

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 36, 2021**

AN ORDINANCE AMENDING TITLE 24 OF THE GREELEY MUNICIPAL CODE RELATING TO THE DEVELOPMENT CODE BY DELETING THE CURRENT TITLE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 7 RELATING TO ACCESS AND PARKING, A NEW CHAPTER 8 RELATING TO LANDSCAPE STANDARDS, A NEW CHAPTER 9 RELATING TO SIGN STANDARDS, A NEW CHAPTER 10 RELATING TO SPECIAL DISTRICTS AND AREAS, A NEW CHAPTER 11 RELATING TO SUPPLEMENTAL STANDARDS, AND A NEW CHAPTER 12 RESERVED FOR METROPOLITAN DISTRICTS.

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to adopt zoning codes and development standards that continue to align with public values and Council priorities; and,

WHEREAS, amending the Development Code in this manner will update those elements of the Code relative to such court cases and provide for the public interest and further protect the health, safety and welfare of City residents; and,

WHEREAS, the Planning Commission conducted a public hearing to review and consider the proposed changes on June 8, 2021, and recommended their adoption by City Council.

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

Section 1. That the current Title 24 of the Greeley Municipal Code be and hereby is repealed.

Section 2. That the Greeley Municipal Code be amended by adding thereto a new Chapter 7 of Title 24 to read as shown in Appendix A.

Section 3. That the Greeley Municipal Code be amended by adding thereto a new Chapter 8 of Title 24 to read as shown in Appendix A.

Section 4. That the Greeley Municipal Code be amended by adding thereto a new Chapter 9 of Title 24 to read as shown in Appendix A.

Section 5. That the Greeley Municipal Code be amended by adding thereto a new Chapter 10 of Title 24 to read as shown in Appendix A.

Section 6. That the Greeley Municipal Code be amended by adding thereto a new Chapter 11 of Title 24 to read as shown in Appendix A.

Section 7. That the Greeley Municipal Code be amended by adding thereto a new Chapter 12 of Title 24 to read as shown in Appendix A.

Section 8. This ordinance shall become effective on October 1, 2021.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS 21ST DAY OF SEPTEMBER, 2021.



ATTEST:

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City Clerk

CITY OF GREELEY

A handwritten signature in cursive script, likely belonging to the Mayor.

Mayor

Appendix A

AN ORDINANCE AMENDING TITLE 24 OF THE GREELEY MUNICIPAL CODE RELATING TO DEVELOPMENT CODE BY DELETING THE CURRENT TITLE IN ITS ENTIRETY AND ADDING A NEW CHAPTER 7 RELATING TO GENERAL PROVISIONS AND CHAPTER 2 RELATING TO PROCEDURES.

Section 1. Title 24 of the Greeley Municipal Code is hereby repealed in its entirety.

Section 2. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 7 – Access & Parking in Title 24 to read as follows:

Chapter 7. Access & Parking

- 24-701 Intent & Applicability
- 24-702 Access & Circulation
- 24-703 Required Parking
- 24-704 Parking Design
- 24-705 Loading Areas
- 24-706 Recreational & Oversized Vehicles
- 24-707 Alternative Access & Parking Plan

24-701 Intent & Applicability

- a. **Intent.** The intent of the Access and Parking standards is to:
1. Emphasize the importance of site access for multiple modes of transportation.
 2. Preserve streetscape design and street functions by coordinating access along blocks and internal to blocks.
 3. Provide the optimal amount of vehicle parking for individual sites, recognizing that too much and too little parking each have negative impacts.
 4. Create access and parking standards appropriate to the context of the site, considering street designs and surrounding development patterns.
 5. Ensure appropriate site design features that mitigate the physical and aesthetic impact of parking on streetscapes and surrounding sites.
 6. Maximize opportunities for on-street parking, shared parking, or reduced parking rates where appropriate, and reduce the inefficiency from underutilized and redundant surface parking on adjacent sites.
 7. Promote parking designs that minimize runoff, incorporate low-impact design features, infiltrate stormwater into the ground, and reduce the heat island effect from large paved surfaces.

- b **Applicability.** Access and parking shall be shown on site plans, according to the application requirements in Chapter 2. Specifically the standards in this Chapter apply to:
1. All new development, buildings, or uses on a site.
 2. A change of use for an existing lot or building, or additions to existing buildings, that would require 25% or more additional required parking than the previous condition.
 3. Where additional parking is required for an existing lot or building, the parking design standards shall only apply to the newly constructed parking; except, when more than 50% of a parking area is reconstructed, all parking and access shall comply with this Section.
 4. When an existing parking area is resurfaced, the parking area shall comply with the dimension and accessible space requirements.
 5. The Director may otherwise determine the extent of parking requirements to account for any non-conforming situations specified in Section 24-105, Nonconformities, and to facilitate reuse of an existing site and building.

24-702 Access & Circulation

- a. **Vehicle Access.** Vehicle access shall be designed according to the following standards.
1. **Driveway Width and Location.** Driveways shall generally be located according to the Design Criteria and Construction Specifications Manual for Streets, Volume I. The subsections below provide specific and additional considerations to coordinate access with the streetscape and site design of a particular location.
 - a. Wherever feasible, adjacent lots with a similar land use shall use shared access to preserve the streetscape and eliminate conflicts with pedestrians and vehicles.
 - b. Direct access to an arterial street shall be permitted only when the subject property has no other reasonable access to the street system, after considering alternatives such as access from side streets, shared driveways, common frontage lanes, rear alleys, or internal access streets.
 - c. The frontage design standards on a particular lot or block in Sections 24-503.b and 24-603, Frontage Design may further restrict the width, location, or extent of driveways. Where driveway spacing standards for streets limit or prohibit access, shared driveways, common access lanes, or alleys internal to blocks shall be used.
 2. **Driveway Setbacks.** Driveways shall be set back from side or rear lot lines as stated in Table 24-7-1: Driveway Setbacks.

Table 24-7-1: Driveway Setbacks

Access	Minimum Setback from Side or Rear Lot Line	Setback from Street Side Lot Line
<i>Driveways for residential lots and buildings with < 13 units</i>	3'	10'
<i>Driveways for residential lots and buildings with 13 – 40 units</i>	5'	10'
<i>Driveways for non-residential access and residential lots and buildings with 41+ units</i>	10' if abutting residential uses or lessor zoning districts; otherwise 5'	20'
<i>Shared access</i>	0', with a portion of the access on each lot, subject to easements.	10'

3. **Internal Access Streets.** Any single project, lot or site greater than 5 acres, or lots where access is constrained by driveway standards, shall provide a system of internal access streets that establish access and circulation within the site. Internal access streets:
 - (a) Shall be laid out to organize the site into smaller internal blocks between 1 and 4 acres.
 - (b) Shall be designed to mimic public street cross-sections in Section 24-301, including sidewalks, landscape amenities, on-street parking, and travel lanes.
 - (c) May be treated as public streets for determining the proper location, orientation, and design of sites and buildings within the project.
 - (d) Shall include a maintenance plan with the associated land use application for the internal private facilities, or designated as common areas for all properties in the project .
 - (e) Trail, greenway, or pedestrian passages meeting the standards of section 24-302 may account for a portion of this internal circulation network, provided it connects buildings, open spaces, and internal streets with similar networks external to the site and presents a logical connection point for pedestrians and bicycles.



Figure 24-7-1: Internal access streets.

4. **General Access Design Standards.** All access shall meet any accepted Transportation Impact Study recommendations associated with the development and the following design standards.
 - (a) All vehicle stacking or queuing must be accommodated on-site and shall not interfere with street traffic.
 - (b) Provisions for circulation between adjacent parcels shall be provided by internal access streets, cross access easements, and other shared access provisions to protect the function, design, and character of public streets.
 - (c) Driveway spacing and design shall be located so that safe ingress and egress are provided, considering the function and the design speed of the street from which the access is provided, and minimizing potential conflicts of all modes of transportation, including pedestrians, bicycles and vehicles.
 - (d) Landscape, buildings, and other site elements at access points shall be designed to meet the sight distance requirements of Section 24-301.d.2, Sight Distances.
 - (e) Any access from a state highway shall only be permitted as authorized and approved by the Colorado Department of Transportation (CDOT). An applicant for any development project with access to a state highway should coordinate with CDOT prior to an application with the City.

b. Sidewalks.

1. **Generally.** Development sites shall include direct sidewalk connections and circulation at the same or greater frequency as provided for vehicles. Sidewalks shall connect public entrances of buildings and sites to the following, in the most direct manner possible:

- (a) Sidewalks in the public streetscape or along internal access streets.
- (b) Parking areas and any perimeter sidewalks, internal walkways or crosswalks associated with the parking areas.
- (c) Civic or open space, or other common areas designed for active use.
- (d) Transit stops, stations, or park and ride locations – existing or anticipated.
- (e) Where connections from sidewalks in the public streetscapes or internal access streets is not practical or is too remote, sites shall provide pedestrian connections to any of the above areas or amenities on adjacent sites. Connections directly to adjacent sites shall be made in any case where the connections by sidewalks on public streets or through access ways result in pedestrian routes greater than 300 feet.

2. **Sidewalk Width.** Internal sidewalks shall meet the requirements of Table 24-7-2: Internal Sidewalk Widths.

Table 24-7-2: Internal Sidewalk Widths	
Location	Minimum Width
<ul style="list-style-type: none"> ▪ Generally; OR ▪ Any residential property 	5'
<ul style="list-style-type: none"> ▪ Along the facade of a commercial or institutional building of 5,000 s.f. or less abutting a parking area; OR ▪ Along any internal access street 	6'
<ul style="list-style-type: none"> ▪ Along the facade of a commercial or institutional building of 5,001 s.f. to 19,999 s.f. abutting a parking area; OR ▪ A primary route between the street or parking area and the building entrance. 	8'
<ul style="list-style-type: none"> ▪ Along the facade of any commercial or institutional building of less than 20,000 square feet with a primary entrance, or similar building with significant public and pedestrian access. 	10'
<ul style="list-style-type: none"> ▪ Along the facade of a commercial or institutional building of 20,000 s.f. or more abutting a parking area or with a primary entrance. 	15'
<ul style="list-style-type: none"> ▪ Any access designed for both pedestrians and bicycles. 	12'
<ul style="list-style-type: none"> ▪ Along any parking area with vehicle overhangs; 	+ 2' to other required widths

3. **Pedestrian Amenities.** Sidewalks and internal pedestrian circulation shall be separated from moving vehicles with curbs, landscape buffers, curbside parking, or similar elements of the circulation and open space systems; except crosswalks or other similar limited segments, which may be distinguished by paint, brick, or colored or scored concrete and similar design features that signify pedestrian priority.

4. **Americans with Disabilities Act.** All internal sidewalks and other pedestrian areas shall meet all applicable Americans with Disabilities Act (ADA) standards and guidelines.

c. **Alternative Compliance.** Alternative compliance to the access and circulation standards in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and any of the following applicable additional criteria:

- 1. The standards, when applied to a particular project or street, will adversely impact the function of the transportation network in the vicinity of the site.
- 2. A specific access management study or plan for a portion of the City or street segment has altered the application of these standards.
- 3. The context of the project warrants a different access design when considering the functional class of the street, the streetscape design on the particular block, and existing and anticipated adjacent land uses.
- 4. The location of any paved surfaces may reduce or eliminate setbacks, provided the design adequately addresses potential drainage and screening issues relative to abutting property.

5. Alternatives shall be evaluated balancing the streetscape design objectives, traffic conditions of a particular street segment, and pedestrian needs, and may be approved if the intent of this Chapter is equally or better met by the alternative.

24-703 Required Parking

- a. **Vehicle Parking Rates.** Table 24-7-3: Required Parking provides minimum parking requirements, and general categories apply to all similar uses not specifically listed. Where a use is not similar to a general use in the table or could meet more than one category, the Director shall determine the appropriate classification based on industry guides and the most similar use in terms of scale, format, and operation. The following criteria shall be used in interpreting the table:

1. Employee rates shall consider the maximum number of employees likely to be on-site at one time.
2. Square footage rates shall consider leasable floor area or active area dedicated to the particular use. Where this number is not easily or readily determined, 85% of gross floor area may be used.
3. A seating or capacity rate shall consider the total number of seats based on industry standards for typical layouts of buildings or building codes, where actual seating is not yet known.
4. Where uses or sites have components of different uses (i.e. hotel with a restaurant), each component shall be calculated and apportioned under the most applicable rate.

Table 24-7-3: Required Parking	
Use Category / Specific Use	Minimum Parking Rate
Residential	
<i>Secondary Dwelling</i>	1 / per bedroom
<i>Dwellings (detached, manufactured)</i>	2 / unit
	Blocks without on-street parking may require guest parking within 250' of units.
<i>Dwellings (attached, multiple, or mixed)</i>	1.25 / unit (Studio / Efficiency)
	1.5 / unit (1 bedroom)
	1.75 / unit (2 bedroom)
	2 / unit (3 bedroom)
	3 / unit (4+ bedrooms) + 1 additional space per 10 required spaces for guest parking
<i>Senior Living (independent)</i>	Same as Dwellings (attached, multiple or mixed)
<i>Senior Living (assisted or nursing)</i>	1 / 4 beds + 2 per 3 employees
<i>Group Home (up to 8 units)</i>	Same as Dwellings (detached, manufactured) + 2 per 3 employees
<i>Group Home (more than 8 units)</i>	1 / 2 beds + 2 per 3 employees
Public / Civic	
<i>Assembly</i>	1 / 3 seats
<i>Public Safety / Services</i>	1 per employee + 1 per company vehicle
<i>Hospital</i>	1 / 2 beds + 2 per 3 employees
<i>Library</i>	1 / 300 s.f.
<i>Museum</i>	1 / 1,000 s.f.
<i>School</i>	2 / class (elementary or junior) + 1 per 10 students
	1 / 4 students + 1 / employee (senior or higher education)
	OR 1 / 4 seats of all auditorium or event space, whichever is greater
Commercial	
<i>Retail – Small (under 3K)</i>	1 / 500 s.f.
<i>Retail – General (3K +)</i>	1 / 250 s.f.

Table 24-7-3: Required Parking	
Use Category / Specific Use	Minimum Parking Rate
<i>Retail - Outdoor Display Area (generally)</i>	1 / 300 s.f
<i>Retail - Outdoor Display Area (large equipment)</i>	1 / 1,000 s.f
<i>Drive-through (restaurant)</i>	100' of stacking (5 cars) per service areas, but subject to use-specific performance criteria
<i>Drive-up services (service bays or non-food services)</i>	30' of stacking space (3 cars) per service area
<i>Lodging - B&B</i>	2 spaces + 1 / guest room
<i>Lodging - Hotel / Motel</i>	1 / guest room + 1 / 200 s.f. of restaurant
<i>Medical Care</i>	1 / 300 for all general office and service areas + 1 / 2 beds (admittance permitted)
<i>Office & Services</i>	1 / 300 s.f. generally 1 / 200 s.f. or 1 per patron station, whichever is greater, for any uses with frequent customer visits (i.e., salon, barber, etc.)
<i>Restaurant, general</i>	1 / 100 s.f.
<i>Restaurant - quick-serve, or bar or nightclub</i>	1 / 75 s.f
<i>Health and Fitness Center</i>	1 / 200 s.f.
<i>Recreation and Entertainment</i>	1 / 200 s.f. generally - indoor)
	1 / 500 s.f.(large-scale – indoor (i.e., skating ring, dance hall)
	1 / 4 seats for uses with fixed seating areas
	1 / 2 active patron station (i.e., 2 per lane bowling; 2 per hole golf course; etc.)
	1 / 100 s.f. for food and beverage service areas with seating
Industrial	
<i>Manufacturing</i>	1 / 400 s.f. (artisan/limited or light) 1 / 1,000 or 2 / 3 employees, whichever is greater (all others)
Agriculture	
<i>.All uses</i>	Use combination of residential, public/civic commercial and industrial rates based on type and general nature of agriculture activities.

- b. **Maximum Parking.** Non-residential uses shall not provide more than 125% of the minimum required vehicle parking without documented evidence of actual parking demand based on studies of similar uses in similar contexts. In addition, any parking permitted over 125% of the minimum shall require mitigating potential impacts of additional parking through one or more of the following strategies, based on the Directors discretion:
1. Utilize all eligible parking reductions permitted by Section 24-703.c, Parking Reductions.
 2. Provide shared parking for other uses on the block or adjacent blocks according to this Chapter.
 3. Utilize alternative surfaces designed to infiltrate stormwater, approved by the Director, and subject to installation, maintenance, and performance assurances.
 4. Provide additional landscape to screen parking with at least a 10% increase in the required parking landscape area and at least a 25% increase in the amount of landscape material required for the parking.
 6. Increase the lot open space required for the building and site in Section 24-503 or Section 24-603 by an amount equal to the area of parking that exceeds the 100% minimum parking requirement, and locate this open space to limit the impact and visibility of parking.
- c. **Parking Reductions.** The parking required by Table 24-7-3: Required Parking may be reduced depending on context and according to the following strategies. Reductions beyond those

provided in this subsection may only be approved according to an Alternative Parking and Access Plan in Section 7.06:

1. *GID Exempt.* No parking is required in the General Improvement (GID) overlay district, except that any residential uses shall meet the parking requirements for that building type, and the required spaces shall be located with 400 feet of the residential building. The Director may require parking for any non-residential use over 10,000 square feet provided the location, accessibility, and design of the parking is consistent with the overall planning and urban design objectives of the downtown area.
2. *Administrative Reduction.* The Director may reduce the required parking for any use that requires more than 10 spaces by up to 15% of the required spaces due to the nature of a particular use or any unique circumstances on the site.
3. *On-street Parking Credit.* All on-street parking within 300 feet of any lot frontage shall count towards the parking requirement at a rate of 0.25 spaces for every on-street space not on the lot boundary and 0.75 spaces for every space on the lot boundary.
4. *Bicycle Parking Credit.* All bicycle parking designed and located according to Section 24-703.d. may reduce the required vehicle parking at a rate of 1 space for every 4 bicycle parking spaces up to a maximum of 15% of the required vehicle parking spaces. To be eligible for this credit, the applicant must demonstrate that it is practical to expect significant bicycle access to the site based on the location and proximity to the city-wide bicycle transportation network, the design of the site, and the nature of the use and anticipated patrons.
5. *Public Parking Credit.* Any site within 1,320 feet of a public parking area may reduce the required vehicle parking at a rate of one space for every two parking spaces, except that if the public parking is part of a managed district, the district policies and management may establish a different allocation of spaces.
6. *Transit Credit.* The Director may reduce the parking requirement up to 25% for any development within 1,320 feet of a transit stop. In making a determination on the eligibility for and amount of the credit, the Director may consider the nature of the use, the likelihood that it generates transit trip origins and destinations, and the level of transit service at the stop.
7. *Shared Parking.* Required parking may be reduced for any site containing multiple uses or for adjacent sites with different uses according to Table 24-7-4: Shared Parking. Any shared parking arrangement shall require an agreement among all landowners participating in the agreement to ensure access, joint use, maintenance, and other operational issues. The agreement shall be recorded for each participating property with the office of the applicable county clerk and recorder. The agreement shall state that it cannot be changed or modified without the approval and signature of the Director. A shared agreement that differs from this table may also be approved based on a joint parking study for the sites and uses demonstrating adequate parking during peak hours for all parties to the agreement.

Table 24-7-4: Shared Parking

Use	Percentage of Required Parking by Time Period				
	Weekday		Weekend		All
	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6AM
Employment	100 %	10 %	5 %	5 %	5 %

Table 24-7-4: Shared Parking

Use	Percentage of Required Parking by Time Period				
	Weekday		Weekend		All
	6 AM to 5 PM	5 PM to 1 AM	6 AM to 5 PM	5 PM to 1 AM	1 AM to 6AM
Retail or Service	75 %	75 %	100 %	90 %	5 %
Restaurant	50 %	100 %	75 %	100 %	10 %
Entertainment & Recreation	30%	100 %	75 %	100 %	5 %
Place of Worship	5 %	25 %	100 %	50 %	5 %
School	100 %	10 %	10 %	10 %	5 %
Dwellings	25 %	75 %	50 %	75 %	90 %
Lodging	50 %	90 %	75 %	100 %	100 %

- d. **Bicycle Parking.** All non-residential or multifamily development shall provide bicycle parking spaces according to Table 24-7-5: Bicycle Parking.

Table 24-7-5: Bicycle Parking

Activity	Required Spaces
Primary or secondary school	10% of the student capacity + 3% of employees
Retail or office uses	10% of the required vehicle spaces.
Recreation and community facilities	15% of the required vehicle spaces
Other institutional, employment, industrial or entertainment uses	5% of the required vehicle spaces.
Multi-unit Residential Buildings	0.5 per 1 bedroom dwelling unit; 1.5 per dwelling unit with 2 or more bedrooms

Bicycle parking shall be designed according to the following standards:

1. A structure shall be securely anchored to the ground and usable for both U-locks and cable locks, support a bike at two points of contact to prevent damage to wheels or frames, and have 2 feet x 6 feet clearance for each bicycle.
2. Structures that serve another primary function but are designed to meet these standards may count toward this requirement.
3. Bicycle parking shall be located in a well-lit area with convenient and safe pedestrian access and be on pavement or all-weather, dust-free, stabilized surface.
4. Bicycle parking for non-residential uses shall be located within 100 feet of and visible from the primary entrance.
5. At least 50% of required bicycle parking for residential uses, employment uses, or other similar uses where bicycles are likely to be parked for longer than 4 hours, shall be located within the building or other all-weather and secure enclosure.
6. Short-term bicycle parking facilities may be located in the right-of-way subject to streetscape design plans and the Director's approval. Structures shall be designed for some other primary purpose meeting the streetscape standards or be designed with artistic or ornamentation enhancements compatible with the streetscape character at the specific location.

7. Alternative standards and specifications based on recognized industry guidance or best practices for bicycle parking may be approved by the Director through site plan review.
- e. **Accessible Parking.** Accessible vehicle parking spaces shall be provided in accordance with the applicable building codes and the Americans with Disabilities Act (ADA) standards and guidelines for quantity, design, and location.
 - f. **Alternative Compliance.** Alternative compliance to the required parking standards in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and as provided in Section 24-707, Alternative Access and Parking Plan.

24-704 Parking Design

- a. **Parking Landscape Design Objectives.** Landscape areas required by Table 24-7-6, Parking Lot Design, shall be arranged to achieve the following design objectives:
 1. All perimeter landscape and islands shall have the proper allocation of landscape materials required by Section 24-802, Landscape Design, and be arranged to provide shade, infiltrate runoff, soften large expanses of pavement, and screen parking from adjacent streets and property.
 2. In general, no parking or circulation area expanse shall be more than 200 feet in any direction without providing perimeter landscape, internal island, or parking block edge.
 3. Parking rows shall be no more than 15 contiguous spaces without landscape islands (end caps, center islands, or peninsulas), or no more than 3 double-loaded bays without perimeter landscape or a landscape median. This may be adjusted on a specific site plan that results in the same amount of islands and landscape on average for the entire parking lot.
 4. No landscape island shall be less than 8 feet in any dimension and no less than 160 square feet in area.
 5. Any perimeter or center landscape area that contains a sidewalk shall have at least 5 feet of landscape on each side of the sidewalk or 8 feet of landscape on one side in order to contribute to the parking landscape requirement.

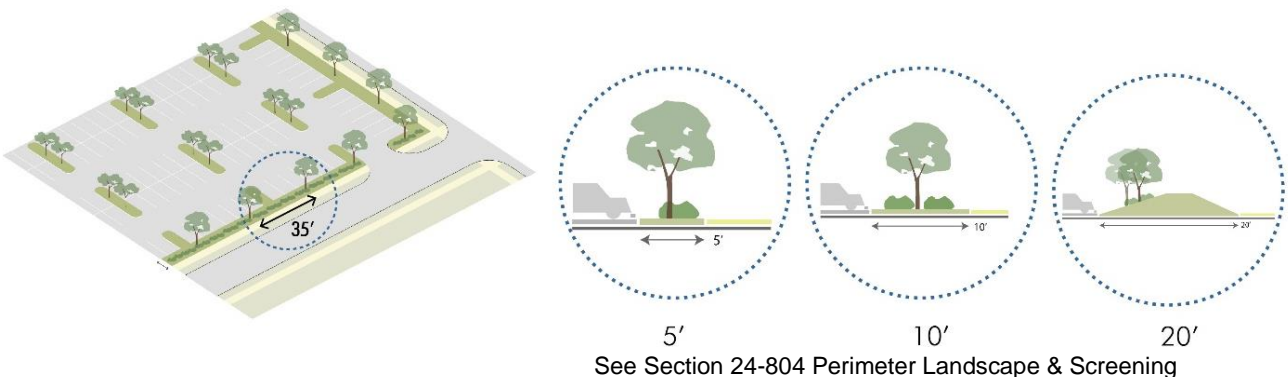


Figure 24-7-2: Parking lot screening.



Figure 24-7-3: Parking lot islands and perimeter landscape.

- b. **Location, Size and Landscape Area.** On-site parking shall be designed and located to mitigate adverse impacts on streetscapes and adjacent property. The design standards in Table 24-7-6: Parking Lot Design are based on the number of parking spaces per area and the location on the parking lot relative to the principal building (front, side, or rear).

Table 24-7-6: Parking Lot Design			
Spaces per Parking Block	Front [1]	Side	Rear
201 or more	Must be broken into parking blocks smaller than 126 spaces each. [2]	Must be broken into parking blocks smaller than 201 spaces each. [2]	10% internal landscape islands; AND 15' setback and perimeter landscape.
126 - 200		6% internal landscape; AND 15' setback and perimeter landscape.	6% internal landscape islands; AND 15' setback and perimeter landscape.
51 - 125	10% internal landscape island 10' perimeter landscape; AND 20' front setback	6% Internal Landscape Islands; AND 5' perimeter landscape.	6% internal landscape islands; AND 5' setback and perimeter landscape
15-50	6% internal landscape islands; AND 5' perimeter landscape; AND 10' front setback	5' setback and perimeter landscape	5' setback and perimeter landscape
Under 15	5' perimeter landscape; AND 5' front setback	5' setback and perimeter landscape	5' setback and perimeter landscape; 0' if abutting an alley

[1] Any surface parking lot in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less; parking in non-residential districts may be located at the setbacks specified in this table, according to the parking lot size.

[2] Where individual sites require or provide parking areas larger than the maximum size in this table, parking lots shall be broken into "parking blocks" meeting the size, location, and landscape requirements of this table. These "parking blocks" shall be arranged around perimeter landscape, landscape medians, and internal access streets that mimic public streetscapes.

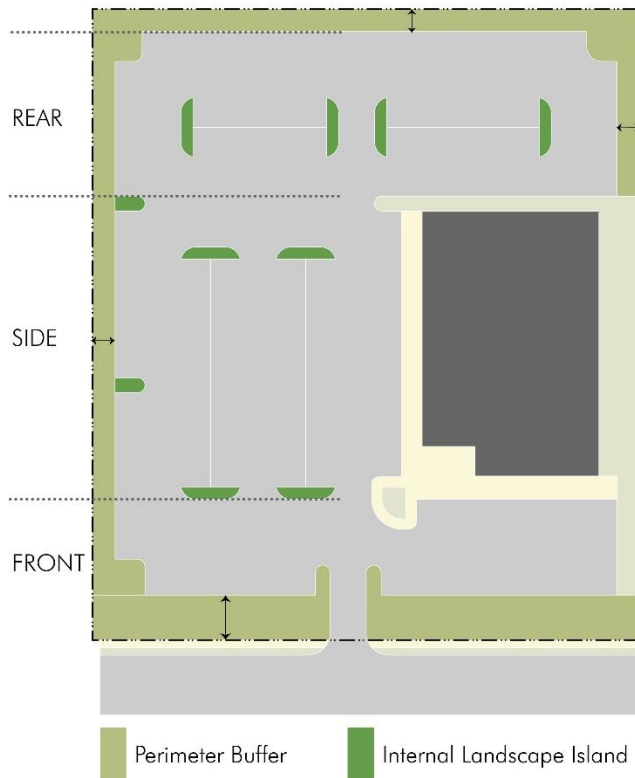


Figure 24-7-4: Parking lot design and location.

- c. **Sidewalks.** In meeting the standards of Sections 24-702.b and 24-704. b, a sidewalk connection shall be provided from the perimeter of the parking lot to the building entrance or building frontage. For parking areas over 200 spaces, a sidewalk connection shall be provided through the parking area and to the building frontage at least once every 300 linear feet of frontage. Sidewalks meeting this standard may be located along internal access streets, in perimeter landscape, or located in a center landscape median.
- d. **Footstep Access.** Landscape islands or other perimeter landscape areas adjacent to a parking stall shall have an additional 1-foot setback from the curb or parking surface to provide a footstep for pedestrian access from the vehicle.
 1. The footstep may be accomplished by a wider sidewalk, enlarged curb or striping on the parking surface in addition to the stall width and striping.
 2. If the footstep is inside the landscape island, it must be concrete or an acceptable all-weather compacted material that does not float or drain into the stormwater sewer system,

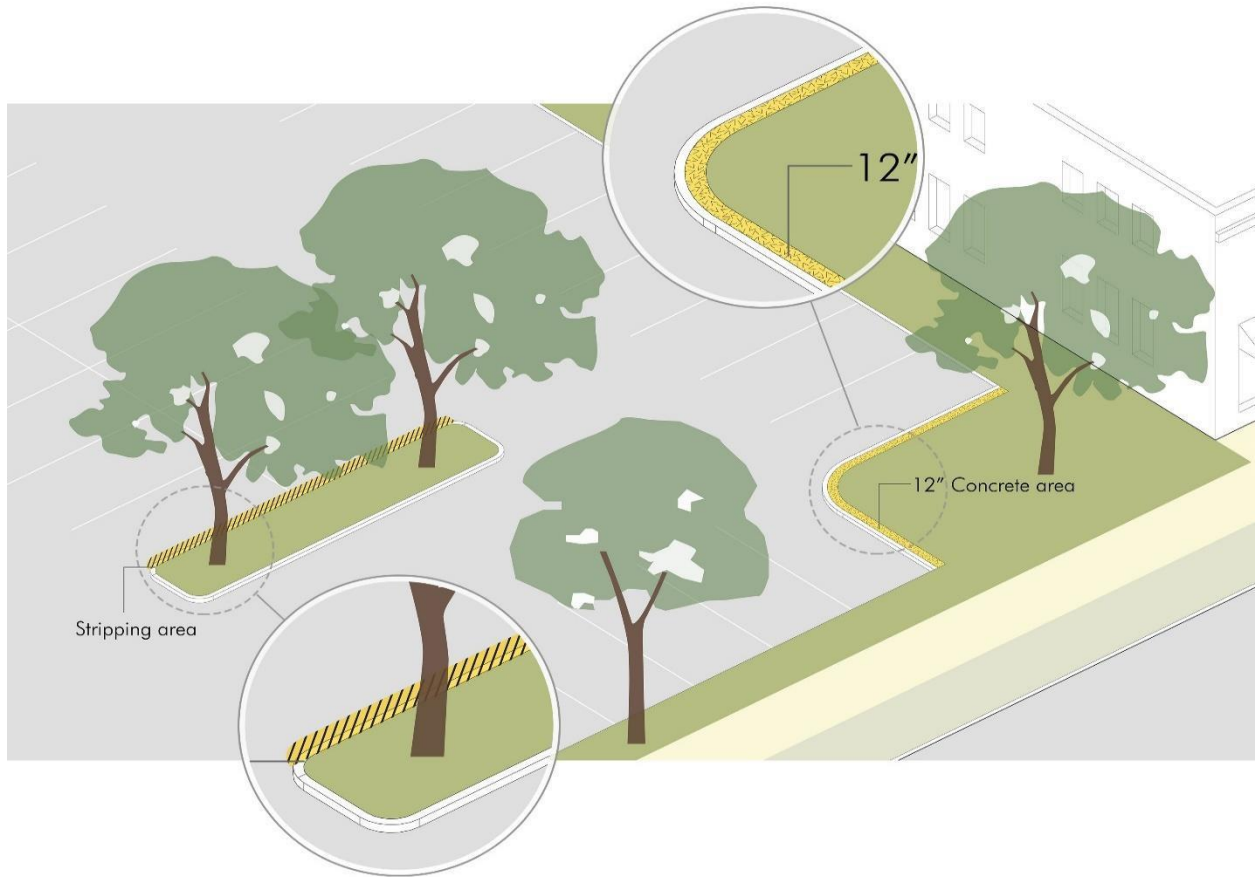


Figure 24-7-5: Landscape island footstep access.

