

Greeley City Council Agenda

Regular Meeting
Tuesday, May 21, 2024 at 6:00 PM

City Council Chambers at City Center South, 1001 11th Avenue, Greeley, CO 80631
via Zoom at: <https://greeleygov.zoom.us/j/83020598460>

NOTICE:

City Council Meetings 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](https://www.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 <https://greeleyco.portal.civicclerk.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 before Noon on the day of the meeting 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

Deb DeBoutez - Ward II

Johnny Olson - Ward III

Dale Hall - Ward IV

Brett Payton - At-Large

Melissa McDonald - At-Large



City Council Regular Meeting Agenda

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

via Zoom at: <https://greeleygov.zoom.us/j/83020598460>

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. A motion to approve the City Council Meeting Proceedings of April 16, 2024, and City Council Work Session Proceedings of April 23, 2024
 10. A motion to cancel the July 2, 2024 Council Meeting
 11. A resolution authorizing the City to adopt the revised City of Greeley Investment Policy
 12. Introduction and first reading of an ordinance amending Title 24 of the Greeley Municipal Code relating to an affordable housing parking reduction

End of Consent Agenda

13. Pulled Consent Agenda Items
14. Public hearing and second 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 2023
15. Appointments to Boards and Commissions
16. 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 any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances
17. Scheduling of Meetings, Other Events
18. Adjournment



Council Agenda Summary

Title:

Recognitions and Proclamations

Summary:

Mayor Gates will present a proclamation:

- National Travel and Tourism Week

Introductions:

- Director Information Technology - Nick Hoyle
- Director of Human Resources - Martha Lanaghen
- Assistant City Manager Community Resilience and Vibrancy - Kelli Johnson

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

Attachments:

National Travel and Tourism Week Proclamation

Item 5 – What's Great About Greeley Presentation



National Travel & Tourism Week

WHEREAS, travel and tourism has a positive effect on Greeley, Colorado, impacting business productivity, economic growth, the workforce, and our image nationally; and

WHEREAS, visitors attending large events and concerts in Greeley experience enhanced well-being and contribute to the vibrant cultural and social fabric of the community; and

WHEREAS, travel spending supports vibrant and safe communities, and within the U.S. provides significant economic benefits for the nation, which produced an economic footprint of \$2.6 trillion in 2022, with \$160 billion in total tax revenue, including \$84 billion in state and local tax revenue; and

WHEREAS, travel is among the largest private-sector employers in the U.S., supporting over 15 million jobs in 2022; and

WHEREAS, Greeley welcomed over half a million visitors last year, contributing significantly to the local economy. Tourism and visitors to Greeley and Weld County brought in nearly \$432 million generated by direct travel spending in 2022; and

WHEREAS, meetings, events and incentive travel are core business functions that help companies strengthen business performance, educate employees and customers and reward business accomplishments, which in turn boosts the U.S. economy;

WHEREAS, leisure travel, which accounts for more than three-quarters of all trips taken in the U.S., spurs countless benefits to travelers' health and wellness, creativity, cultural awareness, education, happiness, productivity, and relationships; and

WHEREAS, welcoming visitors from near and far always has been, and always will be, the enduring ethos of the travel industry and Greeley; and

WHEREAS, visitorship matters to Greeley and Weld County, NOW, THEREFORE, I, John Gates, by virtue of the authority vested in me as Mayor of the City of Greeley, do hereby proclaim May 19- May 25, 2024, as *National Travel and Tourism Week* in Greeley, and urge residents of Greeley to join me in this special observance.

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 May 2024.

John Gates
Mayor



City Council Meeting
May 21, 2024

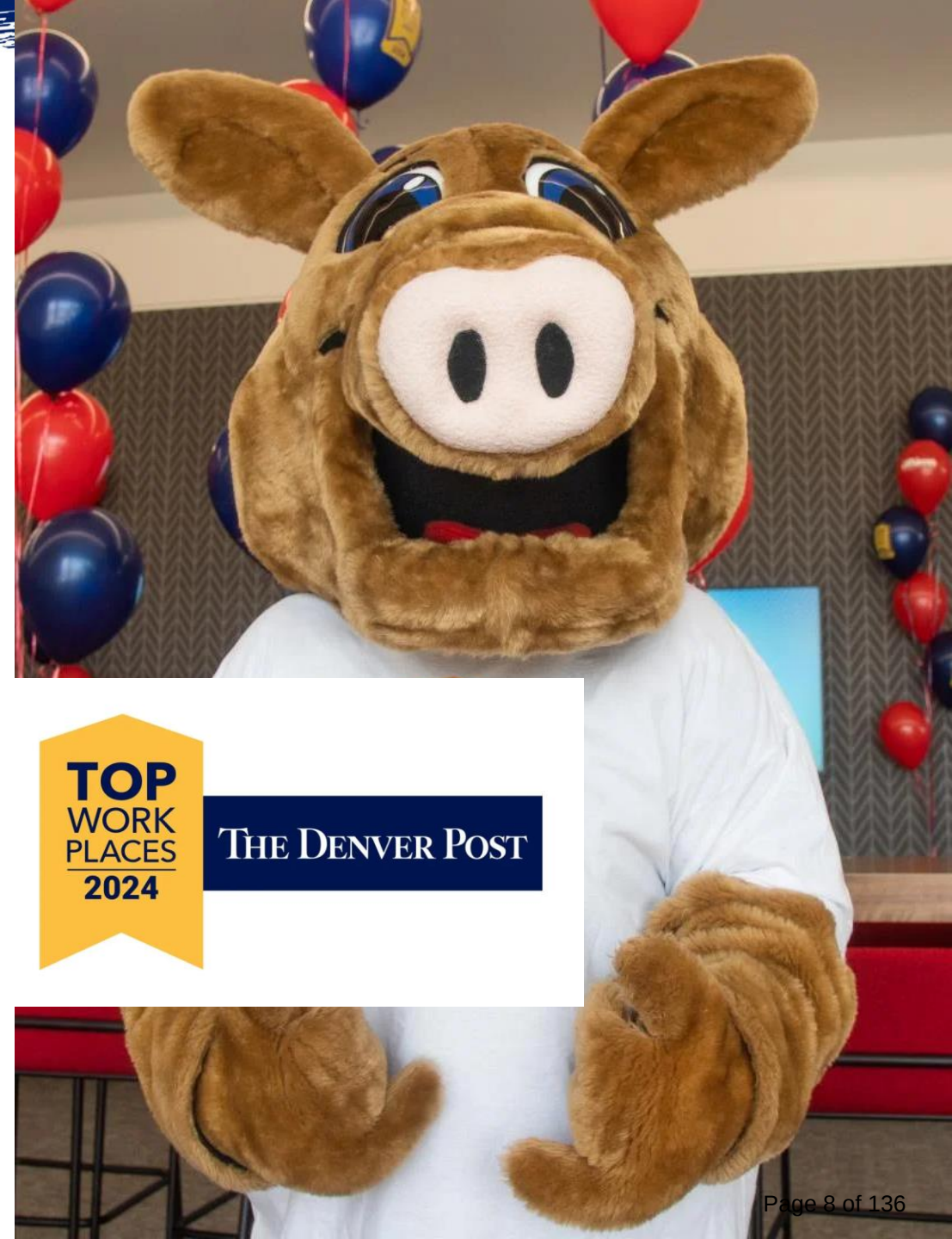
An aerial photograph of a city, likely Denver, with a large white banner overlaid in the center. The banner has a torn, paper-like edge. The background shows a vast cityscape with green trees, buildings, and parking lots, leading up to a range of mountains under a clear sky.

***In all ways, we will transmit
this City not only, not less, but
greater and more beautiful than
it was transmitted to us.***

- Athenian Oath

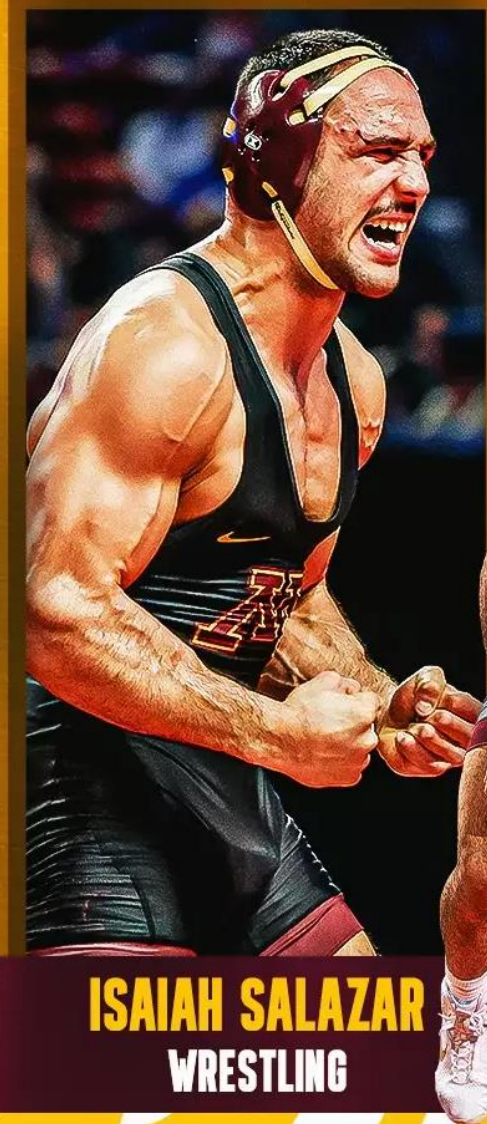
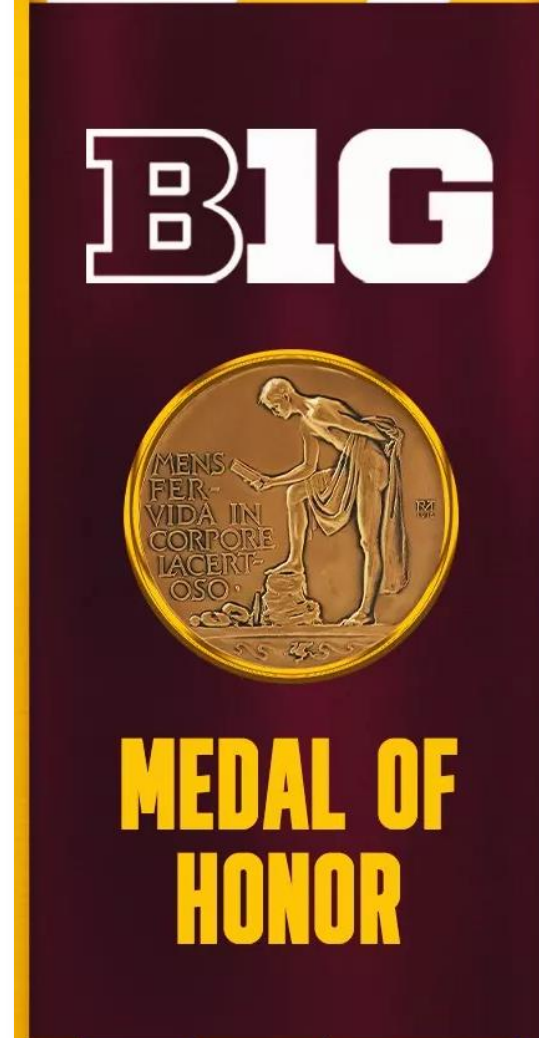
Aims Community College Named a Top Workplace 2024 by The Denver Post

- Aims has been recognized with the award four times.



Greeley's Isaiah Salazar Awarded the Big Ten Medal of Honor

- Award honors top female and male student-athletes
- Only 28 earn prestigious award each year



ISAIAH SALAZAR
WRESTLING

Principal Dr. Dawn Krueger Recipient of the Gradient Learning School Leader of the Year Award

- Heath Middle School Principal
- She is one of two recipients of the award



UNC Women's Softball Claims Second-Straight Big Sky Conference Tournament Championship

- Headed to the NCAA Division I Softball Tournament for the second time in a row.
- Amailee Morales named MVP of tournament







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.

