

Planning Commission Agenda

Regular Meeting
Tuesday, January 13, 2026, at 1:15 PM

City Council Chambers – City Center South
1001 11th Ave, Greeley, CO 80631
Zoom Webinar Link:
<https://greeleygov.zoom.us/j/89769834963>

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Planning Commission meetings are held on the 2nd and 4th Tuesdays of each month. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in-person meeting in Council Chambers.

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Watch Meetings:



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

Comment in Real Time:



Join the Zoom webinar (link above). During the public hearing, members of the public may address the Commission.

Submit Written Comments:



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



Written comments can be mailed or dropped off at the Planning office at 1100 10th Street, Greeley, CO 80631. Written comments received prior to or during the meeting will be read into the record in real time.

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Planning Commission

January 13, 2026, at 1:15 PM
City Council Chambers – City Center South
1001 11th Avenue, Greeley, CO 80631

Agenda

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Approval of the December 09, 2025, Planning Commission Meeting Minutes
5. A public hearing regarding a recommendation on an ordinance repealing a portion of Title 24, Chapter 10 of the Greeley Municipal Code relating to the Floodplain Overlay District and amending Title 12 of the Greeley Municipal Code by adding a new Chapter 12 relating to floodplain management.
6. Staff Report
7. Adjournment

Workshop

8. Development Code Assessment Report



Planning Commission Meeting Minutes

December 9, 2025, at 1:15pm

1. Call to Order

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

2. Roll Call - Present

Chair Justin Yeater
Vice Chair Louisa Andersen
Commissioner Erik Briscoe
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin
Commissioner Christian Schulte
Absent

3. Approval of the agenda

There were no changes to the agenda and Chair Yeater proceeded with the agenda as published.

4. Approval of the November 18, 2025 Planning Commission Meeting Minutes

Motion by Commissioner Franzen:

He moved to approve the minutes as presented.

Second: Commissioner Briscoe

Vote: Motions approved 7-0

Absent:

5. A public hearing to review the proposed 2026 Three-Mile Plan Resolution and make a recommendation to City Council.

Michael Franke (Planner III) began his presentation by introducing himself and the item as published.

Vice Chair Andersen inquired about the sewer, asking whether a lift station would be required and if that had been accounted for in the plans. Mr. Franke stated Water and Sewer has not indicated whether a lift station will be required, as the project is still conceptual. This determination would be made during a formal development proposal review.

Vice Chair Andersen noted that the area sits downhill and asked how the system would function and where they would ultimately lead. Caleb Jackson (Interim Planning Manager) explained that several conceptual options exist for handling the site's sewage, including the possibility of a lift station, but no specific approach has been selected yet.

Vice Chair Andersen asked how Windsor will coordinate or interact with Greeley on this plan. Mr. Jackson shared that a representative from the Town of Windsor is here, so we may be able to hear their position directly from them.

Chair Yeater mentioned the packet references the intergovernmental agreement (IGA) with Windsor and asked for clarification on whether this agreement is still under consideration or has been finalized. The specific focus was on the sewer and water provisions. Mr. Jackson shared the intergovernmental agreement (IGA) with Windsor applies only to the U.S. 34 corridor, generally extending one mile north and one mile south of the roadway. As a result, the subject property is not governed by that IGA, including the provisions related to how sewage from that area would be treated.

Commissioner Briscoe was seeking clarification regarding the three-mile plan discussed earlier this year. Specifically, given that the approval is still within the one-year timeframe, the referenced "annual update" pertains solely to the two properties discussed in the packet. Mr. Franke confirmed that it was correct. The update is intended specifically to incorporate the addition of the GWIP Broe site. The previous plan included Care Stream, which is directly adjacent to the GWIP site; this update expands the scope to include the GWIP site as well. The matter is scheduled to be presented to Council in 2026.

Commissioner Schulte asked if there were any new intergovernmental agreements currently being developed, or if that was under consideration. Mr. Jackson was not aware of any formal intergovernmental agreement discussions currently underway. However, if landowners in the area were to pursue annexation into Greeley, coordination with Windsor would be necessary due to the shared boundaries.

With no other questions for staff Chair Yeater opened the public portion of the meeting at 1:24pm. He asked if anyone in attendance was wishing to speak to the item.

Scott Ballstadt (Director of Planning for the Town of Windsor) sought to resubmit comments previously provided on the previous Three-Mile Plan to reiterate concerns regarding annexation issues and the reliance of both the Care Stream and BROE GWIP properties on Windsor's infrastructure. Additional comments were offered regarding the proposed GWIP/BROE annexation, which was described as inconsistent with prudent planning principles outlined in annexation statutes. Mr. Ballstadt continued by stating those statutes encourage well-planned development and discourage "leapfrog and flagpole annexations", particularly within another jurisdiction's growth management area, areas in which both properties have been located for the past 26 years. Mr. Ballstadt requested that these comments, related to both the annexation and the Three-Mile Plan, be entered into the record and included in City Council packets going forward.

Chair Yeater asked Mr. Ballstadt to identify the packets he presented to the Commission for the record. Mr. Ballstadt explained that the letter dated April 18 was submitted during consideration of the previous Three-Mile Plan, prior to its approval at the June meeting. A second set of comments, dated October 14, addressed the proposed Great Western Industrial Park BROE annexation. Although the annexation may still be under staff review, Mr. Ballstadt provided these comments because the Three-Mile Plan was intended to set the stage for that annexation. He emphasized that while the proposal may meet the Three-Mile Plan requirements, it appears to conflict with state statutes concerning the logical extension of a community.

Commissioner Franzen asked if the applicant had approached the Town of Windsor for a potential annexation. Mr. Ballstadt said no, the subject property, the former Kodak campus, has

never been proposed for annexation. Mr. Ballstadt added that the proposed flagpole and annexation involve a 20–30 foot strip along the eastern boundary of Windsor’s wastewater treatment plant. This strip was intentionally left unannexed to avoid creating an enclave, and the parties have nonetheless worked collaboratively for the past 20 years on surrounding development while Kodak remained in operation.

Commissioner Carlson asked whether the claim that the proposal conflicts with several state statutes means that the annexation would be illegal. Mr. Ballstadt stated that the proposed annexation would undermine the intent of state annexation statutes by creating a fragmented mix of Windsor and Greeley jurisdictions, resulting in a patchwork of municipal regulation, road access, and emergency services. He noted that the property has been within Windsor’s growth management area for over 20 years, making the proposal inconsistent with orderly and well-planned development.

Commissioner Carlson then asked whether the contention was not that the annexation would be illegal, but rather that it would be inconvenient and create confusion. Mr. Ballstadt responded that he would characterize it as poor planning.

Chair Yeater asked whether staff wished to comment on the documents provided to the Commission. Mr. Jackson stated that comments on the prior three-mile plan were fully vetted and addressed before receiving Council approval and therefore did not require further response. He added that it would be inappropriate to discuss annexation-related comments at this time to avoid ex parte communication without the applicant present.

Chair Yeater requested clarification on the vote occurring today. Stating that the goal was to evaluate the three-mile plan based on the applicable criteria and, in summary, to determine whether the City of Greeley could effectively serve and facilitate development within the three-mile area. Mr. Jackson stated that it was correct.

Commissioner Modlin asked if the property owner ultimately makes the final decision, and this simply provides an additional option for them to consider. Mr. Jackson confirmed that approval would allow landowners in the overlapping area to petition either municipality for annexation. Chair Yeater sought to confirm his understanding, asking whether a property owner or applicant would still have the opportunity to petition either Windsor or Greeley, regardless of the plan. Mr. Jackson explained that the area would need to be included in the City of Greeley’s three-mile plan to give the landowner the option to petition for annexation into Greeley.

Commissioner Franzen asked whether there is an existing overlapping three-mile plan, specifically if Windsor already has a three-mile plan in this area. Mr. Jackson noted that Windsor’s growth management area likely serves as their equivalent of a three-mile plan, covering this geographic area.

Vice Chair Andersen asked that the three-mile plan is a state-mandated process the city is following and asked whether that would imply that Windsor is not in compliance with the statute. Mr. Franke noted that Windsor complies by maintaining a growth management area that encompasses this site.

With no other questions for staff Chair Yeater asked if anyone else in attendance or online was wishing to speak to the item. Seeing none, Chair Yeater closed the public portion of the meeting at 1:36pm and turned it over to the commission for action.

Motion made by Commissioner Briscoe:

He moved that based on the preceding analysis, the Planning Commission finds that the proposed 2026 City of Greeley 3-mile Plan resolution is consistent with Colorado Revised Statute 3112-105E, meeting statutory requirements related to infrastructure, parks, transportation, and land uses that will allow the City to annex future properties within its three-mile boundary, and therefore recommends that the City Council approve the 2026 City of Greeley Three-mile Plan resolution as submitted.

Second: Commissioner Franzen

Commissioner Franzen expressed concern that similar issues may continue to arise with neighboring properties in the future. While he did not view this as a determination on annexation itself and acknowledged the situation as somewhat unclear, he noted that the process follows state statute and stated his support for the plan.

Commissioner Schulte stated that the plan preserves options for the property owner, providing more choices than otherwise available, and concluded that, despite Windsor’s concerns, it makes sense to recommend approval to the City Council.

Chair Yeater echoed that sentiment and added that he hopes staff provides detailed information on annexation impacts and any cooperation with Windsor to ensure the city would not be overburdened before proceeding.

Vice Chair Andersen expressed concern that discussions from the commission have not consistently been conveyed to City Council and emphasized the need for this hearing’s discussion to be properly documented and shared. While she supports the motion, she wanted to formally record her concerns about the commission’s participation in the process.

Vote: Motion passed 7-0

6. Staff Report:

Caleb Jackson provided an update on the Westside Area Plan, noting that consultants will return in the last week of January to meet with stakeholders. A public open house is scheduled for January 26, 2026, at 6:00 p.m. at the Family Funplex, and Planning Commissioners are invited. Additionally, a tour of Bradburn, a walkable neighborhood designed by the same consultants, will take place January 26, 2026, at 2:30 p.m. in Westminster, with follow-up details to be emailed. Work sessions on both the Westside and Eastside Area Plans are planned for January 27, 2026. The Consultants will be present for those work sessions.

7. Adjournment:

Chair Yeater adjourned the meeting and at 1:41pm.

Justin Yeater – Chair

Don Threewitt – Interim Comm. Dev. Director

PLANNING COMMISSION SUMMARY

ITEM: Public hearing regarding a recommendation on an ordinance repealing a portion of Title 24, Chapter 10 of the Greeley Municipal Code relating to the Floodplain Overlay District and amending Title 12 of the Greeley Municipal Code by adding a new Chapter 12 relating to floodplain management

FILE NUMBER: CU2025-0004

PROJECT: Code Amendment: Floodplain Overlay District

APPLICANT: City of Greeley, Public Works and Transportation Department

CASE MANAGER: Brian Hathaway | Water Quality and Regulatory Compliance Manager

PLANNING COMMISSION HEARING DATE: January 13, 2026

PLANNING COMMISSION FUNCTION:

Review the proposed code amendment for compliance with Section 24-211.b of the Greeley Development Code and make a recommendation to the City Council.

EXECUTIVE SUMMARY

In 2019, the Colorado Water Conservation Board (CWCB) and the Federal Emergency Management Agency (FEMA) conducted a Community Assistance Visit (CAV) to audit Greeley’s floodplain program and identify required code updates, but the CAV was never formally closed due to turnover at both agencies. In early 2025, CWCB’s new Floodplain Management Assistance Coordinator reengaged the City’s Floodplain Administrator to resume close-out and confirm the needed revisions: add several missing definitions and update terminology; establish formal variance procedures; designate the Floodplain Administrator and define powers and duties; include a severability clause; require applicants to establish a Base Flood Elevation (BFE) in Approximate Zone A; and restrict BFE increases of 0.5 feet or more in areas without an established regulatory floodway.

To improve implementation and accountability, staff also proposes relocating performance standards and variance procedures out of the Floodplain Overlay District and into stand-alone sections of the development code, providing Public Works clearer day-to-day administrative authority while maintaining appropriate oversight.

A. REQUEST

The City of Greeley is considering a code amendment to make modifications to the floodplain overlay district and bring performance standards into a separate code section administered by Public Works and Transportation.

B. STAFF RECOMMENDATION

Approval

C. BACKGROUND

The City of Greeley is a member of the National Flood Insurance Program (NFIP) and is required to maintain a floodplain ordinance in compliance with CWCB and FEMA standards. A 2019 Community Assistance Visit identified several issues with Greeley's floodplain ordinance and amendments are required to remain in good standing with the NFIP. Failure to make these updates could lead to probation or suspension from the NFIP - which would cause residents to lose federally backed flood insurance, make the City and residents ineligible for disaster assistance, and prevent anyone in the community from receiving grants or loans from FEMA or CWCB.

D. REVIEW CRITERIA

The Commission shall consider comment from review agencies and offices, staff recommendation, public comments, and the following criteria in making a recommendation to City Council.

1. The amendment furthers the purposes of these regulations in Section 24-101. c.

Staff Comment: The proposed code amendment is intended to implement objectives of the Comprehensive Plan, promote the well-being of residents, provide the opportunity to receive federally backed flood insurance and disaster assistance.

The request complies with this criterion.

2. The amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range effects as well as immediate impacts.

Staff Comment: The following objectives from the Comprehensive Plan are applicable to the proposed code amendment.

Objective PS-1.1 Flood Hazards

Fully enforce floodplain regulations within areas of the community subject to a one percent or greater chance of flooding in any given year (i.e., the 100-year floodplain). To the extent possible, development within the floodplain should be compatible with the natural tendencies of these areas, such as open space and recreation. Development in floodways shall not be permitted.

The request complies with this criterion.

3. The amendment promotes the public safety, health and general welfare of the citizens of Greeley.

Staff Comment: By ensuring floodplain ordinances are up-to-date, life and safety protocols are the main driver for development within the Special Flood Hazard Area.

The request complies with this criterion.

4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.

Staff Comment: The proposed amendment improves the effectiveness of the Development Code by removing performance standards that are administered by Public Works and Transportation.

The request complies with this criterion.

E. PUBLIC NOTICE AND COMMENT

Notice was published on the City of Greeley’s website pursuant to the City’s notification requirements for code amendments to the Development Code. No objection or support has been received by staff.

F. PLANNING COMMISSION MOTIONS

Recommended (Approval)

Based on the preceding analysis, the Planning Commission finds that the proposed code amendment to the Greeley Municipal Code is consistent with the Development Code criteria of Section 24-211.b (Items 1 through 4) and therefore recommends that the City Council approves the code amendment to the Greeley Municipal Code as submitted.

Alternative 1 (Approval with conditions)

Based on the preceding analysis, the Planning Commission finds that the proposed code amendment to the Greeley Municipal Code is consistent with the Development Code criteria of Section 24-211.b (Items 1 through 4) and therefore recommends that the City Council approves the code amendment to the Greeley Municipal Code with the following conditions:
[list proposed changes and conditions]

Alternative 2 (Denial)

Based on the preceding analysis, the Planning Commission finds that the proposed code amendment to the Greeley Municipal Code is not consistent with the Development Code criteria of Section 24-211.b (Items 1 through 4) and therefore recommends that the City Council denies the code amendments to the Greeley Municipal Code as submitted.

CITY OF GREELEY, COLORADO
ORDINANCE NO. _____, 20__

**AN ORDINANCE REPEALING A PORTION OF TITLE 24, CHAPTER 10 OF THE
GREELEY MUNICIPAL CODE RELATING TO THE FLOODPLAIN OVERLAY
DISTRICT AND AMENDING TITLE 12 OF THE GREELEY MUNICIPAL CODE BY
ADDING A NEW CHAPTER 12 RELATING TO FLOODPLAIN MANAGEMENT**

WHEREAS, the City of Greeley, Colorado is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the City's Home Rule Charter; and

WHEREAS, the National Flood Insurance Act (42 U.S.C. § 4001, et. seq) requires the Federal Emergency Management Agency to prohibit sale or renewal of flood insurance within the jurisdiction of a local government unless that local government implements certain floodplain management regulations. The Federal Emergency Management Agency determines the adequacy of local government's floodplain management regulations pursuant to the criteria in 44 C.F.R. § 60.3.

WHEREAS, the Colorado Water Conservation Board passed regulations that require local governments in Colorado to implement certain regulations that provide standards for floodplain preservation and potential flood risk reduction to life, safety, health, and property. 2 C.C.R. § 408-1.

WHEREAS, the City Council finds it necessary to update the Greeley Municipal Code regarding zoning and regulation of construction and development within floodplains to ensure the City of Greeley's floodplain management regulations are consistent with federal and state criteria and to ensure the Greeley Municipal Code is consistent with modern terminology.

WHEREAS, the City Council finds it prudent and advantageous to relocate the floodplain management standards from the Greeley Development Code to a new chapter contained in Title 12, Public Health & Environmental Control, to be overseen and enforced by the Public Works Department.

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

Section 1. That Section 24-1001 contained in Chapter 10 of Title 24 of the Greeley Municipal Code be repealed and replaced by a new Section 24-1001 to read as follows:

Sec. 24-1001. Floodplain overlay district.

- a. *Intent.* This section creates a floodplain overlay district: a zoning overlay of special standards and regulations for land located within a special flood hazard area (SFHA) as identified by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). It is the intent of this section and the related floodplain

management regulations within title 12, chapter 12 of this Code to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

This section is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another statute, regulation, ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

b. *Applicability.* The floodplain overlay district shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the city.

1. The special flood hazard areas identified by FEMA and any revisions thereto are hereby adopted by reference and declared to be a part of this section. These special flood hazard areas identified are the minimum area of applicability of this section and may be supplemented by studies designated and approved by the community.
2. No structure or land shall hereafter be located, altered or have its use changed within the SFHA without full compliance with the standards and requirements in title 12, chapter 12 of this code. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board (CWCB) Rules and Regulations for Regulatory

Floodplains in Colorado (2 C.C.R. § 408-1) and the National Flood Insurance Program (44 C.F.R. §§ 50 to 80).

- c. *Floodplain development permit.* A floodplain development permit shall be required before construction or development (as those terms are defined in section 12-1204 of this code) within the floodplain overlay district. Refer to section 12-1206 of this code for floodplain development permit requirements.

- d. *Variances.* The zoning board of appeals shall hear and render judgment on requests for variances from the requirements of title 12, chapter 12 of this code. When considering whether to grant a variance, the zoning board of appeals shall not apply the development code variance standards and procedures in section 24-209 and shall instead apply the following standards and procedures:
 - 1. Prerequisites for granting variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (b) Variances shall only be issued upon:
 - (1) Showing a good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (d) The floodplain administrator shall be notified of and must have the opportunity to submit written comments or offer testimony to the zoning board of appeals prior to a decision on any proposed variance.
2. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (a) All other criteria for issuing a variance under this subsection are met, and
 - (b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
3. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
5. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. Upon considerations of the factors noted above and the intent of this section, the zoning board of appeals may attach such conditions to the granting of variances as they deem necessary to further the purpose and objectives stated in section 24-1001.a.

Section 2. That the Greeley Municipal Code be amended by adding thereto a new Chapter 12, entitled "Floodplain Management" to Title 12.

