

18.08.070 - Landscaping.

A. Intent. The intent of this Chapter shall be to implement certain goals and objectives of the Evans Comprehensive Plan and to recognize the aesthetic, economic and environmental value of landscaping.

B. Definitions The following words and phrases shall, for the purpose of this Chapter, be defined as follows:

Caliper means the method of measuring the diameter of a tree trunk for the purpose of size grading. The caliper of the trunk is measured six (6) inches above the ground for trees up to four (4) inches in diameter, and twelve (12) inches above the ground for trees measuring greater than four (4) inches in diameter.

Coniferous tree means any species of tree designated as a coniferous tree on the City's planting list.

Diameter at Breast Height or DBH means the diameter of a tree four and one-half (4½) feet above ground level.

Groundcover means grasses or other plants and landscaping materials used to keep soil from being blown or washed away. Such materials may include, but are not limited to: turf, native grasses, low-lying shrubs or bushes, ivy, boulder/stone, wood chips, mulch, bark or other similar coverings, but not including weeds or bare dirt.

Multifamily residential means, for the purposes of this Chapter, any building or property containing three (3) or more separate dwelling units, regardless of whether the units are on separate lots, but shall not include commercial residences.

Nonresidential means any building or land use that does not contain a dwelling unit, except that it shall include security residences and commercial residences.

Oil or gas facilities means batteries, oil wells, gas wells, gas storage wells and gas facilities, as defined by the rules and regulations of the Oil and Gas Commission of the State of Colorado.

Ornamental tree means any species of tree designated as an ornamental tree on the City's planting list.

Service area means that area of nonresidential and multifamily residential properties used for trash or garbage collection, dock loading and unloading, outdoor storage or repair and similar uses.

Shade tree means any species of tree designated as a shade tree on the City's planting list.

Single- or two-family residential means, for the purposes of this Chapter, any property containing one (1) or two (2) dwelling units, regardless of whether such units were built on-site or partially or wholly in a factory, but shall exclude properties zoned agricultural.

Street frontage means that part of a lot that adjoins street right-of-way, excluding alleys and right-of-way along rear property lines.

Weed means any plant listed as a weed by the Colorado Department of Agricultural.

C. Planting list. All species of required plantings shall be selected from the planting list provided by the Parks and Recreation Department, unless otherwise approved by the City Forester.

D. Minimum species diversity. To prevent uniform insect or disease susceptibility and eventual uniform aging and death of trees on a development site or subdivision, species diversity is required and extensive monocultures are prohibited. The percentage of trees of a single species relative to the total number of required trees for a development site or subdivision shall not exceed the amount shown in the table below, unless otherwise approved by the City Forester:

Number of trees required	Maximum percentage of any one species
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10—19	50%
20—39	33%
40—59	25%
60 or more	15%

E. Size of plantings. Required plantings shall be of the following minimum sizes, unless otherwise noted in this Chapter:

Shade tree	Two-inch caliper, balled and burlapped
Ornamental tree	One and one-half-inch caliper, balled and burlapped
Coniferous tree	Six-foot tall, balled and burlapped
Shrub	Five-gallon container

- F. Condition of plant materials. Required plantings shall have been grown in a recognized nursery in accordance with proper horticultural practice; shall be healthy, well-branched, vigorous stock with a growth habit normal to the species and variety; shall be free of diseases, pest infestation, or damage and shall conform to the standards set by the American Association of Nurserymen, as amended from time to time.
- G. Irrigation. All required landscaping shall be irrigated. Use of nonpotable irrigation water is encouraged. The Director of Parks and Recreation may approve a temporary irrigation system for plants that can survive without irrigation once established.
- H. Soil amendments and rock mulch or gravel. Soil in areas intended for plantings shall first be amended according to City standards in order to loosen compacted soil, improve the viability of plantings and reduce the amount of watering required. Rock mulch or gravel shall not be placed within two (2) feet of required trees.
- I. Sight distance area. Plantings shall not be located where an immediate or eventual violation of the City's sight distance criteria as provided in the Municipal Code would likely occur.
- J. Coniferous trees. To lessen the impact of icy road conditions during the winter months, coniferous trees shall be planted only where the shadow created by such tree does not, nor will not upon maturity, create a hazardous surface for drivers or pedestrians during the winter months.
- K. Stormwater detention areas. Landscaping and irrigation plans shall be designed in conjunction with the stormwater drainage plan for the subject property in such a manner as to maximize the buffering effect of stormwater detention areas. Stormwater detention areas, whether or not located on property separate from the development, shall meet all of the following provisions:

1. Design and construction in a natural form to blend with the surrounding area.
 2. Trickle channels designed to appear natural, using materials such as cobble, river rock or similar materials.
 3. Landscaping with a bluegrass blend sod or seed mix or other City-approved type of sod or seed mix.
 4. Installation of trees within and around the perimeter of the area at the rate of one (1) tree for every two thousand five hundred (2,500) square feet of surface area, with no more than twenty-five percent (25%) of such trees being ornamental.
 5. No trees or shrubs planted such that they would have the effect of reducing the volumes of the pond below the design capacity.
 6. Installation of an irrigation system approved by the City.
- L. Screening of service areas. All service areas shall be screened with an appropriate, designated landscape area between the service area and rights-of-way or abutting residential property, and shall be designed to block views to the maximum extent possible without obstructing any sight distance areas. The width and length and number of trees and shrubs required in such landscape area shall be determined by the City based on the size and use of the service area and surrounding land uses.
- M. Screening of oil and gas facilities.
1. The developer of any property containing one (1) or more oil or gas facilities shall install groundcover within the area of the facility setback except where paved and a minimum of six (6) trees per oil or gas facility either along adjacent right-of-way (shade trees), along adjacent residential properties (coniferous trees), or a combination of both.
 2. Such trees shall not be located such that they would obstruct access to the facility, or within ten (10) feet of any pipeline.
- N. Mature tree preservation and mitigation. Existing healthy trees and shrubs shall be preserved and incorporated into the overall site and landscape design to the maximum extent practical, as determined by the City. Certain trees and shrubs may be deemed unsuitable or unpreservable but must be shown on the landscape plan and shall not be removed until approval is granted by the City. The value of trees that cannot be preserved and need to be removed shall be determined by the City Forester and appropriate new replacements shall be planted at the rate of one (1) tree for every four (4) inches of DBH (diameter at breast height) lost. Location of replacement trees may be within the development or at an acceptable location within City right-of-way as approved by the City Forester.
- O. Maintenance. Landscaped areas shall be maintained by the owner of the property. Property owners shall also maintain landscaped areas within the adjacent right-of-way unless an approved Homeowners Association assumes this obligation. Maintenance shall include, but not be limited to, irrigating, mowing, pruning, removal of trash and weeds and replacement of any required plantings that become diseased, infested or otherwise unhealthy.
- P. Landscaping and irrigation plan requirements. All proposed landscaping and irrigation plans submitted for approval shall contain the following information:
1. Existing and proposed features. The approximate location and character of the following existing and proposed features and improvements:
 - a. Buildings and signs.
 - b. Landscaping.
 - c. Mature trees and other existing vegetation, labeled "to be removed" or "to remain."
 - d. Floodplains, wetlands, drainage ways and detention areas.
 - e. Overhead and underground utilities, including manholes.
 - f. Oil and gas facilities, if any.