Attachments

Endorsement Letter for 2024 CML Board

May 21,2024

CML Nominating Committee
1144 Sherman Street
Denver, Colorado 80203
VIA EMAIL

Dear Committee Members:

The City Council for the City of Greeley endorses the application of Dale Hall, Mayor Pro Tem for nomination to the Colorado Municipal League's Executive Board for the slate of nominees who are to be voted on by the membership at the 2024 CML Annual Business Meeting.

Sincerely,

John Gates
Mayor
City of Greeley



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	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council	•Next grant application expected May 2023	•The RAISE grant was submitted on February 28, 2024. Discussions continue with CDOT for next steps in the process	Paul Trombino
03-2023	Butler	Campaign Contribution Limits	February 7, 2023 Council Meeting	•Presented at Nov 28 Work Session	•Intro/1st Rdg Ordinance scheduled for July 16, 2024. Council Meeting; 2nd Rdg Ordinance scheduled for August 6, 2024.	Stacey Aurzada/ Heidi Leatherwood
04-2023	Hall	Pumpkin Ridge - Bridge	March 7, 2023 Council Meeting	•PW report provided to Council on March 24, 2023. Neighborhood meeting planned on June 29, 2023. •Included Raymond's 9/1/2023 Council Update	•Survey complete, will reach 60% design by end of May. Still on track for construction by end of year.	PW
11-2023	Clark/Butler	Artificial turf and landscape standards	August 1, 2023 Council Meeting	•Come back to Council with a draft ordinance	•Council consensus: Staff to bring back minor updates to the front yard landscaping regulations for consideration •Council work session late 3rd quarter or early 4th quarter	Brian McBroom
1-2020	Hall	Follow-up on the Poudre River Trail- Narrows Project	August 1, 2023 Council Meeting	•The grant application, which will be submitted in October, will complete baseline river modeling in addition to an alternative alignment analysis which will also look at the existing alignment, with high level cost estimates for each alternative. The scope will also include a 30% design of the preferred alignment. Working with existing consultants, we've established an estimated cost for the design process to get to a 30% of roughly \$150,000. •Unless a new alignment comes out of the design process, utilizing the existing alignment or an alternative on the north side of the river identified by past studies will likely exceed \$2 million to completed design/permitting and	•Received a \$45,000 planning grant from the State Trails program in Colorado Parks and Wildlife, and PRTC is contributing \$25,000 toward the design process at this integral section of the trail. Natural Areas and Trails division of CPRD has contracted Otak to conduct geotechnical analysis for the Narrows section of the Poudre River Trail in west Greeley. After completing several test bores in the area in late March, the consultant is completing analysis of the testing and will be hosting a workshop with CPRD and Public Works staff, along with representatives from the Poudre River Trail Corridor, Inc. (PRTC) a non-profit board in May.	Diana Frick
13-2023	Hall	City Grants	12/20/2023	Provide report identifying the grants that were received so Councilmember Hall can provide to CML	• This report will be incorporated in the 1st Quarter Grants Report at the May 14 Work Session	Tyra Litzau
14-2023	Butler	Charter Review	12/19/2023	Asked Staff to start process of Charter review	Will schedule a follow up report/work session to provide council with cost analysis and CAO will provide information on immediate need changes	CAO/CCO
2-2024	Butler	Ballot Language for the Police Sergeant initiative	January 16, 2024 City Council Meeting	Asked CAO staff to create more descriptive language for the police sergeant ballot question for 2024	Pending CAO Scheduling of a Council Meeting	CAO
3-2024	Butler	Requested a Budget Retreat for 2025 Budget	April 2, 2024 City Council Meeting	Requested a Budget Retreat for 2025 Budget	Budget Retreat is scheduled for July 17, 2024	Caleb Weitz

4-2024	Butler	Requested Work Session for information on the Lincoln Park Redesign- to include status of project, timeline of project and overview of the coming outreach Work Session	April 2, 2024 City Council Meeting	Requested Work Session for information on the Lincoln Park Redesign- to include status of project, timeline of project and overview of the coming outreach Work Session	A team of staff in CPRD is working to reimage uses for Lincoln Park which includes activation of the space bringing the community to downtown. RFP submitted, proposals were due April 15th. Once the consultant is selected, we will begin internal and external stakeholder and community outreach work.	CPRD
5-2024	Hall	Impact Fee Study Structure	May 7, 2024 Council Meeting	Requested staff bring a report to a future work session explaining more in depth the Impact Fee Study Structure - how the ratio is calculated, review process, timeline of review, and development fees		Brian McBroom/Paul Trombino/Sean Chambers/Tyra Litzau



Council Agenda Summary

May 21, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to approve the City Council Meeting Proceedings of April 16, 2024, and City Council Work Session Proceedings of April 23, 2024

Summary:

A meeting of the City Council was held in the City Council's Chambers on April 16, 2024, and a Work Session of the City Council was held in the City Council's Chambers on April 23, 2024.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	No

Legal Issues:

Legislative

Other issues and Considerations:

None

Strategic Focus Area:



High-Performance Government

Decision Options:

- 1) Approve the motion; or
- 2) Amend the motion and approve as amended; or
- 3) Deny the motion; or
- 4) Continue consideration of the motion to a future date.

Council's Recommended Action:

Approve the motion.

Attachments:

1. City Council Proceedings April 16 , 2024-draft
2. Council Work Session Minutes April 23, 2024

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
April 16, 2024

1. Call to Order

Mayor Gates called the meeting to order at 6 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

Heidi Leatherwood, City Clerk called the roll.

The following were present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Brett Payton

Councilmember Johnny Olson

Councilmember Melissa McDonald

Mayor John Gates

4. Approval of the Agenda

None

5. Recognitions and Proclamations

Proclamations:

Mayor Gates read the National Youth Service Day Award Proclamation at 6:01 p.m. and Maddie Zeller was present in Council Chambers to accept. She announced that Luluya Tekle was the award recipient and that the name of the award would be hence named the “Ed Clark Award “ in honor of the Youth Commission’s Council Liaison Ed Clark.

Mayor Gates read the Small Business Week Proclamation at 6:08 p.m., and Jamie Henning, President and CEO of the Greeley Chamber of Commerce, Bob Hudson, Amy Hudson, Matt Estrin, and Levi Gain were present in Council Chambers to accept.

Mayor Gates read the Arbor Day Proclamation at 6:11 p.m., and City of Greeley Forestry Manager Shiloh Hatcher was present in Council Chambers to accept.

Mayor Gates read the Fair Housing Month Proclamation at 6:15 p.m., and City of Greeley Housing Director Deb Callies, Grant Specialist B.J. Spamer, and Affordable Housing Manager Ashley Weesner were present in Council Chambers to accept.

What's Great About Greeley

Councilmember Olson presented the *What's Great about Greeley?* presentation at 6:19 p.m.

6. Citizen Input

1. Todd Loschen spoke about the 4-way intersection in Cedar Ridge Subdivision and the posted speed limit. Mayor Gates invited Chief Turk to address Mr. Loschen's concerns. Chief Turk explained that there is an ongoing study of traffic in the area, and they will continue to evaluate the situation.

7. Reports from Mayor and Councilmembers

1. Councilmember DeBoutez noted that the Farmer's Market is moving to Lincoln Park, May 4, from 9 a.m. to 12 p.m. She commended the city staff for making the hard decision to move it and believes the community will enjoy the new location.
2. Councilmember McDonald spoke about attending a ride along with Councilmember DeBoutez in her Ward. Councilmember McDonald was very appreciative of the tour. She also attended the Memorial for Holocaust Remembrance Day.
3. Mayor Pro Tem Hall spoke about attending the Weld County meeting with Community Development Director Brian McBroom. The County is working on the Planned Unit Development (PUD) process and is interested in assisting cities with growth.
4. Councilmember Butler spoke about attending the Billy Martinez Elementary School with Mayor Gates to talk about local government. Councilmember Butler emphasized how much he enjoyed the visit, and how the students requested Mayor Gate's autograph.
5. Mayor Gates spoke about the visit to Billy Martinez Elementary School, and his enjoyment of the 3rd grade students and their questions. He thanked Councilmember McDonald for attending the Holocaust Service with him, where he read the proclamation. Mayor Gates also spoke about the Boards and Commissions Reception and expressed his appreciation to Ashton Reinhardt and the City Clerk's Office for their hard work. Lastly, he was happy to attend the 28th Anniversary of Rio Grande Restaurant in downtown Greeley.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

9. **A motion to approve the City Council Proceedings of the March 14 and March 26, 2024, Work Sessions; and the March 19, 2024, Regular City Council Meeting**

10. **A resolution appointing J. William Sierra as an Assistant Municipal Judge and Assistant Liquor Licensing Hearing Officer for the City of Greeley, Colorado**
11. **Introduction and first reading of an ordinance authorizing a salary increase for the City Manager**
12. **Introduction and first reading of an ordinance authorizing a salary increase for the Municipal Judge**

End of Consent Agenda

Councilmember Payton moved to approve the Consent Agenda Items 9-12.
Mayor Pro Tem Hall seconded the motion. The motion passed 7-0 at 6:32 p.m.

13. **Pulled Consent Agenda Items**
None.
14. **Public hearing and second reading of an ordinance Amending Chapter 1 of Title 16 of the Greeley Municipal Code to address Automated Enforcement Systems, also known as camera radar, to detect speeding violations**

Police Chief Adam Turk and Commander Heck introduced the item at 6:34 p.m. with a presentation.

Police and Public Works had presented traffic technology options to Council in May of 2023, and a pilot program was authorized at that time. The Police Department initiated the Request For Proposal (RFP) process and the need for an updated ordinance for the authorization of the Automated Enforcement Systems known as photo radar. Chief Turk also presented an implementation and financial overview.

The public hearing opened at 6:37 p.m.
With no speakers, the public hearing closed at 6:38 p.m.

Councilmember Butler asked about how designated areas would be implemented. Interim City Attorney Stacey Aurzada conferred with Assistant City Attorney Sunita Sharma and confirmed that those areas could be designated by resolution.

Councilmember Butler asked if photo radar could be used on Highway 34. Commander Heck stated they would be able to work with the state and/or CDOT to enforce that spot.

Councilmember Payton wanted clarification on timing of implementation. Chief Turk reported it would be 6 months.

Councilmember DeBoutez moved to adopt the ordinance and publish by title only.
Councilmember McDonald seconded the motion. The motion passed 7-0 at 6:41 p.m.

15. Public hearing and second reading of an ordinance amending Title 2, Chapter 11 of the Greeley Municipal Code relating to authority to issue summons and complaints

Police Chief Adam Turk and City Attorney Bobbier Cranston introduced the item at 6:41 p.m. with a presentation. He explained that the current municipal code only authorizes sworn officers to issue summons and complaints. Multiple city departments respond to code violations and have no authority to issue summons and complaints for various violations. The Greeley Police Department is requesting this amendment to give the city departments the authority they need.

The public hearing opened at 6:43 p.m.

With no speakers, the public hearing closed at 6:44 p.m.

Councilmember Payton asked Chief Turk for clarification that only designated employees in their specific departments would be able to issue tickets for violations in their own departments. Chief Turk confirmed that.

Councilmember Butler moved to adopt the ordinance and publish by title only. Councilmember Olson seconded the motion. The motion passed 7-0 at 6:46 p.m.

