



Remote Meeting Instructions for the February 16, 2021, City Council Meeting:

In order to comply with all health orders and State guidelines to stop the spread of the COVID-19 Coronavirus, **no physical location, including the City Council Chambers, will be set up for viewing or participating in this Council Meeting.**

You can view this Council Meeting by following the instructions below to watch the YouTube live stream. By utilizing this option to view the meeting, you will not be able to provide live input during the meeting. To provide live input, see the "In real time" instructions near the bottom of this page.

- From your laptop or computer, click the following link or enter it manually into your Web Browser: (www.youtube.com/CityofGreeley)
- Clicking the link above will take you to the City of Greeley's YouTube Channel.
- Once there, you will be able to view the meeting!

Citizen input and public comment for items appearing on this agenda as public hearings/quasi-judicial are valuable and welcome!

Anyone interested in participating and sharing public comments have a few of options:

Via email? – Submit to cityclerks@greeleygov.com

All comments submitted this way will be read into the record at the appropriate points during this meeting in real time. Comments can be submitted up to and throughout this meeting.

Via traditional Mail? - Address to the Greeley City Clerk's Office, 1000 10th Street, Greeley, CO 80631

All written comments must be received no later than the day of the meeting. Again, written comments received by mail will also be read into the record in real time.

In real time? – <https://greeleygov.zoom.us/j/91910136877>

Clicking the link above will give you access to the live meeting where you will become a virtual audience member and be able to speak under Citizen Input on items not already on the agenda or during a scheduled public hearing.

Please visit the City's website at <https://greeleygov.com/government/council> to view and download the contents of the January 16, 2021, City Council Meeting. You are also welcome to call the City Clerk's Office at 970-350-9740 with any special needs or questions that you may have.



City Council Agenda

February 16, 2021 at 6:00 PM

This meeting will be conducted remotely. (See previous page for participation instructions and/or to view the YouTube live stream.)

Mayor

John Gates

Councilmembers

Tommy Butler
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Kristin Zasada
At-Large

Ed Clark
At-Large

A City Achieving
Community Excellence

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

1. [Call to Order](#)
2. [Pledge of Allegiance](#)
3. [Roll Call](#)
4. [Recognitions and Proclamations](#)
5. [Citizen Input](#)
6. [Approval of the Agenda](#)
7. [Reports from Mayor and Councilmembers](#)
8. [Initiatives from Mayor and Councilmembers](#)

Consent Agenda

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council or staff may request an item be “pulled” off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

9. [Acceptance of the Report of the January 26, 2021, City Council Worksession](#)
10. [Approval of the City Council Proceedings of February 2, 2021](#)
11. [Introduction and first reading of an ordinance amending Chapter 6, Title 14 of the Code of the City of Greeley concerning the dedication of raw water for city water service](#)

End of Consent Agenda

12. [Pulled Consent Agenda Items](#)
13. [Public hearing and final reading of an ordinance amending Sections 14.08.090 and 14.08.160 of the Greeley Municipal Code \(Concerning Water Use Restrictions and Drought Response\)](#)

14. [Public hearing and final reading of an ordinance repealing Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44, amending portions of Chapter 18.04.110, 18.42.030, and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards](#)
15. [Appointment of applicants to the Citizen Transportation Advisory Board, Golf Board, Greeley Art Commission, Island Grove Advisory Board, Parks & Recreation Advisory Board, and Stormwater Board.](#)
16. [Executive Session for Annual Review of the Municipal Court Judge](#)
17. [Scheduling of Meetings, Other Events](#)
18. [Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances](#)
19. [Adjournment](#)

Council Agenda Summary

February 16, 2021

Title

Call to Order

Council Agenda Summary

February 16, 2021

Title

Pledge of Allegiance

Council Agenda Summary

February 16, 2021

Title

Roll Call

Summary

Mayor Gates

Councilmember Butler

Councilmember Payton

Councilmember Hall

Councilmember Fitzsimmons

Councilmember Clark

Councilmember Zasada

Council Agenda Summary

February 16, 2021

Title

Recognitions and Proclamations

Summary

Councilmember Fitzsimmons will present the What's Great about Greeley Report.

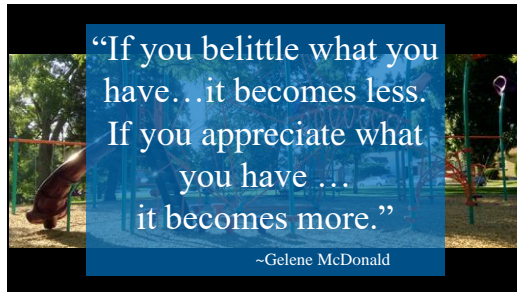
Attachments

What's Great about Greeley Report

Slide 1

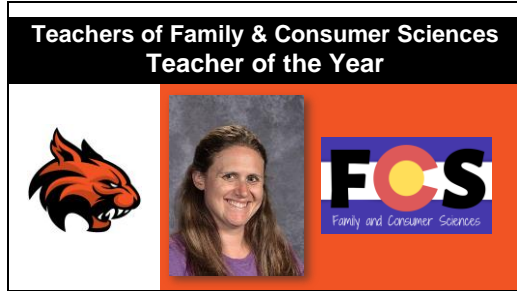


Slide 2



At each Council Meeting, we recognize the people, organizations and businesses that make Greeley Great. Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging everyone to share the word that Greeley is Great.

Slide 3



Congratulations to Greeley Central's Lauren Applehans for being named Colorado Association Teachers of Family & Consumer Sciences Teacher of the Year.

Slide 4



A shout out to University of Northern Colorado volleyball player, Kyndall Feather, for being awarded the Big Sky Defensive Player of the Week.

Slide 5



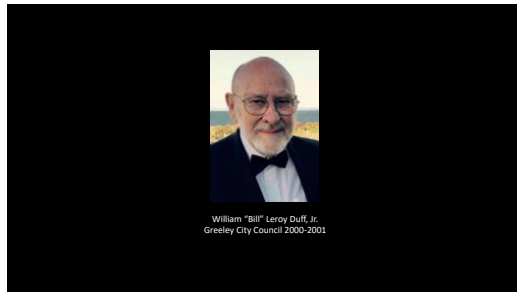
The U.S. Department of Agriculture's National Institute of Food and Agriculture has awarded the University of Northern Colorado a four-year \$500,000 grant to improve pregnancy outcomes in dairy and beef cows using omega-3 fatty acids. If research proves positive, then dairy farmers and cattle ranchers could see an increase in profits that would then trickle down to consumers as cost-savings when purchasing milk and beef products.

Slide 6



And that's What's Great about Greeley.

Slide 7



Tonight we would like to honor and remember former City Councilmember Bill Duff. Some of you watching may remember him as a City Councilmember from March 2000 to November 2001. A U.S. Army veteran, he also served on the Greeley Planning Commission and the Greeley Water and Sewer Board. His heart for the city and its residents is evident through his many civic activities including Greeley Rotary, the Board of Directors of the Greeley Chamber, United Way of Weld County, UNC Foundation, Envision, High Plains Chautauqua, and the Greeley Philharmonic. His enthusiasm and leadership was also present during his time as President of the UNC Faculty Senate, a member of the UNC Board of Trustees, and as Dean of the College of Business Administration. Bill will be missed in this city, but his community spirit will always be remembered.

Council Agenda Summary

February 16, 2021

Title

Citizen Input

Summary

During this 15 minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed on this evening's agenda. Individual comments read into the record will be limited to 3 minutes and must include the name and address of the person submitting the comments for the record.

Council Agenda Summary

February 16, 2021

Title

Approval of the Agenda

Council Agenda Summary

February 16, 2021

Title

Reports from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.

Council Agenda Summary

February 16, 2021

Title

Initiatives from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Initiatives will generally fall into three categories:

- 1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;
- 2) A request to the City Manager for information or research;
- 3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council
Status Report of Council Initiatives

Council Request	Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
<p>Council Member Zasada offered an initiative relating to the level of the use of outside consultants by the City. She requested and received consensus to proceed with seeking an internal audit for the previous two years relating to the use of outside consultants on City projects and operations, including the total costs involved.</p>	<p>January 19, 2021 Council Meeting</p>	<p>In response to Council Member Zasada's request for an audit of the usage of consultants within the City, the Purchasing Division of the Finance Department will compile an inventory of contracts of a value of \$50,000 or greater with consultants of a professional services nature between the period of 2018-2020 including cost, host department, and purpose associated with contracting services for distribution to the City Council by the end of February.</p>	
<p>Council Member Hall expressed a need to acknowledge and correct these issues from a safety standpoint. As the board president of the Poudre River Corridor Board, the council member requested coordination between that board, City Council, and City staff to address the issue, and asked for consensus to have the board Sustainability Chairman Mike Ketterling work with City staff on this.</p>	<p>February 2, 2021 Council Meeting</p>		<p>Andy McRoberts</p>

<p align="center">Council Request</p>	<p align="center">Council Meeting, Worksession, or Committee Meeting Date Requested</p>	<p align="center">Status or Disposition (After completion, item is shown one time as completed and then removed.)</p>	<p align="center">Assigned to:</p>
<p>Discussion among the Council noted that the HOA for the housing development should also be included in those discussions, and that the length of the trail going through Greeley should also be looked at for other issues.</p>			
<p>Also related to the Poudre River Trail, Council Member Hall noted the section of the trail known as the Narrows is facing increasing risks of erosion, with some portions in danger of falling into the river, and no available alternative areas for trail placement in that vicinity. The School of Mines will do a project to work on some engineering solutions for the area, in addition to other engineering studies that have already been done. Council Member Hall requested the formation of a committee, which he would chair, to review and determine options to move forward in addressing this with the assistance of City staff. City Manager Otto added information about potential Capital Improvement Projects through this area, and Council Member Hall provided information about existing potential rough cost estimates in response to questions from the Council.</p>	<p align="center">February 2, 2021</p>		<p align="center">Andy McRoberts</p>

Consent Agenda

February 16, 2021

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Once the Clerk has read each Consent Agenda item into the record, along with Council's recommended action, Council or staff may request the item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

The Consent Agenda includes Items No. 9 through 11 and their recommended actions.

Council's Recommended Action

To approve Items No. ____ through ____ or
To approve Items No. ____ through ____ with the exceptions of No.(s) ____

Council Agenda Summary

February 16, 2021

Key Staff Contact: Anissa Hollingshead, City Clerk, 970-350-9742

Title:

Acceptance of the Report of the January 26, 2021, City Council Worksession

Summary:

A City Council Worksession was held on January 26, 2021, virtually utilizing the Zoom Platform.

Decision Options:

1. To accept the Report as presented; or
2. Amend the Report if amendments or corrections are needed, and accept as amended.

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

January 26, 2021 Report

City of Greeley, Colorado
CITY COUNCIL WORKSESSION REPORT
January 26, 2021

1. Call to Order

Mayor John Gates called the virtual meeting to order at 6:00 p.m. via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Cheryl Aragon, Deputy City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Brett Payton

Council Member Dale Hall

Council Member Michael Fitzsimmons

Council Member Ed Clark

Council Member Kristin Zasada

4. Reports from Mayor and Councilmembers

Council Member Butler reported on the Town Hall he will be participating in on Saturday, January 30, with Colorado State Representative Mary Young about COVID-19. He noted that more information is being shared by the Greeley Tribune in both English and Spanish.

5. Age-friendly Communities Presentation

Roy Otto, City Manager, introduced Jim Riesberg, representing the Aging Well Collective Impact Group and United Way of Weld County, who reported that for two years, a significant group of representatives of agencies and organizations has been meeting to formulate a comprehensive approach to identify and address the issues being faced by the areas' aging population. He referenced material sent to Council and made a part of this agenda packet.

Mr. Riesberg shared that a survey was conducted, the results from which a program is being developed and goals and criteria being established in order to measure change in this area. Additionally, he stated that through a grant from The Next 50 Foundation, a staff person was hired to help develop community volunteers to support the work required to move this process forward.

In conclusion, Mr. Riesberg noted that it has been determined that the most effective way to move forward is to join with 494 other communities through the AARP Network of Age-friendly Communities. He asked that the City of Greeley sign on to this effort by providing a letter of support and shared that the City of Evans is being asked for a letter of support as well.

Council Members thanked Mr. Riesberg for his report on this effort and reached consensus to provide a letter of support as requested.

6. COVID-19 Update

Dan Frazen, Emergency Manager, reviewed the most current statistics on COVID in Greeley and Weld County by noting 193 deaths in Weld County due to COVID; an increase of 2 deaths due to COVID in the 80634 zip code in Greeley, 114 total; that Colorado Department of Public Health and Environment (CDPHE) has established a call center for information on vaccines which will be staffed 24 hours a day beginning February 1; and that good news has come out that 70 percent of Colorado's 70 and older residents will be vaccinated by the end of February.

He went on to report that the City will be collaborating with the University of Northern Colorado and the State of Colorado to open a new drive-through testing site through a different vendor. The site at the Youth Sports Complex will no longer be in operation because of the start of youth sports programming.

Emergency Manager Frazen then referenced the daily report cards coming from CDPHE for the Greeley, Evans, Windsor Five Star Program, noting that CDPHE is tracking the municipal data for us for Greeley, Evans and Windsor, as well as the metrics that he will be reporting on.

In response to a question from Council Member Butler, Emergency Manager Frazen stated that we would have to be in orange for 7 full days in order for our businesses to move up to the next level of yellow on the State dial.

Council Member Hall asked about the 497.2 cases and wondered where the .2 comes from. Emergency Manager Frazen clarified that all averages are based on a population of 100,000 and that they don't always add up, but are based on 14-day averages.

Councilmember Clark requested data on the number of people who die from influenza each year, and Emergency Manager Frazen stated that he would get that information and share it out to the Council.

7. City Council 2040 Vision, Priorities, and Strategic Work Plan Update

City Manager Otto reported that City staff played a big part in developing the Strategic Work Plan early in 2020. He noted that the highlight of 2020 for him was the weekend

Council spent in retreat working on its Vision and Priorities. He stated that it was a great collaboration between staff and Council Members and that some great work came out of it, including eight priority areas and staff champions for each one.

He proceeded to review and highlight each focus priority area – *Greeley Water: History, Heritage, Innovation; Leadership in Educational Excellence; A Dynamic and Resilient Economy; Your Home is Here; Greeley on the Move; We Are Greeley Proud; We Are One; Operational Excellence* - along with a status and progress for each one.

The Mayor and Council Members expressed thanks and kudos to City Manager Otto and the City staff for keeping everything moving forward even in the midst of a pandemic in 2020.

8. Executive Session for Annual Review of the City Manager

Council Member Clark moved, seconded by Council Member Hall to adjourn the Council Worksession and immediately move into an Executive Session for the purposes of discussing personnel who report to the City Council as provided for under C.R.S. 24-6-402(4) and Greeley Municipal Code Section 2.04.020 (6)a.

The motion carried: 7-0

9. Scheduling of Meetings and Other Events

City Manager Otto noted that there were no additional meetings or events scheduled.

10. Adjournment

There being no further business to come before the Council, the Worksession was adjourned at 6:46 p.m., and Council moved into Executive Session which adjourned at 7:34 p.m.

John Gates, Mayor

Cheryl Aragon, Deputy City Clerk

Council Agenda Summary

February 16, 2021

Key Staff Contact: Anissa Hollingshead, City Clerk, 350-9742

Title:

Approval of the City Council Proceedings of February 2, 2021

Summary:

A meeting of the City Council was held on February 2, 2021, virtually utilizing the Zoom Platform.

Decision Options:

1. To approve the proceedings as presented; or
2. Amend the proceedings if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council proceedings as presented.

Attachments:

February 2, 2021 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
February 02, 2021

1. Call to Order

Mayor John Gates called the remote meeting to order at 6:02 p.m. via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Anissa Hollingshead, City Clerk, called the roll.

PRESENT

Mayor John Gates

Council Member Tommy Butler

Council Member Brett Payton

Council Member Michael Fitzsimmons

Council Member Dale Hall

Council Member Ed Clark

Council Member Kristin Zasada

4. Recognitions and Proclamations

Mayor Gates presented a proclamation for Black History Month, recognizing and honoring the accomplishments of African Americans throughout our country's history and proclaiming February 2021 as Black History Month in the City of Greeley. The proclamation was accepted by Myria Davis, Interim Director of the Marcus Garvey Cultural Center at the University of Northern Colorado.

Director Davis addressed the Council in accepting the proclamation.

Council Member Clark presented the *What's Great about Greeley* Report.

5. Citizen Input

Bill Gilliard, a resident of Greeley, addressed the Council from the meeting's virtual audience regarding Council employee salaries and regarding the proposed contract relating to the Terry Ranch project.

6. Approval of the Agenda

City Manager Roy Otto noted the additional information provided regarding items 4, 15 and 20.

The agenda was approved with the additional information noted.

7. Reports from Mayor and Councilmembers

Council Member Butler reported on his town hall meeting with Rep. Mary Young on the prior Saturday regarding vaccine efficacy, noting the livestream of the meeting is available on his Facebook page.

8. Initiatives from Mayor and Councilmembers

Council Member Hall noted he had two initiatives.

On the Poudre River Trail just north of the River Run Patio Homes there are issues with ice buildup on the trail. Council Member Hall expressed a need to acknowledge and correct these issues from a safety standpoint. As the board president of the Poudre River Corridor Board, the council member requested coordination between that board, City Council, and City staff to address the issue, and asked for consensus to have the board Sustainability Chairman Mike Ketterling work with City staff on this. Discussion among the Council noted that the HOA for the housing development should also be included in those discussions, and that the length of the trail going through Greeley should also be looked at for other issues.

Consensus was obtained to move forward with this initiative.

Also related to the Poudre River Trail, Council Member Hall noted the section of the trail known as the Narrows is facing increasing risks of erosion, with some portions in danger of falling into the river, and no available alternative areas for trail placement in that vicinity. The School of Mines will do a project to work on some engineering solutions for the area, in addition to other engineering studies that have already been done. Council Member Hall requested the formation of a committee, which he would chair, to review and determine options to move forward in addressing this with the assistance of City staff. City Manager Otto added information about potential Capital Improvement Projects through this area, and Council Member Hall provided information about existing potential rough cost estimates in response to questions from the Council.

Consensus was obtained to move forward with this initiative.

Consent Agenda

Council Member Butler requested that item 14 be removed from the consent agenda.

Council Member Hall moved, seconded by Council Member Fitzsimmons, to approve items 9-13 and 15-16 as presented.
The motion carried 7-0.

9. Acceptance of the Report of the January 12, 2021, City Council Worksession

The Council action recommended and approved was to accept the report as presented.

10. Approval of the City Council Proceedings of January 19, 2021

The Council action recommended and approved was to approve the City Council proceedings as presented.

11. Consideration of a resolution of the City of Greeley City Council authorizing the City to enter into an Intergovernmental Agreement with Weld County for construction of roadway improvements for “O” Street and 35th Avenue roundabout improvements

The Council action recommended was to adopt the resolution.

Resolution No. 03, 2021, authorizing the City to enter into an Intergovernmental Agreement with Weld County for construction of roadway improvements for “O” Street and 35th Avenue roundabout improvements, was adopted.

12. Consideration of a resolution authorizing the City Attorney to institute legal action seeking damages against Jacobs Engineering Group, Inc.

The Council action recommended was to adopt the resolution.

Resolution No. 04, 2021, authorizing the City Attorney to institute legal action seeking damages against Jacobs Engineering Group, Inc., was adopted.

13. Consideration of a resolution to adopt the “Get Outdoors Greeley” Natural Areas and Trails Strategic Plan

The Council action recommended was to adopt the resolution.

Resolution No. 05, 2021, adopting the 2021 “Get Outdoors Greeley” Natural Areas and Trails Strategic Plan, was adopted.

15. Introduction and first reading of an ordinance amending Sections 14.08.090 and 14.08.160 of the Greeley Municipal Code (Concerning Water Use Restrictions and Drought Response)

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and final reading for Feb. 16, 2021.

16. Introduction and the first reading of an ordinance repealing Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44, amending portions of Chapter 18.04.110 and 18.42.030, and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards

The Council action recommended and approved was to introduce the ordinance and schedule the public hearing and final reading for Feb. 16, 2021.

End of Consent Agenda

17. Pulled Consent Agenda Items

14. Consideration of a Resolution accepting the 2020 Raffelis Development Impact Fee and Plant Investment Fee Study for purposes of recording compliance with Greeley Municipal Code §4.64, not adopting the Study's recommended fee structure, and maintaining the current fee structure

This item was pulled from the consent agenda.

Council Member Butler noted he requested this item be pulled as he originally voted no on the topic, and wanted to vote consistently in this instance.

Council Member Hall moved, seconded by Council Member Zasada, to adopt the resolution as presented.

The motion carried 6-1.

Voting Aye: Mayor Gates, Council Member Payton, Council Member Fitzsimmons, Council Member Hall, Council Member Zasada, Council Member Clark

Voting Nay: Council Member Butler

Resolution No. 06, 2021, accepting the 2020 Raffelis Development Impact Fee and Plant Investment Fee Study for purposes of recording compliance with Greeley City Council Agenda - City of Greeley, Colorado Municipal Code §4.64, not adopting the Study's recommended fee structure, and maintaining the current fee structure, was adopted.

18. Public hearing and final reading of an ordinance establishing Local Improvement District No. 43840 for the construction of sanitary sewer infrastructure.

Water and Sewer Director Sean Chambers introduced this item and Chief Engineer Adam Prior to present as set forth in the PowerPoint presentation in the agenda packet. Engineer Prior answered questions from Council regarding cost impacts. Director Chambers and Manager Otto also provided the Council with further information in regards to these inquiries.

Mayor Gates opened the public hearing at 6:52 p.m.

City Clerk Hollingshead read a written comment submitted by Laira Ziegler into the record, regarding a request for more financial options for homeowners impacted.

Ron Redfern attempted to address the Council from the virtual audience, but was unable to participate due to technical issues.

There being no further public comment, the hearing was closed at 6:55 p.m.

Council Member Fitzsimmons moved, seconded by Council Member Hall, to adopt the ordinance and publish it by reference to title only.

The motion carried 5-2 by a roll call vote.

Voting Aye: Mayor Gates, Council Member Butler, Council Member Payton, Council

Member Fitzsimmons, Council Member Hall
Voting Nay: Council Member Clark, Council Member Zasada

Ordinance No. 05, 2021, was adopted establishing Local Improvement District No. 43840 for the construction of sanitary sewer infrastructure.

19. Public hearing and final reading of an ordinance amending Chapters 4.04 and 4.08 of the Code of the City of Greeley regarding Economic Nexus and the obligation of remote sellers to collect and remit sales tax

Finance Director John Karner introduced this item and Business Licensing and Sales Tax Manager Michael Kibbee to present as set forth in the PowerPoint in the agenda packet. Manager Kibbee answered questions from Council about responsibility for fees from platforms like AirBNB and regarding the potential revenue that would result from this measure.

The public hearing was opened at 7:09 p.m. There being no written comments and no one wishing to speak, the hearing was closed.

Council Member Fitzsimmons moved, seconded by Council Member Zasada, to adopt the ordinance and publish it by reference to title only.
Motion carried 7-0.

20. COVID-19 Update

City Manager Otto introduced Dan Frazen, Emergency Manager. Manager Frazen provided updates in support of his written report presented to the Council. He answered questions from the Council about current community metrics.

In response to a question from the Council, City Manager Otto provided information about plans to potentially increase operations at the Funplex and Recreation Center.

Mayor Gates asked the Council for agreement on moving to COVID updates once a week after this Friday. There was consensus to make that shift.

21. Executive Session for Annual Review of the City Attorney

Council Member Fitzsimmons moved, seconded by Council Member Butler, to adjourn the meeting and move into an Executive Session immediately after the conclusion of the rest of the meeting for the purposes of discussing personnel who report to Council as provided for under C.R.S. 24-6-402(4) (f) and Greeley Municipal Code Section 2.04.020 (6) a. .

The motion carried 7-0.

22. Scheduling of Meetings, Other Events

City Manager Otto noted there were no changes.

23. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

Council Member Fitzsimmons moved, seconded by Council Member Clark, to approve the above authorizations.
The motion carried 7-0.

24. Adjournment

There being no further business before the Council, Mayor Gates adjourned the meeting to executive session at 7:21 p.m. The executive session adjourned at 8:05 p.m.

John Gates, Mayor

Anissa N. Hollingshead, City Clerk

Council Agenda Summary

February 16, 2021

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Introduction and first reading of an ordinance amending Chapter 6, Title 14 of the Code of the City of Greeley concerning the dedication of raw water for city water service

Summary:

The City Greeley requires that developers or builders dedicate certain water rights or make cash-in-lieu of raw water dedication payments to the city in order to receive City water service ("Raw Water Dedication"). The proposed ordinance would amend Chapter 14.06 of the Municipal Code to both consolidate and revise Raw Water Dedication policies.

Raw Water Dedication policies are primarily located in the City of Greeley Municipal Code, but are also contained in several resolutions of the Greeley Water & Sewer Board. The Water & Sewer Department desires to consolidate all policies into Municipal Code to provide developers and staff a single point of reference.

Three revisions to Raw Water Dedication policies are proposed. The first revision is necessitated by the Master Purchase, Sale and Raw Water Credit Administration Agreement ("Master Agreement") for the purchase of groundwater rights, groundwater storage, and appurtenances contemplated by the Terry Ranch Project. The Master Agreement creates Raw Water Credits ("Credits") redeemable to meet Greeley's Raw Water Dedication requirements. A code revision is required to allow dedication of Credits and is a condition of closing on the Terry Ranch Project. A full public hearing on the Terry Ranch Project is scheduled to be held on March 2, 2021. The ordinance presented here does not authorize closing of the purchase, but rather is the first reading of an ordinance authorizing the acceptance of Credits.

The other two revisions codify graduated raw water requirements for landscaping associated with commercial and multi-family developments, and clarify that Raw Water Dedication for large parcel, single family developments is only required for the developed portion of the lot.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	Development dependent
What fund of the City will provide Funding?	N/A
What is the source of revenue within the fund?	N/A
Is there grant funding for this item?	No

If yes, does this grant require a match?		N/A
Is this grant onetime or ongoing?		N/A
Additional Comments:	Acceptance of Raw Water Dedication Credits will reduce collection of revenue via cash-in-lieu fees paid for Raw Water Dedication for new City water service. The Credits are, however, the mechanism for acquiring the Terry Ranch Project water and storage assets. Future cash-in-lieu revenue depends on the pace of development, future cash-in-lieu rates, and rate of sale and use of Raw Water Credits.	

Legal Issues:

This is a legislative matter as well as a pre-closing condition of the Terry Ranch Master Purchase, Sale and Raw Water Credit Administration Agreement. The City Attorney's Office has reviewed the proposed ordinance.

Other Issues and Considerations:

The Terry Ranch Master Purchase, Sale and Raw Water Credit Administration Agreement prescribes certain defaults for changes to the city's Raw Water Dedication policies, if those changes restricted the redemption of Credits, specifically disadvantage Credits relative to other sources of dedication, or if the city were to authorize the acceptance of a new water sources for dedication within the first 10-years following closing of the Terry Ranch purchase. The terms ensure Greeley does not purposefully erode the value of the Credits held by Credit-holders. Consolidating policies in Municipal Code ensures adequate notice and tracking of potential changes to Raw Water Dedication policies.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the introduction of the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and final reading for March 2, 2021.

Attachments:

Proposed Ordinance
Presentation

CITY OF GREELEY, COLORADO
ORDINANCE _____, 2021

AN ORDINANCE AMENDING CHAPTER 6, TITLE 14 OF THE MUNICIPAL CODE OF THE CITY OF GREELEY (CONCERNING THE DEDICATION OF WATER RIGHTS FOR CITY WATER SERVICE)

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board ("Board") to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 14.04.110 of the Greeley Municipal Code authorize the Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, Chapter 14.06 (Water Service) of the Greeley Municipal Code sets forth various requirements for initiating water service from the City; and

WHEREAS, the Board has established by resolution certain raw water dedication requirements for water service that include, but are not limited to, specifying water rights suitable for potable and non-potable use within the City's water system, the yield of a water right, and landscape dedication requirements ("Raw Water Dedication Policy"); and

WHEREAS, the City, acting by and through its Water Enterprise, previously entered into a Master Purchase, Sale and Raw Water Credit Administration Agreement (Terry Ranch), dated June 23, 2020, with Wingfoot Water Resources, a Colorado limited liability company, for the purchase and sale of water rights and related property rights ("Agreement"); and

WHEREAS, the Agreement obligates the City to issue and accept certain raw water dedication credits and to incorporate the Raw Water Dedication Policy into Chapter 14.06 of the Greeley Municipal Code; and

WHEREAS, on January 20, 2021, Water and Sewer staff presented a near final version of the proposed amendments, attached hereto as Appendix A; and

WHEREAS, Water and Sewer staff recommends that City Council adopt the proposed amendments in satisfaction of the Agreement and to consolidate the Raw Water Dedication Policy within Chapter 14.06 of the Greeley Municipal Code.

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

Section 1. That part (b) of Section 14.06.040 contained in Chapter 14.06, Water Service, be amended to read as shown on Appendix A, attached hereto and incorporated herein.

Section 2. That Section 14.06.050 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 3. That Section 14.06.060 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 4. That Section 14.06.070 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 5. That Section 14.06.080 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 6. That part (c) of Section 14.06.110 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 7. That Section 14.06.130 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 8. That Section 14.06.170 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 9. That Section 14.06.180 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 10. That Section 14.06.190 of the above-entitled ordinance be amended to read as shown on Appendix A.

Section 11. That Chapter 14.06 of the Greeley Municipal Code be amended by adding thereto a new Section 14.06.240 to read as shown on Appendix A.

Section 12. Except as explicitly modified on Exhibit A, all other provisions of Title 14 of the Greeley Municipal Code shall remain in full force and effect.

Section 13. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF _____, 2021.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

APPENDIX A
ORDINANCE AMENDING CHAPTER 6, TITLE 14
GREELEY MUNICIPAL CODE

Section 1. Section 14.06.040 contained in Chapter 14.06, Water Service, shall be amended to update part (b) to read as follows:

14.06.040 - Taps required; service line extensions prohibited.

(a) Each detached single-family residential building, multi-family residential building, and non-residential building shall be served by a minimum of one (1) separate water tap and service line. Buildings with mixed residential and non-residential uses shall be served by separate water taps for the residential and non-residential components of the development.

(b) A separate and additional landscape irrigation tap and service line shall be required for all non-residential buildings and multi-family residential buildings with more than four (4) units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels). The Director of Water and Sewer has the authority to grant a variance to the landscape irrigation tap requirement in this Section upon a written finding that the subject property can be served by a single tap due to minimal landscaping irrigation demand.

(c) It is unlawful for a person or entity to extend a service line to serve any other buildings, lots or premises contrary to the requirements of this Section. Notwithstanding the foregoing, the Director of Water and Sewer has the discretionary authority to grant variances when appropriate for accessory uses on the same property or an adjoining lot.

(d) A prohibited service line extension that was installed prior to September 1, 2019, may remain in effect so long as it does not create a sanitation, public health or public nuisance problem. If, in the discretion of the Director of Water and Sewer, a prohibited service line extension creates a sanitation, public health or public nuisance problem, the subject property owner(s) shall separate the compound tap at their own expense.

(e) The owner of a property to which a new water service line is installed after the associated separation of a compound tap shall be required to pay all fees applicable to the initiation of water service to the subject property, including, without limitation, the costs required to install another water tap and service line. Plant investment fees that would otherwise be due and payable for a new water service line installed pursuant to this Section shall be waived upon a written finding of the Director of Water and Sewer that there will be no increase in water service to the subject property.

(f) The use of a common service line by abutting property owners shall not alter the maintenance responsibility of the users of the common service line. The common service shall not constitute a public responsibility and the Director of Water and Sewer

shall not perform maintenance or repair on the separate or combined service lines that may serve abutting properties.

Section 2. Section 14.06.050 of the above-entitled ordinance shall be amended to read as follows:

14.06.050 - Water rights dedication; amounts and criteria.

(a) All applicants for water service within the City limits shall (i) dedicate to the City, as a prerequisite to and as part of the consideration for City water service to the subject property, water rights, if any, that the City, in its sole discretion, can use in its potable water supply system or non-potable irrigation system and (ii) if the applicant cannot satisfy the raw water dedication requirements through the dedication of water rights, shall furnish to the city a cash-in-lieu fee (or satisfy the same pursuant to Section 14.06.050(e)) to fulfill all or the remainder of the dedication requirement associated with a request for water service as a prerequisite to and as part of the consideration for city water service to the subject property. All water rights approved for dedication shall be conveyed to the city on or before the date the final plat for the development is approved. All cash-in-lieu fees shall be due and payable to the city no later than the date on which the building permit is issued.

(b) The City has determined (i) that the water rights represented by shares of stock in the Greeley & Loveland irrigation company and the Seven Lakes Reservoir Company, and rights in the Loveland and Greeley reservoir company (Lake Loveland) can be used within its potable water supply system and non-potable irrigation system and (ii) that the water rights represented by units of Colorado-Big Thompson project water can be used within its potable water supply system. The water rights represented by shares of stock in the Greeley Irrigation Company can only be used within non-potable irrigation systems. Therefore, the City will accept such water rights only in satisfaction of the raw water dedication requirements associated with non-potable water service on property historically irrigated by the subject water rights. The City shall use the following yield values to determine the amount of raw water transferred by an applicant toward the satisfaction of any raw water dedication requirement:

<u>Company</u>	<u>Yield/Share</u>
<u>The Greeley & Loveland Irrigation Company</u>	<u>8 acre feet/share</u>
<u>The Seven Lakes Reservoir Company</u>	<u>8 acre feet/share</u>
<u>The Loveland And Greeley Reservoir Company (Lake Loveland)</u>	<u>20 acre feet/right</u>
<u>Colorado-Big Thompson Project Water (C-BT)</u>	<u>0.75 acre feet/unit</u>
<u>Greeley Irrigation Company (Greeley No. 3 Canal)</u>	<u>10.3 acre feet/share</u>

~~(b)(c)~~ All dedications of water rights proposed to satisfy the requirements of this Section are subject to approval by the Director of Water and Sewer. Water rights approved for dedication shall Except for water rights represented by units of Colorado-Big Thompson project water, the City will not accept the dedication of any water rights under Section 14.06.050(b) for use within its potable water supply system or non-potable irrigation system unless the Director of Water and Sewer determines that the subject water rights meet the requisite criteria under Colorado law for conversion of the water to municipal use by the City, including, without limitation, sustained historical consumptive use. Such water rights shall also meet the criteria for dedication of water rights to the City set forth by resolution of the Water and Sewer Board. The transfer of water rights approved for dedication to the City shall be made by the applicant for water service no later than the date on which a final plat for the development is approved. that: (i) the water rights have a history of use on the property being developed; (ii) the property being developed was historically and consistently irrigated under the ditch system from which such water rights are being dedicated; (iii) the owner and all lienholders of the property being developed execute a restrictive covenant in a form acceptable to the city requiring the cessation of irrigation on the historically irrigated property with the subject water rights except under conditions authorized by the City; and (iv) the applicant provides any documents and materials reasonably required by the city to ensure consistency with any prior decrees, including but not limited to, decrees adjudicating changes of the Greeley & Loveland Irrigation Company, the Seven Lakes Reservoir Company, the Loveland and Greeley reservoir (Lake Loveland), and the Greeley Irrigation Company water rights.

(d) An applicant for water service may request that the City accept or permit the use of (i) water rights other than the water rights identified in Section 14.06.050(b) or (ii) water rights that do not satisfy the requirements of Section 14.06.050(c) in partial satisfaction or reduction of the applicant's raw water dedication requirement. The City, in its sole discretion, may accept or permit the use of such water rights based on certain terms and conditions set by the Director of Water and Sewer but only in partial satisfaction or reduction of the raw water dedication requirement associated with non-potable water service on property that has been historically irrigated by the subject water rights.

(e) On or before December 31, 2099, an applicant for water service, who is also the registered owner of a certificate issued by the department to evidence one (1) or more raw water dedication credits, may redeem such credit(s) in whole or in part (but only in whole numbers) toward the satisfaction of any cash-in-lieu fee obligation associated with the applicant's request for water service in accordance with Sections 14.06.060, 14.06.070, 14.06.080, and 14.06.110. One (1) raw water dedication credit represents the equivalent of, but not an interest in, one (1) acre-foot of raw water that an applicant would otherwise have to satisfy by furnishing to the city a cash-in-lieu fee.

~~(e)(f)~~ Applicants for water service to single-family residential and multi-family residential developments with four (4) units or less within the City limits shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city any applicable cash-in-lieu fee in accordance with Section 14.06.060 in the amount of three (3) acre-feet per acre, or fraction thereof, of property to which water service will be provided. Streets, rights-of-way, driveways, sidewalks, outbuildings, and any other part

of the property that has been or will be developed shall be included in the calculation of the total gross acreage of the property, regardless of whether such areas have been dedicated to public use. The City may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area is legally prohibited by plat or deed.

~~(d)~~(g) Applicants for water service to non-residential and multi-family residential developments with more than four (4) units within the City limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the city the applicable cash-in-lieu fee in accordance with Section 14.06.070 in the amount of the water service demand for the subject development. The water service demand for non-residential and large multi-family residential developments shall be determined by multiplying the total units proposed by the applicant by the average unit use, as set forth in the business category and water use table below. The water service demand for industrial developments and commercial developments of a type not specifically identified in the business category and water use table below shall be determined by the Director of Water and Sewer on a case-by-case basis, utilizing the projected volume of total water use by the subject development.

Business Category and Water Use		
Category	Units	Average Unit Use (Gallons Per Unit Per Year)
Auto Service and Repair	SF	12
Car Wash	Bay	1,350,000
Childcare	SF	47
Church	SF	4.5
Grocery Store	SF	20
Gas Station Without Car Wash	SF	93
Hospital	SF	21
Hotel/Motel	Room	30,300
Medical Office	SF	25
Multi-Family Residential (Greater than 4 units)	Unit	35,500

Office	SF	14
Recreation With Pool	SF	122
Recreation Without Pool	SF	25
Restaurant (Outdoor Seating Areas 50%)	SF	188
Retail	SF	16
School	SF	11
Warehouse	SF	5
Industrial and Other Commercial	Demand determined on case-by-case basis	
<u>"SF" = Square Feet of Gross Floor Space Within the Building Area</u>		

(h) Applicants for water service to non-residential and multi-family residential developments with more than four (4) units within the city limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), for which a separate and additional landscape irrigation tap and service line is required in accordance with section 14.06.040, shall also dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the City the applicable cash-in-lieu fee in accordance with section 14.06.070 in the amount of the landscape irrigation demand for the subject development. Landscape irrigation demand shall be determined based on (i) the total gross acreage of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table below. landscape plans with more than seventy-five percent (75%) high water use vegetation are assumed to be entirely high water use and shall be calculated as such. streets, rights-of-way, driveways, sidewalks, outbuildings and any other part of the property that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. the city may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

<u>Landscape Water Use</u>	
<u>Water Use</u>	<u>Dedication Requirement</u>
<u>High water use (>14 gals/sf annual use)</u>	<u>Three (3) acre-feet/acre</u>

<u>Medium water use (10-14 gal/sf annual use)</u>	<u>Two and one-third (2.33) acre-feet/acre</u>
<u>Low water use (<10 gals/sf annual use)</u>	<u>One and two-thirds (1.67) acre-feet/acre.</u>
<u>No irrigation</u>	<u>No raw water requirement for landscape</u>

Section 3. Section 14.06.060 of the above-entitled ordinance shall be amended to read as follows:

14.06.060 - Cash in lieu of raw water required; single-family and small multi-family residential.

(a) Any applicant for water service to single-family residential and multi-family residential developments with four (4) units or less within the City limits that cannot satisfy the requirements of Section 14.06.050 ~~in full~~ through the dedication of water rights shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(b) The cash-in-lieu fee for single-family residential and multi-family residential developments with four (4) units or less shall be set by resolution of the Water and Sewer Board and calculated as the cash equivalent of three (3) acre-feet of water per acre, or fraction thereof, of property to which water service will be provided, using the fair market value of water per acre-foot.

Section 4. Section 14.06.070 of the above-entitled ordinance shall be amended to read as follows:

14.06.070 - Cash in lieu of raw water required; non-residential and large multi-family residential.

(a) Any applicant for water service to non-residential and multi-family residential developments with more than four (4) units within the City limits, including, without limitation, commercial, industrial, and group housing (apartment buildings, condominiums, nursing homes, hotels, and motels), that cannot satisfy the requirements of Section 14.06.050 ~~in full~~ through the dedication of water rights shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(b) The cash-in-lieu fee for non-residential and large multi-family residential developments shall be set by resolution of the Water and Sewer Board and calculated by multiplying the water service demand for the subject property, as determined in accordance with Section 14.06.050 ~~(de) above~~, and the landscape irrigation demand, as determined in accordance with section 14.06.050(h), by the fair market value of water per acre-foot.

Section 5. Section 14.06.080 of the above-entitled ordinance shall be amended to read as follows:

14.06.080 - Exception for large parcel single-family residential.

(a) The water rights dedication and cash-in-lieu fee requirements set forth in Sections 14.06.050 through 14.06.070 shall not apply to applications for ~~domestic~~ water service to ~~a large parcel single-family residential development, defined as a parcels~~ parcel, of ~~land~~ property exceeding one (1) acre that contain only one (1) single-family residence. ~~Any application for water service to such a parcel through a tap larger than three-quarters of an inch (¾") in diameter is not considered domestic, and therefore ineligible for the exception in this Section.~~

(b) ~~All applicants for large parcel single-family residential water service pursuant to this Section shall dedicate to the City raw water in the amount of three (3) acre-feet per three-quarter-inch (¾") domestic tap, as a prerequisite to, and as a part of the consideration for, City water service to the subject property.~~ All applicants for water service to a large parcel single-family residential development shall dedicate raw water and, if the applicant cannot dedicate raw water, furnish to the City the applicable cash-in-lieu fee in accordance with section 14.06.080(c) in the amount of the water service demand for the subject development. The water service demand for large parcel single-family residential developments shall be determined by (i) the total gross acreage, or fraction thereof, of property to which water service will be provided and (ii) the type of landscape as set forth in the landscape water use table in section 14.06.050(h) above. Landscape plans with more than seventy-five percent (75%) high water use vegetation are assumed to be entirely high water use and shall be calculated as such. Streets, rights-of-way, driveways, sidewalks, outbuildings and any other part of the property that has been or will be developed shall be included in the calculation of the total gross acreage of property, regardless of whether such areas have been dedicated to public use. The City may, in its sole discretion, exclude area(s) from the total gross acreage, provided that irrigating such area(s) is legally prohibited by plat or deed.

(c) Any applicant for large parcel single-family residential water service pursuant to this Section that cannot satisfy the requirement of Section 14.06.080(b) ~~in full~~ through the dedication of water rights shall furnish to the City a cash-in-lieu fee to fulfill all or the remainder of the dedication requirement associated with its request for water service.

(d) The cash-in-lieu fee for large parcel single-family residential water service pursuant to this Section shall be set by resolution of the Water and Sewer Board and calculated as the cash equivalent of ~~three (3) acre-feet of water per three-quarter-inch (¾") domestic tap,~~ the calculated water service demand using the fair market value of water per acre-foot.

Section 6. Section 14.06.110 of the above-entitled ordinance shall be amended to read as follows:

14.06.110 - Raw water surcharge and supplemental cash in lieu of raw water; exception.

(a) A non-residential or large multi-family residential customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment, as set forth in its service commitment agreement.

(b) Non-residential and large multi-family residential customers who initiated water service prior to the enactment of the ordinance codified in this Section and have not executed a service commitment agreement shall be entitled to an annual allotment in accordance with the raw water dedicated or cash in lieu of raw water it paid upon initiation of service. Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.

(c) Large parcel single-family residential customers shall be entitled to an annual allotment ~~of three (3) acre-foot per three-quarter inch ($\frac{3}{4}$ " domestic tap equal to the water service demand calculated in accordance with Section 14.06.080.~~ Any such customer whose metered water use in a calendar year exceeds its annual allotment shall be required to pay a raw water surcharge on the volume of water used in excess of such allotment.

(d) The raw water surcharge applicable to customers pursuant to this Section shall be set by resolution of the Water and Sewer Board. Any customer whose metered water use in a calendar year exceeds its annual allotment may also furnish to the City a separate supplemental cash-in-lieu fee to increase its annual allotment. Any such supplemental cash-in-lieu fee shall be calculated using the fair market value of water per acre-foot, as set by the Water and Sewer Board and in place when the raw water surcharge payment is due and payable, and shall result in a corresponding increase to the annual allotment for that customer, whether as determined in accordance with this Section or as set forth in its service commitment agreement.

(e) Any non-residential, large multi-family residential, or large parcel single-family residential customer who initiates or modifies its water service after the enactment of the ordinance codified in this Section and whose metered water use in a calendar year exceeds the annual allotment set forth in its service commitment agreement in any two (2) consecutive calendar years shall be required to pay a supplemental cash-in-lieu fee to increase its annual allotment, as described in Section 14.06.110(d) above.

(f) Any customer whose metered water use during its first full calendar year of water service exceeds its annual allotment shall be exempt from the raw water surcharge and supplemental cash-in-lieu fee requirements of this Section for that first year only.

Section 7. Section 14.06.130 of the above-entitled ordinance shall be amended to read as follows:

14.06.130 - Plant investment fees for water service; inside and outside the City.

(a) All applicants for water service, whether inside or outside the City limits, shall furnish to the City a water plant investment fee based on the diameter of the tap as a prerequisite to, and as a part of the consideration for, City water service to the subject property. The water plant investment fee shall be the minimum amount set by resolution of the Water and Sewer Board, unless subsequently increased by resolution of the City Council. The diameter of a service line water tap installed for fire suppression purposes shall not be considered when calculating plant investment fees due pursuant to this Section.

(b) Upon approval of the Director of Water and Sewer, plant investment fees may be based on the volume of a customer's annual allotment rather than the diameter of ~~itsthe~~ tap. When the Director of Water and Sewer authorizes a plant investment fee based on ~~size of service~~ the volume of a customer's annual allotment, then the schedule of tap fees set by resolution of the Water and Sewer Board shall be applied in accordance with the size of service line.

Section 8. Section 14.06.170 of the above-entitled ordinance shall be amended to read as follows:

14.06.170 - Water service outside the City limits.

The Director of Water and Sewer may consider applications for extraterritorial water service from persons or entities located outside the City limits. Any such extraterritorial water service authorized shall be contingent upon receipt by the City of written consent to the service from the jurisdiction in which the extraterritorial customer is located, if so required. Any person or entity granted such extraterritorial water service shall agree to ~~transfer~~ comply with this Chapter 14.06 when a request for City water is made, at no cost to the City, ~~certain water rights, including Northern Colorado Water Conservancy District allotments, irrigation water and carriage rights of such water, to the City~~ before receiving water service from the City.

Section 9. Section 14.06.180 of the above-entitled ordinance shall be amended to read as follows:

14.06.180 - Transfer of water rights upon annexation.

Any petitioners requesting annexation of their ~~land~~ property to the City shall agree, as a prerequisite to receiving approval of such annexation and on behalf of themselves and all successors in interest to the ~~land~~ property to be annexed, to ~~transfer~~ comply with this Chapter 14.06 at no cost to the City, ~~water rights, including Northern Colorado Water Conservancy District allotments, irrigation water and carriage rights upon subdividing and/or requesting domestic water service to the City,~~ before receiving the approval of the annexation.

Section 10. Section 14.06.190 of the above-entitled ordinance shall be amended to read as follows:

14.06.190 - Special agreements approved by City Council.

The provisions of this Chapter 14.06 shall not preclude the City Council from approving special agreements with applicants for water service ~~regarding~~modifying the requirements for development within the City, provided that such agreements are approved by ordinance.

Section 11. Chapter 14.06 of the Greeley Municipal Code shall be amended by adding thereto a new Section 14.06.240 to read as follows:

14.06.240 – Public Hearing; Scheduling.

If the City Council introduces and approves on first reading an ordinance to either (i) amend Sections 14.06.050 through 14.06.120, Sections 14.06.170 through 14.06.190, or this Section 14.06.240 or (ii) approve a special agreement in accordance with Section 14.06.190, then the City Council shall schedule the public hearing and final approval to take place no sooner than twenty-eight (28) days thereafter. The City Council shall provide notice of the public hearing and final approval by publishing the proposed ordinance along with the day, hour, and place as required by the City Charter.

Proposed Municipal Code Revisions: Raw Water Dedication

February 16, 2021



Background

- Raw Water Dedication is payment in form of water rights or cash required to receive city water service
- Greeley’s raw water dedication policies prescribe:
 - The amount of water required for specific development types
 - The sources of water or other means to meet dedication requirements
 - Process and procedures for dedication
- Proposed ordinance would both revise certain Raw Water Dedication policies and consolidate all policies to single source

Proposed Revisions

1. Allow acceptance of Terry Ranch Raw Water Credits
2. Graduated requirements for landscaping in commercial and multi-family developments
3. Revised requirements for large parcel, single-family developments



A public hearing on the Terry Ranch Project will be held on March 2, 2012

Raw Water Credits

- Terry Ranch, if approved, will be purchased with Raw Water Credits rather than cash
 - Credits redeemable over the next 80 years to meet Greeley's (and only Greeley's) Raw Water Dedication requirements
 - 1 Credit = 1 acre-foot of dedication
 - 12,121 Credits issued
- Greeley will continue to accept useable water rights and cash-in-lieu of water rights
 - Greeley's cash-in-lieu rate should set price ceiling for Credits



Raw Water Credits

- Credits reduce future cash-in-lieu revenue, but
 - Greeley receives Terry Ranch assets and \$125 million in return
 - Seller (Wingfoot Water Resources) assumes all risk that development will occur to sell Credits
 - Reduces Greeley's financial risks
- Issuing Credits in no way gives control to seller
 - Greeley will solely and perpetually own, control and operate Terry Ranch and the rest of its water system

Graduated Landscaping Requirements



- Reduce Raw Water Dedication requirements for water-wise landscaping
- Commercial and multi-family developments only
- Included in commercial and multifamily Raw Water Dedication policy updates in 2019, but ultimately not incorporated in Code

Large-Parcel Lots

- Clarify that Raw Water Dedication required only for developed portion of lot
- Applies to single-family lots over 1 acre
- Aligns with 2019 policy updates



Proposed Consolidation



- Water dedication policies are currently contained in:
 - Chapter 14.06 of the City of Greeley Municipal Code
 - Water and Sewer Board resolutions
 - City Council adopted Master Plans and staff policies

Proposed Consolidation

- Best practice – A single source of policies for developers and staff
- Policies that will be consolidated:
 - Municipal Code Chapter 14 Title 6
 - W&S Board Resolution 14, 2014 – Dedication Requirements
 - W&S Board Resolution 2, 2016 – Gross Area Calculation
 - W&S Board Resolution 1, 2019 – Water Right Yields
 - W&S Board Resolution 3, 2020 – Water Right Yields and Requirements
 - W&S Section 10.5 of Terry Ranch Master Agreement – Raw Water Credits

Proposed Consolidation

- Terry Ranch Master Agreement
 - Greeley defaults if future policy changes no longer accept Credits, specifically disadvantage Credits, or accept new water sources within 10-years
 - Term ensures Greeley does not purposefully erode Credit value
 - Default/remedy structure required to not bind future City Councils
 - Consolidation ensures adequate public notice



Questions?



Council Agenda Summary

February 16, 2021

Title

Pulled Consent Agenda Items

Council Agenda Summary

February 16, 2021

Key Staff Contact: Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Public hearing and final reading of an ordinance amending Sections 14.08.090 and 14.08.160 of the Greeley Municipal Code (Concerning Water Use Restrictions and Drought Response)

Summary:

Greeley's current Drought Emergency Plan is more than 15 years old. Since that time our population has grown by several thousand people and a lot has changed. Our watersheds have been severely impacted by major wildfires in 2012, 2013 and 2020, adding to the supply side uncertainty that must be managed. The city has invested in demand management policy and programs that promote wise water use; and the data shows a consistent decline in water consumption per account. The Water and Sewer Dept. have acquired additional water rights for the supply portfolio and we've undertaken an examination of future water needs and system drought performance. The city overhauled its billing structure to implement tiered pricing and wise water use ethics with the water budget rate structure for single-family residential customers. Therefore, a re-evaluation of the Drought Emergency Plan is necessary to ensure responsible water supply planning. Beginning in mid-2019, Staff performed a case study and literature review, data analysis and received feedback from the Water and Sewer Board. The final plan was presented to the Water and Sewer Board on January 20, 2021. The Water and Sewer Board adopted the plan and recommended that City Council approve associated revisions to the Greeley Municipal Code, in the form of the enclosed ordinance. This ordinance was introduced at the January 19, 2021 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	N/A
What is the annual impact?	Unknown
What fund of the City will provide Funding?	Water Operating
What is the source of revenue within the fund?	Water Rates
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	Drought mitigation efforts may have short term negative impacts to water rate revenue, however, this will be partially offset by a drought contingency reserve within the Water Fund and greater certainty that the city has the right tools and policy to respond appropriately and transparently to future droughts.

Legal Issues:

The City Attorney's Office has reviewed the proposed ordinance. Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

The Drought Emergency Plan and proposed ordinance are an important step towards the Strategic Work Program goal in priority no. 4, Increase water conservation efforts and build a culture of conservation.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance
Presentation

CITY OF GREELEY, COLORADO

ORDINANCE ____, 2021

**AN ORDINANCE AMENDING SECTIONS 14.08.090 AND 14.08.160
OF THE GREELEY MUNICIPAL CODE (CONCERNING WATER USE RESTRICTIONS
AND DROUGHT RESPONSE)**

WHEREAS, the City of Greeley (“City”) is a Colorado home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, *inter alia*, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for use of the City; and

WHEREAS, Section 17-1 of the Greeley City Charter authorizes the Greeley Water and Sewer Board to qualify the Water and Sewer functions and operations as an "enterprise" as that term is contained in Article X, Section 20 of the Colorado Constitution, and to provide for every function and operation of an enterprise, including but not limited to, bond issuance and all other necessary and ordinary functions of the Water and Sewer operations; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 14.04.110 of the Greeley Municipal Code authorize the Greeley Water and Sewer Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, Sections 14.08.090 and 14.08.160 of the Greeley Municipal Code prescribe the particular means by which City residents may irrigate their property and make other uses of City water during periods of adequate water supply and during periods of drought; and

WHEREAS, the Water and Sewer Board at its January 20, 2021 regular meeting adopted an updated Drought Emergency Plan to guide the City’s identification of potential drought conditions and subsequent response measures; and

WHEREAS, in conjunction with its adoption of the updated Drought Emergency Plan, the Water and Sewer Board at its January 20, 2021 regular meeting also recommended a variety of associated revisions to the Greeley Municipal Code regarding water conservation and use restrictions; and

WHEREAS, the imposition of watering restrictions that are responsive to the adequacy of available water supply and potential drought conditions continues to be in the best interests of the citizens of the City of Greeley, for the preservation and protection of their health, property, water resources, and safety.

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

Section 1. Sections 14.08.090 and 14.08.160 of the Greeley Municipal Code shall be repealed and replaced in their respective entireties as shown on Exhibit A, attached hereto and incorporated herein.

Section 2. Except as explicitly modified on Exhibit A, all other provisions of Chapter 14.08 in the Greeley Municipal Code shall remain in full force and effect.

Section 3. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF _____, 2021.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

EXHIBIT A
ORDINANCE AMENDING SECTIONS 14.08.090 AND
14.08.160 GREELEY MUNICIPAL CODE

Chapter 14.08
Water Rates and Regulation

14.08.090 - Wasting water unlawful.

~~(a) — It is unlawful for any person using City water to use said water to allow or permit water to run to waste upon his or her premises, buildings, houses or lots, in, through or out of any water closet lavatory, urinal, bathtub, hose, hydrant, faucet or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures.~~

~~(b) — It is unlawful for any person, partnership, company or corporation or other entity using City water, at any time during a declared drought, to use water to clean any hard surface upon or adjacent to the premises, building, house or lot. For purposes of this Section, *hard surface* includes but is not limited to driveways, sidewalks and streets and street gutters. Use of water in cleaning property such as roof gutters, eaves, windows or in preparation for painting is allowed as long as waste does not occur.~~

~~(c) — It is unlawful for any person, partnership, company or corporation or other entity using City water to allow, either manually or automatically, the sprinkling or watering of hard surface; to allow excessive runoff of water from the premises, building, house or lot; and/or to allow the excessive pooling of water upon or adjacent to the premises, houses or lots. Runoff that is more than five (5) gallons per minute is considered excessive.~~

(d) Penalties.

~~(1) — Any person who violates any of the provisions of this Section is guilty of violation of this Section and shall be punished by a fine of one hundred dollars (\$100.00) for the first conviction during the calendar year, two hundred fifty dollars (\$250.00) for the second conviction during the calendar year, five hundred dollars (\$500.00) for the third conviction during the calendar year and five hundred dollars (\$500.00) and a flow restrictor to limit water to indoor use only of water service for the fourth conviction during the same calendar year may be required.~~

~~(2) — Each day of violation shall constitute a separate offense as provided in Section 1.32.020 of this Code.~~

~~(e) — Intent. The violations described in this Section are strict liability offenses, as defined in Chapter 10 of this Code.~~

(a) It is unlawful for any person or entity to cause or knowingly allow the application of City water to waste upon property under their ownership or control.

