

Agenda

January 14, 2020

Council Chambers - City Center South 1001 11th Avenue 1:15 p.m.

- I. Call to Order
- II. Approval of minutes for meeting held on November 12, 2019
- **III.** Election of Chair
- IV. Election of Vice Chair
- V. A public hearing to consider a request to rezone a 4.22-acre tract from R-M (Residential Medium Density) to R-H (Residential High Density) with a DCMP (Development Concept Master Plan) and a 1.87-acre tract from R-L (Residential Low Density) to R-M (Residential Medium Density)

Project Name: Park Crossing Rezone

Case No.: ZON2019-0014

Applicant: Drayson Bowman, Colson Development

Location: West of 47th Avenue, east of 49th Avenue Court, north of 25th Street

and south of 24th Street

Presenter: Brittany Hathaway, Planner II

VI. A public meeting to consider approval of a preliminary plat on a 72.604-acre site to create 29 single-family residential lots, one outlot for detention and utilities, and 8.943 acres of dedicated right-of-way

Project Name: Clark Subdivision Filing Number 2 Preliminary Plat

Case No.: SUB2019-0007 Applicant: Colin Geminden

Location: 14749 County Road 66 Presenter: Carol Kuhn, Chief Planner

VII. A public hearing to consider an amendment to the City of Greeley Municipal Code Chapter 18.54 - Signs

Case No.: CU2019-0001 Applicant: City of Greeley

Presenter: Brittany Hathaway, Planner II

VIII. A public hearing to consider an alternative compliance request to allow townhome building envelopes to have zero setbacks from each unit on Lots 1-6 (Outlot J) and Lots 11-24 (Outlot K)

Project Name: City Center West Residential Subdivision, 2nd Filing, Alternative

Compliance

Case No.: ALT2019-0007 Applicant: City Center West LP

Location: South of 4th Street, east of 71st Avenue, north of 8th Street, west of

Sheep Draw

Presenter: Marian Duran, Planner II

IX. Staff Report

X. Adjournment

PLANNING COMMISSION HEARING DATES:

All hearings are held on the 2nd and 4th Tuesdays of the month at 1:15 p.m. at City Center South, 1001 11th Avenue, Greeley, Colorado. Agendas are posted at http://greeleygov.com/government/b-c/boards-and-commissions/planning.

January 28, 2020 March 10, 2020 February 11, 2020 March 24, 2020 February 25, 2020 April 14, 2020



PLANNING COMMISSION

Proceedings

November 12, 2019

City Center South Council Chambers Room 1001 11th Avenue 1:15 p.m.

I. Call to Order

Chair Yeater called the meeting to order at 1:28 p.m. following adjournment of the Zoning Board of Appeals hearing. Commissioners Franzen, Schulte, Andersen, Modlin, Romulo and Briscoe were present.

II. Approval of minutes for meeting held on October 22, 2019

Commissioner Briscoe moved to approve the minutes and Commissioner Franzen seconded. Motion passed 7-0.

III. A public hearing to consider a request to rezone approximately 39.18 acres from R-L (Residential Low Density), C-D (Conservation District), and C-L (Commercial Low Intensity) to I-M (Industrial Medium Intensity

Project Name: Best Way Rezone
Case No.: ZON2018-0017
Applicant: City of Greeley

Location: 145 North 35th Avenue

Presenter: Mike Garrott, for Caleb Jackson, Planner II

Chair Yeater recused himself and Vice-Chair Briscoe took over the meeting. Planning Manager, Mike Garrott, presented the case for Caleb Jackson who was not in attendance. Mr. Garrott requested that cases ZON2018-0017 and USR2018-0025 be combined for his presentation. Commissioner Andersen stated that she preferred the cases be kept separate. Mr. Garrott proceeded to recap what was explained and presented on August 27, 2019 when the case was first brought to Planning Commission. This information included current zoning, a brief history of the site and its use, and the surrounding neighborhood. He presented photographs of the area and its landscape and features. He also explained the details of aerial photographs taken by a drone capturing the asphalt recycling center, the fire training facility and other site features.

Mr. Garrott stated that Public Works commissioned a third-party entity to conduct a noise study that measured the noise level in five different locations. According to Mr. Garrott, there is currently no prescribed decibel requirement in the Development Code ("Code"), as violations are more nuisance based. He provided references of different noise decibel levels. For example, a rural area in the middle of the night has a level of 10 decibels, where in contrast a jet flying overhead at 1,000 feet is 110 decibels. He stated that beginning with the location on the site labeled LT-1, the reading without the crusher operating was 50.7 decibels, which is almost equivalent to heavy traffic 300 feet away. With the crusher operating, the noise level increased .6 decibels. He advised that no noise levels were tested at night since the asphalt operation is only open during the daytime. Moving to LT-2, the noise level without the crusher was 50.2, and increased by 4 decibels with the crusher operating. Mr. Garrott continued to read through and explain the noise decibel results from various locations on the site. Mr. Garrott also provided an update of the street improvements that will be made by Public Works on 35th Avenue.

Mr. Garrott then outlined the criteria for a rezone and explained how this specific area qualifies and meets the guidelines. He reiterated that although the City does not have a decibel threshold for noise disturbances, if a noise becomes a public nuisance then citizens have the right to file a complaint with the police department. He explained how the rezone is consistent with the Comprehensive Plan that encourages compact growth. Mr. Garrott stated that the site's location is ideal since the fire training facility is in central proximity to the fire stations, and the community need for recycled asphalt would be easily accessible. He advised that staff's recommendation is for approval, and opened the floor for questions.

Commissioner Romulo stated that at the August 27, 2019 Planning Commission, the Commissioners requested that additional ways to mitigate noise from the asphalt recycle operation be presented, and asked if they had provided any of those options. Mr. Garrott responded that the decibel levels recorded in the noise study were not at a level significant enough to require further mitigation. Commissioner Andersen expressed her concern about a notation in the study that the facility produced a constant ambient noise. Mr. Garrott stated that while that is a valid concern, ambient noise levels even in residential areas can be high without any additional factors and are difficult to detect. He also explained the subjectivity of noise concerns, considering that what may disturb one person may not disturb another. He advised that this is why it is so important to report any noise complaints to the police department, the investigative authority for those types of concerns.

Commissioner Franzen asked how many comments about the proposed case were received to date. Mr. Garrott replied that there have been four inquiries; one was unfavorable and expressed concern regarding the morning noise, and three that were neutral or favorable. Commissioner Romulo asked whether the comments were specifically tied to this request and Mr. Garrott confirmed that they were.

Commissioner Romulo asked if the police department had received any noise complaints in the area, and Mr. Garrott responded that he did not have that information. Commissioner Andersen noted that the report indicated that the area had changed and become more industrial in nature, making it in compliance with the criteria for a rezone. However, she disagreed and believed that it has not changed from its current residential state and asked for an explanation. Mr. Garrott advised that when making this determination, staff evaluated the changes that had been made to the area on a whole and for an extended

period. In this instance, they tracked the site's history since 2003. Since then, it has gone from being a part of Weld County to being annexed by Greeley and zoned for residential development. He further explained that the City of Greeley then purchased the property with the intention of constructing a fire training and storage facility. The area has also been used for more industrial purposes, such as oil and gas operations, and in some locations rezoned to industrial to accommodate a landscaping business.

Commissioner Andersen then questioned how operating an asphalt recycling facility with a truck scale was acceptable in an area zoned as residential, and how that decision had been made. Mr. Garrott responded that the purpose of today's rezone request is the opinion of staff that an industrial zoning is more appropriate for what the site has evolved into and what plans the City has for the future. He also advised that the application for the rezone was originally submitted a year and a half ago. Mr. Garrott further stated that other government entities and institutions such as school districts also operate storage facilities in residentially zone areas and that this is not a new or single event.

Commissioner Andersen asked for clarification if that meant that when the City purchases a piece of property it could use it however, and to whatever, extent it deems acceptable regardless of the zoning as long as there are no complaints. Mr. Garrott replied that it is based on the scope of what is occurring. He further clarified that staff had not received any complaints on this particular site. He elaborated by stating that the City is required to follow the same guidelines and regulations as its citizens. He advised that City departments are held accountable for ensuring that they have applied and paid for the necessary permits and applications for work that is done. Commissioner Andersen expressed her concern over the asphalt operation taking place in a residentially zoned area, and frustration with how the request is being handled.

Community Development Director, Brad Mueller, interjected and stated that he also acts as Chief Zoning Administrator for the City and is tasked with interpretation of the Code. He advised that under the existing Use by Special Review (USR) and ancillary uses that were both anticipated by that and allowed by general land uses, he had determined that the operation that was occurring had not exceeded those guidelines. In response to Commissioner Andersen's accusations that the City was functioning completely out of bounds, Mr. Mueller stated that he was not debating her opinion; he was only trying to explain the administrative decision that was made. He also advised that to date no one had challenged or appealed his decision.

Commissioner Andersen asked about the consequences in the event the Planning Commission did not approve this request. Mr. Garrott advised that the rezone request will be heard by City Council for final approval and that the Planning Commission's decision is advisory.

Commissioner Franzen asked how the City is able to continue operating in an area that is still zoned as residential. Mr. Garrott responded that it is because Mr. Mueller made the administrative decision to allow it. Vice-Chair Briscoe asked if the stockpiling that occurred in 2014 was approved via the previous USR. Mr. Garrott replied that portions of it were and provided more detail.

Commissioner Romulo commented that the request today was to rezone the area from residential to industrial for the purpose of bringing the current asphalt facility into compliance. She asked if the area is rezoned to Industrial Medium whether other companies would be allowed to operate on the property, possibly at a higher decibel level that would cause more neighborhood disturbances. Mr. Garrott stated that while that is a valid concern, if there were any changes of use on the site, they would require approval by the City of Greeley. He added that even if the City wanted to use the location for a more intensive purpose, it would still need to apply for a new USR.

Commissioner Andersen recited excerpts from the Code to reinforce her concerns regarding the buffering and landscape on the property. She stated that according to Code, when an industrial operation is close to a residential area, three times the amount of buffering is required and noted that it would not be possible in this case due to slope limitations. She expressed concern about the perceived lack of accountability by the City for not applying the buffering requirements to this site. Mr. Mueller addressed her concerns by explaining that the rationale was based on the fact that additional screening is not logical when the buffering is already being accomplished by the 30 foot depth of the site. He advised that if the area was flat, constructing a fence would be necessary. He added that since the facility is using the natural topography and sitting lower than the rest of the property, it has effectively accomplished what a fence normally would. He further noted that this topography is one factor that makes it unlikely that the land will ever be developed as residential. In support, Mr. Mueller noted that when the City was expanding and developing, this area remained unused. He stated that although it may not have been artfully written, this was staff's analysis of the area and one of the reasons why they felt a rezone was appropriate.

Commissioner Franzen asked whether, since the facility is operating on an administrative guideline, an entity wanting to take advantage of the Industrial-Medium zoning would be required to undergo a USR or whether a decision would be made administratively. Mr. Garrott replied that it would depend on the type of use. While staff can make small amendments to the USR administratively which they routinely do, if there was a significant change to the USR, it would require approval by the Planning Commission.

Commissioner Schulte asked if a USR request for a specific use was to become abandoned, whether the land would revert to any use that is a use by right in that zone. Mr. Garrott stated that if it is rezoned, it would not revert back to what it once was even if the USR was abandoned. Commissioner Andersen again expressed her concern that once this is rezoned, it creates the possibility that a much larger and more intense land use could be approved for the area in the future. Mr. Garrott assured her that at the bare minimum any change in use would need to be reviewed on an administrative level and possibly a public hearing. Commissioner Andersen continued to restate her issues regarding the asphalt facility operating in a residential area. Vice-Chair Briscoe acknowledged her concerns and moved the hearing forward.

Joel Hemesath, Public Works Director, stepped forward as the applicant to answer questions and provide a brief history from the perspective of Public Works. Mr. Hemesath stated that when the City purchased the property it was for the fire training facility. He advised that the City was aware of the residential zoning and applied for a USR for the training facility that was allowed in this type of zoning.

Mr. Hemesath advised that the purchase was also a strategic move in regard to a water component that could be beneficial to Public Works and the City. He continued to provide a brief history of the asphalt recycling operation and how it came to be moved to its current location. He noted that it began as a small facility that was in transition from its previous location. However, as it continued to experience growth, staff decided a rezone was necessary to bring the area into compliance. Mr. Hemesath admitted that a mistake was made in allowing the facility to function at the scale it is today, specifically noting the truck scale that was installed. He stated that Public Works was attempting to rectify the error by requesting a change of zoning.

Commissioner Modlin asked who owns the property west of the site. Mr. Hemesath referred to the map and provided more details of what portions of the land are owned by the City and what improvements and changes they have made. He also noted that the crushing operation that is considered to be the loudest activity, is only done once or twice a year. Commissioner Schulte asked whether more restrictive hours of operation might be appropriate. Commissioner Andersen stated that she felt the question is part of the USR request and wished to continue discussing the rezone.

Commissioner Romulo asked in the event the rezone request is not approved, what Public Works would do about the asphalt facility. Mr. Hemesath replied that they would need to find a different location for the operation. Commissioner Andersen asked what made them choose the current site considering they knew it was zoned as residential. Mr. Hemesath responded that the storage facility began as a small operation that they did not anticipate would grow into what it has become today. Commissioner Andersen once again asked what other corporation or entity would be allowed to operate in non-compliance in a residential zone without any repercussion. Vice-Chair Briscoe addressed her question stating that the point had been made and it was not within Mr. Hemesath's scope to respond. Commissioner Andersen continued to assert that Public Works made the decision to begin an asphalt storage facility in a residentially zoned area without first requesting a rezone.

Mr. Hemesath replied that while he was aware of the residential zoning, the facility was only intended to be temporary, and the installation of the truck scale was a mistake that was made by an employee without his knowledge. Commissioner Andersen noted that as a Planning Commissioner she felt it was her duty to represent the public reaction and direct the City, but in this situation, she believed that the City had acted very inappropriately.

Mr. Mueller offered a response to whether entities are allowed to operate with zoning violations and for how long. First, he reiterated what Mr. Hemesath had stated regarding the initial intent for the storage facility and the fact that it was operating within guidelines for a period of time. Once the City recognized that the operation had expanded, it filed an application for a rezone. Mr. Mueller stated that if the City had been operating beyond the scope of what he had approved, then it would be considered a zoning violation. However, the City was not cited for any violations and there were no public complaints against the

facility. He continued to explain that there have been instances where commercial businesses and other organizations have been out of compliance with zoning ordinances and they are allowed to remain in operation for the duration of the application process. He elaborated that in some instances if they are found to be in violation, the scope of their operation is required to be scaled back to what had been initially approved.

Commissioner Andersen continued to accuse the City of knowingly disregarding the zoning because it felt it could operate with impunity. Mr. Mueller reiterated that there had been an active application for over a year which demonstrated that Public Works was not trying to conduct an operation with exemption from Code regulations. Commissioner Andersen brought to attention a \$325,000 line of credit that was added to the City budget to purchase equipment for the asphalt recycling facility earlier in 2019. Mr. Hemesath corrected that it was not part of the budget, but rather was carryover funds that have yet to be discussed with City Council.

Vice-Chair Briscoe asked whether the new equipment would still be required in the event the recycling operation were to be moved to a different location. Mr. Hemesath replied that it would not. Vice-Chair Briscoe followed up by asking how long the application for the rezone had been active. Mr. Hemesath replied that it was submitted about a year and a half ago. Commissioner Romulo asked how the revenue that is generated from the facility is being used. Mr. Hemesath stated that it is placed into the General Fund. She asked if the profit could be redistributed to support further mitigation to address some of the public's concerns and who would be responsible for the allocation of those funds. Mr. Hemesath responded that, while that is a possibility and staff can make recommendations, City Council ultimately approves the budget.

Vice-Chair Briscoe opened the public hearing at 2:34 p.m.

Stan Greenwood, 210 38th Avenue, stated that he lives on the other side of the fence from the asphalt recycling facility. He advised that he has been living there for 27 years and remembers the gravel pit operation and the reclamation promises that were made. Mr. Greenwood continued to give a brief history of the area, and stated that the neighborhood residents were promised that the gravel pit would be transformed into a pond with a park nearby after the operation was abandoned. He noted that the fence that is supposed to reduce the noise produced by the asphalt facility is ineffective and that the noise is still a big nuisance. Mr. Greenwood ended his comments by stating that while he understands the City's need for an asphalt operation, he really does not appreciate how they approached and handled the situation.

Kurt Weever, 225 North 40th Avenue, stated that based on his knowledge and experience in the mitigation department in the oil and gas industry, he is aware that there are additional measures that can be taken to reduce the noise.

Ron Redford, 111 38th Avenue, stated that as a resident who has been in the neighborhood since 1979, he also remembers the promise of a pond and a park being built. He expressed his frustration with the City for not following through with what they were promised, and instead opening a facility that causes so much noise and aggravation. He noted that he is also very concerned about the property values of their homes, and how inappropriate he feels it is to have industrial operations in a residential area.

Ms. Weever, 225 North 40th Avenue, stated that when purchased the property it was in a rural area and she appreciated her privacy. Now that they are part of Greeley she said that the traffic has increased and they are losing their privacy which she feels is unfair. She advised that the City does not even plow their roads; it is something residents do themselves.

Steve Keates from Greeley stated that he has major concerns with the increase in traffic for not only this neighborhood, but also Greeley in general. He also expressed his opinion regarding what our public transit system is currently and what it should be.

Tracy Trutledge, 3914 West B Street, advised that she has resided in that neighborhood since 1964. She stated that she has video and audio recordings on her phone and surveillance camera at home of the noise. Ms. Trutledge played samples of the recording to demonstrate what the constant noise in her backyard is like. She stated that the facility is producing 7 days per week at times that are outside of normal operating hours. She also remembers when City Council approved the park and pond that would take place of the gravel pit in the 1970s. She ended by expressing how she disagrees that the recycle facility should be allowed in a residential area.

Warren Smeckley, 102 North 40th Avenue, stated that the noise is his biggest complaint and that while he agrees an asphalt facility is necessary for the city, he does not agree that it should be in a residential area.

Vice-Chair Briscoe closed the public hearing at 2:53 p.m.

Mr. Garrott returned to the podium to answer questions and address concerns. Vice-Chair Briscoe asked for clarification about the park and pond that were promised. Mr. Garrott advised that he is unaware of any documentation regarding plans to build a park and pond area. He stated that while it may have been a proposed option for reclamation, he is unsure of what exactly happened since there are no records of it in the City. Mr. Mueller stated that if the commitment was made for a park during the 1970s or 1980s, that would have been between the company and Weld County since Greeley did not have jurisdiction over the area at that time.

Commissioner Franzen asked whether a reclamation plan promised by Weld County would have been honored once the property was annexed by the City. Mr. Garrott stated that if there were any grandfathered plans that were proposed by the State of Colorado, the City would have been required to fulfill them. Commissioner Romulo asked if the Planning department has the mining permit and reclamation plan on record. Mr. Garrott advised that if it does, it would not be the final version of the State's plan since that was sent to Weld County. Mr. Hemesath stated that he has seen the reclamation plan and it is not very detailed. Commissioner Franzen asked whether the park and pond were more conceptual

ideas rather than an actual commitment to be fulfilled. Mr. Hemesath stated that was correct and that he had never seen any plans for a park.

Commissioner Andersen once again asked about the City's intent when it purchased the property in 2014. Mr. Hemesath replied that it was purchased with the intent of constructing the fire training facility. Commissioner Andersen asked when the notion of storing asphalt occurred. Mr. Hemesath responded that after they were given notice that they needed to vacate the property where the asphalt facility used to be, this City-owned property was deemed a possible opportunity. Commissioner Andersen sought clarification of how the storage facility can be considered necessary to providing a community-related use. Mr. Garrott explained that while it is not a civic related use, the ability to have a facility to recycle and store asphalt is beneficial to the citizens of Greeley since materials are used to improve streets and roadways. He also stated that the central location makes it easier to service all parts of the City.

Vice-Chair Briscoe requested clarification of what they heard in the audio recordings that were presented. Mr. Hemesath stated that he is unsure of what the sounds are in the first recording. He noted that in the second recording, the sound was sawing of a metal pipe. Commissioner Briscoe asked about the purpose for sawing the metal pipe. Mr. Hemesath responded that it was conducted by a person who was not supposed to be on site and that the matter had been resolved. He stated that it could also be a normal residential noise such as someone cutting through wood.

Vice-Chair Briscoe asked about the duration of the asphalt grinding periods. Jerry Pickett, Public Works Streets Superintendent, responded that the grinding operation lasts for approximately one month once or twice per year. Mr. Hemesath reiterated that the hours of operation are during normal daytime hours and exclude weekends. Commissioner Romulo asked whether part of the "Keep Greeley Moving" tax that was approved in 2015 included an area where the recycling facility would be located. Mr. Hemesath stated that at the time it was operating on 8th Avenue and when that was no longer an option, the facility was moved to its current location. Commissioner Romulo followed up by asking if there are any other City-owned properties with existing industrial zoning where the operation could take place. Mr. Hemesath said that he is not aware of any at this time. Commissioner Andersen presented a list of properties where the facility could be located. Mr. Hemesath advised that many of those locations are in floodplain areas that would not be conducive to the operation.

Commissioner Modlin made a motion that based on the application received and the Project Summary and accompanying analysis, the Planning Commission finds that the proposed rezone from R-L (Residential Low Density), C-D (Conservation District), and C-L (Commercial Low Intensity) to I-M (Industrial Medium Intensity) zone district meets the applicable Development Code criteria, Sections 18.30.050(c)(3) f, g, and h and 18.30.055; and therefore, recommends approval of the rezone to the City Council. Commissioner Schulte seconded.

Vice-Chair Briscoe asked if there was any discussion before calling for a vote. Commissioner Schulte commented that although he concedes that the zoning process has been handled poorly by the City, considering it has historically been an industrial area, the new zoning would not be entirely out of scope. Commissioner Andersen disagreed and stated that since it was zoned as residential when the property was annexed, it is unfair to the residents to use the abandoned gravel pit as an asphalt recycle center and rezone the area to industrial.

Commissioner Franzen suggested that the revenue generated by the asphalt facility should be used to purchase a new piece of land in a more appropriately zoned area. Commissioner Andersen continued to express her frustration with the City. Commissioner Schulte suggested that the issue is not whether something be done somewhere else, but whether the current application meets the criteria for a rezone. Commissioner Andersen argued that the possibility of finding a different location should be taken into consideration. Commissioners Schulte and Andersen continued to debate. Commissioner Schulte reminded Commissioner Andersen that City Council would have the final decision on whether the area is rezoned. Commissioner Romulo reiterated that rezoning an area not only allows the current operation to continue, but also creates the opportunity for future industrial uses.

Commissioner Modlin moved to call for a vote on the original motion. Commissioner Schulte seconded. Motion carried 6-0.

Vice-Chair Briscoe called for a vote on the original motion. The motion failed due to a 3-3 tie vote, one member having recused himself from hearing the matter.

IV. A public hearing to consider a Use by Special review amendment request to allow outdoor storage on a 39-acre site

Project Name: 1st Amendment to the Greeley Emergency/Fire Training Facility

USR

Case No.: USR2018-0025 Applicant: City of Greeley

Location: 145 North 35th Avenue

Presenter: Mike Garrott, for Caleb Jackson, Planner II

The applicant requested a continuance of this item pending the decision for the rezone by City Council. Commissioner Franzen made the motion that the hearing for the USR be moved to January 14, 2019. Commissioner Modlin seconded. Motion passed 6-0.

Chair Yeater returned to the hearing.

V. A public hearing to consider approval of an amendment to the Promontory Imagine School, 2nd Filing, Final PUD to amend the final site plan, landscape plan and architectural elevation designs for Lot 1 located south of 16th Street, east of Promontory Parkway and north of Highway 34 Bypass, along the future 20th Street alignment

Project Name: Promontory Imagine School, 2nd Filing, 1st Amendment to Final

PUD

Case No.: PUD2019-0018
Applicant: City of Greeley.

Location: South of 16th Street, east of Promontory Parkway and north of

Highway 35 Bypass, along the future 20th Street alignment

Presenter: Marian Duran, Planner II

Ms. Duran began her presentation by displaying several slides including existing zoning, a vicinity map, area maps, as well as proposed site and landscape plans. When presenting the architectural elevations and rendered drawings, Commissioner Andersen noted that the school looked very similar to the fire station that will be constructed nearby. Ms. Duran stated that it shares many similarities and went into further detail about the proposed materials. She also commented that the renderings are for illustrative purposes only and are not final.

Ms. Duran presented photographs of the site. She detailed the location of the school, noting that it is close to the future site of the 20th Street alignment. Commissioner Schulte asked for clarification about where one of the photographs had been taken. Ms. Duran provided him with a detailed answer of which street and roundabout was nearby. Ms. Duran stated that the proposal is in alignment with current Code standards, and detailed the ways in which it is compliant, including changes to the structure and landscape that were made in order to be within regulation. She advised that notices were mailed to neighboring properties and no feedback was received. Ms. Duran stated that staff recommended approval.

Commissioner Modlin asked if the single traffic lights on 20th Street would be included in this project. Ms. Duran replied that lights would be considered that all street and traffic standards would be met. Commissioners Modlin and Andersen asked whether the 20th Street alignment project was going to remain 20th Street or change to 18th Street. Mr. Mueller provided clarification and advised that it would remain 20th Street.

Chair Yeater opened the public hearing at 3:33 p.m.

Steve Keates from Greeley stepped forward and expressed his concerns regarding the public transportation and transit system. He stated that the west side of Greeley is in great need of a better transportation system to keep up with its expansion.

Chair Yeater closed the public hearing at 3:36 p.m.

In response to the concern raised by Mr. Keates, Ms. Duran stated that staff has communicated with the public transportation department to ensure that it is striving to meet community needs.

Commissioner Andersen moved, that based on the application received and the preceding analysis, the Planning Commission finds that the proposed Promontory Imagine School, 2nd Filing, 1st Amendment to Final PUD final site plan, landscape plan, and architectural elevation designs for Lot 1 (2.507 acres), zoned PUD to allow fire stations, institutional and commercial type uses, is consistent with Development Code criteria, Section 18.32.140 (c), and therefore, approves the 1st Amendment to Final PUD as submitted. Commissioner Franzen seconded. Motion passed 7-0.

VI. Staff Report

Mr. Mueller expressed his appreciation for the Commissioners who have continued their engagement in attending worksessions and learning more about issues in the community. Carol Kuhn, Chief Planner, provided the Commission with details of upcoming worksessions.

VII. Adjournment

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Chair Yeater adjourned Planning Commission at 3.47 n m.

	Justin Yeater, Chair	
Brad Mueller, Secretary		

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PLANNING COMMISSION SUMMARY

ITEMS: Rezone property from R-M (Residential Medium Density) to R-H

(Residential High Intensity) with a Development Concept Master Plan and rezone property from R-L (Residential Low Density) to R-

M (Residential Medium Density)

FILE NUMBER: ZON2019-0014

PROJECT: Park Crossing Rezone

LOCATION: West of 47th Avenue, east of 49th Avenue Court, north of 25th Street,

and south of 24th Street

APPLICANT: Drayson Bowman, Colson Development

CASE PLANNER: Brittany Hathaway, Planner III

PLANNING COMMISSION HEARING DATE: January 14, 2020

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the application in the form of a finding based on the review criteria in Section 18.30.050(c)(3) of the Development Code.

EXECUTIVE SUMMARY

The City of Greeley is considering a request to rezone a 4.22 acre tract from R-M (Residential Medium Density) to R-H (Residential High Density) with a Development Concept Master Plan and a 1.87 acre tract from R-L (Residential Low Density) to R-M (Residential Medium Density).

The subject site is located west of 47th Avenue, east of 49th Avenue Court, north of 25th Street, and south of 24th Street (see Attachment A). If the rezoning requests are approved, the property would be subdivided so lots correspond to the proposed zoning boundaries.

A. REQUEST

The applicant is requesting approval to rezone a 4.22 acre tract from R-M (Residential Medium Density) to R-H (Residential High Density) with a Development Concept Master Plan and a 1.87 acre tract from R-L (Residential Low Density) to R-M (Residential Medium Density).

The request is supplemented with a proposed townhome development project (see Attachment E). The proposed R-M zoned tract is planned to be developed with 24 townhomes, no more than 4-attached at a density of 12.8 units per acre, fronting on 49th Avenue Court. The tract requested to be rezoned R-H is also proposed for a townhome subdivision and development with approximately 41 townhomes, up to 10 attached at a density of 9.7 units per

acre, including the proposed 48th Avenue roadway. The majority of the proposed townhomes within this tract will face interior to the development with alley-loaded garages and driveways. Ten units located on the southeast end of the project are proposed to front on 48th Avenue.

A Design Concept Mater Plan (DCMP) is provided for the proposed R-H tract to ensure compatibility with the surrounding area (see Attachment H). The DCMP would allow only for single-family detached or single-family attached uses on the R-H tract, with no more than 10 attached homes per segment. Should the applicant wish to develop a product other than that allowed in the DCMP, a new zoning application would be required.

B. STAFF RECOMMENDATION

Approval

C. LOCATION <u>Abutting Zoning/Land Use:</u>

North: R-L (Residential Low Density)

South: R-H (Residential High Density) and C-L (Commercial Low

Intensity)

East: C-H (Commercial High Intensity)
West: R-L (Residential Low Density)

Site Characteristics:

The site is undeveloped, unimproved vacant land. Attached sidewalks are along the north, west and south sides of the property.

Surrounding Land Uses:

North: Single-family residential

South: Assisted living/retirement home and multi-family residential

East: Car dealership, coffee shop, and fast-food restaurant

West: Single-family residential

D. BACKGROUND

The subject site was originally zoned R-2 when it was annexed with the Grapevine Annexation and Establishment Zoning in 1981 (Z 4:81). The zoning classifications were changed in 1998 upon revision of the Development Code. The R-2 zoning district is the equivalent to the R-M (Residential Medium Density) zoning district under the current Development Code.

In 2015, the property was rezoned to its current designation as part of the Grapevine Rezone which included a rezone of 16.46 acres from R-M to a combination of C-H, R-M and R-L (Z 12:14) . The R-M and R-L parcels are included in this request.

The intent in 2015 to zone the parcel adjacent to 49th Street Court R-L was to allow for a buffer between the existing single-family development and the higher intensity uses of the C-H properties, which now include a car dealership, drive-thru coffee shop, and fast-food restaurant. The applicant has proposed to rezone this parcel from R-L to R-M in an effort to maintain a lower intensity use buffer while providing townhome housing options.

E. APPROVAL CRITERIA

Development Code Section 18.30.050 Rezoning Procedures

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

The review criteria found in Section 18.30.050(c)(3) of the Development Code shall be used to evaluate the zoning amendment application.

a) Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?

Staff Comment:

The current residential zoning on Tract 1 has been in place since 2015 and the residential zoning on Tract 2 has been in place since 1981 with no development activity. The subject properties remain undeveloped despite exponential growth in the area and housing demands in the City.

The Centerplace, Gateway, and Suffolk PUD's are in near vicinity to the subject properties where commercial, townhome, and multifamily development patterns have been ongoing and continue to expand. One such example is the Longview Townhome development at 25th Street and 36th Avenue.

The City of Greeley has experienced a rise in housing costs of 19% from 2016-2018, placing constrain on housing affordability. The 2019 Strategic Housing Plan calls for housing diversity, promoting housing choice and affordability for single family ownership. Options include smaller footprints, townhomes and attached homes. This proposal seeks to provide such options. Additionally, the close proximity to commercial and office uses is compatible with higher density housing options.

Surrounding residential uses to the north, west, and south have remained relatively unchanged since their development. These areas include detached single family to the north and west, and multifamily uses to the south. While City housing policies have changed, the overall area has not significantly changed since the last rezone in 2015.

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

Staff Comment:

The existing zoning for the smaller R-L tract has been in place since 2015. The existing zoning for the larger R-M tract has been in place since 1981 without development.

The proposed rezone would be consistent with development trends along 47th Avenue, south towards US Highway 34 Bypass, by providing a transition from more intense uses directly adjacent to 47th Avenue to less intense uses further away from 47th Avenue. The rezone would encourage development of the property and provide a transition of land uses and land use intensities between 47th Avenue and the existing neighborhood.

c) Are there clerical or technical errors to correct?

There are no clerical or technical errors to correct. Staff Comment:

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

Staff Comment: There are no known impacts.

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

Staff Comment: The proposed rezoning is not necessary in order to provide land for

a community related use.

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

Staff Comment: Any potential noise created by future development will be regulated

by the Municipal Code. The appropriate buffering must be

provided, which lessens any potential visual impacts.

City services should not be impacted, since the surrounding area is already served by municipal services such as water and sewer. Police and Fire are already serving this area

The area is primarily residential in character to the north, west, and south and commercial to the east. The applicant has proposed a townhome development with a DCMP to ensure compatible single-family attached uses, which will also provide a land use buffer between the existing residential and commercial uses.

The proposal complies with this criterion.

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

There are no zoning overlay requirements for the subject property. The request is accompanied with a Development Concept Master Plan applicable to the proposed R-H zoned tract allowing only for single-family detached and single-family attached uses with no more than 10 attached units per segment.

The following City of Greeley 2060 Comprehensive Plan policies apply to this request:

Objective GC-1.2 Form of Growth

Encourage a compact form over sprawl or leap-frog development.

Objective GC-2.2 Jobs/Housing Balance

Support zoning and development patterns that expand opportunities for people who live in Greeley to also work in Greeley (or vice versa).

Objective GC-2.3 Pedestrian and Bicycle-Oriented Development

Encourage a development pattern that encourages walking and bicycling whenever possible - by locating employment, shopping, recreation, entertainment, transit, and other services within a quarter mile of residential areas.

Staff Comment:

The proposal is located in an infill site with adequate public facilities. The proposal would offer residential home ownership opportunities within walking and biking distance to commercial areas and public transit. The proposal also fulfills policies adopted within the 2019 City of Greely Strategic Housing Plan, which is an implementation component of the Comprehensive Plan.

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

Staff Comment:

The 2015 approved Zoning Suitability Plan assumed two-family uses on Tract 2 with single family uses on Tract 1. The potential impact of single-family attached uses in place of single-family detached uses on Tract 1 would be minimal. The applicant has provided a DCMP for the proposed R-H zoning on Tract 2 allowing only for single-family attached uses. As such, no additional impact is anticipated for Tract 2.

An updated Zoning Suitability Plan is required with a rezone application and was included with the rezone application.

The proposal complies with this criterion.

F. PHYSICAL SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The property consists of two tracts of land. The applicant has submitted a preliminary subdivision application to create 65 townhome lots, which is currently under review by Staff and is contingent upon approval of this rezone request. The preliminary plat will be reviewed by the Planning Commission and the final plat will be administrative.

2. WILDLIFE

Prairie dog mitigation was completed in 2015 with the development of Greeley Subaru.

3. FLOODPLAIN

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

4. DRAINAGE AND EROSION

A drainage report is not required for a rezone request. A drainage report is part of the development review process and has been submitted to the City for review with the preliminary subdivision application.

5. TRANSPORTATION

The City's traffic engineer and Engineering Development Review staff have reviewed the traffic impact analysis with the proposed concept plan for the proposed townhome use and found that additional traffic to the roadway system would not create a significant impact. A summary of the findings are included below.

- The study analyzed existing conditions and proposed conditions assuming the property develops as 71 townhomes. 65 townhomes are now proposed.
- Counts were conducted in April of 2019 when school was in session. The AM peak hour period was determined to be 7:15a.m.-8:15a.m. and PM peak hour period was 4:45p.m.-5:45p.m.

- The proposed land use is expected to generate 40 AM peak hour trips and 48 PM peak hour trips. Total daily trip generations is projected at 520 daily trips.
- Overall analysis rated the current and future level of service (LOS) as B without any improvements, which is acceptable.
- As garages will not face the existing neighborhood to the west along 49th Avenue Court, parking on-street will be minimized.

The site is also served by Greeley-Evans Transit (GET) Transit System Route 1 at the intersection of 24th Street and 47th Avenue, and is walking distance to many commercial businesses and restaurants.

G. SERVICES

1. WATER

Water services are available and can adequately serve the subject property.

2. SANITATION

Sanitation services are available and can adequately serve the subject property.

3. EMERGENCY SERVICES

Emergency services are available and can adequately serve the subject property. There is a fire station located north of the subject site, on the northwest corner of 24th Street and 47th Avenue.

4. PARKS / OPEN SPACES

No parks or open space areas are proposed with this rezone request. Monfort Park, a community park, is located directly north of the subject property. Future development proposals for the residentially zoned property must meet a 25% open space requirement for the townhome development, as well as the City's Adequate Public Facilities section of the Development Code, including parkland dedication.

5. SCHOOLS

No schools are proposed or located within the site. The nearest school, Monfort Elementary School, is located approximately one-half mile to the north of the subject site.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts.

2. NOISE

Any potential noise created by future development will be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

1. NEIGHBORHOOD MEETING

A neighborhood meeting was held on November 13, 2019, for which property owners within 500 feet were notified via USPS. There were approximately 15 people in attendance, including representatives for the applicant/property owner and City staff.

Neighbor comments included disquiet over traffic, parking, and potential high density apartment uses. Other questions included topics such as proposed design and HOA maintenance. The applicant took in concerns and provided a DCMP to address design and use intensity concerns within the proposed R-H tract and will establish an HOA for maintenance. Traffic and parking were addressed in the traffic impact study.

2. PUBLIC NOTICE AND COMMENT

Neighborhood notices for this meeting were mailed to surrounding property owners on December 27, 2019 per Development Code requirements. A sign was also posted on the site on December 30, 2019. As of January 7, 2020 no comments have been received.

J. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from R-M (Residential Medium Density) to R-H (Residential High Density) with a Development Concept Master Plan (DCMP) and from R-L (Residential Low Density) to R-M (Residential Medium Density) meet Development Code Section 18.30.050(c)(3) f, g, and h; and therefore, recommend approval of the rezone to the City Council.

ATTACHMENTS

Attachment A – Zoning/Vicinity Map

Attachment B – Site Photos

Attachment C – Project Narrative

Attachment D – Rezone Boundary Map

Attachment E – Preliminary Site Plan

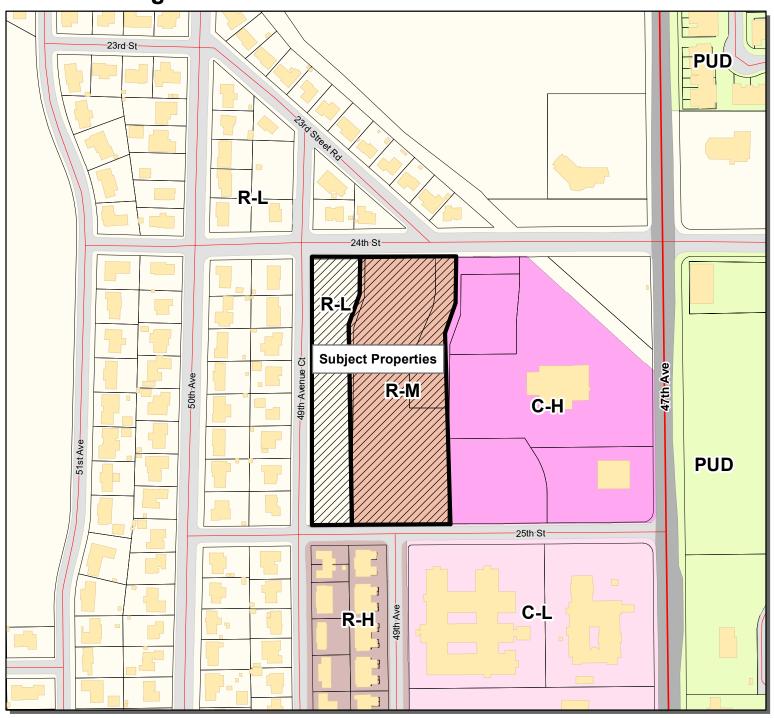
Attachment F – Zoning Analysis Map

Attachment G – Zoning Suitability Map

Attachment H – Development Concept Master Plan (DCMP)

Attachment A City of Colorado Creeley

Zoning/Vicinity Map Park Crossing Rezone



ZON2019-0014

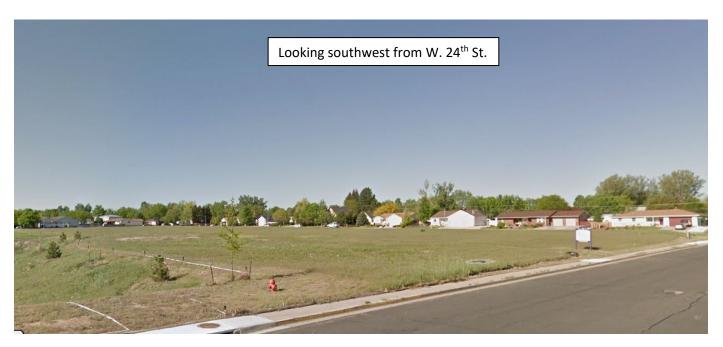


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Site Photos











PARK CROSSING DEVELOPMENT NARRATIVE

The location of the subject property provides a unique development opportunity in West Greeley. Tract 1 and 2 of the Grapevine Minor Subdivision is currently owned by WJY Enterprises LLC and consists of approximately 6 acres. The two parcels are currently zoned RL and RM respectively. The property sits just West of 47th Avenue and is bordered to the South with a senior living facility and multiple four-plex housing units. Directly to the West are nine single family homes and to the North is also single-family residential. To the East sits a Subaru car dealership, (owned by Tract 1 and 2 owner) as well as a Freddy's fast food restaurant.