16. Public hearing and second reading of an ordinance amending Title 8, Chapter 13 and Title 14, Chapter 6 of the Greeley Municipal Code relating to alcohol

Police Chief Adam Turk and City Attorney Bobbier Cranston introduced the item at 6:46 p.m. with a presentation. He explained that a new law went into effect on March 1, 2023 that modified fermented malt beverage off-premises retailers to include the sale of wine products. Due to this, the City needs to update licensing and hearing requirements.

Councilmember DeBoutez asked what the process was for an applicant to obtain a liquor license. Chief Turk added that through joint coordination with the Clerk's Office an updated sign would be provided to all 178 businesses holding a liquor license. Ms. Leatherwood explained that new licensees are required to fill out an application that goes through a series of reviews from different departments. It eventually goes to a liquor license hearing where the judge makes a final determination.

Councilmember DeBoutez asked if there was education provided for servers. Chief Turk confirmed that there was, and that Liquor Enforcement had been very proactive with outreach and engagement since 2023.

Councilmember Butler mentioned that he had spoken with Chief Turk earlier about this ordinance change and was significantly less concerned following that conversation. He wanted to reiterate that the primary changes were just to comply with state law in adding a sign. Chief Turk said that was correct.

Councilmember McDonald wanted to know if the sign was required for all liquor licenses, including special events. Ms. Aurzada explained that non-profits could apply

for special event permits, and that the ordinance in terms of the violations would be applied to those special event licenses, but they are just clean up violations. The new posters could be posted at the special event but would not necessarily be required.

The public hearing was opened at 6:52 p.m.

With no speakers, the public hearing was closed at 6:53 p.m.

Councilmember McDonald moved to adopt the ordinance and publish by title only. Councilmember Olson seconded the motion. The motion passed 7-0 at 6:53 p.m.

17. Appointments to Boards & Commissions

City Clerk Leatherwood announced the appointments:

- Housing Authority - Olivia Milsted; 5-year term
- Rodarte Community Center Advisement Board – Julie Jensen and Yvette Flores; 3-year term
- Union Colony Civic Advisory Center Board – Doran Azari and Michelle Saunder; 3-year terms.

18. 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 any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed with a voice vote 7-0 at 6:54 p.m.

19. Scheduling of Meetings, Other Events

None.

20. Adjournment

With no further business to come before the Council, Mayor Gates adjourned the meeting at 6:55 p.m.

Approved:

John Gates, Mayor

Attest:

Jennifer Middleton, Deputy City Clerk

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
April 23, 2024

1. Call to Order

Mayor John Gates called the meeting to order at 6 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

City Clerk Heidi Leatherwood called the roll.

The following members of Council were present:

Councilmember Deb DeBoutez

Mayor Pro Tem Dale Hall

Councilmember Payton

Councilmember Johnny Olson - attended remotely via the City's Zoom platform

Councilmember Melissa McDonald

Mayor John Gates

Councilmember Tommy Butler – excused

4. Reports from Mayor and Council Members

Councilmember McDonald provided an update on the Citizen Action Project.

5. 2023 Preliminary Financial Review

Finance Director Tyra Litzau and Treasurer Robert Miller presented this item at 6:03 p.m.

Finance staff provided a preliminary report of the 2023 year-end financial results. The year-end closing process is still in progress along with preparation for the 2023 annual audit. The Preliminary 2023 End of Year Financial Report provides the revenue and expenditure information for 2023. The summary includes many of the trends and other highlights that were discussed throughout the year and during the 2024 budget process.

Overall fund balances are at/or above anticipated levels as presented in the 2024 budget. Available fund balances will be allocated through additional appropriations and the 2025

budget process. The City currently has sufficient reserves to meet reserve requirements and can adjust for unforeseen circumstances or events.

The City has seen some reductions in overall revenues at the end of last year. These areas are being watched closely going into 2024 and 2025. Any significant financial impacts will be reported in future quarterly financial updates to City Council.

Funding recommendations for encumbrances (funding commitments at year-end) and investing fund balances more than the expected fund balances were included in the first additional appropriation adopted on April 2, 2024.

There were no questions from Council.

6. Claims Reserve Fund

Finance Director Tyra Litzau and Risk & Safety Manager John Goodson presented this item at 6:18 p.m.

City Code Section 6-383(i) requires an annual report to be made to the City Council by the Risk Manager, in consultation with the Director of Finance, regarding the operation and management of the Claims Reserve. The Claims Reserve Fund (called the Liability Fund) was established to maintain adequate reserves to cover current and future liability claims not covered by the Health Fund or Workers Compensation Fund.

This was an informational presentation about the status and expenses of the Claims Reserve Fund in 2022 and 2023. Followed by Risk and Safety's next steps. The Risk Management Division will be focusing on increasing accountability, working with department to reduce the number of claims, and updating operating standards. Mr. Goodson recommended reviewing the City Code once the Risk Management Division has a director.

There were no questions from Council.

7. Initiative 1 - 2024 Oil and Gas Informational Overview

Community Development Deputy Director Donald Threewitt, Battalion Chief & Fire Marshal Robert Fries, and presented this item at 6:23 p.m.

Initiative 01-2024 requested staff to provide an overview of the current city regulatory scope and activity pertaining to oil and gas. The presentation included materials fulfilling this request, including a high-level clarification of the roles of the Colorado Energy and Carbon Management Commission (ECMC), and the City of Greeley in the permitting, development, operational oversight, closure and monitoring of oil and gas activities.

Councilmember DeBoutez requested clarification on the number of active and abandoned wells. Mr. Threewitt shared that this information is continually updated on the ECMC dashboard. There are currently 303 producing wells and 457 plugged and abandoned wells.

Councilmember McDonald inquired about the inspection rotation for the wells. Battalion Chief Fries explained, that since there are potentially multiple wells on the same site, the inspections do not always reflect annual inspections for each site. He also explained that the increase of inspections is attributed to many factors, the number of wells that went in, the completion phase, or perhaps the timing relative to the next year. Battalion Chief Fries confirmed that some of the sites have monitoring. Mr. Threewitt provided a summary of the process for plugged and abandoned wells.

Mayor Gates inquired about the position formerly held by Lieutenant Greg Becker. Battalion Chief Fries noted that the position has been filled and significant investments in the Community Safety Division will need to be made.

Staff will follow up with Council on the question regarding setback increase regulations.

8. Initiative 14 - 2023 Greeley Municipal Charter Review Options

City Clerk Heidi Leatherwood presented this item at 6:44 p.m.

Colorado voters authorized the option of home-rule governance for cities and towns in 1902. This amendment to the state constitution allowed municipalities to set up a form of government that allowed for greater control over local matters significant to its specific needs. When registered electors adopt a charter that documents details of the government's structure and powers, it enables the home rule jurisdiction to create policy on local issues rather than be strictly subject to the laws of the state.

The Greeley Municipal Charter was approved and adopted on June 24, 1958. Since the charter was adopted by the voters, all subsequent changes to the charter must be placed on the ballot and approved by the voters in the same fashion. The last full Charter Review was completed by a citizens' committee in 2001 and again in 2017, by a staff committee.

At the December 19, 2023, regular meeting, Council requested Initiative 14-2023, asking that staff bring back information and options associated with a proposed Charter Review.

In response to the initiative, Ms. Leatherwood shared the following information and requested consensus from the Council on the selection of one of the options below:

1. Full Charter Review
2. Partial Charter Review
3. Priority-Specific Charter Review
4. Delay Charter Review

Mayor Pro Tem Hall asked for clarification on when the last full review had been completed and if the City has a periodic review plan. Ms. Leatherwood replied that the last full review was in 2017. Interim City Attorney Stacey Aurzada explained that the City updates specific areas as needed, however, if the Council would like to put something in place that is more structured, this can be done by ordinance.

Mayor Pro Tem Hall asked for more information on hard costs to complete a full charter review and a timeline if that were started.

Council consensus was to proceed with a follow-up report to gather specific hard costs in completing a full charter review expecting to take at least 12 months. The City Clerk will come back with more information regarding these costs including the option for a facilitator and the timeline to complete a full charter review.

9. Scheduling of Meetings, Other Events

None.

10. Executive Session for the purpose of receiving legal advice related to, and determining positions, developing strategy, and instructing negotiators all related to the 2024 Greeley Police Officers' Association collective bargaining agreement negotiations

Recommended Motion:

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Sections 24-6-402(4)(b) and 24-6-402(4)(e)(I), and Greeley Municipal Code Sections 2-151(a)(2) and 2-151(a)(5): To receive legal advice related to GPOA collective bargaining agreement negotiations and the determine positions, develop strategy, and instruct negotiations regarding collective bargaining with GPOA.

Councilmember Payton moved to approve the motion. Councilmember DeBoutez seconded the motion. The motion passed 6-0 at 7:06 p.m. with Councilmember Butler absent.

The mayor added that Council will not return to the meeting after the adjournment of the Executive Session.

9. Adjournment

Mayor Gates adjourned the meeting at 7:07 p.m.

8. Executive Session for the purpose of discussing personnel reporting to Council.

The Executive Session was called to order at 7:15 p.m. for the purpose of receiving legal advice related to GPOA collective bargaining agreement negotiations and determining

positions, developing strategy, and instructing negotiations regarding collective bargaining with GPOA.

Present for participation in the executive session, which is convened in person and on zoom platform, in the Colorado Room of City Center South, were all members of Council, (Councilmember Olson attended virtually) except Councilmember Butler.

In addition, the following staff members attended:

Kimberly Southern-Weber

Halle Kemp

Stacey Aurzada

Ned Chapin

Mike Zeller

Caleb Weitz

Raymond Lee

Mayor Gates cautioned each participant to confine discussion to the stated purpose and provided a reminder that no formal action may occur in the Executive Session. If at any point any participant believed that the discussion was going outside the proper scope of the Executive Session, participants were advised to interrupt the discussion and raise an objection.

The meeting concluded at 8:06 p.m.

The recording of this executive session will be retained as provided in the City's records retention policy and in conformity with the Colorado Open Meetings Law for a period of 90 days.

Approved:

John D. Gates, Mayor

Attest:

Jennifer Middleton, Deputy City Clerk



Council Agenda Summary

May 21, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

A motion to cancel the July 2, 2024 Council Meeting

Summary:

The first meeting in July is typically canceled due to the July 4 holiday and participation in the Stampede activities. Currently there are no items for the July 2, 2024 Council Meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	No

Legal Issues:

Legislative

Other issues and Considerations:

None

Strategic Focus Area:



High-Performance Government

Decision Options:

- 1) Approve the motion.
- 2) Amend the motion and approve as amended.

Council's Recommended Action:

Approve the motion to cancel the July 2, 2024, Council Meeting.

Attachments:

None



Council Agenda Summary

May 21, 2024

Key Staff Contact: Tyra Litzau, Finance Director, Robert Miller, Treasurer

Title:

A resolution authorizing the City to adopt the revised City of Greeley Investment Policy

Summary:

The Investment policy is evaluated annually with the City's Investment advisors, Public Trust Advisors (PTA). The City's investment policy objective in priority order are: preservation of capital and protection of investment principal, maintenance of sufficient liquidity to meet anticipated cash flows, attainment of a market value rate of return, and diversification to avoid incurring unreasonable market risks.

There are two significant changes to the policy, one being the addition of allocating for the purchase of municipal bonds and second adjusting the long-term portfolio benchmark from 0-3 years to 1-5 years to be consistent with the City's investment strategy.

The specific language for the addition of municipal bonds is highlighted below.

5.10 Municipal Bonds: issued by a state or local governments with a final maturity not exceeding five years from the date of trade settlement. Such obligations of Colorado issuers (or any political subdivision, institution, department, agency, instrumentality, or authority of the state) shall be rated at least "A-" or the equivalent at the time of purchase by at least two NRSROs. Such obligations of any other governmental entity shall be rated at least "AA-" or the equivalent at the time of purchase by at least two NRSROs. For obligations authorized in this section, the City shall limit the combined total of investments to no more than 30% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.

