



Planning Commission Remote Meeting Instructions for March 23, 2021 Meeting

In order to comply with all health orders and State guidelines to stop the spread of the COVID-19 Coronavirus, **no physical location, including the City Council Chambers, will be set up for viewing or participating in this meeting.**

Citizen Participation During Hearing

Click the link below to join the virtual meeting. During the public hearing portion, use the Q&A or raised hand features at the bottom of the screen and you will be called upon to speak at the appropriate time.

<https://greeleygov.zoom.us/j/81824697881>

Video Replay on YouTube:

Citizens may also view a video replay of the hearing on the City of Greeley's YouTube Channel <https://www.youtube.com/CityofGreeley>.

Other options for sharing public comments:

E-mail – Submit to cd_admin_team@greeleygov.com

All comments submitted by e-mail will be read into the record at the appropriate points during the meeting in real time. Comments can be submitted up to and throughout the meeting.

Traditional Mail – Planning Commission, 1100 10th Street, Greeley, CO 80631

All written comments must be received no later than the day of the meeting. Written comments received by mail will also be read into the record in real time.

Visit the Planning Commission web page at <https://greeleygov.com/government/b-c/boards-and-commissions/planning> to view and download the contents of the agenda packet. You are also welcome to call the Planning office at 970-350-9780 if you have any other questions or require special accommodations to attend a virtual hearing.



PLANNING COMMISSION

Agenda

March 23, 2021
1:15 p.m.

I. Call to Order

II. Roll Call

III. Approval of minutes for meeting held on March 9, 2021

IV. A public hearing to consider a request to rezone approximately 12.98 acres from R-E (Residential Estate) and H-A (Holding Agriculture) zoning districts to C-H (Commercial High Intensity) zoning district with a DCMP (Development Concept Master Plan) restricting certain land uses from the site

Project Name: 7001 28th Street Rezone
Case No.: ZON2020-0010
Applicant: Faith Tabernacle Church Inc.
Location: 7001 28th Street
Presenter: Caleb Jackson, Planner II

V. A public hearing to consider amending Title 18 (to be re-codified as Title 24) of the Municipal Code regarding household occupancy standards, specifically regarding the number of unrelated adults allowed to comprise a household, as found in the definition of “family” in Appendix 18-B (to be re-codified as Section 24-5)

Project Name: Code Update: Household Occupancy Standards
Case No.: CU2021-0001
Applicant: City of Greeley.
Presenter: Caleb Jackson, Planner II

VI. Worksession: Development Code Update – Chapters 1 and 2 Discussion

Presenter: Carol Kuhn, Chief Planner

VII. Staff Report

VIII. Adjournment

PLANNING COMMISSION MEETING DATES:

Meetings are held on the 2nd and 4th Tuesdays of the month at 1:15 p.m. Agendas are posted at <http://greeleygov.com/government/b-c/boards-and-commissions/planning>.

March 30, 2021 (special meeting)

April 13, 2021

April 27, 2021

May 11, 2021

May 25, 2021

June 8, 2021

June 22, 2021

July 13, 2021

July 27, 2021

Please visit www.greeleygov.com for more information about the City's response to COVID-19 in order to protect public and employee health & safety



PLANNING COMMISSION

Proceedings

March 9, 2021
1:15 p.m.

(Zoom Webinar and viewable on City of Greeley YouTube)

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m.

II. Roll Call

Chair Yeater, Commissioners Andersen, Briscoe, Franzen, Modlin and Schulte were present. (Commissioner Romulo was absent.)

Chair Yeater informed those attending the meeting that Item VI, Growth & Development Report, would be postponed to a future date.

III. Approval of February 23, 2021 Minutes

Commissioner Andersen moved to approve the minutes dated February 23, 2021. Commissioner Briscoe seconded. The motion carried 6-0. (Commissioner Romulo was absent.)

Chair Yeater advised that the next item, Recap of Small-Format Housing and Infill Strategy, had been requested to follow Item V on the agenda and requested a motion. Commissioner Andersen moved that item IV be heard later in the meeting and that item V on the agenda, Household Occupancy Standards, be heard first. Commissioner Schulte seconded. The motion carried 6-0. (Commissioner Romulo was absent.)

IV. Worksession: Household Occupancy Standards

Presenter: Caleb Jackson, Planner II

Caleb Jackson addressed the Commission and noted that staff had received feedback and direction from City Council and he was returning to Planning Commission today for another worksession to discuss the item. He reminded the Commission that the rationale for

addressing the number of unrelated adults who may occupy a residence is part of City Council's priority, "Your Home is Here" as well as the Strategic Housing Plan adopted by Council. Mr. Jackson briefly reviewed topics discussed during a previous worksession. He also reviewed the current household occupancy standards regarding how many unrelated adults may occupy residences in different zone districts. Mr. Jackson summarized the vetting process to date and identified proposed dates for hearings before Planning Commission and City Council.

Mr. Jackson noted some of the commonly shared concerns about increasing the occupancy allowance include parking and an increase in the number of vehicles, property maintenance, overcrowding, density and character of neighborhoods, noise, trash, crime, and property value reduction. He added that those supporting an increase in the allowance cite increased flexibility, privacy, affordability, changing demographics, housing stability and economic development. Mr. Jackson also provided information on what some of the surrounding peer communities are considering to address the issue.

Mr. Jackson reviewed the current code including the definitions of "bedroom" and "family" and noted that the discussion today was to discuss the definition of family and attempt to achieve a consensus and provide direction for City Council. The proposal from staff is to consider the number of unrelated adults who may occupy a dwelling to five unrelated adults, or U+5. He noted the next steps include feedback from Planning Commission, continuing public input, a hearing before Planning Commission and a hearing before City Council. Before continuing, Mr. Jackson stopped to allow a time for any questions by the Commission.

Commissioner Modlin asked what might happen in neighborhoods where a majority of the neighbors oppose an increase in the number of unrelated adults and asked whether a rezone could increase animosity among neighbors. Mr. Jackson stated that in neighborhoods with a homeowner's association (HOA), the HOA can propose more restrictive standards than the City, adding that the HOA would then be responsible for enforcement. He advised that staff is trying to identify a baseline standard for all Greeley neighborhoods.

In the discussion about the number of unrelated adults who may occupy a residence, Commissioner Schulte asked whether staff had considered looking at the number of vehicles rather than the number of individuals. Mr. Jackson responded that he has not seen that done by other communities and noted that limiting the number of unrelated adults also indirectly ties to the number of vehicles. He acknowledged that it is a complicated topic and used the example of a family with several teenagers who each have a vehicle.

Commissioner Andersen echoed the comment by Commissioner Schulte and indicated that she currently resides in the Cranford neighborhood where there is permit parking that is patrolled. She advised that a certain number of stickers are issued per household and that it has been an effective way to address issues with parking on the street. She expressed that it seemed inappropriate for the City to determine the definition of "family."

Upon question by Commissioner Schulte, Mr. Jackson advised that with regard to occupancy standards, unmarried couples are considered unrelated. Brad Mueller, Community Development Director, added that changing demographics is one of the reasons cities are looking at the issue of the number of unrelated adults.

Commissioner Franzen asked how many households are currently out of compliance. Mr. Jackson reported that an exact number is difficult to ascertain as most information is from complaints that are reported. He indicated that there could be several unreported and unknown cases. Upon question by Commissioner Schulte, Mr. Mueller advised that complaints can be generated by neighbors who are aware of the occupancy limits or sometimes as a response to nuisance issues such as noise, parking or trash. He stated that the code change is not being brought forward to address a complaint issue, but instead to establish a base standard, adding that staff does not expect the number of complaints to increase or decrease as a result of the amendment.

There was discussion about how staff arrived at a proposal to increase the standard to U+5. In response to a question by Chair Yeater, Mr. Jackson reported that the City Attorney's Office had reviewed the standard and case law that provided support. Attorney Michael Axelrad addressed the Commission and noted that in one case heard by the U.S. Supreme Court on unrelated individuals determined that local jurisdictions have flexibility in setting standards. He advised that in that case, the limit was set at five, a standard that has been accepted by the courts. He added that it becomes a policy decision; not a legal decision.