Section 3. That the Greeley Municipal Code be amended by adding sections 12-1201 to 12-1217 to Chapter 12, Floodplain Management, contained in Title 12 and to read as follows:

Title 12 – Public Health and Environmental Control

Chapter 12 – Floodplain management

Sec. 12-1201. - Purpose.

- a. *Intent.* It is the intent of this chapter to implement the Colorado Water Conservation Board (CWCB) and the Federal Emergency Management Agency (FEMA) floodplain management regulations that provide for the city’s administration and enforcement of flood protection standards.

- b. *Applicability.* The standards, requirements, and administration of this section shall apply to land located within the city’s floodplain overlay district, as instituted in section 24-1001 of this Code.

Sec. 12-1202. - Severability.

The sections, subsections, sentences, clauses and phrases within this chapter are each severable and if any phrase, clause, sentence, subsection or section of this chapter is declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, subsections and sections of this chapter.

No provision of this chapter shall enable any circumstance that is unlawful under superseding federal or state law. If any section, subsection, sentence, clause, phrase, or portion of this code is now or in the future superseded or preempted by state or federal law or found by a court of competent jurisdiction to be unauthorized, such provision shall be interpreted and applied as required by law.

Sec. 12-1203. - Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods than contemplated in this chapter or section 24-1001 of this code (governing the creation and maintenance of the city’s floodplain overlay district) can and will occur and flood heights

may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard area or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Sec. 12-1204. - Definitions.

The following terms used in this chapter and in section 24-1001 of this code shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the city, except where the context clearly indicates a different meaning.

100-year flood means a flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one-percent chance flood). The terms "one-percent chance flood" and "base flood" are synonymous with the term "100-year flood." The term "100-year flood" does not imply that the flood will necessarily happen once every one hundred years.

100-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood). The term "500-year flood" does not imply that the flood will necessarily happen once every five hundred years.

500-year floodplain means the area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Addition means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means a designated Zone AO or AH on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable. Such flooding is characterized by ponding or sheet flow.

Base flood means a 100-year-flood and is a flood having a one percent chance of being equaled or exceeded in any given year. This term is used in the NFIP to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

Base flood elevation (BFE) means the elevation shown on a FEMA flood insurance rate map that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor sub-grade (below ground level) on all sides.

Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

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

Code of Federal Regulations (CFR) means the codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Community means the City of Greeley, Colorado.

Comprehensive plan means the city comprehensive plan as defined in section 24-1301 of this Code.

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

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in section 12-1216 that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

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

CWCB means the Colorado Water Conservation Board. The Colorado General Assembly has appointed CWCB the responsibility for the designation of regulatory floodplains and to promote protection of public health, safety, welfare, and property by protecting development in the regulatory floodplains. C.R.S. §§ 24-65.1-101, 24-65.1-202(2)(a)(I)(A), 24-65.1-302(1)(b), (2)(a), 24-65.1-403(3), 24-65.1-404.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

Digital flood insurance rate map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as regulatory floodplain maps for insurance and floodplain management purposes.

Elevated building means a nonbasement building built to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. The term "elevated building" also includes a building elevated by means of fill or solid-foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Federal Register means the official daily publication for rules, proposed rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means the Federal Emergency Management Agency.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood boundary and floodway map (FBFM) means an official map, as amended from time to time, issued by the Federal Emergency Management Agency, where the boundaries of the base flood, floodway and 500-year flood have been delineated.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood insurance rate map (FIRM) means an official map issued by the Federal Emergency Management Agency, as amended from time to time, where the boundaries of the base flood, 500-year flood, water surface elevations of the base flood and special flood hazard areas and the risk premium zones have been delineated.

Flood insurance study (FIS) means an official study by the Federal Emergency Management Agency, as amended from time to time, examining, evaluating and determining flood hazards, corresponding water surface elevations and flood profiles of the base flood.

Floodplain means an area which is adjacent to a stream or watercourse and which is subject to flooding as a result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. This term includes, but is not limited to, mainstream floodplains, debris fan floodplains and dry wash channels and floodplains.

Floodplain administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any special flood hazard area (SFHA). Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this chapter.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

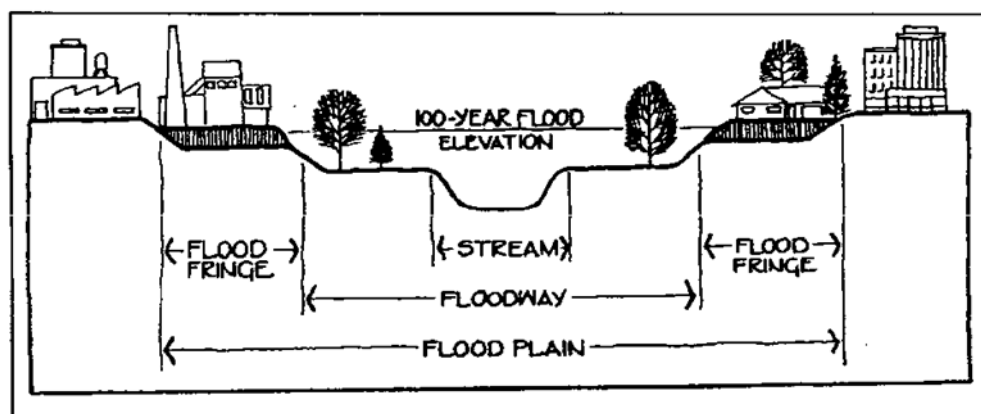


Figure 12-1204-1: Illustration of floodway, floodplain and flood fringe.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to

flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

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

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Letter of map revision (LOMR) means FEMA's official revision of an effective flood insurance rate map (FIRM), flood boundary and floodway map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or

hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area.

Letter of map revision based on fill (LOMR-F) means FEMA's modification of the special flood hazard area shown on the flood insurance rate map based on the placement of fill outside the existing regulatory floodway.

Levee means a manufactured structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee or levees and associated structures such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, shall not be considered a building's lowest floor; provided that such enclosure shall not be built so as to render the structure in violation of the applicable design requirements of this chapter.

Manufactured home means a detached, single-family housing unit that does not meet the definition of single-family dwelling or residence set forth in section 24-1301 of this code and which has all of the following characteristics:

5. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and which has plumbing and electrical connections provided for attachment to outside systems;
6. Designed to be transported after fabrication, on its own wheels, or on a flatbed or other trailer or on detachable wheels;

7. 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;
8. Exceeding eight feet in width and 32 feet in length, excluding towing gear and bumpers;
9. Is without motive power; and
10. Is not a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured home park or subdivision, existing means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this code.

Manufactured home park or subdivision, expansion means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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).

Manufactured home park or subdivision, new means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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) is completed on or after the effective date of floodplain management regulations adopted by a community.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in C.F.R. title 44. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New construction means structures for which the start of construction commenced on or after the original effective date of the ordinance codified in this chapter.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer.

OSHA means the federal Occupational Safety and Health Administration.

Physical map revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Recreational vehicle means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Safety data sheet (SDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that

substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

Special flood hazard area (SFHA) means an area having special flood, mudflow or flood-related erosion hazards and shown on the FIRM as Zone A, AE, or AO. The SFHA is the area where NFIP's floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Start of construction includes substantial improvement and shall mean the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This term

includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the structure's designation as a historic structure remains.

Threshold planning quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Variance means a grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance.

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

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 12-1205. - Floodplain administrator.

- a. *Designation of the floodplain administrator.* The Director of Public Works shall designate an employee within the Department of Public Works to serve as the floodplain administrator. The floodplain administrator shall administer, implement, and enforce the provisions of this chapter and other appropriate sections of the federal and state regulations pertaining to floodplain management for the city.

b. *Duties and responsibilities of the floodplain administrator.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by section 12-1211.
2. Keep a copy of the flood insurance studies (FIS), digital flood insurance rate maps (DFIRMs), flood insurance rate maps (FIRMs), and/or flood boundary and floodway maps (FBFMs) on file and available for public inspection.
3. Review, approve, or deny all floodplain development permit applications.
4. Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
5. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Clean Water Act, 33 U.S.C. § 1344) from which prior approval is required.
6. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this ordinance, including proper elevation of the structure.
7. Where interpretation is needed as to the exact location of the boundaries of the SFHA (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
8. When base flood elevation or floodway data has not been provided in accordance with section 24-1001.b of this code, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of sections 12-1210 through 12-1217. The other sources of data may include, but are not limited to: FEMA publications such as guidance documents, policy documents, technical bulletins and

regulations; state publications and regulations; and other published or unpublished flood studies.

9. Notify, in riverine situations, adjacent communities and the CWCB prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
10. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
11. Maintain a record of all actions involving an appeal and report variances to FEMA upon request.

Section 12-1206. - Floodplain development permits.

- a. A floodplain development permit shall be required before construction or development in a SFHA to ensure conformance with the provisions of this chapter.
- b. Application for a floodplain development permit shall be presented to the floodplain administrator on required forms and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the SFHA. Additionally, the following information is required:
 1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 3. A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 12-1215.b; and
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

- c. Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities, such as sewer, gas, electrical and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site;
 8. The necessity to the facility of a waterfront location, where applicable; and
 9. The availability of alternative locations not subject to flooding or erosion damage for the proposed use.
 10. A comparison of the proposed use to the zoning and allowable uses for that area under the community's comprehensive plan.

Sec. 12-1207. - Variances.

Refer to section 24-1001 of this code for the standards and procedures for requesting a variance to the requirements of this chapter.

Sec. 12-1208. - Appeals.

- a. Appeal of any administrative decision made by the floodplain administrator shall be submitted to and heard by the Public Works Director or the director's designee (so long as that designee is not also the floodplain administrator). The Public Works Director or the director's designee shall hear and render judgment on an appeal only when it is alleged there

is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

- b. Any person or persons aggrieved by the decision of the Public Works Director or the director's designee under subsection 12-208.a, above, may appeal such decision to a court of competent jurisdiction.

Sec. 12-1209. - Violations.

Violation of any provision in this chapter shall be an administrative code violation and subject to the penalties and other enforcement actions under title 1, chapter 10 of this code.

Sec. 12-1210. – General standards for flood hazard reduction.

In all SFHAs, the following provisions are required for all new construction and substantial improvements:

- a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- e. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
- f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
- h. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 12-1211. - Specific standards for flood hazard reduction.

In all SFHAs where base flood elevation data has been provided as set forth in this chapter, the following provisions are required:

- a. *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the floodplain administrator.
- b. *Nonresidential construction.* With the exception of critical facilities, outlined in section 12-1216, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) electrical,

heating, ventilation, plumbing, and air conditional equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that, at one foot above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this chapter. Such certification shall be maintained by the floodplain administrator.

c. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect, or meet or exceed the following minimum criteria:

1. A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

d. *Manufactured homes.* All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such

that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph shall be elevated so that either:

1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation; or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and it is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. *Recreational vehicles.* All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM shall either:
1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use; or
 3. Meet the permit requirements of section 12-1206 and the same elevation and anchoring requirements as manufactured homes in section 12-1209.e.

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

- f. *Prior approved activities.* Any activity for which a floodplain development permit was issued by the city, or a CLOMR was issued by FEMA prior to the effective date of this chapter, may

be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this chapter if it meets such standards.

Sec. 12-1212. - Standards for areas of shallow flooding (AO/AH zones).

Located within SFHAs are areas designated as shallow flooding. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable. Such flooding is characterized by ponding or sheet flow; therefore, the following additional provisions apply:

- a. *Residential construction.* All new construction and substantial improvements of residential structures must have the lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the floodplain administrator.

- b. *Nonresidential construction.* With the exception of critical facilities, outlined in section 12-1216, all new construction and substantial improvements of nonresidential structures, must have the lowest floor (including basement) electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or

architect shall submit a certification to the floodplain administrator that the standards of this chapter are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

Sec. 12-1213. – Standards for floodways.

Floodways (regulatory floodways) are administrative limits and tools used to regulate existing and future floodplain development. The state has adopted floodway standards that are more stringent than the FEMA minimum standards (see definition of floodway in section 12-1204). Located within SFHAs are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
- b. If subsection 12-1213.a, above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- c. For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.

- d. Under the provisions of section 65.12 of the NFIP regulations (44 C.F.R. § 65.12), a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a CLMOR, fulfills the requirements for such revisions as established under the provisions of section 65.12, and receives FEMA approval.

Sec. 12-1214. – Standards for developments that alter a watercourse.

For all proposed developments that alter a watercourse within a SFHA, the following standards apply:

- a. Channelization and flow-diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- b. Channelization and flow-diversion projects shall evaluate the residual 100-year floodplain.
- c. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- d. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- e. All activities within the regulatory floodplain shall meet all applicable federal, state and local floodplain requirements and regulations.

- f. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not a rise in the proposed conditions compared to existing conditions, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with section 12-1213.d.
- g. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

Sec. 12-1215. – Standards for properties removed from floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), unless such new structure or addition complies with the following:

- a. *Residential construction.* The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill.
- b. *Non-residential construction.* The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

Sec. 12-1216. - Standards for subdivision proposals.

- a. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a floodprone area, the proposal shall minimize flood damage.
- b. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet floodplain development permit requirements of section 12-1206 and all applicable standards of this chapter.
- c. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions which are greater than 50 lots or five acres, whichever is lesser, if not already provided.
- d. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
- e. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.

Sec. 12-1217. - Standards for critical facilities.

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado (2 C.C.R. § 408-1:6), that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

- a. *Classification of critical facilities.* Critical facilities are classified under the following categories: 1) essential services; 2) hazardous materials; 3) at-risk populations; and 4) vital to restoring normal services.

1. *Essential services facilities.* Essential services facilities consist of:
 - (a) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
 - (b) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions and nonambulatory surgical structures);
 - (c) Designated emergency shelters;
 - (d) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
 - (e) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but excluding towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
 - (f) Air transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions and associated infrastructure [aviation control towers, air traffic control centers and emergency equipment aircraft hangars]).

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

2. *Hazardous materials facilities.* Hazardous materials facilities may include:
 - (a) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);

- (b) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (c) Refineries;
- (d) Hazardous waste storage and disposal sites; and
- (e) Above-ground gasoline or propane storage or sales centers.
- (f) If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a safety data sheet (SDS) on file for any chemicals stored or used in the workplace, and the chemicals are stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the chemicals listed at 40 C.F.R. § 355, Appendices A and B, also known as extremely hazardous substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for SDS can be found in 29 C.F.R. § 1910.1200. Specific exemptions to this category include:
 - i. Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use.
 - ii. Buildings and other structures containing hazardous materials for which it can be demonstrated by hazard assessment and certification by a qualified professional, to the satisfaction of the city, that a release of the subject hazardous material does not pose a major threat to the public.
 - iii. Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

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

3. *At-risk population facilities.* At-risk population facilities consist of:

- (a) Elder care (nursing homes);
- (b) Congregate care serving 12 or more individuals (day care and assisted living); and

(c) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children).

4. *Facilities vital to restoring normal services.* Facilities vital to restoring normal services, including government operations, consist of:

(a) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers); and

(b) Essential structures for public colleges and universities (dormitories, offices and classrooms only).

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

b. *Protection for critical facilities.* All new and substantially improved critical facilities and new additions to critical facilities located within the SFHA shall be regulated to a higher standard than structures not determined to be critical facilities. Protection shall include one of the following:

1. Location outside the SFHA; or
2. Elevation or floodproofing of the structure to at least two feet above the base flood elevation.

c. *Ingress and egress for new critical facilities.* New critical facilities shall, when practicable as determined by the city, have continuous noninundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

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

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 20__.

ATTEST

THE CITY OF GREELEY, COLORADO

By: _____
City Clerk

By: _____
Mayor

APPENDIX A

Sec. 24-1001. - Floodplain overlay district.

- a. *Intent.* The floodplain overlay district is a zoning overlay for land within special flood hazard areas and, along with the floodplain development permit, creates an overlay of special standards and regulations to those zoning districts found to be within special flood hazard areas. It is the intent of this section to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to critical facilities, infrastructure and other public facilities located in floodplains;
 6. Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
 7. Ensure that potential buyers are notified that property is located in a flood hazard area.
- b. *Applicability.* This section shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the city.
1. The special flood hazard areas identified by FEMA and any revisions thereto are hereby adopted by reference and declared to be a part of this section. These special flood hazard areas identified are the minimum area of applicability of this section and may be supplemented by studies designated and approved by the city.
The floodplain administrator shall keep a copy of the flood insurance studies (FIS), digital

flood insurance rate maps (DFIRMs), flood insurance rate maps (FIRMs), and/or flood boundary and floodway maps (FBFMs) on file and available for public inspection.

2. No structure or land shall hereafter be located, altered or have its use changed within the special flood hazard area without full compliance with the terms of this section. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.
3. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard area or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not imply or create, and the city expressly disclaims, any liability on the part of the city or any official or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

c. *Floodplain development permits.*

1. A floodplain development permit shall be required before construction or development in a special flood hazard area to ensure conformance with the provisions of this section.
2. Application for a floodplain development permit shall be presented to the floodplain administrator on required forms and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the special flood hazard area. Additionally, the following information is required:
 - (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

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

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
 6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
 8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- e. *Specific standards for flood hazard reduction.* In all special flood hazard areas where base flood elevation data has been provided as set forth in this section, the following provisions are required:
1. *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the floodplain administrator.

2. *Nonresidential construction.* With the exception of critical facilities, outlined in section 24-1001.k, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that, at one foot above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this section. Such certification shall be maintained by the floodplain administrator.
3. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect, or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
4. *Manufactured homes.* All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot

above the base flood elevation and be securely anchored to an adequately *anchored* foundation system to resist flotation, collapse and lateral movement. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph shall be elevated so that either:

- (a) The lowest floor of the manufactured home is one foot above the base flood elevation;
or
- (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and it is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. *Recreational vehicles.* All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM shall either:

- (a) Be on the site for fewer than 180 consecutive days;
- (b) Be fully licensed and ready for highway use; or
- (c) Meet the permit requirements of section 24-1001.c and the elevation and anchoring requirements for manufactured homes in section 24-1001.e.
- (d) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

6. *Prior approved activities.* Any activity for which a floodplain development permit was issued by the city, or a CLOMR was issued by FEMA prior to the effective date of this section, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this chapter if it meets such standards.

f. *Standards for areas of shallow flooding (AO/AH zones).* Located within special flood hazard areas are areas designated as shallow flooding. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of

flooding is unpredictable. Such flooding is characterized by ponding or sheet flow; therefore, the following additional provisions apply:

1. *Residential construction.* All new construction and substantial improvements of residential structures must have the lowest floor, including basement, elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the floodplain administrator.
 2. *Nonresidential construction.* With the exception of critical facilities, outlined in section 24-1001.k, all new construction and substantial improvements of nonresidential structures, must have the lowest floor, including basement, elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section are satisfied.
- g. *Floodways.* Floodways are administrative limits and tools used to regulate existing and future floodplain development. The state has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of floodway in section 24-1001.1). Located within special flood hazard areas are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed

Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.

