ORDINANCE NO. _____
INTRODUCED BY: Green

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CERTAIN SECTIONS OF THE BRIGHTON MUNICIPAL CODE IN CHAPTER 17, LAND USE & DEVELOPMENT CODE, RELATED TO LANDSCAPING

WHEREAS, the *Brighton Municipal Code* contains certain provisions related to land use, zoning, design standards, and the process for applications set forth in Chapter 17, also known as the *Land Use and Development Code* (the "LUDC"); and

WHEREAS, to support the Water Management Plan and Drought Management Plan certain amendments to the LUDC are necessary so new development installs sustainable landscaping; and

WHEREAS, certain amendments to the LUDC are necessary to allow existing development to install sustainable landscaping; and

WHEREAS, in accordance with the public notice requirements of the LUDC, a notice of public hearing was published on the City's website for no less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, at the public hearing, the City Council received and considered all relevant evidence and testimony from City staff and other interested parties, including the public at large; and

WHEREAS, the City Council has reviewed the proposed amendment to the *Brighton Municipal Code*, Chapter 17, *Land Use & Development Code*, and has found the amendment, as provided herein, is in the best interest of the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brighton, Colorado, as follows:

Section 1. Section 5.01 (8.) is hereby enacted as follows:

8. Promote the conservation of water supplies through the use of water-wise landscaping materials and efficient water application.

Section 2. Section 5.02 (D.)(1.) is hereby amended as follows:

1. *Design Objectives.* Frontage types shall be applied to meet the following design objectives:

a. Enhance the image of neighborhoods by coordinating streetscape investment with private lot and building investment.
b. Design frontages to the particular context of the neighborhood, block and street.
c. Design frontages to limit areas designated for vehicles and provide visual interest using landscape design.
d. Coordinate development across several lots, considering the cumulative impacts on streetscapes from access, parking, and landscape design.
e. Orient all buildings and lots to the public street or to common open spaces that serve as an extension of the streetscape and public realm.
f. Limit the extent of frontages and building facades designed for car access and emphasize the extent designed for social spaces and pedestrian access, particularly on narrower lots, walkable streets, or neighborhoods intended for more compact, walkable development.

Section 3. Table 5-4 is hereby amended as follows:

Table 5-4: Residential Frontage Types

	Frontage Types			
Zoning District	*Terrace*	*Neighborhood Yard*	*Suburban Yard*	*Buffer*
A/E, A/R, RE			■	
R-1, R-1-A	■	■	■	
R-1-B, R-2	■	■		
R-3				■
Any civic or institutional or other permitted nonresidential building type	■	■		■

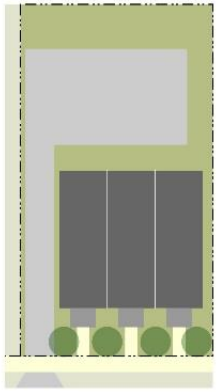
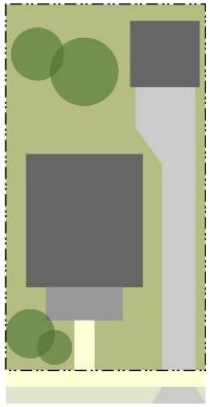
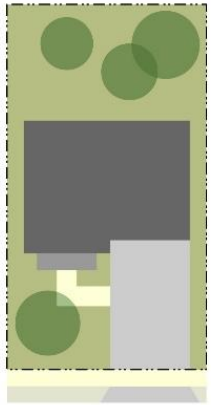
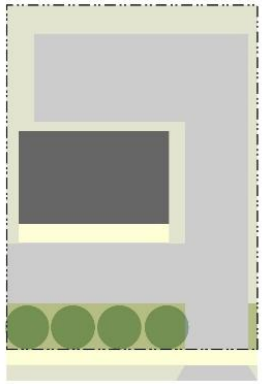
Section 4. Table 5-5 is hereby amended as follows:

Table 5-5: Residential Frontage Types & Design Standards

Frontage Element	*Terrace*	*Neighborhood Yard*	*Suburban Yard*	*Buffer*
Description / Design Objective	A shallow open area along a block face that creates a continuous landscape element across multiple frontages and enhances the tighter relationships of buildings along a streetscape, such as courtyards, gardens or small lawns.	A small to moderate open area with a building setback from the property line to create consistent landscaped area that emphasizes the buildings relationship to the streetscape and creates a consistent rhythm of building facades along a block.	A small, moderate or large open area with a building setback from the property line to create larger, uninterrupted landscape areas along a block.	A concentrated landscaped area used to soften, screen and separate the site and any potential impacts from the streetscape.
Front Building Line	10' – 25'	25' – 40' 15' – 25', provided any front-loaded garage remains at least 12' back from the Front Building Line.	25'+ 15' – 25', provided any front-loaded garage remains at least 12' back from the Front Building Line.	30'+
Front Entry Feature	Required, See Section 5.04.C	Required, Section 5.04.C	Required, Section 5.04.C	Required, Section 5.04.C
Driveway Width (w/in first 20') [1]	15% of lot width, up to 20' maximum	20% of lot width, up to 20' maximum	40% of lot width, up to 24' maximum	25% of lot width, up to 30' maximum
Garage Limitations	▪ No more than 40% of the front elevation. ▪ If between 30% to 40% of front elevation – at least 12' behind the front building line. ▪ If less than 30% of the front elevation, at least 4' behind front elevation or 12' behind the front entry feature, whichever is greater ▪ Otherwise, side-loaded, rear-loaded, or detached garages shall be used.		▪ No more than 45% of the front elevation, except no limit applies for side facing garages or front-facing garages setback more than 40' from front lot line. ▪ At least even with or behind the front building line, or 30' from front lot line, whichever is greater. ▪ Where more than two front-loaded garage bays are allowed, the third bay should be off-set at least 2' from the two primary bays or individual bays shall be used.	
Landscape *(frontage areas)*	Allocation of space shall be: ▪ 70% to 90% landscape; and ▪ 10% to 30% hardscape.	Allocation of space shall be: ▪ 75% to 100% landscape; and ▪ 0% to 25% hardscape.	▪ 50% minimum landscape area	▪ Type I: 6' minimum buffer on local streets. ▪ Type II: 15' minimum buffer on collector streets. ▪ Type III: 30' minimum buffer on sites over 3 acres or arterial streets.
	See Section 8.02, Landscape Design for planting requirements. standards and specifications			

[1] Driveway width limits apply to the lot frontage. This limit shall apply to the first 20' of the lot depth (Figure 5-2). In cases where driveway width limits and garage limitations prohibit front-loaded garages and driveways on a particular lot, a range of alternative access patterns and garage locations should be used (Figure 5-3).

Table 5-5: Residential Frontage Types & Design Standards

Frontage Element	*Terrace*	*Neighborhood Yard*	*Suburban Yard*	*Buffer*
Description / Design Objective	A shallow open area along a block face that creates a continuous landscape element across multiple frontages and enhances the tighter relationships of buildings along a streetscape, such as courtyards, or gardens.	A small to moderate open area with a building setback from the property line to create consistent landscaped area that emphasizes the buildings relationship to the streetscape and creates a consistent rhythm of building facades along a block.	A small, moderate or large open area with a building setback from the property line to create larger, uninterrupted landscape areas along a block.	A concentrated landscaped area used to soften, screen and separate the site and any potential impacts form the streetscape.
				
				

Section 5. Section 6.01 (A.)(7.) is hereby enacted as follows:

7. Promote the conservation of water supplies through the use of water-wise landscaping materials and efficient water application.

Section 6. Section 6.04 (A.)(3.) is hereby amended as follows:

3**.** Design frontages based on the context of the area, block and street, particularly using water-wise landscape and buffers to screen and separate sites from higher-volume / higher speed streets and using social spaces and human scale design in areas and on streets intended for more compact and walkable development.

Section 7. Table 6-4 is hereby amended as follows:

Table 6-4: Non-residential Frontage Types

Street Design Type (see Section 3.02.C)	*Frontage Types*		
	Street Front	*Terrace*	*Buffer*
Pedestrian / Mixed-use (local)	■	■	
Avenue (collector)	■	■	
Boulevard (collector or minor arterial)	■	■	
Standard Street (local or collector)	□ [1]	■	■
Standard Arterial (minor arterial or major arterial)		■	■

[1] The Street Front frontage type may be used on Standard Streets where expected speeds are low (below 25 mph) or where on-street parking is permitted to serve as a buffer between traffic and pedestrian access and activity at the building frontage.

