

**CITY OF GREELEY, COLORADO**

**ORDINANCE NO. 17, 2019**

**AN ORDINANCE ADOPTING VARIOUS AMENDMENTS TO THE GREELEY MUNICIPAL CODE, INCLUDING REPEALING CHAPTER 16.60 (HISTORIC PRESERVATION CODE) AND CHAPTER 16.61 (HISTORIC PRESERVATION LOW INTEREST LOAN PROGRAM) AND ENACTING CHAPTER 18.36 (HISTORIC PRESERVATION) AND CHAPTER 18.37 (HISTORIC PRESERVATION LOW INTEREST LOAN PROGRAM), AND APPENDIX 18-L (ILLUSTRATIVE FLOW CHART FOR HISTORIC DISTRICT DESIGNATION PROCESS), AND AMENDING APPENDIX 18-B (DEFINITIONS)**

**WHEREAS**, it becomes necessary to update the Greeley Municipal Code from time to time to continue to improve functionality and align with public values and Council priorities; and

**WHEREAS**, a number of clarifications and amendments are necessary to offer clarity in comprehension, improve enforcement in the historic preservation chapter, and relocate the historic preservation chapter into the Development Code Title 18 due to its connection with land use; and

**WHEREAS**, the City desires to provide more effective customer service and give staff authority for approving minor alterations to historic properties and to provide clarity about designation and design review processes; and

**WHEREAS**, the inclusion of the historic preservation chapter in the Development Code requires amendment of the Definitions Appendix; and

**WHEREAS**, the City continues to offer the low interest loan program to owners of historic properties to assist in preserving those properties; and

**WHEREAS**, the Historic Preservation Commission conducted a public hearing to review and consider the proposed changes on March 4, 2019, and recommended their adoption by City Council.

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

Section 1. Chapters 16.60 and 16.61 are hereby repealed in full

Section 2. Chapters 18.36 and 18.37, and Appendix 18-L, as set forth in Exhibit A attached hereto, are hereby enacted.

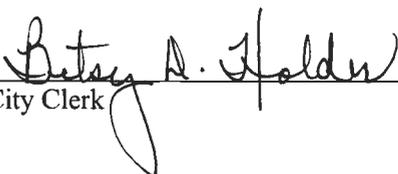
Section 3. Appendix 18-B is hereby amended, as set forth in Exhibit B.

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

**PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 2<sup>ND</sup> DAY OF APRIL, 2019.**

ATTEST:

THE CITY OF GREELEY

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

## EXHIBIT A

**Greeley Municipal Code Title 18 is amended by the addition of the following Chapters 18.36 and 18.37** (because the entire Chapters are being adopted, changes are not indicated in redline):

### **CHAPTER 18.36 – HISTORIC PRESERVATION**

#### **18.36.010 - Purpose and intent.**

The intent of this Chapter is to:

- (1) Designate, preserve, protect, enhance and perpetuate those sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage; and also establish a method to draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character by creating a quasi-judicial Commission to review and approve or deny any proposed demolition of, moving-of or alteration to properties of historic value. In cases of historic districts or non-owner-nominated properties for historic designation, and changes to an existing district designation plan, decisions of the Commission are forwarded to the City Council for approval under Paragraph 18.36.070(5) of this Chapter. All other actions by the Commission are considered final actions and may be appealed to the City Council under Section 18.36.090 of this Chapter. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council, as provided in Section 18.36.090.
- (2) Foster civic pride in the beauty and accomplishments of the past.
- (3) Stabilize or improve aesthetic and economic vitality and values of such sites, neighborhoods, structures, objects and districts.
- (4) Protect and enhance the City's attraction to tourists and visitors, increase the quality of life for the citizens and enhance future economic development.
- (5) Promote the use of outstanding historic or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City.
- (6) Promote good urban design.
- (7) Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts.
- (8) Integrate historic preservation with the City's comprehensive development plan.

#### **18.36.020 - Applicability of Code.**

This Section applies to the following properties:

- (1) Individually designated properties are subject to the most current version of the Historic Preservation General Design Review Guidelines.
- (2) Individually designated properties contributing in a Greeley Historic Register historic district are subject first to the district designation plan, then to the Historic Preservation General Design Review Guidelines.
- (3) Nondesignated properties contributing in a Greeley Historic Register historic district are subject to the district designation plan.

- (4) Noncontributing properties located in a historic district are subject to portions of the district designation plan applicable to noncontributing properties, unless specifically excluded under the plan.
- (5) All pertinent municipal zoning and building codes are applicable for all properties.

#### **18.36.030 - Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings defined as follows:

*Alteration* means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Historic Preservation Commission or the Historic Preservation Specialist is necessary under this Chapter and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of this Chapter.

*Area*, for the purposes of this Chapter, means the geographical region or the extent of land identified with one (1) or more areas of significance as set forth in the criteria for designation at Section 18.36.060 of this Chapter, and may be nominated for historic designation on the local register.

*Burden of proof* under this Chapter shall be a preponderance of the evidence.

*Certificate of Approval* means a certificate issued by the City authorizing the construction, alteration or demolition of property and improvements designated under this Chapter.

*Commission* means the Historic Preservation Commission as created in Section 18.36.040 of this Chapter.

*Contributing buildings, sites, structures and objects*, for the purposes of this Chapter, means historic properties within the proposed or designated district and includes individually designated properties and nondesignated properties that contribute to the historic district by their shared and unique architectural, historic or geographical characteristics.

*Days* mean calendar days, unless otherwise noted.

*Demolition*, for the purposes of this Chapter, means any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

*Demolition by neglect* means neglect in maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

- (1) The deterioration of exterior walls or other vertical supports or a portion thereof;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of exterior chimneys;
- (4) The deterioration of exterior plaster or mortar;
- (5) The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; or
- (6) The serious deterioration of any documented exterior architectural feature or significant landscape feature which, in the judgment of the Commission, produces a detrimental effect upon the character of the district.

*Designated property* means a historic property individually listed on the City's historic register through the procedural requirements in Section 18.36.070 of this Chapter and which meets the criteria set forth in Section 18.36.060 of this Chapter.

*District designation plan*, for the purposes of this Chapter, means a plan generated by the historic district residents and/or owners for Commission use in reviewing Certificate of Approval applications. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction.

*Emergency*, for the purposes of this Chapter, means an unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

*Historic district* means a geographically definable area with a concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations, that is recognized through listing in a local, state or national landmarks register.

*Historic property* means the public and private resources in the City, including buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites, that have importance in the history, architecture, archeology or culture of the City, State or Nation, as determined by the Commission.

*Maintenance*, as used in this Chapter, means measures to protect and stabilize a property, including ongoing upkeep, protection and repair of historic materials and features. *Maintenance* shall include the limited and responsive upgrading of mechanical, electrical and plumbing systems and other Code-required work to make a property safe and functional.

*Major alteration*, for the purposes of this Chapter, means a modification to a structure that has potential to significantly alter the character of the property and includes, but is not limited to, window replacement; building addition; porch enclosure; reconstruction of a portion of the primary building; addition of dormers or other alteration to the roofline; reconstruction of features on a building; material replacement with a different material (e.g., siding); alteration or replacement of a character-defining feature; demolition; relocation; and new construction. *Major alteration* includes any modification that is not considered maintenance or a minor alteration.

*Minor alteration*, for the purposes of this Chapter, means a modification to a structure that does not significantly alter the character of the property and includes, but is not limited to, replacement of roof; installation and repair or replacement of gutters if exterior trim elements are not altered; reconstruction and/or repair of portions of secondary structures; addition or replacement of storm windows and doors to existing windows and doors; repair or replacement of architectural elements with the same material, design, size, color and texture; replacement of less than fifty percent (50%) of a porch railing; replacement of original material with the same material (e.g., replacing a portion of wood siding with wood siding of the same size, profile and type); removal of nonoriginal material, such as vinyl, aluminum, etc.; adding awnings; repainting masonry; and signs requiring a permit.

*Moving or relocating* means lifting a building, structure or object from the existing location and taking it to a new location.

*Nomination*, for the purposes of this Chapter, means the process of filing an application for designation.

*Noncontributing buildings, sites and structures* means those properties which do not share the architectural, historical or geographical characteristics of the historic district except for their physical presence within the district. These properties do not contribute to the historic district's characteristics. New construction shall be considered a noncontributing building or structure.

*Preservation plan* means the officially adopted document which provides information about local history and preservation programs, articulates City preservation goals and objectives, and guides decisions and actions of the Commission and staff.

*Public comment* means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed Commission action.

*Register* means a locally maintained list of properties designated as historic.

*Replica* means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the Commission.

*Secretary of the Interior's Standards* means the Secretary of the Interior's Standards for the Treatment of Historic Properties, in Title 36 of the Code of Federal Regulations, Part 68, which governs alterations to historic properties listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials and define Preservation, Rehabilitation, Restoration and Reconstruction as treatments. This reference shall always refer to the current standards and definitions, as amended.

*Streetscaping*, for the purposes of this Chapter, means rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street side setback and/or the public right-of-way.

*Structure* means anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

*Unreasonable economic hardship*, for the purposes of this Chapter, means severe economic impact to the property as determined on a case-by-case basis by the Commission.

*Yard, front or street side*, for the purposes of this Chapter, means that portion of a lot between the primary structure and right-of-way. A yard may contain more land area than a setback area.

#### **18.36.040 - Historic Preservation Commission; establishment, powers and duties.**

(a) Commission established. There is hereby created a Historic Preservation Commission, which shall have principal responsibility for matters of historic preservation.

(b) Membership. The Commission shall consist of seven (7) members providing a balanced, community-wide representation, and all members shall have an interest in historic preservation. The Commission shall be composed of members with the following areas of representation: one (1) architect, landscape architect, design professional and/or licensed contractor or building tradesperson; one (1) historian, archaeologist and/or architectural historian; one (1) licensed real estate broker; and four (4) citizens at large.

(c) Use of alternates in designations.

(1) When a conflict of interest occurs with one (1) or more Commissioners associated with the proposed designation of a historic property or district, the use of an alternate is optional to replace the conflicted members to secure a quorum. Alternates shall be selected from a pool of former Commission members who meet the minimum City board and commission standards, except for term limits, at the time of the temporary appointment, and who shall vote on the proposed designation. Best efforts will be made to replace conflicted members; however, if a quorum of five (5) is attainable, the designation hearing may proceed.

- (2) A pool of alternates shall be appointed by the City Council. The total number of potential alternates shall be between two (2) and twelve (12) people. The selection of the alternates to fill the role of any conflicted Commission members shall be at random and in advance of the historic designation hearing. The Historic Preservation Specialist shall draw names through a random process; e.g., draw names from a hat. The selection shall be done during a special session or meeting of the Commission where public notice has been given.
- (3) The alternate may only act upon the matter with which a Commission member has a conflict.
- (4) If a quorum is unattainable through the use of alternates in designations as provided for in this Section, then the historic designation hearing will be directly heard before the City Council by a special hearing for a designation vote, using the same guidelines as mandated by the Commission under this Chapter, except that such City Council vote shall be carried by a simple majority of the quorum present.

(d) Powers and duties. The Commission shall act in a quasi-judicial manner and shall draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character. It shall have the following powers, duties and rulemaking authority, subject to approval by the City Council under this Chapter:

- (1) Recommend criteria for approval by the City Council by which the Commission shall conduct its review of historic properties and review proposals to alter, demolish or move designated properties. The Commission shall recommend or designate those properties or districts which meet the applicable criteria by placing them on the local register under the rules and procedures under this Chapter.
- (2) Oversee surveys that are undertaken for the purpose of creating an inventory of potential historic properties and areas. Such inventory is to document existing structures in older areas of the community and assess the potential for historic designation, and for the purpose of informing landowners of such properties that such properties may meet the criteria for designation.
- (3) Review and make a decision on any application for altering, moving or demolishing any designated properties.
- (4) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.
- (5) Develop and assist in public education programs, such as walking tours, brochures, a marker program for historic properties, lectures and conferences.
- (6) Advise the City Council on matters related to preserving the historic character of the City.
- (7) Assist in pursuing financial assistance for preservation-related programs.
- (8) Establish such rules, regulations and procedures relating to designation, nomination, preservation, relocation, demolition, exemptions, economic incentives, appeal of decisions or other processes relating to the powers and duties of the Commission.
- (9) Recommend to the City Council removal of properties from the register for reasons the Commission deems appropriate, including but not limited to acts of God, undue hardship and public health and safety concerns.
- (10) Cause to be issued by the appropriate City department such municipal citations as are appropriate for enforcement of this Chapter.

**18.36.050 - Historic Preservation Specialist.**

(a) Appointment of Historic Preservation Specialist. There shall be a Historic Preservation Specialist appointed by the City Manager ("Specialist"), to serve as a resource to the Commission. The Specialist shall not be a member of the Commission.

(b) Role. The role of the Specialist as the staff liaison shall include responsibilities related to administration of this Code and advancing historic preservation goals adopted by the City. These shall include items designated below and as found elsewhere in this Chapter.

(c) Duties and responsibilities.

- (1) Minor alterations. The Specialist is authorized to review applications for minor alterations, issue Certificates of Approval for properties designated on the Greeley Historic Register and for those properties included in Greeley Historic Register-designated historic districts, and issue Certificates of Approval that meet pertinent design guidelines and the Secretary of the Interior's Standards, as defined in Section 18.36.030 of this Chapter, and have a minimal impact on the integrity of the historic structure or district. If the Specialist does not issue the Certificate of Approval for a minor alteration, the applicant may appeal the decision to the Commission. The Specialist may refer any minor alteration application to the Commission for review.
- (2) Building permit fee refund applications. The Specialist is authorized to review and approve or deny applications for building permit fee refunds, in accordance with policies established by the Commission, as established in Section 18.36.100 of this Chapter.
- (3) Administrative review of undesignated properties forty (40) years old or older outside of a designated historic district.

a. When application for a permit is made with the City that would make significant alterations to the streetscape view of the exterior of or demolition of any structure or building that is forty (40) years or older at the time of such request, the application shall be forwarded to and reviewed by the Specialist.

b. Significant alterations shall include:

1. Siding – including new stucco or similar exterior material applied over original or other existing siding materials, including but not limited to wood, metal or brick exterior; removal of all or a portion of the original or existing siding and replaced with new siding.

2. Fenestration – window or door openings enlarged or reduced.

3. Roof – changes of roofline or structure.

4. Porches – changes to porch visible from streetscape.

5. Additions.

6. Accessory structures.

7. Any building modification as viewed from any public street.

c. The Specialist shall have ten (10) business days to review and comment on applications that meet the criteria set forth above. The ten (10) business days shall commence on the day the permit application is submitted to the Building Inspection office. Should ten (10) business days expire without written comment from the Specialist, then the Specialist shall not be allowed to comment on the permit.

1. The Specialist shall review the property and, if necessary, research the historical significance of the building for which a permit has been applied.

2. If the Specialist determines that a building currently holds no historical, architectural and/or geographical significance, then such a notice shall be placed with the permit that will be issued through the Building Inspection office.

3. If the Specialist determines that potential significance exists, the Specialist shall make the information available to the groups named in Paragraph 18.36.070(4)a. of this Chapter.

4. The Specialist shall issue comments and/or suggestions to the Building Inspection office. These comments shall recognize the historical, architectural and/or geographical significance or lack thereof concerning the building for which a permit has been requested. The Specialist may also make suggestions of ways to make the changes more compatible or acceptable with the age or type of the structure.

d. Nonsignificant alterations shall be excluded from review by the Specialist. Nonsignificant alterations shall include:

1. Fenestration – replacement of windows or doors in original openings.
2. Roof – new shingles or deck without changing original roofline.
3. Patios – additions of back patios or decks.
4. Landscaping.
5. Signs.

e. Whenever an application for development includes alterations or demolition described in this Section and is required to go through the Community Development Department, the Community Development Department will use its best efforts to inform the applicant of the ramifications that this Section will have on the application.

f. If a building must be demolished because it poses a threat to the health, safety or welfare of the citizens of the City, this Section shall not apply.

#### **18.36.060 - Criteria for designation.**

(a) Criteria for individual, owner-nominated properties. A property shall be eligible for designation for historic preservation and eligible for economic incentives if it meets one (1) or more criteria in one (1) or more of the following categories:

- (1) Historical significance. The site, building or property:
  - a. Has character, interest and integrity and reflects the heritage and cultural development of the City, State or Nation.
  - b. Is associated with an important historical event.
  - c. Is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.
- (2) Architectural significance. The property:
  - a. Characterizes an architectural style or type associated with a particular era and/or ethnic group.
  - b. Is identified with a particular architect, master builder or craftsman.

- c. Is architecturally unique or innovative.
  - d. Has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.
  - e. Has visual symbolic meaning or appeal for the community.
- (3) Geographical significance. The property:
- a. Has proximity and a strong connection or link to an area, site, structure or object significant in the history or development of the City, State or Nation.
  - b. Is a visual feature identifying an area or neighborhood or consists of buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites historically or geographically associated with an area.
- (b) Criteria for individual, non-owner-nominated properties. In addition to meeting criteria requirements in this Section, non-owner nominations shall be reviewed under stricter protections. The nominated property must demonstrate that it possesses the characteristics of compelling historic importance to the entire community, including at least one of the following criteria:
- (1) Unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Greeley; or
  - (2) Superior or outstanding examples of architectural, historical or geographical significance criteria outlined in the criteria for designation in this Section. The term *superior* shall mean excellence of its kind, and the term *outstanding* shall mean marked by eminence and distinction.
- (c) Criteria for district designation. A district shall be designated if the City Council determines that the proposed district meets the definition of a historic district pursuant to this Section and meets one (1) or more of the following criteria:
- (1) Is an area which exemplifies or reflects the particular cultural, political, economic or social history of the community.
  - (2) Is an area identified with historical personages or groups or which represents important events in national, state or local history.
  - (3) Is an area which embodies distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method of construction or indigenous materials of craftsmanship.
  - (4) Is an area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.
  - (5) Is an area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community or City.
- (d) Integrity criteria. All properties and districts shall be evaluated for their physical integrity using the following criteria, as defined by the National Park Service in the current version of the publication "How to Apply the National Register Criteria for Evaluation":
- (1) Location – the place where the historic property was constructed or the place where the historic event occurred.
  - (2) Design – the combination of elements that create the form, plan, space, structure and style of a property.
  - (3) Setting – the physical environment of a historic property.

- (4) Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- (5) Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- (6) Feeling – a property's expression of the aesthetic or historic sense of a particular period of time.
- (7) Association – the direct link between an important historic event or person and a historic property.

**18.36.070 - Designation.**

The following provisions shall apply to the nomination of individual properties and districts:

- (1) A property or district may only be nominated once in any twelve-month period, unless such nomination is uncontested.
- (2) Submittal of an incomplete application will result in a delay in the nomination and public hearing process.
- (3) Owner-nominated properties:
  - a. Owner nominations. Any owner may nominate his or her area, building, house, replica, structure, object, property, park, land feature, tree and site for designation on the local register, subject to all the rules and procedures of this Chapter.
  - b. Procedure.
    - 1. The owner shall submit a complete application, as determined by Historic Preservation staff. For the purposes of this Chapter, a complete nomination application will include:
      - a) Nomination form with ownership information, including address of record, signatures of all owners of record or legally authorized representative of the owner, legal description or indication of an attached legal description.
      - b) Historic Building Inventory form, with the following required minimum information completed: nominated property address, owner, mailing address, phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible) and significance (determined in consultation with the Specialist if necessary).
      - c) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least three hundred (300) dpi. All photos should be provided with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.
      - d) Application fee, payable to the City of Greeley. The fee may be waived under certain circumstances. If the owner has a financial hardship, the owner may submit a request for a reduction or waiver of the nomination fee, explaining the need for the waiver or reduction. The Community Development Director shall make determinations on fee waiver requests.
    - 2. Public hearing procedure.

a) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Subsection 18.36.040(c) above shall be used.

b) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

c) Commission action/decision. After the Commission has heard all interested parties and relevant evidence, the Commission may approve the designation if it casts votes in favor of historic designation by a two-thirds (2/3) majority of the quorum present. The Commission decision is final unless appealed to City Council, pursuant to Section 18.36.090 of this Chapter.

