

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 7, 2023**

AN ORDINANCE AMENDING TITLE 24 OF THE CITY OF GREELEY MUNICIPAL CODE TO UPDATE THE ALLOWANCE FOR CHILD CARE CENTERS/PRESCHOOLS AND MAKE VARIOUS REVISIONS AND CLARIFICATIONS TO DEVELOPMENT REQUIREMENTS

WHEREAS, the City adopted a major Development Code update in 2021; and

WHEREAS, regular amendments are needed to address omissions, correct technical errors, provide clarification, and include adaptations to achieve best practices; and

WHEREAS, the proposed amendments further the purposes of the Development Code, are in accordance with the Comprehensive Plan, were considered for long-range and immediate affects, promote the public safety, health, and general welfare of the citizens of Greeley, and improve the effectiveness and efficiency of administering the Development Code; and

WHEREAS, the City of Greeley intends to amend the Greeley Municipal Code to incorporate recommended changes to clarify minor variances, update to neighborhood meeting requirements, update the formula for park land dedication based on updated Census figures, restore Child Care Center/Preschool to residential zones, adjust home occupation processing, clarify some landscaping standards, and revert to the previous practice of City staff handling mailed notices for neighborhood meetings and public hearings.

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

Section 1. Title 24 of the Greeley Municipal Code is hereby amended as shown on Appendix A attached hereto and incorporated herein by reference.

Section 2. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF
FEBRUARY, 2023.**

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor

APPENDIX A

Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted

Bold, *Italicized* = Text added/amended

Italicized = Explanation

Topic: Minor Variances

Staff Analysis: *Minor variances precede the 2021 major code update, and the following text amendment is intended to clarify which applications qualify as a minor variance that are reviewed administratively.*

Proposed Changes:

24-209.c.3.(a)

Variance to a setback, building location, or building height requirement by up to ***1 foot or*** 10% of the requirement, ***whichever is less.*** ~~Where this would be less than 1 foot, the Director may approve a variance up to 1 foot.~~

Topic: Neighborhood Meetings

Staff Analysis: *Historically, the requirement for neighborhood meetings has been at the discretion of the Director and typically reserved for applications with significant public interest. The following text amendments are proposed to remove the requirement for neighborhood meetings in the PUD application category, and to provide the Director with latitude to require neighborhood meetings as needed. The Neighborhood Meeting column is proposed for removal to avoid duplication of requirements and standards found elsewhere in the Development Code regarding neighborhood meetings.*

Proposed Changes:

Table 24-2-1: Procedures Summary

Applications	Eligible Applicants			Pre-application Conference	Neighborhood meeting	Notice			Review Body			
	Owner	PC	CC			Post	Publish	Mail	Staff	PC	CC	ZBA
Minor Subdivision	✓			☑				☐	D	A	A	
Major Subdivision - Preliminary Plat	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Major Subdivision – Final Plat	✓			☑					D	A	Ac	
Rezoning	✓	✓	✓	☑	☐	☑	☑	☑	R	R/PH	D/PH	
Planned Unit Development (PUD)	✓		✓	☐	☐	☑	☑	☑	R	R/PH	D/PH	
Use By Special Review	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Site Plan	✓			☑		☐		☐	D	A	A	
Alternative Compliance	✓			☑				☐	D	A	A	
Minor Variance	✓			☑				☐	D		A	A
Variance	✓			☑		☑	☑	☑	R		A	D/PH
Appeal of Administrative Decision	✓	✓	✓			☐	☐	☐			A	D/PH

Text Amendment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	R	R/PH	D/PH
Easement Vacation/Dedication	<input checked="" type="checkbox"/>				<input type="checkbox"/>	D	A	A
ROW Vacation/Dedication	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	R	D
Annexation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	R	D/PH

☒ = Require
☐ = Director Option
☒ = Authorized
PC = Planning Commission
CC = City Council
ZBA = Zoning Board of Appeals

R = Review and Recommending Authority
D = Decision Making Authority
Ac = Acceptance of Public Improvements
A = Appeal of Decision
PH = Public Hearing Required

24-201.e

Neighborhood Meeting. A neighborhood meeting may be required ~~prior to the formal public meeting as indicated in Table 24-2-1~~ *or elective as described in the options that follow.*

1. Director Option. At the pre-application meeting or in association with the review of an application, the Director may require a neighborhood meeting for any project ~~that requires formal review beyond staff, and~~ where:

- (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;
- (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
- (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.