Our proposal is a 65-unit town home development that will fulfill Greeley's need for more entry level and affordable housing. In order to accommodate the 65-unit plan, we intend to go through the rezoning process to obtain RM and RH designations for each tract. We feel strongly that rezoning the parcels is the proper use for this land for a multitude of reasons.

Greeley's Housing Shortage

A February 2019 article in the Greeley Tribune reported that The City of Greeley is short an estimated 1,100 homes because of the effects of the Great Recession. Financing challenges during this period from 2008 – 2013 caused a failure in housing product getting to market. Further compounding this problem is the population growth that has persisted in Greeley, and to a larger extent, Northern Colorado. According to the Census Bureau, the Metropolitan Statistical Area that Greeley is included in was the fourth fastest growing MSA in 2017. Add to all of that, the rising cost of raw water has led to development challenges in the region.



The City formed a task force to come up with a plan to address these concerns. Their aggressive plan to build 5,557 homes in the next 5 years included

- Allow detached homes, reduce lot sizes and encourage more complete neighborhoods
- Minimize development costs for affordable housing
- Improve the housing product mix
- Address rising raw water costs
- Encourage home ownership
 Calling for more diversity in single family homes, including ADU's, town homes and attached homes

Additionally, the task force suggested providing incentives to developers to build permanent affordable housing and encouraging complete neighborhoods — those that allow people to meet their daily needs within a 20-minute walk.

Greeley Community Development Director Brad Mueller told council members the plan is an outline of solutions the city could implement in the future. The potential solutions to the city's housing problem range from encouraging manufactured homes to creating incentives for developers to addressing the rising cost of raw water.

"This is itself a plan," he said. "It is not a specific set of policies or a code we're asking for you to adopt, but a roadmap."

Mayor John Gates said Greeley is in a unique position to grow in terms of housing.

"I think it's clear we love this plan," he said.

Our proposal follows this roadmap almost to the letter. Our end user will be within a 10-minute walk to Safeway, Target, and numerous restaurants and services. Easy access to Highway 34 will be attractive as well. Given the opening of the 260,000+ square feet of medical services and the massive growth around the property in the last 5 years we feel that there is no bettime to implement this type of project in this location.



ARTICLE CREDIT – Sara Knuth - https://www.greeleytribune.com/news/a-look-at-the-ambitious-housing-plan-greeley-is-considering/

Development Features

Our development proposal includes some features intended to benefit the surrounding neighborhood and create a look and feel that community members will be happy with.

First, we will use an alley loaded approach to the garages in the development. This will present the surrounding neighbors with front doors and small landscaped yards. We feel this is preferable to outer facing garages. It was mentioned to us that the lighting from the car dealership was a big sticking point in the development of that property. Our two-story unit plan will effectively screen the bright lights being emitted from the Subaru dealership and other commercial properties to the East.

Another unique feature we will include is a 22-foot garage. Many of the of the surrounding housing developments seem to have an issue with fitting larger trucks in the garages. Given high volume of such vehicles in the area, it is our intention to provide our end user with adequate space to park their vehicles in their unit garages. We believe this will add to the look and feel of the development by limiting the number of vehicles parked on the street.

48th Avenue runs North to South through the development. We plan on making this a one-way street flowing from South to North and think it will benefit the community in a few ways. First, it will prevent vehicle traffic from using it as a cut through route. This will force them to use the larger surrounding streets. Secondly, it will be narrower, allowing for slower speeds. We feel this is necessary for the safety of the residents. Our Transportation Impact Study indicated that no significant issues would arise as a result of development.



This includes the implementation of the one-way street. It would also allow for the flow of traffic to the major stop light on the Northeast corner. The pedestrian traffic would utilize the surrounding sidewalks as well as the additional sidewalks the development plan calls for.

Tract 2 on the site plan cited as "R-H" zoning is proposed to allow single buildings to consist of up to 10 single family dwellings. Thereafter, tract 1 cited as "R-M" zoning is proposed to allow single buildings to consist of more than 4 single family dwellings.

Development Timeline

The infrastructure portion of the project will be completed all at once. We anticipate the build to be 90-120 days. The homes will likely be phased in groups of 10-12 units depending on sales. A 300-day build period is expected for the completion of the homes.

Addressing 18.30.050(3) of the Greeley Development Code

- A. As outlined above, we feel the area has changed significantly to warrant a rezone to RH. We think this type of project will complement the immense development that has taken place in this area.
- B. The zoning has not been in place for 15 years.
- C. There are no errors.
- D. N/A
- E. No.
- F. The impact to the immediate neighborhood will be positive. Visually it will provide a screen to the current car dealership and it's lighting, which was a major concern for neighbors. The project will also have front doors and front yards facing the surrounding streets which we feel will be a superior look to garage doors.
- G. Given the RH zoning to the South on the same type of parcel. This zoning should be consistent with the City's comprehensive plan.
- H. Our proposal will allow for a greater amount of affordable housing units that City have indicated as a top priority.

VICINITY MAP 2337 49TH AVENUE COURT GREELEY CO BLOCK 2, LOT 4 LUNDVALL SUBDIVISION 1ST / ZONING R-L REZONE LEGAL DESCRIPTION: TRACT 1, GRAPEVINE MINOR SUBDIVISION RECORDED AUGUST 25, 2015 AT RECEPTION NUMBER 4136338 AND TRACT 2, GRAPEVINE MINOR SUBDIVISION, 1ST REPLAT RECORDED MARCH 25, 2016 AT RECEPTION NUMBER 4190457. CONTAINING 265,341 SQUARE FEET (6.09 ACRES), MORE OR LESS. SURVEYOR'S STATEMENT: I, READE COLIN ROSELLES, A COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY STATE THAT THIS PROPERTY BOUNDARY MAP WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF. THIS DRAWING DOES NOT REPRESENT A LAND SURVEY, LAND SURVEY PLAT, IMPROVEMENT SURVEY OR IMPROVEMENT LOCATION CERIFICATE AND ANY MONUMENTS OR BOUNDARY LINES SHOWN ARE FOR REZONING THE PROPERTY ONLY.

READE COLIN ROSELLES COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR #37911

CONSIDERING THE NORTHERLY LINE OF TRACT 1, GRAPEVINE MINOR SUBDIVISION TO HAVE A BEARING OF NORTH 89°28'35" EAST, AS SHOWN ON THE PLAT THEREOF, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

SURVEY NOTES:

SURVEYOR:

- COFFEY ENGINEERING AND SURVEYING DOES NOT HAVE THE EXPERTISE TO ADDRESS MINERAL RIGHTS, AND RECOMMENDS THE OWNE RETAIN AN EXPERT TO ADDRESS THESE MATTERS. COFFEY ENGINEERING AND SURVEYING ASSUMES NO RESPONSIBILITY FOR THE MINERAL RIGHTS UPON THIS TRACT OF LAND.
- EASEMENTS SHOWN HEREON WERE TAKEN FROM THE GRAPEVINE MINOR SUBDIVISION PLAT. NO OTHER DOCUMENTS WERE PROVIDED AS PART OF THIS REZONE MAP.
- THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF REZONING THE LANDS AND AREA SHOWN HEREON
- THE LINEAL UNIT USED IN THE PREPARATION OF THIS SURVEY IS THE US SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- DEFARMACIS OF COMMERCE, INSTITUTE OF STANDARDS AND IECTINOLOGY.

 ALL ELEVATIONS ARE BASED ON CITY OF GREELEY BENCHMARK 81 METAL ROD IN SLEEVE WITH 3.25" LOGO CAP LOCATED SOUTH OF US 34 BYPASS APPROXIMATELY 320" EAST OF 47TH AVE. ELEVATION=4886.70 (DATUM-NAVD 88).

 6. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT, IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

PROPERTY BOUNDARY MAP TRACT 1, GRAPEVINE MINOR SUBDIVISION AND TRACT 2, GRAPEVINE MINOR SUBDIVISION, 1ST REPLAT

LOCATED IN THE SE 1/4 OF SECTION 15 T5N, R66W OF THE 6TH P.M. CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

S89°28'35"W 203.88'

GREELEY CO BLOCK 3, LOT 3 LUNDVALL SUBDIVISION 1ST FG ZONING R-L

24TH ST.

N89'28'35"E 140.05' (M) (BASIS OF BEARINGS)

2405 49TH AVENUE COURT GREELEY CO BLOCK 2, LOT 9 HIGHLAND PARK 2ND ADD

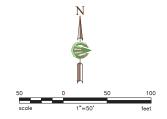
2411 49TH AVENUE COURT GREELEY CO BLOCK 2, LOT 10 HIGHLAND PARK 2ND ADD ZONING R-L

2437 49TH AVENUE COURT

2477 49TH AVENUE COUR

2481 49TH AVENUE COURT GREELEY CO BLOCK 2, LOT 15 HIGHLAND PARK 2ND ADD ZONING R-L

2485 49TH AVENUE COURT GREELEY CO BLOCK 2, LOT 16 HIGHLAND PARK 2ND ADD ZONING R-L

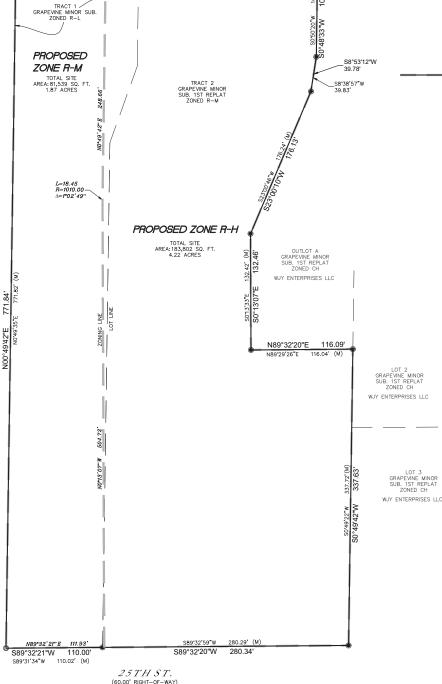


Attachment D

- DENOTES FOUND NO. 4 REBAR (LENGTH UNKNOWN) WITH ATTACHED 1" PLASTIC YELLOW CAP MARKED BY LICENSE NO. 38353
- O DENOTES FOUND CUT CROSS
- (M) MEASURED INFORMATION

LEGEND:

BOUNDARY OF PROPOSED REZONING DISTRICT



2501 49TH AVENUE COURT GREELEY CO BLOCK 1, LOT 6

4800 W 25TH STREET GREELEY CO LOT 1 LIFE CARE SUBDIVISION FG#1 ZONING C-L

PROI TRACT I, GRAPEVIN GRAPEVINE M

AND TRACT





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Attachment E

SHEET INDEX

CV-1

SP-1

GR-1

UT-1

DR-1

LS 1

LS 2

LS 3



Call before you dig.

SHEET TITLE

COVER SHEET

GRADING PLAN

UTILITY PLAN

DRAINAGE PLAN

LANDSCAPE PLAN

LANDSCAPE PLAN 2

LANDSCAPE NOTES AND

SITE PLAN

DETAILS

PROJECT: DATE: DESIGNER: DRAFTER:

SHE

PARK CROSSING GRAPEVINE MINOR 1ST RPLT OVE 7 8 RACT

Ш

O

NOT FOR CONSTRUCTION

LOCATED IN THE SE¹/₄ OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M. CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

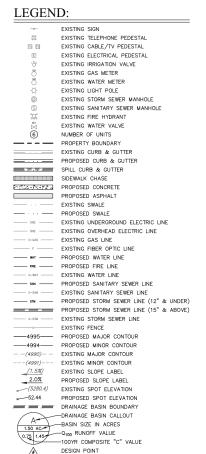
DECEMBER 2019

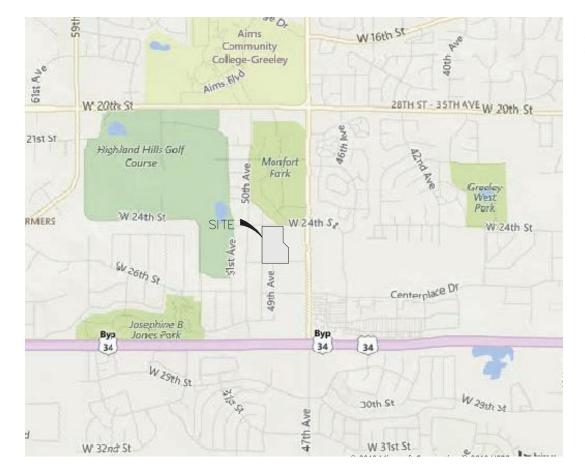
GENERAL NOTES

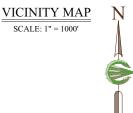
- ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY, OR EASEMENT SHALL CONFORM TO THE CITY OF GREELEY CONSTRUCTION SPECIFICATIONS AND DESIGN STANDARDS.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO COMMENCEMENT OF ANY WORK ON THE PROJECT. A PERMIT FROM PUBLIC WORKS DEPARTMENT (970—350—9881) IS REQUIRED FOR ALL CONSTRUCTION IN PUBLIC RICH-FOF—WAY OR EASEMENTS. A PRE-CONSTRUCTION CONFERENCE SHALL BE HELD WITH CITY REPRESENTATIVES BEFORE A PERMIT WILL BE ISSUED. CALL UTILITY VORTHCATION CENTER OF COLORADO AT 1—800—822—1987 FOR UTILITY LOCATES AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION
- THE CONTRACTOR SHALL NOTIFY CONSTRUCTION SERVICES (970–350–9358) AT LEAST 24 HOUR PRIOR TO REQUIRED INSPECTION.
- IT IS THE RESPONSIBILITY OF THE DEVELOPER DURING CONSTRUCTION ACTIVITIES TO RESOLVE CONSTRUCTION PROBLEMS DUE TO CHANGED CONDITIONS, OR DESIGN TERRORS ENCOUNTERED BY THE DEVELOPER OF THE CONSTRUCTION PROBLEMS DUE TO CHANGED CONDITIONS, OR DESIGN TERRORS ENCOUNTERED BY THE DEVELOPER, OT THE ACCEPTED OF THE CONTROL OF THE
- THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS AT AND ADJACENT TO THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY, DURING THE PERFORMANCE OF THE WORK. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO NORMAL WORKING HOURS. THE DUTY OF THE CITY TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON, OR NEAR THE CONSTRUCTION SITE.
- THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAG PERSONS, OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY IN ACCORDANCE WITH THE CURRENT MANUAL. ON UNIFORM TRAFFIC CONTROL DEVICES, AND THE GREELEY SUPPLEMENT TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL SURVEY MONUMENTS. ANY MONUMENT THAT MUST BE DESTROYED FOR CONSTRUCTION SHALL BE REPLACED. THE CONTRACTOR SHALL ENGAGE THE SERVICES OF A PROFESSIONAL LICENSED SURVEYOR (PLS) PRIOR TO DISTURBING ANY MONUMENTS.
- PRIOR TO FINAL PLACEMENT OF SURFACE PAVEMENT, ALL UNDERGROUND UTILITY MAINS SHALL BE INSTALLED AND SERVICE CONNECTIONS STUBBED OUT BEYOND CURB LINE, WHEN ALLOWED BY THE UTILITY, SERVICE FROM PUBLIC UTILITIES AND FROM SANITARY SEWERS SHALL BE MADE AVAILABLE FOR EACH LOT IN SUICH A MANNER THAT WILL NOT BE NECESSARY TO DISTURB THE STREET PAVEMENT, CURB, GUTTER, AND SIDEMALK WHEN CONNECTIONS ARE MADE.
- A GEOTECHNICAL REPORT HAS BEEN PREPARED FOR THE PROPERTY FOR ONSITE GRADING AND PAVING. THERE IS NO RIGHT-OF-WAY GRADING OR PAVING PROPOSED.

WATER & SEWER GENERAL NOTES

- MAINTAIN A MINIMUM OF TEN (10) FEET HORIZONTAL CLEAR DISTANCE SEPARATION BETWEEN POTABLE WATER MAINS/SERVICES AND SANITARY SEWER OR NON-POTABLE IRRIGATION MAINS/SERVICES. POTABLE WATER MAINS/SERVICES ARE TO BE LOCATED 18—INCHES MINIMUM ABOVE THE SANITARY SEWER OR NON-POTABLE IRRIGATION MAINS/SERVICES. IF FIELD CONDITIONS VARY FROM THOSE SHOWN ON THESE PLANS AND THE SANITARY SEWER OR NON-POTABLE MAINS/SERVICES CANNOT BE LOCATED BELOW THE WATER MAIN OR SERVICE, A CLEAR VERTICAL DISTANCE OF EIGHTEEN (6)) NONES BELOW CANNOT BE MAINTAINED, OR A MINIMUM TEN (10) FOOT HORIZONTAL SEPARATION CANNOT BE ACHIEVED, THE CITY SHALL BE CONTACTED IMMEDIATELY TO REVIEW THE SITUATION.
- WHERE POTABLE WATER, SANITARY SEWER, AND NON-POTABLE IRRIGATION LINES ARE LOCATED IN COMMON UTILITY EASEMENT AREAS, THERE SHALL BE NO OTHER UTILITIES LOCATED HORIZONTALLY WITHIN TEN (10) FEET OF ETHER LINE EXCEPT AT APPROVED CROSSINGS.
- CONTRACTOR SHALL NOTIFY THE CITY ONE (1) WEEK PRIOR TO COMMENCING WORK AFTER CITY ACCEPTED CONSTRUCTION DRAWINGS HAVE BEEN DISTRIBUTED AND A PRECONSTRUCTION MEETING HAS BEEN HELD WITH THE CITY.
- CONTRACTOR SHALL POTHOLE ALL EXISTING UTILITIES TO BE CROSSED BY POTABLE WATER, SANITARY SEWER, OR NON-POTABLE IRRIGATION LINES AT LEAST 24 HOURS PRIOR TO CROSSING TO RESURE IS "RIMINIMM CLEARANCE FOR POEN CUT CROSSINGS AND 36 MININIMM CLEARANCE FOR POEND CUT CROSSINGS AND 36 MININIMM CLEARANCE FOR POENDE CROSSED SHANDLY CROSSED STANDARD OF CROSSED STANDARD OF CROSSED WITH A SECONDED ON THE AS-CONSTRUCTED RECORDED DRAWNES.
- SHOULD ANY VARIATIONS BEFORE OR DURING CONSTRUCTION TO THE POTABLE WATER DISTRIBUTION, SANITARY SEWER COLLECTION, OR NON-POTABLE IRRIGATION SYSTEM DESIGNS BE CONSIDERED, NOTICE MUST FIRST BE GIVEN TO THE CITY TO DETERMINE IF IT NEEDS ACCEPTANCE BY THE CITY, IF SO, A NEW PLAN SHALL BE DRAWN AND SUBMITTED TO THE CITY FOR ACCEPTANCE BY THE DESIGN ENGINEER 72 HOURS PRIGIR TO CONSTRUCTION.
- FINAL CONSTRUCTION PLANS ARE VALID FOR CONSTRUCTION ONE (1) YEAR FROM THE DATE OF CITY SIGNATURE ACCEPTANCE.
- ALL NON-POTABLE WATER MAINS AND SERVICES SHALL HAVE A MINIMUM COVER OF THREE AND A HALF (3.5) FEET AND A MAXIMUM COVER OF SIX (6) FEET UNLESS OTHERWISE INDICATED ON THE ACCEPTED CONSTRUCTION DRAWINGS.
- ALL UTILITY CONDUIT CROSSINGS OF POTABLE WATER, SANITARY SEWER AND NON-POTABLE IRRIGATION LINES SHALL BE ENCASED IN HIGH DENSITY POLYETHYLENE (HOPE) PIPE, WITH A MINIMUM STANDARD DIMENSION RATIO (SOP) 11 ACROSS THE ENTIRE EASEMENT OR RIGHT-OF-WAY WIDTH. THE ENCASEMENT JOINT SHALL BE BUTT FUSED, FLEXIBLE JOINTS ARE NOT ALLOWED.







STORMWATER GENERAL NOTES

OVERLAND FLOW

- ALL STORM DRAINAGE CONSTRUCTION SHALL CONFORM TO THE CITY OF GREELEY'S MOST RECENT STORM DRAINAGE SPECIFICATIONS. A COPY OF THE SPECIFICATIONS MAY BE OBTAINED FROM THE CITY OR FOUND ON THE CITY'S WEB PAGE GREELEYGOV.COM.
- BACKFILL MATERIAL MAY BE LOCAL SITE MATERIAL THAT IS WELL-GRADED, NON-COHESIVE GRANULAR MAY BE LOCAL SITE MATERIAL THAT IS WELL-GRADED, NON-COHESIVE GRANULAR MATERIAL FERE OF ROCKS, FORCEN LUMBER, FOREION MATERIAL OR STONES GREATER THAN 3" IN ANY DIMENSION, AGGREGATE BASE COURSE, OR FLOWFILL REMOVE ALL DEBRIS INCLUDING SODA CANS, RAGS, PIPE BANDING MATERIAL, ETC. FROM THE PIPE TRENCH BEFORE BACKFILLING.
- ALL AREAS IMPACTED BY THE CONSTRUCTION SHALL BE CLEARED OF PROJECT GENERATED DEBRIS BY THE CONTRACTOR AT THE EARLIEST OPPORTIUNITY, BUT IN NO CASE SHALL ANY ROADS OR WALKWAYS BE LEFT UNCLEARED AFTER THE COMPLETION OF THE DAY'S WORK. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE THE NECESSARY EQUIPMENT AND MATERIAL TO SATISFACTORILY CLEAN THE ROADWAYS.
- ECO-PANS OR EQUIVALENT WILL BE REQUIRED TO BE USED DURING CONCRETE PLACEMENT ACTIVITIES FOR CONCRETE WASH-OUTS. EARTH WASH-OUT PITS WILL NOT BE ALLOWED ON THE PROJECT SITE DUE TO THE SIZE OF THE PROJECT AND PROXIMITY TO AN ESTABLISHED DRAINAGE WAY.

CONTACT INFORMATION

OWNER: COLSON DEVELOPMENT MARK BOWMAN 2570 DAWN COURT ERIE, COLORADO 80516 CIVIL ENGINEER: COFFEY ENGINEERING & SURVEYING, LLC TROY CAMPBELL, P.E. 4045 SAINT CLOUD DRIVE, SUITE 180 LOVELAND, COLORADO 80538 970-622-2095

LANDSCAPE ARCHITECT: TB GROUP COURTNEY STASIEWICZ 444 MOUNTAIN AVE GREELEY COLORADO 80513 970-532-5891

SURVEY CONTROL NOTES

BASIS OF ELEVATION:

ALL ELEVATIONS ARE BASED ON CITY OF GREELEY BENCHMARK 81 METAL ROD IN SLEEVE WITH 3.25" LOGO CAP LOCATED SOUTH OF US 34 BYPASS APPROXIMATELY 320' EAST OF 47TH AVE. ELEVATION=4886.70 (DATUM-NAVD 88).

BASIS OF BEARNING.

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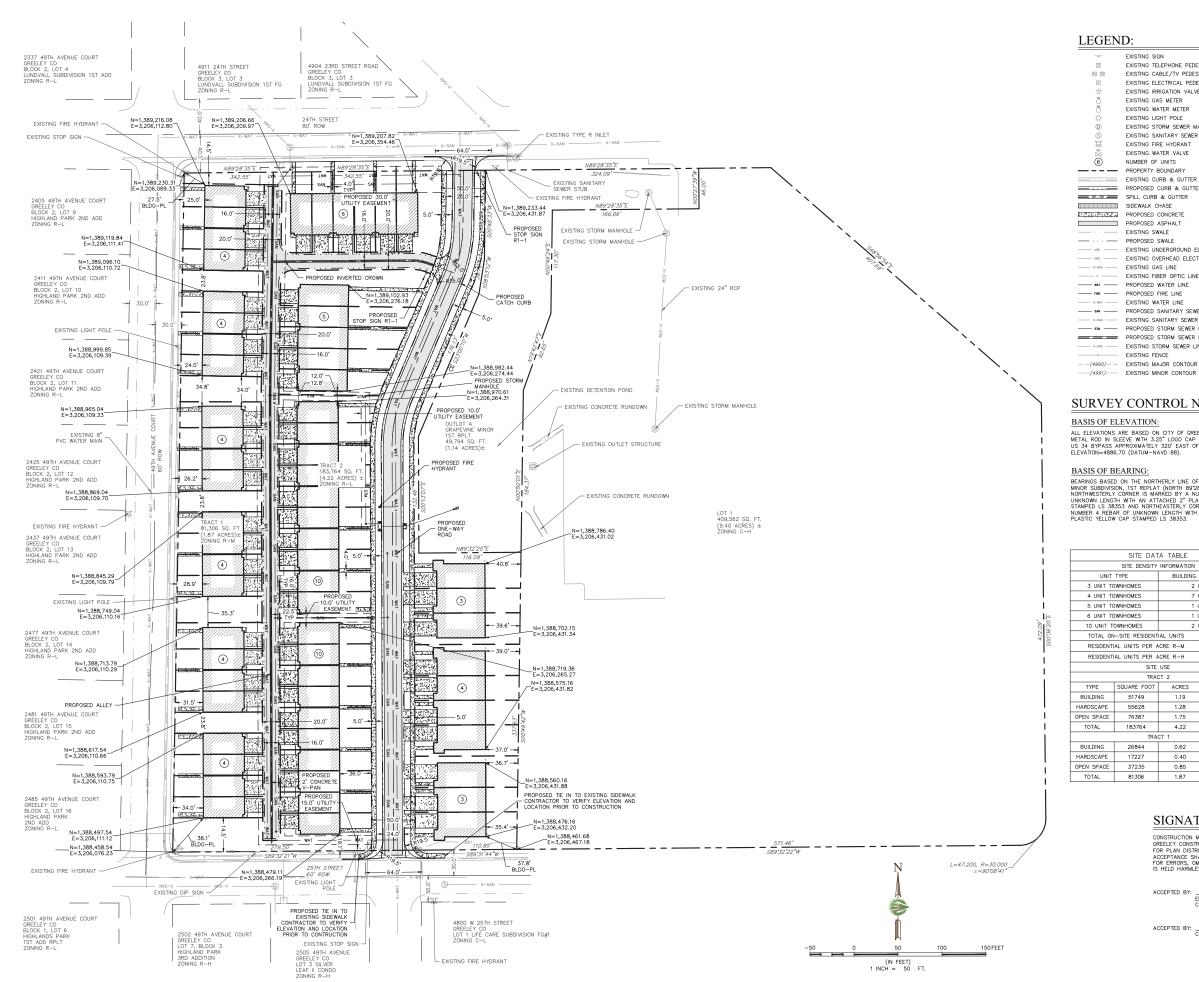
SIGNATURE BLOCK

CONSTRUCTION MUST BE IN ACCORDANCE WITH APPLICABLE CITY OF GREELEY CONSTRUCTION STANDARDS. THE CITY'S ACCEPTANCE ALLOWS FOR PLAN DISTRIBUTION AND PERMIT APPLICATION. THE CITY'S ACCEPTANCE SHALL NOT RELIEVE THE DESIGN ENGINEER'S RESPONSIBILITY FOR ERRORS, OMISSIONS, OR DESIGN DEFICIENCIES FOR WHICH THE CITY IS HELD HARMLESS.

ACCEPTED BY:	FIRE MARSHAL	DATE
ACCEPTED BY:	ENGINEERING DEVELOPMENT REVIEW/ CIVIL INSPECTIONS MANAGER	DATE
ACCEPTED BY:	COMMUNITY DEVELOPMENT DIRECTOR	DATE

PRELIMINARY

C-1SHEET **3**03





LEGEND: EXISTING SIGN
EXISTING TELEPHONE PEDESTAL EXISTING CABLE/TV PEDESTAL EXISTING ELECTRICAL PEDESTAL EXISTING IRRIGATION VALVE EXISTING GAS METER EXISTING WATER METER EXISTING LIGHT POLE EXISTING STORM SEWER MANHOLE EXISTING SANITARY SEWER MANHOLE EXISTING FIRE HYDRANT EXISTING WATER VALVE NUMBER OF UNITS
 PROPERTY BOUNDARY EXISTING CURB & GUTTER
PROPOSED CURB & GUTTER SPILL CURB & GUTTER SIDEWALK CHASE PROPOSED CONCRETE
PROPOSED ASPHALT EXISTING SWALE EXISTING UNDERGROUND ELECTRIC LINE EXISTING OVERHEAD ELECTRIC LINE EXISTING GAS LINE EXISTING FIBER OPTIC LINE == X-SAN == EXISTING SANITARY SEWER LINE == STM == PROPOSED STORM SEWER LINE (12" & UNDER) PROPOSED STORM SEWER LINE (15" & ABOVE) EXISTING FENCE -- (4990)-- EXISTING MAJOR CONTOUR

SURVEY CONTROL NOTES

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SITE DATA TABLE							
SITE DENSITY INFORMATION							
UNIT	TYPE	BUILDING UNIT COUNT					
3 UNIT TO	WNHOMES	2 UNITS					
4 UNIT TO	WNHOMES	7 UNITS					
5 UNIT TO	WNHOMES	1 UNITS					
6 UNIT TO	WNHOMES	1 UNITS					
10 UNIT TO	OWNHOMES	2 UNITS					
TOTAL ON	-SITE RESIDENT	IAL UNITS	65				
RESIDENTI	AL UNITS PER A	CRE R-M	12.8/ACRE				
RESIDENTI	AL UNITS PER A	CRE R-H	9.7/ACRE				
SITE USE							
TRACT 2							
TYPE	SQUARE FOOT	ACRES	PERCENTAGE				
BUILDING	51749	1.19	28.16				
HARDSCAPE	55628	1.28	30.27				
OPEN SPACE	76387	1.75	41.57				
TOTAL	183764	4.22	100.00				
TRACT 1							
BUILDING	26844	0.62	33.02				
HARDSCAPE	17227	0.40	21.19				
OPEN SPACE	37235	0.85	45.80				
TOTAL	81306	1.87	100.00				

SIGNATURE BLOCK

CONSTRUCTION MUST BE IN ACCORDANCE WITH APPLICABLE CITY OF GREELEY CONSTRUCTION STANDARDS. THE CITY'S ACCEPTANCE ALLOWS FOR PLAN DISTRIBUTION AND PERMIT APPLICATION. THE CITY'S ACCEPTANCE SHALL NOT RELIEVE THE DESIGN ENGINEER'S RESPONSIBILITY FOR ERRORS, OMISSIONS, OR DESIGN DEFICIENCIES FOR WHICH THE CITY IS HELD HARMESS.

ENGINEERING DEVELOPMENT REVIEW/ DATE CIVIL INSPECTIONS MANAGER

ACCEPTED BY: COMMUNITY DEVELOPMENT DIRECTOR DATE

PRELIMINARY NOT FOR CONSTRUCTION

C-2 SHEET **3**94

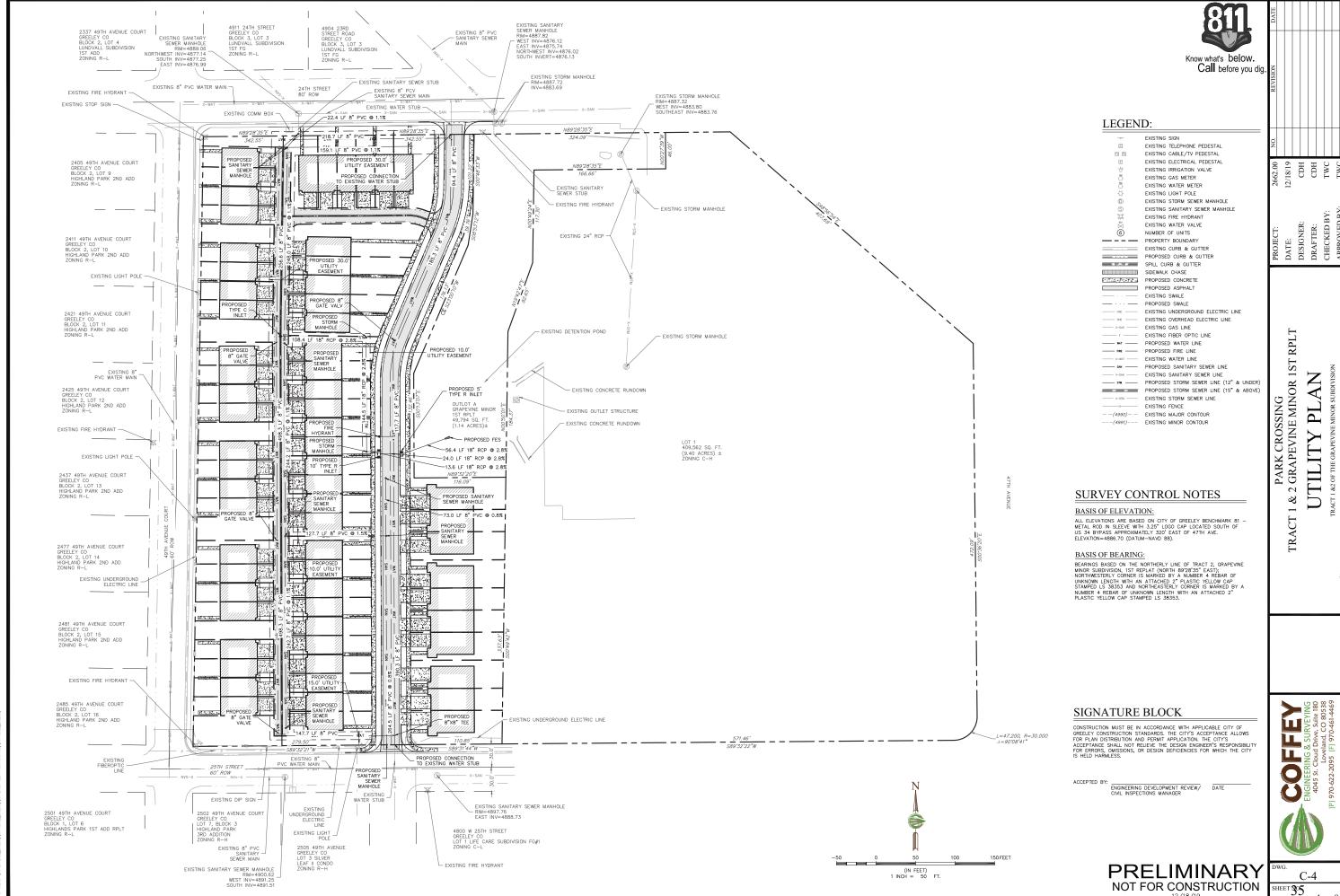
PROJECT:
DATE:
DESIGNER:
DRAFTER:
CHECKED B'

Know what's below.

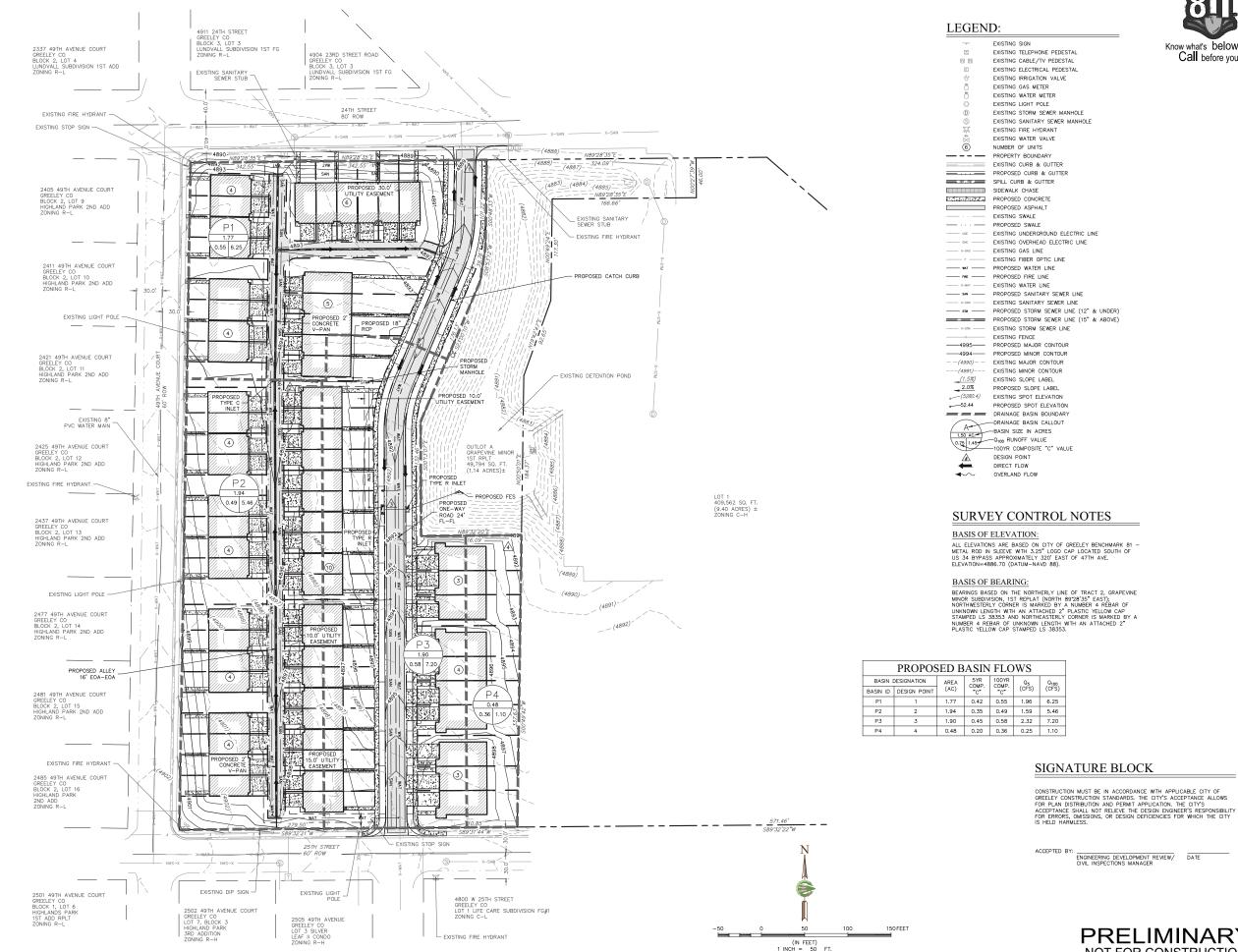
PARK CROSSING 2 GRAPEVINE MINOR 1ST RPLT SITE PLAN SITE

8 RACT 1

正 O



NOT FOR CONSTRUCTION



Know what's below.