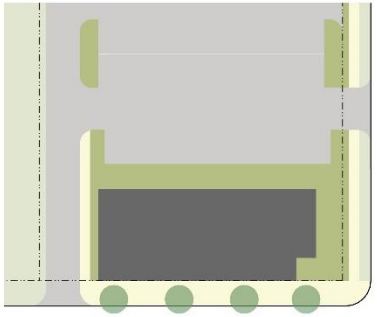
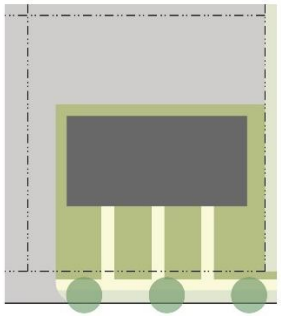
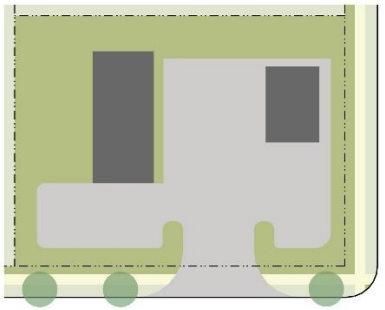
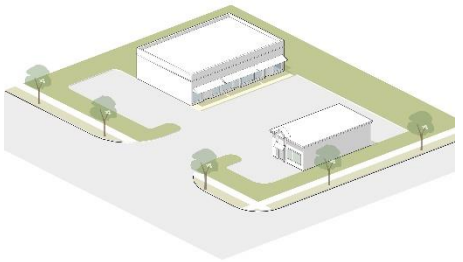
Section 8. Table 6-5 is hereby amended as follows:

Table 6-5: Non-Residential Frontage Types & Design Standards

Frontage Element	*Street Front*	*Terrace Frontage*	*Buffer*
Description / Design Objective	A design where buildings front directly on the sidewalk, or a shallow setback with pedestrian enhancements that directly relate to the public streetscape. Buildings, public streetscapes, and private frontage are designed with human scale elements to create active, walkable places.	A shallow open area across multiple frontages along a block face that creates a continuous and consistent relationship of buildings to the streetscape, with landscape elements such as courtyards, gardens or small lawns, or with social spaces designed as an extension of the streetscape such as plazas or patios.	A concentrated landscaped area used to soften, screen and separate the building and site and any potential impacts form the streetscape. The width of the buffer and intensity of landscape is dependent on the design of the streetscape, scale and orientation of the building, or intensity of the use or site elements.
Front Building Line (FBL)	0' – 10'	10' – 30'	30'+
Required Extent of FBL	80% min.	70% min. in MU - districts; 50% min. in C- districts	N/A, except lots with General or Large Commercial building types set back more than 200' should have Small Commercial Mixed Use or Pad Site Buildings with Terrace frontages occupying at least 40% of the street frontage as "liner buildings," so that no more than 60% max. is non-building frontage.
Driveway Width [1]	10% of lot width up to 24' maximum	15% of lot width, up to 30' maximum	30% of lot width, up to 36' maximum
Landscape (frontage areas)	▪ Streetscape design addresses landscape requirements, however seasonal plantings to enhance the frontage is encouraged.	Allocation of space shall be: 20% to 90% landscape; and 10% to 80% hardscape.	▪ Type I: 6' minimum buffer on local streets. ▪ Type II: 15' minimum buffer on collector streets. ▪ Type III: 30' minimum buffer on sites of 3 acres or more or arterial streets.
See Section 8.02, Landscape Design and Section 8.03, Buffer Design for planting requirements. standards and specifications			

[1] Driveway width limits apply to all points in front of the front building line and to a depth of at least 30' from the front lot line. In cases where driveway width limits or prevent private drives to parking areas or service areas, the following configurations should be used to access lots: single lanes to expanded parking and service areas with alternative side or rear exits; shared drives along lot lines; common lanes and access easements internal to block shared by 3 or more lots; or mid-block alleys accessing all lots on the block. Any access beyond these parameters should be designed as a through access drive per Section 3.01.