(b) It is unlawful for any person or entity to cause or knowingly allow the leakage of City water through, or out of any water closet, lavatory, toilet, urinal, bathtub, hose, hydrant, faucet, appliance,

fixture, or apparatus of any kind, including, without limitation, by reason of a defective component of the leakage source, upon property under their ownership or control.

(c) It is unlawful for any person or entity to cause or knowingly allow the excessive runoff or pooling of City water from, upon, or adjacent to property under their ownership or control.

(d) Violations and penalties.

(1) A person or entity who violates any of the provisions of this Section on a residential property shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, two hundred and fifty dollars (\$250.00) for the second violation within a calendar year, and five hundred dollars (\$500.00) for the third and all subsequent violations within a calendar year. In addition to the applicable fine, a person or entity who violates any of the provisions of this Section on a residential property for the fourth time in a calendar year shall be required to install a flow restriction device at their own expense to limit City water use on the property for indoor purposes only.

(2) A person or entity who violates any of the provisions of this Section on a non-residential property shall be punished by a fine of two hundred dollars (\$200.00) for the first violation, five hundred dollars (\$500.00) for the second violation within a calendar year, and one thousand dollars (\$1,000.00) for the third and all subsequent violations within a calendar year. In addition to the applicable fine, a person or entity who violates any of the provisions of this Section on a non-residential property for the fourth time in a calendar year shall be required to install a flow restriction device at their own expense to limit City water use on the property for indoor purposes only.

(3) Each and every day on which a violation occurs shall constitute a separate infraction, as provided in Section 1.33.020 of this Code.

(4) Verbal warnings shall not be issued in advance of notices of violation at any time the City's water supply is declared subject to a Moderate Drought, Severe Drought, or Catastrophic Drought.

~~14.08.160 – Sprinkling restrictions; drought levels; penalty.~~

~~(a) — The following provisions shall apply at all times unless modified by subsequent Sections of the ordinance codified herein:~~

~~(1) Waste of water is prohibited at any time.~~

~~(2) — Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. from May through August even when water supplies are adequate.~~

~~(3) — Drip irrigation, low-volume spray or bubbling sprinklers, hose-end sprinklers and weeping-type soaker hoses are allowed to water trees, shrubs or flower beds at any time.~~

~~(4) Hand-watering of vegetables and flower gardens, trees and shrubs and individual brown spots in a lawn is allowed at any time, so long as water waste does not occur. Hand-watering means holding in the hand a hose with attached positive shutoff nozzle and does not include operating a hose with a sprinkler or manually operating an irrigation controller.~~

~~(5) — Except during time of adequate water supply, hand-watering to clean hard surfaces such as driveways and parking lots is prohibited. Hand-watering to clean property, such as roof gutters, eaves, windows or in preparation for painting, is allowed as long as water waste does not occur.~~

~~(6) — Public organizations: The use of water for sprinkling lawns, gardens and trees on the grounds of public organizations, public parks and public golf courses served by the City water system will be permitted at any time with written variance from the Director of Water and Sewer. The public organizations to which this paragraph refers include, but are not limited to: Weld County facilities, the University of Northern Colorado campus, School District #6 grounds, and City of Greeley grounds, including parks, golf courses and Linn Grove cemetery.~~

~~(7) — New lawn variance: The use of water for sprinkling newly seeded or sodded lawns less than one (1) month old will be allowed during times determined by the Director of Water and Sewer pursuant to a permit for the same. Issuance of such a permit is contingent upon proof of proper soil preparation before installation of turf. Proper soil amendment is considered to be the equivalent of adding compost at a rate of four (4) cubic yards per one thousand (1,000) square feet of planted area, incorporated to a depth of six (6) inches. Permits shall be posted on the property.~~

~~(8) — Large user variance: The use of water for sprinkling large areas with multiple addresses, such as homeowners' associations, or other special circumstances, may be allowed during the times and days of the week as determined by the Director of Water and Sewer and defined by a permit for the same. Such written permits shall be posted on the property.~~

~~(9) — Except during a time of declared "adequate" water supplies, there shall be no lawn watering between January 1 and April 14. Charging and testing of sprinkler systems is allowed. Sprinkling may be allowed by written variance.~~

~~(10) Unusual circumstances: The Director of Water and Sewer may issue variance permits to address any other circumstances that, in the Director's sole discretion, are deemed appropriate.~~

(b) **Definitions:**

~~(1) *Even-odd schedule:*~~

- ~~a. Even numbered addresses may sprinkle on even days of the month.~~
- ~~b. Odd numbered addresses may sprinkle on odd days of the month.~~

~~c. On May 31, July 31 and August 31, odd addresses may sprinkle in the morning and even addresses may sprinkle in the evening.~~

~~(2) — *One-day-per-week* watering: All properties may use water for sprinkling only one (1) day per week.~~

- ~~a. Single family residences and duplexes with addresses ending in an even number may sprinkle on Sundays.~~
- ~~b. Single family residences and duplexes with addresses ending in an odd number may sprinkle on Saturdays.~~

~~e. All other customers, commercial, industrial, multi-family and homeowners' associations may sprinkle on Fridays.~~

(3) ~~Two days per week watering:~~

~~a. Single family residences and duplexes with addresses ending in an even number may sprinkle on Sundays and Thursdays.~~

~~b. Single family residences and duplexes with addresses ending in an odd number may sprinkle on Wednesdays and Saturdays.~~

~~c. All other customers, commercial, industrial, multi-family and homeowners' associations may sprinkle on Tuesdays and Fridays.~~

~~d. There shall be no watering on Mondays except by written variance.~~

(4) ~~Three days per week watering:~~

~~a. Single family residences and duplexes with addresses ending in an even number may sprinkle on Sundays, Tuesdays and Thursdays.~~

~~b. Single family residences and duplexes with addresses ending in an odd number may sprinkle on Mondays, Wednesdays and Saturdays.~~

~~c. All other customers, commercial, industrial, multi-family and homeowners' associations may sprinkle on Sundays, Tuesdays and Fridays.~~

(5) ~~Hand-watering means holding in the hand a hose with attached positive shutoff nozzle. Hand-watering does not include operating a hose with a sprinkler or manually operating an irrigation controller.~~

(c) ~~Drought levels: On the determination by the Greeley Water and Sewer Board, after an analysis including but not limited to the Colorado Big Thompson quota, the level of storage in Greeley reservoirs, snow pack and yield thereof, and the long range weather forecast, that Greeley's water supply situation is "Adequate" or in a "Mild Drought," "Moderate Drought" or "Severe Drought," the City Council may, by resolution, declare one (1) of the following four (4) sets of watering restrictions to be in effect:~~

(1) ~~When the City's water supply is Adequate: The use of City water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees by customers not subject to the water budget rate structure will be permitted three (3) days per week between April 15 and the end of the irrigation season. The use of City water for sprinkling of private residences by single family residential customers subject to the water budget rate structure will be permitted on any day of the week between April 15 and the end of the irrigation season.~~

(2) ~~When the City's water supply is in a Mild Drought: The use of City water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:~~

~~a. One (1) day per week between April 15 and May~~

~~14. b. Two (2) days per week between May 15 and June 14.~~

~~e. Three (3) days per week between June 15 and August 31.~~

~~d. One (1) day per week between September 1 and the end of the irrigation season. e. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.~~

~~(3) — When the City's water supply is in a Moderate Drought: The use of City water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:~~

- ~~a. One (1) day per week between April 15 and May 14.~~
- ~~b. Two (2) days per week between May 15 and August 31.~~
- ~~c. One (1) day per week between September 1 and the end of the irrigation season.~~
- ~~d. New sod or seed variances are not allowed between May 15 and August 31.~~
- ~~e. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.~~

~~(4) — When the City's water supply is in a Severe Drought: The use of City water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:~~

- ~~a. One (1) day per week between April 15 and May 14.~~
- ~~b. Two (2) days per week between May 15 and June 14.~~
- ~~c. No sprinkler irrigation between June 15 and August 1 will be permitted, except for trees and shrubs.~~
- ~~d. Two (2) days per week between August 1 and August 31.~~
- ~~e. One (1) day per week between September 1 and the end of the irrigation season.~~
- ~~f. No new sod or seed variances are allowed.~~
- ~~g. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.~~

~~(5) — When the City Council declares which set of water restriction are in place, the City Council may define City policy regarding the use of warnings prior to notices of violation being issued.~~

(d) Penalties:

~~(1) — Any person who violates any of the provisions of this Section during a calendar year shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, two hundred fifty dollars (\$250.00) for the second violation, five hundred dollars (\$500.00) for the third violation, and five hundred dollars (\$500.00) and the cost of installing a flow restrictor to limit water use to indoor use only for the fourth and subsequent violations.~~

~~(2) — Violations on property other than residential property shall be punished by fines which are double those described in Subsection (d)(1) above.~~

~~(3) — Each day of violation shall constitute a separate offense as provided in Section 1.32.020 of this Code and shall be a strict liability offense.~~

~~(4) — During a declared Severe Drought, all fines are doubled or up to one thousand dollars~~

(\$1,000.00), whichever is less.

14.08.160 – Water conservation and use restrictions; drought response.

(a) Definitions.

(1) Hand-watering means the attended application of City water without waste by an individual using a hose equipped with a nozzle that must be manually held open to permit the flow of water.

(2) One Day per Week Watering Schedule means that customers may use City water for sprinkling only one (1) day per week. Single-family and duplex residential properties with addresses ending in an even number may sprinkle on Sundays. Single-family and duplex residential properties with addresses ending in an odd number may sprinkle on Saturdays. All other multi-family residential, non-residential, and owners' association customers may sprinkle on Fridays.

(3) Sprinkle or Sprinkling means the application of City water to any lawn, grass, turf, or other landscaped area by any means other than hand-watering.

(4) Two Days per Week Watering Schedule means that customers may use City water for sprinkling only two (2) days per week. Single-family and duplex residential properties with addresses ending in an even number may sprinkle on Sundays and Thursdays. Single-family and duplex residential properties with addresses ending in an odd number may sprinkle on Wednesdays and Saturdays. All other multi-family residential, non-residential, and owners' association customers may sprinkle on Tuesdays and Fridays. There shall be no watering on Mondays except by written variance from the Director of Water and Sewer.

(5) Three Days per Week Watering Schedule means that customers may use City water for sprinkling only three (3) days per week. Single-family and duplex residential properties with addresses ending in an even number may sprinkle on Sundays, Tuesdays and Thursdays. Single-family and duplex residential properties with addresses ending in an odd number may sprinkle on Mondays, Wednesdays and Saturdays. All other multi-family residential, non-residential, and owners' association customers may sprinkle on Sundays, Tuesdays and Fridays.

(b) The Water and Sewer Board shall analyze the adequacy of the City municipal water supply and identify the potential for and existence of drought conditions no less often than annually, and determine whether the water supply is Adequate, or otherwise subject to a Mild Drought, Moderate Drought, Severe Drought, or Catastrophic Drought.

(c) The use of City water is further restricted as follows, in accordance with the declaration of water supply adequacy or level of drought made by the Water and Sewer Board. Upon such declaration by the Water and Sewer Board, the City Council shall adopt the applicable set of watering restrictions by resolution.

(1) Upon declaration that the City's water supply is Adequate:

- a. Sprinkling is prohibited before April 15 and after October 31.
- b. Sprinkling is prohibited between 10:00 a.m. and 6:00 p.m.
- c. Customers subject to the water budget rate structure may sprinkle on any day of week from April 15 through October 31.
- d. Multi-family residential, non-residential, and owners' association customers not

subject to the water budget rate structure, and large property customers with more than four (4) acres of irrigable area shall follow the Three Days per Week Watering Schedule from April 15 through October 31.

- (2) Upon declaration that the City's water supply is subject to a Mild Drought:

- a. Sprinkling is prohibited before May 1 and after September 30.
- b. Sprinkling is prohibited between 10:00 a.m. and 6:00 p.m.
- c. Customers subject to the water budget rate structure shall follow the Three Days per Week Watering Schedule from May 1 through September 30 and have their water budgets reduced by fifteen (15) percent.
- d. Multi-family residential, non-residential, and owners' association customers not subject to the water budget rate structure shall follow the Three Days per Week Watering Schedule from May 1 through September 30.
- e. The use of City water to wash personal vehicles by hand-watering is permitted once per week.
- f. The use of City water to wash parking lots is prohibited.
- g. The use of City water to wash other impervious surfaces such as driveways, sidewalks, and other pavement is permitted by hand-watering only as necessary for public health or safety.
- h. The use of City water to wash structure siding, windows, patios, and decks is permitted by hand-watering once per calendar year, and only in preparation for painting or staining.
- i. The use of City water to wash commercial vehicle fleets is permitted once per week.

(3) Upon declaration that the City's water supply is subject to a Moderate Drought:

- a. Sprinkling is prohibited before May 1 and after September 30.
- b. Sprinkling is prohibited between 10:00 a.m. and 6:00 p.m.
- c. Customers subject to the water budget rate structure shall follow the Two Days per Week Watering Schedule from May 1 through September 30 and have their water budgets reduced by twenty-five (25) percent.
- d. Multi-family residential, non-residential, and owners' association customers not subject to the water budget rate structure shall follow the Two Days per Week Watering Schedule from May 1 through September 30.
- e. The use of City water to wash personal vehicles by hand-watering is permitted once per calendar month.
- f. The use of City water to wash parking lots is prohibited.
- g. The use of City water to wash other impervious surfaces such as driveways, sidewalks, and other pavement is permitted by hand-watering only as necessary for public health or safety.
- h. The use of City water to wash structure siding, windows, patios, and decks is permitted by hand-watering once per calendar year, and only in preparation for painting or staining.
- i. The use of City water to wash commercial vehicle fleets is permitted once per calendar month.
- j. New lawn permits shall not be issued between June 1 and August 31.

(4) Upon declaration that the City's water supply is subject to a Severe Drought:

- a. Sprinkling is prohibited before May 1, during the month of July, and after September 30.
- b. Sprinkling is prohibited between 8:00 a.m. and 8:00 p.m.
- c. Customers subject to the water budget rate structure shall follow the One Day per Week Watering Schedule from May 1 through June 30 and August 1 through September 30, and have their water budgets reduced by fifty (50) percent.

- d. Multi-family residential, non-residential, and owners' association customers not subject to the water budget rate structure shall follow the One Day per Week Watering Schedule from May 1 through June 30 and August 1 through September 30.
- e. The use of City water to wash personal vehicles by hand-watering is prohibited.
- f. The use of City water to wash parking lots is prohibited.

- g. The use of City water to wash other impervious surfaces such as driveways, sidewalks, and other pavement is permitted by hand-watering only as necessary for public health or safety.
- h. The use of City water to wash structure siding, windows, patios, and decks is permitted by hand-watering once per calendar year, and only in preparation for painting or staining.
- i. The use of City water to wash commercial vehicle fleets is prohibited.
- j. The use of City water to fill decorative water fountains, swimming pools, and jacuzzis is prohibited.
- k. New lawn permits shall not be issued between June 1 and August 31.

(5) Upon declaration that the City's water supply is subject to a Catastrophic Drought:

- a. Sprinkling is prohibited.
- b. Water budgets for customers subject to the water budget rate structure shall be reduced by seventy (70) percent.
- c. The use of City water to wash personal vehicles by hand-watering is prohibited.
- d. The use of City water to wash parking lots is prohibited.
- e. The use of City water to wash other impervious surfaces such as driveways, sidewalks, and other pavement is prohibited.
- f. The use of City water to wash structure siding, windows, patios, and decks is prohibited.
- g. The use of City water to wash commercial vehicle fleets is prohibited.
- h. The use of City water to fill decorative water fountains, swimming pools, and jacuzzis is prohibited.
- i. New lawn permits shall not be issued.

(d) General provisions.

(1) Charging and testing of sprinkler systems is permitted at any time the City's water supply is declared Adequate, or subject to a Mild Drought, Moderate Drought, or Severe Drought.

(2) Hand-watering and drip irrigation of trees, shrubs, vegetable gardens, and flower gardens is permitted at any time.

(3) Large user variance permits. Customers with large properties that contain four (4) acres or more of lawn, grass, turf, or other landscaped area shall obtain a permit from the Director of Water and Sewer for the sprinkling of such irrigable area. Issuance of the permit and use of City water for this purpose are subject to such terms and conditions as are deemed appropriate by the Director of Water and Sewer, including, without limitation, a water budget for the property. Large user variance permits shall be displayed on the property.

(4) New lawn variance permits. Customers shall obtain a permit from the Director of Water and Sewer prior to the application of City water to newly seeded or sodded lawn, turf, or other landscaped areas less than one (1) month old. Issuance of the permit and use of City water for this purpose are subject to such terms and conditions as are deemed appropriate by the Director of Water and Sewer, including, without limitation, proof of proper soil preparation. New lawn permits shall be displayed on the newly seeded or sodded property.

(5) Variance permits generally. The Director of Water and Sewer may issue such other temporary water use variance permits that are appropriate, in the Director's sole discretion, to address unusual or extraordinary circumstances.

(e) Violations and penalties.

(1) A person or entity who violates any of the provisions of this Section on a residential property shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, two hundred and fifty dollars (\$250.00) for the second violation within a calendar year, and five hundred dollars (\$500.00) for the third and all subsequent violations within a calendar year. In addition to the applicable fine, a person or entity who violates any of the provisions of this Section on a residential property for the fourth time in a calendar year shall be required to install a flow restriction device at their own expense to limit City water use on the property for indoor purposes only.

(2) A person or entity who violates any of the provisions of this Section on a non-residential property shall be punished by a fine of two hundred dollars (\$200.00) for the first violation, five hundred dollars (\$500.00) for the second violation within a calendar year, and one thousand dollars (\$1,000.00) for the third and all subsequent violations within a calendar year. In addition to the applicable fine, a person or entity who violates any of the provisions of this Section on a non-residential property for the fourth time in a calendar year shall be required to install a flow restriction device at their own expense to limit City water use on the property for indoor purposes only.

(3) Each and every day on which a violation occurs shall constitute a separate infraction, as provided in Section 1.33.020 of this Code. Violation of any of the provisions of this Section shall be considered a strict liability infraction.

(4) Verbal warnings shall not be issued in advance of notices of violation at any time the City's water supply is declared subject to a Moderate Drought, Severe Drought, or Catastrophic Drought.

Drought Emergency Plan

City Council

February 16, 2021

Recommended Drought Plan Update

- **Update to the Drought plan is the result of 24 months of analysis, including a literature review and economic analysis**
 - *Case studies and analysis of the tools that are working in for utilities using water budget billing*
- **Over the last 16 years, our approach and best practices have changed**
 - *City deployed a Water Budget billing structure*
 - *Developed wise water use and conservation programs*
 - *Customer usage has decreased per household, while supplies have increased.*
- **On January 20th, The Water & Sewer Board formally approved and recommended to City Council the Drought Emergency Response Plan (2021) and the related code changes**

Goals of the Drought Plan Update

- **Targeting response actions to the severity of drought conditions**
- **Reducing water use and building savings during drought**
- **Maintaining Equity among customers and use types**
- **Managing the financial impacts**
- **Identifying communication tools**
- **Maintaining flexibility to adapt**

Important considerations



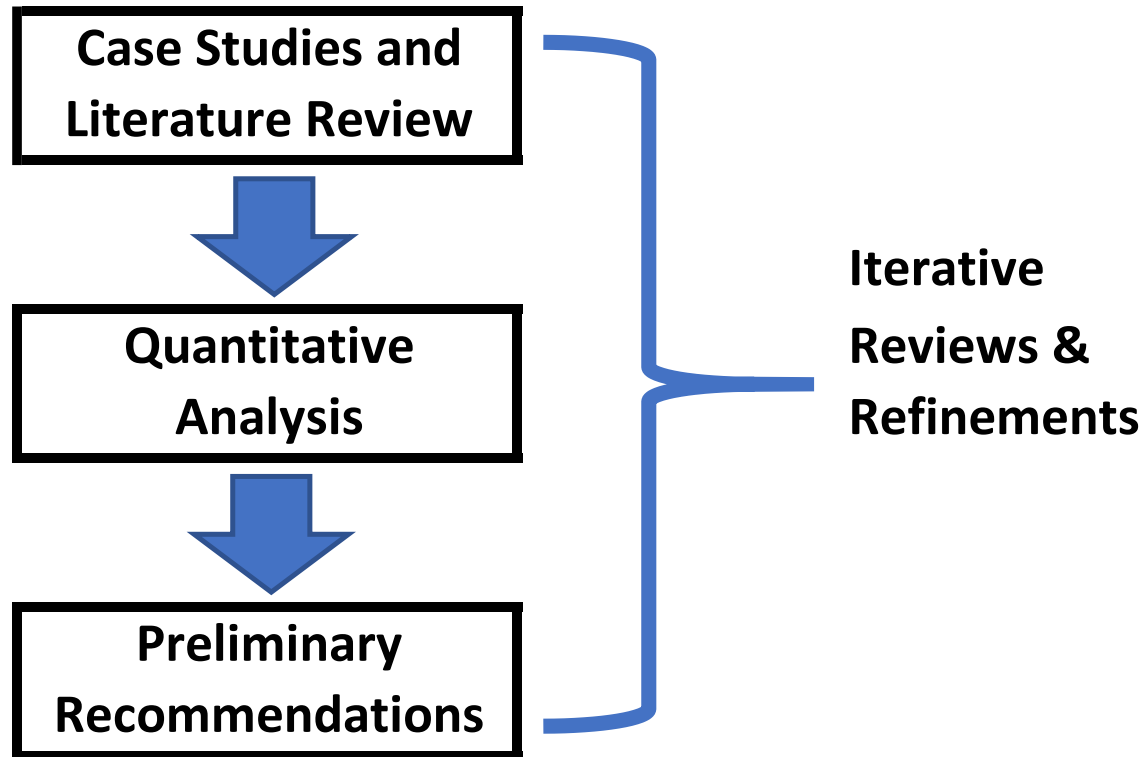
Equity among Greeley's customers

Minimize impacts to landscapes



Minimize financial impacts to customers and the water utility

Process for Developing a New Drought Plan



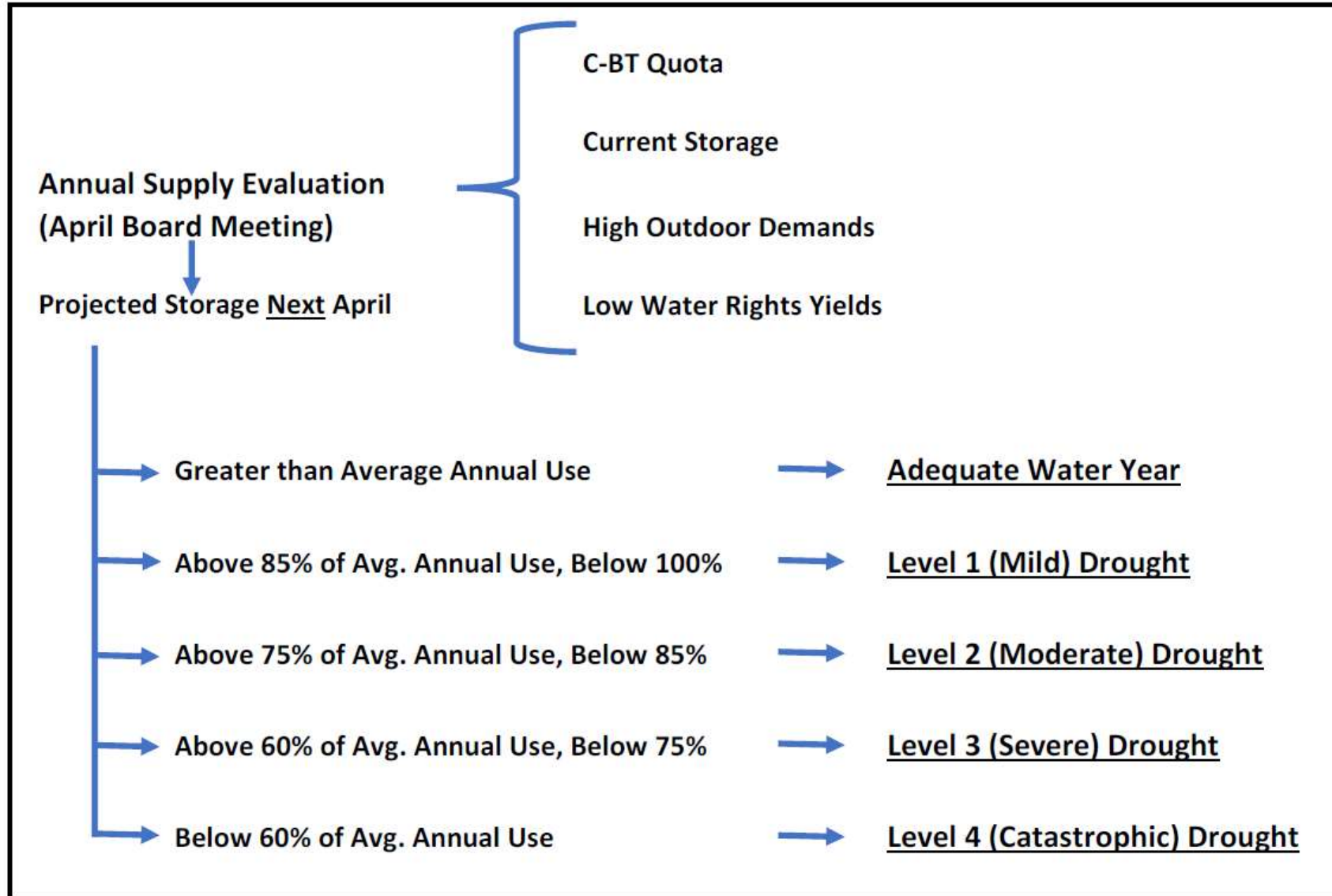
Previous Drought Measures

- **Day of the week limitations**
- **Outdoor water use restrictions including ordinance changes**
- **Voluntary indoor suggested restrictions**
- **Working with large landscapes on use individually**

Proposed Drought Measures

- **Using water budgets for single family residential (SFR)**
- **Ability to use increased rates for all customer classes**
- **Change in ordinance to reflect new outdoor restrictions**
- **Implement a drought reserve fund**

Drought Response Trigger and Declaration Process



Drought Response Trigger and Declaration Process

- **Current Target Storage is 21,300 AF**
 - **Will be re-evaluated regularly, based upon customer growth and demands**
- **Reductions and restrictions are for *outdoor irrigation only***
- **Using Water Budget as one of *many* tools for Single-family residential customers**
 - **Savings assumes single family customers are using 100% of their water budgets**
- **Recommending a 2 year recovery period**
- **Equitable: same % reductions for single family residential, multi-family, commercial and industrial**

Drought Response Strategies

Droughts are uncertain

- **Hard to project how long they will last or how severe they will be.**
- **Also, difficult to predict how customers will respond and thus, how much water will be saved by different drought measures.**

**Important to have a variety
of tools for customers to use**

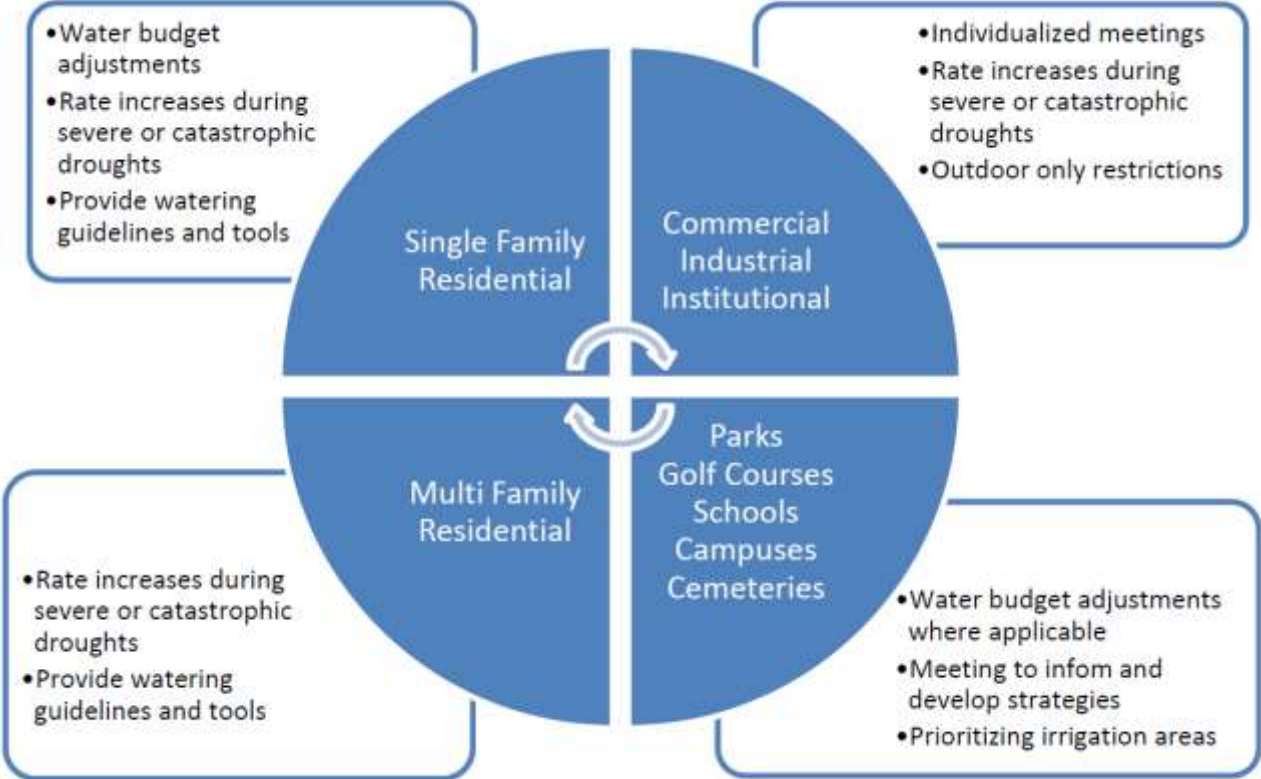


**Need flexibility in the drought plan
to adapt to changing circumstances**



Engagement Strategy

- **Strategies aimed at equitable reductions**
- **Different tools available**
- **See comprehensive list of drought response tools in the 2021 Emergency Drought Response Plan (Enclosed)**



Drought Response Strategies

Variety of tools that can reduce demand up to 70%

- **Level 1 & 2 utilizing messaging and voluntary response strategies to reduce demand**
- **Rate Increases send a price signal for more severe drought**
 - **Level 3 = 25% increase**
 - **Level 4 = 35% increase**
- **Helps reduce financial vulnerability during droughts**



Reserve Fund

- **Annual revenues are projected to be reduced by \$1.6 to \$3.0 million per year (4 to 8 % of normal revenue) during drought response**
- **Greeley plans to implement and gradually accrue a drought reserve fund for future use in mitigating reductions in revenues due to decreased water sales during drought emerge**



Code Changes

Implementation of the Drought Emergency Response Plan Requires:

- **Adoption of Code changes in Sections 14.08.090 and 14.08.160**
 - **Prescribes the means by which City residents may use water resources to irrigate their property and make other uses of City water during periods of adequate water supply and drought**

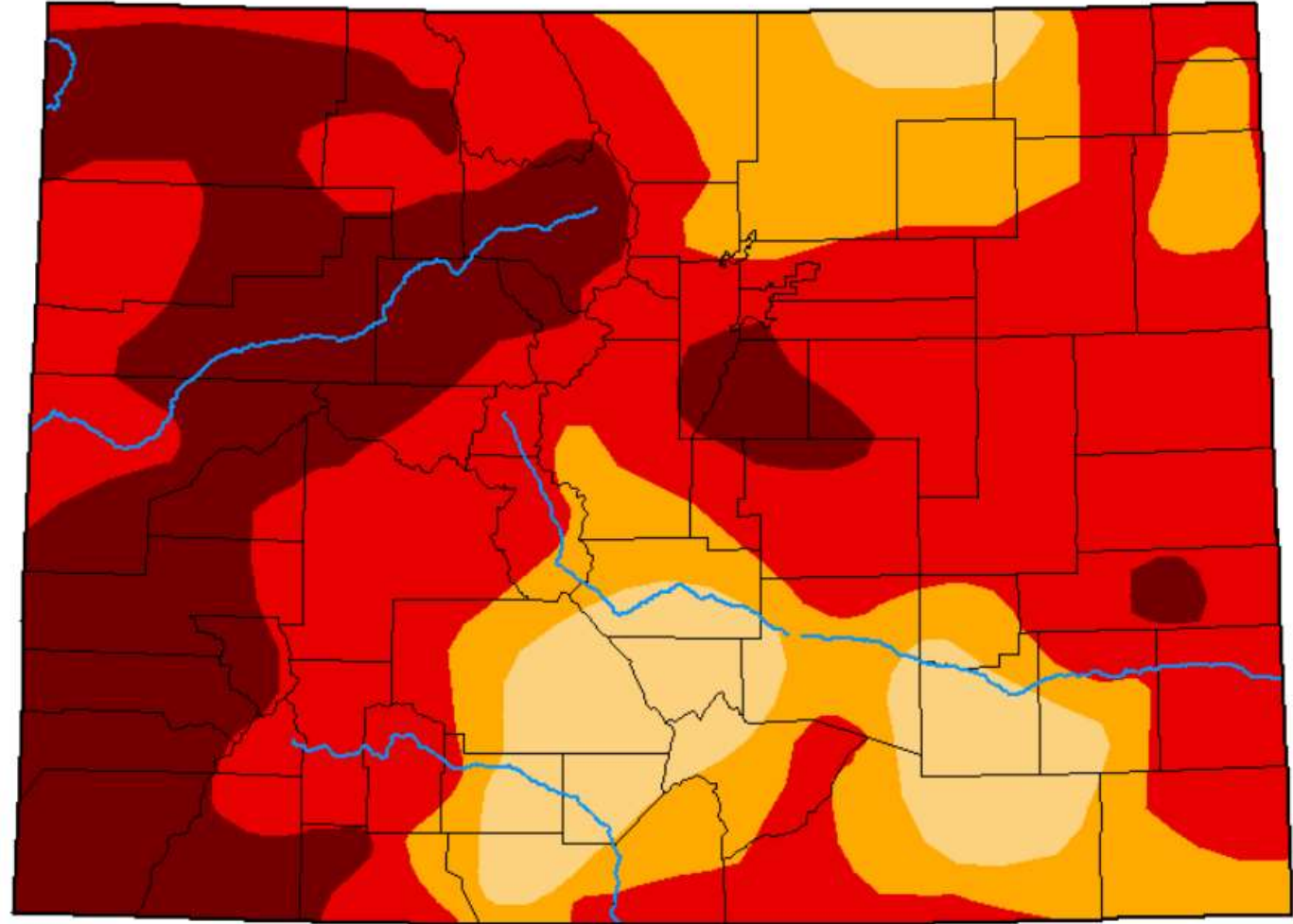
Summary

- **This plan meets the goals of:**
 - **Reducing water use and building savings during drought**
 - **Equity among customers**
 - **Minimal financial impacts**
 - **Flexibility to adapt**

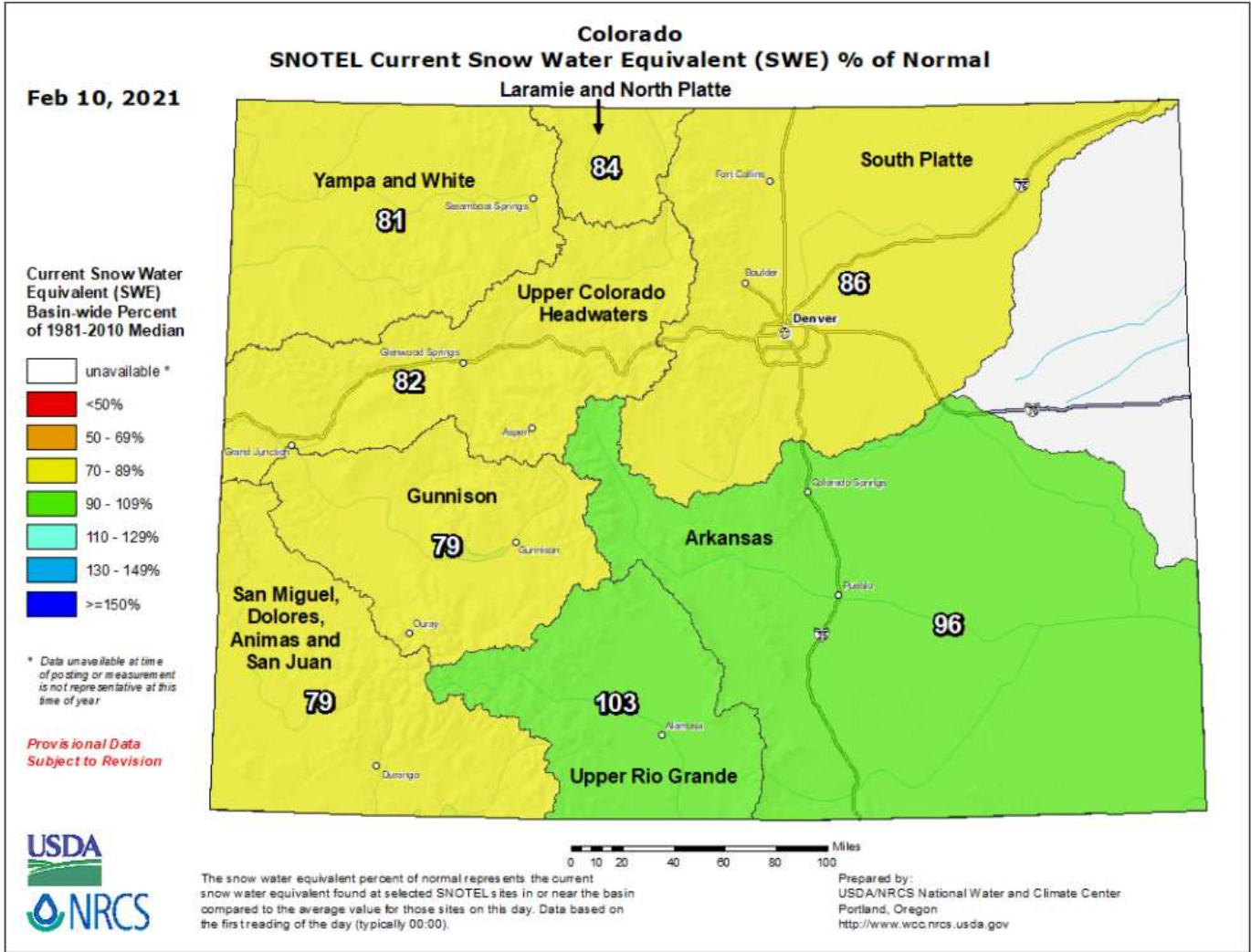


Recommendation

- **Timing is critical as we face increasing drought conditions**
- **Water and Sewer Board adopted plan at their January 20, 2021 meeting**
- **Board and staff recommends Council approval of necessary code changes**



Questions?



Council Agenda Summary

February 16, 2021

Key Staff Contact: Brad Mueller, Community Development Director, 970-350-9786

Marian Duran, Planner, 970-350-9824

Title:

Public hearing and final reading of an ordinance repealing Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44, amending portions of Chapter 18.04.110, 18.42.030, and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards

Summary:

This item supports City Council's 3-Year Priorities item, Greeley Water: Priority 4 – "Increase water conservation efforts and build a culture of conservation."

As discussed with Council at its December 8, 2020, worksession, the Community Development Department is updating the Landscape Code, Title 18.44. While complementary to the overall Development Code update, this initiative pre-dates that larger update initiative and is the fulfillment of earlier goals related to water efficiency.

The landscaping code was last updated in 2009 (Ordinance No. 2009-20). Although the last rewrite added language that supports water-wise landscaping methods and objectives, it has become outdated. In the last five years, Greeley has experienced exponential growth, and, since 2009, the City has introduced new programs such as the Water Efficiency Audits, Water Restrictions, and Water Budgets to reflect how the community uses water. The City has also introduced the "Life after Lawn" program and a pilot program through the Water & Sewer Department that encourages water-wise subdivision design. As the result of these and other changes over time, the Landscape Code is being updated to better align with these current programs and efforts.

The proposed Landscape Code Update language includes updated and modernized water conservation language designed to influence and encourage water-reducing planting practices. The language better aligns with the water conservation goals established in the *Imagine Greeley: Comprehensive Plan*, the *City Council's Vision for 2040*, and the *Landscape Policy Plan for Water Efficiency*, adopted in 2015 (Ordinance No. 2015-40).

A summary of changes to Chapter 18.44 is as follows:

- The Purpose and Intent Section gives prominence to land use compatibility and water efficiency. It promotes energy and ecological benefits at the regional, the community, and neighborhood level, while upholding the City's agricultural tradition and the Tree City USA designation.
- Single-family and two-family lots would only be required to have 50% live plantings in yards visible from adjacent rights-of-way.

- Buffer yards would not be required along the entire length of an adjoining lot, and the most intense buffer width requirement would be decreased by 60%, reducing the amount of land needed for buffer yards.
- Perimeter treatment materials would be reduced, although differences by street classifications remain. Revised code language has clarified the maintenance responsibility for perimeter treatments (i.e., an owners' association, metropolitan district, property owner, or a tenant).
- Parking lots would be exempt from perimeter screening, as they already require parking lot screening. Screening for parking lots would be reduced from ten feet to eight feet. Medians would be required when there are more than 100 parking spaces, with a minimum of two medians for every two bays.
- Technical irrigation design and equipment standards would be moved from the Landscape Code to a stand-alone policy document. The policy document can be updated more frequently to align with industry practices regarding matters such as for rain sensors, automatic irrigation systems, subsurface and drip irrigation, irrigation audits, and temporary irrigation and hydrazones. These requirements would be in a separate landscape & irrigation policy manual developed primarily by the Water & Sewer Department.

City Council discussed this update in a worksession on December 8, 2020. Following that, the Planning Commission considered this request on December 15, 2020, with a continuance to January 12, 2021. Planning Commission recommends approval of the Landscape Code Update to the City Council (4-1). This ordinance was introduced at the January 19, 2021 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)

- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Applicable Council Priorities and Goal:

The primary goals of the Landscape Code Update are the following:

1. Implement City Council's Vision for 2040, and the corresponding 3-Year Priorities, including:
 - a. Greeley Water: History, Heritage, Innovation
 - b. A Dynamic and Resilient Economy
 - c. Your Home is Here
 - d. We Are Greeley Proud
 - e. Operational Excellence
2. Implement the Comprehensive Plan (Imagine Greeley)
3. Support the Landscape Policy Plan for Water Efficiency (Ordinance No. 40, 2015)
4. Include user-friendly language that clarifies processes and standards and minimizes the potential for confusion
5. Revise infill development standards to encourage adaptive reuse of existing buildings and minimize requirements for minor site improvements
6. Simplify landscape provisions for residential properties by requiring improvements only in areas that are visible from public rights-of-way
7. Encourage holistic design alternatives, reduce the amount of landscape material in buffers to ensure the long-term viability of plant material, and allow for creative solutions by providing options for landscape enhancements (including hardscape, walls, and berms).

Decision Options:

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish by reference to title only.

Attachments:

Ordinance

Planning Commission Summary (Staff Report) (December 15, 2020)

Memorandum to Planning Commission (January 12, 2021)

Planning Commission Minutes-Signed (December 15, 2020)

Planning Commission Minutes-Draft (January 12, 2021)

PowerPoint Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2021

CASE NO. CU2018-0002

AN ORDINANCE REPEALING CHAPTER 18.44 AND APPENDIX 18-D IN THEIR ENTIRETY, ADDING A NEW CHAPTER 18.44, AMENDING PORTIONS OF CHAPTER 18.04.110 AND 18.42.030, AND AMENDING APPENDIX 18-B OF THE CITY OF GREELEY MUNICIPAL CODE, ALL REGARDING LANDSCAPING, IRRIGATION, BUFFERS, AND SCREENING STANDARDS

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

WHEREAS, amending the Landscaping Standards of the City's Development Code in this manner will update those elements of the Code relative to Council priorities and the support of water-efficient practices; and

WHEREAS, more specifically, the updates provided hereby advance numerous adopted Council goals and policies, including the following: implementing City Council's Vision for 2040 and the corresponding 3-Year Priorities, including those defined as a. Greeley Water: History, Heritage, Innovation; b. A Dynamic and Resilient Economy; c. Your Home is Here; d. We Are Greeley Proud; e. Operational Excellence; implementing the Comprehensive Plan (*Imagine Greeley*); supporting the Landscape Policy Plan for Water Efficiency (Ordinance No. 40, 2015); including user-friendly language that clarifies processes and standards and minimizes the potential for confusion; revising infill development standards to encourage adaptive reuse of existing buildings and minimize requirements for minor site improvements; simplifying landscape provisions for residential properties by requiring improvements only in areas that are visible from public rights-of-way; and, encouraging holistic design alternatives, reducing the amount of landscape material in buffers to ensure the long-term viability of plant material, and allowing for creative solutions by providing options for landscape enhancements (including hardscape, walls, and berms); and

WHEREAS, the Planning Commission conducted public hearings on December 15, 2020, and January 12, 2021 to review and consider the proposed changes, and recommended adoption by City Council;

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

Section 1. That Chapter 18.44, Landscaping and Buffering Standards, of the Greeley Municipal Code be and hereby is repealed.

Section 2. That Appendix 18-B contained in Title 18, Development Code, be and hereby is repealed.

Section 3. That the Greeley Municipal Code be amended by adding a new chapter 18.44, to read as shown in Appendix A.

Section 4. That section 18.04.110 contained in Chapter 18.04, Subdivision of Land, be amended to amend the definitions for *buffer* and *perimeter treatment plan* to read as shown in Appendix A.

Section 5. That section 18.42.030 contained in Chapter 18.42, Off-Street Parking and Loading Standards, be amended to read as shown in Appendix A.

Section 6. That Appendix 18-B contained in Title 18, Development Code, be amended to add, amend or delete definitions in alphabetical sequence as shown in Appendix A.

Section 7. This ordinance shall become effective on the fifth day following its final publication as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS ____ DAY OF _____, 2021.

ATTEST:

CITY OF GREELEY

City Clerk

Mayor

APPENDIX A
ORDINANCE REPEALING CHAPTER 18.44 AND APPENDIX 18-D IN THEIR ENTIRETY, ADDING A NEW CHAPTER 18.44, AMENDING PORTIONS OF CHAPTER 18.04.110 AND 18.42.030, AND AMENDING APPENDIX 18-B OF THE CITY OF GREELEY MUNICIPAL CODE, ALL REGARDING LANDSCAPING, IRRIGATION, BUFFERS, AND SCREENING STANDARDS
GREELEY MUNICIPAL CODE

Section 1. That Chapter 18.44, Landscaping and Buffers Standards, be and hereby is repealed.

~~Chapter 18.44 – Landscaping and Buffering Standards~~

~~18.44.010 – Purpose and intent.~~

~~These standards are intended to establish landscaping regulations that:~~

- ~~(1) – Improve the aesthetic appearance of setback areas, common open space areas, public rights of way and off street vehicular parking areas;~~
- ~~(2) – Promote compatibility between land uses of different intensities;~~
- ~~(3) – Promote the use of generally accepted landscape design principles;~~
- ~~(4) – Protect public health, safety and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening unsightly areas, preserving the integrity of neighborhoods and enhancing pedestrian and vehicular traffic and safety;~~
- ~~(5) – Promote water conservation through the use and incorporation of low water adaptive vegetation and by using water conservation principles;~~
- ~~(6) – Promote shaded, tree lined streets within all areas of the City;~~
- ~~(7) – Maintain the City's standing as a "Tree City USA"; and~~
- ~~(8) – Implement Comprehensive Plan policy of reducing "heat islands."~~

~~18.44.020 – Application.~~

~~(a) – The maintenance provisions of this Chapter shall apply to all properties.~~

~~(b) – All other provisions of this Chapter shall apply to:~~

- ~~(1) – All development applications and building permit applications which require a landscape plan as part of the submittal requirements.~~
- ~~(2) – Existing properties when one (1) or more of the following occur:
 - ~~a. – When there is a change in ground floor gross floor area as outlined in Section 18.44.070 of this Chapter.~~
 - ~~b. – When there is a change of use as defined in Section 18.44.030 below.~~
 - ~~c. – When there is a significant change in landscaping as defined in Section 18.44.030.~~
 - ~~d. – When there is a change in parking, circulation or drainage.~~
 - ~~e. – When there is an increase in noise or lighting.~~~~
- ~~(c) – Upon such increase or change, the existing landscaping shall be upgraded as provided in the Landscaping Upgrade Table in Section 18.44.070 if such landscaping does not already meet the requirements of this Chapter.~~
- ~~(d) – In order to provide greater flexibility in designated urban renewal areas, redevelopment projects shall be reviewed on a case by case basis for compliance with this Chapter. The Community Development Director shall have the authority to waive one (1) or more of the provisions contained herein if it can be demonstrated by the applicant of a redevelopment project that the intent of the provisions would be adequately met with an alternative landscape design.~~

~~(e) Exemptions.~~

- ~~(1) Permit for interior or exterior rehabilitation or remodeling of an existing building which does not involve any change in the gross floor area of the building or change of use shall be exempt from the provisions herein.~~
- ~~(2) The accessory and temporary uses listed in Chapter 18.52 shall be exempt from the provisions of this Chapter.~~
- ~~(3) Pursuant to Section 18.34.220, property located within the General Improvement District #1 (GID) shall be exempt from the provisions herein.~~
- ~~(4) Temporary, seasonal and nonconforming land uses shall be exempt from buffer yard requirements.~~

~~18.44.030 Definitions.~~

The following words, terms and phrases shall have the meanings defined as follows:

~~*Acceptable street tree* shall mean a tree that has been approved by the Public Works Director or his or her designee for planting in the right of way.~~

~~*Berm* shall mean a mound of earth, higher than grade, used for screening or buffering, definition of space, noise attenuation and decoration in landscaping.~~

~~*Buffer* shall mean to promote separation and compatibility between land uses of different intensities. The term *buffer* may also be used to describe the methods used to promote compatibility, such as a landscape buffer.~~

~~*Buffer yard* shall mean that area intended to provide buffering between land uses of different intensities through the use of setbacks, landscaping, berms, fences, walls or a combination thereof.~~

~~*Change of use* shall mean a use that substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.~~

~~*Clear vision zone* shall mean that area in which the City requires maintenance in order to preserve the sight distance and safety of motorists, pedestrians and bicyclists by requiring an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle to avoid a collision.~~

~~*Common area.* See *Open space, common.*~~

~~*Coniferous* shall mean cone bearing trees and shrubs with needle like leaves, such as pines, spruces and firs.~~

~~*Deciduous* shall mean a plant with foliage that is shed annually.~~

~~*Electric fence* as used in this Chapter shall mean any fence using, carrying or transmitting an electrical current for any purpose, except an electric or radio transmission dog or cat fence not meant to detain any person or animal except the dog or cat wearing the transmission collar.~~

~~*Evergreen* shall mean a plant with foliage that persists and remains green year round.~~

~~*Gross floor area (GFA)* shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level, or from the center lines of walls separating two (2) buildings and excluding areas used exclusively for the service of the building such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, any floor space in accessory buildings, or areas within the building which are intended for the parking of motor vehicles.~~

~~*Ground cover* shall mean those materials that typically do not exceed one (1) foot in height used to provide cover of the soil in landscaped areas and shall include river rock, cobble, boulders, grasses, flowers, low growing shrubs and vines and those materials derived from once living things, such as wood mulch. In no event shall weeds be considered ground cover.~~

~~*Hardscape, hardscaped or hardscaping*, as used in this Chapter, shall mean the use of rock, mulch, gravel, pavers and/or other nonliving material in place of living plant material in a required landscape area.~~

~~*High intensity use*, for the purposes of this Chapter, shall mean a use expected to have a significant effect on adjacent properties as determined in the Required Buffer Yard Table.~~

~~*Irrigation system* shall mean an underground, automatic sprinkler system or aboveground drip system designed specifically for the vegetation it waters in order to provide a permanent, or temporary for the purpose of establishing trees, method of watering landscape areas.~~

~~*Landscape area* shall mean the area of required open space, according to the zoning district provisions in which the property is located, that is not allowed to be covered by buildings, paving or other impervious surface, whether within a lot, outlot or tract or within a public right of way, and shall not include any legally established area for storage or outdoor display.~~

~~*Lawn* shall mean an area of land planted with grass maintained at a low, even height. Artificial turf shall not be considered lawn or turf.~~

~~*Live plantings* shall mean trees, shrubs, perennials and live ground cover which are in healthy condition.~~

~~*Lot or site* shall mean that portion of land designated as a unique parcel by legal subdivision and shall include lots, outlots and tracts.~~

~~*Low intensity use*, for the purposes of this Chapter, shall mean a use expected to have a limited effect on adjacent properties as determined in the Required Buffer Yard Table.~~

~~*Low water adaptive plants* shall mean those plants which have, or can adapt to, low levels of irrigation water.~~

~~*Maintain or maintenance of landscaping*, as used in this Chapter, shall mean but not be limited to regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of an irrigation system.~~

~~*Medium intensity use*, for the purposes of this Chapter, shall mean a use expected to have a moderate effect on adjacent properties as determined in the Required Buffer Yard Table.~~

~~*Mixed use*, as used in this Chapter, shall mean having both residential and nonresidential uses within one (1) building.~~

~~*Multi family*, as used in this Chapter, shall mean a building containing more than two (2) dwelling units.~~

~~*Multi use*, as used in this Chapter, shall mean having a mix of uses on one (1) lot.~~

~~*On lot landscaping* shall mean landscaping located on a privately owned lot, outlot or tract.~~

~~*Opacity* shall mean the degree or extent that light is obscured.~~

~~*Open fence* shall mean a fence that is at least seventy five percent (75%) transparent. See also *solid fence*.~~

~~*Open space, common* shall mean an area permanently set aside for the common use and enjoyment of residents or occupants of a development or members of a homeowners' association, which open area may be formally landscaped and/or left with natural vegetation cover and which may include swimming pools and other recreational leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off street bicycle trails; and landscape areas adjacent to roads which are in excess of minimum required setbacks. Common open space may also be referred to as *common area*.~~

~~*Open space, private or on lot* shall mean an outdoor area not intended for habitation, directly adjoining a dwelling unit or building, which is intended for the private enjoyment of the residents or occupants of the adjacent dwelling unit or building and which is defined in such a manner that its boundaries are evident. Private or on lot open space may include lawn area, decks, balconies and/or patios.~~

~~*Open space, required* shall mean that portion of a lot or site not allowed to be covered by any structure or impervious surface, such as sidewalks or driveways, except when such impervious surface is counted toward usable open space.~~

~~*Open space, usable* shall mean that portion of a lot excluding the required front yard area which is unoccupied by principal or accessory buildings and available to all occupants for the building for use for recreational and other leisure activities normally carried on outdoors. The area shall be unobstructed to the sky and shall have a minimum dimension of fifty (50) feet and a minimum area of six thousand (6,000) square feet. Usable open space shall also include recreational facilities as determined in Chapter 18.38.~~

~~*Ornamental tree* shall mean a deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree.~~

~~*Outlot* shall mean a tract of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, storm water detention or retention areas, parks, open space, future development or land areas reserved for other public facilities. For an illustration of types of uses for outlots, see Figure 18.44 1.~~

Figure 18.44 1: Types of Uses for Outlots

~~*Parkway* shall mean the strip of land located between the sidewalk and the curb. Also referred to as a *tree lawn*.~~

~~*Perennials* shall mean nonwoody plants that continue to live and grow from year to year, which may die back to the ground each year but continue to grow on a yearly basis. Perennials shall also include cold weather bulbs and tubers and ornamental grasses that return each year and shall count toward ground cover requirements.~~

~~*Perimeter treatment* shall mean improvements, such as landscaping and fencing, intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. Perimeter treatment is typically established at the time of new subdivision development.~~

~~*Perimeter treatment plan* shall mean a design for the installation and perpetual maintenance of perimeter treatment areas.~~

~~*Pocket park* shall mean a park less than ten (10) acres in size, but larger than one-half (1/2) acre in size, meant to serve the recreational needs of adjacent and nearby residents.~~

~~*Required landscape area* shall mean the land within a property boundary which is not covered by any approved building, paving or structure. *Required landscape area* shall also include the land between the street curb and public sidewalk (in the case of a detached sidewalk) or the land between the public sidewalk and property line (in the case of an attached sidewalk) that is adjacent to a lot or outlot.~~

~~*Required landscaping* shall mean the landscaping required by this Chapter.~~

~~*Right of way landscaping* shall mean landscaping located within the public or private right of way adjacent to a privately owned lot, outlot or tract, including parkways.~~

~~*Screening* shall mean a method of reducing the impact of visual and/or noise intrusions through the use of plant materials, berms, fences and/or walls, or any combination thereof, intended to block that which is unsightly or offensive with a more harmonious element.~~

~~*Setback, front or street side* shall mean the area extending from the front yard to the rear yard, which separates the lot from an adjacent street. See also *Yard, front or street side*, below.~~

~~*Shade tree* shall mean a deciduous tree planted primarily for its high crown of foliage or overhead shade and which typically reaches a height of at least forty (40) feet.~~

~~*Shrub* shall mean a woody plant which consists of a number of small stems from the ground or small branches near the ground and which may be deciduous or evergreen.~~

~~*Significant change of landscaping* as used in this Chapter shall mean one (1) or more of the following:~~

- ~~a. Altering fifty percent (50%) or more square feet of required landscape area in any or each of the front yard, side yard, street side yard or public or private right of way;~~
 - ~~b. Removing any tree in any or each of the front yard, street side yard or public or private right of way;~~
- ~~or~~

~~e. Converting any or each of a front yard, side yard, street side yard or public or private right of way from "traditional" to "xeric", as defined herein.~~

~~Sod or turf grass shall mean a commonly accepted blend of grasses for the Colorado climate, whether in sod or seed form when planted, intended to be regularly maintained as a lawn.~~

~~Solid fence shall mean a fence that is at least seventy five percent (75%) opaque. See also Open fence.~~

~~Street tree shall mean a tree planted in close proximity to a street in order to provide shade over the street and to soften the street environment.~~

~~Traditional landscaping shall mean the use of nonxeric plants that typically require more water to survive and may include, but is not limited to, using bluegrass or bluegrass mix turf as the primary ground cover.~~

~~Tree shall mean a large woody plant having one (1) or several self supporting stems or trunks and numerous branches and which may be deciduous or evergreen.~~

~~Tree lawn shall have the same meaning as parkway.~~

~~Turf or sod shall mean a commonly accepted blend of grasses for the Colorado climate, whether in sod or seed form when planted, intended to be regularly maintained as a lawn. Artificial turf shall not be considered lawn or turf.~~

~~Very high intensity use, for the purposes of this Chapter, shall mean a use expected to have a very significant effect on adjacent properties as determined in the Required Buffer Yard Table.~~

~~Weed shall mean any plant which is typically not installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic.~~

~~Xeric landscaping shall mean the use of low water plants in place of plants that typically require more water to survive and include, but are not limited to, plants identified in Appendix 18D as having a low water requirement. Xeric landscaping does not mean the same as hardscaping as defined herein.~~

~~Yard, front or street side shall mean that portion of a lot between the primary structure and right of way. A yard may contain more land area than a setback area.~~

~~Yard, required shall mean that portion of a yard that also lies within the required setback area.~~

~~18.44.040 General provisions.~~

~~(a) It shall be unlawful for any person to fail to maintain, install, remove or alter landscaping contrary to the provisions herein. Failure to maintain, install, remove or alter required landscaping under the provisions of this Code shall be a violation of this Code and shall be subject to the sanctions for code infractions contained in Chapter 1.33 of this Code and any other sanctions permitted by law.~~

~~(b) Landscaping shall be provided to enhance open space, recreation areas, building foundations, areas of low visual interest, and screen and shade streets and sidewalks, parking and loading areas.~~

~~(c) These landscaping provisions are not intended to be cumulative or require multiple or overlapping landscape areas, screening areas, buffer yards or perimeter treatments. When more than one (1) such standard applies, that standard which results in the higher landscaping, screening or buffering requirement shall apply.~~

~~(d) Alternative compliance may be considered on a case by case basis.~~

~~(e) Utility easements or other permanent obstacles which conflict with required screening, buffer yards, perimeter treatment, right of way, parkway or median standards may require greater or alternative designs to address such conflicts.~~

~~(f) Effect of landscaping on permit and occupancy approvals.~~

~~(1) Construction or development of a site shall not be undertaken until a landscape plan meeting the requirements of Chapter 18.16, Submittal Requirements, has been approved by the City. The landscape plan shall be designed in conjunction with the drainage plan for the subject property in such a manner as to maximize storm water runoff absorption.~~

- ~~(2) All perimeter treatment landscaping and associated irrigation shall be installed pursuant to an approved landscape plan prior to issuance of any building permit.~~
- ~~(3) Prior to issuance of a certificate of occupancy, all on lot landscaping and irrigation shall be installed, if required pursuant to an approved landscape plan.~~
- ~~(4) In the case of building envelopes, common area landscaping and irrigation shall be installed around the perimeter of the building envelope, halfway to the adjacent building envelopes, pursuant to an approved landscape plan prior to issuance of a certificate of occupancy.~~
- ~~(5) In the case of usable or common open space landscaping in common areas between lots, all landscaping and irrigation shall be completed prior to issuance of a building permit or as otherwise approved by the City in a Development Agreement or phasing plan.~~
- ~~(6) If weather prevents the required landscaping from being installed, the property owner or designee shall provide a financial guarantee, in a form acceptable to the City, in the amount of one hundred twenty five percent (125%) of the materials and installation of all remaining landscaping to be completed, and an estimate of such costs, prior to issuance of a building permit or certificate of occupancy.~~
- ~~(7) When phasing development, a proportionate share of landscaping acceptable to the City, as outlined in an approved Development Agreement or Planned Unit Development (PUD) Plan, shall be installed and maintained with each phase based on the size of the proposed phase and shall be considered completed for the purposes of these regulations when such proportionate share of landscaping has been installed prior to issuance of a building permit.~~

~~(g) General irrigation requirements.~~

- ~~(1) An underground irrigation system shall be installed and maintained for all common area improvements, such as outlots, median boulevards, tree lawns, screening, buffer yards and perimeter treatment areas, in order to provide irrigation for all plant materials, consistent with the nature of the plant's irrigation needs.~~
- ~~(2) Sprinklers shall be placed so as not to throw water onto adjacent paved or hardscaped surfaces.~~
- ~~(3) Green Industry Best Management Practices for the Conservation and Protection of Water Resources in Colorado, prepared by Green Industries of Colorado (GreenCo), and kept on file in the City's Water Department, are guidelines for the conservation of water resources and protection of water quality and are strongly encouraged to be followed.~~
- ~~(4) All multi family, commercial, industrial, mixed use and institutional properties shall install rain sensors. Refer to the City's Water and Sewer Department Standards for more information.~~

~~(h) Except plant materials installed by a homeowner on his or her property or adjacent right of way, all plant materials shall conform to the specifications of the American Association of Nurserymen (AAN) for No. 1 grade and shall have all wire and twine removed prior to planting. All trees shall be balled and burlapped or equivalent. Grass sod shall be clean and free of weeds and noxious pests or diseases. Plant materials which are known to be intolerant of the area in which they are proposed to be installed, or whose physical characteristics may be injurious to the public, shall not be specified for use.~~

~~18.44.050 Measuring landscape material.~~

~~The following guidelines shall be used to measure areas covered in live plantings to ensure that landscape materials are measured as accurately and equitably as possible. For the purpose of determining what portion of a lot or right of way is landscaped with live plantings other than turf, Table 18.44-1 below provides square footage credit for various types of plants.~~

Table 18.44-1: Vegetation Credit Table

<i>Type of Plant Material</i>	<i>Credit in Square Feet</i>
Evergreen tree (at least 25 ft tall at maturity) [†]	100
Shade tree	50

Ornamental tree	25
Large shrub (Type 3) (more than 8 ft tall at maturity)	50
Medium shrub (Type 2) (4-8 ft tall at maturity)	25
Small shrub (Type 1) (less than 4 ft tall at maturity)	10
Columnar deciduous or evergreen tree	25
Columnar evergreen shrub (less than 8 ft tall at maturity)	10
Evergreen ground cover	25
Perennial plant and ground cover, bulb/tuber and ornamental grass ²	5

¹Dwarf trees or tree varieties with a mature width of less than 10 feet shall count as 25 square feet.