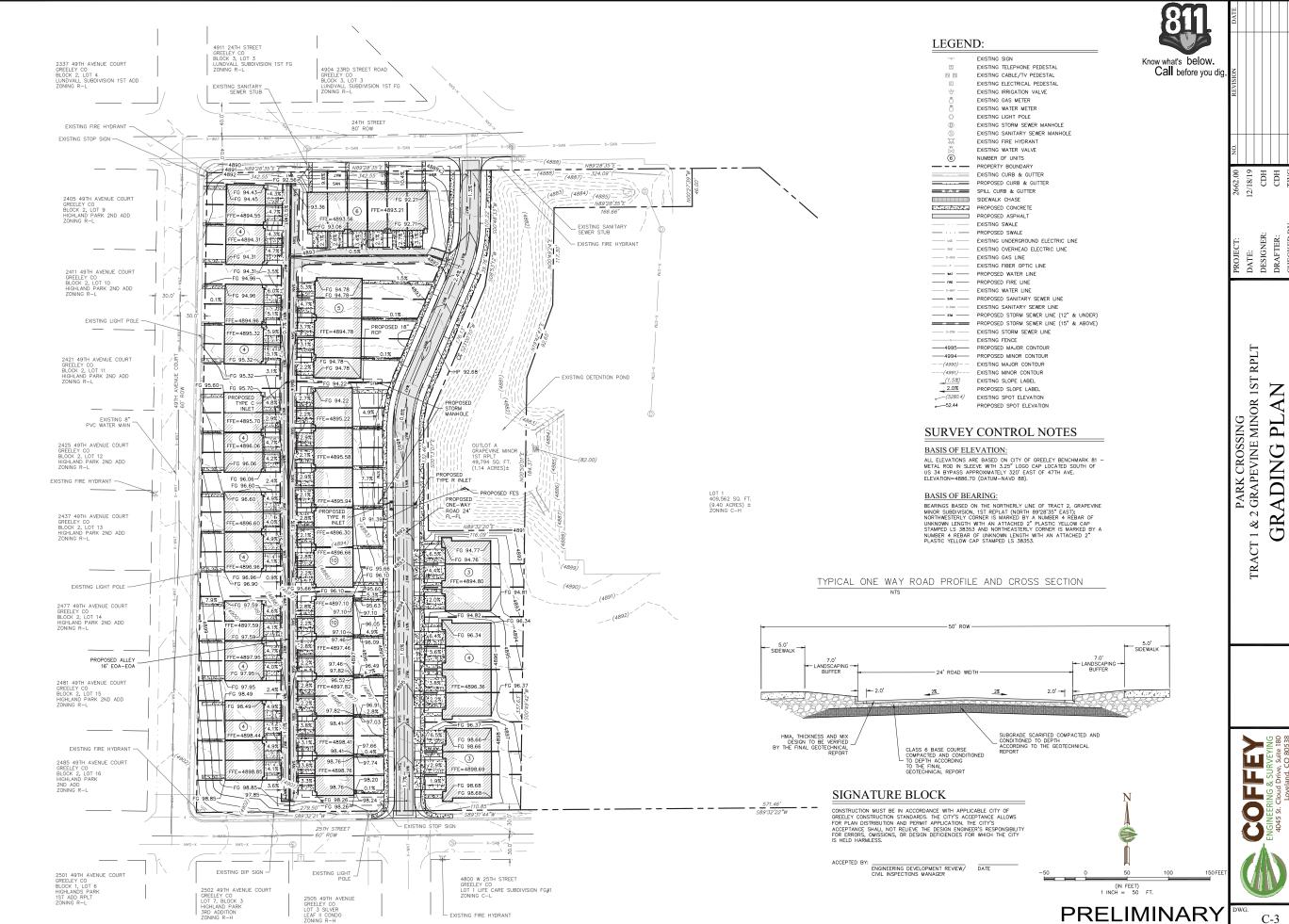
PROJECT: DATE: DESIGNER: DRAFTER:

PARK CROSSING
TRACT 1 & 2 GRAPEVINE MINOR 1ST RPLT
DRAINAGE PLAN

W 正 Ō U

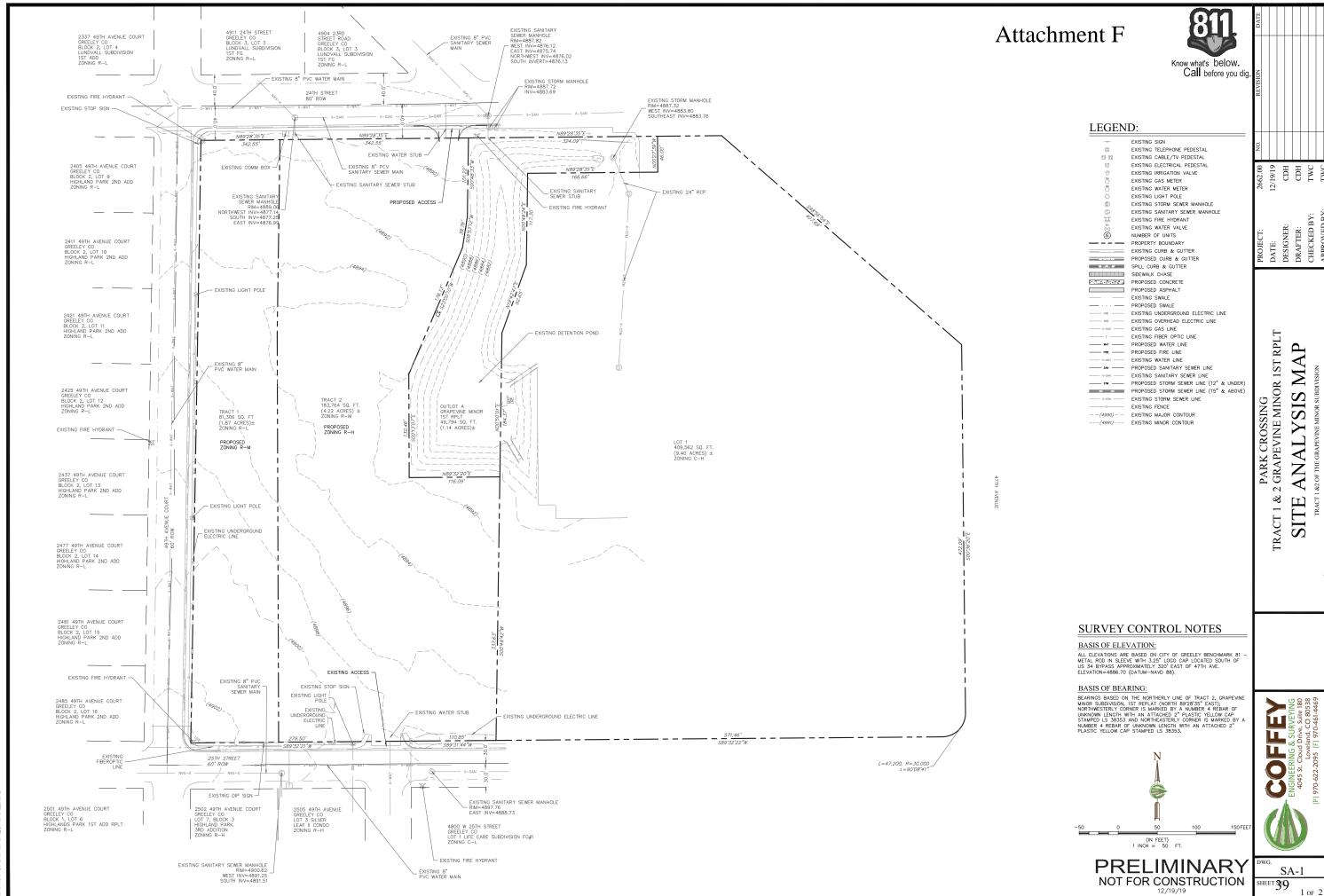
PRELIMINARY NOT FOR CONSTRUCTION

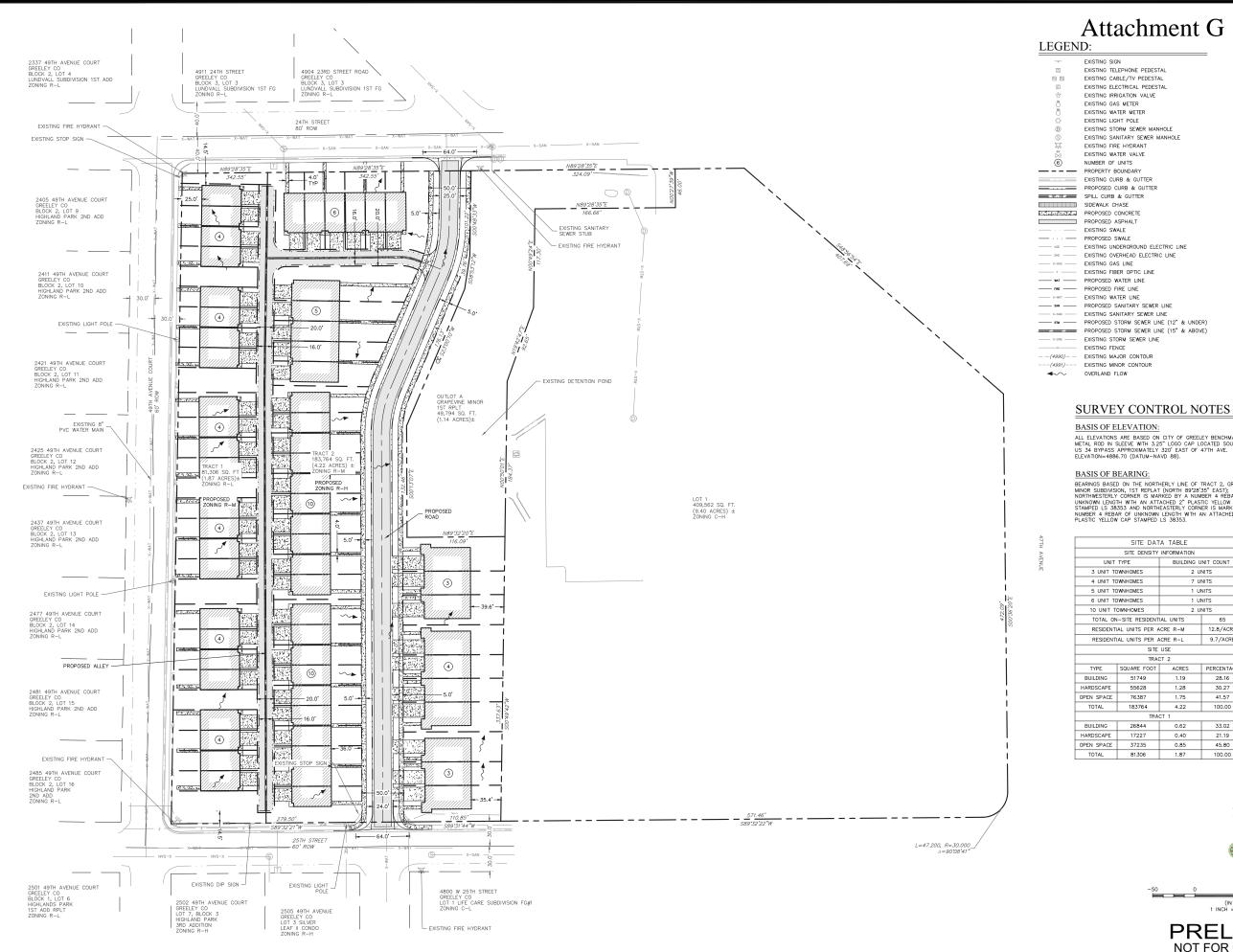
C-5 SHEET **3**6



NOT FOR CONSTRUCTION

C-3 SHEET **3**07





Attachment G

EXISTING SIGN
EXISTING TELEPHONE PEDESTAL EXISTING CABLE/TV PEDESTAL EXISTING ELECTRICAL PEDESTAL EXISTING IRRIGATION VALVE EXISTING GAS METER EXISTING WATER METER EXISTING LIGHT POLE EXISTING STORM SEWER MANHOLE EXISTING SANITARY SEWER MANHOLE EXISTING FIRE HYDRANT EXISTING WATER VALVE NUMBER OF UNITS
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SIDEWALK CHASE PROPOSED CONCRETE
PROPOSED ASPHALT EXISTING SWALE

— · · · — PROPOSED SWALE

EXISTING FIBER OPTIC LINE _____ x-5AN ____ EXISTING SANITARY SEWER LINE _____ \$1M ____ PROPOSED STORM SEWER LINE (12" & UNDER)

PROPOSED STORM SEWER LINE (15" & ABOVE) EXISTING FENCE -- (4990)-- EXISTING MAJOR CONTOUR

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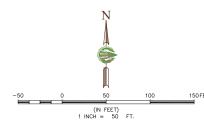
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OPEN SPACE	37235	0.85	45.80					
TOTAL	81306	1.87	100.00					





Know what's below.

PROJECT:
DATE:
DESIGNER:
DRAFTER:
CHECKED B'

PARK CROSSING
TRACT 1 & 2 GRAPEVINE MINOR 1ST RPLT
ONING SUITABILITY MAP

ZONING

COFFE



ZS-2 SHEET **4**01

DEVELOPMENT CONCEPT MASTER PLAN

PARK CROSSING 24TH STREET AND 49TH AVENUE COURT **GREELEY, CO 80634**

Applicant:

Colson Development 916 Barnyard Drive Windsor, CO 80550

Phone: 303-956-6862

Original Owner:

WJY Enterprises 2699 47th Ave Greeley, CO 80634

Municipality:

City of Greeley 1100 10th Street Greeley, CO 80631 Phone: 970-350-9777

December 9, 2019



PURPOSE:

The purpose of this Development Concept Master Plan (DCMP) is to establish architectural and site standards and guidelines for the design and development of the portion of the Park Crossing site zoned as Residential High Density (R-H). The legal description of the section of the development affected by the DCMP can be found in Exhibit B. This DCMP along with the requirements of the City of Greeley are intended to ensure the development of a high-quality project that is cohesive with the surrounding neighborhood.

RESIDENTIAL STANDARDS:

General Overview:

All future building applications to the City of Greeley will be subject to the standards within the DCMP. The City of Greeley Building Department may deny building applications that do not adhere with this DCMP. These standards are meant to keep development complimentary to the surrounding improvements by incorporating certain building forms, colors, and materials. Improvements are not restricted from having variety, individuality, or visual interest. However, development plans must include specific references and details showing conformance to this DCMP.

Residential Associations:

There will be a Homeowner Association governing all residential properties within this development and all property owners will be required to pay monthly dues and to be a part of the association. The association will govern maintenance, repair, and replacement of exterior improvements and general appearance.

Building Design and Orientation:

All single-family attached residential units within the development shall be required to incorporate a minimum level of specific architectural features as identified below to create a set of unique and distinct set of contextual buildings.

Building heights and design shall conform with the City of Greeley standards for R-H development, buildings above 36' and above two stories in height will be considered with approval by the City of Greeley. Residential units within the R-H zoned area will conform to no more than 10 attached units per structure without approval by the City of Greeley.

Preferred Materials:

Materials must be chosen with a cohesive overall design for the development in mind as well as complimenting the existing surrounding developments. Preferred building materials include:

- Brick
- Stone
- Synthetic stone products
- Stucco
- Textured architectural panels
- Textured concrete block
- Painted wood siding
- Synthetic wood paneling

Preferred Colors:

Colors shall be chosen to create a cohesive overall theme within the development as well as with the existing surrounding developments. Preferred colors include earth tones, muted greens and blues, and reds and browns. Bright high contrast colors shall be considered on a case by case basis.

Accent Colors:

Accent colors are intended to compliment the dominant building colors and shall be limited to 20% of the building façade unless otherwise approved by the City of Greeley. Bright high contrast colors shall be used sparingly.

Pedestrian Access and Circulation:

Site design shall include an appropriate amount of parking as stated in the Greeley Municipal Code for single-family attached uses. Sidewalks shall be utilized to minimize the number of pedestrian crossings within the development. Pedestrian crossings shall be appropriately identified through the use of markings, signage, paving materials or similar alternatives. Pedestrian routes shall be provided where safe and practical along logical circulation routes to residential accesses within the development.

Allowed Uses:

The City of Greeley Development Code identifies a number of uses allowed in the Residential High Density zone. This Development Concept Master Plan will limit the allowed uses on the subject 4.22 acres zoned R-H to the following list. Those uses identified as design review and uses by special review in the development code must follow the applicable review process.

- Single-family dwellings
- Townhouse dwellings

PLANNING COMMISSION SUMMARY

ITEM: Preliminary Plat for 29 Single-Family Residential Lots and One

Outlot on a 72.604-acre Parcel Zoned Residential Estate (R-E) with

a Development Concept Master Plan (DCMP) overlay

FILE NUMBER: SUB2019-0007

PROJECT: Clark Subdivision Filing Number 2 Preliminary Plat

LOCATION: 14749 CR 66, Greeley CO

APPLICANT: Colin Geminden on behalf of property owner, Craig Sparrow

CASE PLANNER: Carol Kuhn, AICP, Chief Planner

PLANNING COMMISSION HEARING DATE: January 14, 2020

PLANNING COMMISSION FUNCTION:

Review the proposed Preliminary Plat for compliance with the applicable provisions of the Subdivision Regulations, Development Code, and Comprehensive Plan of the City of Greeley and either approve, approve with conditions, or deny the request based on the review criteria in 18.04.400.

EXECUTIVE SUMMARY

The City of Greeley is considering a request for approval of a preliminary plat for a 72.604 acre site to create 29 single-family residential lots, one outlot for detention and utilities, and 8.943 acres of dedicated right-of-way (ROW). The subject property is located at the northeast corner of County Roads 31 and 66 (See Attachment A).

A. REQUEST

The applicant is requesting approval of a preliminary plat on a 72.604 acre site to create 29 single-family residential lots, one outlot for detention and utilities, and 8.943 acres of dedicated right-of-way. Twenty (20) additional feet of ROW for County Road 66 as well as thirty (30) feet of ROW would be dedicated for County Road 31 at the time of final plat. These proposed ROW dedications are shown on the Preliminary Plat. The proposed lot configuration, minimum lot size, and road network is consistent with the approved Development Concept Master Plan (DCMP) which was approved with the rezoning application. On November 20, 2018, the City Council approved the request to rezone the subject property from I-L (Industrial Low Intensity) to R-E (Residential Estate) with a Development Concept Master Plan. The

minimum lot size for R-E zoned properties is 13,000 square feet. However, since on-site septic systems were proposed, a minimum lot size of 2.0 acres was included in the DCMP to accommodate the on-site septic systems for each of the single-family residential lots.

The proposed Preliminary Plat for 29 single-family residential lots is consistent with the approved Development Concept Master Plan (DCMP) as well as the underlying zoning. As part of the approved rezoning application, water for the proposed development would be provided by North Weld County Water District (NWCWD), until City of Greeley Water is available for the area. The applicant anticipates that surrounding future development would remain rural in nature with internal roads consisting of an asphalt roadway, gravel shoulders and open ditch drainage.

B. STAFF RECOMMENDATION

Approval of Clark Subdivision Filing No. 2 Preliminary Plat.

C. LOCATION <u>Current Zoning:</u>

R-E Residential Estate with DCMP

North: A (Agricultural – County Zoning) South: A (Agricultural – County Zoning)

East: R-M (Residential Medium Density) and C-H (Commercial High

Intensity)

West: I-L (Industrial Low Intensity) and A (Agricultural – County Zoning)

Surrounding Land Uses:

North: Agriculture and Oil & Gas

South: Agriculture East: Agriculture

West: Single family Residential and Agriculture

Site Characteristics:

The existing site topography slopes from a highpoint near the northwest to a low point in the southeast. This undeveloped Weld County site was annexed into the City in 1982 during the North Poudre Fourth Annexation as part of a series of annexations intended for the development of a large national brewer. Due to limited services, the site has remained undeveloped, as the anticipated light industrial use was never developed. Over the years, the site has remained in crop production and has been used for the retrieval of oil and gas resources. All on-site wells and related equipment have been abandoned and plugged.

D. BACKGROUND

The subject site was annexed into the city in 1982 during the North Poudre Fourth Annexation (Rec No. 0001900009). The annexation was part of a series of annexations intended for the development of a large national brewer. The annexation areas were zoned I-1, and I-2 equivalent

to Industrial Low and Industrial Medium Intensity (Case No. Z 10:82). The subject site was zoned I-1 which is equivalent to the Industrial Low Intensity (I-L) zone district.

The industrial vision for the area never came to fruition as the intended national brewer did not develop on the site. The subject site has remained rural in nature and largely undeveloped since its annexation 37 years ago.

Over the years, the site has remained in crop production and has been utilized for the retrieval of oil and gas resources. All on-site wells and related equipment have been abandoned and plugged.

The preliminary plat application is for 29 single-family residential lots and one outlot for utilities and drainage. City of Greeley water and sewer service are currently unavailable to the area. Water would be provided to the site by North Weld County Water District (NWCWD) until City of Greeley Water is available to the area. The proposed internal roadways are intended to be rural in nature, consisting of an asphalt roadway, gravel shoulders and open ditch drainage.

On November 20, 2018, the City Council approved the request to rezone the subject property from I-L (Industrial Low Intensity) to R-E (Residential Estate) with a Development Concept Master Plan. The minimum lot size for R-E zoned properties is 13,000 square feet. However, since the applicant proposed on-site septic systems, a minimum lot size of 2.0 acres was set with the DCMP to accommodate the on-site septic systems for each of the single-family residential lots.

E. APPROVAL CRITERIA

Preliminary Subdivision Plat

Section 18.04.400 of the Development Code states that:

"The preliminary plat stage of land subdivision is intended to provide for the detailed planning and review of a preliminary subdivision plat and related supporting documents."

The review criteria found in Section 18.04.440(d) 1-3 of the Greeley Development Code shall be used by the Planning Commission when considering all preliminary subdivision plat requests.

Development Code Section 18.04.440(d)

"In taking action on a preliminary plat, the Planning Commission shall consider any comments received from agencies or offices receiving copies of the preliminary plat, as well as the staff recommendation. The commission shall also consider if the proposed preliminary plat meets the following standards in taking action to approve, approve with conditions, deny or table the plat for future consideration:"

(1) All requirements of the zoning district in which the subject property is located have been met, and street width or other performance options, if applicable, have been approved by the Public Works Department.

Staff Comments:

Zoning Requirements

The preliminary plat complies with the requirements of the R-E (DCMP) Zone District as they apply to the design, platting, and engineering standards outlined in the requirements of the City of Greeley Subdivision Regulations and Development Code, Section 18.04.

Roadway Improvements

The necessary 20 feet of ROW for County Road 66 and 30 feet of ROW for County Road 31 would be required to be dedicated with the final plat and is shown on the Preliminary Plat. This ROW dedication is consistent with the City's Transportation Master Plan.

The internal roadways are proposed as public ROW and meet the intent of the local roadway design with 50 feet of ROW and a 15 foot pedestrian and utility easement on each side of the roadway. To maintain the rural character, curb and gutter will not be provided, but a detached sidewalk with a rural roadside ditch would be constructed.

Phasing

The applicant intends to construct all public improvements and roadway construction in one phase. The applicant is also proposing to install conduit during the initial construction in compliance with the Colocation of the City's Fiber Conduit regulations (17.80.040).

Perimeter Treatment and Site Landscaping

Adjoining properties are currently agricultural in nature, and City water service is not expected to extend to this property in the next several years. The applicant has proposed perimeter landscaping along County Roads 31 and 66 as well as along the project boundaries. It is anticipated that an HOA would be created and the HOA would maintain the perimeter landscaping.

Drainage and Detention

A preliminary drainage report was submitted and reviewed with the Preliminary Plat application. The existing topography slopes from a highpoint near the northwest to the southeast into the detention facility proposed on Outlot A. The low point of the site is located at the southeast corner, at the corner of County Roads 66 and 31. The roadside ditches located on each side of the internal roadway system would convey stormwater to the detention facility located on Outlot A. A final drainage report, sediment and erosion control plan, and stormwater management plan would be provided with the final plat application.

(2) All requirements of this Chapter have been met, or variances have been requested from the Planning Commission.

Staff Comment: No variances have been requested, all requirements of Chapter 18.04 have been met.

(3) The proposed preliminary plat is in conformance with any approved development concept master plan for the property.

Staff Comment: The Preliminary Plat complies with the minimum lot size (2.0 acres) and general lot layout specified in the DCMP. A perimeter landscape plan has been provided in the preliminary civil construction plans. On-site septic systems have been shown on the preliminary civil constructions plans as well.

F. PHYSICAL SITE CHARACTERISTICS

1. HAZARDS

The site has remained in crop production and utilized for the retrieval of oil and gas resources over the years. All wells and related equipment have since been abandoned and plugged. Two recorded Colorado Interstate Gas easements (70-foot easement and 50-foot easement) exist on the property for gas distribution lines that run north to south through the project site. These existing easements impact Lots 2, 3, 9, 10, 13, 14, 19, 20, 21, 22, 27, 28, and 29 and are shown on the preliminary plat.

2. WILDLIFE

There are no known significant wildlife species in the subject area. Any active prairie dog holes that may exist within the development area must be mitigated to comply with Section 18.48.060(b)(1)(2) of the City of Greeley's Development Code.

3. FLOODPLAIN

The subject enclave is not in the floodway or floodplain as identified by Federal Emergency Management Administration (FEMA) flood data, community-panel number 08123C15110E, January 20, 2016.

4. DRAINAGE AND EROSION

The applicant provided a preliminary drainage report which was reviewed with the Preliminary Plat submittal. On-site detention is provided on Outlot A. The existing topography slopes from a highpoint near the northwest to the southeast into the detention facility proposed on Outlot A. The low point of the site is located at the southeast corner, at the corner of County Roads 66 and 31. The roadside ditches located on each side of the internal roadway system will convey stormwater to the detention facility located on Outlot A. A final drainage report, sediment and erosion control plan, and stormwater management plan would be provided with the final plat application.

5. TRANSPORTATION

At the time of the rezoning application, a conceptual traffic study was provided by the applicant which compared traffic generation between a manufacturing use and the conceptual density for the rezone with 2-acre lots at the time of the rezoning application. During the rezoning application, the residential use on the property was assumed to

generate approximately 300 fewer am and pm peak hour trips than the previous industrial use.

An updated conceptual traffic study was provided and reviewed with the Preliminary Plat. The City's Transportation Master Plan shows additional ROW being needed for both County Road 66 and County Road 31. The applicant has shown this additional ROW on the Preliminary Plat, which shall be dedicated at the time of the final plat. County Road 66 will also be improved to the City's roadway standard for a minor arterial roadway. The proposed 29 single-family residential lots are anticipated to generate 332 trips per day.

G. SERVICES

1. WATER

The nearest City water line is approximately 2.5 miles south of the subject site in the vicinity of 59th Avenue and 1st Street. The City and North Weld County Water District (NWCWD) have an executed agreement, dated February 5, 2013, for water service in the area. City of Greeley water service is not anticipated to extend north into the North Annexation Area for several years, therefore the City would allow the proposed development to be served by NWCWD. The potable water distribution system would be required to conform to City of Greeley criteria so that connection is possible in the future.

As part of the NWCWD agreement to serve the site, NWCWD has requested that the amount of irrigated landscape area on each lot be limited to 5000 square feet on each residential lot. The perimeter landscaping for the subdivision shall be contained within an easement, which has also been shown on the Preliminary Plat. The proposed Homeowners Association would irrigate and maintain the perimeter landscaping.

2. SANITATION

Sanitary sewer is considered adequate, if connected to an eight-inch or larger line with capacity to handle the proposed development. The nearest sewer line is approximately 2 miles south of the subject site in the vicinity of 59th Avenue and C Street. Greeley sewer is not anticipated to serve the North Annexation Area for several years. The applicant proposes to use septic systems to serve the proposed residential lots. At the time of the rezoning application, engineering staff reviewed a general septic design and determined that the proposed two-acre lots were adequate in size to support the required leach fields, proposed development, and encumbrances from other easements. The proposed leach fields were shown on the approved DCMP. The proposed Preliminary Plat meets the minimum lot size of 2.0 acres and the leach fields have been included in the preliminary construction plans. Final septic system design will be further evaluated at the time of final plat.

3. EMERGENCY SERVICES

The subject site is already served by municipal Fire and Police services. The City of Greeley's Fire Station #7, located on 10th Street in between 63rd Avenue and 69th Avenue, is the nearest fire station; approximately four and a half miles from the subject site. The

nearest police station is located on 10^{th} Street and 28^{th} Avenue, approximately six miles from the subject site.

4. PARKS / OPEN SPACES

Cash-in-lieu of land dedication will be required to be paid prior to the recordation of the final plat. The anticipated parkland dedication requirement is 0.7634 acres and the cash-in-lieu fee for the proposed 29 single-family residential lots is \$26,719.88.

5. SCHOOLS

The proposed project is located within Eaton School District RE-2. At the time of the preliminary plat application, a referral was sent to the Eaton School District. However, no response was received. As part of the rezoning referral process, Eaton School District provided comments requesting cash-in-lieu in order to provide adequate educational opportunities as a result of the development. However, the City of Greeley does not have school impact fees or land dedication requirements for school sites. Therefore, any cash-in-lieu or other agreement with the Eaton School District must be entered into separately by the district and the developer.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

No impacts are anticipated.

2. NOISE

No impacts are anticipated. Any potential noise created by this development will be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

Notification is not required for preliminary plats since there is no hearing associated with the application; a public meeting is required for preliminary plats. The applicant provided mineral rights notice for severed mineral estate owners and lessees. Notice was sent to the severed mineral estate owners 30 days prior to the public meeting.

J. PLANNING COMMISSION RECOMMENDED MOTION

Based on the application received and the preceding analysis, the Planning Commission finds that the Clark Subdivision Filing Number 2 Preliminary Plat is in compliance with the provisions of the Subdivision Regulations and Development Code criteria outlined in Section 18.04.440(d) 1-3 as well as the approved Development Concept Master Plan; and therefore approve the requested preliminary plat as presented.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Zoning Map

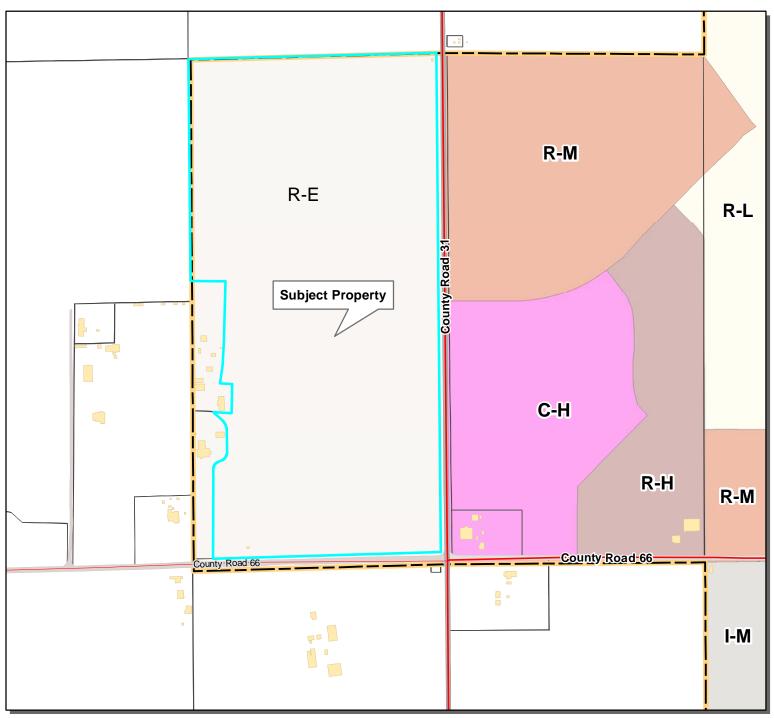
Attachment C – Narrative

Attachment D – Preliminary Plat

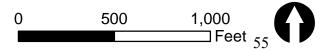
Attachment E – Development Concept Master Plan



Zoning/Vicinity Map Clark Subdivision

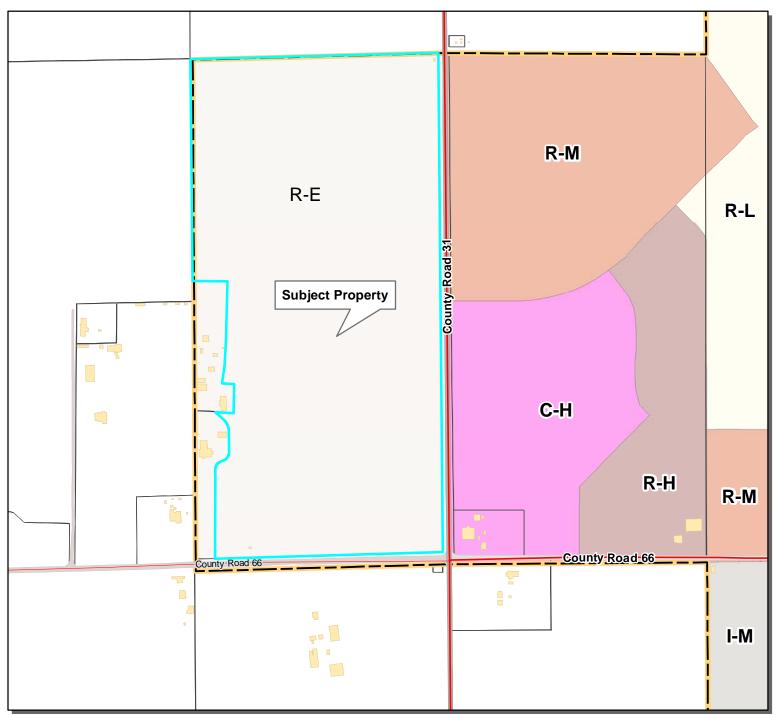


SUB2019-0007

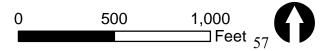


Zoning/Vicinity Map Clark Subdivision





SUB2019-0007



February 2019

Re: Whispering Rock Ranch

Project Narrative

Whispering Rock Ranch is an Estate Lot subdivision that is located approximately 2 miles northwest of Greeley, Colorado. The project will subdivide a 72-acre tract into 29 - 2 acre lots. The site is fronted on the east by CR 31 and fronted on the south by CR 66.

The site will have two main roads for accessing the property and several cul-de-sacs. The main entrance to the property comes off CR 31 and heads to the west. A second entrance road emanates from CR 66 and heads to the north. Future road access is provided to the properties north and west of this development.

The project will utilize a standard 20' asphalt road section with 2' shoulders and open ditch drainage. Lots will be provided water and natural gas via lines provided by North Weld Water and Atmos Energy, respectively. Each lot will have its own septic system.

This project will comply with many of the applicable zoning and comprehensive planning criteria. It is now zoned Residential Estate District (R-E). There are currently several tracts in the area with a wide variety of zoning classifications. They include I-L, I-M, C-H, R-M AND R-H.

This development will have a minimal impact on traffic, noise or visually. This is due to the low density of 0.5 dwelling units per acre. CR 31 is designated as a multi-modal corridor in the Imagine Greeley Comprehensive Plan. In as such the traffic impact will be reduced in this area according to the trip generation analysis included with this submittal. The project is planned to be completed in one phase. This will include all public improvements, utilities and grading.

We plan to adhere to as much of the Imagine Greeley Comprehensive Plan as possible. We will plant trees along the main roadways and provide diversity in the house exteriors. Some additional features are widened site entrances at the major on-site intersection. The site detention pond will be an amenity with a nonsymmetrical shape (walking trails and landscaping). Many homes will have magnificent views of the mountains.

Sincerely,

Colin Geminden
Project Engineer I
Rocky Ridge Civil Engineering

CLARK SUBDIVISION FILING NO. 2 PRELIMINARY PLAT

Being a Replat of Tract A. Clark Minor Subdivision 1st Amendment. SITUATE IN THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 6 NORTH, RANGE 66 WEST OF THE 6TH P.M. CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

CERTIFICATE OF DEDICATION, OWNERSHIP AND MAINTENANCE:

Know all men by these present that Western Equipment & Truck Inc. being Owner(s), Mortagee or Lien Holder of certain lands in Weld County, Colorado, described as follows:

Tract A, Clark Minor 1st Amendment, City of Greeley, County of Weld, State of Colorado which contains 72.604 acres, more or less, by this survey,

shown on the attached map as embraced within the heavy exterior lines thereon, do hereby vacate the platting of the above described parcel of land and has subdivided the same into lots and blocks as shown on the attached map; and above executive placetor of land and in associative unit was furnition and inclose as above on the adulter langh, and does hereby set aside said portion of tract of land and designate the same CLARK SUBDIVISION FILING NO. 2 to the City of Greeley, Weld County, Colorado, and does dedicate to the public, the streets and all easements over and across said lost at locations shown on said map, and does further certify that the width of said streets, the dimensions of the lots and blocks and the names and numbers thereof are correctly designated upon said map.

The entire property is in Zone R-E, Residential Estate, with an associate DCMP (Development Concept Master Plan) Minimum lot size 2.00 acres.

City of Greeley Notes

- Street maintenance. It is mutually understood and agreed that the dedicated roadways shown on this plat will a. Street maintenance. It is mutually understood and agreed that the dedicated roadways shown on this plat will not be maintained by the City until and unless the streets are constructed in accordance with the subdivision regulations in effect at the date construction plans are approved, and provided that construction of said roadway(s) is started within one (1) year of the construction plan approval. The owner(s), developer(s) and/or subdivides, their successors and/or assigns in interest, shall be responsible for street maintenance until such time as the City accepts the responsibility for maintenance as stated above.
 b. Drives, parking areas and utility easements maintenance. The owners of this subdivision, their successors
- Drives, packing areas and utility easements maintenance. The owners of this subdivision, their successors and/or assigns in interest, the adjacent property owner(s) homeoware's association or other entity other than the City is responsible for maintenance and upkeep of any and all drives, parking areas and easements (cross-access easements, drinage easements, etc.)

 c. Drainage maintenance. The property owner shall be responsible for maintenance of all drainage facilities installed pursuant to the development agreement. Requirements include, but are not limited to, maintaining the specified storm water detention / retention volumes, maintaining outlet structures, flow restriction devices and facilities enceded to convey flow to said basiss. The City shall have the right to enter properties to impose tasid facilities at any time. If these facilities are not properly maintained, the City shall notify the property owner in writing and shall inform the owner that corrective action by the owner shall be required within ten (10) working days of receipt of notification by the City, the owner fails to take corrective action shall be taken immediately upon receipt of notification by the City, the owner fails to take corrective action within ten (10) working days, the City may provide the necessary maintenance and sasses the maintenance cost to the owner of the property.

 d. Drainage liability. The City does not assume any liability for drainage facilities improperly designed or constructed. The City reviews drainage plans but cannot, on behalf of any applicant, owner or developer, guarantee that fland drainage design review and approval by the City will relieve said person, his successors and assigns, from liability due to improper design. City approval of a final plat does not imply approval of the drainage design within that plat.
- that plat.

 c. Landscape maintenance. The owners of this subdivision, their successors and/or assigns in interest, the adjacent property owner(s), homeowners' association or entity other than the City is responsible for maintenance and upkeep of perimeter feneing or walls, landscaping and landscaped areas and sidewalks between the property line and any paved roadways. The owners of this subdivision, their successors and/or assigns in interest or an entity other than the City, agree to the responsibility of maintaining all other open space areas associated with this development.

 Sight distance. The clear vision zone of a corner lot, as determined by Section 18.44.090(b)(1) of the Development Code, shall be free from shrubs, ground covers, berms, fences, signs, structures, parked vehicles or other materials or items greater than thirty-six (36) inches in height from the street level.

 g. Public safety. Access, whether for emergency or nonemergency purposes, is granted over and across all access ways for police, fra and emergency vehicles. If any or all of the access ways in this subdivision are private, the homeowners' association will be responsible for ensuring that such access ways are passable, at all times, for police, free and emergency vehicles.

- homeowners' association will be responsible for ensuring that such access ways an mas subdivision are private, the homeowners' association will be responsible for ensuring that such access ways are passable, at all times, for police, fire and emergency vehicles.

 Drainage master plan. The policy of the City requires that all new development and redevelopment shall participate in the required drainage improvements as set front below.

 Design and construct the local drainage system as defined by the final drainage report and plan and the storm water management plat.

 Design and construct the connection of the subdivision drainage system to a drainage way of established.
- value imaligation in put.

 2) Design and construct the connection of the subdivision drainage system to a drainage way of established conveyance capacity, such as a master planned outfall storm sever or master planned major drainage way. The City will require that the connection of the minor and major systems provide capacity to convey only those flows (including offsite flows) leaving the specific development size. To minimize overall capital costs, the City encourages adjacent developments to join in designing and constructing connection systems. Also, the City may choose to participate with a developer in the design and construction of the connection systems.

 3) Equitable participation in the design and construction of the major drainage way system that serves the development as defined by adopted master drainage way plann or as required by the City and designed in the final drainage report and the storm water management plans or as required for developments with zero side setbacks, if one (1) structure is built on the lot line. In order to maintain the structure with the zero side setbacks, a maintenance easement may be required on the adjacent lot to enable maintenance to be performed on said structure from the adjoining property. Each lot owner agrees to allow adjacent lot owners access across their lot, within five (5) feet of the common lot line, as may be needed to maintain and repair the adjacent owner's principal structure. Each adjacent owner agrees to allow which may be caused to the lot owner's property from the adjacent owner's use of this maintenance easement and to take all necessary steps to avoid causing such damage.

- 1. No combustible structures will be built within 50' of property lines, and that structures will be no more than 2
- The developer shall be responsible for paving CR66 adjacent to the southern project boundary to a roadway width of 50 feet.

PRELIMINARY

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-89-016 S.C.R.S. 2012)

For all information regarding easements, rights-of-way and title of records, Majestic Surveying, LLC relied upon Title Commitment Number FCIP25155247, dated February 4, 2019, as prepared by Land Title Guarantee Company to delineate the aforesaid information. This survey does not constitute a title search by Majestic Surveying, LLC to determine ownership or easements of record.

I, Steven Parks, a Licensed Professional Land Surveyor in the State of Colorado do hereby certify that the survey and

Steven Parks - On Behalf of Majestic Surveying, LLC

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

TITLE COMMITMENT NOTE

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

- 1. No combustible structures with oc outst waims to or properly meet and stake place between the owner of Clark Subdivision Fling No. 2 and North Weld County Water District (NWCWD).

 3. All existing easements located in Right of Way dedicated by this plat will either be vacated or relocated prior to recordation of the final plat or at the time of the final plat.
- 5. Perimeter landscaping shall be contained within a landscape easement maintained by the Home

TEMPORARY EASEMENT NOTE

and utility installation at the easements will extinguish.