- e. **Parking Dimensions.** Parking areas shall be designed to meet the dimension specifications in Table 24-7-7: Parking Dimensions.

Table 24-7-7: Parking Dimensions						
Parking Angle (A)	Width (B)	Depth to Curb (C) [1]	Curb Width (D)	Aisle Width – One-way (E)	Aisle Width – Two-way (E)	Bumper Overhang [2]
0°	8.0'	8.0'	22'	12'	20'	n/a
30°	8.5'	16'	17'	12'	20'	1.5'
45°	8.5'	19'	12'	14'	20'	1.5'
60°	9.0'	20'	10.5'	15'	24'	2.0'
90°	9.0'	18'	9.0'	20'	24'	2.0'

[1] Where angled parking is interlocked opposite other angled parking, each can use to the farthest corner of the stall for this dimension.

[2] Amount of Depth to Curb dimension that may overhang landscape area or sidewalk other wheel stop block. If overhanging sidewalk, this amount shall be added to the required minimum sidewalk width.

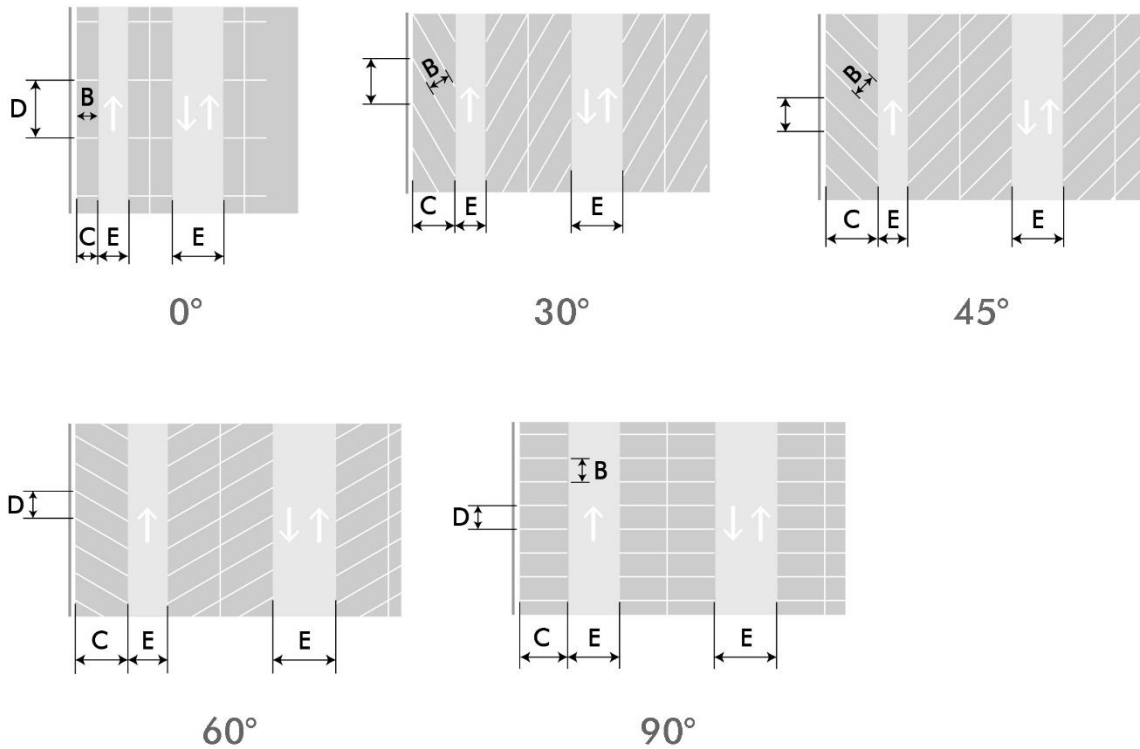


Figure 24-7-6: Parking dimensions.

f. General Design Standards.

1. A flatwork permit is required prior to the installation of any paving
2. All required parking shall be on-site except as specifically provided in this Chapter for credits or shared parking sections or as approved through alternative compliance.
3. No parking space shall be located where it backs into a street or internal access street except:
 - (a) Residential parking in driveways, permitted for detached houses, multi-unit houses, row houses, or small apartments for up to 10 parking spaces.
 - (b) On-street parking on streets or internal access streets designed according to the standards in Section 24-301.
4. All required parking areas shall be used solely for parking of vehicles in operating condition for patrons, occupants, or employees of the use unless specifically authorized otherwise by provisions in this code.
5. All parking and access areas shall be designed to adequately address drainage and runoff, including curb, gutters, and inlets, or any other drainage strategy approved by the Director to support best management practices to minimize runoff and encourage infiltration of stormwater.
6. All off-street parking areas and driveways shall be graded and paved with asphalt or concrete, meeting City's Design Criteria and Construction Specifications.
7. All off-street parking spaces in parking lots shall be outlined with painted stripes or other similar markings on the surface. All non-parking spaces, such as loading zones, emergency lanes, drive-through lanes, or spaces in front of doorways and entrances shall be clearly differentiated from parking.

- g. Alternative Compliance.** Alternative compliance to the parking design standards in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and the following additional criteria:

1. Properties that include large monumentation, artwork, architectural hardscape, or other similar civic spaces, and that locate them in a manner that reduces the impact or perceived extent of surface parking, may request alternate parking location and dimensions.
2. Parking lots designed with bio-retention strategies that cleanse and infiltrate parking lot runoff may request alternate design and construction standards that better address parking lot runoff, subject to installation, maintenance and performance assurances.
3. Alternative all-weather surfaces for parking or storage areas may be approved on residential property located in a rear yard or interior side yard behind the principal building.
4. Dimensions for compact vehicle parking spaces may be reduced to 8 feet by 16 feet for up to 25% of the total parking spaces on lots over 10 spaces, provided signs and a plan for management of the spaces are provided. Additional reductions may be made through an Alternative Access & Parking Plan in Section 24-707.
5. All or a portion of required parking may be off-site subject to the following specific considerations:
 - (a) The parking area is within 500 feet of the subject site for non-residential and 250 feet for residential, measured along pedestrian connection routes;
 - (b) It is in the same or comparable zoning district;
 - (c) The presence of the off-site lot does not negatively impact potential development on that lot or any lot in the vicinity;
 - (d) There are no pedestrian barriers or other access constraints between the lot and the use;
 - (e) An agreement shall demonstrate rights and control of the off-site property, coordinated with the duration of the use, or a comparable contingency plan is reasonably available if the agreement is terminated. The City may require recording of the agreement or some other mechanism to enforce parking if there is default or termination of the agreement.

24-705 Loading Areas

- a. **Loading Requirements.** In mixed-use, commercial, or industrial districts, off-street loading shall be required as indicated in Table 24-7-8: Loading Areas.
 1. The number and size of spaces may be revised based on the operating characteristics of the particular use and determined through site plan review.
 2. Loading areas shall be located on a remote portion of the building and site or internal to the block and buffered by other buildings wherever possible.
 3. Loading areas and activities shall not interfere with the use of walkways, drive aisles, stacking areas, internal access streets, or public streets.
 4. Loading shall be screened from public streets or adjacent residential areas in a manner that best limits visibility and mitigates noise, according to the buffer types and design standards in Section 24-803.

Table 24-7-8: Loading Areas

Gross Floor Area	Required Loading Area and Size
<i>Under 3,000 s.f</i>	N/A, or may be shared per 7.05.B
<i>3,000 – 10,000 s.f</i>	1 space; 10' x 25'
<i>10,001 – 25,000 s.f</i>	2 spaces; 10' x 25'
<i>25,001 – 40,000 s.f.</i>	2 spaces; at least one of which is increased to 10' x 50'

Table 24-7-8: Loading Areas

<i>Gross Floor Area</i>	<i>Required Loading Area and Size</i>
40,001 or more s.f.	3 spaces, plus 1 for every 50,000 s.f. over 100,000; at least every third space shall be increased to 10' x 50'

- B. **Mixed Use Buildings or Districts.** In any area, project, or zoning district designed to promote pedestrian activity or for buildings and sites where more compact building and site design is required, alternate loading standards shall be permitted by the Director. Alternate loading standards may include sharing loading spaces among multiple smaller tenants, using side streets, using on-street parking, or using alleys – particularly where there is sufficient spaces during off hours for loading or deliveries per Table 24-7-9, or other similar strategies that avoid designing sites for large vehicle access.

24-706 Recreational & Oversized Vehicles

- a. **Recreational Vehicle & Equipment Storage.** Recreational vehicles and equipment shall be prohibited from being located in any setback of residential property, except as specified below:
1. *Location.* Recreational and oversized vehicles and equipment may be located in the following areas:
 - (a) Rear yards and at least 5 feet from the rear lot line;
 - (b) Interior side yards if behind the front building line; or
 - (c) Street side yards, if at least 10' from the lot line, and provided the side yard does not abut the front yard of an adjacent lot.
 - (d) In no case shall they be stored closer than 3 feet to a structure or over any window wells.
 2. *Quantity.* No more than one recreational vehicle or major recreational equipment shall be stored per lot. Recreational vehicles are defined in Section 24-5, and major recreational equipment includes boats over 18' and utility trailers greater than 5 feet by 8 feet. There is no limit on the quantity of minor recreational equipment that can be stored, such as canoes, snowmobiles, jet skis, ATVs, small and low-profile recreational equipment
 3. *Surfaces.* Storage surfaces shall be paved, or a gravel surface surround be a constructed collar of concrete, pavers, or other solid form of edging at least 6 inches wide and sufficient to contain the gravel fully. Gravel shall be of a depth and density to fully cover the storage area and support the width of the vehicle without ruts or displacement of the gravel. Access to the storage shall be an approved all-weather surface.
- b. **Limited Parking.**
1. *Loading, unloading, and repairs.* Recreational vehicles shall be permitted to park in front yard driveways if located at least three feet in back of the sidewalk, or the front property line where no sidewalk exists, for loading, unloading or emergency repairs for a maximum of 48 hours.
 2. *Guests.* Guests traveling in recreational vehicles shall be permitted to park their RV in front yard driveways for a maximum period of seven consecutive days if parking is:
 - (a) At least three feet back from the sidewalk, or the front property line where no sidewalk exists;
 - (b) No clear vision zone is adversely affected;

- (c) Parking shall be limited to one 7-day period per vehicle in 12 consecutive months. The Director may grant extensions for one additional week where unusual circumstances warrant. In no event shall an extension be granted more than one time in a 365-day period for a single property unless there is a change in ownership or occupancy of the property.
- 3. *Dwelling.* Recreational vehicles or equipment stored on a residential property shall not be used for temporary, accessory, or permanent living.
- c. **Registration and Licenses.** Recreational vehicles, trailers, or equipment shall be operable and be current on all registrations or licenses required by law, and be legally registered to or owned by the owner or tenant of the dwelling where it is stored.
- d. **Oversize Vehicles.** Work vehicles exceeding one-ton capacity, trailers exceeding 15 feet in length, tow trucks, taxicabs, limousines or vehicles not typically associated with a residential use shall not be parked at any time at single-family or two-family dwellings, except as follows:
 - 1. For deliveries made to the dwelling;
 - 2. For construction or maintenance work contracted to be done at the dwelling;
 - 3. As allowed associated with permitted home occupation standards and conditions; or
 - 4. When the occupant of the dwelling has obtained a minor variance from the community development department based upon the user of the vehicle being required to occasionally have the vehicle present overnight on the residential premises as part of limited, on-call work requirements that relate exclusively to a public utility (such as Xcel or Atmos) for emergency response or service.
 - 5. Refer to section 16-397 for additional information regarding the parking of oversized vehicles on public roadways and private land.

24-707 **Alternate Access & Parking Plan**

- a. **Site Plan.** The Director may approve an alternative access and parking plan that varies from the design standards or reduces the parking required by this Chapter by up 25%, in addition to all other eligible reductions. The application shall be in association with the Site Plan process in Section 24-207, and the Director shall consider the following:
1. The intensity and operating of the proposed use, as well as potential future uses on the site.
 2. Evidence of similar uses in similar contexts or other industry standard indicates a lesser number will be sufficient due any of the following:
 - (a) The format of the use;
 - (b) The likelihood that patrons or tenants have reduced car ownership or drive less;
 - (c) The availability and practicality of walking, bicycling or transit access supporting the use; or
 - (d) Other transportation demand management plans proposed by the applicant.
 3. The character of the surrounding area and adjacent land uses, and the availability and overall demand on alternative parking within 600 feet, including on-street parking.
 4. All potential negative impacts on adjacent property are mitigated by the plan, in terms of parking design, operation, and contingency plans.
 5. The reduction will equally or better meet the intent of this Chapter.
- b. **Use by Special Review.** The Planning Commission may approve alternative access and parking plans beyond what may be approved by the Director as a Use by Special Review according to the procedures in Section 24-206. The Planning Commission review shall be based on the same criteria in Section 24-707.a., and be supported by a specific study or industry standard.
- c. **Deferral of Required Spaces.** In either of the above cases, a portion of the required parking may be deferred through the site plan review if the initial occupancy of the premises will be adequately served by the lesser number of spaces and an approved final plan clearly indicates the location, pattern, and circulation of deferred parking. The deferred parking area shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading, or other purposes. The approval of the site plan shall specify a time, criteria, or occurrences where the Director may require construction of the necessary parking.

Reserved Sections 24-708 through 24-800

Section 3. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 8 of Title 24 to read as follows:

Chapter 8. Landscape Standards

- 24-801 Intent & Applicability
 - 24-802 Landscape Design
 - 24-803 Perimeter Landscape & Screening
 - 24-804 Plant Specifications
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24-801 Intent & Applicability

- a. **Intent.** The intent of the landscape standards is to:
1. Protect natural landscapes, Greeley's agriculture traditions, and "Tree City USA" designation to strengthen the City's identity as growth occurs.
 2. Improve City's image and build value with a well-designed public realm, coordinating landscape design for streetscapes, open spaces, civic places.
 3. Promote quality private investment that corresponds with investments in the public realm, and emphasize distinct areas throughout the City with natural landscape materials.
 4. Coordinate landscape and design amenities across multiple sites with special attention to the relationship of public and private frontages.
 5. Encourage site and landscape design that allows spaces to serve multiple aesthetic, screening, environmental, recreational, or social functions.
 6. Provide comfort, spatial definition, and visual interest to active spaces including streetscapes, walkways, civic spaces, parks, trails, or other similar outdoor gathering places.
 7. Conserve energy and limited resources through landscape design, and protect and integrate established natural amenities rather than plant or design new ones.
 8. Screen and mitigate the visual, noise, or other impacts of high-intensity areas of sites and buildings, or where the scale and pattern of development changes.
 9. Implement the City's Landscape Policy Plan for Water Efficiency, conserve water, and shift to water-conscious landscape design that is regionally appropriate and specific to the arid Front Range climate.
- b. **Applicability.** The standards of this section shall apply to all new development as follows:
1. *Minor Development.* Minor development shall meet the landscape standards to the extent of any work or improvement on the site, however, are not required to upgrade landscape areas or non-conformances where no work is being done. Minor development includes:
 - (a) Expansion by 5% to 25% of an existing multi-family or non-residential building footprint or associated impervious surface;
 - (b) Detached house or Multi-unit house projects involving 5 or fewer new buildings or occurring in association with a Minor Subdivision in Section 24-205.
 2. *Major Development.* Major development shall require full compliance with all standards of this Chapter for the entire site, any public streets and frontages, and any common areas. Major development includes:
 - (a) Any new non-residential or multi-family building;
 - (b) Expansion of more than 25% of any existing non-residential or multi-family building footprint or associated impervious surface
 - (c) Any detached house or multi-unit house project involving more than 5 new buildings, or occurring through a major subdivision in Section 24-203.

For major development, the intent is to bring the site into full compliance with these standards, except that the Director may prorate the requirements to the extent of new development on the site where full compliance is not possible or practical.
 3. *Exemptions.* These standards do not apply to rehabilitation or adaptive reuse projects in the General Improvement District (GID) and the Redevelopment District (RD). Projects that involve a complete redevelopment of the property shall comply.
 4. *Landscape Plan.* Construction or development of a site shall not be undertaken until a landscape plan has been approved by the Director.

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- (a) The landscape plan shall be designed in conjunction with the drainage plan for the subject property in such a manner as to maximize stormwater runoff absorption.
 - (b) Landscape plans shall be prepared and stamped by a Colorado registered landscape architect unless waived by the Community Development Director or Designee
 - (c) For phased development, a proportionate share of landscaping acceptable to the City, as outlined in an approved Subdivision Improvement Agreement, Development Agreement or Planned Unit Development (PUD) Plan, shall be installed and maintained with each phase based on the size of the proposed phase and shall be considered completed for the purposes of these regulations when such proportionate share of landscaping has been installed prior to issuance of a building permit.
5. *Inspection and Approval.* Installation of approved landscape plans shall occur in the following manner:
- (a) Minor development shall require an inspection by the City prior to a Certificate of occupancy. If not previously installed, all required on-lot and rights-of-way landscaping for detached houses and multi-unit houses shall be installed within one year of the issuance of the certificate of occupancy.
 - (b) Major development shall require a letter of substantial completion of the landscape plan, stamped by a landscape architect or certified irrigation auditor, and City inspection prior to Certificate of Occupancy, or as otherwise approved in the Subdivision Improvement Agreement, Development Agreement, or Planned Unit Development.
 - (c). If weather prevents the required landscaping from being installed, collateral in the form of a Financial Security Agreement, acceptable to the City, in the amount of one 125% of the cost of materials and installation is to be provided to the City and approved prior to issuance of the certificate of occupancy.

24-802 Landscape Design

- a. **Design Objectives.** Landscape plans shall meet the following design objectives:
 - 1. Frame important streets and emphasize gateways with street trees, landscape massing, and other vertical elements.
 - 2. Promote stormwater management and prevent erosion through natural landscape elements and site features that intercept precipitation, filter, infiltrate, store, and convey runoff.
 - 3. Encourage the use of bioretention facilities or other creative landscape and stormwater designs that use vegetation and natural processes to improve the quality of stormwater prior to discharge or infiltration into the ground.
 - 4. Create focal points, gathering places, and pathways that enhance the comfort, interest and movement of pedestrians.
 - 5. Improve resource and energy efficiency with landscape arrangements that consider wind blocks, strategic shading, heat gain, water usage, slope and drainage patterns, and other elements inherent to the site.
 - 6. Encourage the protection and preservation of healthy plants that can meet the current and future needs of the site through development.
 - b. **Planting Requirements.** The required plants shall be based on different elements of the site according to Table 24-8-1, Plant Requirements, subject to the applicability provisions of Section 24-801.b.1. and 2.
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Table 24-8-1: Plant Requirements

Site Element	Trees	Evergreen Trees	Shrubs
Streetscape: <i>The landscape area in the ROW or along the lot line immediately abutting the right of way.</i>	1 shade tree per 35' of lot frontage;	n/a	n/a
	Rights-of-way may with constrained planting areas may substitute 1 ornamental tree per 25' in place of the shade tree requirement.		
Frontage & Foundation. <i>The area between the building line and ROW along a street, including sides of corner lots, used to create transitions to the streetscape and to provide accents and soften larger expanses of buildings</i>	1 shade tree per residential lot or per 50' of non-residential or multi-family lot frontage, if buildings are setback more than 10'. (0' to 10' = no requirement)	Evergreen trees may be substituted for shade trees at a rate of 1 for 1 for up to 50% of the requirement.	4 shrubs per 25' of building foundation. 3 ornamental grasses or large perennials may be substituted for each shrub up to 50% of the requirement. Seasonal planting beds or pots associated with the streetscape and entrance may substitute for any building located closer than 10' to the front lot line.
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the Frontage & Foundation requirement. Ornamental trees may be substituted for shade trees at a rate of 1 for 1 if buildings are setback less than 25', or at a rate of 2 for one if buildings are setback 25' or more.		
Parking. <i>Areas on the exterior edge or interior of parking where plants are used to soften the appearance, mitigate heat gain, and infiltrate stormwater.</i>	1 shade tree per 5 parking spaces	Evergreen trees may be substituted for shade trees at a rate of 2 for 1, for up to 50% of the parking lot requirement.	4 shrubs per 25' of parking lot exterior edge. 8 shrubs per 25' for any exterior edge within 20' of the right-of-way or a sidewalk. 3 ornamental grasses or large perennials may be substituted for each shrub up to 50% of the requirement
	Ornamental trees may be substituted for shade trees at a rate of 2 for 1 for up to 50% of the requirement.		
Perimeter Treatment. <i>Areas of a site that require additional plants to create transitions or mitigate potential impacts on streetscape or adjacent property.</i>	See Section 24-802		
Civic and Open Spaces. <i>Areas of the site or area designed as part of a broader system of formal and natural open spaces.</i>	See Section 24-301		
Other. <i>All other unbuilt or unpaved areas of a site.</i>	All other unbuilt or unpaved areas of a site shall require ground cover, perennials, grasses, rock, mulch, or other natural and permeable surfaces. Up to 50% of any landscape area may consist of inorganic (non-living) decorative material such as river rock, colored pea gravel, boulders, pavers, or similar natural material, provided it is designed and arranged in a way that can infiltrate runoff through associated planting areas. Artificial turf is only acceptable as ground cover for areas not visible from public rights of way and streets, and may be subject to other engineering specifications subject to grading or drainage plans. Native grass or native grass seed shall be planted in detention and retention ponds and areas not highly trafficked by pedestrian activity.		

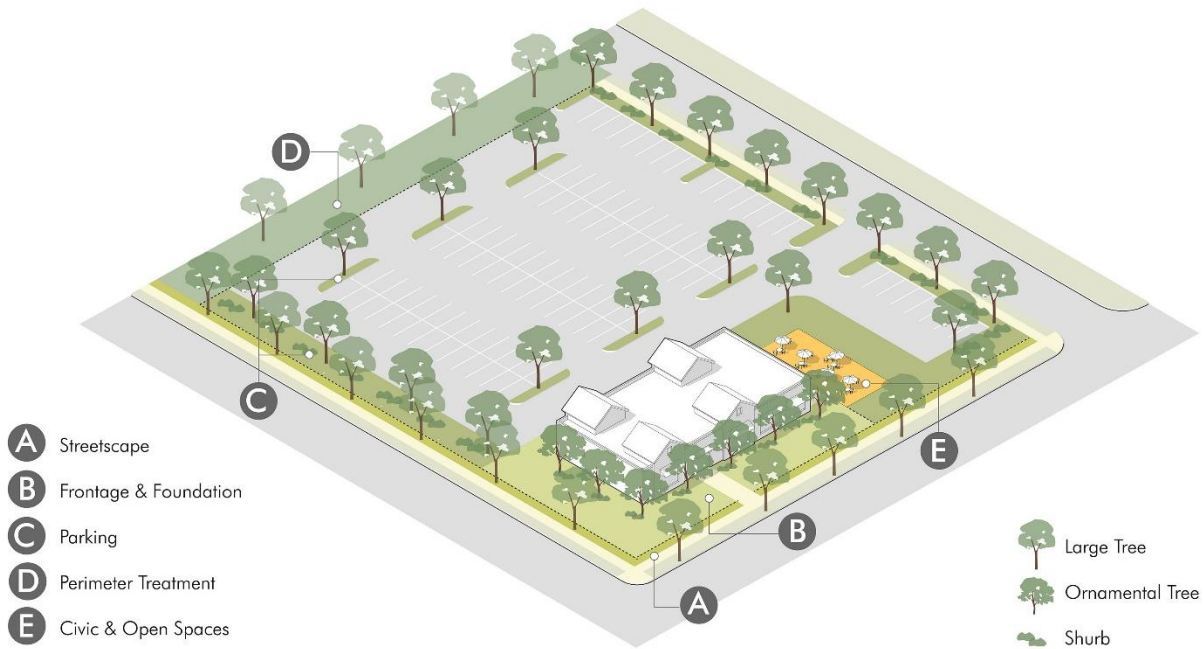


Figure 24-8-1 Plant requirements and site elements

- c. **Credits for Existing Vegetation.** Preservation of existing landscape material that is healthy and a desirable species may count towards these requirements, provided measures are taken to ensure the survival of the vegetation through construction, and all other location and design standards are met.
1. Landscape plans shall provide an inventory of all existing trees or significant woody vegetation including size, health, species, and any trees proposed to be removed.
 2. Existing landscape credits shall only count towards the portion of the site where it is located, according to the site elements in Table 24-8-1. For example, an existing tree may only count towards the required planting for parking lots if it remains in the parking lot in the final design.
 3. Credits shall be on a 1 for 1 basis provided existing trees shall be at least 3-inch caliper to count. The Director may approve landscape material that is more than 3 times the size specified for new plants on a 2 for 1 basis, or may approve plants of exceptional quality due to species, location, maturity, and health on a 3 for 1 basis.
 4. Trees or other existing landscape that contributes to the standard shall be identified on a landscape plan and protected by a construction fence installed for the entirety of construction around the Tree Protection Zone (TPZ). The TPZ shall be based on ANSI A300 Standards and Best Practices but be at least 15 feet from the trunk of any tree and to the extent of the drip line in all cases. Tree wells or retaining walls may be necessary to protect existing plants.
- d. **Design & Location.** The plants required by Table 24-8-1 shall be arranged and designed on a particular site in a way that best achieves the intent and design objectives of this Chapter, considering the specific context, street frontage, property adjacencies, and other elements proposed on the site. Required plantings shall be planted in the following specific locations and open spaces on the lot.
1. **Streetscape Trees.** Streetscape trees shall be located in line with other trees along the block to create a rhythm along the streetscape and enclosure of the tree canopy. In the

absence of a clearly established line along the block, trees may be planted in the following locations where applicable and in order of priority.

- (a) On center in the parkway where at least 6 feet of landscape area exists;
- (b) 5 to 10 feet from the back of curb where no sidewalk exists or 5 feet from the sidewalk where sidewalks are attached and no parkway exists; or
- (c) Within the first 5 feet of the front lot line where any constraints on the lot or in the right-of-way would prevent other preferred locations.
- (d) Ornamental trees may be substituted for street trees only in situations where no other alternative is available due to constraints of the site and right-of-way conditions.
- (e) Trees shall maintain a clearance of at least 8' above any sidewalk and at least 14 feet above any street or similar vehicle access way.
- (f) Shrubs or perennials planted in the parkway shall not exceed 36 inches, or 30 inches in any area impacted by the sight distance limits of Section 24-301.d.2.