(4) Non-owner-nominated properties.

a. Non-owner nominations. The Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate an area, building, house, replica, structure, object, property, park, land feature, tree or site for designation on the local register, subject to all the rules and procedures of this Chapter.

b. Procedure. For a non-owner application for designation, all paperwork for the application must be completed pursuant to the rules promulgated by the Commission. Non-owner nominations must be approved by the City Council pursuant to the procedures set forth in this Paragraph.

1. For the purposes of this Chapter, a complete nomination application will include:

a) Nomination form, with ownership information including address of record, signature of an authorized official of the applicant organization and legal description or indication of attached legal description.

b) Historic Building Inventory form, with the following required minimum information completed: nominated property address, owner, mailing address, phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible), significance (determined in consultation with the Specialist if necessary) and a detailed statement on how the nominated property possesses the characteristics of compelling historic importance to the community.

c) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least three hundred (300) dpi. All photos should be provided with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.

d) Copy of a legally recorded document containing the legal description of the property. This could be an abstract of title, warranty deed, quit claim deed, etc., which may be obtained from the County Clerk and Recorder.

e) Application fee, payable to the City of Greeley.

2. Public hearing procedure.

a) Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Subsection 18.36.040(c) above shall be used.

b) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

c) Commission action/decision. Commissioners may recommend in favor of historic designation for approval of non-owner-nominated properties if five (5) votes are cast in favor of such recommendation, subject to approval by the City Council under this Section. Owners may appeal the decision pursuant to Subsection 18.36.090(b) of this Chapter.

d) City Council action on non-owner nominations. Within thirty (30) days of the Commission decision, City Council shall hold a public hearing and consider all relevant evidence. The Council shall vote and render a decision to affirm, deny or modify the designation with a vote of the simple majority. The Council decision constitutes final agency action.

(5) Historic districts.

a. Procedure.

1. For a district application for designation, all paperwork for the application must be completed pursuant to the procedures set forth herein. Historic district nominations must be approved by the City Council pursuant to the procedures set forth in this Paragraph.

2. District nominations. Two (2) or more individuals may nominate a district within which they own property. For the purposes of this Chapter, a complete nomination application will include:

a) The complete nomination form with original signatures of all applicants. In the case of absentee owners as applicants, original signed statements will meet this requirement.

b) Completed Historic Building Inventory form for district properties for all properties within the nominated area. The following fields must be completed: address, legal description, owner name and address, style, materials, stories, other historic designation and designating authority, historic use, present use, date of construction, condition, original owner, associated buildings, architectural description, proposed status and the name, address, phone number and signature of the person or group who completed the inventory form.

c) Current digital photos of the front of each property and streetscape photos of each block. The photos should be at least three hundred (300) dpi and be provided

with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.

d) List of owners, mailing addresses, district property address and legal description of each property. This item may be supplemented or modified during the nomination process prior to the designation hearing.

e) Proposed status of all properties as contributing or noncontributing. The applicants should consult with the Specialist in making these proposed determinations. This item may be supplemented or modified during the nomination process prior to the designation hearing.

f) Application fee, payable to the City of Greeley.

g) District designation plan, developed in accordance with the requirements in this Section. The applicant must submit two (2) unbound copies and an electronic version contained in a .pdf file.

h) Historic context statement.

i) Statement of significance, including a detailed explanation of how the proposed district meets one (1) or more criteria in Subsection 18.36.060(c) above and how it meets the definition of historic district, as defined in Section 18.36.030 of this Chapter.

j) Petition with signatures of property owners within the district showing support of the nomination. Support of the nomination for a historic district requires the following:

1) The petition shall contain no less than twenty (20) signatures or twenty percent (20%) of the number of properties or lots within the proposed area, whichever is less.

2) Each property or lot shall only be represented by one (1) signature. Properties held in any type of joint ownership do not get split votes.

3) The petition shall be considered final for purposes of accounting for the twenty percent (20%) at the time of submission to the City.

3. District designation plan required. Owners of properties being nominated as part of a district must develop a district designation plan. The plan shall address all properties: contributing, noncontributing and properties individually listed on the City's historic register. If a provision of the district designation plan conflicts with this Chapter, then the district designation plan approved by the City Council under Paragraph (5) of this Section shall prevail unless doing so would negatively affect the City's certification standing regarding historic preservation. Requirements under the plan will be drafted by the applicant, reviewed by the Specialist and considered by the Commission. The Commission shall forward a recommendation for the plan with the district application to the City Council, which shall render the final designation decision.

4. Neighborhood meeting required. If the nomination is for designation of a historic district, a neighborhood meeting shall be held to describe the proposed

designation. All owners of property within the proposed district boundaries will be notified by first-class mail of the time, date and location.

5. Historic district owner vote required. After the neighborhood meeting but prior to the Commission's designation hearing, a vote by property owners of the nominated district shall be cast to ascertain consent or objection about the proposed designation. The vote shall be done by mail ballot, with one (1) ballot per property as sent by first-class mail by the City Clerk's office. The City Clerk's office will be responsible for conducting the election of the eligible voters in the proposed historic district. The ballot must be received by the City Clerk's office by mail or in person by the date and time specified by the City Clerk. Greater than fifty percent (50%) of votes cast must be in favor of historic designation or the nomination fails.

6. If greater than fifty percent (50%) of cast votes are in favor of the district designation, a public hearing shall be scheduled and notification requirements shall be completed by the City in accordance with Section 18.36.080 below.

b. Public hearing procedure.

1. Quorum required. At least five (5) members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Subsection 18.36.040(c) of this Chapter shall be used.

2. The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.

3. Commission action/decision. Commissioners may recommend in favor of historic designation for historic districts if five (5) votes are cast in favor of such recommendation, subject to approval by the City Council under this Section. Owners may appeal the decision pursuant to Section 18.36.090 of this Chapter.

4. City Council action on historic districts. Within thirty (30) days of the Commission decision, the City Council shall hold a public hearing and consider all relevant evidence. The City Council shall vote and render a decision to affirm, deny or modify the designation. The City Council decision constitutes final agency action.

c. Modification of a district designation plan will follow the same rules and procedures as for the nomination of a historic district, except no moratorium shall be placed on district properties. Property owners within the district or the Commission may propose to modify a district designation plan. Proposals to modify a district designation plan shall be reviewed by the Commission for recommendation to the City Council.

(6) Recording of Certificates of Designation and notification of designation after approval.

a. The Certificate of Designation shall be recorded with the County Clerk and Recorder as follows:

1. Owner-nominated properties shall be recorded within five (5) days after the thirty-day period for appeal pursuant to Section 18.36.090 of this Chapter if no appeal is filed, or within five (5) days after a final City Council decision.

2. Non-owner-nominated properties or historic districts shall be recorded thirty-five (35) days after approval by the City Council pursuant to the procedures set forth in this Paragraph.

3. Recording fees shall be paid by the nominating party.

b. Within fifteen (15) days after recording of the historic designation, the Specialist shall send, via first-class mail, notice to the owners outlining reasons for the designation.

(7) Moratorium.

a. A potential historic property or district which has been nominated but not yet designated shall be legally protected for one hundred twenty (120) days or until its status is determined, whichever is sooner.

b. Permits to alter or remodel the exterior of a property or to build, relocate or raze shall not be issued during the moratorium, except by written exemption by the Commission under the following criteria:

1. As necessary by law under federal or state law or City ordinance;

2. When deemed to be an emergency;

3. Due to unreasonable economic hardship, as defined in Section 18.36.030 of this Chapter; or

4. Due to improper nomination.

c. Owners requesting such exemption may seek an expedited public hearing before the Commission at the next scheduled Commission meeting by filing such a request with the Specialist. If, at such hearing, the Commission votes by a two-thirds (2/3) majority vote that the property is eligible for exemption, the moratorium or nomination shall be suspended in whole or in part in consideration of the property seeking the waiver.

**18.36.080 - Notice.**

(a) Notification. Notification of a Commission public hearing at which a designation application or Certificate of Approval application will be considered shall be given by mailing or emailing a letter to the property owner and the applicant and by posting a sign at the property. Notification of designation hearings shall also be published in a newspaper of local circulation twice in the two (2) weeks prior to the hearing.

(b) Notification of nomination and designation public hearings.

(1) Notice of nomination and public hearing letter. The Specialist shall send a letter of notification of nomination and public hearing for all Greeley historic register nominations.

a. Owner-nominated properties. For owner-nominated properties, all owners shall receive notice of the nomination and public hearing by first-class mail, sent by the City, by hand delivery or by electronic mail.

b. Non-owner-nominated properties. All owners of non-owner-nominated properties shall receive notice of the nomination and public hearing by certified mail, return receipt requested, sent by the City.

c. All properties within a nominated district. All owners in a nominated district shall receive notice of the nomination and neighborhood meeting by certified mail, return receipt requested, sent by the City.

- d. City-owned properties. The City shall receive notice by hand delivery.
- e. Such notice of nomination and public hearing shall be postmarked no less than fifteen (15) days prior to the hearing and shall reference the following:
  - 1. Privileges, obligations and restrictions which apply to historic properties or districts.
  - 2. For individual owner and non-owner nominations, the time, place and date of the Commission public hearing for designation.
  - 3. For historic district nominations, such notice shall also include the time, place and date of the district informational neighborhood meeting, as required in Subparagraph 18.36.070(5)a.4. above.
- f. If sufficient ballots voting in favor of district designation are returned from property owners, a district designation hearing shall be scheduled. For notification of the public hearing for historic district nominations, notice shall include the time, date and place of the public hearing, and letters shall be mailed certified mail, return receipt requested, by the City.
- g. The notification letters shall be mailed to the owners at their last known address of record.

(2) Newspaper notice. The notice of designation hearing shall also be published in a newspaper of local circulation once a week for two (2) weeks prior to the hearing. Newspaper notice shall include the following information:

- a. Street address of the property or a list of addresses or boundaries for properties in a proposed historic district;
- b. Type of application: request for certificate of designation;
- c. Date, time and place of the public hearing; and
- d. Statement that additional information about the request is available at the Historic Preservation office.

(3) Sign. A sign of sufficient size to be readily visible by landowners of adjoining property and from a public right-of-way shall be posted in a prominent place on the property no less than fourteen (14) days prior to the public hearing. In the case of nominations for a historic district, postings shall occur in the district in a manner clearly visible from public rights-of-way adjacent to the proposed district.

(c) Notification of Certificate of Approval public hearings. Applicants and property owners shall receive written notice, via first-class mail, at their last known address of record of the time, place and date of the hearing. Such notice shall be mailed no less than seven (7) days prior to the public hearing. Notice shall also be posted at the property, in a manner clearly visible from the public right-of-way, no less than seven (7) days prior to the public hearing. The notification requirements may be waived administratively with signed approval by the property owner and Certificate of Approval applicant.

**18.36.090 - Appeal.**

- (a) Specialist to Commission.
  - (1) A final decision by the Specialist may be appealed by the applicant to the Commission.
  - (2) Appeals to the Commission shall be filed by mailing or hand-delivering to the Specialist a written notice of appeal within thirty (30) days after the applicant has been served with notice

of the decision by the Specialist. A determination by the Commission shall be issued within thirty (30) days.

- (3) The decision of the Commission on appeal shall be final unless the applicant or developer elects to appeal the Commission decision to the City Council.
- (b) Commission to City Council.
- (1) Decisions of the Commission are reviewable by the City Council. The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council.
- (2) Appeals to the City Council shall be filed by mailing or hand-delivering to the City Clerk a written notice of appeal within thirty (30) days after the determination has been made and entered upon the records of the Commission. Determinations issued by the City Council shall be conducted within thirty (30) days of filing of the notice of appeal and shall constitute final agency action.

#### **18.36.100 - Incentives.**

(a) An owner of a property that has been designated as historic or an owner of a contributing property in a designated historic district may apply for the following economic incentives for the restoration or rehabilitation of that property and such additional incentives as may be developed by the Commission pursuant to its rules and regulations:

- (1) Applicable state and federal tax credits.
- (2) The low-interest loan pool created by the City pursuant to Chapter 18.37 of this Title, subject to annual availability.
- (3) Building permit fee refund. The building portion of permit fees may be refunded for applications for projects on individually designated properties and all properties in a Greeley Historic Register designated district, including contributing and noncontributing properties. The Commission shall develop a format for establishing projected costs and rules of the restoration, preservation or rehabilitation in order that such refund of fees is equitable.

(b) The Commission shall attempt to identify and implement other economic incentives for historic properties. The Specialist shall notify the owners of historic properties of economic incentive opportunities available.

(c) The Commission shall make the determination for each request for state historic preservation income tax credits.

#### **18.36.110 - Signage.**

A sign approved by the Commission may be installed indicating the designation. The Commission may supply and pay for uniform signs for designated properties, subject to availability of funds. Such signs shall conform to City ordinances governing other signs in the City.

#### **18.36.120 - Fines and penalties.**

(a) Failure to comply with requirements of this Chapter or of a district designation plan shall be a violation punishable in accordance with this Section.

(b) Whenever any work is being done contrary to the provisions of this Chapter or any plan adopted by the Commission or approved by City Council, a code enforcement inspector or other authorized City official may issue a stop work order by posting notice at the property or providing notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work,

until authorized by the Code Enforcement Officer, City official or Commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Code.

(c) A penalty may be imposed by the Commission. The maximum penalty for violation of this Chapter shall be the same as for violations that are sanctioned administratively as Code infractions, pursuant to Chapter 1.33, and shall proceed as set forth in Chapter 2.09 of this Code.

**18.36.130 - Illustrative flow chart.**

A process flow chart for illustrative purposes only has been added as Appendix 18-L to this Title.

**18.36.140 - Alterations to designated properties and properties within a designated district.**

(a) Owners intending to reconstruct, improve, demolish or in any way significantly alter or change a designated property or a property in an historic district must first submit their plan for review to the appropriate City departments as to compliance with all City codes and ordinances.

(b) All required building, relocation and/or demolition permits shall be applied for. Permits will not be released without Commission approval or unless the Community Development Director determines that the permit should be released due to extenuating or emergency circumstances. The Commission or Specialist shall not issue a Certificate of Approval without evidence of permit application, if required. Certificates of Approval shall be issued contingent upon the owner and/or applicant obtaining all required permits.

(c) After consultation with the City's development departments, the owner shall submit a plan for review by the Specialist or Commission, and a Certificate of Approval shall be issued to properties that the Specialist or Commission believes can be altered without diminishing the historic character of the property or district.

(d) Major alterations.

(1) Application requirements. For the purposes of this Chapter, a complete application for major alterations will contain the following: a signed application, legal description, narrative, drawings and mockups as necessary, product literature and/or samples as necessary, and digital photos as determined by the City. Projects shall be reviewed in accordance with the criteria and standards for altering properties set forth in this Section.

(2) Application and hearing process.

a. Notification. Upon receipt of a complete application, the Specialist shall schedule a public hearing for a Certificate of Approval on the matter before the Commission, providing sufficient staff review time. Notice will be given by the City in accordance with requirements in Section 18.36.080 of this Chapter.

b. Public hearing. A quorum must be present at a public hearing for a Certificate of Approval. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then the process in Subsection 18.36.040(c) of this Chapter shall be used.

c. The Specialist shall prepare a report which shall include a summary of all comments received on the Certificate of Approval application, along with the staff recommendation, which shall be presented to the Commission. In taking action on a Certificate of Approval application, the Commission shall consider the staff report and recommendation and comments received from the applicant and the public. The Commission shall also consider whether the proposed project meets the criteria and standards in Section 18.36.150 below in taking action to approve, approve with conditions, deny or table the application for future consideration.

- (3) Findings. The findings of the Commission shall be based on criteria and standards in Section 18.36.150 below, and the decision of the Commission on a Certificate of Approval major alteration application shall be considered final unless appealed by the property owner or applicant to the City Council, in accordance with the appeal process in Section 18.36.090 of this Chapter.
- (4) Certificate of Approval issued and recorded. After approval of a Certificate of Approval major alteration application, the Specialist shall cause the Certificate of Approval, signed by the Commission Chair, which may include plans, drawings, photos and other documents, as approved, to be recorded in the office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees. Work shall be completed within twelve (12) months of the date of Commission approval, with the option for up to two (2) six-month extensions as approved by the Community Development Director. Work not complete within these time parameters will require new approval through submittal of a new application to the Commission for review.
- (5) Denial. If an application for a Certificate of Approval is denied, the applicant may revise the application extensively or submit a new application for review by the Commission. In this case, the application would be considered a new application and would follow the entire process for Certificate of Approval applications. The applicant may appeal decisions of the Specialist to the Commission and decisions of the Commission to the City Council, in accordance with appeal procedures in Section 18.36.090 of this Chapter.
- (e) Minor alterations.
  - (1) Application requirements. For the purposes of this Chapter, a complete application for minor alterations will contain the following: signed application, photos, narrative, product literature or drawings as necessary and the application fee as determined by the City.
  - (2) Application process.
    - a. Notification. Upon receipt of a complete application, the Specialist shall notify the property owner and applicant of receipt of the application and requirement for staff review.
    - b. No public hearing. No public hearing is required for minor alteration applications.
    - c. Findings. The Specialist shall review the application for minor alterations and make findings based on criteria and standards set forth in Section 18.36.150 below.
    - d. Certificate of Approval issued and recorded. The Specialist shall approve the application and issue a Certificate of Approval if the proposed project meets the criteria and standards set forth in Section 18.36.150 below and can be completed without negatively impacting the historical integrity of the property. After approval, the Specialist shall cause the Certificate of Approval for minor alterations to be signed by the Specialist, which may include plans, photos or other documents, to be recorded in the office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees.
    - e. If the Specialist finds that the proposed project does not meet the criteria and standards in Section 18.36.150 below, the Specialist will notify the applicant of the reasons for denial and notify the applicant of the opportunity to appeal the decision to the Commission.
- (f) Relocation.
  - (1) Application requirements. For the purposes of this Chapter, a complete application for relocation will contain the following: signed application, location information, narrative, drawings, digital photos and the application fee as determined by the City.

- (2) Application process. The application process for relocation applications will follow the same process as for major alterations, as set forth in this Section.
- (g) Demolition.
  - (1) Application process and requirements. For the purposes of this Chapter, a complete application for demolition will contain the following: signed application, narrative, digital photos, additional documentation as requested and the application fee as determined by the City.
  - (2) Application process. The application process for demolition applications will follow the same process as for major alterations, as set forth in this Section.
- (h) Emergencies. In the event of an emergency, as defined in Section 18.36.030 of this Chapter, owners shall perform necessary measures to preserve the property and notify the Specialist within three (3) days of the emergency event. Owners shall make efforts to document the damage and provide that documentation, including photos and the measures done to preserve the structure, to the Specialist to assist in establishing the proper treatment for the property and to obtain a Certificate of Approval if necessary.
  - (i) Requirement of maintenance to prevent demolition by neglect.
    - (1) The owner of a designated property and owners of properties in a historic district must perform reasonable maintenance of the properties, as that term is defined in Section 18.36.030 of this Chapter.
    - (2) The owner of a designated property and owners of properties in a historic district shall not commit demolition by neglect, as that term is defined in Section 18.36.030 of this Chapter.
    - (3) Noncompliance with this Subsection will be punishable in accordance with other violations of this Chapter, the same as for violations that are sanctioned administratively as Code infractions, pursuant to Chapter 1.33, and shall proceed as set forth in Chapter 2.09 of this Code.

**18.36.150 - Criteria and standards for review of Certificate of Approval applications.**

- (a) Criteria and standards for alterations to a designated property or a property in a historic district are as follows:
  - (1) The effect of the alteration or construction upon the general historical or architectural character of the designated property.
  - (2) The architectural style, arrangement, texture and materials of existing and proposed construction, and their relationship to the other buildings.
  - (3) The effects of the proposed work in creating, changing or destroying the exterior architectural features and details of the structure upon which the work shall be done.
  - (4) The compatibility of accessory structures and fences with the main structure on the site and with adjoining structures.
  - (5) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district.
  - (6) Compliance with the current Secretary of the Interior's Standards for the Rehabilitation of Historic Properties, as defined in Section 18.36.030 of this Chapter.
  - (7) If the property is a noncontributing property in a historic district, then alterations will be in accordance with the district designation plan as recommended by the Commission and approved by City Council.

