



City of Lone Tree Planning Commission Agenda Tuesday, December 13, 2016

Meeting Location: City Council Meeting Room, Lone Tree Civic Center, 8527 Lone Tree Parkway

Meeting Procedure: The Lone Tree Planning Commission and staff will meet in a public Study Session at 5:30 p.m. in the lower level of the Civic Center. The Regular Meeting will be convened at 6:30 p.m. in the City Council meeting room. Contact Jennifer Drybread, jennifer.drybread@cityoflonetree.com if special arrangements are needed to attend (at least 24 hours in advance). Comments from the public are welcome during the Public Comment portion of the meeting (brief comments on items not appearing on the regular meeting agenda). Those persons requesting to comment on an agenda item will be called upon by the Chair. If you have any questions please contact Jennifer Drybread, Senior Planner, at jennifer.drybread@cityoflonetree.com, or 303-708-1818.

5:30 p.m. Study Session Agenda

1. Administrative Matters
2. Year-end survey discussion

6:30 p.m. Regular Meeting Agenda

1. Opening of Meeting / Roll Call
2. Conflict of Interest Inquiry
3. Public Comment (For Items NOT appearing on the agenda)
4. Minutes of the September 13, 2016 Planning Commission meeting
5. Proposed amendments to the City of Lone Tree Municipal Code, Chapters 16 and 17, Project RG16-71
6. Fairwell to Commissioner, Herb Steele
7. Adjournment

MINUTES OF THE
Lone Tree Planning Commission Meeting
September 13, 2016

Lone Tree Civic Center

1. Attendance.

In attendance were:

- Dave Kirchner, Chair
- Rhonda Carlson, Planning Commissioner
- Daryl Heskin, Planning Commissioner
- Richard Rodriguez, Planning Commissioner
- Kevin Spencer, Planning Commissioner
- Herb Steele, Planning Commissioner

- Andrew Dodgen, Vice Chair, was absent

In attendance from staff were:

- Kelly First, Community Development Director
- Hans Friedel, Planner III

2. Opening of Meeting / Roll Call.

Chair Kirchner called the meeting to order at 6:30 p.m.

3. Conflict of Interest Inquiry.

There were none.

4. Public Comment (For Items NOT appearing on the agenda).

There were none.

5. Minutes of the August 23, 2016 Planning Commission meeting

Commissioner Heskin moved to approve the minutes, Commissioner Carlson seconded, and the minutes were approved 5 to 0, with Commissioner Steele abstaining due to his previous absence.

6. Proposed amendments to the City of Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX, Sign Standards, Project RG16-53.

Ms. First and Mr. Friedel introduced the proposed changes to the sign standards consisting of consolidating and simplifying categories, updating standards, and updating definitions to achieve content neutrality in line with the precedent regarding 1st and 14th Amendment protections for signs established by the U.S. Supreme Court Case *Reed v. Gilbert* (2015).

Staff recommended that the Planning Commission recommend approval to City Council of the proposed changes to amend the Lone Tree Municipal Code, Chapter 16, Zoning, Article XXIX - Sign Standards.

Commissioner Spencer thanked staff for the presentation. He inquired about Section 16-29-40, Prohibited signs, and why staff proposed to strike that language: (8) “signs associated with a proposed development or proposed zoning prior to City approval of such development or zoning, except for any sign displaying a public notice or warning required by a valid and applicable federal, state or local law, ordinance or regulation” Mr. Friedel responded that this was due to it referring to specific content; therefore, it made more sense to strike the provision. Signs on properties under development were covered under the temporary sign categories.

Commissioner Heskin asked about vehicle-mounted signage as it relates to vehicles in residential areas with advertising on them. Ms. First responded that advertising on private vehicles is not regulated; however, on commercial property, vehicles associated with the business are generally required to be parked behind the building or in some other inconspicuous area – they are not allowed to be *bona-fide* signs. Some signage is allowed on vehicles to provide for car dealership to have “for sale” signs on vehicles. Mr. Friedel added that if a vehicle is parked on a public street for more than 72 hours, and not moved, it can receive a ticket from the Police Department.

Commissioner Heskin thought prohibiting signs in the public right of way (ROW) was good as it reduced visual clutter.

Commissioner Steele thanked staff for the comprehensive analysis. He inquired how prohibiting signs in the ROW achieved content neutrality. Staff responded that the relationship here was that certain types of content-based categories of signs are allowed in the ROW and not others.

Commissioner Steele expressed concern that the code defines “Temporary sign” as a “sign intended to display either commercial or noncommercial messages of a transitory or temporary nature” and that “commercial or noncommercial messages” related to content – there were other definitions with similar wording. Ms. First read it as more of a reinforcement of the substitution clause. Commissioner Rodriguez recommended deleting commercial or noncommercial message from the definitions. There was a discussion regarding how to revise these to be content neutral. Mr. Friedel responded that staff could strike

references to commercial and noncommercial speech from the definitions and replace it with “any sign”.

Commissioner Steele inquired about enforcement and penalties for violators. Mr. Friedel responded that Zoning Enforcement’s goal was compliance; therefore, the issuance of court summons and fines was rare. Illegal signs in the ROW were picked up by Zoning Enforcement on a regular bases, the offending party contacted and informed of our standards, and the unclaimed signs disposed of.

Commissioner Steele inquired about regulating signs that people twirl and wave on sidewalks in the public ROW. He stated that it was distracting to motorists. Ms. First and Mr. Friedel responded that people carrying signs on public streets were broadly protected by the First Amendment. Mr. Friedel added that the intent of these post *Reed* revisions was to change as little as possible in our standards – as they work quite well, while achieving content neutrality and consistency. Regulating signs that people carry would be reaching into an entirely new territory of potential free speech issues. Staff felt that this would open the City to risk of litigation.

Commissioner Steele noted that the proposed revisions substituted “works of art” with “site elements”; however, this was not defined. Ms. First responded that site elements referred to bike racks, benches, etc. Mr. Friedel responded that staff would craft a definition for “site elements” and add it to the definitions section.

Commissioner Steele asked who “Director” referred to. Ms. First responded that this was defined as her earlier in the code.

Commissioner Steele asked about clarifying flag definition to include flags that were displayed hanging from a building, not necessarily from a pole. Commissioner Spencer recommended using the word “suspended.” Mr. Friedel responded that he would add language covering suspended flags to the definition of flags.

Commissioner Steele inquired how the city would educate HOAs as to the changes once they took effect. Ms. First responded that the HOA summit, an article in the Timberlines newsletter, and the website would provide ample outreach opportunities. Also, information about garage sale signs will be provided when residents pick up their signs.

Commissioner Carlson stated that her questions were covered by others.

Commissioner Rodriguez discussed the issue of regulating sign twirlers, those wearing sandwich board signs, and those holding signs in the ROW and on sidewalks. He believed that this could be done in a content-neutral way, and distinctions made between a sign, and graphics on shirts, etc., preventing the regulation from becoming a government overreach. He believed you could make

a content neutral standard for signs in the ROW, and sandwich board signs. He recognized that this may be outside of the scope of this proposed series of revisions.

Commissioner Rodriguez further inquired about where the ROW was throughout Lone Tree. Mr. Friedel responded that it varied and in some places it was back-of-curb, and in others back-of-sidewalk. Outreach and informational materials, including a self-serve permit for temporary signs, would be created post-approval of these revisions to clarify sign placement throughout the city.

Chair Kirchner asked about eliminating all signs in the ROW as it relates to single family detached subdivisions. Chair Kirchner asked about open house signs within the property itself. He wanted clarification on whether flutter flags, sail banners, etc., would be covered under the temporary sign category as defined. He stated that realtors often use these in open house events on the property where the open house is occurring.

Chair Kirchner asked about location of special event signs on city property. Mr. Friedel responded that if the sign was out of the ROW, but on a public property, the City would act as a property owner and it would require permission from the City.

Commissioner Spencer motioned to recommend approval of the sign standards as amended to:

1. Define site elements
2. Clarify regulation of flutter flag/ sail banners within the temporary sign category
3. Strike language referring to “commercial and noncommercial messages” from the definitions

Commissioner Steele seconded, and the motion passed 6 to 0.

7. Adjournment.

There being no further business, Chair Kirchner asked for a motion to adjourn. Commissioner Heskin moved to adjourn, Commissioner Steele seconded, and the meeting was adjourned at 7:45 p.m.

These minutes have been reviewed and confirmed by

_____ (name), on _____(date)



CITY OF LONE TREE
STAFF REPORT

TO: City of Lone Tree Planning Commission

FROM: Jennifer Drybread, Senior Planner
Lisa Albers, Capital Improvement Project Manager
Kelly First, Community Development Director
John Cotten, Public Works Director

DATE: December 7, 2016

FOR: December 13, 2016 Public Hearing

SUBJECT: Proposed Amendments to the City of Lone Tree Municipal Code
Project RG16-71

Applicant:

Lone Tree Community Development and Public Works staff

Planning Commission Hearing Date:
City Council Hearing Dates:

December 13, 2016
January 3rd and 17, 2017

A. REQUEST

Approval of amendments to Chapters 16 (Zoning) and 17 (Subdivision) of the Lone Tree Municipal Code.

B. STAFF FINDINGS

Staff finds that the proposed amendments are in conformance with the Lone Tree Municipal Code including the intent and procedures for regulatory updates and the Comprehensive Plan, including goals and objectives for:

- Ensuring the safety of the public when integrating development into the natural landscape
- Protecting the environment and conserving natural resources
- Protecting the quality of water resources
- Maximizing air and ground safety and minimizing land use conflicts associated with Centennial Airport
- Preserving or enhancing the natural and man-made visual environment

C. SUGGESTED MOTION OR RECOMMENDED ACTION

I move to recommend to the City Council approval of proposed amendments to the Lone Tree Municipal Code, Chapters 16 and 17.

D. BACKGROUND

From time to time the City staff undertakes an evaluation of the Municipal Code to:

- Ensure regulations are clear and consistent
- Ensure regulations are in line with current practices or procedures
- Eliminate redundant, outdated or unnecessary regulations
- Address existing problems or concerns
- Keep current with changing circumstances or technology, and
- Meet the needs of the City.

Staff from the Public Works and Community Development Departments worked together in 2016 to develop amendments to the Municipal Code that address the above list. Some of the amendments are minor in nature. The more substantive amendments are generally described to include:

- Adding language to provide guidance on rainwater collection for residential (rain barrels).
- Moving the Article on Clearing, Grading and Land Disturbance to Chapter 15, Public Works, of the Municipal Code
- Updating regulations pertaining to irrigation
- Updating regulations regarding structures that may be recommended by the Federal Aviation Administration (FAA) for mitigation measures, or for structures determined by the FAA to constitute a hazard to aircraft from Centennial Airport.
- Changing language about subdivision improvements vs. public improvements

A more complete description of the intent of the changes by Chapter and Article is provided following the summary of referral responses.

E. SUMMARY OF REFERRAL PROCESS AND RESPONSES

The proposed amendments were sent to all homeowners associations in the City and to selected referral agencies including utility providers, metro districts, Centennial Airport, special districts, and the Cherry Creek Basin Water Quality Authority. Following is the staff response to these referral entities or individuals:

Dan Clawson, resident:

- Recommended that the Zoning Code, Section 16-2-210, Property Maintenance, be amended to include single-family detached homes so that homeowners be subject to the same requirement to remove snow from sidewalks within 24 hours as is required for non-single-family detached properties.

Staff Response:

The City Council has previously considered the issue of regulating sidewalk snow removal in single-family detached neighborhoods. One of the key challenges is effective enforcement. Unlike multi-family or commercial properties where there is an owner or management company readily available to ensure safe access to a property or business, that is not always the case with single-family homes. Residents may be out of town during a snow event or a resident may be physically unable to remove snow in a designated period of time. It would be very labor intensive for code enforcement staff to respond to complaints and achieve compliance in residential areas given the staff available and the variety of circumstances that could be at play. The City can play a role in raising awareness and seeking voluntary action among neighbors.

Rick Solomon, President, Terra Ridge HOA:

(Note: Staff met with Mr. Solomon and other representatives from the Terra Ridge HOA on November 29, 2016 to discuss their issues. Their questions appear to be satisfactorily resolved, and their follow-up response is included with the referral responses.)

- Concerned about the proposed revisions that address construction trailers and/or trash bins associated with private re-construction projects and that are temporarily stored on the public streets. These must now have a permit from the City (Chapter 11).

Staff Response:

The Municipal Code already allows the use of construction trailers and/or trash bins in the public right-of-way with an approved Right-of-Way Use Permit. Homeowner Associations (HOAs) may have additional restrictions within their covenants which may preclude the use of trailers or trash bins that are more restrictive than the City's requirements. The only proposed revision is a requirement for the permittee to install erosion control devices and traffic control per approved plans.

- Concerned about revisions to Chapter 17 regarding stormwater and additional expenditures for HOAs.

Staff Response:

The proposed revisions in Chapter 17 are solely for new subdivision construction projects, and do not pertain to existing homeowners associations. The revisions in Chapter 15 [staff note: amendments to Chapter 15 are not under consideration by the Planning Commission] are related to the updated Federal Emergency Management Agency (FEMA) flood insurance studies and maps, the addition of three allowable nonstormwater discharges, and the placement of Article V Clearing, Grading and Land Disturbance, which was moved from Chapter 16 to Chapter 15. Article V relates to any construction project which requires a Grading, Erosion and Sediment Control (GESC) permit for construction. For this code update, no additional requirements or changes are proposed to the maintenance of existing stormwater facilities by HOAs.

- Seeks to have an HOA Design Review sign-off in the building permitting process.

