

**CITY OF RIFLE, COLORADO  
ORDINANCE NO. 20  
SERIES OF 2014**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REPEALING AND REENACTING THE LANDSCAPE GUIDELINES OF THE CITY OF RIFLE SET FORTH AT ARTICLE XIII OF CHAPTER 16 OF THE RIFLE MUNICIPAL CODE, REPEALING ARTICLE VIII OF CHAPTER 2 OF THE RIFLE MUNICIPAL CODE RELATING TO THE RIFLE TREE BOARD, AMENDING ARTICLE V OF CHAPTER 7 RELATING TO CARE AND MAINTENANCE OF TREES WITHIN THE CITY OF RIFLE, AND AMENDING SECTION 16-3-450 RELATING TO LANDSCAPING OF COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS.

WHEREAS, Article XIII of Chapter 16 of the Rifle Municipal Code (“Code”), the City of Rifle’s Landscape Guidelines, provides regulations regarding landscaping of approved land uses within the City of Rifle (“City”); and

WHEREAS, Article V of Chapter 7 of the Code sets forth provisions regarding the care and maintenance of trees located within the City; and

WHEREAS, Article VIII of Chapter 2 of the Code provides for the establishment of the Tree Board of the City of Rifle and sets forth the Tree Board’s duties and responsibilities; and

WHEREAS, Section 16-3-405 of the Code sets forth certain landscaping requirements for commercial and industrial zone districts; and

WHEREAS, the City Council finds that the Tree Board responsibilities are either unnecessary or can more efficiently be fulfilled by the Planning Commission and City staff and therefore the Tree Board should be disbanded and certain of its responsibilities assumed by City Planning Commission and City staff; and

WHEREAS, the City’s tree care and maintenance provisions, the Landscape Guidelines, and Section 16-3-405 warrant amendment to eliminate certain provisions which City Council has determined are unduly burdensome and to improve the Code to clarify responsibilities regarding care and maintenance of trees, create a framework for a more uniform landscape aesthetic throughout the City, and encourage water conservation.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Article XIII of Chapter 16 of the Rifle Municipal Code is hereby repealed in its entirety and reenacted as follows:

## **ARTICLE XIII**

### **Landscape Guidelines**

#### **Sec. 16-13-10. General provisions.**

Landscaping shall refer to any combination of living plants such as trees, shrubs, plants, vegetative ground cover and turf grasses, and may include natural nonliving elements such as rock, stone and bark, as well as structural features, including but not limited to walks, fences, benches, works of art, reflective pools and fountains.

#### **Sec. 16-13-20. Purpose and intent.**

(a) Purpose and intent. The purpose and intent of this Article is to protect the health and welfare of the citizens of Rifle through the regulation of landscaping of new multi-family, commercial, public/civic, light industrial and industrial developments. Installed landscapes should enhance property values, promote quality development, contribute to the visual character of new developments, and promote water conservation through xeriscaping. Xeriscape principles are as follows:

(b) Design. Identify zones of different water requirements and group plants together that have similar water needs;

(c) Appropriate Use of Turf. Limit high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs;

(d) Low-Water-Using Plants. Choose low-water-demanding plants and turf where practicable;

(e) Irrigation. Design, operate and maintain an efficient irrigation system;

(f) Soil Preparation. Incorporate soil amendments before planting;

(g) Mulch. Add mulch to planting beds to a minimum depth of three (3) inches;

(h) Maintenance. Provide regular and attentive maintenance.

#### **Sec. 16-13-30. Scope and applicability.**

(a) The provisions of this Article shall apply to all new construction of multi-family housing, commercial development, public/civic, light industrial and industrial development.

(b) Existing or nonconforming landscapes. Landscapes installed prior to the effective date of the ordinance codified in this Article, and not in compliance herewith, shall be regarded as nonconforming landscapes that may continue as long as the landscapes are properly maintained in conformance with the other ordinances of the City. If uses or buildings regulated by this Article are reconstructed, remodeled or added to where the alteration will affect more than fifty percent (50%) of the building's gross floor area, or where more than fifty percent (50%) of the building's lot will be impacted, landscaping shall be updated to meet all applicable code requirements in effect at that time.

**Sec. 16-13-40. Definitions.**

Whenever the following words or phrases are used in this Article, they shall have the following meanings:

*Annual* means a plant that lives only one (1) year or growing season.

*Bunch grass* means those types of grasses that grow in clumps and do not spread to form a continuous sod mat and do not require regular mowing, as do turf-grasses. Included are most of the native or prairie grasses such as bluestems, fescues, grammas, wheat grasses, etc.