Figure 24-8-2 Streetscape and parkway landscape

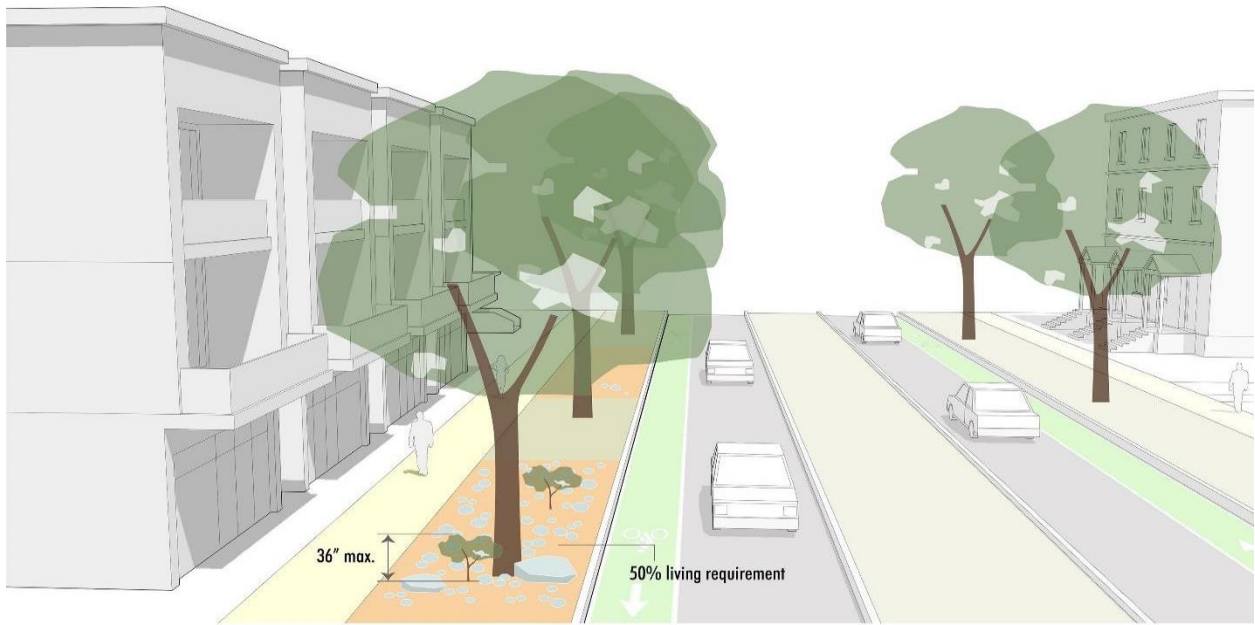


Figure 24-8-3 Streetscape – pedestrian frontages

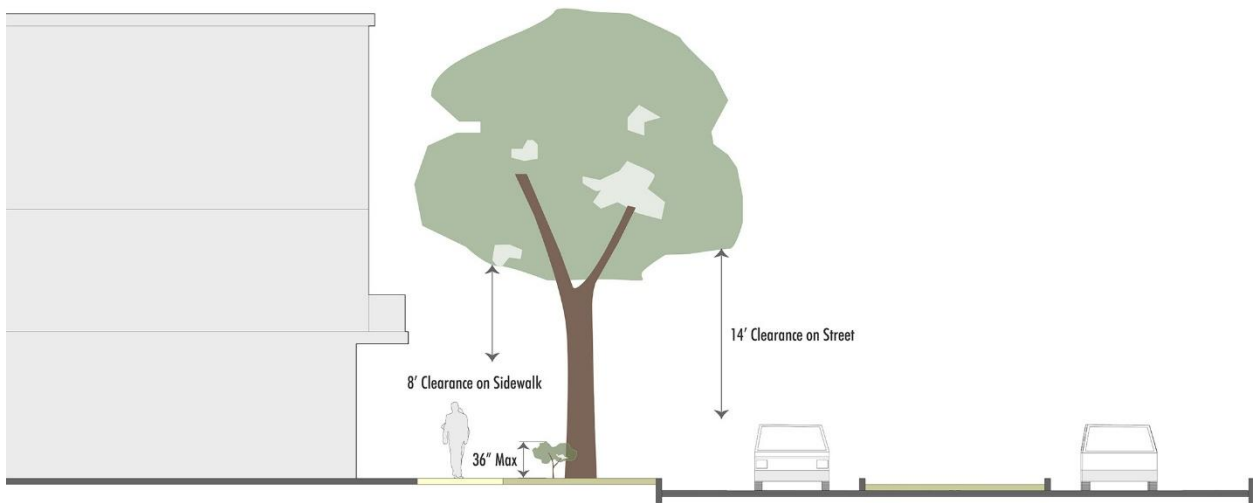


Figure 24-8-4 Tree clearance – pedestrian frontage



Figure 24-8-5 Streetscape – residential frontages

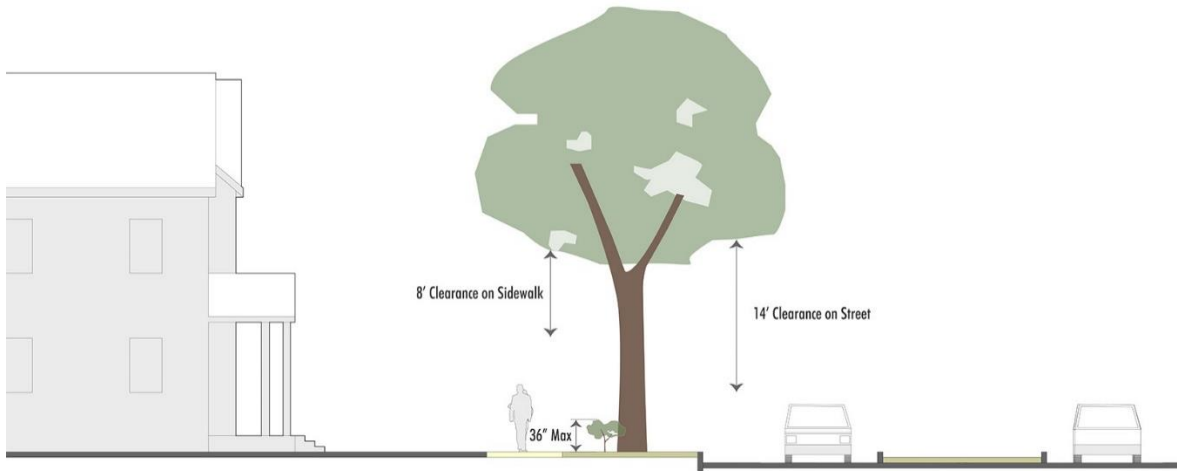


Figure 24-8-6 Tree clearance – residential frontage

2. **Frontage & Foundation Plantings.** Frontage and foundation plantings shall be located in open spaces between the building and the right-of-way or in planting beds associated with any hardscape design along the building frontage.
 - (a) Where the building setback require additional shade trees per Table 24-8-1, Plant Requirements, they shall be coordinated with the streetscape planting locations and located at least 20 feet from any streetscape tree.
 - (b) Shrubs and other plantings shall be located within 8 feet of the foundation, or abutting any sidewalk or hardscape areas along the foundation.
 - (c) Where planting beds are used within hardscape around a foundation, they should be at least 6 feet deep, at least 80 square feet, and concentrated along at least 50% of the building frontage.
 - (d) Use larger and vertical landscape elements to frame entrances, anchor the corners of buildings, or break-up and soften larger building expanses.

Ornamental and evergreen trees shall be located within 20 feet from the building to support this design objective.

3. *Parking Lot Landscape.* Parking lot landscape requirements shall be planted along the exterior edge and landscape islands planned and designed according to Section 24-704, Parking Lot Design.
 - (a) There shall be at least one shade tree per 35 feet of parking lot exterior edge, or one ornamental tree per 25 feet of exterior edge.
 - (b) There shall be at least one shade tree or two ornamental trees per 300 square of parking lot islands or other internal landscape areas.
 - (c) Shrubs shall be located to define parking lot edges, screen parking from adjacent sites, or create low barriers along sidewalks and streetscapes. The required shrubs may be reduced by 50% when used in combination with a decorative fence or wall between 30 and 42 inches tall that complements the architecture of the building or other hardscape features of the site.
 4. *Visibility at Intersections.* All landscape materials, screens, or buffers shall be located and designed to maintain proper line of sight at all intersections of streets, alleys, driveways, and internal access streets as provided in Section 24-301.d.2, Sight Distances.
 5. *Specific Applicability.* Where landscape standards for different conditions or elements of a site overlap, effective site and landscape design may enable the space and plants to count toward more than one requirement. Approval shall be based on the greater requirement applicable to that area, and subject to the Director determining that the intent and design objectives of this section are achieved.
 6. *Utility Line Clearance Zones.*
 - (a) Landscaping shall not obstruct or grow into fire hydrants, water meter pits, public traffic signs, sidewalks, or utility boxes except to comply with the requirement to screen mechanical equipment, pursuant to Section 24-803.d.
 - (b) No plant material with mature growth greater than 3 feet in height shall be planted within potable water, sanitary, or non-potable irrigation easements.
 - (c) No shrubs shall be planted within 5 feet or trees within 10 feet of potable and non-potable water meters, fire hydrants, sanitary sewer manholes, or potable water, sanitary sewer, and non-potable irrigation mains and services.
 - (d) Trees or shrubs may encroach into the utility clearance zone but shall never touch or bump into overhead phone or utility lines when the landscape material has fully matured. Shorter ornamental trees with a maximum height of 20 feet are typically acceptable but shall follow service provider guidelines.
 - (e) Placement of landscape materials that are determined to produce pollutants that may negatively affect the quality of stormwater runoff shall not be permitted near drainage, stormwater detention, or 100-year floodplain areas.
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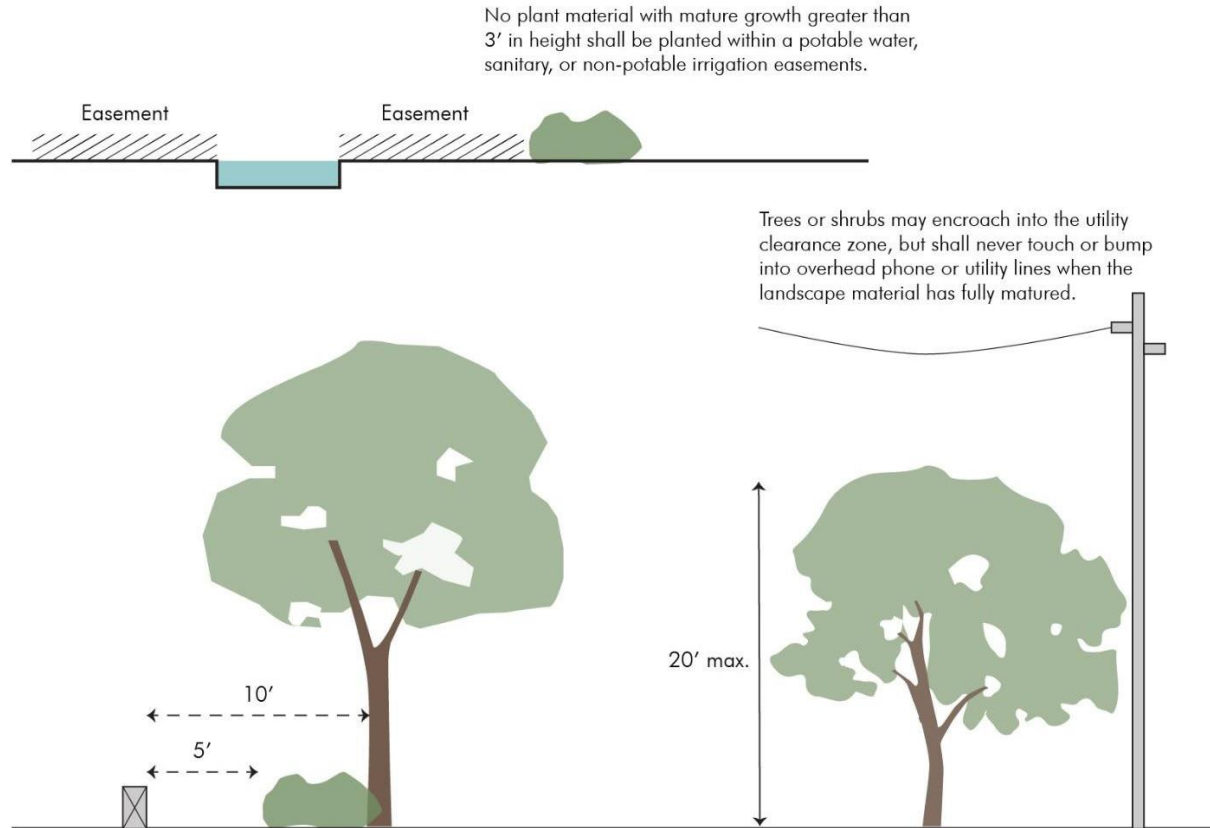


Figure 24-8-7 Utility line clearance zones

- e. **Alternative Compliance.** Alternative compliance to the landscape design standards in this section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and the following additional criteria:
1. Properties that include large monumentation, artwork, architectural hardscape, or other similar civic spaces, and that locate them in a manner that reduces the impact or perceived extent of surface parking, may request up to 25% reduction in parking lot or frontage and foundation landscape requirements.
 2. Parking lots that include bio-retention areas greater than 1,000 square feet, or that otherwise use design strategies that cleanse and infiltrate parking lot runoff may request up to 25% reduction in parking lot landscape requirements.

24-803 Perimeter Landscape & Screening

- a. **Design Objectives.** Intense land uses or site elements shall use perimeter landscape to transition or separate from streetscapes and adjacent property according to the following design objectives.
1. Areas of parking or circulation near streets or property lines require physical barriers or landscape transitions to reduce impacts of surface parking areas and provide low-level headlight screening.
 2. Areas that transition to different uses or building scale require landscape areas to soften transitions or screen and buffer potentially incompatible transitions with a combination of dense vegetation or fences and walls compatible with the buildings on the site.
 3. Service and utility areas of buildings and sites shall be screened with architectural features, fences, or landscape materials to limit visibility or noise from adjacent property or streetscapes.

4. Berms, vertical landscape elements, dense plantings, or other grade or spatial changes shall be used to alter views, subdue sound, mitigate lighting, and change the sense of proximity of high-intensity elements of a site or building in relation to adjacent property and public rights-of-way.
5. Create landscape clusters that soften long expanses of building walls, fences, surface parking, or other similar areas.
6. Address layers of screens, including shade trees (high layer – 30'+); evergreen or ornamental trees (mid-layer – 6' to 30'); and shrubs, annuals and perennials, and ground cover (low layer– under 6'), in a way that most directly mitigates the potential impacts and adjacencies.

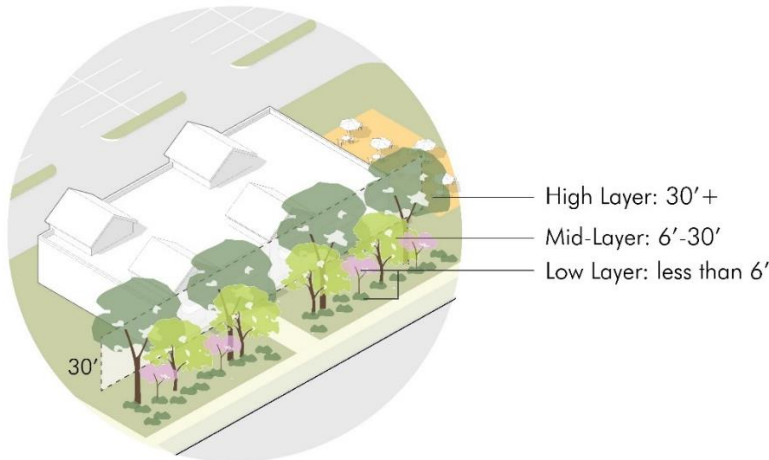


Figure 24-8-8 Planting layers

- b. **Perimeter Planting.** The planting requirements in Table 24-8-2: Perimeter Design shall be used to create transitions or to buffer and screen more intense uses or elements of a site, according to the design objectives of this section. The perimeter width exists independent of and may include any setback, parking edge or other open space requirements, and whichever width is greater and whichever planting requirement is greater for each type of plan will control.

Perimeter Type & Application:	Width	Plant Requirements (per 100 linear feet)		
		Trees	Evergreen	Shrubs
Type I - Applied where any parking is within 20' of the right of way or along a public sidewalk	5'	3	n/a	32
Type II - Applied to: Medium to Low, and High to Medium land use transitions Perimeter of residential projects along collector streets; or perimeter of commercial and industrial projects along collector or arterial streets	10'	2	n/a	16
Type III Applied to: Very High to High land use transitions Perimeter of residential projects on arterial streets; or perimeter of commercial or industrial projects along highways, expressways, or freeways	15'	2	2	16
Type IV - Applied to High to Low, and Very High to Medium land use transitions	20'	3	3	24

Table 24-8-2 Perimeter Design

Perimeter Type & Application:	Width	Plant Requirements (per 100 linear feet)		
		Trees	Evergreen	Shrubs
Type V - Applied to perimeter of residential projects along highways, expressways, or freeways	30'	3	3	36
Design Details & Alternatives:	Shrub amounts may be reduced by 50% along ROW where a property fronts on the street; or be designed according to the frontage standards in Section 24-503.c and 24-603.c All landscape requirements may be reduced by 25% if used in combinations with decorative walls and fences meeting applicable fence standards or with berms meeting 24-803.f.			

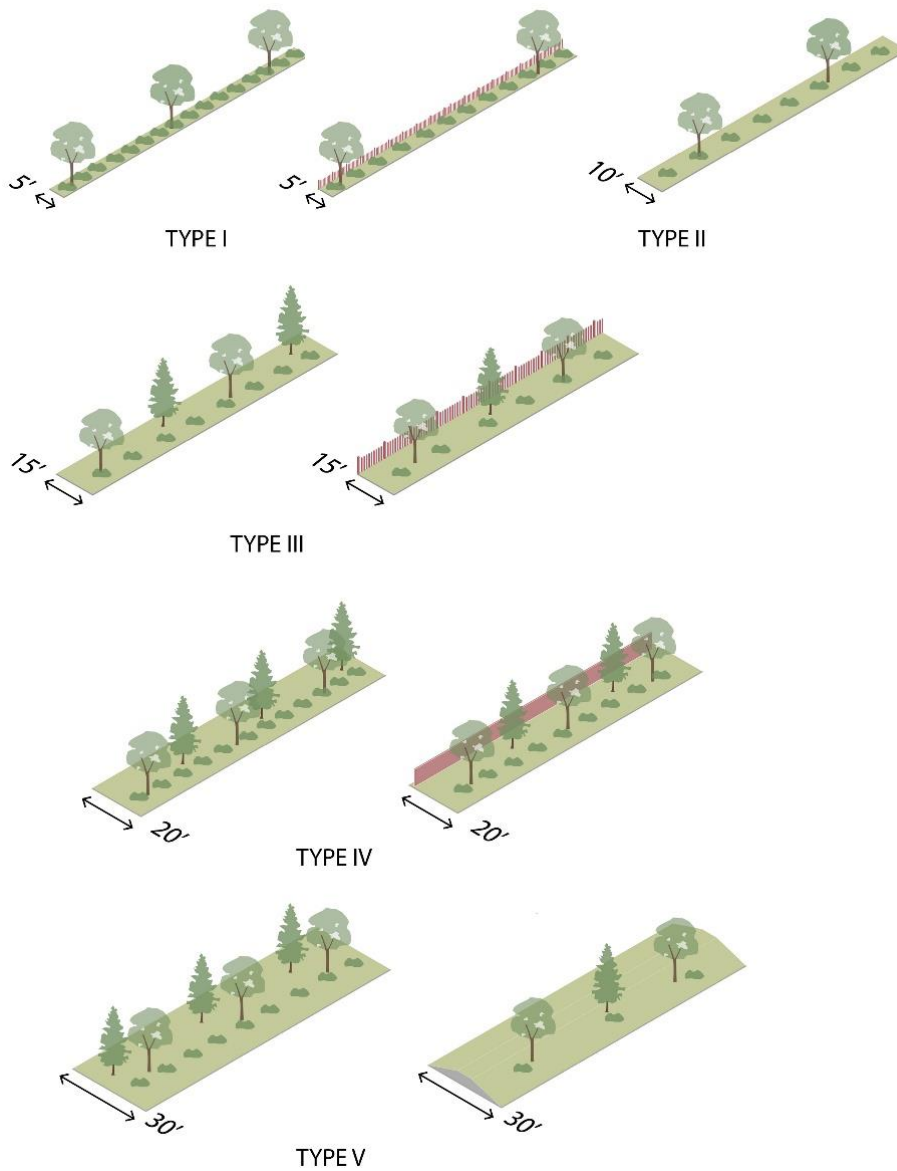


Figure 24-8-9 Perimeter design.

- c. **Perimeter Locations.** Perimeter landscape required in Table 24-8-2, Perimeter Design, and shall generally be located based on the land use intensity in Table 24-8-3, Perimeter

Application. Perimeter landscape shall be required on lots of the more intense level of development. However, perimeter landscape may be required on lots of lower intensity in association with the platting process when located near existing higher-intensity uses.

Table 24-8-3: Perimeter Application	
Intensity	Land Use
Low-intensity Use	<ul style="list-style-type: none"> <i>Residential:</i> detached house, multi-unit house, row house, and small-lot apartment building types <i>Institutions:</i> churches, schools, public facilities including recreation fields, community swimming pools and similar facilities. <i>Commercial:</i> offices, day-care, and similar non-retail services 2 stories or less
Medium-intensity Use	<ul style="list-style-type: none"> <i>Residential:</i> medium-lot apartment, large-lot apartment, or apartment complexes <i>Commercial:</i> neighborhood retail (under 3K s.f.), or office uses (3 stories or more); neighborhood service uses (non-drive-up service), or similar uses that typically do not operate between 10 PM and 7 AM
High Intensity Use	<ul style="list-style-type: none"> <i>Commercial:</i> general commercial uses that may be larger scale (over 3K), higher intensity (repair shops, gas stations, or drive-up services), or similar uses that typically operate beyond 10 PM. <i>Industrial:</i> light manufacturing and research facilities Any other commercial or industrial use under 3,000 square feet of gross floor area
Very High-intensity Use	<ul style="list-style-type: none"> <i>Commercial:</i> Commercial uses with outside sales or storage; outside commercial recreation; vehicle or heavy equipment sales and storage <i>Industrial:</i> heavy industrial and manufacturing uses Other commercial or industrial properties typically greater than 20,000 square feet gross floor area.
Oil & Gas	<ul style="list-style-type: none"> Reductions to perimeter landscape requirements for oil and gas sites located in non-urbanized areas may be approved by the Director on a case-by-case basis, considering the context of the site and long-term anticipated development patterns in the area.

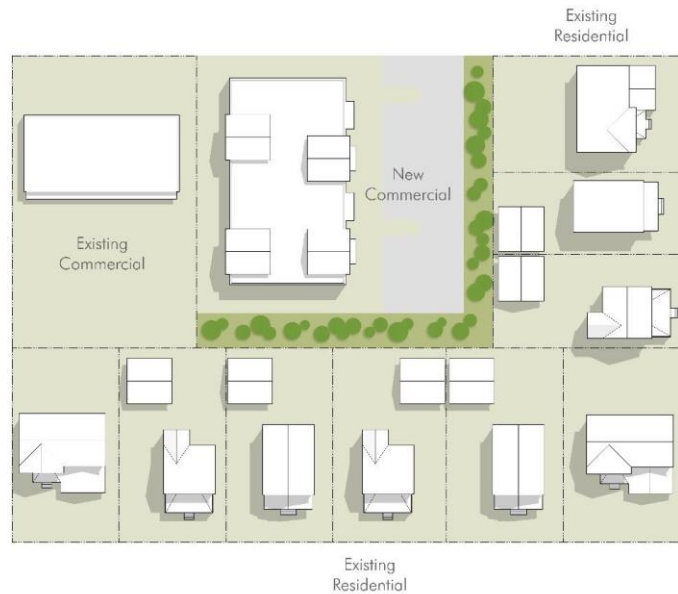


Figure 24-8-10 Perimeter treatment along differing land uses

d. **General Screening.** All of the following shall be screened from streets or adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.
2. Permanent or temporary outdoor storage areas.
3. Trash enclosures.
4. Utility stations or fixtures.
5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
6. Large blank walls visible from public streets, public or common areas or other sensitive boundaries in association with the buffer standards.
7. Non-residential parking lots, or multi-family parking lots over 10 spaces, adjacent to residential lots.

e. **Alternative Compliance.** Alternative compliance to the perimeter landscape standards in this Section may be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and the following additional criteria:

1. Projects with vegetative water quality ponds, bio-swales, or prominent native or xeric landscape designs that lead to better water resource management and improved water quality may request up to a 25% reduction in the landscape materials.
2. Projects that incorporate improved civic spaces and streetscapes beyond those required by the subdivision standards or development standards, and which provide active gathering places on the site with seating, public art, or other enhanced architectural hardscape and amenities, may request up to a 25% reduction in the perimeter landscape standards.
3. Projects that retain significant amounts of existing trees, plant or animal habitat, or other natural areas, and which result in improved aesthetic or environmental performance, may request up to a 25% reduction in the perimeter landscape standards.
4. Areas where a compatible mix and relationship of different land uses is better achieved through the enhanced design of buildings, streetscapes, and civic spaces, and where it results in a compact, walkable pattern may request a waiver of the perimeter standards.

24-804 Plant Specifications

- a. **Design Objectives.** The plant specifications have the following design objectives:
1. Ensure the longevity and survival of landscape investments with proper species, location, installation, and maintenance of plants.
 2. Promote regionally appropriate strategies, including limiting the risk of disease or infestation through diversity of urban forest materials on an area- or city-wide basis.
 3. Establish minimum standards that balance immediate conditions with reasonable long-term growth and performance of landscape plans.
 4. Require water-efficient strategies in terms of the water needs of landscape plans, and the continued operations and maintenance of sites.
- b. **Species.** All trees and shrubs shall be selected and planted according to Greeley’s official landscape manual. In addition to any species on these lists, alternatives may be proposed and approved as part of the site plan provided they:
1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;
 2. Are adaptable to the climate of the Front Range region and the specific conditions in which they are proposed; and
 3. Are not invasive or otherwise problematic to the overall health of the landscape.
- c. **Plant Specifications.** All landscape materials shall be healthy at the time of planting and be selected for their native characteristic or survival in the climate for the Front Range region. Species, specifications installation, and maintenance shall otherwise be according to American National Standards Institute (ANSI) standards. Plants shall meet the following specifications at planting:

Table 24-8-4: Plant Specifications

Type	Specification
<i>Tree (large, shade)</i>	2" DBH; mature height of 30'+
<i>Ornamental Tree</i>	1.5" DBH ; 8' to 10' minimum planting height for multi-stemmed; mature height 15' – 25'
<i>Evergreen Tree</i>	6' minimum planting height; Mature height of 10'+; Evergreens with mature heights of 20' or more may be classified as large trees.
<i>Shrub</i>	Volume #5 (ANSI Standards)
<i>Perennials</i>	Volume # 1 (ANSI Standards); Volume # 2 (ANSI Standard) if substitution for shrubs
<i>Ground Cover</i>	Areas designed for vegetative cover shall have 50% ground cover at the time of planting and full coverage within 2 growing seasons
<i>General</i>	Plants used for screening and buffers shall achieve the required opacity and function in its winter seasonal conditions within 2 years following planting.

- d. **Xeric Guidelines.** Projects that incorporate xeric planting design in streetscapes, outlots, and common open space areas, may request a raw water reduction subject to review and approval by the Water and Sewer Department. Landscape plans are recommended to conserve water with landscape materials and design techniques using the following xeric principles.
1. Reduce water demand by grouping plants with similar water requirements together. Water-efficient, drought-tolerant, pollinator gardens and xeric landscaping are encouraged to be planted together to promote water conservation
 2. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs, and use water-efficient or drought-tolerant grasses.

3. Use drought-tolerant plants suitable to the region, with low watering and pruning requirements.
 4. Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas should receive soil amendments of at least 3 cubic yards per 1,000 square feet.
 5. Install efficient automatic irrigation systems that incorporate water conservation measures, including spray heads for ground cover, drip irrigation for shrubs and trees, and high-efficiency or precision nozzles. Provide regular and attentive maintenance to ensure irrigation systems are functioning properly.
 6. Alternative sources of irrigation for all landscape areas is encouraged.
- e. **Installation and Maintenance.** All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods.
1. The developer, owners' association, property owner and/or tenant, shall be responsible for maintaining all on-lot plantings, right-of-way landscaping, or other landscaping in common areas.
 2. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details.
 3. Prior to the installation of turf-grass and/or other plant materials in areas that have been compacted or disturbed by construction activity, such areas shall follow soil amendment procedures pursuant to Title 14.08 and the Water and Sewer lawn installation specifications.
 4. Installed landscape material may be inspected periodically throughout the life of a development.
 5. Plant material that fails to grow within a 3-year period from the certificate of occupancy or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying is considered a violation of the site plan approval. The Director may order that the plants be removed and replaced, or otherwise enforce this as a violation of this code.
- f. **Berms.** Where earthen berms are used as part of the buffer or screen requirements, they shall meet the following specifications
1. Berms shall have a slope not exceeding a horizontal to vertical ratio of no less than 3:1 ratio to no greater than a 4:1 ratio for turf-grass mowing, and must have a crown width of at least 2 feet.
 2. All berms, regardless of size, shall be stabilized with grasses, especially at the crown.
 3. Berms proposed to be placed along street rights-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair the safe operation of vehicles.

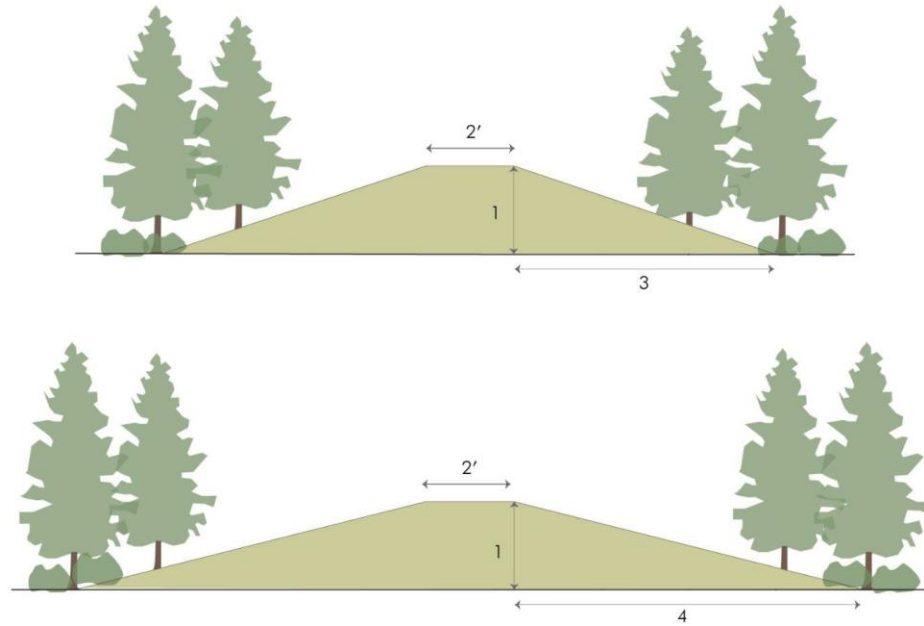


Figure 24-8-11 Earthen berms

- g. **Stormwater Treatment.** Landscape amenities that incorporate stormwater treatment are recommended. Techniques such as bioswales, water quality ponds, and rain gardens should be used to infiltrate runoff from parking lots, streets, civic spaces, and other impervious surfaces. Native grass or native grass seed shall be planted in detention and retention ponds and areas not highly trafficked by pedestrian activity. Landscape areas that are part of the stormwater system shall adhere to the Storm Drainage Design Criteria and Construction Specifications and the Urban Design Criteria Manual.



Figure 24-8-12 Bio-retention facilities

- h. **Irrigation Systems.** All major and minor development shall have an automatic irrigation system for all landscape areas, meeting the requirements of the Storm Drainage Design Criteria and Construction Specifications, and including the following:

1. Irrigation systems for major development shall require review and approval by the Water and Sewer Department.
 2. Irrigation systems shall be designed and maintained to minimize overspray and runoff onto adjacent impervious surfaces, such as roadways, sidewalks, and parking lots.
 3. Trees, shrubs, and plantings in bed areas, such as landscape islands, shall be designed to group plants with similar water requirements and be irrigated by drip, bubbler systems, low volume spray heads and/or subsurface irrigation systems.
 4. A temporary irrigation system is only allowed where native grass has been installed on an undeveloped lot or part of a developed lot, an outlot, or retention or detention pond., Plants shall be established within three to four growing seasons and shall comply with the re-vegetation standards as provided in the Storm Drainage Design Criteria and Construction Specification. After native grass is established, the temporary irrigation must be removed within three months after establishment is complete.
 5. An irrigation audit shall be required following the installation of the irrigation system.
 6. The Director may waive the requirement for irrigation systems for minor development or to facilitate infill development or redevelopment of existing sites without irrigation.
- i. **Alternative Compliance.** Alternative compliance to the plant specification standards in this Section may be authorized according to the process and criteria in Section 24-235, Alternative Compliance, and the following alternative criteria:
1. Projects with vegetative water quality ponds, bio-swales, or prominent native or xeric landscape designs that will lead to better water resource management and improved water quality may request equal or better alternates to the specifications in this section.
 2. Projects that include plantings with demonstrated superior survival rates in the Front Range climate, or which have reduced maintenance may request equal or better alternates to the specifications in this section.