Table 6-5: Non-Residential Frontage Types & Design Standards

Frontage Element	*Street Front*	*Terrace Frontage*	*Buffer*
Description / Design Objective	A design where buildings front directly on the sidewalk, or a shallow setback with pedestrian enhancements that directly relate to the public streetscape. Buildings, public streetscapes, and private frontage are designed with human scale elements to create active, walkable places.	A shallow open area across multiple frontages along a block face that creates a continuous and consistent relationship of buildings to the streetscape, with landscape elements such as courtyards, gardens or social spaces designed as an extension of the streetscape such as plazas or patios.	A concentrated landscaped area used to soften, screen and separate the building and site and any potential impacts form the streetscape. The width of the buffer and intensity of landscape is dependent on the design of the streetscape, scale and orientation of the building, or intensity of the use or site elements.
			
			

Section 9. Section 7.04 (A.) is hereby amended as follows:

A. Parking Landscape Design Objectives. Landscape areas required by Table 7-6, Parking Design shall be arranged to achieve the following design objectives:

1. All buffers and islands shall have the proper allocation of landscape materials required by Section 8.02 and Section 8.03 and be arranged to provide shade, infiltrate runoff, soften large expanses of pavement and screen parking from adjacent streets and property.

2. In general, no parking or circulation area expanse shall be more than 200' in any direction without perimeter buffer, internal island or parking block edge.

3. Parking modules shall be no more than 40 contiguous spaces without landscape islands through either end caps, center strips, or perimeter buffers.

4. No landscape island shall be less than 8 feet in any dimension and no smaller than 150 square feet. Any landscape island designed for planting large trees shall be at least 360 square feet; otherwise, large trees should be concentrated in the parking perimeter buffer.

5. Any perimeter buffer or center landscape strip that contains a sidewalk shall have an average of 6 feet of landscape on each side of the sidewalk in order to contribute to the parking landscape requirement.

6. Turf or native seed shall not be used in any interior portion of a parking lot.

7. The Director may approve adjustments to the dimensions in this Section to facilitate infill development or where site constraints hinder the ability to meet the dimensional standards. Any exception shall be based on documentation that the proposed dimensions and arrangements will not require unsafe or impractical maneuvering and may be conditioned on additional requirements to equally or better meet the intent of this article.

Section 10. Section 7.04 (B.) is hereby amended as follows:

B. Location, Size and Landscape Area. On-site parking shall be designed and located in a manner that mitigates negative impacts on streetscapes and adjacent property. The design standards in Table 7-6, Parking Design are based on the number of parking spaces per lot. The perimeter buffer shall be applied when a parking lot is adjacent to a streetscape or another property.

Section 11. Table 7-6 is hereby amended as follows:

Total Parking Spaces	*Landscape Requirement [1][2]*
150 - or more	10% Internal Landscape Islands; AND 15' Perimeter Buffer
50 - 149	6% Internal Landscape Islands; AND 10' Perimeter Buffer
Under 49	6% Internal Landscape Islands; AND 6' Perimeter Buffer

[1] Any surface parking lot in residential districts shall be behind the front building line or setback at least 30' from the front lot line, whichever is less.
[2] Trees, shrubs, and landscape islands shall be evenly distributed throughout the parking area.

Section 12. Figure 7-2 is hereby amended as follows:

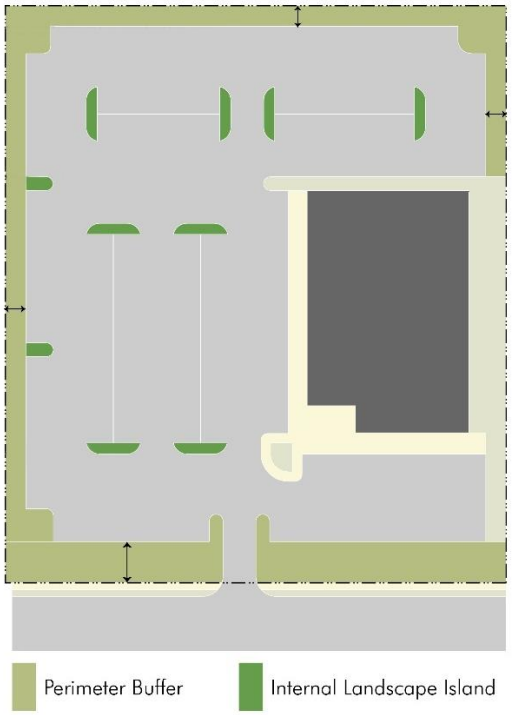


Figure 7-2 Parking Design

Design standards for parking, including buffer and landscape islands, depend on its location in relation to adjacent uses, the building and streetscape, and on the size of the parking area. Table 7-6 is based on larger parking areas and parking in the frontage area requiring greater limits or landscape design mitigation than smaller parking areas.