- (8) Other requirements for alterations of a designated property or contributing property in a district as are required by the procedures and bylaws established by the Commission.
- (b) Criteria for relocation of a designated property or contributing properties in a district are as follows:

- (1) In all cases, it shall be the preference of the Commission to keep structures at their original sites.
- (2) For relocation applications, the Commission shall consider the following criteria in addition to those described for alterations:

- a. Original site.

- 1. Documentation showing that the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property.
- 2. The significance of the structure as it relates to its present setting.
- 3. When a governmental entity exercises power of eminent domain, the Commission should first consider relocating before demolishing.
- 4. Whether the structure can be moved without significant damage to its physical integrity, and the applicant can show that the relocation activity is the best preservation method for the character and integrity of the structure.
- 5. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting.
- 6. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

- b. New location.

- 1. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure proposed to be moved.
- 2. Whether the structure's architectural integrity is consistent with the character of the neighborhood.
- 3. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.
- 4. Whether the proposed relocation is in compliance with all City ordinances.

(c) Criteria for demolition of a designated property or contributing property in a district. A permit for demolition shall be issued if the applicant can clearly demonstrate that the designated property meets the criteria for demolition as set forth under this Chapter by balancing the criteria of Paragraphs (1) through (4) below versus Paragraph (5) below. Not all of the criteria must be met for the Commission to recommend demolition. Appeals of the decision shall be made under Section 18.36.090 of this Chapter.

- (1) The structure must be demolished because it presents an imminent hazard.
- (2) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.
- (3) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.

- (4) The structure cannot be moved to another site because it is physically or economically impractical.
- (5) The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:
  - a. Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur.
  - b. Significant impact on the historical importance of other structures located on the property and adjacent properties.
  - c. Significant impact to the architectural integrity of other structures located on the property and adjacent properties.
- (6) If partial demolition is approved by the Commission and is required for the renovation, restoration or rehabilitation of the structure, the owner should mitigate, to the greatest extent possible:
  - a. Impacts on the historical importance of the structure or structures located on the property.
  - b. Impacts on the architectural integrity of the structure or structures located on the property.

**18.36.160 - Removal from historic register/hardship exemptions.**

(a) Removal. City Council may remove the designation of a historically designated property or district if it finds that historic designation creates an undue hardship in accordance with the criteria in this Section.

(b) Criteria for removal or hardship exemption. If a request to the Commission for a Certificate of Approval does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this Chapter are not significantly eroded, and provided that adequate documentation is submitted to the Commission either in writing or by testimony to establish qualification for one (1) of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained.

- (1) Economic hardship exemption. An economic hardship exemption may be granted if:
  - a. The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.
  - b. For non-income-producing properties, the owner is unable to resell the property in its current condition or if rehabilitated.
  - c. The economic hardship claimed is not self-imposed, including from lack of maintenance.
- (2) Health/safety hardship exemption. To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.
- (3) Inability to use exemption.
  - a. If no sale can be made or no feasible use is found for the structure within two (2) years of denial of a permit, the owner may request a waiver of all or part of the process described above.

b. In determining the applicability of this Section, the Commission shall include the following factors in its deliberations:

1. Written documented evidence illustrating efforts by the owner to make repairs, find an appropriate use or sell the property.
  2. Written evidence of the owner's efforts to secure assistance for conforming the application with this Chapter without demolition or defacement.
- (4) For the purpose of establishing and maintaining sound, stable and desirable historic districts within the City, the removal of historic designation is to be discouraged. This policy is based on the opinion of the City Council that the City's historic districts and individually designated properties are the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other considerations while supporting the City's historical significance; and, as such, the policy should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

**18.36.170 - Severability clause.**

If any provision of this Chapter, any provision of any rule or regulation lawfully promulgated hereunder or any application of this Chapter or rule or regulation promulgated hereunder to any person or circumstance is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this Chapter or rules or regulations. The City Council hereby declares that, in these regards, the provisions of this Code and all rules and regulations promulgated hereunder are severable. In the event that any part of this Chapter negatively affects the City's certified status as a certified local government by the National Park Service, then the conflicting provision shall be severable.

**CHAPTER 18.37 – HISTORIC PRESERVATION LOW INTEREST LOAN PROGRAM**

**18.37.010 - Statement of purpose.**

The purpose of this Chapter is to:

- (1) Promote and support the maintenance of historic properties by providing a pool of available funds which will be loaned at low rates of interest for the maintenance and improvement of properties designated as historic by the City;
- (2) Foster civic pride in the accomplishments and heritage contained in Greeley's past as exhibited in Greeley's architecture, homes and public and private buildings;
- (3) Enhance the physical attractiveness of Greeley;
- (4) Promote the recycling and adaptive reuse of architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of Greeley; and
- (5) Promote the economic revitalization of Greeley.

**18.37.020 - Creation of Committee.**

(a) The Historic Preservation Loan Committee (hereafter the "Committee") shall consist of seven (7) voting members as appointed by the Historic Preservation Commission. The Committee shall have one (1) member with experience in residential and/or commercial construction management, one (1) member engaged in regional or local history, one (1) licensed real estate broker, one (1) member of the Historic Preservation Commission and the following City employees: Director of Community Development, Historic Preservation Specialist and Assistant City Manager.

(b) The Committee shall have the following ex officio members: a member of the City Attorney's office as the legal advisor; a representative of the City Finance Department; and one (1) member of the City Council.

(c) One (1) City employee Committee member shall be appointed by the City Manager as an administrator, to be referred to hereafter as "Staff Liaison."

(d) Appointment of the Committee members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.

(e) Vacancies on the Committee shall be filled by the Historic Preservation Commission.

(f) Members of the Committee whose terms of office expire may apply for reappointment.

(g) Members of the Committee wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing, with a copy sent to the Committee Chair and the Staff Liaison.

**18.37.030 - Rules of procedure.**

The Committee shall conduct its proceedings in accordance with "Robert's Rules of Order" and set forth additional rules and procedures in the form of bylaws for the Committee.

**18.37.040 Powers and duties of Committee.**

(a) The Committee shall have the power to:

(1) Establish loan criteria to be approved by Council resolution.

(2) Receive and review applications for credit.

(3) Approve or deny applications for loans.

(4) Conduct inspections.

(5) Supervise and administer a historic preservation loan program between and among the City and the owners of designated properties, including those properties designated on the State Register or the National Register of Historic Places.

(b) The Committee shall have the duty to:

(1) Conduct itself in a professional manner, holding all financial information and other sensitive information in strict confidence;

(2) Make all loan decisions with consideration for the future and stability of the loan pool.

**18.37.050 - Procedure for application to Committee.**

(a) Any owner of an eligible property may submit an application for consideration by the Committee. As part of the application process, the owner shall also submit a detailed description of the owner's plan for the historic preservation and protection of the subject property.

(b) The property owner shall submit an itemized brands and materials list.

(c) The owner shall also submit financial statements for all persons applying for historic preservation loans as may be requested by the Committee.

(d) The Committee reserves the right to request such additional information as it determines necessary relative to ownership, financial considerations, plans, contractor information and/or other information the Committee determines pertinent.

**18.37.060 - Criteria for approval or denial.**

(a) Applications for participation in the Historic Preservation Loan Program shall be in the names of all owners of title. Application in the names of less than all owners shall not be permitted.

(b) Ownership and title to the property, which will be the subject of the historic preservation loan, must be in "good" or marketable title, with all taxes and loans current, liens paid, no foreclosure proceedings pending and all restrictions of record and encumbrances disclosed and approved by the Committee, and be in compliance with all zoning codes.

(c) The owner will provide such documents and proof of title, including encumbrances, liens, restrictions of record or other evidence of the title to the property as the Committee may request. The owner shall agree to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the Committee may deem necessary or appropriate. All such costs must be paid by the owner at the commencement of the loan application process.

(d) The Committee shall apply such loan repayment criteria to each historic preservation loan application as the Committee determines is appropriate.

(e) The Committee shall, after consultation with the applicants, determine an appropriate loan repayment schedule which may be on a monthly basis, but in no event shall it be on less than a quarterly basis. Forty-five (45) days after failure to make timely payment shall cause the entire principal balance, together with all accrued interest thereon, to become a lien upon the property. The lien shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified by the Director of Finance, together with all accrued interest thereon and a ten-percent collection charge, to the County Treasurer for collection as provided by law; provided, however, that, at any time prior to sale of the property, the applicants may pay the amount of all delinquent installment payments, together with all accrued interest and the ten-percent collection charge thereon, and any other penalties and costs of collection. Upon such payment, the applicants shall thereupon be restored to nondelinquent status and may thereafter pay in installments in the same manner as if default had not been made.

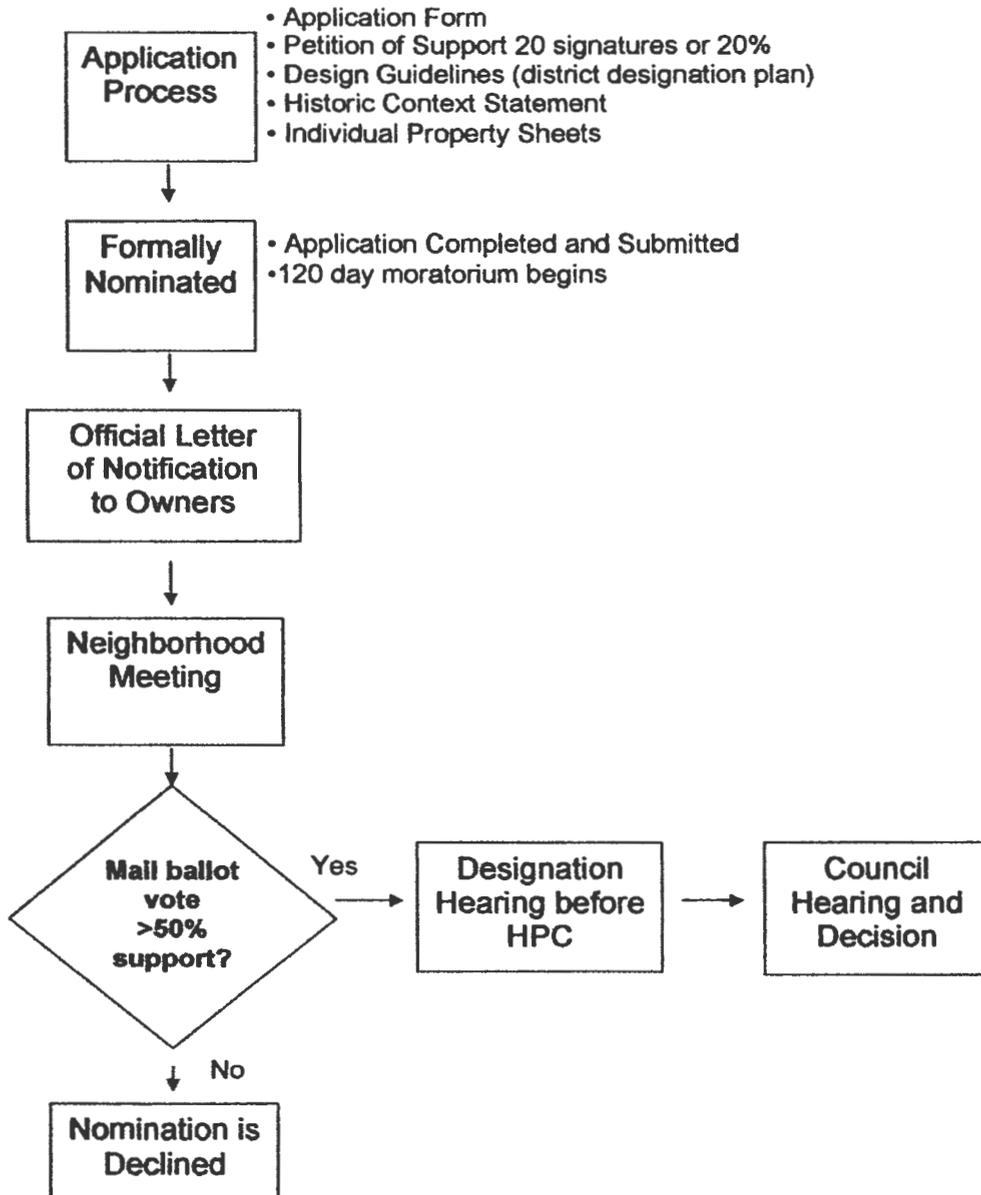
**18.37.070 - Request for reconsideration.**

A person who applies for a loan pursuant to this Chapter and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the Committee are final.

Appendix 18-L

Illustrative Flow Chart for  
Historic District Designation Process

(Reference Section 18.36.130)



# Exhibit B

## APPENDIX 18-B - Definitions

The following words, terms and phrases, when used in this Code, shall have the meanings defined as follows:

*100-year flood* shall mean a flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms *one-hundred-year flood* and *one-percent-chance flood* are synonymous with the term *100-year flood*.

*100-year floodplain* shall mean the area of land susceptible to being inundated as a result of the occurrence of a one-hundred-year flood.

*500-year flood* shall mean a flood having a recurrence interval that has a two-tenths-percent chance of being equaled or exceeded during any given year (two-tenths-percent-chance-annual flood).

*Abandoned sign:*

- a. A sign or sign structure and components, for which no legal owner can be found; and/or
- b. A sign and structure which are used to identify or advertise a business, tenant, owner, product, service, use, event or activity that has not been located on the premises for a period of ninety (90) consecutive days or longer.

*Accessory building or structure* shall mean a detached building or structure located upon the same lot as the principal building or structure to which it is related, which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

*Accessory use* shall mean a use customarily incidental, related and subordinate to the main use of the lot, building or structure which does not alter the principal use.

*Act*, as used in Chapter 18.56, shall mean the Oil and Gas Conservation Act of the State of Colorado.

*Addition* shall mean an extension to an existing structure after completion of the original structure. For the purposes of this Title, such additions and the point of attachment thereof shall be habitable space as defined in the Uniform Building Code, as may be amended from time to time, and the dimension of the point of attachment shall constitute a minimum of twenty percent (20%) of the circumference of the exterior walls of the addition.

*Address sign* shall mean signs that give the address or name of a building or residence without reference to, or inclusion of, the name or logo of a product sold, or service performed on the lot or in a building or structure, or name of the business enterprise occupying the property.

*Adjacent* shall mean land which shares a boundary line with the lot in question or which would share a boundary line if not for the separation caused by a street, alley, sidewalk, railroad right-of-way, utility line, trail or irrigation ditch.

*Adjacent uphill lot* shall mean an adjacent lot, whether or not separated by streets, easements or the like, which has an average ground level higher than the average ground level of the subject lot.

*Administrative Official* shall mean an individual appointed by the City Manager to administer and enforce the provisions of this Title.

*Administrative Review Team (ART)* shall mean the City staff review team consisting of representatives of City departments involved with development and land use activities within the City and its long-range planning areas.

*Adult business* shall mean any store, establishment, tavern, club or theater having a substantial portion of its stock in trade, books, magazines or other periodicals; video movies, films, slides or

photographs; instruments, devices or paraphernalia; or live performances, which are characterized by their emphasis on matters depicting, describing, or related to *specified anatomical areas* or *specified sexual activities*. For the purposes of this definition, a business shall not be considered an *adult business* if it carries less than twenty percent (20%) of its stock in adult materials and it prevents the public from viewing or observing merchandise or products that depict *specified anatomical areas* or *specific sexual activities*, as may be displayed by the products or on the packaging.

a. *Specified anatomical areas* means:

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

b. *Specified sexual activities* means:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast;
2. Human genitals in a state of sexual stimulation or arousal;
3. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
4. Masturbation, actual or simulated; or
5. Excretory functions as part of or in connection with any of the activities set forth in Paragraphs 1 through 4 above.

*Advertise* shall mean to attract attention to a business, product, service, use or event with a sign, display item or other device, such as flags, pennants, air driver devices and lights.

*Airport* shall mean the Greeley-Weld County Airport, located in Sections 2 and 3 and Sections 26 and 35, T5N, R65W of the 6<sup>th</sup> P.M., Weld County, Colorado.

*Airport elevation* shall mean the established elevation of the highest point on the usable landing area (four thousand six hundred ninety [4,690] feet above sea level).

*Airport reference point* shall mean the point established as the geographic center of the airport landing area. The reference point at Greeley-Weld County Airport is a point which geographical coordinates are Latitude forty (40) degrees, twenty-six (26) minutes, eight (8) seconds north and Longitude one hundred four (104) degrees, thirty-seven (37) minutes, fifty-five (55) seconds west.

*Alley* shall mean a minor way used primarily for vehicular access to the back of properties adjacent to a street and which is not intended to be used for primary access to a property. An alley shall not be considered a street.

*Alteration* means any act or process requiring a building permit, moving permit, demolition permit or sign permit for the reconstruction, moving, improvement or demolition of any designated property or district; or any other action in which a review by either the Historic Preservation Commission or the City's Historic Preservation Specialist is necessary under Chapter 18.36 and/or the district designation plan and in accordance with the definitions of major and minor alterations, for the purposes of Chapter 18.36.

*Amortization* shall mean the prohibition and removal of a nonconforming use after the expiration of a reasonable period of time.

*Amortization period* shall mean a reasonable period of time to recoup a return on the investment in an animal confinement use, but which in no event shall exceed nine (9) years from the effective date of this Code, or from the date the use became nonconforming, whichever is later.

*Animal confinement use* shall mean a place for confinement of livestock for the purposes of commercial food production, where feeding of the livestock is other than grazing and where the capacity at any one (1) time is greater than permitted on the Animal Equivalency Chart for the zoning district in which it is located. Such animal confinement uses may include dairies, feedlots, poultry and swine production facilities.

*Animal unit* shall mean a unit of measurement used to determine the animal capacity of a particular site or parcel of land and to establish an equivalency for various species of livestock. The animal unit capacity is determined by multiplying the number of animals of each species by the appropriate equivalency factor from the Animal Unit Equivalency Chart in Section 18.52.035 and summing the resulting totals for all animal species contained on a site or parcel of land. The number of animals allowed per acre on a site or parcel of land is based on area requirements for each species, and the resulting acreages are also summed. If the maximum number of permitted animal units as provided on the Animal Unit Equivalency Chart is exceeded for a property that does not contain an animal confinement use as of the effective date of this Code, the property and use contained on said property shall be determined to be a nonconforming use and subject to the provisions in Chapter 18.58.

*Animated sign* ( see *Flashing or animated or Imitating sign* ) .

*Antenna* shall mean a device used to transmit and/or receive radio, television or any other transmitted signal and which may be roof-top, wall or ground-mounted.

*Apex* shall mean the uppermost or highest point.

*Appeal* shall mean a review of a final decision by a higher authority.

*Applicant* shall mean the owners or lessees of property, their agent, or persons who have contracted to purchase property, or the City or other quasi-governmental entity that is proposing an action requiring review and approval by one (1) or more of the sections in this Title. An applicant may subsequently become the developer once approval is granted and, in this case, the terms shall be interchangeable.

*Approach surface* shall mean a surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Chapter 18.34. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

*Appurtenances* shall mean the visible, functional objects accessory to and part of buildings or structures and which may extend above the height of the roof.

*Area*, for the purposes of Chapter 18.36, means the geographical region or the extent of land identified with one or more areas of significance as set forth in Criteria for designation, Section 18.36.060, and may be nominated for historic designation on the local register.

*Area of shallow flooding* shall mean a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* shall mean the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

*Art* shall mean all forms of original creations of visual art, including but not limited to, sculpture; mosaics; painting, whether portable or permanently fixed, as in the case of murals; photographs; crafts made from clay; fiber and textiles; wood; glass; metal; plastics; or any other material or any combination thereof; calligraphy; mixed media composed of any combination of forms or media; unique architectural styling or embellishment, including architectural crafts, environmental landscaping; or restoration or renovation of existing works of art of historical significance. Works of art are not intended to be used for commercial advertising purposes.

*Arterial street* (see *Street* ).

*Articulation* shall mean using architectural elements such as windows, balconies, entries, etc., to visually break the appearance of large buildings or walls into smaller, identifiable pieces.

