

## ZONING ADMINISTRATIVE POLICY

To: All CPD Zoning Practitioners and ZNIS Inspectors  
From: Jeff Brasel, Zoning Administrator  
Effective Date: December 18, 2025  
Last Revision Date: December 18, 2025  
Expiration: Upon adoption of landscape & irrigation rules and regulations that implement the Denver Resilient Landscapes project (Estimated 2026)  
Subject: Zoning Administrative Policy #2025-3: Zoning Review of Landscape Plans for Compliance with C.R.S Sections 37-99-101 -- 104 (SB 24-005/HB25-1113)

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### Background

On March 15, 2024, [Senate Bill 24-005](#) was enacted into law. This act prohibits local governments from allowing the installation, planting, or placement of *non-functional turf*, *artificial turf*, or *invasive plant species*<sup>1</sup> on commercial, institutional, or industrial property, common interest community property, or a street right-of-way, parking lot, median, or transportation corridor. In simple terms, this means that cities can no longer approve plans that include traditional turf (lawns of grass that usually need more water to flourish), *artificial turf* (fake grass), or *invasive plants* (non-native species that spread aggressively) in areas that are mostly decorative and not used for recreation. This applies to commercial or industrial properties, HOA common areas, or small areas like medians, parking lots, and tree lawns. Senate Bill 24-005 becomes applicable on January 1, 2026. Additionally, [House Bill 25-1113](#) was enacted into law and defines where *artificial turf* (fake grass) can be used and adopts definitions for which types of turf are non-functional. It allows artificial turf in areas meant for recreation—like parks or sports fields— and certain civil infrastructure projects but not in decorative or unused spaces. The act also updates the rules for how and where artificial turf can be installed. The two acts are codified in Colorado Revised Statute Sections 37-99-101 -- 104.

This policy implements changes to landscaping for affected properties in the City and County of Denver, where a project meets specific criteria. This may affect plans and permits currently under zoning review but not yet approved in certain areas and will affect zoning review of plans and permits under review on and after January 1, 2026.

This policy addresses the gap between the applicability date of January 1, 2026, for portions of SB 24-005 and HB25-1113 and the potential effective date of Denver regulations implementing the state bills after its adoption at a future date. This policy will be rescinded after new regulations are adopted.

This policy does not change the underlying landscape requirements found within Division 10.5 – Landscaping, Fence, Walls, and Screening of the Denver Zoning Code (DZC) or any landscape

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<sup>1</sup> Italicized words are defined in the key terms section of this document, beginning on page 3.

requirements in Former Chapter 59 but limits the type of landscaping that can be installed. This policy also applies to any adopted Urban Design Standards and Guidelines (UDSG) that have standards or guidelines that are contrary to adopted state law.

## Policy

Any site development plan or zoning permit application for “*applicable properties*” which proposes landscaping must comply with Colorado Revised Statutes Section 37-99-101 -- 104, regarding installation of non-invasive plant species, installation of approved turf species for both non-functional and functional landscape areas, and installation of artificial turf in non-functional and functional landscape areas.

No application shall be approved that contains plant materials that propose:

- *invasive species*,
- *artificial turf* (fake grass) in a *non-functional landscape area* (or an area that isn’t meant for active use/is more decorative)
- or the use of an approved *functional turf species* (or a grass type that is meant for active areas like sports fields) for a *non-functional landscape area* (or area that isn’t meant for active use/is more decorative)

Table 1 summarizes what is permitted in both functional and non-functional landscape areas. Please reference key definitions and plan review guidance sections later in this document for more thorough guidance.

Table 1- Permitted Landscaping per C.R.S Sections 37-99-101 -- 104

Landscape Area Type	Defined as	Landscaping Allowed
Functional Landscape Area	Landscaped area that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheaters, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough.	<ul style="list-style-type: none"> <li>• Approved functional turf species</li> <li>• Approved non-functional turf species</li> <li>• Allowed artificial turf</li> <li>• Other non-living landscape materials, such as rocks, cobblestone, and mulch.</li> </ul>
Non-Functional Landscape Area	Landscaped area or other space that is passive in nature and not intended for active use as listed in the functional landscape area definition.	<ul style="list-style-type: none"> <li>• Approved non-functional turf species</li> <li>• Other non-living landscape materials, such as rocks, cobblestone, and mulch.</li> </ul>

