

If you would like to address City Council, please place your name on the sign-up sheet located at the back of the council room. You will be recognized to speak during the "audience participation" portion of the agenda.

## AGENDA

Regular Meeting

August 19, 2014 - 7:30 p.m.

City Council meeting packets are prepared several days prior to the meetings. This information is reviewed and studied by the Councilmembers, eliminating lengthy discussions to gain basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis. An informational packet is available for public inspection on our website at [www.cityofevans.org](http://www.cityofevans.org) and posted immediately on the bulletin board adjacent to the Council Chambers.

1. CALL TO ORDER

2. PLEDGE

3. ROLL CALL

Mayor:	John Morris
Mayor Pro-Tem:	Jay Schaffer
Council:	Laura Brown
	Mark Clark
	Sherri Finn
	Lance Homann
	Brian Rudy

4. RECOGNITION

A. August Yard of the Month- Willard & Sharon Kendall  
from 3507 Powderkeg Drive

5. AUDIENCE PARTICIPATION

*The City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address City Council. Your comments will be limited to two (2) minutes. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the appropriate staff person for follow-up. Thank you!*

6. APPROVAL OF AGENDA

7. CONSENT AGENDA

- A. Approval of Minutes of the Regular Meeting of August 4, 2014
- B. Ordinance No. 598-14 – Cave Creek Planned Unit Development Amendment (2<sup>nd</sup> Reading)
- C. Ordinance No. 599-14 – Amending Ordinance No. 591-14 and Appropriating Sum of Revenues and Fund Balances for the Amended 2014 City of Evans Budget (2<sup>nd</sup> Reading)

8. NEW BUSINESS

- A. Public Hearing– Ordinance No. 600-14 – Repealing and Reenacting Highway 85 Corridor Overlay District Design Standards Chapter 19.62 of the Evans Municipal Code (1<sup>st</sup> Reading)
- B. Public Hearing –Ordinance No. 601-14 – Amending the City Of Evans Municipal Code By Repealing And Reenacting Chapter 19.10 titled “Districts Established – Zoning Map” City of Evans (1<sup>st</sup> Reading)
- C. Public Hearing –Ordinance No. 602-14 – Amending Chapter 19.04 Of The Evans Municipal Code Titled “Definitions” (1<sup>st</sup> Reading)
- D. Public Hearing –Ordinance No. 603-14 – Amending The City Of Evans Municipal Code By Repealing Chapters 19.11, 19.12, 19.14, 19.16, 19.18, 19.20, 19.24, 19.26, 19.28, 19.30, 19.32, 19.34, And 19.36, And Enacting Chapter 19.15 titled “Districts Established – Zoning Use and Dimensional Standards (1<sup>st</sup> Reading)
- E. Resolution No. 28-2014 – Authorizing Staff To Begin The Application Process For Properties Listed In The Resolution For Possible Purchase Through The Hazard Mitigation Grant Program (HMGP)
- F. Resolution No. 29-2014 – Authorizing Staff To Begin The Application Process For Community Development Block Grant Disaster Recovery (CDBG-DR) Assistance
- G. Resolution No. 30-2014 – Employee Contribution Increases to FPPA
- H. Preliminary 2014 Budget Revision – Replacement of Marked Police Car
- I. Preliminary 2014 Budget Revision – Non-Potable Pumps

9. REPORTS

- A. City Manager
- B. City Attorney

10. AUDIENCE PARTICIPATION (general comments)

*Please review the Audience Participation section listed at the beginning of the agenda for procedures on addressing City Council.*

11. ADJOURNMENT

**CITY OF EVANS – MISSION STATEMENT**

**“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”**

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## COUNCIL COMMUNICATION

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**DATE:** August 19, 2014

**AGENDA ITEM:** 7.A

**SUBJECT:** Approval of the Minutes of August 4<sup>th</sup> City Council Meeting

**PRESENTED BY:** City Clerk

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**AGENDA ITEM DESCRIPTION:**

Approval of minutes.

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**FINANCIAL SUMMARY:**

N/A

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**RECOMMENDATION:**

N/A

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**SUGGESTED MOTIONS:**

*"I move to approve the minutes as presented."*

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**Minutes**  
Regular Meeting  
Monday, August 4, 2014

**CALL TO ORDER**

Mayor Morris called the meeting to order at 7:30 p.m.

**PLEDGE**

**ROLL CALL**

Present: Mayor Morris, Council Members Brown, Clark, Finn, Homann, and Rudy

Absent: Mayor Pro-Tem Schaffer

**AUDIENCE PARTICIPATION**

Laura Speer, from 4020 Empire Street, Evans, invited people out to City Park for National Night Out scheduled for August 4<sup>th</sup> from 6:00 p.m. to 8:00 p.m. Ms. Speer was representing the Recover Task Force who would be hosting the event and receiving input from Citizens.

Mike Carlson, 7180 West 49th Street, Greeley addressed City Council to discuss his concerns with heavy truck traffic resulting from the 65<sup>th</sup> Avenue detour. Mr. Carlson explained the detour is creating problems with dust, road damage, and speeding motorists. He asked the City to require the contractor to spray the road in order to abate the dust and reduce the speed on the road. He also requested to have Evans Police Department patrol the road for speeding.

Nolan Ulmer, 16529 WCR 70, Greeley, addressed City Council to express concerns about Chapter 13.08 concerning Water Rights Dedication and the provisions in City Code concerning equivalent residential units (EQRs). Specifically, he spoke about the value of water dedications and talked about the number of EQRs that he donated to the City nearly ten years ago.

Aden Hogan, City Manager, reminded Mr. Ulmer that issues relating to upcoming code changes could not be discussed with City Council prior to an official public hearing.

Mr. Ulmer expressed frustration with the lack of response from City staff to his concerns.

Mayor Morris asked Mr. Ulmer to send his issues to Scott Krob, Evans City Attorney.

Mr. Ulmer thanked City Council and expressed concerns about a project that had been approved although it had not been granted any EQRs.

April Nelson, 3505 San Mateo Avenue, Evans, explained that she was representing the

Tuscany subdivision, and asked City Council what the plan is to address the issue with the non-potable system in the subdivision. She talked about the desire for the HOA to address the non-potable water system as well as maintenance to the detention ponds.

Mr. Hogan asked Ms. Nelson for her contact information in order for the City to set up a meeting with the HOA.

### **APPROVAL OF AGENDA**

Council Member Clark made the motion, seconded by Council Member Rudy, to adopt the agenda. The motion passed with all voting in favor thereof.

### **CONSENT AGENDA**

- A. Approval of Minutes of the Regular Meeting of July 15, 2014**
- B. Ordinance No. 597-14 – Approving a Zoning Amendment for Driftwood Plaza Lots 1 and 2, Rezoning from C-3 Commercial to R-2 Residential (2<sup>nd</sup> Reading)**

Council Member Clark recused himself from voting due to his absence at the July 15<sup>th</sup> meeting.

Council Member Rudy made the motion, seconded by Council Member Brown, to adopt the agenda. The motion passed with all voting in favor thereof.

### **OLD BUSINESS**

- A. Public Hearing – Ordinance No. 598-14 Cave Creek Planned Unit Development Amendment (1<sup>st</sup> Reading) (Continued from July 15<sup>th</sup>)**

Zach Ratkai, Community Building Development Director, addressed City Council and provided a review about the Cave Creek PUD and the history of the waivers granted by the City Council.

The PUD was submitted to the City Council to remove the restriction on modular homes in the Cave Creek subdivision. Mr. Ratkai reminded the City Council Members that the issue had been considered on the July 1<sup>st</sup> and July 15<sup>th</sup> meeting. Mr. Ratkai provided a history of Cave Creek, which began in 1998, and explained that the oldest homes in Cave Creek were built around 1994, but some homes were built in 2014.

Mr. Ratkai talked about the required building standards for modular homes in Cave Creek and read the list of building requirements for Cave Creek into the record.

Mayor Morris asked standard single and double-wide modular homes would apply to the building code requirements.

Mr. Ratkai explained that the code provided for single-section homes that are 16' wide and double-section homes that are 24' wide.

Mayor Morris asked about recent building violations in Cave Creek.

Mr. Ratkai did not know of any major code violations in recent years.

Mayor Morris asked for the applicant to respond to the new testimony from staff.

Tom Carpenter, President of Sun Communities, and representing Cave Creek located at 3400 Sagebrush Boulevard, Evans, explained that the presentation from City staff was accurate and thanked staff and council for their diligence in considering the PUD request. Mr. Carpenter explained that he was available for questions.

Council Member Finn asked Mr. Carpenter why the waiver should be extended.

Mr. Carpenter explained why there is a current shortage of modular homes newer than 4-years old.

Council Member Finn asked about the benefits of continuing the waiver.

Mr. Carpenter spoke about the benefits of Cave Creek to the tax base of the community as well as providing affordable housing. Mr. Carpenter continued to talk about the amenities of the Cave Creek subdivision.

Council Member Clark, asked if allowing older homes would compromise the quality of the Cave Creek subdivision.

Mr. Carpenter responded explained that the standards under the pending PUD were stricter than the current building requirements in the subdivision.

Mayor Morris asked for testimony from individuals in support of the PUD request—there was none.

Mayor Morris asked for testimony from individuals opposed to the PUD request.

Mr. McClare, resident of the Ridge at Prairie View, discussed his concerns with waiving the age of older homes in the subdivision. Mr. McClare discussed problems with surrounding

property values falling, explained why the building standards may not ensure that quality of the homes, and expressed concerns of flood repaired homes being placed in Cave Creek.

Fred Neal, from 1614 28th Street, Evans, asked City Council to make a permanent decision regarding Cave Creek instead of continually adopting waivers for older modular homes. He expressed concern about the ages of some homes in Cave Creek, which were built prior to 1994, according to Mr. Neal.

Mike Moskalski, 4207 Mariposa Lane, Evans talked about issues with low property values in his neighborhood and spoke about the overall life-span of modular homes. He also talked about the negative impact of having older modular installed into Cave Creek and voiced concern about having flood-damaged modular homes installed into the subdivision.

Paul Reim, 4200 Paintbrush Drive, Evans, addressed City Council to talk about the decrease in property values surrounding the Cave Creek subdivision, discussed HUD homes versus modular homes, and stated that HUD homes were being placed into Cave Creek. He continued to discuss his concerns about the modular home park devaluing surrounding property value.

Patrick Groom, from 822 7<sup>th</sup> Street, Greeley, explained that he was representing DWP LLC. and Prairie View Subdivision. He explained that DWP LLC. owns the neighboring lots to Cave Creek and developed their property with the current restrictions in place for Cave Creek. Mr. Groom explained the several reasons his clients were opposed to approving the PUD, talked about the proximity of Prairie View and Cave Creek, and expressed concerns about the undeveloped property in Prairie View losing value if older modular homes are installed in Cave Creek.

Crystal Carpenter, 2504 Heather Lane, Evans, talked about her expectations for her neighborhood and expressed concerns about traffic and her family's proximity to Cave Creek.

Cammie Bullock, Ridge Resident, addressed City Council to express concerns about the motives of the Cave Creek Company and the potential drawbacks from Cave Creek to surrounding neighborhoods.

Nick Francis, 6600 20<sup>th</sup> Street #12, Greeley, owner of the Ridge at Prairie View, explained that he was opposed to the PUD and the request for the waiver on the age of modular homes in Cave Creek.

Deborah Langly, 4209 Laurel Drive, Evans, expressed concerns about age of homes being installed in Cave Creek near her neighborhood.

Kory Daniel, 2309 Bluebells Drive, Evans, discussed his concern about having Cave Creek

developed. Mr. Daniel talked about his experience growing up in a trailer park and explained the damage to neighboring property value from modular home parks.

The applicant, Mr. Carpenter, addressed some of the concerns raised by the opposing testimony. He explained that moldy homes cannot be titled in Weld County which would prevent flood damaged modular homes from being installed into Cave Creek. He also talked about the importance of maintenance, not age, for modular homes and explained that several homes cannot currently be moved in to Cave Creek although they are compliant with the building requirements. Lastly, Mr. Carpenter talked about the Phase III expansion of Cave Creek and reminded the opponents that property values are impacted by larger market demands.

Council Member Clark asked about the waiver request in 2008 and the waiver granted in 2011 and the history of the waiver being granted by the City Council.

Mr. Carpenter talked about the history of the PUD.

Council Member Finn, talked about the history of the PUD.

Mayor Morris asked about the age of modular homes in Cave Creek.

Mr. Carpenter explained that the oldest homes in Cave Creek were built in 1990

At 8:22 p.m. Mayor Morris closed the public hearing.

Discussion ensued amongst the City Council Members concerning the age waiver in Cave Creek.

Mayor Morris commented that the proposed PUD would include the building requirements listed by staff in order to give the City the authority to enforce the requirements.

Mayor Morris commented that not acting on the PUD risks the installation of new homes that do not meet the stricter requirements.

Sherri Finn discussed the issues with older and newer homes in Cave Creek.

Council Member Clark discussed the language of the waiver.

Council Member Homann discussed his concerns with the request and the current age of modular homes in Cave Creek.

The City Council Members discussed the language of the waiver, and possibly making 8-year waiver for the next 4 years.

Council Member Clark made the motion, seconded by Council Member Finn, to adopt Ordinance with the following changes to the PUD, allowing modular homes that are 8-year or newer for a period of 4-years from the date of approving the PUD.

The motion passed on a roll call vote of 5 to 1 with Council Member Rudy voting against the motion, and Council Member Schaffer absent.

### **NEW BUSINESS**

#### **A. Ordinance No. 599-14 – Amending Ordinance No. 591-14 and Appropriating Sum of Revenues and Fund Balances for the Amended 2014 City of Evans Budget (1<sup>st</sup> Reading)**

Mayor Morris opened the public hearing for the 2<sup>nd</sup> Quarter Budget Revision.

Jessica Gonifas, Deputy City Manager, discussed the budget revision process and discussed the following budget items that were included in the budget revision:

- 1.1 - Grant revenue and expenditures for the Evans Master Plan.
- 1.3 - Revenue related to a sales tax assessment as a result of our audit program. Staff is recommending the revenue generated through the audit program be allocated back into the program in order to complete additional sales tax audits.
- 1.4 - Transfer to the Evans Redevelopment Agency.
- 1.5 - Additional IT services in the form of consulting time was necessary this year due to the IT Manager vacancy, this expenditure is included in item.
- 1.6 – Additional funding for flood administrative staffing, specifically the Communication Manager.
- 1.7 – Several staffing reorganization and reclassifications were necessary during the first two quarters. These reclassifications include the Civil Engineer, Neighborhood Services Manager, and IT Manager. The reorganizations are primarily in finance adding capacity for a Sales Tax Administrator, and in the customer service unit reclassifying the two part time customer service administrators to one full time. These two reorganizations will increase the full time benefited positions by two for the City.
- 1.14 – Increase general City legal services due to higher than expected involvement of our contracted legal staff.
- 1.15 – Flood related legal services increase due to higher than expected involvement of our contracted legal staff on flood issues.

Ms. Gonifas also summarized budget changes to the Street Impact Fund, Water Fund, and Waste Water Funds. She explained that the proposed budget revisions had been reviewed by the Finance Committee at their last meeting.

Mayor Morris asked about the current number of full-time employees (FTEs).

Ms. Gonifas explained that the current FTE numbers were lower than the levels before the last major reduction in force.

Mayor Morris asked for testimony from any proponents or opponents on this issue—there were none.

Mayor Morris closed the public hearing at 8:39 p.m.

Council Member Rudy made the motion, seconded by Council Member Clark, to adopt the Ordinance on first reading. The motion passed with all voting in favor thereof.

**B. Resolution No. 25-2014 - Supporting a Grant Application from the State of Colorado Department of Local Affairs (DOLA)**

Fred Starr, City Public Works Director, explained that the Resolution was for City Council's support for a grant that totaled \$99,655 from the Department of Local Affairs Energy and Mineral Impact Assistance Program to conduct a Comprehensive Water Utility Master Plan. He explained that this master plan would evaluate the potable transmission and distribution system, the non-potable irrigation system, the Evans ditch, and a water enterprise rate structure for the City. The master plan will also provide the City with capital improvement plans for both utilities and recommendations on critical raw water purchase decisions that the City is facing in the near future. The recommended rate structure will guide rate adjustments to finance future raw water purchases and the identified capital improvement plans to potable and non-potable water systems.

Mr. Starr stated that the grant required an equal cash match of \$99,655, which will be paid from the City's Water Enterprise Fund.

Council Member Finn asked about the amount being awarded and the matching funds from the City.

Mr. Starr explained that \$99,655 would need to be matched by the Water Enterprise Fund for an approximate total of \$199,000 for the Water Utility Master Plan.

Mayor Morris asked if the match was currently in the budget.

Mr. Starr and Ms. Gonifas explained that the City Council would have to consider a budget for the \$99,655 match amendment if the grant was approved by the State.

Council Member Clark made the motion, seconded by Council Member Rudy, to adopt the Resolution. The motion passed with all voting in favor thereof.

**C. Resolution No. 26-2014 - Adopting a Policy Concerning Records Requests and Electronic Mail Use Under the Colorado Open Records Act (CORA)**

Mr. Krob explained the Resolution adopts an official policy, rules, and fees for the copying and research and retrieval of the City's public records. He explained this change was in response to House Bill 14-1193, which became effective July 1, 2014. Under this bill, the City must provide the first hour of staff time spent responding to an open records request under the Colorado Open Records Act (CORA) at no charge. The City can charge up to \$30 per hour for staff time and 25 cents per page, provided it has adopted a resolution establishing such charges and duly posted the fees involved.

Council Member Brown made the motion, seconded by Council Member Finn, to adopt the Resolution. The motion passed with all voting in favor thereof.

**D. General Election Contracts**

**i. Resolution No. 27-2014 - Authorizing an Intergovernmental Agreement with Weld County to Coordinate in the November 4, 2014 General Election**

Raegan Robb, Evans City Clerk presented the intergovernmental agreement (IGA) between the City of Evans and Weld County, which allows the City to participate in a coordinated election with the County on November 4, 2014. Mr. Robb explained that the IGA will allow the City to send the proposed amendments to the City Charter, approved by Ordinance 595-14, to the registered City voters at the General Election. He stated that this is the standard IGA format used for all coordinated elections in Weld County, that it has been reviewed and approved by Evans City Attorney and the Weld County election officials, and recommended the adoption of the Resolution.

Council Member Clark made the motion, seconded by Council Member Rudy, to adopt the Resolution. The motion passed with all voting in favor thereof.

**ii. Authorizing a Facility Usage Agreement for the Evans Complex to Serve as a Drop-off Location during the November 4, 2014 General Election.**

Mr. Robb presented the facility usage agreement between the City of Evans and Weld County, which would allow the City of Evans Complex to serve as a drop-off location during the General Election on November 4, 2014. Mr. Robb explained that Weld County election judges will be onsite to staff the ballot drop-off location on Election Day and the days leading up to Election Day. He stated that the agreement has been reviewed and approved by Evans City Attorney and the Weld County election officials, and recommended the adoption of the Resolution.

Council Member Clark made the motion, seconded by Council Member Homann, to adopt the agenda. The motion passed with all voting in favor thereof.

**E. Award of Bid: Water Meter/Radio Replacement Project**

Mr. Starr, City Public Works Director, provided a brief history about the City's Water Radio/Meter Upgrade Project and the receipt of a loan for the project from the Colorado Water Resources and Power Development in July, 2013.

He explained why the project has been delayed, talked about the bidding process for the project, and recommended that Council support the bid to H&H Excavation, Inc. for \$549,798.00 for the water meter replacement phase of the project.

Mayor Morris clarified that this bid amount was in the budget.

Mr. Starr verified that this was part of the accepted loan, which totaled \$1,500,000. He explained that the loan amount will be used in order to upgrade the system to the best possible condition.

Council Member Clark made the motion, seconded by Council Member Rudy, to award the bid to H&H Excavation. The motion passed with all voting in favor thereof.

**F. Award of Bid: 2014 Asphalt Patch Service Contract**

Mr. Starr addressed City Council to explain the bid for the 2014 asphalt patch service contract. He explained that this is an annual service contract and asked that City Council award the bid to Martin Marietta Materials, Inc., but that the bid is awarded on a not to exceed amount of \$105,000.

Mayor Morris clarified that the motion for the bid award should include the not to exceed amount of \$105,000.

Council Member Homann made the motion, seconded by Council Member Brown, to award the bid to Martin Marietta Materials, Inc., but not to exceed \$105,000. The motion passed

with all voting in favor thereof.

### **G. Approval of CDBG-DR Grant Funding for Planning Position**

Sheryl Trent, City Economic Development Director, talked about the City's application for grant funding from the State to provide for a City planner position through a special Community Development Block Grant for disaster recovery (CDBG-DR). She explained that the City applied for staffing funds to assist with our long range planning efforts, and the City was approved for \$91,000 with no match required, but that receiving such funds would require a budget amendment for staffing and training costs for the position.

Ms. Trent explained that the grant is for a maximum of two years or until the funding is exhausted. She talked about the current planning needs for the City and asked for the approval of the proposed budget amendment to the General Fund in order to move forward with recruitment and hiring of the position.

Council Member Clark made the motion, seconded by Council Member Rudy, to approve the CDBG DR contract for planning staff in the amount of \$91,000 and authorize the City Manager to sign, and approve a preliminary budget amendment. The motion passed with all voting in favor thereof.

## **REPORTS**

### **A. City Manager**

Mr. Hogan, called attention to the information in the Monitoring Report that was included in the City Council Packet. He discussed the recent efforts for staff to improve communication with City Council through this document.

### **B. City Attorney Report**

Scott Krob, City Attorney, explained that he has followed up with the Fort Collins and Loveland Police Department concerning the Ashley Fallis case. Mr. Krob anticipated more news about this case that was reopened and under investigation by the Fort Collins and Loveland Police Departments.

He talked about receiving a letter from the Carpenters Union concerning a dispute and potential strike, which could impact the ongoing construction for the Riverside Library.

Lastly, Mr. Krob Introduced his associate, Matt Krob, and talked about the importance of to training associate staff onsite at the City, but clarified that they

were not billing for associate staff to be onsite.

**AUDIENCE PARTICIPATION**

There was no audience participation.

**EXECUTIVE SESSION**

- A. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to CRS 24-6-402(4)(e)**

Council Member Clark made the motion, seconded by Council Member Rudy, to convene into executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators pursuant to CRS 24-6-402(4)(e).

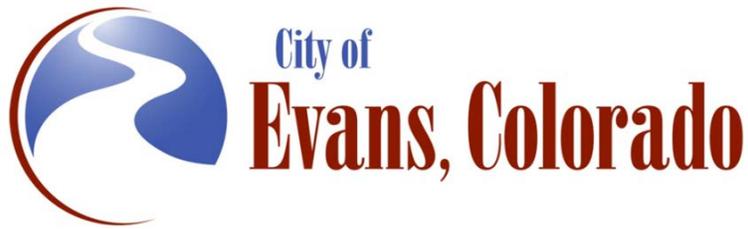
The motion passed with all voting in favor thereof.

At 9:02 p.m. the City Council adjourned into executive session.

**ADJOURNMENT**

The regular meeting adjourned at 9:48 p.m.

  
Raegan Robb, City Clerk




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**CITY COUNCIL COMMUNICATION**

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**DATE:** August 19, 2014

**AGENDA ITEM:** **7.B**  
Cave Creek Planned Unit Development (PUD) Amendment

**STAFF CONTACT:** Sean Wheeler, City Planner (Presented by Zach Ratkai)

**ACTION:** Continuation by City Council

**APPROVED BY:** Zach Ratkai, Building and Development Manager

**CITY COUNCIL DATE:** July 01, 2014, July 15, 2014

BACKGROUND INFORMATION		
<b>Location:</b>	3400 Sagebrush Blvd. (See Attached Map)	
<b>Applicant:</b>	Sun Cave Creek LLC	
<b>Existing Land Use:</b>	Residential Planned Unit Development (PUD)	
<b>Proposed Land Use:</b>	Modified PUD Approval Requirements	
<b>Surrounding Land Use:</b>	<b>North</b>	Prairie View Drive
	<b>South</b>	St. Louis Western Colony (Weld County, Undeveloped)
	<b>East</b>	Ridge at Prairie View PUD (Single Family Homes, Platted but not Built)
	<b>West</b>	Existing Cave Creek PUD 1 <sup>st</sup> and 2 <sup>nd</sup> Filings
<b>Existing Zoning:</b>	PUD	
<b>Proposed Zoning:</b>	Amended PUD	
<b>Surrounding Zoning:</b>	<b>North</b>	R-1 Residential
	<b>South</b>	Weld County
	<b>East</b>	PUD
	<b>West</b>	PUD
<b>Future Land Use Designation:</b>	PUD	

## **PROJECT DESCRIPTION:**

The applicant seeks approval to amend the existing zoning for the Cave Creek Planned Unit Development (PUD) by lifting a restriction on the age of replacement homes in the subdivision. The original approval documents for Cave Creek state that replacement homes are allowed *only* if they are four years old or newer.

This item was heard at the June 10, 2014 Planning Commission meeting with a public hearing held at the July 1, 2014 City Council meeting. The item was tabled until the July 15, 2014 City Council meeting due to confusion in the Planning Commission minutes which required a clarification of the vote taken by the Planning Commission. Planning Commission, through Scott Krob, Evans City Attorney, confirmed the recommendation that the City Council approve a waiver of the age of homes limitation, but only for a period of five (5) years. The item was discussed by the Evans City Council during the continuation of the public hearing on July 15, 2014, and was further continued in order to provide additional information as follows:

- City Council desired to review the aforementioned checklist for new home placements in Cave Creek (Attached to this report)
- City Council had follow up questions regarding the range of age of homes in Cave Creek, explained below:
  - o Community Development staff has researched the request for overall age of homes in the area. For its initial years of construction, Cave Creek was under a strict requirement that homes brought into the community could not be older than four (4) years of age. This age requirement progressed as the age of the community progressed.

The Cave Creek PUD was originally approved in 1998, therefore homes existing in the community could have been of a 1994 vintage, thus legally allowed to remain today, being twenty (20) years old. With the initial allowance of waiving the age restriction for homes and utilizing a checklist at time of home placement, city staff has seen the majority of homes brought into Cave Creek still meeting the four years of age requirement, while also still meeting the architectural checklist attached.

## **PLANNING COMMISSION AND STAFF RECOMMENDATION:**

The Planning Commission recommends approval of a continued waiver from the restriction that homes brought to the site be four years old or newer for additional 5-years, for the Cave Creek PUD.

Staff recommends approval of the request to amend the Cave Creek PUD to remove the restriction that homes brought to the site be four years old or newer, based on the recommendations of the Evans Planning Commission

## **MOTIONS**

*Mr. Mayor, I move to approve Ordinance No. 598-14, approving the request for waiver of the Cave Creek PUD requirement that all homes brought on to the property be aged eight (8) years or newer for a period lasting five (4) years from the date of said ordinance as recommended by the Evans*

*Planning Commission.*

*Mr. Mayor, I move to deny Ordinance No. 598-14, denying the request to continue the waiver of requiring homes moved into Cave Creek to be aged four (8) eight years or newer, thus reinstating the explicit four (4) years or newer age requirement for home placements in Cave Creek.*

CITY OF EVANS

ORDINANCE 598-14

AN ORDINANCE APPROVING AN AMENDMENT TO THE P.U.D. PLAN KNOWN AS THE CAVE CREEK P.U.D. PLAN MORE SPECIFICALLY LOCATED IN THE WEST HALF OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO

WHEREAS, pursuant to Section 18.28.125 of the Evans Municipal Code, a request for an amendment to the approval of a P.U.D. Plan has been submitted, and

WHEREAS, the Planning and Zoning Commission has recommended approval of the amendment of such P.U.D. Plan, subject to conditions, and

WHEREAS, the City Council, after considering the Planning and Zoning Commission's recommendation, reviewing the file herein, and conducting a hearing concerning the requested PUD plan finds as follows:

1. The requested amendment to the P.U.D. Plan will promote the public interest, will achieve the basic objectives of Chapter 18.28 of the Evans Municipal Code, and will not injure the legitimate concerns of the citizens of the City in general, and the persons living and working in the surrounding neighborhood in particular.

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

Section 1. Amendment Approval. The amendment incorporated herein, is hereby approved and future development of that portion of the subject property which falls within the P.U.D. zoning shall be in accordance with such amendment. This approval is for a period of five (5) years, and at such time the City shall review the compliance with the approval and determine whether to continue with the approval or revert to the former language.

The amended PUD acts to remove the four year age restriction for homes in the community to be replaced by the usage of an architectural checklist at installation. This amendment is to be in effect for four (4) years.

Except as explicitly provided herein, the original P.U.D. plan as approved in Ordinance No. 1129 -98 is not changed in any manner.

Section 2. Conditions. The owner of the land lease community shall comply with the conditions and development standards as shown on the attached "Exhibit A". City of Evans staff may add to the PUD Home Specification Checklist to make it more stringent as necessary without returning through the amendment process. Any changes

that would reduce the compatibility requirements shall be required to return to the Planning Commission and the City Council for formal approval.

Section 3. Documents to be recorded. The City Clerk is hereby authorized and directed to, upon final passage of this ordinance, file a copy of the ordinance along with a copy of the plans with the Weld County Clerk and Recorder.

Section 4. Publication and Effective Date. This ordinance after its passage on final reading, shall be numbered, recorded, published and posted as required by the City Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication. This ordinance shall become effective upon final passage.

Section 5. Violation--Penalty. Failure to comply or maintain compliance will constitute a violation and subject Owner, Lessee, and Management to fines and penalties as may be imposed by the Evans Municipal Court pursuant to Sections 18.48.010 and 1.16.010 of the Evans Municipal Code.

Section 6. Expiration Date. The approval of this amendment to Exhibit A shall be for a period not to exceed four (4) years. At such time the City of Evans will conduct a review of compliance with the PUD, the PUD Amendments and Exhibit A and shall determine whether to continue the approval or revert to the original documents.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Evans on this 4<sup>th</sup> day of August, 2014.

ATTEST:

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

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

PASSED, APPROVED, AND ADOPTED ON SECOND READING this 19<sup>th</sup> day of August, 2014.

ATTEST:

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

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

Staff Use Only
Fee Paid: _____
Intake Date: _____



**Cave Creek Housing Location Permit**

*Please refer to the Cave Creek PUD for more information*

Date \_\_\_\_\_

Cave Creek Contact Name \_\_\_\_\_

Contact Phone Number \_\_\_\_\_

Contact Email \_\_\_\_\_

Contractor Name \_\_\_\_\_

Contractor Business Name \_\_\_\_\_

Contractor Email \_\_\_\_\_

Contractor Phone Number \_\_\_\_\_

Do you have a business license with the City of Evans?  Yes  No

*If not, please apply for and receive a business license prior to installation of the home*

Home Site Number \_\_\_\_\_

Home Site Address \_\_\_\_\_

- ✓ Attach photographic proof that the home meets the specifications required in the PUD (all four sides clearly shown)  
AND
- ✓ Attach a detailed to scale site plan showing location of home within the park, showing the location of home with regard to rights of way and public access, and showing all other structures and landscaping on the lot. Include actual distance from those structures, roads, rights of way and adjoining lots.

**Subcontractors**

Plumbing    Name \_\_\_\_\_ Phone # \_\_\_\_\_ State License # \_\_\_\_\_

Heating     Name \_\_\_\_\_ Phone # \_\_\_\_\_ State License # \_\_\_\_\_

Electrical   Name \_\_\_\_\_ Phone # \_\_\_\_\_ State License # \_\_\_\_\_

*By signing below, you verify that the home meets the standards for Cave Creek as approved in the PUD and attachments/exhibits to that PUD.*

  
 \_\_\_\_\_  
 Applicant  
 Title

For City Use Only:

Community Development  Approved

Signature:

Building Department  Approved

Signature:

Permit # \_\_\_\_\_

Approved with Conditions or Comments

Date:

Approved with Conditions or Comments

Date:

# PUD Home Specifications Checklist

All homes moving into Cave Creek must meet or exceed the following specifications before COO, and must continue to meet or exceed these specifications at all times:

- \_\_\_\_\_ The exterior siding material is of wood or vinyl siding or stucco or material equivalent in appearance, or siding that is similar appearance and meets green building standards such as recycled concrete or metal.
- \_\_\_\_\_ The address side of the home has a window or a door.
- \_\_\_\_\_ All standard size, non-frosted, non-bay, and/or non-decorative windows must have shutters or 3" to 6" painted trim.
- \_\_\_\_\_ Skirting material of vinyl, stucco, or material similar in appearance to stucco, in good repair that is compatible with the home, must be installed to provide access to water and sanitary sewer lines, and be vented in compliance with the manufacture's installation instructions and warranty requirements.
- \_\_\_\_\_ Steps have treated wood, platform (minimum 4X4 landing), hand rails for steps on exposed sides and if enclosed to be with vertical wood, vinyl, lattice, or skirting to match the home.
- \_\_\_\_\_ Minimum roof pitch 3:12 (one foot rise for each three feet of horizontal run) or roof pitches that are designed for "green" building measures such as water collection or growing of gardens.
- \_\_\_\_\_ Three or more compatible or complementary colors on exterior of home which includes the door, shutters, skirting/foundation and trim. No bright, neon, or fluorescent colors and no stripes, dots or artwork on sides of home.
- \_\_\_\_\_ Roof material is asphalt shingles or colored, non-galvanized standing seam material.
- \_\_\_\_\_ The exterior of the home is free of any obvious deterioration or signs of lack of maintenance; for example, any missing or broken shutters or trim, damaged roofing or siding, faded or peeling paint, or similar damage or deterioration.
- \_\_\_\_\_ Each home shall have street address clearly marked and at least two inches in height, on the front left end of the home as viewed from the street. These numbers must conform to any and all standards applicable

to local emergency service providers and must be at least six feet above ground level.

\_\_\_\_\_ All hitches must be removed.

\_\_\_\_\_ Minimum 16' wide, 924 square feet (single-section home) 24' wide, 1,120 square feet (double-section home).

\_\_\_\_\_ Homes placed end-to-end shall have a minimum of 20' rear yard separation.

\_\_\_\_\_ Homes placed side-by-side shall have a minimum of 10' side yard separation.

\_\_\_\_\_ Homes shall be set back at least 24' from the flowline provided carports are not located within the front yard setback.

\_\_\_\_\_ Carports shall maintain a 10' separation from adjacent structures.

\_\_\_\_\_ One storage shed may be placed on each home site to address storage of residentially permitted uses.

\_\_\_\_\_ One attached or detached garage may be permitted in accordance with applicable building permits.

\_\_\_\_\_ All lots will have a minimum of three off-street parking spaces

\_\_\_\_\_ The bottom edge of the house's siding is no more than sixteen inches (16") above the finished grade

\_\_\_\_\_ (2 1/2" caliper) deciduous tree to be located in such a manner that would not obstruct homes from moving on and off the lots, within the front yard setback

\_\_\_\_\_ Sod in place

**Violation--Penalty. Failure to comply or maintain compliance will constitute a violation and subject Owner, Lessee, and Management to fines and penalties as may be imposed by the Evans Municipal Court pursuant to Sections 18.48.010 and 1.16.010 of the Evans Municipal Code.**

\_\_\_\_\_ **Sun Communities Representative**

\_\_\_\_\_ **Date**

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## COUNCIL COMMUNICATION

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**DATE:** August 19, 2014

**AGENDA ITEM:** 7.C

**SUBJECT:** 2014 Budget 2<sup>nd</sup> Revision - Ordinance No. 599-14 – Amending Ordinance No. 591-14 and Appropriating Sum of Revenues and Fund Balances for the Amended 2014 City of Evans Budget (2<sup>nd</sup> Reading)

**PRESENTED BY:** Jessica Goni fas, CPA, Deputy City Manager

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### AGENDA ITEM DESCRIPTION:

The City Council approves specific items during the year which require an amendment to the adopted budget as required by the City of Evans Charter (Section 7.3 & 8.6). In this case, the revenues, expenditures (or expenses in enterprise funds) and transfers have been previously approved by the City Council. Staff action is usually taken on these items immediately following Council direction. Budget revisions are scheduled at quarterly intervals throughout the year in order to facilitate a flexible and accurate City budget.

Ordinance No. 599-14 is the second revision to the 2014 Operating and Capital Budget. The original 2014 Budget was approved by Ordinance No. 575-13 on October 15, 2013 and revised on April 15, 2014 by Ordinance No. 591-14.

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### FINANCIAL SUMMARY:

The Budget Ordinance heading summarizes the changes to revenues, expenditures, and transfers by fund. Some of the items have been previously approved by the City Council, those items requiring additional explanation will be described below. Attachment “A” identifies the details of each council action and Attachment “B” identifies the net impact on the revised budget. The following descriptions are listed in the same order as the funds on Attachment “A” and include the items which were not approved as a preliminary budget revision during the quarter.

The General Fund includes the following revision items:

- 1.1 - Grant revenue and expenditures for the Evans Master Plan.
- 1.3 - Revenue related to a sales tax assessment as a result of our audit program. Staff is recommending the revenue generated through the audit program be allocated back into the program in order to complete additional sales tax audits.
- 1.4 - Transfer to the Evans Redevelopment Agency.
- 1.5 - Additional IT services in the form of consulting time was necessary this year due to the IT Manager vacancy, this expenditures is included in item.
- 1.6 – Additional funding for flood administrative staffing, specifically the Communication Manager.
- 1.7 – Several staffing reorganization and reclassifications were necessary during the first two

quarters. These reclassifications include the Civil Engineer, Neighborhood Services Manager, and IT Manager. The reorganizations are primarily in finance adding capacity for a Sales Tax Administrator, and in the customer service unit reclassifying the two part time customer service administrators to one full time. These two reorganizations will increase the full time benefited positions by two for the City.

- 1.14 – Increase general City legal services due to higher than expected involvement of our contracted legal staff.
- 1.15 – Flood related legal services increase due to higher than expected involvement of our contracted legal staff on flood issues.

The Street Impact Fund includes revenue related to grant funding, the expenditure was previously budgeted.

The CIP Streets fund includes a carry forward item from 2013.

The CIP Parks fund includes revenues and expenditures related to a grant for the Riverside Park Master plan project.

The Water fund includes the previously approved preliminary budget revision item for the appropriation of funds for the professional services contract with Olsson and Associates.

Finally, the Waste Water fund includes the estimated additional revenue from the recent rate increases as well as the previously approved preliminary budget revision item for the appropriation of funds for the professional services contract with Olsson and Associates. Also includes in item 1.13 is a staff reorganization reclassifying a current technician position to a superintendent.

The Finance Committee reviewed the proposed budget revision at their last meeting and did not recommend any changes.

Attachment “A” identifies the detailed changes for the proposed revisions to the 2014 Budget. The details are also summarized in the heading of the appropriation ordinance.

Attachment “B” includes the Beginning Balance by Fund based on audited balances.

Details of all financial items are available for Council or Citizens upon request from the Finance Department by contacting Jessica Gonifas at 970-475-1106 or [jgonifas@evanscolorado.gov](mailto:jgonifas@evanscolorado.gov).

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**RECOMMENDATION:**

Staff recommends approval of the ordinance.

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**SUGGESTED MOTIONS:**

*I move to approve Ordinance No. 599-14 on second reading.*

*I move to deny approval of Ordinance No. 599-14 on second reading.*

CITY OF EVANS, COLORADO

ORDINANCE NO. 599-14

AN ORDINANCE AMENDING THE 2014 BUDGET; INCREASING GENERAL FUND REVENUES BY \$346,490, APPROPRIATING GENERAL FUND EXPENDITURES OF \$447,225, INCREASING GENERAL FUND TRANSFERS OUT BY \$1,360,000, INCREASING STREET IMPACT FUND REVENUES OF \$462,599, APPROPRIATING CIP STREETS FUND EXPENDITURES OF \$4,200, INCREASING CIP PARKS FUND REVENUES BY \$100,000, APPROPRIATING CIP PARKS FUND EXPENDITURES OF \$100,000, APPROPRIATING WATER FUND EXPENSES OF \$37,500, INCREASING WASTE WATER FUND REVENUES BY \$319,904, APPROPRIATING WASTE WATER FUND EXPENSES OF \$112,500.

WHEREAS, in accordance with Section 8.6 of the Evans Home Rule Charter the Council may make additional appropriations by ordinance during the fiscal year; and

WHEREAS, the City Manager has certified that additional funds are available for appropriations in each fund from actual and anticipated revenues of the current year and prior year cash reserves; and

WHEREAS, the City Council is advised that certain revenues, expenditures and transfers must be approved by ordinance.

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

Section 1: Upon the City Manager's certification that there are current and prior year revenues available for appropriation in the General Fund, Street Impact Fund, Capital Projects – Streets Fund, Capital Projects – Parks Fund, Water Fund, Waste Water Fund, and the City Council hereby makes supplemental appropriations as itemized in Attachment "A" attached hereto.

Section 2: The City Council hereby authorizes and directs the City Manager to enter into such contracts and execute such documents on behalf of the City as may be necessary and customary to expend the funds hereby appropriated for all operations, capital projects and debt within this budget as amended in accordance with the requirements of the Home Rule Charter and the City's Financial Policies.

Section 3: The adoption of this Ordinance will promote the health, safety and general welfare of the Evans community.