2. ~~Required Meeting or Applicant Option. A neighborhood meeting is required for any PUD application, and an~~ *An* applicant may elect to have a neighborhood meeting ~~on any other project. These neighborhood meetings should be held prior to a formal application so that~~ *to gather* input and concerns of potentially impacted *parties*. ~~property may be considered in the initial application.~~

3. Meeting Format. Neighborhood meetings shall meet the following:

- (a) The Director shall coordinate the scheduling, meeting location, and notice;:-
- (b) The meeting shall be held at a City facility; ~~or where~~ any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school; *or* community recreation center;:-
- (c) The applicant is responsible for all content of the meeting, which at a minimum shall include:
 - (1) The general nature and scope of the proposed project;
 - (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
 - (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
 - (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
- (d) The applicant shall prepare minutes of the meeting including evidence of the

notice, *a list of attendees and any contact information provided*~~attendance~~, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.

24-203.b.2.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to preliminary plat applications:

- (a) At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

24-204.c.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:

1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
2. At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

Topic: Park Land Dedication

Staff Analysis:

Calculation of park land dedication requirements are based on the number of people per residential unit. The proposed code update would reflect the 2020 US Census results for Greeley showing an average of 2.74 people per unit, an increase of .04 people per unit on average.

Proposed Changes:

Table 24-3-5: Park Land Dedication

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	Dedication Requirement	Formula
Total Acre Requirement	9.75 acres / 1,000 people	Units x 2.74 people / unit x 0.00975 acres / person
Neighborhood Park	3.25 acres / 1,000 people	Units x 2.74 people / unit x 0.00325 acres / person
Community Park	3.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0035 acres / person
Sports Complex	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person
Regional Park	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person

Topic: Child Care Center/Preschool

Staff Analysis: *Child Care Center/Preschool was inadvertently disallowed in residential zoning districts with the 2021 major code update. The proposed update reverts to allowing child care center/preschool in R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning districts with a Use by Special Review and in R-H (Residential High Density) with an administrative site plan review.*

Proposed Changes:

Table 24-4-2: Zoning Districts and Uses

Table 24-4-2: Zoning Districts & Uses														
P = Permitted Use S= Use by special review blank = prohibited 														

Topic: Home Occupations

Staff Analysis: Home occupation permits are issued in tandem with a business license from the Finance Department. The proposed update would align the duration of home occupation permits with the two-year duration of business licenses. Additionally, the update would revert to the process for approving home occupations before the 2021 major code update which did not require posted and mailed notification of home occupation applications to adjacent property owners.

Proposed Changes:

24-403.11.e

All home occupations shall require a permit issued by the Director according to the following:

- (a) An application form and **support** materials shall be submitted to the Community Development Department;
- ~~(b) Notice of a permit application shall be posted and mailed to all abutting or other affected property owners according to Section 24-201.f.~~
- ~~(eb)~~ The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
- ~~(dc)~~ A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions or limitations to ensure that the criteria continue to be met;
- ~~(ed)~~ A permit shall be valid for ~~three~~ **two** years, but may be renewed for subsequent ~~three~~ **two**-year periods;
- ~~(fe)~~ A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- ~~(gf)~~ The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

Topic: Landscape Standards

Staff Analysis: *Screening is an important strategy to ensure that visual impacts are appropriately mitigated. The proposed update aligns with previous practice to require screening from all rights-of-way and adjacent property. The update provides clarity that screening is needed along all rights-of-way, which includes sidewalks, alleys, and planned streets within dedicated rights-of-way. An additional update would refer to Water and Sewer Department standards for soil amendments required to attain xeriscaping raw water credits from the Water and Sewer Department.*

Proposed Changes:

24-803.d

General Screening. All of the following shall be screened from ***rights-of-way*** streets ~~and~~ ~~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.

24-804.d.4.

Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas ~~should receive~~ ***shall install*** soil amendments ***as required by the City of Greeley Water and Sewer Department adopted criteria.*** ~~of at least 3 cubic yards per 1,000 square feet.~~

Topic: Mailed Notice

Staff Analysis: *Prior to the 2021 major Development Code update, City staff mailed public notices for neighborhood meetings and public hearings. The new code requires applicants to mail notices which has caused some public confusion due notices arriving from unknown sources. The proposed amendment would revert to City staff handling mailed notice with the applicant responsible for associated costs.*

Proposed Changes:

24-201.f.3(a)

The city shall ~~supply the list of owners~~ ***prepare and mail the notice***, and the applicant is responsible for mailing ~~notice~~ ***costs***.