to balance the competing interest of vehicle turning movements and the safety and distance of pedestrians crossing the street, the Director and Public Works Director may approve decreases from the corner radii specified in the Design Criteria and Construction Specifications based on the following considerations:
 - (a) The context of a particular development, and in particular, whether walkable development patterns are a priority.
 - (b) The impact that the specified radii has on increasing the distance that pedestrians must cross.
 - (c) The desired speeds of vehicles in the roadway and the desired speeds and volume of turning vehicles.
 - (d) The connectivity of the street network and whether vehicles have multiple alternative routes that minimize frequent turning movements at one particular location.
 - (e) The effective turning radius of vehicles considering other features of the specific cross section, including bicycle lanes, on-street parking or other configurations that impact the actual path of turning movements.
 - (f) The likelihood that large vehicles will make frequent turning movements at a particular location, compared with the ability of over-sized vehicles or unusual turning movements to safely encroach into other areas of the street.
 - (g) Other design guides or industry manuals officially authorized by the City that meet the intent of this section.
2. **Sight Distance.** Proper lines of sight shall be maintained at all intersections and all vehicle connections to the street. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street, or 15 feet back from the flow line where no specific point is evident, to all points 2.5 feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersecting street specified in Table 24-3-4, Clear Sight Distance.

Table 24-3-4: Clear Sight Distance

Class & Speed of Intersecting Street	Left Y Distance	Right Y Distance
Arterial 30 – 50+ MPH	150'	75'
Collector 30-35 MPH	120'	75'
Local 25 – 30MPH	60'	60'

**Figure 24-3-5 Clear Sight Distance**

- (a) These distances are typical to be used under normal conditions and may be modified by the Traffic Engineer to protect the public safety and welfare under exceptional conditions.
 - (b) No building, structure, vegetation or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in Table 24-3-6 to the centerline of the intersecting street.
 - (c) Street trees, light poles or other limited narrow obstructions are allowed within the sight triangle provided they do not have any foliage, limbs, or other broad obstructions between 2.5 and 8 feet and are no closer than 20 feet to the intersecting right-of-way line.
 - (d) Fully controlled intersections where signalization establishes and prioritizes safe turning movements may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the Director and Public Works Director.
3. **Crosswalks.** All intersections and crosswalks shall be designed to address conditions at each specific location, based on the guidance in the Transportation Master Plan and applicable standards in the Design Criteria and Construction Specifications. In general or where this guidance does not provide more specificity, sidewalks or trails intersecting with public streets or other vehicle access shall have crossings meeting the following standards:

- (a) Curb ramps meeting Americans with Disability Act (ADA) accessibility standards and guidelines shall provide a direct, non-diverted approach from the sidewalk along the block into the designated or protected crossing area.
 - (b) Crossings on collector streets or higher classification shall be considered for enhanced crosswalks including pavement markings, bulb outs, signalization, refuge islands or other traffic-calming measures that are appropriate to the context of the intersection.
 - (c) Where blocks exceed more than 700 feet between intersections or at other locations of high pedestrian activity, mid-block crossings shall be considered. Mid-block crossing designs and locations are subject to a specific recommendation and approval of the Director and Public Works Director.
 - (d) Any crosswalk over 80 feet, or any other significant pedestrian crossing, may require a pedestrian refuge in the median at the discretion of the Director and Public Works Director.
- 4. **Turn Lanes.** Turn lanes for left or right turn movements may be required for specific intersections, based on an approved traffic study and with consideration by Director and Public Works Director. Requirements for turn lanes should be based on careful consideration of the context balancing the impact of crossing distances for pedestrians, vehicle turning speeds, and prioritization of other planning, urban design, and traffic engineering issues. In general, this space should come from reconfiguration of the space within the roadway width near the intersection (i.e. within median space, narrowing lanes, or limiting on-street parking) rather than claiming space from the pedestrian area or streetscape, or rather than widening the road and right-of-way.
- e. **Traffic Calming.** In order to meet the desired speeds throughout the street network, to manage volumes in association with the street network, and to meet the City's Complete Streets policies and intent of this section, traffic-calming strategies may be required in street plans. Traffic calming may include bulb outs and curb extensions, medians and islands, neck downs, vertical diverters, enhanced or raised crossings, and other speed management techniques approved by the Director and Public Works Director. [See *National Association of City Transportation Officials Guidelines*.]
- f. **Engineering and Construction Specifications.** All other engineering specifications, horizontal and vertical alignment, design details, and technical or construction specifications for constructing streets shall be covered by the City of Greeley's Design Criteria and Construction Specifications for streets, and administered by the Public Works Director.

24-302 Parks & Trails

- a. **Intent.** The intent of this section is to:
 - 1. Emphasize open and civic space design as a key determinant of Greeley's community image and unique identity.
 - 2. Integrate parks and trail systems, and other common areas into the patterns of streets and blocks to create a coordinated public realm.
 - 3. Value the design, function and appropriate location of different types of open space, rather than solely the quantity of space.
 - 4. Consider the context and multiple functions that open spaces can serve to support development including ecological, recreation, aesthetic and urban design functions.
 - 5. Promote good civic design and create focal points for the community, district, neighborhood or development site.

6. Integrate natural systems into the design of public or common open spaces to improve stormwater management, protect water resources, preserve ecosystems, and improve sustainability efforts.
7. Implement Greeley's Parks, Trails, and Open Lands Master Plan, other plans for natural areas and trails, and coordinate the design and location of other open and civic spaces with these plans.

- b. **Required Park Dedication.** All residential subdivision applications shall dedicate land suitable for the development of parks according to the formula in Table 24-3-5: Park Land Dedication. Where no suitable land is available in the proposed development, the City may accept the cash-in-lieu equivalent of the land value. This requirement shall also apply to any rezoning or use by special review for residential uses that is not associated with a plat application, and where a previous plat application was not required to dedicate land or pay a cash-in-lieu equivalent.

Table 24-3-5: Park Land Dedication		
	Dedication Requirement	Formula
Total Acre Requirement	9.75 acres / 1,000 people	Units x 2.7 people / unit x 0.00975 acres / person
Neighborhood Park	3.25 acres / 1,000 people	Units x 2.7 people / unit x 0.00325 acres / person
Community Park	3.5 acres / 1,000 people	Units x 2.7 people / unit x 0.0035 acres / person
Sports Complex	1.5 acres / 1,000 people	Units x 2.7 people / unit x 0.0015 acres / person
Regional Park	1.5 acres / 1,000 people	Units x 2.7 people / unit x 0.0015 acres / person

1. The city reserves the right to adjust the acreage requirement between the four park categories as deemed necessary to meet specific needs and to determine the amount of developed park acreage required based upon recommendations by the Cultural, Parks and Recreation Department.
 2. Existing dwelling units within a subdivision shall be excluded from the calculation of the park dedication requirement.
 3. Where a final unit count cannot be determined until subsequent stages of a project, land dedication shall be based on an assumed average density. Multifamily density shall be assumed at 20 dwelling units per acre but may be adjusted by the City where more specific information on the site, developable area or anticipated building types exist.
 4. Land proposed for park dedication shall be clearly identified on any submitted plat including the number of acres for each site and the total acreage proposed for city park dedication within the project.
 5. The dedication shall be by warranty deed, and the title shall be free and clear of all liens and encumbrances, including real property taxes prorated to the time of dedication. The applicant shall provide the City with a title insurance policy in the City's name and a certified survey at the time of conveyance.
 6. Land dedicated for parks shall include adequate site access, installation of curb, sidewalks, and storm drainage systems, and the necessary water rights or other available water service to provide for irrigation and drinking water.
 7. Community park and/or sports complex park land shall be dedicated to the City prior to recordation of the first final plat for the subdivision as defined by the preliminary plat. Neighborhood park land shall be dedicated at the time of the final plat for the area to be served by the neighborhood park.
- c. **Cash-in-lieu of Dedication.** Cash-in-lieu of land dedication may be used when the City determines the cash value of land to be more appropriate in satisfying the needs of the proposed subdivision than land within the proposed subdivision. Typical cases include small developments, locations with disadvantageous topography or access, or developments that already have adjacent facilities that could be expanded to satisfy the need created by the proposed development.

1. The City will adopt a pre-determined per acre cash-in-lieu of land for parks amount, that may be administratively adjusted periodically and will be available on file with the Community Development Department. The pre-determined amount will be based on a mass appraisal performed by an independent qualified appraiser using generally accepted appraisal practices. As an alternative to the City's predetermined cash-in-lieu amount, the applicant may submit a proposal for determination of the cash-in-lieu amount. The proposal shall supply supporting information, including at least one report by an independent, qualified appraiser using generally accepted appraisal practices. The supporting information supplied must be adequate to allow the City to evaluate the proposed amount. If the City determines that the alternate proposal is not adequately supported, the City's predetermined cash-in-lieu amount will be applied.
 2. The cash-in-lieu amount will be paid at the time the plat is recorded, unless otherwise determined by the City and agreed to in a subdivision improvement agreement.
 3. The City may adjust the cash-in-lieu requirement between the types of open and civic space in this code, or based on any policies of the Parks, Trails, and Open Lands Master Plan.
 4. The City may accept combinations of cash and dedication where only a portion of the required dedication can be met by acceptable park sites within the project. The required cash value shall be pro-rated to the amount of required land not dedicated and accepted.
- d. **Trails & Natural Areas.** The City may require or the applicant may offer trails and natural areas for public dedication in addition to the land for parks and rights-of-way. Based on the recommendations of the Parks, Trails, and Open Lands Master Plan, and other plans of the Culture, Recreation and Parks Department, the City may accept the dedication, and may credit this dedication to the parks requirement where it equally or better meets the intent of this section.
- e. **Neighborhood Features & Common Area Systems.** Land dedication, or cash-in-lieu of dedication parks is not intended to replace, discourage, or prohibit the creation of pocket parks, civic spaces, or other open lands features operated and owned by a homeowners' association or other governing entities for any other public, common, or private purpose. Section 24-504 includes requirements for Neighborhood Features and Common Areas. These areas shall be coordinated with the design and location of street networks, parks and trails to better leverage a system of parks, trails, open lands, and civic spaces throughout the area.

24-303 **Blocks & Lots**

- a. **Intent.** The intent of the blocks and lots standards is to:
1. Ensure the proper arrangement of blocks and lots to complement the street network, parks and trail system, and neighborhood features and common areas.
 2. Arrange blocks, lots and development in a manner that is least disruptive to existing topography and capitalizes on inherent natural characteristics of the land as defining features.
 3. Coordinate access and utilities for each lot in association with larger systems of streets and infrastructure.
 4. Promote appropriate site, building and frontage designs in relation to streetscapes and open spaces.
 5. Ensure that all lots are buildable according to this code, that all sensitive, hazardous or other non-buildable areas are preserved from development, and that all non-developed out lots or other parcels serve an urban design or planning function in relation to the overall development pattern.

b. Block & Lot Arrangement

1. *General Layout.* All blocks shall be laid out to have two tiers of lots unless dictated by existing development patterns outside of the control of the project or by access management on major arterial streets or railroad rights-of-way. In these cases, streetscape standards, trails, or common areas should be used to create buffers and transitions where the rear of lots would abut these areas.
2. *Hazards and Unbuildable Areas.* Blocks and lots shall be arranged to avoid hazards and unbuildable areas including steep grades, unstable or expansive soils, lands with inadequate drainage or subject to flooding, and natural drainage areas. These areas shall be incorporated into open and civic space systems, restricted tracts or out lots, or otherwise mitigated to eliminate hazards.
3. *Block Size & Patterns.* The maximum block length and size shall be based on the street connectivity standards in Section 24-301.b.
4. *Lot Patterns.* All lots shall front on a public street, or on an internal access street or common area open space where specifically allowed by these regulations. Lots shall meet the standards for the zoning district, or where applicable for the specific permitted building types. All side lot lines shall generally be perpendicular to front lot lines, or radial to any curves along the front lot lines. Other irregular lot patterns shall only be permitted where they are used to integrate patterns of buildable lots into the overall block structure and to provide consistent relationships of buildings and lots to the streetscape.
5. *Addressing.* All lots and other parcels shall require an address following City address policies and guidelines, including streets and street names.
6. *Easements.* All blocks shall include easements for all utilities, required improvements, and access necessary to serve each lot.
 - (a) Easements shall be granted by the owner to the appropriate entity, according to the needs and specifications of that entity.
 - (b) Easements shall be coordinated with each entity early in the platting process to ensure proper arrangement of blocks, lots and building sites.
 - (c) In general, easements and any associated structures or facilities shall be located on the most remote and least visible portions of sites. Where available, alleys shall be used for easements and services. Otherwise, easements and associated facilities shall be located along rear lot lines, remote corners, and other low-visibility joint lot lines.
 - (d) In cases where block, lot and building patterns necessitate easements and facilities along the side or front lot lines, additional design and screening may be required to ensure appropriate relationships to frontages and streetscapes.
7. *Drainage.* Where a subdivision is traversed by a watercourse, drainage way or stream, blocks shall be laid out in coordination with these features.
 - (a) A pedestrian or bikeway easement may be required where drainage areas interrupt the block structure more than permitted in Section 24-301.b, or where the City determines the area is appropriate for active recreation or transportation uses.
 - (b) All necessary rights-of-way and easements shall be dedicated to the City or other public entity to preserve the hydrologic, environmental, or stormwater function of the watercourse, drainage way or stream.
 - (c) Access for service vehicles shall be incorporated into the design of any drainage areas or easements internal to the block structure or common areas.

24-304 Required Improvements

- a. **Intent.** The intent of this section is to:
1. Ensure that all improvements necessary to serve lots within a subdivision are constructed, inspected or otherwise assured of completion prior to the issuance of permits and final approvals.
 2. Prevent the location or design of a subdivision from placing an undue burden on public utility systems and community facilities serving other areas.
 3. Provide appropriate apportionment of costs, and offset higher net costs or premature costs to the public resulting from subdivisions.
 4. Protect against subdivisions where soil, subsoil or flooding conditions would create potential dangers to public health or safety.
 5. Coordinate subdivisions and construction of required improvements with other anticipated improvements or with future growth.
- b. **Timing of Improvements.** All required improvements shall be provided in one of the following ways:
1. *Construction Prior to Building Permit.* Improvements may be constructed and certified record drawings of as-built shall be submitted to the City and certified that it was built as shown and to city specifications by:
 - (a) the contractor;
 - (b) the project surveyor; and
 - (c) the project engineer
 2. *Financial Guarantee.* The applicant may defer any improvements by submitting a financial guarantee for 125% of the total cost of improvements based on approved design or construction plans.
 - (a) The guarantee shall be in a form and for an amount acceptable by the City.
 - (b) Any deferral of streets shall require all weather surfaces of concrete, asphalt or road base placed on the lip of the curb and gutter for interim access of construction and emergency vehicles.
 - (c) All improvements for the particular phase of the plat shall be installed prior to a certificate of occupancy for any part of the phase.
 - (d) Upon submittal and acceptance of as-built drawings for the improvements, the City may release the financial guarantee, but retain 20% for the 2-year warranty period.
 3. *Subdivision Improvement Agreement.* The City and the applicant may enter into a subdivision improvement agreement recorded in association with an approved plan that more specifically defines the type, timing, and guarantees for required improvements.
- c. **Required Improvements.** The following improvements and plans are required for all subdivisions. All improvements are subject to the City or other responsible entities' standards, plans, and specifications for improvements.
1. Survey monuments;
 2. Sanitary sewer main lines and service lines to each lot;
 3. Water main lines and service lines to each lot;
 4. All non-potable mains and services to required lots'
 5. Fire Hydrants

6. Storm sewers, culverts, detention facilities, bridges and any other approved storm drainage components, or elements required by a Stormwater Management Plan.
7. Dust Abatement and Erosion Control Plan; and
8. Perimeter Treatment Landscape Plan.
9. Utilities (telephone, electrical service, gas lines and cable television). All utilities shall be installed underground and be in place prior to any postponed street or alley surfacing. Above-ground facilities necessarily appurtenant to underground facilities or other installation of peripheral overhead electrical transmission and distribution feeder lines or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines may be above ground. No curb, gutter or sidewalk shall be installed until all utilities are provided.
10. Streets, Alleys and Sidewalks. All streets shall be paved and all other improvements such as sidewalk, bike paths, curb and gutter shall be installed as required. In cases where an existing street has not been brought up to City specifications the street shall be paved and all other improvements such as sidewalk, bike paths, curb and gutter shall be installed in order to meet City specifications. If any subdivision is located adjacent to any existing street right-of-way, the applicant shall improve at least the adjacent half of the street according to City specification.
11. Street signs (on residential projects only);
12. Street Lights
13. All other improvements required as a condition of approval of the plat or contained within the subdivision improvement agreement shall be completed.

- d. **Procedures for Improvements.** To ensure that all required improvements are built according to City specifications, the construction process shall generally take the following steps:

Table 24-3-9: Procedures for Improvements	
Step 1: Construction permit application	- Plans and specifications, submitted by the applicant. - Warranty for improvements submitted per Section 24-304.e.. - Staff review and scheduling of pre-construction coordination meeting.
Step 2: Construction permit issued	- Release of grading permits - Release of ROW permits
Step 3: Initial Inspection	- Permittee notifies the City of completion of construction as permitted. - As-built drawings submitted by the permittee, certified by the contractor, surveyor and project engineer. Any major changes to the as-built drawings shall be reflected and recertified prior to Final Acceptance. - City inspects and issues a punch list for any necessary deficiencies or maintenance. - If no punch list items, or after punch list completed, Preliminary Acceptance by the City and Certificate of Substantial Completion issued. - City maintenance begins, but permittee financial responsibility for defects, maintenance and repairs continues. - Two year warranty period begins
Step 4: Intermediate Inspection	- Option of the City. - Any point at least 120 days prior the expiration of warranty period.
Step 5: Final Inspection (30 – 60 days prior to expiration of warranty period)	- Permittee submits request for Final Acceptance Certificate - Punch list issued for any outstanding items to be completed before end of the 2-year warranty. - If no deficiencies identified, Final Acceptance Certificate issued - Release of warranty authorized (unless cash deposit option used, which is non-refundable)

- e. **Warranty.** All public improvement infrastructure, perimeter landscaping treatment improvements and common area improvements shall provide a two-year warranty period covering design and construction defects.

1. Warranty shall be one of the following, at the option of the permittee and subject to approval of the form by the City:
 - (a) Warranty Bond for 20% of total construction cost of required improvements
 - (b). Letter of Credit for 20% of total construction cost of required improvements
 - (c) Cash deposit for 1% of total construction cost of required improvements that is non-refundable. A cash deposit is an administration fee and shall not be construed as creating any type of insurer/insured relationship or subject the City to the provisions of Title 10, C.R.S.
2. The warranty amount shall be based on an estimate provided by the applicant, or the Director may determine an alternate amount based on relevant similar projects and comparable improvements.
3. The City may approve the construction permit in clearly defined, logical phases of construction, and may accept the apportioned warranty prior to the beginning of each phase.
4. The use of the warranty shall be restricted for the repair, replacement, completion and maintenance of all improvements subject to the construction permit, including detention facilities, perimeter landscaping and open space.
5. If the City uses any of the warranty, the permittee shall replace that amount used prior to being issued any new construction permits, either for the affected specific project or any other projects in which the permittee has an interest.
6. The City may extend the two-year warranty for all or a portion of the amount if major items have not been repaired/replaced to the City's satisfaction.
7. At least once each year, the City Engineer shall review the use of all cash payment funds received by the City pursuant to this Section. After review, the City Engineer shall report to the City Manager and City Council, and make recommendations regarding the cash payment fund including transfers of fund balances to the General Fund.
8. After final inspection and final acceptance, and at the end of the 2-year warranty period, the City shall release the permittee from any Warranty Bond or Letter of Credit. If the warranty is by cash deposit, this amount is not refundable.

24-305 Adequate Public Facilities

- a. **Intent.** The intent of the adequate public facilities standards is to:
 1. Anticipate and evaluate the incremental and long-term impact of development on broader public and community facility needs.
 2. Identify opportunities to integrate plans for public and community facilities into the planning and design of proposed land divisions.
 3. Consider the location of public and community facilities in coordination with the initial planning considerations for streets, open spaces, blocks, and lots, so that needed facilities are appropriately located prior to the premature commitment of these areas to conflicting development patterns.
 4. Ensure that public facilities needed to serve new development are available concurrent with development, and maintain service levels in existing areas as new development occurs.
 5. Apportion appropriate costs for the impact of new development on existing and planned public facilities.
 6. Provide the opportunity to negotiate implementation of public or community facilities beyond the impact of the particular project, where the lack of facilities may otherwise constrain potential future development.
 7. Promote fiscal responsibility for all public entities by coordinating the planning, design and financing of public facilities with the impact generated from proposed development.
- b. **General Requirements.**
 1. *Public Facility Plans.* Public facilities shall be provided consistent with the following adopted City documents:
 - (a) Comprehensive Plan;
 - (b) Water, Sewer, and Non-potable Water Master Plans;
 - (c) Comprehensive Storm Water Master Plans;
 - (d) Transportation Master Plan;
 - (e) Development Fee Study;
 - (f) Parks, Trails, and Open Space Master Plan; and
 - (g) Other adopted documents related to City capital improvements.
 2. *Service Area Map.* Available services shall generally mean existing services of standard sizes of public water and sewer mains. The City updates the existing service area map regularly.
 3. *Project Impacts.* Individual projects will be evaluated for adequacy based on specific studies provided by the applicant and accepted by the City that demonstrate:
 - (a) The location of the proposed development relative to existing facilities and service;
 - (b) The ability of the project to access those facilities and services; and
 - (c) The capacity of existing facilities and services to serve the new project while maintaining acceptable levels of service for existing development.
 4. *Other Provisions.*
 - (a) Finding of adequate facilities does not exempt the applicant from paying impact fees provided in Section 24-305.d.
 - (b) Nothing in this Section shall limit the City from denying an application where it otherwise determines that adequate public facilities will not be in place concurrent with the application, despite the effect of any of the requirements or options provided in this Section.

- (c) Nothing in this Section shall prohibit any other public entity from establishing fees that apportion the appropriate contribution for the impacts on planning, design and land acquisition for facilities needed due to the development.

c. **Specific Adequacy Standards.** In addition to being consistent with the public facility plans in Section 24-305.b.1, adequacy of specific public facilities shall be evaluated as follows. City analysis and project-specific studies of the impact, demand and capacity of existing facilities will be required to make a final adequacy determination.

1. *Fire.* Fire service is considered adequate if the proposed development is located within a 1.38 mile radius of an existing, operational fire station. This requirement is based on the analysis that one fire station is needed for every 30,000 people generally living in a six-square-mile area, as applied in the Comprehensive Plan. Proposed developments including land uses that pose a high risk of fire may be subject to more stringent requirements.
2. *Parks.* Park facilities are considered adequate if the proposed development is located within a half-mile radius of a neighborhood park and within a one-mile radius of a community park, where the park is not separated from the proposed development by an expressway, facility or natural feature. Regional parks, trails, natural areas, or sports facilities are not included in the analysis unless they contain facilities equivalent to those available in neighborhood parks.
3. *Police.* Police service extends to the City limits and adequacy shall be determined according to call response times relevant to the proposed development location.
4. *Sanitary Sewer.* Sewer facilities are considered adequate if the proposed development is connected to a sewer line that is eight inches or larger in diameter with sufficient system capacity as defined by the City.
5. *Water.* Water facilities are considered adequate if the proposed development has sufficient connection to existing water lines that are eight inches or larger in diameter with sufficient system capacity.
6. *Storm water.* Storm water facilities are generally considered adequate if the site can safely convey storm water runoff to a regional storm water detention facility with sufficient capacity as defined by the City. If the City determines that the proposed development cannot safely convey runoff to an adequate storm water system, adequacy requirements shall be met with detention facilities constructed on site.
7. *Transportation.* Transportation facilities to support new development are generally considered adequate if the proposed development is connected to a collector or arterial road or expressway (or will be connected at the time the improved arterial or collector is constructed within the two-year budget cycle) constructed to an acceptable cross-section with sufficient capacity to serve the development as defined by the City.

d. **Impact Fees.** To mitigate project impacts on City service systems beyond the improvements required in Section 3.04 Required Improvements, developers shall pay standard impact fees established by Title 6, Chapter 15 of the Greeley Municipal Code

1. If the facility is currently inadequate, sub-standard, or not existing, the impact fee shall be paid at the time of final plat. For purposes of economic development, the City may defer the impact fees for commercial and industrial development until the time of a building permit.

2. Impact fees where adequate facilities are existing shall be paid at the time of building permit.
3. As an alternative to the fee, the City may accept the applicant constructing or upgrading of any facility to the standards of this Section.
4. **Exceptions.** The City Council may waive requirements that the developer absorb the development costs identified through the adequacy analyses outlined above, and obligate the City to pay said costs only if all of the following conditions are true:
 - a. The project meets City economic development goals as defined in Chapter 4.52 of the municipal code;
 - b. The cost benefit analysis has been prepared by the applicant and accepted by the City; and
 - c. The City Council has identified an adequate mechanism for funding mitigation of impacts at the time of development.
- e. **Reimbursement Agreements.** Applicants constructing required improvements for their property, or other adequate public facilities to serve their project, may be required to oversize the facilities to serve areas larger than their project based on planned future facility for the City. The City may require the applicant to enter into reimbursement agreements established elsewhere in the municipal code and according to the policies and procedures of the department responsible for the facility.
- f. **Dedication of Land.** The City may require the dedication of land to the City or other government entity with jurisdiction over public and community facilities, for parks, open space, public safety facilities, or other public or community facilities.
 1. The requirement shall be based on an official master plan of the entity having jurisdiction over the facility identifying the general location and extent of the facility, or some other documented need for the facility that is available for public review.
 2. The dedication must be included on the preliminary plat or a condition of approval of the preliminary plat.
 3. Acceptance of the dedication shall be agreed to in writing by the entity having jurisdiction over the site or facility prior to approval of the final plat or through approval of the final plat if dedication is to the City.
 4. Dedication of land for community facilities beyond the impact of the application may be credited to the required impact fees based on a detailed analysis and documentation showing costs of land.

Reserved Sections 24-306 through 24-400

Section 3. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 4 – Zoning Districts and Uses of Title 24 to read as follows:

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

24-401 District Intent & Applicability

- a. **Intent.** To carry out the purposes of this code, the following districts are established, with the intent given for the context and character of specific areas, the development patterns, and the types or intensity of uses and buildings. The relationship to the Comprehensive Plan is listed to guide the applicability of all zoning districts, but is not determinative in any case without considering the rezoning criterial in Section 24-204.

Table 24-4-1: Zoning Districts & Intent

<i>District & Intent</i>	<i>Relationship to Comprehensive Plan</i>
H-A – Holding-Agriculture. The H-A district is intended for properties which have been annexed to the City and are either being used for agricultural purposes or have little or no immediate development potential. Due to the development patterns and inefficiency of providing city services, this area receives only limited infrastructure investment and is therefore used as a “pre-development” district to either preserve open and rural lands and agriculture uses, or hold areas until more coordinated planning for infrastructure, land uses, and design can occur.	Limited application as a pre-development area or for agriculture uses in Rural Neighborhoods
R-E - Residential Estate. The R-E district is intended for very low density residential living with detached houses on larger lots or in rural patterns. The district permits limited institutional uses and less intense rural uses that are compatible with low density living. Due to the dispersed development intensity, this area receives lower levels of infrastructure and public service, and should have limited application unless mixed with an overall pattern of housing options.	General application in Suburban Neighborhoods. Limited application in other Neighborhoods for large lot options on the edges of walkable patterns; or in Rural Neighborhoods as part of conservation and open space patterns.
R-L- Residential Low Density. The R-L district provides residential living (detached houses) in lower-density suburban neighborhood settings with access to supporting uses such as schools, churches, parks and other public facilities. Alternatively, it may be used for single-family areas integrated into walkable or urban neighborhood patterns.	General application Suburban Neighborhoods Limited applicability in Mixed-use, Legacy Urban, and Downtown Neighborhoods if integrated into walkable patterns.
R-M – Residential Medium Density. The R-M district provides residential living (wide range of small-scale residential building types) in a compact, walkable neighborhood settings allowing a mix of housing options at strategic locations which transition to complimentary and supporting non-residential uses. A well-designed public realm provides the focal point to integrate a variety of building types with a consistent neighborhood character.	General application the Mixed-use, Legacy Urban, and Downtown Neighborhoods. Limited Application in Suburban and Rural Neighborhoods, as part of housing mix or creating walkable neighborhoods.
R-H – Residential High Density. The R-H district provides multi-family residential living in a moderate-density pattern in suburban neighborhoods or higher-density, and larger-scale projects in strategic locations for walkable and urban neighborhoods. It is located in areas that have transitions between lower-density neighborhoods or more intense non-residential uses and where a high level of accessibility, public amenity and support services are immediately available.	General application the Mixed-use, Legacy Urban, and Downtown Neighborhoods; Multi-modal Corridors; and Mixed-use High-intensity Areas. Limited Application in Suburban Neighborhoods, as part of housing mix or creating walkable neighborhoods.
R-MH – Residential Micro-Housing District. The R- MH district provides residential living for smaller format manufactured, mobile, or other small-format residences in a planned community that shares common amenities located in areas that have transitions between lower-density neighborhoods or more intense, non-residential uses and where a high level of accessibility, public amenity and support services are immediately available.	Limited application on a project specific basis, considering context and design. (See Section 24-505 for specific applicability).

Table 24-4-1: Zoning Districts & Intent

<i>District & Intent</i>	<i>Relationship to Comprehensive Plan</i>
C-L - Commercial Low Intensity. The C-L district provides small-scale retail, service, civic and employment uses to support suburban or walkable neighborhoods. Uses are compatible with residential living in terms of scale, operation, intensity, and format. This district is generally located near and well-integrated with residential neighborhoods along minor arterial streets, or is located as a transition between more intense commercial areas and neighborhoods..	General application in Employment, Industrial, and Commercial Areas Limited Application in Mixed-use Areas, Multi-modal Corridors, of Centers if integrated into walkable patterns
C-H - Commercial High Intensity. The C-H district provides wide range retail, service and employment uses at a scale, intensity or in a format that requires a high level of vehicle accessibility and visibility, typically along corridors or major intersections, and is not easily integrated with other land uses or development patterns. Planned versions of this district can yield campus or mixed-use district patterns that are oriented to internal open space systems or other focal points of development.	General application in Employment, Industrial, and Commercial Areas Limited Application in Mixed-use Areas, Multi-modal Corridors, of Centers if integrated into walkable patterns
MU-L - Mixed Use Low Intensity. The MU-L district provides a mix of retail, service, employment, entertainment and civic uses in a walkable setting, intended for small-scale, neighborhood serving activity centers tightly integrated with and serving the daily needs of adjacent neighborhoods (typically under 15 acres before transitioning to other supporting and compatible uses and districts)	General Application in Neighborhood Centers; Downtown Center; Mixed-use Areas; and Employment, Industrial, and Commercial Areas Limited Application in Mixed-Use High Intensity Areas; Regional Centers, and Multi-modal Corridors
MU-H - Mixed Use High Intensity. The MU-H district provides a mix of retail, service, employment, entertainment and civic uses in a walkable setting that complements higher-density neighborhoods or serves as the center of a more intense, multi-modal community or regional destination. (Typically between 15 and 40 acres before transitioning to other supporting and compatible uses and districts.)	General Applicability in Mixed-Use High Intensity Areas; Regional Centers; and Multi-modal Corridors Limited applicability in Downtown Center; and Employment, Industrial, and Commercial Areas.
I-L –Industrial Low Intensity. The I-L district provides primarily service, employment, manufacturing and distribution uses at a scale, intensity and format that won't have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses.	General application in Employment, Industrial, and Commercial Areas; and Airport Areas. Limited application in Centers; Mixed-use Areas; and Multi-modal Corridors.
I-M - Industrial Medium Intensity. The I-M district provides employment, manufacturing and distribution uses and a moderate scale, intensity and format, that is more compatible with high-intensity commercial uses that require a moderate degree of vehicle and freight access from arterial streets, highways or rail corridors.	General application in Employment, Industrial, and Commercial Areas; and Airport Areas. Limited application in Multi-modal Corridors
I-H – Industrial High Intensity. The I-H district provides for the broadest scope of manufacturing and distribution uses that are not compatible with residential or commercial activity due to the scale, operation, intensity or impacts of activities, or due to the high level of transportation access and support infrastructure required of the business.	Limited application Employment, Industrial and Commercial Areas, and Airport Areas
C-D Conservation District. The C-D district intended to provide a zoning classification for commercial mineral deposits, the floodway, farming, parks and permanent open space. It is a non-development district that can provide productive uses without significant building and infrastructure investment, or generates value to surrounding development through ecological, recreation, or aesthetic services on the land.	General application in Open Lands and Natural Areas, or any other natural area warranting conservation and integration into development patterns.
See Chapter 10 for Special Area and Overlay Districts and Chapter 11 for Supplemental Standards in all districts.	

- b. **Official Zoning Map.** The boundaries of the districts are shown on the official Zoning Districts Map on file with the Community Development Department. Electronic copies and files of this map shall reference the “Official Copy” on file with the Community Development Department, but any copy should be verified with the Department before materially relying on any electronic or other representative copy of the map.

24-402 Allowed Uses

- a. **Use Table.** Table 24-4-2 establishes permitted uses for each zoning districts. These uses and development standards are established to implement the intent of these district, permit a compatible range of uses within each district, and facilitate complimentary transitions between districts.
1. The table identifies uses as;
 - (a) Permitted uses (P) subject to staff review and/or site plan approval to confirm compliance with general district and building standards applicable throughout this code.
 - (b) Use by special review (S) subject to the review process and criteria in Section 24-206.
 - (c) Uses not permitted in the district (blank).
 - (d) Uses not specifically listed in the Table shall be presumed to be prohibited, except if the Director determines that a use is similar to and has similar impacts as a use listed in the Table, then the Director may make a written determination as to the category and review required for the use.
 2. Other accessory or temporary uses may be permitted according to the standards of Section 24-403, Accessory Uses.
 3. Uses listed in the table, or more specific types of uses generally enabled in the table, may be subject to specific standards or limits in Section 24-404, Use-specific Standards.
 4. Uses in the table are more specifically described in Section 24—402.b., Description of Uses.
 5. Uses distinguished by scale are based on gross leasable area (GLA) of the uses space within buildings, size of the lot (acre), or other specified building or site features.

Table 24-4-2: Zoning Districts & Uses

P = Permitted Use S= Use by special review blank = prohibited Use	Districts													
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
Residential Uses														
Single-family Dwelling	P	P	P	P		S	S	P	P				P	

Table 24-4-2: Zoning Districts & Uses

Use	Districts													
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
P = Permitted Use S= Use by special review blank = prohibited														
Two-family dwellings			P	P		S	S	P	P					
Row House dwellings			P	P		S	S	P	P					
Multi-family Dwellings			P	P		S	S	P	P					
Mixed-use dwelling				S		P	P	P	P					
Established Residential (all types)						P	P			P	P	P	P	
Accessory Dwelling Unit (See 24-403.b)			P	P		P	P	P	P					
Mobile / Manufactured Home & Parks					P									
Boarding House & Single Room Occupancies				P		S	S	S	S					
Farming	P	P	P	P		P	P			P	P	P	P	P
Residential Care – Group Home	P	P	P	P		P	P	P	P					
Residential Care – Assisted Living			S	S		P	P	P	P	P				
Residential Care - General				S		S	P	S	P	P				
Residential Care - Institutional				S		S	P	S	P	P				
Public & Civic Uses														
Assembly – Limited (up to 499 occupancy)	P	P	P	P	P	P	P	P	P	P	P	P		
Assembly - General (500 – 1,500 occupancy)		S	S	S	S	S	P	S	P	P	P	P		
Assembly – Large (1,501+ occupancy; or outside)							P		P	P	P			
Cemeteries, Columbarium							P	P	P	P	P	P		
Golf Course & Country Clubs (no lights)	P	P	P	P	P	P	P	P	P	P				
Libraries, Museums, Public or Quasi-public	S	S	S	S		P	P	P	P	P	P			
Police, Fire Stations, Ambulance Dispatch & Storage	S	S	S	S		P	P	P	P	P	P			
Parks, Open Spaces & Common Areas	See Section 24-302 and 24-504 for standards applicable to all districts.													
Schools	P	P	P	P	P	P	P	P	P	P				
Schools - Adult (Business, Trade)						S	P	S	P	P	P	P		
Schools - Universities / Colleges	P	P	P	P	P	P	P	P	P	P				
Transportation – Bus, Taxi, or Transit Station							S		S	P	P	P		
Transportation – Freight & Maintenance Yard											P	P		
Transportation – Airport, Heliport / Helipad											S	S		
Transportation – Public Parking	S	S	S	S	S	S	P	S	S	P	P	P		
Transportation – Towing Services							S			P	P	P		
Utilities – Limited (towers under heights permitted by zoned and accessory structures and cabinets)	P	P	P	P	P	P	P	P	P	P	P	P		
Utilities – General (towers over heights permitted by zone or large structures and cabinets)	S	S	S	S	S	S	S	S	S	S	S	S		
Utilities - Lines over 33 KVA, overhead	S	S	S	S	S	S	S	S	S	S	S	S	S	S

Table 24-4-2: Zoning Districts & Uses

Use	Districts													
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
P = Permitted Use S= Use by special review blank = prohibited														
Utilities – Co-generation or Power Plants											P	P		
Commercial Uses														
Adult Businesses (See also Section 24-1103)										P	P	P		
Animal Care – Limited (indoor, < 5K GLA, no boarding)						P	P	P	P	P	P			
Animal Care – General (indoor, 5K-20K GLA or boarding)						S	P	S	P	P	P			
Animal Care – Large (outdoor or > 20K GLA)										P	P			
Animal Care – Stables (> 5 boarded animals)										S	S		S	
Auction Houses (excludes livestock)										P	P	P		
Automobile - Gas Station Limited (up to 8 pumps)						S	P	S	P	P	P	P		
Automobile - - Gas Station General (9 – 20 pumps)							P		S	P	P	P		
Automobile Gas Station Large (21+ pumps)							S			P	P	P		
Automobile - Repair/Service Limited (up to 3 service bays; < 0.5 acre)						S	P	S	P	P	P			
Automobile - Repair/Service General (4-6 service bays; 0.5 – 1.0 acre)							P		P	P	P			
Automobile - Repair / Service Large (7+ service bays; > 1 acre)							S			P	P			
Automobile - Repair / Service for Heavy vehicle and Equipment											P	P		
Automobile - Sales / Rental Limited (< 0.5 acre)						S	P			P	P			
Automobile - Sales / Rental General (0.5 – 1.0 acre)							P			P	P			
Automobile - Sales / Rental Large (> 1.0 acre)							S			P	P	P		
Child Care Home (accessory / home occupation – See 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P		
Child Care Center / Pre-School						P	P	P	P	S	S	S		
Drive-through services - Accessory						See Section 24-403.e.								
Entertainment / Even Establishments							P		P	P	P			
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P			
Food & Beverage – Brewery / Winery; Bar General							P		P	P	P			
Food & Beverage – Restaurant Limited (< 5K GLA; < 100 seats)						P	P	P	P	P	P			
Food & Beverage – Restaurant Quick Serve							P	S	S	P	P			
Food & Beverage – Restaurant General (5K+ GLA)							P		P	P	P			
Home Occupation - Accessory	See Section 24-403.c													
Lodging – Short Term Rental	P	P	P	P	P	P	P	P	P	P			P	
Lodging – Bed & Breakfast (up to 5 rooms)				S		P	P	P	P	P				
Lodging – Inn (6 to 40 rooms)							P	S	P	P				

Table 24-4-2: Zoning Districts & Uses

Use	Districts													
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
P = Permitted Use S= Use by special review blank = prohibited														
Lodging – Hotel/Motel Small (41+ rooms)							P		S	P				
Medical – Limited (< 5K GLA; no emergency service)						P	P	P	P	P				
Medical – General (5K – 20K GLA; no emergency service)						S	P	S	P	P				
Medical – Large (> 20K GLA; or emergency service)							P		P	P				
Medical - Hospitals						S	P		P	P				
Mortuaries and Funeral Homes						P	P	P	P	P	P			
Office – General (< 20K GLA)						P	P	P	P	P	P	P		
Office – Large (20K+ GLA)							P	S	P	P	P			
Pawn Shops							P			P	P			
Personal Service – Limited (< 5K GLA, < 1.0 acre)						P	P	P	P	P	P			
Personal Service – General (5K+ GLA; 1.0+ acre)							P		P	P	P			
Recreation – Indoor Limited (< 5K GLA; < 0.5 acre)						P	P	P	P	P	P			
Recreation – Indoor General (5K - 20K GLA; 0.5 – 1.0 acre)							P	S	P	P	P			
Recreation – Indoor Large (> 20K GLA; > 1.0 acre)							P		S	P	P			
Recreation – Outdoor Limited (no lights; < 0.5 acre)						P	P	P	P	P	P			
Recreation – Outdoor General (no lights; 0.5 – 1.0 acre)							P			P	P			
Recreation – Outdoor Large (lights or > 1.0 acre)							S			S	S	S		
Recreation – RV and Travel Trailer Park							S			S	S			
Recreation – Outdoor Racetrack											S	S		
Retail – limited (< 3K GLA)						P	P	P	P	P	P			
Retail – General (3K – 20K GLA)							P	S	P	S	S			
Retail – Large (20K – 100K GLA)							P		S	S	S			
Retail – Warehouse (> 100K GLA)							S		S	S	S			
Retail – Outdoor Limited (> 25%; > 0.5 acre)							P	S	P	P				
Retail – Outdoor General (25% - 50%; 0.5 – 1.0 acre)							P		S	P				
Retail – Outdoor Large (> 50%; > 1.0 acre)							S			P	P			
Retail – Outdoor Nurseries and Greenhouse							P		P	P	P			
Retail – Outdoor Flea Market or Swap Shop											P	P		
Industrial Uses														
Auto Dismantling, Junk & Salvage Yards												S		
Commercial Services – Limited (up to 9 vehicle fleet)							P			P	P	P		
Commercial Services – General (11 – 20 vehicle fleet)							S			P	P	P		
Commercial Services – Large (21+ vehicle fleet)										S	P	P		
Concrete and Asphalt Batch Plants											P	P		

Table 24-4-2: Zoning Districts & Uses

Use	Districts													
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
Crematoriums										P	P	P		
Foundries												S		
Gravel & Mineral Extraction, Batch Plants														S
Grain & Feed Elevators & Supply												S		
Livestock Auctions												S		
Manufacturing – Limited / Artisan (< 5K GLA)						S	P	P	P	P	P	P		
Manufacturing – General (5K – 100K GLA)										P	P	P		
Manufacturing – Large (> 100K GLA)											P	P		
Manufacturing – Food & Beverage Minor (up to 3 acres)							P		P	P	P	P		
Manufacturing – Food & Beverage Major (3+ acres)											S	S		
Manufacturing – Chemical Plant											S	S		
Manufacturing – Rendering, Slaughter & Packaging												S		
Oil & Gas Operations	See Section 24-1102 for standards and procedures applicable in all districts													
Research & Testing Labs							P		P	P	P	P		
Warehousing / Storage – Indoor Limited (< 50K GLA; < 1.0 acre							P		S	P	P	P		
Warehousing / Storage - Indoor General (50K-200K GLA; 1.0 – 5.0 acre)							P			P	P	P		
Warehousing / Storage – Indoor Large (> 200K GLA; > 5.0 acres)							S			S	P	P		
Warehouse / Storage– Distribution Center										S	P	P		
Warehouse / Storage – Outdoor Limited (< 1.0 acre)							S			S	P	P		
Warehouse / Storage – Outdoor General (1.0 + acre)										S	P	P		
Warehouse / Storage – Bulk Storage of Flammable Liquids and Gases											P	P		
Waste Management – Recycling Collection Small						S	P	S	P	P	P	P		
Waste Management – Recycling Processing & Collection							P			P	P	P		
Waste Management – Refuse & Transfer Station											S	S		
Water & Waste Water Treatment Plants											P	P		
Well Drilling Companies											P	P		
Wireless Communication Facilities	See Section 24-1101 for standards and procedures applicable in all districts													

- b. **Description of Uses.** This section provides descriptions of uses of land and buildings associated with Table 24-4-2 Allowed Uses. It is organized by Categories and Types of uses. Where a proposed use is not generally listed or appears to meet the description of

more than one use type, the Director shall make an interpretation on the most equivalent described use considering:

- (1) The similarity of the use in terms of scale, impact, and operations to other described uses;
- (2) The typical building format and site design associated with the use based on relevant and established examples; and
- (3) The compatibility of the use with other allowed uses in the zoning district, and the potential for the use to contribute to the intent of the zoning district.

Any uses that may not be interpreted as equivalent to a use in Table 24-4-2 is not anticipated by these regulations and may only be allowed by a text amendment.

1. *Residential Dwelling.*

The Residential Dwelling category is the principal use of land and buildings for dwelling units. A dwelling unit is one or more connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease as a single unit on a monthly basis or longer, physically separated from any other room or dwelling units which may be in the same structure and served by no more than one gas meter and one electric meter. The arrangement and extent of dwelling units depends on the zoning district uses and building types:

Dwelling, Single-family. A residential building designed and used as a single detached dwelling unit by one family, other than a mobile home. Typical building types are detached houses, with variants based on lot sizes. The term single-family residence shall include a manufactured home which:

- (1) Is partially or entirely manufactured in a factory;
- (2) Is installed on an engineered permanent foundation; and
- (3) Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building code, as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.

Dwelling, Two-family. Residential building designed to accommodate 2 primary dwelling units in a building designed and scaled to be compatible with detached houses, and which may commonly be referred to as a duplex or multi-unit house (with two units). Two-family buildings that share a single common wall may be on a single lot, or may be platted as separate lots along the common wall line subject to the building code and platting restrictions. All other two-family dwellings shall be on a single lot. Duplex / multi-unit houses shall have a scale, design, orientation, access, and entrance features that maintains the appearance and form similar to a detached house.

Dwelling, Row House. A multi-unit residential building designed for 3 to 8 dwelling units each sharing a common wall with the abutting units. Each unit has its own private entry presenting an outward appearance on the frontage as distinct units in a single building. Units may be on a

single lot subject to common ownership restrictions or platted on separate lots along the common wall subject to building code and platting restrictions.

Dwelling, Multi-family. A residential building that contains three or more dwelling units, or group of similar buildings in a complex. Typical building and lot types include multi-unit houses (provided they maintain the scale, design, orientation, access and entrance features similar to a detached house), small apartments, medium apartments, large apartments, apartment complexes, and mixed-use buildings with residential uses.

Dwelling, Mixed-use (apartment over commercial / service). A residential use in a building designed for street level retail, service or employment uses, and where dwelling units are accommodated on upper stories, or otherwise separated from the principal commercial function of the building.

Dwelling, Established Residential (all types). Any residential building and use, legally established at when it originated but where new development of the same use or similar building type is no longer permitted in the zoning district. These uses shall be permitted so that continued use and further investment in the building and use is not discouraged.

Dwelling, Accessory Unit. A dwelling unit that is secondary and accessory to a principal dwelling unit and on the same lot. Accessory dwelling units may be in the same building as the principal dwelling unit (basement or attic apartments) or in a detached accessory structure (garage apartment or “granny flat”).

Mobile / Manufactured Home Park. A parcel of land planned and designed for multiple home sites for the placement of manufactured, mobile or other small homes, and used for the principal dwelling of households for long-term residency. These communities include internal common areas, circulation systems and accessory uses and facilities to support the community. Dwellings may either be located on home sites designated within a larger project or on single lots owned through appropriate condominium procedures or platted under certain conditions.

Boarding House & Single Room Occupancy. A residential building is used to accommodate boarders or roomers as the primary residential dwelling, and whose occupants shall have common access to facilities such as kitchen, bathroom, dining areas, or community areas. Boarding and single-room occupancies houses shall be rented or leased on a monthly basis or longer, and not include hotels, motels and lodges.