Section 4: If any provision of this Ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 5: All prior ordinances, resolutions, or other acts, or parts thereof, by the City of Evans in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 6: This Ordinance shall be effective following the adoption by Section 8.5 of the Home Rule Charter.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 4<sup>th</sup> day of August, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

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

PASSED, APPROVED AND ADOPTED ON SECOND READING this 19<sup>th</sup> day of August, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

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

**Attachment A**

2014 Budget Revision #2 V3

#	Description	Fund/Funding Source	Reserves	Revenue	Expense
1.1	Economic Dev	Historic Evans Master Plan General: Grant	48,140	151,860	200,000
1.3	Sales Tax Audit Program	General: Sales Tax Audit Assessment	-	30,000	30,000
1.4	Transfer to ERA	General: Excess Fund Balance	1,360,000	-	1,360,000
1.5	IT Services	General: Current Year Sales Tax	-	35,500	35,500
1.6	Flood Staffing	General: Excess Fund Balance	12,595	-	12,595
1.7	Staffing Reorganization and Reclassification	General: Current Year Sales Tax		79,130	79,130
1.14	Legal Services	General: Current Year Sales Tax	-	50,000	50,000
1.15	Flood Legal Services	General: Excess Fund Balance	40,000	-	40,000
<b>Total Fund</b>			<b>1,460,735</b>	<b>346,490</b>	<b>1,807,225</b>
		<i>Fund Balance Impact</i>			<i>(1,460,735)</i>
1.2	2014 CIP-35th Ave Widening-37th to Prairie View	Street Impact: Grant	-	462,599	-
<b>Total Fund</b>			<b>-</b>	<b>462,599</b>	<b>-</b>
		<i>Fund Balance Impact</i>			<i>462,599</i>

1.8	2013 CIP Carry Forward			
		CIP Streets: Excess Fund Balance	4,200	-
				4,200
<b>Total Fund</b>			<b>4,200</b>	<b>-</b>
				<b>4,200</b>
				<i>(4,200)</i>
1.9	Riverside Park Master Plan			
		CIP Park: Grant from Great Outdoors Colorado (GOCO)	-	100,000
				100,000
<b>Total Fund</b>			<b>-</b>	<b>100,000</b>
				<b>100,000</b>
				<i>-</i>
1.11	Professional Services			
		Water: Excess Fund Balance	37,500	-
				37,500
<b>Total Fund</b>			<b>37,500</b>	<b>-</b>
				<b>37,500</b>
				<i>(37,500)</i>
1.12	Utilities Consultant			
		Waste Water: Current Year Revenue	-	309,904
				102,500
1.13	Staff Reorganization			
		Waste Water: Current Year Revenue	-	10,000
				10,000
<b>Total Fund</b>			<b>-</b>	<b>319,904</b>
				<b>112,500</b>
				<i>207,404</i>

**Attachment B**

2014 Budget Revision #2 V3

<b>Fund/Department</b>	<b>Beginning Balance</b>	<b>Operating &amp; Capital Revenue</b>	<b>Transfers In</b>	<b>Operating Expenditures</b>	<b>Capital Exp / Asset Management / Debt</b>	<b>Transfers Out</b>	<b>Budgeted Balance</b>
<b>General Fund</b>	9,046,520						
General Government		11,632,759	1,235,444	3,007,313	5,787,861	1,435,000	
Community Development				790,979			
Public Safety				3,593,218			
Public Works				1,537,025			
Culture, Parks & Recreation				1,164,417			
Disaster Response				1,416,417			
<b>Total General Fund</b>	<b>9,046,520</b>	<b>11,632,759</b>	<b>1,235,444</b>	<b>11,509,369</b>	<b>5,787,861</b>	<b>1,435,000</b>	<b>3,182,493</b>
<b>Emergency Contingency Fund</b>	1,000,000	-	-	-	-	-	1,000,000
<b>Cemetery Perpetual Care Fund</b>	85,632	2,700	-	-	75,000	-	13,332
<b>Fire Impact Fund</b>	236,356	619	-	-	-	-	236,975
<b>Street Impact Fund</b>	952,494	468,991	-	-	692,000	-	729,485
<b>Parks Impact Fund</b>	1,209,992	1,775	-	-	200,000	-	1,011,767
<b>Conservation Trust Fund</b>	321,517	186,411	-	-	30,000	-	477,928
<b>Refuse Collection Fund</b>	350,969	683,269	-	617,445	-	32,755	384,038
<b>Capital Projects Fund - Streets</b>	819,248	2,232,138	185,000	340,000	2,461,318	-	435,068
<b>Capital Projects Fund - Parks</b>	-	271,792	1,250,000	-	270,000	-	1,251,792
<b>Debt Service Fund - GO Bonds</b>	(69,474)	-	-	-	-	-	(69,474)
<b>Waterworks Fund</b> <sup>1)</sup>	690,388	6,734,841	-	3,539,352	1,742,384	655,610	1,487,883
<b>Wastewater Fund</b> <sup>1)</sup>	889,538	2,514,693	-	2,033,995	280,000	408,587	681,649
<b>Storm Drainage Fund</b> <sup>1)</sup>	958,656	462,981	-	26,900	955,200	138,492	301,045
<b>Volunteer Firefighters Pension Fund</b>	-	-	-	-	-	-	-
<b>Cemetery Endowment Fund</b>	45,519	6,000	-	6,000	-	-	45,519
<b>TOTAL ALL FUNDS</b>	<b>16,537,355</b>	<b>25,198,969</b>	<b>2,670,444</b>	<b>18,073,061</b>	<b>12,493,763</b>	<b>2,670,444</b>	<b>11,169,500</b>

1) Beginning balance in Proprietary funds is beginning cash balance from Long Range Plans.

### City of Evans General Fund Long Range Financial Plan

	2012 Actual	2013 Actual	2014 Budget V2	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
Beginning Fund Balance	3,652,050	4,784,176	9,046,520	9,046,520	3,182,493	5,043,416	6,740,614	8,337,394
<b>Revenues:</b>								
Sales Tax	6,628,406	7,711,690	6,076,600	6,241,230	7,358,786	7,472,141	7,587,762	7,705,697
Property Tax <sup>1</sup>	1,538,308	412,085	389,825	389,825	393,723	397,660	401,637	405,653
Other Taxes	947,667	1,212,154	688,000	718,000	722,062	719,048	731,415	744,471
License & Permits	757,511	1,240,406	764,600	764,600	795,402	801,953	822,134	842,971
Intergovernmental	743,712	1,160,133	2,526,536	2,678,396	1,202,107	1,202,107	1,202,107	1,202,107
Charges for Services	474,655	354,067	306,570	306,570	323,210	245,076	245,262	245,451
Fines & Forfeitures	475,684	451,933	405,000	405,000	409,130	432,120	432,746	433,379
Assessments	36,362	7,423	20,000	20,000	-	-	-	-
Misc	660,370	2,813,692	109,138	109,138	95,535	115,084	112,505	118,154
<b>Total revenues</b>	<b>12,262,675</b>	<b>15,363,583</b>	<b>11,286,269</b>	<b>11,632,759</b>	<b>11,299,955</b>	<b>11,385,189</b>	<b>11,535,569</b>	<b>11,697,883</b>
CT	12,262,675	15,363,583	11,286,269	11,632,759	11,299,955	11,385,189	11,535,569	11,697,883
Transfers In	1,188,741	1,292,416	1,235,444	1,235,444	1,254,162	1,272,910	1,292,212	1,311,799
<b>Total Available Funds</b>	<b>13,451,416</b>	<b>16,656,000</b>	<b>12,521,713</b>	<b>12,868,203</b>	<b>12,554,117</b>	<b>12,658,099</b>	<b>12,827,781</b>	<b>13,009,682</b>
<b>Total Annual Increase</b>	<b>13.45%</b>	<b>23.82%</b>	<b>-24.82%</b>	<b>-22.74%</b>	<b>12.69%</b>	<b>0.83%</b>	<b>1.34%</b>	<b>1.42%</b>
<b>Expenditures:</b>								
GG Personnel	1,101,713	1,211,641	1,416,581	1,464,148	1,375,522	1,419,814	1,465,532	1,512,722
GG Operations	1,431,668	1,549,129	1,427,665	1,543,165	1,198,172	1,216,145	1,234,387	1,252,903
<b>General Government</b>	<b>2,533,381</b>	<b>2,760,770</b>	<b>2,844,246</b>	<b>3,007,313</b>	<b>2,573,694</b>	<b>2,635,959</b>	<b>2,699,919</b>	<b>2,765,625</b>
	<b>8.12%</b>	<b>8.98%</b>	<b>3.02%</b>	<b>8.93%</b>	<b>-7.02%</b>	<b>2.42%</b>	<b>2.43%</b>	<b>2.43%</b>
CD Personnel	314,359	272,528	317,662	327,621	324,461	334,908	345,692	356,824
CD Operations	315,644	205,395	263,358	463,358	216,558	219,807	223,104	226,450
<b>Community Development</b>	<b>630,003</b>	<b>477,923</b>	<b>581,020</b>	<b>790,979</b>	<b>541,019</b>	<b>554,715</b>	<b>568,796</b>	<b>583,274</b>
	<b>27.86%</b>	<b>-24.14%</b>	<b>21.57%</b>	<b>65.50%</b>	<b>1.88%</b>	<b>2.53%</b>	<b>2.54%</b>	<b>2.55%</b>
PS Personnel	2,970,623	2,934,144	3,265,125	3,265,125	3,307,081	3,413,569	3,523,485	3,636,942
PS Operations	284,091	322,342	328,093	328,093	265,517	269,500	273,542	277,645
<b>Public Safety</b>	<b>3,254,714</b>	<b>3,256,487</b>	<b>3,593,218</b>	<b>3,593,218</b>	<b>3,572,597</b>	<b>3,683,068</b>	<b>3,797,028</b>	<b>3,914,587</b>
	<b>-30.51%</b>	<b>0.05%</b>	<b>10.34%</b>	<b>10.34%</b>	<b>1.30%</b>	<b>3.09%</b>	<b>3.09%</b>	<b>3.10%</b>
PW Personnel	841,046	826,500	824,667	828,601	823,249	849,757	877,120	905,363
PW Operations	623,504	702,696	708,424	708,424	719,050	729,836	740,784	751,895
<b>Public Works</b>	<b>1,464,550</b>	<b>1,529,195</b>	<b>1,533,091</b>	<b>1,537,025</b>	<b>1,542,299</b>	<b>1,579,594</b>	<b>1,617,903</b>	<b>1,657,258</b>
	<b>4.78%</b>	<b>4.41%</b>	<b>0.25%</b>	<b>0.51%</b>	<b>0.60%</b>	<b>2.42%</b>	<b>2.43%</b>	<b>2.43%</b>
CPR Personnel	555,402	598,484	693,579	711,248	701,702	724,297	747,620	771,693
CPR Operations	423,302	295,092	453,169	453,169	479,367	486,557	493,855	501,263
<b>Culture, Parks &amp; Rec</b>	<b>978,704</b>	<b>893,576</b>	<b>1,146,748</b>	<b>1,164,417</b>	<b>1,181,069</b>	<b>1,210,854</b>	<b>1,241,475</b>	<b>1,272,956</b>
	<b>15.23%</b>	<b>-8.70%</b>	<b>28.33%</b>	<b>30.31%</b>	<b>2.99%</b>	<b>2.52%</b>	<b>2.53%</b>	<b>2.54%</b>
IGA - Fire Services	1,421,912	462,498	448,918	448,918	458,345	467,971	477,798	487,832
Asset Management	291,193	404,369	349,960	349,960	350,000	350,000	350,000	350,000
Debt	539,128	14,210	289,483	289,483	289,170	293,741	293,082	292,307
<b>Total operating expenditures</b>	<b>11,113,585</b>	<b>9,799,028</b>	<b>10,786,683</b>	<b>11,181,313</b>	<b>10,508,194</b>	<b>10,775,901</b>	<b>11,046,001</b>	<b>11,323,839</b>
<b>Total Annual Increase</b>	<b>5.95%</b>	<b>-11.83%</b>	<b>10.08%</b>	<b>14.11%</b>	<b>-0.81%</b>	<b>2.55%</b>	<b>2.51%</b>	<b>2.52%</b>
Disaster Response	-	424,257	1,363,822	1,416,417	-	-	-	-
Capital Improvements	1,114,629	621,934	3,020,000	4,699,500	-	-	-	-
Transfers Out (To Fire Protection Dist)	16,000	300,000	-	-	-	-	-	-
Transfers Out (To other City Funds)	75,076	2,570,543	1,754,500	1,435,000	185,000	185,000	185,000	185,000
Transfers In (From EC Fund)	-	1,322,107	-	-	-	-	-	-
<b>Excess Revenue Over (Under)</b>								
<b>Expenditures</b>	<b>1,132,126</b>	<b>4,262,345</b>	<b>(4,403,292)</b>	<b>(5,864,027)</b>	<b>1,860,923</b>	<b>1,697,197</b>	<b>1,596,781</b>	<b>1,500,843</b>
<b>Ending Fund Balance</b>	<b>4,784,176</b>	<b>9,046,520</b>	<b>4,643,228</b>	<b>3,182,493</b>	<b>5,043,416</b>	<b>6,740,614</b>	<b>8,337,394</b>	<b>9,838,237</b>
CT	4,784,176	9,046,520	4,643,228	3,182,493	5,043,416	6,740,614	8,337,394	9,838,237
<b>Minimum Target Reserve</b>	<b>926,132</b>	<b>1,449,757</b>	<b>1,696,671</b>	<b>1,795,328</b>	<b>1,627,049</b>	<b>1,693,975</b>	<b>1,761,500</b>	<b>1,830,960</b>
<b>Available Funds</b>	<b>3,858,043</b>	<b>7,596,763</b>	<b>2,946,557</b>	<b>1,387,165</b>	<b>3,416,368</b>	<b>5,046,638</b>	<b>6,575,894</b>	<b>8,007,277</b>

<sup>1</sup> Reflects 2013 Property Tax transfer to the Evans Fire Protection District

## City of Evans Street Impact Fund Long Range Financial Plan

	2012 Actual	2013 Actual	2014 Budget V2	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
Beginning Unrestricted Fund Balance	595,013	635,246	952,494	952,494	729,485	(15,843)	(6,161,454)	(10,361,612)
<b>Revenues</b>								
Assessments	62,654	317,734	-	-	-	-	-	-
Interest Earnings	4,589	-	6,392	6,392	4,672	4,389	(158)	(61,615)
Miscellaneous	-	(486)	-	462,599	-	-	-	-
<b>Total Revenues</b>	<b>67,243</b>	<b>317,248</b>	<b>6,392</b>	<b>468,991</b>	<b>4,672</b>	<b>4,389</b>	<b>(158)</b>	<b>(61,615)</b>
CT	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-
<b>Total Available Funds</b>	<b>67,243</b>	<b>317,248</b>	<b>6,392</b>	<b>468,991</b>	<b>4,672</b>	<b>4,389</b>	<b>(158)</b>	<b>(61,615)</b>
<b>Expenditures</b>								
Capital	27,010	-	692,000	692,000	750,000	6,150,000	4,200,000	650,000
<b>Total Expenditures</b>	<b>27,010</b>	<b>-</b>	<b>692,000</b>	<b>692,000</b>	<b>750,000</b>	<b>6,150,000</b>	<b>4,200,000</b>	<b>650,000</b>
Transfers Out	-	-	-	-	-	-	-	-
<b>Excess Revenue Over (Under) Expenditures</b>	<b>40,233</b>	<b>317,248</b>	<b>(685,608)</b>	<b>(223,009)</b>	<b>(745,328)</b>	<b>(6,145,611)</b>	<b>(4,200,158)</b>	<b>(711,615)</b>
<b>Unreserved Ending Fund Balance</b>	<b>635,246</b>	<b>952,494</b>	<b>266,886</b>	<b>729,485</b>	<b>(15,843)</b>	<b>(6,161,454)</b>	<b>(10,361,612)</b>	<b>(11,073,227)</b>
CT	635,246	952,494						
<b>Reserved Cash</b>	<b>40,796</b>	<b>40,796</b>						

### 2012-2018 Capital Improvement Plan

	2012 Actual	2013 Actual	2014 Budget V2	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
US 85 Service Road Improvements	998	-	-	-	-	-	-	-
35th Avenue	8,962	-	-	-	-	-	-	-
35th Avenue widening Prairie View to 49th	-	-	-	-	-	-	1,700,000	-
Traffic Signals	-	-	-	-	-	250,000	-	250,000
23rd Ave. - 37th St. to 42nd St.	-	-	-	-	-	1,000,000	-	-
23rd Ave. - 42nd St. to 49th St.	-	-	-	-	-	-	-	400,000
St. Vrain Street - 36th Street Improvements	-	-	172,000	172,000	-	-	-	-
35th Ave. Widening - 37th St. to Prairie View (4 lanes)	-	-	520,000	520,000	-	-	-	-
47th Ave. Widening - 32nd St. to 37th St. (4 lanes)	-	-	-	-	750,000	-	-	-
47th Ave. - Prairie View to 49th St.	-	-	-	-	-	4,300,000	-	-
Prairie View Dr. - 35th Ave. to 47th Ave.	-	-	-	-	-	600,000	-	-
65th Ave Widening	17,050	-	-	-	-	-	2,500,000	-
<b>Street Impact Fund Total</b>	<b>27,010</b>	<b>-</b>	<b>692,000</b>	<b>692,000</b>	<b>750,000</b>	<b>6,150,000</b>	<b>4,200,000</b>	<b>650,000</b>

\*Capital is budgeted at 90% of prior year ending unrestricted fund balance

	538,009	571,721	857,244	857,244	240,197	(14,259)	(5,545,309)	(9,325,451)
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## City of Evans Capital Projects - Streets Long Range Financial Plan

	2012 Actual	2013 Actual	2014 Budget V2	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
Beginning Fund Balance	236,449	329,048	819,248	819,248	435,068	9,038,893	5,546,293	5,420,031
<b>Revenues</b>								
Intergovernmental	855,839	807,199	2,100,880	2,100,880	908,824	1,212,400	653,739	735,989
Grant Revenue - FEMA	-	278,905	131,258	131,258	-	-	-	-
<b>Total Revenues</b>	<b>855,839</b>	<b>1,086,104</b>	<b>2,232,138</b>	<b>2,232,138</b>	<b>908,824</b>	<b>1,212,400</b>	<b>653,739</b>	<b>735,989</b>
CT	855,839	1,086,104	2,232,138	2,232,138	908,824	1,212,400	653,739	735,989
Transfers In	-	457,735	185,000	185,000	-	-	-	-
<b>Total Available Funds</b>	<b>855,839</b>	<b>1,543,839</b>	<b>2,417,138</b>	<b>2,417,138</b>	<b>908,824</b>	<b>1,212,400</b>	<b>653,739</b>	<b>735,989</b>
<b>Expenditures</b>								
Supplies & Services	156,641	129,786	190,000	190,000	190,000	190,000	190,000	190,000
Disaster Response	-	318,748	150,000	150,000	-	-	-	-
Capital Improvement	606,599	605,104	2,457,118	2,461,318	865,000	4,515,000	590,000	590,000
<b>Total Expenditures</b>	<b>763,240</b>	<b>1,053,638</b>	<b>2,797,118</b>	<b>2,801,318</b>	<b>1,055,000</b>	<b>4,705,000</b>	<b>780,000</b>	<b>780,000</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>92,599</b>	<b>490,200</b>	<b>(379,980)</b>	<b>(384,180)</b>	<b>8,603,824</b>	<b>(3,492,600)</b>	<b>(126,261)</b>	<b>(44,011)</b>
<b>Ending Fund Balance</b>	<b>329,048</b>	<b>819,248</b>	<b>439,268</b>	<b>435,068</b>	<b>9,038,893</b>	<b>5,546,293</b>	<b>5,420,031</b>	<b>5,376,020</b>
CT	329,048	819,248						

### 2012-2018 Capital Improvement Plan

	2012 Actual	2013 Actual	2014 Budget V2	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
11th Ave. & US 34 Improvements	-	-	-	-	-	150,000	-	-
Equipment	7,050	28,800	-	-	-	-	-	-
17th Ave & 23rd Ave Bikepath - Grant Funded	-	31,000	31,000	31,000	-	-	-	-
37th St. Widening - 47th to 65th (4 lanes)	-	-	-	-	-	3,200,000	-	-
29th Street Road Upgrades	142,294	4,935	-	-	-	-	-	-
Bridge Rehabilitation Funds	20,752	-	35,000	35,000	35,000	35,000	35,000	35,000
Concrete Replacement	71,035	66,341	75,000	75,000	50,000	75,000	75,000	75,000
Evans Ditch Bikepath - Grant Funded	71,089	42,952	62,852	62,852	-	-	-	-
Misc. Street Resurfacing (Per PMS)	271,776	350,000	325,000	325,000	280,000	400,000	400,000	400,000
35th Ave. Widening - 37th St. to Prairie View (4 lanes)	-	-	920,000	920,000	-	-	-	-
Traffic Signal - 37th St. & 47th Ave. (Replace Temp.)	-	-	-	-	200,000	-	-	-
Roadway Landscaping	-	-	-	-	-	30,000	30,000	30,000
Safe Routes to School - Grant Funded	-	-	-	-	-	-	-	-
Street Lighting	-	17,358	50,000	50,000	-	50,000	50,000	50,000
US 85 Landscaping	-	-	50,000	50,000	-	-	-	-
US 85 Access Control @ 31st St. - Grant Funded	-	-	95,000	95,000	300,000	575,000	-	-
US 85 Access Control @ 37th St. - Grant Funded	22,603	63,719	813,266	817,466	-	-	-	-
<b>Capital Projects - Streets Total</b>	<b>606,599</b>	<b>605,104</b>	<b>2,457,118</b>	<b>2,461,318</b>	<b>865,000</b>	<b>4,515,000</b>	<b>590,000</b>	<b>590,000</b>

\* Capital is budgeted at 90% of projected ending fund balance after operations, excluding grant funding

	842,082	1,030,902	2,488,615	2,488,615	1,038,503	9,055,163	5,409,028	5,369,418
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## City of Evans Capital Projects - Parks Long Range Financial Plan

	2014 Budget	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
Beginning Fund Balance	-	-	1,251,792	8,751,792	8,751,792	8,751,792
<b><u>Revenues</u></b>						
Grant Revenue - FEMA	171,792	271,792	8,750,000	-	-	-
<b>Total Revenues</b>	<b>171,792</b>	<b>271,792</b>	<b>8,750,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
CT	171,792	271,792	8,750,000	-	-	-
Transfers In	1,250,000	1,250,000	-	-	-	-
<b>Total Available Funds</b>	<b>1,421,792</b>	<b>1,521,792</b>	<b>8,750,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b><u>Expenditures</u></b>						
Disaster Recovery	170,000	270,000	10,000,000	-	-	-
Capital Improvement	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>170,000</b>	<b>270,000</b>	<b>10,000,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>1,251,792</b>	<b>1,251,792</b>	<b>7,500,000</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Ending Fund Balance</b>	<b>1,251,792</b>	<b>1,251,792</b>	<b>8,751,792</b>	<b>8,751,792</b>	<b>8,751,792</b>	<b>8,751,792</b>
CT						

**City of Evans Water Fund Long Range Financial Plan**

	2012	2013	2014	2014	2015	2016	2017	2018
	Actual	Actual	Budget V2	Budget V3	Projected	Projected	Projected	Projected
<b>Operating Revenues</b>								
Base Rate (base, np, penalty, misc)	1,655,893	1,818,767	1,946,804	1,946,804	1,822,969	1,870,842	1,918,836	1,921,056
Loan Proceeds	-	-	1,500,000	1,500,000	-	-	-	-
Variable Rate	2,732,495	2,592,268	2,564,386	2,564,386	2,628,495	2,694,208	2,761,563	2,830,602
Interest Income	5,433	(1,349)	12,551	12,551	7,760	9,167	9,258	9,351
<b>Total Operating Revenues</b>	<b>4,393,821</b>	<b>4,409,686</b>	<b>6,023,741</b>	<b>6,023,741</b>	<b>4,459,224</b>	<b>4,574,217</b>	<b>4,689,657</b>	<b>4,761,009</b>
<b>Operating Expenses</b>								
Fixed costs	1,347,869	1,422,295	2,814,245	2,814,245	1,503,923	1,526,666	1,549,838	1,573,450
Variable costs	2,472,083	2,450,777	2,614,698	2,614,698	2,512,286	2,562,419	2,613,554	2,660,078
Total Operating Expenses	3,819,952	3,873,072	5,428,942	5,428,942	4,016,209	4,089,084	4,163,393	4,233,528
Net Revenues over (under) expenses	<b>573,869</b>	<b>536,614</b>	<b>594,798</b>	<b>594,798</b>	<b>443,015</b>	<b>485,133</b>	<b>526,264</b>	<b>527,481</b>
Transfer for Major Maint (w AMP)	308,024	396,472	632,559	632,559	319,046	344,177	368,997	347,605
Transfer In from Major Maint	-	-	(170,708)	(170,708)	-	-	-	-
Transfer for Water Conservation	260,412	141,491	-	-	116,210	131,789	148,009	170,524
<b>Net Operations after Transfers</b>	<b>5,433</b>	<b>(1,349)</b>	<b>132,947</b>	<b>132,947</b>	<b>7,760</b>	<b>9,167</b>	<b>9,258</b>	<b>9,351</b>
<b>Running Cash Balance</b>	<b>777,306</b>	<b>775,958</b>	<b>908,905</b>	<b>908,905</b>	<b>916,665</b>	<b>925,831</b>	<b>935,090</b>	<b>944,441</b>
<b>Target Operating Reserve - 3 months</b>	<b>812,879</b>	<b>833,777</b>	<b>908,903</b>	<b>908,903</b>	<b>895,238</b>	<b>903,280</b>	<b>911,597</b>	<b>928,849</b>
<b>Available Funds</b>	<b>(35,573)</b>	<b>(57,819)</b>	<b>2</b>	<b>2</b>	<b>21,426</b>	<b>22,552</b>	<b>23,493</b>	<b>15,591</b>
<b>Water Rights Revenues</b>								
Fixed costs	36,440	24,842	31,000	31,000	20,000	20,000	20,000	20,000
Payment in Lieu of Water Rights Lease	-	-	-	-	-	-	-	-
Interest Income	-	-	-	-	-	-	-	-
<b>Water Rights Expenses</b>								
Water Right Acquisition	-	-	-	-	-	-	-	-
<b>Annual Net</b>	<b>36,440</b>	<b>24,842</b>	<b>31,000</b>	<b>31,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>	<b>20,000</b>
<b>Running Balance</b>	<b>(191,450)</b>	<b>(166,608)</b>	<b>(135,608)</b>	<b>(104,608)</b>	<b>(115,608)</b>	<b>(95,608)</b>	<b>(75,608)</b>	<b>(55,608)</b>
<b>System Maintenance &amp; Expansion Revenue</b>								
Tap Fee Revenue	194,409	747,282	674,600	674,600	549,328	576,794	605,634	635,915
Water Meter Sales	12,780	21,572	5,500	5,500	6,000	6,500	7,000	7,500
Interest Income	10,099	(2,455)	-	-	-	-	-	-
Transfer for Major Maint (w AMP)	308,024	396,472	632,559	632,559	319,046	344,177	368,997	347,605
Transfer to Operations	-	-	(170,708)	(170,708)	-	-	-	-
Transfer for Water Conservation	260,412	141,491	-	-	116,210	131,789	148,009	170,524
Other	-	-	-	-	-	-	-	-
<b>Total System Expansion Revenue</b>	<b>785,723</b>	<b>1,304,361</b>	<b>1,312,659</b>	<b>1,312,659</b>	<b>990,583</b>	<b>1,059,260</b>	<b>1,129,640</b>	<b>1,161,545</b>
<b>System Maintenance &amp; Expansion Expenses</b>								
Capital Outlay	689,422	2,742,993	360,904	360,904	518,067	6,009,716	1,626,160	4,239,720
Major Maintenance & AMP	106,424	48,170	50,000	50,000	319,046	344,177	368,997	347,605
Water Conservation Projects	-	-	-	-	116,210	131,789	148,009	170,524
Misc Expenses	39,347	29,681	60,000	97,500	-	-	-	-
<b>Total Expenses</b>	<b>835,193</b>	<b>2,820,843</b>	<b>470,904</b>	<b>508,404</b>	<b>953,323</b>	<b>6,485,682</b>	<b>2,143,166</b>	<b>4,757,850</b>
<b>Annual Net</b>	<b>(49,469)</b>	<b>(1,516,482)</b>	<b>841,755</b>	<b>804,255</b>	<b>37,261</b>	<b>(5,426,422)</b>	<b>(1,013,526)</b>	<b>(3,596,305)</b>
<b>Running Balance</b>	<b>1,622,469</b>	<b>105,987</b>	<b>947,742</b>	<b>910,242</b>	<b>985,003</b>	<b>(4,441,419)</b>	<b>(5,454,945)</b>	<b>(9,051,250)</b>
<b>Total Water Fund Revenue</b>	<b>4,647,549</b>	<b>5,200,927</b>	<b>6,734,841</b>	<b>6,734,841</b>	<b>5,034,552</b>	<b>5,177,511</b>	<b>5,322,291</b>	<b>5,424,424</b>
<b>Total Water Fund Expenses</b>	<b>4,655,145</b>	<b>6,693,915</b>	<b>5,899,846</b>	<b>5,937,346</b>	<b>4,969,531</b>	<b>10,574,766</b>	<b>6,306,559</b>	<b>8,991,378</b>
<b>CT</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Changes in Working Capital</b>	<b>(6,334)</b>	<b>(9,306)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Water Fund Cash Balance</b>	<b>2,192,682</b>	<b>690,388</b>	<b>1,525,382</b>	<b>1,487,882</b>	<b>1,552,902</b>	<b>(3,844,353)</b>	<b>(4,828,621)</b>	<b>(8,395,575)</b>

2,192,682

690,388

**Water Fund**  
*Expense Summary*

	2012 Actual	2013 Actual	2014 Budget V2	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
<b>Operating Revenues</b>								
Base Rate (base, np, penalty, misc)	\$1,655,893	\$1,818,767	\$1,946,804	\$1,946,804	\$1,822,969	\$1,870,842	\$1,918,836	\$1,921,056
	\$14.50	\$16.50	\$17.00	\$17.00	\$17.50	\$18.00	\$18.50	\$18.50
<b>Base Major Maintenance Calculator</b>								
Administrative GF OH	602,357	658,248	655,610	655,610	665,445	675,426	685,558	695,841
Water Fund Payroll, Supplies & Services	745,512	764,047	1,985,797	1,985,797	665,641	678,402	691,444	704,772
AMP	39,096	-	-	-	60,471	56,822	56,822	56,822
Debt - CWPA 2013 Radio Loan	-	-	172,837	172,837	172,837	172,837	172,837	172,837
Major Maintenance Projection	268,928	396,472	632,559	632,559	258,575	287,355	312,175	290,783
<b>Total Base Rate</b>	<b>1,655,893</b>	<b>1,818,767</b>	<b>3,446,804</b>	<b>3,446,804</b>	<b>\$1,822,969</b>	<b>\$1,870,842</b>	<b>\$1,918,836</b>	<b>\$1,921,056</b>
<b>Major Maintenance and AMP in Fixed Costs</b>								
Asset Management Plan	39,096	-	-	-	60,471	56,822	56,822	56,822
Major Maintenance Projects	201,600	348,302	582,559	582,559	258,575	287,355	312,175	290,783
Equipment	-	-	-	-	-	-	-	-
Line Work	67,328	48,170	50,000	50,000	-	-	-	-
<b>Total In Fixed Costs</b>	<b>308,024</b>	<b>396,472</b>	<b>632,559</b>	<b>632,559</b>	<b>319,046</b>	<b>344,177</b>	<b>368,997</b>	<b>347,605</b>
<b>Capital Expenditures - System Expansion Tap Fee Revenue</b>								
Windy Gap Storage Project	190,301	138,080	320,904	320,904	215,067	4,937,356	-	-
NISP Storage Project	40,000	40,000	40,000	40,000	28,000	522,360	1,226,160	4,239,720
System Expansion Fee to City of Greeley	-	2,544,592	-	-	-	300,000	-	-
Brantner Rd & Ind Pkwy 43rd to 44th St	-	-	-	-	-	50,000	400,000	-
Tuseany Non-Potable Ponds	-	-	-	-	275,000	-	-	-
Tuseany Pumphouse	-	-	-	-	-	200,000	-	-
Non-Potable Master Plan Update	-	-	-	-	-	-	-	-
Carryforward Projects	61,856	20,321	-	-	-	-	-	-
17th Ave Drop & Measurement Structure	-	-	-	-	-	-	-	-
11th Ave Waterline - 32nd to Cemetery	397,265	-	-	-	-	-	-	-
<b>Total in CIP from Tap Fee revenue</b>	<b>689,422</b>	<b>2,742,993</b>	<b>360,904</b>	<b>360,904</b>	<b>518,067</b>	<b>6,009,716</b>	<b>1,626,160</b>	<b>4,239,720</b>
<b>Total Capital in Attachment I (includes water rights)</b>	<b>958,349</b>	<b>2,791,163</b>	<b>410,904</b>	<b>410,904</b>	<b>776,642</b>	<b>6,297,071</b>	<b>1,938,335</b>	<b>4,530,503</b>
<b>Capital Expenditures - Base Major Maint Fee Revenue (not prioritized or funded)</b>								
<b>Total in Major Maint from base rate revenue</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,150,000</b>	<b>925,000</b>	<b>767,000</b>	<b>801,000</b>
<b>Other Balance Accumulators</b>								
<b>Major Maintenance Accumulator</b>								
Revenue	1,661,326	1,818,767	3,446,804	3,446,804				
Expenses	1,655,893	1,818,767	3,446,804	3,446,804				
<b>Balance</b>	<b>120,604</b>	<b>-</b>	<b>-</b>	<b>-</b>				
<b>Water Conservation Accumulator</b>								
Revenue	2,732,495	2,592,268	2,564,386	2,564,386				
Expenses	2,732,495	2,592,268	2,614,698	2,614,698				
<b>Balance</b>	<b>271,991</b>	<b>-</b>	<b>(50,312)</b>	<b>(50,312)</b>				
<b>Carryforward Projects Detail</b>								
Lakeside/State Farm Fire Flow	42,629	-	-	-	-	-	-	-
Ashcroft Draw Drop & Measurement Str	19,227	20,321	-	-	-	-	-	-
	61,856	20,321	-	-	-	-	-	-

**City of Evans Waste Water Fund Long Range Financial Plan**

	2012 Actual	2013 Actual	2014 Budget V2	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
<b>Operating Revenues</b>								
Sewer Sales	1,125,063	1,177,884	1,205,680	1,416,769	2,210,112	2,171,723	2,243,656	2,322,581
Other	2,218	46,916	18,288	18,288	2,373	12,073	20,820	30,133
<b>Total Operating Revenues</b>	<b>1,127,281</b>	<b>1,224,800</b>	<b>1,223,968</b>	<b>1,435,057</b>	<b>2,212,485</b>	<b>2,183,796</b>	<b>2,264,476</b>	<b>2,352,713</b>
CT	1,127,281	1,224,800	1,223,968	1,435,057	2,212,485	2,183,796	2,264,476	2,352,713
<b>Operating Expenses</b>								
Personnel	293,711	311,869	334,565	344,564	342,967	354,010	365,410	377,176
Operations	310,765	312,446	426,233	528,733	417,165	423,422	429,774	436,220
Debt	111,708	115,454	108,626	108,626	107,048	110,762	110,762	110,762
Transfer for Overhead to General Fund	413,141	451,425	408,587	408,587	414,716	420,937	427,251	433,659
Total Operating Expenses	1,129,325	1,191,194	1,278,011	1,390,511	1,281,896	1,309,132	1,333,196	1,357,818
Net Revenues over (under) expenses	(2,044)	33,607	(54,042)	44,547	930,589	874,664	931,280	994,896
<b>Running Cash Balance</b>	<b>297,182</b>	<b>330,789</b>	<b>276,746</b>	<b>375,336</b>	<b>1,207,336</b>	<b>2,082,000</b>	<b>3,013,280</b>	<b>4,008,175</b>
<b>Target Operating Reserve - 3 months</b>	<b>282,331</b>	<b>297,798</b>	<b>319,503</b>	<b>347,628</b>	<b>320,474</b>	<b>327,283</b>	<b>333,299</b>	<b>339,454</b>
<b>Available Funds</b>	<b>14,851</b>	<b>32,990</b>	<b>(42,756)</b>	<b>27,708</b>	<b>886,862</b>	<b>1,754,717</b>	<b>2,679,981</b>	<b>3,668,721</b>
<b>System Maintenance Revenues</b>								
Revenue	-	-	-	-	134,544	269,088	403,632	538,176
Grant - FEMA	-	357,649	915,442	915,442	-	-	-	-
Interest	6,566	-	545	545	-	-	-	-
<b>Total System Maintenance Revenues</b>	<b>6,566</b>	<b>357,649</b>	<b>915,987</b>	<b>915,987</b>	<b>134,544</b>	<b>269,088</b>	<b>403,632</b>	<b>538,176</b>
<b>System Maintenance Expenses</b>								
Supplies & Services	384,604	-	-	-	-	-	-	-
Asset Management	10,763	-	80,000	80,000	24,363	91,738	10,429	10,429
Disaster Recovery	-	421,259	1,280,000	1,280,000	-	-	-	-
Capital Outlay - Regulatory Compliance	10,491	14,042	-	-	-	-	-	-
Capital Outlay - Major Maintenance	-	-	200,000	200,000	-	-	-	-
<b>Total System Maintenance Expenses</b>	<b>405,858</b>	<b>435,301</b>	<b>1,560,000</b>	<b>1,560,000</b>	<b>24,363</b>	<b>91,738</b>	<b>10,429</b>	<b>10,429</b>
<b>Annual Net</b>	<b>(399,292)</b>	<b>(77,652)</b>	<b>(644,013)</b>	<b>(644,013)</b>	<b>110,181</b>	<b>177,350</b>	<b>393,203</b>	<b>527,747</b>
<b>Running Cash Balance</b>	<b>486,592</b>	<b>408,940</b>	<b>(235,073)</b>	<b>(235,073)</b>	<b>(124,892)</b>	<b>52,458</b>	<b>445,661</b>	<b>973,408</b>
<b>System Expansion Revenues</b>								
System Development Fees	89,994	268,056	27,500	136,315	50,000	50,000	50,000	50,000
Interest	990	-	2,511	2,511	5,213	(5,225)	(56,207)	(56,269)
<b>Total System Expansion Revenues</b>	<b>90,984</b>	<b>268,056</b>	<b>30,011</b>	<b>138,826</b>	<b>55,213</b>	<b>44,775</b>	<b>(6,207)</b>	<b>(6,269)</b>
<b>System Expansion Expenses</b>								
Capital Outlay	-	-	-	-	1,099,000	5,143,000	-	-
<b>Total System Expansion Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,099,000</b>	<b>5,143,000</b>	<b>-</b>	<b>-</b>
<b>Annual Net</b>	<b>90,984</b>	<b>268,056</b>	<b>30,011</b>	<b>138,826</b>	<b>(1,043,787)</b>	<b>(5,098,225)</b>	<b>(6,207)</b>	<b>(6,269)</b>
<b>Running Cash Balance</b>	<b>223,233</b>	<b>491,289</b>	<b>521,300</b>	<b>630,115</b>	<b>(522,487)</b>	<b>(5,620,712)</b>	<b>(5,626,919)</b>	<b>(5,633,188)</b>
Total Waste Water Fund Revenue	1,224,831	1,850,505	2,169,966	2,489,870	2,402,242	2,497,659	2,661,900	2,884,620
Total Waste Water Fund Expenses	1,535,183	1,626,495	2,838,011	2,950,511	2,405,259	6,543,870	1,343,625	1,368,247
Changes in Working Capital	133,772	(476,627)	-	-	-	-	-	-
<b>Ending Cash</b>	<b>1,142,155</b>	<b>889,538</b>	<b>221,494</b>	<b>428,898</b>	<b>425,881</b>	<b>(3,620,329)</b>	<b>(2,302,054)</b>	<b>(785,680)</b>
CT	1,142,155	889,538	221,494	428,898	425,881	(3,620,329)	(2,302,054)	(785,680)
<b>Restricted Cash</b>								

**2012-2018 Capital Improvement Plan**

	2012 Actual	2013 Actual	2014 Budget V2	2014 Budget V3	2015 Projected	2016 Projected	2017 Projected	2018 Projected
WWTP Expansion to 2.0 MGD - Planning/Design	10,491	14,042	-	-	-	-	-	-
Evans - Biological Process Improvements	-	-	-	-	768,000	4,607,000	-	-
Evans - UV Disinfection	-	-	-	-	107,000	536,000	-	-
HNP - Headworks Screening Improvements	-	-	200,000	200,000	-	-	-	-
HNP - Stand By Power	-	-	-	-	224,000	-	-	-
Evans Wastewater Utility Plan	-	-	-	-	-	-	-	-
<b>Waste Water Fund Total</b>	<b>10,491</b>	<b>14,042</b>	<b>200,000</b>	<b>200,000</b>	<b>1,099,000</b>	<b>5,143,000</b>	<b>-</b>	<b>-</b>

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**CITY COUNCIL COMMUNICATION**

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.A

**SUBJECT:** Ordinance No 600-14 – An Ordinance Repealing and Reenacting Highway 85 Corridor Overlay District Design Standards Chapter 19.62 (Proposed Code Amendment)  
(Refer to other communications for 19.04, 19.10, and 19.15)

**PRESENTED BY:** Baseline Corporation, Vincent Harris, AICP

**PREPARED BY:** Cory Miller, Associate Planner

**ACTION:** Approve Ordinance to repeal and reenact said Chapter

**APPROVED BY:** Sheryl Trent, Economic Development Director

BACKGROUND INFORMATION		
<b>Location:</b>	Highway 85 Overlay District (map attached)	
<b>Applicants:</b>	The City of Evans	
<b>Existing Land Use:</b>	Various	
<b>Proposed Land Use:</b>	N/A	
<b>Surrounding Land Use:</b>	<b>North</b>	Out of City limits
	<b>South</b>	Out of City limits
	<b>East</b>	Various
	<b>West</b>	Various
<b>Existing Zoning:</b>	C-3, I-2, I-3, R-1, R-2, RC	
<b>Proposed Zoning:</b>	Upcoming City Initiated Rezoning	
<b>Surrounding Zoning:</b>	<b>North</b>	Out of City limits
	<b>South</b>	Out of City limits
	<b>East</b>	RC, R-1, R-2, RMFH, I-1, C-3
	<b>West</b>	C-3, R-1, R-3, I-1, I-3
<b>Future Land Use Designation:</b>	Commercial, Public Facilities, Urban Residential, Historic Mixed Use, Industrial Business Park	

**PROJECT DESCRIPTION:** In 2005, with the help of a citizen’s review task force, the City of Evans adopted Chapter 19.62 of the Evans Municipal Code, which established the Highway 85 Overlay District. In May of 2013, the City Council approved revisions to Chapter 19.62 in order to make necessary updates to dated regulations. The amendment also provided new language that would enhance economic opportunity and viability within the corridor.

In February of 2014 City Council approved the US Highway 85 Overlay District Master Plan. The Master Plan is strongly influenced by the 2013 revisions of Chapter 19.62 and serves as its extension. The US Highway 85 Overlay District Master Plan has since influenced the creation of proposed new zone districts to be applied to properties within the US 85 Overlay District. In order to regulate new design criteria within these districts as well as enhance proposed land uses and dimensional standards, Chapter 19.62 must be revised.

Sheryl Trent, Economic Development Director met with City Staff to discuss the proposed changes, the overall project, and assist with the update of Chapter 19.62. Baseline, in conjunction with City staff suggest these changes best reflect the intent of the US Highway 85 Overlay District Master Plan and the establishment of new zone districts within the corridor.

A public meeting was held on August 11, 2014 and information was mailed to all owners and tenants within the Corridor to invite them to that public meeting and to the public hearings for adoption of

this code amendment.

**RECOMMENDATION:** Staff recommends approval of the amended Chapter 19.62 titled, “US 85 Overlay District Design Standards” of the City of Evans Municipal Code. This communication also relates to other communications to City Council related to Chapter 19.04, Chapter 19.10, and the proposed Chapter 19.15.

**ANALYSIS:**

**1. Background:**

Chapter 19.62 Titled “Highway 85 Corridor Overlay District Design Standards” was adopted by Resolution 111-02 on December 17, 2002 and has been updated twice since, in 2005, and in 2013. As mentioned, in February of 2014, The US Highway 85 Overlay District Master Plan was adopted by Resolution No.5-2014. Acting as an extension to Chapter 19.62 of the Evans Municipal Code, the US Highway 85 Overlay District Master Plan assists with guiding future development proposals in the following ways:

- The Master Plan helps unify fragmented land uses present along the corridor by focusing specific future development types into specific areas (e.g. auto, office); and
- Promotes infrastructure improvements to create safe access opportunities and improve traffic circulation and flows; and
- Addresses transportation linkages and connections to promote better safety, health related options, and quality access for local residents; and
- Addresses the lack of vibrant pedestrian and bicycle infrastructure to connect the surrounding neighborhoods and community to the planned and existing park and trail systems, and existing and future commercial uses.

Many of the recommendations included within the Master Plan document incorporate goals and objectives from the City of Evans Comprehensive Plan (2010), the US 85 Corridor Master Plan (2002), and the US 85 Access Control Plan (1999).

In an effort to enact the goals and guidelines provided for in the US Highway 85 Overlay District Master Plan, the City of Evans will create new zone districts to ensure that future land uses and dimensional recommendations are implemented within the corridor. In order to help better regulate the design of developments within those districts, Chapter 19.62 has been improved with this request.

Staff has since drafted the proposed amended version of Chapter 19.62 US 85 Overlay District Design Standards. Most predominately there have been changes to:

- Definitions
- Site Planning and Urban Design
- Access, Circulation and Parking
- Landscaping Standards

A courtesy notice was mailed to property owners and business owners within the Corridor indicating that the City Council will hold a hearing on August 19, 2014. Additionally, an open house was held on Thursday August 7, 2014 to discuss the proposed amendments with my attendees.