A detail listing of all the changes including those considered administrative in nature are included in the attached exhibit.

The revised investment policy was reviewed with City Council at the May 14, 2024 work session. Council provided consensus to move forward with the proposed changes to the investment policy at the May 21, 2024 Council Meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
What is the source of revenue within the fund?	Available accumulated balances
Is there grant funding for this item?	NA

Legal Issues:

There are no legal issues of note. All changes are consistent with the Colorado State Statutes.

Other issues and Considerations:

None

Strategic Focus Area:



High-Performance Government

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:

1. Res No.13, 2024 with Exhibit A

**CITY OF GREELEY, COLORADO
RESOLUTION NO. 13, 2024**

**A RESOLUTION AUTHORIZING THE CITY TO ADOPT THE REVISED CITY OF GREELEY
INVESTMENT POLICY**

WHEREAS, the Investment Policy is evaluated annually with the City’s investment advisors, Public Trust Advisors; and,

WHEREAS, the Investment Policy objectives include the preservation of capital and investment principal, liquidity, market rate of return, and asset diversification; and,

WHEREAS, the City is desirous of amending the Investment Policy to assist the City with managing the portfolio more effectively by assigning duties, adding municipal bonds, and adjusting performance benchmarks to match investment goals; and,

WHEREAS, Section 5-2(h) of the City’s Charter requires City Council direction regarding the investment of monies; and,

WHEREAS, it is in the best interest of the citizens of the City of Greeley for Council to adopt this amended Investment Policy.

**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 adopt the amended “City of Greeley Investment Policy”, a copy of which is attached hereto and incorporated herein as Exhibit A.

Section 2. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2024.

ATTEST

THE CITY OF GREELEY, COLORADO

By: Deputy City Clerk

By: Mayor

#	Current Policy	Revised Policy	Reason for the Change
1	Scope	Added language to better define the scope of the policy.	Better definition and clarification of the scope.
2	Authority to Manage the City's Investment Program is delegated to the Deputy Finance Director	Added Director of Finance definition allowing for delagation of responsibilities and updated title throughout the document, rather than a specific title.	This change clafies how deligation is done by the Finance Director to manage investments.
3	Authorized Securities and Transactions	Added defintion of U.S. Treasury Obligations and added State and Local Government Series (SLGS).	Additional clarification and specified investment in securities not subject to arbitrage rebate earning restrictions.
4	Commercial Paper limited to 50% of the City's investment portfolio in Authorized Securities and Transactions	Commercial Paper limited to 20% of the City's investment portfolio.	Revised to represent current market opportunities and market diversification objectives.
5	Local Government Investment Pool descriptive attributes in Authorized Securities and Transactions	Consolidated descriptive attributes for Local Government Investment Pools.	Revised to meet current State of Colorado statutes in 2024 and allows for investments in other COLOTRUST securities.
6	Corporate Debt descriptive attributes in Authorized Securities and Transactions	Revised Corporate Debt descriptive attributes.	Revised to be more concise and tie to current investment language.
7	Authorized Securities and Transactions	Added Municipal Bonds to Authorized Securities and Transactions.	Consistent with other Colorado municipalities and allows for greater investment diversity to limit arbitrage risks from bond issuances.
8	Performance Benchmarks	Changed long-term portfolio benchmark from 0-3 years to 1-5 years.	The change is proposed to more directly identify the benchmark comparison associated with target maturities.
9	Performance Benchmarks	Changed from semi-annual to annual presentation to Council.	Consistent with audit, budget and other presentations to Council.
10	Reporting	Changed investment report from monthly to quarterly.	Consistent with financial reporting requirements and will provide monthly when requested by council.

CITY OF GREELEY, COLORADO

Initiating Department: Finance

Number: 2024-1

Effective Date: May 22, 2024

Review and Revision History:

Scheduled Sunset or Continuation Review: This investment policy shall be reviewed annually by the Director of Finance and may be amended by the Greeley City Council as conditions warrant.

Related Directives:

Supersedes: This Investment Policy replaces any previous investment policy or investment procedures of the City, was endorsed and adopted by the Greeley City Council.

ADMINISTRATIVE DIRECTIVE

CATEGORY: Treasury

SUBJECT: Investment Policy

PURPOSE: The investment guidelines outlined below have been written to comply with various regulatory requirements under which the City operates.

SCOPE: This following investment policy addresses the methods, procedures and practices which must be exercised to ensure effective and judicious fiscal and investment management of the City's funds and the funds of the City's component units and for the purchase and sale of investments. This investment policy shall apply to the investment management of the following funds under financial control of the City; General fund, Special Revenue funds, Debt Service funds, Capital Projects funds, Enterprise funds, Internal Service funds, and any new fund created by the governing body, unless specifically exempted by the governing body. This investment policy shall not apply to Permanent Funds (Cemetery Endowment Fund, Petriken Memorial Fund and Memorials Fund).

DISCUSSION: The City's funds shall be invested in accordance with all applicable City policies and codes, Colorado statutes, and Federal regulations, and in a manner designed to accomplish the following objectives, which are listed in priority order:

- Preservation of capital and protection of investment principal
- Maintenance of sufficient liquidity to meet anticipated cash flows

City of Greeley, Colorado
Investment Policy

- Attainment of a market value rate of return
- Diversification to avoid incurring unreasonable market risks

AUTHORITY:

CRS 11-10.5-101, et seq. Public Deposit Protection Act; CRS 11-47-101, et seq. Savings and Loan Association Public Deposit Protection Act; CRS 24-75-601, et Seq. Funds - Legal Investments; CRS 24-75-603, et seq. Depositories; and CRS 24-75-701 and 702, Investment Funds - Local Government Pooling. Charter Title 4, Section 4.20.110

DEFINITIONS:

Arbitrage. The simultaneous buying and selling of securities, currency, or commodities in different markets or in derivative forms in order to take advantage of differing prices for the same asset.

Corporate Debt. Also known as Corporate Bond, Corporate bonds are debt securities issued by publicly held corporations to raise money for expansion or other business needs.

Director of Finance. Finance Director of the City, or such other City of Greeley Finance department designee authorized by the Finance Director to administer and manage investments according to this policy.

Federal Instrumentality Securities. An instrumentality is a government agency or corporation that acts independently in carrying out work for the public good. Instrumentalities may exist and operate at the federal, state or municipal levels.

Investment Diversification. Investing in different asset classes and in securities of many issuers in an attempt to reduce overall investment risk and to avoid damaging a portfolio's performance by the poor performance of a single security, industry, (or country).

Prudence. The quality of being prudent; cautiousness.

Repurchase Agreement. An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date

U.S. Treasury. The U.S. Treasury, created in 1789, is the government department responsible for issuing all Treasury bonds, notes and bills. The secretary of the Treasury is responsible for international monetary and financial policy, including foreign exchange intervention.

City of Greeley, Colorado
Investment Policy

DIRECTIVE:

- 1. Policy Statement.** The City of Greeley must recognize the delegation of authority in regards to making investment decisions, what the City considers to be appropriate standards of prudence, ethics and conflict of interest, safekeeping and custody, and what are suitable and authorized investments and the parameters for those investments, and the reporting on investments and investment results.

2. Delegation Of Authority:

- 2.1 Authority to manage the City's investment program is granted to the Director of Finance in accordance with Section 5-2(h) of the City's Charter.
- 2.2 Responsibility for the operation of the investment program is hereby delegated to the Director of Finance, who shall establish written procedures and internal controls for the operation of the City's investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this investment policy.
1. Persons authorized to transact investment business for the City shall be designated by employee name in writing by the Director of Finance on an annual basis and filed with the City Clerk.
- 2.3 The Director of Finance may engage the support services of outside professionals in regard to its investment program, so long as it can be demonstrated that these services produce a net financial advantage and necessary financial protection of the City's resources.
1. Such services may include engagement of financial advisors in conjunction with debt issuance, portfolio management support, special legal representation, third party custodial services, and appraisal of independent rating services.

3. Prudence:

- 3.1 The standard of prudence, as defined by the Colorado Revised Statutes, to be used for managing the City's assets is the "prudent investor" standard applicable to a fiduciary, which states that a prudent investor "shall exercise the judgment and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital." (CRS 15-1-304, Standard for Investments.)
- 3.2 The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

City of Greeley, Colorado
Investment Policy

- 3.3 The City recognizes that no investment is totally without risk and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses are inevitable in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.
- 3.4 The Director of Finance and other authorized persons acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion to the City Council and appropriate action is taken to control adverse developments.

4. Ethics and Conflicts of Interest:

- 4.1 City employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the City's investment program or which could impair or create the appearance of an impairment of their ability to make impartial investment decisions.
- 4.2 City employees and investment officials shall disclose to the Director of Finance and City Manager any material financial interest they have in financial institutions that conduct business with the City, and they shall subordinate their personal investment transactions to those of the City.

5. Authorized Securities and Transactions:

All investments will be made in accordance with the Colorado Revised Statutes (CRS) as follows: CRS 11-10.5-101, et seq. Public Deposit Protection Act; CRS 11-47-101, et seq. Savings and Loan Association Public Deposit Protection Act; CRS 24-75-601, et. seq. Funds Legal Investments; CRS 24-75-603, et seq. Depositories; and CRS 24-75-701 and 702, Investment Funds - Local Government Pooling. Any revisions or extensions of these sections of the CRS will be assumed to be part of this investment policy immediately upon being enacted. This investment policy further restricts the investment of City funds to the following types of securities and transactions:

- 5.1 U.S. Treasury Obligations: United States Treasury obligations for which the full faith and credit of the United States are pledged for payment of principal and interest. Such securities will include but not be limited to: Treasury bills, Treasury notes, Treasury bonds, State and Local Government Series (SLGS), and Treasury STRIPS with maturities not exceeding five years from the date of trade settlement.

City of Greeley, Colorado
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- 5.2 Federal Instrumentality Securities: Debentures, discount notes, global securities, callable securities, step-up securities and stripped principal or coupons with maturities not exceeding five years from the date of trade settlement issued by the following only: Federal National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB), Federal Home Loan Banks (FHLB) and Federal Home Loan Mortgage Corporation (FHLMC). (For the purposes of this paragraph, a "weighted average life" will not constitute a stated final maturity.) Subordinated debt shall not be purchased.
- 5.3 Commercial Paper with an original maturity of 270 days or less that is rated at least A-1 by Standard & Poor's, P-1 by Moody's, or F1 by Fitch at the time of purchase by each service that rates the commercial paper. If the commercial paper issuer has senior debt outstanding, the senior debt must be rated at least A+ by Standard & Poor's, A1 by Moody's, or A+ by Fitch at the time of purchase. The aggregate investment in commercial paper and banker's acceptances shall not exceed ~~20~~50% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.
- 5.4 Eligible Bankers Acceptances with an original maximum maturity not exceeding 90 days, issued on FDIC insured domestic banks or branches of foreign banks domiciled in the U.S. and operating under U.S. banking laws with a minimum of \$250 million combined capital and surplus. Banker's Acceptances shall be rated P-1 by Moody's, A-1 by Standard & Poor's or F-1 by Fitch or the equivalent at the time of purchase by at least two services. If the issuing bank has senior long-term debt outstanding, it shall be rated, at the time of purchase AA by Standard & Poor's, A by Moody's, or AA by Fitch. The aggregate investment in commercial paper and banker's acceptances shall not exceed 50% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.
- 5.5 Repurchase Agreements with a defined termination date of 180 days or less collateralized by U.S. Treasury and Federal Instrumentality securities listed in items 1 and 2 above with a maturity not exceeding 10 years. For the purpose of this section, the term "collateral" shall mean purchased securities under the terms of the City's approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102 percent of the dollar value of the transaction. Collateral shall be held in the City's custodial bank as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily.