Farming. The production of crops such as vegetables, fruit trees or grain; the growing of trees and shrubs for landscape purposes; and the raising of farm animals such as poultry or swine, as limited by the standards for accessory keeping of livestock. Farming shall not include the commercial raising of animals, commercial production of milk, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

Residential Care - Group Home. A residential building operated as a single primary dwelling which provides residency, supervision, and other services for up to 8 persons who are in need of special care due to being developmentally disabled, mentally ill, 60 years of age or older, or due to physical condition, illness, or social or behavioral problems. Group homes require up to 2 residential caregivers, and shall be licensed by, operated by, or owned by a governmental agency or non-profit qualified to provide care and supervision. Group homes shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities serving as an alternative to incarceration and shall not house more than one individual per dwelling who is required to register as a sex offender under the provisions of Section 18-3-412.5, C.R.S

Residential Care – Assisted Living. A residential building or planned community operated as the primary residence for persons who do not have an illness, injury or condition that requires 24-hour care or supervisions, but who need social, physical, and therapeutic and recreation support for daily living. Support services are accessory to the residential use and character of the buildings and area, and do not require 24-hour staffing, other than security. Typical examples include assisted living, group homes larger than 8 individuals, and retirement communities.

Residential Care - General. A residential or institutional building, or group of buildings, designed to provide a primary or interim residence and health care for persons who require care on a full-time basis. Medical support, rehabilitative services, and counseling is provided by professional, nursing and medical staff on site. Accessory support uses include meals, therapeutic services, transportation and recreation. Typical examples include nursing homes, long-term care facility, continuing care facility, congregate care communities, or hospices.

Residential Care – Institutional. A residential or institutional building operated by a government, non-profit, charitable or religious organization providing temporary housing, food, counseling and other support services to persons at risk, on an interim basis and with transitional, protective, or rehabilitative goals. Security and supervisory services are required on-site. Typical examples include emergency shelters, missions, rehabilitation residence, halfway houses.

2. *Public / Civic*

The Public / Civic use category is the use of land and buildings to serve public or community interest by enhancing the daily cultural, social, or recreation needs for residents and neighborhoods. It can include uses generally available to the public at large, community uses structured by voluntary affiliation, or private uses limited by property ownership or membership. It includes the following types:

Assembly. A civic use designed to serve the community for regular or periodic events, including worship, social, cultural, recreation, and accessory uses associated with organized civic or institutional activities.

Assembly – Limited (up to 499 occupancy). A place of assembly designed and located to serve nearby neighborhoods, typically designed for up to 499 people. Examples include small neighborhood association clubhouse, meeting hall, or small religious facility.

Assembly – General (500 - 1,500 occupancy). A place of assembly designed and located to serve the broad community at large, typically designed for 500 – 1,500 people. Examples include a community/recreation center, small event hall, or large religious facility.

Assembly – Large (1,501+ occupancy, or outside). A place of assembly designed and located to serve as a destination for the city or region, typically designed for more than 1,500 people, or where any facility is designed for outside assembly. Examples include an auditorium, large event hall, major worship hall, convention and conference center, or any assembly use with a small outside amphitheater.

Cemeteries and Columbarium. A public or civic use where land or buildings are used for the burial of the deceased and dedicated for interment purposes, including gravesites or buildings used for the interment of ashes of cremated dead.

Golf Courses & Country Clubs (no lights). A public or civic use and designed and dedicated for playing the game of golf, run by a public agency or a private club operated on a membership basis. This includes accessory facilities and structures related to playing golf, but shall not include any lights, activities, or associated events not compatible with outdoor recreation in a residential setting. (See Recreation – Outdoor for commercial recreation activities).

Libraries, Museums, Public or Quasi-public. A public or civic use which provides resources and exhibits to support education, culture, and information exchange open to the public at large.

Police, Fire Stations, Ambulance Dispatch & Storage. A public use that supports the community at large by through public health and safety, protective or related services. Examples include police and fire stations, dispatch, and related facilities, or similar government and quasi-government buildings and grounds.

Parks, Open Spaces & Common Areas. Any parcel or area of land or water permanently reserved for public and/or private use and enjoyment, which is generally open, undeveloped, and characterized by natural features and landscape enhancements, except for facilities to serve the social, recreational, aesthetic, or environmental function of the space. (See Section 24-302 and 24-504 for standards applicable to all districts.)

School. A public or civic building designed, constructed, or used for education or instruction in any branch of knowledge.

School, adult (business, trade). A public or private school primarily teaching useable skills to adults, including, but not limited to, business, vocational, driving and trade courses.

School, compulsory. A public or private elementary, junior high or high school licensed by the state and which meets state requirements for providing compulsory education.

Schools – University / College. A public or private institution dedicated to post-secondary education.

Transportation – Bus, Taxi, or Transit Station. A public transportation facility designed for the transfer, pick-up and drop-off of passengers traveling by bus, taxi, trolley, or similar low-impact means, including with buildings or associated passenger convenience facilities, distinguished from public stops accommodated in the design of the right-of-way.

Transportation - Freight & Maintenance Yard. An area and/or building where storage, maintenance, or dispatch of vehicles used for public transportation occurs, or any other similar high-intensity activities associated with public transportation.

Transportation – Airport, Heliport, or Helipad. Any area of land or water designed for the landing and take-off of aircraft for business or commercial purposes, including all necessary facilities for passenger and cargo loading, maintenance and fueling facilities and housing of aircraft. This includes any area used by helicopters for landing and take-off, passenger and cargo loading.

Transportation – Public Parking. A parcel of land where the principle use is to park vehicles whether on a fee basis operated by a public or private entity or whether to support an adjacent use or business located on a different lot. Parking may be on a surface lot or in a structure.

Transportation – Towing Service. A parcel of land used for the storage, impoundment, and retrieval of vehicles that have been towed.

Utilities – Limited. Any aboveground structure or facility, excluding buildings, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with delivery of utility services to nearby lots and other areas, with maximum heights of towers and accessory structures under those permitted by the zoning district. Examples include accessory utility structures that served customary needs of the uses in the zoning district.

Utilities – General. Any aboveground structure or facility, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used in connection with delivery of utility services to nearby lots and other areas, with maximum heights of towers and accessory structures above those permitted by the zoning district. Examples include substations or other facilities that support the storage and generation of facilities.

Utilities – Lines over 33KVA, overhead. Any utility that utilizes overhead lines that transmit above 33 kilo volt amperes.

Utilities – Co-generation or Power Plants. A facility which is owned by a governmental entity or any entity defined as a public utility for any purpose by the state public utilities commission, and used for generating of power for distribution to sub-stations or other general accessory distribution facilities.

3. *Commercial.*

The Commercial use category is the use of land and buildings for entities engaged in sale of products or services, the limited production and distribution of products, or other administrative or support services to help businesses. It includes the following types of uses:

Adult business. Any store, establishment, tavern, club or theater having a substantial portion of its stock in trade, books, magazines or other periodicals; video movies, films, slides or photographs; instruments, devices or paraphernalia; or live performances, which are characterized by their emphasis on matters depicting, describing, or related to specified anatomical areas or specified sexual activities. For the purposes of this definition, a business shall not be considered an adult business if it carries less than 20 percent of its stock in adult materials and it prevents the public from viewing or observing merchandise or products that depict specified anatomical areas or specific sexual activities, as may be displayed by the products or on the packaging.

1. *Specified anatomical areas* means:
 - (a) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast above or below a point which would expose any portion of the areola; and
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
2. *Specified sexual activities* means:
 - (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
 - (b) Human genitals in a state of sexual stimulation or arousal;
 - (c) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 - (d) Masturbation, actual or simulated; or
 - (e) Excretory functions as part of or in connection with any of the activities set forth in subsections (2)a through d of this definition.

Animal Care. A commercial use that provides care and medical or non-medical services for domesticated animals, including boarding, training, breeding, showing, treatment, grooming, or sale. Animal care is further refined by the scale and intensity of the operations, as follows (for Non-domesticated animals and livestock, see *Farming, and limits on the accessory keeping of Livestock*):

Animal Care - Limited. A small office or facility providing animal care that involves less than 5,000 square feet of commercial area, all activities occur indoors (except routine daily pet care), and any overnight boarding is limited to that necessary for medical care or observation. Examples include a veterinary office, pet grooming or training, and small animal day cares.

Animal Care – General. A moderate sized office or facility providing animal care that is between 5,000 to 20,000 square feet of commercial space, or that involves animal boarding. Examples include a veterinary clinic, animal shelters, and indoor commercial kennels.

Animal Care – Large. A large office or facility providing animal care that is more than 20,000 square feet of commercial space, or has significant outdoor activity including boarding kennels or play areas where animals may ordinarily be kept and . Examples include domestic animal hospitals, large facilities for pet daycare, and large commercial/outdoor kennels

Animal Care – Stable (>5 boarded animals). A commercial use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for compensation and which may include an arena.

Auction House. A business that facilitates the buying and selling of assets, such as works of art, collectibles, household estate items, and other personal property. Auction House excludes selling of livestock.

Automobile – Gas Station. A specific retail use engaged in the sale of fuel to the general public, and may involve limited accessory sales of convenience goods. This use may be combined with accessory vehicle service and repair uses, subject to the service bay limitations stated below. Vehicle – Gas Station uses are further refined by the scale, format and intensity as follows.

Automobile - Gas Station, Limited (up to 8 pumps). A vehicle gas station limited to no more than 8 fueling stations, no more than 2 service islands, no more than 2 accessory vehicle service bays and no more than 1,500 square feet of accessory retail or service areas. Examples include small, neighborhood service stations.

Automobile - Gas Station, General (9-20 pumps). A vehicle gas station limited to between 9 and 20 fueling stations, no more than 5 service islands, no more than 3 accessory vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include general stores and gas stations.

Automobile - Gas Station, Large (21+ pumps). A vehicle gas station that contains more than 20 fueling stations, more than 5 islands, and up to 4 accessory vehicle service bays and no more than 5,000 square feet of accessory retail or service areas. Examples include a large convenience center and gas station, or truck stops and travel centers.

Automobile – Repair / Service. A specific service use engaged in motor vehicle and mechanical equipment maintenance and repair services, and accessory retail sale of supplies and accessories. Automobile Repair / Service is further refined by scale, format and intensity as follows:

Automobile – Repair / Service – Limited (up to 3 service pays; 0.5 acre max.). An automobile service and repair use limited to no more than 3 vehicle service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage of equipment and supplies

occurs indoors, and where on-site or overnight storage of vehicles is limited and requires no special site accommodations other than ordinary parking areas. Sites are limited to no more than 0.5 acres. Examples include a small machine shop, mechanic, lubricant center, tire store, auto glass installation or audio or alarm installation.

Automobile – Repair / Service – General (4-6 service bays; 1.0 acre max). An automobile service and repair use that involves 4 to 6 service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage of equipment and supplies occurs indoors, but where on-site or overnight storage of vehicles may be stored outdoors on the lot. Sites are limited to no more than 1.0 acre. Examples include large mechanic shop, lubricant center, tire store, non-accessory car wash, or an auto body shop.

Automobile – Repair / Service – Large (7+ service bays; 1.0+ acres). An automobile service and repair use that involves 7 or more service bays, all vehicles are under 1.5 tons G.V.W, where all work and storage may occur outdoors and where on-site or overnight storage of vehicles and outdoor storage is typical. Sites are more than 1.0 acres. Examples include large service center, auto body and frame repair facilities, transmission and engine overhaul yards, or automobile painting facilities.

Automobile – Repair / Service for Heavy Vehicles & Equipment. An automobile service and repair use engaged in the maintenance and repair of motor vehicles, recreational vehicles or boats, commercial vehicles, heavy equipment and other vehicles over 1.5 tons G.V.W., and other similar uses where services typically involve outside storage or work. Examples large vehicle maintenance, large truck or boat wash, and equipment yards.

Automobile – Sales / Rental. A commercial business engaged in the sale, lease, or rental of automobiles. Automobile – Sales / Rental is further refined by scale, format and intensity as follows:

Automobile – Sales / Rental – Limited (< 0.5 acres). An automobile sales / rental facility on less than ½ acre that uses outdoor vehicle storage at a similar scale to a small-site commercial parking area. Examples include an automobile broker that may have little or only temporary on-site storage, or a small car rental office.

Automobile – Sales / Rental – General (0.5 - 1.0 acres). An automobile sales / rental facility on between ½ and 1.0 acre, where outdoor vehicle storage occupies a large portion of the site. Examples include a small car dealership, or a larger rental car facility.

Automobile – Sales / Retail Large (> 1 acre). An automobile sales / rental facility on more than one acre that includes significant amounts of outdoor vehicle storage. Examples include a large car dealership or car or truck rental facility

Child Care Home. A residential dwelling licensed by the Colorado Department of Human Services to provide child care services as a home occupation and an accessory use to the

operator's principal residence. The facility may provide care for up to 12 children, and subject to greater restrictions based on Colorado Department of Human Services licensing rules as an accessory use to the operator's principal residence.

Child Care Center. A commercial use that provides care for children outside of the home, or any care for more than 12 children.

Entertainment / Event Establishment. A commercial use that rents facilities and grounds for special events, concerts, social functions, or other large gatherings. This use does not include any events that are accessory to an otherwise permitted civic, institutional, or commercial use.

Food & Beverage. A specific service and retail use engaged in the business of serving prepared food and/or beverages to the public for immediate consumption. Food and beverage uses are further refined by scale, format and intensity based on the following:

Food & Beverage – Bar Limited (Under 3K; under 100 seats). A food & beverage use where a significant portion of the business, in sales and in hours of operation, involves the sale of alcoholic liquors by the drink for consumption on premises, and food services is secondary or accessory. The limited use requires under 3,000 square feet and under 100 seats to ensure compatibility with other neighborhood-serving or small-scale uses in terms of intensity of activity and hours of operation.

Food & Beverage – Brewery / Winery; Bar General. A food & beverage use where a significant portion of the business, in sales and in hours of operation, involves the sale of alcoholic liquors by the drink for consumption on premises, and may include accessory craft manufacturing of alcoholic beverages. This general use is of a scale and intensity that frequently has accessory live entertainment or events and where the scale and intensity of the use is more compatible with general commercial uses.

Food & Beverage - Restaurant Limited (under 5K; under 100 seats). A small scale restaurant under 5,000 square feet and under 100 seats at full capacity.

Food & Beverage – Restaurant Quick Serve. A food and beverage use where the food is served from a counter ready to eat with no significant table service, and where the customer turnover will be high due to any combination of accessory drive-through services, carry out orders, or quick sit-down services

Food & Beverage - Restaurant General (5K+). A large scale restaurant with over 5,000 square feet of commercial area or over 100 seats.

(for accessory drive-through facilities see Section 24-403.e.)

Home Occupation – Accessory. A business or employment use accessory to an allowed residential dwelling. (See 5.03.c)

Lodging. A commercial use providing accommodations for temporary, short-term overnight occupancy on at least a 24-hour basis, and accessory uses associated with typical guest services such as food service, recreation or similar accommodations to support overnight-guests.

Lodging is refined to the following scales based on building type, format and intensity of use.

Lodging – Short Term Rental. The rental of a dwelling unit, or portion thereof, for less than one month.

Lodging – Bed & Breakfast (up to 5 rooms). A small residential building used for lodging, meals, and shared living space between the primary occupants and patrons and includes at least 2 but no more than 5 rooms.

Lodging – Hotel / Motel Small (6 to 40 rooms). A small commercial or large residential building providing lodging and includes at least 6 but no more than 40 rooms.

Lodging – Hotel / Motel General (40+ Rooms). A large commercial building providing lodging and includes 41 or more rooms.

Medical Care. A commercial service use providing medical, dental, or physical health or wellness care to the public. This use type is further categorized by the following formats.

Medical Care – Limited (Under 5K). A medical care use offering routine outpatient services, that occupies less than 5,000 square feet of diagnostic or treatment area, includes no surgical or in-patient facilities, and operates in normal business hours. Examples include a small doctor or dentist office, eye-care center, or urgent care center that is accessory to a larger retail or pharmacy use.

Medical Care – General (5K – 20K). A medical care use offering routine outpatient services, that occupies between 5,000 and 20,000 square feet for diagnostic or treatment areas, includes no inpatient facilities, and operates in normal business hours. Examples include a larger doctor or dentist group practice, small clinic or analytical lab, or small outpatient urgent care or surgical center.

Medical Care – Large (>20K). A medical care use offering a full range of services that occupies over 20,000 square feet for diagnostic or treatment areas, and may include emergency care, surgical services or other inpatient treatment. The use may include accessory retail, food service, pharmacy or wellness/fitness uses. Examples include small hospital, remote surgical centers, or large clinic or analytical labs.

Medical Care – Hospitals. A medical care use with a full range of diagnostic, surgical, and emergency services, and occupies a large commercial building or multiple buildings arranged around a campus that serves a greater region. It includes a wide range of accessory office, lab, and retail uses related to patron, patient, and visitor needs. Examples include a large hospital or regional medical center campus.

Mortuaries and Funeral Homes. A building used for human funeral services, which may contain space and facilities for services used in preparation of the dead for burial; the storage of caskets, urns, and other related funeral supplies; and the storage of funeral vehicles. Funeral homes shall not include crematoriums as accessory uses.

Office. A commercial use focused on employment and engaged in the administrative, professional, clerical or management aspect of business or professional services that typically do not have frequent or unscheduled on premise interaction with the public or clients. Office uses are further refined by the scale and format of buildings based on the following:

Office – General (under 20K). An office use in a small commercial building with under 20,000 square feet, typically within one moderate-sized building

Office – Large. (20K+). An office use in a large commercial building or multiple buildings in a complex or campus, with over 20,000 square feet.

Pawn Shops. A commercial use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

Personal Service. A commercial use engaged in the business of providing personal or professional services to the public that may include frequent or unscheduled interaction with clients or customers on-premises. Examples include barbershop or beauty salon, travel agency, small equipment repair, tailor, bank or personal financial services. Service uses are further refined by scale, intensity and format based on the following:

Personal Service – Limited (under 5K; under 1 acre). A service use under 5,000 square feet, typically in line with other small-scale uses in a multi-tenant commercial building or in mixed-use building on a site of less than 1 acre.

Personal Service – General (5K+; 1+ acre). A service use between of 5,000 square feet, in a small freestanding building or part of a large mixed-use building

Recreation. A commercial service use engaged in the business of providing daily or regularly scheduled activities for entertainment, leisure activities, training and instruction, or exercise, offered to the public through individual, membership, or group arrangements. This use type is further refined by the scale, format and intensity as follows:

Recreation – Indoor, Limited (< 5K; < 1.0 acre). An indoor recreation/entertainment use that involves a building less than 10,000 square feet. Examples include a small bowling alley, fitness club, billiard hall, or dance or yoga studio.

Recreation – Indoor, General (5K – 20K; 0.5 – 1.0 acre). An indoor recreation/entertainment use that involves a building between 10,001 square feet and 40,000. Examples include a large bowling alley, a small sports and recreation center, a small theater, large health club or fitness center, or small shooting range.

Recreation– Indoor Large (> 20K; > 1.0 acre). An indoor recreation/entertainment use that involves a building more than 40,000 square feet. Examples include a large sports and recreation center, skating ring, or theater complex.

Recreation– Outdoor, Limited (no lights; < 0.5 acre). An outdoor recreation use that involves less than 2 acres of active outdoor recreation grounds. Examples include a small pickle ball center, batting cages, or small community center.

Recreation/Entertainment – Outdoor, General (no lights; 0.5 – 1.0 acre). An outdoor recreation use that involves less between 2 and 5 acres of active outdoor recreation grounds. Examples include miniature golf, swimming pool, tennis center, small band shell or amphitheater.

Recreation/Entertainment – Outdoor, Large (lights or > 1.0 acre). An outdoor recreation use that involves more than 5 acres of active outdoor recreation grounds. Examples include waterpark, drive-in theater, shooting range, driving range, sports and athletic complex.

Recreation – RV and Travel Trailer Park. An outdoor recreation use providing overnight accommodations within a large open area for recreational purposes and may involve associated accessory buildings or facilities for parking RVs on a temporary basis for recreation or vacation purposes.

Recreation – Outdoor Racetrack. An outdoor recreation use for racing of any motorized vehicles.

Retail. A commercial use primarily engaged in the sale of products for final use to the general public with frequent interaction of patrons or consumers on premises. Retail uses are further refined by scale, intensity and format based on the following:

Retail – Limited (< 3k). A small-scale retail use contained in a building with under 3,000 square feet of gross leasable area.

Retail – General (3K-20K) A retail use contained in a building with at least 3,000 but less than 20,000 square feet of gross leasable area.

Retail – Large (20K – 100K). A large-scale retail use contained in a building with at least 20,000 but less than 100,000 square feet of gross leasable area.

Retail – Warehouse (100K+). A large-scale retail use contained in a building with at least 100,000 square feet of gross leasable area.

Retail – Outdoor Limited (less than 25%; up to 0.5 acres). A retail use where a small portion of the merchandise is displayed permanently outside, limited to no more than

25% of the merchandise area being outside and limited to sites no more than 0.5 acres. Examples include a garden center, statuary store, or small equipment dealer. This does not include accessory outdoor sales and display areas that may be permitted as an accessory use to an otherwise permitted use or seasonal events that may be permitted through a temporary use permit.

Retail – Outdoor General (less than 50%; up to 1 acre). A retail use where a significant portion of the merchandise is displayed permanently outside, limited to no more than 50% of the merchandise area being outside and limited to sites no more than 1.0 acres. Examples include a lumber yard, large equipment rental or dealer, or small landscape supply store.

Retail – Outdoor Large (over 50% or more than 1 acre). A retail use where a substantial portion of the merchandise is displayed permanently outside, including more than 50% of the merchandise area being outside or sites more than 1.0 acres. Examples include a, equipment sales lot, boat or recreational vehicle sales lot, large machine or farm implement sales yard.

Retail – Outdoor Nurseries and Greenhouses. A retail use engaged in the sale of plants and other living vegetation, and where substantial portions of the merchandise is displayed outside.

Retail – Outdoor Flea Market or Swap Shop. A retail use where a large number of vendors will display merchandise indoors or outdoors on a short term or interim basis.

4. *Industrial.*

The Industrial use category involves the use of land and buildings for businesses engaged in the production, processing, storage or distribution of goods, which may have potential impacts beyond the site due to the types of activities, the physical needs of the site or facility, the types of materials used, or the delivery and access operations. Depending on the scale, intensity, and operations of these uses they may not be compatible with other uses or buildings, and may need special districts, more careful location criteria, and/or increased site design or operational limitations in order to be more generally applicable in the City.

Auto Dismantling, Junk & Salvage Yards. An industrial use for collecting, storing or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts.

Commercial Services. A business engaged in service to other businesses and industries, or engaged in services to the general public but where industrial uses support the service, or where services dispatched from a central location for storage of vehicles, equipment, or merchandise. Examples include plumbing, exterminators, HVAC repair, janitorial services, commercial laundry services, or other similar uses.

Commercial Services – Limited (< 10 vehicle fleet). A small-scale commercial service use with limited outdoor storage needs and with a vehicle fleet less than 10 vehicles,

where surface parking and vehicle storage needs are similar to other general commercial uses.

Commercial Services – General (10 – 20 vehicle fleet). A commercial service use where outdoor storage is necessary or with a vehicle fleet between 10 and 20 vehicles, requiring dedicated areas for storage of vehicles during down times or off hours.

Commercial Services – Large (21+ vehicle fleet). A large-scale commercial service use that may have substantial outdoor storage needs or with vehicle fleet is more than 20 vehicles, requiring large areas for storage of vehicles or equipment.

Concrete and Asphalt Batch Plant. A facility or equipment used in mixing the dry warm aggregate, padding and asphalt for homogeneous mixture at the required temperature, typically in association with a street, large parking area or other large-scale construction project, sometimes on a temporary or interim basis.

Crematoriums. A place for the cremation of human or animal remains.

Foundries. An industrial use for producing castings in molten metal.

Gravel & Mineral Extraction, Batch Plant. The process of extracting metallic or nonmetallic mineral deposits from the earth and crushing, separating or otherwise processing the extracted mineral deposits into a useable form.

Grain & Feed Elevators & Supply. An industrial use that stores grain and similar agriculture and feed products in bulk for storage, processing, or distribution to other locations.

Livestock Auction. A business that facilitates the buying and selling of livestock, including showing, housing, and otherwise caring for livestock to facilitate the purchase.

Manufacturing – Limited / Artisan (under 5K). A small-scale manufacturing use converting prepared materials into finished products. The activities produce little or no byproducts such as smoke, odor, dust, or noise discernable from outside of the building where deliveries and distribution are made by general consumer delivery services requiring no special large truck access, and where products are made available to the general public. Uses occupy buildings or spaces under 5,000 square feet of gross leasable area. Examples include artists' studios, small wood or metal shops, craft manufacturing, small bakery, or other similar small-scale assembly of finished products.

Manufacturing – General (5K – 100K). A manufacturing use converting prepared materials into finished products or parts. The activities produce little or no byproducts such as smoke, odor, dust or noise are discernable from outside of the building, and where distribution and delivery needs occur through light to moderate commercial truck access. Examples include small equipment or commodity assembly, production of consumer products, or similar businesses.

Manufacturing – Large (100K+). A large-scale manufacturing use converting raw or previously prepared materials into other materials or finished products. The activities may produce byproducts such as noise, dust, smoke or odor, but are mitigated to limit impacts beyond the property boundary. Outside storage and activities may be necessary, and distribution and delivery needs involve frequent or large truck access. Examples include large-scale manufacturing or fabrication plants, large equipment assembly, metal fabrication plants, chemical laboratories or other similar high-intensity manufacturing or distribution operations.

Manufacturing - Food and Beverage Minor (up to 3 acres). A manufacturing establishment primarily for packaging, producing or processing foods for human consumption that meets the definition of *food and beverage processing (major)* but which also dedicates a portion of the building footprint's square footage (a minimum of ten percent [10%], up to fifty percent [50%]) to sales of food, beverages and/or other retail for on-premises purchase and/or consumption; and which occupies a site of three (3) acres or less; and which cannot generate offensive odors, emissions, traffic or other off-site impacts or shall otherwise be considered a major food processing facility.

Manufacturing - Food and Beverage Major (3+ acres). A manufacturing establishment packaging, producing or processing foods for human consumption and certain related products and includes, but is not limited to the following: (1) bakery products, sugar, and confectionary products (except facilities that produce goods only for on-site sales and not wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving and related processing; (5) grain mill products and by-products; (6) meat, poultry, and fish canning, curing and byproduct processing (not including facilities that also slaughter animals); and (7) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants.

Manufacturing – Chemical Plant. An industrial use primarily engaged in the storage, processing, production, and distribution of chemicals on a large scale, where chemical reactions are used to transform materials for use in other industrial or business applications.

Manufacturing – Rendering, Slaughter & Packaging. An industrial use where waste products and livestock carcasses are converted into industrial fats.

Oil and Gas Operations means exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations. See Section 24-1102 for specific definitions, standards, and procedures related to oil and gas uses.

Research & Testing Labs. A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Warehouse / Storage. An industrial use engaged in the business of keeping goods and products for interim or long-term periods for personal or business uses, or for the distribution to other businesses and industries, including any logistic services related to this business such as labeling, bulk packaging, inventory control, or light assembly. Warehouse and storage uses are refined further based on the scale, format and intensity as follows:

Warehouse / Storage –Indoor Limited (< 50K; up to 1 acre). A warehouse / storage use where individuals store personal property in units or space leased or rented on a periodic basis and where all storage are accessed from within the principal building. Examples include small indoor self-storage mini-warehouses, or small commercial warehouse.

Warehouse / Storage – Indoor / General (50K – 200K; 1-5 acres). A warehouse / storage use for businesses or larger personal products where all items are stored indoors. Examples include large indoor self-storage mini-warehouse, large commercial warehouses, and long-term garages.

Warehouse / Storage – Large (200K+; 5+ acres). A large-scale warehouse / storage use for long-term storage of products or supplies, and where access and truck traffic is not frequent.

Warehouse / Storage – Distribution Center. A large-scale facility where goods or products are stored on-site temporarily for the purpose of delivery to a retailer or final destination, and where the nature of the operation has frequent daily truck traffic. Such facilities may include automated systems, office space and a pick and pack area to be used by employees for sorting and packaging goods and products for delivery from available, on-site inventory.

Warehousing / Storage –Outdoor Limited (up to 1 acre). A storage use for the public where individuals store personal property in units leased or rented on a periodic basis and where all storage is inside but individual units may be accessed directly from the outside. Examples include small outdoor self-storage mini warehouses or small equipment storage yard.

Warehouse / Storage – Outdoor General (1+ acre). A storage use for the public or other businesses where large-scale household items or machinery, commercial products, raw materials, or supplies are stored on an outdoor lot. Examples include large outdoor self-storage mini warehouse, boat or RV storage, building supply lots or similar industrial supply storage yards.

Warehouse / Storage – Bulk Storage of Flammable Liquids and Gases. The use of grounds for storing tanks used for gasses or liquefied petroleum, often as a distribution point for further shipment or processing or re-use at other locations.

Waste Management – Recycling Collection Small. A small-scale disposal point for recyclable or reusable materials, where items are dropped in bins that protect them from the elements, eliminate them from view of surrounding areas, and otherwise mitigate any noise or odor. These facilities are solely for temporary drop off and storage, until weekly or daily pick up of the materials, can bring them to a separate location for further procession or disposition.

Waste Management – Recycling Processing & Collection. A large-scale disposal point for recyclable or reusable material, where longer-term storage or processing of materials may occur on site.

Waste Management – Refuse & Transfer Station. A facility for the purposes of separation, aggregation and/or compaction of solid waste prior to delivery to a landfill.

Water & Waste Water Treatment Plant. An industrial use used to treat and process water and wastewater for further distribution or disposal.

Well Drilling Companies. A business that stores, supplies, operates or distributes machinery and equipment used for drilling wells.

Wireless Communication Facilities. A pole, tower, or antenna for the purposes of transmitting and receiving communication signals, other than that accessory to a principal use of the property. Wireless communication facilities include monopoles and towers with attached appurtenances such as microwave dishes and antennae, rooftop, wall- and ground-mounted microwave dishes and antennas. See Section 24-1101 for specific definitions, standards, and procedures applicable in all districts.

24-403 Accessory Uses

In addition to the general use and development standards applicable to all districts, permitted uses may include other accessory uses. This section provides basic performance standards for all accessory uses and some specific standards for particular accessory uses.

- a. **Accessory Uses, Generally.** All principal uses shall include accessory uses subject to the following general standards:
 1. The use and any structure is clearly incidental and subordinate to an allowed use and customarily associated with the allowed use.
 2. The use is on the same lot as the principal use or otherwise clearly associated with an active principal use.
 3. The use is compatible with the general character of the area and comparable in scale and intensity to uses of other property in the vicinity.
 4. No use or structure may be constructed, maintained, or conducted in a way that produces noise, vibration, noxious odor or material, any visible light, glare or other visible impacts that are harmful, damaging or disturbing to the adjacent property.

5. Any structures or site design elements to support the use can be screened or located to minimize impact on adjacent property or are not significantly different from what is typical for other allowed uses in the district.
 6. There are no unusual traffic patterns or increases in operational activity that impact the use and design of streets and public spaces differently than other allowed uses.
 7. All uses and structures are conducted in a way that is consistent with the intent and objectives of all other design and development standards applicable to the property.
- b. **Accessory Dwelling.** Accessory dwellings are permitted as an accessory use to a principal dwelling as indicated in Table 24-4-2, and subject to the following additional standards:
1. One accessory dwelling may be permitted per lot only when associated with a detached house or duplex/multi-unit house.
 2. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic or basement apartment).
 3. The accessory dwelling shall not exceed 60 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.
 4. All parking necessary for the use shall meet the neighborhood design standards, and be confined to the garage, driveway or street directly in front of the dwelling.
 5. A detached accessory structure shall meet all development and design standards for the building and lot in Chapter 5, Residential Development Standards.
 6. The accessory dwelling shall be compatible with principal building, and whether within the principal building or in a detached structure, be clearly subordinate to the principal dwelling through the location of parking, access, building entrances and other design features that accommodate the dwelling.
- c. **Home Occupation.** Home occupations may be accessory to a primary residential use on the lot and shall meet all of the following standards:
1. The occupation shall be limited to residents of the dwelling and no other employees may be at the site for the purpose of conducting any part of the business operation. If the resident applicant is not the homeowner, the homeowner shall provide authorization with the permit application.
 2. Areas dedicated to the use and storage for a home occupation shall not exceed more than 20% of the habitable floor area of the dwelling, except as may be required for state-licensed child care home.
 3. All activity shall be conducted with an enclosed living area, accessory building, or the garage, except as required for state-licensed in-home family child care.
 4. Any materials or equipment used in the home occupation that is not customary to a residential use shall be stored within an enclosed structure.

5. No alteration of the exterior of the principal residential building or site shall be made which changes the residential character of the building or site, including use of colors, materials, construction, lighting or signs.
6. No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood. In general, this shall be limited to:
 - (a) No more than 1 customer vehicle parked at the property at a time, except for drop off of children for child care or instruction;
 - (b) No more than 10 client visits per week, except for drop off of children for child care or instruction.
 - (c) Delivery of products or materials is limited to that normally associated with residential purposes.
 - (d) All parking necessary for the use shall meet the neighborhood design standards, and be confined to the garage, driveway or street directly in front of the dwelling.
 - (e) Only one vehicle, not to exceed one-ton capacity, and one trailer which cannot exceed 15 feet, may be related to and used in conjunction with the home occupation and shall be parked on-site except for customary agricultural vehicles and equipment at rural homes.
7. No equipment, machinery or operation shall be used in such activities that is perceptible off the premises because of noise, smoke, odor, dust, glare, radiation, electrical interference or vibration.
8. There shall be no retail operations that result in regular or intermittent customer visits to the home, except for the sale of agricultural produce at a rural home, where all merchandise was produced on site.
9. The property shall be in compliance with all other building codes and property maintenance standards.
10. Use of utilities shall be limited to that normally associated with residential purposes.
11. All home occupations shall require a permit issued by the Director according to the following:
 - (a) An application form and materials shall be submitted to the Community Development Department;
 - (b) Notice of a permit application shall be posted and mailed to all abutting or other affected property owners according to Section 24-201.f.
 - (c) The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
 - (d) A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions of limitations to ensure that the criteria continue to be met;
 - (e) A permit shall be valid for three years, but may be renewed for subsequent three-year periods;
 - (f) A permit is valid only for the original applicant, and is not transferable to another person or to another location;
 - (g) The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation or misrepresentation in the application, or a change in the nature or extent of

the use, or any other circumstance that violates the public health, safety, and welfare.

12. Any home occupation not meeting these criteria, or otherwise denied a permit by the Director, may only be approved according to Section 24-206, Use By Special Review.

- c. **Livestock.** The limitations in Table 24-4-3: Animal Unit Equivalency Chart shall apply to the keeping of livestock as an accessory use to farming, residential uses, or any other use involving livestock. This chart shall not be used in a cumulative fashion. For example, in the H-A Zone, there is a maximum of 2 animal units permitted per acre. These animal units may be derived from a combination of animals, but in no event shall it exceed the maximum of 2 animal units per acre.

Table 24-4-3: Animal Unit Equivalency Chart			
Animal Species	Max Animals Per Acre (by species)		Animal Unit Equivalent
	H-A zone	Other zone	
Slaughter, feed & dairy cattle, bison, elk, llamas, horses, mules, burros, yaks, alpacas	2	1	1.0
Swine, butcher & breeding - over 55 lbs.	4	4	0.5
Sheep, lamb, goats	4	4	0.5
Turkeys	10	5	0.2
Chickens, broiler & layer; rabbits	20	10	0.1
Total Cumulative Animal Units Allowed Per Acre (combined species)		H-A district	2.0
		Other zones	1.0

- Young stock, less than 50% of adult weight, reduces the above equivalency factor by one-half).
- "Per acre" refers to areas specifically devoted for animal use.)

- d. **Satellite & Communication Equipment.** The following provisions shall apply to the installation of devices and structures used to transmit and receive radio, television or communication signals, except residential satellite dish installations which are three feet or less in diameter, residential single-pole or tower roof or ground-mounted television, or amateur radio antennas:
1. The placement of all equipment shall conform to all standards of the zoning district and overlay district, and shall not be located in any required setback or on any structure unless architecturally screened.
 2. The maximum overall height for a ground-mounted antenna shall be as established for building height in the applicable zoning district. The height of a roof-mounted antenna, combined with the building height, shall not exceed the maximum building height in the applicable zoning district.
 3. The operation of the antenna shall not cause interference with any electrical equipment in the surrounding neighborhood, such as television, radio, telephone or computers unless exempted by federal regulation.
 4. The antenna shall be a single, non-reflective color.
 5. The antenna shall be sited to assure compatibility with surrounding development and not adversely impact the neighborhood, and screened according to Section 24-803.
 6. The antenna and equipment shall be accessory to the principal use of the lot or site.

- e. **Accessory Drive-Through.** Drive-through or drive-up service accessory to an allowed commercial use is permitted subject to the following standards:
1. This section applies to buildings and sites designed for orders to be taken from a customer in a car, where they wait in a queuing area, and then receive products or services delivered to the car from a service window or station. It does not apply to businesses that provide carry-out or to-go products where there is no specific site design or structural facilities dedicated to vehicle service.
 2. Accessory drive-through or drive-up services shall be limited to the following districts:
 - (a) Non-food and beverage service – C-L, MU-L, C-H, MU-H, I-L, and I-M
 - (b) Food & beverage service – C-H, MU-H, I-L, and I-M
 3. The service area shall not substantially expand the traffic or vehicle circulation otherwise necessary for access, parking and circulation to serve the site. In general, the service area shall use the same entrance and exit from the site as the principal use, unless a more remote or discrete service off an alley or secondary street better meets this criteria.
 4. Vehicle service facilities shall avoid potential pedestrian/vehicle conflicts on the site and along the streetscape.
 - (a) Adequate stacking spaces for automobiles shall be provided on site and outside of setbacks to eliminate any impact on public streets.
 - (b) Stacking areas shall generally accommodate at least 5 vehicles, but may be modified for greater or lesser stacking dependent on the use or the context of the site, provided no stacking shall impede vehicle access or circulation on the site or in the right of way.
 - (c) Circulation, stacking and other access issues shall be designed in a manner that has the least impact on pedestrians entering the principal building from public streets and from internal streets or parking areas. .
 - (b) No access or queuing area shall be provided between the building and the street on any street designed to walkable street standards in Section 24-301 (Pedestrian or Avenue street types), or on “Walkable A” frontage type in Section 24-603. Use of alleys, internal access and the rear of buildings for drive-through services is required to preserve the streetscape design and development patterns of these areas.
 5. Service areas and windows shall be located on the most remote wall that is practicable, considering adjacencies to public-streetscapes, residential property, or other sensitive adjacent areas.
 - (a) No service area, speaker, ordering station, or pick-up window shall be located within 100 feet of any residentially zoned property, or otherwise be audible from residentially zoned property or the public right-of-way,
 - (b) Signs, circulation areas, and lighting elements shall not be create any negative impacts on the public right-of-way or adjacent residential property.
 - (c) Additional screening or buffers may be required beyond the standards of Section 24-803 in order to ensure compatibility.

6. The Director may require any other drive-through service area that does not clearly meet these standards and criteria to be reviewed subject to the procedures and criteria for Use by Special Review in Section 24-206.
- f. **Craft Manufacturing.** Production, storage, and distribution of products, or other on-site manufacturing, is allowed accessory to an otherwise allowed commercial use, provided:
1. The manufacturing area is no more than 50% of the building area, and any outdoor storage is limited to all applicable site design and screening standards.
 2. The entire site is limited to less than 1 acre.
 3. That all manufacturing areas, warehousing, shipping and distribution facilities are clearly subordinate to the principle commercial use, and all manufacturing is to support the principal use.
 4. No byproducts such as smell, waste, smoke or noise results from the manufacturing that is distinctly different or of greater intensity than the principle use.
 5. Traffic, customer, and shipping patterns and activities from the manufacturing use are not distinctly different from the principle commercial use in terms of intensity and hours of activity.
 6. Examples include microbrewery, bakery, furniture shop, art studio, or similar retail uses with limited and subordinate on-site manufacturing.
- Otherwise such uses are only permitted as a principle manufacturing use.
- g. **Outdoor Storage, Non-residential.** Accessory outdoor storage may be permitted in the non-residential districts subject to the following standards:
1. In the C-L, MU-L, and MU-H districts, the storage area shall be located behind the front building line of the principal building.
 2. The storage area shall be fully screened from residential property or public spaces according to the standards and design requirement of Section 24-803 and no materials shall be stacked higher than the screening.
 3. The storage area shall be located on the most remote section of the site or building as possible, but no closer than 30 feet to any street or right-of-way and outside of required setbacks in all cases.
 4. Outdoor storage areas shall be limited to:
 - a. No more than 300 square feet in the C-L district.
 - b. No more than 500 square feet in the MU-L or MU-H districts.
 - c. No more than 30% of the building footprint in the C-H and I-L districts.
 5. The storage area shall be paved per the requirements for parking lots, except a stabilized dust-free surface may be used in the I-M and I-H district.
 6. Alternatives to these accessory use limits may only be approved by the Director through site plan review procedures in Section 24-207.
- h. **Outdoor Display and Service Areas.** Outdoor display and service areas accessory to an allowed commercial use, such as sidewalk seating and dining or sidewalk sales are allowed subject to the following conditions:

1. Outdoor display and service areas shall be located on the same lot as the principal use or along the street frontage immediately abutting the use in the case of street front buildings.
 2. Outdoor display areas shall be limited to no more than 20% of the ground floor area of the principal use, and outdoor service areas shall be limited to no more than 50% of the interior service area.
 3. Display and service areas shall not be arranged where they interfere with pedestrian or building access or clear vision areas. When located on public, common or private sidewalks accessing the building, at 5 feet clear or at least 50% of the width any sidewalk, whichever is greater, shall remain clear and unobstructed..
 4. The area may be located in parking areas, provided it does not interfere with adequate parking and circulation of the entire site. The permanence of any structures shall be considered in evaluating the impact on adequate parking needs for the site.
 5. The area shall be screened from view along any property line abutting a residential use or district according to Section 24-803.
 6. A site plan shall be provided for any outside display or service area more than 400 square feet, lasting more than seven consecutive days, or more than four separate occurrences per year. A site plan shall show the location, area, and dimensions of the display area, and specifications for all lighting, fencing, screening or temporary or permanent structures.
 7. In reviewing the site plan, conditions or performance standards to mitigate noise, visual or operational impacts may be added by the Director to address specific sites or contexts.
- i. **Temporary Construction & Sales Offices.** Temporary construction or sales offices that are accessory to a permitted development project shall provide the following:
1. The lot shall be within or adjacent to the construction site, or located so that access from the site does not impact public streets or surrounding uses. A sales office shall be limited to sales for the subject site.
 2. Temporary office structures shall be architecturally compatible with surrounding uses and may be permitted on the site until 75% of the project is built out.
 3. All structures and materials shall be removed within one month after occupancy of the project.
 4. If the sales office is intended as a model home, it shall be completed to meet all Building and Zoning Code requirements.
- j. **Temporary Uses.** Uses that may not otherwise be interpreted as being permitted by Table 24-4-2, or accessory uses in Section 24-403, may be permitted through a Temporary Use Permit, provided they are accessory to a principal use of the site or building. Temporary uses on property without a principal use shall be considered under the change of use provisions as a principal use, and are required to meet all applicable standards of the zoning district.
1. *Permit.* An application for a permit shall be submitted by the owner, or an agent of the owner with written permission from the owner at least 10 days prior to the desired issue date.
 - (a) The permit shall have a specified start and end date not more than 90 days per year or be based on a schedule that includes no more than 90 days per year.
 - (b) The applicant shall submit a complete description of the event or activity, including anticipated traffic, hours and peak times of operation, access and

- circulation plans, the ability to accommodate fire and police access, and any need for special protection or other public safety, health and welfare needs.
- (c) The applicant shall submit a plan identifying the extent of the grounds, gathering places and circulation routes, any streets or public spaces to be dedicated to the event, the location of all structures, equipment or other accessory facilities, and any utility needs for these structures, equipment or fixtures.
 - (d) The Director may extend the permit one time for up to an additional 30 days. The extension shall only be permitted based on circumstances not foreseeable at the time of the original permit and provided no problems have arisen under the original permit.
2. *Standards.* All activities and any temporary structures shall meet the zoning district setbacks and standards, with the exception of the following:
- (a) Outdoor vendors may operate according outdoor vendor regulations and standards contained in Title 8, Chapter 5 of the City's Code
 - (b) Parking requirements shall generally be met for the principal use and the temporary use, except that the Director may account for any existing and underutilized parking, the duration of the event, and any transportation management when considering the permit criteria.
 - (c) Garage sales for residential property are not subject to the standards of this section or required to get a permit, provided:
 - (1) It is operated by the owner or resident of the property;
 - (2) It is for goods not acquired specifically for resale; and
 - (3) It is limited to no more than 3 consecutive days, and no more than 2 events per calendar year.
3. *Criteria.* A temporary use permit shall be evaluated based on the following, in addition to all other general procedures and criteria for site plans in Section 24-207:
- (a) The proposed use is of a scale, intensity and format that is ordinarily occurring in the vicinity considering the size, anticipated traffic, hours of operation and duration of the event.
 - (b) The anticipated traffic and parking can be handled by the existing street network, site access and lot layout, or the applicant has demonstrated sufficient management strategies and procedures to mitigate any potential negative effects on the area.
 - (c) The degree of potential negative impacts on adjacent property, and in particular the likelihood of the event violating the general District Performance Standards in Section 24-405. The applicant may submit mitigation plans for any potential impacts, including limiting hours of operation, buffers and screening, transportation management, or other evidence or plans to accommodate concerns and limit impacts on surrounding property owners or residents.
 - (d) The use shall comply with all other applicable codes, licenses, or other public health, safety, and welfare requirements.
 - (e) The location subject to the temporary use permit shall be restored to its original condition upon the earlier of the expiration of permit or end of operation, except that permanent improvements made to the location may remain with the property owner's written consent.
 - (f) The Director may impose any other conditions on a permit necessary to protect the public health, safety, and welfare.
 - (g) Any temporary use permit that does not meet these criteria may only be approved through the procedures and criteria for a Use by Special Review, in Section 24-206.

24-404 Specific Use Standards

- a. **Mixed-use Dwelling.** In districts where mixed-use dwellings are allowed uses, the following standards shall apply to a building or structure with two or more different uses, one of which shall be residential:
 1. In the commercial zoning districts, at least 50 percent of the ground floor of a mixed-use building shall be in a nonresidential land use. In the R-H Zoning District, no more than 50 percent of the total gross floor area of a structure containing a mixed-use, including basement area, shall be devoted to nonresidential uses.
 2. In the R-H zone, only commercial uses permitted in the C-L district are allowed, and they may be further conditioned, limited or prohibited through the Use by Special Review process in Section 24-206. Mixed-use dwellings in commercial and mixed-use zones may include any commercial use permitted within that zoning district.
 3. The design and character of all buildings and sites shall be compatible with the predominant character of the surrounding neighborhood. The operating characteristics of a nonresidential land use in a predominantly residential neighborhood shall be compatible with the residential uses. For the purposes of this section, operating characteristics shall include, but not be limited to, hours of operation, lighting, noise and traffic.
- b. **Residential Care.** When residential care is a permitted or use by special review, they shall meet the following conditions to ensure they are integrated into neighborhoods, have a non-institutional nature, and maintain the residential character.
 1. *Residential Care – Group Home.*
 - (a) Group homes shall meet all of the residential design standards applicable in the particular district, and any alterations to support the group living shall be done in a discrete way in accordance with the design standards.
 - (b) In the R-L and R-M districts, no group home shall be located less than 750 from another existing group home.
 - (c) Group homes shall be supervised at all times, and may include up to 2 resident care givers.
 - (d) Group homes shall be licensed by, operated by, or owned by a governmental agency or non-profit qualified to provide care and supervision.
 - (e) Group homes shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities qualifying as residential care – institutional.
 2. *Residential Care – Assisted Living, General, and Institutional:*
 - (a) The use shall be located on a collector street or higher, or otherwise located as a transition between the neighborhoods and other non-residential or mixed-use areas.