*Coniferous* means those evergreen plants whose foliage is needle-like, scale-like or awl-like and are cone-bearing.

*Deciduous* means a plant with foliage that is shed annually.

*Evergreen* means a plant with foliage that persists and is green year-round and may or may not be coniferous.

*Groundcover* means low-growing perennial and/or evergreen plants, other than turf grass, which grow and spread in such a manner as to provide continuous plant coverage. Such plants are typically shorter than eighteen (18) inches and may include herbs, ivies, ornamental grasses, perennials, spreading evergreens, succulents, vines and wildflowers. Annuals, mulches and stone are not considered groundcovers.

*Hedge* means a continuous, living, landscape barrier consisting of closely planted shrubs maintained at a height of greater than two (2) feet. Trees of any kind, other than upright junipers, shall not be pruned, sheared, trimmed or otherwise treated as hedges, but may be planted, as approved, to form wind-rows, visual screens or sound barriers.

*Landscaping* means aesthetic improvements using natural and manmade materials as defined below (*landscaping materials*). Landscaping areas may also include, by way of example but not by way of limitation, the following: basketball courts, pools, tennis courts, playgrounds or similar recreational areas or uses.

*Landscaping materials* means, but is not be limited to, trees, shrubs, vines, and plants of all descriptions (excluding weeds and other unkempt vegetation) and other materials and treatments such as stone, mulches and other nonliving landscape materials.

*Living plant material coverage* means the covering of raw ground or bare soil with living landscape materials at a growth size of two-thirds ( $\frac{2}{3}$ ) maturity, such as shrubs, groundcovers, perennials, vines and all plants of all descriptions (excluding weeds or other unkempt vegetation). Living plant material shall be distributed throughout the entire landscape treatment area so as to avoid over-massing of plant materials or creating disproportionately large areas containing no living plant material.

*Mulch* means nonliving matter, such as bark chips, chipped wood products, pole shavings, stone and any approved like materials customarily used in landscapes for the purpose of retaining soil moisture, retarding weed growth and stabilizing soils. All mulches shall be installed at a depth of at least two (2) inches but not greater than four (4) inches.

*Nonliving landscaping materials* means, but shall not be specifically limited to, manmade or artificial materials used for decorative or ornamental purposes such as fountains, monuments, statues, planting containers and trestles and frames; but excluding artificial plants, shrubs, bushes, trees and flowers.

*Ornamental grass* means those types of grasses that grow in clumps, and do not spread to form a continuous mat, as do turf grasses. Bunch grasses and other taller, more decorative types of grasses may be considered ornamental when grown as accents in conjunction with other plants in larger bed-plantings.

*Ornamental tree* means a tree, typically fifteen (15) to twenty (20) feet tall at maturity, that is planted for its decorative value, perhaps in screening applications rather than for shading purposes. They are usually deciduous but may include short growing conifers such as upright junipers, pinion pine and bristlecone pine.

*Perennial* means those types of herbaceous flowering plants which live for several years and "die back" annually to grow again the next season without having to be replaced or replanted.

*Planting bed* means any landscape area covered with a non-turf surface such as rocks, gravel, mulch, or like material, into which trees, shrubs, and ornamental grasses are planted.

*Shade tree* means a tree, over fifteen (15) to twenty (20) feet tall at maturity, that is deciduous and planted for its wider canopy, higher bottom branch scaffold and shading value and does not include conifers or evergreens of any kind.

*Shrub* means a long-lived deciduous, evergreen or coniferous woody plant, typically multi-stemmed and having a mature height of between three (3) and fifteen (15) feet, and does not include perennials.

*Stone* means any rock material that may fall under further sub-classification, such as river rock, cobble, flagstone, boulders and others. Any stone material used in landscape applications must be at least three-fourths ( $\frac{3}{4}$ ) inch in diameter or cross-section. Squeegee and road-base are not acceptable materials within the definition of *stone*.

*Street tree* means trees strategically planted, usually in parkway strips, medians or along streets, to enhance the visual quality of a street.

*Tree* means a long-lived deciduous, evergreen or coniferous woody plant, typically single-stemmed and having a mature height of fifteen (15) feet or more.

*Turf grass* means those types of grasses that do not grow in clumps but, rather, spread naturally to form a continuous sod mat. Such are the grasses customarily used in lawn applications, typically available in sod form, being tolerant of foot traffic, and presenting a finished, maintained appearance with proper care.

*Weeds* means plants included in the Garfield County Vegetation Management program Noxious Weed List.

