



## CITY OF RIFLE PLANNING COMMISSION REGULAR MEETING

**Tuesday November 25, 2014  
Rifle City Hall – Council Chambers**

- 6:00 PM Workshop~~ Sign Code
- 7:00 PM Convene Regular Planning Commission Meeting
- 7:04 PM Roll Call
- 7:06 PM October 28, 2014 Planning Commission Meeting Minutes
- 7:08 PM Map Amendment 2014-3 areas near Stillwell Avenue  
Rezone from Medium Density Residential Redevelopment (MDRX) to Low Density Residential (LDR)
- 7:25 PM Text Amendment 2014-3 Sign Code
- 7:45 PM Text Amendment 2014-4 Landscaping Code
- 8:05 PM Change/Cancel the December 31, 2014 meeting
- 8:08 PM Member Comments and Adjournment.

*The order and times of agenda items listed above are approximate and intended as a guideline for the Planning Commissioners.  
Next Regular Planning Commission Meeting: December 30, 2014*





## REGULAR PLANNING COMMISSION MEETING

Tuesday, October 28, 2014

Chair Helen Rogers called the Regular Planning Meeting and Board of Adjustment to order at 7:00 p.m.

### MEMBERS PRESENT AT ROLL CALL:

**ROLL CALL: Rogers, Pettinger, Mead, Fuller, Marantino, and Sieber**

### Excused Commissioner Caldwell

Commissioner Marantino moved to **EXCUSE** Commissioner Caldwell from the meeting. Commissioner Fuller seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Rogers, Pettinger, Marantino, Mead, Fuller and Sieber**

**Commissioner Sieber will be a voting member.**

### OTHERS PRESENT:

Planning Director Nathan Lindquist, Planner Hannah Klausman, Administrative Assistant Charlotte Squires, City Television Station Jim Bell.

### APPROVAL OF JULY 29, 2014 REGULAR PLANNING COMMISSION MEETING MINUTES

Commissioner Pettinger moved to **APPROVE** June 24, 2014 Regular Planning Commission Meeting Minutes. Commissioner Sieber seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Rogers, Pettinger, Marantino, Mead, Fuller and Sieber**

### ELECTION OF VICE CHAIR

**Staff:** explained the position is open with Commissioner Elliott moving being accepted to City Council.

Commissioner Fuller stated he would be interested being vice chair; no other commissioners showing interest.

### Motion Made:

Commissioner Pettinger moved to **ELECT Commissioner** Fuller as Vice Chair. Commissioner Mead seconded the motion. The motion **CARRIED** with the following vote:

**ROLL CALL: Yes- Rogers, Pettinger, Marantino, Mead, Fuller and Sieber**

### MEMBER COMMENT AND ADJOURNMENT

Thank you plaques were given in recognition of service to Commissioner Joe Elliott and Sky Sieber.

Chair Rogers adjourned the meeting at 7:12 p.m.

\_\_\_\_\_  
Helen Rogers, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charlotte Squires, Planning Technician

\_\_\_\_\_  
Date

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



**MEMORANDUM**

**TO:** PLANNING AND ZONING COMMISSION

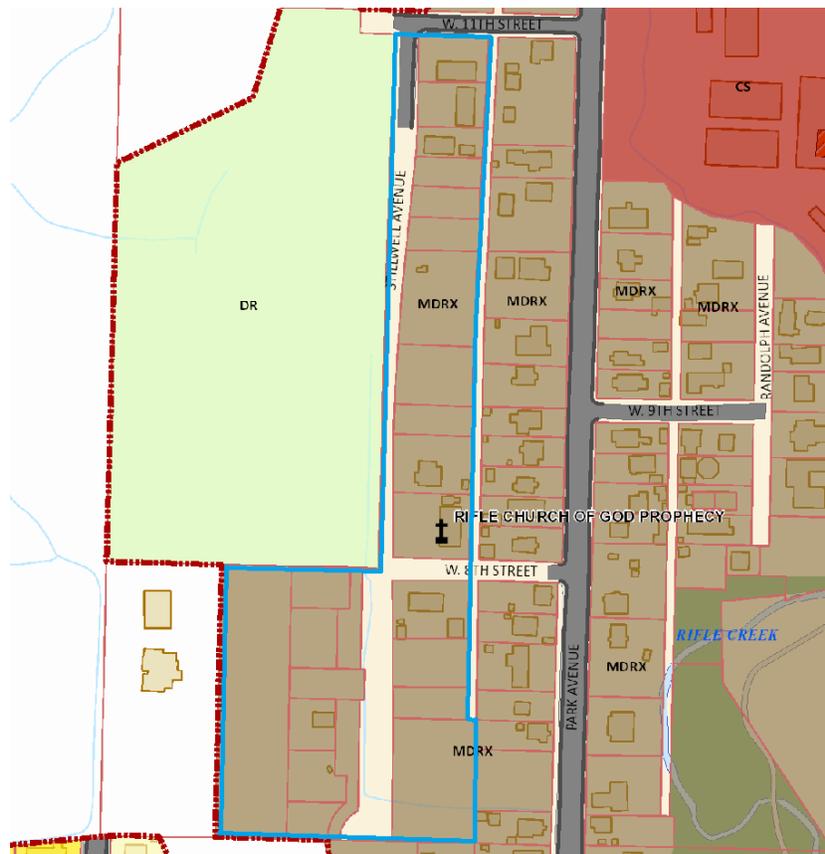
**FROM:** HANNAH KLAUSMAN, PLANNER

**DATE:** NOVEMBER 25, 2014

**SUBJECT:** MAP AMENDMENT 2014-3  
STILLWELL AVENUE  
APPLICANT: CITY OF RIFLE

**REQUEST**

The applicant requests that Planning Commission approve Map Amendment 2014-3, a rezoning of Stillwell Avenue from Medium Density Residential Redeveloping (MDR-X) zoning to Low Density Residential (LDR) zoning. See the area outlined below in blue for the area under consideration.



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### BACKGROUND

The area around Stillwell Avenue is composed of Medium Density Residential Redeveloping to the north, east, and south, and Developing Resource to the west.

The purpose of this rezoning is to discourage multi-family residential development (MDRX zoning) and to encourage the development of single family homes (LDR zoning) in vacant lots bordering Stillwell Avenue. Staff is recommending this action due to problems identified with developing high-density multi-family residential in this location. The first issue is the high groundwater level. As developers have found in past failed attempts at development, the high groundwater makes drainage expensive for a dense development pattern in this area. The second issue is the poor condition of the street, which is not appropriate for the higher traffic levels of multi-family. These subdivisions were approved in the 1950s through the 1980s with no provision for street construction by the developer, as would be required today. While the City intends to chip and seal Stillwell Avenue in 2015, this street surface is not appropriate for multi-family density.

Single-family homes should be encouraged on Stillwell Avenue vacant lots because they will function compatibly with the condition of the groundwater and the street. Approval of this rezoning, along with the City's improvement of the street in 2015, will allow single-family development in Stillwell Avenue vacant lots to proceed without creating a long-term street maintenance problem for the City.

Staff comments on the appropriateness of the rezoning are below in the FINDINGS section.

