

**TOWN OF ERIE
PLANNING COMMISSION MEETING
May 20, 2026**

SUBJECT: **Resolution P26-09**
A Resolution of the Planning Commission of the Town of Erie
Recommending that the Town Council Adopt an Ordinance
Amending Chapters 6 and 11 of Title 10 of the Erie Municipal
Code Regarding Landscaping

PURPOSE: Align the Unified Development Code with State law regarding
landscaping

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Kelly Driscoll, Deputy Planning & Development Director
Eliot Schafer, Deputy Town Attorney

STAFF RECOMMENDATION:

Staff recommend that the Planning Commission adopt Resolution P26-09
recommending the Town Council adopt an ordinance amending Title 10 of the Erie
Municipal Code regarding landscaping.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

State law requires municipalities prohibit non-functional turf, artificial turf, and
invasive plant species from being installed on “applicable properties”; enumerated as
follows:

- Commercial, Institutional, or Industrial;
- Property within a common interest community that is owned and maintained
by a unit owners’ association;
- Rights of way, parking lots, medians, or transportation corridors; and
- A multifamily dwelling unit containing 12 or more units.

State law defines functional turf as

*Turf that is located in a recreational use area or other space that is regularly
used for civic, community or recreational purposes, which may include
playgrounds; sports fields; picnic grounds; amphitheaters; portions of parks;
and the playing areas of golf courses, such as driving ranges, chipping and
putting greens, tee boxes, greens fairways, and roughs.*

State law exempts turf that is a part of a water quality treatment solution required for compliance with federal, State, or local agency water quality permitting requirements that is not irrigated and does not have herbicides applied. Nonfunctional turf includes turf located in a street right-of-way, parking lot, median, or transportation corridor.

The State law makes a distinction between non-native grasses (i.e., "turf," as defined by the law) and native grasses and grasses that have been hybridized for arid conditions. The use of native grass and grass hybridized for arid conditions is still allowed on "applicable property." See [CRS Sec. 37-99-103\(4\)\(c\)](#).

PROPOSED CHANGES:

The State law necessitates changes to the Unified Development Code (UDC), specifically Chapters 6 and 11. The proposed changes are as follows:

- Prohibit invasive species, nonfunctional turf, and nonfunctional artificial turf on applicable properties;
- Allow grass seed or sod that is native or has been hybridized for arid conditions;
- Correct various code section references; and
- Update and add definitions to align with State law.

A communications plan is underway to aid in explaining these changes to developers and the community. The plan will include FAQs, suggested native or hybridized grass types, direct email communications to stakeholders, and a webpage.

The Town Council public hearing for the proposed UDC amendments is scheduled for June 9, 2026.

Approval Criteria

Section 10-7-18(C)(9) of the Erie Municipal Code states the following approval criteria when considering amendments to the text of the UDC:

1. The proposed amendment will promote the public health, safety, and general welfare; and
2. The proposed amendment is generally consistent with the Town's Comprehensive Master Plan and the stated purposes of this UDC; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

Staff find these amendments necessary to comply with State law and recommend that the Planning Commission adopt Resolution No. P26-09 recommending that the Town Council adopt an ordinance, amending Chapters 6 and 11 of Title 10 of the Erie Municipal Code regarding landscaping.

Attachments

1. Resolution P26-09
2. Draft Ordinance

3. Staff Report
4. Staff Presentation