²Large ornamental grass, over 4 feet tall at maturity, shall count as 10 square feet.

(b) To determine how much of a required yard is landscaped with live plantings, the following steps shall be taken to determine the size of the required yard. These steps can also be found in Table 18.44-2.

- (1) Measure the required yard length and width;
- (2) Multiply the yard length times the width to find the required yard area;
- (3) Measure the driveway length and width;
- (4) Multiply the driveway length times the width to find the driveway area;
- (5) Measure and multiply the length times the width of any walkways on site, such as leading from the driveway to the front door of the house, to find the walkway area;
- (6) Subtract the driveway and walkway areas from the required yard area. The difference will be the square footage of the required yard that must contain landscape material.

(c) To determine how many plantings are needed to meet the fifty percent requirement:

- (1) Divide square footage of required yard that must be landscaped by two (2). This will give the minimum square footage of plantings that is needed to cover one half (1/2) the required yard ("minimum square feet of plantings");
- (2) Using Table 18.44-1 above, figure the square footage of the plant material already on site. Also include square feet of sod, if any.
- (3) If less than the minimum square feet of plantings, additional living plant material shall be added, based on the square footage credit in Table 18.44-1.

Table 18.44-2: Example of How to Calculate Landscaped Area

	<i>Length</i>	<i>Width</i>	<i>Length x Width</i>	<i>Calculations</i>
Required yard	25 ft	55 ft	25 x 55 = 1,375 sq ft	1,375
Driveway area	25 ft	20 ft	25 x 20 = 500 sq ft	-500 = 875 sq ft
Walkway area	15 ft	3 ft	15 x 3 = 45 sq ft	-45 = 830 sq ft
Total planting area			830 square feet	

<i>Type of Plant</i>	<i>Square Feet of Plant</i>	<i>Quantity</i>	<i>Plants x Quantity</i>
Blue Spruce (evergreen tree)	100	1	100
Spring Snow Crabapple (ornamental tree)	25	1	+25
Sea Green Juniper (evergreen ground cover)	25	6	+150
Potentilla (small shrub)	10	6	+60
Iris (bulb/tuber)	5	10	+50
Little Bluestem (ornamental grass)	5	10	+50
Total plant area	435 square feet		

Divide the total plant area by the total planting area then multiply by 100 to find the percent of live plant coverage:

$$435 \text{ square feet} \div 830 \text{ square feet} = 0.52 \times 100 = 52\%$$

~~18.44.060 Maintenance of landscape areas.~~

- ~~(a) The property owner shall be responsible for maintenance of all on lot landscaping. This shall include a requirement for the maintenance of landscaping to preclude interference with any part of a sidewalk, parkway or roadway. In the event the property is not owner-occupied, upon credible written evidence provided by the property owner that the tenant has accepted responsibility for landscape maintenance (such as written in the lease), the tenant shall be held jointly responsible for the maintenance of all on lot and right of way landscaping.~~
- ~~(b) Except for perimeter treatment areas, the property owner adjacent to the parkway or right of way shall be responsible for the perpetual maintenance of the parkway or right of way, unless an owners' association has agreed in writing to perpetually maintain the parkway or right of way. This shall include a requirement for the maintenance of landscaping to preclude interference with any part of a sidewalk, parkway or roadway. Any changes to landscaping within parkways or rights of way must meet the requirements of this Chapter.~~
- ~~(c) Maintenance of the perimeter treatment shall be the responsibility of the developer until an owners' association is established. Thereafter, the owners' association shall maintain the perimeter treatment in perpetuity.~~
- ~~(d) All common open space shall be maintained by an owners' association in perpetuity.~~
- ~~(e) The developer, owners' association, property owner and/or tenant, as required by this Chapter, shall be responsible for the installation and maintenance of all on lot and right of way landscaping, buffering, perimeter treatment and screening improvements in a healthy condition.~~
- ~~(f) Detention areas not accepted by the City for dedication shall be maintained by an owners' association.~~
- ~~(g) Notwithstanding the above provisions, owners of property within an area governed by an owners' association may be held jointly and severably responsible for common areas, detention pond areas and/or perimeter treatment areas if the owners' association becomes inactive or defunct.~~

Table 18.44-3: Responsibility for Installation and Maintenance

	<i>Perimeter Treatment</i>		<i>Buffer Yard</i>		<i>Right-of-Way Landscaping (not as part of perimeter treatment)</i>		<i>On-Lot or On-Site Landscaping</i>		<i>Common Areas</i>		<i>Detention Pond</i>	
	Install ation	Mainten ance	Install ation	Mainte nance	Install ation	Mainte nance	Install ation	Mainte nance	Install ation	Mainten ance	Install ation	Mainten ance
Devel oper	X (see note 1)		X (see note 1)		X (only if transfer red by Develo		X (see note 1)		X (see note 1)		X (see note 1)	

					ment Agreement)							
Builder					X (only if transferred by Development Agreement)		X		X			
Owner's Association		X			X (only if transferred by Development Agreement)			X		X		X
Property Owner		X (if Owners' Assn defunct —see §18.44.060(g))	X	X (if on site)	X	X	X	X		X (if Owners' Assn defunct —see §18.44.060(g))		X (if Owners' Assn defunct —see §18.44.060(g))

Note 1: In cases where the property owner is the same as the builder or developer, the property owner is responsible for installation of all landscaping.

18.44.070 – General landscape standards for all properties.

- (a) The following standards shall ensure that landscaping is used to improve the aesthetic quality of a development or site in addition to providing a functional purpose and year-round interest and/or screening.
- (b) No landscaped area shall be used for commercial display, storage purposes and/or parking of vehicles.
- (c) Weeds or bare dirt are not an allowed ground cover or landscape material either on lot or in the right of way.
- (d) Commercial grade fabric weed barrier with minimum six-inch overlap at seams is recommended in landscape areas that contain rock, gravel, mulch or similar nonliving material.
- (e) To ensure adequate drainage and that nearby plants and trees receive adequate water, plastic shall not be placed under rock, gravel, mulch or similar nonliving material.
- (f) Where dissimilar materials abut one another, edging shall be installed to separate the materials.
- (g) In order to promote efficient irrigation and maintenance measures, berms shall not exceed a slope of three (3) to one (1) and shall be graded to appear as smooth, naturalistic forms.
- (h) Landscaping shall be designed to meet the minimum clear vision zone as defined in Subsection 18.44.140(e) of this Chapter.
- (i) When applicable, the City's Entryway Master Plan shall be incorporated into landscape plans (refer to the Entryway Master Plan, which can be found in the City's Planning office, for further information).
- (j) Location, size and species of landscape material.
 - (1) The species, location and spacing of trees and shrubs planted in public rights-of-way and on all sites except for permitted uses in the R-E, R-L, R-M and H-A Zoning Districts shall be subject to approval by the Public

~~Works Director or his or her designee. Trees, shrubs and ground cover installed in public rights of way in the R-E, R-L, R-M and H-A Districts shall be consistent with the provisions contained herein.~~

- ~~(2) Evergreen trees shall not be located in the public right of way unless prior written approval has been obtained by the Public Works Director or his or her designee.~~
- ~~(3) Trees and shrubs shall be planted so that at maturity they do not interfere with utility service lines and traffic safety.~~
- ~~(4) Trees planted near public sidewalks shall be installed in such a manner as to prevent physical damage to sidewalks, curbs, gutters, pedestrian ways, bike paths and other public improvements.~~
- ~~(5) Adjustments to the number and placement of street trees may be allowed to accommodate existing or proposed utilities, curb cuts, streetlights or traffic control devices.~~
- ~~(6) When the applicant presents evidence that the placement of trees and/or shrubs as required in this Chapter would not be practical or feasible, a portion of the trees and shrubs may be located in alternative locations on the same lot, subject to approval by the Community Development Director or designee. If required trees cannot be located on lot due to site constraints, the applicant shall pay to the City cash in lieu of the required trees based on a schedule maintained by the Planning Division for the cost of labor and materials.~~
- ~~(7) In no event shall trees be planted in a landscape area less than six (6) feet in width, nor shall a landscape area be inadequate in size to allow for the installation and healthy growing condition of trees and/or shrubs.~~
- ~~(8) The first ten (10) feet of landscaping parallel to the street edge shall not include any part of any building or structure, or any paved area except pedestrian sidewalks or paths, or vehicular driveways which may intersect the right of way at a point which is perpendicular to the right of way and which shall be the minimum width necessary to provide vehicular or pedestrian access.~~
- ~~(9) A protective tree grate, at least three (3) feet in diameter, shall be provided when trees are planted in paved areas such as plazas or sidewalks.~~
- ~~(10) Low water vegetation selected from the Tree, Shrub and Ground Cover Lists found in Appendix 18-D is encouraged in the design of landscape plans.~~
- ~~(11) The size of landscape elements and materials shall meet minimum standards and be consistent with the size of the project and any existing streetscape. Minimum plant sizes are as follows:~~

Table 18.44-4: Minimum Plant Size

<i>Plant Type</i>	<i>Plant Size</i>
Shade trees	2" caliper, measured 1' above ground
Ornamental trees	1½" caliper, measured 1' above ground
Evergreen trees	6' in height
Shrubs	5 gallon
Perennials and ornamental grasses	1 gallon

- ~~(12) Monoculture, or the extensive use of a single species of trees or shrubs, shall be limited to minimize the potential for disease or pests to strike a particular species resulting in significant same species loss and shall be limited to the following:~~

Table 18.44-5: Maximum Use of Same Species

<i>Number of Trees on Site</i>	<i>Maximum % of Same Species</i>
10—19	50%
20—39	33%

40—59	25%
60 or more	15%

Table 18.44-6: Tree Credit/Debit

<i>Caliper at 4½ Feet Above Ground</i>	<i>Number of Tree Credits/Debits</i>
20+ inches	equal to 4 trees
13—19 inches	equal to 3 trees
8—12 inches	equal to 2 trees
2—7 inches	equal to 1 tree
Less than 2 inches	equal to ½ tree

(k) ~~Required landscaping.~~

- (1) ~~At least fifty percent (50%) of any required yard, excluding driveway and walkway to the front door, shall contain live plantings.~~
- (2) ~~At least fifty percent (50%) of any parkway or right of way planting area, excluding driveways and public sidewalks, shall contain live plantings.~~
- (3) ~~All yards not covered by an approved building, driveway, walkway or other permanent structure shall be landscaped.~~
- (4) ~~Areas visible from a public right of way or adjacent property are required to be landscaped in accord with the provisions of this Chapter. Yards not visible from the right of way or adjacent property must be kept free from weeds and shall not be bare dirt.~~
- (5) ~~When there is a change in gross floor area, change of use, significant change in landscaping, change in parking, circulation or drainage, or when there is an increase in noise or lighting, landscaping that does not meet the provisions of this Chapter shall be upgraded according to the Landscape Upgrade Table below.~~

Table 18.44-7: Landscaping Upgrade

<i>Proposed Change</i>	<i>Landscaping Area Upgrade</i>
0—25% change in ground floor GFA*; or change in use with no increased GFA; or change in parking, circulation or drainage	Upgrade existing landscape area by 25% of required landscaping
26—50% change in ground floor GFA	Upgrade existing landscape area by 50% of required landscaping
Over 50% change in ground floor GFA	Upgrade existing landscape area by 100% of required landscaping
Any significant changes, as defined in this Chapter, in front yard, street side yard and/or right of way landscape area	Upgrade front and street side landscape area and/or right of way landscape area by 100% of required landscaping**

* For the purposes of this table, outdoor display area shall be treated as gross floor area (GFA).

** All areas having a significant change must be upgraded to meet the provisions of this Chapter.

- ~~(6) The amount of landscaping necessary to satisfy the percentage of upgrade shall be calculated by first determining the total amount of landscaping required under the full provisions of this Code. The upgrade percentage shall then be applied to the total to determine the extent of the required upgrade.~~
- ~~(7) The landscaping upgrades required in the Landscaping Upgrade Table shall be accomplished in the following order of priority, unless otherwise stated herein:~~
- ~~a. Right of way landscaping;~~
 - ~~b. Landscaping in required buffer yards based on Section 18.44.110 of this Chapter;~~
 - ~~c. Front and street side setback landscaping;~~
 - ~~d. Landscaping within the interior of parking areas; then~~
 - ~~e. Other landscaping interior to the site.~~
- ~~(1) Removal and replacement of landscaping.~~
- ~~(1) Existing healthy trees and shrubs shall be preserved and incorporated into the overall site and landscape design to the maximum extent practicable. Existing trees may be credited toward minimum tree planting requirements as follows:~~
- ~~a. Existing healthy trees may be credited toward tree planting requirements of this Section according to the Tree Credit/Debit Table in Table 18.44-6 above. Tree credits shall be given as long as all other provisions and the intent of this Code are met. Fractional caliper measurements shall be attributed to the next lowest category.~~
 - ~~b. No credit shall be given for existing preserved trees which are:~~
 - ~~1. Not located on the actual development site;~~
 - ~~2. Not properly protected from damage during the construction process;~~
 - ~~3. Prohibited species under the caliper size of thirteen (13) inches measured four and one-half (4½) feet above the ground; or~~
 - ~~4. Dead, dying, diseased or infested with harmful insects.~~
- ~~(2) All trees to be removed from a multi-family (more than four [4] units), institutional, commercial, industrial or mixed-use property, whether on lot or in the right-of-way must be replaced on lot or in the right-of-way, as appropriate, unless otherwise stated in this Chapter. Cash in lieu shall be paid to the City for trees to be removed that cannot be replaced on lot or in the right-of-way due to site constraints or overcrowding of landscaping based on the Tree Credit/Debit Table in Table 18.44-6. Cash in lieu shall be determined by a cost estimate based on a schedule maintained by the Planning Division for labor and materials of trees meeting the minimum size requirements.~~
- ~~(3) A permit to remove or install any tree, hard surface or other permanent improvement in the public right-of-way shall be obtained from the City prior to the commencement of the removal or installation within the right-of-way.~~
- ~~(4) No tree located in the public right-of-way shall be removed without prior written approval of the Public Works Director or his or her designee.~~
- ~~(5) If trees or shrubs are required to be removed by the City due to sight impairment of vehicular traffic or pedestrian circulation, such trees and/or shrubs shall not be replaced with new trees and/or shrubs without written approval from either the Community Development Director or his or her designee if the new tree or shrub would be located in the public right-of-way or if the new tree or shrub would be located on lot.~~
- ~~(6) Prior to the installation of turf grass and/or other plant materials in areas that have been compacted or disturbed by construction activity, such areas shall be thoroughly loosened, and organic industry accepted, certified weed-free soil amendment (compost) shall be thoroughly incorporated into the soil of such areas at a rate of at least four (4) cubic yards of soil amendment per one thousand (1,000) square feet of turf grass and/or area to be planted to a depth of at least six (6) inches. In addition, prior to installation of any turf grass and/or other planted area, all foreign waste materials, including concrete, plastic, wire and the like,~~

along with rocks larger than three (3) inches, shall be removed from the top six (6) inches of soil. In the case of new development, the developer shall affirm and certify, in writing, that the turf grass and/or planted areas that have been completed or disturbed by construction activity have been installed according to these standards or that legally binding commitments have been made to install such soil amendment prior to installation of such turf grass and/or other plant materials.

~~18.44.080 Storm water detention.~~

- ~~(a) When feasible, storm water detention shall be designed as a part of an integrated plan within the development by incorporating multiple shallow detention areas into landscape areas and open space and by utilizing landscape areas to reduce the amount of runoff entering the detention ponds, rather than having one (1) large, deep detention pond.~~
- ~~(b) Detention areas not dedicated to the City shall be maintained by an owners' association.~~
- ~~(c) Detention ponds shall be designed and constructed to create a natural appearing or decorative feature, and may also include an outdoor recreational amenity, such as a soccer field.~~
- ~~(d) Detention ponds may count toward required open space and/or usable open space as follows:

 - ~~(1) Detention areas that are designed as an outdoor recreational amenity for a neighborhood shall count toward usable open space.~~
 - ~~(2) Integrated detention areas intended to count toward the usable open space requirement shall be landscaped with a turf sod or seed mix and plantings to blend in with surrounding landscaped areas, pocket parks or buffer yards.~~
 - ~~(3) Trickle channels or dry riverbeds shall be designed with the intent of appearing natural, using materials such as cobble, river rock or boulders and an underdrain.~~
 - ~~(4) In the case of one (1) or more large detention ponds to be counted as open space, but not necessarily usable open space, other types of sod or seed mix, excluding clump grasses, which will tolerate occasional fluctuating water levels, are permissible.~~~~
- ~~(e) Turf shall have a permanent form of irrigation.~~
- ~~(f) Low water grasses shall have a temporary, or permanent if determined by the City as necessary, form of irrigation until landscaping is established.~~
- ~~(g) Trees or shrubs shall not be planted in an area that shall have the effect of reducing the volume of the pond below the rated capacity.~~
- ~~(h) The City may accept detention areas on a case by case basis upon successful establishment of landscaping as determined by the Public Works Director or his or her designee.~~

~~18.44.090 Landscape provisions for single and two family residential.~~

~~In addition to other requirements of this Chapter, the following provisions shall apply to single and two-family residential uses and R-MH, R-L, R-M and R-E zoned property.~~

- ~~(1) If not previously installed, all required on lot and right of way landscaping, excluding perimeter treatment, shall be installed in accord with the provisions of this Chapter, within one (1) year of the issuance of the certificate of occupancy, by the home owner.~~
- ~~(2) One (1) acceptable street tree per residential lot street frontage is required. If utilities or other obstacles make placement of a street tree in the right of way not feasible, a shade tree shall be installed in the front yard.~~

~~18.44.100 Landscape provisions for multi-family, institutional, commercial, industrial and mixed use.~~

~~In addition to other requirements of this Chapter, the following provisions shall apply to multi-family, institutional, commercial, industrial and mixed use properties and properties zoned R-H, C-L, C-H, I-L, I-M or I-H.~~

- ~~(1) All required on lot and right of way landscaping shall be installed, prior to the issuance of the certificate of occupancy, by the developer unless otherwise provided in an approved development agreement. For~~

existing properties which require a building permit, all required on lot and right of way landscaping shall be installed by the property owner prior to issuance of a certificate of occupancy or issuance of a sales and use tax license.

(2) Required plantings:

- a. The right of way or parkway shall consist of acceptable shade trees planted between the curb and sidewalk, or within ten (10) feet of the back of the sidewalk in the case of an attached sidewalk, at a regular spacing of thirty five (35) feet on center for shade trees and twenty five (25) feet on center for ornamental trees.
- b. Where trees are not already required pursuant to this Chapter, one (1) additional shade or evergreen tree shall be provided for every two thousand (2,000) square feet or fraction thereof of common open space. Two (2) ornamental trees may be substituted for each shade or evergreen tree. Lakes or other water areas may be excluded for purposes of calculating required tree quantities.

(3) Irrigation:

- a. An irrigation system design shall be submitted as part of any required landscape plan. The irrigation system must meet a minimum distribution uniformity requirement, as set by the Water and Sewer Department, through an irrigation audit performed by the Water and Sewer Department or by a certified irrigation auditor prior to issuance of an occupancy certificate.
- b. Rain sensors shall be installed as part of the irrigation system.

18.44.110 Buffer yard and screening standards.

- (a) These standards are intended to ensure that land uses of different intensity levels are buffered from one another through landscaping and other types of screening.
- (b) Buffer yards shall be located on site, along the outer perimeter of a lot or parcel, or in an outlot and may be required along all interior property lines for buffering purposes. Buffer yards shall be the minimum required.
- (c) Only those structures used for buffering and/or screening purposes shall be located within a buffer yard. The buffer yard shall not include any paved area, except for pedestrian sidewalks or paths or vehicular access drives which may intersect the buffer yard at a point which is perpendicular to the buffer yard and which shall be the minimum width necessary to provide vehicular or pedestrian access.
- (d) If a newly developing property is adjacent to a vacant or agricultural property of a different zone or in the County, then, as a minimum, standard Buffer Yard Type A shall be required of the newly developing property until the adjacent property is developed, at which time the developer of the adjacent vacant property shall be responsible for providing any remaining portion of required buffer yard, based on the intensity levels of the land uses.
- (e) If a newly developing property is adjacent to a lot that is developed, that portion of the buffer yard which has not previously been provided on the developed lot shall be required of the newly developing property.
- (f) Land uses which are separated by a major collector or arterial street shall not be considered "adjacent" to each other for the purposes of buffer yards.
- (g) Land uses within the same development are not intended to be buffered from one another unless the intensity levels warrant buffering.
- (h) Walls used for buffering purposes shall meet the provisions of Section 18.44.140 below.
- (i) Fences used for buffering purposes shall be solid fences and meet the provisions of Section 18.44.140.
- (j) Buffer yards used as an alternative for building articulation shall be Type C and shall extend the entire length of the wall to be screened.
- (k) In no event shall a buffer yard contain less than one (1) shade tree, one (1) ornamental tree or Type 3 shrub and two (2) Type 1 shrubs.
- (l) In the case of a nonconforming use, the buffering requirements shall be based on the nature of the nonconforming land use, rather than the underlying zoning district.

- ~~(m) If City staff determines that the buffer yard requirement would cause crowding of trees or shrubs to the extent of harming the health of the plant material, the Community Development Director may allow a reduction of the buffer yard requirements by relocation of required planting material elsewhere on lot or cash in lieu of the required number of plantings.~~
- ~~(n) Existing plant material.~~
- ~~(1) The preservation of existing, healthy trees in buffer yards shall be allowed as a substitute for the required plant materials as provided for in the Tree Credit/Debit Table in Section 18.44.070 of this Chapter, unless such trees are considered noxious or interfere with any existing utilities.~~
 - ~~(2) When existing trees are located in only a part of the buffer yard, the number of trees or shrubs required may be reduced in proportion to the percentage of the area of the buffer yard occupied by existing trees.~~
- ~~(o) How to determine the required buffer yard.~~
- ~~(1) From Table 18.44 8 below, determine whether the proposed use is a "low," "medium," "high" or "very high" intensity.~~
 - ~~(2) From Table 18.44 8, determine the intensity level of the adjacent land uses.~~
 - ~~(3) Determine the required buffer yard type pursuant to Table 18.44 9 below based on the information provided by the Land Use Intensity Table (Table 18.44 8).~~
 - ~~(4) To determine the total number of plants required, divide the linear footage of each side of the property requiring a buffer by one hundred (100). Dimensions less than or greater than one hundred (100) linear feet shall be required to provide plants based on a proportionate linear footage amount. When the number of plants required on the Buffer Yard Types Table results in a fractional amount, the fractional amount shall be rounded up to the nearest whole number. The plants required in a buffer yard shall be distributed along the length of the buffer. Groupings of plants are encouraged.~~
 - ~~(5) The Base Standard in Table 18.44 10 below describes the standard buffer yard required for each type of buffer. The minimum required width is that width which has a plant multiplier of 1.00. The width of a buffer yard may vary, based upon the Buffer Yard Types Table, and the plant materials required in such a buffer shall be adjusted based on the width and related plant multiplier. For example, the base standard for Buffer Yard Type A is a fifteen foot wide buffer containing one (1) shade tree, one (1) ornamental tree or large shrub and five (5) shrubs per one hundred (100) linear feet. The addition of a six foot masonry wall will allow reduction of the required amount of plant materials by fifty percent (50%). The addition of a three foot berm or six foot fence will allow reduction of the required plant materials by twenty five percent (25%). Other options not listed on the Buffer Yard Types Table, such as the combination of a berm and a wall, may be evaluated by the Community Development Director as an equivalent design to those provided in the Buffer Yard Types Table.~~
- ~~(p) Land use intensity categories.~~
- ~~(1) If the particular land use is listed in Table 18.44 8 below, use the intensity category for that use.~~
 - ~~(2) If the use is not listed in the Land Use Intensity Table, use the zoning district which most closely relates to that particular land use to determine the intensity category.~~
 - ~~(3) For multi-use developments on a single lot, the intensity category for the use nearest a property line shall determine the buffering requirements for that yard.~~
 - ~~(4) For mixed-use structures, that use which is of the higher intensity shall be used to determine the buffer yard type where that use is adjacent to a different use.~~
 - ~~(5) The intensity category for land uses in PUDs shall be evaluated based on the use which is most similar.~~
 - ~~(6) If the height of the proposed building on a newly developing or redeveloping property exceeds the allowable height in the subject zoning district through the use of a performance option or variance, the buffer yard shall be increased to the next highest buffer yard level.~~

Table 18.44-8: Land Use Intensity

<i>Land-Use or Zoning District</i>	<i>Intensity Category</i>
Single family, two family, townhouse dwellings, vacant property, open space, pocket parks, bed & breakfasts	Low – residential and institutional
Multi family dwellings, boarding and rooming houses, mobile home communities, libraries, museums, public or quasi public buildings, dormitories, fraternities, sororities, group quarters, SROs, cemeteries, columbariums, churches, emergency shelters, missions, schools	Medium – residential and institutional
Hospitals, regional and community parks, adult schools	High – institutional
Correctional facilities, gravel and mineral extraction	Very High – institutional
C-L District: permitted uses	Low – commercial
C-L District: design review uses	Medium – commercial
C-L District: use by special review uses	Medium – commercial
C-H District: permitted uses; design review uses	Medium – commercial
C-H District: use by special review uses	High – commercial
I-L District: permitted uses; design review uses	High – industrial
I-L District: use by special review uses	Very High – industrial
I-M District: permitted uses; design review uses	High – industrial
I-M District: use by special review uses	Very High – industrial
I-H District: permitted uses; design review uses	High – industrial
I-H District: use by special review uses	Very High – industrial

Table 18.44-9: Required Buffer Yards

	<i>Low – Residential & Institutional</i>	<i>Medium – Residential & Institutional</i>	<i>High – Institutional</i>	<i>Very High – Institutional</i>	<i>Low – Commercial</i>	<i>Medium – Commercial</i>	<i>High – Commercial & Industrial</i>	<i>Very High – Industrial</i>
<i>Low – Residential & Institutional</i>	None	A	C	D	B	E	D	E

<i>Medium-Residential & Institutional</i>	A	None	C	D	B	C	D	E
<i>High-Institutional</i>	D	C	None	B	D	C	B	B
<i>Very High - Institutional</i>	E	D	B	None	D	C	B	B
<i>Low-Commercial</i>	B	B	B	D	None	B	C	D
<i>Medium-Commercial</i>	C	C	C	C	B	None	B	C
<i>High-Commercial & Industrial</i>	D	D	B	B	B	B	None	C
<i>Very High - Industrial</i>	E	E	B	B	C	C	B	None

Table 18.44-10: Buffer Yard Types

<i>Type - Base Standard (plants per 100 linear feet)</i>	<i>Width Option*</i>	<i>Plant Multiplier**</i>	<i>Wall Option (6')</i>	<i>Fence Option (6') or Berm Option (3')</i>
Buffer Yard A: 1 shade tree 1 ornamental tree or Type 3 shrub 5 Type 1 shrubs	10'= 15'= 20'= 25'= 30'= 35'= 40'= 45'= 50'= 55'= 60'= 65'= 70'= 75'= 80'= 85'= 90'= 95'= 100'= 105'= 110'= 115'= 120'= 125'= 130'= 135'= 140'= 145'= 150'= 155'= 160'= 165'= 170'= 175'= 180'= 185'= 190'= 195'= 200'= 205'= 210'= 215'= 220'= 225'= 230'= 235'= 240'= 245'= 250'= 255'= 260'= 265'= 270'= 275'= 280'= 285'= 290'= 295'= 300'= 305'= 310'= 315'= 320'= 325'= 330'= 335'= 340'= 345'= 350'= 355'= 360'= 365'= 370'= 375'= 380'= 385'= 390'= 395'= 400'= 405'= 410'= 415'= 420'= 425'= 430'= 435'= 440'= 445'= 450'= 455'= 460'= 465'= 470'= 475'= 480'= 485'= 490'= 495'= 500'	1.25 1.00 0.90 0.80	0.5	0.75
Buffer Yard B: 2 shade trees 2 ornamental trees or Type 3 shrubs 1 evergreen tree 5 Type 2 shrubs	10'= 15'= 20'= 25'= 30'= 35'= 40'= 45'= 50'= 55'= 60'= 65'= 70'= 75'= 80'= 85'= 90'= 95'= 100'	1.25 1.00 0.90 0.80 0.70	0.5	0.75
Buffer Yard C: 3 shade trees 2 ornamental trees or Type 3 shrubs 3 evergreen trees 6 Type 2 shrubs 9 Type 1 shrubs	15'= 20'= 25'= 30'= 35'= 40'	1.25 1.00 0.90 0.80 0.70 0.60	0.65	0.8
Buffer Yard D: 4 shade trees 4 ornamental trees or Type 3 shrubs 3 evergreen trees 25 Type 3 shrubs	20'= 25'= 30'= 35'= 40'= 45'	1.25 1.00 0.90 0.80 0.70 0.60	0.75	0.85

Buffer Yard E:	25'= =	1.25		
5 shade trees	30'= =	1.00		
6 ornamental trees or Type 3 shrubs	35'= =	0.90	0.75	0.85
4 evergreen trees	40'= =	0.80		
30 Type 3 shrubs	45'= =	0.70		
	50'= =	0.60		

Shrubs: Type 1: 1'—4' tall at maturity; Type 2: 4'—8' tall at maturity; Type 3: over 8' tall at maturity

* BASE STANDARD for each type of buffer yard is that width which has a plant multiplier of 1.00.

** Plant multipliers are used to increase or decrease the amount of required plants based on providing a buffer yard of reduced or greater width, or by the addition of a wall, berm or fence. Fencing used for buffer yard purposes shall be at least 75% solid. Refer to Appendix 18 I for buffer yard illustrations.

Figure 18.44 2: Example Buffer Yard

18.44.120 ~~Parking lot landscaping standards.~~

- (a) ~~The following provisions shall apply to all parking lots containing at least six (6) parking spaces.~~
- (b) ~~Landscaped areas within parking lot interiors shall be located in such a manner as to divide and break up the expanse of paving.~~
- (c) ~~Landscape areas shall be protected from vehicular encroachment by the use of curbing. In the event it is not feasible to place curbing in front of vehicle parking, wheel stops shall be placed to prevent damage to any planting areas by vehicular overhang and to create an edge for the parking area.~~
- (d) ~~Shrubs and hedges shall be planted so as not to interfere with adjacent sidewalks.~~
- (e) ~~Parking lot screening.~~
- (1) ~~Parking lots shall be screened from view from adjacent properties and rights of way.~~
 - (2) ~~Parking lot screening shall be at least three (3) feet high and provide at least sixty percent (60%) opacity year round for at least seventy five percent (75%) of the frontage.~~
 - (3) ~~Parking lot screening shall be located in an area at least ten (10) feet wide, except as provided for through an approved administrative variance.~~
 - (4) ~~Screening shall consist of landscape plantings, berming, fencing, walls or a combination thereof and shall be subject to meeting all clear vision provisions of Subsection 18.44.140(c) below.~~

Figure 18.44 3: Screening to 60% Opacity

- (f) ~~Landscape islands and medians.~~
- (1) ~~Parking rows shall contain either a landscape island on each end of the row or a median between adjacent rows or a combination of both.~~
 - (2) ~~There shall be no more than fifteen (15) parking spaces in a continuous row on one (1) side without being broken by a landscape island. The Community Development Director may waive this requirement and permit a maximum number of twenty (20) continuous spaces if the alternative parking lot design facilitates the flow of traffic, takes into consideration the lot configuration and otherwise meets the intent of these standards.~~
 - (3) ~~Landscaped medians which have parking on both sides are permitted as an alternative to individual landscape islands. Pedestrian pathways across landscaped medians are required.~~
 - (4) ~~The minimum inside curb to inside curb dimensions of a landscape island shall be six (6) feet in width and nineteen (19) feet in length, or equal to the length of a parking stall if other than a standard stall dimension is used.~~

- (5) ~~The minimum inside curb to inside curb dimension of the width of a landscape median shall be six (6) feet without a sidewalk. Additional width shall be added to accommodate any sidewalk within the median so that planting areas are at least six (6) feet wide.~~
- (6) ~~Landscape islands shall contain a minimum of one (1) shade or ornamental tree per parking row, shrubs and living ground cover with a mature height of three (3) feet or less. Rock and mulch may be placed around the live plantings but shall not exceed fifty percent (50%) of the landscape island.~~
- (7) ~~Landscape medians shall contain a minimum of one (1) shade or ornamental tree per three (3) parking spaces, shrubs and living ground cover with a mature height of three (3) feet or less. Rock and mulch may be placed around the live plantings but shall not exceed fifty percent (50%) of the landscape median.~~
- (8) ~~Pedestrian pathways are required across all landscape islands and medians.~~

Figure 18.44 4: Parking Lot Islands (top) and Medians (bottom)

(g) ~~Additional parking lot landscaping.~~

- (1) ~~For every one thousand six hundred (1,600) square feet of parking area and access drives, one (1) two inch caliper shade tree, or the equivalent from the following chart, shall be provided in and around the parking area. For example, a four thousand square foot parking area may use one (1) three inch caliper shade tree. Alternatives may be made using two (2) two and one half inch caliper shade trees, three (3) two inch caliper shade trees or three (3) one and one half inch caliper ornamental trees. Equivalents or substitutions that result in a fractional number shall be counted as one (1) additional tree.~~
- (2) ~~For the purposes of computing the total area of the interior of any parking lot, all areas within the perimeter of the parking lot shall be counted, including planting islands, curbed areas, corner areas, parking spaces and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas situated outside of the parking lot may be counted toward meeting the interior landscaping requirement if such areas provide shade in the parking lot and if approved by the City.~~

Table 18.44 11: Tree Equivalents for Parking Areas

<i>Tree Equivalents for Parking Areas</i>	
2" caliper shade tree	1,600 square feet of parking area
2½" caliper shade tree	2,500 square feet of parking area
3" caliper shade tree	4,000 square feet of parking area
1½" caliper ornamental tree	1,400 square feet of parking area
6' evergreen tree	50% of required 2" caliper trees

~~18.44.130 Perimeter treatment.~~

- (a) ~~Perimeter treatment shall be provided for all new development.~~
- (b) ~~A perimeter treatment plan shall be submitted for approval for all new developments, except for individual single family or two family dwellings which are not being approved as part of a subdivision application.~~
- (c) ~~Landscaping is a required perimeter treatment element. Fencing, berms or walls may also be incorporated as a perimeter treatment element.~~
- (d) ~~Perimeter treatment plantings and elements shall be located between the roadway and property line as part of the streetscape, or in an outlot if more than one (1) lot or building envelope is being developed, owned and maintained by an owners' association (see Figure 18.44 5 below).~~

Figure 18.44 5: Perimeter Treatment for Residential and Institutional Next to Major Collector or Arterial Roadway

- ~~(e) The design of a perimeter treatment plan shall give consideration to any existing perimeter treatments adjacent to the subject property and provide a design that ties in or is compatible with existing perimeter treatments.~~
- ~~(f) Perimeter treatment plans for community entryways, as identified in the City's Entryway Master Plan, shall be designed to meet the established major collector or arterial entryway standards.~~
- ~~(g) Perimeter treatment shall be maintained in perpetuity by an owners' association.~~
- ~~(h) Required perimeter treatment shall be installed concurrent with other site infrastructure improvements, as per Section 18.04.1195, prior to building permit issuance. Fences and walls included as part of a perimeter treatment shall meet the provisions of Subsection (j) below.~~
- ~~(i) Perimeter treatment areas shall contain the following plantings or an acceptable mix of trees and shrubs that provide comparable screening as determined by staff.

 - ~~(1) Residential and institutional uses adjacent to major collector or arterial streets shall include the following plantings for every one hundred (100) linear feet as part of the perimeter treatment (not including street trees):

 - ~~a. One (1) shade or ornamental tree;~~
 - ~~b. One (1) evergreen tree; and~~
 - ~~c. Three (3) large shrubs (at least eight [8] feet tall at maturity) and four (4) medium shrubs (four [4] to eight [8] feet at maturity) or twelve (12) small shrubs (less than four [4] feet at maturity), or any combination of shrubs that provides an equivalent amount of screening.~~~~
 - ~~(2) Residential and institutional uses adjacent to highways, freeways or expressways shall include the following plantings for every one hundred (100) linear feet as part of the perimeter treatment:

 - ~~a. Three (3) shade trees;~~
 - ~~b. Two (2) ornamental trees;~~
 - ~~c. Two (2) evergreen trees; and~~
 - ~~d. Eight (8) large shrubs (at least eight [8] feet tall at maturity) or twelve (12) medium shrubs (four [4] to eight [8] feet tall at maturity).~~~~~~

Figure 18.44 6: Perimeter Treatment for Residential and Institutional Next to Highway, Freeway or Expressway

- ~~(3) Commercial or industrial uses adjacent to major collector or arterial streets shall include the following plantings for every one hundred (100) feet as part of the perimeter treatment (not including street trees):

 - ~~a. Five (5) medium shrubs (four [4] to eight [8] feet tall at maturity); and~~
 - ~~b. Ten (10) small shrubs (less than four [4] feet tall at maturity).~~~~

Figure 18.44 7: Perimeter Treatment for Commercial and Industrial Next to Major Collector or Arterial Roadway

- ~~(4) Commercial or industrial uses adjacent to highways, freeways or expressways shall include the following plantings for every one hundred (100) feet as part of the perimeter treatment:

 - ~~a. Three (3) shade trees;~~
 - ~~b. One (1) evergreen tree; and~~
 - ~~c. Three (3) large shrubs (at least eight [8] feet tall at maturity) and five (5) medium shrubs (four [4] to eight [8] feet tall at maturity).~~~~
- ~~(j) Fencing and walls as a part of perimeter treatment.

 - ~~(1) A single fence or wall design used in perimeter treatment plans shall not be continued longer than fifty (50) feet without variation or creating the appearance of variation by using changes in height, different~~~~

material combinations, offset angles, articulation along the top and/or bottom of the fence, plant materials and/or berms.

- (2) Where posts or columns are used to create variation, they shall protrude a minimum of six (6) inches from the adjacent plane of the fence along the street side, and a maximum of one (1) foot above the adjacent fence, such columns not to exceed seven (7) feet in height. When fences are articulated, landscaped areas on the street side of the fence shall be contained in an outlot and maintained by the owners' association.

Figure 18.44 8: Example Perimeter Treatment

~~18.44.140 Reserved.~~

~~18.44.150 Boulevard median standards.~~

Boulevard medians as provided in Section 18.38.100, Performance options, shall meet the following standards:

- (1) Unless utilities prevent otherwise, shade trees shall be planted at a regular spacing of thirty five (35) feet on center. Ornamental trees may be substituted based on the rates provided in the Tree Credit/Debit Table in Section 18.44.070 of this Chapter.
- (2) Evergreen trees are permitted as long as the median is of sufficient width to prevent the mature evergreen trees from overhanging the median.
- (3) Xeric plants, decorative rocks and boulders, perennials, ornamental grasses and shrubs may be added to the median design but shall not substitute for any shade trees, unless utilities prevent trees from being planted in the median.
- (4) Unless otherwise approved in writing by the Public Works Director or his or her designee, tree species shall be selected from the Tree, Shrub and Ground Cover Lists found in Appendix 18 D to this Title.
- (5) The location of all trees, shrubs and other material shall meet the City's Clear Vision Standards provided in Section 18.44.140 above.
- (6) The developer shall be responsible for installing the median and irrigation and providing a perpetual maintenance mechanism for the median.

Figure 18.44 10: Example of Boulevard Median Landscaping

Section 2. Appendix 18-D of the Greeley Municipal Code is hereby repealed.

~~Appendix 18 D Tree, Shrub, and Ground Cover Lists~~

SHADE TREES

*Key: M = Moist Ad = Adaptable D = Dry A = Acceptable NA = Not Acceptable

Plant Name	Height			<20'	Width			Water*			Street Tree*	
	20'-40'	40'-60'	60'-80'+		20'-30'	30'-40'	40'-50'+	M	Ad	D	A	NA
<i>ACER platanoides</i> / Norway Maple, "Royal Red"												

<i>AESCULUS carnea</i> / Horse Chestnut	■	■				■			■	■	
<i>AESCULUS octandra</i> / Yellow Buckeye		■				■			■	■	
<i>CATALPA speciosa</i> / Western Catalpa		■				■	■		■	■	
<i>CELTIS occidentalis</i> / Western Hackberry		■				■			■	■	
<i>Ginkgo biloba</i> / Common Ginkgo (male only)		■			■				■	■	
<i>GLEDITSIA triancanthos inermis</i> / "Imperial" Honeylocust / Imperial Honeylocust	■					■			■	■	
<i>GLEDITSIA tri. inermis</i> / "Shademaster"						■			■	■	
<i>GLEDITSIA tri. inermis</i> / "Skyline"		■				■			■	■	
<i>GYMNOCLADUS dioica</i> / Kentucky Coffeetree		■					■			■	
<i>PHELLODENDRON amurense</i> / Corktree	■	■				■			■	■	
<i>POPULUS acuminata</i> / Lanceleaf Cottonwood (cottonless var. only)		■				■			■		■
<i>POPULUS</i> / Narrowleaf Cottonwood (cottonless var. only)	■	■			■				■		■
<i>POPULUS sargentii</i> / Plains Cottonwood (cottonless var. only)		■				■			■		■
<i>QUERCUS macrocarpa</i> / Burr Oak		■							■	■	
<i>QUERCUS robur</i> / English Oak		■		■					■	■	
<i>QUERCUS robur 'Fastigiata'</i> / Columnar English Oak		■		■					■		■
<i>QUERCUS rubra</i> / Red Oak		■					■		■	■	
<i>QUERCUS shumardii</i> / Shumard Oak		■	■			■			■	■	
<i>SALIX alba vitellina</i> / Golden Willow		■				■			■	■	■

<i>SALIX amygdaloides</i> / Peachleaf Willow											
<i>SALIX</i> / "Prairie Cascade"											
<i>TILIA Americana</i> / Redmond Linden											
<i>TILIA Americana</i> 'Wandell' / Legend American Linden											
<i>TILIA cordata</i> / "Greenspire" Linden											
<i>TILIA tomentosa</i> / "Sterling Silver" Linden											
<i>ULMUS</i> / "Frontier" Elm											
<i>ULMUS</i> "Morton" / Accolade Elm											
<i>ULMUS davidiana japonica</i> / Discovery Elm											

ORNAMENTAL TREES

*Key: M = Moist Ad = Adaptable D = Dry A = Acceptable NA = Not Acceptable

Plant Name	Height			Width			Water*			Street Tree*	
	10'-20'	15'-25'	25'-35'+	10'-15'	15'-25'	25'-35'	M	Ad	D	A	NA
<i>ACER ginnala</i> / Amur or Ginnala Maple											
<i>ACER ginnala</i> / "Flame" Amur Maple											
<i>ACER grandidentatum</i> / Bigtooth Maple											
<i>ACER tartaricum</i> / Tartarian Maple											
<i>AESCULUS glabra</i> / Ohio Buckeye											
<i>BETULA fontinalis</i> / Native River Birch											
<i>CRATAEGUS ambigua</i> / Hawthorne											

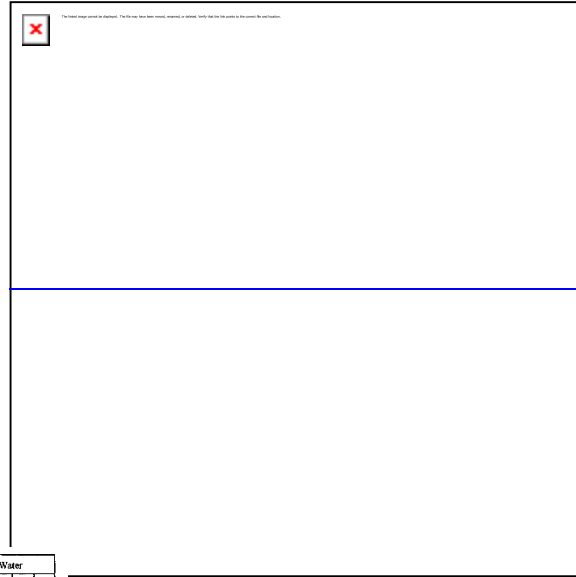
<i>CRATAEGUS crusgalli</i> / Cockspur Hawthorn												
<i>CRATAEGUS crusgalli inermis</i> / Thornless Cockspur Hawthorn												
<i>CRATAEGUS mollis</i> / Downy Hawthorn												
<i>CRATAEGUS phaenopyrum</i> / Washington Hawthorn												
<i>KOELREUTERIA paniculata</i> / Golden Rain Tree												
<i>MALUS species</i> / Crabapple (varieties resistant to fire blight: Dolgo Royalty, Radiant, etc.)												
<i>MORUS alba</i> / Chapparral (fruitless variety)												
<i>POPULUS tremuloides</i> / Aspen												
<i>PRUNUS maackii</i> / Amur Chokecherry												
<i>PRUNUS padus</i> / Mayday Tree												
<i>PRUNUS virginiana</i> / Shubert or Canada Red Chokecherry												
<i>PYRUS calleryana</i> / Bradford, Aristocrat, Redspire Pear												
<i>QUERCUS gambelii</i> / Gambel Oak												
<i>SOPHORA japonica</i> / Japanese Pagoda Tree												
<i>SYRINGA</i> / Japanese Tree Lilac												
<i>TILIA cordata</i> / Littleleaf Linden Greenspire												

EVERGREEN TREES

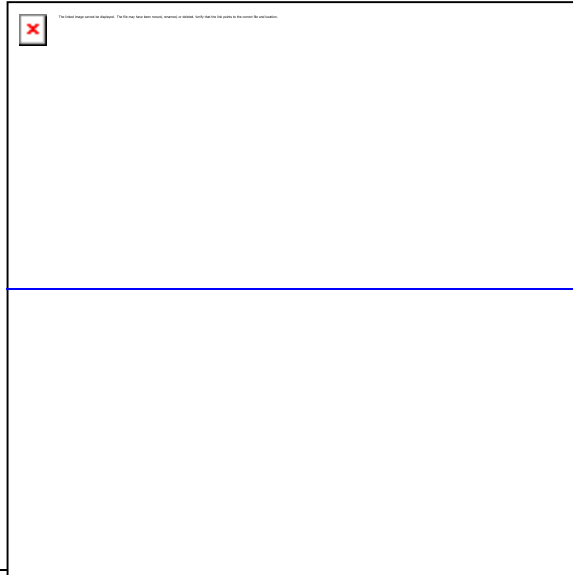
*Key: M = Moist Ad = Adaptable D = Dry A = Acceptable NA = Not Acceptable

Plant Name	Height			Width			Water*			Street Tree*	
	10'–20'	20'–40'	40'–60'+	6'–15'	15'–30'	30'–40'	M	Ad	D	A	NA

<i>ABIES concolor</i> / White Fir										
<i>JUNIPERUS monosperma</i> / One seed Juniper										
<i>JUNIPERUS scopulorum</i> / Rocky Mtn Juniper										
<i>PICEA pungens</i> / Colorado Spruce										
<i>PICEA pungens glauca</i> / Colorado Blue Spruce										
<i>PINUS aristata</i> / Bristlecone Pine										
<i>PINUS cembroides edulis</i> / Pinon Pine										
<i>PINUS nigra</i> / Austrian Pine										
<i>PINUS ponderosa</i> / Ponderosa Pine										
<i>PINUS sylvestris</i> / Scotch Pine										
<i>PSEUDOTSUGA</i> / Douglas Fir										




Plant Name	Height	Width	Water
	1' - 4'	8' - 12'	Moist
	4' - 8'	1' - 4'	Adaptable
	8' - 12'	4' - 8'	Dry
ACER glabrum 'Compacta' / Dwarf Acer Maple			
ACER glabrum 'Rocky Mountain Maple'			
AMELANCHIER serotina / Red-spiced Sorberry (various)			
AMORPHICA mollis / False Indigo			
ARONIA dioica / Chokeberry (various)			
ARTEMISIA vulgaris / Sage (various)			
Berberis thunbergii / Barberry (various)			
CARYAGANA arborea / Pawlownia (various)			
CARYOPHYLLUS latifolius / Little Leaf Mountain Malocary			
CEROCARPUS laticarpus / Curl Leaf Mountain Malocary			
CEROCARPUS monticola / Malocary			
CEROCARPUS monticola / Malocary			
CHRYSOTHAMNUS rubra / Rabbitbrush			
CORDUS sericea / Dogwood (various)			
CORDUS alluaudi / Variegated Dogwood			
COTONEASTER spinulosus / Crabberry Cotoneaster			
COTONEASTER divaricatus / Spreading Cotoneaster			



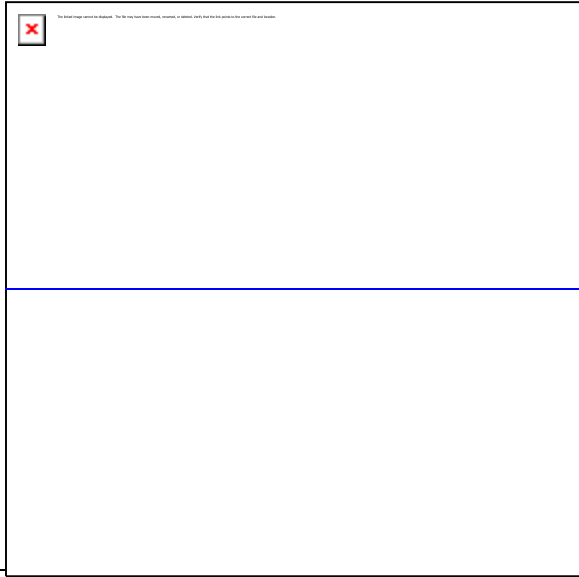
DECIDUOUS SHRUBS

Plant Name	Height			Width			Water		
	1' - 4'	4' - 8'	8' - 12'+	1' - 4'	4' - 8'	8' - 12'+	Moist	Adaptable	Dry
COTONEASTER lucidus/Peking Cotoneaster									
EUONYMUS alatus/Burning Bush									
EUONYMUS alatus 'Compacta'/Dwarf Burning Bush									
FALLUGIA paradoxa/Apache Plum									
FORSYTHIA/Forsythia varieties									
HIBISCUS syriacus/Albee/Rose of Sharon									
HIPPOPHAE rhamnoides/Sea Buckthorn									
HYDRANGEA paniculata/FeeGee Hydrangea									
KOLKWITZIA amabilis/Beauty Bush									
LIGUSTRUM vulgare/Privet varieties									
LONICERA/Honeysuckle varieties									
MAHONIA aquifolium/Oregon Grape Holly									
PEROVSKIA stipulifolia/Russian Sage									
PHILADELPHUS sp./Mockorange varieties									
PHYSOCARPUS sp./Ninebark varieties									
POTENTILLA fruticosa/Potentilla varieties									
PRUNUS americana/American Plum									
PRUNUS besseyi/Western Sand Cherry									
PRUNUS sibirica/Purpleleaf Plum									
PURSHIA tridentata/Bitter Antelopebrush									

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DECIDUOUS SHRUBS

Plant Name	Height			Width			Water		
	1' - 4'	4' - 8'	8' - 12'+	1' - 4'	4' - 8'	8' - 12'+	Moist	Adaptable	Dry
PYRACANTHA sp./Firethorn varieties									
QUERCUS gambelii/ Gambel Oak									
RHAMNUS sp./Buckthorn									
RHUS aromatica/Dwarf Fragrant Sumac									
RHUS glabra/Sumac varieties									
RHUS trilobata/Three-leaf Sumac									
RHUS typhina/Staghorn Sumac									
RIBES alpinum/Alpine Currant									
RIBES aureum/ Yellow Flowering Currant									
ROSA rugosa/ Shrub Rose varieties									
SALIX sp./Willow varieties									
SAMBUCUS sp./Elder									
SHEPHERDIA sp./ Buffaloberry									
SPIRAEA sp./Spirea varieties									
SYMPHORICARPOS sp./Snow and Coral Berry									
SYRINGIA sp./Lilac varieties									
VIBURNUM sp. /Viburnum varieties									
WEIGELA florida/Weigela varieties									
YUCCA sp./Yucca;Soapweed/Adam's Needle									



EVERGREEN SHRUBS

Plant Name	Height			Width			Water		
	<1' - 4'	4' - 8'	8' - 12'+	1' - 4'	4' - 8'	8' - 12'+	Moist	Adaptable	Dry
[Hatched Area]									
JUNIPERUS chinensis/Juniper varieties									
JUNIPERUS horizontalis/Juniper varieties									
JUNIPERUS sabina/Juniper varieties									
JUNIPERUS scopulorum/Juniper varieties									
PICEA abies/Dwarf Norway Spruce									
PICEA glauca/Dwarf Alberta Spruce									
PINUS mugo/Mugo Pine									
TAXUS x media/Yew varieties									

Section 3. The Greeley Municipal Code shall be amended to add a new Chapter 18.44, Landscaping, Irrigation, Buffers and Screening Standards.