**2. Issues:**

The directive of the Evans City Council is to create a self-sustaining retail corridor in the Highway 85 Corridor in Evans. This area is the gateway into the Evans/Greeley communities. Currently the corridor shows its age and is not as attractive as it could be to future retail development and redevelopment. Several steps have been taken to enhance the corridor including the establishment of the US Highway 85 Overlay District Master Plan as the proposal of new zoning districts in the corridor. The goals of these proposed changes are to further enhance the corridor by providing specific design regulations that reflect the adoption of the US Highway 85 Overlay District Master Plan as well as the establishment of new zone districts.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council approve the proposed amendments to Chapter 19.62 US 85 Overlay District Design Standards of the City of Evans Municipal Code, as provided herein.

Staff will provide an overview of the proposed code amendment and make a presentation at the City Council meeting on August 19, 2014.

**RECOMMENDED CITY COUNCIL MOTION:**

“I move to approve Ordinance No. 600-14, the proposed amendments to Chapter 19.62 US 85 Overlay District Design Standards of the City of Evans Municipal Code, as provided herein because it is in the best interest of the citizens of the City of Evans.”

“I move to deny Ordinance No. 600-14 the proposed amendments to Chapter 19.62 US 85 Overlay District Design Standards of the City of Evans Municipal Code, as provided herein because it is not in the best interest of the citizens of the City of Evans.”

Appendix A: Highway 85 Overlay District Boundaries

Appendix B: Updated Chapter 19.62 (clean version) of the Evans Municipal Code

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## Chapter 19.62

### US 85 OVERLAY DISTRICT DESIGN STANDARDS

#### Sections:

19.62.010	General
19.62.030	Intent of US 85 Overlay District
19.62.050	Boundaries and Affected Property
19.62.070	Uses Not Permitted, Conditional Use, and Restrictions
19.62.090	Legal Non-conformities
19.62.110	Design Review Process
19.62.130	Site Planning and Urban Design
19.62.150	Access, Circulation and Parking
19.62.170	Service and Loading Areas
19.62.190	Telecommunications Equipment and Utilities
19.62.210	Buffers and Transition Areas
19.62.230	Fences and Walls
19.62.250	Landscape Standards
19.62.270	Architectural Design Standards
19.62.290	Lighting
19.62.310	Signage
19.62.330	Maintenance Standards
19.62.350	Variance
19.62.370	Administration and Enforcement
19.62.390	Violation – Penalty

#### 19.62.010 General

The provisions of this chapter apply to all Property (“property”), and/or Development (“development”) within the US 85 Overlay District. If any provisions of this chapter conflict with other provisions of the Evans Municipal Code, the provisions of this chapter shall apply. For a list of definitions of the terms found within this chapter please reference Chapter 19.04 of the Evans Municipal Code.

#### 19.62.030 Intent of US 85 Overlay District

The intent of the US 85 Overlay District is to implement the concepts, principles, and recommendations of the US 85 Overlay District Master Plan, last adopted by Resolution No. 5-2014 on February 18, 2014 and by means of this Ordinance No. \_\_\_\_\_ adopted on September 2, 2014, through establishing consistent development standards for development within the US 85 Overlay District in the City of Evans. The standards contained herein are intended to ensure that development within the US 85 Overlay District meets certain minimum criteria in order to:

- Improve the appearance and coordinate land uses within the US 85 Overlay District
- Provide additional development standards for the US 85 Overlay District
- Create a positive financially sustainable economic zone
- Establish a unique identity for the City of Evans
- Improve economic vitality within the US 85 Overlay District

- Maximize long-term property values and community benefits
- Minimize the impact of nonresidential development on residential areas
- Improve safety for automobiles, bicycles, and pedestrians
- Encourage the creation of sidewalks and trails within the US 85 Overlay District
- Encourage and increase development opportunities within the US 85 Overlay District
- Facilitate the opportunities for undergrounding of overhead utilities in the US 85 Overlay District

#### 19.62.050 Boundaries and Affected Property

The boundaries of the US 85 Overlay District are shown on the official US 85 Overlay District map. The official district map is kept on file in the office of the City Clerk. The boundaries are also shown on the official zoning map of the City of Evans. The standards of this chapter shall apply to all development within the US 85 Overlay District. This chapter also provides development standards for properties located adjacent to the US 85 Overlay District when such property is included in a development plan being reviewed by the City of Evans. The standards provided in this chapter do not replace development regulations that may be found in the underlying zone districts, except where such regulations conflict. In the event of conflict between the regulations contained in this chapter and those provided in the underlying zone district, the restrictions contained herein shall apply. If any parcel or property is partially located within the boundaries of the Highway 85 Overlay District, these standards shall apply to the entire parcel or property.

#### 19.62.070 Uses Not Permitted, Conditional Use, and Restrictions

A. The uses allowed within the US 85 Overlay District are intended to be of a nature that is retail, personal service, limited residential, and office.

B. Oil and Gas related uses may be permitted as a conditional use. The duration of each use will be limited to a five (5) year period. The Oil and Gas related uses permitted in the US 85 Overlay District will be limited to support services and offices. Storage of equipment will not be permitted.

C. Outdoor storage sales may be permitted as a conditional use. The duration of each use will be limited to a one (1) year period. Each proposed use will be reviewed by City Staff for appropriateness.

D. Regardless of the uses allowed by a property's underlying zoning, the following uses or use groups are not permitted within the US 85 Overlay District.

- Auction yard
- Adult business
- Assembly uses
- Car ports
- Car wash facilities (a single bay, enclosed with doors, passenger vehicle car wash is allowed)
- Confinement of Animals
- Cemetery
- Commercial Mobile Radio Service (CMRS) facility (freestanding)
- Crematorium
- Flea markets
- Industrial Uses

- Kennel
- Livestock trailer washout
- Motor Vehicle, recreational vehicle, boat, or utility vehicle; private sales of
- Natural resource extraction and treatment
- Oil and gas, related uses (as outlined in 19.62.050 (B))
- Outdoor storage
- Outdoor sales lot containing large motorized equipment, Oil & Gas related equipment, equipment parts (US Highway Retail & Commercial Auto zone district exempt for auto sales lots)
- Pawn broker
- Parking lot, off-street (not allowed as a primary use)
- Recycling facility
- Recreational vehicle (RV) park/campground
- Recreational vehicle storage
- Salvage yard
- Treatment of humans, restrained
- Truck vehicle or other commercial vehicle parking as a 24/7 business operation

#### 19.62.090 Legal Non-conformities

A. Existing development in the US 85 Overlay District that was conforming prior to the effective date of the ordinance adopting this chapter, but that does not meet one or more standards of this chapter, will be considered legal nonconforming in accordance with Chapter 19.56 of the Evans Municipal Code and elimination of such nonconformities shall be done in accordance with such Chapter.

B. New standards effective upon adoption of this Chapter shall apply to all property and applications for development applied for on or after the effective date of this chapter, except as may otherwise be provided for under the provisions of this chapter.

C. Future developments shall be reviewed for compatibility within the US 85 Overlay District. Compatibility shall be with conforming uses. Alternatively, compatibility shall not be with non-conformities.

#### 19.62.110 Design Review Process

A. All development within the US 85 Overlay District will be reviewed administratively for compliance with the US 85 Overlay District Design Standards, as provided herein, prior to issuance of a building permit or approval of any applicable land use application such as a site plan or similar plan. Administrative decisions will be provided in writing by the City Manager or designee.

#### 19.62.130 Site Planning and Urban Design

A. The purpose of site planning is to consider site characteristics, such as sunlight, weather, drainage, traffic patterns, and orientation of the building to roadways and other structures, when developing a parcel of land. Urban design is the method of combining planning, architecture, engineering and landscaping to create attractive and functional urban areas. Conscientious site planning and urban design carefully integrate and organize structures and related improvements to provide a pleasant experience for the users. All development shall be

reviewed within a site-specific context, as well as within the context of the entire US 85 Overlay District.

B. Urban design principles of integrating architectural style, overall layout of structures, vehicular and pedestrian circulation and connectivity, and functional engineering and landscaping shall be considered with all development proposed. When reasonably feasible, new structures shall be sited in a manner that will complement adjacent, conforming structures. Sites shall be developed in a coordinated manner to avoid random, confusing development. Developments shall be clustered, sited, or oriented to create or allow opportunities for pedestrian plazas, shared driveways and shared parking to lessen pedestrian-vehicle conflicts. This will promote better coordinated access and development.

C. Parking lots shall conform to the standards provided in section 19.62.110D. All buildings shall be arranged and grouped to complement adjacent conforming developments and allow for efficient pedestrian access.

D. If multiple-buildings are located on the same lot, buildings should be oriented to frame the corner of a perimeter or internal street intersection.

E. Specific site planning standards related to the US 85 Retail & Commercial – Neighborhood Zone District.

1. In order to promote the City vision for a more attractive, efficient, and livable community all developments shall have street-oriented frontages with small landscaped setbacks.
2. All development shall be designed to maintain a north/south parallel vehicular and pedestrian alignment to Highway 85 and shall be as continuous as possible including major entries/exits to the east/west public street system. The US Highway 85 Overlay District Master Plan shall be followed when considering a traffic pattern or grid system.
3. Buildings shall be oriented to be parallel to lot lines, similar to that of traditional downtown building orientations. The front and entrance of the primary structures shall be oriented to the adjoining street or drive.
4. Development in the US 85 Overlay District shall provide a transition from the surrounding suburban fabric to one that is more urban. Special attention shall be given to the size and scale of surrounding properties, including residential developments outside the US 85 Overlay District boundaries. Non-conformities shall not be considered.
5. The core focus of the US 85 Retail & Commercial - Neighborhood zone district will be pedestrian activity. Streets and open spaces must create attractive pedestrian environments. On-street parking will assist in providing access to shops as well as generating additional pedestrian activity.

#### 19.62.150 Access, Circulation and Parking

A. Vehicular access shall be paved (no gravel or dirt) and separated from pedestrian and bicycle access to reduce pedestrian-vehicle conflicts. Internal circulation, including pedestrian and vehicular, shall be continuous and shall avoid creating dead-end parking lots, dead-end driveways, or dead-end sidewalks.

B. Parking areas shall be paved (no gravel or dirt) and broken up through the use of landscaping and building layout to avoid large expanses of parking stalls. Parking lots are

required to include landscaping islands, corridors, and edges according to Chapter 19.47 of the Evans Municipal Code and according to the landscaping requirements in this Chapter 19.62.

C. The majority of parking should be located at the interior of the site in relation to adjoining streets and development.

D. Adjacent development that incorporates shared driveways and parking areas shall be allowed up to a 20 percent reduction in the required number of parking spaces, in accordance with the following requirements.

1. Such shared parking shall not be farther than 500 feet from any entrance of any building for which it counts as required parking.
2. There shall be a recorded easement for cross-access and parking on each of the lots that share parking.
3. Parking required for residential buildings shall not be allowed to count as shared parking.
4. Shared parking is encouraged in order to reduce overall parking amounts when land uses are present that have staggered peak hour demands, or with the co-location of complementary uses such as restaurants adjacent to office uses.

E. Bicycle parking shall be required on all properties in accordance with the following provisions.

1. The required number of bicycle parking spaces shall be five percent of the required number of automobile parking spaces. Notwithstanding the foregoing, not less than one or more than 20 bicycle spaces shall be required.
2. Bicycle parking shall be located as near as practical to building entrances without obstructing safety, pedestrian or vehicular traffic or causing damage to nearby landscaping by means of having to walk through landscape areas with no path.
3. Bicycle parking shall be provided with a permanent structure of heavy gauge tubular steel, or similar material, with angle bars attached to concrete or asphalt pavement. Such structures shall be designed to allow the frame and both wheels of bicycles to be securely locked to the structure. The design of all bicycle parking structures shall be approved by the City with each application for development.

F. On-Street Parking will be permitted in the US 85 Retail and Commercial – Neighborhood and Public Facility zone districts due to the smaller size of lots and the preference for pedestrian activities in these areas. On-street parking will be subject to the following regulations.

1. On-street shall be primarily parallel parking on higher-volume arterial streets. Angled parking may be used on low-speed and low-volume collector or local streets with ground floor commercial uses.
2. On-street parking will be prohibited on streets with speeds greater than or equal to 35 mph due to potential hazards associated with opening doors and maneuvering in and out of parking spaces.
3. Where appropriate, metered or time-restricted parking should be used to provide reasonable short-term parking for commercial uses.
4. Parking will be prohibited within 10 feet of either side of fire hydrants.
5. A minimum of 7 feet width from curb will be required for all parallel parking spots and are to be 24 feet in length; 8 feet wide is preferred. 17 feet and 8 inches will be the minimum depth required for angled parking spots (45 degree). If the

minimum depth of both parallel and angled parking stalls cannot be accommodated without reducing the necessary width of the drive aisle, on-street parking will not be permitted.

6. No on-street parking will be permitted in an alleyway.
7. All development that includes on-street parking proposals shall be reviewed for appropriateness and feasibility at the time of application.

#### G. Pedestrian Circulation

1. Internal Sidewalks shall be required for all developments in the following specified locations:
  - Between the front doors of primary buildings. From buildings to all on-site facilities, such as parking areas, bicycle facilities, and open space.
  - To provide direct access from all buildings on the site to get to existing or planned public sidewalks, as well as adjacent multi-use trails and greenways.
  - Along all adjacent street frontages.
  - Walkways shall be designed to create safe access for pedestrians and avoid frequent crossings by driveways or streets. Walkways should be separated from streets and parking lots by curbs or other means to create physical separation including tree plantings and bollards.
  - Asphalt is prohibited as a paver; use of decorative pavers or textured, colored concrete is required.
2. Required Sidewalk Dimensions
  - Internal sidewalks must be hard surfaced, and a minimum of 7 feet in width.
  - When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased in width to a minimum of eight (8) feet when parking is located on one side and a minimum of ten (10) feet when parking is located on both sides.
3. Along frontages on US 85, a primary trail system shall be installed in accordance with the City of Evans Open Space Trails and Master Plan with an 8-foot wide landscape strip adjacent to the street curb with a 10-foot wide sidewalk.
4. Secondary Connections in accordance with the City of Evans Open Space Trails and Master Plan shall be provided with all developments.
5. US 85 Retail & Commercial – Neighborhood zone district standards,
  - Developments located with the US 85 Retail and Commercial -Neighborhood zone district will be required to install a minimum 7' pedestrian path to run parallel to the street.

#### H. Plaza Space

1. In order to provide enhanced pedestrian amenities on larger sites, plaza space shall be required when a development involves a gross site area greater than 10 acres.
2. A minimum 5% of the property shall be dedicated to plaza space for properties above 10 acres in total size.
3. Plaza spaces shall incorporate at least three of the following elements.
  - At least one seating space for each 250 square feet of plaza or public space area. The seating space requirement can be met through the use of benches, chairs, or seat-walls.

- A mixture of areas that provide shade, through the use of canopies, awnings, arcades, or other similar elements.
  - A water feature or piece of public art
  - Outdoor dining opportunity.
4. For development less than 10 acres in total size, additional provisions for pedestrians must be provided. These provisions shall be provided to the maximum extent deemed reasonable by City staff in the exercise of their discretion. These provisions can be met through the use of the following.
- Seating areas that utilize elements of the development (e.g. low masonry walls)
  - Benches
  - Robust sidewalk connections
  - Shaded and/or Landscape areas provided for passive recreation or relaxation

#### 19.62.170 Service and Loading Areas

A. All service areas and loading areas shall be screened and separated from parking areas using architectural features, constructed of the same/similar materials and colors as the adjacent, conforming structure, and landscaping. Service or loading areas should not be located in the front setback or adjacent to or along US 85. Service areas are to be located in a side or rear yard and screened from view from public rights-of-way.

B. Garbage collection is to be designed to be clustered for multiple businesses. The proper location shall be determined upon review of land use applications.

#### 19.62.190 Telecommunications Equipment and Utilities

A. All telecommunications equipment shall comply with Chapter 19.42 of the Evans Municipal Code.

B. All utility lines shall be installed underground. Existing overhead utility lines shall be relocated underground.

C. Freestanding Commercial Mobile Radio (CMRS) towers are not allowed. CMRS facilities may be mounted on a building or structure provided that the equipment does not extend higher than the roof of the building. Building mounted CMRS facilities must be appropriately colored and concealed so as to blend in with the building or structure.

#### 19.62.210 Buffers and Transition Areas

A. In order to lessen the impact of nonresidential development upon residential areas, buffer and transitional areas shall be installed between residential and nonresidential areas. Transitional and buffer areas can take the form of wall dividers, height transitions, landscaping and other creative design opportunities or devices. Proper transition between uses shall be reviewed when applications for development occurs.

#### 19.62.230 Fences and Walls

A. All fences and walls shall conform to the standards provided in Chapter 19.48 of the Evans Municipal Code in addition to the requirements of this Title.

B. Materials and colors. All new fences and walls in the US 85 Overlay District shall be constructed of durable materials that will retain their appearance over a long period of time. The materials and colors chosen should be the same as or similar to new or existing conforming

structures on adjacent lots or property and must comply with the approved color palette designated in Section. 19.62.170.B.4

1. Appropriate materials include.
  - Brick
  - Stone
  - Stucco
  - Tinted, textured masonry block/architectural block
  - Wrought iron or decorative aluminum (with architectural pillars/columns)
2. Inappropriate materials in any location include.
  - Chain link of any kind
  - Barbed wire

C. Applicable permits shall be required for any installation or renovation of any sign or fence. Existing fences and walls that become dilapidated and need at least 25 percent of the structure repaired or replaced as determined by the City shall require a permit and shall be brought into conformance with the provisions of this chapter.

#### 19.62.250 Landscape Standards

A. Section 19.47.040 through Section 19.47.170 of the Evans Municipal Code shall be applied to development within the Highway 85 Overlay District.

#### B. Front Lot Landscaping

1. In general, street frontages of all developments shall include landscaped buffers in accordance with Section 19.47.190 B, 1 in addition to required sidewalks mentioned in this Chapter 19.62.

#### C. Parking Lot Landscaping

1. Parking lot landscaping shall meet the requirements of Section Chapter 19.47.200 of the City of Evans Municipal Code, notwithstanding the plant material requirements of this Chapter 19.62.

#### D. Interior Lot Landscaping Standards

1. In general, all development areas of land that have not been disturbed during construction shall be preserved for non-public active and passive recreation areas and landscaping.

E. Re-vegetation. All areas disturbed during construction shall be re-vegetated to meet the landscaping requirements of this Chapter 19.62.

#### F. Highway 85 Landscaping

1. Landscaping buffers shall be installed on all properties and developments that abut Highway 85.
2. These landscape buffers shall be positioned between the development and Highway 85.
3. Landscape buffers are to be installed between Highway 85 and the required Primary Trails.
4. A protective barrier must be constructed or established between Highway 85 and all proposed landscaping to prevent harm to plants from debris and road-maintenance materials. These standards shall be provided at time of application for development.

#### G. Highway 85 Neighborhood Retail & Commercial - Landscaping Requirements.

1. Development in this district will be required to provide separate landscaping along streets with on-street parking. If on-street parking is not present, previous landscaping requirements shall apply
  2. A four foot amenity buffer will be required behind the back of street curb adjacent to the roadway. This area shall contain one tree for every 35' lineal feet. The amenity buffer will be in addition to the mandatory sidewalk to be installed parallel to the street.
  3. Dumpsters and trash cans will only be permitted in rear set back.
- H. Plant Material Requirements
1. Landscaping for all development shall include a wide variety of plant materials that will provide visual interest during all seasons. Landscaping should consist of a mixture of trees, shrubs, and native grasses. Selection of plant materials shall be based on the City of Evans' list of approved plant types.
  2. Requirement for Drought Tolerant or Drought Resistant Landscaping and Plant Species.
  3. At least 50 percent of all annuals and trees, and 100 percent of shrubs, perennials, groundcovers, and ornamental grasses used to landscape shall be selected from the City of Evans' xeriscape list of plants.
  4. Trees shall be located to avoid significant interference with overhead or underground utilities and with vehicular and pedestrian movement. A tree canopy may project over a right-of-way or easement, road, or sidewalk.
  5. Plant materials shall not project over sidewalks, paths, or trails below a height of 8 feet.

#### 19.62.270 Architectural Design Standards

A. The following minimum architectural design standards shall apply to each elevation (front, side, and rear) of all development in the district, unless otherwise noted. These minimum standards are intended to achieve consistent and quality developments that will retain their appearance and value over time.

#### B. Building Design and Character

1. Height, massing, building scale. The height and scale of any new building shall be compatible with surrounding, conforming structures. Individual structures shall be clustered to help create plazas and pedestrian courts. Shared driveways and/or parking shall be incorporated to lessen pedestrian-vehicle conflicts. Developments located within the US 85 Neighborhood Retail & Commercial District shall be oriented toward the primary public street or private drive providing the access to the subject building.
2. Human scale. The design of buildings shall reflect the relationship between the size of the building and human beings. Human-scale design shall be incorporated through the use of horizontal articulation, belt courses, cornices, recessed windows or doors, awnings, roof overhangs, moldings, fixtures, colonnades, or other architectural features. In order to avoid blank walls at the ground floor levels, windows, trellises, articulation, arcades, change in materials, or other architectural features shall be utilized. These features shall be incorporated into each elevation (front/side/rear).

3. Complementary architecture. All accessory structures including, but not limited to, gas station canopies, warehouses, clubhouses, solar panels, and utilities, shall utilize design, colors, and materials similar or complementary to the principal structure on the property.
- C. Roofs
1. Roofs shall be constructed to prevent mechanical and other rooftop equipment from being exposed from all reasonable visible angles.
  2. A variety of parapet heights, ridge heights and eave heights should be used to create a varied skyline where buildings are of similar scales. Conversely, where adjoining buildings are of a dissimilar scale, variation on parapet heights, ridge heights and eave heights should be used to reduce the scale of the larger buildings and create continuity of massing between larger and smaller buildings. All designs shall be reviewed at the time of application.
  3. New buildings shall be constructed with appropriate roofing materials that include.
    - Asphalt or fiberglass shingle
    - Clay or concrete tile
    - Slate
    - Metal shake or shingle (non-reflective)
    - Standing seam with integrated color
  4. Inappropriate materials include.
    - Reflective materials (copper may be considered)
    - Tar and gravel (built-up)
    - Corrugated metal
  5. Colors allowed: See required color palette in this Chapter (Section 19.62.170.B.4).
- D. Exterior materials
1. New buildings shall be constructed of appropriate, durable materials that will retain their appearance over time. Combinations of materials and textures are required.
  2. Appropriate exterior materials include.
    - Brick
    - Stucco
    - Stone
    - Tinted, textured masonry block/architectural block
    - Glass block
    - Hardboard siding/simulated wood products
  3. Inappropriate materials include.
    - Plywood
    - Reflective metal siding
    - Vinyl siding
    - Non-textured cinder block/concrete masonry units (CMU)
    - Steel architectural panels
    - Tilt up concrete panels
- E. Elevations

1. The side and rear elevations of all development shall be asymmetric to create a visually complex building form through the use of recesses, overhangs, windows, doors, or other functional alternatives. Each side and rear elevation shall contain a change of plane equal to at least ten percent of the area of the wall for walls greater than 1,000 square feet in wall area and/or every 30 feet.
2. The front elevation of all development should be designed to include clear glass windows and doors to increase pedestrian interest. These openings should be to scale and arranged so that the uses are visible from and to the street on at least twenty-five percent (25%) of the horizontal length of the first floor façade.
3. Overhead doors shall not be placed facing any public right-of-way unless significant and appropriate screening and landscaping diffuses the door. Each window not recessed or otherwise architecturally enhanced (such as with decorative molding, sills, mullions, arches or cornices; window boxes; awnings; multi-paned windows; or bay windows) shall have at least three-inch-wide exterior trim, constructed of acceptable building material, around the window. Windows shall not be blocked by anything interior or exterior to the window such as plywood, shelving, storage, boxes. Windows are to be used for the purpose of viewing into the business from the exterior and allowing natural light to pass into the structure.
4. Acceptable colors include subtle warm and cool colors, earth-tone colors, and neutral colors. Reflective, neon, primary (red, blue, yellow) and secondary (purple, green, orange) colors shall not be permitted. The intent is not to discourage color variety, but to avoid colors that are primarily used only to attract attention. Colors shall be chosen from the Benjamin Moore “Historical Colors” color palette, or an approved color palette provided or made available by the City for viewing, or an equivalent color of the same hue, saturation, and brightness. Buildings shall incorporate three or more of the acceptable colors. The majority of each elevation must be painted one color. Accent colors may be used to highlight variations in materials, elevations, door and window frames. The use of varying colors to create patterns (e.g. polka dot, striping) is strictly prohibited.
  - Two additional colors may be used to provide accents.
  - Individual accent colors must be applied to at least 10% of each elevation.
5. Written approval shall be required from the City to approve proposed painting and color scheme.

#### 19.62.290 Lighting

A. Lighting is required for the security of on-site areas, such as parking, loading, plazas, and sidewalks in accordance with the following provisions.

1. All fixtures located in the district shall be either the City of Evans’ Standard Ornamental Arterial Lighting Fixture or Standard Ornamental Local Lighting Fixture. Standard Ornamental Lighting Fixtures are strongly encouraged for on-site parking areas and on-site sidewalks; however, full cutoff fixtures may be used in on-site areas with prior written approval from the City.
2. Internal or on-site parking areas, sidewalks, trails, pathways, pedestrian courts and plazas shall have sufficient lighting to ensure adequate visibility for pedestrians.

3. All wall-mounted fixtures shall be shielded and directed downward and inward so as to reduce glare onto neighboring properties and rights-of-way.
4. The maximum height of any fixture shall be 25 feet.
5. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties and rights-of-ways.
6. Upward accent lighting for landscaping is permitted, as long as the light source is directed inward and away from adjacent sidewalks, plazas, parking lots, neighboring properties, and rights-of-way.
7. Where vehicle headlights would likely shine onto residentially zoned and used property, driveways and parking areas for more than two vehicles shall be screened from adjacent residentially zoned and used property by a solid fence, wall, solid evergreen hedge, or landscaped berm with vegetation that will mature to at least four feet in height.
8. Glare diagrams and/or lighting plans may be required at the discretion of the City.

B. Canopies. For any canopies and similar structures, lighting shall not cause glare onto adjacent rights-of-way or properties. All fixtures shall be mounted underneath the canopy and fully recessed with flat lenses that are flush with the underneath surface of the canopy. Light fixtures shall not be mounted on the top or sides of any canopy.

C. All on-site lighting fixtures shall be maintained so as to be functioning properly at all times.

D. When more than 25 percent of nonconforming light fixtures are not functioning or are dilapidated, all fixtures on the lot shall be replaced with the Appropriate Local Standard Ornamental Light Fixtures.

#### 19.62.310 Signage

A. All signs in the district shall comply with the provisions of Chapter 19.45 of the Evans Municipal Code. Additional regulations outlined below shall also apply.

##### 1. Allowed Signs

- Monument signs
- Freestanding signs
- Wall signs
- Projecting signs
- Electronic message center (EMC) signs (allowed on monuments)
- Window signs (see Section 19.62.190.E, below)

##### 2. Prohibited Signs

- Animated signs
- Pennants, streamers, lighter-than-air objects, and wind signs
- Signs with light bulbs that have intermittent, flashing, rotating, scintillating, blinking or strobe illumination
- Off-premises advertising
- Roof signs
- Search lights
- Signs on fences
- Signs painted on fences
- Signs painted on interior or exterior of windows
- Signs painted on walls

- Portable signs
- Wheeled advertising devices
- Any sign within a site triangle
- Human signs
- Billboards – except those allowed to remain in accordance with the Federal Highway Beautification Act.

#### B. General Sign Regulations

1. No business is allowed more than three signs per street frontage, and no business is allowed more than a total of five signs. The following number of each type of sign is allowed for any one type provided the total number of signs does not exceed five.
  - No more than four wall signs per business.
  - No more than one projecting sign per business.
  - No more than one freestanding sign per street frontage.
  - No more than two monument signs per street frontage.
  - No monument sign is allowed if a freestanding sign is proposed (subject to individual street frontage).
  - For retail developments over 25,000 square feet a sign plan incorporated with the landscaping plan shall be submitted as a part of the site development process that can request a staff waiver from these regulations.
2. Signs may be illuminated indirectly by white light only.
3. Monument Signs.
  - Monument bases shall be constructed of brick, stone, wood or metal material consistent and compatible with an exterior material and color of the principal building.
  - Monument signs on adjacent lots or the same lot shall be separated by a minimum 100 feet as measured by a straight line between signs.
  - Monument signs may be used by a single user or multiple users on the same property.
4. Freestanding Signs.
  - Freestanding signs on adjacent lots or the same lot shall be separated by a minimum 100 feet as measured by a straight line between signs.
  - Freestanding signs shall be set back from the nearest principal building on the same lot or parcel at least the height of the sign.
  - Freestanding signs may be used by a single user or multiple users on the same property.
5. Electronic message center (EMC).
  - The text display of the message shall not change more frequently than once per eight seconds. Each message shall transition to the next message instantaneously.
  - Brightness.
    - i. The maximum brightness for daytime and nighttime hours is 0.3 foot-candles per foot-candle meter.
    - ii. EMC signs may be placed only on monument signs.

#### C. Window Signs

1. Open and closed signs are acceptable. Neon or electric signs cannot be larger than 8" x 10".
2. Window signs shall not cover up more than twenty-five percent (25%) of any window area.
3. Window signs are limited to the first floor of a building.
4. Temporary window signs are not allowed.
5. Window signs shall only be allowed and permitted through the approval of a sign plan specific to window signs for each specific property.
6. Administrative approval of a sign plan for window signs shall be by the City Manager or designee.

D. Signs Dimensions and Setback Requirements.

	Monument Signs	Freestanding Signs	Wall Signs	Projecting Signs
Minimum Setback from Right-of-Way	1'	25'	N/A	Not into right-of-way
Maximum Height	10' (15' when abutting Highway 85)	25'	Not to exceed the roof line of structure	Not to exceed the roof line of structure
Maximum Size	100 sq. ft.*	50 sq. ft.	See below	See below
Maximum Number of Signs	2/street frontage*	1/Street frontage*	4	1
Sign Located in Landscape Area	Yes	Yes	N/A	Yes (over)

\*Monument sign maximum size applies to single or multi-tenant signs. Free standing signs are not permitted if monument signs are proposed (subject to individual street frontage). Monument signs are not permitted if free standing signs are proposed (subject to individual street frontage).

1. Total sign area.
  - Total sign area shall be the sum (square feet) of all signs permitted per business.
  - Each business is allowed a minimum 50 square feet of sign area for wall and projecting signs, regardless of lot frontage.
  - For each lineal foot of building frontage on the adjacent and most prominent streets, each business is allowed an additional square foot of sign area which may be applied to all sign types.
  - The maximum allowable wall and projecting sign area for each business is 300 square feet.

19.62.330 Maintenance Standards

A. All structures, related improvements, and landscaping shall be properly maintained. All property shall be kept orderly and free of junk.

19.62.350 Variance

A. Any application for a variance shall use the process set forth in 19.58.040. Such review and recommendation shall apply the standards set forth below.

B. The variance standards in this Chapter are more stringent than in other Chapters of the City of Evans Zoning Code because the Overlay District contains more specific standards for development and because of the particular intent of the City to see this area develop as the main retail commercial corridor in the City, the formation of the Highway 85 Urban Renewal Area, and the long term sustainability and compatibility of this Corridor with the long range planning efforts of the City.

C. Where the Zoning Board of Appeals and the City Council find that extraordinary hardships may result from strict compliance with these regulations, they may vary the regulations so that substantial justice might be accomplished and the public interest secured, provided that such variance is based on a finding that unusual topography or other exceptional conditions not caused by the applicant make such variance necessary, and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.

D. In granting variances and modifications, the Zoning Board of Appeals and the City Council may require such conditions as will, in their judgment, secure substantially the objectives and intent of this Chapter of the requirements and standards so varied or modified.

#### 19.62.370 Administration and Enforcement

A. The City Manager or designee is authorized and directed to administer and enforce all of the provisions of this chapter.

B. Any violation of these US 85 Overlay District Design Standards, including without limitation, development, redevelopment, construction of any new structure or related improvement without first conforming with the City of Evans Municipal Code, including process and approval, or filing false or misleading information on a Design Review application, shall be a violation of this Code, as amended, and shall be subject to all the enforcement provisions of those regulations. Without limiting the generality of the previous sentence, these Design Standards may be enforced by withholding building permits or certificates of occupancy, suspending or revoking building permits previously granted, or issuing stop-work orders effective until violations of these Standards have been corrected.

C. Permits Required. Applicable permits shall be required for any installation or renovation of any sign, fence, wall, or structure. Written approval is required for painting. Existing fences and walls that become dilapidated and need at least 25 percent of the structure repaired or replaced as determined by the City shall require a permit and shall be brought into conformance with the provisions of this chapter.

D. Appeals. Any decision of the City Manager or designee may be appealed to the Zoning Board of Appeals for a recommendation, and then to the City Council for decision, as provided in Chapter 19.58.

#### 19.62.390 Violation – Penalty - Remedies

A. Any person who violates any of the provisions of this chapter is guilty of a violation of the Municipal Code and shall be punished as provided in Chapter 19.06 and Chapter 1.16 of this Code.

B. In the event a property owner fails to comply with the provisions of this chapter, the City may abate the violation as provided in Chapter 1.16 of this Code.

Chapter 19.62

US 85 OVERLAY DISTRICT DESIGN STANDARDS

Sections:

- 19.62.010 General
- 19.62.030 Intent of US 85 Overlay District
- 19.62.050 Boundaries and Affected Property
- 19.62.070 Uses Not Permitted, Conditional Use, and Restrictions
- 19.62.090 Legal Non-conformities
- 19.62.110 Design Review Process
- 19.62.130 Site Planning and Urban Design
- 19.62.150 Access, Circulation and Parking
- 19.62.170 Service and Loading Areas
- 19.62.190 Telecommunications Equipment and Utilities
- 19.62.210 Buffers and Transition Areas
- 19.62.230 Fences and Walls
- 19.62.250 Landscape Standards
- 19.62.270 Architectural Design Standards
- 19.62.290 Lighting
- 19.62.310 Signage
- 19.62.330 Maintenance Standards
- 19.62.350 Variance
- 19.62.370 Administration and Enforcement
- 19.62.390 Violation – Penalty

19.62.010 General

The provisions of this chapter apply to all Property (“property”), and/or Development (“development”) within the US 85 Overlay District. If any provisions of this chapter conflict with other provisions of the Evans Municipal Code, the provisions of this chapter shall apply. For a list of definitions of the terms found within this chapter please reference Chapter 19.04 of the Evans Municipal Code.

19.62.030 Intent of US 85 Overlay District

The intent of the US 85 Overlay District is to implement the concepts, principles, and recommendations of the US 85 Overlay District Master Plan, last adopted by Resolution No. 5-2014 on February 18, 2014 and by means of this Ordinance No. \_\_\_\_\_ adopted on September 2, 2014, through establishing consistent development standards for development within the US 85 Overlay District in the City of Evans. The standards contained herein are intended to ensure that development within the US 85 Overlay District meets certain minimum criteria in order to:

- Improve the appearance and coordinate land uses within the US 85 Overlay District
- Provide additional development standards for the US 85 Overlay District
- Create a positive financially sustainable economic zone
- Establish a unique identity for the City of Evans
- Improve economic vitality along within the US 85 ~~Corridor~~Overlay District

- Maximize long-term property values and community benefits
- Minimize the impact of nonresidential development on residential areas
- Improve safety for automobiles, bicycles, and pedestrians
- Encourage the ~~development~~creation of sidewalks and trails ~~along West Service Road (WSR) and throughout the corridor~~within the US 85 Overlay District
- Encourage ~~in-fill development and redevelopment to~~and increase ~~densities~~development opportunities within the ~~corridor~~US 85 Overlay District
- Facilitate the opportunities for undergrounding of overhead utilities in the ~~corridor~~US 85 Overlay District

~~—(Ord. 336-05)~~

### 19.62.030 Definitions

~~Note: additional definitions in relation to land use and development can be found in Chapter 19.04 of the City of Evans Municipal Code. In case a definition is duplicated elsewhere in the Evans Municipal Code, the definition below shall supersede. The following words and phrases shall, for the purpose of this chapter, be defined as follows:~~

~~“Accent lighting” shall mean directional lighting to emphasize a particular object.~~

~~“Animals, confined” shall mean the commercial raising of animals such as, but not limited to, horses, cattle, sheep, goats, swine, turkeys and chickens, the commercial production of milk, commercial pen feeding operations (feed lots), riding stables with arenas, and similar activities.~~

~~“Articulation, horizontal” shall mean a method of breaking up the vertical appearance of a structure through varying horizontal planes.~~

~~“Articulation, vertical” shall mean a method of breaking up the horizontal appearance of a structure through varying vertical planes.~~

~~“Articulation” shall mean the manner in which contiguous shapes are joined or formed to clarify or emphasize certain elements of the structure.~~

~~“050. Auction yard” shall mean a property on which merchandise or other property is sold by auction.~~

~~“Awning” shall mean a roof like cover of canvas, metal, or other material extending in front of and over a door, window or deck to provide protection from weather.~~

~~“Belt course” shall mean a horizontal course of brick, stone or similar material, flush with or projecting beyond the face of a building.~~

~~“Building height” shall mean the height as measured from the average surrounding grade of the footprint of a building to the midpoint of a pitched roof or highest point of a flat roof.~~

~~“Building scale” shall mean the size and proportion of a building relative to surrounding buildings and environs, adjacent streets, and pedestrians.~~

~~“Canopy, gas station” shall mean a structural protective cover, not enclosed on any side, for a gasoline or fuel service dispensing or similar service area.~~

~~“Canopy, tree” shall mean the more or less continuous cover of branches and foliage formed collectively by the crown of one or more trees.~~

~~“Car Wash Facilities” shall mean a principal or accessory use for the purpose of washing vehicles and with the capacity to wash more than one vehicle at a time, or with the capacity to wash a commercial semi-truck.~~

~~“Cemetery” shall mean land used for the burial and memorializing of the dead and dedicated for cemetery purposes, including columbariums, mausoleums, and pet cemeteries.~~

~~“Clustered; clustered development” shall mean a development technique which concentrates buildings on a portion of a site, so that the remaining land may be used for common area or open space.~~

~~“Colonnade” shall mean a series of regularly spaced columns, usually supporting one side of a roof structure.~~

~~“Cornice” shall mean a continuous, molded projection that crowns a wall or other construction.~~

~~“Crematorium” shall mean a place for the cremation of human or animal remains.~~

~~“Dead-end parking lots” shall mean a parking lot having only one outlet and no area at the closed end for vehicles to turn around.~~

~~“Dead-end sidewalks” shall mean a sidewalk that terminates abruptly with no connection to another sidewalk or pedestrian walkway.~~

~~“Dead-end driveways” shall mean a driveway having only one outlet and no area at the closed end for vehicles to turn around.~~

~~“Development/redevelopment” shall mean any man-made change to improved or unimproved real property including, but not limited to, grading, paving, mining, excavating, construction, substantial improvement to an existing structure, or addition of a new structure.~~

~~“Electronic Message Center” shall mean a variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, or LCDs.~~

~~“Environmental effect” shall mean the presence of any chemical, biological, or physical contaminant or substance in the outdoor atmosphere, ground, or water that is or may be potentially harmful to the health, safety, or welfare of human, animal, or plant life, or that interferes with the use and enjoyment of any nearby property.~~

~~“Fixture, lighting” shall mean a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.~~

~~“Flea market” shall mean a business operation or bazaar consisting of more than one independent vendor who is allocated space and does business on the premises and is not in charge of the premises, and where goods and/or services are offered for sale or exchange at retail to the general public, either indoors or outside, or both, including but not limited to antiques, curios, new and used merchandise, equipment, appliances and other goods and wares, (excluding yard sales, auctions, pawn brokers and retail business establishments, and the like) where sales are made to the general public by the individual vendor who leases space where such sales are made.~~

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

~~“Human scale” shall mean the proportion of a building element or space relative to average human size.~~

- ~~“Impervious surface” shall mean any surface made of asphalt, concrete, brick, pavers, stone, or similar material which does not readily absorb water.~~
- ~~“Industrial uses facility” shall mean any establishment for wholesale, commercial service and storage of goods and materials, such as warehouses, commercial laundries and dry-cleaning plants, bottling works, builders’ supply yards, printing and publishing plants, tire vulcanizing shops, automobile and truck body work, and establishments of a similar nature.~~
- ~~“Industrial uses, heavy” shall mean any establishment for manufacturing/assembly plant, natural resource extraction & treatment, used auto parts, quarry and gravel pits, asphalt plants, large-scale industry, incinerators, and other similar operations which so create nuisances and hazardous effects beyond their premises.~~
- ~~“Internal circulation” shall mean a continuous network of sidewalks, pathways, and driveways within a site or within multiple sites.~~
- ~~“Junk” shall mean garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other items commonly considered to be refuse, rubbish or junk.~~
- ~~“Kennel” shall mean any property used for commercial purposes, on which four or more pet animals, at least four months of age, are kept for training, boarding or breeding, whether in special structures, runs or not.~~
- ~~“Livestock trailer washout” shall mean a property where trailers used for hauling livestock are washed.~~
- ~~“Living plant material” shall include, but is not limited to, deciduous and coniferous trees, shrubs, vines, perennial plants, cacti, succulents, sod, and native and ornamental grasses. Also includes annual plants provided new plants are planted each year.~~
- ~~“Manufacturing/assembly plant” shall mean establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, the blending of materials, and other similar uses.~~
- ~~“Massing” shall mean the relationship between various masses or volumes of a building or structure.~~
- ~~“Molding” shall mean any of various long, narrow, ornamental surfaces with uniform cross-sections.~~
- ~~“Motor Vehicle, recreational vehicle, boat, or utility vehicle, private sales of” shall mean the display or attempting action to sell such items that are not owned or titled by the property owner upon which property they may be allowed to be parked.~~
- ~~“Multi-planed” shall mean having more than one plane visible from each side of a building.~~
- ~~“Natural resource extraction and treatment” shall mean gravel pits, quarries, gas refineries, or any other process of altering or storing a natural resource or removing natural resources from the ground.~~

~~“Outdoor sales lot” shall mean an uncovered, paved area of a lot or parcel used primarily for the constant display of goods for sale, such as automobile sales lots, landscaping and nursery retailers, and construction materials sales lots. Outdoor sales lots do not include salvage yards or outdoor flea markets.~~

~~“Outdoor storage” shall mean the placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside an enclosed structure, except objects that are customarily placed outside and clearly incidental and commonly associated with the permitted use.~~

~~“Pawn broker” shall mean an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.~~

~~“Pedestrian connection” shall mean a clearly defined pedestrian walkway between a sidewalk or parking area and the building entrance.~~

~~“Pedestrian court” shall mean an open space, generally open to the public, surrounded by buildings or walls on at least three sides and improved with an impervious surface.~~

~~“Pedestrian plaza” shall mean an open space, generally open to the public, usually surrounded by buildings and/or streets and improved with an impervious surface.~~

~~“Reasonably feasible” shall mean capable of being accomplished or brought about without undue burden or hardship, whether financial or otherwise.~~

~~“Recessed window or door” shall mean a door or window which exterior plane is offset from the exterior wall by at least twelve inches inward.~~

~~“Recreational vehicle (RV)” shall mean a transportable structure that is primarily designed for seasonal recreational/vacation purposes for recreational, camping, and travel use including, but not limited to, boats, travel trailers, campers, snowmobiles, motoreycles, self-propelled motor homes, and similar vehicles/units.~~

~~“Recreational vehicle (RV) park/campground” shall mean any parcel of land upon which two or more recreational vehicles or camp sites are located, established, or maintained for occupancy or living quarters. Such parcel being commercial in nature must comply with all the state and local regulations related to licensing, site design/layout, life safety and health issues. This use does not include the storage of travel trailers, recreational vehicles, boats, snowmobiles, motoreycles, or similar vehicles/units.~~

~~“Recreation vehicle storage” shall mean the renting of space in an unroofed area for simultaneous commercial placement/storing of two or more recreational vehicles, including but not limited to, boats, travel trailers, campers, snowmobiles, motoreycles, and similar vehicles/units. This use does not include the storage of these vehicle/units at private residences, provided such vehicles/units stored at residences are owned or leased by persons residing at the residence.~~

~~“Recycling center” shall mean a use involving the collection and processing of recyclable materials for shipment or re-use. Processing includes baling, compacting, flattening, grinding, crushing, mechanical sorting, shredding, melting, cleaning, and remanufacturing.~~

~~“Roof plane” shall mean the portion of a roof, whether flat or pitched, by which a straight line would pass through continuously.~~

~~“Roof, flat” shall mean a roof having a slope of less than 1:12, with one being the rise and twelve being the run.~~

~~“Roof, pitched” shall mean a roof having a pitch of at least 1:12, with one being the rise and twelve being the run.~~

~~“Roofline” shall mean the profile of or silhouette made by a roof or series of roofs.~~

~~“Salvage yard” shall mean an industrial use for collecting, storing and/or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such materials or parts.~~

~~“Shared driveway” shall mean a driveway that serves two or more lots in order to reduce the number of access points onto a public roadway.~~

~~“Shared parking” shall mean the development and use of parking areas on two or more separate properties for joint use by the businesses or residents on those properties.~~

~~“Substantial improvement” shall mean any change to an existing improvement that causes the size, height, or area to increase by 50 percent or more, or which costs 50 percent or more of the market value of the improvement prior to the change.~~

~~“Wall, parapet” shall mean an exterior wall that rises above the roof on all sides of a building, usually to screen mechanical or other equipment.~~

~~“Wall, partial parapet” shall mean an exterior wall that rises above the roof on one or more, but not all, sides of a building, usually to screen mechanical or other equipment. (Ord. 336-05)~~

#### 19.62.040 Boundaries and Affected Property

The boundaries of the US 85 Overlay District are shown on the official US 85 Overlay District map. The official district map is kept on file in the office of the City Clerk. The ~~boundary is~~boundaries are also shown on the official zoning map of the City of Evans. The standards of this chapter shall apply to all ~~new~~ development ~~and redevelopment occurring~~ within the US 85 Overlay District, ~~and shall. This chapter also be taken into consideration when reviewing new~~provides development standards for properties located adjacent to the US 85 Overlay District; when such property is included in a development plan being reviewed by the City of Evans. The standards provided in this chapter do not replace development regulations that may be found in the underlying zone districts, except where such regulations conflict. In the event of conflict between the regulations contained in this chapter and those provided in the underlying zone district, the restrictions contained herein shall apply. If any parcel or property is partially located within the boundaries of the Highway 85 Overlay District, these standards shall apply to the entire parcel. (Ord. 336-05) or property.