Repurchase Agreements shall be entered into only with dealers who have executed a Master Repurchase Agreement with the City and who are recognized as Primary Dealers by the Federal Reserve Bank of New York. The Director of Finance shall keep a list of broker/dealers who have an executed Master Repurchase Agreements with the City. Approved counterparties to repurchase agreements shall have at least a short-term debt rating of A-1 or the equivalent and a long-term debt rating of A or the equivalent from one or more nationally recognized statistical rating organizations (NRSROs).

City of Greeley, Colorado
Investment Policy

- 5.6 Local Government Investment Pools authorized under CRS 24-75-702 that: 1) are "no-load" (i.e., no commission or fees shall be charged on purchases or sales of shares); 2) limit assets of the fund to those authorized by State Statute; 3) have a rating of AAA by one or more NRSROs.
- 5.7 Non-negotiable Certificates of Deposit with a maturity not exceeding one year in any state bank, national bank, or state or federal savings bank located in Colorado that is a member of the Federal Deposit Insurance Corporation and is a state approved depository per CRS 24-75-603. Certificates of deposit that exceed FDIC insurance limits shall be collateralized as required by the Public Deposit Protection Act or the Savings and Loan Association Public Deposit Protection Act. In addition, banks issuing certificates of deposit shall meet the credit criteria set forth in the section of this investment policy, "Selection of Banks as Depositories and as Providers of General Banking Services."
- 5.8 Money Market Mutual Funds registered under the Investment Company Act of 1940 that: 1) are "no-load" (no commission or fee shall be charged on purchases or sales of shares); 2) have a constant net asset value per share of \$1.00; 3) limit assets of the fund to those securities authorized in this investment policy; 4) have a maximum stated maturity and weighted average maturity in accordance with Federal Securities Regulation 2a-7; and 5) are rated AAAM by Standard & Poor's, AAA by Moody's or AAA/V1+ by Fitch.
- 5.9 Corporate Debt: with a maturity not exceeding three years from the date of trade settlement, issued by any corporation or bank organized and operating within the United States. At the time of purchase, the issuer must be rated at least AA-, Aa3 or the equivalent by at least two NRSROs, and rated not less by any NRSRO that rates it. This rating requirement first applies to the security being purchased and second, if the security itself is unrated, to the issuer, provided the security contains no provisions subordinating it from being a senior debt obligation of the issuer. The City of Greeley may invest up to 20% of the book value of its investment portfolio in these securities as long as the aggregate investment in commercial paper and corporate debt does not exceed 20% of the City's investment portfolio, and no more than 5% in the City's investment portfolio may be invested in the obligations of any one issuer.
- 5.10 Municipal Bonds: issued by a state or local governments with a final maturity not exceeding five years from the date of trade settlement. Such obligations of Colorado issuers (or any political subdivision, institution, department, agency, instrumentality, or authority of the state) shall be rated at least "A-" or the equivalent at the time of purchase by at least two NRSROs. Such obligations of any other governmental entity shall be rated at least "AA-" or the equivalent at the time of purchase by at least two NRSROs. For obligations authorized in this section, the City shall limit the combined total of investments to no more than 30% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.
- 5.11 Securities that have been downgraded below minimum ratings described herein may be sold or held at the City's discretion. The portfolio will be brought back into compliance with Investment Policy guidelines as soon as is practical.

City of Greeley, Colorado
Investment Policy

- 5.12 It is the intent of the City that the foregoing list of authorized securities be strictly interpreted. Any deviation from this list must be pre-approved by the Director of Finance in writing.

6. Investment Diversification:

- 6.1 It is the intent of the City to diversify the investments within the portfolio to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.
- 6.2 The asset allocation in the portfolio should be flexible depending upon the outlook for the economy, the securities markets and the City's anticipated cash flow needs.

7. Investment Maturity and Liquidity:

- 7.1 The portfolio shall remain sufficiently liquid to meet all cash requirements that may be reasonably anticipated. To the extent possible, investments shall be matched with anticipated cash flows and known future liabilities. Investments shall be limited to maturities not exceeding five years from the date of trade settlement unless otherwise approved in writing by the City Council.
- 7.2 In the case of callable securities, the first call date shall be used as the maturity date for investment purposes if the security is likely to be called prior to maturity. The security's final maturity date shall be used to disclose the maximum maturity liability in the City's financial reports.

8. Competitive Transactions:

- 8.1 Each investment transaction shall be competitively transacted with broker/dealers who have been authorized by the City. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded.
- 8.2 If the City is offered a security for which there is no other readily available competitive offering, quotations for comparable or alternative securities will be documented.
- 8.3 When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price.

9. Selection of Broker/Dealers:

The Director of Finance shall maintain a list of authorized broker/dealers approved for investment purposes, and it shall be the policy of the City to purchase securities only from those authorized firms. To be eligible, a firm must meet at least one of the following criteria:

City of Greeley, Colorado
Investment Policy

- 9.1 Be recognized as a Primary Dealer by the Federal Reserve Bank of New York,
- 9.2 Report voluntarily to the Federal Reserve Bank of New York
- 9.3 Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule)

Broker/dealers will be selected by the Director of Finance on the basis of their expertise in public cash management and their ability to provide service to the City's account. Each broker/dealer authorized by the Director of Finance shall be required to submit and annually update a City approved Broker/Dealer Information Request Form which includes the firm's most recent financial statements.

In the event that an external investment advisor is not used in the process of recommending a particular transaction in the City's portfolio, any authorized broker/dealer from whom a competitive bid is obtained for the transaction will provide a written certification indicating that he/she has received a copy of this policy. A list of approved Broker/Dealers shall be maintained by the Director of Finance.

The City may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in item 5.3 of the Authorized Securities and Transactions section of this investment policy.

10. Selection of Banks as Depositories and as Providers of General Banking Services:

- 10.1 The Director of Finance shall maintain a list of authorized banks and savings banks that are approved to provide depository and other banking services for the City. To be eligible for authorization, a bank or savings bank must be a member of the Federal Deposit Insurance Corporation, shall qualify as a depository of public funds in Colorado as defined in CRS 24-75-603, provide the City certification of such qualification, and in the judgment of the Director of Finance, offer adequate safety to the City.

11. Safekeeping and Custody:

- 11.1 The Director of Finance shall approve one or more financial institutions to provide safekeeping and custodial services for the City. A City approved Safekeeping Agreement shall be executed with each custodian bank prior to utilizing that bank's safekeeping services. To be eligible for designation as the City's safekeeping and custodian bank, a financial institution shall qualify as a depository of public funds in Colorado as defined in CRS 24-75-603 and, in the judgment of the Director of Finance, offer adequate safety to the City.
- 11.2 The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. Ownership of all securities shall be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

City of Greeley, Colorado
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- 11.3 All investment securities, except non-negotiable Certificates of Deposit, Local Government Investment Pools and Money Market Mutual Funds, purchased by the City will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by the City approved custodian bank, its correspondent bank or the Depository Trust Company (DTC).
- 11.4 All Fed wireable book entry securities owned by the City shall be evidenced by a safekeeping receipt or a customer confirmation issued to the City by the custodian bank stating that the securities are held in the Federal Reserve System in a Customer Account for the custodian bank which will name the City as “customer.”
- 11.5 All DTC eligible securities shall be held in the custodian bank’s Depository Trust Company (DTC) participant account and the custodian bank shall issue a safekeeping receipt evidencing that the securities are held for the City as “customer.”
- 11.6 All non-book entry (physical delivery) securities shall be held by the custodian bank's correspondent bank and the custodian bank shall issue a safekeeping receipt to the City evidencing that the securities are held by the correspondent bank for the City.
- 11.7 The City’s custodian will be required to furnish the City monthly reports of holdings of custodian securities as well as a report of monthly safekeeping activity.

12. Performance Benchmarks:

- 12.1 The City’s investment portfolio shall be designed to attain a market value rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The investment portfolio will be managed in accordance with the parameters specified within this policy. To assist in the evaluation of the portfolio’s performance, the City will use performance benchmarks for the short-term and long-term portfolios. The short-term portfolio shall consist of any investment type with a maturity of one day or less and the long-term portfolio of all other investment types. The use of benchmarks will allow the City to measure its returns against other investors in the same markets.
- 12.2 The 90-day U.S. T-Bill index rate will be used as a benchmark for comparison with the portfolios net book value rate of return for current operating funds (short term portfolio).
- 12.3 Investment performance of funds designated as core funds and other non-operating funds that have a longer investment horizon (long-term portfolio) will be compared to the Merrill Lynch 1-5 Year U.S. Treasury & Agency Index.
- 12.4 The Director of Finance shall present to the Greeley City Council annually a review of the portfolio’s adherence to appropriate risk levels and a comparison between the portfolio’s total return and the established investment objectives and goals.

City of Greeley, Colorado
Investment Policy

13. Reporting:

- 13.1 Accounting and reporting on the City's investment portfolio shall conform to Generally Accepted Accounting Principles (GAAP) and the Governmental Accounting Standards Board (GASB) recommended practices. On a quarterly basis, an investment report shall be prepared and submitted to the Director of Finance, who will provide it to the City Council in a timely manner, listing the investments held by the City, the current market valuation of the investments and performance results. The report shall include a summary of investment earnings during the period.
- 13.2 Reports prepared by outside advisors shall be sent to the City's Director of Finance.

14. Provisions for Arbitrage:

- 14.1 The City periodically issues debt obligations which are subject to arbitrage rebate requirements and yield restriction requirements. Because of this, the requirements for the investment of debt proceeds may extend beyond those authorized in this investment policy. Therefore, the Director of Finance, upon advice from bond counsel and financial advisors may, when investing debt proceeds, depart from the provisions of this investment policy if necessary to conform to federal arbitrage regulations. In all cases, however, investments will be in compliance with the Colorado Revised Statutes cited in the Authorized Securities and Transactions section of this investment policy.



Council Agenda Summary

May 21, 2024

Key Staff Contact: Brian McBroom, Community Development Director

Title:

Introduction and first reading of an ordinance amending Title 24 of the Greeley Municipal Code relating to an affordable housing parking reduction

Summary:

The City of Greeley received a grant from the Department of Local Affairs (DOLA) to conduct a citywide Housing Needs Assessment, complete the 10th Street Redevelopment Plan, and adopt an incentive for affordable housing by June 2024. The Planning Commission recommended approval of a parking reduction on July 25, 2023. City Council considered a parking reduction at the work session on November 14, 2023. The proposed ordinance incorporates feedback received and satisfies the grant condition for the City to adopt an incentive for affordable housing.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	No

Legal Issues:

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

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

Other issues and Considerations:

None

Strategic Focus Area:



Community Vitality

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 second reading for June 4, 2024

Attachments:

1. Ord No. 14, 2024 with Appendix A

**CITY OF GREELEY, COLORADO ORDINANCE
NO. 14, 2024**

**AN ORDINANCE AMENDING TITLE 24, CHAPTER 4, CHAPTER 7, AND
CHAPTER 13 OF THE GREELEY MUNICIPAL CODE RELATING TO AN
AFFORDABLE HOUSING PARKING REDUCTION**

WHEREAS, the City of Greeley requires the provision of adequate parking for land uses to support the health, safety, and welfare of residents; and,

WHEREAS, the City of Greeley allows parking requirements to be reduced based on standards with a rational nexus to lower parking demand; and,

WHEREAS, dedicated affordable housing projects typically have a lower parking demand; and,

WHEREAS, the City of Greeley received a grant from the Colorado Department of Local Affairs that includes a provision for the City of Greeley to adopt and codify an incentive for dedicated affordable housing; and,

WHEREAS, the recommended amendments to the Greeley Municipal Code would provide an incentive for dedicated affordable housing by allowing applicants to reduce the amount of parking required.