Reserved Sections 24-805 through 24-900

Section 4. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 9 of Title 24 to read as follows:

Chapter 9 Sign Standards

- 24-901 Intent and Applicability
- 24-902 Exempt Signs
- 24-903 Prohibited Signs
- 24-904 Standards Applicable to All Signs
- 24-905 Specific Sign Allowances
- 24-906 Historic signs
- 24-907 Nonconforming Signs
- 24-908 Sign Measurements & Interpretation
- 24-909 Relief From Standards
- 24-910 Sign Chart

24-901 Intent & Applicability

- a. **Intent.** The intent of the sign standards is to:

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1. Create an attractive aesthetic environment in the City.
 2. Enhance the quality and civic design of the community through the visual priority of buildings, streetscapes, open spaces, landscapes, and other investments in the public realm.
 3. Ensure that signs preserve and contribute to the unique character of distinct places and districts.
 4. Promote compatibility and tailor sign allowances to the particular location, street, and site.
 5. Promote safety of pedestrians, motorists, or other users of the public rights-of-way with proper location, construction, design, operation, and maintenance of signs.
 6. Improve economic viability by assuring that the City is a visually pleasant place to visit, conduct business, and live.
 7. Provide effective identification and communication for businesses, public places, neighborhoods, institutions, and other community destinations without excessive competition for visual attention.
 8. Protect property values and investments by minimizing adverse effects of signs on adjacent property.
 9. Ensure that the constitutionally guaranteed right of free speech is protected through appropriate standards for signs as a way of public communication.
 10. Encourage lawful nonconforming signs to come into full compliance with these regulations.

b. **Applicability.** The provisions in this Chapter shall apply to all signs within the City.

1. *Permits.* All signs, including the replacement, repair, or major alteration of a sign, require a permit prior to installation unless specifically exempted by Section 24-902. Fees for sign permits are as established in Section 24-201.a. of the Development Code. Community Development Department staff shall review sign applications for consistency with this Chapter, and the Building Official shall be responsible for issuing sign permits.
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. Where a sign frame or structure has been approved as a changeable copy sign, subsequent changes of copy only shall not require a permit.
3. *Interpretation.* This Chapter is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of this Chapter 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 Chapter is ambiguous, the provision shall be interpreted not to regulate on the basis of the content of the message.
4. *Abandoned Signs.* Abandoned signs must be removed or covered upon determination of their abandonment. At the 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 90 consecutive days, the 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.

24-902 Exempt Signs

The following signs are exempt from the sign permit process provided the sign meets all other applicable requirements of this Chapter and any other applicable building and electrical code. Unless specifically noted, exempt signs do not count towards the sign allowance specified for applicable the zoning district.

Any sign beyond the limits of this section shall require a permit and be subject to other general sign limits and standards.

- a. **Required Signs.**
- b. **Temporary Signs.** Temporary signs associated with approved temporary uses under Section 24-1297, provided that the schedule for display and removal of the signs is set out in the temporary use permit:
- c. **Construction Site Sign.** Up to three site signs per street frontage are allowed as follows:
 - 1. Construction Site signs on H-A, C-D, and all residentially zoned properties shall not exceed 7 square feet of sign area per face and 5 feet in height. Properties greater than 2.5 acres are allowed up to one thirty-two-square-foot sign.
 - 2. Construction Site signs on nonresidential zoned properties with less than two hundred 200 feet of lot frontage shall not exceed 24 square feet of sign area per face and 8 feet in height;
 - 3. Construction Site signs on nonresidential zoned properties greater than two hundred 200 feet and less than 500 feet of frontage shall not exceed 32 square feet of sign area per face and 8 feet in height;
 - 4. Construction Site signs on nonresidential zoned properties with greater than five hundred 500 feet of frontage shall not exceed 64 square feet per sign face and 10 feet in height; and
 - 5. The sign may be displayed no more than 45 calendar days before and 45 calendar days after the completion of construction.
- d. **Cornerstone Sign.** A cornerstone may be up to a total of 4 square feet in size.
- e. **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 6 square feet in size per face, nor 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.
- f. **Yard and Site Signs.** Yard signs and site signs are allowed in all zoning districts and are subject to the following provisions:
 - 1. The total cumulative sign area allowed for yard signs is as follows:

Table 24-9-1: Yard and Site Signs					
Lot Size	Less than ¼ acre	Over ¼ acre to 1 acre	Over 1 acre to 3 acres	Over 3 acres to 5 acres	Over 5 acres
Sign Allowance (cumulative square feet)	64 square feet	128 square feet	192 square feet	224 square feet	256 square feet

- 2. No individual sign shall have a sign area that exceeds 32 square feet.
- 3. 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 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. If any yard sign exceeds 6 square feet, it is counted towards any applicable standards of Section 24-902.c.
- g. **Flag.** Flags are allowed which do not exceed a maximum size of 150 square feet in size per flag. A total of 300 square feet flag area is allowed per property.
 - 1. No part of any flag when fully extended shall protrude over any public right-of-way or property line in any direction.

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2. 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.
 3. The flag pole for any individual flag over 100 square feet must be set back at least equal to the flag pole height from the property line.
- h. **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 60 days prior to the holiday and no more than 30 days after the holiday. The 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.
- i. **Incidental Sign.** The combination of incidental signs shall not exceed 1.5 square feet in sign area per building entrance.
- j. **Interior Signs.** Signs within a building, or other signs Interior to a development and 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 sign calculations.
- k. **Portable Sign.** One portable sign is allowed per storefront if it can meet all of the following conditions:
1. Is located within 20 feet of the principal public entrance to the tenant or occupant that displays the sign;
 2. Is no larger than 6 square feet per face and no greater than 48 inches in height;
 3. Is located outside of clear vision zones in Section 24-301.d.2;
 4. Is in place only during hours of operation;
 5. 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;
 6. Two immediately adjacent tenants or occupants may share a single sign, not to exceed the standards listed above; and
 7. 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.
- l. **Public Sign.** Public signs may be of any type, number, 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.
- m. **Subdivision or Multifamily Entry Signs.** 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 20 square feet in sign area, including all sign faces, and not greater than 6 feet in height. Two residential complex identification signs are allowed per intersection.
- n. **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 that contains or displays signs is allowed when:
1. The sign does not extend more than 1 foot above the roofline of the vehicle;
 2. The vehicle is not illuminated or does not have flashing signs;
 3. The vehicle is licensed and operable; and
 4. The vehicle is in use or legally parked.
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- o. **Wind-Driven Devices.** The following devices, which are designed to move with wind or forced air, are allowed as follows, provided that signs are not affixed to the device:
 - 1. *Pennant.* A pennant flag may be a maximum of 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 residentially 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.
 - 2. *Ground Kite.* Ground kites are allowed only in commercial or industrial zoned properties as follows:
 - a. Ground kites shall be affixed to the ground and shall not exceed 2 feet wide and 8 feet tall.
 - b. One ground kite is allowed for every 25 feet of lot frontage.
 - 3. *Sky Dancer.* Sky dancer devices are allowed only in commercial and industrial zoned properties as follows:
 - a. Sky dancers shall be affixed to the ground and shall not exceed 2 feet wide and 8 feet tall.
 - b. One sky dancer is allowed for every 50 feet of lot frontage, with a maximum of three for each property.
 - 4. *Wind Signs.* Wind signs cannot be used in combination on a property, unless approved in advance with a temporary sign permit.

- p. **Window Sign.** A window sign is allowed but shall not exceed 25% of the glass surface of individual window panes visible from the public right-of-way.

24-903 Prohibited Signs

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 in Section 24-907.

- a. Exposed incandescent, high-intensity exposed light bulbs. The use of exposed light bulbs independently or as a sign or portion of a sign visible from any property line on which the sign is located is prohibited.
- b. Flashing, animated or imitating signs, including signs that have moving, blinking, chasing, scrolling, or other animation effects. 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:
 - 1. Time and temperature messaging, which changes its message instantly and does not change copy more frequently than every once every three seconds;
 - 2. Electronic message boards used by the City or other public agency to address a health, safety, or welfare matter; or
 - 3. Electronic message boards which do not change copy more frequently than every once every 30 seconds as otherwise permitted in this Chapter.
- c. Imitating sign. Regardless of any clear safety concerns are present.
- d. Off-premises signs, except as follows:
 - 1. Temporary real estate signs which are located on a common area outlot, approved by the property owners association; and

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2. When two or more adjacent landowners co-locate signs 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.
- e. 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.
 - f. Roof signs.
 - g. Right-of-way signs. Except as otherwise permitted elsewhere in this Chapter, 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.
 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 property owner.
 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 removing and storing of removed signs as may be assessed by the City shall be the sole responsibility of the owner of the sign.

24-904 Standards Applicable to All Signs

- a. **General Standards.**
 1. With the exception of real estate, election, ideological, and prohibited activities signs, signs shall not be permitted unless there is a primary structure on the parcel.
 2. All signs 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.
 3. No person may damage, destroy, trim or remove any trees or shrubs located within the public right-of-way for increasing visibility of a sign. The Director may authorize this work through an approved use by special review, site plan, or any other land use zoning permit.
 4. All signs 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 their surroundings.
 - b. **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 lettering or logo of a sign;
 4. Illumination of the sign face by down-lighting or ground-mounted light fixtures shall not exceed 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.
 - c. **Construction and Maintenance Standards.**
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1. All signs and sign 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.
2. All signs, including those exempt from sign permits, 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:
 - (a) 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 Section 24-803.d. General Screening.
 - (b) 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.
 - (c) There are no missing, flickering, or inoperative lights that create a perception of deterioration or abandonment of the sign.
3. Where repairs involve a nonconforming sign, the provisions of Section 24-907 shall also apply.
4. Any non-maintained sign shall be repaired or replaced within 15 calendar days following notification from the City. Noncompliance with such notice shall constitute a nuisance subject to enforcement actions.
5. Signs, their structures and supports, and related screening shall be constructed of materials normally and typically intended to be used for such items.

24-905 Permitted Sign Allowances

This section provides allowances and standards for specific types of permitted signs.

- a. **Awning Sign.**
 1. Awning signs greater than 25% of the exterior surface of the awning shall be permitted as and count to the wall sign allowance.
 2. The entire surface of the awning shall be considered the sign.
 3. The entire illuminated exterior area of an internally illuminated sign shall be included in the calculation of the sign area.
 4. Any portion of an awning sign projecting over the public right-of-way must obtain a right-of-way revocable sign permit.
- b. **Canopy Sign.**
 1. If the canopy is attached to a building, all or a portion of the available wall sign 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 sign allowance may be transferred to the canopy, subject to setback provisions and height.
- c. **Electronic Messaging Display (EMD).**
 1. EMD signs are allowed only in the C-L, C-H, I-L, I-M, I-H, and PUD zone districts, and for institutional uses in any district. EMD signs require a site plan review subject to the process and criteria in Section 24-207. An EMD sign in the C-L zone district or for institutional uses in any residential 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 50% of a sign face.
 3. The EMD shall contain static messages only, with changes only occurring instantly, through dissolve or fade transitions, or with the use of other subtle transitions and frame effects. No message, image, change, or transition shall have the appearance or optical illusion of movement, including any illumination, flashing, scintillating or varying of light intensity.
 4. The displayed message shall not change more frequently than once per 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 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 dimming method.
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 24-905.i.).

d. **Freestanding and Monument Signs.** Table 24-9-2 provides the allowance for permitted freestanding signs:

Table 24-9-2 Freestanding & Monument Sign Allowance		
	<i>R-H, C-L, and Institutional Uses in any Residential District</i>	<i>C-H, I-L, I-M, I-H</i>
Size	33 s.f. Plus 1 s.f. for each 1' setback over 50', up to a maximum of 150 s.f.	50 s.f. Plus 1 s.f. for each 1' setback over 50', up to maximum of 250 s.f.
Height	6'	12' plus 0.26' for each 1' setback over 50', up to a maximum of 25'
Quantity		
< 200' of frontage	1 freestanding sign in place of one allowed wall sign; OR Allocate a percentage of the wall sign allowance to a freestanding sign, provided the cumulative wall and freestanding sign size does not exceed the maximum allowed for either category.	
200' – 499' of frontage	1 free standing sign	
500' + of frontage	2 free standing signs	

1. Freestanding signs in the H-A, C-D, R-E, R-L, R-M, and R-MH are only allowed through Section 24-902, Exempt Signs.
2. All freestanding signs shall have a base covering at least 25% of the sign width, unless there is less than 2 feet clearance from the bottom of the sign.
3. Where two or more property owners share a common lot line, the property owners may combine the lot frontage for the purpose of sharing a freestanding sign on or near the common lot line.
4. If a lot has more than one street frontage, such as with corner lots, up to two cumulative lot frontages may be used to determine the maximum number of signs.
5. Noncontiguous lot frontage is calculated separately.

e. **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 8 feet clearance from grade and may not extend more than 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.

- f. **Wall Signs.** Table 24-9-3 provides the allowance for permitted wall signs:

Table 24-9-3: Permitted Wall Sign Allowance			
Zone District	Principal Building Frontage	Secondary Building Frontage	Maximum Area per Sign
<i>H-A, C-D, R-E, RMH, R-L and R-M</i>	N/A	N/A	N/A
<i>R-H</i>	.25 sq. ft.	N/A	40 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 150 s.f.
<i>C-L</i>	1 sq. ft.	.5 sq. ft.	
<i>C-H and I-L</i>	1.5 sq. ft.	1 sq. ft.	60 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 200 s.f.
<i>I-M and I-H</i>	2 sq. ft.	1 sq. ft.	90 s.f., plus 1 s.f. for each 1' setback over 50', up to maximum 250 s.f.

1. No wall sign may be attached to or displayed against any parapet wall that does not extend at least 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 an existing building as of the date of the adoption of the Code.
 2. No wall sign may extend above the roof-line of a building except as permitted on a parapet wall.
 3. 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.
 4. No sign, including any light-box or other structural part, shall exceed a depth of 20 inches.
- g. **Public and Institutional Uses.** Nonresidential institutional and public uses allowed in residential districts shall comply with the R-H zoning district sign standards. Public schools are encouraged to comply with the same standards as other public or institutional uses.
- h. **Planned Unit Development (PUD).** The provisions in this Chapter shall be used to guide signs within Planned Unit Development (PUD) requests. Proposed PUD development may include a specific and coordinated sign plan with standards that address size, height, design, lighting, color, materials, location and method of construction of all signs planned within the PUD. Absent a specific sign plan, the City shall apply sign standards closest to the zone district the PUD land uses represent. The City Council may impose alternate standards relating to signs if it is determined that there are commensurate design trade-offs proposed for signs through the procedures and criteria in Section 24-205.
- i. **Temporary Signs.**
1. Temporary signs shall be allowed per tenant in addition to the amount of permanent signs that is otherwise permitted. Except for signs exempt from permits in Section 24-902, temporary signs shall require a temporary sign permit according to the standards of this section.
 2. The total amount of temporary signs shall not exceed 33 square feet in all residential zones and C-L zones or 50 square feet in all other commercial and industrial zones.
 3. Temporary signs shall be allowed for any individual commercial or industrial use for no more than a total of 60 days in any calendar year.
 4. If more than one 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.
 5. Temporary signs associated with a temporary use under the provisions of Section 24-405, Temporary Uses shall be limited to the duration of the temporary use, not to exceed

more than 90 days in any calendar year. The temporary sign permit may be extended for up to an additional 30 days, provided the Community Development Director has granted an extension of the associated temporary use.

6. Any property that contains an outdoor electronic messaging display shall not be permitted to have an additional temporary sign allowance.
7. 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 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 objects shall exceed the height of the principal building on the site, shall not extend over the public right-of-way when fully extended, shall not impede pedestrian or vehicular traffic.
8. Searchlights or beacons shall be considered temporary signs, shall require a sign permit, and are allowed a maximum of three 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.

24-906 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 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 24-901.b.4. 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 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 a sign.

24-907 Nonconforming Signs

- a. A legal nonconforming sign or sign structure may continue to exist until one of the following conditions occurs:
 1. The sign has been abandoned and not reestablished for 90 consecutive days or longer.
 2. 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 9.04.C, 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,
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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 signs are 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 or more legal, nonconforming, freestanding signs on the same lot may be combined into one new legal nonconforming sign. In this event, the maximum size of this new sign shall be 125% of the maximum size specified in Section 24-905.d. for the particular location and type of sign. This provision shall be utilized only one time per property.
- d. The Director may approve alternative compliance nonconforming sign proposals one time per property as long as the proposed alternative reduces all elements of the sign nonconformance, by at least 50%. This one-time provision may be used to address all nonconforming signs on the site or for only one nonconforming sign type on the site.
- e. Temporary signs, window signs, and dilapidated signs shall not be considered legal nonconforming signs.

24-908 Sign Measurements & Interpretation

- a. **Sign Area.** The area of a sign is measured by determining the total sign face, which includes the backing and the frame of the sign.
 - 1. The area of a sign shall be measured utilizing a single, continuous rectilinear perimeter of not more than 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.
 - 2. A freestanding sign area and its support structure may be equal in size to one and one-half 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 of the combined area of the sign face and the base; and
 - (b) At least 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 of the distance from the ground to the top of the base; and
 - (c) Any portion of the base that contains a sign will be counted, with the exception of a numeral address that is clearly incidental to the sign.
 - 3. 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.

4. 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.
 5. 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 9.05.A.).
- b. **Sign Height.** 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; or

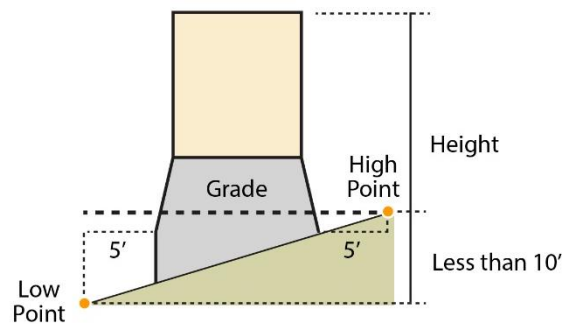


Figure 24-9-1: Sign height – grade change of 10 feet or less.

2. An elevation 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.

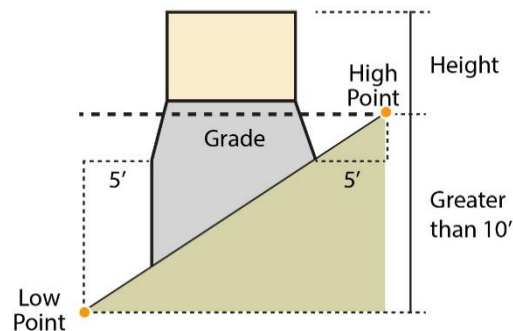


Figure 24-9-2: Sign height – grade change more than 10 feet

- c. **Orientation.** The principal orientation of any sign shall be determined by the Director in accordance with the intent and standards of this Chapter, street classification, and the following:
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.
- d. **Sign Setbacks.** Sign setbacks are 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)..)

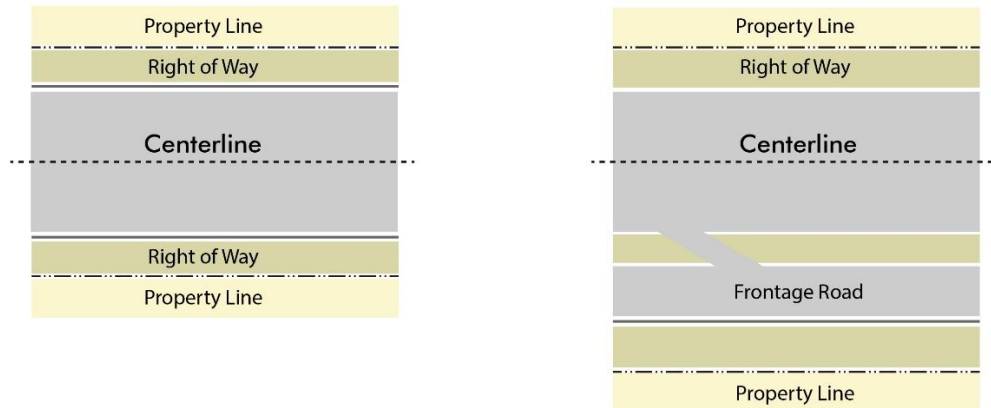


Figure 24-9-3: Sign setbacks from centerline.

24-909 Relief From Standards

- a. **Alternative Compliance.** Conditions may exist where strict compliance is impractical or impossible, or where maximum achievement of the intent of this Chapter can only be obtained through alternative compliance. Alternative compliance to the sign standards in this Chapter shall be authorized according to the process and criteria in Section 24-208, Alternative Compliance, and are supplemented by this Section.
 1. Requests for alternative compliance may be accepted in association with a sign permit, based on one or more of the following criteria:
 - (a) 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.
 - (b) 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.
 - (c) Safety considerations make alternative compliance necessary.
 - (d) 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 consistent with the Comprehensive Plan and improve the quality of development in the area.
 2. Application for alternative compliance shall include the following information:
 - (a) Written description of the conditions provided in Section 24-909.a.1 above, which apply to the subject property;

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- (b) The applicant shall submit a sign plan consisting of a written statement addressing the proposal and the review criteria of this Section and Section 24-208, along with dimensioned graphic plans identifying the following items for all signs on the property:
 - (1) Written and graphic illustration of the proposed alternative, including areas of departure from code standards;
 - (2) Sign style, type, location, size (area), and height for wall and freestanding signs;
 - (3) Materials and colors for all signs and support structures;
 - (4) Sign illumination devices and brightness levels, if applicable

b. **Variance.** Variances to the dimensional standards established in this Chapter shall be authorized according to the process and criteria in Section 24-209, Variances, and are supplemented by this Section. Variances to any other provision of this Chapter shall not be permitted.

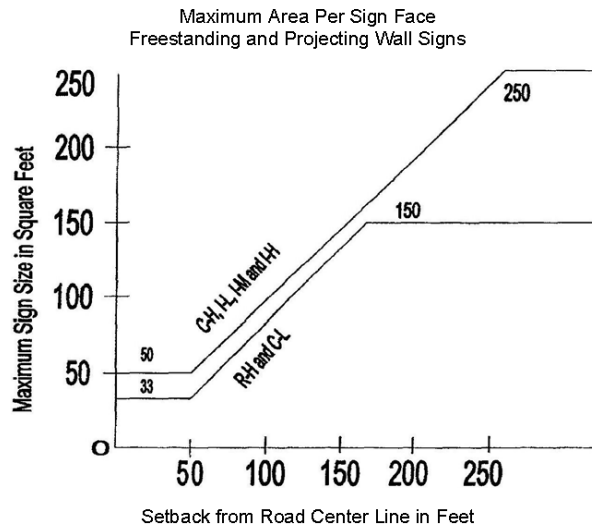
1. In addition to the criteria in Section 24-209, the Zoning Board of Appeals shall consider the following additional factors for sign variances:
 - (a) Historic value as determined by the Historical Preservation Commission;
 - (b) Architectural integrity;
 2. Sign variances shall not be transferable to a new location on the property unless first approved in writing by the 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.
 3. Any sign variance which was in effect and applied to an installed sign still in place prior to the adoption of this code 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 Chapter.
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24-910

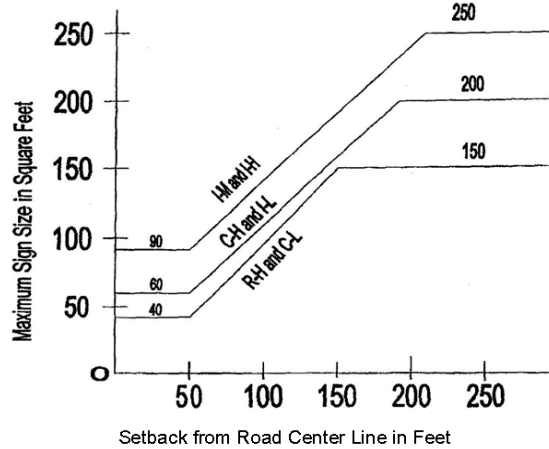
Sign Chart

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 9.02	See Section 24-902	See Section 24-902	See Section 24-902	See Section 24-902	See Section 24-902
R-H	Freestanding, wall and awning	.25 sq. ft.	See Section 24-905	6 ft.	See Subsection 24-905.d	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 Section 24-905	6 ft.	See Subsection 24-905.d	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 Section 24-905	See Subsection 24-905.d	See Subsection 24-905.d	2 signs where lot frontage is greater than 500 ft.
I-M & I-H	Freestanding, wall, projecting wall and awning	2 sq. ft., plus an additional 1 sq. ft. (for secondary building frontage)	See Subsections 24-905	See Subsection 24-905.d	See Subsection 24-905.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.



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



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

Reserved Sections 24-911 through 24-1000

Section 5. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 10 of Title 24 to read as follows:

Chapter 10. Special Districts & Areas

- 24-1001 Floodplain Overlay District
- 24-1002 Airport Overlay District
- 24-1003 Historic Preservation
- 24-1004 Areas of Ecological Significance
- 24-1005 General Improvement District Overlay
- 24-1006 Redevelopment District Overlay
- 24-1007 Character Overlay Districts
- 24-1008 Entertainment Districts
- 24-1009 Hillside Development Standards

24-1001 Floodplain Overlay District

- a. **Intent.** The Floodplain Overlay District is a zoning overlay for land within Special Flood Hazard Areas and, along with the floodplain development permit, creates an overlay of special standards and regulations to those zoning districts found to be within Special Flood Hazard Areas. It is the intent of this Section to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;

5. Minimize damage to critical facilities, infrastructure and other public facilities located in floodplains;
 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 7. Ensure that potential buyers are notified that property is located in a flood hazard area.
- b. **Applicability.** This Section shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City.
1. The Special Flood Hazard Areas identified by FEMA and any revisions thereto are hereby adopted by reference and declared to be a part of this Section. These Special Flood Hazard Areas identified are the minimum area of applicability of this Section and may be supplemented by studies designated and approved by the City. The Floodplain Administrator shall keep a copy of the Flood Insurance Studies (FIS), Digital Flood Insurance Rate Maps (DFIRMs), Flood Insurance Rate Maps (FIRMs), and/or Flood Boundary and Floodway Maps (FBFMs) on file and available for public inspection.
 2. No structure or land shall hereafter be located, altered or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Section. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.
 3. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not imply or create, and the City expressly disclaims, any liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.
- c. **Floodplain Development Permits.**
1. A floodplain development permit shall be required before construction or development in a Special Flood Hazard Area to ensure conformance with the provisions of this Section.
 2. Application for a floodplain development permit shall be presented to the Floodplain Administrator on required forms and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to the Special Flood Hazard Area. Additionally, the following information is required:
 - (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (c) A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 24-1001.e.2 and
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 3. Approval or denial of a floodplain development permit by the Floodplain Administrator shall be based on all of the provisions of this Section and the following relevant factors:
 - (a) The danger to life and property due to flooding or erosion damage;
 - (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (c) The danger that materials may be swept onto other lands to the injury of others;
 - (d) The compatibility of the proposed use with existing and anticipated development;

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- (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (f) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities, such as sewer, gas, electrical and water systems;
 - (g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
 - (h) The necessity to the facility of a waterfront location, where applicable; and
 - (i) The availability of alternative locations not subject to flooding or erosion damage for the proposed use.

- d. **General Standards for Flood Hazard Reduction.** In all Special Flood Hazard Areas, the following provisions are required for all new construction and substantial improvements:
1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 5. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
 8. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- e. **Specific Standards for Flood Hazard Reduction.** In all Special Flood Hazard Areas where Base Flood Elevation data has been provided as set forth in this Section, the following provisions are required:

1. *Residential Construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to 1 foot above the Base Flood Elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
 2. *Nonresidential Construction.* With the exception of critical facilities, outlined in Section 24-1001.k, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to 1 foot above the Base Flood Elevation or, together with attendant utility and sanitary facilities, be designed so that, at 1 foot above the Base Flood Elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and
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hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Section. Such certification shall be maintained by the Floodplain Administrator.

3. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect, or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings, having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding, shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

4. *Manufactured Homes.* All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as a result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to 1 foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above Paragraph shall be elevated so that either:
 - (a) The lowest floor of the manufactured home is 1 foot above the Base Flood Elevation; or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and it is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

5. *Recreational Vehicles.* All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM shall either:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet the permit requirements of Section 24-1001.c. and the elevation and anchoring requirements for manufactured homes in Section 24-1001.e.A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect-type utilities and security devices and has no permanently attached additions.

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

f. **Standards for Areas of Shallow Flooding (AO/AH Zones).** Located within Special Flood Hazard Areas are areas designated as shallow flooding. Within Zones AH or AO, adequate

drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable. Such flooding is characterized by ponding or sheet flow; therefore, the following additional provisions apply:

1. **Residential Construction.** All new construction and substantial improvements of residential structures must have the lowest floor, including basement, elevated above the highest adjacent grade at least 1 foot above the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Floodplain Administrator.
 2. **Nonresidential Construction.** With the exception of critical facilities, outlined in Section 24-1001.k., all new construction and substantial improvements of nonresidential structures, must have the lowest floor, including basement, elevated above the highest adjacent grade at least 1 foot above the depth number specified in feet on the community's FIRM (at least 3 feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least 1 foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section are satisfied.
- g. **Floodways.** Floodways are administrative limits and tools used to regulate existing and future floodplain development. The state has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of floodway in Section 24-1001.i. Located within Special Flood Hazard Areas are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
 2. If subsection g.1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section 24-1001.
 3. Under the provisions of 44 C.F.R., Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.
- h. **Alteration of Watercourse.** For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:
1. Channelization and flow-diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project, as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
 2. Channelization and flow-diversion projects shall evaluate the residual 100-year floodplain.
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3. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
 4. Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
 5. All activities within the regulatory floodplain shall meet all applicable federal, state and local floodplain requirements and regulations.
 6. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not a rise in the proposed conditions compared to existing conditions, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 24-1001.g.
 7. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.
- i. **Properties Removed from Floodplain by Fill.** A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the Base Flood Elevation with 1 foot of freeboard that existed prior to the placement of fill.
- j. **Standards for Subdivision Proposals.**
1. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
 2. All proposals for the development of subdivisions, including the placement of manufactured home parks and subdivisions, shall meet floodplain development permit requirements of Section 24-1001.c. and all applicable standards of this Section.
 3. Base Flood Elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions which are greater than 50 lots or 5 acres, whichever is lesser, if not already provided.
 4. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.
 5. All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize or eliminate flood damage.
- k. **Standards for Critical Facilities.** A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.
1. *Classification of Critical Facilities.* Critical facilities are classified under the following categories: 1) Essential services; 2) Hazardous materials; 3) At-risk populations; and 4) Vital to restoring normal services.
 - (a) **Essential Services Facilities.** Essential services facilities consist of:
 - (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage and emergency operation centers);
 - (2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions and nonambulatory surgical structures);
 - (3) Designated emergency shelters;

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- (4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio and other emergency warning systems, but excluding towers, poles, lines, cables and conduits);
 - (5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but excluding towers, poles, power lines, buried pipelines, transmission lines, distribution lines and service lines); and
 - (6) Air transportation lifelines (airports [municipal and larger], helicopter pads and structures serving emergency functions and associated infrastructure [aviation control towers, air traffic control centers and emergency equipment aircraft hangars]).