#### 19.62.050-Non-070 Uses Not Permitted-Uses, Conditional Use, and Restrictions

A. The uses allowed within the US 85 Overlay District are intended to be of a nature that is retail, personal service, limited residential, and office. ~~Where industrial~~

~~B. Oil and Gas related uses are allowed within the District, they shall~~may be permitted as a conditional use. The duration of a low-impact, light industrial nature, and any environmental effects generated shall each use will be kept within the buildings where they are produced. As stated in Chapter 19.32 of the Evans Municipal Code, light industry consists of, but is not limited to, scientific research; limited manufacturing; compounding, assembly, processing or treatment of products; food a five (5) year period. The Oil and beverage processing; and similar Gas related uses permitted in the US 85 Overlay District will be limited industrial uses in which the

~~environmental effects of the operation are confined within the principal buildings to support services and offices. Storage of equipment will not be permitted.~~

~~BC. Outdoor storage sales may be permitted as a conditional use. The duration of each use will be limited to a one (1) year period. Each proposed use will be reviewed by City Staff for appropriateness.~~

~~D. Regardless of the uses allowed by a property's underlying zoning, the following uses or use groups are not permitted within the US 85 Overlay District:~~

- Auction yard
- Adult business
- ~~Nightclubs, bar, tavern~~
- Assembly uses
- Car ports
- Car wash facilities (a single bay, enclosed with doors, passenger vehicle car wash is allowed)
- Confinement of Animals
- Cemetery
- Commercial Mobile Radio Service (Crematorium
- ~~CMRS towers) facility~~ (freestanding)
- Crematorium
- Flea markets
- ~~Heavy~~ Industrial Uses
- Kennel
- ~~Salvage yard~~
- Livestock trailer washout
- Motor Vehicle, recreational vehicle, boat, or utility vehicle; private sales of
- Natural resource extraction and treatment
- ~~Recreational vehicle (RV) park/campground~~
- Oil and gas, related uses (as outlined in 19.62.050 (B))
- ~~Livestock trailer washout~~
- ~~Recycling facility~~
- ~~Recreational vehicle storage~~
- ~~Truck vehicle or other commercial vehicle parking~~
- ~~Auction yard~~
- ~~Treatment of humans, restrained~~
- Outdoor storage
- ~~Outdoor sales lot~~
- Outdoor sales lot containing large motorized equipment, Oil & Gas related equipment, equipment parts (US Highway Retail & Commercial Auto zone district exempt for auto sales lots)
- Pawn broker
- Parking lot, off-street (not allowed as a primary use)
- ~~Car wash facilities (a single bay, enclosed with doors, passenger vehicle car wash is allowed)~~
- ~~Recycling facility~~
- Recreational vehicle (RV) park/campground
- ~~Kennel~~

- ~~▪ Motor Vehicle, Recreational vehicle storage~~
  - Salvage yard
  - Treatment of humans, restrained
  - ~~▪ , boat, or utility Truck vehicle, private sales of or other commercial vehicle parking as a 24/7 business operation~~
- ~~(Ord. 336-05)~~

~~C. Hours. Any manufacturing or industrial uses that are located on property adjacent to residentially zoned and used property shall not be open for business between the hours of 10:00 p.m. and 6:00 a.m. This provision shall not apply to legally existing businesses that regularly operated between 10:00 p.m. and 6:00 a.m. on the effective date of the adoption of this chapter.~~

19.62.060 Uses Allowed with Special Use Permit

~~A. If a property's underlying zoning allows any of the following uses or use groups, such uses shall only be allowed within the \_\_\_~~

19.62.090 Legal Non-conformities

~~Existing development in the US 85 Overlay District by Special Use Permit approved in accordance with Chapter 19.44 of the Evans Municipal Code:~~

- ~~▪ Industrial uses facility~~
- ~~▪ Manufacturing/assembly plant~~
- ~~▪ Hospital~~

~~B. Special Use Permits shall only be issued in the District if the City Council finds that the proposed use is consistent with the purpose and intent of this chapter. (Ord. 336-05)~~

19.62.070 Existing Uses and Structures

~~A. Existing uses and structures in the District that were that was conforming prior to the effective date of the ordinance adopting this chapter, but that ~~do~~ does not meet one or more standards of this chapter, will be considered legal nonconforming in accordance with Chapter 19.56 of the Evans Municipal Code. and elimination of such nonconformities shall be done in accordance with such Chapter.~~

~~B. Existing uses and structures that were conforming prior to the effective date of the ordinance adopting this chapter, but that require a Special Use Permit under the provisions of this chapter, will be considered to have Special Use approval.~~

~~B. C. New standards effective upon adoption of this ordinance Chapter shall apply to all property and applications for building permits and land use approvals development applied for on or after the effective date of this ordinance chapter, except as may otherwise be provided for under the provisions of this chapter. (Ord. 336-05)~~

~~D. Existing uses and structures in the district shall conform to all design standards included in this chapter, except as provided below, within 120 days of adoption of the ordinance within this chapter. If a landowner is provided notice of non-compliance from the City, the landowner shall have 60 days to come into compliance.~~

- ~~1. Existing uses and structures shall be subject to all design standards provided within this Chapter 19.62, including color standards and sign standards, with the exception of any standard related to setbacks, landscaping, parking lot and access drives, and architectural design.~~

~~19.62.080 Design Review Process~~

~~C. Future developments shall be reviewed for compatibility within the US 85 Overlay District. Compatibility shall be with conforming uses. Alternatively, compatibility shall not be with non-conformities.~~

19.62.110 Design Review Process

A. All ~~new-development-and-redevelopment~~ within the US 85 Overlay District will be reviewed administratively for compliance with the US 85 Overlay District Design Standards, as provided herein, prior to issuance of a building permit or approval of any applicable land use application such as a site plan or similar plan. Administrative decisions ~~are written~~ will be provided in writing by the City Manager or designee. ~~Any appeals to administrative decisions shall be to Planning Commission and City Council (see Section 19.62.220.C).~~

19.62.090130 Site Planning and Urban Design

A. ~~A.~~ The purpose of site planning is to consider site characteristics, such as sunlight, weather, drainage, traffic patterns, and orientation of the building to roadways and other structures, when developing a parcel of land. Urban design is the method of combining planning, architecture, engineering and landscaping to create attractive and functional urban areas. Conscientious site planning and urban design carefully integrate and organize structures and related improvements to provide a pleasant experience for the users. All ~~new-development-and-redevelopment~~ shall be reviewed within a site-specific context, as well as within the context of the entire US 85 Overlay District.

B. ~~B.~~ Urban design principles of integrating architectural style, overall layout of structures, vehicular and pedestrian circulation and connectivity, and functional engineering and landscaping shall be considered forwith all ~~new-development and-redevelopment~~ proposed. When reasonably feasible, new structures shall be sited in a manner that will complement adjacent, conforming structures. Sites shall be developed in a coordinated manner to avoid random, confusing development. ~~When possible, new structures~~ Developments shall be clustered, sited, or oriented to create, or allow ~~future opportunity to create opportunities for~~ pedestrian plazas, shared driveways and shared parking to lessen pedestrian-vehicle conflicts ~~and. This will promote~~ better coordinated access and development. (~~Ord. 336-05~~)

~~19.62.100 Setbacks, Street Frontages, and Height~~

~~C. Parking lots shall conform to the standards provided in section 19.62.110D. All buildings shall be arranged and grouped to complement adjacent conforming developments and allow for efficient pedestrian access.~~

~~D. If multiple-buildings are located on the same lot, buildings should be oriented to frame the corner of a perimeter or internal street intersection.~~

~~E. Specific site planning standards related to the US 85 Retail & Commercial – Neighborhood Zone District.~~

~~1. In order to create continuity along the West Service Road (WSR), the elevation nearest WSR for principal~~ promote the City vision for a more attractive, efficient, and livable community all developments shall have street-oriented frontages with small landscaped setbacks.

2. All development shall be designed to maintain a north/south parallel vehicular and pedestrian alignment to Highway 85 and shall be as continuous as possible including major entries/exits to the east/west public street system. The US Highway 85 Overlay District Master Plan shall be followed when considering a traffic pattern or grid system.

3. Buildings shall be oriented to be parallel to lot lines, similar to that of traditional downtown building orientations. The front and entrance of the primary structures shall be oriented to the adjoining street or drive.

4.4. Development in the US 85 Overlay District shall provide a transition from the surrounding suburban fabric to one that is more urban. Special attention shall be given to the size and scale of surrounding properties adjacent to WSR shall be built as close as reasonably feasible to the minimum setback closest to WSR, including residential developments outside the US 85 Overlay District boundaries. Non-conformities shall not be considered.

~~A. Any new or substantially improved principal structure adjacent to US 85 or WSR shall either be oriented with its major entry toward US 85 or have architectural features that simulate a front façade facing US 85. When possible, the majority of parking should be located at the rear and/or sides of the building with landscaped pedestrian connections to the front of the building. Detached accessory structures, such as sheds and workshops, and accessory uses shall not be permitted between the principal structure and any property line abutting US 85 or WSR. This section shall not apply to fences, patios, or structures of a similar nature.~~

~~B. The maximum height of any new structure in the District shall not exceed 35 feet or two stories, whichever is less. Notwithstanding the height limitation, at the discretion of the City Council and Planning Commission, in cases where architectural design exceeds the minimum standards set forth herein and urban design principles have been demonstrated, the height limitation may be waived. (Ord. 336-05)~~

5. The core focus of the US 85 Retail & Commercial - Neighborhood zone district will be pedestrian activity. Streets and open spaces must create attractive pedestrian environments. On-street parking will assist in providing access to shops as well as generating additional pedestrian activity.

#### 19.62.110150 Access, Circulation and Parking

A. ~~A.~~ Vehicular access shall be paved (no gravel or dirt) and separated from pedestrian and bicycle access to ~~the greatest extent possible to~~ reduce pedestrian-vehicle conflicts. Internal circulation, including pedestrian and vehicular, shall be continuous and shall avoid creating dead-end parking lots, dead-end driveways, or dead-end sidewalks.

B. ~~B.~~ Parking areas shall be paved (no gravel or dirt) and broken up through the use of landscaping and building layout to avoid large expanses of parking stalls. Parking lots are required to ~~be landscaped~~ include landscaping islands, corridors, and edges according to Chapter 19.47 of the Evans Municipal Code and according to the landscaping requirements in this Chapter 19.62.

~~C. C.~~ The majority of parking should be located at the interior of the site in relation to adjoining streets and development.

~~C.D.~~ Adjacent developments which incorporated development that incorporates shared driveways and parking areas shall be allowed up to a 20 percent reduction in the required number of parking spaces, in accordance with the following requirements:

- ~~1.~~ 1.—Such shared parking shall not be farther than 500 feet from ~~the~~any entrance of any building for which it counts as required parking.
- ~~2.~~ 2.—There shall be a recorded easement for cross-access and parking on each of the lots that share parking.
- ~~3.~~ 3.—Parking required for residential buildings shall not be allowed to count as shared parking.
- ~~4.~~ 4. Shared parking is encouraged in order to reduce overall parking amounts when land uses are present that have staggered peak hour demands, or with the co-location of complementary uses such as restaurants adjacent to office uses.

~~D.E.~~ Bicycle parking shall be required on all properties in accordance with the following provisions:

- ~~1.~~ 1.—The required number of bicycle parking spaces shall be five percent of the required number of automobile parking spaces. Notwithstanding the foregoing, not less than one or more than 20 bicycle spaces shall be required.
- ~~2.~~ 2.—Bicycle parking shall be located as near as practical to building entrances without obstructing safety, pedestrian or vehicular traffic or causing damage to nearby landscaping by means of having to walk through landscape areas with no path.
- ~~3.~~ 3.—Bicycle parking shall be provided with a permanent structure of heavy gauge tubular steel, or similar material, with angle bars attached to concrete or asphalt pavement. Such structures shall be designed to allow the frame and both wheels of bicycles to be securely locked to the structure. The design of anyall bicycle parking ~~structures~~structures shall be ~~substantially similar to the~~ approved by the City of Evans corridor bicycle parking structure. The schematic of this structure shall be on file with the office of the City Manager or designee. (Ord. 336-05)each application for development.

#### ~~E~~O~~n~~ ~~Pedestrian Circulation~~

- ~~1.~~ 1. ~~Detached sidewalks shall be required according to the City of Evans Street Specifications. Certain special cases apply to US 85 and WSR:~~
  - ~~a.~~ a. ~~Along frontages on US 85, detached sidewalks shall be designed with an 8-foot wide landscape strip adjacent to the street curb, a 10-foot wide sidewalk, and a 6-foot wide landscape strip.~~
  - ~~b.~~ b. ~~Along frontage on WSR, detached sidewalks shall be designed with a 5-foot wide landscape strip adjacent to the street curb, a 10-foot wide sidewalk, and a 5-foot wide landscape strip.~~

F. 2.—On-street Parking will be permitted in the US 85 Retail and Commercial – Neighborhood and Public Facility zone districts due to the smaller size of lots and the preference for pedestrian activities in these areas. On-street parking will be subject to the following regulations.

1. On-street shall be primarily parallel parking on higher-volume arterial streets. Angled parking may be used on low-speed and low-volume collector or local streets with ground floor commercial uses.

2. On-street parking will be prohibited on streets with speeds greater than or equal to 35 mph due to potential hazards associated with opening doors and maneuvering in and out of parking spaces.
3. Where appropriate, metered or time-restricted parking should be used to provide reasonable short-term parking for commercial uses.
4. Parking will be prohibited within 10 feet of either side of fire hydrants.
5. A minimum of 7 feet width from curb will be required for all parallel parking spots and are to be 24 feet in length; 8 feet wide is preferred. 17 feet and 8 inches will be the minimum depth required for angled parking spots (45 degree). If the minimum depth of both parallel and angled parking stalls cannot be accommodated without reducing the necessary width of the drive aisle, on-street parking will not be permitted.
6. No on-street parking will be permitted in an alleyway.
7. All development that includes on-street parking proposals shall be reviewed for appropriateness and feasibility at the time of application.

#### G. Pedestrian Circulation

1. Internal Sidewalks shall be required as for all developments in the following specified locations:
  - a. ~~Between the front doors of primary buildings;~~
    - From buildings to all on-site facilities, such as parking areas, bicycle facilities, and open space;
    - To provide direct access from all buildings on the site to ~~get to~~ existing or planned public sidewalks, as well as adjacent multi-use trails, and greenways.
    - ~~3. Along all adjacent street frontages.~~
    - Walkways shall be designed to create safe access for pedestrians and avoid frequent crossings by driveways or streets. Walkways should be separated from streets and parking lots by curbs or other means to create physical separation including tree plantings and bollards.
    - Asphalt is prohibited as a paver; use of decorative pavers or textured, colored concrete is required.
2. Required Sidewalk Dimensions
  - Internal sidewalks must be hard surfaced, and a minimum of 57 feet in width.
  - When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased in width to a minimum of seven (7) eight (8) feet when parking is located on one side, and a minimum of nine (9) ten (10) feet when parking is located on both sides.

#### ~~F. Carports are not allowed.~~

3. Along frontages on US 85, a primary trail system shall be installed in accordance with the City of Evans Open Space Trails and Master Plan with an 8-foot wide landscape strip adjacent to the street curb with a 10-foot wide sidewalk.
4. Secondary Connections in accordance with the City of Evans Open Space Trails and Master Plan shall be provided with all developments.
5. US 85 Retail & Commercial – Neighborhood zone district standards,

- Developments located with the US 85 Retail and Commercial -Neighborhood zone district will be required to install a minimum 7' pedestrian path to run parallel to the street.

#### H. Plaza Space

1. In order to provide enhanced pedestrian amenities on larger sites, plaza space shall be required when a development involves a gross site area greater than 10 acres.
2. A minimum 5% of the property shall be dedicated to plaza space for properties above 10 acres in total size.
3. Plaza spaces shall incorporate at least three of the following elements.
  - At least one seating space for each 250 square feet of plaza or public space area. The seating space requirement can be met through the use of benches, chairs, or seat-walls.
  - A mixture of areas that provide shade, through the use of canopies, awnings, arcades, or other similar elements.
  - A water feature or piece of public art
  - Outdoor dining opportunity.
4. For development less than 10 acres in total size, additional provisions for pedestrians must be provided. These provisions shall be provided to the maximum extent deemed reasonable by City staff in the exercise of their discretion. These provisions can be met through the use of the following.
  - Seating areas that utilize elements of the development (e.g. low masonry walls)
  - Benches
  - Robust sidewalk connections
  - Shaded and/or Landscape areas provided for passive recreation or relaxation

#### 19.62.120170 Service and Loading Areas

A. All service areas and loading areas shall be screened and separated from parking areas using architectural features, constructed of the same/similar materials and colors as the adjacent, conforming structure, and landscaping. No Service or loading areas may should not be located in the required front setback or adjacent to or along WSR or US 85. Service areas are to be located in a side or rear yard and screened from view from public rights-of-way. (Ord. 336-05)

B. Garbage collection is to be designed to be clustered for multiple businesses. The proper location shall be determined upon review of land use applications.

#### 19.62.130190 Telecommunications Equipment and Utilities

A. A.—All telecommunications equipment shall comply with Chapter 19.42 of the Evans Municipal Code.

B. B.—All utility lines shall be installed underground. Existing overhead utility lines shall be relocated underground, whenever feasible. (Ord. 336-05),

C. C.—Freestanding Commercial Mobile Radio (CMRS) towers are not allowed. CMRS facilities may be mounted on a building or structure provided that the equipment does extend higher than the roof of the building. Building mounted CMRS facilities must be appropriately colored and concealed so as to blend in with the building or structure.

19.62.140210 Buffers and Transition Areas

~~A. In order to lessen the impact of nonresidential development upon residential areas, buffer and transitional areas shall be installed between residential and nonresidential development must meet areas. Transitional and buffer areas can take the following provisions:~~

~~A. Landscaped buffer areas shall be provided pursuant to Chapter 19.47 and the form of wall dividers, height transitions, landscaping requirements of this Chapter 19.62 of the Evans Municipal Code, except that greater bufferyards and/or screening may be required at the discretion of the City during the processing of a development application and other creative design opportunities or devices. Proper transition between uses shall be reviewed when applications for development occurs.~~

19.62.150230 Fences and Walls

A. ~~A.~~ All fences and walls shall conform to the standards provided in Chapter 19.48 of the Evans Municipal Code in addition to the requirements of this ~~section~~ Title.

B. ~~B.~~ Materials and colors. All new fences and walls in the US 85 Overlay District shall be constructed of durable materials that will retain their appearance over a long period of time. The materials and colors chosen should be the same as or similar to new or existing; conforming structures on adjacent lots or property and must comply with the approved color palette designated in Section 19.62.170.B.4.

1. Appropriate materials include:

- Brick
- Stone
- Stucco
- Tinted, textured masonry block/architectural block
- Wrought iron or decorative aluminum (with architectural pillars/columns)

~~2. Fencing not visible from US 85 and the WSR may be constructed of the following materials:~~

- ~~▪ Brick~~
- ~~▪ Stone~~
- ~~▪ Stucco~~
- ~~▪ Tinted, textured masonry block/architectural block~~
- ~~▪ Wrought iron or decorative aluminum (with or without architectural pillars/columns)~~
- ~~▪ Decorative vinyl~~
- ~~▪ Decorative pressure treated or hardwood~~

~~3.2. Inappropriate materials in any location include:~~

- Chain link of any kind
- Barbed wire

19.62.160 Landscape Standards

~~A. In addition to the requirements of Chapter 19.47 of the Municipal Code, required landscaped areas shall contain at least 50 percent living plant material, as defined by this chapter, as measured within five years of planting. The following regulations will apply to all development plans within the Highway 85 Overlay District. Deciduous tree canopies shall not count toward the 50 percent requirement. (Ord. 336-05)~~

~~B. All landscape plans and installations are required to include xeriscaping designs.~~

C. Applicable permits shall be required for any installation or renovation of any sign or fence. Existing fences and walls that become dilapidated and need at least 25 percent of the structure repaired or replaced as determined by the City shall require a permit and shall be brought into conformance with the provisions of this chapter.

#### 19.62.250 Landscape Standards

A. Section 19.47.040 through Section 19.47.170 of the Evans Municipal Code shall be applied to development within the Highway 85 Overlay District.

#### B. Front Lot Landscaping

~~1. In general, street frontages of all site plans and similar plansdevelopments shall include landscaped buffers in accordance with Section ~~19.62.110.E.47.190 B. 1;~~ including in addition to required ~~detached~~ sidewalks:~~

~~2. Front Lot Landscaping, Street Frontage Landscaping~~

~~a. Five shrubs shall be provided for every 35 lineal feet of frontage along Highway 85.~~

~~b. One tree and five shrubs shall be provided for every 35 lineal feet of frontage along WSR.~~

~~3. Front Lot Landscaping, Behind Sidewalks~~

~~a. In addition to street frontage landscaping, additional landscaping shall be provided behind sidewalks along Highway 85 and WSR.~~

~~b. Front landscaping areas behind sidewalks shall include one tree and five shrubs for every 35 feet lineal of street frontage along Highway 85 and WSR.~~

~~1. Notwithstanding the requirements for landscaped buffers above, in no event shall the average front lot depth be less than 10 feet mentioned in width this Chapter 19.62.~~

#### C. Parking Lot Landscaping

1. Parking lot landscaping shall meet the requirements of Section Chapter 19.47.200 of the City of Evans Municipal Code, notwithstanding the plant material requirements of this Chapter 19.62.

#### D. Interior Lot Landscaping Standards

1. In general, all development areas of land that have not been disturbed during construction shall be preserved for non-public active and passive recreation areas and landscaping.

E. Re-vegetation. All areas disturbed during construction shall be re-vegetated to meet the landscaping requirements of this Chapter 19.62.

#### F. Highway 85 Landscaping

1. Landscaping buffers shall be installed on all properties and developments that abut Highway 85.

2. These landscape buffers shall be positioned between the development and Highway 85.

3. Landscape buffers are to be installed between Highway 85 and the required Primary Trails.

4. A protective barrier must be constructed or established between Highway 85 and all proposed landscaping to prevent harm to plants from debris and road-maintenance materials. These standards shall be provided at time of application for development.

G. Highway 85 Neighborhood Retail & Commercial - Landscaping Requirements.

1. Development in this district will be required to provide separate landscaping along streets with on-street parking. If on-street parking is not present, previous landscaping requirements shall apply
2. A four foot amenity buffer will be required behind the back of street curb adjacent to the roadway. This area shall contain one tree for every 35' lineal feet. The amenity buffer will be in addition to the mandatory sidewalk to be installed parallel to the street.
3. Dumpsters and trash cans will only be permitted in rear set back.

F.H. Plant Material Requirements

1. Landscaping for all development shall include a wide variety of plant materials that will provide visual interest during all seasons. Landscaping should consist of a mixture of trees, shrubs, and native grasses. Selection of plant materials shall be based on the City of Evans' list of approved plant types.
2. Requirement for Drought Tolerant or Drought Resistant Landscaping and Plant Species.
3. At least 50 percent of all annuals and trees, and 100 percent of shrubs, perennials, groundcovers, and ornamental grasses used to landscape shall be selected from the City of Evans' xeriscape list of plants.
4. Trees shall be located to avoid significant interference with overhead or underground utilities and with vehicular and pedestrian movement. A tree canopy may project over a right-of-way or easement, road, or sidewalk.
5. Plant materials shall not project over sidewalks, paths, or trails below a height of 8 feet.

~~C. Amenities. All garbage receptacles, benches, and bus shelters provided shall be of a design approved by the City Manager or designee and shall be reviewed in conjunction with a site plan and/or landscape plan.~~

19.62.170270 Architectural Design Standards

A. The following minimum architectural design standards shall apply to each elevation (front, side, and rear) of all ~~new~~ development ~~and redevelopment~~ in the ~~corridor~~ district, unless otherwise noted. These minimum standards are intended to achieve consistent and quality developments that will retain their appearance and value over time.

B. Building Design and Character

1. Height, massing, building scale. The height and scale of any new building shall be compatible with surrounding, conforming structures. ~~Whenever possible,~~ Individual structures shall be clustered to help create plazas and pedestrian courts; ~~and~~ Shared driveways and/or parking shall be incorporated to lessen pedestrian-vehicle conflicts. Developments located within the US 85 Neighborhood Retail & Commercial District shall be oriented toward the primary public street or private drive providing the access to the subject building.
2. Human scale. The design of buildings shall reflect the relationship between the size of the building and human beings. Human-scale design shall be incorporated through the use of horizontal articulation, belt courses, cornices, recessed windows or doors, awnings, roof overhangs, moldings, fixtures, colonnades, or

other architectural ~~feature~~features. In order to avoid blank walls at the ground floor levels, windows, trellises, articulation, arcades, change in materials, or other architectural features shall be utilized. These features shall be incorporated into each elevation ~~and in no instance shall a plane of building be the same for more than 30 feet. (front/side/rear).~~

3. Complementary architecture. All accessory structures including, but not limited to, gas station canopies, warehouses, ~~or~~ clubhouses, solar panels, and utilities, shall utilize design, colors, and materials similar or complementary to the principal structure on the ~~lot~~property.

#### C. Roofs

~~1. a. Form. The roofline of pitched and flat roofs shall not run in a continuous plane for more than 50 feet without offsetting or joggling the roof plane through the use of multi-planed roofs. For buildings with flat roofs or parapet walls, in addition to multi-planed roofs, vertical articulation shall be incorporated into the exterior wall design. Partial parapet walls and mansard roofs are not permitted. Roofs shall be constructed to prevent mechanical and other rooftop equipment from being exposed from all reasonable visible from any nearby right angles.~~

~~1.2. A variety of parapet heights, ridge heights and eave heights should be used to create a varied skyline where buildings are of similar scales. Conversely, where adjoining buildings are of way, a dissimilar scale, variation on parapet heights, ridge heights and eave heights should be used to reduce the scale of the larger buildings and create continuity of massing between larger and smaller buildings. All designs shall be reviewed at the time of application.~~

~~b. Materials. New buildings shall be constructed with appropriate roof material.~~

~~2.3. Appropriate roofing materials that include:~~

- Asphalt or fiberglass shingle
- Clay or concrete tile
- Slate
- Metal shake or shingle (non-reflective)
- Standing seam with integrated color

~~3.4. Inappropriate materials include:~~

- Reflective materials (copper may be considered)
- Tar and gravel (built-up)
- Corrugated metal

~~4.5. Colors allowed: See required color palette in this Chapter (Section 19.62.170.B.4).~~

#### D. Exterior materials

##### ~~D.E. Elevations~~

1. ~~a. Building Materials.~~ New buildings shall be constructed of appropriate, durable materials that will retain their appearance over time. Combinations of materials and textures are ~~encouraged~~required.

2. Appropriate exterior materials include:

- Brick
- Stucco
- Stone
- Tinted, textured masonry block/architectural block

- Glass block
  - Hardboard siding/simulated wood products
    - i. ~~Steel architectural panels will be allowed in Industrial areas only and only up to 50 percent of the area of each elevation.~~
    - ii. ~~Tilt up concrete panels may be used, at the discretion of the City, in conjunction with other acceptable materials.~~
3. Inappropriate materials include:
- Plywood
  - Reflective metal siding
  - Vinyl siding
  - Non-textured cinder block/concrete masonry units (CMU)
  - Steel architectural panels ~~b. Change in plane. All newly developed and redeveloped structures~~
  - Tilt up concrete panels

E.F. Elevations

1. ~~The side and rear elevations of all development shall be asymmetric to create a visually complex building form through the use of recesses, overhangs, windows, doors, or other functional alternatives. Each side and rear elevation shall contain a change of plane equal to at least ten percent of the area of the wall for walls greater than 1,000 square feet in wall area and/or every 30 feet.~~
  - e. ~~Building colors. Building color requirements contained herein shall apply to all primary and accessory structures, whether newly constructed or renovated. Approval of a permit shall be required prior to repainting existing buildings within the District in order to ensure compliance with these provisions. Samples of proposed materials and colors shall be provided upon request of the City.~~
2. ~~d. Windows and Doors. If all windows and doors on an elevation are recessed or protruding by at least one foot, those windows and doors shall count toward the required change in wall plane. At least 25 percent of the area of any wall visible from a public right-of-way shall contain windows and/or doors. The front elevation of all development should be designed to include clear glass windows and doors to increase pedestrian interest. These openings should be to scale and arranged so that the uses are visible from and to the street on at least twenty-five percent (25%) of the horizontal length of the first floor façade.~~
- 2.3. ~~Overhead doors shall not be placed facing any public right-of-way unless significant and appropriate screening and landscaping diffuses the door. Each window not recessed or otherwise architecturally enhanced (such as with decorative molding, sills, mullions, arches or cornices; window boxes; awnings; multi-paned windows; or bay windows) shall have at least three-inch-wide exterior trim, constructed of acceptable building material, around the window. (Ord. 336-05). Windows shall not be blocked by anything interior or exterior to the window such as plywood, shelving, storage, boxes. Windows are to be used for the purpose of viewing into the business from the exterior and allowing natural light to pass into the structure.~~
- 3.4. ~~Acceptable Colors.~~ Acceptable colors include subtle warm and cool colors, earth-tone colors, and neutral colors. Reflective, neon, primary (red, blue, yellow)

and secondary (purple, green, orange) colors shall not be permitted, ~~except for trim and accent by approval of the City.~~ The intent is not to discourage color variety, but to avoid colors that are primarily used only to attract attention. Colors shall be chosen from the Benjamin Moore “Historical Colors” color palette, or an approved color palette provided or made available by the City for viewing, or an equivalent color of the same hue, saturation, and brightness. ~~The City of Evans maintains samples of the color palette for viewing.~~ Buildings shall incorporate three or more of the acceptable colors. The majority of each elevation must be painted one color. Accent colors may be used to highlight variations in materials, elevations, door and window frames. The use of varying colors to create patterns (e.g. polka dot, striping) is strictly prohibited.

▪ Two additional colors may be used to provide accents.

▪ Individual accent colors must be applied to at least 10% of each elevation.

5. Written approval shall be required from the City to approve proposed painting and color scheme.

#### 19.62.180290 Lighting

A. Lighting is required for the security of on-site areas, such as parking, loading, plazas, and sidewalks in accordance with the following provisions:

1. All ~~new freestanding~~ fixtures located in the ~~right-of-way~~ district shall be either the City of Evans’ Standard Ornamental Arterial Lighting Fixture or Standard Ornamental Local Lighting Fixture. Standard Ornamental Lighting Fixtures are strongly encouraged for on-site parking areas and on-site sidewalks; however, full cutoff fixtures may be used in on-site areas with prior written approval from the City.
2. Internal or on-site parking areas, sidewalks, trails, pathways, pedestrian courts and plazas shall have sufficient lighting to ensure adequate visibility for pedestrians.
3. All wall-mounted fixtures shall be shielded and directed downward and inward so as to reduce glare onto neighboring properties and rights-of-way.
4. The maximum height of any fixture shall be 25 feet.
5. Interior lighting in parking garages shall be shielded to minimize nighttime glare on adjacent properties and rights-of-ways.
6. Upward accent lighting for landscaping is permitted, as long as the light source is directed inward and away from adjacent sidewalks, plazas, parking lots, neighboring properties, and rights-of-way.
7. Where vehicle headlights would likely shine onto residentially zoned and used property, driveways and parking areas for more than two vehicles shall be screened from adjacent residentially zoned and used property by a solid fence, wall, solid evergreen hedge, or landscaped berm with vegetation that will mature to at least ~~five~~four feet in height.
8. Glare diagrams and/or lighting plans may be required at the discretion of the City.

B. Canopies. For any canopies and similar structures, lighting shall not cause glare onto adjacent rights-of-way or properties. All fixtures shall be mounted underneath the canopy and fully recessed with flat lenses that are flush with the underneath surface of the canopy. Light fixtures shall not be mounted on the top or sides of ~~the~~any canopy.

C. All on-site lighting fixtures shall be maintained so as to be functioning properly at all times.

D. When more than 25 percent of nonconforming light fixtures are not functioning or are dilapidated, all fixtures on the lot shall be replaced with Arterial or the Appropriate Local Standard Ornamental Light Fixtures ~~or other acceptable light fixtures.~~ ~~(Ord. 336-05).~~

#### 19.62.190310 Signage

A. All signs in the ~~corridor~~ district shall comply with the provisions of Chapter 19.45 of the Evans Municipal Code. Additional regulations outlined below shall also apply. ~~(Ord. 336-05)~~

##### 1. Allowed Signs

- Monument signs
- Freestanding signs
- Wall signs
- Projecting signs
- Electronic message center (EMC) signs (allowed on ~~monument and freestanding signs, only monuments~~)
- Window signs (see Section 19.62.190.E, below)

##### 2. Prohibited Signs

- Animated signs
- Pennants, streamers, lighter-than-air objects, and wind signs
- Signs with light bulbs that have intermittent, flashing, rotating, scintillating, blinking or strobe illumination
- Off-premises advertising
- Roof signs
- Search lights
- Signs ~~painted~~ on fences
- Signs painted on fences
- Signs painted on interior or exterior of windows
- Signs painted on walls
- Portable signs
- Wheeled advertising devices
- Any sign within a site triangle
- Human signs
- Billboards – except those allowed to remain in accordance with the Federal Highway Beautification Act.

##### B. General Sign Regulations

1. No business is allowed more than three signs per street frontage, and no business is allowed more than a total of five signs. The following number of each type of sign is allowed for any one ~~usetype~~ provided the total number of signs does not exceed five:
  - No more than ~~two~~ four wall signs per business.
  - No more than one projecting sign per business.
  - No more than one freestanding sign per street frontage.
  - No more than two monument signs per street frontage.
  - No monument sign is allowed if a freestanding sign is proposed (subject to individual street frontage).



	Monument Signs	Freestanding Signs	Wall Signs	Projecting Signs
Minimum Setback from Right-of-Way	1'	25'	N/A	Not into right-of-way
Maximum Height	10' (15' when abutting Highway 85)	25'	Not to exceed the roof line of structure	Not to exceed the roof line of structure
Maximum Size	100 sq. ft.*	50 sq. ft.	See below	See below
Maximum Number of Signs	2/street frontage*	1/Street frontage*	4	1
Sign Located in Landscape Area	Yes	Yes	N/A	Yes (over)

\*Monument sign maximum size applies to single or multi-tenant signs. Free standing signs are not permitted if monument signs are proposed (subject to individual street frontage). Monument signs are not permitted if free standing signs are proposed (subject to individual street frontage).

1. Total sign area.

- Total sign area shall be the sum (square feet) of all signs permitted per business.
- Each business is allowed a minimum ~~100~~50 square feet of sign area for wall and projecting signs, regardless of lot frontage.
- For each lineal foot of building frontage on the ~~two~~adjacent and most prominent streets, each business is allowed an additional square foot of sign area which may be applied to all sign types.
- The maximum allowable wall and projecting sign area for each business is 300 square feet.

E. ~~Sign Plans for Window Signs~~

~~3.7. Window signs shall only be allowed and permitted through the approval of a sign plan specific to window signs for each specific property.~~

~~4.8. Administrative approval of a sign plan for window signs shall be by the City Manager or designee.~~

19.62.~~200330~~ Maintenance Standards

A. All structures, related improvements, and landscaping shall be properly maintained.

All property shall be kept orderly and free of junk. (~~Ord. 336-05~~)

19.62.350 ~~19.62.210~~ Variance

A. Any application for a variance or modification of these regulations shall be submitted to use the Planning Commission process set forth in 19.58.040. Such application review and recommendation shall include a statement setting forth apply the nature and extent standards set forth below.

A.B. The variance standards in this Chapter are more stringent than in other Chapters of the requested variances or modifications, together City of Evans Zoning Code because the Overlay District contains more specific standards for development and because of the particular intent of the City to see this area develop as the main retail commercial corridor in the City, the

formation of the Highway 85 Urban Renewal Area, and the long term sustainability and compatibility of this Corridor with evidence supporting the need for such variance the long range planning efforts of the City.

~~B.C.~~ Where the ~~Planning Commission~~Zoning Board of Appeals and the City Council find that extraordinary hardships may result from strict compliance with these regulations, they may vary the regulations so that substantial justice ~~may~~might be ~~done~~accomplished and the public interest secured, provided that such variance is based on a finding that unusual topography or other exceptional conditions not caused by the applicant make such variance necessary, and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.

~~C.D.~~ In granting variances and modifications, the ~~Planning Commission~~Zoning Board of Appeals and the City Council may require such conditions as will, in their judgment, secure substantially the objectives and intent of this Chapter of the requirements and standards so varied or modified. ~~(Ord. 336-05)~~

~~B. Application for variance or modification to landscape requirements in this Chapter 19.62 and signage placement requirements of this Chapter 19.62 shall be submitted to the City Manager or designee, with an administrative decision to be rendered from said office.~~

#### 19.62.220

##### 19.62.370 Administration and Enforcement

A. The City Manager or designee is authorized and directed to administer and enforce all of the provisions of this chapter.

B. Any violation of these US 85 Overlay District Design Standards, including without limitation, development, redevelopment, construction of any new structure or related improvement without first ~~obtaining Overlay District Design Review~~conforming with the City of Evans Municipal Code, including process and approval, or filing false or misleading information on a Design Review application, shall be a violation of this Code, as amended, and shall be subject to all the enforcement provisions of those regulations. Without limiting the generality of the previous sentence, these Design Standards may be enforced by withholding building permits or certificates of occupancy, suspending or revoking building permits previously granted, or issuing stop-work orders effective until violations of these Standards have been corrected. ~~(Ord. 336-05)~~

C. Permits Required. ~~A building permit~~Applicable permits shall be required for any installation or renovation of any sign, fence, wall, or ~~building including painting. A fence permit~~structure. Written approval is required for ~~all new fences and walls in the US 85 Overlay District painting.~~ Existing fences and walls ~~adjacent to or facing US 85 or WSR~~ that become dilapidated and need at least 25 percent of the structure repaired or replaced as determined by the City shall require a ~~fence~~ permit and shall be brought into conformance with the provisions of this chapter.

D. Appeals. Any decision of the City Manager or designee may be appealed to the ~~Planning Commission. The Planning Commission shall hear the appeal and make~~Zoning Board of Appeals for a recommendation, and then to the City Council for decision, as provided in Chapter 19.58.

19.62.230390 Violation – Penalty - Remedies

A. Any person who violates any of the provisions of this chapter is guilty of a violation of the Municipal Code and shall be punished as provided in ~~Section 1.16.010 of~~Chapter 19.06 and Chapter 1.16of this Code.

~~B. In the event a property owner fails to comply with the provisions of this chapter, the City may perform the required action and invoice the property owner responsible, plus a ten percent fee for inspection and other administrative costs. The City shall first give written notice to the property owner of the required action and allow at least 14 days to comply. In the event a property owner fails to pay an invoice from the City for such costs and fees within 30 days of receipt, the City may file a lien on the property with the County Treasurer's Office to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with an additional ten percent penalty to defray the cost of collection. Such lien shall have priority over all other liens except general property taxes and prior assessments. Nothing in this section shall preclude or prevent the City from punishing violations of this Code in accordance with Section 1.16.010. (Ord. 336-05)~~B. In the event a property owner fails to comply with the provisions of this chapter, the City may abate the violation as provided in Chapter 1.16 of this Code.

CITY OF EVANS, COLORADO

ORDINANCE NO. 600-14

AN ORDINANCE AMENDING THE CITY OF EVANS MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 19.62 TITLED "US 85 OVERLAY DISTRICT DESIGN STANDARDS" CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO

WHEREAS, the City Council for the City of Evans (the "City") desires to protect and preserve the health, safety, and welfare of its citizens through the implementation of a comprehensive ordinance regulating development along Highway 85; and

WHEREAS, Highway 85 is a critical corridor of commerce and business within the City of Evans; and

WHEREAS, the City Council adopted Chapter 19.62 of the Evans Municipal Code which regulates the development along Highway 85 in 2005; and

WHEREAS, the City Council amended Chapter 19.62 of the Evans Municipal Code in 2013; and

WHEREAS, the City Council adopted the US Highway 85 Overlay District Master Plan which plans for future growth and development within the Highway 85 Overlay District in 2014; and

WHEREAS, because the City has determined that compatibility with the US Highway 85 Overlay District Master Plan and Chapter 19.62 is necessary; and

WHEREAS, the City Council desires to repeal the Chapter 19.62 in its entirety because relevant information and updated regulations has been incorporated into the new Chapter 19.62; and

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

Section 1. Chapter 19.62 of the City of Evans Municipal Code entitled "US 85 Overlay District Design Standards" is hereby repealed and reenacted to read as shown in Exhibit A.