Section 13. Section 8.01 (A.)(10.) is hereby enacted as follows:

10. Support the provisions of the City's water dedication policy and water management strategies.

Section 14. Table 8-1 is hereby amended as follows:

Table 8-1: Plant Requirements

Site Element	*Trees*	*Shrubs*	*Ground Cover [1]*	*Exceptions*	*Substitutions*
Streetscape and Frontage: The area between the building line and the street, including any plantings required in the ROW, used to create a relationship between the site and the public realm.	1 large tree per 40' of lot frontage		Water-wise landscape or native seed. Native seed shall be prohibited in tree lawns and street rights-of-way.	Detached house, duplex/multi-unit house, and row house building types may have irrigated turf in frontage areas, not including the tree lawn. Irrigated turf shall not exceed 40% of the landscape area or 1,000 s.f., whichever is less, and shall be a minimum of 8' in all directions.	1 ornamental tree per 30' of lot frontage may be substituted for large trees (constrained right-of-way or within 10 feet of overhead wires).
	Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the Streetscape and Frontage requirement.				
Foundation. Areas along the building frontage used to provide accents and soften larger expanses of buildings.	1 ornamental tree per 30' of building frontage for buildings setback more than 20' from the front lot line.	8 shrubs per 30' of building frontages.	Water-wise landscape.	Civic building types and publicly owned buildings may place foundation landscaping anywhere on the site.	Evergreen trees may be substituted for ornamental trees at a rate of 1 for 1 for up to 50% of the requirement. 3 ornamental grasses may be substituted for each shrub for up to 50% of the requirement. Seasonal planting beds or pots associated with the entrance may substitute for any building located closer than 8' to the front lot line.
	Side and rear elevations that face public right-of-way or access drives shall provide this standard on at least 25% of the building.				

Parking. Areas on the perimeter, or interior of parking where landscape is used to soften the appearance, mitigate heat gain and infiltrate stormwater.	1 large tree per 40' of parking perimeter; AND 1 large tree per 40 parking spaces (allocated to the perimeter, medians or islands).	8 shrubs per 30' of perimeter.	Water-wise landscape or native seed. Native seed shall be prohibited on the interior of a parking lot.	Ornamental trees may be substituted for large trees at a rate of 2 for 1 for up to 50% of the requirement. Evergreen trees may be substituted for large trees at a rate of 2 for 1 for up to 50% of the perimeter requirement that does not face a front lot line. 3 ornamental grasses may be substituted for each shrub for up to 50% of the requirement.
Buffers. Areas of a site that require additional landscape to mitigate potential impacts on streetscape or adjacent property.	See Section 8.03.	See Section 8.03.	Water-wise landscape or native seed.	
Civic and Open Spaces. Areas of the site or area designed as part of a broader system of formal and natural open spaces.	See Section 3.02.	See Section 3.02.		Artificial turf may be used in lieu of irrigated turf on athletic fields or designated recreation areas approved by the Director.
Site Constraints. Any element where site constraints such as easements prevent the installation of trees or shrubs (subject to approval by the Director).				12 five-gallon shrubs may be substituted for 1 large tree. 10 five-gallon shrubs may be substituted for 1 ornamental tree. 10 five-gallon shrubs may be substituted for 1 evergreen tree. 3 one-gallon perennials may be substituted for 1 shrub. 3 one-gallon ornamental grasses may be substituted for 1 shrub for up to 50% of the requirement.

			The required landscape material may be installed in an alternative location on the site.
All Other Unbuilt or Unpaved Areas of a Site.	Water-wise landscape, native seed, or non-living landscape materials.	Backyards of the detached house, duplex/multi-unit house, and row house building types may have irrigated turf, water-wise landscape, non-living landscape materials, native seed, or any combination thereof. All other building types, development sites, and landscape tracts shall limit irrigated turf to designated recreation areas approved by the Director.	Artificial turf may be used in lieu of irrigated turf on athletic fields or designated recreation areas approved by the Director.

[1] Native seed may not be appropriate in all contexts and its usage and seed mix shall require approval by the Director based on overall appearance, ability to maintain, height at maturity, and durability in the location where it is to be installed.

Section 15. Sections 8.02 (D.)(1.)(d.) and 8.02 (D.)(1.)(e.) are hereby repealed in their entirety.