Commissioner Schulte provided the example of two couples, each with children, and asked for clarification as to how it would be considered. Mr. Jackson advised that "unrelated" pertains only to unrelated adults, adding that any number of persons related by blood, adoption and the like are allowed. Upon further question by Commissioner Schulte, Mr. Jackson advised that elderly parents living in a home with their children are considered to be related by blood and would be allowed. He added that U+5 would allow up to five unrelated adults plus persons related by blood, adoption or other relationship.

Commissioner Modlin suggested a scenario where a married couple with three children resided with a homeowner. Mr. Jackson reported that under the U+5 proposal, three adults (the homeowner plus the couple) and the children related by blood would be allowed in as small as a two bedroom home.

Commissioner Andersen stated that there were many scenarios and acknowledged that it was not the intent to create a nuisance or flop house situation. She expressed that it seemed City Council was trying to navigate down the middle without impacting homes in residential low density zones, adding that the problems related more to nuisance situations. Mr. Mueller advised that there is no easy answer and that while the number of unrelated adults in a home could relate to nuisance, that is not always the case. He added that amending the code is a way to set expectations for zone districts and neighborhoods.

Commissioner Schulte indicated that City Council seemed amenable to increasing the occupancy limits in residential medium and high density zones, but seemed hesitant to increase the limit in residential low density zone districts. Mr. Mueller agreed that many ideas have been presented with some members remaining open to increasing the number of unrelated adults in residential low density areas, while others do not feel that an increase is necessary.

Upon question by Chair Yeater, Mr. Jackson reported that an HOA can require more restrictive standards than the City and are free to enforce upon those standards. Chair Yeater asked whether the City was privy to HOA standards at the time of development. Mr. Jackson advised that sometimes covenants are in place for staff to review.

Commissioner Briscoe commented that reference had been made to what other cities are doing and asked whether Greeley was following suit and asked what problem the City is trying to solve. He noted an abundance of multi-family housing in Greeley that meets a certain criteria of the housing plan. Mr. Mueller explained that it is likely other cities are looking at occupancy standards as they are experiencing the same issues as Greeley. He added that another way to increase access to housing and another tool for consideration is to open up how much existing housing can be available for higher occupancy.

Commissioner Briscoe noted that purchase of a home is likely the largest investment most people make and that this change could place a burden on existing neighbors to form an HOA if they want to have higher standards. He expressed that he is struggling to find balance as he is not sure that U+1 is the right number, but is not necessarily comfortable with U+5. He understood that it is a nuanced and complex issue, also noting that most of survey results seemed to be against the increase.

Commissioner Andersen observed that the survey included about 100 participants with approximately 60 comments and asked whether it was representative of the entire community. She also noted that Planning Commission seemed to be going over the same ground covered by City Council and perhaps that is how Council came up with using the number of bedrooms as a measurement.

Commissioner Schulte observed that there is a problem to be resolved, noting that since the 1950s each generation has had a harder time securing the type of housing as their parents and noted the difficulty for younger families. He asked whether it might be possible to use a phased-in approach and increase the U+ number over time. Commissioner Franzen favored the idea and added that a bedroom count seemed to fall along the same line. Mr. Jackson requested more direction on the incremental idea and invited other commissioners to express their thoughts. Commissioner Schulte stated that if the ultimate goal is U+5, perhaps start with U+2 now and increase to U+3 in two years, eventually getting to U+5 in a number of years. He asked whether that might alleviate concerns expressed by Commissioner Briscoe as it could exceed the time that owners remain in the same home. Mr. Jackson asked whether that approach was different than a sliding scale based upon the number of bedrooms. Commissioner Schulte indicated that the number of bedrooms could interact or correlate with whatever U+ number is allowed.

Mr. Jackson summarized the comments and asked Commissioners to identify the direction they desired to take forward. Chair Yeater and Commissioner Andersen were in favor of making the change now while Commissioners Franzen, Briscoe and Schulte supported a phased-in approach. Chair Yeater asked about next steps and how the Planning Commission might assist. Mr. Jackson responded that a lot of input had been provided today and staff was trying to get all of the pieces into place as part of the overall code update. He added that staff hoped to bring the matter back for formal consideration soon.

V. Worksession: Recap of Small-Format Housing and Infill Strategy

Presenter: Carol Kuhn, Chief Planner

Carol Kuhn addressed the Commission, provided an update on amendment to the code and summarized worksession discussions with City Council. She introduced Chris Brewster from Gould Evans who provided a presentation about small format housing options.

Mr. Brewster advised that most of the code revision effort is being led by the Imagine Greeley Comprehensive Plan and highlighted some of the issues to be addressed. He noted that small-format housing, including mobile homes, fits into unique places within a community, adding that options could be expanded to include different small-format options such as “tiny homes.”

According to Mr. Brewster, some items under consideration are the allowance of 4500 square foot lots in residential low density zone districts, creating neighborhood lots, enabling courtyard patterns for a range of smaller lot and building formats, and small lot options in residential medium or residential high density areas. Another consideration identified by Mr. Brewster is determining what to do with accessory dwelling units (“ADU”) that are currently allowed in residential high zone areas, adding that a recommendation is to add ADUs in residential low and residential medium zone areas subject to compatibility standards and review.

Mr. Brewster reported that another recommendation is to improve the current residential-mobile home district to expand for other small format housing including “tiny homes” or “laneway housing.” He noted that Council would discuss infill strategies at a worksession this evening and would be looking at six points including frontage (relationship to streetscape), size and setback (actual relationship to adjacent properties), scale and massing (perceived relationship to adjacent properties), design interest (windows, doors, ornamentation, design details), open space (relationship of non-building elements to adjacent properties), and architecture (quality of design). Mr. Brewster presented a table showing the types of homes that could be placed on infill lots.

Commissioner Franzen commended Mr. Brewster on the presentation and work. Chair Yeater agreed and expressed appreciation for the efforts around small lot and infill strategy discussion. Commissioner Andersen noted that the matrix created helps to clarify expectations and helps to identify and address the missing middle. Referencing the earlier discussion about occupancy limits, Chair Yeater asked Mr. Brewster if there was any idea how many bedrooms might be available in a small house and how to consider density in smaller formats. Mr. Brewster advised that it is important to first settle on what types of housing are wanted in a community. He expressed that limiting based on the number of bedrooms is a good option that a lot of cities have not considered. He added that many small-format units are studios or one bedroom with smaller homes being one to two bedrooms.

VI. Worksession: Growth & Development Report

Presenter: Marian Duran, Planner II

Upon question by Chair Yeater, Mike Garrott, Planning Manager, reported that the Growth and Development Report presentation would be provided at the April 13, 2021 meeting. Mr. Mueller indicated that since it is being postponed to a regularly scheduled date and was not a public hearing item, no motion was required to reschedule the presentation.

Ms. Kuhn addressed the Chair and asked whether Commission members would be amicable to scheduling a special meeting on March 30, 2021 for a worksession about place making and urban design. Commissioner Andersen moved to schedule a special meeting on March 30, 2021 for a worksession to discuss downtown sense of place and urban design. Commissioner Franzen seconded. The motion carried 6-0. (Commissioner Romulo was absent.)

VII. Adjournment

The meeting adjourned at 3:07 p.m.

Justin Yeater, Chair

Brad Mueller, Secretary

PLANNING COMMISSION SUMMARY

ITEM: Rezone from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP)

FILE NUMBER: ZON2020-0010

PROJECT: 7001 28th Street Rezone

LOCATION: 7001 28th Street

APPLICANT: Faith Tabernacle Church Inc.

CASE PLANNER: Caleb Jackson, AICP | Planner II

PLANNING COMMISSION HEARING DATE: March 23, 2021

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 18.30.050(c)(3) [to be re-codified as Section 24-625(c)(3)].

