City Council
Regular Meeting Agenda

December 2, 2025 at 6:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Melanie Potyondy, District 4
Kelly Ohlson, District 5

City Council Chambers
300 Laporte Avenue, Fort Collins
& via Zoom at
https://zoom.us/j/98241416497
Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Xfinity

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Delynn Coldiron
City Clerk

PROCLAMATIONS & PRESENTATIONS
5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring the Day of December 10th, 2025, as Human Rights Day.**

PP 2. **Declaring the Day of December 6th, 2025, as CHSSA Championship Saturday.**

REGULAR MEETING
6:00 PM

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda

- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS
(Including requests for removal of items from Consent Calendar for individual discussion.)

Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.

- Those who wish to speak are required to sign up using the online sign-up system available at:

fcgov.com/council-meeting-participation-signup/

• Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.

• All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).

• The presiding officer will determine and announce the length of time allowed for each speaker.

• Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.

• A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.

[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at fcgov.com/developmentreview, or contact the Development Review Center at 970.221.6760.]

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

1. **Consideration and Approval of the Minutes of the November 18, 2025, Regular meeting.**

   The purpose of this item is to approve the minutes of the November 18, 2025, Regular meeting.

2. **Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.**

   A. Second Reading of Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers.

   B. Second Reading of Ordinance No. 167, 2025, Updating the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.

These Ordinances, unanimously adopted on First Reading on October 21, 2025, seek Council approval of the proposed code changes. These code changes are intended to:

- Enable more housing and mixed-use buildings, especially near existing and future transit.
- Allow for more flexibility and adaptability, especially within the Harmony Corridor and Employment areas.
- Create clearer building and site design standards to promote transit use and pedestrian access.
- Improve predictability of the Land Use Code, especially to support small business owners.
- Align the Harmony Corridor plan to the proposed Land Use Code changes.

On first reading, October 21, 2025, Regular Council meeting Staff proposed second reading of these Ordinances to take place on December 2, 2025, in order to allow sufficient time for any suggested changes between first and second reading.

At First Reading on October 21, 2025, Council adopted proposed Ordinance No. 166, 2025, with one amendment to increase the maximum height limit in the Community Commercial (CC) zone district to five stories from the current four stories. The amendment is shown in Section 56 of Ordinance No. 166, 2025.

Subsequent to First Reading, the following change was made to Ordinance No. 166, 2025, to reflect an edit requested by City Council during first reading:

- **Added definition of 'Boat Sales with storage' (Boat sales with storage shall mean the use of any land for the (1) sales of watercraft or (2) the display, storing, or repair of new or used watercraft outside of an enclosed building. This use does not include temporary sidewalk, tent, or open-air sales of watercraft, any of which are accessory to a retail store and have, as applicable, been City approved.) Additionally, a conforming change was made to the existing definition of vehicle sales and leasing. The amendments are shown in Section 59.**

Additionally, Land Use Code references to Community Development and Neighborhood Services department have been changed to Planning and Development Services to reflect the recent department name update since first reading. The amendments are shown in Sections 57, 58, and 59.

3. **Second Reading of Ordinance No. 188, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.**

This Ordinance, unanimously adopted on First Reading on November 18, 2025, requests an appropriation of $23,412.80 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

4. **Second Reading of Ordinance No. 189, 2025, Adopting the 2026 Budget and Appropriating the Fort Collins Share of the 2026 Fiscal Year Operating and Capital Improvement Funds for the Northern Colorado Regional Airport.**

This Ordinance, unanimously adopted on First Reading on November 18, 2025, adopts the 2026 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2026 fiscal year operating and capital funds for the Airport. Under the Amended and Restated

Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

5. **Items Relating to Development Contributions to Transportation Capital Improvement Projects.**

A. Second Reading of Ordinance No. 190, 2025, Appropriating Prior Year Reserves for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement Project and Related Art in Public Places.

B. Second Reading of Ordinance No. 191, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the East Prospect Road – Sharp Point to I-25 Project and Related Art in Public Places.

C. Second Reading of Ordinance No. 192, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Sharp Point Drive and March Court Pedestrian Intersection Improvement Project and Related Art in Public Places.

These Ordinances, unanimously adopted on First Reading on November 18, 2025, appropriate development contributions from The Standard at Fort Collins and Liberty Common Junior High School to the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement project (Project A), the East Prospect Road – Sharp Point to I-25 project (Project B), and the Sharp Point Drive and March Court Pedestrian Intersection Improvement project (Project C). If approved, this item will:

1) appropriate $20,000 received in 2018 from The Standard at Fort Collins as a development contribution to construction near Project A;

2) appropriate $200 (1%) of the development contribution to construction to the Art in Public Places (APP) program;

3) appropriate $6,237 received in 2025 from the Liberty Common Junior High School as a development contribution to construction near Project B;

4) appropriate $62 (1%) of the development contribution to construction to the APP program;

5) appropriate $7,500 in existing capital project funds in Project B to the APP program to correct an error in a previous appropriation in 2018;

6) appropriate $52,485 received in 2025 from the Liberty Commons Junior High School as a development contribution to construction near Project C; and

7) appropriate $525 (1%) of the development contribution to construction to the APP program.

Following First Reading, language has been updated in the Boards/Commission/Committee Recommendation section, shown in bold.

6. **Second Reading of Ordinance No. 193, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations of Keep Fort Collins Great Fund Residual Balance.**

This Ordinance, unanimously adopted on First Reading on November 18, 2025, transfers the residual fund balance of The Keep Fort Collins Great (KFCG) Fund. The KFCG Fund was created

to receive the proceeds of a 0.85% voter approved sales tax that was collected from 2011 – 2020. As of October 2025, there is a residual balance in the fund of $193,938. As the fund has completed operations, it is prudent fiscal management to close the fund, which requires a transfer of the residual fund balance.

7. **Second Reading of Ordinance No. 194, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Magpie Meander Natural Area and Soft Gold Park and a Temporary Construction Easement on Soft Gold Park to Willox Development Partners, LLC.**

This Ordinance, unanimously adopted on First Reading on November 18, 2025, conveys a drainage easement to Willox Development Partners, LLC ("WDC") across Soft Gold Park ("Soft Gold") and Magpie Meander Natural Area ("Magpie Meander") and a temporary construction easement on Soft Gold. The Willox Farm project is a proposed residential development located immediately north of Soft Gold and Magpie Meander. The proposed drainage easement alignment follows an existing drainage swale that carries stormwater from parcels north of the City-owned land into a remnant oxbow of the Poudre River. The temporary construction easement on Soft Gold will primarily provide for the installation of a City-owned public underground electric transmission line that will serve the new development and construction of a paved trail segment.

8. **Second Reading of Ordinance No. 195, 2025, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.**

This Ordinance, unanimously adopted on First Reading on November 18, 2025, updates City Code to modify the Contracted Residential Waste Collection Program to give the City Manager the authority to approve annual rate increases above 3% that are agreed upon following the method established in the contract and to set a deadline for annual rate increase approval.

9. **First Reading of Ordinance No. 196, 2025, Making a Supplemental Appropriation of Unanticipated Revenue for Payment of Contingency Fees.**

The purpose of this item is to appropriate funding authority in the General Fund to make the required fee payment for the recovery of an insurance settlement benefitting the City.

10. **First Reading of Ordinance No. 197, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.**

The purpose of this item is to request an appropriation of $25,023.67 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

11. **First Reading of Ordinance No. 198, 2025, Making Supplemental Appropriations from the Colorado Division of Criminal Justice for Restorative Justice Services and Approving a Modification to an Intergovernmental Grant Agreement with the Colorado Division of Criminal Justice.**

The purpose of this item is to appropriate $4,000 of unanticipated grant revenue from the Colorado Division of Criminal Justice Juvenile Diversion Fund awarded for the period of July 1, 2025 – June 30, 2026. This grant supports the Restorative Justice programs in the Housing and Community Vitality Department in Sustainability Services and approves the corresponding modification to the City's intergovernmental agreement with the State of Colorado.

Restorative Justice Programs (Programs) are part of the City's Conflict Transformation Works team, which also provide mediation services. The Programs will provide restorative justice services as an accountability option for 35 youth referred from the 8th Judicial District Attorney's Office.

12. **First Reading of Ordinance No. 199, 2025, Authorizing a Transfer of Appropriated Matching Grant Funds for the Colorado Parks and Wildlife Grant Related to the Soapstone Prairie Headwaters Restoration Project.**

The original appropriation ordinance omitted the need for authorization to move in kind personnel costs from a lapsing budget within the Natural Areas Fund into a non-lapsing budget within the same fund. The original explanation is as follows:

The purpose of this item is to support the Natural Areas Department (NAD) in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project (Project) aims to improve ecological function and habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex;

- Create seven pools using beaver dam analog wood structures to support amphibian habitat;

- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing; and

- Include Native and Indigenous community members in restoration planting activities.

NAD was awarded $25,500 through the Colorado Parks and Wildlife (CPW) Wetlands for Wildlife grant (**Attachment 1**). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.

This Ordinance will enable the NAD to complete the Project and fulfill final monitoring and reporting obligations under the CPW grant.

13. **First Reading of Ordinance No. 200, 2025, Amending the Code of the City of Fort Collins to Rename the Cultural Services Department as the Arts and Culture Department and Rename the Cultural Services and Facilities Fund as the Arts and Culture Fund.**

The purpose of this item is to amend City Code to officially rename the Cultural Services Department as the Arts and Culture Department and to rename the Cultural Services and Facilities Fund as the Arts and Culture Fund. This update reflects the department's evolving role in supporting community cultural programs, public arts initiatives, facilities, and partnerships, while better aligning the department's name with its mission and the City's broader arts and culture objectives. The name change will also coincide with the department's website transition on December 10, 2025, providing a consistent public-facing identity across all communications and platforms.

14. **First Reading of Ordinance No. 201, 2025, Amending Chapter 9, Article I of the Code of the City of Fort Collins for the Purpose of Updating Local Amendments to the 2024 International Fire Code.**

The purpose of this item is to modify the City's local amendments to the 2024 International Fire Code (IFC), adopted earlier this year.

15. **Public Hearing and First Reading of Ordinance No. 202, 2025, Adopting an Update to Appendix C of the Larimer County Urban Area Street Standards Pertaining to "Streetscape Standards" for the City of Fort Collins.**

The purpose of this item is to seek City Council adoption of Ordinance No. 202, 2025, which replaces the "City of Fort Collins Streetscape Standards" document that is Appendix C to the Larimer County Urban Area Street Standards (LCUASS). The current version was last adopted by City Council on February 26, 2013. The newly adopted version will have the same title.

The Streetscape Standards relate to the treatment of parkways (between the curb and sidewalk), medians, intersections, roundabouts, and key gateway intersections. The update primarily involves addressing requirements of Senate Bill 24-005 (Prohibit Landscaping Practices for Water Conservation), concerns for City maintenance staff and public safety, and concerns about increasing maintenance costs.

Policy revisions to the LCUASS require a public hearing process for their adoption (LCUASS Section 1.6.2.A). Under Section 2(g) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148, "[i]tems for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements." Comments on a Public Hearing item on the Consent Calendar may be made during general public comment or the item may be withdrawn for individual consideration by a Councilmember or the City Manager.

16. **First Reading of Ordinance No. 203, 2025, Amending Section 20-102 of the Code of the City of Fort Collins for the Purpose of Adjusting Snow and Ice Removal Requirements.**

The purpose of this item is to update the requirements for snow removal from sidewalks within the City to allow for up to two inches of snow accumulation.

17. **First Reading of Ordinance No. 204, 2025, Amending Section 20-42 of the Code of the City of Fort Collins for the Purpose of Adjusting Weed and Grass Removal Requirements.**

The purpose of this item is to update the maximum height for weeds and unmowed grasses from six inches to nine inches.

18. **First Reading of Ordinance No. 205, 2025, Authorizing an Intergovernmental Agreement with Housing Catalyst to Assign Certain City Property Rights.**

The purpose of this item is to authorize the City to assign its rights of first refusal and offer under HB24-1175 by entering into an intergovernmental agreement with Housing Catalyst. HB24-1175 gives local governments rights of first refusal and offer to purchase qualifying multifamily properties for the purpose of providing long-term affordable housing or mixed-income development. It also allows local governments to assign those rights to a local housing authority. Assigning the City's rights to Housing Catalyst will create a more streamlined and timely process for Housing Catalyst to respond to opportunities to purchase.

19. **First Reading of Ordinance No. 206, 2025, Making a Supplemental Appropriation from Benefits Fund Prior Year Reserves for Unanticipated Expenditures.**

The purpose of this item is to request supplemental appropriations of $1,000,000 from the Benefits Fund to cover unanticipated medical claims expenses that could potentially exceed 2025 budgeted appropriations.

The City's Benefits Plan is a self-funded health plan in which premiums from both the employee and employer are recorded as revenue in the Benefits fund to pay for plan administration, medical/dental claims, and insurance premiums.

20. **First Reading of Ordinance No. 207, 2025, Authorizing an Intergovernmental Agreement with Larimer County Relating to an Exchange of Real Property on East Vine Drive and Real Property on Mountain Avenue and Allow for Construction of a Municipal Court or Payment.**

The purpose of this item is to authorize an intergovernmental agreement to exchange real property with Larimer County and allow for construction of a municipal court.

21. **First Reading of Ordinance No. 224, 2025, Amending Section 2-31 of the Code of the City of Fort Collins Concerning Allowing Executive Sessions to Discuss Any Matter Authorized by Colorado Open Meetings Law.**

The purpose of this item is to amend City Code that describes the bases for City Council executive sessions to add language approved by Fort Collins voters in the November 4, 2025, election. The additional basis for City Council executive sessions is to discuss any matter authorized by Colorado Open Meetings Law.

22. **First Reading of Ordinance No. 225, 2025, Making a Supplemental Appropriation for the Poudre Fire Authority Intergovernmental Agreement.**

The purpose of this item is to appropriate funding authority in the General Fund to enable the completion of contractual payments to the Poudre Fire Authority (PFA) from higher than forecasted Use Tax revenue within Fiscal Year 2025.

23. **Resolution No. 2025-105, Regarding the Northern Colorado Water Alliance.**

The purpose of this item is to adopt the guiding principles of the Northern Colorado Water Alliance (Alliance), of which the City of Fort Collins is a participating member, along with approximately sixteen other Northern Colorado entities and municipalities. The Alliance works to identify water-related challenges that could benefit from broad collaboration and action. This includes identifying ways to keep water in Northern Colorado to support the vitality, resilience, and well-being of Northern Colorado communities, rather than allowing the unimpeded purchase and transfer of these limited water resources to the Denver metro area or other communities outside of the region. The Alliance principles serve as a guide for member organizations as opportunities emerge to engage on this issue.

24. **Resolution 2025-106 Authorizing an Intergovernmental Agreement with Larimer County to Acquire 1303 North Shields Street.**

The purpose of this item is to seek Council approval of the acquisition of 1303 N. Shields Street, and the associated intergovernmental agreement with Larimer County. Larimer County and the City have executed a purchase and sale agreement for conveyance of the property that is contingent upon Council approval.

25. **Resolution 2025-107 Establishing a Process for City Council Selection and Appointment of a District 6 Councilmember to Fill a Vacancy Due to the Election of Emily Francis as Mayor.**

The purpose of this item is to establish the process to be used in filling a vacancy in the District 6 Council seat. Mayor Pro Tem and District 6 Councilmember Emily Francis will vacate the seat when she is sworn in as Mayor on January 13, 2026.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

K) CONSENT CALENDAR FOLLOW-UP (This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)

L) STAFF REPORTS

M) COUNCILMEMBER REPORTS

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- Mayor introduced the item number and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests public comment on the item (three minute limit for each person)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak**.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

26. **First Reading of Ordinance No. 208, 2025, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.**

The purpose of this item is to amend City Code to establish the 2026 compensation of the Chief Judge. Council met in executive session on November 25, 2025, to conduct the performance review of Chief Judge Jill Hueser and to review the salary market analysis for this position.

27. **First Reading of Ordinance No. 209, 2025, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.**

The purpose of this item is to amend City Code to establish the 2026 salary of the City Manager. Council met in executive session on November 25, 2025, to conduct the performance review of City Manager Kelly DiMartino and to review the salary market analysis for this position.

28. **First Reading of Ordinance No. 210, 2025, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.**

The purpose of this item is to amend City Code to establish the 2026 compensation of the City Attorney. Council met in executive session on November 25, 2025, to conduct the performance review of City Attorney Carrie Daggett and to review the salary market analysis for this position.

29. **Items Related to the Adoption of the 2024 International Codes, the 2023 National Electric Code, and the 2025 Colorado Wildfire Resiliency Code, with local amendments.**

A. First Reading of Ordinance No. 211, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Building Code and Adopting the 2024 International Building Code, with Amendments.

B. First Reading of Ordinance No. 212, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Energy Conservation Code and Adopting the 2024 International Energy Conservation Code, with Amendments.

C. First Reading of Ordinance No. 213, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Residential Code and Adopting the 2024 International Residential Code, with Amendments.

D. First Reading of Ordinance No. 214, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Existing Building Code and Adopting the 2024 International Existing Building Code, with Amendments.

E. First Reading of Ordinance No. 215, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Swimming Pool and Spa Code and Adopting the 2024 International Swimming Pool and Spa Code, with Amendments.

F. First Reading of Ordinance No. 216, 2025, Amending Chapter 5, Article II, Division 3 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Property Maintenance Code and Adopting the 2024 International Property Maintenance Code, with Amendments.

G. First Reading of Ordinance No. 217, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Mechanical Code and Adopting the 2024 International Mechanical Code, with Amendments.

H. First Reading of Ordinance No. 218, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fuel Gas Code and Adopting the 2024 International Fuel Gas Code, with Amendments.

I. First Reading of Ordinance No. 219, 2025, Amending Chapter 5, Article V, Division 1 of the Code of the City of Fort Collins for the Purpose of Repealing the Colorado Plumbing Code and adopting the 2024 International Plumbing Code, with Amendments.

J. First Reading of Ordinance No. 220, 2025, Amending Chapter 5 of the Code of the City of Fort Collins for the Purpose of Adopting the 2025 Colorado Wildfire Resiliency Code and Appendices, with Amendments.

K. First Reading of Ordinance No. 221, 2025, Amending Chapter 5, Article III of the Code of the City of Fort Collins for the Purpose of Repealing the 2020 National Electrical Code and adopting the 2023 National Electrical Code, with Amendments.

L. First Reading of Ordinance No. 222, 2025, Amending the Land Use Code of the City of Fort Collins to Add Wildfire Resiliency Landscaping Requirements.

The purpose of this item is to adopt the 2024 International Codes (2024 I-Codes) and the 2023 National Electric Code, which represent the most up-to-date, comprehensive, and fully integrated body of codes regulating building construction and systems using prescriptive and performance-related provisions. The purpose of the 2024 I-Codes is to establish minimum construction requirements to safeguard the public health, safety, and general welfare by regulating structural strength and stability, sanitation, light and ventilation, energy conservation, and property protection from hazards attributed to the built environment within the City of Fort Collins.

The 2024 I-Codes will replace the 2021 editions which were adopted by the City on April 5, 2022 (2021 I-Codes). The I-Codes are reviewed and voted on by code officials and construction industry professionals from across the country and published every three years under the oversight of the *International Code Council (ICC)*. These core 2024 I-Codes represent the latest construction publications from the ICC.

This item also includes ordinances to adopt the 2025 Colorado Wildfire Resiliency Code, which is an adaptation of the 2024 International Wildland-Urban Interface Code published by the ICC.

30. **First Reading of Ordinance No. 223, 2025, Repealing Article XI, Chapter 12, of the Code of the City of Fort Collins Pertaining to Building Energy and Water Scoring and Reenacting Article XI, Chapter 12 as Benchmark and Building Performance.**

The purpose of this Ordinance is to repeal Article Chapter 12, Article XI of the City Code and reenact Chapter 12, Article XI as the Building Benchmark and Performance. Policy framework recommendations and modifications to Chapter 12 include adding the Building Performance Standards (BPS) Program. Over several years, staff has co-developed a policy that balances our unique community needs and forward climate action. This ordinance requires commercial buildings over 10,000 square feet (sq. ft.) to take action to meet established Energy Use Intensity (EUI) targets for specific building types or meet a reduction target, identified as a percentage EUI reduction. Staff has adjusted the policy based on recent feedback. This BPS program aligns with the 2024-2026 adopted City Council priorities and the Our Climate Future plan.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) OTHER BUSINESS

OB 1. **Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.**

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

OB 2. **Consideration of a Motion to Call a Special Meeting on Tuesday, January 13, 2025:**

"I move that the City Council call a special meeting pursuant to Section 2-29 of the City Code to be held at 6:00 pm on Tuesday, January 13, 2025, for the purposes of:

- public comment about outgoing Councilmembers,
- outgoing Councilmember comments,
- swearing in and seating of new Councilmembers,
- selection of Mayor Pro Tem,
- consideration of resolutions for outgoing Councilmembers,
- discussion and possible action to determine the pool of applicants to be interviewed for a vacancy appointment to the District 6 Councilmember seat, and
- possible consideration and action to adjust to the process to fill the District 6 vacancy."

OB 3. **Consideration of a Motion to Call a Special Meeting on Wednesday, January 14, 2025**:

"I move that the City Council call a special meeting in Council Chambers pursuant to Section 2-29 of the City Council at 8:30 pm on January 14, 2025, or immediately following a special work session to be held at 6:00 pm, for the purpose of:

- taking public comment on the interviewed applicants for the District 6 appointment,
- discussion and consideration of the applications and qualifications of the applicants, and
- consideration of a resolution making an appointment to fill the District 6 vacancy."

OB 4. **Consideration of a Motion for Executive Session on Water Topics:**

"I move that the City Council go into executive session, pursuant to:

- City Charter Article Two, Section Eleven, Subsection Five, and
- Colorado Revised Statutes Section 24-6-402 subsection (4)(e)(I);

for the purposes of discussing with the appropriate City staff:

- The City's position on new and existing water storage project opportunities subject to negotiations, developing strategy for those negotiations, and instructing negotiators; and
- The City's position on water supply arrangements for certain properties in northeast Fort Collins that are subject to negotiations, developing strategy for those negotiations, and instructing negotiators."

R) ADJOURNMENT

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.

File Attachments for Item:

PP 1. Declaring the Day of December 10th, 2025, as Human Rights Day.

PROCLAMATION

WHEREAS, the Universal Declaration of Human Rights was adopted by the United Nations on December 10, 1948; and

WHEREAS, it was the first time a document declaring human rights and fundamental freedoms was adopted by an international organization, and it continues to have universal value in defending and advancing people's rights; and

WHEREAS, the United States of America's commitment to individual freedom and democracy provides the foundation for our society and the Bill of Rights serves to guide our people and our government to ensure basic human rights and liberties; and

WHEREAS, as a community, we are committed to upholding these principles and making Fort Collins a place where all community members may voice their opinions, practice their faith, and enjoy the blessings of freedom; and

WHEREAS, our community will find encouragement in rallying together to defend human rights. By working together to advance the rights of all people, we will help to build mutual trust and harmony for all individuals in our community.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim December 10, 2025, as

HUMAN RIGHTS DAY

in the city of Fort Collins and hereby encourage all community members, businesses, and institutions to recognize Human Rights Day 2025 by observing our nation's Bill of Rights and pledging to uphold the universal principles of liberty and justice that define our dreams and shape our hopes as we face the challenges of a new era.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of December, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

File Attachments for Item:

PP 2. Declaring the Day of December 6th, 2025, as CHSSA Championship Saturday.

PROCLAMATION

WHEREAS, the Colorado High School Activities Association (CHSAA) will host two state championship football games in Fort Collins on December 6, 2025, an event known as Championship Saturday presented by Canvas Credit Union; and

WHEREAS, this marks an exciting season in which state championship games return, bringing athletes, coaches, bands, spirit teams, families, and fans from across Colorado; and

WHEREAS, Championship Saturday will shine a spotlight on the entire Fort Collins community, showcasing not only outstanding athletic competition but also the spirit of camaraderie, pride, and celebration that unites individuals from across the state; and

WHEREAS, CHSAA, founded in 1921, includes 373 high schools, serving more than 257,000 students and engaging over 185,000 fans annually through its activities and events; and

WHEREAS, CHSAA provides students with meaningful educational and extracurricular opportunities that foster growth, teamwork, and leadership, helping them achieve success both in and beyond the classroom; and

WHEREAS, Canvas Credit Union, founded in 1938, has served Colorado communities for more than 88 years and continues to demonstrate a deep commitment to improving the lives of its members and neighbors through financial education, philanthropy, and heart-led service; and

WHEREAS, Championship Saturday presented by Canvas Credit Union exemplifies the strong and growing partnership between CHSAA and Canvas Credit Union, reflecting the shared values of community, excellence, and opportunity that define the City of Fort Collins and its residents.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the 6th day of December, 2025 as,

CHAMPIONSHIP SATURDAY
PRESENTED BY CANVAS CREDIT UNION

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of December, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

File Attachments for Item:

1. Consideration and Approval of the Minutes of the November 18, 2025, Regular meeting.

The purpose of this item is to approve the minutes of the November 18, 2025, Regular meeting.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Cecilia Good, Senior Deputy City Clerk

SUBJECT

Consideration and Approval of the Minutes of the November 18, 2025, Regular meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the November 18, 2025, Regular meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, November 18, 2025

November 18, 2025

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS
5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring the Day of November 18, 2025, as GIS Day.**

PP 2. **Declaring the Day of November 20, 2025, as Transgender Day of Remembrance.**

PP 3. **Declaring the Day of November 29, 2025, and the entire holiday season as Small Business Season.**

PP 4. **Declaring the Month of October, 2025, as Domestic Violence Awareness Month.**

PP 5. **Declaring the Year of 2025 as the 100th Anniversary of Poudre Valley Hospital.**

Mayor Jeni Arndt presented the above proclamation at 5:00 p.m.

REGULAR MEETING
6:00 PM

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the regular meeting to order at 6:02 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

ABSENT
Councilmember Susan Gutowsky

STAFF PRESENT
City Manager Kelly DiMartino
City Attorney Carrie Daggett
Senior Deputy City Clerk Cecilia Good

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, including:

- No changes to the published agenda.
- Items 1-18 on the Consent Calendar are recommended for adoption.
- One discussion item.
- Consideration of a motion to call a Special Meeting for next Tuesday, November 25th, to conduct the annual performance reviews.
- Work Session will follow the General Improvement District meetings at the conclusion of the regular meeting.

F) COMMUNITY REPORTS – None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS *(Including requests for removal of items from Consent Calendar for individual discussion.)*

Gary Jones urged Council to keep the EPIC gate closed for safety and commented on witnessing a child being killed by a distracted driver.

Rich Stave provided observations about waste collection billing and utility rates.

Natalie Barnes discussed the increased traffic that opening the EPIC gate would cause, particularly impacting those who are visiting the Edora Veterans Memorial.

Christina Swope, representing the Air Quality Advisory Board, requested Council reconsider the changes to Building Performance Standards and follow the original staff proposal.

Maggie Baldwin opposed opening the EPIC gate. She stated competing facilities are opening in the surrounding area and attracting events to their venues, resulting in fewer events at EPIC which reduces the need to change traffic in the area.

Ezriah Shteir discussed safety issues with the bike lanes around the Boardwalk and Harmony turn lane and explained how the repainted lanes and signage increase the chance of a collision.

Public comment concluded at 6:24 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Canonico thanked the speakers and requested input from staff regarding Mr. Shteir's comments. Dana Hornkohl, Engineering Director, replied he would reach out to the Streets Department regarding the issue and have staff meet with Mr. Shteir.

Councilmember Potyondy thanked the speakers and requested additional information about the EPIC gate. City Manager DiMartino explained that no official decision has been made and that the City is completing a traffic study in the area. Once the study is completed, staff will engage with the neighborhood to discuss options. She added that a webpage will be set up to share information.

Community Services Director Dean Klingner noted that the gate has historically been used only during large events when school is not in session. He emphasized that more work needs to be done and that no formal proposal has been put forward.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. **Consideration and Approval of the Minutes of the November 3, 2025, Regular meeting.**

   The purpose of this item is to approve the minutes of the November 3, 2025, Regular meeting.

   Approved.

2. **Second Reading of Ordinance No. 176, 2025, Being the Annual Appropriation Ordinance for the Fort Collins Downtown Development Authority Relating to the Annual Appropriations for the Fiscal Year 2026 and Fixing the Mill Levy for the Downtown Development Authority for Fiscal Year 2026.**

   This Ordinance, unanimously adopted on First Reading on November 3, 2025, sets the Downtown Development Authority ("DDA") Budget.

   The following amounts will be appropriated:

   - *DDA Public/Private Investments & Programs: $14,170,326*
   - *DDA Operations & Maintenance: $1,659,200*
   - *Revolving Line of Credit Draws: $11,000,000*
   - *DDA Debt Service Fund: $11,431,611*

   The Ordinance sets the 2026 Mill Levy for the Fort Collins DDA at five (5) mills, unchanged since tax year 2002. The approved Budget becomes the Downtown Development Authority's financial plan for 2026.

   Adopted on Second Reading.

3. **Items Related to 2026 Utility Rates & Fees.**

   A. Second Reading of Ordinance No. 177, 2025, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Electric Rates, Fees and Charges.

   B. Second Reading of Ordinance No. 178, 2025, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Water Rates, Fees and Charges.

   C. Second Reading of Ordinance No. 179, 2025, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Wastewater Rates, Fees and Charges.

   D. Second Reading of Ordinance No. 180, 2025, Amending Chapter 26 of the Code of the City of Fort Collins to Revise Stormwater Rates, Fees and Charges.

   These Ordinances, unanimously adopted on First Reading on November 3, 2025, propose 2026 Utility Rates for Council consideration, which align with the 2026 City Manager's Recommended

Budget. Monthly utility rates are proposed to increase 6% for electric customers, 9% for water customers, 8% for wastewater customers, and 6% for stormwater customers.

Staff attended the October 14 Council Work Session to discuss 2026 Rates and Fees prior to bringing forward the following rate ordinances for adoption.

All Ordinances Adopted on Second Reading.

4. **Second Reading of Ordinance No. 181, 2025, Adopting the 2026 Classified Employee Pay Plan.**

This Ordinance, unanimously adopted on First Reading on November 3, 2025, recommends the 2026 Classified Employee Pay Plan. Classified jobs are grouped according to job functions, a business practice commonly used by both the public and private sectors. Pay ranges are developed by career group (management, professional, administrative, operations and trades) and level for each job function. The result of this work is a Classified Employee Pay Plan which sets the minimum, midpoint and maximum pay ranges for the level within each career group and function. Actual employee pay increases are awarded through a separate administrative process in accordance with the budgeted amount approved by Council.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 182, 2025, Adopting the 2026 Larimer County Regional Transportation Capital Expansion Fee Schedule.**

This Ordinance, unanimously adopted on First Reading on November 3, 2025, adopts the 2026 Larimer County Regional Transportation Capital Expansion Fee Schedule.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 183, 2025, Amending Section 26-149 of the Code of the City of Fort Collins Regarding Annual Water Allotments for Nonresidential Water Services with Permits Issued Before March 1, 1984.**

This Ordinance, unanimously adopted on First Reading on November 3, 2025, seeks approval for revising the methodology for how annual water allotments for nonresidential customers with permits issued before March 1, 1984, are calculated prior to applying excess water use surcharges (surcharges) for these customers on December 1, 2025. Annual water allotments (allotments) are a volume of water measured from December 1 to November 30 each year.

Nonresidential customers that received a tap prior to March 1, 1984, were not initially assigned an allotment, even after the City began assigning new nonresidential customers with allotments on March 1, 1984. Per Ordinance 152, 2024, allotments were assigned to these customers on December 1, 2024, using a hybrid methodology that assigned the greater of either the tap credit or average annual water use (based on historical use from years 2019 through 2023). Surcharges were not to be applied until December 1, 2025, allowing affected customers time to adjust water use to their allotment, if needed. It also allowed time for customers to ask questions and provide input to staff. After receiving and discussing feedback, staff is recommending revising the hybrid methodology in City Code Section 26-149 (e) to assign allotments based on the greater of the tap credit or average historical use increased by one-half of a standard deviation to account for variability in weather, patronage, revolving tenants, or other factors.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 184, 2025, Making Supplemental Appropriations and Authorizing the Transfer of Appropriations for the Colorado Department of Transportation E-Ticket and E-Crash Systems Projects Grant.**

This Ordinance, unanimously adopted on First Reading on November 3, 2025, appropriates $171,613 of unanticipated grant revenue from the Colorado Department of Transportation's Section 405C Grant Program and $45,737 from Police Admin General Funds for the Enhancing E-Ticket and E-Crash Systems Project.

This item also requests an exception to the competitive bid process for the purchase of an enhanced E-ticket and E-crash system from Tyler Technologies. Approval of this exception may be used as authorized in City Code Section 8-161(d)(4) as the basis for the City Manager and the Purchasing Agent to negotiate and agree to the additional purchase of Software as a Service (SaaS) and related services from Tyler Technologies without further Council approval. This additional work would be added to an existing contract and would expand on an existing system, using compatible technology available from the current vendor.

Exception to Competitive Bidding Rationale: Code Section 8-161(d)(1)(c). A particular material or service is required to maintain interchangeability or compatibility as part of an existing integrated system.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 185, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves for the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund to Support the Front Range Passenger Rail Planning Study.**

This Ordinance, unanimously adopted on First Reading on November 3, 2025, enables the City to receive and expend Energy/Mineral Impact Assistance Fund (EIAF) Grant funds through the Colorado Department of Local Affairs (DOLA) for the Front Range Passenger Rail Planning Study.

The funds will be used to conduct a planning study for a proposed Front Range Passenger Rail system in alignment with the Service Plan Development work being conducted by the Front Range Passenger Rail District. If approved, the ordinance will appropriate $200,000 in EIAF grant funds, $125,000 in City of Fort Collins match, and $75,000 in City of Loveland match for a total of $400,000 to the project.

An update has been made to the City Financial Impact section of the Agenda Item Summary.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 186, 2025, Being the Annual Appropriations Ordinance Relating to the Annual Appropriations, and Amending the Budget, for the Fiscal Year Beginning January 1, 2026, and Ending December 31, 2026; and Fixing the Mill Levy for Property Taxes Payable in 2026.**

This Ordinance, unanimously adopted on First Reading on November 3, 2025, amends the adopted 2026 Budget. This Ordinance sets the amount of $843,306,077 to be appropriated for fiscal year 2026. This appropriated amount does not include what is also being separately appropriated pursuant to Council/Board of Director actions to adopt the 2026 budgets for the General Improvement District (GID) No. 1 of $381,296, the 2026 budget for GID No. 15 (Skyview) of $1,000, the Urban Renewal Authority (URA) 2026 budget of $7,166,316 and the Downtown

Development Authority 2026 budget of $38,261,137. The sum of all of these Ordinances results in City-related total appropriations of $889,115,826 for 2026. This Ordinance also sets the property tax year 2025 City mill levy, to be collected in 2026, at 9.797 mills; this mill levy rate has not changed since 1991.

Adopted on Second Reading.

10. **Second Reading of Ordinance No. 187, 2025, Making a Supplemental Appropriation and Appropriating Prior Year Reserves for the Construction of the Southeast Community Center and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on November 3, 2025, appropriates $9.5M from the Community Capital Improvement Project (CCIP) Fund to the Capital Project Fund for the Southeast Community Center (SECC) Project and for the Art in Public Places (APP) Program. This appropriation provides funding to the Recreation Department for the design and construction of a LEED Gold Community Recreation Center in southeast Fort Collins.

Adopted on Second Reading.

11. **First Reading of Ordinance No. 188, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.**

The purpose of this item is to request an appropriation of $23,412.80 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

Adopted on First Reading.

12. **First Reading of Ordinance No. 189, 2025, Adopting the 2026 Budget and Appropriating the Fort Collins Share of the 2026 Fiscal Year Operating and Capital Improvement Funds for the Northern Colorado Regional Airport.**

The purpose of this item is to adopt the 2026 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2026 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

Adopted on First Reading.

13. **Items Relating to Development Contributions to Transportation Capital Improvement Projects.**

A. First Reading of Ordinance No. 190, 2025, Appropriating Prior Year Reserves for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement Project and Related Art in Public Places.

B. First Reading of Ordinance No. 191, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the East Prospect Road – Sharp Point to I-25 Project and Related Art in Public Places.

C. First Reading of Ordinance No. 192, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Sharp Point Drive and March Court Pedestrian Intersection Improvement Project and Related Art in Public Places.

The purpose of this item is to appropriate development contributions from The Standard at Fort Collins and Liberty Common Junior High School to the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement project (Project A), the East Prospect Road – Sharp Point to I-25 project (Project B), and the Sharp Point Drive and March Court Pedestrian Intersection Improvement project (Project C). If approved, this item will:

1) appropriate $20,000 received in 2018 from The Standard at Fort Collins as a development contribution to construction near Project A;

2) appropriate $200 (1%) of the development contribution to construction to the Art in Public Places (APP) program;

3) appropriate $6,237 received in 2025 from the Liberty Common Junior High School as a development contribution to construction near Project B;

4) appropriate $62 (1%) of the development contribution to construction to the APP program;

5) appropriate $7,500 in existing capital project funds in Project B to the APP program to correct an error in a previous appropriation in 2018;

6) appropriate $52,485 received in 2025 from the Liberty Commons Junior High School as a development contribution to construction near Project C; and

7) appropriate $525 (1%) of the development contribution to construction to the APP program.

All Ordinances Adopted on First Reading.

14. **First Reading of Ordinance No. 193, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations of Keep Fort Collins Great Fund Residual Balance.**

The Keep Fort Collins Great Fund (KFCG Fund) was created to receive the proceeds of a 0.85% voter approved sales tax that was collected from 2011 – 2020. As of October 2025, there is a residual balance in the fund of $193,938. As the fund has completed operations, it is prudent fiscal management to close the fund, which requires a transfer of the residual fund balance.

Adopted on First Reading.

15. **First Reading of Ordinance No. 194, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Magpie Meander Natural Area and Soft Gold Park and a Temporary Construction Easement on Soft Gold Park to Willox Development Partners, LLC.**

The purpose of this item is to convey a drainage easement to Willox Development Partners, LLC ("WDC") across Soft Gold Park ("Soft Gold") and Magpie Meander Natural Area ("Magpie Meander") and a temporary construction easement on Soft Gold. The Willox Farm project is a proposed residential development located immediately north of Soft Gold and Magpie Meander. The proposed drainage easement alignment follows an existing drainage swale that carries stormwater from parcels north of the City-owned land into a remnant oxbow of the Poudre River. The temporary construction easement on Soft Gold will primarily provide for the installation of a

City-owned public underground electric transmission line that will serve the new development and construction of a paved trail segment.

Adopted on First Reading.

16. **First Reading of Ordinance No. 195, 2025, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.**

The purpose of this item is to update City Code to modify the Contracted Residential Waste Collection Program to give the City Manager the authority to approve annual rate increases above 3% that are agreed upon following the method established in the contract and to set a deadline for annual rate increase approval.

Adopted on First Reading.

17. **Resolution 2025-102 Authorizing the Execution of a Funding Agreement with Volunteers of America for a Loan of Funds from the Affordable Housing Capital Fund for Switchgrass Crossing.**

The purpose of this item is to approve an agreement with Volunteers of America (VOA) through which the VOA will access $1.4 million from the City's Affordable Housing Capital Fund in the Community Capital Improvement Program (CCIP) to support a new age-restricted, income-restricted housing development (Switchgrass Crossing). CCIP funds have been appropriated for the general purpose of supporting affordable housing development; this item authorizes the City to enter a funding agreement with VOA.

Adopted.

18. **Resolution 2025-103 Concerning Implementation of Standards for Electric Vehicle Charger Permitting.**

The purpose of this item is to adopt a resolution to comply with the requirements of House Bill (HB) 24-1173. This house bill was passed in 2024 and requires all municipalities with a population of 10,000 or more to adopt an ordinance or resolution based on one of three compliance options related to Electric Vehicle (EV) charger permitting. After reviewing the compliance options, staff determined that the existing approach to EV chargers within the Land Use Code and building code permitting process meets the standards proposed in compliance options #1 and #2. Based on these findings, staff has recommended compliance option #3, which is to adopt an ordinance or resolution that the City intends to utilize our existing permitting process, as the preferred option.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-18 on the Consent Calendar.

The motion carried 6-0.

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Councilmember Ohlson commented on Item No. 13, *Items Relating to Development Contributions to Transportation Capital Improvement Projects*, and suggested the item go before all appropriate

Boards and Commissions in a timely manner prior to the design of the Prospect Road improvements, particularly the Transportation Board and Land Conservation and Stewardship Board.

L) STAFF REPORTS – None**.**

M) COUNCILMEMBER REPORTS

Councilmember Tricia Canonico

- Attended the Business Appreciation Celebration Breakfast, which was also the kickoff to Shop Local in Fort Collins

Councilmember Melanie Potyondy

- Attended a van tour of northeast Fort Collins hosted by City staff
- Celebrated the 30th anniversary of the Art in Public Places program on November 8th

Mayor Jeni Arndt

- Thanked the voters who participated in the recent election and noted there was a 48% municipal turnout. She noted both tax measures were passed and congratulated the incoming Mayor and Councilmembers who will take office on January 13th. She also commended the work of the County Clerk and City Clerk on ranked voting.

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

19. **Resolution 2025-104 Directing Staff to Take Such Efforts and Actions Which May be Required to Enhance Funding from Estimated Revenues from the 2015 Community Capital Improvement Program for Affordable Housing.**

The purpose of this item is to direct City staff to move forward with the work necessary to prepare and ultimately present to Council the actions needed to enhance the funding for the Affordable Housing Fund Project in the voter-approved Community Capital Improvement Program (CCIP) based on forecasted CCIP sales and use tax revenues and estimated as $5 million.

Caleb Weitz stated this Resolution is being brought forward for consideration in response to the discussion at the meeting two weeks ago about providing formal direction on dedicating the remaining projected CCIP reserves for affordable housing. He noted the current projection for that amount is estimated to be $5 million.

PUBLIC PARTICIPATION

Rich Stave asked about the funding for Volunteers of America.

COUNCIL QUESTIONS/DISCUSSION

Mayor Pro Tem Francis clarified the Volunteers of America item, *Resolution 2025-102 Authorizing the Execution of a Funding Agreement with Volunteers of America for a Loan of Funds from the Affordable Housing Capital Fund for Switchgrass Crossing*, was adopted on the Consent Calendar. She thanked staff for the quick turnaround on this issue to earmark the funds for affordable housing.

Mayor Pro Tem Francis moved, seconded by Councilmember Ohlson, to adopt Resolution 2025-104 Directing Staff to Take Such Efforts and Actions Which May be Required to Enhance Funding from Estimated Revenues from the 2015 Community Capital Improvement Program for Affordable Housing.

The motion carried 6-0.

Q) OTHER BUSINESS

OB 1. **Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.**

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

OB 2. **Consideration of a Motion to Call a Special Meeting on Tuesday, November 25, 2025:**

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, that City Council call a special meeting pursuant to Section 2-29 of the City Code to be held at 6:00 p.m. on Tuesday, November 25, 2025, for the purpose of considering a motion to go into executive session to conduct the annual performance reviews of the Council's direct report employees.

The motion carried 6-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 6:40 p.m.

Clerk's Note: The GID #1 Meeting immediately followed the adjournment of the regular meeting.

_____
Mayor

ATTEST:

_____
City Clerk

DRAFT

File Attachments for Item:

2. Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.

A. Second Reading of Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers.

B. Second Reading of Ordinance No. 167, 2025, Updating the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.

These Ordinances, unanimously adopted on First Reading on October 21, 2025, seek Council approval of the proposed code changes. These code changes are intended to:

Enable more housing and mixed-use buildings, especially near existing and future transit.

Allow for more flexibility and adaptability, especially within the Harmony Corridor and Employment areas.

Create clearer building and site design standards to promote transit use and pedestrian access.

Improve predictability of the Land Use Code, especially to support small business owners.

Align the Harmony Corridor plan to the proposed Land Use Code changes.

On first reading, October 21, 2025, Regular Council meeting Staff proposed second reading of these Ordinances to take place on December 2, 2025, in order to allow sufficient time for any suggested changes between first and second reading.

At First Reading on October 21, 2025, Council adopted proposed Ordinance No. 166, 2025, with one amendment to increase the maximum height limit in the Community Commercial (CC) zone district to five stories from the current four stories. The amendment is shown in Section 56 of Ordinance No. 166, 2025.

Subsequent to First Reading, the following change was made to Ordinance No. 166, 2025, to reflect an edit requested by City Council during first reading:

Added definition of 'Boat Sales with storage' (Boat sales with storage shall mean the use of any land for the (1) sales of watercraft or (2) the display, storing, or repair of new or used watercraft outside of an enclosed building. This use does not include temporary sidewalk, tent, or open-air sales of watercraft, any of which are accessory to a retail store and have, as applicable, been City approved.) Additionally, a conforming change was made to the existing definition of vehicle sales and leasing. The amendments are shown in Section 59.

Additionally, Land Use Code references to Community Development and Neighborhood Services department have been changed to Planning and Development Services to reflect the recent department name update since first reading. The amendments are shown in Sections 57, 58, and 59.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Sylvia Tatman-Burruss, Senior Policy & Project Manager
Megan Keith, Senior Planner
Noah Beals, Development Review Manager

SUBJECT

Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers.

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- Allow for more flexibility and adaptability, especially within the Harmony Corridor and Employment areas.
- Create clearer building and site design standards to promote transit use and pedestrian access.
- Improve predictability of the Land Use Code, especially to support small business owners.
- Align the Harmony Corridor plan to the proposed Land Use Code changes.

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Additionally, Land Use Code references to Community Development and Neighborhood Services department have been changed to Planning and Development Services to reflect the recent department name update since first reading. The amendments are shown in Sections 57, 58, and 59.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Land Use Code (LUC) Update: Commercial Corridors and Centers, focuses on changes along major roadways with frequent bus service to encourage more housing and mixed-use development, create more resilient commercial and employment centers, and improve predictability through site design standards and clear site improvement requirements.

Foundational Land Use Code Changes

Several foundational LUC changes were adopted by Council on April 16, 2024. These include:

- Reorganized content so the most used information is first in the code
- Reformatted zone districts with consistent graphics, tables, and illustrations
- Created a menu of building types and form standards to guide compatibility
- Updated use standards, rules of measurement, and definitions to align with new building types and standards
- Expanded and re-calibrated incentives for affordable housing
- Regulate density through form standards and building types instead of dwelling units per acre
- In addition to the Foundation Land Use Code Changes adopted in 2024, there are similar changes being made with this round of code updates. Those include:
- Reorganizing and consolidating portions of the code, most notably in Articles 4 and 5
- Simplifying text within the LUC and using tables and illustrations where possible
- Clarifying rules of measurement for and standards for commercial development
- Clarifying, simplifying, and codifying micro- minor- and major-amendment standards

The desire for these changes to simplify the process toward greater clarity and predictability within the development review process were expressed during public engagement, most specifically within the Focus Group conversations. These changes, in addition to the changes detailed below, are meant to result in a more predictable and simplified process in applying the LUC, especially in Commercial and Employment areas.

State Legislation

Several bills were passed last year through the state legislature that will affect local Land Use Policy. Some compliance work related to these bills is ongoing, and some of these requirements have already been addressed as LUC updates within the last year.:

HB-1313 Housing in Transit-Oriented Communities:

This bill requires the establishment of a Housing Opportunity Goal and ongoing reporting to ensure a minimum zoned housing capacity along high frequency transit corridors. In addition, the bill requires communities to review and permit multifamily and mixed-use projects in transit areas without requiring a public hearing and to develop anti-displacement strategies. The City has complied with the first deadline to submit a preliminary transit-oriented community assessment report on or before June 30, 2025, and this Preliminary Housing Opportunity Goal was accepted by the Department of Local Affairs (DOLA). Transit Center analysis will take place following the Commercial Corridors and Centers Land Use Code updates. This report is due to DOLA by December 31, 2026.

HB-1152 Accessory Dwelling Units:

This bill required updating our Land Use Code to permit Accessory Dwelling Units (ADUs) wherever we allow single-family detached homes. As of February 14, 2025, the LUC was updated to be compliant with HB-1152.

HB-1304 Minimum Parking Requirements:

This bill required updates to the Land Use Code to remove minimum parking requirements for multi-family and certain mixed-use projects close to transit. As of February 15, 2025, the LUC is compliant with HB-1304.

Policy Foundation

Code updates are complex, multifaceted efforts that build on years of previous planning work. The LUC is the City's primary regulatory tool for implementing our community's vision as described in various policies and adopted plans. The City has over 300 pages of adopted policies and information to inform the LUC Updates that primarily come from the following documents:

- City Plan
- Housing Strategic Plan (HSP)
- Economic Health Strategic Plan
- Our Climate Future (OCF)
- Transit Master Plan
- 15-Minute City Analysis
- Land Use Code Audit (which identified opportunities to align LUC with the newly adopted City Plan)
- Council Priorities (affordable and achievable housing strategies; 15-minute communities)
- Urban Forest Strategic Plan

Relevant Council Priorities

- Council Priority No. 1: Operationalize City resources to build and preserve affordable housing
- Council Priority No. 3: Advance a 15-minute city by igniting neighborhood centers

- Council Priority No. 4: Pursue an integrated, intentional approach to economic health
- Council Priority No. 8: Advance a 15-minute city by accelerating our shift to active modes

These documents and priorities serve as primary inputs to the formation of Guiding Principles and code language, augmented by work accomplished in Phase 1 of the LUC update. Staff have been engaging internal staff and providing monthly updates at work sessions with the Planning & Zoning Commission.

Guiding Principles

The following Guiding Principles were developed utilizing goals, policies and action items from the adopted policy plan documents mentioned above, in addition to Council priorities.

- Enable more housing and mixed-use buildings, especially along roads with frequent bus service
- Create resilient commercial and employment centers that are adaptable to future needs
- Create clearer building and site design standards that promote transit use, walking, and rolling along roads with frequent bus service
- Improve Predictability of the Land Use Code, especially to support small business owners

COMMERCIAL CORRIDORS AND CENTERS LAND USE CODE CHANGES

Focus areas for Land Use Code updates have been identified based on Guiding Principles, community input, and analyses conducted by the consultant team and City staff. These project focus areas are presented in four categories including:

- Transit-Oriented Development (TOD) Overlay
- Harmony Corridor & Employment Zones
- Building Types & Design Standards
- Change of Use & Amendments

Transit Oriented Development Overlay Changes

Corresponding Guiding Principle: Enable more housing and mixed-use buildings, especially along roads with frequent bus service

The Purpose of the Transit-Oriented Development Overlay District is to modify the underlying zone districts along College Avenue south of Prospect Road to encourage denser development, and supportive land uses close to transit. The TOD Overlay offers height bonuses if projects meet various criteria. These criteria include building affordable units (at least 10%), including structured parking, and including mixed-use. Height bonuses are meant to incentivize greater density in certain areas. Most of the underlying zone district south of Prospect Road within the TOD Overlay is General Commercial.

Example: A 4-story building is currently allowed in General Commercial zoning (CG). With the TOD Overlay Zone Incentives, up to a 7-story building would be allowed if all incentives were used.

Standalone Residential

- Although the TOD Overlay encourages higher-intensity mixed-use development, most of the built and proposed development and redevelopment in this area continues to be suburban in character and generally low-intensity uses.
- Testing the various potential configurations for market feasibility reveals that most configurations to include mixed-use, even with the additional height allowances, do not achieve a feasible internal rate

of profitability return that would make a developer willing to take on a project. Primarily, costs of construction and low commercial rents disincentivize building more floors.

- Only with tax increment financing does the prospect of adding the additional 3 floors allowed within the TOD Overlay and a ground floor commercial component begin to achieve a feasible internal rate of return.

However, a test scenario to assume one-story additional height allowance (5-story residential building) without a mixed-use component is found to be the most market feasible development type available today. Based on these findings, a change related to height allowance is included in the recommended LUC changes

TOD Allowed Uses

Another reason why the development pattern within the TOD Overlay continues to be low-density and auto centric could be the land uses that are allowed by the LUC. Permitted land uses in the TOD currently include gas stations, self-storage, drive-thru restaurants, drive-thru pharmacies, car washes, drive-thru banks & credit unions, and stand-alone parking lots, amongst others. Auto-centric uses are already concentrated within most of the TOD Overlay, particularly in the area south of Prospect Road. Additional concentration of these uses makes it more difficult to achieve the dense, mixed-use environment as envisioned by the TOD Overlay.

Staff recognize that the existing function and conditions of College Avenue/Highway 287 as a state highway are partially at odds with the vision for both the TOD overlay as well as how City Plan and other policy plans envision this area. For this reason, staff considered many approaches when formulating recommendations related to the TOD overlay. Options under consideration and shared during community engagement included:

- Make no changes to allowed uses within the TOD Overlay
- Limit all new auto-centric uses within the TOD Overlay
- Limit certain auto-centric uses with geographic parameters (such as distance requirements between uses, or distance from MAX stations)
- Introduce additional design standards to influence the form and design of future auto-centric uses

Through these conversations, staff, community members, and focus group participants also recognized that there are many different contexts within the TOD Overlay. For example, the character of the area surrounding the College and Prospect intersection is much different than the context of College Avenue south of Harmony Road. And although all of these areas within the TOD Overlay are envisioned to become transit-oriented, mixed-use places over time, there could be more readiness for a larger shift in the northern portion of the TOD overlay closer to the CSU campus and closer to Downtown. For these reasons, staff initially proposed subdividing the TOD overlay into multiple Zones A, B, and C to respond to the existing context within the corridor. However, when presented to City Council, Councilmembers provided feedback that breaking the TOD overlay into subareas would cause greater confusion and add complexity. Therefore, the recommendations related to uses are as follows:

Recommended LUC and Policy Changes – TOD Land Uses

- Limit new Gasoline Stations (gas stations) within 1000’ of MAX Stations, other existing gas stations, and Convenience Stores with Fuel Sales within the entire TOD Overlay
- Prohibit new enclosed mini-storage use in entire TOD Overlay
- Prohibit new boat sales with storage use in entire TOD Overlay

Parking

Community engagement for this project thus far has documented a large volume of comments about the amount of existing surface parking provided by many of the commercial developments across Fort Collins, but particularly in the TOD overlay. Currently in the Land Use Code, there is a parking minimum and a parking maximum that must be met by non-residential uses. Like the topic of the TOD Overlay, many different scenarios related to parking were considered and discussed. Some options under consideration and shared during community engagement included:

- Keep parking minimums and maximums as-is
- Lower parking minimums and/or lower parking maximums
- Eliminate parking minimums for non-residential uses in the TOD
- Eliminate parking minimums for non-residential uses citywide (including the TOD)

Recommended LUC and Policy Changes – TOD Parking

- Within the entire TOD:
  - Eliminate parking minimums
  - Revise existing maximums to apply to surface parking lots only and set the maximum contiguous surface parking lot allowance at 2.0 acres, inclusive of circulation and landscaping
  - Require parking lots larger than one acre to be bounded on multiple sides by “streets” that are designed/function as public streets with street trees and sidewalks

Harmony Corridor & Employment Zone Changes

Corresponding Guiding Principle: Create resilient commercial and employment centers that are adaptable to future needs

The Harmony Corridor District is intended to implement the design concepts and land use vision of the Harmony Corridor Plan - that of creating an attractive and complete mixed-use area with a major employment base. The Harmony Corridor Plan was adopted in 2006 as an element of City Plan. “Primary” and “Secondary” uses were established to emphasize the office and employment functions of the area. While this has served the area well in the past, market conditions have shifted away from large office parks and demand for residential and smaller retail has increased.

Current Standards:

In addition to defining Primary and Secondary Uses within the Harmony Corridor, the LUC defines ratios of Primary versus Secondary Uses for development plans as follows:

- Secondary Uses may occupy no more than 25% of the Gross Area of the Development Plan
- Locate industries and businesses in areas designated for Primary Uses.
- Primary uses must account for 75% of the development plan area.

Primary Uses:

- Offices, financial services & clinics
- Long term care facility
- Medical centers/clinics
- Light industrial

Secondary Uses:

- Residential uses (with some exceptions)
- Convenience shopping centers
- Standard restaurants
- Limited indoor recreation use and facility

- Mixed-use Dwellings
- And Others
- Child Care Centers
- And Others

Staff considered a variety of options related to the primary and secondary use ratios and presented these options for community consideration. These options included preserving the ratio as-is in order to strongly preserve the employment base, adjusting the ratio to allow more flexibility (50:50), or consider eliminating the ratio entirely. Staff also discussed other ratios, like 60:40 primary/secondary use balance, or multiple other combinations.

Community engagement and focus group engagement showed strong preference to introduce more flexibility, but there were differing opinions on how far to go towards flexibility. Testing various market feasibility scenarios revealed that housing is the most economically viable type of development in these zones – much stronger than the current market for new office development. Achieving a greater supply of housing also aligns with Council Priorities and with other City goals. However, preserving some areas as an employment base align with economic health Council priorities and other city policy priorities as well. For these reasons, recommended LUC changes include allowing more flexibility by adjusting the primary/secondary use ratios in Harmony Corridor zoning and Employment zoning to 50:50. This balances the desire for a greater mix of uses with the desire to maintain the opportunity for local jobs and industry.

Building Types & Design Standards

Corresponding Guiding Principle: Create clearer building and site design standards that promote transit use, walking, and rolling along roads with frequent bus service

The LUC currently does not include non-residential building types. This often results in a lack of clarity for development teams regarding design standards and can sometimes lead to project delays and miscommunication.

Article 5 of the LUC (General Development and Site Design) includes the standards that influence building placement and site design, building standards, circulation and connectivity standards, bus stop design standards, etc. – standards that influence the pedestrian, multi-modal, and transit experience.

Form standards and building types (like the diagrams added during Phase 1 of the LUC update) can yield better design outcomes and can help achieve more predictability in built projects.

Article 5 of the LUC was not updated in the last round of code updates and contains redundant sections that could be clarified, simplified, and possibly eliminated with the addition of building types.

Change of Use & Amendments

Corresponding Guiding Principle: Improve predictability of the Land Use Code, especially to support small business owners

The Change of Use process is used in a variety of situations, including for existing business spaces that are changing from one allowable use (ex: retail shop) to another (ex: restaurant). Often the requirements are meant to identify both areas of necessary site improvements (ex: sidewalks and lighting) that are commensurate with the change of site intensity (ex: more visitors at different times of the day).

Current standards do not offer clearly defined boundaries for the extent of site improvements. The onus is then placed on staff to decide on the level of requirements for a Change of Use process. These requirements are often based on site deficiencies rather than other factors, such as actual changes to site intensity or the magnitude of the project (ex: major site reconfiguration or a major change in site use intensity).

SUMMARY OF PROPOSED CHANGES

The following tables summarize the LUC recommendations by category.

Table 1: All Proposed TOD Recommendations

Recommendation Number	Recommendation
TOD 1	Allow 5-story standalone residential within the General Commercial zone
TOD 2	Limit new Gasoline Stations (gas stations) within 1000' of MAX Stations, other existing gas stations, and Convenience Stores with Fuel Sales
TOD 3	Prohibit new enclosed mini-storage use in entire TOD Overlay
TOD 4	Prohibit new boat sales with storage use in entire TOD Overlay
TOD 5	Eliminate parking minimums in the entire TOD Overlay but retain maximums for surface parking. Set a maximum contiguous surface parking lot allowance at 2.0 acres, inclusive of circulation and landscaping. Introduce additional site design standards such as requiring parking lots to be bound on at least two sides by streets (public and/or private)

Table 2: All Proposed Harmony Corridor and Employment Recommendations

Recommendation Number	Recommendation
HC/E 1	Adjust to a 50:50 primary/secondary use split
HC/E 2	Allow standalone residential to replace existing parking lots (will not count towards ratio)
HC/E 3	Codify primary/secondary use split calculation methodology
HC/E 4	Allow primary use exceptions for mixed-use buildings when: • Primary uses occupy at least 25% of the ground floor • Non-residential secondary uses may occupy 100% of the ground floor
HC/E 5	Allow residential buildings to be a maximum of six (6) stories in HC zone (increased from 3 stories)
HC/E 6 (added by City Council)	Allow Affordable Housing Projects to be exempt from the primary/secondary use split

Table 3: All Proposed Building Types and Design Standards Recommendations

Recommendation Number	Recommendation
BTDS 1	Add Non-Residential Building Types 'Shopfront' and 'General' to the Land Use Code. Shopfront Building Type replaces existing Mixed-Use Building Type
BTDS 2	Consolidate, clarify and update standards within Land Use Code Articles 3 and 5 (see draft code for specific changes)
BTDS 3	Convert text standards to illustrations and tables whenever possible (see draft LUC for specific changes)

Table 4: All Proposed Change of Use & Amendments Recommendations

Recommendation Number	Recommendation
CU 1	• Created new tables that outline proposed exterior and interior changes that determine amendment type • Tables cover No Amendment, Micro and Parkway Landscape Amendment, Minor Amendment, and Major Amendment
CU 2	Created a new table that lists site improvements, and which are applicable based on amendment type.

HARMONY CORRIDOR PLAN & HARMONY CORRIDOR STANDARDS AND GUIDELINES

The Harmony Corridor Plan and Harmony Corridor Standards and Guidelines are companion documents originally adopted in the early 1990's that guide development along the Harmony Road corridor between College Avenue and I-25. These documents are responsible for the vision of an employment-focused corridor and the origination of requirements in the Harmony Corridor (HC) zone district requiring a minimum of 75% primary employment land uses in much of the zone district.

With the proposed Commercial Corridors and Centers Land Use Code updates, staff is proposing updates to the Harmony Corridor Plan and Standards and Guidelines documents to ensure continued consistency between these policy and regulatory documents. The most substantive content change is updating policy LU-2 in the Corridor Plan and Chapter V in the Standards and Guidelines to indicate that at least 50% of land uses in the 'Basic Industrial and Non-Retail Employment Activity Centers' areas of the corridor must be primary uses, down from 75%. In addition, the narrative for these policies now reflects the proposed LUC exceptions for mixed-use dwellings containing ground floor non-residential uses as well as affordable housing projects.

In addition to this content change, both documents also incorporate changes to chapters and policies related to the Gateway Area of the Harmony Corridor near I-25. City Council approved a number of changes to the Gateway Area in 2020 by ordinance; however, these changes have not yet been fully incorporated to the entire Harmony Corridor Plan and Standards and Guidelines documents until now.

Finally, both documents have also been updated and modified in minor ways for formatting purposes and to reflect the usage of newer City logos and terms. Such changes include:

- Updating City logos
- Replacing 'Planning and Zoning Board' with the 'Planning and Zoning Commission'
- Incorporation and/or substitution of Gateway Area policies and chapters adopted by City Council in 2020
- Updating chapter numbers and repagination throughout both documents after 2020 Gateway Area changes were incorporated
- Update amendment dates on relevant chapters and the list of adopting ordinances and resolutions at the end of each document

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Planning and Zoning Commission Hearing met on October 16. The Commissioners had some questions and one recommendation (that 6.3.10.A. does not result in an outcome that is more restrictive than the language currently stated in Code) which will be addressed in the Read Before Memo which provided to Council prior to the 10/21 meeting. Staff noted there may be an opportunity between first and second reading to refine some of the language discussed by P&Z. As a result, scheduling second reading in November may not allow sufficient time for staff to develop and recommend any amendments following first reading.

PUBLIC OUTREACH

- **Ongoing Engagement:**
    - Monthly newsletter updates to project newsletter subscribers
    - Adding new content to OurCity page
- **Neighborhood Visits: Various dates, October 4 – October 14, 2024**
    - In October, the City of Fort Collins held six neighborhood visits with over 50 participants, one in each council district, as part of the Land Use Code Commercial Corridors and Centers updates. These events provided residents with an opportunity to learn how the LUC has influenced their neighborhoods, including the places where they work, shop, and spend time.
    - In advance of the neighborhood visits, the OurCity website had an interactive map feature that allowed participants to make specific comments on places throughout the community that they both liked or disliked and why. This information helped focus and inform LUC changes that influence the built environment. For example, many comments focused on surface parking lots and the pedestrian experience within a parking lot. These insights were helpful in developing recommended LUC changes and standards for parking lot design.
- **Business Kickoff Event: October 23, 2024**
    - In partnership with the Fort Collins Chamber of Commerce, the City hosted a business engagement kickoff event to educate participants about the LUC and to share the ways that businesses could engage with the City to help guide these important policy decisions.

- **Community Forum: November 18, 2024**
    - The community forum featured City staff providing an overview of the LUC update, similar to what was shared with participants of the neighborhood visits. Staff also shared insights gathered from the community during neighborhood visits, the business kickoff event, and the interactive project map. The presentation highlighted key learnings from the LUC update. Following the presentation, a Q&A session allowed attendees to ask questions and share their thoughts.
- **Focus Groups: January and June 2025**
    - Focus Groups were convened in both January and June 2025. Participants were asked at the first session to share their thoughts and experiences interacting with the LUC. At the second session, a similar group of participants provided feedback on the direction of LUC updates and whether they were addressing identified issues or challenges with the LUC.
- **April Open Houses:**
    - City staff hosted both a virtual and in-person open house April 7th and April 9th respectively. The purpose of these events was to give community members the opportunity to provide input on the direction of the draft code updates and help shape updates to the LUC.
- **LUC Draft Release: September 2025**
    - The public draft of the LUC was released for review in early September. The draft was available to view on the City's website, along with the ability to submit comments via email to project staff. Open comment on the public review draft continued through early October, allowing it to be available to review for over one month.
    - Project staff hosted office hours at 281 N. College during the month of September on Mondays and Wednesdays, or by appointment, to discuss the LUC changes with project staff.
- **Draft Code Testing Sessions: October 2025**
    - In early October, frequent LUC users were invited to participate in a code testing session to apply the proposed code changes in a real project setting. This testing of the draft code helps identify gaps or further refinements that are needed. The group identified some potential adjustments to the proposed code, as well as some ideas for future code updates. The potential adjustments that could be made within the current draft code include:
        - Additional language to clarify how height bonuses can be combined within the Transit Oriented Development Overlay
        - Include additional drive-through diagrams that depict a drive-through configuration for a corner lot (newly added example shows a mid-block configuration). It was suggested that additional example imagery would be helpful to convey the various ways the standards can be met.
        - Suggestion to label the building types diagrams with 'primary frontage' and 'secondary frontage' rather than 'primary street' and 'side street'. This was suggested to allow more flexibility to determine the primary frontage based on site context and project considerations.
        - Include additional imagery under the General building type to depict buildings that meet the standard and are aspirational.

ATTACHMENTS

First Reading attachments available in October 21, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 166, 2025
2. Ordinance No. 167, 2025

ORDINANCE NO. 166, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE OF THE CITY OF FORT COLLINS REGARDING COMMERCIAL CORRIDORS AND CENTERS

A. The City of Fort Collins, as a home-rule municipality, is authorized by Article XX, Section 6 of the Colorado Constitution, the provisions of state statutes, and its City Charter to develop and implement policies and ordinances regulating the development of land within the City.

B. In 2024, City Council approved Ordinance 055, 2024, with an effective date of May 27, 2024, to adopt the current Land Use Code by reference to replace the previous Land Use Code originally adopted in 1997.

C. When the current Land Use Code was adopted, City Council and staff understood that the Land Use Code would be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document responsive to community needs and changing conditions.

D. The Land Use Code amendments set forth in this Ordinance focus on updating the Transit-Oriented Development (TOD) Overlay, the Harmony Corridor and Employment zone districts, building types and design standards, changes of use and amendments, and additional clarifications and corrections of existing Land Use Code provisions.

E. On October 16, 2025, the Planning and Zoning Commission recommended to City Council on a 6-0 vote (Bruxvoort absent) that City Council adopt the Land Use Code amendments set forth in this Ordinance.

F. City Council has determined that adoption of the amendments set forth in this Ordinance is in the best interests of the city and promote the general public health, safety, and welfare.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. ARTICLE 1 GENERAL PURPOSE AND PROVISIONS, DIVISION 1.2 TITLE, PURPOSE, AND AUTHORITY Section 1.2.1, PURPOSE is hereby amended to read as follows:

1.2.2 Purpose

The purpose of this Code is to improve and protect the public health, safety, and welfare by furthering one or more of the following considerations with respect to proposed development:

(A) Ensuring that all growth and development which occurs is consistent with this Code, and in general alignment with City Plan and its adopted elements, including, but not limited to, the Structure Plan, Principles and Policies, and associated sub-area plans.

(B) Implementing the vision of the Housing Strategic Plan that everyone in Fort Collins has healthy, stable housing they can afford.

(C) Supporting *Our Climate Future* goals to reduce energy consumption and greenhouse gas emissions, provide renewable electricity, and achieve zero waste.

(D) Encouraging innovation and responsive design solutions in land development and redevelopment.

(E) Fostering the safe and efficient use of the land, the city's transportation infrastructure, and other public facilities and services.

(F) Ensuring the provision of adequate public facilities and services such as transportation (streets, bicycle routes, sidewalks and mass transit), water, wastewater, storm drainage, fire and emergency services, police, electricity, open space, recreation, and public parks.

(G) Avoiding the inappropriate development of lands and providing for adequate drainage and reduction of flood damage.

(H) Encouraging efficient and functional patterns of land use which decrease reliance on automobile travel and encourage trip consolidation.

(I) Increasing public safety, availability, and access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.