Section 2. Publication and Effective Date. This ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and the City Clerk, and by the Certificate of Publication. This ordinance shall become effective upon final passage.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 19<sup>th</sup> day of August, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

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

PASSED, APPROVED AND ADOPTED ON SECOND READING this 2<sup>nd</sup> day of  
September, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

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

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**CITY COUNCIL COMMUNICATION**

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.B

**SUBJECT:** **Ordinance No. 601-14**  
 An Ordinance amending the City Of Evans Municipal Code by repealing and reenacting Chapter 19.10 titled “Districts Established – Zoning Map” City of Evans, County of Weld, State of Colorado

**PRESENTED BY:** Baseline Corporation, Vincent Harris, AICP

**PREPARED BY:** Cory Miller, Assoc. Planner

**ACTION:** Consider Ordinance to repeal and reenact Chapter 19.10

**APPROVED BY:** Sheryl Trent, Economic Dev. Director

BACKGROUND INFORMATION		
<b>Location:</b>		City Wide
<b>Applicants:</b>		The City of Evans
<b>Existing Land Use:</b>		N/A
<b>Proposed Land Use:</b>		N/A
<b>Surrounding Land Use:</b>	<b>North</b>	N/A
	<b>South</b>	N/A
	<b>East</b>	N/A
	<b>West</b>	N/A
<b>Existing Zoning:</b>		N/A
<b>Proposed Zoning:</b>		N/A
<b>Surrounding Zoning:</b>	<b>North</b>	N/A
	<b>South</b>	N/A
	<b>East</b>	N/A
	<b>West</b>	N/A
<b>Future Land Use Designation:</b>		N/A

**PROJECT DESCRIPTION:**

Staff recommends that City Council amend Chapter 19.10 of the City of Evans Municipal Code to identify new zone districts to be referenced on the Official Zoning Map.

In an effort to make the City of Evans Zoning Code (Title 19) more user friendly, Staff from the City of Evans is proposing to repeal through separate action the following code Chapters of the Evans Municipal Code: -Chapter 19.11 Titled “AG, Agricultural District”, Chapter 19.12 Titled “R-1E, Single-Family Estate Residential District”, Chapter 19.14 Titled “R-1, Single Family Residential District”, Chapter 19.16 Titled “RMFH, Residential Manufactured Housing District”, Chapter 19.18 Titled “R-2, Two-Family Residential District”, Chapter 19.20 Titled “R-3, Multifamily Residential District”, Chapter 19.24 Titled “RC, Residential Commercial District”, Chapter 19.26 Titled “C-1, Low Intensity Commercial District”, Chapter 19.28 Titled “C-2, Medium Intensity Commercial District”, Chapter 19.30 Titled “C-3 High Intensity Commercial District”, Chapter 19.32 Titled “I-1, Light Industrial District”, Chapter 19.34 Titled “I-2, Medium Industrial District”, Chapter 19.36 Titled “I-3, Heavy Industrial District”.

In place of these Chapters, a separate action requests that City Council establish Chapter 19.15 of the Evans Municipal Code, Titled “Districts Established Zoning Use and Dimensional Standards”. The purpose of this new Chapter will be to consolidate all existing individual zone district Chapters, including their intent, uses, and dimensional standards into one solitary chapter.

Chapter 19.15 would also establish through the provisions of an intent, list of uses, and dimensional standards, the following new zone districts that will be utilized in the US 85 Corridor:

- US 85 – Office District (85-O)
- US 85 – Retail & Commercial – Neighborhood District (85-RC-N)
- US 85 – Retail & Commercial – Regional Corridor District (85-RC-R)
- US 85 – Retail & Commercial – Auto District (85-RC-A)
- Public Facilities District (PF)

Due to the addition of new zone districts to the Municipal Zoning Code, through the creation of Chapter 19.15, Chapter 19.10 will need to be updated so that the Official Zoning Map reflects these new distinctions.

Staff members from Baseline Corporation met with Sheryl Trent, Economic Development Director, to discuss both projects and assist with the requested updates.

**RECOMMENDATION:** Staff recommends approval of the amended Chapter 19.10 – Districts Established – Zoning Map of the City of Evans Municipal Code.

## **ANALYSIS:**

### **1. Background:**

As stated, staff is recommending to City Council through separate action the creation of Chapter 19.15 that would establish new zone districts to be added to the City of Evans Municipal Code. The new zone districts are identified as follows:

- US 85 – Office District (85-O)
- US 85 – Retail & Commercial – Neighborhood District (85-RC-N)
- US 85 – Retail & Commercial – Regional Corridor (85-RC-R)
- US 85 – Retail & Commercial – Auto (85-RC-A)
- Public Facilities (PF)

The purpose of establishing these new zone districts is to promote and intent of the US Highway 85 Overlay District Master Plan. The plan was established to promote the following goals:

- Help unify fragmented land uses present along the corridor by focusing specific future development types into specific areas (e.g. retail, office); and
- Promote infrastructure improvements to create safe access opportunities and improve traffic circulation and flows; and
- Address transportation linkages and connections to promote better safety, health related options, and quality access for local residents; and
- Address the lack of vibrant pedestrian and bicycle infrastructure to connect the surrounding neighborhoods and community to the planned and existing park and trail systems, and commercial uses.

Chapter 19.10 of the Evans Municipal code divides the City of Evans into zoning districts, to be identified on the City of Evans Official Zoning Map. In addition, this Chapter outlines the procedure to change the boundaries of a zone district as identified on the Official Zoning Map. It provides rules for interpreting district boundaries, and well as providing prohibitions for certain land uses.

Staff proposes to amend directly Section 19.10.010 to include the following zone districts to be identified on the Official Zoning Map.

- US 85 – Office District (85-O)
- US 85 – Retail & Commercial – Neighborhood District (85-RC-N)
- US 85 – Retail & Commercial – Regional Corridor (85-RC-R)
- US 85 – Retail & Commercial – Auto (85-RC-A)
- Public Facilities (PF)

A courtesy notice was mailed to property owners and business owners within the Corridor indicating that the City Council will hold a hearing on August 19, 2014 to act on the proposed amendment to Chapter 19.10. In addition an open house with community members was held on Thursday August 7, 2014 to discuss both items in detail.

**2. Issues:**

Due to the recommendation for additional zone districts, through the creation of Chapter 19.15, updates to Chapter 19.10 is necessary to implement the title of the new zone districts, as identified above, into the Official Zoning Map.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council approve amendments to Chapter 19.10 Districts Established – Zoning Map of the City of Evans Municipal Code, as provided herein.

Staff will provide an overview of the proposed code amendment and make a presentation at the City Council meeting on August 19, 2014. In addition an open house was held with the community on August 7, 2014 to discuss the proposed items.

**RECOMMENDED CITY COUNCIL MOTIONS:**

**Amendment of Chapter 19.10 Districts Established – Zoning Map of the City of Evans Municipal Code**

“I move to approve Ordinance 601-14 on first reading concerning amendments to Chapter 19.10 Districts Established – Zoning Map of the City of Evans Municipal Code.

“I move to deny Ordinance 601-14 and the proposed amendments to Chapter 19.10 Districts Established – Zoning Map of the City of Evans Municipal Code, as provided herein because it is not in the best interest of the citizens of the City of Evans.”

Appendix A: Updated (clean version) Chapter 19.10 of the Evans Municipal Code

Appendix B: Updated (redlined version) Chapter 19.10 of the Evans Municipal Code

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## CHAPTER 19.10

### Districts Established – Zoning Map

#### 19.10.010 Districts designated – zoning map adopted.

A. For the purposes of this Title, the City is divided into zoning districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted and declared to be a part of this Zoning Code. The zoning districts shall be known as follows:

#### Zoning Districts

85 - O	US 85 office district
85-RC-A	US 85 retail & commercial – auto
85-RC-N	US 85 retail & commercial – neighborhood
85-RC-R	US 85 retail & commercial – regional corridor
C1	Commercial low intensity district
C2	Commercial medium intensity district
C3	Commercial high intensity district
I1	Light industrial district
I2	Medium industrial district
I3	High industrial district
PF	Public Facilities
PUD	Planned unit development
R1	Single-family residential district
R1E	Single-family estate residential district
R2	Two-family residential district
R3	Multifamily residential district
RC	Residential commercial district
RMFH	Manufactured housing district
RMH	Mobile home community district

#### 19.10.020 Zoning map – identification.

The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map referred to in Section 19.08.020 of Title 19 of the Evans Municipal Code," together with the date of adoption of the map. (Ord. 005-00, 2000)

#### **19.10.030 Zoning map – boundary change procedure.**

Changes in the boundaries of any zoning district shall be made by ordinance, as provided in Chapter 19.60 of this Title, and such changes shall be made on the official zoning map promptly after the amendment has been approved by the City Council, together with an entry giving the number of the ordinance and date of adoption, which entry shall be signed by the Mayor and attested by the City Clerk. The official zoning map shall be located in the office of the City Clerk, with a copy in the office of the Planning and Zoning Official charged with the enforcement of this Zoning Code. (Ord. 005-00, 2000)

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Where uncertainty exists as to the boundaries of any zoning district shown on the official zoning map, the following rules shall apply:

A. Where such boundaries are indicated as approximately following streets and alley lines or lot lines, such lines shall be construed to be such boundaries;

B. In unsubdivided property or where a zoning district boundary divides a lot, the location of any such boundary shall be determined by legal description.

C. In case further uncertainties exist, the City Council, upon written application or upon its own motion, shall determine the location of such boundaries;

D. Where a street or alley is officially vacated, the property formerly in that street or alley shall be included within the zoning district of the adjoining property on either side thereof. In the event a street or alley separates two (2) or more different zoning districts, the new zoning district boundary shall be the centerline of such vacated street or alley;

E. When possible, zone districts shall follow alleys, rear or side property lines and not centerlines of street rights-of-way. (Ord. 005-00, 2000)

#### **19.10.050 Prohibitions.**

##### **A. Medical Marijuana.**

1. Intent. It is the intent of this Section to prohibit certain land uses related to medical marijuana, and in furtherance of its intent, the City Council makes the following findings:

a. The Colorado Medical Marijuana Code, Section 12-43.3-101, C.R.S., et seq., clarifies Colorado law regarding the scope and extent of Article XVIII, Section 14, of the Colorado Constitution.

b. 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."

c. 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."

d. Based on careful consideration of the Colorado Medical Marijuana Code, Article XVIII, Section 14, 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.

e. As a matter of the City's local land use and zoning authority, and consistent with the authorization provided by the Colorado Medical Marijuana Code, no suitable location exists within the City for the operation of medical marijuana centers, medical marijuana cultivation operations or medical marijuana-infused products manufacturing.

f. Patients and primary caregivers should otherwise be afforded the protections of Article XVIII, Section 14, of the Colorado Constitution, and Section 25-1.5-106, C.R.S., as further clarified under House Bill 10-1284 adopted by the Colorado Legislature in its 2010 Session and known as the Colorado Medical Marijuana Code.

2. Authority. The City's authority to adopt this Section is found in: the Colorado Medical Marijuana Code, Section 12-43.3-101, C.R.S., et seq.; the Local Government Land Use Control Enabling Act, Section 29-20-101, C.R.S., et seq.; Section 31-23-101, C.R.S., et seq., (municipal zoning powers); and Section 31-15-501, C.R.S., (municipal authority to regulate businesses).

3. Applicability. This Article shall apply to all property within the City.

4. Uses prohibited. It is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, an optional premises cultivation operation or a medical marijuana-infused products manufacturing facility in the City.

5. Patients and primary caregivers. Nothing in this Section shall be construed to prohibit, regulate or otherwise impair the protections of the use of medical marijuana by patients as provided in the Article XVIII, Section 14, of the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with Article XVIII, Section 14, of the Colorado Constitution, the Colorado Medical Marijuana Code and rules promulgated thereunder.

6. Definitions.

a. *Medical marijuana* means marijuana that is grown and sold for a purpose authorized by Article XVIII, Section 14, of the Colorado Constitution.

b. *Medical marijuana center* means a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Article XVIII, Section 14, of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

c. *Medical marijuana-infused products manufacturer* means a person licensed, pursuant to the Colorado Medical Marijuana Code, to operate a business manufacturing medical marijuana-infused products, and which a municipality is authorized to prohibit as a matter of law.

d. *Optional premises cultivation operation* means a person licensed, pursuant to the Colorado Medical Marijuana Code, to grow and cultivate marijuana for a purpose authorized by Article XVIII, Section 14, of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.

e. *Patient* has the meaning set forth in Article XVIII, Section 14(1)(c), of the Colorado Constitution and as may be further defined by state and local statutory, legislative or case law and regulations.

f. *Primary caregiver* has the meaning set forth in Article XVIII, Section 14(1)(f), of the Colorado Constitution and as may be further defined by state and local statutory, legislative or case law and regulations. (Ord. 503-10)

**CHAPTER 19.10**

**Districts Established – Zoning Map**

**19.10.010 Districts designated – zoning map adopted.**

A. For the purposes of this Title, the City is divided into zoning districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted and declared to be a part of this Zoning Code. The zoning districts shall be known as follows:

**Zoning Districts**

<u>85 - O</u>	<u>US 85 office district</u>
<u>85-RC-A</u>	<u>US 85 retail &amp; commercial – auto</u>
<u>85-RC-N</u>	<u>US 85 retail &amp; commercial – neighborhood district</u>
<u>85-RC-R</u>	<u>US 85 retail &amp; commercial – regional corridor</u>
<u>C1</u>	<u>Commercial low intensity district</u>
<u>C2</u>	<u>Commercial medium intensity district</u>
<u>C3</u>	<u>Commercial high intensity district</u>
<u>I1</u>	<u>Light industrial district</u>
<u>I2</u>	<u>Medium industrial district</u>
<u>I3</u>	<u>High industrial district</u>
<u>PF</u>	<u>Public facilities</u>
<u>PUD</u>	<u>Planned unit development</u>
<u>R1</u>	<u>Single-family residential district</u>
<u>R1E</u>	<u>Single-family estate residential district</u>
<u>R2</u>	<u>Two-family residential district</u>
<u>R3</u>	<u>Multifamily residential district</u>
<u>RC</u>	<u>Residential commercial district</u>
<u>RMFH</u>	<u>Manufactured housing district</u>
<u>RMH</u>	<u>Mobile home community district</u>
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<u>R1</u>	<u>Single-family residential district</u>
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<del>I3</del>	<del>High industrial district</del>
<del>RPUD</del>	<del>Planned unit development</del>

~~B. Previously designated zoning classifications cross reference. Previous zoning classifications are hereby repealed and reenacted as follows:~~

**Zoning Classifications**

<i>Prior Classification</i>	<i>New Classification</i>
<del>R-1E, One family estate residential district</del>	<del>R-1E, Single family estate residential district</del>
<del>R-1, One family residential district</del>	<del>R-1, Single family residential district</del>
<del>R-2, Intermediate residential district</del>	<del>R-2, Two family residential district</del>
<del>R-3, Multifamily residential district</del>	<del>R-3, Multifamily residential district</del>
<del>MFH, Manufactured housing district</del>	<del>RMFH, Residential manufactured housing district</del>
<del>R-4, Transitional district</del>	<del>Repealed</del>
<del>R5A Mobile home community</del>	<del>RMH, Residential mobile home district</del>
<del>R5B Mobile home park</del>	
<del>HB-1, Historical/business district</del>	<del>RC, Residential commercial district</del>
<del>B-4, Business district, restrictive</del>	<del>C-1, Commercial low intensity district</del>
<del>B-2, Shopping center district</del> <del>B-3, Local business district</del>	<del>C-2, Commercial medium intensity district</del>
<del>M-2, Medium manufacturing district, restrictive</del>	<del>I-1, Light industrial district</del>
<del>M-1, Medium manufacturing district</del>	<del>I-2, Medium industrial district</del>

**Zoning Classifications (Cont'd)**

<i>Prior Classification</i>	<i>New Classification</i>
<del>M-3, Heavy manufacturing district</del>	<del>I-3, Heavy industrial district</del>
<del>Planned residential units</del>	<del>Repealed</del>

(Ord. 005-00, 2000: prior code 15.12)

**19.10.020 Zoning map – identification.**

The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map referred to in Section 19.08.020 of Title 19 of the Evans Municipal Code," together with the date of adoption of the map. (Ord. 005-00, 2000)

**19.10.030 Zoning map – boundary change procedure.**

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- C. In case further uncertainties exist, the City Council, upon written application or upon its own motion, shall determine the location of such boundaries;
- D. Where a street or alley is officially vacated, the property formerly in that street or alley shall be included within the zoning district of the adjoining property on either side thereof. In the event a street or alley separates two (2) or more different zoning districts, the new zoning district boundary shall be the centerline of such vacated street or alley;
- E. When possible, zone districts shall follow alleys, rear or side property lines and not centerlines of street rights-of-way. (Ord. 005-00, 2000)

**19.10.050 Prohibitions.**

A. Medical Marijuana.

1. Intent. It is the intent of this Section to prohibit certain land uses related to medical marijuana, and in furtherance of its intent, the City Council makes the following findings:

- a. The Colorado Medical Marijuana Code, Section 12-43.3-101, C.R.S., et seq., clarifies Colorado law regarding the scope and extent of Article XVIII, Section 14, of the Colorado Constitution.
- b. 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."
- c. 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."

d. Based on careful consideration of the Colorado Medical Marijuana Code, Article XVIII, Section 14, 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.

e. As a matter of the City's local land use and zoning authority, and consistent with the authorization provided by the Colorado Medical Marijuana Code, no suitable location exists within the City for the operation of medical marijuana centers, medical marijuana cultivation operations or medical marijuana-infused products manufacturing.

f. Patients and primary caregivers should otherwise be afforded the protections of Article XVIII, Section 14, of the Colorado Constitution, and Section 25-1.5-106, C.R.S., as further clarified under House Bill 10-1284 adopted by the Colorado Legislature in its 2010 Session and known as the Colorado Medical Marijuana Code.

2. Authority. The City's authority to adopt this Section is found in: the Colorado Medical Marijuana Code, Section 12-43.3-101, C.R.S., et seq.; the Local Government Land Use Control Enabling Act, Section 29-20-101, C.R.S., et seq.; Section 31-23-101, C.R.S., et seq., (municipal zoning powers); and Section 31-15-501, C.R.S., (municipal authority to regulate businesses).

3. Applicability. This Article shall apply to all property within the City.

4. Uses prohibited. It is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, an optional premises cultivation operation or a medical marijuana-infused products manufacturing facility in the City.

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CITY OF EVANS, COLORADO

ORDINANCE NO. 601-14

AN ORDINANCE AMENDING THE CITY OF EVANS MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 19.10 TITLED “DISTRICTS ESTABLISHED – ZONING MAP” CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO

WHEREAS, new zone districts have been created to be referenced on the City of Evans Official Zoning Map; and

WHEREAS, the City Council desires to repeal Chapter 19.10 in its entirety because relevant information and updated regulations has been incorporated into the new Chapter 19.10; and

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

Section 1. Chapter 19.10 of the City of Evans Municipal Code entitled “Districts Established – Zoning Map” is hereby repealed and reenacted to read as shown in Exhibit A.

Section 2. Publication and Effective Date. This ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and the City Clerk, and by the Certificate of Publication. This ordinance shall become effective upon final passage.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 19<sup>th</sup> day of August, 2014.

CITY OF EVANS, COLORADO  
By: \_\_\_\_\_  
Mayor

ATTEST:  
\_\_\_\_\_  
City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this 2<sup>nd</sup> day of September, 2014.

CITY OF EVANS, COLORADO  
By: \_\_\_\_\_  
Mayor

ATTEST:  
\_\_\_\_\_  
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## CHAPTER 19.10

### Districts Established – Zoning Map

#### 19.10.010 Districts designated – zoning map adopted.

A. For the purposes of this Title, the City is divided into zoning districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is adopted and declared to be a part of this Zoning Code. The zoning districts shall be known as follows:

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**CHAPTER 19.10**

**Districts Established – Zoning Map**

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<del>M-2, Medium manufacturing district, restrictive</del>	<del>I-1, Light industrial district</del>
<del>M-1, Medium manufacturing district</del>	<del>I-2, Medium industrial district</del>

**Zoning Classifications (Cont'd)**

<i>Prior Classification</i>	<i>New Classification</i>
<del>M-3, Heavy manufacturing district</del>	<del>I-3, Heavy industrial district</del>
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**19.10.020 Zoning map – identification.**

The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map referred to in Section 19.08.020 of Title 19 of the Evans Municipal Code," together with the date of adoption of the map. (Ord. 005-00, 2000)

**19.10.030 Zoning map – boundary change procedure.**

Changes in the boundaries of any zoning district shall be made by ordinance, as provided in Chapter 19.60 of this Title, and such changes shall be made on the official zoning map promptly after the amendment has been approved by the City Council, together with an entry giving the number of the ordinance and date of adoption, which entry shall be signed by the Mayor and attested by the City Clerk. The official zoning map shall be located in the office of the City Clerk, with a copy in the office of the Planning and Zoning Official charged with the enforcement of this Zoning Code. (Ord. 005-00, 2000)

**19.10.040 Rules for interpreting district boundaries.**

Where uncertainty exists as to the boundaries of any zoning district shown on the official zoning map, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following streets and alley lines or lot lines, such lines shall be construed to be such boundaries;
- B. In unsubdivided property or where a zoning district boundary divides a lot, the location of any such boundary shall be determined by legal description.
- C. In case further uncertainties exist, the City Council, upon written application or upon its own motion, shall determine the location of such boundaries;
- D. Where a street or alley is officially vacated, the property formerly in that street or alley shall be included within the zoning district of the adjoining property on either side thereof. In the event a street or alley separates two (2) or more different zoning districts, the new zoning district boundary shall be the centerline of such vacated street or alley;
- E. When possible, zone districts shall follow alleys, rear or side property lines and not centerlines of street rights-of-way. (Ord. 005-00, 2000)

**19.10.050 Prohibitions.**

A. Medical Marijuana.

1. Intent. It is the intent of this Section to prohibit certain land uses related to medical marijuana, and in furtherance of its intent, the City Council makes the following findings:

- a. The Colorado Medical Marijuana Code, Section 12-43.3-101, C.R.S., et seq., clarifies Colorado law regarding the scope and extent of Article XVIII, Section 14, of the Colorado Constitution.
- b. 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."
- c. 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."

d. Based on careful consideration of the Colorado Medical Marijuana Code, Article XVIII, Section 14, 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.

e. As a matter of the City's local land use and zoning authority, and consistent with the authorization provided by the Colorado Medical Marijuana Code, no suitable location exists within the City for the operation of medical marijuana centers, medical marijuana cultivation operations or medical marijuana-infused products manufacturing.

f. Patients and primary caregivers should otherwise be afforded the protections of Article XVIII, Section 14, of the Colorado Constitution, and Section 25-1.5-106, C.R.S., as further clarified under House Bill 10-1284 adopted by the Colorado Legislature in its 2010 Session and known as the Colorado Medical Marijuana Code.

2. Authority. The City's authority to adopt this Section is found in: the Colorado Medical Marijuana Code, Section 12-43.3-101, C.R.S., et seq.; the Local Government Land Use Control Enabling Act, Section 29-20-101, C.R.S., et seq.; Section 31-23-101, C.R.S., et seq., (municipal zoning powers); and Section 31-15-501, C.R.S., (municipal authority to regulate businesses).

3. Applicability. This Article shall apply to all property within the City.

4. Uses prohibited. It is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, an optional premises cultivation operation or a medical marijuana-infused products manufacturing facility in the City.

5. Patients and primary caregivers. Nothing in this Section shall be construed to prohibit, regulate or otherwise impair the protections of the use of medical marijuana by patients as provided in the Article XVIII, Section 14, of the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with Article XVIII, Section 14, of the Colorado Constitution, the Colorado Medical Marijuana Code and rules promulgated thereunder.

6. Definitions.

a. Medical marijuana means marijuana that is grown and sold for a purpose authorized by Article XVIII, Section 14, of the Colorado Constitution.

b. Medical marijuana center means a person licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana and medical marijuana-infused products to registered patients or primary caregivers as defined in Article XVIII, Section 14, of the Colorado Constitution, but is not a primary caregiver, and which a municipality is authorized to prohibit as a matter of law.

c. Medical marijuana-infused products manufacturer means a person licensed,

pursuant to the Colorado Medical Marijuana Code, to operate a business manufacturing medical marijuana-infused products, and which a municipality is authorized to prohibit as a matter of law.

d. Optional premises cultivation operation means a person licensed, pursuant to the Colorado Medical Marijuana Code, to grow and cultivate marijuana for a purpose authorized by Article XVIII, Section 14, of the Colorado Constitution, and which a municipality is authorized to prohibit as a matter of law.

e. Patient has the meaning set forth in Article XVIII, Section 14(1)(c), of the Colorado Constitution and as may be further defined by state and local statutory, legislative or case law and regulations.

f. Primary caregiver has the meaning set forth in Article XVIII, Section 14(1)(f), of the Colorado Constitution and as may be further defined by state and local statutory, legislative or case law and regulations. (Ord. 503-10)

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**CITY COUNCIL COMMUNICATION**

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.B

**SUBJECT:** **Ordinance No. 601-14**  
 An Ordinance amending the City Of Evans Municipal Code by repealing and reenacting Chapter 19.10 titled “Districts Established – Zoning Map” City of Evans, County of Weld, State of Colorado

**PRESENTED BY:** Baseline Corporation, Vincent Harris, AICP

**PREPARED BY:** Cory Miller, Assoc. Planner

**ACTION:** Consider Ordinance to repeal and reenact Chapter 19.10

**APPROVED BY:** Sheryl Trent, Economic Dev. Director

BACKGROUND INFORMATION		
<b>Location:</b>	City Wide	
<b>Applicants:</b>	The City of Evans	
<b>Existing Land Use:</b>	N/A	
<b>Proposed Land Use:</b>	N/A	
<b>Surrounding Land Use:</b>	<b>North</b>	N/A
	<b>South</b>	N/A
	<b>East</b>	N/A
	<b>West</b>	N/A
<b>Existing Zoning:</b>	N/A	
<b>Proposed Zoning:</b>	N/A	
<b>Surrounding Zoning:</b>	<b>North</b>	N/A
	<b>South</b>	N/A
	<b>East</b>	N/A
	<b>West</b>	N/A
<b>Future Land Use Designation:</b>	N/A	

## **PROJECT DESCRIPTION:**

Staff recommends that City Council amend Chapter 19.10 of the City of Evans Municipal Code to identify new zone districts to be referenced on the Official Zoning Map.

In an effort to make the City of Evans Zoning Code (Title 19) more user friendly, Staff from the City of Evans is proposing to repeal through separate action the following code Chapters of the Evans Municipal Code: -Chapter 19.11 Titled “AG, Agricultural District”, Chapter 19.12 Titled “R-1E, Single-Family Estate Residential District”, Chapter 19.14 Titled “R-1, Single Family Residential District”, Chapter 19.16 Titled “RMFH, Residential Manufactured Housing District”, Chapter 19.18 Titled “R-2, Two-Family Residential District”, Chapter 19.20 Titled “R-3, Multifamily Residential District”, Chapter 19.24 Titled “RC, Residential Commercial District”, Chapter 19.26 Titled “C-1, Low Intensity Commercial District”, Chapter 19.28 Titled “C-2, Medium Intensity Commercial District”, Chapter 19.30 Titled “C-3 High Intensity Commercial District”, Chapter 19.32 Titled “I-1, Light Industrial District”, Chapter 19.34 Titled “I-2, Medium Industrial District”, Chapter 19.36 Titled “I-3, Heavy Industrial District”.

In place of these Chapters, a separate action requests that City Council establish Chapter 19.15 of the Evans Municipal Code, Titled “Districts Established Zoning Use and Dimensional Standards”. The purpose of this new Chapter will be to consolidate all existing individual zone district Chapters, including their intent, uses, and dimensional standards into one solitary chapter.

Chapter 19.15 would also establish through the provisions of an intent, list of uses, and dimensional standards, the following new zone districts that will be utilized in the US 85 Corridor:

- US 85 – Office District (85-O)
- US 85 – Retail & Commercial – Neighborhood District (85-RC-N)
- US 85 – Retail & Commercial – Regional Corridor District (85-RC-R)
- US 85 – Retail & Commercial – Auto District (85-RC-A)
- Public Facilities District (PF)

Due to the addition of new zone districts to the Municipal Zoning Code, through the creation of Chapter 19.15, Chapter 19.10 will need to be updated so that the Official Zoning Map reflects these new distinctions.

Staff members from Baseline Corporation met with Sheryl Trent, Economic Development Director, to discuss both projects and assist with the requested updates.

**RECOMMENDATION:** Staff recommends approval of the amended Chapter 19.10 – Districts Established – Zoning Map of the City of Evans Municipal Code.

## **ANALYSIS:**

### **1. Background:**

As stated, staff is recommending to City Council through separate action the creation of Chapter 19.15 that would establish new zone districts to be added to the City of Evans Municipal Code. The new zone districts are identified as follows:

- US 85 – Office District (85-O)
- US 85 – Retail & Commercial – Neighborhood District (85-RC-N)
- US 85 – Retail & Commercial – Regional Corridor (85-RC-R)
- US 85 – Retail & Commercial – Auto (85-RC-A)
- Public Facilities (PF)

The purpose of establishing these new zone districts is to promote and intent of the US Highway 85 Overlay District Master Plan. The plan was established to promote the following goals:

- Help unify fragmented land uses present along the corridor by focusing specific future development types into specific areas (e.g. retail, office); and
- Promote infrastructure improvements to create safe access opportunities and improve traffic circulation and flows; and
- Address transportation linkages and connections to promote better safety, health related options, and quality access for local residents; and
- Address the lack of vibrant pedestrian and bicycle infrastructure to connect the surrounding neighborhoods and community to the planned and existing park and trail systems, and commercial uses.

Chapter 19.10 of the Evans Municipal code divides the City of Evans into zoning districts, to be identified on the City of Evans Official Zoning Map. In addition, this Chapter outlines the procedure to change the boundaries of a zone district as identified on the Official Zoning Map. It provides rules for interpreting district boundaries, and well as providing prohibitions for certain land uses.

Staff proposes to amend directly Section 19.10.010 to include the following zone districts to be identified on the Official Zoning Map.

- US 85 – Office District (85-O)
- US 85 – Retail & Commercial – Neighborhood District (85-RC-N)
- US 85 – Retail & Commercial – Regional Corridor (85-RC-R)
- US 85 – Retail & Commercial – Auto (85-RC-A)
- Public Facilities (PF)

A courtesy notice was mailed to property owners and business owners within the Corridor indicating that the City Council will hold a hearing on August 19, 2014 to act on the proposed amendment to Chapter 19.10. In addition an open house with community members was held on Thursday August 7,

2014 to discuss both items in detail.

**2. Issues:**

Due to the recommendation for additional zone districts, through the creation of Chapter 19.15, updates to Chapter 19.10 is necessary to implement the title of the new zone districts, as identified above, into the Official Zoning Map.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council approve amendments to Chapter 19.10 Districts Established – Zoning Map of the City of Evans Municipal Code, as provided herein.

Staff will provide an overview of the proposed code amendment and make a presentation at the City Council meeting on August 19, 2014. In addition an open house was held with the community on August 7, 2014 to discuss the proposed items.

**RECOMMENDED CITY COUNCIL MOTIONS:**

**Amendment of Chapter 19.10 Districts Established – Zoning Map of the City of Evans Municipal Code**

“I move to approve Ordinance 601-14 on first reading concerning amendments to Chapter 19.10 Districts Established – Zoning Map of the City of Evans Municipal Code.

“I move to deny Ordinance 601-14 and the proposed amendments to Chapter 19.10 Districts Established – Zoning Map of the City of Evans Municipal Code, as provided herein because it is not in the best interest of the citizens of the City of Evans.”

Appendix A: Updated (clean version) Chapter 19.10 of the Evans Municipal Code

Appendix B: Updated (redlined version) Chapter 19.10 of the Evans Municipal Code

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**CITY COUNCIL COMMUNICATION**

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.C

**SUBJECT:** **Ordinance No. 602-14**  
 An Ordinance amending the City Of Evans Municipal Code by repealing and reenacting Chapter 19.04 titled “Definitions”, City of Evans, County of Weld, State of Colorado

**PRESENTED BY:** Baseline Corporation, Vincent Harris, AICP

**PREPARED BY:** Cory Miller, Assoc. Planner

**ACTION:** Consider Ordinance to repeal and reenact Chapter 19.04

**APPROVED BY:** Sheryl Trent, Economic Dev. Director

BACKGROUND INFORMATION		
<b>Location:</b>	City Wide	
<b>Applicants:</b>	The City of Evans	
<b>Existing Land Use:</b>	N/A	
<b>Proposed Land Use:</b>	N/A	
<b>Surrounding Land Use:</b>	<b>North</b>	N/A
	<b>South</b>	N/A
	<b>East</b>	N/A
	<b>West</b>	N/A
<b>Existing Zoning:</b>	N/A	
<b>Proposed Zoning:</b>	N/A	
<b>Surrounding Zoning:</b>	<b>North</b>	N/A
	<b>South</b>	N/A
	<b>East</b>	N/A
	<b>West</b>	N/A
<b>Future Land Use Designation:</b>	N/A	

**PROJECT DESCRIPTION:** The City of Evans Staff proposes to amend Chapter 19.04 of the City of Evans Municipal Code titled, “Definitions”. This proposal will add additional terms and their definitions to the Chapter text.

**RECOMMENDATION:** Staff recommends approval of the amended Chapter 19.04 District Design Standards of the City of Evans Municipal Code.

**ANALYSIS:**

**1. Background:**

Staff is proposing to update Chapter 19.62 of the Evans Municipal Code, titled “US 85 Overlay District Design Standards”. This update will include removing the Highway 85 specific definitions section in its entirety (Section 19.62.030) from Chapter 19.62 and merging it with Chapter 19.04 of the Evans Municipal Code. These processes will help make the Zoning Code of the Evans Municipal Code more accessible and user friendly. Staff prefers that all definitions that relate to the Zoning Code be located in one single chapter (Chapter 19.04).

**2. Issues:**

The directive of the proposed action items is to make the City of Evans Zoning Code more effective and user friendly. Staff feels the proposed changes will make the Zoning Code more uniform.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council approve the proposed amendments to Chapter 19.04 titled “Definitions” of the City of Evans Municipal Code, as provided herein.

Staff will provide an overview of the proposed code amendment and make a presentation at the City Council meeting on August 19, 2014. In addition an open house was held with the community on August 7, 2014 to discuss the proposed changes.

**RECOMMENDED PLANNING COMMISSION MOTION:**

“I move to approve the Ordinance 602-14 on first reading concerning amendments to Chapter 19.04, titled “Definitions” of the City of Evans Municipal Code, as provided herein because it is in the best interest of the citizens of the City of Evans.”

“I move to deny Ordinance 602-14 and the proposed amendments to Chapter 19.04, titled “Definitions” of the City of Evans Municipal Code, as provided herein because it is not in the best interest of the citizens of the City of Evans.”

Appendix A: Updated Chapter 19.04 (clean version) of the Evans Municipal Code

Appendix B: Updated Chapter 19.04 (redlined version) of the Evans Municipal Code

## Chapter 19.04

### DEFINITIONS

#### Sections:

- 19.04.010 Definitions & Interpretation of language
- 19.04.011 Accent Lighting
- 19.04.030 Accessory building/structure
- 19.04.050 Accessory use
- 19.04.070 Adult business
- 19.04.090 Agriculture.
- 19.04.110 Animals, confined
- 19.04.111 Animated sign
- 19.04.112 Art, Dance, Music Studio
- 19.04.113 Articulation
- 19.04.114 Articulation, horizontal
- 19.04.115 Articulation, vertical
- 19.04.120 Auction yard
- 19.04.121 Awning
- 19.04.122 Belt course
- 19.04.130 Board
- 19.04.150 Building
- 19.04.151 Building Height
- 19.04.152 Building Scale
- 19.04.153 Canopy, gas station
- 19.04.154 Canopy, tree
- 19.04.155 Car Wash Facilities
- 19.04.156 Car ports
- 19.04.160 Cemetery
- 19.04.161 Clustered; clustered development
- 19.04.162 CMRS
- 19.04.163 Colonnade
- 19.04.170 Commercial residence
- 19.04.180 Community facilities
- 19.04.190 Congregate residence
- 19.04.191 Cornice
- 19.04.200 Court
- 19.04.205 Coverage
- 19.04.210 Crematoriums
- 19.04.215 C.R.S. or CRS
- 19.04.220 Day care center
- 19.04.240 Day care, Home
- 19.04.241 Dead-end parking lots
- 19.04.242 Dead-end sidewalks
- 19.04.243 Dead-end driveways

19.04.244 Development  
19.04.250 Drive-through windows  
19.04.260 Dwelling, condominium  
19.04.270 Dwelling, multifamily  
19.04.280 Dwelling, single-family  
19.04.290 Dwelling, town house  
19.04.300 Dwelling, two-family  
19.04.310 Dwelling unit  
19.04.311 Electronic Message Center  
19.04.312 Environmental Effect  
19.04.330 Factory-built home  
19.04.340 Family  
19.04.350 Farming  
19.04.351 Fixture, lighting  
19.04.360 Flammable &/or combustible liquids, & gases storage  
19.04.370 Flea Market  
19.04.380 Floodplain  
19.04.400 Group Homes  
19.04.405 Height  
19.04.410 Home Occupation  
19.04.420 Hospital  
19.04.421 Human Scale  
19.04.430 Impervious surface  
19.04.431 Industrial uses facility  
19.04.433 Industrial uses, heavy  
19.04.434 Internal circulation  
19.04.435 International Building Code or IBC  
19.04.440 Junk  
19.04.450 Junkyard/salvage yard  
19.04.460 Kennel  
19.04.461 Landscaping, buffer  
19.04.462 Landscaping, front lot  
19.04.465 Livestock trailer washout  
19.04.466 Living plant material  
19.04.470 Long-term care facility  
19.04.480 Lot  
19.04.490 Lot Area  
19.04.500 Lot, corner  
19.04.510 Lot depth  
19.04.520 Lot frontage  
19.04.521 Lot, front  
19.04.522 Lot width  
19.04.530 Lot line, front  
19.04.540 Lot line, rear  
19.04.550 Lot line, side  
19.04.570 Lot line, zero  
19.04.580 Manufactured Home  
19.04.590 Manufacturing/Assembly Plant  
19.04.600 Mini Storage Units

19.04.611 Massing  
19.04.620 Mobile Home  
19.04.621 Molding  
19.04.630 Mortuary or funeral home  
19.04.631 Motor Vehicle, recreational vehicle, boat, or utility vehicle, private sales of  
19.04.632 Multi-planed  
19.04.633 Museum  
19.04.640 Natural Resource Extraction & Treatment  
19.04.650 Nightclub, Bar, Tavern  
19.04.651 Oil & Gas, related uses  
19.04.660 Office and Financial Use  
19.04.670 Open Space  
19.04.671 Outdoor sales lot  
19.04.672 Outdoor storage  
19.04.690 Owner  
19.04.730 Parking Lot, Off-Street  
19.04.731 Pawn broker  
19.04.732 Pedestrian connection  
19.04.733 Pedestrian court  
19.04.734 Pedestrian plaza  
19.04.740 Personal Service Establishment  
19.04.760 Planned Unit Development (PUD)  
19.04.761 Primary trails  
19.04.762 Property  
19.04.770 Public service facilities  
19.04.771 Reasonably feasible  
19.04.772 Recessed window or door  
19.04.780 Recreational facilities, indoor  
19.04.790 Recreational facilities, outdoor extensive  
19.04.800 Recreational facilities, intensive  
19.04.801 Recreational Vehicle  
19.04.805 Recreational Vehicle (RV) Park/ Campground  
19.04.807 Recreational Vehicle Storage  
19.04.808 Recycling center  
19.04.810 Repair shops  
19.04.815 Research Laboratory  
19.04.820 Retail uses, Intensive  
19.04.821 Retail uses, Intensive, small scale  
19.04.830 Retail uses, Extensive  
19.04.831 Roof plane  
19.04.832 Roof, flat  
19.04.833 Roof, pitched  
19.04.834 Roofline  
19.04.835 Salvage Yard  
19.04.840 School  
19.04.841 Secondary connection  
19.04.850 Security Residence  
19.04.851 Shared driveway  
19.04.852 Shared parking

- 19.04.853 Substantial improvement
- 19.04.860 Setback
- 19.04.870 Staff Supervised Residential Facilities
- 19.04.880 Street
- 19.04.890 Theater
- 19.04.900 Transportation Facility
- 19.04.910 Treatment of humans, restrained
- 19.04.930 Vocational school
- 19.04.940 Warehouse
- 19.04.941 Wall, parapet.
- 19.04.942 Wall, partial parapet.
- 19.04.943 Window Signs
- 19.04.950 Yard
- 19.04.960 Yard, Front
- 19.04.970 Yard, Rear
- 19.04.980 Yard, Side
- 19.04.990 Yard, Street side

19.04.010. **Definitions and interpretation of language.** For the purpose of this title, certain terms, phrases, words, and their derivatives shall be construed as specified in this chapter, or in the building code. Words used in the singular include the plural, and the plural the singular. The Municipal Code shall apply to those statutes and codes as amended. Reference to any and all statutes, building codes, or the Evans Municipal Code shall imply to the codes as amended. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.011. **Accent Lighting.** Shall mean directional lighting to emphasize a particular object.

19.04.030. **Accessory building/structure.** See Chapter 19.48 of the Evans Municipal Code. (Ord. 499-10: Ord. 351-05: Ord. 005-00: 15.06)

19.04.050. **Accessory Use.** See Chapter 19.48 of the Evans Municipal Code. (Ord. 499-10:Ord. 351-05: Ord. 005-00: 15.06)

19.04.070. **Adult Business.** Business, service or entertainment establishment subject to the licensing requirements, provisions, and restrictions of Chapter 5.10 of the Evans Municipal Code. (Ord. 499-10:Ord. 005-00)

19.04.090. **Agriculture.** The production of crops such as vegetables, fruit trees, grain, plants, shrubs, vines or flowers; the growing of trees and shrubs for commercial landscape purposes, ranching, riding stables without arenas, and similar uses and activities. (Ord. 499-10:Ord. 066-01)

19.04.110. **Animals, Confined.** Consists of the commercial raising of animals such as, but not limited to, horses, cattle, sheep, goats, swine, turkeys and chickens, the commercial production of milk, commercial pen feeding operations (feed lots), riding stables with arenas, and similar activities. (Ord. 499-10:Ord. 066-01: Ord. 005-00)

19.04.111. **Animated sign.** Shall mean any sign or part of a sign which changes physical position by any movement or which gives the illusion of such change of physical position.

19.04.112. **Art, Dance, Music studio.** An establishment engaged in the creation of arts or crafts but may also serve for dance rehearsals and music rehearsals. Such an establishment may participate in periodic open studios or concerts, but otherwise is subject to the applicable district's requirements for incidental sales of goods made on site.

19.04.113. **Articulation.** Shall mean the manner in which contiguous shapes are joined or formed to clarify or emphasize certain elements of the structure.

19.04.114. **Articulation, horizontal.** Shall mean a method of breaking up the vertical appearance of a structure through varying horizontal planes.

19.04.115. **Articulation, vertical.** Shall mean a method of breaking up the horizontal appearance of a structure through varying vertical planes.

19.04.120. **Auction Yard.** A property on which merchandise or other property is sold by auction. (Ord. 499-10:Ord. 351-05)

19.04.121. **Awning.** Shall mean a roof-like cover of canvas, metal, or other material extending in front of and over a door, window or deck to provide protection from weather.

19.04.122. **Belt course.** Shall mean a continuous row or layer of stones, tile brick, or shingles etc. in a wall often used to separate floors of a built structure.\_

19.04.130. **Board.** "Board" means the zoning board of appeals. (Ord. 499-10:Ord. 005-00: 15.06)

19.04.150. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.151. **Building Height.** Shall mean the height as measured from the average surrounding grade of the footprint of a building to the midpoint of a pitched roof or highest point of a flat roof.

19.04.152. **Building Scale.** Shall mean the size and proportion of a building relative to surrounding buildings and environs, adjacent streets, and pedestrians.

19.04.153. **Canopy, gas station.** Shall mean a structural protective cover, not enclosed on any side, for a gasoline or fuel service dispensing or similar service area.

19.04.154. **Canopy, tree.** Shall mean the more or less continuous cover of branches and foliage formed collectively by the crown of one or more trees.

19.04.155. **Car Wash Facilities.** A principal or accessory use for the purpose of washing vehicles and with the capacity to wash more than one vehicle at a time, or with the capacity to wash a commercial semi-truck. (Ord. 499-10:Ord. 253-04)

19.04.156. **Car port.** A shelter for a car or other motorized vehicle consisting of a roof supported on posts.