*Assembly building*, as used in Chapter 18.56, shall mean any building or portion of building or structure used for the regular gathering of fifty (50) or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, dining or awaiting transport.

*Assisted living unit* shall mean a residential facility that provides rooms, meals, personal care and supervision of self-administered medication, as well as other services, including recreational activities and transportation, to individuals who do not have an illness, injury or disability for which regular medical care or twenty-four-hour nursing services are required. An assisted living unit shall not be considered a board and care home or a nursing home.

*Automobile wrecking yard* ( see *Junkyard*).

*Awning* shall mean a framed exterior architectural feature, attached to and supported from the wall of a building and/or held up by its own supports, which provides or has the appearance of providing shelter from the elements to pedestrians, vehicles, property or buildings.

*Awning, internally illuminated* shall mean any transparent backlit awning or awning lettering which transmits light from within the awning to the outside surface of the awning.

*Awning sign* shall mean a sign that is mounted or painted on or attached to an awning.

*Backing* shall mean the background area of a sign, which differentiates the total sign display from the background against which it is placed.

*Banner* shall mean a sign applied to flexible materials (e.g., cloth, paper or fabric of any kind) with no enclosing framework.

*Bare tube neon* shall mean a bare tube neon light attached to a building that is used to light or accent the building and/or its architecture.

*Base Flood Elevation (BFE)* shall mean the elevation shown on a FEMA Flood Insurance Rate Map that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

*Basement* shall mean any level of a building where more than one-half ( $\frac{1}{2}$ ) of the vertical distance between floor and ceiling is below the grade of the site.

*Beacon* ( see *Searchlight, strobe light* or *beacon*).

*Bed and breakfast* shall mean a building, or portion thereof, of residential character, offering temporary lodging for compensation and at least one (1) meal daily for guests and having a manager residing on the premises. Rooms in a bed and breakfast shall not be rented more than twice during any twenty-four-hour period.

*Bedroom* shall mean any room intended and used principally for sleeping purposes.

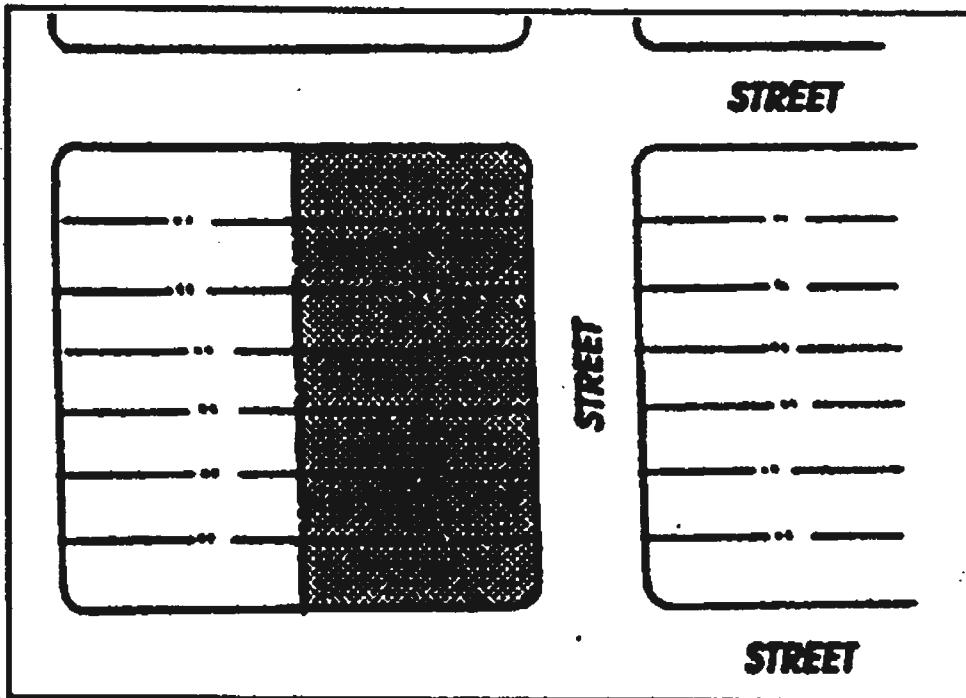
*Berm* shall mean a mound of earth, higher than grade, used for screening, definition of space, noise attenuation and decoration in landscaping.

*Bicycle parking space* shall mean a space for one (1) standard bicycle, located in a secure bicycle rack on the same lot as the structure for which the bicycle parking is intended to serve.

*Billboards and bus bench/shelter sign* (see *Off-premises advertising device* ).

*Block* shall mean a group of lots within defined and fixed boundaries of a subdivision and usually being an area surrounded by streets or other features such as parks, railroad rights-of-way or municipal boundary lines.

*Block face* shall mean all lots on one (1) side of a block.



**Block face**

*Board and care home* shall mean a residential facility providing room and board to one (1) or two (2) individuals who are not related to the owner or principal occupant and who, because of impaired capacity for independent living, elect protective oversight, personal services and social care, but do not require regular twenty-four-hour medical or nursing care. A board and care home shall not be considered an assisted living unit or nursing home.

*Boarding and rooming house* shall mean a building or portion thereof which is used to accommodate boarders or roomers, not including members of the occupant's immediate family who might be occupying such building, and whose occupants shall have common access to kitchen, bathroom and dining areas. Boarding and rooming houses shall not include hotels, motels and lodges.

*Brewpub* shall mean a business for the brewing, sale and consumption of alcoholic beverages on the premises and which may also prepare and sell food on the premises.

*Buffer* shall mean to promote separation and compatibility between land uses of different intensities within or adjacent to a development, or along roadways or other public areas through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof. The term *buffer* may also be used to describe the methods used to promote compatibility such as a landscape buffer.

*Buffer yard* shall mean that area intended to provide buffering between land uses of different intensities or along roadways or other public rights-of-way.

*Building* shall mean any structure built for the shelter or enclosure of persons, animals or property of any kind, excluding fences or walls.

*Building appurtenance* shall mean the visible, functional or ornamental object accessory to and part of a building.

*Building Code* shall mean any law, ordinance or code which is in force in the City and which pertains to the design and construction of buildings and other structures, or to any components thereof, such as cooling and heating, plumbing, electricity and the like.

*Building envelope* shall mean the area in which a building or structure is constructed or placed in a development and in which the land area beyond the envelope is under the common ownership of all property owners within the development.

*Building footprint* shall mean the outline of the total area which is covered by a building's perimeter at the ground level.

*Building frontage* shall mean the horizontal linear dimension which is designated as the primary facade of that portion of a building occupied by a single use or occupancy. Corner tenants will be permitted to use their secondary facade to determine their *building frontage* .

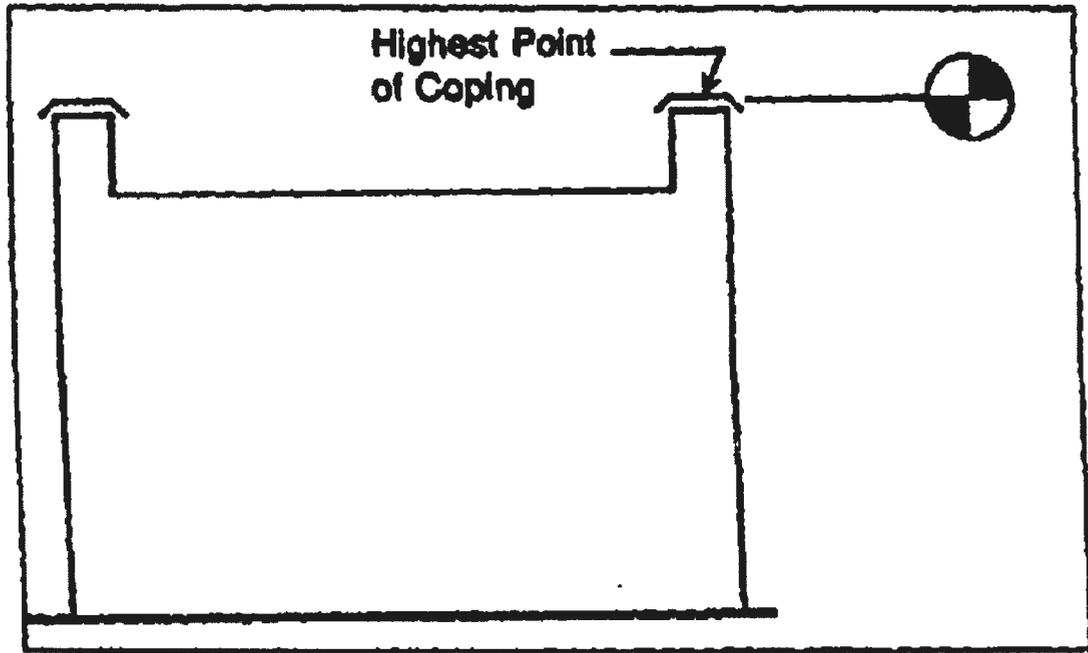
*Building frontage, principal* shall mean the horizontal linear dimension which is designated as the primary façade of that portion of a building occupied by a single use or occupancy.

*Building frontage, secondary* shall mean that dimension of a building abutting a public right-of-way other than the principal building frontage.

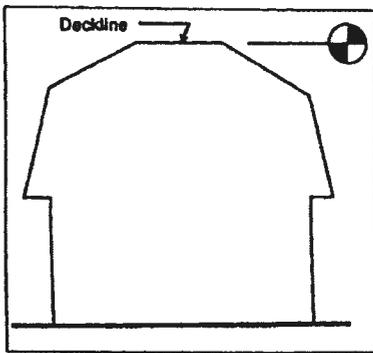
*Building or structure height* shall mean the vertical distance from grade at an exterior wall of a building or structure to the highest point of the coping of a flat roof, to the average height of the highest gable of a hipped roof, or a monitor roof, or to the highest point of a curved roof. For the purposes of measuring the setback and height performance options in Section 18.38.100 of this Title, setback increases shall only be required for that portion of the building for which a height increase is sought. This measurement shall be exclusive of church spires, cupulas, chimneys, ventilators, pipes and similar appurtenances. For purposes of this definition, *grade* as a point of measure shall mean either of the following, whichever yields a greater height of building or structure:

- a. The elevation of the highest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is less than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.
- b. An elevation ten (10) feet higher than the lowest ground surface within a five-foot horizontal distance from the exterior wall of the building, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said wall.

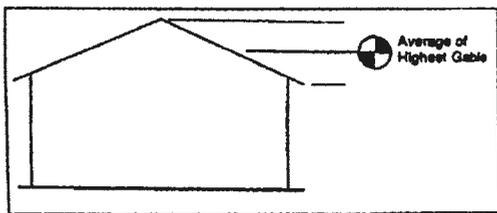
The height of the building is the vertical distance above a reference datum measured to:



**Building with flat roof (measured to highest point of coping)**



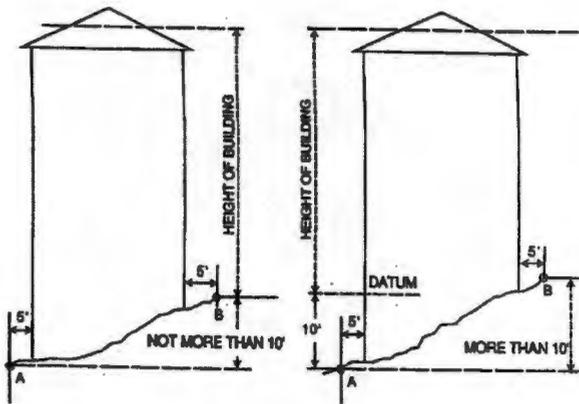
**Mansard roof (measured to deckline)**



**Hipped or gabled roof (measured to average of highest gable)**



**Gabled roof (2 or more gables)  
(Measured to the average of the  
highest gable)**



\* Measure height at ten (10) feet above the lowest point of the ground.

*Building, principal* shall mean the primary building on a lot or a building that houses the principal use.

*Building unit*, as used in Chapter 18.56, shall mean a building or structure intended for human occupancy. A dwelling unit, every guest room in a hotel/motel, every five thousand (5,000) square feet of building floor area in commercial facilities and every fifteen thousand (15,000) square feet of building floor area in warehouses or other similar storage facilities is equal to one (1) building unit.

*Burden of proof* under Chapter 18.36 shall be a preponderance of the evidence.

*Business identification sign* shall mean a sign giving the name, nature, logo, trademark or other identifying symbol of a business and which may also include the address of the business.

*Candela* is a unit of luminous intensity, defined as the luminous intensity of a source that emits monochromatic radiation of frequency  $540 \times 10^{12}$  Hertz and that has a radiant intensity of 1/683 watt/steradian and adopted in 1979 as the international standard of luminous intensity.

*Canopy* shall mean a roofed structure for the purpose of shielding pedestrian walkways or driveways which service operations or equipment, such as with a gas station or bank drive-up facility.

*Cemetery* shall mean land used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums.

*Center line* (of public right-of-way) shall mean a line running midway between the bounding right-of-way lines of a street or alley. For the purposes of calculating signage, the center line shall mean the apparent center line of the road determined by finding the point midway between the outer edges of the road surface.

*Certificate of Approval* means a certificate issued by the City authorizing the construction, alteration or demolition of property and improvements designated under Chapter 18.36.

*Change of use* shall mean a use that substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.

*Changeable copy sign* (also known as a *marquee sign*) shall mean a sign designed to allow the changing of copy as with individual letters through manual means, without altering the sign backing or structure in any such way.

*Channel* shall mean a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuous or periodic flowing water.

*Channel letters, individual letters, raceway and channel sign* shall mean individual letters, flat cutout letters or symbols constructed to be applied singly in the formation of a wall sign or freestanding sign.

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

*Character* shall mean the sum or composition of a building's or group of buildings' attributes which serve to distinguish its appearance and establish its visual image. Attributes that contribute to character include, but are not limited to, size, shape and height of buildings, materials, architectural style, sidewalk location and vegetation.

*Character overlay district* shall mean an overlay district established for the purposes of maintaining and preserving the attributes which make up the character of a particular and definable area within the City, as provided for in Chapter 18.34.

*Chief Building Official* shall mean the Chief Building Official of the City.

*Child care center* shall mean a facility which is maintained for the whole or part of a day for the care of seven (7) or more children under the age of sixteen (16) years and not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. This term also includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps and summer camps.

*Child care home* shall mean a facility providing care and/or training in a place of residence, on a regular basis, for compensation, for no more than six (6) children under the age of sixteen (16) years who are not related to the caretakers and not including twenty-four-hour care. This type of child care home provides less than twenty-four-hour care for two (2) or more children on a regular basis in a place of residence.

- a. Care may be provided for up to six (6) children from birth to thirteen (13) years of age with no more than two (2) children under two (2) years of age. This shall not prohibit the care of children with special needs ages thirteen (13) to eighteen (18).

- b. Care also may be provided for no more than two (2) additional children of school age attending full-day school. School-age children are children enrolled in a kindergarten program a year before they enter the first grade and children six (6) years of age and older.
- c. Residents of the home under twelve (12) years of age who are on the premises and all children on the premises for supervision shall be counted against the approved capacity.
- d. A major child care home is a state-licensed child care facility in a home, operated by an experienced child care provider/proprietor for the purposes of care for up to nine (9) children in conformance with the Colorado Code of Regulations.

*Church* shall mean a place designed and intended for the regular assembly for the purposes of religious worship, meetings and other church-sponsored activities. Accessory uses such as schools, day-care centers, columbariums, counseling services and bingo parlors shall be permitted, provided that such accessory uses shall be secondary to that of normal church activities and shall be permitted within the zoning district in which the subject property is located.

*Circumference* shall mean the perimeter measurement of a building or structure, measured as a continuous line.

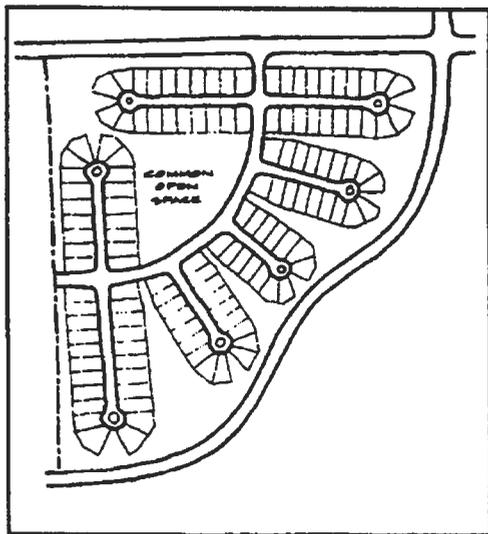
*City* shall mean the City of Greeley, Colorado.

*City Council* shall mean the City Council of the City of Greeley, Colorado.

*City Manager* shall mean the City Manager, or the City Manager's designee or other official, body or agency designated by the Charter or ordinance to act on behalf of the City of Greeley.

*Clear vision zone or area* shall mean that area which the City requires an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian or bicyclist to avoid a collision.

*Cluster subdivision or development* shall mean a form of development in which the lot sizes are reduced and the resulting land area is devoted to common open space.



## **Cluster subdivision**

*Co-generation plant* shall mean a facility for the purposes of producing power as a by-product of a manufacturing or power-producing process.

*Collector street* ( see *Street* ) .

*Columbarium* shall mean a structure or place for the interment of ashes of the cremated dead.

*Commemorative sign* shall mean a sign, tablet, cornerstone or plaque memorializing a person, event, structure, site or landmark and not used to advertise a product, service or activity.

*Commercial or industrial development identification sign* shall mean an on-premises sign for identifying a commercial or industrial development, park or subdivision.

*Commercial mineral deposit* shall mean a natural mineral deposit of limestone used for construction purposes, coal, sand, gravel and quarry aggregate, for which extraction is or will be commercially feasible and regarding which it can be demonstrated by geologic, mineralogic or other scientific data that such deposit has significant economic or strategic value to the area, state or nation.

*Commission* shall mean the Planning Commission of the City, or in Chapter 18.56, the Oil and Gas Conservation Commission of the State of Colorado (OGCC), or in Chapter 18.36, the Historic Preservation Commission of the City.

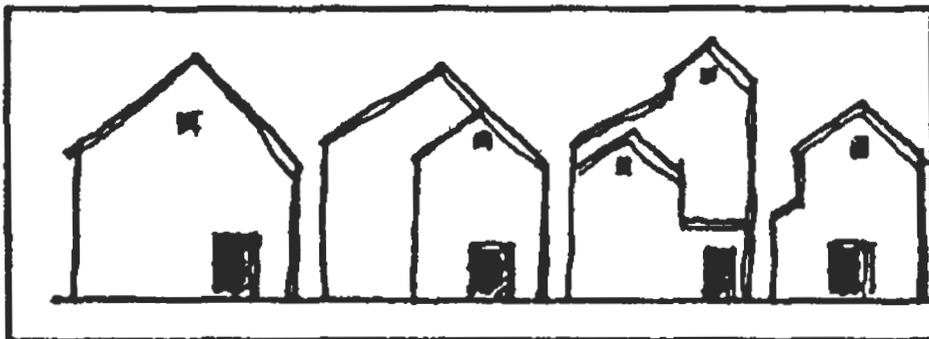
*Common consumption area* shall mean an area designed as a common area located within a designated Entertainment District and approved by the Local Licensing Authority that uses physical barriers to close the areas to motor vehicle traffic and limit pedestrian access.

*Community* as used in Chapter 18.48 shall mean one (1) or more populations of plants and animals in a common grouped arrangement, within a specified area.

*Community Development Director* shall mean the Community Development Director of the City.

*Community event sign* shall mean a sign that provides information relating to any community event sponsored by a nonprofit group or agency.

*Compatible* shall mean having harmony in design, appearance, use and/or function of the characteristics of a building or structure, a neighborhood or an area. Design characteristics may include, but are not limited to, height, mass, scale, land use, architecture, color and materials.



### **Compatible roof pitch, scale, massing and height**

*Comprehensive Plan* shall mean the Comprehensive Plan of the City, as provided for in the City Charter and which provides for the future growth and improvement of the community, for the preservation of historic and natural resources and for the general location and coordination of streets and highways, recreation areas, public building sites and other physical development.