- (b) In residential districts, the building(s) and site shall meet all residential design standards so that the use, building and site is compatible with the neighborhood in terms of scale and intensity of activity.
- (c) Any facilities necessary to serve the residents, guests or support the staff, that are non-residential in nature shall be located on the most discrete portions of the site and building, and otherwise designed and screened to mitigate impacts on adjacent property according to Section 24-803.

c. **Animal Care.** All animal care facilities shall comply with the following:

- 1. All animal care businesses shall provide proof of compliance with all standards and licenses required by local or state animal care and control laws.
- 2. Any facility that provides boarding shall provide the following:
 - (a) Adequate shelter from the elements for the animals.
 - (b) Adequate facilities for preventing the escape of animals from the premises.
 - (c) Adequate facilities for keeping the animal environment clean and free of filth.
 - (d) Confinement and treatment of animals shall be in a manner that is humane and appropriate, which enclosures where the animal spends the majority of the day or where there is otherwise not access to an outside animal run, shall meet the requirements of Table 24-4-4: Animal Boarding Standards, which do not include required exercise areas:

Table 24-4-4: Animal Boarding Standards

<i>Animal Size</i>	<i>Minimum Kennel Area Floor Space*</i>	<i>Height</i>
<i>Extra-small dogs up to 10" high</i>	4.5 s.f.	
<i>Small dogs up to 16" high</i>	6.0 s.f.	
<i>Medium dogs up to 22" high</i>	9.0 s.f.	■ Min. 18 inches ■ At least 1.5 times height of animal at shoulder. ■ Max. Required: 48 inches
<i>Large dogs up to 26" high</i>	12.0 s.f.	
<i>Extra-large dogs up to 30" high</i>	16.0 s.f.	
<i>Giant breeds over 30" high</i>	18.0 s.f.	

* Calculated as: (length of dog in inches + six) (squared) divided by 144 times two equals required floor space in feet

- 3. Dog runs and exercise areas shall meet the following minimum space requirements:
 - (a) The length of the runs and exercise areas shall be a minimum of three times the length of the dog from the tip of its nose to the base of its tail; the width shall allow the dog to turn around easily; and the height shall be

1½ times the height of the dog at the shoulders, with the maximum height required of 48 inches, the minimum of 18 inches.

- (b) Indoor/outdoor runs that have the primary enclosure and the exercise area in combination shall for measuring purposes be considered an exercise run and shall be measured from the extreme inside to the extreme outside for length determination.
- (c) Outdoor or indoor runs used as a combined primary enclosure and exercise area shall be measured from one extreme end to the other extreme end for length. The same criteria will apply to freestanding runs used for exercise areas only.
- (d) Each dog housed in the specified primary enclosure must be provided the opportunity to exercise for a minimum of 60 minutes over a 24-hour period.

4. Adequate supervision of the animals in the kennel facility must be present to the following standards:

- (a) There must be a minimum of one human supervisor (at least 16 years of age), present at all times and able to directly view each enclosure or common area where dogs from different owners are commingled.
- (b) If more than 15 dogs are housed in a common area or enclosure, there must be at least one adult supervisor present for each 15 dogs housed within each enclosure or common area, with a maximum of 60 dogs housed in any enclosure or common area at a single time.
- (c) Where after-business hours or overnight boarding care is provided, the applicant must provide an animal care and supervision plan if human supervision is not provided during this period. Such plan must address how animal care and emergency needs will be managed in the absence of human supervision.

5. Commercial businesses for which the principal use is either a pet shop or grooming operation, a pet management plan may be submitted in lieu of compliance with the confinement and exercise standards within this section. The plan must demonstrate compliance with local and state animal care and welfare standards, and include a description of the alternate accommodations related to area, location, duration of enclosure periods, and access to food, water and shelter.

d. **Automobile Gas Stations.** All automobile gas station uses shall comply with the following:

- 1. No more than one access drive shall be permitted for each street frontage.
- 2. All light sources, including canopy, perimeter and flood lights and lenses, shall be shielded or fully recessed within the roof canopy so that light is contained on-site.
- 3. If on-site convenience store or other retail or service component is provided, the design, location and operation of these facilities shall be compatible with the design, location and operation of the gas station.

4. The maximum height of a canopy shall be 20 feet for flat roofs and 24 feet for pitched roofs.. Canopies shall be architecturally compatible with the principal building and all other accessory structures on the site with the same or complementary materials, architectural style and colors. The material used on the underside of the canopy shall not be highly reflective. Setbacks for the canopy shall be measured from the outside edge of the canopy.
 5. Adequate stacking space shall be provided on-site without using any portion of the adjacent street or alley for stacking. Stacking shall not occur in required setbacks.
 6. Dispensing pumps and adjacent parking, fueling or service areas shall not be located within the property setbacks.
 7. If the convenience store, gas station or auto repair use is immediately adjacent to residential zoned property or existing residential uses on at least two sides, the hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. daily.
- e. **Automobile Repair / Service.** All automobile repair / service uses shall comply with the following:
1. Areas for overnight vehicular storage shall be enclosed or screened from the view of adjacent properties and the public right-of-way except when located in the Industrial - Medium Intensity (I-M) or Industrial -High Intensity (I-H) zones.
 2. Where a automobile repair / service use abuts residential uses or residential zones, a minimum 20-foot side yard setback and a minimum 25-foot rear yard setback shall be provided.
 3. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles shall be located outside any structure.
 4. Landscaping, screen walls, berms, placement of the use or other site design techniques shall be used to screen cars being serviced or waiting for service and to screen overhead doors from view from the public right-of-way.
 5. Auto repair uses within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any auto repair use shall be compatible with surrounding uses in form, materials, color and scale. The location, size and design of the auto repair use shall be compatible with and have minimal adverse impact on the use of surrounding properties. Overhead doors shall be constructed of non-reflective materials.
- f. **Automobile Repair / Service - Car & Truck Washes.** Uses that include car or truck washes as an accessory or principal use shall comply with the following:
1. Bays shall be located so that they are perpendicular to the public right-of-way or screened from view if on a corner site.
 2. No auto repair shall be conducted within a car or truck wash bay.
 3. All-over spray shall be contained on-site.
 4. Operating characteristics of car and truck washes, such as hours of operation and the use of lighting, shall be conducted in such a manner that is compatible with surrounding land uses.

5. Other applicable requirements for car and truck washes may be found in the city's storm drainage and water department standards and criteria.
- g. **Bed & Breakfasts.** All bed and breakfast uses shall comply with the following:
1. Cooking facilities, including stoves, hot plates or microwave ovens, shall not be permitted in guest rooms.
 2. Meals or food served in the bed and breakfast shall be prepared in a central kitchen on-site and served solely for bed and breakfast occupants.
 3. Individual rooms in a bed and breakfast shall not be rented more than twice during a 24-hour period.
- h. **Manufacturing – Food & Beverage Minor.** All minor food and beverage manufacturing uses shall comply with the following:
1. Commercial elements of the use shall be visually and physically accessible to the public realm and designed as the most prominent aspect of the site. Commercial elements include the sale of food, beverages or other retail for on-premises purchase or consumption. The use of architecture, sidewalks, landscaping and parking shall be to define and emphasize these commercial components while de-emphasizing the manufacturing and other aspects of the facility.
 2. Loading and storage areas, where otherwise allowed by this Development Code, shall be separated from public entrances and areas associated with the commercial elements of a minor food and beverage processing facility and shall be located at the rear of the facility and screened from rights-of-way and off-site uses, to the extent feasible.
 3. Traffic by heavy trucks or rail shall be separated from public entrances and areas to avoid regular conflicts with the public and commercial aspects of the use.
 4. Environmental impacts, such as odor, heat, glare, noise, vibration and other such emissions or impacts shall be reasonably contained on-site and not discernable at or beyond the property line. The inability to confine such impacts to the site would qualify this use as a major food processing use.
 5. The applicant for a minor food and beverage processing facility shall demonstrate that a portion of the building footprint's square footage, equal to or greater than ten percent and no more than 50 percent, is dedicated to sales of food, beverages or other retail or services for on-premises purchase or consumption.
 6. All other applicable site and building design standards applicable in the particular district or location shall be met.
- i. **Waste Management – Recycling Collection Small.** All small recycling collection uses shall comply with the following:
1. The facility shall be installed as an accessory use to an existing multifamily development, commercial or industrial land use.
 2. Facilities shall not be located within 100 feet (excluding right-of-way) of any residential zoning district.
 3. The facility shall be no larger than 300 square feet and occupy no more than five parking spaces, excluding space that will be periodically needed for removal of

materials or exchange of containers, and one parking space for an attendant, which shall be located outside setbacks.

4. All permanent or temporary structures shall be set back at least 10 feet from any public right-of-way, shall be located so that pedestrian or vehicular circulation is not obstructed, and otherwise located in a manner to limit adverse impacts on adjacent property and the public streetscape.
5. The facility shall accept only glass, metals, plastic containers, papers and similar items; or may be a collection point for donation of reusable, non-perishable household items such as books or clothing.
6. No power-driven processing equipment shall be used except for reverse vending machines.
7. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, and shall be of a capacity sufficient to accommodate materials collected and collection schedule. All material shall be stored in the unit and shall not be left outside of the unit when unattended. The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.
8. The facility shall be maintained in a clean and sanitary manner, free of litter and any other undesirable materials.
9. Containers shall be clearly marked to identify the type of material that may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling containers.

- j. **Waste Management – Recycling Processing & Collection.** Recycling collection facilities that do not meet the small facility limits, or all recycling processing and collection uses shall be limited to industrial districts and comply with the following:
1. The facility shall not be adjacent to a parcel designated or planned for residential use.
 2. Structure setbacks shall be those provided for the zoning district in which the facility is located.
 3. All exterior storage of material shall be in sturdy containers that are covered, secured and maintained in good condition. Outdoor storage shall be screened by a six-foot solid fence or wall. No storage, excluding truck trailers, shall be visible above the height of the wall or fence. No outdoor storage shall be permitted in zoning districts that do not permit outdoor storage.
 4. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials and shall be cleaned regularly of loose debris. Containers shall be clearly marked to identify the type of material that may be deposited, and the facility shall display a notice stating that no material shall be left outside the recycling containers.
 5. Space shall be provided on-site for a minimum of five vehicles to circulate and to deposit recyclable materials and for employee and commercial vehicle parking.

6. All containers provided for after-hours donation of recyclable materials shall be at least 100 feet from any residential use or zoning district and constructed of sturdy rustproof construction with sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials.
7. The facility shall be clearly marked with the name and telephone number of the facility operator and the hours of operation. Identification, informational and directional signs shall meet the sign standards of the zoning district.
8. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials.
9. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.
10. Hazardous materials, dead animals or yard waste shall not be considered recyclable material, except as otherwise provided in this Development Code.

24-405 District Performance Standards

All principal and accessory uses in non-residential districts shall be operated in a manner that meets the performance standards in Table 24-4-5, Non-residential District Performance Standards.

Table 24-4-5: Non-residential District Performance Standards				
	C-L, MU-L	C-H, MU-H, I-L	I-M	I-H
Limits on hours of operation for businesses	6AM – 10PM	n/a	n/a	n/a
No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building.	☑	☑		
No smoke or particulate matter shall be produced that is a number 1 or darker on the Ringelmann chart	☑	☑	☑	
No vibration or concussion which is perceptible without instruments at the property line	☑	☑	☑	
Dust, fly ash, radiation, gases, heat, glare or other effects shall not be produced which are obviously injurious or damaging to humans or property beyond the property line;	☑	☑	☑	☑
Lighting	See Section 24-603.e			

Reserved Sections 24-406 through 24-500

Section 4. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 5 – Residential Development Standards of Title 24 to read as follows:

Chapter 5. Residential Development Standards

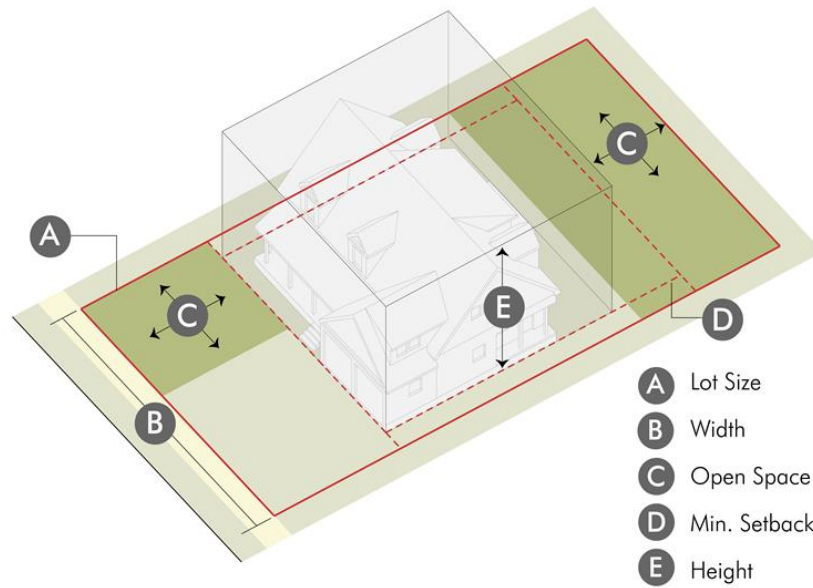
24-501	Intent & Applicability
24-502	Residential Development Standards
24-503	Residential Design Standards
24-504	Neighborhood Features & Common Areas
24-505	Courtyard Pattern
24-506	Residential Micro-Housing District

24-501 Intent & Applicability

- a. **Intent.** The Residential Development Standards have the following intent.
 1. Improve the appearance and livability of neighborhoods with good civic design, and reinforce the distinct character of different neighborhoods based on their context.
 2. Design and locate parks, trails and other open spaces as focal points that shape neighborhood character.
 3. Design walkable neighborhood streetscapes, with slow traffic speeds, well-connected sidewalks, and shade and enclosure provided by street trees.
 4. Orient all buildings and lots to the public street or to common open spaces that serve as an extension of the streetscape and public realm.
 5. Promote human-scale buildings and create active social spaces along the streetscape.
 6. Provide housing variety within neighborhoods and among different neighborhoods, and ensure compatible transitions between different building types.
 7. Promote lasting and sustained investment in neighborhoods with quality design.
- b. **Applicability.** The standards in this Chapter provide lot, building development, and design standards, and generally apply to all residential development except:
 1. Where stated, some sections may only apply to specific building types, specific districts or specific scales of projects;
 2. The Character Overlay established according to Section 24-1007 may modify standards for a particular area;
 3. Residential development may be further impacted by the standards for Areas of Ecological Significance in Section 24-1004 or Hillside Development Standards in Section 24-1009; or
 4. Any use-specific standards in Chapter 4 may require a more specific or different standard for a particular use.

24-502 Residential Development Standards

- a. **Building Types and Lot Standards.** The development standards for residential districts shall be based on the different building types permitted in each district, as specified in Table 24-5-1,



Residential District Building Type & Lot Standards. The design standards in other sections of this article may further specify the design and location of each building type in a specific context.

Figure 24-5-1 Building Types

Building types in Table 24-5-1 are distinguished based on lot sizes, unit configuration, building footprints and massing, building placement, and lot open space. This diagram illustrates the key elements standards in Table 24-5-1 applied to a typical lot.



Figure 24-5-2 Range of Building Types

Each zoning district allows a range of building types that are compatible based on the building scale, frontage design, and intent of the specific zoning district. The R-H zoning district allows the greatest range of building types, each specifically defined by the standards of Table 24-5-1: Residential Building Type & Lot Standards.

Table 24-5-1: Residential Building Type & Lot Standards

Zoning Districts						Building / Lot Types	# of Primary Units	Development Standards							
H-A	R-E	R-L	R-M	R-H	R-MH			Area	Width [1]	Lot Open Space	Front [2]	Minimum Setbacks [5]		Rear	Building Height
						Agriculture Acreage	1	40 + ac.	300'+	n/a	35'	25'	25'	50'	30'
	■	■	■	■		Detached House – Estate Lot	1	13K + s.f.	100'+	30%	25'	5'	15'	20'	30'
		■	■	■		Detached House – Standard Lot	1	6K + s.f.	60' – 99'	30%	25'	5'	15'	20'	30'
		■	■	■		Detached House – Medium Lot	1	4.5K + s.f.	45' – 59'	25%	25'	5'	10'	20'	30'
			◇	■		Detached House – Small Lot	1	3K + s.f.	35' – 44'	20%	10'	5'	10'	20'	30'
			◇	◇	■	Detached House – Small Format	1	1.5K + s.f	25' – 34'	15%	10'	3'	8'	10'	40'
			■	■		Multi-unit House – Standard Lot	2-4	6.5K + s.f. 2K s.f. per unit	60' - 99'	25%	25'	5' [3]	10'	20'	30'
			■	■		Multi-unit House – Medium Lot	2-3	4.5K + s.f. 2K + per unit	45 – 59'	20%	25'	5' [3]	10'	20'	30'
				■		Multi-Unit House – Small Lot	2	3K + s.f.	35' – 44'	15%	10'	5' [3]	10'	20'	30'
				■	■	Row House – Standard Lot	3-8	1.5K + s.f. per unit	21' – 30' per unit	12%	10'	5' [3, 4]	10'	10'	40'
				■		Row House – Small Lot	3-8	1K + sf. per unit	14' – 20' per unit	10%	10'	5' [3, 4]	10'	10'	40'
			◇	■		Apartment – Small Lot	3-12	4.5K – 10K s.f.	40' – 79'	10%	10'	5' [4]	10'	10'	40'
				■		Apartment – Medium Lot	13-24	10K – 30K s.f.	80' – 150'	15%	10'	5' [4]	5'	10'	50'
				□		Apartment – Large Lot	25+	30K s.f. – 2 ac.	150'+	20%	25'	10' [4]	15'	10'	70'
				■		Apartment – Complex. Medium	29 du / ac.	2 ac. – 5 ac.	150' +	25%	25'	10' [4]	10'	20'	40'
				□		Apartment – Complex. Large	45 du / ac.	5 + ac.	300' +	30%	25'	20'	20'	25'	60'
□	□	□	□	□	□	Civic		30K + s.f.	100' +	40%	25'	5'	20'	20'	40'
■	■	■	■	■	■	Accessory Buildings		See Residential Accessory Buildings in Section 24-502.c							
			■	■		Accessory Buildings		See 24-403.b. for ADUs							

■ Allowed

◇ Limited to projects that meet the housing diversity requirements of Section 24-502.d.

□ Civic buildings and uses, and Apartments – Large Lot or Large Complexes shall only be located on collector or arterial streets in residential districts.

Zoning Districts: H-A Holding-Agriculture; R-E Residential Estate; R-L Residential Low Density; R-M Residential Medium Density; R-H Residential High Density; R-MH Residential Micro-Housing

[1] Corner lots shall add at least 5' to the required lot width. Otherwise, lot width ranges shall determine the applicable building type standards within a category

[2] Front setbacks shall be modified based on context and the Frontage Design standards in 24-503.b.

[3] Rowhouses and side-by-side Multi-unit Houses (i.e. duplex), may be platted for individual ownership of the unit and lot, with a 0' interior side setback as provided in section 24-502.b.1.(a).

[4] Row Houses, Small Apartments, and Medium Apartments shall have a 10' side setback when abutting lots with a detached house; Large Apartments / Apartment Complexes shall have a 20' side setback when abutting lots with a detached house.

[5] Buildings that require a certificate of occupancy shall be setback at least 250' from an oil/gas facility, and 50' from a well that has been plugged and abandoned. Buildings that do not require a certificate of occupancy shall be setback 150' from a tank battery or oil/gas well (unless plugged and abandoned). See Section 24-1102 Oil & Gas.

- b. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 24-5-1: Residential Building Type & Development Standards.

1. *Lot and Building Configurations.*

- (a) Row Houses and side-by-side Multi-unit Houses (i.e. duplexes) may be configured as a single project, provided the lot and building cumulative meet any per lot standards; or as individual lots with a 0-foot interior side setback, provided the building includes a party wall meeting building code standards. Individual ownership of units on a commonly owned lot are subject to the platting requirements in 24-202.
- (b) Side lot easements between abutting lots may be granted in association with a plat to have the effect of “zero lot line” patterns. Easements for exclusive use of the side yard may be granted to the abutting owner to meet the lot open space requirements and design standards in Section 24-503 for the grantee, yet maintain the required setbacks from the platted lot line for each building in Table 24-5-1 for the grantor. Easements shall be private agreements and account for all access and maintenance scenarios for the lots, open space, and buildings.
- (c) The front setbacks for each building may be modified according to the frontage types and Frontage Design Standards in Section 24-503.b.
- (d) Lots may be configured in a Courtyard Pattern as provided in Section 24-505.

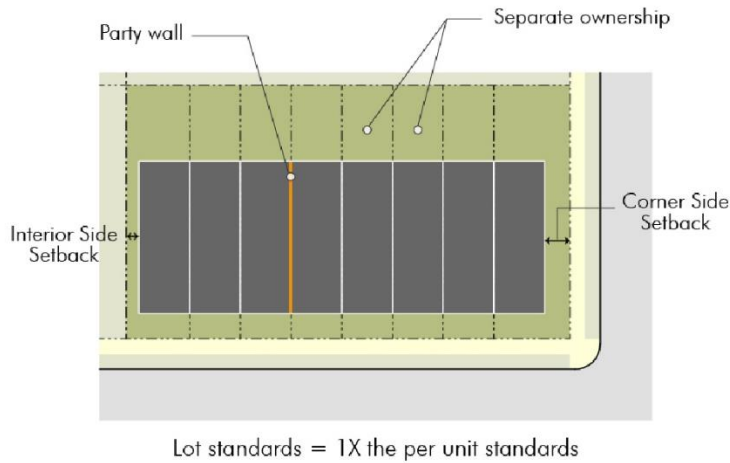
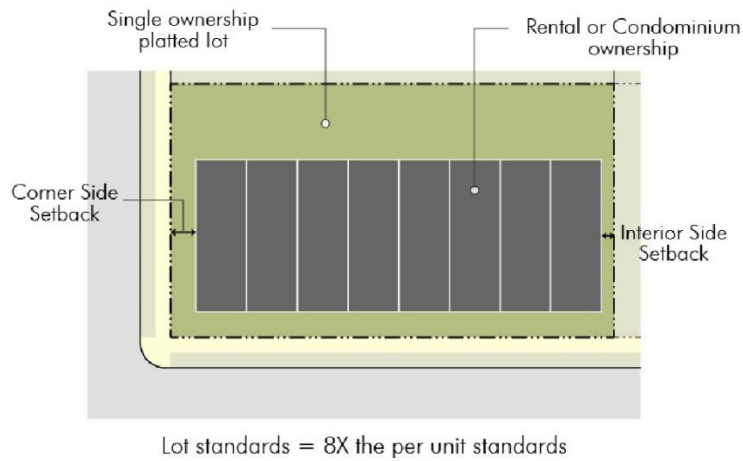


Figure 24-5-3 Row House & Duplex Lot Standards
 The building and lot standards for Row Houses or Side-by-side Multi-unit Houses (duplexes) can be applied to allow the same building configuration to be owned as individual lots and units (platted 0' party wall), owned as individual units on a common lot (condominium), or owned as a single project (rental of units), subject to required platting procedures. (24-502.b.1.(a))

Figure 24-5-4 Side Lot Easements

Side lot easements may be used to provide more contiguous areas to meet the lot open space requirements, and have the effect of a zero lot line configuration. (24-502.b.1.(b))

2. **Setback Encroachments.** The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
 - (a) Primary entrance features may encroach beyond the required front building line, as specified in Section 24-503.b.
 - (b) Structural projections such as bay windows, balconies, canopies, chimneys, eaves, cornices, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 3 feet from any lot line. This exception shall be limited to no more than 20% of the total area of a building elevation.
 - (c) Unenclosed decks or patios at or below the first floor elevation may extend into the rear or side setback but no closer than 5 feet to any lot line. Where a roof is provided, it shall only be single story and shall remain unenclosed with at least 65% open and unobstructed on 3 sides.
 - (d) Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located in easements or rights-of-way, subject to the design standards of those specific authorizations.
 - (e) Any other accessory use or structure within the setback, not specified in Section 24-502.c, shall have a setback of at least 1/3 its height from the property line.
 3. **Height Exceptions.** The following are exceptions to the height limits in Table 24-5-1:
 - (a) Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.
 - (b) Architectural features such as chimneys, ornamental towers or spires, and similar accessory features that are cumulatively less than 20% of the building footprint may extend up to 50% above the actual building height.
 - (c) Functional and mechanical equipment such as elevator bulkheads, cooling towers, smoke stacks, roof vents or other equipment may be built up to their necessary height in accordance with building codes, provided they are screened according to the standards of this code.
- c. **Accessory Buildings - Residential.** Accessory buildings shall be permitted in association with, and on the same lot as, a principal building or use, subject to the standards in Table 24-5-2, Residential Accessory Structures, and to the following additional limitations.

Table 24-5-2: Residential Accessory Structures

Type	Quantity	Size	Height	Setbacks
Minor Structure	■ 1 / lot;	■ 120 s.f. max	■ 12' max	■ 0' side or rear;

<i>(small shed, and similar structures)</i>	+ 1 / each 10k s.f.; - Maximum of 3	5' if on a concrete slab or similar foundation; and - Behind the rear building line of the principle structure
<i>Secondary Building (detached accessory building)</i>	1 / lot 2 / lot, over 1 ac.; 1 / principal building (apartments)	50% of principal building footprint, up to 1,200 s.f. max. 25' max, but no higher than principal structure. 5' from side and rear; 20' from street side; and - At least 12' behind the front building line of the principal structure
Any building over 12' high or more than 250 square feet shall meet the design standards in Section 24-502.c.2.		
<i>Out-building (large storage building, barns, etc.)</i>	1 / lot over 1 ac. + 1 / each 3 ac. - Maximum of 4	2,000 s.f. max 5,000 s.f. max in H-A 25' max 60' max in HA 10' from side and rear; 30' from any street side; and - Behind the rear building line of the principal structure
Applies to detached houses and civic / institutional uses only		

1. **Generally.**
 - (a) All accessory buildings shall be at least 6 feet from the principal building, or other distance specified by applicable building codes based on fire ratings of adjacent walls.
 - (b) Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location, and orientation.
 - (c) Minor accessory structures 120 square feet or less, and not on a foundation or slab do not have a required side or rear setback, but should be movable and are otherwise placed "at risk" by the owner with regard to any easements, fence, or screening requirements.
2. **Secondary Building Standards.** In any residential district, secondary buildings over 250 square feet shall or over 12 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
 - (a) The wall height shall be no more than 9 feet above the finished floor, except that gables, dormers, or other subordinate walls may support a pitched roof.
 - (b) The roof peak or other top of structure shall not exceed 22 feet above finished floor for pitched roofs with a 6:12 pitch or greater, and no more than 16 feet for shed roofs or pitched roofs below a 6:12 pitch.
 - (c) The design shall be compatible with the principal building considering materials, architectural details and style, window and door details, and roof forms.
 - (d) Secondary buildings with vehicle access directly from an alley or shared easement may be built on the lot line at the alley or shared easement.
- d. **Housing Diversity.** Individual projects shall meet the following housing diversity guidelines based on the scale and context of the project. Diversity shall be based on the categories and building types indicated in Table 24-5-3, and be applied according to Table 24-5-4. The guidelines shall be met by one or a combination of the following:
 1. Use a mix of housing types permitted in the zoning district, or propose more than one zoning districts within the project.
 2. The Director may waive this requirement where there is an existing mix of housing within ¼ mile of the project that provides a comparable mix of housing considering the size, price points, and types of housing.
 3. The Director may approve alternative compliance if the applicant submits evidence that achieving the mix unreasonable based on industry data and conditions beyond the applicant's marketing information.

Table 24-5-3: Housing Categories & Building Types

Category I: Detached Houses	Category II: Missing Middle Housing	Category III: Multi-family and Mixed Use
▪ Detached House - Estate Lot ▪ Detached House -Standard Lot ▪ Detached House - Medium Lot	▪ Detached House – Small Lot ▪ Detached House – Compact / Small Format ▪ Multi-Unit House – Standards Lot ▪ Multi-unit house – Medium Lot ▪ Row house – Small Lot ▪ Row house – Large Lot ▪ Apartment - Small	▪ Apartment – Medium ▪ Apartment – Large ▪ Apartment – Complex (medium / large) ▪ Apartment – Mixed-use Building

Table 24-5-4: Housing Diversity

Project Scale	Required Mix
< 50 Units	no requirement
50 - 150 Units	▪ At least 2 building types ▪ No more than 70% of one type
151 - 300 Units	▪ At least 3 building types ▪ No more than 50% of one type ▪ At least 20% Category II
301+ Units	▪ At least 4 building types ▪ No more than 50% of one type ▪ At least 30% from Category II

- e. **Fences & Walls.** Fences and walls in residential districts shall be limited to the sizes and locations in Table 24-5-5, Residential Fences & Walls, and the following additional standards.

Table 24-5-5 Residential Fences & Walls

Location	
Front <i>In the front setback or any location in front of Front Building Line.</i>	▪ 3.5' high ▪ 3.5' – 6' if it is ornamental design that is at least 75% open (i.e. wrought iron). ▪ Up to 8' for ornamental features at pedestrian entries.
Side and Rear <i>In the side, street side, or rear yard and behind the Front Building Line.</i>	▪ 6' high ▪ A fence or wall outside of required setbacks (i.e. in the buildable envelope), and behind front building line can exceed 6', but may be limited by building codes or other general development and design standards.
Perimeter Fences <i>Any fence within 30' of a Collector or Arterial street right-of-way as</i>	Any fence designed as part of a perimeter landscape area along collector or arterial streets, or otherwise located within 30' of a collector or arterial right-of-way and longer than 100', shall meet the following standards:

Table 24-5-5 Residential Fences & Walls

Location	
<i>part of Perimeter Landscape in Section 24-803.</i>	▪ All fencing shall be softened with landscape materials on the street side of fences meeting the perimeter landscape standards of Section 24-802. ▪ Expanses of over 100' shall be broken up by either: ○ Offsets of +/- 3' on 1/3 of length for every 150' span; or ○ Ornamental designs on at least 50' of every 150' space that is at least 75% open (i.e. wrought iron); or ○ Architectural pillars or posts (i.e. stone, or masonry) at least every 50'. ▪ Alternatives may be approved by the Director in association with the perimeter landscape plans for in Section 24-803, Streetscapes in 24-301, and Neighborhood Features & Common Areas (Trails) in 24-504.
All Locations	All fences or walls along rights-of-way or easements shall be set back at least: ▪ 1' from any ROW or easement that prohibits structures; otherwise fences in easements shall be permitted only subject to specific easement language and limitations. ▪ 2' from any sidewalk. ▪ 3' from the edge of any alley or similar vehicle access surface ▪ Fences or walls may only be located in the right-of-way or public easement by a revocable right-of-way permit from the Public Works Department

1. **General Fence & Wall Design Standards.**
 - (a) All fences or walls located along common lot lines shall be located so the fence is on the property line, or at least three feet from the property line. Any areas set back three feet or more, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment.
 - (b) The finished side shall face adjacent property or any public right-of-way, public space, or common areas.
 - (c) Any fence or wall in the floodplain shall also require a floodplain development permit.
 - (d) All fence or walls shall be located and designed to comply with sight distance requirements of 24-301.d.2. Any fence or wall that could potentially create a sight obstruction for vehicles crossing pedestrian areas or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances for the vehicle.
 - (d) Temporary fences for construction may be up to 6 feet tall or as otherwise specified in construction permits
 - (e) All fences and walls may be subject to additional standards of the building code, approved drainage plans for the lot, or other design and development standards. In particular, the following require a building permit when allowed by this code:
 - (1) Any fence or wall over 6 feet.
 - (2) Any retaining walls over 4 feet.
 - (3) Walls in the setbacks over 6 feet shall only be permitted by alternative compliance in Section 24-208.
2. **Materials.** Fences and walls shall be consistent in character, materials and appearance with the architecture of the principal building(s) on the same lot. Fences and walls shall be constructed out of any of the following materials:
 - (a) Wood or vinyl simulating wood. Wood shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance;
 - (b) Wrought iron or aluminum simulating wrought iron;
 - (c) Stone, brick, concrete with stone or brick veneer, pre-cast concrete simulated stone or brick, or decorative concrete textured to simulate masonry; or
 - (d) Chain link or vinyl clad chain link, in the side or rear yard only and limited to 4 feet high, or up to 12 feet for any security fence around sports facilities, courts,

pools or similar facilities, provided it is 20 feet from any lot line and provided all portions over 8 feet remain free of opaque screens.

24-503 Residential Design Standards

- a. **Applicability.** The Design Standards shall apply to the R-L, R-M, and R-H zoning districts, and to any residential building type permitted in non-residential zoning districts. The standards shall specifically apply to the following circumstances:

Table 24-5-6: Applicability	
Activity	Applicability of Standards
<i>Site or Landscape work on less than 50% of the lot</i>	Standards only apply to changes associated with the proposed work, and only to the extent that any non-conforming situations for the entire site are brought closer to compliance.
<i>Site or Landscape work on 50% or more of the lot.</i>	All site and landscape for the entire lot shall be brought into compliance with the standards.
<i>Rehabilitation, remodeling or additions to buildings that add more than 200 square feet to the building footprint or mass, but less than 50%.</i>	Standards only apply to changes associated with the proposed work, and only to the extent that any non-conforming situations for the entire site are brought closer to compliance. However, staff may require full compliance for the building and lot for any rehabilitation, remodel or addition that is greater than 75% of the assessed value.
<i>New primary structure; or Rehabilitation, remodeling or additions to the building that add more than 50% to the building footprint or mass.</i>	All standards for the entire building and lot shall be met.
<i>Ordinary Maintenance</i>	The standards shall not apply to ordinary maintenance of existing buildings, except that maintenance to any building may not occur in a manner that brings the building or site to a greater degree of non-conformance with these standards.

- b. **Frontage Design.** The design of lot frontages establishes the relationship of buildings and lots to the streetscape, including building placement, lot access, garage extent and location, and entry features. Frontage Types designed according to the standards and design objectives of this subsection may be used to modify the front setback established in Table 24-5-1.

1. **Design Objectives.** Frontage types shall be applied to meet the following design objectives:
 - (a) Enhance the image of neighborhoods by coordinating streetscape investment with private lot and building investment.
 - (b) Design frontages to the particular context of the neighborhood, block and street.
 - (c) Coordinate development across several lots, considering the cumulative impacts on streetscapes from the frontage design of each lot.
 - (d) Orient all buildings and lot frontages to the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
 - (e) Limit the impact on the neighborhood streetscape from frontages designed for car access, particularly on narrower lots or walkable streets and neighborhoods.
 - (f) Provide outdoor livable spaces that activate the streetscape.

- (g) Use front entry features to reinforce neighborhood character, promote unique design with subtle variations to building patterns, and create consistent, human-scale connections to the streetscape.

2. **Frontage Design Standards.** Frontage types shall be designed according to the standards in Table 24-5-7, Residential Frontage Types & Design Standards. Subsections following the table provide specific design strategies and techniques to be used in meeting these standards and design objectives. Where multiple frontage types are permitted, the frontages should be similar for all lots on the same block face or gradually transition to different building placement and frontage types on adjacent lots. In general, the front building line of adjacent buildings shall not differ by more than 5 feet.

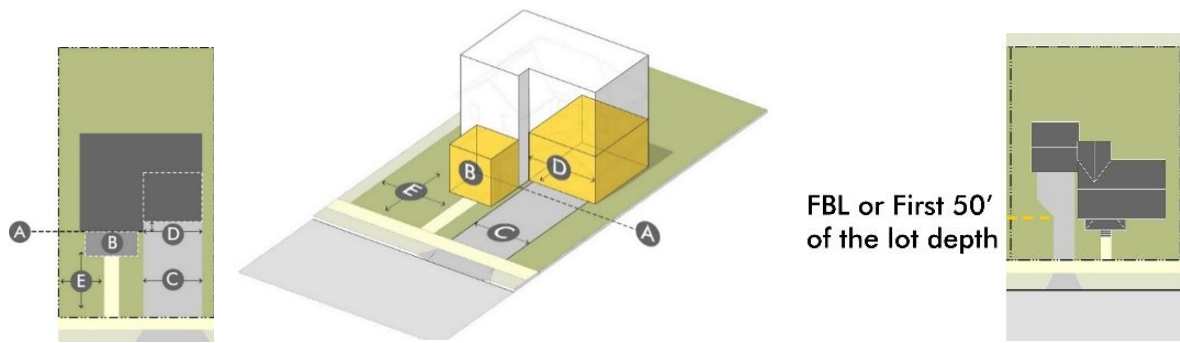
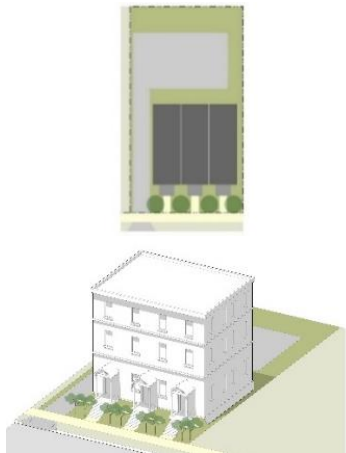
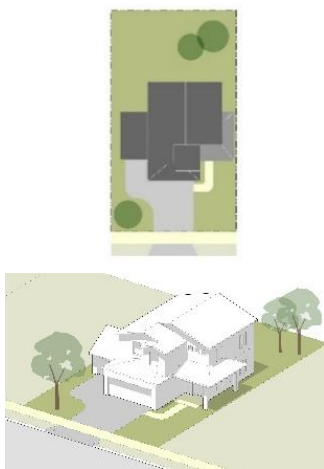


Figure 24-5-5 Frontage Design Standards

This diagram illustrates the key elements of frontage design in table 24-5-7: (A) front building line; (B) front entry features, (C) driveway widths; (D) garage extent and location, and (E) landscape areas. These elements determine the relationship between the building, the lot, and the streetscape, and affect the character of the area when applied across multiple lots on a block.

Table 24-5-7: Residential Frontage Types & Design Standards

Frontage Element		Terrace Frontage	Neighborhood Frontage	Suburban Frontage
				
Application	R-L		☐ Required frontage type for R-L in the Legacy Urban & Downtown Neighborhood areas	☒
	R-M	☐	☒	
	R-H	☐	☒	
Front Building Line		10' – 25'	25' – 60'	25' +
Front Entry Feature		Required, See Section 24-503.b.5	Required, See Section 24-503.b.5	Required, See Section 24-503.b.5
Driveway Width		15% of lot width, up to 20' maximum	20% of lot width, up to 20' maximum	50% of lot width, up to 27' maximum
Garage Limitations		20% of facade – must be at or behind FBL; - Up to 35% if stepped back 12'+ from FBL	35% of facade – must be at or behind FBL; - Up to 45% if stepped back 12'+ from FBL	65% of facade –no more than 12' in front of FBL
Landscape [1]		60% minimum landscape; and 40% maximum hardscape.	70% minimum landscape; and 30% maximum hardscape.	50% minimum landscape; and 50% maximum hardscape

☒ Required, default standard

☐ Optional, alternative standard to be applied based on context

[1] Landscape refers to allocation of space between front lot line and front building line. See Section 24-802 Landscape Design for planting requirements, standards, and specifications.

3. **Driveway Limits.** Driveway limits maintain active spaces along the frontage, preserve areas of streetscape landscape, and reduce curb cut width protecting sidewalks and curbside parking. The following standards apply to the driveway limits in Table 24-5-7:
- (a) Driveway width limits apply to the first 50' of the lot depth, or up to the Front Building Line, whichever is less.
 - (b) Any garage meeting the design standards in this Section may have a driveway expanded to the width of the entry, provided:
 - (1) The expansion extends no further than 20' from the garage entry;
 - (2) The expansion cannot be closer than 10' to the front property line; and
 - (3) The width of the driveway within the right of way and first 10' shall be reduced to no wider than 20' wide.
 - (c) In cases where driveway width and garage standards prohibit front-loaded garages and driveways on a particular lot, a range of options with different access patterns and garage locations may be used.
 - (d) All parking shall be outside of the frontage area, except detached houses or multi-unit houses may have one of the required parking spaces per unit in the driveway, provided it is at least 7 feet by 18 feet, entirely outside of the right of way, and does not interfere with any pedestrian area.

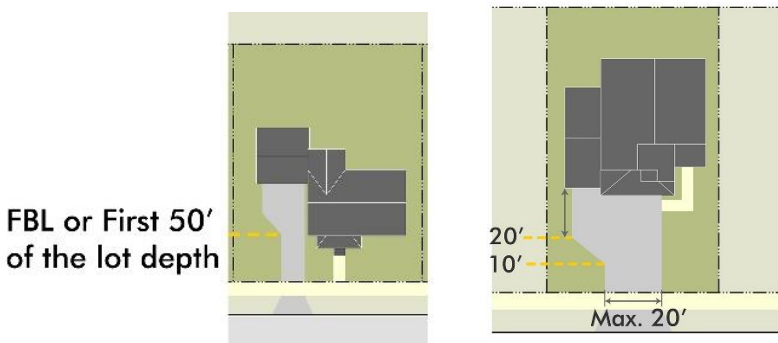


Figure 24-5-6 Application of Driveway Limits

Driveway limits shall apply to the first 50' or up to the Front Building line, whichever is less, except any front-loaded garage meeting these standards may have a driveway expanded to the width of the entry 20 feet in front of the entry. (24-503.b.3.(a) and (b)).

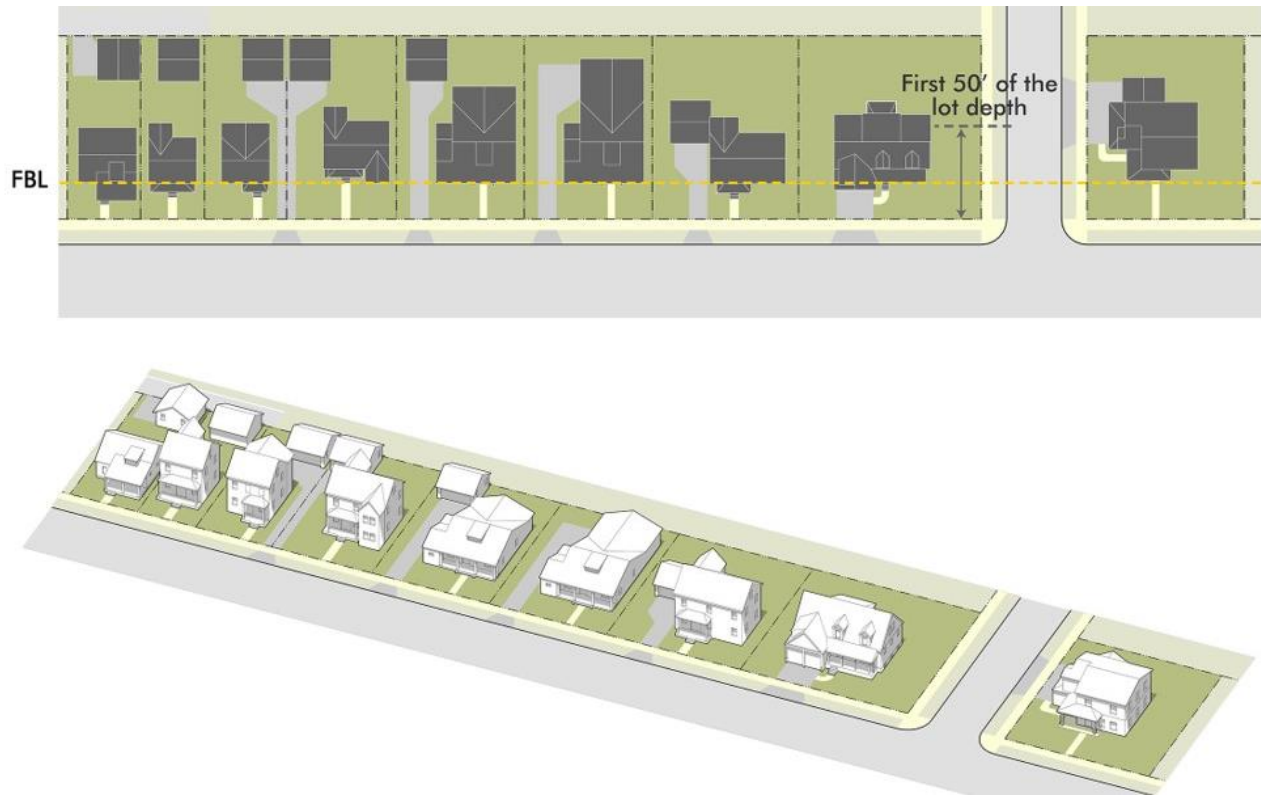


Figure 24-5-7 Driveway & Garage Options

Frontage type standards are based on lot widths to recognize both the proportionate and cumulative effect that frontage design elements have on the streetscape, and narrower or compact lots may be more limited. In these situations, options that reduce the car-orientation yet accommodate the convenience of access of vehicles should be used. Options include narrower entries, side entries, shared drives, common lanes, or internal block alleys. (24-503.b.3.(c).

4. **Garage Design:** Garage design reduces the extent; massing, and proximity and of front-loaded garages relative to the streetscape, and promote more human-scale building elements and active living areas along the frontage. The following standards apply to the garage limits in Table 24-5-7:
 - (a) Garage limits apply to front-loaded garages. Alternatives such as detached garages, side or rear-loaded garages, or attached garages that are accessed from the front but located on the rear of buildings are not subject to the limits.
 - (b) Garage limits shall be measured by the exterior walls of the floor plan or other clearly distinguished massing element on the front facade;
 - (c) Any front-loaded garage that is more than 35% of the elevation or that projects in front of the main mass of the house shall include at least 2 of the following features to reduce the scale and prominence of the garage:
 - (1) A front entry feature associated with the non-garage mass of the building that projects in front of or is no more than 4 feet behind the garage entry, and is at least 10 feet wide.
 - (2) The wall plane with a garage door is limited to no more than 200 square feet, and distinguished from other wall planes by the following:
 - i. At least one bay stepped back at least 2 feet; and/or
 - ii. Ornamental features such as canopies, eyebrows, or cantilevers distinguish the wall plane of any upper level gables or living space.

- (3) Garage doors and any other related wall planes have at least 15% windows, and other ornamental trim or accents are included on the doors and pillars related to the garage entry.

