

ORDINANCE 8721

AN ORDINANCE AMENDING SECTION 4-20-43, "DEVELOPMENT APPLICATION FEES," TITLE 6, "HEALTH, SAFETY, AND SANITATION," TITLE 8, "PARKS, OPEN SPACES, STREETS, AND PUBLIC WAYS," TITLE 9, "LAND USE CODE," SECTION 10-8.5-2, "ADOPTION OF INTERNATIONAL WILDLAND-URBAN INTERFACE CODE WITH MODIFICATION," AND SECTION 11-1-25.5, "DUTY TO AVOID WASTE OF WATER AND TO MAINTAIN SERVICE LINES AND FIXTURES," B.R.C. 1981, RELATED TO LANDSCAPING, WATER CONSERVATION, AND WILDFIRE RESILIENCE; AND SETTING FORTH RELATED DETAILS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 4-20-43, "Development Application Fees," B.R.C. 1981, is amended

to read as follows:

...

(b) Land use regulation fees: .....

(1) Applicant for a blue line amendment shall pay .....\$524

...

(28) Development related fees: .....

An applicant requesting a zoning verification letter shall pay .....\$136

An applicant for a development extension/staff approval review shall pay .....\$136

An applicant requesting to rescind a development agreement shall pay .....\$547

An applicant for an administrative relief/transportation/parking shall pay .....\$274

An applicant for an administrative relief/nonconforming use substitution shall pay .....\$274

1 An applicant for an administrative relief/landscaping ~~review~~standards  
2 modification shall pay .....\$274

3 ...

4 Section 2. Title 6, “Health, Safety, and Sanitation,” B.R.C. 1981, is amended to read as  
5 follows:

6 ...

7 **6-2-3. – Growth or Accumulation of Weeds Prohibited.**

8 (a) No owner, lessee, agent, occupant, or person in possession or control of any occupied or  
9 unoccupied lot or tract of land or any part thereof in the city shall permit or maintain on  
10 any such lot or tract of land or along the sidewalk, street, or alley adjacent thereto any  
11 growth of state-listed noxious weeds to a height greater than twelve inches. All Colorado  
Department of Agriculture List A species must be eradicated, regardless of height.

11 ...

12 **6-6-1. – Legislative Intent.**

13 (a) The purpose of this chapter is to protect the public health, safety, and welfare by  
14 prescribing requirements for the protection of trees and plants within the city, including,  
15 without limitation, trees, shrubs, lawns, and all other landscaping.

15 ...

16 (c) The city council finds that the protection, expansion, and maintenance of the urban forest  
17 is important to support community resilience, which is the ability of the community to  
recover in times of emergency or disruption and to adapt over time to chronic stresses.  
18 Preservation of trees is necessary for the continuity of the environmental, economic,  
19 social and human health services provided by the urban tree canopy. Continued  
20 maintenance ensures the health and value of individual trees, broadens the urban tree  
canopy to mitigate urban heat island effect, and maximizes the services provided by this  
21 resource.

20 ...

21 **6-6-6. – Protection of Trees and Plants.**

22 (a) No person shall, remove, damage, or destroy any tree or plant growing within or upon  
23 any city-owned, city controlled property, or within or upon any public right-of-way  
24 without first having obtained written permission from the city manager or a permit  
25 pursuant to Chapter 8-5, “Work in the Public Right-of-way and Public Easements,”  
B.R.C. 1981. Any work on trees under this subsection shall only be performed by  
International Society of Arboriculture (ISA) certified contractors licensed in the City of  
Boulder.

1 ...  
2 Section 3. Title 8, “Parks, Open Spaces, Streets, and Public Ways,” B.R.C. 1981, is  
3 amended to read as follows:

4 ...  
5 **8-2-25. – Adjacent Owners’ Duty to Maintain Street Trees.**

6 A property owner shall maintain trees required pursuant to Section 6-6-7, “Mitigation of  
7 Trees or Plants Removed or Destroyed,” B.R.C. 1981; Subsection 9-2-14(h)(2)(C), “Site  
8 Review,” B.R.C. 1981; and Section 9-9-12, “Landscape and Screening Standards,” B.R.C. 1981,  
9 on or adjacent to the owner’s property in the public right-of-way, by providing sufficient  
10 irrigation to sustain the life of the tree and landscaping ~~or~~ and a mulched sod-free base around all  
11 trees with a diameter of six inches and under measured fifty-four inches above the ground.

12 ...  
13 **8-5-2. – Definitions.**

14 The following terms used in this chapter have the following meaning, unless the context  
15 fully indicates otherwise:

16 ...  
17 Landscaped area means any land allotted to living landscape planting materials, and  
18 includes, without limitation, landscape rock and hardscaped areas— such as arcades, plazas,  
19 patios, seating areas, courtyards, non-combustible zone areas in the wildland urban interface  
20 (WUI), or pedestrian pathways— when designed to be integrated with the landscaping, of which  
21 fences and walls and seating areas may be a part. Landscaped area does not include building  
22 footprints, driveways, vehicular circulation, non-irrigated portions of parking lots, and decks.

23 ...  
24 **8-5-11. – Minimizing the Impacts of Work in the Rights-of-Way and Public Easements.**

25 (a) Responsibility: No person shall fail to conduct work in such a manner as to avoid  
unnecessary inconvenience and annoyance to the general public and occupants of  
neighboring property.

...  
(j) Protection of Trees and Landscaping: No person shall fail to protect trees, landscape and  
landscape features, nor shall any person as required by the city improperly irrigate trees  
or landscaping so as to cause damage or loss, inconsistent with city code, the city’s  
Design and Construction Standards and the City of Boulder Landscape Manual, or as  
otherwise required by the city. All protective measures shall be provided at the expense  
of the person performing work. Any damage to existing trees and landscaping shall be

1 reported to the city manager for inspection. The person performing work shall be required  
2 to complete any remedial action necessary to repair and restore damaged trees and  
3 landscaping, as determined by the city manager. Any trees and landscape materials which  
4 are damaged beyond repair or restoration shall be replaced at an equivalent value to the  
5 damaged material at the expense of the person performing work.