EXECUTIVE SUMMARY

The City of Greeley is considering a request by Faith Tabernacle Church Inc. to rezone the property located at 7001 28th Street, plus adjacent right-of-way, from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) (see Attachments A, B, and C).

A. REQUEST

The applicant is requesting approval of a rezone application.

B. STAFF RECOMMENDATION

Approval.

C. LOCATION

Abutting Zoning:

North: H-A (Holding Agriculture)

South: C-H (Commercial High Intensity)

East: H-A (Holding Agriculture)

West: PUD (Planned Unit Development)

Surrounding Land Uses:

North: Undeveloped

South: Hospital

East: Single-Family Dwelling & Undeveloped

West: Undeveloped

Site Characteristics:

The site is situated at the northeast corner of 71st Avenue at 28th Street, near Highway 34 Bypass. The site is developed with a church and manufactured home. The site generally slopes from a high point on the southwest side of the site towards the northeast.

D. BACKGROUND

The subject site is zoned R-E (Residential Estate) Zone District and is developed with a church and manufactured home. Some right-of-way adjacent to the church property is zoned H-A (Holding Agriculture), and is also within the proposed rezone boundary. The site was developed in 2001, prior to annexation. The site was annexed in the 2002 Faith Tabernacle Annexation (ORD 42, 2002) and was zoned R-E at that time (ORD 53, 2002). The applicant is requesting to rezone to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) that restricts most land uses from the site because the applicant intends to continue using the site as a church. Other uses not restricted by the DCMP include telecommunication uses, utility uses, oil and gas extraction, and uses commonly associated with churches such as childcare, preschools, and schools. Any additional uses would require an amendment to the DCMP.

APPROVAL CRITERIA

Development Code Section 18.30.050 [to be re-codified as Section 24-625] Rezoning Procedures

For the purpose of establishing and maintaining sound, stable and desirable development within the City, the rezoning of land is to be discouraged and allowed only under circumstances provided for in this Section [of the Code]. This policy is based on the opinion of the City Council that the City's zoning map is a result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other zoning considerations, and, as such, should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

The review criteria found in Section 18.30.050(c)(3) of the Development Code [to be re-codified as Section 24-625(c)(3)] shall be used to evaluate the zoning amendment application.

- a) **Has 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?**

Staff Comment: The subject area has historically been developed with a mixture of mostly large lot residences and undeveloped parcels. However, the area is steadily developing with commercial uses at nodes along the Highway 34 Bypass, including the new hospital to the south of the subject site. Recently, City Council approved a preliminary planned unit development (Westgate – PUD2019-0014), which includes a commercial area located directly west of the subject site. Rezoning the subject site to C-H is consistent with the developing commercial node around the intersection of Highway 34 Bypass and 71st Avenue.

This request complies with this criterion.

b) Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?

Staff Comment: The site has been zoned R-E since 2002. Given the development trends, the R-E zoning appears obsolete since the area is changing to more commercial in nature.

This request complies with this criterion.

c) Are there clerical or technical errors to correct?

Staff Comment: The request is not regarding the correction of clerical or technical errors.

This criterion is not applicable to this request.

d) Are there detrimental environmental impacts, such as flood plains, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?

Staff Comment: There are no known detrimental environmental conditions existing on site.

This criterion is not applicable to this request.

e) Is the proposed rezoning necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?

Staff Comment: The proposed rezoning is not related to a community use.

This criterion is not applicable to this request.

- f) What is the potential impact of the proposed rezoning upon the immediate neighborhood and the city as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, and pedestrian systems and parks and recreational facilities)?**

Staff Comment: The land use of the subject site is not intended to change, resulting in neither additional noise or environmental impacts nor impacts to City services, pedestrian systems, parks, or recreational facilities. With this rezoning request, there is no anticipated change in use, as the existing church use would continue. The proposed DCMP limits the allowed uses, and any additional uses would require an amendment to the DCMP with analysis of further possible impacts.

The proposal complies with this criterion.

- g) Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with the applicable zoning overlay requirements?**

The following City of Greeley Imagine Greeley Comprehensive Plan policies apply to this request:

Objective GC-2.4 Mixed-Use and Transit-Supportive Development

Promote horizontal and vertical mixed-use development that integrates a variety of housing, commercial, employment, and recreational uses particularly in centers and along corridors identified on the Land Use Guidance map.

Staff Comment: The proposed rezone supports the emerging commercial node at the intersection of Highway 34 Bypass and 71st Avenue, supporting mixed use in this area.

The proposal complies with this criterion.

- h) What is the potential impact of the proposed rezoning upon an approved Zoning Suitability Plan for the property?**

Staff Summary: The site is developed suitably for the proposed zoning.

The proposal complies with this criterion.

E. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

Staff is unaware of any potential hazards that presently exist on the site.

2. WILDLIFE

The subject site is not located in an area identified for moderate or high wildlife impacts. There are no known impacts that would occur to wildlife if the site is rezoned.

3. FLOODPLAIN

The proposed rezone boundary is not located within the 100-year floodplain or floodway, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

4. DRAINAGE AND EROSION

The drainage pattern is expected to largely follow historical patterns. The existing church use would continue. Drainage patterns would be examined in greater detail through any future land use requests.

5. TRANSPORTATION

The subject property is developed with access to 71st Avenue and 28th Street. The site has adequate transportation infrastructure to serve the current use and this would be reevaluated if further development were proposed in the future.

F. SERVICES

1. WATER

Water mains are present in adjacent streets and would be reviewed for adequacy if redevelopment were proposed in the future.

2. SANITATION

Sewer infrastructure is installed along 71st Avenue and would be reviewed for adequacy if redevelopment were proposed in the future or if the existing septic failed.

3. EMERGENCY SERVICES

The subject site is serviced by the City of Greeley Fire and Police. Fire Station #5 is located approximately two miles east of the site and Fire Station #7 is located approximately two miles north of the site.

4. PARKS/OPEN SPACES

No parks or regional open space areas are proposed with this rezone request. Additional parks and open spaces are anticipated with future development of undeveloped parcels in the area.

5. SCHOOLS

The proposed rezone is within Greeley-Evans School District 6. The proposed rezone is not expected to impact the school district.

G. NEIGHBORHOOD IMPACTS

1. VISUAL

The land use on the current site is not expected to change as a result of this rezone. A separate sign permit is being processed for this property which could result in some visual impacts; however, the sign is consistent with commercial signage commonly located in commercial nodes along arterials and highways.

2. NOISE

No noise impacts are anticipated with the rezone request. Any potential noise is regulated by the Municipal Code.

H. PUBLIC NOTICE AND COMMENT

Neighborhood notices were mailed to surrounding property owners on March 5, 2021, per Development Code requirements. Two signs were posted on the site on March 11, 2021. No public comments have been received.

I. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received and the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezone from R-E (Residential Estate) and H-A (Holding Agriculture) to C-H (Commercial High Intensity) with a Development Concept Master Plan (DCMP) meets the applicable Development Code criteria, Section 18.30.050(c)(3) a, b, f, g and h [to be re-codified as Section 24-625(c)(3) a, b, f, g, and h]; and therefore, recommends approval of the rezone to the City Council.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Property Boundary Map

Attachment C – Development Concept Master Plan

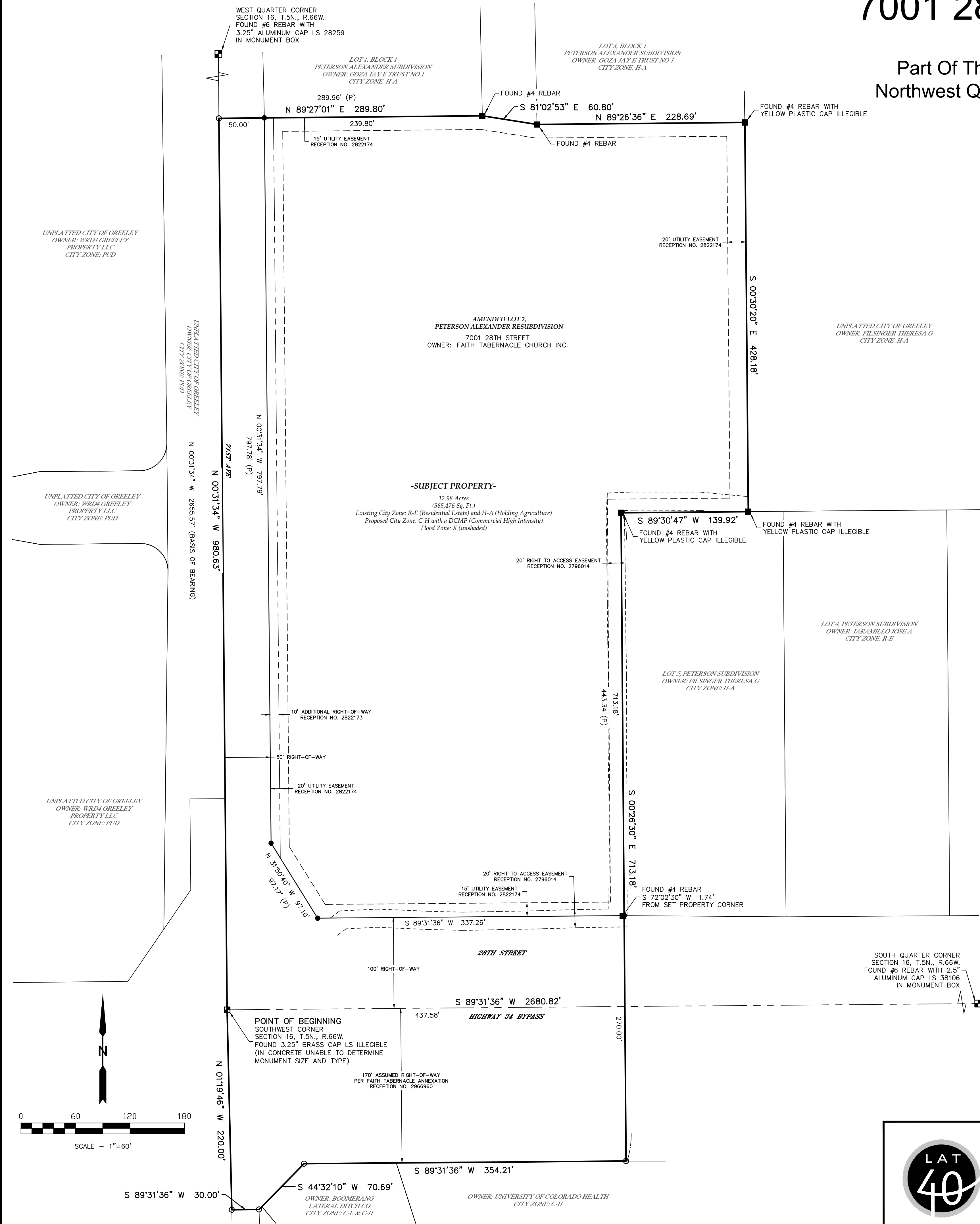
VICINITY MAP



7001 28TH STREET REZONE: ZON2020-0010

PROPERTY BOUNDARY MAP

Part Of The Southwest Quarter Of The Southwest Quarter Of Section 16, and The Northwest Quarter Of The Northwest Quarter Of Section 21, Both Of Township 5 North, Range 66 West Of The 6th P.M., City Of Greeley, County Of Weld, State Of Colorado



LEGEND

---	SECTION LINE
---	BOUNDARY LINE
---	EASEMENT
■	ALIQUOT MONUMENT AS DESCRIBED
■	FOUND MONUMENT AS DESCRIBED
●	SET #4 REBAR WITH YELLOW PLASTIC CAP LS 38479 UNLESS OTHERWISE DESCRIBED
(P)	PLATTED DISTANCE

TITLE COMMITMENT NOTE

This survey does not constitute a title search by Lat40, Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, Lat40, Inc. relied upon Title Commitment Number 20669UTG, dated September 18, 2020 as prepared by Unified Title Company of Northern Colorado LLC was relied upon to delineate the aforesaid information.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the West line of the Southwest Quarter Of Section 16, T.5N., R.66W., as monumented on the South end by a 3.25" brass cap in concrete LS illegible and by a #6 rebar with 3.25" aluminum cap LS 28259 on the North end, as bearing North 00°31'34" West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983, a distance of 2655.57 feet with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

PROPERTY DESCRIPTION

A parcel of land being Amended Lot 2 of the Resubdivision of Lots 2, 3, 4, 5, 6, and 7, Block 1, Peterson Alexander Subdivision S-518, recorded on January 30, 2001 at Reception No. 2822174 within the Records of the Weld County Clerk and Recorder together with adjacent road rights-of-way for 71st Avenue, 28th Street and U.S. Highway 34 Bypass as shown on the Faith Tabernacle Annexation, recorded July 08, 2002 at Reception No. 2966960 within the Records of the Weld County Clerk and Recorder, situate in the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section Sixteen (16), and the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section Twenty-one (21), both of Township Five North (T.5N), Range Sixty-six West (R.66W) of the 6th P.M., City of Greeley, County of Weld, State of Colorado, being more particularly described as follows:

BEGINNING at the Southwest Corner of said section 16 as monumented by a 3.25" Brass Cap LS illegible and assuming the West line of the Southwest Quarter of said section 16 as monumented by a #6 rebar with 3.25" Aluminum Cap LS 28259 at the North end, to bear North 00° 31' 34" West being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983, a distance of 2655.57 feet with all other bearings contained hereon relative thereto:

The lineal dimensions as contained herein are based upon the U.S. Survey Foot.

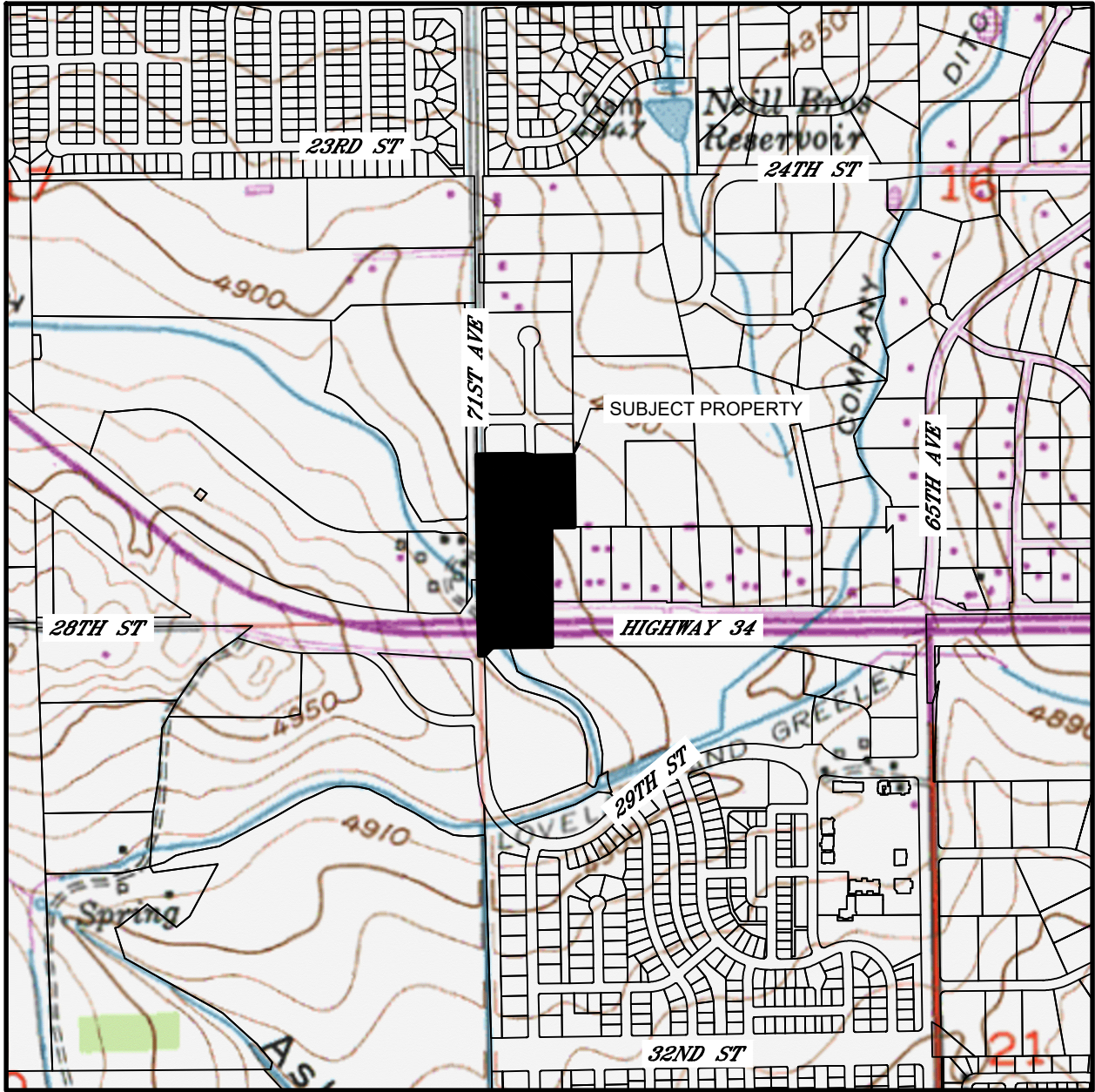
Thence along said Westerly extension of the North line and along the North and East line of said Amended Lot 2 and along the Southerly extension of the East line of said Amended Lot 2 the following Six (6) courses and distances;