Section 16. Section 8.02 (D.)(2.) is hereby amended as follows:

2. *Foundation Trees & Shrubs.* Foundation plantings shall be located in open spaces abutting the building or in planting beds associated with the design of any hardscape along the building frontage.

   a. Ornamental and evergreen trees shall be located within 20 feet from the building.

   b. Shrubs and other plantings shall be located within 8 feet of the foundation, adjacent to internal sidewalks along the façade of a building, or along the perimeter of a patio when the patio adjoins the building.

   c. Use larger and vertical landscape elements to frame entries and anchor the corners of buildings.

Section 17. Section 8.03 (B.) is hereby amended as follows:

B. Buffer Planting. The planting requirements in Table 8-2: Buffer Planting Requirements shall be used to buffer and screen more intense uses or elements of a site according to the design objectives of this section. The buffer width may include any streetscape and frontage, setback, parking perimeter buffer or other open space requirement such that the larger requirement will control. Efficient site design can allow the area to meet multiple requirements. Where these areas overlap, the plants may meet multiple requirements, provided the design objectives are met and the greater of the requirements in Table 8-1 and 8-2 applies.

Section 18. Table 8-2 is hereby amended as follows:

Table 8-2: Buffer Planting Requirements

Type and Applicability	*Buffer Planting Requirement*	
Type I – A low-level screen and physical separation used for aesthetic purposes, particularly around site utility elements, walkways, or parking areas along pedestrian oriented streetscapes.	Width: 6' min. Planting: 1 large tree per 40' or 1 ornamental per 20' 1 shrub per 2.5 feet Variation: the shrub rate may be reduced in combination with the following: ▪ A 2.5' to 4' decorative wall or fence as an alternative or in more constrained areas along the streetscape; ▪ 3' berm provides low screening and physical separation in wider areas in association with required parking landscape.	 *Dense shrubs* *Decorative fence or wall* *Berm*
Type II – A moderately planted area used to separate and soften transitions between more intense portions of sites between generally compatible land uses.	Width: Average of 15' Planting: 1 large tree per 60' or 1 ornamental per 30' 1 shrub per 5' 1 evergreen tree per 60' Variation: A 6' fence or ornamental wall compatible with the materials of the building may be used with a lesser combination of plants (up to 50% less), or with a smaller space (8' min.).	 *Shrubs and evergreens* *6' fence or wall*
Type III – A densely planted area intended to mitigate noise and create a visual barrier between intense site conditions or potentially incompatible land use adjacencies, or for large scale uses along major streets.	Width: Average of 30' Planting: 1 large tree per 60' 1 ornamental per 60' 1 evergreen tree per 60' 1 shrub per 5' Variation: A 3' – 4' berm or fence or wall that provides a visual 6' – 7' barrier may be used with a lesser combination of plants (up to 50% less), or with a smaller space (15' min.). Berms shall have a maximum slope of 3:1 and shall not be constructed within the drip line of any existing tree.	 *Separation + Planting* *6'-7' fence or wall* *Berm*

Section 19. Table 8-3 is hereby amended as follows:

Table 8-3: Buffer Types & Application

	Zoning of Proposed Development					
Zoning Adjacent to Development	*C-3, I-1 & I-2*	*DT, BP, MU-CC & MU-R/EC*	*C-O, C-1, C-2 & MU-NC*	*R-2, R-3 & MH*	*A/R, A/E, RE R-1, R-1-A & R-1-B*	*O, PL*
A/R, A/E, RE, R-1, R-1-A & R-1-B	Type III	Type III	Type II	Type II	Type II*	
R-2, R-3 & MH	Type III	Type III	Type II			
C-O, C-1, C-2 & MU-NC	Type III	Type II				
DT, BP, MU-CC & MU-R/EC	Type II					
C-3, I-1 & I-2						
O, PL	Type III	Type III	Type II	Type II	Type II	

Other

Parking areas within 50 feet of any public street or through access drive shall have a Type I buffer for lots under 50 spaces, and a Type II buffer for lots of 50 spaces or more.

Any lots that back to a collector or arterial street shall require a Type III buffer. (See Sections 3.01 and 3.02 for more effective and efficient ways to design blocks and lots in association with transitions in the street networks, streetscapes, and open and civic space system).

Any lots adjacent to a highway or expressway shall require a Type III buffer, except that the width shall be increased to 100' for residential development and 50' for mixed-use, commercial or industrial development.