### FINDINGS

Pursuant to Section 16-5-280, the Commission shall consider the following criteria before approving a rezoning (***staff comments shown in bold italics***):

1. Conformance of the proposal with the City of Rifle Municipal Code;

***The proposal is following the rezoning process as described in the code.***

2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood, and the relative value of the proposed structure to the value of other structures in the neighborhood;

***The proposed rezoning is compatible with the neighborhood which is composed of a mix of single family and multi-family dwellings. The zoning of surrounding properties is Medium Density Residential Redeveloping (MDRX).***

3. The desirability for the proposed use in the specific area of the City;

***The uses allowed in the Low Density Residential zoning district are consistent with existing residential uses in the area.***

4. The potential for adverse environmental effects that might result from the proposed use;

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***The rezoning will help avoid negative environmental effects associated with high groundwater levels in the area.***

5. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;

***While the Comprehensive Plan recommends this area for High Density Residential, the Comprehensive Plan did not account for the groundwater and street issues in this area. In addition, the need for High Density Residential has subsided since the end of the energy extraction boom, and the City has identified more appropriate High Density Residential locations in the Central Business District.***

6. The potential impact of the proposed use upon the value of property and buildings within the surrounding area;

***The proposed rezoning should not impact property values in the surrounding residential areas.***

7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high volume use requests pursuant to §10.10.110 of these regulations, if applicable.

***Not applicable to a rezoning.***

**RECOMMENDATION**

Staff recommends that Planning Commission recommend APPROVAL of Map Amendment 2014-3 to City Council.

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**MEMORANDUM**

TO: Planning and Zoning Commission

FROM: Hannah Klausman, Planner

DATE: November 25, 2014

SUBJECT: Text Amendment 2014-3  
Sign Regulations

**REQUEST**

The applicant requests that Planning Commission approve Text Amendment 2014-2 an amendment to the Rifle Municipal Sign Code, Chapter 16, Article 8, replacing it with the attached text, changing the sign regulations for the City.

**BACKGROUND**

Staff has recently been reviewing the City of Rifle Sign Regulations. Frequent sign code violations, and a multitude of objections from local businesses in conforming to sign regulations prompted this review. In order to facilitate easier administrative interpretation and reduce staff time on repeated citations, staff recommends altering the sign code.

The proposed changes incorporate altering how total allowable square footage for signs is calculated, as well as accommodating types of signage previously prohibited, that can be integrated into a business's signage in a visually pleasing manner. Staff believes these changes will improve sign appearance and facilitate the adoption of less stringent regulations towards widely used and publicly accepted signage. In some circumstances, the code changes will do a better job of reining in signs that are less desirable.

In addition, staff recommends a text arrangement of Section 16-8 to provide a more user friendly version of the sign code. Reorganizing important sections toward the beginning of the code section creates a better understanding and less confusion by businesses. The proposed code is intended to promote identification of uses, but protect and enhance the character of the community.

**RECOMMENDATION**

Staff requests that Planning Commission recommend City Council APPROVE Text Amendment 2014-3.

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**ARTICLE VIII**  
**Sign Code**

**Sec. 16-8-10. Purpose and intent.**

- 1) Recognize that signs are a necessary means of visual communication for the convenience of the public and for the benefit of individuals, businesses, government and other entities to convey information or advertising.
- 2) Provide a reasonable balance between the right of those concerned to identify businesses, services and other activities by the use of signs and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
- 3) Provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.
- 4) Limit signs to those which are accessory and incidental to the use on the premises where such signs are located.
- 5) Protect the public from damage or injury caused by signs that are poorly designed or maintained and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs.
- 6) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Ensure that signs are compatible and integrated with the building's architectural design and with other signs on the property.
- 7) Ensure that signs are appropriate and compatible with their location and site features, including but not limited to the street on which they are located, the orientation of the building on the site, surrounding buildings, surrounding neighborhood characteristics, the type of building on the site and landscaping.
- 8) Bring nonconforming signs into compliance with these regulations. (Ord. 7 §2, 2004)

**Sec. 16-8-20. Scope and applicability.**

- a) The provisions of this Article shall apply to the display, construction, erection, alteration, use, maintenance and location of all signs within the City. All signs displayed, constructed, erected or altered after the date of the adoption of the ordinance codified in this Article shall be in conformance with the provisions of this Article.
- b) Nonconforming signs. A sign existing at the time of the effective date of the ordinance codified in this Article and not in compliance herewith shall be regarded as a nonconforming sign. A nonconforming sign may continue if the business or land use associated with the sign continues in operation, is properly repaired and maintained, and is in conformance with this Article and other applicable City standards.

Nonconforming signs shall be brought into conformance with the Sign Code under the following circumstances:

- 1) A nonconforming sign that is structurally altered, relocated or replaced shall comply with the sign code. Replacement of a sign face or sign text, if done without altering the sign structure, shall not constitute a structural alteration or replacement.
- 2) **Discontinued nonconforming signs.** Whenever a business, industry, service or other use has been discontinued and has ended its operations, nonconforming signs and nonconforming sign structures pertaining to the use shall be removed by the property owner within ninety (90) days. Notice of violation shall be given to the property owner and (14) business days will be given to remedy the violation, at which time the City may remove the signs. The City shall keep the sign in storage for thirty (30) days, during which they may be recovered by the owner only upon payment to the City for costs of removal and storage. If not recovered within the thirty-day period, the sign and supporting structure shall be declared abandoned and title shall vest with the City. The costs of removal and storage (up to thirty [30] days) may be billed to the owner. If not paid, the applicable costs may be imposed as a tax lien against the property from which the sign was removed. (Ord. 7 §2, 2004; Ord. 1 §3, 2009)
- 3) **Sign maintenance.** The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain signs, including any illumination sources, in neat and orderly condition and in a good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such signs. The City may inspect any sign governed by this Article and shall have the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or obsolescence. (Ord. 7 §2, 2004)

#### **Sec. 16-8-30. Sign permits and administration.**

##### (a) Sign permit required.

- 1) A sign permit shall be required in order to erect, move, alter, reconstruct or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 16-8-50 below.
- 2) On properties with more than one (1) primary use, a separate permit shall be required for signage for each individual use. See Paragraph 16-8-120(b)(2) of this Article for information on properties with multiple buildings or multi-use centers.
- 3) Changing or replacing the copy on an existing lawful sign shall not require a permit, provided that the copy change does not change the size of the sign, or render the sign in violation of this Article.

##### (b) Application for a sign permit.

- 1) Sign permit application requirements. Applications for sign permits shall be made in writing on forms furnished by the City staff. The application shall contain:
- 2) The street address of the proposed sign structure;
- 3) Names and addresses of the owner, sign contractor and erector;
- 4) Legible site plans which include the specific location of the sign and setbacks to adjacent property lines and buildings;

- 5) A detailed drawing indicating the dimensions, materials and colors of the proposed sign structure. A certification by a structural engineer may be required by the City staff for a freestanding or projecting sign;
- 6) A graphic drawing or photograph of the sign copy;
- 7) A description of the lighting to be used, if applicable;
- 8) If the sign is to be located off the premises advertised, a written lease or permission from the property owner of the site on which the sign will be located; and
- 9) Sign permit fee and plan check fee as established by the current fee schedule. The applicant shall pay all costs billed by the City relative to the review of the application.
  - a. Sign permit application certification of completion. Upon receipt of a sign permit application, the City staff shall either certify that the application is complete and in compliance of all submittal requirements or reject it as incomplete and notify the applicant in writing of any deficiencies.
  - b. Staff review and approval. When the City staff has determined the application to be complete, the City staff shall review the sign permit in accordance with the established review criteria and has the authority to approve, approve with conditions or deny the sign permit. Upon the City staff's approval of the sign permit, the sign permit and any building or electrical permits required for the sign shall be issued to the applicant.
  - c. Terms of approval. Once a sign permit has been issued, it shall be unlawful to change, modify or deviate from the terms or conditions of the approved permit without the consent of the City.
  - d. Provision of insurance. For freestanding signs, projecting signs and any sign that is located on or above public right-of-way, proof of public liability insurance must be provided.

c) Interpretation. When it is required that an interpretation be provided for standards and regulations specified in this Article, said interpretations shall be made by the Planning Director.