2. If subsection g.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
3. Under the provisions of section 65.12 of the National Flood Insurance Regulations (44 C.F.R. 65.12), a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

h. *Alteration of watercourse.* For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

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

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

7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.
- i. *Properties removed from floodplain by fill.* A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), with a lowest floor elevation placed below the base flood elevation with one foot of freeboard that existed prior to the placement of fill.
- j. *Standards for subdivision proposals.*
 1. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a floodprone area, the proposal shall minimize flood damage.
 2. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet floodplain development permit requirements of section 24-1001.c and all applicable standards of this section.
 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions which are greater than 50 lots or five acres, whichever is lesser, if not already provided.
 4. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
 5. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.
- k. *Standards for critical facilities.* A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public

health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

1. *Classification of critical facilities.* Critical facilities are classified under the following categories: 1) essential services; 2) hazardous materials; 3) at-risk populations; and 4) vital to restoring normal services.

(a) *Essential services facilities.* Essential services facilities consist of:

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

Specific exemptions to this category include wastewater treatment plants(WWTP),non-potable water treatment and distribution systems and hydroelectric power generating plants and related appurtenances. Public utility plant facilities may be exempted if it can be demonstrated, to the satisfaction of the city, that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an

intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this section, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the city upon request.

(b) *Hazardous materials facilities.* Hazardous materials facilities may include:

- (1) Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- (2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- (3) Refineries;
- (4) Hazardous waste storage and disposal sites; and
- (5) Above-ground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a material safety data sheet (MSDS) on file for any chemicals stored or used in the workplace, and the chemicals are stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 C.F.R. 302 (2010), also known as extremely hazardous substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. 1910 (2010). Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use.
- ii. Buildings and other structures containing hazardous materials for which it can be demonstrated by hazard assessment and certification by a qualified

professional, to the satisfaction of the city, that a release of the subject hazardous material does not pose a major threat to the public.

- iii. Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

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

(c) *At-risk population facilities.* At-risk population facilities consist of:

- (1) Elder care (nursing homes);
- (2) Congregate care serving 12 or more individuals (day care and assisted living); and
- (3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children).

(d) *Facilities vital to restoring normal services.* Facilities vital to restoring normal services, including government operations, consist of:

- (1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers); and
- (2) Essential structures for public colleges and universities (dormitories, offices and classrooms only).

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

- 2. *Protection for critical facilities.* All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities.

Protection shall include one of the following:

- (a) Location outside the special flood hazard area; or
- (b) Elevation or floodproofing of the structure to at least two feet above the base flood elevation.

3. *Ingress and egress for new critical facilities.* New critical facilities shall, when practicable as determined by the city, have continuous noninundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

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

100-year flood means 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 means the area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

500-year flood means a flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood).

Area of shallow flooding means a designated Zone AO or AH on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable. Such flooding is characterized by ponding or sheet flow.

Base flood elevation (BFE) means the elevation shown on a FEMA flood insurance rate map that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

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

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

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

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as specified in section 24-1001.k that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

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

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

Digital flood insurance rate map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as regulatory floodplain maps for insurance and floodplain management purposes.

Elevated building means a nonbasement building built to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. The term "elevated building" also includes a building elevated by means of fill or solid-foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Federal Register means the official daily publication for rules, proposed rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood boundary and floodway map (FBFM) means an official map, as amended from time to time, issued by the Federal Emergency Management Agency, where the boundaries of the base flood, floodway and 500-year flood have been delineated.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Flood insurance rate map (FIRM) means an official map issued by the Federal Emergency Management Agency, as amended from time to time, where the boundaries of the base flood, 500-year flood, water surface elevations of the base flood and special flood hazard areas and the risk premium zones have been delineated.

Flood insurance study (FIS) means an official study by the Federal Emergency Management Agency, as amended from time to time, examining, evaluating and determining flood hazards, corresponding water surface elevations and flood profiles of the base flood.

Floodplain means an area which is adjacent to a stream or watercourse and which is subject to flooding as a result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. This term includes, but is not limited to, mainstream floodplains, debris fan floodplains and dry wash channels and floodplains.

Floodplain administrator means the community official designated by title to administer and enforce the floodplain management regulations.

Floodplain development permit means a permit required before construction or development begins within any special flood hazard area (SFHA). Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this chapter.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such federal, state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

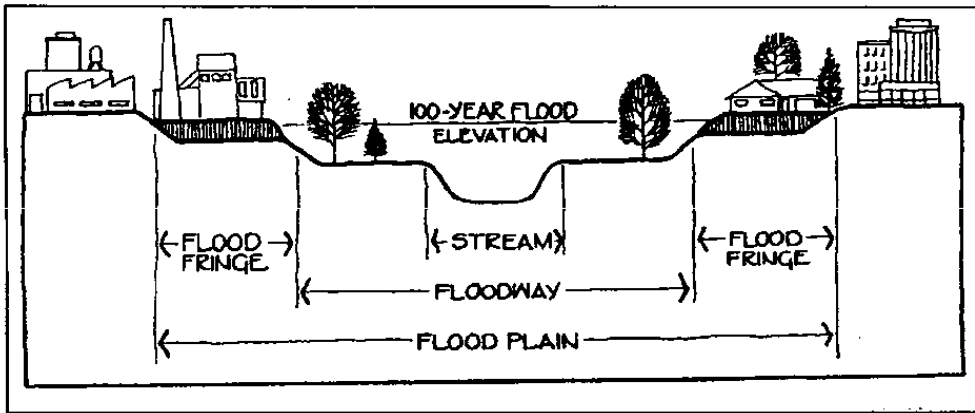


Figure 24-10-1: Illustration of floodway, floodplain and flood fringe.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

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

Historic structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or

- (b) Directly by the Secretary of the Interior in states without approved programs.

Letter of map revision (LOMR) means FEMA's official revision of an effective flood insurance rate map (FIRM), flood boundary and floodway map (FBFM) or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

Letter of map revision based on fill (LOMR-F) means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a manufactured structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee or levees and associated structures such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, shall not be considered a building's lowest floor; provided that such enclosure shall not be built so as to render the structure in violation of the applicable design requirements of this section.

Material safety data sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling

point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

Mobile home means a detached, single-family housing unit that does not meet the definition of single-family dwelling or residence set forth in chapter 13 of this title and which has all of the following characteristics:

1. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and which has plumbing and electrical connections provided for attachment to outside systems;
2. Designed to be transported after fabrication, on its own wheels, or on a flatbed or other trailer or on detachable wheels;
3. Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;
4. Exceeding eight feet in width and 32 feet in length, excluding towing gear and bumpers; and
5. Is without motive power.

Mobile home park or community means a site or tract of land, at least eight acres in size, held under one ownership, which is suited for the placement of mobile homes.

Mobile home park or community, existing, means a mobile home park or community for which the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) are completed before the effective date of the ordinance codified in this code.

Mobile home park or community, expansion, means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in C.F.R. title 44. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this section.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer.

Physical map revision (PMR) means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Special flood hazard area (SFHA) means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year (i.e., the 100-year floodplain).

Start of construction includes substantial improvement and shall mean the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction

does not include land preparation such as clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms; or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the structure's designation as a historic structure remains.

Threshold planning quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

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

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.



FEMA/CWCB Required Updates to Floodplain Ordinance

Brian Hathaway, Water Quality and Regulatory Compliance Manager
Brian.Hathaway@greeleygov.com, 970-381-7473
Planning Commission Meeting – January 13, 2026

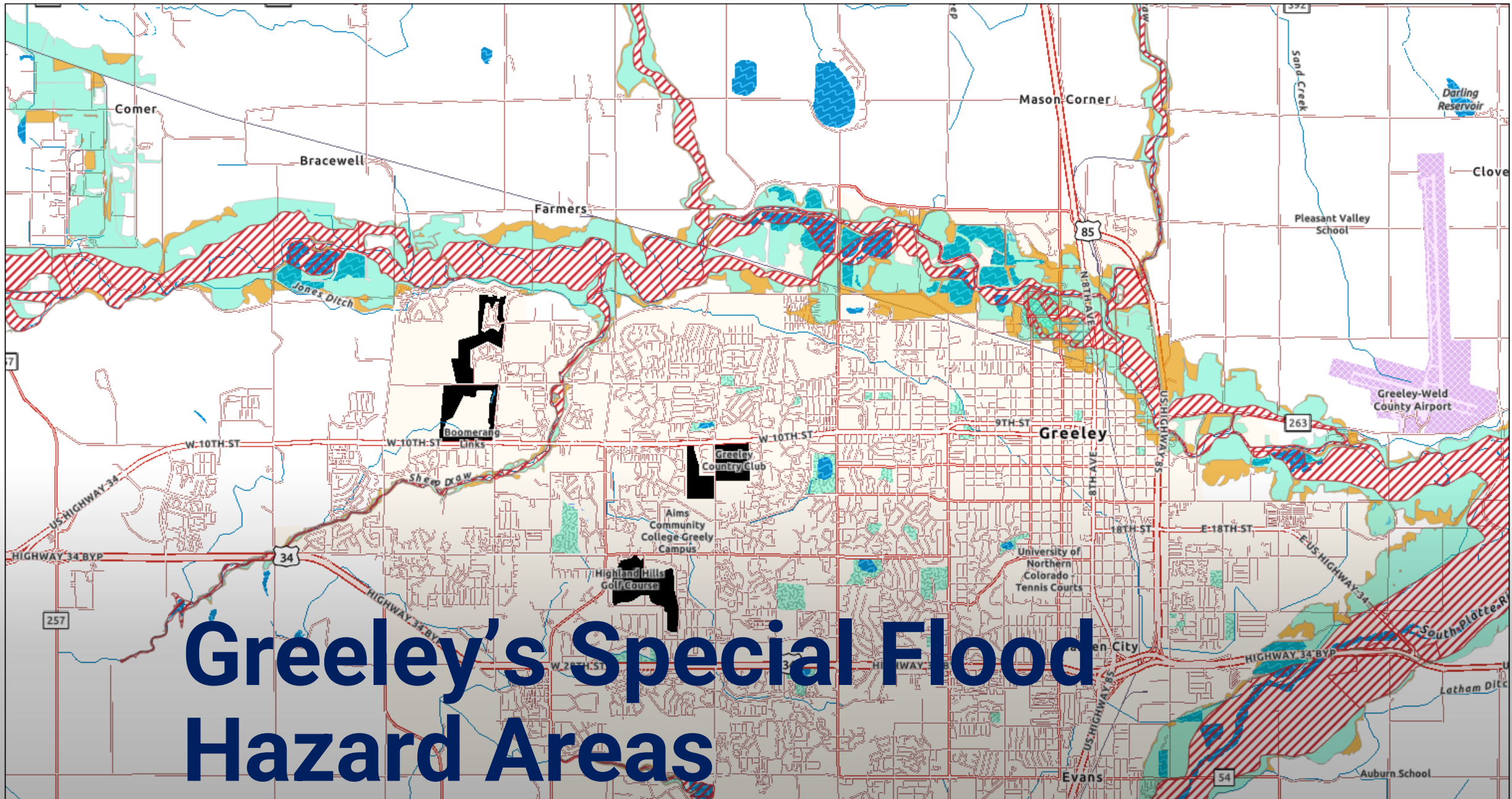


Community Vitality

Agenda



- Background of Greeley's participation in the National Flood Insurance Program and 2019 Community Assistance Visit
- Overview of proposed ordinance change
- Staff recommendation to approve ordinance as presented

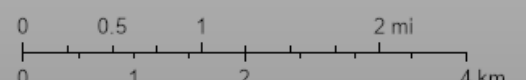


Greeley's Special Flood Hazard Areas

December 31, 2025

~300 floodway
 ~1,050 floodplain

1:72,224



Purpose of the Ordinance Update



- Greeley has participated in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) since 1979
- NFIP participation allows residents and businesses to obtain federally backed flood insurance and disaster assistance
- Participation requires the City to adopt and enforce floodplain regulations that meet FEMA and Colorado Water Conservation Board (CWCB) standards
- This ordinance update is necessary to maintain compliance and protect continued NFIP eligibility

2019 Community Assistance Visit

- Community Assistance Visits (CAVs) are formal compliance audits conducted by FEMA in coordination with CWCB
- CAVs evaluate floodplain ordinances, permitting, enforcement, and program administration under the NFIP
- Failure to resolve deficiencies can lead to NFIP probation or suspension
- In 2019, a CAV identified deficiencies in Greeley's floodplain ordinance

Why the Updates Were Not Previously Adopted

- Documented City records to CWCB stated updated ordinance would occur late 2019/early 2020
- 2021 development code update did not incorporate required floodplain amendments for unknown reasons
- Subsequent staff turnover at CWCB and City of Greeley may have contributed
- In mid-2025, CWCB notified the City that the 2019 CAV was still open due to unresolved floodplain ordinance findings, current Floodplain Administrator notified City Attorney's Office
- City Attorney's Office began drafting ordinance revisions

Required Ordinance Updates and Structural Code Changes

Structural Changes

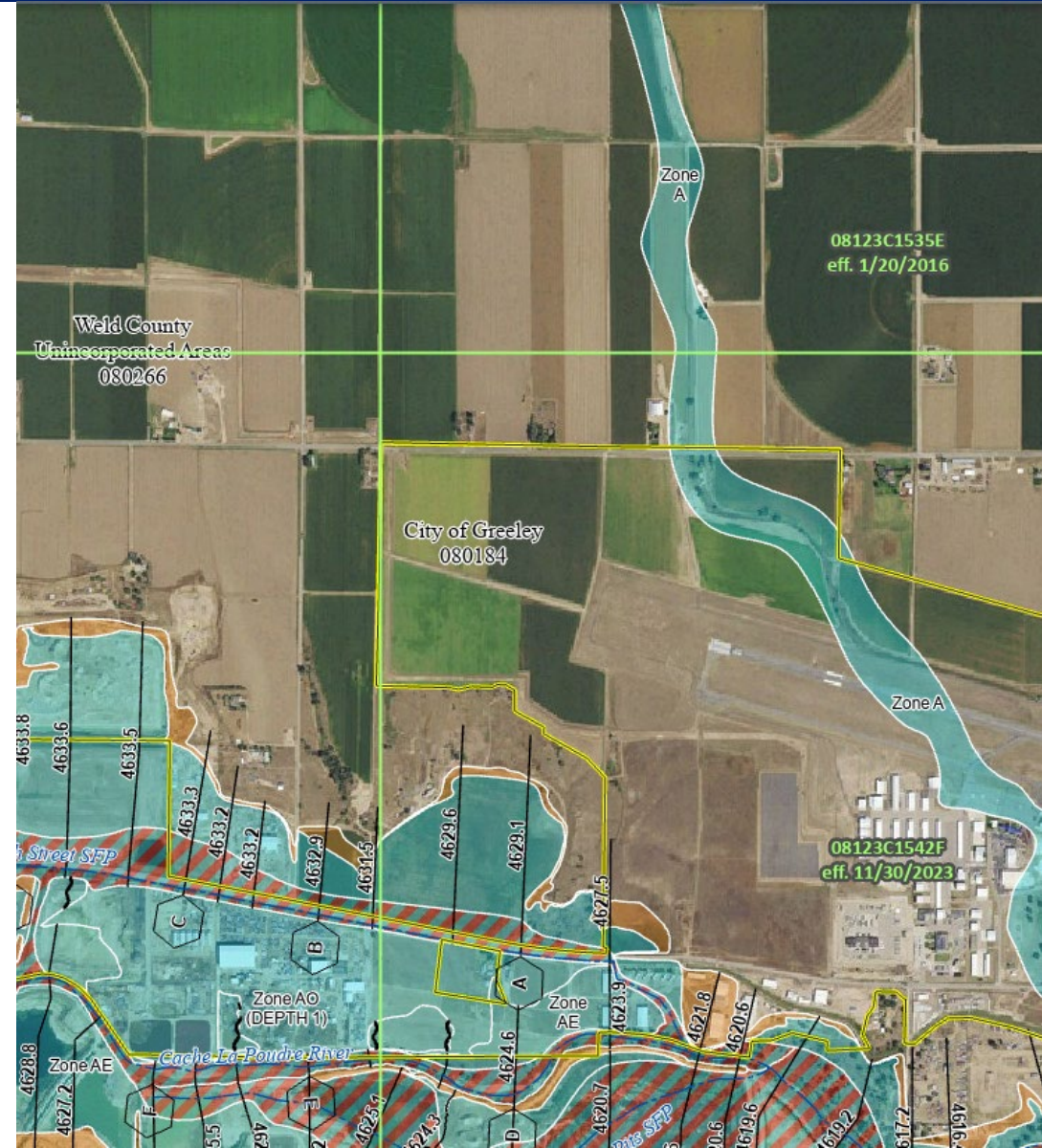
- Community Development made request to move floodplain performance standards out of development code
- Performance standards placed in a section administered directly by Public Works
- Floodplain Overlay District will remain within the development code
 - Variance procedures will remain with zoning board of appeals
- Change improves clarity and program administration

CAV Required Updates

- Clarify the designation and responsibilities of the Floodplain Administrator
- Establish a formal variance process
- Add a severability section
- Include several additional required definitions
- Updated terminology to match CWCB and FEMA
- Require applicants to determine a Base Flood Elevation (BFE) in approximate Zone A areas
- Establish CWCB's requirement that, until a regulatory floodway is adopted, no encroachment may increase the BFE by more than 0.5 feet

Regulatory Impact

- Proposed updates do not impose more stringent floodplain requirements
- No changes to the City's floodplain permitting process
- Two updates were already being enforced as they are mandated by state statute
 - Determination of BFE in Zone A areas
 - 0.5-foot maximum BFE increase prior to floodway adoption



Motions

Recommended (Approval)

Based on the preceding analysis, the Planning Commission finds that the proposed code amendment to the Greeley Municipal Code is consistent with the Development Code criteria of Section 24-211.b (Items 1 through 4) and therefore recommends that the City Council approves the code amendment to the Greeley Municipal Code as submitted.

Alternative 1 (Approval with conditions)

Based on the preceding analysis, the Planning Commission finds that the proposed code amendment to the Greeley Municipal Code is consistent with the Development Code criteria of Section 24-211.b (Items 1 through 4) . and therefore recommends that the City Council approves the code amendment to the Greeley Municipal Code with the following conditions: [list proposed changes and conditions]

Alternative 2 (Denial)

Based on the preceding analysis, the Planning Commission finds that the proposed code amendment to the Greeley Municipal Code is not consistent with the Development Code criteria of Section 24-211.b (Items 1 through 4) and therefore recommends that the City Council denies the code amendments to the Greeley Municipal Code as submitted.

Questions





Greeley Development Code Assessment Report

Greeley Development Code Assessment

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Chapter 1 Introduction

1.1 Project Overview

In 2018, the City of Greeley (the City) adopted the [Imagine Greeley Comprehensive Plan](#). This provided an opportunity to update the City's [Development Code](#) in 2021 to support and create the type of development envisioned in the Comprehensive Plan. While the City attempted to implement the Comprehensive Plan with the new regulations of the Development Code, implementation has been challenging. Stemming from these efforts, the City intends to improve implementation by strategically updating the current Development Code with targeted revisions and selected additions to create a more user-friendly, streamlined, and clarified Development Code.

1.2 Project Goals and Guiding Principles

Our proposed updates to the existing [Development Code](#) will result in state-of-the-art regulations that are designed to be user-friendly, with a clear and logical structure incorporating well-organized content, tables to organize standards, and illustrations to enhance usability. A critical priority of the new Development Code is to strike an intentional balance so that regulations are predictable yet balanced with the need for common-sense flexibility. The revised regulations will be consistent with state and federal laws as well as recent case law, and will directly support the City's recent implementation efforts. Throughout the project's duration, the desire to preserve the City's unique Front Range character will be balanced with the need for accommodating growth and providing opportunities for more housing in appropriate locations.