6 ...  
7  
8 **8-6-2. – Definitions.**

9 The following terms used in this chapter have the following meanings, unless the context  
10 fully indicates otherwise:

11 ...  
12 *Obstruction* includes, without limitation:

- 13 (a) A fence, hedge or wall placed nearer than permitted by section 9-9-15, “Fences  
14 and Walls,” B.R.C. 1981, to any public sidewalk or path;
- 15 (b) Any landscaping, structure or fence within the corner sight triangle specified in  
16 section 9-9-7, “Sight Triangles,” B.R.C. 1981, or within its prolongation within  
17 the right-of-way, which does not comply with the requirements of that section;
- 18 (c) A tree ~~or bush~~ or other plant or a structure of any sort which projects beyond the  
19 property line of property abutting the right-of-way of any street, sidewalk, path or  
20 alley onto or over the public right-of-way and obstructs the view of traffic,  
21 obscures any traffic control device, prevents pedestrian use of any part of a street,  
22 sidewalk, path or alley, or otherwise constitutes a hazard to drivers or pedestrians.  
23 ~~Without limitation, a dead bough of a tree located on a person’s property but~~  
24 ~~overhanging public property constitutes such a hazard; and~~
- 25 (d) Cement, concrete, piping or other material placed in a gutter to aid vehicles in  
driving over a curb or for any other purpose.

Section 4. Title 9, “Land Use Code,” B.R.C. 1981, is amended to read as follows:

26 **9-2-1. – Types of Reviews.**

- 27 (a) Purpose: This section identifies the numerous types of administrative and development  
28 review processes and procedures. The review process for each of the major review types  
29 is summarized in Table 2-1 of this section.
- 30 (b) Summary Chart:

**TABLE 2-1: REVIEW PROCESSES SUMMARY CHART**

<b><i>I. ADMINISTRATIVE REVIEWS</i></b>	<b><i>II. DEVELOPMENT REVIEW AND BOARD ACTION</i></b>
Affordable housing design review pursuant to Section 9-13-4, B.R.C. 1981	Annexation/initial zoning
Building permits	BOZA variances
Change of address	Concept plans
Change of street name	Demolition, moving, and removal of buildings with potential historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981
Conditional uses, as noted in Table 6-1: Use Table	
Demolition, moving, and removal of buildings with no historic or architectural significance, per Section 9-11-23, "Review of Permits for Demolition, On-Site Relocation, and Off-Site Relocation of Buildings Not Designated," B.R.C. 1981	Form-based code review
Easement vacation	Geophysical exploration permit
Extension of development approval/staff level	Landmark alteration certificates other than those that may be approved by staff per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981
Landmark alteration certificates (staff review per Section 9-11-14, "Staff Review of Application for Landmark Alteration Certificate," B.R.C. 1981)	Lot line adjustments
Landscape standards <del>variance</del> <u>modification</u>	Lot line elimination
...	Minor Subdivisions
	Out of city utility permit
	...

1 **9-2-14. – Site Review.**

2 ...

3 (h) Criteria: No site review application shall be approved unless the approving agency finds  
4 that the project is consistent with the following criteria:

5 ...

6 (2) Site Design Criteria: The project creates safe, convenient, and efficient  
7 connections for all modes of travel, promotes safe pedestrian, bicycle, and other  
8 modes of alternative travel with the goal of lowering motor vehicle miles traveled.  
9 Usable open space is arranged to be accessible; designed to be functional,  
10 encourage use, and enhance the attractiveness of the project; and meets the needs  
11 of the anticipated residents, occupants, tenants, and visitors to the project.  
12 Landscaping aesthetically enhances the project, minimizes use of water, is  
13 sustainable and resilient, decreases wildfire risk, mitigates for urban heat island  
14 effect, and improves the quality of the environment. Operational elements are  
15 screened to mitigate negative visual impacts. In determining whether this is met,  
16 the approving agency will consider the following factors:

17 ...

18 (B) Open Space:

19 (i) Useable open space is arranged to be accessible and designed to  
20 encourage use by incorporating quality water efficient and wildfire  
21 resilient landscaping, a mixture of sun and shade, hardscape areas  
22 with site furnishings and amenities, and green spaces for gathering.

23 ...

24 (C) Landscaping and Screening:

25 (i) The project exceeds the minimum landscaping requirements of  
Section 9-9-12, “Landscaping and Screening Standards,” B.R.C.  
1981, by at least fifteen percent in terms of planting quantities,  
includes a commensurate area to accommodate the additional  
plantings, and, where practical, preserves healthy long-lived trees,  
and includes new deciduous trees that can broaden the city’s urban  
tree canopy and provide shade for water conservation and cooling  
efforts.

26 ...

27 (iii) The landscaping design complies with the Boulder Approved Tree  
and Plant List and City of Boulder Landscape Manual ~~conserves~~  
~~water through use of native and adaptive plants, reduction of exotic~~  
~~plant materials, and landscaping within stormwater detention~~  
~~facilities to create bioswales or rain gardens, or other similar~~

1 ~~design strategie.~~

2 (iv) The landscape design conserves water by using native and adaptive  
3 plants, limiting exotic plant materials, landscaping within  
4 stormwater detention facilities to create bioswales or rain gardens,  
5 or utilizing other similar design strategies.

6 (iv) Operational elements, such as electrical transformers, trash storage  
7 and recycling areas, parking, and vehicular circulation, are  
8 screened from the public realm through design elements, such as  
9 landscaping, fencing, or placement of structures, to mitigate  
10 negative visual impacts.

11 ...  
12 (4) Additional Criteria for Buildings Requiring Height Modification or Exceeding the  
13 Maximum Floor Area Ratio: Any building exceeding the by-right or conditional  
14 zoning district height as permitted by Section 9-2-14(b)(1)(E), B.R.C. 1981, and any  
15 building exceeding the by-right floor area limits as permitted by Section 9-2-  
16 14(h)(6)(B), B.R.C. 1981, shall meet the following requirements:

17 ...  
18 (B) Building and Site Design Requirements for Height Modifications:

19 (i) Buildings requiring a height modification shall meet the following  
20 requirements:

21 a. Height Modification Other than Height Bonus: For buildings no taller  
22 than three stories and subject to a height modification pursuant to  
23 Subparagraph 9-2-14(b)(1)(E)(i) through (vii) and (ix), the building's  
24 height, mass, and scale is compatible with the character of the  
25 surrounding area.

b. Height Bonus: For buildings taller than three stories subject to a height  
modification pursuant to Subparagraph 9-2-14(b)(1)(E)(viii), B.R.C.  
1981:

1. Guidelines or Plan: The building's height is consistent with  
the building heights anticipated in adopted design guidelines  
or subcommunity or area plans for the area; or

...