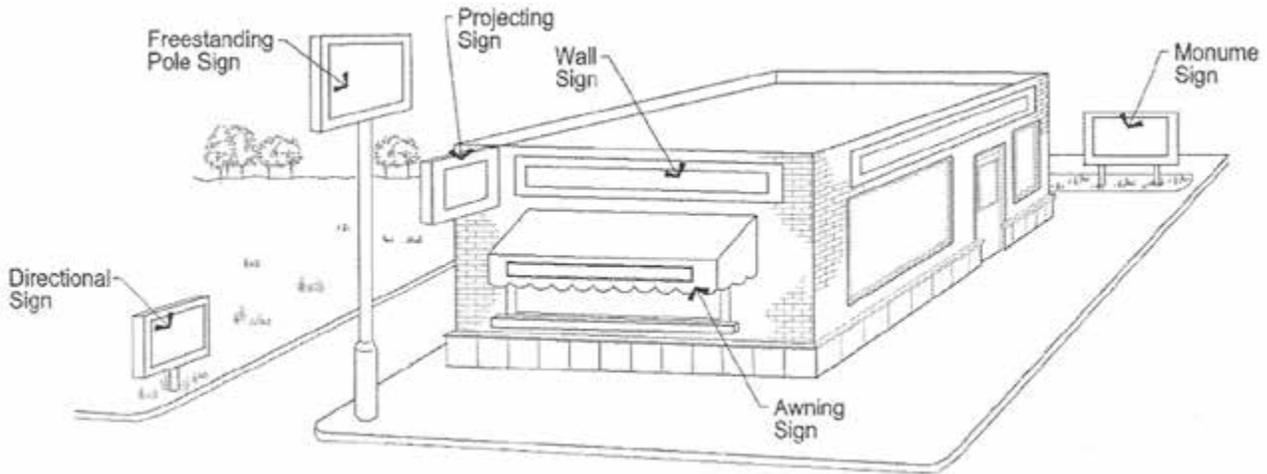
**Sec. 16-8-40. Sign design.**

- a) Professional. Signs shall be made by a professional sign company or other qualified entity as determined by the Planning Director.
- b) Materials. Signs shall be constructed of durable, high quality architectural materials. The sign package must use materials, colors and designs that are compatible with the building facade. Sign materials must be of proven durability. Treated wood, painted metal, stone, brick and stucco are the preferred materials for signs.

Figure 16-8-1. Signs and architectural details.



Figure 16-18-2. Types of signs



**Sec. 16-8-50. Sign standards by zoning district.**

(a) The following are standards for signs in the LDR, MDR, MDR-X, EZ zoning districts:

| <i>Type of Sign</i>                     | <i>Number of Signs</i>             | <i>Maximum Area (sq. ft.)</i>  | <i>Maximum Height</i>   | <i>Lighting Types</i>  | <i>Comments</i>   |
|---|------------------------------------|--|---|--|---|
| <b>Awning/<br/>Canopy or<br/>Wall</b>   |                                    |  | Limited to first story of building unless second story has pedestrian access such as balcony<br><br>Must be at least 8' above finished grade<br><br>Can be no more than 25' above grade | Direct or indirect<br><br>Lighting must be turned off from 11 pm to 6 am if within 500' of residential zone district | Cannot project more than 12" beyond face of awning, canopy or building wall<br><br>Cannot obstruct window, door or other architectural details<br><br>Cannot extend above top of awning, canopy or building eaveline<br><br>Signs located under a canopy or awning are considered suspended signs |
| Public or quasi-public uses             | 1 per street front                 | 5% of building facade OR 25 sq. ft., whichever is less                               |   |  |   |
| Multi-family complex                    | 1 per street front                 | 5% of building facade OR 25 sq. ft., whichever is less                               |   |  |   |
| Legal existing nonconforming commercial | 1 per street front or 1 per tenant |  |   |  |   |
| <b>Freestanding</b>                     |                                    |  |   | Lighting must be turned off from 11 pm to 6 am if within 500' of residential zone district                           | Monument signs are only freestanding signs permitted in residential zone districts  |
| Public or quasi-public use              | 1 per street front                 | 1 sq. ft. for each lineal foot of building frontage OR 25 sq. ft., whichever is less | 8'  | Direct or indirect   | Must be at least 8' from pavement<br><br>Must be at least 4' from building  |
| Multi-family complex                    | 1 per street front                 | 1 sq. ft. for each lineal foot of building frontage OR 25 sq. ft., whichever is less | 6'  | Direct   |   |

|   |                                    |   |    |                    |  |
|---|------------------------------------|---|----|--------------------|--|
| Legal existing nonconforming commercial | 1 per street front or 1 per tenant | 1 sq. ft. for each lineal foot of building frontage<br>OR 25 sq. ft., whichever is less | 8' | Direct or indirect |  |
| Subdivision entrance                    | 1 monument sign per entrance       | 25 sq. ft.  | 6' | Direct             |  |
| Group child care center                 | 1                                  | 10 sq. ft.  | 6' | Unlighted          |  |
| Home occupation                         | 1                                  | 1 sq. ft.   | 4' | Unlighted          |  |

| Type of Sign                            | Number of Signs | Maximum Area (sq. ft.) | Maximum Height    | Lighting Types | Comments  |
|---|-----------------|------------------------|-------------------|----------------|---|
| <b>Projecting or Suspended Sign</b>     |                 |                        |                   |                | Not allowed   |
| <b>Window Sign</b>                      |                 |                        |                   |                |   |
| Legal existing nonconforming commercial |                 |                        | Ground level only | Unlighted      | Cannot exceed 25% of area of window<br>Posters for temporary (<30 days) events are exempt |

(b) Signs in the CBD, CS, TC, LI, I and PD zoning districts.