Staff Response:

The City cannot legally withhold building permit applications that meet the requirements of the municipal code and building codes. However, applicants are reminded to contact the HOA by Building Division staff. Additionally, the online permit application submittal page prominently displays a reminder and the process requires any building permit applicant to check a box and accept the following disclaimer before beginning their online permit application:

“Home Owners Association Disclaimer

The issuance of a permit does not assume compliance with covenants that may be associated with the property. The permittee must contact their Homeowners Association (if applicable) to ensure that these improvements are in compliance with the Homeowners Association (HOA) covenants. The City cannot and will not enforce HOA standards; however, failure to comply with required Covenants, Conditions and Restrictions may result in delays or fines imposed by the HOA.”

Centennial Airport:

- Airport staff agrees with the proposed revisions by staff to the Zoning code (Chapter 16, Sec 16-2-110 (c) regarding building structures and FAA recommendations and determinations.

F. INTENT OF PROPOSED AMENDMENTS BY CHAPTER AND ARTICLE

CHAPTER 16 Zoning

Article II – General Requirements and Exceptions

- Amended Sec. 16-2-110 to address zoning requirements and procedures rather than building requirements, which are included in Chapter 18 of the Municipal Code. Changed section name from “Building restrictions” to “Use and structure restrictions”.
- Amended outdated language that was a holdover from the original County regulations, on which the City’s code was originally based, regarding Federal Aviation Administration (FAA) determination of hazards or obstructions to airport use. The proposed language provides latitude for the City in the case of mitigation measures recommended by the FAA, and provides that Site Improvement Plan applications to the City will be denied in the case of structures determined to be a hazard by the FAA.
- Added requirements for residential use of rain barrels. Prior to the passage of Colorado House Bill 16-1005, in particular, rainwater collection was not permitted except under specific circumstances. The proposed regulations comply with the requirements of this new law, and adds measures to minimize visual impacts. (Attached is a fact sheet on the State law, prepared by the Colorado State University Extension.)

Article XV – PD - Planned Development District

- Changed reference of City Engineer to Director of Public Works or his/her designated representative in selected sections where the Director of Public Works has the ultimate authority for such regulations.

Article XXII – Temporary Structures

- Changed reference of City Engineer to Director of Public Works or his/her designated representative. The Director of Public Works has the ultimate authority for this section of the code.

Article XXVII – Site Improvement Plan (SIP)

- Changed reference of City Engineer to Director of Public Works or his/her designated representative in selected sections where the Director of Public Works has the ultimate authority for such regulations.
- Deleted requirement for the specifications of irrigation equipment to be included in the SIP, as such equipment is often replaced in the field, rendering this information dated.

Article XXXI – Clearing, Grading and Land Disturbance

- Removed entire article and moved it to Chapter 15, Article VII. The Clearing, Grading and Land Disturbance article applied to more than just Chapter 16, so it was moved to Chapter 15 – Public Works to cover work in the right-of-way, any SIPs, and subdivisions.

Article XXXII – Landscaping Standards

- Changed reference of City Engineer to Director of Public Works or his/her designated representative. The Director of Public Works has the ultimate authority for this section of the code.
- Changed the requirement to allow temporary irrigation to occur for no more than two (2) growing seasons instead of one. This allows more time for plant establishment.
- Primarily deleted irrigation equipment specifications. These are very difficult to inspect for compliance and can change over time with technological advancements.
- Deleted reference to allowing the use of nontreated water for irrigation. This conflicts with the proposed rain barrel provision, and would likely be allowed if the supplying water district and health department approved such.

CHAPTER 17 Subdivisions

Article I – Administrative Provisions

- Repealed the effective date (Sec. 17-1-60) since it is no longer relevant.
- Removed the definition of City Engineer. The Director of Public Works has the ultimate authority for this section of the code.
- Added a definition for Subdivision Improvements.

Article II – General Standards, Procedures and Requirements

- Changed “public improvements” to “subdivision improvements.” This chapter refers to subdivisions and their respective improvements.
- Updated Nonresidential development review process in the chart. This now states that the final plat will be approval by City Council.
- Added references to Chapter 15. This is amended to cite the appropriate chapter.
- Added a requirement for guarantee of subdivision improvements prior to approval of construction plans and issuance of a construction permit. The current code does not state when the guarantee of subdivision improvements is due.
- Changed reference of City Engineer to Director of Public Works or his/her designated representative in selected sections where the Director of Public Works has the ultimate authority for such regulations.

Article V – General Standards, Procedures and Requirements

- Changed the reference in Sec. 17-5-60(13) from Article IX to Article VIII of Chapter 17.

Article VII – Replat of Subdivision, Where Additional Lots Are Created

- Made clear the review process where additional lots are created for single-family attached, multi-family, or nonresidential land use, and referenced the correct Article.

G. ATTACHMENTS

- Referral Responses
- Colorado State University Extension, “Rainwater Collection in Colorado”

CHAPTER 16 Zoning

ARTICLE I - Administrative Provisions and Procedures

ARTICLE II - General Requirements and Exceptions (AMENDMENTS PROPOSED)

ARTICLE III - Reserved

ARTICLE IV - Reserved

ARTICLE V - Reserved

ARTICLE VI - Reserved

ARTICLE VII - SR - Suburban Residential District (SR-1—SR-M)

ARTICLE VIII - MF - Multi-family District (MF-1, MF-2)

ARTICLE IX - I - Institutional District

ARTICLE X - Reserved

ARTICLE XI - B - Business District

ARTICLE XII - C - Commercial District

ARTICLE XIII - Reserved

ARTICLE XIV - Reserved

ARTICLE XV - PD - Planned Development District

ARTICLE XVI - P & OS - Parks and Open Space District

ARTICLE XVII - Utility Service and Telecommunication Facility - Overlay District

ARTICLE XVIII - Reserved

ARTICLE XIX - Reserved

ARTICLE XX - Nonconforming Uses and Structures

ARTICLE XXI - Use by Special Review

ARTICLE XXII - Temporary Structures (AMENDMENTS PROPOSED)

ARTICLE XXII-A - Temporary Uses (AMENDMENTS PROPOSED)

ARTICLE XXII-B - Outdoor Storage

ARTICLE XXIII - Home Occupation

ARTICLE XXIV - Reserved

ARTICLE XXV - Rezoning

ARTICLE XXVI - Variance and Appeal Standards and Procedures

ARTICLE XXVII - Site Improvement Plan (SIP) (AMENDMENTS PROPOSED)

ARTICLE XXVIII - Parking Standards (AMENDMENTS PROPOSED)

ARTICLE XXIX - Sign Standards

ARTICLE XXX - Lighting Standards

ARTICLE XXXI - Clearing, Grading and Land Disturbance (AMENDMENTS PROPOSED)

ARTICLE XXXII - Landscaping Standards (AMENDMENTS PROPOSED)

ARTICLE XXXIII - Reserved

ARTICLE XXXIV - Vested Property Rights

ARTICLE XXXV - Solar and Wind Energy Standards

ARTICLE XXXVI - Definitions (AMENDMENTS PROPOSED)

ARTICLE II - General Requirements and Exceptions

Sec. 16-2-10. Districts.

Sec. 16-2-20. Incorporation of maps.

Sec. 16-2-30. District boundaries.

Sec. 16-2-40. Disconnected land.

Sec. 16-2-50. Exclusion of uses.

Sec. 16-2-60. Inclusion of use not listed.

Sec. 16-2-70. Trash, junk, inoperative vehicles.

Sec. 16-2-80. Reserved.

Sec. 16-2-90. Public access.

Sec. 16-2-100. Minimum area.

Sec. 16-2-110. Building Use and structure restrictions. (AMENDMENTS PROPOSED)

Sec. 16-2-120. Merger by contiguity.

Sec. 16-2-130. Satisfied dedication requirements.

Sec. 16-2-140. Review fees.

Sec. 16-2-150. Reserved.

Sec. 16-2-160. Setbacks for infill lots.

Sec. 16-2-170. Household pets.

Sec. 16-2-180. Planned Developments.

Sec. 16-2-190. Dedication of land.

Sec. 16-2-200. Group homes.

Sec. 16-2-210. Property maintenance. (AMENDMENTS PROPOSED)

Sec. 16-2-220. Variances to height and setback requirements.

Sec. 16-2-230. Rain Barrels. (NEW SECTION ADDED)

Sec. 16-2-110. Building Use and structure restrictions.

- (a) ~~It shall be unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure, including surface and subsurface structures, or to move a structure from one property to another within the incorporated area of the City without first obtaining a building permit from the Building Division. The plans, submitted with the building permit application, for the proposed erection, construction, reconstruction, alteration or use shall conform to all applicable provisions of this Chapter and shall be constructed in accordance with the City's duly adopted or authorized Building Code. No structure shall be altered, built or moved, and no structure or land shall be used or occupied, which does not conform to all applicable provisions of this Chapter in which the structure or land is located.~~
- (b) No structure ~~requiring a building permit may~~ shall be erected, placed upon or extended over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement. A copy of such approval shall be submitted to the Building Division Community Development Department prior to building permit issuance.
- (c) (c) It shall be unlawful to construct, build, establish or continue to maintain any building, tree, smokestack, chimney, flagpole, wires, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and takeoff of aircraft at a publicly used airport under the regulation of the United State Civil Aeronautics Authority. Applicants are responsible for providing any prior required notice to the Federal Aviation Administration (FAA) of the proposed construction or alteration of a structure that may constitute an obstruction to the safe navigation, landing, or takeoff of aircraft at a publicly used airport, as required by regulations at 14 C.F.R. Part 77. Copies of all written communications with and final determinations by the FAA shall be submitted to the Planning Division prior to approval of a Site Improvement Plan (SIP) application. Upon the issuance by the FAA of a Determination of No Hazard to Air Navigation which includes mitigation measures, the mitigation measures recommended by the FAA may be required. Upon the issuance by the FAA of a Determination of Hazard to Air Navigation, the SIP application shall be denied.

Sec. 16-2-210. Property maintenance.

The following provisions apply to all properties except single-family detached:

- (1) All improvements on the property shall be maintained in a state of good repair consistent with the approved SIP. This includes proper upkeep and maintenance of all structures, paved surfaces, access, parking areas, lighting, signage and similar improvements.
- (2) Landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, fertilizing, mulching, trimming, removal of litter and regular irrigation of all plantings, as applicable. Should any plant material die or its condition be deteriorated significantly as determined by staff, the owner shall be responsible for the replacement of the plant(s) within one (1) planting season. Dead plant materials shall be removed and replaced with healthy planting materials of comparable size and species as shown on the SIP, and shall meet the original intent of the approved landscape design. Undeveloped properties eligible for a Site Improvement Plan must also be maintained in a state of good repair. This includes regular mowing, weeding, mud and erosion control, as well as trash removal. Clear space above public walks shall be seven (7) feet or greater.
- (3) Sidewalks and landscaping in the public right-of-way adjacent to commercial, multi-family or single-family attached properties are the responsibility of the adjoining property owner or managing entity. Sidewalks must be maintained in a condition free from snow or ice within twenty-four (24) hours after its accumulation.
- (4) Maintenance access shall be provided to all storm drainage facilities to ensure continuous operational capability of the system. The property owner shall be responsible for the maintenance of all drainage facilities, including inlets, pipes, culverts, channels, ditches, hydraulic structures and detention basins located on the property, unless such maintenance responsibility is provided by an alternate entity, with City approval, through a separate written agreement with a copy on file with the ~~City Engineer~~Director of Public Works or his/her designated representative. If the City determines that the property is not in compliance with the above requirements, it may contact the owner to remedy the violations within a timeframe specified by the Director. If the owner fails to remedy the violation in the time specified, the City shall have the right to enter the land for the purposes of operations and maintenance. All such maintenance costs shall be assessed to the property owner.

Sec. 16-2-230. Rain Barrels.

The City promotes the benefits of the use of rain barrels while recognizing the need to blend their use into a residential setting. To balance the environmental, drainage and other benefits of rain barrels with the potential for nuisance, aesthetic or other issues that may result from the

use of the same, precipitation from a rooftop that is collected in a rain barrel is permitted subject to the following:

- (1) A rain barrel collecting precipitation from a downspout is allowed adjacent to any building façade, when the rain barrel is:
 - (a) Fifty-five (55) gallons or less in capacity;
 - (b) Blends with the building's façade and surrounding landscaping and vegetation;
 - (c) Outdoors, above ground, not elevated more than 24 inches above adjacent grade, placed on a stable surface, and maintained in such a way as to prevent tipping;
 - (d) Secured with a sealable lid;
 - (e) Maintained in a safe and functional condition and kept in good repair;
 - (f) Maintained to prevent any offensive odors, any mosquito or other insect eggs and larvae, any other nuisance or any other City code violation; and
 - (g) Has associated permanent or temporary piping that reasonably blends in with surrounding landscaping and vegetation.
- (2) Shall meet all provisions of the State laws, including:
 - (a) Collection is from a rooftop of a building that is used primarily as a single-family residence (defined as a separate building or an individual residence that is part of a row of residences joined by common sidewalls) or a multi-family residence with four or fewer units;
 - (b) The collected precipitation is used on the property on which it is collected;
 - (c) No more than two rain barrels, with a total of one hundred ten (110) gallons of storage, are allowed per residence;
 - (d) The collected precipitation is used solely for outdoor purposes including the irrigation of lawns and gardens;
 - (e) Precipitation collected shall not be used for drinking water or indoor household purposes.

ARTICLE XXII - Temporary Structures

Sec. 16-22-10. Intent.

Sec. 16-22-20. General requirements.

Sec. 16-22-30. Temporary permit process.

Sec. 16-22-40. Temporary construction office. (AMENDMENTS PROPOSED)

Sec. 16-22-50. Temporary residential sales office.

Sec. 16-22-60. Temporary nonresidential office.

Sec. 16-22-70. Temporary commercial structures.

Sec. 16-22-40. Temporary construction office.