19.04.160. **Cemetery.** Shall mean land used for the burial and memorializing of the dead and dedicated for cemetery purposes, including columbariums, mausoleums, and pet cemeteries. (Ord. 499-10:Ord. 005-00)

19.04.161. **Clustered; clustered development.** Shall mean a development technique which concentrates buildings on a portion of a site, so that the remaining land may be used for common area or open space.

19.04.162. **CMRS (Commercial Mobile Radio Services).** An FCC designation for any carrier or licensee whose wireless network is connected to the public switched telephone network and/or is operated for profit.

19.04.163. **Colonnade.** Shall mean a series of regularly spaced columns, usually supporting one side of a roof structure.

19.04.170. **Commercial Residence.** Consists of establishments for the housing of transient residences such as motels, hotels and tourist homes, except for living quarters of the operators. (Ord. 499-10:Ord. 005-00)

19.04.180. **Community Facilities.** Consists of noncommercial establishments such as places of worship, libraries, museums, public or quasi-public buildings and other cultural and religious facilities for general public use. (Ord. 499-10: Ord. 005-00)

19.04.190. **Congregate Residence.** Any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by the International Building Code, and may include facilities for eating, cooking and general care not involving special medical treatment, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, orphanage or children's home, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels, motels, lodging houses or similar uses. (Ord. 499-10: Ord. 005-00)

19.04.191. **Cornice.** Shall mean a continuous, molded projection that crowns a wall or other construction.

19.04.200. **Court.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building. (Ord. 499-10: Ord. 005-00)

19.04.205. **Coverage.** Shall mean land area which is covered with impervious surfaces, such as buildings, patios or decks with roofs, carports, swimming pools, tennis courts, or land area covered by any other type of structure, including parking lots. (Ord. 499-10: Ord. 005-00)

19.04.210. **Crematorium.** Shall mean a place for the cremation of human or animal remains. (Ord. 499-10: Ord. 005-00)

19.04.215. **C.R.S. or CRS.** "C.R.S." or "CRS" refers to the Colorado Revised Statutes, as amended. (Ord. 499-10: Ord. 351-05)

19.04.220. **Day Care Center.** Day care center means an establishment, other than a home or residence, which provides care for children, other than one which can be classified as a school. These facilities shall comply with the guidelines established and enforced by the Weld County Health Department. (Ord. 499-10: Ord. 005-00)

19.04.240. **Day care, Home.** A home occupation providing less than 24-hour supervision of up to 12 children, in addition to any children of the day care provider. Day care homes shall be required to meet all state and local laws and regulations, including, but not limited to, home occupation permits, business licenses, and requirements of the Building and Fire Codes, as adopted and amended in this Municipal Code. Day care provided to one child or two or more siblings, as well as occasional care (one day per week or less), shall not be considered home day care and shall not require a home occupation permit or business license. (Ord. 499-10: Ord. 348-05: Ord. 005-00)

19.04.241. **Dead-end parking lots.** Shall mean a parking lot having only one outlet and no area at the closed end for vehicles to turn around.

19.04.242. **Dead-end sidewalks.** Shall mean a sidewalk that terminates abruptly with no connection to another sidewalk or pedestrian walkway.

19.04.243. **Dead-end driveways.** Shall mean a driveway having only one outlet and no area at the closed end for vehicles to turn around.

19.04.244. **Development.** Shall mean any man-made change to improved or unimproved real property including, but not limited to, grading, paving, mining, excavating, construction, substantial improvement to an existing structure, or addition of a new structure.

19.04.250. **Drive-through windows.** An opening in the wall of a building through which sales are made to patrons who remain in their vehicles. (Ord. 499-10: Ord. 348-05)

19.04.260. **Dwelling, condominium.** A building, or group of buildings, in which at least three dwelling units, offices, or commercial areas are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. (Ord. 499-10: Ord. 005-00)

19.04.270. **Dwelling, multifamily.** A building with individual sanitary and eating facilities, occupied by two or more families living independently of each other on a more or less permanent basis, but not including congregate residences and similar group accommodations. (Ord. 499-10: Ord. 005-00)

19.04.280. **Dwelling, single-family.** A detached principal building, designed and intended to be occupied by not more than one family with common access and use of eating and sanitary facilities. (Ord. 499-10: Ord. 005-00)

19.04.290. **Dwelling, townhouse.** A single family attached dwelling of two or more units but not more than six dwelling units per structure, with each unit having separate eating and sanitary facilities, utility services, access, required parking for each of the units; no unit is located over another unit. (Ord. 499-10: Ord. 005-00)

19.04.300. **Dwelling, two-family.** Building occupied by two families living independently of each other with separate eating and sanitary facilities on a more or less permanent basis. (Ord. 499-10: Ord. 005-00)

19.04.310. **Dwelling unit.** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the International Building Code, for not more than one family, or a congregate residence for 10 or less persons. (Ord. 499-10: Ord. 005-00)

19.04.311. **Electronic Message Center.** A sign, including television screens, that is capable of displaying words, symbols, figures, or images that can be periodically changed by manual, electronic, remote or automatic means.

19.04.312. **Environmental Effect.** Shall mean the presence of any chemical, biological, or physical contaminant or substance in the outdoor atmosphere, ground, or water that is or may be potentially harmful to the health, safety, or welfare of human, animal, or plant life, or that interferes with the use and enjoyment of any nearby property.

19.04.330. **Factory-built housing.** A dwelling which is partially or entirely manufactured in a factory and designated for long-term residential use; built in multiple sections. Factory built homes must be constructed to the standards of the State of Colorado Factory Built Construction Certification Code (8CRR 1302-3) and bear a certification insignia in compliance with those standards. (Ord. 499-10: Ord. 005-00)

19.04.340. **Family.** Shall mean an individual living alone, or any number of persons living together as a single household, who are interrelated by blood, marriage, adoption or other legal custodial relationship; or not more than three unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. For the purpose of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of their employment is a member of the family, but this exception shall allow only two employees per dwelling unit. (Ord. 499-10: Ord. 005-00: 15.16)

19.04.350. **Farming.** The production of crops such as vegetables, fruit trees, grain, plants, shrubs, vines or flowers; the growing of trees and shrubs for landscape purposes. Farming shall not include the commercial raising of animals, commercial production of milk, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals. (Ord. 499-10: Ord. 005-00)

19.04.351. **Fixture, lighting.** Shall mean a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

19.04.360. **Flammable &/or combustible liquids & gases, storage.** Consists of storage and handling of bulk gasoline and bulk flammable fertilizer, propane, natural gas or other flammable liquids or gases. (Ord. 499-10: Ord. 005-00)

19.04.370. **Flea Market.** A business operation or bazaar consisting of more than one independent vendor who is allocated space and does business on the premises and is not in charge of the premises, and where goods and/or services are offered for sale or exchange at retail to the general public, either indoors or outside, or both, including but not limited to antiques, curios, new and used merchandise, equipment, appliances and other goods and wares, (excluding yard sales, auctions, pawn brokers and retail business establishments, and the like) where sales are made to the general public by the individual vendor who leases space where such sales are made. (Ord. 499-10: Ord. 005-00)

19.04.380. **Floodplain.** 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 flood plains, debris fan flood plains and dry wash channels and flood plains. (Ord. 499-10: Ord. 005-00)

19.04.400. **Group Homes.** Shall mean a residence operated as a single dwelling, licensed by and operated in accordance with all local, state and federal regulations, housing no more than eight persons provided that appropriate supervisory personnel are on the premises at all times for the purpose of providing care to the following individuals:

- a) Developmentally disable persons, as defined by section 31-23-303, C.R.S.
- b) For persons sixty (60) years of age or older. Group homes for the aged shall not be located within seven hundred-fifty (750) feet of another such group home.
- c) Mentally ill persons, as defined by section 27-10-102(7) C.R.S. Group homes for persons with mental illness shall not be located within seven hundred-fifty (750) feet of another such group home. No person shall be placed in such home without being screened by an appropriate licensed mental health professional. (Ord. 499-10: Ord. 005-00)

19.04.405. **Height.** Height shall be measured vertically from the surrounding grade at the base of a structure to its highest point or, for pitched roofs, to the midpoint between the eaves and the highest point of the roof. (Ord. 499-10: Ord. 351-05)

19.04.410. **Home Occupation.** See Chapter 19.48 of the Evans Municipal Code. (Ord. 499-10: Ord. 351-05: Ord. 005-00)

19.04.420. **Hospital.** A state or federal certified facility providing health services primarily for in-patients and medical or surgical care of the human sick and injured, including as an integral part, such related facilities as laboratories, out-patient services, rehabilitation and recovery services, training facilities, central service facilities and staff offices. (Ord. 499-10: Ord. 005-00)

19.04.421. **Human Scale.** Shall mean the proportion of a building element or space relative to average human size.

19.04.430. **Impervious surface.** Shall mean any surface made of asphalt, concrete, brick, pavers, stone, or similar material which does not readily absorb water.

19.04.431. **Industrial uses.** Consists of establishments for wholesale, commercial service and storage of goods and materials, such as warehouses, commercial laundries and dry-cleaning plants, bottling works, builders' supply yards, printing and publishing plants, tire vulcanizing shops, automobile and truck body work, and establishments of a similar nature. (Ord. 499-10: Ord. 005-00)

19.04.432. **Industrial uses, facility.** Shall mean any establishment for wholesale, commercial service and storage of goods and materials, such as warehouses, commercial laundries and dry-cleaning plants, bottling works, builders' supply yards, printing and publishing plants, tire vulcanizing shops, automobile and truck body work, and establishments of a similar nature.

19.04.433. **Industrial uses, heavy.** shall mean any establishment for manufacturing/assembly plant, natural resource extraction & treatment, used auto parts, quarry and gravel pits, asphalt plants, large-scale industry, incinerators, and other similar operations which so create nuisances and hazardous effects beyond their premises.

19.04.434. **Internal Circulation.** Shall mean a continuous network of sidewalks, pathways, and driveways within a site or within multiple sites.

19.04.435. **International Building Code or IBC.** The 2003 edition of the International Building Code published by the International Code Council, as amended and adopted by Ordinance No. 266-04 of the City of Evans. See Title 15 of the Municipal Code. (Ord. 499-10: Ord. 270-04)

19.04.440. **Junk.** Shall mean garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unuseable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other commonly considered to be refuse, rubbish or junk. (Ord. 499-10: Ord. 005-00)

19.04.450. **Junkyard/salvage yard.** An industrial use for collecting, storing and/or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such materials or parts. (Ord. 499-10: Ord. 005-00)

19.04.460. **Kennel.** Any property used for commercial purposes, on which four (4) or more pet animals, at least (4) four months of age, are kept for training, boarding or breeding, whether in special structures, runs or not. (Ord. 499-10: Ord. 005-00)

19.04.461. **Landscaping, buffer.** Shall mean a landscape area located along the perimeter of a lot intended to screen or separate land uses either from one another or from a public street.

19.04.462. **Landscaping, front lot.** Landscaping particular to the front lot line or any line that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.

19.04.465. **Livestock trailer washout.** A property where trailers used for hauling livestock are washed. (Ord. 499-10: Ord. 351-05)

19.04.466. **Living plant material.** shall include, but is not limited to, deciduous and coniferous trees, shrubs, vines, perennial plants, cacti, succulents, sod, and native and ornamental grasses. Also includes annual plants provided new plants are planted each year.

19.04.470. **Long-term care facility.** A health institution that is licensed to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients including continuum care facilities, hospices, assisted living, and nursing care facilities on a more or less permanent basis. (Ord. 499-10: Ord. 005-00)

19.04.480. **Lot.** Lot means a parcel of land vacant, occupied or designed to be occupied by one or more buildings and the accessory uses allowed in that zone, including the open spaces required. A lot is also the land designated as such on a duly recorded plat. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.490. **Lot area.** The total area within the lot lines of a lot, excluding any street rights-of-way. (Ord. 499-10: Ord. 005-00)

19.04.500. **Lot, corner.** Shall mean a lot abutting on and at the intersection of two (2) or more streets (public rights-of-way). (Ord. 499-10: Ord. 005-00)

19.04.510. **Lot depth.** The average distance measured from the front lot line to the rear lot line. (Ord. 499-10: Ord. 005-00)

19.04.520. **Lot frontage.** The length of front lot line measured at the street(s) right-of-way line. (Ord. 499-10: Ord. 005-00)

19.04.521. **Lot, front.** Shall mean the area of a property between the principal structure and the front lot line.

19.04.522. **Lot width.** Lot width means the distance between the side lot lines, measured congruent with the front lot line. (Ord. 499-10: Ord. 005-00)

19.04.530. **Lot line, front.** Front lot line means the property line dividing a lot from a street. On a corner lot only one street lot line, which generally has the shortest street frontage, shall be considered as a front line. (Ord. 499-10: Ord. 005-00)

19.04.540. **Lot line, rear.** Rear lot line means the property line opposite the front lot line. (Ord. 499-10: Ord. 005-00)

19.04.550. **Lot line, side.** Side lot line means any lot lines other than front or rear lot lines. (Ord. 499-10: Ord. 005-00)

19.04.570. **Lot line, zero.** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line, provided that separations or setbacks between buildings meets all applicable building and fire code provisions. (Ord. 499-10: Ord. 005-00)

19.04.580. **Manufactured Home.** Any dwelling which is: 1) partially or entirely manufactured in a factory, 2) is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; 3) is installed on an engineered permanent foundation; 4) has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; 5) and is certified pursuant to "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq. as amended. (Ord. 499-10: Ord. 005-00)

19.04.590. **Manufacturing/Assembly Plant.** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, the blending of materials, and other similar uses. (Ord. 499-10: Ord. 005-00)

19.04.600. **Mini Storage Units.** Mini Storage Units consist of building(s) containing limited size storage areas not to exceed three hundred (300) square feet per unit; designed and used for the keeping of personal property, goods and similar articles of merchandise. Hazardous materials such as flammable liquids, flammable gases and toxic chemicals shall be prohibited. (Ord. 499-10: Ord. 005-00)

19.04.611. **Massing.** Shall mean the relationship between various masses or volumes of a building or structure.

19.04.620. **Mobile home.** Shall mean a factory built home produced prior to June 15, 1976. No mobile homes are allowed within the City of Evans. Existing mobile homes in place prior to the adoption of the ordinance will be considered legal nonconforming structures. (Ord. 499-10)

19.04.621. **Molding.** Shall mean any of various long, narrow, ornamental surfaces with uniform cross sections.

19.04.630. **Mortuary or funeral home.** A building or part thereof used for human funeral services, which may contain space and facilities for preparation of the dead for burial; the storage of caskets, urns and other related funeral supplies; and the storage of funeral vehicles. Funeral homes shall not include crematoriums as accessory uses. (Ord. 499-10: Ord. 005-00)

19.04.631. **Motor Vehicle, recreational vehicle, boat, or utility vehicle, private sales of.** shall mean the display or attempting action to sell such items that are not owned or titled by the property owner upon which property they may be allowed to be parked.

19.04.632. **Multi-planed.** Shall mean having more than one plane visible from each side of a building.

19.04.633. **Museum.** A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.

19.04.640. **Natural Resource Extraction and treatment.** Gravel pits, quarries, gas refineries, or any other process of altering or storing a natural resource or removing natural resources from the ground. (Ord. 499-10: Ord. 005-00)

19.04.650. **Nightclub, Bar, Tavern.** Any establishment in which the primary attraction is the sale of alcoholic beverages for on-site consumption or where the sale and consumption of alcoholic beverages is secondary to entertainment such as live music, recorded music, the viewing of broadcasted sporting events, or similar activities. (Ord. 499-10: Ord. 005-00)

19.04.651. **Oil & Gas, related uses.** All uses related to the procurement, transfer, storage, and sale of crude oil and natural gas resources. These uses include but are not limited to: Equipment Storage Yards, Production Sites (including oil tanks, well heads, VCU equipment, pig launchers, pig receivers, meter equipment, and separators), injection wells, compressor stations and transfer stations.

19.04.660. **Office and Financial Use.** Consists of general office-type uses where storage and sale of merchandise is not the principal use. Banks, savings and loan institutions, lending establishments, professional, administrative and business offices and similar uses are included in this definition. (Ord. 499-10: Ord. 005-00)

19.04.670. **Open Space.** The land which is used for growing grass, shrubs, trees, plants, or flowers or is covered by decorative rock or stone or wood chips, or is otherwise xeriscaped/landscaped. It is not open space if it is overlaid by buildings, patios, signs, driveways, tennis courts, swimming pools, car ports, paved or graveled areas designed primarily for vehicle parking or areas covered by any other type of structure or impervious surface. Areas which contain less than one hundred (100) square feet, or have any dimension of less than five feet or which fall within the projected roof area of any building shall not be considered open space. (Ord. 499-10: Ord. 005-00: Ord. 1096-98)

19.04.671. **Outdoor sales lot.** Shall mean an uncovered, paved area of a lot or parcel used primarily for the constant display of goods for sale, such as landscaping and nursery retailers, and construction materials sales lots. Outdoor sales lots do not include salvage yards, large-scale machinery of any kind, or outdoor flea markets.

19.04.672. **Outdoor storage.** Shall mean the placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside an enclosed structure, except objects that are customarily placed outside and clearly incidental and commonly associated with the permitted use.

19.04.690. **Owner.** An owner includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, leasee, agent, servant, Limited Liability Company, LLC, officer or employee of any of them, as defined in Section 1.04.010N of the City of Evans Municipal Code, or as amended. (Ord. 499-10: Ord. 005-00)

19.04.730. **Parking Lot, Off-Street.** Consists of public and private parking areas for vehicles which are licensed, are not for sale, & any parking area or structure, not including the right-of-way of a dedicated roadway. Parking will be supplied on a more or less short term basis, and the long term storage of vehicles on site is not permitted. (Ord. 499-10: Ord. 005-00)

19.04.731. **Pawn broker.** Shall mean an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

19.04.732. **Pedestrian connection.** Shall mean a clearly-defined pedestrian walkway between a sidewalk or parking area and the building entrance.

19.04.733. **Pedestrian court.** Shall mean an open space, generally open to the public, surrounded by buildings or walls on at least three sides and improved with an impervious surface.

19.04.734. **Pedestrian plaza.** Shall mean an open space, generally open to the public, usually surrounded by buildings and/or streets and improved with an impervious surface.

19.04.740. **Personal Service Establishment.** Consists of establishments serving the personal needs of individuals and includes barbershops, beauty parlors, doctors and dentist offices, shoe repair shops, florist sales, gift and card shops, magazine outlets, jewelry stores, laundry shops, dry-cleaning outlets, and other similar uses. (Ord. 499-10: Ord. 005-00)

19.04.760. **Planned Unit Development (PUD).** An area of land, improved as a residential development, or a combination of uses such as residential, educational, recreational, commercial and industrial, in which normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Refer to Title 18.28 of the Evans Municipal Code. (Ord. 499-10: Ord. 005-00)

19.04.761. **Primary Trails.** Primary trails provide an enjoyable experience for the user, offering safe travel for people of all ages and a variety of travel modes, including walking, running, and the use of bikes, strollers, or skates. Primary trails should be 10' wide in most cases, although a combined 8' hard-paved trail with an attached 3' crusher fines trail is an alternative that is preferred by runners. More information can be found in the City of Evans Open Space Trails and Master Plan.

19.04.762. **Property.** Or 'Real Property' shall mean any property that is attached directly to land, as well as the land itself. Real property not only includes buildings and other structures, but also rights and interests. Real property can be either rental or residential.

19.04.770. **Public service facilities.** Consists of municipal fire, police stations, ambulance dispatch and essential public utility and service installations which are owned by a governmental entity, or any entity defined as a public utility for any purpose by the Colorado Public Utilities Commission and used in connection with the reproduction, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals, and similar uses necessary for the protection and benefit of the public; provided that repair and storage facilities are not included. (Ord. 499-10: Ord. 005-00)

19.04.771. **Reasonably feasible.** shall mean capable of being accomplished or brought about without undue burden or hardship, whether financial or otherwise.

19.04.772. **Recessed window or door.** shall mean a door or window which exterior plane is offset from the exterior wall by at least twelve inches inward.

19.04.780. **Recreational facilities, indoor.** Establishments primarily engaged in the operation of indoor activities such as exercise and athletic facilities, and amusement and/or recreational services, such as billiard and pool halls, skating rinks, exercise and health clubs, indoor pools, bowling alleys, and similar uses. (Ord. 499-10: Ord. 005-00)

19.04.790. **Recreational facilities, outdoor extensive.** Establishments primarily engaged in the operation of large scale, low impact outdoor recreational facilities, such as fishing and riding clubs, golf courses, tennis courts, public playing fields for soccer, baseball, softball, football and similar recreational uses. (Ord. 499-10: Ord. 005-00)

19.04.800. **Recreational facilities, intensive.** Those recreational facilities which are intensively used and create greater impacts, such as noise, lighting and traffic impacts. Such uses may include but are not limited to, miniature golf courses, golf driving ranges, amusement parks, stadiums, arenas, fairgrounds, zoo areas, go kart and bumper car tracks, slides, skateboard parks, and playing fields for soccer, baseball, softball and football. (Ord. 499-10: Ord. 005-00)

19.04.801. **Recreational Vehicle.** shall mean a transportable structure that is primarily designed for seasonal recreational/vacation purposes for recreational, camping, and travel use including, but not limited to, boats, travel trailers, campers, snowmobiles, motorcycles, self-propelled motor homes, and similar vehicles/units.

19.04.805. **Recreational Vehicle (RV) Park/Campground.** RV Park/Campground shall mean any parcel of land upon which two (2) or more recreational vehicles or camp sites are located, established, or maintained for occupancy or living quarters. Such parcel being commercial in nature must comply with all the state and local regulations related to licensing, site design/layout, life safety and health issues. This use does **not** include the storage of travel trailers, recreational vehicles, boats, snowmobiles, motorcycles or similar vehicles/units. (Ord. 499-10: Ord. 229-03)

19.04.807. **Recreational Vehicle Storage.** Shall mean the renting of space in an unroofed area for simultaneous commercial placement/storing of two (2) or more recreational vehicles, including but not limited to, boats, travel trailers, campers, snowmobiles, motorcycles and similar vehicles/units. For the purpose of this definition, a *recreational vehicle* shall be a transportable structure that is primarily designed for seasonal recreational/vacation purposes for recreational, camping and travel use including, but not limited to, boats, travel trailers, campers, snowmobiles, motorcycles, self-propelled motor homes and similar vehicles/units. This use does **not** include the storage of these vehicle/units at private residences, provided such vehicles/units stored at residences are owned by persons residing at the residence. (Ord. 499-10: Ord. 229-03)

19.04.808. **Recycling Center.** A use involving the collection and processing of recyclable materials for shipment or re-use. Processing includes baling, compacting, flattening, grinding, crushing, mechanical sorting, shredding, melting, cleaning, and remanufacturing. (Ord. 499-10: Ord. 351-05)

19.04.810. **Repair shops.** Any building, premises, and/or land in which or upon which buildings used for the repair or servicing of major appliances, vehicles and equipment, such as plumbing shops, electrical shops, sheet metal shops, and automobile garages and similar uses. (Ord. 499-10: Ord. 005-00)

19.04.815. **Research Laboratory.** Research Laboratory shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. (Ord. 499-10: Ord. 233-03)

19.04.820. **Retail uses, Intensive.** Consists of business uses for the purpose of selling or renting conveniences and hard goods in retail outlets without drive-through windows, such as supermarkets, restaurants, liquor stores (subject to licensing requirements), drugstores, wearing apparel shops, hardware stores, variety stores, veterinary offices (without runs), furniture stores, laundry/dry cleaners, and other similar uses. Establishments with drive-through windows that are not open for business between the hours of 10:00 p.m. and 7:00 a.m. may be considered retail uses, intensive. (Ord. 499-10: Ord. 348-05: Ord. 005-00)

19.04.821. **Retail uses, Intensive, small-scale.** Consists of business uses for the purpose of selling or renting conveniences and hard goods in retail outlets without drive-through windows, such as supermarkets, restaurants, liquor stores (subject to licensing requirements), drugstores, wearing apparel shops, hardware stores, variety stores, veterinary offices (without runs), furniture stores, laundry/dry cleaners, and other similar uses. These uses shall be limited to 3,000 square feet in maximum size.

19.04.830. **Retail uses, Extensive.** Consists of business uses which require large outdoor areas for display of merchandise, service, amusement, or storage, such as farm implement sales, greenhouses/nurseries, automobile and truck sales or rentals, drive-in movies, automotive fueling stations, feed and grain stores, mobile home sales, restaurants with drive-through windows, other establishments with drive-through windows, and other establishments of a similar nature. However, establishments with drive-through windows that are not open for business between the hours of 10:00 p.m. and 7:00 a.m. may be considered retail uses, intensive. (Ord. 499-10: Ord. 348-05: Ord. 005-00)

19.04.831. **Roof Plane.** Shall mean the portion of a roof, whether flat or pitched, by which a straight line would pass through continuously.

19.04.832. **Roof, flat.** Shall mean a roof having a slope of less than 1:12, with one being the rise and twelve being the run.

19.04.833. **Roof, pitched.** Shall mean a roof having a pitch of at least 1:12, with one being the rise and twelve being the run.

19.04.834. **Roofline.** Shall mean the profile of or silhouette made by a roof or series of roofs.

19.04.835. **Salvage Yard.** Shall mean an industrial use for collecting, storing and/or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such materials or parts.

19.04.840. **School.** School shall mean and include any one or more of the following categories: a public school, community college, junior college, college or university or an independent or parochial school which satisfies the compulsory school attendance requirements of the State of Colorado, but the word school does not include dance schools, business schools, trade schools or driving schools or similar uses. (Ord. 499-10: Ord. 005-00)

19.04.841. **Secondary Connection.** Secondary connections provide connections from homes, businesses, and public places to primary trails. Secondary connections should be off-street multi-use paths, with a minimum width of 6 feet of paving of concrete, asphalt, or crusher fines unless specified elsewhere in the zoning code. Sidewalks can serve as secondary trails if wide enough and if designed to minimize conflicts with streets and driveways. More information can be found in the City of Evans Open Space Trails and Master Plan.

19.04.850. **Security Residence.** A building or a portion thereof, arranged, designed and intended to be occupied by not more than one family, and which is used for the housing of one or more members of any such family for the purpose of providing security for the property of any business which is located on the same property. At least one member of a family living in the security residence must be employed for security purposes by the business which is located on the same property on which the residence is located. (Ord. 499-10: Ord. 005-00)

19.04.851. **Shared driveway.** Shall mean a driveway that serves two or more lots in order to reduce the number of access points onto a public roadway.

19.04.852 **Shared parking.** Shall mean the development and use of parking areas on two or more separate properties for joint use by the businesses or residents on those properties.

19.04.853. **Substantial improvement.** Shall mean any change to an existing improvement that causes the size, height, or area to increase by 50 percent or more, or which costs 50 percent or more of the market value of the improvement prior to the change.

19.04.860. **Setback.** The word "Setback" shall have the same meaning as "yard" defined herein. (Ord. 499-10: Ord. 351-05)

19.04.870. **Staff Supervised Residential Facilities.** Consists of a state licensed facility or group of buildings used to provide 24-hour supervised residential group care for children between ages 3-18 years old and for those persons under 21 years old who are placed by court order prior to their eighteenth birthday, not intended for placement of violent or repeat offenders. (Ord. 499-10: Ord. 005-00)

19.04.880. **Street.** "Street" means any thoroughfare or public space, not less than sixteen feet in width, which has been dedicated or deeded to the public for public use. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.890. **Theater.** A building, or part thereof, devoted primarily to the showing of motion pictures or for dramatic, dance, musical, or other live or cultural performances. (Ord. 499-10: Ord. 005-00)

19.04.900. **Transportation Facility.** Shall mean facilities for loading, unloading, and transferring passengers, baggage, and incidental freight between modes of transportation. These uses include bus terminals, railroad stations, and public transit stations.

19.04.910. **Treatment of humans, restrained.** Consists of pre-parole facilities, jails, reformatories, mental hospitals, and similar buildings where personal liberties are restrained. (Ord. 499-10: Ord. 005-00)

19.04.930 **Vocational school.** A specialized instructional establishment that provides on-site training, including dance schools, driving schools, hairdressing schools, and other similar uses. This definition does not include training in an activity that is not an allowed use in the zoning district in which the property is located. Incidental instruction in conjunction with a principal use shall not be considered a vocational school. (Ord. 499-10: Ord. 348-05)

19.04.940. **Warehouse.** Any site used primarily for the storage of goods, materials, or equipment other than mini-storage units. (Ord. 499-10: Ord. 005-00)

19.04.941. **Wall, parapet.** Shall mean an exterior wall that rises above the roof on all sides of a building, usually to screen mechanical or other equipment.

19.04.942. **Wall, partial parapet.** Shall mean an exterior wall that rises above the roof on one or more, but not all, sides of a building, usually to screen mechanical or other equipment.

19.04.943. **Window sign.** Shall mean a sign that is applied or attached to a window or door or a sign located near a window or door within a building for the purpose of being visible to and read from the outside of the building.– Permit Required.

19.04.950. **Yard.** “Yard” means an open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward other than landscaping, except as may be specifically provided in the zoning ordinance. (Ord. 499-10: Ord. 005-00, 2000; 15.06)

19.04.960. **Yard, front.** “Front yard” is a space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.970. **Yard, rear.** “Rear yard” is a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. (Ord. 499-10: Ord. 005-00)

19.04.980. **Yard, side.** “Side yard” is a space extending from the front yard to the rear yard between the building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building. (Ord. 499-10: Ord. 005-00)

19.04.990. **Yard, street side.** “Street side yard” is a space extending from the front yard to the rear yard between the building and the side lot line abutting a street and measured perpendicular from the side lot line to the closest point of the principal building. (Ord. 499-10: Ord. 351-05)

## Chapter 19.04

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19.04.010. Definitions and interpretation-of language. For the purpose of this title, certain terms, phrases, words, and their derivatives shall be construed as specified in this chapter, or in the building code. Words used in the singular include the plural, and the plural the singular. The Municipal Code shall apply to those statutes and codes as amended. Reference to any and all statutes, building codes, or the Evans Municipal Code shall imply to the codes as amended. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.11011. Accent Lighting. Shall mean directional lighting to emphasize a particular object.

19.04.030. Accessory building/structure. See Chapter 19.48 of the Evans Municipal Code. (Ord. 499-10: Ord. 351-05: Ord. 005-00: 15.06)

19.04.050. Accessory Use. See Chapter 19.48 of the Evans Municipal Code. (Ord. 499-10: Ord. 351-05: Ord. 005-00: 15.06)

19.04.070. Adult Business. Business, service or entertainment establishment subject to the licensing requirements, provisions, and restrictions of Chapter 5.10 of the Evans Municipal Code. (Ord. 499-10: Ord. 005-00)

19.04.090. Agriculture. The production of crops such as vegetables, fruit trees, grain, plants, shrubs, vines or flowers; the growing of trees and shrubs for commercial landscape purposes, ranching, riding stables without arenas, and similar uses and activities. (Ord. 499-10: Ord. 066-01)

19.04.110. Animals, Confined. Consists of the commercial raising of animals such as, but not limited to, horses, cattle, sheep, goats, swine, turkeys and chickens, the commercial production of milk, commercial pen feeding operations (feed lots), riding stables with arenas, and similar activities. (Ord. 499-10: Ord. 066-01: Ord. 005-00)

19.04.111. **Animated sign.** Means Shall mean any sign or part of a sign which changes physical position by any movement or which gives the illusion of such change of physical position.

19.04.112. **Art, Dance, Music studio.** An establishment engaged in the creation of arts or crafts but may also serve for dance rehearsals and music rehearsals. Such an establishment may participate in periodic open studios or concerts, but otherwise is subject to the applicable district's requirements for incidental sales of goods made on site.

19.04.113. **Articulation.** Shall mean the manner in which contiguous shapes are joined or formed to clarify or emphasize certain elements of the structure.

19.04.114. **Articulation, horizontal.** Shall mean a method of breaking up the vertical appearance of a structure through varying horizontal planes.

19.04.115. **Articulation, vertical.** Shall mean a method of breaking up the horizontal appearance of a structure through varying vertical planes.

~~19.04.115 **Articulation.** shall mean the manner in which contiguous shapes are joined or formed to clarify or emphasize certain elements of the structure.~~

19.04.120. **Auction Yard.** A property on which merchandise or other property is sold by auction. (Ord. 499-10:Ord. 351-05)

19.04.121. **Awning.** Shall mean a roof-like cover of canvas, metal, or other material extending in front of and over a door, window or deck to provide protection from weather.

19.04.22. **Belt course.** Shall mean a continuous row or layer of stones, tile brick, or shingles etc. in a wall often used to separate floors of a built structure.

19.04.130. **Board.** "Board" means the zoning board of appeals. (Ord. 499-10:Ord. 005-00: 15.06)

19.04.150. **Building.** Any structure used or intended for supporting or sheltering any use or occupancy. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.151. **Buiding Height.** Shall mean the height as measured from the average surrounding grade of the footprint of a building to the midpoint of a pitched roof or highest point of a flat roof.

19.04.152. **Bu ilding Scale.** Shall mean the size and proportion of a building relative to surrounding buildings and environs, adjacent streets, and pedestrians.

19.04.153. **Canopy, gas station.** Shall mean a structural protective cover, not enclosed on any side, for a gasoline or fuel service dispensing or similar service area.

19.04.154. **Canopy, tree.** Shall mean the more or less continuous cover of branches and foliage formed collectively by the crown of one or more trees.

19.04.155. **Car Wash Facilities.** A principal or accessory use for the purpose of washing vehicles and with the capacity to wash more than one vehicle at a time, or with the capacity to wash a commercial semi-truck. (Ord.

19.04.156. Car port. A shelter for a car or other motorized vehicle consisting of a roof supported on posts.

19.04.160. Cemetery. Shall mean land used for the burial and memorializing of the dead and dedicated for cemetery purposes, including columbariums, mausoleums, and pet cemeteries. (Ord. 499-10:Ord. 005-00)

19.04.161. Clustered; clustered development. Shall mean a development technique which concentrates buildings on a portion of a site, so that the remaining land may be used for common area or open space.

19.04.162. CMRS (Commercial Mobile Radio Services). An FCC designation for any carrier or licensee whose wireless network is connected to the public switched telephone network and/or is operated for profit.

19.04.163. Colonnade. Shall mean a series of regularly spaced columns, usually supporting one side of a roof structure.

19.04.170. Commercial Residence. Consists of establishments for the housing of transient residences such as motels, hotels and tourist homes, except for living quarters of the operators. (Ord. 499-10:Ord. 005-00)

19.04.180. Community Facilities. Consists of noncommercial establishments such as places of worship, libraries, museums, public or quasi-public buildings and other cultural and religious facilities for general public use. (Ord. 499-10: Ord. 005-00)

19.04.190. Congregate Residence. Any building or portion thereof which contains facilities for living, sleeping and sanitation, as required by the International Building Code, and may include facilities for eating, cooking and general care not involving special medical treatment, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, orphanage or children's home, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels, motels, lodging houses or similar uses. (Ord. 499-10: Ord. 005-00)

19.04.181. Cornice. Shall mean a continuous, molded projection that crowns a wall or other construction.

19.04.200. Court. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building. (Ord. 499-10: Ord. 005-00)

19.04.205. Coverage. Shall mean land area which is covered with impervious surfaces, such as buildings, patios or decks with roofs, carports, swimming pools, tennis courts, or land area covered by any other type of structure, including parking lots. (Ord. 499-10: Ord. 005-00)

19.04.210. Crematorium. Shall mean a place for the cremation of human or animal remains. (Ord. 499-10: Ord. 005-00)

19.04.215. C.R.S. or CRS. "C.R.S." or "CRS" refers to the Colorado Revised Statutes, as amended. (Ord. 499-10: Ord. 351-05)

19.04.220. Day Care Center. Day care center means an establishment, other than a home or residence, which provides care for children, other than one which can be classified as a school. These facilities shall comply with the guidelines established and enforced by the Weld County Health Department. (Ord. 499-10: Ord. 005-00)

19.04.240. **Day care, Home.** A home occupation providing less than 24-hour supervision of up to 12 children, in addition to any children of the day care provider. Day care homes shall be required to meet all state and local laws and regulations, including, but not limited to, home occupation permits, business licenses, and requirements of the Building and Fire Codes, as adopted and amended in this Municipal Code. Day care provided to one child or two or more siblings, as well as occasional care (one day per week or less), shall not be considered home day care and shall not require a home occupation permit or business license. (Ord. 499-10: Ord. 348-05: Ord. 005-00)

19.04.241. **Dead-end parking lots.** Shall mean a parking lot having only one outlet and no area at the closed end for vehicles to turn around.

19.04.242. **Dead-end sidewalks.** Shall mean a sidewalk that terminates abruptly with no connection to another sidewalk or pedestrian walkway.

19.04.243. **Dead-end driveways.** Shall mean a driveway having only one outlet and no area at the closed end for vehicles to turn around.

19.04.244. **Development.** Shall mean any man-made change to improved or unimproved real property including, but not limited to, grading, paving, mining, excavating, construction, substantial improvement to an existing structure, or addition of a new structure.

~~19.04.240. **Day care, Home.** A home occupation providing less than 24-hour supervision of up to 12 children, in addition to any children of the day care provider. Day care homes shall be required to meet all state and local laws and regulations, including, but not limited to, home occupation permits, business licenses, and requirements of the Building and Fire Codes, as adopted and amended in this Municipal Code. Day care provided to one child or two or more siblings, as well as occasional care (one day per week or less), shall not be considered home day care and shall not require a home occupation permit or business license. (Ord. 499-10: Ord. 348-05: Ord. 005-00)~~

19.04.250. **Drive-through windows.** An opening in the wall of a building through which sales are made to patrons who remain in their vehicles. (Ord. 499-10: Ord. 348-05)

19.04.260. **Dwelling, condominium.** A building, or group of buildings, in which at least three dwelling units, offices, or commercial areas are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. (Ord. 499-10: Ord. 005-00)

19.04.270. **Dwelling, multifamily.** A building with individual sanitary and eating facilities, occupied by two or more families living independently of each other on a more or less permanent basis, but not including congregate residences and similar group accommodations. (Ord. 499-10: Ord. 005-00)

19.04.280. **Dwelling, single-family.** A detached principal building, designed and intended to be occupied by not more than one family with common access and use of eating and sanitary facilities. (Ord. 499-10: Ord. 005-00)

19.04.290. **Dwelling, townhouse.** A single family attached dwelling of two or more units but not more than six dwelling units per structure, with each unit having separate eating and sanitary facilities, utility services, access, required parking for each of the units; no unit is located over another unit. (Ord. 499-10: Ord. 005-00)

19.04.300. **Dwelling, two-family.** Building occupied by two families living independently of each other with separate eating and sanitary facilities on a more or less permanent basis. (Ord. 499-10: Ord. 005-00)

19.04.310. Dwelling unit. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the International Building Code, for not more than one family, or a congregate residence for 10 or less persons. (Ord. 499-10: Ord. 005-00)

19.04.311. Electronic Message Center. A sign, including television screens, that is capable of displaying words, symbols, figures, or images that can be periodically changed by manual, electronic, remote or automatic means.

19.04.312. Environmental Effect. Shall mean the presence of any chemical, biological, or physical contaminant or substance in the outdoor atmosphere, ground, or water that is or may be potentially harmful to the health, safety, or welfare of human, animal, or plant life, or that interferes with the use and enjoyment of any nearby property.

19.04.330. Factory-built housing. A dwelling which is partially or entirely manufactured in a factory and designated for long-term residential use; built in multiple sections. Factory built homes must be constructed to the standards of the State of Colorado Factory Built Construction Certification Code (8CRR 1302-3) and bear a certification insignia in compliance with those standards. (Ord. 499-10: Ord. 005-00)

19.04.340. Family. ~~Family means.~~ Shall mean an individual living alone, or any number of persons living together as a single household, who are interrelated by blood, marriage, adoption or other legal custodial relationship; or not more than three unrelated adults and any number of persons related to those unrelated adults by blood, adoption, guardianship or other legal custodial relationship. For the purpose of this definition, a bona fide employee of the family who resides in the dwelling unit and whose live-in status is required by the nature of their employment is a member of the family, but this exception shall allow only two employees per dwelling unit. (Ord. 499-10: Ord. 005-00: 15.16)

19.04.350. Farming. The production of crops such as vegetables, fruit trees, grain, plants, shrubs, vines or flowers; the growing of trees and shrubs for landscape purposes. Farming shall not include the commercial raising of animals, commercial production of milk, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals. (Ord. 499-10: Ord. 005-00)

19.04.351. Fixture, lighting. Shall mean a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

19.04.360. Flammable &/or combustible liquids & gases, storage. Consists of storage and handling of bulk gasoline and bulk flammable fertilizer, propane, natural gas or other flammable liquids or gases. (Ord. 499-10: Ord. 005-00)

19.04.370. Flea Market. A business operation or bazaar consisting of more than one independent vendor who is allocated space and does business on the premises and is not in charge of the premises, and where goods and/or services are offered for sale or exchange at retail to the general public, either indoors or outside, or both, including but not limited to antiques, curios, new and used merchandise, equipment, appliances and other goods and wares, (excluding yard sales, auctions, pawn brokers and retail business establishments, and the like) where sales are made to the general public by the individual vendor who leases space where such sales are made. (Ord. 499-10: Ord. 005-00)

19.04.380. Floodplain. 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 flood plains, debris fan flood plains and dry wash channels and

flood plains. (Ord. 499-10: Ord. 005-00)

**19.04.400. Group Homes.** Shall mean a residence operated as a single dwelling, licensed by and operated in accordance with all local, state and federal regulations, housing no more than eight persons provided that appropriate supervisory personnel are on the premises at all times for the purpose of providing care to the following individuals:

- a) Developmentally disable persons, as defined by section 31-23-303, C.R.S.
- b) For persons sixty (60) years of age or older. Group homes for the aged shall not be located within seven hundred-fifty (750) feet of another such group home.
- c) Mentally ill persons, as defined by section 27-10-102(7) C.R.S. Group homes for persons with mental illness shall not be located within seven hundred-fifty (750) feet of another such group home. No person shall be placed in such home without being screened by an appropriate licensed mental health professional. (Ord. 499-10: Ord. 005-00)

**19.04.405. Height.** Height shall be measured vertically from the surrounding grade at the base of a structure to its highest point or, for pitched roofs, to the midpoint between the eaves and the highest point of the roof. (Ord. 499-10: Ord. 351-05)

**19.04.410. Home Occupation.** See Chapter 19.48 of the Evans Municipal Code. (Ord. 499-10: Ord. 351-05: Ord. 005-00)

**19.04.420. Hospital.** A state or federal certified facility providing health services primarily for in-patients and medical or surgical care of the human sick and injured, including as an integral part, such related facilities as laboratories, out-patient services, rehabilitation and recovery services, training facilities, central service facilities and staff offices. (Ord. 499-10: Ord. 005-00)

**19.04.421. Human Scale.** Shall mean the proportion of a building element or space relative to average human size.

**19.04.430. Impervious surface.** Shall mean any surface made of asphalt, concrete, brick, pavers, stone, or similar material which does not readily absorb water.