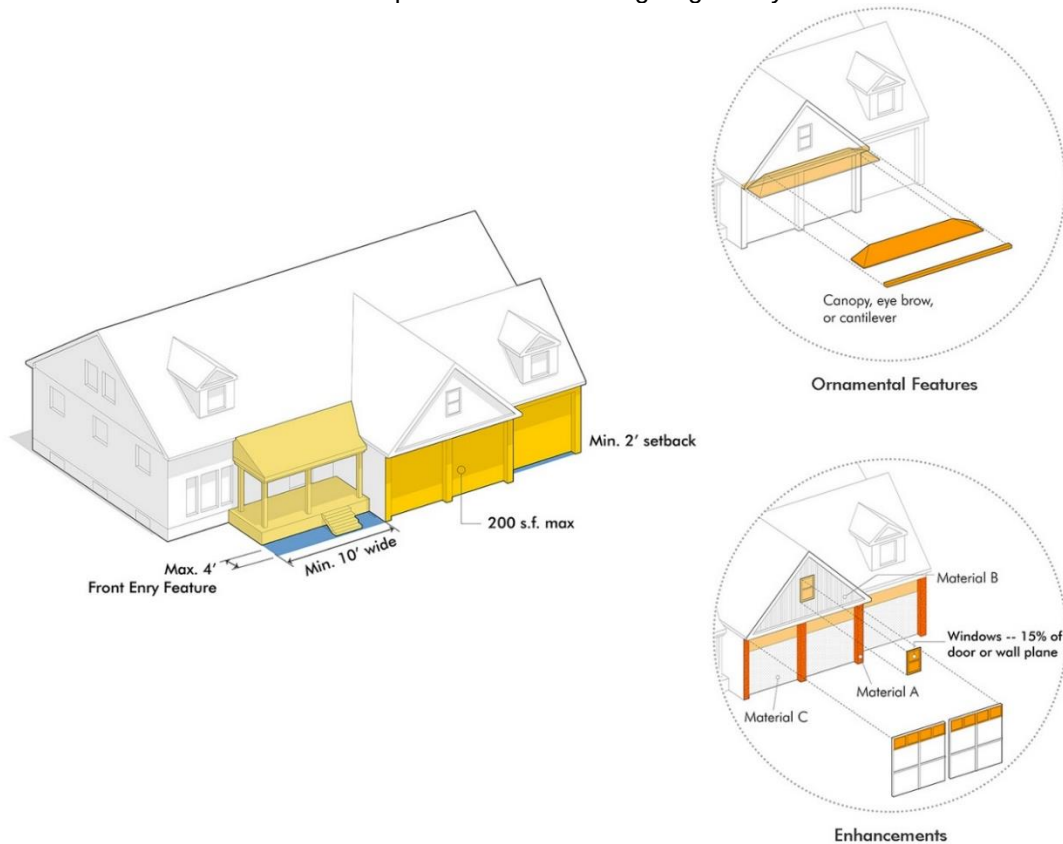


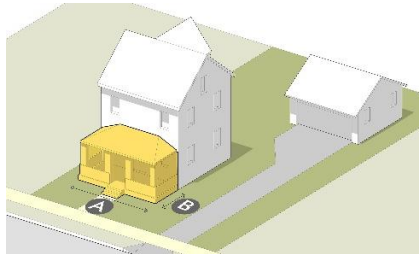
Figure 24-5-8 Front Loaded Garage Design

Where front-loaded garages project in front of the main mass or occupy a larger percentage of the elevation, design strategies can be used to reduce the scale and coordinate the garage entries with other livable spaces of the building. (24-503.b.4.)

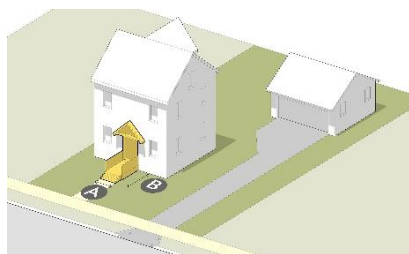
5. **Front Entry Features.** The entry feature standards and design techniques in Table 24-5-8 shall be used where entry features are required by Frontage Types in Table 24-5-7, and are otherwise recommended to achieve the design objectives of this Section and to meet the standards of Table 24-5-9, Building Design Standards.

Table 24-5-8: Front Entry Features			
Design Element	Width	Depth	Details & Ornamentation
Porch	12' minimum	8' - 12'	- Decorative railing or wall 2.5' to 4' high along at least 50% of the perimeter. - If not roofed, a canopy, pediment, transom windows, enlarged trim and molding or other similar accents accompany the front entrance.
	Suburban Frontage may reduce porch to 48 s.f.; at least 4' in all directions.		
Stoop	6' – 12'	6' – 8'	- Decorative railing or walls along steps and side of stoop. - Ornamental features accent the front entrance such as canopy, pediment, transom windows, enlarged trim and molding, or other similar accents that emphasize the door over other facade features.

			May be associated with a single-story enclosed front entry portico, projecting from the building.
Entry Court	12' +, but never more than 50% of facade	10' – 24'	- Recessed entry within the building footprint. - Decorative wall or railing, no higher than between 2.5' and 6' high along at least 50% of the opening. - Ornamental pillars, posts or landscape accent the pedestrian entrance and create a gateway into the entry court.
General Design	- All entry features shall have a sidewalk or path at least 4 feet wide directly connecting the entry feature to the public sidewalk or street. For Suburban Frontage, this can connect via the driveway. - All entry features shall be integrated into the overall building design including compatible materials, roof forms, and architectural style and details. - Entry features shall be single-story, so that any roof structure and any ornamentation occur between 8' and 14' above the floor-level of the entry feature. - Entry features meeting these standards may encroach up to 10 feet in front of the front building line, but never closer than 5 feet to a public or common property line, provided they are unenclosed with at least 65% open and unobstructed on all sides that project into the setback. - Any building with more than 150 feet of front facade, or any side greater than 200 feet and permitted within 20 feet of the street, shall have 1 entry feature for every 100 linear feet of building frontage on the street.		



Porch



Stoop



Entry Court

Figure 24-5-9 Front Entry Features - Types

The porch, stoop and entry court are three distinct types of entry features that create active, social spaces on the residential frontages. Spaces with a minimum width (A) and depth (B) specified in Table 24-5-8 provide usable social spaces, activate the streetscape and frontage, and contribute to the massing and modulation required by the building design standards.

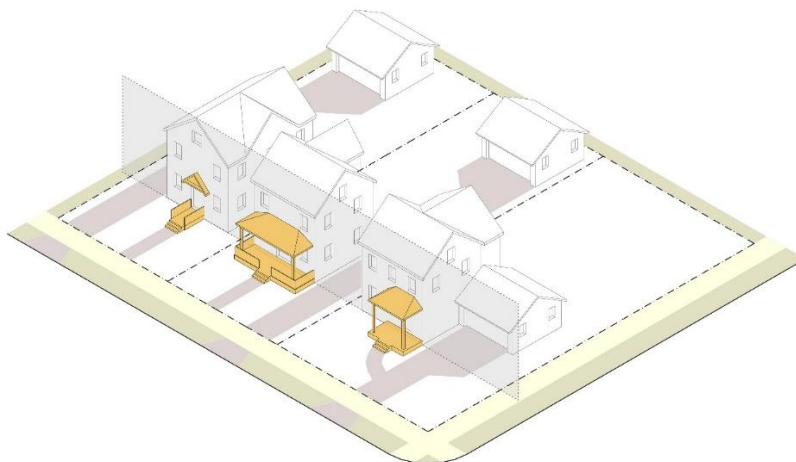


Figure 24-5-10 Human-Scale Features
Encourage usable social spaces, activate the streetscape, and create a variety of human-scale details along blocks. These features may encroach into the front setback to improve the frontages along blocks. (24-503.b.5 / Table 24-5-8)

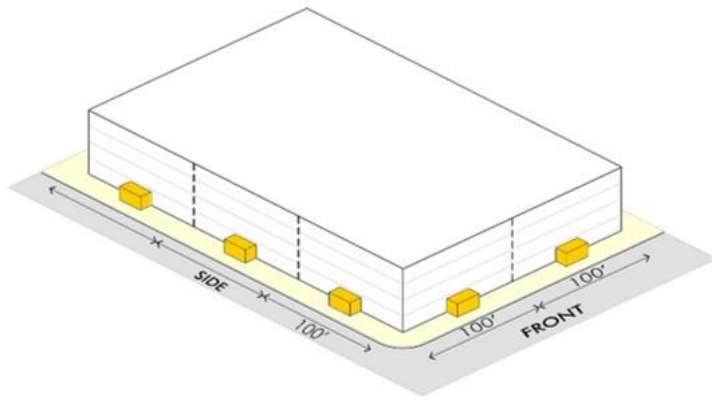


Figure 24-5-11 Primary Entry Feature - Large Buildings

Front entry features should be more frequently located on larger buildings with wall planes in close proximity to the street. This breaks up the building massing and activates the streetscape. (24-503.b.5 / Table 24-5-8)

6. **Alternative Compliance.** Alternative compliance to the frontage design standards established in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following additional applicable criteria:
- (a) The context presents clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of garages.
 - (b) An alternative design allows the building, garage, and access to be sited in a way that preserves topography or other natural features on the site, and does so in a way that equally or better meets the design objectives.
 - (c) The alternative preserves the streetscape landscape area and the curb areas available for on-street parking to the greatest extent practical.
 - (d) For detached houses or multi-unit houses alternatives to the driveway widths and setbacks may be approved for a required, accessory or guest parking space provided:
 - (1) No other reasonable alternative exists;
 - (2) It is limited to no more than 140 square feet of additional paved or all weather surfaces;
 - (3) The expanded paving is at least 10 feet from the front lot line if 45 degrees to perpendicular to the front, or at least 25 feet if 45 degrees to parallel to the front;
 - (4) All drainage and potential impacts on adjacent property are addressed; and
 - (5) The Director may require other design or landscape mitigation to ensure the parking and access is as discreet as possible,
 - (e) In all cases the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.

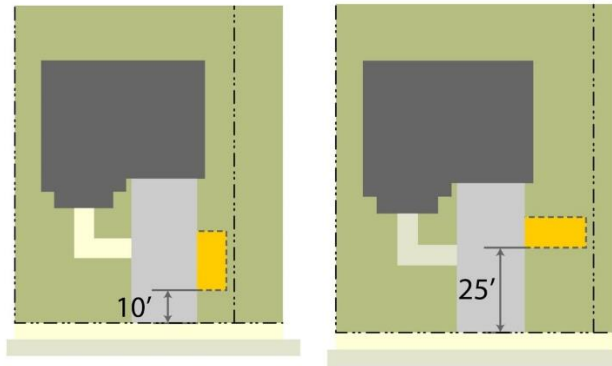
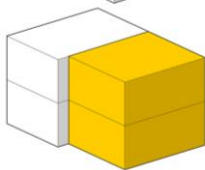
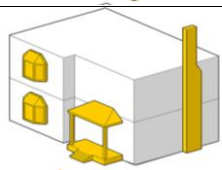


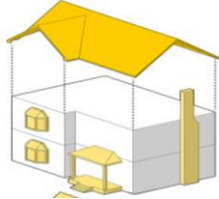
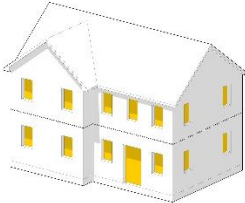
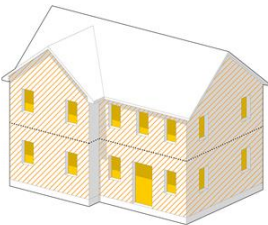
Figure 24-5-12 Accessory Parking Pad

To meet parking requirements, accessory parking pads may be approved by alternative compliance provided they minimize impacts on the streetscape and adjacent property. (24-503.b.5.(c))

- c. **Building Design.** Building design refines the scale and form of buildings beyond basic height, setback and lot coverage standards.
1. **Design Objectives.** The following design objectives shall be used in applying the building design standards in this Section.
 - a. Relate buildings to public realm and streetscape in a consistent manner and create a compatible massing along the block.
 - b. Arrange buildings in a way that creates meaningful outdoor spaces on the site, with building designs that define and activate these spaces.
 - c. Use combinations of height, width, depth, and roof forms break down the building volume into smaller-scale masses
 - d. Blend a variety of building sizes and types and create compatible transitions between adjacent buildings of different scale by mimicking similar massing and proportions of adjacent development.
 - e. Use materials and human-scale architectural features to create depth, texture, variation and visual interest to walls, particularly on larger facades, along streetscapes, and near active open spaces or adjacent lots.
 - f. Encourage unique architectural expression, and promote the use of key details and design characteristics inherent in the chosen style for the building.
 - g. Promote enduring investments with the application of durable, quality materials.
 2. **Building Design Standards.** Table 24-5-9, Building Design Standards provides standards for massing and facade design. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards and design objectives.

Table 24-5-9: Building Design Standards

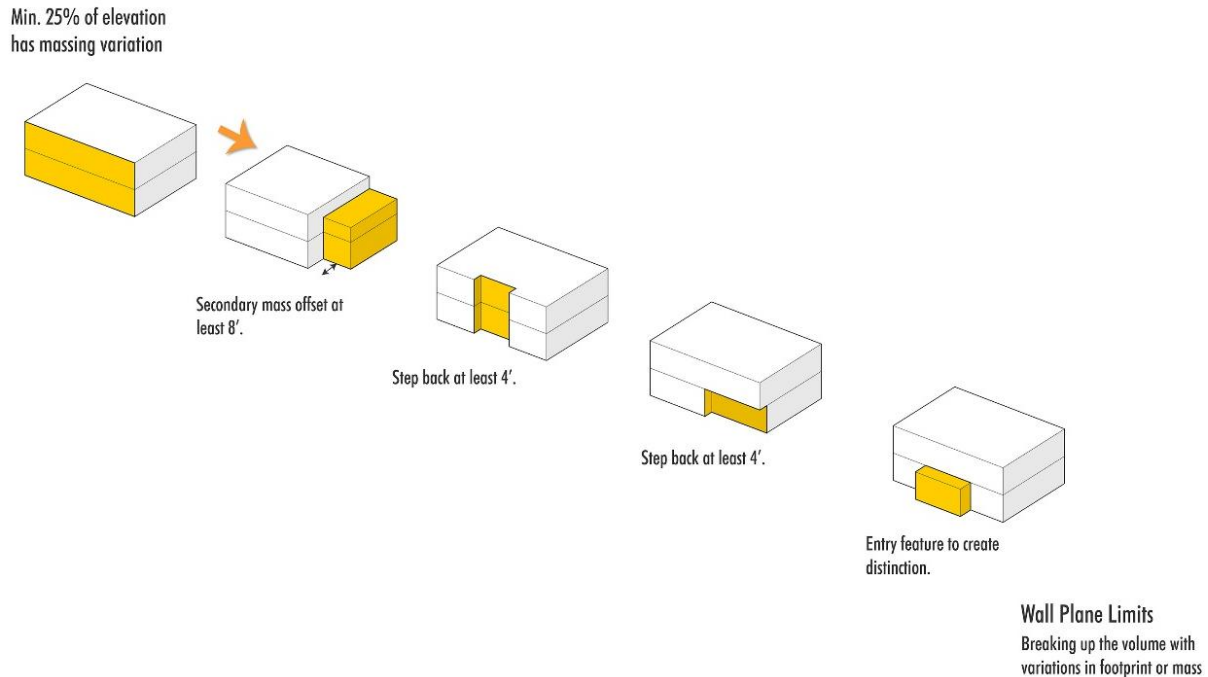
Design Detail	Building Type	Detached House (all), and Multi-Unit House	Row House, Apartment (all)
Wall Plane Limits. Maximum wall plane without a massing variation of 4'+ on at least 25% of elevation.		800 s.f. or 50 linear feet	1,200 s.f. or 70 linear feet
Blank Wall Limits. Maximum wall plane without modulation on at least 20% of the wall plane.		500 s.f. or 30 linear feet	800 square feet or 45 linear feet

<i>Roof Plane Limits.</i> Maximum roof plane without offset of at least 2', complex planes, dormers or gables.		600 s.f. or 50 linear feet	1,000 s.f. or 70 linear feet
<i>Transparency.</i> Minimum window and door openings per elevation (includes decorative trim, molding and casing)		Front – 20%; 15% 1-story Side – n/a, except 8% if side yard is > 2x required setback Street-side - 10% Rear - 8%	Front – 20% Side – 8% Street-side - 10% Rear - 8%
<i>Materials</i>		Primary Materials – 80% - 90% (limit 2 materials, no more than 80% of any one material) Secondary / Accent Materials - 10% - 20% (limit 2 materials)	Primary Materials: Lap siding (9" maximum board); vertical siding; alternative exposure pattern siding; brick, stone, stucco, synthetic / veneer brick or stone; and standing seam metal (roofs only) Secondary / Accent Materials: All primary materials, plus architectural metals, integrally tinted and textured masonry block; and wood or prefabricated synthetic trim or architectural details.

3. **Wall Plane Limits.** Massing techniques use changes in the building footprint, height, or significant shifts in wall and roof planes to break down the volume of larger buildings. Wall planes that exceed the wall plane limits in Table 5-5 shall have at least 25% of the elevation differentiated by one or more of the following massing techniques:
- Break the building into distinct masses (primary mass, secondary mass, and wings), where portions of the building are offset from the main mass by at least 8 feet, or are otherwise be noticeably smaller and subordinate to the main mass.
 - Step back portions of the building or upper stories by at least 4 feet in association with meaningful outside space, such as a balcony, deck, patio or entry court.
 - Use cantilevers of upper stories that provide at least a 2 feet overhang of other portions of the wall plane.
 - Provide single-story entry feature that project at least 6 feet from the wall plane.
 - Articulate rooflines by stepping the roof, using gables and dormers, dropping eaves, and using prominent overhangs to create offsets and projections of at least 2 feet.
 - Where larger buildings are next to smaller buildings, or are along a block with smaller buildings, step the height of the building or offset secondary masses to create compatible massing with adjacent structures.

Figure 24-5-13 Wall Plane Limits

Wall planes over the size specified in Table 24-5-9 shall be broken up with a range of techniques so that at least 25% of the elevation is differentiated with distinct wall planes. (24-503.c.3.).



4. **Blank Wall Limits.** Modulation uses materials, ornamental details, and subtle variations in the wall plane to break up blank wall planes. Wall planes that exceed the blank wall limits in Table 24-5-9 shall use one or more of the following techniques so that at least 20% of the facade is distinguished with modulated elements:
- Create projections in the wall planes with bay windows, balconies, awnings, or canopies that project at least 2 feet from the wall plane.
 - Create voids in the wall plane with step-backs of upper stories or balconies that recess at least 4 feet beyond the wall plane.
 - Differentiate stories, roofs, or other masses with prominent trim materials and/or incorporate material changes on different modules of the building. Significant trim or ornamentation used to break up blank walls or wall planes shall project between 2 inches and 2 feet from the wall and be at least 8 inches wide.
 - Use color changes and accent materials to emphasize distinct components of the facade. Material and color changes should wrap corners and occur at the inside corner of a massing element, or occur in association with a significant trim or ornamentation to give a finished and unified appearance to the element.
 - Break up remaining large expanses of blank walls with facade composition that considers the location and grouping of windows, doors, or architectural details.

Min. 20% of wall plane
has details & variation

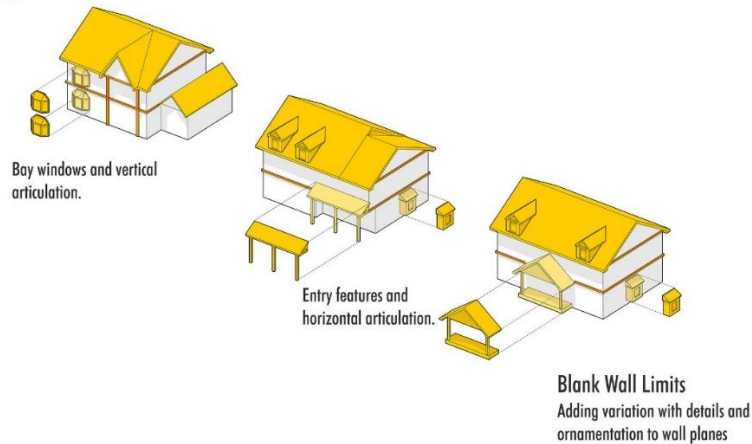


Figure 24-5-14 Blank Wall Limits

Wall planes over the size specified in Table 24-5-9 shall have ornamental details or subtle variations in the wall plane on at least 20% of any wall plane to eliminate large expanses of blank walls. (24-503.c.4).

5. **Transparency.** Windows and doors provide transparency, detail, and visual rhythm on the facade, and they break up blank walls with the location, pattern, and proportions of these openings. The following techniques should be used to achieve the design objectives of this sub-section and to meet the windows and doors requirements of Table 24-5-9, Building Design Standards:
 - (a) Provide transparency with the location, pattern, and proportions of windows and doors, and create relationships to surrounding spaces and buildings.
 - (b) Incorporate distinct and visually significant windows and doors (size, orientation, and ornamentation) to emphasize key locations on the facade or to relate to important outside open spaces.
 - (c) Locate windows doors to create a coordinated facade composition considering the entire facade as a whole, and to break up large expanses into different components with the grouping of windows and doors.
 - (d) Emphasize a hierarchy of doors with different levels of ornamentation and details, particularly to make multi-unit houses compatible with adjacent detached houses and appear as single houses.
 - (e) Locate and design windows strategically in relation to privacy concerns in adjacent spaces and buildings, but maintain consistent exterior patterns; recall that high-bank windows, transom windows, opaque windows, and window treatments that are a adaptable and user-controlled are a better strategy than simply no windows at all.
 - (f) Use windows and doors with projecting trim and ornamentation to create depth, texture, and shadows on the facade; to emphasize openings; or to gang groups of openings. Openings that have projecting trim and casements (at least 1 inch off the facade and 4 inches wide); or otherwise group widows with significant details that clearly differentiate these elements from the main facade may count these features for up to 25% of the window and door requirement.

- (g) The window requirement may be waived on sides of buildings that are closer than 3 feet to the property line, if necessary to meet applicable building code requirements.

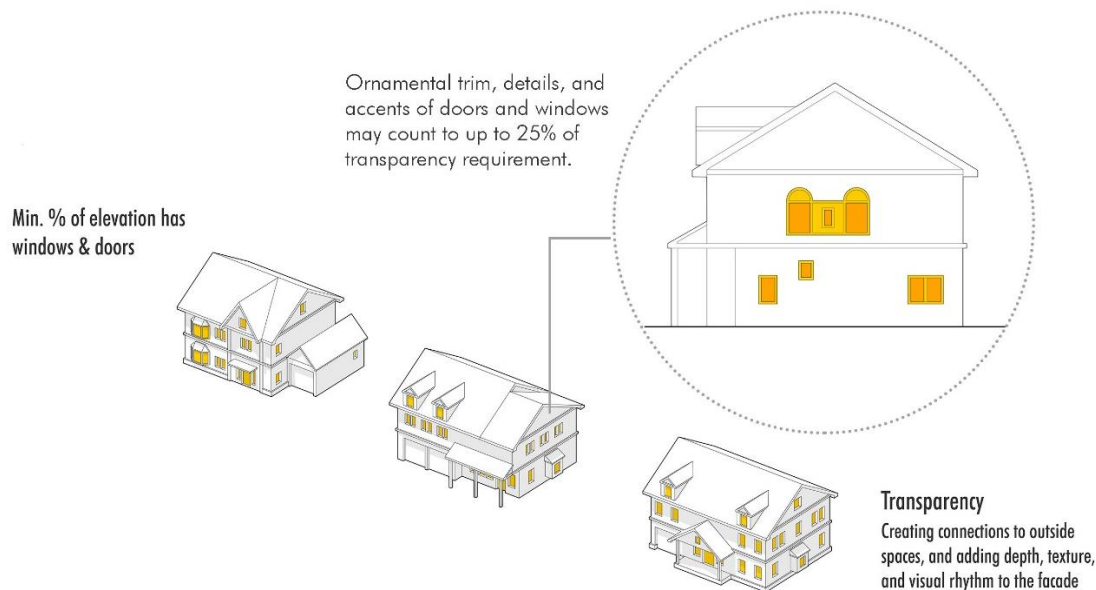


Figure 24-5-15 Transparency

The minimum transparency specified in Table 24-5-9 shall create connections to outside spaces and break up blank walls. Enhancements that emphasize the windows and the location, arrangement, or grouping of windows may count to this requirement. (24-503.c.5).

6. **Materials.** Building materials with texture and patterns create visual interest and signify quality construction and detailing. The following techniques should be used to achieve the design objectives of this section and the materials standards of Table 24-5-9, Building Design Standards:
 - (a) Use natural materials such as painted or natural finish wood siding (horizontal lap, tongue-and-groove, board and batten, or vertical), brick, stone, stucco, ceramic, or terra cotta tile. Synthetic alternatives to these natural materials may be used if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design, and aesthetic goals.
 - (b) Siding shall be continued to within 18 inches of finished grade on any side, unless the foundation is stone, stone veneer, or other ornamental finish is applied.
 - (c) Brick, stone, or other ornamental accent materials shall wrap the corner for at least 2 feet on any facade, or otherwise terminate at interior corners to give a finished appearance the architectural element.
 - (d) Coordinate changes in color and materials in association other changes in massing and modulation of the building.
 - (e) Use changes in color or materials to differentiate the ground floor from upper floors and the main body of the building from the top or roof-structure, particularly on buildings 3 stories or more.
 - (e) In multi-building projects, use subtle variations in building materials and colors on different buildings, within a consistent palette of materials and colors.

7. *Variations of Buildings.* All projects involving three or more buildings shall provide variations in the elevation from the two buildings on each adjacent side, and the three nearest buildings on the opposite side of a facing block, with at least two of the following:
- (a) Variations in the front entry features as indicated in 24-503.b.5. Variations should include combinations of at least two of the following changes:
 - (1) Different types of entry features: such as, porch, stoop, or entry court;
 - (2) Different roof styles associated with the entry feature: such as gable, hip, shed, flat, arched, or no roof;
 - (3) Different locations and extent of the entry feature: such as centered, shifted, wrapped; projecting, or embedded; and half or full; and/or
 - (4) Different ornamentation or architectural styles that lead to distinct qualities within a similar scale or pattern.
 - (b) Variations in the facade composition, including massing, modulation, window types and placement, materials and material changes, and details and ornamentation, to the extent that the buildings have a distinct appearance;
 - (c) Variations of the roof forms considering the type of roof, orientation of gables, or use of dormers; or
 - (d) Variations of the model or building type with distinctively different floor plans that lead to different massing. Mirror images of the same model and floor plan shall not be used to meet the variation requirement.
 - (e) In the case of multi-unit buildings:
 - (1) For duplexes / multi-unit houses that are intended to mimic the scale and form of detached houses, a hierarchy of doors and entrances shall be used to create the appearance of a single building, and the variation shall apply between buildings.
 - (2) For row houses and similar buildings that are clearly designed for multiple units, subtle variations in the materials and entry features shall apply to emphasize different units, and the variation shall apply between units in the building.



Figure 24-5-16 Front Entry Features - Variety

Using a wide variety of entre feature types, styles and designs is a way to create subtle distinctions between the same or similar building types, and can add common human-scale patterns among different types or scales of buildings. (24-503.b.5 and b.7.)

8. **Alternative Compliance.** Alternative compliance to the building design standards established in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following additional applicable criteria:
 - (a) The requirement is not consistent with the particular architectural style selected for the building based on reputable resources documenting the style.
 - (b) The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area.
 - (c) Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.
 - (d) In any case, the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.
- d. **Lot Open Space Design.** Lot open space helps scale buildings properly to the lot and block, create transitions from public streetscapes to private lots, and ensure that residents have usable open space and outside social areas. These spaces also complement the neighborhood features, common areas, and public parks throughout the neighborhood. Open space designed according to the standards and design objectives of this sub-section shall be used to meet the lot open space standard established in Table 24-5-1.
 1. **Design Objective.** The following design objectives shall be used to apply the lot open space standards in this section.
 - (a) Promote the arrangement of neighborhoods, blocks and lots in a way that responds to the existing natural features and ensures access to a variety of open spaces
 - (b) Design all unbuilt areas to serve as valuable neighborhood features, considering the aesthetic, ecological, recreation, or community serving potential of these spaces.
 - (c) Ensure that all lots and buildings have access and proximity to useable open space, whether public, common or private on-lot spaces.
 2. **On-Lot Open Space Design.** On-lot and building open space required for each building type in Table 24-5-1: Residential Building Type & Lot Standards, shall create a common or private amenity for the site and building. Buildings and open spaces on a lot shall be arranged to create usable outdoor spaces that meet one or more of the following types:
 - (a) Private frontage areas designed according to Section 24-503-b., excluding any driveways, parking areas or other automobile space;
 - (b) A front entry feature designed according to Section 25-503.b.5, provided it is at least 80 square feet, and at least 8 feet in all directions – this space is limited to no more than 25% of the requirement for the lot and building.
 - (c) Courtyards, meeting the standards of Section 24-505;
 - (d) Rear or side yards provided they are part of an open area at least 300 square feet and at least 15 feet in all directions.
 - (e) Uncovered decks or patios, provided they are part of an open area at least 120 square feet and at least 10 feet in all directions – this space is limited to no more than 50% of the requirement for the lot and building;
 - (f) Apartment or mixed use buildings may also count the following spaces:

- (1) Common rooftop decks provided they are at least 200 square feet, and at least 12 feet in all directions – this space is limited to no more than 25% of the requirement for the lot and building; or
 - (2) Private balconies or patios, provided they are at least 6 feet by 10 feet – this space is limited to no more than 25% of the requirement for the lot and building.
3. **Alternative Compliance.** Alternative compliance to the open space design standards established in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following additional applicable criteria:
 - (a) The lot and building has access to at least two different active open space within 1,320 feet, and meeting the design and service area standards Section 24-504, Neighborhood Features and Common Areas.
 - (b) All buildings and lots shall include at least 1 of the required lot or open space types.
- e. **Exterior Lighting.** All exterior lighting in residential zoning districts shall meet the standards of 24-603.f. Exterior Lighting.

24-504 Neighborhood Features and Common Areas

- a. **Design Objectives.** The following design objectives shall be used to design and locate neighborhood features and common space.
 1. Arrange neighborhoods, blocks and lots around a connected system of open lands, parks, trails and civic spaces
 2. Design and locate unbuilt areas to serve multiple aesthetic, ecological, recreation and social functions
 3. Integrate civic spaces and neighborhood features into streetscape designs and create gateways and transitions to unique neighborhoods and districts
 4. Design neighborhoods with access to outdoor recreation and opportunities active living.
 5. Locate formal civic spaces to serve as gathering places and focal points of compact, walkable neighborhoods
 6. Preserve natural features for their aesthetic and ecological value, including groves of trees, prairie, streams, unusual and attractive topography, and similar natural landscape features.
 7. Distribute open and civic spaces so that all development has access and proximity to a variety of amenities appropriate to its context.
- b. **Required Features & Common Areas.** Neighborhood features and commons areas shall be required for all residential projects based on the number of dwelling units specified in Table 24-5-10. It may include the types of spaces identified in Table 24-5-11 provided they are designed and located according to the criteria in Section 24-504.c.

Table 24-5-10: Required Neighborhood Features	
Required Features	Dwelling Units
0	<25
1	25-50

2	51 - 100
3	101-200 units
+1	each increment of 100 units

- c. **Neighborhood Feature & Common Area Design.** Neighborhood features and common areas may include the types of spaces identified in Table 24-5-11.

Table 24-5-11 Neighborhood Feature & Common Area Types			
Type	Size	Service Area	Feature Points
Natural Areas	At least 1 acre, but dependent on ecological value of the space and the ability to other coordinated and undisturbed natural areas (ideally 40 acres or more)	n/a	1 – 3 depending on quality / size
Trail System	20' min. width landscape corridor; 8' minimum width paved or crusher fine path; 10' minimum if multi-modal; - At least 1 block length, but sufficient continuity to connect entire project with pedestrian and bicycle systems outside of project.	w/in 1000' of trail, or up to 0.25 mile from trail head.	1
Pocket Park (See 24-302 for larger parks)	1 – 4 acres - At least 100' wide in all directions - Frontage on at least 1 public street OR connections to street by a trail	w/in 0.25 miles	1
Recreation Center	10K s.f. – 4 acres 2K s.f. min. community building and/or 20' x 40' min. community pool	w/in 0.5 miles	2 for building 2 for pool 3 for both
Square / Green	5K s.f. – 1 acre - At least 50' wide in all directions - Frontage on at least 2 public streets	w/in 1,000'	1
Plaza / Courtyard / Community Garden	1K – 5K s.f. - At least 25 wide in all directions - Frontage on at least 1 public street OR connection to street by trail or pedestrian passage	abutting lots or on the same block	1
Enhanced Streetscape	50% minimum increase above pedestrian / amenity area required by 24-301; OR - Median – 12' minimum on collector; 16' minimum on arterial - At least 1 block length	abutting lots on the same block	0.25
Gateways	100 – 1K s.f. at all intersections of collector streets or higher classification OR - Smaller but equivalent monumentation and identify features dispersed at all intersections.	abutting lots on the same block	0.25
Pedestrian Passage	12' – 20' wide corridor 6' wide minimum paved path 150' length min, and through the entire block or connecting from street to other civic space.	abutting lots on the same block	0.25

1. **Design Criteria.** All neighborhood features and common space shall include enhanced landscape design to ensure a distinctive identity and amenity for the neighborhood.
 - a. Natural areas (open lands and trails) include large areas of vegetation, native or natural landscape, and undisturbed or restored topography and natural features. These areas shall be located to preserve valuable ecological resources such as riparian corridors, plant or animal habitat, or prominent landscape features.
 - b. Recreation areas (parks, trails, and recreation centers) include playgrounds, sport courts, and larger landscape areas designed for un-programmed outdoor

recreation. These areas shall be located at highly-visible, central locations and important intersections of the street networks and/or trail systems.

- c. Formal areas (greens, plazas, squares and courtyards) include hardscape, public art, seating areas, ornamental landscape, water features or other enhancements to serve as focal points and gathering places. These areas shall be located to serve as focal points for compact development patterns or higher density development serving the immediate surrounding area.
2. *Designated Out Lots.* All neighborhood features and common space shall be designated on a plat as out lots under common ownership and reserved for the limited and specified purpose of serving surrounding development with amenities. Except, multi-family projects may include the neighborhood features or common space within the required 30% lot open space in private ownership.
3. *Coordination with Other Public Space.* All neighborhood features and common areas shall be coordinated, to the greatest extent practical, with the larger system of parks and civic spaces required in Section 24-302.
- d. **Stormwater Facilities.** Stormwater facilities shall be designed and integrated into the street network or open and civic space system in order to avoid redundant and inefficient facilities on individual lots. Any area used for stormwater may be counted towards the neighborhood feature and common areas provided:
 1. It is integrated into the design of the space as aesthetic amenity and is consistent with the design, function, and character of the space.
 2. The design does not impact the utility of the space for either purpose (i.e stormwater functions do not compromise the use and value of the space as intended open space, and open space designs do not compromise maintenance and management and performance for stormwater functions according to the design and performance standards of the Design Criteria and Construction Specifications for Stormwater, Volume II).
 3. The maintenance and management of the portion of the facility serving stormwater function is clearly identified, whether that is a public dedication or whether it is an obligation of the owner or property owners' association.
- e. **Ownership and Management.** Neighborhood features and common areas platted as part of a development shall require specific designation on the final plat as a separate out lot. Options for ownership and management include:
 1. Creation of or dedication to a non-profit entity capable of carrying out the ownership and management.
 2. Creation of a homeowners', leaseholders' and/or property owners' association that owns the space in common and is capable of carrying out the ownership and management.
 3. Dedication to a public entity as part of the rights-of-way, parks or other community facilities element of the plan. The City may accept dedications of land in its sole discretion, provided it meets other open space and conservation goals of the City indicated in the Comprehensive Plan or other official Culture, Parks, and Recreation Department plans.

All neighborhood features and common areas shall require documentation recorded with the final plat that outlines the ongoing maintenance plans, as well as administrative and financial management of the space according to these standards. Documents such as covenants for a homeowners' association, bylaws or charter for a non-profit entity, or similar agreements and

guarantees, shall be filed with the clerk and recorders office in association with the plat prior to any building permits.

- f. **Alternative Compliance.** Alternative compliance to the neighborhood feature and common areas standards established in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and the following additional applicable criteria:
1. The location, accessibility and quality of existing publicly dedicated areas, streetscape, or other public realm elements, particularly as it relates to infill development.
 2. The extent of lot open space associated with buildings and the opportunity for it to provide usable open space to residents.
 3. Alternatives to the neighborhood amenity and common area types that create a distinct identity or preserve a valuable resources.

24-505 Courtyard Pattern

- a. **Applicability.** Residential buildings and lots may be designed to front on a courtyard based on the following design standards. The courtyard pattern is appropriate where:
1. Courtyards are designed as an extension of the public streetscape and open space system for the project, block or neighborhood.
 2. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
 3. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
- b. **Eligible Building Types.** The following building types are eligible for this pattern, subject to the limitations stated:
1. Small Apartments, up to 5 buildings or 36 units, whichever is less.
 2. Row Houses, up to 4 buildings or 24 units, whichever is less.
 3. Multi-unit House or Detached House, up to 8 buildings.
- c. **Design Standards and Exceptions.**
1. The minimum lot size per building in Table 24-5-1 may be reduced up to 30%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
 2. Lots and buildings may front on the courtyard, rather than along a street, provided they otherwise meet the design standards applicable to the front of buildings.
 3. The front setback may be reduced to 5 feet from the courtyard.
 4. Vehicle access and parking for each lot shall be coordinated for all lots and buildings, and designed in a way that minimizes the impact on the public street and the courtyard. Access shall meet all frontage standards applied to the project as a whole.
 5. Any buildings fronting on the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in this section. Corner buildings may need to meet the front building design standards on both the street front and the courtyard.
 6. The courtyard shall meet the following design standards:
 - (a) *Size.* 1,000 to 5,000 square feet.
 - (b) *Proportions.* The courtyard shall be at least 25 feet in all directions and be no wider than 4:1 (length to width).
 - (c) *Frontage & Access.* The courtyard shall be have frontage on a public street, or be visible from and directly connected to the streetscape.

- (d) **Landscape:** At least 25% of the area shall be allocated to planter beds, seasonal plantings, foundation plants or other landscape amenities, and otherwise meet the landscape standards applicable to Terrace frontages.

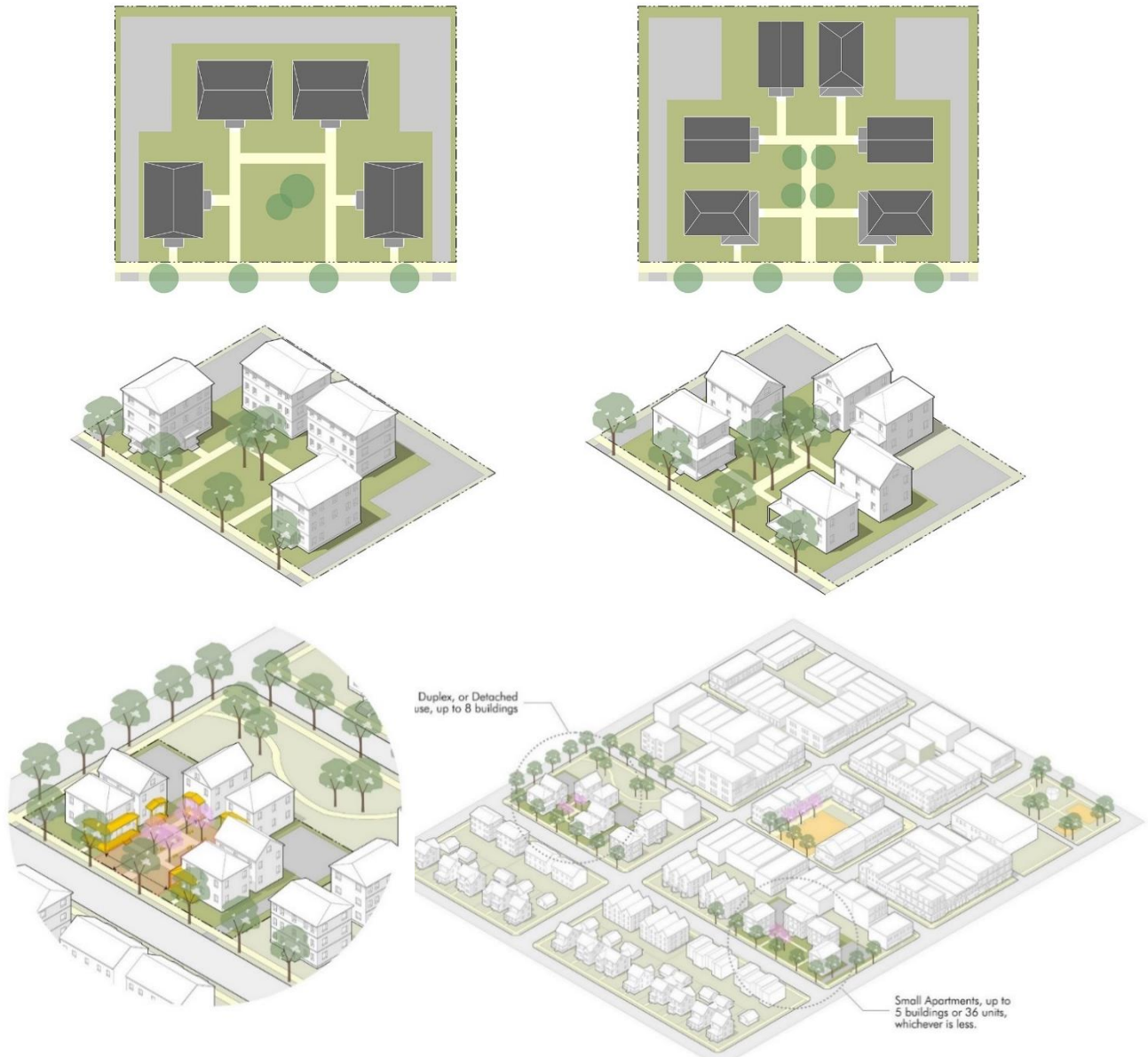


Figure 24-5-17 Courtyard Pattern

Courtyard patterns allow multiple buildings to front on common open spaces with reduced lot sizes and setbacks, provided all open space design standards are met, provided the courtyard and buildings maintain frontage design and streetscape standards on a public street.

24-506 Residential Micro-Housing District

- a. **Intent.** The intent of this section is to provide smaller-format manufactured, mobile or other small homes, in a neighborhood or community that includes common neighborhood amenities, and with site designs that limit impacts on adjacent property and promotes development patterns that are compatible with the surrounding areas.
- b. **Applicability.** Small format home communities are permitted in the Residential Micro-Housing District (R– MH), and implemented through rezoning conditioned on a specific project plan according to Section 24-204, or as a Planned Unit Development according to Section 24-205. These standards shall not apply to:
1. Mobile homes, trailers or similar temporary buildings used as an interim structure associated with an ongoing construction project under valid permit;
 2. A single mobile or manufactured home used as an accessory structure in the H-A district.
 3. Interim or temporary housing strategies to address emergencies; or
 4. Detached houses that are assembled off site and “manufactured,” provided they meet all other standards of the applicable zoning district.
- c. **Development Standards.** Except as otherwise modified through a development plan according to the approval procedures and criteria in Section 24-204, the general development standards for manufactured and other small format home projects are included in Table 24-5-12.

Table 24-5-12: R-MH Development Standards

Project	Amount of Bonus Units Above Base Density
5 acre minimum, 150' minimum frontage an arterial or collector 20% open space <i>Project Size:</i>	<i>Exception:</i> the Director may recommend a plan for as small as 3 acres and 100 feet of public street frontage if the plan demonstrates exceptional community design and layout for the common areas within the community, a high-quality and well-designed housing concept, and special attention to integrating and relating the project to surrounding areas.
10 units per acre, maximum <i>Project Intensity:</i>	<i>Exception:</i> Up to 18 units per acre for any project with more than 30% of the project area designed as useable open space meeting Open & Civic Space standards in Section 24-302.
25' minimum from any street boundary; 20' from any property boundary See Section 24-803 for perimeter landscape standards. <i>Perimeter Setbacks</i>	
Home Sites	
2,500 s.f. minimum, <i>Lot Size</i>	<i>Exception:</i> 1,200 s.f. minimum for any project with more than 30% of the project areas designed as useable Open & Civic Spaces meeting the types and standards in Section 24-302
25' minimum, and at least 20' frontage on a public street, common internal street, or common open space with street access at the rear of the site. <i>Lot Width</i>	
Front: 10' minimum, or 18' minimum from internal street edge, whichever is greater Side: 5' minimum, or 3' minimum with 10' between buildings on adjacent lots Rear: 10' minimum All buildings shall meet the project perimeter setback. <i>Setbacks</i>	
30' maximum <i>Height</i>	

Table 24-5-12: R-MH Development Standards

<i>Site Design</i>	Each home site shall have a private patio, courtyard or similar outdoor amenity of at least 120 square feet. Any structure associated with this outside amenity may be located within 5 feet of the lot or home site boundary. Each home site may have accessory storage up to 120 square feet, up to 8 feet tall. The accessory storage shall be in an accessory building or in an area screened from the internal streets, common areas or adjacent property. An accessory building shall be set back at least 40 feet from any public or internal street, or behind the dwelling unit. Accessory buildings shall be separated by at least 5 feet from any other structure. Where the project provides a community storage area of comparable size for each unit, storage on the site is not required
<i>Parking</i>	Projects shall meet Chapter 7 for required parking. At least one parking space shall be on the home site. However, and additional space and any required guest parking may be located on the internal street or in a common parking lot within 250' of the home site..

- d. **Uses.** In addition to any uses enabled for the R-MH district in Table 24-4-2: Zoning Districts and Uses projects may include the following specific uses:
1. Dwelling units consisting of modular homes, mobile homes, or other similar small detached dwellings.
 2. Accessory buildings and uses incidental to those listed above and which support the residential community, including offices, recreation buildings, storage areas, maintenance and utility facilities, or other community services.
- e. **Common Areas.** All common areas not dedicated as home sites according to the development standards in Section 24-504.c, shall be designed as common spaces according to the development plan. This space shall be allocated to:
1. *Internal Streets.* Internal streets shall laid out to organize the project into blocks and lots so that all home sites and lots are served by streets. Internal streets shall be 20' where no parking is permitted, 24' wide where parking is permitted on one side, and 28' wide where parking is permitted on both sides. Internal streets shall connect to public streets as follows:
 - (a) One connection for projects under 25 dwelling units;
 - (b) Two connections for projects between 25 and 100 dwelling units.
 - (c) One connection per every 50 dwelling units for projects over 100 dwelling units
 2. *Neighborhood Features & Common Areas.* Common areas shall meet one of the design types specified in Section 24-504 at a rate specified in Table 24-5-10. All common areas shall be designed and located in a manner that ensures adequate accessibility for all units in the community.
 3. At least one of these spaces shall include a community building, which is centrally located, for recreation and meeting functions, laundry facilities, or other common amenities. The community building shall be at least 1,000 square feet, or 15 square feet per dwelling unit, whichever is greater.
 4. Other internal circulation or open space such as walkways, landscape perimeters or other site design amenities that improves the quality of the community and its relationship to surrounding areas. Pedestrian connections shall be accounted for on all internal streets or at greater intervals through a trail or path system.
 5. A common storage and utility area shall be provided within the plan including at least 100 square feet per unit. This area may be used for storage of large equipment, recreational vehicles, maintenance or other utility functions for the community. This area shall be screened from the project and from surrounding property according to the landscape standards in Article 8.

- f. **Building Design.**
1. All dwellings shall have a front entry feature, such as a porch, stoop, or outside patio relating the home site to the lot frontage or other common open space upon which the dwelling is located.
 2. Parking spaces on a home site shall be located to the side or rear of the dwelling. Home sites may include a carport, provided it remains open and unenclosed on at least 75% of the perimeter, is no taller than the dwelling unit, is no larger than 400 square feet, but in no case larger than the dwelling unit.
 3. Any mobile home or similar non-foundational dwellings shall:
 - a. Be secured to the ground by tie downs and ground anchors in accordance with the applicable building code;
 - b. Be skirted within 14 days after placement in the community by enclosing the open area under the unit with a material that is compatible with the exterior finish of the dwelling and consistent with the quality of development in the community.
 - e. Be located on a hard surface pad with a minimum of 18-inch concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points, with a proper surface between to control weeds.
- g. **Landscape and Parking Design.** The standards of Chapters 7 and 8 are generally applicable to R-MH district development plans, except as modified through a development plan based on the approval procedures and criteria in Section 24-204 or 24-205.
- h. **Subdivisions.** Each home site may be individually platted if:
1. All lots shall have public utility access as provided in Chapter 3, including public easements for access to each home site and all other standards and criteria of the subdivision standards are met;
 2. All dwellings are on a permanent foundation or affixed to a permanent slab; and
 3. There are covenants and restrictions assuring that all provisions of this section and the approved development plan, will be maintained through a management entity or common association.