	CURVE TABLE									
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING					
C1	110.57	250.00'	25"20"31"	109.68	S75*44'07"W					
C2	66.92	200.00'	19"10"16"	66.61	N78*49'15"E					
C3	123.76	2000.00'	3'32'44"	123.74	S01"18'00"W					
C4	61.63	1000.00'	3*31′52″	61.62'	S88*41'34"E					
C5	126.27	325.00'	22"15'41"	125.48	S75*47'47"E					
C6	112.63'	250.00'	25*48'45"	111.68	N77*34'19"W					
C7	157.08	200.00	45'00'03"	153.08	S67*57*31"E					
C8	123.26	2000.00'	3"31"52"	123.24	N01"18'26"E					
C9	38.67	2000.00'	1*06'28"	38.66"	N01*00'37*W					
C10	18.85"	12.00	90.00,00.	16.97'	S43*24'23"W					
C11	66.15	225.00'	16'50'38"	65.91'	N79*59'04"E					
C12	27.41	35.00'	44*52'39"	26.72"	N85*59'56"W					
C13	253.36'	53.00'	273*53'53"	72.36	N20'30'33"W					
C14	31.03'	35.00'	50'47'55"	30.02"	N47*56'28"E					
C15	46.02	175.00	15"03"58"	45.88	N80*52'24"E					
C16	18.85"	12.00'	90'00'00"	16.97	S46*35'37"E					
C17	18.85	12.00	90'00'00"	16.97'	N43*24'23"E					
C18	121.63'	275.00'	25"20"31"	120.64	S75*44'07"W					
C19	28.72'	35.00'	47'00'56"	27.92	N86*34'20"E					
C20	253.49	53.00'	274"01"50"	72.27*	S26"56'07"E					
C16 C17 C18 C19	18.85' 18.85' 121.63' 28.72'	12.00' 12.00' 275.00' 35.00'	90°00'00" 90°00'00" 25°20'31" 47°00'56"	16.97' 16.97' 120.64' 27.92'	S46*35'37" N43*24'23' S75*44'07" N86*34'20'					

	CURVE TABLE								CUR	VE TABL	E	
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING		CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C61	40.42'	53.00	43'41'34"	39.44	N60"58'05"W		C83	1.86'	275.00'	0"23'15"	1.86'	S63"15'30"W
C62	50.56'	53.00'	54'39'31"	48.67	S69'51'22"W		C84	115.25	53.00	124'35'00"	93.85'	S47*47'18"W
C63	101.69	175.00	3317'32"	100.26*	S61"26'32"E		C85	138.25	53.00*	149"26"50"	102.26	S89"13"37"E
C64	37.78'	175.00'	12"22"14"	37.71'	S84"16'25"E		C86	51.78'	275.00'	10*47*20**	51.71'	N76'45'35"W
C65	135.84	225.00	34*35'25"	133.78	S62"23"59"E		C87	55.88	225.00	14"13'50"	55.74	N71*46'52"W
C66	42.27'	225.00'	10"45"51"	42.21'	S85*04'37"E		C88	45.48'	225.00'	11"34'55"	45.41'	N84'41'14"W
C67	101.61	53.00'	109*50'27"	86.75	N53*22'22"W		C89	67.64	53.00'	73*07'23"	63.14'	S59*06'12"W
C68	72.91	53.00'	78'49'18"	67.30*	S3217'45"W		C90	95.96"	53.00	103'44'23"	83.38'	N32*27'55"W
C69	78.96'	53.00'	85*21'43"	71.86'	S49*47'45"E		C91	89.76'	53.00'	97*02'07"	79.41'	N67'55'20"E
C70	22.73'	35.00'	3712'33"	22.33'	N73*52'20"W		C92	27.08	50.00'	31'02'12"	26.75	N12"18'33"E
C71	6.21	35.00	10'09'47"	6.20	N50"11'10"W		C93	36.13'	50.00	41"24'19"	35.35'	N48"31"48"E
C72	8.34'	975.00'	0"29"25"	8.34'	S87"10"21"E		C94	30.25	68.00'	25"29'11"	30.00'	S00*00'00"E
C73	51.74	975.00'	3'02'27"	51.74	S88*56'17"E		C95	2.82	80.28	2'00'53"	2.82'	S13'55'57"E
C76	105.24	300.00'	20'06'00"	104.71	S74*42'57"E		C96	28.72	35.00'	47'00'51"	27.92	N21*56'34"E
C77	11.32'	300.00'	2'09'41"	11.32'	S85'50'48"E		C97	28.72	35.00'	47*00'51"	27.92	S25*04'17"E
C78	97.43	53.00	10519'18"	84.28	S81"17"01"E		C98	39.95	275.00*	819'26"	39.92	N86"8'58"W
C79	32.16	275.00'	6'41'59"	32.14	N68'00'56"W							
C80	121.97	1975.00'	3'32'18"	121.95	S01"18'13"W							
C81	125.55	2025.00	3"33"09"	125.53	S01"17"48"W							
C82	119.77'	275.00'	24*57'15"	118.83'	S75*55'45"W							

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C41	253.49'	53.00'	274'02'21"	72.27'	N00'27'13"W
C42	28.72'	35.00"	47"00"51"	27.92	N66"02'02"E
C43	18.85'	12.00'	90'00'09"	16.97'	S45"27"28"E
C44	18.85	12.00'	89*59'51"	16.97	N44*32'32"E
C45	139.47	175.00'	45'39'47"	135.81	S67*37'39"E
C46	28.31	35.00'	46'20'37"	27.54'	S21*37'28"E
C47	253.48	53.00"	274"01"28"	72.28	S44*32'07"W
C48	28.94'	35.00'	47"22"20"	28.12'	N68*47'27"W
C49	178.11	225.00"	45'21'16"	173.49	S67*46'55"E
C50	18.85'	12.00'	90'00'09"	16.97	N45"27'28"W
C51	39.15'	2025.00"	1'06'28"	39.15'	N01'00'37"W
C52	38.18*	1975.00	1*06'28"	38.18	N01°00'37"W
C53	28.72'	35.00'	47'00'51"	27.92'	S21"56'34"W
C54	86.98'	53.00'	94'01'42"	77.54'	N01*33'51"W
C55	28.72	35.00'	47'00'51"	27.92	N25'04'17"W
C56	86.98'	53.00'	94'01'42"	77.54'	S01*33'51"E
C57	91.73	275.00	19*06'46"	91.31'	N80'55'19"W
C58	36.07	53.00	38"59"31"	35.38	S62'55'48"E
C59	54.79'	53.00'	5913'49"	52.38'	N67*57'32"E
C60	71.66*	53.00*	77*27*55*	66.32	N00°23'20"W

LINE	BEARING	LENGTH
L1	S01*35'37"E	0.42
L2	S01'35'37"E	0.90
L3	N90,00,00,M	33.56'
L4	N90,00,00.M	39.18'



- Count		STE		4
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	6			
	VICIN	TY MAP 1" - 2000'		

			LAND USE TABLE	
NAME	AREA (ACRES)	USE	OWNERSHIP
LOTS (29)	60.206	83%	PRIVATE RESIDENCE	PRIVATE
OUTLOT	3.455	5%	DRAINAGE AND UTILITY EASEMENT	HOA
RIGHT OF WAY	8.943	12%	PUBLIC USE	PUBLIC
TOTAL	72.604	100%		

CURVE TABLE

CURVE LENGTH RADIUS DELTA CHORD CH BEARING C21 28.72' 35.00' 47'00'54" 27.92' \$39'33'25"W

C22 99.52' 225.00' 25"20"31" 98.71' S75"44"07"W C23 18.85' 12.00' 90°00'00" 16.97' N46°35'37"W

C25 63.17' 1025.00' 3'31'52" 63.16' S88'41'34"E C26 60.09' 975.00' 3'31'52" 60.08' S88'41'34"E C27 18.85' 12.00' 90'00'00" 16.97' S41'55'38"E C28 18.85' 12.00' 90'00'00" 16.97' N48'04'22"E

C29 116.56' 300.00' 22'15'41" 115.83' \$75'47'47"E C30 123.89' 275.00' 25'48'45" 122.85' N77'34'19"W C31 101.37' 225.00' 25'48'45" 100.51' N77'34'19"W C32 25.37' 35.00' 41'31'56" 24.82' S61'23'17"E C33 103.34' 53.00' 111'42'42" 87.73' S83'31'20"W C34 33.63' 35.00' 55'02'53" 32.35' S73'34'47"W C35 135.99' 350.00' 22"15'41" 135.13' S75'47'47"E C36 18.85' 12.00' 90°00'00" 16.97' N41°55'38"W C37 124.80' 2025.00' 3'31'52" 124.78' N01"18'26"E C38 121.72' 1975.01' 3'31'52" 121.70' N01'18'26"E C39 18.85' 12.00' 89'59'51" 16.97' S44'32'32"W

C40 28.73' 35.00' 47'01'30" 27.93' N66'56'48"W

Western Equipment & Truck, Inc. 2055 1st Avenue Greeley, CO Phone number

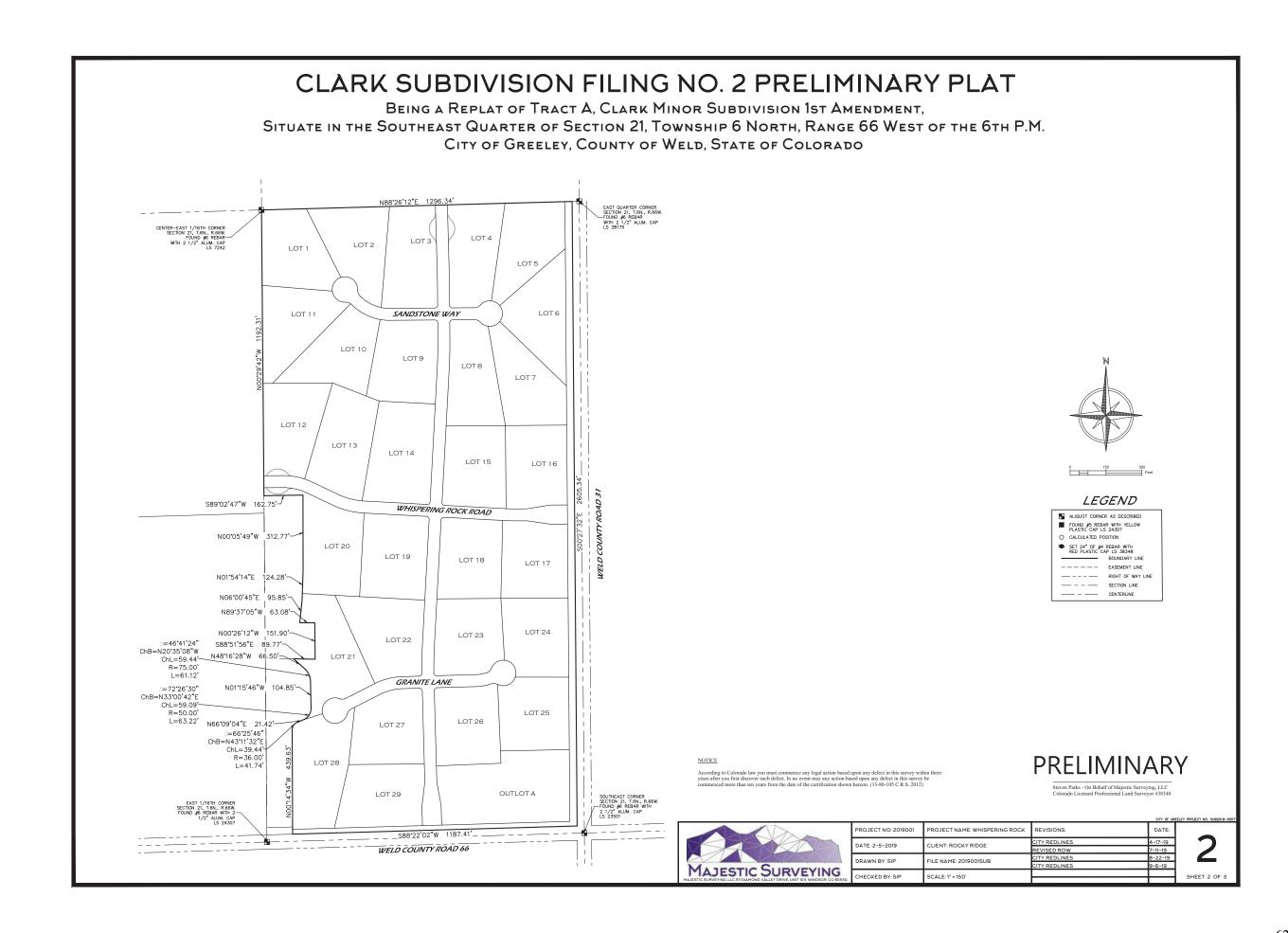
420 21st Avenue, Suite 101

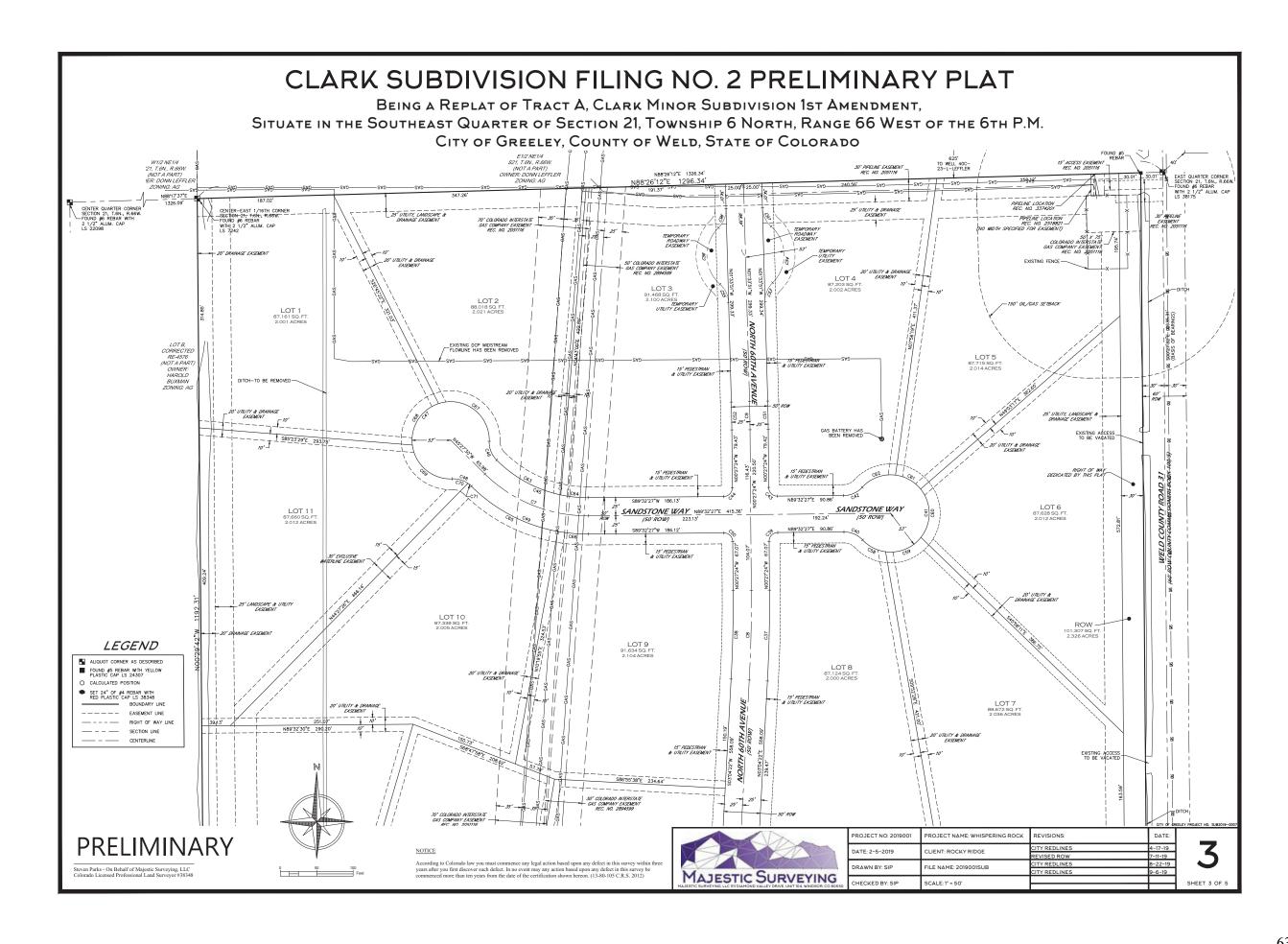
Majestie Surveying, LLC C/O Steven Parks, PLS 1111 Diamond Valley Drive, Suite 1-Windsor, CO 80550 970-443-0882

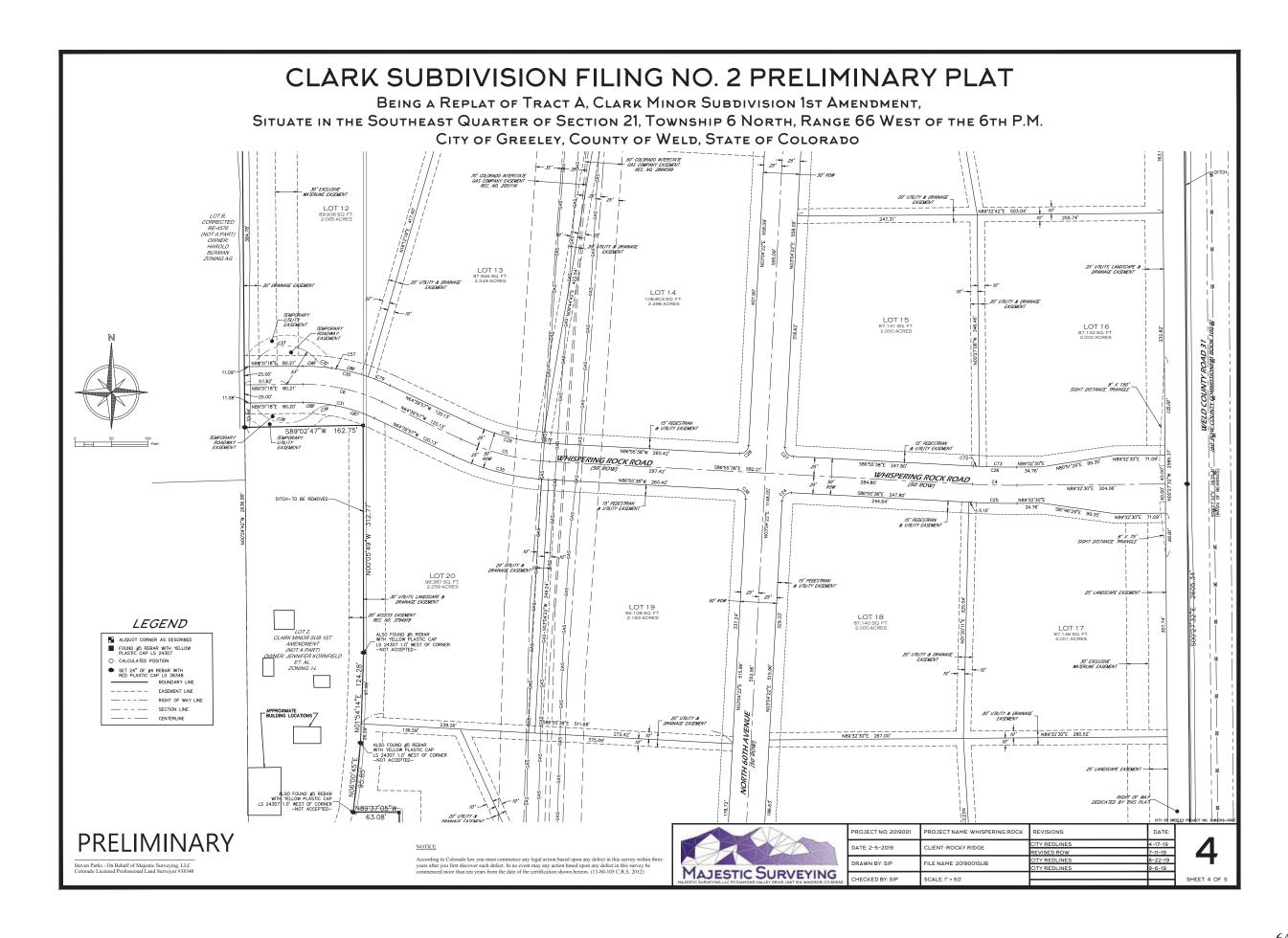
SHEET 1 OF 5

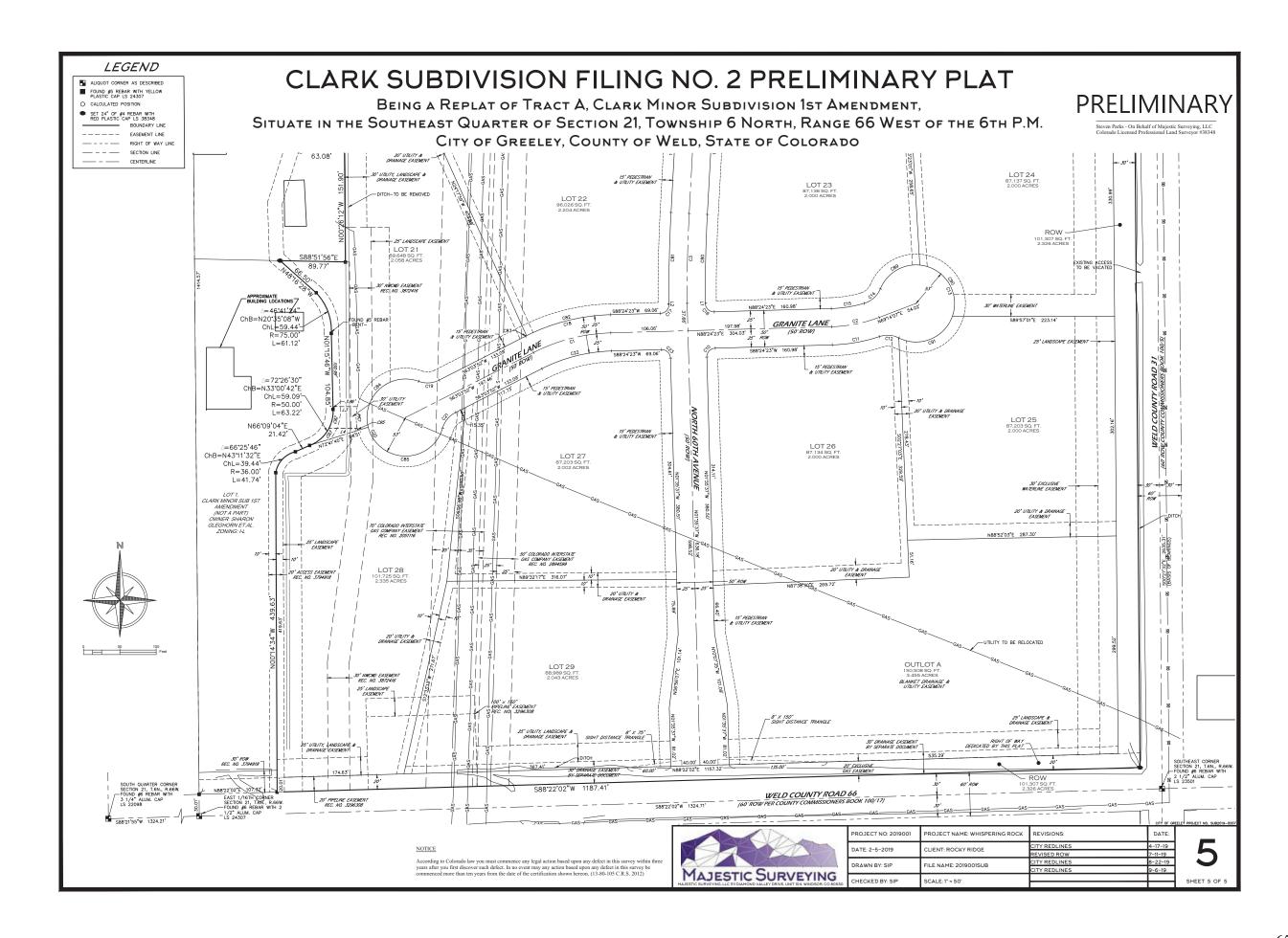
MAJESTIC SURVEYING MAJESTIC SURVEYING, LLC 1111 DIAMOND VALLEY DRIVE, UNIT 104, WINDSOR, CO 80550

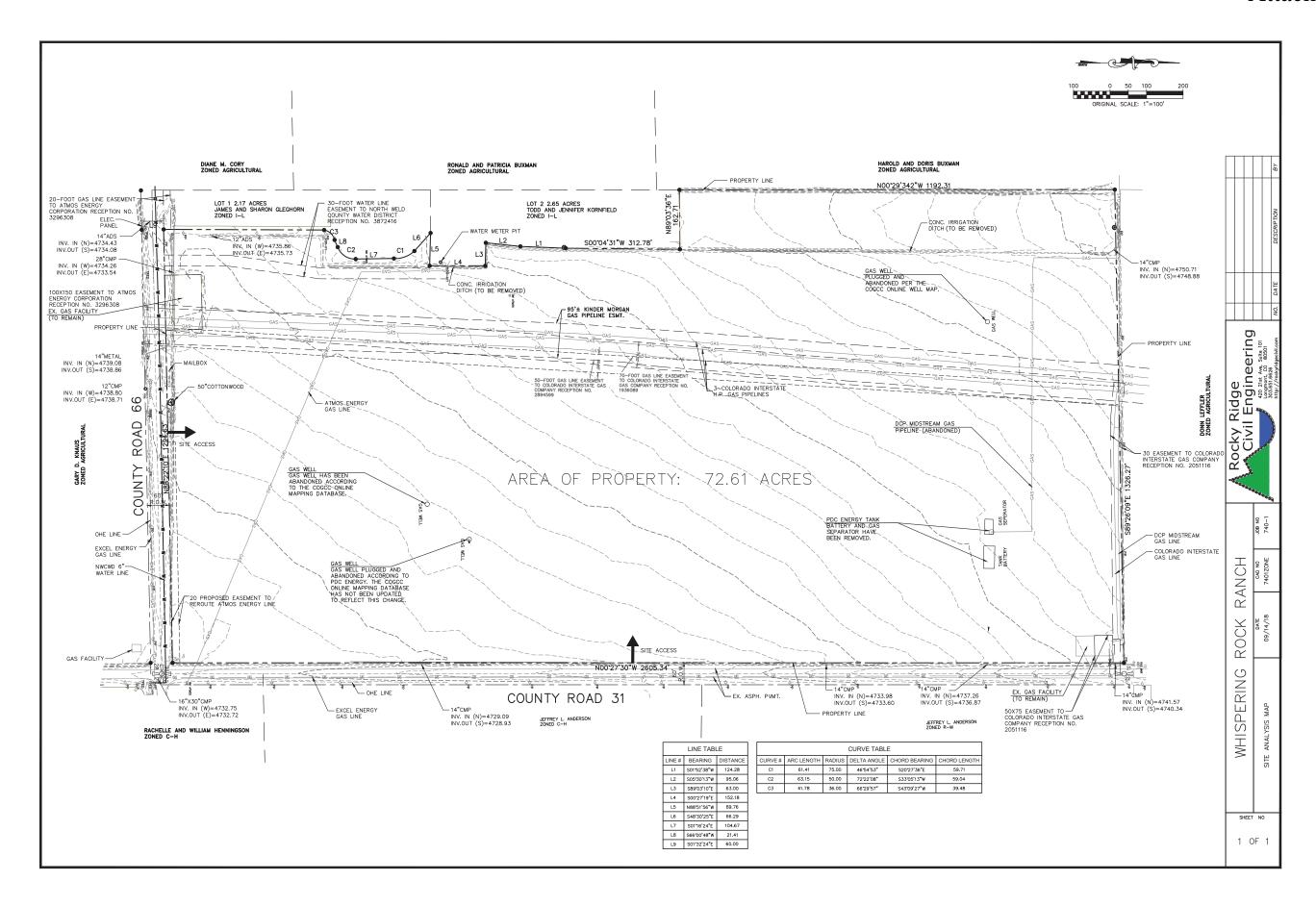
				CITY OF GRE	ELEY
	PROJECT NO: 2019001	PROJECT NAME: WHISPERING ROCK	REVISIONS:	DATE:	Г
DA	DATE: 2-5-2019	CLIENT: ROCKY RIDGE	CITY REDLINES	4-17-19	
	DATE: 2-5-2019		REVISED ROW	7-11-19	
	DRAWN BY: SIP	FILE NAME: 2019001SUB	CITY REDLINES	8-22-19	
١	DRAWN B1. SIF	FILE NAME. 201900130B	CITY REDLINES	9-6-19	1
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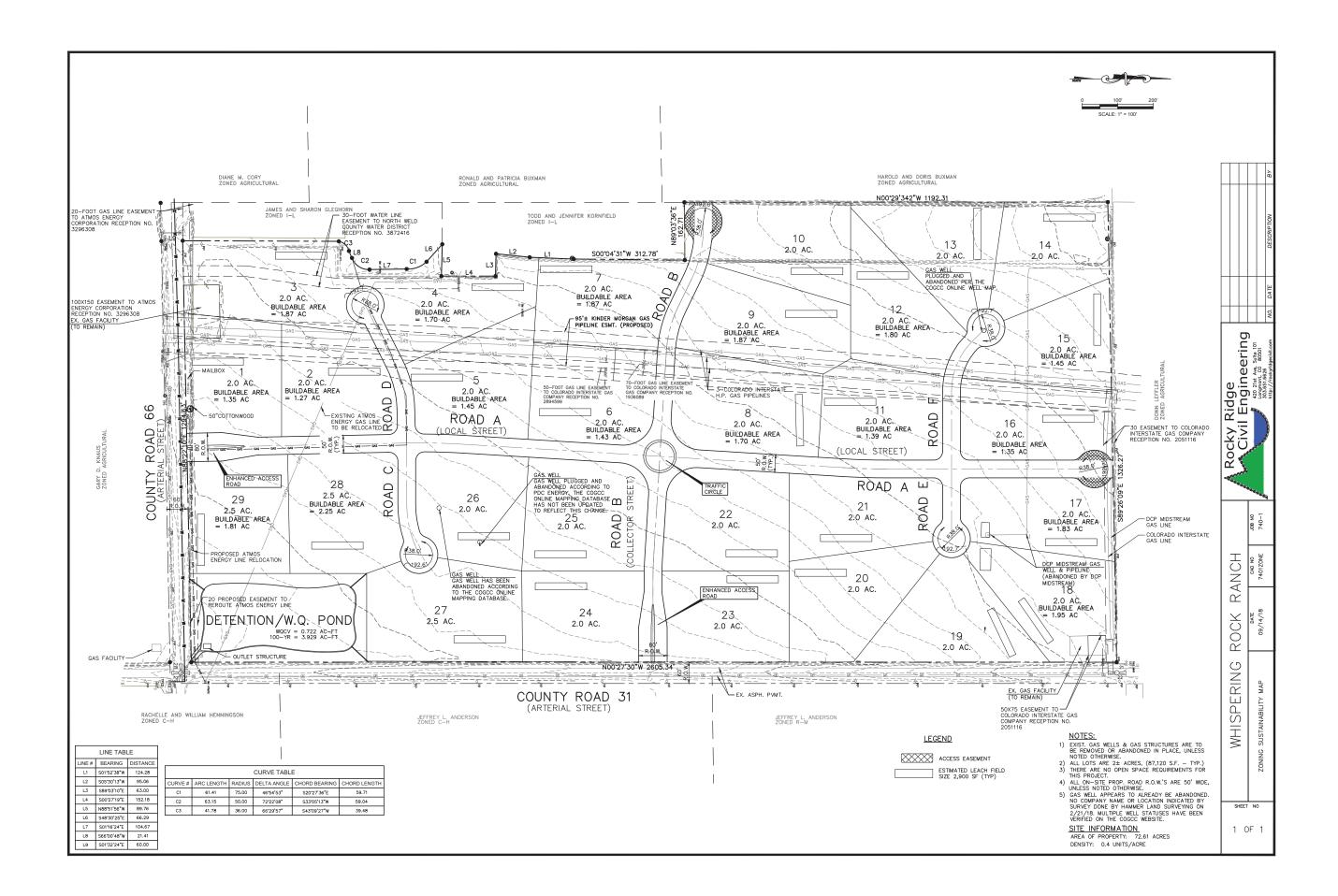












PLANNING COMMISSION SUMMARY

ITEM: Amendment to the City of Greeley Municipal Code, Title 18 –

Development Code

FILE NUMBER: CU2019-0001

PROJECT: An Ordinance Amending Chapter 18.54 – Signs

APPLICANT: City of Greeley, Community Development Department

CASE PLANNER: Brittany Hathaway, Planner III

PLANNING COMMISSION HEARING DATE: January 14, 2020

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by staff and the public, and shall then make a recommendation to the City Council regarding the proposed amendments to the Development Code.

EXECUTIVE SUMMARY

The City of Greeley is requesting an amendment to Chapter 18.54 - Signs in order to comply with recent Court decisions regarding content neutrality.

STAFF RECOMMENDATION

Approval

BACKGROUND

The City of Greeley began regulating signage in 1958. Prior to this time signage was wholly unregulated. The result can be seen in a proliferation of commercial signage in the mid to late 1950's as depicted within Attachment C.

In the years since, our Sign Code has evolved with the most recent substantial update in 2010. We now have dimensional standards based on an applicant's zoning, permanency of the sign, lot frontage, and setback from the right-of-way among other regulations including design and materials. These standards ensure fair distribution of signage allowances while maintaining our streetscapes.

Part of keeping our Sign Code current involves ensuring enforceability and legality of its regulatory language. This proposed update does not affect commercial signage nor how the City calculates allowances for permitted signs. Rather, this update focuses on compliance with recent Court decisions regarding content neutrality for non-commercial signage.

In 2015, The U.S. Supreme Court decided *Reed v. Gilbert* (135 S. Ct. 2218). The Court struck down a Gilbert, Arizona ordinance that distinguished between different types of non-commercial signs for content regulation such as ideological, political, and directional. The Court held that

"Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests."

Since this decision, Courts have reviewed sign codes by examining the text to see if any distinction is made among signs based on content. At this time, the ruling only affects non-commercial speech.

In spite of the removal of content-based language, the City will still be able to regulate signage based on size, materials, location, height, and other physical attributes to keep with aesthetic standards while remaining content-neutral in our enforcement. How the City measures and enforces permitted commercial signs, such as wall or freestanding signs, is not proposed to be changed with this amendment.

KEY ISSUES/STAFF ANALYSIS

Article XIX, Section 19-1(b) of the Greeley Charter describes the role of the Planning Commission in providing advice on land use matters to City Council. These proposed changes are relevant for the Commission's review and recommendation for Council Consideration.

The primary effect of the proposed changes are in regard to temporary, non-permitted signage with non-commercial messages as regulated under 18.54.110 – *Signs not requiring a permit*. These sign types include ideological, directional, real estate, special event, or political signs, among others. Moving forward, these temporary message-defined signs will be referred to as either a "site sign" or "yard sign". Proposed regulation includes no more than 32 square feet of cumulative signage is allowed per lot.

Key changes include the following:

- Removal of content-based sign definitions, such as ideological signs, real estate signs, commemorative signs, and political or election signs.
 - o Reclassify these signs as "site" or "yard" signs.
- Correct minor grammatical errors, expand current definitions, and clarify existing sections.
- Include language to ensure legality. This includes a statement on interpretation under Section 18.54.050 (b).

The City has contracted with Todd Messenger of Fairfield and Woods P.C. to assist Staff in the drafting of the proposed amendment. The draft proposes to remove all content based language, provide clarification on existing requirements, and include language to ensure legality moving forward.

REQUEST

The City of Greeley is requesting an amendment to Chapter 18.54 - Signs in order to comply with recent Court decisions regarding sign content neutrality and to make minor grammatical and detail revisions to existing sections to provide clarification and ensure accurate interpretation.

A redlined version of Chapter 18.54 – Signs is included in Attachment A. Staff is proposing the minimal revisions needed to ensure compliance.

PUBLIC NOTICE AND COMMENT

The City hosted a public work session at the December 10, 2019 Planning Commission meeting to discuss the revisions and provide comments. Questions regarding commercial regulation of signage, affected signage types, and review procedure were asked by the Commission. No changes to the proposed draft were requested.

A City Council discussion is being scheduled for March 2020 with subsequent hearings to follow.

Staff has also distributed informative handouts to the Chamber of Commerce and the Greeley Area Board of Realtors and included the information on the Planning Department website homepage. A copy of the handout is provided as Attachment D. Staff has spoken with both organizations and no concerns were raised.

A formal notice for this meeting is not required for Code amendments per 18.18.040 – Public Meetings.

PLANNING COMMISSION RECOMMENDED MOTION

Based on the summary, attachments, and accompanying staff analysis, the Planning Commission finds that the proposed amendments to the City of Greeley Development Code, Chapter 18.54, are necessary and appropriate to align with federal regulation, and recommends approval to City Council.

ATTACHMENTS

Attachment A – Chapter 18.54 – Redlines

Attachment B – Chapter 18.54 – Clean Version

Attachment C – Photo Exhibit of Historic Signage

Attachment D – Sign Code Update Information Handout

Chapter 18.54 - Signs

18.54.010 - Purpose and intent.

- (a) The purpose of this Chapter is to promote, preserve and protect the health, safety and general welfare of the inhabitants of the City by providing reasonable regulations and standards relating to signs. An important function of signage is to assist in the efficient identification and advertisement of business locations, products and services; public facilities; and residential developments. In order to promote efficient identification, it is necessary to set standards which allow each business, public facility or residential development to be reasonably identified. These standards should not only ensure that efficient identification is promoted, but also that signage contributes positively to the City's image, thus enhancing the economic, cultural and social viability of the community.
- (b) This Chapter shall be referred to as the "City of Greeley Sign Code." <u>It may also be referred to herein as the "Sign Code."</u>
- (c) The intent of this Chapter is to provide regulations and standards to promote regarding signs, such that:
 - (1) Identify the location of businesses, public places, residential developments and similar establishments and uses;
 - (2) Advertise commercial locations, products and services;
 - (3)(1) The The signs Visually visually enhance the property on which they are located, adjacent land uses and the overall City;
 - (4)(2) Accommodate fFlexibility is provided with respect to in the location, dimensions and design of signage, consistent with other intents expressed in this Sign Code;
 - (5)(3) Protect the The public is protected from damage or injury caused by poorly designed or maintained signs or distractions and hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs;
 - (6)(4) Signs Aare appropriate for the size of street to which they are oriented;
 - (7)(5) Are Signs are appropriate to the type of zoning and land uses to which the signs pertain and minimize any incompatibility between signs and their surroundings is minimized;
 - (8)(6) Are Signs are consistent with other community planning, land use, traffic, building and development standards;
 - (9)(7) Assist This Sign Code assists in the implementation of the City of Greeley Comprehensive Plan goal of fostering attractive design that promotes unique Greeley's style; values, and priorities, and excellence; coordinates and complements historical elements, where appropriate; and supports First Amendment values and Greeley economic development; and

(10)(8) Signs that are If lawfully nonconforming, are induced to come into full compliance with these regulations.

(Ord. 34, 2010 §1)

18.54.020 - Application and installation.

The provisions in this Chapter shall apply to all signage within the City.

- (1) It shall be unlawful for any person to erect, place, enlarge, alter, repair or convert a sign in the City except in accordance with the provisions of this Chapter.
- (2) All signs require a permit unless specifically exempted, by this Chapter. Fees for sign permits are as established in Chapter 18.10.040 of the Development Code.
- (3) Installation. Except for signs not requiring a permit as described in Section 18.54.100110, a permit must be obtained from the City prior to installation.

(Ord. 34, 2010 §1)

18.54.030 - Variances and appeals.

- (a) Variances to the dimensional standards established in this Chapter shall be administered in accordance with the provisions in Chapter 18.22, Variances, and this Section of this Code. Variances to any other provision of this Chapter shall not be permitted.
- (b) Sign variances shall only be granted after a finding of the Zoning Board of Appeals that the application complies with all of the considerations for a variance as specified in Chapter 18.24 and this Chapter of this Code. In addition to the criteria identified in Chapter 18.22, Variances, the Board shall consider, but not be limited to, the following factors as applicable in granting a variance:
 - (1) Historic value as determined by the Historical Preservation Commission;
 - (2) Architectural integrity;
 - (3) Any variance granted shall be the minimum needed to accommodate or alleviate the difficulty or hardship involved;
 - (4) A variance is necessary to accommodate an unusual or atypical lot configuration or physical aspect of the site which makes a reasonable use of the property unreasonable without a variance;
 - (5) Any difficulty or hardship constituting the basis for a variance shall not be created by the party seeking the variance, nor shall it be due to or a result of the general conditions in the area;
 - (6) Granting the variance is necessary to alleviate a health or safety issue related to the site;
 - (7) Granting the variance is consistent with the Comprehensive Plan, area and/or neighborhood plans, or may achieve a better result in meeting the intent of the plan objectives than if the codes were strictly applied.

- (c) Sign variances shall not be transferable to a new location on the property unless first approved in writing by the Community Development Director that the changed location on the site substantially complies with the conditions of the original variance. Changes to a sign that received a variance, with the exception of changes in sign text or copy that do not result in any structural changes to the sign, shall require compliance with all applicable provisions of this Code.
- (d) Any sign variance which was in effect and applied to an installed sign still in place prior to the adoption of this Code, as amended, may be continued under the provisions of that variance until a change to a sign is requested, at which time a new variance shall be applied for or the sign shall comply with all applicable provisions of this Code.
- (e) Appeals shall be conducted under the provisions of Chapter 18.24, Appeals.

18.54.040 - Enforcement.

- (a) Enforcement of the provisions of this Chapter shall be by the Community Development Director or her or his designee in accordance with Section 1.33 of the Municipal Code.
- (b) Public: Right-of-way illegal or unauthorized sign.
 - (1) In addition to all other enforcement authority available to the City, the City may also remove or cause to be removed any illegal or unauthorized sign from the public right-of-way without notice to any party. The cost of removal as may be assessed by the City is the responsibility of the owner of the sign or, if unknown, the owner of the property.
 - (2) The City shall have the authority to dispose of all unauthorized or illegal signs removed from the public right-of-way without notice to the owner of such signs. The cost of removal and storage of removed signs as may be assessed by the City shall be the sole responsibility of the owner of the sign.
- (c) <u>Private Property illegal or una uthorized sign.</u> The property owner or resident of the property may also remove signage that is unauthorized or illegal.