See Chapter 16, Article 18 for additional standards for signs within the Central Business District.

| Type of Sign                  | Number of Signs   | Maximum Area (sq. ft.)  | Maximum Height   | Lighting Types  | Comments   |
|-------------------------------|---|---|--|---|--|
| <b>Awning/ Canopy or Wall</b> | <del>1 per street front or 1 per tenant</del><br><br><u>No maximum number of signs. The total area of all wall signage must not exceed Maximum Area calculation</u> | <del>5% of building facade</del><br><br><u>1 sq. ft. per linear foot of building frontage facing a street.</u><br><br><u>Add 30 square feet per additional use in multi-use buildings</u><br><br><u>Central Business District: maximum 75 square feet. A minimum of 15 sq. ft. is allowed for all uses, regardless of building facade</u> | <del>Limited to first story of building unless second story has pedestrian access such as balcony</del><br><br><del>Must be at least 8' above finished grade</del><br><br><del>Can be no more than The lesser of -25' OR the top of first floor of structure</del><br><br><u>Exception: wall signs above the first floor of a building may be used in place of a freestanding sign</u> | Direct, indirect, or internal<br><br>Lighting must be turned off from 11 pm to 6 am if within 500' of a residential zone district | Cannot project more than 12" beyond face of awning, canopy or building wall<br><br>Cannot obstruct window, door or other architectural details<br><br>Cannot extend above top of <del>awning, canopy or</del> building eaveline<br><br>Signs located under canopy or awning are considered suspended signs<br><br><u>On corner lots, maximum square footage must be shared if utilizing more than 1 sign</u> |
| <b>Freestanding</b>           |   |   |  |   |  |

|   |  |   |  |  |   |
|---|--|---|--|--|---|
| <p>Business, institution, government, multi-family, subdivision</p> | <p>1 per 1,500 feet of street frontage per lot</p> <p>OR</p> <p>1 per street frontage for corner and double frontage lots</p> <p><u>Pole signs not permitted in the Central Business District; monument signs only</u></p> | <p><u>The lesser of :</u></p> <p>1 sq. ft. for each lineal foot of building frontage</p> <p><u>OR</u></p> <p><u>170 square feet on Airport Road and Hwy 13</u></p> <p><u>130 square feet in all other areas</u></p> | <p>Cannot exceed height of principal building</p> <p>OR</p> <p>25 ft., whichever is less</p> <p><u>Exceptions:</u></p> <p><u>At least 20 feet permitted on Airport Road and Hwy 13</u></p> | <p>Direct, indirect, or internal</p> <p>Lighting must be turned off from 11 pm to 6 am if within 500' of residential zone district</p> | <p>Must be at least 8' from pavement</p> <p>Must be at least 4' from building</p> <p>On corner lots, maximum square footage must be shared if utilizing more than 1 sign</p> <p>For multi-tenant uses, 1 freestanding sign is permitted</p> |
|---|--|---|--|--|---|

| <i>Type of Sign</i>                 | <i>Number of Signs</i>   | <i>Maximum Area (sq. ft.)</i>       | <i>Maximum Height</i>   | <i>Lighting Types</i> | <i>Comments</i>   |
|-------------------------------------|--|-------------------------------------|---|-----------------------|---|
| Home Occupation                     | 1  | 4 sq. ft.                           | 6'  | Unlighted             |   |
| <b>Projecting or Suspended Sign</b> | 1 per building frontage  | 16 sq. ft.                          | Limited to first story of building unless second story has pedestrian access such as balcony<br><br>Must be at least 8' above finished grade<br><br>Can be no more than 25' above grade |                       | If used in conjunction with awning/canopy or wall sign, size is calculated as part of total allowable area for awning/canopy or wall sign<br><br>Must generally align with other projecting or suspended signs in same block<br><br>Limited to 4-foot width |
| <b>Window Sign</b>                  |  | Cannot exceed 25% of area of window | <del>Limited to first story of building unless second story has pedestrian access such as balcony</del>   | Unlighted             | Posters for temporary (<30 days) events are exempt  |
| <b>A-frames</b>                     | 1 per retail or restaurant use in CBD only; business must be adjacent to City street | 6 sq. ft.                           | 48" tall; 24" wide  | Unlighted             | Subject to Chapter 11, Article II, Encroachment Permits<br>Must be removed during non-business hours<br>May not be open/closed sign only  |

(1) Multi-use buildings and multi-building properties must create a sign program specific to that property according to the following guidelines.

- a. The sign program must be approved by the Planning Department and will be kept on file as a reference for reviewing sign applications within that development.
- b. Signage shall follow a similar theme throughout the project. This theme shall be based on the similar scale, size, height, shape and/or color.
- c. Individual uses may not have individual freestanding signs.

(Ord. 7 §2, 2004; Ord. 1 §5, 2009; Ord. 11 §§13, 14, 2011)

**Sec. 16-8-60. Measurement of sign area and height.**

(a) Sign surface area.

(1) The area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face shall be measured using standard mathematical formulas.

(2) The computation of letters not attached to a surface or plane shall be made by determining the area enclosed within the smallest geometric figure needed to completely encompass all of the letters, words, insignias or symbols.

(3) Time and temperature devices shall not be included within the measurement of maximum sign area. See Figure 16-1 for examples of sign area measurement.

(b) Sign support. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.

(c) Back-to-back (double-faced) signs. Back-to-back signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two (2) feet at any point.

(d) Three-dimensional signs. Where a sign consists of one (1) or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture), the sign area shall be measured as the maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six (6) inches from the sign face may be approved in compliance with Section 16-8-110.

(e) Wall signs. If a sign is attached to a wall, only that portion of the wall onto which the sign face or letters are placed shall be calculated in the sign area.

(f) Sign height. The height of a sign shall be measured from the highest point of a sign to the ground surface beneath it. When berms are used in conjunction with signage, the height of the sign shall be measured from the mean elevation of the fronting street. See Figure 16-2 for examples of sign height measurement.

#### **Sec. 16-8-70. Exempt signs.**

- a) The types of signs listed herein are exempt from permit requirements of these regulations and may be placed in any zoning district subject to the provisions of these regulations.
  - 1) Common exempt signage including: *building identification* signs, *incidental* signs, *landmark* signs, addresses, vacancy and no vacancy signs, no trespassing signs (maximum size of 8 square feet), time and temperature signs (maximum size of 10 square feet), and *changeable copy* signs for church, school, civic uses, and theaters.
  - 2) Nonvisible signs. Signs that are not visible beyond the boundaries of the lot or parcel upon which they are located and/or from any public thoroughfare or right-of-way shall be exempt from the provisions of this Article.
  - 3) Art, architectural features, or religious symbols. Integral decorative or architectural features of buildings, and works of art, so long as such features or works in no way identify a product or business and do not contain letters, trademarks, moving parts or lights.
  - 4) Banners. Banners applied to paper, plastic or fabric used to decorate or attract attention to a business, activity or event, provided that:

- a. The banner is displayed in conjunction with a special event for a period not to exceed thirty (30) days.
- b. Banners are displayed no more than two (2) times per calendar year per location.
- c. One (1) banner per street frontage per establishment shall be permitted.
- d. Non-profit special event banners. Temporary special event signs and banners for religious, charitable, civic, fraternal or similar nonprofit or not-for-profit organizations shall be erected no sooner than thirty (30) days prior to and removed no later than seven (7) days after the event. No such sign shall exceed thirty-two (32) square feet. No such sign shall be illuminated.

5) Banners on private light poles. Commercial banners may be displayed on privately-owned light poles, provided that:

- a. One banner per light pole, or two if placed to mirror each other and total size not exceeding size requirements below.
- b. Size is no greater than 8 feet in height and 6 feet in width.
- c. At least 10 feet off the ground.
- d. Consistent theme and professional design.

6) Construction signs. Temporary construction signs, provided that:

- a. Signs are limited to information regarding participating building contractors, subcontractors, professional firms, lending institutions and property owners.
- b. Signs in conjunction with any single-family residential use shall not exceed eight (8) square feet each.
- c. Signs in conjunction with all uses besides single-family residential shall have a maximum area of thirty-two (32) square feet each.
- d. Only one (1) such sign oriented per street front per premises shall be erected. On corner lots, any two (2) such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line.
- e. Such signs shall not be illuminated.
- f. Such signs shall only appear at the construction site.