(J) Minimizing adverse impacts of development on natural systems and the environment.

(K) Improving the design, quality and character of development.

(L) Fostering a more integrated and purposeful development pattern that incorporates a resilient balance of uses.

(M) Encouraging appropriate development and redevelopment within established areas.

(N) Encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages, abilities, and income levels.

The purpose statements set forth in this Section and all other purpose statements set forth in this Land Use Code are not intended to be interpreted or applied as binding standards, terms, conditions, requirements, or procedures pursuant to Section 1.2.4 or otherwise, unless specifically referenced in the Land Use Code including but not limited to Sections 6.8.2 and 6.14.4, and only to the extent the purpose statements in this Section reasonably apply in consideration of the specific context. Purpose statements are solely intended to provide guidance in the interpretation and application of the accompanying Land Use Code standards that have been adopted to implement the purposes described in such statements.

Section 2. ARTICLE 1 GENERAL PURPOSE AND PROVISIONS, DIVISION 1.2 TITLE, PURPOSE, AND AUTHORITY Section 1.2.4, APPLICABILITY is hereby amended to read as follows:

1.2.4 Applicability

The provisions of this Code shall apply to any and all development of land, as defined in Article 7 of this Code, within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this Code. For example, this Code is meant to complement and not override or substitute for the requirements of Chapter 14 of the Code of the City of Fort Collins regarding landmarks. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code. However, (1) purpose statements set forth in this Code, and (2) City Council adopted policy plans, including but not limited to City Plan and its adopted elements or sub-area plans, are not intended to establish applicable terms, conditions, requirements, standards or procedures, unless explicitly identified and specified otherwise in this Code. Instead, purpose statements and Council adopted policy plans are solely intended to provide guidance in the interpretation

and application of the accompanying Land Use Code standards that have been adopted to implement the purposes described in such statements.

. . .

Section 3. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.2 UE Urban Estates District is hereby amended to read as follows:

. . .

The following building types are permitted in the UE District:

BUILDING TYPES	LOT SIZE	LOT WIDTH	BUILDING HEIGHT	ADDITIONAL REQUIREMENTS
Detached House (Urban & Suburban)	21,780 ft^2 (1/2 Acre) min.	100' min.	3 Stories max.	Only one detached house on a lot, may include one (1) ADU
Duplex	21,780 ft^2 (1/2 Acre) min.	100' min.	3 Stories max.	Only one duplex on a lot, shall not be combined with a detached house or ADU
Accessory Dwelling Unit	N/A	N/A	No taller than Detached house on the same lot	Located on the same lot with a detached house
Detached Accessory Structure	21,780 ft^2 (1/2 Acre) min.	100' min.	30' max.	Located on the same lot with a primary use
Shopfront	N/A	N/A	3 Stories max.	See other Articles
General	N/A	N/A	3 Stories max.	See other Articles
Residential Cluster	See section 3.1.10		3 Stories max.	See other Articles

. . .

Section 4. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.3 RF Residential Foothills District is hereby amended to read as follows:

. . .

The following building types are permitted in the RF District:

BUILDING TYPES	LOT SIZE	LOT WIDTH	BUILDING HEIGHT	ELEVATION	ADDITIONAL REQUIREMENTS
Detached House (Urban & Suburban)	100,000 ft² (2.29 Acres) min.	200' min.	3 Stories max.	No elevation of any building built on a lot in the RF District shall extend above five thousand two hundred fifty (5,250) feet above mean sea level.	Only one detached house on a lot, may include one (1) ADU
Accessory Dwelling Unit	N/A	N/A	No taller than Detached house on the same lot		Located on the same lot with a detached house
Detached Accessory Structure	100,000 ft² (2.29 Acres) min.	200' min.	30' max.		Located on the same lot with a primary use
General	N/A	N/A	3 Stories max.		See other Articles
Residential Cluster	See section 3.1.10		3 Stories max.		See other Articles

. . .

Section 5. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.4 RL Low Density Residential District is hereby amended to read as follows:

. . .

BUILDING TYPES

The following building types are permitted in the RL District:

BUILDING TYPES	# OF UNITS*	LOT AREA	ADDITIONAL REQUIREMENTS
Detached House (Urban & Suburban)	1 max.	The greater of 6000 ft² or three (3) times the total floor area of all buildings excluding an ADU	N/A
Accessory Dwelling Unit (Attached & Detached)	1 max.	N/A	Located on the same lot with a detached house
Detached Accessory Structure	See Section 3.1.8		Located on the same lot with and behind a detached house
General	N/A	N/A	See other Articles

*The total number of units shall not exceed one (1) Detached house **and one** (1) ADU.

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

. . .

HEIGHT SETBACK	
Upper Story Setback	Above 2 stories, a 25' m upper story setback sha apply.

Applies only to the General Building Type.

. . .

Section 6. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.5 MH Manufactured Housing District is hereby amended to read as follows:

. . .

The following building types are permitted in the MH District:

BUILDING TYPES	BUILDING HEIGHT	FOOTPRINT	ADDITIONAL STANDARDS
Mobile Home	3 Stories max.	N/A	Lot may include one (1) ADU.
Accessory Dwelling Unit (Detached & Attached)	No taller than Mobile Home on the same lot.	No greater than Mobile Home on the same lot.	Only one (1) ADU on a lot with a Mobile Home.
Detached Accessory Structure	28' max.	800 ft²	Located on the same lot with a primary use.
General	3 Stories max.	5,000 ft²	See Articles 4 and 5

. . .

Section 7. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.6 OT Old Town District is hereby amended to read as follows:

PURPOSE

The Old Town District is intended to preserve the unique history, character, and scale of the neighborhoods and buildings located adjacent to Downtown and Colorado State University (CSU). The District is divided into three (3) subdistricts intended to encourage a mix of building types and intensities as permitted by each subdistrict, which are described on the following pages. The Old Town Districts consists of the following three (3) sub-districts:

. . .

OT-A
Old Town District, Low

. . .

BUILDING TYPES

The following building types are permitted in the OT-A subdistrict:

BUILDING TYPES	UNITS *	LOT AREA	FLOOR AREA	ADDITIONAL SITE REQUIREMENT
Detached House (Urban & Suburban)	1 max.	6,000 ft² min.	2,400 ft² max.	N/A
Accessory Dwelling Unit (Attached & Detached)	1 max.	N/A	See Section 3.1.9	Located on the same lot with a Detached House
Detached Accessory Structure	See Section 3.1.8			Located on the same lot with a primary use
General	N/A	N/A	N/A	See other Articles

*The total number of units shall not exceed two (2) on a lot.

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

OT-B
Old Town District, Medium

PURPOSE
The Old Town District, Medium (OT-B) subdistrict is intended to preserve and enhance the character of existing neighborhoods that have a predominance of single-unit and low- to medium-density multi-unit housing.

BUILDING TYPES

The following building types are permitted in the OT-B subdistrict:

BUILDING TYPES	UNITS*	LOT AREA	FLOOR AREA	ADDITIONAL SITE REQUIREMENT
Detached House (Urban & Suburban)	1 max.	5,000 ft² min.	2,400 ft² max.	N/A
Duplex	2 max.	5,000 ft² min.	40% of lot area max.	N/A
Triplex	3 max.	6,000 ft² min.	70% of lot area max.	N/A
Apartment Building	4 max.	6,000 ft² min.	85% of lot area max.	N/A
Accessory Dwelling Unit (Attached & Detached)	1 max.	N/A	See Section 3.1.9	Located on the same lot with a Detached House, Duplex, or Triplex
Detached Accessory Structure	See Section 3.1.8			Located on the same lot with a primary use
General	N/A	N/A	N/A	See other Articles

*The total number of units shall not exceed four (4) units on a lot.

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

OT-C
Old Town District, High

PURPOSE
The Old Town District, High (OT-C) subdistrict is intended as a transition between Downtown, the CSU campus, and adjacent neighborhoods. OT-C supports a more intensive mix of commercial and residential land uses.

BUILDING TYPES

The following building types are permitted in the OT-C subdistrict:

BUILDING TYPES	UNITS	LOT AREA	FLOOR AREA	ADDITIONAL SITE REQUIREMENT
Detached House (Urban & Suburban)	1 max.	4500 ft² min.	2,400 ft² max.	N/A
Duplex	2 max.	4500 ft² min.	No max.	N/A
Apartment Bldg. (Triplex and other)	3 min.	4500 ft² min. & additional 750 ft² min. for each unit greater than 3 units	No max.	N/A
Rowhouse	2 min. to 3 max.	4500 ft² min.	No max.	N/A
	4 max.	6000 ft² min.	No max.	N/A
	5 max.	7500 ft² min.	No max.	N/A
Cottage Court	5 min.	9000 ft² min.	See Section 3.1.3	N/A
Shopfront	3 min.	4500 ft² min. & additional 750 ft² min. for each unit greater than 3 units	No max.	N/A
General	N/A	N/A	N/A	See other Articles
Accessory Dwelling Unit (Attached & Detached)	1 max.	N/A	See Section 3.1.9	Located on the same lot with a Detached House, Duplex, or Triplex
Detached Accessory Structure	See Section 3.1.8			Located on the same lot with a primary use

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

. . .

ACCESSORY BUILDING - LOT STANDARDS	
ADU Floor Area	See Section 3.1.8
ADU Setback from Primary Dwelling	5' min.

. . .

Section 8. ARTICLE 2 ZONE DISTRICTS 2.2 MIXED-USE DISTRICTS Section 2.2.1 LMN Low Density Mixed-Use Neighborhood District is hereby amended to read as follows:

. . .

BUILDING TYPES

The following building types are permitted in the LMN District:

LMN BUILDING TYPES	# OF UNITS	MAXIMUM DENSITY*		MIN. DENSITY*
		BASE	BONUS	
General	N/A	N/A	N/A	N/A
Shopfront	1 min.	1 unit per 3,630 sq. ft. of site area	No max. density for affordable housing projects	1 unit per 10,000 sq. ft. of site area
Apartment	3+ min.			
Rowhouse	2+ min.			
Cottage Court	3+ min.			
Duplex	2 max.			
Detached House - Urban	1 max.			
Detached House - Suburban	1 max.			
ADU	1 max.	N/A	N/A	N/A
Detached Accessory Structure	See Section 3.1.8	N/A	N/A	N/A

**Minimum and Maximum Density applies to an entire site or subdivision.*

. . .

BUILDING HEIGHT	
Residential - Up to 3 Units	2.5 Stories max. (D)
Residential - 4+ Units	3 Stories max. (E)
General & Shopfront	1.5 Stories min. 2.5 Stories max.

. . .

BUILDING FOOTPRINT	
General & Shopfront	20,000 ft^2 max.
Schools, Places of Worship/Assembly	25,000 ft^2 max.

. . .

BUILDING MASS & SCALE

BUILDING MASS	
Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation (F)
General & Shopfront	>10,000 sf requires Variation in Massing

. . .

ROOF DESIGN	
General & Shopfront	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plane shall relate to overall massing and facade design
Residential - 4+ Units (G)	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ENTRANCES & ORIENTATION	
Residential	Varies by Building Type
	Clearly identifiable and visible connection from the street and public areas. H
	Incorporate architectural elements and landscaping.
General & Shopfront	Entrance faces street, opens directly onto adjoining local street

PARKING	
General & Shopfront	Rear or Side Yards; Parking shall not be between the primary facade and the street. I

Section 9. ARTICLE 2 ZONE DISTRICTS 2.2 MIXED-USE DISTRICTS Section 2.2.2 MMN Medium Density Mixed-Use Neighborhood District is hereby amended to read as follows:

. . .

BUILDING TYPES

The following building types are permitted in the MMN District:

MMN BUILDING TYPES	# OF UNITS	MAX. DENSITY*	MINIMUM DENSITY*	
			> 20 AC	< 20 AC
General	N/A	N/A	N/A	N/A
Shopfront	1 min.	None	1 unit per 3,500 sq. ft. of site area	1 unit per 5,000 sq. ft. of site area
Apartment	3+ min.			
Rowhouse	2+ min.			
Cottage Court	3+ min.			
Duplex	2 max.			
Detached House - Urban	1 max.			
Detached House - Suburban	1 max.			
ADU	1 max.	N/A	N/A	N/A
Detached Accessory Structure	See Section 3.1.8	N/A	N/A	N/A

**Minimum and Maximum Density applies to an entire site or subdivision.*

. . .

BUILDING MASS	
Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation (F)
General & Shopfront	>10,000 sf requires Variation in Massing

Variation in Massing includes:

- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two unit dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials.

. . .

ROOF DESIGN	
General & Shopfront	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plan shall relate to overall massing and facade design
Residential - 4+ Units G	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ENTRANCES & ORIENTATION	
Residential	Varies by Building Type H
	Clearly identifiable and visible connection from the street and public areas.
	Incorporate architectural elements and landscaping.
General & Shopfront	Entrance faces street, opens directly onto adjoining local street

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

PARKING	
General & Shopfront	Rear or Side Yards; Parking shall not be between the primary facade and the street. I

Section 10. ARTICLE 2 ZONE DISTRICTS 2.2 MIXED-USE DISTRICTS Section 2.2.3 HMN High Density Mixed-Use Neighborhood District is hereby amended to read as follows:

PURPOSE

The High Density Mixed-Use Neighborhood District is intended to be a setting for higher density multi-unit housing and group quarter residential uses (dormitories, fraternities,

sororities, etc.) closely associated with, and in close proximity to, the Colorado State University Main Campus. Multistory buildings and structured parking are encouraged in order to promote efficient utilization of the land and the use of alternative modes of travel.

. . .

BUILDING TYPES

The following building types are permitted in the HMN District:

HMN BUILDING TYPES	# OF UNITS	MAXIMUM DENSITY	MINIMUM DENSITY
General	N/A	N/A	N/A
Shopfront	4+ min.	None	1 unit per 2,000 sq. ft. of site area
Apartment	4+ min.		
Rowhouse	3+ min.		
ADU (with an existing Detached House)	1 max.		N/A
Detached Accessory Structure (with an existing Detached House)	1 max.		N/A

Minimum and Maximum Density applies to an entire site or subdivision.

. . .

BUILDING MASS	
Residential - 4+ Units	Walls >40 ft in width require Variation in Massing and Facade Articulation (D)
General & Shopfront	>10,000 sf requires Variation in Massing

Variation in Massing includes:

- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two unit dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials.

. . .

ROOF DESIGN	
General & Shopfront	Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes Variation in roof plan shall relate to overall massing and facade design
Residential - 4+ Units E	Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements: • Change in roof shape or plane • Variation in height • Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof • Roof element that is directly related to the primary entrance and/or facade articulation

ENTRANCES & ORIENTATION	
Residential	Varies by Building Type
	Clearly identifiable and visible connection from the street and public areas. F
	Incorporate architectural elements and landscaping.
General & Shopfront	Entrance faces street, opens directly onto adjoining local street

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

PARKING	
General & Shopfront	Rear or Side Yards; Parking shall not be between the primary facade and the street. G

. . .

Section 11. ARTICLE 2 ZONE DISTRICTS 2.2 MIXED-USE DISTRICTS Section 2.2.4 NC Neighborhood Commercial District is hereby amended to read as follows:

PURPOSE / INTENT

The Neighborhood Commercial District is intended to be a mixed-use commercial area, serving as a focal point for a neighborhood, ideally anchored by a market or grocery store

and a transit stop. The purpose of this District is to provide easy access to frequently needed goods and services with an emphasis on serving the surrounding neighborhoods. In addition to smaller-scale retail and service uses, the District may include other neighborhood-oriented uses such as schools, employment, day care, parks, small civic facilities, as well as residential uses.

. . .

BUILDING TYPES

The following building types are permitted in the NC District:

- Shopfront Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All General buildings permitted under this Section, including industrial buildings, shall meet the standards in Section 5.15.2 of this Code

. . .

Section 12. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS Section 2.3.1 CC Community Commercial District is hereby amended to read as follows:

PURPOSE

The Community Commercial District provides for a mix of retail, offices, services, cultural facilities, civic uses and higher density housing. Multi-story buildings and mixed-use developments are encouraged to provide both residential and nonresidential uses. Offices and residential uses are encouraged to locate above ground-floor retail and services.

. . .

BUILDING TYPES

The following building types are permitted in the CC District:

- Shopfront, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House.
- See Division 3.1 for more details
- AllGeneral buildings permitted under this Section, including industrial buildings, shall meet the standards contained in Section 5.15.2 of this Code

. . .

Section 13. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS Section 2.3.2 CCN Community Commercial – North College District is hereby amended to read as follows:

PURPOSE

The Community Commercial - North College District provides a retail/commercial core extension from the Downtown area north of the Poudre River. This District is intended for moderate intensity uses that are supportive of the commercial core and that help to create a transition and a link to surrounding residential areas.

BUILDING TYPES

The following building types are permitted in the CCN District:

- Shopfront Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All General buildings permitted under this Section, including industrial buildings, shall meet the standards contained in Section 5.15.2 of this Code

. . .

Section 14. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS Section 2.3.3 CCR Community Commercial – Poudre River District is hereby amended to read as follows:

. . .

BUILDING TYPES

The following building types are permitted in the CCR District:

- Shopfront, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All General buildings permitted under this Section, including industrial buildings, shall meet the standards contained in Section 5.15.2 of this Code

. . .

Section 15. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS Section 2.3.4 CG General Commercial District is hereby amended to read as follows:

. . .

BUILDING TYPES

The following building types are permitted in the CG District:

- Shopfront, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All General buildings permitted under this Section, including industrial buildings, shall meet the standards contained in Section 5.15.2 of this Code

DEVELOPMENT STANDARDS

BUILDING STANDARDS

BUILDING HEIGHT	
All Buildings	5 stories max.
Affordable Housing Development Bonus	6 stories max.

. . .

Section 16. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS Section 2.3.5 CS Community Commercial – Poudre River District is hereby amended to read as follows:

PURPOSE

The Service Commercial District is intended for high traffic commercial corridors where a range of uses is encouraged to create a transition from non-residential operations on a highway, arterial street or rail spur, to less intensive use areas or residential neighborhoods.

. . .

BUILDING TYPES

The following building types are permitted in the CS District:

- Shopfront, Apartment, Row House and Duplex.
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All General buildings permitted under this Section, including industrial buildings, shall meet the standards contained in Section 5.15.2 of this Code

. . .

Section 17. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS Section 2.3.6 CL Limited Commercial District is hereby amended to read as follows:

PURPOSE

The Limited Commercial District is intended for areas primarily containing existing, small commercial uses that are adjacent to residential neighborhoods. Many of these areas have transitioned over time from residential to commercial uses. The purpose of this District is to allow small scale non-residential uses to continue to exist or to expand while protecting surrounding residential areas.

. . .

BUILDING TYPES

The following building types are permitted in the CL District:

- Shopfront, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All General buildings permitted under this Section, including industrial buildings, shall meet the standards contained in Section 5.15.2 of this Code

. . .

BUILDING STANDARDS

BUILDING HEIGHT	
All Buildings	3 Stories max.
BUILDING MASS	
Residential - 4+ Units	Walls >40 ft require Variation in Massing and Facade Articulation
General & Shopfront	>10,000 sf requires Variation in Massing

. . .

Section 18. ARTICLE 2 ZONE DISTRICTS 2.4 DOWNTOWN DISTRICT Section 2.4.1 DOWNTOWN DISTRICT (D) is hereby amended to read as follows:

. . .

2.4.1(E)5.b.III.

i. **Industrial Buildings.** Except as otherwise provided in this subsection (3), all new non-residential buildings, including industrial buildings, shall comply with the standards for buildings contained in Section 5.15.2.

. . .

Section 19. ARTICLE 2 ZONE DISTRICTS 2.5 EMPLOYMENT, INDUSTRIAL, OTHER DISTRICTS Section 2.5.1 HARMONY CORRIDOR DISTRICT (HC) is hereby amended to read as follows:

SECTION 2.5.1 HARMONY CORRIDOR DISTRICT (HC)



. . .

2.5.1(B)

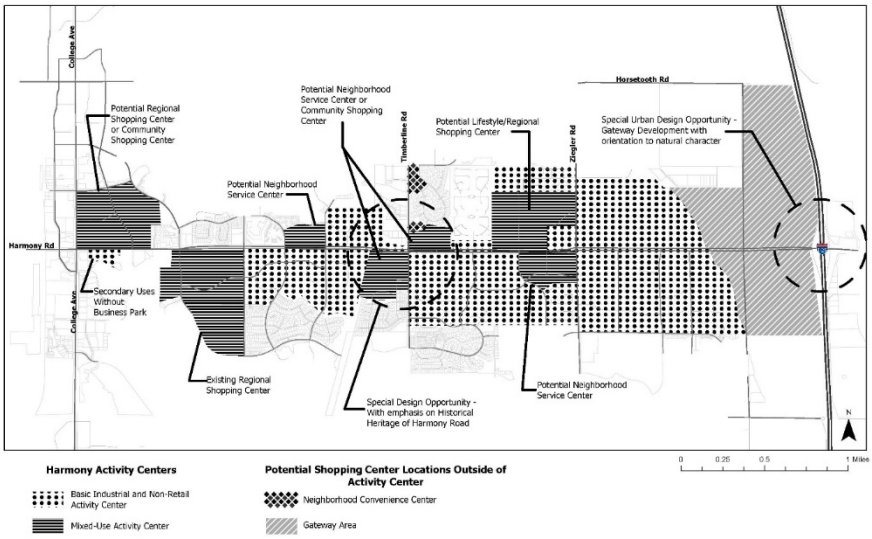
. . .

1. All development in the HC Harmony Corridor District shall comply with the Harmony Corridor land use and locational standards as adopted by the City and the following specific standards to the extent that such standards apply to the property proposed to be developed.

2. All secondary uses shall be integrated both in function and appearance into a larger employment-based development plan that emphasizes primary uses. A secondary use shall be subject to administrative review or Planning and Zoning Commission review as required for such use in Division 4.2. The following permitted uses shall be considered secondary uses in this zone district and together shall occupy any portion less than fifty (50) percent of the total gross area of an overall development plan as described in below Subsection (B)3.

a. Community facilities.
b. Public facilities
c. Child care centers.
d. Print shops.
e. Food catering.
f. Workshops and custom small industry uses.
g. Residential uses except the following:
    i. Mixed-use dwellings when the residential units are stacked above a non-residential primary or secondary use which occupies at least 25% of the ground floor.
    ii. Residential units developed on a surface parking lot which lot was in existence as of January 1, 2026.
    iii. Residential units part of an affordable housing development.
h. Lodging establishments.
i. Convenience shopping centers.
j. Standard restaurants.
k. Bed and breakfast establishments.
l. Clubs and lodges.
m. Health and membership clubs.
n. Convention and conference centers.
o. Places of worship or assembly.
p. Limited indoor recreation establishments.
q. Unlimited indoor recreation use and facility.
r. Food truck rally.
s. Microbrewery/distillery/winery.
t. Seasonal overflow shelter.

Figure 2A – Harmony Corridor Plan Use Map



3. **Calculating primary and secondary uses**. To determine the amount of primary and secondary uses in the Harmony Corridor District, apply the following rules:
   a. The primary-to-secondary use ratio applies only to areas within an approved overall development plan that are zoned Harmony Corridor District, except where exempted per the Harmony Corridor Plan or City Plan.
   b. Lots within the Harmony Corridor District are exempt from the ratio if they:
      i. Are not part of an ODP; or
      ii. Are part of an ODP and are designated as a Mixed Use Activity Center in the Harmony Corridor Plan's Land Use Map (Figure 2A below) or are in the Gateway Area (refer to Harmony Corridor Standards and Guidelines).

Where the ratio applies, calculate the percentage using only the portion of the ODP zoned Harmony Corridor District. Do not include portions of the ODP that are mapped to other zone districts in the calculation.

To determine the amount of primary and secondary uses in the ODP area, the percentage of each use shall be calculated using the total area across the ODP area that is zoned Harmony Corridor District.

(C) Dimensional Standards.

1. Maximum height for all buildings shall be six (6) stories.

2. All new buildings greater than eighty thousand (80,000) square feet in gross leasable area shall be subject to Planning and Zoning Commission review.

3. Any building addition that exceeds eighty thousand (80,000) square feet in gross leasable area and exceeds twenty-five (25) percent of the gross leasable

area of the existing building shall be subject to Planning and Zoning Commission review.

(D) **Density/Intensity.**

All residential development in the HC Harmony Corridor District shall have an overall minimum average density of fifteen (15) dwelling units per net acre.

(E) **Site Design**

1. In the case of multiple parcel ownership, to the extent reasonably feasible, an applicant shall enter into cooperative agreements with adjacent property owners to create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles and land uses.

2. Where an employment or industrial use abuts a residential area, there shall be no drastic and abrupt change in the scale and height of buildings.

. . .

Section 20. ARTICLE 2 ZONE DISTRICTS 2.5 EMPLOYMENT, INDUSTRIAL, OTHER DISTRICTS Section 2.5.2 EMPLOYMENT CORRIDOR DISTRICT (E) is hereby amended to read as follows:

SECTION 2.5.2 EMPLOYMENT DISTRICT (E)



. . .

2.5.2(B)

. . .

2. **Secondary Uses.**

A secondary use shall be subject to administrative review or Planning and Zoning Commission review as required for such use in Division 4.2. The following permitted uses shall be considered secondary uses in this zone district and together shall occupy no more than fifty (50) percent of the total gross area of the development plan.

a. Veterinary facilities and small animal clinics.
b. Clubs and lodges.
c. Child care centers.
d. Residential uses (except the following are considered primary uses: mixed-use dwellings when the residential units are stacked above a non-residential primary or secondary use which occupies the ground floor; when residential units replace a surface parking lot which lot was in existence as of January 1, 2026; or when residential units are part of an affordable housing development.

. . .

3. Calculating primary and secondary uses.

a. To determine the amount of primary and secondary uses in the Employment (E) District, the percentage of each use shall be calculated using the total lot area across all contiguous lots zoned Employment district exclusive of public rights-of-way. To determine the amount of primary and secondary uses in the Employment (E) zone district, the percentage of each use shall be calculated using the total lot area across all contiguous lots zoned Employment District. The percentage of total lot area dedicated to primary and secondary uses shall be calculated using the total area within the zoning district boundary across all contiguous lots, regardless of ownership and exclusive of all public rights-of-way.

4. Dimensional Standards.

a. Maximum height shall be four (4) stories.

b. All new buildings greater than fifty thousand (50,000) square feet in gross leasable area shall be subject to Planning and Zoning Commission review.

c. Any building addition that exceeds fifty thousand (50,000) square feet in gross leasable area and exceeds twenty-five (25) percent of the gross leasable area of the existing building shall be subject to Planning and Zoning Commission review.

(C) Density/Intensity.

All residential development in the E Employment District shall have an overall minimum average density of fifteen (15) dwelling units per net acre.

. . .

(E) **Development Standards for the I-25 Corridor.** Development located within one thousand three hundred twenty (1,320) feet (one-quarter [¼] mile) of the centerline of I-25 shall be subject to the requirements of Section 2.6.4.

. . .

Section 21. ARTICLE 2 ZONE DISTRICTS 2.6 OVERLAY DISTRICTS Section 2.6.1 TRANSIT-ORIENTED DEVELOPMENT OVERLAY (TOD) is hereby amended to read as follows:

(A) Applicability.

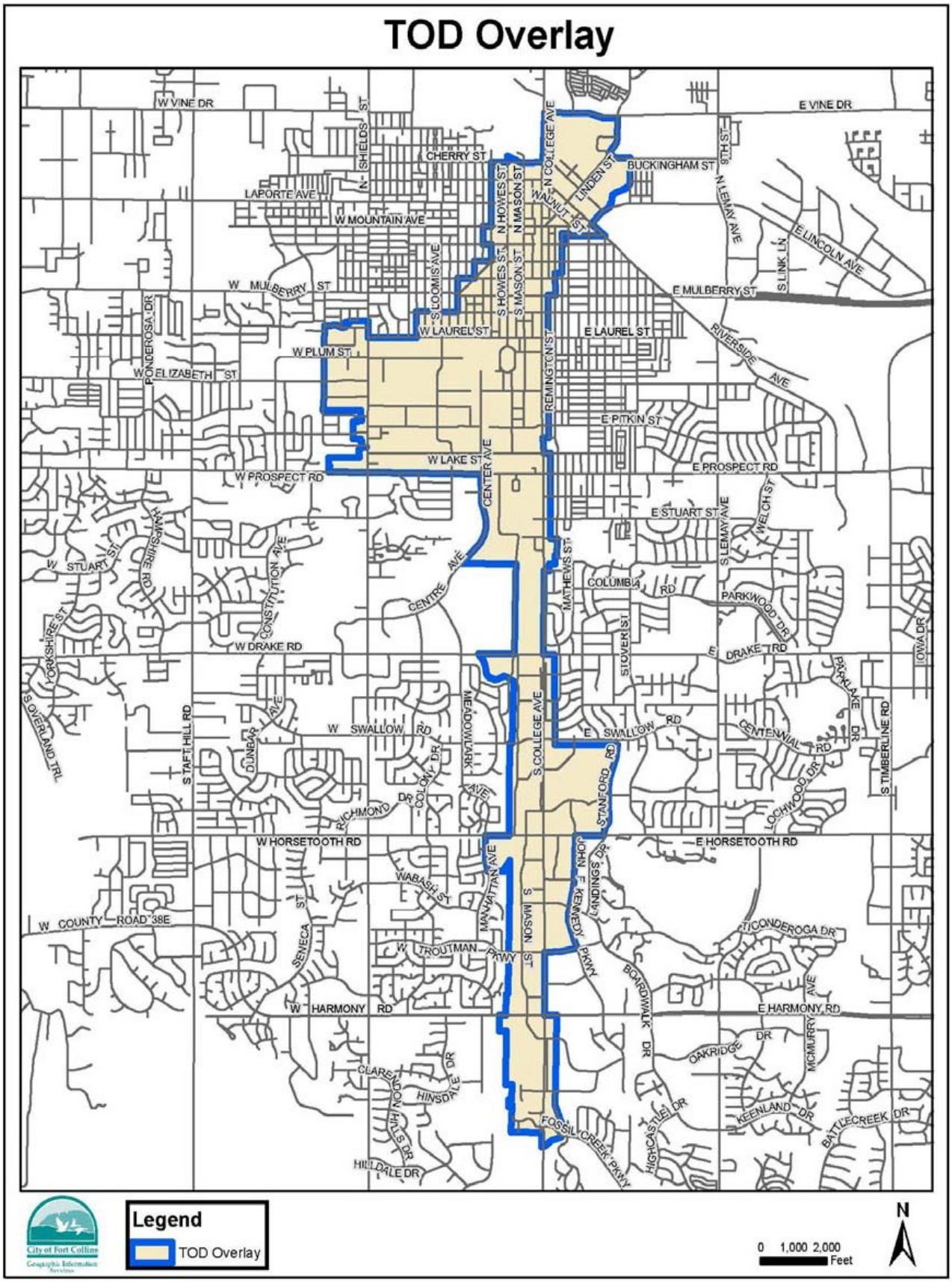
1. Subsections 2.6.1(C), Use, and 2.6.1(D), Parking Requirements, apply to all development within the boundary of the TOD Overlay and modify the corresponding requirements in the underlying zoning districts.

2. Subsections 2.6.1(E), Building Placement and Site Design, 2.6.1(F), Streetscape and Pedestrian Connections, and 2.6.1(G), Building Standards, apply only to development within the boundary of the TOD Overlay south of Prospect Road.

3. The TOD Overlay is comprised of the area shown in Figure 2A on the following page.

Figure 2A TOD Overlay Map

TOD Overlay


W VINE DR
E VINE DR
CHERRY ST
LAPORTE AVE
W MOUNTAIN AVE
BUCKINGHAM ST
W MULBERRY ST
E MULBERRY ST
W LAUREL ST
E LAUREL ST
W PLUM ST
E PITKIN ST
W ELIZABETH ST
W LAKE ST
W PROSPECT RD
E PROSPECT RD
E STUART ST
W STUART ST
COLUMBIA RD
W DRAKE RD
E DRAKE RD
W SWALLOW RD
E SWALLOW RD
W HORSETOOTH RD
E HORSETOOTH RD
W COUNTY ROAD 38E
W TROUTMAN PKWY
W HARMONY RD
E HARMONY RD
FOSSIL CREEK PKWY
HILLDALE DR
CLARENDON HILLS DR
HINSDALE DR
OAKRIDGE DR
KEENLAND DR
BATTLECREEK DR
TICONDEROGA DR
PARKWOOD DR
CENTENNIAL DR
LOCHWOOD DR
RIVERSIDE AVE
E LINCOLN AVE
S LINK LN
N SHIELDS ST
N COLLEGE AVE
LINDEN ST
WALNUT ST
9TH ST
N LEMAY AVE
N HOWES ST
N MASON ST
S LOOMIS AVE
S HOWES ST
S MASON ST
REMINGTON ST
PONDEROSA DR
CENTER AVE
CENTRE AVE
CONSTITUTION AVE
HAMPSHIRE RD
YORKSHIRE ST
S OVERLAND TRL
S TAFT HILL RD
DUNBAR AVE
MEADOWLARK AVE
COLONY DR
RICHMOND DR
S COLLEGE AVE
MATHEWS ST
STOVER ST
S LEMAY AVE
WELCH ST
IOWA DR
PARKLANE DR
S TIMBERLINE RD
STANFORD RD
JOHN F KENNEDY PKWY
BOARDWALK DR
MCMURRY AVE
HIGHCASTLE DR
MANHATTAN AVE
WABASH ST
SENECA ST
S MASON ST
SONDINI DR
Legend
TOD Overlay
City of Fort Collins
Geographic Information Services
0 1,000 2,000
Feet
N

(B) Purpose.

The purpose of this Section is to guide land use, site, and building design outcomes that implement City Plan, the Transit Master Plan (TMP) and other adopted policies. The development standards promote a diverse mix of commercial and residential opportunities within convenient walking distance of transit stations to enhance and support the Mason Corridor.

(C) Use.

1. **Gasoline Station.**
   a. Type 2 review where allowed in base zoning district.
   b. Spacing Requirement:

   Prohibited within 1000' of a transit facility, other gasoline stations, and convenience stores with fuel sales.

2. **Convenience Store with Fuel Sales.**
   a. Type 2 review where allowed in base zoning district.
   b. Spacing Requirement:
      (1) Prohibited within 1000' of transit facilities, other gasoline stations, and convenience stores with fuel sales.

3. **Enclosed mini-storage facility.** Prohibited**.**

4. **Boat sales with storage.** Prohibited.

(D) Parking Requirements.

a. **Minimum Parking.** No minimum parking required

b. **Maximum Parking.** See Section 5.9.1(K)(2) for parking maximums by use.

(E) Building Placement and Site Design.

1. **Building Orientation.**

   a. Primary commercial and residential building entrances shall face streets, connecting walkways, plazas, parks or similar outdoor spaces, but not parking lots.
   b. Buildings shall face all street frontages to the maximum extent feasible, with highest priority given to east-west streets that lead from transit stations to destinations.

. . .

(F) Streetscape and Pedestrian Connections.

1**.Streetscape.** Public and private streets shall be subject to approval by the City Engineer in accordance with the design criteria for streets.

2. **On-Street Parking.** On-street parking shall be defined by landscaped curb extensions or bulb-outs. Conventional or enhanced crosswalks shall be provided at all intersections.

3. **Off-Street Parking.** Off-street parking shall be located behind, above, within or below street-facing buildings to the maximum extent feasible. No parking will be allowed between the street and the front or side of a building.

4. **Maximum Surface Parking Area.**

a. Maximum area for contiguous surface parking lot: 2.0 acres inclusive of all circulation and landscaping.

b. Parking lots larger than 1.5 acres must be bounded on at least two sides by streets (public and/or private) that include sidewalks having street trees in sidewalk cutouts with tree grates, planters or other appropriate treatment for the protection of pedestrians. Specific design details shall be subject to approval by the City Engineer in accordance with the design criteria for streets.

(G) **Building Standards.**

1. **Building Height**

a. Minimum. All buildings shall have a minimum height of twenty (20) feet, measured to the dominant roof line of a flat-roofed building, or the mean height between the eave and ridge on a sloped-roof building. In the case of a complex roof with different, co-dominant portions, the measurement shall apply to the highest portion.

b. Maximum and Height Incentives. All buildings shall be limited to the maximum height allowed in the underlying zone district unless:

I. the development is mixed-use and contains at least one-seventh (1/7) of its total building square footage as either residential or office use, in which case the maximum allowable height shall be the base height plus one (1) story; or

II. the development is mixed-use and contains at least one-seventh (1/7) of its total building square footage as residential use and at least ten (10) percent of the residential units are either affordable housing units for rent

or affordable housing units for sale as defined in Article 5 or structured parking (underground, interior to the site or above ground), in which case the maximum allowable height shall be the base height plus two (2) stories; or

III. the project is mixed-use and contains at least one-seventh (1/7) of its total building square footage as residential use, and at least ten (10) percent of the residential units are either affordable housing units for rent or affordable housing units for sale as defined in Article 5, and the project contains structured parking (underground, interior to the site or above ground), in which case the maximum height shall be the base height plus three (3) stories.

2. **Windows.**

a. Minimum glazing on pedestrian-oriented facades of buildings shall be sixty (60) percent on the ground floor.

b. Subject to approval by the decision maker, projects functionally unable to comply with this requirement shall mitigate such noncompliance with ample, enhanced architectural features such as a change in massing or materials, enhanced landscaping, trellises, arcades or shallow display window cases.

Section 22. ARTICLE 2 ZONE DISTRICTS 2.6 OVERLAY DISTRICTS Section 2.6.2 SOUTH COLLEGE GATEWAY OVERLAY (SCG) is hereby amended to read as follows:

. . .

(B) **Purpose** The purpose of this Section is to provide standards to modify the underlying zone districts north of the intersection of South College Avenue and Carpenter Road to encourage land uses and designs that implement the vision of the South College Corridor Plan regarding the enhancement of the South College Gateway Area (see Figure 16.7).

. . .

Section 23. ARTICLE 2 ZONE DISTRICTS 2.6 OVERLAY DISTRICTS Section 2.6.3 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY is hereby amended to read as follows:

. . .

2.6.3(B)2.f. Development patterns in general alignment with the principles and policies of the City's Comprehensive Plan and its adopted elements.

. . .

2.6.3(D) Step 8 (Standards):

. . .

2. The PUD Comprehensive Plan provides high quality urban design within the subject property or properties; and

3**.** The PUD Comprehensive Plan will result in development in general alignment with the principles and policies of the City's Comprehensive Plan and adopted plans and policies;

. . .

Section 24. ARTICLE 2 ZONE DISTRICTS 2.6 OVERLAY DISTRICTS Section 2.6.4 I-25 DEVELOPMENT STANDARDS is hereby amended to read as follows:

. . .

2.6.4(B) **Purpose.**

The purpose of this Section is to provide additional, more specific development standards to implement the vision presented in the "Fort Collins I-25 Corridor Subarea Plan" to develop the corridor with a mix of uses, serve as a transition from the interstate to the more urban and suburban neighborhoods and activity centers, and preserve the considerable natural features and resources of the area.

. . .

Section 25. ARTICLE 3 BUILDING TYPES 3.1 RESIDENTIAL BUILDING TYPES Section 3.1.1 Mixed-Use building type is hereby deleted in its entirety and the remaining residential building types are renumbered.

Section 26. In ARTICLE 3 BUILDING TYPES, a new Division, Division 3.2 NON-RESIDENTIAL BUILDING TYPES, is added and a new Section and new building type, Shopfront building type, is added as Section 3.2.1 as follows:

SECTION 3.2.1

Shopfront

DESCRIPTION

The shopfront building type is centered on creating a pedestrian-focused streetscape, with active ground-floor uses and direct sidewalk access. It is ideal for commercial, retail, and office uses at the street level, with residential or live-work units typically located on upper floors. The form supports vibrant, walkable environments through minimal or no front setbacks and street-facing entrances. Most shopfront building standards vary by zoning district to ensure compatibility with the surrounding context. Parking is generally located at the side or rear to maintain an uninterrupted pedestrian experience.

ZONE DISTRICTS

The following Zone Districts allow Shopfront building:

- LMN
- MMN
- HMN
- OT-C
- NC
- CC
- CCN
- CCR
- D
- CG
- CS
- CL
- HC
- E
- Overlay Districts

BUILDING TYPE EXAMPLES





Caspari - Charlottesville, VA





LoopNet.com



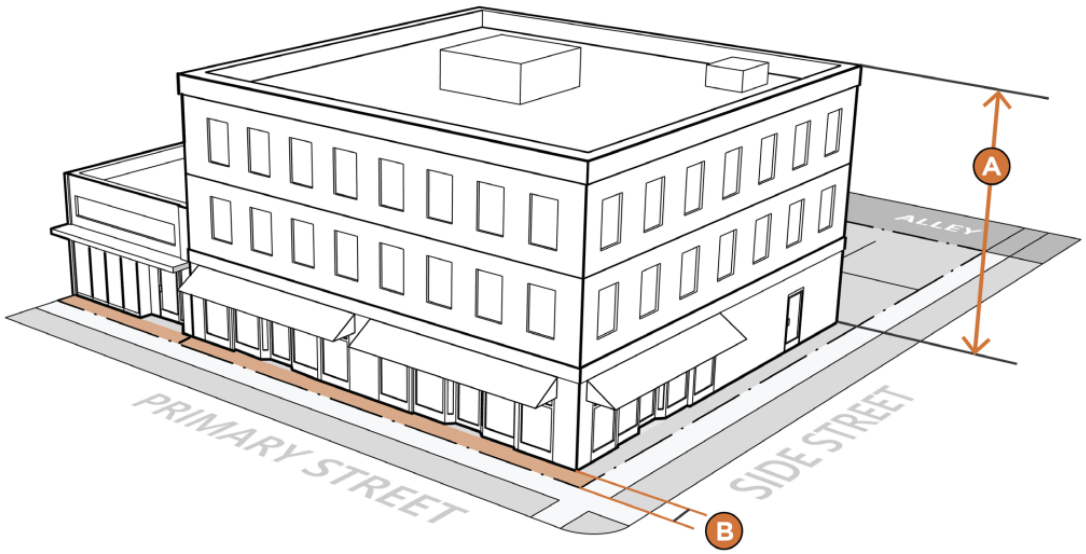
JHP Mid Rise / High Rise by JHP Architecture





ColoProperty.com, IRES MLS

BUILDING STANDARDS



Property Line

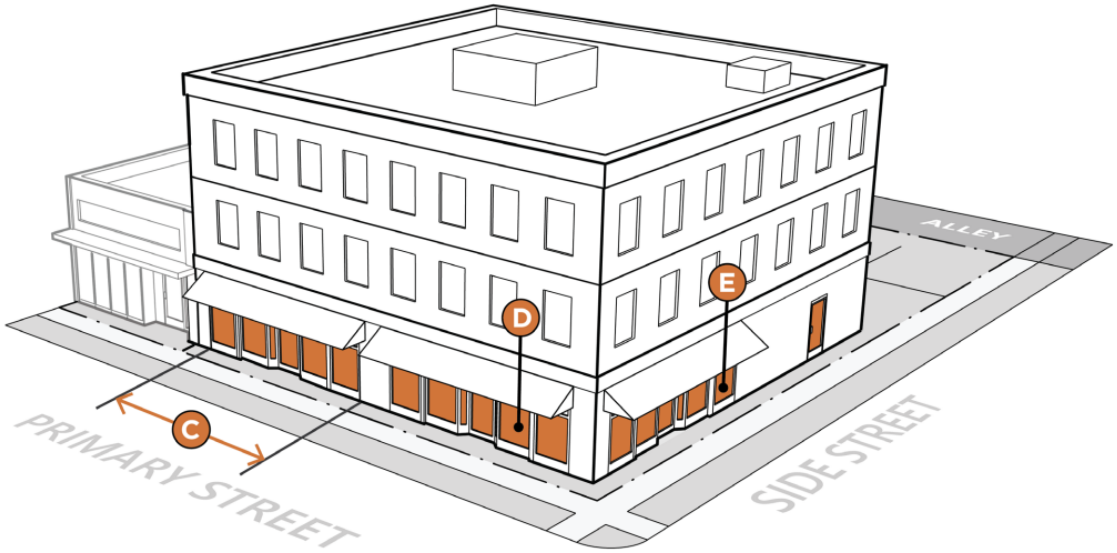
BUILDING HEIGHT	
Maximum	4-12 stories max.* (A)
Affordable Housing Bonus	1-2 additional stories

*See Zone District standards for specific maximum height.

BUILD-TO LINES (B)	
Smaller than Arterial	0'min. - 15' max.
On-Street Parking	0'min. - 15' max.
Arterial or larger	10'min. - 25'max.

BUILD-TO LINE EXCEPTIONS	
Plaza, courtyard, patio or garden	Landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements are required.
Easement	As required by the City to continue an established drainage channel or access drive, or other easement.
Contextual Build-To	A contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot.

MASSING & ARTICULATION



—·— Property Line

MASSING

Building Bays* - Maximum Width	30′	C

- Footprints over ten-thousand (10,000) sf shall incorporate recesses/projections with bays no wider than thirty (30) ft.

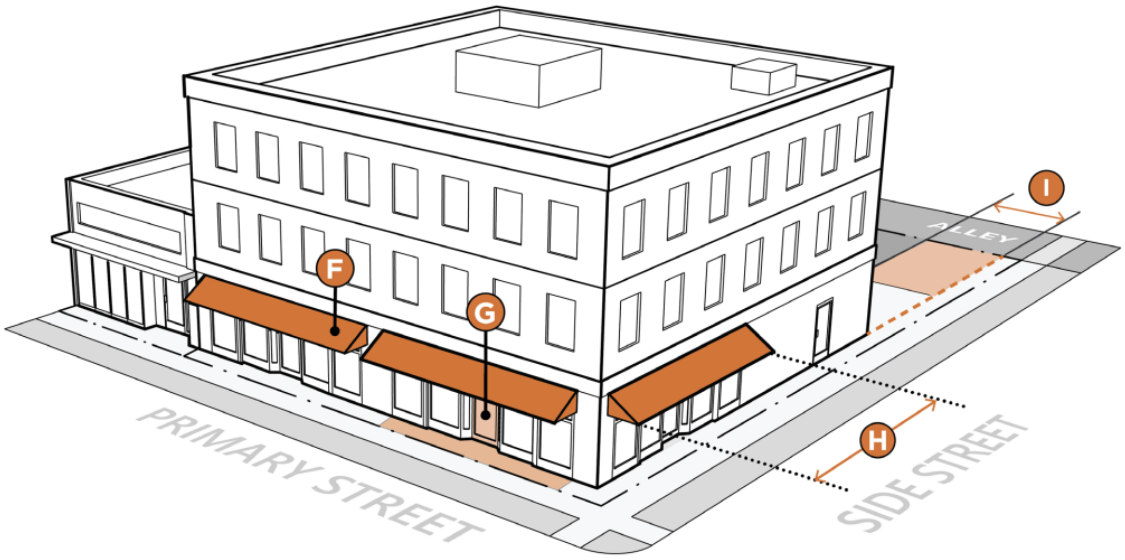
*Building bay is defined as at least two (2) of the following:

- change in plane;
- change in height;
- change in texture or masonry pattern, windows, treillage with vines; and/or
- an equivalent element that subdivides the wall into human scale proportions.

TRANSPARENCY (GROUND FLOOR)

Primary Street	60% minimum	D
Side Street	30% minimum	E

SITE ACCESS



—·—· Property Line

ENTRYWAYS

Primary Entrance Features	Sheltering Element Required*	F
Primary Entrance Orientation	Opens to a Connecting Walkway With Pedestrian Frontage**	G
Awning Width	No shorter than Single Storefront	H

*Includes clearly defined and recessed or framed element such as an awning, arcade, or portico to provide shelter.

**Buildings with vehicle bays and/or service doors for intermittent/infrequent nonpublic access to equipment, storage or similar rooms (e.g., self-serve car washes and self-serve mini-storage warehouses) are exempt from this standard.

VEHICULAR ACCESS & PARKING

Alley Access* **	Setback an additional 15' min. from the building wall	I
Off-Street Parking	Shall not be located any closer to a public street right-of-way than the principal building is set back from the street.	

***Any new access must obtain access from an alley when present, unless proposed alley access is deemed hazardous by the City Engineer.

Section 27. In ARTICLE 3 BUILDING TYPES, Division 3.2 NON-RESIDENTIAL BUILDING TYPES, a new Section and new building type, General building type, is added as Section 3.2.2 General as follows:

SECTION 3.2.2

General

DESCRIPTION

The general building type is a flexible, non-residential form intended to support a wide range of uses including: office, commercial, institutional, or light industrial, and others. Most design and building standards for this building type are determined by the zoning district in which it is located. This adaptability allows the general building type to respond to varied contexts throughout Fort Collins while maintaining compatibility with surrounding development and supporting pedestrian access.

ZONE DISTRICTS

The general building type is allowed in all zone districts and it varies widely based on use and zone district.

BUILDING TYPE EXAMPLES



Glacier Creek Dental





CBRE.com, Technology Parkway







BryanConstruction.com, Harmony Corporate Center

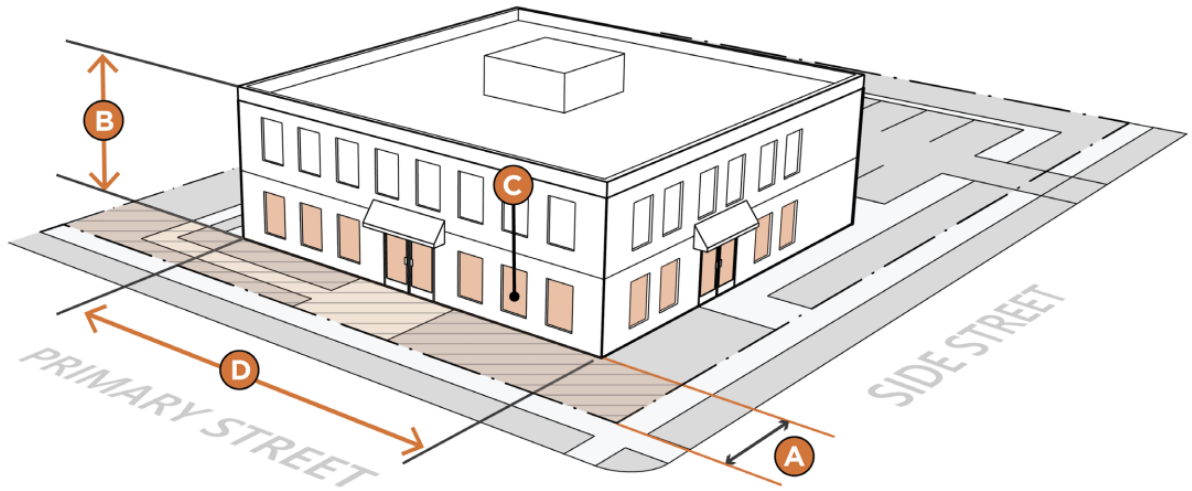


ColoProperty.com, IRES MLS





BUILDING STANDARDS



Property Line

BUILDING PLACEMENT

Setbacks / Build-to	Varies by Zone Districts or Street Type*	A

*See Article 2 and Section 5.15 Building Standards for additional information.

BUILDING HEIGHT

Maximum	3-12 stories max.**	B

**See Zone District standards for specific maximum height.

TRANSPARENCY (GROUND FLOOR)

Primary Street	30-50%***	C

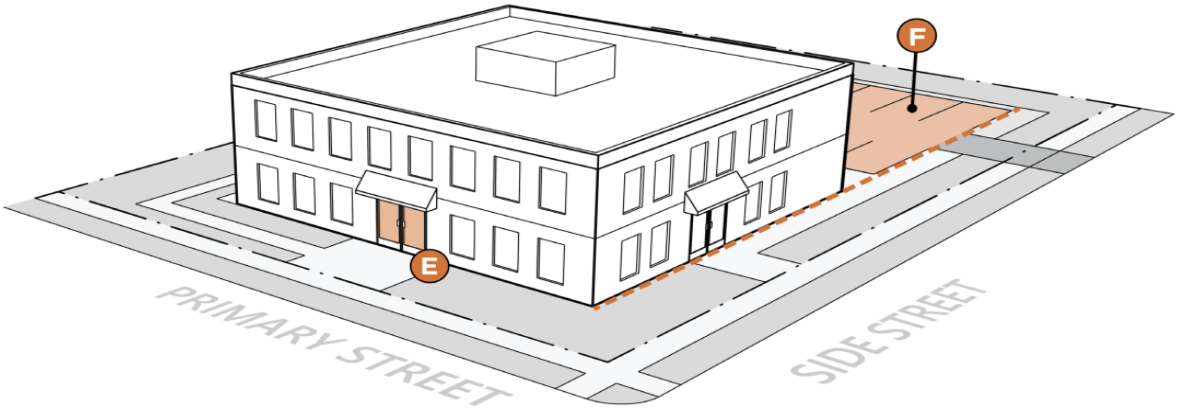
***See Zone District standards for specific percentage.

MASSING & ARTICULATION

Maximum length of unbroken façade**	50'	D

****Articulation must relate to interior organization.

SITE ACCESS



Property Line

ENTRANCES	E
Primary Entrance Orientation	Must face a public street, plaza, shared open space, or connecting walkway

VEHICULAR ACCESS & PARKING	
Off-Street Parking*	Shall not be located any closer to a public street right-of-way than the principal building is set back from the street. F

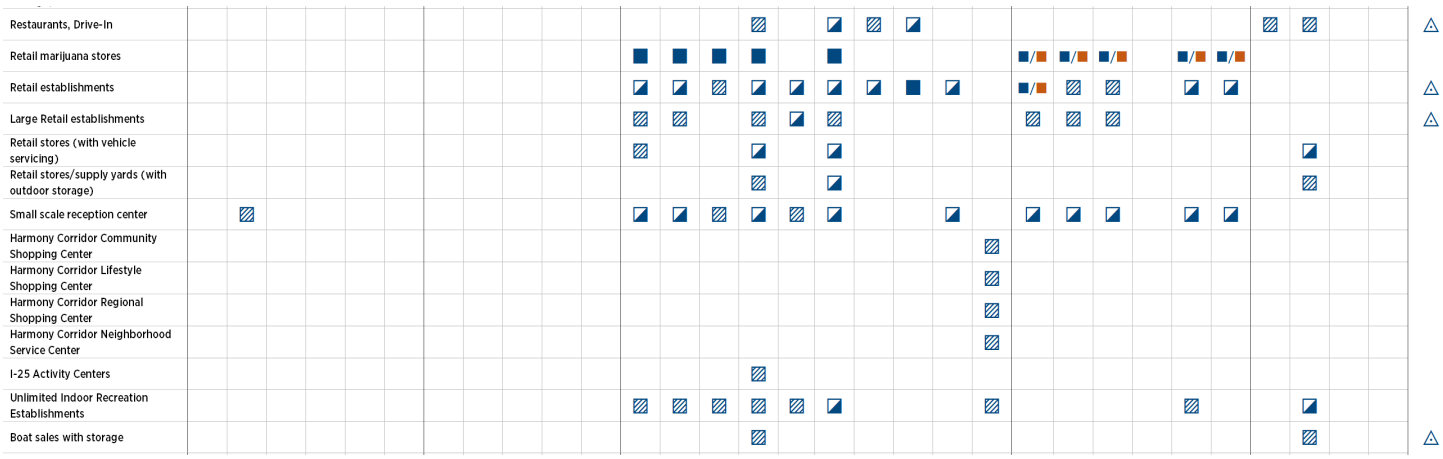
*Any new access must obtain access from an alley when present, unless proposed alley access is deemed hazardous by the City Engineer.

Section 28. ARTICLE 4 USE STANDARDS 4.2 TABLE OF PRIMARY USES Section 4.2 Commercial Uses is hereby amended to correct the spelling of “Cooridor”, delete “Drive-In Facilities” and “Restaurants (fast food without drive-thru)” and other amendments as shown below.

. . .

| | | |

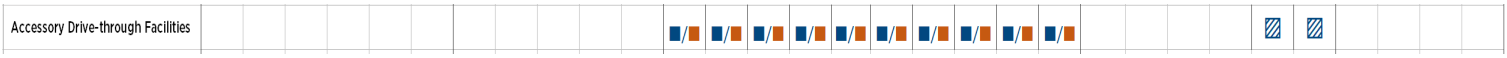
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...

Section 29. ARTICLE 4 USE STANDARDS 4.2 TABLE OF PRIMARY USES Section 4.2 Accessory/Misc Uses is hereby amended to read as follows:

. . .



. . .

Section 30. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS Section 4.3.1 RESIDENTIAL USES is hereby amended to read as follows:

4.3.1(L)(4) **Off-street Parking.** See Section 5.9.1(K)(1)(g) for minimum off-street parking space requirements.

. . .

4.3.1(M)(1) In the CS zone district such use shall not be allowed within two hundred (200) feet of North College Avenue.

. . .

4.3.1(N) Secondary Uses

(1) In the CC zone district all residential permitted uses, except mixed-use dwellings in multistory shopfront buildings, shall be considered secondary uses and, for projects containing ten (10) or more acres, together shall occupy no more than thirty (30)

percent of the total gross area of any development plan. If the project contains less than ten (10) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area, but shall not be required to provide a mix of land uses within the development.

(2) In the NC zone district all permitted residential uses, except mixed-use dwellings in multistory shopfront buildings shall be considered secondary uses and, for projects containing five (5) or more acres, together shall occupy no more than thirty (30) percent of the total gross area of any development plan. If the project contains less than five (5) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area but shall not be required to provide a mix of land uses within the development.

. . .

Section 31. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS Section 4.3.2 INSTITUTIONAL/CIVIC/PUBLIC USES is hereby amended to read as follows:

4.3.2(C) **Seasonal Overflow Shelter**

(1)The purpose of this Section is to allow for the siting and approval of seasonal overflow shelters while helping to ensure that such shelters are compatible with the adjacent neighborhoods.

(2)General Standards. Seasonal overflow shelters shall be allowed as a permitted use, provided that all of the following conditions are met:

. . .

4.3.2(D) Wildlife Rescue and Education Centers

(1) In the LMN zone district, wildlife rescue and education centers are limited to within five hundred five hundred (500) feet of East Vine Drive or railroad property abutting and parallel to East Vine Drive.

. . .

Section 32. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS Section 4.3.3 COMMERCIAL/RETAIL USES is hereby amended to read as follows:

4.3.3 COMMERCIAL/RETAIL USES

. . .

(E)(2) In the LMN, MMN, HMN, OT-B zone districts such use shall be limited to six (6) beds not including on site owner or staff.

(F) **Boat Sales with Storage**

(1) Not permitted in the Transit-Oriented Development (TOD) Overlay.

(G) **Child Care Center**

(1) Outdoor Play Area is required to be the greater of either 1,200 sq. ft. or 75 sq. ft. per child of 33% of the child capacity of the center.

(2) An outdoor play area as stated above shall not be required for drop-in child care centers.

(3) For the purposes of this Subsection, the capacity of the center is calculated based upon indoor floor space reserved for school purposes of forty (40) square feet per child. Any such play area on the site of the child care center within or abutting any residential district shall be enclosed by a decorative solid wood fence, masonry wall or chain link fence with vegetation screening, densely planted. The height of such fence shall be a minimum of six (6) feet and shall comply with other fences regulations within this Code. Where access to child care centers is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for the purpose of loading and unloading children.

(H) **Convenience retail stores with fuel sales**

. . .

(I) **Convenience Shopping Center**

(1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

(2) In the I zone district such use may include drive-in restaurants.

(3) In the NC zone district such use shall be three thousand nine hundred sixty (3,960) feet from any other any other such existing or permitted fueling station.

(J) **Day Shelter**

. . .

(K) **Dog Day-Care Facility Regulations**

(1) All services provided by a dog day-care facility shall be conducted within a completely enclosed, soundproof building.

(2) All dog day-care facilities shall be designed and constructed in a manner that reasonably mitigates emission of odor and noise to persons owning, occupying or patronizing properties adjacent to such facilities.

. . .

(L) **Drive in Restaurant**

(1) In the E, I zone districts such use is only permitted in a convenience shopping center.

(2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.

. . .

(M) **Enclosed Mini-storage Facility**

(1) In the CS zoned districts such use shall be at least 150 feet from South College Avenue.

(2) Not permitted in the South College Gateway Area or the Transit Oriented Development (TOD) Overlay.

(3) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive or of the railroad property abutting and parallel to East Vine Drive.

. . .

(M) **Reserved.**

. . .

(N) **Funeral Homes**

(1) In the OT-C zone district such use shall be located in the street-fronting principal building.

. . .

(O) **Grocery Stores**

(1) In the D, CC, CCN, CCR, CS, NC zone districts shall occupy between five thousand (5,000) and forty-five thousand (45,000) square feet.

. . .

(V) **Outdoor Storage Facility**

(1) In the CL/RA zone district such use may include a towing yard, provided such use is setback at least thirty five (35) from an arterial street.

. . .

(Y) **Small Scale Reception center**

(1) In the UE zone district such use shall comply with the following performance standards;

. . .

(e) **Non-Residential Abutment**. At least one-sixth (1/6) of the reception center's property boundary must be contiguous to property that is zoned in one (1) or more of the following non-residential zone districts within the City:

(I) D;
(II) CC;
(III) CCN;
(IV) CCR;
(V) CG;
(VI) CS;
(VII) NC;
(VIII) CL;
(IX) HC;
(X) E;
(XI) I.

. . .

4.3.3.(BB) **Retail Establishment**

(1) In the CG zone district such use shall not exceed 25,000 sq. ft.

. . .

4.3.3.(GG) **Vehicle Sales and Leasing Establishments for Cars and light trucks**

(1) In the CS District, such use shall be limited to ten (10) percent of the total linear frontage of both sides of North College Avenue between Vine Drive and the northern City limits or the intersection of North College Avenue and State Highway 1, whichever results in the shortest linear distance. Additionally in the CS District, such use shall also be located at least one hundred fifty (150) feet from South College Avenue.

. . .

Section 33. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS Section 4.3.4 INDUSTRIAL USES is hereby amended to read as follows:

4.3.4 INDUSTRIAL USES

(A) **Light Industrial**

(1) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive.

(2) In the CG zone district such use shall not have outdoor storage.

(3) In the South College Gateway Overlay such use is prohibited.

. . .

(E) **Workshops and Custom Small Industry**

(1) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive.

Section 34. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS Section 4.3.5 ACCESSORY/MISCELLANEOUS USES is hereby amended to read as follows:

(A) **Accessory Buildings, Structures and Uses**

(1) Accessory buildings, structures and uses (when the facts, circumstances and context of such uses reasonably so indicate) may include, but are not limited to, the following:

. . .

(l) Solar energy systems;

. . .

(p) Community based shelters services;
(q) Drive-through facilities.

. . .

(C) Fences and Walls

(1) Fences and walls are allowed in all zone districts as provided in this Section.

(2) If used along collector or arterial streets, such features shall be made visually interesting and shall avoid creating a "tunnel" effect. Compliance with this standard may be accomplished by integrating architectural elements such as brick or stone columns, incorporating articulation or openings into the design, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or similar techniques. In addition to the foregoing, and to the extent reasonably feasible, fences and sections of fences that exceed one hundred (100) feet in length shall vary the alignment or setback of at least one-third (⅓) of the length of the fence or fence section (as applicable) by a minimum of five (5) feet.

(3) **Materials:** Chain-link fencing with or without slats shall not be used as a fencing material for screening purposes. Except as permitted below, no barbed wire or other sharp-pointed fence and no electrically charged fence shall be installed or used in any zone districts.

(a) In the Urban Estate (UE), Rural Land (RUL) and Foothills Residential (RF) Districts, barbed wire and portable electrically charged fencing may be used for the purpose of livestock and pasture management. Electrically charged fencing must only be used within permanent fencing. Electrically charged fencing that is located along any public right-of-way shall contain signage that identifies it as being electrically charged. Such signage shall occur every three hundred (300) feet and be a minimum of thirty-six (36) square inches in area. All electrically charged fencing shall be limited to low impedance commercially available electric fence energizers using an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to two thousand six hundred (2,600) volts at a five-hundred-ohm load at seventeen (17) mililamperes current. All electric fences and appliances, equipment and materials used shall be listed or labeled by a qualified testing agency and shall be installed in accordance with

manufacturers' specifications and in compliance with the National Electrical Code, 1981 Edition NFPA 701981.

(b) In the Employment (E) District and the Industrial (I) District, the Director may grant a revocable use permit that must be renewed every three (3) years for installation of security arms and barbed wire strands atop protective fences or walls, provided that the following conditions are met: the lowest strand of barbed wire must be maintained at least ten (10) feet above the adjoining ground level outside the fence; exterior area security lighting controlled by an automatic light level switch must be installed and maintained in good operating condition; and such lighting must be directed into the site and not outward toward the perimeter.

(4) Fences and walls must be:

(a) No more than four (4) feet high between the front building line and front property line;

(b) No more than four (4) feet high if located in the front yard, or within any required side yard setback area in the front yard, except if required for demonstrated unique security purposes;

(c) No more than six (6) feet high if located within any required rear yard setback area or within any side yard setback area in a rear yard;

(d) No more than forty-two (42) inches in height when located within the visual clearance triangle described in Section 5.16.1(K), and, if over thirty-two (32) inches in height within such triangle, fences shall be constructed of split rail with a minimum dimension of twelve (12) inches between horizontal members;

(e) No closer than two (2) feet to a public sidewalk;

(f) No closer than three (3) feet to a lot line along an alley where an alley-accessed garage door is set back at least twenty (20) feet from the lot line, and no closer than eight (8) feet to a lot line along an alley where an alley-accessed garage door is set back less than twenty (20) feet from the lot line, except that alley fences on lots in the RL and OT districts may be located closer to the lot line along an alley when the City Engineer approves such a location is safe.

. . .

(D) **Urban Agriculture**

(1) The following standards apply to all urban agriculture land uses, except those urban agriculture land uses that are approved as a part of a site-specific development plan.

(2) The intent of these urban agriculture regulations is to allow for a range of urban agricultural activities at a level and intensity that is compatible with the City's neighborhoods.

(3) Standards

(a) *License required*. Urban agriculture land uses shall be permitted only after the owner or applicant for the proposed use has obtained an urban agriculture license from the City that finds the use complies with the conditions of below Subsection (3)(b). The fee for such a license shall be the fee established in the Development Review Fee Schedule. If active operations have not been carried on for a period of twenty-four (24) consecutive months, the license shall be deemed to have been abandoned regardless of intent to resume active operations. The Director may revoke any urban agriculture license issued by the City if the holder of such license is in violation of any of the provisions contained in subsection(b) below, provided that the holder of the license shall be entitled to the administrative review of any such revocation under the provisions contained in Article 6.

. . .

(G) **Solar Energy Systems**

(2)(e) Building-mounted solar energy systems are exempt from the height requirements of this Code, except that they must comply with the height limitations of this Section 4.3.5(G), including the following:

Solar Energy Table

Non-residential and residential buildings (excluding single-dwelling unit or duplex dwellings)	
< 2:12 pitch	8 feet high, as measured on a vertical axis to the roof below, to which it is installed (see Figure 16.3 below)
2:12 to 6:12 pitch	4 feet high, as measured on a vertical axis to the roofline below, to which it is installed.

> 6:12 pitch	2 feet high, as measured on a vertical axis to the roofline below, to which it is installed.
Single dwelling unit and duplex dwellings (principal and accessory buildings)	
No higher than 1 foot, as measured on a vertical axis to the roof below, to which it is installed, unless roof pitch is 2:12 or less, in such case 2 feet is permitted. No portion of a solar energy system shall project above the maximum projection line depicted within Figures 16.3 and 16.4 below.	
All buildings	
Building-mounted solar energy systems shall not extend horizontally beyond any roof overhang.	
Building-mounted solar energy systems	
Solar panels installed on the sides of buildings as awnings or attached to buildings as shade elements are permitted so long as the provisions of this and other applicable requirements are met.	

. . .

(4) Maintenance. Any solar energy system that has not been in working condition for a period of one (1) year shall be subject to Section 115 (Unsafe Structures and Equipment) of the International Building Code, as determined by the City, which may require the panels and associated equipment to be removed, or the unsafe condition otherwise mitigated if it is determined to be unsafe. If so determined by the Building Official, the panels and associated equipment shall be promptly removed from the property to a place of safe and legal disposal, after which the site and/or building, as applicable, must be returned to its preexisting condition.

. . .

(H) **Wire Communication**

(7)(a) Application types. All WCFs shall be reviewed according to the following timeframes (the review of Eligible Facility Requests is addressed in (7)(c) below):

. . .

(7)(c) Specific Review Procedures for Eligible Facility Requests (EFR).

(I) EFR standards. The City shall prepare, and time to time revise as deemed necessary by the Director and make available, an application form requiring the information necessary for the City to consider whether the project covered by an application would:

. . .

(III) Tolling the timeframe for EFR review.

. . .

(ii) If the City fails to approve or deny an EFR within the time frame for review (accounting for any tolling), the request shall be deemed granted; provided that this approval shall become effective only upon the City's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

(IV) Interaction with Telecommunications Act 47 U.S.C. Section 332(c)(7). If the City determines that the applicant's request is not an EFR as delineated in this subsection, the applicant shall be advised as to the relevant provisions of the City Code that govern the process to consider the request, and whether the Code requires any additional information to be submitted in order for the request to be considered complete. If the applicant subsequently indicates an intent for the proposal to be considered under the relevant section of the City Code and submits all required information, the presumptively reasonable timeframe under Section 332(c)(7), as set forth in applicable federal and state law will begin to run from submittal of the required information under the applicable provision of this Code.