- g. Property lines and easements.
 - h. Other features or improvements which may affect the location of proposed streets, structures and landscaping.
2. A list of all proposed plant and landscape material including species, size and quantity and labeled on the plan.
 3. Scale, date and north arrow.
 4. Name and/or address of the project.
 5. Name and mailing address of the owner/developer.
 6. Signature of the owner/developer.
- Q. Single-family and two-family residential areas.
1. Within two (2) years of the date of the original occupancy certificate for any single-family or two-family dwelling located in a subdivision approved after March 21, 2000, the owner of such property shall install groundcover, as defined by this Chapter, over all land not within the building footprint, paved or otherwise overlain by impervious surface, including such areas located on adjoining rights-of-way. After such two-year period, it shall be the responsibility of the current owners of the property to comply with this provision.
 2. Homeowners and builders are strongly encouraged to plant trees along adjacent parkways within two (2) years of the date of the original occupancy certificate for any single- or two-family dwelling in accordance with the following provisions:
 - a. Such trees shall be installed within fifteen (15) feet of the street curb in the front yard and/or street side yard.
 - b. Such trees shall be shade trees.
 - c. All requirements of Chapter 8.14 (permit required for trees in the right-of-way) and this Chapter shall be met, except that such trees shall be at least one and one-quarter (1¼) inch caliper (containerized or balled and burlapped).
 - d. The number of trees that should be planted is based on the amount of street frontage (excluding collector or arterial frontage) of the subject lot as shown in the following table:


Total street frontage of lot	Minimum number of trees
Up to 75 feet	1
75 to 150 feet	2
150 to 250 feet	3
Over 250 feet	4

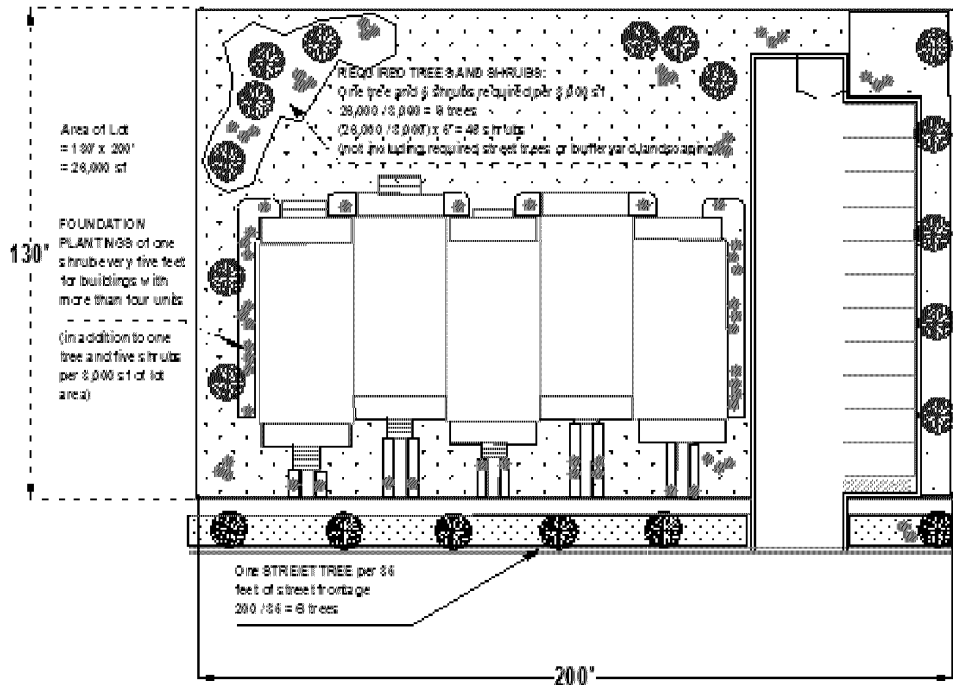
3. The developer of any single-family or two-family subdivision approved after September 21, 2004, shall install shade trees and groundcover between the curb and the detached sidewalk of any arterial or collector street within or adjacent to the subdivision; one tree every thirty-five (35) feet.