- g. Such signs shall be removed within seven (7) days after completion of the project.
- 7) Decorations (holiday). Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday or celebration; provided that such signs shall be displayed for not more than sixty (60) days in any one (1) year and may be of any type, number, area, height, location, illumination or animation.
  - 8) Flags. Government and nongovernment flags, provided that they do not display commercial logos.
  - 9) Garage, estate, yard sale or farm auction. Signs which advertise a private garage or yard sale on the lot on which the sign is located; provided that such signs are displayed no more than twice per year per dwelling unit. The sale sign is limited to four (4) square feet per face of sign area. It may be installed not more than seven (7) days prior to the sale, and it must be removed not later than two (2) days after the sale.
  - 10) Hunting season signs. Temporary signs and banners intended to attract attention of seasonal hunters, provided that:
    - a. Signs are only permitted between August 1 and December 1 each year.
    - b. Signs must be placed on the same premises of the business or activity for which they are displaying information.
    - c. No such sign shall exceed sixteen (16) square feet.
    - d. No such sign shall be illuminated or animated.
    - e. Inflatable signs may be used for a maximum of five (5) days during hunting season.
  - 11) Notice boards and other governmental notices. Notice boards for public or religious institutions or other uses as approved by City staff and primarily intended for pedestrians.
  - 12) Political signs. Political signs displayed on private property in accordance with an official election or signs erected on behalf of candidates for public office, provided that:
    - a. Residential district signs shall not exceed three (3) square feet per face or six (6) square feet total.
    - b. In commercially zoned locations, the maximum sign area shall be ten (10) square feet for each sign face, or twenty (20) square feet total.
    - c. Such signs shall be placed no closer than eight (8) feet from the nearest pavement edge.

- d. All such signs may be erected no sooner than sixty (60) days in advance of the election for which they were made.
  - e. The signs are removed within seven (7) days after the election for which they were made.
  - f. The property owner upon whose land the sign is placed shall give written permission for the placement of said signs and will be responsible for violations.
- 13) Real estate sign. Properties being offered for sale, lease or development may have temporary signage, subject to the following limitations:
- a. For individual residential and commercial lots, one (1) sign is permitted per lot. The maximum sign area shall be six (6) square feet for each sign face. The maximum height shall be five (5) feet.
  - b. For residential and commercial major subdivisions, one (1) sign is permitted per subdivision. The maximum sign area shall be thirty-two (32) square feet for each sign face. The maximum height shall be eight (8) feet.
  - c. Each shall be limited to two (2) sign faces.
  - d. Signs must be located on the lot or subdivision being advertised. Such signs shall be placed no closer than eight (8) feet to the property line or nearest pavement edge or sidewalk, whichever is closer. Placement shall also conform to the City's site distance triangle requirements.
  - e. No more than three (3) temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development, etc., may also be permitted off-site. Each such sign may have a maximum area of four (4) square feet and shall be placed outside all existing rights-of-way.
  - f. All signs advertising lots for sale or lease shall be removed no later than seven (7) days after the closing or signing of a lease agreement.
  - g. All signs advertising subdivisions shall be removed after seventy-five percent (75%) of lots have sold within an advertised subdivision.
  - h. No sign allowed under this Subsection shall be lighted.
- 14) Strings of light bulbs. Displays of string lights, provided that:
- a. They are decorative displays which only outline or highlight landscaping or architectural features of a building.
  - b. They are steady burning, clear, noncolored bulb lights. No blinking, flashing, intermittent changes in intensity or rotating shall be permitted unless in conjunction with holiday decorations. See Section 16-8-50(g)(10).

- c. They shall not be assembled or arranged to convey messages, words, commercial advertisements, slogans and/or logos.
- 15) *Vehicular* signs. Signs displayed on trucks, buses, trailers or other vehicles which are being operated or stored in the normal course of a business, such as signs indicating the names of the owners or businesses which are located on moving vans, delivery trucks, rental trucks and trailers and the like, shall be exempt from the provisions of these regulations, provided that the primary purpose of such vehicles is not for the display of signs, and provided that they are parked or stored in areas appropriate to their use as vehicles.

**Sec. 16-8-80. Prohibited signs.**

The following signs are inconsistent with the purposes and standards in this Article and are prohibited in all zoning districts:

- 1) *Animated signs.* Signs with flashing, rotating, blinking or other illuminating or animating devices that have a changing brightness or intensity or color; or signs with movement, animation or apparent movement. This includes signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy. Time and temperature signs and barber poles less than three (3) feet in height are exempt from this prohibition.
- 2) *Signs in the right-of-way.* Any sign, other than a traffic control sign, erected, constructed or maintained within, over or upon the right-of-way of any road or highway, except as provided for in Section 16-8-100(3).
- 3) *Roof signs.*
- 4) *Signs confused with traffic control devices.* Any sign whose size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device, sign or signal, when in fact, it is not a traffic control device, sign or signal.
- 5) *Off-premises signs.* Any off-premises advertising sign or any other sign not pertinent and clearly incidental to the permitted use on the property where located, except for temporary subdivision directional signs, directional real estate signs and political signs, and except for signs permitted in Section 16-8-100.
- 6) *Signs emitting any sound or noise.*
- 7) *Searchlights or beacons.*
- 8) *Inflatable signs.* Inflatable figures, shapes or mascots or tethered balloons except during hunting season for five (5) days.
- 9) *Signs of nonpermanent material.* Fabric signs, flags, pennants or banners when used for commercial advertising purposes, except as permitted in Section 16-850.
- 10) *Electronic message boards.* Electronic message boards except governmental signs.

- 11) Signs for vacated or abandoned entities. Any sign (together with its supporting structure) now or hereafter existing which, ninety (90) days or more after the premises have been vacated, advertises an activity, business, product or service no longer produced or conducted upon the premises upon which such sign is located. If the sign or sign structure is covered or the identifying symbols or letters removed, an extension of time may be granted by the Building Official upon good cause for such extension being shown. (This provision shall not apply to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business).
- 12) Signs on natural features. Any sign painted on rocks or other natural features or terrain, unless approved by the City Manager.

**Sec. 16-8-90. Off-premises signs.**

Off-premises signs, are generally prohibited, except for those specific types of signs listed in this Section.

- 1) Business district identification signs. A business district identification sign is an off-premises sign for the identification of a specific business district or center identified in the Comprehensive Plan or a business improvement or redevelopment area approved by the Planning Commission. Business district signs shall not:
  - a. Interfere with pedestrian or vehicular safety;
  - b. Detract from the pedestrian quality of the surrounding area; or
  - c. Add to an over-proliferation of signs on one (1) property or in one (1) area.
- 2) Church and civic club off-premises signs. A church or civic club off-premises sign is an off-premises sign intended to direct people to the church or civic club and/or state meeting dates and times. Such signs shall not:
  - a. Interfere with pedestrian or vehicular safety;
  - b. Detract from the pedestrian quality of the surrounding area;
  - c. Add to an over-proliferation of signs on one (1) property or in one (1) area;
  - d. Be allowed for any organization that has not proven nonprofit status;
  - e. Measure more than four (4) square feet; or
  - f. Number more than five (5) for any organization.