. . .

Section 35. ARTICLE 5 USE STANDARDS 5.2 AFFORDABLE HOUSING Section 5.2.1 AFFORDABLE HOUSING is hereby amended to read as follows:

5.2.1 AFFORDABLE HOUSING

(C) **Affordability Standards.** Rental and For-sale projects shall provide one of the following minimum unit options:

. . .

(2) For-Sale Units:

. . .

(D) **Compliance.** To achieve compliance, all Affordable Housing built under the standards of this Code shall provide the following:

(1) Certification Letter. The applicant shall submit a notarized affidavit to the Director that provides how the development meets the affordability standards above and administrative requirements. Upon review and acceptance of the affidavit in consultation with the Director of the Housing and Community Vitality Department, the Director will provide a letter certifying that the development meets the standards stated above and any administrative requirements (Certification Letter). This letter is required to be submitted as part of the building permit application before a building permit can be issued for the development but is not required to as a part of a land use review.

(2) Qualified Preservation Partner (QPP). If applicable, the Certification Letter shall identify the Qualified Preservation Partner.

(3) Covenant/Deed Restriction. The units will be required by binding legal instrument acceptable to the City, providing rights of enforcement to the City, and duly recorded with the Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least sixty (60) years (the Affordable Housing Covenant). This Affordable Housing Covenant shall be recorded prior to issuance of a building permit for the development. There will be language placed in real estate sales documents, acceptable to the City, clearly noticing the Affordable Housing Covenant as part of the sale, and containing a continued requirement of notice in all future sales.

. . .

(F) **Annual Reporting.** The applicant or Qualified Preservation Partner shall provide annual documentation to the Director, who shall provide a copy to the Director of the Housing and Community Vitality Department, relating to the affordable dwelling units in the development. This documentation must commence no later than thirty (30)

days following issuance of a Certificate of Occupancy (CO) for the affordable dwelling units and will include, at minimum, the following:

. . .

(G) **Monitoring.**

(1) The Director in consultation with the Director of the Housing and Community Vitality Department shall periodically monitor and verify the commitments made by the applicant or Qualified Preservation Partner in the Affordable Housing Covenant. Upon reasonable notice to the applicant or Qualified Preservation Partner, the applicant or Qualified Preservation Partner shall provide information to the City sufficient to verify the following:

(a) Compliance with all Affordable Housing Requirements as set forth in this Division.

(b) The affordable dwelling units are occupied by households earning income as required in the Affordable Housing Covenant.

(c) The eligibility of each prospective household is verified by the Applicant or Qualified Preservation Partner prior to occupancy of any affordable unit and proof provided to the City upon request. Upon request of the City, Applicants or Qualified Preservation Partners shall submit documentation for certification to the City for a determination of tenant eligibility.

(2) City staff shall be entitled to arrange periodic site visits to ensure habitability of affordable units; Applicant or Qualified Preservation Partner will secure any necessary authority to enter the unit and will cooperate with City staff.

(3) Monitoring required for compliance as part of a City funding award for affordable units shall satisfy the requirements of this subsection (G).

(H) **Enforcement.** Upon a finding by the City that an Affordable Housing project built under the standards of this Code does not comply with the requirements of Section 5.2, the City make take one or more enforcement actions:

. . .

Section 36. ARTICLE 5 USE STANDARDS 5.3 RESIDENTIAL DEVELOPMENT Section 5.3.3 NEIGHBORHOOD CENTERS is hereby amended to read as follows:

5.3.3 NEIGHBORHOOD CENTERS

(C) **Use Requirements.**

. . .

(2) No accessory drive-through facilities shall be permitted.

. . .

Section 37. ARTICLE 5 USE STANDARDS 5.9 BUILDING PLACEMENT AND SITE DESIGN Section 5.9.1 Access, Circulation and Parking is hereby amended to read as follows:

5.9.1 **ACCESS, CIRCULATION AND PARKING**

(A) **Purpose.** This Section is intended to ensure that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians, mobility assistance devices, and transit, both within the development and to and from surrounding areas. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development. This Section sets forth parking requirements in terms of numbers and dimensions of parking stalls, landscaping and shared parking. It also addresses the placement of drive-through facilities and loading zones.

. . .

(C) **Development Standards. All developments shall meet the following standards:**

. . .

(5) **Walkways.**

(a) Directness and Continuity. Walkways within the site shall be located and aligned to connect areas or points of pedestrian origin and destination. At least one walkways shall be unobstructed by vertical curbs, stairs, raised landscape islands, utility appurtenances or other elements that restrict access and shall link street sidewalks with building entries through parking lots. Such walkways shall be raised or enhanced with a paved surface not less than six (6) feet in width. The private drive connecting to the public right-of-way shall have walkways on both sides.

. . .

(8) **Transportation Impact Study (TIS)**. In identifying those facilities that may be required in order to comply with these standards, all development plans must submit a TIS approved by the Traffic Engineer, which study shall be prepared in accordance with the TIS guidelines maintained by the City. For applications related to drive-through facilities, a stacking analysis shall be included in the TIS.

. . .

(H) **Drive-through Facilities.** Any drive-through facilities, if permitted by the zone district regulations set forth in Article 2, shall be secondary in emphasis and priority to any other access and circulation functions. Such facilities shall be located in side or rear locations that do not interrupt direct pedestrian access along connecting pedestrian frontage. The design and layout of drive-through facilities for restaurants, banks, or other uses shall:

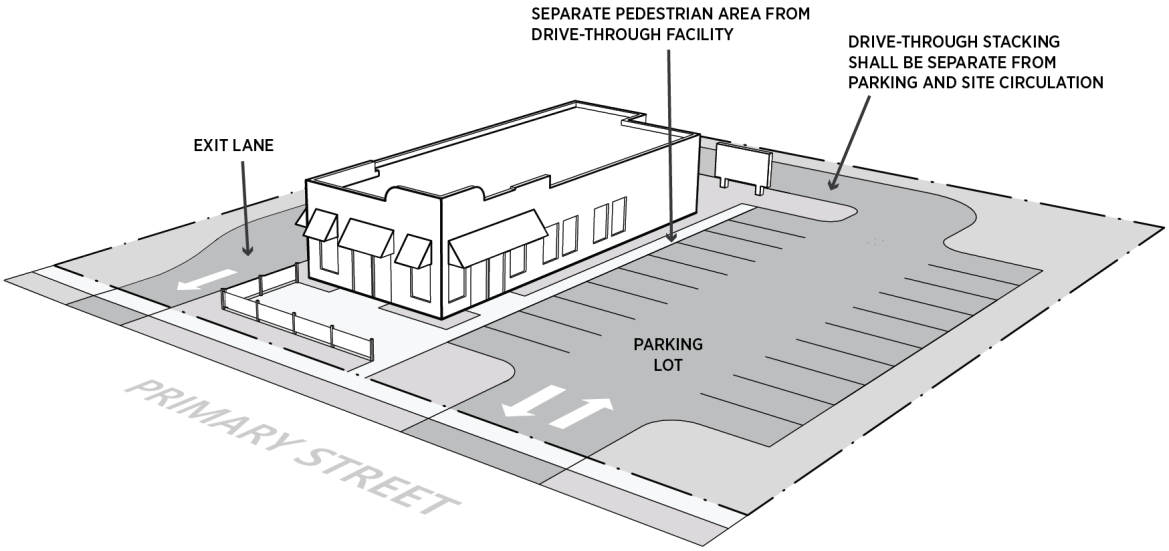
(1) avoid potential individual/vehicle conflicts;

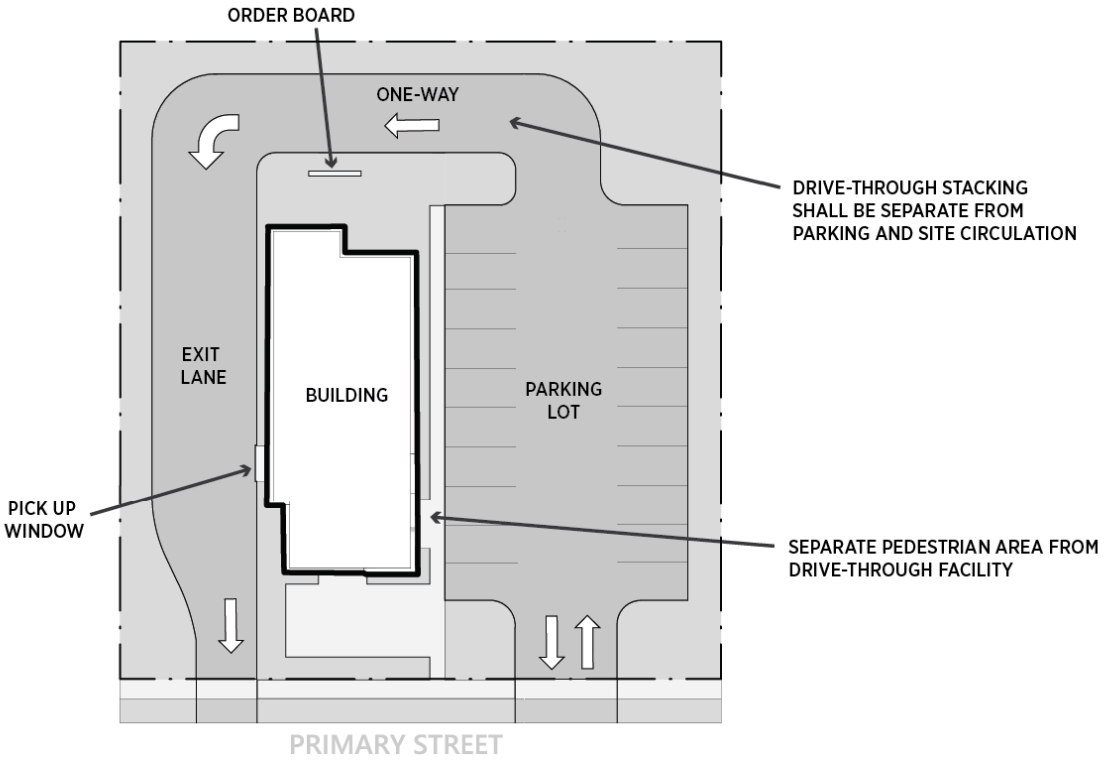
(2) provide a minimum of four (4) stacking spaces for automobiles before restaurant drive-through lane signs and a minimum of four (4) stacking spaces before pick up windows for drive-through restaurants, which minimums may be increased by the decision maker based upon the TIS;

(3) design stacking for minimum required spaces to not interfere with parking or site circulation;

(4) provide adequate directional signage to ensure a free-flow through the facility; and

(5) provide a walk-up service option as well as drive-through.





. . .

Section 38. ARTICLE 5 USE STANDARDS 5.12 EXTERIOR SITE LIGHTING Section 5.12.1 EXTERIOR SITE LIGHTING is hereby amended to read as follows:

. . .

(D) Existing Lighting. Existing lighting shall mean lighting installed or approved prior to March 26, 2021.

(1) Pursuant to Section 6.3.10 changes to exterior light shall comply with the level of review required. All review levels outlined in 6.3.10 shall be limited to meeting Section 5.12.1(A), *Purpose*, Section 5.12.1(C), *Design Standards*, and Section 5.12.1(I), *Limits to Offsite Impacts.* For micro and minor amendments, the Director may impose conditions of approval to ensure lighting meets the purpose and intent of code requirements. The applicant may appeal the Director's decision in the same manner as a basic development review or minor subdivision decision as set forth in Land Use Code Section 6.3.12(C).

(2) Applicants for major amendments pursuant to 6.3.10(A)(4) shall submit a lighting plan for the entire development site that meets the requirements of this Section and, if necessary to meet such requirements, complete a site lighting retrofit for the entire development site.

. . .

Section 39. ARTICLE 5 USE STANDARDS 5.15 BUILDING STANDARDS Section 5.15.1 BUILDING AND PROJECT COMPATIBILITY is hereby amended to read as follows:

5.15.1 BUILDING AND PROJECT COMPATIBILITY

. . .

(E) **Building Materials**.

(1) **Reserved.**

(2) **Glare.** Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal and reflective glass, the potential for glare from such materials will be evaluated to determine whether the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.

(3) **Windows.**

(a) Mirror glass with a reflectivity or opacity of greater than sixty (60) percent is prohibited.

(b) Clear glass shall be used for street level commercial display windows and doors.

(c) Windows shall be individually defined with detail elements such as frames, sills and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

(F) **Reserved.**

(G) **Modification of Height Limits.** To provide flexibility in meeting the height limits contained in Article 4 of this Code, such height limits can be either increased or decreased by the decision maker in the development review process for the following purposes:

(I) allowing architectural embellishments consistent with architectural style, such as peaked roof sections, corner turrets, belvederes or cupolas;

(II) defining and reinforcing the downtown areas the major focal point in the community;

(III) allowing for maximum utilization of activity centers;

(IV) providing conscious direction to the urban form of the City through careful placement of tall buildings or structures within activity centers;

(V) allowing rooftop building extensions to incorporate HVAC equipment.

. . .

Section 40. ARTICLE 5 USE STANDARDS 5.15 BUILDING STANDARDS Section 5.15.2 MIXED-USE, INSTITUTIONAL AND COMMERCIAL is hereby amended to read as follows:

5.15.2 MIXED-USE, INSTITUTIONAL AND COMMERCIAL

. . .

(B) **General Standard**. The street level shall be designed to comport with a pedestrian scale in order to establish attractive street fronts and walkways. Walkways shall be designed principally for the purpose of accommodating pedestrians and pedestrian connections.

. . .

(C) **Relationship of Buildings to Streets, Walkways and Parking.**

. . .

(2) **Building Placement and Build-to Lines.**

(a) At least thirty (30) percent of the total length of the building along the street shall be extended to the build-to line area.

(I) If a parcel, lot or tract has multiple streets, then the building shall be built to at least two (2) of the built to lines, i.e. to a street corner.

(II) If there is a choice of two (2) or more corners, then the building shall be built to the corner that is projected to have the most pedestrian activity associated with the building.

(b) Buildings shall be located no more than fifteen (15) feet from the right-of-way of an adjoining street if the street is smaller than a full arterial or has on-street parking.

(c) Buildings shall be located at least ten (10) and no more than twenty-five (25) feet behind the street right-of-way of an adjoining street that is larger than a two-lane arterial that does not have on-street parking.

(d) Exceptions to the build-to-line standards shall be permitted:

(I) In order to form an outdoor space such as a plaza, courtyard, patio or garden between a building and the sidewalk. Such a larger front yard area shall have landscaping, low walls, fencing or railings, a tree

canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity.

(II) If the building abuts a four-lane or six-lane arterial street, and the Director has determined that an alternative to the street sidewalk better serves the purpose of connecting commercial destinations due to one or more of the following constraints:

a. High volume and/or speed of traffic on the abutting street(s).

b. Landform.

(III) An established pattern of existing buildings that makes a pedestrian-oriented streetfront infeasible. Such an alternative to the street sidewalk must include a connecting walkway(s) and may include internal walkways or other directly connecting outdoor spaces such as plazas, courtyards, squares, or gardens.

(IV) If a larger or otherwise noncompliant front yard area is required by the City to continue an established drainage channel or access drive, or other easement.

(V) In order to conform to an established pattern of building and street relationships, a contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot. If the subject lot is a corner lot, the contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on the lot that is abutting and oriented to the same street as the subject lot. A contextual build-to line shall not be construed as allowing a vehicular use area between the building and the street.

(D) **Variation in Massing.**

(1) Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for aesthetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.

(E) **Building Standards.** In new buildings and, to the extent reasonably feasible, in development projects involving changes to existing building walls, facades or awnings, the following standards shall apply:

(1) **Facade Treatment.** Minimum Wall Articulation. Building bays shall be a maximum of thirty (30) feet in width. In order to avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:

. . .

(2) **Facades.** Facades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, treillage with vines, along no less than fifty (50) percent of the facade.

(3) **Entrances.** Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

(4) **Parking Structure Design.** To the extent reasonably feasible, all parking structures shall meet the following design criteria:

(a) Where parking structures face streets, retail or other uses shall be required along at least fifty (50) percent of the ground level frontage to minimize interruptions in pedestrian interest and activity. The decision maker may grant an exception to this standard for all or part of the ground level frontage on streets with low pedestrian interest or activity.

(b) Auto entrances shall be located and designed to minimize pedestrian/auto conflicts. Where service entries or parking structure entries are needed, the following standards shall be met:

(I) The crown of the underground parking access ramp shall be at least four (4) feet behind the back edge of the sidewalk;

(II) The beginning of the ramp for an above-ground parking garage shall be at least four (4) feet behind the back edge of the sidewalk;

(III) The sidewalk pavement shall be continuous across the drive aisle. Any break in the paving surface or scoring shall be in the drive surface and not in the pedestrian surface; and

(IV) Appropriate cautionary signage shall be used to alert pedestrians to the presence of entering and exiting vehicles and to inform drivers that pedestrians have priority.

(5) **Encroachments.** Special architectural features, such as bay windows, decorative roofs and entry features may project up to three (3) feet into street rights-of-way, provided that they are not less than nine (9) feet above the sidewalk. Trellises, canopies and fabric awnings may project up to five (5) feet into front setbacks and public rights-of-way, provided that they are not less than eight (8) feet above the sidewalk. No such improvements shall encroach into alley rights-of-way.

(6) **Illumination prohibition**. Exterior-mounted exposed neon/fiber optic/ rope L.E.D. lighting, illuminated translucent materials (except signs), illuminated striping or banding, and illuminated product displays on appurtenant structures (e.g., fuel dispensers) shall be prohibited.

. . .

Section 41. ARTICLE 5 USE STANDARDS 5.15 BUILDING STANDARDS Section 5.15.3 LARGE RETAIL ESTABLISHMENTS is hereby amended to read as follows:

5.15.3 LARGE RETAIL ESTABLISHMENTS

. . .

(B) **Reserved.**

. . .

(D) **Development Standards.**

(1) **Building Design**

(a) **Building Placement and Build-to Lines.**

(I) At least thirty (30) percent of the total length of the building along the street shall be extended to the build-to line area.

a. If a parcel, lot or tract has multiple streets, then the building shall be built to at least two (2) of the build-to lines, i.e. to a street corner.

b. If there is a choice of two (2) or more corners, then the building shall be built to the corner that is projected to have the most pedestrian activity associated with the building.

(II) Buildings shall be located no more than fifteen (15) feet from the right-of-way of an adjoining street if the street is smaller than a full arterial or has on-street parking.

(III) Buildings shall be located at least ten (10) and no more than twenty-five (25) feet behind the street right-of-way of an adjoining street that is larger than a two-lane arterial that does not have on-street parking.

(IV) Exceptions to the build-to line standards shall be permitted:

1. In order to form an outdoor space such as a plaza, courtyard, patio or garden between a building and the sidewalk. Such a larger front yard area shall have landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity.

2. If the building abuts a four-lane or six-lane arterial street, and the Director has determined that an alternative to the street sidewalk better serves the purpose of connecting commercial destinations due to one or more of the following constraints:

   a. High volume and/or speed of traffic on the abutting street(s).

   b. Landform.

      An established pattern of existing buildings that makes a pedestrian-oriented streetfront infeasible. Such an

alternative to the street sidewalk must include a connecting walkway(s) and may include internal walkways or other directly connecting outdoor spaces such as plazas, courtyards, squares, or gardens.

(3) In the case of large retail establishments, supermarkets or other anchor-tenant buildings that face internal connecting walkways with pedestrian frontage in a development that includes additional outlying buildings abutting the street(s).

(4) If a larger or otherwise noncompliant front yard area is required by the City to continue an established drainage channel or access drive, or other easement.

(5) In order to conform to an established pattern of building and street relationships, a contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot. If the subject lot is a corner lot, the contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on the lot that is abutting and oriented to the same street as the subject lot. A contextual build-to line shall not be construed as allowing a vehicular use area between the building and the street.

(b) Facades and Exterior Walls:

. . .

(c) Small Retail Stores. Where large retail establishments contain additional, separately owned stores that occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade of such additional stores.

. . .

(d)Detail Features. Building facades must include:

. . .

(e) Roofs. Roofs shall have no less than two (2) of the following features:

. . .

(f) Materials and colors.

(I) Facade colors shall be low reflectance. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

(II) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

. . .

(5) **Central Features and Community Space**. Each large retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. (See Figure 15.)

. . .

Section 42. ARTICLE 5 USE STANDARDS 5.15 BUILDING STANDARDS Section 5.15.4 CONVENIENCE SHOPPING CENTER is hereby amended to read as follows:

5.15.4 CONVENIENCE SHOPPING CENTER

. . .

(B) **Reserved.**

(C) **Land Use.**

(1) **Size of Development.** A convenience shopping center shall be situated on seven (7) or fewer acres with four (4) or more business establishments located in an area that is planned and developed as a whole.

(2) **Permitted Uses**. Permitted uses include retail stores, personal and business services, convenience retail stores (with accessory gas pumps), restaurants without drive-through windows, equipment rental (not including outdoor storage), professional offices, limited banking services such as automated teller machines, multi-unit dwellings, medical offices and clinics, small animal veterinary clinics, and day care services.

(3) **Phasing of Improvements**. If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements.

(D) **Buildings.**

(1) **Architectural Style.** Standardized architecture, recognized as a prototype of a larger chain of establishments, shall be customized to enhance the distinctive character of the immediate neighborhood and the City as a whole, as described below.

. . .

Section 43. ARTICLE 5 USE STANDARDS 5.16 SIGNS Section 5.16.2 PERMANENT SIGNS is hereby amended to read as follows:

. . .

TABLE (G)(1) Freestanding Permanent Signs
. . .
Restaurant Drive-Through Lane Signs
. . .

Section 44. ARTICLE 5 USE STANDARDS 5.17 WATER ADEQUACY DETERMINATIONS Section 5.17.5 PROCEDURES AND STANDARDS FOR WATER ADEQUACY DETERMINATIONS: OTHER POTABLE WATER SUPPLY ENTITIES is hereby amended to read as follows:

5.17.5 PROCEDURES AND STANDARDS FOR WATER ADEQUACY DETERMINATIONS: OTHER POTABLE WATER SUPPLY ENTITIES

(A) **Application Requirements for Other Potable Water Supply Entities.** Applications for a water adequacy determination for all or portions of a development to be served with potable water by other potable water supply entities shall be a form as required by the Director. Such applications shall include all of the following:

. . .

(8) An other potable water supply entity with an approved ODP or PUD Overlay as outlined in Division 6.5 and Section 2.6.3 that includes the entire proposed service area, may at either the other potable water supply entity's, or Director's discretion, submit an application that describes their entire proposed service area once with the initial phase of development and then update the initial determination with a letter from a professional engineer for each subsequent phase with the information required in Subsection 5.17.4; or as required based on any material changes to:

(a) Any of the requirements set forth in this Section;

(b) The reported water supply as set forth in Subsection 5.17.3; or

(c) The proposed development, as determined by the Director.

. . .

(B) ***Review of Application.***

. . .

(2) ***Review.***

(a) The Director shall review the materials provided by the applicant following the completion of the agreement identified in Subsection 5.17.5(B)(1). The time needed for the Director's review shall be based on the complexity of the application, the proposed water supply, and proposed water supply system.

(b) Following the submission of the application, the Director shall be entitled to require any such additional or supplemental information from the applicant as may be required to review and ensure compliance with all review criteria.

(c) The review will be completed concurrently with the required Final Plan, Basic Development Review, Development Construction Permit, or any plan amendments as specified in Section 5.17.3.

. . .

Section 45. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.2 GENERAL PROCEDURAL REQUIREMENTS Section 6.2.2 OVERVIEW OF DEVELOPMENT REVIEW PROCEDURES is hereby amended to read as follows:

6.2.2 OVERVIEW OF DEVELOPMENT REVIEW PROCEDURES

. . .

(B) **What uses are proposed?** Next, an applicant must identify which uses will be included in the proposed project. If *all* of the applicant's proposed uses are listed as permitted uses in the applicable zone district for the project, then the applicant is ready to proceed with a development application for a permitted use. If *any* of the applicant's proposed uses are *not* listed as permitted uses in the applicable zone district for the project, then the applicant must either:

- eliminate the nonpermitted uses from their proposal;
- seek the addition of a new permitted use pursuant to Division 6.9;
- seek a text amendment to this Land Use Code pursuant to Division 6.25;

. . .

Section 46. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.3 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS REQUIREMENTS Section 6.3.10 Step 10 Amendments and Change of Use is hereby amended to read as follows:

6.3.10 STEP 10: AMENDMENTS AND CHANGES NOT REQUIRING AMENDMENT

(A) **Applicability.** This Section applies to proposed amendments and changes not requiring an amendment to (1) approved development plan or site specific development plans, whether approved under this Code or prior law; and (2) any developed lot with a legally established use that is currently allowed in the respective zone district where it is located and for which an approved plan does not exist. This Section does not apply to (1) nonconforming uses addressed in Division 6.16 or existing limited permitted uses addressed in Division 6.17 except for a change of use to an allowed use, or (2) lots without a legally established use. In instances where no approved plan exists but an amendment is required, the City may require submittal of a site plan or other documentation sufficient to memorialize existing and proposed development.

Subsequent to the approval of a development plan or site specific development plan approved under this Code or a prior plan, or in instances where no approved plan exists but a legally established use that continues to be allowed, amendments or changes to such plans may be made per the requirements of this Section. Outlined below are levels of change that are characterized by different review procedures, degree of change, and required site improvements to bring the site into further or total compliance with current standards. Percentages listed in below Subsection (D) through (G) are maximum percentages in the aggregate. These levels include:

(1) No Amendment. If no amendment is required as described in below Subsection (D), changes are reviewed through an applicable building permit, and if no building permit is required, changes compliant with this Code may proceed without further review.

(2) Micro Amendment and Parkway Landscape Amendment. If a micro amendment or parkway landscape amendment is required per below Subsection (E), changes are reviewed through an amendment application prior to applicable permits and additional site improvements to enhance multi-modal transportation as identified in below Subsection (H). The decision maker is the Director.

(3) Minor Amendment. If a minor amendment is required per below Subsection (F), changes are reviewed through a minor amendment application prior to other applicable permits and require site improvements limited to those as identified in below Subsection (H). The decision maker is the Director unless referred to the Planning and Zoning Commission or the City Council pursuant to below Subsection (I).

The Director may decide minor amendments to an approved PUD Comprehensive Plan as long as the PUD Comprehensive Plan as amended continues to comply with the standards of this Code, as such standards may have been modified in the existing PUD Comprehensive Plan, and so long as the amendment is consistent

with the existing PUD Comprehensive Plan. Otherwise, the minor amendment must be referred to the original decision maker for decision.

(4) Major Amendment. If a major amendment is required per below Subsection (G), changes are reviewed through a major amendment application prior to other applicable permits and require site improvements to bring the site into full compliance with the standards of this Code as identified in below Subsection (H).

(B) **Decision Maker Review and Decision; Determination of Appropriate Review for Changes Not Listed in Subsections (D) Through (G).**

(1) Review and Decision. The decision maker may approve an amendment if the amendment complies with the criteria described in the applicable table, and the site as amended will not reduce the existing level of compliance with this Code. The decision maker may also approve an amendment if conditions can be imposed that, when satisfied, allow the amendment to comply with the criteria described in the applicable table and allow the site, as amended, to comply with this Code. If the amendment does not meet the criteria described in the applicable table or the site, as amended, will not comply with this Code, or both, and reasonable conditions of approval to ensure compliance are not available, the decision maker shall deny the proposed amendment.

(2) Changes Not Listed in Subsections (D) Through (G). The Director shall determine the appropriate review per this Section for changes not listed in Subsection (D) through (G) based on the similarity of the proposed unlisted change to other listed changes and the impacts of the change in the context of the neighborhood where the property to which the change would apply is located. The Director's decision is not subject to appeal.

(C) **Additional Requirements.** In addition to satisfying applicable Code requirements and unless specifically noted in 6.3.10(H), amendments and changes not requiring an amendment per (D)-(G) must satisfy all other applicable code and permit requirements including, but not limited to, building, fire, engineering, utility, and historic preservation. All demolition is subject to applicable historic review, construction waste and recycling requirements, demolition noticing, permitting, and proper disconnection of utilities.

(D) **No Amendment.** No amendment is required per this Subsection for the following changes:

NO AMENDMENT
Exterior Changes
Any change to existing facade.
Any increase or decrease to windows or doors.
Replacement of mechanical equipment similar in size and location.
Upgrade existing light fixtures to compliant fixtures.
Required changes to meet Building Code accessibility requirements.
Reduction of 50% or less of building footprint and replacing with landscaping.
Up to 100% demolition of existing building with no changes to landscaping.
Up to 25% change of landscaping materials, square footage, or changes to compliant species, none of which are located in the public right of way.
Adding EV chargers, EV capable, or EV ready equipment in existing parking spaces meeting utility separation requirements.
Interior Changes
Any change to floor plan.
Change to a use in full or portion of the structure(s) on the site within the same Use Table permitted in the zone district.
Reestablish the last approved use if it has been abandoned for less than two years and is still permitted in the zone district.

(E) Micro Amendment or Parkway Landscape Amendment is required for the following changes:

Micro and Parkway Landscape Amendment
Exterior Changes:
Reduction greater than 50% of building footprint with landscaping changes.

Decrease in vehicle parking spaces and/or paved area.
Greater than 25% change of landscaping materials, square footage, or changes to compliant species, none of which are located in the public right of way.
Any change of landscaping materials, square footage, or changes to compliant species in the public right of way only that does not meet the threshold for “no amendment” above.
Increase or decrease in height of building or structure 10 feet or less.
25% or less increase of vehicle parking spaces.
Additional mechanical equipment.
Any increase in exterior lighting.
Interior Changes:
Increase of 5% or less in residential dwelling units.
Revisions to utility plans with no changes to site or landscape plans.

(F) **Minor Amendment is required for the following changes:**

Minor Amendment
Exterior Changes:
Addition of up to 50% increase of the total building footprint(s) on site.
Increase in height by greater than 10 feet and less than 30 feet.
Tree removal of 6” caliper or greater.
Increase lot size up to 50%.
Increase greater than 25% and less than 50% of the number of vehicle parking spaces.

Interior Changes:
Change from 0 to 4 existing dwelling units up to maximum of 5 total dwelling units on the site.
Increase greater than 5% and less than 15% of dwelling units.
Change of use to a different Use Table permitted in the applicable Zone District. (e.g., Residential Use Table to the Commercial/Retail Use Table)
Reestablish the last approved use if it has been vacated for more than two and less than five years and is still permitted in the zone district.

(G) **Major Amendment is required for the following changes:**

Major Amendment
Exterior Changes:
Addition greater than 50% of the total building footprint(s) on site.
Increase greater than 50% of the current lot size.
Increase in height by 30 feet or greater.
Increase of greater than 50% of vehicle parking spaces.
Interior Changes:
Addition of Permitted Use

(1) Major Amendments shall be processed as required for the land use or uses proposed for the amendment as set forth in Article 4 (i.e., BDR, Type 1 review, or Type 2 review) for the zone district in which the land is located for both plans approved under this Code or prior law. Any major amendments to an approved project development plan or site specific development plan shall be recorded as an amendment in accordance with the procedures established for the filing and recording of such initially approved plan. City Council approval of a major amendment to a PUD Comprehensive Plan shall be by ordinance.

(2) Any partial or total abandonment of a development plan or site specific development plan approved under this Code, or of any plan approved under the laws of the City for the development prior to the adoption of this Code, is a major amendment, and shall be processed as a Type 2 review. However, if a new land use is proposed for the property subject to the abandonment, then the abandonment and new use shall be processed as required for the land use or uses proposed as set forth in Article 4 (i.e., BDR, Type 1 review or Type 2 review) for the zone district in which the land is located. The criteria established in Subsection 6.2.4(C) shall additionally apply.

(3) If a new land use is proposed for land, it shall be processed as required for the land use or uses proposed as set forth in Article 4 (i.e., BDR, Type 1 review or Type 2 review) for the zone district in which the land is located.

(H) **Site Improvements.** Site improvements include physical changes to land or buildings, dedication of land or easements, and updates to legal descriptions, all as required per applicable provisions of the Land Use Code.

All amendments and changes not requiring an amendment are required to remain at the current level of compliance with the Code or increase the level of compliance with the Code. In connection with above Subsections (D) through (F), the following site improvements are required:

Site Improvements				
	No Amendment	Micro & Parkway Amendment	Minor Amendment	Major Amendment
Plat or replat when no plat exists, current legal description is metes and bounds, or expanding beyond the original boundary of the development			Applicable	Applicable
Right of way or easemen dedication			Applicable	Applicable
Stormwater infrastructure and treatment			Applicable	Applicable

Landscaping			Applicable	Applicable
Street trees		Applicable	Applicable	Applicable
Lighting			Applicable	Applicable
Trash enclosure			Applicable	Applicable
Bicycle spaces		Applicable	Applicable	Applicable
Vehicle parking spaces			Applicable	Applicable
Connecting walkway		Applicable	Applicable	Applicable
All other site improvements unless the Director determines otherwise*				Applicable

*For site improvements not included in this list, the Director may determine if such additional unlisted site improvements have a reasonable nexus to the proposed change to require such additional improvements. Notwithstanding the foregoing per the Building Code and Fire Code, certain changes may require a building permit, right of way permit, and historic preservation.

(I) **Referral.** For minor amendments, the Director may refer the minor amendment to the Planning and Zoning Commission for a decision, or to City Council in the case of a minor amendment of a City Council approved PUD Comprehensive Plan. If so referred, the decision maker's decision shall constitute a final decision, subject only to appeal as provided for development plans under Divisions 6.2.3 (B), (C), (D), (E), and (G) as applicable, for the minor amendment. City Council approval of a minor amendment to a PUD Comprehensive Plan shall be by ordinance.

(J) **Appeals.** Appeals of decisions of approval, approval with conditions, or denial shall only apply to minor amendments and major amendments and shall be filed and processed in accordance with Section 6.3.12 (Step 12). Micro amendments and parkway landscape amendments are not subject to appeal.

(K) **Notification.** Written notice must be mailed to the owners of record of all real property abutting the property that is the subject of the minor amendment application at least fourteen (14) calendar days prior to the Director's decision. Major amendments shall follow notification requirements in Section 6.3.6 (Step 6).

. . .

Section 47. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.8 MODIFICATION OF STANDARDS Section 6.8.2 MODIFICATION REVIEW PROCEDURES is hereby amended to read as follows:

6.8.2 MODIFICATION REVIEW PROCEDURES

. . .

(H) **Step 8**

. . .

(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the applicable purposes of the Land Use Code as contained in Section 1.2.2 to the extent the purposes are reasonably applicable to the standard for which the modification is requested.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

. . .

Section 48. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.14 VARIANCES Section 6.14.4 VARIANCE REVIEW PROCEDURES is hereby amended to read as follows:

6.14.4 VARIANCE REVIEW PROCEDURES

. . .

(H) **Step 8 (Standards):** Applicable and the Director or Land Use Review Commission may grant a variance from the standards of Articles 2-5 and only if it finds that the granting of the variance would neither be detrimental to the public good nor authorize any change in use other than to a use that is allowed subject to basic development review; and that:

. . .

(3) the proposal as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be varied except in a nominal, inconsequential way when considered in the context of the neighborhood, and will continue to advance the applicable purposes of the Land Use Code as contained in Section 1.2.2 to the extent the purposes are reasonably applicable to the standard for which the modification is requested.

. . .

Section 49. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.25 AMENDMENT TO TEXT OF CODE AND/OR ZONING MAP Section 6.25.4 TEXT AND MAP AMENDMENT REVIEW PROCEDURES is hereby amended to read as follows:

6.25.4 TEXT AND MAP AMENDMENT REVIEW PROCEDURES

. . .

(H) **Step 8** (Standards): Applicable, as follows:

. . .

(2) *Mandatory Requirements for Quasi-judicial Zonings or Rezonings.* Any amendment to the Zoning Map involving the zoning or rezoning of six hundred forty (640) acres of land or less (a quasi-judicial rezoning) shall be recommended for approval by the Planning and Zoning Commission or approved by the City Council only if the proposed amendment is:

. . .

(a) in general alignment with the principles and policies of the City's Comprehensive Plan; and/or

. . .

Section 50. ARTICLE 7 RULES OF MEASUREMENT AND DEFINITIONS 7.1 MEASUREMENT Section 7.1.2 RULES OF MEASUREMENT is hereby amended to read as follows:

7.1.2. RULES OF MEASUREMENT

. . .

Build-to line shall mean the line on which the front of a building or structure must be located or built and which is measured as a distance from a public right-of-way street. To establish "build-to" lines, buildings shall be located and designed to align or approximately align with any previously established building/sidewalk relationships that are consistent with applicable standards.

. . .

Section 51. ARTICLE 7 RULES OF MEASUREMENT AND DEFINITIONS 7.2 DEFINITION Section 7.2.2 DEFINITIONS is hereby amended to read as follows:

7.2.2 DEFINITIONS

. . .

Accessory drive-through facilities shall mean a facility that by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles and without parking the vehicle. Examples include but are not limited to banks and pharmacies. This definition does not include drive-through restaurants.

. . .

Affordable housing development shall mean a development project in which a specified minimum percentage of said dwelling units (the “affordable housing units”) are to be available for rent or purchase on the terms described in the definitions of affordable housing unit for rent or affordable housing unit for sale (as applicable).

. . .

Affordable housing unit for rent shall mean a dwelling unit that is available for rent on terms that would be affordable to a household~~s~~ earning a specified percentage or less of the Area Median Income (AMI) as calculated for Fort Collins by the Department of Housing and Urban Development (HUD) and adjusted for household size, and at a cost that does not exceed the rental rate published by the Colorado Housing and Finance Authority for that income level and size dwelling unit.

. . .

Affordable housing unit for sale shall mean a dwelling unit that is available for purchase on terms that would be affordable to a household earning a specified percentage or less of the Area Median Income (AMI) as calculated for Fort Collins by the Department of Housing and Urban Development (HUD) and adjusted for household size based on 1.5 people per bedroom (rounded down), and at a cost that results in a household paying less than thirty-eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees.

. . .

Connecting walkway shall mean (1) any street sidewalk, or (2) any walkway that directly connects a main entrance of a building along the shortest distance to the street sidewalk.

. . .

Convenience shopping center shall mean a shopping and service center situated on seven (7) or fewer acres with four (4) or more business establishments with separate exterior entrances, located in a complex that is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas. The principal uses permitted include retail stores; business services; convenience retail stores with fuel sales (possibly including an accessory one-bay automatic carwash); personal business and service shops; standard or fast food restaurants (without drive-through windows); vehicle minor repair, servicing and maintenance uses; liquor sales (for on- or off-premise consumption); beauty or barber shops; dry-cleaning outlets; equipment rental (not including outdoor storage); limited indoor recreational uses; pet shops; and uses of similar character. Secondary uses may include professional offices; limited banking services such as branch banks (including accessory drive-through facilities) and automated teller machines; multi-unit dwellings; medical offices and clinics; small animal veterinary clinics; child care centers; and elderly day care facilities.

. . .

Drive aisles shall mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only or primarily for drive-through customer service.

. . .

Private drive shall mean a parcel of land not dedicated as a public street, over which a private easement for road purposes has been granted to the owners of property adjacent thereto, which intersects or connects with a public or private street, and where the

instrument creating such easement has been recorded in the Office of the Clerk and Recorder of Larimer County.

. . .

Restaurant, drive-in shall mean any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer while parked in a motor vehicle without the need for the customer to exit the motor vehicle.

. . .

Restaurant, drive-through shall mean any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit or park the motor vehicle.

. . .

Sign, awning shall mean a sign that is painted on, integrated into, or attached to an awning. For the purposes of this definition, an awning is a projection from the building that is supported entirely from the exterior wall of the building, and that gives shelter from the sun or weather over doors, windows, or street level storefronts. An awning is different from a canopy in that an awning is covered with fabric or other flexible material.

…

Sign, interactive window shall mean one (1) or more illuminated screens that are displayed inside street level storefront windows that can be programed to allow customers to navigate content interactively from outside the window.

. . .

Section 52. The definitions of *Auto-related and roadside commercial*, *Drive-in use, Party-in-interest, Restaurant fast food,* and *Transit-oriented development (TOD) Overlay Zone* contained in ARTICLE 7 RULES OF MEASUREMENT AND DEFINITIONS 7.2 DEFINITION Section 7.2.2 DEFINITIONS are hereby deleted in their entirety:

Section 53. Community Development and Neighborhood Services staff in their role as the codifier of the Land Use Code are directed to review the Land Use Code and make sure that the term mixed-use is consistently spelled with the hyphen joining the words.

Section 54. Community Development and Neighborhood Services staff in their role as the codifier of the Land Use Code are directed to review the Land Use Code and make sure that the term non-residential is consistently spelled with the hyphen joining the words.

Section 55. Community Development and Neighborhood Services staff in their role as the codifier of the Land Use Code are directed to make changes to the Land Use Code tables of contents corresponding to the changes set forth in this Ordinance.

Section 56. The table entitled “BUILDING ENVELOPE” contained in ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS Section 2.3.1 CC Community Commercial District is hereby amended to read as follows:

BUILDING ENVELOPE

BUILDING HEIGHT	
All Buildings	5 stories max.
Affordable Housing Development Bonus	6 stories max.

Section 57. ARTICLE 5 USE STANDARDS, SECTION 5.17.4 PROCEDURES AND STANDARDS FOR WATER ADEQUACY DETERMINATIONS: ESTABLISHED POTABLE WATER SUPPLY ENTITIES is hereby amended to read as follows:

(A) *Application Requirements.*

(1) Requests under this Section shall include a letter as described in Subsection (a), unless exempted pursuant to Subsection (b).

(A) A letter prepared by a registered professional engineer or by a water supply expert from the established potable water supply entity that contains the following information:

. . .

All letters shall be provided to City Council for informational purposes only and kept on file with the City's ~~Community~~ Planning and Development ~~and Neighborhood~~ Services Department. At the established potable water supply entity's discretion, the letter may describe their entire service area and be submitted for a determination once updated as required based on any material changes to any of the requirements in this Section or in their reported supply as described in Subsection 5.17.3 (C). If the letter describes the entire service area, then the entity does not need to resubmit the approved letter with each letter as outlined in Subsection 5.17.4(A)(2) but should be referenced within the letter content in addition to what is outlined in Subsection 5.17.4(A)(2).

(b) The letter described in Subsection (a) shall not be required if the established potable water supply entity has a water supply plan, or other plans that cumulatively provide the information that:

. . .

All water supply plans, or other plans that cumulatively provide the information required above shall be provided to City Council for informational purposes only and kept on file with the City's ~~Community~~ Planning and Development ~~and Neighborhood~~ Services Department. The Director may defer providing the Council with any water supply plan or other plans until such time as the established potable water supply entity updates their existing water supply plan. Once the plan, or plans, are on file, they do not need to be resubmitted with each letter as outlined in Subsection 5.17.4(A)(2) but should be referenced within the letter content in addition to what is outlined in Subsection 5.17.4(A)(2).

. . .

Section 58. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.27.17 MAPS is hereby amended to read as follows:

Maps referred to in any such designations and regulations shall be available for inspection in the offices of the ~~Community~~ Planning and Development ~~and Neighborhood~~ Services Department.

. . .

Section 59. ARTICLE 7 RULES OF MEASUREMENT AND DEFINITIONS 7.2 DEFINITION Section 7.2.2 DEFINITIONS is hereby amended to read as follows:

7.2.2 DEFINITIONS

. . .

Boat sales with storage shall mean the use of any land for the (1) sales of watercraft or (2) the display, storing, or repair of new or used watercraft outside of an enclosed building. This use does not include temporary sidewalk, tent, or open-air sales of watercraft, any of which are accessory to a retail store and have, as applicable, been City approved.

. . .

Department shall mean the ~~Community~~ Planning and Development ~~and Neighborhood~~ Services Department, or the successor department existing from time-to-time in the City's organizational structure.

. . .

Vehicle sales and leasing for farm equipment, mobile homes, recreational vehicles, and large trucks ~~and boats with outdoor storage~~ shall mean the use of any building, land area or other premises for the display and sale or lease of new or used large trucks, trailers, farm equipment, mobile homes, and recreational vehicles, ~~boats and watercraft,~~ and may include the outside storage of inventory, any warranty repair work or other repair service conducted as an accessory use.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 12, 2025
Approving Attorney: Brad Yatabe

Exhibit: None

ORDINANCE NO. 167, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
UPDATING THE HARMONY CORRIDOR PLAN AND THE HARMONY CORRIDOR STANDARDS AND GUIDELINES

A. City Council originally adopted the Harmony Corridor Plan ("Plan") in 1991, by Resolution 91-42, as an element of the City's comprehensive plan, now known as City Plan.

B. City Council also adopted in 1991, the Harmony Corridor Design Standards and Guidelines ("Standards and Guidelines") by Ordinance 28, 1991, to further the policies set forth in the Plan by means of binding development standards and advisory guidelines.

C. Both the Plan and Standards and Guidelines have been periodically amended to adapt to changing needs and circumstances within the Harmony Corridor with the most recent update adopted in 2020 by Ordinance 044, 2020.

D. As a result of Land Use Code amendments adopted in Ordinance No. 166, 2025, to the City's commercial corridors and centers, including the area subject to the Plan and the Standards and Guidelines, corresponding amendments are needed to the Plan and the Standards and Guidelines.

E. The amended Plan is attached to this Ordinance and incorporated herein as Exhibit A.

F. The amended Standards and Guidelines is attached to this Ordinance and incorporated herein as Exhibit B.

G. On October 16, 2025, the Planning and Zoning Commission recommended to Council on a 6-0 vote (Bruxvoort absent) vote that Council adopt the amended Plan and Standards and Guidelines attached to this Ordinance.

H. City Council finds that the Plan is in need of the proposed amendments to be consistent with the Land Use Code changes adopted in Ordinance No. 166, 2025, and that the proposed changes will promote the public welfare and will be consistent with the visions, goals, principles, and policies of City Plan and the elements thereof.

I. City Council finds that the Standards and Guidelines are necessary to carry out the amended Plan and the amendments are in the best interests of the city and will promote the general public health, safety, and welfare.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. City Council adopts the amended Plan attached as Exhibit A.

Section 2. City Council adopts the amended Standards and Guidelines which upon the effective date of this Ordinance, will be binding upon development as though set forth in the Land Use Code.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on December 2, 2025.

_____
Mayor

ATTEST:

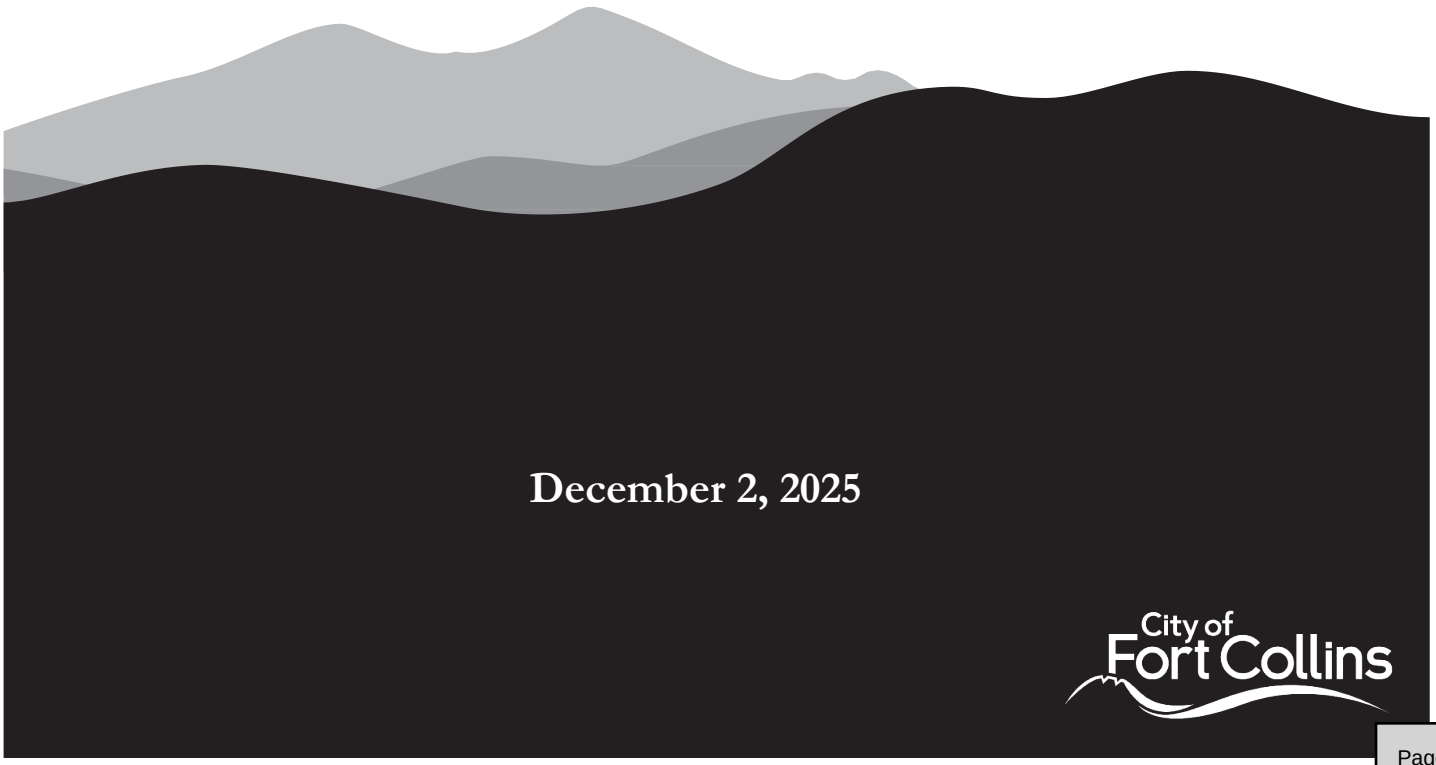
_____
City Clerk

Effective Date: December 12, 2025
Approving Attorney: Brad Yatabe

Exhibits: Exhibit A: Harmony Corridor Plan
Exhibit B: Harmony Corridor Design Standards and Guidelines

Harmony Corridor Plan

An Element of the City of Fort Collins Comprehensive Plan



December 2, 2025

City of Fort Collins

HARMONY CORRIDOR PLAN

An Element of the City of Fort Collins Comprehensive Plan

December 2, 2025

City of Fort Collins



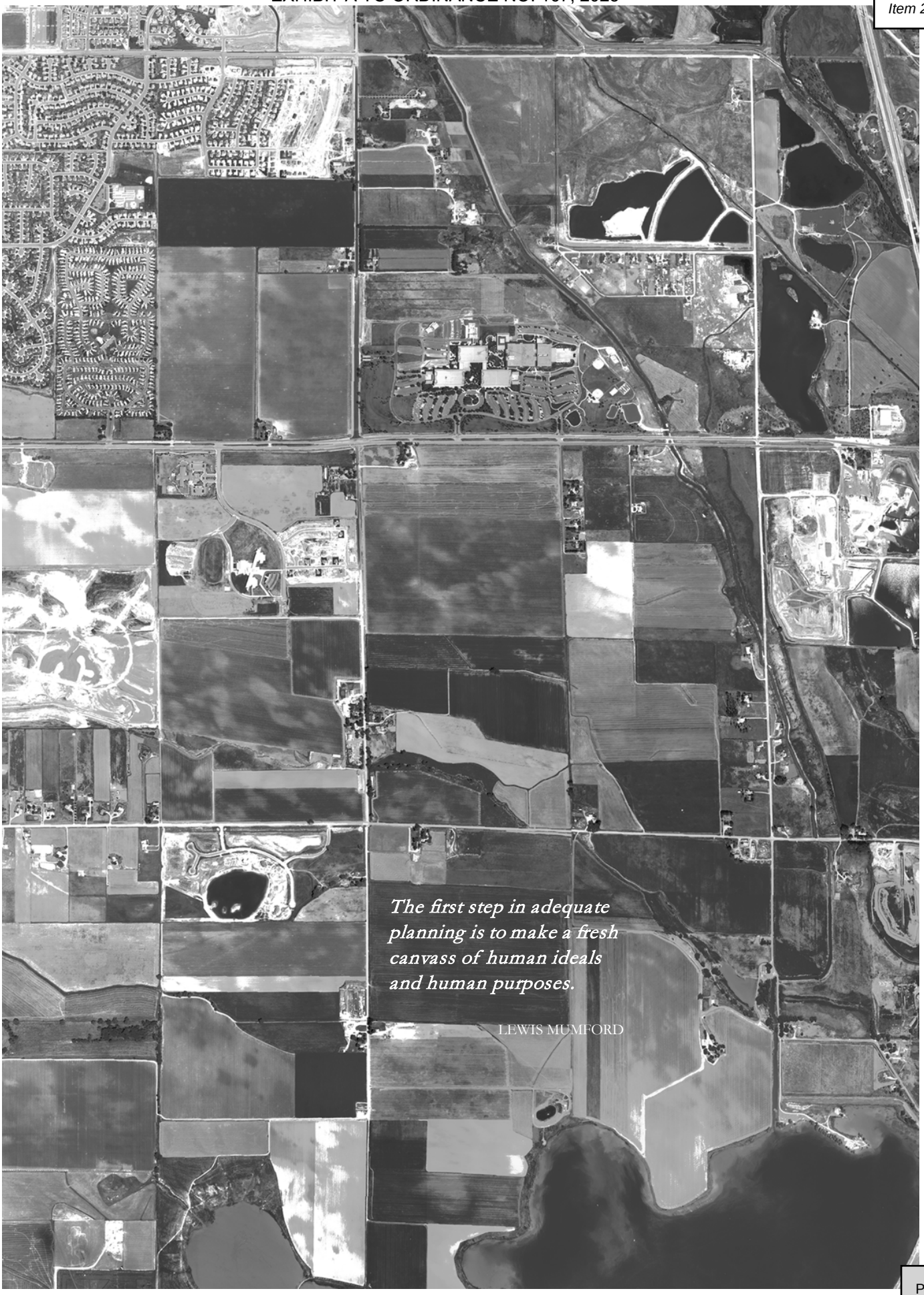

The first step in adequate planning is to make a fresh canvass of human ideals and human purposes.
LEWIS MUMFORD

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CREDITS

CITY COUNCIL

Ann Azari, Mayor
Gina Janett, Mayor Pro Tem
Alan Apt
Chris Kneeland
Bob McCluskey
Will Smith
Charles Wanner

PLANNING AND ZONING COMMISSION

René Clements, Chair
Jan Cottier, Vice-Chair
Jennifier Fontane
Gwen Bell
Bernie Strom
Lloyd Walker
Gary W. Carnes

CITY STAFF

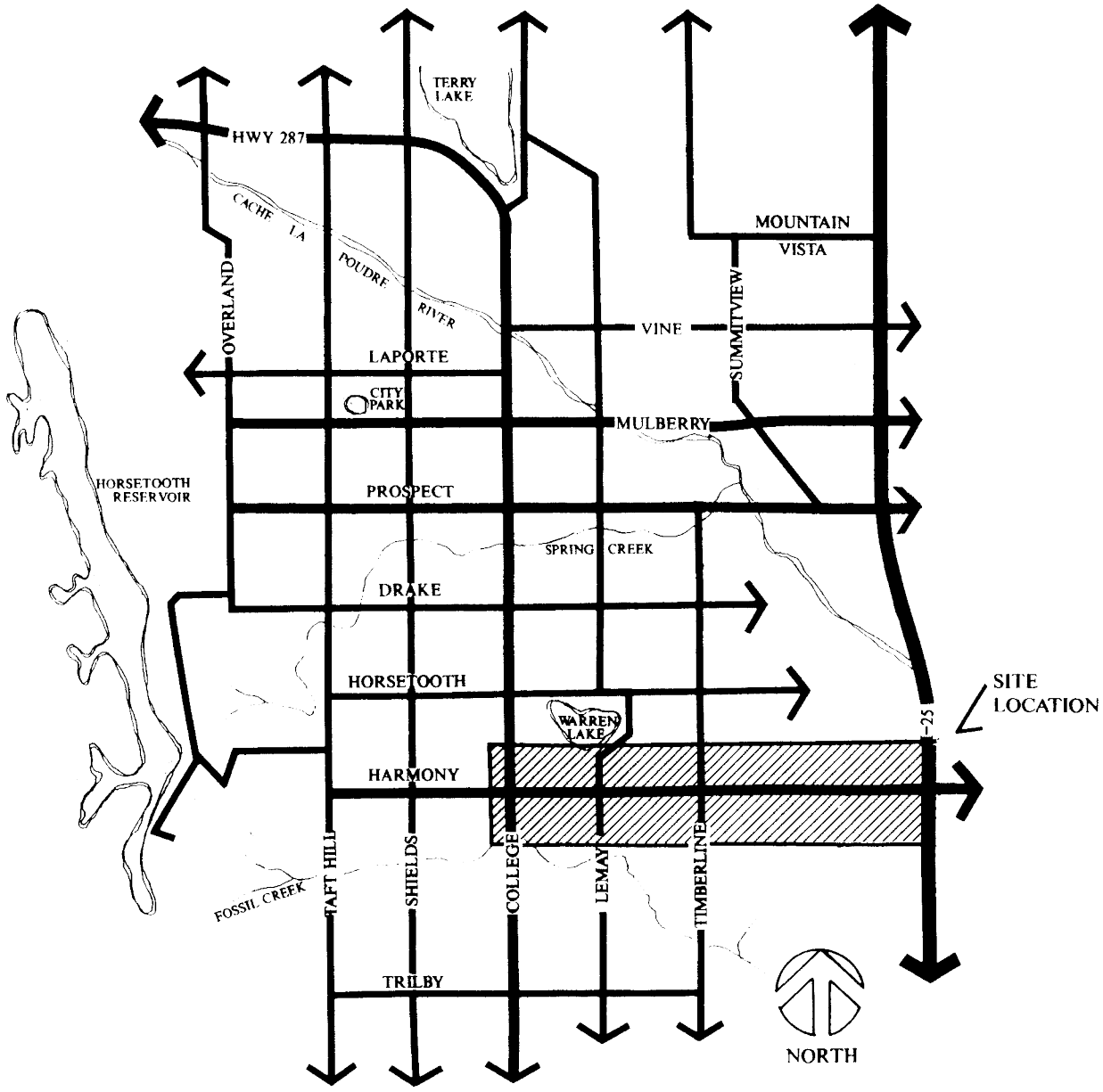
Diane Jones, Interim City Manager
Frank Bruno, Interim Deputy City Manager
Greg Byrne, Director of Community Planning and Environmental Services
Joe Frank, Director of Advance Planning
Clark Mapes, City Planner
Paul Eckman, Deputy City Attorney

1
INTRODUCTION

Genuine planning is an attempt,
not arbitrarily to displace reality,
but to clarify it and to grasp firmly
all the elements necessary to bring
the geographic and economic facts
in harmony with human purpose.

LEWIS MUMFORD

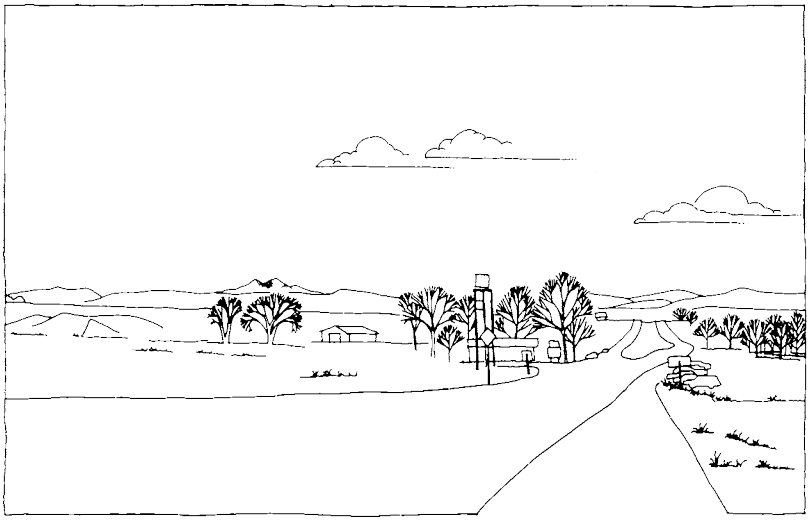
City of Fort Collins
Orientation Map



THE HARMONY CORRIDOR

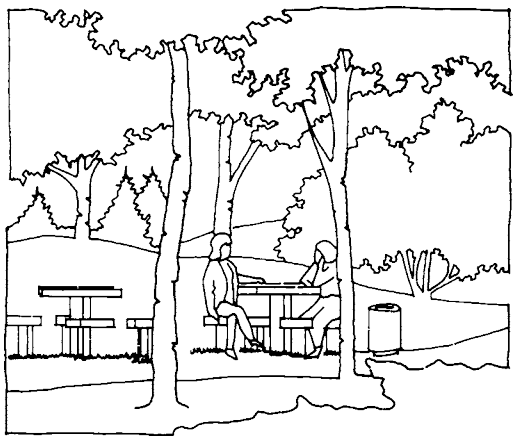
The Harmony Corridor planning area extends for five miles, from the I-25 interchange to the Burlington-Northern railroad tracks located west of College Avenue. The area extends approximately one-half mile north and south of Harmony Road. Over 7,000 people live and work in the corridor. Linking I-25 to U.S. Highway 287, Harmony Road carries approximately 28,000 vehicles to and from Fort Collins each day. It is anticipated that this figure will grow to 35,000 by the time the corridor is fully developed. The I-25/Harmony Road interchange is the most southerly entrance point to Fort Collins and a primary route for commuters and travelers going to and from the Denver metropolitan area. Most of the people visiting Fort Collins for the first time enter the city through this corridor.

Key physical features of the corridor include: close proximity to the Poudre River, lakes wetlands and associated wildlife habitat as well as spectacular views of Longs Peak and the Front Range. With approximately one-half of the corridor already developed, the visual quality of the area is exceptional. An unusually wide right-of-way and spacious median provide an excellent opportunity to develop a well landscaped parkway. Harmony Road has the potential to become one of the most attractive entryway corridors in northern Colorado.



View from the I-25 interchange looking west.

Hewlett-Packard employees relax in a shaded courtyard.



In terms of development potential, the Harmony Corridor is unrivaled in the Fort Collins area. The corridor has nearly 2000 acres of land available for business, industrial, and residential development, with relatively few development constraints. Uniquely situated between I-25 and U.S. Highway 287, the corridor has excellent community and regional access. Close proximity to housing, schools, shopping and recreation facilities makes the corridor an obvious choice for business or industry seeking to locate in northern Colorado. The fact that most of the developable land has not been subdivided into small parcels is an additional advantage for attracting large scale business/industrial land uses. Highly respected companies like Hewlett-Packard, Comlinear, ESAB and Mountain Crest Hospital have chosen to locate and/or expand their facilities in the corridor.

Along with its attractive physical features and tremendous development potential, the corridor has another vital attribute — the dedication and creative energies of its residents and businesspeople. Property owners in the corridor have been instrumental in organizing this planning effort and have been closely involved throughout the planning process.

THE PURPOSE OF THE STUDY

With one-half of the corridor already developed and another one fourth planned, Harmony Corridor faces a turning point. While continued business and industrial development looks promising, the corridor and the community are facing many challenges. How can we attract the kinds of business and industry that will provide a strong economic base and be compatible with community values? How do we ensure a continuation of wide setbacks, attractive landscaping and other amenities that enhance the quality of life for people who live and work in the corridor? The Cache la Poudre River floodplain, numerous lakes, wetlands and spectacular mountain views combine to create an impressive and scenic gateway at the I-25 interchange. The gateway area offers unique opportunities and challenges the community to discover creative ways to balance development potential with natural resource assets. The Harmony Corridor Plan is a response to these community wide issues. Since the corridor is currently a very healthy and vital segment of our community, the Plan emphasizes the need to take advantage of its assets for our future.

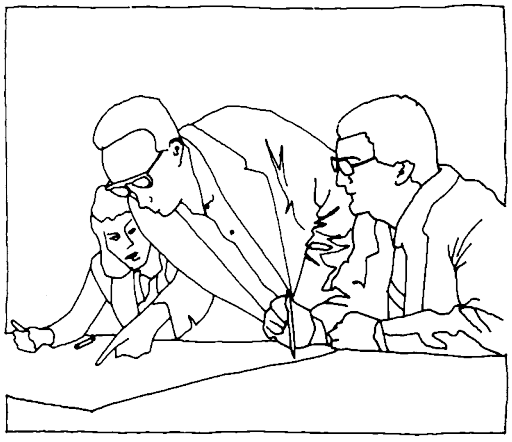
The Plan focuses on encouraging a land use pattern and urban design framework that protects community values and at the same time recognizes the need for flexibility in response to market demand. Taking advantage of the corridor's unique physical and cultural features, the Plan seeks to create a "vision" for Harmony Corridor that is dynamic, diverse, economically successful, environmentally sound and uniquely attractive.

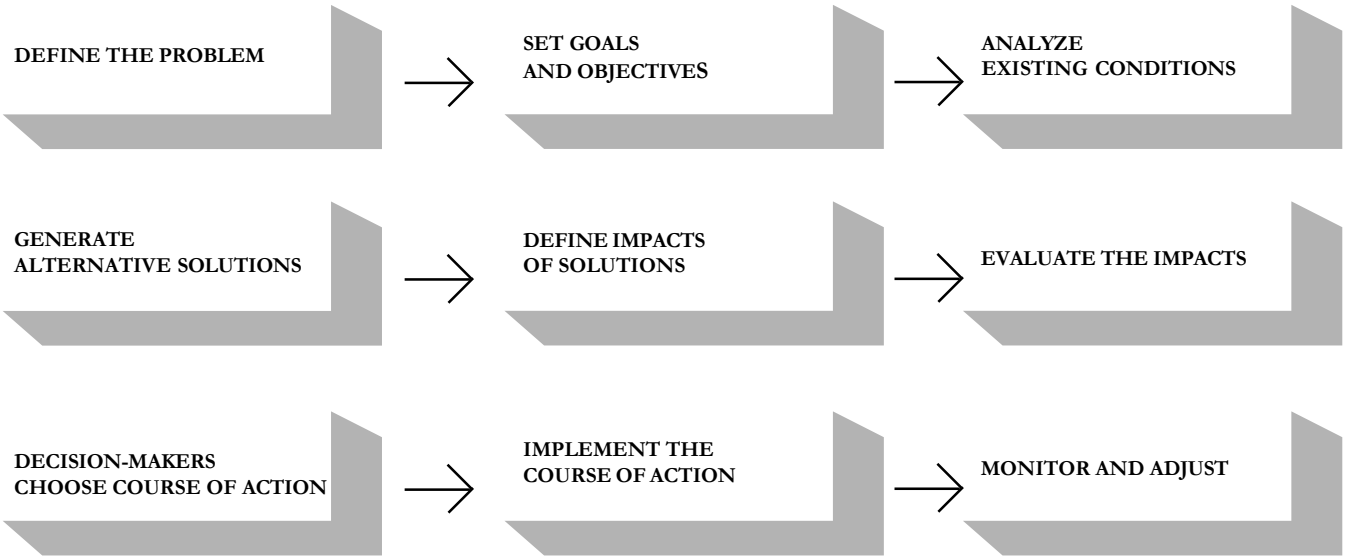
THE PLANNING PROCESS

The Harmony Corridor planning process involved two parallel work efforts – a technical planning effort and a public participation process. The technical planning effort analyzed existing conditions and opportunities, defined focus areas and generated alternative approaches which led to the planning and urban design recommendations of the Plan. At the same time, a public participation process attempted to identify all potentially affected interests and work with them using a number of different techniques designed to inform as well as solicit ideas. Advisory committees, public open houses, presentations to boards and commissions, as well as numerous meetings with special interest groups and individuals have all been used to get comments and ideas, many of which have helped shape the Plan.

A group deserving special recognition is the steering committee, a group of volunteers representing people owning property frontage along Harmony Road. Staff has welcomed the interest and enthusiasm demonstrated by this group throughout the process. The role of the steering committee was to help staff understand the values and concerns of the landowners that will be most directly affected by the Plan. The Plan is richer as a result of their dedication and responsiveness.

Citizen values, ideas and concerns were recorded at public open houses.