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

*Condominium* shall mean a form of ownership in which the interior floor space of a unit or area is owned individually, and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis.

*Conical surface* shall mean a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.

*Conservation easement* shall mean an easement acquired by the public and which is designed to restrict the use of private land to preserve open space or natural resource areas.

*Contractor sign* shall mean a sign naming those engaged in the design, financing and construction on the property where the sign is located.

*Contributing buildings, site, structures and objects*, for the purposes of Chapter 18.36, means historic properties within the proposed or designated district and includes individually designated properties and nondesignated properties that contribute to the historic district by their shared and unique architectural, historic or geographic characteristics.

*Convenience store* shall mean a general retail store which sells goods which may include ready-to-eat products, groceries and sundries which comprise more than twenty-five (percent 25%) of all sales and which may accompany gasoline pumps and the sale of gasoline.

*Copy or print shop* shall mean an establishment that provides duplicating services using photocopy, blueprint, offset and typesetting printing equipment and including collating of booklets and reports.

*Cornerstones* shall mean a stone forming a part of a corner or angle in a wall that provides building identification.

*Correctional facility* shall mean a secured facility providing housing and treatment of those convicted and confined for serious criminal offenses.

*Corridor or movement corridor* shall mean a belt, band or stringer of vegetation or topography that provides a completely or partially suitable habitat and which animals follow during daily, periodic or seasonal movements.

*Coverage* shall mean land area which is covered with impervious surfaces, such as buildings, patios or decks with roofs, carports, swimming pools, tennis courts or land area covered by any other type of structure, including parking lots.

*Crematorium* shall mean a place for the cremation of human or animal remains.

*Critical facility* shall mean a structure or related infrastructure, but not the land on which it is situated, as specified in Section 18.34.130, that, if flooded, may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

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

*Cul-de-sac* shall mean a local street of no more than five hundred (500) feet in length, with one (1) open end and the other end terminating in a vehicular turn around.

*Day* shall mean a calendar day, unless otherwise noted.

*Deciduous* shall mean a plant with foliage that is shed annually.

*Deck* shall mean a floored outdoor area, typically elevated above grade and adjoining a residential dwelling.

*Dedication* shall mean setting aside property for a specific purpose, including but not limited to streets, utilities, parks and trails.

*Demolition*, for the purposes of this Chapter 18.36, means any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

*Demolition by neglect* means neglect in maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

- (1) The deterioration of exterior walls or other vertical supports or a portion thereof;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of exterior chimneys;
- (4) The deterioration of exterior plaster or mortar;
- (5) The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; or
- (6) The serious deterioration of any documented exterior architectural feature or significant landscape feature which, in the judgment of the Commission, produces a detrimental effect upon the character of the district.

*Density* shall mean the number of dwelling units per gross acre of land area.

*Designated property* means a historic property individually listed on the City's historic register through the procedural requirements in Section 18.36.070 and which meets the criteria set forth in Section 18.36.060.

*Detention area* shall mean an area which is designed to capture specific quantities of storm water and to gradually release the same at a sufficiently slow rate to reduce the risk of flooding.

*Developing* shall mean a lot, or grouping of lots or tracts of land, with less than sixty percent (60%) of their perimeter boundary adjacent to existing development. For the purposes of this definition, public parks, natural areas and other such areas which are not eligible for further development shall be considered *developed*. Areas which were originally platted prior to 1978 and which have at least seventy-five percent (75%) of the lots in the development built on within this twenty-year period shall also be considered *developed*. A replat of the original plat shall not affect the commencement of this twenty-year period.

*Development* shall mean any construction or activity which changes the basic character or use of land on which construction or activity occurs, including but not limited to, any non-natural change to improved or unimproved real estate, substantial improvements to buildings or other structures, mining, dredging, filling, grading, paving, extraction or drilling operations.

*Development concept master plan* shall mean a preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages.

*Development or subdivider's agreement* shall mean a written instrument for the purposes of specifying all improvements to be constructed by the subdivider, as well as the time table for construction of such improvements, any special conditions of construction and construction cost estimates.

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

*Digital Flood Insurance Rate Map (DFIRM)* shall mean a FEMA digital floodplain map. These digital maps serve as regulatory floodplain maps for insurance and floodplain management purposes.

*Direct lighting* shall mean spot or floodlighting used to illuminate a sign surface.

*Directional on-site* shall mean signs that direct the movement or placement of pedestrian or vehicular traffic on a lot without reference to, or inclusion of, the name or logo of a product sold or

services performed on the lot or in a building, structure or business enterprise occupying property, such as "welcome," "entrance," "exit," "restrooms," "parking," "loading area" and "drive-thru."

*Director*, for the purposes of Chapter 18.56, shall mean the Director of the Oil and Gas Conservation Commission of the State of Colorado.

*Directory sign* shall mean a sign listing the names, uses or locations of the various businesses or activities conducted within a building or group of buildings, that is centrally located and intended to provide on-site directions and is not legible off-site.

*Dissolve* shall mean a mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

*District* shall mean a portion of the community within which uniform regulations apply.

*District designation plan*, for the purposes of Chapter 18.36, means a plan generated by the historic district residents and/or owners for Commission use in reviewing Certificate of Approval applications. This plan shall incorporate elements such as, but not limited to, building height, setback, building envelope and new construction.

*Downtown Entertainment District* shall mean that area contained within the south curb flow line of 7th Street, the west curb flow line of 8th Avenue, the north curb flow line of 10th Street and the east curb flow line of 9th Avenue.

*Drive-in or drive-thru* shall mean an establishment that, by design of physical features or by service or packaging procedures, encourages or permits customers to order and receive food or beverages while remaining in a motor vehicle for consumption on or off the site and which includes a menu board and audio or video speakers.

*Drive-up* shall mean an establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive services or obtain or drop off products while remaining in a motor vehicle and which excludes a menu board and/or audio or video speakers.

*Driveway* shall mean an improved concrete or asphalt path leading directly to one (1) or more City-approved parking spaces constructed with a concrete, asphalt or similar all-weather surface.

*Dry wash channel* shall mean natural passageways or depressions of perceptible extent, containing intermittent or low-base flow.

*Dust abatement plan* shall mean a plan intended and designed to control dust during the construction or development of property.

*Dwelling or residence, multiple-family* shall mean a building, site or a portion thereof which contains three (3) or more dwelling units, not including hotels, motels, fraternities, sororities and similar group quarters.

*Dwelling or residence, secondary* shall mean a second, freestanding residential building constructed or placed on an infill lot or tract of land which contains a principal residential building.

*Dwelling or residence, single-family* shall mean a detached principal building, other than a mobile home, designed for and used as a single dwelling unit by one (1) family. The term *single-family residence* shall include a manufactured home which:

- a. Is partially or entirely manufactured in a factory;
- b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length;
- c. Is installed on an engineered permanent foundation;
- d. Has a brick, wood or cosmetically equivalent exterior siding and all exterior walls which provide a consistent, continuous facade from the bottom of the soffit (top of the wall

section) downward to the top of the exposed perimeter wall, foundation or to grade, whichever is applicable; and has a pitched roof; and

- e. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq., as amended, and all regulations enacted pursuant thereto, including any local modifications as are expressly allowed by federal law, or which has been certified by the State of Colorado as being in compliance with the requirements of the Uniform Building code, as adopted by the State of Colorado and as is enforced and administered by the Colorado Division of Housing.

*Dwelling or residence, two-family* shall mean a building containing two (2) independent living units and which may commonly be referred to as a *duplex* .

*Dwelling unit* shall mean one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease as a single unit, on a monthly basis or longer, physically separated from any other room or dwelling units which may be in the same structure and served by no more than one (1) gas meter and one (1) electric meter.

*Easement* shall mean a right granted by a property owner permitting a designated part of interest in the property owner's property to be used by others for a specific use or purpose.

*Ecological character* shall mean the natural features and attributes of an area or landscape that, combined, give the area its character.

*Educational facility*, as used in Chapter 18.56, shall mean any building used for legally allowed educational purposes for more than twelve (12) hours per week for more than six (6) persons. This includes any building or portion of building used for licensed day-care purposes for more than six (6) persons.

*Election sign* shall mean a sign related to public election.

*Electronic message display* shall mean a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

*Elderly group housing* shall mean a building which is occupied by not more than eight (8) persons who are sixty (60) years of age or older and who use the building as their primary residence, if the building is either owned by some or all of them or by a nonprofit corporation.

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

*Emergency*, for the purposes of Chapter 18.36, means an unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

*Emergency shelter or mission* shall mean a facility operated by a nonprofit, charitable or religious organization providing temporary housing, food, clothing or other support services, such as counseling and referral services, primarily for homeless individuals or those at risk.

*Enhancement* shall mean the improvement of the land or water of the impacted or replacement area, beyond that which would occur without the development.

*Entertainment District* shall mean an area within the City that is designated as an Entertainment District of a size no more than one hundred (100) acres and containing at least twenty thousand (20,000) square feet of premises licensed as a tavern, hotel and restaurant, brew pub, retail gaming tavern or vintner's restaurant at the time the District is created.

*Entertainment establishment* shall be a land use designation in addition to the underlying principal land use and shall mean:

- a. Any commercial establishment which shares a common wall or zero lot line property boundary with a residential land use or that is within one hundred (100) feet of a residential land use as measured from building to building, and:
  1. Dispenses alcohol beverages on the premises and where amplified or live entertainment is provided; or
  2. Does not dispense alcohol beverages but provides amplified or live entertainment either independent of or in conjunction with any other uses, except where amplified sound is provided only as background entertainment and at levels not to interrupt normal conversation at or beyond the property line.

*Evergreen* shall mean a plant with foliage that persists and remain green year-round.

*Existing development* shall mean any development in the City once all public improvements, including water, sewer, streets, curb, gutter, streetlights, fire hydrants and storm drainage facilities, are installed and completed.

*Exposed incandescent or high intensity discharge lighting* shall mean any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon.

*Exterior or perimeter wall* shall mean a wall, elements of a wall, parapet wall or any elements or groups of elements which define the exterior boundaries or courts of a building.

*Facade* shall mean the exterior face of a building.

*Fade* shall mean a mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

*Family* shall mean an individual living alone, or any number of persons living together as a single household who are interrelated by blood, marriage, adoption or other legal custodial relationship; or not more than two (2) unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. In multi-family units, the number of unrelated adults shall be determined based on the provisions of the City's Housing Code. For purposes of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of his or her employment shall be considered a member of the family.

*Farming* shall mean the production of crops such as vegetables, fruit trees or grain; the growing of trees and shrubs for landscape purposes; and the raising of farm animals such as poultry or swine, which shall be limited to the animal unit capacity as determined in the definition of *animal unit* and the Animal Unit Equivalency Chart in these definitions. Farming shall not include the commercial raising of animals, commercial production of milk, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

*Federal register* shall mean the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

*Fence* shall mean any artificially constructed barrier of an approved material or combination of materials erected vertically to enclose or screen areas of land.

*Figures* shall mean an outline, shape or pattern of numbers, letters or abstract images.

*Filing plat* ( see *Plat, filing* ) .

*Financial security or guarantee* shall mean a financial obligation, in a form acceptable to the City, which assures completion and payment for all improvements related to development of property.

*Flag* shall mean material attached to or designed to be flown from a flagpole or similar device and which may display the name, insignia, emblem or logo of any nation, state, municipality or commercial or noncommercial organization (see also *Pennants* ).

*Flashing or animated* shall mean signs or lighting with flashing, blinking, moving or other animation effects or that give the visual impression of such movement by use of lighting, or intermittent exhibits or sequential flashing of natural or appearance of artificial light or colors, including those signs that rotate, revolve, spin, swing, flap, wave, shimmer or make any other motion, or illusion of motion, or which imitate official governmental protective or warning devices (see *imitating sign* ).

*Flea or farmer's market* shall mean an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer new and used goods or produce for sale to the public, not including private garage sales.

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

*Flood, base* shall mean a flood having a one-percent chance of being equaled or exceeded in any year. This term is used interchangeably with the terms *intermediate regional flood* , *one-hundred-year flood* , *one-percent flood* and *area of special flood hazard* .

*Flood Boundary and Floodway Map (FBFM)* shall mean an official map, as amended from time to time, issued by the Federal Emergency Management Agency, where the boundaries of the base flood, floodway and five-hundred-year flood have been delineated.

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

*Flood fringe* shall mean that portion of the floodplain that could be obstructed without increasing the water surface elevation of the base flood more than one (1) foot.

*Flood hazard, area of special* shall mean the land within the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

*Flood Insurance Rate Map (FIRM)* shall mean an official map issued by the Federal Emergency Management Agency, as amended from time to time, where the boundaries of the base flood, five-hundred-year flood, water surface elevations of the base flood and Special Flood Hazard Areas and the risk premium zones have been delineated.

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

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

*Floodplain, debris fan* shall mean a floodplain located on land forms that form by deposition of water-transported rock fragments, soil and vegetation debris at the confluence of tributary streams with a larger trunk stream valley.

*Floodplain, dry wash* shall mean an area adjacent to a dry wash channel which is periodically subject to sudden water and debris flooding.

*Flood protection elevation, regulatory* shall mean the elevation one (1) foot above the peak water surface elevation of the base flood.

*Floodplain Administrator* shall mean the community official designated by title to administer and enforce the floodplain management regulations.

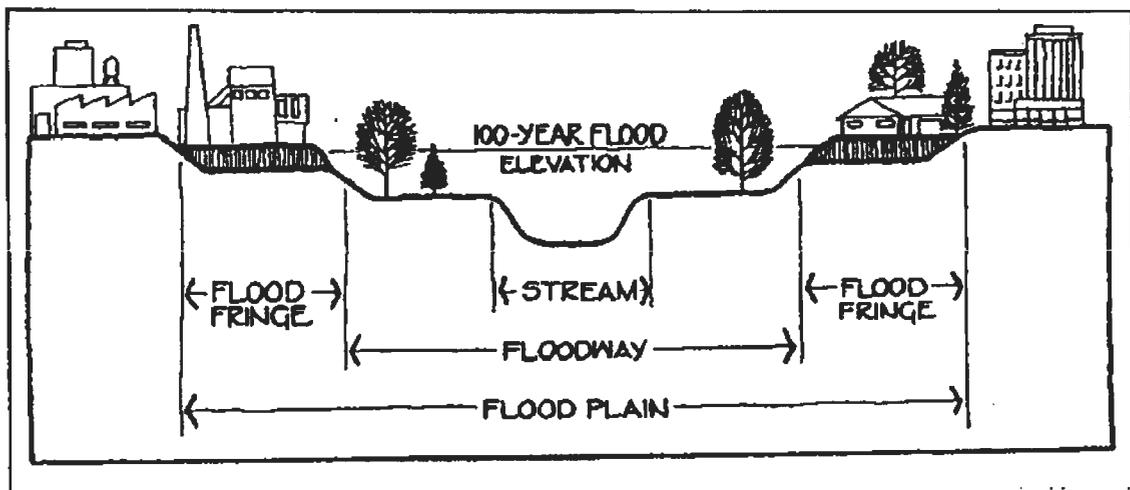
*Floodplain development permit* shall mean a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). Permits are required to ensure that proposed development projects meet the requirements of the NFIP and Chapter 18.34 of this Code.

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

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

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

*Floodway (regulatory floodway)* shall mean the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six [6] inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.



### **Floodway, floodplain, flood fringe**

*Floor area, gross* shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level, or from the center lines of walls separating two (2) buildings and excluding areas used exclusively for the service of the building such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, any floor space in accessory buildings, or areas within the building which are intended for the parking of motor vehicles.

*Floor area ratio* shall mean the ratio of floor area to lot area, commonly referred to as *FAR*.

*Flow line* shall mean the low point within a street section wherein water is intended to collect and flow, typically the gutters along each edge of pavement.

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

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

*Frame* shall mean a complete, static display screen on an electronic message display.

*Frame effect* shall mean a visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

*Fraternalities and sororities* shall mean student organizations established primarily to promote friendship and welfare among the members and which shall provide a place of residence for members.

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

*Freestanding sign* shall mean a sign which is not attached to any building. A freestanding sign shall include, but is not limited to, a pole, monument, a canopy and freestanding wall sign. A sign that extends more than four (4) feet from a wall but is attached and/or is part of a canopy or an awning shall be considered a freestanding sign.

*Freestanding wall or fence* shall mean either a wall that is not attached to a building or a wall attached to a building that projects more than four (4) feet beyond the exterior wall of the habitable portion of the building.

*Frontage lot/property* shall mean that portion of a lot that is directly adjacent to a public street.

*Funeral home or mortuary* shall mean a building or part thereof used for human funeral services, which may contain space and facilities for services used in preparation of the dead for burial; the storage of caskets, urns and other related funeral supplies; and the storage of funeral vehicles. *Funeral homes* shall not include crematoriums as accessory uses.

*Garage or yard sale* shall mean the occasional sale of new or used goods at a residence, which may be held outside and/or within a garage or accessory building and which shall occur no more than two (2) times during a calendar year, for no more than three (3) consecutive days each time, within any consecutive twelve-month period.

*Gas* shall mean all natural gases and all hydrocarbons not defined as oil.

*General Improvement District #1* shall mean that nineteen-block district bounded by 11th Street to the south, 6th Street to the north, 7th Avenue to the east and 11th Avenue to the west, excluding City Block 35.

*Geologic hazard* shall mean a geologic condition which is adverse to current or foreseeable future construction or land use associated therewith, constituting a hazard to public health and safety

or property, including but not limited to, landslide, rock fall, subsidence, expansive soils, slope failure, mudflow or other unstable surface or subsurface conditions.

*Ghost sign* shall mean old hand-painted signage that has been preserved on a building for an extended period of time, whether by actively keeping it or choosing not to destroy it.

*Glare* shall mean a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

*Grade* shall mean the average elevation of the finished surface of the ground, paving or sidewalk with a radius of five (5) feet from the base of the structure.

*Graphics* shall mean drawings, decals, paint or illustrations.

*Gravel* shall mean inert materials such as loose fragments of rock larger than "pea" size and commonly used as parking surface material.

*Gross floor area* ( see *Floor area* ) .

*Gross land area* shall mean the total land area of a site or property, including land to be dedicated for streets and other public purposes.

*Ground cover* shall mean those materials used to provide cover of the soil in landscaped areas and shall include river rock, cobble, boulders, patterned concrete, grasses, flowers, low growing shrubs and vines and those materials derived from once-living things, such as wood mulch.

*Ground kites* are freestanding frames usually covered with flexible fabric and designed to be animated by the wind to attract attention.

*Group home* shall mean a residence operated as a single dwelling housing no more than eight (8) individuals, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, or social or behavioral problems, provided that authorized supervisory personnel are present on the premises. *Group homes* shall not include alcoholism or drug treatment centers, work release facilities or other housing facilities serving as an alternative to incarceration. Group homes which are mandated by federal or state regulations shall be permitted as required by law.

*Group home, over eight (8) residents* shall mean an institutional facility for more than eight (8) individuals, licensed by or operated by a governmental agency, for the purpose of providing special care or rehabilitation due to physical condition or illness, mental condition or illness, social or behavioral problems, for alcoholism or drug treatment, or work release facilities.

*Guest* shall mean a person who is visiting at the principal or primary home of another person for up to thirty (30) days, and which home is not the principal or primary home of the guest.

*Habitat* shall mean areas that contain adequate food, water and cover to enable one (1) or more species of wildlife to live in or use the area for part of all of the year and which typically consists of natural or planted vegetation, along with one (1) or more sources of water available in the area or adjacent areas.

*Habitat, aquatic* shall mean areas which are typically adjacent to sub-irrigated areas or standing or flowing water and which can be identified by the presence of water at or near the ground surface, including streams, rivers, creeks, lakes, ponds, reservoirs, wetlands, marshes, springs, seep areas, bogs and riparian areas.

*Habitat, terrestrial* shall mean trees, shrubs, grasses, forbs and legumes which provide food and/or cover for one (1) or more species of wildlife.

*Hazard* shall mean any structure or use of land which endangers or obstructs the airspace required for aircraft in landing, take-off and maneuvering at the airport.