Chapter 18.44
Landscaping, Irrigation, Buffers and Screening Standards

18.44.010 - Purpose and intent

- (a) As the City of Greeley's local population grows and density increases, the City must protect a natural sense of place and character through the preservation, protection, and enhancement of the existing natural and planted landscapes, as well as uphold Greeley's agricultural tradition and "Tree City USA" designation that holistically furthers the goals of the [Comprehensive Plan](#).
- (b) Aesthetics and walkability. These standards enhance the aesthetic condition of Greeley's communities, along its thoroughfares and in its public spaces by:
- (1) Using landscape material to define the hierarchy of roadways visually and to provide shade;
 - (2) Coordinating the public frontage with the private frontage;
 - (3) Preserving and protecting the aesthetic qualities that contribute to Greeley's unique character and the economy that such qualities attract;
 - (4) Providing visual screening, where appropriate; and
 - (5) Reducing visual pollution from the built environment and increasing separation between incompatible uses.
- (c) Health and safety. These standards enhance the health, safety, welfare, and quality of life in Greeley's communities, along its thoroughfares, and in its public and private spaces by promoting the installation of trees and landscaping to:
- (1) Improve air quality;
 - (2) Provide seasonal shade and temperature regulation to moderate the urban heat island effect;
 - (3) Limit glare created by exterior lighting; and
 - (4) Provide a partial barrier between sidewalks and vehicular lanes.
- (d) Environment and energy. These standards promote ecological benefits at the regional, community, and lot level by:
- (1) Conserving energy and other limited resources used in buildings through strategic shading and windbreaks;
 - (2) Intercepting precipitation to reduce stormwater runoff and its associated costs;
 - (3) Preserving and protecting sensitive natural land or features, open areas, wildlife habitat, and waterways;
 - (4) Mitigating erosion and sedimentation, which negatively impact streams and rivers; and
 - (5) Restoring soils and surrounding land disrupted as a result of construction or grading.
- (e) Water Efficiency. These standards uphold [Greeley's Landscape Policy Plan for Water Efficiency](#), promoting responsible stewardship of Greeley's limited water resources for the benefit of present and future generations by:
- (1) Conserving water through water-smart landscape design which utilizes water-efficient and drought-tolerant principles;
 - (2) Encouraging efficient irrigation practices and the use of native and climate-adapted plants;
 - (3) Reducing high water-use turf and omitting it from impractical areas such as steep slopes and narrow landscaped strips of land; and
 - (4) Amending soil pursuant to the Greeley's Landscape Policy for Water Efficiency.

18.44.020 - Applicability of landscaping standards

(a) For the purposes of this Chapter, all development, except single-family and two-family dwellings, shall be classified as either minor or major development, based on the following Table 18.44-1:

Table 18.44-1 – Minor and Major Development

<u>Minor Development</u>			<u>Major Development</u>		
<u>> 5 % to < 25% increase in gross floor area of an existing structure.</u>	<u>OR</u>	<u>> 5 % to < 25% increase in existing impervious area on an existing lot or parcel.</u>	<u>> 25 % increase in gross floor area of an existing structure.</u>	<u>OR</u>	<u>> 25 % increase in existing impervious area on an existing lot or parcel.</u>
<u>No landscape improvements are required if there is less than a 5% increase in the gross floor area of an existing structure or less than a 5% increase in the impervious area on an existing lot or parcel.</u>					

- (b) Alternative compliance. In conjunction with a land-use development application, the City may waive one (1) or more of the provisions contained herein, if the applicant or developer proposes modifications and alternatives to the required landscape design and materials, which are equal or greater in design to what is being proposed and meets the purpose and intent of this Chapter.
- (c) Exemptions. The landscaping requirements of this Chapter shall not apply to the following:
- (1) A change of use for existing structures or sites that do not qualify or meet the threshold for major or minor development, as defined in Table 18.44-1 above.
 - (2) An increase of less than 5% of the gross floor area of an existing structure or an increase of less than 5% of an impervious area on an existing lot or parcel.
 - (3) Interior or exterior rehabilitation or remodeling of an existing building or structure that does not involve an increase in the GFA.
 - (4) A property located within the General Improvement District (GID) pursuant to Section 18.34.220.
 - (5) A property located within the Redevelopment District on a case-by-case basis and approved by the Community Development Director or Designee.

18.44.030 – Definitions.

American National Standards Institute (ANSI) shall mean the standards by said organization that helps development in the U.S. have an equitable and open process that serves industry and the public good, having a consensus in standards development; ANSI's essential requirements.

Architectural landscape design shall mean the design of outdoor areas, landmarks, and structures to achieve environmental, social-behavioral, or aesthetic outcomes. It involves the systematic design and general engineering of various structures for construction and human use, using existing social, ecological, and soil conditions and processes in the landscape to produce desired landscaping.

Artificial turf shall mean any of the various synthetic fibers made to resemble natural grass.

Berm shall have the same meaning as Earthen Berm.

Bioretention facility shall mean a landscaped stormwater element designed to concentrate or remove debris and pollution from surface water runoff by moving water slowly and horizontally at the surface

through vegetation using gently sloped sides that cleanse water from pollutants and soil erosion before it enters the City's stormwater system.

Bioswale shall mean a channeled depression or trench that receives rainwater runoff (as from a parking lot) and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

Buffer shall mean to promote separation and enhance compatibility between land uses of different intensities.

Buffer yard shall mean that area intended to provide buffering between land uses of different intensities through the use of setbacks, landscaping, earthen berms, solid fences, walls, applicable bioretention facilities, or a combination thereof. Unlike a perimeter treatment, a buffer yard is located on the rear yard or interior side yard of a lot and is not adjacent to streets or alleyways.

Caliper shall mean the diameter or circumference of a tree.

Certificate of Occupancy (C.O.) shall mean a written certificate provided by the City signifying the subject building/structure (property) has complied with City standards allowing for use and occupancy.

Change of use shall mean a use that differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise, or lighting. A change of ownership that does not include any of the factors listed above shall not be considered a change of use.

Clear vision zone or area shall mean that area in which the City requires maintenance to preserve the sight distance and safety of motorists, pedestrians, and bicyclists by requiring an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian, or bicyclist to avoid a collision.

Decision point distance shall mean where the clear vision sight distance triangle begins.

Diameter shall mean the size of an existing tree as measured through the tree trunk at 6-inches above ground level from the uppermost root flare.

Earthen berm shall mean a landscaped mound of earth, higher than a grade, used for screening or buffering, defining space, attenuating noise, or landscaping an area.

Foundation plantings shall mean live plantings located immediately around the foundation of a building façade that reflects the structure's formal geometry.

Ground cover shall mean those materials that typically do not exceed one (1) foot in height used to provide a cover of the soil in landscaped areas, which may include a combination of, but not limited to include river rock, cobble, boulders, concrete pavers, grasses, flowers, low-growing shrubs, and vines, or other materials derived from once-living things, such as wood mulch. In no event shall weeds be considered ground cover.

Impervious shall mean any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, paved parking and driveway areas, compacted areas, sidewalks, and paved recreation areas.

Irrigation system shall mean an underground, automatic sprinkler system or above-ground drip irrigation system explicitly designed for watering vegetation.

Landscape plan shall mean a scaled graphic plan showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way, perimeter treatment, and other landscaped areas.

Landscaping shall mean any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to fountains, reflecting pools, screening walls, solid fences, and benches.

Lawn shall mean a stretch of open, turf-grass covered land; artificial turf shall not be considered lawn or turf-grass.

Living fence shall mean a permanent hedge tight enough and strong enough to serve almost any of the functions of a manufactured fence, but it offers agricultural and biological services.

Maintenance of landscaping shall mean, as it pertains to this Chapter, but not be limited to regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, removing and replacing dead plants, and the repair and replacement of irrigation systems.

Mulch shall mean a natural planting material such as pine straw, coconut fiber, ground pine post peeling, or tree bark used to control weed growth, reduce soil erosion and water loss.

Native grass shall mean a native Colorado grass.

Non-deciduous shall mean shrubs or trees, also called evergreens, that keep their foliage year-round.

Open space, required, shall mean that portion or percentage defined by the zoning standards of a lot required to be open and unobstructed. The area must not be covered by any structure or impervious surfaces, such as sidewalks or driveways, except for required amenities and identity features, if amenities and identity features are required pursuant to subdivision and multi-family standards.

Open space, usable shall mean that portion of a lot or site excluding the required front yard area, which is not covered by any building and is available to all occupants of the building or site for recreational and other leisure activities that are usually and customarily carried on outdoors. The area shall be unobstructed to the sky and shall have a minimum dimension of fifty (50) feet and a minimum area of six thousand (6,000) square feet. Usable open space may also include outdoor patios and plazas, and recreational facilities, as determined in Chapter 18.38. Usable open space shall not include the required setback area from oil and gas facilities, rights-of-way, platted or built trails or sidewalks, parking lots, or occupied buildings.

Ornamental tree shall mean a deciduous tree planted primarily for its ornamental value or for screening, which is typically smaller than a shade tree from approximately fifteen (15) to twenty-five (25) feet in height.

Outlot shall mean a tract of land platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include but are not limited to drainage areas, stormwater detention or retention areas, parks, open space, future development, or land areas reserved for other public facilities.

Parking bay shall mean a group of parking stalls or vehicle parking spaces to accommodate fifteen (15) or more vehicles.

Parkway shall mean the strip of land typically located between the sidewalk and the curb, also referred to as a tree lawn.

Passive recreation area shall mean an undeveloped space or an environmentally sensitive area that requires minimal maintenance. Entities such as the City's Culture, Parks, and Recreation Department may maintain passive recreation areas for the health and well-being of the public and the preservation of wildlife and the environment. The quality of the environment and the "naturalness" of an area is the focus of the recreational experience in a passive recreation area.

Perennials shall mean non-woody plants, which may die back to the ground each year but continue to grow on an annual basis. Perennials shall also include cold weather bulbs and tubers, and ornamental grasses that grow each year and shall count toward ground cover requirements.

Perimeter treatment shall mean improvements, such as landscaping and fencing, intended to provide visual and noise protection for the outer edges of developments that border arterial or major collector streets. Perimeter treatment is typically established at the time of new subdivision development.

Perimeter treatment plan shall mean a design for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments, which border arterial or major collector streets. Perimeter treatment also provides an attractive and varied streetscape for people traveling along thoroughfares. Perimeter treatment is generally located on the fringes of a lot facing public rights-of-way, unlike a buffer yard that screens against directly adjacent uses

Permeable shall mean a material that allows liquids or gases to pass through it.

Pervious shall mean a surface that allows water to pass through; a surface that presents an opportunity for precipitation to infiltrate into the ground

Planting median shall mean an area in the approximate center of a city street, road, or state highway that is used to separate the directional flow of traffic or the center of two parking bays that provide vegetation and pedestrian accessibility to the principal building structure by way of a paved sidewalk.

Pollinator Gardens shall mean gardens designed for the purpose of providing habitat for or attracting bees, butterflies, moths, hummingbirds, or other beneficial creatures that transfer pollen from flower to flower, or in some cases, within flowers.

Rain garden shall mean a soil-absorption or filter system designed to be depression storage or a planted hole that allows water filtration and absorption of rainwater runoff from impervious urban areas, such as roofs and driveways, walkways, parking lots, and turf-grass or sod areas. It is a type of bioretention facility designed to provide stormwater infrastructure improvements with vegetation. Typically shallow vegetative depressions with gentle slide slopes designed as individual stormwater receiving areas or linked to conveyance systems. Soils may or may not be amended in these facilities.

Required landscaping area shall mean the area of required open space, according to the zoning district provisions in which the property is located, that is not allowed to be covered by buildings, paving, heavily compacted surfaces, or other impervious.

Right-of-way landscaping shall mean landscaping located within the public or private rights-of-way adjacent to a privately owned lot, outlot, or tract, including parkways.

Screening shall mean a method of reducing the impact of visual and/or noise intrusions through the use of plant materials, earthen berms, solid fences and/or walls, or any combination thereof, intended to block that which is unsightly or offensive with a more harmonious element.

Shade tree shall mean a woody plant, usually deciduous, that generally grows with one main trunk and has a canopy that screens and filters the sun in the summer and winter, respectively.

Single-family Dwelling shall mean a building or a portion of a building consisting of one or more rooms including living, sleeping, eating, cooking, and sanitation facilities arranged and designed as permanent living quarters for one family or household; may be attached to one or more than other dwelling units by one or more vertical walls and may have no more than one dwelling unit on any one lot. Whether within a lot, outlot, or tract within a public right-of-way, surfaces shall not include storage or outdoor display in any legally established area.

Site plan shall mean a plan set of drawings that property owner, builder, or contractor uses to make improvements to a property through graphic representation, whether computer-generated or hand-drawn.

of the arrangement of buildings, parking, drives, landscaping, and any other structure that is part of a development project.

Sod shall mean the grass and the part of the soil beneath it held together by its roots or another piece of thin material typically used as a lawn.

Soil amendments are elements added to the soil, such as compost, natural fertilizer, manure, or chemical fertilizer, to improve its capacity to support plant life.

Solid fence shall mean a fence that is opaque and made with solid wood, composite, vinyl, or masonry.

Stamped (Sealed/Signed) documents shall mean technical drawings or documents prepared under and authorized by a licensed professional for City reviews and permitting legal records verifying authority, professional liability, and qualifications to practice.

Streetscaping or streetscape shall mean, as it pertains to this Chapter, the rehabilitation, preservation, and beautification of those exterior elements of a designated property visible from a street, including elements and landscaping within a front or street-side setback and/or the public right-of-way.

Street tree shall mean a tree planted in close proximity to a street to provide canopy shade over the street and soften the street environment.

Tree shall mean a large woody plant with one (1) or several self-supporting stems or trunks and numerous branches and may be deciduous or evergreen.

Tree lawn shall have the same meaning as the Parkway.

Turf-grass shall mean a blend or mix of grasses most tolerant to the Colorado climate, whether in sod or seed form when planted, intended to be regularly maintained as a lawn in urbanized areas. Artificial turf shall not be considered lawn or turf-grass.

Two-Family Dwelling shall mean a house with two families or a building connected by a common wall or parcel where there are two units. For example, a duplex is a two-family dwelling.

Universal design shall mean the design of buildings, products, or environments, to make them accessible to all people, regardless of age, disability, or other factors. The term "universal design" was coined by the architect Ronald Mace to describe the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life.

Urban heat island shall mean an urban area that is significantly warmer than its surrounding rural areas due to land surface modifications such as development and other human activities. The temperature difference is usually more significant at night than during the day.

Utility line clearance zones shall mean the minimum clearance horizontal or vertical standard determined by the utility holder. Obstructions and encroachments are prohibited.

Weed shall mean any plant not typically propagated by the horticultural trades and not typically installed for landscaping purposes or that presents a particularly noxious allergenic or growth characteristic. A seed does not include native and naturalized plants, other than designated noxious weeds, grown in areas managed primarily for ecological services.

Xeric landscaping or Xeriscape was coined by Denver Water in 1981 to help make water-efficient landscaping an easily recognized concept. Xeriscape is a combination of the word "landscape" and the Greek word "xeros," which means dry. For the purposes of defining it in this Chapter of the Code, it shall mean the use of low-water or very low-water plants in place of plants that typically require more water to survive and include, but are not limited to, plants having a low or very low water requirement. Xeric landscaping does not mean the same as hardscaping or the use of rocks or rock mulch.

Yard shall mean that area of a lot between the property line and the foundation of a building, structure, or use.

Yard, front shall mean that portion of a lot between the front façade of a primary structure and the right-of-way. A yard may contain more land area than a setback area. On a corner lot, space or area adjacent to the shorter street rights-of-way shall be considered the front yard.

Yard, interior side shall mean an open-space area between the interior side property line and the building setback line, extending between the front building setback line and the rear building setback line.

Yard, rear shall mean the space or area of a lot between the rear property line and the principal building, extending the lot's full width, and measured perpendicular to the building at the closest point to the rear property line.

Yard, street-side shall mean the area extending between the front yard and the rear yard or rear street yard and situated between the side street property line and the face of the principal building, which is parallel to, or most nearly parallel to, the side street property line.

18.44.040 - Landscape plan requirements.

- (a) Construction or development of a site shall not be undertaken until a landscape plan meeting the requirements of Chapter 18.16, Submittal Requirements, has been approved by the City. The landscape plan shall be designed in conjunction with the drainage plan for the subject property in such a manner as to maximize stormwater runoff absorption.
- (b) Landscape plans shall be prepared and stamped by a Colorado registered landscape architect unless waived by the Community Development Director or Designee
- (c) For phased development, a proportionate share of landscaping acceptable to the City, as outlined in an approved Development Agreement or Planned Unit Development (PUD) Plan, shall be installed and maintained with each phase based on the size of the proposed phase and shall be considered completed for the purposes of these regulations when such proportionate share of landscaping has been installed prior to issuance of a building permit.

18.44.050 - General landscaping design standards

- (a) General landscaping design standards apply to all major developments
 - (1) Planting types to be incorporated into a ' 'site's landscape plan shall include a mix of shade trees, ornamental trees, non-deciduous trees and shrubs, deciduous shrubs, and perennials.
 - (2) Landscaping provisions shall not be cumulative or overlapping. When more than one (1) standard applies, the most restrictive landscape standard shall apply.
 - (3) Bioswales, water quality ponds, and rain gardens are encouraged and may be installed to filter runoff from parking lots, streets, civic spaces, and other impervious surfaces.
 - a. Bioretention facilities such as bioswales, water quality ponds, and rain gardens that are integrated into, or part of, a stormwater system shall adhere to the [Storm Drainage Design Criteria and Construction Specification manual](#), as amended. See Figure 18.44-1 for reference.



Figure 18.44-1: Bioretention facilities

- (4) Stormwater and erosion control methods shall comply with the [Storm Drainage Design Criteria and Construction Specification](#) manual, as amended.
- (5) All on-lot landscaping shall include foundation plantings where facades are visible from adjacent rights-of-way, open space, parking lots, trails and walks, and passive recreational areas.
- (6) Minimum Plant Sizes. The minimum plant size shall be consistent with Table 18.44-2 below:

Table 18.44-2 – Minimum plant size table

<u>Plant Type</u>	<u>Plant size (Minimum)</u>
<u>Shade trees</u>	<u>2-inch diameter caliper, measured 6-inches above ground from the uppermost root flare</u>
<u>Ornamental trees</u>	<u>1½ - inch diameter caliper, measured 6-inches above ground from the uppermost root flare</u>
<u>Non-deciduous trees</u>	<u>6-foot in height</u>
<u>Shrubs</u>	<u>Volume #5 (ANSI Standards)*</u>
<u>Perennials</u>	<u>Volume #1 (ANSI Standards)</u>

*Shrubs may be substituted with large perennials (Volume #2 (ANSI standard)) or larger at a ratio of three (3) perennials to one (1) shrub ratio.

- (b) For all major and minor developments, and single-family and two-family dwellings.

- (1) Bare dirt or weeds are not allowed as ground cover or landscape material.
 - a. Acceptable ground cover or an approved synthetic ground cover shall be kept free of weeds.
 - b. Synthetic or non-plant ground covers shall not be counted towards the required live plantings coverage pursuant to 18.44.080 (a)(1).
- (2) Artificial turf is an acceptable ground cover that is only permitted in yards that are not visible from public right-of-way.
- (3) Landscape plantings are encouraged to be designed using water-efficient irrigation practices.
 - a. Water-efficient, drought-tolerant, pollinator gardens and xeric landscaping are encouraged to be planted together to promote water conservation.
 - b. Plants with contrasting textures or forms should be grouped to improve the aesthetic appearance of a yard and promote further water conservation.
 - c. Residential subdivisions that incorporate xeric planting designs in parkways, outlots, and common open space areas, may request a raw water reduction subject to review and approval by the Water and Sewer Department.
- (4) Native grass or native grass seed shall be planted in detention and retention ponds and areas not highly trafficked by pedestrian activity.
- (5) Utility line clearance zones.
 - a. Landscaping shall not obstruct or grow into fire hydrants, water meter pits, utility boxes, public traffic signs, sidewalks, or utility boxes except to comply with the requirement to screen mechanical equipment, pursuant to 18.44.080 (a)(4).
 - b. Easements. No plant material with mature growth greater than three (3) feet in height shall be planted within potable water, sanitary, or non-potable irrigation easements.
 - c. Meters, mains, and services. No shrubs shall be planted within five (5) feet or trees within ten (10) feet of potable and non-potable water meters, fire hydrants, sanitary sewer manholes, or potable water, sanitary sewer, and non-potable irrigation mains and services pursuant to Figure 18.44-2.
 - d. Overhead lines. Trees or shrubs may encroach into the utility clearance zone but shall never touch or bump into overhead phone or utility lines when the landscape material has fully matured. Shorter ornamental trees with a maximum height of twenty (20) feet are typically acceptable but shall follow service provider guidelines.
 - e. Stormwater detention areas. Placement of landscape materials that are determined to produce pollutants that may negatively affect the quality of stormwater runoff shall not be permitted near drainage, stormwater detention, or 100-year floodplain areas.

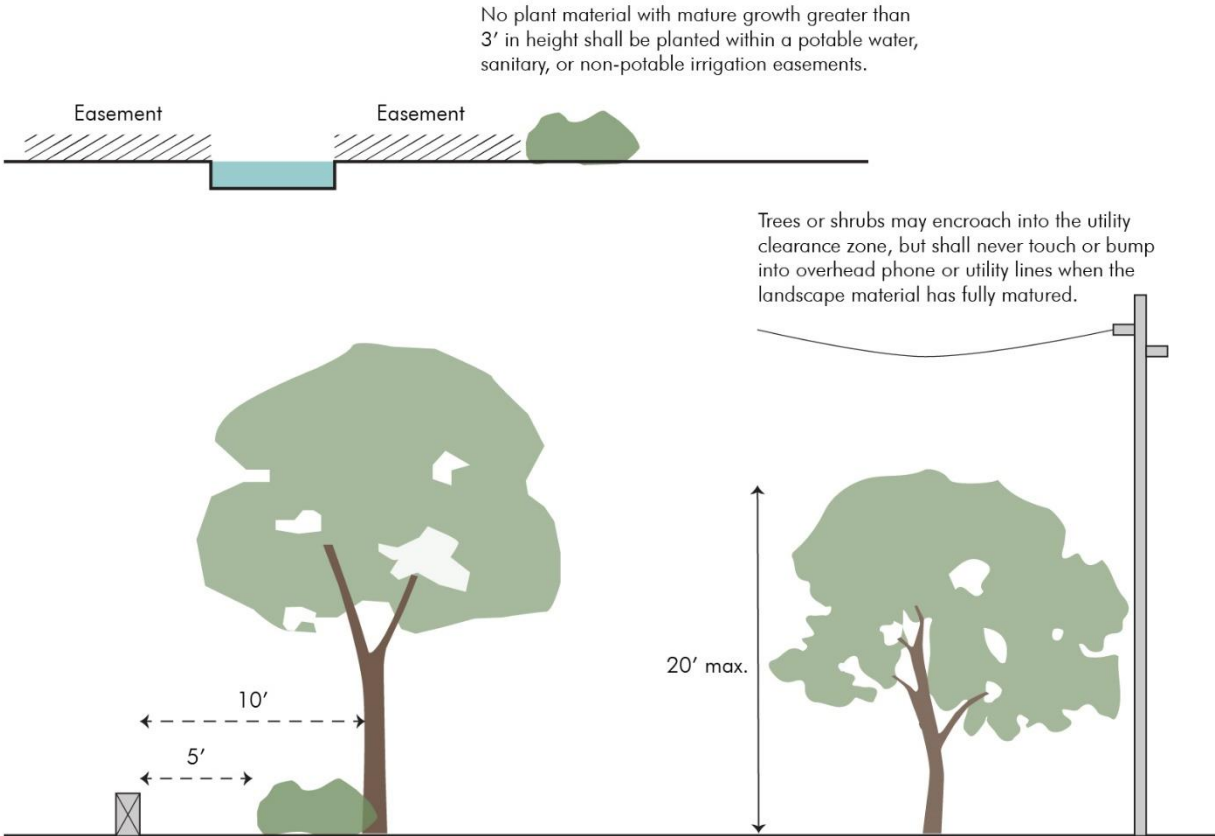


Figure 18.44-2: Utility line clearance zones

- (6) Clear vision sight distance triangle. For safety and visibility purposes, a sight distance triangle shall be created and maintained in which no landscape materials, earthen berms, or other visual obstructions are present. The clear vision sight distance triangle shall have a fifteen (15) foot decision point distance, and a conflicting vehicle distance measurement measured fifteen (15) feet perpendicular from the projected flow line of the intersecting street, driveways, and alleys.
- a. The conflicting vehicle distance measurement is dependent on the street classification and speed allowance of the street pursuant to the City's [Design Criteria and Construction Specifications](#), as amended. It must allow full view of traffic approaching the left or the right of the minor road pursuant to Figure 18.44-3.

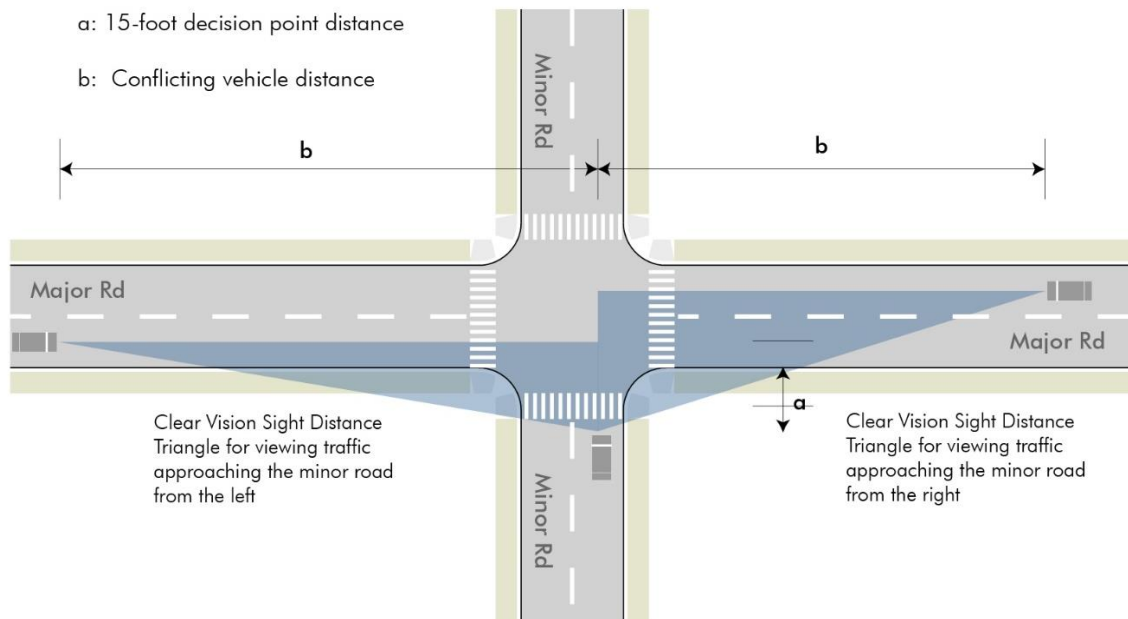


Figure 18.44-3: Clear vision sight distance triangles

- b. Landscaping proposed within the required clear vision sight distance triangle shall be maintained at a height no greater than thirty (30) inches above the adjacent street level.
- (7) Right-of-way landscaping. A right-of-way planting permit shall be required for any trees and landscape material with a mature height of over eighteen (18) inches planted within a public right-of-way.
- (8) Prior to the installation of turf-grass and/or other plant materials in areas that have been compacted or disturbed by construction activity, such areas shall follow soil amendment procedures pursuant to Title 14.08 and the Water and Sewer lawn installation specifications.
- (c) Alternatives.
- (1) Utility easements or utility lines that conflict with required landscaping, such as, but not limited to buffer yards, perimeter treatment, right-of-way landscaping, parkway landscaping, foundation plantings, and median standards, shall require an alternative design that is equal to or greater than what is required by this Chapter.
- (2) Short rooted plants such as perennials and grasses may be planted along utility easements and other utility line paths.

18.44.060 - Installation and maintenance

- (a) Installation and maintenance requirements shall apply to all major and minor developments and single-family and two-family dwellings.
- (b) All major development.
- (1) Required installation and inspections. Prior to the issuance of a certificate of occupancy, the following provisions shall be executed:
- a. A stamped letter of substantial completion shall be provided by a licensed landscape architect or a certified irrigation auditor.
- b. All subdivision landscape installation shall be complete including, but not limited to, installation of all common open space, outlots, street trees, and perimeter treatments and

- shall be installed prior to the issuance of the first certificate of occupancy or through a landscape plan or development agreement that includes a phasing plan.
- (2) All landscaped areas, including but not limited to bioretention facilities, bioswales, rain gardens, detention areas, common open space areas, medians, and perimeter treatments, shall be maintained in perpetuity by a homeowner or business association unless otherwise noted in a City-approved development agreement, a recorded plat, or a recorded document.
 - (3) Approval. Installed landscape material may be inspected by the City periodically throughout the life of a development.
- (c) All major and minor developments.
- (1) An inspection shall be performed by the City or by a licensed landscape architect or a certified irrigation auditor for all new and changed landscape material.
 - (2) Perpetual maintenance.
 - a. The developer, owners' association, property owner and/or tenant, as required by this Chapter, shall be responsible for maintaining all on-lot, right-of-way landscaping; all buffer yard(s), perimeter treatment, and screening improvements. All landscape improvements shall be kept in a healthy condition.
 - b. Property owners shall be responsible for the perpetual maintenance of the adjacent front parkway unless otherwise maintained by a homeowner or business association.
 - c. Landscape material on corner lots with a side or rear parkway shall be installed by a developer and maintained perpetually by a property owner or property 'owners' association.
 - (3) Replacement. Failure to replace dead landscape materials within three (3) growing seasons (spring, summer, or fall) from the date of issuance of a certificate of occupancy shall be considered a violation of the site plan approval and is subject to penalties pursuant to Chapter 9.18.180 and Chapter 1.33 of the Municipal Code.
- (d) Exceptions. If weather prevents the required landscaping from being installed, collateral in the form of a Financial Security Agreement, acceptable to the City, in the amount of one hundred twenty-five percent (125%) of the cost of materials and installation is to be provided to the City and approved prior to issuance of the certificate of occupancy.
- (1) Single-family and two-family dwellings. If not previously installed, all required on-lot and rights-of-way landscaping, excluding perimeter treatment and buffer yards, shall be installed in accordance with the provisions of this Chapter within one (1) year of the issuance of the certificate of occupancy.

18.44.070 - Irrigation systems

- (a) Irrigation system requirements apply to all major and minor developments and as applicable to single-family and two-family dwellings.
- (b) All major developments.
 - (1) Irrigation system design required. In conjunction with a landscape plan, an irrigation system design shall be submitted, reviewed, and approved by the Water and Sewer Department.
 - (2) The irrigation system shall be a fully functioning automatic irrigation system, designed to minimize overspray and installed in accordance with Water and Sewer design standards.
 - (3) Waiver. Existing infill developments located in the Redevelopment District may request a waiver from irrigation requirements. The waiver may be reviewed on a case-by-case basis and approved by the Community Development Director or Designee.
- (c) All major and minor developments.
 - (1) The irrigation system shall include the following:

- a. Subsurface and drip irrigation. Trees, shrubs, and plantings in bed areas, such as landscape islands, shall be designed to group plants with similar water requirements and be irrigated by drip, bubbler systems, low volume spray heads and/or subsurface irrigation systems.
- b. Temporary irrigation. A temporary irrigation system is only allowed where native grass has been installed on an undeveloped lot or part of a developed lot, an outlot, retention or detention pond, and landscaping shall be established within three (3) to four (4) growing seasons, and shall comply with the re-vegetation standards as provided in the [Storm Drainage Design Criteria and Construction Specification](#), as amended.
- c. After native grass is established, the temporary irrigation must be removed within three (3) months after establishment is complete.
- (2) Irrigation audit. An irrigation audit shall be required following the installation of the irrigation system.
- (3) Automatic irrigation. Landscaped areas shall be served by a fully-functioning automatic irrigation system, as determined by Storm Drainage Design Criteria and Construction Specification, as amended.
- (d) All major and minor developments, including new single-family and two-family dwellings.
 - (1) Minimize overspray. Irrigation systems shall be designed and maintained to minimize overspray and runoff onto adjacent impervious surfaces, such as roadways, sidewalks, and parking lots.

18.44.080 - Landscape requirements for all zoning districts

- (a) Landscape requirements for all zoning districts apply to all major and minor developments.
 - (1) The minimum site area required to be landscaped is fifty percent (50%) of the required open space, as established for each of the zone districts pursuant to Chapter 18.38.
 - (2) Where landscaping is used for screening, a minimum of forty percent (40%) must be non-deciduous plant materials.
 - (3) Any part of a site not used for building coverage and main entrances, parking areas, driveways, sidewalks, or other site improvements shall be landscaped.
 - (4) All utility and ground-mounted electrical equipment planned and existing equipment, including but not limited to electric transformers, switch gearboxes, cable television boxes, telephone pedestals, and boxes, shall be screened with landscape material on the sides visible from the public rights-of-way that are not used for service access.
 - (5) Trash enclosures that are not architecturally integrated, trash receptacles, loading docks, and any outdoor storage areas shall be screened with landscape material on all sides visible from public rights-of-way such as sidewalks, streets, and other properties from which the property is visible.
 - (6) For streetscapes, parking lot perimeters, and parking lot interiors, additional landscaping beyond the minimum standards may be required in order to:
 - a. Buffer dissimilar uses and activities;
 - b. Break up the massing of blank walls and large buildings; and
 - c. Accent special features such as main entries and corridors.
- (b) For all major and minor developments and single-family and two-family dwellings.
 - (1) Trees required on-lot. Trees shall be planted pursuant to the following:
 - a. All required trees shall comply with the minimum plant material sizes listed in Table 18.44-2, Minimum plant size table.
 - b. Existing mature trees may count toward these requirements pursuant to Section 18.44.130.

- (2) Parkway standards. Landscaping within rights-of-way shall be provided subject to the following standards:
- a. Parkway development must have fifty percent (50%) live landscape material.
 - b. Shade trees shall be planted at a regular spacing of a minimum of thirty-five (35) feet on center.
 - (1) Single-family and two-family dwellings shall have no less than one (1) tree per street frontage.



Figure 18.44-4: Parkway standards

- c. Street trees and shrubs shall be those species suitable for the location in which they are planted and installed after sidewalks have been completed. Street trees and shrubs shall be planted pursuant to Section 18.44.050 (a)(6), clear vision sight distance triangle provisions.
 - d. Xeric landscaping and native grasses are encouraged in parkways.
 - e. Street trees adjacent to sidewalks and streets shall have a height clearance of eight (8) feet above sidewalks and fourteen (14) feet above streets.
- (3) If existing healthy vegetation is retained on-site, it may be counted toward the landscape requirements pursuant to provisions of this Chapter.
- (4) All landscape materials planted pursuant to the provisions of these requirements shall be healthy at the time of planting and compatible with the local climate.

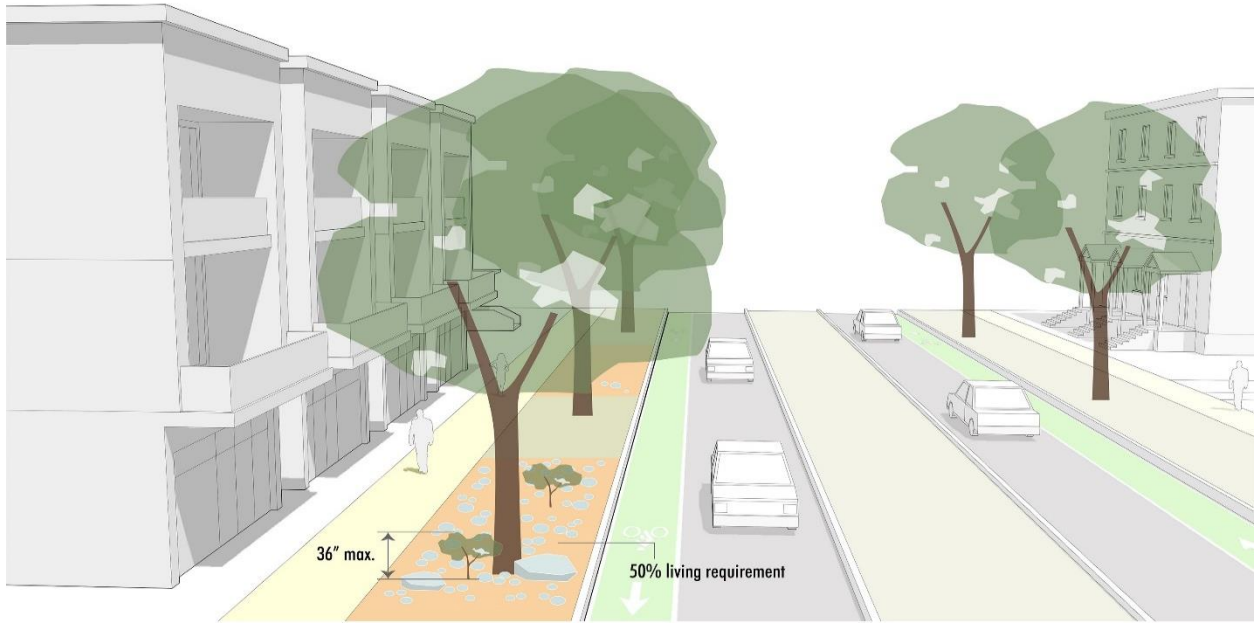


Figure 18.44-5a: Tree sidewalk clearance – urban



Figure 18.44-5b: Tree sidewalk clearance - residential

(c) For all single-family and two-family dwellings.

- (1) A minimum of one (1) tree shall be planted on all single-family and two-family lots as follows:
 - a. One (1) tree shall be planted on-lot in the front yard; this requirement is in addition to the required parkway planting requirements.
 - b. Additional trees, not otherwise required, are encouraged to be planted in other parts of the residential property, where feasible.

- (2) A minimum of fifty percent (50%) live plantings shall be provided within all yards adjacent to visible from all rights-of-way, except for alleys, including typical and atypical lots pursuant to Figures 18.44-6 and 18.44-7.
- a. All non-paved areas and yards not visible from adjacent rights-of-way must be landscaped pursuant to Section 18.44.050 (b).
 - b. Driveways, walkways, patios, porches, and areas containing an accessory structure shall be excluded for the purposes of calculating the fifty percent (50%) landscape material requirement.

Figure 18.44-6: Typical Lot Frontage

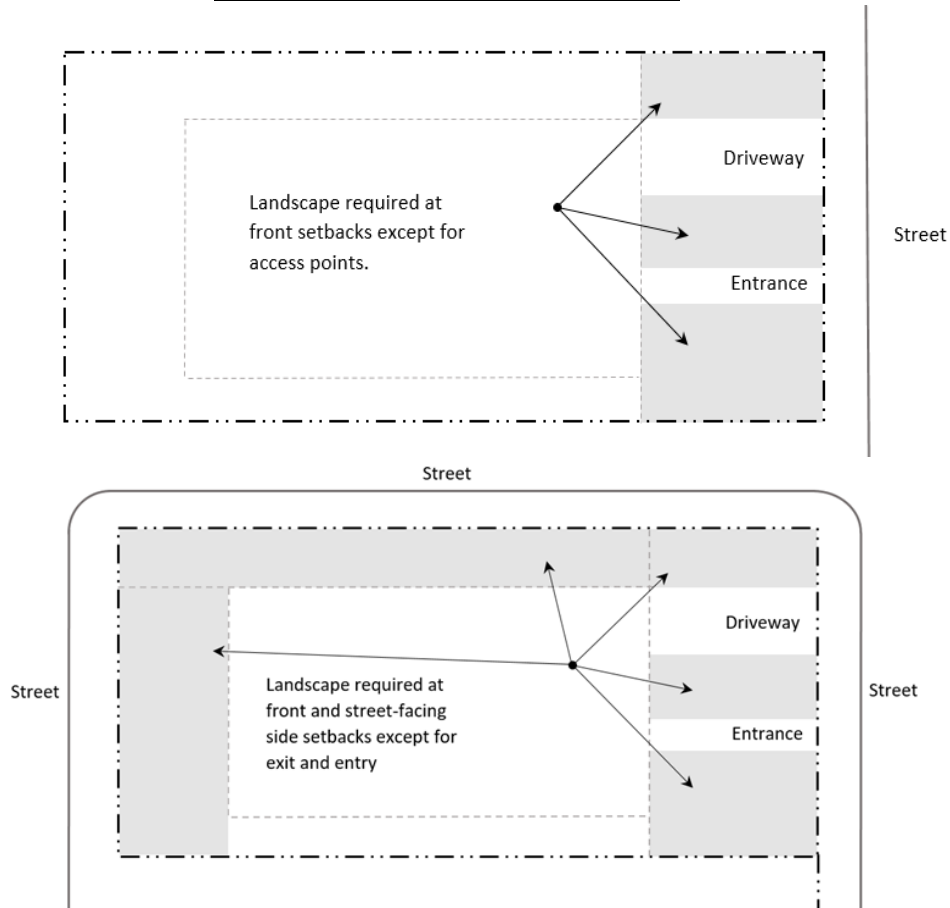


Figure 18.44-7: A-typical Lot Frontage

18.44.090 - Buffer yards standards

- (a) Buffer yard standards apply to all major developments.
- (1) The purpose of buffer yards is to provide a landscaped barrier for dissimilar uses for a transitional effect between two (2) or more lots sharing a common property line. The buffer yard standards of this section apply as follows:
 - a. All new development on vacant land adjacent to existing development.
 - b. New residential subdivisions are not exempt from this provision.
 - c. Requests for reductions to landscape requirements for oil and gas sites located in non-urbanized areas may be approved by the Community Development Director or Designee on a case-by-case basis.

- d. For the purposes of this section, land uses separated by public rights-of-way, such as alleys and streets, shall not be considered adjacent.
- (2) Location of buffer yards.
- Pursuant to Figure 18.44-8, buffer yards shall be located along the property line where the most intense and differing land-uses exist.
 - A buffer yard is required where abutting land-uses may impact the adjacent property, such as but not limited to a storage yard or a commercial or industrial building development against a residency or an open space park.
 - Buffer yards shall not be placed within any dedicated rights-of-way.

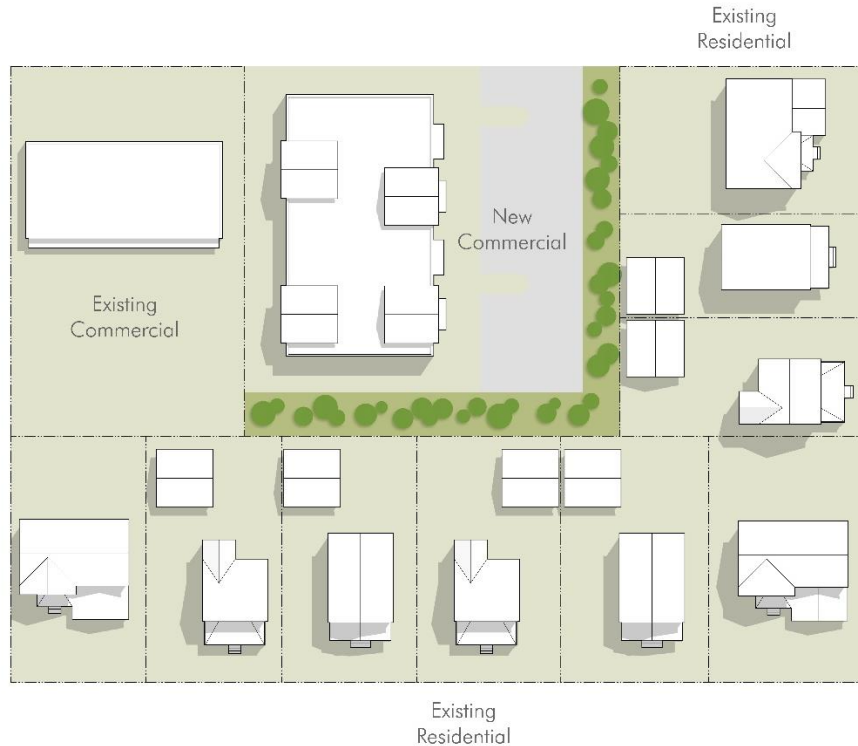


Figure 18.44-8: Buffer yard along differing land uses

- Buffer yards may be interrupted, having a break, for necessary pedestrian and vehicle access.
- Existing healthy vegetation within the required buffer yard area may be counted toward the required landscaping.
- Landscaping requirements for buffer yards.
 - Non-deciduous trees are required to make up a minimum of forty percent (40%) of the required trees.
 - Perennials or shrubs used towards buffer requirements must be no smaller than thirty-six (36) inches in height at maturity.
 - Shrubs, ornamental grasses, and perennials may not be substituted for trees in the buffer yard unless the applicant has demonstrated to staff that the site is encumbered by utilities as described in Section 18.44.050 (b).
 - All plant material conversions shall be reviewed on a case-by-case basis based on durability and appearance in the location where the materials are to be installed and may be approved by the Community Development Director or Designee.

- e. A solid wall or fencing is not required as part of a buffer yard, but if a solid wall or fence is provided that is at a minimum of 6-feet in height, then the width of the buffer yard may be reduced by twenty-five percent (25%)
- (6) Earthen berms are also encouraged as part of the buffer. Landscape material may be reduced by up to fifty percent (50%) if the site plan includes berming or other topographic features that achieve the intent of this section and are designed to complement adjacent properties.
 - a. Earthen berms shall have a slope with a horizontal to vertical ratio of no less than 3:1 ratio and no greater than a 4:1 ratio for turf-grass mowing and shall have a crown width of at least two (2) feet. See Figure 18.44-9 below.
 - b. All berms, regardless of size, shall be stabilized with grasses, especially at the crown.
 - c. Berms proposed to be placed along street rights-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair the safe operation of vehicles.

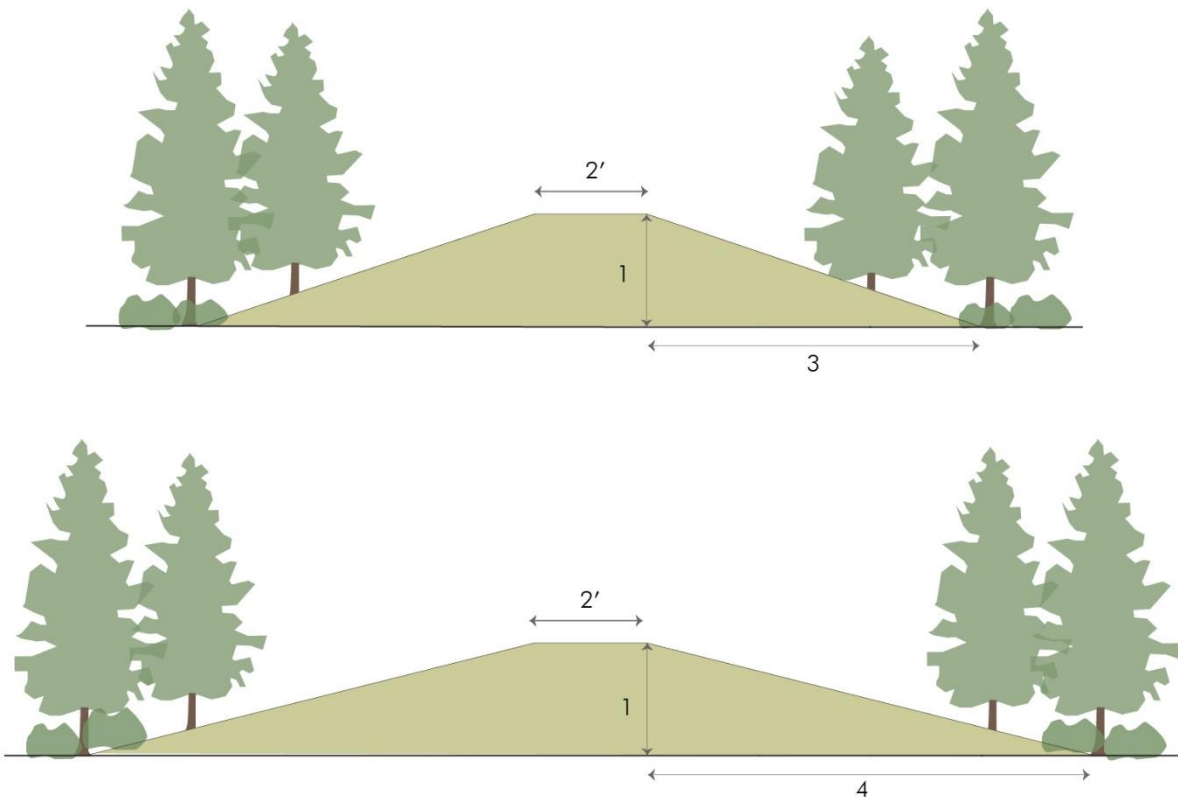


Figure 18.44-9: Earthen berms

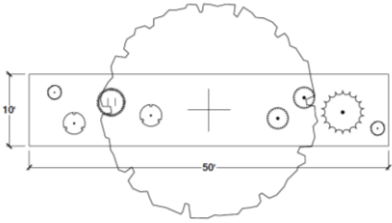
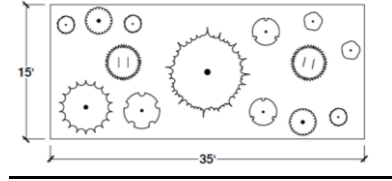
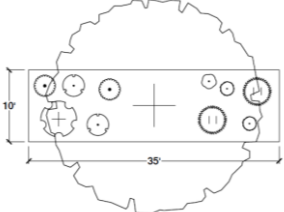
- (7) Minimum buffer yard requirements.
 - a. The land-use intensities listed in Table 18.44-3 identifies the intensity for the proposed land use and adjacent land uses.
 - b. The minimum buffer yard requirement on Table 18.44-4 identifies the buffer yard requirement for the proposed land use adjacent to those land uses identified in Table 18.44-3

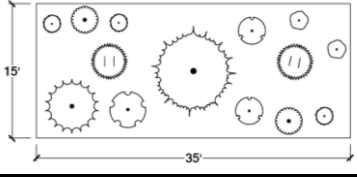
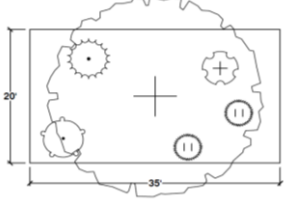
Table 18.44-23– Land-use intensity table

<u>Intensity</u>	<u>Land Use</u>
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<u>Low-intensity use</u>	<u>Including but not limited to offices (2 stories or less), churches, schools, public facilities including recreational fields, community swimming pools, and similar facilities, daycare facilities, single-family, two-family, and multi-family developments of less than 12 units per acre.</u>
<u>Medium-intensity use</u>	<u>Including but not limited to neighborhood commercial and service activities, retail operations under 3,000 square feet gross floor area and typically do not operate 24-hours a day, restaurants (no drive-up window services), banks (without drive-up windows), convenience stores (without gasoline sales), offices (3 or more stories), multi-family developments greater than 12 units per acre.</u>
<u>High-intensity use</u>	<u>Including but not limited to commercial activities that typically operate 24-hours, vehicle repair shops, service stations, drive-up window restaurants, and banks, car washes, hotels and motels, shopping centers, as well as light manufacturing activities and research facilities; or any commercial or industrial property that has a gross floor area greater than 3,000 square feet gross floor area.</u>
<u>Very-high intensity use</u>	<u>Including but not limited to heavy-industrial uses, heavy manufacturing, truck terminals, mobile home sales, vehicle sales, heavy equipment sales, facilities involving outdoor storage and outdoor commercial recreation establishments; commercial or industrial properties typically greater than 20,000 square feet gross floor area.</u>

Table 18.44-4 – Minimum buffer yard material and width table

<u>Proposed Use:</u>	<u>Adjacent Shared Use:</u>	<u>Buffer Yard Quantity/Width:</u>	<u>Example Image:</u>
No buffer yard is required when a proposed development is adjacent to another developed property with the same use and intensity.			
<u>Medium-intensity use</u>	<u>Low-intensity use</u>	<u>One (1) tree and eight (8) shrubs for every 50-linear feet; Minimum width: 10-feet wide</u>	
<u>High-intensity use</u>	<u>Low-intensity use</u>	<u>One (1) tree and thirteen (13) shrubs for every 35-linear feet; Minimum width: 15-feet wide</u>	
<u>High-intensity use</u>	<u>Medium-intensity use</u>	<u>One (1) tree and ten (10) shrubs for every 35-linear feet; Minimum width: 10-feet wide</u>	

<u>Very-high intensity use</u>	<u>Medium-intensity use</u>	<u>One (1) tree and thirteen (13) shrubs for every 35-linear feet; Minimum width: 15-foot wide</u>	
<u>Very-high intensity use</u>	<u>High-intensity use</u>	<u>One (1) tree and five (5) shrubs 35-linear feet; Minimum width: 20-foot wide</u>	

(8) Alternatives.

- a. If a development includes a vegetated water quality pond, decorative and articulated 6-foot tall solid wall, or an architectural landscape design, the property owner may request a ten percent (10%) reduction in the overall landscape requirement, except for buffer yards and perimeter treatments.
- b. If the site has unique characteristics where buffering cannot be feasibly installed due to size constraints, minimal setbacks, or easement encumbrances, a request for alternative compliance pursuant to Section 18.44.020(b) and 18.38.140 may be granted.
- c. Infill sites only. A buffer yard may be replaced with two (2) or more public space concepts such as, but not limited to outdoor seating areas and dining with landscaping, wood, gas or propane fire pits, fireplaces, grills, and outdoor heaters or decking areas that are accessible and functional to the public, sustainable in design, and allows for community engagement. Requests for this buffer yard replacement provision shall be reviewed on a case-by-case basis and may be approved by the Community Development Director or Designee.

18.44.100 Parking lot landscaping standards

- (a) Parking lot landscape standards shall apply to all major and minor developments.
- (b) Parking lots shall adhere to the setback standards pursuant to Chapter 18.38 - Zoning District Development Standards.
 - (1) General parking lot landscape standards:
 - a. Landscaping must accommodate a two (2) foot vehicle curb overhang.
 - b. Landscape shall incorporate a universal design.
 - c. Landscaping material such as shrubs or perennials, but excluding required trees, shall have a limited height of thirty (30) inches where vehicle visibility is necessary.
 - d. The total on-lot tree count shall be no less than one (1) tree per five (5) parking lot spaces.
 - e. The required landscape treatment for parking lot screening may include a living fence, berming, decorative metal fencing, and/or masonry wall.
 - (2) Parking lot screening.
 - a. A minimum eight (8) foot wide landscaped area, exclusive of sidewalks and utility easements, shall be provided between the parking lot and street right-of-way to accommodate the required plantings.

- b. The landscape treatment shall be located at the perimeter of surface parking lots abutting street corridors and shall not encumber the clear vision sight distance triangle.
- c. A minimum of one (1) shade tree or non-deciduous tree shall be planted for every thirty-five (35) linear feet. Where space allows, earthen berms are encouraged as part of the screening to allow for diversity and interest in landscape design. A minimum of six (6) shrubs shall be planted between every tree. A mix of evergreen and deciduous shrubs is encouraged.