*Xeriscape* means water conservation through creative landscape design that reduces water consumption, landscape maintenance and the use of fertilizers and pesticides. Principles associated with Xeriscaping include appropriate planning and design, soil improvements, efficient irrigation, practical turf areas, appropriate plant selection, uses of mulches and maintenance.

#### **Sec. 16-13-50. Submittal requirements.**

Landscape plans developed by a commercial nursery, licensed landscape contractor or landscape architect shall be submitted with the application for a building permit for any project subject to the provisions of this Article. The following information shall be included on required plans:

- (1) Calculation of net site area showing all existing and proposed structures, parking and access areas, and any other paved areas.
- (2) Calculation of required landscape treatment area.
- (3) Location and dimensions of areas to be landscaped and areas of existing landscaping (landscape treatment area).
- (4) Location, general type and quality of existing vegetation.
- (5) Existing vegetation to be saved.
- (6) Locations and labels for all proposed plants.

(7) Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape materials at the time of planting.

(8) Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights and courts or paved areas.

(9) Location and coverage of required irrigation systems.

(10) Planting and installation details as necessary to ensure conformance with all required standards.

(11) Guarantee from the developer that all plant materials will be warranted for a period of twenty-four (24) months from the time of installation. If any of the material should fail to survive during that period, it will be replaced during the next appropriate planting season with materials similar in type and size to those outlined on the approved landscape plans. If a material fails because it is an inappropriate selection for the site where installed, such material shall be replaced with a more appropriate plant for that site and shall be of approximately the same size as the material specified on landscape plans for that location.

**Sec. 16-13-60. Certificate of occupancy.**

(a) No final inspection shall be completed or certificate of occupancy (C.O.) issued, except as stated in Subsection (b) below, for any multi-family, commercial, public/civic, light industrial or industrial property that is required to provide landscaping in conformance with these regulations unless all landscaping on the property has been installed and has been accepted in writing as correct by the commercial nursery, licensed landscape contractor or landscape architect that developed the approved landscape plans for such property.

(b) Final inspections may be completed and C.O.s issued by the Director of Planning and Development prior to the installation or completion of the landscaping when weather conditions or other circumstances, such as the winter season, place an unreasonable burden or hardship on the developer or builder. Such burden or hardship must be documented in writing by a commercial nursery or licensed landscape contractor stating that it would be impractical or unwise to install landscape materials due to conditions such as those outlined above. All landscape improvements allowed under a delayed installment must be completed within one (1) year of the date of issuance of the C.O. Additional time may be granted by the Director of Planning and Development when conditions or circumstances such as those previously described herein prevent completion.

(c) In those instances where a C.O. is granted prior to the installation of landscaping, the developer or builder shall be required to provide a surety, such as a cash escrow or letter of credit, for one hundred twenty percent (120%) of the estimated cost of materials and labor for the installation of the landscaping. The surety shall be in a form and amount approved by the Director of Planning and Development to guarantee that, by an agreed-upon date, the required landscaping is installed according to the approved landscape plan, or the surety will be subject to

forfeiture to the City. The City then may apply the surety funds towards installation of landscaping on the subject property, or seek other enforcement remedies.

(d) In those instances where a C.O. is granted prior to the installation of landscaping, the developer or builder must meet all of the City's sediment and erosion control requirements by an agreed-upon date as established by the Department of Public Works.

(e) All landscaping material and labor estimates presented by developers in connection with the issuance of a C.O. prior to landscape installation shall be prepared by a commercial nursery, licensed landscape contractor or landscape architect, and such estimate shall be signed and dated by the person who prepared it. The Director of Planning and Development must approve the estimate before submittal of any surety.

**Sec. 16-13-70. Plant sizes.**

The caliper of deciduous and ornamental trees shall be measured six (6) inches above the base. Plant materials shall meet the requirements outlined in Table 16-13-1.

**Table 16-13-1**

<i>Plant Type</i>	<i>Minimum Size</i>
Deciduous Tree	2" Caliper
Evergreen Tree	6' Tall
Ornamental Tree	1½" Caliper
Shrubs	#5 Container
Ornamental Grasses	#1 Container
Perennial and Groundcovers	2¼" pots
Annual Plants/Flowers	As purchased

**Sec. 16-13-80. General landscape requirements.**

(a) Landscape treatment area. Commercial, industrial, civic, and multi-family uses shall have landscape treatment areas that include all areas of the site not covered by structures, bodies of water, driveways, sidewalks, plazas, hardscape recreation areas, parking lots, or ditches.