A temporary structure for the storage of construction materials and a construction office to be used for managing a construction job shall be allowed in all districts, provided that:

- (1) A building permit has been issued for a permanent structure, or, in the case of a road construction project, approval has been granted by the ~~City Engineer~~Director of Public Works or his/her designated representative.

- (2) The structure is used only during normal construction hours by the construction employees. The structure shall not be used for living quarters.
- (3) The structure is located within the area of a recorded plat or an approved Site Improvement Plan.
- (4) A permit for a temporary electrical meter has been issued by the Building Division.
- (5) The temporary structure shall be removed upon issuance of a certificate of occupancy or completion of the permanent structure.

ARTICLE XXII - A Temporary Uses

Sec. 16-22A-10. Intent.

Sec. 16-22A-20. General requirements.

Sec. 16-22A-30. Markets, festivals and fairs; specific requirements.

Sec. 16-22A-40. Grand openings, anniversary celebrations and other special occasions; specific requirements.

Sec. 16-22A-50. Christmas tree sales lot; specific requirements.

Sec. 16-22A-60. Fruit and vegetable stands; specific requirements.

Sec. 16-22A-70. Outdoor sales and promotions; specific requirements.

Sec. 16-22A-80. Temporary Use Permit; permitting procedure. (AMENDMENTS PROPOSED)

Sec. 16-22A-90. Grounds for denial of permit.

Sec. 16-22A-100. Temporary Use Permit; submittal requirements.

Sec. 16-22A-80. Temporary Use Permit; permitting procedure.

- (a) The applicant shall submit the application fee and the information required in Section 16-22A-100 of this Article to the Community Development Department.
- (b) The submittal shall be reviewed for completeness and the applicant notified of any inadequacies. Once the submittal is determined complete, the Community Development Department and other agencies such as the ~~City Engineer~~Director of Public Works or his/her designated representative in Division, the affected fire district and the health department may be asked to review the application.
- (c) After review by applicable departments and referral agencies, the Community Development Department shall approve, approve with conditions, or deny the Temporary Use Permit.
- (d) Denial of the Temporary Use Permit may be appealed to the City Council, in writing, within ten (10) days of denial by the Community Development Department.

ARTICLE XXVII – Site Improvement Plan (SIP)

Sec. 16-27-10. Intent.

Sec. 16-27-20. Applicability.

Sec. 16-27-30. Variances.

Sec. 16-27-40. Design guidelines.

Sec. 16-27-50. General submittal requirements.

Sec. 16-27-60. Narrative submittal requirements.

Sec. 16-27-70. SIP submittal requirements. (AMENDMENTS PROPOSED)

Sec. 16-27-80. Review process. (AMENDMENTS PROPOSED)

Sec. 16-27-90. Approval provisions. (AMENDMENTS PROPOSED)

Sec. 16-27-100. Post-approval submittal and review process. (AMENDMENTS PROPOSED)

Sec. 16-27-110. SIP amendments. (AMENDMENTS PROPOSED)

Sec. 16-27-70. SIP submittal requirements.

(b) Cover Sheet.

- (1) Notes or requirements specific to the SIP shall be provided on Sheet 1. Included on all SIPs shall be the following note:

"The property herein is subject to all applicable requirements of the Lone Tree Zoning Code, including but not limited to maintenance, lighting, parking, signage, and outdoor storage, except as may otherwise be addressed in an approved Development Plan or Sub-Area Plan."
- (2) A vicinity map at a scale of 1" = 2,000' shall be provided showing the relationship of the site to the surrounding area within a two-mile radius superimposed on a current map of the City that shows streets and lots, keeping the same scale. If the site is within a Planned Development, a filing or Planned Development map at 1" = 1,000' for a one-mile radius shall also be included.
- (3) The following approval signature block shall be placed on Sheet 1 of the SIP plan:

APPROVAL CERTIFICATE

THIS SIP HAS BEEN REVIEWED AND FOUND TO BE COMPLETE AND IN ACCORD WITH CITY REGULATIONS, AS APPROVED BY THE CITY ON (DATE).

By: _____

Name: _____
Title: Community Development Director

Date: _____

By: _____

Name: _____
Title: ~~City Engineer~~ Director of Public Works or his/her designated representative

Date: _____

By: _____

Name: _____
Title: Mayor

Date: _____

The owner(s) of the lands described herein, hereby agree(s) (1) to develop and maintain the property described hereon in accordance with this approved Site Improvement Plan and in compliance with Chapter 16 of the Lone Tree Municipal Code and that (2) the heirs, successors and assigns of the owner(s) shall also be bound. The signatures of the owner(s)'(s) representative(s) below indicate that any required authorizations to enter this agreement, including any corporate authorizations, have been obtained.

(Name of Owner)

(Signature of Owner)

(Printed Name and Title)

State of _____)

) ss.

County of _____)

Subscribed and sworn to before me this _____ day of _____, 20____, by _____

Witness my hand and official seal.

My commission expires: _____

Notary Public

Approval by the City of Lone Tree does not signify that the requirements of the Americans with Disabilities Act (ADA) have been satisfied. The applicant is responsible to ensure that said ADA requirements have been met.

- (e) Irrigation Plan. The irrigation plan shall be prepared consistent with the standards set forth in Section 16-32-110 of this Chapter. The irrigation plan shall be prepared at a scale of 1" = 40' or 1" = 20' or another scale approved by staff, which allows for maximum clarity of the proposal. Additionally, the irrigation plans shall be the same scale as the landscaping plans. The ~~landscape-irrigation~~ plan shall contain the following:
- (1) The type of irrigation proposed for each hydrozone based on exposure, plant selection and slope. To conserve on water, irrigated turf shall not be allowed on slopes greater than 3:1. Shrubs or trees irrigated with a drip line are acceptable as is drought-tolerant grasses with temporary irrigation systems for areas with slope greater than 3:1.
 - (2) The location of the backflow preventer(s).
 - (3) The location of the master valve.
 - (4) The location and type of weather-based smart controller(s).
 - (5) The location of the rain sensor that will override the irrigation cycle of the sprinkler.
 - ~~(6) In chart form, the symbol, manufacture model number, description and installation details for all proposed irrigation equipment.~~

Sec. 16-27-80. Review process.

- (a) Presubmittal meeting. Prior to submittal of the SIP, the applicant shall communicate with the Community Development Department staff to discuss the procedures and submittal requirements and ensure the project is in conformance with the Comprehensive Plan, this Chapter, the Subdivision Regulations, the Design Guidelines and applicable Planned Developments and Sub-Area Plans.
- (b) Submittal to the Community Development Department. The applicant shall submit to the Community Development Department all information and fees in accordance with the submittal requirements in Subsection 16-27-50(a) of this Article. The submittal to the Community Development Department shall be reviewed for general completeness within fifteen (15) working days after such submittal. The applicant shall be notified of any inadequacies. An incomplete or poorly prepared submittal may not be processed.
- (c) Submittal to the Engineering Division. In addition to the Community Development Department submittal, the applicant shall submit to the Engineering Division all information and fees in accordance with the submittal requirements in Subsection 16-27-50(b) of this Article.
- (d) Referral review.
 - (1) When staff has determined the submittal to be complete, the applicant will be notified to submit to staff an electronic file, such as a PDF or other file format approved by staff, and any additional hard copies. Staff will distribute plans to referral agencies. Any revised plans shall be provided by the applicant, as required by staff.
 - (2) The referral period shall be thirty-five (35) days; however, such period may be reduced by staff.

- (3) All referral comments received in writing from residents or homeowners' associations shall be forwarded in the packet to the Planning Commission and City Council. Other written referral agency comments that expand upon technical or standard comments, or have not otherwise been addressed through the review process, may be forwarded to the Planning Commission and City Council, as determined by staff.
- (e) Planning Commission review.
- (1) Following submittal of the revised SIP based on staff and referral comments, staff shall schedule a public meeting before the Planning Commission, providing notice of such meeting to the applicant. Staff will prepare a staff report for consideration by the Planning Commission. The report shall include staff findings and a recommendation for SIP approval, approval with conditions or denial, based upon conformance with the approval standards stated herein.
 - (2) At the scheduled meeting, the Planning Commission shall consider the SIP and shall recommend its approval, approval with conditions or denial, based upon conformance with the approval standards stated herein. The Planning Commission may continue the SIP to a subsequent meeting if it feels additional information is necessary in order to render a recommendation.
- (f) City Council review. Staff shall schedule a public meeting at which the City Council shall consider the SIP for approval and provide notice of such meeting to the applicant.
- (1) The recommendations of the staff and the Planning Commission concerning the SIP shall be forwarded to the City Council for final action. At the scheduled meeting the City Council shall consider the SIP and shall approve, approve with conditions or deny the application, based upon conformance with the approval standards stated herein. The City Council may continue the SIP to a subsequent meeting if it feels additional information is necessary in order to render a decision.
 - (2) The City Council may, at its discretion at a public meeting, set a City Council public meeting date for an SIP application which has been continued by the Planning Commission for City Council consideration, with or without Planning Commission recommendation.
 - (3) If the SIP is denied by the City Council, the submittal of a new application and processing fee shall be required in order to pursue a new SIP. A resubmittal of the same or substantially similar request, as determined by the Director, shall not be accepted within one (1) year of such denial.
- (g) Inactive SIPs. SIP applications (not yet approved) shall be deemed inactive and void if the applicant has failed to submit additional information for a period of more than one hundred eighty (180) days. The resubmittal of a new application and fees shall be required to pursue the SIP request. The Director may grant no more than one (1) extension of time, of no more than one hundred eighty (180) days, upon a written request by the applicant.
- (h) Review of building permit applications concurrent with SIP review. For nonresidential, single-family attached or multi-family structures, a building permit shall be issued only when an SIP has been approved. However, with the approval of the Director, an applicant may submit a building permit application to the Building Division concurrent with the SIP application, at which point the permit may be issued upon SIP approval by the City Council. Building permits shall not be issued for any development that is not in conformance with the approved SIP. Approval of construction drawings by the ~~City Engineer~~Director of Public Works or his/her

designated representative and by any relevant service providers, e.g., utilities or special districts, may be required prior to issuance of building permits.

Sec. 16-27-90. Approval provisions.

- (a) Approval standards. SIPs must be in conformance with the Comprehensive Plan, the Design Guidelines, applicable chapters of this Code and applicable Planned Developments and Sub-Area Plans, as well as all applicable roadway, grading, drainage and erosion control standards.
- (b) Approval period/effective date.
 - (1) The SIP shall be effective for a period of three (3) years from the date of approval, unless stated otherwise in such approval. Building permits shall not be issued after three (3) years of SIP approval if it is determined by the Director that updated regulations or changing conditions warrant a new submittal. For multi-phased plans, building permits shall not be issued more than three (3) years from the date of Phase I approval when it is determined by the Director that updated regulations or changing conditions warrant a new submittal.
 - (2) The Director may grant one (1) extension, of not more than six (6) months, upon a written request by the applicant prior to the expiration of the SIP. The Director shall determine if updated City regulations or standards shall apply and whether a reinstatement of the expired SIP will be processed administratively or involve review by the Planning Commission and/or City Council.
- (c) Building permit approval. Prior to issuance of a building permit, final approval from the Community Development Department and City Engineer/Director of Public Works or his/her designated representative is required for final SIP approval. Engineering approval may be contingent upon approval of a Grading, Erosion and Sediment Control (GESC) Report and Plan(s); a Drainage Report or Drainage Conformance Letter; Civil Site Development construction plan(s); and/or a Site Improvement Plan Improvements Agreement (SIPIA), as applicable. Submittal of the finally-approved SIP Mylars to the Community Development Department, signed by the applicant, shall be required prior to the issuance of a building permit.
- (d) Certificates of Occupancy. When the construction of all buildings and all site improvements has been completed in accordance with the approved SIP, building permit and approved civil site engineering construction plans, a Certificate of Occupancy (CO) may be issued subject to review and approval by the Building Official or designee.
- (e) Temporary Certificates of Occupancy.
 - (1) Temporary occupancy may be granted by a Temporary Certificate of Occupancy (TCO) with site improvements subsequently being completed within the timeframe established in the TCO subject to review and approval by the Building Official or designee. A TCO agreement, signed by the applicant, shall be submitted to the City in a form approved by the Director. The Director may, for good cause shown, grant no more than one (1) extension of not more than six (6) months upon a written request by the applicant prior to the expiration of the TCO.
 - (2) A TCO may be issued provided that financial security such as an irrevocable letter of credit, a cashier's check or some other City-approved form of payment has been submitted and accepted by the City. This financial security shall be in an amount equal to the cost of the unfinished work plus fifteen percent (15%), and shall be submitted prior

to the issuance of a TCO. The financial security will be held by the City and released or reimbursed when the work is deemed complete by the Director and ~~City Engineer~~Director of Public Works or his/her designated representative.

Sec. 16-27-100. Post-approval submittal and review process.