4. Additional Requirements for a Height Bonus - Open Space: If  
the project site is greater than one acre in size, an inviting  
outdoor garden or landscaped courtyard is provided, designed  
as a gathering space for the building users. In determining  
whether this requirement is met, the approving authority will  
consider the following factors as successful design elements  
for such a space, as practicable considering site conditions  
and location:

- i. The horizontal dimensions of the space are no less than the height of building walls enclosing the space;
- ii. Seating and other design elements are integrated with the circulation pattern of the project;
- iii. The space has southern exposure and sunlight;
- iv. Hard surface areas are paved with unit pavers, such as bricks, quarry tiles, or porous pavers, or poured-in-place materials. If poured-in-place materials are used, they are of decorative color or textures;
- v. Amenities, such as seating, tables, grills, planting, shade, horseshoe pits, playground equipment, and lighting are incorporated into the space;
- vi. The space is visible directly from an adjoining public sidewalk, along a street frontage, and is not elevated above the building's first story; and
- vii. At least one tree is planted per 500 square feet of space. The trees are planted in the ground or, if over parking garages, in tree vaults.

**9-2-16. – Form-Based Code Review.**

...

(d) Application Requirements: An application for approval of a form-based code review, may be filed by any person having a demonstrable property interest in land to be included in a form-based code review on a form provided by the city manager that includes, without limitation:

(1) All materials and information required by Subsection 9-2-6(a), B.R.C. 1981;

...

(6) Landscaping Plan. A detailed landscaping plan, consistent with Sections 9-9-12, “Landscaping and Screening Standards,” 9-9-13, “Streetscape Design Standards,” 9-9-14, “Parking Lot Landscaping Standards,” Chapter 8.5, “Wildland Code,” of Title 10, “Structures,” B.R.C. 1981, the Boulder Approved Tree and Plant List, and the City of Boulder Landscape Manual, showing the spacing, sizes, specific types of landscaping materials, quantities of all plants and whether the plant is coniferous or deciduous. All trees with a diameter of six inches and over, measured fifty-four inches above the ground on the property, or in the landscape setback of any property adjacent to the development shall be shown on the streetscape and landscaping plan.

...

1 **9-9-11. – Useable Open Space.**

2 ...

3 (e) Types of Useable Open Space: Useable open space includes:

- 4 (1) Landscaped areas meeting the requirements of sections 9-9-12, “Landscaping and  
5 Screening Standards,” and 9-9-13, “Streetscape Design Standards,” B.R.C. 1981,  
6 and the City of Boulder Landscape Manual; including, landscaped areas integrated  
7 with hardscaped areas such as open air plazas,<sup>3</sup> fountains and waterfalls,<sup>3</sup>  
8 pedestrian arcades,<sup>3</sup> and outdoor small seating and gathering areas and ~~vest pocket~~  
9 parks.

7 ...

8 (i) Prohibitions: Portions of a lot on which a structure or unenclosed use is located shall not  
9 be counted as useable open space unless allowed in subsection (d), (e), (f) or (h) of this  
10 section. Portions of a lot that are unenclosed include those areas that are designed such  
11 that they cannot be enclosed and are generally open to the sky above, except for a  
12 balcony or deck. The following are specific examples of areas that may not be counted as  
13 useable open space:

- 14 ...
- 15 (3) Any landscaped area containing vegetation or plantings less than two feet in width  
16 unless located within an elevated planter that is less than eighteen inches in height  
17 or is an area designed as a non-combustible zone;

15 **9-9-12. – Landscaping and Screening Standards.**

16 (a) Purpose: The purpose of the landscaping and screening requirements set forth in this  
17 chapter is to:

- 18 (1) ~~Provide minimum requirements for the landscaping of lots and parcels, street  
19 frontages, streetscapes and paved areas;~~
- 20 (2) ~~Provide minimum requirements to ensure the proper installation or cultivation,  
21 and maintenance of landscaping materials;~~
- 22 (3) Promote sustainable landscapes and improve the quality of the environment.  
23 Sustainable landscapes can help accomplish the following: enhance air quality,  
24 mitigate the impacts of the urban heat island effect, preserve and protect mature  
25 trees to broaden urban tree canopy for cooling, create interconnected pollinator  
habitats for insects and birds, balance urban vegetation with natural habitat,  
enhance ecosystem functions, increase biodiversity, ensure healthy soils with  
moisture retention for plant health, reduce the amount and rate of stormwater  
runoff, improve stormwater runoff quality, reduce the spread of noxious weeds,  
and increase the capacity for water absorbency by enhancing air quality, reducing  
the amount and rate of stormwater runoff, improving stormwater runoff quality,

1 reducing the spread of noxious weeds, and increasing the capacity for  
2 groundwater recharge;

3 (42) Prevent and deter the spread of wildfire through use of fire resistant and low  
4 flammability vegetation, and use of maintenance practices that may include the  
5 removal of high-risk vegetation and avoid plantings near structures in areas of the  
6 city that are at high risk for wildfire spread. Minimize the amount of water used for  
7 landscaping by promoting water conservation and improving irrigation efficiency;

8 (53) Minimize the amount of water used for landscaping by promoting water  
9 conservation and irrigation efficiency. Enhance the appearance of both residential  
10 and nonresidential areas, and reduce the visual impacts of large expanses of  
11 pavement and rock;

12 (64) Minimize impacts between uses both on-site and off-site. Landscaping can  
13 improve the compatibility of adjacent land uses and screen undesirable views.  
14 The landscaping standards also enhance the streetscape by separating the  
15 pedestrian from motor vehicles, auto fumes, and dust, providing shade,  
16 attenuating noise, and filtering air, buffering wind, and reducing glare;

17 (5) Provide minimum requirements for landscaping lots and parcels, street frontages,  
18 streetscapes and paved areas to enhance the visual appearance of areas with  
19 attractive, colorful year-round color and textured landscapes with a diversity of  
20 plant materials, and reduce the visual impacts of large expanses of pavement on  
21 all sites, and

22 (6) Provide minimum requirements for the proper installation of specified plant  
23 materials, ensuring minimum levels of quality and quantities, and effective  
24 maintenance of landscaping materials for perpetuity or alignment with current  
25 landscaping standards.