4. The City shall not grant initial acceptance of improvements for single- or two-family subdivisions, or a phase of such subdivision, until a landscape and irrigation plan has been approved by the City for the landscaping of any arterial and collector rights-of-way, stormwater detention areas, and perimeter treatments located within the subdivision and until such plan is implemented. If weather conditions do not allow for installation of landscaping at the time the initial acceptance is requested, or if City staff has other reason to believe the immediate installation of landscaping would jeopardize its viability, City staff may grant initial acceptance if the applicant provides both 1) a cost estimate from a local landscaping company for the cost of materials and labor of the landscaping to be reviewed and approved by the City with an estimated date of completion, and 2) a letter of credit or other acceptable security in the amount of one hundred twenty-five percent (125%) of the cost estimate. All landscaping improvements shall be inspected by the City for compliance with the approved landscaping and irrigation plan and regulations of this Chapter prior to granting initial acceptance or releasing the letter of credit, as the case may be. The City shall not grant final acceptance of improvements for single- or two-family subdivisions, or a phase of such subdivision, until all required plantings have that become diseased, infested or otherwise unhealthy have been replaced.

R. Multifamily residential areas.

1. The City shall not issue building permits for new multifamily dwellings until a landscaping and irrigation plan has been approved by the City for the site. City staff may, at its discretion, issue building permits with the condition that a landscaping and irrigation plan shall be reviewed, approved and implemented prior to issuance of the certificate of occupancy. If weather conditions do not allow for installation of landscaping at the time the certificate of occupancy is requested, or if City staff has other reason to believe the immediate installation of landscaping would jeopardize its viability, such as in the case where additional buildings are yet to be constructed on the same lot, City staff may issue the certificate if the applicant provides both 1) a cost estimate from a local landscaping company for the cost of materials and labor of the landscaping to be reviewed and approved by the City, and 2) a letter of credit or other acceptable security in the amount of one hundred twenty-five (125) percent of the cost estimate. All landscaping improvements shall be inspected by the City for compliance with the approved landscaping and irrigation plan and regulations of this Chapter prior to issuance of a certificate of occupancy or release of the letter of credit, as the case may be.
2. Landscaping and irrigation plans for all multifamily residential projects shall meet the following requirements:
 - a. Trees and shrubs. For every three thousand (3,000) square feet or fraction thereof of the total property area, an average of one tree and five (5) shrubs shall be included. No more than twenty-five (25) percent of the required number of trees shall be ornamental trees.
 - b. Foundation plantings. Structures containing more than four (4) dwelling units shall have landscape areas along the perimeter of the foundation, except where pavement prevents such landscaping. Such landscape areas shall contain an average of one (1) shrub every five (5) feet.
 - c. All land not within the building footprint, paved or otherwise overlain by impervious surface or gravel, including such areas located on adjoining rights-of-way, shall be landscaped with shrubs, sod, or other groundcover, as defined by this Chapter.
 - d. In addition to the other requirements of this Section, one shade tree per thirty-five (35) feet of street frontage shall be installed in the right-of-way or within ten (10) feet of the right-of-way.

