

ORDINANCE NO. _____
INTRODUCED BY: _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO,
APPROVING THE AMENDMENT OF CERTAIN ARTICLES OF THE LAND USE AND
DEVELOPMENT CODE TO ADDRESS COLORADO WILDFIRE RESILIENCY
REQUIREMENTS

WHEREAS, in 2023, Senate Bill 23-166 was enacted, which established the Wildfire Resiliency Code Board and directed the Board to adopt a model wildfire resiliency code applicable to areas within the Wildland Urban Interface; and

WHEREAS, pursuant to Senate Bill 25-142, governing bodies with jurisdiction over areas within the Wildland Urban Interface are required to adopt the Colorado Wildfire Resiliency Code or standards that exceed the Code within nine months of its adoption; and

WHEREAS, the Wildfire Resiliency Code Board adopted the Colorado Wildfire Resiliency Code on June 1, 2025, along with an associated map identifying areas subject to the Colorado Wildfire Resiliency Code; and

WHEREAS, a portion of the City of Brighton (the "City") lies within the Wildland Urban Interface and is, therefore, subject to the requirements of the Colorado Wildfire Resiliency Code; and

WHEREAS, certain provisions of the City's Land Use and Development Code (the "LUDC") require modification to ensure consistency with the Colorado Wildfire Resiliency Code to address potential conflicts between state and local standards, and to provide flexibility in the application of local design requirements where appropriate; and

WHEREAS, the proposed amendments further the purposes of the LUDC by promoting public safety, health, and general welfare through enhanced wildfire risk mitigation; 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 any public hearing; and

WHEREAS, the Planning Commission held a public hearing on February 26, 2026, and unanimously recommended approval of the proposed changes to City Council; and

WHEREAS, the City Council held a public hearing on March 17, 2026, to receive and consider 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 amendments to the LUDC and has found the amendments, as provided herein, are in the best interest of the public health, safety, and welfare of the residents of the City.

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

Section 1. Section 5.03(D) of the LUDC is hereby amended as follows:

D. Alternative Design. For the design standards in this Section 5.03, if the full extent of the design standard cannot be met, the Director may approve an alternative design that equally or better meets the design objectives or enhances another design standard of this section. Properties located within a fire intensity classification on the Colorado Wildfire Resiliency Code (CWRC) Map, shall comply with the standards of the CWRC, as either may be amended. Where compliance with the CWRC results in a conflict with or cannot be reasonably achieved due to the standards of this Code, the Director may approve an alternative design under this Code, provided the design meets the intent of this Section 5.03.

Section 2. Section 5.04(l)(5) of the LUDC is hereby enacted as follows:

5. Properties located within a fire intensity classification on the Colorado Wildfire Resiliency Code (CWRC) Map shall comply with the standards of the CWRC, as either may be amended. Where compliance with the CWRC results in a conflict with or cannot be reasonably achieved due to the standards of this Code, the Director may approve alternative design standards under this Code, provided the design meets the intent of this Section 5.04.

Section 3. Section 6.03(D) of the LUDC is hereby amended as follows:

D. Alternative Design. For the design standards in this Section 6.03, if the full extent of the design standard cannot be met, the Director may approve an alternative design that equally or better meets the design objectives or enhances another design standard of this section. Properties located within a fire intensity classification on the Colorado Wildfire Resiliency Code (CWRC) Map shall comply with the standards of the CWRC, as either may be amended. In instances where lot and building open space design conflict with these standards, alternative design standards may be approved by the Director, provided the design meets the intent of this Section 6.03.

Section 4. Section 6.04(D) of the LUDC is hereby amended as follows:

D. Alternative Design. For the design standards in this Section 6.04, if the full extent of the design standard cannot be met, the Director may approve an alternative design that equally or better meets the design objectives or enhances another design standard of this section. Properties located within a fire intensity classification on the Colorado Wildfire Resiliency Code (CWRC) Map shall comply with the standards of the CWRC, as either may be amended. In instances where frontage design conflict with these standards, alternative design standards may be approved by the Director, provided the design meets the intent of this Section 6.04.

Section 5. Section 6.05(E) of the LUDC is hereby amended as follows:

E. Alternative Design. For the design standards in this Section 6.05, if the full extent of the design standard cannot be met, the Director may approve an alternative design that equally or better meets the design objectives or enhances another design standard of this section. Properties located within a fire intensity classification on the Colorado Wildfire Resiliency Code (CWRC) Map shall comply with the standards of the CWRC, as either may be amended. In instances where building design or materials conflict with these standards, alternative design standards may be approved by the Director, provided the design meets the intent of this Section 6.05.