(b) Scope: This section and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981, apply to all nonresidential and residential developments unless expressly stated otherwise.

(1) The standards in this sSection, Chapter 8.5, "Wildland Code," of Title 10,  
26 "Structures," and Sections 9-9-13, "Streetscape Design Standards," and 9-9-14,  
27 "Parking Lot Landscaping Standards," B.R.C. 1981, the Boulder Approved Tree  
28 and Plant List, and the City of Boulder Landscape Manual, shall be met prior to a  
29 final inspection for any building permit for one of the following:

(A) New development: Development on a vacant lot or parcel, a new principal  
30 structure on a lot or parcel, or the addition of a dwelling unit on a lot or  
31 parcel;

(B) Redevelopment: Any project that involving expansion of the total building  
32 floor area which exceeds twenty-five percent of the value of the existing  
33 structure for any use except a property with three or fewer dwelling units;

(i) involves floor area expansion for any use on a lot or parcel where  
34 the additions are valued at twenty-five percent or more of the value  
35

1 of the existing structure or structures on the lot or parcel and if a  
2 residential lot or parcel has more than three dwelling units;

3 (ii) involves floor area expansion for a residential lot with fewer than  
4 three dwelling units where the additions are valued at seventy-five  
5 percent or more of the value of the existing structure or structures  
6 on a lot or parcel; or

7 (iii) involves no floor area expansion and site improvements exceed  
8 one hundred percent of the value of the existing structure or  
9 structures on the lot or parcel.

10 (C) Other Site Improvements on Lots or Parcels with More than Three Units:  
11 Site improvements on lots or parcels with more than three units associated  
12 with a building permit that disturbs more than fifty percent of the existing  
13 aggregate landscape area or more than 5,000 square feet on a lot or parcel,  
14 whichever is less. For the purposes of this subsection, a land disturbance  
15 includes site grading, new landscaping, surfacing or resurfacing, but  
16 excludes footings and foundations for buildings and structures.  
17 Redevelopment involving the expansion of the total floor area for a  
18 property that has three or fewer dwelling units, shall meet the landscaping  
19 standards as follows:

20 (i) ~~Redevelopment valued at more than twenty five percent, but less~~  
21 ~~than fifty percent of the value of the existing structure shall require~~  
22 ~~compliance with the street and alley tree requirements and the trash~~  
23 ~~and parking screening requirements;~~

24 (ii) ~~Redevelopment valued at fifty percent or more, but less than~~  
25 ~~seventy five percent of the value of the existing structure shall~~  
26 ~~require compliance with the street and alley tree requirements and~~  
27 ~~the trash and parking screening requirements and the front yard~~  
28 ~~landscape requirements; and~~

29 (iii) ~~Redevelopment valued at seventy five percent or more of the value~~  
30 ~~of the existing structure shall require compliance with the~~  
31 ~~landscape regulations.~~

32 (D) ~~Redevelopment exceeding one hundred percent of the value of the~~  
33 ~~existing structure and not involving expansion of the total building floor~~  
34 ~~area; or~~

35 (E) ~~The addition of a dwelling unit.~~

(DF) For purposes of this paragraph (1), the applicant shall demonstrate the  
value of the existing structure by submitting, at the discretion of the  
applicant, either the actual value assessed by the Boulder County  
Assessor's Office or the fair market value determined by a real estate

1 appraiser licensed in Colorado.

2 ...

3 (d) Prior Approvals and Turf Replacement or Conversion: Conversion or replacement of turf  
4 on a site with a prior approval shall not require a minor modification or amendment to a  
5 site review or form-based code review, provided that:

6 (1) Overall landscaped area and quantities are maintained;

7 (2) Excepting existing juniper species, existing trees are preserved; and

8 (3) The turf conversion or replacement is consistent with all applicable standards in  
9 the Boulder Approved Tree and Plant List and the City of Boulder Landscape  
10 Manual.

11 (e) ~~(d)~~ General Landscaping and Screening Requirements:

12 (1) Landscaping Plan: A landscaping plan designed in accordance with this section,  
13 Chapter 8.5, “Wildland Code,” of Title 10, “Structures,” and Sections 9-9-13,  
14 “Streetscape Design Standards,” and 9-9-14, “Parking Lot Landscaping  
15 Standards,” B.R.C. 1981, the Boulder Approved Tree and Plant List, and the City  
16 of Boulder Landscape Manual, shall be provided for all developments. The site  
17 plan shall include the following:

18 ...

19 (G) The botanical and common names and sizes of all plant material consistent  
20 with the Boulder Approved Tree and Plant List;

21 ...

22 (J) A chart comparing the landscaping requirements of Sections 9-9-13,  
23 “Streetscape Design Standards,” and 9-9-14, “Parking Lot Landscaping  
24 Standards,” B.R.C. 1981, to the proposed materials, including, without  
25 limitation, the following information: total lot size (in square feet), total  
parking lot size, including all drives and driveways (in square feet), total  
number of parking stalls required and the total provided, total interior  
parking lot landscaped area required and the total provided, total perimeter  
parking lot landscaping required and total provided, total number of street  
trees required and the total provided, and total quantity of plant material  
required and the total provided;

...

(L) ~~The landscaping plan shall consider and attempt to avoid shading of new  
trees onto a solar zone required under the 2017 City of Boulder Energy  
Conservation Code.~~

...

1 (9) Boulder Approved Tree and Plant ListMaterials: All material required in a  
2 landscaped area shall be live plant material, except as approved by the city  
3 manager to provide attractive screening, plazas, or pedestrian access. Plant  
4 materials shall be selected from the Boulder Approved Tree and Plant List and  
5 planted in sufficient quantity to completely cover within five years of initial  
6 planting, all planted landscaped areas, including temporary mulched areas, and  
7 under trees. Within the Wildland Urban Interface (WUI), a reduced plant density  
8 is permissible to deter wildfire spread.