Technical Planning Process Diagram

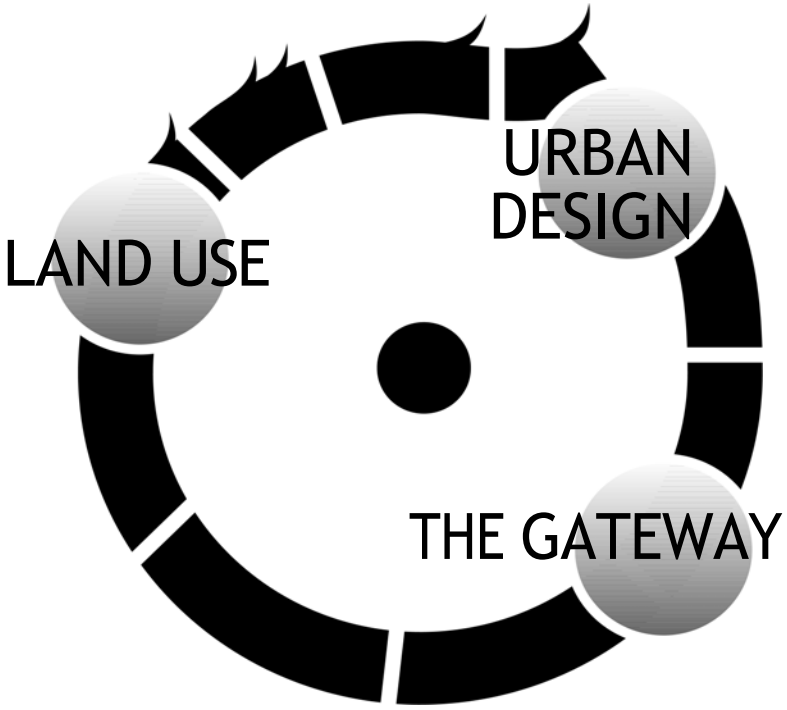
PLAN REVISION PROCESS

On July 5, 1994, City Council directed City Staff to review the Plan and identify and suggest needed amendments that would strengthen the "vision" of the Corridor that it become a major employment center in northern Colorado attracting a variety of businesses and industries serving local as well as regional markets. City staff and the Planning and Zoning Commission, aided by an ad hoc advisory committee, intensively reviewed the document and recommended changes to the *Harmony Corridor Plan*, together with implementation regulations. These changes were adopted by City Council on January 3, 1995 and the changes have been incorporated herein.

THE PLAN

The next chapter describes physical and cultural existing conditions in the corridor. Analysis of existing conditions helped define the three focus areas of the Plan – LAND USE, URBAN DESIGN and THE GATEWAY. Each focus area is elaborated on independently. Issues are described, problems and opportunities defined and alternative directions for the future are analyzed. The discussion of each focus area concludes with a plan in the form of a goal statement, policies and implementation actions. Maps and graphic illustrations are used to supplement the text and clarify its intent. Design guidelines for new development in the corridor, one of the primary implementation mechanisms proposed in the Plan, have been developed and are available under separate cover.

The three focus areas together create a comprehensive "vision" for the Harmony Corridor of the future. In order for the full potential of the corridor to be realized, both the City and the private sector need to make a commitment to implementation. It is envisioned that the implementation actions spelled out in this Plan will be underway within the next five years.



IMPLEMENTATION

A series of recommended implementation actions are contained at the conclusion of each focus area discussion. Actions include several public improvement projects that require additional planning and design work. Sources of funding for construction and maintenance need to be identified. Strategies for attracting targeted industries need to be developed.

Coordination efforts with other City departments, Larimer County, the Town of Timnath and the State Division of Highways should be continued. Phase two planning of the I-25 interchange area is critical if we want to maximize the potential of this scenic gateway before development pressures eliminate options for the future. Important opportunities may be missed if the City does not play an active role in intergovernmental coordination and master planning this scenic and environmentally sensitive area.

This Plan recommends that the City assign staff to work on implementation tasks, giving priority to opportunities that may be missed if action is delayed. The *Harmony Corridor Plan* is a starting point. Effective implementation actions can turn the "vision" created by this Plan into reality for residents in the community now and for future generations. The majesty of Longs Peak and the Front Range depicted on the cover is one of the few elements of the corridor that is not expected to change in the foreseeable future. With this spectacular view as an inspiration, how can we do less than strive for excellence?

2
EXISTING CONDITIONS AND OPPORTUNITIES

All good planning must begin with a survey of actual resources: the landscape, the people, the work-a-day activities in a community. Good planning does not begin with an abstract and arbitrary scheme that it seeks to impose on a community; it begins with a knowledge of existing conditions and opportunities.

LEWIS MUMFORD

INTRODUCTION

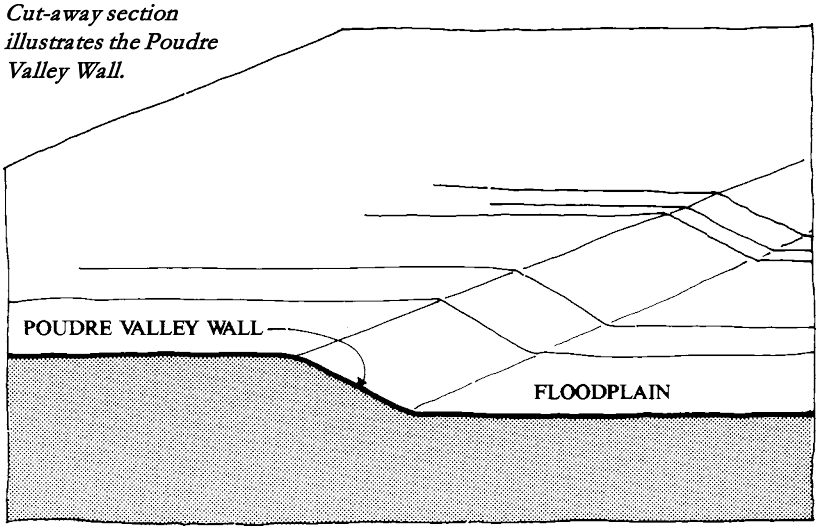
The technical portion of the planning process began by documenting physical and cultural existing conditions. This chapter provides information about the corridor and highlights special opportunities. Maps located at the end of the chapter provide graphic illustration.

LANDFORM AND NATURAL RESOURCES

LANDFORM

The Harmony Corridor contains three dominant topographic features: the floodplain of the Cache la Poudre River, bluffs known as the Poudre River Valley Wall at the edge of the floodplain and rolling plains beyond. Longs Peak, the Front Range and the foothills are highly visible and constitute a dramatic back-drop for the corridor landscape.

Cut-away section illustrates the Poudre Valley Wall.



The elevation of the study area ranges from approximately 4,850 feet at the top of the bluffs located west of I-25 to approximately 5,025 feet near College Avenue. Formed by down-cutting action of the Poudre River as it meandered within its floodplain, the bluffs represent the only dramatic change in elevation within the study area. The elevation drops 50 feet in 550 feet resulting in an average 9% slope. At the bottom of the slope the topography levels out on to the Cache la Poudre River floodplain. See

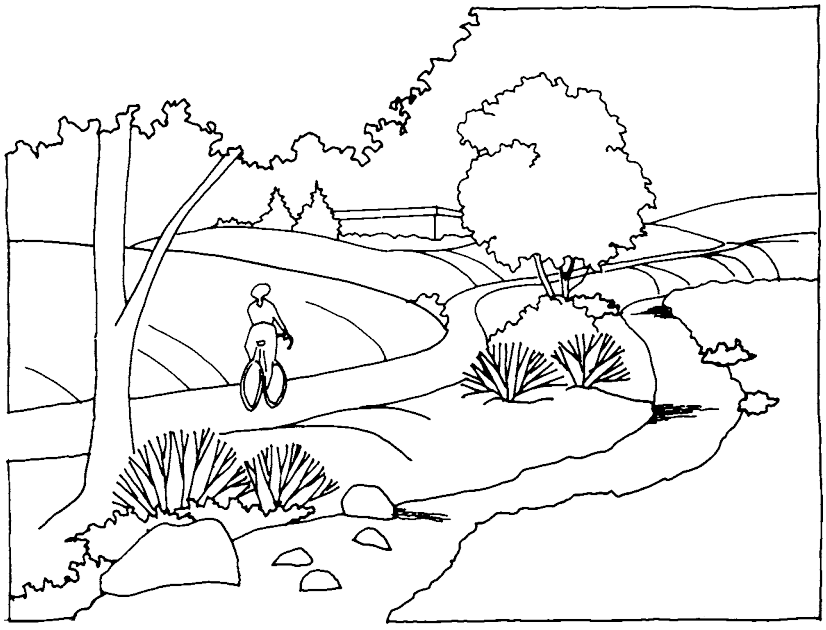
Draining approximately 1,900 square miles, the Cache la Poudre River is the largest river on the northern Colorado Front Range. The river and its associate vegetation and wildlife habitat is a valuable natural resource that offers unique recreational and educational opportunities. Along with these assets the river poses some development constraints. Generally speaking, no development is allowed within the designated floodway. Land area between the floodway and the 100-year floodplain offers some development potential if flood proofing is ad- dressed.

DRAINAGE BASINS AND IRRIGATION CANALS

Three drainage basins occur within the study area. The Mail Creek and McClelland Drainage basins drain the western and southern portions of the study area to Mail Creek and McClelland Creek respectively. See Map 1. The Fox Meadows Basin is located in

the northeast portion of the study area and drains to the Fossil Creek Reservoir Inlet Ditch and then to the Cache la Poudre River. As development occurs, surface run-off increases, resulting in stormwater being diverted into a series of swales, detention ponds, channels, irrigation ditches and/or streams until ultimately the flows reach the Cache la Poudre River. The study area is laced with this network of drainageways and irrigation canals. Stream bank erosion and water quality issues are concerns in all three basins, but are especially critical in the McClelland and Mail Creek Basins, since both Mail Creek and Fossil Creek have experienced flooding, bank erosion and stream degradation.

Four major irrigation canals intersect the study area. Water in these irrigation canals has been diverted from the Cache la Poudre River at some point upstream from the corridor. Historically the water has been used for agricultural purposes and is allotted to area farmers through a complex system of water rights. As Fort Collins becomes more urbanized the need for irrigation canals will diminish, however, the major irrigation canals in the study area are likely to remain viable for a number of years. While the canals and their associated laterals can represent development constraints, they also can become recreational and visual amenities.



Irrigation canals and drainageways provide opportunities for recreational amenities.

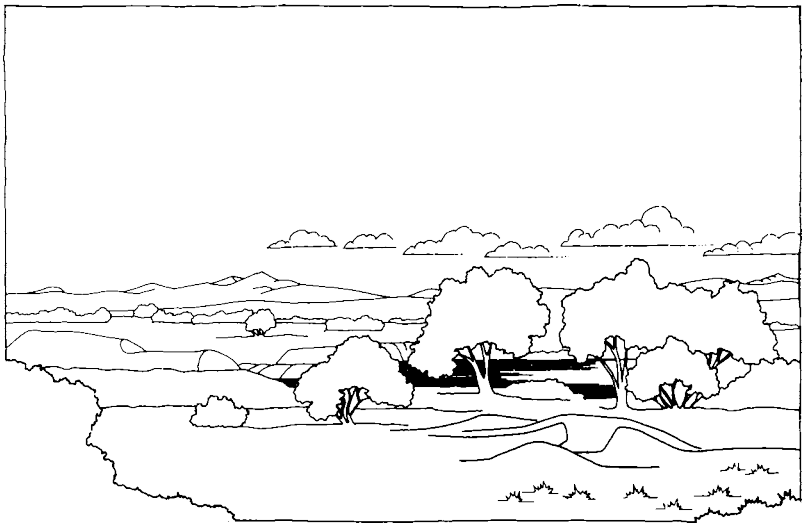
NATURAL RESOURCES

Fort Collins has always valued local natural environments as evidenced in the City's GOALS AND OBJECTIVES (1977), the LAND USE POLICIES PLAN (1979) and the LAND DEVELOPMENT GUIDANCE SYSTEM (1982). All of these documents contain directives pertaining to the conservation and protection of natural environments. In 1988, the City Council endorsed wetland and wildlife habitat maps that define the location and relative importance of natural areas within the city's urban growth area. See Maps 2 and 3. By increasing awareness of these areas, the maps reaffirmed the City's commitment to conserving important wetland and wildlife habitats for their economic, social, and aesthetic benefits.

THE GATEWAY

The most significant natural areas in the Harmony Corridor are associated with the Cache la Poudre River and located near I-25. This area has been termed the "gateway" because it is the first point of entry to Fort Collins from the south. Several lakes, wetlands and associated riparian vegetation are found on both sides of I-25 in the floodplain of the river. Most of the lakes and wetlands are a result of gravel mining operations that have and continue to alter the natural environment. With creative management and appropriate reclamation practices, these areas have the potential to become recreational, educational and scenic resources for the community. In addition, wetland areas like these may act as filtering systems for stormwater runoff, preventing pollutants from entering the river. The potential value of these natural areas should not be underestimated. The fact that the area is located at the gateway to Fort Collins intensifies its importance.

Gateway view showing cottonwood trees and gravel mining operations.



In 1989, Fort Collins completed a feasibility study regarding the possibility of designating a National Recreation Area along the Cache la Poudre River. Although City Council chose not to pursue NRA designation it did make a commitment to implementing an exemplary and comprehensive river management program. This river management program may affect the future of the gateway area.

GRAVEL RESOURCES

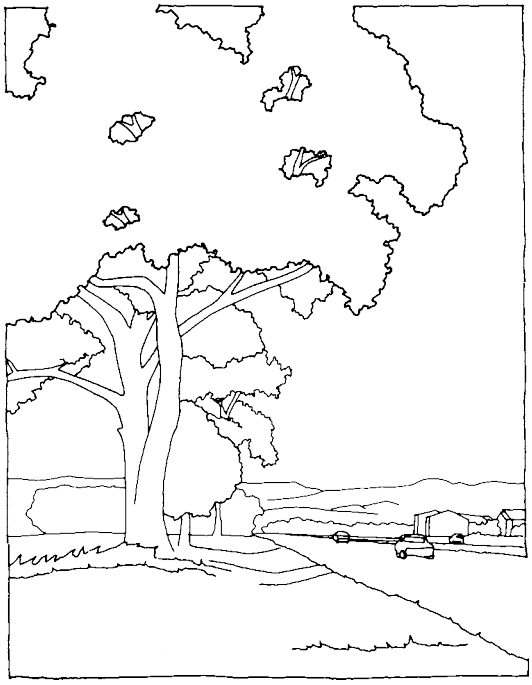
The land area between the Cache la Poudre River and the Poudre Valley Wall located just east of Hewlett-Packard is underlain with gravel deposits classified as F1 by the Department of Natural Resources, Colorado Geologic Survey. This classification means that the resource is a floodplain deposit and is composed of relatively clean and sound gravel. The overburden ranges from 2-9 feet and the depth of gravel ranges from 8-24 feet. Roughly one-third of the area has been or is in the process of being mined.

MATURE TREES

Mature trees, both evergreen and deciduous, are important natural resources throughout the study area. Besides their importance as wildlife habitat, tree masses provide scale, frame views and add visual interest to the landscape. The corridor is fortunate to have significant numbers of mature trees. Most of them are visible from Harmony Road.

ENVIRONMENTAL ISSUES

Air quality and water quality are two critical environmental questions which affect the Harmony Corridor. In 1989, the community took important steps toward addressing these issues comprehensively. The City's Natural Resource Division began working on a comprehensive environmental management plan that will focus on a variety of environmental concerns, including air quality. At the same time the City's Transportation Division started work on a comprehensive transportation plan that relates directly to air quality issues. These two divisions and the community are working together in a participatory process to establish the best way to balance the trade-offs and address the air quality problem in this community. At the same time the Stormwater Utility is studying the issue of stormwater runoff and water quality.



Mature trees along Harmony Road frame views and add visual interest to the corridor.

PUBLIC UTILITIES

ELECTRICAL

The City provides electrical service within the incorporated city limits. As areas are annexed the City assumes service. Portions of the corridor still in the county receive electrical service from either the Public Service Company of Colorado (PSCO) or the Poudre Valley Rural Electric Association (REA). Conversion from an existing electric utility to City electric utility service is done at no cost to the customer. The City is committed to providing electrical service underground rather than through overhead power lines.

Street lighting along Harmony Road will be installed as development and street improvements occur. Standard lighting for arterial streets uses 30 foot poles, with extended arm, cobra-head type fixtures. It is anticipated that in general, light poles along Harmony Road will be placed at the edge of the roadway in an alternating pattern, approximately 175 feet on center. The light source will be 400 watt high pressure sodium bulbs.

Funding for standard lighting comes from development fees and lighting district assessments. Lighting is installed along entire improvement areas, and costs are recaptured from undeveloped areas at the time of development.

WATER AND WASTEWATER

It is anticipated that most of the Harmony Corridor will be serviced by the City's Water and Wastewater Utility, although the Fort Collin/Loveland Water District will continue to provide service to developed areas near College Avenue. The City's system of existing and proposed water and sanitary sewer mains is shown on Maps 4 and 5. Currently water service is provided through a series of relatively small water lines. As growth in the corridor continues, a major transmission line will be needed to provide service. The City Water Utility has completed the conceptual design and route selection for the Harmony Transmission Main, which extends between Shields Street and County Road 9.

Currently, wastewater service at the extreme eastern edge of the corridor would require a force main and pump station. However, the Wastewater Treatment Master Plan completed in 1990 calls for construction of a new wastewater treatment plant downstream. This would allow the eastern part of the Harmony Corridor to be served by gravity flow. The new wastewater treatment facility would not be on line before 1999.

The extension of water mains and sanitary sewers which are in or near the existing water distribution and wastewater collection systems is dependent upon many factors. In most cases, new development and the associated increases in water demand and wastewater flows are the primary reasons for these improvements. The installation and the cost of water mains and sanitary sewers to serve new developments are the responsibility of the developer. When the City requires improvements to serve areas beyond the immediate development, the City pays for oversizing.

STORMWATER UTILITY

The City's Stormwater Utility is a special purpose division within the City that protects the public's health, safety and welfare through effective stormwater management. Its responsibilities include flood control, development plan review, construction, operation and maintenance of stormwater facilities and long range planning.

Regional drainage facilities identified in the master storm drainage plans for the Harmony Corridor include a major drainage channel to carry flows from the Fossil Creek Reservoir Inlet to the old quarry just east of County Road 7. The concept plan indicates that the channel would be visible from Harmony Road.

Although the Stormwater Utility currently does not regulate stormwater quality, it is moving in that direction. The Environmental Protection Agency (EPA), an agency of the Federal government, published regulations in 1990. These regulations emphasize best management practices to control the pollutant source and apply to all municipalities in the United States. Fort Collins has already initiated activities in regard to these regulations.

The Stormwater Utility has started to inform the public about stormwater quality, inventory the City's storm drainage system and monitor water quality in local streams and major outfalls. In addition, the utility is conducting research at two recently developed commercial projects in Fort Collins. The two pilot projects use state of the art technology to monitor and improve the quality of stormwater runoff before it leaves the site. The utility is in the process of developing erosion control criteria for construction activities in the Fort Collins area and is collecting information to initiate a water quality management plan for the Mail Creek and Fossil Creek drainage basins.

All of these advance planning measures combined will enable the utility to determine the magnitude of the problem and the best way to effectively manage stormwater quality in Fort Collins.

TRANSPORTATION

TRAFFIC AND ACCESS

Harmony Road's importance as a transportation corridor for the City of Fort Collins cannot be overestimated. Carrying in excess of 28,000 vehicles to and from Fort Collins each day, Harmony Road is one of the community's major transportation links to Denver and other communities along the Front Range. In response to increasing development pressure and in recognition of the importance of Harmony Road as a gateway corridor and major arterial street, the Harmony Road Access Plan was adopted in 1989. In this intergovernmental agreement the City, the State Division Highways and Larimer County agreed to access points and future signal locations between Boardwalk Drive and I-25. Future access for development along Harmony Road must be in conformance with the Access Plan. See Map 6. Any change to access location or access type from those identified in the Access Plan requires an amendment.

Traffic counts for Harmony Road were taken in the fall of 1989. Currently all intersections operate at level of service "C" or better, meaning that the highway is operating below its maximum capacity and is providing acceptable levels of service. It is anticipated that when the corridor is built out, traffic volumes on Harmony Road will approach 30,000 vehicles a day. It is anticipated that Harmony Road will eventually be widened to three travel lanes in each direction to maintain acceptable levels of service.

At the present time the State Division of Highways controls the speed limit along Harmony Road. It varies from 55 MPH near I-25 to 40 MPH closer to College Avenue. It is expected that when the corridor is fully developed, the speed limit will be reduced to 40-45 MPH. How and when the speed limit will change is dependent on a variety of factors, including traffic volume and safety.

STATE VERSUS LOCAL CONTROL

Since Harmony Road is a state highway, decisions regarding roadway improvements, future widening, landscaping in the right-of-way and maintenance are decisions made by the State Division of Highways. The goals and objectives of the State may not always parallel those of the community. In recent years, City staff has maintained a good working relationship with the Division of Highways and has been able to negotiate acceptable solutions when State and local goals have varied.

A good example of this cooperative spirit is the Harmony Road Access Plan.

While the Access Plan will provide a basis for agreement on transportation issues for years to come, it is likely that as the corridor continues to urbanize, the State and City will differ on issues relating to the visual quality of the roadway. Although plans for future widening of Harmony Road are not finalized, indications are that the State plans to widen the roadway to the center rather that to the outside and greatly reduce or eliminate the median. In regard to landscaping, the Division of Highways has a policy that discourages planting trees in the right-of-way and/or the median.

In recent years Harmony Road has functioned more as a local arterial street and less as a state highway. Recognizing this trend, the State has indicated a desire to work toward placing Harmony Road under local control.

LAND USE PLANNING

For the past ten years, the City has promoted a mixed land use concept in Fort Collins because of the associated social, economic and environmental benefits. One of the most important reasons for mixing land uses relates to transportation. Locating employment centers, shopping centers, recreational opportunities and residential areas in close proximity to each other shortens the distance people need to drive to work, shop, and play.

It also encourages alternative modes to transportation such as walking and bicycling. Besides the convenience and associated lifestyle benefits, mixed land use, by shortening trip length and eliminating some trips altogether, can have a positive effect on air quality.

The present trend of large employers to develop in "campus-like" settings is evident along Harmony Road. While these settings are visually attractive and offer recreational benefits for employees, this kind of low density development makes efficient transit service difficult.

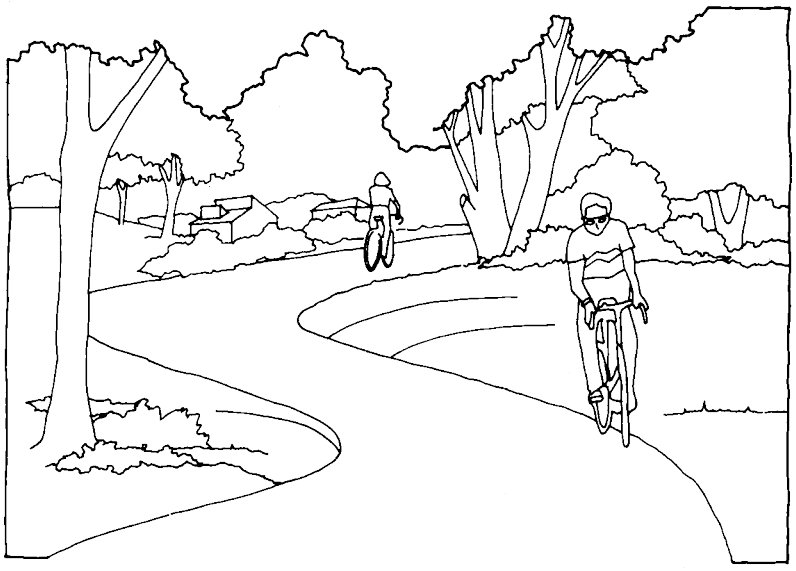
ALTERNATIVE MODES

While land use planning attempts to provide opportunities to work, shop and play close to home, the lack of pedestrian linkages, bikeways and safe crossings along Harmony Road make it difficult to walk or use a bicycle as an alternative mode of transportation. Sidewalks are built as development occurs. Signalized intersections and crosswalks are added as traffic volumes increase. As the corridor gets closer to complete build out, pedestrian linkages will be more complete and useful.

At the present time, Harmony Road does not have a designated bike lane. Some bicycle commuters use the road shoulder; however, the shoulder does not exist in all locations. The speed and proximity of passing vehicles can be dangerous for bicyclists.

Public transit does not serve the corridor now but may be available in the future, as employment opportunities increase. Low density development makes it difficult to provide transit service cost effectively. The Transit Development Program, a 5-year strategic plan adopted by City Council in 1990, focuses on serving transit dependent populations, including the elderly, people with low incomes, the disabled and students. Demographics show that the highest concentrations of transit dependent people live in the northwest portion of the city. Focusing of limited resources has resulted in the elimination of transit service along Harmony Road east of College Avenue for the short term future.

Mixed land uses encourage alternative modes of transportation such as walking and bicycling.



Some commuters that use I-25 to travel to other cities to work have started car pooling. Currently, people park their cars on the north side of Harmony Road just west of the I-25 interchange and travel with other people commuting to the same location. Commuter Pool is a ride share/ car pool program operated by the City which currently serves this area and could provide service to local employees as well as those who drive to Denver.

LONG RANGE PLANNING

Another factor affecting the future of transportation in the Harmony Corridor will be the Fort Collins Area Transportation Plan expected to be complete in 1991. The Plan will identify all transportation systems needs and evaluate the social, economic and environmental impacts of alternative land use and transportation models. The goal of the Plan is to establish transportation policies, facilities and implementation schedules that will guide the future development of this community through the year 2010. The Plan will identify future street needs, identify new street locations, create opportunities for bicycle and pedestrian travel and determine the role of transit in our community.

LAND USE/ZONING

EXISTING LAND USE

Harmony Corridor contains approximately 3,090 acres and is 37% developed. It already contains a wide variety of land uses. See Maps 7A and 7B. The Chart on the next page summarizes some land use statistics that help describe the corridor.

Residential land uses occupy the largest amount of developed property. There are approximately 2,322 dwelling units in the planning area for a total population of approximately 6,150 residents. Although the residential areas are single family oriented, there is significant multi-family development. The corridor also contains two large mobile home parks. Single family lots range from approximately 6,300 square feet to nearly an acre in size and home prices vary considerably from $55,000, to over $350,000 in current dollars. Almost all of the residential areas were constructed within the last decade, with the exception of Fairway Estates located south of Harmony Road near College Avenue, which has existed for more than twenty-five years.

Industrial uses occur at dispersed locations in the corridor area. The uses are predominantly research, manufacturing and office/warehouse. With the exception of Hewlett-Packard, the major users are located in Golden Meadows and Oakridge industrial parks. Collectively these industrial developments represent a significant portion of the community's employment base.

Only a small portion of the corridor is currently developed as retail and is found clustered near College Avenue, in the vicinity of Boardwalk Drive and near the I-25 interchange. A community/regional shopping center at Boardwalk Drive includes a PACE Membership Club Warehouse. A grocery store and a builders supply store are planned to be part of the same center. There is a scattering of office space occurring mainly between Boardwalk Drive and Timberline Road in two major centers: Boardwalk Office Park and Oakridge Business Park.

Other notable land uses include: Mountain Crest Hospital, a private psychiatric hospital; several churches; Harmony Cemetery; Werner Elementary School; as well as Landings and Golden Meadows Parks.

The variety of land uses and amenities already existing in the corridor, combined with the fact that the corridor has large, vacant, fully-serviced tracts of land for development, makes it unique in Fort Collins.

ANNEXATION

Only 60% of the study area is currently within the city limits. See Map 8. Properties adjacent to city limits and eligible for annexation are required to annex prior to development, while properties located within the Urban Growth Area (UGA) and not eligible for annexation are required to go through a City-County joint review process.

HARMONY CORRIDOR LAND USE STATISTICS

Land Use	Acres	Percent of Total
Residential	481	
Industrial	190	16%
Institutional	53	6%
Retail/Office	69	2%
Right-of-	341	2%
Undeveloped	1,956	63%
Total Land Area	3,090	100%

Both the City and the County encourage developers to annex prior to development to ensure that urban level development standards are maintained. Properties located east of I-25 are outside of the UGA and would develop under County regulations.

ZONING

Of the property located within city limits; 43% is zoned residential; 25% is zoned industrial; 16% is zoned for retail/office; 5% is zoned for mobile homes; and 11% is zoned transitional. See Map 8. Properties located in unincorporated Larimer County have a combination of farming, commercial and industrial zoning designations.

It is important to note that most of the properties within the city limits and currently undeveloped have a PUD condition attached to the zoning designation. This does two things: 1) Properties will be developed as planned unit developments (PUD) and reviewed under the criteria of the LAND DEVELOPMENT GUIDANCE SYSTEM (LDGS). 2) Developers will be allowed to propose a wider range of land uses than otherwise permitted under the zoning classification. When properties are annexed into the city, the City Council has typically attached a PUD condition to the zoning. In effect, most of the currently undeveloped property within the corridor will eventually be planned and developed under the criteria of the LDGS. The guidance system gives landowners considerable flexibility in developing their property as long as the project conforms to certain criteria designed to protect and improve the health, safety, convenience and general welfare of the people of Fort Collins.

The City's GOALS AND OBJECTIVES and the LAND USE POLICIES PLAN encourage mixed land use for the social, economic and environmental benefits associated with it. Locating employment centers, shopping centers, recreational opportunities and residential areas in close proximity to each other encourages people to drive less and walk or use bicycles more. The LAND DEVELOPMENT GUIDANCE SYSTEM is a development review system designed to implement the City's land use goals, objectives and policies. Under this system, the development potential of any particular site is evaluated on its own merits – size, shape, location, natural features, site development concept and its effect on surrounding land uses – rather than ac- cording to a predetermined zoning district classification. This performance zoning system, developed and used extensively in Fort Collins for the past decade, has achieved national recognition as a creative and effective land use management tool.

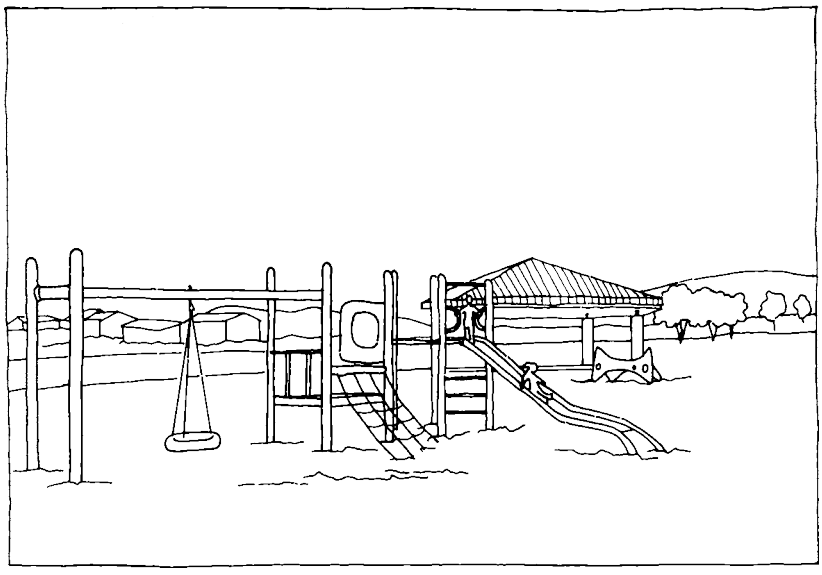
LARIMER COUNTY

Larimer County adopted a comprehensive land use plan in 1988. Land areas in the Harmony Corridor, but outside of the Fort Collins city limits are categorized in the plan. Properties west of I-25 are designated "Municipal Expansion Area/Urban Development Area" meaning that future municipal boundaries are expected to expand to include these areas. Properties east of I-25 are designated "Rural" meaning that "these areas are protected for agricultural uses and other low intensity uses requiring large land areas and low service needs." The Larimer County Zoning Ordinance, however, indicates that these areas (east of I-25), are zoned C-Commercial and I-Industrial. These zoning district designations allow a much wider array of land uses.

PLANNED RECREATION FACILITIES

The City has already purchased 100 acres of land including Portner Reservoir, to develop Fossil Creek Community Park. In addition, the City's 1989 PARKS AND RECREATION MASTER PLAN recommends that a community park be developed to serve the southeast portion of the community. A tentative location for this park is near the Cache la Poudre River northeast of the study area. The historic Strauss Cabin, combined with the natural setting of the Cache la Poudre River, make this area an ideal location. The master plan also projects that an additional 18-hole golf course will be needed by the community by the year 2000. The natural features of this site would provide an attractive setting for a golf course.

Landing's Park provides recreational opportunities for neighborhood residents.



The City's proposed recreational trail system intersects and surrounds the study area. At this time only a general location for the trail has been defined. As development occurs, more specific trail locations will be selected and easements for the trail will be acquired through dedication and/or purchase. Acquisition of open space in the foothills, along the Cache la Poudre River and in the Fossil Creek floodplain is emphasized in the City's PARKS AND RECREATION MASTER PLAN. Since part of the study area lies within the floodplain of the Cache la Poudre River, there may be potential for open space acquisition as well as park and trail development in this scenic corridor.

Neighborhood parks are acquired and developed when funds become available through parkland fees paid by residential development. Community parks are usually funded through bond issues or special sales taxes, after population in the vicinity grows and demand for the facility increases. The City uses Colorado lottery funds for acquiring and developing trails and open space. The City is committed to completing as much open space and trail development as lottery funds will finance.

CULTURAL SERVICES

Currently all cultural services offered by the City – Lincoln Center, the museum and the public library, are located near downtown. It is likely that additional facilities, such as a branch library to serve the south part of Fort Collins, will be needed at some point in the future.

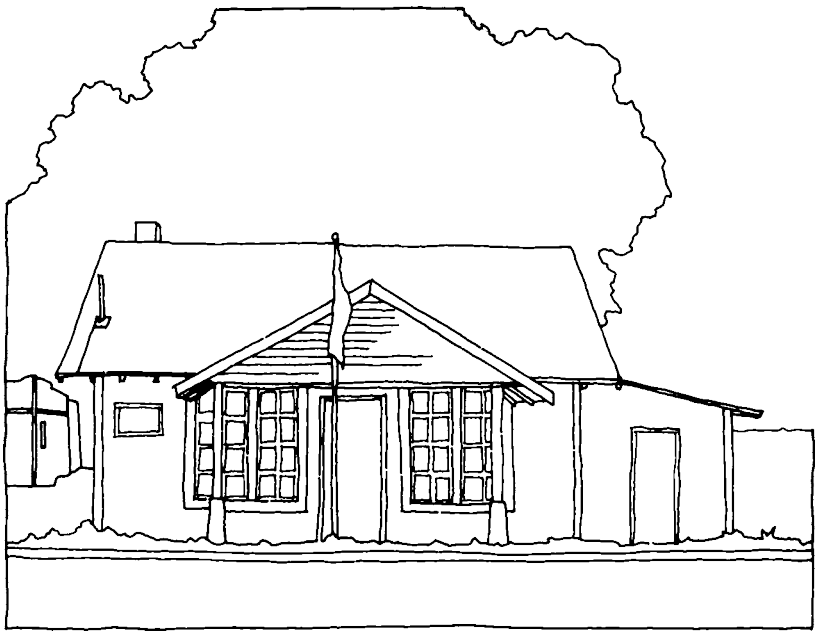
HISTORICAL RESOURCES

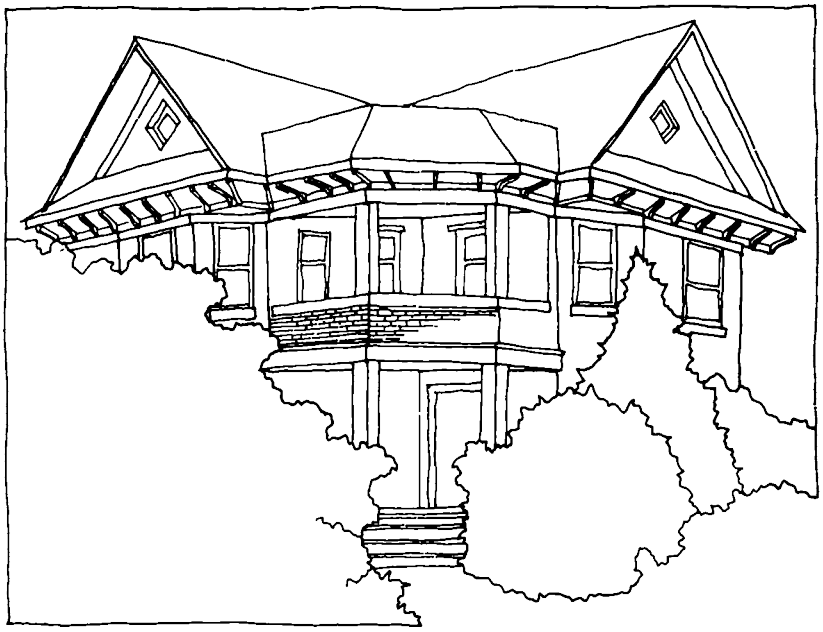
Before there was a Harmony Road there was a small agricultural community named "Harmony". The Settlement was established as early as 1870. Farming was the mainstay of the community with over 4000 acres being cultivated in 1881. Crops included fruit trees, small fruits, grasses, wheat, corn, barley, oats, and timothy. Names of local farmers such as McNally, Brown, Preston, Baxter, Brockway and Webster suggest predominantly English and Scottish heritage.

The "Harmony Store", a grocery store, post office and eventually a gas station, was the center of town. Located at the northwest corner where Timberline Road and Harmony Road intersect, the building still exists today. The original school, located west of Harmony Cemetery, was eventually replaced by a newer school which still exists at the northeast corner of the same intersection. There was a stockyard north of Harmony Road along the Union Pacific railroad tracks and a grain elevator on the south side. Several historic residences still exist.

Some of the historic buildings and sites in the corridor are potentially eligible for the National Register by virtue of their architecture, the people who lived in them, or because of their association with events that have made a significant contribution to the broad patterns of our history. See Map 9. Some of the more significant buildings and sites are depicted on the following pages.

Harmony Store-Located at the northwest corner of Timberline Road and Harmony Road, the old Harmony Store served as a grocery store, post office and town center for early residents of Harmony.



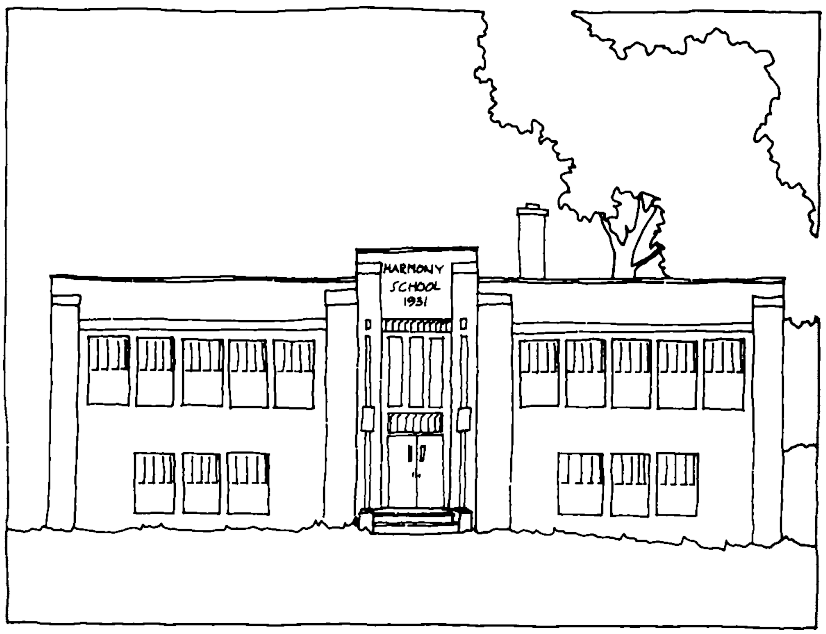


Brownell House-Built circa 1890, this two-story brick house located at 3105 East Harmony Road is architecturally significant because it is distinctively characteristic of the type, period and method of construction of the American Queen Anne Style.

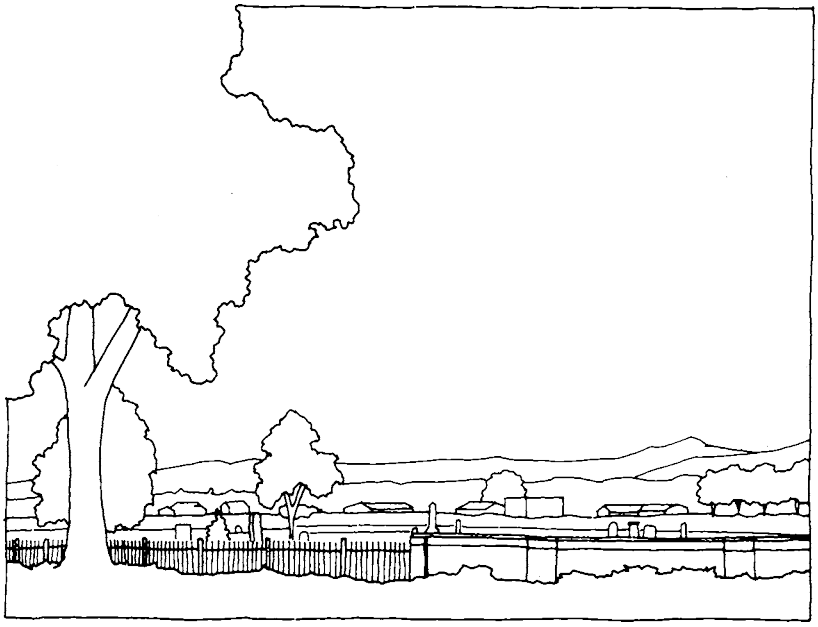


Preston Farm-Benjamin Preston, Jr. was an immigrant who came to the area in the 1860's, started with very little and eventually became a respected farmer and somewhat of an agricultural innovator. The Preston Farm is significant because of Mr. Preston's prominent role in local history, the elaborate and essentially unaltered Victorian frame house and because it is a complete working farm associated with the history of this area.

Harmony School-Built in 1931 during the depression, this building is a good example of art moderne.



Harmony Road Cemetery- This original cemetery is an important part of the community's heritage. It has been tastefully renovated and is maintained by Oakridge, the business/industrial park located adjacent to it.

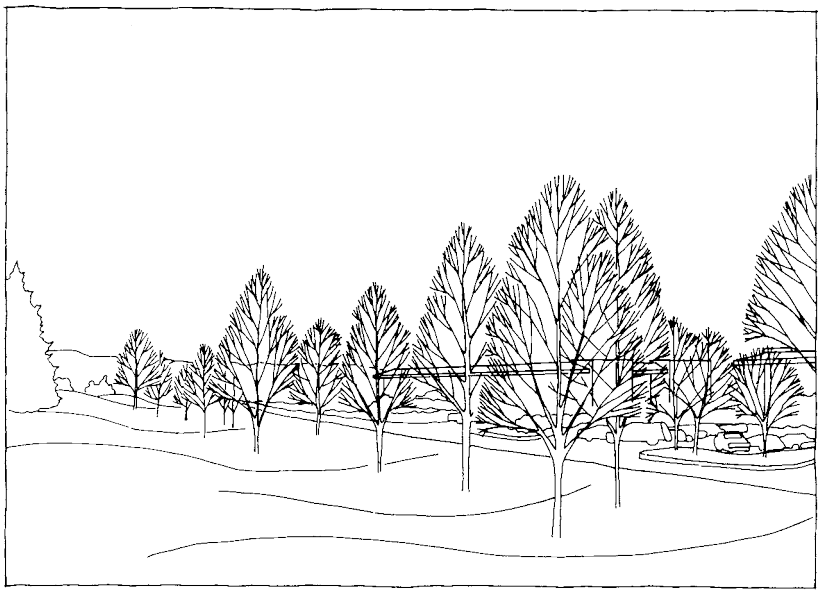


VISUAL ANALYSIS

Visual analysis is a complex concept. Photography and field investigations were used to analyze the visual quality of the Harmony Corridor as perceived by a motorist driving along Harmony Road from I-25 to College Avenue. Three factors combine to create the perceived visual quality of the corridor: quality and maintenance of the built environment, visual orderliness and vegetation. Long range views to Longs Peak and the Front Range are evident throughout the corridor and also play an important role in the overall visual quality.

The gateway to the corridor at the I-25 interchange has many positive visual attributes. Riparian vegetation identifies the river's meandering path. The natural scenic qualities of the river, the floodplain, wetlands and associated vegetation is enhanced by the dramatic backdrop of Longs Peak and the Front Range.

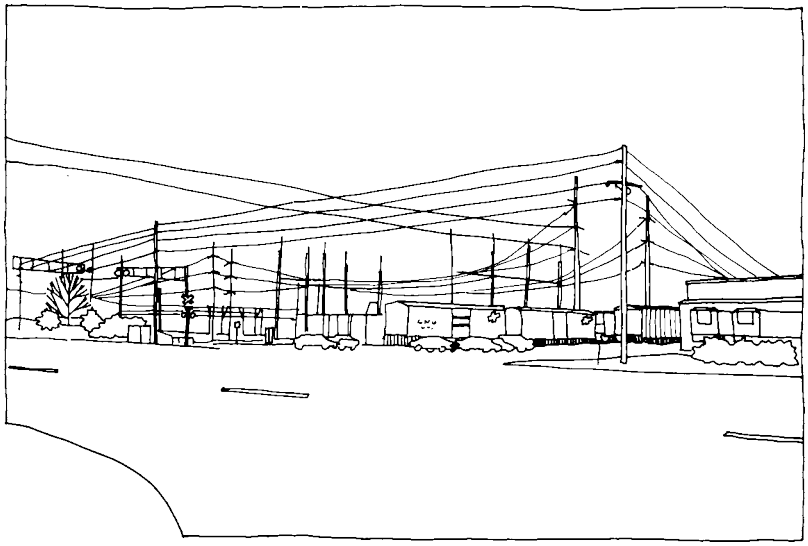
Hewlett-Packard facility located at the top of the ridge.



Existing development located immediately west of I-25 detracts from the scenic qualities of this entry. The commercial buildings rate low in both architectural quality and visual orderliness. Significant vegetation helps soften the general appearance.

Masses of cottonwood trees and lakes located along the north side of the road add to the visual richness of the gateway area. Traveling to the top of the ridge and out of the floodplain, the landscape character of the corridor changes to a mixture of agricultural fields and high quality business/industrial development. The Hewlett-Packard facility located just at the top of the ridge is particularly impressive with its wide setback and handsomely landscaped grounds. This development along with several others in the corridor have set a precedent of wide setbacks and naturalistic berming along Harmony Road. The overall effect is spacious, uncluttered and very attractive. Masses of mature trees are interspersed throughout the corridor framing views and providing visual diversity. Overhead power lines are noticeable along most of Harmony Road, predominantly on the north side. It is anticipated that most of these lines will go underground as land is annexed and the area is served by City of Fort Collins Light and Power.

Traveling further west, development increases, the type of development becomes more diverse and the overall visual quality decreases. The area around the Union Pacific railroad tracks located at about the midpoint of the study area is problematic because of visual clutter created by warehouse-type structures, railroad and traffic control devices, overhead power lines and signage. On the positive side, Oakridge and Golden Meadows business parks located just west of the railroad tracks are further examples of high quality business/industrial development and landscape sophistication, helping to set the tone for future development in the corridor.



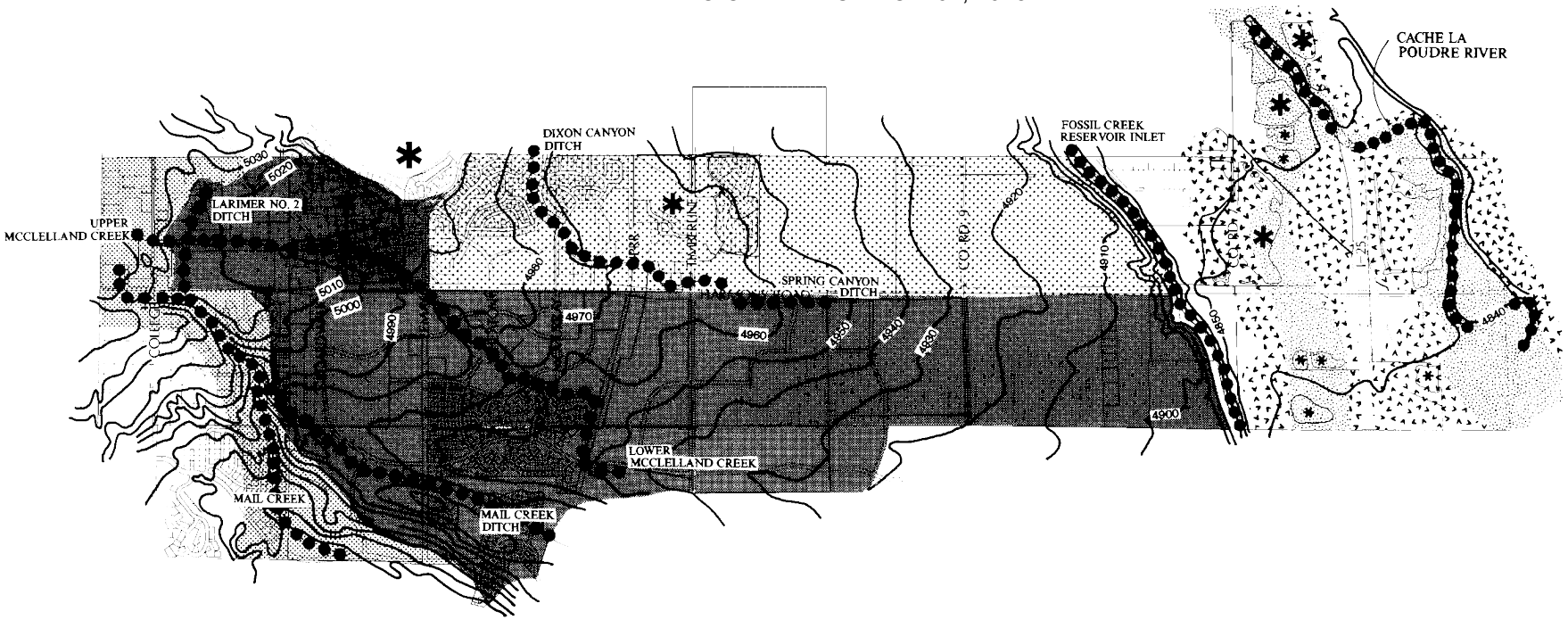
Visual clutter near the Union Pacific railroad tracks detracts from the attractiveness of the corridor.

As one approaches College Avenue, setbacks become much narrower and are nonexistent in some areas, the quality of development decreases, the median ends and there is less vegetation at eye level to soften the visual clutter and intense development. This area is however, not without positive aspects. Recent developments located on the west side of the College Avenue intersection have pro- vided wider setbacks and generous amounts of plant material to help soften the appearance of the intersection. Riparian vegetation along Mail Creek and an abundance of mature trees associated with the Pioneer Mobile Home Park are significant natural amenities which will become even more valuable as this area redevelops over time.

HARMONY CORRIDOR: THE PLAN

Analyzing existing conditions in the corridor led to the identification of potential problems and also revealed a myriad of opportunities. The corridor has large tracts of fully serviced land available for development. We have an opportunity to attract the kinds of business and industry we want for the corridor, instead of just reacting to what comes. The visual appearance of the corridor is linked to its livability and is also important eco- nomically. We have an opportunity to affect how the corridor will look in the future. The gateway area, located in the floodplain of the Cache la Poudre River is largely undeveloped. We have an opportunity to successfully balance natural resource assets and economic development at this important gateway entrance.

Three focus areas are defined in the Plan – LAND USE, URBAN DESIGN and THE GATEWAY. In each focus area issues are delineated and potential problems are identified. Alternative approaches for solving the problems and for taking advantage of the opportunities were generated and analyzed, resulting in recommended courses of action. The *Harmony Corridor Plan* is a projection of the corridor's future, indicating ways to resolve conflicts and take advantage of unique opportunities.