~~**Industrial uses.** Consists of establishments for wholesale, commercial service and storage of goods and materials, such as warehouses, commercial laundries and dry-cleaning plants, bottling works, builders' supply yards, printing and publishing plants, tire vulcanizing shops, automobile and truck body work, and establishments of a similar nature. (Ord. 499-10: Ord. 005-00)~~

~~**19.04.431. Impervious surface.** shall mean any surface made of asphalt, concrete, brick, pavers, stone, or similar material which does not readily absorb water.~~

~~**19.04.431. Industrial uses.** Consists of establishments for wholesale, commercial service and storage of goods and materials, such as warehouses, commercial laundries and dry-cleaning plants, bottling works, builders' supply yards, printing and publishing plants, tire vulcanizing shops, automobile and truck body work, and establishments of a similar nature. (Ord. 499-10: Ord. 005-00)~~

~~**19.04.432. Industrial uses, facility.** Shall mean any establishment for wholesale, commercial service and storage of goods and materials, such as warehouses, commercial laundries and dry-cleaning plants, bottling works, builders' supply yards, printing and publishing plants, tire vulcanizing shops, automobile and truck body work, and establishments of a similar nature.~~

~~**19.04.433. Industrial uses, heavy.** shall mean any establishment for manufacturing/assembly plant,~~

natural resource extraction & treatment, used auto parts, quarry and gravel pits, asphalt plants, large-scale industry, incinerators, and other similar operations which so create nuisances and hazardous effects beyond their premises.

19.04.434. **Internal Circulation.** Shall mean a continuous network of sidewalks, pathways, and driveways within a site or within multiple sites.

19.04.435. **International Building Code or IBC.** The 2003 edition of the International Building Code published by the International Code Council, as amended and adopted by Ordinance No. 266-04 of the City of Evans. See Title 15 of the Municipal Code. (Ord. 499-10: Ord. 270-04)

19.04.440. **Junk.** Shall mean garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials; manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unuseable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other commonly considered to be refuse, rubbish or junk. (Ord. 499-10: Ord. 005-00)

19.04.450. **Junkyard/salvage yard.** An industrial use for collecting, storing and/or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such materials or parts. (Ord. 499-10: Ord. 005-00)

19.04.460. **Kennel.** Any property used for commercial purposes, on which four (4) or more pet animals, at least (4) four months of age, are kept for training, boarding or breeding, whether in special structures, runs or not. (Ord. 499-10: Ord. 005-00)

19.04.461. **Landscaping, buffer.** Shall mean a landscape area located along the perimeter of a lot intended to screen or separate land uses either from one another or from a public street.

19.04.462. **Landscaping, front lot.** Landscaping particular to the front lot line or any line that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front.

19.04.465. **Livestock trailer washout.** A property where trailers used for hauling livestock are washed. (Ord. 499-10: Ord. 351-05)

19.04.466. **Living plant material.** shall include, but is not limited to, deciduous and coniferous trees, shrubs, vines, perennial plants, cacti, succulents, sod, and native and ornamental grasses. Also includes annual plants provided new plants are planted each year.

19.04.470. **Long-term care facility.** A health institution that is licensed to provide health care under medical supervision for twenty-four or more consecutive hours to two or more patients including continuum care facilities, hospices, assisted living, and nursing care facilities on a more or less permanent basis. (Ord. 499-10: Ord. 005-00)

19.04.480. **Lot.** Lot means a parcel of land vacant, occupied or designed to be occupied by one or more buildings and the accessory uses allowed in that zone, including the open spaces required. A lot is also the land designated as such on a duly recorded plat. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.490. **Lot area.** The total area within the lot lines of a lot, excluding any street rights-of-way. (Ord. 499-10: Ord. 005-00)

19.04.500. **Lot, corner.** Shall mean a lot abutting on and at the intersection of two (2) or more streets (public rights-of-way). (Ord. 499-10: Ord. 005-00)

19.04.510. **Lot depth.** The average distance measured from the front lot line to the rear lot line. (Ord. 499-10: Ord. 005-00)

19.04.520. **Lot frontage.** The length of front lot line measured at the street(s) right-of-way line. (Ord. 499-10: Ord. 005-00)

~~19.04.5210. —521.— Lot, Ffrontfront. Shall mean the area of a property between the principal structure and the front lot line.~~

~~19.04.522. **Lot width.** Lot width means the distance between the side lot lines, measured congruent with the front lot line. (Ord. 499-10: Ord. 005-00)~~

19.04.530. **Lot line, front.** Front lot line means the property line dividing a lot from a street. On a corner lot only one street lot line, which generally has the shortest street frontage, shall be considered as a front line. (Ord. 499-10: Ord. 005-00)

19.04.540. **Lot line, rear.** Rear lot line means the property line opposite the front lot line. (Ord. 499-10: Ord. 005-00)

19.04.550. **Lot line, side.** Side lot line means any lot lines other than front or rear lot lines. (Ord. 499-10: Ord. 005-00)

~~19.04.560.— Lot width. Lot width means the distance between the side lot lines, measured congruent with the front lot line.—(Ord. 499-10: Ord. 005-00)~~

19.04.570. **Lot line, zero.** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line, provided that separations or setbacks between buildings meets all applicable building and fire code provisions. (Ord. 499-10: Ord. 005-00)

19.04.580. **Manufactured Home.** Any dwelling which is: 1) partially or entirely manufactured in a factory, 2) is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; 3) is installed on an engineered permanent foundation; 4) has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; 5) and is certified pursuant to "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq. as amended. (Ord. 499-10: Ord. 005-00)

19.04.590. Manufacturing/Assembly Plant. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, the blending of materials, and other similar uses. (Ord. 499-10: Ord. 005-00)

19.04.600. Mini Storage Units. Mini Storage Units consist of building(s) containing limited size storage areas not to exceed three hundred (300) square feet per unit; designed and used for the keeping of personal property, goods and similar articles of merchandise. Hazardous materials such as flammable liquids, flammable gases and toxic chemicals shall be prohibited. (Ord. 499-10: Ord. 005-00)

~~19.04.611. Massing. Shall mean the relationship between various masses or volumes of a building or structure.~~

~~19.04.610. Manufactured home shall mean a home built entirely in a factory and certified pursuant to “National Manufactured Housing Construction and Safety Standards Act of 1974,” 42 U.S.C. 5401 et seq. commonly referred to as the HUD code. The code went into effect June 15, 1976. (Ord. 499-10)~~

19.04.620. Mobile home. Shall mean a factory built home produced prior to June 15, 1976. No mobile homes are allowed within the City of Evans. Existing mobile homes in place prior to the adoption of the ordinance will be considered legal nonconforming structures. (Ord. 499-10)

19.04.621. Molding. Shall mean any of various long, narrow, ornamental surfaces with uniform cross sections.

19.04.630. Mortuary or funeral home. A building or part thereof used for human funeral services, which may contain space and facilities for preparation of the dead for burial; the storage of caskets, urns and other related funeral supplies; and the storage of funeral vehicles. Funeral homes shall not include crematoriums as accessory uses. (Ord. 499-10: Ord. 005-00)

~~19.04.631. Motor Vehicle, recreational vehicle, boat, or utility vehicle, private sales of. shall mean the display or attempting action to sell such items that are not owned or titled by the property owner upon which property they may be allowed to be parked.~~

~~19.04.632. Multi-planed. Shall mean having more than one plane visible from each side of a building.~~

~~19.04. 6332-633. Museum. A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited.~~

19.04.640. Natural Resource Extraction and treatment. Gravel pits, quarries, gas refineries, or any other process of altering or storing a natural resource or removing natural resources from the ground. (Ord. 499-10: Ord. 005-00)

19.04.650. Nightclub, Bar, Tavern. Any establishment in which the primary attraction is the sale of alcoholic beverages for on-site consumption or where the sale and consumption of alcoholic beverages is secondary to entertainment such as live music, recorded music, the viewing of broadcasted sporting events, or similar activities. (Ord. 499-10: Ord. 005-00)

19.04.651. **Oil & Gas, related uses.** All uses related to the procurement, transfer, storage, and sale of crude oil and natural gas resources. These uses include but are not limited to: Equipment Storage Yards, Production Sites (including oil tanks, well heads, VCU equipment, pig launchers, pig receivers, meter equipment, and separators), injection wells, compressor stations and transfer stations.

19.04.660. **Office and Financial Use.** Consists of general office-type uses where storage and sale of merchandise is not the principal use. Banks, savings and loan institutions, lending establishments, professional, administrative and business offices and similar uses are included in this definition. (Ord. 499-10: Ord. 005-00)

19.04.670. **Open Space.** The land which is used for growing grass, shrubs, trees, plants, or flowers or is covered by decorative rock or stone or wood chips, or is otherwise xeriscaped/ landscaped. It is not open space if it is overlaid by buildings, patios, signs, driveways, tennis courts, swimming pools, car ports, paved or graveled areas designed primarily for vehicle parking or areas covered by any other type of structure or impervious surface. Areas which contain less than one hundred (100) square feet, or have any dimension of less than five feet or which fall within the projected roof area of any building shall not be considered open space. (Ord. 499-10: Ord. 005-00: Ord. 1096-98)

19.04.671. **Outdoor sales lot.** Shall mean an uncovered, paved area of a lot or parcel used primarily for the constant display of goods for sale, such as landscaping and nursery retailers, and construction materials sales lots. Outdoor sales lots do not include salvage yards, large-scale machinery of any kind, or outdoor flea markets.

19.04.672. **Outdoor storage.** Shall mean the placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside an enclosed structure, except objects that are customarily placed outside and clearly incidental and commonly associated with the permitted use.

19.04.690. **Owner.** An owner includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, leasee, agent, servant, Limited Liability Company, LLC, officer or employee of any of them, as defined in Section 1.04.010N of the City of Evans Municipal Code, or as amended. (Ord. 499-10: Ord. 005-00)

19.04.730. **Parking Lot, Off-Street.** Consists of public and private parking areas for vehicles which are licensed, are not for sale, & any parking area or structure, not including the right-of-way of a dedicated roadway. Parking will be supplied on a more or less short term basis, and the long term storage of vehicles on site is not permitted. (Ord. 499-10: Ord. 005-00)

19.04.731. **Pawn broker.** Shall mean an establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

19.04.732. **Pedestrian connection.** Shall mean a clearly-defined pedestrian walkway between a sidewalk or parking area and the building entrance.

19.04.733. **Pedestrian court.** Shall mean an open space, generally open to the public, surrounded by buildings or walls on at least three sides and improved with an impervious surface.

19.04.734. **Pedestrian plaza.** Shall mean an open space, generally open to the public, usually surrounded by buildings and/or streets and improved with an impervious surface.

19.04.740. Personal Service Establishment. Consists of establishments serving the personal needs of individuals and includes barbershops, beauty parlors, doctors and dentist offices, shoe repair shops, florist sales, gift and card shops, magazine outlets, jewelry stores, laundry shops, dry-cleaning outlets, and other similar uses. (Ord. 499-10: Ord. 005-00)

19.04.760. Planned Unit Development (PUD). An area of land, improved as a residential development, or a combination of uses such as residential, educational, recreational, commercial and industrial, in which normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Refer to Title 18.28 of the Evans Municipal Code. (Ord. 499-10: Ord. 005-00)

19.04.761. Primary Trails. Primary trails provide an enjoyable experience for the user, offering safe travel for people of all ages and a variety of travel modes, including walking, running, and the use of bikes, strollers, or skates. Primary trails should be 10' wide in most cases, although a combined 8' hard-paved trail with an attached 3' crusher fines trial is an alternative that is preferred by runners. More information can be found in the City of Evans Open Space Trails and Master Plan.

19.04.762. Property. – Or 'Real Property' shall mean any property that is attached directly to land, as well as the land itself. Real property not only includes buildings and other structures, but also rights and interests. Real property can be either rental or residential.

19.04.770. Public service facilities. Consists of municipal fire, police stations, ambulance dispatch and essential public utility and service installations which are owned by a governmental entity, or any entity defined as a public utility for any purpose by the Colorado Public Utilities Commission and used in connection with the reproduction, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals, and similar uses necessary for the protection and benefit of the public; provided that repair and storage facilities are not included. (Ord. 499-10: Ord. 005-00)

19.04.771. Reasonably feasible. shall mean capable of being accomplished or brought about without undue burden or hardship, whether financial or otherwise.

19.04.772. Recessed window or door. shall mean a door or window which exterior plane is offset from the exterior wall by at least twelve inches inward.

19.04.780. Recreational facilities, indoor. Establishments primarily engaged in the operation of indoor activities such as exercise and athletic facilities, and amusement and/or recreational services, such as billiard and pool halls, skating rinks, exercise and health clubs, indoor pools, bowling alleys, and similar uses. (Ord. 499-10: Ord. 005-00)

19.04.790. Recreational facilities, outdoor extensive. Establishments primarily engaged in the operation of large scale, low impact outdoor recreational facilities, such as fishing and riding clubs, golf courses, tennis courts, public playing fields for soccer, baseball, softball, football and similar recreational uses. (Ord. 499-10: Ord. 005-00)

19.04.800. Recreational facilities, intensive. Those recreational facilities which are intensively used and create greater impacts, such as noise, lighting and traffic impacts. Such uses may include but are not limited to, miniature golf courses, golf driving ranges, amusement parks, stadiums, arenas, fairgrounds, zoo areas, go kart and bumper car tracks, slides, skateboard parks, and playing fields for soccer, baseball, softball and football. (Ord. 499-10: Ord. 005-00)

19.04.801. Recreational Vehicle. shall mean a transportable structure that is primarily designed for

seasonal recreational/vacation purposes for recreational, camping, and travel use including, but not limited to, boats, travel trailers, campers, snowmobiles, motorcycles, self-propelled motor homes, and similar vehicles/units.

**19.04.805. Recreational Vehicle (RV) Park/Campground.** RV Park/Campground shall mean any parcel of land upon which two (2) or more recreational vehicles or camp sites are located, established, or maintained for occupancy or living quarters. Such parcel being commercial in nature must comply with all the state and local regulations related to licensing, site design/layout, life safety and health issues. This use does **not** include the storage of travel trailers, recreational vehicles, boats, snowmobiles, motorcycles or similar vehicles/units. (Ord. 499-10: Ord. 229-03)

**19.04.807. Recreational Vehicle Storage.** Shall mean the renting of space in an unroofed area for simultaneous commercial placement/storing of two (2) or more recreational vehicles, including but not limited to, boats, travel trailers, campers, snowmobiles, motorcycles and similar vehicles/units. For the purpose of this definition, a *recreational vehicle* shall be a transportable structure that is primarily designed for seasonal recreational/vacation purposes for recreational, camping and travel use including, but not limited to, boats, travel trailers, campers, snowmobiles, motorcycles, self-propelled motor homes and similar vehicles/units. This use does **not** include the storage of these vehicle/units at private residences, provided such vehicles/units stored at residences are owned by persons residing at the residence. (Ord. 499-10: Ord. 229-03)

**19.04.808. Recycling Center.** A use involving the collection and processing of recyclable materials for shipment or re-use. Processing includes baling, compacting, flattening, grinding, crushing, mechanical sorting, shredding, melting, cleaning, and remanufacturing. (Ord. 499-10: Ord. 351-05)

**19.04.810. Repair shops.** Any building, premises, and/or land in which or upon which buildings used for the repair or servicing of major appliances, vehicles and equipment, such as plumbing shops, electrical shops, sheet metal shops, and automobile garages and similar uses. (Ord. 499-10: Ord. 005-00)

**19.04.815. Research Laboratory.** Research Laboratory shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory. (Ord. 499-10: Ord. 233-03)

**19.04.820. Retail uses, Intensive.** Consists of business uses for the purpose of selling or renting conveniences and hard goods in retail outlets without drive-through windows, such as supermarkets, restaurants, liquor stores (subject to licensing requirements), drugstores, wearing apparel shops, hardware stores, variety stores, veterinary offices (without runs), furniture stores, laundry/dry cleaners, and other similar uses. Establishments with drive-through windows that are not open for business between the hours of 10:00 p.m. and 7:00 a.m. may be considered retail uses, intensive. (Ord. 499-10: Ord. 348-05: Ord. 005-00)

**19.04.821. Retail uses, Intensive, small-scale.** Consists of business uses for the purpose of selling or renting conveniences and hard goods in retail outlets without drive-through windows, such as supermarkets, restaurants, liquor stores (subject to licensing requirements), drugstores, wearing apparel shops, hardware stores, variety stores, veterinary offices (without runs), furniture stores, laundry/dry cleaners, and other similar uses. These uses shall be limited to 3,000 square feet in maximum size.

**19.04.830. Retail uses, Extensive.** Consists of business uses which require large outdoor areas for display of merchandise, service, amusement, or storage, such as farm implement sales, greenhouses/nurseries, automobile and truck sales or rentals, drive-in movies, automotive fueling stations, feed and grain stores, mobile home sales, restaurants with drive-through windows, other establishments with drive-through windows, and other establishments of a similar nature. However, establishments with drive-through windows that are not open for business between the

hours of 10:00 p.m. and 7:00 a.m. may be considered retail uses, intensive. (Ord. 499-10: Ord. 348-05: Ord. 005-00)

19.04.831. **Roof Plane.** Shall mean the portion of a roof, whether flat or pitched, by which a straight line would pass through continuously.

19.04.832. **Roof, flat.** Shall mean a roof having a slope of less than 1:12, with one being the rise and twelve being the run.

19.04.833. **Roof, pitched.** Shall mean a roof having a pitch of at least 1:12, with one being the rise and twelve being the run.

19.04.834. **Roofline.** Shall mean the profile of or silhouette made by a roof or series of roofs.

19.04.835. **Salvage Yard.** Shall mean an industrial use for collecting, storing and/or selling scrap metal or discarded material or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such materials or parts.

19.04.840. **School.** School shall mean and include any one or more of the following categories: a public school, community college, junior college, college or university or an independent or parochial school which satisfies the compulsory school attendance requirements of the State of Colorado, but the word school does not include dance schools, business schools, trade schools or driving schools or similar uses. (Ord. 499-10: Ord. 005-00)

19.04.841. **Secondary Connection.** **Secondary connections provide connections from homes, businesses, and public places to primary trails. Secondary connections should be off-street multi-use paths, with a minimum width of 6 feet of paving of concrete, asphalt, or crusher fines unless specified elsewhere in the zoning code. Sidewalks can serve as secondary trails if wide enough and if designed to minimize conflicts with streets and driveways. More information can be found in the City of Evans Open Space Trails and Master Plan.**

19.04.850. **Security Residence.** A building or a portion thereof, arranged, designed and intended to be occupied by not more than one family, and which is used for the housing of one or more members of any such family for the purpose of providing security for the property of any business which is located on the same property. At least one member of a family living in the security residence must be employed for security purposes by the business which is located on the same property on which the residence is located. (Ord. 499-10: Ord. 005-00)

19.04.851. **Shared driveway.** **Shall mean a driveway that serves two or more lots in order to reduce the number of access points onto a public roadway.**

19.04.852. **Shared parking.** **Shall mean the development and use of parking areas on two or more separate properties for joint use by the businesses or residents on those properties.**

19.04.853. **Substantial improvement.** **Shall mean any change to an existing improvement that causes the size, height, or area to increase by 50 percent or more, or which costs 50 percent or more of the market value of the improvement prior to the change.**

19.04.860. **Setback.** The word "Setback" shall have the same meaning as "yard" defined herein. (Ord. 499-10: Ord. 351-05)

19.04.870. **Staff Supervised Residential Facilities.** Consists of a state licensed facility or group of buildings used to provide 24-hour supervised residential group care for children between ages 3-18 years old and for those persons under 21 years old who are placed by court order prior to their eighteenth birthday, not intended for placement of violent or repeat offenders. (Ord. 499-10: Ord. 005-00)

19.04.880. **Street.** "Street" means any thoroughfare or public space, not less than sixteen feet in width, which has been dedicated or deeded to the public for public use. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.890. **Theater.** A building, or part thereof, devoted primarily to the showing of motion pictures or for dramatic, dance, musical, or other live or cultural performances. (Ord. 499-10: Ord. 005-00)

19.04.900. **Transportation Facility.** **Shall mean facilities for loading, unloading, and transferring passengers, baggage, and incidental freight between modes of transportation. These uses include bus terminals, railroad stations, and public transit stations.**

19.04.910. **Treatment of humans, restrained.** Consists of pre-parole facilities, jails, reformatories, mental hospitals, and similar buildings where personal liberties are restrained. (Ord. 499-10: Ord. 005-00)

19.04.930. **Vocational school.** A specialized instructional establishment that provides on-site training, including dance schools, driving schools, hairdressing schools, and other similar uses. This definition does not include training in an activity that is not an allowed use in the zoning district in which the property is located. Incidental instruction in conjunction with a principal use shall not be considered a vocational school. (Ord. 499-10: Ord. 348-05)

19.04.940. **Warehouse.** Any site used primarily for the storage of goods, materials, or equipment other than mini-storage units. (Ord. 499-10: Ord. 005-00)

19.04.941. **Wall, parapet.** Shall mean an exterior wall that rises above the roof on all sides of a building, usually to screen mechanical or other equipment.

19.04.942. **Wall, partial parapet.** Shall mean an exterior wall that rises above the roof on one or more, but not all, sides of a building, usually to screen mechanical or other equipment.

19.04.943. **Window sign.** means Shall mean a sign that is applied or attached to a window or door or a sign located near a window or door within a building for the purpose of being visible to and read from the outside of the building.– Permit Required.

19.04.950. **Yard.** “Yard” means an open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward other than landscaping, except as may be specifically provided in the zoning ordinance. (Ord. 499-10: Ord. 005-00, 2000; 15.06)

19.04.960. **Yard, front.** “Front yard” is a space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. (Ord. 499-10: Ord. 005-00: 15.06)

19.04.970. **Yard, rear.** “Rear yard” is a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. (Ord. 499-10: Ord. 005-00)

19.04.980. **Yard, side.** “Side yard” is a space extending from the front yard to the rear yard between the building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building. (Ord. 499-10: Ord. 005-00)

19.04.990. **Yard, street side.** “Street side yard” is a space extending from the front yard to the rear yard between the building and the side lot line abutting a street and measured perpendicular from the side lot line to the closest point of the principal building. (Ord. 499-10: Ord. 351-05)

CITY OF EVANS, COLORADO

ORDINANCE NO. 602-14

AN ORDINANCE AMENDING THE CITY OF EVANS MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 19.04 TITLED "DEFINITIONS", CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO

WHEREAS, the City Council for the City of Evans wishes to consolidate the Municipal Zoning Code to be more user friendly and legible, and;

WHEREAS, the City Council for the City of Evans proposes updates to Chapter 19.62 of the City of Evans Municipal Code, titled "US 85 Overlay District Design Standards"; and

WHEREAS, the City Council proposes to repeal Chapter 19.04 of the City of Evans Municipal Code in its entirety because relevant information and updated regulations has been incorporated into the new Index; and

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

Section 1. Chapter 19.04 of the City of Evans Municipal Code entitled "Definitions" is hereby repealed and reenacted to read as shown in Exhibit A.

Section 2. Publication and Effective Date. This ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and the City Clerk, and by the Certificate of Publication. This ordinance shall become effective upon final passage.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 19<sup>th</sup> day of August, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

PASSED, APPROVED AND ADOPTED ON SECOND READING this 2<sup>nd</sup> day of September, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk

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**CITY COUNCIL COMMUNICATION**

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.D

**SUBJECT:** **Ordinance No. 603-14**  
An Ordinance amending The City Of Evans Municipal Code by repealing Chapter 19.11 titled “AG, Agricultural District”, Chapter 19.12 titled “R-1E, Single-Family Estate Residential District”, Chapter 19.14 titled “R-1, Single Family Residential District”, Chapter 19.16 titled “RMFH, Residential Manufactured Housing District”, Chapter 19.18 titled “R-2, Two-Family Residential District”, Chapter 19.20 titled “R-3, Multifamily Residential District”, Chapter 19.24 titled “RC, Residential Commercial District”, Chapter 19.26 titled “C-1, Low Intensity Commercial District”, Chapter 19.28 titled “C-2, Medium Intensity Commercial District”, Chapter 19.30 titled “C-3 High Intensity Commercial District”, Chapter 19.32 titled “I-1, Light Industrial District”, Chapter 19.34 titled “I-2, Medium Industrial District”, Chapter 19.36 titled “I-3, Heavy Industrial District” And Enacting Chapter 19.15 titled “Districts Established – Zoning Use and Dimensional Standards” City of Evans, County of Weld, State of Colorado

**PRESENTED BY:** Baseline Corporation, Vincent Harris, AICP

**PREPARED BY:** Cory Miller, Assoc. Planner

**ACTION:** Consider Ordinance to enact Chapter 19.15

**APPROVED BY:** Sheryl Trent, Economic Dev. Director

BACKGROUND INFORMATION		
<b>Location:</b>		City Wide
<b>Applicants:</b>		The City of Evans
<b>Existing Land Use:</b>		N/A
<b>Proposed Land Use:</b>		N/A
<b>Surrounding Land Use:</b>	<b>North</b>	N/A
	<b>South</b>	N/A
	<b>East</b>	N/A
	<b>West</b>	N/A
<b>Existing Zoning:</b>		N/A
<b>Proposed Zoning:</b>		N/A
<b>Surrounding Zoning:</b>	<b>North</b>	N/A
	<b>South</b>	N/A
	<b>East</b>	N/A
	<b>West</b>	N/A
<b>Future Land Use Designation:</b>		N/A

**PROJECT DESCRIPTION:**

Staff from the City of Evans is proposing to repeal the following code Chapters of the Evans Municipal Code: Chapter 19.11 titled “AG, Agricultural District”, Chapter 19.12 titled “R-1E, Single-Family Estate Residential District”, Chapter 19.14 titled “R-1, Single Family Residential District”, Chapter 19.16 titled “RMFH, Residential Manufactured Housing District”, Chapter 19.18 titled “R-2, Two-Family Residential District”, Chapter 19.20 titled “R-3, Multifamily Residential District”, Chapter 19.24 titled “RC, Residential Commercial District”, Chapter 19.26 titled “C-1, Low Intensity Commercial District”, Chapter 19.28 titled “C-2, Medium Intensity Commercial District”, Chapter 19.30 titled “C-3 High Intensity Commercial District”, Chapter 19.32 titled “I-1, Light Industrial District”, Chapter 19.34 titled “I-2, Medium Industrial District”, Chapter 19.36 titled “I-3, Heavy Industrial District”.

In place of these Chapters, it is requested that City Council establish Chapter 19.15 of the Evans Municipal Code, titled “Districts Established Zoning Use and Dimensional Standards”. The purpose of this new Chapter will be to consolidate all existing individual zone district chapters, including their intent, uses, and dimensional standards into one solitary chapter. Staff feels this will make the City of Evans Zoning Code, Title 19 of the Municipal Code, more accessible and the zoning code more user-friendly.

Chapter 19.15 will also establish through the provisions of an intent, list of uses, and dimensional standards, the following new zone districts that will be utilized in the US 85 Corridor:

- US 85 – Office District (85-O)
- US 85 – Retail & Commercial – Neighborhood District (85-RC-N)
- US 85 – Retail & Commercial – Regional Corridor District (85-RC-R)
- US 85 – Retail & Commercial – Auto District (85-RC-A)
- Public Facilities District (PF)

**RECOMMENDATION:** Staff recommends approval of the proposed Chapter 19.15 titled, “Districts Established – Zoning Use and Dimensional Standards” district of the City of Evans Municipal Code.

## **ANALYSIS:**

### **1. Background:**

As stated, the proposed code Chapter will help consolidate the City of Evans Municipal Code by combining individual zone district chapters into a single chapter for reference. Zoning uses and dimensional standards will be reorganized into tables that are more accessible and more user-friendly. They also provide the user the ability to more easily compare separate zoning districts.

The proposed Chapter will serve three purposes:

1. Section **19.15.010** will provide the intent for every established zone district within the City of Evans.
2. Section **19.15.030** will list land uses which are permitted, those which may be permitted through conditional review or use by special review, or land uses which are prohibited within the City of Evans zone districts.
3. Section **19.15.050** provides regulations governing lot size, lot coverage and setbacks, building height, and open space requirements for all zone districts within the City of Evans.

As stated the proposed chapter would also establish the intent, uses, and dimensional standards for new zone districts to be added to the City of Evans Municipal Code. The new zone districts are identified as follows:

- US 85 – Office District (85-O)
- US 85 – Retail & Commercial – Neighborhood District (85-RC-N)
- US 85 – Retail & Commercial – Regional Corridor (85-RC-R)
- US 85 – Retail & Commercial – Auto (85-RC-A)
- Public Facilities (PF)

The purpose of establishing these new zone districts is to promote and intent of the US Highway 85 Overlay District Master Plan. The plan was established to promote the following goals:

- Help unify fragmented land uses present along the corridor by focusing specific future development types into specific areas (e.g. retail, office); and
- Promote infrastructure improvements to create safe access opportunities and improve traffic circulation and flows; and
- Address transportation linkages and connections to promote better safety, health related options, and quality access for local residents; and
- Address the lack of vibrant pedestrian and bicycle infrastructure to connect the surrounding neighborhoods and community to the planned and existing park and trail systems, and commercial uses.

A courtesy notice was mailed to property owners and business owners within the Corridor indicating that the City Council will hold a hearing on August 19, 2014 to act on the establishment of Chapter 19.15. In addition an open house with community members was held on Thursday August 7, 2014 to discuss both items in detail.

**2. Issues:**

The directive of the proposed action item is to make the City of Evans Municipal Code more effective and user-friendly. In addition Chapter 19.15 will establish new zone districts that will promote the intent of the US Highway 85 Overlay District Master Plan. The proposed action fulfills these purposes.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council approve the proposed addition of Chapter 19.15 Districts Established – Use and Dimensional Standards into the City of Evans Municipal Code.

Staff will provide an overview of the proposed code amendment and make a presentation at the City Council meeting on August 19, 2014.

**RECOMMENDED CITY COUNCIL MOTIONS:**

**Addition of Chapter 19.15 – Zoning Use and Dimensional Standards**

“I move to approve Ordinance 603-14 on first reading concerning the proposed addition of Chapter 19.15 Districts Established – Zoning Use and Dimensional Standards into the City of Evans Municipal Code, as provided herein because it is in the best interest of the citizens of the City of Evans.”

“I move to deny the addition of Chapter 19.15 Districts Established – Zoning Use and Dimensional Standards into the City of Evans Municipal Code, as provided herein because it is not in the best interest of the citizens of the City of Evans.”

Appendix A: Proposed Chapter 19.15 of the Evans Municipal Code

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## **CHAPTER 19.15**

### **Districts Established – Zoning Use and Dimensional Standards**

#### **19.15.010 Districts designated – Intent.**

A. For the purposes of this Title, the City is divided into zoning districts which, together with all explanatory matter herein, is adopted and declared to be a part of this Zoning Code. The name of each zone district is established in Chapter 19.10. The following contains the intent of each established zone district:

##### **1. (AG) Agricultural District**

It is the intent of the City when establishing the AG zone district, to provide a district that encourages and preserves agricultural uses in the City, as well as providing a district for properties within the City which are currently being used for agricultural purposes and/or which have no future land use proposed at this time, or may be in a transitional stage with regard to development.

##### **2. (C-1) Low Intensity Commercial District**

It is the intent of the City, when establishing the C-1 zone district, to provide for appropriately located groups of retail stores and service establishments serving the daily needs of a local neighborhood having such character, scale, appearance and operation as to be compatible with the character of the surrounding residential areas.

##### **3. (C-2) Medium Intensity Commercial District**

It is the intent of the City, when establishing the C-2 zone district, to provide an area which serves as a transitional zone between nearby residential uses and high intensity commercial uses.

##### **4. (C-3) High Intensity Commercial District**

It is the intent of the City, when establishing the C-3 zone district, to provide an area for serving the daily needs of the total community.

##### **5. (85-O) Highway 85 Office District**

It is the intent of the City, when establishing the Highway 85 Office District to provide professional employment space opportunities in close proximity to vibrant retail centers near to and in the Highway 85 Overlay District. The 85 Office District will have direct access to quality retail uses, as well as pedestrian and park amenities.

##### **6. (85-RC-N) Highway 85 Retail & Commercial – Neighborhood District**

It is the intent of the City, when establishing the Highway 85 Retail & Commercial - Retail District, to create a vibrant downtown mixed-use pedestrian oriented retail experience. This area will provide retail establishments that cater to local residents, businesses in the area, and the neighborhoods surrounding the Highway 85 Overlay District.

**7. (85-RC-A) Highway 85 Retail & Commercial – Auto District**

It is the intent of the City, when establishing the Highway 85 Retail & Commercial-Auto District, to create a vibrant commercial district that will provide services for both local residents and US Highway 85 Commuters. Development will offer large-scale retail opportunities along with pedestrian-oriented experiences that accommodate the surrounding land uses with the allowance of new automobile sales. (All development will be subject to Chapter 19.62 US Highway 85 Overlay District Design Standards.)

**8. (85-RC-R) Highway 85 Retail & Commercial – Regional Corridor District**

It is the intent of the City, when establishing the US 85 Retail & Commercial High Intensity District, to create a strongly anchored vibrant commercial district that will provide services for both local residents and US Highway 85 commuters. Development will be subject to Chapter 19.62 - US Highway 85 Overlay District Design Standards and offer large scale retail opportunities along with pedestrian oriented experiences that accommodate the surrounding land uses.

**9. (I-1) Light Industrial Uses**

It is the intent of the City, when establishing the I-1 district, to provide a district in which light industry and similar uses are located. These uses are to be low-impact and any environmental effects generated must be kept within the buildings where they are produced. Light industry consists of scientific research; limited manufacturing; compounding, assembly, processing or treatment of products; food and beverage processing; and similar limited industrial uses in which the environmental effects of the operation are confined within the principal buildings.

**10. (I-2) Medium Industrial District**

It is the intent of the City when establishing the I-2 district, to provide a district in which light and medium industrial and similar uses are located. Within these districts, any environmental impacts must be confined to the property on which they are generated. Medium industry consists of any industrial or manufacturing operation subject to acceptable safeguards to control potential nuisances and hazardous effects to the premises.

**11. (I-3) Heavy Industrial District**

It is the intent of the City when establishing the I-3 district to provide a district in which heavy industrial uses are located. Heavy industry consists of uses such as used auto parts, quarry and gravel pits, asphalt plants, large-scale industry, incinerators and other similar operations which so create nuisances and hazardous effects beyond their premises.

**12. (PF) Public Facilities District**

It is the intent of the City, when establishing the Public Facilities District, to increase public services within the City of Evans.

**13. (R-1E) Single-Family Estate Residential District**

It is the intent of the City, when establishing the R1E zone district, to provide a district that preserves the rural openness that defines the identity of the area. The densities and permitted uses are established to enhance the agricultural and open residential character. The allowable nonresidential in the R1E zone district are intended to be harmonious with agricultural uses and low density residential living and should support the local district.

**14. (R-1) Single-Family Residential District**

It is the intent of the City, when establishing the R-1 zone district, to provide a district that is centered on the single-family home neighborhood. The densities and uses required in this district are established to enhance the open residential character that is typical to a low density nonbusiness zone district. The allowable nonresidential uses permitted are intended to be harmonious with low density residential living and should support the local neighborhood.

**15. (RMFH) Residential Manufactured Housing District**

It is the intent of the City when establishing the RMFH zone district, to provide a district that is centered on the single-family home neighborhood. The densities and uses required by this district are established to enhance the open residential character that is typical to a low density nonbusiness zone district. The allowable nonresidential uses listed in this district are intended to be harmonious with low density residential living and should support the local neighborhood. The purpose of the RMFH standards are to ensure a quality development and environment for the owners of manufactured and factory built housing.

**16. (R-2) Two-Family Residential District**

It is the intent of the City, when establishing the R-2 zone district, to provide a district that is centered on the duplex/town house/condominium neighborhood. The regulations required in this district are established to enhance the multi-family residential character that is typical to a medium density nonbusiness zone district. The allowable nonresidential uses listed in this district are intended to be harmonious with medium density residential living and should support the local neighborhood.

**17. (R-3) Multifamily Residential District**

It is the intent of the City, when establishing the R-3 zone district, to provide a district that is centered on the multifamily/apartment neighborhood. The regulations required by this Chapter are established to enhance the multifamily residential character that is typical to a high density nonbusiness zone districts. The allowable nonresidential uses listed here are intended to be harmonious with high density residential living.

#### **18. (RMH) Residential Manufactured Home District**

The intent of this Chapter is to support the City's Comprehensive Plan and to protect health, safety, welfare, compatibility and property values within the City. The regulations contained within this district are intended to be the minimum standards. Higher or additional standards may be required to meet the intent of the zoning district. This Chapter applies to property zoned RMH (Residential Manufactured Home) in the City. The standards contained within this zoning district are not intended to apply to manufactured home parks zoned PUD (Planned Unit Development). It is the intention of the City that if an existing unincorporated manufactured home park is annexed to the City, a specific Manufactured Home Park Plan for that park will be addressed in an annexation agreement for the property.

#### **19. (RC) Residential Commercial District**

It is the intent of the City, when establishing the residential commercial district, to provide a district which combines, on a scale sufficient to permit the application of efficient master planning, the multiple uses of residences, offices, services, medical offices and facilities, pharmacies, recreation and associated uses. To the extent practicable, the plan should serve to de-emphasize the use of the individual motor vehicle within the district. Dwelling units shall be an important component of the residential commercial district and should be thoroughly dispersed throughout the district in diverse forms and sizes. Public spaces shall be encouraged and give strong consideration within any intensely developed commercial or office areas.

**19.15.030 Districts designated, table of uses allowed**

A. Those land uses which are permitted those which may be permitted through conditional review or use by special review, or land uses which are prohibited are shown in the table below. Land uses not specifically listed on the Table below shall be presumed to be prohibited.

<b>Agricultural Zone District Use Standards</b>	
<i>Land Use</i>	<b>Zone District</b>
	<b>Agricultural</b>
	<i>AG</i>
<b>P = Permitted Uses    S= Special Uses    [blank] = Prohibited Uses</b>	
Agriculture	P*
Dwelling, single-family	P*
Dwelling, manufactured home	P*
Dwelling, factory-built home	P*
School	P
Public service facilities	P
Accessory Uses	P
Animals Confined	S
Cemetery	S
Kennel	S
Recreations facilities, outdoor extensive	S
Security residence	S*

\* Maximum of one (1) dwelling unit per forty (40) acres.

Commercial Zone Districts Use Standards			
Land Use	Zone District		
	Commercial		
	C-1	C-2	C-3
<b>P = Permitted Use    S= Special Uses    [blank] = Prohibited Uses</b>			
Accessory use	P	P	P
Adult business, subject to licensing requirements			P
Car wash facilities			S
Cemetery			S
Commercial residence		S	P
Community facilities	P	P	S
Congregate residence	S	S	
Day care center	P	P	P
Hospital	S	S	P
Kennel	S	P	P
Long-term care facilities	S	P	P
Mini storage units	S	S	S
Mortuary or funeral home	P	P	P
Multifamily residential	S	S	S
Nightclub, bar, tavern		P	P
Office and financial uses	P	P	P
Parking lot, off-street	P	P	P
Personal service establishments	P	P	P
Public service facilities	P	P	P
Recreational facilities, indoor	P	P	P
Recreational facilities, intensive	S	P	P
Recreational facilities, outdoor extensive	P	P	P
Recreational vehicle storage			S
Recreational vehicle, (RV) park/campground			S
Repair shops	S	S	S
Research laboratory		S	P
Retail uses, extensive	S	P	P
Retail uses, intensive	P	P	P
School	P	P	P
Security residences	S	S	S
Staff supervised residential facilities	S		
Theater	P	P	P
Vocational school	S	S	S

Highway 85 Zone Districts Use Standards				
	Zone District			
	Highway 85			
<i>Land Use</i>	<i>85-O</i>	<i>85-RC-N</i>	<i>85-RC-A</i>	<i>85-RC-R</i>
<b>P = Permitted Uses    S= Special Uses    C=Conditional Uses    [blank] = Prohibited Uses</b>				
Accessory use		C	C	C
Adult business, subject to licensing requirements				
Art, Dance, Music studio		P		
Commercial residence			P	P
Community facilities	S	P		
Day care center	P	P		
Dwelling, townhouse		P		
Dwelling, condominium		P		
Home occupation		P		
Hospital	S			
Kennel		S		
Long-term care facilities	S			
Mini storage units	S			
Medical offices	P			
Motor Vehicle, recreational vehicle, boat, or utility vehicle, private sales of. (Limited to NEW vehicles)			P	
Museum		S		
Nightclub, bar, tavern		P		
Oil and Gas, related uses			C	C
Office and financial uses	P		P	P
Outdoor sales		C	C	C
Parking lot, off-street				
Personal service establishments	P	P		
Public service facilities	P			
Recreational facilities, indoor		P	P	P
Research laboratory	P			
Retail uses, extensive				
Retail uses, intensive			P	P
Retail uses, intensive, small-scale		P		
School	S			
Theater			P	P
Vocational school	S			

Industrial Zone Districts Use Standards			
Land Use	Zone District		
	Industrial		
	I-1	I-2	I-3
<b>P = Permitted Uses    S= Special Uses    [blank] = Prohibited Uses</b>			
Accessory use	P	P	P
Adult business, subject to licensing requirements	P	P	P
Animals confined		S	S
Auction yard			S
Car wash facilities	S	S	S
Cemetery	S	S	S
Commercial residence		P	
Community facilities			
Congregate residence			
Crematoriums	S	S	S
Day care center			
Flammable liquids storage	P	P	P
Flea market	P	P	P
Hospital			
Industrial uses facility	P	P	P
Junkyards			S
Kennel	P	P	P
Livestock trailer washout			S
Long-term care facilities			
Manufacturing/assembly plant	P	P	P
Mini storage units	P	P	P
Mortuary or funeral home	P		
Multifamily residential			
Natural resource extraction and treatment			P
Office and financial uses	P	P	P
Parking lot, off-street	P	P	P
Personal service establishments	P	P	P
Public service facilities	P	P	P
Recreational facilities, indoor	S	S	S
Recreational facilities, intensive	P	P	P
Recreational facilities, outdoor extensive	P	P	P
Recreational vehicle storage	P	P	P
Recreational vehicle, (RV) park/campground	S	S	S
Recycling center			S
Repair shops	P	P	P

<b>Industrial Zone Districts Use Standards (Continued)</b>			
<i>Land Use</i>	<b>Zone District</b>		
	<b>Industrial</b>		
	<i>I-1</i>	<i>I-2</i>	<i>I-3</i>
<b>P = Permitted Uses    S= Special Uses    [blank] = Prohibited Uses</b>			
Research laboratory	P	P	P
Retail uses, extensive	P	P	P
Retail uses, intensive	P	P	P
School			
Security residences	S	S	S
Staff supervised residential facilities			
Theater			
Treatment of humans, restrained	S	S	S
Vocational school	S	S	S
Warehouse	P	P	P

<b>Public Facilities Zone District Use Standards</b>	
<i>Land Use</i>	<b>Zone District</b>
	<b>Public Facilities</b>
	<i>PF</i>
<b>P = Permitted Uses    S= Special Uses    [blank] = Prohibited Uses</b>	
Open Space	P
Parking lot, off-street	P
Public service facilities	P
Transportation facilities	P

Residential Zone Districts Use Standards							
Land Use	Zone District						
	Residential						
	R-1E	R1	R2	R3	RC	RMFH* <sup>2</sup>	RMH*
<b>P = Permitted Uses    S= Special Uses    [blank] = Prohibited Uses</b>							
Accessory building/structure	P	P	P	P	P	P	
Accessory use	P	P	P	P	P	P	
Community facilities	S	S	S	S	P	S	
Congregate residence				S	S		
Day care center	S	S	S	S	S	S	
Dwelling, single-family residential	P	P	P	P	P	P	
Dwelling, two-family			P	P	P		
Dwelling, multifamily				P	P		
Dwelling, condominium			P	P	P		
Dwelling, townhouse			P	P	P		
Factory-built home						P	
Farming	P	P	P	P	P	P	
Group homes	S	S	S	P	P	S	
Long-term care facilities	S	S	S	S	S	S	
Manufactured Home						P	
Mini storage units					S		
Office and financial uses					P		
Personal service establishments					P		
Public service facilities	P	P	P	P	P	P	
Recreational facilities, indoor					S		
Recreational facilities, outdoor extensive	S	S	S	S	S	S	
Repair shops					S		
Retail uses, extensive					S		
Retail uses, intensive					P		
Research Laboratory					S		
School	P	P	P	P	P	P	
Staff supervised residential facilities				P			
Telecommunication facilities	S			S	S		
Vocational schools					S		

\* Uses outlined in Chapter 19.22

\*<sup>2</sup> All manufactured housing shall be installed in accordance with the ICBO Guidelines for Manufactured Housing Installation, as adopted by the City. Ownership of the structure and ownership of the lot shall be recorded as a single deed with Weld County, Colorado. Separate title to the structure shall not be permitted.