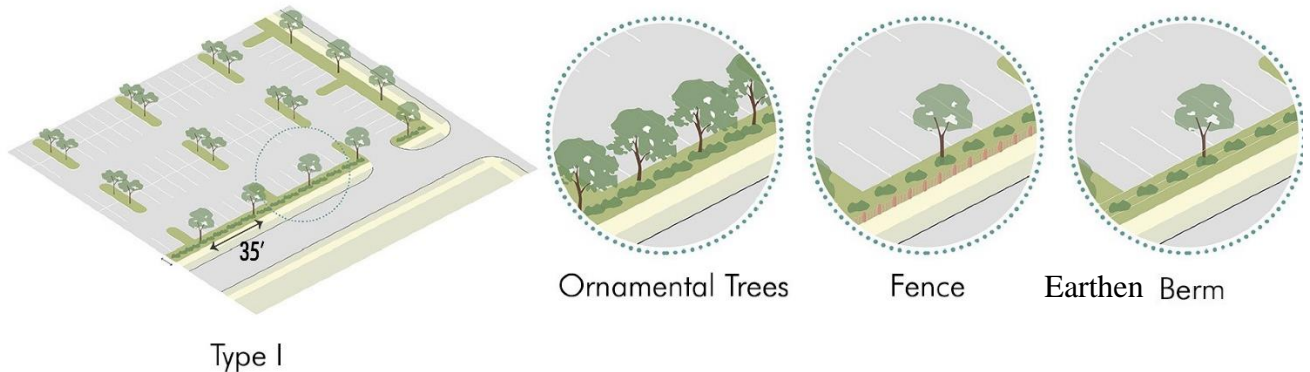


Figure 18.44-10: Parking lot screening

- (3) Interior parking lot design. The following landscaping requirements shall apply to parking lots with fifteen (15) or more parking spaces to provide pervious surfaces within a parking lot.
 - a. Parking lot islands shall include curb cuts that direct runoff into pervious areas. Plants within these pervious areas shall have high salt and chemical tolerance.
 - b. Where more than fifteen (15) parking stalls are provided in a row, one (1) parking lot island shall be provided. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but at no time shall the total number of islands be less than the required amount of one (1) island for every fifteen (15) spaces.



Figure 18.44-11: Single row and double row parking lot islands

- c. The end of every parking row shall have a landscaping island.
 - d. Standard size vehicle parking.
 - i. Single row parking lot islands. The minimum size of a parking lot island must be nine (9) feet wide by nineteen (19) feet long and contain no less than one (1) shade tree.
 - ii. Double row parking lot islands. The minimum size of a parking lot island must be nine (9) feet wide by thirty-eight (38) feet long and shall contain no less than two (2) shade trees.
 - e. Compact vehicle parking.
 - i. Single row parking lot islands. The minimum size of a parking lot island shall be eight (8) feet wide by sixteen (16) feet long and shall contain no less than one (1) shade tree.
 - ii. Double row parking lot islands. The minimum size of a parking lot island shall be eight (8) feet wide by thirty-two (32) feet long and shall contain no less than two (2) shade trees.
- (4) Footstep access.
- a. Landscape islands shall have an additional twelve (12) inch setback from an adjacent curb to provide a footstep for pedestrian access from the parking stall pursuant to Figure 18.44-12.
 - b. The footstep access may be accomplished with a wider sidewalk, enlarged curb, or striping to avoid having vehicles park too close, and pedestrians step on landscape material.
 - 1. If the footstep is inside the landscape island, it shall be constructed of concrete or an acceptable all-weather compacted material.

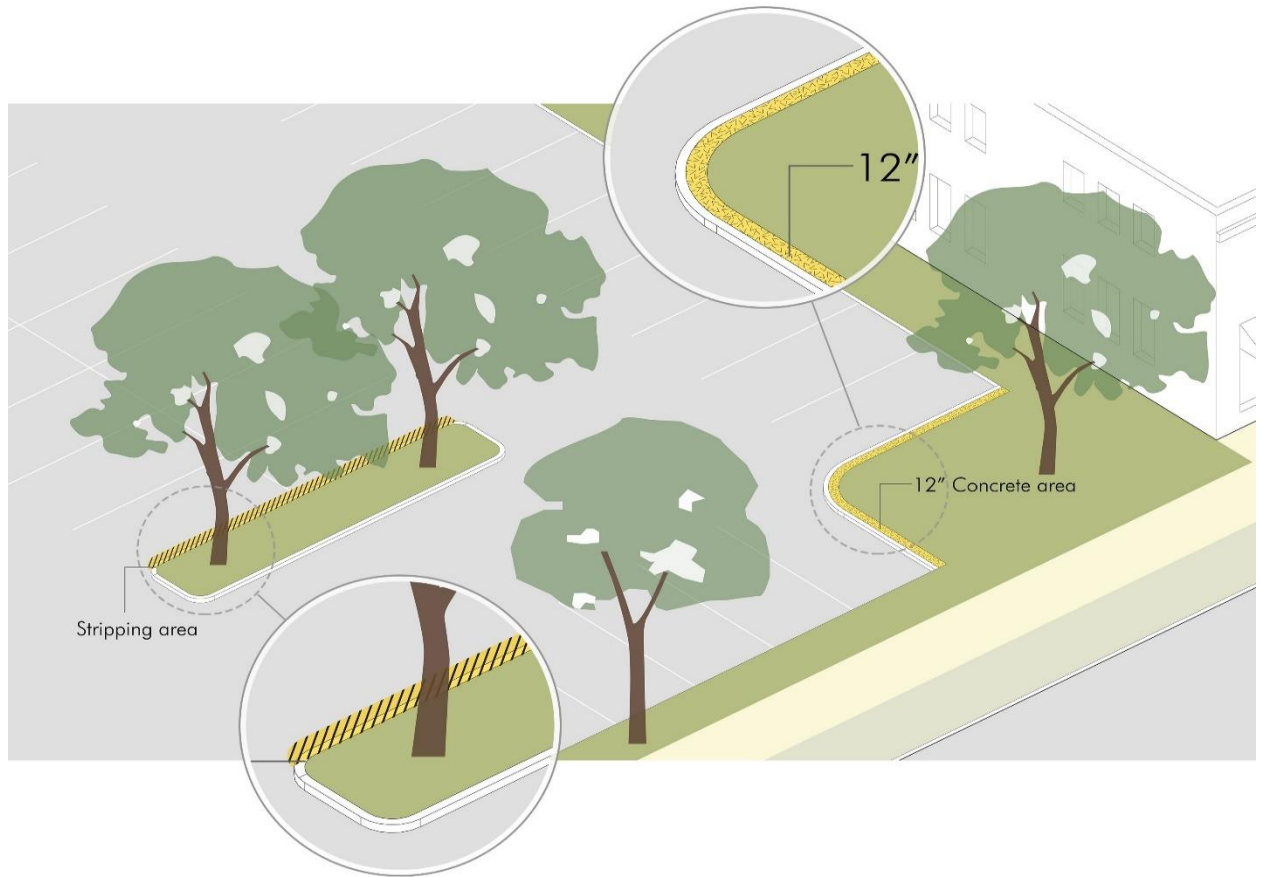


Figure 18.44-12: Landscape island footstep access

- (5) Planting median. Shall be required in parking lots with greater than 100 parking spaces:
- a. For every two (2) parking bays, a continuous planting median is required to provide pedestrian accessibility and additional shading for large parking lot surfaces, pursuant to Figure 18.44-13.
 - b. All medians shall be a minimum of fifteen (15) feet wide and shall include a five (5) foot sidewalk.
 - c. All planting medians shall contain defined breaks, as necessary, to provide pedestrian circulation between bays of parking. The bays shall allow for handicap accessibility from one side of the planting median to the other and onto any sidewalk located within the planting median.

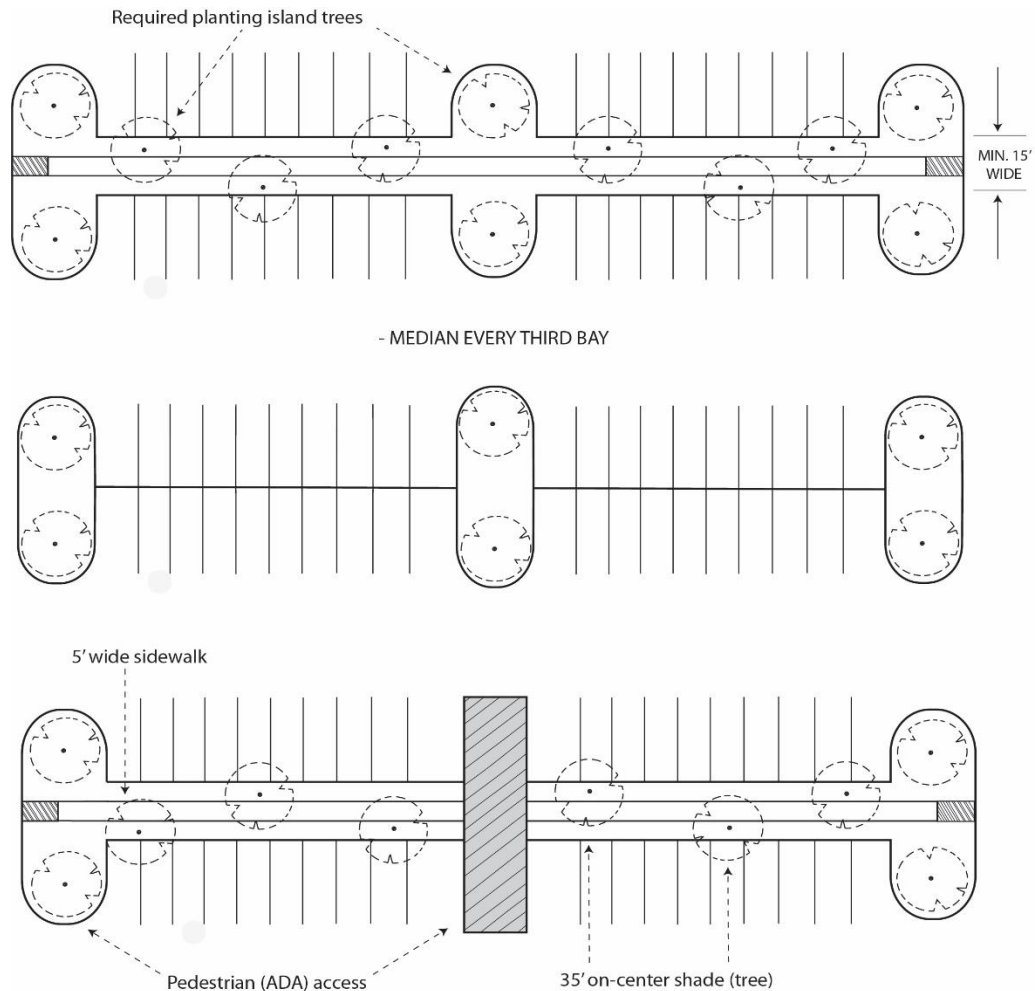


Figure 18.44-13: Example Planting Medians

- (6) Alternatives.
- Parking lot entry areas may request a twenty percent (20%) reduction of the required landscape material if the property includes large monumentation, artwork, or architectural landscape design and may be approved on a case-by-case basis by the Community Development Director or Designee.
 - Parking lot landscape screening. Landscape material may be reduced by twenty percent (20%), if an architectural and decorative short-wall or earthen berm no greater than thirty-six (36) inches in height is included in the overall design of the landscape screening treatment.
 - Parking lots that include a bioretention facility that is greater than ten percent (10%) of the size of the entire impervious area of a parking lot may request a reduced parking lot screening setback by up to one (1) foot.
- (7) Exemptions.
- Residential complexes or commercial centers that share a parking area or that have property lines adjacent to an alley or areas that abut an alley may be exempted from these requirements, and may be approved on a case-by-case basis by the Community Development Director or designee.

18.44.110 - Perimeter treatment standards

(a) Perimeter treatment standards.

A perimeter treatment plan shall be submitted for all new developments, except for individual single-family or two-family dwellings that are not being approved as part of a subdivision application. The perimeter treatment plan shall include landscaping in areas adjacent to all rights-of-way, landscaping behind the sidewalk, as well as any parkway plantings.

- (1) Requirements. The perimeter treatment plan shall include all landscaping improvements such as live plant material and elements such as fencing, earthen berms, walls, and enhanced streetscape that include furnishings, lighting, and any alternative design requests. Alternative design requests may be approved by the Community Development Director or Designee on a case-by-case basis.
 - a. The plantings and elements required in perimeter treatments shall include the area between the edge of the roadway against the property line as part of the streetscape or along the edge of an outlot or common open space area facing rights-of-way.
 - b. The perimeter treatment shall be complementary to adjacent sites and any surrounding perimeter treatments in the immediate area.
- (2) Subdivision entryways shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers. Plantings shall be massed and scaled based on the entryway size and space. Landscaping should also be designed to provide detail, color, and variety to create visual interest.
- (3) Required perimeter treatment shall be installed concurrent with other site infrastructure improvements, as per Section 18.04.1195, and prior to the issuance of a certificate of occupancy pursuant to Section 18.44.060 (b)(1), or as specified in a Development Agreement or PUD plan.
- (4) Solid fences and walls included as part of a perimeter treatment shall be in accordance with Section 18.52.035. All walls shall include top-of-wall and bottom-of-wall dimensions at five-foot intervals.
- (5) Perimeter treatment design. Notwithstanding the parkway requirements pursuant to 18.44.080 (b)(2), perimeter treatment areas shall contain the plantings according to Table 18.44-5, or a good mix of trees shrubs that provide comparable screening, as determined by the City.

(b) Alternatives.

- a. For sites with unique characteristics or site constraints that may make where perimeter treatment difficult to install due to size, reduced setbacks, or easement encumbrances, a request for alternative compliance pursuant to Section 18.44.030(b) and 18.38.140 may be submitted for review and may be approved on a case-by-case basis by the Community Development Director or designee.

(c) Exemptions.

- (1) Parking lots that require parking lot screening shall not be subject to perimeter landscape requirements.

Table 18.44-5: Perimeter treatment design requirements

<u>Use Type</u>	<u>Street Classification</u>	<u>Type - Base Standard (plants per 100 linear feet)*</u>	<u>Minimum Width of Perimeter (in feet)</u>
<u>Residential/Institutional</u>	<u>Collector</u>	<u>4 trees</u> <u>14 shrubs</u>	<u>10</u>
<u>Residential/Institutional</u>	<u>Arterial</u>	<u>4 trees</u> <u>16 shrubs</u>	<u>20</u>
<u>Residential/Institutional</u>	<u>Highways/ Expressways/ Freeways</u>	<u>4 trees</u> <u>24 shrubs</u>	<u>30</u>
<u>Commercial/Industrial</u>	<u>Collector/Arterial</u>	<u>3 trees</u> <u>5 shrubs</u>	<u>10</u>
<u>Commercial/Industrial</u>	<u>Highways/ Expressways/ Freeways</u>	<u>4 trees</u> <u>10 shrubs</u>	<u>15</u>

* All perimeter treatment plans shall contain forty percent (40%) non-deciduous trees and shrubs.

18.44.120 - Boulevard median standards

- (a) Boulevard median plan shall be submitted for all new developments, except for individual single-family or two-family dwellings which are not being approved as part of a subdivision application or land use application.
- (1) A cross-section and planting plan of the proposed boulevard median to be landscaped shall be included with the land use application.
 - (2) Xeric plants, decorative rocks and boulders, perennials, grasses, and shrubs may be included in the median design.
 - (3) Plant groupings shall be designed in association with the mulch of choice. When mulches are mixed, it is encouraged to incorporate a creative design that provides stormwater erosion control
 - (4) Proposed tree species shall be approved by the City.
 - (5) The developer, pursuant to a Development Agreement, shall be responsible for installing the median landscaping and irrigation system.

18.44.130 - Alterations, replacement, and removals

- (a) Alterations, replacement, and removals shall apply to all major and minor development and single-family and two-family dwellings.
- (b) Protection, mitigation, and preservation apply to all major and minor developments.
- (1) Protection of wildlife habitat and/or linkages to wildlife habitat. The preservation and protection of healthy specimen trees, masses of smaller, healthy trees, and trees in common open spaces and passive recreational areas is preferred.
 - (2) Unauthorized removal and replacement, modifications, deviations, or alterations to the approved landscape plans, or failure to install and maintain plant material (including replacement of dead or dying plant material) is prohibited and subject to penalties in Chapter 9.18.180 of the Municipal Code.
 - (3) Mitigation plan.

- a. A tree inventory and report shall be prepared by a certified arborist to evaluate each tree for its mitigation value.
- (4) Tree credits, pursuant to Table 18.44-6, shall be given so long as the provisions of this Code section are met.
- (c) Preservation of existing trees and vegetation is preferred.
 - (1) Trees that are not in the path of new structures, pedestrian access, or parking lots shall be preserved and incorporated into an associated development's overall site design.
- (d) Removal and replacement of trees shall apply to all major and minor developments and single-family and two-family dwellings.
 - (1) Replacement shall be provided on-site and in the rights-of-way adjacent to the property pursuant to the minimum tree planting requirements Chapter.
 - (2) Replacement of trees shall be of the same or similar species and tied to a previously approved landscape plan and/or to an existing condition of the subject site, except for those species designated as noxious or prohibited species.

Table 18.44-6: Tree Credits/Debits

<u>Diameter caliper of tree</u>	<u>Tree credit/debit</u>
<u>≤ 2-inches to 20-inches</u>	<u>1</u>
<u>>20-inches</u>	<u>3</u>

- (e) If the site design precludes incorporation of some or all existing healthy trees, then replacement shall be made as follows:
 - (1) For all major and minor developments.
 - a. Replacement shall be provided on an adjacent site or the nearest public land, if feasible, as determined by the City.
 - b. Suppose the number of trees required for replacement cannot be feasibly mitigated on the subject site. In that case, the trees' dollar value as cash-in-lieu, including the estimated cost of installation, shall be provided to the City.
- (f) No credit shall be granted for trees which are:
 - (1) Defined as non-native invasive plants or prohibited species as determined by the City;
 - (2) Dead, dying, diseased, or infested with harmful insects;
 - (3) Not located on the actual development site;
 - (4) Irreparably damaged due to improper pruning;
 - (5) Preserved trees, where root protection zones have been impacted;
 - (6) Relocated without approval by the City or as part of an approved landscape plan; Trees removed by the City due to sight impairment of vehicular traffic or pedestrian circulation shall not be replaced with new trees and shrubs.

Section 4. Section 18.04.110 of the Greeley Municipal Code is hereby amended to read as follows:

18.04.110 - Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings defined as follows:

Accessory building or structure shall mean a detached building or structure located upon the same lot as the principal building or structure to which it is related and which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation.

Administrative Review Team (ART) shall mean the City staff review team consisting of representatives of City departments involved with development and land use activities within the City and its long-range planning areas.

Alley shall mean a minor way used primarily for vehicular service access to the back of properties adjacent to a street and which is not intended to be used for primary access to a property. An *alley* shall not be considered a *street*.

Appeal shall mean a review of a final decision by a higher authority.

Applicant shall mean the owners or lessees of property, their agents or persons who have contracted to purchase property, or the City or other quasi-governmental entity that is proposing an action requiring review and approval by one (1) or more of the sections in this Chapter. An *applicant* may subsequently become the developer once approval is granted and, in this case, the terms shall be interchangeable.

Base flood shall mean a flood having a one-percent chance of being equaled or exceeded in any year. This term is used interchangeably with the terms *intermediate regional flood*, *one-hundred-year flood*, *one-percent flood* and *area of special flood hazard*.

Block shall mean a group of lots within the defined and fixed boundaries of a subdivision and usually being an area surrounded by streets or other features, such as parks, railroad rights-of-way or municipal boundary lines.

Buffer shall mean to promote separation and enhance compatibility between land uses of different intensities ~~within or adjacent to a development, or along roadways or other public areas, through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof. The term *buffer* may also be used to describe the methods used to promote compatibility, such as a landscape buffer.~~

Building shall mean any structure built for the shelter or enclosure of persons, animals or property of any kind, excluding fences or walls.

Building envelope shall mean the area in which a building or structure is constructed or placed in a development and in which the land area beyond the envelope is under the common ownership of all property owners within the development.

Building, principal shall mean the primary building on a lot or a building that houses the principal use.

Center line (of public right-of-way) shall mean a line running midway between the bounding right-of-way lines of a street or alley. For the purposes of calculating signage, the *center line* shall mean the apparent center line of the road determined by finding the point midway between the outer edges of the road surface.

City shall mean the City of Greeley, Colorado.

City Manager shall mean the City Manager or the City Manager's designee or other official, or body or agency, designated by the Charter or ordinance to act on behalf of the City of Greeley, Colorado.

Commission shall mean the Planning Commission of the City of Greeley, Colorado.

Comprehensive Plan shall mean the Comprehensive Plan of the City of Greeley, Colorado, as provided for in the City Charter and which provides for the future growth and improvement of the community, for the preservation of historic and natural resources and for the general location and coordination of streets and highways, recreation areas, public building sites and other physical development.

Cul-de-sac shall mean a local street of no more than five hundred (500) feet in length, with one (1) open end and the other end terminating in a vehicular turnaround.

Dedication shall mean setting aside property for a specific purpose, including, but not limited to streets, utilities, parks and trails.

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

Development concept master plan shall mean a scoping master plan intended to illustrate future land uses and related densities and intensities, architectural intent, extensions of street systems and other public facilities and utilities.

Development or subdivider's agreement shall mean a written instrument, for the purposes of specifying all improvements to be constructed by the subdivider, as well as the timetable for construction of such improvements, any special conditions of construction and construction cost estimates.

Dust abatement plan shall mean a plan intended and designed to control dust during the construction or development of property.

Easement shall mean a right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose.

Floor area, gross shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level, or from the center lines of walls separating two (2) buildings and excluding areas used exclusively for the service of the building, such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, or any floor space in accessory buildings or areas within the building which are intended for the parking of motor vehicles.

Legal description shall mean a land description recognized by law, including the measurements and boundaries.

Lot shall mean a parcel of land, established by a subdivision plat, having a minimum width of at least twenty (20) feet which shall be located on either a public right-of-way or on a legal and perpetual access and which is occupied or designed to be occupied by one (1) or more principal buildings, structures or uses.

Minor subdivision shall mean a subdivision procedure that may be used for division of a parcel of land into not more than ten (10) lots or building envelopes which are intended for residential use; or into not more than six (6) lots which are intended for commercial or industrial use; or for the creation of lots not less than eighty (80) acres in size, the plat of which does not propose new streets or municipal financial participation in any public improvements required as a result of said proposed plat. A *minor subdivision* may also be used for the aggregation of not more than ten (10) parcels into one (1) or more parcels, the dedication and/or

vacation of easements, the division of a parcel of land into lots for existing townhouse dwellings and for adjustments in lot lines.

Oil and gas operations shall mean exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well, including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

Outlot shall mean a tract of land platted in a subdivision for a specific purpose which shall be shown on the face of the plat. Specific purposes may include, but are not limited to drainage areas, stormwater detention or retention areas, parks, open space or land areas reserved for other public facilities.

Parcel shall mean a unit or contiguous units of land in the possession of, or recorded as the property of, any person, partnership, joint venture, association, corporation or other legal entity.

Perimeter treatment plan shall mean a plan ~~designed for the installation and perpetual maintenance of improvements~~ intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. Perimeter treatment also provides an attractive and varied streetscape for people traveling along thoroughfares. Perimeter treatment is generally located on the fringes of a lot facing public rights-of-way, unlike a buffer yard that screens against directly adjacent uses. Said plan shall include materials, techniques and sizes of buffering treatments, such as landscaping, fencing, screen walls, berms or a combination thereof sufficient to provide adequate buffering. ~~The perimeter treatment plan may be incorporated into and shown on the landscape plan.~~

Plat shall mean a subdivision map or plan of property.

Plat, correction shall mean a plat prepared for the purposes of correcting one (1) or more technical errors in an approved plat.

Plat, filing shall mean a subdivision map used in conjunction with a Planned Unit Development, to identify the legal boundaries of a lot or grouping of lots.

Plat, final shall mean a completed map of a subdivision setting forth fully and accurately all legal and engineering information, survey certification and any accompanying materials as required by this Chapter.

Plat, lot line adjustment shall mean a monumented survey illustrating existing and proposed lot lines and existing improvements in proximity to said lot lines.

Plat, preliminary shall mean a proposed subdivision map and any accompanying materials as required by this Chapter, which provide sufficiently detailed information so that preliminary agreement as to the form and content of the plat, within the objectives of this Chapter, may be reached between the subdivider and the City.

Public improvement shall mean any improvement required by this Chapter for which the City or a quasi-public agency agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the City or a quasi-public agency is already responsible. Such facilities include, but are not limited to, streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television and other utility facilities.

Public structure, activity or purpose shall mean a structure, activity or purpose owned or operated by a governmental agency or by a nonprofit corporation with tax-exempt status under the federal Internal Revenue Code, if the nonprofit corporation makes the structure or facility available for the use of all members of the public without regard to membership status.

Replat shall mean the minor subdivision procedure which may be used for boundary or lot line adjustments to legally subdivided lots, or to correct errors in surveys or plats.

Right-of-way shall mean a right granted by a property owner and which is intended to be occupied by a street, sidewalk, railroad, utilities and other similar uses.

Stormwater management plan shall mean a plan for the management of stormwater drainage and control prepared in conformance with the regulations for stormwater management, adopted by the Colorado Department of Public Health and Environment; and further, including a plan for erosion and sediment control pursuant to the requirements of Chapter 9.18 of this Code, including its references. Refer to the City's *Storm Water Drainage Design Criteria Manual* for additional information.

Street shall mean a way for vehicular, pedestrian or bicycle traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street, arterial shall mean those streets that permit relatively unimpeded traffic movement throughout the City and connecting to outside communities.

Street, arterial major shall mean those arterial streets designed to carry traffic volumes greater than twenty thousand (20,000) vehicles per day when the property which the arterial street serves is fully developed, and which permit rapid and relatively unimpeded traffic movement throughout the City, connecting major land use elements as well as connecting to outside communities.

Street, arterial minor shall mean those arterial streets designed to carry traffic volumes greater than fifteen thousand (15,000) vehicles per day when the property which the arterial street serves is fully developed, and which permit relatively unimpeded traffic movement and are intended for use on routes where four (4) moving lanes and one (1) turn lane are required but where a major arterial cross-section is not warranted.

Street, arterial parkway multi-modal shall mean those streets designed to carry traffic volumes greater than thirty-five thousand (35,000) vehicles per day when the property which the arterial street serves is fully developed and which permit rapid and relatively unimpeded traffic movement regionally and throughout the City, with emphasis on multi-modal connections.

Street, collector shall mean those streets that collect and distribute traffic between arterial and local streets and serve as main connectors within the City, linking one (1) neighborhood with another and which carry traffic with an origin or destination within the community.

Street, collector major shall mean those collector streets designed to carry traffic volumes greater than ten thousand (10,000) vehicles per day when the property which the collector serves is fully developed, and which permit relatively unimpeded traffic movement and are intended for use on those routes where four (4) moving lanes are required but where a larger classified street is not warranted.

Street, collector minor shall mean those collector streets designed to carry traffic volumes greater than three thousand five hundred (3,500) vehicles per day, which collect and distribute traffic between arterial and

local streets and which serve as main connectors within communities, linking one (1) neighborhood with another.

Street, local shall mean those streets which provide direct access to adjacent property and which carry traffic with an origin or destination within the immediate neighborhood.

Street, local commercial/industrial shall mean those local streets designed to carry traffic volumes of up to five thousand (5,000) vehicles per day and which provide direct access to adjacent property.

Street, local low volume shall mean those local streets designed to carry traffic volumes of up to five hundred (500) vehicles per day and which provide direct access to adjacent property, serving large residential lots with a minimum lot size of two (2) acres.

Street, local major shall mean those local streets designed to carry traffic volumes greater than one thousand five hundred (1,500) vehicles per day and which provide parking, bike lanes and direct access to adjacent property.

Street, local residential shall mean those local streets designed to carry traffic volumes of up to one thousand five hundred (1,500) vehicles per day and which provide direct access to adjacent property.

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

Subdivider or developer shall mean any person, partnership, joint venture, association or corporation, or other legal entity who or which shall participate as owner, promoter, designer, builder or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision.

Subdivision shall mean the division of a lot, tract or parcel of land into two (2) or more lots, tracts or parcels, or other division of land in compliance with the requirements of this Chapter.

Townhouse dwelling shall mean a dwelling in a building which contains two (2) or more dwellings, each of which is individually owned, along with the land area which constitutes the lot on which the townhouse dwelling is situated. To qualify as a townhouse dwelling, the structure must comply in all respects with applicable Building Codes and each dwelling unit must be separated by a fire wall, if required by applicable City codes.

Tract shall mean a parcel or parcels of land intended to be further subdivided before development at some point in the future, but which may be initially created as tracts through a subdivision process.

Use shall mean the type of activity for which land or a building or structure is designated, arranged or intended and also means the activity which regularly takes place upon the land or in a building or structure on the land. Not all uses shall be considered legal or permitted uses.

Vacation shall mean the legal abandonment of a right granted by a property owner, which was intended for a particular purpose, such as for streets or utility lines.

Section 5. Section 18.42.030 of the Greeley Municipal code is hereby amended to read as follows:

18.42.030 – Definitions

The following terms as used in this Chapter shall have the following meanings:

All-weather surface shall mean a ground surface covered with bricks, concrete precast paver units, concrete, asphalt or asphaltic or rubber mixture which may include compacted sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with noncompacted gravel shall not be considered an *all-weather surface*.

Driveway shall mean an improved concrete or asphalt path, either as one (1) solid pad or two (2) wheel strips, leading directly to one (1) or more City-approved parking spaces constructed with a concrete, asphalt or similar all-weather surface.

Driveway, angled shall mean a driveway which diverges from the approved driveway access at an angle for the purpose of creating access to a legal parking space, and which does not increase the width of the existing driveway at the street, curb or sidewalk.

Driveway extension shall mean an area adjacent and parallel to an existing driveway for the purpose of expanding the parking area in front of a garage.

Gross floor area (GFA) shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level, or from the center lines of walls separating two (2) buildings and excluding areas used exclusively for the service of the building such as mechanical equipment spaces and shafts, elevators, stairways, escalators, ramps, loading docks, cellars, unenclosed porches, attics not used for human occupancy, any floor space in accessory buildings, or areas within the building which are intended for the parking of motor vehicles.

Oversized commercial vehicle shall mean a vehicle weighing at least eight thousand (8,000) pounds and used in conjunction with a business. Oversized commercial vehicles include, but are not limited to, semi tractors with or without trailers, tow trucks and utility service trucks.

Oversized vehicle, for the purpose of this Chapter, shall mean a vehicle exceeding one (1) ton or two thousand (2,000) pounds.

Parking shall mean the parking or leaving of an operable, licensed vehicle, current in its registration, for a temporary period.

Parking areas or lots shall mean areas designed, used, required or intended to be used for the parking of motor vehicles, including driveways or access ways in and to such areas, but excluding public streets and rights-of-way.

Parking, shared shall mean the development and use of parking areas on two (2) or more separate properties for joint parking use by the land uses on those properties.

Parking slab shall mean a paved parking space located off-street and designed to accommodate one (1) or more standard-sized motor vehicles.

Parking space shall mean a space or stall delineated by striping within a parking area established in conformance with this Code.

Parking space, storage shall mean a space for the storage of operable, licensed vehicles, current in registration, including recreational vehicles or equipment, for a period of thirty (30) days or longer.

Parking structure shall mean a parcel of land devoted to a multistory structure for the primary purpose of containing parking spaces.

Parkway shall mean the strip of land typically located between the sidewalk and curb, also referred to as a tree lawn.

Recreational equipment shall mean equipment intended for outdoor recreational use, including but not limited to snowmobiles, jet skis, all-terrain vehicles (ATVs), canoes and boats and including the trailers for transporting such equipment (see also *recreational equipment, major* and *recreational equipment, minor*).

Recreational equipment, major shall mean boats that exceed eighteen (18) feet in length, utility trailers that exceed the dimensions of five (5) feet by eight (8) feet and enclosed utility trailers that exceed the dimensions of five (5) feet by eight (8) feet and are more than three (3) feet in height.

Recreational equipment, minor shall mean boats that are eighteen (18) feet or less in length, utility trailers that are five (5) feet by eight (8) feet in size or less, canoes, snowmobiles, jet skis, all-terrain vehicles (ATVs) and similar small and low-profile outdoor recreational equipment.

Recreational vehicle shall mean a vehicle which is designed, intended and used for purposes of temporary living accommodation for recreation, camping and travel use, including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes, horse trailers and bus campers. For the purposes of this definition, neither a pop-up trailer nor a truck topper accessory (also known as a camper shell) which is not higher than eight (8) inches above the truck cab when installed shall be considered a recreational vehicle. A horse trailer used primarily for transport of horses and/or livestock to or from the site it is stored upon shall not be considered a recreational vehicle under this definition.

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

Yard, front or street side shall mean that portion of a lot between the primary structure and right-of-way. shall means the space or area of a lot between every point on the front of a principal building and the front property line of the site, typically adjacent to the street, which extends the full width of the site, and measured perpendicularly to the building at the closest point to the front property line. On a corner lot, space or area adjacent to the shorter street rights-of-way shall be considered the front yard.

Yard, rear shall mean the space or area of a lot between the rear property line of the principal building and the rear property line of the site, extending the full width of the site, and measured perpendicular to the building at the closest point to the rear property line.

Yard, interior side shall mean an open-space area between the interior side property line and the building setback line, extending between the front building setback line and the rear building setback line.

Yard, side street shall mean the area extending between the front yard and the rear yard or rear street yard and situated between the side street property line and the face of the principal building which is parallel to, or most nearly parallel to, the side street property line.

Section 6. Appendix 18-B of the Greeley Municipal Code is hereby amended in part to add, amend or delete the following definitions in alphabetical sequence to read as follows:

APPENDIX 18-B – Definitions

The following words, terms and phrases, when used in this Code, shall have the meanings defined as follows:

American National Standards Institute (ANSI) shall mean the standards by said organization that helps development in the use have an equitable and open process that serves industry and the public good, having a consensus in standards development; ANSI's essential requirements.

Architectural landscape design shall mean the design of outdoor areas, landmarks, and structures to achieve environmental, social-behavioral, or aesthetic outcomes. It involves the systematic design and general engineering of various structures for construction and human use, using existing social, ecological, and soil conditions and processes in the landscape to produce desired landscaping.

Artificial turf shall mean any of the various synthetic fibers made to resemble natural grass.

~~Berm shall mean a mound of earth, higher than grade, used for screening, definition of space, noise attenuation and decoration in landscaping~~ have the same meaning as earthen berm.

Bioretention facility shall mean a landscaped stormwater element designed to concentrate or remove debris and pollution from surface water runoff by moving water slowly and horizontally at the surface through vegetation using gently sloped sides that cleanse water from pollutants and soil erosion before it enters the city's stormwater system.

Bioswale shall mean a channeled depression or trench that receives rainwater runoff (as from a parking lot) and has vegetation (such as grasses, flowering herbs, and shrubs) and organic matter (such as mulch) to slow water infiltration and filter out pollutants.

~~Buffer shall mean to promote separation and enhance compatibility between land uses of different intensities, within or adjacent to a development, or along roadways or other public areas through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof. The term buffer may also be used to describe the methods used to promote compatibility such as a landscape buffer.~~

Buffer yard shall mean that area intended to provide buffering between land uses of different intensities or along roadways or other public rights of way through the use of setbacks, landscaping, earthen berms, solid fences, walls, applicable bioretention facilities or a combination thereof. Unlike a perimeter treatment, a buffer yard is located on the rear yard or interior side yard of a lot and is not adjacent to streets or alleyways.

Caliper shall mean the diameter or circumference of a tree.

Certificate of occupancy (C.O.) shall mean a written certificate provided by the city signifying the subject building/structure (property) has complied with city standards allowing for use and occupancy.

Clear vision zone or area ~~zone or area~~ shall mean that area which the City requires maintenance of in order to preserve the sight distance and safety of motorists, pedestrians, and bicyclists by requiring an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian or bicyclist to avoid a collision.

Decision point distance shall mean where the clear vision sight distance triangle begins.

Diameter shall mean the size of an existing tree as measured through the tree trunk at 6-inches above ground level from the uppermost root flare.

Earthen berm shall mean a mound of earth, higher than grade, used for screening or buffering, the definition of space, noise attenuation, and decoration in landscaping.

Foundation plantings shall mean live plantings located immediately around the base of the foundation of a building façade that reflects the formal geometry of the structure.

Ground cover shall mean those materials that typically do not exceed one (1) foot in height used to provide cover of the soil in landscaped areas, which and shall may include a combination of, but not limited to include river rock, cobble, boulders, concrete pavers, grasses, flowers, low-growing shrubs and vines and those materials derived from once-living things, such as wood mulch. In no event shall weeds be considered ground cover.

Impervious shall mean any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, paved parking and driveway areas, compacted areas, sidewalks, and paved recreation areas.

Irrigation system shall mean an ~~automatically or manually controlled sprinkler system that supplies water to support vegetation~~ underground, automatic sprinkler system or above-ground drip system explicitly designed for watering vegetation.

Landscaped area shall mean an area for the planting of trees, shrubs, ground cover or a combination thereof and which is defined by an edge strip material or the adjacency of sod or lawn area.

Landscape plan shall mean a scaled graphic plan showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way, perimeter treatment, and other landscaped areas, ~~which may include any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, fences and benches. The landscape plan may include a perimeter treatment plan as defined in these definitions and shall delineate species, size and location of all landscape elements.~~

Landscaping shall mean any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to; fountains, reflecting pools, screening walls, solid fences, and benches.

Lawn shall mean a stretch of open, turf-grass covered land; artificial turf shall not be considered lawn or turf-grass.

Living fence shall mean a permanent hedge tight enough and strong enough to serve almost any of the functions of a manufactured fence, but it offers agricultural and biological services.

Maintenance of landscaping shall mean, as it pertains to Chapter 18.44, but not be limited to, regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, removing and replacing of dead plants, and the repair and replacement of ~~an~~ irrigation systems.

Mulch shall mean a natural planting material such as pine straw, coconut fiber, ground pine post peeling, or tree bark used to control weed growth, reduce soil erosion and water loss.

Native grass shall mean a native colorado grass.

Non-deciduous shall mean shrubs or trees, also called evergreens that keep their foliage year-round.

Open space, required shall mean that portion or percentage defined by the zoning standards of a lot required to be open and unobstructed. The area must not be covered by any structure or impervious surface, such as sidewalks or driveways, with the exception of required amenities and/or identity features, if amenities or identity features are required pursuant to subdivision and multi-family standards.

Open space, usable shall mean that portion of a lot or site excluding the required front yard area, which is not covered by any ~~unoccupied by principal or accessory buildings~~ and is available to all occupants of the building or site for recreational and other leisure activities that are normally customarily carried on outdoors. The area shall be unobstructed to the sky and shall have a minimum dimension of fifty (50) feet and a minimum area of six thousand (6,000) square feet. Usable open space ~~shall may~~ also include outdoor patios and plazas and recreational facilities, as determined in Chapter 18.38. Usable open space shall not include the required setback area from oil and gas facilities, rights-of-way, platted or built trails or sidewalks, parking lots, or occupied buildings.

Ornamental tree shall mean a deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree approximately fifteen (15) to twenty-five (25) feet in height.

Outlot shall mean a tract of land platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, ~~storm water~~ stormwater detention or retention areas, parks, open space, future development, or land areas reserved for other public facilities.

Parkway shall mean the strip of land typically located between the sidewalk and the curb, also referred to as a tree lawn.

Parking bay shall mean a group of parking stalls or vehicle parking spaces to accommodate fifteen (15) or more vehicles.

Passive recreation area shall mean an undeveloped space or an environmentally sensitive area that requires minimal maintenance. Entities such as the city's culture, parks, and recreation department may

maintain passive recreation areas for the health and well-being of the public and the preservation of wildlife and the environment. The quality of the environment and the "naturalness" of an area is the focus of the recreational experience in a passive recreation area.

Perennials shall mean non-woody plants, which may die back to the ground each year but continue to grow on an annual basis. Perennials shall also include cold weather bulbs and tubers and ornamental grasses that grow each year and shall count toward ground cover requirements.

Perimeter treatment plan shall mean a plan designed for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments, which border arterial or major collector streets. Perimeter treatment also provides an attractive and varied streetscape for people traveling along thoroughfares. Perimeter treatment is generally located on the fringes of a lot facing public rights-of-way, unlike a buffer yard that screens against directly adjacent uses. Said plan shall include materials, techniques and sizes of buffering treatments, such as landscaping, fencing, screen walls, berms or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into and shown on the landscape plan.

Permeable shall mean a material that allows liquids or gases to pass through it.

Pervious shall mean a surface that allows water to pass through; a surface that presents an opportunity for precipitation to infiltrate into the ground

Planting median shall mean an area in the approximate center of a city street, road, or state highway that is used to separate the directional flow of traffic or the center of two parking bays that provide vegetation and pedestrian accessibility to the principal building structure by way of a paved sidewalk.

Pollinator gardens shall mean gardens designed for the purpose of providing habitat for or attracting bees, butterflies, moths, hummingbirds, or other beneficial creatures that transfer pollen from flower to flower, or in some cases, within flowers.

Rain garden shall mean a soil absorption or filter system designed to be depression storage or a planted hole that allows water filtration and absorption of rainwater runoff from impervious urban areas, such as roofs and driveways walkways, parking lots, and turf-grass or sod areas. It is a type of bioretention facility designed to provide stormwater infrastructure improvements with vegetation. Typically shallow vegetative depressions with gentle slide slopes designed as individual stormwater receiving areas or linked to conveyance systems. Soils may or may not be amended in these facilities.

Required landscape area shall mean the area of required open space, according to the zoning district provisions in which the property is located, that are not allowed to be covered by buildings, paving, heavily compacted surfaces or other impervious

Right-of-way landscaping shall mean landscaping located within the public or private rights-of-way adjacent to a privately owned lot, outlot, or tract, including parkways.

Screening shall mean a method of reducing the impact of visual and/or noise intrusions through the use of plant materials, earthen berms, solid fences and/or walls, or any combination thereof, intended to block that which is unsightly or offensive with a more harmonious element.

Shade tree shall mean a woody plant, usually deciduous, that normally grows with one main trunk and has a canopy that screens and filters the sun in the summer and winter, respectively.

Sight distance (see clear vision area or zone).

Single-family dwelling shall mean a building or a portion of a building consisting of one or more rooms including living, sleeping, eating, cooking, and sanitation facilities arranged and designed as permanent living quarters for one family or household; may be attached to one or more than other dwelling units by one or more vertical walls and may have no more than one dwelling unit on any one lot. Whether within a lot, outlot, or tract within a public right-of-way, surfaces shall not include storage or outdoor display in any legally established area.

Site plan shall mean a ~~plan~~ set of drawings that property owner, builder, or contractor uses to make improvements to a property through graphic representation, whether computer-generated or hand-drawn, of the arrangement of buildings, parking, drives, landscaping, and any other structure that is part of a development project. ~~showing the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.~~

Sod shall mean the grass and the part of the soil beneath it held together by its roots or another piece of thin material typically used as lawn.

Soil amendments are elements added to the soil, such as compost, natural fertilizer, manure, or chemical fertilizer, to improve its capacity to support plant life.

Solid fence shall mean a fence that is opaque and provided the fence is composed of solid wood, composite, vinyl, or masonry.

Stamped (sealed/signed) documents shall mean technical drawings or documents prepared under and authorized by a licensed professional for city reviews and permitting legal records verifying authority, professional liability, and qualifications to practice.

Streetscaping or streetscape shall mean, as it pertains to chapter 18.44, rehabilitation, preservation, and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street-side setback and/or the public right-of-way.

Street tree shall mean a tree planted in close proximity to a street in order to provide ~~canopy shade~~ canopy shade over the street ~~to provide shade~~ and to soften the street environment.

Tree shall mean a large woody plant with one (1) or several self-supporting stems or trunks and numerous branches and may be deciduous or evergreen.

Tree lawn shall have the same meaning as the parkway.

Turf-grass shall mean a blend or mix of grasses most tolerant to the colorado climate, whether in sod or seed form when planted, intended to be regularly maintained as a lawn in urbanized areas. Artificial turf shall not be considered lawn or turf-grass.

Two-family dwelling shall mean a house with two families or a building connected by a common wall or parcel where there are two units. For example, a duplex is a two family dwelling.

Universal design shall mean the design of buildings, products, or environments, to make them accessible to all people, regardless of age, disability, or other factors. The term "universal design" was coined by the architect ronald mace to describe the concept of designing all products and the built environment to be aesthetic and usable to the greatest extent possible by everyone, regardless of their age, ability, or status in life.

Urban heat island shall mean an urban area that is significantly warmer than its surrounding rural areas due to modifications of land surfaces such as development and other human activities. The temperature difference is usually more significant at night than during the day.

Utility line clearance zones shall mean the minimum clearance horizontal or vertical standard determined by the utility holder. Obstructions and encroachments are prohibited.

Weed shall mean any plant not typically propagated by the horticultural trades and ground cover or shrub which is typically not typically installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic. Weed does not include native and naturalized plants, other than designated noxious weeds, grown in areas managed primarily for ecological services.

Xeric landscaping or xeriscape was coined by denver water in 1981 to help make water-efficient landscaping an easily recognized concept. Xeriscape is a combination of the word "landscape" and the greek word "xeros," which means dry. For the purposes of defining it in this chapter of the code, it shall mean the use of low-water or very low-water plants in place of plants that typically require more water to survive and include, but are not limited to, plants having a low or very low water requirement. Xeric landscaping does not mean the same as hardscaping or the use of rocks or rock mulch.

Yard, front or street side, for the purposes of Chapter 18.36, shall mean that portion of a lot between the primary structure and right of way. A yard may contain more land area than a setback area.

Yard, front shall mean that portion of a lot between the front façade of a primary structure and the right-of-way. A yard may contain more land area than a setback area. On a corner lot, space or area adjacent to the shorter street rights-of-way shall be considered the front yard.

Yard, interior side shall mean an open-space area between the interior side property line and the building setback line, extending between the front building setback line and the rear building setback line.

Yard, rear shall mean the space or area of a lot between the rear property line and the principal building, extending the lot's full width, and measured perpendicular to the building at the closest point to the rear property line.

Yard, street-side shall mean the area extending between the front yard and the rear yard or rear street yard and situated between the side street property line and the face of the principal building which is parallel to, or most nearly parallel to, the side street property line.

PLANNING COMMISSION SUMMARY

ITEM: Amendment to the City of Greeley Municipal Code, Title 18 – Development Code

FILE NUMBER: CU2018-0002

PROJECT: An Ordinance Repealing Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44. Amending portions of Chapter 18.04.110, 18.42.030; and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards

APPLICANT: City of Greeley, Community Development Department

CASE PLANNER: Marian Duran, Long Range Planner

PLANNING COMMISSION HEARING DATE: December 15, 2020

PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by staff and the public, and shall then make a recommendation to the City Council regarding the proposed repeal and amendments to the Development Code.

EXECUTIVE SUMMARY

The City of Greeley is requesting to repeal Chapter 18.44 – Landscaping and Buffering Standards and replace with Chapter 18.44 – Landscaping, Irrigation, Buffers, and Screening Standards in order to meet Imaging Greeley Comprehensive water conservation goals and City Council priorities. As a result of the changes to Chapter 18.44, Appendix D – Tree, Shrubs, and Ground Cover Lists would be repealed and definitions to the following Chapters below would also be amended (*see Attachment A - Chapter 18.44 – Proposed Amendment to Chapter 18.44 – Landscape Code, Attachment B – Proposed Amendments to Chapters 18.04 and 18.42, Attachment C – Proposed Amendments to Appendix 18-B, and Attachment C – Proposed Amendments to Appendix 18-B Definitions*).

- Chapter 18.04.110 - Definitions
- Chapter 18.42.030 - Definitions
- Appendix 18-B – Definitions

STAFF RECOMMENDATION

Approval

BACKGROUND

The Community Development Department recommends an update to the Landscape Code, Title 18.44, with an anticipated Final Adoption date in January 2021. The last rewrite of the landscaping code was in 2009 (Ordinance No. 2009-20), which added language that supports

water-wise landscaping methods and objectives to increase water saving measures. In 2015, Ordinance No. 2015-40 adopted the Landscape Policy Plan for Water Efficiency. The Landscape Policy Plan was a cooperative project, which involved the City Manager's Office, the Water & Sewer Department, CPRD (Culture, Parks, and Recreation Department), and Community Development. The goal was to develop policies that balanced the history of water acquisition and lifestyle values of the City of Greeley, while also seeking water efficiency. The 2015 Landscape Policy Plan for Water Efficiency is a sub-element of the Greeley 2060 Comprehensive Plan, but the Policy Plan is still in effect as part of the the Imagine Greeley Comprehensive Plan which promotes incentives, information, and training programs related to conservation through landscaping.

In the last five years, Greeley has experienced exponential growth and development that still often results in over-watering. In that time, the City has introduced new programs such as the Water Efficiency Audits, Water Restrictions, and Water Budgets to reflect how the community uses water. The Water & Sewer Department is also running a pilot program that encourages developers to implement a water-wise subdivision design.

In order to support these efforts and the 2015 Policy Plan for Water Efficiency goals, the updated code language is being proposed for Council's consideration. The revised Landscape Code includes modernized water conservation language that influences and encourages planting practices to reduce each property's overall water consumption. The update seeks to achieve City Council priorities and "Imagine Greeley: Comprehensive Plan" goals and to improve code enforcement action (*see Attachment D – Target Comprehensive Plan Objectives*).

The Landscape Code Update has been developed in-house, taking into account internal/external stakeholder comments and comments from a 15-person citizen advisory Landscape Code Update Committee. The Landscape Code Update Committee consists of landscape design professionals, including those working for developers and those active in construction and maintenance. The Committee met four times, commencing on August 28, 2020, where representatives provided input on what existing code elements work well and areas where new regulations would help achieve water efficiency goals and improve the development process.

KEY ISSUES/STAFF ANALYSIS

Article XIX, Section 19-1(b) of the Greeley Charter describes the Planning Commission's role in providing advice on land use matters to the City Council. These proposed changes are relevant for the Commission's review and recommendation for Council Consideration.

The updated landscape code language would not require single-family and two-family dwellings to convert their yards or adjacent parkway into water efficient design; instead, it promotes individual choice that allows and encourages water-wise design. For example, property owners may reduce front landscaping (including parkway) to 50% live material; the remaining property can be rock or mulch (natural/synthetic), as can all side and back yards. The "Life after Lawn" program educates property owners on how to convert their lawn to water efficient landscaping. Those who join the program and meet the 50% live material qualify for a rebate of up to \$1.00 per square foot of material that was converted. The Water Department calculates the amount of landscaping irrigable on each property in the Water Budget program – hardscape material is not included in the Water Budget calculations.

Additional changes have taken place at the subdivision stage. For example, if a developer or subdivider designs their subdivision with water-efficient landscaping, the Water & Sewer Department may reduce raw water dedication. The Water & Sewer Department is also working on a Water-Wise pilot program that reduces the raw water dedication for developers at the time of platting. Another incentive that these Landscape Code changes support and reinforce is the Shade Program run by the City Forestry Division, which is a low-cost tree-planting program. All these programs are opportunities for developers and individual property owners to receive credits or reductions, and they also help implement water conservation principles supported by this proposed set of code changes (*see Attachment A - Proposed Amendment to Chapter 18.44 – Landscape Code, Attachment B - Proposed Amendments to Chapters 18.04 and 18.42*).

The overarching changes to Chapter 18.44 are as follows.

1. The Purpose and Intent Section gives more prominence to land use compatibility and water efficiency, and promotes energy and ecological benefits at the regional, the community and neighborhood level, as well as upholding agricultural tradition and the Tree City USA designation.
2. Single-family and two-family lots are now only required to have 50% live plantings in yards visible from adjacent rights-of-way.
3. Buffer yards are not required along the entire length of the adjoining lot, but only where the most intense and differing land-uses exist. Additionally, the most intense buffer width requirement has decreased 60%, reducing the amount of land needed for buffer yards.
4. Perimeter treatment materials are reduced, although differences by street classifications remain. The language is clarified to help and helps the public understand who maintains perimeter treatments (i.e., an owners' association, metropolitan district, property owner, or a tenant).
5. Parking lots are now exempt from perimeter screening, as they already require parking lot screening. Screening for parking lots has also reduced from ten feet to eight feet. Medians are required when there are more than 100 parking spaces, with a minimum of two medians for every two bays.
6. Irrigation standards have been eliminated as code requirement and moved to a policy document, because best management practices often change with industry technology. Examples of these are rain sensors, automatic irrigation systems, subsurface and drip irrigation, irrigation audits, and temporary irrigation and hydrozones. These requirements will be in a separate landscape & irrigation policy manual developed primarily by the Water & Sewer Department.

PUBLIC NOTICE AND COMMENT

Staff also conducted an online public survey that ran from October 28 through December 3, available in both English and Spanish (*see Attachment E – Landscape Code Update Survey Results and Questions*). Staff also hosted a virtual public webinar on November 5. The meeting provided information regarding the importance of water conservation and limited water supplies, Greeley's landscape tradition, and why it is essential to continuously review the Landscape Code in order to support City water efficiency goals. There have been 85 survey responses to date. Common themes are that the public cares about water conservation and is supportive of water-efficient landscaping (*see Attachment D - Target Comprehensive Plan Objectives*).

There was a Planning Commission worksession to present the Landscape Code Update on November 10 and a City Council worksession on December 8. There were no questions or comments at the worksession, but there were later discussions through email and at the November 24th PC hearing from a Commissioner, sharing their concerns of overwatering in parkways and asked how these areas would be regulated by the City. Staff explained that subdivision applications are required to submit a landscaping and irrigation plan that illustrates perimeter a buffer yard(s) (if, required), outlots, common open space, and all parkway landscaping. The developer must install required landscaping. Perpetual maintenance is required by either the adjacent property owner or the HOA (Home Owners Association). The Community Development Department, and Water and Sewer Departments encourage the use of more xeric landscaping as part of the review of new subdivision applications. The intent and purpose of Title 18.44 is to continue the historical tradition of streetscape streets. Street trees provide shade to those that use sidewalks and provide a beautiful tree-lined promenade, which helps maintain that Tree City USA designation. The updated Code language states that each newly developed lot will be required to have one tree in the front yard and trees in parkways 35 feet apart to reduce the overcrowding of trees.

Staff also received a letter from resident on November 2, 2020, expressing opinions of how the City can take steps on water conservation, incentives, and enforcement to name a few (*see comments in Attachment F - Public Correspondence*).

A formal notice was submitted to the Tribune on December 3, 2020.

PLANNING COMMISSION RECOMMENDED MOTION

A motion that, based on the Project Summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 18 of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council.

ATTACHMENTS

- Attachment A – Proposed Amendment to Chapter 18.44 – Landscape Code
- Attachment B – Proposed Amendments to Chapters 18.04 and 18.42
- Attachment C – Proposed Amendments to Appendix 18-B Definitions
- Attachment D – Target Comprehensive Plan Objectives
- Attachment E – Landscape Code Update Survey Results and Questions
- Attachment F – Public Correspondence

REPEAL**18.44 – Landscaping and Buffers Standards****ADD**

Chapter 18.44
Landscaping, Irrigation, Buffers and Screening Standards

18.44.010 - Purpose and intent.

- (a) As the City of Greeley's local population grows and development density increases in designated areas, it must protect a natural sense of place and character through the preservation, protection, and enhancement of the existing natural and planted landscapes, as well as upholding Greeley's agricultural tradition and "Tree City USA" designation that holistically furthers the goals of the [Comprehensive Plan](#).
- (b) Aesthetics and walkability. These standards enhance the aesthetic condition of Greeley's communities, along its thoroughfares and in its public spaces by:
- (1) Using landscape material to define the hierarchy of roadways visually and to provide shade;
 - (2) Coordinating the public frontage with the private frontage;
 - (3) Preserving and protecting the aesthetic qualities that contribute to Greeley's unique character and the economy that such qualities attract;
 - (4) Providing visual screening, where appropriate; and
 - (5) Reducing visual pollution from the built environment and increasing separation between incompatible uses;
- (c) Health and safety. These standards enhance the health, safety, welfare, and quality of life in Greeley's communities, along its thoroughfares, and in its public and private spaces by promoting the application of trees and landscaping to:
- (1) Improve air quality;
 - (2) Provide seasonal shade and temperature regulation to moderate the urban heat island effect;
 - (3) Limit glare created by exterior lighting;
 - (4) Provide a partial barrier between sidewalks and vehicular lanes; and
- (d) Environment and energy. These standards promote ecological benefits at the regional, community, and lot level by:
- (1) Conserving energy and other limited resources used in buildings through strategic shading and windbreaks;
 - (2) Intercepting precipitation by vegetative canopies to reduce stormwater runoff and its associated costs;
 - (3) Preserving and protecting sensitive natural land or features, open areas, wildlife habitat, and waterways;
 - (4) Mitigating erosion and sedimentation which negatively impact streams and rivers; and
 - (5) Restoring soils and surrounding land disrupted as a result of construction or grading.
- (e) Water Efficiency. These standards uphold [Greeley's Landscape Policy Plan for Water Efficiency](#), promoting responsible stewardship of Greeley's limited water resources for the benefit of present and future generations by:

- (1) Conserving water through water-smart landscape design which utilizes xeriscape principles;
- (2) Encouraging efficient irrigation practices and the use of native and climate adapted plants;
- (3) Reducing high-water use turf and omitting it from impractical areas such as steep slopes and narrow strips; and
- (4) Amending soil pursuant to the Water Efficiency policy.