9 (10) City of Boulder Landscape Manual: All planting and irrigation areas shall be  
10 designed, installed and maintained according to the City of Boulder Landscape  
11 Manual.Mulches:

12 (A) — ~~Temporary mulches are required in all shrub, tree, and perennial planting~~  
13 ~~beds until full plant coverage is achieved. Organic mulches include wood~~  
14 ~~and bark chips, straw, grass clippings, and seed hulls. Inorganic or inert~~  
15 ~~mulches include weed barrier fabrics, gravel, and rock.~~

16 (B) — ~~Non-living materials such as bark or rocks shall only be used as temporary~~  
17 ~~mulch until full plant coverage is achieved, or as permanent mulch under~~  
18 ~~shrubs if specifically approved as part of a final landscape plan.~~

19 (C) — ~~Rocks larger than three inches in diameter shall not be used in the public~~  
20 ~~right-of-way or adjacent to sidewalks, and shall be used only upon~~  
21 ~~approval of the city manager as a decorative feature. Rock mulches shall~~  
22 ~~not be used in landscaped areas on the south, west, or southwest-facing~~  
23 ~~sides of buildings or in interior parking lot landscaped areas except under~~  
24 ~~the following conditions:~~

25 (i) — ~~All plants within the rock mulched area are from very low, low, or~~  
moderate water use zones and spaced to fill the beds within three  
years of initial planting; or

(ii) — ~~Rock is used as a specific ornamental feature in a limited area or as~~  
a pedestrian path.

(11) Wildland Urban Interface (WUI) Compliance for Landscaping: Landscaping on a  
lot or parcel within the WUI shall comply with the requirements of Chapter 8.5,  
“Wildland Code,” of Title 10, “Structures,” B.R.C. 1981.Minimum Plant Sizes:  
All materials planted under the provisions of this title shall meet the following  
requirements:

(A) — ~~Deciduous trees are at least two-inch caliper measured six inches above~~  
~~the ground, except ornamental and flowering trees, including, without~~  
~~limitation, the trees identified as “small maturing trees” on the approved~~  
~~street tree list in Section 3.03-1, City of Boulder Design and Construction~~  
~~Standards, that are at least one and one-half inch caliper measured six~~  
~~inches above the ground;~~

(B) — ~~Evergreens are at least five feet tall; and~~

1 (C) — Shrubs are five-gallon container size.

2 (12) — ~~Grading Standards for New Earth Berms: Berms adjacent to paved surfaces shall~~  
3 ~~be graded to capture all irrigation runoff or to convey it to an appropriate water~~  
4 ~~quality design feature as described in the Urban Storm Drainage Criteria Manual,~~  
5 ~~Vol. 3 (Urban Drainage and Flood Control District, Denver, Colorado).~~

6 (13) — ~~Soil Preparation and Planting Specifications: Site preparation and all planting~~  
7 ~~shall be completed, at a minimum, in accordance with the City of Boulder Design~~  
8 ~~and Construction Standards. Site preparation in any development shall include~~  
9 ~~tilling the soil to a minimum depth of six inches below the finished grade,~~  
10 ~~together with soil amendments, including, without limitation, compost, manure, or~~  
11 ~~peat, that are appropriate to ensure the health and sustainability of the landscaping~~  
12 ~~to be planted.~~

13 (14) — ~~Water Conservation: Landscaping shall be designed to conserve water through~~  
14 ~~application of all Xeriscape™ landscaping principles. Xeriscape™ landscaping~~  
15 ~~principles do not include artificial turf or plants, mulched or gravel beds, or areas~~  
16 ~~without landscape plant material, bare ground, weed-covered or infested surfaces,~~  
17 ~~paving of areas not required for pedestrian access, plazas, or parking lots, or any~~  
18 ~~landscaping that does not comply with the standards of this section. Xeriscape™~~  
19 ~~landscaping principles include:~~

20 (A) — ~~Planning and design that ensures water conserving techniques are~~  
21 ~~coordinated and implemented in the landscape;~~

22 (B) — ~~Grouping plants with similar water and cultural requirements (such as sun~~  
23 ~~and climate) together in the same water use zones and on the same~~  
24 ~~irrigation zones;~~

25 (C) — ~~Limiting the use of high water use turf grass and plantings to high-use~~  
26 ~~areas with high visibility or functional needs;~~

(D) — ~~Use of efficient irrigation systems;~~

(E) — ~~Use of mulches;~~

(F) — ~~Improving soils to allow better water absorption and proper drainage; and~~

(G) — ~~Continued maintenance, including weeding, pruning, fertilizing, pest~~  
27 ~~control, and irrigation maintenance.~~

28 (15) — ~~Xeriscape™ Landscape Standards: The following Xeriscape™ landscape~~  
29 ~~standards shall apply to all required landscaped areas:~~

30 (A) — ~~Plants from the same water use zone shall be grouped together on the~~  
31 ~~same irrigation zones. Water use zones shall be consistent with the~~  
32 ~~Waterwise Plant List as shown in the City of Boulder, Landscape~~  
33 ~~Requirements for Streetscape, Parking Lots, and All Other Developments~~  
34 ~~or based on other lists which meet the same criteria for water use and~~  
35 ~~adaptability if approved by the city manager;~~

(B) — ~~The total amount of high water use zones on a property shall not exceed~~

1 fifty percent of the total landscaped area. The total amount of high water  
2 use turf grass shall not exceed twenty-five percent of the total landscaped  
3 area. Turf grass areas designated for high use or a specific recreational use  
4 shall be excluded from the total landscaped area under this requirement.  
5 Trees in tree grates shall also be excluded from the total landscaped area  
6 under this requirement;

7 (C) — The use of high-irrigation turf and plantings shall be limited to high-use  
8 areas with high visibility or functional needs;

9 (D) — High water use turf grass shall not be used in landscaped areas with any  
10 one dimension less than ten feet in width unless drip, subsurface, or low-  
11 volume irrigation is used in that area;

12 (E) — Very low and low water use zone plants and turf grass shall be used to the  
13 extent practicable;

14 (F) — Plants or turf grass from a high water use zone shall not be planted on  
15 slopes or berms at a 4:1 slope or greater.

16 (16) — Irrigation: The following standards shall apply to irrigation systems for required  
17 landscaped areas:

18 (A) — All landscaped areas, including, but not limited to, trees in tree pits, raised  
19 planters, planting in the public right of way, and all landscaping required  
20 in this chapter, shall be irrigated with a permanent, automatic irrigation  
21 system designed to provide efficient irrigation coverage with minimal  
22 overspray onto non-landscaped areas.

23 (B) — The city manager may approve the use of temporary irrigation systems if  
24 all plant material is from the very low or low water use zones.

