

**Town of Erie
Ordinance No. __-2026**

**An Ordinance of the Town Council of the Town of Erie Amending
Chapters 6 and 11 of Title 10 of the Erie Municipal Code Regarding
Landscaping**

Whereas, during the 2024 General Session, the Colorado General Assembly enacted SB24-005 to establish a State law concerning the conservation of water in the State through the prohibition of certain landscaping practices, and the laws established by SB24-005 were modified during the 2025 General Session by HB25-1113 which expanded the applicability of the law; and

Whereas, the Town supports the policy goal of water conservation and desires to update the landscaping standards in the Town of Erie’s Unified Development Code to implement the provisions of State law.

Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:

Section 1. Section 10-6-4 of the Erie Municipal Code is hereby amended to read as follows:

10-6-4 Landscaping, screening, and fencing.

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- B. *Landscape plan:* All development applications shall be accompanied by a landscape plan meeting the requirements of this section. The landscape plans shall be submitted and reviewed as part of the site plan process. Installation of approved landscaping shall occur prior to issuance of a certificate of occupancy or during the first month of the planting season, whichever is sooner. If the landscaping installation does not occur before issuance of a certificate of occupancy, then the town will require a letter of credit or other guarantee for improvements not installed as detailed in section ~~10-6-4 F.7~~ 10-6-4 D.9.
- C. *Minimum landscaping requirements:* The minimum landscaping requirements in this chapter are cumulative.
 - 1. *Right-of-way:* The property owner shall provide:

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- b. Live groundcover as appropriate to the use and function of the area described in section ~~10-6-4 E.1.a~~ 10-6-4 C.1.a, including grass, trees, flowers, or shrubs, or grass seed or sod that (i) is a native plant, or (ii) has been hybridized for arid conditions. In commercial areas, such area

may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site.

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2. *Single-family and duplex dwelling units:* In addition to the right-of-way landscaping described in section ~~10-6-4 E.1~~ 10-6-4 C.1., the property owner shall:

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3. *Multi-family dwelling units:* In addition to the right-of-way landscaping described in section ~~10-6-4 E.1~~ 10-6-4 C.1., the property owner shall:

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- c. Install groundcover, either irrigated functional turf maintained to appropriate standards for active recreation in active recreation areas, or where appropriate, native grass or grass that has been hybridized for arid conditions for areas that will not function as active recreation areas. Native grass or grass that has been hybridized for arid conditions shall be weed-free and maintained at an appropriate height according to species. Use of irrigated turf is discouraged and shall be minimized to the maximum extent reasonably practicable.
- d. Install parking lot landscaping as required in section ~~10-6-4 E.5~~ 10-6-4 C.5.

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4. *Nonresidential:*

- a. The property owner shall provide right-of-way landscaping pursuant to section ~~10-6-4 E.1~~ 10-6-4 C.1.

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6. *Stormwater facilities:*

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- f. Credit towards minimum park or open space requirements may be available for portions of detention ponds that are outside the area required to store water quality volume, provided they are designed according to sections ~~10-6-4 E.6.a and b~~ 10-6-4 C.6.a. and b., and are useable by residents as parks or open space. To be eligible for this credit, detention basins shall not be more than an average of three feet deep and shall also meet at least one of the use definitions of parks and open space. Average depth shall be measured from existing grade.

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- D. *Additional landscaping requirements and standards:*

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2. *Water efficiency in landscape design:* Landscape improvements shall be designed with water efficiency as a major goal. Landscape plans shall use the follow design treatments to facilitate water conservation:
 - a. Appropriate selection of turf, native grass, or grass that has been hybridized for arid conditions ~~selection to minimize the use of bluegrass;~~

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4. *Artificial materials prohibited:* Artificial plants, ~~artificial grasses~~ nonfunctional artificial turf, and other artificial plant material are prohibited as a means of complying with these landscaping regulations. However, ~~they~~ functional artificial turf may be used ~~for athletic fields and similar uses as~~ approved by the town, but shall not be used in any manner to satisfy the requirements of these landscape regulations.
5. *Plant ~~quality~~ materials and prohibitions:*
 - a. Xeriscape plant materials are strongly encouraged.
 - b. All landscape materials shall be in compliance with the current standards recommended by the American Association of Nurserymen. Plants shall have a habit of growth that is normal for the species and shall be of good health, vigorous growth, and free from insect pests, diseases, and injuries. All plants shall equal or exceed the measurements specified on the landscape plan. Substitutions shall not be permitted without the written approval of the director.
 - c. Invasive species, nonfunctional turf, and nonfunctional artificial turf are prohibited from being installed, planted, or placed on any portion of (i) commercial, institutional, or industrial property; (ii) property within a common interest community that is owned and maintained by a unit owners' association; (iii) rights-of-way, parking lots, medians, or transportation corridors; or (iv) property with a multifamily dwelling unit containing 12 or more dwelling units.
 - d. Notwithstanding subsection c., a person may install, plant, or place grass seed or sod that is native or has been hybridized for arid conditions.

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8. *Irrigation:* All landscape areas shall be provided with an adequate and complete-coverage automatic water-efficient irrigation system as provided in section ~~10-6-4 E.3~~ 10-6-4 D.3.

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Section 2. Section 10-11-3 of the Erie Municipal Code is hereby amended to read as follows:

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Artificial turf. An installation of synthetic materials developed to resemble natural grass.

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Functional artificial turf. Artificial turf that is (i) located in an area that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough; or (ii) a component of a product designed and approved to a professional engineer for civil infrastructure projects, including, but not limited to, covers for solid waste facilities and revetments for slopes, channels, levees, and dams.

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Functional turf. Continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions, and which, when regularly mowed, form a dense growth of leaf blades and roots, that is located in an area that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough.

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Invasive plant species. Plants that (a) are not native to the state and that are (i) introduced to the state accidentally or intentionally, (ii) have no natural predators or competitors in the state, because the state is outside of their natural competitor or predator range, and (iii) have harmful effects on the state's environment or economy or both, or (b) appear on the Noxious Weed List maintained and published by the Colorado Department of Agriculture.

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Native plants. A plant species that is indigenous to the state of Colorado.

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Nonfunctional artificial turf. Turf that is not functional artificial turf.

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Nonfunctional turf. Turf that is not functional turf.

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Section 3. Severability. If any article, Section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

EXPLANATORY NOTE:

~~STRIKETHROUGHS~~ INDICATE MATERIAL DELETED FROM EXISTING LAW;
UNDERLINES INDICATE MATERIAL ADDED TO EXISTING LAW;
ASTERISKS * * * INDICATE MATERIAL UNCHANGED BY THIS ORDINANCE.

Introduced, Read, Passed and Ordered Published this ___ day of _____, 2026.

Andrew J. Moore, Mayor

Attest:

Debbie Stamp, Town Clerk