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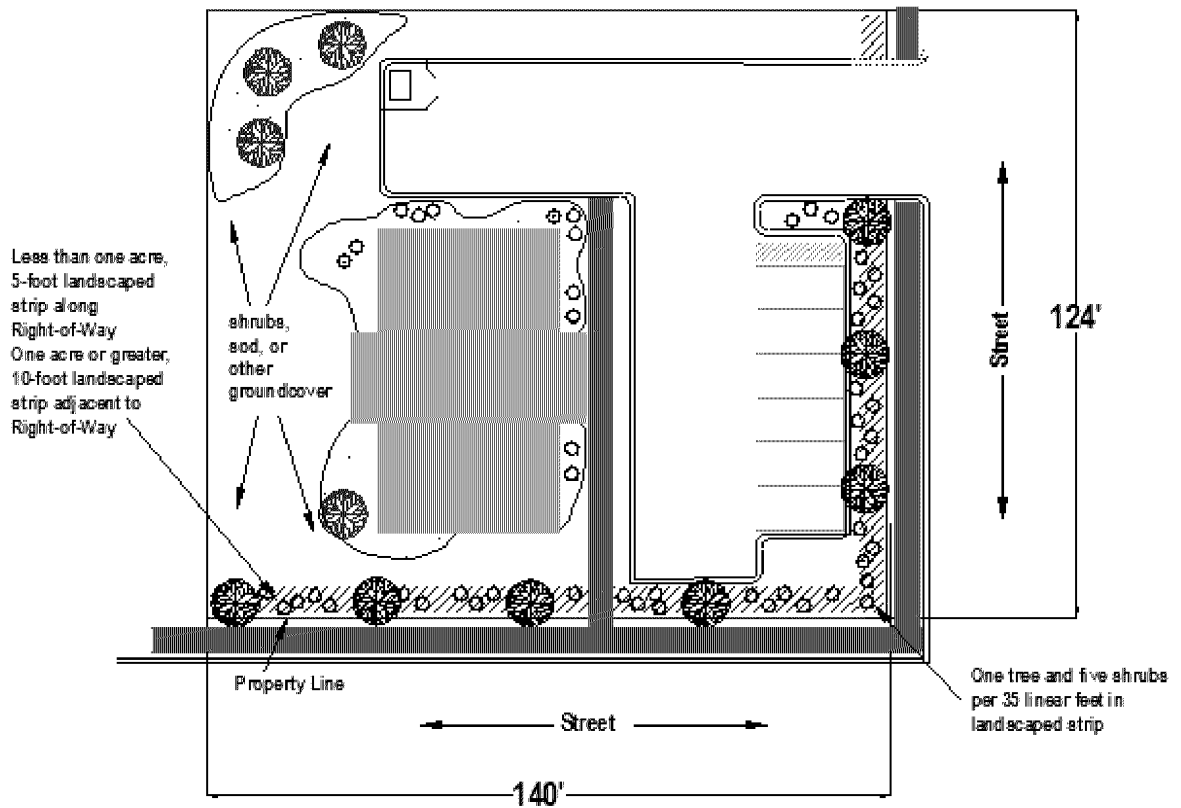
S. Nonresidential areas.

1. The City shall not issue building permits for new nonresidential buildings, except for accessory structures, until a landscaping and irrigation plan has been approved by the City for the site. City staff may, at its discretion, issue building permits with the condition that a landscaping and irrigation plan shall be reviewed, approved and implemented prior to issuance of the certificate of occupancy. If weather conditions do not allow for installation of landscaping at the time the certificate of occupancy is requested, or if City staff has other reason to believe the immediate installation of landscaping would jeopardize its viability, such as in the case where additional buildings are yet to be constructed on the same lot, City staff may issue the certificate if the applicant provides both 1) a cost estimate from a local landscaping company for the cost of materials and labor of the landscaping to be reviewed and approved by the City, and 2) a letter of credit or other acceptable security in the amount of one hundred twenty-five percent (125%) of the cost estimate. All landscaping improvements shall be inspected by the City for

compliance with the approved landscaping and irrigation plan and regulations of this Chapter prior to issuance of a certificate of occupancy or release of the letter of credit, as the case may be.


2. Landscaping and irrigation plans for all nonresidential projects shall meet the following requirements:
 - a. Properties less than one acre (forty three thousand five hundred sixty [43,560] square feet) in area shall have a five-foot wide landscape strip extending inward from any property line which abuts right-of-way. Properties one (1) acre or greater in area shall have a ten-foot wide landscape strip extending inward from any property line which abuts right-of-way.
 - (1) Such landscape strips shall include one (1) shade tree and five (5) shrubs for every thirty-five (35) feet of street frontage, as well as groundcover. Such trees and shrubs may be located within the adjacent right-of-way, contingent upon approval of the Director of Parks and Recreation.
 - (2) Such landscape strips shall not be utilized for storage or display of any goods.
 - (3) No structures (including fences) other than approved signs and retaining walls shall be located within such landscape strips.
 - b. All land not within the building footprint, paved, or otherwise overlain by impervious surface or gravel, including such areas located on adjoining rights-of-way, shall be landscaped with shrubs, sod or other groundcover.