Simply stated, the project will seek to **clarify**, **calibrate**, and **streamline** regulations and processes in the updated Development Code. The new Development Code will, therefore, be coherent, integrated, concise, internally consistent, predictable yet flexible, and user-friendly.

While this Assessment Report has been written to be as comprehensive as possible, generally only the most important amendments have been identified, i.e., the Report does not identify every amendment that needs to be made. The detailed notes and observations provided by staff will be used in addition to the recommendations in this Report during the actual drafting of the Development Code updates.

To supplement the project goals, nine guiding principles will apply throughout the update process. The final Development Code will reflect each of the following principles while realizing the best possible planning and community development outcomes:

- **Ensure the Development Code is User-friendly and Internally Consistent**

The Development Code will be easy to use for the general public, applicants, elected and appointed City officials, and City staff. The Development Code will be logically organized and arranged so that procedures and standards are easy to find, including well-laid out text, new tables, and illustrations.

- **Modernization**

The Development Code will include up-to-date standards based on acknowledged best practices in zoning and development to ensure productive land use utilization consistent with the Comprehensive Plan.

- **Code What is Wanted**

The Development Code will clearly support and establish the City's vision for desired future development rather than what is not wanted or that currently exists.

- **Make the Right Things Easy**

The new Development Code will support the City's long-term planning vision by enabling timely approval and support for new development that is desired and needed with simple, concise, and updated approval processes and standards.

- **Balance Flexibility and Predictability**

The updated Development Code will balance the benefits of simple, easily understood, objective standards that are predictable for developers and property owners with the need for common sense flexibility to allow logical waivers or amendments to a standard, to avoid time-consuming and expensive variance procedures.

- **Right-size Standards and Procedures**

The Development Code will not over- or under-regulate, i.e., the regulations will ensure that new development reflects the City's expectations in planning and design as well as market needs and conditions, especially with regard to housing.

- **Engage Stakeholders**

The process for updating the Development Code will incorporate input from various stakeholder groups. The Development Code update process will utilize multiple platforms to engage these groups allowing for effective and meaningful participation to shape Greeley's future.

- **Preserve and Enhance Local Character**

The City articulates a strong vision for protecting the City's unique character and heritage along the Front Range. The Development Code will protect and enhance local cultural, environmental, and natural resources while providing opportunities for growth, especially to address housing needs, in appropriate locations.

- **Encourage Sustainable Development Practices**

The Development Code will encourage, incentivize, and require, as applicable, the use of sustainable development practices, site planning techniques, and innovative technologies in all public and private development. The Development Code will support energy- and water-efficient developments and enable a safely built and natural environment.

Chapter 2 Engagement Overview

2.1 Who We Heard From¹

¹ Hanna Feldmann wants the report to include who was invited to these meetings, when were they, the number of meetings.

Logan Simpson conducted in-person and virtual interviews with more than 30 City staff personnel across multiple departments to help understand current views on the existing Development Code and gather staff's expectations for the updated Development Code. The interviews provided valuable insights into the strengths and weaknesses of the current Development Code.

2.2 What We Heard

Much was discussed during our interviews. Responses highlighted challenges and potential solutions unique to the various contexts of the City, including a strong desire to maintain the agricultural character of the City, ideas for accommodating housing, capitalizing on missed placemaking opportunities, focusing on form, and ways to rejuvenize Downtown. Addressing these concerns and incorporating these suggestions into the updated Development Code will help create more efficient, effective, and user-friendly regulations to better serve the needs of Greeley residents and align with the vision and goals expressed in the Comprehensive Plan.

In addition to what we heard during interviews, staff provided the consultant team with a spreadsheet containing 115 comments. The following takeaways were noted:

- **Abundant typographical errors:** The Development Code contains many typographical errors which need to be fixed to improve readability.
- **Erroneously cross-referenced sections and graphics:** The Development Code has multiple instances where graphics and sections are cross-referenced incorrectly which leads to confusion within the Development Code's regulations.
- **Multiple sections of alternative compliance standards:** While alternative compliance is a great tool for flexibility, these standards should all be in one location for ease of use.
- **Clarify the site plan distinction between major, minor, and infill:** Staff and the development community struggle with determining the distinction between major and minor site plans and infill development. Over time, administrative inconsistencies have occurred, generating complications and confusion with staff and the development community.
- **Subdivision design standards need better alignment with the Transportation Master Plan:** There are instances where the regulations are not aligned with the community-driven goals, objectives, and expectations provided in the Transportation Master Plan. As such, any subdivision design revisions should prioritize alignment with the Transportation Master Plan.
- **Terms and land uses need clearer definitions:** Staff cited multiple occasions where terms and land uses are either too granular, vague, or not defined. The revised Development Code should focus on consistency and clarity when it comes to the terms and land uses provided in the Development Code.
- **The current housing typology is limited and needs modernization:** Staff noted that housing is one of the City's biggest issues. The Development Code falls short addressing housing because the housing typology is not as robust as it should be. As such, the Development Code needs to find ways to accommodate a range of housing

types while aligning with the City’s ancillary ADU ordinance, Affordable Housing Amendment, and other housing efforts.

- **Accessory uses are complicated:** Staff relayed how accessory uses, structures, and regulations are overly complicated, which leads to interpretation issues. Because of these complications, staff prefers a Development Code that simplifies these regulations to not only alleviate interpretation issues but to improve clarity amongst the development community.
- **Design-forward regulations are strongly preferred:** Although staff has varying opinions on standards that dictate the form of a development, the common denominator is that the general direction is that a Development Code that gets the look of development right is preferred. Setbacks, encroachments, driveway widths, building material allowances, building orientation, and frontage designs were all commented on by staff with an emphasis on finding the appropriate form. The Development Code should expand on their current design regulations to ensure the appropriate form is achieved.
- **Processes and procedures need to be streamlined and clarified:** Staff provided consistent notes pertaining to the development process. Items such as noticing, public hearing requirements, and review criteria were all noted with the biggest takeaway being that the processes and procedures associated with development are not clear for either staff or the user.

Chapter 3 Policy Review

3.1 Comprehensive Plan

The Imagine Greeley Comprehensive Plan establishes a clear vision for shaping the community’s physical form and development patterns through a well-balanced, sustainable, and efficient land use framework. The land use goals and objectives articulated in the Plan provide the essential policy foundation for a revised Development Code that will implement Greeley’s long-range vision through modern, predictable, and context-sensitive regulations.

The land use goals and objectives of the Imagine Greeley Comprehensive Plan form a comprehensive framework for managing growth, enhancing community character, and ensuring long-term sustainability. A revised Development Code must translate these policy intentions into clear, equitable, and enforceable regulations that promote balanced growth, infrastructure efficiency, and high-quality design. In doing so, the Development Code becomes the primary implementation tool that transforms Greeley’s land use vision into a tangible, lasting reality.

A. Promoting a Balanced and Complete Community

A core land use objective of the Comprehensive Plan is to ensure Greeley develops as a “complete community” – one that provides a balanced mix of residential, commercial, employment, public, and recreational uses within convenient proximity. The Plan emphasizes fostering diversity in land use and ensuring every neighborhood has access to essential goods, services, and open space. A revised Development Code should, therefore, reinforce mixed-use development patterns, promote walkable neighborhoods, and support a variety of housing types to serve residents of all income levels. These policies encourage a more

resilient land use structure that can adapt to demographic, economic, and environmental changes over time.

B. Coordinating Growth with Infrastructure

The Plan directs that new development should occur in concert with infrastructure availability. It calls for growth that is commensurate with existing or planned capacity in transportation, utilities, drainage, and community facilities. This approach promotes fiscal responsibility, limits urban sprawl, and ensures efficient service delivery. Regulations must align with this principle by guiding phased development within the City's adopted Growth Boundaries and Cooperative Planning Area Map, ensuring that zoning decisions support planned infrastructure investments and reinforce compact, contiguous growth.

C. Guiding Land Use Through Clear and Predictable Mapping

The Comprehensive Plan includes the Land Use Guidance Map, which identifies desired patterns of future land uses. This map serves as a general policy guide for zoning decisions and land-use entitlement processes. In developing a new Development Code, it is critical to translate these policy designations into regulatory districts that capture the intended character, density, and mix of uses envisioned in the Plan. Zoning categories should reflect both the form and function of areas – urban centers, corridors, neighborhoods, and employment districts – allowing for flexibility while maintaining consistency with the Plan's intent.

D. Promoting High-Quality Urban Design and Neighborhood Character

The Plan underscores the importance of design excellence and context-sensitive development. It encourages land uses that enhance the character of established neighborhoods, promote compatibility between new and existing uses, and create attractive and functional environments. Therefore, a revised Development Code should integrate form-based principles, design standards, and performance measures to guide the scale, massing, and aesthetic quality of development. These tools ensure that growth contributes to a visually cohesive and livable community.

E. Encouraging Redevelopment and Infill

Recognizing the need to make efficient use of existing infrastructure and land resources, the Plan prioritizes infill and redevelopment within developed areas. This includes revitalizing underutilized sites, promoting adaptive reuse, assisting small businesses, and encouraging higher-density development in appropriate locations such as Downtown and key corridors. Modern Development Code provisions – such as flexible use standards, streamlined approval processes, residential and nonresidential infill development standards, and incentives for redevelopment – will be essential to implementing this policy direction and achieving a more compact, sustainable urban form.

F. Integrating Open Space, Natural Areas, and Public Facilities

The Plan's land use objectives emphasize the inclusion of open space, parks, and natural areas as integral components of development. These resources not only enhance quality of life but also support stormwater management, habitat protection, and community health. An improved Development Code can support this vision by including open space dedication

standards, conservation design options, and connectivity requirements that link residential and commercial areas to parks, trails, and natural features.

G. Encouraging Cooperative and Sub-Area Planning

Finally, the Plan supports the use of sub-area plans to provide more detailed guidance for established neighborhoods and growth areas. These plans can address specific development issues, infrastructure needs, and community preferences. A revised Development Code should enable this flexibility by including mechanisms – such as overlay districts, planned development options, and neighborhood conservation tools – that allow localized planning outcomes to align with citywide goals.

3.2 Other City Plans

A. West Greeley Subarea Plan

The West Greeley Plan is a long-range subarea planning effort launched to guide development in growing western parts of Greeley. It aims to produce a comprehensive vision, policy framework, and implementation of a form-based code for West Greeley. The plan coordinates growth over decades, serving as a blueprint for how land use, design, infrastructure, housing, mobility, public spaces, and environmental stewardship should develop over time.

Like the Comprehensive Plan, the West Side Area Plan highlights a list of components which are briefly summarized below.

- **Land Use and Urban Design:** Establishing how different parts of West Greeley develop with residential, commercial, and institutional uses, and how that development will relate to street layout, building form, and the public realm.
- **Transportation and Mobility:** Promoting multi-modal transportation with particular emphasis on walkability, biking, transit, and connectivity to ensure streets and infrastructure evolve to support growth without overdependence on cars.
- **Housing Diversity:** Encouraging a mix of housing types at various income levels, densities, and demographic profile to make sure West Greeley remains accessible, inclusive, and can accommodate growth flexibly.
- **Parks, Public Spaces, and Recreation:** Integrating open space, civic amenities, public gathering spaces, and recreation as part of the fabric to incentivize holistic developments that not only benefit the developer but the community at large.
- **Environmental Stewardship and Urban Ecology:** Taking account of natural systems, landscapes, and sustainable planning practices, especially given West Greeley’s access to open views, natural surroundings, and potential growth pressures, to gear future development towards a more environmentally conscious development footprint.
- **Community Building, Social Connectivity, Equity, and Transparency:** Ensuring community input, social cohesion, and planning processes reflect resident needs and values to generate development that benefits the community.

With the new vision for Greeley's West Side, the City started working on the implementation of the West Side Area Plan. The City is currently drafting the form-based code element to ensure development occurs as intended in the West Side Area Plan. Although the West Side will have an exclusive and new, form-based code in the near future, the revised Development Code should align with the West Side long-range planning efforts to ensure there is consistency between the form-based code and the revised Development Code.

B. East Greeley Subarea Plan

The East Greeley Plan is a long-range subarea planning effort launched by City staff to usher growth in eastern Greeley in a responsible manner over the coming decades. The goal is to produce a vision, policies, and actionable recommendations for future land use, infrastructure, housing, mobility, environment, and public amenities. The plan intends to dovetail with the City's broader Imagine Greeley Comprehensive Plan. Although the East Side Area Plan is not complete, the plan seeks to address the following components summarized below.

- **Land Use and Urban Design:** Determining where and how different types of uses (residential, commercial, industrial, open space) should be located by establishing "character areas" to manage growth in a contextually-sensitive way.
- **Housing:** Encouraging a variety of housing types and price points, to promote inclusivity across income levels and family types.
- **Mobility and Transportation:** Planning for multimodal mobility such as walking, biking, transit, and connectivity, especially given the area's mix of mature neighborhoods, rural, and industrial zones.
- **Parks, Open Space and Recreation:** Protecting natural features (rivers, open land), supporting recreation and public space, and balancing growth with environmental stewardship.
- **Economic Development and Business Support:** Planning to support existing businesses and encourage new business growth in coordination with land use and infrastructure plans.
- **Infrastructure and Services:** Proactively addressing water, sewer, utilities, and other public facilities so that future growth doesn't outpace capacity.
- **Cultural and Historical Preservation:** Memorializing East Greeley's agricultural roots, long-standing neighborhoods, and unique community identity by encouraging development that best reflects and preserves the area.

Even though the East Side Plan is in progress, it is critical that the Development Code aligns with the vision and leads to the successful implementation of the plan.

C. Transportation Master Plan

Greeley's Transportation Master Plan aims to build a safe, connected, and accessible multimodal transportation system that serves pedestrians, bicyclists, transit riders, and drivers. It anticipates future growth, shifts in travel behavior, and emerging technologies to create a flexible network for all users.

The Transportation Master Plan has significant implications on the Development Code. The plan steers Greeley away from a car-centric approach toward a network that gives residents real choices in how they travel—from walking and biking to microtransit and enhanced bus service. This aligns transportation planning more closely with community needs and future growth patterns. Additionally, by coordinating transportation with other planning efforts (like mobility hubs and regional corridors), the city can guide land use, economic development, and neighborhood connectivity more strategically. Projects such as MERGE support both local and regional mobility goals. Adoption of Vision Zero embeds safety into future infrastructure decisions and prioritizes funding for projects that reduce crashes and protect vulnerable users (pedestrians, cyclists). By expanding services like microtransit and regional bus routes and integrating transit with micromobility options, the plan promotes greater access and equity, especially for underserved areas. The Transportation Master Plan is shaping Greeley’s future by embedding mobility, safety, multimodal options, and sustainability into citywide policy decisions, positioning the City to handle growth while improving quality of life for all residents. As such, the Development Code should accommodate the goals and directives of the Transportation Master Plan.

D. Mobility Development Plan

The Mobility Development Plan is a strategic implementation document that follows Greeley’s broader “Greeley on the Go” 2045 Transportation Master Plan. It was adopted by the City Council in May 2025 with the intent to guide the City’s mobility services and transportation improvements over the next several years. The plan focuses on developing a complete, multimodal transportation network that serves a growing and changing population by making it easier and safer to travel within Greeley. With concentrated efforts to enhance public transit, establish microtransit and micromobility, encourage mobility hubs, and integrate regional travel, the City champions a direction that emphasizes a more connected, equitable, and flexible planning approach. While the Mobility Development Plan is a policy framework, the follow up action to implement the plans should be considered when updating the Development Code. Although the Development Code may only touch on a few of the items provided in the Mobility Development Plan, Development Code revisions addressing complete streets, pedestrian facilities, and alternative transportation modes may be fruitful for implementing the Mobility Development Plan.

E. Vision Zero Safety Action Plan

Greeley’s Vision Zero initiative is a citywide strategy aimed at eliminating all fatal and serious injury traffic crashes by 2045. The plan is part of a broader Safe System Approach—a data-driven methodology that prioritizes safety through engineering, education, enforcement, and emergency response improvements. The plan boasts the following key elements: 1) identifying and defining those street intersections of “high-risk” for prioritized action; 2) encouraging street improvements to directly reduce crash risk; and 3) developing strategies to influence safer driving, walking, and bicycling behavior. These key elements will inform the Development Code update particularly in the Subdivision Standards chapter where there is opportunity to provide revised regulations that positively impact traffic safety.

F. Trails Master Plan

Greeley's Trails Master Plan update was adopted in March 2025 and provides a vision and framework for trail development over the next 10 to 20 years. The plan identifies potential trail corridors across the city and growth areas with goals to: 1) expand off-street trails to connect residents to parks, neighborhoods, natural areas, schools, and other destinations; 2) emphasize equity and access, with corridors balancing connections across different parts of the city, including underserved communities; and 3) add roughly 120 miles of trail corridors. These goals will be strongly considered during the Development Code update when it comes to providing regulations that affect the design of new subdivisions and large, mixed-use developments.

3.3 Regulatory Initiatives

A. Sign Code Update

The City is revising its Sign Code to reflect legal best practices following the U.S. Supreme Court's 2015 decision in *Reed v Town of Gilbert* — in particular, to align with federal constitutional rules on free speech and sign regulation, following judicial precedents about content-based regulation of signs. The primary focus relates to non-commercial signs (e.g. yard signs, political signs, event signs, real-estate signs, etc.), rather than commercial signage (business signs, wall signs, freestanding business-oriented signs). As the consultant team progresses through this project, the City's work on signs will be further examined and incorporated accordingly into the revised Development Code.

B. Downtown Overlay Update

The City is currently updating the Downtown Overlay. The goal is to retain Downtown's character and generate significant redevelopment to catalyze the area. The update prioritizes public spaces, mixed use development, architectural standards, and organic growth so future development does not detract from the look and feel of Downtown.

C. ADU Ordinance Update

The City is advancing revisions to its Development Code to allow one Accessory Dwelling Unit (ADU) on a lot with an existing single-family house (attached, internal, or detached). The proposed update opens up ADU allowances across more residential zones – specifically enabling ADUs in the Residential-Medium zoning district and potentially broader residential districts. The update is motivated by both local housing goals (increasing housing options, such as missing middle housing) and to ensure compliance with recent House Bill 24-1152 that requires jurisdictions to allow ADUs where single-unit detached dwellings are permitted.

ADUs are a tool for providing additional housing choices – whether for aging parents, adult children, or rental income opportunities – while preserving neighborhood character. By enabling ADUs more broadly, Greeley aims to help meet its housing goals such as affordability, flexibility, and increasing the diversity of housing types. Aligning with the state law helps the City avoid regulatory complications and may allow access to state/federal incentives or funding tied to ADU-friendly jurisdictions. The draft addresses ADU size, ADU typologies, and ADU standards calibrated by zoning district.

Greeley’s ADU ordinance update reflects a strategic shift: loosening regulatory constraints on accessory units to increase housing flexibility and supply, aligning with state law, and respecting neighborhood character. The update positions ADUs as a meaningful component of the City’s housing toolbox – enabling smaller-scale, infill, accessory housing while seeking to maintain compatibility with existing residential areas.