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

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

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

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the workplace, AND the chemicals are stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 C.F.R., § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R., § 1910 (2010).

Specific exemptions to this category include:

- i. Finished consumer products within retail centers and households containing hazardous materials intended for household use and agricultural products intended for agricultural use.
 - ii. Buildings and other structures containing hazardous materials for which it can be demonstrated by hazard assessment and certification by a qualified professional, to the satisfaction of the City, that a release of the subject hazardous material does not pose a major threat to the public.
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- iii. Pharmaceutical sales, use, storage and distribution centers that do not manufacture pharmaceutical products.

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

- (c) *At-risk Population Facilities.* At-risk population facilities consist of:
 - (1) Elder care (nursing homes);
 - (2) Congregate care serving 12 or more individuals (daycare and assisted living); and
 - (3) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children).

- (d) *Facilities Vital to Restoring Normal Services.* Facilities vital to restoring normal services, including government operations, consist of:
 - (1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers); and
 - (2) Essential structures for public colleges and universities (dormitories, offices and classrooms only).

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

- 2. *Protection for Critical Facilities.* All new and substantially improved critical facilities and new additions to critical facilities located within the Special Flood Hazard Area shall be regulated to a higher standard than structures not determined to be critical facilities. Protection shall include one of the following:
 - (a) Location outside the Special Flood Hazard Area; or
 - (b) Elevation or floodproofing of the structure to at least 2 feet above the Base Flood Elevation.
- 3. *Ingress and Egress for New Critical Facilities.* New critical facilities shall, when practicable as determined by the City, have continuous noninundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Floodway (regulatory floodway) shall mean the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half (0.5) foot (six [6] inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

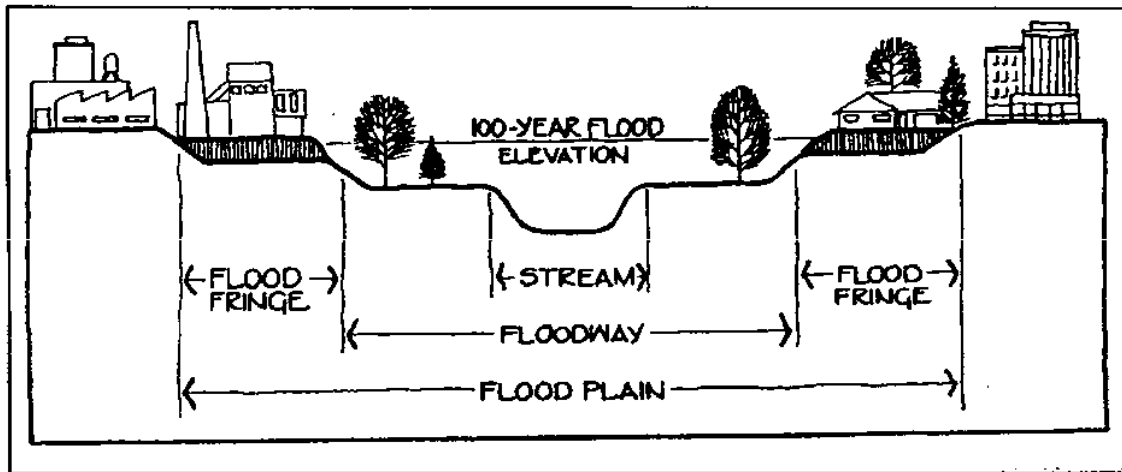


Figure 24-10-1: Illustration of floodway, flood plain and flood fringe.

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

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

Historic structure shall mean any structure that is:

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

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

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

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

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

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

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

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

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

1. Designed for a long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities and which has plumbing and electrical connections provided for attachment to outside systems;
2. Designed to be transported after fabrication, on its own wheels, or on a flatbed or other trailer or on detachable wheels;
3. Arrives at the site where it is to be occupied as a complete unit and is ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports or jacks, underpinned, connections to utilities and the like;
4. Exceeding 8 feet in width and 32 feet in length, excluding towing gear and bumpers; and
5. Is without motive power.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24-1002 Airport Overlay District

- a. **Intent.** The intent of this Section is to provide regulations restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Greeley-Weld County Airport by creating the appropriate zones and establishing the boundaries thereof. The use of land within this overlay district affects the safe and efficient operation of the airport and aircraft using the airport, and this Section is intended to minimize risks to public safety and hazards to aircraft users and to protect the capacity of the airport to serve the area's air transportation needs, while allowing development that is compatible with the continued operation of the airport.
- b. **Applicability.** The Airport Overlay District shall include those lands within the Greeley-Weld County Airport Zoning Map, prepared by Isbill Associates, Inc., Airport Consultants, dated July 1, 1984. The requirements of this Section shall supplement those imposed on the same lands by any underlying zoning provision of this Code or any other ordinance of the City.
- c. **Airport Zone.**
 1. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Greeley-Weld County Airport. Such zones are shown on the Greeley-Weld County Airport Zoning Map. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
 - (a) *Utility Runway Visual Approach Zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The center line is the continuation of the center line of the runway.
 - (b) *Runway larger than Utility Visual Approach Zone.* The inner edge of this approach zone coincides with the width of the primary surface and is one 1,000 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 from the primary surface. The center line is the continuation of the center line of the runway.
 - (c) *Precision Instrument Runway Approach Zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,00 feet at a horizontal distance of 50,000 feet from the primary surface. The center line is a continuation of the center line of the runway.
 - (d) *Transitional zone.* The transitional zone is the area beneath the transitional surface.
 - (e) *Horizontal zone.* The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 - (f) *Conical zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.
 2. Except as otherwise provided in this Code, no structure shall be erected, altered or maintained and no tree shall be allowed to grow in any zone created by this Section to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question, as follows:

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- (a) *Utility Runway Visual Approach Zone.* Slopes 20 feet outward for each foot upward beginning at the end and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended center line.
 - (b) *Runway larger than Utility Visual Approach Zone.* Slope 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
 - (c) *Precision Instrument Runway Approach Zone.* Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway center line; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway center line.
 - (d) *Transitional Zone.* Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation which is 4,690 feet above mean sea level. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at ninety-degree angles to the extended runway center line.
 - (e) *Horizontal zone.* Established at 150 feet above the airport elevation or at a height of 4,840 feet above mean sea level.
 - (f) *Conical zone.* Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 1,500 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

d. **Use Restriction.** Except as may otherwise be provided, no use may be made of land or water within any zone established by this Section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

e. **Nonconforming Use.**

1. The regulations prescribed in this Section shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use, except as may otherwise be provided. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Code.
 2. The owner of any existing nonconforming use or tree shall be required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Greeley-Weld County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Greeley-Weld County Airport Authority.
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- f. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or other applicable uniform or international code adopted by the City, except where the context clearly indicates a different meaning.

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

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

Airport reference point shall mean the point established as the geographic center of the airport landing area. The reference point at Greeley-Weld County Airport is a point which geographical coordinates are Latitude 40°26'8" North and Longitude 104°37'55" West.

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

Conical surface shall mean a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

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

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

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

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

Obstruction shall mean any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section 24-1002.c.

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

Primary surface shall mean a surface longitudinally centered on a runway extending two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The width of a primary surface is:

- a. 250 feet for runways having only visual approaches.
- b. 1,000 feet for precision instrument runways.

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

Structure , for the purposes of this Section, shall mean an object, including a mobile object, constructed or installed by humans, including, but not limited to buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

Transitional surface shall mean those surfaces which extend outward at ninety-degree angles to the runway center line and the runway center line extended at a slope of 7 feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

Utility runway shall mean a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway shall mean a runway intended solely for the operation of aircraft using visual approach procedures.

24-1003 Historic Preservation

- a. **Intent.** The intent of this Section is to:
1. Designate, preserve, protect, enhance and perpetuate sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage.
 2. Establish a method to draw a reasonable balance between the protection of private property rights and the public's interest in preserving the City's unique historic character by creating a quasi-judicial Commission to review and approve or deny any proposed demolition of, moving-of or alteration to properties of historic value.
 2. Foster civic pride in the beauty and accomplishments of the past.
 3. Stabilize or improve aesthetic and economic vitality and values of such sites, neighborhoods, structures, objects and districts.
 4. Protect and enhance the City's attraction to tourists and visitors, increase the quality of life for the citizens and enhance future economic development.
 5. Promote the use of outstanding historic or architectural sites, structures, objects and districts for the education, stimulation and welfare of the people of the City.
 6. Promote good urban design.
 7. Promote and encourage continued private ownership and utilization of such sites, structures, objects or districts.
 8. Integrate historic preservation with the City's comprehensive development plan.
- b. **Applicability.** This Section applies to the following properties:
1. Individually designated properties are subject to the most current version of the Historic Preservation General Design Review Guidelines.
 2. Individually designated properties contributing in a Greeley Historic Register historic district are subject first to the district designation plan, then to the Historic Preservation General Design Review Guidelines.
 3. Undesignated properties contributing in a Greeley Historic Register historic district are subject to the district designation plan.
 4. Undesignated structures or buildings that are 40 years or older are subject to an administrative review for potential historic significance
 5. Noncontributing properties located in a historic district are subject to portions of the district designation plan applicable to noncontributing properties, unless specifically excluded under the plan.
 6. All pertinent municipal zoning and building codes are applicable for all properties.
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- c. **Administrative Review of Undesignated Properties.** When application for a permit is made with the city that would make significant alterations to the streetscape view of the exterior of or demolition of any structure or building that is 40 years or older at the time of such request, the application shall be forwarded to and reviewed by the Director.
1. Significant alterations shall include:
 - (a) Siding: including new stucco or similar exterior material applied over original or other existing siding materials, including wood, metal or brick exterior; removal of all or a portion of the original or existing siding and replaced with new siding.
 - (b) Fenestration: window or door openings enlarged or reduced.
 - (c) Roof: changes of roofline or structure.
 - (d) Porches: changes to porch visible from streetscape.
 - (e) Additions.
 - (f) Accessory structures.
 - (g) Any building modification as viewed from any public street.
 2. Non-significant alterations shall be excluded from review by the Director. Non-significant alterations shall include:
 - (a) Fenestration: replacement of windows or doors in original openings.
 - (b) Roof: new shingles or deck without changing original roofline.
 - (c) Patios: additions of back patios or decks.
 - (d) Landscaping.
 - (e) Signs.
 3. The Director shall have ten business days to review and comment on applications with significant alterations. The ten business days shall commence on the day the permit application is submitted to the building inspection office. Should ten business days expire without written comment from the Director, then the Director shall not be allowed to comment on the permit.
 - (a) The Director shall review the property and, if necessary, research the historical significance of the building for which a permit has been applied.
 - (b) If the Director determines that a building currently holds no historical, architectural and/or geographical significance, then a notice shall be placed with the permit that will be issued through the building inspection office.
 - (c) If the Director determines that potential significance exists, the Director shall make the information available to the groups named in Section 24-1003.d.2
 - (d) The Director shall issue comments and/or suggestions to the building inspection office. These comments shall recognize the historical, architectural and/or geographical significance or lack thereof concerning the building for which a permit has been requested. The Director may also make suggestions of ways to make the changes more compatible or acceptable with the age or type of the structure.
 4. Whenever an application for development includes significant alterations or demolition and is required to go through the community development department review according to this section, the department will use its best efforts to inform the applicant of the ramifications that this section will have on the application.
 5. If a building must be demolished because it poses a threat to the health, safety or welfare of the citizens of the city, this section shall not apply.

d. **Criteria for Designation.**

1. *Criteria for Individual, Owner-nominated Properties.* A property shall be eligible for designation for historic preservation and eligible for economic incentives if it meets one or more criteria in one or more of the following categories:
 - (a) *Historical Significance.* The site, building or property:
 - (1) Has character, interest and integrity and reflects the heritage and cultural development of the City, State or Nation.
 - (2) Is associated with an important historical event.

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- (3) Is associated with an important individual or group who contributed in a significant way to the political, social and/or cultural life of the community.
 - (b) *Architectural Significance.* The property:
 - (1) Characterizes an architectural style or type associated with a particular era and/or ethnic group.
 - (2) Is identified with a particular architect, master builder or craftsman.
 - (3) Is architecturally unique or innovative.
 - (4) Has a strong or unique relationship to other areas potentially eligible for preservation because of architectural significance.
 - (5) Has visual symbolic meaning or appeal for the community.
 - (c) *Geographical Significance.* The property:
 - (1) Has proximity and a strong connection or link to an area, site, structure or object significant in the history or development of the City, State or Nation.
 - (2) Is a visual feature identifying an area or neighborhood or consists of buildings, homes, replicas, structures, objects, properties, parks, land features, trees and sites historically or geographically associated with an area.
2. *Criteria for Individual, Non-owner-nominated Properties.* In addition to meeting criteria requirements in Section 24-1003.d.1., non-owner nominations shall be reviewed under stricter protections. The nominated property must demonstrate that it possesses the characteristics of compelling historic importance to the entire community, including at least one of the following criteria:
- (a) Unusual or uncommon significance that the structure's potential demolition or major alteration would diminish the character and sense of place in the community of Greeley; or
 - (b) Superior or outstanding examples of architectural, historical or geographical significance criteria outlined in the criteria for designation in this Section. The term *superior* shall mean excellence of its kind, and the term *outstanding* shall mean marked by eminence and distinction.
3. *Criteria for District Designation.* A district shall be designated if the City Council determines that the proposed district meets the definition of a historic district pursuant to this Section and meets one or more of the following criteria:
- (a) Is an area which exemplifies or reflects the particular cultural, political, economic or social history of the community.
 - (b) Is an area identified with historical personages or groups or which represents important events in national, state or local history.
 - (c) Is an area which embodies distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method of construction or indigenous materials of craftsmanship.
 - (d) Is an area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.
 - (e) Is an area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community or City.
4. *Integrity Criteria.* All properties and districts shall be evaluated for their physical integrity using the following criteria, as defined by the National Park Service in the current version of the publication "How to Apply the National Register Criteria for Evaluation":
- (a) Location—the place where the historic property was constructed or the place where the historic event occurred.
 - (b) Design—the combination of elements that create the form, plan, space, structure and style of a property.
 - (c) Setting—the physical environment of a historic property.
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- (d) Materials—the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- (e) Workmanship—the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- (f) Feeling—a property's expression of the aesthetic or historic sense of a particular period of time.
- (g) Association—the direct link between an important historic event or person and a historic property.

e. **Designation.** A property or district may only be nominated once in any twelve-month period, unless such nomination is uncontested. Submittal of an incomplete application will result in a delay in the nomination and public hearing process. The following provisions shall apply to the nomination of individual properties and districts:

1. *Owner Nominations.* Any owner may nominate his or her area, building, house, replica, structure, object, property, park, land feature, tree and site for designation on the local register, subject to the following procedures:
 - (a) *Submittal Requirements.* The owner shall submit a complete application, as determined by Historic Preservation staff. A complete nomination application will include:
 - (1) Nomination form with ownership information, including address of record, signatures of all owners of record or legally authorized representative of the owner, legal description or indication of an attached legal description.
 - (2) Historic Building Inventory form, with the following required minimum information completed: nominated property address, owner, mailing address, phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible) and significance (determined in consultation with the Director if necessary).
 - (3) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least three hundred 300 dpi. All photos should be provided with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.
 - (4) Application fee, payable to the City of Greeley. The fee may be waived under certain circumstances. If the owner has a financial hardship, the owner may submit a request for a reduction or waiver of the nomination fee, explaining the need for the waiver or reduction. The Director shall make determinations on fee waiver requests.
 - (b) *Public hearing procedure.*
 - (1) *Quorum required.* At least five members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then alternate Commission members shall be used.
 - (2) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.
 - (3) *Commission action/decision.* After the Commission has heard all interested parties and relevant evidence, the Commission may approve the designation if it casts votes in favor of historic designation by a two-thirds majority of the quorum present. The Commission decision is final unless appealed to City Council, pursuant to Section 24-1003.g

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2. *Non-owner Nominations.* The Planning Commission, Greeley Urban Renewal Authority, Downtown Development Authority or any legally recognized preservation organization, including nonprofit historic preservation groups, may nominate an area, building, house, replica, structure, object, property, park, land feature, tree or site for designation on the local register, subject the following procedures:
- (a) *Submittal Requirements.* All paperwork for the application must be completed pursuant to the rules of the Commission. A complete nomination application will include:
- (1) Nomination form, with ownership information including address of record, signature of an authorized official of the applicant organization and legal description or indication of attached legal description.
 - (2) Historic Building Inventory form, with the following required minimum information completed: nominated property address, owner, mailing address, phone number, legal description, historic use, present use, date of construction (estimate), original owner (if possible), significance (determined in consultation with the Director if necessary) and a detailed statement on how the nominated property possesses the characteristics of compelling historic importance to the community.
 - (3) Current photos of the front and sides of the property, and of the rear to the extent possible. If the photos are digital, they should be at least three 300 dpi. All photos should be provided with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.
 - (4) Copy of a legally recorded document containing the legal description of the property. This could be an abstract of title, warranty deed, quit claim deed, etc., which may be obtained from the County Clerk and Recorder.
 - (5) Application fee, payable to the City of Greeley.
- (b) *Public hearing Procedure.*
- (1) *Quorum required.* At least five members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then alternative Commission members shall be used.
 - (2) The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.
 - (3) *Commission action/decision.* Commissioners may recommend in favor of historic designation for approval of non-owner-nominated properties if five votes are cast in favor of such recommendation, subject to approval by the City Council under this Section. Owners may appeal the decision pursuant to Section 24-1003.g.
 - (4) City Council action on non-owner nominations. Within 30 days of the Commission decision, City Council shall hold a public hearing and consider all relevant evidence. The Council shall vote and render a decision to affirm, deny or modify the designation with a vote of the simple majority. The Council decision constitutes final agency action.
3. *Historic Districts.* Two or more individuals may nominate a district within which they own property.
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- (a) *Submittal Requirements.* All paperwork for the application must be completed pursuant to the rules of the Commission. A complete nomination application will include:
- (1) The complete nomination form with original signatures of all applicants. In the case of absentee owners as applicants, original signed statements will meet this requirement.
 - (2) Completed Historic Building Inventory form for district properties for all properties within the nominated area. The following fields must be completed: address, legal description, owner name and address, style, materials, stories, other historic designation and designating authority, historic use, present use, date of construction, condition, original owner, associated buildings, architectural description, proposed status and the name, address, phone number and signature of the person or group who completed the inventory form.
 - (3) Current digital photos of the front of each property and streetscape photos of each block. The photos should be at least 300 dpi and be provided with a photo log indicating the name of the photographer, date of the photo, view (front, rear, yard, etc.), direction (looking north, etc.) and the address of the subject property.
 - (4) List of owners, mailing addresses, district property address and legal description of each property. This item may be supplemented or modified during the nomination process prior to the designation hearing.
 - (5) Proposed status of all properties as contributing or noncontributing. The applicants should consult with the Director in making these proposed determinations. This item may be supplemented or modified during the nomination process prior to the designation hearing.
 - (6) Application fee, payable to the City of Greeley.
 - (7) District designation plan, developed in accordance with the requirements in this Section. The applicant must submit two unbound copies and an electronic version contained in a PDF file and a Word or other editable file.
 - (8) Historic context statement.
 - (9) Statement of significance, including a detailed explanation of how the proposed district meets one or more criteria in Section 24-1003.d.3 above and how it meets the definition of historic district, as defined in Section 24-1003.m.
 - (10) Petition with signatures of property owners within the district showing support of the nomination. Support of the nomination for a historic district requires the following:
 - i. The petition shall contain no less than 20 signatures or 20% of the number of properties or lots within the proposed area, whichever is less.
 - ii. Each property or lot shall only be represented by one signature. Properties held in any type of joint ownership do not get split votes.
 - iii. The petition shall be considered final for purposes of accounting for the 20% at the time of submission to the City.
- (b) *District Designation Plan.* Owners of properties being nominated as part of a district must develop a district designation plan. The plan shall address all properties: contributing, noncontributing and properties individually listed on the City's historic register. If a provision of the district designation plan conflicts with this Section, then the district designation plan approved by the City Council shall prevail unless doing so would negatively affect the City's certification standing regarding historic preservation. Requirements under the plan will be drafted by the applicant, reviewed by the Director and considered by the Commission. The

Commission shall forward a recommendation for the plan with the district application to the City Council, which shall render the final designation decision.

- (c) *Neighborhood Meeting.* If the nomination is for designation of a historic district, a neighborhood meeting shall be held to describe the proposed designation. All owners of property within the proposed district boundaries will be notified by first-class mail of the time, date and location.
 - (d) *Owner Vote.* After the neighborhood meeting but prior to the Commission's designation hearing, a vote by property owners of the nominated district shall be cast to ascertain consent or objection about the proposed designation. The vote shall be done by mail ballot, with one ballot per property as sent by first-class mail by the City Clerk's office. The City Clerk's office will be responsible for conducting the election of the eligible voters in the proposed historic district. The ballot must be received by the City Clerk's office by mail or in person by the date and time specified by the City Clerk. Greater than 50% of votes cast must be in favor of historic designation or the nomination fails. If greater than 50% of cast votes are in favor of the district designation, a public hearing shall be scheduled according to Section 24-1003.e.5.(e).
 - (e) *Public Hearing Procedure.*
 - 1. Quorum required. At least five members of the Commission must be present at a hearing in order to establish a quorum. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then alternative Commission members shall be used.
 - 2. The hearing shall be electronically recorded and minutes prepared. Hearings shall be of ample length to allow all concerned persons to address the Commission.
 - 3. Commission action/decision. Commissioners may recommend in favor of historic designation for historic districts if five votes are cast in favor of such recommendation, subject to approval by the City Council under this Section. Owners may appeal the decision pursuant to Section 24-1003.g.
 - 4. City Council action on historic districts. Within 30 days of the Commission decision, the City Council shall hold a public hearing and consider all relevant evidence. The City Council shall vote and render a decision to affirm, deny or modify the designation. The City Council decision constitutes final agency action.
 - (f) *Modification.* Modification of a district designation plan will follow the same rules and procedures as for the nomination of a historic district, except no moratorium shall be placed on district properties. Property owners within the district or the Commission may propose to modify a district designation plan. Proposals to modify a district designation plan shall be reviewed by the Commission for recommendation to the City Council.
4. *Recording.* The certificate of designation shall be recorded with the County Clerk and Recorder as follows:
- (a) Owner-nominated properties shall be recorded within five days after the thirty-day period for appeal pursuant to Section 24-1003.g if no appeal is filed, or within five days after a final City Council decision.
 - (b) Non-owner-nominated properties or historic districts shall be recorded 35 days after approval by the City Council pursuant to the procedures set forth in this Paragraph.
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- (c) Recording fees shall be paid by the nominating party.
- (d) Within 15 days after recording of the historic designation, the Director shall send, via first-class mail or via e-mail, notice to the owners outlining reasons for the designation.

5. *Moratorium.*

- (a) A potential historic property or district which has been nominated but not yet designated shall be legally protected for 120 days or until its status is determined, whichever is sooner.
- (b) Permits to alter or remodel the exterior of a property or to build, relocate or raze shall not be issued during the moratorium, except by written exemption by the Commission under the following criteria:
 - (1) As necessary by law under federal or state law or City ordinance;
 - (2) When deemed to be an emergency;
 - (3) Due to unreasonable economic hardship, as defined in Section 24-1003.m; or
 - (4) Due to improper nomination.
- (c) Owners requesting such exemption may seek an expedited public hearing before the Commission at the next scheduled Commission meeting by filing such a request with the Director. If the Commission votes by a two-thirds majority that the property is eligible for exemption, the moratorium or nomination shall be suspended in whole or in part in consideration of the property seeking the waiver.

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

f. **Notice.** Notice of Commission public hearings shall be as follows:

1. *Nomination and Designation.* The Director shall send a letter of notification of nomination and public hearing for all Greeley historic register nominations.

- (a) For owner-nominated properties, all owners shall receive notice of the nomination and public hearing by first-class mail, sent by the City, by hand delivery or by electronic mail.
- (b) All owners of non-owner-nominated properties shall receive notice of the nomination and public hearing by certified mail, return receipt requested, sent by the City.
- (c) All owners in a nominated district shall receive notice of the nomination and neighborhood meeting by certified mail, return receipt requested, sent by the City.
- (d) The City shall receive notice for city-owned properties by hand delivery or by electronic mail.
- (e) Notice shall be postmarked no less than 15 days prior to the hearing and shall reference the following:
 - (1) Privileges, obligations and restrictions which apply to historic properties or districts.
 - (2) For individual owner and non-owner nominations, the time, place and date of the Commission public hearing for designation.
 - (3) For historic district nominations, such notice shall also include the time, place and date of the district informational neighborhood meeting.
- (f) If sufficient ballots voting in favor of district designation are returned from property owners, a district designation hearing shall be scheduled. For notification of the public hearing for historic district nominations, notice shall include the time, date and place of the public hearing, and letters shall be mailed certified mail, return receipt requested, by the City.

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- (g) The notification letters shall be mailed to the owners at their last known address of record.
2. *Newspaper notice.* The notice of designation hearing shall also be published in a newspaper of local circulation once a week for two weeks prior to the hearing. Newspaper notice shall include the following information:
- (a) Street address of the property or a list of addresses or boundaries for properties in a proposed historic district;
 - (b) Type of application: request for certificate of designation;
 - (c) Date, time and place of the public hearing; and
 - (d) Statement that additional information about the request is available at the Historic Preservation office.
3. *Sign.* A sign of sufficient size to be readily visible by landowners of adjoining property and from a public right-of-way shall be posted in a prominent place on the property no less than 14 days prior to the public hearing. In the case of nominations for a historic district, postings shall occur in the district in a manner clearly visible from public rights-of-way adjacent to the proposed district.
- g. **Appeal.**
1. *Administrative Decision.* A final decision by the Director under this Section may be appealed by the applicant to the Commission.
- (a) Appeals to the Commission shall be filed by mailing or hand-delivering to the Director a written notice of appeal within 30 days after the applicant has been served with notice of the decision by the Director. A determination by the Commission shall be issued within 30 days.
 - (b) The decision of the Commission on appeal shall be final unless the applicant or developer elects to appeal the Commission decision to the City Council.
2. *Commission Decision.* Decisions of the Commission are reviewable by the City Council
- (a) The findings and determinations of the Commission may be reviewed, modified, affirmed or reversed by a simple majority vote of the elected members of the City Council.
 - (b) Appeals to the City Council shall be filed by mailing or hand-delivering to the City Clerk a written notice of appeal within 30 days after the determination has been made and entered upon the records of the Commission. Determinations issued by the City Council shall be conducted within 30 days of filing of the notice of appeal and shall constitute final agency action.
- h. **Incentives.** An owner of a property that has been designated as historic or an owner of a contributing property in a designated historic district may apply for the following economic incentives for the restoration or rehabilitation of that property and such additional incentives as may be developed by the Commission:
- 1. Applicable state and federal tax credits.
 - 2. The low-interest loan pool created by the City pursuant to Section 24-1003.I., subject to annual availability.
 - 3. Building permit fee refund. The building portion of permit fees may be refunded for applications for projects on individually designated properties and all properties in a Greeley Historic Register designated district, including contributing and noncontributing properties. The Commission shall develop a format for establishing projected costs and rules of the restoration, preservation or rehabilitation in order that such refund of fees is equitable.
 - 4. The Commission shall attempt to identify and implement other economic incentives for historic properties. The Director shall notify the owners of historic properties of economic incentive opportunities available.
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5. The Commission shall make the determination for each request for state historic preservation income tax credits.
- i. **Alterations to Designated Property.** Owners intending to reconstruct, improve, demolish or in any way significantly alter or change a designated property or a property in an historic district must first submit their plan for review to the appropriate City departments as to compliance with all City codes and ordinances.
1. All required building, relocation and/or demolition permits shall be applied for. Permits will not be released without Commission approval or unless the Director determines that the permit should be released due to extenuating or emergency circumstances. The Commission or Director shall not issue a Certificate of Approval without evidence of permit application, if required. Certificates of approval shall be issued contingent upon the owner and/or applicant obtaining all required permits.
 2. After consultation with the City's development departments, the owner shall submit a plan for review by the Director or Commission, and a Certificate of Approval shall be issued to properties that the Director or Commission believes can be altered without diminishing the historic character of the property or district.
 3. *Major Alterations.*
 - (a) *Application Requirements.* A complete application for major alterations will contain the following: a signed application, legal description, narrative, drawings and mockups as necessary, product literature and/or samples as necessary, and digital photos as determined by the City. Projects shall be reviewed in accordance with the criteria and standards for altering properties set forth in this Section.
 - (b) *Application and Hearing Process.*
 - (1) *Notification.* Upon receipt of a complete application, the Director shall schedule a public hearing for a Certificate of Approval on the matter before the Commission, providing sufficient staff review time. Notice will be given by the City in accordance with requirements in Section 24-1003.f.
 - (2) *Public Hearing.* A quorum must be present at a public hearing for a Certificate of Approval. If a quorum is missing due to attendance, then the Chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date. If a quorum is missing due to conflicts of interest, then alternate Commission members shall be used.
 - (3) The Director shall prepare a report which shall include a summary of all comments received on the Certificate of Approval application, along with the staff recommendation, which shall be presented to the Commission. In taking action on a Certificate of Approval application, the Commission shall consider the staff report and recommendation and comments received from the applicant and the public. The Commission shall also consider whether the proposed project meets the criteria and standards in Section 24-1003.j. in taking action to approve, approve with conditions, deny or table the application for future consideration.
 - (c) *Findings.* The findings of the Commission shall be based on criteria and standards in Section 24-1003.j., and the decision of the Commission on a Certificate of Approval major alteration application shall be considered final unless appealed by the property owner or applicant to the City Council, in accordance with the appeal process in Section 24-1003.g.

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- (d) *Certificate of Approval.* After approval of a Certificate of Approval major alteration application, the Director shall cause the Certificate of Approval, signed by the Commission Chair, which may include plans, drawings, photos and other documents, as approved, to be recorded in the office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees. Work shall be completed within 12 months of the date of Commission approval, with the option for up to two six-month extensions as approved by the Director. Work not complete within these time parameters will require new approval through submittal of a new application to the Commission for review.
 - (e) *Denial.* If an application for a Certificate of Approval is denied, the applicant may revise the application extensively or submit a new application for review by the Commission. In this case, the application would be considered a new application and would follow the entire process for Certificate of Approval applications. The applicant may appeal decisions of the Director to the Commission and decisions of the Commission to the City Council, in accordance with appeal procedures in Section 24-1003.g.