- (a) Proof sets. Upon City approval of the SIP, the applicant shall prepare and submit two (2) proof sets of the SIP for submittal to the Community Development Department, reflecting all conditions and changes to the plan as required by the City.
- (b) Final SIP. Once the SIP is deemed satisfactory, staff will authorize preparation and submittal of the final SIP of record to the City. This shall include:
 - (1) One (1) Mylar set of the SIP (24" x 36") prepared and submitted in accordance with the following:
 - a. The Mylar SIP shall be prepared on 24" x 36" flat, spliceless, tapeless and creaseless sheets of double matte Mylar film with a uniform thickness of not less than three-thousandths (.003) of an inch. The Mylar should be Right Reading [i.e., plotted or photomylar with the drawing on the front) of an original drawing, using only permanent black ink that will adhere to drafting films (no ballpoint, transfer type or sticky backs are permitted), or an acceptable photographic reproduction or computer-generated reproduction of the original drawing. Inaccurate, incomplete or poorly drawn plans, as well as Diazo (sepia) or electrostatic-generated (photocopied) plans shall be rejected.
 - b. The Mylar shall be submitted with the notarized signature of the landowner and any lenders as applicable, as noted by the Certification Block (see Paragraph 16-27-70(b)(3) of this Article). Unsigned Mylars will not be accepted.
 - c. A revised material sample board, if changes were approved during the review process. The applicant is responsible for preparing and keeping a duplicate of the approved material sample board for use in the field.
- (c) Financial security and SIPIA.
 - (1) A Site Improvement Plan Improvements Agreement (SIPIA) and associated surety(ies) may be required in order to guarantee the completion of site improvements and shall specify the nature and timing of the work to be completed. An SIPIA will be required whenever any improvements on or associated with the site are within the public right-of-way or are (or may become) the City's to maintain, and in other circumstances as determined by Public Works.
 - (2) In order to quantify the required amount of financial security for the required improvements, the City may require the applicant to provide, at no cost to the City, up to three (3) bids from qualified contractors for the applicable required improvements. Alternatively, the City may accept detailed construction cost estimates prepared by and signed/sealed by the applicant's Professional Engineer and/or Professional Landscape Architect (as applicable based on the work covered by the SIPIA). Based on these quotes and/or estimates, the Director and the ~~City Engineer~~Director of Public Works or his/her designated representative shall determine the amount of security required.
 - (3) Except for force majeure causes, failure by the applicant to complete the work or to request a time extension within the specified time period may result in a forfeiture of the security and may cause the City to initiate the construction of such improvements, as

detailed in the SIPIA. Except for force majeure causes, the Director may grant no more than two (2) time extensions of not more than six (6) months each upon receipt of a written request, accompanied by an extension of the financial security. A separate request must be submitted for each requested extension, and such request must be submitted prior to the date the construction was to have been completed.

- (d) Inspection of the constructed SIP. Staff inspection of building design, materials and colors, landscaping, grading, drainage and erosion control is required prior to issuance of a Certificate of Occupancy. At the early stages of final exterior building material and color application, the applicant is responsible for contacting staff to schedule on-site inspections. The applicant is strongly encouraged to provide a sample mock-up of a representative portion of the building to expedite the inspection process and ensure compliance with the approved plans and material sample board.

Sec. 16-27-110. SIP amendments.

- (c) Additional conditions applied to minor and major amendments.
- (1) All amendments must meet the intent of the SIP requirements and the Design Guidelines.
 - (2) A change in land use does not necessarily require an amendment to the SIP as long as the new use is a use by right in the underlying zone district.
 - (3) Elements not specifically addressed in the table in Subsection (b) above, such as minor changes to the traffic circulation or drainage, may be considered for administrative amendments upon approval by the City Manager, and when applicable (e.g., for engineering-related items) the City Engineer/Director of Public Works or his/her designated representative.
 - (4) All applications will be sent to the appropriate referral agencies for comment.
 - (5) The Director/City Manager reserves the right to forward any application to the Planning Commission and shall forward any application deemed major to the City Council for approval.
 - (6) If a variance has been granted previously for a specific application, the request may be reviewed by the Planning Commission, as required by the Director.
 - (7) A "change in architectural character" warranting Planning Commission review includes:
 - a. Multiple changes to an SIP. Even in cases where no single change exceeds the threshold requiring Planning Commission review, staff will consider the cumulative effect of all the changes.
 - b. Significant changes to the "skin" or materials used to surface a building, e.g., greater than twenty percent (20%) of the surface area.
 - c. Significant changes to the color of the building materials.
 - d. Significant changes in the lines of the architecture, such as significant modification of rooflines.

ARTICLE XXVIII - Parking Standards

Sec. 16-28-10. Intent.

Sec. 16-28-15. Applicability.

Sec. 16-28-20. General provisions.

Sec. 16-28-30. Parking plan requirements.

Sec. 16-28-40. Design standards for parking spaces.

Sec. 16-28-50. Design standards for parking areas. (AMENDMENTS PROPOSED)

Sec. 16-28-55. Maximum parking requirements.

Sec. 16-28-60. Minimum requirements for off-street parking; general provisions.

Sec. 16-28-70. Requirements for off-street parking; specific use.

Sec. 16-28-80. Bicycle parking.

Sec. 16-28-50. Design standards for parking areas.

- (a) Access. Each required off-street parking area shall have adequate access to a public street or other thoroughfare. Alleys, where they are utilized, shall only be used as secondary means of access to a lot or parcel.
- (b) Off-street loading area. Loading areas shall be provided as required and shall not be used to supply off-street parking spaces. The loading area shall not occupy or intrude into any fire lane and shall not be located in setback areas.
- (c) Marking traffic flow. Parking which is designed for one-way traffic should be clearly indicated as such by the use of a sign and/or arrow designating the direction of traffic flow.
- (d) Grading. All off-street parking areas shall be properly graded. The ~~City Engineer~~Director of Public Works or his/her designated representative must approve the drainage and stormwater detention design.
- (e) Surfacing. Each off-street parking area shall be surfaced with asphalt, Portland cement concrete or some other material approved by the ~~City Engineer~~Director of Public Works or his/her designated representative.
- (f) Wheel stops. Wheel stops may be required in parking lots to prevent cars from impacting adjacent landscaping, fencing or walkways.
- (g) Landscaping. See Section 16-32-70 of this Chapter for landscape requirements for parking lots.

ARTICLE XXXI – ~~MOVED TO CHAPTER 15, ARTICLE Clearing, Grading and Land Disturbance~~

~~Sec. 16-31-10. Intent.~~

~~Sec. 16-31-20. Permits required.~~

~~Sec. 16-31-30. Permits not required.~~

~~Sec. 16-31-40. Review issues.~~

~~Sec. 16-31-50. Minimum standards.~~

~~Sec. 16-31-60. Submittal requirements.~~

~~Sec. 16-31-70. Submittal process.~~

~~Sec. 16-31-80. Expiration of plan.~~

~~Sec. 16-31-90. Appeals process.~~

~~Sec. 16-31-100. Fees.~~

~~Sec. 16-31-110. Security.~~

~~Sec. 16-31-120. Insurance.~~

~~Sec. 16-31-130. Violations.~~

~~Sec. 16-31-140. Stop Work Order.~~

~~Sec. 16-31-150. Abatement.~~

~~Sec. 16-31-160. Applicability of other laws and regulations.~~

Sec. 16-31-10. Intent.

The purpose of this Article is to:

- ~~(1) Provide a mechanism for the issuance of permits relating to clearing, grading and earth movement so as to limit soil erosion and sedimentation during and after construction; and~~
- ~~(2) Control nonpoint source pollution by requiring the implementation of soil erosion and sedimentation control practices for protection of water quality, soil surfaces during and after construction and lands identified as having high open space, visual or vegetative value.~~

~~(Ord. 02-01 §3101; Ord. 04-17 §1; Ord. 05-13 §3101)~~

Sec. 16-31-20. Permits required.

~~(a) A grading permit shall be required from the Engineering Division for any of the following uses:~~

- ~~(1) Grading.~~
- ~~(2) Stripping of soil or vegetation.~~
- ~~(3) Depositing fill material.~~
- ~~(4) Trenching or excavating;~~
- ~~(5) Constructing public or private facilities.~~

~~(b) For single family residential development, a permit may be issued upon approval of a preliminary plan by the City Council. However, a permit may be issued upon the approval of the Director and the City Engineer, on a case-by-case basis, prior to approval of a preliminary plan.~~

~~(c) For all uses that require an approved Site Improvement Plan, (SIP), a permit may be issued upon approval of the SIP, by the City SIP Review Board. However, a permit may be issued~~

~~upon the approval of the Director and the City Engineer, on a case-by-case basis, prior to approval of a SIP.~~

- ~~(d) A permit may be issued for construction activities not subject to the platting or site improvement plan review process with the approval of the City Engineer, (i.e., road construction, utility lines).~~

~~(Ord. 02-01 §3102; Ord. 05-13 §3102)~~

Sec. 16-31-30. Permits not required.

- ~~(a) Permits are not required for the following uses:~~

~~(1) Grading in an area of one (1) acre or less which is isolated and self-contained, when the City Engineer determines that such grading will not have a negative impact upon private or public property. When a negative impact is identified, the provisions of this Article shall apply.~~

~~(2) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. Any fill made with the material from such excavation and any excavation having an unsupported height greater than five (5) feet after the completion of such structure shall be required to have a grading permit.~~

~~(3) Individual cemetery gravesites.~~

~~(4) Routine agricultural uses of agricultural land.~~

~~(5) Exploratory excavations of less than five hundred (500) square feet (excluding mining activity) at the direction of a soil engineer or engineering geologist.~~

~~(6) A fill less than one (1) foot in depth and placed on natural terrain with a slope flatter than five (5) horizontal feet to one (1) vertical foot (5:1), or less than three (3) feet in depth, not intended to support structures, which does not exceed fifty (50) cubic yards on any one (1) lot and does not obstruct a drainage course.~~

- ~~(b) Even if a permit is not required, any clearing, grading or land disturbance activities shall be in accordance with the standards set forth in the City's duly adopted Storm Drainage Design and Technical Criteria manual and those set forth in this Article.~~

~~(Ord. 02-01 §3103; Ord. 05-13 §3103)~~

Sec. 16-31-40. Review issues.

~~Any land-disturbing activity is subject to review by the City and other appropriate agencies regarding:~~

~~(1) Significant wildlife habitat.~~

~~(2) Archaeological or historical sites.~~

~~(3) Lands identified as having high open space, visual or vegetative value.~~

~~(4) Geologically sensitive areas.~~

~~(5) Riparian or wetland areas.~~

~~(6) Unique or distinctive topographic features or other issues as may be identified in the Comprehensive Plan, or Chapter 17 of this Code and other Articles of this Chapter.~~

~~(Ord. 02-01 §3104; Ord. 04-17 §1; Ord. 05-13 §3104)~~

~~Sec. 16-31-50. Minimum standards.~~

~~All erosion and sediment control plans and specifications for activities which disturb soil or vegetation shall meet, at a minimum, the following criteria:~~

~~(1) Plans shall be prepared in accordance with the City's duly adopted Storm Drainage Design and Technical Criteria, as amended, and shall be prepared or supervised by a professional engineer licensed in Colorado or a certified professional erosion and sediment control specialist trained and experienced in soil erosion and sedimentation control methods and techniques. Erosion control measures shall be implemented such that the following standards of performance are met:~~

~~a. During overlot grading and during construction, erosion control measures shall be installed such that the maximum amount of sediment discharge by water shall not exceed historic amounts due to a ten-year, twenty-four-hour rainfall event by more than fifteen percent (15%). In addition, the maximum amount of sediment discharge by wind shall not exceed historic amounts by more than fifteen percent (15%).~~

~~b. After construction, erosion control measures shall be installed such that the maximum amount of sediment discharge, either wind-borne or waterborne, shall not exceed historic amounts.~~

~~*Historic sediment discharge* is considered to be the amount of sediment discharged from a basin due to water or wind when the land was established in dryland grass having an average ground cover of sixty-five percent (65%).~~

~~(2) In addition to the specific performance standards in Paragraph (1) above, all plans shall be prepared and adhered to so that land-disturbing activities shall not:~~

~~a. Result in or contribute to soil erosion or sedimentation that would interfere with any existing drainage course in such a manner as to cause damage to any adjacent property;~~

~~b. Result in or contribute to deposition of debris or sediment on any private or public property not designed or designated as an area to collect said sediment;~~

~~c. Create any hazard to any persons or property; or~~

~~d. Detrimentally influence the public welfare or the total development of any watershed.~~

~~(3) Technical methodologies to meet the standards set forth in Paragraphs (1) and (2) above are described in the City's duly adopted Storm Drainage Design and Technical Criteria manual.~~

~~(Ord. 02-01 §3105; Ord. 04-17 §1; Ord. 05-13 §3105)~~

~~Sec. 16-31-60. Submittal requirements.~~

~~Applicants for a grading permit shall submit the appropriate review fees and an erosion and sedimentation control plan to the City Engineer which plan shall, at a minimum, contain the~~

CHAPTER 16 Zoning, Lone Tree Municipal Code

~~information detailed in the City's duly adopted Storm Drainage Design and Technical Criteria manual and the following:~~

- ~~(1) A vicinity map, at a maximum scale of 1" = 2,000', indicating the site location, as well as the adjacent properties within five hundred (500) feet of the site boundaries.~~
 - ~~(2) A boundary survey or site property lines shown in true location with respect to topographic information.~~
 - ~~(3) A plan of the site, at a maximum scale of 1" = 200', on a 24" x 36" sheet showing:
 - ~~a. Name, address and telephone number of the landowner, developer and petitioner.~~
 - ~~b. Existing topography (shown by dashed lines) having contour intervals of two (2) feet, unless otherwise specified by the City Engineer.~~
 - ~~c. Proposed topography (shown by solid lines) having contour intervals of two (2) feet, unless otherwise specified by the City Engineer, including spot elevations.~~
 - ~~d. Location of existing structures and natural features, such as stream channels, stands of trees, rock outcroppings, wetlands, historical/archaeological sites, significant wildlife habitats, vegetative stands and potential open space land as identified in the Comprehensive Plan, on the site, adjacent to the site and within one hundred (100) feet of the site boundary line.~~
 - ~~e. Location of proposed structures or development on the site, if known.~~
 - ~~f. Elevations, including spot elevations if buildings are shown, dimensions, location, extent and slope of all proposed grading, including building and driveway grades.~~
 - ~~g. Plans and timing schedule for all temporary or permanent erosion control measures to be constructed with or as a part of the proposed work, including drainage facilities, retaining walls, cribbing and plantings. The timing schedule shall assure that the standards set forth in Section 16-31-50 above are adhered to from the commencement of construction. In preparing the site plan, the applicant shall use the soil erodibility zone classifications in the Storm Drainage Design and Technical Criteria manual, the soil classification data for the site identified by the U.S. Soil Conservation Service in the published Soil Survey, or the data which is collected, analyzed and reported upon by a qualified soils engineer registered in the State.~~~~
 - ~~(4) A written report which includes the following:
 - ~~a. A schedule indicating the anticipated project starting and completion dates, the time of overlot grading, construction phases and completion for vegetative and structural control measures.~~
 - ~~b. A statement of the quantity of excavation and fill involved, source of the fill material and the total area of land surface to be disturbed.~~
 - ~~c. Estimated itemized and total cost of the required temporary and permanent soil erosion control measures, which estimates shall include quantities and unit costs.~~~~
 - ~~(5) Other information or data as may be required by the City Engineer, such as a soil investigation report which shall include, at a minimum, data regarding the nature, distribution and supporting ability of existing soils and rock on the site.~~
- ~~(Ord. 02-01 §3106; Ord. 04-17 §1; Ord. 05-13 §3106)~~