18.44.020 - Applicability of landscaping standards.

- (a) All development, except single-family and two-family dwellings, shall be classified as either major or minor development based on the following:
 - (1) Minor development.
 - a. Has a one (1) time increase of imperviousness or building gross floor area (GFA); and
 - b. Has between a five (5%) and a twenty-five (25%) percent increase for buildings or imperviousness less than 10,000 square feet; or
 - c. Has between a five (5%) and a ten (10%) percent increase for buildings or imperviousness between a minimum of 10,000 square feet and not greater than 20,000 square feet.
 - (2) Major development.
 - a. Has a twenty-five (25%) percent increase for buildings or imperviousness greater than 10,000 square feet.
- (b) Alternative compliance. In conjunction with a development application, the City may waive one (1) or more of the provisions contained herein, if the applicant or developer proposes modifications and alternatives to the required landscape design and materials, which are equal or greater in design than what is being proposed and meet the purpose and intent of this Chapter.
- (c) Exemptions. The landscaping requirements of this Chapter shall not apply to the following:
 - (1) A change of use within existing infill sites that do not qualify or meet the threshold for a major or minor site alteration.
 - (2) A one (1) time increase of use and building gross floor area (GFA) that is less than five (5%) percent.
 - (3) Interior or exterior rehabilitation or remodeling of an existing building that does not involve the expansion of the gross floor area of a building on a lot.
 - (4) A property located within the General Improvement District (GID) pursuant to Section 18.34.220.
 - (5) A property located within the Redevelopment District Site on a case-by-case determination of the City.

18.44.030 - Landscape plan requirements.

- (a) Landscape plan requirements apply to all major developments as defined herein:
 - (1) Landscape plans shall be prepared and stamped by a Colorado registered landscape architect unless waived by the Director of Community Development.
 - (2) A certificate of occupancy shall be issued pursuant to Section 18.44.050 (b)(1).

18.44.040 - General landscaping design standards

- (a) General landscaping design standards apply to all major development as defined herein:
 - (1) Entry corridors must incorporate an architectural landscape design.
 - (2) Planting types to be incorporated into a landscaping may include shade trees, ornamental trees, non-deciduous trees and shrub, deciduous shrubs, and perennials.
 - (3) Landscaping provisions shall not be cumulative or overlapping. When more than one (1) standard applies in the same area of a lot, the Community Development Department shall determine the most restrictive landscape standard applicable to the area.

(4) Bioswales, water quality ponds, and rain gardens. Bioswales, water quality ponds, and rain gardens may be installed and are encouraged to infiltrate runoff from parking lots, streets, civic spaces, and other impervious surfaces.

- a. Bioretention facilities such as bioswales, water quality ponds, and rain gardens that are integrated into, or part of, a stormwater system shall adhere to the [Storm Drainage Design Criteria and Construction Specification document and Urban Drainage Criteria Manual](#), as amended. See Figure 18.44-1 for reference.



Figure 18.44-1: Bioretention facilities

- (5) Site landscape requirements that propose stormwater and erosion control methods shall find specifications in the [Storm Drainage Design Criteria and Construction Specification](#) manual, as amended.
- (6) Shall include foundation plantings where facades are visible from adjacent rights-of-way, open space, parking lots, trails and walks, and passive recreational areas.
- (7) Minimum Plant Sizes. The minimum plant size shall be consistent with Table 18.44-1 below:

Table 18.44-1 – Minimum plant size table

Plant Type	Plant size (Minimum)
Shade trees	2-inch diameter caliper, measured 6-inches above ground from the uppermost root flare
Ornamental trees	1½ - inch diameter caliper, measured 6-inches above ground from the uppermost root flare
Non-deciduous trees	6-foot in height
Shrubs	Volume #5 (ANSI Standards)*

**Shrubs may be substituted with large perennials (Volume #2 (ANSI standard)) or larger in size at a 3 perineal to 1 shrub ratio.*

(b) Applies to major and minor development, and single-family and two-family dwelling as defined herein:

- (1) Bare dirt or weeds are not allowed as ground cover or landscape material.
 - a. Acceptable ground covers or an approved synthetic ground cover shall be kept free of weeds.
 - b. Synthetic or non-plant ground covers shall not be counted towards the required live plantings coverage.
- (2) Artificial turf is an acceptable ground cover, but is only permitted in yards that are not visible from the public rights-of-way.
- (3) Landscape plantings shall be designed to establish water-efficient irrigation practices.
 - a. Water efficient, pollinator garden, and xeric landscaping shall be planted to promote water conservation.
 - b. Place xeric plants together with contrasting textures or forms to improve the aesthetic appearance of a yard and promote further water conservation.
 - c. Residential subdivisions that incorporate xeric planting designs in parkways, outlots, and common open space areas, may receive a raw water reduction on a case-by-case basis.
- (4) Native grass shall be planted in detention and retention ponds, and in areas that will not be highly trafficked by pedestrian activity.
- (5) Utility line clearance zones.
 - a. Landscaping shall not obstruct or grow into fire hydrants, water meter pits, utility boxes, public traffic signs, sidewalks, or utility boxes except to comply with the screening mechanical equipment.
 - b. Easements. No plant material with mature growth greater than three (3) feet in height shall be planted within potable water, sanitary or non-potable irrigation easements.
 - c. Meters, mains, and services. No shrubs shall be planted within five (5) feet or trees within ten (10) feet of potable and non-potable water meters, fire hydrants, sanitary sewer manholes, or potable water, sanitary sewer, and non-potable irrigation mains and services pursuant to Figure 18.44-2.
 - d. Overhead lines. Trees or shrubs may encroach into the utility clearance zone, but shall never touch or bump into overhead phone or utility lines when the landscape material has fully matured. Shorter ornamental trees with a maximum height of twenty (20) feet are typically acceptable, but shall follow service provider guidelines.
 - e. Storm water detention areas. Placement of floatable, erodible, or any other landscape materials, which may be determined to produce pollutants that negatively affect the quality of stormwater runoff shall not be permitted near drainage, stormwater detention, or 100-year floodplain areas.

No plant material with mature growth greater than 3' in height shall be planted within a potable water, sanitary, or non-potable irrigation easements.

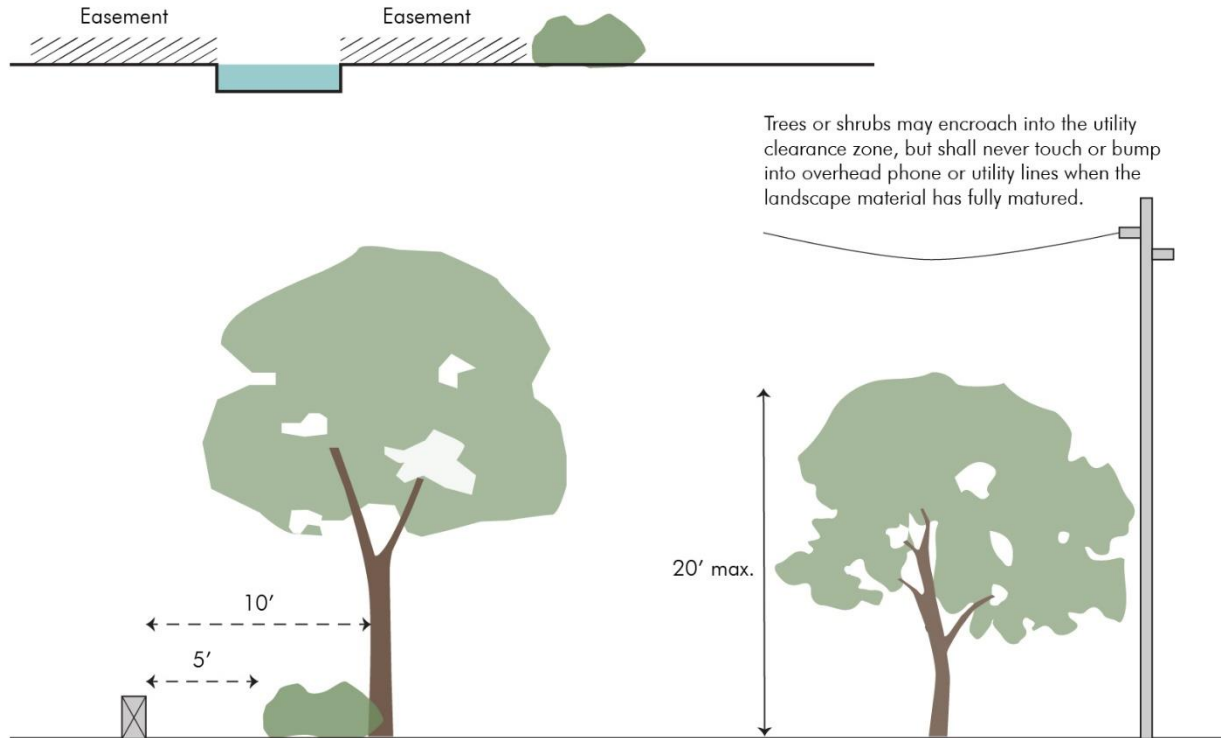


Figure 18.44-2: Utility line clearance zones

- (6) Clear vision-sight distance triangle. For safety and visibility purposes, a sight distance triangle shall be created and maintained in which no landscape materials, earthen berms, or other visual obstructions are present. The clear vision sight distance triangle shall have a fifteen (15) foot decision point distance and a conflicting vehicle distance measurement. It is measured perpendicular fifteen (15) feet from the projected flow line of the intersecting street, driveways, and alleys.
 - a. The conflicting vehicle distance measurement is dependent on the street classification and speed of major street pursuant to the City's [Design Criteria and Construction Specifications](#), as amended. It must allow full view of traffic approaching on the left or the right of the minor road pursuant to Figure 18.44-3.

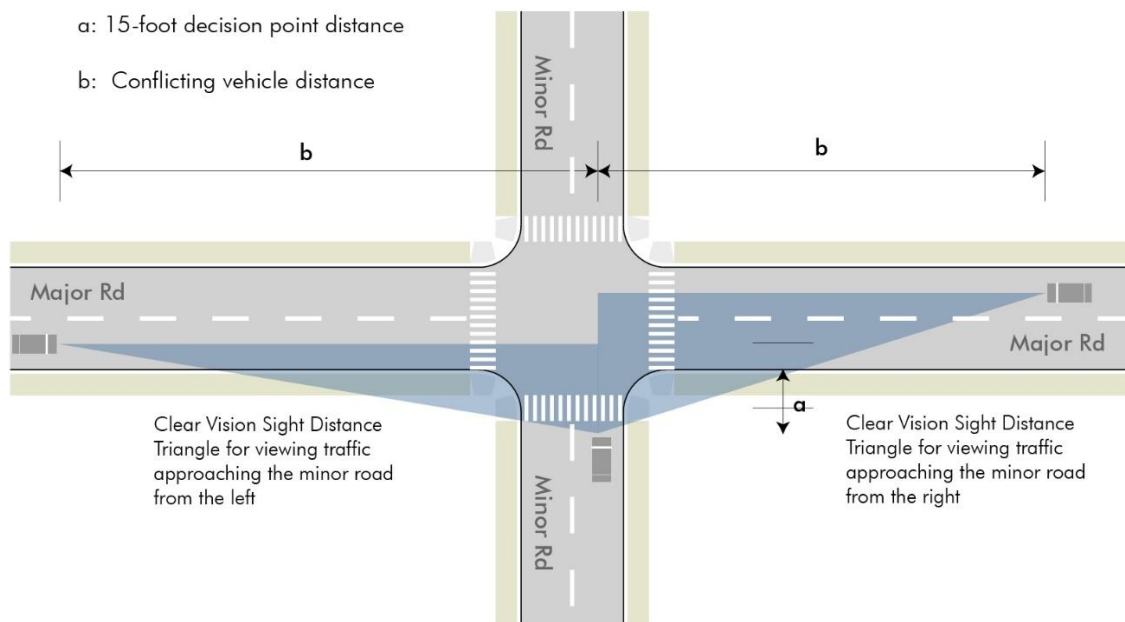


Figure 18.44-3: Clear Vision Sight Distance Triangles

- b. Landscaping proposed within the required clear vision sight distance triangle shall not be taller and shall be maintained at a height no greater than thirty (30) inches above the adjoining street level.
- (7) Right-of-way planting permit. A right-of-way planting permit shall be required for any trees and landscape material with a mature height of over eighteen (18) inches planted within a public rights-of-way.
- (8) Prior to the installation of turf-grass and/or other plant materials in areas that have been compacted or disturbed by construction activity, such areas shall follow soil amendments pursuant to [Title 14.08](#) and the [Water and Sewer lawn installation specifications](#).
- (c) Alternative.
 - (1) Utility easements or utility lines that conflict with required landscaping such as but not limited to, buffer yards, perimeter treatment, rights-of-way, parkway, and median standards shall require an alternative design that is equal to or greater than what is typically required by this chapter when landscape standards are encumbered by utility easements.
 - (2) Short rooting plantings such as perennials may be planted along utility easements and other utility line paths.

18.44.050 - Installation and Maintenance.

- (a) Installation and maintenance shall apply to all major, minor, and single-family and two-family dwellings as defined herein:
- (b) All major development.
 - (1) Required installation and inspections. Prior to the issuance of a certificate of occupancy the following provisions shall be executed:
 - a. A stamped letter of substantial completion shall be provided by a licensed landscape architect or a certified irrigation auditor.
 - b. All subdivision landscape installation must have complete common open space, outlots, street trees, and perimeter treatments installed prior to the first issuance of a certificate

of occupancy or through a landscape or development agreement that includes a phasing arrangement.

- (2) All landscaped areas, including but not limited to, bioretention facilities, bioswales, rain gardens, detention areas, common open space areas, medians, and perimeter treatments shall be maintained in perpetuity by a homeowner or business association unless otherwise noted in a development agreement, a plat, or a recorded document, and as accepted and approved by the City.
 - (3) Approval. Approved landscaped material may be inspected by the City periodically throughout the life of development.
- (c) All major and minor development.
- (1) An inspection shall be performed by the City, for all new and changed landscape material
 - (2) Perpetual maintenance.
 - a. The developer, owners' association, property owner and/or tenant, as required by this Chapter, shall be responsible for the necessary maintenance of all on-lot, and rights-of-way landscaping, buffer yard, perimeter treatment, and screening improvements to be kept in healthy condition.
 - b. Property owners shall be responsible for the perpetual maintenance of the adjacent front parkway.
 - c. Landscape material on corner lots with a side or rear parkway shall be installed by a developer and maintained perpetually by a property owners association.
 - (3) Replacement. Failure to replace dead landscape materials within three growing seasons (spring, summer, or fall) from the date of issuance of Certificate of Occupancy, shall be considered a violation of the site plan approval and is subject to penalties pursuant to Chapter 9.18.180 of the Municipal Code.
- (d) Exceptions. If weather prevents the required landscaping from being installed, collateral in the form of a Financial Security Agreement, acceptable to the City, in the amount of one hundred twenty-five (125%) percent of the cost of materials and installation is to be provided to the City and approved prior to issuance of the certificate of occupancy.
- (1) Single-family dwellings and two-family dwellings. If not previously installed, all required on-lot and rights-of-way landscaping, excluding perimeter treatment and buffer yards, shall be installed in accord with the provisions of this Chapter, within one (1) year of the issuance of the certificate of occupancy.

18.44.060 - Irrigation systems.

- (a) Irrigation systems apply to all major and minor developments, and as applicable to single-family and two-family dwellings as defined herein.
- (b) All major developments:
 - (1) Irrigation system design required. In conjunction with a landscape plan, an irrigation system design shall be submitted to be reviewed and approved by the Water and Sewer Department.
 - (2) The irrigation system shall be fully functioning automative irrigation system, which is designed to minimize overspray and is installed in accordance with Water and Sewer design standards.
 - (3) Waiver. Existing infill developments located in the Redevelopment District may request a waiver from the Community Development Director, on a case-by-case basis.
- (c) All major and minor developments:
 - (1) The irrigation system shall include the following:
 - a. Subsurface and drip irrigation. Trees, shrubs, and plantings in bed areas such as landscape islands shall be designed to have clustering together plants with similar water requirements, and be irrigated by drip, bubbler systems, low volume spray heads, or subsurface irrigation systems.

- b. Temporary irrigation. A temporary irrigation system is only allowed where native grass has been installed on an undeveloped lot or part of a developed lot, an outlot, retention or detention pond, and it must be established within three (3) to four (4) seasons complying with the re-vegetation standards as provided in the [Storm Drainage Design Criteria and Construction Specification](#), as amended.
- c. After native grass is established, the temporary irrigation must be removed within three (3) months of after establishment is complete.
- (2) Irrigation audit. An Irrigation audit shall be required following installation of the irrigation system.
- (3) Automatic irrigation. Landscaped areas shall be served by a functioning automatic irrigation system, as determined by the Greeley's Water and Sewer Department policies.
- (d) All major and minor, including new single-family and two-family dwellings:
 - (1) Minimize overspray. Irrigation systems shall be designed and maintained to minimize overspray and runoff onto adjacent impervious surfaces, such as roadways, sidewalks, and parking lots.

18.44.070 - Landscape requirements for all zoning districts.

- (a) Landscape requirements for all zoning districts apply to all major and minor development as defined herein:
 - (1) The minimum percent of the site area required to be landscaped is fifty (50%) percent of the required open space standards established in each zoning district pursuant to Chapter 18.38.
 - (2) Where landscaping is used for screening, forty (40%) percent must be non-deciduous and sixty (60%) percent deciduous.
 - (3) Any part of a site not used for building coverage and main entrances, parking areas, driveways, sidewalks, or other site improvements shall be landscaped.
 - (4) All utility and ground-mounted electrical equipment planned and existing, and including but not limited to electric transformers, switch gearboxes, cable television boxes, telephone pedestals, and boxes, shall be screened with landscape material on the sides visible from the public rights-of-way that are not used for service access.
 - (5) Trash enclosures that do not have architectural design, trash receptacles, including loading docks, and the portion of the land-use area used as outdoor display and outdoor storage areas shall be screened with landscape material on the sides visible from public rights-of-way such as sidewalks, streets, and other areas from which the property is visible.
 - (6) For streetscapes, parking lot perimeters, and parking lot interiors, additional landscaping beyond the minimum standards may be required in order to:
 - a. Buffer dissimilar uses and activities.
 - b. Break up the massing of blank walls and large buildings.
 - c. Accent special features such as main entries and corridors.
 - d. Screen parking lot landscaping, buffer yard, rights-of-way landscaping, and perimeter treatment, and shall also meet the requirements of this Chapter.
- (b) Applies to all major and minor developments, and single-family and two-family dwellings as defined herein:
 - (1) Trees required on lot. Trees shall be planted on sites pursuant to the following:
 - a. All required trees shall comply with the minimum plant material sizes listed in Table 18.44-1, Minimum plant size table.
 - b. Existing mature trees may count toward these requirements pursuant to Section 18.44.120.
 - (2) Parkway standards. Landscaping within rights-of-way shall be provided subject to the following standards:

- a. New parkway development must have fifty (50%) live landscape material.
- b. Shade trees shall be planted at a regular spacing of a minimum of thirty-five (35) feet on center, except in perimeter treatment areas and parking lot islands.
 - (1) Single-family and two-family dwelling shall have no less than one (1) tree per street frontage.
- c. Shrubs and perennials shall not be taller than thirty (30) inches from the top of curb at maturity within the clear vision sight distance triangle, in all other areas in the parkway, shrubs shall exceed thirty-six (36) inches at maturity.



Figure 18.44-4: Parkway standards

- d. Street trees and shrubs must be those species suitable for the location in which they are placed and installed after sidewalks have been completed. Street trees and shrubs must be planted pursuant to Section 18.44.040 (a)(6), clear vision sight distance triangle provisions.
 - e. Xeric grasses are encouraged in parkways.
 - f. Street trees adjacent to sidewalks and streets, with a projection and an overhanging canopy greater than two (2) feet in length, shall have an upper height clearance of eight (8) feet above sidewalks and fourteen (14) feet above streets.
- (3) If existing healthy vegetation is retained on-site, it may be counted toward the landscape requirements pursuant to provisions of this Chapter.
 - (4) All landscape materials planted pursuant to the provisions of these guidelines shall be healthy at the time of planting and compatible with the local climate.

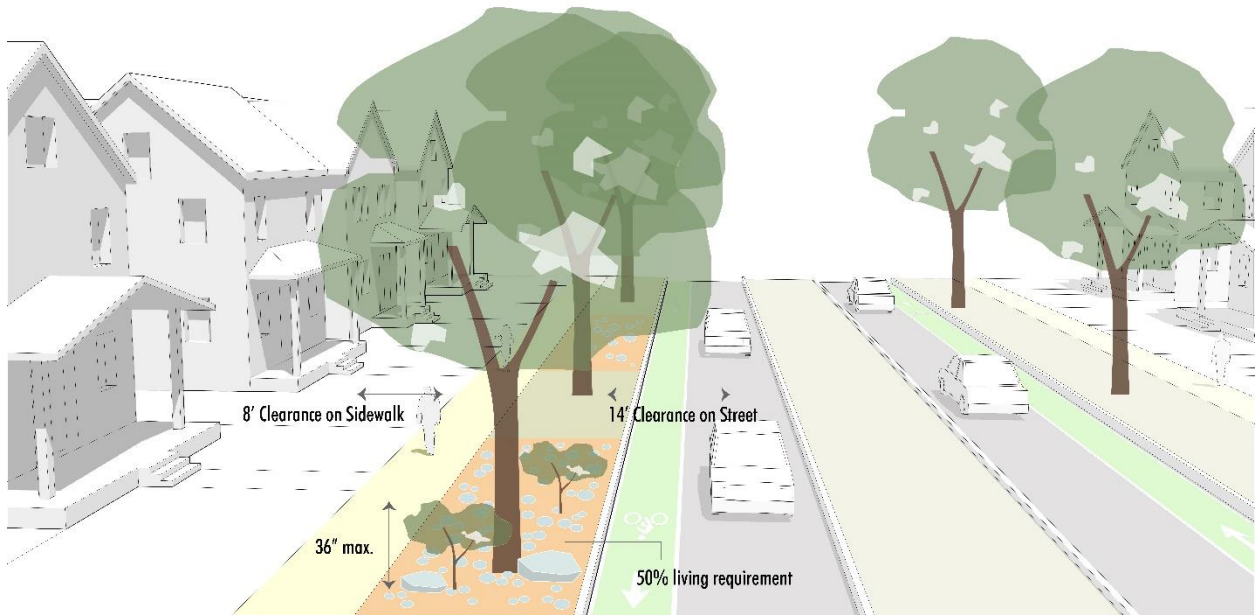


Figure 18.44-5: Tree sidewalk clearance

- (c) The following applies to all single-family and two-family dwellings only as defined herein:
- (1) A minimum of one (1) tree shall be planted on all single-family and two-family lots as follows:
 - a. One (1) tree shall be planted on lot in the front yard. Not including parkway requirements.
 - b. Additional trees, not otherwise required, are encouraged to be planted.
 - (2) A minimum of fifty (50%) percent live plantings shall be provided within all yards adjacent and visible from all rights-of-way, except for alleys, including typical and atypical lots pursuant to Figures 18.44-6 and 18.44-7.
 - a. All non-paved areas and yards not visible from adjacent rights-of-way must be landscaped with ground cover pursuant to Section 18.44.040 (b).
 - b. Driveways, walkways, patios, porches, and areas containing an accessory structure shall be included for the purposes of calculating the fifty (50%) percent landscape material requirement.

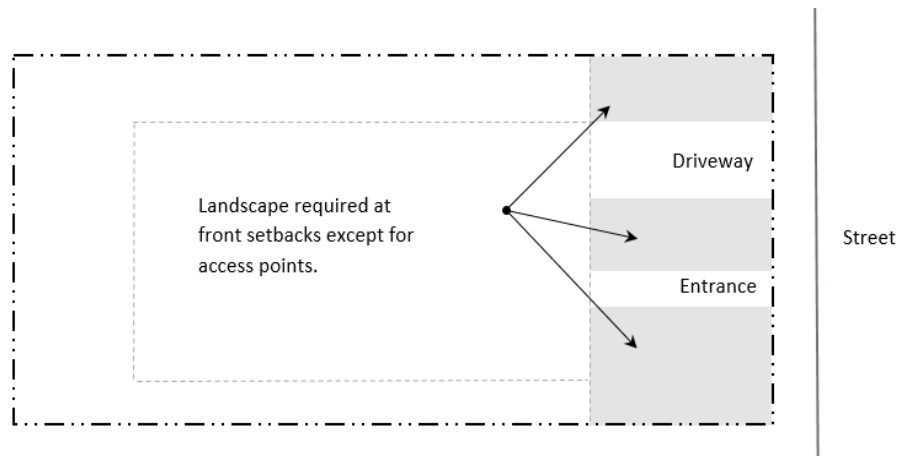


Figure 18.44-6: Typical Lot Frontage

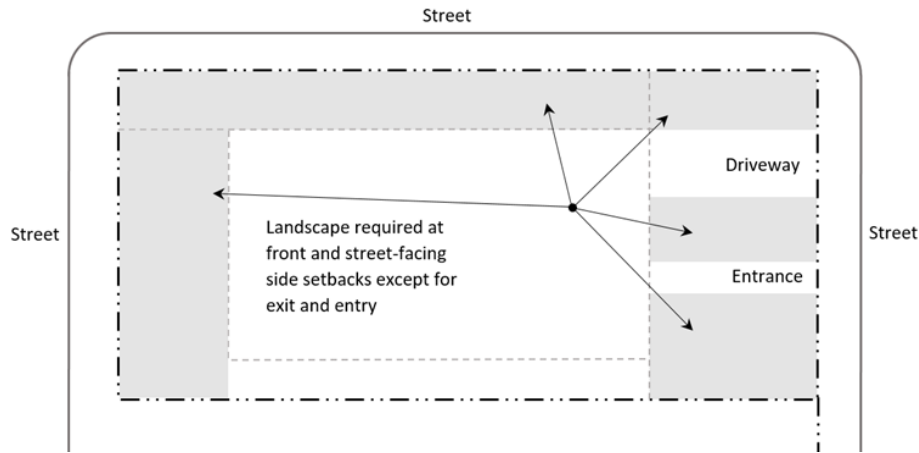


Figure 18.44-7: A-typical Lot Frontage

18.44.080 - Buffer yards standards

(a) Buffer yard standards apply to major development as defined herein:

- (1) The purpose of buffer yards is to provide a transitional effect between two (2) or more lots sharing a common property line. The buffer yard standards of this section also apply as follows:
 - a. All new development on vacant land adjacent to existing development.
 - b. New residential subdivisions are not exempt from this provision.
 - c. Oil and gas development located in non-urbanized areas shall be reviewed on a case-by-case basis.
 - d. Land uses separated by public rights-of-way, such as alleys and streets, shall not be considered adjacent for the purposes of this section.
- (2) Location of buffer yards.
 - a. Pursuant to Figure 18.44-8, buffer yards shall be located along the property line where the most intense and differing land-uses exist.
 - b. A buffer yard is required where the most intense use of abutting land uses may impact the adjacent property, such as, but not limited to a storage yard or a building development against a residency, or an open space park even with existing vegetation.
 - c. Buffer yards shall not be placed within any dedicated rights-of-way.

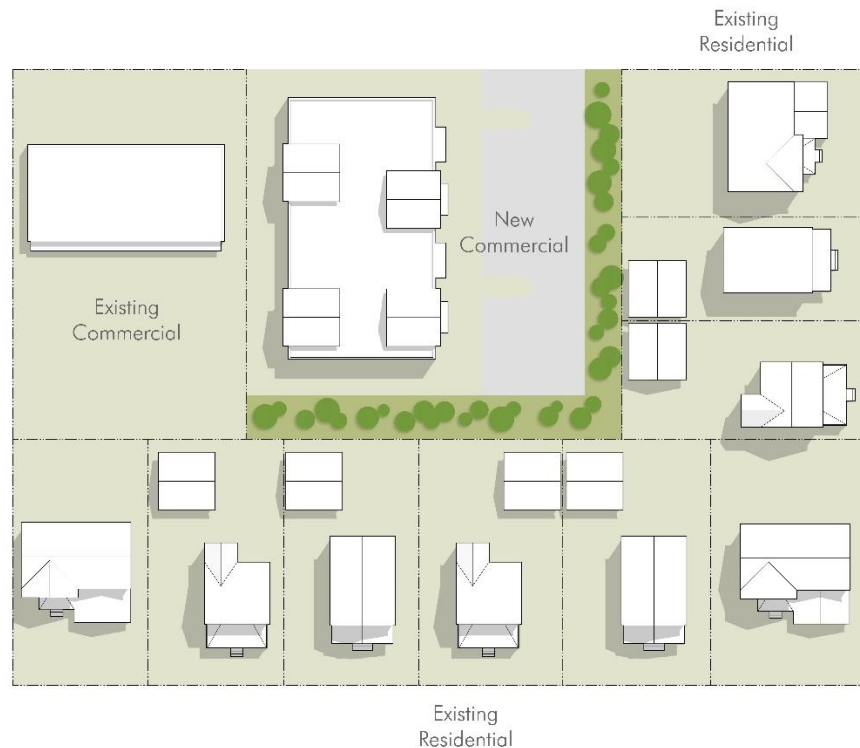


Figure 18.44-8: Buffer yard along differing land uses

- (3) Buffer yards may be interrupted, having a break, for necessary pedestrian and vehicle access.
- (4) Existing healthy vegetation within the required buffer yard area may be counted toward the required landscaping.
- (5) Landscaping requirements for buffer yards.
 - a. Non-deciduous trees are required to make up forty (40%) percent of the required trees.
 - b. In no event shall a perennial or shrub be smaller than thirty-six (36) inches in height at maturity.
 - c. Shrubs, ornamental grasses, and perennials may not be substituted for trees in the buffer unless the applicant has demonstrated to staff that the site is encumbered by utilities as described in Section 18.44.040 (b).
 - d. All plant material conversions shall be approved by the City on a case-by-case basis based on durability and appearance in the location where the materials are to be installed.
 - e. A solid wall or fencing is not required as part of a buffer yard, but if a solid wall or fence is provided, then the width of the buffer yard may be reduced by twenty-five (25%) percent.
- (6) Earthen berms are also encouraged as part of the buffer. Landscape material may be reduced by up to fifty (50%) percent if the site plan includes berming or other topographic features that achieves the intent of this section and are designed to complement adjacent properties.
 - a. Earthen berms shall have a slope with a horizontal to vertical ratio of no less than 3:1 ratio to no greater than a 4:1 ratio for turf-grass mowing, and must have a crown width of at least two (2) feet.
 - b. All berms, regardless of size, shall be stabilized with grasses, especially at the crown.
 - c. Berms proposed to be placed along street rights-of-way shall be designed and constructed to provide adequate sight distances at intersections and shall not impair the safe operation of vehicles.

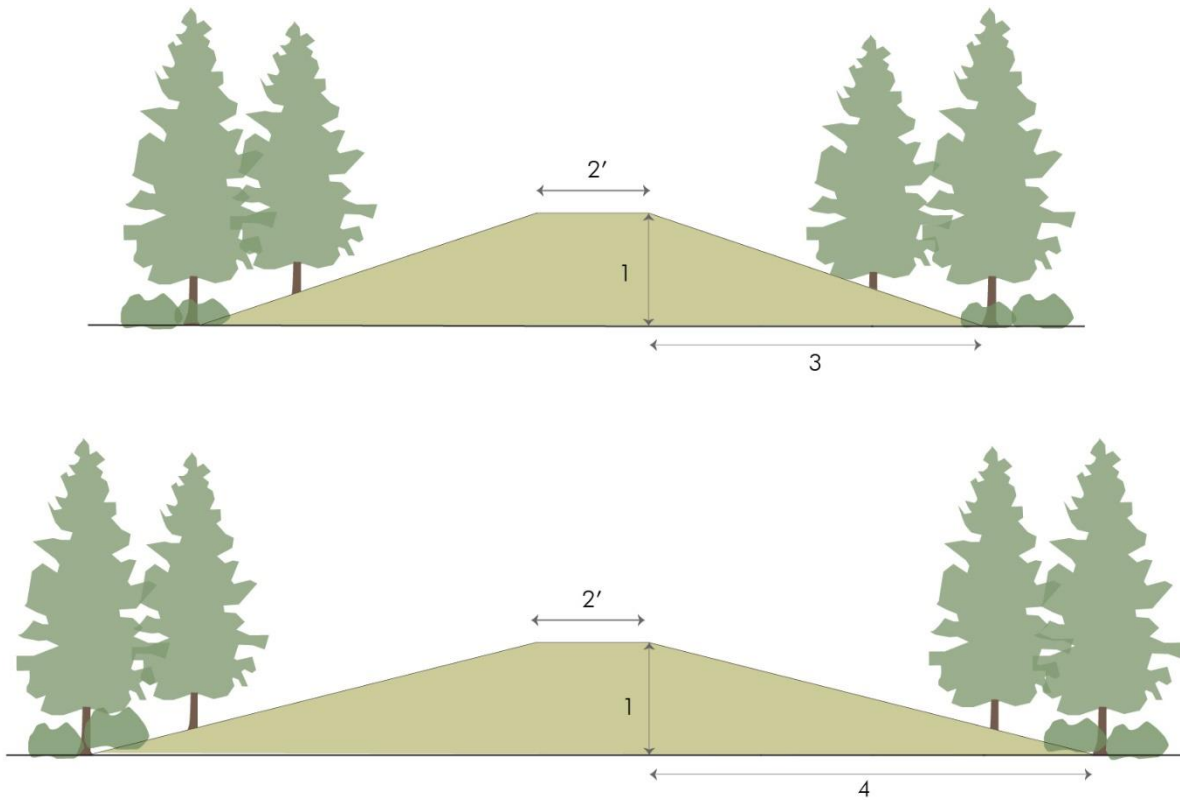


Figure 18.44-9: Earthen berms

(7) Minimum buffer yard requirements:

Table 18.44-2 – Land Use Intensity Table

Intensity	Land Use
Low-intensity use	Including but not limited to offices (2 stories or less), churches, schools, public facilities including recreational fields, community swimming pools, and similar facilities, daycare facilities, single-family, two-family, and multi-family development at less than 12 units per acre.
Medium-intensity use	Including but not limited to neighborhood commercial and service activities, retail operations under 3,000 gross floor area and typically do not operate 24-hours a day, restaurants (without drive-up windows), banks (without drive-up windows), convenience stores (without gasoline sales), offices (3 or more stories), multi-family development greater than 12 units per acre.
High-intensity use	Including but not limited to commercial activities that typically operate 24-hours, vehicle repair shops, service stations, drive-up window restaurants, and banks, car washes, hotels and motels, shopping centers, as well as light manufacturing activities and research facilities; or any commercial or industrial property that has a gross floor area greater than 3,000 square feet in size.
Very-high intensity use	Including but not limited to heavy-industrial uses, heavy manufacturing, truck terminals, mobile home sales, vehicle sales, heavy equipment sales, facilities involving outdoor storage and outdoor commercial recreation establishments; commercial or industrial properties typically greater than 20,000 square feet in size.

Table 18.44-3 – Minimum Buffer Yard Material and Width Table

Proposed Use:	Adjacent Shared Use:	Buffer Yard Quantity/Width:	Example Image:
No buffer yard is required when property is adjacent to another of use of the same intensity.			
Medium-intensity use	Low-intensity use	One (1) tree, eight (8) shrubs for every 50-linear feet; Minimum width: 10-feet wide	
High-intensity use	Medium-intensity use	One (1) tree, Ten (10) shrubs for every 35-linear feet; Minimum width: 10-feet wide	
Very-high intensity use	Medium-intensity use	One (1) tree, thirteen (13) shrubs for every 35-linear feet; Minimum width: 15-feet wide	
Very-high intensity use	High-intensity use	One (1) tree and five (5) shrubs 35-linear feet; Minimum width: 20-feet wide	

(8) Alternatives.

- a. If a development includes a vegetative water quality pond, decorative and articulated 6-foot tall solid wall, or an architectural landscape design, the property owner may request a ten (10%) percent reduction in the overall landscaping, except buffer yards and perimeter treatments.
- b. If the site has unique characteristics where buffering cannot feasibly be installed due to size constraints, minimal setbacks, or encumbrances a request for alternative compliance pursuant to Section 18.44.020 (b) and 18.38.140 may be granted.
- c. For infill sites only. A buffer yard may be replaced with two (2) or more public space concepts such as, but not limited to outdoor seating areas and dining with landscaping, gas or propane fire pits, fireplaces, grills and outdoor heaters, decking area and that are accessible and functional to the public, is sustainable in design, and engages the community with historical perspective or monumentation. This provision must be reviewed on a case-by-case basis and approved by the Community Development Director or Designee.

18.44.090 Parking lot landscaping standards

- (a) Parking lot landscape standards shall apply to all major and minor development as defined herein:

(b) Parking lots shall adhere to the setback standards pursuant to Chapter 18.38 - Zoning District Development Standards.

- (1) General parking lot landscape standards:
 - a. Landscaping must accommodate a two (2) foot vehicle curb overhang.
 - b. Shall incorporate a universal design.
 - c. Landscaping material such as shrubs or perennials, notwithstanding required trees, shall have a limited height of thirty-six (36) inches where vehicle visibility is necessary.
 - d. The total tree count shall be no less than one (1) tree per five (5) parking lot spaces.
- (2) Parking lot screening.
 - a. A minimum eight (8) foot wide landscaped area, exclusive of sidewalks and utility easements, should be provided between the parking lot and street right of way to accommodate the required screening shrubs.
 - b. The required landscape treatment for parking lot screening shall include, a dense hedge, berming, decorative metal fencing, and/or masonry wall.
 - c. The landscape treatment shall be located at the perimeter of surface parking lots abutting street corridors not encumbering the clear vision sight distance triangle.
 - d. Is encouraged to be continuous unless the placement of existing or proposed trees make continuity impossible.
 - e. The parking lot screening shall have one (1) shade tree or non-deciduous tree for every thirty-five (35) feet along the same row of trees. Where space allows, earthen berms are encouraged as part of the screening standards to allow for diversity and interest in landscape design.

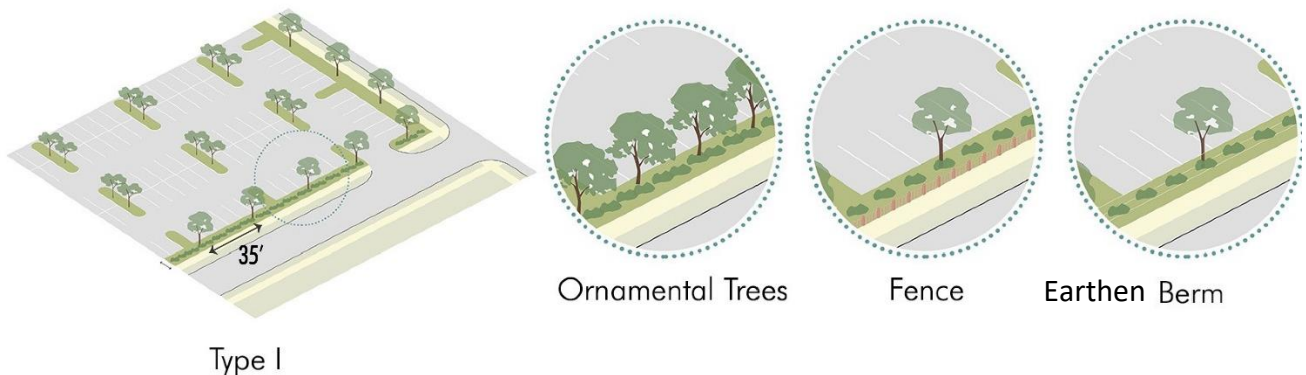


Figure 18.44-10: Parking lot screening

- (3) Interior parking lot design. The following landscaping requirements shall apply to parking lots that accommodate fifteen (15) or more parking spaces to provide pervious surfaces within a parking lot.
 - a. Parking lot islands shall include curb cuts that direct runoff into pervious areas. Plants shall have high salt and chemical tolerance.
 - b. Where more than fifteen (15) parking stalls are provided in a row, one parking lot island must be provided between every fifteen (15) parking spaces. As part of the landscape plan approval, parking lot island locations may be varied based on specific site requirements or design scheme, but the total number of islands must be no less than the amount required of one island for every fifteen (15) spaces.



Figure 18.44-11: Single row and double row parking lot islands

- c. The end of every parking aisle shall have a landscaping island.
 - d. Standard size vehicle parking.
 - i. Single row parking lot islands. The minimum size of a parking lot island must be nine (9) feet wide by nineteen (19) feet long, and contain no less than one (1) shade tree.
 - ii. Double row parking lot islands. The minimum size of a parking lot island must be nine (9) feet wide by thirty-eight (38) feet long, and contain no less than two (2) shade trees.
 - e. Compact vehicle parking.
 - i. Single row parking lot islands. The minimum size of a parking lot island shall be eight (8) feet wide by sixteen (16) feet long, and contain no less than one (1) shade tree.
 - ii. Double row parking lot islands. The minimum size of a parking lot island shall be eight (8) feet wide by thirty-two (32) feet long, and contain no less than two (2) shade trees.
 - f. A minimum of sixty-five (65%) of the required parking lot trees shall be provided within the interior of surface parking lots.
- (4) Footstep access.
- a. Landscape islands shall have an additional twelve (12) inch setback from an adjacent curb to provide a footstep for pedestrian access from the parking stall pursuant to Figure 18.44-12.
 - b. The footstep access may be accomplished with a wider walk, enlarged curb, or striping to avoid having vehicles park too close to the landscape curb.
 - 1. If the footstep is inside the landscape island, the setback must be concrete or an acceptable all-weather compacted material that does not float or drain into the stormwater sewer system.



Figure 18.44-12: Landscape island footstep access

- (5) Planting median. Shall be required with parking lots greater than 100 parking spaces.
 - a. Two (2) interior parking bays, a defined grouping of parking stalls, requires a continuous planting median between each two (2) bays, to prevent traffic movement across aisles pursuant to Figure 18.44-13.
 - b. All medians shall be a minimum of fifteen (15) feet wide and must include a five (5) foot sidewalk.
 - c. All planting medians shall contain defined breaks, as necessary, to provide pedestrian circulation between bays of parking. The bays shall allow for handicap accessibility from one side of the planting median to the other and onto any sidewalk located within the planting median.
- (6) Alternatives.
 - a. Parking lot entry areas may have reduction of the required landscape material by twenty (20%) percent, if the property includes large monummentation, artwork, or architectural landscape design.
 - b. Parking lot landscape screening. Landscape material may be reduced by twenty (20%) percent, if an architectural and decorative short-wall no greater than thirty-six (36) inches in height is included in the overall design of the landscape screening treatment.
 - c. Parking lots that include a bioretention facility that is ten (10%) percent of the size of the entire impervious area of a parking lot, may reduce the parking lot screening setback by one (1) foot.
- (7) Exemptions.
 - a. Exclusion areas apply to residential complexes or commercial centers that share a parking area or that have property lines adjacent to an alley or areas that abut an alley.
 - b. Parking lots, which require parking lot screening, shall not be subject to perimeter landscape requirements.

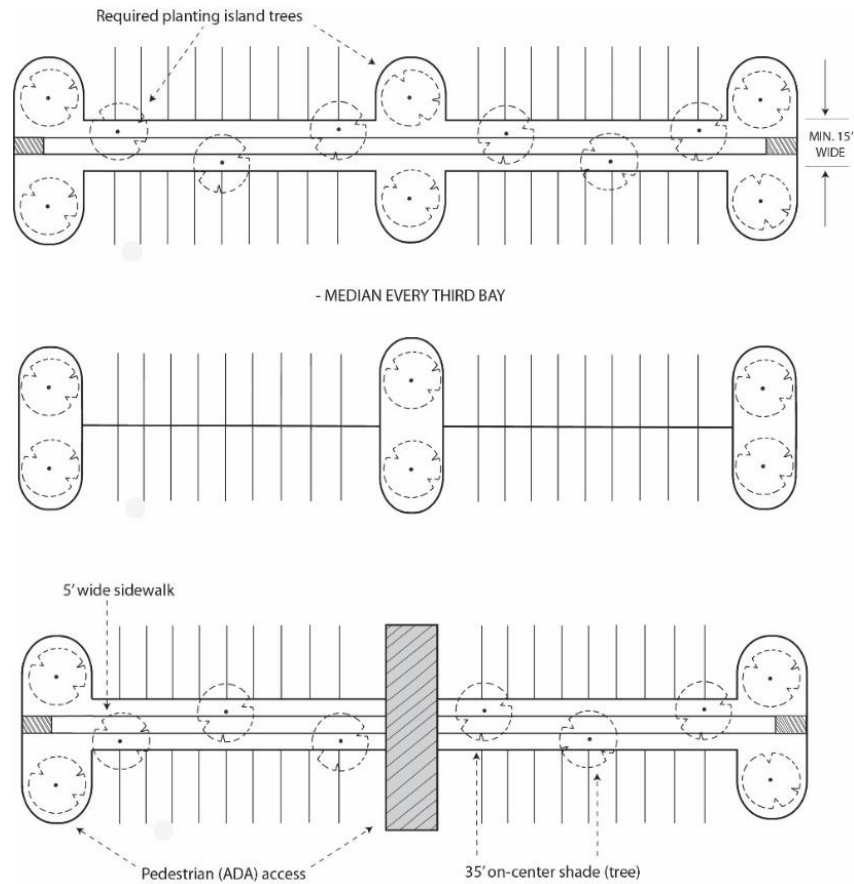


Figure 18.44-13: Example Planting Medians

18.44.100 - Perimeter treatment standards

- (a) Perimeter treatment standards apply to all major development as defined herein:
- (1) If a perimeter treatment was not installed at the time of subdivision, a perimeter treatment plan shall be provided by the developer at the land use application stage, demonstrating landscaping in areas adjacent to all rights-of-way behind the walk in low density suburban areas, not including parkway standards.
 - (2) Requirements. The perimeter treatment plan shall include live plantings or elements such as fencing, earthen berms, walls, and enhanced streetscape that include furnishings, lighting, or an alternative design as approved by the Community Development Director or designee.
 - a. The plantings and elements required in perimeter treatments shall include the area between the edge of the roadway against the property line as part of the streetscape, or along the edge of an outlot or common open space area facing rights-of-way.
 - b. The perimeter treatment shall be complimentary to adjacent sites and any surrounding perimeter treatments in the immediate area.
 - (3) Subdivision entryways for major and minor developments shall be planted with ornamental plant material, such as ornamental trees, flowering shrubs, perennials, and ground covers. Planting shall be massed and scaled as based on the entryway size and space. Landscaping should also provide detail, color, and variety to create visual interest.
 - (4) Required perimeter treatment shall be installed concurrent with other site infrastructure improvements, as per Section 18.04.1195, and prior to the issuance of a certificate of occupancy pursuant to Section 18.44.050 (b)(1).
 - (5) Solid fences and walls included as part of a perimeter treatment shall be in accordance with Section 18.52.035.

(c) Perimeter treatment design. Notwithstanding the parkway requirements pursuant to 18.44.070 (b)(2), perimeter treatment areas shall contain the plantings according to Table 18.44-4 or an acceptable mix of trees and shrubs that provide comparable screening, as determined by the City.

(b) Exemptions.

(1) A perimeter treatment is not required where parking lot screening standards apply.

Table 18.44-4: Perimeter Treatment Design Requirements

<i>Use Type</i>	<i>Street Classification</i>	<i>Type - Base Standard (plants per 100 linear feet)</i>	<i>Minimum Width of Perimeter (in feet)</i>
Residential/Institutional	Collector	4 trees 14 shrubs	10
Residential/Institutional	Arterial	4 trees 16 shrubs	20
Residential/Institutional	Highways/ Expressways/ Freeways	4 trees 24 shrubs	30
Commercial/Industrial	Collector/Arterial	3 trees 5 shrubs	10
Commercial/Industrial	Highways/ Expressways/ Freeways	4 trees 10 shrubs	15

Note: All perimeter treatment plans shall contain 40% non-deciduous trees and shrubs.

18.44.110 - Boulevard median standards

(a) Boulevard median standards shall apply to all major development.

- (1) A cross-section and planting plan of the proposed boulevard median to be landscaped shall be included with the land use application.
- (2) Xeric plants, decorative rocks and boulders, perennials, ornamental grasses, and shrubs may be added to the median design.
- (3) Plant groupings shall be designed in association with the mulch of choice. When mulches are mixed, it is encouraged to incorporate non-monotonous creative aesthetic design that provides stormwater erosion control
- (4) Proposed tree species shall be approved by the City.
- (5) A developer, pursuant a Development Agreement, shall be responsible for installing the median and irrigation system.

18.44.120 - Alterations, replacement, and removals.

(a) Alterations, Replacement, and Removals shall apply all major and minor development, and single-family and two-family dwellings as defined herein:

(b) Protection, mitigation, and preservation applies to all major and minor development:

- (1) Protection of wildlife habitat and/or linkages to wildlife habitat. The preservation and protection of healthy specimen trees, masses of smaller, healthy trees, and trees in common open spaces and in passive recreational areas is preferred.
- (2) Unauthorized removal and replacement, modifications, deviations, or alterations to the approved landscape plans, or failure to install and maintain plant material (including replacing dead or dying) under the provisions set in this Code is subject to penalties pursuant to Chapter 9.18.180 of the Municipal Code.

(3) Mitigation plan.

- a. A tree inventory and report shall be prepared by a certified arborist to evaluate each tree for its mitigation value.
- (4) Tree credits, pursuant to Table 18.44-5, shall be given so long as the provisions of this Code section are met.
- (c) Preservation of existing trees and vegetation is the preferred means of landscaping.
 - (1) Trees that are not in the path of new structures, pedestrian access, and parking lots, shall be preserved and incorporated into the overall site design of an associated development performed by a property owner, developer or the City.
 - (2) Removal and replacement of trees shall apply to all major and minor development, and single-family and two-family dwellings:
- (d) Replacement shall be provided on-site and in the rights-of-way adjacent to the property pursuant to the minimum tree planting requirements of this Code section.
 - (1) Replacement of trees shall be of the same or similar species and tied to a previously approved landscape plan and/or to a grandfathered condition of the subject site except those species designated as noxious or prohibited species.

Table 18.44-5: Tree Credits/Debits

<i>Diameter caliper of tree</i>	<i>Tree credit/debit</i>
≤ 2-inches to 20-inches	1
>20-inches	3

- (e) If the site design precludes incorporation of some or all existing healthy trees, then replacement shall be made as follows:
 - (1) Replacement of dead plant materials. Required landscaping that is dead shall be replaced within three seasons (summer, spring, or fall) of that same year. Replacement of vegetation shall be similar in size and type
 - (2) Only for major and minor developments. Replacement shall be provided on an adjacent site or the nearest public land, if feasible, as determined by the City.
 - (3) Only for major and minor developments. If the number of trees required for replacement cannot be feasibly mitigated on the subject site, the dollar value of the trees as cash-in-lieu, including the estimated cost of installation, shall be provided to the City.
- (f) No credit shall be granted for trees which are:
 - (1) Defined as non-native invasive plants or prohibited species as determined by the City.
 - (2) Dead, dying, diseased, or infested with harmful insects;
 - (3) Not located on the actual development site;
 - (4) Irreparably damaged from lack of or improper pruning;
 - (5) For preserved trees, where root protection zones have been impacted;
 - (6) For relocated trees, where relocation techniques have not been approved by the City or as part of an approved landscape plan; and
 - a. Any trees removed by the City due to sight impairment of vehicular traffic or pedestrian circulation shall not be replaced with new trees and shrubs.

Amendments and Repeals to Chapter 18

Additions to this section of the code are in **ALL CAPS**.

Deletions have a ~~strikethrough~~.

18.04.110 - Definitions –

Buffer shall mean to promote separation and **ENHANCE** compatibility between land uses of different intensities ~~within or adjacent to a development, or along roadways or other public areas, through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof.~~ The term *buffer* may also be used to describe the methods used to promote compatibility, such as a landscape buffer.

Perimeter treatment plan shall mean a plan designed for the installation and perpetual ~~maintenance of improvements~~ intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets.

PERIMETER TREATMENT ALSO PROVIDES AN ATTRACTIVE AND VARIED STREETScape FOR PEOPLE TRAVELING ALONG THOROUGHFARES. PERIMETER TREATMENT IS GENERALLY LOCATED ON THE FRINGES OF A LOT FACING PUBLIC RIGHTS-OF-WAY, UNLIKE A BUFFER YARD THAT SCREENS AGAINST DIRECTLY ADJACENT USES. Said plan shall include materials, techniques and sizes of buffering treatments, such as landscaping, fencing, screen walls, berms or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into and shown on the landscape plan.

18.42.030 – Definitions –

Parkway shall mean the strip of land **TYPICALLY** located between the sidewalk and curb, **ALSO REFERRED TO AS A TREE LAWN.**

Yard, front or street side shall mean that portion of a lot between the primary structure and right-of-way.

YARD, FRONT SHALL MEANS THE SPACE OR AREA OF A LOT BETWEEN EVERY POINT ON THE FRONT OF A PRINCIPAL BUILDING AND THE FRONT PROPERTY LINE OF THE SITE, TYPICALLY ADJACENT TO THE STREET, WHICH EXTENDS THE FULL WIDTH OF THE SITE, AND MEASURED PERPENDICULARLY TO THE BUILDING AT THE CLOSEST POINT TO THE FRONT PROPERTY LINE. ON A

CORNER LOT, SPACE OR AREA ADJACENT TO THE SHORTER STREET RIGHTS-OF-WAY SHALL BE CONSIDERED THE FRONT YARD.

YARD, REAR SHALL MEANS THE SPACE OR AREA OF A LOT BETWEEN THE REAR PROPERTY LINE OF THE PRINCIPAL BUILDING AND THE REAR PROPERTY LINE OF THE SITE, EXTENDING THE FULL WIDTH OF THE SITE, AND MEASURED PERPENDICULAR TO THE BUILDING AT THE CLOSEST POINT TO THE REAR PROPERTY LINE.

YARD, INTERIOR SIDE SHALL MEANS AN OPEN-SPACE AREA BETWEEN THE INTERIOR SIDE PROPERTY LINE AND THE BUILDING SETBACK LINE, EXTENDING BETWEEN THE FRONT BUILDING SETBACK LINE AND THE REAR BUILDING SETBACK LINE.

YARD, SIDE STREET SHALL MEAN THE AREA EXTENDING BETWEEN THE FRONT YARD AND THE REAR YARD OR REAR STREET YARD AND SITUATED BETWEEN THE SIDE STREET PROPERTY LINE AND THE FACE OF THE PRINCIPAL BUILDING WHICH IS PARALLEL TO, OR MOST NEARLY PARALLEL TO, THE SIDE STREET PROPERTY LINE.

REPEAL: -Appendix 18-D—Tree, Shrub, and Ground Cover Lists

Amendments and Repeals to APPENDIX 18-B – Definitions

Additions to this section of the code are in **ALL CAPS**.

Deletions have a ~~strikethrough~~.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) SHALL MEAN THE STANDARDS BY SAID ORGANIZATION THAT HELPS DEVELOPMENT IN THE U.S. HAVE AN EQUITABLE AND OPEN PROCESS THAT SERVES INDUSTRY AND THE PUBLIC GOOD, HAVING A CONSENSUS IN STANDARDS DEVELOPMENT; ANSI'S ESSENTIAL REQUIREMENTS.

ARCHITECTURAL LANDSCAPE DESIGN SHALL MEAN THE DESIGN OF OUTDOOR AREAS, LANDMARKS, AND STRUCTURES TO ACHIEVE ENVIRONMENTAL, SOCIAL-BEHAVIORAL, OR AESTHETIC OUTCOMES. IT INVOLVES THE SYSTEMATIC DESIGN AND GENERAL ENGINEERING OF VARIOUS STRUCTURES FOR CONSTRUCTION AND HUMAN USE, USING EXISTING SOCIAL, ECOLOGICAL, AND SOIL CONDITIONS AND PROCESSES IN THE LANDSCAPE TO PRODUCE DESIRED LANDSCAPING.

ARTIFICIAL TURF SHALL MEAN ANY OF THE VARIOUS SYNTHETIC FIBERS MADE TO RESEMBLE NATURAL GRASS.

AUTHORIZED SHALL MEAN HAVING OFFICIAL PERMISSION OR APPROVAL, AN EMPOWERMENT UNDER THE PROVISIONS OF CODE OR A POLICY TO PERFORM AN ACTION.

Berm shall mean a mound of earth, higher than grade, used for screening, definition of space, noise attenuation and decoration in landscaping.

BIORETENTION FACILITY SHALL MEAN A LANDSCAPED STORMWATER ELEMENT DESIGNED TO CONCENTRATE OR REMOVE DEBRIS AND POLLUTION FROM SURFACE RUNOFF WATER BY MOVING WATER SLOWLY AND HORIZONTALLY AT THE SURFACE THROUGH VEGETATION USING GENTLY SLOPED SIDES, THAT CLEANSSES WATER FROM POLLUTANTS AND SOIL EROSION BEFORE IT ENTERS THE CITY'S STORMWATER SYSTEM.