Reserved Sections 24-507 through 24-600

Section 5. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 6 – Nonresidential Development Standards of Title 24 to read as follows:

Chapter 6 Nonresidential Development Standards

24-601 Intent & Applicability

24-602 Nonresidential Development Standards

24-603 Nonresidential Design Standards

24-601 Intent & Applicability

- a. **Intent.** The Nonresidential Development Standards have the following intent.
 - 1. Promote good civic design and improve the appearance and vibrancy of commercial districts, employment centers, civic spaces, and other public places.
 - 2. Design and locate open spaces as an extension of the public realm, and emphasize the different contexts of places throughout the City.
 - 3. Improve the accessibility of centers and districts throughout the City by arranging development within multi-modal networks, and coordinating site access and internal circulation systems with these networks.
 - 4. Use buildings to shape streetscapes and public spaces, and design building facades and lot frontages to relate to these spaces.
 - 5. Refine the design, scale, and details of buildings based on the relationship to the public realm and make distinctions in design based on the context of development.
 - 6. Improve the value of places, strengthen the economic potential of commercial districts and employment centers, and promote lasting and sustained investment in nonresidential development through good design.
- b. **Applicability**
 - 1. The standards in this Chapter shall apply to all development in the C-L, C-H, MU-L, MU-H, I-L, I-M, and I-H districts, except where stated that sections only apply to specific districts or specific situations.
 - 2. All new structures shall comply with these standards.
 - 3. Modification or additions to existing structures or sites shall meet these standards to the extent of the modification or addition, except that the Director may waive any design standards applied to modifications or additions that:
 - (a) Conflict with the consistent design of an existing building;
 - (b) Conflict with the prevailing character on the block or immediate vicinity of the project; or
 - (c) To otherwise facilitate infill development or adaptive reuse of an existing building.
 - 4. The standards shall not apply to ordinary maintenance of existing buildings, except that maintenance to any building shall not occur in a manner that brings the building or site to a greater degree of non-conformance with these standards.

24-602 Nonresidential Development Standards

- a. **District Lot and Building Standards.** The lot and building standards for nonresidential districts are specified in Table 24-6-1.

Table 24-6-1: Nonresidential District Lot & Building Standards

Zoning District	Lot Standards			Minimum Setbacks				Building Height
	Size	Frontage Width	Open Space	Front [1]	Interior Side [2]	Corner Side [1]	Rear [2]	
C-L <i>Commercial Low Intensity</i>	n/a	25'+	20%	25'	0'	25'	0'	40'
C-H <i>Commercial High Intensity</i>	n/a	25'+	20%	25'	0'	25'	0'	60'
MU-L <i>Mixed-use Low Intensity</i>	20K s.f. max	25' – 100'	15%	0' – 10'	0'	0' – 10'	0'	40'
MU-H <i>Mixed Use High Intensity</i>	2 ac. max	25' – 300'	15%	0' – 10'	0'	0' – 10'	0'	60'
I-L <i>Industrial Low Intensity</i>	n/a	50' +	10%	25'	0'	25'	0'	40'
I-M <i>Industrial Medium Intensity</i>	n/a	100'+	10%	25'	0'	25'	0'	40'
I-H <i>Industrial High Intensity</i>	n/a	100'+	10%	25'	0'	25'	0'	60'

[1] Front setbacks may be modified according to the frontage type design standards in 2-603.b.

[2] Non-street setbacks shall be as specified by the building code for each class of building. However, greater setbacks may be necessary to meet the building design standards or landscape standards applicable to a particular use or building.

[3] Any district that permits residential uses may allow residential lots and buildings designed according to the residential building type standards in Chapter 5.

- b. **Dimension Exceptions.** The following are exceptions to setback and building dimensions standards established in Table 24-6-1: Nonresidential District Building & Lot Standards.

1. **Setback Encroachments.** The following encroachments into the required setback are permitted, except in no case shall this authorize structures that violate the provisions of any easement.
 - (a) Any projections over public rights of way, or any similar area designed for pedestrian circulation, shall be at least 8 feet above the grade, and in no case within 5 feet of any curb for a street, through access drive or other area designed for vehicles.
 - (b) Structural projections such as bay windows, balconies, awnings, canopies, chimneys, eaves, cornices, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 3 feet from any side or rear lot line. This exception shall be limited to no more than 20% of a building elevation.
 - (c) Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that it extends no more than 6 feet from the principal building, no closer than 3 feet to the lot line, and is screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.
 - (d) A lot may have more than one principal building, provided any accessory, secondary, or principal building shall be located at least 10 feet from any other

building on the same or adjacent lots, or be joined by a party wall meeting all aspects of the building code.

- (e) Any other accessory use or structure within the setback, not specified in Section 24-602.c, shall have a setback of at least 1/3 its height from the property line.

2. **Height Exceptions.** The following are exceptions to the height limits in Table 24-6-2:

- (a) Building elements integral to the design and construction of the building, such as parapet walls, false mansards, or other design elements essential to a quality appearance of the building may extend up to 6 feet above the roof deck of a flat roof.
- (b) Architectural features such as chimneys, ornamental towers or spires, and similar accessory features that are less than 20% of the building footprint may extend up to 15 feet above the maximum building height, but in no case more than 50% above the actual building height.
- (c) Functional and mechanical equipment such as elevator bulkheads, cooling towers, smoke stacks, roof vents, or other equipment may be built up to their necessary height in accordance with building codes provided they are screened according to the standards of this code or otherwise incorporated into the architecture of the building.
- (d) Accessory site structures such as flag poles, monuments, or water towers, may have a height limit of 50 feet, but shall be setback a distance of at least 1/3 its height from the property line.
- (e) 1 foot of additional height may be permitted for each 1 foot in additional setback, up to a maximum of 10 additional feet above the maximum height limit. For any structure using this exception where there is no required setback, and default required setback of 10 feet shall be used for applying this exception. The additional setback area shall be used for landscape areas required by Section 24-803 or open space meeting the standards of Section 24-603.d.
- (f) All height exceptions shall be in conformance with air space regulations relative to the Airport Overlay District in Section 24-1002.

- c. **Accessory Buildings – Nonresidential.** Accessory buildings shall be permitted in association with and on the same lot as a principal building, subject to the standards in Table 24-6-2, Nonresidential Accessory Structures, and to the following additional limitations.

Table 24-6-2: Nonresidential Accessory Structures

Type	Quantity	Size	Height	Setbacks
Minor Structure (small shed, and similar structures)	▪ 1 / lot; ▪ + 1 / each additional 10k s.f.; ▪ Maximum of 3	▪ 120 s.f. max.	▪ 12' max.	▪ 0' side or rear; ▪ 5' if on a concrete slab or similar foundation; and ▪ 25' on any street side lot line ▪ Behind the rear building line of the principle structure
Secondary Building (detached accessory building)	▪ 1 / principal building	▪ 25% max. of principal building footprint, up to 1,200 s.f. max.	▪ 25' max., but no higher than principal structure.	▪ 5' from side and rear; ▪ 10' from street side; and ▪ At least 12' behind the front building line of the principal structure
Any building over 12' high or more than 250 s.f. footprint shall meet the design standards.in Section 24-502.c.2.				

1. **Generally.**

- (a) All accessory buildings shall be at least 10 feet from the principal building, or other distance specified by applicable building codes based on fire ratings of adjacent walls.
- (b) Accessory buildings shall be clearly incidental and subordinate to the principal building or use, in terms of scale, location, and orientation.
- (c) Minor accessory structures of 120 square feet or less, and not on a slab or similar foundation do not have a required interior side or rear setback, but should be movable and are otherwise placed “at risk” by the owner with regard to any easements, fence, or screening requirements.
2. **Secondary Building Standards.** In any nonresidential district, secondary buildings over 250 square feet footprint or 12 feet high shall meet the following massing and design standards to ensure compatibility with the principal structure:
- (a) Any portion of the building or structure potentially visible from the street or other public areas shall use materials, colors, scale and forms (roofs and massing), and architectural details that are compatible with the principal structure, or otherwise be screened according to Section 24-803.
- (b) Any building or structure exceeding the limits in Table 24-6-2 shall be treated as a second principal building and meet all lot and building design standards applicable to principal buildings.
- d. **Fences & Walls.** Fences and walls in Nonresidential districts shall be limited to the sizes and locations in Table 24-6-3, Nonresidential Fences & Walls.

Table 24-6-3 Nonresidential Fences & Wall	
Location	
Front <i>In the front setback or any location in front of Front Building Line.</i>	3.5' high 3.5' – 6' if it is ornamental design that is at least 75% open (i.e. wrought iron). - Up to 8' for ornamental features at pedestrian entries.
Side and Rear <i>In the side, street side, or rear yard and behind the Front Building Line.</i>	6' high; 8' in the I-M or I-H district, provided the fence remains open (i.e. wrought iron or chain link) - A fence or wall outside of required setbacks (i.e. in the buildable envelope), and behind front building line can exceed 6', but may be limited by building codes or other general development and design standards.
Perimeter Fences <i>Any fence within 30' of a Collector or Arterial street right-of-way as part of Perimeter Landscape in Section 24-803.</i>	Any fence designed as part of a perimeter landscape area along collector or arterial streets, or otherwise located within 30' of a collector or arterial right-of-way and longer than 100', shall meet the following standards: - All fencing shall be softened with landscape materials on the street side of fences meeting the perimeter landscape standards of Section 24-802. - Expanses of over 100' shall be broken up by either: - Offsets of +/- 3' on 1/3 of length for every 150' span; or - Ornamental designs on at least 50' of every 150' space that is at least 75% open (i.e. wrought iron); or - Architectural pillars or posts (i.e. stone, or masonry) at least every 50'. - Alternatives may be approved by the Director in association with the perimeter landscape plans for in Section 24-803, and Streetscapes in 24-301.

1. **General Height & Location Standards.** The following standards are applicable to fences and walls in all locations.
- (a) All fences or walls along rights-of-way or easements shall be located:
- (1) At least 1' from any ROW or easement that prohibits structures; otherwise fences in easements shall be permitted only subject to specific easement language and limitations.
 - (2) At least 2' from any sidewalk.
 - (3) At least 3' from the edge of any alley or similar vehicle access.

- (4) Fences or walls may only be located in the right-of-way or easement by a revocable right-of-way permit from the Public Works Department.
 - (b) All fences or walls located along common lot lines shall be located so:
 - (1) The fence is on the property line; or
 - (2) The fence is at least three feet from the property line. Any areas set back three feet or more, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment.
 - (3) The finished side faces adjacent property or any public right-of-way, public space or common areas.
 - (c) Any fence or wall in the floodplain shall also require a floodplain development permit.
 - (d) All fence or walls shall be located and designed to comply with sight distance requirements of 24-301.d.2. Any fence or wall that could potentially create a sight obstruction for vehicles crossing pedestrian areas or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances for the vehicle.
 - (e) Temporary fences for construction may be up to 6 feet or as otherwise specified in construction permits.
 - (f) All fences and walls may be subject to additional standards of the building code, approved drainage plans for the lot, or other design and development standards. In particular, any of the following allowed by these standards, permitted by alternative compliance, or approved by a variance, requires a building permit:
 - (1) Any fence or wall over 6 feet high;
 - (2) Any retaining walls over 4 feet high;
 - (3) Walls in the setbacks over 6 feet high shall only be permitted by alternative compliance in Section 24-208.
2. *Materials.* Fences and walls shall be consistent in architectural character, materials, and appearance of the principal building(s) on the same lot. Fences shall be constructed out of any of the following materials:
- (a) Wood or vinyl simulating wood. Wood shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance;
 - (b) Wrought iron or aluminum simulating wrought iron;
 - (c) Stone, brick, concrete with stone or brick veneer, pre-cast concrete simulated stone or brick, or decorative concrete textured to simulate masonry; or
 - (d) Chain link or vinyl clad chain link:
 - (1) Chain link is permitted in the side or rear yard only in the C-L, C-H, MU-L and MU-H districts.
 - (2) Chain link with slats is only allowed in the I-M and I-H districts, and proved it is not located along a collector or arterial street.
 - (3) Chain link fences may be up to 12 feet for any security fence around sports facilities, courts, pools or similar facilities, provided it is 20 feet from any lot line and provided all portions over 8' remain free of opaque screens.
 - (e) Barbed wire may be allowed only in the I-M, I-H, C-D and H-A districts, added to the height of chain link fences and located above 6.5 feet. Barbed wire is limited to no more than three bands, shall be illuminated by exterior area security lighting controlled by an automatic light level switch, and be installed and maintained in good operating condition.

Section 24-603 Nonresidential Design Standards

- a. **Applicability.** The design standards shall apply to the C-L, C-H, MU-L, MU-H, I-L, I-M, and I-H zoning districts.

1. *General Applicability.* The design standards apply based on the context of a particular project, according to the general applicability provisions in Table 24-6-4.

Table 24-6-4: Applicability of Design Standards

Zoning District	Applicability
C-L , C-H, I-L, I-M and I-H	- Frontage C standards preferred and generally applicable; - Frontage D standards may apply on large commercial sites (over 2 acres) or industrial buildings; - Frontage A and B standards by alternative compliance.
MU-L	- Frontage A standards preferred and on at least 2 blocks or at least 50% of a project; - Frontage B standards generally applicable on the remainder; - Frontage C or D standards by alternative compliance.
MU-H.	- Frontage A standards preferred and on at least 4 blocks or at least 50% of a project; - Frontage B standards generally applicable on the remainder; - Frontage C or D standards by alternative compliance.
Residential Development	Where residential building types are permitted in any nonresidential district, they may be developed according to the Residential Development Standards in Chapter 5.

2. *Alternative Compliance.* Alternative compliance to the general applicability of the design standards in Table 24-6-2 may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following additional applicable criteria:
- Streets with pedestrian amenities, on-street parking, or designed according to the Pedestrian or Avenue Street type standards in Section 24-301 are generally appropriate for the Frontage A and Frontage B frontage type and design standards.
 - Streets with higher traffic speeds or volumes, that lack pedestrian amenities, or that lack on-street parking are generally appropriate for Frontage C and Frontage D frontage type and design standards.
 - Where the context of a specific block or site has a prevalence of development that reflects patterns similar to any particular frontage and design type, the prevailing pattern may be implemented.
 - A development plan for an area or project may more specifically map street types and frontage types on a block-by-block basis, and any plan officially approved by the Planning Commission or City Council in association with the development may further specify the applicability of the frontage types and design standards for a particular district, area, or project.

- b. **Frontage Design.** Frontage design determines the relationship between private development and the public realm, and determines the character of different districts. Building placement, parking and access locations, and landscape and streetscape design encompass the design of the frontage. Frontage types designed according to the standards and design objectives of this sub-section may be used to modify the front setback established in Table 24-6-1, as indicated by the applicability provisions of Section 24-603.a.

1. **Design Objectives.** Frontage types in Table 24-6-5: Nonresidential Frontage Design shall be applied to meet the following design objectives:
 - (a) Enhance the image of the City by coordinating streetscape investment with private lot and building investment.
 - (b) Orient all buildings and lots to the public street, or to common open spaces that serve as an extension of the streetscape and public realm.
 - (c) Design frontages based on the context of the area, block, and street, particularly emphasizing landscape areas to screen and separate sites from higher-volume / higher speed streets and emphasizing social spaces and human-scale architectural features on streets intended for more compact and walkable development.
 - (d) Coordinate development across multiple lots along block faces, considering access, parking, landscape, and open space design.
 - (e) Allow a range of different building types to engage the streetscape in compatible ways along a block through similar frontage designs.
 - (f) Strengthen the identity and economic value of distinct places by reinforcing consistent patterns of streetscape, frontage design, and building placement and form.
 - (g) Frontages should be similar for all lots on the same block face or gradually transition to different types in contexts that allow multiple frontage types.
2. **Frontage Design Standards.** Frontage types shall be designed according to the standards in Table 24-6-5: Nonresidential Frontage Design. Sub-sections following the table provide specific design strategies and techniques to be used to meet these standards and the design objectives of this sub-section.

Table 24-6-5: Nonresidential Frontage Design

	<i>Frontage A</i>	<i>Frontage B</i>	<i>Frontage C</i>	<i>Frontage D</i>
<i>Front Building Line (build-to range)</i>	0' – 10'	0' – 25'	25' – 80'	80' +
<i>Required Front Building Line</i>	80%	60%	40%	n/a
<i>Access Width (max.)</i>	20'	24'	32'	40'
<i>Access Spacing (min.)</i>	1 per block	200'	150'	50'
<i>Parking Setback (min.)</i>	Behind rear of building.	Behind front building line	5' – 20' min. See Section 24-704.b. for parking setbacks specific to parking lot size	5' – 20' min.
<i>Extent of Parking Frontage (max.)</i>	0%	30%	n/a	n/a
<i>Landscape</i>	See Sections 24-301 and 24-302		See Section 24-803	
<i>Applicability</i> (See Table 24-6-4)	<i>MU-L, MU-H</i>	■	□	◇
	<i>C-L, C-H</i>	◇	◇	■
	<i>I-L, I-M, I-H</i>	◇	◇	■

- Preferred
 □ Permitted
 ◇ Limited to Alternative Compliance

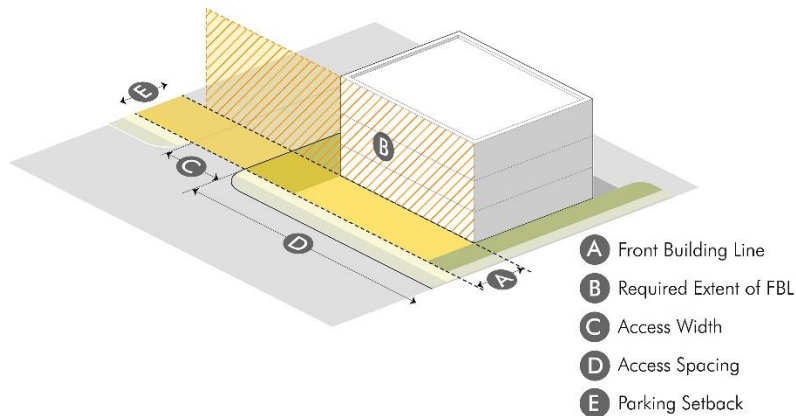


Figure 24-6-1 Frontage Design

Frontage types are differentiated based on the location of the front building line (FBL), the extent of the front building line occupied by the building (Required FBL), access widths, and parking location and extent along frontage. Coordinating frontage design of multiple buildings and sites along a block impacts the character of the streetscape and the block.

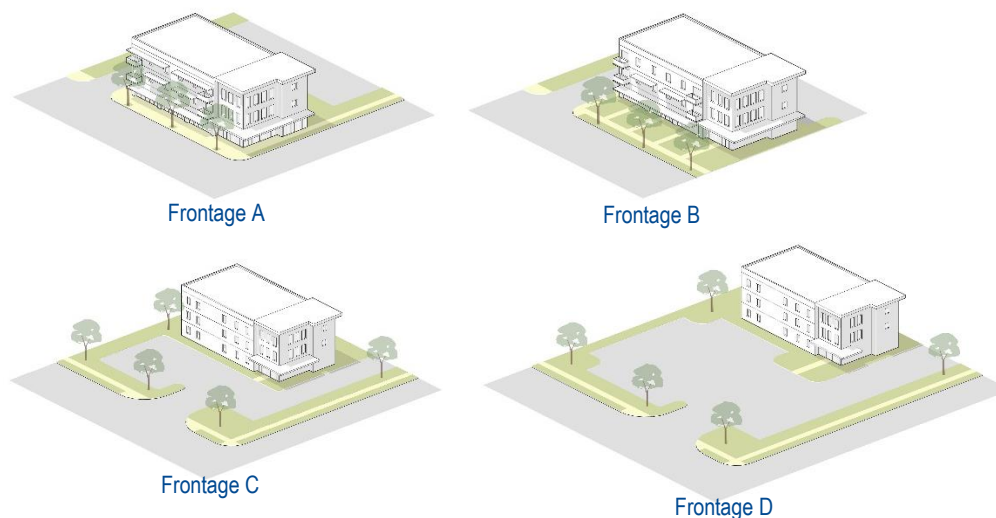


Figure 24-6-2 Frontage Types

The relationship between private development and the public realm determines the character of different districts. Building placement, parking and access locations, and landscape and streetscape design distinguish different frontage type designs. Social spaces and human-scale architectural features are emphasized in more pedestrian-oriented contexts, and landscape screens and setbacks are emphasized in more car-oriented areas.

3. **Building Form and Placement.** All buildings shall establish a front building line within the range specified in Table 24-6-5, Nonresidential Frontage Design. The required front building line shall modify the required front setback in Table 6-2 based on the appropriate frontage for the street and block. All buildings shall occupy the minimum percentage specified for required front building line with either of the following:
 - (a) Front building facades meeting the design standards in Table 24-6-6, Nonresidential Building Design; or
 - (b) Open spaces meeting the requirements of Section 24-603.d provided:
 - (1) It is limited to no more than 50 feet or 50% of the lot frontage, whichever is greater;

- (2) There are defining features at the extension of the required front building line, such as decorative walls or fences, landscape features and other human scale details; and
- (3) All building facades fronting the open space meet the standards otherwise applicable along the streetscape.
- (c) Projects designed around internal access streets according to Section 24-301 may use the internal access streets for the purpose of applying frontage standards.

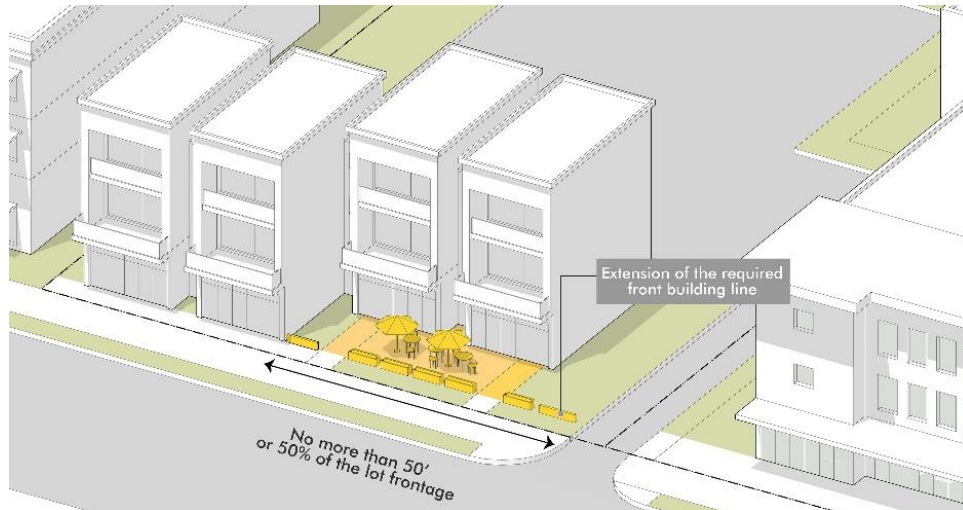


Figure 24-6-3 Required Front Building Line

The required front building line determines the extent of the lot width required to be occupied by building frontage at the front building line. Alternative spaces that activate the streetscape with active social spaces may serve this function provided they establish similar defining elements of this space along the frontage. 24-603.b.3.(a) and (b).

- 4. **Access and Parking Limits.** The following standards apply to the driveway and parking limits in Table 24-6-5, Nonresidential Frontage Design:
 - (a) Access width limits apply to the first 25' of the lot depth, or up to the Front Building Line, whichever is less.
 - (b) Access spacing specifies the minimum distance between edges of driveways or internal access streets. However, the Greeley Design Criteria and Construction Specifications for Streets may specify different access standards on any particular street or lot.
 - (c) In cases where these standards limit access to a particular lot, options that coordinate access to lots on the same block shall be used, including mid-block alleys, internal access streets, common access lanes, or shared drives and cross access easements.
 - (d) All parking shall be setback as specified in Table 24-6-5 and limited only to the extent specified along the frontage, and be screened according to the standards in Chapter 7.

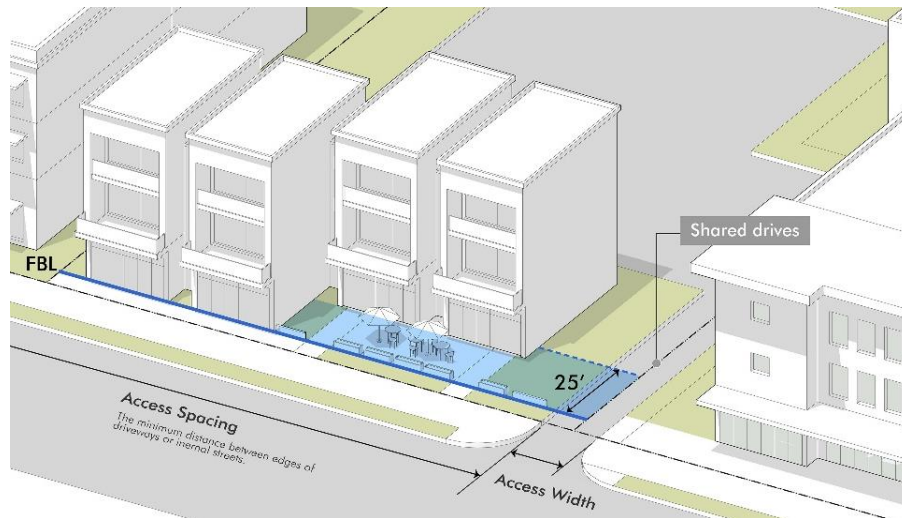


Figure 24-6-4 Access and Parking Limits

Access & parking limits determine the extent of frontages that are designed for cars, including driveways and surface parking. Parking and vehicle access is more limited in the frontage area for pedestrian-oriented contexts, and more permissive in car-oriented areas. 24-603.b.4.(a) and (b).

5. **Landscape.** The remainder of the frontage between the streetscape and front building line shall include landscape and open space designs.
 - (a) For Frontages A and B this area shall be designed to coordinate as an extension of the streetscape according to Sections 24-301.
 - (b) For Frontages B and C this area shall be designed according to the parking setback and landscape design standards in Chapters 7 and 8.
 - (c) On all frontage types, lot open space meeting the standards of Section 24-603.d may be included in this area.

6. **Alternative Compliance.** The appropriate application of frontage types is based upon a combination of the character of the zoning district, the streetscape design on which the development fronts, and the building form and placement on a specific lot. Alternative compliance to the frontage design standards established in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following additional applicable criteria:
 - (a) The context presents clear pattern of existing buildings and lots on the same block and opposite block face with a different arrangement in terms of the front building line, driveway access patterns, and extent and placement of parking lots and service areas.
 - (b) An alternative design allows the building, access, and parking to be sited in a way that preserves topography or other natural features on the site, and does so in a way that equally or better meets the design objectives.
 - (c) Parking and access that serves a greater area beyond the site and block may deviate from these standards, provided the location is consistent with development patterns in the vicinity and it is designed to minimize impacts on streetscapes.
 - (d) In all cases the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.

- c. **Building Design.** Building design refines the scale and form of buildings beyond the basic setback, height, and lot coverage standards by breaking down the volume into smaller-scale masses, and by adding depth, texture, and variation to surfaces to relate to the spaces around the building.

1. **Design Objectives.** Building design standards in Table 24-6-5, Nonresidential Building Design shall be applied to meet the following objectives:
 - (a) Reinforce the context, patterns, and design character of the zoning district or a particular area.
 - (b) Refine the scale, massing, and details of buildings to a greater degree the closer they are to the public realm and other publicly used spaces.
 - (c) Arrange buildings and vary the massing in a way that defines streetscapes, public spaces, and other valuable active and social spaces on the site.
 - (d) Locate doors and windows in a way that activates spaces, creates connections to important exterior spaces, and promotes economic activity at the interface of buildings and public spaces.
 - (e) Relate buildings to adjacent development by mimicking similar scale, massing and proportions through step-backs and secondary masses that break up larger masses and reduce the volume and perceived size of larger buildings.
 - (f) Use materials and human-scale architectural features to create depth, texture, variation, and visual interest to walls, particularly on larger facades, along streetscapes, or near active open spaces or adjacent lots.
 - (g) Strengthen the identity and economic value of distinct places by reinforcing any prevailing architectural themes or styles; where no prevailing theme or style exists, encourage unique architectural expression and design characteristics inherent in the chosen architectural style for the building to establish distinctive themes and styles.
 - (h) Emphasize the quality and longevity of investments with materials and colors that are attractive, durable, and have low maintenance requirements.

2. **Building Design Standards.** Table 24-6-5, Nonresidential Building Design provides standards for massing and facade design based on the frontage type and the placement of the building. Sub-sections following the table provide specific design strategies and techniques to be used in meeting these standards and the design objectives.

Table 24-6-6: Nonresidential Building Design				
	Frontage A	Frontage B	Frontage C	Frontage D
<i>Front Building Line (from Table 24-6-5)</i>	0' – 10'	0' – 25'	25' – 80'	80' +
<i>Wall Plane Limits</i>	50' / 500 s.f.	100' / 1,000 s.f.	100' / 1,000 s.f.	150' / 2,000 s.f.
<i>Blank Wall Limits</i>	15' / 300 s.f.	30' / 600 s.f.	50' / 1,000 s.f.	50' / 1,000 s.f.
<i>Entry Feature Spacing (max)</i>	50'	75'	1 per building	1 per building
<i>First Story Transparency</i>	60% - 90%	40% - 90%	40% - 90% within 50' of entrance	40% - 90% within 25' of entrance
<i>Upper Story Transparency</i>	15% - 40%	15% - 40%	15% - 40%	n/a
<i>Secondary or Side elevations within 20' of ROW</i>	Meet primary frontage design standards for at least 30' or 30% of elevation of building whichever is greater.			
<i>Secondary Side / Rear elevations between 20' and 100' or otherwise directly visible from ROW</i>	Meet standard at 50% of the requirement for primary elevations, except for required entrance ; OR Have a Type III or higher perimeter landscape within 50' of the building per Section 24-803.			

3. **Wall Plane Limits.** Larger building elevations shall be broken into smaller components by one or a combination of the following techniques to meet the wall plane limits in Table 24-6-5, Nonresidential Building Design:
- (a) Emphasize structural bays and vertical breaks in interior components of the building at regular intervals, with visible features such as columns, pillars, or pilasters, or other details and accents that are between 6 and 48 inches wide, project between 4 and 24 inches off the façade.
 - (b) Differentiate massing with projections, balconies, cantilevers or step backs from the main mass associated with entrance features, different stories, or secondary masses of the building. Massing shall create deviations in the wall plane of at least 2 feet if projecting from the façade and at least 4 feet if recessed from the façade, and encompass at least 20% of the entire elevation.
 - (c) Horizontal differentiation of a base, body and top of buildings.
 - (1) For buildings less than 3 stories, this can be a distinct foundation, a main façade, and an embellished roof structure, such as eaves and fascia for pitched roofs, or cornices and parapets for flat roofs.
 - (2) For buildings 3 stories or more, the first floor should be clearly differentiated from upper stories to establish the base and an embellished roof structure.
 - (3) Any belt course or trim band establishing the break in base, body and top shall use a material or pattern distinct from the primary material, be 6 to 36 inches wide, and off-set from the wall plane 4 to 24 inches; or be a lessor trim associated with a material change.

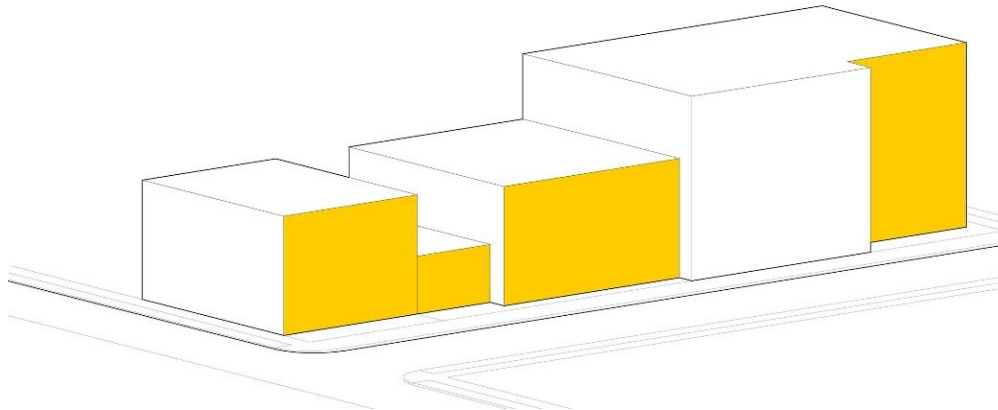


Figure 24-6-5 Wall Plane Limits

Wall planes that exceed either the linear dimension limits or the square foot limits in Table 24-6-4 wall plane limits shall be broken up by massing elements and/or architectural details. 24-603.c.2. / Table 24-6-6



Figure 24-6-6 Vertical Articulation

Defining buildings with a distinct structural bays creates a finer grain of buildings, both when viewed from a distance and when experiences on the streetscape. This is particularly important for longer expanses of buildings and can help integrate larger buildings and lots within a pattern of smaller buildings and lots. 24-603.c.3.(a)



Figure 24-6-7 Horizontal Articulation

Defining buildings with a distinct base, body and top can help reduce the scale of larger buildings and can create relationships between adjacent buildings with dissimilar scale. 24-603.c.3.(c)

4. **Blank Wall Limits.** Building elevations shall feature interest, variation, depth, and texture by one or a combination of the following techniques to meet the blank wall limits in Table 24-6-5, Nonresidential Building Design:
 - (a) Patterns of windows and doors meeting the transparency requirements in Section 24-603.c.5. and 6.
 - (b) Massing elements meeting the wall plane limits of Section 24-603.c.3
 - (c) Ornamental architectural details complimentary to the materials and architectural style of the building.
 - (d) Color and material changes associated with trim or massing elements of the building.

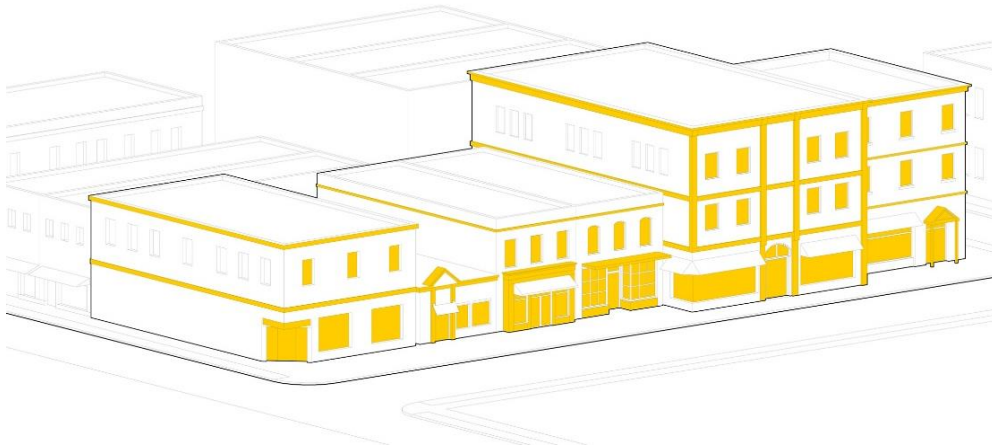


Figure 24-6-8 Blank Wall Limits.

A combination of architectural features, windows and doors breaks up larger expanses of wall plane and allow them to relate better to spaces around the building. More pedestrian-oriented streetscapes or active social spaces limit blank wall areas more strictly than buildings remote from the streetscape or not near active social spaces. 24-603.c.4.

5. **Primary Entrance Features.** Primary public entrances shall be clearly defined on all front facades with at least three of the following elements and be located at intervals specified in Table 24-6-5, Nonresidential Building Design:
 - (a). A single-story architectural emphasis such as raised parapets or gables, canopies, porticos, overhangs, pediments, or arches.
 - (b). Transom or sidelight windows that frame and emphasize the entry.
 - (c). Architectural details such as tile work and moldings, columns, pilasters, or other similar material changes.
 - (d). Integral planters or wing walls associated with a recessed or projecting entry court or plaza that integrates landscape and hardscape designs.
 - (f). For corner buildings, any entrance feature located on the corner may count to both sides, and may be considered located at 25' from each corner for the purpose of the required Primary Entry Feature intervals.

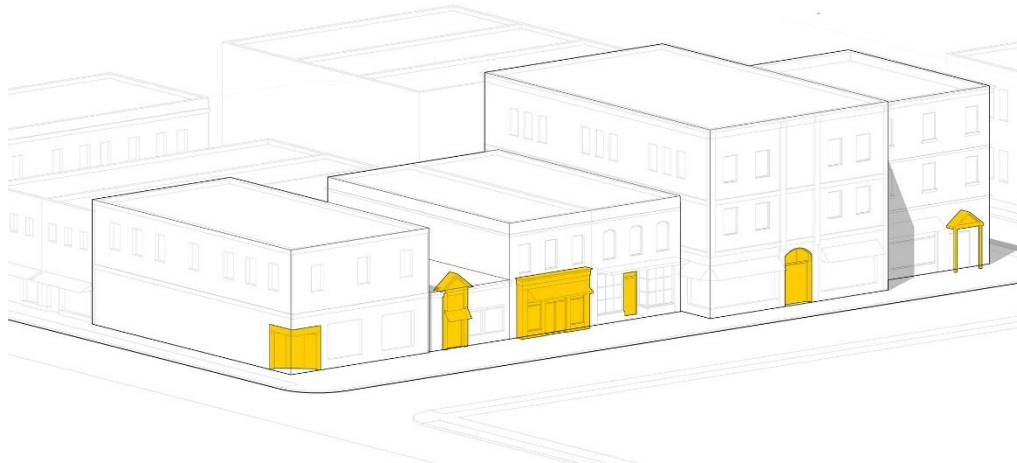


Figure 24-6-9 Primary Entry Features.

Entrances help activate the streetscape and orient buildings to public spaces. More pedestrian-oriented blocks benefit from the activity created by smaller-scale uses and the rhythm created by more frequent entrances. More car-oriented streets may allow less frequent entrances or alternative orientations of buildings to internal access streets or common spaces. 24-603.c.5.

6. **Transparency.** Buildings shall have the percentage of openings specified in Table 24-6-5, Nonresidential Building Design, based on the following:
- Where expressed as a first story requirement the percentage shall be measured between 2 feet and 8 feet above the sidewalk grade, or within 10 feet above the first floor elevation if the building is set back more than 10 feet from the street.
 - Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling of each story.
 - All first story windows required shall provide direct views to the building's interior or to a lit display area extending a minimum of 3 feet behind the window.
 - For industrial and civic buildings setback more than 25 feet from the street, clerestory windows may meet the first or upper story window requirements.



Figure 24-6-10 Transparency.

Transparency requirements eliminate large expanses of blank walls and create physical and perceptual connections to spaces around buildings. Meeting the requirements for each story helps reduce the scale of larger buildings. 24-603.c.6.

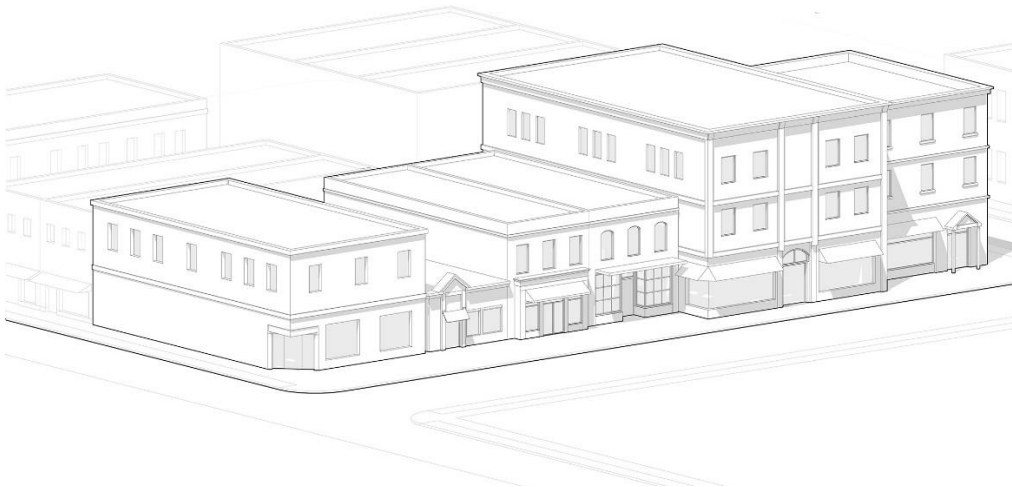


Figure 24-6-11 Facade Composition.

The combination of massing, modulation, entrances, and window transparency determine how a building relates to frontages and adjacent spaces. Building design standards based on the context of the area, type of street, and the position of the building on the block help reinforce the character of distinct districts and places.

7. **Materials.** Use building materials with a texture and pattern that creates visual interest and signifies quality construction and detailing.
- (a) The predominant surfaces on building walls shall be one of the primary materials listed in Table 24-6-6, Nonresidential Building Materials.
 - (b) Synthetic alternatives may be approved by the Director if manufacturer specifications and/or precedents for application demonstrate that it will perform equally or better than the principal materials in terms of maintenance, design and aesthetic goals.
 - (c) No more than 4 materials should be use, including the use of secondary and accent materials.
 - (d) Material changes shall emphasize different elements of the building, in association with the massing and modulation standards.
 - (1) Where material changes are vertical (i.e. different materials stacked one above another), the transition between materials should include a belt course, trim band, sill, cap, frame, roof (if at ceiling height), or similar element to separate the two materials.
 - (2) Where material changes are horizontal (i.e. different materials side-by-side) the transition between materials should occur at interior corners or at the trim line, architectural column, or pilaster in association with a different structural or massing component of the building.
 - (e) Material colors shall be used to blend buildings into an area, to coordinate elements of a development, and be drawn from the prevalent color schemes in the surrounding area. Primary material colors should be low-reflectance, subtle, neutral or earth tone colors. Monotonous or monochromatic color palettes are strongly discouraged. The use of high-intensity colors, metallic colors, black or fluorescent colors is limited to accent areas.

Table 24-6-6: Nonresidential Building Materials

Primary Materials (50% to 90%)	Secondary Materials (20% to 40%)	Accent Materials (10% to 30%)
Brick Stone Stucco Slate Exterior Insulation and Finish System (EIFS) – water managed only Concrete Masonry Units (CMU) - colored and textured only Horizontal wood lap siding (50% limit) Architectural metals (prefinished non-corrugated) (50% limit) Corrugated metals (I-H only) Standing seam metal (roofs only)	Any of the primary materials Architectural tiles Glass Color concrete Precast concrete Corrugated metal (I-L, I-M and I-H only)	Any of the primary or secondary materials Precast stone Wood trim

8. **4-sided Design.** All buildings shall incorporate 4-sided design, so that that no matter what view you have of the building, the design is not interrupted and all parts are perceived as a coordinated part of a unified whole. Specifically:
- a. All sides shall exhibit the same quality, continuity, and durability of design including the same primary and secondary materials, although more important sides can reflect priority in the allocation of these materials.
 - b. All sides that are visible from streets, public spaces or active portions of adjacent sites shall have a similar level trim, accent material, details, and ornamentation,

although the extent and details may be different to reflect the greater importance of certain areas closest to the public realm or with greater visibility, and parts not exposed to the public may be designed for utility.

9. *Alternative Compliance.* Alternative compliance to the building design standards established in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following additional applicable criteria:
 - (a) The requirement is not consistent with the particular architectural style selected for the building based on reputable resources documenting the style.
 - (b) The requirement would make the building less compatible with designs or characteristics of other buildings or sites adjacent to the project or that are prevalent throughout the area.
 - (c) The requirement is inconsistent with the principal function of the building when applied to industrial buildings in the I-M and I-H districts.
 - (d) Deviations from material standards and any simulated products demonstrate a proven performance in terms of maintenance and quality appearance.
 - (e) In any case, the deviation is the minimum necessary to address the circumstance and does not negatively impact other design standards applicable to the building or site.

- d. **Lot Open Space Design.** The design of open space can reinforce the character of unique districts and distinct places. Lot open space coordinates unbuilt areas with the public realm design of commercial, mixed-use, and industrial areas or uses landscape areas to mitigate undesirable impacts..
 1. *Design Objectives.* The required lot open space in Table 24-6-1 shall be designed and located to meet the following design objectives:
 - (a) Coordinate site design with the larger open space system and public realm design of the area.
 - (b) Use open space as an organizing element for development, creating focal points for buildings or groups of buildings, and creating transitions between distinct building sites or different places.
 - (c) Design a hierarchy of gateways, gathering places, parks, landscape perimeters, and natural features, integrated with streets, internal access streets, trails, and pedestrian passages.
 - (d) Select open space types based on the context of the areas and natural amenities of the site; in general more compact and formal gathering spaces are most appropriate in walkable commercial and mixed use areas, and more spacious and natural areas are most appropriate in large commercial or industrial areas.
 - (e) Use landscape, furnishings, fixtures, art, planters, and other elements of common spaces to complement buildings, coordinate buildings and sites within an area, and distinguish the unique character of different places.
 - (f) Preserve natural features and historical drainage patterns that can serve as amenities for development, maintain views to and from important outside spaces, perform ecological functions, or provide important connecting corridors.

 2. *Lot Open Space Design.* Lot open space required for each building and lot in Table 24-6-1 shall create a common or private amenity for the site and building. Buildings and open spaces on a lot shall be arranged to create usable outdoor spaces that meet one or more of the following types:
 - (a) Private frontage landscape areas designed according to Section 24-603.b., excluding any driveways, parking areas, or other automobile space;

- (b) Courtyards, plazas, patios, or similar outdoor seating areas that are either designed as an extension of the public streetscape on the frontage, or at least 500 square feet and 20 feet in all directions if internal to the site;
- (c) Common rooftop decks provided they are at least 200 square feet, and at least 12 feet in all directions – this space is limited to no more than 25% of the requirement for the lot and building;
- (d) Private balconies or patios, provided they are at least 6 feet by 10 feet – this space is limited to no more than 25% of the requirement for the lot and building; or
- (e) Landscape areas and perimeter treatments designed according to the standards of Chapter 8. These areas shall be limited to:
 - (1) No more than 25% of the requirement for lot open space in mixed-use districts.
 - (2) No more than 50% of the requirement for lot open space in commercial districts; and
 - (3) No limit in industrial districts.

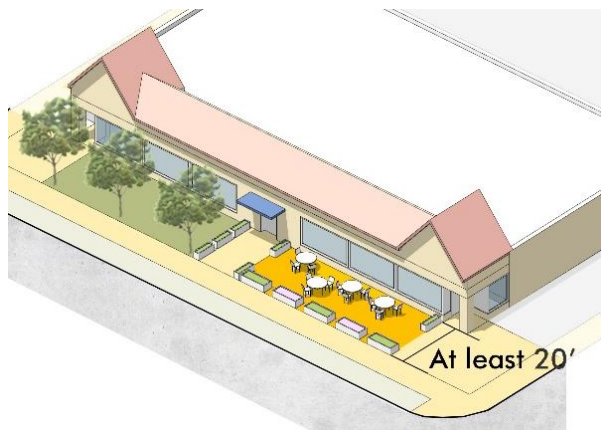


Figure 24-6-12 Courtyards, Patios and Plazas
More compact and walkable places benefit from smaller and more formal social spaces, such as courtyards, patios and plazas. 24-603.d.2.(b).

