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**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

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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.

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- (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)

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\_\_\_\_\_  
(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.

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- (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

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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 (GESCC) 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.

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- (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.

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- (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.

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- (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:~~

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- ~~(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.~~

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- ~~(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. Detrimentially 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 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.~~

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- ~~(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~~

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~~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~~

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~~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.

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- (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~~ [42] 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.~~

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### 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.