*Hazard to air navigation* shall mean an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Hazardous material* shall mean any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance, or which may be detrimental to the natural environment and/or wildlife inhabiting the natural environment.

*Health club* shall mean those private establishments intended for the purpose of improving or maintaining a person's physical health and well-being, including but not limited to, private gymnasiums, private athletic, health or recreational gyms, reducing salons and weight control establishments.

*Height* ( see *Building height* ) .

*Height*, for the purposes of determining the height limits in all zones set forth in Chapter 18.34 and shown on the Greeley-Weld County Airport Zoning Map, shall be the mean sea level elevation unless otherwise specified.

*Heliport* shall mean an area licensed for the loading, landing and takeoff of helicopters, including auxiliary facilities such as parking, waiting rooms, fueling and maintenance equipment.

*Helistop* shall mean a heliport without auxiliary facilities.

*High density area*, as used in Chapter 18.56, shall mean an area determined at the time the well is permitted on a well-by-well basis, by calculating the number of occupied building units within the seventy-two-acre area defined by a one-thousand-foot radius from the wellhead or production facility and shall mean any tract of land which meets one (1) of the following:

- a. Thirty-six (36) or more actual or platted building units within a one-thousand-foot radius, or eighteen (18) or more building units are within any semi-circle of the one-thousand-foot radius, at an average density of one (1) building unit per two (2) acres. If platted building units are used to determine density, then fifty percent (50%) of said platted units shall have building units under construction or constructed;
- b. An educational facility, assembly building, hospital, nursing home, board and care facility or jail is located within one thousand (1,000) feet of a wellhead or production facility; or
- c. If a designated outside activity area is within one thousand (1,000) feet of a wellhead or production facility, the area may become high density upon application and determination by the OGCC.

*High impact areas*, as used in Chapter 18.48, shall mean those designated areas which contain significant natural features which would be severely and negatively compromised by development. Such areas are identified on the Areas of Ecological Significance Map.

*High intensity use*, for the purposes of Chapter 18.44, shall mean a use expected to have a significant effect on adjacent properties as determined on Chart 18-2, *Required Buffer Yard* .

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

*Hillside development* shall mean development in areas which contain existing, natural slopes in excess of fifteen percent (15%).

*Historic district* shall mean a geographically definable area with a concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations, that is recognized through listing in a local, state or national landmarks register.

*Historic preservation* shall mean the protection, rehabilitation and/or restoration of districts, buildings, structures and artifacts which are considered significant in history, architecture, archaeology or culture.

*Historic property* shall mean the resources of the City, both public and private, including buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites that

have importance in the history, architecture, archaeology or culture of the City, state or nation, as determined by the Historic Preservation Commission.

*Historic sign* shall mean a sign that has been officially designated as a historic landmark.

*Historic structure* shall mean any structure that is:

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

*Holiday decorations* shall mean temporary decorations, lighting or displays which are clearly incidental and customary and commonly associated with any national, state, local, religious or commonly celebrated holiday and which contain no commercial message.

*Home occupation* shall mean an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of a residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential environment and which meets the provisions of Chapter 18.36.

*Home occupation, rural* shall mean an accessory use to a farming operation or a nonfarm household located in a rural area, designed for gainful employment involving the sale of agricultural produce grown on the site, conducted either from within the dwelling and/or from accessory buildings located within five hundred (500) feet of the dwelling occupied by those conducting the rural home occupation.

*Homeowners' association* shall mean an association of homeowners or property owners within a development, typically organized for the purpose of enforcement of private covenants and/or carrying out the maintenance of common areas, landscaping, parks, building exteriors and streets.

*Horizontal surface* shall mean a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan view coincides with the perimeter of the horizontal zone (four thousand eight hundred eight [4,808] feet above sea level).

*Hospital* shall mean a facility providing health services primarily for in-patients and medical or surgical care of the human sick and injured, including as an integral part, such related facilities as laboratories, out-patient services, rehabilitation and recovery services, training facilities, central service facilities and staff offices.

*Hospital, nursing home, board and care facilities*, as used in Chapter 18.56, shall mean buildings used for the licensed care of more than five (5) in-patients or residents.

*Hotel or motel* shall mean a facility offering furnished lodging accommodations on a daily or weekly rate to the general public, for which a lease or deposit is not required and which may provide additional services, such as restaurants, meeting rooms and recreational facilities. Rental of a hotel or motel room on a daily basis shall not occur more than twice during any twenty-four-hour period.

*Household pet* shall mean any nonvenomous species of reptile and any domestic dog, cat, rodent, primate or bird over the age of four (4) months, which is typically kept indoors. For purposes of this definition, guide or assistance animals shall not be considered household pets.

*Human sign* shall mean a person carrying or wearing a sign.

*Hydric soils* shall mean soils which are saturated, or nearly so, during all or part of the year.

*Hydrophilic plant populations* shall mean vegetation that requires standing or flowing water, or saturated or nearly saturated soils in order to grow.

*Ideological sign* shall mean a sign which is not used for the purpose of advertising, identifying or announcing any commercial product, goods, establishment, facilities or services and which conveys ideas, philosophy or religious or political views not related to a specific election.

*Illumination* shall mean the use of artificial or reflective means for the purpose of lighting a sign.

*Imitating sign* shall mean signs which purport to be, are an imitation of, or resemble an official traffic sign, signal or equipment which attempt to direct the movement of pedestrian or vehicular traffic using such words as "Stop," "Danger" or "Caution" to imply a need or requirement to stop, or a caution for the existence of danger, such as flashing red, yellow and green (see *Flashing or animated* ).

*Incidental sign* shall mean nondescript signs, emblems or decals attached to a permanent structure informing the public only of those facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business.

*Indirect lighting* shall mean reflected light or lighting directed toward or across a surface.

*Individual letters* (see *Channel letters* ).

*Infill* shall mean a lot, or grouping of lots or tracts of land, with at least sixty percent (60%) of their perimeter boundary adjacent to existing development. If a right-of-way at least one hundred twenty (120) feet in width or streets designated on the Comprehensive Transportation Plan as major collectors or arterial streets are adjacent to the subject lot, lots across such a street shall be excluded for the purposes of determining *infill* and at least sixty percent (60%) of the remaining boundaries of the site shall be adjacent to existing development for the lot to be determined to be *infill* .

*Inflatable sign* or *inflatable object* shall mean any object filled with air or other gas, including balloons, which characterize a commercial symbol or contain a message.

*Inspector, City*, as used in Chapter 18.56, shall mean any person designated by the City Manager or the City Manager's designee, who shall have the authority to inspect a well site to determine compliance with Chapter 18.56 and other applicable ordinances of the City.

*Intensity* shall mean an expression of the level or nature of development in nonresidential developments, or zones or specific land uses which are expected to have a certain level of intensity.

*Intermediate care facility* shall mean a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or nursing care facility provides.

*Internal illumination* shall mean a light source that is contained within the sign itself, or where light is visible through a translucent surface.

*Irrigation system* shall mean an automatically or manually controlled sprinkler system that supplies water to support vegetation.

*Jail*, as used in Chapter 18.56, shall mean those structures where the personal liberties of occupants are restrained, including but not limited to, mental hospitals, mental sanitariums, prisons and reformatories.

*Joint identification sign* shall mean a sign, structure or surface which serves as a common or collective identification for two (2) or more uses on the same premises (see *Multi-tenant sign* ).

*Junk or refuse* shall mean garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish or junk.

*Junkyard* shall mean an industrial use for collecting, storing or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts.

*Kennel* shall be a land use designation independent of or in conjunction with another land use and shall mean any premises, operated for compensation, where four (4) or more dogs, cats or other household pets over three (3) months of age are kept for the purpose of boarding, raising, sale, breeding, training, showing, treatment, day care or grooming, whether in special structures or runs or not.

*Kiosk* shall mean a freestanding structure upon which temporary information and/or posters, notices and announcements are posted.

*Land use* shall mean the way land is occupied or utilized.

*Landing* shall mean a level part of a flight of stairs.

*Landscape plan* shall mean a plan showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way and other landscaped areas, which may include any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, fences and benches. The *landscape plan* may include a perimeter treatment plan as defined in these definitions and shall delineate species, size and location of all landscape elements.

*Landscaped area* shall mean an area for the planting of trees, shrubs, ground cover or a combination thereof and which is defined by an edge strip material or the adjacency of sod or lawn area.

*Landscaping* shall mean any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, fences and benches. Landscaping shall not be covered with parking or outdoor displays.

*Large retail use* shall mean a retail use or any combination of retail uses in a single building occupying more than forty thousand (40,000) square feet of gross floor area.

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

*Leading edge of* shall mean the point of a sign, including its support structure, nearest to the public right-of-way.

*Legal description* shall mean a land description recognized by law, including the measurements and boundaries.

*Legally nonconforming sign* is a sign that was lawfully constructed prior to the most recent enactment of this Chapter and has been maintained as a sign, but which no longer complies with the provisions of Chapter 18.54 as amended.

*Legible* shall mean a sign capable of being read with certainty without visual aid by a pedestrian of normal visual acuity.

*Letter of Map Revision (LOMR)* shall mean FEMA's official revision of an effective Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

*Letter of Map Revision Based on Fill (LOMR-F)* shall mean FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

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

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

*Live plantings* shall mean trees, shrubs and organic ground cover which are in healthy condition.

*Livestock* shall mean animals typically related to agricultural or farming uses, including but not limited to, chickens, swine, sheep, goats, horses, cattle, yaks, alpacas and emus.

*Living unit* shall mean any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

*Loading space or zone* shall mean an off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

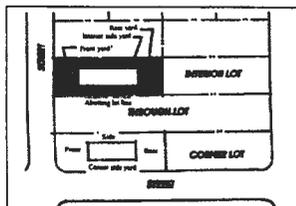
*Local government designee*, as used in Chapter 18.56, shall mean the office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local governmental designee pursuant to the rules of the OGCC.

*Local street* ( see *Street* ) .

*Long-term care facility* shall mean a health institution that is planned, organized, operated and maintained to provide facilities and services to inpatients who require care on a full-time basis, including continuum care facilities, hospices, congregate and nursing care facilities.

*Loss* shall mean a change in wildlife resources due to development activities, that is considered adverse and which would: a) reduce the biological value of habitat; b) reduce the numbers of species; c) reduce population numbers of species; d) increase population numbers of nuisance/generalist species; e) reduce the human use of wildlife resources; or f) disrupt ecosystem structure and function.

*Lot* shall mean a parcel of land, established by a subdivision plat, having a minimum width of at least twenty (20) feet, which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one (1) or more principal buildings, structures or uses.



## Types of lots

*Lot area* shall mean the total square footage or acreage contained within lot lines.

*Lot , corner* shall mean a lot abutting on and at the intersection of two (2) or more streets.

*Lot coverage* (see *Coverage* ).

*Lot depth* shall mean the average distance between the front and rear lot lines.

*Lot, double frontage or through* shall mean a lot that fronts upon two (2) parallel streets or that fronts upon two (2) streets that do not intersect at the boundaries of the lot. The lot line abutting the street which provides primary access shall be considered the front lot line.

*Lot, interior* shall mean a lot other than a corner lot, with frontage on only one (1) street.

*Lot line* shall mean a line dividing one (1) lot from another lot, or from a street or alley.

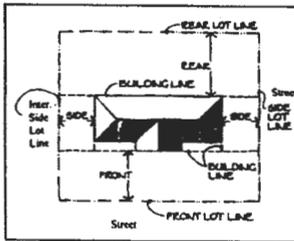
*Lot line, front* shall mean the property line dividing a lot from a street. On a corner lot, only one (1) street lot line, which generally has the shorter street frontage, shall be considered as a front line.

*Lot line, interior side* shall mean a side lot line which is adjacent to a side lot line of another lot.

*Lot line, rear* shall mean the line opposite the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front lot line.

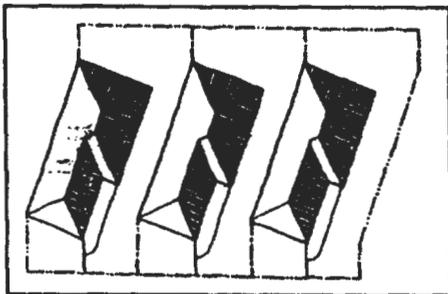
*Lot line, side* shall mean any lot lines other than the front or rear lot line.

*Lot line, street side* shall mean a side lot line which separates the lot from a street.



## Lot and building lines

*Lot line, zero* shall mean the location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line, provided that separations or setbacks between buildings meet all applicable building and fire code provisions.



## Zero lot line development

*Low intensity use*, for the purposes of Chapter 18.44, shall mean a use expected to have a limited effect on adjacent properties as determined on Chart 18-2, *Required Buffer Yard* .

*Lowest floor* shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, shall not be considered a building's lowest floor; provided that such enclosure shall not be built so as to render the structure in violation of the applicable design requirements of Chapter 18.34, Floodplain Overlay.

*Low-water adaptive plants* shall mean those plants which have or can adapt to low levels of irrigation water.

*Maintenance*, as used in Chapter 18.36, shall mean measures to protect and stabilize a property, including ongoing upkeep, protection and repair of historic materials and features. Maintenance shall include the limited and responsive upgrading of mechanical, electrical and plumbing systems and other code-required work to make a property safe and functional.

*Maintenance of landscaping* shall mean, but not be limited to, regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of irrigation systems.

*Maintenance of a sign* shall mean cleaning, repairing, painting or replacement of defective parts in a manner that does not alter the dimension, material or structure.

*Major Alteration*, for the purposes of Chapter 18.36, means a modification to a structure that has potential to significantly alter the character of the property and includes, but is not limited to, window replacement; building addition; porch enclosure; reconstruction of a portion of the primary building; addition of dormers or other alteration to the roofline; reconstruction of features on a building; material replacement with a different material (e.g. siding, etc.); alteration or replacement of a character-defining feature; demolition; relocation; and new construction. Major alterations include any modification that is not considered maintenance or a minor alteration.

*Manufactured home* ( see *Dwelling or residence, single-family* ) .

*Manufacturing* shall mean the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials such as lubricating oils, plastics or resin.

*Mass* shall mean the total volume in size and height of a building or structure.

*Material Safety Data Sheet (MSDS)* shall mean a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

*Mean sea level* shall mean, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

*Mechanical equipment* shall mean any and all equipment ancillary to the use or function of a building and/or structure, including but not limited to, heating or cooling equipment, pool pumps and filters, electrical equipment, transformers, exhaust stacks and roof vents.

*Medical or dental clinic or office* shall mean the office of practitioners of the healing arts, where the practitioner employs more than one (1) person, the primary use is the delivery of health care services and no overnight accommodations are provided.

*Medium intensity use*, for the purposes of Chapter 18.44, shall mean a use expected to have a moderate effect on adjacent properties as determined on Chart 18-2 *Required Buffer Yard* .

*Membership clubs and facilities* shall mean golf courses, tennis courts, swimming pools, country clubs and recreational facilities for fraternal organizations, all of which are owned and operated with a limited membership or by private individuals who own the facilities and are the sole users of them.

*Menu board* shall mean a permanently mounted sign which lists the products or services available at a drive-in or drive-thru facility and not legible from the right-of-way.

*Midpoint* shall mean that point equidistant from the foundation at ground level, to the apex of the roof, excluding roof structures, stairways, parapet walls, towers, flagpoles, chimneys or similar structures.

*Mid-Range Expected Service Area* shall mean the growth area capable of accommodating the estimated increase in development in the City in the next five (5) years.

*Mineral owner* shall mean any person having title or right of ownership in subsurface oil and gas or leasehold interest therein.

*Minor Alteration*, for the purposes of Chapter 18.36, means a modification to a structure that does not significantly alter the character of the property and includes, but is not limited to, replacement of roof; installation and repair/replacement of gutters if exterior trim elements are not altered; reconstruction and/or repair of portions of secondary structures; addition or replacement of storm windows and doors to existing windows and doors; repair or replacement of architectural elements with the same material, design, size, color and texture; replacement of less than fifty percent (50%) of a porch railing; replacement of original material with the same material (e.g. replacing a portion of wood siding with wood siding of same size, profile, type); removal of non-original material, such as vinyl, aluminum, etc.; adding awnings; repointing masonry; and signs requiring a permit.

*Minor subdivision* shall mean a subdivision procedure that may be used for division of a parcel of land of two (2) acres or less into not more than five (5) lots which are intended for residential use; or of five (5) acres or less into not more than three (3) lots which are intended for commercial or industrial use; or for the creation of lots not less than eighty (80) acres in size, the plat of which does not propose new public streets or municipal financial participation in any public improvements required as a result of said proposed plat. A minor subdivision may also be used for the aggregation of not more than five (5) parcels into one (1) or more parcels, the dedication and/or vacation of easements, the division of a parcel of land into town house lots, adjustments to lot lines and to correct errors in surveys or plats.

*Mitigation* shall mean a mechanism for addressing undesirable impacts on fish, wildlife, plants, habitat and other natural resources. Mitigation may be accomplished in several ways, including reducing, minimizing, rectifying, compensating or avoiding impacts. Mitigation may include: a) avoiding the impact altogether by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the affected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or e) compensating for the impact by replacing or providing substitute resources or environments.

*Mixed-use* shall mean a building or structure that contains two (2) or more different uses, one (1) of which shall be residential.

*Mobile home* shall mean a detached, single-family housing unit that does not meet the definition of single-family dwelling or residence set forth in these definitions and which has all of the following characteristics:

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

- d. Exceeding eight (8) feet in width and thirty-two (32) feet in length, excluding towing gear and bumpers; and
- e. Is without motive power.

*Mobile home accessory building or structure* shall mean a building or structure that is an addition to or supplements the facilities provided in a mobile home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, garages, storage structures, carports, fences, windbreaks or porches and patios that are open on at least three (3) sides.

*Mobile home park or community* shall mean a site or tract of land, at least eight (8) acres in size, held under one (1) ownership, which is suited for the placement of mobile homes.

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

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

*Mobile home site* shall mean a plot of ground within a mobile home community designed for the accommodation of one (1) mobile home and its accessory structures.

*Model home* shall mean an unoccupied dwelling unit built on a site in a development for display and/or sales purposes and which may include an office solely for the development in which it is located, and which typifies the units that will be constructed in the development.

*Moderate impact areas*, as used in Chapter 18.48, shall mean those designated areas which contain significant natural features which would be moderately and negatively compromised by development. Such areas are identified on the Areas of Ecological Significant Map.

*Monoculture* shall mean the extensive use of the same species of plant materials.

*Monument sign* shall mean a freestanding sign supported primarily by an internal structural framework or other solid structure features where at least sixty percent (60%) of the base of the sign is in contact with the ground.

*Moving/relocating* means lifting a building, structure or object from the existing location and taking it to a new location.

*Multi-tenant sign* shall mean a sign which serves as a common or collective identification for two (2) or more uses on the same premises (see *Joint identification sign* ).

*Multiple use* shall mean a site, tract of land or development that contains more than one (1) type of land use, including but not limited to, residential, office, retail or industrial uses.

*Mural* shall mean a graphic displayed on the exterior wall of a building, generally for the purposes of decoration or artistic expression, including but not limited to paintings, frescoes or mosaics, with the exception that any portion of the mural that references the business name, logo, words, text or brand-specific merchandise shall be considered a sign.

*Nameplate sign* shall mean a door entrance sign indicating the name and address of a building or the name of an occupant.

*National Flood Insurance Program (NFIP)* shall mean FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief

and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

*Natural area* shall mean aquatic or terrestrial habitats or areas which exist in their natural condition and which have not been significantly altered by human activity.

*Natural area corridor* shall mean an aquatic or terrestrial corridor that connects one (1) or more natural areas or habitats together.

*Natural feature* shall mean those features which give an area its general appearance and ecological character and which attract or support the wildlife species that use or inhabit the area.

*Neighborhood* shall mean the land area which is in the vicinity of the lot, tract or parcel of land in question and which will be affected to a greater extent than other land areas in the City by uses which exist on the lot or are proposed for it. A *neighborhood* also includes lots which are adjacent to one another and have a community of shared interest.

*Neon* shall mean a sign illuminated by a light source consisting of a neon or gas tube that is bent to form letters, symbols or other shapes.