Applicability

This policy applies to all applications for site development plans, subdivision plats, and zoning permits that contain an *applicable property* and that meet any of the following conditions:

- The application is under active review but **not** finally approved on or before December 31, 2025, or
- The new or revised application is submitted on or after January 1, 2026.
- The application is to modify an approved application or an existing development that proposes to do any of the following:
  - Disturb more than 50% of the total landscape area
  - Include new or expanded parking area
  - Add new or expanded landscaping

**Not Subject to This Policy:**

This policy does not apply to:

- Applications for site development plans, subdivision plats, or zoning permits that receive final approval on or before December 31, 2025.
- Areas of residential properties where landscaping is maintained by individual property owners. This includes single-unit, two-unit, and multi-unit dwellings.

Key Terms and Standards

The following definitions and standards are applicable to implementation of this policy and include modified definitions from state law for the purposes of implementation of this policy as they pertain to the Denver Zoning Code or Former Chapter 59:

*Applicable property* means any zone lot that contains a primary land use in any of the following Primary Use Classifications either as a stand-alone use or a mix of the following uses:

Denver Zoning Code	Former Chapter 59 Zoning Code
Civic, Public, & Institutional Uses	Retail, Service, Office Uses
Commercial Sales, Services, and Repair Uses	Industrial, Wholesale, Transportation, Utilities Uses
Industrial, Manufacturing & Wholesale Uses	Arts, Entertainment, Recreation, Institutions Uses
Agriculture Primary Uses limited to the following specific use types: Husbandry, Plant Plant Nursery	Construction, Mining, Agriculture Uses
Landscaping within either parking lots, rights-of-way, or medians associated with any of the primary use classifications listed above.	
Landscaping in any lots, tracts, or out lots to be owned or maintained by a unit owners association located within a common interest community, to include tracts owned and maintained by a special district or metropolitan district within a residential or commercial subdivision. Examples include entryways, parks and other common elements.	

*Approved functional turf species* means types of grasses that are not native to Colorado or are not specifically bred for dry (arid) conditions, and, when continuously planted to cover an area and mowed regularly, grow into thick, dense lawn of leaf blades and roots. *Approved functional turf species* include all *approved non-functional turf species* plus the following:

- Kentucky Bluegrass, including blends and hybrids
- Tall fescue
- Fine fescue
- Perennial ryegrass
- Texas hybrid bluegrass
- Hybrids of the species above, including those selected for drought or heat tolerance

*Approved non-functional turf species* means types of grasses that are native to Colorado or have been specifically bred for dry (arid) conditions, and, when continuously planted to cover an area and mowed regularly, grow into thick, dense lawn of leaf blades and roots. *Approved non-functional turf species* include:

- Buffalograss
- Blue Grama
- Buffalograss/blue gramma grass mixed
- Native shortgrass prairie mixture
- Cold-hardy or hybrid bermudagrass
- Other native and low water use grasses, including mixes

*Allowed artificial turf* means artificial turf that is:

- Located in a Functional Landscape Area, or
- A component of a product designed and approved by a professional engineer for civil infrastructure projects, including but not limited to:
  - Covers for solid waste facilities and brownfield sites
  - Revetments for slopes, channels, levees, and dams

*Artificial turf* means an installation of synthetic materials developed to resemble natural grass.

*Functional landscape area* means a landscaped area that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheaters, a portion of a park, and the playing area of a golf course, such as a driving range, chipping and putting green, tee box, green, fairway, and rough. Approved Non-Functional Turf Species, Functional Turf Species, and Allowed Artificial Turf are permitted in *functional landscape areas*.

*Invasive species* means plants that are not native to the state and are either included on the [Colorado Department of Agriculture Noxious Weed list](#) or not included in trusted native plant resources such as the [Colorado Native Plant Database](#), plantselect.org, Colorado Native Plant Society, Colorado State Extension Plant Guides, etc. A list of reference guides can be found in the [Colorado Senate Bill 24-005 Grasses and Plants Guide](#). Invasive Species are considered harmful because they can spread aggressively and disrupt local ecosystems.

*Non-functional landscape area* means a landscaped area or other space that is not a *functional landscape*

*area*. These are generally passive in nature and not intended for active use as defined in the *functional landscape area* definition. *Non-functional landscape areas* shall not be landscaped with *approved functional turf species* or *artificial turf*.