(b) Specific landscape treatment areas are further addressed in:

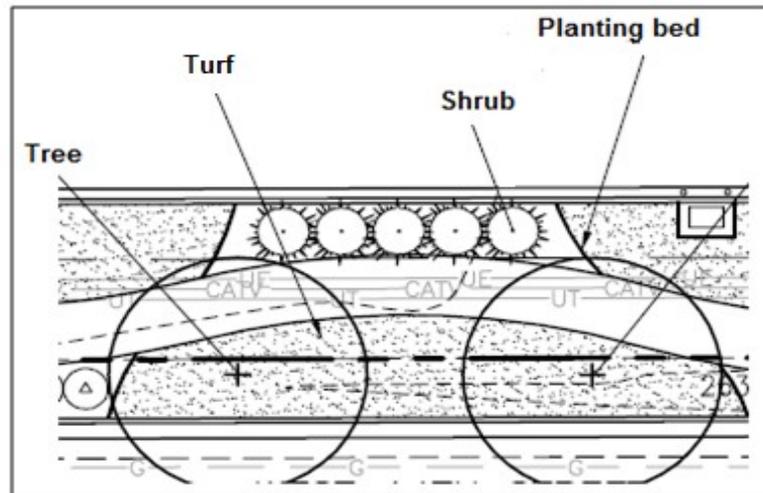
- (1) Right-Of-Way landscaping (Sec. 16-13-90);

(2) Parking Lot landscaping; (Sec. 16-13-100)

(3) Foundation landscaping (Sec. 16-13-110).

(c) All Landscape treatment areas shall meet the following standards:

(1) *Turf*. A maximum of fifty percent (50%) of the total landscape treatment area may be covered with turf. Native grasses may be used as a non-turf alternative. If kept in a healthy and weed-free state native grasses may grow to a mature height of above 8" without being considered a weed.



Typical components of a landscape treatment area.

(2) *Planting beds*. Any area of the site covered by rock, gravel, or mulch is defined as a planting bed. The following standards are intended to provide a diversity of landscape materials within planting beds.

- a. Planting beds shall have a minimum of one planting (tree, shrub, or ornamental grass) per twenty-five (25) square feet of planting bed area.
- b. The maximum usage of any one plant species is fifty percent (50%) of total plantings.
- c. Ornamental grasses shall be no more than forty percent (40%) of the total number of plantings.
- d. At least fifty percent (50%) of plantings shall meet low-water use (xeric) criteria. See Appendix C plant list.
- e. River cobble as a planting bed ground cover shall not cover more than fifty percent (50%) of the total landscape treatment area, and is not permitted in street buffers for commercial zones, to preserve public safety. Pea gravel, organic mulch, or other similar materials are preferred alternatives.
- f. At least ten percent (10%) of plants shall be of a flowering variety. Flowering plants should be used along right-of-ways or in foundation landscaping areas. See Appendix C plant list.

(3) *Trees.* See tree requirements for Right-Of-Ways (Sec. 16-13-90) and Parking Lots (Sec.16-13-100).

a. Trees in unspecified landscape areas. Landscape treatment areas not within defined Right- Of-Way, Parking Lot, or Foundation areas shall provide trees at a ratio of 1 tree per four-hundred (400) square feet. Exception: In areas away from public use and view, and where it is appropriate for the site to retain a natural character, the Planning Director may approve use of unirrigated native grasses in place of tree requirements.

b. Quaking aspen trees shall be permitted but shall not count towards required trees.

(4) Airport Road landscape buffer. The minimum landscape buffer along Airport Road shall be 15 feet in Commercial zones and 20 feet in Light Industrial zones. The intent of this requirement is to provide a continual landscape buffer regardless of the location of parking lots within developments on Airport Road. The buffer shall meet General Landscape Requirements and Right-of-Way landscaping requirements. Additionally, evergreen trees shall not be permitted in Light Industrial zones on Airport Road due to elk and deer feeding habits.

**Sec. 16-13-90. Right-of-way landscape standards.**

Each development shall provide trees and landscaping within public rights-of-way and transportation easements as described in Table 16-13-2.