FOX MEADOWS BASIN

MAIL CREEK BASIN

MCCLELLAND BASIN

FLOODWAY

FLOODPLAIN

LAKE, POND OR OTHER WATER BODY

10′ CONTOUR LINES

MAJOR WATER COURSES

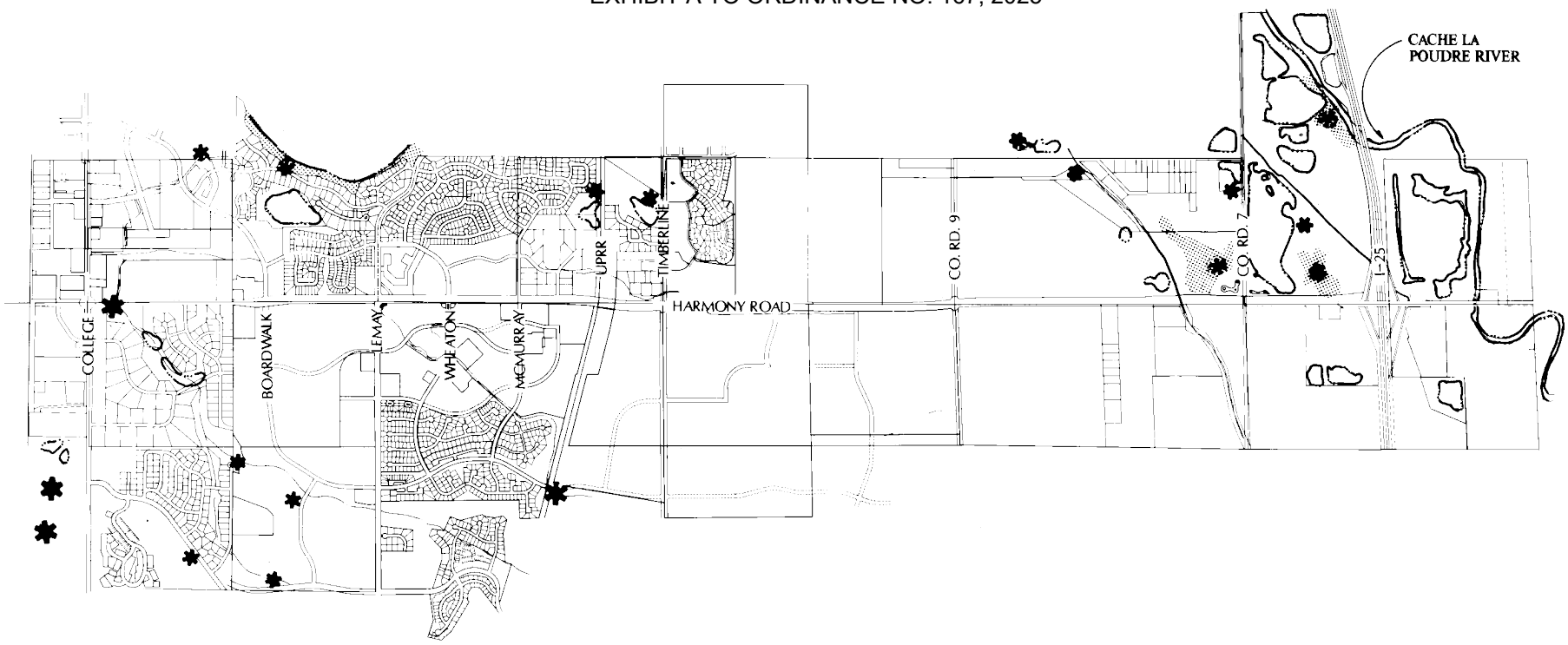
NORTH

1500′ 0′ 3000′ 6000′

HARMONY CORRIDOR PLAN

LANDFORM/ DRAINAGE

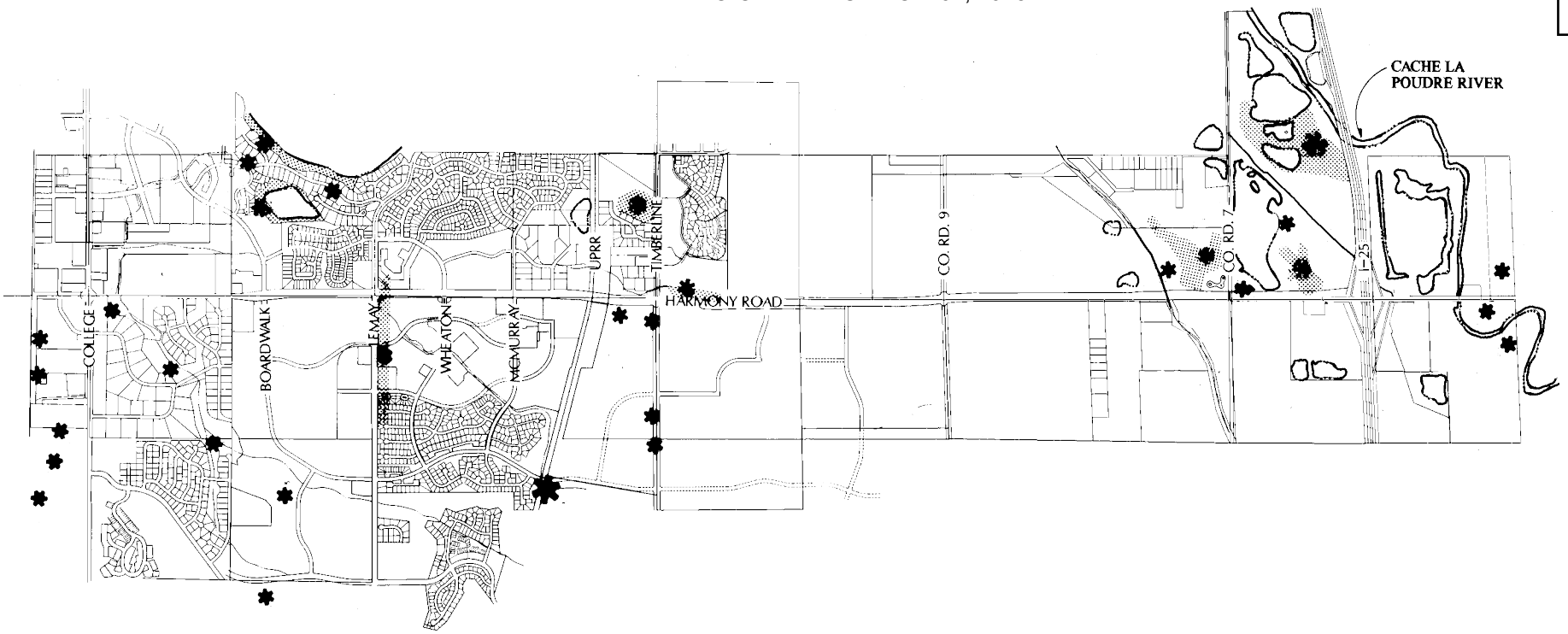
MAP 1



HARMONY CORRIDOR PLAN

WETLAND AREAS

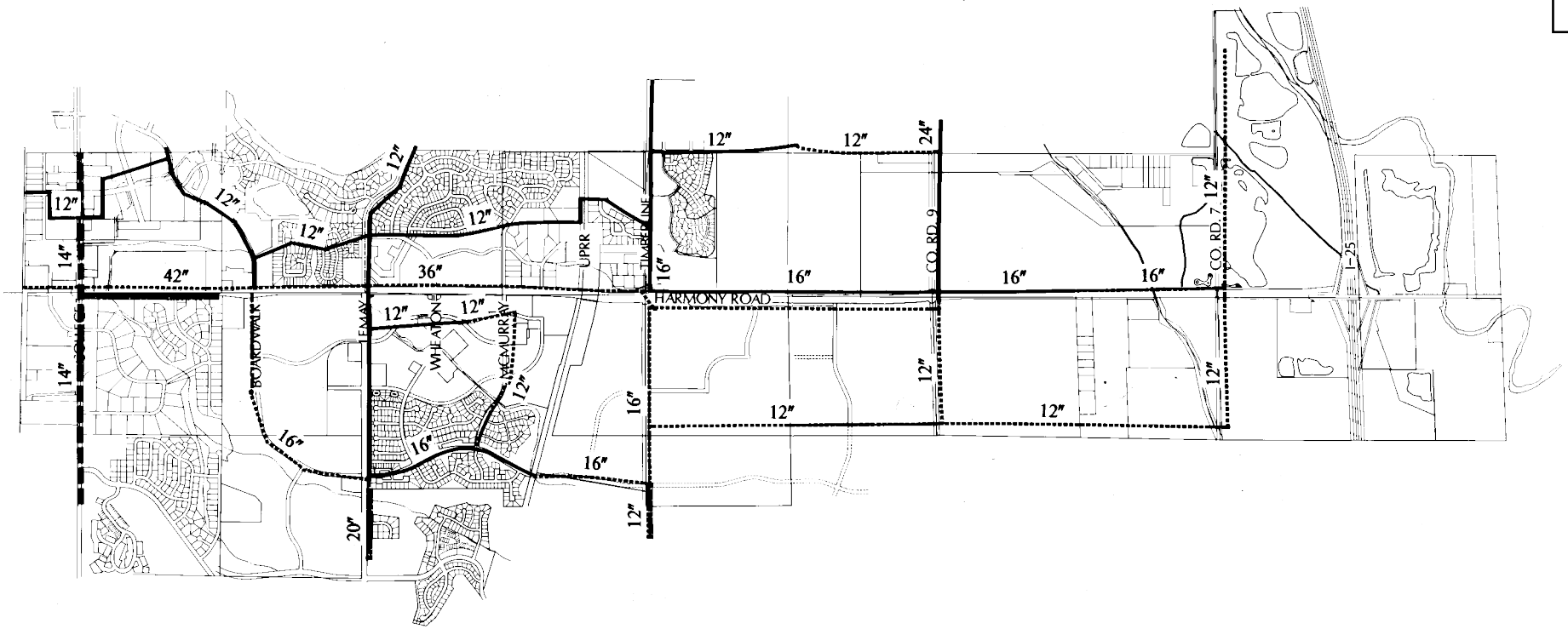
MAP 2



HARMONY CORRIDOR PLAN

WILDLIFE HABITAT AREAS

MAP 3

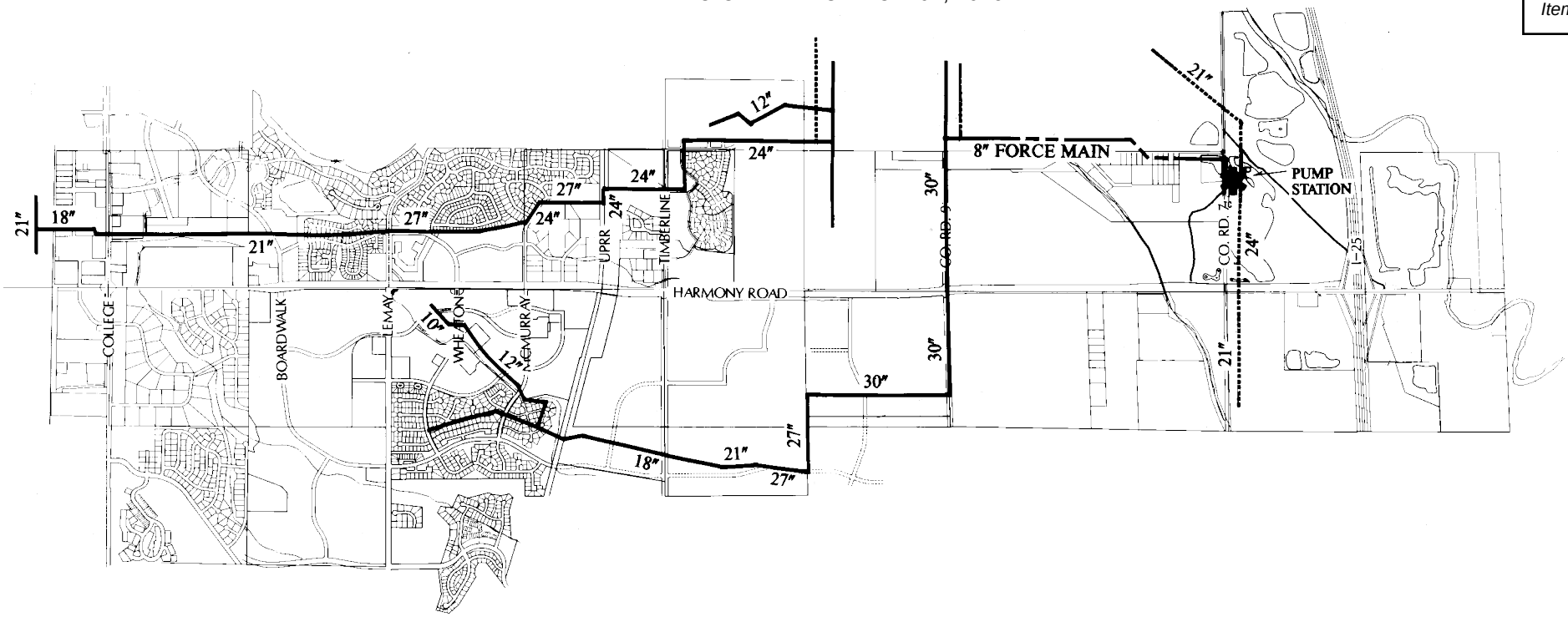


NORTH

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HARMONY CORRIDOR PLAN

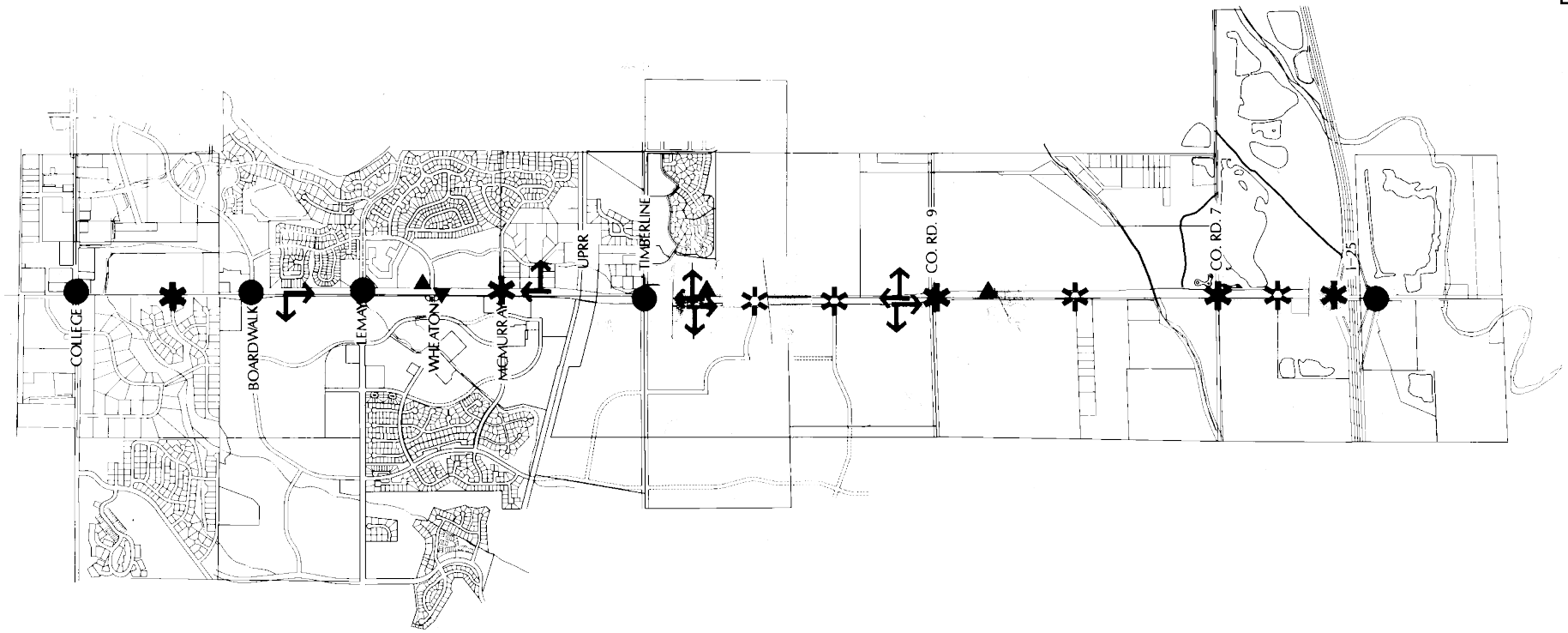
WATER **MAP 4**



HARMONY CORRIDOR PLAN

SANITARY SEWER

MAP 5



EXISTING SIGNAL

KNOWN FUTURE SIGNAL

POTENTIAL SIGNAL

RIGHT IN/ RIGHT OUT ONLY

LIMITED LEFT

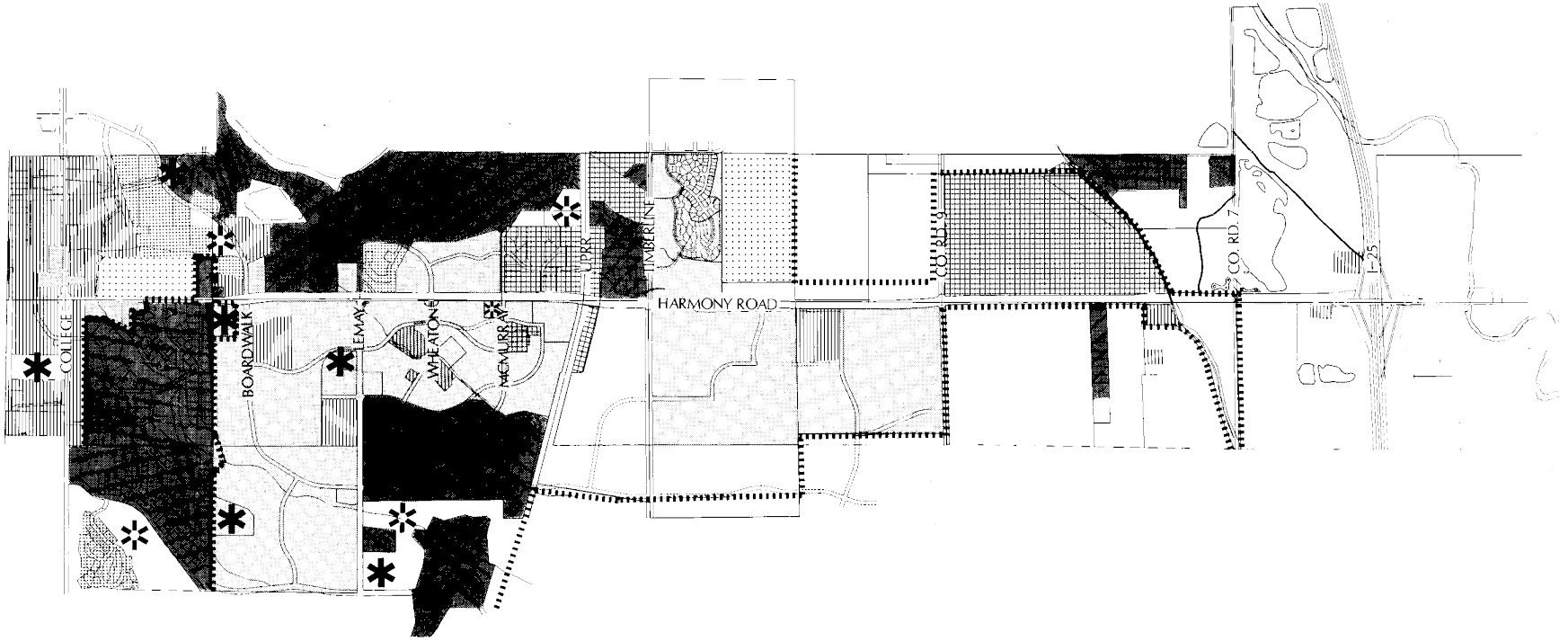
NORTH

1500′ 0′ 3000′ 6000′

HARMONY CORRIDOR PLAN

ACCESS PLAN

MAP 6



COMMERCIAL/OFFICE
INDUSTRIAL
SINGLE FAMILY
MULTI FAMILY
MOBILE HOME

UNPLANNED
APPROVED MASTER PLAN AREA
CHURCH/SCHOOL/PUBLIC
OPEN SPACE/PARKS
CITY LIMITS

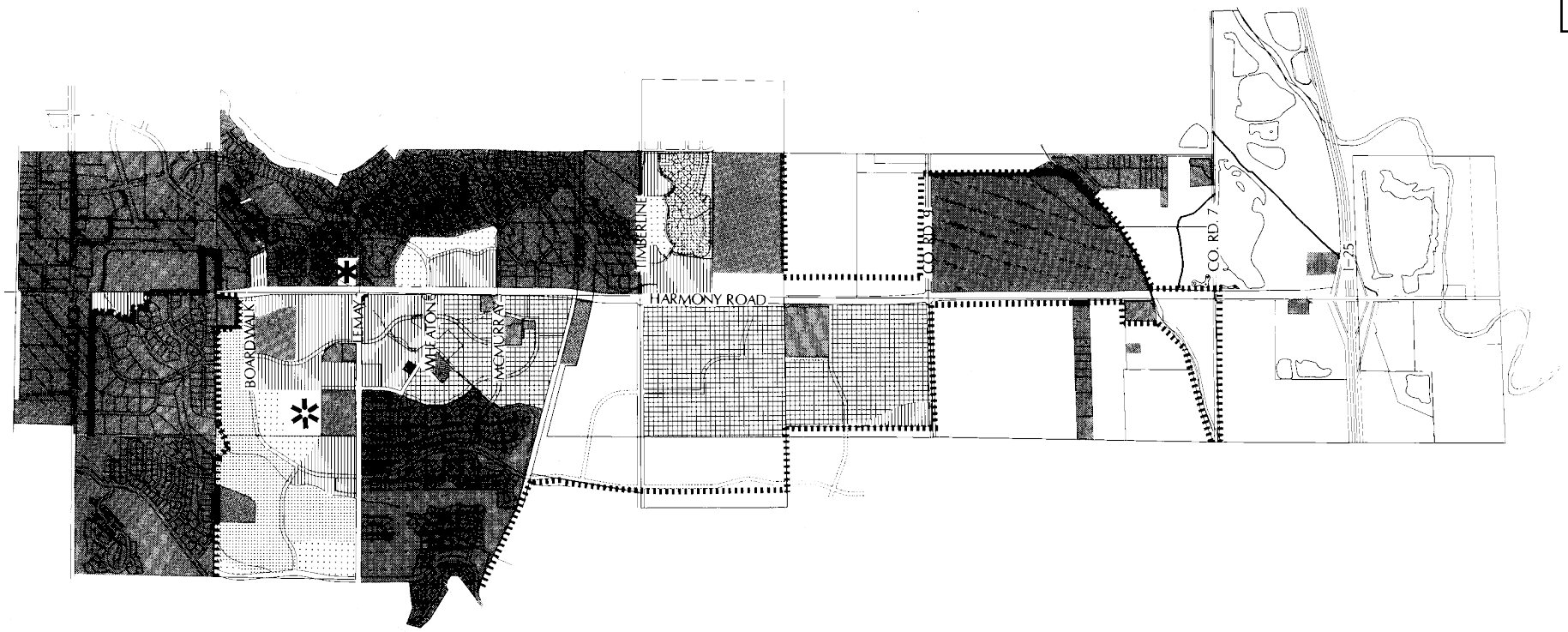
NORTH

1500′ 0′ 3000′ 6000′

HARMONY CORRIDOR PLAN

LAND USE - EXISTING

MAP 7A



EXISTING LAND USES
COMMERCIAL/OFFICE
INDUSTRIAL
SINGLE FAMILY
MULTI FAMILY

UNPLANNED
CHURCH/SCHOOL/PUBLIC
OPEN SPACE/PARKS
CITY LIMITS

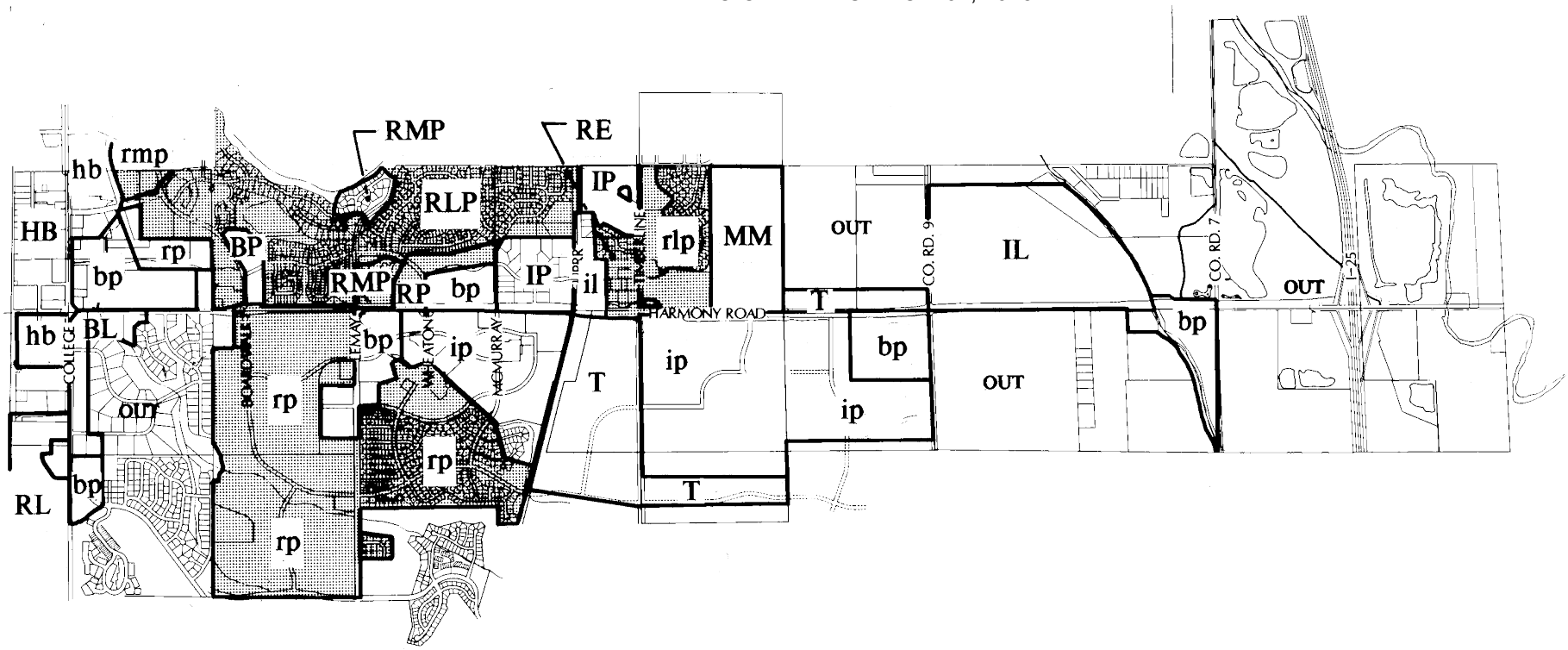
NORTH

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HARMONY CORRIDOR PLAN

LAND USE - APPROVED MASTER PLAN AREAS

MAP 7B



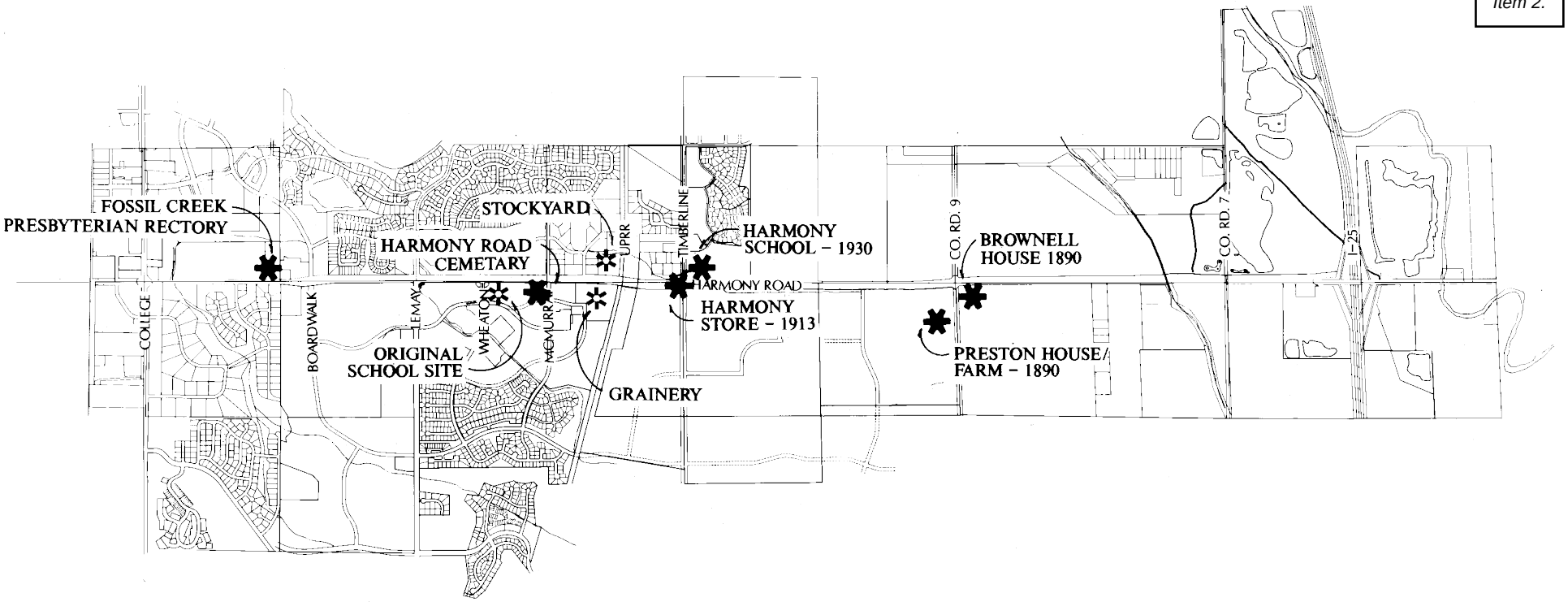
HB	HIGHWAY BUSINESS	RP	PLANNED RESIDENTIAL
BP	PLANNED BUSINESS	RL	LOW DENSITY RESIDENTIAL
IL	LIMITED INDUSTRIAL	RLP	LOW DENSITY PLANNED RESIDENTIAL
IP	INDUSTRIAL PARK	RMP	MEDIUM DENSITY PLANNED RESIDENTIAL
T	TRANSITION	RE	ESTATE RESIDENTIAL

NORTH

1500′ 0′ 3000′ 6000′

HARMONY CORRIDOR PLAN

ZONING **MAP 8**



EXISTING HISTORIC STRUCTURE

HISTORIC SITES WHERE TRAIL MARKERS MIGHT BE APPROPRIATE

NORTH

1500′ 0′ 3000′ 6000′

HARMONY CORRIDOR PLAN

HISTORIC RESOURCES

MAP 9

3
LAND USE
Updated 2020 & 2025

The final test of an economic system is not the tons of iron, the tanks of oil, or miles of textiles it produces. The final test lies in its ultimate products – the sort of men and women it nurtures and the order and beauty and sanity of their communities.

LEWIS MUMFORD

INTRODUCTION

The national image enjoyed by Fort Collins as an excellent place to live and do business is well deserved. Few cities in the nation have a more spectacular setting, a more qualified work force, or a more pleasing climate. The Harmony Corridor represents a key opportunity to maintain and enhance the community's positive image and quality of life.

As the Harmony Corridor emerges as a focus of development activity in south-east Fort Collins, this is an opportune time to look at current development trends and determine what specific future land uses would be most desirable to complement other development in the area.

ISSUES

The issues surrounding future land use in the Harmony Corridor appear to focus on the need to manage development to achieve a level of quality consistent with the economic, environmental, visual and other "quality of life" objectives of the community; while guiding the corridor to become a major business center in northern Colorado that attracts desirable industries and businesses and, at the same time, provides effective transitions from residential neighborhoods.

Another important issue is the concern that the Harmony Corridor should not develop as a typical commercial "strip" with frequent curb cuts, inadequate land-scaping, and highly fragmented development lacking coordinated site planning.

Finally, the corridor offers unique opportunities to attract desirable industries and uses that can provide long-term economic stability for the community. Fort Collins has the opportunity to choose which industries are important for its future. These choices will set the direction for the community's economy for the next forty years. In this regard, the issue appears to focus on the need for more predictability in guiding industries and businesses choosing to locate in the corridor area.

CURRENT LAND USE POLLICIES AND REGULATIONS

The City's LAND USE POLICIES PLAN and LAND DEVELOPMENT GUIDANCE SYSTEM (LDGS) are the two documents which have been used most frequently to guide the planning and development of the corridor for the past ten years. The LAND USE POLILCIES PLAN (1979), an element of the City's COMPREHENSIVE PLAN, is the official statement of long range planning policy regarding a broad variety of land use planning issues including growth management, environmental protection, and locational policies for specific land use classifications.

The LAND USE POLICIES PLAN does not dictate specific kinds or specific locations of land uses that could occur in the community, but does provide general guidance, with special emphasis that development be well designed and mitigate any negative impacts before they be allowed to develop.

Once the *Harmony Corridor Plan* is adopted, it will serve as an element of the COMPREHENSIVE PLAN and will supplement the LAND USE POLICIES PLAN for this section of the community.

The LDGS, on the other hand, is not a Plan. It is a land use regulatory mechanism, like zoning, which is used to implement the goals, objectives and policies of the LAND USE POLICIES PLAN and the COMPREHENSIVE PLAN.

The LAND USE POLICIES PLAN promotes the maximum utilization of land within the corridor, higher density development, phased growth, a mix of uses and concentrated building activity. The availability of public facilities, including streets, sewer, water, natural gas, and electricity, establishes the corridor as a preferred location for intense urban activity including a mix of residential, industrial, commercial and recreational uses. Properly designed, multiple use developments make sense from both a public and private standpoint. People can and should have the opportunity to live near where they work, where they shop, where they go out to eat, and where they find recreation. The auto becomes less necessary, thereby relieving the transportation system and reducing air pollution. Directing growth to those areas of the community where utilities are already in place, saves money and makes more efficient use of the existing public investment in infrastructure improvements.

The adopted LAND USE POLICIES PLAN also encourages a variety of retail activity in the corridor, including community and regional shopping centers. Only neighborhood scale shopping centers are allowed in residential areas. Strip commercial development is discouraged in the LAND USE POLLICIES PLAN in favor of compact shopping centers.

Transitional land uses or areas are also provided for in the Plan to be located between residential and commercial areas. All residential areas are encouraged to include a mix of single family and multi-family dwelling units of differing types and densities. Other uses such as parks and schools are also expected to develop in the future to serve the expanding residential areas.

Since the late 1970's, development in the Harmony Corridor has been especially attractive and sensitive to the unique characteristics and importance of the area. The decision by Hewlett-Packard to locate in this corridor has had the positive effect of attracting other light industries and office users. The quality of recent commercial and residential development in the area has also been very good.

The challenge at hand is to determine if any additional land use policies are needed which could improve upon, reinforce and enhance the pattern of land use occurring within the corridor.

PLANNING FOR THE FUTURE

INTRODUCTION

Both the City Council and the Planning and Zoning Commission have the responsibility and the authority to undertake the preparation of long range plans and policies. This planning effort offers an opportunity to establish a refined vision for the corridor. It includes creating a desirable living and working environment for future inhabitants, an exciting gateway into the community, as well as an important center for business and commerce.

The land use plan for the Harmony Corridor is intended to improve upon, reinforce and enhance the City's COMPREHENSIVE PLAN. It offers a vision of a future that many people and interests can identify with and seek to implement.

THE PROCESS

Several different land use alternatives were considered before finally arriving at the recommended one. These alternatives ranged considerably in intensity of development, character and practicality.

They were reviewed by the property owners in the study area and the general public. The recommended land use plan was synthesized by staff based on several months of public review and comment at a variety of forums.

The land use plan is depicted on Map 10. The intent of the land use plan and map is to provide for an orderly, efficient and attractive transition of vacant rural land to urban use; and to:

(a) Maximize the use of existing services and facilities (streets and utilities).

(b) Promote the development of the corridor as a high quality, self-contained and compact business center.

(c) Provide for the location of industry and business in the city by identifying prime locations for such uses.

(d) Provide shopping and service areas convenient to both residents and employees of the corridor.

(e) Provide for a variety of housing types.

(f) Preserve and protect existing residential neighborhoods from intrusive or disruptive development.

THE VISION

The vision for the corridor area is that it become a major business center in northern Colorado attracting a variety of businesses and industries serving local as well as regional markets. It should also include a mixture of land uses including open space, residential, office, recreational, and retail activities.

The focus of most development activity, especially commercial, should be at the major street intersections. The intensity of land use should decrease as distance from Harmony Road increases and as the distance from the major intersections increases. To promote pedestrian, bicycle and transit use, development in the area should be compact. Buildings, spaces and street frontages should be well-designed and of high quality materials and workmanship.

Business and industry provide the major economic focus of the corridor area. The land use mix also includes a variety of commercial uses to meet tenant and neighborhood resident needs.

Community and regional commercial activities are introduced in well-planned shopping centers or industrial parks, designed to draw shoppers from the surrounding community and region.

Free-standing highway related commercial (convenience stores, fast-food restaurants, gas stations and the like) are not permitted to locate outside of planned shopping centers or industrial parks. Only neighborhood scale shopping centers are allowed in residential areas.

Hotels to serve business tenants within the park will grow in importance. These hotels will be sited near major industrial parks, and in most cases be visible from Harmony Road.

Low intensity retail, restaurants, day care facilities, health clubs, personal service shops, business services (print shops, office supply, etc.), banks and other similar commercial activity is concentrated in attractively designed centers and integrated into planned industrial parks.

Buffer areas (transitional land uses, linear greenbelts, or other urban design elements) are provided to serve as cushions between the adjacent residential neighborhoods and the commercial areas. The existing, low density residential uses in the surrounding neighborhoods are maintained and enhanced. As business activity expands, new housing stock of a mix of types and densities is introduced as integral parts of the business and industrial parks.

LAND USE PLAN

GOAL STATEMENT

Encourage and support mixed land use development in the Harmony Corridor while discouraging "strip commercial" development and promoting the vitality and livability of existing residential neighborhoods.

POLICIES

LU-1 Strive for excellence and high quality in the design and construction of buildings, open spaces, pedestrian and bicycle facilities, and streetscapes by establishing and enforcing design guidelines specific to the corridor area.

An important part of the *Harmony Corridor Plan* is the desire to continue the high standard of quality established by recent development projects in the corridor area. One way that this can be accomplished is through the development and implementation of design guidelines specific to the corridor itself. These guidelines should be adopted as a part of the criteria that the City uses to review development of the corridor area. These guidelines should address the following issues:

Streetscapes, including fencing and screening.
Landscaping.
Street and parking lot lighting.
Building setbacks.
Architectural design and materials.
Pedestrian and bicycle access and circulation.

LU-2 Locate all industries and businesses in the "Basic Industrial and Non-Retail Employment Activity Centers" in the areas of the Harmony Corridor designated for such uses on Map 10. Secondary supporting uses will also be permitted in these Activity Centers, but shall occupy no more than 50 percent (50%) of the total gross area of the Overall Development Plan or Planned Unit Development, as applicable.

The Harmony Corridor offers an opportunity for creating a major business and industrial center in northern Colorado, due to its desirable location, accessibility, available infrastructure, and land ownership pattern. Attracting desirable industries and businesses into the community, and in particular, the Harmony Corridor, achieves an important public purpose because it promotes primary and secondary jobs and generally enhances the local economy.

Basic Industrial and Non-Retail Employment Activity Centers are locations where industrial uses and/or office, or institutional type land uses are planned to locate in the future in business park settings. Base industries are firms that produce goods and services which are produced for export outside the city and thereby import income into the city. Typical business functions include research facilities, testing laboratories, offices and other facilities for research and development; industrial uses; hospitals, clinics, nursing and personal care facilities; regional, vocational, business or private schools and universities; finance, insurance and real estate services; professional offices; and other uses of similar character, as determined by the Planning and Zoning Commission.

Mixed-use dwellings, where residential units are stacked above either a primary or secondary non-residential use, as well as affordable housing, shall be exempt from Primary or Secondary Use restrictions in the "Basic Industrial and Non-Retail Employment Activity Centers." Such uses promote corridor and community-wide policy goals locating higher intensity and attainable housing close to employment, daily needs, and basic services, thereby reducing reliance on personal vehicle trips.

Secondary uses include hotels/motels; sit-down restaurants; neighborhood convenience shopping centers; childcare centers; athletic clubs; and, a mix of single family and multi-family housing. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. "Multi-family" shall mean attached single family dwellings, 2-familly dwellings or multi-family dwellings.

Secondary uses shall be integrated both in function and in appearance with an office (or business) park, unless a special exemption is granted by the Planning and Zoning Commission. In order for such an exemption to be granted, the applicant must demonstrate to the satisfaction of the Commission that the granting of the exemption would neither be detrimental to the public good nor impact the intent and purposes of the foregoing requirement and that by reason of exceptional narrowness, small parcel size, or other special condition peculiar to a site, undue hardship would be caused by the strict application of this requirement.

The essence of the Basic Industrial and Non-Retail Employment Activity Center is a combination of different types of land uses along with urban design elements that reduce dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.

LU-3 All retail and commercial land uses, except those permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Centers, shall be located in 'Mixed-Use Activity Centers' which permit different types of shopping centers. All shopping centers, except neighborhood convenience shopping centers, shall be limited to the locations shown on Map 10. Neighborhood convenience shopping centers shall also be permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Center as described in LU-2.

The Mixed-Use Activity Center permits, in addition to the uses listed in the "Basic Industrial and Non-Retail Employment Activity Center," a range of retail and commercial uses to occur in shopping centers, to meet consumer demands of residents and employees who live and work in adjacent neighborhoods, as well as from the community or region. Coordinated planning of a "center" rather than isolated individual uses is the most effective means of avoiding the "strip" type of development. Permitted locations for different types of shopping centers are shown on Map 10.

The essence of the Mixed-Use Activity Center is a combination of different types of land uses along with urban design elements that reduce dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.

The scale and design of the shopping centers should be compatible with neighboring uses. Shopping centers can and should play an important role in the identity, character and social interaction of surrounding neighborhoods. They should be easily accessible to existing or planned segments of public transit. Adequate auto accessibility, especially for community and regional shopping centers, is important. Shopping centers should have a physical environment that is conducive to pedestrian and bicycle travel.

LU-4 Allow a broader range of land uses within the Gateway Area as shown on Map 10. The Gateway Area permits a mix of all uses allowed in the Harmony Corridor, including the individual uses in shopping centers, to occur throughout the area. Retail and commercial uses shall occupy no more than 50% of the mix of uses in the applicable development plan.

Development in the area is intended to form a mixed-use place to attract employment uses with the convenient mixing of uses as an amenity, as described in Chapter 5. Retail and commercial uses are allowed in any portion of the area because development will be coordinated within an urban design framework to minimize negative impacts on sensitive uses such as residential uses and on visual quality.

The focus within the Gateway Area will be on visual quality of naturalistic landscaped edges along I-25 and Harmony Road; and on urban design of pedestrian-friendly placemaking in areas of building development. Building development shall be clustered away from I-25 and Harmony Road and designed to blend unobtrusively into the landscape setting.

LU-5 Provide for the advance planning of large, undeveloped properties in the corridor area.

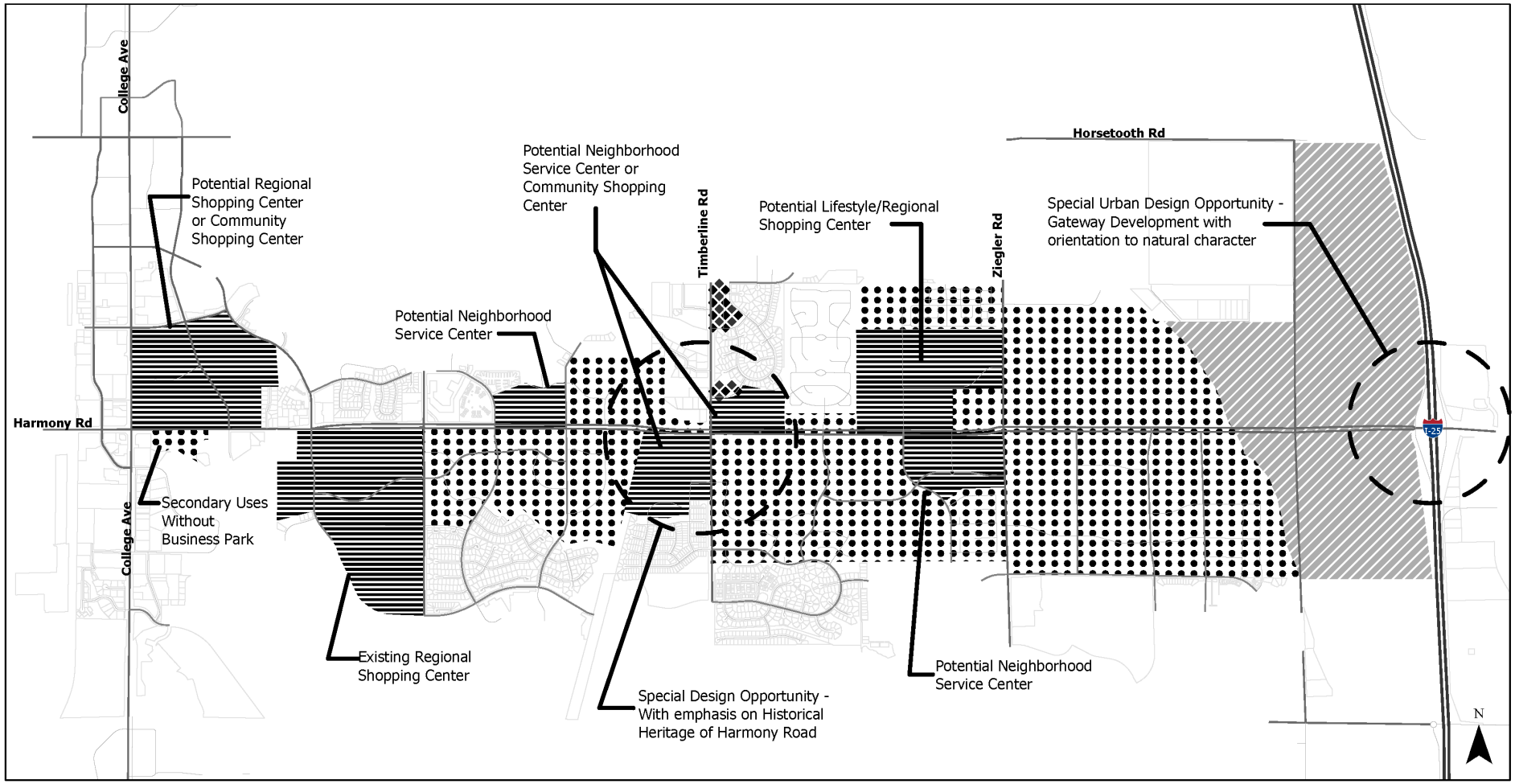
Coordinated planning of large parcels of land in the corridor area can generally provide greater opportunity for more innovation and variation in design, increase efficiency in utility services, and accomplish many more of the policies and objectives of the community than does a more piecemeal approach to development planning.

LU-6 Recognize the importance of the continued livability and stability of existing residential neighborhoods as a means to expanding future economic opportunities in the corridor.

The corridor area contains existing residential areas whose existence contributes to the future economic health of the corridor area. Future development in the corridor should be sensitive to these areas.

LU-7 Preserve a transition or cushion of lower intensity uses or open space between existing residential neighborhoods and the more intense industrial/commercial areas.

An important goal of the *Harmony Corridor Plan* is to provide a harmonious relationship between land uses and to protect the character of new and existing residential neighborhoods against intrusive and disruptive development. Open space, setbacks, landscaping, contextual building height and scale, physical barriers and appropriate land use transitions can be effective was to provide a cushion between different uses. The following are generally considered to be appropriate transitional land uses: professional offices; multi-family housing; churches; childcare centers; and assisted living, memory care, and short-term care facilities.



LAND USE PLAN

MAP 10

IMPLEMENTATION ACTIONS

The following actions need to be taken by the City to ensure that the land use section of the Plan is implemented over the years to come.

1. The City Council and the Planning and Zoning Commission should adopt the Plan.

2. The City should annex all unincorporated areas within the Harmony Corridor, in accordance with the parameters of the Urban Growth Agreement.

3. The City should adopt design standards and guidelines which reinforce the distinctiveness and quality of the corridor area.

4. When reviewing new development proposals in the corridor, the City shall evaluate such proposals according to the standards and guidelines adopted as part of the *Harmony Corridor Plan.* The *Harmony Corridor Standards and Guidelines* are in addition to existing development regulations that apply to specific development proposals.

5. The City should prepare design guidelines which further elaborate on the effective use of design measures for buffering between residential and non-residential land uses.

6. The City should establish means of effectively encouraging industries and businesses to locate in the Harmony Corridor.

7. The City should consider adopting a "superblock" planning requirement which assures the coordinated planning of large parcels of land.

8. The City should explore local landmark district designation of existing historic structures.

9. The City should study the distribution of basic industrial and non-retail jobs as part of the update of the Comprehensive Plan. The planning effort should also determine the relative importance of the Harmony Corridor in achieving community-wide employment objectives. And, based on the results of the study, the City should prepare incentives and/or regulations to assure implementation of the employment objectives in the Harmony Corridor. Revise policies of the Plan as needed.

10. The City of Fort Collins, Larimer County and the Town of Timnath should join efforts to plan for the appropriate development of Harmony Road east of I-25 compatible with the ***Harmony Corridor Plan.***

11. Pioneer Mobile Home Park, located on the northeast corner of Harmony Road and College Avenue, is home for many low-income families and elderly persons on fixed incomes. Although the Plan indicates future redevelopment of the site, the displacement of persons in the neighborhood should be carefully planned and sensitive to the particular needs of the residents.

12. The "Harmony Bikeway Study" (currently underway) should be prepared to reinforce the goals and vision of the *Harmony Corridor Plan*, as well as the City's overall transportation objectives.

4
URBAN DESIGN

The success of a work of design may be soundly evaluated only by its overall long-term effect on the healthy, happy survival of humans. Any other evaluation of architecture, landscape architecture, or city planning makes little if any sense.

NORMAN NEWTON

INTRODUCTION

Urban design encompasses a wide variety of topics having to do with the physical environment in an urban setting. Existing development, open space, pedestrian and vehicular linkages, historic buildings and places, trees and other natural features all combine to create a sense of place. The challenge for the *Harmony Corridor Plan* is to take all of these diverse urban design elements and shape them, so that the resulting sense of place enhances the quality of life for people who live and work in the corridor.

ISSUES

VISUAL CONSIDERATIONS

As one enters the corridor from the east, the landscape character along Harmony Road is a unique blend of rural scenery and high quality, campus-like office and industrial development. Moving further west and closer to fully urbanized areas, the variety of land uses becomes more diverse and includes commercial businesses. The landscape character changes from a wide floodplain, dominated by spectacular views of the Front Range to a predominantly paved urban environment near College Avenue. It is prob- able that the diversity of land uses and architectural styles will continue to increase.

As Harmony Road continues to develop, an urban design character will be established. It can become like many other communities and be visually cluttered with a wide variety of land uses, architectural styles and landscapes or it can be a well-planned corridor with a cohesive landscape design theme that capitalizes on its strengths and down plays it weaknesses. One purpose of the *Harmony Corridor Plan* is to create an urban design framework that can unify the visual diversity into a cohesive whole. Building on the area's natural scenic qualities, the Plan seeks to create a vision of what the Harmony Road of the future will look like.

ECONOMIC DEVELOPMENT CONSIDERATIONS

Harmony Corridor represents an opportunity for this community to make a positive first impression and demonstrate that Fort Collins is a great place to live, work and play. Harmony Corridor already has many positive locational and site development characteristics, such as good com- munity/regional access and large fully serviced tracts of undeveloped land. A uniquely attractive and well-planned land- scape character can reinforce these positive qualities and give Fort Collins an edge when competing against other communities for quality business and industrial development.

This vision for Harmony Corridor goes beyond establishing an attractive landscape and attempts to create an image for the corridor that is consistent with the progressive and dynamic development occurring there. Changing the name of Harmony Road to Harmony Parkway is one example. Specially designed and well-coordinated public signage, lighting and other visible infrastructure can further enhance a quality image for the corridor.

LANDSCAPE DESIGN ISSUES

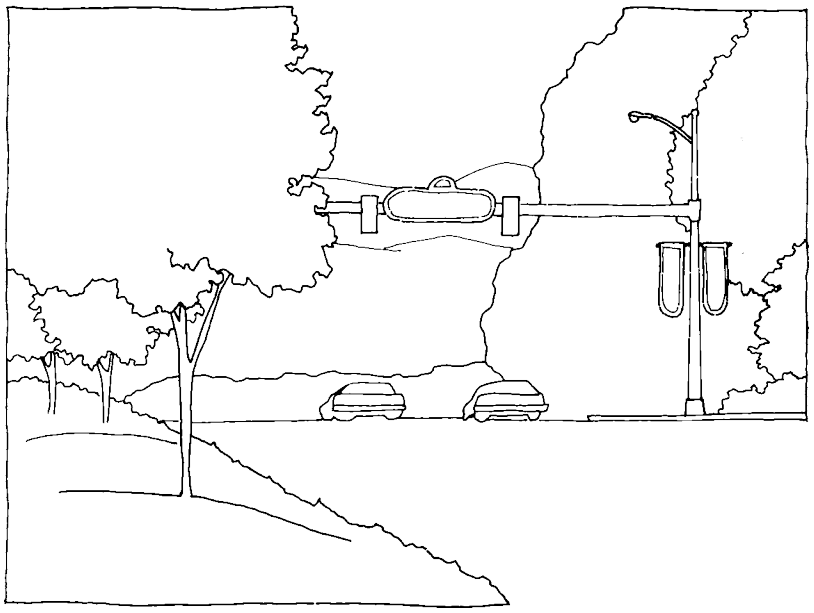
In order for the Harmony Corridor urban design concept to be successful, it needs to overcome constraints and take advantage of opportunities. The biggest challenge is to develop and implement a landscape plan that can successfully integrate the many different existing land- scape characters into a cohesive whole.

Several existing developments have already set high standards for landscape design. The wide setbacks, rolling berms and groves of trees that typify the landscape frontage at Hewlett-Packard, Mountain Crest Hospital and Oakridge create a sense of spaciousness and environmental quality. The urban design plan for the corridor should complement these successful landscapes.

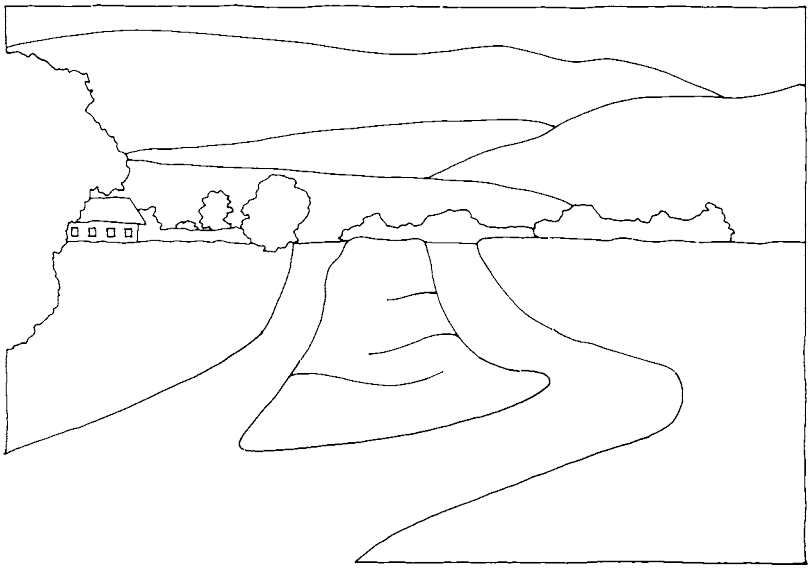
While landscape continuity is essential, other landscape characteristics are also important. Selecting plant material that is hardy, disease resistant and relatively easy to maintain increases the chances for success. Plant materials that create visual interest and seasonal variety make the landscape more appealing and should be emphasized in the plan. Existing trees should be preserved for the spatial character they establish and the historical heritage they represent.

WATER CONSERVATION

Water conservation is an environmental issue which will become increasingly important in the future. The landscape de- sign concept for Harmony Road needs to recognize this trend and respond by utilizing xeriscape techniques.



Specially designed and well coordinated public signage can contribute to a quality image for the corridor.



The spacious median is important to the visual quality of the corridor.

PEDESTRIAN AND VEHICULAR LINKAGES

Other factors that contribute to the urban design character of the corridor include the design of streets, sidewalks and trail systems. Roadway geometrics and design detail influence the visual appearance of a streetscape. In the Harmony Corridor it is especially important to consider future roadway geometrics for Harmony Road.

The fact that Harmony Road is a state highway complicates the issue. The City and State agree that eventually Harmony Road will need to be widened to accommodate three travel lanes in each direction. Indications are that the State in- tends to widen the roadway to the inside, greatly reducing the width of the median or, in some cases, eliminating it entirely. Landscaping in the median also must be coordinated with the State Division of Highways and designed to their standards.

At the preset time, these standards do not allow planting trees in the median. The need for curb, gutter, and splash blocks in the future also needs to be examined. In order to successfully implement a meaningful urban design concept, the City must work with the State toward a common vision for the future.

Transportation planning in the corridor should respond to the needs of motorists, commuters, bicyclists and pedestrians. Well-planned and sensitively designed trail systems serving bicyclists and pedestrians can contribute to the visual attractiveness of the area, help create a sense of place and enhance the quality of life for people who live and work in the Harmony Corridor.

HISTORICAL HERITAGE

The historical heritage associated with the original community of Harmony is one of the interesting facts that make the Harmony Corridor unique. The colorful personalities associated with that era and their labor which created irrigated farm-land, built charming Victorian houses, established a church, school and cemetery should not be forgotten. The persistence and hard work of these early pioneers played an important role in the evolution of the corridor.

Even though historic farmhouses and other buildings in the corridor may eventually be replaced by more modern structures, the historical heritage they represent can be preserved in a variety of ways. Encouraging property owners

to have the historical significance of their structures documented is important. One of the future neighborhood parks in the corridor could be named "Harmony Park" and emphasize a historical theme. Historical markers along trail systems could enhance this concept. The Harmony Corridor urban design plan should capitalize on these opportunities to pre- serve the past for the benefit of future generations.

COORDINATION WITH UTILITIES

Utility systems in the corridor can affect the visual quality of the corridor in a variety of ways. The City's Water and Wastewater Utility has completed the conceptual design and route selection for a major water transmission main in the corridor. Utility engineers and planners will need to balance the needs of the utility with the aesthetic purposes of the urban design plan. A 40-foot wide drainage channel designed to carry stormwater flows from the Hewlett-Packard site to the lake east of County Road 7 is another example of utility systems affecting the visual appearance of the streetscape. Communication and coordination are key factors in resolving conflicts before they become problems. In most cases the needs of the utility can be met without sacrificing visual aesthetics if the systems are carefully planned with the corridor landscape design objectives in mind.

ALTERNATIVE DESIGN CONCEPTS

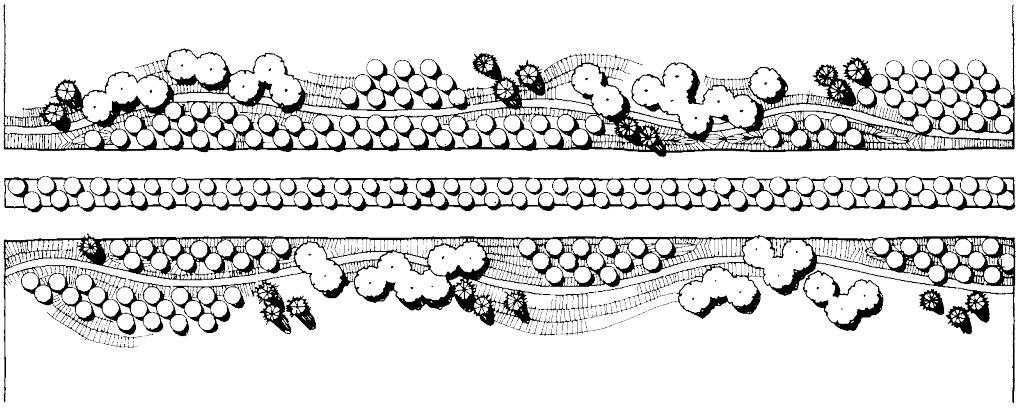
The design process began with a visual analysis of the corridor, detailed in Chapter 2, followed by the generation of three alternative urban design concepts – Harmony Orchard, Harmony Rhythm, and Harmony Oaks. The basic elements of each design concept are described below.

HARMONY ORCHARD

In this design concept, ornamental trees are planted in a grid pattern to create an orchard effect along Harmony Road from I-25 and to College Avenue. The tree grid is continuous in the median and occurs randomly along the road edges skipping properties that are already developed. Developers are encouraged to plant evergreens and tall deciduous canopy trees to act as a backdrop for the orchard. Species of orchard trees are selected for hardiness and disease resistance, as well as for spring and fall color.

The median and adjacent properties are graded to continue the rolling berms already becoming a hallmark of Harmony Road. A meandering bike trail parallels both sides of the street and connects to existing bike trails. The ground plain is planted with a bluegrass, brome and fescue mix to provide turf

Plan view of the Harmony Orchard design concept.

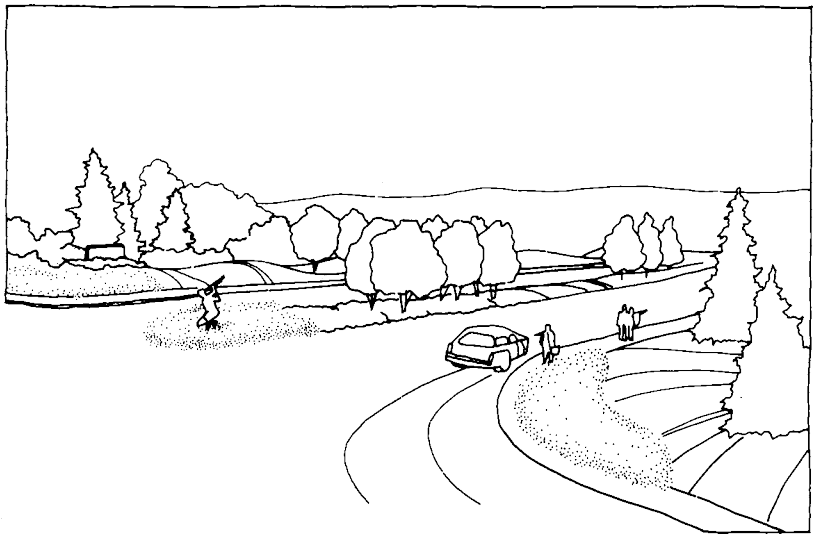


that is green during the growing season and still conserves significant amounts of water over conventional bluegrass. The mowing height is six inches, in keeping with an orchard theme. Thousands of daffodils are naturalized all along the median creating a spectacular flower display in early spring. Low stone walls are encouraged as an architectural design element at intersections and anywhere retaining walls or low screen walls are needed. Distinctive lighting and sign graphics are used to further build on the design concept.

HARMONY RHYTHM

A repetition of plant material and sculpture combine to create a rhythm along Harmony Road that the viewer perceives whether he is entering Fort Collins for the first time or is a resident taking advantage of the bike trail system paralleling the road. A narrow range of plant material is selected to provide seasonal interest. For example "Burning Bush" might be selected as a shrub that is repeated in the landscape of new developments, resulting in a dramatic display of glowing red shrubs during that few weeks in the fall when that shrub turns color. Other trees, shrubs and perennials are selected to provide similar effects all through the growing season.

Sculpture is promoted along the corridor making a statement about Fort Collins' interest in the arts. Occurring at intersections and at prominent points along the trail system, sculptural elements could be individually unique or work together around a common theme.



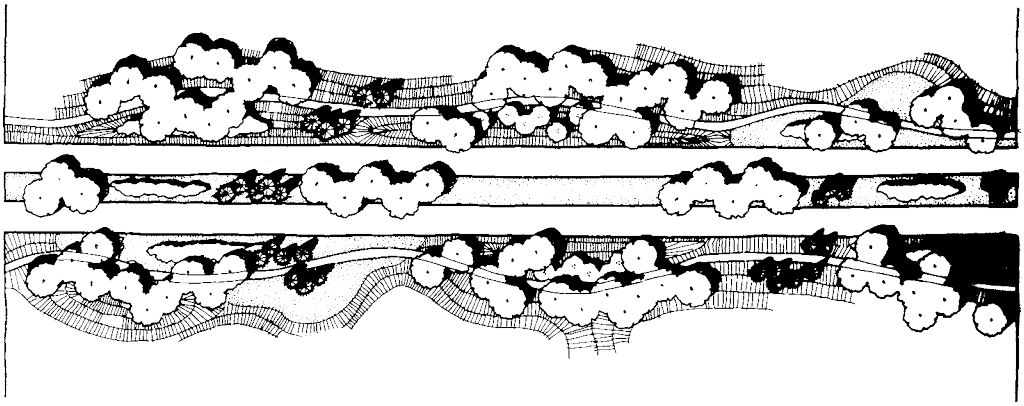
Perspective view of the Harmony Rhythm design concept.

HARMONY OAKS

The Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk, and groves of oak trees alternating with wild- flower meadows. Oaks have been selected as the dominant tree species for several reasons. Two types of trees are native to Colorado: Coniferous species usually associated with higher elevations, and deciduous species found along streams. One of the few deciduous hardwood trees native to Colorado is the Gambel Oak. This combined with the oak's reputation for longevity, hardiness, disease resistance, low water demand, fall coloring, and attractive appearance led to the conclusion that the Gambel Oak along with other oaks known to thrive in this climate would be the best tree to dominate in the corridor landscape.

Although the oaks are combined with a substantial number of other tree species to avoid a monoculture, they are planted in sufficient quantities to have a unifying effect. The oak's rugged appearance makes it ideally suited to the informal naturalistic landscape emerging along Harmony Road. Drifts of pines occur randomly to provide winter interest and add to the naturalistic forested effect.

Plan view of the Harmony Oaks design concept.



Starting at I-25 and continuing to College Avenue, wildflowers are planted in the median and intermittently along the edges of the road. The continuity of the wildflowers provides a colorful welcome mat for people coming to Fort Collins via Harmony Road. Along both sides of the road, an extra-wide sidewalk meanders through berms providing the pedestrian and bicyclist with alternate experiences of wildflower meadow and oak forest. Low stone walls, special signage and flags sporting a unique logo that ties in with the Harmony Oaks design theme are used at intersections to strengthen the design concept.

EVALUATING THE DESIGN CONCEPTS

Each concept was evaluated against the following criteria:

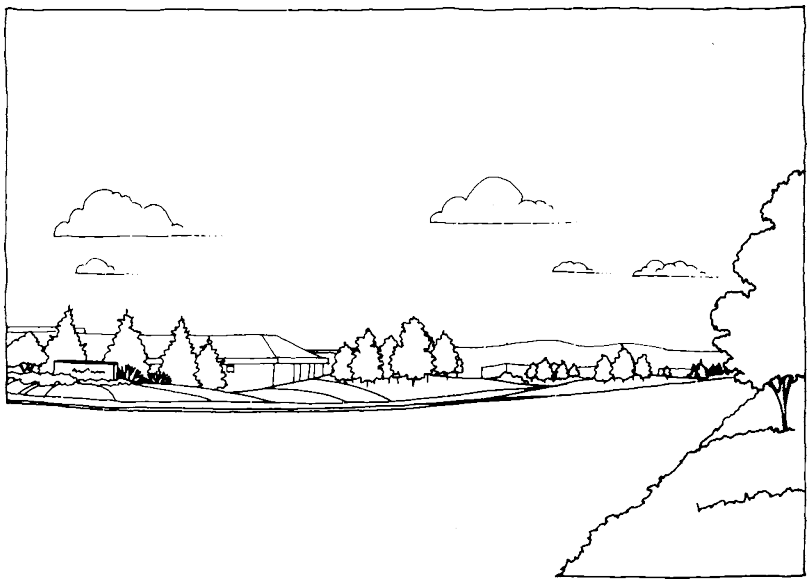
- Ability to unify the corridor.
- General attractiveness.
- Seasonal variety.
- Ease of implementation.
- Construction cost.
- Maintenance cost.
- Water conservation.
- Landowner values.
- General public values.

All three alternatives along with supporting graphics were displayed at a series of public open houses. Staff held numerous meetings with affected interests and work sessions with boards and commissions. The feedback overwhelmingly supported the Harmony Oaks urban design concept over the other concepts.

In the final analysis, the Harmony Orchard concept was rejected because of the difficulty of implementation, high costs and lack of support from the landowners and general public. Although the Harmony Rhythm design concept scored high when evaluated against the criteria, it was also eliminated because of high installation costs and lack of landowner support. The Harmony Oaks alternative was selected as the urban design concept with the most potential.

A dominant tree species combined with a narrow plant palette will be very effective in unifying the corridor over time, while the use of wildflowers can provide a dramatic unifying effect in a much shorter time frame. The combination of plant material, rolling berms and meandering trail system will create a pleasant and attractive setting for future development and at the same time complement existing developments. The naturalistic, informal design will provide developers with needed flexibility and the cost of implementation and maintenance will be equal to or less than the typical landscape currently proposed for Harmony Road.

The Harmony Oaks concept emphasizes xeriscape, a term for water conservation through appropriate landscaping, in two ways. The plant palettes will consist of a variety of low to moderate water demand plant materials, and the recommended turf and wildflower ground covers will consume significantly less water than traditional blue grass turf.



Perspective view of the Harmony Oaks design concept.

URBAN DESIGN PLAN

GOAL STATEMENT

Guide development in the corridor so that collectively a perceivable, unified urban design theme and landscape character is created along Harmony Road. Utilize urban design principals to ensure that Harmony Corridor continues to be a great place to live, work and play.

POLICIES

UD-1 Implement the Harmony Oaks design concept through design standards and guidelines for private and public sector development projects.

UD-2 Promote water conservation by providing design guidelines that encourage xeriscape landscape techniques.

UD-3 Establish a well-planned and attractive gateway entrance to the community at the I-25 interchange, emphasizing the natural scenic qualities of the area.

UD-4 Promote the development of an extensive recreational trail that connects to the city-wide trail system.

UD-5 Promote the development of a commuter bikeway system that supports bicycling as an alternative mode of transportation in the corridor.

UD-6 Coordinate the long range planning efforts of other City departments and governmental agencies with the goals and objectives of the *Harmony Corridor Plan*.

UD-7 Support efforts to preserve the historical heritage associated with the original community of "Harmony".

UD-8 Adopt design guidelines and standards for retail development in the corridor to create better neighborhoods by promoting safe, pleasant walking and bicycling environments, more lively commercial centers, convenient transit access, and human scale design.

IMPLEMENTATION ACTIONS

The following implementation actions are intended as a guide for implementing the urban design section of the Plan.

1. DESIGN GUIDELINES

The Planning and Zoning Commission and the City Council should adopt the Plan along with design standards and guidelines for new development. The design standards and guide- lines will set expectations for private and public sector improvements along Harmony Road (Design standards and guidelines are available under separate cover.)

2. RECREATIONAL TRAIL/BICYCLE COMMUTER SYSTEMS

The City should develop a master plan for a recreational trail system and for a commuter bicycle system to serve bicyclists and pedestrians in the corridor. Additional field investigations and coordination efforts are needed to develop a strategy for implementing effective systems for commuting and recreation. Analyzing cost/benefit relationships and developing appropriate funding mechanisms are a part of this work effort.

3. WILDFLOWER RESEARCH

For wildflowers to be done well and create a spectacular seasonal display, careful planning is required. The City should establish test plots along Harmony Road to determine the most appropriate seed mix and best maintenance practices. Ideally the test plots would be monitored for three years before large areas are seeded.

4. SPECIAL SIGNAGE

The City should develop a coordinated public signage system to enhance the Harmony Oaks theme. Special colors and unique Harmony Road design detail for public signage, traffic control devices and light standards along Harmony Road are envisioned. A funding mechanism needs to be developed.

5. NAME CHANGE

The City should change the name of Harmony Road to Harmony Parkway, which is more in character with the future vision of the Harmony Corridor.

6. COORDINATION WITH THE STATE DIVISION OF HIGHWAYS

The City should work with the State Division of Highways to answer questions about the future operation and physical appearance of Harmony Road. January 1993 should be set as a target date to resolve the following issues:

Ownership of Harmony Road.
Future widening.
Curb, gutter, and splash block detailing.
Planting in the median.
Future interchange design and construction.
Frontage roads.
Bicycle commuting along Harmony Road.
Car-pooling at I-25.

7. LANDSCAPE PLAN FOR THE MEDIAN

The City should complete a design development plan for the median that addresses curb, gutter, splash block, plant material, and irrigation. Establishing a funding source for construction and maintenance of the median landscape is part of this work effort.

8. LANDSCAPE PLAN FOR THE I-25 INTERCHANGE

The City should design and implement a well-integrated landscape plan for the I-25 interchange at Harmony Road. Creative use of plant material and carefully designed entry feature should introduce the Harmony Oaks concept to motorists leaving I-25 and entering Fort Collins. Landscaping the interchange should also present a positive first impression to motorists continuing on the interstate. The Plan needs to be integrated with the gateway planning effort described in Chapter 5.

9. COLLEGE AVENUE/HARMONY ROAD INTERSECTION PLAN

The City should develop a conceptual design plan for the College Avenue/Harmony Road intersection along with a specific implementation strategy. In addition to being the west gateway to the Harmony Corridor, this intersection is a major gateway to Fort Collins from the south. The importance of this intersection should be reflected in its appearance.

Landscape elements on each corner can be coordinated to achieve a well designed urban intersection that creates an impressive gateway to Fort Collins from the south and at the same time introduces the Harmony Oaks design concept for motorists entering the Harmony Corridor. This intersection is an ideal location for a special signage demonstration project.

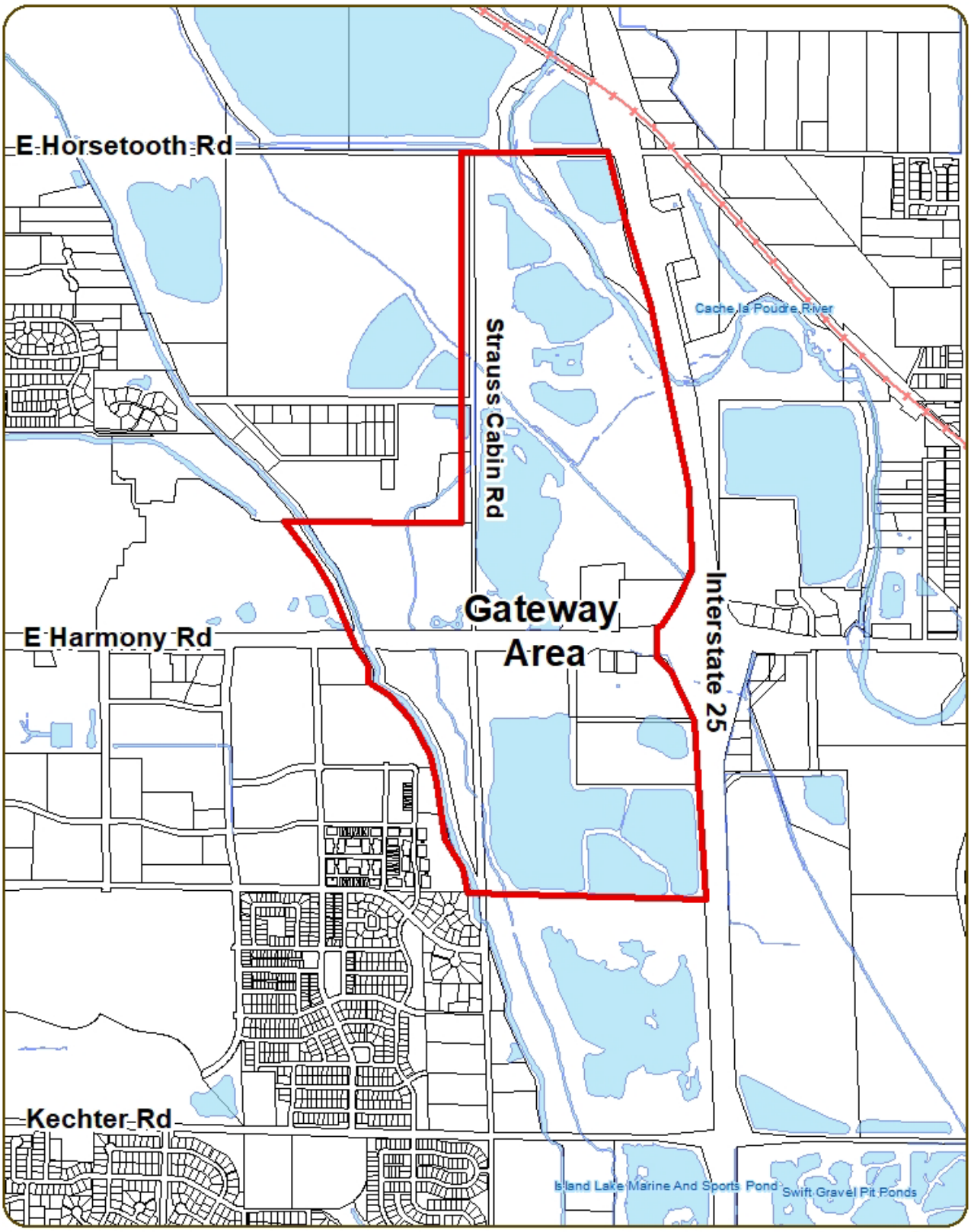
10. HISTORIC INTERPRETATION

Opportunities for historic interpretation of the historic "Harmony" community should be explored as part of any future bicycle planning efforts in the corridor.

5
HARMONY GATEWAY AREA
Updated 2020

"The goal of gateway planning is to arrange the landscape with a sense of arrival and a positive image of the place"

Michael Barrette



Harmony at I-25 Gateway Area

5-2

INTRODUCTION

This updated Chapter 5 builds upon ideas and recommendations of the original 1991 *Harmony Corridor Plan*.

The Setting

The Gateway Area extends along both sides of Harmony Road from I-25 to the edge of the Cache La Poudre river valley, defined by a bluff just over a half-mile west of I-25.

The bluff, also known as the valley wall, is a result of the river's down-cutting action as it meandered within its floodplain for many thousands of years. While it is a notable geographic feature from a historical perspective, it simply presents a modest hill for users of Harmony Road.



Harmony Road, formerly State Highway 66, smooths out the topography of the bluff

Lying within the river valley below the bluff, the area consists of low ground, ponds, and wetland areas, all remainders from extensive past gravel mining operations.

The Gateway Area is an exceptional location due to high values the community places on the Cache La Poudre River corridor and also on the Harmony Road interchange with I-25 as the most-traveled entryway into the city.

This juxtaposition creates the unique opportunities and significance that make the Gateway Area a prominent aspect of the Harmony Corridor Plan.



North side of the road: Arapaho Bend Natural Area

The types of development that highway interchanges typically attract do not mesh well with the community's values regarding this unique opportunity.

The challenge is to balance different and sometimes competing objectives for land use and development.

What's A Community Gateway -- Why Is It Important?

Community plans commonly address prominent entryways as special opportunities to cue entry into and departure from the given city. A well-planned gateway can:

- Contribute to a sense of community with a look and feel of local values, civic intention, and pride.
- Offer a sense of arrival and welcome for visitors.
- Offer a familiar and welcoming feel for residents, signifying home in a positive way.
- Avoid homogenous highway-oriented corporate character that blurs local identity.

Harmony Corridor Plan Background: General Direction for the Area

The Harmony Corridor Plan, originally adopted in 1991, identified the 'Gateway Area' but did not establish a vision or strategy for the area. Rather, it explained issues that were still in flux at the time and described alternative concepts. It concluded that:

"Additional work is required to develop a strategy for shaping the future of this important segment of the community."

The starting point for additional work was to be the concept of a well-planned and attractive entrance to Fort Collins integrating quality development with naturalistic characteristics and features of the river valley landscape.

This concept was described as 'Alternative A' in the original plan. Key aspects of this general direction were:

- Incorporate wetlands, lakes and drainageway areas as an elaborate open space network laced with an extensive system of trails.
- Blend development into naturalistic landscaping, favoring light industrial and office uses and discouraging commercial uses unless they can be blended unobtrusively into the naturalistic setting.
- Provide significant setbacks from streets for any development forming a greenbelt around the interchange.
- Establish standards for architecture and landscape plans emphasizing naturalistic character.
- Ownership, maintenance and liability issues that would need to be negotiated and could include re-investment of tax dollars created by special gateway development, dedication of land by property owners or developers, and public funding.

The Harmony Corridor Plan's overarching direction for land use along the entire corridor included the Gateway Area. A major update in 1995 established the land use designation of 'Basic Industrial Non-Retail Employment' for future development with an emphasis on business park-type employment uses and avoidance of highway commercial "strip" type development with a generous landscaped setback area along the roadway.

However, while the corridor-long employment designation included the Gateway Area, the area was highlighted separately and prominently throughout the plan in addition to having its own chapter. The area is distinct and different from the uplands to the west which comprise the rest of the corridor.

The plan's direction for additional work based on 'Alternative A' included a listing of Implementation Actions—giving direction on the additional work needed.

Between 1991 and 2020, a large body of that work along with new information, changed conditions, developer initiatives, studies, and public discussion has led to this 2020 amendment which sets forth a vision to fulfill the direction of the original plan.

EXISTING CONDITIONS ISSUES

Poudre River Floodway

In 2020, most of the property in the gateway area is within a 100-year floodplain of the Poudre River, and significant portions of the area are within a floodway (a mapped area reserved for the passage of flood flows with virtually no development permitted).

The river itself forms the angled north edge of the Gateway Area, where it then crosses I-25 a half-mile north of the interchange and continues east through the Town of Timnath.

However, limited flow capacity under the I-25 bridge would cause flood flows to back up behind the bridge in a flood event and break out of the river channel to flow down through the Gateway Area across Harmony Road.

The Colorado Department of Transportation (CDOT), the City, and other jurisdictions are exploring possibilities for a new I-25 bridge together with downstream flood improvements that could possibly allow flood flows to remain in the river channel and thus remove the floodway from the Gateway Area.

Unless and until such a solution is reached, no residential development is allowed in the floodway, and any other development would face the very difficult challenge of showing no adverse impact on adjacent properties. This challenge would be prohibitive for any significant development in the floodway.

However, developers could propose to channelize and realign the floodway by completely reshaping the landscape, to create developable land. The necessary filling and grading would require a multi-year process of engineering, design, coordination and permitting. The City, FEMA, and possibly other jurisdictions and stakeholders would be included.

Floodway issues are a complex interjurisdictional matter beyond the scope of this Harmony Corridor Plan.

This plan update establishes a vision and strategy for land use and development in the event that floodway constraints are removed in a separate process.

Gravel Pit Ponds

In 2020, four gravel pit ponds exist on the south side of Harmony Road in the Gateway Area and are in varying states of compliance/non-compliance with State water law. These ponds are unintentional residual results of past gravel mining and were never intended to be the permanent land use on the property.

The technical complexity of the water issues are beyond the scope of this plan, similar to the floodway issues noted above, and are interrelated with the floodway issues.

For planning purposes, at least two of these ponds should be considered likely to be completely changed, with exposed water significantly reduced by filling and grading.

The habitat value associated with the ponds has been increasing with time as wetlands develop around the edges in addition to the habitat value of open water. Anticipated future changes to the property would necessarily involve at least some degree of loss of habitat, and such changes require mitigation of the habitat loss under City Land Use Code standards. Mitigation requirements would offer opportunities for more international habitat improvements as part of a whole reshaped landscape.

Existing Land Uses

The north side of Harmony Road mostly consists of the City's Arapaho Bend Natural Area and the Transportation Transfer Center (TTC or park-n-ride), a joint facility of the City and CDOT that was carefully carved out of the Natural Area. The commercial property abutting the northwest corner of the interchange is not within the City Limits.

On the south side of Harmony Road, the existing gas station and adjacent cell tower are not within the City Limits. An existing plant nursery business was established under County jurisdiction prior to annexation and has since been annexed along with the remainder of the gateway area on the south side of Harmony Road.

The remainder of the south side comprises gravel-mined ponds. Parcels on the southwest and southeast corners of Harmony and Strauss Cabin Roads are outside of the 100-year floodplain. The southwest corner of Harmony and Strauss Cabin Road was recently developed with an apartment complex. A 10 acre parcel on the southeast corner of Harmony and Strauss Cabin Road was approved in 2015 for a convenience shopping center, although the development plan approval has expired and the property remains undeveloped.

Changed Conditions Since the Original 1991 Plan

Major changes and new information since 1991 have informed the planning process for the Gateway Area plan update in 2020. Prominent examples include:

- **Jurisdiction over Harmony Road** was transferred from the Colorado Department of Transportation to the City of Fort Collins, with the State Highway designation removed.
- **Gravel mining operations** were completed, throughout much of the gateway area, altering the landscape.
- The portion of the gateway area on the north side of Harmony Road was purchased by the City as the **Arapaho Bend Natural Area.** (With the exception of the commercial property abutting the northwest corner of the interchange which remains under County jurisdiction at the present time.)
- The **Transportation Transfer Center** (TTC, aka park-n-ride), was built on the north side of Harmony Road, by the City and CDOT (on land purchased from the Natural Areas Program). The TTC and Arapaho Bend implemented ideas described in the original 1991 plan for development to reflect the character of the river valley landscape.

The portion of the gateway area on the south side of Harmony Road was **considered for purchase** as a Natural Area for Community Separator and viewshed purposes starting in the late 1990's. Habitat was not considered a significant purpose due to the gravel mined landscape. The City considered the opportunity on multiple occasions.

- A large, visually prominent **cell phone tower** was built adjacent to the interchange on the south side of Harmony Road in the County's jurisdiction.

- The City's 1997 Comprehensive Plan update known as *City Plan* designated Harmony Road as one of four **Enhanced Travel Corridors** for future high-frequency transit in the long-term structure of the city.

- **The City Structure Plan map** (***City Plan's* land use map)** envisioned a 'Green Edge' of the city along the low-lying southeastern edge of city including the Gateway Area, suggesting that development intensity would taper down to a fairly open and rural landscape, helping to preserve the separate identities of Fort Collins and Timnath.

- The City and County twice extended Fort Collins' **Growth Management Area** southward from its boundary ½ mile south of Harmony Road at the time of the original Harmony Corridor Plan. In 2020, it extends 3½ miles further south to the SH 392/Carpenter Road interchange area.

- Two **Community Separator studies** were conducted, in 1999 and 2003, describing potential opportunities for preserving distinct visual and physical separation and identity of Fort Collins, Timnath, and Windsor. These studies were a forum for discussion of cooperative land use planning among jurisdictions and property owners.

- The **2003** ***Fort Collins-Timnath-Windsor Community Separator Study*** specifically identified the Poudre River floodplain corridor, which forms a broad swath around the I-25 / Harmony interchange, as a primary opportunity to keep Fort Collins and Timnath distinct and separate to avoid blending together. The Separator studies generally described possible **implementation actions**, which would require increasing cooperation and decreasing competition for sales tax among regional cities and towns at their edges along I-25.

- The **retail industry** saw the evolution of "big box" superstores, power centers, and lifestyle shopping centers, all serving an increasingly regional market.

- Retail/commercial activity and competition for **sales tax** has changed rapidly and become increasingly aggressive along the I-25 corridor. The interstate has become a focus of annexations and development, with advocates of regional metropolitan development widely promoting I-25 as "Northern Colorado's Main Street".