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

Section 1. Sections 24-402 and 24-404 of Chapter 4, Zoning Districts and Uses of Title 24, Development Code, shall be amended as shown in Appendix A.

Section 2. Section 24-703 of Chapter 7, Access and Parking of Title 24, Development Code, shall be amended as shown in Appendix A.

Section 3. Section 24-130, of Chapter 13, Definitions and Terms of Title 24, Development Code, shall be amended as shown in Appendix A.

Section 4. This ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF _____, 2024.

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A

AN ORDINANCE AMENDING TITLE 24, CHAPTER 4, CHAPTER 7, AND CHAPTER 13 OF THE GREELEY MUNICIPAL CODE RELATING TO AN AFFORDABLE HOUSING PARKING REDUCTION

Section 1. Sections 24-402 and 24-404 of Chapter 4, Zoning Districts and Uses of Title 24, Development Code, shall be amended to read as follows:

Sec. 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.
 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.
 4. Uses in the table are more specifically described in section 24-402.b.
 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 and Uses														
P = Permitted Use					S = Use by special review					Blank = prohibited				
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
Use														
Residential Uses														
<u>Affordable Housing</u>	<u>See Section 24-404.k</u>													
Single-family dwelling	P	P	P	P		S	S	P	P				P	
Two-family dwellings			P	P		S	S	P	P					

Row house dwellings			P	P		S	S	P	P					
Multifamily 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 section 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 sections 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
Utilities — Co-generation or power plants											P	P		
Commercial Uses														
Adult businesses (<i>see also section 24-1103</i>)										P	P	P		
Animal care — Limited (indoor, < 5K GLA, no boarding)						P	P	P	P	P	P			
Animal care — General (indoor,						S	P	S	P	P	P			

5K—20K GLA or boarding)														
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 section 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P		
Child care center/pre-school	S	S	S	P		P	P	P	P	S	S	S		
Drive-through services — Accessory							See section 24-403.e							
Entertainment/event 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			P
Lodging — Bed & breakfast (up to 5 rooms)				S		P	P	P	P	P				
Lodging — Inn (6 to 40 rooms)							P	S	P	P				
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					
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		
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													
Private smoking club							S		S	S	S	S		
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. 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:

- (a) Is partially or entirely manufactured in a factory;
- (b) Is installed on an engineered permanent foundation; and

- (c) 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 two 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 three to eight 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, multifamily. 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 and 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 occupancy 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 eight 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 two residential caregivers, and shall be licensed by, operated by, or owned by a governmental agency or nonprofit 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 C.R.S. § 18-3-412.5.

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 eight 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, nonprofit, 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 and 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 and 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 and 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 sections 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 and 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 above-ground structure or facility, excluding buildings, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the 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 above-ground 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 33 KVA, 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.

(a) Specified anatomical areas.

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

(b) Specified sexual activities.

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
- (2) Human genitals in a state of sexual stimulation or arousal;
- (3) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
- (4) Masturbation, actual or simulated; or
- (5) Excretory functions as part of or in connection with any of the activities set forth in 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. Examples include domestic animal hospitals, large facilities for pet day care, 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 eight fueling stations, no more than two service islands, no more than two 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 nine and 20 fueling stations, no more than five service islands, no more than three 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 five islands, and up to four 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 bays; 0.5 acre max.). An automobile service and repair use limited to no more than three vehicle service bays, all vehicles are under 1½ 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 one-half acre. 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 four to six service bays, all vehicles are under 1½ 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 one 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 seven or more service bays, all vehicles are under 1½ 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 one 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 and 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 1½ 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 one-half 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 one-half and one 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 and 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 and beverage — Bar limited (under 3K; under 100 seats). A food and 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 and beverage — Brewery/winery; bar general. A food and 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 and 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 and 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 and 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 section 24-503.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 and 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 two but no more than five rooms.

Lodging hotel/motel small (6 to 40 rooms). A small commercial or large residential building providing lodging and includes at least six 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-premises 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 the 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 one 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 and 40,000 square feet. 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 two 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 than two and five 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 five 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 percent; 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 percent of the merchandise area being outside and limited to sites no more than one-half acre. 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 percent; up to 1.0 acre). A retail use where a significant portion of the merchandise is displayed permanently outside, limited to no more than 50 percent of the merchandise area being outside and limited to sites no more than one acre. Examples include a lumber yard, large equipment rental or dealer, or small landscape supply store.

Retail outdoor large (over 50 percent or more than 1.0 acre). A retail use where a substantial portion of the merchandise is displayed permanently outside, including more than 50 percent of the merchandise area being outside or sites more than one acre. Examples include an 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 and 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 ten 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 ten 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 and 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 and feed elevators and 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, up to 50 percent) to sales of food, beverages and/or other retail for on-premises purchase and/or consumption; and which occupies a site of three 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 and packaging. An industrial use where waste products and livestock carcasses are converted into industrial fats.

Oil and gas operations. 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.

Private smoking club. A noncommercial, private facility, not open to the general public, whose bona fide members' primary association relates to the smoking of legal tobacco products subject to all of the following:

1. Club membership criteria must be such that the general public cannot access the club with a day pass, limited membership or similar exception.
2. The smoking club is limited to occupancy of a freestanding building or that is in an area within an establishment accessed exclusively with a separate entrance and is in an area enclosed by solid walls or windows, a ceiling and a solid door and equipped with a ventilation system which is separately exhausted from the nonsmoking areas of the establishment so that air from the smoking area is not recirculated to the nonsmoking areas and smoke is not back streamed into the nonsmoking areas.
3. The club may have an outdoor patio if not located immediately adjacent to another business or residence, public right-of way, sidewalk or trail, other patio space, playground or similar outdoor recreational space.
4. Building signage is limited to that allowed for C-L (commercial low-intensity) uses.
5. Any product sales or rentals will require a business license, are limited to members only, and any sale of alcoholic beverages must be permitted by a city liquor license and not exceed 20 percent of gross revenue.
6. Such facilities are specifically prohibited from any electronic arcade or gaming machines or allowing members to engage in games of chance.

Research and 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 gases 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 and 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 and transfer station. A facility for the purposes of separation, aggregation and/or compaction of solid waste prior to delivery to a landfill.

Water and 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.

Sec. 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 discreet 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 two resident caregivers.
 - (d) Group homes shall be licensed by, operated by, or owned by a governmental agency or nonprofit 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 nonresidential or mixed-use areas.

- (b) In residential districts, the building 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 nonresidential 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		
Animal Size	Minimum Kennel Area Floor Space*	Height
Extra-small dogs up to 10" high	4.5 s.f.	• Min. 18 inches. • At least 1.5 times height of animal at shoulder. • Max. required: 48 inches.
Small dogs up to 16" high	6.0 s.f.	
Medium dogs up to 22" high	9.0 s.f.	
Large dogs up to 26" high	12.0 s.f.	
Extra-large dogs up to 30" high	16.0 s.f.	
Giant breeds over 30" high	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 and 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 and 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 and 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 ten 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 and 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.
- k. *Affordable Housing.* Affordable housing, as defined in Section 24-1301, is permitted within any approved dwelling unit and is primarily designated as affordable housing for the purpose of qualifying for the affordable housing parking reduction. Projects that include affordable housing units should follow the approval process for the equivalent residential use shown in Table 24-4-2 including, but not limited to, single-family dwelling, two-family dwellings, row house dwellings, and multi-family dwellings. Affordable housing should also follow the residential development standards for the equivalent building type including, but not limited to, detached house, multi-unit house, row house, and apartment. Transitioning an affordable housing unit to a regular dwelling unit is considered a change of use requiring an amendment to the approved plans and the provision of adequate parking by the applicant.

Section 2. Section 24-703 of Chapter 7, Access and Parking of Title 24, Development Code, shall be amended to read as follows: Sec. 24-703. Required parking.

- a. *Vehicle parking rates.* Table 24-7-3 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 percent 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.
<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.* Nonresidential uses shall not provide more than 125 percent 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 percent of the minimum shall require mitigating potential impacts of additional parking through one or more of the following strategies, based on the director's discretion:
 - 1. Utilize all eligible parking reductions permitted by section 24-703.c.
 - 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 ten percent increase in the required parking landscape area and at least a 25 percent 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 percent 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 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 24-707]:
 - 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 nonresidential 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 ten spaces by up to 15 percent 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 one space for every four bicycle parking spaces up to a maximum of 15 percent 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 percent 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. 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.
8. *Affordable Housing.* When an applicant provides an executed and recorded deed restriction that a proposed dwelling unit will be reserved for affordable housing for no less than 15 years, the applicant may reduce the required parking for the affordable dwelling unit. All other uses on the site, including market rate dwelling units, do not qualify for this parking reduction. The applicant must provide evidence that the property will adhere to income limits and maximum rents published annually by the Department of Housing and Urban Development. The applicant must list each dwelling unit subject to the deed restriction, the number of bedrooms in the dwelling unit, and the area median income for which the dwelling unit is reserved. Upon fulfilling the above-mentioned requirements, the applicant may reduce the required parking as follows:
 - a. Up to a 75 percent reduction for dwelling units that are affordable to households that earn up to 30 percent of area median income.

Table 24-7-4: Shared Parking					
Use	Percentage of Required Parking by Time Period				
	Weekday		Weekend		All
	6:00 a.m. to 5:00 p.m.	5:00 p.m. to 1:00 a.m.	6:00 a.m. to 5:00 p.m.	5:00 p.m. to 1:00 a.m.	1:00 a.m. to 6:00 a.m.
Employment	100%	10%	5%	5%	5%
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%
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- d. *Bicycle parking.* All nonresidential or multifamily development shall provide bicycle parking spaces according to table 24-7-5.

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 two feet by six 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 nonresidential uses shall be located within 100 feet of and visible from the primary entrance.
 5. At least 50 percent of required bicycle parking for residential uses, employment uses, or other similar uses where bicycles are likely to be parked for longer than four 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, and as provided in section 24-707.

Section 3. Section 24-130, of Chapter 13, Definitions and Terms of Title 24, Development Code, shall be amended to read as follows:

Sec. 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 "100-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.

Affordable Housing. Any dwelling unit with an executed and recorded deed restriction stating that the dwelling unit will be reserved for affordable housing by adhering to the income limits and maximum rents published annually by the Department of Housing and Urban Development for no less than 15 years.

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, the agent of such owners or lessees, 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.*)

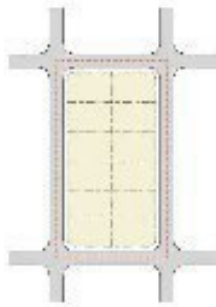
Bedroom. Any room intended and used principally for sleeping purposes.

Berm. (See *Earthen berm.*)

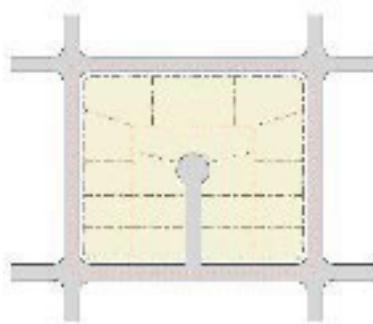
Bioretention facility. A landscaped stormwater element designed to concentrate or remove debris and pollution from surface water runoff by moving water slowly and horizontally at the surface through vegetation using gently sloped sides that cleanse water from pollutants and soil erosion before it enters 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

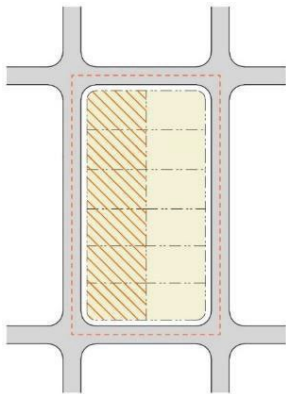


Cul-de-Sac Block



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 façade of the building.