Section 6. Table 8-1 of the LUDC is hereby amended as follows:

Table 8-1: Plant Requirements

Site Element	Trees [2]	Shrubs [2]	Ground Cover [1] [2]	Exceptions [2]	Substitutions [2]
Streetscape and Frontage: The area between the building line and the street, including any plantings required in the ROW,	1 large tree per 40' of lot frontage; Corner lots shall meet this requirement on street side lot lines at a rate of 50% of the Streetscape	N/A	Water-wise landscape or native seed. Native seed shall be prohibited in tree lawns and street	Detached house, duplex/multi-unit house, and row house building types may have irrigated turf in frontage areas, not	1 ornamental tree per 30' of lot frontage may be substituted for large trees (constrained right-of-way or within 10

<p>used to create a relationship between the site and the public realm.</p>	<p>and Frontage requirement.</p>		<p>rights-of-way.</p>	<p>including the tree lawn. Irrigated turf shall not exceed 40% of the frontage area or 1,000 s.f., whichever is less, and shall be a minimum of 8' in all directions.</p> <p>Detached house, duplex/multi-unit house, and row house building types may have artificial turf in frontage areas but artificial turf shall be limited to 20% of the frontage area.</p>	<p>feet of overhead wires).</p>
<p>Foundation. Areas along the building frontage used to provide accents and soften larger</p>	<p>1 ornamental tree per 30' of building frontage for buildings setback more than</p>	<p>8 shrubs per 30' of building frontages; Side and rear elevations that face public</p>	<p>Water-wise landscape.</p>	<p>Civic building types and publicly owned buildings may place foundation landscaping</p>	<p>Evergreen trees may be substituted for ornamental trees at a rate of 1 for 1 for up to</p>

expanses of buildings.	20' from 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.	right-of-way or access drives shall provide this standard on at least 25% of the building.		anywhere on the site.	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.
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.	N/A	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.	N/A	N/A
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.	N/A	N/A	Artificial turf may be used in lieu of irrigated turf on athletic fields or designated recreation areas approved by the Director.

<p>Site Constraints. Any element where site constraints such as easements prevent the installation of trees or shrubs (subject to approval by the Director).</p>	N/A	N/A	N/A	N/A	<p>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</p>
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					alternative location on the site.
All Other Unbuilt or Unpaved Areas of a Site.	N/A	N/A	Water-wise landscape, native seed, or non-living landscape materials.	<p>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, artificial turf, or any combination thereof.</p> <p>All other building types, development sites, and landscape tracts shall limit irrigated turf to designated recreation areas approved by the Director.</p>	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.

[2] Properties located within a fire intensity classification on the Colorado Wildfire Resiliency Code (CWRC) Map shall comply with the standards of the CWRC, as either may be amended. Where tree planting is prohibited, substitutions shall be provided at the rates specified in the Site Constraints row. All plantings and ground cover shall comply with an approved species list issued by the Colorado State Forest Service.

Section 7. Section 8.04(B) of the LUDC is hereby amended as follows:

B. Species. All trees and shrubs shall be selected and planted according to the City of Brighton's Recommended Tree, Shrub and Perennial lists referenced in Appendix A, Resources, Guides and Industry Standards and on file with the City. For properties located within a fire intensity classification on the Colorado Wildfire Resiliency Code Map area, plantings shall comply with an approved species list issued by the Colorado State Forest Service. In addition to any species on these lists, alternatives may be proposed and approved as part of the site plan provided they:

1. Are documented by a landscape architect or other credible information comparable in type and performance to any species on this list;
2. Are adaptable to the climate of the Front Range region and the specific conditions in which they are proposed; and
3. Are not invasive or otherwise problematic to the overall health of the landscape.

Section 8. Section 8.05(B)(7) of the LUDC is hereby enacted as follows:

7. Properties located within a fire intensity classification on the Colorado Wildfire Resiliency Code (CWRC) Map area shall comply with the fencing and retaining wall standards of the 2025 CWRC, as either may be amended.

Section 9. *Findings.* The City Council finds that the amendments set forth herein: (i) further the purpose of the LUDC; (ii) are in accordance with the Comprehensive Plan and have been considered for both their long-range effects and immediate impacts; (iii) promote the public safety, health, and general welfare of the community of the City of Brighton; and (iv) improve the effectiveness and efficiency of administering the LUDC.

Section 10. 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 17th DAY OF MARCH 2026.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE
ONLY ON THIS 7th DAY OF APRIL 2026.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

Published in the *Brighton Standard Blade*

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APPROVED AS TO FORM

YASMINA GIBBONS, Deputy City Attorney