Agriculture uses that may use occasional heavy equipment or machinery should be buffered from residential uses with a Type III buffer. In cases where residences are proposed in proximity to existing agriculture or within agriculture preservation areas, the buffer shall be incorporated into the residential project design.

Lots adjacent to unincorporated land or land annexed to another city shall base the buffer on the most similar Brighton zoning district to the adjacent land's current zoning as determined by the Director.

The Director may require an alternate buffer type or modified buffer not specified in this table based on the intensity of the proposed use (considering factors such as noise, lighting, site activity, and hazardous materials) and the potential for impacts to surrounding properties.

* Type II buffers are only required in the A/R, A/E, RE, R-1, R-1-A and R-1-B districts for permitted non-residential uses adjacent to residential lots.

Section 20. Section 8.03 (D.) is hereby amended as follows:

D. General Screening. All of the following shall be screened from streets or adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative opaque fence or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where design of the building, frontages, open space, buffers and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

1. Electrical and mechanical equipment such as transformers, air conditioners, or communication equipment and antennas whether ground-, wall- or roof-mounted.
2. Permanent or temporary outdoor storage areas.
3. Trash and recycling containers shall be enclosed by a decorative opaque fence or wall complementing the architectural details and materials of the building. If

located in a prominently visible area of the site, the trash enclosure shall be further screened using dense evergreen vegetation.

4. Utility stations or fixtures.
5. Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.
6. Non-residential parking lots within 30 feet of residential lots.
7. Drive-through or drive-up service lanes.

Section 21. Table 8-4 is hereby amended as follows:

Table 8-4: Plant Specifications

Type	*Specification*
Large (Shade) Tree	2" caliper; Mature height of at least 30'
Ornamental Tree	2" caliper; 8' to 10' minimum planting height for multi-stemmed; Mature height of at least 15'
Evergreen Tree	6' to 8' minimum planting height; Mature height of at least 10'. Evergreens with mature heights of 30' or more may be classified as large trees.
Shrub	24" or 5-gallon minimum container
Perennials	1-gallon container
Ground Cover	Areas designed for vegetative cover shall have full coverage within 2 growing seasons
Irrigated Turf/Native Seed	Irrigated turf/native seed may be installed as sod, plugs, or seed. Bluegrass, fescue, buffalo grass, and other grasses commercially grown as sod shall be installed by sodding. Seed installation shall be by drilling or hydroseeding including a mulch and tackifier. Native seed is established when no more than 10 percent of the native seed area consists of non-native species or weeds. In addition, no bare areas shall be larger than 12 inches by 12 inches. Native seed areas may result in a higher incidence of weeds, therefore, a plan for establishment and maintenance shall be indicated on all landscape documents and shall include a weed control and removal program, mowing schedule, and trash clean-up. (See limits on irrigated turf areas and native seed in Table 8-1: Plant Requirements)
General	Plants used for screening and buffers shall achieve the required opacity and function in its winter seasonal conditions within 2 years following planting.

Section 22. Table 8-5 is hereby amended as follows:

Table 8-5: Tree Diversity

Required Trees	*Diversity*
1- 29	At least 2 genus No more than 50% of any one genus
30+	At least 3 genus No more than 33% of any one genus

Section 23. Section 8.04 (E.) is hereby amended as follows:

E. Water-wise Landscape. All landscape plans shall conserve water with landscape materials and design techniques using the following water-wise principles.