**Table 16-13-2**

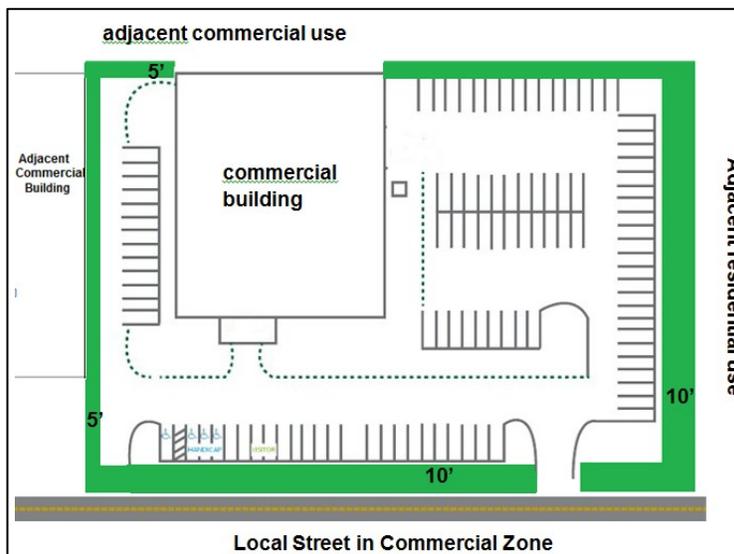
<i>Type of sidewalk</i>	<i>Tree Type</i>	<i>Number of Trees</i>	<i>Landscape Treatment Area</i>	<i>Planting requirements</i>
Detached Sidewalk	Deciduous	1 per 40 linear feet, placed between street and sidewalk.	Entire area between sidewalk and curb and remaining right-of-way on opposite side of sidewalk	Per General Landscape Requirements  Exception: turf may be 100%

Attached Sidewalk	Deciduous	1 per 40 linear feet. In the CBD, trees shall be placed within tree grates on inner edge of sidewalks at least 8' in width. Otherwise, trees placed within 10 feet of the sidewalk.	Per requirements of this chapter for the specific location.	Per General Landscape Requirements and, if applicable, Parking Lot Landscaping
Road Right-of-Way Islands/ Medians	Deciduous, Ornamental, or Evergreen	1 per every 40 linear feet	Entire interior of island.	Per General Landscape Requirements Exception: no landscaping on islands less than 5 feet wide.

**Sec. 16-13-100. Parking lot landscaping.**

The definition of parking lots shall include storage areas, gas station fueling areas, parking lot access drives, or other paved or graveled areas.

(a) Parking Lot Perimeter Landscaping. The entire perimeter of a parking lot shall be landscaped according to Table 16-13-3.



The depth of the parking lot landscaping buffer is determined by the adjacent right-of-way or land use.

**Table 16-13-3  
 Parking Lot Perimeter Standards**

<i>Adjacent right-of-way or land use</i>	<i>Minimum depth of landscape buffer (feet)</i>	<i>Planting and screening requirements</i>
Interstate 70	50	<ul style="list-style-type: none"> <li>• General landscape requirements per Sec.16-13-80.</li> <li>• At least 50% of the linear footage of a buffer adjacent to a street must be composed of planting beds to provide vertical screening of the lot.</li> <li>• River cobble is not permitted in street buffers in multi-family or commercial zones.</li> <li>• 1 tree per 40 linear feet (following ROW street tree standards in Sec. 16-13-90)</li> <li>• Screening: minimum 6-foot fence</li> <li>• General landscape requirements per Sec. 16-13-80.</li> <li>• 1 evergreen tree per 25 linear feet</li> <li>• No screening</li> <li>• General landscape requirements per Sec. 16-13-80</li> <li>• 1 tree per 40 linear feet</li> </ul>
State highway	20	
Local street in Central Business District	5	
Local street in commercial or multifamily zone	10	
Airport Road in commercial zone	15	
Local street in light industrial or industrial zone	20	
Residential use (or any higher-impact use adjacent to lower-impact use)	10	
Commercial use adjacent to other commercial use	5	
Not adjacent to a street or a lot line	5	
Alley in Central Business District	0	

(b) Parking Lot Interior Landscaping. There shall be one (1) landscaped island for every fifteen (15) parking spaces. Parking lots with less than fifteen (15) spaces are exempt from this requirement.

(1) Landscape islands. Landscape islands shall be evenly distributed to the maximum extent possible. Landscape islands shall be a minimum of eighteen (18) feet by six (6) feet for single rows and thirty-six (36) feet by six (6) feet for double rows of parking spaces. Islands shall have raised concrete curbing and shall contain a minimum of one (1) deciduous shade tree and six (6) shrubs for single rows and two (2) deciduous shade trees and twelve (12) shrubs in each landscape island for double rows. The remaining landscaping shall consist of a mulched planting bed. Turf is prohibited in parking lot islands.

(2) All required landscape areas adjacent to vehicle use areas shall be protected by wheel stops, curbs or other physical barriers. When a parking space abuts a landscape island or planter, the front two (2) feet of the required parking space may overhang the planter, provided that wheel stops or curbing are present.