~~Sec. 16-31-70. Submittal process.~~

- ~~(a) All plans shall be submitted to the Engineering Division. Incomplete or otherwise inadequate application submittals shall be returned to the applicant with comments. The applicant shall comply with the provisions of this Article.~~
- ~~(b) The Engineering Division shall review and comment and either accept the plan or return the plan to the applicant within twenty (20) working days from the date the application submittal was determined to be complete. If the Engineering Division cannot review the plan within twenty (20) days, the applicant will be so notified. The Engineering Division and the applicant may mutually agree upon an extension of time for completion of the plan review or for retention of a qualified professional to perform the review. The applicant shall be responsible for all costs associated with the review.~~
- ~~(c) In the event the applicant desires to amend the plan, an amended plan which complies with the requirements set forth in Sections 16-31-50 and 16-31-60 above shall be submitted by the applicant and reviewed by the Engineering Division prior to the commencement of any work pursuant to the amended plan.~~

~~(Ord. 02-01 §3107; Ord. 05-13 §3107)~~

~~Sec. 16-31-80. Expiration of plan.~~

~~A permit shall be effective for twelve (12) consecutive months from the date of issue. Prior to the expiration date, the permit may be renewed upon approval by the City Engineer for a period of time not to exceed twelve (12) months.~~

~~(Ord. 02-01 §3108; Ord. 05-13 §3108)~~

~~Sec. 16-31-90. Appeals process.~~

~~If the applicant disagrees with the decision of the Engineering Division, the applicant may appeal to the City Council. The appeal shall be based on technical data or other relevant information. The Planning Commission may affirm, modify or reverse the findings, conclusions and decision of the Engineering Division or remand the decision to the Engineering Division for further review and findings.~~

~~(Ord. 02-01 §3109; Ord. 05-13 §3109)~~

~~Sec. 16-31-100. Fees.~~

- ~~(a) A nonrefundable filing fee shall be paid to the Engineering Division at the time of application. Fees are specified in the Engineering Division User Fee Manual.~~
- ~~(b) Any person, corporation, partnership, firm or other entity applying for a grading permit after commencement or completion of the activities authorized in said permit shall be required to pay double the standard fee.~~

~~(Ord. 02-01 §3110; Ord. 05-13 §3110)~~

Sec. 16-31-110. Security.

- ~~(a) To ensure rehabilitation of the disturbed area, the applicant shall furnish a letter of credit or other form of security acceptable to the City, naming the City as the secured party in an amount and type to be determined by the City Engineer based upon the magnitude of the land-disturbing activities and rehabilitation requirements. The amount of security will be one hundred fifteen percent (115%) of the cost estimate set forth in Section 16-31-60(4) or one hundred fifteen percent (115%) of the cost to vegetate the disturbed land to dryland grasses based upon unit costs determined by the City Engineer, whichever is greater. Due to the complexities of erosion control, in no instance shall the amount of security be less than two thousand five hundred dollars (\$2,500.00), except as provided in Paragraph 16-31-30(1). The City Engineer shall have the right to call on the security in the event the schedules required in Subparagraphs 16-31-60(3)g and 16-31-60(4)a are not met.~~
- ~~(b) No erosion and sedimentation control plans will be approved without the submittal of the required security.~~
- ~~(c) The City will accept a cash escrow or letter of credit as security. The cash escrow or letter of credit will be returned to the applicant within sixty (60) days after the completion of the land-disturbing activity. Completion shall mean the achievement of the final stabilization of the land as indicated on the erosion and sedimentation control plan. Completion shall be determined by a representative of the City Engineer who shall notify the applicant in writing. The warranty period for erosion control construction shall be two (2) growing seasons.~~
~~{Ord. 02-01 §3111; Ord. 04-17 §1; Ord. 05-13 §3111}~~

Sec. 16-31-120. Insurance.

~~Every applicant, before commencing operations, shall be insured to the extent of two hundred thousand dollars (\$200,000.00) per person, five hundred thousand dollars (\$500,000.00) per occurrence, against liability arising from activities or operations conducted or carried on pursuant to any of the provisions of this Chapter, and such insurance shall be kept in full force and effect during the period of such activities or operations, including site rehabilitation. A certificate indicating protection by such insurance shall be filed by the applicant together with his or her application for permit. Said insurance shall not be released until final inspection and approval has been completed by the Engineering Division.~~

~~{Ord. 02-01 §3112; Ord. 05-13 §3112}~~

Sec. 16-31-130. Violations.

- ~~(a) Any person, corporation, partnership, firm or other entity of whatever description violating any provision of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment. Each day during which a violation exists shall constitute, and shall be punishable as, a separate offense.~~
- ~~(b) This Article may be enforced by injunction, including both the enjoining of actions or inactions in violation of this Article (i.e., land-disturbing activities undertaken without, or in violation of the terms of, a permit as required herein), and a mandatory injunction to require the removal of excavation or fill accomplished without, or in violation of the terms of, such a permit. In any such injunctive action, the City shall be entitled to an award of its costs of suit and any costs~~

~~incurred in the removal of fill and/or restoration of areas where fill or excavation activities have been undertaken in violation of the provisions of this Article.~~

- ~~(c) The City shall be entitled to recover its attorney's fees incurred in bringing any action to compel compliance with the provisions of these regulations or to compel compliance with any plan approved hereunder.~~

~~(Ord. 02-01 §3113; Ord. 05-13 §3113)~~

~~Sec. 16-31-140. Stop Work Order.~~

~~The City Engineer is authorized to order work stopped on any project which disturbs the land and which is not in compliance with the provisions of this Article.~~

~~(Ord. 02-01 §3114; Ord. 05-13 §3114)~~

~~Sec. 16-31-150. Abatement.~~

- ~~(a) In the event a landowner determines or discovers that a plan is not being adhered to, said landowner shall take immediate steps to abate said violation and shall notify the City Engineer of the deviation from the plan and the efforts undertaken to bring the work into compliance with said plan. The landowner shall be granted a period of five (5) calendar days from the date of discovery of said deviation to bring the work into compliance with the plan.~~

- ~~(b) In the event the City Engineer discovers a deviation from the plan, the landowner or authorized representative shall be notified in writing of said deviation and shall be required to bring the work into compliance with the plan within no more than five (5) calendar days from the date of notification. The written notice shall specify the areas of deviation from the plan. Failure to correct the deviation from the plan within the time period provided shall entitle the City to invoke the provisions of Section 16-31-130 above.~~

~~(Ord. 02-01 §3115; Ord. 05-13 §3115)~~

~~Sec. 16-31-160. Applicability of other laws and regulations.~~

~~Nothing contained herein relieves any person, corporation, firm or entity from the obligation to comply with any applicable state or federal laws or regulations relating to water quality or water quality standards or any other standards contained within this Chapter.~~

ARTICLE XXXII - Landscaping Standards

Sec. 16-32-10. Intent.

Sec. 16-32-20. Applicability.

Sec. 16-32-30. Water-efficient landscaping principles.

Sec. 16-32-40. Landscape design.

Sec. 16-32-50. Minimum area to be landscaped.

Sec. 16-32-60. Parking lot landscaping. (AMENDMENTS PROPOSED)

Sec. 16-32-70. Minimum plant size.

Sec. 16-32-80. Minimum plant quantity.

Sec. 16-32-90. Plant selection.

Sec. 16-32-100. Soil amendment.

Sec. 16-32-110. Irrigation. (AMENDMENTS PROPOSED)

Sec. 16-32-120. Mulching/groundcover.

Sec. 16-32-130. Plant replacement.

Sec. 16-32-140. Field change orders.

Sec. 16-32-60. Parking lot landscaping.

- (a) Landscape islands shall be placed at the end of surface parking bays. Surface parking lot bays shall extend no more than fifteen (15) parking spaces without an intervening canopy tree(s) in an interior landscape island or landscape peninsula. Other options for parking lot landscaping may be considered by the City where it provides similar or greater reduction in the heat-island effect, visually interrupts expansive areas of pavement and promotes tree health.
- (b) Landscape islands and landscape peninsulas shall be at a minimum, eight (8) feet in width and be the length of the adjacent parking spaces. Two (2) two-inch caliper canopy trees, and shrubs or ornamental grasses, and acceptable groundcover and mulch, are required for landscape islands, and one (1) two-inch caliper canopy tree, with shrubs or ornamental grasses, and acceptable groundcover and mulch, are required for landscape peninsulas.
- (c) Additional landscaping in surface parking areas may be required to include medians and pedestrian walkways.
- (d) All plant material except sod, groundcover or trees shall be set back a minimum of one (1) foot from any curb edge where necessary to prevent vehicle overhang from harming plant materials.
- (e) Tree trunks shall be set back at least four (4) feet from the back of curbs or sidewalks, driveways and other hard surfaces to buffer from stress caused by salt, snow piling, vehicle overhang and compacted soils.
- (f) The use of planting strips and shallow landscaped depressions in parking lots and along roads is encouraged to help trap and remove pollutants from storm water runoff as approved by the ~~City Engineer~~Director of Public Works or his/her designated representative and the Community Development Department.
- (g) The City may require three-to four-foot tall landscaping in any one (1) or combination of the following: a decorative wall, an earthen berm with slopes no greater than 3:1 or fencing to screen parking lots from streets and/or adjoining land uses. Maximum screening heights may be required where necessary for security purposes.

(Ord. 11-05 Art. 4)

Sec. 16-32-110. Irrigation.

The following irrigation standards shall apply:

- (1) All landscaped areas shall be served by a functioning automatic irrigation system.
- (2) Temporary irrigation (no more than ~~one-two~~ [12] seasons) may be used to establish native grasses and native vegetation.
- (3) Irrigation systems shall be designed with separate zones for different equipment or water requirements based on exposure, plant selection and slope.
- (4) Master valves and backflow preventers are required.
- ~~_(5) Drip emitters and sprinklers shall be placed on separate valves.~~
- (6) Irrigation systems shall be designed to minimize overspray and runoff onto adjacent impervious surfaces such as roads, sidewalks and parking lots. ~~For landscaped areas less than ten (10) feet wide, irrigation shall be limited to subsurface drip irrigation, drip irrigation (point source) or multi-trajectory rotating strip nozzles.~~
- (7) Rain sensors are required that will suspend the irrigation cycle when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time.
- (8) The installation of weather-based or soil-moisture-based smart controllers is required and shall be designed, installed and managed to apply the appropriate amount of water to maintain healthy plant material.
- ~~_(9) Rotors, pop-up spray and drip emitters must be equipped with internal check valves to minimize water waste.~~
- ~~_(10) Pop-up spray heads shall be equipped with internal pressure regulation.~~
- ~~_(11) Pop-up spray heads or rotator heads shall be a minimum six (6) inches in height unless the mature height of the plant material being irrigated requires taller risers.~~
- ~~_(12) Drip irrigation shall be point source drip or subsurface drip irrigation.~~
- ~~_(13) Use of nontreated water for irrigation may be allowed if a permanent, legal and suitable supply is available.~~

ARTICLE XXXVI – Definitions

Sec. 16-36-10. Rules of construction.

Sec. 16-36-20. Definitions. (AMENDMENTS PROPOSED)

Engineer means the City's designated ~~City Engineer~~ Director of Public Works or his/her designated representative as set forth by resolution or other City Council action, to perform the engineering functions for the City as set forth in this Chapter.

CHAPTER 17 Subdivisions

ARTICLE I - Administrative Provisions (AMENDMENTS PROPOSED)

ARTICLE II - General Standards, Procedures and Requirements (AMENDMENTS PROPOSED)

ARTICLE III - Preliminary Plan for Single-Family Detached Development

ARTICLE IV - Final Plat for Single-Family Detached Development

ARTICLE V - Final Plat for Single-Family Attached, Multi-Family and Nonresidential Development (AMENDMENTS PROPOSED)

ARTICLE VI - Condominium Plat

ARTICLE VII - Plat Amendments and Vacations (AMENDMENTS PROPOSED)

ARTICLE VIII - Certifications

ARTICLE IX - Exemptions

ARTICLE X - Dedication Standards

ARTICLE XI - Vested Property Rights

APPENDIX 17-A - PLAT CORRECTION CERTIFICATE

APPENDIX 17-B - VACATION APPROVAL CERTIFICATE

APPENDIX 17-C - LOT LINE ADJUSTMENT CERTIFICATE

ARTICLE I - Administrative Provisions

Sec. 17-1-10. Title.

Sec. 17-1-20. Purpose.

Sec. 17-1-30. Authority.

Sec. 17-1-40. Jurisdiction.

Sec. 17-1-50. Interpretation.

Sec. 17-1-60. Effective date. (AMENDMENTS PROPOSED)

Sec. 17-1-70. Repeals.

Sec. 17-1-80. Rules of construction.

Sec. 17-1-90. Definitions. (AMENDMENTS PROPOSED)

Sec. 17-1-100. Severability.