(Ord. 34, 2010 §1)

18.54.050 - Definitions and interpretations.

(a) <u>Definitions.</u> The following words, terms and phrases used in this Chapter shall have the following meanings:

Abandoned sign:

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

Address sign shall mean a type of required sign that displays the address of a building or property, as required by the applicable fire and/or building code. Address sign shall mean signs that give only 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.

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 driven devices and lights.

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

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.

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 or translucent 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.

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

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

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

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 signs shall mean signs that are attached to and supported by a building; whether the wall, window, or roof of building.

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 540×10^{-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.

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 signage calculation, 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.

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

Clear vision zone or area shall mean that area within 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.

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.

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

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

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

Day shall mean a calendar day.

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."

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 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.

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.

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.

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.

Feather flag (see Ground kites).

Figure shall mean outline, shape or pattern of numbers, letters or abstract images.

Flag shall mean a finished piece of flexible material designed to be attached to or designed to be flown from a flagpole or similar device, and which may typically (but not necessarily) displays the name, insignia, emblem or logo of representing any a nation, state, municipality, civic group, idea, sports team, or other 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*-).

Frame (EMD) shall mean a complete, static display screen on the content (images, text, background colors, etc.) that is displayed on an electronic message display at a fixed point in time.

Frame effect shall mean a visual effect that is used on an electronic message display applied to a single frame to attract the attention of viewers by displaying modified versions of a frame (e.g., changes in brightness, contrast color, perspective, or content elements) in succession, providing the effect of animation or transition (e.g., fade or dissolve).

Freestanding sign shall mean a sign which is not attached to a 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.

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.

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.

Graphic shall mean drawings, decals, paint or illustrations.

Ground kites are freestanding frames usually covered with flexible fabric and designed to be animated by the wind to attract attention. <u>Ground kites may also be referred to as "feather flags" or "teardrop flags."</u>

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

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

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

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 the words such 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 sign*).

Incidental sign shall mean nondescript signs, emblems or decals attached to a building or 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 that are less than 80 square inches in sign area, and not applied in a cumulative manner so as to circumvent the provisions of this Sign Code.

Indirect lighting shall mean reflected light or lighting directed toward or across a surface. *Individual letters* (see *Channel letters*-).

Inflatable sign or inflatable object shall mean any object filled with air or other gas, whether sealed (e.g. balloons) or driven by a fan (e.g. "sky dancers"), including balloons, which characterize a commercial symbol or contain a message is intended to attract attention from adjacent properties or rights-of-way.

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

Joint identification sign shall mean a sign, structure or surface which serves as a common or collective identification medium for display of messages by two (2) or more uses occupants of the same premises property (see Multi-tenant sign-sign-).

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

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

Legally nonconforming signs are signs which were lawfully constructed and erected prior to the most recent enactment of this Chapter and have been maintained as a sign, but which no longer comply with the provisions of this Chapter as amended.

Legible shall mean a sign capable of being read with certainty without visual aid by a pedestrian of normal visual acuity from a specified vantage point (or if no vantage point is specified, from the adjacent street right-of-way or adjacent private property).

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.

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

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.

Multi-tenant sign shall mean a sign which displays messages for two (2) or more tenants of a multi-tenant property. 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*).

Mural shall mean a graphic displayed onthat is painted on or otherwise applied directly to the exterior wall of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, 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.

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.

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

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

Nonconforming sign (see Legally nonconforming signs-).

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.

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.

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

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.

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 this Chapter.

Pole or Pylon sign shall mean a freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or base structure (other than a footer). 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.

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

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.

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.

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

Public sign shall mean a sign erected and maintained by or on behalf of the City or a governmental entity that is not subject to the City's jurisdiction, on property owned or controlled by the City or governmental entity; or a sign that is required or specifically authorized for a public purpose by any law, statute, ordinance, resolution, or approved development plans, including way-finding signs installed by a governmental entity within the public right-of-way, traffic control devices; public notices, and the like. Public sign shall mean a sign 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.

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 indicating 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 or lease transfer or exchange of the premises upon which said sign is located.

Required sign means a sign that is required to be displayed on private property by an applicable law (e.g., a sign displaying the address of property as required by the building code, signs required by the Occupational Health and Safety Act, etc.)

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

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.

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.

Sight distance (see *Clear vision zone or area-*).

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 ideas, 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 supporting 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 face shall mean the area of the 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 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 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 centerline 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.

<u>Site sign</u> shall mean a temporary freestanding sign constructed of vinyl, plastic, wood or metal and designed or intended to be displayed for a short period of time on a construction project.

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.

Symbol shall mean a graphic device which stands for a concept or object.

Teardrop sign (see Ground kites).

Temporary sign shall mean any sign not intended for permanent installation, such as, but not limited to, a <u>yard sign</u>, <u>site sign</u>, banner, balloon, pennant, searchlight or beacon. <u>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.</u>

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.

Transition shall mean a visual frame effect used on an electronic message display to change from one (1) message to another.

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.

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.

Wind sign (see Pennants, Ground kites and Sky dancers).

Window sign shall mean any signage or graphics applied directly to a window 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 on to the premises.

Yard sign shall mean a temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a short period of time.

(b) Interpretation. This Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message. No part of this Sign Code shall be construed to favor commercial speech over non-commercial speech. Messages may be changed without the need for any approval or permit, provided that the size and structure of the sign are not

altered. To the extent any provision of this Code is ambiguous, the provision shall be interpreted not to regulate on the basis of the content of the message

(Ord. 34, 2010 §1)

18.54.060 - Sign permits.

- (a) The Building Official shall be responsible for issuing all sign permits once approved by the Planning Division staff, which shall be responsible for reviewing all sign permits for compliance with this Code.
- (b) A sign permit shall be required for all signs unless exempted from the provisions of this Chapter. The replacement, repair or major alteration of a sign shall require a new sign permit.
- (c) The following information shall be submitted for a sign permit:
 - (1) Completed sign permit application signed by the property owner, tenant and/or licensed sign contractor, which shall include the following:
 - a. The name, address and telephone number of the property owner, business owner or licensed sign contractor;
 - b. The location, by street address, of the proposed sign; valuation of proposed work; and
 - c. The zoning district in which the property is located. An affidavit (sworn statement) of notice to the property owner is required, if submitted by a business owner or contractor.
 - (2) Plans for the proposed sign, including but not limited to:
 - a. For each sign:
 - 1. Scaled drawing of sign elevation, including area to be occupied by lettering, symbols or images, with dimensions; sign type; method of illumination, construction materials; projection or depth of sign cabinet;
 - 2. Site plan showing the adjacent streets and location of property lines;
 - 3. Plans showing the scope and structural detail of the proposed work, including details of structural connections, guidelines, supports and footings, and materials to be used;
 - 4. An inventory of all existing signs located on the property (a tenant may provide this information for the lease holder area only) related to the specific business that will remain and be removed, including location, dimensions, height and types of sign; and
 - 5. If reasonably known, identify any signs that are nonconforming, have received a variance, have utilized a nonconforming one-time change

rule, have combined two (2) smaller signs into one (1) larger sign, or have utilized any bonuses.

- b. For wall signs: scale drawing with building dimensions, the square footage for each tenant and the total square footage for the building; elevations showing the sign location, facade dimensions and roof lines.
- c. For freestanding signs: scale drawing of site layout including sign location, property lines, setbacks, adjacent public right-of-ways, street names, buildings and improvements, parking areas, drive aisles and landscaped areas in the vicinity of the proposed sign; dimensions of the sign and its support structure and members; and proposed height of the sign.
- (3) An indication of application for electrical permits for all electric signs; when applicable, such permits will be issued separately through the Building Inspection Division.
- -Other information, as required by the City, to ensure a complete and comprehensive review of the proposed sign.

(Ord. 34, 2010 §1)

18.54.070 - Reserved.

Editor's note— Ord. 43, 2016, §1, adopted Dec. 20, 2016, repealed § 18.54.070, which pertained to sign contractor license and derived from Ord. 34, 2010 §1.

18.54.080 - General provisions.

- (a) Written Interpretations. The Community Development Director shall be responsible for interpretation of this Chapter. Appeals to interpretations by the Community Development Director shall be subject to the provisions of Section 18.54.030, Variances and Appeals (see Section 18.24 of the Development Code).
- (b) Sign Classification. If the provisions within this Chapter do not identify a particular type of sign, or if a sign may be classified under two (2) or more definitions, the sign shall be classified according to that description which most specifically describes it and which furthers the purposes of this Chapter.
- (c) Interior to a development signs not legible beyond the boundaries of the property on which they are located and which are not intended to attract off-site attention shall not be counted for the purpose of zoning regulations toward signage calculations, except window signage that exceeds twenty-five percent (25%) of the window area. Any sign constructed interior to the development may be subject to building permit provisions.
- (d) Primary structure required. With the exception of real estate, election, ideological and prohibited activities required and temporary signs, signs shall not be permitted unless there is a primary structure on the parcel.
- (e) Other Code requirements. All signs within the City shall comply with the adopted building and electrical codes, Model Traffic Code, Historic Preservation and other codes and

- ordinances as adopted by the City. All electric signs shall comply with and bear independent testing laboratory labels. In the event of any conflict between any of these codes or ordinances and this Chapter, the more restrictive provision shall apply.
- (f) Trees and shrubs. No person may, for the purposes of increasing or enhancing the visibility of any sign, damage, destroy, trim or remove any trees or shrubs located within the public right-of-way or as per an approved use by special review, design review or any other land use zoning permit unless the work is done pursuant to written authorization of the Community Development Department.
- (g) Signs in right-of-way. Except as otherwise permitted elsewhere in this Code, no signs other than regulatory signs are allowed in the public right-of-way except as provided by a right-of-way revocable sign permit.
- (h) Consistent and complementary. All signs installed after the adoption of the ordinance in this Chapter shall be designed to be consistent and compatible with the character of the principal buildings to which the signs relate, including the use of similar or complementary colors and materials in the design and construction of signs and its surroundings.
- (i) Sign lighting. Signs may be internally illuminated, backlit or illuminated by down-lighting or by ground-mounted light fixtures that illuminate only the sign face and base and shall conform to the following:
 - (1) Illuminated signs on the C-D, H-A and all residentially zoned properties or illuminated signs on commercial or industrial zoned properties immediately adjacent to residentially zoned properties shall either have an opaque background and translucent letters or letters without background lighting;
 - (2) In no case shall sign lighting create more than one-tenth (0.1) foot candle impact on habitable residential uses in residentially zoned areas;
 - (3) Neon lighting shall only be permitted within the <u>graphics (e.g., logos or images) or</u> lettering <u>or logo</u> of a sign;
 - (4) Illumination of the sign face by down-lighting or ground mounted light fixtures shall not exceed fifty (50) foot-candles as measured on the sign face; and
 - (5) Flashing or strobe lighting shall not be permitted, whether used as part of a sign or to draw attention to a site or location.

18.54.090 - Sign measurements and orientation.

- (a) The following rules shall apply to the measurement of signs in all zoning districts:
 - (1) The area of a sign is measured by determining the total sign face, which includes the backing and the frame of the sign.
 - (2) The area of a sign shall be measured utilizing a single, continuous rectilinear perimeter of not more than twelve (12) straight lines, the extreme limits of writing, representation, lines, emblems or figures contained within all modules, together

- with any air space, materials or colors forming an integral part or background of the display or materials used to differentiate such sign from the structure against which the sign is placed. For replacement of existing signs, the applicant may choose to utilize an exact calculation of sign area in lieu of this requirement.
- (3) A freestanding sign area and its support structure may be equal in size to one and one-half ($1\frac{1}{2}$) times the maximum-sized sign allowance at that location. The base of a monument sign shall not be counted as part of the calculation, provided that:
 - a. The base does not account for more than one-third (1/3) of the combined area of the sign face and the base; and
 - b. At least sixty percent (60%) of the bottom edge of the sign, including its supports and structure, has contiguous contact with the ground. Where the base has an unusual shape, such as circular or diamond-shaped, the bottom of the base shall be determined by measuring at a point that is one-third (1/3) of the distance from the ground to the top of the base; and
 - c. Any portion of the base that contains signage will be counted, with the exception of a numeral address that is clearly incidental to the sign.
- (4) The area of a sign which has multiple sign faces not parallel to the right-of-way, such as V-shaped, triangles or cubes, shall be calculated using the total of all faces which may be viewed at the same time from the public right-of-way or adjacent property.
- (5) All writing, representations, emblems or figures forming an integral part of a display used on an awning to identify, direct or attract the attention of the public shall be considered to be a sign for the purposes of measurement.
- (6) Internally illuminated awning signs that are translucent, with backlighting, shall include the entire area of the awning in the calculation of the sign area (see also Subsection 18.54.140(a)).
- (b) The height of a sign shall be determined by measuring the vertical distance from the adjacent grade to the highest point of the sign or sign structure. For purposes of this section, "grade" as a point of measure shall mean either of the following, whichever yields a greater sign height:
 - (1) The elevation of the highest ground surface within a five-foot horizontal distance from the leading edge of the sign, when there is less than a ten-foot difference between the highest and lowest ground surfaces within a five-foot horizontal distance from said sign (see Figure 18-38); or

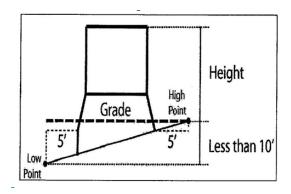


Figure 18-38

(2) An elevation ten (10) feet higher than the lowest ground surface within a five-foot horizontal distance from the leading edge of the sign, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said sign (see Figure 18-39).

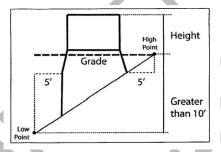


Figure 18-39

- (c) The determination of sign orientation shall be as follows:
 - (1) The orientation of a freestanding sign is to the nearest public right-of-way to which it is perpendicular or parallel;
 - (2) The orientation of a wall sign is to the nearest street with the highest traffic volume;
 - (3) The orientation of a projecting wall sign is to the nearest street with the highest traffic volume and to which the sign is most nearly perpendicular;
 - (4) The orientation of all other signs, including canopy signs, shall be to the nearest public right-of-way; or
 - (5) The principal orientation of any sign shall be determined by the Administrative Official in accordance with the standards in this Chapter, street classification and the intent of the Code.

(Ord. 34, 2010 §1)

18.54.100 - Sign setbacks.

The minimum distance required between the apparent centerline of the right-of-way and any portion of a sign or sign structure. Where the property is adjacent to a frontage road, the centerline of the highway to the leading edge of the sign is used to determine setback (i.e., frontage road is disregarded for calculation of the setback). (See Figures 18-40 and 18-41.)

Figure 18-40: Typical Centerline

Property Line
Right of Way

Centerline

Right of Way

Figure 18-41: Centerline with frontage road

Property Line
Right of Way

Centerline

Right of Way

Figure 18-41: Centerline with frontage road

Property Line

Property Line

Right of Way

Property Line

Property Line

18.54.110 - Signs not requiring a sign permit.

- (a) Any sign listed in this Section shall not require a sign permit if the sign complies with the provisions of this Section. Except as may be required under the adopted building and electrical codes, such signs shall not require a sign permit and are allowed. Signs that exceed these provisions for size or usage or sign area shall require a sign permit as provided for in Section 18.54.140.
 - (1) Address Required signs. Two (2) address signs are allowed in the H-A, C-D and all residentially zoned properties per lot or building per street frontage, each with a maximum size of two (2) square feet. In all other zoning districts, one (1) address sign is allowed per structure or store front with a maximum of five (5) square feet in size or two (2) signs which, combined, total five (5) square feet in size. (An address may also be placed upon a monument sign base).
 - (2) Change of copy. Once a structure receives legally conforming status from the City, the sign copy may thereafter be changed without a permit. All other copy changes, such as painted signs or channel lettering, shall require a sign permit.
 - (3) Changeable copy. Where a sign frame or structure has been approved as a changeable copy sign, subsequent changes of copy only shall not require a permit.
 - (4) Commemorative sign. One (1) sign up to ten (10) square feet in size is allowed per lot.
 - (5) Temporary signs associated with approved temporary uses under Section
 18.53.050, provided that the schedule for display and removal of the signs is set out
 in the temporary use permit: Community event sign. With the exception of banners

- administered by the City over public rights-of-way, off-site community event signs are allowed with the following limitations:
- (6) The total on-site community event signage per property shall be determined at a rate of one (1) square foot of signage for every four (4) linear feet of building frontage to which the sign is attached. If the site does not contain a building, the site will be allowed up to one (1), six (6) square feet in size sign per lot frontage. All community event signs shall not exceed five (5) feet in height;
- (7) Off-site community event signs are allowed to be six (6) square feet in size and up to five (5) feet in height;
- (8) Community event signs shall be displayed no more than forty-five (45) calendar days before and five (5) calendar days after the event;
- (9) No more than fifteen percent (15%) of the sign can display a sponsor name and/or logo; and

Banners may be a maximum of one hundred twenty (120) square feet in size and may be displayed for City-authorized community events or public service announcements over City rights of-way and as approved, installed and administered by the City.

- (10)(4) Contractor Construction Site sign. Up to three (3) contractor site signs per street frontage are allowed as follows:
 - a. Contractor Construction Site signs on H-A, C-D and all residentially zoned properties shall not exceed seven (7) square feet of sign area per face and five (5) feet in height. Properties greater than two and one-half (2½) acres are allowed up to one (1) thirty-two-square-foot sign.
 - b. Contractor Construction Site signs on nonresidential zoned properties with less than two hundred (200) feet of lot frontage shall not exceed twenty-four (24) square feet of sign area per face and eight (8) feet in height;
 - c. Contractor Construction-Site signs on nonresidential zoned properties greater than two hundred (200) feet and less than five hundred (500) feet of frontage shall not exceed thirty-two (32) square feet of sign area per face and eight (8) feet in height;
 - d. Contractor Construction-Site signs on nonresidential zoned properties with greater than five hundred (500) feet of frontage shall not exceed sixty-four (64) square feet per sign face and ten (10) feet in height; and
 - e. The sign may be displayed no more than forty-five (45) calendar days before and forty-five (45) calendar days after the completion of construction.
- (11)(5) Cornerstone sign. A cornerstone may be up to a total of four (4) square feet in size.
- (12)(6) Directional on-premises sign. A property may have any number of directional onpremises signs sufficient to safely direct customers to key locations; however each shall not exceed six (6) square feet in size per face, nor five (5) feet in height. Such

signs shall not include the business name or logo but may include a single background color associated with the business.

- (7) Election Yard signs and Site Signs. Election
 - a. <u>Yard signs and site</u> signs are allowed in all zoning districts and are subject to the following provisions:
 - 1. The total cumulative sign area that is allowed under this subsection (7) is 32 square feet.
 - 1.2. <u>Each No individual</u> sign shall <u>have a sign area that not</u> exceeds thirty-two (32) square feet <u>per sign face</u>.
 - 2.3. Election Yard signs and site signs may be located on a property only with the consent of the property owner, authorized property manager, or legal tenant;
 - 4. In no event shall an yard sign or site-election sign be posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard.
 - b. <u>If an individual sign installed pursuant to this subsection (7) exceeds six square feet, it is counted towards any applicable standards of subsection (5), above.</u>
- (13)[8] Flag. Noncommercial f_lags are allowed which do not exceed a maximum size of one hundred fifty (150) square feet in size per flag. A total of three hundred (300) square feet flag area is allowed per property.
 - a. No part of any flag when fully extended shall protrude over any public right-of-way or property line in any direction.
 - b. The freestanding maximum mounting height of flags shall be equal to or less than the maximum building height allowed in the zone district in which the flag is located or (10) feet above the height of the principal structure on the premises, whichever is less.
 - c. The flag pole for any individual flag over one hundred (100) square feet must be set back at least equal to the flag pole height from the property line.
- (14) Garage and private sale sign. One garage or private sale sign is allowed per residential property. The sign must be placed on private property owned or leased by the person holding the sale, not to exceed six (6) square feet in size. Garage and private sale signs may not be placed for more than three (3) consecutive days and shall not occur more than twice in a calendar year.
- (15)(9) Holiday decoration. Temporary decorations, lighting or displays which are clearly incidental to and customarily and commonly associated with any national, state, local, religious or commonly celebrated holiday shall be displayed not more than sixty (60) days prior to the holiday, and no more than thirty (30) days after the

- holiday. Such decorations may be of any type, number, size, location, illumination or animation if the decorations do not advertise or identify a product or a business and are located so as not to conflict with traffic regulatory devices or create a traffic hazard.
- (16) Human sign. A sign carried or worn by a person, whether on public or private property. A person carrying or wearing a sign may be located on a public right-of-way sidewalk, provided that traffic is not impeded, is allowed. Persons holding signs shall not be otherwise located on any public right-of-way, such as a street or median.
- (17) Ideological sign. A maximum of one (1) ideological sign is allowed and shall not exceed seven (7) square feet per sign face in the H-A or the C-D and on all residential zoned properties, twenty-four (24) square feet on commercial or industrial zoned properties which have less than two hundred (200) feet of lot frontage; thirty-two (32) square feet for commercial and industrial zoned properties which have greater than two hundred (200) feet, but less than five hundred (500) feet of lot frontage; or sixty-four (64) square feet for commercial and industrial zoned properties which have greater than five hundred (500) feet of lot frontage.
- Incidental sign. The combination of incidental signs shall not exceed one and one-half ($1\frac{1}{2}$) square feet in size-sign area per building entrance.
- (19) Nameplate sign. Nameplates may be of any size if not legible from the public right-of-way or the adjacent property.
- (20)(11) Portable sign. One (1) portable sign is allowed per storefront if it can meet all of the following conditions:
 - a. Is located within twenty (20) feet of the <u>principal public</u> entrance for which the goods or services are provided to the tenant or occupant that displays the sign;
 - b. Is no larger than six (6) square feet per face and no greater than forty-eight (48) inches in height;
 - c. Is located outside of clear vision zones [see Subsection 18.44.140(e)];
 - d. Is in place only during hours of operations;
 - e. Is not posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard;
 - f. Two (2) immediately adjacent businesses tenants or occupants may share a single sign, not to exceed the standards listed above; and
 - g. Any portion of a portable sign located within the public right-of-way must obtain be authorized by a right of way revocable sign permit from the City.
- (21) Prohibited activities sign. Signs that prohibit a specific activity shall be no greater than six (6) square feet in size; and shall be placed not to exceed one (1) per street front or one (1) per one hundred (100) feet of lot length, whichever is greater.

- Public sign. Public signs may be of any type, number and area, height above grade, location, illumination or animation required by the law, statute or ordinance under which the signs are erected and shall address a health, safety or welfare matter. Public signs, government signs and signs on public bus benches and/or shelters in the right-of-way shall not be required to obtain subject to a right of way revocable sign permit. Signs on governmental property outside of the right-of-way will shall require a right of way revocable sign permit.
- (23) Public affairs sign. Without limitation, banners, flags, pendants and other sign types may be displayed for civic purposes within the public rights-of-way.
- (24) Real estate sign. One (1) real estate sign is permitted per street frontage on the property being advertised as follows:
 - a. Real estate signs on H-A, C-D and all residential zoned properties shall not exceed seven (7) square feet of sign area per face and five (5) feet in height, except that properties zoned H-A, R-E, R-L, R-M, R-MH and PUD of at least five (5) acres in size and R-H properties with at least two hundred (200) feet of lot frontage shall not exceed thirty two (32) square feet of sign area per face and eight (8) feet in height.
 - b. Real estate signs on nonresidential zoned properties with less than two hundred (200) feet of lot frontage shall not exceed twenty-four (24) square feet of sign area per face and eight (8) feet in height;
 - c. Real estate signs on nonresidential zoned properties greater than two hundred (200) feet and less than five hundred (500) feet of frontage shall not exceed thirty-two (32) square feet of sign area per face and eight (8) feet in height; and
 - d.a. Real estate signs on nonresidential zoned properties with greater than five hundred (500) feet of frontage shall not exceed sixty-four (64) square feet per sign face and ten (10) feet in height.
- (25) Real estate model home sign. One (1) real estate model home sign is allowed per street frontage of the premises on which a model home or a temporary real estate sales office is located as follows:
 - a. Real estate model home signs shall not exceed twenty-four (24) square feet of sign area per face; and
 - b. Freestanding real estate model home signs are limited to six (6) feet in height. Wall-mounted real estate model home signs shall not extend above the top of the wall or parapet wall of the building to which the wall sign is attached.
- (26) Real estate open house sign. A sign no more than six (6) square feet in size and five (5) feet in height announcing an open house event is allowed per property. Such signs shall be displayed only on the day of the open house and the day prior to the open house. On-premises or off-premises display of real estate open house signs is

permitted, but display in the public right-of-way is prohibited. Off-premises open house signs may be located on private property only with the consent of the property owner; in no event shall a sign be posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard. Pennants and balloons may be affixed to real estate open house signs, provided that such attachments do not encroach upon street or sidewalk right-of-way or create a traffic or sidewalk safety hazard; balloons that are affixed to real estate open house signs shall have no linear dimension greater than two (2) feet.

- (27)(13) Residential complex or residential subdivision identification signDetached wall signs or monument signs at subdivision or multifamily complex entry points.

 Residential complex or residential subdivision identificationDetached wall signs or monument signs that are located within 40 feet of a street intersection that provides entry into a subdivision or multifamily complex, provided that they are signs shall be no greater than twenty (20) square feet in sizesign area, including all sign faces, and not greater than six (6) feet in height. Two (2) residential complex identification signs are allowed per subdivision entrance intersection.
- (28)(14) Signs within building. A sign permit is not required where signs are located inside buildings and are not legible from the public right-of-way or, if legible, are within allowed window sign limits.
- Vehicle signs. It shall not be a violation of this Chapter if the vehicle to which a sign is mounted, painted or otherwise affixed is used for travel between home and work or is temporarily parked away from the business premises while being used to provide the business' services or products, or as personal transportation for the vehicle operator. A parked vehicle which contains or displays signage is allowed when;
 - a. The sign does not extend more than one (1) foot above the roofline of the vehicle;
 - b. The sign displayed on the vehicle does not direct the public to the advertised business, such as with an arrow;
 - E.b. The vehicle is not illuminated or does not have flashing signs;
 - d.c. The vehicle is licensed and operable; and
 - e.d. The vehicle is not to be parked offsite and used to direct customers to an advertised business in use or legally parked.
- Wind driven devices. The following devices, which are designed to move with wind or forced air, are allowed as follows, provided that signage is not affixed to the device:
 - a. Pennant. A pennant flag may be a maximum of one (1) square foot per flag face, and pennant lines shall be no longer than the front lot line or exceed the height of the building. For residential zoned properties, pennants are allowed for open house events only three days per year. For commercial and

- industrial zoned properties, pennants are allowed on a single property for any length of time, provided they are maintained and in good condition.
- b. Ground kite. Ground kites are allowed only in commercial or industrial zoned properties as follows:
 - 1. Ground kites shall be affixed to the ground and shall not exceed two (2) feet wide and eight (8) feet tall.
 - 2. One ground kite is allowed for every twenty-five (25) feet of lot frontage.
- c. Sky dancer. Sky dancer devices are allowed only in commercial and industrial zoned properties as follows:
 - 1. Sky dancers shall be affixed to the ground and shall not exceed two (2) feet wide and eight (8) feet tall.
 - 2. One (1) sky dancer is allowed for every fifty (50) feet of lot frontage, with a maximum of three (3) for each property.
- d. Wind signs. Wind signs cannot be used in combination on a property, unless approved in advance with a temporary sign permit.
- Window sign. A window sign is allowed but shall not exceed twenty-five percent (25%) of the glass surface of individual window panes that are visible from the public right-of-way.

(Ord. 1, 2017 §1(Exh. A), 1-17-2017; Ord. 34, 2010 §1)

18.54.120 - Prohibited signs.

- (a) Except for signs within buildings and not legible or intended to attract the attention of persons outside the building, or signs interior to a development, the following signs are declared to be a public nuisance and are prohibited in all zoning districts of the City. They must be removed unless determined to be legally nonconforming except as provided herein.
 - (1) Abandoned signs. A sign determined to be abandoned as defined in this Chapter must either be removed or <u>covered to</u> conceal the sign copy, confirming its abandonment.
 - (2) Exposed incandescent, high intensity exposed light bulbs. The use of exposed light bulbs independently or as a sign or portion of a sign that is visible from any property line on which the sign is located is prohibited.
 - (3) Flashing, animated or imitating signs, including signs that have moving, blinking, chasing, scrolling or other animation effects. Such signs, either inside (including but not limited to: open signs and electronic display signs, etc.) or outside of a building, and which are legible from a public right-of-way must be removed except as follows:
 - a. Time and temperature messaging, which changes its message instantly and does not change copy more frequently than every once every three (3) seconds;

- b. Electronic message boards used by the City or other public agency to address a health, safety or welfare matter; or
- Electronic message boards which do not change copy more frequently than every once every thirty (30) seconds as otherwise permitted in this Chapter.
- (4) Imitating sign. Regardless <u>if of whether</u> any clear safety concerns are present.
- (5) Off-premises sign. Except as follows:
 - a. Temporary real estate signs which are located on a common area outlot, approved by the property owners association; and
 - b. When two (2) or more adjacent landowners co-locate signage on a single sign structure or on a shared property line through a legally binding agreement. For purposes of this provision, the combined lot frontage is used to determine the number of signs allowed.
- (6) Nongovernmental ssigns on public utilities. No sign may be attached to utility poles or other public structures within the public right-of-way, except as specifically authorized by the City.
- (7) Roof signs.
- (8) Signs in the public right-of-way. Signs located in any portion of the public right-of-way that do not meet the provisions of this Chapter or that do not have a right-of-way revocable sign permit.

18.54.130 - Temporary signs, including portable signs, searchlights and beacons.

- (a) Temporary signs shall be allowed per storefront tenant in addition to the amount of permanent signage that is otherwise permitted. Except as provided in Section 18.54.110, above. Temporary signs require a temporary sign permit. Temporary signs shall comply with all other applicable provisions of this Chapter, including the provision of Section 18.54.060 (Sign Permits).
- (b) The total amount of temporary signage shall not exceed thirty-three (33) square feet in all residential R-H and C-L zones, or fifty (50) square feet in all other commercial and industrial zones.
- (c) Temporary signs shall be allowed for any individual commercial or industrial use for no more than a total of sixty (60) days in any calendar year.
- (d) If more than one (1) temporary sign is proposed, each sign will count towards the total calendar year allowance (i.e., 3 signs for 20 days = 60 days). The total sign area for all signs shall not exceed the total amount of temporary sign allowance.
- (e) Temporary signs associated with a temporary use under the provisions of Section 18.53.030 shall be limited to the duration of the temporary use, not to exceed more than ninety (90) days in any calendar year. The temporary sign permit may be extended for up to

- an additional thirty (30) days, provided the Community Development Director has granted an extension of the associated temporary use.
- (f) Any property that contains an outdoor electronic messaging display will not be permitted any additional temporary sign allowance.
- (g) Balloons, inflatable signs and other inflatable objects containing text and/or graphics. for advertising purposes and which have a total visible area (individually or combined) that does not exceed thirty-three (33) square feet shall be considered a temporary sign and shall require a sign permit. Balloons that do not contain text and/or graphics shall not require a sign permit. No balloon, inflatable sign or other inflatable object shall exceed the height of the principal building on the site and shall not extend over the public right-of-way when fully extended, or impede pedestrian or vehicular traffic.
- (h) Searchlights or beacons shall be considered temporary signs, shall require a sign permit and are allowed a maximum of three (3) days per calendar year. Searchlights or beacons shall not be placed or used in such a way that impedes pedestrian or vehicular traffic, or results in light or glare at grade.

(Ord. 1, 2017 §1(Exh. A), 1-17-2017; Ord. 34, 2010 §1)

18.54.140 - Signs requiring a sign permit.

- (a) The following signs shall require a sign permit:
 - (1) Awning sign.
 - (2) Canopy sign.
 - (3) Electronic messaging display.
 - (4) Freestanding and monument sign.
 - (5) Projecting wall sign.
 - (6) Wall sign.
- (b) Awning sign.
 - (1) If more than twenty-five percent (25%) of the exterior surface of an awning is devoted to sign copy, the entire exterior surface of the awning shall be considered a sign;
 - (2) The entire illuminated exterior area of an internally illuminated awning sign shall be included in the calculation of the sign area;
 - (3) Awning signage will count towards the total wall sign allowance; and
 - (4) Any portion of an awning sign projecting over the public right-of-way must obtain a right-of-way revocable sign permit from the City.
- (c) Canopy sign.

- (1) If the canopy is attached to a building, all or a portion of the available wall signage allowance may be transferred to the canopy, subject to setback provisions.
- (2) If the canopy is a freestanding structure, all or a portion of the available freestanding signage allowance may be transferred to the canopy, subject to setback provisions and height.
- (d) Electronic messaging display (EMD) sign.
 - (1) EMD signs require a design review approval (see Chapter 18.46) and are allowed only in the C-L, C-H, I-L, I-M, I-H and PUD zone districts. An EMD sign in the C-L zone district is limited in hours of operation from 6:00 a.m. to 10:00 p.m.
 - (2) The area of the EMD shall not exceed fifty percent (50%) of a sign face.
 - (3) The EMD shall contain static messages only, changed only instantly or through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, and which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.
 - (4) The displayed message shall not change more frequently than once per thirty (30) seconds, except for time and temperature signs, which shall not change more frequently than once per three (3) seconds.
 - (5) The EMD shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed six hundred (600) nits (candelas per square meter) between dusk and dawn as measured from the sign's face.
 - (6) Applications for sign permits containing an electronic display shall include the manufacturer's specifications and initial nit (candela per square meter) rating and the method of dimming.
 - Messages displayed on the sign module shall only direct attention to a business, product, service or entertainment conducted, sold or offered on the premises on which the sign is located. Community emergency alerts such as traffic hazards, inclement weather or Amber Alerts are exempt from this requirement.
 - (7) All existing electronic message displays that contain an electronic changeable copy module which does not comply with the provisions of this Section shall be made to conform to the duration of copy provisions upon the effective date of the ordinance approving such provisions.
 - (8) Any premise that contains an outdoor electronic message display shall not be allowed any temporary signs (per Section 18.54.140).

- (e) Freestanding and monument sign.
 - (1) Freestanding signs shall be permitted only if constructed with a supporting sign structure, the total width of which exceeds twenty-five percent (25%) of the width of the sign face. This provision applies to all freestanding signs that require a permit, except freestanding signs with less than two (2) vertical feet of sign support, exposed poles or flag poles. Any change of copy to a legally conforming sign does not require compliance with this Section.
 - (2) Any flag that displays a commercial message is subject to the provisions of this Section.
 - (3)(2) Maximum size, height and setback dimensions. Lot frontage, for the purposes of calculating freestanding sign allowance and placement, shall be determined as follows:
 - a. Lot frontage shall be the length of private property contiguous with a public street.
 - b. If a lot has more than one (1) street frontage, such as with corner lots, up to two (2) cumulative lot frontages along the lot sides adjacent to public streets may be used to determine the maximum number of signs.
 - c. Noncontiguous lot frontage is calculated separately.
 - (4)(3) The maximum area of freestanding/monument signs shall be as follows:
 - a. In the H-A, C-D, R-MH, R-L, R-M and R-E zone districts, signs shall be in accordance with Section 18.54.110.
 - b. In the R-H, C-L zone districts and for uses by special review on any residential zoned property, the maximum area is as follows:

Setback	Maximum Size (sq. ft.) per Sign Face			
Less than 50 ft.	33			
51 ft. to 167 ft.	(Setback minus 50) plus 33			
168 ft. or greater	150			

c. In the C-H, I-L, I-M and I-H zone districts, the maximum area is as follows:

Setback	Maximum Size (sq. ft.) per Sign Face		
Less than 50 ft.	50		
51 ft. to 249 ft.	Equal to setback		
250 ft. or greater	250		

(5)(4) The maximum height of freestanding signs shall be as follows:

Setback	Maximum Size (sq. ft.) per Sign Face		
Less than 50 ft.	12		
51 ft. to 99 ft.	(Setback minus 50) plus 12		
100 ft. or greater	25		

- a. In the C-D, H-A, R-E, R-L, R-MH, R-M, R-H and C-L zone districts, the maximum height is six (6) feet, unless otherwise noted in Section 18.54.110.
- b. In the C-H, I-L, I-M and I-H zone districts, the maximum height is as follows:
- (6) Signs attached to fences and freestanding walls, except those in Section 18.54.110, Signs not requiring a permit, shall be regulated as a freestanding sign and shall count toward freestanding signage allowances.
- (7)(6) For properties with less than two hundred (200) feet of lot frontage, either of the following is permitted:
 - a. A freestanding sign may be used in lieu of the allowed wall signage, the sign will be allowed to comply fully to the freestanding sign size and height limits as listed in the charts above; or
 - b. A combination of freestanding or wall signage is allowed where the sum of the percentage of each sign's size, as a portion of the total allowed, does not exceed one hundred percent (100%) of maximum sign allowance for either category or sign. The percentage of wall signage shall be based on the total amount of wall signage allowed on the principal face of the building located closest to the freestanding sign. The percentage of freestanding sign shall be based on the maximum size of freestanding sign allowed, given the sign's setback from the center line of the adjoining public right of-way (Figure 18-42).
 - c. One (1) freestanding sign is a permitted use on a site with a minimum of two hundred (200) feet of street right-of-way frontage; two (2) freestanding signs are permitted with a minimum of five hundred (500) feet of contiguous street right-of-way linear frontage in the R-H, C-L, C-H, I-L, I-M and I-H zone districts.

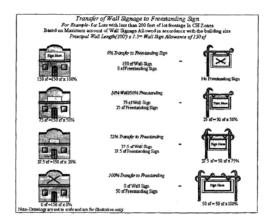


Figure 18-42: Transfer of Wall Signage to Freestanding Signage

- (8)(7) Where two (2) or more property owners share a common lot line, the property owners may combine lot frontage for the purpose of sharing a freestanding sign on or near the common lot line.
- (f) Projecting wall sign.
 - (1) A projecting sign shall not be higher than the top of the wall or the bottom of the roof eave.
 - (2) A projecting sign must have eight (8) feet clearance from grade and may not extend more than four (4) feet from the building wall except where the sign is an integral part of an approved canopy or awning.
 - (3) A projecting sign is included in the total wall sign allowance.
 - (4) A projecting sign over public right-of-way must obtain a revocable sign permit.
- (g) Wall signs.
 - (1) Signage allowance by zone district shall be calculated as follows:

Zone District	Signage allowed per principal building frontage	For secondary building frontage, additional signage allowed per linear feet of building		
H-A, C-D, R-E, RMH, R-L and R-M	N/A N/A			
R-H	.25 sq. ft.	N/A		
C-L	1 sq. ft.	.5 sq. ft.		
C-H and I-L	1.5 sq. ft.	1 sq. ft		
I-M and I-H	2 sq. ft.	1 sq. ft.		

(2) The maximum area of each wall sign shall be calculated as below in this Subsection.

- a. H-A, C-D, R-E, R-MH, R-L and R-M shall be in accordance with Section 18.54.110.
- b. R-H and C-L Zone Districts.

Setback	Maximum Size (sq. ft.) per Sign Face		
Less than 50 ft.	40 ft.		
51 ft. to 160 ft.	Setback minus 10 ft.		
161 ft. or greater	150 ft.		

c. C-H and I-L Zone Districts.

Setback	Maximum Size (sq. ft.) per Sign Face			
Less than 50 ft.	60 ft.			
51 ft. to 190 ft.	Setback plus 10 ft.			
191 ft. or greater	200 ft.			

d. I-M and I-H Zone Signs.

Setback	Maximum Size (sq. ft.) per Sign Face			
Less than 50 ft.	90 ft.			
51 ft. to 210 ft.	(Setback minus 50) plus 90 ft.			
211 ft. or greater	250 ft.			

(3) Wall signage shall comply with the following conditions:

- a. Parapet Wall. No wall sign may be attached to or displayed against any parapet wall that does not extend at least seventy-five percent (75%) of the perimeter of the roof enclosed by the parapet. No sign shall exceed the height of the parapet wall. This standard does not apply to existing building as of the date of the adoption of the Code.
- b. Roof Line. No wall sign may extend above the roof line of a building except as permitted on a parapet wall.
- c. Mechanical Room. No wall sign may be displayed on the wall of a mechanical room or penthouse or other such enclosed space which is not habitable by the occupants of the building.

- d. Sign Depth or Projection. No sign, including any light box or other structural part, shall exceed a depth of twenty (20) inches.
- e. ____Mural. Any portion of a mural that is considered signage based on the provisions of this Chapter shall be included in the calculation for determining expended sign area.

18.54.150 - Public, quasi-public and institutional uses (nonresidential uses in residential zone districts).

- (a) Public/Private Schools: Public schools are encouraged to adhere to the same sign standards as private schools, which are those that are allowed in the R-H zone district.
- (b) All other public, quasi-public or intuitional signage shall comply with the standards of the R-H zone district.