4. *Minor Alterations.*

- (a) *Application Requirements.* A complete application for minor alterations will contain the following: signed application, photos, narrative, product literature or drawings as necessary and the application fee as determined by the City.
- (b) *Application Process.*
 - (1) *Notification.* Upon receipt of a complete application, the Director shall notify the property owner and applicant of receipt of the application and requirement for staff review.
 - (2) *No Public Hearing.* No public hearing is required for minor alteration applications.
 - (3) *Findings.* The Director shall review the application for minor alterations and make findings based on criteria and standards set forth in Section 24-1003.j..
 - (4) *Certificate of Approval.* The Director shall approve the application and issue a Certificate of Approval if the proposed project meets the criteria and standards set forth in Section 24-1003.j., and can be completed without negatively impacting the historical integrity of the property. After approval, the Director shall cause the Certificate of Approval for minor alterations to be signed by the Director, which may include plans, photos or other documents, to be recorded in the office of the County Clerk and Recorder. The applicant or property owner shall be responsible for paying all applicable recording fees.
 - (5) If the Director finds that the proposed project does not meet the criteria and standards in Section 24-1003.j., the Director will notify the applicant of the reasons for denial and notify the applicant of the opportunity to appeal the decision to the Commission.

5. *Relocation.*

- (a) *Application Requirements.* A complete application for relocation will contain the following: signed application, location information, narrative, drawings, digital photos and the application fee as determined by the City.
 - (b) *Application Process.* The application process for relocation applications will follow the same process as for major alterations, as set forth in this Section.
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6. *Demolition.*
 - (a) *Application Process and Requirements.* A complete application for demolition will contain the following: signed application, narrative, digital photos, additional documentation as requested and the application fee as determined by the City.
 - (b) *Application Process.* The application process for demolition applications will follow the same process as for major alterations, as set forth in this Section.
7. *Emergencies.* In the event of an emergency, as defined in Section 24-1003.m., owners shall perform necessary measures to preserve the property and notify the Director within three days of the emergency event. Owners shall make efforts to document the damage and provide that documentation, including photos and the measures done to preserve the structure, to the Director to assist in establishing the proper treatment for the property and to obtain a Certificate of Approval if necessary.
8. *Requirement of Maintenance to Prevent Demolition by Neglect.*
 - (a) The owner of a designated property and owners of properties in a historic district must perform reasonable maintenance of the properties, as that term is defined in Section 24-1003.m.
 - (b) The owner of a designated property and owners of properties in a historic district shall not commit demolition by neglect, as that term is defined in Section 24-1003.m.
 - (c) Noncompliance with this subsection will be punishable in accordance with other violations of this Section, the same as for violations that are sanctioned administratively as Code infractions, pursuant to Chapter 1.33 of the Greeley Municipal Code, and shall proceed as set forth in Chapter 24-209 of the Greeley Municipal Code.

j. **Criteria for Certificate of Approval.**

1. *Alterations.* Criteria and standards for alterations to a designated property or a property in a historic district are as follows:
 - (a) The effect of the alteration or construction upon the general historical or architectural character of the designated property.
 - (b) The architectural style, arrangement, texture and materials of existing and proposed construction, and their relationship to the other buildings.
 - (c) The effects of the proposed work in creating, changing or destroying the exterior architectural features and details of the structure upon which the work shall be done.
 - (d) The compatibility of accessory structures and fences with the main structure on the site and with adjoining structures.
 - (e) The effect of the proposed work upon the protection, enhancement, perpetuation and use of the landmark or landmark district.
 - (f) Compliance with the current Secretary of the Interior's Standards for the Rehabilitation of Historic Properties, as defined in 24-1003.m.
 - (g) If the property is a noncontributing property in a historic district, then alterations will be in accordance with the district designation plan as recommended by the Commission and approved by City Council.
 - (h) Other requirements for alterations of a designated property or contributing property in a district as are required by the procedures and bylaws established by the Commission.
2. *Relocation.* Criteria for relocation of a designated property or contributing properties in a district are as follows:
 - (a) In all cases, it shall be the preference of the Commission to keep structures at their original sites.

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- (b) For relocation applications, the Commission shall consider the following criteria in addition to those described for alterations:
- (1) Original site.
 - i. Documentation showing that the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property.
 - ii. The significance of the structure as it relates to its present setting.
 - iii. When a governmental entity exercises power of eminent domain, the Commission should first consider relocating before demolishing.
 - iv. Whether the structure can be moved without significant damage to its physical integrity, and the applicant can show that the relocation activity is the best preservation method for the character and integrity of the structure.
 - v. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting.
 - vi. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.
 - (2) New location.
 - i. Whether the building or structure is compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure proposed to be moved.
 - ii. Whether the structure's architectural integrity is consistent with the character of the neighborhood.
 - iii. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site.
 - iv. Whether the proposed relocation is in compliance with all City ordinances.
3. *Demolition.* Criteria for demolition of a designated property or contributing property in a district. A permit for demolition shall be issued if the applicant can clearly demonstrate that the designated property meets the criteria for demolition as set forth under this Section by balancing the criteria of a. through d. below versus e. Not all of the criteria must be met for the Commission to recommend demolition. Appeals of the decision shall be made under Section 24-1003.g.
- (a) The structure must be demolished because it presents an imminent hazard.
 - (b) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure.
 - (c) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.
 - (d) The structure cannot be moved to another site because it is physically or economically impractical.
 - (e) The applicant demonstrates that the proposal mitigates to the greatest extent practicable the following:
 - (1) Significant impacts that negatively alter the visual character of the neighborhood where demolition is proposed to occur.
 - (2) Significant impact on the historical importance of other structures located on the property and adjacent properties.
 - (3) Significant impact to the architectural integrity of other structures located on the property and adjacent properties.
 - (f) If partial demolition is approved by the Commission and is required for the renovation, restoration or rehabilitation of the structure, the owner should mitigate, to the greatest extent possible:
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- (1) Impacts on the historical importance of the structure or structures located on the property.
- (2) Impacts on the architectural integrity of the structure or structures located on the property.

k. **Removal from Historic Register/Hardship Exemptions.** City Council may remove the designation of a historically designated property or district if it finds that historic designation creates an undue hardship in accordance with the criteria in this Section. If a request to the Commission for a Certificate of Approval does not conform to the applicable criteria, an applicant may request an exemption from the certificate requirements, provided that the intent and purpose of this Section are not significantly eroded, and provided that adequate documentation is submitted to the Commission either in writing or by testimony to establish qualification for one of the following exemptions. Such documentation or testimony must be substantiated by professional opinion or thorough explanation of how the information was obtained.

1. *Economic Hardship Exemption.* An economic hardship exemption may be granted if:
 - (a) The owner is unable to obtain a reasonable return on investment in the property's present condition or in a rehabilitated condition.
 - (b) For non-income-producing properties, the owner is unable to resell the property in its current condition or if rehabilitated.
 - (c) The economic hardship claimed is not self-imposed, including from lack of maintenance.
2. *Health/Safety Hardship Exemption.* To qualify for undue hardship, the applicant must demonstrate that the application of criteria creates a situation substantially inadequate to meet the applicant's needs because of health and/or safety considerations.
3. *Inability to use exemption.*
 - (a) If no sale can be made or no feasible use is found for the structure within two years of denial of a permit, the owner may request a waiver of all or part of the process described above.
 - (b) In determining the applicability of this Section, the Commission shall include the following factors in its deliberations:
 - (1) Written documented evidence illustrating efforts by the owner to make repairs, find an appropriate use or sell the property.
 - (2) Written evidence of the owner's efforts to secure assistance for conforming the application with this Section without demolition or defacement.
- 4 For the purpose of establishing and maintaining sound, stable and desirable historic districts within the City, the removal of historic designation is to be discouraged. This policy is based on the opinion of the City Council that the City's historic districts and individually designated properties are the result of a detailed and comprehensive appraisal of the City's present and future needs regarding land use allocation and other considerations while supporting the City's historical significance; and, as such, the policy should not be amended unless to correct manifest errors or because of changed or changing conditions in a particular area of the City in general.

l. **Historic Preservation Low Interest Loan Program .** This Section shall be used to promote the intent stated in Section 24-1003.a, by providing a pool of available funds which will be loaned at low rates of interest for the maintenance and improvement of properties designated as historic by the City.

1. *Historic Preservation Loan Committee.*
 - (a) The Historic Preservation Loan Committee (HPLC) shall consist of seven voting members as appointed by the Historic Preservation Commission, including:

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- (1) A member with experience in residential and/or commercial construction management,
 - (2) A member engaged in regional or local history,
 - (3) A licensed real estate broker,
 - (4) A member of the Historic Preservation Commission
 - (5) The Director;
 - (6) A planning staff member that administers the Historic Preservation Commission; and
 - (7) The Assistant City Manager.
 - (8) Ex officio members: a member of the City Attorney's office as the legal advisor; a representative of the City Finance Department; and one member of the City Council.
 - (b) One City employee HPLC member shall be appointed by the City Manager as the staff liaison to administer the HPLC.
 - (c) Appointment of the HPLC members shall be for a maximum of three-year terms. The initial terms will be staggered as established by the Historic Preservation Commission.
 - (1) Vacancies on the HPLC shall be filled by the Historic Preservation Commission.
 - (2) Members of the HPLC whose terms of office expire may apply for reappointment.
 - (3) Members of the HPLC wishing to resign prior to completion of the appointment term shall inform the Historic Preservation Commission in writing, with a copy sent to the HPLC Chair and the Staff Liaison.
 - (d) The HPLC shall conduct its proceedings in accordance with "Robert's Rules of Order" and set forth additional rules and procedures in the form of bylaws for the HPLC.
 - (e) The HPLC shall have the duty to conduct itself in a professional manner, holding all financial information and other sensitive information in strict confidence; and make all loan decisions with consideration for the future and stability of the loan pool.
2. *Powers of HPLC.* The HPLC shall have the power to:
- (a) Establish loan criteria to be approved by Council resolution.
 - (b) Receive and review applications for credit.
 - (c) Approve or deny applications for loans.
 - (d) Conduct inspections.
 - (e) Supervise and administer a historic preservation loan program between and among the City and the owners of designated properties, including those properties designated on the State Register or the National Register of Historic Places.
3. *Application to HPLC.*
- (a) Any owner of an eligible property may submit an application for consideration by the HPLC. As part of the application process, the owner shall also submit a detailed description of the owner's plan for the historic preservation and protection of the subject property.
 - (b) The property owner shall submit an itemized brands and materials list.
 - (c) The owner shall also submit financial statements for all persons applying for historic preservation loans as may be requested by the HPLC.
 - (d) The HPLC reserves the right to request such additional information as it determines necessary relative to ownership, financial considerations, plans, contractor information and/or other information the HPLC determines pertinent.
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- (e) A person who applies for a loan pursuant to this subsection and whose application is denied may reapply not more than once in any twelve-month period. Decisions made by the HPLC are final.

4. *Criteria for Approval or Denial.*

- (a) Applications for participation in the Historic Preservation Loan Program shall be in the names of all owners of title. Application in the names of less than all owners shall not be permitted.
- (b) Ownership and title to the property, must be in "good" or marketable title, with all taxes and loans current, liens paid, no foreclosure proceedings pending and all restrictions of record and encumbrances disclosed and approved by the HPLC, and be in compliance with all zoning codes.
- (c) The owner will provide documents and proof of title, including encumbrances, liens, restrictions of record or other evidence of the title to the property as the HPLC may request. The owner shall agree to pay for all ownership and encumbrance reports, title insurance, title searches and other fees as the HPLC may deem necessary or appropriate. All costs must be paid by the owner at the commencement of the loan application process.
- (d) The HPLC shall apply loan repayment criteria to each historic preservation loan application as the HPLC determines is appropriate.
- (e) The HPLC shall, after consultation with the applicants, determine an appropriate loan repayment schedule which may be on a monthly basis, but in no event shall it be on less than a quarterly basis. 45 days after failure to make timely payment shall cause the entire principal balance, together with all accrued interest thereon, to become a lien upon the property. The lien shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified by the Director of Finance, together with all accrued interest and a 10% collection charge, to the County Treasurer for collection as provided by law; provided, however, that, at any time prior to sale of the property, the applicants may pay the amount of all delinquent installment payments, together with all accrued interest and the 10% collection charge, and any other penalties and costs of collection. Upon payment, the applicants shall be restored to nondelinquent status and may pay in installments in the same manner as if default had not been made.

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

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

Area means the geographical region or the extent of land identified with one or more areas of significance as set forth in the criteria for designation at Section 24-1003.e., and may be nominated for historic designation on the local register.

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

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

Commission means the Historic Preservation Commission as created in Chapter 1, Section 24-103.e. of this code.

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

Demolition means any act or process which destroys, in part or in whole, any designated property or property located within a designated historic district.

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

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

Designated property means a historic property individually listed on the City's historic register through the procedural requirements and criteria in this Section.

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

Emergency means an unexpected and sudden event that must be dealt with urgently in order to stabilize or protect a structure.

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

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

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

Major alteration a modification to a structure that has potential to significantly alter the character of the property and includes, but is not limited to, window replacement; building addition; porch enclosure; reconstruction of a portion of the primary building; addition of dormers or other alteration to the roofline; reconstruction of features on a building; material replacement with a different material (e.g., siding); alteration or replacement of a character-defining feature;

demolition; relocation; and new construction. *Major alteration* includes any modification that is not considered maintenance or a minor alteration.

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

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

Nomination means the process of filing an application for designation.

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

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

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

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

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

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

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

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

Unreasonable economic hardship means severe economic impact to the property as determined on a case-by-case basis by the Commission.

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- a. **Intent.** The intent of this Section is to:
1. Protect the natural environment and conserve environmentally sensitive lands by directing new development into areas with few natural or environmental constraints
 2. Mitigate adverse impacts when developing near sensitive areas, including wildlife habitat and areas of native or unique plants.
 3. Plan and integrate topographic features, natural systems and sensitive lands into open space systems, and coordinate open spaces and natural areas with surrounding development patterns.
 4. Improve stormwater management, protect water resources, preserve ecosystems and habitats, and improve sustainability efforts by protecting areas of ecological significance.
 5. Enhance the environmental and ecological function of un-built portions of sites, projects or other areas, in a manner that supports development in nearby areas.
- b. **Applicability.** This Section shall apply to any development application in the impact areas show on the City's Areas of Ecological Significance Map. This map shall be based on the mapping and research done by the Colorado Division of Wildlife and the City, and on file with the Community Development Department. The City may update the map periodically, and may include areas which are not mapped but which upon further investigation are determined to posses similar characteristics as those included in the Map. The Director may exempt areas from the provisions of this code where a specific investigation demonstrates that the area subject to a development application does not possess the characteristics of areas delineated on the Areas of Ecological Significance Map, and applying the standards would not further the intent of this Section.
- c. **General Provisions.**
1. To the maximum extent practicable, all development plans shall be designed and arranged to ensure that little or no disturbance shall occur to any high or moderate impact area identified on the Areas of Ecological Significance Map as a result of the development.
 2. If any development generates a disturbance or influence to an impact area or to a natural feature located in an impact area, the development shall restore or replace the natural resource either on the site or off the site in the vicinity as approved by the City after notice has been provided to the adjacent property owners. Any such restoration or replacement shall be equivalent to replace the natural resource which was lost.
 3. To the extent practicable, mitigation measures shall be targeted to the specific natural features, wildlife species and/ or wildlife habitat impact brought about by a particular development. Such measures may be mixed and matched to address a diversity of potential impacts encompassed within a single application.
 4. Where more than one species inhabits a site, priority shall be given to that species which is at the highest risk. Development plans shall include provisions to ensure that any habitat that is key or critical to the survival of threatened or endangered species shall not be disturbed or diminished and, to the maximum extent practicable, shall be enhanced.
- d. **High & Moderate Impact Areas.**
1. *Designation of Impact Areas.* Impact areas as determined on the Areas of Ecological Significance Map shall be used to designate specific areas of the site in which limited development may occur upon compliance with the regulations of this Chapter. Impact areas may be multiple and noncontiguous on a development plan.
 - (a) The boundaries of high and moderate impact areas as mapped are approximate. The true boundary of such areas shown on development plans shall be proposed
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by the applicant, subject to approval by the City through site evaluation, and shall be based on the ecological characterization of the site in conjunction with the Areas of Ecological Significance Map.

- (b) In establishing boundaries for wetlands found on a development site, the applicant and the City may use hydrological evidence, ecological characterization and/or soil analysis. Such information may be existing or the Director may request that the applicant provide additional information determined by the Director to be necessary for a thorough and comprehensive review.
 - (1) Standards and guidelines and/or professional recommendations of the Colorado Division of Wildlife or other agencies or persons with technical expertise in wetland delineation may be used to determine wetland boundaries.
 - (2) In no event shall the defined wetland boundary be less inclusive than that which would be determined by the standards used by the U.S. Army Corps of Engineers.
- (c) The following shall be considered in identifying or amending the high and moderate impact areas:
 - (1) Ecological character and wildlife use of the impact area, stream corridor and wetland protection and buffering, wildlife movement corridors and type and quality of existing plant communities, preservation of significant tree and shrub stands and native grasslands;
 - (2) Foreseeable impacts of development on wildlife usage, ecological character or function of the impact area;
 - (3) Visual impacts, including ridge line and hillside protection areas;
 - (4) Existence of special habitat features such as key raptor habitat (including hunting roosts, night roosts and nest sites); key production areas, concentration areas and feeding areas for waterfowl; key use areas for shorebirds and water birds; key nesting sites for migrant songbirds and ground-nesting songbirds; deer concentration areas; black-tailed prairie dog colonies over 50 acres in size; grasslands; plains cottonwood-willow riparian habitat; and any wetland;
 - (5) Flood plains and flood ways;
 - (6) Erosion prevention and control, including but not limited to, protection of natural drainageways and compliance with approved storm water drainage management plans;
 - (7) Water conservation, including but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated suburban development and other considerations;
 - (8) Practical needs of approved construction activity in terms of ingress, egress, necessary staging and operation sites and the extent of proposed construction impact, including utility line construction and installation;
 - (9) Character of the completed development in terms of use, density, traffic flow, quantity and quality of water runoff, noise, light and other impacts; and
 - (10) Site topography including slope, drainage features, terraces, bluffs and hillsides, or ridge lines.

2. *Biologists Report.* If a development site contains or is adjacent to an impact area as mapped, then a report prepared by a qualified biologist or ecologist shall be provided unless waived by the City if adequate information is available for the site. The report shall cover the following:

- (a) Areas inhabited by or frequently used by state or federally listed endangered or threatened species and species of special concern;
- (b) Use of the area by significant wildlife including a species list, season of use and the purpose of use that the area provides for wildlife;

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- (c) Location of predominant species and characteristics of significant stands of vegetation;
 - (d) High water mark of any permanent water body or lake, or bank and one-hundred-year flood zone of any stream or river, if applicable;
 - (e) Wildlife movement corridors or special habitat features;
 - (f) Ecological functions of the site in relation to surrounding areas;
 - (g) Structures or uses that would discourage wildlife use of the area;
 - (h) Recommendations concerning desirable and undesirable development features, site improvements and uses; and
 - (i) The biologist shall develop recommendations to mitigate the negative impacts of development proposals. Such recommendations shall consider the intentions of the applicant for the development of the property in determining which of the following mitigation measures may apply:
 - (1) All measures shall first be considered that avoid potential influences to impact areas if deemed feasible and practicable by the Director. If not deemed feasible and practicable, then;
 - (2) All measures shall be considered that minimize potential influences to impact areas if deemed feasible and practicable by the Director. If not deemed feasible and practicable, then;
 - (3) Measures shall be taken to rectify negative influences to impact areas by repairing, rehabilitating or restoring the affected environment if deemed feasible and practicable by the Director. If not deemed feasible and practicable, then;
 - (4) Measures shall be taken to reduce or eliminate the negative influences to impact areas over time by preservation and maintenance operations during the life of the project if deemed feasible and practicable by the Director. If not deemed feasible and practicable, then;
 - (5) Measures shall be taken to mitigate the influences to impact areas by replacing or providing substitute resources and/or environments.

- 3. *Biologist Qualifications & Cost Estimate.* The report in Section 24-1004.d.2 shall be provided by a qualified biologist or ecologist under contract to the City, the cost of which shall be borne by the applicant. Upon request, the City shall provide an estimate for the cost of the report. Preparation of the biologist's report may be waived if the applicant has a report acceptable to the City to submit as a substitute.

e. **Development Standards**

- 1. *Generally.* Development shall be prohibited in high and moderate impact areas unless approved by the City under the provisions herein.
 - (a) No disturbance due to approved development activity such as grading or alteration of vegetation shall occur within any impact area except as provided in Section 24-1004.d. Disturbance shall include draining, filling, dredging or clearing activities, or stockpiling materials that leads to alteration of habitat within the impact area.
 - (b) No construction activity, including grading, excavation or stockpiling of materials, shall be permitted within the impact area prior to approval by the City of a storm water drainage and erosion control plan.
 - (c) If site development causes any disturbance within an impact area, the applicant shall propose appropriate mitigation measures for approval by the City, whose approval shall not be unreasonably withheld. Such mitigation or restoration measures shall be included in the biologist's report, as required by Section 24-1004.d.2. Any mitigation or restoration effort shall be equivalent to, or exceed the loss suffered by the community as a result of, the disturbance. Restoration or mitigation plans shall emphasize the use of native plant species.
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- (d) In addition to those projects which require a building permit, construction may be permitted within the impact areas subject to approval by the Director for:
 - (1) Mitigation of damage due to development;
 - (2) Restoration of disturbed, degraded or damaged areas;
 - (3) Utility work when such activities cannot reasonably be located outside the impact areas or on surrounding lands;
 - (4) Public safety purposes; or
 - (5) Habitat enhancement projects.

2. *Protection of Wildlife Habitat and Ecological Integrity.*

- (a) To the extent practicable, construction shall be timed to minimize disturbance of endangered or threatened species or species of special concern occupying or using the site and adjacent lands.
- (b) Black-tailed prairie dogs inhabiting portions of the site shall be relocated or humanely euthanized by the developer or developer's agent using legally approved methods for relocation and euthanasia which do not displace prairie dogs onto other properties prior to the onset of construction activity. Destruction of prairie dog towns shall not occur during the nesting season (March 15 – August 31) of the burrowing owl unless the town has been surveyed by a professional biologist/ecologist familiar with burrowing owl behavior and it is found that burrowing owls are not engaged in nesting/brood-rearing activities. If burrowing owls are found actively nesting or brood-rearing on a construction site, a plan shall be developed by the applicant and approved by the City and/or the Colorado Division of Wildlife for protecting the owls from disturbance by construction activity. This plan shall be implemented before development activity may begin.
- (c) If the development site contains existing areas that connect or provide corridors to adjacent impact areas, the development plan shall preserve those connections intact. Developments adjacent to streams, rivers and other designated natural drainage ways shall incorporate movement corridors for wildlife as part of the development plan. Movement corridors in such areas shall not be obstructed by fencing that prevents the free movement of deer and other wildlife along the corridor.
- (d) If the development site contains a lake, reservoir or pond, the development plan shall include enhancements and restoration necessary to protect and provide reasonable wildlife habitat, improve the aesthetic quality and protect areas subject to wind and wave action.
- (e) Water features incorporated as an aesthetic enhancement for developments shall be designed and constructed in a manner that will minimize their attractiveness for Canada geese. The City may not approve water features with large expanses of blue grass immediately surrounding the water impoundment area. Tree and shrub thickets may be used to discourage use by Canada geese in such areas.

3. *Protection During Construction.*

- (a) Designation of impact areas as approved by the City shall be shown on the final site plan. Impact areas shall be designated and marked in the field by methods approved by the City, prior to the onset of construction activity.
- (b) Temporary construction barrier fencing shall be installed and maintained at the impact area before and during construction. The marking of trees, shrubs and thickets to be preserved within impact areas that will be disturbed during construction shall be done in a way that will not permanently scar or deface the plant.

4. *Proof of Compliance.*

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- (a) When a proposed development will disturb existing wetlands, the applicant shall provide to the City a written statement from the U.S. Army Corps of Engineers that the development plan fully complies with all applicable federal wetland regulations established in the Clean Water Act.
 - (b) The applicant shall provide a certification to the City that the development plan complies with all applicable federal, state or county environmental regulations.

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

Community shall mean one or more populations of plants and animals in a common grouped arrangement within a specified area.

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

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

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

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

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

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

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

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

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

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

Loss shall mean a change in wildlife resources due to development activities that is considered adverse and which would: 1) reduce the biological value of habitat; 2) reduce the numbers of species; 3) reduce population numbers of species; 4) increase population numbers of

nuisance/generalist species; 5) reduce the human use of wildlife resources; or 6) disrupt ecosystem structure and function.

Mitigation shall mean a mechanism for addressing undesirable impacts on fish, wildlife, plants, habitat and other natural resources. Mitigation may be accomplished in several ways including reducing, minimizing, rectifying, compensating or avoiding impacts. Mitigation may include: 1) avoiding the impact altogether by not taking a certain action or parts of an action; 2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; 3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; 4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or 5) compensating for the impact by replacing or providing substitute resources or environments.

Moderate impact areas shall mean those designated areas which contain significant natural features which would be moderately and negatively compromised by development. Such areas are identified on the Areas of Ecological Significance Map.

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

Natural area corridor shall mean an aquatic or terrestrial corridor that connects one or more impact areas or habitats together.

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

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

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

Significant (biologically) shall mean wildlife or habitats that because of their relative attributes deserve greater consideration in resource management decisions. *Relative attributes* may include: 1) species that have state and/or federal listing as endangered/threatened, or have standing as species of special concern; 2) species with restricted distributions or highly specific habitat requirements; 3) species that are representative of a particular habitat type; 4) indicator species whose physical presence denotes the presence of other species or environmental conditions not readily observed; or 5) species with economic value or possessing traits that are of particular interest to humans.

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

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

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

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

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

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

Stringer shall mean a strip of vegetation that extends into another type of vegetation creating an edge effect and providing a movement corridor for a variety of wildlife species.

Wetlands shall mean lands that are transitional between aquatic and terrestrial habitat where the water table is at or near the surface, or the land is covered by water during a portion of the year. Wetlands are characterized by: 1) hydric soils, with undrained substrate; 2) hydrophilic plant populations; 3) standing water or deposits of leached compounds in surface soils; or 4) high subsurface water table.

Wildlife shall mean wild, native vertebrates (including fish), mollusks, and crustaceans and any species introduced or released by the Division of Wildlife, whether alive or dead, including any part, egg or offspring thereof.

24-1005 General Improvement District Overlay

- a. **Intent.** The intent of this Section is to provide standards for the use and development of land in the General Improvement District (GID) #1. The specific intent is to:
1. Allow development that reflects the historic development patterns of Downtown Greeley.
 2. Compliment the scale, mass, form and design of buildings, and promotes the unique character of downtown Greeley.
 3. Coordinate development in the downtown area with the design and investments in public spaces, including streets, civic spaces and other gathering places.
 4. Implement the planning and urban design policies for Downtown reflected in the Comprehensive Plan, or any specific plan for any parts of the Downtown area.
- b. **Applicability.** The provisions herein shall apply to all land located within the General Improvement District (GID) #1, which is bounded by 6th Street to the north, 11th Avenue to the west, 11th Street to the south and 7th Avenue to the east, excluding City Block 35
- c. **District Regulations** .Land in the General Improvement District #1 shall be exempt from:
1. The Zoning District Development Standards in Chapter 4, or the corresponding Development Standards in Chapters 5 and 6 applicable to the district in which the property is located;
 2. The Landscape Design Standards in Chapter 8; and
 3. The off-street parking and loading standards in Chapter 7; however if parking is provided, any applicable landscape standards shall apply to the parking that is provided.

24-1006 Redevelopment District Overlay

- a. **Intent.** The intent of this Section is to apply alternative standards for the use and development of land and to allow additional discretion via the application of alternative compliance within the Redevelopment District. The specific intent is to:
 1. Remove unnecessary barriers to infill development where it reflects the development pattern and scale of a particular district, area or block.
 2. Ensure complimentary development where the purposes of this code and the intent or design objectives can be met by alternative designs.
 3. Provide equivalent standards in a creative way based on a more specific analysis of a site or building, and not modify or reduce requirements of the building or zoning codes.
- b. **Applicability.** The provisions of this Section shall apply to all land located within the Redevelopment District, which is all land located within the boundaries of the urban renewal area of the City, as it may be amended from time to time by the City Council.
- c. **Redevelopment District Performance Options.**

Table 24-10-1: Redevelopment District Performance Options	
Option # / Description	Conditions Required to Use Option (all must be met)
1. Open Space: Reduced - for commercial, cluster, multi-family and mixed-use development.	<i>The amount of required open space in a commercial, cluster, multi-family or mixed-use development may be reduced by up to 2% of the total site for every recreational amenity provided. Recreational amenities may include the following incorporated into the open space designs of Section 24-302 and 24-503.d: swimming pools; clubhouses or community centers or buildings; playgrounds with play equipment; picnic shelters/barbeque areas; court game facilities such as tennis, volleyball or basketball; or trail systems not otherwise required as a substitute for sidewalks,</i>
2. Landscape Cash-en-lieu	<i>When the applicant presents evidence that the placement of trees and/or shrubs as required in this Chapter would not be practical or feasible, a portion of the trees and shrubs may be located in alternative locations on the same lot, subject to approval by the Director. If required trees cannot be located on-lot due to site constraints, the applicant shall pay to the City cash in lieu of the required trees based on a schedule maintained by the Planning Division for the cost of labor and materials.</i>

24-1007 Character Overlay Districts

- a. **Intent.** The intent of this Section is to provide criteria and procedures for the creation of Character Overlay Districts. Generally, overlay districts are used to either create distinctions within a single zoning district, separating areas with distinct characteristics based on a particular context, or blend portions of multiple zoning districts, combining areas with similar characteristics based on a particular context. The specific purpose of this Section is to:
 1. Maintain and preserve unique attributes that make up the character of a particular area;
 2. Promote investments that reinforce compatible development patterns, site or landscape design, or architectural characteristics in a definable area.
 3. Promote elements of the comprehensive plan and allow a broader mix of buildings or uses in a specific area based on a broader analysis or plan common urban design attributes throughout the area.

Character overlay districts are not intended to substitute for or take the place of a Historic Preservation District, nor shall it be used to prevent the demolition of any structure.