Sec. 17-1-110. Enforcement.

Sec. 17-1-120. Amendments.

Sec. 17-1-130. Control over platting.

Sec. 17-1-140. Review fees.

Sec. 17-1-150. Impact fees.

Sec. 17-1-160. Waivers.

Sec. 17-1-170. Powers of Planning Commission.

Sec. 17-1-180. Powers of City Council.

Sec. 17-1-185. Powers of the City Manager.

Sec. 17-1-190. Major activity notice.

Sec. 17-1-60. ~~Effective date.~~(Repealed)

~~The ordinance codified herein shall take effect on February 1, 2014.~~

(Ord. 13-12 Art. 4)

Sec. 17-1-90. Definitions.

~~City Engineer means the City's designated engineer as authorized by resolution, contract or other Council action, who performs the engineering functions as set forth in this Chapter.~~

~~Subdivision Improvements shall mean the street, drainage and other improvements including, but not limited to, landscaping, retaining walls, hardscape, etc., as shown on the approved construction plans.~~

~~Subdivision improvements agreement or subdivision agreement means one (1) or more security arrangements which the City shall accept to secure the actual cost of construction of such public improvements/subdivision improvements, as are required by this Chapter or other applicable regulations, within the subdivision. The subdivision improvements agreement (SIA) may include any one (1) or a combination of the types of security or collateral listed in this definition, and the subdivider may substitute security in order to release portions of the subdivision for sale.~~

ARTICLE II - General Standards, Procedures and Requirements

Sec. 17-2-10. Intent. (AMENDMENTS PROPOSED)

Sec. 17-2-20. Description of subdivision process. (AMENDMENTS PROPOSED)

Sec. 17-2-30. Applicant's responsibility.

Sec. 17-2-40. Subdivision improvements. (AMENDMENTS PROPOSED)

Sec. 17-2-50. Streets. (AMENDMENTS PROPOSED)

Sec. 17-2-60. Erosion and sediment control plan. (AMENDMENTS PROPOSED)

Sec. 17-2-70. Drainage study. (AMENDMENTS PROPOSED)

Sec. 17-2-80. Other public improvements subdivision improvements. (AMENDMENTS PROPOSED)

Sec. 17-2-90. Guarantee of public improvements subdivision improvements. (AMENDMENTS PROPOSED)

Sec. 17-2-100. Release of security. (AMENDMENTS PROPOSED)

Sec. 17-2-110. Additional review fees.

Sec. 17-2-120. Withdrawal of application.

Sec. 17-2-130. Inactive applications.

Sec. 17-2-10. Intent.

The following provisions apply to all subdivisions of land in the City to assure the creation of lots which can be developed in conformance with this Chapter 17, Chapter 15, Chapter 16, the Building Code, Roadway Design and Construction Standards, Storm Drainage Design and Technical Criteria Manual, design guidelines and other applicable City regulations.

(Ord. 13-12 Art. 4)

Sec. 17-2-20. Description of subdivision process.

- (a) Single-family detached development. The steps required to obtain approval of a subdivision for single-family detached development include preliminary plan and final plat. Each is a distinct process involving the submittal of an application, an application fee, required plans and reports and referrals of the proposal to other agencies and entities. At each step of the process, the level of design and engineering increases in order to relieve the applicant from major and potentially unnecessary expenses in situations that may require a redesign and, therefore, a revision of expensive engineering or planning reports. Approval of the preliminary plan does not ensure approval of the final plat. The processes include:
- (1) Preliminary plan. The review of the feasibility of the project, including technical engineering, preliminary design and relationship to surrounding land uses; location and mitigation of geologic and other natural hazards; identification of visual and environmentally sensitive areas and critical wildlife habitat areas; identification of historic and archeologically sensitive sites; ability to obtain water and sanitation and other required services; adequacy of vehicular and pedestrian circulation; and conformance with the Comprehensive Plan, Zoning Code and applicable planned development sub-area plans. The preliminary plan shall be reviewed by the Planning Commission and reviewed and approved by the Council at a public meeting prior to submittal of the final plat for single-family detached development.
 - (2) Final plat. The review of all final engineering plans, subdivision improvement agreements and other legal requirements with final approval by the City Manager.
- (b) Single-family attached, multi-family. The steps required to obtain approval of a subdivision for single-family attached, multi-family development includes final plat. In this case, the final plat shall be reviewed by the Planning Commission and reviewed and approved by the City Council. It is an abbreviated process as it does not require preliminary plan review and

approval; however, more information on the project is generally forthcoming, as these applications often accompany the site improvement plan for the site.

- (c) Nonresidential. The steps required to obtain approval of a subdivision for nonresidential development includes final plat. In this case, the final plat shall be reviewed by the Planning Commission and reviewed and approved by the City Council. It is an abbreviated process as it does not require preliminary plan review and approval; however, more information on the project is generally forthcoming, as these applications often accompany the site improvement plan for the site.

<i>Review Process</i>	<i>Preliminary Plan</i>	<i>Final Plat</i>
Single-family detached development	Reviewed by Planning Commission and approved by City Council	Approved by City Manager
Single-family attached and multi-family development	N/A	Reviewed by Planning Commission and approved by City Council
Nonresidential development	N/A	Reviewed by Planning Commission and reviewed <u>approved</u> by City Council

- (d) If any proposed plan or plat is denied by the Council or City Manager, a new subdivision application for the same or substantially the same request, as determined by the Director, shall not be accepted within one (1) year of such denial. The applicant may appeal the decision of the Director, in writing, to the Council within ten (10) days from the date of the decision.

(Ord. 13-12 Art. 4)

Sec. 17-2-40. Subdivision improvements.

In each subdivision, the City shall determine the type, location and extent of necessary ~~public improvements~~ subdivision improvements, depending upon the characteristics of the proposed development and its relationship to surrounding areas. The developer shall provide for the construction, at no cost to the City, of all utilities and other public infrastructure, as required by the City, and provide the necessary security needed to ensure such improvements are made as determined by the City. Improvements shall be made according to plans and specifications prepared by a qualified professional engineer in accordance with the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading,

Erosion and Sediment Control Manual, [Chapter 15](#), the Building Code and other applicable regulations. Underground placement of utility lines shall be required in all subdivisions.

Sec. 17-2-50. Streets.

All streets and road rights-of-way shall be constructed in conformance with the roadway standards specified in the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual, the Grading, Erosion and Sediment Control Manual, [Chapter 15](#) and other applicable regulations.

Sec. 17-2-60. Erosion and sediment control plan.

An erosion and sediment control plan shall be submitted which addresses the existing and potential erosion and sediment problems created by the proposed development. Conservation measures used to mitigate these concerns shall be in accordance with Chapter 16 of this Code, the Roadway Design and Construction Standards, the Storm Drainage Design and Technical Criteria Manual and the Grading, Erosion and Sediment Control Manual, [and Chapter 15](#). If applicable, the Soil Conservation District shall be consulted regarding erosion and sediment control.

Sec. 17-2-70. Drainage study.

Drainage studies shall be submitted as part of the subdivision submittal requirements in conformance with the Storm Drainage Design and Technical Criteria Manual [and Chapter 15](#).

Sec. 17-2-80. Other ~~public improvements~~ subdivision improvements.

Other reasonable improvements not specifically mentioned herein and found appropriate and necessary by the City shall be constructed at the applicant's expense within such time and in conformance with such specifications as deemed necessary and appropriate.

(Ord. 13-12 Art. 4)

Sec. 17-2-90. Guarantee of ~~public~~ subdivision improvements.

- (a) No final plat shall be recorded until the applicant has submitted, and the Public Works Department has reviewed and accepted, one (1) or a combination of the following:
- (1) A subdivision improvement agreement to construct any required ~~public improvements~~ subdivision improvements shown in the final plat documents and approved construction plans.
 - (2) Other agreements or contracts setting forth the plan, method and parties responsible for the construction of any required ~~public improvements~~ subdivision improvements shown in the final plat documents which, in the judgment of the Public Works Department, will make reasonable provision for completion of said improvements in accordance with design and time specifications.
 - (3) Documentation that there are no required ~~public—improvements~~ subdivision improvements associated with the final plat.

- (b) When required, the applicant shall provide security, in a form acceptable to the City, for the ~~public improvements~~subdivision improvements as follows:
- (1) The applicant shall provide the City with an itemized estimate of the cost of required improvements on a standardized form available from the Public Works Department in accordance with the requirements of the Roadway Design and Construction Standards and the Storm Drainage Design and Technical Criteria Standards. Upon review, the Public Works Department shall require one (1) of the following:
 - a. Security of one hundred fifteen percent (115%) of the total cost of the required ~~public improvements~~subdivision improvements shall be paid by the applicant ~~if any lots or parcels of the subdivision are to be sold or transferred, or issuance of building permits, prior to completion and probationary acceptance of all required public improvements, prior to the approval of the construction plans and issuance of a construction permit.~~
 - b. Security of fifteen percent (15%) of the total cost of required ~~public improvements~~subdivision improvements shall be paid by the applicant prior to the sale or transfer of lots, or issuance of building permits, when the required ~~public improvements~~subdivision improvements have been completed and been granted probationary acceptance by the Public Works Department.
 - c. No security is required toward the total cost of required ~~public improvements~~subdivision improvements that have been completed and have been granted final acceptance by the Public Works Department (at the end of the two-year probationary period).
 - (c) The ~~City Engineer~~Director of Public Works or his/her designated representative shall review the SIA and the cost estimates and recommend changes as necessary to complete the required improvements.
 - (d) The City Attorney shall review any modifications made by the applicant to the SIA and notify the applicant of any deficiencies or required changes. The SIA shall be in the form provided by the City Attorney and approved by the City Manager.
 - (e) The ~~City Engineer~~Director of Public Works or his/her designated representative shall monitor the SIA and any performance agreements.
 - (f) At the discretion of the City Manager, the City may waive the requirement for security by federal, state or local governments, including metropolitan districts, special districts and the like.

Sec. 17-2-100. Release of security.

As improvements are completed, the subdivider may apply to the Public Works Department for a release of part or all of the security. Upon inspection by the ~~City Engineer~~Director of Public Works or his/her designated representative and upon their approval, the City shall release the security or portion thereof. If the City determines that any improvements are not constructed in substantial compliance with the specifications, it shall furnish the applicant a list of specific deficiencies and shall retain security sufficient to ensure such compliance. If the City determines that the applicant has not constructed any or all of the improvements in accordance with all of the specifications, the City may withdraw and employ from the deposit of security such funds as may be necessary to construct the improvement in accordance with the specifications. If the submitted security is not sufficient to cover the improvements, the applicant is responsible for the additional

costs. Security to cover the cost of repair of such improvements is required during the warranty period in accordance with the requirements of the subdivision improvements agreement.

ARTICLE V - Final Plat for Single-Family Attached, Multi-Family and Nonresidential Development

- Sec. 17-5-10. Intent.
- Sec. 17-5-20. – Approval standards.
- Sec. 17-5-30. – Prerequisite.
- Sec. 17-5-40. – Submittal process.
- Sec. 17-5-50. – General submittal requirements.
- Sec. 17-5-60. – Final plat Exhibit (**Proposed Amendments**)
- Sec. 17-5-70. – Final development reports and plans.
- Sec. 17-5-80. – Vested property rights.
- Sec. 17-5-90. – Post-approval procedure.
- Sec. 17-5-100. – Expiration of approval.

Sec. 17-5-60. (13) The following certifications on a single sheet shall be provided in accordance with Article ~~IX~~VIII of this Chapter: Surveyor, Dedication Statement, Storm Drainage Facilities Statement, General Overlot Drainage Note, City Manager, County Clerk and Recorder's office and Title Verification.

ARTICLE VII - Plat Amendments and Vacations

- Sec. 17-7-10. – Intent.
- Sec. 17-7-20. – Approval standards.
- Sec. 17-7-30. – Plat amendment and vacation process provisions.
- Sec. 17-7-40. – Plat correction.
- Sec. 17-7-50. – Lot line and/or utility easement vacation.
- Sec. 17-7-60. - Lot line/building envelope adjustment.
- Sec. 17-7-70. – Replat of subdivision where additional lots are created. (**Proposed Amendments**)
- Sec. 17-7-80. – Vacation of plat without platted dedication and/or constructed public infrastructure.
- Sec. 17-7-90. – Vacation of plat with platted dedication and/or constructed public infrastructure.
- Sec. 17-7-100 – Vacation of public ways.
- Sec. 17-7-110. – Public notice.
- Sec. 17-7-120. – Application resubmittal.
- Sec. 17-7-130. – Lot numbering.

Sec. 17-7-70. - Replat of subdivision where additional lots are created.

Replats of subdivided land, where additional lots are created requires the following review process:

- (1) When three (3) or fewer lots are created for single-family detached land use, the replat may be acted on by the City Manager, according to the submittal and review requirements of Article IV of this Chapter.
- (2) When more than three (3) lots are created for single-family detached land use, the replat shall be processed in accordance with the submittal and review requirements of Article IV of this Chapter, except that it shall be acted on only by the City Council.
- (3) When any lots are created for single-family attached, multi-family or nonresidential land use, the replat shall be acted on only by the City Council, following a 21-day referral period. according to the submittal ~~and review~~ requirements of Article ~~IV~~V of this Chapter. The post-approval procedure and expiration of approval requirements of Article V shall also apply.

Jennifer Drybread

From: Dan Clawson <dbclawson@qwest.net>
Sent: Sunday, November 06, 2016 11:19 AM
To: Jennifer Drybread
Cc: Linda Langewisch; Marilee Wing
Subject: RE: Proposed Amendments to the City of Lone Tree Municipal Code

Categories: Red Category

Jennifer,

Two items of note in the proposed modifications.

Section 15-1-50 refers to a flood insurance study dated 2-17-17, a date in the future. Shouldn't it refer to a 2016 study rather than a study on a future date.