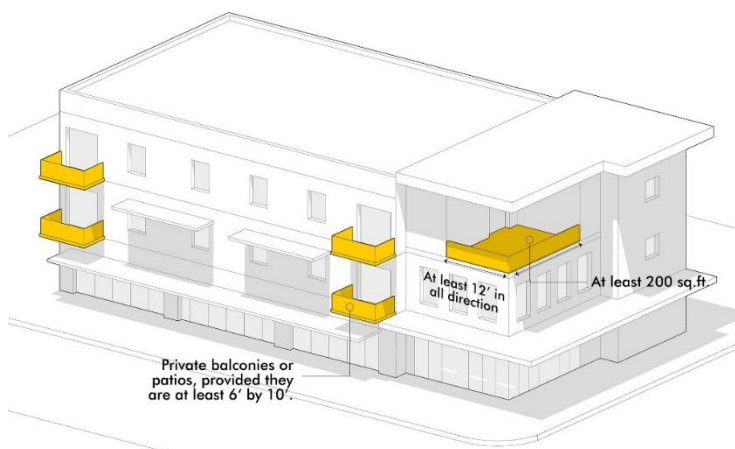


Figure 24-6-13 Private or Common Open Spaces
Private or commons areas incorporated into the building can provide a portion of the useable on-lot open spaces. These elements can also meet design requirements for breaking up the massing or blank wall of buildings 24-603.d.2.(c) and (d)

3. **Alternative Compliance.** Alternative compliance to the lot open space design standards established in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following additional applicable criteria:
- (a) The lot and building has access to at least two different active open space on the same block or abutting block, and meeting the design and service area standards Section 24-302 or 24-504.
 - (b) Other designs that promote infill development or rehabilitation of existing buildings and sites in a compact, and walkable context.

e. **Exterior Lighting.**

1. **Design Objectives.** The following design objectives shall be used in applying the lighting standards in this Section:
- (a) Provide sufficient illumination for security and safety needs in specific areas
 - (b) Ensure lighting does not interfere with the proper and safe function of the rights-of-way, and mitigate any potential negative affects on adjacent property.
 - (c) Protect residential property or other low-intensity uses from unnecessary light impacts from adjacent uses.
 - (d) Maintain adequate lighting for publicly accessible outdoor areas and social spaces.
 - (e) Enable lighting that enhances architectural elements and landscape features, in subtle and attractive ways.
2. **Location & Height.** Exterior lighting shall be located as specified in Table 24-6-7.

Table 24-6-7: Light Location & Height

Location	Maximum Height
<i>Within 50' of any Residential Zoning</i>	▪ 20'
<i>All other locations – free-standing</i>	▪ 30', but no taller than the principal building
<i>Building-mounted</i>	▪ 30' or 3' below the eave, parapet or cornice, whichever is less.

3. **Maximum Lighting Levels.** Maximum lighting levels are provided in Table 24-6-8. Lighting levels are average maintained horizontal levels, measured using a calibrated, color and cosine-corrected portable light meter and taken at a level position not more than six inches above the ground which the subject light source is on.

Table 24-6-8: Maximum Lighting Levels*

Area	Residential Zones	Commercial & Industrial Zones
<i>Building exterior</i>	0.5; (0.0 at property line)	1.0—5.0
<i>Walks, pathways</i>	0.5; (0.0 at property line)	1.0
<i>Parking lots</i>	1.0; (0.0 at property line)	2.0
<i>Street or driveway lighting (internal to site)</i>	0.6; (0.0 at property line)	1.2
<i>Loading docks</i>	N/A	20.0
<i>Auto sales (outdoor display)</i>	N/A	30.0 average, 60.0 spot location

* Information gathered from Illuminating Engineering Society (IES) Lighting Handbook. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

4. **General Standards.** All lighting shall be the following design and performance standards:
- (a) No lighting shall be used in any way which could interfere with the safe movement of vehicles on public streets, including:
 - (1) Any fixed lighting that is not designed for street illumination that produces light which could interfere with the operation of a vehicle;
 - (2) Any lighting which could be confused with any type of traffic control device, emergency or warning signals; or
 - (3) Any lighting that blinks, flashes, flickers or changes intensity with the exception of temporary holiday displays.
 - (b) No light spillage or glare shall be visible at or beyond the property line of the development. Lighting shall be provided at sidewalks or pathways, common areas or facilities, primary building entrances and in parking areas. All outside lighting shall include fixtures with a dimming interface
 - (c) Outdoor lighting shall be L.E.D (Light emitting Diode) "Dark Sky" compliant, per the International Dark Sky Association requirements for reducing light pollution and minimizing glare. The use of low pressure sodium light fixtures shall be prohibited in the city.
 - (d) The style and materials of light standards and fixtures shall be compatible with the architectural character and materials of buildings on the site, and building mounted lights are encouraged to use ornamental lights rather than wall pack fixtures.
 - (e) All lights shall be directed downward and the light source shall be shielded to direct light away from and not visible from any adjacent property.
 - (1) An exception for accent and flagpole lighting may be permitted for upward lights as long as the light source is shielded and not visible from any adjacent property.
 - (2) Wall lights shall be full cutoff fixtures, with flat lenses, and mounted so the lights are directed downward and the light source shall not go beyond the property line.
 - (3) Fixtures installed under canopies, awnings, and overhangs shall be fully recessed.

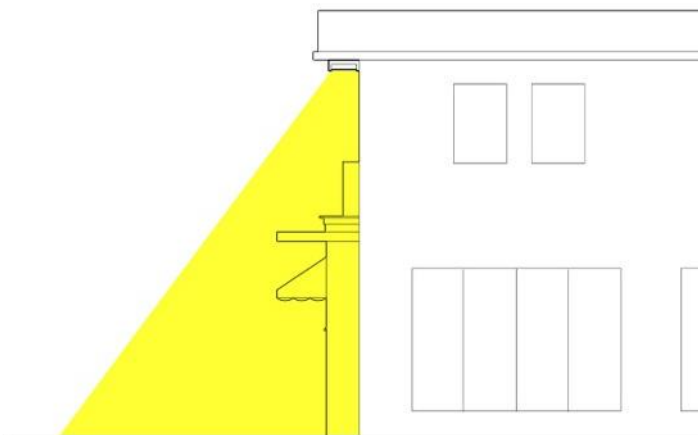


Figure 24-6-14 Lighting Directed Downward onto Site.

.Lighting directed downward eliminates negative impacts of lighting on adjacent property and helps to preserve the night sky views. 24-603.e.4.(e).

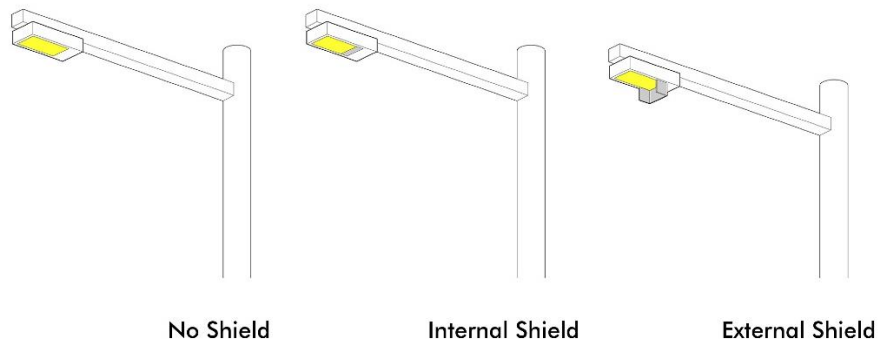


Figure 24-6-15 Light Shielding.

.Light shielding related to the different fixture styles, height, and location helps mitigate the potential negative impacts of specific lights. 24-603.e.4.(e).

- (f) No activity shall be conducted within 500 feet of a residential zone which creates glare exceeding 0.0 footcandle at the property line, except for parking lots, neighborhood recreation and service facilities and streets, which may be illuminated at levels up to 1.0 footcandle.
- (g) All parking lot lighting fixtures and exterior building floodlights, except those required for security purposes, shall be extinguished within one hour after the end of business hours and remain extinguished until one hour prior to the beginning of business hours. If a portion of a parking lot is offered for use after dark, only that portion shall be lighted.
- (h) Lighting within parking structures shall be designed to provide safety and security and be integrated into the architectural character of the structure.
- (i) In addition to all other standards lighting of all outdoor recreational facilities except baseball, softball, soccer, volleyball or football fields; driving ranges; outdoor arenas and amphitheaters shall meet the following:
 - (1) All lighting or illumination units or sources shall be hooded or shielded and directed downward so that they are not visible from any adjacent lot or property; and
 - (2) Lights or illuminating units shall not allow light either directly or through a reflecting device to spill upon any adjacent real property.
- (j) In addition to all other standards, baseball, softball, soccer, volleyball or football fields; driving ranges; or other field recreation facilities shall meet the following:
 - (1) Light fixture or illumination source shall not exceed 90 feet high.
 - (2) Individual lighting of 150 watts or greater shall not be used after 11:00 p.m., or within one hour after the event, whichever is later. Exceptions to this section may be granted by the Director.

Reserved Sections 24-604 through 24-700

Section 6. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 13 – Definitions and Terms of Title 24 to read as follows:

Chapter 13. Definitions & Terms

24-1301 Definitions

All terms used in this code shall have their plain and commonly accepted meaning, based upon the context of their use in the code. The following terms shall have the meaning given below, unless more specifically described, limited or qualified within the standards of this code. Some Chapters have specific definitions where the terms have the given meaning for interpretation of that chapter.

100-year flood. 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. The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

Abandoned Sign.

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

Accessory Building or Structure. A detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure.

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

Adjacent. Close, contiguous, and related to by proximity, sharing a common boundary or otherwise nearby to have a relationship without intervening dissimilar elements. When referring to land, separation caused by a street, alley, sidewalk, railroad right-of-way, utility line, trail, or irrigation ditch, or similarly related land can be considered adjacent.

Abutting. Directly touching elements that share a common edge or boundary.

Alley. A minor way used primarily for vehicular access or service to the back of properties adjacent to a street. An alley shall not be considered a street.

Alteration. Any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the historic preservation commission or the city's historic preservation specialist is necessary under this article and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of this article.

American National Standards Institute (ANSI). The standards by said organization that helps development in the use have an equitable and open process that serves industry and the public good, having a consensus in standards development; ANSI's essential requirements.

Animal Unit. A unit of measurement used to determine the animal capacity of a particular site or parcel of land and to establish an equivalency for various species of livestock.

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

Antenna. A device used to transmit and/or receive radio, television or any other transmitted signal and which may be rooftop, wall or ground-mounted.

Appeal. A review of a final decision by a higher authority.

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

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

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

Arterial street (see *Street*).

Artificial turf. Any of the various synthetic fibers made to resemble natural grass.

Awning, Internally Illuminated. Any transparent backlit awning or awning lettering which transmits light from within the awning to the outside surface of the awning.

Awning Sign. A sign that is mounted or painted on or attached to an awning.

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

Basement. Any level of a building where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

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

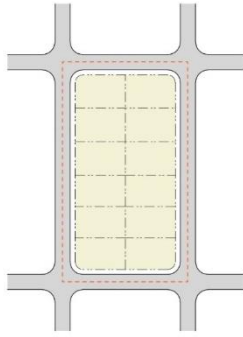
Bedroom. Any room intended and used principally for sleeping purposes.

Berm (see "Earthen berm.")

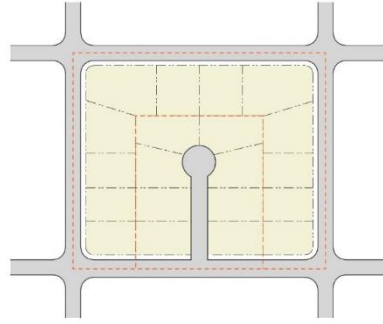
Bioretention Facility. A landscaped stormwater element designed to concentrate or remove debris and pollution from surface water runoff by moving water slowly and horizontally at the surface through vegetation using gently sloped sides that cleanse water from pollutants and soil erosion before it enters the city's stormwater system.

Bioswale. A channeled depression or trench that receives rainwater runoff (as from a parking lot) and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

Block. A group of platted lots and outlots surrounded by streets or by other features that interrupt the street network such as parks, railroad rights-of-way, or municipal boundary lines; or the perimeter of all lots fronting on the street in the case of a cul-de-sac.



Standard Block

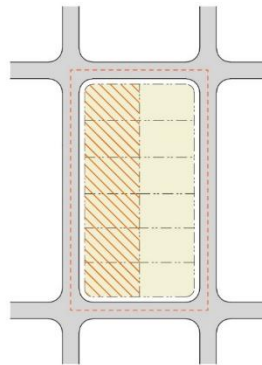


Cul-de-sac Block



Exception

Block face. All lots on one side of a block.



Block Face

Buffer. To promote separation and enhance compatibility between land uses of different intensities.

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

Building Appurtenance. The visible, functional or ornamental object accessory to and part of a building.

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

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

Building Footprint. The outline of the total area which is covered by a building's perimeter at the ground level.

Building Frontage. The area of the lot along the front building line, and when referring to design standards it may include relationship of this area and the primary facade of the building.

Building Frontage, Principal. The horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy for the purposes of allocating signs and other design requirements.

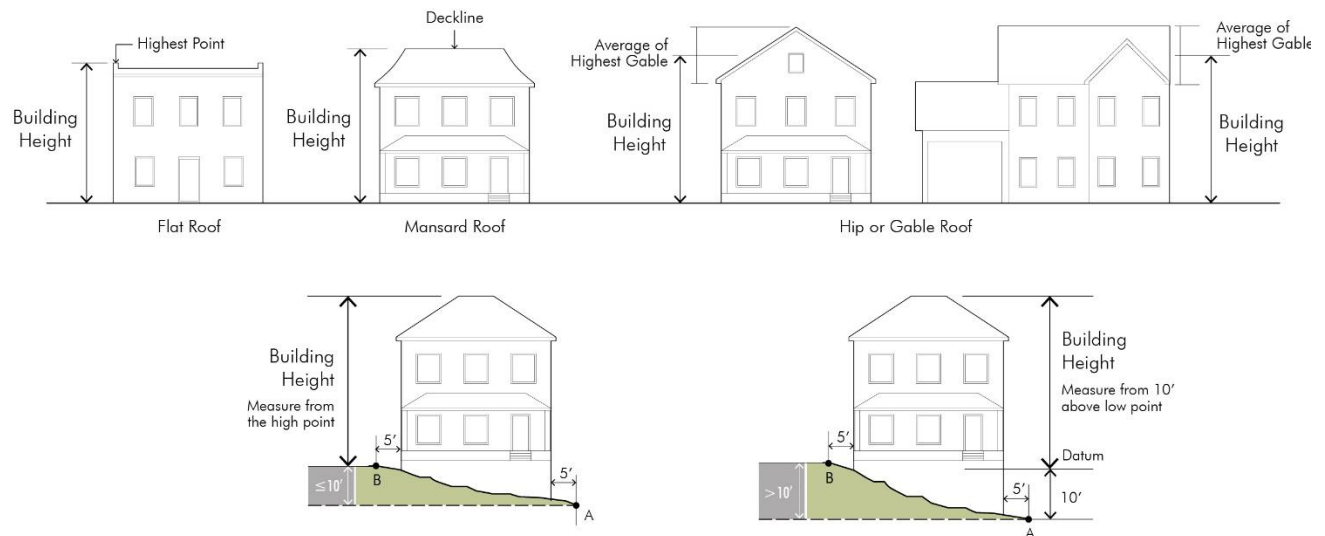
Building Frontage, Secondary. That dimension of a building abutting a public right-of-way other than the principal building frontage for the purposes of allocating signs and other design requirements.

Building or Structure Height. The vertical distance from grade at an exterior wall of a building or structure to the highest point of the coping of a flat roof, to the average height of the highest gable of a hipped roof, or a monitor roof, or to the highest point of a curved roof. This measurement shall be exclusive of church spires, cupulas, chimneys, ventilators, pipes, and similar appurtenances. For the purposes of this definition, grade applies as follows:

- (1) When there is less than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from the wall, use the highest elevation.
- (2) When there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from the wall, use ten-feet higher than the lowest elevation in this area.

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

- (a) the highest point on a flat roof;
- (b) the deck line of a mansard roof;
- (c) the average of the highest gable on a hip or gabled roof.



Building, Principal. The primary building on a lot or a building that houses the principal use.

Building Line. The actual line at which a building is constructed, and the location of other elements on the lot or adjacent lots may refer to this line extended outward from the building.

Building Line, Required Front. The portion of the lot frontage required to be occupied by the front facade of a principle structure, or other permitted accessory structures or landscape associated with the frontage design.

Caliper. The diameter or circumference of a tree.

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

Centerline (of Public Right-of-Way). A line running midway between the bounding right-of-way lines of a street or alley. For the purposes of calculating signage, the centerline means the apparent centerline of the road determined by finding the point midway between the outer edges of the road surface.

Certificate of Approval. A certificate issued by the city authorizing the construction, alteration or demolition of property and improvements designated under this article.

Certificate of Occupancy (C.O.). A written certificate provided by the city signifying the subject building/structure (property) has complied with city standards allowing for use and occupancy.

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

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

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

Channel Letters, Individual Letters, Raceway and Channel Sign. Individual letters, flat cutout letters or symbols constructed to be applied singly in the formation of a wall sign or freestanding sign.

Channelization. The artificial creation, enlargement, or realignment of a stream channel.

Circumference. The perimeter measurement of a building or structure, measured as a continuous line.

Clear Vision Zone or Area. That area which the city requires maintenance of in order to preserve the sight distance and safety of motorists, pedestrians, and bicyclists by requiring an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian or bicyclist to avoid a collision.

Collector Street (see *Street*).

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

Common Consumption Area. An area designed as a common area located within a designated Entertainment District and approved by the local licensing authority that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

Comprehensive Plan. The comprehensive plan of the city, as provided for in the city Charter and which provides for the future growth and improvement of the community, for the preservation of historic and natural resources, and for the general location and coordination of streets and highways, recreation areas, public building sites and other physical development. Comprehensive plan may also include any specific plans, policies, or programs adopted under the guidance of that plan for the purposes of interpreting and applying this code.

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

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

Cul-de-sac. A local street with one open end and the other end terminating in a vehicular turn around.

Deciduous. A plant with foliage that is shed annually.

Decision Point Distance. Where the clear vision sight distance triangle begins.

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

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

Demolition. Any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

Density. The number of dwelling units per gross acre of land area.

Detention Area. An area which is designed to capture specific quantities of stormwater and to gradually release the same at a sufficiently slow rate to reduce the risk of flooding.

Developer. Any person, partnership, joint venture, association, or corporation or other legal entity who or which shall participate as owner, promoter, designer, builder, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

Developing. A lot, or grouping of lots or tracts of land, with less than 60 percent of their perimeter boundary adjacent to existing development. For the purposes of this definition, public parks, natural areas and other such areas which are not eligible for further development shall be considered developed. Areas which were originally platted prior to 1978 and which have at least 75 percent of the lots in the development built on within this 20-year period shall also be considered developed. A replat of the original plat shall not affect the commencement of this 20-year period.

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

Development or Subdivision Improvement Agreement. A written instrument for the purposes of specifying all improvements to be constructed by the developer, as well as the timetable for construction of such improvements, any special conditions of construction, and construction cost estimates.

Direct Lighting. Spot or floodlighting used to illuminate a sign surface.

Directional On-Site. Signs that direct the movement or placement of pedestrian or vehicular traffic on a lot without reference to, or inclusion of, the name or logo of a product sold or services performed on the lot or in a building, structure or business enterprise occupying property, such as "welcome," "entrance," "exit," "restrooms," "parking," "loading area," and "drive-thru."

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

District. A portion of the community within which uniform regulations apply.

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

Drive-in or Drive-through. Accessory site and building features that encourage or permit customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

Drive-up. Accessory site or building features that encourage or permit customers to receive services or obtain or drop off products while remaining in a motor vehicle and which excludes a menu board and/or audio or video speakers.

Driveway. An improved concrete or asphalt path leading directly to one or more city-approved parking spaces constructed with a concrete, asphalt, or similar all-weather surface.

Dry Wash Channel. Natural passageways or depressions of perceptible extent, containing intermittent or low-base flow.

Dust Abatement Plan. A plan intended and designed to control dust during the construction or development of property.

Dwelling Unit. One room, or connected rooms, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease as a single unit, on a monthly basis or longer, physically separated from any other room or dwelling units which may be in the same structure and served by no more than one gas meter and one electric meter.

Earthen Berm. A mound of earth, higher than grade, used for screening or buffering, the definition of space, noise attenuation, and decoration in landscaping.

Easement. A right granted by a property owner permitting a designated part of interest in the owner's property to be used by others for a specific use or purpose.

Ecological Character. The natural features and attributes of an area or landscape that, combined, give the area its character.

Electronic Message Display. A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.

Emergency. An unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

Entertainment District. An area within the city that is 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, retail gaming tavern, or vintner's restaurant at the time the district is created.

Evergreen. A plant with foliage that persists and remains green year-round.

Existing Development. Any development in the city once all public improvements, including water, sewer, streets, curb, gutter, streetlights, fire hydrants, and storm drainage facilities, are installed and completed.

Exposed Incandescent or High Intensity Discharge Lighting. Any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon.

Exterior or Perimeter Wall. A wall, elements of a wall, parapet wall or any elements or groups of elements which define the exterior boundaries or courts of a building.

Facade. The exterior face of a building.

Fade. A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Family. An individual living alone, or any number of persons living together as a single household who are interrelated by blood, marriage, adoption or other legal custodial relationship; or not more than two unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. In multifamily units, the number of unrelated adults shall be determined based on the provisions of the city's housing code. For the purposes of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of his employment shall be considered a member of the family.

Federal Register. The official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Fence. Any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

Figures. An outline, shape or pattern of numbers, letters or abstract images.

Financial Security or Guarantee. A financial obligation, in a form acceptable to the city, which assures completion and payment for all improvements related to development of property.

Flag. Material attached to or designed to be flown from a flagpole or similar device and which may display the name, insignia, emblem or logo of any nation, state, municipality, or commercial or noncommercial organization (see *Pennants*).

Flashing or Animated. Signs or lighting with flashing, blinking, moving or other animation effects or that give the visual impression of such movement by use of lighting, or intermittent exhibits or sequential flashing of natural or appearance of artificial light or colors, including those signs that rotate, revolve, spin, swing, flap, wave, shimmer, or make any other motion, or illusion of motion, or which imitate official governmental protective or warning devices (see *Imitating sign*).

Flood or Flooding. 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.

Floodplain. 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. The term "floodplain" includes, but is not limited to, mainstream floodplains, debris fan floodplains, and dry wash channels and floodplains.

Floor Area, Gross. The total area of a building measured by taking the outside dimensions of the building at each floor level, or from the centerlines of walls separating two buildings and excluding areas used exclusively for the service of the building such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, any floor space in accessory buildings, or areas within the building which are intended for the parking of motor vehicles.

Flow Line. The low point within a street section wherein water is intended to collect and flow, typically the gutters along each edge of pavement.

Foundation Plantings. Live plantings located immediately around the base of the foundation of a building façade that reflects the formal geometry of the structure.

Frame. A complete, static display screen on an electronic message display.

Frame Effect. A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

Freestanding Sign. A sign which is not attached to any building. A freestanding sign shall include, but is not limited to, a pole, monument, a canopy, and freestanding wall sign. A sign that extends more than four feet from a wall but is attached and/or is part of a canopy or an awning shall be considered a freestanding sign.

Freestanding Wall or Fence. Either a wall that is not attached to a building or a wall attached to a building that projects more than four feet beyond the exterior wall of the habitable portion of the building.

Frontage. The area of a lot between the front building line and the front lot line.

Garage or Yard Sale. The occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building.

Gas. All natural gases and all hydrocarbons not defined as oil.

General Improvement District #1. That 19-block district bounded by 11th Street to the south, 6th Street to the north, 7th Avenue to the east and 11th Avenue to the west, excluding city Block 35.

Geologic Hazard. A geologic condition which is adverse to current or foreseeable future construction or land use associated therewith, constituting a hazard to public health and safety or property, including, but

not limited to, landslide, rock fall, subsidence, expansive soils, slope failure, mudflow, or other unstable surface or subsurface conditions.

Ghost Sign. Old hand-painted signage that has been preserved on a building for an extended period of time, whether by actively keeping it or choosing not to destroy it.

Glare. A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Grade. The average elevation of the finished surface of the ground, paving, or sidewalk with a radius of five feet from the base of the structure.

Graphics. Drawings, decals, paint, or illustrations.

Gravel. Inert materials such as loose fragments of rock larger than "pea" size and commonly used as parking surface material.

Gross Floor Area (see *Floor area*).

Gross Leasable Area (GLA). The area of a building that can be leased to tenants, including storage areas and common areas apportioned to the number of tenants sharing the area. Gross leasable area shall be measured in the same manner of gross floor area, but is apportioned to specific uses or tenants in the building.

Gross Land Area. The total land area of a site or property, including land to be dedicated for streets and other public purposes.

Ground Cover. Materials that typically do not exceed one foot in height used to provide cover of the soil in landscaped areas, which may include a combination of, but not limited to river rock, cobble, boulders, concrete pavers, grasses, flowers, low-growing shrubs and vines, and those materials derived from once-living things, such as wood mulch. In no event shall weeds be considered ground cover.

Ground Kites. Freestanding frames usually covered with flexible fabric and designed to be animated by the wind to attract attention.

Guest. A person who is visiting at the principal or primary home of another person for up to 30 days, and which home is not the principal or primary home of the guest.

Habitat. 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 of 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.

Hazard. Any structure or use of land which endangers or obstructs the airspace required for aircraft in landing, take-off and maneuvering at the airport.

Hazardous Material. Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance, or which may be detrimental to the natural environment and/or wildlife inhabiting the natural environment.

Height (see *Building height*).

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside Development. Development in areas which contain existing, natural slopes in excess of 15 percent.

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

Historic Preservation. The protection, rehabilitation and/or restoration of districts, buildings, structures, and artifacts which are considered significant in history, architecture, archaeology, or culture.

Historic Sign. A sign that has been officially designated as an historic landmark.

Historic Structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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 the 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.

Holiday Decorations. Temporary decorations, lighting or displays which are clearly incidental and customary and commonly associated with any national, state, local, religious or commonly celebrated holiday and which contain no commercial message.

Home Occupation. An occupation, profession, activity, or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the environment and which meets the provisions of this article.

Home Occupation, Rural. An accessory use to a farming operation or a nonfarm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the dwelling and/or from accessory buildings located within 500 feet of the dwelling occupied by those conducting the rural home occupation.

Homeowners' Association. An association of homeowners or property owners within a development, typically organized for the purpose of enforcement of private covenants and/or carrying out the maintenance of common areas, landscaping, parks, building exteriors and streets.

Household Pet. Any nonvenomous species of reptile and any domestic dog, cat, rodent, primate or bird over the age of four months, which is typically kept indoors. For the purposes of this definition, guide or assistance animals shall not be considered household pets.

Illumination. The use of artificial or reflective means for the purpose of lighting a sign.

Imitating Sign. Signs which purport to be, are an imitation of, or resemble an official traffic sign, signal or equipment which attempt to direct the movement of pedestrian or vehicular traffic using such words as "Stop," "Danger" or "Caution" to imply a need or requirement to stop, or a caution for the existence of danger, such as flashing red, yellow and green (see *Flashing or animated*).

Impervious. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, paved parking and driveway areas, compacted areas, sidewalks, and paved recreation areas.

Incidental Sign. Nondescript signs, emblems or decals attached to a permanent structure informing the public only of those facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business.

Indirect Lighting. Reflected light or lighting directed toward or across a surface.

Individual Letters (see *Channel letters*).

Infill. A lot, or grouping of lots or tracts of land, with at least 60 percent of their perimeter boundary adjacent to existing development. If a right-of-way at least 120 feet in width or streets designated on the comprehensive transportation plan, as major collectors or arterial streets are adjacent to the subject lot, lots across such a street shall be excluded for the purposes of determining infill and at least 60 percent of the remaining boundaries of the site shall be adjacent to existing development for the lot to be determined to be infill.

Inflatable Sign or Inflatable Object. Any object filled with air or other gas, including balloons, which characterize a commercial symbol or contain a message.

Intensity. An expression of the level or nature of development in nonresidential developments, or zones or specific land uses based on combinations of building coverage and height, impervious surfaces, expected traffic, hours of operation, noise, or similar impacts on surrounding areas.

Internal Illumination. A light source that is contained within the sign itself, or where light is visible through a translucent surface.

Irrigation System. An underground, automatic sprinkler system or above-ground drip system explicitly designed for watering vegetation.

Kiosk. A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Landscape Plan. A scaled graphic plan showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way, perimeter treatment, and other landscaped areas.

Landscaping. Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features, such as rock, stone, bark chips, or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, solid fences, and benches.

Lawn. A stretch of open, turf-grass covered land; artificial turf shall not be considered lawn or turf-grass.

Leading Edge. The point of a sign, including its support structure, nearest to the public right-of-way.

Legal Description. A land description recognized by law, including the measurements and boundaries.

Legible. A sign capable of being read with certainty without visual aid by a pedestrian of normal visual acuity.

Live Plantings. Trees, shrubs and organic ground cover which are in healthy condition.

Livestock. Animals typically related to agricultural or farming uses, including, but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas, and emus.

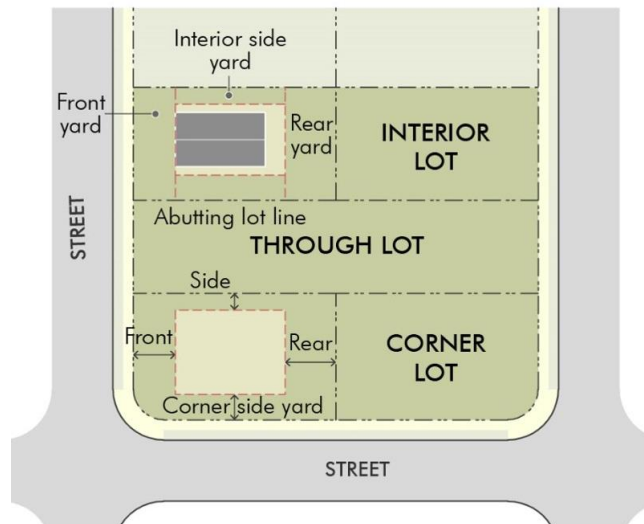
Living Fence. A permanent hedge tight enough and strong enough to serve almost any of the functions of a manufactured fence, but it offers agricultural and biological services.

Living Unit. Any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

Loading Space or Zone. An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

Local street (see Street).

Lot. A parcel of land, established by a subdivision plat, having the required minimum dimensions, which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one or more principal buildings, structures, or uses.



Types of Lots

Lot Area. The total square footage or acreage contained within lot lines.

Lot, Corner. A lot abutting on and at the intersection of two or more streets.

Lot Coverage (see *Coverage*).

Lot Depth. The average distance between the front and rear lot lines.

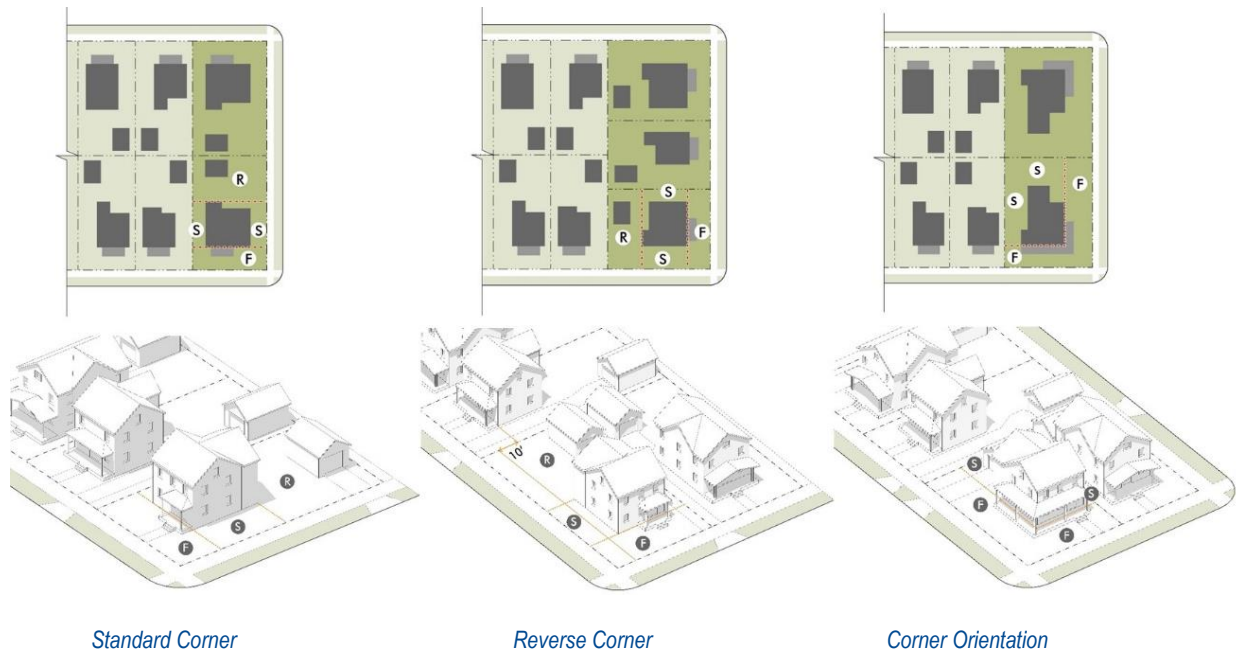
Lot, double Frontage or Through. A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. The lot line abutting the street which provides primary access shall be considered the front lot line.

Lot, Interior. A lot other than a corner lot, with frontage on only one street.

Lot Line. A line dividing one lot from another lot or parcel, or from a street or alley.

Lot Line, Front. The property line dividing a lot from a street or public or common space on which the building and lot orients. On a corner lot, generally the shorter street frontage shall be considered as a front lot line, except that the context of the block and abutting lots may allow the following arrangements:

- (1) **Standard Corner.** The building orients to the same front as all other buildings on the same street, and an expanded side setback applies on the other street side of the lot. Side and rear setbacks apply to the remaining sides.
- (2) **Reverse Corner.** The building orients to the end-grain of the block (not the same as other buildings on the interior of the block), and the front setback and frontage design applies to that street. The other street-side setback is the greater of (a) the stated street-side setback for that building type or (b) 10 feet in front of the forward-most point of the front building line of the abutting lot. Side and rear setbacks apply to the remaining sides.
- (3) **Corner Orientation.** The building orients to both streets, with the front setback and frontage design applying on both street sides. The two remaining lot lines are treated as side setbacks and there is no rear setback.

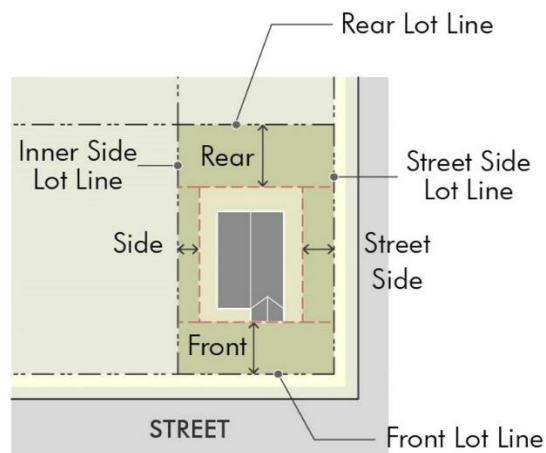


Lot Line, Interior Side. A side lot line which is adjacent to a side lot line of another lot.

Lot Line, Rear. The line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front lot line.

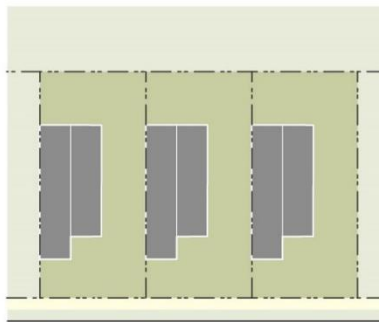
Lot Line, Side. Any lot lines other than the front or rear lot line.

Lot Line, Street Side. A side lot line which separates the lot from a street.



Lot and Building Lines

Lot line, zero. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line, provided that separations or setbacks between buildings meet all applicable building and fire code provisions.



Zero Lot Line Development

Low-water Adaptive Plants. Plants which have or can adapt to low levels of irrigation water.

Maintenance of Landscaping. Regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, removing and replacing of dead plants, and the repair and replacement of irrigation systems.

Maintenance of a Sign. Cleaning, repairing, painting, or replacement of defective parts in a manner that does not alter the dimension, material or structure.

Manufactured Home (see *Dwelling or Residence, Single-Family in the description of uses*).

Mechanical Equipment. Any and all equipment ancillary to the use or function of a building and/or structure, including, but not limited to, heating or cooling equipment, pool pumps and filters, electrical equipment, transformers, exhaust stacks, and roof vents.

Menu Board. A permanently mounted sign which lists the products or services available at a drive-in or drive-thru facility and not legible from the right-of-way.

Mid-range Expected Service Area. The growth area capable of accommodating the estimated increase in development in the city in the next five years.

Mineral Owner. Any person having title or right of ownership in subsurface oil and gas or leasehold interest therein.

Mobile Home. A detached, single-family housing unit that does not meet the definition of single-family dwelling or residence set forth in these definitions and which has all of the following characteristics:

- (1) Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and has plumbing and electrical connections provided for attachment to outside systems;
- (2) Designed to be transported after fabrication on its own wheels, on a flatbed or other trailers 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 Accessory Building or Structure. A building or structure that is an addition to or supplements the facilities provided in a mobile home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, garages, storage structures, carports, fences, windbreaks, or porches and patios that are open on at least three sides.

Mobile Home Park or Community. A site or tract of land held under one ownership, which is suited for the placement of mobile homes.

Mobile Home Park or Community, Existing. 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 Development Code.

Mobile Home Park or Community, Expansion to. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Mobile or Micro Home Site. A plot of ground within a mobile home community, or other small format housing project, designed for the accommodation of one mobile home or similar small-format dwelling unit and its accessory structures.

Model Home. An unoccupied dwelling unit built on a site in a development for display and/or sales purposes and which may include an office solely for the development in which it is located, and which typifies the units that will be constructed in the development.

Monument Sign. A freestanding sign supported primarily by an internal structural framework or other solid structure features where the base of the sign is in contact with the ground.

Mulch. A natural planting material such as pine straw, coconut fiber, ground pine post peeling, or tree bark used to control weed growth, reduce soil erosion and water loss.

Multiple Use. A site, tract of land or development that contains more than one type of land use, including, but not limited to, residential, office, retail, or industrial uses.

Native Grass. A native Colorado grass.

Natural Area. 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. An aquatic or terrestrial corridor that connects one or more natural areas or habitats together.

Natural Feature. Features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

Neighborhood. The land area which is in the vicinity of the lot, tract, outlot, or parcel of land in question and which will be affected to a greater extent than other land areas in the city by uses which exist on the lot or are proposed for it. A neighborhood also includes lots which are adjacent to one another and have a community of shared interest.

Neon. A sign illuminated by a light source consisting of a neon or gas tube that is bent to form letters, symbols or other shapes.

New Construction. Structures for which the start of construction commenced on or after the effective date of the ordinance codified in this article.

Nits. A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

Nonconforming. Any building, structure, site, or use that does not conform to the regulations of this Development Code, but which was lawfully constructed, established and/or occupied under the regulations in force at the time of construction or initial operation.

Nonconforming Mobile Home Communities. Mobile home communities lawfully established and properly licensed by the city under the 1976 Code, or which were developed and used prior to and as of September 5, 1972, as a place where mobile homes were located for residential occupancy and, as of that date, the area must have been in compliance with any and all applicable city or county ordinances and regulations related to mobile home use of land.

Non-deciduous. Shrubs or trees, also called evergreens that keep their foliage year-round.

Official Map. The map establishing the zoning classifications of all land in the city and showing all amendments to zoning classifications as they may be adopted.

Off-premises Sign. A sign or device that advertises a business establishment, good, facility, service, or product which is not sold or conducted on the premises on which the sign or device is located and which may be designed to change copy on a periodic basis.

Off-street Parking Areas (see *Parking*).

Oil. Crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

Opacity. The degree or extent that light is obscured.

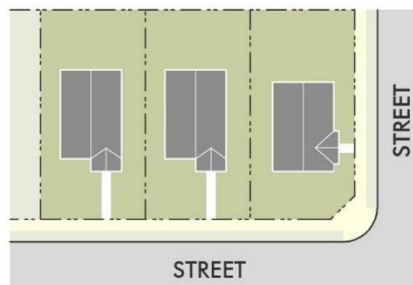
Open Space, Common. A common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding, or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required rights-of-way.

Open Space, Private or On-lot. An outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the adjacent dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include lawn area, decks, balconies, and/or patios.

Open Space, Required. That portion or percentage defined by the zoning standards of a lot required to be open and unobstructed. The area must not be covered by any structure or impervious surface, such as sidewalks or driveways, with the exception of required amenities, identity features, or useable open space required pursuant to this code.

Open Space, Usable. That portion of a lot or site available to all occupants of the building or site for recreational and other leisure activities that are customarily carried on outdoors.

Oriented. To locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.



Buildings Oriented to the Street

Ornamental Tree. A deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree approximately 15 to 25 feet in height.

Outdoor Display. The display of products for sale outside a building or structure in areas to which customers have access..

Outdoor Storage. The keeping, outside a building, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles. Storage of commercial recreational vehicles/equipment, boat, and personal vehicles are excluded from this definition.

Outlot. A tract of land platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, stormwater detention or retention areas, parks, open space, or land areas reserved for other public facilities.

Overlay District. A zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning. Overlay districts may be combining, where they join property included in two or more adjoining districts based on common attributes or policies; or overlay districts may be separating, where they distinguish property in a single district based on a specific attribute or context that requires different regulations.

Parcel. A unit or contiguous units of land in the possession of, or recorded as the property of one person, partnership, joint venture, association or corporation, or other legal entity.

Park. Any dedicated and accepted public or private land available for recreational or scenic purposes.

Parking. The parking or leaving of an operable, licensed vehicle, current in its registration, for a temporary period.

Parking Areas or Lots. Areas designed, used, required, or intended to be used for the parking of motor vehicles, including driveways or access ways in and to such areas but excluding public streets and rights-of-way.

Parking Bay. A group of parking stalls or vehicle parking spaces to accommodate 15 or more vehicles.

Parking Block. A group of parking bays surrounded by landscape edges, internal access streets, public streets or buildings and sidewalks, typically used to break larger parking areas into smaller distinct components. Parking blocks are used to minimize the visual impact of parking, improve organization of the development and circulation within the site, and/or preserve opportunities for the site to accept infill or redevelopment in a more logical pattern without disruption of streets and utilities.

Parking, Shared. The development and use of parking areas on two or more separate properties for joint use by those properties.

Parking Slab. A paved parking space located off-street and designed to accommodate standard-sized motor vehicles as provided in the off-street parking and loading requirements chapter of this Development Code.

Parking Space. A space or stall within a parking area established in conformance with this Development Code.

Parking Space, Storage. A space for the storage of operable, licensed vehicles, current in registration, including recreational vehicles or equipment, for a period of 30 days or longer.

Parkway. The strip of land typically located between the sidewalk and the curb, also referred to as a *tree lawn*.

Path or Pathway. A designated route or path for non-motorized use such as for walking or bicycling. Paths may include both sidewalks and trails.

Pennants. Any long, narrow, usually triangular flag typically made of lightweight plastic, fabric, or other material, and not containing a message, image or representative symbol, usually found in a series on a line and designed to move in the wind.

Perennials. Non-woody plants, which may die back to the ground each year but continue to grow on an annual basis. Perennials shall also include cold weather bulbs and tubers and ornamental grasses that grow each year and shall count toward ground cover requirements.

Perimeter Treatment Plan. A plan intended to provide visual and noise protection for the outer edges of developments, which border arterial streets, major collector streets, or other sensitive borders. Perimeter treatment also provides an attractive and varied streetscape for people traveling along thoroughfares.

Permanent Sign. A sign attached to a building, structure or the ground in a manner that precludes ready removal or relocation of the sign.

Permeable. A material that allows liquids or gases to pass through it.

Permitted Sign. A sign having a legal permit issued in accordance with the provisions of this title.

Permitted Use. A use allowed in a zoning district and subject to the restrictions and review procedures which apply to that district.

Person. Any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner or any representative, officer or employee thereof.

Pervious. A surface that allows water to pass through; a surface that presents an opportunity for precipitation to infiltrate into the ground.

Planned Unit Development (PUD). A development planned, designed, and constructed with specific standards as an integral unit and which typically consists of a combination of uses district, and provides for an equivalent level of standards, and broader community benefits in exchange for flexibility in the standards.

Planting Median. An area in the approximate center of a city street, road, or state highway that is used to separate the directional flow of traffic or the center of two parking bays that provide vegetation and pedestrian accessibility to the principal building or structure by way of a paved sidewalk.

Plat. A subdivision map or plan of property.

Plat, Final. A completed map of a subdivision setting forth fully and accurately all legal and engineering information, survey certification and any accompanying materials as required by this title.

Plat, Preliminary. A proposed subdivision map and any accompanying materials as required by this title, which provide sufficiently detailed information so that preliminary agreement as to the form and content of the plat, coordinating the planning, design, and engineering standards of this title, may be reached between the developer and the city.

Pole Sign. A sign that is affixed, attached, or mounted on a freestanding pole or structure that is not itself an integral part of or attached to a building or structure.

Pollinator Gardens. Gardens designed for the purpose of providing habitat for or attracting bees, butterflies, moths, hummingbirds, or other beneficial creatures that transfer pollen from flower to flower, or in some cases, within flowers.

Portable Sign. A sign that is not permanently affixed to a building, structure or the ground and that is easily moved, such as a sandwich board sign.

Practicable. Capable of being done within existing constraints including environmental, economic, technological, or other pertinent considerations.

Premises. The land, site or lot at which, or from which, a principal land use and activity is conducted.

Primary Entrance. The entrance to a building or structure which is intended to be the main pedestrian or public entrance and which shall typically be located on the front of the building or structure, and therefore includes enhancements and human-scale details to show the priority and importance of the space to the public.

Principal Building or Structure (see *Building*).

Prohibited Activities Sign. Signs located on a property posting said property for warning or prohibition, such as "no hunting," "no swimming," or "no parking."

Projecting Wall Sign. Any sign attached to a building and that extends more than 20 inches from the surface to which it is attached, but no more than four feet from the wall of the building. Signs projecting more than four feet from the building shall be considered freestanding signs.

Promotional Association. An association that is incorporated within the state that organizes and promotes entertainment activities within a common consumption area and is organized or authorized by two or more people who own or lease property within an Entertainment District.

Public. A person, structure, activity, or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code.

Public Hearing. A hearing held to allow interested persons to present their views before the zoning board of appeals, planning commission or city council. A public hearing is different from an open meeting which does not allow participation by the public.

Public Improvement. Any improvement required by title for which the city or a quasi-public agency agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the city or a quasi-public agency is already responsible. Such facilities include, but are not limited to, streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television, and other utility facilities.

Public Sign. Signs required or specifically authorized for a public purpose by any law, statute, or ordinance, including public directional signs on the right-of-way; signs which identify the city by name; signs that direct travelers to public buildings, parks or attractions; interpretative signs; way-finding signs, municipal uniform traffic control devices; and the like.

Rain Garden. A soil absorption or filter system designed to be depression storage or a planted hole that allows water filtration and absorption of rainwater runoff from impervious urban areas, such as roofs, driveways, walkways, parking lots, and turf-grass or sod areas. It is a type of bioretention facility designed to provide stormwater infrastructure improvements with vegetation. Typically shallow vegetative depressions with gentle slide slopes designed as individual stormwater receiving areas or linked to conveyance systems. Soils may or may not be amended in these facilities.

Recreational Equipment. Equipment intended for outdoor recreational use, including, but not limited to, snowmobiles, jet skis, all-terrain vehicles (ATVs), canoes and boats, and including the trailers for transporting such equipment.