- In 2003, the **Larimer County Events Center and the Centerra Lifestyle Shopping Center** opened.

- **Fort Collins' position in the regional retail trade area** has weakened significantly since 2001. The City of Fort Collins faces increasing competition for regional retail purchases; this has translated into a decrease in retail sales inflow and increased retail sales leakage.

- Soon after the Separator studies were completed in 2004, the Town of Timnath suddenly re-designated the east side of I-25 directly across from the Gateway Area for Regional Commercial development, extending from the interchange one mile

southward, **negating the Separator concepts for that area**. Walmart, Costco, and associated commercial pads were developed.

- CDOT conducted an Environmental Impact Study process evaluating alternative **transportation scenarios** for I-25 and related north-south transportation facilities between the Denver Metro area and North Front Range, showing the Harmony interchange as a significant hub for future bus transit.

- **Taller buildings** began to emerge along I-25 in Northern Colorado, with an 8-story hotel constructed near the Larimer County Events Center and other 6-story buildings planned nearby.

- **Development along the top of the river valley wall** has significantly altered the potential for scenic views looking west across the river valley to the mountains beyond, as described in the original 1991 plan.

- Property owners, professional consultants, prospective developers, and City staff have evaluated **several land use initiatives** for the south side of Harmony Road. These were based on reclaiming gravel-mined land and ponds, completely reshaping the floodplain, developing an activity center, and exploring possibilities for City purchase of certain property. These efforts produced significant information and understanding, but none led to Harmony Corridor Plan amendments or land use actions.

- Most of the property in the Gateway Area on the south side of Harmony Road was **annexed** with the exception of the existing gas station property.

- **Eagle View Natural Area** was purchased immediately south of the area across Kechter Road.

- An Overall Development Plan (ODP) was approved for the south side of Harmony Road based on the requirement for 75% 'Primary' uses (non-retail employment and institutional uses). **A Convenience Shopping Center** was subsequently approved under the ODP as a 'Secondary use'. The ODP presumes filling of ponds and complete reshaping of the floodplain.

- An **apartment complex** was built at the southwest corner of Harmony and Strauss Cabin Road.

- **Regional traffic volumes continue to increase** on Harmony, Strauss Cabin, and Kechter Roads.

VISION FOR THE GATEWAY AREA



Gateway Area Looking West

Overview

Property owners, community members, decision makers, and various other stakeholders, both public and private, need a shared understanding of how continuing changes should be coordinated to contribute to a positive vision.

The original 1991 Harmony Corridor Plan set a direction and starting point:
to create a community entryway that integrates high-quality development into a naturalistic landscape with riparian characteristics associated with the river valley. Office and light industrial uses were encouraged; commercial uses were discouraged unless they could be shown to blend unobtrusively into the naturalistic setting.

That general direction has remained valid. 29-plus years of changes, new information, and public discussion have built on that starting point and reaffirmed the essential ideas to make the most of the unique opportunity to form a Fort Collins gateway and a special destination over time if land uses change.

The community's vision for this entryway includes specific acknowledgement that the whole approach to land use is notably different from typical commercial development oriented to interstate highway exits. Rather, the vision is to provide relief from the protypical highway development.

ESSENTIAL HARMONY GATEWAY DESIGN ELEMENTS

Implemented as part of the Harmony Corridor Plan update and related Standards and Guidelines, ten basic design elements will apply to future development within the Gateway Area:

1. **Naturalistic River Valley Landscape**
2. **Landscaped Setbacks Along Harmony and I-25 for Visual Image and Character**
3. **Unified Harmony Road Gateway Streetscape**
4. **Fort Collins Entryway Signs**
5. **Habitat Protection and Mitigation**
6. **Regional Trail Corridor**
7. **Mobility Hub**
8. **Limitations on Commercial Signs**
9. **Stealth Wireless Telecommunication Facilities**
10. **Unique Land Use and Development Standards**

1. Naturalistic River Valley Landscape

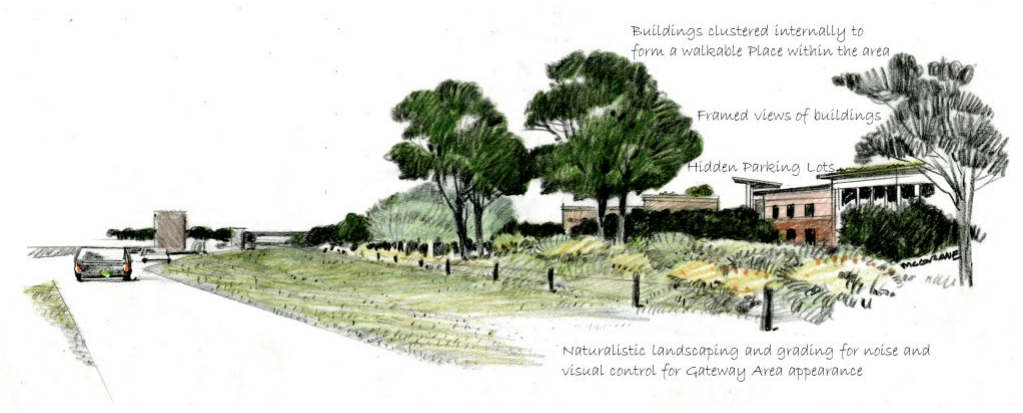
Cottonwood groves, willows, and other native plantings will form the most dominant aspect of the area's image as seen by users of Harmony Road and drivers on I-25. Under this approach, a naturalistic river valley landscape, instead of buildings and signs, becomes the primary view. Buildings and signs will be afforded intermittent visibility with views framed by the landscaping.



Example of a landscape-dominated stretch of an entryway corridor.

2. Landscaped Setbacks Along Harmony and I-25 for Visual Image and Character

Where buildings and parking lots are developed, landscaped setback areas will be provided that average at least 140-190 feet wide along Harmony Road and I-25. These newly landscaped areas along streets will be designed to screen parked vehicles and intentionally frame intermittent views of buildings and their signage as part of the image of buildings sited within a landscape. As such, the setback area can undulate within the average, with some buildings and parking closer to the roadways if parking is fully screened and encroaching buildings are well-integrated into the landscape.



I-25 Landscape Setback Concept

Grading in these setbacks areas will be informal and have vertical undulation, reflecting landforms shaped by river movement to complement plantings and reinforce the naturalistic landscape. Grading should be at a scale perceivable to drivers at speeds and volumes on Harmony and I-25.

Grading may double as critical floodway and/or drainage facilities and a trail corridor depending on outcomes of separate efforts regarding floodway changes.



Harmony Streetscape with Naturalistic Landscaping Concept

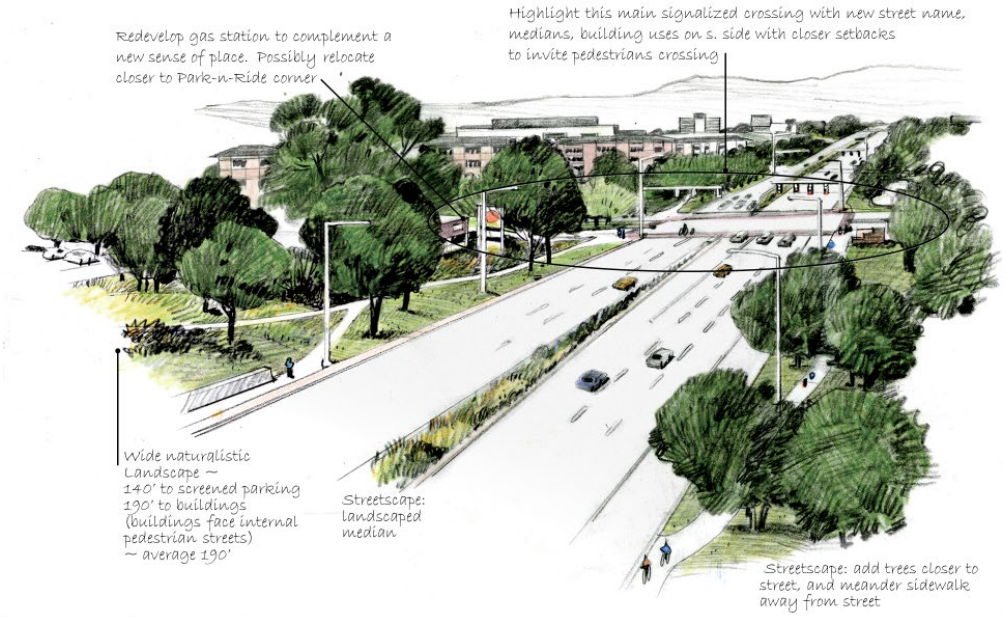
3. Unified Harmony Road Gateway Streetscape

Perhaps the strongest and most direct impression that can be made for people moving through or coming to the area is the Harmony Road streetscape.

This streetscape comprises the street edges as experienced by users of the street, and medians. It includes improvements within the City right-of-way and improvements as part of abutting land uses.

For motorists entering the city, medians and streetscape improvements on the north side of Harmony Road would have the highest visibility. Landscaped medians reduce the scale of the large roadway and add beauty.

As much as possible within space constraints, informal groupings of trees including cottonwoods should span across sidewalks which will be detached and slightly meandering in conjunction with naturalistic grading.



Harmony Road Streetscape, Landscape Setback Area, and New Street at Park-n-Ride Signal Concepts

4. Fort Collins Entry Sign

Streetscape design projects will explore the most complementary way to include an entry sign in conjunction with the landscaping. For years, there has been public interest in a clearer message to motorists that they are entering Fort Collins, at all major highway entry areas.

In the public planning process for the Gateway Area, community members' input clearly indicated

that a free-standing attention-grabbing sign, monument, or sculpture is not important in favor of a naturalistic landscape to move through.

A landscaped native stone sign wall or other complementary entry sign would reinforce the gateway impression and will be carefully considered, sited and designed considering relationships to similar initiatives at other City gateways.

5. Habitat Protection and Mitigation

Land use changes will include riparian landscaping that contributes to a larger continuous corridor of riparian habitat in rural and open lands across the larger southeast edge of Fort Collins.

City, State, and Federal regulations already govern impacts to existing habitat that would likely occur with development. They generally emphasize protection, enhancement, and alternative mitigation of any losses with land use changes.

For example, on the south side of Harmony Road where greater land use changes may occur, habitat improvements would be required to mitigate expected losses associated with filling ponds and future development.

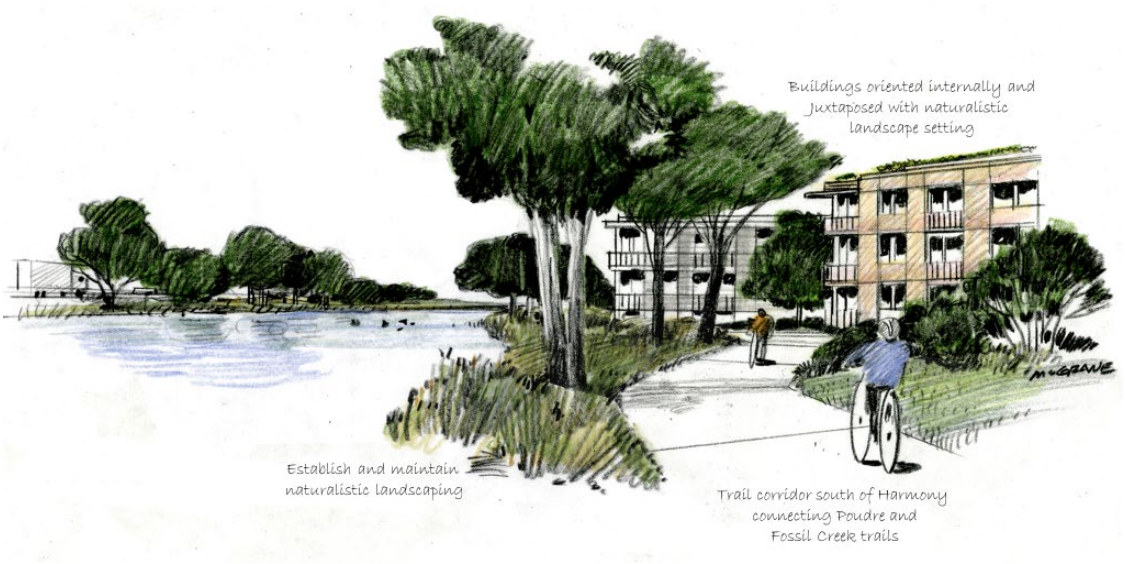
Newly created ponds, channels, and landscape areas would be part of the framework for development and would be extensively landscaped with native river valley plantings. This would provide a basic degree of urban habitat, mainly for birds and small aquatic species.

With complete reshaping of the most or all of the landscape, there are apparent opportunities for improvements to go beyond minimal mitigation of losses and achieve significant enhancement over unintentional and unsanctioned status of the habitat that has formed in the gravel-mined landscape.

6. Regional Trail Corridor

A landscaped trail corridor thirty to fifty feet wide (or more) will run through the south side of Harmony road to assist in linking trails and Natural Areas to the north and south—the Poudre River Trail in Arapaho Bend Natural Area on the north, and Fossil Creek Trail in Eagle View in the south.

The corridor will be an integral part of the formative framework of public space into which buildings and parking lots will fit. The corridor may be located within required landscape setback areas and should be sited and aligned to maximize the user experience. Developers will coordinate with the City on appropriate trail design, including alignment, width, surface materials and details.



Trail Corridor Concept, South Side of Harmony

7. Mobility Hub

City Plan identifies the Harmony interchange area as a 'Mobility Hub' recognizing its long-term potential to offer transfers, drop-offs, a station for bus rapid transit (BRT), intersecting multi-use trails, and regional bus transit in addition to its park-n-ride function.

This recognition centers around the TTC; but if any significant development is brought to fruition on the south side of Harmony as envisioned, it should complement the functioning of the TTC starting with a BRT stop and a comfortable pedestrian crossing of Harmony Road. Such development could add options such as car shares, electric charging, and shuttles to connect across Harmony.

8. Limitations on Commercial Signs

Commercial signs within the gateway area will be consistent with the Plan's character elements as well as compliant with the City's Sign Code. Present code provisions prohibit off-premise signs (billboards) and place limitations on sign size, height, and manner of display.

Requests for modifications and/or variances to the Sign Code will be evaluated against adopted Harmony Gateway policies. Further, any Planned Unit Development (PUD) application would be required to include a Uniform Sign Program specifying sign type, heights, sizes, placement and lighting.

9. Stealth Wireless Telecommunication Facilities

Making a provision for wireless telecommunication facilities (typically cell towers) balances the needs for residents and the travelling public to have adequate telecommunication services while still protecting key views and upholding the naturalistic design character of the Gateway. New standards would prohibit conventional wireless and other telecommunication towers, unless in those cases where they are screened, roof-mounted equipment or are "stealth" installations located within church steeples, bell towers, flagpoles, grain silos, structures common to the area's landscape or integrated into building architecture.

10. Land Use and Development Standards

South Side of Harmony Road

This 136-acre area has been zoned for development under the Basic Industrial Non-Retail Employment Activity Center land use designation since 1991, with the potential for major development if the floodway was to be removed and gravel pit ponds filled. In 2020, a 10-acre parcel of developable land exists at the southeast corner of Harmony and Strauss Cabin Roads.

For development to proceed on the south side of Harmony Road beyond the 10-acre parcel, the entire gravel-mined floodplain landscape would need to be completely reshaped from the current gravel pit configuration, filling the ponds in conjunction with a solution to contain or remove the floodway.

Naturalistic river valley landscaping dominated by groupings of cottonwoods and willows would be required to create a significant riparian greenbelt image along Harmony Road and I-25. This landscaping would complement and contribute to the larger swath of open and rural lands at this southeast edge of the city and riparian tree groves on the north side of Harmony Road.

Coverage of streets, buildings and parking lots would be limited to 60% of the site area, with the remaining 40%comprising he newly created naturalistic landscape setting. Groupings of evergreen trees would screen parking and help to frame selective intermittent visibility of buildings and their signage and add winter interest.

Development will form an interesting, walkable mixed-use destination with buildings brought together along sidewalks and other walkways and outdoor spaces. While most people will arrive by private vehicle, the pattern will make it convenient and inviting to 'park once' and walk within the area.

Because of the focus on a walkable framework, development would be mutually supportive of public transportation, by being convenient for walking, transit use, and bicycling upon arrival.



Buildings Brought Together in a Walkable, Mixed-Use Area

Beyond the visual image, the pattern would reflect multiple community values regarding livable, sustainable community development. Its character would define it as a notable gateway to Fort Collins and a unique shopping/employment/living destination in the region and state.

Mixed Land Uses
A diverse mix of businesses, jobs, and urban housing at relatively high densities, allowing as many opportunities for cross-use as possible within walking distance.
This mix offers a chance for people to live, work, and visit with minimal dependency on cars.

Uses could include retail, restaurant, office and institutional buildings, corporate and light industrial employment, lodging and hospitality uses, and a variety of urban styles of housing.
The mix of uses would be limited to the following distribution (as a percentage of net developable acreage):

Residential:	25% minimum
Retail and commercial:	50% maximum
Employment:	25% minimum
(office, light industrial, institutional)	

Public Space Framework of Streets
Buildings and parking lots will be fitted into a well-planned framework of public space, with blocks formed by streets, or pedestrian 'spines' adequate to function in lieu of streets.

Pedestrian Crossings of Harmony and Strauss Cabin Roads
Prominent pedestrian crossings would be provided at Strauss Cabin & Harmony Roads for reasonably comfortable east-west and north-south pedestrian movement throughout the area.



Strauss Cabin Pedestrian Crossing Concept at Apartments on West Side

Buildings and Parking Lots
Buildings and their entrances would be brought together along streetfronts that may combine with a trail corridor and small park and public spaces and define the district.

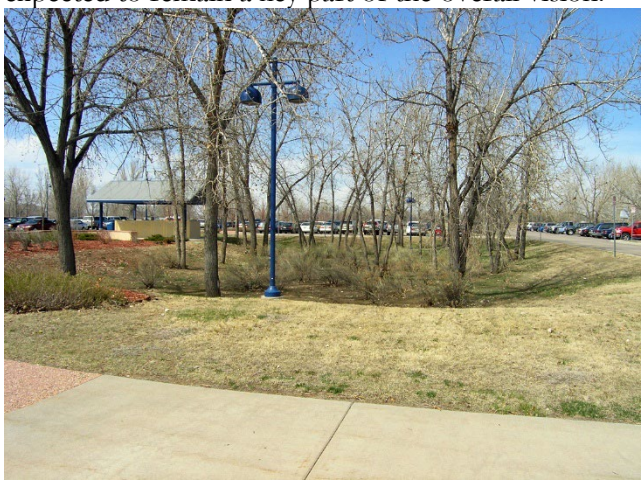


Building Fitted in and Brought to Streetfronts

Accordingly, parking would be distributed along active pedestrian streets with parking or consolidated in lots or structures that do not interrupt the pedestrian and visual environment. Landscape plantings internal to parking lots should reflect the overall plant palette for the area.

North Side of Harmony Road
The existing land use is expected to remain within a reasonable planning time horizon. The park-n-ride facility could potentially expand or add a parking structure as part of long-range plans for a

transit hub, but its essential footprint, function, streetscape, and naturalistic landscape are expected to remain a key part of the overall vision.



TTC (Park-n-Ride) Landscape Setback Character

The commercial property at the northeast corner of the interchange, under County jurisdiction, appears unlikely to request annexation and redevelopment within a planning time frame. In the meantime, it will remain a reminder of a past era when it was zoned for commercial use at an outlying highway exit well beyond the City Limits.



Northeast Commercial Corner Abutting the Interchange

DEVELOPMENT STANDARDS TO IMPLEMENT THE STRATEGIES

Architectural, site, landscape and sign plans will be subject to design standards and guidelines that emphasize a distinct place and image consistent with the vision.

PUBLIC SPACE MANAGEMENT

Trail corridor and other open spaces: ownership, maintenance and liability issues would have to be negotiated. Retaining significant amounts of open space may require the expenditure of public funds or a reinvestment of tax dollars created by the development.

GATEWAY AREA GOALS

Shape the future of the gateway area to:

1. Emphasize opportunities of the river valley setting.
2. Express a positive image, community values, and a distinct local feel.
3. Shape development south of Harmony Road to form a walkable, mixed-use district south, including diverse businesses, jobs, urban styles of housing and city amenities.
4. Take advantage of future public transportation systems along Harmony Road and I-25 by evolving a transit hub.

POLICIES

GW-1 Establish a well-planned and attractive gateway entrance to Fort Collins at the I-25 interchange, emphasizing the natural scenic qualities of the area.
GW-2 Protect and enhance the natural resource value of the Cache la Poudre River.
GW-3 Encourage continued master planning efforts in the gateway area.
GW-4 Establish design standards and guidelines for development in the gateway area that emphasize scenic and natural resource values.
GW-6 Create networks of open space and trail systems, that incorporate urban wildlife habitat.
GW-7 Support a balanced transportation system within the context of a pedestrian district that prioritizes pedestrian, transit and bicycle use as well as driving.

IMPLEMENTATION ACTIONS

The following actions need to be taken by the City to ensure that the gateway section of the Plan is implemented.

1. PLAN ADOPTION
Gateway Plan amendment adoption by City Council.

2. GATEWAY PLANNING PHASE TWO
The City should continue the gateway planning effort through the following design and coordination activities:

DESIGN
• Adopt Harmony Corridor Gateway Design Standards and Guidelines.
• Develop and fund a Harmony Road gateway streetscape design.
• Design a Fort Collins entry sign and develop a funding mechanism.
• Develop a conceptual plan for a regional multi-purpose trail.
• Design a naturalistic landscape design for the Harmony and I-25 rights-of-way.

COORDINATION
• Coordinate with the long-range planning efforts of other City departments – Transportation, Parks and Recreation, Water, Wastewater and Stormwater Utilities.
• Coordinate with the Colorado Department of Transportation in regard to decommissioning of frontage roads, and landscaping in the highway right-of-way.

ADOPTING ORDINANCE AND RESOLUTIONS

- Resolution PZ 91-4 of the Planning and Zoning Board of the City of Fort Collins approving the City of Fort Collins Harmony Corridor Plan and recommending its inclusion as an element of the Comprehensive Plan of the City of Fort Collins.

- Resolution 91-42 of the Council of the City of Fort Collins approving the City of Fort Collins Harmony Corridor Plan and including it as an element of City Plan, the Comprehensive Plan of the City of Fort Collins.

- Ordinance No. 187, 1994 of the Council of the City of Fort Collins amending the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.

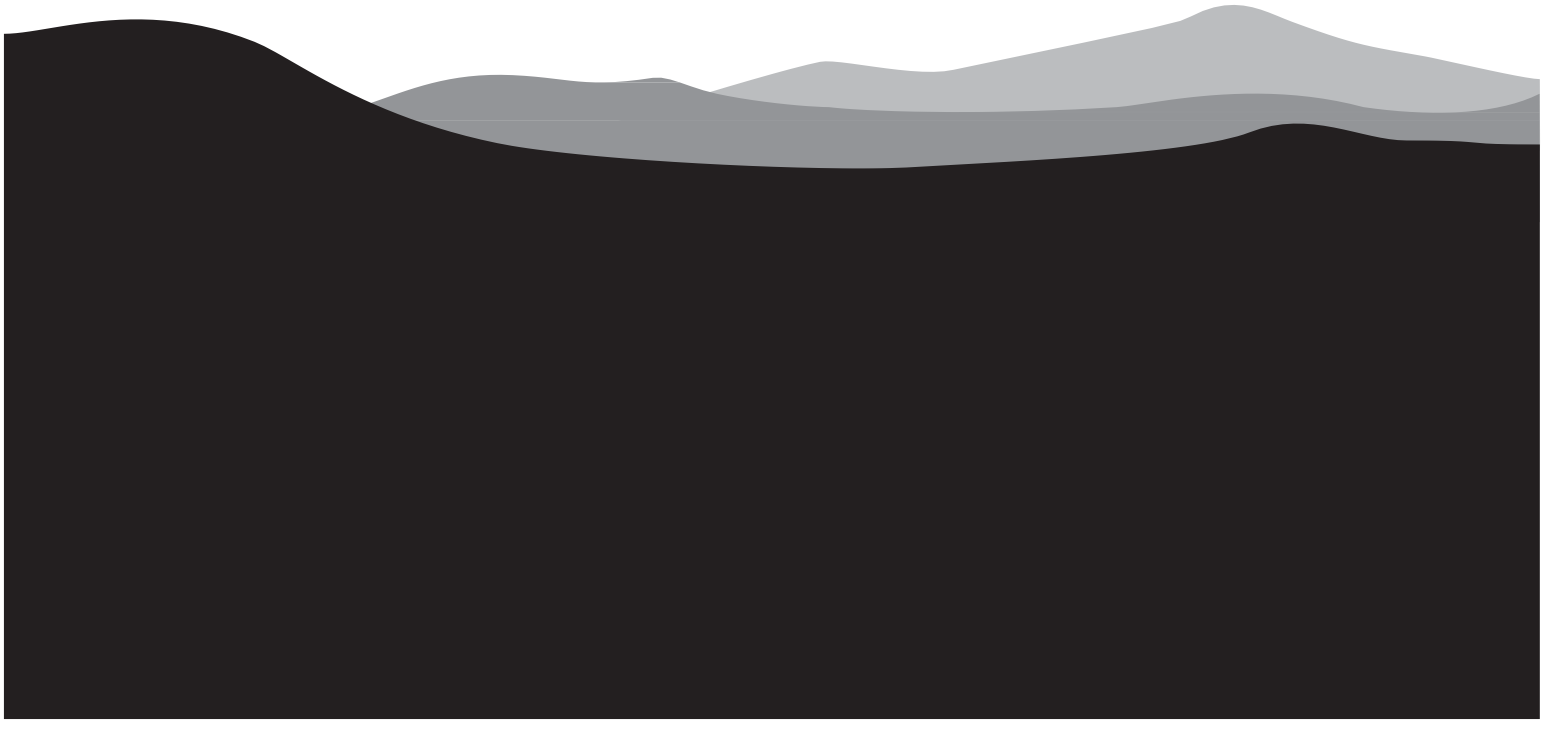
- Resolution 2003-086 of the Council of the City of Fort Collins amending the Harmony Corridor Plan.

- Ordinance No. 011, 2006 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.

- Ordinance No. 044, 2020 of the Council of the City of Fort Collins updating the Harmony Corridor Plan for the Gateway Area and the Harmony Corridor Standards and Guidelines

- Ordinance No. XXX, 2025 of the Council of the City of Fort Collins amending the Harmony Corridor Plan.

The full text of these resolutions and ordinances are available for inspection from the City Clerk's office.



Harmony Corridor

Standards and Guidelines



December 2, 2025

City of Fort Collins

HARMONY CORRIDOR Standards and Guidelines

December 2, 2025

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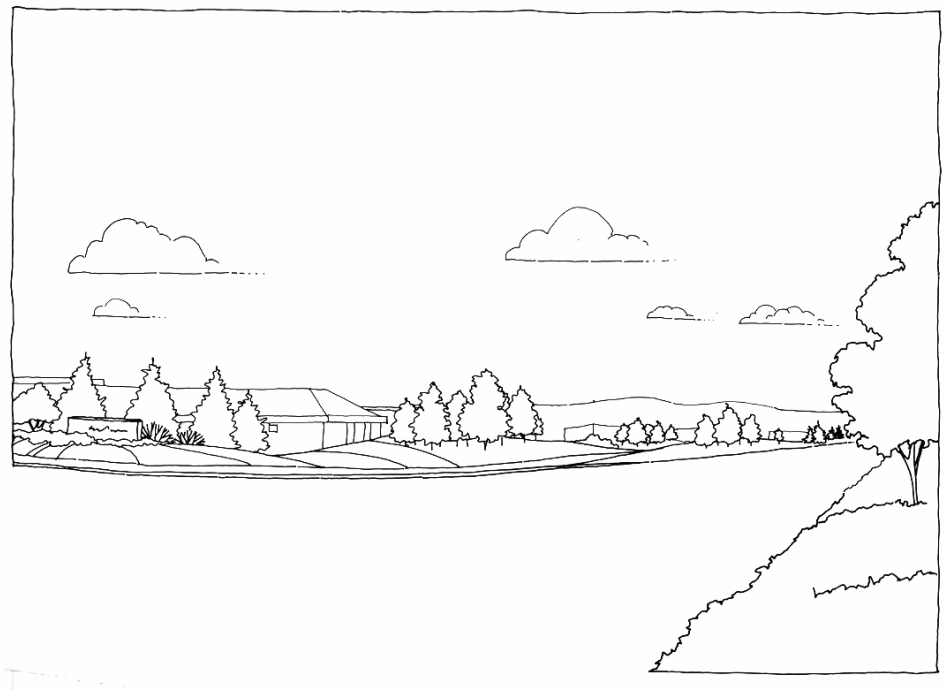
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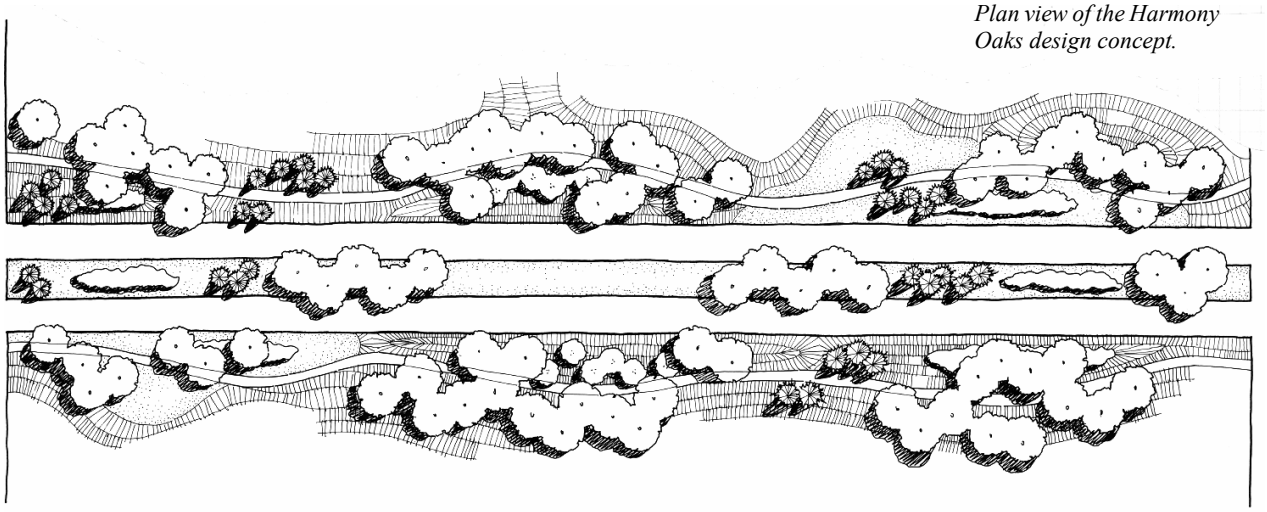
I. THE HARMONY OAKS DESIGN CONCEPT

The Harmony Oaks design concept strives to create a continuous and harmonious streetscape along Harmony Road from College Avenue to I-25 that is attractive and unique to this entryway corridor. The landscape proposed in the Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk and groves of oak trees alternating with wildflower meadows. Oaks have been selected as the dominant tree species for several reasons. Two types of trees are native to Colorado: coniferous species usually associated with higher elevations, and deciduous trees such as cottonwoods and willow typically found along streams. The Gambel Oak is one of the few deciduous hardwood trees that is native to Colorado. This – combined with the oak's reputation for longevity, hardiness, disease resistance, low water demand, fall coloring and attractive appearance – led to the conclusion that the Gambel Oak, along with other oaks known to thrive in this climate, would be the best tree to dominate in the corridor landscape. Although the oaks will be combined with a substantial number of other tree species to avoid a monoculture, they will be planted in sufficient quantities to have a unifying effect. The oak's rugged appearance makes it ideally suited to the informal naturalistic landscape emerging along Harmony Road. Drifts of pines will occur randomly to provide winter interest and add to the naturalistic forested effect.

Starting at I-25 and continuing to College Avenue, wildflowers will be planted in the median and intermittently along the edges of the road. The continuity of the wildflowers will provide a colorful welcome mat for people coming to Fort Collins via Harmony Road. Along both sides of the road, a wide sidewalk is planned to meander through berms providing the pedestrian and bicyclist with alternate experiences of wildflower meadow and oak forest. Low stone walls, along with special signage and graphics, will strengthen the Harmony Oaks design theme at intersections.



Perspective view of the Harmony Oaks design concept.



Plan view of the Harmony Oaks design concept.

II. PROCEDURES

The following standards and guidelines are intended to be used by developers proposing projects in the Harmony Corridor and by the City staff and the Decision Maker in their Land Use Code review process. "Standards" denoted by (+) are mandatory. "Guidelines" denoted by (o) are not mandatory, but are provided in order to further educate planners, design consultants, developers and City staff about the intent of the Harmony Corridor Plan. The guidelines describe a variety of ways that individual projects can contribute to the Harmony Corridor Plan. In addition, the guidelines will be used by City staff to guide the development of public sector projects in the corridor.

The Planning and Zoning Commission is empowered to grant modifications to the mandatory (+) standards under the following circumstances:

1. The strict application of the standard would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property;

2. The alternative plan, as submitted, will protect the public interest advanced by the standard for which the variance is requested equally well or better than would compliance with such standard; and

3. In either of the foregoing circumstances, the variance may be granted without substantial detriment to the public good.

III. GENERAL STANDARDS & GUIDELINES

The purpose of these standards and guidelines is to implement the design concepts and land use vision of the Harmony Corridor Plan – that of creating an attractive and complete mixed-use center with a major employment base. These standards and guidelines are an implementation action called for in the Harmony Corridor Plan, adopted by the City of Fort Collins in March 1991, then updated in January 1995, July 2003, February 2006, June 2020, and December 2025.

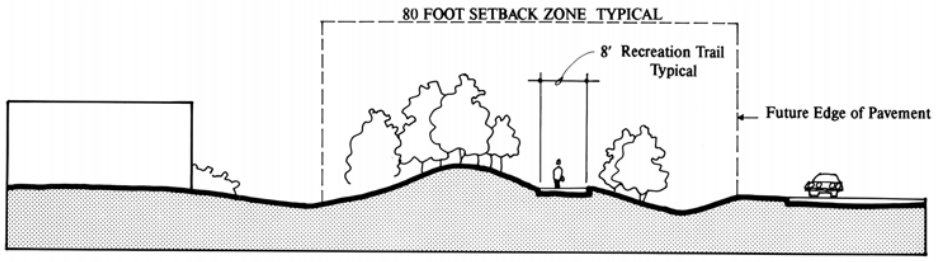
Harmony Road Setback

The purpose of the setback zone along Harmony Road is to provide enough area between Harmony Road and adjacent development to create naturalistic berms, groves of trees and a meandering sidewalk. All three elements work together to create an attractive landscape that appears spacious and provides design continuity along the Harmony Road frontage.

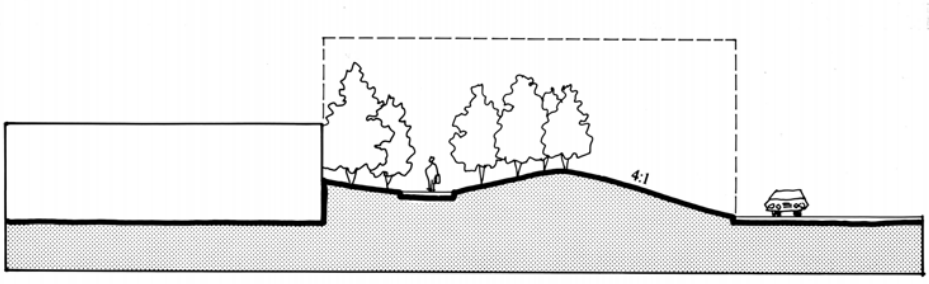
Developments located along the Harmony Road frontage, east of Boardwalk Drive, shall provide a minimum 80 foot setback from the future edge of pavement, as determined by the City. (+)

This area shall be referred to as the "setback zone." The design standards and guidelines refer to the setback zone unless otherwise noted. Setbacks for I-25 and future frontage roads will be established in the design standards and guidelines developed for the gateway area as part of the Phase II Gateway Planning Effort described in the Harmony Corridor Plan. See page 32 for setback requirements on local and collector streets and page 30 for properties west of Boardwalk Drive.

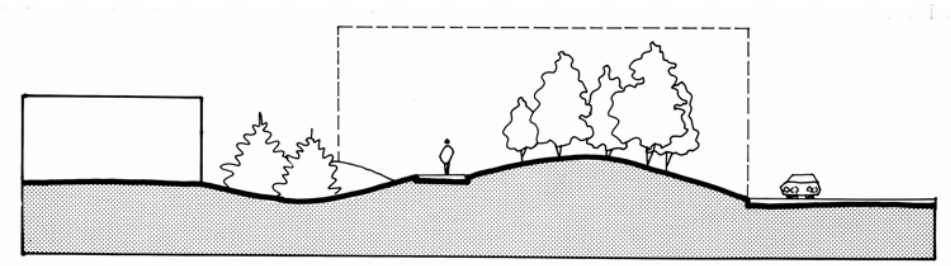
Providing positive drainage away from a building shall not be considered a hardship in



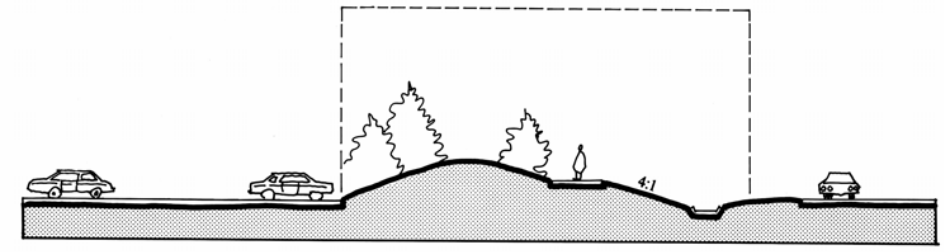
80 foot minimum setback is measured from the future edge of the pavement.



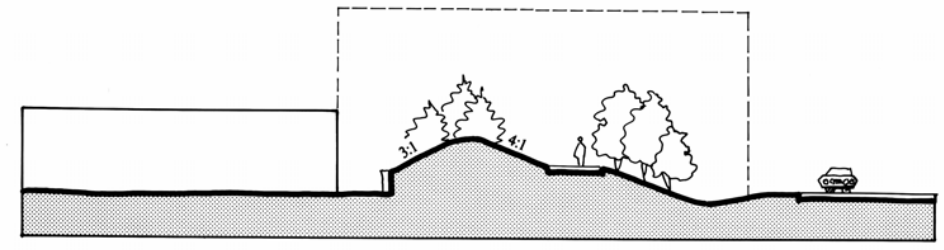
Berming against buildings is encouraged. Buildings should be well integrated with the site and landscape.



Meandering recreation trail is integrated with berming and separated from travel lanes 30 feet where possible.



Parking lots can be screened with a combination of berms and plant material.



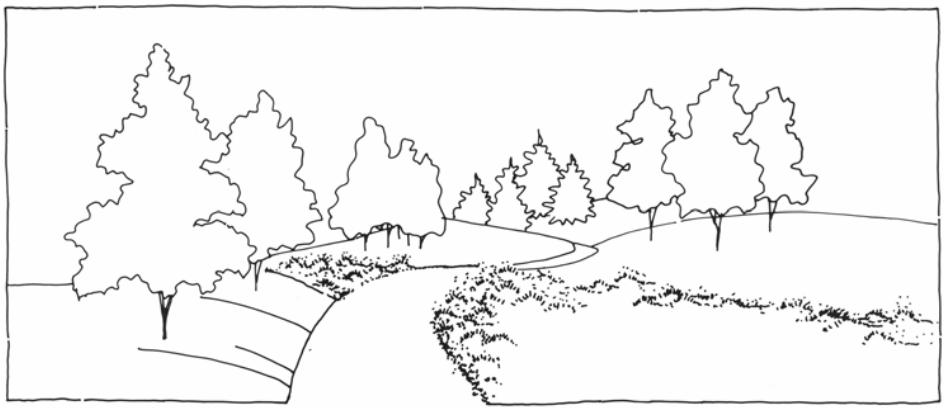
Retaining walls can be used to create the desired streetscape effect in restricted locations.

Meandering Sidewalks

The purpose is to provide a means for pedestrians and bicyclists to travel parallel to Harmony Road and have access to developments along the road where appropriate. Since pollution levels are highest closer to the road, the sidewalk is separated from the edge of pavement to the extent practical. The sidewalk is intended to be aesthetically pleasing as well as functional. The sidewalk is eight feet wide in order to accommodate both bicyclists and pedestrians, however, this sidewalk is not intended to serve as a commuter bicycle system.

A detached 8 foot wide concrete sidewalk is required along both sides of the road. The sidewalk shall be characterized by long smooth, sweeping curves through a gently bermed landscape. (+)

At intersections, the 8-foot wide sidewalk shall be parallel with Harmony Road for a minimum distance of 60 feet and shall connect to pedestrian crosswalks at the corner. See detail on page 20. (+)



Sidewalk system meanders through naturalistic berming.

Grading

Landscape grading on either side of Harmony Road is one of the most important visual design elements used in the corridor. The purpose is to create naturalistic berms in order to emphasize the landscape and soften the visual impact of development. In addition, berms may be used to screen parking areas or other undesirable views.

Berms shall be used to create a naturalistic rolling landscape as opposed to flat terrain or rigidly designed berms that look engineered. (+)

Berms are not mandatory for properties east of the Fossil Creek Inlet Ditch and west of Boardwalk Drive. It is anticipated that additional design standards and guidelines will be developed for properties in the gateway area east of the Fossil Creek Inlet Ditch during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan. See page 30 for properties west of Boardwalk Drive.

The height of berms may vary from three to twelve feet above existing grade. Berms intended to screen parking shall be at least four feet high in order to effectively screen vehicle headlights. Berm heights shall be approved by the City. (+)

Slopes shall be 3:1 or less, with smooth transitions between changes in grade. (+)

Berms, swales and detention ponds within the setback zone and elsewhere on the site shall be graded in such a way as to be an integral part of the landscape, designed with smooth transitions between changes in slope. (+)

Avoid cutting or filling within the drip line of existing trees that are to be saved. (+)

The design of the berms and the alignment of the sidewalk should be integrated in order to create the illusion that the landform is the reason the sidewalk meanders. (o)

The materials used to construct retaining walls within the setback zone or elsewhere on the site should be buff color flagstone or materials that match the architecture of the building. (o)

Using concrete to line conveyance channels is discouraged. (o)

The following chart summarizes minimum and maximum desirable slopes for site grading: (o)

Descriptions	Minimum Slope	Maximum Slope
Planting Areas	2%	3:1
Parking Lot Pavement	2%	4%
Driveways	2%	6%
Pedestrian Walks	1%	8%
Pedestrian Plazas	1%	2%

Water Transmission Main

The water transmission main which will be the backbone of the water distribution system for the Harmony Corridor will extend from Shields Street to County Road 9. A conceptual design and routing study for the project has been completed by the City's Water and Wastewater Utility. The presence of this main will create potential conflicts with the landscaping and berm design. Extensive coordination will be required during the development review process to minimize the effects upon either the water main or the Harmony Oaks design concept.

In designing berms and selecting and locating trees, the applicant shall avoid unnecessary interference with the City's water transmission main and the operation and maintenance thereof. (+)

As part of the preliminary development review process, the applicant shall submit a drawing to the City for its approval which graphically illustrates the water transmission main location, tree placement and grading concept. The drawing shall demonstrate that the tree and berm placement does not unnecessarily interfere with the City's water transmission main and the operation and maintenance thereof. (+)

Plant Palettes

The purpose of the plant palettes is to promote design continuity along the Harmony Road streetscape through repetition of plant material species, with special emphasis on oak trees. Secondly, the plant palettes emphasize low to moderate water demand plant material in order to conserve water. The plant palettes offer an adequate range of plant material species to provide spatial definition; soften, buffer or screen development; and provide seasonal interest.

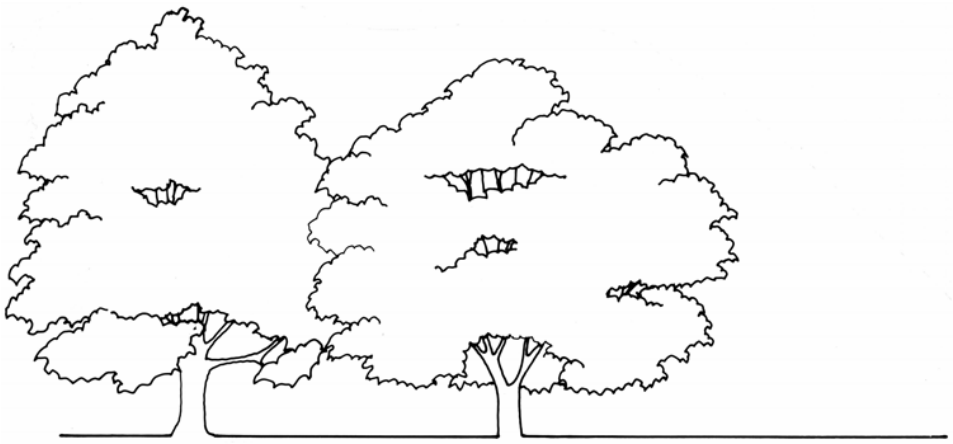
The landscape of the setback zone should be composed of two plant palettes; an oak palette, consisting of trees exclusively from the oak family, and a mixed palette, which is made up of trees and shrubs from a wider variety of plant families. At least, 35% of the trees in the setback zone should be chosen from the oak palette. The remaining 65% may be entirely from the mixed palette, or partially from the oak palette. (o)

The oak palette and the mixed palette apply to the setback zone landscape between College Avenue and the Fossil Creek Inlet Ditch located east of the Hewlett-Packard facility. It is anticipated that plant palettes for properties in the gateway area east of the Fossil Creek Inlet Ditch will be developed during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan.

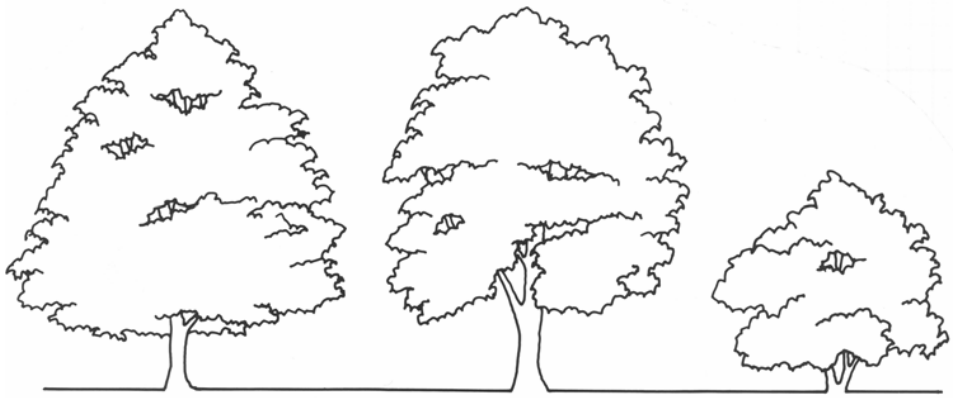
Areas of the corridor outside of the setback zone are not limited to specific plant palettes, however, it is recommended that landscape plans throughout the corridor utilize plant material from these plant palettes in order to complement the setback zone landscape and conserve water where ever possible. (o)

Applicants are encouraged to use xeriscape techniques that include appropriate plant material selection, soil modification, mulches, appropriate irrigation and other techniques designed to conserve water without sacrificing variety and visual quality. (o)

An estimated 25% of the setback zone landscape is an existing mix of plant material species not expected to change. When the corridor is completely developed, the overall ratio of oaks to other plant material varieties will be 1:4. This ratio does not take into account the median planting of oaks.



Bur Oak English Oak



Northern Red Oak Swamp White Oak Gambel Oak

The following tables list the common names and a few, brief remarks concerning the plants of each palette. For more detailed information including specific drought tolerance rating, see Appendix A.

Oak Palette

Bur Oak	hardy, majestic
English Oak	wide, open habit, stately
Northern Red Oak	local stock only
Swamp White Oak	dense foliage, narrow
Gambel Oak	understory tree, fall color

Mixed Palette

DECIDUOUS TREES	
White Ash	
‘Autumn Purple’ Ash	purple fall color
‘Rose Hill’ Ash	bronze red fall color
‘Autumn Applause’ Ash	purple fall color
Green Ash	
‘Marshall’s Seedless’ Ash	yellow fall color
‘Patmore’ Ash	upright, formal
Western Hackberry	hardy, good texture
ORNAMENTAL TREES	
Cockspur Hawthorn	glossy foliage, fall berries
Toba Hawthorn	double pink spring flowers
Russian Hawthorn	white flowers, red fruit
Bigtooth Maple	red fall color
‘Radiant’ Flowering Crab	pink-red spring flowers
EVERGREEN TREES	
Austrian Pine	drought tolerant
Ponderosa Pine	drought tolerant
Keteleeri Juniper	lt. green, blue berries
SHRUBS	
Nanking Cherry	white flowers, red fruit
Staghorn Sumac	orange-red fall color
Red Twig Dogwood	red stem color in winter
Peking Cotoneaster	orange-red fall color
Alpine Currant	hardy, winter texture
ACCENT PLANTS	
Daffodils	bulbs, yellow flowers
Wildflowers	annuals and perennials

Trees / Shrubs

While the plant material palettes define what plant material species are to be used in the setback zone, the following standards and guidelines describe how the plant materials are to be arranged. The purpose is to produce a cohesive corridor scale landscape as opposed to a series of individual project landscapes placed side by side.

Each individual site shall be designed within the context of the corridor landscape, with particular attention to adjacent properties. Applicants are required to show how their landscape plan complements or harmonizes with the existing or proposed landscape on adjacent properties in terms of grading, sidewalk layout, plant material selection, plant material quantities, planting design, views to the mountains and seasonal change. (+)

Periodic views to Longs Peak and the Front Range should be maintained along the corridor. These windows to the mountains should be carefully planned so that significant views are not obscured by buildings and/or plant material for more than one- half mile. (o)

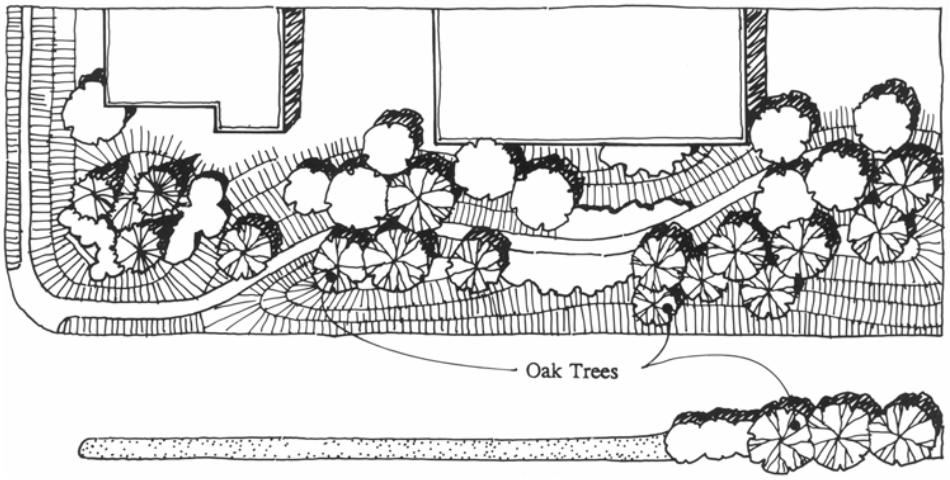
Seasonal change is important to the aesthetic appeal of the streetscape. Accordingly, each project should contribute to an effective seasonal plant material display in the corridor, however, individual sites are not expected to have continuous year round seasonal displays on their frontage. (o)

For example, if property A has a grove of oak trees and a drift of pines with a mass of shrubbery providing and effective fall color display, then the landscape plan for the adjacent property should emphasize spring color and may not need to use evergreen trees in the setback zone.

The planting design concept is naturalistic with heavy emphasis on oak trees. Repetition of the oak species is a design element used to create and strengthen the landscape continuity of the streetscape.

Oak trees should be planted in groves with a minimum of 10-20 trees per grouping. Deciduous shade trees from the mixed palette may be included in the groves, provided that 35% of the trees in the setback zone are from the oak palette. This guideline does not apply to properties west of Boardwalk Drive and east of the Fossil Creek Inlet Ditch. (o)

The visibility of oak trees from the street should take priority over the visibility of other plant material species. (o)



Oak trees and small caliper trees are used at the edge of the grove.

Trees on the edge of the grove may be smaller caliper size to create a more naturalistic appearance. Planting young trees very close together or clumped as they might appear in a forest is encouraged. (o)

Grove of deciduous trees should be periodically interrupted with groupings of evergreen trees used to provide winter interest and to screen objectionable views. Consider the landscape plans for adjacent properties when deciding the placement of evergreen trees. (o)

Evergreen trees, when used, shall be massed in groupings of 5-15. (+)

Ornamental trees and shrubs provide spring blossoms and additional fall color. Ornamental trees, when used, shall be planted in single species groupings of at least three (3) trees per group. (+)

Shrubs shall be massed with 5-25 shrubs per group. (+)

Single species groupings of shrubbery are recommended. (o)

In general, shrub massed are most effective when they are used as an understory planting at the edge of a grove of trees, or in low areas in between berms. (o)

No shrubbery shall be used in wildflower areas. (+)

Bur Oak, English Oak and Gambel Oak with an understory of wildflowers shall make up the median landscape. (+)

See the planting design examples on pages 18 and 19 for suggested plant material arrangements.



Oak trees planted in groves.

Wildflowers / Turf

The purpose is to provide a uniform and consistent landscape treatment of the ground plane along the Harmony Road frontage and to encourage the use of turf that consumes less water than traditional bluegrass. Starting at I-25 and continuing to College Avenue, wildflowers are planned to be the predominant ground cover in the median. The continuity of the wildflowers provides a colorful appearance throughout the spring, summer and fall months.

The predominant ground cover in the setback zone west of the Fossil Creek Inlet Ditch should be turf. (o)

It is anticipated that design standards and guidelines for properties in the gateway area east of the Fossil Creek Inlet Ditch will be developed during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan.

Where turf is used, it shall meet the following specification:

- **70% Tall Fescue**
- **20% Bluegrass**
- **10% Smooth Brome**

Other turf mixes that use 30-50% less water than traditional bluegrass may be substituted for the above specified mix with City approval. (+)

The above specified mix should be considered a minimum standard. Applicants are encouraged to use turf mixes with lower percentages of bluegrass.

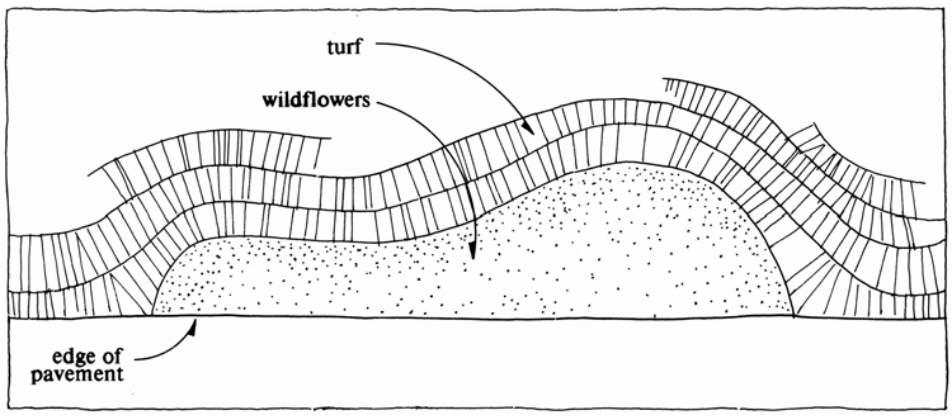
Periodic wildflower plantings along the edges of the road are encouraged, however, the use of wildflowers in the setback zone is optional. (o)

Where wildflowers are used in the setback zone, plantings shall be a minimum of 1000 square feet and must end 100 feet from the nearest collector or arterial street intersection. (+)

Incorporating naturalized daffodils into wildflower plantings or turf areas is encouraged. (o)

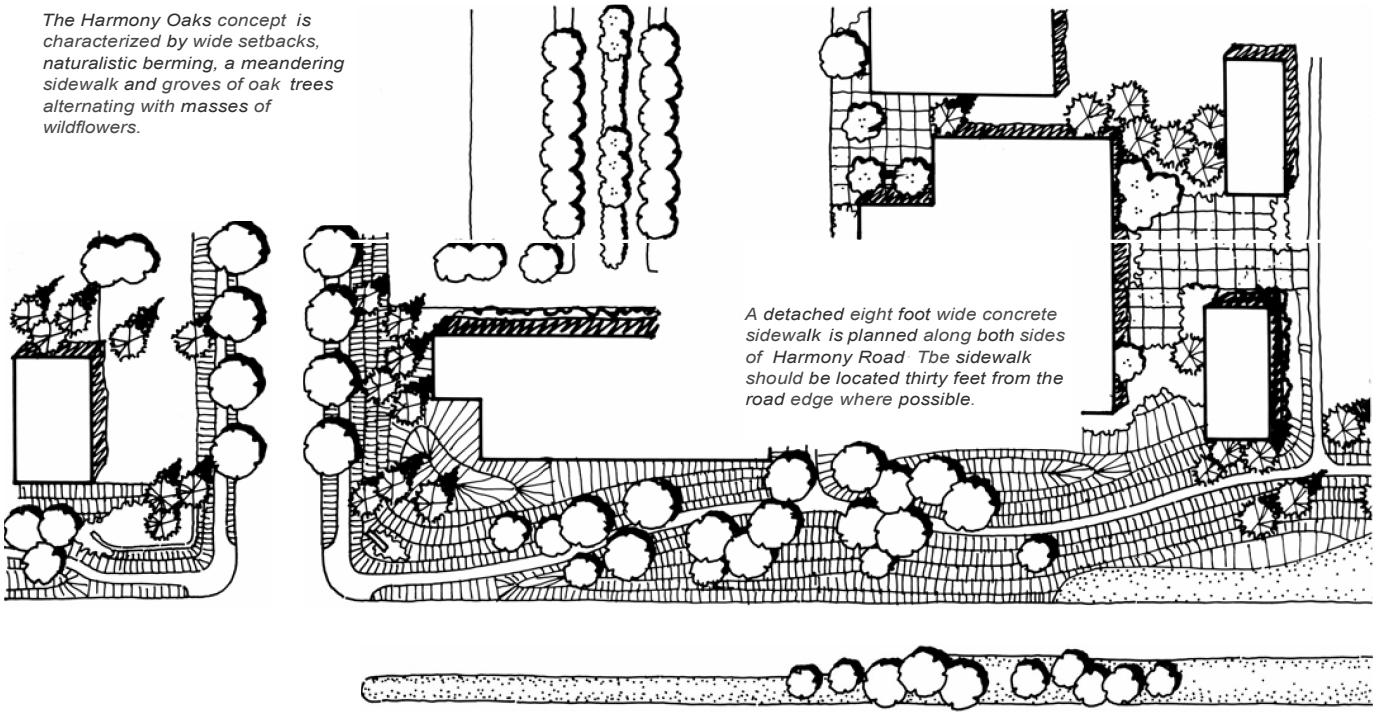
Daffodil masses, when used, shall include 100 or more bulbs per grouping. (+)

Transitions between wildflower and turf areas shall be made with free flowing curvilinear lines. (+)

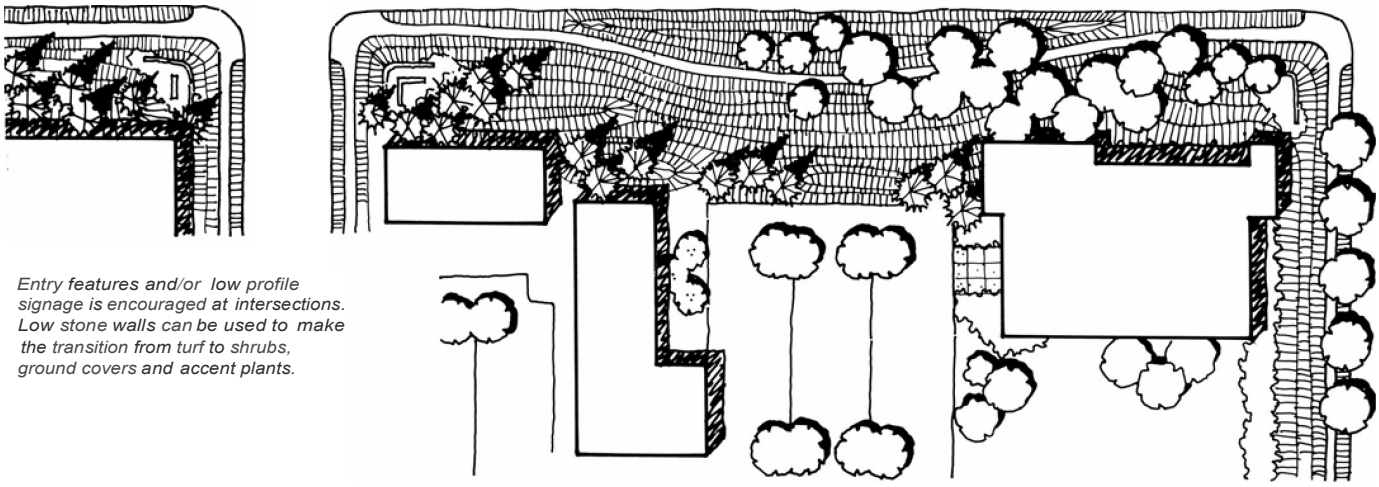


Wildflower areas adjacent to the road edge are encouraged.

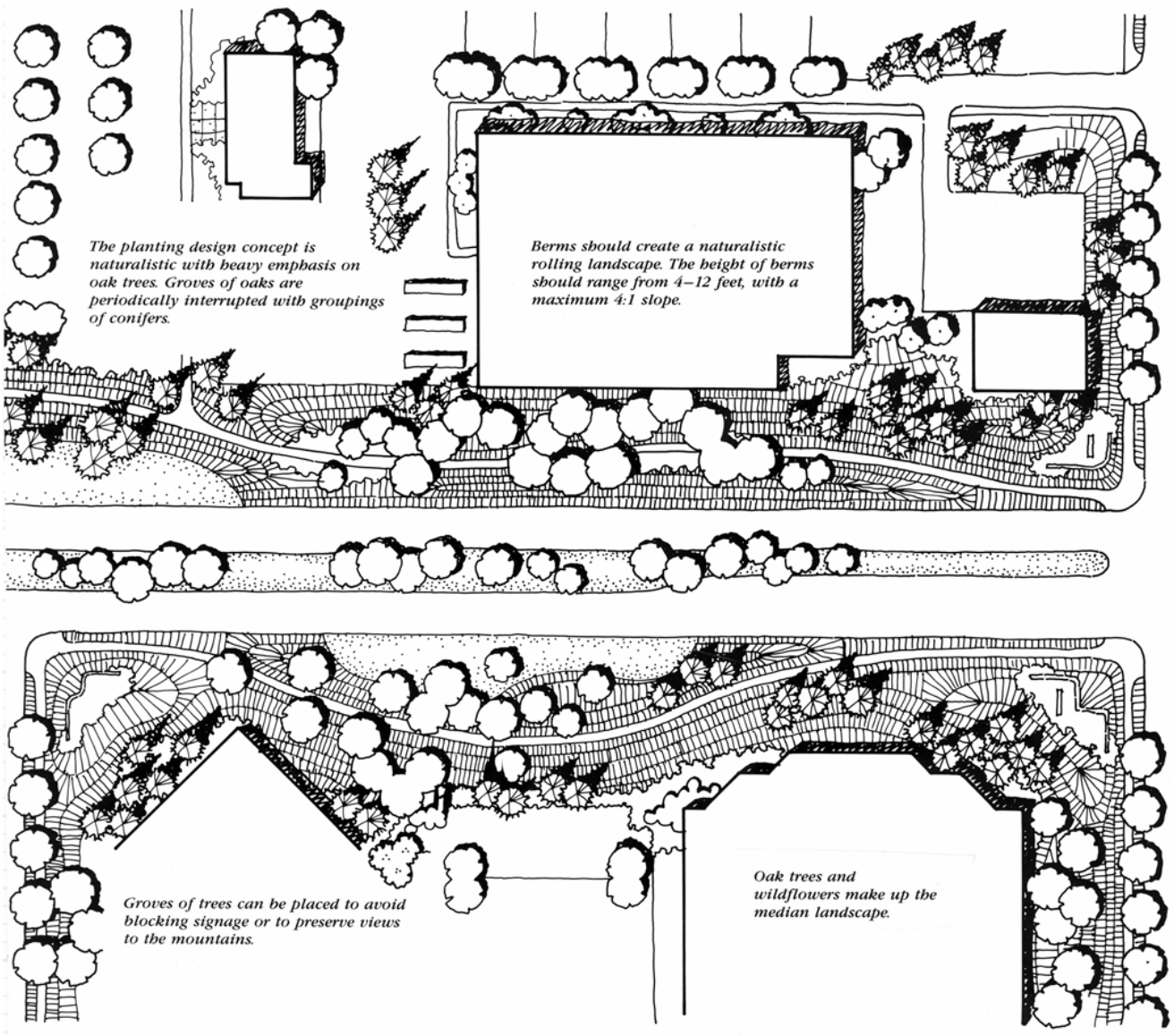
The Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk and groves of oak trees alternating with masses of wildflowers.



A detached eight foot wide concrete sidewalk is planned along both sides of Harmony Road. The sidewalk should be located thirty feet from the road edge where possible.



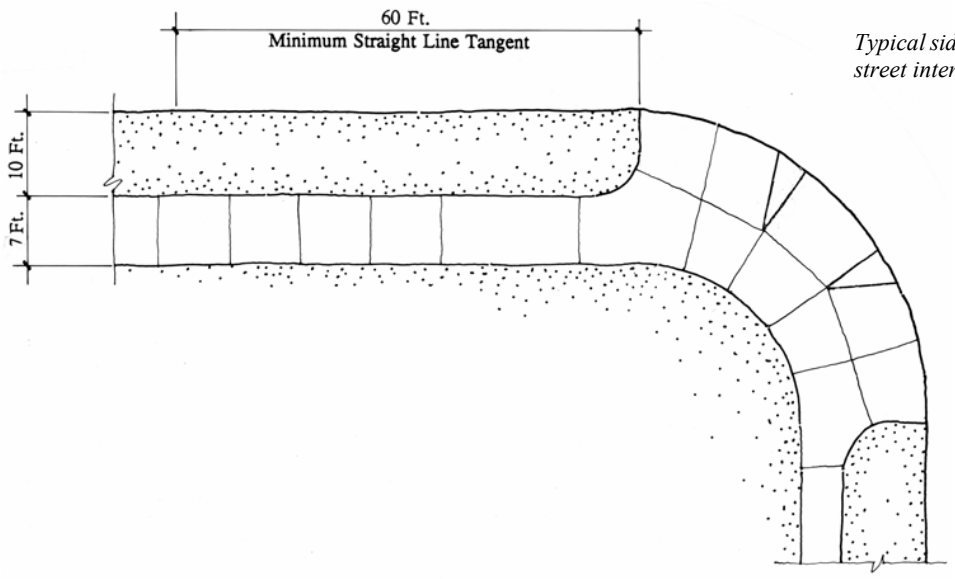
Entry features and/or low profile signage is encouraged at intersections. Low stone walls can be used to make the transition from turf to shrubs, ground covers and accent plants.


The planting design concept is naturalistic with heavy emphasis on oak trees. Groves of oaks are periodically interrupted with groupings of conifers.
Berms should create a naturalistic rolling landscape. The height of berms should range from 4–12 feet, with a maximum 4:1 slope.
Groves of trees can be placed to avoid blocking signage or to preserve views to the mountains.
Oak trees and wildflowers make up the median landscape.

Collector / Arterial Street Intersections

The purpose of the following standards and guidelines is to establish a consistent appearance of major street intersections along Harmony Road so that collectively the intersections contribute to the Harmony Oaks design concept described in the Harmony Corridor Plan.

The 8 foot wide sidewalk and the local or collector street sidewalk shall be detached 10 feet and parallel to the street for a minimum of 60 feet from the curb return at intersections. (See detail.) (+)



Typical sidewalk detail at street intersections.