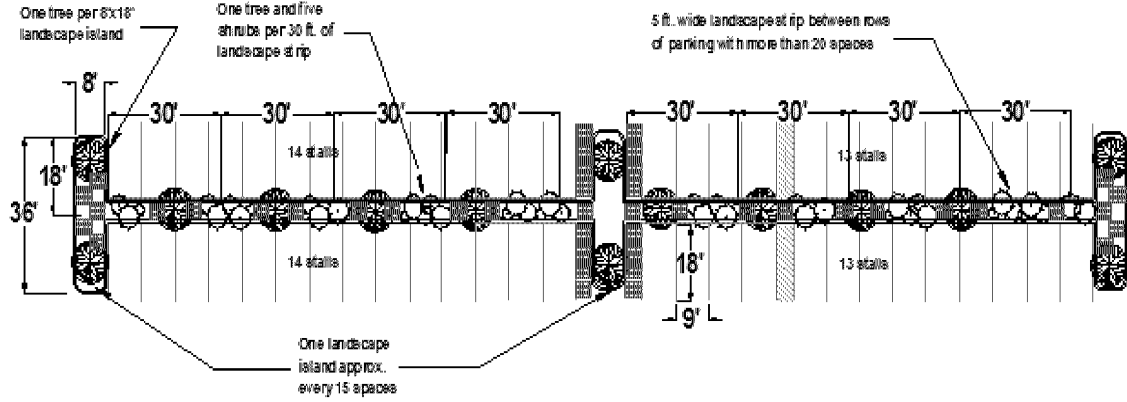
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- T. Parking lot landscaping. The following requirements are intended to reduce the visual impact of glare, headlights and parking lot lights, to delineate driving lanes and rows of parking, and to provide shade. The requirements of this Section shall not apply to single- and two-family residential properties.
1. Parking lots shall contain one (1) landscape island approximately every fifteen (15) parking spaces, equidistant from any other landscape island and one (1) landscape island at the end of each parking row, except where impractical, as determined by the Director of Public Works.

- a. Each such landscape island shall be at least eight (8) feet wide by eighteen (18) feet long, as measured from inside curb to inside curb, shall contain groundcover and one (1) shade tree, and shall be bordered by concrete curbing.
 - b. When parking lots require more than four (4) landscape islands, ornamental trees may be substituted for shade trees in no more than twenty-five percent (25%) of the landscape islands.
2. Where parking rows abut end-to-end and each row contains more than twenty (20) parking spaces, the rows shall be separated by a planting strip at least a five-foot wide as measured from inside curb to inside curb. Such planting strips shall contain one (1) shade tree and five (5) shrubs approximately every thirty (30) feet, plus groundcover.
 3. Parking spaces shall not be allowed to be located within five (5) feet of any property line.

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U. Bufferyards.

1. Bufferyards are intended to shield residential properties from adverse impacts of adjacent development.
2. Bufferyards shall be located on the outer perimeter of a lot or parcel and may be required along all property lines to ensure buffering purposes, as determined by the Community Development Director.
3. Bufferyards shall not include any paved area, except for pedestrian sidewalks or paths, or vehicular access drives which may intersect a bufferyard at a point which is perpendicular to the

bufferyard and which shall be the minimum width necessary to provide vehicular or pedestrian access, as determined by the Community Development Director.