Section 16-2-210, Property Maintenance, specifically excludes single family detached homes such as mine. I believe it should be amended to include single family detached homes in order that these homeowners also be subject to the same requirement to remove snow from sidewalks within 24 hours like all other residents, associations and businesses in the city.

Thanks,
Dan Clawson
10516 Rivington Ct.

From: Jennifer Drybread [mailto:Jennifer.Drybread@cityoflonetree.com]
Sent: Friday, November 04, 2016 3:16 PM
To: lbradley@tmmccares.com; val@coloradomanagement.com; silvia@westwindmanagement.com; borch101@aol.com; sharonvanram@comcast.net; breid@managementandmaintenance.net; Borch101@aol.com; ehubbard@cchoapros.com; corpoffice@pcms.net; acmoore5@comcast.net; silvia@westwindmanagement.com; shannon.torgerson@claconnect.com; hrvfiel35@gmail.com; Bobbi@westwindmanagement.com; jfletcher@pcms.net; davidw.montecitohoaboard@gmail.com; jeffn.montecitohoaboard@gmail.com; kevinspencer3@icloud.com; president@muirfieldatlonetree.org; LLangewisch@msiho.com; doc@maximummgt.com; dbclawson@qwest.net; tammy@maximummgt.com; rich.steinberg@emerson.com; mpeck@tmmccares.com; dirtbag918@aol.com; corpoffice@pcms.net; seth@stcinc.com; Place, Charles <Charles.Place@qwest.com>; doc@maximummgt.com
Subject: Proposed Amendments to the City of Lone Tree Municipal Code

Greetings,

I apologize in advance if you have been sent this email twice. Sorry for any inconvenience.

Attached is a summary and proposed amendments to Chapters 11, 15, 16, and 17 of the Lone Tree Municipal Code for your review and comment. **Please provide any written comments to me by Monday, November 21, 2016.** Comments can be sent via email (jennifer.drybread@cityoflonetree.com), fax (303-225-4949), or via postal mail in care of my attention at the address below. We are also attaching a referral response form if you prefer.

Please contact me should you have any questions. Thank you!

9568 La Quinta Drive
Lone Tree, Colorado 80124

November 6, 2016

Jennifer Drybread, Senior Planner
City of Lone Tree
9220 Kimmer Drive #100
Lone Tree, CO 80124

RE: Proposed Municipal Code Changes RG-16-71

On behalf of the Terra Ridge HOA, an association of 177 single family homes which were platted under Douglas County through two filings, then included in the original incorporation of the City of Lone Tree appreciates the opportunity to offer comments to the proposed code changes.

Over +20 years, our HOA Board of Directors and Design Review Committee have struggled at times with the City's codified administrative process that often overlooked gray areas we are unable to control, regulate or oversee at our grass roots level. Most of the code revisions appear to show with better clarity, the responsibilities of the City. If these code revisions prevail and are adopted, our HOA board will request a "workshop" with City staff including legal counsel, to assist us recraft our bylaws and covenants where we may avoid duplication, shed light on said gray areas, and to ensure we are covering items we have omitted and are responsible for. Before this meeting, our association request that a qualified City staff member review our recorded subdivision covenants and Design Guidelines to advise us of where oversights exist and where duplicated matters can be eliminated.

We wish to highlight two examples in the packet where proposed revisions will affect the way we do business at the HOA level:

(1) The proposed revisions now cover construction trailers and/or trash bins associated with private re-construction projects and planned to be temporarily stored on the public streets; as they must now have a permit from the City (Chapter 11). Terra Ridge's long standing subdivision covenants have a provision that on-street storage is not allowed for extended periods of time and we have been compelled to engage our management company & legal counsel when a homeowner is not abiding. Having the City now cover this for us is a "game changer" and requires our Management Company, Board & Architectural Committee members to understand how it now may be regulated and enforced by the City, including traffic control for safety.

(2) Revisions relative to storm water (i.e. chapters 15 & 17) will require expenditures on our part as our original covenants did not foresee or anticipate our need to use our reserve funds for these responsibilities. Furthermore, we homeowners are not hydrologist, flood or water quality control experts and the ponds that lie within our common areas present a significant liability challenge to us. We are not clear if these changes only apply to new subdivisions or are applicable to existing subdivisions and their associations for such common areas that fall into our silo of maintenance obligations.

Most if not all HOA's in the City are Covenant Controlled. Given that the City is opening up the code for revision, we see this as a long overdue opportunity to integrate an HOA Design Review sign-off in the building permitting process. One recurring yet important issue we see is how colors, style, patterns and other exterior design compatibility features regulated by each HOA, are not recognized by the building department and have been minimized to a 'suggestion' within the instructions for building permits. We have asked our "Home Rule" City on repeated occasions that building permits require a checkbox for the HOA sign-off before consideration to issue a permit that has implications for exterior appearance and compatibility. Failure to enable the HOA board to pre-approve exterior changes in essence subjugates the purpose & need for an HOA Board and a covenant-controlled neighborhood. We clearly would acquiesce to situations of emergency repairs.

We have only highlighted a few examples of changes being proposed, which have the best of intentions, but do not clarify for the HOA's, how we are to effectively embrace them. In some situations, these revisions will absolve us of our responsibilities, but in others, create non-funded mandates. That is why we request a "workshop" be offered to all HOA groups so that we may understand what needs to be done to bring our rules into compliance.

We wish to express our gratitude to the City Council for understanding the implications that these revisions and changes present to the HOA groups who share the same interest of process and predictability, protecting property values, property rights, and the other inalienable rights within a "Home Rule" City like Lone Tree.

Sincerely,

A handwritten signature in cursive script that reads "Rick Solomon".

Rick Solomon, President
Terra Ridge HOA

cc. PCMS
TR Board & DRC

Jennifer Drybread

From: Lisa Albers
Sent: Thursday, December 01, 2016 7:46 AM
To: Taylor Goertz; Ward Mahanke; Jennifer Drybread
Cc: John Cotten
Subject: FW: THANK YOU !!

From Rick Solomon. Please see below.

Lisa A. Albers, P.E.
Capital Improvement Project Manager
City of Lone Tree
9222 Teddy Lane
Lone Tree, CO 80124
Direct: (303) 551-0153
Cell: (720) 688-3331

From: Rick Solomon [mailto:dirtbag918@aol.com]
Sent: Wednesday, November 30, 2016 5:16 PM
To: Lisa Albers <Lisa.Albers@cityoflonetree.com>; Kelly First <Kelly.First@cityoflonetree.com>; John Cotten <John.Cotten@cityoflonetree.com>
Cc: Timmaley@comcast.net; kbattilega@gmail.com; mrsbbfire@gmail.com; esalehiamin@gmail.com; phannan@ch2m.com; sandschiel@me.com; corpoffice@pcms.net; Jackie Millet <Jackie.Millet@cityoflonetree.com>; Susan Squyer <Susan.Squyer@cityoflonetree.com>; Cathie Brunnick <Cathie.Brunnick@cityoflonetree.com>; Jay Carpenter <Jay.Carpenter@cityoflonetree.com>; Wynne Shaw <Wynne.Shaw@cityoflonetree.com>
Subject: THANK YOU !!

Lisa: Please pass along to the other staff in attendance, our gratitude for the time you spent with the Terra Ridge HOA in a "workshop" fashion to go over our covenants and guidelines as they relate to the City Charter and codes. We both have an appreciation and respect for each others challenges of managing a City and an HOA in a responsible & sustainable fashion.

We will follow up with PCMS to investigate how we may engage some of the ideas you shared with us and use their expertise - which we pay for.
We all have that innate desire to be the best stewards during our time of service.

Rick Solomon, President
Terra Ridge HOA

PS. I would venture to say, most folks who visit our City and neighborhoods would say it is "pretty nice" but have no idea how much work and attention to detail is involved.
For all you do - hidden behind the curtain, we again express our appreciation.



CENTENNIAL AIRPORT
ARAPAHOE COUNTY PUBLIC AIRPORT AUTHORITY

7800 South Peoria Street, Unit G1
Englewood, Colorado 80112
main: 303.790.0598
fax: 303.790.2129
www.centennialairport.com

November 21, 2016

Ms. Jennifer Drybread
City of Lone Tree Community Development Dept.
9220 Kimmer Drive Suite 100
Lone Tree, CO 80124

Re: PROPOSED MUNICIPAL CODE AMENDMENTS; RG16-71

Dear Ms. Drybread,

Thank you for the opportunity to review the Proposed Municipal Code Amendments. We agree with the proposed amendments to Sec. 16-2-110 of the Lone Tree Municipal Code.

Please feel free to call me if you have any questions.

Sincerely,

Aaron Repp
Noise & Environmental Specialist



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.571.3306
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

November 21, 2016

City of Lone Tree Community Development Department
9220 Kimmer Drive, #100
Lone Tree, CO 80124

Attn: Jennifer Drybread

Re: Lone Tree Municipal Code Update 2016

Public Service Company of Colorado (PSCo) has reviewed the **Lone Tree Municipal Code Update 2016** and has **no apparent conflict**.

It is requested that the finalized code update be sent to me at the above email address or mailing address.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado



CITY OF LONE TREE
Community Development Department

REFERRAL REQUEST

Today's date: November 4, 2016, 2016

**Project Type: Proposed Lone Tree Municipal Code Amendments,
Project RG16-71**

Comments Due By: November 21, 2016

If you are unable to respond by the due date, please contact the project planner

Dear Referral Organization:

Information on the above referenced proposal in the City of Lone Tree is provided for your review and comment. Please submit your response no later than the due date to ensure adequate time to consider comments and enter them into the public record.

If you have difficulty viewing or understanding any of the information or have questions, please contact me at 303-708-1818. Printed materials and extra sets of materials are available upon request. Plans may also be viewed at the City offices from 8am-5pm.

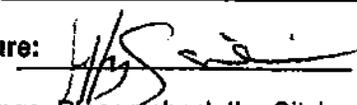
We have no comments regarding this proposal

Please note the following concerns this organization has:

See attached letter for comments regarding this proposal

Organization Name: South Metro Fire Rescue

Your name: Jeff Scelli

Your signature:  Date: 11/16/16

This project may be subject to public meetings. Please check the City's web site (www.cityoflonetree.com) for posted agendas or contact this office. Thank you for your consideration.

Jennifer Drybread

Senior Planner

**PLEASE RETURN THIS PAGE AND ANY
COMMENTS TO:**

City of Lone Tree Community Development Dept.
9220 Kimmer Drive Suite 100
Lone Tree, CO 80124
Ph: 720-509-1273
Fx: 303-225-4949
jennifer.drybread@cityoflonetree.com

Jennifer Drybread

From: Cathleen Valencia <CValencia@arapahoegov.com>
Sent: Tuesday, November 15, 2016 12:55 PM
To: Jennifer Drybread
Cc: Chuck Haskins; Julio Iturreria
Subject: outside referral - Lone Tree Municipal Code

Jennifer,

Arapahoe County Engineering thanks you for giving us the opportunity to review the Lone tree Municipal Code changes. The Engineering Division has no comments regarding the referral at this time based on the information submitted.

Please know that other Divisions in the Public Works Department may submit comments as well.

Sincerely,

Cathleen Valencia, P.E.
Engineering Services Division
Arapahoe County Public Works & Development
6924 South Lima Street
Centennial, CO 80112 (720) 874-6500
cvalencia@arapahoegov.com



ARAPAHOE COUNTY
COLORADO'S FIRST

Jennifer Drybread

From: Julio Iturreria <JIturreria@arapahoegov.com>
Sent: Monday, November 14, 2016 4:29 PM
To: Jennifer Drybread
Subject: Lone Tree Municipal Code

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Jennifer,
Thanks for the opportunity to review the Code, however I have no comment on this document.
Hope everything is going well.
Best,
Julio

Julio G Iturreria
Long Range Planning Manager
Arapahoe County
720-874-6657 (direct)



CITY OF LONE TREE
Community Development Department

REFERRAL REQUEST

Today's date: November 4, 2016, 2016

Project Type: Proposed Lone Tree Municipal Code Amendments,
Project RG16- 71

Comments Due By: November 21, 2016

If you are unable to respond by the due date, please contact the project planner

Dear Referral Organization:

Information on the above referenced proposal in the City of Lone Tree is provided for your review and comment. Please submit your response no later than the due date to ensure adequate time to consider comments and enter them into the public record.

If you have difficulty viewing or understanding any of the information or have questions, please contact me at 303-708-1818. Printed materials and extra sets of materials are available upon request. Plans may also be viewed at the City offices from 8am-5pm.

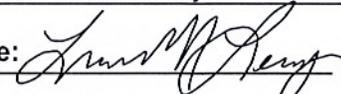
We have no comments regarding this proposal

Please note the following concerns this organization has:

See attached letter for comments regarding this proposal

Organization Name: _____

Your name: Laura Leary

Your signature:  **Date:** 11/14/16

This project may be subject to public meetings. Please check the City's web site (www.cityoflonetree.com) for posted agendas or contact this office. Thank you for your consideration.

Jennifer Drybread

Senior Planner

PLEASE RETURN THIS PAGE AND ANY COMMENTS TO:

City of Lone Tree Community Development Dept.

9220 Kimmer Drive Suite 100

Lone Tree, CO 80124

Ph: 720-509-1273

Fx: 303-225-4949

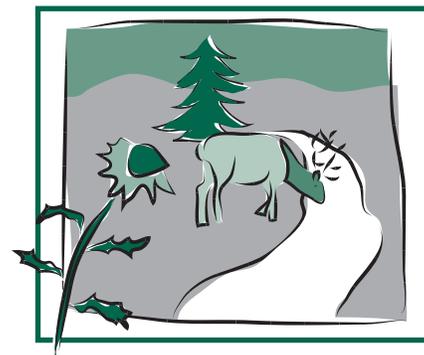
jennifer.drybread@cityoflonetree.com

Rainwater Collection in Colorado

Fact Sheet No. 6.707

Natural Resources Series | **Water**

by P.E. Cabot, C.C. Olson, R.M. Waskom and K.G. Rein*



The purpose of this factsheet is to provide information about the regulatory and health aspects of rainwater collection in Colorado. The information provided in this factsheet is based primarily on language in Colorado House Bill 16-1005 and is intended to inform citizens on how to properly use rain barrels in accordance with Colorado law.