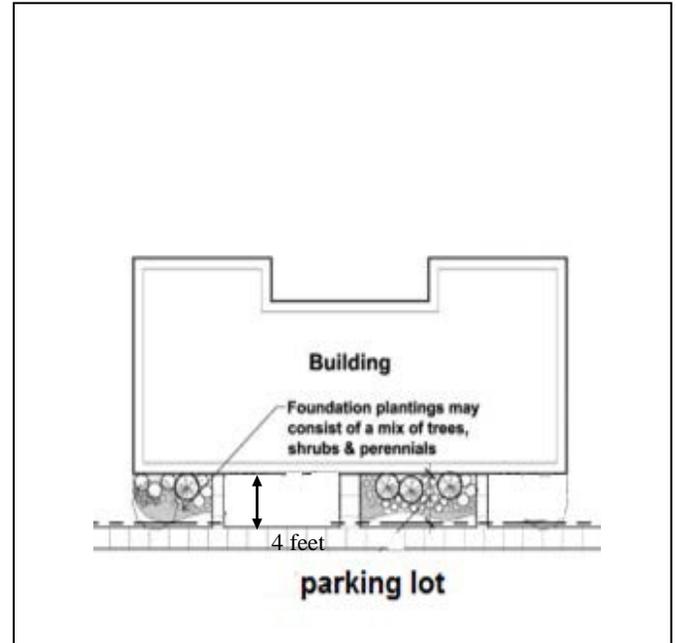
**Sec. 16-13-110. Foundation landscaping.**

The facades of structures in commercial or multi-family zones that are (a) adjacent to a parking lot, and (b) facing a street, shall have a planting bed at the base of the structure meeting the following standards:

(a) A minimum 4-foot width, continuing along 25% of the building façade.

(b) One planting per 15 square feet, and otherwise following general landscape requirements per Section 16-13-80.

(c) An exception may be made for facades where entrances, loading area doors, or motor vehicle bays are greater than 50% of the façade. The available remaining percentage of the façade shall be landscaped.



(d) If conditions of the site require, foundation landscaping may be grouped into alternate configurations adjacent to the building as long as the minimum square footage and number of plants is provided. The intent of improving the aesthetics of the building through landscaping must be met.

**Sec. 16-13-120. Planting for safety at intersections and near driveways.**

(a) Sight Distance Triangle. On corner lots, in order to preserve sight distances, an unobstructed view shall be maintained within the triangular area at the intersection of two (2) streets, which is formed by three (3) points as established by: (1) the intersection of the flowline at the corner; (2) by measuring thirty (30) feet back from this intersection on each flowline; and (3) connecting the two (2) ends of the legs to form a triangle.

(b) No landscaping within a required front yard setback, or within the side yard setback on corner lots, shall exceed a height of forty-eight (48) inches, with the exception of trees. Such trees, at sufficient maturity, shall be trimmed to a height of at least eight (8) feet above the gutter flow line.

(c) Street trees shall be placed a minimum of eight (8) feet from the corners of alleys and driveways, ten (10) feet from intersections, and fifteen (15) feet from overhead utility and light poles.

**Sec. 16-13-130. Screening elements of low visual interest.**

Landscape or other materials shall be used to screen areas of low visual interest from the public right of way. These elements include, but are not limited to, trash receptacles, service areas, loading docks, and utility boxes and pedestals. Screening shall be provided on all sides, except where an opening is required for access. The access side shall permit access, yet the areas should be screened when access is not required. Screening shall be in the form of landscaping, walls, fences, berms, buildings or a combination of these techniques. The screening around trash receptacles shall be a minimum of six (6) feet in height.

**Sec. 16-13-140. Irrigation.**

(a) A permanently installed, automatic underground irrigation system shall be established to provide total water coverage to all plant materials installed pursuant to this Article. An exception is made for drip irrigation systems, which may be aboveground.

(b) If native dryland grass species are chosen for turf areas, irrigation shall occur for at least the first six (6) weeks after installation, although no permanently installed irrigation system is required. Once turf has been established, supplemental irrigation shall be implemented as required to maintain turf areas in a green and growing condition.

(c) A reduced pressure backflow preventer shall be used on all systems. Where the irrigation point of connection is from the domestic water service, the irrigation tap and backflow preventer shall be installed after the water meter but before any backflow or pressure-reducing valve for the building.