1. Incorporate a "zoned planting scheme" to reduce water demand by grouping plants with similar water requirements together in the same hydrozone.
2. New irrigated turf shall be limited to areas specified in Table 8-1.
3. Existing irrigated turf may be converted to a turf species that requires less water (for example, Kentucky Bluegrass converted to Buffalograss or Bermudagrass).
4. Choose plants from the Plant Specifications in Section 8.04 for trees, shrubs, and to create a living ground cover of at least 50% of the landscape area based on mature size of vegetation.
5. Native seed may not be appropriate in all contexts and its usage and seed mix shall require approval by the Director based on overall appearance, ability to maintain, height at maturity, and durability in the location where it is to be installed.
6. No more than 50% of the landscape area may be covered with non-living materials including bark mulch, wood chips, rock, stone, gravel, or cobble.
    a. The design of non-living landscape areas shall include a diversity of colors and textures to reduce the visual harshness of large expanses of one material.
    b. The use of boulders, pavers, or similar natural materials is encouraged so long as they are designed and arranged in a way that can infiltrate runoff through associated planting areas.
    c. Wood mulch and crusher fines shall be prohibited in drainage swales or areas of ponding water such as detention ponds. Rock mulch or other means of stabilization designed in accordance with the Mile High Flood District's Urban Storm Drainage Criteria Manual shall be used in areas of concentrated runoff.
7. Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas should receive soil amendments of at least 3 cubic yards per 1,000 square feet and soil should be loosened to provide water and air infiltration for improved root development.
8. The irrigation system shall deliver water efficiently and uniformly and shall be appropriate to the needs of the plant materials. Install efficient automatic irrigation systems that incorporate water conservation measures, including spray heads for ground cover and drip irrigation for shrubs and trees, and high-efficiency or precision nozzles. Provide regular and attentive maintenance to ensure irrigation systems are functioning properly.
9. Irrigation shall be provided to effectively establish the landscape and to maintain plant life that requires supplemental water on a regular or periodic basis, or in periods of drought.
10. Temporary irrigation may be provided for native seeds, but all shrubs, trees, and ornamental grasses shall be served by a permanent irrigation system. Temporary irrigation shall be installed above grade and shall be allowed for no more than two

growing seasons. The temporary irrigation shall be removed at the conclusion of the second growing season.

11. Alternative sources of irrigation for all landscape areas are encouraged, and may include:
    a. Non-potable irrigation.
    b. Rainwater harvesting in accordance with State law may be used to augment permanent irrigation systems provided that the systems used to harvest and store the water are designed to prevent intrusion of trash, insects, and animals.

Section 24. Section 8.04 (F.) is hereby amended as follows:

F. Maintenance. All landscape plans shall include installation specifications, method of maintenance including a watering system and statement of maintenance methods. All plantings shall be properly maintained. All elements of an approved landscape plan including plant materials shall be considered elements of the project in the same manner as parking, buildings or other details. Plant material which fail**s** to grow or which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated, and any plant in danger of dying may be ordered to be removed and replaced by the Director.

Section 25. The following definitions are hereby enacted in Section 11.03:

Artificial Turf. Material used on athletic fields and designated recreation areas approved by the Director that is designed to mimic the appearance and functionality of well-maintained irrigated turf.

Designated Recreation Areas. Areas of the landscape dedicated to active play where irrigated turf or artificial turf may be used as the playing surface. This may include athletic fields, golf courses, and other similar areas where irrigated turf is commonly used as the surface for outdoor activities.

Hardscape. Impermeable ground surfaces such as asphalt, concrete, and modular paving.

Irrigated Turf. Grasses planted as a landscaping ground cover that may be mowed and maintained for use as a lawn area or play surface. Irrigated turf does not include ornamental grasses, grasses that are native to the local environment, grasses that do not generally require supplemental water, or inorganic substitutes commonly referred to as artificial turf.

Landscape. The permeable area of a site not covered by buildings, parking, outside storage, sidewalks and driveways. Landscape may include irrigated turf, native seed, planting beds including trees, shrubs, vines, ground covers, or flowers; natural features such as boulders, rock and wood mulch; and structural features including, but not limited to, screen walls, fences or benches.

Non-living Landscape Materials. Non-living landscape materials are materials include bark mulch, wood chips, rock, stone, gravel, or cobble, but shall not include artificial turf.

Tree lawn. The landscaped area between the back of the curb and the sidewalk.

Section 26. All sections, subsections, and definitions of the LUDC not expressly amended or modified herein remain in full force and effect.

Section 27. The City Council finds determines that the proposed code amendments further the purposes of these regulations in Section 1.01.C.; that the proposed code amendment is in accordance with the Comprehensive Plan and has been considered for both its long-range effects, as well as immediate impacts; that the amendment promotes the public safety, health, and general welfare of the community in the City of Brighton; and that the amendment improves the effectiveness and efficiency of administering the *Land Development Code*.

Section 28. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted after the initial reading. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED, THIS 19th DAY OF December 2023

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY ON THIS 2nd DAY OF January 2024

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

Published in the *Denver Post*
First Publication: December 21, 2023

Published in the *Brighton Standard Blade*
First Publication: January 4, 2024
Final Publication: January 11, 2024

APPROVED AS TO FORM

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YASMINA GIBBONS, Deputy City Attorney