D. Affordable Housing Code Amendment

In tandem with the Development Code update, the City is working on a significant amendment to accelerate the production of affordable housing and enhance the City’s competitiveness for state housing resources such as Proposition 123 funding. The amendment establishes an Affordable Housing Land Use Center that will manage an expedited 90-day development review process for qualifying affordable housing projects. Limited extensions may be granted occasionally, though the core intent is to remove procedural delays that frequently hinder affordable housing production.

Complementing the streamlined review, the amendment incorporates financial and technical assistance tools. Eligible owner-occupied affordable housing projects may receive predevelopment grants of up to \$25,000, which will help to offset early-stage planning and design costs. The City will also offer brownfield redevelopment support, including technical guidance and assistance applying for state and federal environmental funding, allowing challenging or underutilized sites to be repositioned for housing.

The proposed amendment introduces development incentives intended to reduce construction costs and encourage more affordable units. Some of the proposed incentives include increased building height allowances, reduced parking requirements, and adjustments to open space standards for qualifying projects. This type of flexibility targets the common cost drivers in multi-family development to make Greeley a more viable location for affordable housing investment.

Projects accessing the fast-track process must meet established affordability thresholds, generally requiring at least 50 percent of units to be restricted to income-qualified households – consistent with Proposition 123 requirements and the City’s adopted affordability definitions. The implementation of the fast-track system will help ensure Greeley remains eligible for state performance-based housing incentives.

Overall, this amendment is not only critical for Greeley’s broader Housing Strategy, but the Development Code update. The proposed amendment is designed to reduce barriers, leverage state resources, and create a more efficient and supportive environment for affordable housing development, ultimately expanding the City’s supply of diverse and attainable housing options.

Chapter 4 Development Code Analysis & Recommendations

4.1 Code Organization

A. Overview

The Development Code is a legal document that implements various City-adopted planning policies. While the Development Code should be legally enforceable, it should also communicate effectively to a variety of audiences, including residents, applicants, business

owners, elected officials, and City staff. Addressing organization, improving readability and enhancing ease of use will serve to 1) improve administration by making information easier to find and understand; 2) enhance public input by making complex, technical information accessible to casual users; and 3) encourage economic development by making development standards and procedures clearer to applicants.

Rewriting the Development Code is not a simple matter of convenience. Well-written regulations can save time and money for both public and private investments and potentially create new opportunities for economic development and community design. The recommendations in Section 4.1 of this report can improve the Development Code's readability and increase user experience.

B. Observations and Analysis

The Development Code is codified in [Title 24](#) of the Greeley Municipal Code housed on the City's Municode website. The Development Code is organized into 14 chapters with each chapter including multiple sections. While the Development Code is laid out in a straightforward manner, there is room for improvement.

There are instances where regulations should be located in other locations while there are other instances where regulations are embedded in certain chapters. The revised Development Code needs to place like and related regulations in the same location as opposed to having them spread throughout the chapters. The Development Code should create a flow that makes provisions accessible and easy to understand for a wider audience. For instance, the most important parts of the Development Code (zoning district regulations, subdivision design standards, etc.) should be placed directly behind the first chapter because they are the most pertinent from a user's perspective.

In particular, the organization of Chapters 5 – 9 do not flow well. The existing chapter order is difficult to follow as like items are scattered throughout the Development Code. For instance, the Development Code's development standards are separated from one another or are their own chapters. A new Development Standards chapter would typically include, for example, standards for signs, lighting, screening, parking, design, and landscaping regulations. In the City's case, signs, access and parking, and landscape standards are in their own chapters. Additionally, residential development standards and nonresidential development standards are their own chapters where certain development standards like lighting, screening/fencing, and architecture are incorporated throughout them. The current chapter arrangement is ordered inconsistently. The development standards should have an organizational structure that identifies the development standards and places those separate development standards consecutively within the Development Code.

C. Recommendations

1. Locate high-priority content near the beginning of the Development Code.
2. Provide cross-references as applicable to avoid duplication and remove conflicts within the Development Code and with other Greeley Municipal Code sections and Engineering Design Criteria.

3. Include a preamble that provides non-regulatory background information to the Development Code and simple step-by-step instructions explaining how to use and apply the Development Code to a development project or site.
4. Remove and replace all vague or poorly written text and update the text to eliminate archaic terminology such as the use of “hereby”, “hereto”, or “notwithstanding” with a word choice supportive of plain English approachable to a wider audience of Development Code users.
5. Organize the definitions in three separate sections within the Definitions and Terms chapter to make it easier to find a defined word. This may include General Terms (i.e., all general terms used throughout the Development Code; Use Definitions (i.e., all use types); and Sign Terms (i.e., all the terms utilized in the Sign Chapter).
6. Align all new and revised use terms with the applicable definitions and uses defined in Colorado Revised Statutes.
7. Align any general terms provided and defined in the Development Code with those in the referenced in other Greeley Municipal Code sections and Engineering Design Criteria.
8. Include new comprehensive rules of measurement to guide the user to a better understanding of how dimensions and standards are measured, calculated, and applied.
9. Cite any Colorado Revised Statutes appropriately and consistently throughout the Development Code.
10. Set up the Development Code with a form-based structure with the following ordering sequence: general provisions, subdivision standards, zoning, building types, uses, and development standards, procedures, nonconformities, administration, and definitions.
11. Resolve all typographical errors in the Development Code.
12. Rename and retool minor variances to administrative adjustments to avoid confusion between the variance process that requires proof of a hardship.
13. Add a new purpose statement for each chapter that clearly states the reason and purpose for the chapter.
14. Make a clear distinction within each section between a new purpose statement for the section and an applicability provision.
15. Throughout the chapter update and revise the text where needed to improve readability and make it easier to understand.

4.2 Administration and Procedures

A. Overview

Development processes should be streamlined, avoiding wasteful and time-consuming processes, but should include meaningful public input. It is essential to allow citizens to voice input on projects that affect them. The modern best practice is to assign as many processes as possible to staff when public hearings are not necessary.

Public hearings are not necessary when a use is subject to very clear regulations defined in the ordinance (leaving no room for interpretation or discretion), or where the application is the

final step in multi-step approval processes where discretionary decisions are already made. Where development has unique impacts, or impacts that are incapable of resolving completely through development standards, public hearings may be needed to give neighborhoods an opportunity to weigh in on applications that affect them.

B. Observations and Analysis

Chapter 2 defines the procedural framework for how development and land-use applications are processed in Greeley. Simply stated, it establishes how decisions are made by providing the rules for application, review, and approval. This chapter oversees all applications under the Development Code including subdivision plats, rezonings, site plans, conditional uses, variances, planned unit developments (PUDs), and other regulatory requests. This chapter aims to provide procedural clarity by emphasizing predictability, transparency, and consistency for developers, residents, city staff, and elected bodies; however, there have been instances where procedural clarity is a challenge. Specifically, there are instances where vague review criteria make decision-making tough. This has been noted by staff about site plan and PUD applications. Rectifying these instances will ensure the Development Code's processes are fair and clearly communicated.

C. Recommendations

1. The term “property owner” is used throughout the Chapter as the person or entity who may file an application with the City. See for example Section 24-204. (Rezoning). It is recommended that this term should be changed to “applicant” and defined in the Definitions to include more than the actual owner of the property, i.e., it could include an agent who represents the property owner in the application or it could be an applicant seeking entitlement on property that they will only purchase once the entitlement has been approved. The property owner will still be the person authorizing the application.
2. Table 24-2-1: Procedures Summary is complex and hard to read as it includes a lot of symbols. It is recommended that this table be simplified to make it easier to use, e.g., replacing some symbols with text or letters. Also, insert the Section number for each of the listed processes.
3. Consider moving the noticing requirements into a separate table included within the noticing subsection. In this new table do not include a column for neighborhood meeting to show when it is required or optional as confirmed by City staff. Instead, leave the requirement for a neighborhood meeting to the discretion of the Director.
4. Table 24-2-1 could also be expanded to clearly state which applications are eligible for Fast Track Review as required by Colorado Proposition 123 (e.g., site plan building permit, variance, CUP, PUD, etc.) and those applications where Fast Track Review does not apply (e.g., annexation, preliminary or final plat, comprehensive plan amendment, pre-application review, concept plan review, rezoning, and appeals)².
5. In subsection a. (Applications and fees) it is recommended to include a statement that submittal requirements are included on the City's website with application forms for each permit type. These are very comprehensive. Similarly, include detailed flowcharts

² One reviewer recommended that Fast Track be removed. We did not reflect that note here because it is a state law requirement.

describing how each permit is processed on the City’s website and within the application forms.

6. Include a general statement of the purpose of the pre-application meeting and clarify that comments provided by staff at a pre-application meeting are non-binding, i.e., they are neither a recommendation for approval nor denial of the application or development.
7. Before subsection d. Staff review, it is recommended that a new section should be inserted that describes the conceptual plan review that is mentioned in Section 24-207.c.
8. Insert a simple statement describing the purpose of a neighborhood meeting.
9. Include that notice for the neighborhood meeting should be posted on a website and that all notices should follow accessibility standards and possibly include a QR code or similar digital tool to allow more information on the project to be downloaded³.
10. Update Section 24-207 (Site plan) to include a clear differentiation for minor versus major site plan review.
11. Require more details specific to the findings required for an appeal decision.
12. All appeals should be described in one location in the Development Code for ease of use and simplicity, and that the appeals section be removed from the “General to all applications” or “Common Procedures” Section and included within this new Division/Section.
13. Include cross-references to applicable sections and subsections of the Development Code to make it easier for a user to find the particular section. This includes providing cross-references to relevant sections of the Greeley Municipal Code and Engineering Design Criteria.
14. The applicability and eligibility requirements for initiating a Development Code amendment should be required to come from City Council direction or for a master plan project.
15. Consider codifying consistently approved administrative variances.

4.3 Zoning Districts

A. Overview

Zoning regulations establish what land uses are permitted on a given piece of land, and govern characteristics of design, construction, and spatial relationships between buildings and other structures, roads, easements, and other rights of way. By creating zoning districts, cities can promote the development of cohesive and harmonious neighborhoods, commercial centers, downtowns, employment centers, and mixed-use areas. Zoning best practices have evolved over the last century, moving from a tool to separate noxious uses such as heavy industry from residential areas to a means of separating different uses during the Post-World War II highway expansion era, to its contemporary standing as a tool to build walkable, attractive, sustainable mixed-use communities.

Zoning regulations typically include the following elements:

³ To be confirmed by staff. At a minimum these recommendations should apply to all legal notices as well.

Zoning Districts

Zoning divides cities into districts where various regulations apply. These can include conventional districts, overlay districts, special use districts, floating zones, and form-based zoning.

Planned Unit Development

Planned Unit Developments (PUDs) are typically standalone districts where an applicant can deviate from the normal district standards in exchange for providing an exceptional level of design, amenities, and other community benefits.

Density and Intensity

Zoning districts control the density and intensity of development by prescribing minimum lot area and dimensional requirements. Some communities also specify the minimum or maximum number of dwelling units allowed per acre of land.

Dimensional Requirements

Zoning districts regulate the size or bulk of structures through the application of minimum or maximum setbacks (from property lines, streets, or other structures), height, floor area ratio, and lot coverage requirements.

Uses

In each district, some uses are permitted, some are prohibited, and others are regulated through discretionary review (i.e., special use approval). Many uses have conditions or standards that apply whether the use is permitted or requires special use approval.

B. Observations and Analysis

Chapter 4 establishes 23 total zoning districts, including 14 base zoning districts and nine special districts/areas. The current base zoning district regulations have mostly produced development outcomes typically seen throughout suburban America with some exceptions. There are large commercial shopping strips with overparked areas in front of buildings and considerable swaths of master-planned single-family residential neighborhoods, which is an inherently suburban feel; however, the City's zoning districts have retained and even facilitated some urban-style development particularly around Downtown and the University of Northern Colorado. As zoning is only one component of achieving the City's desired development outcomes, it is perhaps the most important.

Although there are 14 base zoning districts, the following question should be asked; are all of these districts necessary? Given the City's stance to opt towards a more form-based Development Code, it can be argued that some of these zoning districts can be eliminated or consolidated and replaced with districts where mixed use development is preferred. If this approach is utilized, up to five zoning districts may be eliminated.

C. Recommendations

1. Consolidate zoning districts into discrete categories (e.g., residential, commercial, agricultural, and industrial)⁴.

⁴ MO commentator suggests striking this recommendation. Please verify with other staff commentators.

2. Improve the zoning district's statements of intent (purpose statement) to align with the Comprehensive Plan and any other long-term planning documents such as the West and East Side Area Plans.
3. Modernize the naming convention of the zoning districts⁵.
4. Revise the short form of the zoning district nomenclature to be in a consistent arrangement⁶.
5. Revise and reduce the number of districts through the consolidation of similar districts, where practical⁷.
6. Provide better standards and more complementary uses for Mixed Use districts to facilitate mixed use and walkable development.

4.4 Special Districts and Areas

A. Overview

Special districts and areas require extra attention to capture their appropriate character to ensure development is context sensitive. These districts usually include downtowns/main streets, historic subdivisions, areas of unique environmental circumstances, and airport-adjacent areas, all of which have additional regulatory needs that are not generally applicable to properties elsewhere in a city. Special district standards act as a “modifier” to those standards provided under a base zoning district. Essentially, these standards override or supplement the base zoning standards where the city has special concerns. Greeley is no different, and as such, guides growth based on the character of those particular areas.

B. Observations and Analysis

Chapter 10 supplements the base zoning and development rules found in other chapters by adding special rules for particular geographies or conditions. The idea is that not all land in Greeley is the same: some parcels lie in sensitive ecological zones, floodplains, conservation lands, or other areas where “normal” development standards may not be appropriate. Chapter 10 establishes overlay/special-purpose standards to guide development in such parts of Greeley. While this chapter lays out standards for these special districts and areas, much of the regulations are processed based instead of a regulatory based. For example, the historic preservation section does not sufficiently address the actual historic preservation design standards. Instead, the section specifies applicability, the required administrative processes, and how to establish a historic district. Conversely, this chapter addresses the Downtown Overlay, which is underwhelming at best. This overlay fails to account for the critical standards that make overlays meaningful. There are no rightsized development standards, special architectural requirements, or specific use standards to generate development in congruence with the intent of the overlay. Instead, the Development Code should consider a form-based district for Downtown that has multiple character areas or subdistricts to ensure development retains crucial features germane to that specific character area. One of the best examples of a unique form-based Downtown district is McKinney, TX.

⁵ MO commentator suggests striking this recommendation. Please verify with other staff commentators.

⁶ MO commentator suggests striking this recommendation. Please verify with other staff commentators.

⁷ MO commentator suggests striking this recommendation. Please verify with other staff commentators.

In 2014, McKinney replaced its Downtown Overlay with a form-based district to preserve the area's historic architectural appearance, encourage redevelopment at various scales, and promote traditional, walkable development patterns. This district, the McKinney Town Center (MTC), has seven subdistricts called character areas and three street types, established by a regulating plan. Each character area has specific architectural and site development standards to guarantee development occurs in a cohesive way. For instance, the Historic Core character area establishes a two-story minimum building height, four-story maximum building height, and 95% of the building's width be located within 0 to 5 feet of the front property line. On the other hand, the Downtown Edge character area requires a three-story maximum building height and 75% of the building's width be located within 5 to 20 feet of the front property line. Additionally, the three street types provide additional site development context in these character areas to ensure the interaction between the building and the public realm are preserved appropriately.

Although Planned Unit Development (PUD) is not provided in this chapter, it should be as it is inherently a special zoning district. The current PUD regulations are vague and because of this have been abused. In some instances, PUDs have been used to circumvent the Development Code which challenges the intent and need of PUDs. The Development Code should find ways to strengthen PUD regulations to ensure ensuing development provides exceptional quality, meets or exceeds the Development Code's baseline standards, and benefits the community at large.

C. Recommendations

1. Remove the procedural elements from the overlays and special areas chapters and move them to the Procedures chapter.
2. Retain the Redevelopment district overlay but clarify the intent and strengthen the district's focus or eliminate the Redevelopment district overlay with the introduction of a comprehensive set of infill development standards aimed to assist small businesses and existing developments that can be generally applied throughout Greeley.
3. Relocate all definitions embedded in the various overlays to the general definitions chapter.
4. Establish an actual historic district or at least a historic conservation overlay where historic preservation design standards or guidelines can be applied cohesively.
5. While procedural items will be addressed in the Administration and Procedures chapter of the Development Code, the following procedural changes for the new historic district or historic conservation overlay should be provided:
 - Reinstigate the process for selecting alternate commissioners for designation hearings where a quorum of 5 is not possible due to conflicts of interest.
 - Implement a severability clause that rectifies conflicting provisions.
 - Clarify that the 10 business days to review and comment on a permit starts when the application is determined to be complete, and not when the application is submitted.
 - Change the newspaper notice requirement for designation hearings to website/online noticing.

- Modify the required time between the Historic Preservation Commission and City Council from 30 days to 45 days. Additional consideration should be given if the change to 45 days means calendar or business days.
 - Create a special flexible land use process for historically designated properties.
6. Repeal the Downtown Overlay and replace it with a form-based downtown zoning district that identifies multiple subdistricts or character areas to right-size development outcomes.
 7. Create a form-based district for the area containing and surrounding the University of Northern Colorado with specific subdistricts or character areas⁸.
 8. Add PUDs as a special zoning district and provide clearer standards to prevent underwhelming PUDs.

4.5 Development Standards (Residential and Nonresidential)

A. Overview

The purposes of Chapter 5 and 6 are to establish standards that apply to residential and nonresidential development city-wide — from single-family houses to commercial buildings. These standards go beyond zoning and use (what land can be used for) to address how buildings and neighborhoods are shaped — their form, layout, densities, housing-type mix, lot configurations, and design patterns. Development standards glue zoning and use together to make functional developments. To ensure development outcomes align with the Comprehensive Plan, development standards should be prioritized and regulated in a manner that is most conducive to achieving the desired outcomes.

B. Observations and Analysis

Residential

Chapter 5 defines a range of residential building types grouped into categories such as traditional detached houses (various lot sizes), missing-middle housing (duplexes, row houses, small-lot houses, etc.), and multi-family/mixed-use buildings. In tandem with these residential building types are tables and graphics that communicate the desired form of these buildings. There are multiple frontage types to ensure a residential building meets the design aesthetic as seen in a suburban and urban contexts. For instance, the three frontage types – terrace, neighborhood, and suburban are provided with each being required according to development context. Terrace and neighborhood frontages are mostly reserved for urban-style residential development whereas the suburban frontage is used for more suburban-style residential development. Additionally, there are other design-forward standards like front entry features, wall plane limits, roof requirements, and building material stipulations to ensure residential development meshes as intended via the development context. These standards should be carried forward with some minor modifications to keep development form-focused.

⁸ MO commentator suggests this recommendation could be a low-priority and create additional complications.

Although there are many provisions in this chapter, one particular provision of note is the “housing diversity” requirement for larger projects. This provision requires large residential projects to provide a housing mix at different thresholds. For example:

- For projects with 50–150 units: at least two different building types, no more than 70% of one building type.
- For projects 151–300 units: at least three building types, no more than 50% one type, and at least 20% from Category II (i.e., missing-middle) types.
- For very large projects (301+ units): at least four building types, no more than 50% one type, and at least 30% from Category II.

These requirements may be waived if there is an existing mix of housing types within a quarter-mile, or if a developer shows that achieving the mix is unreasonable based on market data.