**Sec. 16-13-150. Replacement and maintenance.**

(a) After the initial twenty-four-month guarantee period when failing landscape materials will be replaced by the developer/contractor in conformance with this Article, the property owner shall be responsible for the replacement of any landscape materials that die. All replacement plant material shall be of the same type and size as the original material installed according to the approved landscape plan, or an equivalent replacement to be approved by the Director of Planning and Development Director.

(b) All materials included in the landscape treatment area shall be maintained in a manner resulting in a landscape consistent with the original intent and vision of accepted landscape plans. As an example, typical maintenance activities should include mowing, pruning, weeding, replacing mulch and any other practices required to maintain the aesthetic integrity of landscape areas.

**Sec. 16-13-160. Plant materials lists.**

(a) All installed trees and shrubs must be selected from the plant materials lists contained in Appendix C to this Code. Any annual or perennial flower or grass available through local nurseries may be incorporated into landscapes required by this Article.

(b) Trees and shrubs not included in these lists may also be installed at the discretion and approval of the Director of Planning and Development.

(c) replacement plant material shall be of the same type and size as the original material installed according to the approved landscape plan, or an equivalent replacement to be approved by the Director of Planning and Development Director.

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Section 3. Section 16-3-405 of the Rifle Municipal Code is hereby amended to read as follows, with additions shown in **bold, double underlined text**, and ~~strike through language is deleted~~:

~~(a) All required open space and yards abutting a street must be landscaped for an average depth of fifteen (15) feet from the area closest to a street in accordance with Article XIII of this Chapter and all other applicable sections of this Code.~~

**(a)** ~~(b)~~ Driveways shall be situated at approximately right angles to the public right-of-way.

**(b)** ~~(c)~~ The Interstate 70 setback area must be effectively landscaped to screen outside storage areas and present the impression of low intensity land use. The landscaping shall be maintained in a "green and growing" condition and shall be reviewed as part of a site plan, subdivision or PUD application.

**(c)** ~~(d)~~ All structures shall be set back one hundred (100) feet from the centerline or fifty (50) feet from the right-of-way line of an arterial street, whichever is greater. Arterial streets are: Highway 13, Highway 13 Bypass and Highways 6 and 24.

**(d)** ~~(e)~~ Corner lots. The front yard shall be determined by the Public Works Director during building permit review or final plat review. The side yard adjacent local street shall have a minimum fifteen-foot setback; if the side yard is adjacent to a state highway or interstate, it shall maintain the front yard setback specified for the zone district.

**(e)** ~~(f)~~ Residential structures constructed prior to September 1, 1996, are exempt from compliance with the minimum yard setbacks. Any new construction, additions or changes associated with residential structures after September 1, 1996, shall be subject to the minimum yard setbacks, except as otherwise provided in this Code.

**(f)** ~~(g)~~ Caretaker/sleeping quarters units. Pursuant to this Code, caretaker and sleeping quarters units for shift workers are a permitted use in the Light Industrial and Industrial Zone Districts so long as the following conditions are met:

(1) No more than one (1) caretaker or sleeping quarters unit may be permitted per Industrial or Light Industrial Zone District lot.

(2) The purpose of the caretaker/sleeping quarters unit is to provide security and/or a sleeping area for shift workers employed by the on-site business. No more than two (2) employees of the on-site business may occupy a caretaker/sleeping quarters unit, and the occupants must be employed by the on-site business in security or other shift work incidental to on-site operations. The caretaker/ sleeping quarters unit may not house off-site employees of the business or any other occupants.

(3) The caretaker/sleeping quarters unit may be an attached unit in the building containing the onsite business or a detached structure, but in no case shall the unit exceed six hundred (600) square feet in size. Manufactured homes, mobile homes or movable trailer-type structures are not permitted.

Section 4. Article V of Chapter 7 of the Rifle Municipal Code is hereby repealed in its entirety and reenacted as follows:

## ARTICLE V

### Trees

#### Sec. 7-5-10. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

*Private trees* means trees, shrubs, bushes and other wood-like vegetation located on private property, which may project or exist over or outside the property line.

*Topping* means the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

*Street trees* means trees, shrubs, bushes and all other wood-like vegetation which are found on City street rights-of-way existing between private property and the nearest adjacent paved street.

#### Sec. 7-5-20. Street Trees.

(a) Purpose and intent. The purpose of this section is to recognize that street trees are a benefit to the community through provision of shade, energy savings, enhancement of property

values, and beautification, and to ensure that care and maintenance of street trees is sufficient to preserve these benefits.

(b) Modification of Street Trees. It is a violation of this Article to remove, damage, injure, cut, top, paint, deface or kill any street tree except with approval of the Planning Commission. Requests to take any action relating to street trees may be made to the Planning Commission at a regular meeting. No public notice or application fee shall be required for the Planning Commission to hear such requests.