**19.15.50 Districts designated, table of dimensional standards**

A. The purpose of this section is to set forth regulations governing lot size, lot coverage and setbacks, building height, and open space requirements and to encourage building and development design which is related to and compatible with its surroundings.

<b>Agricultural Zone District Dimensional Standards</b>	
<i>Standard</i>	<i>AG</i>
Setbacks (From Lot Line)	
Min. Front (feet)	25
Min. Interior Side (feet)	* <sup>1</sup>
Min. Side Street (feet)	25
Min. Rear	20
Max. Lot Size (%)	* <sup>2</sup>
Min. Open Space (%)	N/A
Max. Height (feet)	* <sup>3</sup>

\*<sup>1</sup> = 5 feet for buildings up to 15 feet in height, plus 1 foot for each 3 feet, or fraction thereof, of height in excess of 15 feet

\*<sup>2</sup> = 2 acres maximum 1 dwelling unit per 40 acres

\*<sup>3</sup> = 35 feet for residential buildings, 60 feet for agricultural buildings or structures

If Development abuts the US 85 Overlay District, all Development shall be reviewed for conformity with neighboring development at the time of application

<b>Commercial Zone Districts Dimensional Standards</b>			
<b><i>Standard</i></b>	<b><i>C-1</i></b>	<b><i>C-2</i></b>	<b><i>C-3</i></b>
<b>Setbacks (From Lot Line)</b>			
Min. Front (feet)	25	25	25
Min. Side (feet)	5	5	5
Min. Side Street (feet)	25	25	25
Min. Rear (feet)	5	5	5
Max. Lot Coverage (%)	80	80	80
Min. Open Space (%)	N/A	N/A	N/A
Max. Height (feet)	35	35	40

If Development abuts the US 85 Overlay District, all Development shall be reviewed for conformity with neighboring development at the time of application

<b>Highway 85 Zone Districts Dimensional Standards</b>				
<b><i>Standard</i></b>	<b><i>85-O</i></b>	<b><i>85-RC-N</i></b>	<b><i>85-RC-A</i></b>	<b><i>85-RC-R</i></b>
Setbacks (From Lot Line)				
Min. Front (feet)	25	5	15	15
Min. Side (feet)	0/10* <sup>4</sup>	0/5* <sup>3</sup>	0/10* <sup>4</sup>	0/10* <sup>4</sup>
Min. Side Street (feet)	10	5	15	15
Min. Rear	0/10* <sup>4</sup>	5	15	15
Max. Lot Coverage (%)	70	80	70	70
Min. Open Space (%)	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>	* <sup>1</sup>
Max. Height (feet)	40* <sup>2</sup>	35* <sup>2</sup>	40* <sup>2</sup>	40* <sup>2</sup>

\*1 = In accordance with Ch. 1962 of the Evans Code

\*2 = Measurement includes additional architectural detail added to the top of each elevation

\*3 = If development is not located at a 0 foot setback, the setback shall be 5 feet

\*4= if development is not located at a 0 foot setback, the setback shall be 10 feet

All Development shall be reviewed for conformity with neighboring development at the time of application

<b>Industrial Zone Districts Dimensional Standards</b>			
<b><i>Standard</i></b>	<b><i>I-1</i></b>	<b><i>I-2</i></b>	<b><i>I-3</i></b>
<b>Setbacks (From Lot Line)</b>			
Min. Front (feet)	25	25	25
Min. Side (feet)	30* <sup>1</sup>	30* <sup>1</sup>	30* <sup>1</sup>
Min. Side Street (feet)	25	25	25
Min. Rear	30* <sup>1</sup>	30* <sup>1</sup>	30* <sup>1</sup>
Max. Lot Coverage (%)	80	80	80
Min. Open Space (%)	N/A	N/A	N/A
Max. Height (feet)	40	40	60

\*<sup>1</sup> = Setback from adjacent residentially zoned properties

All Development shall be reviewed for conformity with neighboring development at the time of application

If Development abuts the US 85 Overlay District, all Development shall be reviewed for conformity with neighboring development at the time of application

<b>Public Facilities Zone District Dimensional Standards</b>	
<i>Standard</i>	<i>PF</i>
Setbacks (From Lot Line)	
Min. Front (feet)	25
Min. Interior Side (feet)	0/10* <sup>3</sup>
Min. Side Street (feet)	10
Min. Rear	0/10* <sup>3</sup>
Max. Lot Size (%)	70
Min. Open Space (%)	* <sup>1</sup>
Max. Height (feet)	40* <sup>2</sup>

\*1 = In accordance with Chapter 19.62 of the Evans Municipal Code

\*2 = 40 feet will include additional architectural detail added to the top of each elevation

\*3= if development is not located at a 0 foot setback, the setback shall be 10 feet

If Development abuts the US 85 Overlay District, all Development shall be reviewed for conformity with neighboring development at the time of application

Residential Zone Districts Dimensional Standards								
<i>Standard</i>	<i>R-1E</i>	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>RC-res</i>	<i>RC-com</i>	<i>RMFH</i>	<i>RMH</i>
Setbacks (From Lot Line)								
Min. Front (feet)	25	25	25	25	25	25	20	Ch.19.22
Min. Side (feet)	10* <sup>1</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	* <sup>3</sup>	30* <sup>6</sup>	* <sup>3</sup>	Ch.19.22
Min. Side Street (feet)	20	15	15	15	15	25	15	Ch.19.22
Min. Rear	30	20	20	20	20	30* <sup>6</sup>	15	Ch.19.22
Max. Lot (size/coverage)	13,000 sf	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	* <sup>4</sup>	80%	* <sup>4</sup>	Ch.19.22
Min. Open Space (%)	N/A	N/A	45	45	45 (MF)	N/A	N/A	Ch.19.22
District Area	N/A	N/A	N/A	N/A	N/A	N/A	* <sup>5</sup>	Ch.19.22
Max. Height (feet)	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	* <sup>2</sup>	35	* <sup>2</sup>	Ch.19.22

\*<sup>1</sup> = In addition 1 foot for each 3 feet of building height or fraction thereof

\*<sup>2</sup> = 3 stories or 35 feet, whichever is less

\*<sup>3</sup> = 5 feet or 1 foot for each 3 feet of building height or fraction thereof

\*<sup>4</sup> = 2x total floor area but not less than 6,000 sqft.

\*<sup>5</sup> = Two contiguous acres

\*<sup>6</sup> = Setback from adjacent residentially zoned properties

If Development abuts the US 85 Overlay District, all Development shall be reviewed for conformity with neighboring development at the time of application

CITY OF EVANS, COLORADO

ORDINANCE NO. 603-14

AN ORDINANCE AMENDING THE CITY OF EVANS MUNICIPAL CODE BY REPEALING CHAPTER 19.11 TITLED “AG, AGRICULTURAL DISTRICT”, CHAPTER 19.12 TITLED “R-1E, SINGLE-FAMILY ESTATE RESIDENTIAL DISTRICT”, CHAPTER 19.14 TITLED “R-1, SINGLE FAMILY RESIDENTIAL DISTRICT”, CHAPTER 19.16 TITLED “RMFH, RESIDENTIAL MANUFACTURED HOUSING DISTRICT”, CHAPTER 19.18 TITLED “R-2, TWO-FAMILY RESIDENTIAL DISTRICT”, CHAPTER 19.20 TITLED “R-3, MULTIFAMILY RESIDENTIAL DISTRICT”, CHAPTER 19.24 TITLED “RC, RESIDENTIAL COMMERCIAL DISTRICT”, CHAPTER 19.26 TITLED “C-1, LOW INTENSITY COMMERCIAL DISTRICT”, CHAPTER 19.28 TITLED “C-2, MEDIUM INTENSITY COMMERCIAL DISTRICT”, CHAPTER 19.30 TITLED “C-3 HIGH INTENSITY COMMERCIAL DISTRICT”, CHAPTER 19.32 TITLED “I-1, LIGHT INDUSTRIAL DISTRICT”, CHAPTER 19.34 TITLED “I-2, MEDIUM INDUSTRIAL DISTRICT”, CHAPTER 19.36 TITLED “I-3, HEAVY INDUSTRIAL DISTRICT” AND ENACTING CHAPTER 19.15 TITLED “DISTRICTS ESTABLISHED – ZONING USE AND DIMENSIONAL STANDARDS” CITY OF EVANS, COUNTY OF WELD, STATE OF COLORADO

WHEREAS, the City Council for the City of Evans (the "City") desires to consolidate all zone district intent, uses, and dimensional standards into one single Chapter within the City of Evans Municipal Code; and

WHEREAS; the City will create the US 85 Office zone district; and

WHEREAS; the City will create the Public Facilities zone district; and

WHEREAS; the City will create the US 85 Retail & Commercial – Neighborhood zone district; and

WHEREAS; the City will create the US 85 Retail & Commercial – Regional Corridor zone district; and

WHEREAS; the City will create the US 85 Retail & Commercial – Auto zone district; and

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

Section 1. Chapter 19.11 titled “Ag, Agricultural District”, Chapter 19.12 Titled “R-1E, Single-Family Estate Residential District”, Chapter 19.14 titled “R-1, Single Family Residential District”, Chapter 19.16 titled “RMFH, Residential Manufactured Housing District”, Chapter 19.18 titled “R-2, Two-Family Residential District”, Chapter 19.20 titled “R-3, Multifamily Residential District”, Chapter 19.24 titled “RC, Residential Commercial District”, Chapter 19.26 titled “C-1, Low Intensity Commercial District”, Chapter 19.28 titled “C-2, Medium Intensity Commercial District”, Chapter 19.30 titled “C-3 High Intensity Commercial District”, Chapter 19.32 titled “I-1, Light Industrial District”, Chapter 19.34 titled “I-2, Medium Industrial District”, Chapter 19.36 titled “I-3, Heavy Industrial District” are hereby repealed.

Section 2. Chapter 19.15. “Districts Established – Zoning Use and Dimensional Standards” is hereby enacted to be read as shown in Exhibit A.

Section 3. Publication and Effective Date. This ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and the City Clerk, and by the Certificate of Publication. This ordinance shall become effective upon final passage.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 19th day of August, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_

Mayor

ATTEST:

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

PASSED, APPROVED AND ADOPTED ON SECOND READING this 2<sup>nd</sup> day of September, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_

Mayor

ATTEST:

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

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## CITY COUNCIL COMMUNICATION

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.E

**SUBJECT:** Approval of Resolution No. 28-2014 authorizing staff to begin the application process for properties listed in the Resolution for possible purchase through the Hazard Mitigation Grant Program.

**PRESENTED BY:** Warren Jones, Flood Recovery Manager

### **PROJECT DESCRIPTION:**

On July 15th staff briefed City Council on the possibility of applying for a Hazard Mitigation Grant for the acquisition of properties on 37<sup>th</sup> Street in the 100 year flood plain for permanent conversion to open space or flood control improvements. The grant application deadline is August 29, 2014. Resolution No. 28-2014 would authorize staff to begin the application process for six properties. The HMGP is a federal FEMA program administered by the State of Colorado.

Since the July briefing staff has been working with the State and consultants hired by the State, to further define this project. This research found that acquiring property for a flood control project is not viable due to the length of time it would take to conduct the needed engineering work. For this reason staff is no longer recommending that a flood control project be pursued as part of this grant. Resolution No. 28-2104 and the remainder of this briefing pertain to only property acquisitions that would result in permanent open space. Below are the properties that staff recommends for HMGP applications. The attached map shows these properties.

1. 3939 Riverside Parkway: Colorado Department of Transportation/State Patrol. 5.7 acres with 15,520 square foot two-story commercial building.
2. 200 37<sup>th</sup> St: Eastwood Village Mobile Home Park. 20 acres.
3. 118/120 37<sup>th</sup> St: 3.3 acres with seven single family dwellings, one shop building and numerous outbuildings.
4. 114 37<sup>th</sup> St: 2.6 acres with one 5,800 square foot one-story commercial building.
- 5a. 106 37<sup>th</sup> St (rear): .5 acre.
- 5b. 106 37<sup>th</sup> St: 2.9 acres with 7,800 square foot one-story commercial building.

As the application process moves forward the City may be asked to prioritize these applications. In this case staff recommends that the properties that have historically been used for residential purposes be prioritized first (200 37<sup>th</sup> St and 118/120 37<sup>th</sup> St), followed by the CDOT property (3939 Riverside Parkway) and lastly the commercial properties on 37<sup>th</sup> St. (114 and 106 37<sup>th</sup> St).

The rationale is that the residential uses pose the greatest life safety risk and removing residential uses from flood risk is one of the highest priorities for the HMGP.

### **City interest**

The first question that usually arises in an HMGP project is the interest of the City and FEMA in purchasing these properties. FEMA is most interested in removing properties in flood prone areas that are at a high risk of repetitive losses and thus reducing long-term life safety risks and property damage on a national level. FEMA is also interested in reducing or eliminating future flood insurance claims, as well as the need for the federal government to provide flood-related assistance. The City's interest is much the same on a local level. Additionally these particular acquisitions would contribute to long-term flood control by providing more open space buffers in the 100-year flood plain adjacent to the Riverside Park area and the Historic Evans area to the north and west.

### **HMGP process**

The HMGP process is complex with many variables and steps. It starts with the governing body identifying properties for possible purchase and naming a designated agent. These are both included in the resolution. After application the process moves to the State and FEMA as well as a number of consultants to determine which, if any properties meet the grant criteria and which, if any of the purchases are in the long-term interest of the City and FEMA. An initial review by a FEMA consultant indicated that this project passed a first set of analysis points but the full application and review is needed. As discussed in more detail below any purchases made through the HMGP are completely voluntary between a willing buyer (FEMA and the City) and the property owner. Any party may withdraw at any time in the process. This is one of the reasons staff is recommending a separate application for each property.

As mentioned earlier the HMGP is process is complex with many variables and steps. Below are three of the most important.

- Any property purchased under HMGP must be from a willing seller. Property owners cannot be compelled to participate and it is not uncommon for some property owners to decide that selling their property under the HMGP is not in their best interests. This may be the case for some properties in this project as the fair market value appraisal, benefit cost analysis and environmental assessments are completed. All of the property owners in this proposal have submitted the required Voluntary Participation Agreements. The appraisal process has begun.
- FEMA will apply a rigorous benefit cost analysis to each potential purchase. This requires that the cost of purchase, demolition of existing buildings and relocation of current tenants if needed, must not exceed the expected losses in a flood event over a 100year statistical horizon. The cost side of this equation is driven by a well-defined fair market value appraisal process. The purchase price is not subject to the traditional negotiation of private sector property transactions. If a purchase does not meet the benefit cost analysis FEMA will not provide funds for the purchase.
- FEMA will not purchase properties that are contaminated with hazardous materials at the time of acquisition. Any remediation of hazardous materials contamination must be borne

by the property owner, and remediation must be completed prior to any grant award. While this is generally not a problem with properties that have been used only for residences it may be for properties that have been, or are commercial and industrial uses. The first step in the process of determining if there is potential hazardous materials contamination is a hazardous materials survey by the property owner. Each property owner has been provided with this survey and must return it by August 22, 2014.

### **City costs**

Like many of the federal grant programs related to flood recovery the costs are divided between FEMA (75%), the State (12.5%) and the City (12.5%). The City portion can come from the general fund or other grants. One such grant is the Community Development Block Grant Disaster Recovery Program (CDBG-DR). While CDBG-DR seems a logical choice for the City match it has many conditions that may not benefit the City. It is also possible for the property owner to participate in funding the City match by accepting a purchase amount less than the fair market value. Until all the appraisals are complete and the property owners who ultimately participate in application are known, we will not know what the City's potential match costs will be. When these costs are better defined FEMA will require a commitment letter from the City certify that the City will contribute towards the local match.

The City will also incur application costs in appraisals, staff time and demolition estimates. Some of these costs can be reimbursed in an approved grant and some may be reimbursed even if an application fails.

Finally there will be long-term costs of maintaining the new open space. HMGP requires that any property acquired must be deeded to only open space meeting FEMA definitions.

### **Future actions**

If City Council approves Resolution No. 28-2014 staff will work with the State and consultants to submit these application on August 29, 2014. After that staff expects to be heavily involved with providing additional information to the State and FEMA as well as keeping the participating property owners aware of the progress of the project. There may be points where City Council may be asked to take action based on the benefit cost analysis and property owner desires to stay with, or withdraw from the project. For those properties that proceed through the entire process City Council action will be required for final purchase. This will take at least six months and probably more.

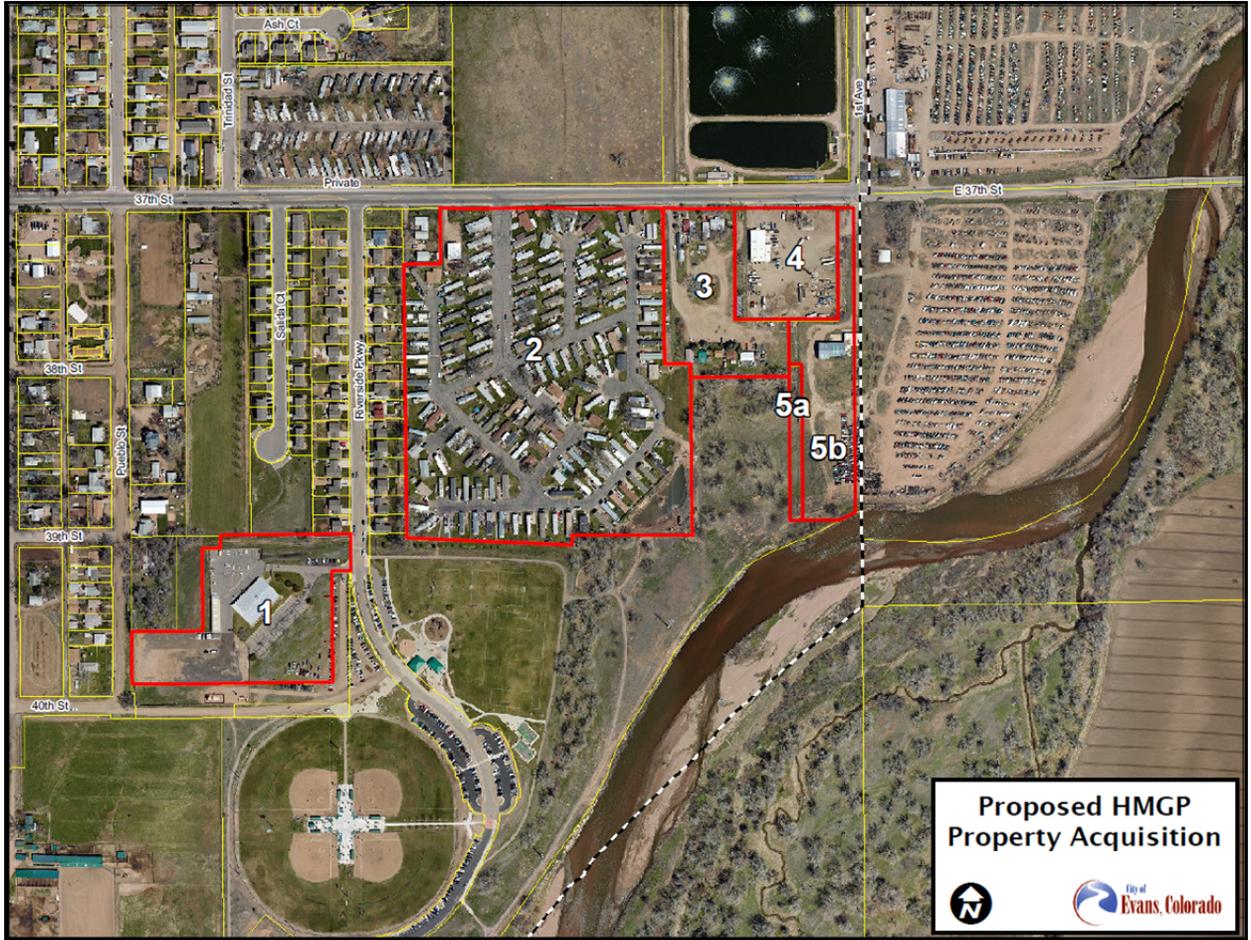
### **STAFF RECOMMENDATION:**

Staff recommends that the City Council approve Resolution 28-2014.

### **SUGGESTED MOTIONS:**

“I move to approve Resolution No. 28-2014.”

“I move to deny the adoption of Resolution No. 28-2014”



**Proposed HMGP  
Property Acquisition**



CITY OF EVANS, COLORADO

RESOLUTION 28-2014

A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR A HAZARD MITIAGTION GRANT THROUGH THE STATE OF COLORADO FOR THE PURCHASE OF CERTAIN PROPERTIES IN THE 100-YEAR FLOOD PLAIN THAT ARE SUBJECTED TO POTENTIAL REPEATED FLOODING AND SUBSTANTIAL DAMAGE.

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, the City of Evans was severely impacted by flooding in September 2013, and;

WHEREAS, certain properties located within the established 100-year flood plain are subject to repeated flooding and substantial damage, and

WHEREAS, the Hazard Mitigation Grant Program (HMGP) administered by the State of Colorado provides funds for the purchase of such properties that meet certain criteria to permanently remove these properties from the potential for property loss and life safety risk, and;

WHEREAS, any HMGP property purchase is wholly voluntary and does not compel either property owners or the City to participate, and;

WHEREAS, any property owner or the City may withdraw from the grant process at any time, and;

WHEREAS, the City would be well served to purchase certain properties through the HMGP to permanently mitigate future flood risk, and;

WHEREAS, a City HMGP application requires that the City name a designated agent for the purpose of the HMGP application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

A. The City Council hereby authorizes City staff to apply for a Hazard Mitigation Grant for the purchase of the following properties (attached map).

1. 3939 Riverside Parkway: Colorado Department of Transportation/State Patrol. 5.7 acres with 15,520 square foot two-story commercial building.
2. 200 37<sup>th</sup> St: Eastwood Village Mobile Home Park. 20 acres.

3. 118/120 37<sup>th</sup> St: 3.3 acres with seven single family dwellings, one shop building and numerous outbuildings.
4. 114 37<sup>th</sup> St: 2.6 acres with one 5,800 square foot one-story commercial building.
- 5a. 106 37<sup>th</sup> St (rear): .5 acre.
- 5b. 106 37<sup>th</sup> St: 2.9 acres with 7,800 square foot one-story commercial building.

B. The City Council hereby designates Flood Recovery Manager Warren Jones as the designated agent for HMGP application and authorizes the Mayor to sign the attached designation document.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 19<sup>th</sup> day of August, 2014.

CITY OF EVANS, COLORADO

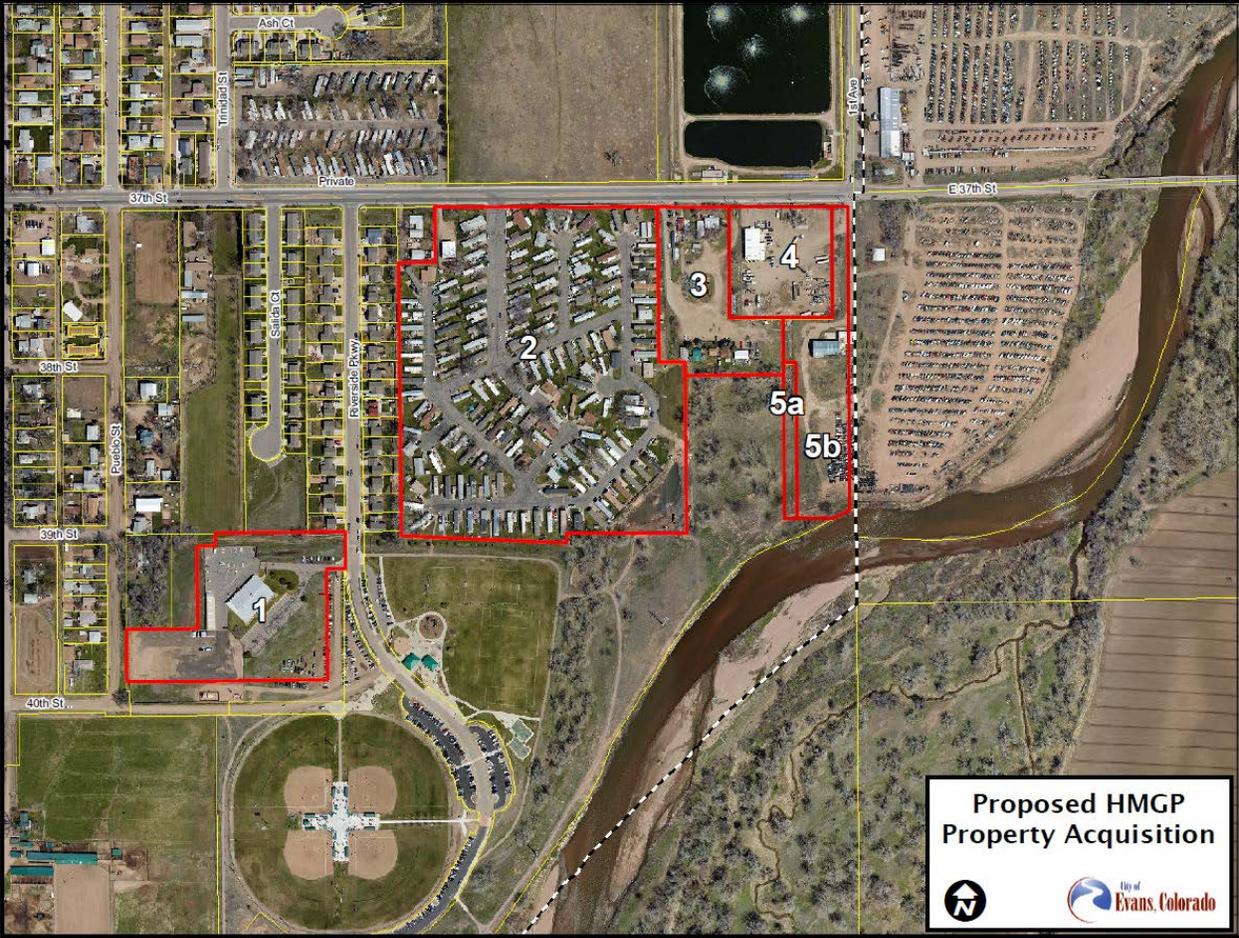
By: \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Clerk



**Proposed HMGP  
Property Acquisition**





**DESIGNATION OF AGENT  
RESOLUTION**

**BE IT RESOLVED** \_\_\_\_\_ **OF** \_\_\_\_\_  
(Governing Body) (Public Entity)

**THAT** \_\_\_\_\_,  
(Name) (Title)

**is hereby authorized to execute for and in behalf of**

\_\_\_\_\_

a public entity established under the laws of the State of Colorado, all required forms and documents for the purpose of obtaining financial assistance for the Hazard Mitigation Grant Program (HMGP) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended)

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**CERTIFICATION**

I, \_\_\_\_\_, duly appointed and \_\_\_\_\_  
(Name) (Title)

of \_\_\_\_\_, do hereby certify that the above is a true and correct copy of  
(Public Entity)

a resolution passed and approved by the \_\_\_\_\_  
(Governing Body)

of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
(Signature) (Official Position) (Date)

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## CITY COUNCIL COMMUNICATION

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.F

**SUBJECT:** Approval of Resolution No. 29-2014 certifying that the City is unable to finance on its own and has no other sources of funding available to the City to carry out the activities for which it will apply for Community Development Block Grant Disaster Recovery Assistance.

**PRESENTED BY:** Warren Jones, Flood Recovery Manager

### **PROJECT DESCRIPTION:**

As part of our continuing flood recovery efforts staff is seeking all opportunities for funding the repair and restoration of City services and infrastructure. One such funding source is the Community Development Block Grant Disaster Recovery (CDBG-DR) assistance program. Staff is in the process of applying for CDBG-DR funds to pay for the 12.5% City match for six projects that have already been completed, are currently in process or planned within the near future.

The attached resolution is a requirement of the grant application and is needed for a set of applications due September 5, 2014. While this resolution is general and can be applied to any CDBG-DR application the projects that are currently in the application phase are shown below with a total requested amount of \$264,140.27.

Project	Project Worksheet	Amount
Wastewater Treatment Facility Category B	680	\$45,038.39
Berm Category G	634	\$ 14,667.50
Debris Removal Category A Pilot Project	617	\$ 6,627.18
Roads Category C	302	\$158,847.84
Security Fencing	107	\$ 13,136.25
Evans Town Ditch	227	\$ 6,094.86
Generators		\$ 12,353.25
Berm Breach C	NCRS	\$ 7,375.00

### **STAFF RECOMMENDATION:**

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Staff recommends that the City Council approve Resolution 29-2014.

### **SUGGESTED MOTIONS:**

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“I move to approve Resolution No. 29-2014.”

“I move to deny the adoption of Resolution No. 29-2014”

CITY OF EVANS, COLORADO

RESOLUTION 29-2014

A RESOLUTION STATING THE CITY OF EVANS FINANCIAL NEEDS FOR COMMUNITY BLOCK GRANT  
DISASTER RECOVERY FUNDING.

WHEREAS, the City of Evans received over \$9.6 million of damages to its public infrastructure during the September declared National Disaster; and

WHEREAS, there was a serious and immediate threat to the public health, safety and welfare; and

WHEREAS, the flood caused urgent needs for the City to respond to the flooding emergency by removing debris, eliminating health hazards, putting into place emergency protective measures, and completing emergency and permanent repairs to its public infrastructure including: roads, bridges, the Evans Wastewater Treatment Facility, the uncertified berm along the S. Platte River, Riverside Park, the Evans Town Ditch, and the landfill disturbed by floodwaters; and

WHEREAS, the City's activities to respond to the flood emergency are critical to meet the community development needs of the city's residents and businesses; and

WHEREAS, the Federal Emergency Management Agency Public Assistance program and the State of Colorado will provide reimbursement for up to 87.5% of covered flood expenses to Evans' public infrastructure; and

WHEREAS, the City of Evans is unable to finance the balance of 12.5% of the expenses; and

WHEREAS, the activities for which the City will apply for Community Development Block Grant Disaster Recovery funding are designed to alleviate existing conditions of an urgent need.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO:

The City of Evans hereby certifies and states that it is unable to finance on its own and has no other sources of funding available to the City to carry out the activities for which it will apply for Community Development Block Grant Disaster Recovery assistance.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council for the City of Evans on this 19<sup>th</sup> day of August, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

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

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**CITY COUNCIL COMMUNICATION**

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.G

**SUBJECT:** **Approval of Resolution No. 30-2014 Authorizing Approval of A Resolution Allowing FPPA Employer Election Regarding Member Contributions to the Statewide Defined Benefit Plan**

**PRESENTED BY:** Rick Brandt, Chief of Police

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**PROJECT DESCRIPTION:**

Statewide, qualified members of the Fire and Police Pension Association (FPPA) have voted to a voluntary increase of the employee contribution to Statewide Defined Benefit Plan of 4% of base salary, to be implemented by an annual increase in the member contribution of one-half percent (.5%) of base salary paid in each of the seven following years, through 2022.

The six police department employees who are affected by this increase have unanimously voted for the employee contribution increase.

The FPPA Board has asked the approval of participating employers to support this increase.

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**FINANCIAL SUMMARY:**

None-the contribution increase will come from the participating employees.

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**STAFF RECOMMENDATION:**

Staff recommends that Council vote in favor of increasing the member contribution rate, through the adoption of the Resolution.

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**SUGGESTED MOTIONS:**

“I move to approve Resolution No. 30-2014.”

“I move to deny the adoption of Resolution No. 30-2014”

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**ATTACHMENTS:**

CITY OF EVANS, COLORADO

RESOLUTION 30-2014

A RESOLUTION ALLOWING FPPA EMPLOYER ELECTION REGARDING  
MEMBER CONTRIBUTIONS TO THE STATEWIDE DEFINED BENEFIT  
PLAN

WHEREAS, Section 31-31-408(1.5), C.R.S., as amended, authorizes the Board of Directors of the Fire and Police Pension Association (“the FPPA Board”) to increase the member contribution rate for pension benefits for participating public safety officers with respect to the members of the Statewide Defined Benefit Plan (“the Plan”), as established pursuant to Section 31-31-402, C.R.S., upon the meeting of certain conditions; and

WHEREAS, pursuant to FPPA Resolution No. 2014-05, the FPPA Board has directed an election of the participating Employers in the plan be conducted with regard to an increase in the member contribution rate for the Plan by an additional 4% of base salary, to be implemented by an annual increase in the member contribution of ½% of base salary paid in each of the seven following years, through 2022, until the cumulative increase in the member contribution rate is 4% of base salary paid; and

WHEREAS, employees in the Evans Police Department earn service credit towards retirement and are thereby members of the Plan administered by FPPA; and

WHEREAS, the City of Evans is thereby eligible to vote in the Employer election concerning the membership contribution rate, being conducted at the direction of the FPPA Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, that the City Council does vote in FAVOR of increasing the member contribution rate for Statewide Defined Benefit Plan, by and additional 4% of base salary paid.

PASSED and APPROVED at a regular meeting of the City Council of the City of Evans on this 19<sup>th</sup> day of August, 2014.

CITY OF EVANS, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

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

## EXHIBIT A

### Questions & Answers Regarding the SWDB Plan Employer Election 2014

The following may be helpful to you as you prepare to cast the Employer vote.

1. *Does this election impact the Employer contribution rate?* No, just the Member contribution rate to the SWDB Plan.
2. *Why should the Employer vote in favor of this proposal?*
  - a. There is no impact to the Employer contribution rate to the plan.
  - b. The increase in the Member contribution rate shall not be subject to negotiation for payment by the Employer, per statute. See C.R.S. 31-31-408(1.5)(b).
  - c. The added funding increases the plan's ability to pay your retirees more meaningful benefit adjustments (commonly referred to as COLA's).
  - d. The added funding also reduces the likelihood that future benefits will need to be rolled back or further contribution rate increases would be needed.
3. *Why does the Employer vote on a proposal to amend the SWDB Plan?* The state statutes provide that if a plan modification is approved by at least 65% of the active members of the plan who vote in the election proposing an increase in the member contribution rate, then in order to be implemented, the proposal must also be approved by more than 50% of the eligible Employers who vote. Eligible Employers are those having active members covered by the plan as of May 15, 2014 at 5:00 p.m.
4. *Regarding the 65% approval mentioned in Question 3, does this mean by department?* No, the 65% applies to the active members of the plan from all departments who vote in the election, not individual departments. An Employer may evaluate whether a majority of its voting members support the proposal.
5. *How does the Employer cast a vote?* Employers cast a vote by submitting to FPPA a resolution from the city council indicating whether or not the Employer supports the proposed change.
6. *What is the deadline for submitting the Employer vote?* The completed and signed resolutions or copies of the minutes must be received by FPPA no later than 4:00 pm MT on August 22, 2014, in order to be counted. If a copy is submitted by fax or email prior to the deadline, the original or certified copy should be mailed as soon as practical, but may be received after the deadline.
7. *Is the Employer required to vote?* No, Employers are not required to vote. The Employer election will pass if a majority of those Employers voting in the Employer election approve the proposal.

8. *How did the members from this department vote?* 100% of voting members voted in favor of the proposal.
9. *When can we expect to hear the results of the Employer election?* FPPA anticipates that the results will be available in September 2014.
10. *If passed, when does the member contribution rate change begin?* The implementation is to begin in January 2015, and the change will be fully implemented by 2022.

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## COUNCIL COMMUNICATION

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.H

**SUBJECT:** Preliminary 2014 Budget Revision – Replacement of Marked Police Car

**PRESENTED BY:** Rick Brandt, Chief of Police

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**AGENDA ITEM DESCRIPTION:**

As a function of our financial management system, staff periodically brings forward preliminary budget revisions for consideration by the Council. If the items in the preliminary budget revision are approved, action will be taken by staff to start the projects, and the items will be included for appropriation in the next regularly scheduled quarterly budget revision.

---

**FINANCIAL SUMMARY:**

This preliminary budget revision relates to the costs to replace a marked police car. One of the police department cars was recently involved in a no-fault, non-injury traffic accident. The car was damaged to the point of being “totaled” by the City insurer. It is critical to police patrol operations to replace the car as soon as possible.

The total cost to replace the marked patrol car is approximately \$51,429.

Police Car:	\$30,343
Radio:	\$ 3,991
MDT:	\$ 4,200
Radar:	\$ 2,395
Equipment and Install:	\$ 9,000
Paint and Graphics:	\$ 1,500
<b>TOTAL:</b>	<b>\$51,429</b>

This request, if approved, will be funded through the General Fund from excess fund balance. The available fund balance is currently \$1, 387,165.

Upon council approval, staff will proceed with the purchase of the replacement police vehicle.

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**RECOMMENDATION:**

Staff recommends approval of the preliminary budget revision.

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**SUGGESTED MOTIONS:**

*“I move to adopt the preliminary budget revision for the acquisition of a police car in the amount of \$51,492.”*

*“I move to deny the adoption of the preliminary budget revision.”*

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## COUNCIL COMMUNICATION

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**DATE:** August 19, 2014

**AGENDA ITEM:** 8.I

**SUBJECT:** Preliminary 2014 Budget Revision – City owned parks non-potable system pumps

**PRESENTED BY:** Fred Starr, Public Works Director

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**AGENDA ITEM DESCRIPTION:**

As a function of our financial management system, staff periodically brings forward preliminary budget revisions for consideration by the Council. If the items in the preliminary budget revision are approved, action will be taken by staff to start the projects, and the items will be included for appropriation in the next regularly scheduled quarterly budget revision.

---

**FINANCIAL SUMMARY:**

This preliminary budget revision relates to the costs to repair and perform preventative maintenance on several non-potable pond pumps within the City. Below is a listing of the pumps needing repair and maintenance.

<b>Location</b>	<b>Estimated Cost</b>
<b>City Park &amp; Hwy 85</b>	<b>\$10,000</b>
<b>Chappelow &amp; City Complex</b>	<b>\$18,000</b>
<b>Grapevine Hollow</b>	<b>\$ 3,000</b>
<b>Total</b>	<b>\$31,000</b>

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The revenue source for these repairs is excess Federal Mineral Lease funds received from the State of Colorado due to a decrease in this revenue last year.

This request is in the General Fund and will include a revenue and expense for \$31,000.

Upon council approval, staff will proceed with the repairs of the systems.

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**RECOMMENDATION:**

Staff recommends approval of the preliminary budget revision.

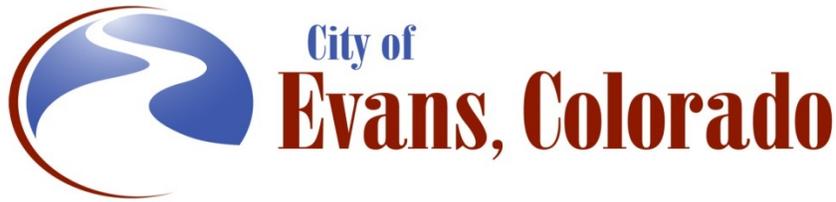
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**SUGGESTED MOTIONS:**

*“I move to adopt the preliminary budget revision for non-potable system repairs in the amount of \$31,000.”*

*“I move to deny the adoption of the preliminary budget revision.”*

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**City Manager**  
**Monitoring Report**  
August 19, 2014

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*Below is a compellation of updates and projects that are either new or have changed since the last City Council meeting.*

- **IT**  
The department is conducting a comprehensive inventory of all City IT equipment. The design and setup of the Finance reporting tool is well underway with a targets roll out of 4<sup>th</sup> quarter. Finally, the department will start an evaluation of the City's printer/copier usage in order to determine where efficiencies and cost savings can be gained.
  
- **CUSTOMER SERVICE**  
  
The Administrative Specialist vacancy will post, internally only, Monday, August 11<sup>th</sup> with a deadline for applications on Friday, August 15<sup>th</sup>.
  
- **ECONOMIC DEVELOPMENT**
  
- **FINANCE**  
  
The Finance Manager vacancy has been reposted. Interviews will start the week of September 8th. The part time accounts payable clerk will remain open until the new manager comes on board.
  
- **FIRE DISTRICT**
  
- **HUMAN RESOURCES**
  
- **PUBLIC WORKS**  
**Community Development**
  - Com Dev turned in both Supplies & Services, as well as Personnel budgets for 2015.
  - We will be ramping up effort for Code Enforcement before our seasonal leaves for the winter.
  - We have been diving into issues with land use on the south side of the river and finding some good information.
  - Building permits continue to be issued at a brisk pace, with two more single family homes turned in.**Operations:**
  - Still prepping for swap and changing out radios/meters. Working on getting ready for the move to full time swap.
  - Due to 65<sup>th</sup> Ave water and sewer line construction the Neville's line temporarily had to be switched to Potable water. We should be able to switch back to Non-Potable water soon.
  - Street striping is completed, we will continue to with sweeping.
  - It looks like we may have at least one more round of mowing coming up before the end of the season.

- We have taken on the duty of “road kill” engineers. All employees have been instructed on the proper disposal techniques.

**Waste Water:**

- The WW flow meter at St. Michael’s tie-in at manhole on 65<sup>th</sup> Ave. has been removed and has been sent for repair.
- O’Neil is beginning the installation of the aerator control panel at the Evans WWTP - this is a non-flood upgrade that was delayed by the flood. The underground conduits and cables are still waiting to be addressed - this is a flood related project. We are still waiting on one more quote.

**Parks:**

- Normal maintenance operations for parks maintenance, mowing, irrigation, and forestry.
- Light fixtures at City Park have been replaced.
- We have lost 4 more seasonals, bringing our total to 7. We have interviewed two possible replacements.

- **POLICE DEPARTMENT**

- **RECREATION**

Day Camp is closing in on another great summer! After 11 weeks and an overall 52 kids, revenues are at an all-time high! Surveys have been sent out to parents to ensure another successful summer will be in the works for 2015.

THK, the consultants for Riverside Park, just finished up a productive three day visit. They met with citizens, went on park tours, and attended National Night Out on Tuesday night. We are looking forward to seeing what we can develop as a community!

# City Council Calendar

## August 2014 through September 2014

### AUGUST 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

August	Event	Location	Time
14	Flood Recovery Taskforce	Evans City Complex	6:00 PM - 8:00 PM
19	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM
21	Evans Chamber-Business After Hours	Happy Life Gardens 2000 37th St., Evans	5:00 PM - 7:00 PM
26	City Council Budget Work Session	Evans City Complex	Begins at 6:00 PM
28	Flood Recovery Taskforce	Evans City Complex	6:00 PM - 8:00 PM

### SEPTEMBER 2014

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

September	Event	Location	Time
2	City Council Work Session & Regular City Council Meeting	Evans City Complex	6:00 PM - 8:00 PM
4	<a href="#">NFRMPO Council Meeting</a>	Eaton Rec Center, 224 1st Street	6:00 PM - 8:30 PM
6	<a href="#">EvansFest</a>	Evans City Park 3929 Golden Street	8:00 AM - 2:00 PM
9	City Council Budget Work Session	Evans City Complex	Begins at 6:00 PM
11	Flood Recovery Taskforce	Evans City Complex	6:00 PM - 8:00 PM
11	CDOT County 4P Meeting & Highway 85 Coalition Meeting	Evans City Complex	Begins at 6:00 PM
16	City Council Work Session & Regular City Council Meeting	Evans City Complex	Begins at 6:00 PM
18	Evans Chamber-Business After Hours	Innovative Foods 3420 Industrial Parkway	5:00 PM - 7:00 PM
25	Flood Recovery Taskforce	Evans City Complex	6:00 PM - 8:00 PM