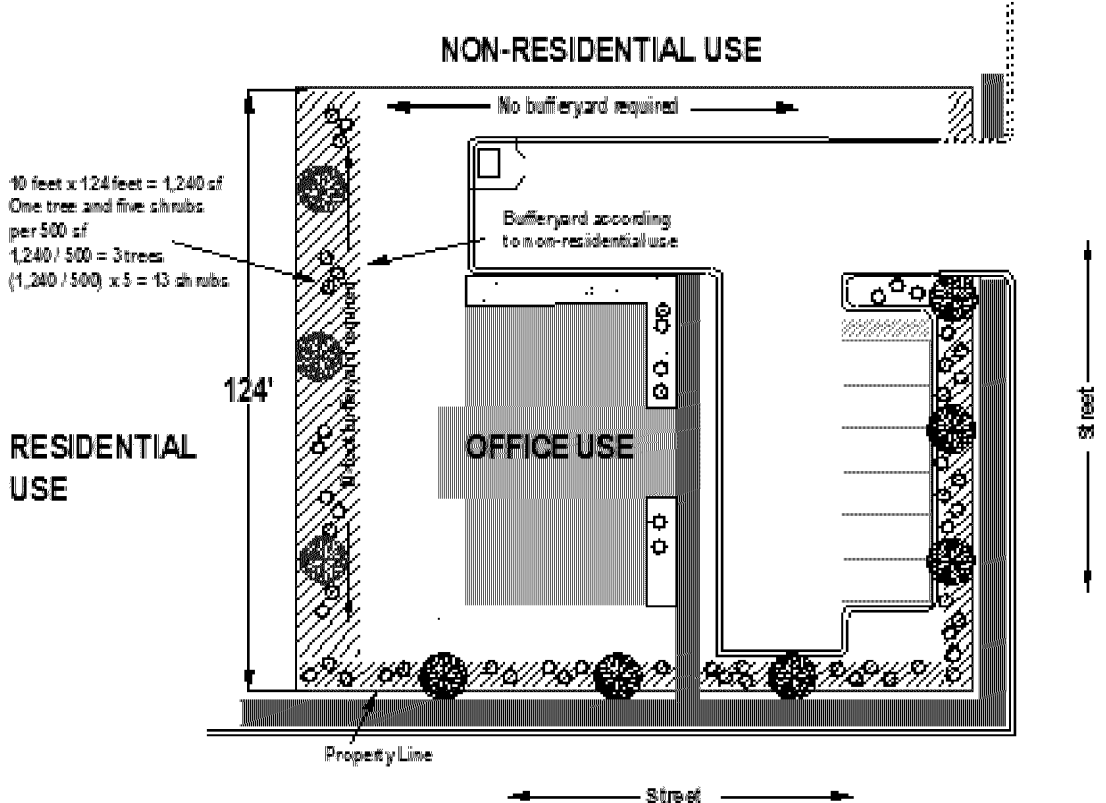
4. Bufferyards shall not be used for storage or display of any goods at any time.
5. Bufferyards shall not be located on any portion of an existing or dedicated public right-of-way, unless approved by the Director of Public Works.
6. Fences may also be required in order to screen the property, as determined by the Director of Public Works.
7. Bufferyards shall include one (1) tree and five (5) shrubs for every five hundred (500) square feet of bufferyard area, plus groundcover over the entire bufferyard area.
8. Any development or redevelopment of a site which abuts a residentially zoned and/or residentially developed property (including but not limited to single-family, two-family, multifamily, mobile or manufactured home) shall install a landscaped bufferyard along the property line shared with the residential property, except residentially zoned property developed as a nonresidential use, such as drainage detention, recreational facilities or public service facilities. Properties separated by right-of-way shall not be considered abutting. The required width of such bufferyard shall be determined by the Community Development Director, based on the proposed use and the corresponding bufferyard requirement in the following table. For proposed uses that are not listed in the table, the Director of Public Works shall determine an appropriate bufferyard. However, single-family and two-family residential lots shall not be required to include a bufferyard.

Use	Required bufferyard along abutting residential property (in feet)
Adult business	30
Animals, confined	30
Car wash facilities	20
Cemetery	20
Commercial residence	20
Community facilities	20
Congregate residence	10
Crematoriums	30
Day care center	10
Dwelling, multi-family	10

Flammable and/or combustible liquids and gases storage	30
Flea market	30
Group homes	10
Hospital	20
Industrial uses facility	30
Junkyard	30
Kennel	30
Long-term care facility	10
Manufacturing/assembly plant	30
Mini storage units	20
Mortuary or funeral home	10
Natural resource extraction and treatment	30
Nightclub, bar, tavern	20
Office and financial use	10
Personal service establishment	10
Public service facilities	20
Recreational facilities, indoor	10
Recreational facilities, intensive	20
Recreational vehicle (RV) park/campground	30
Recreational vehicle storage	10

Repair shops	30
Research laboratory	20
Retail uses, intensive	20
Retail uses, extensive	30
School	10
Staff supervised residential facilities	10
Theater	20
Treatment of humans, restrained	30
Warehouse	30

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V. Nonconforming areas.