**Sec. 16-8-100. Creative signs.**

(a) Purpose. This Section establishes standards and procedures for the design, review and approval of creative signs. The purposes of this creative sign program are to:

- (1) Encourage signs of unique design and that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and
- (2) Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs.

(b) Applicability. An applicant may request approval of a sign permit under the creative sign program to authorize on-site signs that employ standards that differ from the other provisions of this Article but comply with the provisions of this Section.

(c) Approval authority. A sign permit application for a creative sign shall be subject to approval by the Planning Commission.

(d) Application requirements. A sign permit application for a creative sign shall include all information and materials required by the City, and the filing fee based on the same fee schedule as a building permit.

(e) Design criteria. In approving an application for a creative sign, the Planning Commission shall ensure that a proposed sign meets the following design criteria:

(1) Design quality. The sign shall:

- a. Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
- b. Be of unique design and exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit; and
- c. Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale and proportion.

(2) Contextual criteria. The sign shall contain at least one (1) of the following elements:

- a. Classic historic design style;
- b. Creative image reflecting current or historic character of the City.
- c. Symbols or imagery relating to the entertainment or design industry; or
- d. Inventive representation of the use, name or logo of the structure or business.

(3) Architectural criteria. The sign shall:

- a. Utilize and/or enhance the architectural elements of the building; and
- b. Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade. (Ord. 7 §2, 2004)

**Sec. 16-8-110. Definitions.**

For purposes of this Article, the following words are defined as follows:

*Abandoned sign* means an unused or abandoned sign that meets any of the following criteria:

- a. A sign that identifies an establishment, products or services that no longer exist or are no longer provided on the premises where the sign is located.
- b. A sign that identifies a time, event or purpose which has passed or no longer applies.
- c. A sign that is vacant of copy.

*A-frame sign* means a sandwich-board-type sign typically used in front of a business for advertising purposes.

*Area* means the area of a geometric shape enclosing any message, logo, symbol, name, photograph or display face and shall be measured using standard mathematical formulas. See Section 16-8-70 for detailed computation information.

*Awning sign* means a sign that is painted, stitched, sewn or stained onto the exterior of an awning. An *awning* is a movable shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

*Banner* means a sign of flexible fabric, plastic, paper or similar material that is mounted to a pole or a building by wires, ropes or other temporary methods. Flags shall not be considered banners.

*Beacon* means a rotating or moving source of light.

*Building frontage* means the horizontal linear dimensions of that side of a building that abuts a street, parking area, mall or other circulation area open to the general public. Where more than one (1) use occupies a building, each such use having a public entrance or main window display shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.

*Building identification sign* means a nonilluminated sign constructed of metal or masonry or other permanent material which is permanently affixed to a building or structure for the purpose of identifying the name of a building, date of erection or other incidental or historical information, as approved by City staff.

*Canopy sign* means a sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns. A marquee is not a *canopy sign*.

*Changeable copy sign* means a sign or part of a sign with characters, letters or illustrations that can be changed or rearranged on the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign.

*Commercial message* means wording, logo, or other representation that, directly or indirectly, names advertises, or calls attention to a business, product, service or other commercial activity.

*Courtesy sign* means a nonilluminated or indirectly illuminated sign which identifies, as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or prices.

*Façade* means the front of a building, including entries, parapets and rooflines, especially the principal face.

*Face* means the surface of a sign upon, against or through which the message is displayed, illustrated or illuminated.

*Fence sign* means a sign mounted or attached on a fence.

*Flag, government* means a device composed of flexible cloth, plastic or other similar material that displays local, state or federal emblems, seals or colors.

*Flag, nongovernment* means a device composed of flexible cloth, plastic or other similar material that displays nongovernment emblems, business or corporate logos, symbols or illustrations.

*Freestanding sign* means a sign that is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground, and shall also include a monument sign and a pole sign but does not include a sign attached to a structure.

*Government sign* means a sign erected by government or government agencies for regulatory and informational purposes.

*Holiday decorations* means temporary decorations, strings of lights or displays clearly incidental to and customarily associated with any state, local or religious holiday.

*Illuminated sign* means a sign lighted by or exposed to artificial lighting or illumination.

*Illumination, direct* means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

*Illumination, indirect* means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. *Indirect illumination* does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

*Illumination, internal* means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

*Incidental sign* means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other similar directives. No sign with a commercial message or logo shall be considered incidental.

*Landmark sign* means a non-illuminated sign constructed of metal, masonry or other permanent material that is permanently fixed to a building or structure for the purpose of identifying a historic structure, historic place, significant event, personal memorial or other similar feature.

*Lot frontage* means any boundary line of a parcel of land that coincides with the right-of-way or street.

*Monument sign* means a freestanding sign where the entire bottom of the sign is affixed to the ground, not to a building.

*Multi-use building* means a building with multiple uses, each with an individual entrance. Note that a single business that includes multiple uses within one building, such as an auto sales office AND a vehicle service center, may be considered a multi-use building.

*Nonconforming sign* means a sign which was lawfully erected, altered, moved or maintained under previous sign codes and received a valid sign permit but does not conform to the provisions of this sign code nor has been subsequently granted a variance from the sign code.

*Off-premises sign* means any sign which is placed on a parcel of land other than that upon which the use, event or activity is located.

*On-premises sign* means any sign directly pertaining to an existing permitted use, event or activity on the property upon which said sign is located.

*Pennant* means a lightweight plastic, fabric or other material, whether or not containing a message or any kind, suspended from a rope, wire or string, usually in a series.

*Permanent sign* means a sign that is permanently fixed or attached to the ground or a structure, or any sign that is intended to be displayed on a continuing and ongoing basis for more than ninety (90) days.

*Political sign* means a noncommercial sign that either displays a message conveying political or ideological views or supports a specific political candidate or ballot item for election.

*Portable sign* means a sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs converted to A- or T- frames; menus and sandwich board signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

*Premises* means the physical location occupied by the business or activity being conducted.

*Projecting sign* means a sign attached to a building and extending in whole or in part more than six (6) inches beyond the surface of the building to which the sign is attached.

*Residential sign* means any sign located in a district zoned for residential uses that contains no commercial message, except advertising for goods and services legally offered on the premises where the sign is located. See Section 16-3-280 of this Chapter regarding home occupations.

*Roof sign* means a sign erected and constructed upon or over the roof or parapet of a structure or building.

*Sign* means any object, device, display or structure which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service,

event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

*Street sign* means an official sign erected by a government entity or subdivision developer in order to identify a street name.

*Suspended sign* means a sign suspended from the underside of a horizontal plane surface (such as ceiling, canopy, portico or soffit) and is supported by such a surface.

*Temporary sign* means a sign that is used only temporarily and is not permanently fixed to the ground or a structure.

*Time and/or temperature sign* means a sign intended to display time and temperature information for a limited period of time and capable of being viewed from any public right-of-way, parking area or neighboring property.

*Vehicular sign* means a sign displayed on a truck, bus, trailer or other vehicle.

*Vending machine sign* means a sign on a vending machine identifying products therein.

*Wall sign* means a sign painted on, incorporated into or affixed to the building wall that extends no more than six (6) inches from the wall or surface upon which it is attached, and whose display surface is parallel to the face of the wall on which it is attached or displayed.

*Window sign* means a sign that is displayed in, applied or attached to a window or that can be read through the window from the public right-of-way.