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

*Newspaper and publishing plants* shall mean industrial facilities used for printing newspapers and large quantities of other printed materials, such as books, posters, leaflets and reports and which may include facilities for the shipping and receiving of materials and products.

*Nits* shall mean a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one (1) candela per square meter.

*Nomination*, for the purposes of Chapter 18.36, means the process of filing an application for designation.

*Nonconforming* shall mean any building, structure or use that does not conform to the regulations of this Code, but which was lawfully constructed, established and/or occupied under the regulations in force at the time of construction or initial operation.

*Noncommercial sign* ( see also *Residential complex, subdivision or residential identification sign*) .

*Nonconforming sign* ( see *Legally nonconforming sign*).

*Nonconforming mobile home communities* shall mean mobile home communities lawfully established and properly licensed by the City under the 1976 Code, or which were developed and used prior to and as of September 5, 1972, as a place where mobile homes were located for residential occupancy and, as of that date, the area must have been in compliance with any and all applicable City or county ordinances and regulations related to mobile home use of land.

*Noncontributing buildings, sites and structures* are those properties which do not share the architectural, historical or geographical characteristics of the historic district except for their physical presence within the district. These properties do not contribute to the historic district's characteristics. New construction shall be considered a noncontributing building or structure.

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

*Nursing home* ( see *Long-term care facility*) .

*Obstruction* shall mean any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any drain way, channel or watercourse, which might impede, retard

or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such water.

*Obstruction*, for the purposes of Chapter 18.34, shall mean any structure, growth or other object including a mobile object which exceeds a limiting height set forth in Section 18.34.330.

*Office* shall mean a building or portion thereof where services are performed involving predominantly administrative, professional or clerical operations.

*Official map* shall mean the map establishing the zoning classifications of all land in the City and showing all amendments to zoning classifications as they may be adopted.

*Off-premises advertising device* shall mean a sign or device that advertises a business establishment, good, facility, service or product which is not sold or conducted on the premises on which the sign or device is located and which may be designed to change copy on a periodic basis.

*Off-street parking areas* (see *Parking*) .

*Oil* shall mean crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

*Oil and gas operations* shall mean exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

*On-premises sign* shall mean a sign which advertises or directs attention to a business, product, service or activity which is available on the premises where the sign is located.

*Opacity* shall mean the degree or extent that light is obscured.

*Open space, common* shall mean a common area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners association, which open area may be landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required rights-of-way.

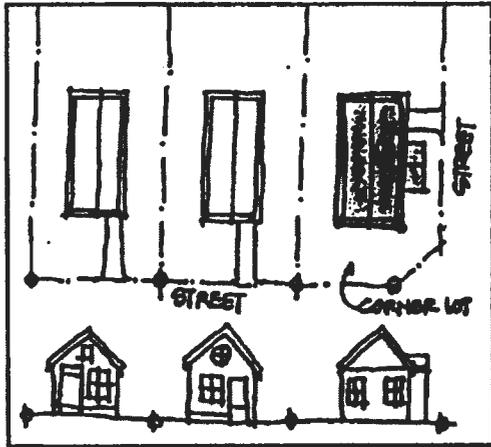
*Open space, private or on-lot* shall mean an outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the adjacent dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on-lot open space may include lawn area, decks, balconies and/or patios.

*Open space, usable* shall mean that portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants for the building for use for recreational and other leisure activities normally carried on outdoors. The area shall be unobstructed to the sky and shall have a minimum dimension of fifty (50) feet and a minimum area of six thousand (6,000) square feet. Usable open space shall also include recreational facilities as determined in Chapter 18.38

*Operating plan*, as used in Chapter 18.56, shall mean a general plan which describes an oil and gas exploration and production facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services and infrastructure, any mitigation plans and any other information related to regular functioning of that facility.

*Operator*, as used in Chapter 18.56, shall mean the person designated by the owner or lessee of the mineral rights as the operator and so identified in Oil and Gas Conservation Commission applications.

*Oriented* shall mean to locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.



### **Buildings oriented to the street**

*Ornamental tree* shall mean a deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree.

*Outdoor display* shall mean the display of products for sale outside a building or structure in areas to which customers have access, including vehicles, garden supplies, tires, motor oil, boats, aircraft, farm equipment, motor homes, burial monuments, building and landscape materials and lumber yards. Outdoor display areas in vehicular parking areas shall not impede access or reduce the number of required parking spaces.

*Outdoor storage* shall mean the keeping, outside a building, of any goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Outdoor storage shall not include the storing of junk or the parking of inoperable motor vehicles. Storage of commercial recreational vehicles / equipment, boat and personal vehicles are excluded from this definition.

*Outlot* shall mean a tract of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, storm water detention or retention areas, parks, open space, future development or land areas reserved for other public facilities.

*Overlay district* shall mean a zoning district classification which encompasses a defined geographic area and imposes additional requirements above that required by the underlying zoning.

*Parapet wall* shall mean an extension of the fascia wall above the roofline, which appears architecturally contiguous.

*Parcel* shall mean a unit or contiguous units of land in the possession of, or recorded as the property of one (1) person, partnership, joint venture, association or corporation, or other legal entity.

*Park* shall mean any dedicated and accepted public or private land available for recreational or scenic purposes.

*Parking* shall mean the parking or leaving of an operable, licensed vehicle, current in its registration, for a temporary period.

*Parking areas or lots* shall mean areas designed, used, required or intended to be used for the parking of motor vehicles, including driveways or access ways in and to such areas but excluding public streets and rights-of-way.

*Parking lot or structure* shall mean a parcel of land devoted to parking spaces as set forth by the parking standards of the City.

*Parking, shared* shall mean the development and use of parking areas on two (2) or more separate properties for joint use by the uses on those properties.

*Parking slab* shall mean a paved parking space located off-street and designed to accommodate two (2) standard-sized motor vehicles as provided in the Off-Street Parking and Loading Requirements Chapter of this Code.

*Parking space* shall mean a space or stall within a parking area established in conformance with this Code.

*Parking space, storage* shall mean a space for the storage of operable, licensed vehicles, current in registration, including recreational vehicles or equipment, for a period of thirty (30) days or longer.

*Parkway* shall mean the strip of land located between the sidewalk and the curb.

*Party-in-interest* shall mean the applicant, developer or subdivider of a development application or a citizen of Greeley who provided verbal or written comments at the hearing on the development application, who may appeal decisions as provided for in Chapter 18.24.

*Path* or *pathway* shall mean a designated route or path for nonmotorized use such as for walking or bicycling. *Paths* may include both sidewalks and trails.

*Patio* shall mean a hard-surfaced outdoor area adjoining a mobile home site not covered by a mobile home and not used for parking.

*Pedestrian plaza* shall mean that area of 8th Street Plaza between the west right-of-way line of 8th Avenue and the east right-of-way line of 9th Avenue and the mid-block access between the 9th Street Plaza and the 8th Street Plaza.

*Pennants* shall mean any long, narrow, usually triangular flag typically made of lightweight plastic, fabric or other material, and not containing a message, image or representative symbol, usually found in a series on a line and designed to move in the wind.

*Perimeter treatment plan* shall mean a plan designed for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. Said plan shall include materials, techniques and sizes of buffering treatments, such as landscaping, fencing, screen walls, berms or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into and shown on the landscape plan.

*Permanent sign* shall mean a sign attached to a building, structure or the ground in a manner that precludes ready removal or relocation of the sign.

*Permitted sign* shall mean a sign having a legal permit issued in accordance with the provisions of Chapter 18.54.

*Permitted use* shall mean a use allowed in a zoning district and subject to the restrictions which apply to that district.

*Permitted use, design review* shall mean a use allowed in a zoning district and subject to the restrictions and design review criteria which apply to that district and land use.

*Person* shall mean any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner or any representative, officer or employee thereof.

*Personal service shops* shall mean shops primarily engaged in providing services generally involving the care of the person, such as portrait and photographic studios, massage therapists, barber, beauty and nail salons, shoe and watch repair, travel agencies and similar services, but excluding adult business, service or entertainment establishments.

*Physical Map Revision (PMR)* shall mean FEMA's action whereby one (1) 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.

*Planned unit development (PUD)* shall mean a development planned, designed and constructed with specific standards as an integral unit and which typically consists of a combination of uses on land within a PUD district and provides for an equivalent level of standards.

*Planned unit development, final plan* shall mean a site specific development plan which describes all details for a specific site and which shall require detailed engineering and design approval as provided in Chapter 18.32

*Planned unit development, master plan* shall mean a plan required for properties which are intended to be developed over time and which shall include general information on street pattern, school sites, parks or other public areas or facilities and land uses and utility systems within the area surrounding a proposed PUD.

*Planned unit development, preliminary plan* shall mean a plan that specifies the range of land uses and general layout of improvements, landscaping and buffering, circulation, setbacks, open space and height and massing of buildings and structures proposed for the site.

*Planning Commission* shall mean the Planning Commission of the City.

*Plat* shall mean a subdivision map or plan of property.

*Plat, filing* shall mean a subdivision map used in conjunction with a Planned Unit Development, to identify the legal boundaries of a lot or grouping of lots.

*Plat, final* shall mean a completed map of a subdivision setting forth fully and accurately all legal and engineering information, survey certification and any accompanying materials as required by Chapter 18.04.

*Plat, preliminary* shall mean a proposed subdivision map and any accompanying materials as required by Chapter 18.04, which provide sufficiently detailed information so that preliminary agreement as to the form and content of the plat, within the objectives of Chapter 18.04, may be reached between the subdivider and the City.

*Pole sign* shall mean a sign that is affixed, attached or mounted on a freestanding pole or structure that is not itself an integral part of or attached to a building or structure.

*Portable sign* shall mean a sign that is not permanently affixed to a building, structure or the ground and that is easily moved, such as a sandwich board sign.

*Practicable* shall mean capable of being done within existing constraints including environmental, economic, technological or other pertinent considerations.

*Precision instrument runway* shall mean a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS). It shall also mean a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

*Premises* shall mean the land, site or lot at which, or from which, a principal land use and activity is conducted.

*Preservation plan* means the officially adopted document which provides information about local history and preservation programs and articulates City preservation goals and objectives and guides decisions and actions of the Historic Preservation Commission and Staff.

*Primary entrance* shall mean the entrance to a building or structure which is intended to be the principal entrance and which shall typically be located on the front of the building or structure.

*Primary surface* shall mean a surface longitudinally centered on a runway extending two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary

surface is the same as the elevation of the nearest point on the runway center line. The width of a primary surface is:

- a. Two hundred fifty (250) feet for runways having only visual approaches.
- b. One thousand (1,000) feet for precision instrument runways.

*Principal building or structure* ( see *Building* ) .

*Private sale or event sign* shall mean a sign that provides information relating to a sale or event being held by an individual or group of individuals on private property, which may include, but not be limited to, a garage or yard sale.

*Production facilities*, as used in Chapter 18.56, shall mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

*Prohibited activities sign* shall mean signs located on a property posting said property for warning or prohibition, such as "no hunting," "no swimming" or "no parking."

*Projecting wall sign* shall mean any sign attached to a building and that extends more than twenty (20) inches from the surface to which it is attached, but no more than four (4) feet from the wall of the building. Signs projecting more than four (4) feet from the building shall be considered freestanding signs.

*Promotional association* shall mean an association that is incorporated within Colorado that organizes and promotes entertainment activities within a common consumption area and is organized or authorized by two (2) or more people who own or lease property within an Entertainment District.

*Public* shall mean a person, structure, activity or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code.

*Public affairs sign* shall mean a sign erected and maintained by or on behalf of the government for civic purposes.

*Public comment* means any notation, observation, remark or recommendation made during a hearing by a member of the public in response to a proposed Commission action.

*Public hearing* shall mean a hearing held to allow interested persons to present their views before the Zoning Board of Appeals, Planning Commission or City Council. A public hearing is different from an open meeting which does not allow participation by the public.

*Public improvement* shall mean any improvement required by Chapter 18.04 for which the City or a quasi-public agency agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the City or a quasi-public agency is already responsible. Such facilities include, but are not limited to, streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television and other utility facilities.

*Public sign* shall mean signs required or specifically authorized for a public purpose by any law, statute or ordinance, including public directional signs on the right-of-way; signs which identify the City by name; signs that direct travelers to public buildings, parks or attractions; interpretative signs; way finding signs, Municipal Uniform Traffic Control devices; and the like.

*Public structure, activity or purpose* shall mean a structure, activity or purpose owned or operated by a governmental agency or by a public nonprofit corporation with tax-exempt status under the federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all members of the public without regard to membership status.

*Quasi-public* shall mean a structure, activity or purpose owned or operated by a nonprofit organization which obtains more than fifty-one percent (51%) of its funds from public funds.

*Real estate model home sign* shall mean a sign identifying a model home within a subdivision and/or a temporary real estate sales office.

*Real estate open house sign* shall mean a sign identifying that a building or portion of a building is available for inspection by prospective buyers or renters.

*Real estate sign* shall mean a sign on the offered property which advertises the sale, rental, lease, transfer or exchange of the premises upon which said sign is located.

*Recreational equipment* shall mean equipment intended for outdoor recreational use, including but not limited to snowmobiles, jet skis, all-terrain vehicles (ATVs), canoes and boats, and including the trailers for transporting such equipment (see also *recreational equipment, major* and *recreational equipment, minor*).

*Recreational equipment, major* shall mean boats that exceed eighteen (18) feet in length, utility trailers that exceed the dimensions of five (5) feet by eight (8) feet and enclosed utility trailers that exceed the dimensions of five (5) feet by eight (8) feet and are more than three (3) feet in height.

*Recreational equipment, minor* shall mean boats that are eighteen (18) feet or less in length, utility trailers that are five (5) feet by eight (8) feet in size or less, canoes, snowmobiles, jet skis, all-terrain vehicles (ATVs) and similar small and low-profile outdoor recreational equipment.

*Recreational facilities, indoor* shall mean establishments primarily engaged in the operation of such indoor activities as exercise and athletic facilities, and amusement and recreational services, such as billiard and pool halls, skating rinks, exercise and health clubs and bowling alleys.

*Recreational facilities, intensive* shall mean those recreational facilities which are intensively used and create greater impacts, such as noise, lighting and traffic impacts. Such uses may include but are not limited to, miniature golf courses, golf driving ranges, amusement parks, stadiums, go-kart and bumper car tracks, video arcades, slides, skateboard parks, swimming pools and playing fields for soccer, baseball, softball and football.

*Recreational facilities, outdoor extensive* shall mean establishments primarily engaged in the operation of large scale, low impact outdoor recreational facilities, including but not limited to, hunting, fishing and riding clubs, golf courses and tennis courts.

*Recreational vehicle* shall mean a vehicle which is designed, intended and used for purposes of temporary living accommodation for recreation, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes, horse trailers and bus campers. For the purposes of this definition neither a pop-up trailer nor a truck topper accessory (also known as a camper shell) which is not higher than eight (8) inches above the truck cab when installed shall be considered a recreational vehicle. A horse trailer used primarily for transport of horses and/or livestock to or from the site it is stored upon shall not be considered a recreational vehicle under this definition.

*Recreational vehicle/equipment, boat and personal vehicle storage* shall mean an unenclosed area for the purpose of storing non-commercial recreational vehicles, recreation equipment (ATV's, jet skis, trailers) boats or personal vehicles (cars and trucks).

*Recreational vehicle (RV) park* shall mean any lot of land upon which two (2) or more recreational vehicle or tent sites are located, established or maintained for occupancy by the general public as temporary living quarters for recreation or vacation purposes.

*Recyclable material* shall mean reusable material, including, but not limited to, metals, glass, plastic and paper, which are intended for reuse or reconstitution for the purpose of using the altered form. This term shall not include refuse or hazardous materials or the processing of recyclable materials.

*Recycling and collection center* shall mean a facility used for the collection and/or processing of reusable material, including but not limited to, metals, glass, plastic and paper.

*Redevelopment District* shall mean all land located within the boundaries of the urban renewal area of the City, as it may be amended from time to time by the City Council.

*Refuse ( see Junk) .*

*Refuse transfer station* shall mean a facility for the purposes of separation, aggregation and/or compaction of solid waste prior to delivery to a landfill.

*Register* means a locally maintained list of properties designated as historic.

*Rehabilitation center* shall mean a facility which provides treatment and care of persons in need of therapeutic and rehabilitative counseling for alcoholism and/or drug addiction, mental condition or illness, or social or behavioral problems, and which treatment may be on a twenty-four-hour basis.

*Rehabilitation center, outpatient* shall mean a facility which provides treatment and care of persons in need of therapeutic and rehabilitative counseling for alcoholism and/or drug addiction, mental condition or illness, or social or behavioral problems, and which treatment shall occur on an outpatient basis with no overnight care or treatment permitted at the facility.

*Rental equipment store* shall mean an establishment with the primary purpose of renting equipment, tools and supplies to the public, including but not limited to, the rental of equipment and tools for construction, moving, floor and carpet care, lawn, garden, home and business; equipment for special events; and moving trucks and trailers.

*Replica* means any reconstruction or recreation of any buildings, structures or other resources deemed to be of historic importance by the Historic Preservation Commission.

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

*Residential complex, subdivision or residential identification sign* shall mean an on-site sign that identifies a specific residential complex or subdivision.

*Restaurant* shall mean an establishment whose primary business is the preparation and serving of food to the public.

*Restaurant, drive-in or drive-thru* shall mean an establishment where food and/or beverages are sold to the customer for consumption within the interior of the building, within exterior dining areas or off the premises by order from vehicular passengers, where the product is delivered to the car and which includes a menu board, audio or video speakers and pick-up windows.

*Restaurant, pick-up or take-out* shall mean an establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, where ordering and pickup of food may take place from an automobile and which does not include a menu board and audio or video speakers.

*Restaurant, standard* shall mean any establishment whose principal business is the sale of foods and/or beverages to the customer and whose design or principal method of operation includes one (1) or all of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their foods or beverages by a restaurant employee at the same table or counter at which the items are consumed.
- b. A cafeteria-type operation where foods and beverages are consumed within the restaurant building.
- c. A walk-up window or counter for the ordering and/or pick-up of food to be consumed on- or off-premises.

*Restoration*, as used in Chapter 18.34, shall mean the reconstruction and repair of a building or structure, or portions of a building or structure, to the condition that existed prior to damage sustained to the building or structure. For the purposes of historic preservation, *restoration* shall mean the reconstruction and repair of a building's or structure's original architectural features.

*Retail, large use* shall mean a retail use, or any combination of retail uses in a single building, occupying more than forty thousand (40,000) square feet of gross floor area.

*Retail sales* shall mean the business of selling products directly to the ultimate consumer for any purpose other than for resale.

*Right-of-way* shall mean a right granted by a property owner and which is intended to be occupied by a street, sidewalk, railroad, utilities and other similar uses.

*Riparian zone* shall mean an area where the presence of surface and/or high subsurface water levels permits the existence of increased vegetative diversity and abundance as contrasted to surrounding areas.

*Roof sign* shall mean a sign that is mounted on the roof of a building or structure such as a portico which is wholly dependent upon a building for support and which projects above the parapet of a building with a flat roof, or above the peak of the roof of that portion of the roof on which the sign is placed.

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

*Satellite earth station antenna* shall mean a reflective surface configured in the shape of a shallow dish, cone, horn or cornucopia which shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses, including but not limited to, satellite earth stations, television reception only satellite dish antennas and satellite microwave antennas.

*Scale* shall mean the proportional relationship of the size of a building or structure to its surroundings.

*Scenic easement* shall mean an easement intended to preserve a view or scenic area.

*School* shall mean any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

*School, adult* shall mean a public or private school primarily teaching useable skills to adults, including but not limited to, business, vocational, driving and trade courses.

*School, compulsory* shall mean any public or private elementary, junior high or high school licensed by the State of Colorado and which meets state requirements for providing compulsory education.

*Screening* shall mean a method of reducing the impact of visual and/or noise intrusions through the use of plant materials, berms, fences and/or walls, or any combination thereof intended to block that which is unsightly or offensive with a more harmonious element.

*Searchlight, strobe light or beacon* shall mean a stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention; excluding any device required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

*Seasonal use* shall mean a use intended for a period of limited duration, including, but not limited to, the sale of seasonal goods and products such as pumpkins, Christmas trees, produce and living plants.