While this housing diversity provision helps ensure new residential developments don’t build one housing style, it falls short because of its complexity and administrative difficulty.

Nonresidential

Chapter 6 governs development standards for commercial, office, industrial, institutional, mixed-use, and other non-single-family/residential uses — ensuring that such development is shaped in a way that supports safe circulation, pedestrian orientation, compatibility with surroundings, and overall community design goals. Similar to Chapter 5, there are many form-focused standards that address building location, wall plane limits, entry features, and frontage types. For example, long uninterrupted wall facades are discouraged — especially in pedestrian-oriented streetscapes or near active public spaces. Additionally, the Development Code requires nonresidential buildings mark their public entrances with at least a certain number of design elements (e.g., raised parapets or gables, canopies/overhangs, transom or sidelight windows framing the entry, architectural details such as columns/pilasters or material changes, integral planters or wing walls tied to a recessed or projecting entry court or plaza, etc.). While these standards may seem overreaching, they are critical to ensure nonresidential buildings contribute positively to streetscape character, avoid monotonous and pedestrian unfriendly blank walls, and remain accessible — especially where pedestrian activity is expected or desired.

One of the things this chapter does well is contextualize development. The Development Code differentiates how strictly design standards apply depending on context: in pedestrian-oriented streetscapes or areas expected to have active social/public space, standards are stricter (e.g., blank-wall limits are tighter, entrance frequency or design expectations are greater). In more auto-oriented or remote areas (e.g., industrial zones, commercial parks, large-lot commercial), the standards may be more relaxed — reflecting different functional demands and lower expectations for street-level engagement. This flexibility helps Greeley balance vibrant, walkable urban areas and more utilitarian nonresidential zones.

C. Recommendations

1. Reduce the dimensional standards, particularly setbacks, for residential building types as provided in Table 24-5-1: Residential Building Type and Lot Standards.

2. Revise and clarify the information in Table 24-5-1: Residential Building Type and Lot Standards in a clearer manner, particularly for the numerous subsets of the apartment typology.
3. Simplify and streamline the residential accessory building regulations as provided in Table 24-5-2: Residential Accessory Structures, including clarifying front building line stipulations and overreaching design specifications. Possibly supplement this table with graphics to improve clarity.
4. Place all fence and wall regulations in its own chapter⁹.
5. Provide a clear distinction between fences and walls and provide specific regulations that address both, including regulations that control fence and wall materials, heights, location, and relief options.
6. Simplify the building design requirements (i.e., primary, secondary, accent).
7. Relocate the housing diversity requirements to the subdivision standards or zoning district standards.
8. Simplify and streamline the standards provided in Table 24-5-7: Residential Frontage Types and Design Standards.
9. Consider adding more frontage types, tying them to building types or in some instances, to specific zoning districts and uses.
10. Simplify and streamline the standards, particularly the materials requirements, provided in Table 24-5-9: Building Design Standards.
11. Specify required transparency thresholds.
12. Relocate Sec. 24-504 to the subdivision standards.
13. Relocate Sec. 24-506 to the zoning districts chapter.
14. Eliminate the lot area maximum requirement for the MU-H district.
15. Clarify the minimum front setback requirements for the mixed use districts to ensure urban and pedestrian-friendly development occurs.
16. Eliminate Table 24-6-2: Nonresidential Accessory Structures, as it is unnecessary and can be accommodated for in the accessory use standards in Chapter 4.
17. Similar to the residential development standards, provide a building typology for nonresidential development that addresses the various development contexts in Greeley.
18. Provide modernized lighting standards that dictate illumination levels, light fixture heights, and sign lighting components.

4.6 Uses

A. Overview

The appropriate identification, definition, and understanding of land use is foundational to the establishment of zoning. Without a list of uses, development patterns can become disjointed.

⁹ MO commentator thinks there is no need for it's own chapter. Please verify before striking.

When uses are not identified, zoning can become irrelevant because any land use activity is allowed to be developed, especially if there are weak or no associated development standards. Uses are critical to the Development Code because it implements a zoning district's intent and establishes what development activity is and is not allowed. This section of this report reviews the City's established uses, assesses the use table, and discusses the significance of effective use regulations.

B. Observations and Analysis

The use table identifies land uses and prescribes those uses as either permitted or prohibited within different zoning districts. The use table is grouped by certain uses housed within the following specific use categories: residential, public and civic, commercial, and industrial. Within those four use categories, 126 uses are listed. While this is typically not an overwhelming amount of uses, many of these uses can be consolidated or eliminated. There are similar uses that are duplicative and need to be collapsed into expanded use definitions. For example, the use table shows "Animal care — Limited (indoor, < 5K GLA, no boarding)", "Animal care — General (indoor, 5K—20K GLA or boarding)", "Animal care — Large (outdoor or > 20K GLA)", and "Animal care — Stables (> 5 boarded animals)" as four individual uses. These uses should be combined into a singular "animal care" use where the use definition includes all four uses. Performing these kinds of tasks will greatly reduce the number of uses and ultimately reduce the length of the Development Code. Also, not all current uses are defined. For example, the "Recreation — Indoor limited (< 5K GLA; < 0.5 acre)" use is not defined, which is problematic. Undefined uses are problematic because it produces questions about what is included in the use, generating arbitrary and unnecessary staff interpretations.

The current use table approach could benefit from a simple revision. One clear and concise use table is important for everyone involved in the development process. Users can quickly scan use categories to determine where a particular use is allowed. The use table facilitates the process of maintaining and updating the list of uses. Visual aids can also facilitate reading and understanding the use table.

C. Recommendations

1. Create a singular Use chapter that encompasses the use table, including specific, accessory, and temporary uses, and references to use-specific standards.
2. Revise and reorganize the use table to include all uses including primary, accessory, and temporary.
3. Revise, reduce, consolidate, and in some instances, add new uses to the use table.
4. Add a hyphen "-" in the use table to clearly show a use is prohibited in a certain zoning district.
5. Relocate all use definitions to the definitions chapter.
6. Create context-sensitive use-specific standards that are tailored appropriately for specific zoning districts.
7. Expand the housing typology with newer housing uses like those that address Build-to-Rent housing.

8. Clarify uses by special review to align with modern practices and typical industry terms by renaming to special use permit or conditional use permit.
9. Eliminate the “family” component and distinction within residential uses and revise to either “unit”, “household”, or similar term to improve housing inclusivity and alternative living arrangements.
10. Remove modifiers from the uses in the use table (i.e., Assembly – limited up to 499 occupancy) and provide those modifiers as specific standards tied to the use.
11. Revise and align the park land use with the various park uses referenced in the Parkland Dedication section and other sections throughout the Development Code.
12. Revise the use classification system by including use subcategories to improve clarity amongst similar or related uses.
13. Align uses and use definitions with those specified and defined in state law.
14. Address the various instances of term inconsistency noted throughout the Development Code.
15. Take a more nuanced approach to industrial uses that account for modern industrial development such as flex industrial buildings, research and development parks, testing facilities, etc.
16. Revise home occupation standards to be less burdensome and align with modern practices.
17. Consider implementing regulations for beekeeping in Table 24-4-3.
18. Provide a more robust set of drive-through standards including graphics and tables to better communicate the standards.
19. Verify use distance buffers with any state law distancing requirements (i.e., group homes).
20. Reduce the over-regulatory nature of Table 24-4-4 and rely on state law to regulate kennel area spacing.
21. Enhance use-specific regulations that address storage facilities to better regulate the location, size, and design of such facilities.

4.7 Access and Parking

A. Overview

Access and parking go together, as they are frequent pressure points for many residents and businesses. Although minimum parking requirements were historically designed to reduce street congestion and to avoid spillover parking into residential neighborhoods, parking regulations have since become synonymous with arbitrary minimum parking ratios, wasted space, unnecessary development costs, maintenance concerns, negative environmental impacts, and site congestion.

As a result of the focus on regulating minimum parking standards, access management regulations have been frequently neglected. Without access standards, development can

become disjointed, create safety risks, and produce congestion. These regulations typically include driveway locations and alignment, number of driveways per development, connectivity, and shared cross access between developments. Access management is not only crucial for site circulation, but for vehicular and pedestrian activity on the City's streets. Development patterns created by previous regulations are often indirect, frequently use cul-de-sacs, and sometimes have only one way in or out. These designs make emergency responses and providing services to and from developments difficult.

Ultimately, streets operate best when traffic flow interruptions (i.e., conflicts created when decelerating, accelerating, turning, etc.) are minimized. Major streets serve through traffic and provide access to developments. These needs must be balanced, but when access is unmanaged with too many driveways, curb cuts, or other points of entry or exit, efficiency drops, and accidents increase. Combined with substandard street and site connectivity, lack of alternative routes, and ride sharing impacts, further congestion and emergency response risks are possible.

B. Observations and Analysis

The City does well regulating parking and access standards with baseline provisions that are common in most modern development codes. For instance, the Greeley Development Code provides regulations for the minimum number of parking spaces, shared parking arrangements, parking locations and layouts, parking space design specifications, and access and circulation standards. All of these regulations seek to avoid or limit:

- Excessive pavement or impervious parking surface that could worsen stormwater runoff.
- Parking layouts that degrade pedestrian environment or street appearance (e.g. multiple curb cuts, front-loaded surface parking, cars backing onto streets).
- Over-parking or under-designed parking that fails to meet actual demand while undermining walkability, open space, or community aesthetics.
- Incoherent circulation or safety issues from poor driveway/parking area design (unmarked spaces, inadequate drainage, unclear access, mixing of loading vs parking vs circulation areas).

One thing the City does well to address the complexity and sensitivity of parking demands, is the option for "alternative compliance" to parking standards. This flexibility helps adapt parking/driveway solutions to site constraints, alternative building layouts, or evolving design contexts – especially relevant in mixed-use, infill, or urban redevelopment areas. Although the City provides some flexible and modern parking and access regulations, the City could expand their regulations in a way that includes more specific options to ensure development is responsive to the City's various development contexts.

C. Recommendations

1. Provide graphics to supplement and clarify the standards in Table 24-7-1: Driveway Setbacks.
2. Make the distinction between publicly dedicated sidewalks and internal, on-site walkways. Publicly dedicated sidewalks should be accommodated in the subdivision

standards whereas internal walkways can be provided for in the access and parking chapter.

3. Rightsize parking requirements by eliminating minimum parking requirements for developments under a certain threshold (i.e., no minimum parking required for a nonresidential building less than 2,000 square feet) or for development within certain zoning districts like Downtown and special areas like transit hubs and near the University of Northern Colorado. Such a practice may encourage more development, but also development that prioritizes multimodal transportation and is more urban in form and function.
4. Rectify the current use-assigned parking ratio discrepancies by providing a ratio for each use listed in the use table. The use table and parking ratio table do not have the same uses, so at times there is disagreement about which ratio applies to a certain use.
5. Strengthen the language for administrative reductions to parking.
6. Expand bicycle parking regulations to include bicycle lockers and other structured facilities.
7. Relocate access requirements to the Subdivision Standards Chapter or Design Criteria and Construction Specifications Manual for Streets as applicable. For any access requirements being retained in the Development Code, provide regulations that specially address internal circulation and connectivity for infill development and those developments that only require site plan review and approval.
8. To improve clarity, delineate sidewalks from walkways indicating sidewalks are within the right-of-way whereas walkways are internal and not part of the right-of-way.
9. Revise the no more than 15 contiguous spaces without landscape islands within a parking row requirement to 10 contiguous spaces to reduce parking and improve site greenery.
10. Require landscape islands to be the dimensions of a standard parking space (i.e., 9 ft x 18 ft).
11. Simplify parking lot design options as provided in Table 24-7-6: Parking Lot Design.
12. Require wheel stops for any parking space abutting a walkway, sidewalk, or pedestrian access facility.
13. Eliminate compact parking spaces.
14. Expand and contextualize the loading requirements to accommodate larger trucks for loading and delivery drop-offs.
15. Provide regulations for modern queuing operations and phenomena such as curbside pick-up, ride sharing, valet services, etc.
16. Use fixed parking ratio metrics, like building floor area, site acreage, etc., to eliminate fluctuating required parking rates.

4.8 Landscaping

A. Overview

Most modern development codes include landscaping standards to mitigate environmental site conditions, reduce heat island effects, minimize conflicts between incompatible uses, and soften the visual impacts of parking areas and intensive uses. Landscaping adds to development costs both upfront and over time through maintenance and irrigation, although long-term savings from stormwater management and energy savings through shading of building and parking areas can offset some of these costs.

B. Observations and Analysis

Chapter 8 advances several important urban design, environmental, and community goals:

- **Attractive, human-scaled development:** By requiring trees and landscaping at building edges and parking lots, and discouraging parking sea designs, the Development Code helps soften the built environment, reduce the visual dominance of pavement, and make developments more inviting and walkable.
- **Environmental resilience and sustainability:** Encouraging drought-tolerant plants and “waterwise” landscaping supports water conservation — vital in a semi-arid western climate. Using vegetation to shade parking lots and buildings can help mitigate heat-island effects. Landscaping also offers opportunities for stormwater absorption or infiltration (especially if paired with pervious surfaces or well-designed planting islands), which helps manage runoff and reduce flooding or drainage burden.
- **Integration with site design and infrastructure:** By making landscaping an integral part of site plans — along with parking, circulation, drainage, and utilities — Chapter 8 helps ensure coordination among site planning, building, infrastructure, and green infrastructure practices. This reduces conflicts (e.g. planting vs utility lines), improves long-term maintenance, and fosters holistic design.
- **Contextual flexibility:** The allowance for landscape elements to “double-dip” (i.e. satisfy multiple requirements) — if carefully designed — gives developers flexibility. That’s especially useful for infill sites, constrained or small parcels, or places where conventional landscaping would be impractical. This balance between regulation and flexibility supports varied development types without a one-size-fits-all rigidity.
- **Public-realm and long-term community benefit:** Thoughtful landscaping raises property and neighborhood quality, improves aesthetic continuity across developments, and — over years — supports urban forestry goals, shade canopy, and a more comfortable pedestrian environment. It also signals commitment to long-term maintenance and stewardship rather than short-term cosmetic landscaping.

The chapter is robust with some of the core provisions including:

- Landscape design must be integrated into site layout and building design
 - This chapter directs that landscape elements should help “frame entrances, anchor building corners, or break up/soften larger building façades.”

- Landscape plans must be submitted as part of development/site plans — showing landscaping along with buildings, parking, circulation, drainage, and other elements.
- Parking-lot and exterior landscaping requirements
 - Chapter 8 places specific requirements on parking lots and external paved areas to mitigate their visual, environmental, and microclimate impact.
 - On the exterior edge (perimeter) of a parking lot, at least one shade tree per 35 feet of exterior edge, or one ornamental tree per 25 feet.
 - For internal landscape islands or landscaped areas inside parking lots, at least one shade tree (or two ornamental trees) per 300 sq ft of island/landscape area.
 - Shrubs are required to delineate parking lot edges, screen parking from adjacent sites, or provide low barriers along sidewalks/streetscapes. The required number of shrubs can be reduced by 50 percent if a decorative fence or wall (30–42 inches tall) is used in combination — so long as the fence/wall complements the building or hardscape architecture.

- Visibility, safety, and utility clearance constraints

To ensure safety, functionality, and maintenance access, the Development Code prohibits or limits planting in certain zones:

- Landscaped buffers, trees, shrubs, or screens must not obstruct required sight-lines at intersections of streets, alleys, driveways, and internal access streets.
- For utility easements and near water meters, hydrants, sewer lines, irrigation mains, etc., there are minimum clearance zones: e.g., no shrubs within 5 feet, no trees within 10 feet of the infrastructure. Additionally, the Development Code prohibits the planting of species that would grow too tall below overhead utility lines.
- Plants or materials that may pollute stormwater runoff are prohibited near drainage, stormwater detention, or floodplain areas.
- Flexibility: overlapping requirements and “credit-sharing”
 - Where multiple landscaping requirements overlap (building-edge landscaping, parking-lot landscaping, perimeter buffers, etc.), Chapter 8 allows design flexibility. For instance, landscape elements can count toward more than one requirement — provided the “greater” requirement is met and the overall design objectives are satisfied as determined by City staff.
- Water-efficiency and encouragement of drought-tolerant/waterwise landscaping
 - Though Chapter 8 does not, in all cases, mandate xeriscape instead of turf, there is support for “waterwise landscapes,” encouraging use of low-water-use plants, planting drought-tolerant species, and efficient irrigation use — consistent with resource-conservation goals in a semiarid climate.

- This is part of a shift from older landscaping approaches towards a more sustainable, resilient landscaping practices as Greeley manages growth, increasing development pressure, and water resource constraints.

C. Recommendations

1. Carry forward the existing landscaping standards but create additional landscaping standards to better fit walkable urban contexts like Downtown.
2. Revise the required turf options but more specifically, prohibit Kentucky bluegrass as an acceptable turf option.
3. Address certain instances of landscaping rigidity by allowing more alternative compliance options.

4.9 Outdoor Lighting

A. Overview

Outdoor lighting is a critical development standard that can be overlooked in the development process. Poor lighting standards that allow excessively bright, unshielded lights often create light spillover and trespass. Those types of lighting standards not only cause safety issues with vehicular traffic but also encourages undesirable development. On the other hand, effective shielded lighting can increase safety, prevent light pollution, and encourage energy conservation. Effective and sensible lighting standards can generate attractive development by providing safe lighting levels and uniform site lighting.

B. Observations and Analysis

The City has sparse lighting standards as lighting regulations are only provided in Chapter 6 (nonresidential design standards Sec. 24-603.e). While this subsection provides baseline maximum lighting levels with respect to residential and nonresidential zones, the Development Code falls short on effectively regulating lighting standards specific to Greeley’s various development contexts. Given the City’s different development contexts and scenic views to the west, more sophisticated lighting standards should be encouraged. Particularly, lighting standards should be reflective of Dark Sky lighting standards that are seen throughout the state and Mountain West region. For instance, Greeley could better regulate site lighting through three simple principles: 1) effective shielding, 2) use of amber lighting as much as possible (except where color rendition is important), and 3) lighting amount limits. Such an approach will ensure site lighting appropriately fits certain development patterns. Additionally, these regulations should specify appropriate lighting types and list of acceptable light fixtures to reduce light pollution. The Development Code should find ways to accommodate Greeley’s various development contexts by marrying clear, measurable standards such as illumination levels, light spillover metrics, and acceptable light fixtures. Ultimately, this type of approach will mitigate negative lighting impacts and accelerate safe, well-lit developments in Greeley.

C. Recommendations

1. Implement Dark Sky site lighting standards and contextualize those standards to different development contexts within Greeley.

2. Cross-reference the street lighting specifications provided in the Engineering Design Criteria.

4.10 Subdivision Standards

A. Overview

Subdivision design standards are essential for the development process because they establish procedures and standards for dividing raw land into subdivisions. These standards typically include lots, blocks, easements, infrastructure, flood protection, and platting requirements. Regulations that are cohesive, detailed, and rightsized is the DNA for a city's preferred development outcomes. Without relevant and detailed subdivision standards, cities would face numerous challenges that affect development. Issues related to rights-of-way, public utilities, connectivity, and open space, are all addressed through subdivision standards and must have carefully tailored regulations to prevent poor and disjointed development outcomes.