25 (C) — Low volume, drip, or subsurface irrigation systems shall be used in the  
following conditions:

(i) — In landscaped areas where any one dimension is less than six feet  
in width and surrounded by impervious surfaces;

(ii) — In all non-turf grass areas.

(D) — Trees shall be zoned separately from turf grass when located in a low or  
very low water use zone.

(E) — A soil moisture sensing device or other irrigation management system  
shall be required for irrigation systems in turf areas.

(F) — The landscape plan shall indicate the nature, location, and specifications of  
the irrigation system which shall be used. Separate irrigation circuits  
should be specified for different zones on the landscape plan. The  
landscape plan shall have sufficient detail to show that adequate irrigation  
will be provided to all required landscape areas and plant materials.

(G) — The irrigation system shall be designed to correlate to the organization of  
plants into zones with similar watering requirements.

1 (H) ~~Irrigation systems shall be designed to maximize efficient water use and~~  
2 ~~minimize the waste of water.~~

3 (17) ~~Noxious Weeds: All landscape plans must comply with the current state weed and~~  
4 ~~nursery lists.~~

5 (18) ~~Tree Protection: All existing trees six inches or more in caliper and located in any~~  
6 ~~development in the required setback or on the property line shall be protected~~  
7 ~~from construction impacts, unless the tree is a noxious weed. Trees over six~~  
8 ~~inches in caliper shall be protected from construction impacts within the drip line~~  
9 ~~of the tree in a manner that is consistent with the City of Boulder Design and~~  
10 ~~Construction Standards' tree protection for construction site standards.~~

11 (f) Compliance Required. No person shall fail to comply with the requirements of this  
12 section or any rule issued by the city manager under this section.

13 (g19) Final Inspection: Labels that identify the botanical or common name of the plant material  
14 shall be on all trees at the time of final inspection.

15 (h) City Manager Authorized to Issue Rules. The city manager is authorized to adopt rules  
16 necessary for the implementation and interpretation of this chapter under the procedures  
17 of Chapter 1-4, "Rulemaking," B.R.C. 1981. Such rules may include, without limitation,  
18 the following documents to implement the requirements of this chapter:

19 (1) The Boulder Approved Tree and Plant List; and

20 (2) The City of Boulder Landscape Manual.

### 21 **9-9-13. – Streetscape Design Standards.**

22 Streetscape improvements shall be designed in accordance with the following standards:

23 (a) Scope: The standards set forth in this section apply to all land uses, including detached  
24 dwelling units.

25 (b) Street Trees: A planting strip consisting of deciduous trees shall be planted along the full  
length of all public and private streets in all zoning districts. When possible, trees shall be  
planted in the public right-of-way. Large deciduous trees and detached sidewalks are  
required wherever possible and shall be planted at a minimum; of one tree for every forty  
linear feet of public right-of-way and otherwise in accordance with subsection (d) of this  
section.

(c) Alley Trees: Except for existing lots with a detached dwelling unit, along all alleys  
adjacent to or within a residential zone, trees shall be planted at an overall average of one  
tree per forty linear feet within ten feet of the pavement or edge of alley. The city  
manager may waive this requirement if the applicant demonstrates that the planting  
conflicts with or may be detrimental to a structure over fifty years old that is eligible for  
preservation pursuant to Chapter 11, "Historic Preservation," B.R.C. 1981.

(d) Streetscape Requirements: Street trees must be selected from the Boulder Approved Tree  
and Plant List ~~approved street tree list set forth in the City of Boulder Design and~~

1 ~~Construction Standards~~, unless an equivalent tree selection is approved by the city  
2 manager. Table 9-10 of this section sets the minimum planting interval for street and  
3 alley trees. The specific spacing for each development is dependent upon tree type ~~(for a~~  
4 ~~list of tree species in each type, see Approved Street Tree List, in the City of Boulder~~  
5 ~~Design and Construction Standards)~~ and existing conditions as identified in this section  
6 or an equivalent approved by the city manager.

7 ...  
8 (e) Understory Planting, Water Conservation, and Irrigation: Except where planted in tree  
9 grates, all required street trees in the landscape strip shall be planted together with an  
10 irrigated understory planting that will cover the entire planting strip, except for walkways  
11 between the street and sidewalk, ~~within five years of the initial planting~~ with water  
12 conservation measures and irrigation according to the City of Boulder Landscape  
13 Manual.

14 ...  
15 ~~(g) Water Conservation and Irrigation: All streetscape plantings shall comply with the Water~~  
16 ~~Conservation and Irrigation standards as listed in Paragraphs 9-9-12(d)(14), (d)(15), and~~  
17 ~~(d)(16), B.R.C. 1981.~~

18 (gh) The street and alley tree installations shall be considered complete if the required trees  
19 survive for one year from the issuance of a certificate of occupancy or certificate of  
20 completion. The city manager is authorized to require that an applicant provide the  
21 financial guarantee consistent with the requirements of Section 9-2-21, "Required  
22 Improvements and Financial Guarantees," B.R.C. 1981. The financial guarantee will be  
23 released after one year after an inspection that confirms the tree is in good health.

#### 24 **9-9-14. – Parking Lot Landscaping Standards.**

25 ...  
26 (b) Screening Parking Lots From The Street: A parking lot screen shall be provided for  
27 parking areas adjacent to rights-of-way, in accordance with the following standards:

28 ...  
29 (2) Minimum Width: The parking lot screen shall have a minimum width as follows:

30 (A) In all zones except the DT, BMS, IMS, ~~and MU-3,~~ and MU-4 zones, the  
31 minimum width of a parking screen shall be the same as the applicable  
32 minimum front or side yard setback requirement for the zone district in  
33 which the parking area is located, except that it must not be less than five  
34 feet in zone districts having smaller minimum front or side yard setback  
35 requirements.

(B) In the DT, BMS, IMS, ~~and MU-3,~~ and MU-4 zones, the parking lot  
screening requirement can be met by any one of the following:

1 ...

2 **9-9-15. – Fences and Walls.**

3 (a) Purpose: The purpose of this section is to:

- 4 (1) Regulate the installation of fences, hedges, and walls to provide safety and  
5 security as well as visual barriers, while minimizing the impacts that result from  
6 fence location and height. A fence, hedge, or wall, which includes retaining walls,  
7 columns, posts, piers, or similar structures, or any combination of such structures,  
8 is permitted if it meets the standards of this section, in addition to the  
9 requirements of Section 9-9-7, “Sight Triangles,” B.R.C 1981, and Chapter 10-5,  
10 “Building Code,” B.R.C 1981; and  
11 (2) Prevent and deter the spread of wildfire through use of fire-resistant materials  
12 near structures in areas of the city that are at high risk for wildfire spread.