(Ord. 34, 2010 §1)

18.54.160 - Signs in Planned Unit Development zoned districts.

- (a) The provisions in this Chapter shall be used to guide signage within Planned Unit Development (PUD) requests.
- (b) Proposed PUD development may include a specific sign plan which includes sign standards that address size, height, design, lighting, color, materials, location and method of construction of all signage planned within the PUD to ensure that all such signage is designed in a harmonious and compatible manner. Absent a specific sign plan, the City will apply sign standards closest to the zone district the PUD land uses represent. The City Council may impose alternate standards relating to signage if it is determined that there are commensurate design trade-offs proposed for signage with a particular PUD, as provided in Subsection 18.32.040(d) of Chapter 18.32, Planned Unit Developments.

(Ord. 34, 2010 §1)

18.54.170 - Historic signs.

- (a) Notwithstanding any other provisions of this Chapter, a historic sign may be kept, used, owned, maintained and displayed subject to the following provisions:
 - (1) The sign has been designated as a historic landmark by the Greeley Historic Preservation Commission (HPC) and
 - (2) The sign is structurally safe or is capable of being made structurally safe while maintaining its historic character. All structural repairs and restoration of the sign to its original condition shall be made within three hundred sixty-five (365) calendar days of designation of the sign as a historic landmark and shall be subject to approval by the HPC prior to any work commencing.

- (b) All signs that have been designated as historic landmarks shall be exempt from Section 18.54.190 relating to abandoned signs if the sign continues to meet all of the requirements of this Section.
- (c) For the purposes of this Section, if a historic sign has been moved from its original site, such sign shall no longer be considered a historic sign unless specifically so considered by the HPC. If such a sign is moved, a new sign permit under the provisions of Section 18.54.140 shall be required for the new location.
- (d) Words, symbols or "ghost signs" that are painted, engraved or carved into a building and that no longer relate to the use or occupant of the building shall not be counted as signage.

18.54.180 - Nonconforming signs.

- (a) A legal nonconforming sign or sign structure may continue to exist until one (1) of the following conditions occurs:
 - (1) The sign has been abandoned and not reestablished for ninety (90) consecutive days or longer.
 - Other than for routine maintenance involving spot repainting, cleaning or light bulb replacement that does not make substantial improvements, if repairs involve nonconforming sign alterations other than allowed in 18.54.200, compliance with all provisions of this Chapter shall be required.
 - (3) Changing the copy of an off-premises sign and nonconforming signs shall not be considered a change requiring compliance with this Chapter unless there is a change to the size; a change, or removal of, a support structure or frame, or a portion thereof, whether replacing such structure or frame or not, and/or a change in the orientation of the sign. A change of copy of an off-premises sign to on-premises advertising is considered a change of use requiring full compliance with all provisions of this Chapter.
- (b) Lawfully nonconforming signs which are nonconforming due to size are included in the total sign allowance for the property as follows:
 - (1) If the excess signage is in the wall sign the amount greater than the allowed is considered a transfer to the freestanding sign allowance and the freestanding sign allowance is thereby reduced proportionally.
 - (2) If the nonconforming sign is freestanding, no transfer is allowed to the wall.
- (c) Two (2) or more legal, nonconforming, freestanding signs on the same lot may be combined into one (1) new legal nonconforming sign. In this event, the maximum size of this new sign shall be one hundred twenty-five percent (125%) of the maximum size specified in Subsection 18.54.140(d) for the particular location and type of sign. This provision shall be utilized only one (1) time per property.

- (d) The Community Development Director may approve alternative compliance nonconforming sign proposals one (1) time per property as long as the proposed alternative reduces all elements of the signage nonconformance, by at least fifty percent (50%). This one-time provision may be used to address all nonconforming signs on the site, or for only one (1) nonconforming sign type on the site.
- (e) Temporary signs, window signs and dilapidated signs shall not be considered legal nonconforming signs.

18.54.190 - Abandoned signs.

- (a) A sign meeting the definition of abandoned under this Chapter must be removed or covered upon determination of its abandonment.
- (b) At such time that either a portion or all of a sign, sign frame, sign components or sign supporting structure are no longer in use for a period of ninety (90) consecutive days, such sign frame, sign components or sign supporting structure shall be brought into conformance by removal or the placement of a new permitted conforming sign, components and structure.

(Ord. 34, 2010 §1)

18.54.200 - Sign construction and maintenance standards.

- (a) All signs and all parts, portions and materials shall be manufactured, assembled and erected in compliance with all applicable state, federal and City regulations and the adopted building and electrical codes.
- (b) All signs, including those signs not required to obtain a sign permit as provided in Section 18.54.100, shall be maintained and kept in good repair, and in conformance with the original sign permit. A sign that is maintained and kept in good repair shall meet the following criteria:
 - (1) All sign supports, braces, guy wires, anchors and related screening are kept in repair, in a proper state of preservation, including as may be required by Paragraph 18.40.070(a)(4) of this Code.
 - (2) There is no evidence of deterioration, including chipped or peeling paint, rust, corrosion, fading, discoloration, broken or missing sign faces, text, logos, graphics or other elements of the sign.
 - (3) There are no missing, flickering or inoperative lights that create a perception of deterioration or abandonment of the sign.
- (c) Where repairs involve a nonconforming sign, the provisions of Section 18.54.180 shall also apply.
- (d) Any non-maintained sign shall be repaired or replaced within fifteen (15) calendar days following notification from the City. Noncompliance with such notice shall constitute a nuisance subject to enforcement actions.

(e) Signs, their structures and supports and related screening, shall be constructed of materials normally and typically intended to be used for such items.

(Ord. 34, 2010 §1)

18.54.210 - Alternative compliance.

- (a) Conditions may exist where strict compliance is impractical or impossible, or where maximum achievement of the City's objectives can only be obtained through alternative compliance. It is not the intent of alternative compliance to modify or reduce requirements of this Sign Code, but to provide equivalent standards in a creative way subject to approval under the provisions herein.
- (b) Requests for alternative compliance may be accepted for any application to which the requirements of this Chapter apply. A written request may be submitted to modify an individual sign allowance, which shall meet one (1) or more of the following criteria:
 - (1) Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical; or improved environmental quality would result from alternative compliance.
 - (2) Space limitations, unusually shaped lots and prevailing practices in the surrounding neighborhood, may justify alternative compliance for infill sites and for improvements and redevelopment in older neighborhoods.
 - (3) Safety considerations make alternative compliance necessary.
 - (4) The proposed alternative is aesthetically more complementary to the site, better fits into the context of the area, improves the overall architectural appeal of the area and/or meets or exceeds the design objectives as described in the City's Comprehensive Plan. Where there is a strong architectural theme established in an area, the proposed alternative shall be consistent with or complementary to that theme. In an existing area where there is no established theme, the proposed alternative shall provide an architectural theme that is consistent with the Comprehensive Plan and improves the quality of development in the area.
- (c) Application for alternative compliance shall include the following information:
 - (1) Written description of the conditions provided in Subsection (b) above, which apply to the subject property;
 - (2) The applicant shall submit a sign plan consisting of a written statement addressing the proposal and the review criteria, along with dimensioned graphic plans identifying the following items for all signs on the property:
 - a. Written and graphic illustration of the proposed alternative, including areas of departure from code standards;
 - b. Sign style, type, location, size (area) and height for wall and freestanding signs;
 - c. Materials and colors for all signs and support structures;

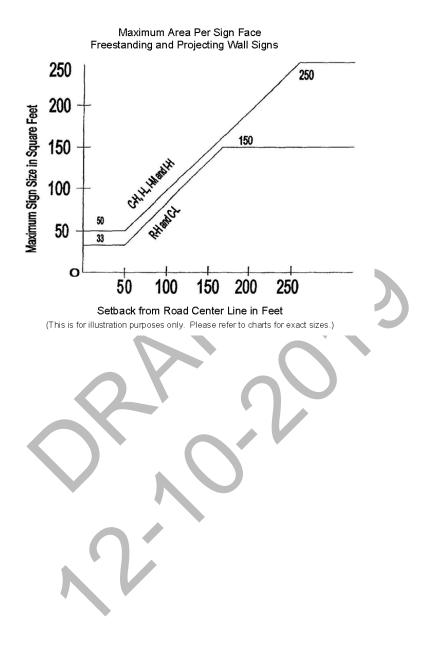
- d. Sign illumination devices and brightness levels, if applicable; and
- e. Other information as may be required by the Community Development

 Department to make a thorough evaluation of the proposed alternative.
- (d) Upon receipt of a complete application as provided in Subsection (c) above, the application will be evaluated administratively through the Administrative Review Team, with the final decision made by Community Development Director.
- (e) If the Community Development Director finds that the provisions in Subsection (b) are met, the Director shall approve the request for alternative compliance in writing. If the Community Development Director finds that the provisions in Subsection (b) above have not been met, the Community Development Director shall deny the request for alternative compliance and the applicant may appeal such decision in accordance with Chapter 18.24, Appeals.

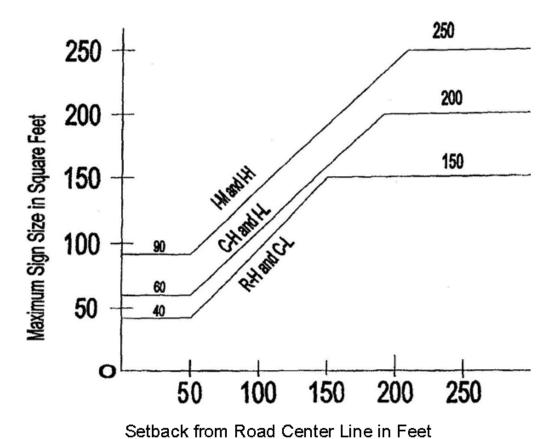
18.54.220 - Sign chart.*

Zoning District	Type of Sign Allowed	Max. total amount awning, wall & projecting wall signage allowed per linear foot of wall	Max. Sign Face Area for Awning and Wall Signs	Maximum Freestanding Sign Height	Maximum Size for Freestanding Signs	Number of Freestanding Signs
C-D, H-A, R-L, R-E, R-MH, R- M	See Section 18.54.110	See Section 18.54.110	See Section 18.54.110	See Section 18.54.110	See Section 18.54.110	See Section 18.54.110
R-H	Freestanding, wall and awning	.25 sq. ft.	See Subsections 18.54.140(b)—(g)	6 ft.	See Subsection 18.54.140(e)	1 sign where lot frontage is greater than or equal to 200 ft., but less than 500 ft.
C-L	Freestanding, wall and awning	1 sq. ft., plus an additional .5 sq. ft. (for secondary building frontage)	See Subsections 18.54.140(a)—(f)	6 ft.	See Subsection 18.54.140(e)	2 signs where lot frontage is greater than 500 ft.
C-H, I-L	Freestanding, wall, projecting wall and awning	1.5 sq. ft., plus an additional 1 sq. ft. (for secondary building frontage)	See Subsections 18.54.140(a)(f)	See Subsection 18.54.140(d)	See Subsection 18.54.140(d)	2 signs where lot frontage is greater than 500 ft.
I-M & I-H	Freestanding, well, projecting wall and awning	2 sq. ft., ply an additional 1 sq. ft. (for secondary building frontage)	See Subsections 18.54.140(a)(f)	See Subsection 18.54.140(d)	See Subsection 18.54.140(d)	2 signs where lot frontage is greater than 500 ft.

* This chart summarizes key signage allowances; see specific code sections for code details and/or exceptions.

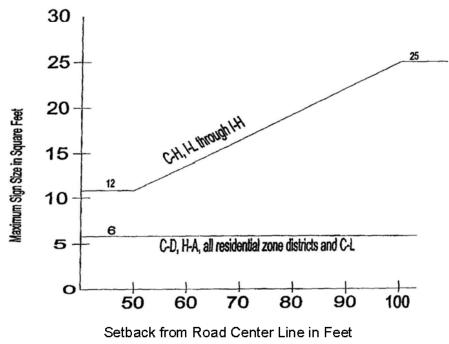


Maximum Area Per Sign Face Awning and Wall Sign Chart



(This is for illustration purposes only. Please refer to charts for exact sizes.)

Maximum Freestanding Sign Height



(This is for illustration purposes only. Please refer to charts for exact sizes.)

(Ord. 34, 2010 §1)

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Chapter 18.54 - Signs

18.54.010 - Purpose and intent.

- (a) The purpose of this Chapter is to promote, preserve and protect the health, safety and general welfare of the inhabitants of the City by providing reasonable regulations and standards relating to signs.
- (b) This Chapter shall be referred to as the "City of Greeley Sign Code." It may also be referred to herein as the "Sign Code."
- (c) The intent of this Chapter is to provide regulations and standards regarding signs, such that:
 - (1) The signs visually enhance the property on which they are located, adjacent land uses and the overall City;
 - (2) Flexibility is provided with respect to the location, dimensions and design of signage, consistent with other intents expressed in this Sign Code;
 - (3) The public is protected from damage or injury caused by poorly designed or maintained signs or distractions and hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs;
 - (4) Signs are appropriate for the size of street to which they are oriented;
 - (5) Signs are appropriate to the type of zoning and land uses to which the signs pertain and any incompatibility between signs and their surroundings is minimized;
 - (6) Signs are consistent with other community planning, land use, traffic, building and development standards;
 - (7) This Sign Code assists in the implementation of the City of Greeley Comprehensive Plan goal of fostering attractive design that promotes unique Greeley's style, values, priorities, and excellence; coordinates and complements historical elements, where appropriate; and supports First Amendment values and Greeley economic development; and
 - (8) Signs that are lawfully nonconforming are induced to come into full compliance with these regulations.

(Ord. 34, 2010 §1)

18.54.020 - Application and installation.

The provisions in this Chapter shall apply to all signage within the City.

- (1) It shall be unlawful for any person to erect, place, enlarge, alter, repair or convert a sign in the City except in accordance with the provisions of this Chapter.
- (2) All signs require a permit unless specifically exempted, by this Chapter. Fees for sign permits are as established in Chapter 18.10.040 of the Development Code.

(3) Installation. Except for signs not requiring a permit as described in Section 18.54.110, a permit must be obtained from the City prior to installation.

(Ord. 34, 2010 §1)

18.54.030 - Variances and appeals.

- (a) Variances to the dimensional standards established in this Chapter shall be administered in accordance with the provisions in Chapter 18.22, Variances, and this Section of this Code. Variances to any other provision of this Chapter shall not be permitted.
- (b) Sign variances shall only be granted after a finding of the Zoning Board of Appeals that the application complies with all of the considerations for a variance as specified in Chapter 18.24 and this Chapter of this Code. In addition to the criteria identified in Chapter 18.22, Variances, the Board shall consider, but not be limited to, the following factors as applicable in granting a variance:
 - (1) Historic value as determined by the Historical Preservation Commission;
 - (2) Architectural integrity;
 - (3) Any variance granted shall be the minimum needed to accommodate or alleviate the difficulty or hardship involved;
 - (4) A variance is necessary to accommodate an unusual or atypical lot configuration or physical aspect of the site which makes a reasonable use of the property unreasonable without a variance;
 - (5) Any difficulty or hardship constituting the basis for a variance shall not be created by the party seeking the variance, nor shall it be due to or a result of the general conditions in the area;
 - (6) Granting the variance is necessary to alleviate a health or safety issue related to the site;
 - (7) Granting the variance is consistent with the Comprehensive Plan, area and/or neighborhood plans, or may achieve a better result in meeting the intent of the plan objectives than if the codes were strictly applied.
- (c) Sign variances shall not be transferable to a new location on the property unless first approved in writing by the Community Development Director that the changed location on the site substantially complies with the conditions of the original variance. Changes to a sign that received a variance, with the exception of changes in sign text or copy that do not result in any structural changes to the sign, shall require compliance with all applicable provisions of this Code.
- (d) Any sign variance which was in effect and applied to an installed sign still in place prior to the adoption of this Code, as amended, may be continued under the provisions of that variance until a change to a sign is requested, at which time a new variance shall be applied for or the sign shall comply with all applicable provisions of this Code.
- (e) Appeals shall be conducted under the provisions of Chapter 18.24, Appeals.

18.54.040 - Enforcement.

- (a) Enforcement of the provisions of this Chapter shall be by the Community Development Director or her or his designee in accordance with Section 1.33 of the Municipal Code.
- (b) Public Right-of-way illegal or unauthorized sign.
 - (1) In addition to all other enforcement authority available to the City, the City may also remove or cause to be removed any illegal or unauthorized sign from the public right-of-way without notice to any party. The cost of removal as may be assessed by the City is the responsibility of the owner of the sign or, if unknown, the owner of the property.
 - (2) The City shall have the authority to dispose of all unauthorized or illegal signs removed from the public right-of-way without notice to the owner of such signs. The cost of removal and storage of removed signs as may be assessed by the City shall be the sole responsibility of the owner of the sign.
- (c) Private Property illegal or unauthorized sign. The property owner or resident of the property may remove signage that is unauthorized or illegal.

(Ord. 34, 2010 §1)

18.54.050 - Definitions and interpretations.

(a) Definitions. The following words, terms and phrases used in this Chapter shall have the following meanings:

Abandoned sign:

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

Address sign shall mean a type of required sign that displays the address of a building or property, as required by the applicable fire and/or building code. 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 driven devices and lights.

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

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.

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 or translucent 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.

Beacon (see Searchlight, strobe light or beacon).

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

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 signs shall mean signs that are attached to and supported by a building; whether the wall, window, or roof of building.

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

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.

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 signage calculation, 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.

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

Clear vision zone or area shall mean that area within 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.

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

Day shall mean a calendar day.

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.

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.

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.

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. *Feather flag* (see Ground kites).

Figure shall mean outline, shape or pattern of numbers, letters or abstract images.

Flag shall mean a finished piece of flexible material designed to be attached to or flown from a flagpole or similar device, and which typically (but not necessarily) displays the name, insignia, emblem or logo representing a nation, state, municipality, civic group, idea, sports team, or other 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*).

Frame (EMD) shall mean the content (images, text, background colors, etc.) that is displayed on an electronic message display at a fixed point in time.

Frame effect shall mean a visual effect that is used on an electronic message display to attract the attention of viewers by displaying modified versions of a frame (e.g., changes in brightness, contrast, color, perspective, or content elements) in succession, providing the effect of animation or transition (e.g., fade or dissolve).

Freestanding sign shall mean a sign which is not attached to a 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.

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.

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.

Graphic shall mean drawings, decals, paint or illustrations.

Ground kites are freestanding frames usually covered with flexible fabric and designed to be animated by the wind to attract attention. Ground kites may also be referred to as "feather flags" or "teardrop flags."

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

Holiday decoration shall mean temporary decorations, lighting or displays which are clearly incidental to and customarily and commonly associated with any national, state, local, religious or commonly celebrated holiday.

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

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 the words such 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 sign*).

Incidental sign shall mean signs, emblems or decals attached to a building or permanent structure that are less than 80 square inches in sign area, and not applied in a cumulative manner so as to circumvent the provisions of this Sign Code.

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

Individual letters (see Channel letters).

Inflatable sign or *inflatable object* shall mean any object filled with air or other gas, whether sealed (e.g. balloons) or driven by a fan (e.g., "sky dancers"), which is intended to attract attention from adjacent properties or rights-of-way.

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

Joint sign shall mean a sign, structure or surface which serves as a common or collective medium for display of messages by two (2) or more occupants of the same property (see *Multi-tenant sign*-).

Kiosk shall mean a freestanding structure upon which temporary information, such as posters, notices, or announcements, are posted.

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

Legally nonconforming signs are signs which were lawfully constructed and erected prior to the most recent enactment of this Chapter and have been maintained as a sign, but which no longer comply with the provisions of this Chapter as amended.

Legible shall mean a sign capable of being read with certainty without visual aid by a pedestrian of normal visual acuity from a specified vantage point (or if no vantage point is specified, from the adjacent street right-of-way or adjacent private property).

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.

Menu board shall mean a permanently mounted sign at a drive-in or drive-thru facility that is not legible from the adjacent street right-of-way.

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.

Multi-tenant sign shall mean a sign which displays messages for two (2) or more tenants of a multi-tenant property. .

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.

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

Nonconforming sign (see Legally nonconforming signs).

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.

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.

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

Pennants shall mean any long, narrow, usually triangular flag typically made of lightweight plastic, fabric or other material, usually found in a series on a line and designed to move in the wind.

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 this Chapter.

Pole or Pylon sign shall mean a freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or base structure (other than a footer). *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.

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

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.

Public sign shall mean a sign erected and maintained by or on behalf of the City or a governmental entity that is not subject to the City's jurisdiction, on property owned or controlled by the City or governmental entity; or a sign that is required or specifically authorized for a public purpose by any law, statute, ordinance, resolution, or approved development plans, including way-finding signs installed by a governmental entity within the public right-of-way, traffic control devices; public notices, and the like. Required sign means a sign that is required to be displayed on private property by an applicable law (e.g., a sign displaying the address of property as required by the building code, signs required by the Occupational Health and Safety Act, etc.)

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.

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.

Sight distance (see Clear vision zone or area).

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 ideas, 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 supporting 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 face shall mean the area of the 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 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 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 centerline 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.

Site sign shall mean a temporary freestanding sign constructed of vinyl, plastic, wood or metal and designed or intended to be displayed for a short period of time on a construction project.

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.

Symbol shall mean a graphic device which stands for a concept or object.

Teardrop sign (see Ground kites).

Temporary sign shall mean any sign not intended for permanent installation, such as, but not limited to, a yard sign, site sign, banner, balloon, pennant, searchlight or beacon.

Transition shall mean a frame effect used on an electronic message display to change from one (1) message to another.

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.

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.

Wind sign (see Pennants, Ground kites and Sky dancers).

Window sign shall mean any signage or graphics applied directly to a window 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 on to the premises.

Yard sign shall mean a temporary portable sign constructed of paper, vinyl, plastic, wood, metal or other comparable material, and designed or intended to be displayed for a short period of time.

(b) Interpretation. This Sign Code is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message. No part of this Sign Code shall be construed to favor commercial speech over non-commercial speech. Messages may be changed without the need for any approval or permit, provided that the size and structure of the sign are not altered. To the extent any provision of this Code is ambiguous, the provision shall be interpreted not to regulate on the basis of the content of the message

(Ord. 34, 2010 §1)

18.54.060 - Sign permits.

- (a) The Building Official shall be responsible for issuing all sign permits once approved by the Planning Division staff, which shall be responsible for reviewing all sign permits for compliance with this Code.
- (b) A sign permit shall be required for all signs unless exempted from the provisions of this Chapter. The replacement, repair or major alteration of a sign shall require a new sign permit.
- (c) The following information shall be submitted for a sign permit:
 - (1) Completed sign permit application signed by the property owner, tenant and/or licensed sign contractor, which shall include the following:
 - a. The name, address and telephone number of the property owner, business owner or licensed sign contractor;
 - b. The location, by street address, of the proposed sign; valuation of proposed work; and
 - c. The zoning district in which the property is located. An affidavit (sworn statement) of notice to the property owner is required, if submitted by a business owner or contractor.
 - (2) Plans for the proposed sign, including but not limited to:
 - a. For each sign:
 - Scaled drawing of sign elevation, including area to be occupied by lettering, symbols or images, with dimensions; sign type; method of illumination, construction materials; projection or depth of sign cabinet;
 - 2. Site plan showing the adjacent streets and location of property lines;
 - 3. Plans showing the scope and structural detail of the proposed work, including details of structural connections, guidelines, supports and footings, and materials to be used;

- 4. An inventory of all existing signs located on the property (a tenant may provide this information for the lease holder area only) related to the specific business that will remain and be removed, including location, dimensions, height and types of sign; and
- 5. If reasonably known, identify any signs that are nonconforming, have received a variance, have utilized a nonconforming one-time change rule, have combined two (2) smaller signs into one (1) larger sign, or have utilized any bonuses.
- b. For wall signs: scale drawing with building dimensions, the square footage for each tenant and the total square footage for the building; elevations showing the sign location, facade dimensions and roof lines.
- c. For freestanding signs: scale drawing of site layout including sign location, property lines, setbacks, adjacent public right-of-ways, street names, buildings and improvements, parking areas, drive aisles and landscaped areas in the vicinity of the proposed sign; dimensions of the sign and its support structure and members; and proposed height of the sign.
- (3) An indication of application for electrical permits for all electric signs; when applicable, such permits will be issued separately through the Building Inspection Division.
- (4) Other information, as required by the City, to ensure a complete and comprehensive review of the proposed sign.

18.54.070 - Reserved.

Editor's note— Ord. 43, 2016, §1, adopted Dec. 20, 2016, repealed § 18.54.070, which pertained to sign contractor license and derived from Ord. 34, 2010 §1.

18.54.080 - General provisions.

- (a) Written Interpretations. The Community Development Director shall be responsible for interpretation of this Chapter. Appeals to interpretations by the Community Development Director shall be subject to the provisions of Section 18.54.030, Variances and Appeals (see Section 18.24 of the Development Code).
- (b) Sign Classification. If the provisions within this Chapter do not identify a particular type of sign, or if a sign may be classified under two (2) or more definitions, the sign shall be classified according to that description which most specifically describes it and which furthers the purposes of this Chapter.
- (c) Interior to a development signs not legible beyond the boundaries of the property on which they are located and which are not intended to attract off-site attention shall not be counted for the purpose of zoning regulations toward signage calculations, except window signage that exceeds twenty-five percent (25%) of the window area. Any sign constructed interior to the development may be subject to building permit provisions.

- (d) Primary structure required. With the exception of required and temporary signs, signs shall not be permitted unless there is a primary structure on the parcel.
- (e) Other Code requirements. All signs within the City shall comply with the adopted building and electrical codes, Model Traffic Code, Historic Preservation and other codes and ordinances as adopted by the City. All electric signs shall comply with and bear independent testing laboratory labels. In the event of any conflict between any of these codes or ordinances and this Chapter, the more restrictive provision shall apply.
- (f) Trees and shrubs. No person may, for the purposes of increasing or enhancing the visibility of any sign, damage, destroy, trim or remove any trees or shrubs located within the public right-of-way or as per an approved use by special review, design review or any other land use zoning permit unless the work is done pursuant to written authorization of the Community Development Department.
- (g) Signs in right-of-way. Except as otherwise permitted elsewhere in this Code, no signs other than regulatory signs are allowed in the public right-of-way except as provided by a right-of-way revocable sign permit.
- (h) Consistent and complementary. All signs installed after the adoption of the ordinance in this Chapter shall be designed to be consistent and compatible with the character of the principal buildings to which the signs relate, including the use of similar or complementary colors and materials in the design and construction of signs and its surroundings.
- (i) Sign lighting. Signs may be internally illuminated, backlit or illuminated by down-lighting or by ground-mounted light fixtures that illuminate only the sign face and base and shall conform to the following:
 - (1) Illuminated signs on the C-D, H-A and all residentially zoned properties or illuminated signs on commercial or industrial zoned properties immediately adjacent to residentially zoned properties shall either have an opaque background and translucent letters or letters without background lighting;
 - (2) In no case shall sign lighting create more than one-tenth (0.1) foot candle impact on habitable residential uses in residentially zoned areas;
 - (3) Neon lighting shall only be permitted within the graphics (e.g., logos or images) or lettering of a sign;
 - (4) Illumination of the sign face by down-lighting or ground mounted light fixtures shall not exceed fifty (50) foot-candles as measured on the sign face; and
 - (5) Flashing or strobe lighting shall not be permitted, whether used as part of a sign or to draw attention to a site or location.

18.54.090 - Sign measurements and orientation.

(a) The following rules shall apply to the measurement of signs in all zoning districts:

- (1) The area of a sign is measured by determining the total sign face, which includes the backing and the frame of the sign.
- (2) The area of a sign shall be measured utilizing a single, continuous rectilinear perimeter of not more than twelve (12) straight lines, the extreme limits of writing, representation, lines, emblems or figures contained within all modules, together with any air space, materials or colors forming an integral part or background of the display or materials used to differentiate such sign from the structure against which the sign is placed. For replacement of existing signs, the applicant may choose to utilize an exact calculation of sign area in lieu of this requirement.
- (3) A freestanding sign area and its support structure may be equal in size to one and one-half $(1\frac{1}{2})$ times the maximum-sized sign allowance at that location. The base of a monument sign shall not be counted as part of the calculation, provided that:
 - a. The base does not account for more than one-third (1/3) of the combined area of the sign face and the base; and
 - b. At least sixty percent (60%) of the bottom edge of the sign, including its supports and structure, has contiguous contact with the ground. Where the base has an unusual shape, such as circular or diamond-shaped, the bottom of the base shall be determined by measuring at a point that is one-third (1/3) of the distance from the ground to the top of the base; and
 - c. Any portion of the base that contains signage will be counted, with the exception of a numeral address that is clearly incidental to the sign.
- (4) The area of a sign which has multiple sign faces not parallel to the right-of-way, such as V-shaped, triangles or cubes, shall be calculated using the total of all faces which may be viewed at the same time from the public right-of-way or adjacent property.
- (5) All writing, representations, emblems or figures forming an integral part of a display used on an awning to identify, direct or attract the attention of the public shall be considered to be a sign for the purposes of measurement.
- (6) Internally illuminated awning signs that are translucent, with backlighting, shall include the entire area of the awning in the calculation of the sign area (see also Subsection 18.54.140(a)).
- (b) The height of a sign shall be determined by measuring the vertical distance from the adjacent grade to the highest point of the sign or sign structure. For purposes of this section, "grade" as a point of measure shall mean either of the following, whichever yields a greater sign height:
 - (1) The elevation of the highest ground surface within a five-foot horizontal distance from the leading edge of the sign, when there is less than a ten-foot difference between the highest and lowest ground surfaces within a five-foot horizontal distance from said sign (see Figure 18-38); or

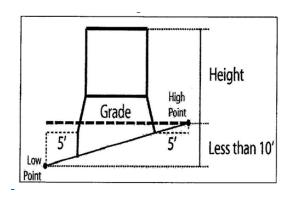


Figure 18-38

(2) An elevation ten (10) feet higher than the lowest ground surface within a five-foot horizontal distance from the leading edge of the sign, when there is greater than a ten-foot difference between the highest and lowest ground surface within a five-foot horizontal distance from said sign (see Figure 18-39).

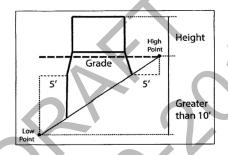


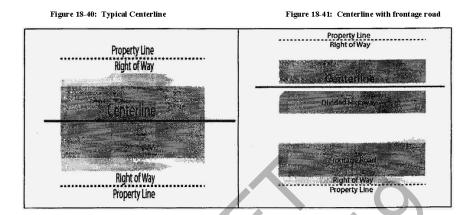
Figure 18-39

- (c) The determination of sign orientation shall be as follows:
 - (1) The orientation of a freestanding sign is to the nearest public right-of-way to which it is perpendicular or parallel;
 - (2) The orientation of a wall sign is to the nearest street with the highest traffic volume;
 - (3) The orientation of a projecting wall sign is to the nearest street with the highest traffic volume and to which the sign is most nearly perpendicular;
 - (4) The orientation of all other signs, including canopy signs, shall be to the nearest public right-of-way; or
 - (5) The principal orientation of any sign shall be determined by the Administrative Official in accordance with the standards in this Chapter, street classification and the intent of the Code.

(Ord. 34, 2010 §1)

18.54.100 - Sign setbacks.

The minimum distance required between the apparent centerline of the right-of-way and any portion of a sign or sign structure. Where the property is adjacent to a frontage road, the centerline of the highway to the leading edge of the sign is used to determine setback (i.e., frontage road is disregarded for calculation of the setback). (See Figures 18-40 and 18-41.)



18.54.110 - Signs not requiring a sign permit.

- (a) Any sign listed in this Section shall not require a sign permit if the sign complies with the provisions of this Section. Except as may be required under the adopted building and electrical codes, such signs shall not require a sign permit and are allowed. Signs that exceed these provisions for size or sign area shall require a sign permit as provided for in Section 18.54.140.
 - (1) Required signs.
 - (2) Change of copy. Once a structure receives legally conforming status from the City, the sign copy may thereafter be changed without a permit. All other copy changes, such as painted signs or channel lettering, shall require a sign permit.
 - (3) Changeable copy. Where a sign frame or structure has been approved as a changeable copy sign, subsequent changes of copy only shall not require a permit.
 - Temporary signs associated with approved temporary uses under Section 18.53.050, provided that the schedule for display and removal of the signs is set out in the temporary use permit:
 - (4) Construction Site sign. Up to three (3) site signs per street frontage are allowed as follows:
 - a. Construction Site signs on H-A, C-D and all residentially zoned properties shall not exceed seven (7) square feet of sign area per face and five (5) feet in height. Properties greater than two and one-half $(2\frac{1}{2})$ acres are allowed up to one (1) thirty-two-square-foot sign.

- b. Construction Site signs on nonresidential zoned properties with less than two hundred (200) feet of lot frontage shall not exceed twenty-four (24) square feet of sign area per face and eight (8) feet in height;
- c. ConstructionSite signs on nonresidential zoned properties greater than two hundred (200) feet and less than five hundred (500) feet of frontage shall not exceed thirty-two (32) square feet of sign area per face and eight (8) feet in height;
- d. ConstructionSite signs on nonresidential zoned properties with greater than five hundred (500) feet of frontage shall not exceed sixty-four (64) square feet per sign face and ten (10) feet in height; and
- e. The sign may be displayed no more than forty-five (45) calendar days before and forty-five (45) calendar days after the completion of construction.
- (5) Cornerstone sign. A cornerstone may be up to a total of four (4) square feet in size.
- (6) Directional on-premises sign. A property may have any number of directional on-premises signs sufficient to safely direct customers to key locations; however each shall not exceed six (6) square feet in size per face, nor five (5) feet in height. Such signs shall not include the business name or logo but may include a single background color associated with the business.
- (7) Election Yard signs and Site Signs.
 - a. Yard signs are allowed in all zoning districts and are subject to the following provisions:
 - 1. The total cumulative sign area that is allowed under this subsection (7) is 32 square feet.
 - 2. No individual sign shall have a sign area that exceeds thirty-two (32) square feet.
 - 3. Yard signs signs may be located on a property only with the consent of the property owner, authorized property manager, or legal tenant.
 - 4. In no event shall a yard sign or site sign be posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard.
 - b. If an individual sign installed pursuant to this subsection (7) exceeds six square feet, it is counted towards any applicable standards of subsection (5), above.
- (8) Flag. Flags are allowed which do not exceed a maximum size of one hundred fifty (150) square feet in size per flag. A total of three hundred (300) square feet flag area is allowed per property.
 - a. No part of any flag when fully extended shall protrude over any public right-of-way or property line in any direction.

- b. The freestanding maximum mounting height of flags shall be equal to or less than the maximum building height allowed in the zone district in which the flag is located or (10) feet above the height of the principal structure on the premises, whichever is less.
- c. The flag pole for any individual flag over one hundred (100) square feet must be set back at least equal to the flag pole height from the property line.
- (9) Holiday decoration. Temporary decorations, lighting or displays which are clearly incidental to and customarily and commonly associated with any national, state, local, religious or commonly celebrated holiday shall be displayed not more than sixty (60) days prior to the holiday, and no more than thirty (30) days after the holiday. Such decorations may be of any type, number, size, location, illumination or animation if the decorations are located so as not to conflict with traffic regulatory devices or create a traffic hazard.
- (10) Incidental sign. The combination of incidental signs shall not exceed one and one-half $(1\frac{1}{2})$ square feet in sign area per building entrance.
- (11) Portable sign. One (1) portable sign is allowed per storefront if it can meet all of the following conditions:
 - a. Is located within twenty (20) feet of the principal public entrance to the tenant or occupant that displays the sign;
 - b. Is no larger than six (6) square feet per face and no greater than forty-eight (48) inches in height;
 - c. Is located outside of clear vision zones [see Subsection 18.44.140(e)];
 - d. Is in place only during hours of operation;
 - e. Is not posted or displayed in a manner or location that limits sight visibility to the traveling public or in such a way that creates a vehicular or pedestrian traffic obstruction or hazard;
 - f. Two (2) immediately adjacent tenants or occupants may share a single sign, not to exceed the standards listed above; and
 - g. Any portion of a portable sign located within the public right-of-way must be authorized by a right of way revocable sign permit from the City.
- (12) Public sign. Public signs may be of any type, number and area, height above grade, location, illumination or animation required by the law, statute or ordinance under which the signs are erected. Public signs, government signs and signs on public bus benches and/or shelters in the right-of-way shall not be subject to a right of way revocable sign permit. Signs on governmental property outside of the right-of-way shall require a right of way revocable sign permit.

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(13) Detached wall signs or monument signs at subdivision or multifamily complex entry points. Detached wall signs or monument signs that are located within 40 feet of a

- street intersection that provides entry into a subdivision or multifamily complex, provided that they are no greater than twenty (20) square feet in sign area, including all sign faces, and not greater than six (6) feet in height. Two (2) residential complex identification signs are allowed per intersection.
- (14) Signs within building. A sign permit is not required where signs are located inside buildings and are not legible from the public right-of-way or, if legible, are within allowed window sign limits.
- (15) Vehicle signs. It shall not be a violation of this Chapter if the vehicle to which a sign is mounted, painted or otherwise affixed is used for travel between home and work or is temporarily parked away from the business premises while being used to provide the business' services or products, or as personal transportation for the vehicle operator. A parked vehicle which contains or displays signage is allowed when:
 - a. The sign does not extend more than one (1) foot above the roofline of the vehicle:
 - b. The vehicle is not illuminated or does not have flashing signs;
 - c. The vehicle is licensed and operable; and
 - d. The vehicle is in use or legally parked.
- (16) Wind driven devices. The following devices, which are designed to move with wind or forced air, are allowed as follows, provided that signage is not affixed to the device:
 - a. Pennant. A pennant flag may be a maximum of one (1) square foot per flag face, and pennant lines shall be no longer than the front lot line or exceed the height of the building. For residential zoned properties, pennants are allowed for open house events only three days per year. For commercial and industrial zoned properties, pennants are allowed on a single property for any length of time, provided they are maintained and in good condition.
 - b. Ground kite. Ground kites are allowed only in commercial or industrial zoned properties as follows:
 - 1. Ground kites shall be affixed to the ground and shall not exceed two (2) feet wide and eight (8) feet tall.
 - 2. One ground kite is allowed for every twenty-five (25) feet of lot frontage.
 - c. Sky dancer. Sky dancer devices are allowed only in commercial and industrial zoned properties as follows:
 - 1. Sky dancers shall be affixed to the ground and shall not exceed two (2) feet wide and eight (8) feet tall.
 - 2. One (1) sky dancer is allowed for every fifty (50) feet of lot frontage, with a maximum of three (3) for each property.

- d. Wind signs. Wind signs cannot be used in combination on a property, unless approved in advance with a temporary sign permit.
- (17) Window sign. A window sign is allowed but shall not exceed twenty-five percent (25%) of the glass surface of individual window panes that are visible from the public right-of-way.

(Ord. 1, 2017 §1(Exh. A), 1-17-2017; Ord. 34, 2010 §1)

18.54.120 - Prohibited signs.

- (a) Except for signs within buildings and not legible or intended to attract the attention of persons outside the building, or signs interior to a development, the following signs are declared to be a public nuisance and are prohibited in all zoning districts of the City. They must be removed unless determined to be legally nonconforming except as provided herein.
 - (1) Abandoned signs. A sign determined to be abandoned as defined in this Chapter must either be removed or covered to conceal the sign copy, confirming its abandonment.
 - (2) Exposed incandescent, high intensity exposed light bulbs. The use of exposed light bulbs independently or as a sign or portion of a sign that is visible from any property line on which the sign is located is prohibited.
 - (3) Flashing, animated or imitating signs, including signs that have moving, blinking, chasing, scrolling or other animation effects. Such signs, either inside (including but not limited to: open signs and electronic display signs, etc.) or outside of a building, and which are legible from a public right-of-way must be removed except as follows:
 - a. Electronic message boards which do not change copy more frequently than every once every thirty (30) seconds as otherwise permitted in this Chapter.
 - (4) Imitating sign. Regardless of whether any clear safety concerns are present.
 - (5) Off-premises sign. Except as follows:
 - a. Temporary signs which are located on a common area outlot, approved by the property owners association; and
 - b. When two (2) or more adjacent landowners co-locate signage on a single sign structure or on a shared property line through a legally binding agreement. For purposes of this provision, the combined lot frontage is used to determine the number of signs allowed.
 - (6) Nongovernmental signs on public utilities. No sign may be attached to utility poles or other public structures within the public right-of-way, except as specifically authorized by the City.
 - (7) Roof signs.

(8) Signs in the public right-of-way. Signs located in any portion of the public right-of-way that do not meet the provisions of this Chapter or that do not have a right-of-way revocable sign permit.

(Ord. 34, 2010 §1)

18.54.130 - Temporary signs, including portable signs, searchlights and beacons.