THENCE North 00°31'34" West along said West line of the Southwest Quarter a distance of 980.63 feet to the Westerly extension of the North line of said Amended Lot 2;
THENCE North 89°27'01" East a distance of 289.80 feet;
THENCE South 81°02'53" East a distance of 60.80 feet;
THENCE North 89°26'36" East a distance of 228.69 feet;
THENCE South 00°30'20" East a distance of 428.18 feet;
THENCE South 89°30'47" West a distance of 139.92 feet;
THENCE South 00°26'30" East a distance of 713.18 feet to the approximate Southerly Right-Of-Way line of Highway 34 as delineated within said Faith Tabernacle Annexation;

Thence along said approximate Southerly Right-Of-Way line of the Highway 34 the following Three (3) courses and distances;

THENCE South 89°31'36" West a distance of 354.21 feet;
THENCE South 44°32'10" West a distance of 70.69 feet;
THENCE South 89°31'36" West a distance of 30.00 feet to the West line of the Northwest Quarter of the Northwest Quarter of said Section 21;
THENCE North 01°19'46" West along said West line of the Northwest Quarter of the Northwest Quarter a distance of 220.00 feet to the **POINT OF BEGINNING**;

Said described parcel of land contains 12.98 acres, more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.



VICINITY MAP

SCALE: 1"=1000'

SURVEYOR'S STATEMENT

I, Jason S. Allee, a Colorado Licensed Professional Land Surveyor, do hereby state that this Plat of ZON2020-0010 7001 28th street rezone, PROPERTY BOUNDARY MAP was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon was found or set as shown, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.

PRELIMINARY

Jason S. Allee--On behalf of Lat40°, Inc.
Colorado Licensed Professional
Land Surveyor No. 38479



Lat40°, Inc.
Professional Land Surveyors
6250 W. 10th Street, Unit 2
Greeley, CO 80634
O: 970-515-5294

DATE: 2/15/2021	FILE NAME: 2020299REZ	DRAWN BY: MJW	CHECKED BY: JA	SCALE: 1"=60'	PROJECT #: 2020299
REVISIONS:	DATE:	PROPERTY BOUNDARY MAP FOR JAZK ENTERPRISES INC			
CITY COMMENTS FROM 2/18/2021	2/24/2021				
CITY COMMENTS FROM 2/12/2021	2/15/2021				
CITY COMMENTS FROM 1/19/2021	2/12/2021				

1

SHEET 1 OF 1

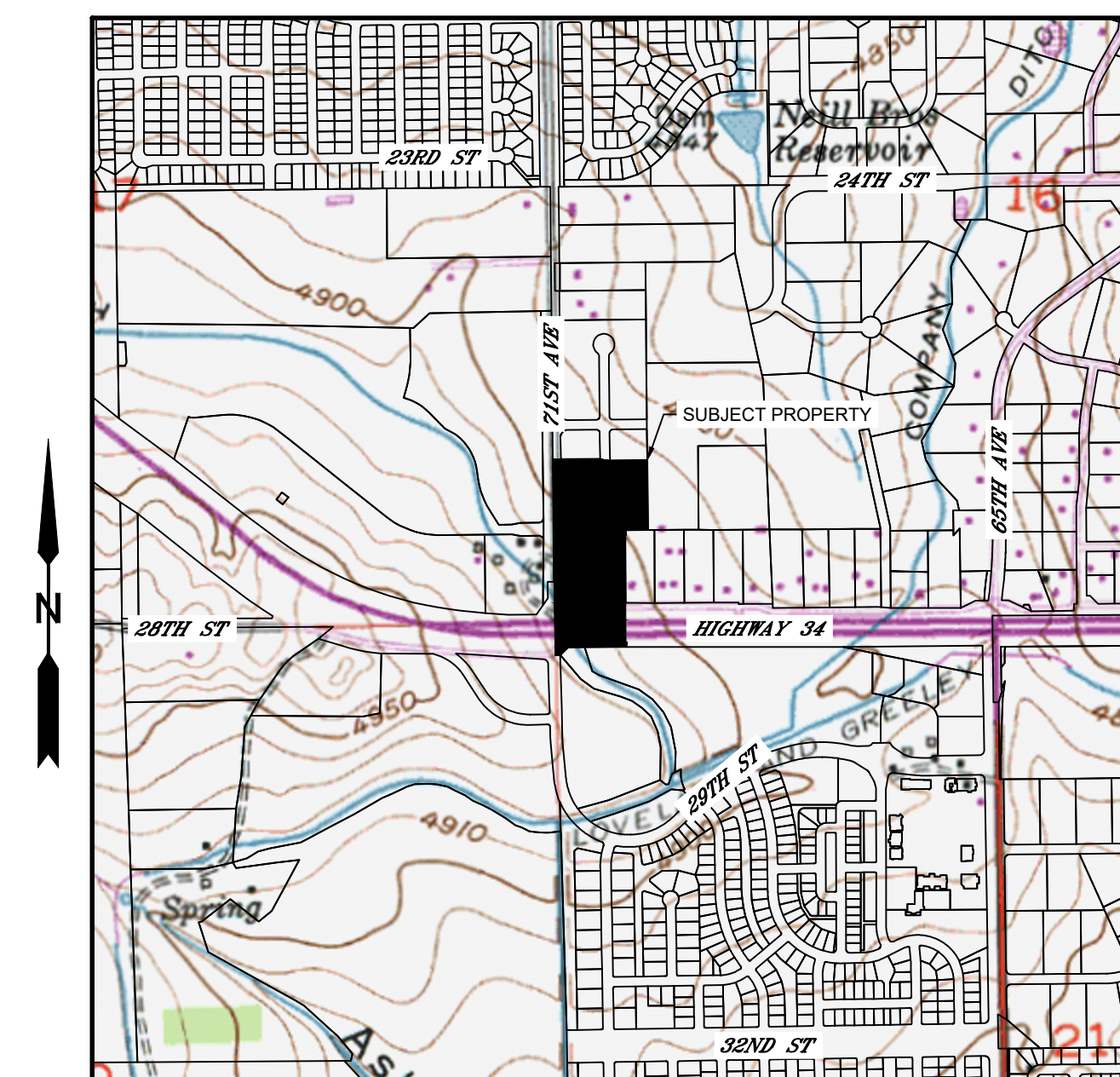
7001 28TH STREET REZONE: ZON2020-0010

DEVELOPMENT CONCEPT MASTER PLAN

Part Of The Southwest Quarter Of The Southwest Quarter Of Section 16, and The
Northwest Quarter Of The Northwest Quarter Of Section 21, Both Of Township 5 North,
Range 66 West Of The 6th P.M.,
City Of Greeley, County Of Weld, State Of Colorado