13 (b) Location Standards: A fence, hedge, or wall, which includes retaining walls, columns,  
14 posts, piers, or similar structures, or any combination of such structures, is permitted if it  
15 meets the standards of this section, in addition to the requirements of Section 9-9-7,  
16 “Sight Triangles,” and Chapter 10-5, “Building Code,” B.R.C 1981. A fence, hedge, or  
17 wall is permitted if it meets the following conditions:

- 18 (1) Location on Property: No fence, hedge, or wall shall extend beyond or across a  
19 property line, unless an agreement with the abutting property owner is obtained;  
20 and  
21 (2) Location Near Sidewalks: No fence or wall is placed nearer than eighteen inches  
22 to any public sidewalk.

23 ...

24 (c) Height Standards: A maximum of seven feet in height is permitted for any individual  
25 fence, wall, hedge, or any combination thereof located within three feet of each other and  
located on the same property (see Figure 9-10), except as otherwise permitted by this  
section.

...

(2) Exceptions:

...

- (B) Fences and Walls Located on or within Three Feet of a Property Line: A  
fence, wall, hedge, or any combination thereof located within three feet of  
each other and located on or within three feet of a property line, may be  
permitted up to a maximum of twelve feet in height, provided that the  
abutting property owners are in joint agreement and the height does not  
exceed seven feet when measured from the highest ~~evaluation~~ elevation of  
grade within three feet of either side of the property line. In no event shall

1 such a fence, wall, hedge, or combination thereof exceed twelve feet in  
2 height (see Figure 9-13).

3 (e) Wildland Urban Interface (WUI) Compliance for Fences and Walls: Newly  
4 constructed fences and walls of any height, including gates or arbors, that are on a  
5 lot or parcel within the WUI area shall comply with the requirements of Chapter  
6 8.5, "Wildland Code," of Title 10, "Structures," B.R.C. 1981.

7 (f) Variances and Interpretations: The requirements of this section may be varied by  
8 the city manager subject to the provisions of Subsection 9-9-7(e), and Section 9-  
9 2-3, "Variances and Interpretations," B.R.C. 1981. Decisions by the city manager  
10 may be appealed to the BOZA.

11 ...  
12 **9-16-1. – General Definitions.**

13 (a) The definitions contained in Chapter 1-2, "Definitions," B.R.C. 1981, apply to this title  
14 unless a term is defined differently in this chapter.

15 ...  
16 **F-J**

17 ...  
18 Hydrozone means a portion of the irrigated landscaped area having plants with similar  
19 water needs. Each irrigated hydrozone is served by a valve or set of valves with the same  
20 irrigation schedule.

21 ...  
22 **K-O**

23 Landscaped area means any land set apart allocated to planting grass, shrubs, trees, or  
24 similar living landscape planting materials, and includes, without limitation, landscape  
25 rock and hardscaped areas— land in an arcade, such as arcades, plazas, patios, seating areas,  
courtyards, non-combustible zone areas in the wildland urban interface (WUI), or pedestrian  
areapathways—; when designed to be integrated with the landscaping, and of which fences and  
walls and seating areas may be a part. Landscaped area does not include building footprints,  
driveways, vehicular circulation, non-irrigated portions of parking lots, and decks.

Landscaping means materials, including, without limitation, grass, ground cover, shrubs,  
vines, hedges, or trees, and nonliving natural materials commonly used in landscape  
development, as well as attendant irrigation systems.

26 ...

1 Noncombustible zone means a five-foot area around a building or other structure having  
2 no vegetation and no combustible material. This definition has the same meaning as in Chapter  
3 8.5, “Wildland Code,” of Title 10, “Structures,” B.R.C. 1981.

3 ...

4 Noxious weed means a plant or parts of a plant that have been designated by rule as being  
5 noxious or has been declared a noxious weed designated by Colorado state regulations as being a  
6 state noxious weed, and meets one or more of the following criteriaan alien plant or part of an  
7 alien plant that has been designated by Colorado state regulations as being a state Noxious  
8 Weed.:

7 (1) Aggressively invades or is detrimental to economic crops or native plant  
8 communities;

8 (2) Is poisonous to livestock;

9 (3) Is a carrier of detrimental insects, diseases, or parasites; or

10 (4) The direct or indirect effect of the presence of this plant is detrimental to the  
11 environmentally sound management of natural or agricultural ecosystems.

12 **P-T**

13 ...

14 Planting strip means a linear strip of land in a streetscape, or planting area buffering from  
15 an adjacent use that is planted with landscaping consistent with Section 9-9-12, “Landscaping  
16 and Screening Standards,” B.R.C. 1981, the City of Boulder Landscape Manual, and the Boulder  
17 Approved Tree and Plant List.

17 ...

18 Shrub means a self-supporting deciduous or evergreen woody plant normally branched  
19 near the base, bushy, multi-stemmed, and normally less than fifteen feet in height at maturity as  
20 grown in Boulder County.

20 ...

21 **U-Z**

22 Understory planting means the plant materials such as turf, ornamental grasses,  
23 perennials, ground cover, or low-growing shrubs that cover the ground area under a tree in a  
24 landscaped area.

23 ...

24 Water use zone means a portion of a landscaped area having plants with similar water  
25 needs that are either not irrigated or irrigated by a circuit with the same schedule.

1 ...  
2 ~~*Xeriscape*<sup>TM</sup> means the application of a set of landscaping principles that in concert~~  
3 ~~promote water conservation. *Xeriscape*<sup>TM</sup> was trademarked by the Denver Water Board in 1981.~~

4 ...  
5 Section 5. Section 10-8.5-2, “Adoption of International Wildland-Urban Interface Code  
6 With Modification,” B.R.C. 1981, is amended to read as follows:

7 (a) The 2024 edition of the *International Wildland-Urban Interface Code* of the International  
8 Code Council is adopted by reference as the City of Boulder Wildland Code and has the  
9 same force and effect as though fully set forth in this chapter, except as specifically  
10 amended by the provisions of this chapter.

