



Council Communication File Number: Ord 2579

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Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number:

AN ORDINANCE AMENDING COMMERCE CITY LAND DEVELOPMENT CODE ARTICLE VII DIVISION 5 AND ARTICLE XI DIVISION 2 TO EXPAND PERMITTED AREAS FOR XERIC LANDSCAPING PRACTICES

Summary and Background Information:

On July 10, 2023, staff debriefed Council on the Growing Water Smart Workshop and held a preliminary xeriscaping discussion with Council. As a result of that presentation, Council approved a motion seeking to pause review and approval of all landscaping permits that pertain to xeriscaping for a period of 90-days until regulations could be established. Staff had a follow up discussion scheduled for October 9, 2023, but this was postponed until after the new year on a 6-1 vote. Staff also sought direction from Council on a number of xeric topics during a Study Session on April 8, 2024.

Since then, staff has looked at xeriscaping regulations in other municipalities to prepare suggested improvements to the current regulations around xeriscaping in Commerce City. Suggestions for improvement include increased standards for xeriscaping ranging from plant and irrigation standards, processes for approval and inspections, and expanding areas within the City than can utilize xeric landscaping practices. Staff has drafted amendments to the Land Development Code for Council's review; of note, the proposed changes allow alternatives to traditional turf, expand the areas xeriscape principles can be used, and offer greater flexibility in irrigation requirements. The amendments were presented to the Planning Commission on June 4, 2024, no feedback was received. The amendments were also reviewed by the South Adams County Water District and the South Adams County Fire Department.

Also worth noting, on March 11, 2024, the Colorado State Legislature passed SB24-005, a bill that prohibits certain landscaping practices in an effort to conserve water. Beginning in 2026, the bill will prohibit local governments from allowing the installation, planting, or placement of nonfunctional turf, artificial turf, or invasive plant species on commercial, institutional, and industrial properties. The bill will also prohibit these practices on common interest community properties, street right-of-ways, parking lots, medians, and transportation corridors. The proposed Land Development Code amendments capture some of these requirements, such as prohibiting

non-functional turf in parking lots and medians, but still allow for non-functional turf in commercial and industrial areas. The forthcoming Land Development Code re-write will capture these future requirements for commercial and industrial areas.

Since first reading on July 15, 2024, staff has updated the approved plant list to match that of Colorado State University's Extension Campus in Adams County. The list is now comprised of nearly 250 plant species that are native or are adaptable to Colorado's climate and are suitable for xeric landscaping. The revised list now includes various perennial, annual, and ground cover plants, and additional tree and shrub plant species. The City's E3 Division also added various plant species that are known for their ability to capture harmful pollutants and phytoremediation properties. Overall, the approved plant list has grown from 56 to 245 plant species. The language requiring the installation of a root barrier for trees that are planted along concrete sidewalks, curbs, and portions of driveways that are in rights-of-way has remained due their ability to prevent cracking caused by root systems. There are also various municipalities, both within and outside of Colorado, that have this as a requirement. Finally, staff removed language requiring that fruit trees be selected from the approved plant list.

Staff Responsible (Department Head): Jim Tolbert; Assistant City Manager

Staff Member Presenting: Alex Van Zante; Policy Analyst II

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approve Ordinance 2579 on second reading.

Suggested Motion: Motion to approve Ordinance 2579 by Council as seated on second reading.