- b. **Applicability.** Character Overlay Districts are a specific form of rezoning and shall follow all procedures for rezoning property included in Section 24-204. In addition, any Character Overlay District initiated by property owners of the district shall include the following:

1. *Name and Area.* The proposed specific name of the character overlay district and as specific and defined boundary on a map drawn to scale. Where lot lines exist, the boundaries shall follow established lot lines, and otherwise follow the centerlines of rights-of-way, watercourses, or other geographic boundaries. The district shall generally not be less than a block face.
 2. *Petition.* A petition shall be signed by at least 51% of the property owners, both by number of property owners and by area within the district. Evidence shall be provided to show that all property owners were made aware of the application and had the opportunity to participate in the petition. A City-initiated Character Overlay District is not subject to this requirement, but it may be used as criteria in considering the approval.
 3. *Characteristics and Standards.* A statement or analysis of the justification of the overlay district shall be provided, whether separating the area from similarly zoned property or blending the area of differently zoned property, or both. The statement shall identify the unique attributes of the area, or where established to permit new development define the desired unique attributes for future development. This statement shall be supported by the specific standards applicable in the overlay, which are different from the applicable base zoning district standards, which may include the following:
 - (a) Distinct development standards, including lot size, building location, and building dimensions.
 - (b) Specific site design standards, including parking, landscape, open space or sign standards.
 - (c) Specific building design standards, including frontages, building scale and massing, and facade design or materials, or other architecture details.
 - (d) Additions or specific limitations or conditions on uses, including justification of why these additions or limitations are more compatible with the area than the base zoning district use standards.
 - (c) A clear delineation of any sub-areas within the district where transitions exist or changes in the standards apply, whether by area, street type or other physical attribute within the district
 4. *Additional Information.* Any other information, analysis, plans or documentation that may be required by the Director to ensure a complete and comprehensive review of the proposed Character Overlay District.
- c. **Effect of Decision.** Adoption of a Character District Overlay shall have the same effect as rezoning property. All future development or redevelopment shall be subject to the base zoning district standards, as modified specifically by the Character Overlay District. The district shall be designated on the official zoning ordinance, and noted in Section 24-1007.d, and specific plans, standards, guidelines and procedures for the district may be referenced as an appendix to this Code. Any changes to a Character Overlay District shall only be made through the same procedures establishing the district.
- d. **Specific Districts.** The following Character Overlay Districts have been established through the applicable procedures of this code. Each district may be supported by additional documents in an appendix to this code or otherwise referenced and incorporated.
1. *Northeast Greeley Mercado District.*
 - (a) *Advisory Board.* There is hereby established a Northeast Greeley Mercado District Advisory Board, the purpose of which is to review and
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comment to other City Boards and the City Council concerning area development proposals and related matters as it relates to the objectives of the voluntary architectural and development design guidelines as described in the Mercado del Norte Plan dated May 2001.

- (b) *Board Members.* The Northeast Greeley Mercado District Advisory Board shall be comprised of seven members as provided by this Section. Three members shall represent residential land owners; three members shall represent business interests; and one member shall represent at-large interests of the area. A majority of the members shall be landowners of property within the designated Mercado District boundaries.

24-1008 Entertainment Districts

- a. **Intent.** The intent of this Section is to authorize the creation of an Entertainment District within which, through its Local Licensing Authority, the City may allow the establishment of common consumption areas as provided for in Section 12-47-301(11), C.R.S.

- b. **Applicability.** The provisions herein shall apply to all land designated as an Entertainment District of a size no more than 100 acres and containing at least 20,000 square feet of premises licensed as a tavern, hotel and restaurant, brew pub or vintner's restaurant at the time the District is created. The following specific districts are hereby created:
 - 1. *Downtown Entertainment District.* The Downtown Entertainment District shall include area within the south curb flow line of 7th Street, the west curb flow line of 8th Avenue, the north curb flow line of 10th Street and the east curb flow line of 9th Avenue. In addition to compliance with all aspects of this Section, any promotional association created to manage common consumption areas within the Downtown Entertainment District shall include an official representative of the Downtown Development Authority as a director of any promotional associations which may be authorized therein by the Local Licensing Authority.

- c. **General Provisions.**
 - 1. Entertainment Districts may be established by the City from time to time as determined to be in the best interest of the public and the specific geographic area to be served, subject to demonstration that the proposed district is consistent with the definition and purpose of an Entertainment District contained in this Section.

2. Common consumption areas shall be approved by the Local Licensing Authority, consistent with its authority provided in Chapter 6.16 of the Greeley Municipal Code, provided the Local Licensing Authority finds that, in addition to finding that the applicable requirements of Chapter 6.16 have been met, all of the following conditions are met:
 - (a) The size of the common consumption area is contained wholly within an Entertainment District as set forth in this Section;
 - (b) The area is clearly delineated using physical barriers to close the area to motor vehicle traffic and limit pedestrian access;
 - (c) The promotional association governing the common consumption area has obtained and maintained at all times a properly endorsed general liability and liquor liability insurance policy acceptable to the Local Licensing Authority of at least one million dollars (\$1,000,000.00) per incident and names the City as an additional insured.
 - (d) The promotional association has provided security deemed sufficient by the Local Licensing Authority to assure compliance with the liquor code and limit safety risks to the neighborhood and the general public patronizing the Entertainment District. All security within the common consumption area or its attached licensed premises shall complete the state server and seller training program and be approved by the Chief of Police.
 - (e) The promotional association has met the conditions further listed under Section 6.16.220 of the Greeley Municipal Code.
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24-1009 Hillside Development Standards

- a. **Intent.** This intent of this Section is to:
1. Specify the conditions under which development may take place in hillside areas ;
 2. Protect the aesthetic, geologic and ecological function of natural feature, including ridge lines, bluffs, rock outcroppings, natural drainage ways and other geologic conditions.
 3. Ensure that development minimizes the removal of existing vegetation and natural features and avoids geologic conditions which may pose a threat to life and property.
- b. **Applicability.** This Section is applicable to all development which contains existing natural slopes greater than 15%.
- c. **Development and Design Standards.**
1. *Lot Size.*

Table 24-10-2: Lot Size for Hillside Development

<i>Existing Natural Slope of Site</i>	<i>Minimum Lot Size</i>
0 – 15%	Established by zoning district
15.01% - 25%.	Residential = 2 times the minimum zoning district size Non-residential = 2 times the Gross Floor Area.
25.01% or more	Established by Planning Commission approval.

2. *Site Grading.*
 - (a) Grading shall be limited to only what is necessary to construct buildings, drives and usable open space. Any allowed grading shall be designed to conserve natural topographic features and appearances by sculpting the land to blend graded slopes and benches with natural topography and retain major natural topographic features, including natural drainage courses and existing vegetation.
 - (b) Cuts and fills shall be limited to the extent necessary; and in no event shall cuts and fills occur in areas with slopes in excess of 25%, nor disturb more than 75% of the area of a lot or site without approval of a variance by the Zoning Board of Appeals.
 - (c) All graded areas shall be protected from wind and water erosion through the use of acceptable slope stabilization methods such as planting, retaining walls, or netting.
 - (d) Construction equipment and stockpiled soils shall be stored in areas which are to be disturbed during construction, including driveway pad locations and previously disturbed street cuts.
3. *Building Siting.*

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- (a) Buildings shall be sited so that existing land forms serve as backdrops to the buildings rather than using the sky as a backdrop, and shall be designed to fit the site rather than modifying the site to fit the proposed buildings.
 - (b) Retaining walls shall be permitted as long as they are not in excess of six feet above final grade. Multiple parallel retaining walls shall be designed to be part of a tiered or terraced retaining wall system.
 - (c) If a site has unique geological features, such as rock outcroppings or cliff faces, special care shall be taken to design the buildings for the site so that such site features are preserved.

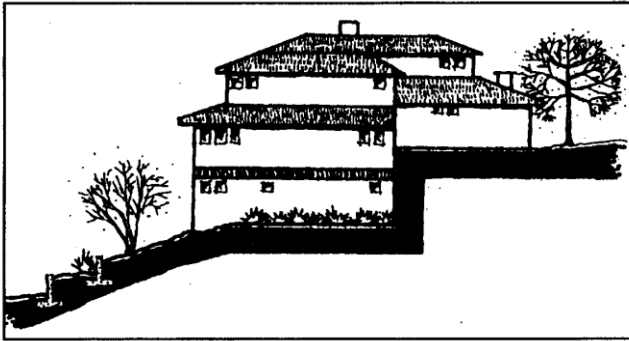


Figure 24-10-1: Building designed to fit site.

- 4. **Building Height.**
 - (a) The maximum height of a proposed building or structure shall not exceed the mid-point of the tallest building or structure on the adjacent uphill lot. If more than one lot meets the definition of adjacent uphill lot, the measurements required shall be made against the lower lot.
 - (b) The maximum height of a proposed structure on a lot which has no adjacent uphill lot shall be as established in the Zoning District in which the lot is located.
 - (c) No building shall exceed that allowed in the underlying zoning district, nor be limited to less than a single-story structure.
- 5. **Architecture.** Buildings and structures shall be designed to be compatible with the natural surroundings of the area and shall not dominate the natural environment using the following techniques:
 - (a) Exterior finishes shall blend in with the natural surroundings by using earth-tone colors and avoiding reflective materials or finishes.
 - (b) Varying setbacks, roof lines, innovative building techniques and building and wall forms which blend buildings into the terrain shall be used.
 - (c) Building design shall enhance the site's natural features through the use of split level designs and stepped foundations which mirror the slope of a hillside.
 - (d) Roof lines shall be broken into smaller components to reflect the irregular natural hillside patterns and shall be oriented in the same direction of the slope contour.

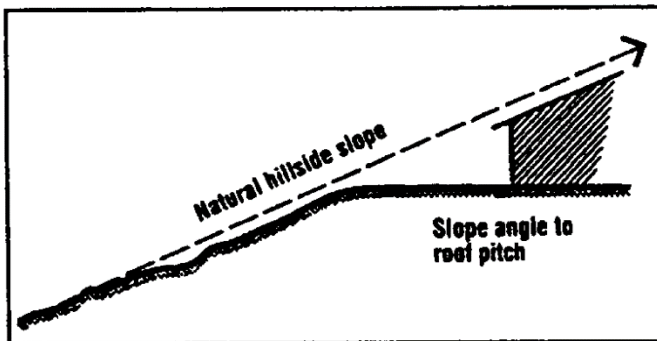


Figure 24-10-2: Roof pitch reflects hillside slope.

6. *Landscape Design.*
 - (a) Buildings shall be sited to incorporate existing vegetation into the site design to preserve the natural hillside image and character of the area.
 - (b) Existing vegetation shall be retained wherever possible and shall be used to soften structural mass and help blend buildings into the natural setting. Where vegetation is removed for other than fire safety reasons, replacement of the same or compatible plant material elsewhere on the site shall be required in an equal amount based on the number of plants removed.
 - (c) All exposed slopes and graded areas shall be landscaped with ground cover, shrubs and trees, and cuts and fills shall be designed to limit the impact upon existing vegetation on the site.

7. *Street & Driveway Design.*
 - (a) Streets shall be designed to follow existing contours, minimizing grading and erosion potential while providing adequate access for vehicles, including emergency service vehicles.
 - (b) The maximum street grade shall not exceed 5% unless otherwise approved by the Planning Commission as part of the platting process, or as a Planned Unit Development.
 - (c) Guest parking shall be provided at the ratio provided in Chapter 7 either on-street as parallel parking spaces or in off-street locations which are distributed throughout the area for which the spaces are intended to be used.

Reserved Sections 24-1010 through 24-1100

Section 6. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 11 of Title 24 to read as follows:

Chapter 11. Supplemental Standards

- 24-1101 Wireless Communication Facilities
 - 24-1102 Oil & Gas
 - 24-1103 Adult Uses
 - 24-1104 Marijuana Uses
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24-1101 Wireless Communication Facilities

- a. **Intent.** In order to accommodate the communication need of residents and businesses while protecting the public, health, safety, and general welfare of the community, the City Council finds that these regulations are necessary to:
 1. Provide for the managed development and installation, maintenance modification, and removal of wireless communications infrastructure in the City with the fewest number of wireless communications facilities (WCFs) to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;
 2. Minimize adverse visual effects of WCFs through thoughtful design and siting, camouflage design techniques, appropriate and effective screening, and equipment undergrounding whenever possible;

3. Encourage the location of towers in areas in a manner that minimizes the total number of towers needed throughout the community;
4. Promote the collocation of WCFs;
5. Encourage owners and users to locate WCFs in areas where the adverse impact to the community is minimized;
6. Enhance the ability of wireless communications service providers to provide services to the community quickly, effectively, and efficiently;
7. Effectively manage the multiple users of the public right-of-way, including limited application of WCFs, and maintain the quality, function and design characteristics that create value in public spaces
8. Manage amateur radio facilities and over-the-air devices in the City.

b. **Applicability.** No person, firm or corporation shall construct, establish or build or cause to be constructed, established or built a WCF without first having obtained a site plan or special review permit, a lease (as applicable), pole attachment agreement or license (as applicable), and a building permit for this purpose.

1. *Procedures.* The requirements in this Section shall apply to all WCF applications as specified in Table 24-11-1: WCF Applicability & Process.

Table 24-11-1: WCF Applicability & Process			
<i>Type of WCF</i>	<i>Zone District</i>	<i>Process (See Chapter 2)</i>	<i>Timeframe (See 24-1101.b.3.)</i>
<i>Tower</i>	All Zone Districts	Use by Special Review, 24-206	▪ 150 day
<i>Alternative Structures in the ROW</i>	All Zone Districts	Site Plan, 24-207, plus Master License Agreement for ROW	▪ 90 day - major modification; ▪ 150 - new structure/tower
<i>Base Station or Alternative Tower Structure (concealed)</i>	All Zone Districts	Site Plan, 24-207	▪ 90 day - major modification ▪ 150 day - new structure/tower
<i>Small Cell</i>	All Zone Districts	Site Plan, 24-207	▪ 60 day – existing structure ▪ 90 day - new structure
<i>Eligible Facilities Request (EFR)</i>	All zone districts	Administrative Process – EFR Application	▪ 60 day
<i>Equipment Change (same size)</i>	All zone districts	Building Permit	▪ 60 day

2. *Exclusions.* The requirements in this Section shall not apply to:
 - (a) Amateur radio antenna owned and operated by a federally licensed amateur radio station operator or are exclusively receive-only antennas, provided that the height be no more than the distance from the base of the antenna to the property line is met..
 - (b) Antennas used for reception of television, multi-channel video programming and radio such as Over-the-Air Receiving Device (OTARD) antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to accessory uses contained in this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with federal law.
 - (c) A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the City. or reasonable ability to obtain such written determination within 72 hours
 - (d) A temporary WCF installed for the purpose of providing sufficient coverage for a special event, subject to administrative approval by the City.

3. *Timeframe for Decisions.* The applicant shall submit information demonstrating qualification for specific types of applications and procedures in Table 24-11-1.
 - (a) The Director shall make a decision within the timeframes in Table 24-11-1 for any complete application.
 - (b) The timeframe will toll if the Director notifies the applicant of any deficiencies in the application in writing within 30 days of submission, and how to correct the deficiencies.
 - (c) Upon resubmission, the timeframe will continue, unless the Director notifies the applicant of incompleteness within 10 days.
 - (d) At any point, the Director may determine that the application does not qualify under the provisions of this Section for a specific type of application, and notify the applicant. Any determination shall be subject to other applicable timeframes for the request and the Telecommunications Act timeframes and FCC's rules.
 - (e) Failure of the Director to act within this timeframe shall be deemed approval of the application.

4. *Submittal Requirements.* In addition to submittal requirements for any application authorized under 24-201.a., the following supplemental information is required for WCF applications.
 - (a) Signal non-interference letter;
 - (b) Radio frequency emissions letter;
 - (c) Photo simulations showing before and after conditions;
 - (d) Map, site inventory or other representation of the applicant's current and proposed WCPs in the city and within 0.5 miles of City, including those it anticipates within the next 3 years. Sites shall be identified by name, address, and general description of the type of facility. This information is to assist the city with planning and coordination possible administrative approvals with other applicants. The applicant may omit any proprietary information.
 - (e) Abandonment and removal affidavits from both the property owner and applicant acknowledging responsibility for removal of facilities if abandoned or unused for six months.
 - (f) Sufficient information for the Director to determine which process the application is eligible for under 24-1101.b.1.
 - (1) Whether the project constitutes a substantial change to an existing facility.
 - (2) Proof of compliance with generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.
 - (3) The application shall not require the applicant to demonstrate a need or business case for any proposed modification or collocation application

c. **Operation & Development Standards.**

1. *Federal Requirements.* All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other federal government agency with the authority to regulate WCFs. If the standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with the revised standards and regulations within the time period mandated by the controlling federal agency. Unless preempted by federal law, failure to meet revised standards and regulations within 30 days of the City's determination of noncompliance shall constitute grounds for the removal of the WCF by the City or owner at the WCF owner's expense.

2. *Other City Codes and Requirements.* WCFs shall comply with all other building, electrical, structural and safety codes and requirements of the City; with any other permit

or license issued by a local, state, or federal agency with jurisdiction of the WCF; and with any easements, covenants, condition or restrictions applicable to the underlying real property. The property shall be maintained in good working condition according to any conditions or standards of the approval, and be maintained free from trash, debris, litter, graffiti, and other forms of vandalism. Curing deficiency from any of these standards shall be as soon as practicable, but never more than 10 days from notification by the City or after discovery by the owner or operator. The city may address any issues with any facility in the right-of-way and the owner or operator shall be all costs associated with the maintenance within 30 days of receiving and invoice from the City.

3. *Use of Public Right-of-Way or Public Property.* Siting WCFs in the ROW requires a license agreement with the City, granting a non-exclusive license to use the ROW. Attachment of WCFs on an existing traffic signal, street light pole, or similar structure requires written evidence of a license, or other legal right or approval by its owner, to use the structure. The applicant shall remain the owner of, and solely responsible for, any WCF installed in the ROW. Prior to, or concurrently with, seeking land use approval for a WCF on public property, the applicant shall execute a lease agreement with the City.
 4. *Operation and Maintenance.* The owner of a WCF shall maintain the structural integrity of WCFs in compliance with the standards contained in applicable local building and safety codes. If the City inspects and concludes that a WCF fails to comply with the codes and constitutes a danger to persons or property, the City shall issue written notice of violations. The owner shall have 30 days from the date of notice to bring the WCF into compliance. Upon good cause shown by the owner and meeting reasonable safety considerations, the City's Chief Building Official may extend the compliance period no more than 90 days from the date of notice. If the owner fails to bring such WCF into compliance within this time period, the City may remove the WCF at the owner's expense.
 5. *Abandonment and Removal.* An existing WCF that has not been in use for a period of three months requires the owner to notify the City of the non-use and indicate whether re-use is expected within the ensuing three months. Any WCF that is contracted and is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of the WCF shall remove the WCF within 30 days of receipt of written notice from the City. If the WCF is not removed within said thirty 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. Additionally, the City, in its sole discretion, may not approve any new WCF application until the applicant who is also the owner or operator of any abandoned WCF has removed the WCF or payment for removal has been made to the City.
 6. *Hazardous Materials.* No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.
 7. *Collocation.* No WCF owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the Director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site. No new towers, excepting small cell facilities in the right-of-way, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application, and sufficient separation of towers is achieved. Evidence may consist of the following:
 - (a) No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
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- (b) Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
 - (c) The applicant's proposed WCFs would cause electromagnetic interference with the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
 - (d) The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.
8. **Setbacks.** The following minimum setback requirements shall apply to all WCFs, except for alternative tower structures in the right-of-way
- (a) A tower shall meet the greater of the following minimum setbacks from all property lines:
 - (1) The setback for a principal building within the applicable zoning district; or
 - (2) 25% of the facility height, including WCFs and related accessory equipment;
 - (b) For sites within 100 feet of residential uses, facilities over 30 feet in height shall have a minimum setback from all adjacent residential property lines of one foot for every foot in height
 - (c) Towers over 90 feet in height shall not be located within one-quarter mile from any existing tower that is over 90 feet in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

d. **Design Standards.**

1. **General Camouflage and Concealment.** WCFs and transmission equipment shall be designed to blend with the surroundings of the natural setting and built environment, with landscape, materials, colors and textures, screening, underground equipment and other design techniques.
- (a) WCFs in areas of particular sensitivity (e.g historic property, natural views, or other areas with aesthetic or architectural importance) shall locate facilities away from high visibility locations or use elevated camouflage strategies to minimize the profile.
 - (b) All accessory equipment and antenna shall blend with the natural surroundings and buildings or structures they are mounted on, using similar neutral and non-reflective materials and colors.
 - (c) Alternative tower structures should be used where possible and according to Section 24-1101.d.7.
 - (d) Any WCF shall be sited to minimize visual impacts on residential property, including considering feasible locations that are more remote and considering alternative tower structures. In residential areas WCFs shall be placed:
 - (1) Near common property lines between adjoining residential property, to minimize visual impacts equitably among adjacent and nearby property.
 - (2) For a corner lot, the WCF may be placed adjacent to a common property line near adjoining property or on the corner formed by intersecting streets.
 - (3) Other locations may be considered by the Director if the applicant submits a written statement why these requirements are not feasible from an engineering or design perspective.
2. **Collocation.** WCFs shall be designed and constructed accommodate at least two wireless service providers on the same facility, except where this capacity is not feasible due to engineering and construction justifications, or where it would undermine the intent of this Section, and particularly increase the visibility of facilities.

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3. *Lighting.* WCFs shall comply with any FAA lighting requirements. All other lights shall be limited to those common to any alternative tower structure or for security purposes within the equipment yard, on mounted on poles or on buildings below the height of the screen wall or fence.
 4. *Noise.* All sites shall comply with the noise requirements of Chapter 9.24 of the Municipal Code. A WCF owner or operator may exceed the noise standards for a reasonable time no more than two hours for repairs, unless a greater time is authorized by the City through the building permit.
 5. *Landscape and Screening.*
 - (a) All WCFs, including small cells, shall have buffers screening them from the right-of-way and adjacent property according to Section 24-803.
 - (b) WCFs shall be sited in a manner that does not reduce the landscape area required for other principal uses on the parcel
 - (c) All equipment not located in the right-of-way shall be screened with wall or fence, or enclosed within a building. Fences shall meet the standards of Chapter 6.
 - (d) Roof-mounted equipment shall be screened from off-site views by solid screen walls, building parapets or similar enclosures and architectural features..
 6. *Alternative Tower Structures.* WCFs may located on alternative structures or in structures designed to appear as other common elements in the context or landscape, including buildings, trees, public art, clock towers or similar features. The design shall:
 - (a) Be consistent with the size, scale and design of other similar features in the area, and be comparable to the size of the actual elements they are replicating.
 - (b) Be sited in a manner that is sensitive to adjacent property and uses, considering the WCF facility and the alternative structure.
 7. *Alternative Tower Structures in the Right-of-Way.* Alternative tower structures and associated small cells, or micro cells in the right-of-way shall meet the following requirements, in addition to those in Section 24-1101.d.6:
 - (a) Located on existing street light poles, distribution lines, utility poles or traffic signals.
 - (b) Components shall be located on or within the existing pole, or otherwise designed to create no discernable change to the existing structure. Components may be located on a new utility pole where:
 - (1) Utility lines are aerial:
 - (2) No feasible alternative is available on existing poles; and
 - (3) The applicant is authorized to construct the new utility poles.
 - (c) Ground mounted equipment shall be located to address both public safety and aesthetic concerns, be located out of view where possible, and the Community Development Department may require a flush-to-grade underground equipment vault where appropriate and feasible.
 - (d) Be collocated with other WCFs in the right-of-way wherever practical, and the City may require collocations where new locations would place an abnormal or unusual amount of structures and accessory equipment in the right-of-way, beyond what would otherwise occur absent the use of common facilities for WCFs.
 - (e) No WCF shall be placed in a way to compromise any function, create unreasonable interference, or significantly alter the appearance of the right-of-way and other facilities, whether on existing structures or alternative tower structures.
 - (f) Any new alternative structure located in the right of way shall meet the following:
 - (1) Be no more than 5 feet taller than any existing utility or traffic signal pole within 600 feet; or if a new free-standing structure, no taller than 30 feet; or if mounted on an existing pole, no taller than the existing pole.
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- (2) Be no greater than 18 inches in diameter.
- (3) Be separated from all other WCFs in the right-of-way by at least 600 feet, unless deployed as an existing base station in the right-of-way.

8. *Towers.*

- (a) Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards and City design approval processes, be painted a neutral color so as to reduce visual obtrusiveness.
- (b) Wherever possible, towers shall locate to utilize existing landforms, vegetation, and structures to aid in screening the facility from view, or otherwise blending in with the surrounding built and natural environment.
- (c) Monopole support structures shall taper from the base to the tip.
- (d) All towers, excluding alternative tower structures in the right-of-way, shall be enclosed by security fencing or wall, and equipped with an appropriate anti-climbing device.
- (e) Towers shall be subject to the height restrictions of each zoning district and no more than 30-feet high in the right-of-way.

9. *Roof-mounted WCFs.*

- (a) Roof-mounted WCFs may be approved only where an applicant sufficiently demonstrates that a wall mounted WCF is inadequate to provide service.
- (b) Roof mounted antennas shall extend no more than 10 feet above the parapet of any flat roof or ridge of a sloped roof to which they are attached.
- (c) Other roof mounted transmission equipment shall extend no more than 10 feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.
- (d) All rooftop equipment and antennas must be adequately screened, per Section 24-803.d.

10. *Base Stations.*

- (a) Antennas and other proposed equipment shall be architecturally compatible with the base station and, when appropriate, colored or otherwise camouflaged to integrate with the base station to which they are attached.
- (b) Facilities mounted on a base station shall be installed as flush to the wall as technically practical. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six feet.

11. *Related Accessory Equipment.*

- (a) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely together as technically possible.
- (b) The total footprint coverage area of the WCF's accessory equipment shall not exceed 350 square feet.
- (c) No related accessory equipment or accessory structure shall exceed 12 feet in height.
- (d) Related accessory equipment shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where alternate locations are not available, the accessory equipment shall use camouflage design techniques.

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

Alternative tower structure shall mean man-made trees, clock towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural

setting and surrounding structures, and camouflages or conceals the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to the requirements of this Section. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone pole in the right-of-way, streetlight, or traffic signal that accommodates small cell facilities is considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this Section.

Antenna shall mean any device used to transmit and/or receive radio or electromagnetic waves such as panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations as well as exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

Base station shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower or any equipment associated with a tower. Base station does include:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Section, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under this Section, has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in Paragraphs 1. and 2. above.

Camouflage, concealment, or camouflage design techniques shall mean the designing of a WCF to alter its appearance to substantially integrate it into surrounding building designs and/or natural settings to minimize the visual impacts of the facility on the surrounding uses and ensure the facility is compatible with the environment in which it is located. A WCF site utilizes camouflage design techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola; or (ii) is integrated in an outdoor fixture such as a utility tower; or (iii) uses a design which mimics and is consistent with the nearby natural or architectural features (such as a clock tower) or is incorporated into (including being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Cell on wheels (COW) shall mean a mobile cell site that consists of an antenna tower and electronic radio transceiver equipment on a truck or trailer, designed to boost reception as part of a larger cellular network and is temporary in nature.

Collocation shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Eligible facilities request shall mean any request for modification of an existing tower or base station that is not a substantial change.

Eligible support structure shall mean any tower or base station as defined in this Section, provided that it is existing at the time the relevant application is filed with the City under this Section.

Existing tower or base station shall mean a constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built; for example, a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

Micro cell facility shall mean a small wireless facility that is no larger than 24 inches in length, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, that is no more than 11 inches in length.

Monopole shall mean a single, freestanding pole-type structure supporting one or more antennas.

Over the air receiving device shall mean an antenna used to receive video programming from direct broadcast satellites, broadband radio services and television broadcast stations, but shall not include antennas used for AM/FM radio, amateur ("ham") radio, CB radio, digital audio radio services or antennas used as part of a hub to relay signals among multiple locations.

Pole-mounted small cell facility shall mean a small cell facility with an antenna that is mounted and supported on an alternative tower structure, which includes a replacement pole.

Public property shall mean real property owned or controlled by the City, excluding the public right-of-way.

Public right-of-way (ROW) shall mean any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

Radio frequency emissions letter shall mean a letter from the applicant certifying, all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions.

Replacement pole shall mean an alternative tower structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a WCF or small cell facility or micro cell facility or to accommodate collocation, and replaces a pre-existing pole or structure.

Signal non-interference letter shall mean a letter from the applicant certifying all WCFs that are the subject of the application shall be designed, sited and operated in accordance with applicable federal regulations addressing radio frequency interference.

Site for towers (other than towers in the right-of-way and eligible support structures) shall mean the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations, micro cell facilities, and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

Small cell facility shall mean a WCF where each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than 17 cubic feet in

volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cells may be attached to alternate tower structures, replacement pole, and base stations. The definition of a small cell facility shall also include a micro cell or micro cell facility.

Substantial change shall mean a modification that substantially changes the physical dimensions of an eligible support structure if, after the modification, the structure meets any of the following criteria:

1. For towers, other than alternative tower structures or towers in the right-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent 10% or more than 10 feet, whichever is greater;
2. For towers, other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
4. For towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more 10% larger in height or overall volume than any other existing, individual ground cabinet associated with the structure;
5. For any eligible support structure, it entails any excavation or deployment outside the current site;
6. For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For the purposes of this subsection 6., a change that would undermine the concealment elements of this structure will be considered to defeat the concealment elements of the structure; or
7. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in Paragraphs 1., 2., and 3. of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Toll and tolling shall mean to delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

Tower shall mean any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one or more any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guyed towers, monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

Transmission equipment shall mean equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Unreasonable interference shall mean any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

Wireless communications facility or WCF shall mean a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, base stations, support equipment, alternative tower structures, and towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Title.

24-1102 Oil & Gas

- a. **Intent.** State law recognizes that surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Additionally, the City has the responsibility to protect city infrastructure and resources, manage and mitigate adverse land use impacts, and protect the health, safety, morals and general welfare of the public. This Section has the following intent with regard to the rights of surface and mineral estates:
1. Ensure and monitor compliance with all State and Federal laws and rules;
 2. Enable the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests;
 3. Minimize or mitigate adverse land use impacts on mineral estates, and provide mutual accommodation of the surface and mineral owners.
 4. Protect the City's infrastructure and groundwater resources and require mineral estate developers to ensure these resources are not harmed.
 5. Mitigate potential negative impacts from mineral estate development on property owners, adjacent or future land uses, and ecological resources through reasonable regulations for initiating, operating and ceasing mineral estate development.
- b. **Applicability.** The standards and procedures in this Section apply to all apply to oil and gas exploration and production operations located on surface property with within all zoning districts in the City limits. No oil and gas facility shall be operated or reactivated, and no site development or equipment shall be located prior to the following:
1. *Use by Special Review.* All oil and gas exploration and production operations shall require a special review permit for the facility according to the procedures and criteria in Section 24-206
 2. *Site Plan.* Approval of a site plan in association with the special review permit, or in accordance with the procedures and criteria in Section 24-207 for any new or relocated facilities, and provided it is compliance with an approved special review permit and the standards of this Section.