## Plan Review Guidance

### Review Steps

1. For all applicable applications, staff shall determine applicability of a project under this policy and, if subject to this policy, whether the application complies with this policy.
2. To determine applicability of a project, the reviewer will confirm that the application type and property type is subject to this policy as stated in the *applicable property* definition.
3. It is expected that staff primarily focus on turf and groundcover species and whether they are appropriately placed in either *functional or non-functional landscaped areas* based on allowed turf-species types. For other planting requirements, such as shrubs and trees, staff should rely on the design professional to certify that the landscape plan meets all requirements of C.R.S Sections 37-99-101 -- 104.
4. If the application meets the criteria described in step 2, then the reviewer shall check landscape plans for compliance with this policy by evaluating the following:
  - a. Review the plans in conformance with DZC landscape requirements.
  - b. Review the plans to confirm that proposed ground covers proposed are permitted.
  - c. If any *approved functional turf species* are identified that they are only proposed in a *functional landscape area*.
  - d. Reviewing the landscape plan for uses of artificial turf and if proposed, that they are only located in a *functional landscape area*.
  - e. For all other landscaping, confirm that the landscape designer or landscape architect has certified that the plans comply with [Colorado Revised Statutes Section 37-99-103](#) by placing and signing the landscape plan certification note on the landscape plans (see below).
5. As applicable, the reviewer will notify the applicant regarding the change in the landscaping requirements relating to this policy by including a standard plan review comment (see below), as well as any additional details regarding the law's impacts on the application, in the next review notice sent to the applicant.
6. If a project is ready for approval on or before December 31, 2025, with no other violations or comments except as related to this policy, the reviewer may approve the application without issuing the standard plan review comment.
7. For reviews that are ready for approval on or after January 1, 2026, the reviewer shall alert the applicant to the changes in city policy and state law by issuing the standard plan review comment.

### Standard Plan Review Comment

Effective January 1, 2026, [Colorado Revised Statutes Section 37-99-103](#) requires Denver to prohibit the

installation, planting, or placement of non-functional turf, artificial turf, or invasive plant species on commercial, institutional, or industrial property, common interest community property, or a street right-of-way, parking lot, median, or transportation corridor.

Your proposed development meets the criteria above for development on one of the types of property outlined in the state law. Therefore, your plans must be revised to replace non-functional turf, artificial turf, or invasive plant species with alternative plantings or other living landscaping.

Consider the following recommendations in revising your landscape plans:

- Use the Plant Select tool to learn about drought-tolerant, native landscaping options. Available at [plantselect.org](http://plantselect.org) (or other approved resource guide).
- Replace [insert prohibited turf species name] with an approved Non-Functional Turf species or other permitted living ground cover for non-functional areas. Do not replace living ground cover with impervious surfaces or hardscape (rock/cobble/pavement).
- Do not replace bluegrass or other non-functional turf with artificial turf unless it is in an approved functional landscape area.

### **Certification of compliance with CRS 37-99-103.**

When you resubmit your plans, please include this statement on the cover sheet of the plans:

I, [your name], a [your title, landscape designer/landscape architect], confirm that all plants and artificial turf proposed in these plans meet the species and location requirements of Colorado Revised Statutes Section 37-99-103.

### *Plant Species Determination and Invasive Species*

This policy contains links to trusted plant guides to help reviewers determine whether a proposed plant species is considered “invasive”; however, reviewers should also rely on the expertise and knowledge of any licensed design professionals preparing the plans. If a species is in question and is not referenced in any of the trusted plant guides, a licensed landscape architect can recommend an alternative species.

### *Actions to Implement this Policy*

1. This **policy shall be distributed** to all CPD zoning managers and supervisors whose practice areas are affected by the new law. Managers and supervisors shall inform their respective staff/teams of its contents and shall monitor staff’s compliance with the terms of this policy while it remains active. This policy will be **posted on the CPD zoning code webpage** ([www.denvergov.org/zoning](http://www.denvergov.org/zoning)) in the “Zoning Code Polices, Interpretations, and Clarifications” section under “Zoning Administrative Policies.”
2. Each zoning practice area supervisor/manager shall **use the standard plan review comment found above to alert customers** about the landscaping regulations and limitations applicable to their project under this policy. This standard plan review comment will be added to the first zoning review comment response/letter completed after this policy’s issuance.