BIOSWALE SHALL MEAN A LANDSCAPE ELEMENT DESIGNED TO CONCENTRATE OR REMOVE DEBRIS AND POLLUTION FROM SURFACE RUNOFF WATER. THE DESIGN OF WHICH CONSISTS OF A SWALED DRAINAGE COURSE WITH GENTLY SLOPED SIDES FILLED WITH VEGETATION, COMPOST AND/OR RIPRAP.

all mean to promote separation and **ENHANCE** compatibility between land uses of different intensities, ~~within or adjacent to a development, or along roadways or other public areas through the use of setbacks, natural vegetation, berms, fences, walls or a combination thereof.~~ The term *buffer* may also be used to describe the methods used to promote compatibility such as a landscape buffer.

~~Buffer yard shall mean that area intended to provide buffering between land uses of different intensities or along roadways or other public rights of way.~~

BUFFER YARD SHALL MEAN THAT AREA INTENDED TO PROVIDE BUFFERING BETWEEN LAND USES OF DIFFERENT INTENSITIES THROUGH THE USE OF SETBACKS, LANDSCAPING, EARTHEN BERMS, SOLID FENCES, WALLS, APPLICABLE BIORETENTION FACILITIES OR A COMBINATION THEREOF. UNLIKE A PERIMETER TREATMENT, A BUFFER YARD IS LOCATED ON THE REAR YARD OR INTERIOR SIDE YARD OF A LOT, AND IS NOT ADJACENT TO STREETS OR ALLEYS.

CALIPER SHALL MEAN THE DIAMETER OR CIRCUMFERENCE OF A TREE.

CERTIFICATE OF OCCUPANCY (C.O.) SHALL MEAN A WRITTEN CERTIFICATE PROVIDED BY THE CITY SIGNIFYING THE SUBJECT BUILDING/STRUCTURE (PROPERTY) HAS COMPLIED WITH CITY STANDARDS ALLOWING FOR USE AND OCCUPANCY.

Change of use shall mean a use that **DIFFERS** substantially differs from the previous use of a building or land and which may affect such things as parking, drainage, circulation, landscaping, building configuration, noise or lighting. A change of ownership which does not include any of the factors listed above shall not be considered a change of use.

Clear vision **SIGHT DISTANCE TRIANGLE** ~~zone or area~~ shall mean that area which the City requires **MAINTENANCE IN ORDER TO PRESERVE THE SIGHT DISTANCE AND SAFETY OF MOTORISTS, PEDESTRIANS, AND BICYCLISTS BY REQUIRING** an unobstructed line of sight necessary for most drivers stopped at an intersection to see an approaching vehicle, pedestrian or bicyclist to avoid a collision.

DECISION POINT DISTANCE SHALL MEAN THE CLEAR VISION SIGHT DISTANCE TRIANGLE BEGINS.

DIAMETER SHALL MEAN THE SIZE OF AN EXISTING SIZE OF TREE AS MEASURED THROUGH THE TREE TRUNK AT 6-INCHES ABOVE GROUND LEVEL FROM THE UPPERMOST ROOT FLARE.

EARTHEN BERM SHALL MEAN A MOUND OF EARTH, HIGHER THAN GRADE, USED FOR SCREENING OR BUFFERING, THE DEFINITION OF SPACE, NOISE ATTENUATION, AND DECORATION IN LANDSCAPING.

ITION PLANTINGS SHALL MEAN LIVE PLANTINGS LOCATED IMMEDIATELY AROUND THE BASE OF THE FOUNDATION OF A BUILDING FACADE THAT REFLECTS THE FORMAL GEOMETRY OF THE STRUCTURE.

NON-DECIDUOUS SHALL MEAN SHRUBS OR TREES, ALSO CALLED EVERGREENS, THAT KEEP THEIR FOLIAGE YEAR-ROUND.

GROUND COVER SHALL MEAN THOSE MATERIALS THAT TYPICALLY DO NOT EXCEED ONE (1) FOOT IN HEIGHT USED TO PROVIDE A COVER OF THE SOIL IN LANDSCAPED AREAS, WHICH INCLUDE ROCK, COBBLE, BOULDERS, GRASSES, FLOWERS, LOW-GROWING SHRUBS AND VINES AND THOSE MATERIALS DERIVED FROM ONCE-LIVING THINGS, SUCH AS WOOD MULCH. IN NO EVENT SHALL WEEDS BE CONSIDERED GROUND COVER.

Ground cover shall mean those materials **THAT TYPICALLY DO NOT EXCEED ONE (1) FOOT IN HEIGHT** used to provide cover of the soil in landscaped areas, **WHICH** and shall include river rock, cobble, boulders, **PATTERNED CONCRETE**, grasses, flowers, low-growing shrubs and vines and those materials derived from once-living things, such as wood mulch. **IN NO EVENT SHALL WEEDS BE CONSIDERED GROUND COVER.**

HYDROZONES/HYDROZONE SHALL MEAN AREAS WITHIN THE LANDSCAPE DEFINED BY A GROUPING OF PLANTS REQUIRING A SIMILAR AMOUNT OF WATER TO SUSTAIN HEALTH.

IMPERVIOUS SHALL MEAN ANY HARD-SURFACED, MAN-MADE AREA THAT DOES NOT READILY ABSORB OR RETAIN WATER, INCLUDING BUT NOT LIMITED TO BUILDING ROOFS, PAVED PARKING AND DRIVEWAY AREAS, COMPACTED AREAS, SIDEWALKS, AND PAVED RECREATION AREAS.

Irrigation system shall mean an automatically or manually controlled sprinkler system that supplies water to support vegetation.

IRRIGATION SYSTEM SHALL MEAN AN UNDERGROUND, AUTOMATIC SPRINKLER SYSTEM OR ABOVE-GROUND DRIP SYSTEM EXPLICITLY DESIGNED FOR A METHOD OF WATERING VEGETATION.

Landscaped area shall mean an area for the planting of trees, shrubs, ground cover or a combination thereof and which is defined by an edge strip material or the adjacency of sod or lawn area.

Landscape plan shall mean a **SCALED GRAPHIC PLAN** showing the treatment of all open space areas, parking lots, parking areas, areas adjacent to the public right-of-way, **PERIMETER TREATMENT** and other landscaped areas., ~~which may include any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, fences and benches. The *landscape plan* may include a perimeter treatment plan as defined in these definitions and shall delineate species, size and location of all landscape elements.~~

ing shall mean any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or grass; natural features, such as rock, stone, bark chips or shavings; and structural features, including but not limited to, fountains, reflecting pools, screening walls, **SOLID** fences and benches.

LAWN SHALL MEAN A STRETCH OF OPEN, TURF-GRASS COVERED LAND, ARTIFICIAL TURF SHALL NOT BE CONSIDERED LAWN OR TURF-GRASS.

LIVING FENCE SHALL MEAN A PERMANENT HEDGE TIGHT ENOUGH AND STRONG ENOUGH TO SERVE ALMOST ANY OF THE FUNCTIONS OF A MANUFACTURED FENCE, BUT IT OFFERS AGRICULTURAL AND BIOLOGICAL SERVICES.

Maintenance of landscaping shall mean, **AS IT PERTAINS TO CHAPTER 18.44**, but not be limited to, regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants and the repair and replacement of an irrigation systems.

MAJOR DEVELOPMENT SHALL MEAN A DEVELOPMENT THAT REQUIRES AN APPLICATION FOR A PRELIMINARY SUBDIVISION, A PLANNED UNIT DEVELOPMENT, A SITE PLAN REVIEW, OR A USE-BY-SPECIAL REVIEW PROCEDURE.

MINOR DEVELOPMENT SHALL MEAN A DEVELOPMENT THAT REQUIRES AN APPLICATION FOR AN INFILL DESIGN REVIEW, A DESIGN REVIEW PROCEDURE OR A MINOR SUBDIVISION.

MULCH SHALL MEAN A NATURAL PLANTING MATERIAL SUCH AS PINE STRAW, COCONUT FIBER, GROUND PINE POST PEELING OR TREE BARK USED TO CONTROL WEED GROWTH, REDUCE SOIL EROSION, AND REDUCE WATER LOSS.

NATIVE GRASS SHALL MEAN A NATIVE COLORADO GRASS.

NON-DECIDUOUS SHALL MEAN SHRUBS OR TREES, ALSO CALLED EVERGREENS, THAT KEEP THEIR FOLIAGE YEAR-ROUND.

OPEN SPACE, REQUIRED SHALL MEAN THAT PORTION OR PERCENT DEFINED BY THE ZONING STANDARDS OF A LOT REQUIRED TO BE OPEN AND UNOBSTRUCTED. THE AREA MUST NOT BE COVERED BY ANY STRUCTURE OR IMPERVIOUS SURFACE, SUCH AS SIDEWALKS OR DRIVEWAYS.

Open space, usable **IS GENERALLY REQUIRED WITH SUBDIVISION PROCESSES, AND** shall mean that portion of a lot **OR SITE** excluding the required front yard area, which is **NOT COVERED BY ANY** ~~unoccupied by principal or accessory buildings and available to all occupants for the building for use for recreational and other leisure activities~~ **THAT ARE normally CUSTOMARILY** carried on outdoors. The area shall be unobstructed to the sky and shall have a minimum dimension of fifty (50) feet and a minimum area of six thousand (6,000) square feet. Usable open space shall **MAY** also include **OUTDOOR PATIOS AND PLAZAS AND**

al facilities, as determined in Chapter 18.38. **USABLE OPEN SPACE SHALL NOT INCLUDE THE REQUIRED SETBACK AREA FROM OIL AND GAS FACILITIES, RIGHTS-OF-WAY, PLATTED OR BUILT TRAILS OR SIDEWALKS, PARKING LOTS, OR OCCUPIED BUILDINGS.**

Ornamental tree shall mean a deciduous tree planted primarily for its ornamental value or for screening and which will typically be smaller than a shade tree **APPROXIMATELY FIFTEEN (15) TO TWENTY-FIVE (25) FEET IN HEIGHT.**

Outlot shall mean a tract of land platted in a subdivision for a specific purpose, which shall be shown on the face of the plat. Specific purposes may include, but are not limited to, drainage areas, storm water detention or retention areas, parks, open space, future development or land areas reserved for other public facilities.

Parkway shall mean the strip of land **TYPICALLY** located between the sidewalk and the curb, **ALSO REFERRED TO AS A TREE LAWN.**

PASSIVE RECREATION AREA IS GENERALLY AN UNDEVELOPED SPACE OR ENVIRONMENTALLY SENSITIVE AREA THAT REQUIRES MINIMAL DEVELOPMENT. ENTITIES SUCH AS A THE CITY'S CULTURE, PARKS AND RECREATION DEPARTMENT MAY MAINTAIN PASSIVE RECREATION AREAS FOR THE HEALTH AND WELL-BEING OF THE PUBLIC AND FOR THE PRESERVATION OF WILDLIFE AND THE ENVIRONMENT. THE QUALITY OF THE ENVIRONMENT AND "NATURALNESS" OF AN AREA IS THE THE FOCUS OF THE RECREATIONAL EXPERIENCE IN A PASSIVE RECREATION MANNER.

PERENNIALS SHALL MEAN NON-WOODY PLANTS, WHICH MAY DIE BACK TO THE GROUND EACH YEAR BUT CONTINUE TO GROW ON AN ANNUAL BASIS. PERENNIALS SHALL ALSO INCLUDE COLD WEATHER BULBS AND TUBERS AND ORNAMENTAL GRASSES THAT RETURN EACH YEAR AND SHALL COUNT TOWARD GROUND COVER REQUIREMENTS.

Perimeter treatment plan shall mean a plan designed for the installation and perpetual maintenance of improvements intended to provide visual and noise protection for the outer edges of developments which border arterial or major collector streets. **PERIMETER TREATMENT ALSO PROVIDES AN ATTRACTIVE AND VARIED STREETScape FOR PEOPLE TRAVELING ALONG THOROUGHFARES. PERIMETER TREATMENT IS GENERALLY LOCATED ON THE FRINGES OF A LOT FACING PUBLIC RIGHTS-OF-WAY, UNLIKE A BUFFER YARD THAT SCREENS AGAINST DIRECTLY ADJACENT USES.** Said plan shall include materials, techniques and sizes of buffering treatments, such as landscaping, fencing, screen walls, berms or a combination thereof sufficient to provide adequate buffering. The perimeter treatment plan may be incorporated into and shown on the landscape plan.

PERMEABLE SHALL MEAN A MATERIAL THAT ALLOWS LIQUIDS OR GASES TO PASS THROUGH IT.

PERVIOUS SURFACE SHALL MEAN A SURFACE THAT ALLOWS WATER TO PASS THROUGH; A SURFACE THAT PRESENTS AN OPPORTUNITY FOR PRECIPITATION TO INFILTRATE INTO THE GROUND

PLANTING MEDIAN IS A STRIP OF PERVIOUS LAND.

POLLINATOR GARDENS, A POLLINATOR GARDEN, IS ONE DESIGNED FOR THE EXPRESS PURPOSE OF PROVIDING HABITAT FOR OR ATTRACTING BEES, BUTTERFLIES, MOTHS, HUMMINGBIRDS, OR OTHER BENEFICIAL CREATURES THAT TRANSFER POLLEN FROM FLOWER TO FLOWER, OR IN SOME CASES, WITHIN FLOWERS.

RAIN GARDEN SHALL MEAN A SOIL-ABSORPTION OR FILTER SYSTEM DESIGNED TO BE DEPRESSION STORAGE OR A PLANTED HOLE THAT ALLOWS WATER FILTRATION AND ABSORPTION OF RAINWATER RUNOFF FROM IMPERVIOUS URBAN AREAS, SUCH AS ROOFS, DRIVEWAYS, WALKWAYS, PARKING LOTS, AND TURF-GRASS OR SOD AREAS. A TYPE OF BIORETENTION FACILITY DESIGNED TO PROVIDE STORMWATER GREEN INFRASTRUCTURE IMPROVEMENTS, TYPICALLY SHALLOW VEGETATIVE DEPRESSIONS WITH GENTLE SLIDE SLOPES DESIGNED AS INDIVIDUAL STORMWATER RECEIVING AREAS OR LINKED TO CONVEYANCE SYSTEMS. SOILS MAY OR MAY NOT BE AMENDED IN THESE FACILITIES.

REQUIRED LANDSCAPE AREA SHALL MEAN THE AREA OF REQUIRED OPEN SPACE, ACCORDING TO THE ZONING DISTRICT PROVISIONS IN WHICH THE PROPERTY IS LOCATED, THAT IS NOT ALLOWED TO BE COVERED BY BUILDINGS, PAVING, HEAVILY COMPACTED SURFACES OR OTHER IMPERVIOUS SURFACES, WHETHER WITHIN A LOT, OUTLOT OR TRACT OR WITHIN A PUBLIC RIGHT-OF-WAY, AND SHALL NOT INCLUDE ANY LEGALLY ESTABLISHED AREA FOR STORAGE OR OUTDOOR DISPLAY.

REQUIRED LANDSCAPING SHALL MEAN THE LANDSCAPING REQUIRED BY THIS CHAPTER.

RIGHTS-OF-WAY LANDSCAPING SHALL MEAN LANDSCAPING LOCATED WITHIN THE PUBLIC OR PRIVATE RIGHTS-OF-WAY ADJACENT TO A PRIVATELY OWNED LOT, OUTLOT, OR TRACT, INCLUDING PARKWAYS.

SCREENING SHALL MEAN A METHOD OF REDUCING THE IMPACT OF VISUAL AND NOISE INTRUSIONS THROUGH THE USE OF PLANT MATERIALS, EARTHEN BERMS, SOLID FENCES AND WALLS, LIVING FENCES, OR ANY COMBINATION THEREOF, INTENDED TO BLOCK THAT WHICH IS UNSIGHTLY OR OFFENSIVE WITH A MORE HARMONIOUS ELEMENT.

shall mean a method of reducing the impact of visual and/or noise intrusions through the use of plant materials, **EARTHEN** berms, **SOLID** fences and/or walls, or any combination thereof, intended to block that which is unsightly or offensive with a more harmonious element.

Shade tree shall mean a ~~deciduous~~ tree planted **TO CLOSE PROXIMITY TO A STREET IN ORDER TO PROVIDE SHADE OVER THE STREET AND TO SOFTEN THE STREET ENVIRONMENT.**

Sight distance (see *clear vision area or zone*).

Site plan shall mean a plan **SET OF DRAWINGS THAT PROPERTY OWNER, BUILDER, OR CONTRACTOR USES TO MAKE IMPROVEMENTS TO A PROPERTY THROUGH GRAPHIC REPRESENTATION, WHETHER COMPUTER-GENERATED OR HAND-DRAWN, OF THE ARRANGEMENT OF BUILDINGS, PARKING, DRIVES, LANDSCAPING, AND ANY OTHER STRUCTURE THAT IS PART OF A DEVELOPMENT PROJECT.** ~~showing the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.~~

SOD SHALL MEAN THE GRASS AND THE PART OF THE SOIL BENEATH IT HELD TOGETHER BY ITS ROOTS OR ANOTHER PIECE OF THIN MATERIAL TYPICALLY USED AS LAWN OR AGRICULTURAL PURPOSES.

SOLID FENCE SHALL MEAN A FENCE THAT IS OPAQUE AND PROVIDED THE FENCE IS COMPOSED OF SOLID WOOD, COMPOSITE, VINYL, OR MASONRY.

SOIL AMENDMENTS ARE ELEMENTS ADDED TO THE SOIL, SUCH AS COMPOST, NATURAL FERTILIZER, MANURE, OR CHEMICAL FERTILIZER, TO IMPROVE ITS CAPACITY TO SUPPORT PLANT LIFE.

STAMPED (SEALED/SIGNED) DOCUMENTS SHALL MEAN TECHNICAL DRAWINGS OR DOCUMENTS PREPARED UNDER AND AUTHORIZED BY A LICENSED PROFESSIONAL FOR CITY REVIEWS AND PERMITTING LEGAL RECORDS VERIFYING AUTHORITY, PROFESSIONAL LIABILITY, AND QUALIFICATIONS TO PRACTICE.

Streetscaping **OR STREETScape** SHALL MEAN, FOR THE PURPOSES OF CHAPTER **18.44,** rehabilitation, preservation and beautification of those exterior elements of a designated property which are visible from a street, including elements and landscaping within a front or street side setback and/or the public right-of-way.

STREET TREE SHALL MEAN A TREE PLANTED IN CLOSE PROXIMITY TO A STREET IN ORDER TO PROVIDE SHADE OVER THE STREET AND TO SOFTEN THE STREET ENVIRONMENT.

Street tree shall mean a tree planted in close proximity to a street in order to provide ~~canopy~~ **SHADE** over the street to ~~provide shade and~~ **TO** soften the street environment.

TALL MEAN A LARGE WOODY PLANT HAVING ONE (1) OR SEVERAL SELF-SUPPORTING STEMS OR TRUNKS AND NUMEROUS BRANCHES AND WHICH MAY BE DECIDUOUS OR EVERGREEN.

TREE LAWN SHALL HAVE THE SAME MEANING AS THE PARKWAY.

TURF-GRASS SHALL MEAN A BLEND OR MIX OF GRASSES MOST TOLERANT TO THE COLORADO CLIMATE, WHETHER IN SOD OR SEED FORM WHEN PLANTED, INTENDED TO BE REGULARLY MAINTAINED AS A LAWN IN URBANIZED DEVELOPED AREAS. ARTIFICIAL TURF SHALL NOT BE CONSIDERED LAWN OR TURF-GRASS.

UNIVERSAL DESIGN IS THE DESIGN OF BUILDINGS, PRODUCTS OR ENVIRONMENTS TO MAKE THEM ACCESSIBLE TO ALL PEOPLE, REGARDLESS OF AGE, DISABILITY OR OTHER FACTORS. THE TERM "UNIVERSAL DESIGN" WAS COINED BY THE ARCHITECT RONALD MACE TO DESCRIBE THE CONCEPT OF DESIGNING ALL PRODUCTS AND THE BUILT ENVIRONMENT TO BE AESTHETIC AND USABLE TO THE GREATEST EXTENT POSSIBLE BY EVERYONE, REGARDLESS OF THEIR AGE, ABILITY, OR STATUS IN LIFE.

URBAN HEAT ISLAND SHALL MEAN AN URBAN AREA THAT IS SIGNIFICANTLY WARMER THAN ITS SURROUNDING RURAL AREAS DUE TO MODIFICATIONS OF LAND SURFACES SUCH AS DEVELOPMENT AND OTHER HUMAN ACTIVITIES. THE TEMPERATURE DIFFERENCE IS USUALLY MORE SIGNIFICANT AT NIGHT THAN DURING THE DAY.

UTILITY LINE CLEARANCE ZONES SHALL MEAN THE MINIMUM CLEARANCE HORIZONTAL OR VERTICAL STANDARD DETERMINED BY THE UTILITY HOLDER. OBSTRUCTIONS AND ENCROACHMENTS ARE PROHIBITED.

WEED SHALL MEAN ANY PLANT NOT TYPICALLY PROPAGATED BY THE HORTICULTURAL TRADES AND NOT TYPICALLY INSTALLED FOR THE PURPOSES OF LANDSCAPING. WEED DOES NOT INCLUDE NATIVE AND NATURALIZED PLANTS, OTHER THAN DESIGNATED NOXIOUS WEEDS, GROWN IN AREAS MANAGED PRIMARILY FOR ECOLOGICAL SERVICES.

Weed shall mean any plant not typically propagated by the horticultural trades and ground cover or shrub which is typically not **TYPICALLY** installed for the purposes of landscaping; which is not typically propagated by the horticultural or nursery trades; or which presents a particularly noxious allergenic or growth characteristic. **WEED DOES NOT INCLUDE NATIVE AND NATURALIZED PLANTS, OTHER THAN DESIGNATED NOXIOUS WEEDS, GROWN IN AREAS MANAGED PRIMARILY FOR ECOLOGICAL SERVICES.**

XERIC LANDSCAPING OR XERISCAPE WAS COINED BY DENVER WATER IN 1981 TO HELP MAKE WATER-EFFICIENT LANDSCAPING AN EASILY RECOGNIZED CONCEPT. XERISCAPE IS A COMBINATION OF THE WORD "LANDSCAPE" AND THE GREEK WORD "XEROS," WHICH MEANS DRY. FOR THE PURPOSES OF

ING IT IN THIS CHAPTER OF THE CODE, IT SHALL MEAN THE USE OF LOW-WATER OR VERY LOW-WATER PLANTS IN PLACE OF PLANTS THAT TYPICALLY REQUIRE MORE WATER TO SURVIVE AND INCLUDE, BUT ARE NOT LIMITED TO, PLANTS HAVING A LOW OR VERY LOW WATER REQUIREMENT.. XERIC LANDSCAPING DOES NOT MEAN THE SAME AS HARDSCAPING OR ONLY ROCK.

Yard shall mean **THE SPACE OR AREA OF A LOT BETWEEN A LOT LINE AND THE PRINCIPAL BUILDING (ALSO REFERRED TO AS A SIDE, REAR, OR FRONT SETBACK) WITHIN WHICH NO STRUCTURE SHALL BE LOCATED EXCEPT AS ALLOWED IN THIS CHAPTER.** ~~*Yard* shall mean that area of a lot between the property line and the foundation of a building, structure or use.~~ *Required yard* shall mean that area also described as a required setback area where construction of buildings, structures and uses is limited in placement.

~~*Yard, front or street side*, for the purposes of Chapter 18.36, shall mean that portion of a lot between the primary structure and right-of-way. A yard may contain more land area than a setback area.~~

YARD, FRONT SHALL MEANS THE SPACE OR AREA OF A LOT BETWEEN EVERY POINT ON THE FRONT OF A PRINCIPAL BUILDING AND THE FRONT PROPERTY LINE OF THE SITE, TYPICALLY ADJACENT TO THE STREET, WHICH EXTENDS THE FULL WIDTH OF THE SITE, AND MEASURED PERPENDICULARLY TO THE BUILDING AT THE CLOSEST POINT TO THE FRONT PROPERTY LINE. ON A CORNER LOT, SPACE OR AREA ADJACENT TO THE SHORTER STREET RIGHTS-OF-WAY SHALL BE CONSIDERED THE FRONT YARD.

YARD, REAR SHALL MEANS THE SPACE OR AREA OF A LOT BETWEEN THE REAR PROPERTY LINE OF THE PRINCIPAL BUILDING AND THE REAR PROPERTY LINE OF THE SITE, EXTENDING THE FULL WIDTH OF THE SITE, AND MEASURED PERPENDICULAR TO THE BUILDING AT THE CLOSEST POINT TO THE REAR PROPERTY LINE.

YARD, INTERIOR SIDE SHALL MEANS AN OPEN-SPACE AREA BETWEEN THE INTERIOR SIDE PROPERTY LINE AND THE BUILDING SETBACK LINE, EXTENDING BETWEEN THE FRONT BUILDING SETBACK LINE AND THE REAR BUILDING SETBACK LINE.

YARD, SIDE STREET SHALL MEAN THE AREA EXTENDING BETWEEN THE FRONT YARD AND THE REAR YARD OR REAR STREET YARD AND SITUATED BETWEEN THE SIDE STREET PROPERTY LINE AND THE FACE OF THE PRINCIPAL BUILDING WHICH IS PARALLEL TO, OR MOST NEARLY PARALLEL TO, THE SIDE STREET PROPERTY LINE.

Imagine Greeley Comprehensive Plan: Target Objectives for Landscape Code Update

1. Objective GC-3.4 Tree City - Reinforce the community's image as a "Tree City" by promoting the establishment and maintenance of tree-lined travel corridors throughout the community, taking into consideration water use, conservation strategies, and the natural environment.
2. Objective NR-1.3 Water Conservation - Promote the most efficient use of water through conservation and related practices.
3. Objective NR-2.4 Light Pollution - Minimize light trespass from developed areas and reduce sky glow to maintain night sky visibility.
4. Objective NR-2.5 Urban Heat Island Effect - Promote the use of sustainable development practices that have been demonstrated to mitigate the urban heat island effect.
5. Objective NR-3.7 Urban Forest Protect - Maintain, and expand the urban forest within and around the city.
6. Objective NR-3.8 Native Habitats Where Possible - Work to restore native prairie/grassland habitats on open lands or other natural areas.
7. Objective NR-3.9 Wildlife Habitat - Protect, maintain, and manage wildlife habitat in both natural and urban settings.
8. Objective NR-4.3 Landscaping and Plant Species - Promote the use of landscaping with species appropriate to the local climate conditions.
9. Objective NR-5.1 Education - Promote education of the public about issues of local and regional environmental concern.
10. Objective NR-5.2 Recognition - Recognize and celebrate environmental stewardship in all aspects of community life.
11. Objective PR-1.8 Streetscapes and Greenways - Design streetscapes, linear parks, greenways, and other green spaces within the city as integral elements of the park system.
12. Objective PR-2.1 Water Conservation - Ensure that new parks support best practices in water conservation and irrigation efficiency including reducing irrigated bluegrass areas unless needed for a specific activity. Integrate such strategies into existing park facilities as opportunities arise.
13. Objective PR-2.2 Planting and Landscaping - Incorporate native vegetation, natural grasslands, and low water-use plants and landscaping approaches into the design of parks, trails, and recreational facilities.
14. Objective PR-2.3 Maintenance Practices - Maintain vegetation through the application of "best management practices" including mechanical, chemical, biologic, grazing, and fire among others.

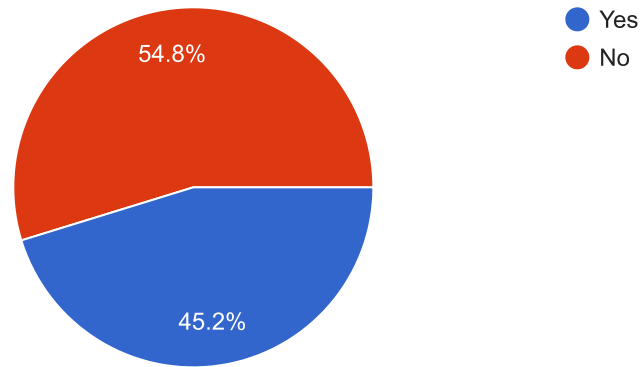
15. Objective PS-3.1 Urban Design - Enhance public safety through the use of public improvements, urban design, street furniture, lighting, and other features of the built environment.
16. Objective PS-3.2 Code Enforcement - Address behaviors that disregard public safety of others or property. When necessary, take actions to minimize more serious conditions as needed to address threats that impede community and individual safety.
17. Objective TM-1.2 Pedestrian Movements - Ensure pedestrian movement and accessibility is considered in the design and construction of all public and private development projects. Ample and safe sidewalks and other pedestrian pathways within and between developments should be provided.
18. Objective TM-1.3 Streetscape Design - Develop attractive, safe, accessible, and efficient public rights-of-way, including roadways and sidewalks. The design of such rights-of-way should vary depending on the modes accommodated, the surrounding land uses, and the character of the area or neighborhood through which it passes.
19. Objective TM-2.1 Complete Streets Plan - Program rights-of-way that fully integrate the needs of bicyclists, pedestrians, transit users, commercial vehicles and trucks, emergency service vehicles, and passenger vehicles.
20. Objective TM-2.4 Residents with Disabilities - Ensure the transportation system effectively serves people with disabilities.

Landscape Code Update Survey

84 responses

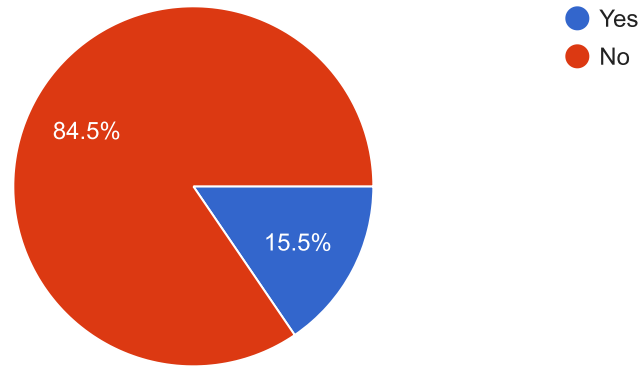
1. Have you had to use the City's landscape code?

84 responses



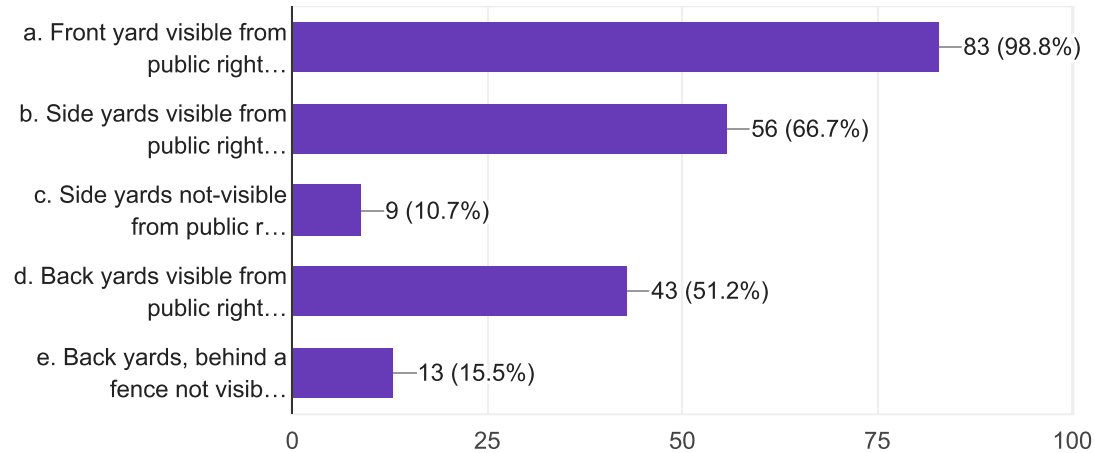
2. Currently, residential property owners are required to have a minimum of one (1) tree in their front yards. Should more than one (1) tree be required?

84 responses



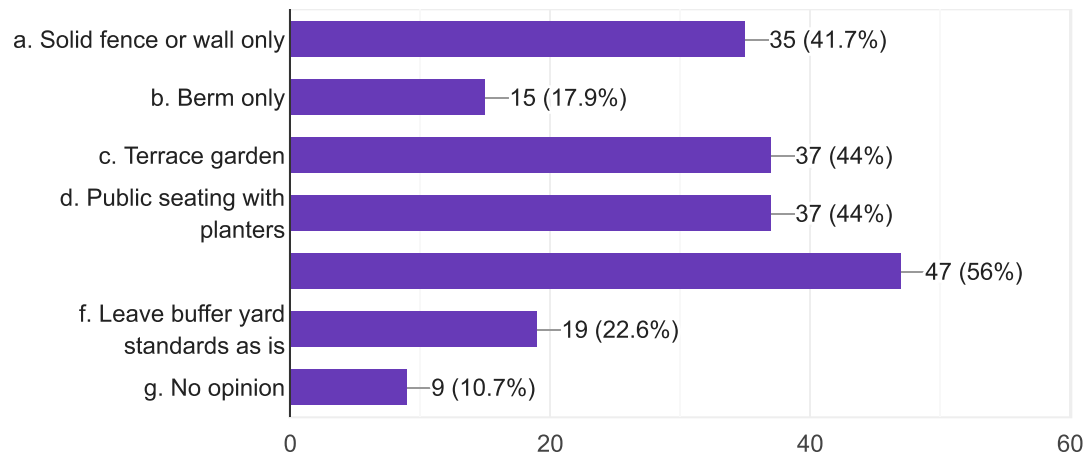
3. The City of Greeley requires residential properties to have 50% of the yard landscaped. Do you think that it is important to have landscaping in the (select all that apply):

84 responses



4. Zoning may allow differing land uses next to each other. In some cases, a more intense land use, such as a restaurant, is required to install a buffer yard between it and less intense land use, such as a residential property. Buffer yards are a required element of the City's Landscape Code to protect the less intense land use from the more intense land use with a combination of landscaping, wall, or fence. However, buffering material can be costly and expensive to install and maintain, especially with the amount of water needed to sustain plant species can be a lot. If the buffer can be reduced or have no landscaping, what would you choose to be a good buffering element? (select all that apply)

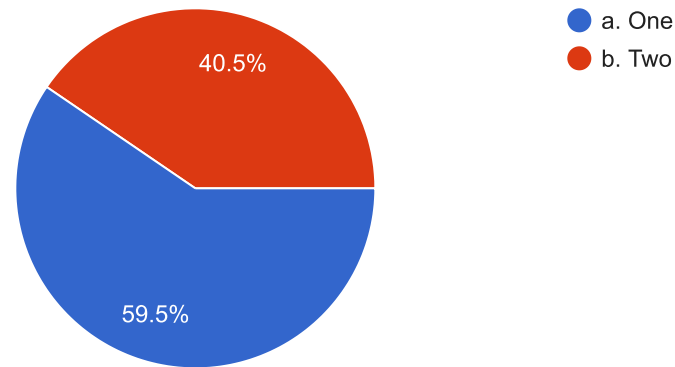
84 responses



5. "Street-trees," the trees generally located on a parkway (or tree lawn) or between the sidewalk and road. They add character and esthetic appeal to a neighborhood street and reduce the summer heat in the area.

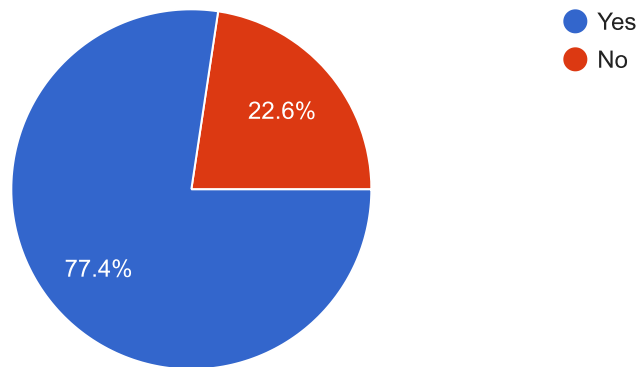
Temperatures increase because of the amount of asphalt or concrete in the area due to little landscape. How many trees should be required in the parkway in front of a property, if space is available?

84 responses



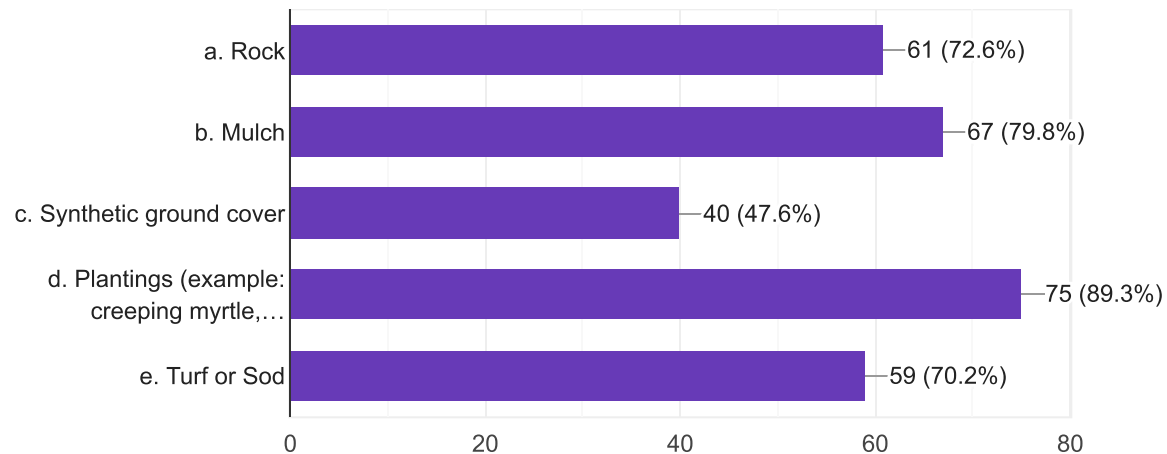
6. If the city requires a tree, would you maintain the tree in the front of your home?

84 responses



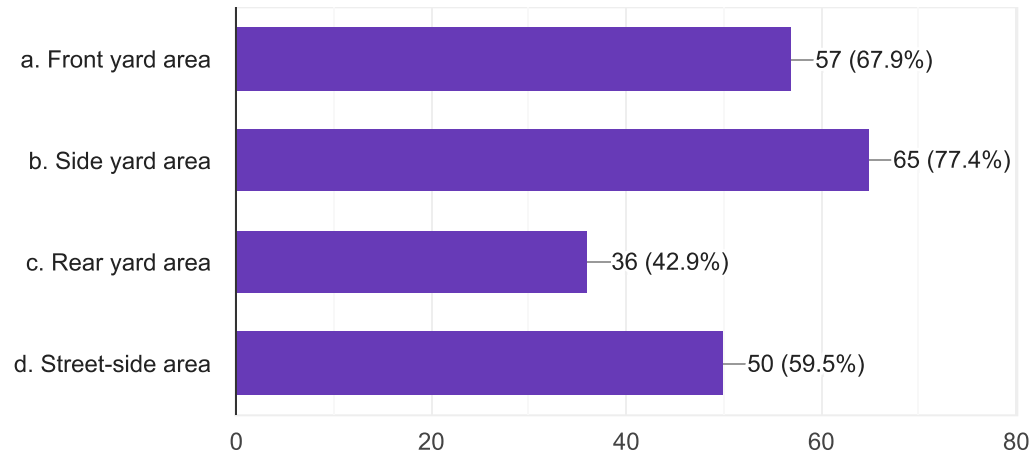
7. Weeds or bare dirt are not allowed as an official ground cover or landscape material. Instead, there are acceptable ground covers that can be counted towards the required percent of live plantings. What would you consider to be an acceptable ground cover? (select all that apply)

84 responses



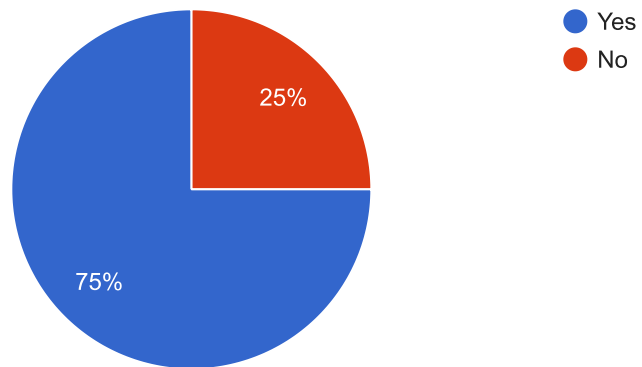
8. Xeriscape is a combination of the word "landscape" and the Greek word "xeros," which means dry; it does not mean zero or no landscaping. If you had the choice to exchange your turf-grass for a xeric garden, where on your property would you install it? (select all that apply)

84 responses



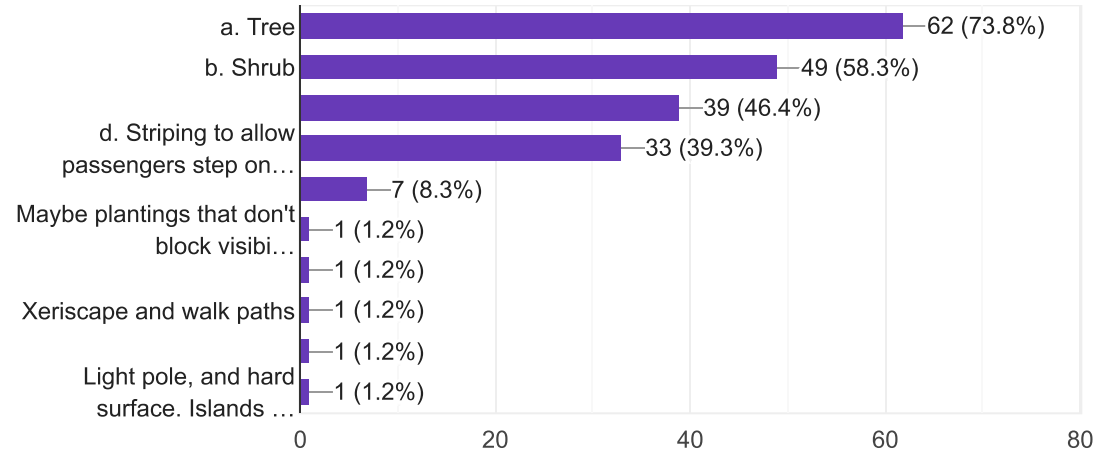
9. Have you considered replacing your sod with water-saving plants, such as xeric perennials or fescue grasses?

84 responses



10. Parking Lot landscaping is important to reduce heat and ensure that a parking lot is esthetically pleasing. Parking lots typically have islands that have shrubs and trees. What would you like to see on a landscape island? (select all that apply)

84 responses



11. Have you received any overages of the water budget, shown on your bill? If yes, please use the blank space to explain the circumstance.

84 responses

No

no

N/A

NO

Yes. Sprinkler system leak was found.

NO OVERAGES

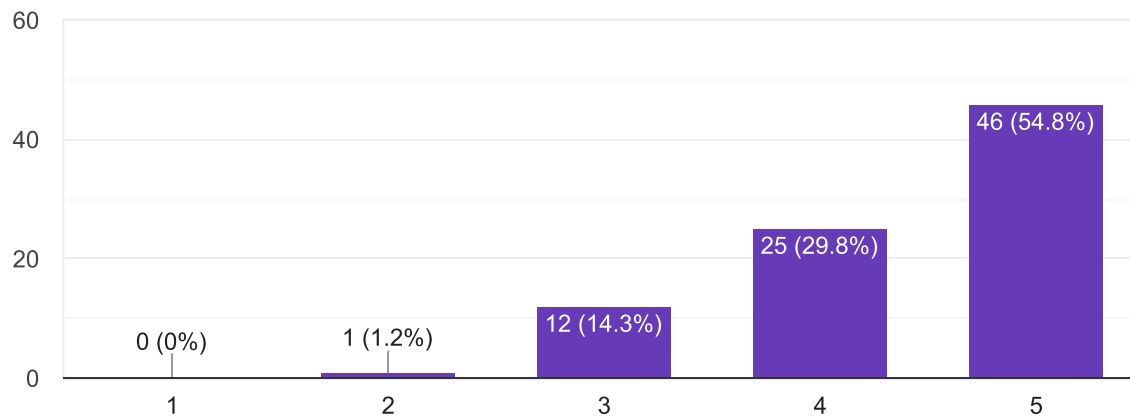
No. But we redid some landscaping and the redesign of the sprinkler system and subsequent leaks did hurt the bank account.

Green lawn through the summer is very costly. But the city code enforcers don't allow the alternative.



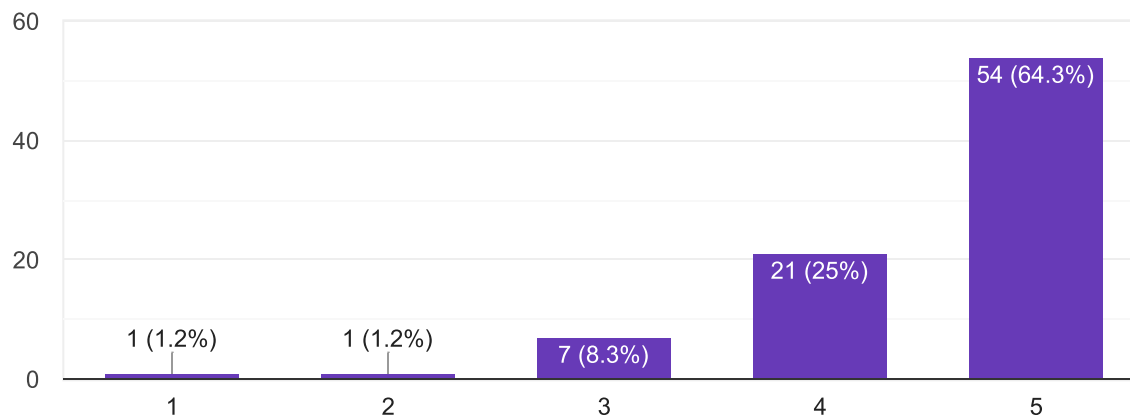
12. How important is water conservation?

84 responses



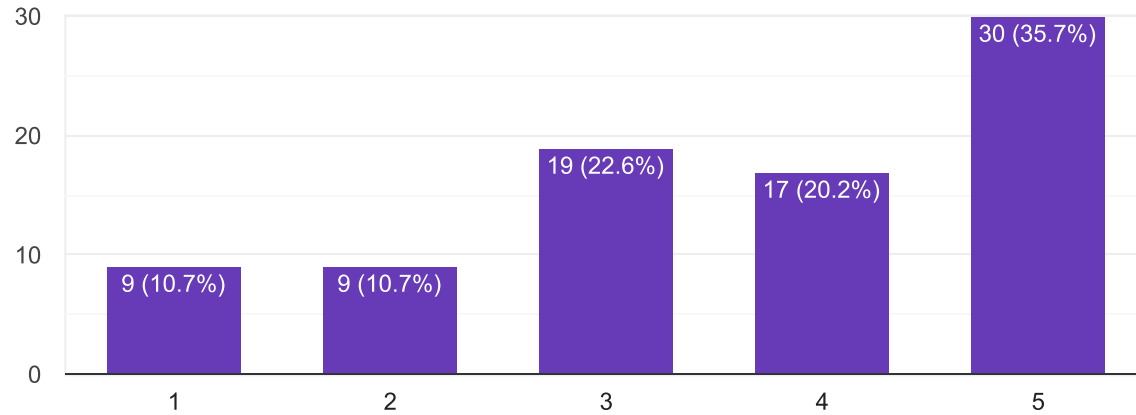
13. How important is it for you to have simplified and easy to understand landscape requirements?

84 responses



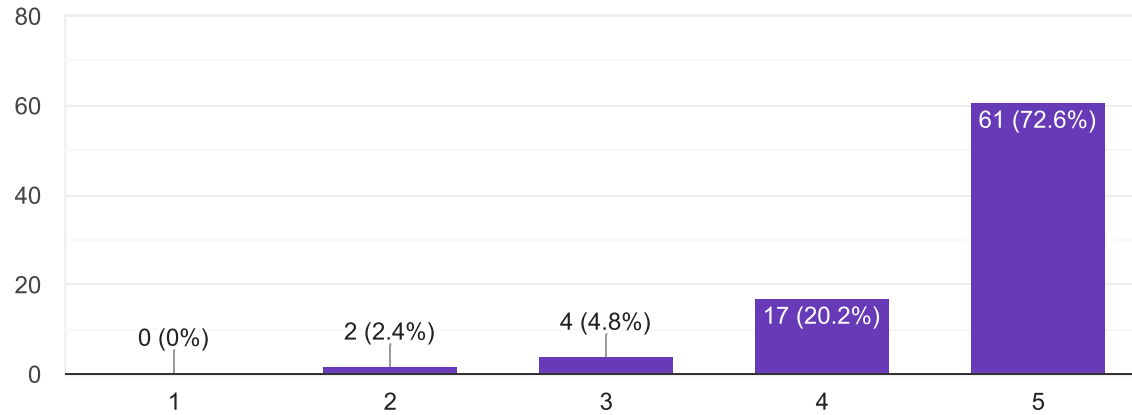
14. How important is it for you to have plant alternatives such as having artificial turf or rock gardens?

84 responses



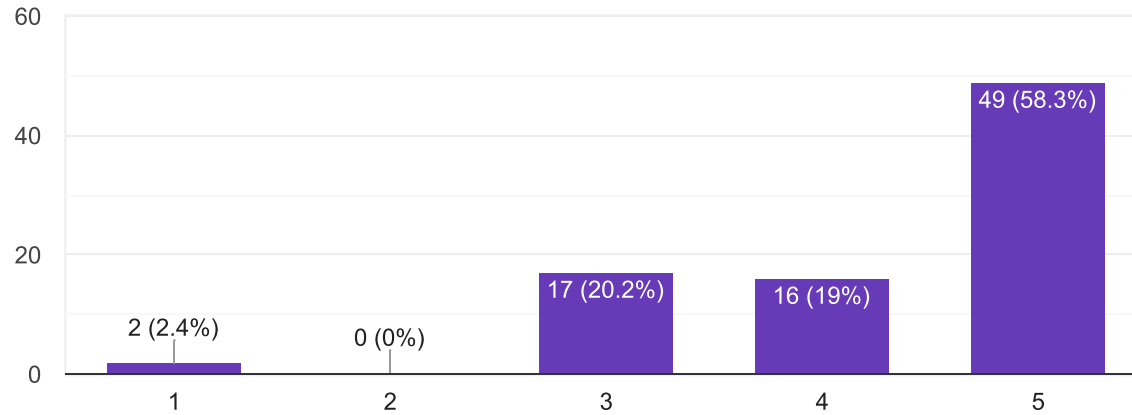
15. How important is it for you to have some flexibility in the design of your landscaping?

84 responses



16. How important is it for you to have flexibility in the amount of landscape material required on your property?

84 responses



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Google Forms

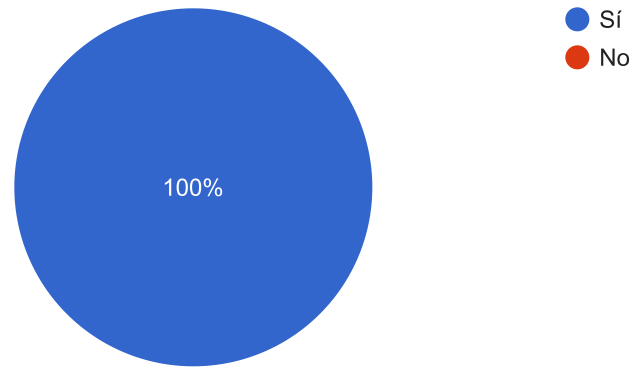


Encuesta pública para el diseño de jardines en los patios o yardas

1 response

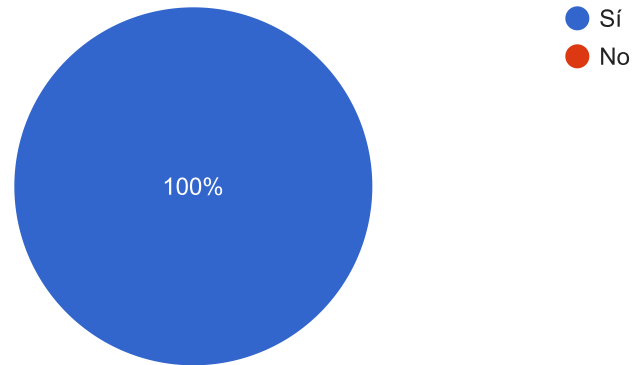
1. ¿Ha tenido que usar las normas de la ciudad de Greeley, para el diseño de jardines en su propiedad?

1 response



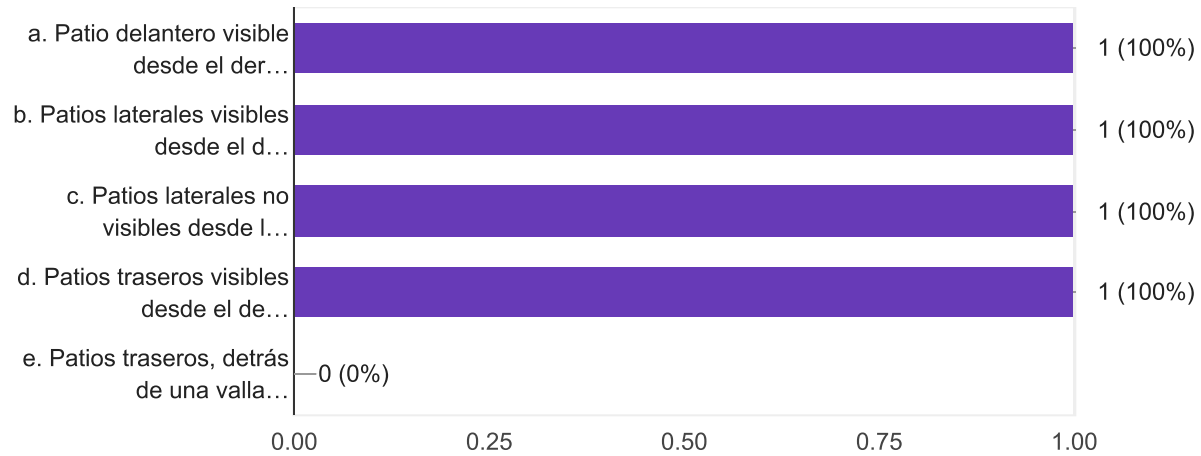
2. Actualmente, los dueños de casa deben tener a mínimo un (1) árbol en la yarda adelante ajdunto la calle. La ciudad está pensando en requerir más de un (1) árbol en su propiedad si su patio es grande o tiene un patio lateral adjunto la calle. ¿Que piensas usted, crees que esta bien requerir mas de un (1) árbol por cada propiedad?

1 response



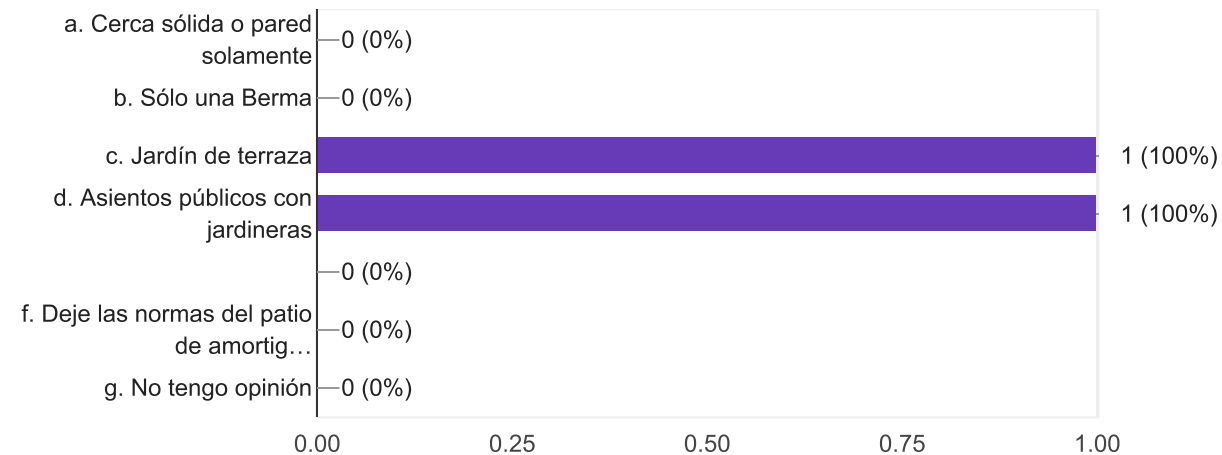
3. La ciudad de Greeley requiere que las zonas residenciales tengan 50% de las yardas con un diseño de jardín. Lo mas fácil es césped, pero se gasta mucha agua a mantenerlo. ¿Que piensas usted, que es importante tener plantas en el jardín o césped en yardas (el/los)...?(termine la frase, pero seleccione todas las respuestas que aplica):

1 response



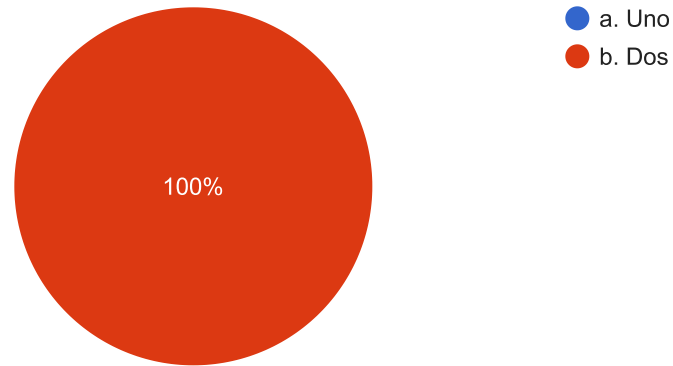
4. Las normas de zonificación permite diferentes usos en ciertas propiedades - por ejemplo residencial, comercio, o industrial. En algunos casos, un uso más intenso, como un restaurante, se requiere instalar un jardín/patio de amortiguación entre ambos terrenos. Los jardines/patios de amortiguación son necesario para proteger al propietario que tiene el uso menos intenso, por ejemplo una residencia contra un restaurante. Los usos más intensos tendrían que instalar una combinación de jardín diseñado con arbustos y arboles, con una pared o una cerca. El material que se usa para el patio/jardín de amortiguación sin embargo, puede ser costoso para instalar y mantener, especialmente con la cantidad de agua que se requiere para mantener el material. ¿Si se podría escoger otra opción enves de un yardin/patio de amortiguación, usted, qué elegiría como una alternativa? (seleccione todas las opciones que le gustaría)

1 response



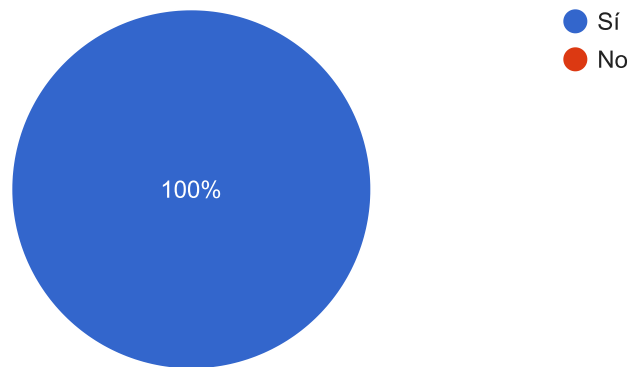
5. "Street-trees", son los árboles generalmente ubicados en el césped entre la acera (banqueta) y la calle. Esta zona se llama "parkway" en Ingles. El parkway proporciona no solamente carácter y estética para el vecindario pero reduce el calor del verano. Cuando hay pocos arboles, las temperaturas aumentan debido a la cantidad de asfalto o hormigón que existe en la zona o en el vecindario. Por lo tanto queremos saber lo siguiente: ¿cuantos árboles por casa, debería la ciudad exigir en el "parkway"?