3. *Notice to Proceed.* Prior to commencement of construction, drilling, re-drilling or enhanced recovery operations for which a use by special review has been previously granted, a "Notice to Proceed" shall be obtained from the City. A copy of any necessary state or federal permit issued for the operation shall be provided to the City.
4. *Building Permits.* Building permits shall be obtained as required by the City's adopted Building and Fire Codes and all other applicable codes and regulations.
5. The initial use by special review permit shall allow any twinning, sidetracking, deepening, recompleting or reworking of a well and relocation of accessory equipment or gathering and transmission lines so long as all applicable regulations of this jurisdiction and the state are met. If any twinning, sidetracking, deepening, recompleting or reworking of a well, or relocation of accessory equipment or gathering and transmission lines occurs, then the operator shall submit a revised site plan according to the procedures and criteria in Section 24-207.

c. **Site & Development Standards.** All oil and gas sites shall meet the following site and development standards:

1. *General Provisions.* Operators shall conform to the following:
 - (a) City, county, state and federal regulations and standards concerning air quality, water quality, odor and noise.
 - (b) City sanitation and environmental standards
 - (c) All surface trash, debris, scarp or discarded material shall be removed and disposed of in a legal manner.
2. *Equipment Setbacks.* All oil and gas equipment, except flow lines, transmission lines and power supply, shall be located according to the setbacks in Table 24-11-2.

Table 24-11-2: Oil & Gas Equipment Setbacks

Location	Equipment	Setbacks	From
All areas of the City	Well Well heads Production tanks Associated production equipment	150' or 1.5x height, whichever is greater	Lot Line/ROW, Parking, Trail, Public or private road, Major above ground utility, Rail line Any occupied building (low density areas)
	New building or structure	50'	Any plugged and abandoned well
		150' or 1.5x height, whichever is greater	Any existing oil and gas equipment listed above
High-density areas	Well Well head Production tanks Associated production equipment	200'	Any occupied building (high density areas)
		350' (well and well heads) 500' (production tanks and associated production equipment)	Education facility, Assembly building Hospital or care facility Jail Outdoor activity areas (State designated)
	Any new building or structure (or per alternative compliance in Section 24-208)	50'	Any plugged and abandoned well
	350' (well and well heads) 500' (production tanks and associated production equipment)	Any existing oil and gas equipment listed above	

The Planning Commission may allow a lesser setback if necessary to meet other COGCC rules. A waiver shall first require COGCC approval of all other provisions of the application, demonstration that the COGCC requirements make the setbacks unattainable, and the Planning Commission may require other mitigation measures as provided in this Section to account for lesser setbacks.

3. *Flow Lines.* All flow lines, including transmission and gathering systems, shall have the legal description of the location recorded with the County Clerk and Recorder within 30 days of completion of construction. Abandonment of any flow lines shall be recorded with the County Clerk and Recorder within 30 days after abandonment.
4. *Access Roads.* All roads used to access the tank battery and wellhead shall be constructed and maintained according to the following:
 - (a) 20 feet minimum width;
 - (b) 13.5 feet minimum overhead clearance;
 - (c) Surfaced with:
 - (1) Tank access - Gravel with Class 6 aggregate base course per Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction,"
 - (2) Well head access - dirt;
 - (d) 6-inch thick / 95% compacted subgrade and aggregate base course;
 - (e) Graded to allow drainage and constructed to allow cross-drainage of waterways by a culvert or pipe subject to Public Works approval; and
 - (f) Any intersection with city streets or paved alleys shall be paved to Public Works standards from the road to the edge of the right of way, and otherwise protect public streets, sidewalks, curbs and gutter from any mud or gravel.
 - (g) If a well site falls within a high density area at the time of construction, all leasehold roads shall be constructed to accommodate local emergency vehicle access requirements and shall be maintained in a reasonable condition.
 - (h) If mud or gravel is carried onto City streets or sidewalks, the owner or operator shall ensure that the streets are promptly cleaned. With the permission of the Director of Public Works, the owner or operator may make arrangements for the Public Works Department to clean the streets at the sole cost of the owner or operator.
 - (i) No public facilities such as curbs, gutters, pavement, water or sewer lines, etc., shall be damaged by vehicles entering or leaving the site. In the event of damage, the owner and operator, jointly and severally, shall indemnify the City for any reasonable repair costs
5. *High Density Areas.* In addition to setbacks as required in Section 24-1102.c.2., the following provisions shall apply to high density areas:
 - (a) At the time of initial installation, if a well site falls within a high density area, all pumps, pits, wellheads and production facilities shall be adequately fenced to restrict access by unauthorized persons. For security purposes, all such facilities and equipment used in the operation of a completed well shall be surrounded by a fence six feet in height, of noncombustible material and which includes a gate which shall be locked.
 - (b) Any material not in use that might constitute a fire hazard shall be placed a minimum of 25 feet from the wellhead, tanks and separator. Within 90 days after a well is plugged and abandoned, the well site shall be cleared of all nonessential equipment.
 - (c) Adequate blowout prevention equipment shall be provided for drilling operations and well servicing operations.
 - (d) The operator shall identify the location of plugged and abandoned wells with a permanent monument which shall include the well number and date of plugging inscribed on the monument.

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- (e) Where possible, operators shall provide for the development of multiple reservoirs by drilling on existing pads or by multiple completions or commingling in existing well bores.
- d. **Coordination with COGCC Rules.** In addition to any other standards that are part of a special review permit, all oil and gas facilities shall comply with the following rules of Oil the Oil and Gas Conservation Commission of the State of Colorado (COGCC).
1. *Generally.* All exploration and production waste, including drilling mud or other drilling fluids, shall be stored, handled, transported, treated, recycled or disposed of in accordance with COGCC regulations, to prevent any significant adverse environmental impact on air, water, soil or biological resources.
 2. *Abandonment and Plugging.* The operator shall comply with all COGCC rules with respect to abandonment and plugging of wells.
 - (a) Operators of wells which are to be abandoned upon the completion of drilling and not be put into production shall notify the Greeley Fire Department not less than two hours prior to commencing plugging operations.
 - (b) Operators of formerly producing wells shall notify the Greeley Fire Department not less than 2 days prior to removing production equipment or commencing plugging operations.
 3. *Seismic Operations.* All persons shall comply with all COGCC rules with respect to seismic operations. Seismic operations shall occur within the City only between the hours of 7:00 a.m. and 7:00 p.m. In addition, the owner or operator shall provide a notice of intent to conduct seismic exploration at least seven days prior to commencement of the data recording operations to the Community Development Director and the Fire Chief. Notice shall include the following:
 - (a) Method of exploration;
 - (b) Map showing the proposed seismic lines, at a scale at least one-half inch to the mile;
 - (c) Name and permanent address of the seismic contractor; and
 - (d) The name, address and telephone number of the seismic contractor's local representative.
 4. *Signs.* The well and tank battery owner or operator shall comply with all COGCC rules with respect to signs. In addition, the owner or operator shall maintain all signs in readable condition. Signs shall comply with Chapter 9, Signs, and the International Fire Code, except when any variations from these codes are required by COGCC regulations.
 5. *Reclamation.* The operator shall comply with all COGCC rules with respect to site reclamation. The COGCC Drill Site Reclamation Notice shall be filed with the City at the same time it is sent to the surface owner.
- e. **Environmental Mitigation.** To ensure appropriate integration into the context within the City, and to promote the long-term interests of all land owners, oil and gas shall mitigate the following environmental impacts.
1. *Noise.* State law and regulations concerning noise abatement (Title 25, Article 12, C.R.S.) shall apply to all operations, together with applicable local government ordinances, rules or regulations. In addition, each site shall comply with the following:
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- (a) Where a well or tank battery does not comply with the required setback or other portions of this Section, or where the well or tank battery is in an area of particular noise sensitivity, such as hospitals, schools and churches, additional noise mitigation may be required. In determining noise mitigation, specific site characteristics shall be considered, including the following:
 - (1) Nature and proximity of adjacent development (design, location, type);
 - (2) Prevailing weather patterns, including wind directions;
 - (3) Vegetative cover on or adjacent to the site; and
 - (4) Topography.
- (b) Based upon the site characteristics, additional noise mitigation may require any combination of the following:
 - (1) Acoustically insulated housing or cover enclosing the motor, engine or compressor, or similar techniques;
 - (2) Vegetative screen consisting of trees and shrubs;
 - (3) Solid wall or fence of acoustically insulating material surrounding all or part of the facility;
 - (4) Noise management plan identifying and limiting hours of maximum noise emissions, type, frequency and level of noise to be emitted and proposed mitigation measures;
 - (5) Lowering the level of pumps or tank battery; and
 - (6) Requirements for electric motors only.
- (c) Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented in a direction away from all buildings certified or intended for occupancy, to the extent practicable.

2. *Visibility.* Oil and gas facilities shall be located away from prominent natural features and otherwise located to minimize visibility from rights-of-way, public spaces or adjacent property.

- (a) *General Location.* The following strategies shall be used to minimize visibility:
 - (1). Locate to avoid crossing hills and ridges or silhouetting.
 - (2) Use structures of minimal size to satisfy present and future functional requirements.
 - (3) Minimize the removal of existing vegetation.
 - (4) Locate facilities at the base of slopes to provide a background of topography and natural cover.
 - (5) Replace earth adjacent to water crossings at slopes at an angle, which insures stability for the soil type of the site, to minimize erosion.
 - (6) Align access roads to follow existing grades and minimize cuts and fills.
- (b) *Landscaping.* One or more of the following landscape strategies may be required, on a site-specific basis:
 - (1). Adequate ground covers, shrubs and trees.
 - (2) Shaping cuts and fills to appear as natural forms.
 - (3) Cutting rock areas to create irregular forms.
 - (4). Designing the facility to utilize natural screens.
 - (5). Construction of fences or walls, such as woven wood or rock, for use with or instead of landscaping.
- (c) *Painting and Colors.* Facilities shall be painted as follows:
 - (1). Uniform, noncontrasting, nonreflective color tones, similar to Munsell Soil Color Coding System.
 - (2) Color matched to land, not sky, slightly darker than adjacent landscape.
 - (3) Exposed concrete colored to match soil color.
 - (4) Storage tanks and other facilities shall be kept clean and well-painted and otherwise properly maintained, so that signs are legible and all flammable material removed from the site.
- (d) *Visual Mitigation Plan.* Where a well or tank battery does not comply with the required setback or other portions of this Section or in areas of increased visual

sensitivity determined by the City, the applicant shall submit a visual mitigation plan which shall include one or more of the following standards:

- (1) Exterior lighting shall be directed away from residential areas or shielded from said areas to eliminate glare.
- (2) Construction of buildings or other enclosures may be required where facilities create noise and visual impacts which cannot be mitigated because of proximity, density and/or intensity of adjacent residential land use.

3. *Safety.* Adequate precautions shall be taken and necessary wellhead safety devices used at all times during the drilling, completion, recompletion, reworking, production, repair and maintenance of the well.
 - (a) Adequate fire-fighting apparatus and supplies, approved by the Greeley Fire Department or appropriate fire district, shall be maintained on the drilling site at all times during drilling, completion and repair operations. All machinery, equipment and installations on all drilling sites within the City limits shall conform with such requirements as may be issued by the Greeley Fire Department or appropriate fire district.
 - (b) Any well located less than 350 feet from an occupied building or in high density areas shall be equipped with blowout preventers during drilling.
4. *Wildlife.*
 - (a) When one or more wells or tank batteries are located within sensitive areas as identified on the City's Areas of Ecological Significance Map, the applicant shall consult with the Division of Wildlife and the City to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures.
 - (b) In lieu of a site specific mitigation review for each well and well site, the applicant may submit to the Community Development Director a multi-site plan addressing cumulative impacts to wildlife from the estimated total number of facilities planned in the same area and including areas within the Long-Range Expected Growth Area, if at least one proposed well site is in the City.
5. *Flood Plain Restrictions.* The well and tank battery shall comply with all applicable federal, state and local laws and regulations when located in a flood way or a one-hundred-year flood plain area.
 - (a) All equipment at production sites located within a one-hundred-year flood plain shall be anchored as necessary to prevent flotation, lateral movement or collapse or shall be surrounded by a berm with a top elevation at least one foot above the level of a one-hundred-year flood.
 - (b) Any activity or equipment at any well site within a one-hundred-year flood plain shall comply with the Federal Emergency Management Act and shall not endanger the eligibility of residents of the City to obtain federal flood insurance.

f. **Application Materials.** In addition to all submittal requirements for a use by special review required by Chapter 2 and Section 24-206, a use by special review for oil and gas facilities shall require the following:

1. *Site Plan.* Copies of all information submitted to the COGCC. If any of the following is not included on the COGCC information, it shall be submitted on one or more plats or maps, drawn to scale:
 - (a) The proposed location of production site facilities or well site facilities. Future development of the resource shall be considered in the location of the tank battery. Existing tank batteries and transmission and gathering lines within 500 feet of the well site shall be shown.
 - (b) The location of the drilling equipment and related facilities and structures.
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- (c) The following information within a radius of 500 feet of the proposed well or production site:
 - (1) Existing surface improvements;
 - (2) Existing utility easements and other rights-of-way of record; and
 - (3) Existing irrigation or drainage ditches.
 - (4) Names of abutting subdivisions or owners of abutting unplatted property
 - (d) Drainage and erosion control plans for the well site or production site and the area immediately adjacent to such site, ~~if applicable~~.
 - (e) Location of access roads.
 - (f) Well site or production site's existing lease boundaries, well name and number.
 - (g) True north arrow, scale and plan legend.
 - (h) A title block showing the scale; date of preparation; and name, address and telephone number of the plan preparer, applicant and operator.
2. *Vicinity Maps.* Copies of the vicinity maps as submitted to the COGCC. If any of the following is not included on the COGCC vicinity maps, it shall be submitted included for a three-mile radius around the proposed well:
- (a) Location of all existing water bodies and watercourses, including direction of water flow. This information shall be submitted on USGS 7.5 minute series or assessor base maps which indicate topographic detail and show all existing water bodies and watercourses with a physically defined channel within a four-hundred-foot radius of the proposed well.
 - (b) Location of existing oil and gas wells as reflected in COGCC records. This information shall be submitted on a map and shall include any and all wells within a one-thousand-foot radius of the proposed location for the well.
 - (c) Location of drill site and access from one or more public roads.
 - (d) Surface and mineral lease ownership within 200 feet of the wellhead and within 400 feet of the wellhead in high-density areas.
3. *Other Items.* The application shall include the following:
- (a) The operator's and surface owner's names and addresses, copies of any required COGCC Form 2 and designation of agent, if applicable.
 - (b) An operating plan.
 - (c) A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than COGCC.
 - (d) An emergency response plan that is mutually acceptable to the operator and the Greeley Fire Department or appropriate fire district that includes a list of local telephone number of public and private entities and individuals to be notified in the event of an emergency, the location of the well and provisions for access by emergency response entities.
 - (e) A plan for minimizing negative impacts, including noise and vibration levels, air and water quality, odor levels, visual impacts, wildlife impacts, waste disposal and public safety.
 - (f) A fire protection plan that is mutually acceptable to the operator and the Greeley Fire Department or appropriate fire district that includes planned actions for possible emergency events and any other pertinent information. Prior to the application to the City, a proposed fire protection plan and emergency response plan shall be submitted to and reviewed by the Greeley Fire Department or appropriate fire district.
- g. **Review Criteria.** In addition to all other general criteria in Section 24-206 for use by special review, the Planning Commission shall consider the following for oil and gas facilities:
- 1. The submittal of all necessary information demonstrates compliance with all federal, state and local laws and regulations regarding siting and operating facilities.
 - 2. The site plans demonstrate compliance with all standards in this Section.

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3. The site plan or any additional environmental mitigation plans meet the standards, guidelines and criteria for the specific location and context.
 4. No other conditions or circumstances exist that will undermine the intent of this Section.
- h. **Inspections.** The holder or agent of the special review permit shall allow inspections of all wells and accessory equipment and structures by City personnel at any reasonable hour.
1. Failure to allow inspections for more than ten days shall result in scheduling a special review permit revocation hearing before the Planning Commission. The Planning Commission's decision on a special review permit revocation based on failure to allow inspections shall be final.
 2. Each year the operator of any producing oil or gas well shall provide the following to the Fire Chief:
 - (a) Proof of insurance and bonding required by any City, county, state or federal law or regulation
 - (b) Certification of compliance with the conditions of this Section, the Uniform Building and Fire Codes, and other applicable regulations.
 - (c) Annual inspection fees established by the City to cover inspection costs. This fee shall be paid no later than February 1 for the preceding year. Wells which have been plugged and abandoned are exempt from the fee.
- i. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All terms not listed but that are defined in the Act, or in regulations by the COGCC or CDPHE authorized under the Act, shall defer to those definitions, and any conflicts resolved in favor of the state definitions. All other terms shall have their usual customary meaning, the meaning given elsewhere in this code, or any generally accepted oil and gas industry meaning if the term is technical in nature.

Act shall mean the Oil and Gas Conservation Act of the State of Colorado.

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

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

Commission or COGCC shall mean the Oil and Gas Conservation Commission of the State of Colorado.

Educational facility shall mean any building used for legally allowed educational purposes for more than 12 hours per week for more than six persons. This includes any building or portion of building used for licensed day-care purposes for more than six persons.

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

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

Hospital, nursing home, board and care facilities, for the sole purpose of this Chapter, shall mean buildings used for the licensed care of more than five in-patients or residents.

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

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

Local government designee shall mean the office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local governmental designee pursuant to the rules of the COGCC.

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

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

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

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

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

Surface owner shall mean any person having title or right of ownership in the surface estate of real property or leasehold interest therein.

Twinning shall mean the drilling of a well adjacent to or near an existing well when the well cannot be drilled to the objective depth or produced due to an engineering problem, such as a collapsed casing or formation damage.

Well shall mean an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected.

Well site shall mean the areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well or injection well.

Wellhead shall mean the mouth of the well at which oil or gas is produced.

- a. **Findings.** The City Council finds that certain areas within the City are zoned to allow for adult businesses. The following shall apply to adult businesses:
1. Regulation of adult businesses protects and preserves the health, safety and welfare of the patrons of such businesses, as well as the citizenry.
 2. Regulation of adult businesses furthers substantial governmental interests and is necessary because, in the absence of such regulation, significant criminal activity has historically and regularly occurred. This history of criminal activity has included prostitution, narcotics and liquor law violations, violent crimes against persons and property crimes.
 3. Adult businesses are frequently used for unlawful and unhealthful sexual activities, including prostitution and sexual liaisons of a casual nature.
 4. The concern over sexually transmitted diseases, including AIDS, is a legitimate health concern of the City which demands reasonable regulation of adult businesses in order to protect the health and well-being of the citizens.
 5. Adult businesses have a deleterious effect on both neighboring businesses and surrounding residential areas, causing an increase in crime and a decrease in property values.
 6. It is recognized that adult businesses have serious objectionable characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area.
 7. Restricted hours of operation will further prevent the adverse secondary effects of adult businesses.
 8. The City Council desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizens; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; deter the spread of urban blight; and protect the citizens from increased crime.
- b. **Intent.** The intent to of this section is to regulate adult businesses to
1. Promote the health, safety, morals and general welfare of the citizens of Greeley;
 2. Establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult businesses within the City; and
 3. Reducing or eliminating the adverse secondary effects from such adult businesses.
 4. The provisions of this Section have neither the intent nor effect of imposing a limitation or restriction on the content of any constitutionally protected communicative materials, including sexually oriented materials.
 5. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.
- c. **General Standards.** The following provisions shall apply to an adult business, service or entertainment establishment:
1. *Age Restriction.* No one under 18 years of age shall be admitted to an adult business, service or entertainment establishment offering any form of live entertainment, nor shall any employee, agent or independent contractor working on such premises where live entertainment is allowed be under 18 years of age.
 2. *Hours of Operation.* Adult entertainment shall only be available at adult business, service or entertainment establishments between the hours of 7:00 a.m. and 12:00 midnight, Monday through Saturday.
 3. *Buffers.* An adult business, service or entertainment establishment shall be adequately buffered through the use of facade treatment, landscaping or fencing to minimize adverse impacts on commercial or residential uses, public parks, churches, public or private schools, preschools or child care centers certified or licensed by the State of Colorado,
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which are in proximity to such adult businesses. Buffering requirements shall be as provided in Section 24-803.

4. *Lightning & Signs.* All outside lighting and signs shall be arranged, shielded and restricted so as to prevent adverse impacts and any nuisance on adjacent streets, commercial or residential uses, public parks, churches or public or private schools, preschools or child care centers certified or licensed by the State.
 5. *Location Restrictions.* No adult business, service or entertainment establishment shall be operated or maintained within 1,000 feet of the following uses, measured in a straight line without regard to intervening structures or objects from the closest property line of the use to the property line of the adult establishment.
 - (a) Any school, preschool or child care center certified or licensed by the state;
 - (b) Church property;
 - (c) Property zoned for residential use;
 - (d) A public park; or
 - (e) Any existing adult business
 6. *Site Limits.* Not more than one adult business shall be operated or maintained in the same building, structure or portion thereof.
- d. **Public Nuisance.** Any adult business, service or entertainment establishment which engages in repeated or continuing violation of these regulations shall constitute a public nuisance subject to the provisions of Chapter 1.32. For purposes of these regulations, *repeated violations* shall mean three or more violations of any provision set forth herein within a consecutive twelve-month period, dating from the time of any violation. Any *continuing violation* shall mean a violation of any provision set out herein lasting for three or more consecutive days.
- e. **Free Expression.** Nothing in this Section shall be construed to apply to the presentation, showing or performance of any play, drama, ballet or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education or similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of a state of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

24-1104 **Marijuana Uses**

- a. **Intent.** The intent of this Section is to prohibit certain land uses related to commercial and medical marijuana in the City and, in furtherance of this intent, the City Council makes the following findings:
1. The Colorado Medical Marijuana Code, Section 12-43.3-101, et seq., C.R.S., clarifies state law regarding the scope and intent of Article XVIII, Section 14 of the Colorado Constitution.
 2. The Colorado Medical Marijuana Code specifically authorizes the governing body of a municipality to "vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses."
 3. The Colorado Medical Marijuana Code specifically authorizes a municipality "to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses ... based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana."
 4. Article XVIII, Section 16 of the Colorado Constitution ("Amendment 64") specifically authorizes the governing body of a municipality to "prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores through the enactment of an ordinance."
 5. The City has the power and authority to make and publish ordinances which are necessary and proper to provide for the safety and preserve the health of the citizens of the City not inconsistent with the laws of the State.
 6. Both Section 14 and Section 16 of Article XVIII of the Colorado Constitution provided specific direction regarding the requirements related to growing marijuana for personal use, including providing limits to the number of plants which may be grown; and Section 14 specifically addresses the noncommercial cultivation of marijuana by requiring that marijuana may not be grown openly or publicly, requiring that marijuana be grown in an enclosed and locked space and providing that marijuana grown for personal use may not be made available for sale.
 7. Based on careful consideration of the Colorado Medical Marijuana Code, Article XVIII, Sections 14 and 16 of the Colorado Constitution and the potential secondary effects of the cultivation and dispensing of medical marijuana and the retail sale, distribution and manufacturing of medical marijuana-infused products, such land uses have an adverse effect on the health, safety and welfare of the City and its inhabitants.
- b. **Authority.** The City's authority to adopt this section is found in the following:
1. Article XVIII, Sections 14 and 16 of the Colorado Constitution,
 2. Colorado Medical Marijuana Code, Section 12-43.3-101, C.R.S.;
 3. Local Government Land Use Control Enabling Act, Section 29-20-101, C.R.S.,
 4. Section 31-23-101, et seq., C.R.S. (Municipal Zoning Powers);
 5. Sections 31-15-103 and 31-15-401, C.R.S. (Municipal Police Powers);
 6. Section 31-15-501, C.R.S. (Municipal Authority to Regulate Businesses); and t
 7. City of Greeley Home Rule Charter.
- c. **Applicability.** This Section shall apply to all property within the City. To the extent that the City is required to allow the cultivation of medical marijuana or marijuana for personal use under state law, the standards, conditions and limited authorizations in this Section apply. Nothing in this Section shall be interpreted to permit marijuana dispensaries of any kind otherwise prohibited by this or any other regulation. If the Colorado Medical Marijuana Code, Article XVIII, Section 14 of the Colorado Constitution and/or the Colorado Recreational Marijuana Code, Article XVIII, Section 16 of the Colorado Constitution are declared unlawful in violation of federal law, nothing
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in this Code shall be deemed to permit the cultivation, possession or use of marijuana for medical or any other purpose. This Section shall be liberally construed to prevent and prohibit the establishment, operation and continuation of any prohibited activity, but shall not be construed to criminalize lawful activity under Article XVIII, Section 16 of the Colorado Constitution.

d. **Prohibited Uses.** The following activities are prohibited in the City, and not permitted as a primary land use, incidental activity or accessory use to another lawful land use, or as a home occupation:

1. Medical marijuana dispensaries, medical marijuana centers, medical marijuana-infused products manufacturers and optional premises cultivation operations
2. Commercial marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores.
3. Any private marijuana club.

The City designates the Department of Finance as the entity responsible for processing applications for licenses to operate a marijuana establishment. Pursuant to the prohibitions set forth above, any application for a license to operate a marijuana establishment shall be deemed denied upon the date of submission

e. **Limited Authorizations.** Caregivers and patients within the City are authorized to engage in only those activities regarding medical marijuana which are set forth in Section 14 of Article XVIII of the Colorado Constitution, as defined and limited by Section 25-1.5-106, C.R.S. Caregivers within the City are subject to any and all restrictions, limitations and prohibitions regarding the possession, consumption, transfer and cultivation of medical marijuana as set forth in Section 25-1.5-106, C.R.S., and all administrative rules and regulations promulgated by state agencies.

f. **Other Standards & Prohibitions**

1. It is unlawful to grow medical marijuana or marijuana for personal or medicinal use anywhere in the City other than in a detached single-family residence and therein, within an enclosed, locked space which is not open or public within a detached single-family residential property under the ownership of the person cultivating the marijuana or with the written permission of the property owner. For purposes of this Section, a garage or detached structure associated with the residence shall not be used for the cultivation of marijuana.
2. It is unlawful to cultivate marijuana or medical marijuana inside a residential dwelling in an area exceeding 32 square feet or exceeding a height of 10 feet. This limit applies regardless of the number of qualified patients or caregivers or persons otherwise allowed to possess and grow marijuana for personal use residing in the residence. The cultivation area shall be a single, locked area and shall not be accessible to anyone under the age of 21 unless such person possesses a medical marijuana registration card.
3. It is unlawful to use any lighting for the indoor cultivation of marijuana or medical marijuana other than light emitting diodes (LEDs), compact fluorescent lamps (CFLs) or fluorescent lighting. All high intensity discharge (HID) lighting, including but not limited to mercury-vapor lamps, metal-halide (MH) lamps, ceramic MH lamps, sodium-vapor lamps, high pressure sodium (HPS) lamps and xenon short-arc lamps, are prohibited.
4. It is unlawful to use gas products (e.g., CO₂, butane) for indoor marijuana or medical marijuana cultivation or processing.
5. It is unlawful to cultivate marijuana or medical marijuana in any structure without complying with applicable building and fire codes, including plumbing, mechanical and

electrical, and all applicable zoning codes, including by not limited to lot coverage, setback and height requirements.

6. Any indoor marijuana or medical marijuana cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the property line for detached single-family residences or residential property, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence. This shall include, at a minimum, a system meeting the requirements of the current, adopted edition of the International Residential / Building Code.
 7. It is unlawful to store chemicals used for marijuana or medical marijuana cultivation inside of the habitable areas of the residence or within public view from neighboring properties and public rights-of-way.
 8. It is unlawful for any marijuana or medical marijuana cultivation activity to adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration or other impacts; or be hazardous due to the use or storage of materials, processes, products or wastes or from other actions related to the cultivation.
- g. **Violations and Enforcement.** Violations of this Section shall constitute a Code infraction violation and shall be punished pursuant to Chapter 1.33 of the Greeley Municipal Code. The establishment, operation and continuation of any activity in violation of the terms of this Section is specifically determined to constitute a public nuisance, may be abated by the City as a nuisance and may be enjoined by the City in an action brought in a court of competent jurisdiction in the County in which such activity occurs. The remedies set forth in this Section shall not be exclusive, shall be cumulative and shall be in addition to any other remedy available at law or in equity.
- h. **Defined Terms.** The following terms used in this Section shall have the meaning given below. All other terms shall have their usual customary meaning, or the meaning given elsewhere in this code or Article XVIII, Section 16 of the Colorado Constitution, except where the context clearly indicates a different meaning.

Caregiver shall have the same meaning as set forth in Section 25-1.5-106(2), C.R.S.

Enclosed space means a permanent or semi-permanent area, surrounded on all sides, including the roof. The temporary opening of windows or doors does not convert the area into an unenclosed space.

Locked space means the area where cultivation occurs must be secured at all points of ingress and egress with a locking mechanism designed to limit access, such as a key or combination lock.

Marijuana or marihuana means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including marihuana concentrate. *Marijuana or marihuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.

Marijuana cultivation facility means an entity licensed to cultivate, prepare and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities and to other marijuana cultivation facilities, but not to consumers.

Marijuana establishment means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility or a retail marijuana store.

Marijuana product manufacturing facility means an entity licensed to purchase marijuana; manufacture, prepare and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments and tinctures.

Marijuana testing facility means an entity licensed to analyze and certify the safety and potency of marijuana.

Medical marijuana shall mean marijuana that is grown and sold pursuant to the provision of Article 43.3 of Title 12, C.R.S.

Medical marijuana center shall mean a person, business or any other entity licensed pursuant to Article 43.3 of Title 12, C.R.S., to operate a business as described in Section 12-43.3-402, C.R.S., that sells medical marijuana to registered patients or caregivers as authorized in the Colorado Revised Statutes, but is not a caregiver.

Medical marijuana dispensary shall have the same meaning as a *medical marijuana center* as set forth above.

Medical marijuana-infused product shall mean a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments and tinctures.

Medical marijuana-infused products manufacturer shall mean a person, business or any other entity licensed pursuant to Article 43.3 of Title 12, C.R.S., to operate a business as described in Section 12-43.3-404, C.R.S.

Open means not protected from unaided observations lawfully made from outside its perimeter not involving physical intrusion.

Optional premises cultivation operation shall mean a person, business or any other entity licensed pursuant to Article 43.3 of Title 12, C.R.S., to operate a business as described in Section 12-43.3-403, C.R.S.

Patient shall mean a person who has a debilitating medical condition and who has been provided with a registry identification card pursuant to the Colorado Revised Statutes to obtain medical marijuana.

Primary caregiver shall have the same meaning as set forth in Section 25-1.5-106(2), C.R.S.

Private marijuana club means the consumption of marijuana by persons assembled within a commercial or industrial structure, where such consumption is permitted, encouraged, promoted, enabled or condoned by persons assembled therein, whether such consumption is the primary intended purpose or an intended purpose incidental to other reasons for assembly therein.

Public means an area which is open to general access without restriction.

Retail marijuana store means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Reserved Sections 24-1105 through 24-1200

Section 7. The Greeley Municipal Code shall be amended by adding thereto a new Chapter 12 of Title 24 to read as follows:

Chapter 12 Reserved – Metropolitan Districts

24-1201-1300 Reserved