(c) Street tree maintenance. It is the responsibility of a property owner to maintain all street trees adjacent to such owner's property in a living state which prevents hazards to the public and neighboring properties. In addition, the following requirements apply:

(1) Pruning and clearance. The property owner adjacent to a street tree which overhangs any street, right-of-way, alley, lane, corner or any other public area within the City shall prune the branches of such street tree so that the branches shall not obstruct the vision of signage placed by the City or obstruct the view in the area near an intersection defined by Section 16-3-240(6) of this Code. There shall be a clear space of at least eight (8) feet above any sidewalk, and at least thirteen (13) feet above any street, alley or lane. Responsible property owners shall remove from street trees all dead, diseased or dangerous branches, or broken or decayed limbs which constitute a menace to the safety to the public, and shall bear the financial cost of removal. In the event that the City determines that a street tree requires pruning or clearance, the responsible owner will be notified of this fact in writing by the City Manager. Thereafter, the responsible owner shall prune the street tree or otherwise create clearance at her or his expense within sixty (60) days after receipt of such notice. In the event that the responsible property owner fails to prune the subject street tree or create clearance, the City shall have the authority to do the same and charge the costs of pruning or clearance to the responsible owner. Failure to make payment to the City within a reasonable time for such work by the City shall subject the responsible owner's adjoining property to all lien rights of the City.

(2) Protection of trees. During the construction or improvement of any structure, it shall be unlawful for any person to place material, machinery or soil deposits within three (3) feet of any street tree.

(d) The Planning Commission may approve removal or topping of a street tree if any of the following conditions exist:

(1) The street tree is an undesirable tree species as defined by the City Manager;

(2) The street tree is within the area near an intersection defined by Section 16-3-240(6) of this Code;

(3) The street tree has been determined by the City Manager to be dead, severely diseased, or hazardous to public safety; or

(4) The street tree interferes with or poses the potential of imminent interference with overhead utility lines.

(e) Street tree replacement. If a street tree is removed pursuant to Subsection (d) above, the adjoining property owner is responsible for planting a new tree within one hundred eighty (180) days of removal, and the new tree shall meet the standards set forth in Subsection (f) below. The new tree shall be not less than one (1) inch in diameter at the trunk measured two (2) feet above ground level. If it is not reasonably possible to meet all of the standards in this Subsection (e), the property owner shall be relieved of this requirement.

(f) Street tree planting standards. All street trees and the planting thereof must meet the following standards:

(1) A street tree must be a desirable tree species, as such are defined by the City Manager and kept for record at the City Hall;

(2) The trunk must not be located within ten (10) feet measured horizontally of any utility pole;

(3) The trunk must not be located within five (5) feet measured horizontally of any City water or sewer line or main. It is the responsibility of any party planting a street tree to contact the City to determine the location of such lines and mains;

(4) The trunk must not be located within the area near an intersection defined by Section 16-3-240(6) of this Code or within thirty (30) feet of any intersection; and

(5) The trunk must not be located within three (3) feet measured horizontally of the back of any City street curb or sidewalk located on City property.

(g) Nothing in this Article shall prevent the City, at its sole discretion, from assuming, on a temporary basis, the responsibility for the maintenance of street trees where the City has also assumed the responsibility for the maintenance of other landscaping.

#### **Sec. 7-5-30. Trees on private property.**

Upon approval of the Planning Commission, the City shall have the right to cause the removal of any tree on private property within the City, when such trees constitute a hazard to life and property or harbor insects or diseases which are a potential threat to other trees within the City. The owner will be notified in writing by the City Manager of any such tree removal decision. Removal will be done by the owner at her or his expense within sixty (60) days after receipt of notice regarding the removal decision. In the event there is a failure to comply with the notice, the City shall have the authority to remove such tree(s) approved for removal and charge the costs of removal to the responsible owner. Failure to make payment to the City within a reasonable time for such work by the City shall subject the responsible owner's adjoining property to all lien rights of the City.

**Sec. 7-5-40. Penalty.**

Any violation of the provisions of this Article is classified as a Class B municipal offense.

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Section 5. Article VIII of Chapter 2 of the Rifle Municipal Code is hereby repealed in its entirety and reserved for future use.

INTRODUCED on December 17, 2014, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on January 7, 2015, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this \_\_\_ day of \_\_\_\_\_, 2015.

CITY OF RIFLE, COLORADO

BY: \_\_\_\_\_  
Mayor

ATTEST:

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