What is Rainwater Collection?

Rainwater collection, also called rainwater “harvesting,” is the process of capturing, storing and directing rainwater runoff and putting it to use. Water from roof gutter downspouts is usually directed onto landscaped areas and is incidentally consumed by plants, but this form of use is not regarded as rainwater harvesting.

Actual rainwater harvesting involves the collection of rainfall runoff from rooftops, concrete patios, driveways and other impervious surfaces. Rainwater collection systems vary from the simple and inexpensive to the complex and costly. Typically, rooftop rainwater collection systems are simple, consisting of gutters, downspouts, and storage containers. Inexpensive rainwater storage systems commonly make use of an above ground container such as a barrel or plastic tank with a lid to reduce evaporation and bar access for mosquitos to breed. Any container capable of collecting the rain shedding from a roof or patio can be used as a rainwater harvesting system, but to be in conformance with Colorado water law, the container additionally must be equipped with a sealable lid. More sophisticated systems have “first flush” diverters that are recommended to exclude capture of the initial rain that might carry impurities from the roof.

*P.E. Cabot, Research Scientist, Extension and Colorado Water Institute, Colorado State University, C.C. Olson, Research Associate, Dept. of Civil and Environmental Engineering, Colorado State University, R. M. Waskom, Director, Colorado Water Institute, Colorado State University, K.G. Rein, Deputy State Engineer, Colorado Division of Water Resources, 4/2016

Water Rights Issues Concerning Rainwater Collection

Colorado residents should understand that water rights in Colorado are unique compared to other parts of the country. The use of water in this state and other western states is governed by what is known as the prior appropriation doctrine. This doctrine of water allocation controls who uses water, how much water may be used, the types of uses allowed, and when those waters can be used. A simplified way to explain this system is often referred to as the priority system or “first in time, first in right.” It may seem strange that rainwater harvesting in Colorado is so carefully watched, but understanding why this is so can provide valuable insight into the way water is shared in Colorado. In our arid environment, every drop counts and water rights holders depend upon the runoff from snowmelt and rainfall to supply the beneficial uses to which they apply their water rights. Captured precipitation that is consumed “out of priority” may deprive downstream and/or senior water right holders of their right to use water from the natural stream, which comprises water that originates as snow and rain. Even though the detention of rooftop precipitation might only be temporary and minimal, it may still alter the nature of historic flow patterns.

How to Use Rain Barrels Legally in Colorado

In order to safeguard senior holders of Colorado water rights, diverting and storing water is allowed only during times when all water rights in the basin are satisfied. It is impractical, however, for homeowners to know at all times whether water rights are satisfied. To collect rainwater without regard for other water rights, there are two laws which establish allowances for the limited collection of rainwater from rooftops of residential dwellings. These laws are further

Quick Facts

- Most homeowners in Colorado are now allowed to use rain barrels to collect rainwater.
- A maximum of two rain barrels with a combined storage of 110 gallons or less are allowed at each household.
- Collected rainwater may be used to irrigate outdoor lawns, plants or gardens.
- Untreated rainwater collected from roofs is not safe to drink.

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described below. Prior to the passage of House Bill 16-1005, in particular, rainwater collection was not permitted except under specific circumstances.

There are several restrictions that are important to follow in order to use rain barrels legally in Colorado. These restrictions differ depending on your residential situation.

Rain barrel use under HB16-1005

Under House Bill 16-1005, rain barrels can only be installed at single-family households and multi-family households with four (4) or fewer units. A maximum of two (2) rain barrels can be used at each household and the combined storage of the 2 rain barrels cannot exceed 110 gallons. Rain barrels can only be used to capture rainwater from rooftop downspouts and the captured rainwater must be used on the same property from which the rainwater was captured, for only outdoor purposes, including to water outdoor lawns, plants and/or gardens. Rain barrel water cannot be used for drinking or other indoor water uses.

It is important for rain barrel users to understand that the capture and use of rainwater using rain barrels does not constitute a water right. HB16-1005 includes language that could result in the State Engineer curtailing the use of individual rain barrels if a water right holder can prove that those rain barrels have impacted their ability to receive the water that they are entitled to by virtue of their water right.

Rain barrel use under SB09-080

Under special circumstances explained in Senate Bill 09-080, rural residents that qualify for “exempt” wells may collect rainwater with a Rooftop Precipitation Collection System Permit from the Colorado Division of Water Resources. Though these collection system permits do not limit the size of the rain barrel, the water must be collected from the roof of the primary residence and the rainwater may only be used for the uses allowed under the resident’s exempt well permit. For example, if the well permit allows for household uses only, then the rainwater could only be applied to non-potable uses in the residence; if the well permit allows for

household uses and outdoor uses including lawn and garden irrigation and/or animal watering, then the rainwater could also be used for those uses.

Colorado residents that qualify for exempt well permits may be able to collect 110 gallons of water under HB16-1005 and collect rainwater for additional uses under SB09-080, so long as they can meet the restrictions described for the two laws.

Rooftop Precipitation Collection System Permit applications can be obtained from the Colorado Division of Water Resources. The application provides notice of intent to collect precipitation and a description of how it will be captured. Instructions on acquiring a rooftop precipitation collection permit can be found at the website for the Colorado Division of Water Resources, under the category “Well Permitting” and sub-category “Rainwater Collection (requiring Exempt Well).” To qualify for a Rooftop Precipitation Collection System Permit, you must satisfy these conditions:

- The property on which you collect the rainwater is residential property.
- You have a permit to use an exempt well, or you are legally entitled to an exempt well for the water supply.
- You collect rainwater only from the rooftop of your domestic residence.
- You use the water only for those uses that are allowed by, and identified on your well permit.

Rainwater collection under HB09-1129

Another special circumstance outlined in Colorado HB09-1129 allows developers to participate in pilot projects that harvest rainwater and put it to beneficial, though non-essential, use in the subdivision. These projects may only operate according to an engineered plan, submitted to the state engineer for approval and eventually, to the water court. Individual landowners are not eligible for these pilot projects.

Concerns about Mosquitos

In order to prevent rain barrels from becoming mosquito breeding grounds, it is important to follow several best practices. First, although any container can be used to collect rainwater, House Bill 16-1005 requires the container to be equipped with a sealable lid. Fortunately, many rain barrels that can be purchased online or from a local home supply store

have lids. Second, the rain barrel should be completely emptied every month (or less). If you plan to be away from the home for more than a week, you should disconnect your rain barrel from the downspout.

Concerns about Water Quality

Rain in urban and industrialized areas may contain various impurities absorbed from the atmosphere, including arsenic and mercury. In Colorado, rain is infrequent, but rainwater quality is generally good. However, the infrequency of rainfall results in accumulation of bird droppings, dust and other impurities on rooftops between rain events. The presence of these impurities in collected rainwater is affected by roofing materials, pitch, and area and may occur in high concentrations when it does rain. Heavy metals such as cadmium, copper, lead, zinc, and chromium have been detected in rainwater collected from rooftops. The phenomenon of acid rain can also cause chemical compounds to be leached from roofing materials.

The best strategy is to filter and screen out contaminants before they enter the storage container. Dirty containers may also become a health hazard or a breeding ground for insects and other pests. Various methods can be used to purify rainwater. First-flush diverters ensure a certain degree of water quality in harvested rainwater. The first several gallons of runoff from a gutter, roof, or other surface are likely to contain various impurities such as bird droppings and dust. A first-flush device prevents this initial flow from draining into the storage tank. Many first-flush devices have a simple design. Such devices include tipping buckets that dump when water reaches a certain level. In addition, there are containers with a ball that floats with the rising water to close off an opening after an inflow of 5 gallons. Water is then diverted to a pipe leading to the storage container. This use of simple technology is an attractive feature of rainwater harvesting. Roof washing is not needed for water used solely for irrigation purposes.

Due to concerns surrounding microbial contamination of harvested rainwater, it is not recommended as a source of drinking water for humans. However, properly designed, constructed, and maintained systems that include disinfection steps have been successfully used for private domestic water supplies.

Homeowner's Association Rain Barrel Restrictions

A homeowner's association (HOA) cannot ban the use of rain barrels by its members, however it can impose "reasonable" aesthetic requirements about the location and/or appearance of rain barrels. For example, an HOA may require that rain barrels be placed in backyards and/or be a certain color that blends into the outdoor landscape.

Frequently Asked Questions (FAQs)

Q. Do I Need a Permit to Use Rain Barrels?

The passage of HB16-1005 allows the use of two rain barrels without the need for obtaining a special permit, as long as the collected precipitation is used for outdoor purposes, including irrigation of lawns and gardens. However, if you want to use rain barrels as described and allowed by SB09-080, you will need to obtain a rainwater collection permit from the Colorado Division of Water Resources.

Q. Can I send downspout water onto my garden?

Yes. This situation is acceptable as long as rainwater is directed from the rooftop to the garden.

Q. How much irrigation could I expect to accomplish with rain barrels?

Each time you collect the maximum 110 gallons of water allowed in rain barrels, you can adequately irrigate approximately 180 square feet (a bit smaller than a 15 foot by 15 foot area) of vegetable garden or lawn area with the captured water. This estimate is based on CSU Extension recommendations to water lawns and vegetable gardens with about 1 inch of water during each irrigation cycle. However, a typical rain barrel user can only expect the rain barrels to completely fill about 10-15 times during the growing season, while vegetable gardens and lawns need to be irrigated at least twice as times per year depending on watering practices. Thus, supplemental irrigation will still be necessary to maintain a healthy lawn and vegetable garden.

Q. Can I use rainwater to water my horse/sheep/chickens?

HB16-1005 permits rainwater collection specifically for landscape uses only. Therefore, rainwater collected in rain barrels as allowed by HB16-1005 cannot be used for animal watering. However, rainwater collected in rain barrels as allowed by a Rooftop Precipitation Collection System Permit issued under SB09-080 can be used for animal watering, but only if the exempt well permit allows animal watering. Refer to the Rain barrel use under SB09-080 section above for more detail.

Q. Can I water an attached greenhouse? Can I water houseplants? What's the line between many houseplants and a greenhouse? Is a sunroom with plants legal?

HB16-1005 permits rainwater collection specifically for outdoor uses. The basic SB09-080 permit stipulating "ordinary household use in one single-family dwelling (no outside use)" would support a reasonable understanding of "ordinary household use in one single-family dwelling (no outside use)" that includes watering of typical household plants in a sunroom or otherwise, especially if the water is taken from indoors. The SB09-080 permit would NOT allow for watering plants in a greenhouse where such a building is specifically dedicated to growing plants. There is no definitional line between "many houseplants" and a greenhouse, unless obviously the greenhouse is an attached room or detached building used specifically dedicated to growing plants.

Q. Can I wash my car with collected rainwater?

HB1005 states that captured rainwater must be used on the same property from which the rainwater was captured, for outdoor purposes only. This could include uses such as washing your car on your property. Permits authorized under SB09-080 stipulate "ordinary household use" in one single-family dwelling (no outside use) and would NOT allow for car washing. Such use is limited to drinking and sanitary uses inside the home.

Q. Can I fill my outdoor hot tub with rainwater?

No. The permit authorized under SB09-080 stipulating "ordinary household use" would NOT allow the use of captured

An appropriation is made when an individual physically takes water from a stream or well (when legally available) and puts that water to beneficial use. The first person to appropriate water and apply that water to use has the first right to that water within a particular stream system. This person, after receiving a court decree verifying their priority status, then becomes the senior water right holder and that water right must be satisfied before any other water rights are filled. In Colorado, the state engineer and director of the Colorado Division of Water Resources, has the statutory obligation to protect all vested water rights. The process of allocating water to various water users is traditionally referred to as water rights administration, and is the responsibility of the Division of Water Resources.

rainwater to fill an outdoor hot tub. This includes single-family or multiple dwelling unit situations.

Q. Can I flush my toilet with rainwater? HB16-1005 permits rainwater collection specifically for nonpotable outdoor uses only. Therefore, rainwater collected in rain barrels as allowed HB16-1005 cannot be used for flushing toilets. However, flushing toilets would be considered "ordinary household use" and rainwater collected in rain barrels as allowed by a Rooftop Precipitation Collection System Permit issued under SB09-080 would be allowed.

Q. Can I put a dog – water dish outside? Can I wash my windows outside? Can I empty used water outside? Can I water a pot of flowers by my front door?

There are endless scenarios that are both humorous and pedantic. The basics of rainwater collection in Colorado are that it may be collected and used for lawns, gardens and landscapes. If you have a permit for rainwater collection under SB09-080, you may use the rainwater as a substitute for water that would ordinarily be pumped from your private exempt well and subject to the limitations of your well permit.

References and additional resources

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2. CDWR. 2008. Rainwater Collection in Colorado – Information Brochure. Available at: http://water.state.co.us/DWRIPub/Documents/DWR_RainwaterFlyer.pdf (last accessed February 2, 2016).
3. Jones K., Gross M., and Swift C.E. 2014. Watering Established Lawns – Colorado Extension Fact Sheet 7.199. <http://extension.colostate.edu/docs/pubs/garden/07199.pdf>
4. King T.L. and Bedient P.B. 1982. Effect of acid rain upon cistern water quality. In: Proceedings of an International Conference on Rainwater Cistern Systems, University of Hawaii at Manoa, pp. 244-248.
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