1. Any property that does not conform to the requirements of this Chapter, but which contains an existing principal structure that was issued a certificate of occupancy prior to September 21, 2004, shall be considered legal nonconforming. No building permit which would have the effect of increasing the gross floor area of any structure on such property, or of allowing any additional structure to be constructed on such property, shall be issued until a landscaping and irrigation plan meeting the requirements of this Chapter has been approved by the City.
2. The foregoing notwithstanding, existing multifamily properties shall be required to install screening for service areas and shall not be considered legal nonconforming.

3. Nothing in this Section shall be deemed to require the removal of any previously legal nonconforming structure located in a required bufferyard or landscape strip.

W. Violation—Penalty.

1. In addition to the other provisions of this Chapter, the following are prohibited:
 - a. Failure to implement a landscape and irrigation plan as approved;
 - b. Alteration of the landscaping of an approved landscape and irrigation plan without the prior approval of the City;
 - c. Destruction or removal of any tree of a species listed on the City's planting list without the prior approval of the City Forester, except on single-family and two-family lots.
2. Any person who violates any of the provisions of this Chapter is guilty of a violation of the Municipal Code and shall be punished as provided in Section 1.16.010 of this Code.
3. In the event a property owner fails to comply with the provisions of this Chapter, the City may perform the required action and invoice the property owner responsible, plus a ten-percent fee for inspection and other administrative costs. The City shall first give written notice to the property owner of the required action and allow at least fourteen (14) days to comply. In the event a property owner fails to pay an invoice from the City for such costs and fees within thirty (30) days of receipt, the City may file a lien on the property with the County Treasurer's office to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with an additional ten-percent penalty to defray the cost of collection. Such lien shall have priority over all other liens except general property taxes and prior assessments. Nothing in this Section shall preclude or prevent the City from punishing violations of this Code in accordance with Section 1.16.010.

([Ord. 698-19](#), 2019)

Editor's note— [Ord. 698-19](#), adopted July 16, 2019, renumbered former § 18.07.070 as § 18.08.070.

CHAPTER 8.14 - Regulation of Trees and Vegetation

8.14.010 - Parkway defined.

For purposes of this Chapter, *parkway* means that portion of a public street or highway right-of-way not paved or otherwise set apart for roadway or sidewalk use.

(Ord. 466-09; Ord. 738-89)

8.14.020 - Permit required.

No person shall plant trees or woody plants on the public parkway without a tree planting permit. Such permit may be obtained from the Department of Parks and Recreation. All landscaping and planting upon public rights-of-way must be approved by the Director of Parks and Recreation.

(Ord. 466-09; Ord. 738-89)

8.14.030 - Trees at intersections.

Planting of trees and woody plants at intersections shall be located so as to comply with Chapter 15.58 of this Code concerning site distances.

(Ord. 466-09; Ord. 738-89)

8.14.040 - Spacing of trees.

- A. Trees shall be spaced at least thirty (30) feet apart within the public right-of-way. No trees shall be planted closer than five (5) feet from a driveway or alley or be planted in such a way so as to interfere with or obstruct any improvements such as traffic and street signs and signals, fire hydrants, overhead utility wires, street lights, utility poles and the like.
- B. When a space of less than five (5) feet in width exists between the curb and the abutting property line, no trees or woody plants shall be planted on the public area involved.

(Ord. 466-09; Ord. 738-89)

8.14.050 - Species of trees.

It shall be unlawful to plant any tree within a parkway of a species not listed on the Approved Landscape Planting List of the City of Evans Parks and Recreation Department. It shall be the responsibility of the owner of any property within the City, or tenants or agents in charge thereof, to remove any such tree from the parkway adjacent to his or her property upon notification from the City.

(Ord. 466-09; Ord. 738-89)

8.14.060 - Violations.

Violations of this Chapter shall be punishable as described in Chapter 1.16 of this Code.

(Ord. 466-09; Ord. 842-92; Ord. 738 89)