Recreational Vehicle. A vehicle which is designed, intended and used for the purposes of temporary living accommodation for recreation, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes, horse trailers and bus campers. For the purposes of this definition, neither a pop-up trailer nor a truck topper accessory (also known as a camper shell) which is not higher than eight inches above the truck cab when installed shall be considered a recreational vehicle. A horse trailer used primarily for transport of horses and/or livestock to or from the site it is stored upon shall not be considered a recreational vehicle under this definition.

Recyclable Material. Reusable material, including, but not limited to, metals, glass, plastic, and paper, which are intended for reuse or reconstitution for the purpose of using the altered form. The term "recyclable material" shall not include refuse or hazardous materials or the processing of recyclable materials.

Redevelopment District. 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.

Residential Complex, Subdivision or Multi-family Entry Sign. An on-site sign that identifies a specific residential complex or subdivision.

Right-of-way. A right granted by a property owner and which is intended to be occupied by a street, sidewalk, railroad, utilities, and other similar uses.

Right-of-way Landscaping. Landscaping located within the public or private rights-of-way adjacent to a privately owned lot, outlot, or tract, including parkways.

Riparian Zone. An area where the presence of a surface and/or high subsurface water level permits the existence of increased vegetative diversity and abundance as contrasted to surrounding areas.

Roof Sign. A sign that is mounted on the roof of a building or structure such as a portico which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, or above the peak of the roof on that portion of the roof on which the sign is placed.

Satellite & Communication Equipment. A reflective surface configured in the shape of a shallow dish, cone, horn, or cornucopia which shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses, including, but not limited to, satellite earth stations, television reception only satellite dish antennas, and satellite microwave antennas.

Screening. A method of reducing the impact of visual and/or noise intrusions through the use of plant materials, earthen berms, solid fences, and/or walls, or any combination thereof, intended to block that which is unsightly or offensive with a more harmonious element.

Searchlight, Strobe Light or Beacon. A stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention; excluding any device required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Seasonal Use. A use intended for a period of limited duration, including, but not limited to, the sale of seasonal goods and products such as pumpkins, Christmas trees, produce and living plants.

Setback. The minimum distance a building, structure or use may be erected from a street, alley, or property line. Setbacks are also called required yards.

Setback, Front. The area extending across the full width of the lot, between the front lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure, or use. Where expressed as a range, the front setback shall be interpreted as a "build to range," within which distance the front building line of the principal building shall be established.

Setback, Interior Side. The area extending from the front yard to the rear yard, between the side lot line adjacent to another lot and the nearest line or point of the area allowed for construction or establishment of the building, structure, or use.

Setback, Oil and Gas (see Section 24-1102 of this title).

Setback, Rear. The area extending across the full width of the lot between the rear lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure, or use.

Setback, Side. The area extending from the front yard to the rear yard, between the side lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

Setback, Street Side. The area extending from the front yard to the rear yard, which separates the lot from an adjacent street.

Shade Tree. A large woody plant, usually deciduous, that normally grows with one main trunk and has a mature height at least 30 feet, a canopy height above 12 feet, and screens and filters the sun.

Shrub. A woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

Sign. Any device, surface, object, structure, building architecture or part thereof using graphics, symbols or written copy for the purpose of advertising, identifying or announcing or drawing attention to any establishment, product, goods, facilities, services or idea, whether of a commercial or noncommercial nature.

Sign Allowance. The amount of signage that is allowable under the provisions of this article.

Sign Alteration. Any change of copy (excluding changeable copy signs), sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

Sign Area. The entire face of a sign and any backing, frame, trim or molding and which may include the supportive structure.

Sign Backing. The surface, pattern or color of which any sign is displayed upon, against or through and that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign, Exposed Incandescent or High Intensity Discharge Lighting. Any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon, in such a fashion as to project light directly onto adjoining property or right-of-way.

Sign Face. The area of a sign on which the copy is placed, or, for individual cutout letters, painted letters, channel letters or symbols, the perimeter of the individual elements shall be considered the area of the sign.

Sign Frame. A sign cabinet or that portion of the sign that holds the sign face in place.

Sign Height. The vertical distance measured from the grade, as defined herein, to the highest point of the sign or sign structure.

Sign, Interior to a Building. Signs inside buildings that are not legible from the public right-of-way or other publicly accessible exterior areas of the building. .

Sign, Interior to Development. Any sign that is located so that it is not legible from any adjoining property or the public right-of-way and not oriented in such a way as to attract the attention of those traveling along the right-of-way.

Sign Permit. A permit issued by a building official and which is required for any sign specified by this code.

Sign Setback. The minimum distance required from the apparent centerline of the right-of-way, to any portion of a sign or sign structure.

Sign Structure. The supports, uprights, bracing or framework of any structure for the purposes of displaying a sign.

Sign, Wall. A sign attached parallel to and extending less than 20 inches from the wall of a building. The definition of the term "wall sign" includes painted, individual letter, cabinet signs and those signs located on the roof of a building which are not roof signs as defined herein.

Sign, Window. Any type of sign that is painted or attached to or within 12 inches of any exterior window.

Site Plan. A set of drawings that the property owner, builder, or contractor uses to make improvements to a property through graphic representation, whether computer-generated or hand-drawn, of the arrangement of buildings, parking, drives, landscaping, and any other structure that is part of a development project.

Sky Dancers. Freestanding tubes which often simulate the shape of a person into which air is forced to inflate and animate and which do not characterize a commercial message or contain a message.

Slope. The ratio between elevation change to horizontal distance, expressed as a percentage.

Soil Amendments. Elements added to the soil, such as compost, natural fertilizer, manure, or chemical fertilizer, to improve its capacity to support plant life.

Solid Fence. A fence that is opaque and provided the fence is composed of solid wood, composite, vinyl, or masonry.

Species of Special Concern. Species of wildlife and plants which the state division of wildlife has identified and listed as state species of special concern.

Stacking Space. An area for motor vehicles to line up in while waiting to go through a drive-thru facility, a designated passenger drop-off/pick-up area or a parking lot or area.

Stormwater Management Plan. A plan for the management of stormwater drainage and control prepared in conformance with the regulations for stormwater management, adopted by the state department of public health and environment; and further, including a plan for erosion and sediment control pursuant to the requirements of chapter 12 of title 3 of this Code, including its references.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling above it.

Street. A way for vehicular, pedestrian or bicycle traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, Arterial. Streets that permit relatively unimpeded traffic movement throughout the city and connecting to outside communities.

Street, Arterial Major. Arterial streets which generally carry traffic volumes greater than 20,000 vehicles per day when the property which the arterial street serves is fully developed and which permit rapid and relatively unimpeded traffic movement throughout the city, connecting major land use elements as well as connecting to outside communities.

Street, Arterial Minor. Arterial streets which generally carry traffic volumes greater than 10,000 vehicles per day when the property which the arterial street serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on routes where four moving lanes and one turn lane are required but where a major arterial cross-section is not warranted.

Street, Collector. Streets that collect and distribute traffic between arterial and local streets and serve as main connectors within the city, linking one neighborhood with another and which carry traffic with an origin or destination within the community.

Street, Collector Major. Collector streets which generally carry traffic volumes greater than 7,000 vehicles per day when the property which the collector serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on those routes where four moving lanes are required but where a larger classified street is not warranted.

Street, Collector Minor. Collector streets which generally carry traffic volumes up to 7,000 vehicles per day and collect and distribute traffic between arterial and local streets and which serve as main connectors within communities, linking one neighborhood with another.

Street, Design Type. A reference to the design attributes of a specific segment of the street, regardless of the functional class, and including lane widths, number of lanes, parking, streetscape, and sidewalks. Street design types allow the design of segments of streets to transition and relate better to the context and anticipated abutting land uses, without disrupting the overall role of the street in the functional classification system.

Street, Functional Classification. A system of categorizing streets based on their role in the overall street network, considering traffic volumes, traffic speeds, and continuity of the street.

Street, Local. Streets that provide direct access to adjacent property and which carry traffic with an origin or destination within the immediate neighborhood.

Street, Local Low Volume. Local streets which carry traffic volumes of up to 500 vehicles per day and which provide direct access to adjacent property.

Street, Private. A private roadway used to provide vehicular and emergency access.

Street Tree. A tree planted in close proximity to a street in order to provide shade over the street and to soften the street environment.

Streetscape. The scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

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

Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts or parcels, or other division of land in compliance with the requirements of this title.

Symbol. A graphic device which stands for a concept or object.

Temporary Sign. Any sign, not intended for permanent installation such as, but not limited to, a banner, balloon, pennant, searchlight or beacon. Generally, these signs are intended to be used for a limited period of time or for a purpose announcing a special event or presenting other miscellaneous or incidental information or instructions.

Temporary Structure. A structure without any foundation or footings and which is intended to be removed at some point in the future.

Temporary Use. A use which shall generally be permitted to exist and be operated for no longer than 90 days in 12 consecutive months and which may occur as an accessory or principal use.

Time or Temperature Sign. A sign or portion thereof on which the only copy that is capable of being changed is an electronic or mechanical indication of time and/or temperature.

Tract. A parcel or parcels of land designated on a plat and intended to be further subdivided before development at some point in the future, but which may be initially created under single ownership through a subdivision process.

Travel Trailer or Recreational Vehicle. A portable structure, mounted on wheels and designed to be towed by a motor vehicle, or propelled by its own motive power, that may contain cooking or sleeping facilities and is intended to provide temporary living quarters for recreational camping or travel. A travel trailer also does not comply with either the National Manufactured Housing Construction and Safety Standards Act of 1974 or the uniform building code standards. Travel trailers are not permitted in residential zones as living quarters except as guest quarters for no longer than seven consecutive days.

Tree. A large woody plant with one or several self-supporting stems or trunks and numerous branches and may be deciduous or evergreen.

Turf-grass. A blend or mix of grasses most tolerant to the Colorado climate, whether in sod or seed form when planted, intended to be regularly maintained as a lawn in urbanized areas. Artificial turf shall not be considered lawn or turf-grass.

Universal Design. The design of buildings, products, or environments, to make them accessible to all people, regardless of age, disability, or other factors. The term "universal design" was coined by the architect Ronald Mace to describe the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life.

Urban Heat Island. An urban area that is significantly warmer than its surrounding rural areas due to modifications of land surfaces such as development and other human activities. The temperature difference is usually more significant at night than during the day.

Use. The type of activity for which land or a building or structure is designated, arranged or intended and also means the activity which regularly takes place upon the land or in a building or structure on the land. Not all uses shall be considered legal or permitted uses.

Use, Principal. The primary use of a building, structure or lot.

Utility Box or Pedestal. Devices designed and intended to house equipment necessary for the delivery of utility services to commercial and/or industrial customers, including, but not limited to, electric transformers, switch boxes, telephone pedestals and boxes, cable television boxes, traffic control boxes and similar devices.

Utility Line Clearance Zones. The minimum clearance horizontal or vertical standard determined by the utility holder. Obstructions and encroachments are prohibited.

Utility Stand. Part of a mobile home space which is used for the placement of the utility connections.

Vacant means a site or area that is not put to any use other than gardening.

Vacation. The legal abandonment of a right granted by a property owner, which was intended for a particular purpose, such as for streets or utility lines.

Variance. A modification of the strict terms of this Development Code as provided in this code.

Vehicle Signs. Signs which are attached to or located on licensed vehicles, trailers or semi-trailers and contain or display signage for the primary purpose of advertisement, excluding bumper stickers on the bumper and similar-sized adhesive decals.

Vested Property Right. The right to undertake and complete a development and use of property under the terms and conditions of an approved site specific development plan.

Weed. Any plant not typically propagated by the horticultural trades and not typically installed for the purposes of landscaping; or which presents a particularly noxious allergenic or growth characteristic. Weed does not include native and naturalized plants, other than designated noxious weeds, grown in areas managed primarily for ecological services.

Wildlife. Wild, native vertebrates (including fish), mollusks and crustaceans and any species introduced or released by the division of wildlife, whether alive or dead, including any part, egg or offspring thereof.

Wind Sign (see *Pennants*, *Ground kites* and *Sky dancers*).

Work Vehicle. A vehicle outfitted with equipment such as, but not limited to, storage racks, hoists, cranes, vises, heavy equipment or other business and construction equipment, whether attached or removable, or which may have attached trailers carrying such work equipment. A horse trailer used primarily for transport of horses and/or livestock shall not be considered a work vehicle under this definition.

Xeric Landscaping or *Xeriscape.* A landscape design strategy coined by Denver Water in 1981 to help make water-efficient landscaping an easily recognized concept. Xeriscape is a combination of the word "landscape" and the Greek word "xeros," which means dry. For the purposes this code, it shall mean the use of low-water or very low-water plants in place of plants that typically require more water to survive. Xeric landscaping does not mean the same as hardscaping or the use of rocks or rock mulch.

Yard. The area of a lot between the property line and the foundation of a building, structure or use. The term "required yard" means that area also described as a required setback area where construction of buildings, structures and uses is limited in placement.

Yard, Front. The portion of a lot between the front façade of a primary structure and the right-of-way. A yard may contain more land area than a setback area.

Yard, Interior Side. An open-space area between the interior side property line and the building setback line, extending between the front building setback line and the rear building setback line.

Yard, Rear. The space or area of a lot between the rear property line and the principal building, extending the lot's full width, and measured perpendicular to the building at the closest point to the rear property line.

Yard, Street-side. The area extending between the front yard and the rear yard or rear street yard and situated between the side street property line and the face of the principal building which is parallel to, or most nearly parallel to, the side street property line.

24-1302 **Architecture & Design Terms**

This glossary of architecture and design terms explains concepts, strategies, and techniques that are used to affect building and site design.

a. **Architectural Style.**

When used generally, architectural style refers to a distinctive manner of expression, fashion or composition of building elements at a specific time.

When used specifically, architectural style refers to a prevalent or historical style that is documented with common or typical patterns in assembling building elements and form, and where variations within the style follow common rules of application for materials, massing or composition of the details. (i.e. Art Deco, Colonial Revival, Craftsman, Mid-Century Modern, Mission, Spanish Colonial Revival, Tudor Revival, Victorian, etc. See *Colorado's Historic Architecture & Engineering Guide*, www.historycolorado.org/colorados-historic-architecture-engineering-guide)

b. **Building Elements.** Buildings are made up of vertical elements, horizontal elements, details, and ornamentation that break up the building elevations into distinct components and establish the form and scale of the building. Building elements include:

1. *Awning.* A sloped or rounded framed projection attached to a wall and extended over a window or door to provide protection from the elements.
2. *Bay (window).* A bump out in the facade typically associated with an element of the interior floor plan but located to provide balance and relief to the massing on the exterior facade. A bay is usually associated with a window.
3. *Belt Course.* A continuous row or layer of stones, brick or other primary building material set in a wall and in line with changes in stories, changes in materials, or window sills. Belt courses make a visually prominent horizontal line to break up a wall plane by using a distinct material and/or implementing a pronounced and distinct pattern of the material.
4. *Bracket.* A projecting support placed under an eave or other projection with design qualities and details that add emphasis to the roof structure or massing element.
5. *Canopy.* A flat roofed projection attached to a wall and extended over a window, door, or walkway, or a freestanding structure over walkway or service area that gives protection from the elements.
6. *Clerestory Window.* A window high on a wall section above eye level and used to permit light or air into areas that otherwise do not have windows due to functional constraints of the building.
7. *Column.* A supporting pillar, especially one consisting of design qualities and details that add emphasis and ornamentation to a portion of the facade, or any roof structure or area it supports.
8. *Cornice.* An ornamental topping projecting from the wall with design qualities and details that crowns a structure along the top near the roof, with an emphasis that is compatible with but more elaborate than other similar details and ornamentation on the building.
9. *Eaves.* An overhang of the roof structure, where larger eaves can increase the prominence of the roof as a "cap" to the building and protect portions of the facade (particularly windows) from the elements.
10. *Entry Feature.* A structural component of the building or building footprint used to emphasize and add interest to the entry into the building, provide active social space

protected from elements, contribute human scale to the building elevation, and create transitions from public to private space.

11. *Facia*. The exposed vertical edge of the roof often with design qualities and details that add emphasis and ornamentation to the roof structure.
12. *Foundation*. The base upon which the entire structure sits, designed with stronger, heavier materials, and often includes details and ornamentation to emphasize a building's connection to the ground, a sense of permanence, and transition to the main wall plane for vertical articulation.
13. *Gable*. The triangular and vertical portion of a wall plane between intersecting roof pitches.
14. *Lintel*. A horizontal beam, typically over a door, window or storefront to support the structure above it and add accent to the door, window, or storefront.
15. *Parapet*. A vertical extension of the wall plane above the roof, typically used to hide a flat or low-sloped roof and the rooftop equipment, or function as a firewall for attached structures, and usually including ornamentation to provide a visually prominent "cap" to the building.
16. *Pediment*. A gable or ornamental tablet or panel, typically triangular or arched, placed above a point of emphasis on a facade and often supported by columns or pilasters.
17. *Pilaster*. A projecting vertical element on a wall plane used to give the appearance of a supporting column and used to articulate the extent of a wall plane or other component of a facade.
18. *Sidelight*. A window with a vertical orientation along an opening (door or window) that is narrower than the opening but provides emphasis to the importance of the opening with expanded transparency, additional trim and ornamentation, or other architectural details.
19. *Transom*. A window above an opening (door or window) built on a horizontal crossbar that may provide light and/or swing open to add ventilation.

c. **Building Form.** Building form refers to the outward three dimensional envelope of a building or space affected by the mass, shape, composition, and articulation of building elements.

1. *Mass*. Mass is the volume (height x width x depth or height x building footprint) defined by a structure relative to its surroundings.
2. *Shape*. Shape affects the massing and refers to the simplicity or complexity of the outer dimensions of surface planes (wall planes or roof planes), and their orientation (horizontal / vertical; symmetrical / asymmetrical).
3. *Composition*. Composition is how the different building elements or materials are arranged to either distinguish or coordinate a particular shape or mass.
4. *Articulation*. Articulation is using architectural elements to clearly call out a different portion of the composition, shape, or mass and break the building form into smaller, identifiable pieces.
 - (a) *Horizontal Articulation*. Breaking the mass down through different levels of height on the building, particularly for taller buildings, or by a step back or other voids in the massing.
 - (b) *Vertical Articulation*. Breaking the mass down through different bays or structural components along the length of the building elevation, particularly for longer, larger footprint buildings.
5. *Altering Form*. Techniques to alter the form of a building and affect the scale include:
 - (a) Main mass and wing or secondary masses;
 - (b) Stepping back in the wall plane, usually larger differences (i.e. 4 feet +) at upper story(ies);
 - (c) Cantilever or overhangs, usually a smaller distance (i.e. 1 to 4 feet) over a lower story;
 - (d) Off-sets or breaks in a wall plane in relation to interior floor plan or outside space, not to the level of creating a wing or secondary mass;
 - (e) Dormers, including a window and sub-roof within roof structure;

- (f) Projections of an element of the facade composition such as a bay window, entry feature, or eaves; and
- (g) Articulation and composition of the facade in relation to, or in addition to any of the above techniques.

d. **Scale.**

Scale refers to the perceived or relative size of a form in relation to something else – usually a person, a social space (courtyard, lot, streetscape, etc.), or another building. For example, “human scale” refers to how spaces or objects relate to and are experienced or perceived by people at a close range and a slow pace. Scale can be affected by the mass, shape, composition, or articulation of the form to make an otherwise larger form seem smaller or more relatable based on how the components are perceived.

e. **Compatibility.** Compatibility refers to the similarity of buildings and sites to adjacent properties or to prevalent patterns and themes in an area. In general, the elements of compatibility will include combinations of the following:

1. Similar proportions of building masses, particularly nearest the property lines and other adjacent buildings;
2. Similar orientation of the building including the relationship to streetscapes, the shaping of open spaces, and the locations and arrangements of the building footprint;
3. Similar window and door patterns, including location, size, and proportions;
4. Similar roof lines (planes, pitches, profiles and details);
5. Similar building materials, particularly primary building materials, or where materials differ they share common textures or color palates;
6. A common architecture style, including the facade composition and materials; however, many styles can allow differences in design within the style.

Note: Compatibility does not necessarily mean the same, but rather a sensitivity to the context, adjacencies, and character of the area. While not all of the above elements are necessary for compatibility, the greater the number that are similar, the greater the compatibility will be; significant departures from any one element should be compensated with either greater similarity of other elements or by similarity of more elements. Where things are not compatible, transitions should occur through space and landscape buffer designs.

**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, THIS ____ DAY OF _____, 2021.

ATTEST:

CITY OF GREELEY

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 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:
- (a) Shall be laid out to organize the site into smaller internal blocks between 1 and 4 acres.
 - (b) Shall be designed to mimic public street cross-sections in Section 24-301, including sidewalks, landscape amenities, on-street parking, and travel lanes.
 - (c) May be treated as public streets for determining the proper location, orientation, and design of sites and buildings within the project.
 - (d) 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 .
 - (e) 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

<i>Location</i>	<i>Minimum Width</i>
▪ 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	
<i>Secondary Dwelling</i>	1 / per bedroom
<i>Dwellings (detached, manufactured)</i>	2 / unit Blocks without on-street parking may require guest parking within 250' of units.
<i>Dwellings (attached, multiple, or mixed)</i>	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
<i>Senior Living (independent)</i>	Same as Dwellings (attached, multiple or mixed)
<i>Senior Living (assisted or nursing)</i>	1 / 4 beds + 2 per 3 employees
<i>Group Home (up to 8 units)</i>	Same as Dwellings (detached, manufactured) + 2 per 3 employees
<i>Group Home (more than 8 units)</i>	1 / 2 beds + 2 per 3 employees
Public / Civic	
<i>Assembly</i>	1 / 3 seats
<i>Public Safety / Services</i>	1 per employee + 1 per company vehicle
<i>Hospital</i>	1 / 2 beds + 2 per 3 employees
<i>Library</i>	1 / 300 s.f.
<i>Museum</i>	1 / 1,000 s.f.
<i>School</i>	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	
<i>Retail – Small (under 3K)</i>	1 / 500 s.f.
<i>Retail – General (3K +)</i>	1 / 250 s.f.

Table 24-7-3: Required Parking	
Use Category / Specific Use	Minimum Parking Rate
<i>Retail - Outdoor Display Area (generally)</i>	1 / 300 s.f.
<i>Retail - Outdoor Display Area (large equipment)</i>	1 / 1,000 s.f.
<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
Employment	100 %	10 %	5 %	5 %	5 %

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
Retail or Service	75 %	75 %	100 %	90 %	5 %
Restaurant	50 %	100 %	75 %	100 %	10 %
Entertainment & Recreation	30%	100 %	75 %	100 %	5 %
Place of Worship	5 %	25 %	100 %	50 %	5 %
School	100 %	10 %	10 %	10 %	5 %
Dwellings	25 %	75 %	50 %	75 %	90 %
Lodging	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
Primary or secondary school	10% of the student capacity + 3% of employees
Retail or office uses	10% of the required vehicle spaces.
Recreation and community facilities	15% of the required vehicle spaces
Other institutional, employment, industrial or entertainment uses	5% of the required vehicle spaces.
Multi-unit Residential Buildings	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.
 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.

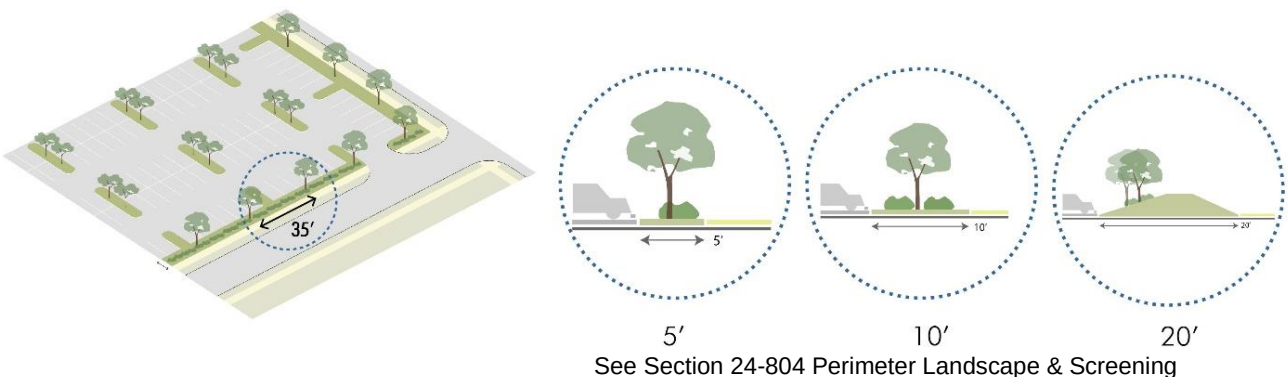


Figure 24-7-2: Parking lot screening.

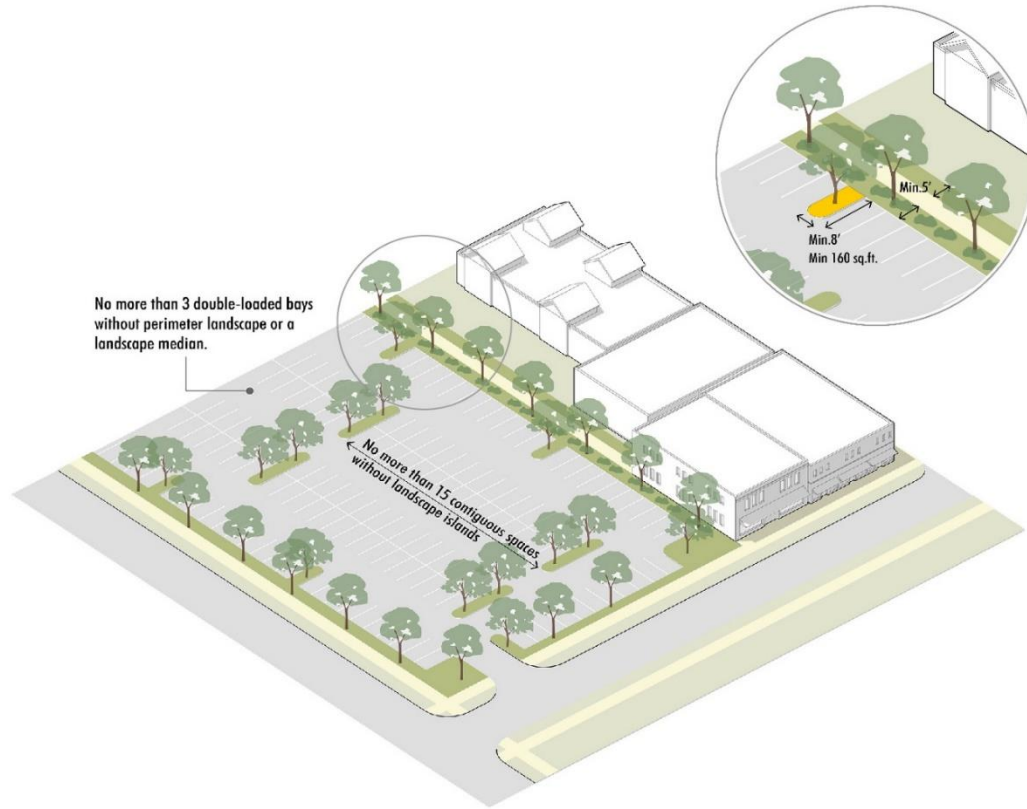


Figure 24-7-3: Parking lot islands and perimeter landscape.

- 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' setback and perimeter landscape.
126 - 200		6% internal landscape; AND 15' setback and perimeter landscape.	6% internal landscape islands; AND 15' setback and 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' setback and perimeter landscape
15-50	6% internal landscape islands; AND 5' perimeter landscape; AND 10' front setback	5' setback and perimeter landscape	5' setback and perimeter landscape
Under 15	5' perimeter landscape; AND 5' front setback	5' setback and perimeter landscape	5' setback and perimeter landscape; 0' if 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.

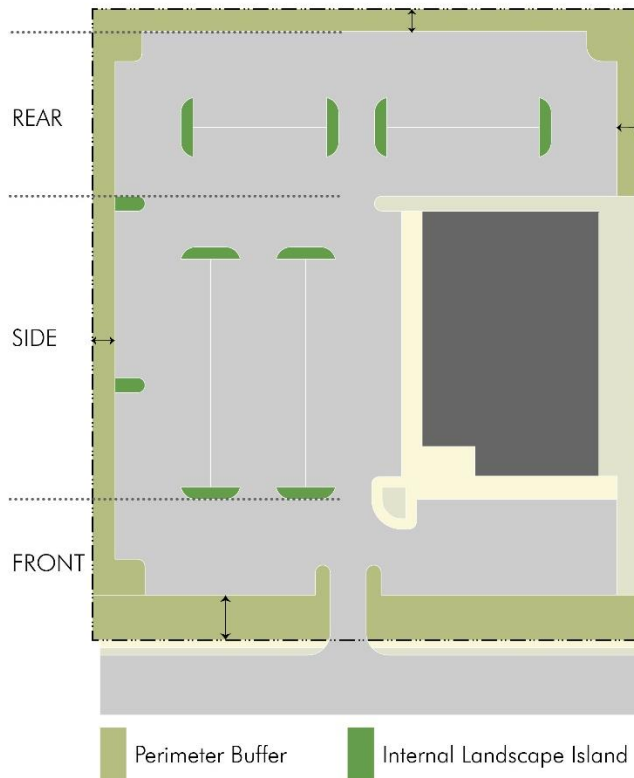


Figure 24-7-4: Parking lot design and location.

- 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,

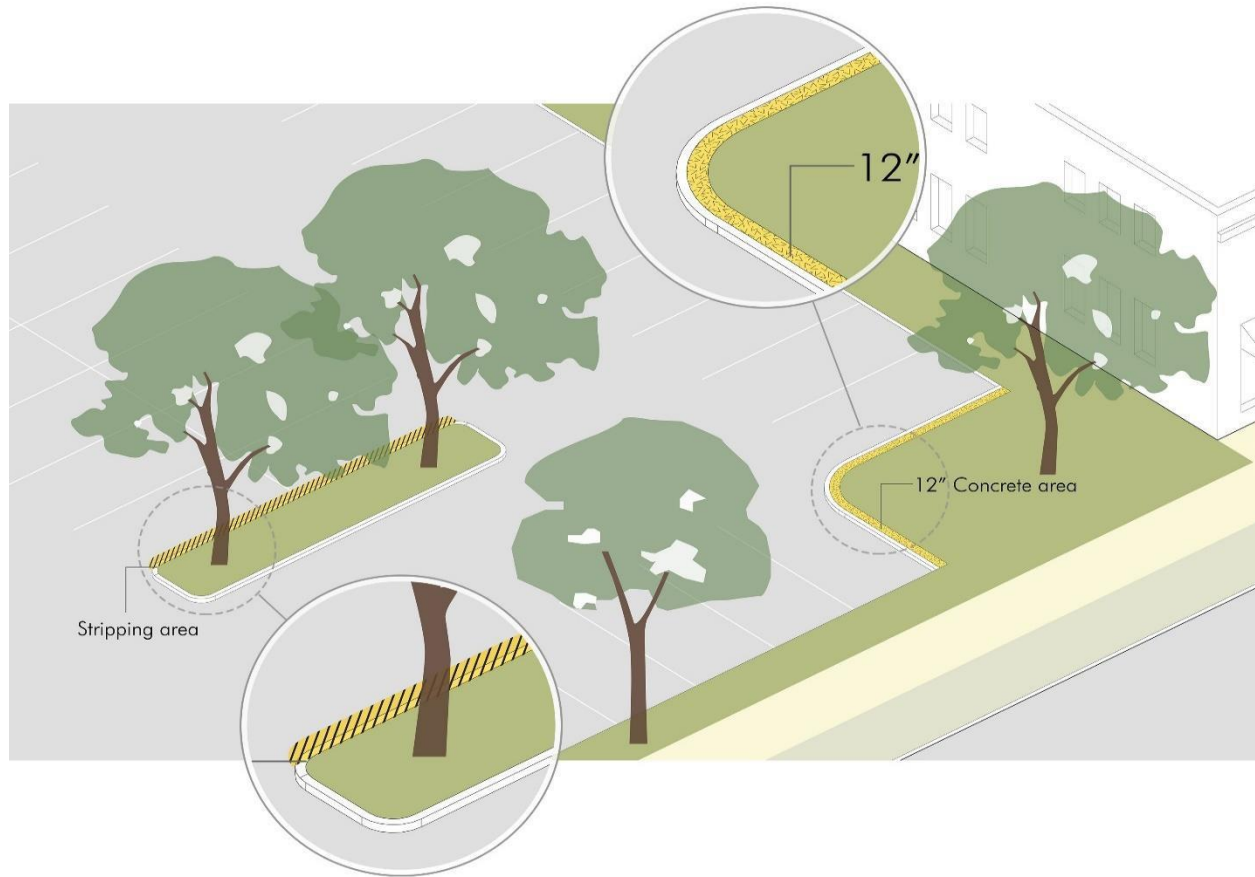


Figure 24-7-5: Landscape island footstep access.

- 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.

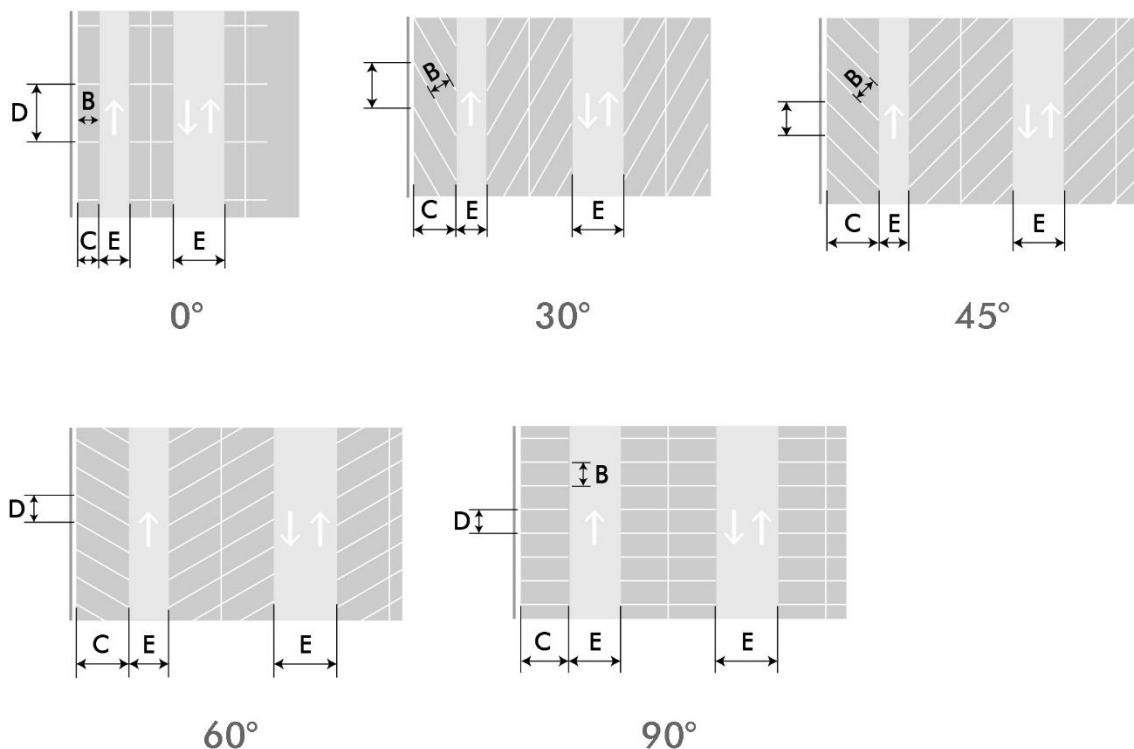


Figure 24-7-6: Parking dimensions.

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.

24-705 Loading Areas

- 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'

Table 24-7-8: Loading Areas

Gross Floor Area	Required Loading Area and Size
40,001 or more s.f.	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.
 - (d) 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 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.

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- (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 the ROW or along the lot line immediately abutting the right of way.	1 shade tree per 35' of lot frontage; Rights-of-way may with constrained planting areas may substitute 1 ornamental tree per 25' in place of the shade tree requirement.	n/a	n/a
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) 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.	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. 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 Ornamental trees may be substituted for shade trees at a rate of 2 for 1 for up to 50% of the requirement.	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. 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 mitigate potential impacts on streetscape or adjacent property.	See Section 24-802		
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.		

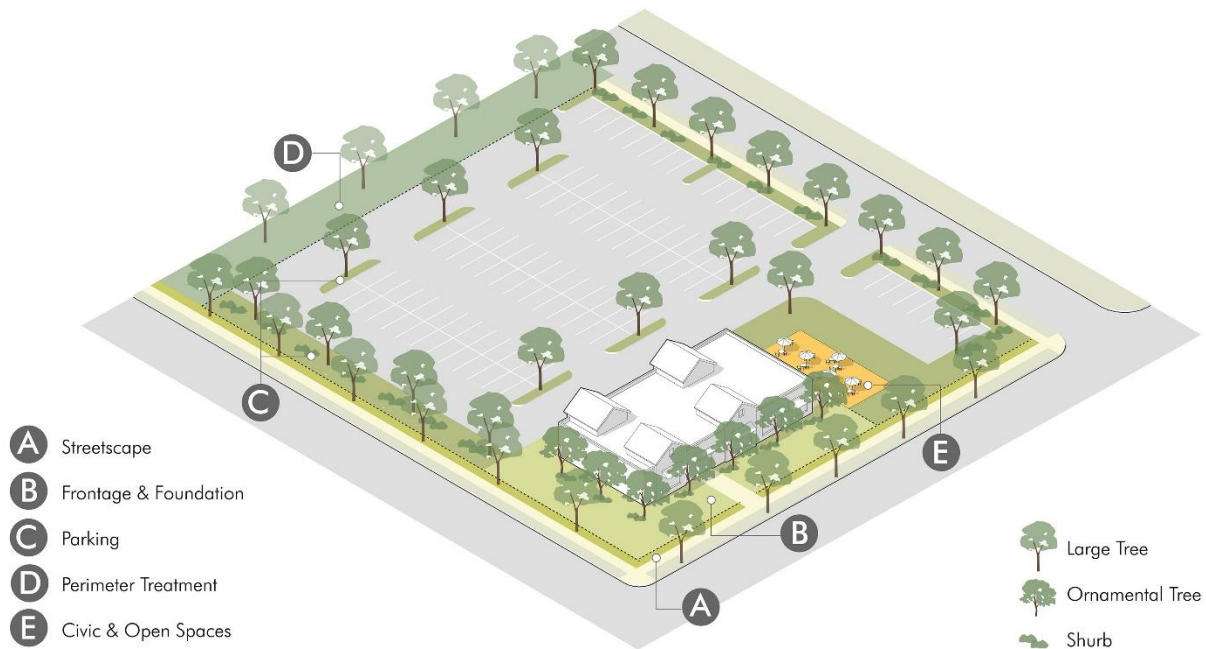


Figure 24-8-1 Plant requirements and site elements

- 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

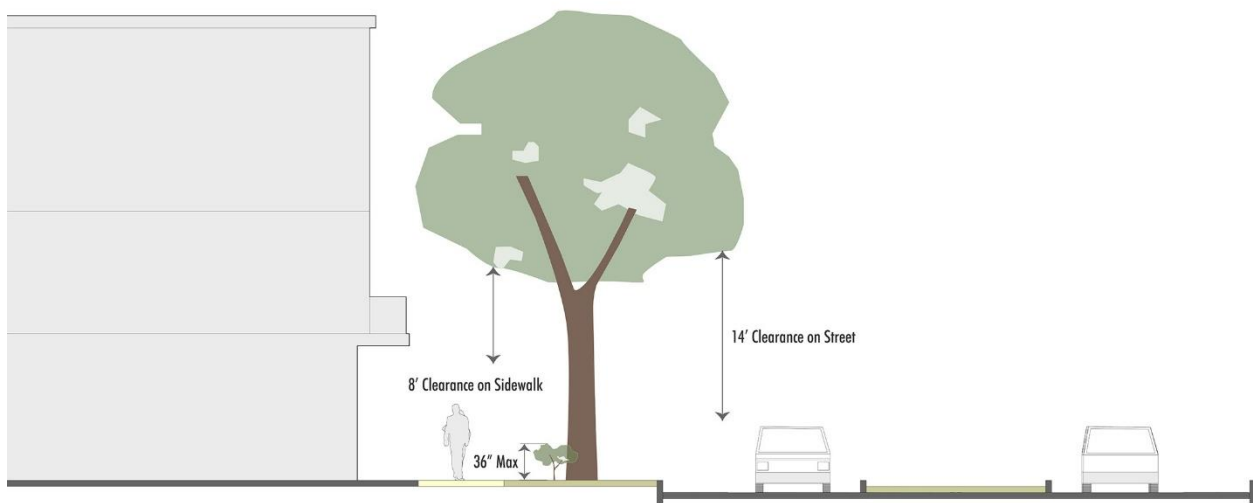


Figure 24-8-4 Tree clearance – pedestrian frontage



Figure 24-8-5 Streetscape— residential frontages

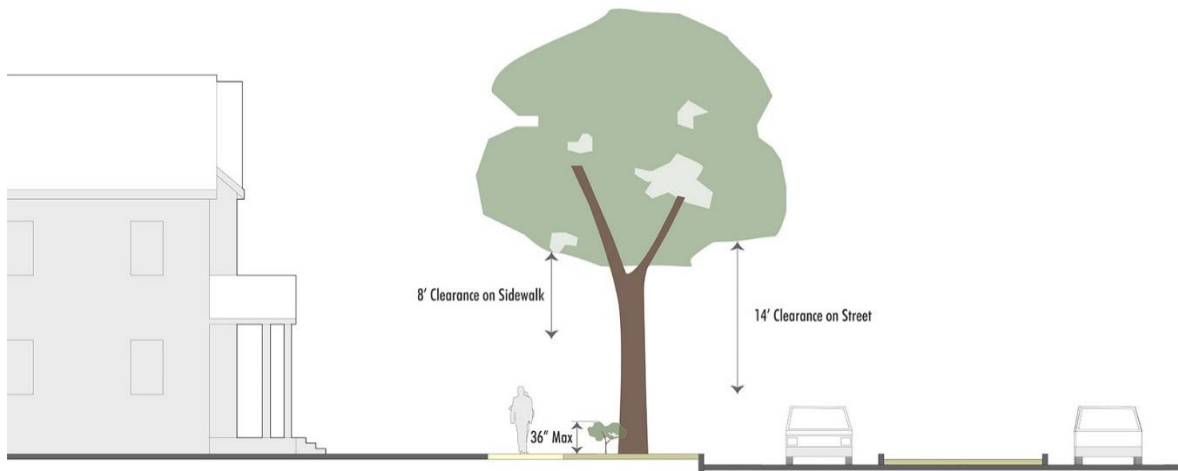


Figure 24-8-6 Tree clearance – residential frontage

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.

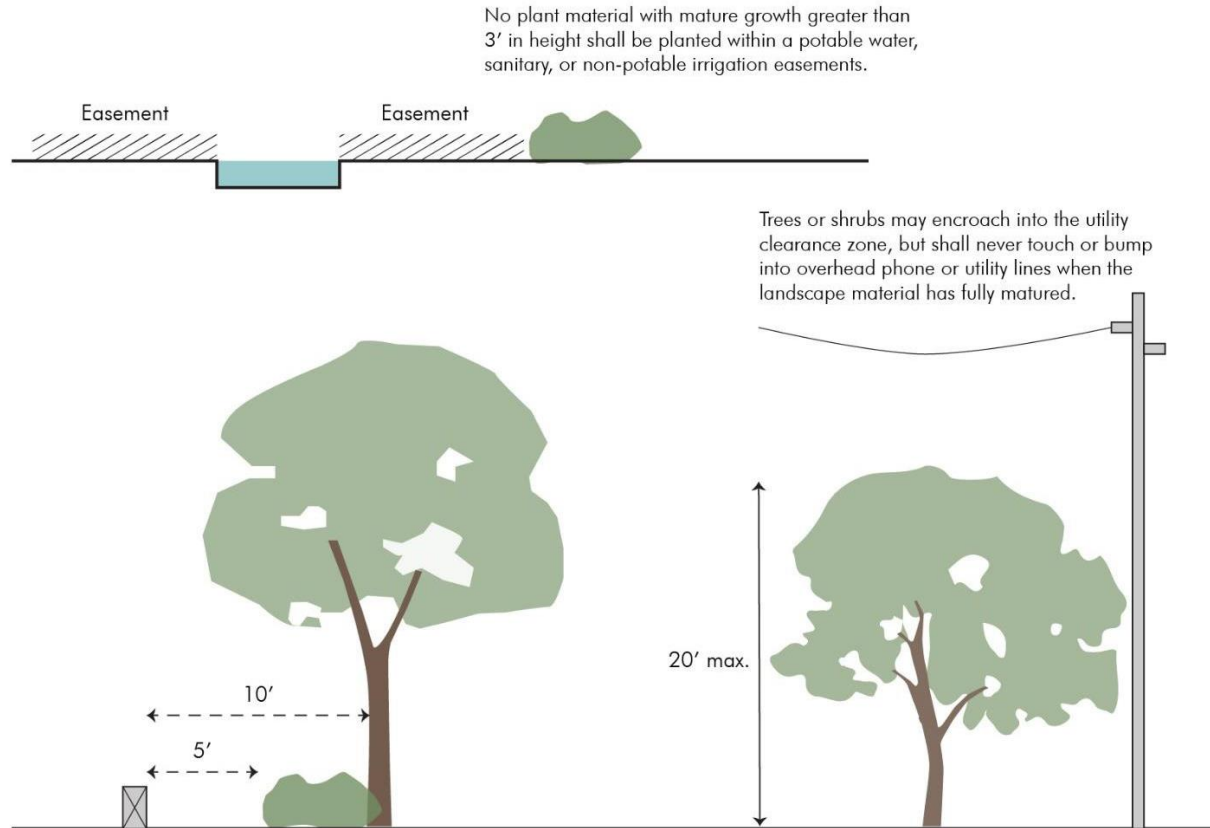


Figure 24-8-7 Utility line clearance zones

- 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.