LEGEND

- _____ SECTION LINE
 _____ BOUNDARY LINE
 - - - - - EASEMENT
 ■ ALIQUOT MONUMENT AS DESCRIBED
 ■ FOUND MONUMENT AS DESCRIBED
 SET #4 REBAR WITH
 ● YELLOW PLASTIC CAP L/S 39479
 UNLESS OTHERWISE DESCRIBED
 (P) PLATTED DISTANCE



VICINITY MAP
SCALE: 1"=1000'

DEVELOPMENT CONCEPT MASTER PLAN
C-H ZONE DISTRICT USES RESTRICTED FROM THIS SITE:

Land Uses

Residential

- Farming
- Mixed-use (must include residential)
- Secondary Dwellings
- Single-family Dwellings
- Two-family Dwellings
- Multi-family Dwellings
- Townhouse Dwellings
- Boarding & Rooming Houses, Dormitories, Fraternities, Sororities, Group Quarters, SRO's
- Group Homes (8 or less residents)
- Group Home, Elderly (No More Than 8 Residents)

Institutiona

- Cemeteries, Columbarium
- Emergency Shelters, Missions
- Hospitals
- Libraries, Museums, Public or Quasi-public
- Intermediate and Long-Term Care, Assisted Living Units
- Police/Fire Stations, Ambulance Dispatch and Storage
- Schools - Adult (Business, Trade)
- Group Homes (more than 8 residents)
- Universities/Colleges

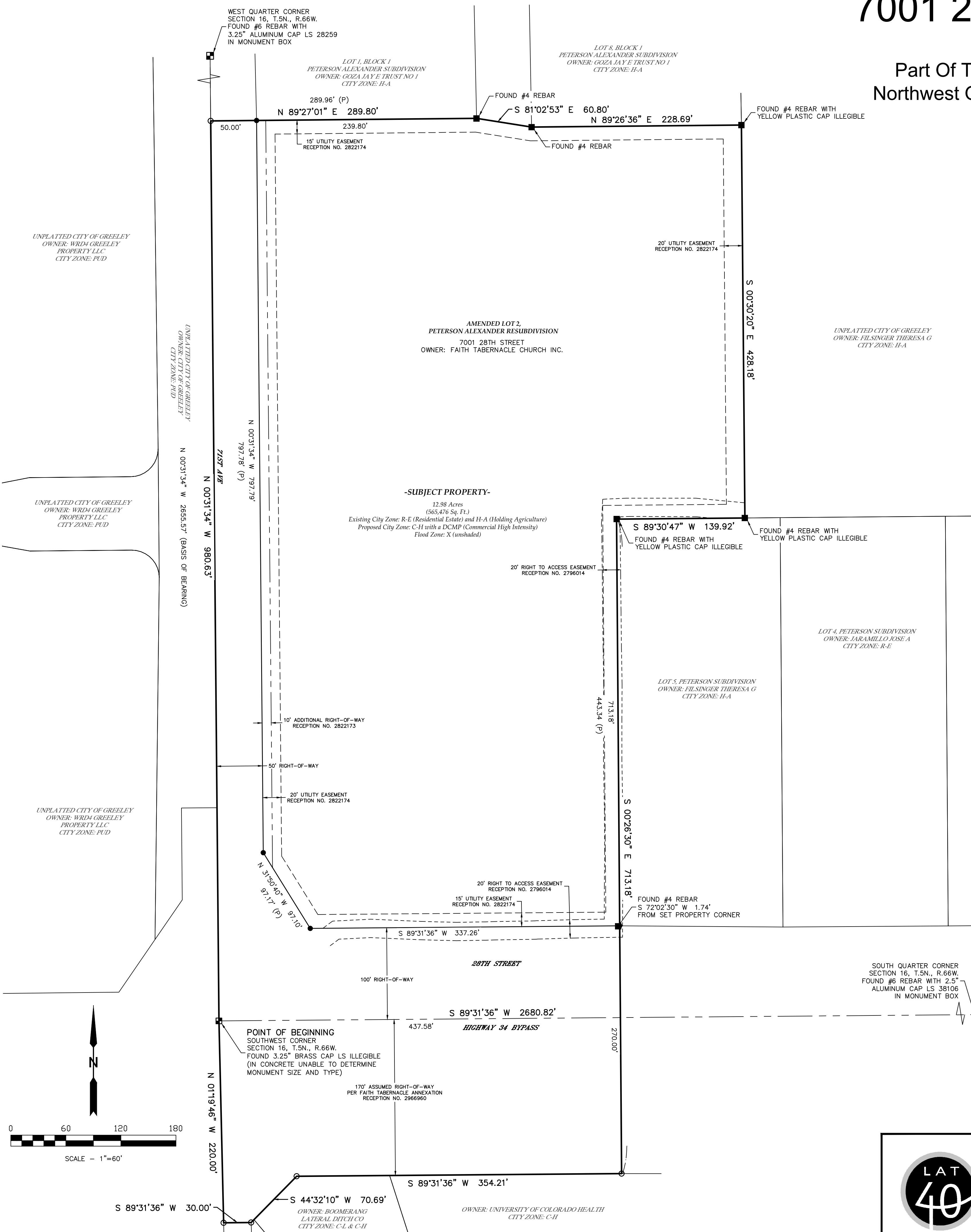
Commercia

- Kennels
- Pet Stores
- Pet grooming shops
- Veterinary Clinic
- Art, Dance, Photo Studios, Galleries
- Auto Rental
- Car & Truck Wash
- Towing Services
- Banks, Savings & Loans, Financial Institutions, ATM's, Drive-up Windows
- Bars, Taverns, Nightclubs, Lounges
- Bingo Halls & Parlors
- Brew Pubs
- Food and beverage processing facility (minor)
- Builders/Contractors Supply Offices & Yards
- Cleaning & Janitorial Services
- Dry Cleaning
- Emission Testing Centers
- Exterminating Shops
- Auto Repair, Sales
- Convenience Stores with Gas Sales
- Gas Stations
- Gas Stations with Repair, Lube & Tire Shops - including underground fuel
- RV and Travel Trailer Parks
- Recreation vehicle/equipment, boat and personal vehicle storage
- Golf Courses, Country Clubs, Driving Ranges
- Miniature Golf

- Laundromats
- Hotels, Motels
- Medical/Dental Offices & Clinics, Massage Therapists, Medical Supply Sales & Retail
- Mortuaries, Funeral Homes
- Nurseries, Greenhouses, Garden Shops
- Offices
- Parking Lots & Structures
- Pawn Shops
- Personal Service Shops (Beauty, Barber, Tanning & Nail Salons, Shoe Repair)
- Printing, Copying Shops, Mail Centers
- Radio/TV Stations
- Bed and Breakfast
- Community Recreation Buildings
- Indoor/Outdoor Extensive (Skating Rinks, Bowling Alleys, Video Arcades, Riding Clubs, Tennis Courts, etc.)
- Outdoor Intensive (Go Cart Tracks, Bumper Cars, etc.)
- Membership Clubs, Health Clubs, Martial Arts Studios
- Open Space
- Park (pocket)
- Park (neigh)
- Park (comm/reg)
- Rental Service (Equipment, Small Tools, Supplies, Appliances, Home Furnishings)
- Repair Shops
- Restaurants, Cafes & Other Eating Establishments (Including Outdoor Seating/Eating Areas/Drive-in/Drive-thru/Drive-up)
- Retail Sales
- Theater (Indoor/Drive-in)
- Train, Shuttle, Bus Depots
- Upholstery Shops
- Outdoor - Auditoriums, Sports Arenas, Stadiums
- Theme or Amusement Parks, Zoos, Aquariums
- Self Serve Storage Units
- Entertainment Establishment