\*\*\*\*\*

**DEPARTMENT OF PLANNING & DEVELOPMENT**

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



**MEMORANDUM**

**TO:** Planning and Zoning Commission

**FROM:** Hannah Klausman, Planner

**DATE:** April 24, 2014

**SUBJECT:** Text Amendment 2014-4  
Revisions to Landscaping Requirements

**REQUEST**

The applicant requests that Planning Commission approve Text Amendment 2014-4 an amendment to the Landscape Code, Chapter 16, Article 13, of the Rifle Municipal Code, replacing it with the attached text.

**BACKGROUND**

Staff has developed changes to the landscaping requirements for Planning Commission's review and consideration. Planning staff has reviewed the landscape code to improve the clarity of regulations and also to promote water conservation efforts on behalf of developers and landscapers.

The text amendments propose changes on regulations that staff believe to be overly restrictive in areas of landscape coverage and types of materials used, as well as areas that need increased requirements to provide a pleasing and uniform landscape aesthetic throughout Rifle's commercial properties.

In addition, in an effort to promote water wise landscape design, xeric plant requirements have been added. Xeriscaping is landscaping and gardening that reduces or eliminates the need for supplemental water from irrigation. Xeriscapes provide for reduced water consumption, adaptive drought resistant plant types, visually interesting landscape, and less maintenance for property owners. Staff has added a new recommended xeric plant list to Appendix C.

**RECOMMENDATION**

Staff recommends Planning Commission recommend to City Council APPROVAL of Text Amendment 2014-4.

## Landscape Code Update

Note: **Highlighted sections** mark major revisions.

\*\*\*\*\*

### **Sec. 16-3-450. Additional requirements for commercial and industrial districts.**

\*remove the following:

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.

\*\*\*\*\*

### **Sec. 16-13-20. 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:

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

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

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

4. Irrigation. Design, operate and maintain an efficient irrigation system;

5. Soil Preparation. Incorporate soil amendments before planting;

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

7. Maintenance. Provide regular and attentive maintenance.

(Ord. 27 §1, 2004)

\*\*\*\*\*

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

\*add:

*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.

\*\*\*\*\*

### **Sec. 16-13-70. Landscape treatment area.**

\*delete

\*\*\*\*\*

### **Sec. 16-13-80. Minimum species diversity.**

\*delete

(Ord. 27 §1, 2004)

\*\*\*\*\*

**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        |

(Ord. 27 §1, 2004)

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

- a) Landscape treatment area standards. 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. The landscape treatment area includes, but is not limited to, the following areas: Right-Of-Way landscaping (sec. 16-13-90); Parking Lot landscaping (sec.16-13-100); and Foundation landscaping (sec. 16-13-110). Landscape treatment areas shall be composed of the following surface treatments:

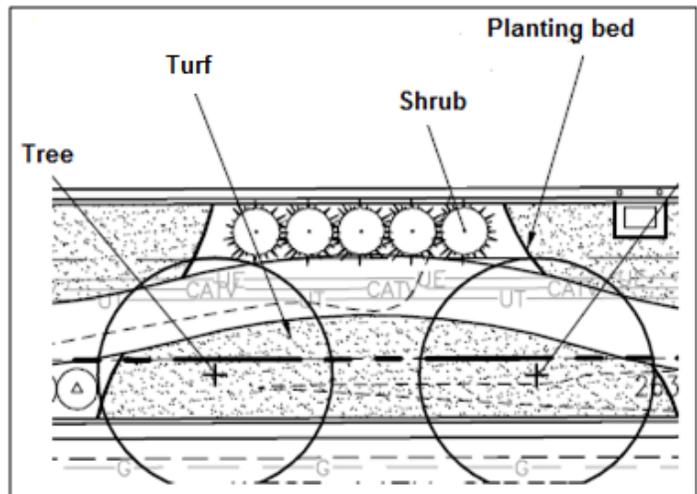


Fig. \_\_\_\_\_. Typical components of a landscape treatment area.

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

- c) *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.
1. Planting beds shall have a minimum of one planting (tree, shrub, or ornamental grass) per twenty-five (25) square feet of planting bed area.
  2. The maximum usage of any one plant species is fifty percent (50%) of total plantings.
  3. Ornamental grasses shall be no more than forty percent (40%) of the total number of plantings.
  4. At least fifty percent (50%) of plantings shall meet low-water use (xeric) criteria. See Appendix C plant list.
  5. 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.
  6. 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.
- d) Trees. See tree requirements for Right-Of-Ways (sec. 16-13-90) and Parking Lots (sec. 16-13-100). Additional standards:
1. 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.
  2. Quaking aspen trees shall be permitted but shall not count towards required trees. (Ord. 27 §1, 2004; Ord. 4 §1, 2005; Ord. 10 §3, 2011)
- e) 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 (sec. 16-13-80) 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 (sec. 16-13-80) and, if applicable, Parking Lot Landscaping (16-13-100)     |
| Road Right-of-Way Islands/Medians | Deciduous, Ornamental, or Evergreen | 1 per every 40 linear feet  | Entire interior of island.                                  | Per General Landscape Requirements (sec. 16-13-80) Exception: no landscaping on islands less than 5 feet wide. |

(Ord. 27 §1, 2004)

**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.

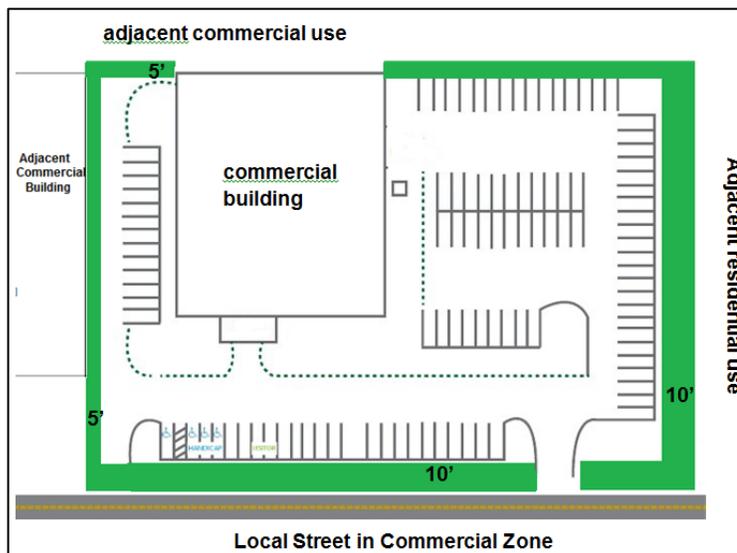


Fig. \_\_\_\_\_. The depth of the parking lot landscaping buffer is determined by the adjacent right-of-way or land use.