B. Observations and Analysis

Chapter 3 defines how land is to be divided into lots, blocks, streets and civic/utility easements for future development. This chapter does not regulate building form, but sets the foundational “bones” of how land gets laid out, subdivided, connected, and serviced. The purpose is partly technical — ensuring safe, logical, buildable, serviceable subdivisions — and partly urban-design oriented: ensuring connectivity, street networks, logical block/lot layouts, integration with drainage/natural features, and provision of utilities and access in a coherent way.

Chapter 3 has many standards and key concepts which are summarized below.

- **Avoiding hazards/unbuildable areas:** Blocks and lots must be arranged so as to avoid steep slopes, unstable soils, flood-prone or poorly drained areas, or other unbuildable or hazardous conditions. Where such features exist, the Development Code requires that those areas be incorporated into open space, civic-space tracts or restricted out lots — not built on.
- **Block size and street connectivity:** Maximum block length and size are regulated, guided by the City's street-connectivity standards. This helps prevent overly long, disconnected blocks — a key element of walkable, grid-oriented neighborhoods.
- **Lot layout/lot patterns:** Every lot must front on a public street (or an internal access street / common-area open space where allowed). Side lot lines are generally required to be perpendicular to the front lot line (or radial on curves), ensuring regular lot geometry. Irregular lots are only allowed in special cases — e.g. to integrate odd-shaped parcels while preserving coherent block/street structure.
- **Easements and utilities:** The subdivision must include easements for utilities, required improvements, and access. Easements should generally be placed in less visible parts of lots (rear or side, or along alleys), or in rear corners — to minimize negative impacts on street frontage and streetscape.
- **Relationship between drainage and natural features:** When a subdivision includes or is traversed by a watercourse, drainageway, or stream, the layout must coordinate

with these natural features. That includes potentially dedicating rights-of-way or easements to preserve hydrologic/environmental functions (e.g., stormwater conveyance, flood mitigation, riparian buffer, open-space corridors). Where drainage or natural corridors disrupt the block structure (beyond what is allowed by connectivity standards), pedestrian or bicycle-path easements may be required. This both preserves environmental function and ensures connectivity / non-motorized access.

- **Required improvements and public infrastructure:** Subdivisions must include required public improvements: streets, utilities, drainage, sidewalks/trails, open-space or civic easements, utility easements — before lots are deemed buildable. These standards are intended to protect public interest, ensure safe, equitable and sustainable development, avoid reactive or ad-hoc subdivisions, and ensure that public infrastructure keeps pace with development.

These key concepts work well together to guide the intended growth and do not need much revision. Most of the suggested modifications stem from the right-of-way standards and their incongruence with the Comprehensive Plan and the Transportation Master Plan preferences.

C. Recommendations

1. Establish what ROW improvements are required, if any, and clarify exactly what ROW dedications are required.
2. Clarify the public improvement warranty for public infrastructure to where it is inclusive of the various development types (subdivisions, infill development, etc.).
3. Increase the nonrefundable 1% total construction cost stipulation or remove it completely.
4. Align any street types provided in the Development Code with their associated specifications in the Engineering Design Criteria to better implement the Transportation Master Plan and Comprehensive Plan.
5. Require the implementation of traffic calming devices as specified in the Engineering Design Criteria for new street segments to produce safer streets.
6. Provide rightsized access management standards in conjunction with the Engineering Design Criteria to reduce driveway proliferation.
7. Ensure any proposed pedestrian facilities whether required within the ROW or internally on-site by the Development Code comply with ADA and PROWAG specifications.
8. Clarify the park land dedication standards pertaining to the park categories in Table 24-3-5.
9. Specify easement specifications and arrangements.
10. Incentivize more low-impact development techniques for new subdivisions that are scalable to urban, rural, and suburban contexts within Greeley.

4.11 Supplemental Standards

A. Overview

Supplemental standards are special regulations that apply to a certain use or development type. Common supplemental standards entail communication towers, alternative energy infrastructure, sexually-oriented businesses, bars, and marijuana/natural medicine uses.

B. Observations and Analysis

Chapter 11 provides provisions for four specific types of development: wireless communications facilities, oil and gas, animal regulations, adult businesses, and marijuana uses. Sometimes these regulations are included in the Use chapter, but in Greeley's instance, these regulations are housed in their own chapter. Typically, when arranged in their own chapter, these regulations include their own definitions, design standards, application requirements, and approval processes. Such an example is the City's oil and gas regulations. These regulations control development and operations related to oil/gas wells, injection wells, their sites, and associated infrastructure. These regulations are significant because they enable the City to require appropriate setbacks, site design standards, environmental safeguards, and land-use compatibility to protect surrounding neighborhoods and sensitive areas. While these standards may have been satisfactory in previous times, the current regulations should be modernized and account for some additional requirements such as specialized landscaping standards and reciprocal setbacks to mitigate oil and gas development adequately.

The Development Code is silent on some critical supplemental standards that are either rapidly growing in the Mountain West region or common throughout America. The following standards are underdeveloped or missing entirely from the Development Code.

- **Alternative Energy:** There is nothing in the Development Code about alternative energy even though there has been interest in developing alternative energy projects in Greeley. Alternative energy consists of renewable energy sources such as wind, solar, geothermal, hydroelectric, and nuclear. While some of these energy sources are exclusive for commercial consumption, some can be scaled for personal use. More specifically, solar energy has garnered interest where there is a need to provide a range of regulations that address the intensity of the use, siting standards, and administrative process. Additionally, these uses need to align and comply with Colorado's 1041 regulations.
- **Urban Agriculture:** There is not clear direction on how to accommodate some of Greeley's agricultural needs, especially in more urbanized areas. Staff cited regulations about market gardens, community farms, and residential animals (chickens) should be addressed and in such a way that makes sense for Greeley's various development contexts.
- **Gravel Pits:** Gravel pits are becoming increasingly problematic in the Mountain West, and as such needs to be carefully addressed to prevent Greeley from being pillaged by these operations, particularly along waterways. Gravel pits tend to operate in short-term and long-term functions. Standards that address both functions such as siting conditions, length of exploration activity, extent of disturbed areas, and performance standards, need to be considered to ensure gravel pits are regulated effectively.

- **Refuse Collection and Trash Management:** Refuse collection and trash management regulations are items that can be glossed over. When developing a site, the Development Code should have sufficient provisions that regulate dumpster location, size, screening, and accessibility to ensure sightly and orderly development. Without these provisions, development can become unsightly, produce foul odors, increase site congestion, and draw unwanted wildlife on site.
- **Snow Storage and Removal:** Snow removal is often overlooked but should not be because of the potential impacts snow accumulation. As such, the Development Code should address these impacts by requiring snow clearance standards and stockpiling locations.
- **Natural Medicine:** The City has recently provided natural medicine regulations that tightly control where, how, and under what conditions natural medicine businesses may operate within Greeley. Some of these regulations include distance and locational conditions, operational hour restrictions, required security features, and special permitting/processing requirements. The Development Code should build on the existing regulations with the aim of clarifying and simplifying those regulations.

C. Recommendations

1. Improve the current oil and gas standards by providing additional supplemental standards such as landscaping, site requirements, and stricter setbacks to better mitigate the effects of oil and gas development with existing and new developments.
2. Provide alternative energy uses at various scales (commercial and personal) with accompanying supplemental standards that regulate those uses at their appropriate scales. Solar, wind, geothermal, hydroelectric, and nuclear energy sources should be accounted for in these regulations.
3. Establish a comprehensive set of supplemental standards that accommodate the various urban agriculture types (community gardens, vertical farming, hydroponics, beekeeping/chicken raising, etc.).
4. Provide a robust set of gravel pit regulations that address short- and long-term gravel pit operations.
5. Provide snow storage and removal standards that regulate the location of on-site stored snow, property owner/tenant duties, and snow clearance protocols, in addition to clarifying when snow storage and removal standards apply.
6. Address the various nuances related to on-site refuse and trash management by creating a set of standards applicable to nonresidential development.
7. Revise the existing natural medicine regulations to have clearer use allowances, processing requirements, and distinction between similar uses like marijuana businesses.

4.12 Signs¹⁰

Chapter 5 Conclusion

¹⁰ This section to be reserved – pending review of the Sign Code draft.

5.1 Overview

The current Development Code has many effective provisions, but certain sections will require significant updates, revisions, or additions to adequately reach the City’s planning goals and objectives. Further reorganizing, rewriting, and illustrating existing and revised development requirements will make the Development Code easier to read and create higher quality development.

5.2 Next Steps

This report is one of the initial steps in a process as it sets the road map for the revised Development Code. The rewrite process will build on the recommendations within this report and will be further discussed to determine the best approach to each of the issues presented. Once this report is finalized, the drafting phase of the project will commence.

Chapter 6 Recommendations Matrix¹¹

Code Assessment Report Section	Recommendation		Specific Applicable Best Practice(s)
4.1 – Code Organization	1	Locate high-priority content near the beginning of the Development Code.	
	2	Provide cross-references as applicable to avoid duplication and remove conflicts within the Development Code and with other Greeley Municipal Code sections and Engineering Design Criteria.	
	3	Include a preamble that provides non-regulatory background information to the Development Code and simple step-by-step instructions explaining how to use and apply the Development Code to a development project or site.	
	4	Remove and replace all vague or poorly written text and update the text to eliminate archaic terminology such as the use of “hereby”, “hereto”, or “notwithstanding” with a word choice supportive of plain English approachable to a wider audience of Development Code users.	
	5	Organize the definitions in three separate sections within the Definitions and Terms chapter to make it easier to find a defined word. This may include General Terms (i.e., all general terms used throughout the Development Code; Use Definitions (i.e., all use types); and Sign Terms (i.e., all the terms utilized in the Sign Chapter).	

¹¹ This matrix will house all of the proposed recommendations and link them to applicable best practices. This is still a work in progress. The following code best practices have been identified so far: Wellington, CO; Longmont, CO; Cortez, CO; Manitou Springs, CO; Durango, CO; Loveland, CO; Boulder, CO; Golden, CO; Fort Collins, CO; Westminster, CO; Laramie, WY; Cheyenne, WY; Ogden, UT; Flagstaff, AZ; South Bend, IN; Carmel, IN; McKinney, TX; McAllen, TX; Georgetown, TX; Abilene, TX.

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Code Assessment Report Section	Recommendation		Specific Applicable Best Practice(s)
	6	Align all new and revised use terms with the applicable definitions and uses defined in Colorado Revised Statutes.	
	7	Align any general terms provided and defined in the Development Code with those in the referenced in other Greeley Municipal Code sections and Engineering Design Criteria.	
	8	Include new comprehensive rules of measurement to guide the user to a better understanding of how dimensions and standards are measured, calculated, and applied.	
	9	Cite any Colorado Revised Statutes appropriately and consistently throughout the Development Code.	
	10	Set up the Development Code with a form-based structure with the following ordering sequence: general provisions, subdivision standards, zoning, building types, uses, and development standards, procedures, nonconformities, administration, and definitions.	
	11	Resolve all typographical errors in the Development Code.	
	12	Rename and retool minor variances to administrative adjustments to avoid confusion between the variance process that requires proof of a hardship.	
	13	Add a new purpose statement for each chapter that clearly states the reason and purpose for the chapter.	
	14	Make a clear distinction within each section between a new purpose statement for the section and an applicability provision.	
	15	Throughout the chapter update and revise the text where needed to improve readability and make it easier to understand.	
4.2 – Administration and Procedures	1	The term “property owner” is used throughout the Chapter as the person or entity who may file an application with the City. See for example Section 24-204. (Rezoning). It is recommended that this term should be changed to “applicant” and defined in the Definitions to include more than the actual owner of the property, i.e., it could include an agent who represents the property owner in the application or it could be an applicant seeking entitlement on property that they will only purchase once the entitlement has been approved. The property owner will still be the person authorizing the application.	
	2	Table 24-2-1: Procedures Summary is complex and hard to read as it includes a lot of symbols. It is recommended that this table be simplified to	

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Code Assessment Report Section	Recommendation	Specific Applicable Best Practice(s)
	make it easier to use, e.g., replacing some symbols with text or letters. Also, insert the Section number for each of the listed processes.	
3	Consider moving the noticing requirements into a separate table included within the noticing subsection. In this new table do not include a column for neighborhood meeting to show when it is required or optional as confirmed by City staff. Instead, leave the requirement for a neighborhood meeting to the discretion of the Director.	
4	Table 24-2-1 could also be expanded to clearly state which applications are eligible for Fast Track Review as required by Colorado Proposition 123 (e.g., site plan building permit, variance, CUP, PUD, etc.) and those applications where Fast Track Review does not apply (e.g., annexation, preliminary or final plat, comprehensive plan amendment, pre-application review, concept plan review, rezoning, and appeals).	
5	In subsection a. (Applications and fees) it is recommended to include a statement that submittal requirements are included on the City's website with application forms for each permit type. These are very comprehensive. Similarly, include detailed flowcharts describing how each permit is processed on the City's website and within the application forms.	
6	Include a general statement of the purpose of the pre-application meeting and clarify that comments provided by staff at a pre-application meeting are non-binding, i.e., they are neither a recommendation for approval nor denial of the application or development.	
7	Before subsection d. Staff review, it is recommended that a new section should be inserted that describes the conceptual plan review that is mentioned in Section 24-207.c	
8	Insert a simple statement describing the purpose of a neighborhood meeting.	
9	Include that notice for the neighborhood meeting should be posted on a website and that all notices should follow accessibility standards and possibly include a QR code or similar digital tool to allow more information on the project to be downloaded.	
10	Update Section 24-207 (Site plan) to include a clear differentiation for minor versus major site plan review.	
11	Require more details specific to the findings required for an appeal decision.	

Code Assessment Report Section	Recommendation		Specific Applicable Best Practice(s)
	12	All appeals should be described in one location in the Development Code for ease of use and simplicity, and that the appeals section be removed from the “General to all applications” or “Common Procedures” Section and included within this new Division/Section.	
	13	Include cross-references to applicable sections and subsections of the Development Code to make it easier for a user to find the particular section. This includes providing cross-references to relevant sections of the Greeley Municipal Code and Engineering Design Criteria.	
	14	The applicability and eligibility requirements for initiating a Development Code amendment should be required to come from City Council direction or for a master plan project.	
	15	Consider codifying consistently approved administrative variances.	
4.3 – Zoning Districts	1	Consolidate zoning districts into discrete categories (e.g., residential, commercial, agricultural, and industrial).	
	2	Improve the zoning district’s statements of intent (purpose statement) to align with the Comprehensive Plan and any other long-term planning documents such as the West and East Side Area Plans.	
	3	Modernize the naming convention of the zoning districts.	
	4	Revise the short form of the zoning district nomenclature to be in a consistent arrangement.	
	5	Revise and reduce the number of districts through the consolidation of similar districts, where practical.	
	6	Provide better standards and more complementary uses for Mixed Use districts to facilitate mixed use and walkable development.	
4.4 – Special Districts and Areas	1	Remove the procedural elements from the overlays and special areas chapters and move them to the Procedures chapter.	
	2	Retain the Redevelopment district overlay but clarify the intent and strengthen the district’s focus or eliminate the Redevelopment district overlay with the introduction of a comprehensive set of infill development standards aimed to assist small businesses and existing developments that can be generally applied throughout Greeley.	
	3	Relocate all definitions embedded in the various overlays to the general definitions chapter.	

Code Assessment Report Section	Recommendation	Specific Applicable Best Practice(s)
4	Establish an actual historic district or at least a historic conservation overlay where historic preservation design standards or guidelines can be applied cohesively.	
5	<p>While procedural items will be addressed in the Administration and Procedures chapter of the Development Code, the following procedural changes for the new historic district or historic conservation overlay should be provided:</p> <ul style="list-style-type: none"> • Reinstigate the process for selecting alternate commissioners for designation hearings where a quorum of 5 is not possible due to conflicts of interest. • Implement a severability clause that rectifies conflicting provisions. • Clarify that the 10 business days to review and comment on a permit starts when the application is determined to be complete, and not when the application is submitted. • Change the newspaper notice requirement for designation hearings to website/online noticing. • Modify the required time between the Historic Preservation Commission and City Council from 30 days to 45 days. Additional consideration should be given if the change to 45 days means calendar or business days. • Create a special flexible land use process for historically designated properties. 	
6	Repeal the Downtown Overlay and replace it with a form-based downtown zoning district that identifies multiple subdistricts or character areas to right-size development outcomes.	
7	Create a form-based district for the area containing and surrounding the University of Northern Colorado with specific subdistricts or character areas.	
8	Add PUDs as a special zoning district and provide clearer standards to prevent underwhelming PUDs.	
4.5 – Development Standards (Residential and Nonresidential)	1 Reduce the dimensional standards, particularly setbacks, for residential building types as provided in Table 24-5-1: Residential Building Type and Lot Standards.	
	2 Revise and clarify the information in Table 24-5-1: Residential Building Type and Lot Standards in a clearer manner, particularly for the numerous subsets of the apartment typology.	

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Code Assessment Report Section	Recommendation	Specific Applicable Best Practice(s)
	3 Simplify and streamline the residential accessory building regulations as provided in Table 24-5-2: Residential Accessory Structures, including clarifying front building line stipulations and overreaching design specifications. Possibly supplement this table with graphics to improve clarity.	
	4 Place all fence and wall regulations in its own chapter.	
	5 Provide a clear distinction between fences and walls and provide specific regulations that address both, including regulations that control fence and wall materials, heights, location, and relief options.	
	6 Simplify the building design requirements (i.e., primary, secondary, accent).	
	7 Relocate the housing diversity requirements to the subdivision standards or zoning district standards.	
	8 Simplify and streamline the standards provided in Table 24-5-7: Residential Frontage Types and Design Standards.	
	9 Consider adding more frontage types, tying them to building types or in some instances, to specific zoning districts and uses.	
	10 Simplify and streamline the standards, particularly the materials requirements, provided in Table 24-5-9: Building Design Standards.	
	11 Specify required transparency thresholds.	
	12 Relocate Sec. 24-504 to the subdivision standards.	
	13 Relocate Sec. 24-506 to the zoning districts chapter.	
	14 Eliminate the lot area maximum requirement for the MU-H district.	
	15 Clarify the minimum front setback requirements for the mixed use districts to ensure urban and pedestrian-friendly development occurs.	
	16 Eliminate Table 24-6-2: Nonresidential Accessory Structures, as it is unnecessary and can be accommodated for in the accessory use standards in Chapter 4.	
	17 Similar to the residential development standards, provide a building typology for nonresidential development that addresses the various development contexts in Greeley.	
	18 Provide modernized lighting standards that dictate illumination levels, light fixture heights, and sign lighting components.	
4.6 – Uses	1 Create a singular Use chapter that encompasses the use table, including specific,	

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Code Assessment Report Section	Recommendation	Specific Applicable Best Practice(s)
	accessory, and temporary uses, and references to use-specific standards.	
2	Revise and reorganize the use table to include all uses including primary, accessory, and temporary.	
3	Revise, reduce, consolidate, and in some instances, add new uses to the use table.	
4	Add a hyphen "-" in the use table to clearly show a use is prohibited in a certain zoning district.	
5	Relocate all use definitions to the definitions chapter.	
6	Create context-sensitive use-specific standards that are tailored appropriately for specific zoning districts.	
7	Expand the housing typology with newer housing uses like those that address Build-to-Rent housing.	
8	Clarify uses by special review to align with modern practices and typical industry terms by renaming to special use permit or conditional use permit.	
9	Eliminate the "family" component and distinction within residential uses and revise to either "unit", "household", or similar term to improve housing inclusivity and alternative living arrangements.	
10	Remove modifiers from the uses in the use table (i.e., Assembly – limited up to 499 occupancy) and provide those modifiers as specific standards tied to the use.	
11	Revise and align the park land use with the various park uses referenced in the Parkland Dedication section and other sections throughout the Development Code.	
12	Revise the use classification system by including use subcategories to improve clarity amongst similar or related uses.	
13	Align uses and use definitions with those specified and defined in state law.	
14	Address the various instances of term inconsistency noted throughout the Development Code.	
15	Take a more nuanced approach to industrial uses that account for modern industrial development such as flex industrial buildings, research and development parks, testing facilities, etc.	
16	Revise home occupation standards to be less burdensome and align with modern practices.	
17	Consider implementing regulations for beekeeping in Table 24-4-3.	