Building frontage, principal. The horizontal linear dimension which is designated as the primary façade of that portion of a building occupied by a single use or occupancy for the purposes of allocating signs and other design requirements.

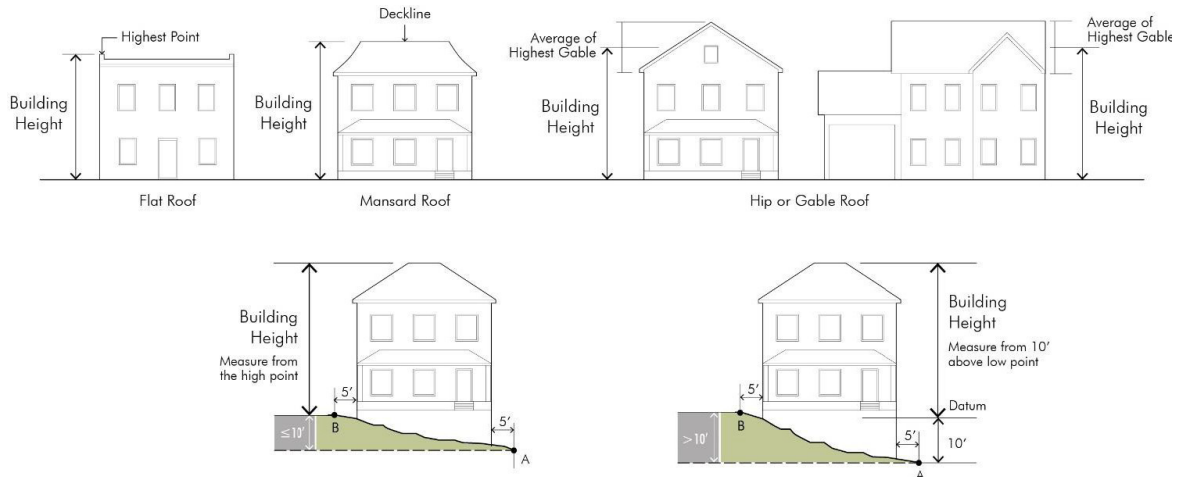
Building frontage, secondary. That dimension of a building abutting a public right-of-way other than the principal building frontage for the purposes of allocating signs and other design requirements.

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 façade of a principal 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 chapter.

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 turnaround.

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.

Façade. 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 such person's 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 is 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, quality, 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 non-farm 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.

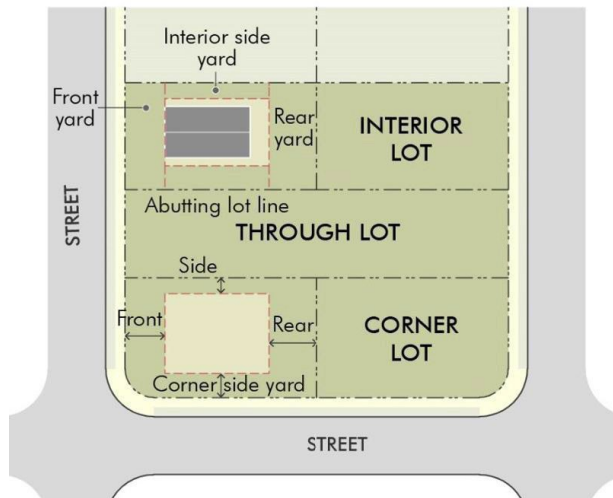
Living fence. A permanent hedge tight enough and strong enough to serve almost any of the functions of a manufactured fence, but it offers agricultural and biological services.

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.

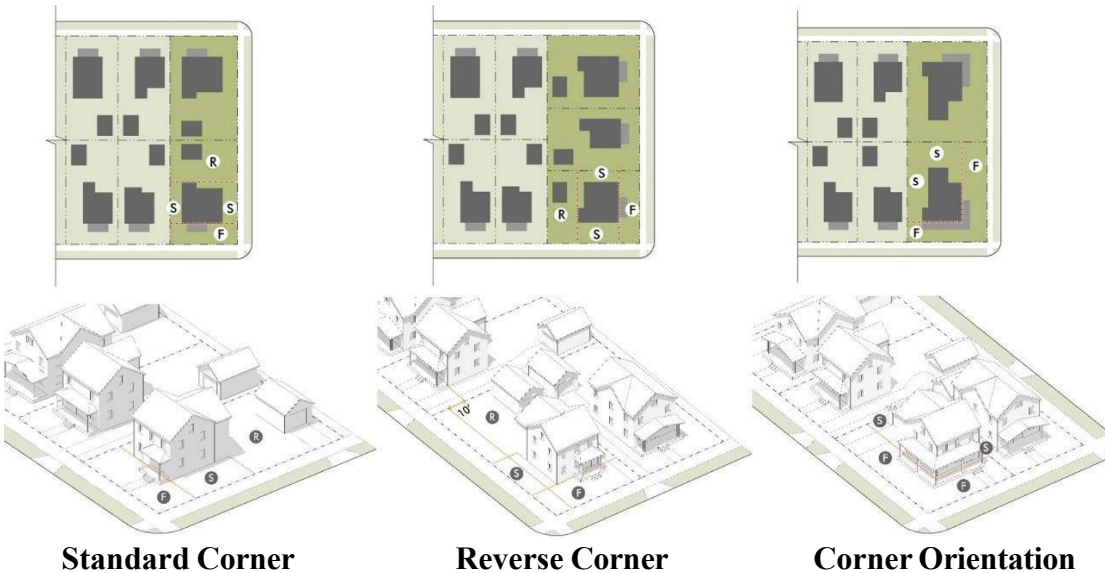
Lot line. A line dividing one lot from another lot or parcel, or from a street or alley.

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) ten 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.

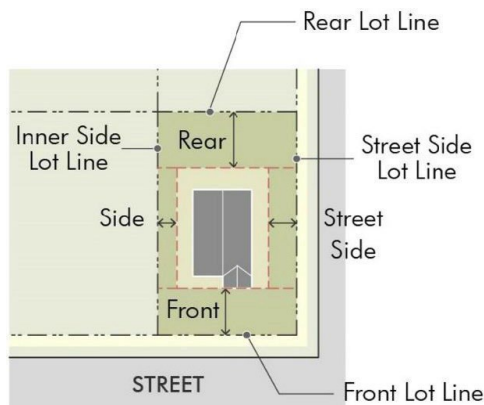


Lot line, interior side. A side lot line which is adjacent to a side lot line of another lot.

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.

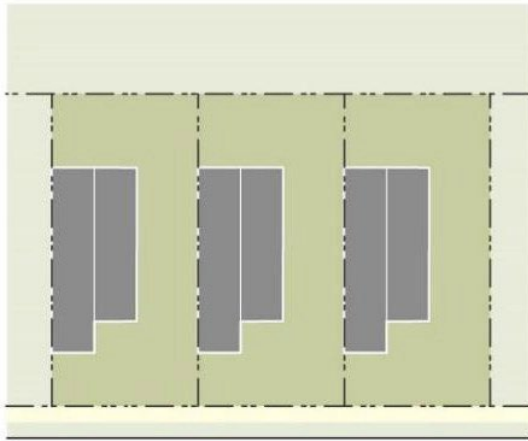
Lot line, side. Any lot lines other than the front or rear lot line.

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 eight 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.

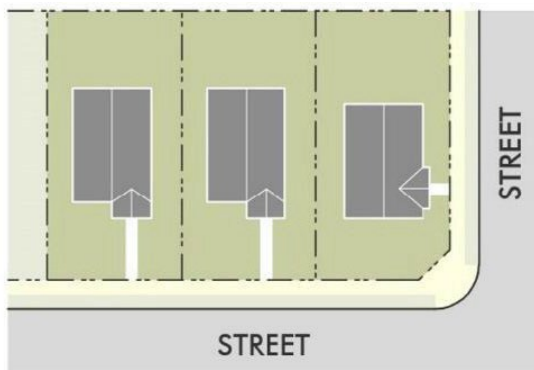
Open space, common. A common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational 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*.)

Private smoking club means a not-for-profit organization, that maintains selective members, is operated by the membership, and has as its primary purpose the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal or social purpose for its members, but not for pecuniary gain, and which only sells or distributes alcoholic beverages to its members incidental to its operation.

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 such persons' 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 multifamily 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 and 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.)

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 chapter.

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 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 title.

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, the term "xeric landscaping" or "xeriscape" 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.



Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

Pulled Consent Agenda items will be considered in the order they appeared on the consent agenda.



Council Agenda Summary

May 21, 2024

Key Staff Contact: Tyra Litzau, Finance Director, Robert Miller, Treasurer

Title:

Public hearing and second 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 2023

Summary:

This supplemental appropriation ordinance modifies the 2023 budget to align the budget with the changes made during the 2022 Audit to better account for federal funds from the American Rescue Plan Act (ARPA). Since the changes to the 2022 financial statements were finalized in January of 2024, this appropriation was not able to be completed in 2023.

The change in ordinance results from the city claiming access to the funds based on the lost revenue category allowed in the details of the ARPA Coronavirus State and Local Fiscal Recover Funds: 2022 Final Rule. The lost revenue category provides for streamlined reporting requirements and allows the city to use the funds for government services. Government services generally include any services traditionally provided by a government unless the Treasury has stated otherwise. One of the main areas cities have applied lost revenue funds to is provision of police, fire, and other public safety services.

The City of Greeley spent \$2,239,527 on specific projects related to response the to the COVID incident (\$910,778 in 2021 and \$1,328,749 in 2022). The remaining \$18,752,068 was identified to be used on specific projects (internal and external) reviewed by the assigned committee with final determination by City Council. The projects were identified and presented to City Council in October 2023.

When finishing up the 2022 audit and Annual Comprehensive Financial Report (ACFR) we determined it would be very beneficial for the City to report the remaining \$18,752,068 to the Treasury as public safety support within the General fund in 2022.

This appropriation ensures that existing commitments made in the fifth appropriation on October 17, 2023 will be budgeted appropriately in the General Fund in 2023. The appropriation will move appropriated funds in the Grants Fund to the General Fund with no net impact to the overall 2023 City of Greeley Budget. The attached ordinance includes the proposed budget adjustment to ensure the City meets the requirements of the charter that expenditures do not exceed what has been appropriated by Council.

A motion to introduce the ordinance and schedule a public hearing and second reading for May 21, 2024, was approved with a 7-0 vote on May 7, 2024.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	\$0
What is the annual impact?	\$0
What fund of the City will provide funding?	See Ordinance
What is the source of revenue within the fund?	Fund Balance and Interest Earnings
Is there grant funding for this item?	No
Additional Comments:	The total appropriations made by this ordinance are \$0. This ordinance is to assign expenditures to the appropriate fund in 2023.

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:

None

Strategic Focus Area:



High-Performance Government

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:

1. Ord No.13, 2024
2. Detail Supporting Schedule
3. Item 14 - Supplemental Appropriation Request Presentation

CITY OF GREELEY, COLORADO
ORDINANCE NO. 13, 2024

AN ORDINANCE APPROPRIATING ADDITIONAL SUMS TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF GREELEY FOR THE BALANCE OF THE FISCAL YEAR OF 2023

WHEREAS, the City of Greeley has incurred expenses for certain activities described below during the 2023 fiscal year; and

WHEREAS, the revenues received in the City of Greeley in 2022, exceeded the amount of revenues estimated in the 2022 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 2023 budget and amounts held in fund balance reserves from 2022, there is hereby appropriated the following designated sums to be allocated for use during the remainder of 2023:

Fund Description	Amount	Transfers	Total
General (100)	-	20,254,734	20,254,734
Grants (170)	-	(20,254,734)	(20,254,734)
Total Expenditures by Fund	-	-	-

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 take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2024.