**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</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 | tree standards in sec. 16-13-90)   |
| Local street in light industrial or industrial zone                     | 20 |  |
| Residential use (or any higher-impact use adjacent to lower-impact use) | 10 | <ul style="list-style-type: none"> <li>• Screening: minimum 6-foot fence</li> <li>• General landscape requirements per sec. 16-13-80.</li> <li>• 1 deciduous canopy tree per 25 linear feet</li> </ul> |
| Commercial use adjacent to other commercial use                         | 5  | <ul style="list-style-type: none"> <li>• No screening</li> <li>• General landscape requirements per sec. 16-13-80</li> <li>• 1 tree per 40 linear feet</li> </ul>                                      |
| Not adjacent to a street or a lot line                                  | 5  |  |
| Alley in Central Business District                                      | 0  | none   |

(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. (Ord. 27 §1, 2004)

**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

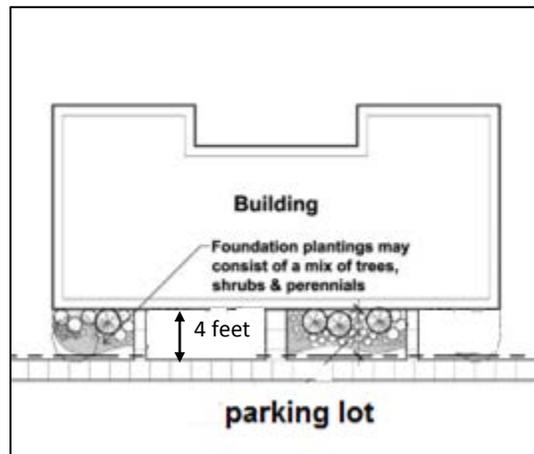


Fig. \_\_\_\_ Example of foundation landscaping.

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. (Ord. 27 §1, 2004)

**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. (Ord. 27§1, 2004)

**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. (Ord. 27 §1, 2004)

**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 Section 16-13-50 of 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. (Ord. 27 §1, 2004)

**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.  
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## Chapter 2, Article VIII

### Tree Board

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### 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.

~~*Public access trees* means trees, shrubs, bushes and other wood-like vegetation located in established parks, cemeteries, trail rights-of-way, street rights-of-way bordering City property, and other areas within the City's jurisdiction to which the public has access, such as a park or pedestrian way.~~

~~*Severely top or*~~ 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. (Prior code 17.18.100; Ord. 4 §1, 2005)

Sec. 7-5-20. ~~Trees on public property~~ Street trees.

(a) It is a violation of this Article to remove, damage, injure, cut, prune, paint, deface or kill any ~~public access street~~ tree except by, or with the written permission of, the City Manager.

(b) Street tree maintenance. It is the responsibility of ~~the residential and commercial~~ property owners to maintain all street trees adjacent to the owner's property in a living state accordance with guidelines developed by the Tree Board.

(1) Commercial and industrial properties. For all newly planted street trees and right-of-way landscaping adjacent to commercial and industrial properties, it shall be the responsibility of the adjacent property owner to meet the requirements of the landscaping code (sec. 16-13-90) and maintain the landscaping in a living state with adequate water for the first three (3) years. The City Manager may require property owners to provide irrigation for newly planted right-of-way landscaping.

(c) ~~It is unlawful to remove or severely top any street tree without prior approval of the Tree Board except.~~ The City Manager 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 ~~Tree Board;~~ City Manager;
- (2) The street tree is within the area near an intersection defined by Section 16-3-240(6) of this

Code; or

(3) The street tree has first been determined by the City Manager as being dead, severely diseased, or hazardous to public safety.

(4) Street trees that interfere with the safe and reliable provision of overhead utility service may be topped, pruned or removed with the permission of the City Manager.

(d) Street tree replacement. If a street tree is removed pursuant to Subsection (c) 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 (e) below. This new tree shall be not less than one (1) inch in diameter measured two (2) feet above ground level. If it is not reasonably possible to meet all of the standards in Subsection (e), the property owner shall be relieved of this requirement.

(e) It is unlawful to plant a street tree ~~without prior approval of the Tree Board~~ unless it complies with all of the following standards:

(1) It is a "desirable tree" species as approved by the ~~Tree Board~~ City Manager;

(2) The location of the trunk is not within ten (10) feet measured horizontally from any overhead utility service;

(3) The location of the trunk is not within five (5) feet measured horizontally from any City water or sewer line or main. It is the responsibility of the owner to contact the City to determine the location of such lines and mains.

(4) The location of the trunk is not within the area near a street intersection as defined by Section 16-3-240(6) of this Code. There shall be no new trees planted within thirty (30) feet of any intersection.

(5) The location of the trunk is at least three (3) feet measured horizontally from the back of any City street curb or sidewalk located on City property.

(f) Pruning and clearance. ~~Every owner of any tree on his or her property or responsible for the maintenance of~~ 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 so that such branches shall not obstruct the vision of signage placed by the City or obstruct the view of any intersection as defined by Section 16-3-240(6) of this Code. There shall be a clear space of eight (8) feet above any sidewalk, and thirteen (13) feet above any street, alley or lane. Owners shall remove 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 there is failure to comply within sixty (60) days of notice, the City shall have the authority to perform the work and charge the costs of removal to the owners through a tax lien.

(g) 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. ~~on City property.~~

(h) 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. (Prior code 17.18.400; Ord. 4 §1, 2005)

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

The City shall have the right to cause the removal or pruning of any tree on private property within the City, when such trees constitute a hazard to life and property through dead limbs that project over the property line, a dead tree with a risk of falling and causing damage, or through the harboring of insects or diseases which are a potential threat to other trees within the City. The owner will be notified in writing of any such decision by the City Manager. Removal will be done by the owner at her or his expense within sixty (60) days after the notice is served. In the event there is failure to comply with the notice, the City shall have the authority to remove such trees and charge the costs of removal to the owners through a tax lien. (Prior code 17.18.500)

~~Sec. 7-5-40. City rights and powers to enforce tree care and safety.~~

~~(a) This Article outlines the City's ability to enforce tree safety and care concerning public/private overlap. The City Manager, in consultation with the Tree Board, shall have the power to promulgate and communicate rules, regulations and specifications for the trimming, removal, planting, pruning and protection of trees, shrubs, bushes and other wood-like vegetation.~~

~~(b) The City Manager shall have the power to determine if a safety concern or obstruction exists regarding street trees, public access trees or private trees and can prescribe actions necessary to abate the problem.~~

~~(c) The City Manager shall have the right to trim, remove, prune and protect any street tree or to require the owner or occupant of the property, or his or her agent, abutting on the right-of-way of any street, alley, sidewalk or other public place to trim, remove, prune or protect any private tree which may project or exist beyond the property line (including street trees adjacent to private property) of such owner, occupant or agent, onto or over public property in a manner which interferes with the safe use of the right-of-way, at the expense of said owner. If not paid within thirty (30) days, the amount shall be made a lien against said property until paid. If the property owner, occupant or agent refuses or neglects to trim, remove, prune or protect any such tree, shrub, bush or other wood-like vegetation within ten (10) days of a written notice from the City Manager to do so, the City Manager may do or cause to be done the necessary work incident thereto, and the expenses thereof shall be collected from the owner of such property. If not collected within thirty (30) days, the amount shall be made a lien against said property until paid. (Prior code 17.18.600; Ord. 4 §1, 2005)~~

~~Sec. 7-5-50. Adoption of tree and shrubbery regulations.~~

~~The City Council may, from time to time, adopt tree and shrubbery regulations by appropriate resolution. Any regulation so adopted shall be for the exclusive purpose of providing for the care of trees and shrubs in the City and shall be deemed as mandatory for any removal, destruction, trimming or~~

~~pruning of any tree, shrub or hedge in the City. (Prior code 17.18.700)~~

Sec. 7-5-60. Penalty.

Any violation of the provisions of this Article is classified as a Class B municipal offense. (Prior code 17.18.800)