- (a) Temporary signs shall be allowed per tenant in addition to the amount of permanent signage that is otherwise permitted. Except as provided in Section 18.54.110, above, Temporary signs require a temporary sign permit. Temporary signs shall comply with all other applicable provisions of this Chapter, including the provision of Section 18.54.060 (Sign Permits).
- (b) The total amount of temporary signage shall not exceed thirty-three (33) square feet in all residential R-H and C-L zones, or fifty (50) square feet in all other commercial and industrial zones.
- (c) Temporary signs shall be allowed for any individual commercial or industrial use for no more than a total of sixty (60) days in any calendar year.
- (d) If more than one (1) temporary sign is proposed, each sign will count towards the total calendar year allowance (i.e., 3 signs for 20 days = 60 days). The total sign area for all signs shall not exceed the total amount of temporary sign allowance.
- (e) Temporary signs associated with a temporary use under the provisions of Section 18.53.030 shall be limited to the duration of the temporary use, not to exceed more than ninety (90) days in any calendar year. The temporary sign permit may be extended for up to an additional thirty (30) days, provided the Community Development Director has granted an extension of the associated temporary use.
- (f) Any property that contains an outdoor electronic messaging display will not be permitted any additional temporary sign allowance.
- (g) Balloons, inflatable signs and other inflatable objects containing text and/or graphics, which have a total visible area (individually or combined) that does not exceed thirty-three (33) square feet shall be considered a temporary sign and shall require a sign permit. Balloons that do not contain text and/or graphics shall not require a sign permit. No balloon, inflatable sign or other inflatable object shall exceed the height of the principal building on the site and shall not extend over the public right-of-way when fully extended, or impede pedestrian or vehicular traffic.
- (h) Searchlights or beacons shall be considered temporary signs, shall require a sign permit and are allowed a maximum of three (3) days per calendar year. Searchlights or beacons shall not be placed or used in such a way that impedes pedestrian or vehicular traffic, or results in light or glare at grade.

(Ord. 1, 2017 §1(Exh. A), 1-17-2017; Ord. 34, 2010 §1)

18.54.140 - Signs requiring a sign permit.

- (a) The following signs shall require a sign permit:
 - (1) Awning sign.
 - (2) Canopy sign.
 - (3) Electronic messaging display.
 - (4) Freestanding and monument sign.
 - (5) Projecting wall sign.
 - (6) Wall sign.
- (b) Awning sign.
 - (1) If more than twenty-five percent (25%) of the exterior surface of an awning is devoted to sign copy, the entire exterior surface of the awning shall be considered a sign;
 - (2) The entire illuminated exterior area of an internally illuminated awning sign shall be included in the calculation of the sign area;
 - (3) Awning signage will count towards the total wall sign allowance; and
 - (4) Any portion of an awning sign projecting over the public right-of-way must obtain a right-of-way revocable sign permit from the City.
- (c) Canopy sign.
 - (1) If the canopy is attached to a building, all or a portion of the available wall signage allowance may be transferred to the canopy, subject to setback provisions.
 - (2) If the canopy is a freestanding structure, all or a portion of the available freestanding signage allowance may be transferred to the canopy, subject to setback provisions and height.
- (d) Electronic messaging display (EMD) sign.
 - (1) EMD signs require a design review approval (see Chapter 18.46) and are allowed only in the C-L, C-H, I-L, I-M, I-H and PUD zone districts. An EMD sign in the C-L zone district is limited in hours of operation from 6:00 a.m. to 10:00 p.m.
 - (2) The area of the EMD shall not exceed fifty percent (50%) of a sign face.
 - (3) The EMD shall contain static messages only, changed only instantly or through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, and which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.

- (4) The displayed message shall not change more frequently than once per thirty (30) seconds.
- (5) The EMD shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed six hundred (600) nits (candelas per square meter) between dusk and dawn as measured from the sign's face.
- (6) Applications for sign permits containing an electronic display shall include the manufacturer's specifications and initial nit (candela per square meter) rating and the method of dimming.
- (7) All existing electronic message displays that contain an electronic changeable copy module which does not comply with the provisions of this Section shall be made to conform to the duration of copy provisions upon the effective date of the ordinance approving such provisions.
- (8) Any premise that contains an outdoor electronic message display shall not be allowed any temporary signs (per Section 18.54.140).
- (e) Freestanding and monument sign.
 - (1) Freestanding signs shall be permitted only if constructed with a supporting sign structure, the total width of which exceeds twenty-five percent (25%) of the width of the sign face. This provision applies to all freestanding signs that require a permit, except freestanding signs with less than two (2) vertical feet of sign support, exposed poles or flag poles. Any change of copy to a legally conforming sign does not require compliance with this Section.
 - (2) Maximum size, height and setback dimensions. Lot frontage, for the purposes of calculating freestanding sign allowance and placement, shall be determined as follows:
 - a. Lot frontage shall be the length of private property contiguous with a public street.
 - b. If a lot has more than one (1) street frontage, such as with corner lots, up to two (2) cumulative lot frontages along the lot sides adjacent to public streets may be used to determine the maximum number of signs.
 - c. Noncontiguous lot frontage is calculated separately.
 - (3) The maximum area of freestanding/monument signs shall be as follows:
 - a. In the H-A, C-D, R-MH, R-L, R-M and R-E zone districts, signs shall be in accordance with Section 18.54.110.
 - b. In the R-H, C-L zone districts and for uses by special review on any residential zoned property, the maximum area is as follows:

Setback	Maximum Size (sq. ft.) per Sign Face			
Less than 50 ft.	33			
51 ft. to 167 ft.	(Setback minus 50) plus 33			
168 ft. or greater	150			

c. In the C-H, I-L, I-M and I-H zone districts, the maximum area is as follows:

Setback	Maximum Size (sq. ft.) per Sign Face			
Less than 50 ft.	50			
51 ft. to 249 ft.	Equal to setback			
250 ft. or greater	250			

(4) The maximum height of freestanding signs shall be as follows:

Setback	Maximum Size (sq. ft.) per Sign Face
Less than 50 ft.	12
51 ft. to 99 ft.	(Setback minus 50) plus 12
100 ft. or greater	25

- a. In the C-D, H-A, R-E, R-L, R-MH, R-M, R-H and C-L zone districts, the maximum height is six (6) feet, unless otherwise noted in Section 18.54.110.
- b. In the C-H, I-L, I-M and I-H zone districts, the maximum height is as follows:
- (5) Signs attached to fences and freestanding walls, except those in Section 18.54.110, Signs not requiring a permit, shall be regulated as a freestanding sign and shall count toward freestanding signage allowances.
- (6) For properties with less than two hundred (200) feet of lot frontage, either of the following is permitted:
 - a. A freestanding sign may be used in lieu of the allowed wall signage, the sign will be allowed to comply fully to the freestanding sign size and height limits as listed in the charts above; or
 - b. A combination of freestanding or wall signage is allowed where the sum of the percentage of each sign's size, as a portion of the total allowed, does not exceed one hundred percent (100%) of maximum sign allowance for either category or sign. The percentage of wall signage shall be based on the total

amount of wall signage allowed on the principal face of the building located closest to the freestanding sign. The percentage of freestanding sign shall be based on the maximum size of freestanding sign allowed, given the sign's setback from the center line of the adjoining public right of-way (Figure 18-42).

c. One (1) freestanding sign is a permitted use on a site with a minimum of two hundred (200) feet of street right-of-way frontage; two (2) freestanding signs are permitted with a minimum of five hundred (500) feet of contiguous street right-of-way linear frontage in the R-H, C-L, C-H, I-L, I-M and I-H zone districts.

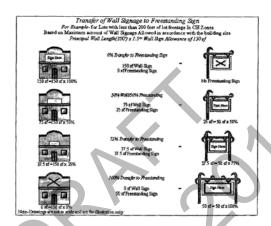


Figure 18-42: Transfer of Wall Signage to Freestanding Signage

- (7) Where two (2) or more property owners share a common lot line, the property owners may combine lot frontage for the purpose of sharing a freestanding sign on or near the common lot line.
- (f) Projecting wall sign.
 - (1) A projecting sign shall not be higher than the top of the wall or the bottom of the roof eave.
 - (2) A projecting sign must have eight (8) feet clearance from grade and may not extend more than four (4) feet from the building wall except where the sign is an integral part of an approved canopy or awning.
 - (3) A projecting sign is included in the total wall sign allowance.
 - (4) A projecting sign over public right-of-way must obtain a revocable sign permit.
- (g) Wall signs.
 - (1) Signage allowance by zone district shall be calculated as follows:

Zone District	Signage allowed per principal building frontage	For secondary building frontage, additional signage allowed per linear feet of building		
H-A, C-D, R-E, RMH, R-L and R-M	N/A	N/A		
R-H	.25 sq. ft.	N/A		
C-L	1 sq. ft.	.5 sq. ft.		
C-H and I-L	1.5 sq. ft.	1 sq. ft		
I-M and I-H	2 sq. ft.	1 sq. ft.		

- (2) The maximum area of each wall sign shall be calculated as below in this Subsection.
 - a. H-A, C-D, R-E, R-MH, R-L and R-M shall be in accordance with Section 18.54.110.
 - b. R-H and C-L Zone Districts.

Setback	Maximum Size (sq. ft.) per Sign Face				
Less than 50 ft.	40 ft.				
51 ft. to 160 ft.	Setback minus 10 ft.				
161 ft. or greater	150 ft.				

c. C-H and I-L Zone Districts.

Setback	Maximum Size (sq. ft.) per Sign Face
Less than 50 ft.	60 ft.
51 ft. to 190 ft.	Setback plus 10 ft.
191 ft. or greater	200 ft.

d. I-M and I-H Zone Signs.

Setback	Maximum Size (sq. ft.) per Sign Face			
Less than 50 ft.	90 ft.			
51 ft. to 210 ft.	(Setback minus 50) plus 90 ft.			
211 ft. or greater	250 ft.			

- (3) Wall signage shall comply with the following conditions:
 - a. Parapet Wall. No wall sign may be attached to or displayed against any parapet wall that does not extend at least seventy-five percent (75%) of the perimeter of the roof enclosed by the parapet. No sign shall exceed the height of the parapet wall. This standard does not apply to existing building as of the date of the adoption of the Code.
 - b. Roof Line. No wall sign may extend above the roof line of a building except as permitted on a parapet wall.
 - c. Mechanical Room. No wall sign may be displayed on the wall of a mechanical room or penthouse or other such enclosed space which is not habitable by the occupants of the building.
 - d. Sign Depth or Projection. No sign, including any light box or other structural part, shall exceed a depth of twenty (20) inches.

18.54.150 - Public, quasi-public and institutional uses (nonresidential uses in residential zone districts).

- (a) Public/Private Schools: Public schools are encouraged to adhere to the same sign standards as private schools, which are those that are allowed in the R-H zone district.
- (b) All other public, quasi-public or intuitional signage shall comply with the standards of the R-H zone district.

(Ord. 34, 2010 §1)

18.54.160 - Signs in Planned Unit Development zoned districts.

- (a) The provisions in this Chapter shall be used to guide signage within Planned Unit Development (PUD) requests.
- (b) Proposed PUD development may include a specific sign plan which includes sign standards that address size, height, design, lighting, color, materials, location and method of construction of all signage planned within the PUD to ensure that all such signage is designed in a harmonious and compatible manner. Absent a specific sign plan, the City will apply sign standards closest to the zone district the PUD land uses represent. The City Council may impose alternate standards relating to signage if it is determined that there are commensurate design trade-offs proposed for signage with a particular PUD, as provided in Subsection 18.32.040(d) of Chapter 18.32, Planned Unit Developments.

(Ord. 34, 2010 §1)

18.54.170 - Historic signs.

(a) Notwithstanding any other provisions of this Chapter, a historic sign may be kept, used, owned, maintained and displayed subject to the following provisions:

- (1) The sign has been designated as a historic landmark by the Greeley Historic Preservation Commission (HPC) and
- (2) The sign is structurally safe or is capable of being made structurally safe while maintaining its historic character. All structural repairs and restoration of the sign to its original condition shall be made within three hundred sixty-five (365) calendar days of designation of the sign as a historic landmark and shall be subject to approval by the HPC prior to any work commencing.
- (b) All signs that have been designated as historic landmarks shall be exempt from Section 18.54.190 relating to abandoned signs if the sign continues to meet all of the requirements of this Section.
- (c) For the purposes of this Section, if a historic sign has been moved from its original site, such sign shall no longer be considered a historic sign unless specifically so considered by the HPC. If such a sign is moved, a new sign permit under the provisions of Section 18.54.140 shall be required for the new location.
- (d) Words, symbols or "ghost signs" that are painted, engraved or carved into a building and that no longer relate to the use or occupant of the building shall not be counted as signage.

18.54.180 - Nonconforming signs.

- (a) A legal nonconforming sign or sign structure may continue to exist until one (1) of the following conditions occurs:
 - (1) The sign has been abandoned and not reestablished for ninety (90) consecutive days or longer.
 - Other than for routine maintenance involving spot repainting, cleaning or light bulb replacement that does not make substantial improvements, if repairs involve nonconforming sign alterations other than allowed in 18.54.200, compliance with all provisions of this Chapter shall be required.
 - (3) Changing the copy of an off-premises sign and nonconforming signs shall not be considered a change requiring compliance with this Chapter unless there is a change to the size; a change, or removal of, a support structure or frame, or a portion thereof, whether replacing such structure or frame or not, and/or a change in the orientation of the sign.
- (b) Lawfully nonconforming signs which are nonconforming due to size are included in the total sign allowance for the property as follows:
 - (1) If the excess signage is in the wall sign the amount greater than the allowed is considered a transfer to the freestanding sign allowance and the freestanding sign allowance is thereby reduced proportionally.
 - (2) If the nonconforming sign is freestanding, no transfer is allowed to the wall.

- (c) Two (2) or more legal, nonconforming, freestanding signs on the same lot may be combined into one (1) new legal nonconforming sign. In this event, the maximum size of this new sign shall be one hundred twenty-five percent (125%) of the maximum size specified in Subsection 18.54.140(d) for the particular location and type of sign. This provision shall be utilized only one (1) time per property.
- (d) The Community Development Director may approve alternative compliance nonconforming sign proposals one (1) time per property as long as the proposed alternative reduces all elements of the signage nonconformance, by at least fifty percent (50%). This one-time provision may be used to address all nonconforming signs on the site, or for only one (1) nonconforming sign type on the site.
- (e) Temporary signs, window signs and dilapidated signs shall not be considered legal nonconforming signs.

18.54.190 - Abandoned signs.

- (a) A sign meeting the definition of abandoned under this Chapter must be removed or covered upon determination of its abandonment.
- (b) At such time that either a portion or all of a sign, sign frame, sign components or sign supporting structure are no longer in use for a period of ninety (90) consecutive days, such sign frame, sign components or sign supporting structure shall be brought into conformance by removal or the placement of a new permitted conforming sign, components and structure.

(Ord. 34, 2010 §1)

18.54.200 - Sign construction and maintenance standards.

- (a) All signs and all parts, portions and materials shall be manufactured, assembled and erected in compliance with all applicable state, federal and City regulations and the adopted building and electrical codes.
- (b) All signs, including those signs not required to obtain a sign permit as provided in Section 18.54.100, shall be maintained and kept in good repair, and in conformance with the original sign permit. A sign that is maintained and kept in good repair shall meet the following criteria:
 - (1) All sign supports, braces, guy wires, anchors and related screening are kept in repair, in a proper state of preservation, including as may be required by Paragraph 18.40.070(a)(4) of this Code.
 - (2) There is no evidence of deterioration, including chipped or peeling paint, rust, corrosion, fading, discoloration, broken or missing sign faces, text, logos, graphics or other elements of the sign.
 - (3) There are no missing, flickering or inoperative lights that create a perception of deterioration or abandonment of the sign.

- (c) Where repairs involve a nonconforming sign, the provisions of Section 18.54.180 shall also apply.
- (d) Any non-maintained sign shall be repaired or replaced within fifteen (15) calendar days following notification from the City. Noncompliance with such notice shall constitute a nuisance subject to enforcement actions.
- (e) Signs, their structures and supports and related screening, shall be constructed of materials normally and typically intended to be used for such items.

18.54.210 - Alternative compliance.

- (a) Conditions may exist where strict compliance is impractical or impossible, or where maximum achievement of the City's objectives can only be obtained through alternative compliance. It is not the intent of alternative compliance to modify or reduce requirements of this Sign Code, but to provide equivalent standards in a creative way subject to approval under the provisions herein.
- (b) Requests for alternative compliance may be accepted for any application to which the requirements of this Chapter apply. A written request may be submitted to modify an individual sign allowance, which shall meet one (1) or more of the following criteria:
 - (1) Topography, soil, vegetation or other site conditions are such that full compliance is impossible or impractical; or improved environmental quality would result from alternative compliance.
 - (2) Space limitations, unusually shaped lots and prevailing practices in the surrounding neighborhood, may justify alternative compliance for infill sites and for improvements and redevelopment in older neighborhoods.
 - (3) Safety considerations make alternative compliance necessary.
 - (4) The proposed alternative is aesthetically more complementary to the site, better fits into the context of the area, improves the overall architectural appeal of the area and/or meets or exceeds the design objectives as described in the City's Comprehensive Plan. Where there is a strong architectural theme established in an area, the proposed alternative shall be consistent with or complementary to that theme. In an existing area where there is no established theme, the proposed alternative shall provide an architectural theme that is consistent with the Comprehensive Plan and improves the quality of development in the area.
- (c) Application for alternative compliance shall include the following information:
 - (1) Written description of the conditions provided in Subsection (b) above, which apply to the subject property;
 - (2) The applicant shall submit a sign plan consisting of a written statement addressing the proposal and the review criteria, along with dimensioned graphic plans identifying the following items for all signs on the property:

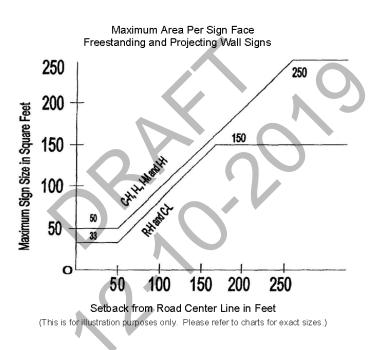
- a. Written and graphic illustration of the proposed alternative, including areas of departure from code standards;
- b. Sign style, type, location, size (area) and height for wall and freestanding signs;
- c. Materials and colors for all signs and support structures;
- d. Sign illumination devices and brightness levels, if applicable
- (d) Upon receipt of a complete application as provided in Subsection (c) above, the application will be evaluated administratively through the Administrative Review Team, with the final decision made by Community Development Director.
- (e) If the Community Development Director finds that the provisions in Subsection (b) are met, the Director shall approve the request for alternative compliance in writing. If the Community Development Director finds that the provisions in Subsection (b) above have not been met, the Community Development Director shall deny the request for alternative compliance and the applicant may appeal such decision in accordance with Chapter 18.24, Appeals.

18.54.220 - Sign chart.*

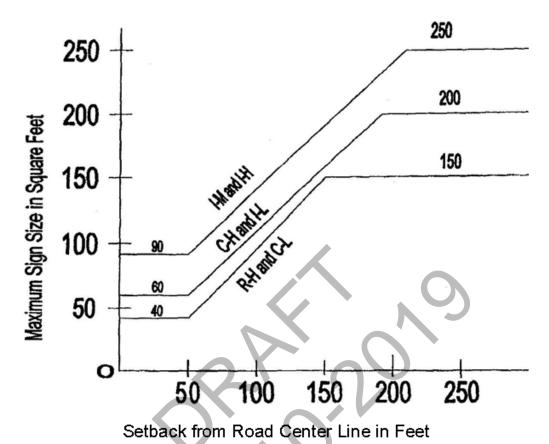
Zoning District	Type of Sign Allowed	Max. total amount awning, wall & projecting wall signage allowed per linear foot of wall	Max. Sign Face Area for Awning and Wall Signs	Maximum Freestanding Sign Height	Maximum Size for Freestanding Signs	Number of Freestanding Signs
C-D, H-A, R-L, R-E, R-MH, R- M	See Section 18.54.110	See Section 18.54.110	See Section 18.54.110	See Section 18.54.110	See Section 18.54.110	See Section 18.54.110
R-H	Freestanding, wall and awning	.25 sq. ft.	See Subsections 18.54.140(b)—(g)	6 ft.	See Subsection 18.54.140(e)	1 sign where lot frontage is greater than or equal to 200 ft., but less than 500 ft.
C-L	Freestanding, wall and awning	1 sq. ft., plus an additional .5 sq. ft. (for secondary building frontage)	See Subsections 18.54.140(a)—(f)	6 ft.	See Subsection 18.54.140(e)	2 signs where lot frontage is greater than 500 ft.
C-H, I-L	Freestanding, wall, projecting wall and awning	1.5 sq. ft., plus an additional 1 sq. ft. (for secondary building frontage)	See Subsections 18.54.140(a)(f)	See Subsection 18.54.140(d)	See Subsection 18.54.140(d)	2 signs where lot frontage is greater than 500 ft.

Zoning District	Type of Sign Allowed	Max. total amount awning, wall & projecting wall signage allowed per linear foot of wall	Max. Sign Face Area for Awning and Wall Signs	Maximum Freestanding Sign Height	Maximum Size for Freestanding Signs	Number of Freestanding Signs
I-M & I-H	Freestanding, well, projecting wall and awning	2 sq. ft., ply an additional 1 sq. ft. (for secondary building frontage)	See Subsections 18.54.140(a)(f)	See Subsection 18.54.140(d)	See Subsection 18.54.140(d)	2 signs where lot frontage is greater than 500 ft.

* This chart summarizes key signage allowances; see specific code sections for code details and/or exceptions.

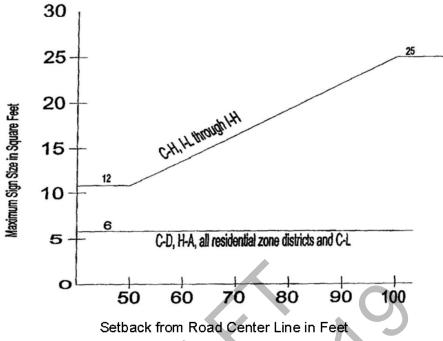


Maximum Area Per Sign Face Awning and Wall Sign Chart



(This is for illustration purposes only. Please refer to charts for exact sizes.)

Maximum Freestanding Sign Height



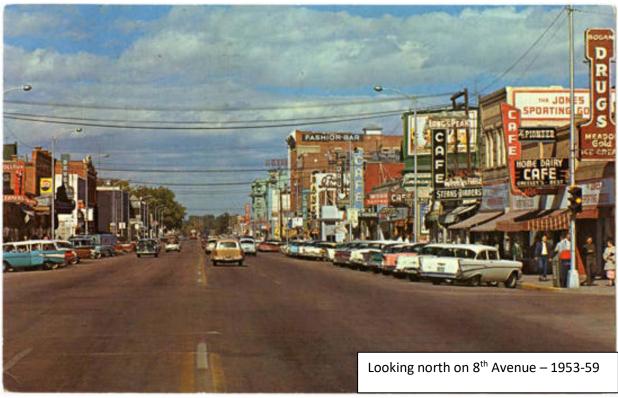
(This is for illustration purposes only. Please refer to charts for exact sizes.)

(Ord. 34, 2010 §1)

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Attachment C





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CITY OF GREELEY SIGN CODE UPDATE

What to expect:

- Yard and site signs may not exceed 32 square feet cumulative.
- You may have either (1) 32 square-foot sign or any number of signs with cumulative area not to exceed 32 square feet per lot.
- Included in this category are previously message-defined signs such as real estate, political, ideological, event signs among others.
- No sign may be placed in the City right-of-way.

Why update the Sign Code?

A Supreme Court ruling (*Reed v. Gilbert*, 2015) determined sign regulations cannot vary standards based on the message for **non-commercial** signage. This includes sign classifications and regulation for message-defined signs such as ideological, real estate, special event signs, etc. that are temporary in nature and do not require a permit.

These categories of signs are to be referred to as either a "yard sign" or "site sign" moving forward to align with content neutral enforcement. Uniform regulations will apply to both.

How the City measures and enforces permitted commercial signs such as wall or freestanding signs will not change at this time.

The City's objective is to ensure Code legality. Content neutrality is the goal.

- This update only pertains to non-commercial signage.
- The City will consider this update to Sign Code in early 2020.

More information on the proposed changes can be found at http://greeleygov.com/services/cd under "Announcements"

Questions? Contact City Planning Staff: Brittany Hathaway, Planner III Brittany.Hathaway@greeleygov.com This page intentionally left blank.

PLANNING COMMISSION SUMMARY

ITEM: Alternative Compliance

PROJECT: Alternative Compliance for proposed Lots 1-6 (Outlot J) and Lots 11-

24 (Outlot K) within City Center West Residential Subdivision, 2nd

Filing

CASE NO: ALT2019-0007

LOCATION: South of 4th Street, East of 71st Avenue, North of 8th Street, West of

Sheep Draw

APPLICANT: City Center West LP

CASE PLANNER: Marian Duran | Planner II

PLANNING COMMISSION HEARING DATE: January 14, 2020

PLANNING COMMISSION FUNCTION: To review the Alternative Compliance request for compliance with Section 18.38.140 of the Development Code and vote to either approve with conditions, or deny the request or table the request for future consideration.

EXECUTIVE SUMMARY

The applicants, City Center West LP, are requesting approval for a an Alternative Compliance request to allow townhome building envelopes to have zero setbacks from each unit on Lots 1-6 (Outlot J) and Lots 11-24 (Outlot K) within City Center West Residential Subdivision, 2nd Filing, Preliminary Subdivision, 1^{st} Amendment [Case No. SUB2018-0013] (see Attachment C – Subdivision Plat and Attachment D – Supplemental Documents). The property is zoned Residential-High Zoning District (R-H) located south of 4th St, east of 71st Avenue, north of 8th Street, and west of Sheep Draw and the Pumpkin Ridge Natural Area. The applicants intend on developing 149 single-family residential lots and 130 multi-family townhome units on a 62.25-acre (2,711,523 square-feet) parcel [see Attachment A – Aerial & Vicinity Map].

A. REQUEST

An Alternative Compliance request by City Center West LP to allow townhome building envelopes to have zero foot setbacks from each unit on Lots 1-6 (Outlot J) and Lots 11-24 (Outlot K) within City Center West Residential Subdivision, 2nd Filing.

Note: The Final Plat is not tabled for approval with this hearing, as a Final Plat is reviewed and approved administratively. The request is only for the Alternative Compliance option described in Section E.5 below.

B. STAFF RECOMMENDATION

Approval

C. LOCATION

South of 4th Street, east of 71st Avenue, north of 8th Street, west of Sheep Draw (see Attachment A – Aerial & Vicinity Map).

Current Zoning: R-H (Residential High Density) with the Boomerang

Development Concept Master Plan (DCMP) [Case No.

Z 3:05]

Abutting Zoning: North: R-H (Residential High Density)

South: I-L (Industrial-Low Intensity)

C-H (Commercial High Intensity)

East: C-D (Conservation District)

West: R-H (Residential-High Intensity)

C-H (Commercial High Intensity)

Site Conditions: There is a general downward slope from northwest to southeast,

with steepening on the eastern edge along the Pumpkin Ridge Natural Area. The eastern portion of the property, approximately 60% of the property lies within the Areas of Ecological Significance. The Pumpkin Ridge Area is located on the east of the property along the Sheep Draw, where the Sheep Draw Trail parallels through. This natural area is also the floodplain. The

subject property, however, is not within the floodplain

Abutting Land Uses: North: 4th Street right-of-way (ROW) and the

Summer Park Town Homes

South: The former Hewlett-Packard site, and the Westridge

Academy School

East: Pumpkin Ridge Natural Area / Sheep Draw trail West: 71st Avenue ROW, former H-P Greeley site

D. BACKGROUND

The subject area was annexed into the City of Greeley through the North Sheep Draw Annexation on July 20, 1981, the subject properties were designated to an industrial zoning district (*Rec. No. 0001863877*) [*Case No. Z 14:80*]. The subject site was part of the former Hewlett-Packard (HP) 92-acre campus, which included 300,000 square feet of office spaces (*November 6, 2002, Greeley Tribune*). HP also and donated 2.2 acres of land to the City to accommodate a new fire station, Fire Station #7. Portions of the subject proposal include evidence of internal private drives that lead to the HP building which was built in 1984. Subdivision history is mentioned in Section G.1 below.

On September 29, 2005, a rezone with a Development Concept Master Plan (DCMP) divided the existing zoning boundary with C-D (Conservation District), C-H (Commercial High Intensity), R-H (Residential High Density) which is the subject area, and I-L (Industrial Low Intensity) with Development Concept Master Plan (DCMP) and the Boomerang Master Plan Design Guidelines (Design Guidelines) (*Ordinance No. 57, 2005, Rec No. 3327374*) [*Case No. Z 3:05*]. This DCMP was developed to establish a list of permitted uses within the C-H, I-L, and R-H zone district that would limit special review projects, but to also establish specific design criteria through the Design Guidelines that meet or exceed Development Code standards. The DCMP and Design Guidelines include a list of allowed uses rather than prohibited and allowed uses. The subdivision as proposed conforms to the DCMP (*see Attached K City Center West aka Boomerang DCMP*).

An intergovernmental agreement between the City of Greeley and the City Center West Commercial Metropolitan District was approved in December 2014 (*Ordinance No. 69, 2014*) [Case No. MD 1:14]. Two more districts were later consolidated with the original Metropolitan District in 2016. The resolution for the consolidation of City Center West Commercial Metropolitan District and the City Center West Residential Metropolitan District No. 2, accomplished two things, First, it moved the district boundaries to match the zoning; and second, Council approved a second metro district for the residential area ((*Resolution No. 48, 201, Rec. No. 4231159*) [Case No. MD 1:16].

The City Center West Residential Preliminary Subdivision was approved by Planning Commission on December 11, 2018 to allow the platting of 149 single-family residential lots, a 6.06-acre parkland dedication, 12.38-acres of open space/detention pond area, 13.91-acres of right-of-way, tracts and four separate lots proposed for multi-family residential housing. Lot 1 being 10.15 acres and Outlot A being 3.67 acres in size were processed through the City Center West Residential, 1st Filing, Final Plat and Site Plan Review process. The Site Plan Review and Final Plat were reviewed and approved administratively, allowing for the construction of 264 apartment units. Lot 2 and 3 of the preliminary subdivision are now called Lots 1-6 (Outlot J) and Lots 11-24 (Outlot K) in the City Center West Residential Subdivision, 2nd Filing, Final

Plat, which is proposed to be developed with 130 multi-family townhome units ranging from 1,375 - 1,718 square feet in size. With this Alternative Compliance request, the applicant is requesting a zero foot setbacks between the attached townhome units [see Attachment $D - Subdivision Plat \ and \ Attachment \ E - Supplemental \ Documents$].

E. APPROVAL CRITERIA – Alternative Compliance Section 18.38.140

Requests for alternative compliance shall meet one (1) or more of the following conditions in (b)(1-5) and one (1) in (h)(1-2):

1. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical, or improved environmental quality would result from alternative compliance.

Staff Comment: There site conditions are subject to grading permits for improved

environmental quality. There are no topographical challenges at

the site.

This criterion is not applicable to this request.

2. Space limitations, unusually shaped lots, and prevailing practices in the surrounding neighborhoods may justify alternative compliance for infill sites and for improvements and redevelopment in older neighborhoods.

Staff Comment: This site is not considered an infill site.

This criterion is not applicable to this request.

3. A change of use on an existing site increases the requirements more than it is feasible to meet, and the change meets the intent of the Code.

Staff Comment: There is no change of use requested at the site.

This criterion is not applicable to this request.

4. Safety considerations make alternative compliance necessary.

Staff Comment: Safety shall not be affected by the request.

This criterion is not applicable to this request.

5. The proposed alternative is aesthetically more pleasing, is a more creative approach, better fits into the context of the area, improves the overall architectural appeal of the area, and/or meets or exceeds the design objectives as described in the City's Comprehensive Plan. Where there is a strong architectural theme established in an area, the proposed alternative shall be consistent with that theme. In an area where there is no established theme, the proposed alternative shall provide an architectural theme that can be used to encourage reinvestment in the area.

Staff Comment:

The proposed City Center West Residential Subdivision, 2nd Filing, Final Plat, Lots 1-6 (Outlot J) and Lots 11-24 (Outlot K) are designed in groups of 4-plex and 6-plex units and fit into the context of the area. They are very similar to the Summer Park Development on the north side of the subject site, across 4th Street, but it is considered by the applicant to be more creative because of how they are marketed to potential residents. Rather than selling condo space, the residents would have an opportunity for homeownership and also own the lot at an affordable price.

This design also follows the Growth Framework section of the Imagine Greeley Comprehensive Plan (Comp Plan), which speaks of the importance of having a diversified housing stock and increasing residential densities. The idea behind this is to encourage not only larger lots, but also small-clustered lots in order to maximize preservation of open space or working agricultural lands. Most of Greeley's neighborhoods and residential subdivisions are primarily made up of single-family detached homes. Townhomes and duplex must fit in with surrounding neighborhood character, however, and be compatible and appropriate for the area. Housing types such as the one currently being proposed are supported in the Growth Framework of the Comp Plan. It is considered by staff to be compatible and appropriate for the area.

The Strategic Housing Plan (SHP) was drafted by the Community Development Department and approved by City Council in 2019. This document was written with the intent of fulfilling Comp Plan goals and objectives for increasing residential density. The multifamily housing market has a vacancy rate average of 3.41% since 2011. This tight market forces rents to increase, which then forces

people to move away from Greeley to find affordable units elsewhere. The problem of affordability exists due to seven (7) key constraints listed in the SHP. For example, household incomes have not kept pace with the rise of housing cost. Another factor is the rise of raw water dedication. At a density of four units per acre, for example, the increased price per acre-foot raised the cost per residential unit by \$24,500, making housing unaffordable for a large percentage of low-income households.

To improve this situation, the SHP calls for nine (9) housing strategies that must take effect in the following year. One of the most essential ones is to amend the Development Code to promote diversified housing choices. The Community Development Department is undertaking the largest Development Code overhaul since 1998 to overcome these challenges. This update will commence in 2020, centered to facilitate the SHP and Comp Plan goals and objectives.

The request complies with this criterion.

6. The proposed alternative is equal to or better than the performance options available for the particular request [(h)(2)].

Staff Comment:

The applicant's townhome product for Lots 1-6 (Outlot J) and Lots 11-24 (Outlot K) of the City Center West Residential Subdivision, 2nd Filing, Final Plat are designed in groups of 4plex and 6-plex units and are proposed to be sold as fee-simple units. The proposed alternative provides a better product than the performance options available because the townhome product is more in line with an attached single-family townhome product. Specifically the performance option states that each lot shall meet the 6,000 square foot minimum size, while each building envelope shall meet the 1,000 square foot minimum building envelope size. Additionally, each unit shall meet the 25-foot front setback, the 20-foot setback, and the 15foot street side setback. However, each envelope does not meet the minimum separation per the Development Code standards. The R-H District Development Standards table in Category I, states that the base standard for each building envelope must have a separation or comply with Performance Option 1, 2 or

Alternative Compliance. The townhome development as proposed does not comply with either of the 1 or 2 performance options. Thus, the remaining solution is to request Alternative Compliance to provide this housing alternative, which does require a public hearing process.

The product type is also better because it allows for preservation of open space for residents and it would allow for more housing affordability for people searching for entry-level type housing. The housing product type is also not a typical low-income housing. Rather, this product would include, as proposed on the plans, amenities for residents such as a looped trail system, picnic and barbeque plazas, private front porch spaces for each unit, and a private playground. A 6,000 square foot open space turf area would offer residents an opportunity to enjoy a larger format of activities such as soccer or Frisbee games.

A list of other Imagine Greeley Comprehensive Plan objectives the request complies with are the following:

Objective GC-1.1 Growth Management

Manage growth to maintain or improve quality of life for Greeley's residents, minimize impacts on the natural environment, and protect or enhance natural features and other resources.

Objective GC-1.2 Form of Growth

Encourage a compact urban form over sprawl or leap-frog development.

Objective GC-1.3 Adequate Public Facilities

Restrict development to the Adequate Public Facilities Area (APFA) except where the developer provides the equivalent level, or cash-in-lieu at a rate determined by the City, to install infrastructure that would otherwise be provided by the City.

Objective HO-2.1 Diversity in New Development

Encourage a variety of housing types, sizes, styles, and pricepoints of housing units within new residential projects or subdivisions. Ensure that Greeley has neighborhoods and/or development sites available and attractive to its desired workforce, including higher-end housing for executives and other high-paid workers.

Objective GC-6.2 Neighborhood Connectivity

Promote design standards and practices that improve connectivity for all modes between neighborhoods and adjacent neighborhoods, centers, corridors, and areas.

Objective IN-1.1 Adequate Public Facility Standards

Maintain standards for the provision of adequate public facilities. At a minimum, such standards should include the following infrastructures and services: fire, parks, trails, police, sanitary sewers, water, storm water, and transportation.

Objective PR-2.2 Planting and Landscaping

Incorporate native vegetation, natural grasslands, and low water-use plants and landscaping approaches into the design of parks, trails, and recreational facilities.

Objective TM-3.2 Supportive Development

Ensure that all proposed development projects demonstrate the ability to accommodate pedestrian and bicycle travel.

The request complies with this criterion.

F. SUBDIVISION HISTORY

The subject area has also undergone numerous subdivisions over the years with the first being H-P Greeley Subdivision which divided the area into two (2) lots, north and south orientation (*Rec. No. 2910502*), and the most recent being H-P Greeley, 5th Replat, which subdivided the northern lots into Lots 1, 2, and 3 to accommodate the Westridge Academy School proposal (*Rec. No. 4272274*) [*Case No. S 32:16*].

G. ADMINISTRATIVE REVIEW TEAM COMMENTS:

The proposal was reviewed by the Administrative Review Team (ART) and the ART has found that the request complies with Section 18.48.140 (b)(5) and (h)(2, of the Development Code. The ART has also found that the Final Plat is in substantial conformance with the approved Preliminary Plat.

H. NOTIFICATION:

The Subdivision Regulations do not require notification of adjacent properties when considering subdivision of land. However, because an Alternative Compliance is being requested, the Development Code states per Section 18.48.140, that a Public Hearing process is required and that Planning Commission shall motion the request. Notices were sent to all properties within 500 feet of the subject property and a sign was posted on January 7, 2020.

To date there has been one inquiry about the proposed project. Staff explained in detail the reasons for an alternative compliance request, and supplied the customer with the plat and supplemental documents via email. The customer indicated that he would support this development.

I. PLANNING COMMISSION RECOMMENDED MOTION:

Based on the application received and the preceding project summary and analysis, the Planning Commission finds that the Alternative Compliance request by City Center West LP to allow townhome building envelopes to have zero foot setbacks from each townhome unit on Lots 1-6 (Outlot J) and Lots 11-24 (Outlot K) within City Center West Residential Subdivision, 2nd Filing, Final Plat, complies with Item (b)(5) and (h)(2) of Section 18.48.140 of the Development Code, and therefore, approves the request as presented.

J. ATTACHMENTS:

Attachment A – Aerial/Vicinity Map

Attachment B – Applicant Justification Letter

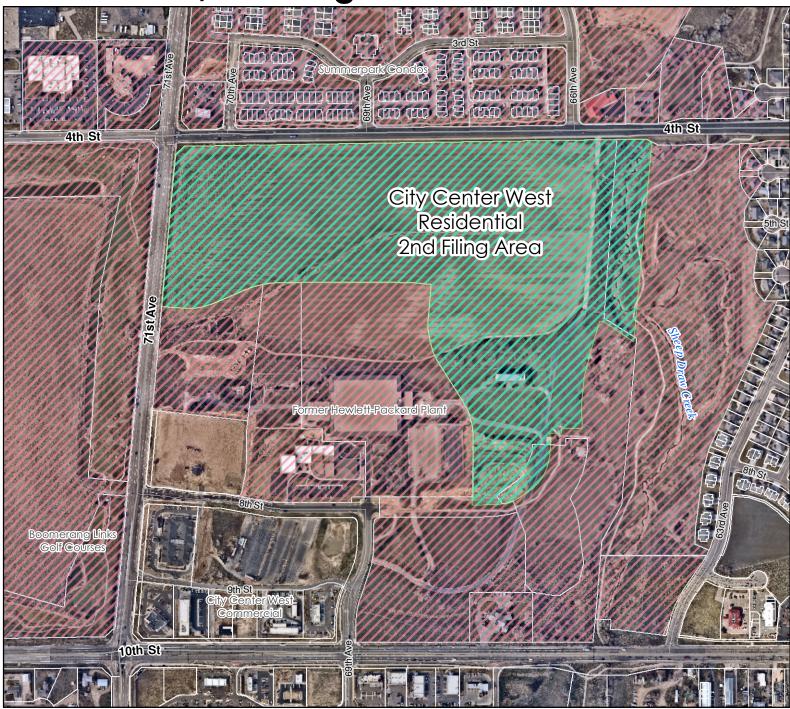
Attachment C – Subdivision Plat

Attachment D – Supplemental Documents

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Aerial View/Noticing Area

Attachment A



Notes

All planimetric data was digitized from aerial photographs dated 1987, 1992, 1995, 2000, 2005, and 2014. Updates are continual and data representations will change over time. This product is not necessarily accurate to engineering or surveying standards but does meet National Mapping Accuracy Standards (NMAS). The information contained within this document is not intended to be used for the preperation of construction

Information contained on this document remains the property of the City of Greeley. Copying any portion of this map without the written permission of the City of Greeley is strictly prohibited.