1 response



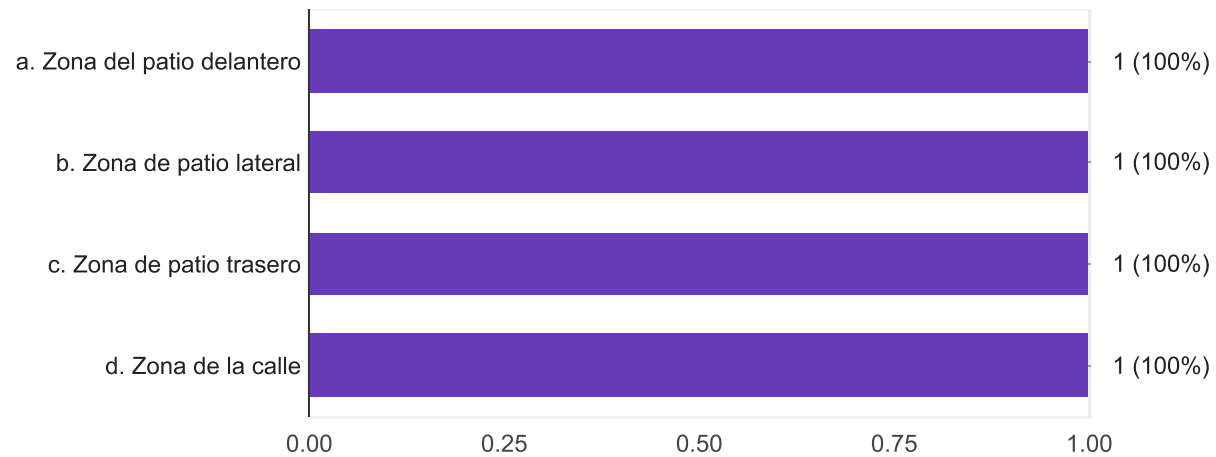
6. En caso afirmativo, ¿mantendrías el árbol en la parte delantera de su casa, es decir lo quidarías?

1 response



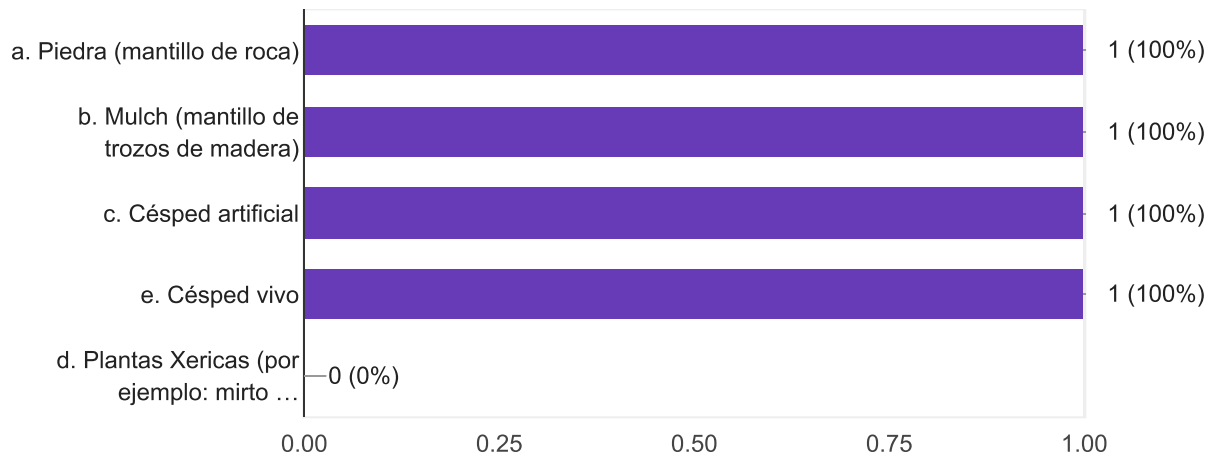
7. Xeriscape o xerico es un termino que fue inventado en Denver, Colorado. Significa dos cosas, "jardín" y la palabra griega "xeros", que significa seco. Esto no significa que un patio tenga nada vivo en el jardín. Significa que las matas en el jardín ahorran agua o usan menos agua. ¿Si tuvieras la opción de cambiar tu césped por un jardín o plantas xericas, dónde las pondrías? (seleccione todas las opciones que le gustaría)

1 response



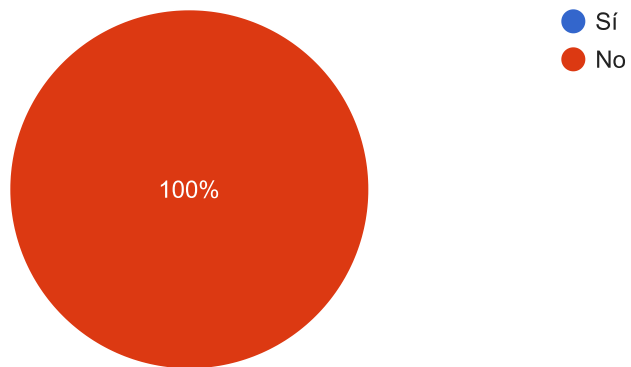
8. No se permite tener solo tierra o malas hierbas en las propiedades, tendrían que tener un jardín diseñado o por lo menos con césped. ¿En su propiedad, hay areas que le gustaría cambiar con un material alternativo? ¿De la lista abajo, cuál cubierto considerarías aceptable?

1 response



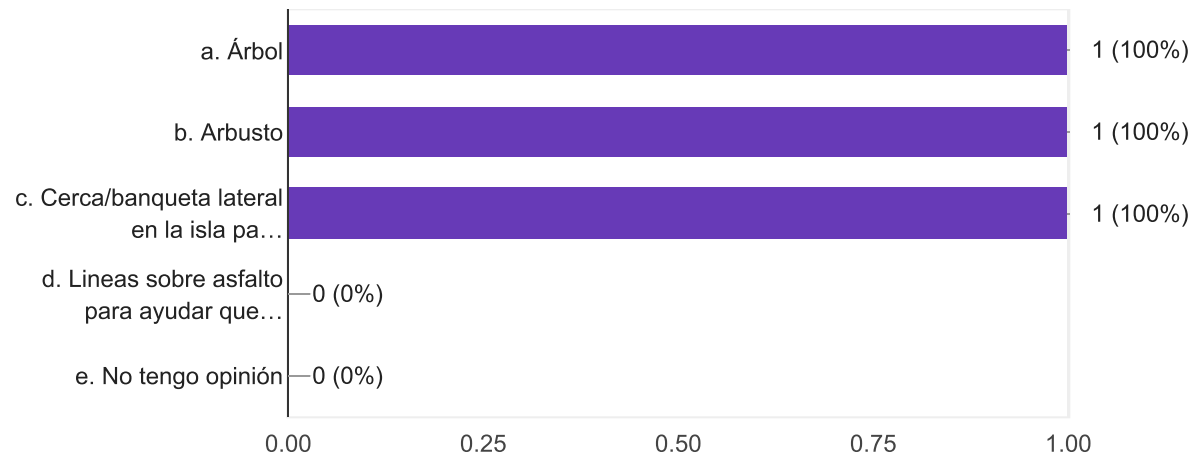
9. ¿Ha considerado reemplazar su césped por plantas que ahorran agua, como las plantas perennes xericas o el césped gramíneas fescue?

1 response



10. Árboles y arbustos en los estacionamientos es importante para reducir el calor, pero también para asegurar que el estacionamiento sea estéticamente agradable. Los estacionamientos suelen tener islas con arbustos y árboles. ¿Qué te gustaría ver en las islas de estacionamiento?

1 response



11. ¿Ha recibido excedentes, es decir le ha salido costoso la cuenta de agua? En caso afirmativo, utilice el espacio en blanco para explicar la circunstancia [complete el espacio en blanco]

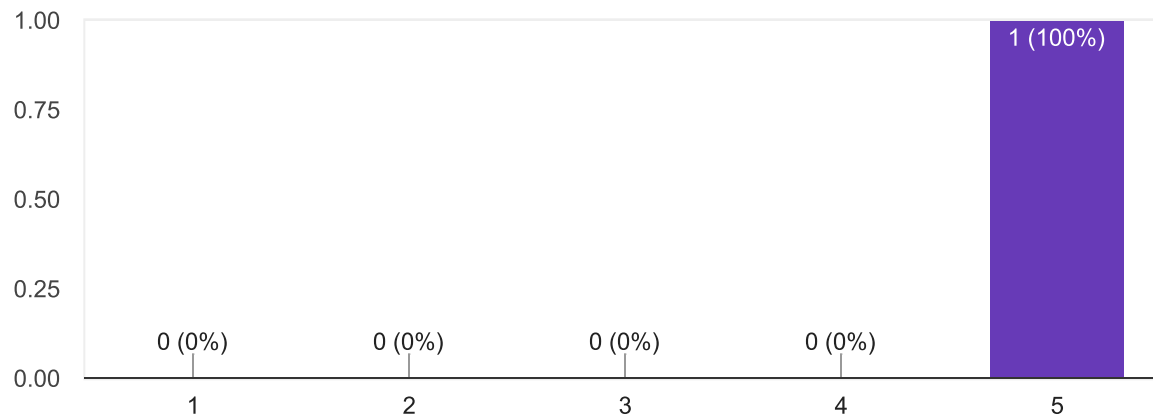
1 response

edgar r



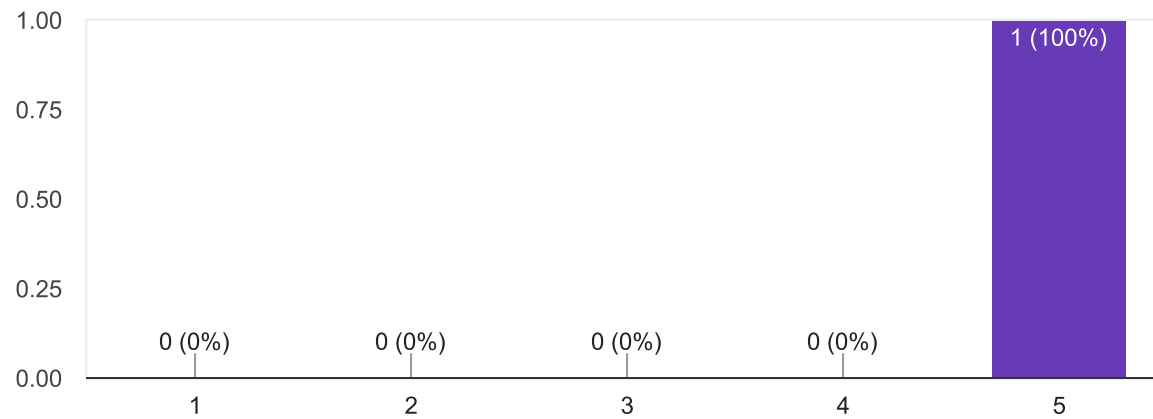
12. ¿Qué importancia tiene la conservación del agua?

1 response



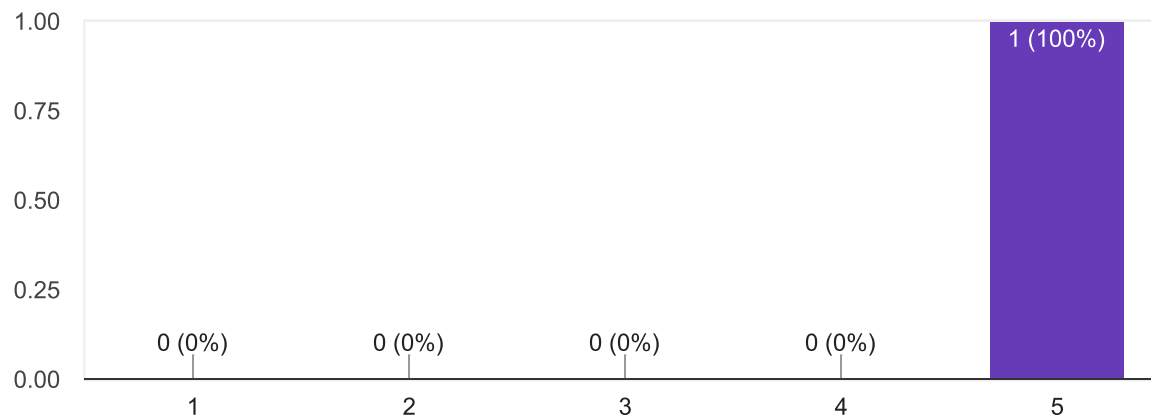
13. ¿Qué importancia tiene para usted tener requisitos de paisaje simplificados y fáciles de entender?

1 response



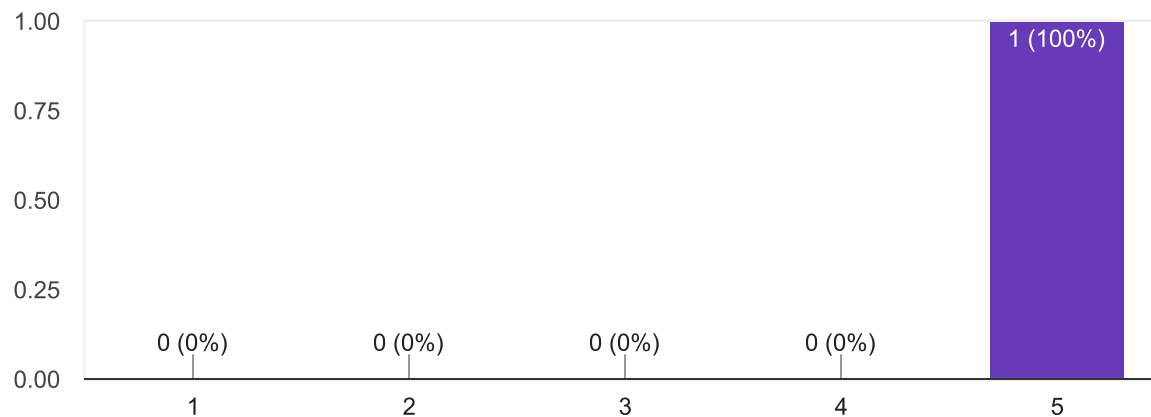
14. ¿Qué importancia tiene para usted tener alternativas de plantas como tener césped artificial o mantillo de rocas?

1 response



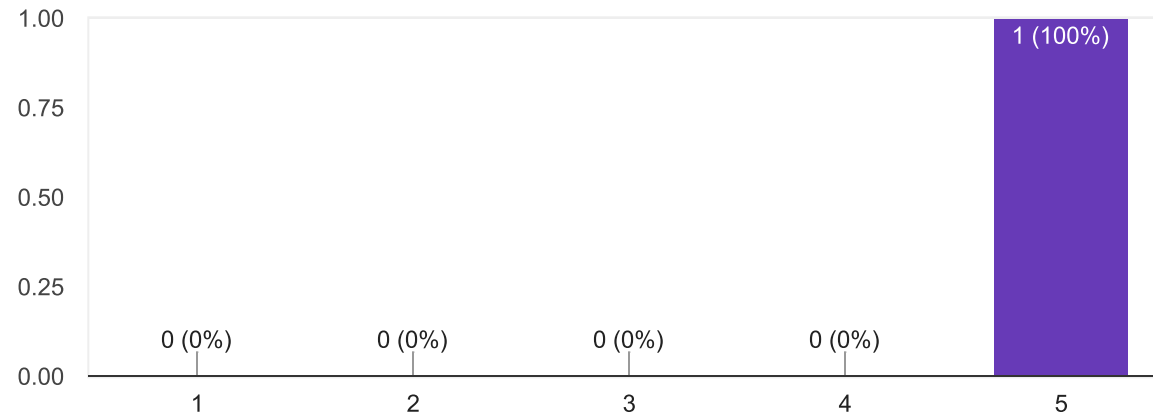
15. ¿Qué importancia tiene para usted tener cierta flexibilidad en el diseño de su jardín?

1 response



16. ¿Qué tan importante es para usted tener flexibilidad en la cantidad o porcentaje de material de jardinería requerido en su propiedad?

1 response



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Google Forms



To: Greeley Planning and Zoning, 2 Nov 2020
From: William Vetesy

Survey Recommendations:

In light of our changing population dynamics it is time as they say, to start thinking outside the box. If we are going to survive with this steady growth we need to change the way we approach our environmental/water problems. Since we are totally reliant on water that comes from the mountains and we are confronted with a changing climate those measures that reduce our water consumption have to be instituted. Of note, is the latest reading from 1 Jan to 1 Nov 2020 that indicates the total amount of rainfall / precipitation is a little more than 5 inches including snow melt. Our total for the this year will probably be less the 11 inches, which then qualifies us as a high desert. This is not a situation that is going to change. We have provided some recommendations that in all probability will upset a lot of people, but it's time to look beyond your own little yard and make the effort to help all of us to have water at a reasonable price and quantity.

Steps to be taken:

- 1. Promote the use of native drought tolerant grass. If possible provide incentives for this type of grass rather than the typical Blue Grass which requires an abundance of water. To go even further perhaps grandfather in existing Blue Grass use but for all new lawn installations require native drought tolerant grass.**
- 2. Require any new plants, shrubs or bushes be of a native drought tolerant kind that also has a high tolerance to both sun and snow. These plants will substantially reduce both the requirement and use of water. With the ever growing population in Greeley and the costs of water continuing to rise, to reduce the financial burden on Greeley Tax payer it only makes sense to require this type of personal / social change.**
- 3. Reduce the size of yard requirements or remove the grass requirement for lawns. In fact, if someone wants to reduce their yard to gravel, cement, asphalt, rocks then let them. In a visit to Phoenix I was astounded at the number of yards with just white gravel and intermittent cactus plants. This was in an area where**

these were very expensive homes and the gravel / cactus looked extremely attractive. Obviously, this reduced the amount of water the homes consumed. I would not expect a lot of Greeley Citizens to undertake this type of project, but the point here is if they want to, then they should be to set up their yard the way they would like it to be. This approach could create some problems with neighbors or HOAs, but then neighbors or HOAs don't pay your water bill. I am sure a very tact full ordnance could be written to remove any neighbors or HOA burden.

4. The enforcement of any new ordnance is always difficult and since this an issue that personally affects someone property the approach to ensuring compliance should at least be started in a very soft enforcement approach seeking a more voluntary effort by those affected by this type of change. Grandfathering and adoptive system would probably be more acceptable and only after a set period of time would it be necessary for stronger enforcement procedures i.e., citations, fines, etc.
5. When I read your survey, all I saw was a continuation of the same old approach to the city planning that has been used for many years. Nothing changes, and it appears that real innovation is not an approach that is acceptable to Greeley City Planning or the City Government. The question becomes why have a survey at all?
6. Just to let you know our home has drought tolerant grass and plants both in the front, side and back yard. We had the all the blue grass removed and replaced it with blue grama. Plants were bought thru a native plant specialist for Colorado. Our native plants have lovely flowers and are extremely resilient against rain, snow, wind and hail. I can only hope that other concern Greeley citizens would do the same.
7. If my comments seem a little harsh, I am sorry, but I think my points are of value and hopefully can be implemented.

Any questions, I can be reached at 970-330-7557

William Vetesy



Planning Division

MEMORANDUM

TO: Planning Commission

FILE No.: Project Number CU2018-0002 Continued from December 15, 2020 Public Hearing to January 12, 2021

SUBJECT: Repeal Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44. Amending portions of Chapter 18.04.110, 18.42.030; and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards

FROM: Marian Duran, Long Range Planner

DATE: January 12, 2021

On December 15, 2020, Planning Staff presented proposed revisions to the City's Landscape Code requirements. During the public hearing, the Planning Commission asked questions and requested clarification on a number of sections and proposed revisions. Staff has addressed these questions and requests and has revised Chapter 18.44 in response to the requested clarifications. The revisions include:

1. Clarified the entry corridors and the relationship of these corridors to new subdivision design and development.
2. Clarified the difference between the required on-lot trees and parkway landscaping requirements.
3. Provided consistency between shall, may, must, and other requirements throughout Section 18.44.
4. Removed duplicated definitions.
5. Clarified perimeter treatments.
6. Clarified that oil and gas facilities may request alternative designs to be reviewed by the Community Development Director or designee on a case-by-case basis.

7. Clarified the water-efficient irrigation practices and general landscaping design standards (18.44.04).
8. Clarified and revised the parkway standards (18.44.100) and clarified exemptions for properties located within the General Improvement District (GID).
9. Added definition for mulch and revised Boulevard Median Standards.
10. Clarified Ground Cover and included reference to concrete pavers.
11. Clarified a “footstep” and provided a revised figure (18.44-12).
12. Moved all definitions back into the Landscape regulations (18.44.030) to provide consistency with other sections of the Development Code. All definitions contained in the entire Chapter 18 will be moved to a separate Definitions section as part of the overall code update.
13. Corrected spelling errors and other typographical errors.

STAFF RECOMMENDATION

Approval

PLANNING COMMISSION RECOMMENDED MOTION

A motion that, based on the Project Summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 18 of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council.

ATTACHMENTS:

Staff report from continued December 15, 2020 public hearing and attachments



PLANNING COMMISSION

Proceedings

December 15, 2020
(Zoom Webinar and viewable on City of Greeley YouTube)
1:15 p.m.

I. Call to Order

Chair Yeater called the meeting to order at 1:15 p.m.

II. Roll Call

Chair Yeater, Commissioners Andersen, Schulte, Briscoe, Franzen and Romulo were present. Commissioner Modlin was absent.

III. A public hearing to consider an Ordinance repealing Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44, amending portions of Chapter 18.04.110, 18.42,030, and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards

Project Name: Landscape Code Update
Case No.: CU2018-0002
Applicant: City of Greeley
Presenter: Marian Duran, Long-Range Planner

Chair Yeater introduced the case. Commissioner Modlin joined the meeting at 1:16 p.m.

Marian Duran addressed the Commission and made reference to the prior Planning Commission worksession where information was presented and discussion held with regard to updates to the Landscape Code. She introduced some of the planners and consultants who worked on the update. Ms. Duran presented the goals and priorities and noted that they align with the Imagine Greeley Comprehensive Plan as well as the water conservation and landscape policy for water efficiency. She added that the language in the proposed plan is designed to be less confusing and more user friendly.

Ms. Duran explained that feedback was received from industry experts who brainstormed with staff and committee members on ideas that worked in other communities and what might work for Greeley. She introduced Courtney Stasiewicz, a landscape designer with the Birdsall Group in Littleton, Colorado. Ms. Stasiewicz was contacted by Ms. Duran and the team in late August and approximately 15 people participated in the process to prepare a draft revised Landscape Code.

A public meeting was held in November and a bilingual survey was made available on the department website. Ms. Duran briefly highlighted a few of the 85 responses that were received and noted that the full survey results were in the packet.

Ms. Duran presented a slide comparing the current landscape code language to the proposed language. She described the purpose and intent as well as some of the requirements for single-family and two-family lots. Ms. Duran stated that some of the confusing language in the code about trees, buffer yards, perimeter treatment and parking lot standards had been revised or eliminated.

Ms. Duran also spoke about the importance of meeting water conservation goals established by the City and noted that water conservation and irrigation guidelines will be compiled into a manual by the Water and Sewer Department and utilized by city staff. She explained that since changes could be made quite often, it made sense to compile the materials into a manual rather than include within the Code.

Commissioner Andersen referenced page 8 of the packet about entry corridors maintaining architectural landscaping design and asked what an entry corridor was, as she could not locate a definition in the draft. Ms. Duran explained that an entry corridor could include an entry into the City of Greeley or into a subdivision that would provide an enhancement to the landscaping of that area and make it more visually appealing. She added that staff is also considering an update to the Entry Corridor Plan as it has become outdated. Upon question by Commissioner Andersen as to whether the requirements would apply to all businesses along a corridor, Ms. Duran advised that it would depend upon the location of a project. She referenced projects in the past at State Farm and the Colorado Department of Transportation on west Highway 34. Commissioner Andersen expressed concern that a commercial property located along an entry such as Highway 85 could lose part of its property to create aesthetically pleasing landscaping as a requirement of the Code, adding that it could increase the cost per square foot. Ms. Duran advised that the requirement might only apply to a property and would not be required throughout the corridor.

Commissioner Romulo asked whether entry corridors are clearly delineated. Mike Garrott, Planning Manager, addressed the Commission and stated that Ms. Duran was referring to a 1993 corridor plan adopted by the City that highlights landscaping, art features, and sense of place when entering larger corridors such as what is seen on 11th Avenue, 10th Street and the Highway 34 “Welcome to Greeley” sign. He added that the language in the Code is describing major corridors or projects that are usually done by the City or State, adding that the City is not requiring additional landscaping under the current or new Code. He noted that the goal is to create a sense of place, enhance business and provide a uniform theme. Upon question by Commissioner Andersen as to whether it was being considered as a goal or a requirement, Mr. Garrott advised that it would be a requirement. He added that Planning staff will review when projects are developed along major corridors.

Referring to page 15 of the packet, Commissioner Andersen asked if trees planted in the parkway counted as trees in front of a residence. Ms. Duran advised that the requirement is for one tree in a private yard and one tree in a parkway. She added that single-family and two-family dwellings will be required to have one tree in the front yard and one tree in the parkway, with a 35-foot distance between trees.

Ms. Stasiewicz addressed the Commission and stated that it is typical for designers and developers to install parkway trees and that owners are responsible for planting trees on their property. Commissioner Andersen asked what would occur if a lot is not big enough to maintain a 35-foot distance between trees. Ms. Duran advised that each situation and neighborhood is unique and would be reviewed accordingly based on lot size.

Commissioner Andersen asked who was responsible for requiring an owner to plant a tree in the yard and when that might occur. Ms. Duran stated that a developer would install parkway trees as part of construction and that planting of trees in the yard would be enforced by Code Compliance when performing neighborhood equity sweeps. She added that the focus is more on new developments as it would be difficult to enforce in older neighborhoods. Commissioner Andersen also noted a spelling error on page 10.

Commissioner Romulo referenced language on page 10 of the packet noting that landscaping plantings shall be designed to establish water efficient irrigation practices. She asked if this was a requirement and whether it might be a code violation for residents who may want to include bluegrass or other grasses. Ms. Duran advised that it is not a requirement; however the Code encourages continued water conservation. She described the “Life after Lawn Program” that provides incentives for property owners who switch some bluegrass for xeriscaping for water efficiency.

Brad Mueller, Community Development Director, addressed the Commission and indicated that the language that appeared to be a requirement may not be the intention. He suggested providing the Commission with language to consider when making a motion. Carol Kuhn, Chief Planner, addressed the Commission and provided some options that could be worked into a motion to correct any spelling errors and clarify language in specific sections. Upon question by Chair Yeater, Ms. Kuhn agreed to attempt to craft a motion that encompassed all of the Commission’s comments. Commissioner Romulo noted that her comments were about language in Section 18.44.040, stating that if the subsections contain a combination of required and optional requirements, they should be separated. She added that if all of the items in the subsections are optional, a header text would probably suffice.

Commissioner Andersen referenced language in Section 18.44.100(a)(1) requiring a perimeter treatment plan demonstrating landscaping in areas adjacent to all rights-of-way behind the *walk in low density suburban areas* and asked about the meaning of “walk in low density suburban areas.” Ms. Duran was unsure of the intent and offered to review and make any necessary revisions. Commissioner Schulte offered that perhaps language from another jurisdiction was used in the working draft and possibly not deleted. Mr. Mueller suggested clarification by adding the word “sidewalk” in low-density suburban areas and Ms. Duran agreed. Commissioner Schulte pointed out that this appears to be the only section where the word “suburban” appears and asked whether it was necessary to be included. Ms. Duran suggested that it was probably included at the request of one of the committee members but could be removed if it does not make sense or creates confusion.

With regard to Section 18.44.110, Median Standards, Commissioner Andersen noted that plant coverings would be designed with a mulch of choice. She wanted to ensure that floatable mulch would not be installed where it might float away and clog storm drains. Ms. Duran advised that language regarding floatable mulch had been included in an earlier draft, but that after talking with experts in the Stormwater Division who advised that any type of mulch material will eventually float away, the language was removed. She added

that it is difficult to require non-floating mulch when it cannot be prevented from being displaced.

With regard to ground cover described in Attachment C, Commissioner Andersen noted the reference to patterned concrete and asked whether patterned concrete was considered proper ground cover. Ms. Duran stated that it was not the intent that ground cover be exclusively patterned concrete and offered to review the language in more detail. Commissioner Romulo noted that there appeared to be two definitions of patterned concrete. Ms. Kuhn suggested using the word “paver” instead of patterned concrete. Commissioner Franzen asked whether there should be a limit to the size of pavers. Ms. Duran pointed out that there is still a requirement that at least 50 percent of the yard must be landscaped. She advised that staff wanted to eliminate too many standards appearing in the Code and that perhaps specific information could be included in a policy manual. Commissioner Andersen agreed that it would be a good idea to make the policy broad and have a handbook with specifics.

Upon question by Commissioner Andersen, Ms. Duran described the meaning and purpose of a footstep in commercial parking areas, adding that it is a step or area designed to avoid individuals walking on landscaped areas. It would ensure the preservation of landscaping next to parking areas and would be more comfortable for people who park adjacent to parking islands without stepping onto landscaping or rock. Upon further question by Commissioner Andersen, Ms. Duran advised that footsteps can be lowered, paved or striped areas.

Commissioner Romulo noted that, similar to ground cover, there were two definitions of “screening” and “weed.” Commissioner Andersen also pointed out that there were duplicate definitions of “street tree.” Commissioner Andersen expressed that it could be difficult to word a motion that contained all of the changes discussed during the hearing.

Chair Yeater opened the public hearing at 2:04 p.m. There being no public comment by mail, email or chat, the public hearing was closed at 2:04 p.m.

Chair Yeater echoed Commissioner Andersen’s comments about how to properly word a motion that captured all of the suggested changes. Commissioner Briscoe added that following the earlier lengthy worksession on this matter, the Commissioners had received a 71-page code update to review and take action at this hearing. He noted the concerns that had been identified and did not feel that this forum would be conducive to a thoughtful recommendation by the Planning Commission. He indicated that it felt rushed and asked whether the special hearing had been scheduled due to an urgency to expedite the code adoption process. Mr. Mueller responded and indicated that there was no inherent urgency and that the reason for the special hearing was in recognition that the regular hearing on December 22nd was not a workable date for the Commission. Mr. Mueller expressed his understanding that it is difficult to wordsmith a motion on the spot, and would advocate for a continuance to a date certain to address comments brought up during the hearing if the Commission was more comfortable. Chair Yeater asked whether the presentation would need to be repeated in its entirety.

Item No. 14.

Chair Yeater turned it back over to the Commission, indicating his recommendation to review the Code with the proposed changes before voting on the matter. Commissioner Romulo added that it would be important for staff to make sure to specifically and clearly delineate items in the Code that are recommended versus those that are required. Chair Yeater confirmed that the next regular hearing is January 12, 2021 and asked whether it would be necessary to schedule another special hearing. Mr. Garrott stated there was no reason to schedule another special hearing.

Commissioner Andersen moved to continue the item to January 12, 2021. Commissioner Romulo seconded the motion. The motion carried 7-0.

IV. Staff Report

Brad Mueller introduced Gary Roberts, the new Code Compliance Supervisor. Mr. Roberts addressed the Commission and provided a brief background, adding that he is happy to be in Greeley and looks forward to working with the Planning Commission in the future.

Mr. Mueller expressed appreciation for the Commission’s time and effort reviewing the items for today’s hearing, providing feedback and making recommendations for revisions. Since the code change not a quasi-judicial matter, Mr. Mueller extended an invitation to Commissioners to reach out to each other or contact him or staff with any comments or questions. Commissioner Briscoe asked whether a legal issue would be created by providing materials earlier when being asked to consider an item of this magnitude. He stated that it would have been beneficial to have the 71-page code document at the previous worksession rather than a few days prior to the hearing. Commissioner Briscoe expressed concern that there may not have been enough time to digest the information prior to being required to vote on a recommendation to City Council on repeal and replacement of the landscape code. Mr. Mueller advised that materials could be provided in advance of worksessions, with official drafts for adoption placed in packets prior to hearings. Mr. Garrott stated that the Code, with revisions, would be sent out the week after the Christmas holiday. Ms. Kuhn added that other jurisdictions sometimes schedule two worksessions prior to a hearing: one for more detailed policy-level discussions and another where drafts are worked through with staff. She asked if this might be something the Commission is interested in considering in the future.

The meeting adjourned at 2:22 p.m.

V. Adjournment to Worksession

Topic: Development Code Update – Housing Options
Presenters: Carol Kuhn, Chief Planner and Consultant (Gould Evans)

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Brad Mueller
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Justin Yeater, Chair

Brad Mueller, Secretary



PLANNING COMMISSION Proceedings

January 12, 2021
(Zoom Webinar and viewable on City of Greeley YouTube)
1:15 p.m.

I. Call to Order

Vice Chair Briscoe called the meeting to order at 1:22 p.m. following a brief issue with meeting technology.

II. Roll Call

Vice Chair Briscoe, Commissioners Andersen, Franzen, Modlin and Romulo were present. Chair Yeater and Commissioner Schulte were absent.

III. Approval of December 8, 2020 Minutes

Commissioner Modlin moved to approve the minutes dated December 8, 2020. Commissioner Andersen seconded the motion. The motion carried 5-0. (Chair Yeater and Commissioner Schulte were absent.)

IV. Approval of December 15, 2020 Special Meeting Minutes

Commissioner Andersen moved to approve the minutes dated December 15, 2020. Commissioner Romulo seconded the motion. The motion carried 5-0. (Chair Yeater and Commissioner Schulte were absent.)

V. Continuation of a public hearing to consider an Ordinance repealing Chapter 18.44 and Appendix D in their entirety, adding a new Chapter 18.44, amending portions of Chapter 18.04.110, 18.42,030, and amending Appendix 18-B of the City of Greeley Municipal Code, all regarding Landscaping, Irrigation, Buffers, and Screening Standards

Project Name: Landscape Code Update
Case No.: CU2018-0002
Applicant: City of Greeley
Presenter: Marian Duran, Long-Range Planner

Marian Duran addressed the Commission and explained that the item was continued from December 15, 2020. She described revisions that were made to the draft Landscape Code

(Code) based upon comments and discussion during the previous hearing and offered to answer any questions by the Commission.

Commissioner Modlin asked how the Code revisions would align with the timeline from submittal of a building permit until issuance of a certificate of occupancy. Ms. Duran advised that it would not affect building permits or any permits submitted by a developer.

Referring to Open Space in the definitions section, Commissioner Andersen asked about the rationale for the statement, “Usable open space shall not include required setbacks from oil and gas facilities.” Ms. Duran noted that this is the current practice with every development and added that usable open space must be on the lot, not in a public right-of-way. Upon a follow-up question by Commissioner Andersen, Ms. Duran stated that a setback is considered public right-of-way. Commissioner Andersen asked whether a right-of-way is for utility access or land access. Ms. Duran reported that the language could be interchangeable, but in this case it is for land access.

Commissioner Andersen asked whether perimeter treatments are required for all new subdivisions. Ms. Duran stated that they were required and Commissioner Andersen inquired about the rationale, referring to properties in the older parts of town that do not have a perimeter treatment. Ms. Duran advised that the rationale includes reducing noise levels, preserving the quality of life of a neighborhood, beautification and aesthetic design. Community Development Director, Brad Mueller, added that older subdivisions had direct access onto roads, whereas modern subdivision regulations generally do not allow for a home to be accessed onto an arterial road. He added that the requirement for perimeter treatments is also for safety and traffic efficiency. Planning Manager, Mike Garrott, informed the Commission that perimeter landscape treatment is not a new criteria and has been in the Code for quite some time.

Commissioner Andersen referred to the discussion during a prior worksession about housing and the significant “missing middle.” She noted that new subdivisions or gated communities with permanent landscaping to be maintained by a homeowner’s association (HOA) seem directed to furthering the “missing middle” concept. She referenced older neighborhoods without an HOA where homes are more affordable. Mr. Mueller stated that the two examples are not incompatible, adding that within a subdivision, the City would want to support the “missing middle” by not requiring extraneous landscaping. He noted that there is also an allowance in the Code determining that a small subdivision or lot is considered infill with different landscaping requirements.

Commissioner Andersen expressed concern that the requirement could potentially price people out of the market when purchasing a home. Ms. Duran advised that the current regulations regarding perimeter treatment are greater than what is now being proposed. Commissioner Andersen observed that it seemed to preclude low income housing if it is required to look like high income housing. Mr. Mueller stated that plan accounts for the impact by reducing the standards, but it is important not to create situations where there is no buffering between industrial or commercial and residential. He added that this has been a standard urban design practice since the 1980s. Commissioner Andersen agreed, and noted that since the 1980s affordable housing is less available and asked whether the trend might be going in the wrong direction.

Carol Kuhn, Chief Planner, addressed the Commission and noted that there are still opportunities to purchase when dealing with infill and other areas. She stated that there is a provision in the Minor, Major and Exclusions section that might not trigger landscaping requirements, providing housing opportunities in the downtown area. Commissioner Andersen observed that there did not seem to be opportunity with this Code to create different middle areas.

Vice Chair Briscoe referenced some gated communities with a pronounced perimeter versus other types of perimeter treatment that have been in place since the 1980s. He noted the Bittersweet neighborhood with a perimeter plan that doesn't seem onerous to homeowners. Vice Chair Briscoe questioned whether the existence of an HOA or metro district added a design element creating a per square foot cost that priced people out of the market. He also questioned whether removal of the requirement would open up a huge middle market.

Commissioner Franzen stated that in the case of a metro district, the cost to a homeowner is on the back end in the form of taxes, but not on the front end in the cost of the home. He did not feel the inclusion in an HOA or metro district would take away the middle market, adding that infill lots seem to be a prime example for creating low income housing opportunities. Commissioner Andersen continued that in earlier days, landscaping was not a requirement for owners of new homes. Mr. Mueller advised that there are older areas of town with perimeter landscaping, such as Virginia Hills, illustrating that landscaping does not always create a situation where homeowners are responsible to maintain. Using the example of the Bittersweet neighborhood, Mr. Mueller noted that if there were no requirement, the subdivision would end up with all major roads lined with backyard fences to the sidewalk. He explained the public space interest and the historic difference between subdivisions of 1970s and 1980s and today.

Commissioner Modlin observed that whether it is low, middle or high income housing, an owner or tenant would want privacy from the streetscape, whether it was provided by the homeowner, a developer or an HOA. Commissioner Andersen stated that it would depend upon who pays and for how long, and that some buyers might be willing to live with some noise in order to purchase an affordable home.

Commissioner Romulo referenced an earlier meeting about the overall Development Code update where there was discussion about different trends in the Code now compared to when the Greeley Code was originally written. She asked whether that discussion fit into the current one. Ms. Kuhn acknowledged that some of these elements are functioning independent of the overall Code update. She added that as work is undertaken to design neighborhood and streetscape pieces, staff recognizes that it will become part of the Development Code and that the Landscape Code may need revisions in the future. She added that it will become part of whole Development Code update in September.

Regarding middle income housing, Commissioner Romulo stated that she did not have a good sense as to the major barriers and asked whether the consultants on the Development Code update are looking into the situation. Ms. Kuhn noted that some barriers include things such as water taps, dedications and acquiring individual access and are outside of the landscaping discussion. She added that with the "missing middle," staff is looking at how to overcome some of the barriers and put incentives in place.

Commissioner Romulo requested that during the next Development Code update, staff identify the types of situations that create minor and major barriers and discuss possible ways to resolve those issues.

Vice Chair Briscoe opened the public hearing at 2:03 p.m. There being no public comment by mail, email or chat, the public hearing was closed at 2:03 p.m.

Commissioner Andersen expressed her appreciation for the hard work that went into the update and likes the intentionality of limiting water use. She stated that she was hesitant to support the creation of identical subdivisions with identical treatments without looking at other options or perhaps taking smaller steps. Commissioner Franzen stated that he did not feel the Landscape Code would create a big enough barrier to prohibit someone getting into the housing market.

Commissioner Modlin moved to approve the changes to the Land Code 18.44 to be further revised at the time of a complete update of the Development Code.

Mr. Mueller advised that it would be appropriate to approve the recommended motion as presented in the packet with the understanding that it is with the intent to reconsider the Code with the larger Development Code adoption.

Vice-Chair Briscoe requested an amended motion.

Commissioner Andersen moved that, based on the project summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 18.44, 18.04.110, 18.42.030, and Appendix 18-B of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommends approval to City Council. Commissioner Romulo seconded the motion. The motion carried 4-1, with Commissioner Andersen voting against the motion. (Chair Yeater and Commissioner Schulte were absent.)

VI. A public hearing to consider adoption of the Get Outdoors Greeley Strategic Plan

Project Name: Strategic Plan Adoption
Case No.: PS2021-0001
Applicant: City of Greeley
Presenter: Justin Scharton, Natural Areas & Trails Superintendent

Justin Scharton addressed the Commission and introduced the consultant, Jeremy Call, from Logan Simpson Design. He also introduced Andy McRoberts, Director of Culture, Parks and Recreation. Mr. Scharton noted that a draft plan had been presented during a worksession in early December and that the final draft was included in packet for consideration. He noted that today he is asking for a recommendation of approval of the plan by City Council with any applicable edits discussed today.

Mr. Call addressed the Commission and noted that natural areas and trails have provided a tremendous opportunity for community respite during a difficult time. He advised that the program has been in place for about two years without a plan, adding that the 5-year

Landscape Code Update

Supporting Water Conservation Efforts while Honoring
Greeley's Landscaping & Tree Planting Traditions

City Council Hearing – February 16, 2021

Brad Mueller, Community Development Director



- **Landscape Code Update – 2021**
 1. **City Council’s Priorities and Objectives**
 2. **Comprehensive Plan (Imagine Greeley) (Water Conservation)**
 3. **Landscape Policy for Water Efficiency (Ordinance NO. 40, 2015)**
 4. **Reduce the amount of landscape material and water to be used for landscaping**
 5. **Provide a user-friendly language**
 6. **Revise infill development standards**
 7. **Simplify landscape provisions for residential properties**
 8. **Encourage holistic design alternatives**

- **Landscape & Irrigation Manual – TBD future project (W&S)**
 1. **Requirements for irrigation system design**
 2. **Irrigation installation guidelines**
 3. **Performance audits**
 4. **Water-efficient planting guide**
 5. **Best management practices**

Public Outreach

- **Advisory Committee met 4 times**
 - Citizens, staff, and landscape industry professionals
 - Discussions started August 28, 2020
 - Worksheet/review of Landscape Code Update drafts
- **Public Survey (English & Spanish)**
 - 85 responses
 - Public Correspondence

Current

- Purpose and Intent

- Has eight sections
- Promote compatibility
- Promote tree-lined streets, Tree City USA
- Reduce heat island effect from inadequate landscaping

- Single-family and two-family lots

- 50% of ALL yards (front, side, back) must be landscaped
- 50% of parkway/tree lawn must be live plantings

Revision

- Purpose and Intent

- Five topical sections
- Land use compatibility & water efficiency
- Uphold agriculture & Tree City USA tradition
- Promote energy & ecological benefits at the regional, community, and lot level

- Single-family and two-family lots

- Only front yards/any yard visible from adjacent rights-of-way must have 50% live plantings
- Properties still may not have weeds or bare dirt as an acceptable ground cover
- Clarified that trees in parkways are required every 35 feet

Current

- **Buffer Yards (applies to non-residential only)**
 - Buffering required along entire length of adjoining lot lines
 - Requires buffers for both differing uses and zoning districts
 - Three tables:
 1. Land Use Intensity
 2. Required Buffer Yards
 3. Buffer Yard Types
 - There are 7 buffer types, each one increasing in width and number plantings
 - Options to reduce the material if the width increases, but only as the width gets wider
 - Options to reduce the material if a berm, wall, or fence is installed

Revision

- **Buffer Yards (non-residential)**
 - Does not require buffering along the entire length of adjoining lot, but only where the most intense and differing land-uses exist
 - Requires buffer against differing uses, not differing zoning districts. Like-for-like uses would not be required to have buffering.
 - Reduces the amount of tables to two:
 1. Land use intensity table
 2. Minimum buffer yard material and width
 - Reduces the number of buffer yards to 4, and reduces width from 50 to 20 feet (60% reduction)
 - Increases options, such as hardscape designs in infill areas
 - Requires a 60/40 mix of non-deciduous to deciduous materials, respectively (creates year-round screening)

Current

- **Perimeter Treatment**

- Applies at the subdivision and major development scale
- Requires that a number of plantings be installed based on the classification of streets
- Maintained in perpetuity by an owner's association

- **Parking Lot Standards**

- Parking lots must be screened from the view of adjacent properties and adjacent rights-of-way
- Unclear when medians are required, but standards apply (i.e., shall contain 1 shade tree for every three 3 parking space)

Revision

- **Perimeter Treatment**

- Still applies to all major development (e.g., preliminary subdivision, USB, or PUD)
- Classification of streets remains, but plantings are reduced
- Maintained in perpetuity by an owners' association, metro district, property owner, or tenant
- Exempts parking lot areas, when parking lot screening is already required

- **Parking Lot Standards**

- Screening area reduced from 10 to 8 feet wide (20% reduction), perimeter treatment not required
- Medians are required for parking lots with more than 100 parking spaces, and requires a minimum of 2 parking bays

Current

- **Water Conservation & Irrigation**

- Sprinklers shall be placed so as not to throw water onto adjacent paved or hardscaped surfaces
- All multi-family, commercial, industrial, mixed-use, and institutional properties must install rain sensors
- Green Industry Best Management Practices

Revision

- **Water Conservation & Irrigation**
 - Best management practices can change somewhat frequently. As such, these are removed from the Code, and will instead be included in a separate landscape & irrigation policy manual, developed primarily by Water & Sewer Dept.
 - Examples include: rain sensors, automatic irrigation, subsurface and drip irrigation, irrigation audits, and temporary irrigation allowances.
 - Other aspects will be successful through education and incentives (not Code). Examples include: using hydrozones when designing irrigation, promoting xeric landscaping and native grass in lieu of traditional turf-grass, bioretention facilities

Summary

- **Landscape code updates are part of a continuous improvement initiative**
- **Water efficiency continues to drive updates, and will continue to change with new tools and technology**
- **Greeley has a proud history of water acquisition and stewardship**
- **Always a balance of aesthetics, personal choice, environmental benefits, and water resources**



Recommendation

- **December 8 Council Worksession – background & context**
- **December 15 & January 12 Planning Commission**
 - **Recommend APPROVAL**

Council Agenda Summary

February 16, 2021

Agenda Item Number

Key Staff Contact: Anissa Hollingshead, City Clerk, 970-350-9742

Title:

Appointment of applicants to the Citizen Transportation Advisory Board, Golf Board, Greeley Art Commission, Island Grove Advisory Board, Parks & Recreation Advisory Board, and Stormwater Board.

Summary:

Council appointment is needed to the above-mentioned boards and commissions due to vacancies and term expirations. Staff continues to actively recruit to fill all vacant positions.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

The City Attorney's Office reviewed the applications and advised of potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Other Issues and Considerations:

Not applicable.

Applicable Council Priority and Goal:

Infrastructure & Growth: Establish the capital and human infrastructure to support and maintain a safe, competitive, appealing and successful community.

Decision Options:

- 1) Appoint or reappoint the individuals to serve on applicable board or commission;
or
- 2) Direct staff to re-advertise applicable vacancy.

Council's Recommended Action:

No motion is necessary. The City Council's Policies and Protocol authorize appointment of Board and Commission members by written ballot, which can be used in lieu of a motion or voice vote for individual or multiple appointments. This policy was adopted by Council as a time-savings measure. Accordingly, a ballot is attached for Council's use in making appointments. Candidates receiving a majority vote (at least 4 votes) are appointed with no further action needed by Council.

Attachments:

Ballot

February 2021 Boards and Commissions Transmittal Summary

Boards & Commissions

Appointment Ballot

February 16, 2021



Applicants for the boards and/or commission listed below are in alphabetical order and recommendations from the interviewing team are shown in bold.

***** BALLOT *****

Citizen Transportation Advisory Board
<i>3 Positions</i>
_____ JOHN COMPTON
_____ (RECRUIT FOR ADDITIONAL APPLICANTS)

Island Grove Advisory Board
<i>1 Position</i>
_____ JAMES HERMAN (I)
_____ Rusty Morgan
_____ (Recruit For Additional Applicants)

Golf Board
<i>2 Positions</i>
_____ BILL GRADY
_____ TORY HANSON
_____ (Recruit For Additional Applicants)

Parks & Recreation Advisory Board
<i>3 Positions</i>
_____ Amanda Albano (I)
_____ CLINT TORCZON (I)
_____ VICENTE VEGA RUIZ
_____ LOUISE WILSON
_____ (Recruit For Additional Applicants)

Greeley Art Commission
<i>2 Positions</i>
_____ RACHEL FREEMAN
_____ Jen Mayer
_____ EDDIE MIRICK
_____ (Recruit For Additional Applicants)

Stormwater Board
<i>2 Positions</i>
_____ JERROD CARLSON (I)
_____ CASEY CHRISTIANSEN (I)
_____ (Recruit For Additional Applicants)

Incumbent = (I)

Boards & Commissions Transmittal

February 5, 2021

Key Staff Contact: Jerry Harvey, Assistant City Clerk, 350-9746

Interview Dates

February 10 & 11, 2021

Council Interview Team

Council Members Clark and Hall

Council Appointment Date

February 16, 2021

Boards and Commissions Being Interviewed

- Citizen Transportation Advisory Board
- Golf Board
- Greeley Art Commission
- Island Grove Advisory Board
- Parks & Recreation Advisory Board
- Stormwater Board

Council's Recruitment and Qualifications Policy

General recruitment efforts shall be made with special measures being taken to balance ward representation and attract minority and special population applicants. Generally, volunteers will be limited to serving on one board or commission at a time. (14.2. (c)(2) City Council, Policies and Protocol)

Demographic information of existing board members and any specialty requirements are contained within the attached Membership Rosters.

Legal Issues

The City Attorney's Office reviewed the applications and the attached memorandum addresses any potential conflicts of interest.

It should be noted that there is a possibility that the applicants currently serve as a volunteer on a board or commission besides the one they are applying to. It is also important to point out to the applicants that there are always potential conflicts that exist with business and investments, current jobs or relatives and family members coming before the Board or Commission.

Should such conflicts arise, the Board or Commission member simply excuses themselves from that particular item but such a potential conflict does not preclude anyone from serving on a Board or Commission in general, just that particular agenda item.

Applicable Council Goal or Objective

Infrastructure & Growth – Establish the capital & human infrastructure to support & maintain a safe, competitive, appealing, and dynamic community.

Decision Options

1. Recommend candidates for appointment; or
2. Direct staff to re-advertise applicable vacancy.

Attachments

1. Interview Schedule
2. Conflict Memorandum from City Attorney's Office
3. Sample Ballot
4. Membership Rosters & Input from above mentioned Boards and Commissions
5. Applications of those being considered for interview and/or considered for appointment

Transmittal reviewed by:

^{DS}
RHO

Roy Otto, City Manager

^{DS}
AH

Anissa Hollingshead, City Clerk

Council Agenda Summary

February 16, 2021

Maria Gonzalez Estevez, Human Resources Director, 970-350-9714

Title:

Executive Session for Annual Review of the Municipal Court Judge

Background:

An Executive Session is needed for the annual review of the City Attorney.

The Executive Session should immediately follow this item. If Council concurs, the motion listed below is needed first.

Decision Options:

A motion to adjourn the Council Meeting and move into an Executive Session immediately for the purposes of discussing personnel who report to Council as provided for under C.R.S. 24-6-402(4) (f) and Greeley Municipal Code Section 2.04.020 (6) a.

Attachments:

None

Council Agenda Summary

February 16, 2021

Title

Scheduling of Meetings, Other Events

Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

Attachments

Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

February 15, 2021 - February 21, 2021

February 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Monday, February 15

Tuesday, February 16

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, February 17

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, February 18

7:30am - 8:30am DDA (Zasada/Butler)

3:30pm - 4:30pm Airport Authority (Clark/Payton)

Friday, February 19

Saturday, February 20

Sunday, February 21

February 22, 2021 - February 28, 2021

February 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Monday, February 22

- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall)
- 6:00pm - 7:00pm Youth Commission (Butler)

Tuesday, February 23

- 6:00pm - City Council Worksession Meeting - Council Master Calendar

Wednesday, February 24

- 7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar

Thursday, February 25

- 7:30am - Poudre River Trail (Hall)

Friday, February 26

Saturday, February 27

Sunday, February 28

March 1, 2021 - March 7, 2021

March 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday, March 1

Tuesday, March 2

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, March 3

Thursday, March 4

3:30pm - IG Adv. Board (Butler)

6:00pm - MPO (Gates/Payton)

Friday, March 5

Saturday, March 6

Sunday, March 7

March 8, 2021 - March 14, 2021

March 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday, March 8

Tuesday, March 9

6:00pm - City Council Worksession Meeting - Council Master Calendar

Wednesday, March 10

Thursday, March 11

7:30am - Poudre River Trail (Hall)

Friday, March 12

Saturday, March 13

Sunday, March 14

March 15, 2021 - March 21, 2021

March 2021

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2021

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday, March 15

Tuesday, March 16

6:00pm - City Council Meeting - Council Master Calendar

Wednesday, March 17

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, March 18

7:30am - 8:30am DDA (Zasada/Butler)

3:30pm - 4:30pm Airport Authority (Clark/Payton)

Friday, March 19

Saturday, March 20

Sunday, March 21

City Council Meeting Scheduling

Current as of 02/12/2021

This schedule is subject to change

Date	Description	Sponsor	Placement/Time
February 23, 2021 Worksession Meeting	Keep Greeley Moving Renewal - <i>Move1</i>	Paul Fetherston	1.00
	COVID-19 Update	Roy Otto	0.25
	Firefighter Deployment Recognitions	Brian Kuznik	0.25
	Small-Format Housing - <i>Home1</i>	Brad Mueller	0.75
March 2, 2021 Council Meeting	COVID-19 Update	Roy Otto	Regular
	Resolution - Support of the Terry Ranch Project and Master Purchase and Sale Agreement - <i>Water1; Water2</i>	Sean Chambers	Consent
	Ordinance - Final - Revisions to Chapter 14 to Identify and Accept Raw Water Credits - <i>Water1; Water2</i>	Sean Chambers	Regular
March 9, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	Infill Strategies	Brad Mueller	0.75
	Fiscal Year 2020 Year End Financial Update	John Karner	0.5
March 16, 2021 Council Meeting	Resolution - Termination of the Industrial Water Bank (Joint Resolution with W&S Board) - <i>Water1; Water2</i>	Sean Chambers	Consent
	Ordinance - Intro - Municipal Code Recodification	Anissa Hollingshead	Consent
	HUD/CDBG CAPER Review	Ben Snow	Regular
	COVID-19 Update	Roy Otto	Regular
	Boards & Commissions Appointments	Anissa Hollingshead	Regular
March 23, 2021 Worksession Meeting	COVID-19 Update	Roy Otto	0.25
	CCO Council Protocol Review and Portal Functionality Discussion	Anissa Hollingshead	0.50
	Development Code - Chapters 1 & 2 - General Provisions and Procedures	Brad Mueller	0.50

Council Agenda Summary

February 16, 2021

Title

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances

Council's Recommended Action

A motion to approve the above authorizations.

Council Agenda Summary

February 16, 2021

Title

Adjournment