Code Assessment Report Section	Recommendation		Specific Applicable Best Practice(s)
	18	Provide a more robust set of drive-through standards including graphics and tables to better communicate the standards.	
	19	Verify use distance buffers with any state law distancing requirements (i.e., group homes).	
	20	Reduce the over-regulatory nature of Table 24-4-4 and rely on state law to regulate kennel area spacing.	
	21	Enhance use-specific regulations that address storage facilities to better regulate the location, size, and design of such facilities.	
4.7 – Access and Parking	1	Provide graphics to supplement and clarify the standards in Table 24-7-1: Driveway Setbacks.	
	2	Make the distinction between publicly dedicated sidewalks and internal, on-site walkways. Publicly dedicated sidewalks should be accommodated in the subdivision standards whereas internal walkways can be provided for in the access and parking chapter.	
	3	Rightsize parking requirements by eliminating minimum parking requirements for developments under a certain threshold (i.e., no minimum parking required for a nonresidential building less than 2,000 square feet) or for development within certain zoning districts like Downtown and special areas like transit hubs and near the University of Northern Colorado. Such a practice may encourage more development, but also development that prioritizes multimodal transportation and is more urban in form and function.	
	4	Rectify the current use-assigned parking ratio discrepancies by providing a ratio for each use listed in the use table. The use table and parking ratio table do not have the same uses, so at times there is disagreement about which ratio applies to a certain use.	
	5	Strengthen the language for administrative reductions to parking.	
	6	Expand bicycle parking regulations to include bicycle lockers and other structured facilities.	
	7	Relocate access requirements to the Subdivision Standards Chapter or Design Criteria and Construction Specifications Manual for Streets as applicable. For any access requirements being retained in the Development Code, provide regulations that specially address internal circulation and connectivity for infill development and those developments that only require site plan review and approval.	
	8	To improve clarity, delineate sidewalks from walkways indicating sidewalks are within the	

Code Assessment Report Section	Recommendation	Specific Applicable Best Practice(s)
	right-of-way whereas walkways are internal and not part of the right-of-way.	
9	Revise the no more than 15 contiguous spaces without landscape islands within a parking row requirement to 10 contiguous spaces to reduce parking and improve site greenery.	
10	Require landscape islands to be the dimensions of a standard parking space (i.e., 9 ft x 18 ft).	
11	Simplify parking lot design options as provided in Table 24-7-6: Parking Lot Design.	
12	Require wheel stops for any parking space abutting a walkway, sidewalk, or pedestrian access facility.	
13	Eliminate compact parking spaces.	
14	Expand and contextualize the loading requirements to accommodate larger trucks for loading and delivery drop-offs.	
15	Provide regulations for modern queuing operations and phenomena such as curbside pick-up, ride sharing, valet services, etc.	
16	Use fixed parking ratio metrics, like building floor area, site acreage, etc., to eliminate fluctuating required parking rates.	
4.8 – Landscaping	1 Carry forward the existing landscaping standards but create additional landscaping standards to better fit walkable urban contexts like Downtown.	
	2 Revise the required turf options but more specifically, prohibit Kentucky bluegrass as an acceptable turf option.	
	3 Address certain instances of landscaping rigidity by allowing more alternative compliance options.	
4.9 – Outdoor Lighting	1 Implement Dark Sky site lighting standards and contextualize those standards to different development contexts within Greeley.	
	2 Cross-reference the street lighting specifications provided in the Engineering Design Criteria .	
4.10 – Subdivision Standards	1 Establish what ROW improvements are required, if any, and clarify exactly what ROW dedications are required.	
	2 Clarify the public improvement warranty for public infrastructure to where it is inclusive of the various development types (subdivisions, infill development, etc.).	
	3 Increase the nonrefundable 1% total construction cost stipulation or remove it completely.	
	4 Align any street types provided in the Development Code with their associated specifications in the Engineering Design Criteria	

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Code Assessment Report Section	Recommendation	Specific Applicable Best Practice(s)
	to better implement the Transportation Master Plan and Comprehensive Plan.	
5	Require the implementation of traffic calming devices as specified in the Engineering Design Criteria for new street segments to produce safer streets.	
6	Provide rightsized access management standards in conjunction with the Engineering Design Criteria to reduce driveway proliferation.	
7	Ensure any proposed pedestrian facilities whether required within the ROW or internally on-site by the Development Code comply with ADA and PROWAG specifications.	
8	Clarify the park land dedication standards pertaining to the park categories in Table 24-3-5.	
9	Specify easement specifications and arrangements.	
10	Incentivize more low-impact development techniques for new subdivisions that are scalable to urban, rural, and suburban contexts within Greeley.	
4.11 – Supplemental Standards	1 Improve the current oil and gas standards by providing additional supplemental standards such as landscaping, site requirements, and stricter setbacks to better mitigate the effects of oil and gas development with existing and new developments.	
2	Provide alternative energy uses at various scales (commercial and personal) with accompanying supplemental standards that regulate those uses at their appropriate scales. Solar, wind, geothermal, hydroelectric, and nuclear energy sources should be accounted for in these regulations.	
3	Establish a comprehensive set of supplemental standards that accommodate the various urban agriculture types (community gardens, vertical farming, hydroponics, beekeeping/chicken raising, etc.).	
4	Provide a robust set of gravel pit regulations that address short- and long-term gravel pit operations.	
5	Provide snow storage and removal standards that regulate the location of on-site stored snow, property owner/tenant duties, and snow clearance protocols, in addition to clarifying when snow storage and removal standards apply.	
6	Address the various nuances related to on-site refuse and trash management by creating a set	

Code Assessment Report Section	Recommendation		Specific Applicable Best Practice(s)
		of standards applicable to nonresidential development.	
	7	Revise the existing natural medicine regulations to have clearer use allowances, processing requirements, and distinction between similar uses like marijuana businesses.	



Development Code Assessment Report



Community Vitality

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Planning Commission Work Session – January 13, 2026





Agenda

- Project Overview and Goals
- Overview: Analysis and Recommendations
- Next Steps
- Questions and Discussion



Project Overview and Goals

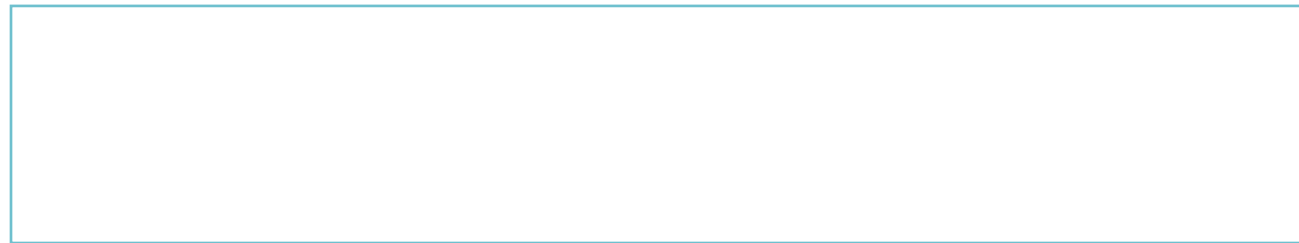


- **Clarify, calibrate, and streamline** regulations and processes through these guiding principles:
 - User-friendly and internally consistent
 - Modernized with best practices included
 - Code what is wanted and make the right things easy
 - Right-size standards and procedures
 - Balance flexibility with predictability
 - Engage stakeholders
 - Preserve and enhance Greeley's local character
 - Encourage sustainable development practices

Analysis and Recommendations

Development Code Organization

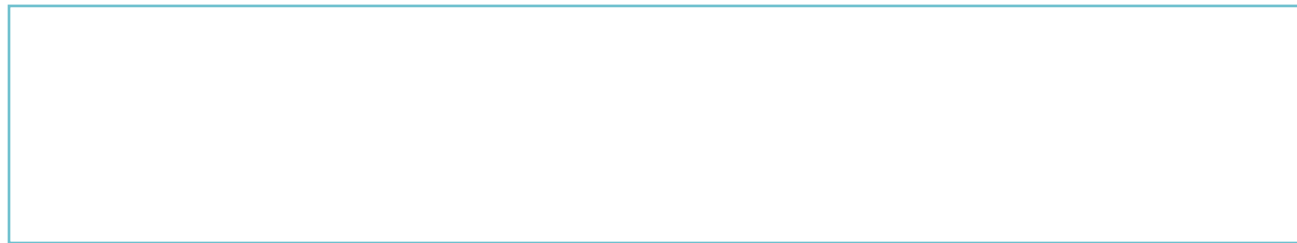
- **Analysis:** The Development Code is difficult to navigate because related standards are scattered, lacking a clear, logical, and consistent organization.
- **Recommendations:**
 - Reorganize the Development Code for clearer structure and better useability.
 - Update language, definitions, and measurements to align with state law.
 - Clarify intent and processes with purpose statements, applicability, and updated adjustments.



Analysis and Recommendations

Administration and Procedures

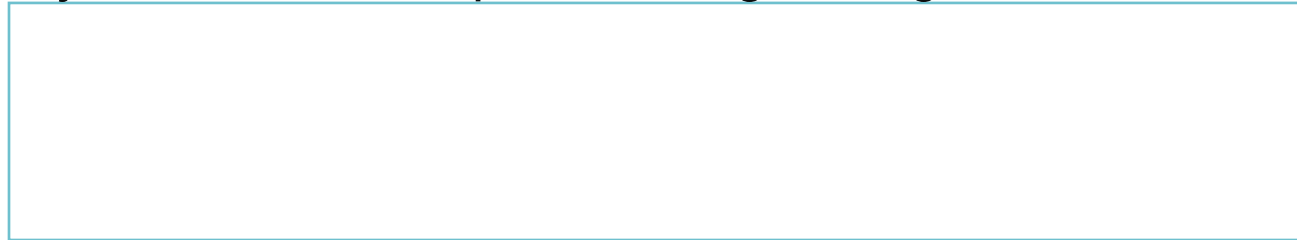
- **Analysis:** Procedures are hard to use because some review steps and criteria are vague, unclear, or inconsistently presented.
- **Recommendations:**
 - Clarify processes and criteria with simpler tables, defined roles, and clearer steps.
 - Improve organization and usability by consolidating appeals and adding essential procedural guidance.
 - Standardize procedures where possible, consolidate variances, and include minor/major site plan review.



Analysis and Recommendations

Zoning Districts and Special Districts

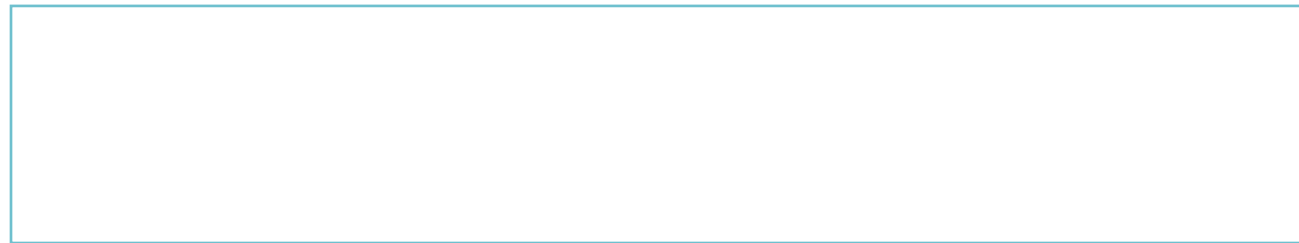
- **Analysis:** Evaluate zoning districts and process-based special-district standards.
- **Recommendations:**
 - Evaluate zoning districts and centralize procedures and definitions for clarity.
 - Align zoning district intent and standards with long-range planning policies.
 - Replace outdated overlays with cohesive form-based districts.
 - Strengthen PUD standards to prevent Development Code circumvention and to encourage unique projects with an exceptional design and greater community benefits.



Analysis and Recommendations

Uses

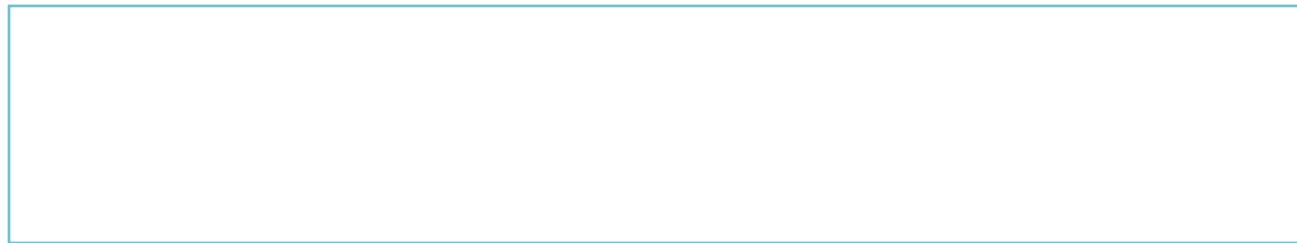
- **Analysis:** The use table is difficult to use because it includes duplicative and undefined uses.
- **Recommendations:**
 - Create a clear and comprehensive use chapter that utilizes consolidation and reorganization using best practices.
 - Simplify and standardize uses, definitions, and classifications across all districts.
 - Modernize use standards with context-sensitive rules and updated industry practices.



Analysis and Recommendations

Development Standards

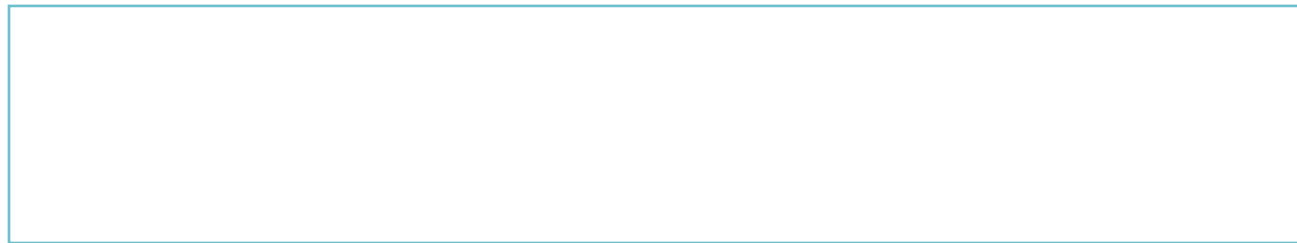
- **Analysis:** The standards are effective overall, but certain requirements, such as housing diversity, are overly complex.
- **Recommendations:**
 - Streamline standards by simplifying tables, setbacks, secondary rules, and design requirements.
 - Reorganize content by relocating regulations to clearer, more appropriate chapters.
 - Modernize design guidance with new building typologies and updated standards based on best practices.



Analysis and Recommendations

Access and Parking

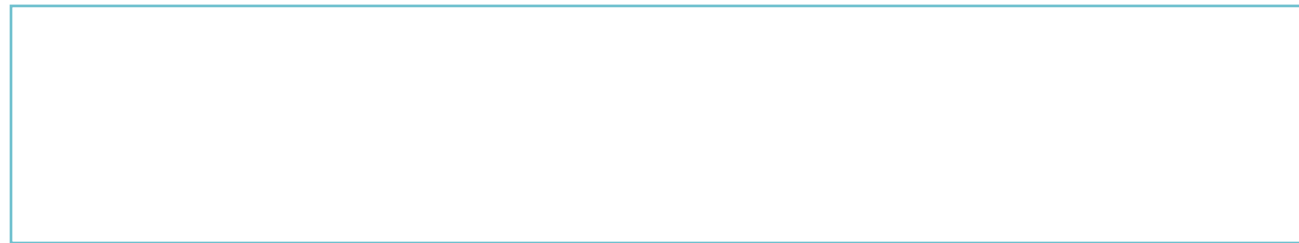
- **Analysis:** The City's parking standards are good but need more context-specific flexibility.
- **Recommendations:**
 - Clarify and reorganize parking and access standards for clearer application.
 - Right-size requirements by updating ratios, reducing minimums (where appropriate), and modernizing operations.
 - Improve design quality through stronger landscaping, walkway distinctions, and updated facilities.



Analysis and Recommendations

Landscaping and Outdoor Lighting

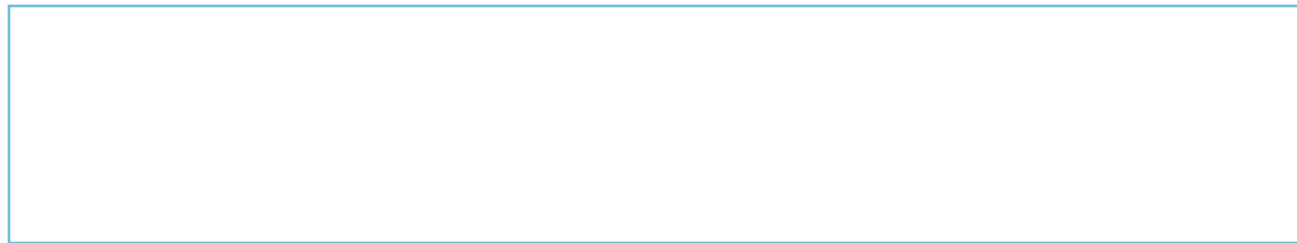
- **Analysis:** The **landscaping standards** need clearer guidance and more flexibility for different site contexts, while the **lighting standards** require stronger dark sky protections.
- **Recommendations:**
 - Maintain current landscaping standards with added requirements for walkable areas.
 - Clarify standards for homeowners, artificial turf, and water-efficient options.
 - Allow more flexible, context-specific landscaping and dark sky–compliant lighting.



Analysis and Recommendations

Subdivision Standards

- **Analysis:** The right-of-way requirements don't align with the Comprehensive Plan or Transportation Master Plan.
- **Recommendations:**
 - Align street types and design standards with adopted planning priorities and PW&T standards.
 - Improve safety through traffic calming, access management, and clear easement standards.
 - Adopt park-dedication clarity and scalable low-impact development.



Analysis and Recommendations

Supplemental Standards

- **Analysis:** Key modern standards are missing or undeveloped, and need clear, updated guidance.
- **Recommendations:**
 - Modernize oil and gas regulations with updated setbacks and site standards.
 - Create clear standards for alternative energy and urban agriculture uses.
 - Regulate gravel pits, snow removal, and on-site refuse management more effectively.





Next Steps

- The current Development Code has many effective provisions; however, some sections require significant updates and revisions
- Revise based on comments from the Planning Commission
- Finalize the Report and update the Recommendations Matrix
- Drafting phase will commence

Thank You and Discussion