Industrial

- Newspaper & Publishing Plants, Binderies
- Research & Testing Labs
- Recycling Centers



Lat40°, Inc.
Professional Land Surveyors
6250 W. 10th Street, Unit 2
Greeley, CO 80634
O: 970-515-5294

DATE: 2/15/2021	FILE NAME: 2020299REZ	DRAWN BY: MJW	CHECKED BY: JA	SCALE: 1"=60'	PROJECT #: 2020299
REVISIONS:	DATE:	DCMP FOR JAZK ENTERPRISES INC			
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Planning Commission Continuance Memo

Date: March 23, 2021
To: City of Greeley Planning Commission
From: Caleb Jackson, AICP | Planner II
Project: Household Occupancy Standards
Case #: CU2021-0001
Department: Community Development / Planning

Staff is requesting a continuance for Item V regarding Code Update: Household Occupancy Standards (CU2021-0001) to allow additional time to collect further input and revise the recommended code update.

Proposed Motion:

I move that the Planning Commission continue Item V for consideration of a code update regarding household occupancy standards, case number CU2021-0001, to the regular Planning Commission meeting on April 27, 2021.



Planning Commission Memorandum

Date: March 23, 2021
To: Planning Commission
From: Carol Kuhn, AICP, Chief Planner
Through: Mike Garrott, AICP, Planning Manager
RE: Development Code Update – Worksession – Chapters 1 & 2 Highlights – Project Number: CU2020-0002

At the December 15, 2020 Planning Commission (PC) worksession, Planning staff and Chris Brewster with Gouldevans presented information related to Housing and Neighborhoods, including “Missing” Middle Housing Types, Small-Format Housing, and Infill Strategies. The broader topic of “Housing & Neighborhood Policies” was divided into smaller segments for Council worksessions. Since the December PC worksession, staff has conducted three in-depth discussions with City Council: “Missing” Middle Housing Types (January 12, 2021), Small-Format Housing (February 23, 2021), and Infill Strategies (March 9, 2021).

On March 9th, staff also conducted a worksession with Planning Commission regarding Infill Strategies. Planning Commission and Council provided feedback and direction regarding the proposed infill strategies which would create the criteria to allow an infill project to “fit” into a neighborhood by evaluating it based on:

- **Frontage** – *the relationship of the building and site to the streetscape*
- **Size & Setback** - *the actual relationship of the building to adjacent property.*
- **Scale & Massing** - *the perceived relationship of the building to adjacent property*
- **Design Interest** - *windows, doors, ornamentation, design details*
- **Open Space** - *the relationship of non-building elements to adjacent property*
- **Architecture** - *the quality of design and the compatibility of a particular style*

Topic #1: Frontage Design

- Increase options with more “frontage types”
- Specify eligible types by context
- Increase administrative flexibility to tailor types to a block-specific context

Topic #2: Building Design

- Reduce complexity and use more subjective and basic design elements
- Simplify application to groups of building types
- Focus more objective, style-neutral form and facade standards.

Topic #3: Open Space Design

- Simplify “Neighborhood Identity Feature” menu options
- Refine lot-scale open space to specific building types
- Improve coordination between public, common and lot open space types

Council supported staff’s direction on the above infill strategies.

In addition to these Track III more substantive changes, staff has been working on the other two Tracks as well. The project has been broken into three tracks:

Track I	Non-substantive changes for organization and improved usability.
Track II	Non-policy technical changes and coordination with other city policies and documents.
Track III	Substantive changes called for in the Comprehensive Plan, that need broader input and direction.

The Track III changes also require input from the Advisory Committee, Planning Commission, and City Council and staff has met with the Advisory Committee on December 14, 2020 (Missing Middle) and February 24, 2021 (Recap and Small-Format) and March 10, 2021 (Infill Strategies).

As part of the Track I & II changes, staff has been working with the consulting team to draft code language. The purpose of this worksession with the Planning Commission is to discuss the highlights of the proposed revisions to Chapters 1 & 2. The draft of Chapter 1 – Provisions includes updates to the interpretation, administration, and enforcement of the Development Code and includes the following sections:

Chapter 1 – Provisions

- Section 1.01 Overview
- Section 1.02 Interpretation
- Section 1.03 Administration
- Section 1.04 Enforcement
- Section 1.05 Nonconformities

The draft of Chapter 2 includes updates and revisions to the various application types and processes and includes the following sections:

Chapter 2 – Procedures

- Section 2.1 General – All Applications
- Section 2.2 Minor Subdivision
- Section 2.3 Major Subdivision
- Section 2.4 Rezoning
- Section 2.5 Planned Unit Development
- Section 2.6 Use by Special Review
- Section 2.7 Site Plan
- Section 2.8 Alternative Compliance
- Section 2.9 Variance

Section 2.10 Appeals of Administrative Decision
 Section 2.11 Code Amendments
 Section 2.12 Vacation and Dedication of Easements
 Section 2.13 Vacation and Dedication of Right-of-way
 Section 2.14 Annexation

A draft of Chapter 1 has been included with this memo. Staff anticipates bringing Chapter 1 to the Planning Commission for a recommendation on April 13, 2021. Planning Staff is working through Chapter 2 with the Technical Committee members and anticipates bringing Chapter 2 to the Planning Commission for a recommendation to Council on June 8, 2021. Other chapters will be discussed with Planning Commission and Council at upcoming worksessions, as outlined in the schedule below:

Chapter(s)	PC Worksession	CC Worksession	PC Hearing	CC Hearings
Ch 1 - Provisions	March 23, 2021	-----	April 13, 2021	May 4, 2021 (1 st) May 18, 2021 (2 nd)
Ch 2 - Procedures	March 23, 2021	April 13, 2021	May 11, 2021	June 1, 2021 (1 st) June 15, 2021 (2 nd)
Ch 7 – Access & Parking Ch 8 – Landscape & Site Design Standards Ch 9 – Signs Ch 10 – Special Purpose Districts & Areas Ch 11 – Supplemental Standards	April 27, 2021	April 27, 2021	June 8, 2021	July 6, 2021 (1 st) July 20, 2021 (2 nd)
Ch 3 – Subdivision Standards Ch 4 – Zoning Districts & Uses Ch 5 – Neighborhood Development & Design Standards Ch 12 – Definitions + Cleanup of Tracks I & II	June 22, 2021	June 22, 2021	August 10, 2021	September 7, 2021 (1 st) September 21, 2021 (2 nd)

Attachments:

Attachment A – Draft Table of Contents – Entire Development Code

Attachment B – Section Map for Chapter 1

Attachment C – Draft Chapter 1

Chapter 1. General Provisions

- 1.01 Overview
- 1.02 Interpretation
- 1.03 Administration
- 1.04 Enforcement
- 1.05 Nonconformities

Chapter 2. Procedures

- 2.01 General – All Applications
- 2.02 Minor Subdivision
- 2.03 Major Subdivision
- 2.04 Rezoning
- 2.05 Planned Unit Development
- 2.06 Use By Special Review
- 2.07 Site Plan
- 2.08 Alternative Compliance
- 2.09 Variance
- 2.10 Appeal of Administrative Decision
- 2.11 Code Amendment
- 2.12 Vacation & Dedication of Easements
- 2.13 Vacation & Dedication Right-of-way
- 2.14 Annexation

Chapter 3. Subdivision Standards

- 3.01 Streets
- 3.02 Open and Civic Spaces
- 3.03 Blocks & Lots
- 3.04 Required Improvements
- 3.05 Adequate Public Facilities