Turf should be the predominant ground cover at intersections. (o)

Entryway plantings at intersections are encouraged. The incorporation of signage and/or project identity features is also encouraged. (o)

Entryway plantings, when used, shall be set back a minimum of 35 feet from the curb line. (+)

The grade at intersections should be gently mounded or sloped in the parkway strip between curb and sidewalk. (o)
The grade behind the sidewalk should be gently sloped up to an entryway planting or tie into a bermed landscape. A minimum 5% grade is recommended. See examples on pages 22 and 23. (o)

Entryway plantings should be characterized by low and medium height junipers, flowering accent plants, deciduous shrubbery and informally grouped deciduous and/or evergreen trees. Evergreen and small deciduous shrubs as well as annual and perennial flowers not found on the plant palettes may be incorporated into special feature landscapes at intersections. (o)

Entryway plantings and/or project identity features located on different corners of the same intersection should complement each other. (o)

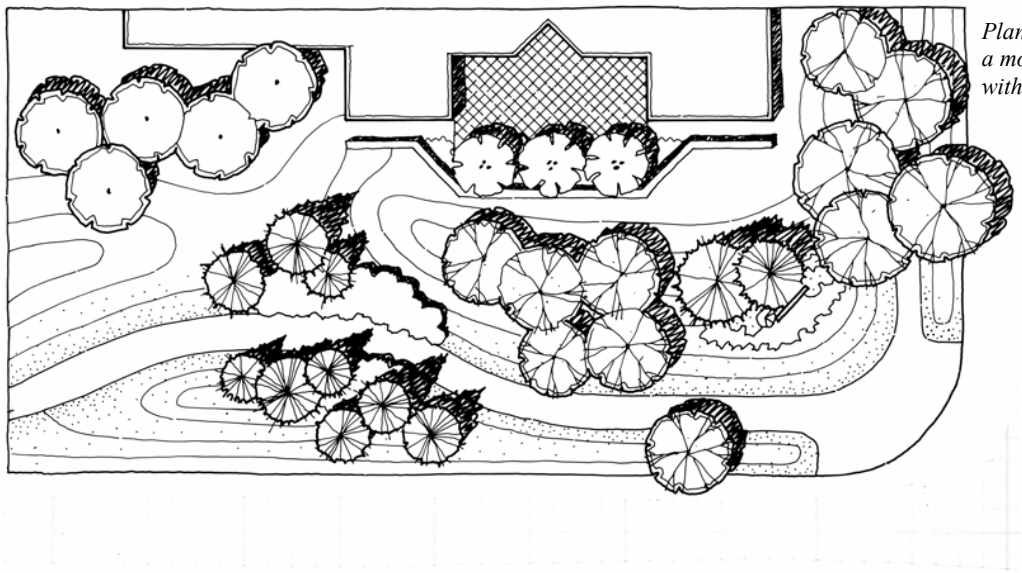
Applicants are required to show how their landscape plan relates to the existing or proposed landscapes for the other corners of the intersection in terms of grading, plant material selection, plant material quantities, planting design and hardscape materials. (Landscape plans for proposed projects are available in the City Planning Department.) (+)

The incorporation of a low stone wall into entryway plantings and/or project identity features wherever possible is encouraged, in order to achieve a higher degree of design continuity and unique sense of place for the Harmony Corridor. (o)

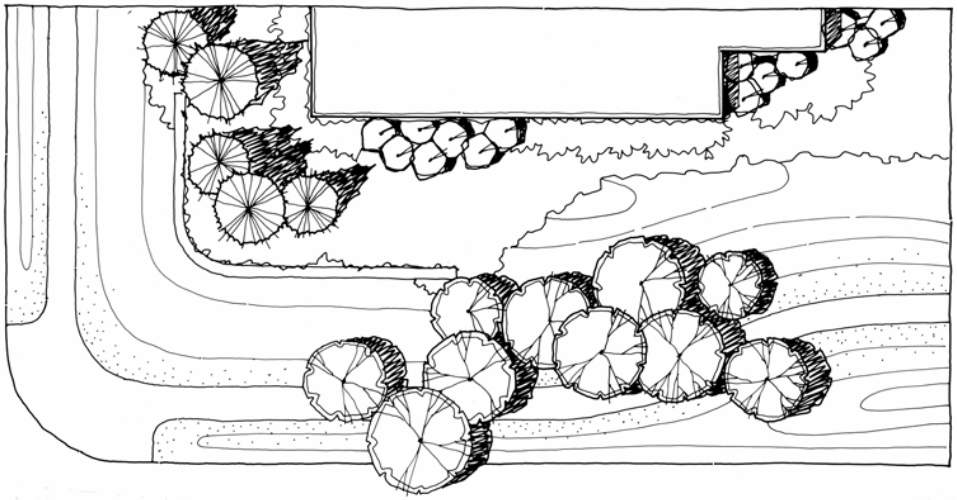
Where stone walls are incorporated into the landscape, buff color flagstone shall be used. (+)

Example intersection planting plans and details on page 22 are intended to convey a "landscape character" consistent with the Harmony Oaks design concept. The repetition of oak trees and stone walls is encouraged. However, the placement of the wall and plant material may be flexible according to individual site requirements and personal preferences. (o)

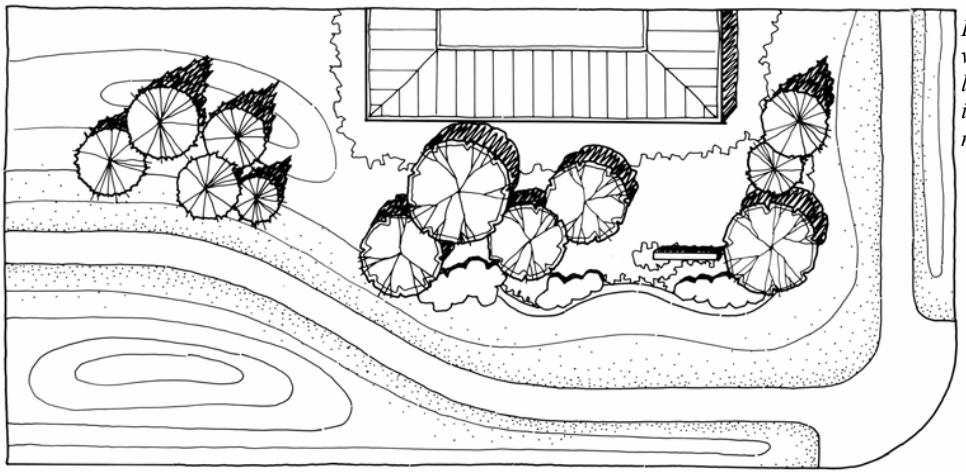
Stone walls are considered to be a landscape element. In order for stone walls to be an effective unifying design element in the corridor, it is important that the context in which stone wall are used remains relatively consistent. Incorporating the stone into sign bases is discouraged. Examples of the appropriate use of stone walls are shown on pages 22 and 23. (o)



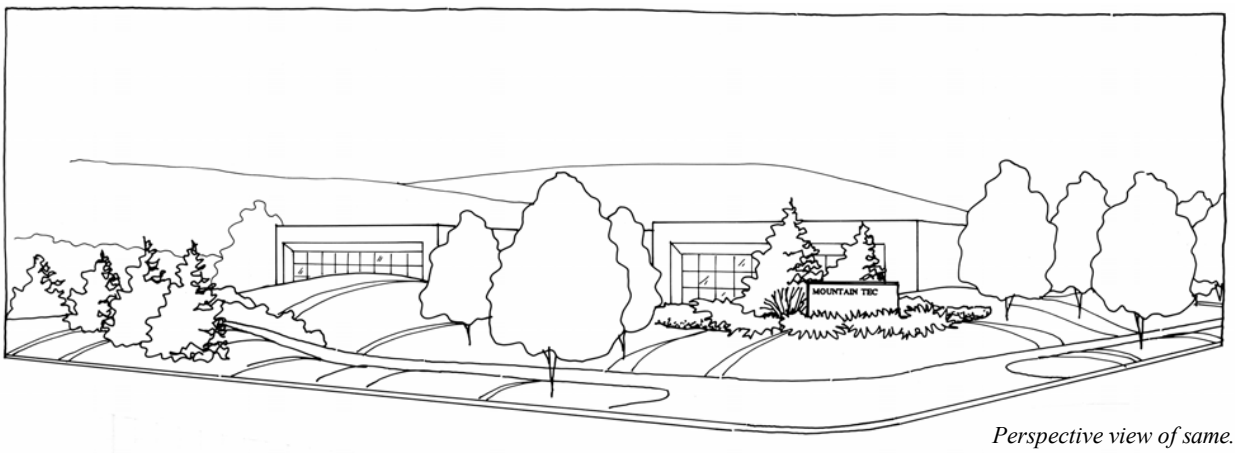
Plan view showing a monument sign with no stone wall.



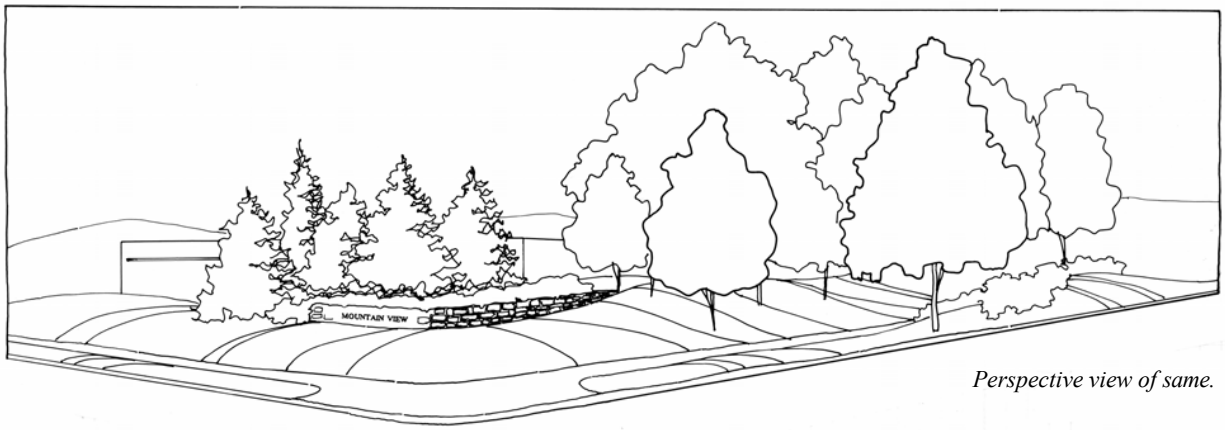
Plan view showing typography on a stone wall.



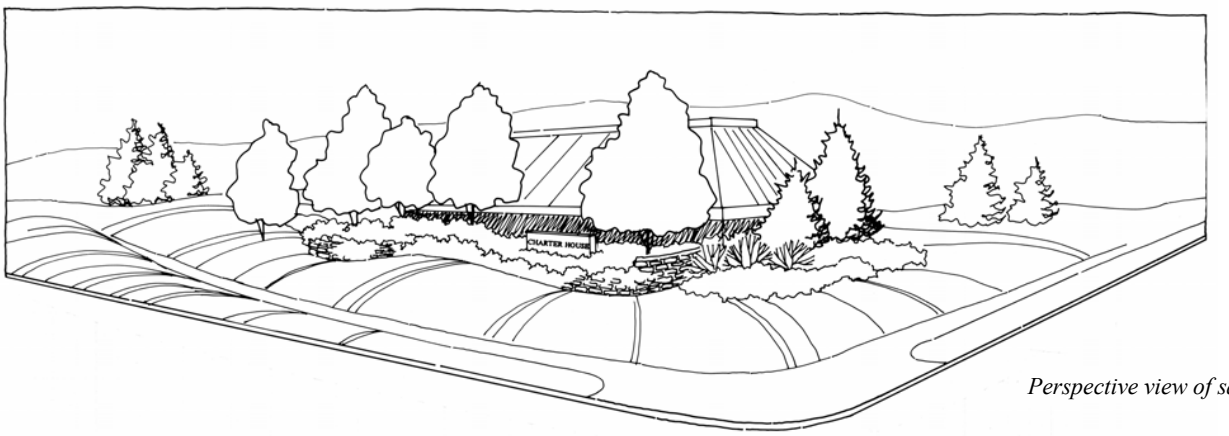
Plan view of stone wall used as a landscape element integrated with a monument sign.



Perspective view of same.



Perspective view of same.



Perspective view of same.

Planting Specifications

The purpose of planting specifications is to promote high quality landscape construction that requires less maintenance and conserves water.

Soil preparation should include the addition of organic matter and other amendments to improve the condition of the soil and to conserve water. (o)

A. All shrubs and/or accent plants should be within defined shrub beds. (o)

Edging should be 4 inch steel strap set one inch above sod grade. (o)

The soil surface in shrub beds shall be mulched to reduce moisture evaporation, improve water penetration, control weeds and help moderate environmental extremes. (+)

Three to four inches of aspen bark or similar organic mulch should be applied over a weed barrier. Gravel mulch is discouraged. (o)

Plant material shall be spaced to achieve coverage within three years. (+)

Plant material with similar water requirements should be grouped together and irrigation systems should be designed to respond to these groupings. Zone plants with different water requirements separately and use the appropriate method – drip emitters, mini-sprays, standard sprays or bubblers – to match the water requirements. (o)

Maintenance

The purpose of the following maintenance standards and guidelines is to establish maintenance responsibility and to promote a consistent quality of landscape maintenance along the Harmony Road streetscape.

Property owners are required to maintain the landscape up to the edge of pavement along Harmony Road and other public streets. (+)

Turf areas shall be irrigated with an automatic irrigation system. (+)

Shrub beds and turf areas shall be kept in a reasonably weed free condition. (+)

The pruning of trees and shrubs should be performed in such manner to enhance their natural character. (o)

Currently the median landscape is maintained by the State Division of Highways. The responsibility for maintenance in the future shall be determined at the time the Harmony Oaks design concept is implemented in the median.

Retaining Walls

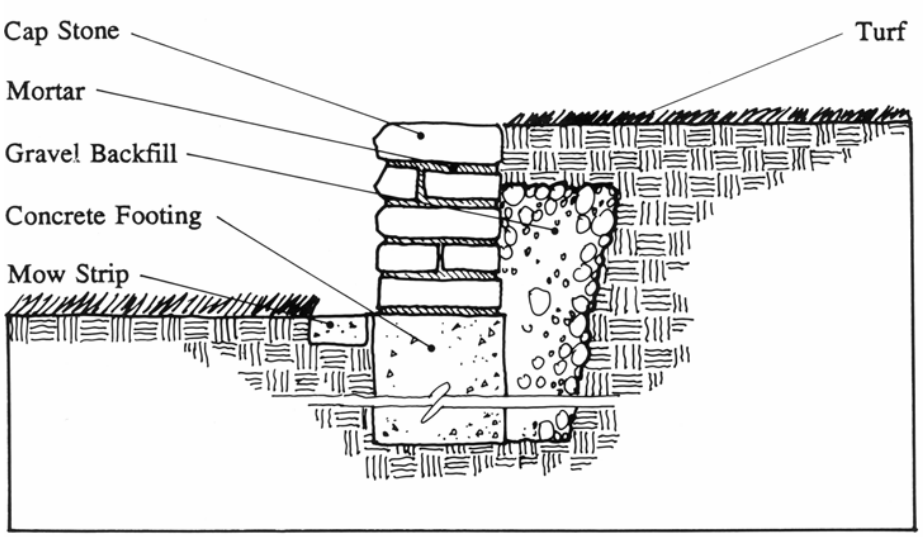
The purpose of these standards and guidelines is to promote the use of stone walls as a landscape element along Harmony Road. The consistent use of stone as a building material for landscape walls is another opportunity to provide landscape cohesiveness along the Harmony Road streetscape. The following guidelines clarify the desired type of stone work.

Low stone walls, 18-36 inches in height and used as a landscape feature, is encouraged throughout the corridor. Developers are encouraged to use stone walls to make changes in grade, to make the transition from turf to wildflowers or to complement signage. Wall heights may vary, depending on site conditions and personal preferences. (o)

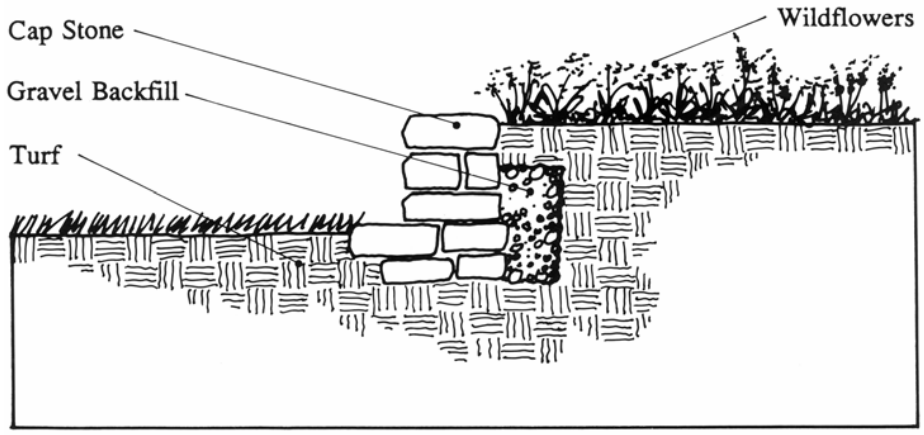
The materials used to construct retaining walls shall be buff color flagstone or materials that match the architecture of the building. For example, a project with brick buildings may use matching brick retaining walls instead of stone. Using landscape timbers or other materials that do not match the architecture of the building in the construction of retaining walls in the setback zone is prohibited. (+)

Where stone walls are used in the setback zone, buff color flagstone shall be used in the construction. (+)

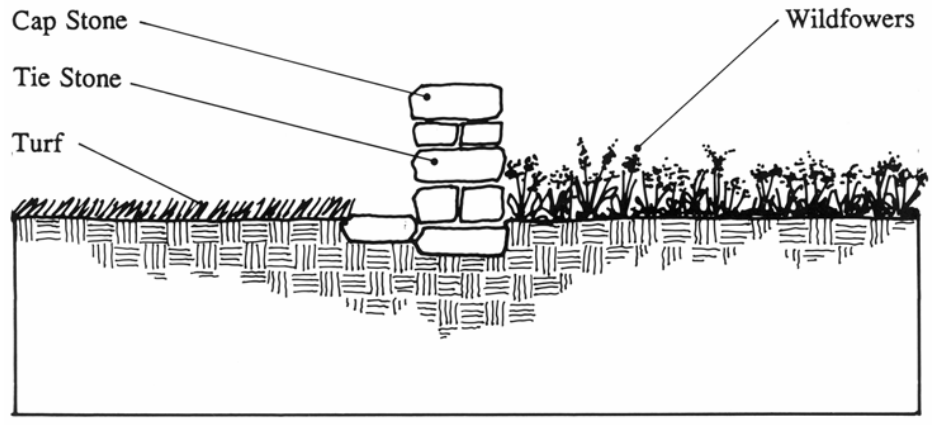
Stone walls are considered to be a landscape element. In order for stone walls to be an effective unifying design element in the corridor, it is important that the context in which stone walls are used remains relatively consistent. Accordingly, incorporating the stone into sign bases is discouraged. Examples of the appropriate use of stone walls are shown on pages 22 and 23. (o)



Mortared stone wall used as a retaining wall.



Dry laid stone wall used as a retaining wall.



Dry laid stone wall used as a freestanding seat wall.

Fencing

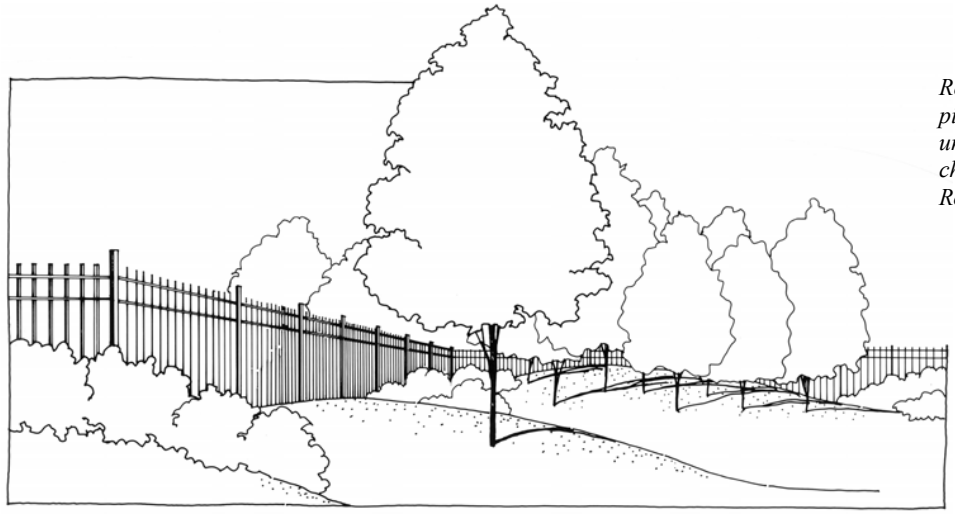
The purpose of these standards and guidelines is to promote the use of black metal picket fencing as a landscape element along Harmony Road. The consistent use of black picket fencing as security fencing and/or decoration, will help provide landscape cohesiveness along the Harmony Road streetscape. The following standards and guidelines clarify the desired type of fencing.

Fence location and details shall be submitted with development plans. (+)

Security fencing is not allowed within the setback zone, except when the fence is part of an entryway feature. Only that part of the security fence that is incorporated into the entryway feature is allowed to encroach into the setback zone. (+)

Outside of the setback zone, ornamental aluminum fence with black baked enamel finish and pickets spaced four inches apart is the preferred material and style for fencing that is visible along Harmony Road. Repetition of this distinctive style of fence is another design element that can help unify the corridor landscape. Applicants are encouraged to use this type of fencing for their security fencing needs. (o)

Unclad chain link, dog-eared and shadow box wood fences that are visible from Harmony Road are discouraged. (o)



Repetition of black picket fencing helps unify the landscape character of Harmony Road.

The appearance of chain link fencing can be greatly improved by using black, vinyl clad chain link and partially screening it with berming and plant material. (o)

Screen wall and other architectural fences may encroach into the setback zone, if the Planning and Zoning Commission determines that the design of the fence adds to the architectural interest of the building and does not detract from the corridor landscape. Such a fence shall be 8 feet or less in height and constructed using building materials and design details that match or complement the building or project identity. (+)

The visual appearance of all fencing should be enhanced with plant material. (o)

Lighting

The purpose of the following standards and guidelines is to encourage consistent light quality in the corridor and to reduce conflicts between street lighting and tree placement.

Public street lighting along the corridor shall be standard City fixtures on 30 foot high light standards, spaced approximately 175 feet apart, on both sides of the road. The light source shall be high pressure sodium lamps. (+)

Consistent use of high pressure sodium light sources contributes to the aesthetic quality of the corridor. Projects are encouraged to use high pressure sodium light sources in their site design. (o)

Trees with maximum heights above 30 feet shall be spaced at least 40 feet from a streetlight. (+)

Trees with a maximum height of less than 30 feet may be planted as close as 15 feet from a streetlight. (+)

Boardwalk Drive to College Avenue

The Harmony Oaks concept becomes more difficult to implement between Boardwalk Drive and College Avenue for a variety of reasons. Most of the property adjacent to the road in this area is developed. Setbacks are narrower and there is no median in the road. Some properties are vacant and others are expected to redevelop at some time in the future. The unique characteristics of this section of Harmony Road require special attention. Wide setbacks, a meandering sidewalk, rolling berms, groves of trees and wildflower meadows are difficult to implement in this area, however, other design elements can be emphasized to create continuity. The following guidelines apply specifically to new development along Harmony Road from Boardwalk Drive to College Avenue.

The design elements that contribute to the Harmony Oaks design concept are listed below. Developers are encouraged to incorporate as many elements as possible into their development projects. (o)

1. Wide setbacks.
2. Naturalistic bermings.
3. Meandering sidewalk.
4. Groves of trees.
5. Plant material from selected palettes.
6. Wildflower masses.
7. Daffodil masses.
8. Stone walls.
9. Black picket fencing.

Properties in this area will not be required to provide an 80 foot setback. The appropriate setback dimension for individual properties in this area will be determined during the development review process, when more site development variables are known.

Trees and shrubs should be selected from the oak palette and the mixed palette in the recommended ratios. See pages 12 and 13. (o)

Properties west of Boardwalk Drive are not required to plant trees in groves, however, these properties are required to plant trees in naturalistic clusters as opposed to straight lines and formal patterns. (+)

Wildflowers shall not be used unless they can be established in a continuous bed that measures at least 1000 square feet. (+)

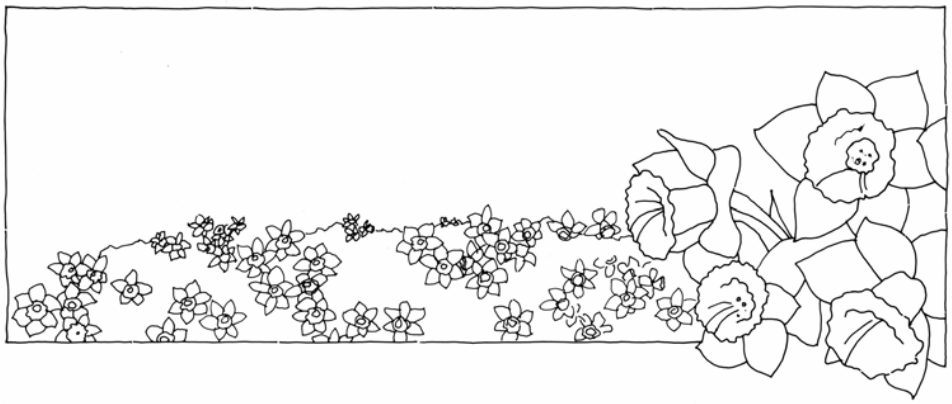
The use of daffodils in large masses (100 bulb minimum) should be emphasized in this area. (o)

Hardscape elements such as stone walls and black picket fencing play a more dominant role in creating continuity and should be emphasized in this area. (o)

The Harmony Corridor Plan recommends the design and implementation of special signage and graphics for public signage in the corridor. Special signage and/or graphics for public signage should be emphasized in this portion of the corridor. (o)

The use of stone walls can provide landscape continuity with the rest of the corridor; accordingly, properties which are too small to accommodate naturalistic berming (see GRADING on page 10) are encouraged to use stone walls in combination with plant materials as screening devices. (o)

Properties west of Boardwalk Drive shall not be required to provide meandering sidewalks, however, minimum 7 feet wide concrete sidewalks parallel to Harmony Road are required. Ramps shall be provided at all street intersections so that pedestrians, bicycles, wheelchairs and baby strollers can negotiate the sidewalk system. (+)



Daffodil masses play an important role near College Avenue.

Local & Collector Streets

Local and collector streets in the corridor can be utilized to extend the unifying effect of the Harmony Oaks design concept into the adjacent area. Design standards and guidelines for local streets which intersect with Harmony Road and for collector streets in the corridor are detailed below.

Suggested setbacks for buildings and parking lots from future edge of pavement: (o)

Description	Building Setback	Parking Setback	Fencing Setback
Collector Streets	40’	30’	20’
Local Streets	40’	20’	20’

At least 35% of the plant material used in the setback area along local and collector streets within one-half mile of Harmony Road should be selected from the oak palette. The remainder of the plant material should be selected from the following palette: (o)

Local / Collector Street Palette

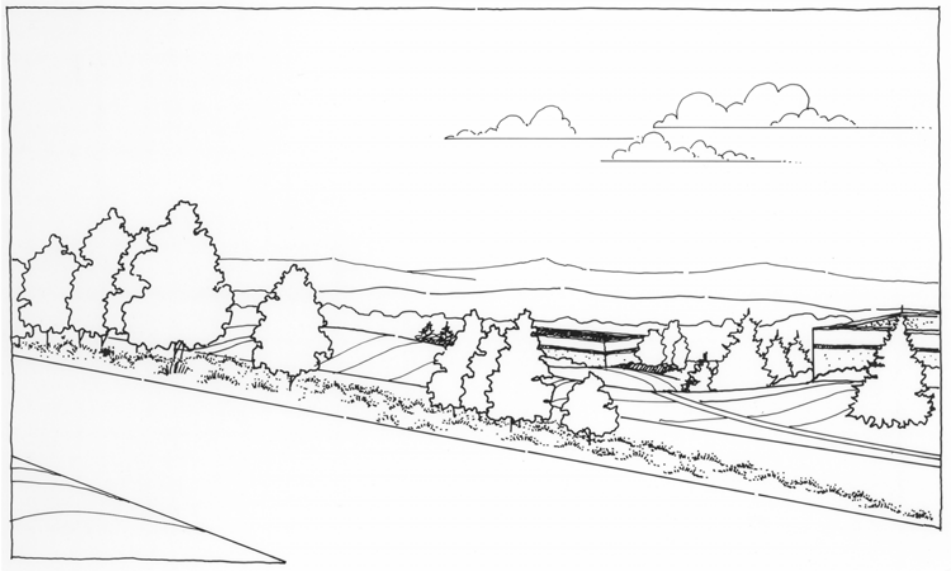
DECIDUOUS TREES	
White Ash	
‘Autumn Purple’ Ash	purple fall color
‘Rose Hill’ Ash	bronze red fall color
‘Autumn Applause’ Ash	purple fall color
Green Ash	
‘Marshall’s Seedless’ Ash	yellow fall color
‘Patmore’ Ash	upright, formal
Kentucky Coffee Tree	coarse winter texture
ORNAMENTAL TREES	
Flowering Crabapples	flowers, fall color
Newport Plum	pink flowers, purple foliage
Bigtooth Maple	red fall color
EVERGREEN TREES	
Austrian Pine	drought tolerant
Ponderosa Pine	drought tolerant
Keteleeri Juniper	lt. green, blue berries
Scotch Pine	drought tolerant
SHRUBS	
Snowmound Spirea	white flowers, arching
Bluemist Spirea	blue flowers late summer
Red Twig Dogwood	red stem color in winter
Peking Cotoneaster	orange-red fall color
Alpine Currant	hardy, winter texture
ACCENT PLANTS	
Grape Hyacinth	blue-purple spring flowers
Yellow Tulips	spring bulbs
Rocky Mountain Penstemon	blue-purple flowers
Orange Day Lilies	summer flowers

Median Planting

Utilization of the Harmony Road median to affect a coordinated design theme is essential. Since the median is under one ownership, it can be designed and maintained as one continuous landscape. The following guideline should be the starting point for future median landscape plans.

The median shall be planted in wildflowers from the I-25 interchange to the end of the median at Boardwalk Drive. (+)

A combination of wildflowers and a mixture of Gambel Oak and Bur Oak at various stages of growth make up the median landscape. The wildflowers, once established provide spectacular seasonal effects. The oaks grow more slowly and develop character over time. Utilized together and reinforced by private sector landscapes along the edges of the roadway the oaks and wildflowers create a unique pastoral landscape.



Architectural Design

The purpose of these standards is to promote high quality architectural design along the Harmony Road frontage, so that the architecture of the buildings adds to the visual interest of the corridor.

Buildings shall be designed to ensure that all elevations are attractive, rather than placing heavy emphasis on the front elevation and downgrading the aesthetic appeal of side elevations. Any accessory building or enclosure shall be similar to the principal building in design and materials. (+)

Rooftop mechanical equipment shall be screened. (+)

Internally illuminated awnings on building elevations that face Harmony Road are prohibited. Such awnings are permissible where only logos and/or typography are illuminated. (+)

Parking & Service Areas

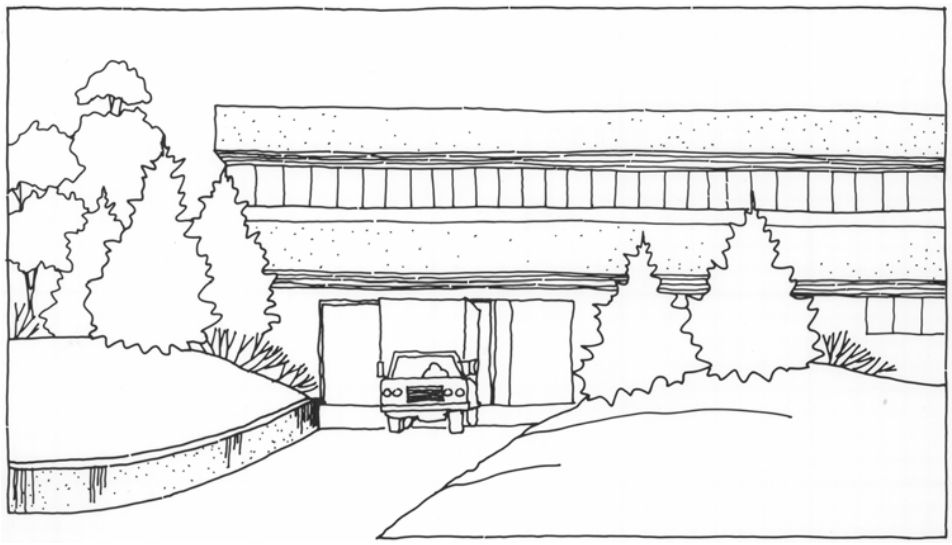
The following standards and guidelines are intended to promote skillful design of parking and service areas in developments located adjacent to Harmony Road. The goal is to have these areas as visually unobtrusive as possible.

All parking shall be screened from public streets by plant material, fencing and/or berming. (+)

Parking is prohibited within the setback zone. (+)

Parking areas shall not extend for more than a quarter of a mile along the Harmony Road frontage (adjacent to the setback zone) without a significant visual break provided by buildings and/or open space. (+)

Large parking lots should be broken into sections not to exceed 200 cars each, separated by a major landscape buffer to provide visual relief. (o)



Service area screened with plant material and berms.

Utility equipment, storage areas, service areas, loading docks and trash collection areas are encouraged to be located so that they are not visible from public streets or building entries. (o)

Utility equipment, storage areas, service areas, loading docks and trash collection areas that are visible shall be screened with berming, plant material and/or fencing. (+)

Loading and service areas should be designed as an integral part of the building architecture to the extent practical. (o)

IV. SHOPPING CENTERS STANDARDS & GUIDELINES

Ideally, retail development adds vitality and convenience to neighborhoods and work places without introducing negative impacts that overwhelm the surroundings. Achieving this in the Harmony Corridor is the purpose of these Standards and Guidelines.

Design criteria cannot predict the unique potential and constraints for each site and building. Thus, the following Standards and Guidelines are intended to establish a direction and a basic level of quality for compatibility with neighborhoods.

It is the City's hope that the mandatory standards do not limit creativity or reduce a potentially better design, created by skillful and sensitive architects and land planners, to a level of minimum compliance.

This section should encourage those who are responsible for new development to thoroughly consider the particular situation, including the surrounding context, so that each new development complements the positive and unique character of its neighborhood and the community.

This section focuses on three areas: (1) the function of buildings in defining a neighborhood and the community; (2) site relationships to surrounding neighborhoods and mitigation of negative impacts; and (3) the mixing of uses.

Fort Collins already has a development review system that promotes solutions to these general issues on a city-wide basis. The purpose of these Standards and Guidelines is to augment those existing criteria with more specific interpretations that apply to the Harmony Corridor.

**See Appendix B for definitions of these Shopping Centers*.

Buildings

1. Massing, Orientation, and Configuration on Site

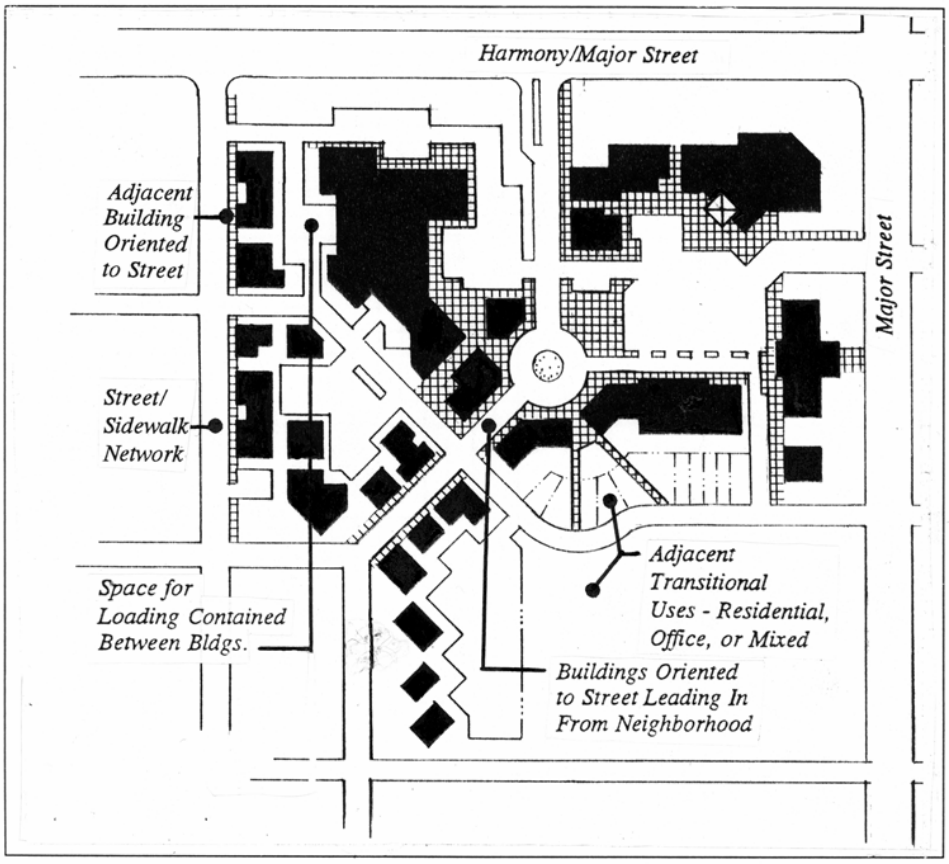
The purpose of these Standards and Guidelines is to encourage site-specific, responsive planning and design. The massing, orientation, and configuration of buildings automatically shapes public space and establishes relationships and transitions to adjacent land uses. If designed skillfully, buildings can do this in a positive way.

Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. They should reflect the fabric of surrounding neighborhoods, rather than a superimposed formula. The cumulative patterns and connections created by multiple buildings, and the quality and memorability of their public spaces, is at least as important as the architecture of the buildings themselves. (o)



Intimately scaled spaces for people shaped by buildings.

Building mass should be shaped by connections to the street and sidewalk network, and in turn the building mass should be designed to give deliberate form to adjacent public spaces, such as streets, sidewalks, plazas, or landscaped spaces. (o)

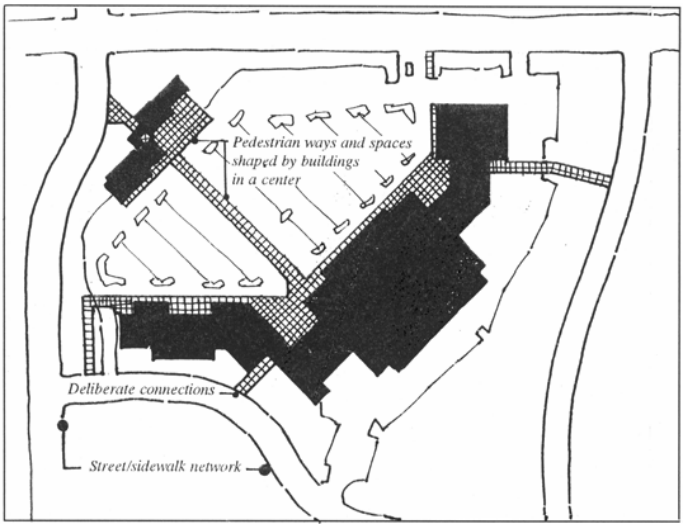


A center in which the buildings have been shaped by the street/sidewalk network, and in turn give definite form to streets, sidewalks, and other spaces.

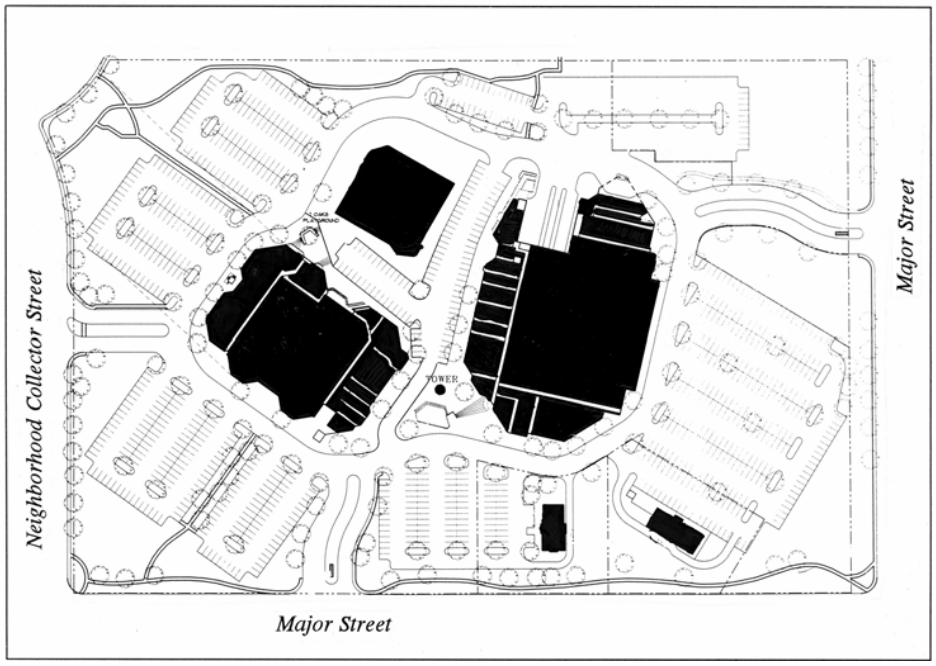
Consider orienting some buildings in multiple-building centers to streets leading in from the neighborhood, rather than to the arterial or collector street. This can create an inviting transition into the center and accommodate neighborhood-serving uses with lower visibility needs and traffic impacts, such as daycare, shared mail pick-up, office, coffee shop, and other similar uses. (o)

Residential use buildings, whether solely residential or mixed use, should also be used to create an effective land use transition between a center and adjacent neighborhoods. (o)

Where it is not possible or appropriate to extend streets or sidewalks directly, building mass can still shape definite, pleasant *connections* to adjacent land uses. (o)

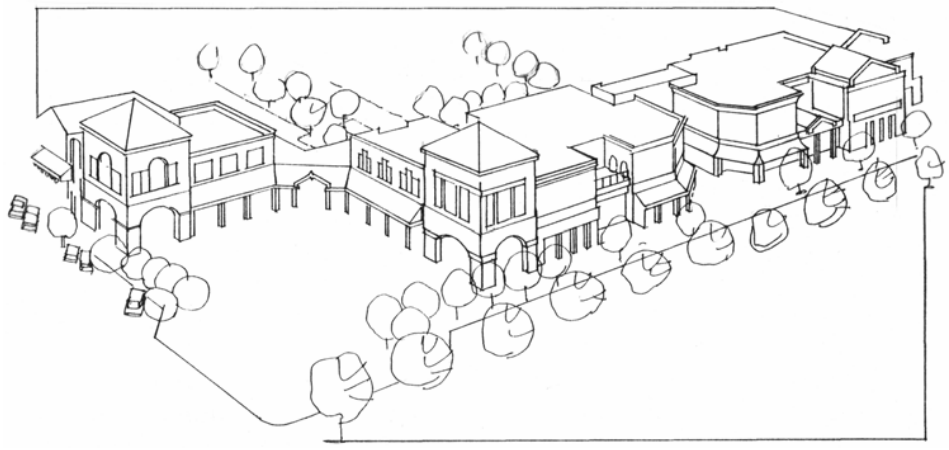


Pedestrian ways and spaces in a center of about 96,000 square feet, shaped in part by offsets and articulation in building massing.

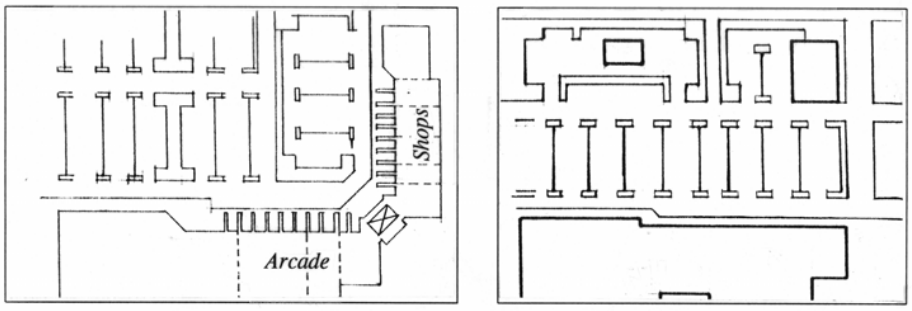


Independent network of circulation and pedestrian spaces shaped by buildings in a center of about 120,000 square feet; streets and paths lead in from all sides.

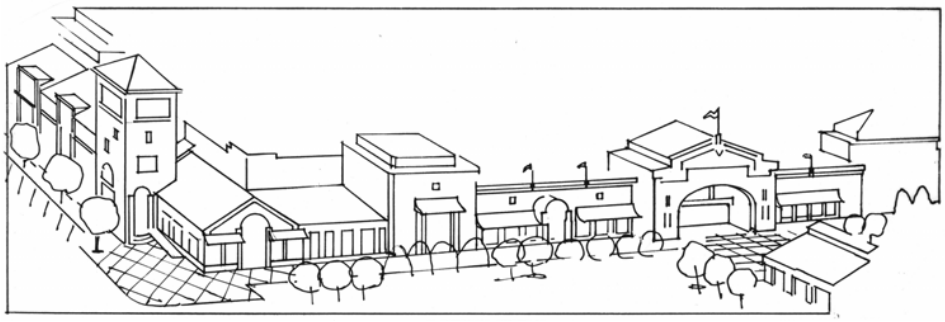
Consider distinguishing the different businesses or activities in the center with variation in massing rather than through detail features and fenestration alone. Consider slipped-plane offsets, recesses and projections, reveals, harmonious variations in roof shape or height, and vertical extensions at focal points. (o)



A possible reason not to use the preceding guideline would be to allow a single building mass containing several small businesses to shape a deliberate and pleasant overall outdoor space, such as an animated pedestrian walkway or arcade. (o)

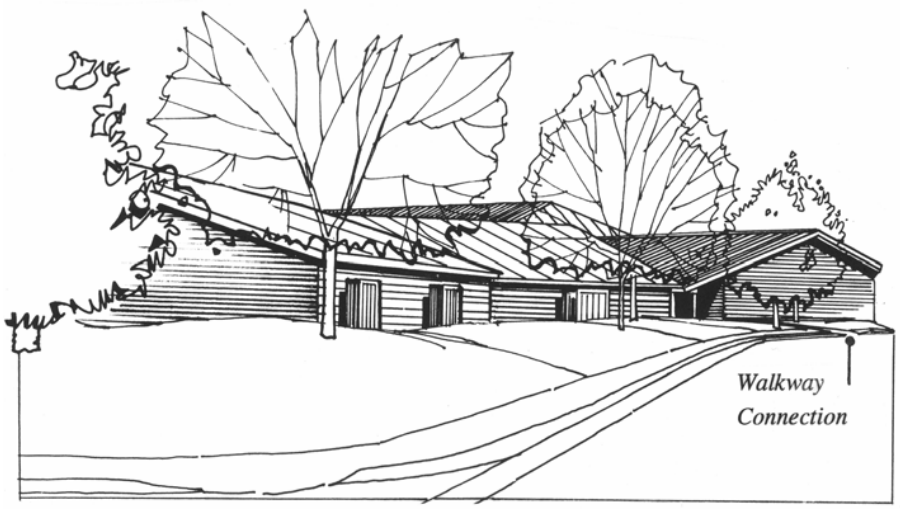


Two diagrams – deliberate, pleasant outdoor space vs. residual space left over from parking and unarticulated buildings.



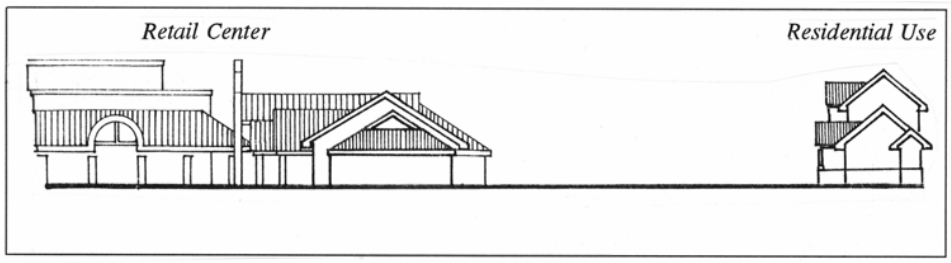
Animated walkway with building mass aligned on essentially a single plane.

Building massing and configuration shall be established in such manner as to provide aesthetically appealing and convenient access on all sides, and not merely from the arterial or collector street. (+)



Back side of a shopping center showing building massing that complements adjacent residential use and creates a convenient access point for pedestrians and bicyclists.

Building massing shall create a transition from the edges of the center inward. To achieve this effect, smaller and lower building mass shall be located near edges of the center where adjacent buildings are smaller or residential in scale. (+)



Where buildings are adjacent to single or multi-family residential uses, rooflines shall be of a similar or lower height than the residential rooflines. (+)

2. Image, Detail Features, Fenestration, Entrances, Color and Materials

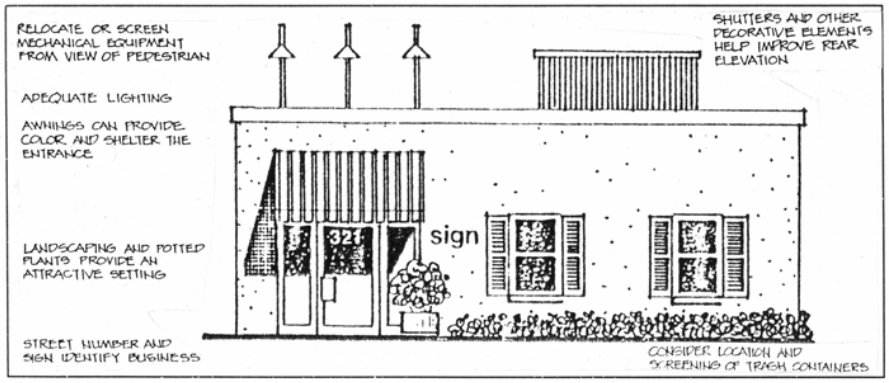
The purpose of these Standards and Guidelines is to assure that retail buildings contribute to neighborhood identity in a positive way and complement the image of the community.

Create visual interest and appropriate scale with rooflines or cornices, dormer or clerestory type roof features, and elements such as arcades, canopies, arbors, awnings, pilasters, and expression of bays. Trees and their shadows on walls may be used to add interest and improve the pedestrian scale of buildings, particularly when deliberately designed as part of the architecture. Consider enhancing pedestrian spaces with architectural details for interest, ledges or sills for sitting, arbors or canopy structures for shade and shadows, planters and window boxes for life and color, and other similar features. Windows and window displays, with aesthetically pleasing night lighting, may be used to add interest and animation inappropriate areas. (o)

Generally, rooflines adjacent to residential uses should be relatively low in height, and sloping roofs should emphasize long, horizontal lines, form overhanging eaves, and have hipped rather than gabled ends or a combination of hipped and gabled ends to complement surrounding neighborhood character. (o)

Where it is not practical for buildings adjacent to residential uses to have low rooflines, other prominent detail features should be included that break a taller building down into stories to relate to residential scale. (o)

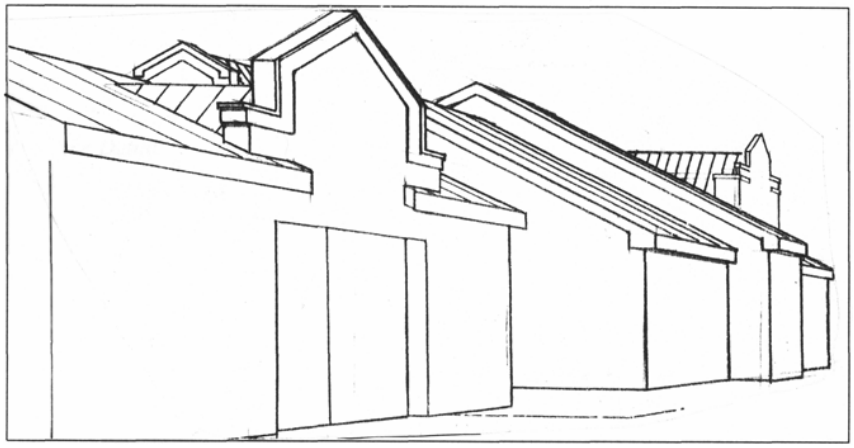
In a center, where the rear sides of shops face adjacent uses or streets, consider adding some design detail to service doors and windows to give the appearance of a "friendly" entrance oriented to the neighborhood circulation network. The intent of this guideline is to avoid facing the neighboring use with unattractive service doors and security lights. (o)



"Friendly" treatment of a service entrance.

The sides and backs of buildings shall be as attractive and interesting as the front, where those sides and backs are visible from adjacent properties. (+)

Buildings must have sloped roofs, three dimensional cornice treatments, or both. Large sloping roofed areas must have multiple planes with features such as overlaps and varied peak height, offsets, and harmonious variation in form. (+)



Sloped roofs combined with corniced parapet features.

Building entrances must be placed and designed to give clear orientation from the main avenues of approach. Entrances must be highlighted with façade variations, porticos, roof variations, or other integral building features. (+)

Predominant exterior colors must be low reflectance, muted, neutral or earth tone colors. Colors other than these may be used for accent and emphasis of focal areas. (+)

All architectural elements and detail features must be consistent or harmonious among multiple buildings.

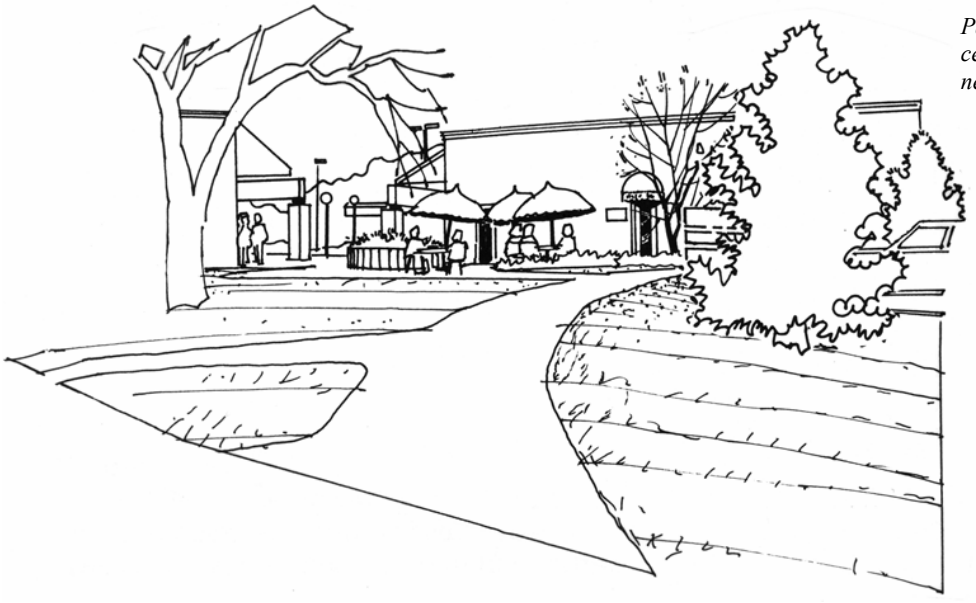
Adjunct appurtenances such as vending machines, express mail drops, teller machines, newspaper dispensers, and other similar items must be incorporated within the architectural theme of the center. (+)

Site Relationship to Surrounding Neighborhoods and Mitigation of Adverse Impacts

The purpose of these Standards and Guidelines is to provide a harmonious relationship between land uses; to achieve the benefits of having goods and services convenient to neighborhoods and work places while minimizing any negative aspects of retail and commercial development.

1. Access and Circulation

Where possible, retail uses should be tied to the surrounding neighborhoods and uses by extending streets, sidewalks and paths directly into and through the center, thereby allowing residents and workers to conveniently walk, bike or drive to the center. Such connections highlight the importance of having an attractive, inviting appearance on the sides and back of the center. (o)

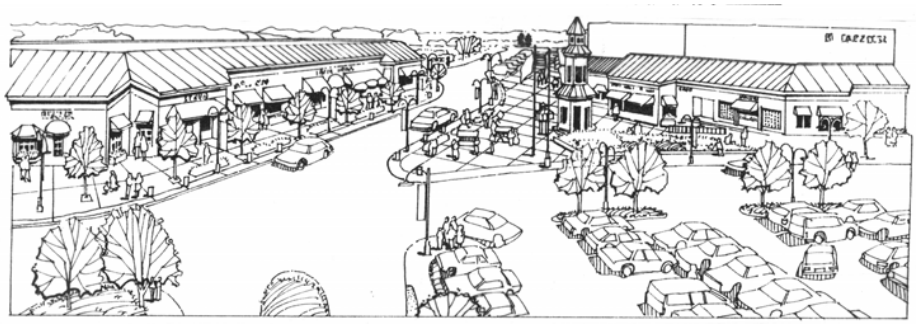


Path extending into a center from adjacent neighborhood.

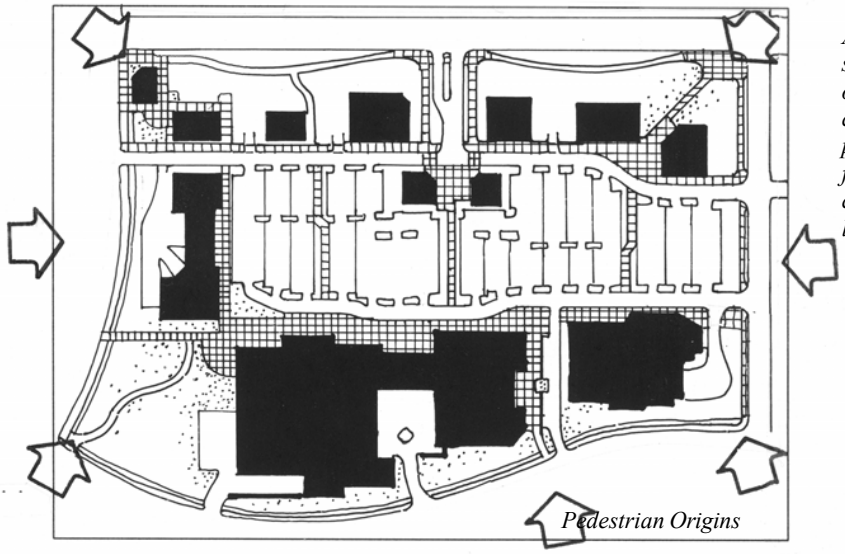
Pleasant street vistas should be created to reinforce the direct connections. Streets should serve equitably the needs of the motorist, the bicyclist, and the pedestrian; and the center should share some of the neighborhood streets and sidewalks with buildings fronting on them where possible. (o)

The street access system must be designed in such a way that no "short cut" is created that attracts non-neighborhood traffic through local neighborhood streets. (+)

Entrances and parking lots should be shaped to be functional and inviting with walkways tied to logical destinations through landscape islands. The appearance of buildings facing a public street/sidewalk system should be maximized; the development of buildings on isolated "pad sites" that emphasize only driveway and parking lot access, and offer mainly signage for inviting orientation, should be minimized. (o)



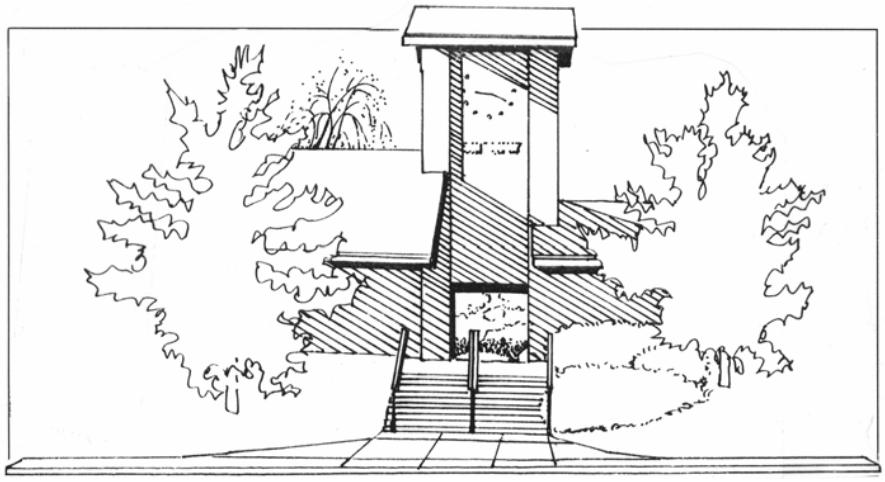
A center where an independent parking lot circulation system looks like streets, sidewalks, and plazas.



A center with a circulation system that appears organized in a legible and convenient street/sidewalk pattern, with pedestrian flows to and through the center tied directly to logical destinations.

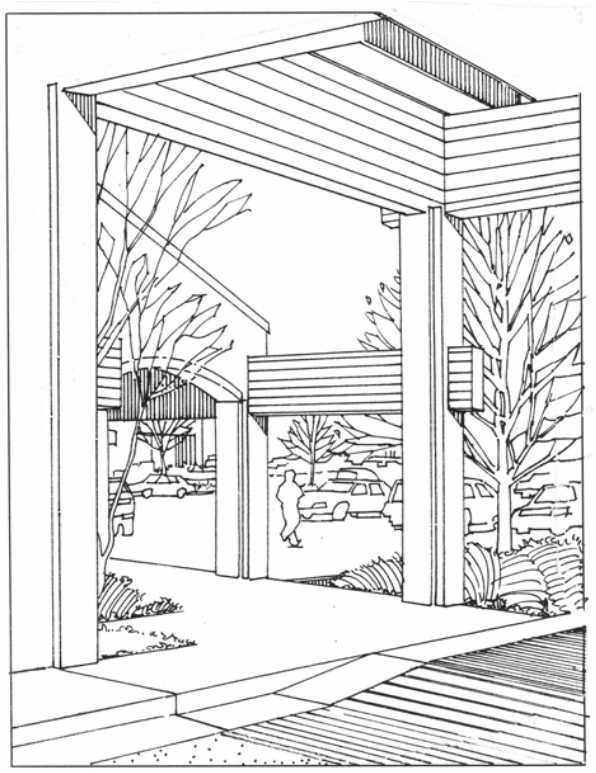


Walkway through landscape islands made to be as functional and inviting as possible.



Although the pedestrian traffic at this location is not a critical part of this center's business, this landmark building oriented to the street and sidewalk gives a friendly appearance and creates a focal point for the whole area.

Architectural elements such as arcades, arbors, porticoes, and plazas should incorporate and enhance access and circulation. Architectural elements and the site design should incorporate focal points such as information kiosks, drop-off/pick-up points, and bus stops. (o)



A center with architectural elements that incorporate circulation ways and landscape spaces.

The development shall provide convenient pedestrian and bicyclist access to the center from all sides where people live or work. (+)

2. Screening and Buffering of Service, Delivery and Loading Functions

To the extent possible, delivery and loading functions should be accommodated with the general layout of the access and circulation network, including delivery to the fronts or sides of buildings where practical. Loading dock access, truck parking, and other concentrated operations should be located out of public view, yet located and designed carefully to mitigate potential impacts on adjacent land uses. If possible, contain such areas in screened recesses or between buildings within the Center. If this is not possible, provide screening and buffering with perimeter landscaping, landscaped islands, and walls or fencing. Adjacent to residential areas, consider posting signs asking operators of delivery and service vehicles to shut off engines. Where driveways and walkways cross these areas, landscape islands should be used to organize the circulation. (o)

Neighboring uses shall be adequately buffered from the negative effects of noise, traffic, and idling trucks. (+)

Loading docks, truck parking, storage, meters, HVAC, trash collection, compaction, and other service functions must be incorporated into the overall design of the building and the landscape so that the visual impact of these functions is contained out of view from adjacent properties and/or public streets and no attention is attracted to these functions by the use of screening materials that are different than or inferior to materials than the principal materials of the building and landscape. The design treatment of these areas and functions shall not create unsightly "secondary" or "backside" areas. (+)

3. Lighting

Lighting should enhance the overall aesthetics of the site and buildings. Consider the appearance of interior lighting through windows so that lighting does not detract from the nighttime appearance of the façade. (o)

Consider the use of ornamental pedestrian light fixtures in pedestrian areas, and the use of residential style fixtures near adjacent residential land uses. (o)

All lighting shall be designed to achieve the intended effects without creating glare that impacts adjacent uses. The lamp source of light (light bulb) shall be shielded to reflect downward and not off-site. (+)

Mixed Land Uses

Provision of most of the necessities of daily life within walking distance helps to reduce the number and length of car trips and vehicle miles traveled (VMT); allows the young and the elderly to gain independence of movement; and increases the chances for social interaction.

A mix of uses and services consistent with the definitions in Appendix B is encouraged in centers. The variety of uses should be used to help shape the transitions into centers from nearby residential areas and reinforce the integration of centers and their neighborhoods. (o)



A neighborhood center with a full range of uses including dwellings and offices stacked above shops; and adjacent small-lot houses fronting on the "square."

New Lifestyle and Regional Shopping Centers

The unique and high-quality site and building design of major new shopping centers in the Harmony Corridor reflect the special value the community places on the corridor as a development opportunity and entryway into the city from I-25. These standards and guidelines are intended to ensure that if a lifestyle or a regional shopping center is developed, it fulfills the purposes of the land use designation. These purposes include adding a significant and different new element to the city's retail mix, thus enhancing the city's fiscal health.

1. Framework of Streets, Drives, and Walkway Spines

Clear, Continuous Pedestrian Network. Building sites shall be formed by a system of connecting walkways, plazas, and courtyards. These pedestrian frontages shall form a continuous network and a clear, shared focus for building orientation. Shoppers shall be able to directly access all buildings and central features and gathering places of the center via the pedestrian network. (+)

Street-Like Drives and Parking Blocks. Off-street surface parking shall be configured as a combination of 1) street-like parking drives with angled or parallel parking and tree-lined walkways; and 2) discernable parking blocks bounded by streets, drives, or walkway spines, with tree-lined sidewalks. (+)







Street-like drives with convenient parallel or angled parking along building frontage can make the pedestrian areas more active, calm traffic, and impart a feeling of a town center street as opposed to a typical parking lot edge.

Shoppers will typically have the potential opportunity to park relatively close to the front door of any store, and yet also conveniently walk from one store to another. In other words, the layout of the center is conducive to both the convenience shopper with a targeted destination, and to the browser shopper with time to walk around the center or visit more stores. (o)

2. Grouping of Buildings Along Pedestrian Frontage

Non-Linear, Pedestrian-Friendly Site Plan. The site plan for a center is not a simple linear line-up of stores, as often found in a strip shopping center. A site plan for a Center shall display creativity and flexibility in site layout to achieve the following objectives:

- **Buildings Clustered Along Walkways. Buildings shall be brought together to form visually interesting pedestrian frontages that feature main entrances to the buildings. To the maximum extent feasible, remote or independent pad sites, separated by their own parking lots and service drives, shall be minimized (single-tenant buildings on pad sites are allowed, but must be brought together along pedestrian frontages in accordance with this standard). (+)**

Multiple Buildings. The site plan shall create multiple corner (end-cap) sites, by housing the Center's retail stores in more than one primary multi-store building. (this does not include the separate, single-occupant buildings on pad sites, which are often occupied by freestanding restaurants or theatres). (+)

3. Very High Quality Architectural Program, Level of Finish and Detail

Variation and Quality. The architectural program for a center shall emphasize the individuality and unique storefront design of most of the stores in a center, giving the impression of a place built over time. The program shall include varied building heights—often used as a means to differentiate individual stores; high quality building materials (e.g., natural or synthetic stone, brick, tinted and textured concrete masonry units, stucco, high quality precast and prestressed architectural concrete, water- managed EIFS, woodwork, architectural metals, glass); and architectural lighting. (+)



Two examples of high quality architecture setting the standard for overall design of a center.

Mixed Use Buildings. Centers often include mixed-use dwellings and other multi-story buildings to add vitality to the center, add drama and interest to the buildings, and reveal and capitalize on hidden markets for office and residential products uncommon in suburban markets. (o)



Examples of mixed use buildings integrated into a center, along with other positive elements such as streets and street-like drives with parking leading into or through the centers.

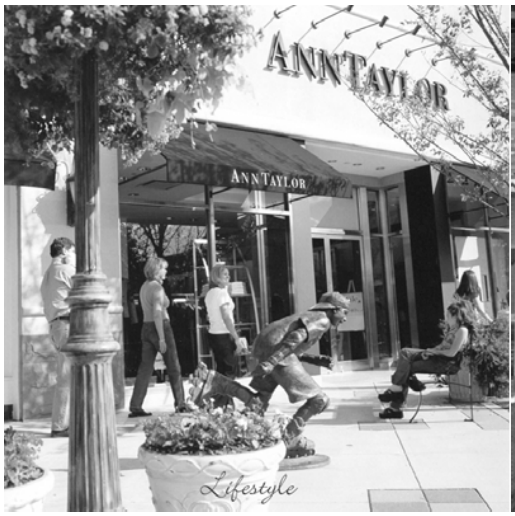




4. Very High Degree of Finish in Hardscape and Landscaping

Relatively Greater Amount of Landscaping and Pedestrian Enhancements. A Center typically incorporates a significant amount of landscaping, community amenities, and pedestrian enhancements that result in common areas considerably more lavish than similar areas found in typical shopping centers. (o)

Landscaping. A Center shall incorporate substantial amounts of on-site landscaping that exceed the minimum landscaping requirements of the Land Use Code. On-site landscaping shall include landscaping along all walkways or integrated into the walkway space with tree wells and raised planters; and in conjunction with central features and gathering places, and both around and within surface parking areas. In addition to such permanent on-site landscaping, a substantial amount of seasonal plantings (e.g., flowers in raised architectural planters and containers) shall be incorporated in order to provide color and variety to the grounds and enhance the pedestrian/shopper experience. (+)





Raised planters, sculpture, furnishings, paving, and plantings are all designed, built, and maintained with a high degree of attention and quality.