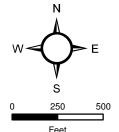
City Center West Residential Subdivision, 2nd Filing

Subject Subdivision Area

Noticing_Area

Property Lines

The proposed subdivision is located south of 4th Street, across from Summerpark Subdivision located on the north. It is proposed to be accessed from 4th St onto 66th Avenue south to connect to 8th Street.







Created: December 23, 2019 By: duranm, CD CityCenterWestRes.mxd This page intentionally left blank.

From: Shelley Lamastra
To: Marian Duran

Cc: Mike Garrott; Patrick McMeekin; Steve Cicione; Hunter Donaldson; Ryan Banning; Craig Russell

Subject: [EXTERNAL] Re: CCW Alternative Compliance Materials

Date: Friday, December 20, 2019 12:28:00 PM

Hi Marian,

On behalf of Hartford Homes we would like to request to be part of the January 14th Planning Commission meeting to review CCW for Alternative Compliance to Code Section 18.38.070 R-H District Development Standards Table Section I Building Structure Setbacks under the Building Envelopes Separation Requirements. The product type being proposed with 4-plex and 6-plex and the desire to sell these as fee-simple units on their own unique lot and building envelop is prevented with the standard code.

As outlined in 18.38.140 (a) of Alternative Compliance may be used to:

Alternative compliance may be used for infill sites to propose other types of development, as applicable in the zoning district such as Small Lot/Cluster Development, Townhouse Lots or Building Envelopes subject to approval under the provisions herein.

As specified in 18.38.104 (b) we feel that this project meets the requirements of subsection 5 because of the following:

The proposed Townhome development fits into the **context** of the area, similar to the Summer Park Development. CCW has a more creative approach however in that rather than condo space, the residents have the opportunity of owning a property that is more in line with an attached single-family product at an entry level price.

Furthermore the proposed plan provides amenities such as a looped trail system, picnic and BBQ plazas, private playground and front porch spaces for each unit. A 6,000 sf lawn area is provided that allows residents to enjoy larger format activities such as soccer or frisbee games.

Meets the following objectives of the Imagine Greeley Comprehensive Plan because of the design of landscaping, form growth, housing type needed, it's within APFA – adequate public facilities areas, and it has great neighborhood connectivity as it accommodates ped/bic activities, etc.

The proposed plan meets the following objectives of the Imagine Greeley Comprehensive Plan:

Objective GC-1.1 Growth Management

Manage growth to maintain or improve quality of life for Greeley's residents, minimize impacts on the natural environment, and protect or enhance natural features and other resources.

Objective GC-1.2 Form of Growth

Encourage a compact urban form over sprawl or leap-frog development.

Objective GC-1.3 Adequate Public Facilities

Restrict development to the Adequate Public Facilities Area (APFA) except where the developer provides the equivalent level, or cash-in-lieu at a rate determined by the City, to install infrastructure that would otherwise be provided by the City.

Objective HO-1.1 Housing Strategy - while not part of the strategy of this section CCW does promote and accomplish many of the stated objectives found within

Develop and implement a comprehensive housing strategy with clear goals and implementation strategies that:

- Identifies current zoning, fees, policies, and other City regulations that discourage or pose as barriers to the
 construction of <u>affordable housing or other needed housing types;</u>
- Includes <u>strategies for encouraging the construction of affordable housing</u> throughout the community and for preventing concentrations of affordable housing in particular areas or neighborhoods
- Encourages a range of creative housing options, including <u>small-sized housing units</u> (in the range of 1,000 to
 1,500 square feet in size), manufactured homes, <u>zero-lot line housing</u>, <u>attached housing types</u>, and housing
 located above ground floor commercial uses in mixed-use areas;

Objective HO-2.1 Diversity in New Development

Encourage a variety of housing types, sizes, styles, and price-points of housing units within new residential projects or subdivisions. Ensure that Greeley has neighborhoods and/or development sites available and attractive to its desired workforce, including higher-end housing for executives and other high-paid workers.

Objective GC-6.2 Neighborhood Connectivity

Promote design standards and practices that improve connectivity for all modes between neighborhoods and adjacent neighborhoods, centers, corridors, and areas.

Objective IN-1.1 Adequate Public Facility Standards

Maintain standards for the provision of adequate public facilities. At a minimum, such standards should include the following infrastructures and services: fire, parks, trails, police, sanitary sewers, water, storm water, and transportation.

Objective PR-2.2 Planting and Landscaping

Incorporate native vegetation, natural grasslands, and low water-use plants and landscaping approaches into the design of parks, trails, and recreational facilities.

Objective TM-3.2 Supportive Development

Ensure that all proposed development projects demonstrate the ability to accommodate pedestrian and bicycle travel.

Best regards,

Shelley La Mastra, RLA Senior Landscape Architect



506 S College Ave, Unit A Fort Collins, CO, 80524

visit russellmillsstudios.com

- 0 970.484.8855
- 970.682.6004
- M 970.412.3474

CITY CENTER WEST RESIDENTIAL SUBDIVISION, SECOND FILING

A TRACT OF LAND BEING TRACT A, CITY CENTER WEST RESIDENTIAL SUBDIVISION, FIRST FILING, LOCATED IN THE SOUTH HALF OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO

attached use; and does (do) hereby set saids east portion or tract of lind and does (and obtained to the public, the reviews and all essenteds or word across said (or be thilding envolopes) in bottoms when one and may and does (do) furth that the width of said street, elimentoms of the lots and blocks for building envolopes) and the names and numbers thereof are correctly designated upon said rungs. City Center West, LP. 2 Colorado limited pattentship 3. West-lok Managarowa, LLC; 3. Colorado limited pattentship 3. West-lok Managarowa, LLC; 4. Colorado limited lishelity company, is general patter. 3. By: Andrew R. Klein, Managar 5. TATE OF COLORADO 3. By: Andrew R. Klein, Managar 5. Colorado limited lishelity company, as the general partner of City Center West, LP, a Colorado limited pattentship. WITNESS my Hand and Official Seal. Notary Public My commission expires: CERTIFICATE OF APPROVAL OF THE ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER Approved thisday of A.D., 20, by the Engineering Development Review and Civil Inspections Managar CERTIFICATE OF APPROVAL OF THE ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER Approved this day of A.D., 20, by the Engineering Development Review and Civil Inspections Managar CERTIFICATE OF APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR Approved this day of A.D., 20, by the Community Development Director of the City of Greeley, Colorado. Community Development Director METROPOLITAN DISTRICT APPROVAL CITY CENTER WEST RESIDENTIAL METROPOLITAN DISTRICT NO. 2 By: Witness my hard and cat this day of A.D	City Center West, I.P. a Colorade limited partnership Dy. Westake Managerest, LLC, its general partner By:	SAID DESCRIBED PARCEL OF LAND CONTAINS 6	62.25 ACRES MORE OR LESS (±).
Dy: Westeds Management, LLC; Westeds Management, LLC; By:	Accordance for the company of the co	attached map; and does (do) hereby set aside said portion and does (do) dedicate to the public, the streets and all ex-	n or tract of land and designate the same CITY CENTER WEST RESIDENTIAL SUBDIVISION, SECOND FILIN asements over and across said lots (or building envelopes) at locations shown on said map; and does (do) further cer
Dy: Committee Histories (Committee Histories) company, its general garbeter Dy:	By: Westside Management, LLC; s Calenda limited liability company, its general partners. By:		
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Notary Public My commission expires:	Notary Public My commission expires: Witness my hand and seal this	The foregoing instrument was acknowledged before me Management, LLC, a Colorado limited liability company	this day of , 2019 by Andrew R. Klein and Otis C. Moore, III, each as Manager of Westside y, as the general partner of City Center West, LP, a Colorado limited partnership.
My commission expires: CERTIFICATE OF APPROVAL OF THE ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER Approved this	My commission expires: CERTIFICATE OF APPROVAL OF THE ENGINEERING DEVELOPMENT REVIEW AND CIVIL INSPECTIONS MANAGER Approved this day of A.D., 20 by the Engineering Development Review and Civil Inspections Manager of the City of Greeley, Colorado. Engineering Development Review and Civil Inspections Manager CERTIFICATE OF APPROVAL BY THE COMMUNITY DEVELOPMENT DIRECTOR Approved this day of A.D., 20 by the Community Development Director of the City of Greeley, Colorado. Community Development Director METROPOLITAN DISTRICT APPROVAL CITY CENTER WEST RESIDENTIAL METROPOLITAN DISTRICT NO. 2 By: Onis C. Moore Its: Witness my hand and seal this day of, A.D STATE OF COLORADO) CITY OF GREELEY) ass Witness my hand and seal this day of, 20 My commission expires: WITNESS my Hand and Official Seal. Notary Public	WITNESS my Hand and Official Seal,	
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NCMC BH GREELEY II LLC By:			Notary Public
Ву:	NCMC BH GREELEY II LLC	EASEMENT VACATION APPROVAL	
		NCMC BH GREELEY II LLC	
Name:	Ву:	By:	
CONTRACT TO THE PROPERTY OF TH	Name:	Name:	
Its:	lisi	lts:	
Witness my hand and seal this day of, A.D	Witness my hand and seal thisday of, A.D	Witness my hand and seal this day of	, A.D
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WITNESS my Hand and Official Seal.	WITNESS my Hand and Official Seal.	WITNESS my Hand and Official Seal.	

TRACT A, CITY CENTER WEST RESIDENTIAL SUBDIVISION, FIRST FILING, RECORDED AS RECEPTION NO. OF THE RECORDS OF WELD COUNTY, LOCATED IN THE SOUTH HALF (S1/2) OF SECTION FOUR (4), TOWNSHIP FIVE NORTH (T.SN.), RANGE SIXTY-SIX WEST (R.66W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO.

OWNER APPROVAL

CITY CENTER WEST, LP, being the sole owner(s) in fee of:

CITY OF GREELEY STANDARD PLAT NOTES:

a. Street maintenance. It is mutually understood and agreed that the dedicated roadways shown on this plat will not be maintained by the City until and unless the streets are constructed in accordance with the subdivision regulations in effect at the date construction plans are approved, and provided that construction of said roadway(s) is started within one (1) year of the construction plan approval. The owner(s), developer(s) and/or subdividers, their successors and/or assigns in interest, shall be responsible for street maintenance until such time as the City accepts the responsibility for maintenance as stated above.

b. Drives, parking areas and utility easements maintenance. The owners of this subdivision, their successors and/or assigns in interest, the adjacent property owner(s), homeowners' association or other entity other than the City is responsible for maintenance and upkeep of any and all drives, parking areas and easements (cross-access easements, drainage easements, etc.)

c. Drainage maintenance. The owners of this subdivision, their successors and/or assigns in interest, the subject owner(s), homeowners' association or entity other than the City shall be responsible for maintenance of all drainage facilities installed pursuant to the development agreement. Requirements include, but are not limited to, maintaining the specified storm whater detention' retention volumes, maintaining outlet structures, flow restriction devices and facilities needed to convey flow to said basins. The City shall have the right to enter properties to inspect said facilities at any time. If these facilities are not properly maintained, the City shall notify the owners of this subdivision in writing and shall inform the owner that corrective action by the owner shall be required within ten (10) working days of receipt of notification by the City, unless an emergency exists, in which case corrective action shall be taken immediately upon receipt of notification by the City. If the owner falls to take corrective action within ten (10) working days, the City may provide the necessary maintenance and assess the maintenance cost to the owners of this subdivision.

d. Drainage liability. The City does not assume any liability for drainage facilities improperly designed or constructed. The City reviews drainage plans but cannot, on behalf of any applicant, owner or developer, guarantee that final drainage design review and approval by the City will Televes aid person, his successors and assigms, from liability due to improper design. City approval of a final plat does not imply approval of the drainage design within that plat.

e. Landscape maintenance. The owners of this subdivision, their successors and/or assigns in interest, the adjacent property owner(s), homeowners' association or entity other than the City is responsible for maintenance and upkeep of perimeter fencing or walls, landscaping and landscaped areas and sidewalks between the property line and any paved roadways. The owners of this subdivision, their successors and/or assigns in interest or an entity other than the City, agree to the responsibility of maintaining all other open space areas associated with this development.

f. Sight distance. The clear vision zone of a corner lot, as determined by Section 18.44.090(b)(1) of the Development Code, shall be free from shrubs, ground covers, herms, fences, signs, structures, parked vehicles or other materials or items greater than thirty-six (36) inches in height from the street level.

g. Public safety. Access, whether for emergency or nonemergency purposes, is granted over and across all access ways for police, fire and emergency vehicles. If any or all of the access ways in this subdivision are private, the homeowners' association will be responsible for ensuring that such access ways are passable, at all times, for police, fire and emergency vehicles.

h. Drainage master plan. The policy of the City requires that all new development and redevelopment shall participate in the required drainage improvements as set forth below:

1) Design and construct the local drainage system as defined by the final drainage report and plan and the storm water management plat.

2) Design and construct the connection of the subdivision drainage system to a drainage way of established conveyance capacity, such as a master planned outfall storm sewer or master planned major drainage way. The City will require that the connection of the minor and major systems provide capacity to convey only those flows (including offsite flows) leaving the specific developments to join in designing and constructing connection systems. Also, the City may choose to participate with a developer in the design and construction of the connection system.

3) Equitable participation in the design and construction of the major drainage way system that serves the development as defined by adopted master drainage way plans or as required by the City and designed in the final drainage report and the storm water management plan.

i. Maintenance easements. A maintenance easement is required for developments with zero side setbacks, if one (1) structure is built on the lot line. In order to maintain the structure with the zero side setback, a maintenance easement may be required on the adjacent lot to enable maintenance to be performed on said structure from the adjoining property. Each lot owner agrees to allow adjacent lot owners agrees to repair any damage which may be easeded to maintain and repair the adjacent owner's principal structure. Each adjacent owner agrees to repair any damage which may be caused to the lot owner's use of this maintenance easement and to take all necessary steps to avoid early such damage.

j. Street lighting. All lots are subject to and bound by tariffs which are now and may in the future be filed with the Public Utilities Commission of the State of Colorado relating to street lighting in this subdivision, together with rates, rules and regulations therein provided and subject to all future amendments and changes thereto. The owners or their successors and/or assigns in interest, shall pay, as billed, a portion of the cost of public street lighting in the subdivision in accordance to applicable rates, rules and regulations, including future amendments and changes on file with the Public Utilities Commission.

k. Water or sewer main easements. There shall be no permanent structures, fences, detention ponds, landscaping (plantings or berms) greater than three (3) feet tall mature growth, or other encumbrances located in water or sewer main casements.

1. Water or sewer mains in private roads or easements. For public water and sewer mains located in private roads or easements, future repair of paving or other improved surfaces subsequent to the repair of a water or sewer main shall be the responsibility of the homeowners' or condominium association. The Water and Sewer Department will safely backfull the trench to the surface, but not rebuild any surface improvements.

m. If it is determined that the above mentioned wetlands are considered to be certified by the U.S. Army Corps of Engineers, a Section 404 of the Clean Water Act (CWA) must be established before fill material may be discharged into certified waters. The approval of the wetland mitigation and or any fill material would be required at the Final Platting stage.

NOTES

() This survey does not constitute a title search by Northern Engineering to determine ownership or easements of record. For all information regarding easements, rights-of-way and title, Land Title Guarantee Company, Policy No. ABN25152554-3, dated October 17, 2017 at 5:00 p.m. was used in the process of this survey.

2) Gross land area is 2,711,523 square feet, or 62.25 acres, more or less.

3) The lineal unit of measurement for this survey is U. S. Survey Feet,

4) The Basis of Bearings is the North line of the Northwest Quarter of Section 4 as bearing North 89" 16' 18" East, and monumented as shown on drawing.

5) Current Zoning: All parcels within Second Filing are Residential-High Density (R-H).

6) Half movement access to and from the 40' Shared Access Easement is restricted on 71st Avenue. A directional island access is approved.

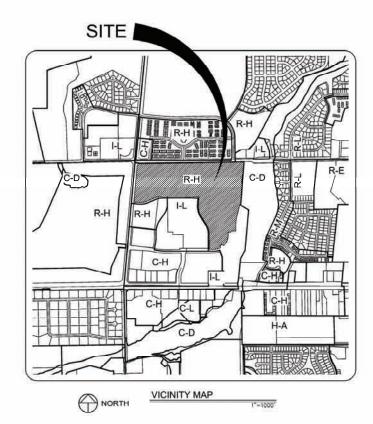
7) Public access from the townhomes to the east is prohibited.

8) Drainage and grading easements along joint side yard lot lines are for the establishment of subdivision grades during vertical construction and not to be maintained by the City of Greeley.

SURVEYOR'S CERTIFICATE:

I, Steven A. Lund, do hereby certify that I prepared this plat from an actual actual actual to the survey of the land, and that the corner monuments shown thereon were properly placed under my supervision, in accordate with the relations of the State of Colorado.

Steven A. Lur Registered Professional Land Surveys Colorado Registration No. 34995 For and on behalf of Northern Engineering Services, Inc.



OWNER
City Center West LP
4100 East Mississippi Avenue, Suite 5

DEVELOPER/APPLICANT Hartford Homes

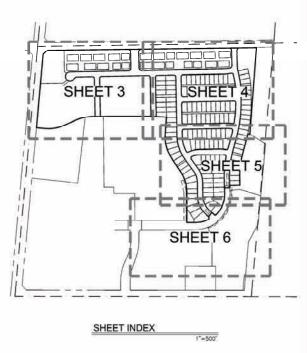
Hartford Homes 4801 Goodman Road Timnath, CO 80547 (970)-674-1109

SITE ENGINEER

Northern Engineering Services, Inc. Ryan Banning, PE 301 North Howes Street, Suite 100 Fort Cellins, Colorado 80521 (970) 221-4158

SURVEYOR

Northern Engineering Services, Inc. Steve Lund, PLS 301 North Howes Street, Suite 100 Fort Collins, Colorado 80521 (970) 221-4158



Sheet

Sheet

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166 Sheets

NOTICE:

According to Colorado law you must commence any legal action has upon any addrest in this survey within three years after you discover st defect. In no event may any action based upon any defect in this survey he commenced more thanton years after the class of the centificiale safe brecon.

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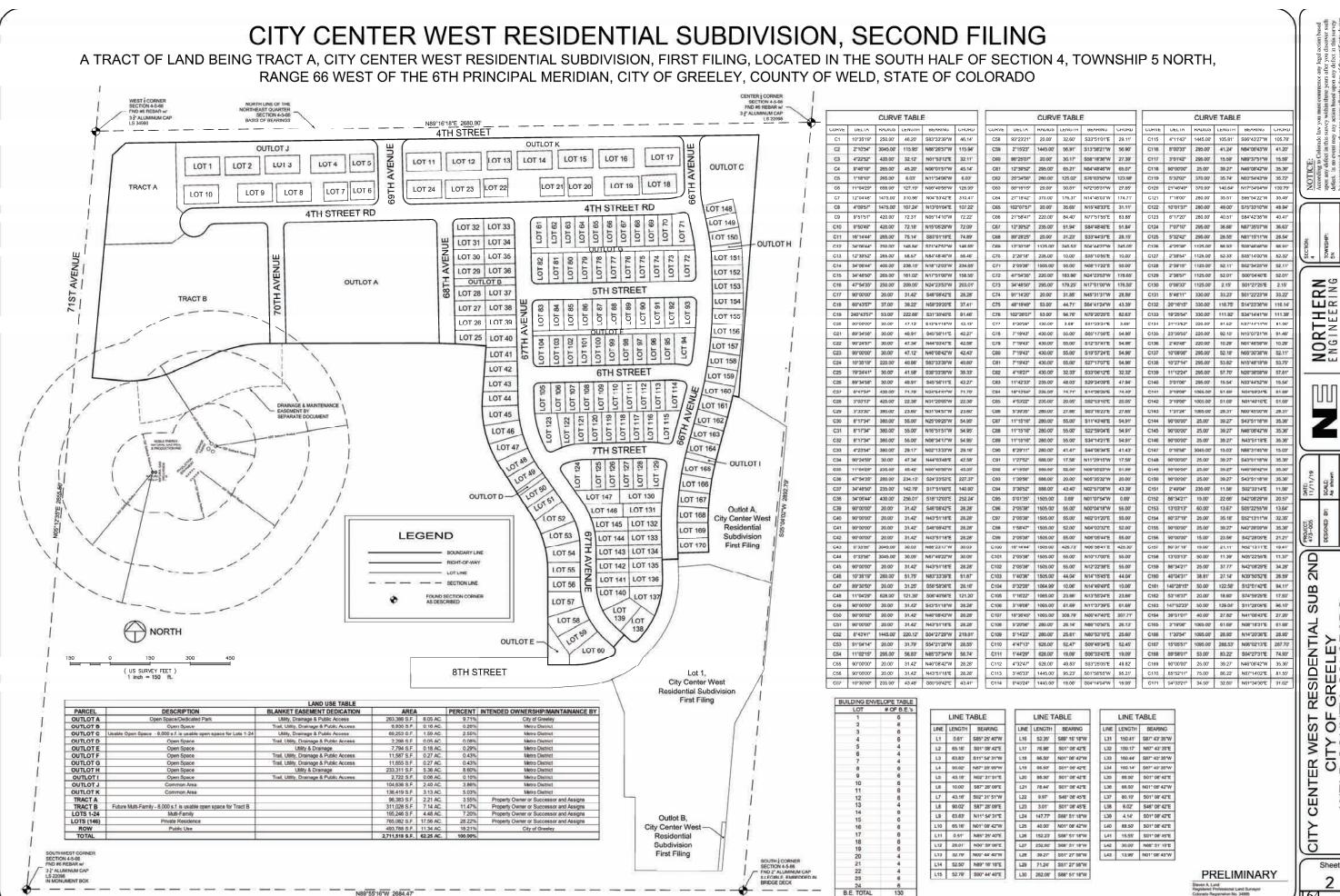
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S. Lund

CENTER WEST RESIDENTIAL SUB 2ND CITY OF GREELEY WELD COUNTY, COLORADO

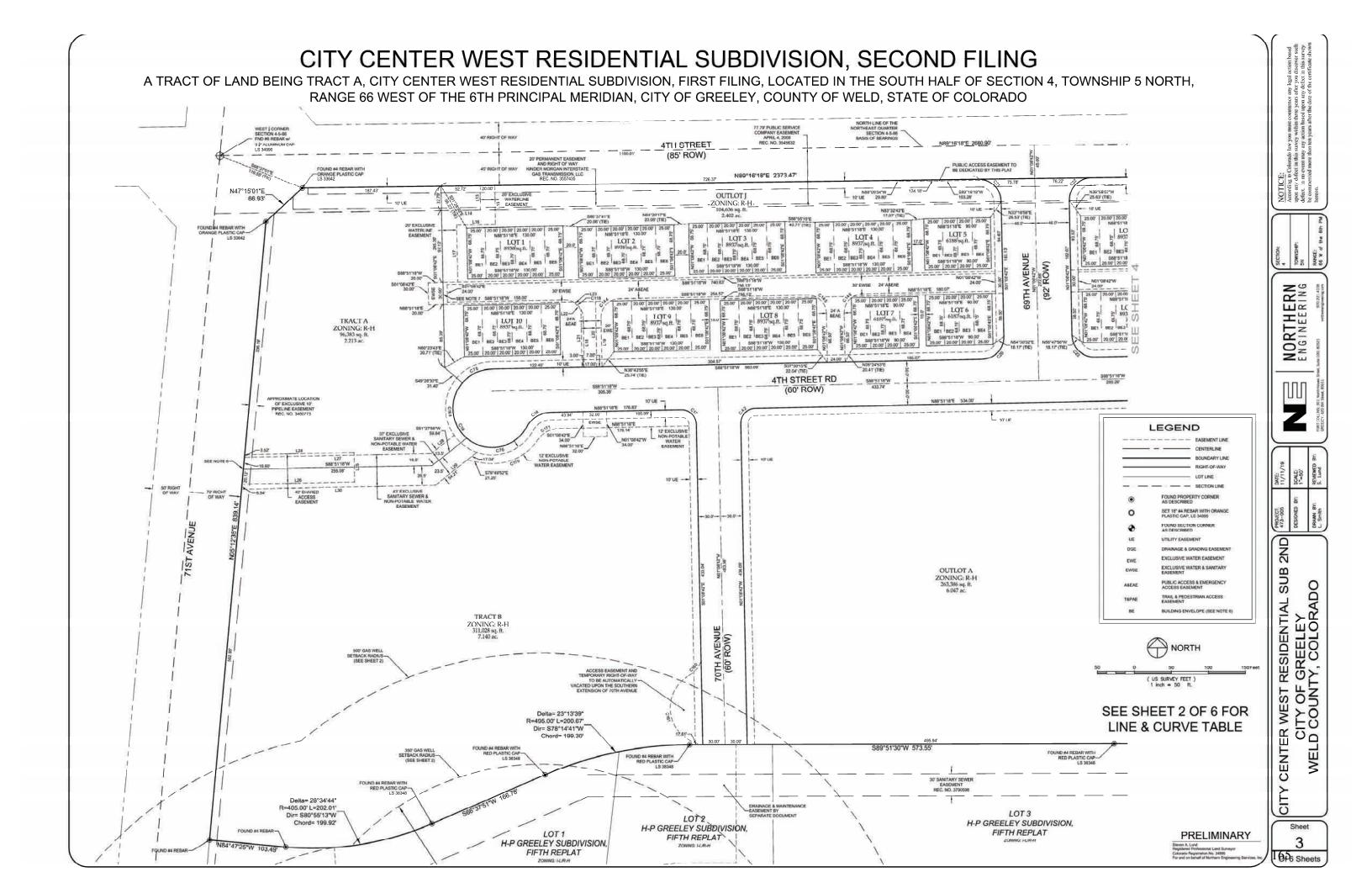


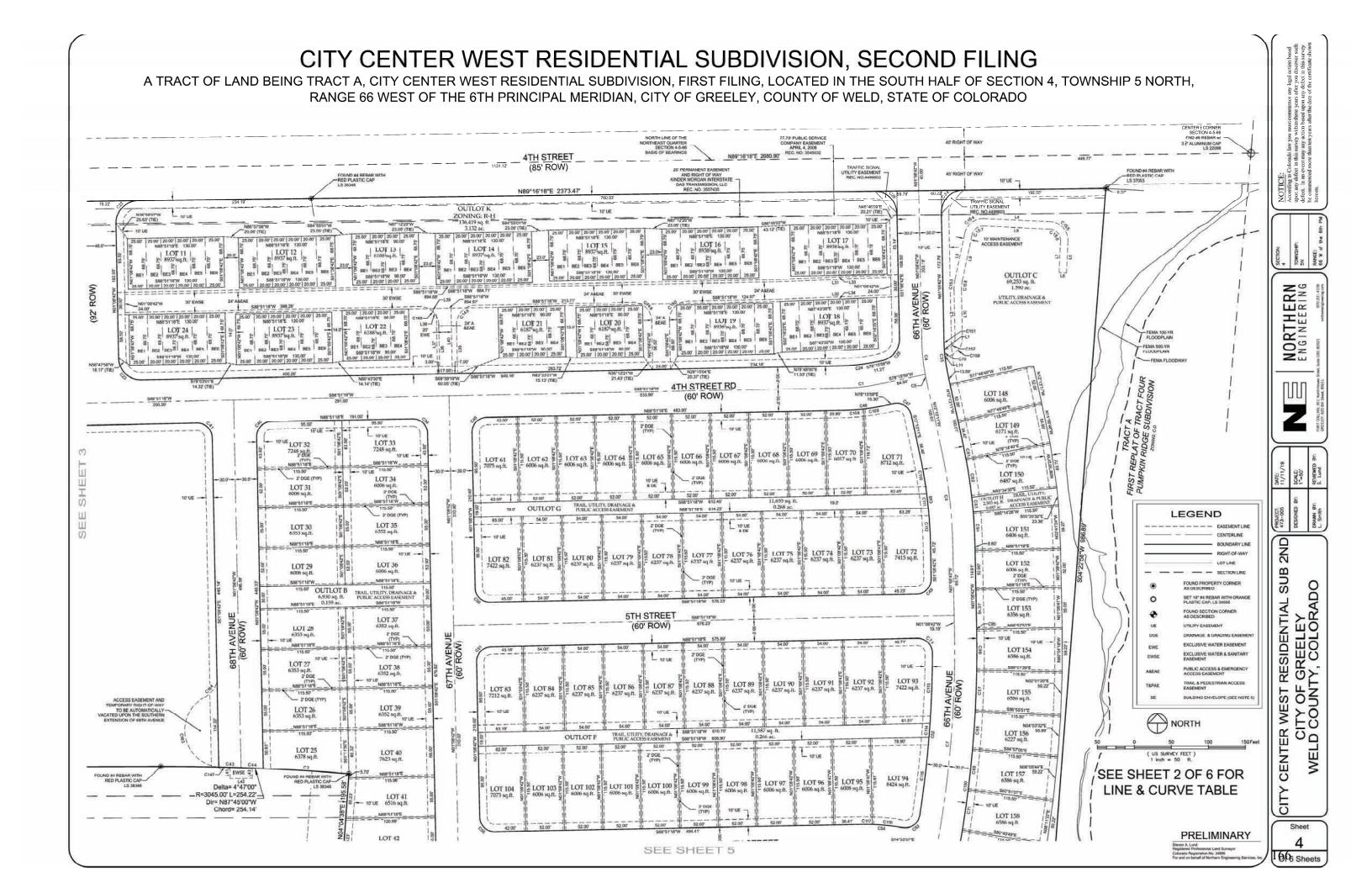
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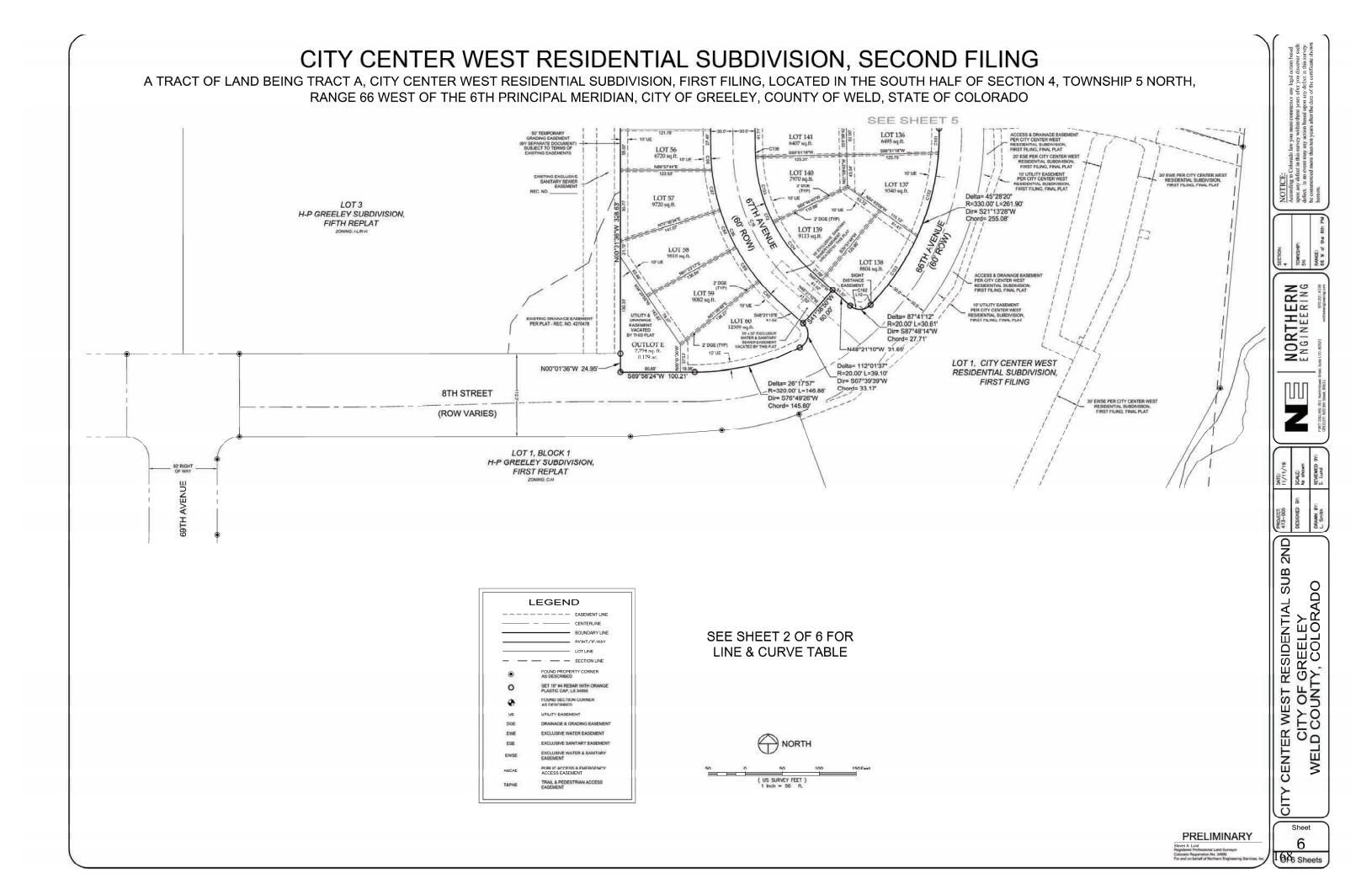


CITY CENTER WEST RESIDENTIAL SUBDIVISION, SECOND FILING

A TRACT OF LAND BEING TRACT A, CITY CENTER WEST RESIDENTIAL SUBDIVISION, FIRST FILING, LOCATED IN THE SOUTH HALF OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF GREELEY, COUNTY OF WELD, STATE OF COLORADO



5 6_f/₆ Sheets



CITY CENTER WEST - FILING TWO MULTI-FAMILY Supplemental Information

LOTS

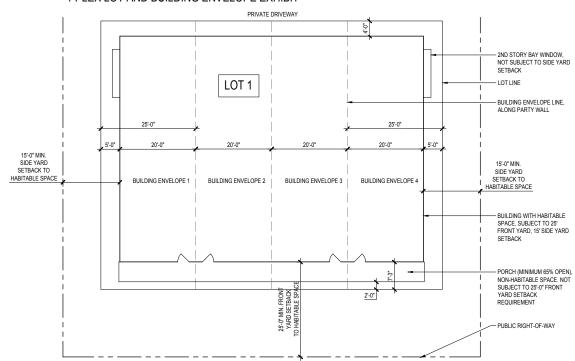
Multi-Family lots 2-25 of City Center West Filing Two

UNIT MIX

(17) 6-plex buildings: 102 units (7) 4-plex buildings: 28 units

Total units: 130

4-PLEX LOT AND BUILDING ENVELOPE EXHIBIT



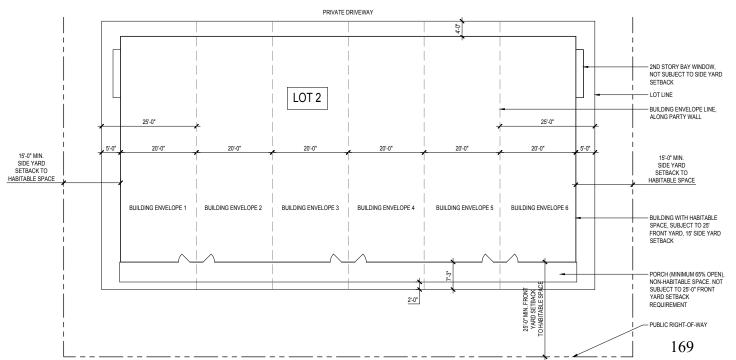
- NOTES:

 1. ARCHITECTURAL ELEMENTS MUST BE WITHIN THE LOT EXTENTS.

 2. EAVES SHALL BE ALLOWED TO
- ENCROACH WITHIN SETBACKS UP TO
- 3-0. The porches may encroach into setback area as long as a minimum of 65% of the porch is open.

 BAY OR CANTILEVERED WINDOWS MAY
- ENCROACH WITHIN SETBACKS AS LONG AS FOUNDATION DOES NOT EXTEND BELOW THEM AND FLOOR AREA IS NOT INCLUDED IN THESE AREAS. BENCHES/SEATING AREA WITHIN EXTENDING AREA IS PERMITTED.
- PERMITTED.
 MECHANICAL UNITS, METERS ETC MAY
 BE LOCATED WITHIN SETBACK AREAS
 BUT MUST BE WITHIN LOT.
 MINIMUM 10' BETWEEN MULTI-FAMILY
 LOTS.

6-PLEX LOT AND BUILDING ENVELOPE EXHIBIT



CITY CENTER WEST - FILING TWO MULTI-FAMILY Supplemental Information

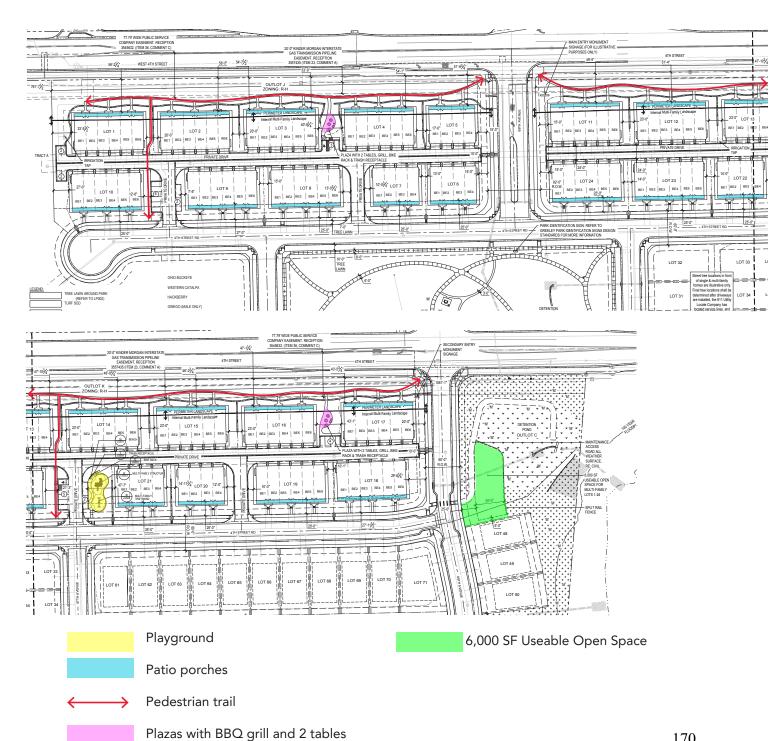
18.40.100: SITE AND BUILDING DESIGN STANDARDS

Required amenities:

130 units = 3 amenities

Provided amenities:

1,450 sf playground = 1 amenityIndividual patio porches = 1/2 amenity Pedestrian trails = 1/2 amenity Plazas with BBQ grill and 2 tables = 1 amenity Total amenities provided = 3



CITY CENTER WEST - FILING TWO MULTI-FAMILY Supplemental Information

18.42.050 OFF-STREET PARKING REQUIREMENTS

Required for multi-family:

Multi-family 2 spaces/(3 bedroom unit) 130 units \times 2 = 260 spaces

Provided for multi-family:

260 garage spaces

Required guest parking for multi-family:

1 space per 10 of total required

 $260 \times 0.10 = 26 \text{ spaces}$

Provided guest parking for multi-family:

26 surface parking spaces through multi-family area

18.42.060 PARKING FOR DISABLED

Required for 26-50 spaces:

1 accessible + 1 van accessible

Provided:

1 accessible on west side near gathering area and 1 van accessible on east side near playground area

18.42.070 BICYCLE PARKING

Required:

1/2 space per unit or 1/3 space per bedroom, whichever is greater

130 units x.5 = 65 spaces

-or-

130 units x 3 bedrooms = 390 bedrooms x 0.33 = 129 spaces

Provided:

Fixed bike parking at gathering areas and small playground = 15 spaces

Within garages = 130 spaces

Total bike parking provided = 145 spaces

18.44.070 GENERAL LANDSCAPE STANDARDS FOR ALL PROPERTIES

Required:

All yards not covered by approved building, driveway or walkway or permanent structure shall be landscaped.

Provided:

100% of all areas not listed are landscaped with live materials that are either shrub beds or turf.

USABLE OPEN SPACE

18.32.020 Definitions: 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, excluding setbacks adjacent to rights-of-way. The requirement for usable open space may be met by providing one (1) recreational amenity, not otherwise required, per one thousand (1,000) square feet of required usable open space, based on the following: f) Seventy-five percent (75%) of human-made detention/retention pond area shall be counted as usable open space. If a landscape plan to be installed by the developer is approved by the Community Development Director, one hundred percent (100%) credit shall be given for human-made detention/retention ponds. One hundred percent (100%) of natural pond area shall be counted as usable open space.

Multi-Family on Lots 2-25 will have a 6,000 sf turf area within Outlot C along 4th Street for their useable open space requirement. A crosswalk and ramp allow for access from residents coming along 4th Street Road. Residents traveling from the units facing north will utilize a trail system along the front of the units that connects to the 4th Street and 66th Avenue intersection and travels south to the turf area. Future multi-family on Lot 1 will provide the 6,000 sf useable opens space within that lot, this will be identified on the submitted site plan and it noted on the land use chart of the plat.

IRRIGATION