Chapter 4. Zoning Districts & Uses

- 4.01 Zoning Districts
- 4.02 Allowed Uses
- 4.03 Accessory Uses
- 4.04 Specific Use Standards
- 4.05 Special Purpose Districts

Chapter 5. Neighborhood Development & Design Standards

- 5.01 Intent & Applicability
- 5.02 Residential Building Type Development Standards
- 5.03 Neighborhood Design Standards
- 5.04 Character Overlay
- 5.05 Small Format and Manufacture Housing Plans

Chapter 6. Nonresidential Development & Design Standards

- 5.01 Intent & Applicability
- 5.02 Nonresidential Building Type Development Standards
- 5.03 Open Space Design
- 5.04 Building & Frontage Design

Chapter 7. Access & Parking Standards

- 7.01 Intent & Applicability
- 7.02 Access & Circulation
- 7.03 Required Parking
- 7.04. Parking Design
- 7.05 Loading Areas
- 7.06 Alternate Access & Parking

Chapter 8. Landscape & Site Design Standards

- 8.01 Intent & Applicability
- 8.02 Landscape Design
- 8.03 Buffer & Screening Design
- 8.04 Plant Specifications
- 8.05 Alteration, Replacement & Removals
- 8.06 Fences & Walls

Chapter 9. Signs

- 9.01 Intent & Applicability
- 9.02 Exempt Signs
- 9.03 Prohibited Signs
- 9.04 Standards Applicable to All Signs
- 9.05 Specific Sign Allowances
- 9.06 Historic Signs
- 9.07 Nonconforming Signs
- 9.08 Sign Measurements & Interpretation
- 9.09 Relief From Standards
- 9.10 Sign Chart

Chapter 10. Special Purpose Districts and Areas

- 10.01 Floodplain Overlay District
- 10.02. Airport Overlay District
- 10.03. Historic Preservation
- 10.04. Conservation District
- 10.05 Areas of Ecological Significance
- 10.06 Character Overlay (if not in Chapter 5)
- 10.7 Downtown General Improvement District (if not in Chapter 6)

Chapter 11. Supplemental Standards

- 11.01 Wireless Communication Facilities
- 11.02 Oil & Gas
- 11.03 Adult Uses
- 11.04 Marijuana Uses
- 11.05 Hillside Development Standards (if not in Chapter 5)

Chapter 12 Definitions & Terms

- 11.01 Description of Uses
- 11.02 Glossary of Architecture & Design Terms
- 11.03 Definitions

DRAFT

CHAPTER 1 GENERAL PROVISIONS: SECTION MAP		
Current Standards	Reorganized	Comment
18.04.010 Purpose and intent 18.10.020 Purpose and intent	1.01.D Overview; Purposes (entire code)	Generalized some for applicability to entire code, and to better link statutory authority to comp plan policies. (other topics from here will appear in the Intent sections of specific chapters and sections) Emphasized some of the “big picture” urban design aspects of subdivision regulations and zoning – street networks, open and civic space system, block and lot structure – beyond just uses and districts. Begin to establish the hierarchy of guiding and advisory language to be used throughout the entire code: - Purposes – broad policy, entire code - Intent – general principles, specific sections and topics - Design Objectives – desired outcomes, specific techniques
18.04.110 Definitions 18.12.030 Definitions	Chapter 12 Definitions	
18.04.120 Application and jurisdiction of regulations 18.10.030 Application 18.22.030 Jurisdiction (variances)	1.01.C. Jurisdiction	
18.04.130 Variances	2.09 Variances	Moved to procedures chapter [Note: need to be aware of the difference in criteria between a “statutory variance” (applicable to zoning only by statute), and other exceptions or deviations that may apply and/or deviations for non-zoning standards like subdivisions.]
18.04.1310 Violations and penalties 18.14.040 Violations, sanctions and remedies 18.36.120 Fines and penalties	1.04 Enforcement	This section should cover entire code and not be repeated in individual chapters, sections or sub-sections.
18.04.1400 Severability 18.36.170 Severability clause	1.01.E. Overview; Severability	
18.10.010 Short title	1.01.A. Overview; Title	
18.10.040 Fees	2.01.A.1 General – All Applications; Fees	Moved to Chapter 2 with procedures.
18.12.020 Interpretations	1.02 Interpretation	Broadened to cover a range of interpretation issues and used to set up a “plain language” drafting style; many elements of “legalese” and qualifying language can be eliminated from the rest of the code due to this section.
18.14.020 General provisions	deleted or generally addressed in 1.01 Overview and 1.02 Interpretation	
18.14.030 Review authorities 18.22.020 General provisions (variance chapter) 18.35.040 Historic Preservation Commission; establishment and duties	1.03 Administration	Organized the establishment of all review bodies to one section (ZBA and HPC moved here)
18.58.010 Purpose and intent	1.05.A. Nonconformance’s, Intent	
18.58.020 Application	n/a	ineffective statement, incorporated into other substantive standards)
18.58.030 Definitions	Chapter 12 Definitions	
18.58.040 Nonconforming uses	1.05.B Nonconformities, Nonconforming Uses	

CHAPTER 1 GENERAL PROVISIONS: SECTION MAP		
Current Standards	Reorganized	Comment
18.58.050 Nonconforming sites, buildings, and structures	1.05.C. Nonconformities, Nonconforming Structures; 1.05.D Nonconformities, Nonconforming Site Conditions; 1.05.E. Nonconformities, Nonconforming Lots	
18.58.055 Nonconforming uses in nonconforming sites, buildings and structures	1.05.B. Nonconformities, Nonconforming Uses	
18.58.060 Variances	n/a; addressed in 2.08	
18.58.070 Abandonment or reduction of use	1.05.B. Nonconformities, Nonconforming Uses	
18.58.080 Restoration	1.05.C. Nonconformities, Nonconforming Structure	
18.58.090 Certificates of nonconforming use	n/a but 1.05.F. Nonconformities; Burden of Proof	Removed section because not the current practice; but did not the CDD will issue permits if requested as part of applicants / owners burden of proof to establish legal non-conforming situation.
18.58.100 District changes	n/a;	ineffective section
18.58.110 Procedural nonconformity	n/a;	distinct issue from legal non-conformities
18.58.120 Annexation of nonconforming uses, buildings and structures	1.05.G Nonconformities; Specific Nonconforming Situations	See comment below. (Related section in 2.04 regarding rezoning procedures and conditions associated with rezoning)
18.58.130 Amortization of nonconforming animal confinement uses	1.05.G Nonconformities; Specific Nonconforming Situations	Generalized to address other situations, including criteria and the ability to amortize things beyond feed lots; as well as the ability to grandfather" existing used beyond protections given in Nonconformities section (typically occurs with annexations)



Chapter 1. General Provisions

Section 1.01	Overview
Section 1.02	Interpretation
Section 1.03	Administration
Section 1.04	Enforcement
Section 1.05	Nonconformities

Section 1.01 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 **[effective date.]**. 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 2.02. 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 2.02, 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 elect to enforce the violation according to the most directly applicable of the previous standards or the standards of this code.

Section 1.02 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.

Section 1.03 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.
- B. **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.
- C. **Mayor & City Council.** The Mayor and 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 Mayor and City Council shall have the appeal authority and final decision authority referred to the Mayor and City Council under the procedures and standards of these regulations.
- D. **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.
- E. **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 10.03

- 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 10.03, Historic Preservation.

Section 1.04 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.

Section 1.05 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 consider and authorize a change to a lesser nonconforming 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 nonconforming 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 not meeting 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 exceed 50% of the replacement value of the structure shall be permitted.
 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 cost of improvement or restoration is 50% or more 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 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 investment is greater than 50% of the replacement value of the site for 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 2.03 or 2.04. 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. **Amortization.** 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 amortized to reduce the rights of the nonconforming situation to less than permitted by this section. Any amortization 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.