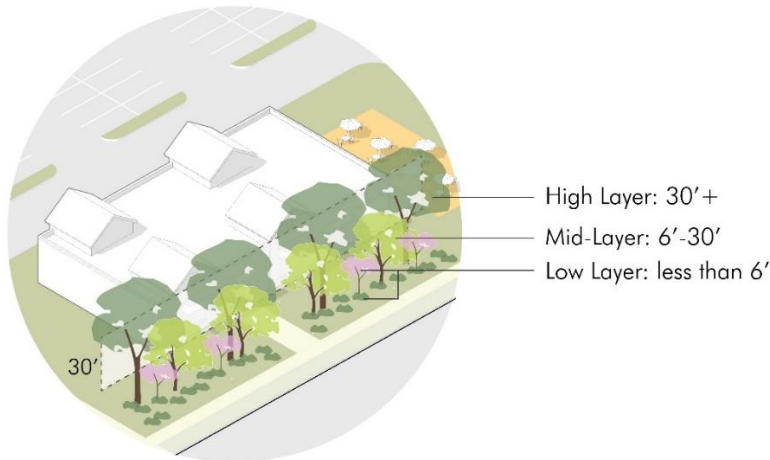


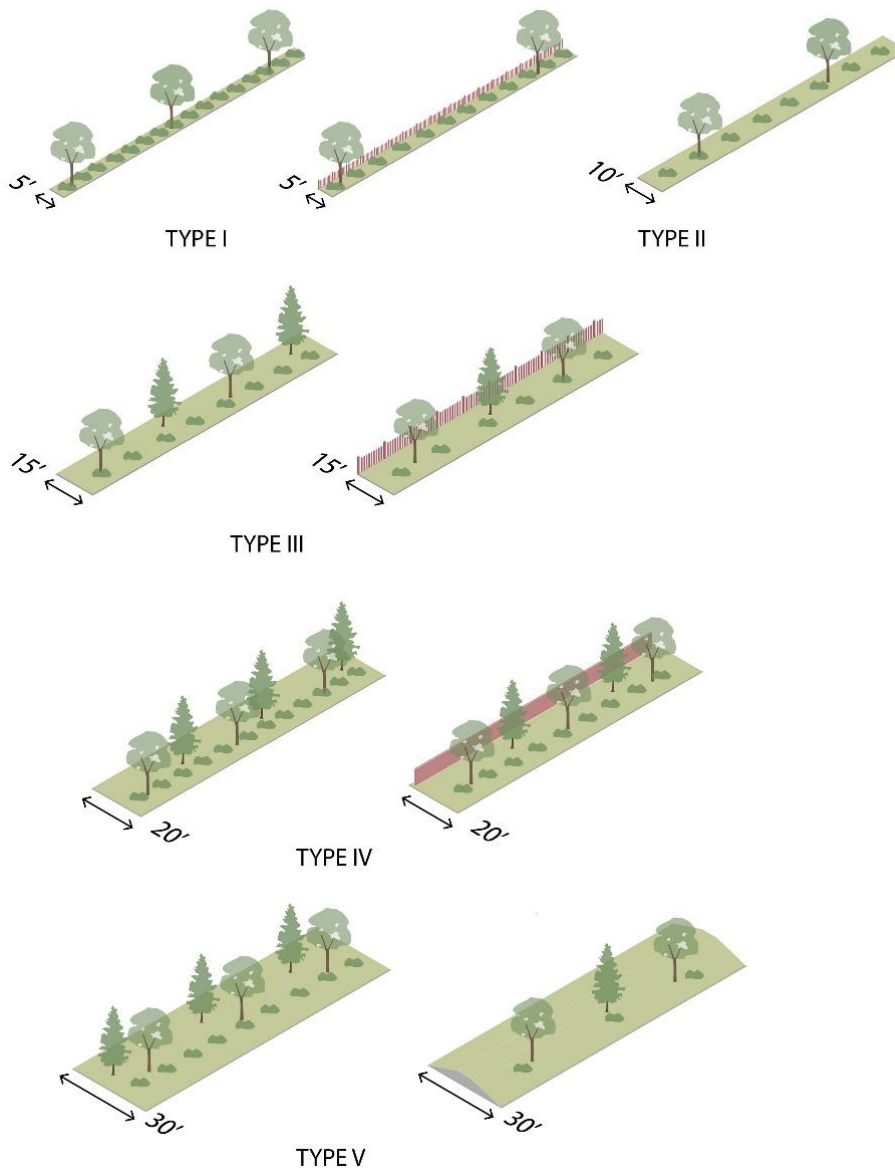
Figure 24-8-8 Planting layers

- 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

Table 24-8-2 Perimeter Design

Perimeter Type & Application:	Width	Plant Requirements (per 100 linear feet)		
		Trees	Evergreen	Shrubs
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.

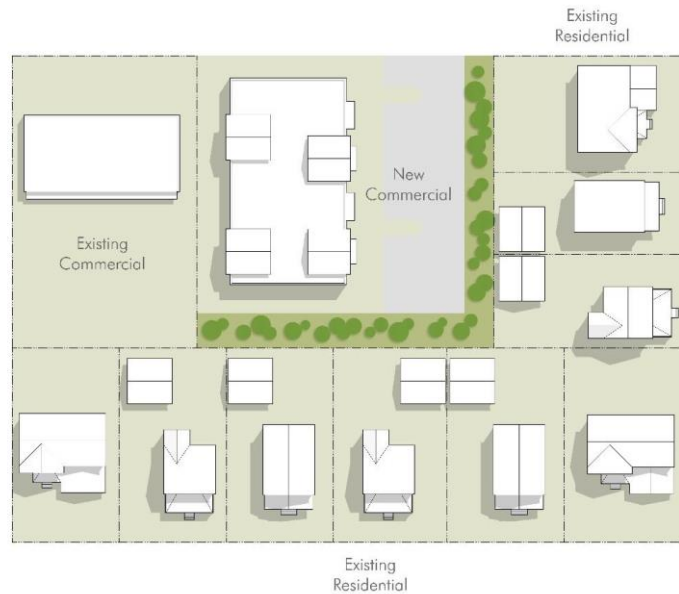


Figure 24-8-10 Perimeter treatment along differing land uses

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

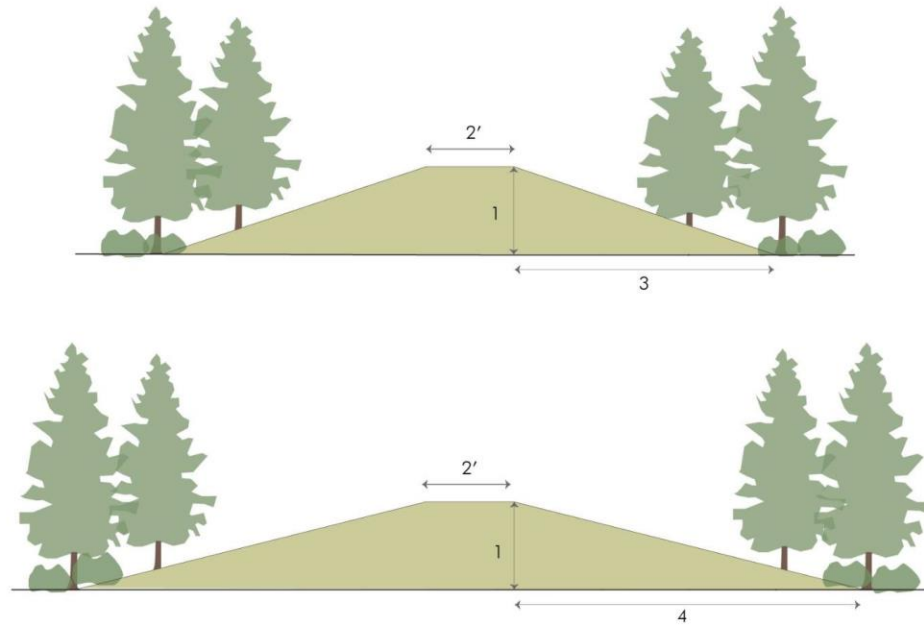


Figure 24-8-11 Earthen berms

- 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

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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	

1. 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.
2. 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.
3. 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.
4. 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.
5. 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

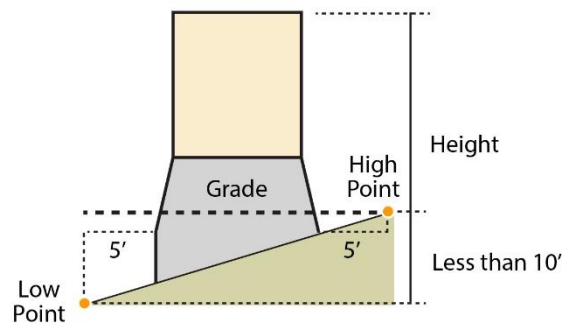


Figure 24-9-1: Sign height – grade change of 10 feet or less.

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.

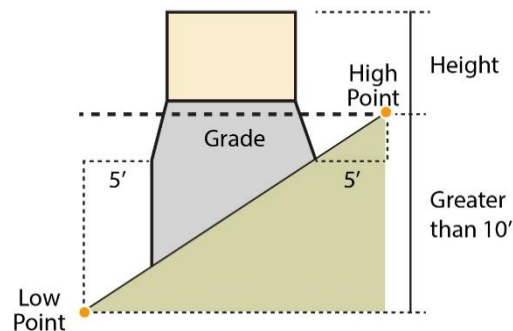


Figure 24-9-2: Sign height – grade change more than 10 feet

- 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)..)

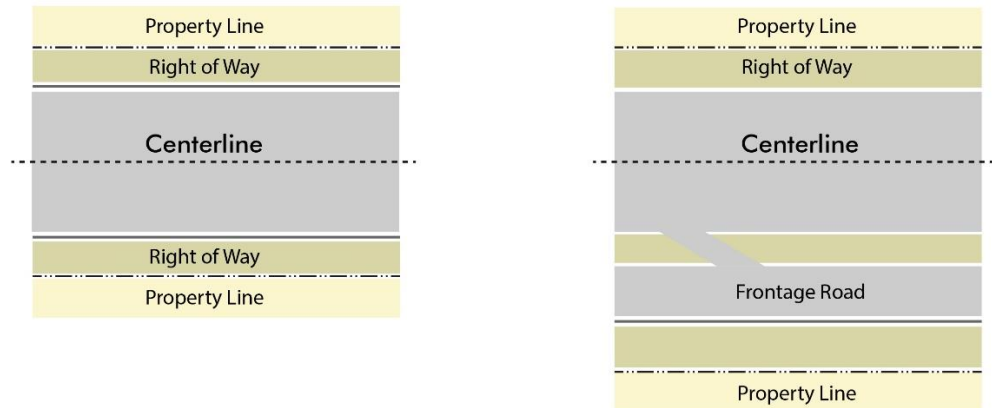


Figure 24-9-3: Sign setbacks from centerline.

24-909 Relief From Standards

- 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;

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- (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

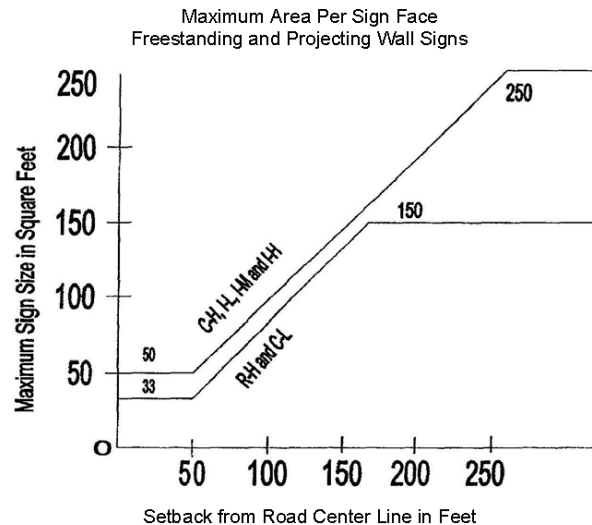
b. **Variance.** Variances to the dimensional standards established in this Chapter shall be authorized according to the process and criteria in Section 24-209, Variances, and are supplemented by this Section. Variances to any other provision of this Chapter shall not be permitted.

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.

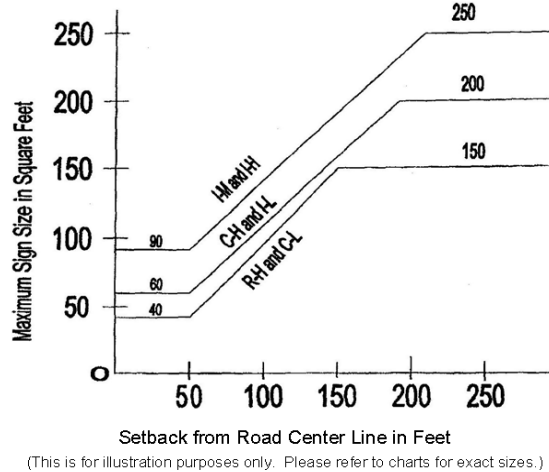
24-910 Sign Chart

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.
I-M & I-H	Freestanding, wall, projecting wall and awning	2 sq. ft., plus 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.



(This is for illustration purposes only. Please refer to charts for exact sizes.)



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;

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- (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.l. 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;

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- (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 equalling 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.

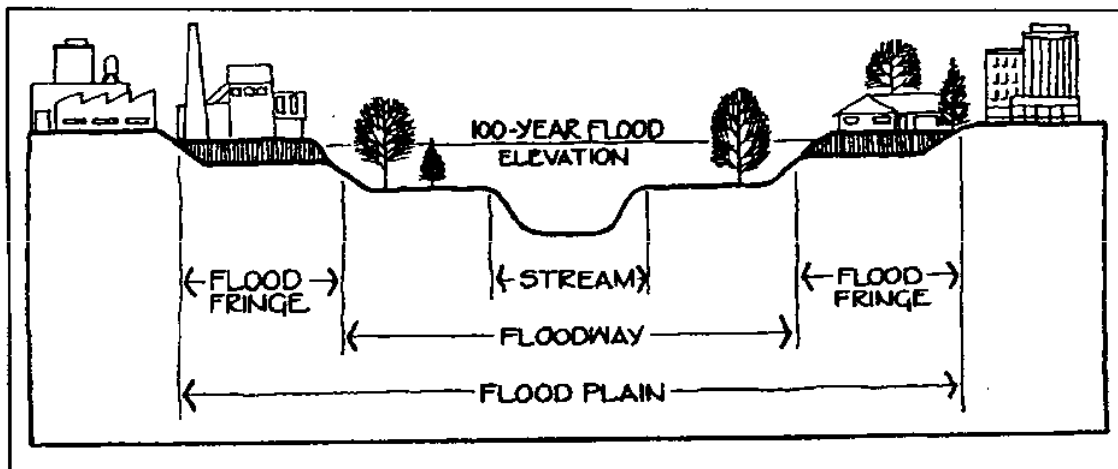


Figure 24-10-1: Illustration of floodway, flood plain and flood fringe.

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 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:

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- (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.

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- (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.
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- (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

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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.

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- (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.

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- (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.

l. **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:

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- (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.

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- 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 posses 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;

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- (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.*

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- (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.	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,
2. Landscape Cash-en-lieu	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.

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

<i>Existing Natural Slope of Site</i>	<i>Minimum Lot Size</i>
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.

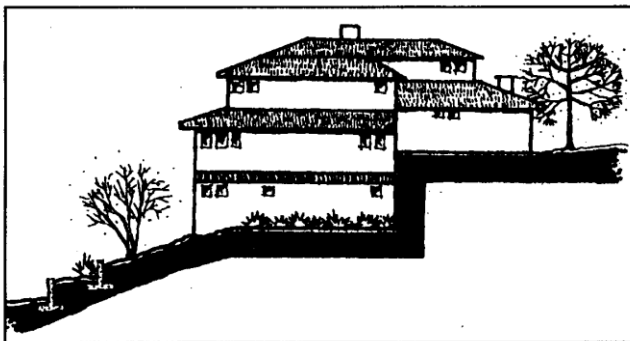


Figure 24-10-1: Building designed to fit site.

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.

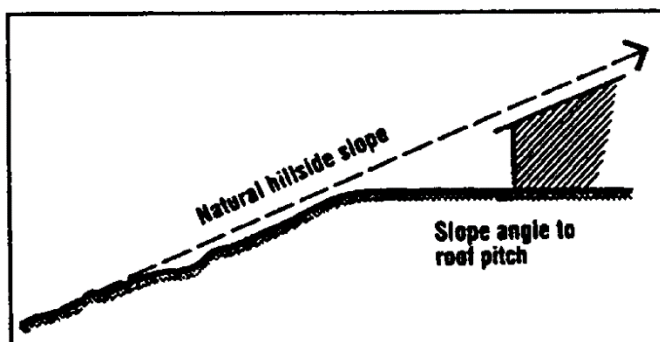


Figure 24-10-2: Roof pitch reflects hillside slope.

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

<i>Type of WCF</i>	<i>Zone District</i>	<i>Process (See Chapter 2)</i>	<i>Timeframe (See 24-1101.b.3.)</i>
<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:
 - (a) 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..
 - (b) 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.

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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.
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- (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 Well heads Production tanks Associated production equipment	150' or 1.5x height, whichever is greater	Lot Line/ROW, Parking, Trail, Public or private road, Major above ground utility, Rail line Any occupied building (low density areas)
	New building or structure	50'	Any plugged and abandoned well
		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 Well head Production tanks Associated production equipment	350' (well and well heads) 500' (production tanks and associated production equipment)	Education facility, Assembly building Hospital or care facility 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.

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- (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.

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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.

- 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 t
 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

Amending Title 24 Chapters 1-13, as Amended, to be Adopted by Ordinance

City Council 2nd Reading & Adoption
September 21, 2021

Development Code Update Process

Chapters 1-13

Community Engagement and Participation:

Development Code Advisory Committee, Homebuilder Focus Group, Technical Committee, Planning Commission & City Council Worksessions & Public Hearings

2nd and Final Reading of Ordinances

Effective Date – October 1, 2021

Minor Amendments to Ordinances as Introduced

Chapter 3

Clarification regarding Water & Sewer Service Area Map

Chapters 1, 4, 5, & 6

Minor typographical corrections

Chapter 7

Clarification of parking lot setbacks

Recommended Motion

3 Separate motions to adopt ordinances related to Chapters 1 & 2, Chapters 7-12, and Chapters 3-6 & 13 of Title 24 of the Greeley Municipal Code, as amended, and publish by title only

Council Agenda Summary

September 21, 2021

Agenda Item Number

Key Staff Contact: John Karner, Finance Director, 350-9732

Title:

Public hearing and final reading of an ordinance appropriating additional sums to defray the expenses and liabilities of the City of Greeley for the balance of the fiscal year of 2021 and for funds held in reserve for encumbrances at December 31, 2020.

Summary:

This is the third supplemental appropriation ordinance modifying the 2021 budget. This appropriation ensures that existing commitments in progress at 2020 year end can be completed in 2021, designates funds for additional commitments, and appropriates new grants that have been awarded.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$ 13,721,212
What is the annual impact?	\$ 13,721,212
What fund of the City will provide Funding?	See Ordinance
What is the source of revenue within the fund?	Grant, Fund Balance, American Rescue Plan Act, Operating Transfers, Expense Reimbursement, Intergovernmental Agreement, Private Contributions, & Permit Fees.
Is there grant funding for this item?	Yes, Item 13
If yes, does this grant require a match?	Yes, Item 13
Is this grant onetime or ongoing?	Onetime
Additional Comments:	Total appropriations made by this ordinance are \$ 13,721,212. The following funding sources will be used to cover the appropriations made by this ordinance.

	Source	Total
	Grant	\$ 6,000,000
	Fund Balance	3,242,629
	American Rescue Plan Act	2,238,174
	Operating Transfers	1,739,402
	Intergovernmental Agreement	289,797
	Permit Fees	114,725
	Expense Reimbursement	94,135
	Private Contribution	2,350
	Grand Total	\$ 13,721,212

Legal Issues:

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

Other Issues and Considerations:**Applicable Council Priority and Goal:**

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

Decision Options:

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

Council's Recommended Action:

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

Attachments:

Ordinance
Detail Supporting Schedule
PowerPoint Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 2021

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2021 AND FOR FUNDS HELD IN RESERVE FOR ENCUMBRANCES AT DECEMBER 31, 2020.

WHEREAS, the City of Greeley has or will incur expenses for certain activities described below during the 2021 fiscal year, and

WHEREAS, the revenues received in the City of Greeley in 2020, exceeded the amount of revenues estimated in the 2020 Budget by more than the total amount of the expenditures in the same year;

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

Section 1. In accordance with section 5-17 of the Greeley Charter, from actual and anticipated revenues which exceed the revenue estimates in the 2021 budget and amounts held in fund balance reserves from 2020, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2021:

Fund	Total
100 General	\$ 5,469,331
105 Conservation Trust	21,000
123 Cash In Lieu of Landscaping	16,052
143 Community Memorials	2,350
301 Public Improvement	700,000
304 Food Tax	15,066
334 Road Development	1,000,000
411 Sewer Operations	22,734
421 Water Operations	6,053,045
423 Water Capital Replacement	415,134
605 Memorials	6,500
Grand Total	\$ 13,721,212

Section 2. All actions heretofore taken (not inconsistent with the provisions of this ordinance) by the officers, agents and employees of the City in connection with this appropriation are hereby ratified, approved and confirmed.

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

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

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor



City of Greeley

2021 Appropriation No. 3

City Council Meetings: September 7th & 21st

Fund	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
100 - GENERAL FUND						
1	Permit Fees	Funding is requested for an additional temporary Construction Inspector as part of a two-year program involving the installation of roughly 1.7 million lineal feet of new fiber in the City of Greeley. The majority of this fiber will be installed underground in the City Right of Way. Civil Inspections will be responsible for providing inspection services that cannot be maintained with current staffing levels. Additional licensing & permit fees will be received to cover the employment expenditures to complete this task. Funding is requested for the remainder of 2021 with additional funding and revenue requested as part of the 2022 budget.	-	38,946	38,946	-
2	Fund Balance	Funding is requested for executive search services regarding the Community Development Director, Police Chief, Information Technology Director and City Manager positions.	100,500	-	100,500	-
3	Operating Transfer: COMMUNITY MEMORIALS & CASH IN LIEU OF LANDSCAPING	Community Forestry is a necessary component to manage the thousands of trees the city owns, as well as to provide citizen education and cost-saving programs to support citizen maintenance and planting efforts. This request will allow proper urban forest care through proper planting, maintenance, and planning in public spaces and rights-of-way. Funding will allow proper management of the Share the Shade program, which offers value-priced options for residents to reforest the city's rights-of-way. Additionally, funds will support a low-cost option for families to honor a loved one through the Memorial Tree program. This has been a long-standing operational tradition. Lastly, funds will be used for the Emerald Ash Bore (EAB) treatment program that supports residents with a low-cost Ash tree treatment option to protect them from this invasive species.	-	42,726	42,726	-
4	Operating Transfer: CONSERVATION TRUST FUND	In 2019, the City entered into a memorandum of understanding (MOU) with the statewide volunteer management non-profit Volunteers for Outdoor Colorado (VOC). The goal is to both house a new Volunteer Partnership Coordinator position at Natural Areas & Trails (NAT) office and to support a portion of the position for an initial two-year term in both financial and in-kind contributions. The City receives great value through this partnership, leveraging Volunteers for Outdoor Colorado's professional volunteer management skillset for outdoor stewardship volunteer projects. The city also leverages VOC's statewide presence to bring additional resources and exposure to NAT's events, filling events with both Greeley residents and volunteers from across the state. This funding fulfills the City's financial contribution for the two-year term of the agreement and represents approximately 10% of the full cost.	-	21,000	21,000	-
5	Expense Reimbursement	Greeley Fire provides equipment, supplies, and personnel as part of the Front Range Fire Consortium Fire Academy. This reimbursement is a result of our enrolled personnel numbers being lower than normal in the last academy compared to what we provided the academy (apparatus, tools, instructors, etc.). The funds will be used to upgrade communications systems hardware in the fire stations to shorten the time a fire crew receives dispatch information for emergency response for the remaining five fire stations. Software and software maintenance expenditures will be included in current county dispatch costs.	-	53,759	53,759	-
6	American Rescue Plan Act (ARPA)	Funding is being appropriated for one-time compensation for Fire, Police & essential City employees and government expenditures that are allowed under the American Rescue Plan Act (ARPA).	-	2,238,174	2,238,174	-
7	Fund Balance	Funding is being appropriated to support wages increases and/or one-time compensation that was not included in the original 2021 budget.	1,274,226	-	1,274,226	-
100 - GENERAL FUND			1,374,726	2,394,605	3,769,331	-
301 - PUBLIC IMPROVEMENT						
8	Operating Transfer: GENERAL FUND	Funding is requested to be fully compliant in regards to the road crossings at 8th Street & 13th Street. Funds will go towards the purchase and installation of Quad Gates by Union Pacific Railroad allowing these crossings to be in full compliance with federal quiet zone standards. By installing quad gates, the Federal Railroad Administration (FRA) will be able to approve the quiet zone by providing proper crossing in alignment with current standards.	-	700,000	700,000	-
301 - PUBLIC IMPROVEMENT			-	700,000	700,000	-

Fund	Fund	Item No. 15.	ption	Fund Balance	Revenue	Expenditures	Net Impact
304 - FOOD TAX							
9	Intergovernmental Agreement	Funding is being requested for the replacement of diving boards at the Recreation Center. The Recreation Center houses the only full-size competitive swimming pool in Greeley. New diving boards and stands are required for school district diving competitions. Through a Joint Use Agreement, the City of Greeley partnered with Weld County School District 6 to host swimming and diving meets at the Greeley Recreation Center. Weld County School District 6 requested both diving boards be replaced and are paying for fifty percent of the total cost.		-	15,066	15,066	-
304 - FOOD TAX				-	15,066	15,066	-
334 - ROAD DEVELOPMENT							
10	Operating Transfer: GENERAL FUND	Funding is requested for the completion of the 35th Avenue interchange design to improve both safety and traffic flow as identified in the current 2025 Transportation Masterplan. The preliminary design is now complete and the Colorado Department of Transportation (CDOT) share fifty percent of the final design costs with the City. The same consultant, AECOM will continue doing the work which is expected to last approximately 12 months. The City has submitted a federal RAISE grant, which in correlation with the final design being complete allows the City to move forward with construction.		-	1,000,000	1,000,000	-
334 - ROAD DEVELOPMENT				-	1,000,000	1,000,000	-
411 - SEWER OPERATIONS							
11	Permit Fees	Funding is requested for Sewer's portion of the cost for two temporary utility locators for the broadband fiber optic installation project. The inspectors will directly support the Allo broadband project, bringing another high-speed telecom provider to the Greeley community. The inspectors will protect Greeley's transmission and distribution assets from damage due to the fiber-optic install project. The inspectors are needed for locating utility assets and performing inspections in conjunction with the Allo project which is proposing to install 322 miles of underground cable throughout Greeley. These are project-based hires, meaning the crossing-fee revenues collected from the Allo project will fund these positions for the project duration. Utility locating is a state-mandated activity with the threat of fines if locates are not complete within 48-hours of ticket submission. In addition to possible fines, water and sewer lines are at risk of being damaged if not located before work begins, potentially leading to service outages and costly repairs.		-	22,734	22,734	-
411 - SEWER OPERATIONS				-	22,734	22,734	-
421 - WATER OPERATIONS							
12	Permit Fees	Funding is requested for Water's portion of the cost for two temporary utility locators for the broadband fiber optic installation project. The inspectors will directly support the Allo broadband project, bringing another high-speed telecom provider to the Greeley community. The inspectors will protect Greeley's transmission and distribution assets from damage due to the fiber-optic install project. The inspectors are needed for locating utility assets and performing inspections in conjunction with the Allo project which is proposing to install 322 miles of underground cable throughout Greeley. These are project-based hires, meaning the crossing-fee revenues collected from the Allo project will fund these positions for the project duration. Utility locating is a state-mandated activity with the threat of fines if locates are not complete within 48-hours of ticket submission. In addition to possible fines, water and sewer lines are at risk of being damaged if not located before work begins, potentially leading to service outages and costly repairs.		-	53,045	53,045	-
13	Grant	Funding is requested for the mitigation of damages from the Cameron Peak Fire. Water quality issues have impacted raw water treatment at the Bellvue & Boyd treatment plants, and sedimentation and erosion issues exist, which impact 5 of Greeley's reservoirs. The Cameron Peak Fire, which began August 13th, 2020, was unanticipated and was not fully contained until December of 2020. The fire burned over 208,000 acres of Greeley's Poudre River watershed where half of Greeley's water supplies are diverted. Watershed mitigation activities will include the installation of sediment basins at Chambers, Barnes, Comanche, Hourglass, and Peterson reservoirs, as well as wattles and log jam debris prevention structures on several slopes throughout the burn area to minimize erosion. Additionally, aerial mulching will be required on as many acres as possible to minimize erosion and sedimentation impacts. Mulching and construction activities started in July and are ongoing. Just under \$17.0 million has been appropriated this year for fire mitigation activities, with the majority of that funding, \$15.0 million, coming from federal, state and other local sources. Staff has been informed that the Colorado Water Conservation Board (CWCB) is allocating another \$6.0 million to Greeley for fire mitigation work. There is a matching requirement but existing work done by Greeley and others in Cameron Peak Fire burn area should be sufficient to meet the requirement.		-	6,000,000	6,000,000	-
421 - WATER OPERATIONS				-	6,053,045	6,053,045	-

Fund	Fund	Option	Fund Balance	Revenue	Expenditures	Net Impact
Item No. 15.						
423 - WATER CAPITAL REPLACEMENT						
14	Fund Balance / Intergovernmental Agreement	The School District and the City swapped land that would allow for the relocation of 3.5 golf holes to a more attractive location. In exchange, the City would provide an equal amount of land along 71st Street to the School District for improved site access to a new K-8 school planned for the property. Recent weather impacts from heavy rain and severe storms have delayed construction of the golf holes, seeding, installing the wet well, the non-potable (NP) pump station, constructing the NP ponds and lining the NP ponds. This has caused increased project components costs for utilizing scrapers, increasing the underdrain length, and potentially having to install dewatering well points and dewatering the ponds. The project team is requesting funds for the design of the non-potable outlet and storm line that must be upsized from 8" to 12" to meet State stormwater requirements for handling flows in the 100-year storm events. These funds were planned in the 2022 budget, but due to the current need, the project team is requesting the funds for design be moved up into 2021. The construction will begin in 2022 as originally budgeted. Funding to support the project includes \$274,731 from Weld County District 6, and \$140,403 from the Water Capital Replacement Fund.	140,403	274,731	415,134	-
423 - WATER CAPITAL REPLACEMENT			140,403	274,731	415,134	-
605 - MEMORIALS						
15	Fund Balance	The requested funds will allow Museums to properly steward the White-Plumb Farm Learning Center, a Centennial Farm that exemplifies our western heritage. Restricted funds are requested to cover unexpected expenses at the White Plumb Farm caretaker's house and the main house, including but not limited to electrical and plumbing repairs, painting, and fence repairs. With a recent decision that the City will retain the site, Culture/Museums is faced with unanticipated deferred maintenance expenses. As Museums must maintain the historic structures on-site, funds are needed to avoid neglect and unnecessary damage now before it becomes a larger financial and logistical issue later.	6,500	-	6,500	-
605 - MEMORIALS			6,500	-	6,500	-
TOTAL (Less Additional Operating Expenditures Between Funds)			1,521,629	10,460,181	11,981,810	-
OPERATING TRANSFERS						
3	Private Contribution / Expense Reimbursement	Share the Shade, Memorial Trees, & Emerald Ash Bore: Operating Transfer of Private Contribution COMMUNITY MEMORIALS to GENERAL FUND Operating Transfer of Expense Reimbursement CASH IN LIEU OF LANDSCAPING to GENERAL FUND	-	18,402	18,402	-
4	Fund Balance	Weld County Volunteer Partnership Coordinator: Operating Transfer of Fund Balance CONSERVATION TRUST FUND to GENERAL FUND	21,000	-	21,000	-
8	Fund Balance	Quiet Zone Crossings: 8th Street & 13th Street: Operating Transfer of Fund Balance GENERAL FUND to PUBLIC IMPROVEMENT	700,000	-	700,000	-
10	Fund Balance	Interchange Design: 35th Avenue & Hwy 34 : Operating Transfer of Fund Balance GENERAL FUND to ROAD DEVELOPMENT	1,000,000	-	1,000,000	-
TOTAL ADDITIONAL OPERATING EXPENDITURES BETWEEN FUNDS			1,721,000	18,402	1,739,402	-
GRAND TOTAL			3,242,629	10,478,583	13,721,212	-

2021 3rd Additional Appropriation

City Council Meetings
September 7th & 21st



Third Appropriation - 2021

- Allocation of Fund Balances
- Ensures Completion of Projects & Commitments
- Records Grants & Received Revenues
- Total Appropriated Amount: \$13,721,212

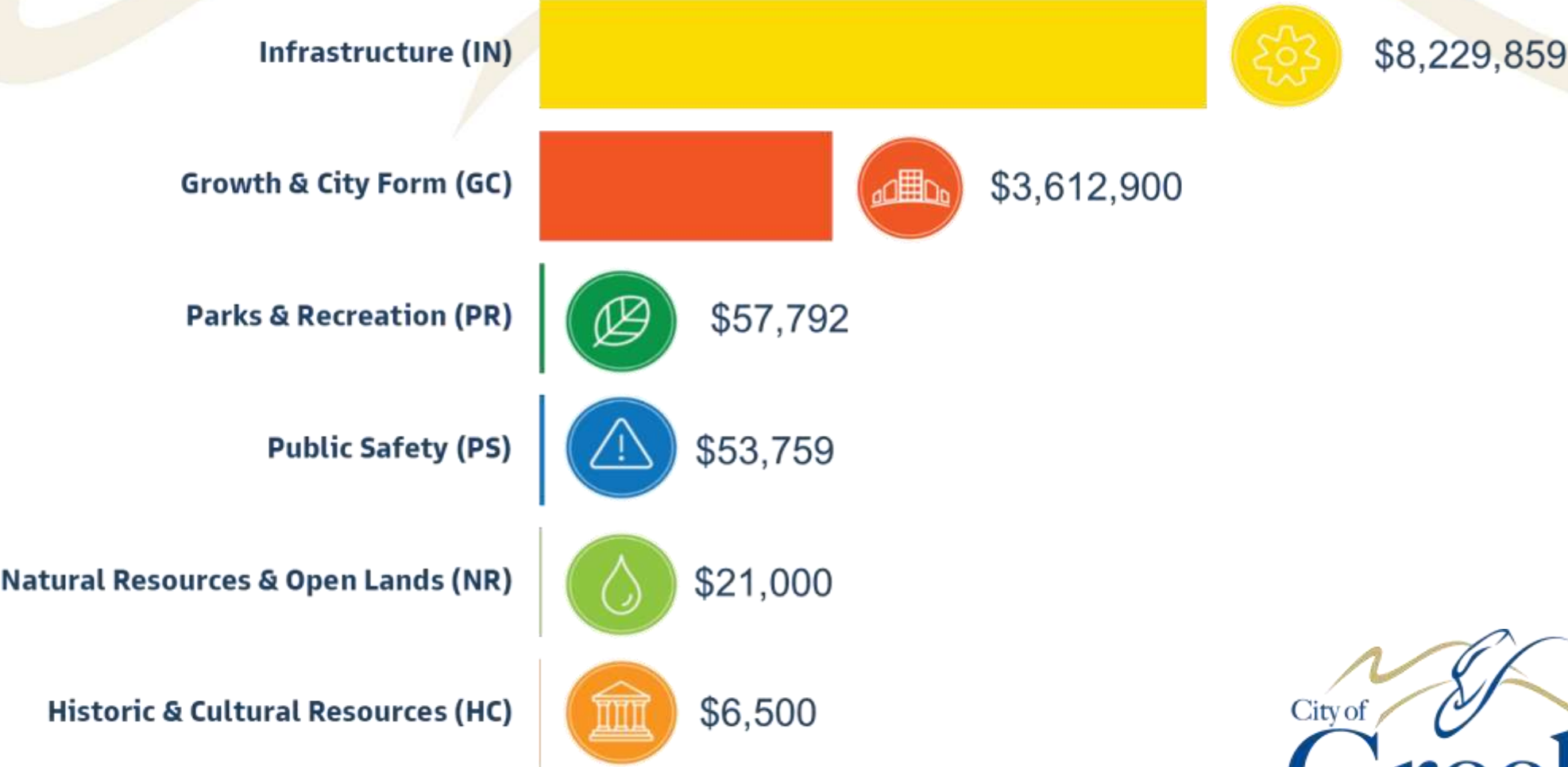


Comprehensive Plan Categories

- **Economic Health & Diversification (ED)**
- **Education, Health, and Human Services (EH)**
- **Growth & City Form (GC)**
- **Historic & Cultural Resources (HC)**
- **Housing (HO)**
- **Infrastructure (IN)**
- **Natural Resources & Open Lands (NR)**
- **Parks & Recreation (PR)**
- **Public Safety (PS)**
- **Transportation & Mobility (TM)**



Comprehensive Plan Allocation



Comprehensive Plan Allocation

OPERATING

Infrastructure (IN)



\$6,114,725

Growth & City Form (GC)



\$3,612,900

Public Safety (PS)



\$53,759

Parks & Recreation (PR)



\$42,726

Natural Resources & Open Lands (NR)



\$21,000

Historic & Cultural Resources (HC)



\$6,500

CAPITAL

Infrastructure (IN)



\$2,115,134

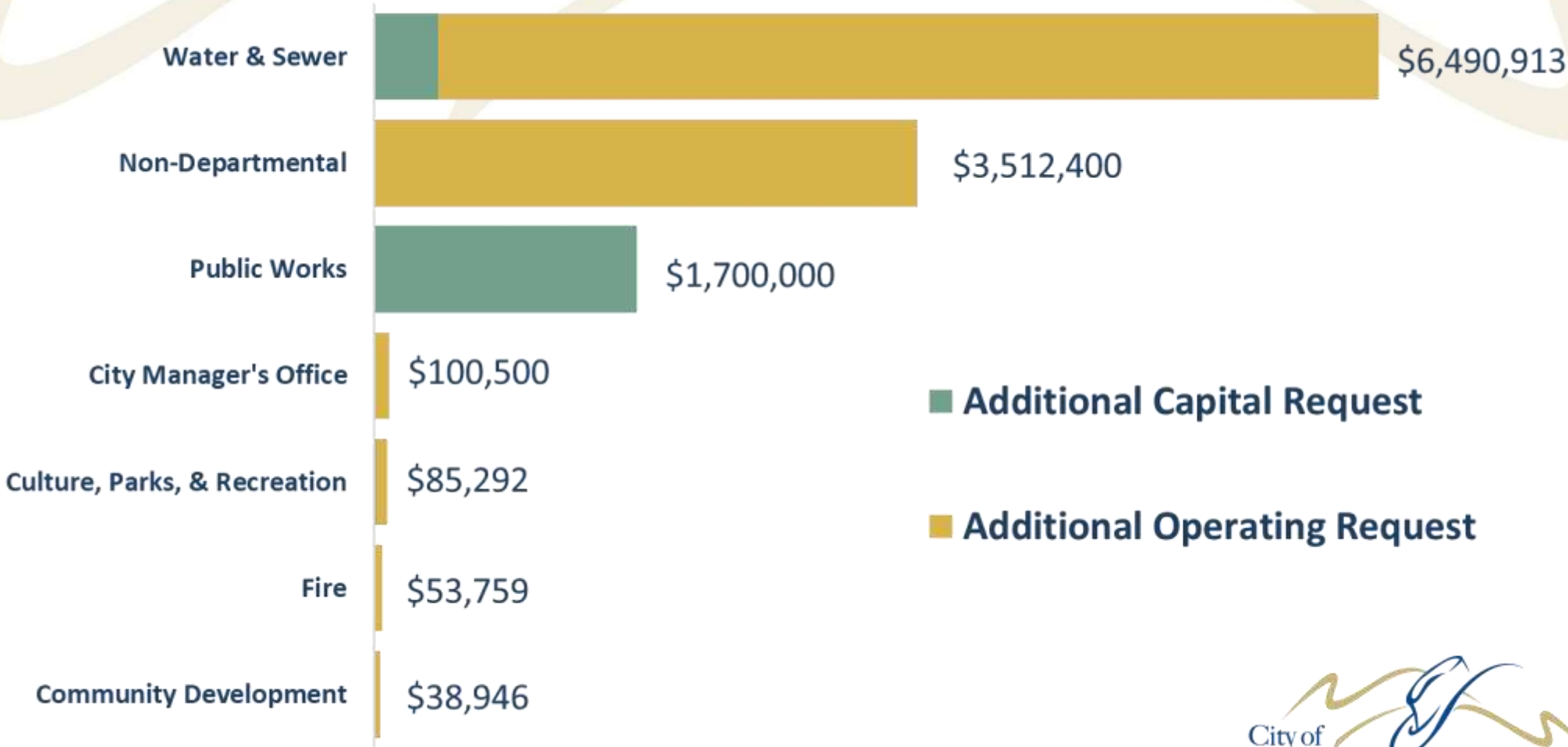
Parks & Recreation (PR)



\$15,066



Department Allocation



Non-Departmental

(Total Requests: \$3,512,400)

Additional Operating Request(s)		Amount
[Fund Funding Source]		
	American Rescue Plan Act (ARPA) [100 - GENERAL FUND American Rescue Plan Act (ARPA)]	2,238,174
	General Fund: Employee Merit Adjustments [100 - GENERAL FUND Fund Balance]	1,274,226
Total Operating:		\$ 3,512,400

Water & Sewer

(Total Requests: \$6,490,913)

Additional Operating Request(s)	
[Fund Funding Source]	Amount
 Cameron Peak Fire Mitigation [421 - WATER OPERATIONS Grant]	6,000,000
 Broadband, Two Utility Locators [421 - WATER OPERATIONS; 411 - SEWER OPERATIONS Permit Fees]	75,779
Total Operating: \$ 6,075,779	

Additional Capital Request(s)	
[Fund Funding Source]	Amount
 Boomerang Golf Course Water Efficiency [423 - WATER CAPITAL REPLACEMENT Fund Balance / Intergovernmental Agreement]	415,134
Total Capital: \$ 415,134	

Summary

- Affirmation of Prior Commitments
- Maintain Transparency & Accounting Standards
- Demonstrates Transparency of Restricted Funds



Item No. 15.



Questions

Council Agenda Summary

September 21, 2021

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

Title:

Appointment of applicants to the Construction Trades Advisory & Appeals Board and the Housing Authority

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

September 2021 Boards and Commissions Transmittal Summary

City of Greeley
Boards & Commissions
Appointment Ballot
September 21, 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 *****

Construction Trades Advisory & Appeals Board	
<i>2 Positions</i>	
☐	THOMAS ROCHE
☐	STEPHEN SCHAPS
☐	(Recruit For Additional Applicants)

Housing Authority	
<i>1 Position</i>	
☐	Christopher Kincaid
☐	(RECRUIT FOR ADDITIONAL APPLICANTS)

Incumbent = (I)

Boards & Commissions Transmittal

September 10, 2021

Key Staff Contact: Jerry Harvey, Assistant City Clerk, 350-9746

Interview Date

Council Interview Team

Council Appointment Date

September 13, 2021 Council Members Fitzsimmons and Zasada

September 21, 2021

Boards and Commissions Being Interviewed

- **Construction Trades Advisory & Appeals Board**
- **Housing Authority**

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
RL

Raymond Lee, Acting City Manager

DS
AH

Anissa Hollingshead, City Clerk

Council Agenda Summary

September 21, 2021

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

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.

Havilah Lilly has served as a Weld County Representative on the Housing Authority since November of 2016. The Weld County Board of Commissioners are recommending her re-appointment to a second term, which will expire on September 30, 2026.

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 re-appointment of Havilah Lilly; or
- 2) Deny the re-appointment

Council's Recommended Action:

A motion to approve the re-appointment of Havilah Lilly to the Greeley/Weld Housing Authority.

Attachments:

Letter and Resolution from 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

August 18, 2021

The Honorable John Gates
Mayor of Greeley
1001 11th Avenue
Greeley, Colorado 80631

RE: Housing Authority of City of Greeley

Dear Mayor Gates,

Havilah Lilly, Weld County Rep on the Housing Authority, has her term ending in September. The Board of Commissioners passed a resolution recommending the reappointment of Havilah to another term, which would be September 30, 2026.

Enclosed is a copy of our resolution stating we recommend reappointment. Please advise our office of your decision.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Steve Moreno, Chair

C: Tom Teixeira

RESOLUTION

RE: APPROVE REAPPOINTMENT 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, the terms for certain positions on the Greeley Housing Authority will soon expire, and

WHEREAS, the Weld County Board of Commissioners recommends the Mayor of the City of Greeley reappoint Havilah Lilly to said board, with a term to expire September 30, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that Havilah Lilly be, and hereby is, recommended for reappointment to the Greeley Housing Authority, with a term to expire September 30, 2026.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 18th day of August, A.D., 2021.

ATTEST: Esther G. Meade

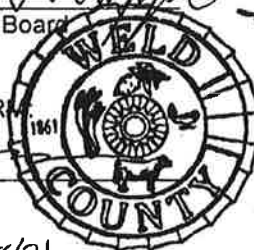
Weld County Clerk to the Board

BY: Min L. Wiggins
Deputy Clerk to the Board

APPROVED AS TO FORM:

[Signature]
County Attorney

Date of signature: 08/18/21



BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

Steve Moreno
Steve Moreno, Chair

Scott K. James
Scott K. James, Pro-Tem

Perry L. Buck
Perry L. Buck

Mike Freeman
EXCUSED
Mike Freeman

Lori Saine
Lori Saine

CC: BOCC(KF)
08/18/21

2021-2500
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 Work Session Schedule regarding any upcoming meetings or events.

The City Manager is recommending the cancellation of the September 28, 2021 Work Session of City Council and the November 2, 2021 Regular Meeting of the City Council.

If Council concurs, a motion to cancel these meetings would be in order under this item of business.

Attachments

Council Meetings and Other Events Calendar
Council Meeting and Work Session Schedule

September 20, 2021 - September 26, 2021

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		

October 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, September 20

Tuesday, September 21

11:30am - 1:00pm United Way Luncheon at Doubletree

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, September 22

12:00am CML Special Conference (Westin, Westminster) - Jessica Diagana

Thursday, September 23

← CML Special Conference (Westin, Westminster) - Jessica Diagana →

7:30am - Poudre River Trail (Hall)

Friday, September 24

← 12:00am CML Special Conference (Westin, Westminster) - Jessica Diagana

Saturday, September 25

Sunday, September 26

September 27, 2021 - October 3, 2021

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		

October 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, September 27

11:30am - 12:30pm Greeley Chamber of Commerce (Hall) ☺

6:00pm - 7:00pm Youth Commission (Butler) ☺

Tuesday, September 28

6:00pm - City Council Worksession Meeting - Council Master Calendar ☺

Wednesday, September 29

7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar ☺

Thursday, September 30

12:00am CML Virtual Special Conference (Virtual (more details to come)) - Jessica Diagana →

1:00pm - 2:00pm LINC Groundbreaking Ceremony (501 8th Ave) - Council Master Calendar

Friday, October 1

← 12:00am CML Virtual Special Conference (Virtual (more details to come)) - Jessica Diagana

Saturday, October 2

Sunday, October 3

October 4, 2021 - October 10, 2021

October 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						

November 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, October 4

Tuesday, October 5

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, October 6

Thursday, October 7

7:30am - 9:00am Regional Leadership Breakfast (Rialto Theater - 228 East Fourth Street, Loveland, CO 80537) - Council Master Calendar

3:30pm - IG Adv. Board (Butler)

6:00pm - MPO (Gates/Payton)

Friday, October 8

Saturday, October 9

Sunday, October 10

October 11, 2021 - October 17, 2021

October 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						

November 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, October 11

Tuesday, October 12

 **6:00pm - City Council Worksession Meeting** - Council Master Calendar 

Wednesday, October 13

Thursday, October 14

 **7:30am - Poudre River Trail (Hall)** 

Friday, October 15

Saturday, October 16

Sunday, October 17

City Council Meeting Scheduling

Current as of 09/15/2021

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
September 28, 2021 Worksession Meeting	Pending Cancellation		
October 5, 2021 Council Meeting	Proclamation - Project Connect	Mayor Gates	Proclamations
	Resolution - Second Amendment of Milliken IGA	Sean Chambers	Consent
	Ordinance - Intro - Non-Potable Water Irrigation Master Plan	Sean Chambers	Consent
	Ordinance - Intro - 2022 Budget Adoption - <i>presentation</i>	John Karner	Regular
	UNC Update from Andy Feinstein	Raymond Lee	Regular
	Ordinance - Final - Ratifying and adopting CBA with IAFF Local 888	Maria Gonzalez Estevez	Regular
October 12, 2021 Worksession Meeting	COVID-19 Update	Raymond Lee	0.25
	Recycling Program Feasibility	Paul Trombino	0.50
	2022 CDBG Program Applications Summary	Ben Snow	0.25
	Non-Potable Water Master Plan Overview & Non-Potable Development Policy Update	Sean Chambers	0.50
October 19, 2021 Council Meeting	Ordinance - Second - 2022 Budget Adoption	John Karner	Regular
	Ordinance - Second - Amendments to the GMC regarding Industrial Pre-Treatment	Sean Chambers	Regular
	Ordinance - Second - Non-Potable Water Irrigation Master Plan	Sean Chambers	Regular
	Public Hearing to consider 2022 CDBG Program Applications	Ben Snow	Regular
	Boards & Commissions Appointments	Anissa Hollingshead	Regular

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.