ATTEST

THE CITY OF GREELEY, COLORADO

By: Deputy City Clerk

By: Mayor



Detail Supporting Scheule

City of Greeley

2023 Appropriation

City Council Meetings: May 7 & May 21

Fund	Item	Department	Funding Source	Description	Fund Balance	Revenue	Expenditures	Net Impact
100 - GENERAL FUND								
	1	NON	Fund Balance & Interest Earnings	This request will appropriate previously approved American Rescue Plan Act (ARPA) dollars to General Fund monies that will be transferred to support the 2023 Budget in the Public Improvement Fund. The total amount also includes anticipated interest earnings to support capital projects in the Public Improvement Fund.	18,754,734	1,500,000	20,254,734	-
100 - GENERAL FUND					18,754,734	1,500,000	20,254,734	-
170 - GRANTS FUND								
	1	NON	Fund Balance & Interest Earnings	This request will appropriate previously approved American Rescue Plan Act (ARPA) dollars to General Fund monies that will be transferred to support the 2023 Budget in the Public Improvement Fund. The total amount also includes anticipated interest earnings to support capital projects in the Public Improvement Fund.	(18,754,734)	(1,500,000)	(20,254,734)	-
170 -GRANTS FUND					(18,754,734)	(1,500,000)	(20,254,734)	-
Total					\$ -	\$ -	\$ -	\$ -



2023 Supplemental Appropriation Request

Robert Miller, Division Treasurer
Tyra Litzau, Finance Director
City Council Meeting – May 21, 2024



Overview



- Overview of 2023 Appropriation Request
- Feedback Received During May 14 Work Session
- Ordinance and Supporting Detail Attached
- Purpose: Adopt the ordinance and publish with reference to title only

Overview of 2023 Appropriation

American Rescue Plan Act (ARPA) Funds were originally allocated to a new Grants Fund and reported as lost revenue

During the 2022 financial audit, ARPA funds were allocated to public safety in the General Fund instead of the Grants Fund to reduce administrative reporting and follow best practice while still completing projects approved by Council in the October 2023 appropriation

There is no net financial impact to the City from this change and projects will be completed as previously approved by City Council

This appropriation moves previously approved expenditures to the General Fund to meet accounting and charter requirements

Recommendation

Adopt the ordinance and publish with reference to title only

Thank you





Council Agenda Summary

May 21, 2024

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Appointments to Boards and Commissions

Summary:

Council appointment is needed to the above-mentioned Boards and Commissions due to vacancies and term expirations. City staff continues to actively recruit to fill all other vacant positions. Water & Sewer Board applicants are incumbents applying for their own seats and therefore will not be interviewed.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	No

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 recuses themselves from that particular item. 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:

None

Strategic Focus Area:



Community Vitality

Decision Options:

- 1) Appoint or reappoint the individuals to serve on an applicable board or commission
- 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:

1. Sample Ballot
2. Boards & Commission May Transmittal



Applicants for the boards and/or commissions listed below are in alphabetical order
 and recommendations from the interview team are shown in bold.

***** BALLOT *****

Union Colony Civic Center	
<i>1 Position: 3 Year Term</i>	
☐	Austin Southern (Recruit for Additional Applicants)

Youth Commission	
<i>5 Positions 3 Year Term</i>	
☐	Mackenzie Franks (I) (Recruit for Additional Applicants)

(I) = Incumbent

Boards & Commissions Transmittal

May 13, 2024

Key Staff Contact: Ashton Reinhardt, Boards and Commissions Coordinator, 970-350-4000

Interview Date

May 13, 2024

Council Interview Team

Councilmembers McDonald and Payton

Council Appointment Date

May 21, 2024

Boards and Commissions Being Interviewed

- **Union Colony Civic Center Advisory Board**
- **Youth Commission**

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

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

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters & Input from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by:

 ^{DS}

_ Raymond Lee, City Manager

 ^{DS}

_ Heidi Leatherwood, City Clerk



Council Agenda Summary

Title:

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 any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Council's Recommended Action:

A motion to approve the above authorizations.



Council Agenda Summary

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 Planning Calendar and Schedule for City Council Meetings and Work Sessions and make any necessary changes regarding any upcoming meetings or events.

Attachments:

Council Meetings and Other Events Calendars

Council Meeting and Work Session Schedule/Planning Calendar

May 20, 2024 - May 26, 2024

May 2024							June 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4						1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

Monday, May 20

Tuesday, May 21

 **6:00pm City Council Meeting** (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar 

Wednesday, May 22

Thursday, May 23

Friday, May 24

Saturday, May 25

Sunday, May 26

May 27, 2024 - June 2, 2024

May 2024							June 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4						1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

Monday, May 27

- Memorial Day Holiday- All Administrative Buildings Closed**
- 9:00am - 10:00am Memorial Day Proclamation** (Linn Grove Cemetery (1700 Cedar Ave, Greeley, CO 80631)) - Council Master Calendar
- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall)**

Tuesday, May 28

- 6:00pm City Council Work Session Meeting** (R_CCS_Council Chambers - WiFi Ready; R_CCS_Council Chambers Overflow Room 103) - Council Master Calendar

Wednesday, May 29

- 7:00am - 8:00am Upstate Colorado Economic Development (Hall)** (Upstate Colorado Conference Room) - Council Master Calendar
- 5:00pm - 7:30pm Colorado Municipal League Spring District Meetings** (Urban Egg a daytime eatery (4861 Thompson Pkwy, Johnstown, CO 80534)) - Council Master Calendar

Thursday, May 30

- 12:00pm - 2:00pm Hope Springs Ribbon Cutting Event- Please register below, if you accept the invitation** (27th Ave and 29th Street Rd) - Council Master Calendar

Friday, May 31

Saturday, June 1

- 10:00am - 11:00am Linn Grove's 150th Anniversary Program (Gates)** (Linn Grove Cemetery (1700 Cedar Ave, Greeley, CO 80631)) - Council Master Calendar

Sunday, June 2

June 3, 2024 - June 9, 2024

June 2024							July 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

Monday, June 3

Tuesday, June 4

 **6:00pm City Council Meeting** (R_CCS_Council Chambers Overflow Room 103; R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar 

Wednesday, June 5

Thursday, June 6

 **7:30am - 9:00am Regional Leadership Initiative 2024 Planning (Gates, Hall) Mayor and Mayor Pro Tem only** (Windsor Public Services Facility (922 15th St, Windsor, CO 80550)) - Council Master Calendar

 **7:30am - Poudre River Trail (Hall)** 

 **3:30pm - IG Adv. Board (Butler)** 

 **6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton)** 

Friday, June 7

 **8:00am - 3:30pm W&S Annual bus tour for Council and W&S Board members** (City Center South 1001 11th Ave., 2nd Floor) - Council Master Calendar

Saturday, June 8

Sunday, June 9

June 10, 2024 - June 16, 2024

June 2024							July 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

Monday, June 10

Tuesday, June 11

6:00pm City Council Work Session Meeting
(R_CCS_Council Chambers Overflow Room 103; R_CCS_Council Chambers - WiFi Ready) - Council Master Calendar 

Wednesday, June 12

Thursday, June 13

5:30pm - 6:30pm SAVE THE DATE: Boards & Commissions Orientation (zoom) - Council Master Calendar

Friday, June 14

Saturday, June 15

Sunday, June 16

City Council Meeting Scheduling 2024			
	5/14/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
May 21, 2024 Council Meeting	Proclamation - National Travel & Tourism Week	Mayor	Intro
	Introduction of new roles - Nick Hoyle, Martha Lanaghen, and Kelli Johnson	Mayor	Intro
	Minutes - April 16 CC; April 23 WS	Heidi Leatherwood	Consent
	Motion - Cancel July 2, 2024 Council Meeting	Heidi Leatherwood	Consent
	Resolution - Update to City Investment Policy	Tyra Litzau/Robert Miller	Consent
	Intro & 1st Rdg Ord - Affordable Housing Parking Reduction	Caleb Jackson	Consent
	PH & 2nd Rdg - Supplemental Budget Appropriation for 2023	Tyra Litzau	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
May 28, 2024 Council Work Session	Downtown Overlay Zoning	Brian McBroom	Work Session
	Small Business Land Use Center	Brian McBroom	Work Session
June 04, 2024 Council Meeting	Proclamation - Pride Month	Mayor	Intro
	Minutes - May 7 CC; May 14 WS	Heidi Leatherwood	Consent
	Resolution - CDOT IGA Funding for New Culvert #3 Ditch at 23rd Avenue and 5th Street	Paul Trombino	Consent
	Resolution - At Home Greeley	Brian McBroom	Consent
	Intro & 1st Rdg Ord - City Attorney Appointment	Kimberly Southern-Weber	Consent
	Intro & 1st Rdg Ord - Westgate Non - Pot Local Improvement District	Ryan Duve/ Adam Prior/ Sean Chambers	Consent
	Intro & 1st Rdg Ord - Request for Eminent Domain Authority for 83rd avenue 4th Street Project	Bhooshan Karnik/ Paul Trombino	Consent
	Intro & 1st Rdg Ord - Request for Eminent Domain Authority for Poudre River Ranch Stormwater Improvements	Bhooshan Karnik/ Paul Trombino	Consent
	Intro & 1st Rdg Ord - Request for Eminent Domain Authority for 23rd Avenue and 4th/5th Street Project	Bhooshan Karnik/ Paul Trombino	Consent
	Sign Code Amendments Overview	Don Threewitt	Regular Informational
	PH & 2nd Rdg Ord - Affordable Housing Parking Reduction	Caleb Jackson	Regular
June 11, 2024 Council Work Session	Water & Sewer Board Interviews	Heidi Leatherwood/Ashton Reinhardt	Work Session
	Culture, Parks, and Recreation Comprehensive Plan Update	Diana Frick	Work Session
	1st Quarter CIP Update	Paul Trombino	Work Session
	Facilities Update (tentative)	Paul Trombino	Work Session
	Greeley Fire Department Organizational Assesment Overview	Brian Kuznik	Work Session
June 18, 2024 Council Meeting	Proclamations - Greeley Stampede	Mayor	Intro
	Proclamations - Juneteenth	Mayor	Intro
	Proclamation - World Refugee Day	Mayor	Intro
	Proclamation - Parks and Recreation	Mayor	Intro

City Council Meeting Scheduling 2024			
	5/14/2024		
	This schedule is subject to change		
Date/Type	Description	Sponsor Presenter/Director or Project Manager	Placement/Time
	Minutes - May 21 CC; May 28 WS	Heidi Leatherwood	Consent
	Open Space Update (Tentative)	Diana Frick	Regular Informational
	PH & 2nd Rdg Ord - City Attorney Appointment	Kimberly Southern-Weber	Regular
	PH & 2nd Rdg Ord - Westgate Non-Pot Local Improvement District	Ryan Duve/ Adam Prior/ Sean Chambers	Regular
	PH & 2nd Rdg Ord - Request for Eminent Domain Authority for 83rd avenue and 4th Street Project	Bhooshan Karnik/ Paul Trombino	Regular
	PH & 2nd Rdg Ord - Request for Eminent Domain Authority for Poudre River Ranch Stormwater Improvements	Bhooshan Karnik/ Paul Trombino	Regular
	PH & 2nd Rdg Ord - Request for Eminent Domain Authority for 23rd Avenue and 4th/5th Street Project	Bhooshan Karnik/ Paul Trombino	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
June 25, 2024 Council Work Session	Image and Tourism Update	Jaqueline Villegas	Worksession
	Meeting (Council and B&C) Streaming and Storage	Winna MacLaren, Heidi Leatherwood	Worksession
	Metropolitan District Standards – Options and Recommendations	Don Threewitt	Work Session
	Public Finance Tools and Incentives for Economic Development	John Hall	Work Session