11 ...  
12 (dd) Section 603.2, “Fuel modification,” is repealed and reenacted to read as follows:

13 **603.2 Fuel modification.** ~~New B~~New buildings and new structures constructed in compliance  
14 with the conforming defensible space category (moderate hazard, high hazard, or extreme  
15 hazard) as identified within the wildland urban interface area by the code official shall  
16 comply with the applicable fuel modification distance established in Table 603.2 or with  
17 fuel modification to the lot line, whichever is less. The distances specified in Table 603.2  
18 shall be measured on a horizontal plane from the perimeter or projection of the building  
19 or structure as shown in Figure 603.2.

20 (ee) A new Section 603.2.4, “Noncombustible Zone,” is added to read as follows:

21 **603.2.4 Noncombustible Zone.** ~~All n~~New buildings with ~~habitable space~~ and all new  
22 structures shall have a noncombustible zone. Additions that are 200 square feet in floor  
23 area or greater shall have a noncombustible zone around the addition. New decks and  
24 expansions of decks shall have a noncombustible zone around the deck.

25 (ff) A new Section 603.2.5, “Fuels planted within defensible space,” is added to read as  
follows:

**603.2.5 Fuels planted within defensible space.** The following requirements apply to  
26 new and existing plants in the area ~~In areas identified for Class 1 or Class 2 ignition-~~  
27 ~~resistant construction on the wildland-urban interface area mapping, fuels planted within~~  
28 ~~the defensible space, in the area that is between 5 feet (1.5 m) from the building or~~  
29 ~~structure and the property lot line, but not to exceed 30 feet (9.1 m) in width~~ within the  
30 defensible space, shall be low flammability plants with a rating score between  
31 7.5 and 10 as identified by the Colorado State Forest Service.;

(1) For new buildings and new structures:

1 (A) New plants must be plants that are approved for this area within the wildland-  
2 urban interface area per the Boulder Approved Tree and Plant List;

3 (B) New trees must be planted such that there will be a distance of at least 10 feet  
4 between anticipated mature tree canopies of the applicable tree species;

5 (C) Existing juniper species shall be removed;

6 (D) Existing trees, other than junipers, that are not approved for this area within  
7 the wildland-urban interface area per the Boulder Approved Tree and Plant  
8 List shall be trimmed such that branches within 6 feet of the ground or the  
9 lowest one-third of the tree height, whichever is less, are removed; and

10 (E) New and existing plants near trees or structures shall be planted and trimmed  
11 to prevent tree and structure ignition by providing for at least 3 feet, vertically  
12 and horizontally, between any understory plantings and the edge of the nearest  
13 tree branches or 5 feet, vertically and horizontally, between any plantings and  
14 any structure.

15 (2) For additions 200 square feet in floor area or greater, new decks, and expansions to  
16 a deck, all new plants within the area that is between 5 feet (1.5 m) from the  
17 addition or deck and the property lot line, but not to exceed 30 feet (9.1 m) in width,  
18 within the defensible space:

19 (A) New plants must be approved for this area within the Wildland-Urban  
20 Interface area per the Boulder Approved Tree and Plant List; and

21 (B) New trees must be spaced such that there will be a distance of at least 10 feet  
22 between anticipated mature tree canopies of the applicable tree species.

23 ...

24 Section 6. Section 11-1-25.5, "Duty to Avoid Waste of Water and to Maintain Service

25 Lines and Fixtures," B.R.C. 1981, is amended to read as follows:

(a) No owner of property connected to the water utility shall fail to keep all pipes, fixtures and appliances on the property tight and in good working order so as to prevent waste of water.

...

(d) No person shall wash artificial turf, motor vehicles, trailers, boats and other types of equipment with a hose that lacks a shut-off nozzle.

(e) No person shall use water to clean outdoor impervious surfaces such as sidewalks, driveways and patios, except when cleaning with water is necessary for public health or

1 safety reasons or when other cleaning methods are impractical or inappropriate.

2 (f) It is a presumptive waste of water under this section if a customer exceeds a water budget  
3 designated by the city manager, including an adjusted or reduced water budget in the  
4 event of a drought declaration.

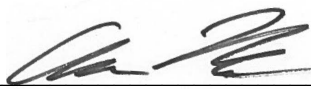
5 (g) Water applied to landscaping shall be done so in accordance with the City of Boulder  
6 Landscape Manual, as the same may be amended, and all applicable city manager rules.

7 (h) Variances. The city manager may, in the city manager's discretion, grant variances from  
8 the water use limitations pursuant to this section for individual water customers if the city  
9 manager finds that compliance will cause an undue hardship such as extreme economic  
10 impacts, health and safety considerations, or religious objections. If the city manager  
11 grants a variance, the city manager shall prescribe such reasonable conditions or  
12 requirements as are necessary to minimize adverse impacts to the city's water supply and  
13 effects upon the community. Violation of any term or condition of an exemption may  
14 result in the variance being revoked.

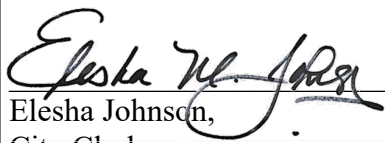
15 Section 7. This Ordinance is necessary to protect the public health, safety, and welfare  
16 of the residents of the city and covers matters of local concern.

17 Section 8. The City Council deems it appropriate that this Ordinance be published by  
18 title only and orders that copies of this Ordinance be made available in the office of the city clerk  
19 for public inspection and acquisition.

20 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
21 TITLE ONLY this 18th day of September 2025.

22   
23 \_\_\_\_\_  
24 Aaron Brockett,  
25 Mayor


26 Attest:

27   
28 \_\_\_\_\_  
29 Elesha Johnson,  
30 City Clerk


1 READ ON SECOND READING AND CONTINUED this 16th day of October 2025.

2  
3   
4 Aaron Brockett,  
Mayor

5 Attest:

6  
7   
8 Elesha Johnson,  
City Clerk


9 READ ON CONTINUED SECOND READING, AMENDED AND PASSED this 8th  
10 day of January 2026.

11   
12 Aaron Brockett,  
Mayor


13 Attest:

14  
15   
16 Elesha Johnson  
City Clerk

17 READ ON THIRD READING AND ADOPTED this 5th day of February 2026.

18   
19 Aaron Brockett,  
20 Mayor

21 Attest:

22  
23   
24 Elesha Johnson  
25 City Clerk