*Secondary dwelling ( see Dwelling, secondary) .*

*Secretary of the Interior's Standards* means the Secretary of the Interior's Standards for the Treatment of Historic Properties, in Title 36 of the Code of Federal Regulations, Part 68, which governs alterations to historic properties listed in the National Register of Historic Places. The standards, which pertain to the exterior and interior of historic buildings, deal with design, methods of construction and materials and define Preservation, Rehabilitation, Restoration and Reconstruction as treatments. This reference shall always refer to the current standards and definitions, as amended.

*Setback* shall mean the minimum distance a building, structure or use may be erected from a street, alley or property line. *Setbacks* are also called *required yards* .

*Setback, front* shall mean the area extending across the full width of the lot, between the front lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

*Setback, interior side* shall mean the area extending from the front yard to the rear yard, between the side lot line adjacent to another lot and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

*Setback, oil and gas* (see Chapter 18.56).

*Setback, rear* shall mean the area extending across the full width of the lot between the rear lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

*Setback, side* shall mean the area extending from the front yard to the rear yard, between the side lot line and the nearest line or point of the area allowed for construction or establishment of the building, structure or use.

*Setback, street side* shall mean the area extending from the front yard to the rear yard, which separates the lot from an adjacent street.

*Shade tree* shall mean a deciduous tree planted primarily for its high crown of foliage or overhead canopy and which typically reaches a height of at least forty (40) feet.

*Shrub* shall mean a woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.

*Sidetracking* shall mean entering the same wellhead from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

*Sidewalk* shall mean a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

*Sight distance* (see *clear vision area or zone* ).

*Sign* shall mean any device, surface, object, structure, building architecture or part thereof using graphics, symbols or written copy for the purpose of advertising, identifying or announcing or drawing attention to any establishment, product, goods, facilities, services or idea, whether of a commercial or noncommercial nature.

*Sign allowance* shall mean the amount of signage that is allowable under the provisions of this Chapter.

*Sign alteration* shall mean any change of copy (excluding changeable copy signs), sign face, color, size, shape, illumination, position, location, construction or supporting structure of any sign.

*Sign area* shall mean the entire face of a sign and any backing, frame, trim or molding and which may include the supportive structure.

*Sign backing* shall mean the surface, pattern or color of which any sign is displayed upon, against or through and that forms an integral part of such display and differentiates the total display from the background against which it is placed.

*Sign, exposed incandescent or high intensity discharge lighting* shall mean any sign or portion of a sign that utilizes an exposed incandescent or high intensity lamp, with the exception of neon, in such a fashion as to project light directly on to adjoining property or right-of-way.

*Sign face* shall mean the area of a sign on which the copy is placed, or, for individual cutout letters, painted letters, channel letters or symbols, the perimeter of the individual elements shall be considered the area of the sign.

*Sign frame* shall mean a sign cabinet or that portion of the sign that holds the sign face in place.

*Sign, for sale or for rent* shall mean a sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

*Sign, ground* shall mean a type of freestanding sign which is erected on the ground and which contains no free air space between the ground and the top of the sign.

*Sign height* shall mean the vertical distance measured from the grade, as defined herein, to the highest point of the sign or sign structure.

*Sign, interior to a building* shall mean signs inside buildings that are not legible from the public right-of-way.

*Sign, interior to development* shall mean any sign that is located so that it is not legible from any adjoining property or the public right-of-way and not oriented in such a way as to attract the attention of those traveling along the right-of-way.

*Sign permit* shall mean a permit issued by a Building Official and which is required for any sign specified under Section 18.54.060.

*Sign, political* shall mean a sign relating to public elections.

*Sign, public phone* shall mean a sign identifying the phone's location and limited to the word "phone" and/or an illustration of a phone.

*Sign separation* shall mean the distance or spacing between individual signs, whether they are on the same structure or on separate structures, as measured by a straight line.

*Sign setback* shall mean the minimum distance required from the apparent center line of the right-of-way, to any portion of a sign or sign structure.

*Sign structure* shall mean the supports, uprights, bracing or framework of any structure for the purposes of displaying a sign.

*Sign, wall* shall mean a sign attached parallel to and extending less than twenty (20) inches from the wall of a building. This definition includes painted, individual letter, cabinet signs and those signs located on the roof of a building which are not roof signs as defined herein.

*Sign, window* shall mean any type of sign that is painted or attached to or within twelve (12) inches of any exterior window.

*Sign, within building* shall mean any sign that is not visible from the public right-of-way or is more than twelve (12) inches from the interior side of a window.

*Significant* (biologically) shall mean wildlife or habitats that, because of their relative attributes, deserve greater consideration in resource management decisions. *Relative attributes* may include: a) species that have state and/or federal listing as endangered/ threatened or have standing as species of special concern; b) species with restricted distributions or highly specific habitat requirements; c) species that are representative of a particular habitat type; d) indicator species, whose physical presence denotes the presence of other species or environmental conditions not readily observed; or e) species with economic value or possessing traits that are of particular interest to humans.

*Significant habitat* shall mean an area which is necessary for maintaining viable local populations of organisms.

*Silo* shall mean a building or structure designed and intended for the bulk storage of grains.

*Single-room occupancy facility (SRO)* shall mean a facility which provides a single room intended for living purposes for one (1) or two (2) persons per room, offered on a weekly tenancy basis or longer, in which sanitary facilities are provided within the units and cooking facilities may be shared within the facility.

*Site plan* shall mean a plan showing the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

*Site specific development plan* shall mean and be limited to final subdivision plats or minor subdivision plats as approved pursuant to Chapter 18.04; final PUD site plans as approved pursuant to Chapter 18.32; and use by special review and design review site plans as approved pursuant to Chapter 18.20. Conditions placed on site specific development plans shall be met within the time period such plans are considered vested.

*Sky dancers* shall mean freestanding tubes which often simulate the shape of a person into which air is forced to inflate and animate and which do not characterize a commercial message or contain a message.

*Slope* shall mean the ratio between elevation change to horizontal distance, expressed as a percentage.

*Special Flood Hazard Area (SFHA)* shall mean the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year; i.e., the 100-year floodplain.

*Special review, use by* shall mean a public review process used to determine if a proposed use, allowed only with special review approval, can be conducted without substantially interfering with the objectives of this Code and which shall be compatible with existing uses.

*Species, endangered* shall mean those species of wildlife and plants which have been identified and listed by the U. S. Fish and Wildlife Service as endangered.

*Species, indicator* shall mean those species of wildlife and plants which can be used to gauge or measure the quantity and/or quality of a particular type of habitat.

*Species of special concern* shall mean those species of wildlife and plants which the Colorado Division of Wildlife has identified and listed as State Species of Special Concern.

*Species, sensitive* shall mean those species of wildlife and plants which have specialized habitat needs or species that require habitat that is available only in limited quantity, or those species that are sensitive to noise or other types of disturbances which are usually caused by humans.

*Species, threatened* shall mean those species of wildlife and plants which have been identified and listed by the U. S. Fish and Wildlife Service as threatened.

*Stable, commercial* shall mean a structure or use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for compensation and which may include an arena.

*Stable, private* shall mean an accessory structure or use for the keeping, boarding and/or training of horses, ponies, llamas, mules or other animals which may be used for riding purposes, for the use of the occupants of the premises.

*Stacking space* shall mean an area for motor vehicles to line up in while waiting to go through a drive-thru facility, a designated passenger drop-off/pick-up area or a parking lot or area.

*Start of construction*, as used in Chapter 18.34, shall include substantial improvement and shall mean the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (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.

*Storm water management plan* shall mean a plan for the management of storm water drainage and control prepared in conformance with the regulations for storm water management, adopted by the Colorado Department of Public Health and Environment; and further, including a plan for erosion and sediment control pursuant to the requirements of Chapter 9.18 of this Code, including its references.

*Story* shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between the floor and the ceiling above it.

*Street* shall mean a way for vehicular, pedestrian or bicycle traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

*Street, arterial* shall mean those streets that permit relatively unimpeded traffic movement throughout the City and connecting to outside communities.

*Street, arterial major* shall mean those arterial streets which generally carry traffic volumes greater than twenty thousand (20,000) vehicles per day when the property which the arterial street serves is fully developed and which permit rapid and relatively unimpeded traffic movement throughout the City, connecting major land use elements as well as connecting to outside communities.

*Street, arterial minor* shall mean those arterial streets which generally carry traffic volumes greater than ten thousand (10,000) vehicles per day when the property which the arterial street serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on routes where four (4) moving lanes and one (1) turn lane are required but where a major arterial cross-section is not warranted.

*Street, collector* shall mean those streets that collect and distribute traffic between arterial and local streets and serve as main connectors within the City, linking one (1) neighborhood with another and which carry traffic with an origin or destination within the community.

*Street, collector major* shall mean those collector streets which generally carry traffic volumes greater than seven thousand (7,000) vehicles per day when the property which the collector serves is fully developed and which permit relatively unimpeded traffic movement and are intended for use on those routes where four (4) moving lanes are required but where a larger classified street is not warranted.

*Street, collector minor* shall mean those collector streets which generally carry traffic volumes up to seven thousand (7,000) vehicles per day and collect and distribute traffic between arterial and local streets and which serve as main connectors within communities, linking one (1) neighborhood with another.

*Street, local* shall mean those streets that provide direct access to adjacent property and which carry traffic with an origin or destination within the immediate neighborhood.

*Street, local low volume* shall mean those local streets which carry traffic volumes of up to five hundred (500) vehicles per day and which provide direct access to adjacent property.

*Street, Local Standard I Residential* shall mean those local streets which carry traffic volumes of up to one thousand (1,000) vehicles per day and which provide direct access to adjacent property.

*Street, Local Standard II Commercial/Industrial* shall mean those local streets which carry traffic volumes of up to five thousand (5,000) vehicles per day and which provide direct access to adjacent property.

*Street, private* shall mean a private roadway used to provide vehicular and emergency access.

*Street tree* shall mean a tree planted in close proximity to a street in order to provide canopy over the street to provide shade and soften the street environment.

*Streetscape* shall mean the scene that may be observed along a street, including both natural and non-natural components, including vegetation, buildings, paving, plantings, lighting fixtures and miscellaneous structures.

*Streetscaping* shall mean rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street side setback and/or the public right-of-way.

*Stringer* shall mean a strip of vegetation that extends into another type of vegetation, creating an edge effect and providing a movement corridor for a variety of wildlife species.

*Structure* shall mean anything constructed or erected on or in the ground, the use of which requires a more or less permanent location on or in the ground, and including, but not limited to, walls, retaining walls, fences, parking lots, parking slabs and oil and gas production facilities.

*Structure*, for the purposes of Chapter 18.34, shall mean an object, including a mobile object, constructed or installed by humans, including but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

*Subdivider or developer* shall mean any person, partnership, joint venture, association or corporation or other legal entity who or which shall participate as owner, promoter, designer, builder or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

*Subdivision* shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, or other division of land in compliance with the requirements of Chapter 18.04.

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

*Substantial improvement*, as used in Chapter 18.34, shall mean any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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

*Symbol* shall mean a graphic device which stands for a concept or object.

*Temporary sign* shall mean any sign, not intended for permanent installation such as, but not limited to, a banner, balloon, pennant, searchlight or beacon. Generally, these signs are intended to be used for a limited period of time or for a purpose announcing a special event or presenting other miscellaneous or incidental information or instructions.

*Temporary structure* shall mean a structure without any foundation or footings and which is intended to be removed at some point in the future.

*Temporary use* shall mean a use which shall generally be permitted to exist and be operated for no longer than ninety (90) days in twelve (12) consecutive months and which may occur as an accessory or principal use.

*Theater* shall mean a building, or a part thereof, devoted primarily to the showing of motion pictures or for entertainment or cultural events.

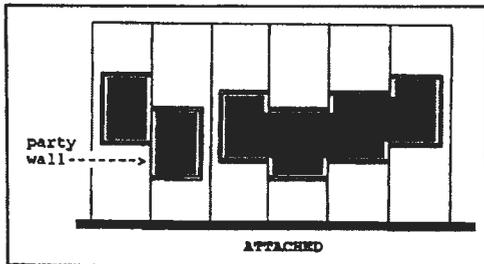
*Theater, drive-in* shall mean a site devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles and which may include facilities for the sale of food and/or beverages to patrons.

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

*Time or temperature sign* shall mean a sign or portion thereof on which the only copy that is capable of being changed is an electronic or mechanical indication of time and/or temperature.

*Towers, communication and utility* shall mean a structure for transmitting or receiving radio, television, microwave and/or electromagnetic impulses or waves.

*Town house dwelling* shall mean a dwelling in a building which contains two (2) or more dwellings, each of which is individually owned along with the land area which constitutes the lot on which the town house dwelling is situated. To qualify as a town house dwelling, the structure must comply in all respects with applicable building codes and each dwelling unit must be separated by a fire wall, if required by applicable City codes.



### **Town house or attached single-family units**

*Tract* shall mean a unit of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. A specific purpose may include, but is not limited to, drainage areas, storm water detention or retention areas, parks, open space or land areas reserved for other public facilities. The term *tract* shall be used interchangeably with *outlot*.

*Transition* shall mean a visual effect used on an electronic message display to change from one (1) message to another.

*Transitional surface* shall mean those surfaces which extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

*Transportation facilities* shall mean the offices and vehicular storage areas of those establishments engaged in providing transportation for the public.

*Transportation facilities, high impact* shall mean those establishments engaged in providing transportation for the public by means which create higher impacts such as noise and vibration and including, but not limited to, railroads, rapid transit and light rail.

*Transportation facilities, low impact* shall mean those establishments engaged in providing transportation for the public through such low impact means as taxis, buses and trolleys.

*Travel trailer or recreational vehicle* shall mean a portable structure, mounted on wheels and designed to be towed by a motor vehicle, or propelled by its own motive power, that may contain cooking or sleeping facilities and is intended to provide temporary living quarters for recreational camping or travel. A travel trailer also does not comply with either the National Manufactured Housing Construction and Safety Standards Act of 1974 or the Uniform Building Code standards. Travel trailers are not permitted in residential zones as living quarters except as guest quarters for no longer than seven (7) consecutive days.

*Tree* shall mean a large woody plant having one (1) or several self-supporting stems or trunks and numerous branches and which may be deciduous or evergreen.

*Truck or freight terminal* shall mean an area and/or building where trucks load and unload cargo and freight and where such cargo and freight may be separated or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation and/or for storage.

*Twinning* shall mean the drilling of a well adjacent to or near an existing well when the well cannot be drilled to the objective depth or produced due to an engineering problem, such as a collapsed casing or formation damage.

*Unreasonable economic hardship*, for the purposes of Chapter 18.36, means severe economic impact to the property as determined on a case-by-case basis by the Historic Preservation Commission.

*Use* shall mean the type of activity for which land or a building or structure is designated, arranged or intended and also means the activity which regularly takes place upon the land or in a building or structure on the land. Not all uses shall be considered legal or permitted uses.

*Use by special review* ( see *Special review* ) .

*Use, illegal* shall mean a use that is not permitted by the zoning district regulations.

*Use, permitted* ( see *Permitted use* ) .

*Use, principal* shall mean the primary use of a building, structure or lot.

*Utility box or pedestal* shall mean devices designed and intended to house equipment necessary for the delivery of utility services to commercial and/or industrial customers, including but not limited to, electric transformers, switch boxes, telephone pedestals and boxes, cable television boxes, traffic control boxes and similar devices.

*Utility service facility* shall mean any above-ground structure or facility, excluding buildings, which is owned by a governmental entity or any entity defined as a public utility for any purpose by the Colorado Public Utilities Commission, and used in connection with the reproduction, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or electronic signals. This shall also include facilities which provide similar services.

*Utility stand* shall mean that part of a mobile home space which is used for the placement of the utility connections.

*Vacant* shall mean a site or area that is not put to any use other than gardening.

*Vacation* shall mean the legal abandonment of a right granted by a property owner, which was intended for a particular purpose, such as for streets or utility lines.

*Variance* shall mean a modification of the strict terms of this Code as provided in Chapter 18.22.

*Vehicle signs* shall mean signs which are attached to or located on licensed vehicles, trailers or semi-trailers and contain or display signage for the primary purpose of advertisement, excluding bumper stickers on the bumper and similar-sized adhesive decals.

*Very high intensity use*, for the purposes of Chapter 18.44, shall mean a use expected to have a very significant effect on adjacent properties as determined on Chart 18-2, Required Buffer Yard.

*Vested property right* shall mean the right to undertake and complete a development and use of property under the terms and conditions of an approved site specific development plan.

*Veterinary clinic or hospital* shall mean any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment and prevention of animal diseases and which may include overnight care.

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

*Wall sign* shall mean a sign attached parallel to and extending less than twenty (20) inches from the wall of a building, fence or freestanding wall. Wall signs shall include painted, individual letter,

cabinet signs and those signs located below the peak of the roof of a building which are not specifically defined as roof signs.

*Warehouse* shall mean a commercial or industrial building used primarily for the storage of goods and materials.

*Warehouse, self-storage* shall mean a building or portion of a building used for the storage of goods and materials and which is available to the general public for rental for a fee. Self-storage warehouse space does not include the use of such space for manufacturing or other business purposes, other than for storage purposes of excess goods and materials, nor does it include the use of the storage space for practice or staging areas.

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

*Weed* shall mean any ground cover or shrub which is typically not installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic.

*Well* shall mean an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected.

*Well site* shall mean the areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well or injection well.

*Wellhead* shall mean the mouth of the well at which oil or gas is produced.

*Wetlands* shall mean lands that are transitional between aquatic and terrestrial habitat, where the water table is at or near the surface, or the land is covered by water during a portion of the year. Wetlands are characterized by: a) hydric soils, with undrained substrate; b) hydrophilic plant populations; c) standing water or deposits of leached compounds in surface soils; or d) high subsurface water table.

*Wildlife* shall mean wild, native vertebrates (including fish), mollusks and crustaceans and any species introduced or released by the Division of Wildlife, whether alive or dead, including any part, egg or offspring thereof.

*Wind sign* ( see *Pennants* , *Ground kites* and *Sky dancers* ) .

*Window sign* shall mean any signage or graphics applied directly to a window or surface or any sign hanging within twelve (12) inches of the interior surface of a window, or which is clearly evident through a window and oriented to attract the public onto the premises.

*Wireless telecommunication facility* shall mean a pole, tower or antenna for the purposes of transmitting and receiving communication signals and shall include, but not be limited to, monopoles and towers with attached appurtenances such as microwave dishes and antennae, rooftop, wall- and ground-mounted microwave dishes and antennae.

*Work vehicle* shall mean a vehicle outfitted with equipment such as, but not limited to, storage racks, hoists, cranes, vises, heavy equipment or other business and construction equipment, whether attached or removable, or which may have attached trailers carrying such work equipment. A horse trailer used primarily for transport of horses and/or livestock shall not be considered a work vehicle under this definition.

*Yard* shall mean that area of a lot between the property line and the foundation of a building, structure or use. *Required yard* shall mean that area also described as a required setback area where construction of buildings, structures and uses is limited in placement.

*Yard, front or street side*, for the purposes of Chapter 18.36, shall mean that portion of a lot between the primary structure and right-of-way. A yard may contain more land area than a setback area.

*Zoning Board of Appeals (ZBA)* shall mean an official body whose principal duties are to hear appeals and where appropriate, grant variances from the strict application of the zoning regulations.

*Zoning district* shall mean a classification assigned to a particular area of the City, within which zoning regulations are uniform.

(Ord. 1, 2017 §1(Exh. A), 1-17-2017; Ord. 30, 2015 §1(Exh. A), 8-18-2015; Ord. 2, 2013 §1; Ord. 7, 2012 §2; Ord. 3, 2012 §3; Ord. 44, 2011 §1; Ord. 34, 2010 §2; Ord. 25, 2010 §1; Ord. 22, 2010 §1; Ord. 01, 2007 §2; Ord. 6, 2006 §1; Ord. 4, 2006 §1; Ord. 6, 2004 §1; Ord. 46 §1, 1999; Ord. 27, 1998 §1)