Xeriscape Design Principles/Regional Character. Landscaping should be developed to express xeriscape principles and characteristics appropriate to the North Front Range (this may include relatively lush plantings requiring significant watering, such as flower beds and lawns, in appropriate high-use areas). (o)

Pedestrian Amenities and Enhancements. A Center shall, to the maximum extent feasible, incorporate the following features to ensure a high level of ambience for shoppers:

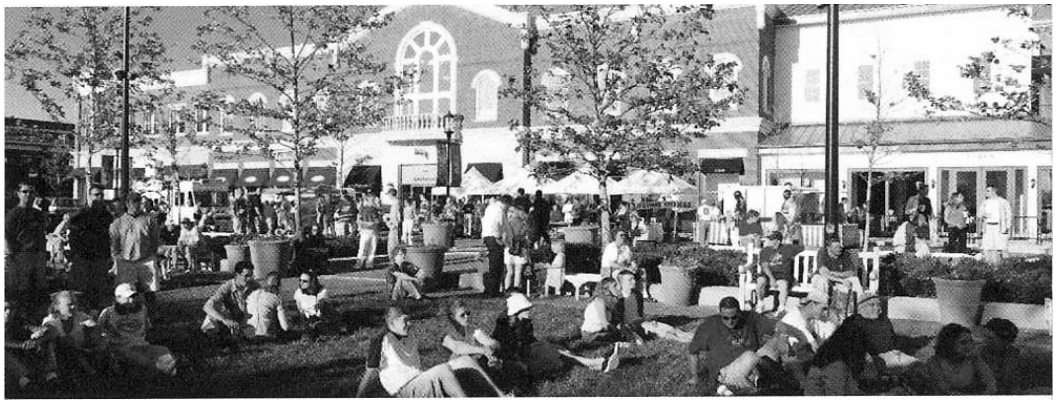
- **Very wide (8 to 15-foot clear) sidewalks, particularly adjacent to buildings, Incorporation of quality pavers and enhanced concrete treatments into pedestrian areas,**
- **Street furnishings (e.g. benches and trash receptacles)**
- **Pedestrian-scale lighting along walkways and access drives**
- **Outdoor service or seating areas**
- **Gardens, container flowers, and other supplementary landscaping**
- **Fountains and other water features**
- **Sculpture, murals, and other public art**
- **Overhead weather protection elements (e.g. arcades, canopies, awnings, umbrellas over seating, and double entries for stores)**
- **Full-time security during the center's operating hours (+)**

5. Central Feature or Gathering Place

A Center shall contain facilities that establish a focus for the Center, and that can also serve as a focal point for neighborhood and community activities, gatherings and meetings, and passive recreation. Such facilities shall include a pedestrian plaza, courtyard, or small park, containing a total of 6,000 square feet, with such features as seating, an information kiosk, a water feature, a clock tower, special plantings, an outdoor playground area, a gazebo, an amphitheatre or performance stage, or other similar features and amenities. Alternatively, this standard may be met by another such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the decision maker, adequately establishes a community gathering space or facility and a focus for the Center. (+)

Such facilities shall be highly visible, secure settings formed by the framework of streets, drives and walkway spines, with direct linkage and visibility to and from primary buildings within the Center. (+)

Any such facilities shall be constructed of materials that are equal to or better than the principal materials of the building and landscape. (+)



Example of a multi-purpose central feature/gathering place with landscape and hardscape elements.

V. LAND USE & LOCATIONAL STANDARDS AND GUIDELINES

The Harmony Corridor offers an opportunity for creating a major business and industrial center in northern Colorado due to its desirable location, accessibility, available infrastructure and land ownership pattern. Attracting desirable industries and businesses into the community, and in particular the Harmony Corridor, achieves an important public purpose because it promotes primary and secondary jobs and generally enhances the local economy.

The focus of future development activity is planned to take place in two types of major "activity centers" – the Basic Industrial and Non-Retail Employment Activity Center and the Mixed-Use Activity Center. Basic Industrial and Non-Retail Employment Activity Center are locations where either industrial uses, and/or office or institutional type land uses are permitted to locate in planned office (or business) park settings. Base industries are firms that produce goods and services which are produced for export outside of the city, and thereby import income into the city. Mixed-Use Activity Centers permit a broader range of uses including shopping centers. The distribution of these activity centers in the corridor is shown on the Land Use Map. Different types of shopping centers are defined in Appendix B.

The essence of both types of activity centers is a combination of different types of land uses along with urban design elements that reduce the dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.

Locate industries and businesses in the Basic Industrial and Non-Retail Employment Activity Centers in areas of the Harmony Corridor designated for such uses on the Land Use Map. Permitted principal uses in the Basic Industrial and Non-Retail Employment Activity Center shall be limited to:

- **Research facilities, testing laboratories, offices and other facilities for research and development**
- **Industrial uses**
- **Hospitals, clinics, nursing and personal care facilities**
- **Regional, national, or international headquarters of a services-producing organization**
- **Vocational, business or private schools and universities**
- **Professional offices**
- **Finance, insurance and real estate services**
- **Other uses of similar character as determined by the Planning and Zoning Commission. (+)**

Secondary and supporting uses will also be permitted in the Basic Industrial and Non-Retail Employment Activity Center, but shall occupy no more than 50 percent (50%) of the total gross area of the Office (or Business) Park, Overall Development Plan or Planned Unit Development, as applicable. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. "Multi-family" shall mean attached single family, 2-family or multi-family dwellings. All housing must be integrated with and function with an office (or business) park. Non-residential, secondary uses shall be integrated both in function and appearance with an office (or business) park, unless a special exception is granted by the Planning and Zoning Commission. In order for such an exemption to be granted, the applicant must demonstrate to the satisfaction of the Commission that the granting of the exemption would neither be detrimental to the public good nor impact the intent and purposes of the foregoing requirement and that by reason of exceptional narrowness, small parcel size, or other special condition peculiar to a site, undue hardship would be caused by the strict application of this requirement.

Permitted secondary uses shall be limited to:

- **Hotels/motels**
- **Sit-down restaurants**
- **Neighborhood Convenience Shopping Centers**
- **Child care centers**
- **Athletic clubs**
- **Single family and multi-family housing**
- **Accessory buildings and uses as defined in Section 29-456 of the Code. (+)**

Basic (and non-retail) jobs are planned to be the major economic focus of the corridor area. The standards provide for a variety of retail and services in close proximity to meet the needs of employees and business in the corridor. As the corridor develops, new housing of a mix of types and densities is anticipated to locate near jobs, shopping, parks and schools.

Locate a broader range of land uses in the areas of the Harmony Corridor known as Mixed-Use Activity Centers as shown on the Land Use Map. The Mixed-Use Activity Center provides, in addition to the uses listed in the Basic Industrial and Non-Retail Employment Activity Center, a variety of retail and commercial uses in shopping centers. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. "Multi-family" shall mean attached single family, 2-family or multi-family dwellings. All housing must be integrated with and function with an office (or business) park and/or shopping center. Neighborhood service centers, community shopping centers and regional shopping centers shall be limited to those locations shown on the Land Use Map. (+)

The Plan provides for a range of retail, non-retail and residential uses to occur in the Mixed-Use Activity Centers, including shopping centers which satisfy the consumer demands of residents and employees who live and work in adjacent and surrounding neighborhoods, as well as from the community and region.

All retail and commercial land uses, except those permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Center, shall be located in shopping centers. All shopping centers, except neighborhood convenience shopping centers, shall be limited to locations shown on the Land Use Map. Neighborhood convenience shopping centers shall also be permitted in the Basic Industrial and Non-Retail Employment Activity Center. The general definition, scale, use and character of neighborhood service centers shall be as described in Appendix B. (+)

Coordinated planning of a "shopping center" rather than isolated retail uses is the most effective means of avoiding "strip" commercial development.

VI. HARMONY GATEWAY AREA

The Harmony Gateway Area is an exceptional location due to high values the community holds regarding the Poudre River valley and the high public visibility of this entryway to the City.

The intent for the Gateway Area is to capture the special opportunity to integrate a mixed-use employment activity center within a landscape that expresses community values for environmental features and the larger corridor of open and rural lands at this southeast edge of the City along the river corridor and Fossil Creek Reservoir.

Development shall be programmed and designed with an emphasis on the landscape to maintain a sense of place derived from the river valley setting.

These Standards and Guidelines are to ensure that as development and redevelopment occurs as part of the Gateway Area, it fulfills the vision described in Chapter 5 of the Harmony Corridor Plan for the area.

Design Standards and Guidelines

1. Naturalistic Landscape Development: River Valley Character and Image

The intent is to create the effect of Harmony Road passing through a larger river valley landscape that spans across Harmony Road with buildings and parking lots carefully clustered and integrated unobtrusively within the landscape and not merely lining the major roadways with conventional landscaping around buildings and parking lots.

Landscaped Setback Dimensions. A landscaped setback area for buildings and parking lots averaging 140 feet in depth for parking lots and 190 feet in depth for buildings shall be provided from the edge of vehicular travel lanes along Harmony Road and I-25. The landscaped setback area may include sidewalks and tree lawns. Minimum landscaped setback depth shall be 70 feet for parking lots and 95 feet for buildings. (+)

Landscaped Setback Design. This landscaped setback area shall be comprised of a River Valley landscape design that includes groupings of native cottonwoods and willows, and evergreens and other plant materials in conjunction with other native and xeric plantings appropriate to specific positions within the landscape plan, and shall consist of at least one tree and ten shrubs per twenty-five lineal feet of frontage. (+)

2. Parking Lot Location and Screening. Locating large parking lots between buildings and the landscape setback areas along Harmony Road and I-25 is encouraged to consolidate vehicular impacts of both parking and traffic on the roadways away from the internal pedestrian-friendly public space framework. (o)

If such parking lots adjacent Harmony Road and I-25 are not fully screened by berms and planting in the landscape setback area, additional screening shall be provided with the following:

- At least 30 additional shrubs per one hundred lineal feet of frontage, or
- At least 8 additional trees per one hundred lineal feet of frontage, or
- An alternative combination of trees and shrubs approved by staff as providing equal or better screening than the above; or
- Fences or site walls that replace the need for screening that such landscape plantings would provide. (+)

Off-street parking shall be consolidated into shared parking lots wherever appropriate in order to avoid interrupting pedestrian frontages in the public space framework. (+)

3. Service and Loading Areas. If any truck operations for servicing and loading are not fully screened from Harmony Road and I-25 by other means, they shall be fully screened by building massing or architectural wall. (+)

4. Potential Channelized Floodway. If the Poudre River floodway is channelized within the Harmony Road and I-25 setback area, the channel and adjacent upland areas shall be designed to complement and reinforce the overall naturalistic landscape with informal, undulating grading of

landforms, to the maximum extent feasible and within engineering requirements, not rigidly-engineered geometric grading. (+)

The programming and design of naturalistic river valley landscaping should be designed to provide consideration for maintenance activities such as irrigation, weed control, tree trimming, shrub and plant pruning, and replacement and reseeding, which consideration should be equal to the consideration given to design. (o)

5. Incorporation of Water into Landscaped Setback. Drainage channels and/or wetlands are strongly encouraged in landscaped areas along Harmony Road and I-25 to further reinforce the distinct landscape setting. (o)

6. Landscaping Development: River Valley Character and Image. Landscaping shall be developed to express xeriscape principles and characteristics consistent with Section 3.2.1 (E)(3) and include plants native to the River Valley landscape. More lush plantings that requiring significant watering, such as flower beds and lawns, shall be limited to appropriate high-use areas. (+)

7. Mixed-Use Employment Activity Center Within the Landscape Setting.

A. Public Space Framework

Development of streets, buildings, parking lots and other site improvements will be arranged to form a unified mixed-use employment activity center. Within this center shall be a framework of streets and public spaces that provide for an attractive, cohesive and walkable area that reflects the unique site context.

A Framework of Streets. Street-like private drives, walkway spines and a trail corridor shall be established to form sites for buildings and parking lots with the emphasis on forming a distinct overall sense of place into which buildings and parking lots fit. (+)

On-Street Parking. On-street parking should be maximized on streets scaled and designed to reinforce the distinct pedestrian orientation of the Gateway Area. (o)

Trail Corridor. Development shall provide an area for a trail corridor, which may be located within and will be counted towards the area for landscape setbacks. The trail corridor should also create linkage with the Fossil Creek and Poudre River Trails to the south and north of the Gateway Area respectively. Alignment and design shall be determined in collaboration with the City (+) and maximize the user experience. (o)

Bus Transit. Accommodation should be provided for bus stops and routes linking the mixed-use employment center to transit service on Harmony Road. Final transit stops and route configuration is subject to the review and approval of TransFort. (o)

B. Permitted Uses

*All individual uses permitted in the Harmony Corridor (HC) Zone District shall be permitted in the Gateway Area subject to the following minimum and maximum Secondary Use limitations. (+) The use percentages shall be measured using gross site area on land located within the Gateway Area as set forth in any development plan. The following use limitations and requirements shall be referred to collectively as the "**Land Use Limitation.**"*

Retail/Commercial Limitation. Retail and commercial uses shall not exceed 50% of development. (+)

Minimum Employment Use Requirement. Office, light industrial, and non-retail employment uses shall occupy at least 25% of development. (+)

Minimum Residential Use Requirement. Residential uses shall occupy at least 25% of development. (+)

Minimum Naturalistic Landscaped Area Requirement. Coverage of streets, buildings, and parking lots is limited to 60% of the site area on the south side of Harmony Road. The remaining 40% shall be retained as an open, landscaped area with naturalistic plantings. The following areas shall be counted in fulfillment of the minimum 40% requirement:

- Landscaped setbacks from I-25 and Harmony Road
- Designated floodways
- Delineated natural habitat or features
- Stormwater detention areas
- Trail Corridor
- Other landscaped areas with minimum dimensions of 10,000 square feet and 30-foot width at any location.

(+)

Civic Uses Effect on Calculations. Civic uses such as parks and recreation space, cultural facilities, community facilities, a trail corridor, and other public uses are not subject to the Harmony Corridor land use limitations. Such uses, if developed, may be applied toward the minimum employment or residential use requirements at the election of the Applicant. (+)

Additional uses shall be permitted: Artisan and photography studios and galleries; Limited and Unlimited indoor and outdoor recreation facilities; Dog day-care facilities; Grocery stores; Supermarkets; Exhibit halls; Funeral homes; Parking lots and garages; Small scale reception centers; Large Retail Establishments subject to individual and collective size limitations set forth below; Gasoline stations; Entertainment facilities and theaters; Day Shelters; and open air farmers' markets. (+)

Large Retail Establishment Size Limitations. No individual Large Retail Establishment may exceed 100,000 square foot footprint. (+)

Total floor area of large retail establishments (more than 25,000 square feet) in the gateway area shall not exceed 250,000 square feet. (+)

Large retail establishment shall mean a retail establishment in a single building occupying more than twenty-five thousand (25,000) gross square feet of floor area. Movie Theaters, recreational, entertainment and indoor recreational uses, and similar shall not be classified as large retail establishments and shall not count towards this limitation. (+)

Large Retail Establishment Exceptions. In instances where a large retail establishment (more than 25,000 SF) is developed as part of a vertical mixed-use building, it shall not count towards the Large Retail Establishment Floor Area Limitations. (+)

Mixed Use Dwellings. Mixed use dwellings are encouraged to add vitality and charm to the sense of place, add interest to the buildings, and reveal and capitalize on specialized residential products uncommon in suburban markets. (o)

C. Buildings

Building Grouping and Orientation – Public Space Framework. Buildings and their entrances should be brought together along the overall public space framework. Each building should contribute to and reinforce the overall goal of creating a walkable destination with a primary orientation to the overall framework and other buildings nearby; and orientation to individual parking lots secondary. (o)

Buildings should offer attractive pedestrian-scale features and outdoor spaces to complement the streetscape. (o)

Maximum Height. 5 stories for commercial and mixed-use buildings and 3 stories for residential buildings, with an exception provided for 6 story mixed-used buildings if structured parking is integrated into the mixed-use building. (+)

Building Character. The architectural program for the Gateway Area shall emphasize high-quality building materials providing visual interest for pedestrians and that complement the colors and textures of the Poudre River Corridor (e.g., natural or cultured stone, brick, textured concrete masonry units with architectural finishes, stucco, high quality precast and prestressed architectural concrete, architectural metals, glass, timbers); and architectural lighting. (+)

D. Signs

Commercial Signs. Signs should be designed and oriented to reduce visual clutter along I-25 and Harmony Road. (o)

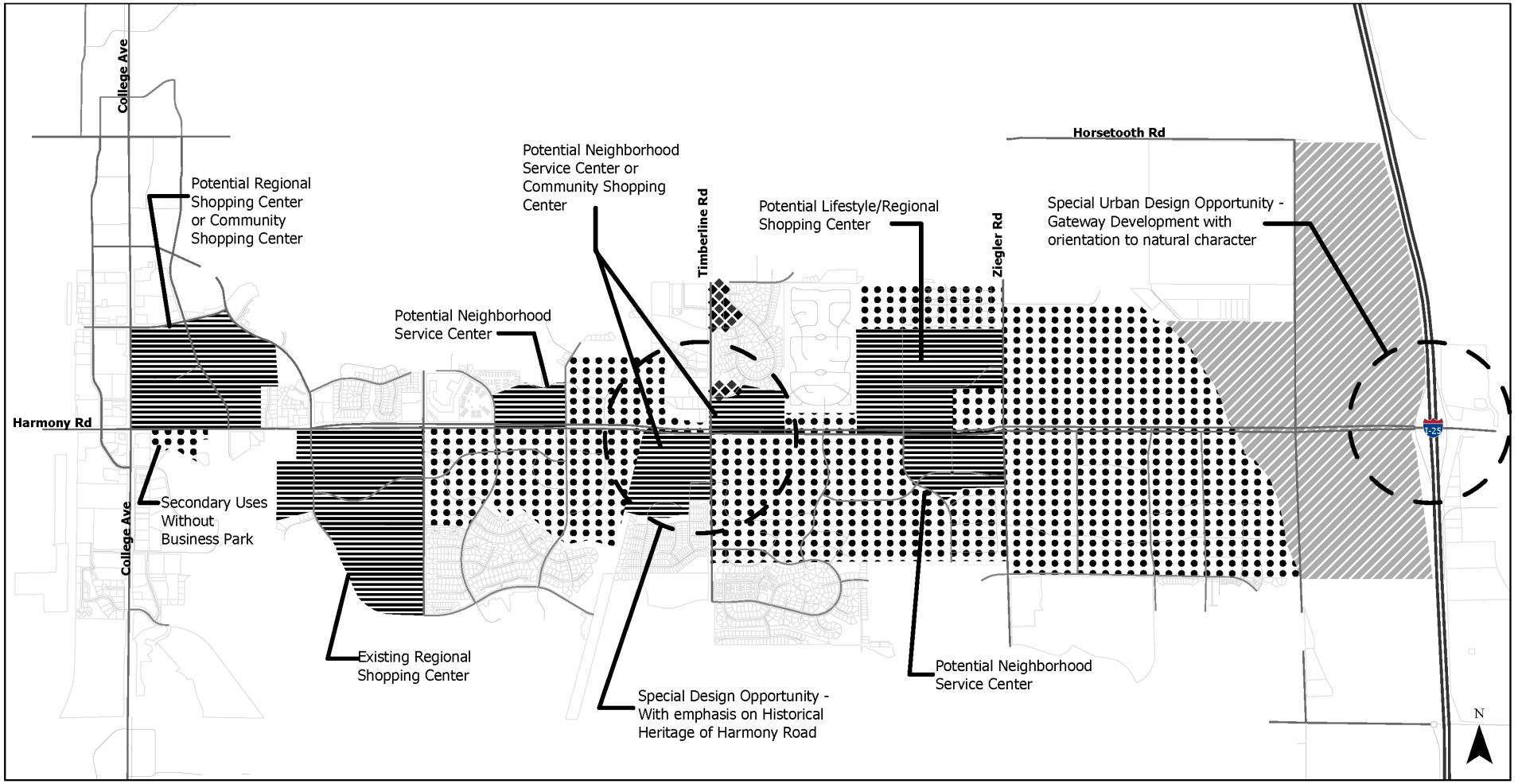
Wall signs should be designed as an integral element of the architecture, with the sign shape and materials complementing the architectural style and features. (o)

Internally illuminated signs should not create glare that would distract motorists or pedestrians, nor should the degree of illumination contribute to night sky light pollution. (o)

Two types of signs are prohibited within the Harmony Gateway:

1. Off-premise advertising (billboards); and

2. Electronic Message Center (EMC) signs (+)



LAND USE PLAN

VII. APPENDIX A – SHOPPING CENTER DEFINITIONS

The following standards and guidelines are intended to be used in the definition of proposed shopping centers and shall substitute for and otherwise replace and supersede any conflicting definitions contained in the City Code. **These definitions apply only to shopping centers located in the Harmony Corridor.**

HARMONY CORRIDOR NEIGHBORHOOD SERVICE CENTER

General Definition:

A shopping center located in a complex which is planned and developed as a unit, and located within and intended to primarily serve the consumer demands of residents and employees who live and work in adjacent and surrounding neighborhoods. Typically, a neighborhood service center shall contain a grocery store or supermarket.

Permitted Uses:

- The principal uses shall be limited to grocery stores, supermarkets, personal services, business services, gasoline service stations, drug stores, standard or fast food restaurants, liquor and wine sales, clothing and accessory shops, equipment rental (not including outdoor storage), hardware stores, video stores, and uses of similar character as determined by the Planning and Zoning Commission. Secondary uses shall be limited to professional offices, banks and financial institutions, multi-family dwellings, small animal veterinary clinics, libraries, youth centers, child care centers, health services, and uses of similar character as determined by the Planning and Zoning Commission. (+)

- The hours of operation of the center shall be between 5:00 a.m. and 12:00 a.m. Extended hours may be permitted by the Planning and Zoning Commission if evidence is submitted by the applicant to demonstrate that the extended hours will not create an unreasonable disruption or intrusion upon the adjacent residential neighborhood due to exterior lighting, noise and automobile traffic. (+)

Scale:

A neighborhood service center shall be situated on seven (7) to twenty (20) acres. (+)

- » Generally, a neighborhood service center should occur on 10-15 acres. A center may be larger than 15 acres if necessary to allow for the siting of secondary uses that would help to create an effective transition from the adjacent residential neighborhood. (o)

A neighborhood service center shall contain at least six (6) independent business establishments with separate public entrances. (+)

- A neighborhood service center continues the City's tradition of having a small neighborhood shops supplementing a grocery store or supermarket. One building offering several different services or goods is not considered a neighborhood service center. (o)

- A neighborhood service center shall contain 50,000 to 120,000 square feet of gross floor area. A neighborhood service center may contain an additional 10,000 square feet of gross floor area of secondary uses (for a total of not more than 130,000 square feet of gross floor area) if necessary for the purpose of providing an effective land use transition from the adjacent residential neighborhood. (+)

  » The scale of a neighborhood service center should be compatible with its immediate and surrounding neighborhood. The placement of secondary uses should create an effective land use transition between the more intensive retail uses in the neighborhood service center and adjacent residential uses. (o)

- No retail establishment occupying more than 25,000 square feet of gross floor area shall be permitted, except a supermarket shall be permitted that does not exceed 49,000 square feet of gross floor area. (+)

Character:

- Neighborhood streets, or sidewalks and bike paths shall lead into and through the neighborhood service center, so that people who live or work nearby can conveniently use the neighborhood service center. The neighborhood service center shall contain a transit stop with convenient and comfortable access to the uses in the neighborhood service center. (+)

  » The appearance and function of the neighborhood service center shall be effectively integrated with the surrounding neighborhoods, not segregated with them. (+)

  » A neighborhood service center should look and function as a "social and identity" center for the neighborhood. Its buildings should create pleasant and readily identifiable outdoor spaces, such as a plaza and/or major walkway, where people can meet, rest or wait. (o)

  » Careful design and placement of buildings and uses in a Neighborhood Service Center can create an effective transition from the rest of the neighborhood. The negative effects of large buildings, noise, traffic, and exhaust should be contained within the Neighborhood Service Center. (o)

HARMONY CORRIDOR COMMUNITY SHOPPING CENTER

General Definition:

A shopping and service center located in a complex that is planned and developed as a unit, and intended to serve consumer demands from residents and employees who live and work in surrounding neighborhoods as well as the community as a whole. A community shopping

center provides, in addition to the convenience goods of a neighborhood service center, a wider range of facilities for the sale of goods, such as (but not limited to) food, books, apparel and furniture. Multi-family residential, as well as non-retail employment generating uses (such as professional offices) may be located amongst the retail component of the center.

Permitted Uses:

- The permitted uses shall be limited to those listed for neighborhood service centers, as well as discount department stores, department stores, cinemas, showroom/catalog stores, libraries, and uses of similar character as determined by the Planning and Zoning Commission. (+)

Scale:

- A community shopping center shall be situated on thirteen (13) to thirty (30) acres. (+)
- A community shopping center shall contain at least ten (10) independent business establishments with separate public entrances. (+)

  » A community shopping center continues the City's tradition of having small and medium-size shops supplementing the principal tenant(s). (o)

- A community shopping center shall contain 117,500 to 250,000 square feet of gross floor area devoted to retail, service and commercial uses, of which the gross floor area of each principal tenant(s), if any, shall not exceed 80,000 square feet. (+)

  » The scale of the community shopping center should be compatible with its immediate and surrounding neighborhood, while allowing adequate space for needed goods and services. (o)

Character:

- Local streets (or driveway entrances), or sidewalks and bike paths shall lead into and through the community shopping center so that people who live and work in the surrounding neighborhoods can avoid using arterial streets to gain access to the Center. A community shopping center shall contain a transit stop. (+)

  » The buildings in a community shopping center should create pleasant and convenient outdoor spaces including streets, parking lots, sidewalks, plazas, and drop-off areas that facilitate pedestrian transit use. (o)

  » A community shopping center should contain outdoor space, and possibly other facilities, which can serve as a focal point for neighborhood and community activities. Public and semi-public places may serve this role by providing meeting places, recreation opportunities, and lunch time picnic spots essential to the vitality of the community shopping center. (o)

» The primary access for non-neighborhood traffic should be from an arterial or non-residential collector street system. (o)

» Careful design and placement of buildings and uses can create an effective transition into a community shopping center with lower intensity uses, open space, landscaping, fencing, etc. used to achieve compatibility with adjacent single family neighborhoods. The negative effects of large buildings, noise, traffic, and exhaust should be contained within the community shopping center. (o)

HARMONY CORRIDOR REGIONAL SHOPPING CENTER

General Definition:

A shopping and service center located in a complex that is planned and developed as a unit, and intended to serve consumer demands from the community and region. The regional shopping center contains a wide selection of general merchandise, apparel, and home furnishings, as well as a variety of services and recreational facilities. Generally, one or two anchor stores are the principal tenants in a regional shopping center. But the presence of an anchor tenant is not required. Multi-family residential as well as non-retail employment generating uses (such as professional offices), may be located amongst the retail component of the regional shopping center.

Permitted Uses:

- The permitted uses shall be limited to retail, service, general merchandise, apparel, home furnishings, supermarkets, full-line department stores, discount department stores, drugstores, warehouse clubs, cinemas, showroom/catalog stores, professional offices, post offices, libraries, residential and uses of similar character as determined by the Planning and Zoning Commission. (+)

Scale:

- A regional shopping center shall be situated on thirty (30) to one hundred (100) acres. (+)
- A regional shopping center shall contain at least fifteen (15) independent business establishments with separate public entrances. (+)
- A regional shopping center should continue the City's tradition of having small and medium-sized shops supplementing the principal tenant(s). (o)
- A regional shopping center shall contain at least 250,000 square feet of gross floor area. (+)

Character:

- Local streets (or driveway entrances), sidewalks and bike paths shall lead into and through the regional shopping center so that people who live and work in the surrounding neighborhoods can avoid using arterial streets to gain access to the Center. A regional shopping center shall contain an on-site transit stop or, if necessary in the judgment of the Planning and Zoning Commission, a larger transfer facility. (+)

  » The configuration of buildings should balance the needs of pedestrians, bicyclist, transit users and motorists. The primary focus should be vehicular access from arterial and non-residential collector streets. (o)

» A regional shopping center should be buffered from neighboring lower intensity land uses (especially residential uses) by careful site and architectural design and placement of uses. Neighboring residential uses should be buffered from negative effects of noise, traffic, light, and exhaust. A transition of lower intensity uses or open space should be present between a regional shopping center and adjacent residential uses. (o)

» A regional shopping center should contain facilities and outdoor spaces that can serve as a focal point for neighborhood and community activities. Public and semi-public uses may serve this role by providing meeting places, recreation opportunities, and lunch time picnic spots essential to the vitality of a regional shopping center. (o)

LIFESTYLE SHOPPING CENTER

General Definition

Lifestyle Shopping Center (hereafter sometimes referred to as a "Center") shall mean a shopping center which is planned and developed as a unit, and intended to serve consumer demands from the community as a whole and the region, with the primary offering consisting of a mix of specialty retail stores.

The unique and high-quality site and building design of a Lifestyle Shopping Center sets it apart from community shopping centers, outlet centers, power centers, and many other regional shopping centers. Buildings and their entrances are brought together along a sidewalk network in an open air setting, and the Center includes a central gathering place for sitting outdoors, meeting, gathering, and neighborhood and community activities.

As understood and defined by the commercial real estate industry, [1] a "Lifestyle Shopping Center" is a relatively new format of shopping center that is not a typical regional shopping

[1]The definition of "Lifestyle Shopping Center" adopted in the Harmony Corridor Plan is purposefully based on, and tied to, the commercial real estate industry's usage and definition of the term (a.k.a. "Lifestyle Center"). Fort Collins intends to interpret and apply its definition in ways that do not significantly depart from the definition and usage of the term adopted by the International Council of Shopping Centers in 2002. In addition, terms of art unique to the commercial real estate industry used throughout these Lifestyle Shopping Center Provisions, such as "inline tenants," "community center," or "specialty retail," shall be interpreted by the City in

center (e.g., a regional mall) or community shopping center. Consistent with the majority of the Lifestyle Shopping Centers built in the United States by year-end 2002, a Harmony Corridor Lifestyle Shopping Center shall have the following defining characteristics:

Permitted Uses, Number of Uses, and Mix of Uses:

Permitted Uses—General. Subject to the limitations stated in this section below, permitted uses shall be limited to retail stores, restaurants, grocery stores, entertainment facilities and theaters. (+)

Retail Stores and Restaurants. A Center shall contain at least two types of uses, those being retail stores and sit-down restaurants. (+)

Predominance and Mix of Retail Uses. Retail stores are predominate in the mix of uses. The predominate *type* of retail stores is specialty retailers such as apparel, home furnishings/accessories, books/music, bath/body, sporting goods, and grocery stores. (o)

The majority of retail stores shall be small or medium-size retail stores, each containing less than 20,000 square feet of gross floor area. The majority of these stores will be the kind of retail stores which are typical inline occupants in regional shopping centers and regional malls. (+)

A Center shall be permitted to have no more than nine larger stores, each containing between 20,000 and 50,000 square feet of gross floor area. (+)

A Center shall also be permitted to have no more than two department stores, each containing less than 110,000 square feet of ground floor gross floor area. (+)

Large Number of Retail Stores in a Center. The minimum number of individual retail store uses (with separate entrances) in a Center shall be twenty-five (25) stores. (+)

Restaurants. A Center shall include at least two full-service (sit-down) restaurants.[2] Limited service restaurants[3] may also be included in a Center's mix of occupants, as well as snack and

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a manner that is consistent with the common meaning and usage of the terms adopted by the industry. Because hybrids of lifestyle shopping centers are certain to emerge in the years after the effective date of this Plan amendment, Fort Collins intends that the term "Lifestyle Shopping Center," as applied in the Harmony Corridor, shall retain the industry's definition and understanding of the term as it existed in 2002. Pertinent industry sources and explanations of the term relied upon by Fort Collins in preparing this definition of "Lifestyle Shopping Center" include: "Lifestyle Centers: A Defining Moment," *ICSC Research Quarterly*, Vol. 8, No. 4 (Winter 2001-2002); "Lifestyle Centers Part II: The Shopper's Verdict," *ICSC Research Quarterly*, Vol. 9, No. 4 (Winter 2002-2003); and Gunter, Gregory R., "Lifestyle Centers," *Urban Land* (Urban Land Institute, Feb. 2002).

[2] A full-service restaurant, as defined by the National Restaurant Association, is an establishment that provides waiter or waitress service, and patrons pay after they eat.

[3] A limited-service restaurant, as defined by the National Restaurant Association, is an establishment that usually does not provide table service, patrons generally order at a cash register or select food items from a food bar, and pay before they eat.

nonalcoholic beverage bars such as coffee shops, ice cream/frozen custard/yogurt stores, cookie shops, bagel/doughnut shops, and similar uses. (+)

Mixed-Use Dwellings. Mixed-use dwellings shall be permitted in conjunction with the retail-based mix of uses in a Center. (+)

Other Complementary Uses Permitted As Part of a Center. In addition to the predominant retail-based mix of uses, a Center shall also be permitted to contain other subsidiary, complementary uses including offices, financial services, and clinics, civic or cultural facilities (e.g., a branch library or museum), health/beauty services (e.g., day spas and athletic clubs), and uses of similar character. (+)

Scale:

- A Lifestyle Shopping Center shall be situated on forty (40) to eighty-five (85) acres. (+)
- A Lifestyle Center shall contain 200,000 to 800,000 square feet of gross floor area. (+)

ADOPTING ORDINANCES AND RESOLUTIONS

- Resolution PZ 91-5 of the Planning and Zoning Commission of the City of Fort Collins recommending to the City Council the adoption of the Harmony Corridor Design Standards and Guidelines.

- Ordinance No. 28, 1991 of the Council of the City of Fort Collins adopting the Harmony Corridor Design Standards and Guidelines with amendments.

- Ordinance No. 187, 1994 of the Council of the City of Fort Collins amending the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.

- Ordinance No. 29, 1995 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.

- Ordinance No. 103, 2003 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.

- Ordinance No. 011, 2006 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.

- Ordinance No. 044, 2020 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.

- Ordinance No. XXX, 2025 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.

The full text of these resolutions and ordinances are available for inspection in the City Clerk's office.

File Attachments for Item:

3. Second Reading of Ordinance No. 188, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, requests an appropriation of $23,412.80 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Emily Land, Director of Philanthropy & Strategic Partnerships

SUBJECT

Second Reading of Ordinance No. 188, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 18, 2025, requests an appropriation of $23,412.80 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

The City received several individual philanthropic donations in 2025 totaling $23,412.80 to support various departments, and these funds are currently unappropriated. Both Section 2.5 of the City's Financial Management Policy 2 – Revenue, as approved by City Council, and the Administrative Philanthropic Governance Policy 6.04, adopted by the City Manager, (together the "City Give Policies"), provide the bases and processes for the responsible and efficient management of charitable donations to the City.

Gifts totaling $23,412.80 have been received for various programs. These gifts include: $3,000.00 from Connexion as a sponsor and in support of Open Streets, $1,000 from Morning Fresh Dairy in support of Kids in the Park, $7,020.25 from the Tom Van Horn Memorial Fund (NoCo Foundation) to benefit Northside Aztlan Center, $1,307.55 from the Inspiration Playground and Adaptive Recreation Endowment to benefit Inspiration Playground, $10,000.00 from Elevations Credit Union in support of The Urban Design Awards, $500.00 from GCSAA to support First Tee Golf program, and $585.00 from individual donors to benefit the Youth Golf Scholarship Fund.

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate in the current fiscal year into the Funds as detailed in the table below in new philanthropic revenue received by City Give in the amount of $23,412.80 and authorize expenditures against those revenues for the purposes and in the amounts as directed by donors to support various City departments to support a range of programs and services.

Fund	Amount	Donor	Recipient Program & Campaign	Lapsing or Non-Lapsing
Transportation Fund	$3,000.00	Connexion	Open Streets Sponsorship	Lapsing
General Fund	$1,307.55	NoCo Foundation: Inspiration Playground & Adaptive Recreation Fund	Inspiration Playground	Lapsing
General Fund	$10,000.00	Elevations Credit Union	Urban Design Awards Sponsorship	Lapsing
Recreation Fund	$1,000.00	Morning Fresh Dairy Farm	Kids in The Park Sponsorship	Lapsing
Recreation Fund	$7,020.25	Noco Foundation: Tom Van Horn Mem. Fund	Aztlan Center	Lapsing
Golf Fund	$585.00	Collins Cup Collective Donors	Youth Golf Scholarship	Non-Lapsing
Golf Fund	$500.00	GCSAA	First Tee Program	Lapsing

The donations will be spent from the designated fund solely for the donors' intended purpose. The funds have been received and accepted according to City Give Policies.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in November 18, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/

1. Ordinance No. 188, 2025

ORDINANCE NO. 188, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED PHILANTHROPIC
REVENUE RECEIVED THROUGH CITY GIVE AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS

A. The City has received generous donations in 2025 through its City Give program, both large and modest, as philanthropic gifts to the public and the City programs and activities to serve the community.

B. The appropriation of these funds benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting programs or capital expenses throughout the City, including, but not limited to, urban design, community building, transit, golf, parks, and recreation.

C. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

D. The City Manager has recommended the appropriations described in Section 1 of this Ordinance and determined that the amount of each of these appropriations are available and previously unappropriated from the respective funds named in Section 1 and will not cause the total amount appropriated in each such fund to exceed the current estimate of actual and anticipated revenues to be received in those funds during this fiscal year.

E. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds, a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

F. City Council wishes to designate $585 of the appropriation herein for the donation to the Golf Fund as appropriations that shall not lapse until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2025 to be expended as designated by the donors in

support of the various City programs and services as described in the Agenda Item Summary.

Transportation Fund	$3,000.00
General Fund	$11,307.55
Recreation Fund	$8,020.25
Golf Fund	$1,085.00

Section 2. The appropriation of $585 herein for the donation to the Golf Fund is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

4. Second Reading of Ordinance No. 189, 2025, Adopting the 2026 Budget and Appropriating the Fort Collins Share of the 2026 Fiscal Year Operating and Capital Improvement Funds for the Northern Colorado Regional Airport.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, adopts the 2026 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2026 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

John S. Kinney, Airport Director

SUBJECT

Second Reading of Ordinance No. 189, 2025, Adopting the 2026 Budget and Appropriating the Fort Collins Share of the 2026 Fiscal Year Operating and Capital Improvement Funds for the Northern Colorado Regional Airport.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 18, 2025, adopts the 2026 budget for the Northern Colorado Regional Airport and appropriate Fort Collins' share of the 2026 fiscal year operating and capital funds for the Airport. Under the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport between Fort Collins and Loveland (the "IGA"), the Airport is operated as a joint venture with each City owning 50% of the assets and revenues and responsible for 50% of the operating and capital costs. The proposed budget does not include any financial contributions from the City's General Fund. Because each City has an ownership interest in 50% of the Airport revenues, each City must appropriate its 50% share of the annual operating and capital budget for the Airport under the IGA.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

In 1963, the City of Fort Collins and the City of Loveland agreed to the establishment of a regional aviation facility and became owners and operators of the Northern Colorado Regional Airport, located ten miles southeast of downtown Fort Collins, just west of Interstate 25. The Airport is operated as a joint venture between the City of Fort Collins and the City of Loveland, with each city retaining a 50% ownership interest, sharing equally in policymaking and management, and with each assuming responsibility for 50% of the capital and operating costs associated with the Airport. Airport governance and management is set forth in the IGA.

The Airport's mission is: Serving the region, we are a catalyst for innovation in all modes of transportation, a driving force for innovation in business and training, and a global gateway to a magnificent Colorado. According to a 2020 State of Colorado study, the Northern Colorado Airport provides a regional economic impact of approximately $295.97 million annually and supports 1,072 area jobs.

All revenues derived from the Airport are applied to both operating and capital expenditures. Each City contributes equal funding, when necessary, for Airport operating and capital needs as defined in the IGA. External funding is also received through grants that are applied for and received by the Airport for eligible

projects from the Federal Aviation Administration and the Colorado Department of Transportation Division of Aeronautics.

This Ordinance appropriates $1,113,248, which is the City's 50% share of the 2026 Airport operating budget. That full amount of $2,226,496 was approved by the Northern Colorado Regional Airport Commission in May 2025 and by the City of Loveland in October 2025. The Airport's operating budget is used to maintain and operate the facility in compliance with all regulatory standards for safety and security and to achieve goals set by the Northern Colorado Regional Airport Commission on behalf of the Cities.

The Airport's capital budget will be used to complete improvement projects, including the environmental analysis of a permanent air traffic control facility, and construction of the Runway 15-33 widening project to begin in the spring of 2026. Due to pending grant awards, which would change the amount of the Airport's capital budget, staff will prepare a separate supplemental appropriation in 2026 for the consideration of the City Councils to adjust the total appropriation to reflect the final amount of grant funds. The Airport's capital appropriation for 2025 for the runway project does not lapse until the project is completed or the funds have fully been spent.

CITY FINANCIAL IMPACTS

There is no direct impact on City of Fort Collins General finances. The Airport operating budget is supported through Airport revenues and capital projects are funded by a combination of Airport revenues and federal and state grants. regular commission meeting.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Northern Colorado Regional Airport Commission recommended adoption of the 2026 budget at their June 16, 2025, meeting. The City of Loveland passed the appropriated the other 50% of the Airport budget on October 21, 2025, by Ordinance No. 6759.

PUBLIC OUTREACH

The 2026 Airport budget was considered at the May 15, 2025, Airport Commission meeting and the October 7, 2025, and October 21, 2025, Loveland City Council Meetings.

ATTACHMENTS

First Reading attachments available in November 18, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/

1. Ordinance No. 189, 2025

ORDINANCE NO. 189, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE 2026 BUDGET AND APPROPRIATING THE FORT COLLINS SHARE OF THE 2026 FISCAL YEAR OPERATING AND CAPITAL IMPROVEMENT FUNDS FOR THE NORTHERN COLORADO REGIONAL AIRPORT

A. In 1963, the City of Fort Collins and the City of Loveland (the "Cities") agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport").

B. The Airport is operated as a joint venture between the Cities, with each city retaining 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport's capital and operating costs.

C. Pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport dated June 7, 2016, (collectively, the "IGA"), the Airport Manager is responsible for preparing the Airport's annual operating budget and submitting it to the Cities for their approval.

D. Under the IGA, the City's share of existing and unanticipated Airport revenue is to be held and disbursed by the City of Loveland as an agent on behalf of the Cities, since the City of Loveland provides finance and accounting services for the Airport.

E. The Airport Manager has submitted for City Council consideration a 2026 Airport operating budget totaling $2,226,496 of which the City's 50% share is $1,113,248.

F. Pursuant to the IGA, the City of Loveland holds on behalf of both Cities the revenues of, and other financial contributions to, the Airport in a fund, which includes unappropriated and unencumbered reserves (the "Airport Fund").

G. Funding for the Airport's 2026 operating budget has been identified as follows:

Airport Revenues	$2,217,263
Airport Reserves	9,233
Total	**$2,226,496**

H. The City's 50% share of the 2026 Airport operating costs, to be held in the Airport Fund, is $1,113,248.

I. The Airport Reserves item is an appropriation for use by the Northern Colorado Regional Airport Commission for discretionary Airport projects.

J. City Finance staff has reviewed the financial statements for the Airport and determined that the requested appropriation of Airport Reserves in the 2026 Airport Budget meets the required limits set forth in the IGA.

K. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of enhancing transportation and economic welfare of the City and its residents.

L. This appropriation will not require additional funding from the Cities and is consistent with the IGA.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS, as follows:

Section 1. The City Council hereby approves and adopts the 2026 Airport operating budget totaling $2,226,496, a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

Section 2. The City Council hereby appropriates in the Airport Fund $1,113,248 to be expended to defray the City's 50% share of the 2026 operating costs of the Airport.

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: Exhibit A – 2026 Northern Colorado Regional Airport Budget

2026 Northern Colorado Regional Airport Budget

	2024 ACTUAL	2025 ADOPTED	2025 REVISED	2026 ADOPTED		
	2024	2025	2025	FY2026	Prior Year Change $	Prior Year Change %
Revenues by Division						
Non-Departmental	$12,728,133	$16,376,736	$20,369,400	$2,217,263	-$14,159,473	-86%
Airport	$0	$250,000	$250,000	–	-$250,000	-100%
REVENUES BY DIVISION TOTAL	**$12,728,133**	**$16,626,736**	**$20,619,400**	**$2,217,263**	**-$14,409,473**	**-87%**
Revenues by Class						
Gain/Loss On Assets	$2,905	–	–	–	$0	–
Interest Income	$217,699	$51,450	$51,450	$51,450	$0	0%
Intergovern	$10,372,697	$14,439,240	$18,431,904	–	-$14,439,240	-100%
Lease Revenue	$433,666	–	–	–	$0	–
Miscellaneous	$97,137	$55,230	$55,230	$87,230	$32,000	58%
Operating Revenues	$1,604,030	$2,080,816	$2,080,816	$2,078,583	-$2,233	0%
REVENUES BY CLASS TOTAL	**$12,728,133**	**$16,626,736**	**$20,619,400**	**$2,217,263**	**-$14,409,473**	**-87%**
Expenses by Division						
Non-Departmental	$2,094	–	–	–	$0	–
Airport	$20,702,744	$20,433,497	$21,075,897	$2,226,496	-$18,207,001	-89%
EXPENSES BY DIVISION TOTAL	**$20,704,838**	**$20,433,497**	**$21,075,897**	**$2,226,496**	**-$18,207,001**	**-89%**
Expenses by Class						
Personal Services	$802,685	$1,231,592	$1,231,592	$1,134,386	-$97,206	-8%
Capital Outlay	$18,386,656	$18,121,404	$18,181,904	$170,000	-$17,951,404	-99%
Supplies	$111,783	$129,729	$129,729	$151,903	$22,174	17%
Purchased Services	$1,380,264	$924,322	$1,506,222	$770,207	-$154,115	-17%
Cost Allocations	$23,450	$26,450	$26,450	–	-$26,450	-100%
EXPENSES BY CLASS TOTAL	**$20,704,838**	**$20,433,497**	**$21,075,897**	**$2,226,496**	**-$18,207,001**	**-89%**
Exp. by Operating vs. Capital						
Operating Expenses	$20,704,838	$20,433,497	$21,075,897	$2,226,496	-$18,207,001	-89%
EXP. BY OPERATING VS. CAPITAL TOTAL	**$20,704,838**	**$20,433,497**	**$21,075,897**	**$2,226,496**	**-$18,207,001**	**-89%**

File Attachments for Item:

5. Items Relating to Development Contributions to Transportation Capital Improvement Projects.

A. Second Reading of Ordinance No. 190, 2025, Appropriating Prior Year Reserves for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement Project and Related Art in Public Places.

B. Second Reading of Ordinance No. 191, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the East Prospect Road – Sharp Point to I-25 Project and Related Art in Public Places.

C. Second Reading of Ordinance No. 192, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Sharp Point Drive and March Court Pedestrian Intersection Improvement Project and Related Art in Public Places.

These Ordinances, unanimously adopted on First Reading on November 18, 2025, appropriate development contributions from The Standard at Fort Collins and Liberty Common Junior High School to the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement project (Project A), the East Prospect Road – Sharp Point to I-25 project (Project B), and the Sharp Point Drive and March Court Pedestrian Intersection Improvement project (Project C). If approved, this item will:

1) appropriate $20,000 received in 2018 from The Standard at Fort Collins as a development contribution to construction near Project A;

2) appropriate $200 (1%) of the development contribution to construction to the Art in Public Places (APP) program;

3) appropriate $6,237 received in 2025 from the Liberty Common Junior High School as a development contribution to construction near Project B;

4) appropriate $62 (1%) of the development contribution to construction to the APP program;

5) appropriate $7,500 in existing capital project funds in Project B to the APP program to correct an error in a previous appropriation in 2018;

6) appropriate $52,485 received in 2025 from the Liberty Commons Junior High School as a development contribution to construction near Project C; and

7) appropriate $525 (1%) of the development contribution to construction to the APP program.

Following First Reading, language has been updated in the Boards/Commission/Committee Recommendation section, shown in bold.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Dana Hornkohl, Capital Projects Manager

SUBJECT

Items Relating to Development Contributions to Transportation Capital Improvement Projects.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 190, 2025, Appropriating Prior Year Reserves for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement Project and Related Art in Public Places.

B. Second Reading of Ordinance No. 191, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the East Prospect Road – Sharp Point to I-25 Project and Related Art in Public Places.

C. Second Reading of Ordinance No. 192, 2025, Making a Supplemental Appropriation for a Development Contribution to Construction and Authorizing Transfers of Appropriations for the Sharp Point Drive and March Court Pedestrian Intersection Improvement Project and Related Art in Public Places.

These Ordinances, unanimously adopted on First Reading on November 18, 2025, appropriate development contributions from The Standard at Fort Collins and Liberty Common Junior High School to the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement project (Project A), the East Prospect Road – Sharp Point to I-25 project (Project B), and the Sharp Point Drive and March Court Pedestrian Intersection Improvement project (Project C). If approved, this item will:

1) appropriate $20,000 received in 2018 from The Standard at Fort Collins as a development contribution to construction near Project A;

2) appropriate $200 (1%) of the development contribution to construction to the Art in Public Places (APP) program;

3) appropriate $6,237 received in 2025 from the Liberty Common Junior High School as a development contribution to construction near Project B;

4) appropriate $62 (1%) of the development contribution to construction to the APP program;

5) appropriate $7,500 in existing capital project funds in Project B to the APP program to correct an error in a previous appropriation in 2018;

6) appropriate $52,485 received in 2025 from the Liberty Commons Junior High School as a development contribution to construction near Project C; and

7) appropriate $525 (1%) of the development contribution to construction to the APP program.

Following First Reading, language has been updated in the Boards/Commission/Committee Recommendation section, shown in bold.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Active Modes Plan recommends bicycle and pedestrian improvements at locations where they could reduce vehicular-pedestrian crashes. Vehicle-pedestrian crashes and vehicle-cyclist crashes are more likely to result in severe injuries or fatalities. FC Moves staff and Engineering staff evaluated five recommendations where improvements were likely to have a significant impact. The City successfully applied for Highway Safety Improvement Program (HSIP) grant funds to make improvements at these locations in 2022 and 2023. Projects A and C are two of these locations. Council appropriated the grant and local funding in September 2024. Design has begun at all five locations, and construction is anticipated in 2026.

East Prospect Road between Sharp Point and I-25 (Project B) is currently a two-lane arterial roadway. The Master Street Plan identifies this corridor to become a four-lane arterial roadway. Prospect Road west of Sharp Point Drive is a four-lane arterial roadway. The existing bridges over the Poudre River and Boxelder Creek have been widened in anticipation of Project B. The City participated in the replacement of the Prospect Road interchange at I-25 with the Colorado Department of Transportation. Project B would be the culmination of significant City investment over the past 20 years. The additional capacity would also relieve significant congestion and lengthen the lifespan of the parallel arterial corridors at Mulberry Street and Harmony Road. The City's goals to promote mode shift from single occupancy vehicles mean Project B will include active modes improvements for pedestrians and bicycle infrastructure. This corridor is currently being evaluated as a potential transit corridor that may connect to a future mobility hub. Council made an initial appropriation of funding to Project B in 2018. That appropriation should have included $20,000 for the APP program, but only $12,500 was appropriated at that time. This proposed action will transfer $7,500 in appropriated capital project funds to APP to fulfill the obligation. Design is currently at approximately 30% and holding to prioritize additional project elements.

CITY FINANCIAL IMPACTS

The development contribution to construction from The Standard at Fort Collins is allocated to the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement project (Project A). The development contributions to construction from the Liberty Common Junior High School are allocated to the East Prospect Road – Sharp Point to I-25 project (Project B), and the Sharp Point Drive and March Court Pedestrian Intersection Improvement project (Project C).

The following is a summary of the funding anticipated for the design, acquisition, and construction for Project A. The total fund amount for Project A is $483,051 composed of prior appropriated funds and funds appropriated with this action.

Prior Appropriated Funds West Prospect Road and Prospect Lane (Project A)		
Highway Safety Improvement Program (HSIP)	$	416,926
Community Capital Improvement Program - Bike/Pedestrian Grade Separated Crossing (CCIP-BII)	$	46,325
Total Prior Appropriation	**$**	**463,251**

Funds to be Appropriated West Prospect Road and Prospect Lane (Project A)		
Development Contribution (DC) - The Standard at Fort Collins, LLC	$	20,000
Art in Public Places - Art (APP-A)	$	(156)
Art in Public Places - Operations (APP-O)	$	(40)
Art in Public Places - Maintenance (APP-M)	$	(4)
Net Total Project Funds to be Appropriated	**$**	**19,800**

Total Capital Project Funds (Project A)	**$**	**483,051**

The following is a summary of the funding anticipated for the design and acquisition for Project B. The total fund amount for Project B is $1,986,175 composed of prior appropriated funds and funds appropriated with this action.

Prior Appropriated Funds East Prospect Road (Project B)		
Transportation Capital Expansion Fee (TCEF)	$	1,997,250
Transportation Services Fund (TSF)	$	2,750
Art in Public Places (APP)	$	(12,500)
Total Prior Appropriation	**$**	**1,987,500**

Funds to be Appropriated East Prospect Road (Project B)		
Development Contribution (DC) - LCS Building Corporation	$	6,237
Art in Public Places - Art (APP-A)	$	(49)
Art in Public Places - Operations (APP-O)	$	(12)
Art in Public Places - Maintenance (APP-M)	$	(1)
Art in Public Places (APP) - Correction for Previous Appropriation	$	(7,500)
Net Total Project Funds to be Appropriated	**$**	**(1,325)**

Total Capital Project Funds (Project B)	**$**	**1,986,175**

The following is a summary of the funding anticipated for the design and acquisition for Project C. The total fund amount for Project C is $221,960 composed of prior appropriated funds and funds appropriated with this action.

Prior Appropriated Funds Sharp Point Drive and March Court (Project C)		
Highway Safety Improvement Program (HSIP)	$	153,000
Community Capital Improvement Program - Bike/Pedestrian Grade Separated Crossing (CCIP-BII)	$	17,000
Total Prior Appropriation	**$**	**170,000**

Funds to be Appropriated Sharp Point Drive and March Court (Project C)		
Development Contribution (DC) - LCS Building Corporation	$	52,485
Art in Public Places - Art (APP-A)	$	(410)
Art in Public Places - Operations (APP-O)	$	(105)
Art in Public Places - Maintenance (APP-M)	$	(10)
Net Total Project Funds to be Appropriated	**$**	**51,960**

Total Capital Project Funds (Project C)		
Total Capital Project Funds (Project C)	**$**	**221,960**

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Pedestrian Intersection Improvement projects (West Prospect Road and Prospect Lane / Sharp Point Drive and March Court) were identified as part of the Active Modes Plan adopted by Council in December 2022. Council approved the initial appropriation of grant and local funds for these projects as part of Ordinance No. 132, 2024.

The East Prospect Road – Sharp Point to I-25 project is identified as part of the Master Street Plan adopted by Council on December 5, 2023. The project has not been separately presented to any board, commission, or committee at this time. **Staff anticipates that as the project moves forward, they will seek feedback from the Transportation Board, the Land Conservation Stewardship Board, and Council.** Council approved the initial appropriation of local funds for this project as part of the annual appropriation for 2019 included in Ordinance No. 133, 2018.

PUBLIC OUTREACH

The Pedestrian Intersection Improvement projects were presented at the 2025 Transportation Projects Fair on March 6, 2025. Staff will develop and implement a Public Engagement Plan for the three projects in conjunction with the Communications and Public Involvement Office.

ATTACHMENTS

First Reading attachments available in November 18, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 190, 2025
2. Ordinance No. 191, 2025
3. Ordinance No. 192, 2025

ORDINANCE NO. 190, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES FOR A DEVELOPMENT CONTRIBUTION TO CONSTRUCTION AND AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE WEST PROSPECT ROAD AND PROSPECT LANE PEDESTRIAN INTERSECTION IMPROVEMENT PROJECT AND RELATED ART IN PUBLIC PLACES

A. This Ordinance appropriates developer contribution funds to the West Prospect Road and Prospect Lane Pedestrian Intersection Improvement project (the "Project").

B. The Active Modes Plan recommends bicycle and pedestrian improvements at locations where they could reduce vehicular-pedestrian crashes. Vehicle-pedestrian crashes and vehicle-cyclist crashes are more likely to result in severe injuries or fatalities.

C. FC Moves staff and Engineering staff evaluated five recommendations where improvements were likely to have a significant impact. The City successfully applied in 2022 and 2023 for Highway Safety Improvement Program ("HSIP") grant funds to make improvements at these locations. The Project is one of these identified locations. City Council appropriated the HSIP grant and local funding in September 2024 (Ordinance No. 132, 2024). Design has begun at all five locations, and construction is anticipated in 2026.

D. A private development project, The Standard at Fort Collins, provided a development contribution according to the terms of its development agreement for pedestrian improvements on Prospect Road in the amount of $20,000 in 2018. These pedestrian improvements on Prospect Road will be constructed as part of the Project.

E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Transportation Improvements fund and that this appropriation will not cause the total amount appropriated in the Transportation Improvements fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

G. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds

are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

H. The City Manager recommended the transfer of $20,000 from The Standard at Fort Collins Development Contribution account in the Transportation Improvements fund to the Project capital account in the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

I. This Project involves construction estimated to cost more than $250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places (“APP”) program.

J. The Project cost of $20,000 has been used to calculate the contribution to the APP program.

K. The amount to be contributed in this Ordinance will be $200 of the development contribution in the Project.

L. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

M. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

N. The appropriations in this Ordinance benefit public health, safety and welfare of the residents and traveling public of Fort Collins and serve the public purpose of improving transportation infrastructure and safety within the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Transportation Improvements fund the sum of TWENTY THOUSAND DOLLARS ($20,000) to be expended in the Transportation Improvements fund for transfer to the Capital Projects fund for the Project and appropriated therein.

Section 2. The unexpended and unencumbered appropriated amount of ONE HUNDRED FIFTY-SIX DOLLARS ($156) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 3. The unexpended and unencumbered appropriated amount of FORTY DOLLARS ($40) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated therein for expenditure for the operation costs of the APP program.

Section 4. The unexpended and unencumbered appropriated amount of FOUR DOLLARS ($4) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated therein for expenditure for the maintenance costs of the APP program.

Section 5. The appropriation herein for the Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 12, 2025
Approving Attorney: Heather N. Jarvis

Exhibit: None

ORDINANCE NO. 191, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FOR A DEVELOPMENT CONTRIBUTION TO CONSTRUCTION AND AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE EAST PROSPECT ROAD – SHARP POINT TO I-25 PROJECT AND RELATED ART IN PUBLIC PLACES

A. This Ordinance appropriates developer contribution funds to the East Prospect Road – Sharp Point to I-25 project (the "Project").

B. East Prospect Road between Sharp Point and I-25 is currently a two-lane arterial roadway. The Master Street Plan identifies this corridor to become a four-lane arterial roadway.

C. Prospect Road west of Sharp Point Drive is a four-lane arterial roadway. The existing bridges over the Poudre River and Boxelder Creek have been widened in anticipation of the Project. The City participated in the replacement of the Prospect Road interchange at I-25 with the Colorado Department of Transportation. The Project would be the culmination of significant City investment over the past 20 years. The additional capacity would also relieve significant congestion and lengthen the lifespan of the parallel arterial corridors at Mulberry and Harmony.

D. The City's goal of promoting mode shifting away from single occupancy vehicles means the Project will include active modes improvements for pedestrians and bicycle infrastructure. Design is currently at approximately 30%, but Staff is holding off on further design to prioritize additional Project elements. This Prospect corridor is currently being evaluated as a potential transit corridor that may connect to a future mobility hub.

E. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

F. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Transportation Improvements fund and that this appropriation will not cause the total amount appropriated in the Transportation Improvements fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

G. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds

are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

H. The City Manager has recommended the transfer of $6,237 from the Liberty Common Junior High School development contribution account in the Transportation Improvements fund to the East Prospect Road – Sharp Point to I-25 Project capital account in the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

I. This Project involves construction estimated to cost more than $250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities fund for a contribution to the Art in Public Places (“APP”) program.

J. The Project cost of $6,237 has been used to calculate the contribution to the APP program from the development contribution.

K. City Council made an initial appropriation of funding to the Project in 2018 (as part of the annual appropriation for 2019 included in Ordinance No. 133, 2018). That appropriation should have included $20,000 for the APP program, but only $12,500 was appropriated at that time. This Ordinance will transfer $7,500 in appropriated capital project funds to APP to fulfill the obligation.

L. The APP amount to be contributed in this Ordinance will be $62 of the development contribution and $7,500 in existing capital project funds in the East Prospect Road – Sharp Point to I-25 Project.

M. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

N. The City Council wishes to designate the appropriation herein for the East Prospect Road – Sharp Point to I-25 Project as an appropriation that shall not lapse until the completion of the project.

O. The appropriations in this Ordinance benefit public health, safety and welfare of the residents and traveling public of Fort Collins and serve the public purpose of improving transportation infrastructure and safety within the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Liberty Common Junior High School Development Contribution account in the Transportation Improvements fund the sum of SIX THOUSAND TWO HUNDRED THIRTY-SEVEN ($6,237) to be expended in the Transportation Improvements fund for transfer to the Capital Projects fund for the East Prospect Road – Sharp Point to I-25 Project.

Section 2. The unexpended and unencumbered appropriated amount of FIVE THOUSAND EIGHT HUNDRED NINETY-NINE DOLLARS ($5,899) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 3. The unexpended and unencumbered appropriated amount of ONE THOUSAND FIVE HUNDRED TWELVE DOLLARS ($1,512) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated therein for expenditure for the operation costs of the APP program.

Section 4. The unexpended and unencumbered appropriated amount of ONE HUNDRED FIFTY-ONE DOLLARS ($151) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated therein for expenditure for the maintenance costs of the APP program.

Section 5. The appropriation herein for the East Prospect Road – Sharp Point to I-25 Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: December 12, 2025
Approving Attorney: Heather N. Jarvis

Exhibit: None

ORDINANCE NO. 192, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FOR A DEVELOPMENT CONTRIBUTION TO CONSTRUCTION AND AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE SHARP POINT DRIVE AND MARCH COURT PEDESTRIAN INTERSECTION IMPROVEMENT PROJECT AND RELATED ART IN PUBLIC PLACES

A. This Ordinance appropriates developer contribution funds to the Sharp Point Drive and March Court Pedestrian Intersection Improvement project (the "Project").

B. The Active Modes Plan recommends bicycle and pedestrian improvements at locations where they could reduce vehicular-pedestrian crashes. Vehicle-pedestrian crashes and vehicle-cyclist crashes are more likely to result in severe injuries or fatalities.

C. FC Moves staff and Engineering staff evaluated five recommendations where improvements were likely to have a significant impact. The City successfully applied in 2022 and 2023 for Highway Safety Improvement Program ("HSIP") grant funds to make improvements at these locations. The Project is one of these identified locations. City Council appropriated the HSIP grant and local funding in September 2024 (Ordinance No. 132, 2024). Design has begun at all five locations, and construction is anticipated in 2026.

D. A private development project, Liberty Common Junior High School, provided a development contribution in 2025 according to the terms of its development agreement for pedestrian improvements at Sharp Point Drive in the amount of $52,485. These pedestrian improvements will be constructed as part of the Project.

E. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

F. The City Manager recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Transportation Improvements fund and that this appropriation will not cause the total amount appropriated in the Transportation Improvements fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

G. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds

are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

H. The City Manager recommended the transfer of $52,485 from the Liberty Common Junior High School development contribution account in the Transportation Improvements fund to the Project capital account in the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

I. This Project involves construction estimated to cost more than $250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities Fund for a contribution to the Art in Public Places (“APP”) program.

J. The Project cost of $52,485 has been used to calculate the contribution to the APP program.

K. The amount to be contributed in this Ordinance will be $525 of the development contribution in the Project.

L. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

M. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

N. The appropriations in this Ordinance benefit public health, safety and welfare of the residents and traveling public of Fort Collins and serve the public purpose of improving transportation infrastructure and safety within the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Liberty Common Junior High School Development Contribution account in the Transportation Improvements fund the sum of FIFTY-TWO THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS ($52,485) to be expended in the Transportation Improvements fund for transfer to the Capital Projects fund for the Project.

Section 2. The unexpended and unencumbered appropriated amount of FOUR HUNDRED TEN DOLLARS ($410) in the Capital Projects fund is hereby authorized for

transfer to the Cultural Services and Facilities fund and appropriated therein to fund art projects under the APP program.

Section 3. The unexpended and unencumbered appropriated amount of ONE HUNDRED FIVE DOLLARS ($105) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated therein for expenditure for the operation costs of the APP program.

Section 4. The unexpended and unencumbered appropriated amount of TEN DOLLARS ($10) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated therein for expenditure for the maintenance costs of the APP program.

Section 5. The appropriation herein for the Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: December 12, 2025
Approving Attorney: Heather N. Jarvis

Exhibit: None

File Attachments for Item:

6. Second Reading of Ordinance No. 193, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations of Keep Fort Collins Great Fund Residual Balance.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, transfers the residual fund balance of The Keep Fort Collins Great (KFCG) Fund. The KFCG Fund was created to receive the proceeds of a 0.85% voter approved sales tax that was collected from 2011 – 2020. As of October 2025, there is a residual balance in the fund of $193,938. As the fund has completed operations, it is prudent fiscal management to close the fund, which requires a transfer of the residual fund balance.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Trevor Nash, Senior Accounting Manager

SUBJECT

Second Reading of Ordinance No. 193, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations of Keep Fort Collins Great Fund Residual Balance.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 18, 2025, transfers the residual fund balance of The Keep Fort Collins Great (KFCG) Fund. The KFCG Fund was created to receive the proceeds of a 0.85% voter approved sales tax that was collected from 2011 – 2020. As of October 2025, there is a residual balance in the fund of $193,938. As the fund has completed operations, it is prudent fiscal management to close the fund, which requires a transfer of the residual fund balance.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Between 2011 and 2020, the Keep Fort Collins Great (KFCG) voter approved sales tax brought more than $255 million in sales and use tax revenues to the City. Proceeds from the tax were spread between six different purposes in the ballot language: street maintenance and repair (33%), other street and transportation needs (17%), police services (17%), fire protection and other emergency services (11%), parks maintenance and recreation services (11%), and community priorities other than those listed above, as determined by Council (11%).

The tax proceeds were appropriated and spent according to standard budget procedures at the City. At this point the proceeds have been nearly fully expended, with a residual balance representing 0.08% of total collections remaining in the fund.

Financial activity within the KFCG Fund has effectively concluded. The funds are no longer being budgeted for the purposes identified in the KFCG ballot language, and there has not been significant transaction activity in the fund for close to two years. The KFCG Fund is, for all purposes, a dormant fund. It is considered an industry best practice to close unused funds to prevent inadvertent usage, clean up required reporting, and provide clarity on financial activity.

Staff in the Accounting and Budget departments of Financial Services have reviewed close-out options for the KFCG Fund and recommend to Council that the most efficient way to close the KFCG fund is to transfer the remaining balance of $193,938 to other funds within the City that align with the purposes of the KFCG,

as approved by voters 2010 ballot language. The funds will be eligible for appropriation and usage through the standard budget process in the future.

Ballot language	Percentage	City Fund	Amount
Street Maintenance and Repair	33%	Transportation Fund	$64,000
Other Street and Transportation Needs	17%	Transit Services Fund	$32,969
Police Services	17%	General Fund	$32,969
Fire Protection and Other Emergency Services	11%	General Fund	$21,333
Parks Maintenance and Recreation Services	11%	50% Recreation Fund 50% General Fund	$21,333
Community Priorities, other than those listed above, as determined by Council	11%	General Fund	$21,333

CITY FINANCIAL IMPACTS

There is no fiscal impact, in that revenue is being transferred within the City fund structure. In 2025 the amount transferred will be added to the reserve balance of each recipient fund. In future years, the revenues in those funds will be available for appropriation through the standard budget process.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in November 18, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/

1. Ordinance No. 193, 2025

ORDINANCE NO. 193, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS OF KEEP FORT COLLINS
GREAT FUND RESIDUAL BALANCE

A. On November 2, 2010, City voters approved Ballot Issue No. 2B ("Keep Fort Collins Great" or "KFCG") increasing by 0.85% the City's sales and use tax, from January 1, 2011 until December 31, 2020, for the purpose of raising revenue for street maintenance and repair, street and transportation needs, police services, fire protection and other emergencies services, parks maintenance and recreation services, and for community priorities as determined by Council.

B. The KFCG ballot language did not expressly provide direction to the City on how any residual amounts may be used once the temporary tax period ended. Therefore, a residual amount of KFCG revenues of $193,938 remains in the KFCG Fund.

C. This Ordinance will effectively close the KFCG Fund by transferring these revenues to other City funds with purposes consistent with those in the KFCG ballot language. Therefore, this appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of efficient use of public funds, and the provision of transportation, emergency response, and parks and recreation services.

D. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

E. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the KFCG Fund and that this appropriation will not cause the total amount appropriated in the KFCG Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

F. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

G. The City Manager has recommended the transfer of $193,938 from the KFCG Fund to the General Fund ($86,302), the Transportation Services Fund ($64,000), the Transit Services fund ($32,969), and the Recreation Fund ($10,667) and determined that the purpose for which the transferred funds are to be expended remains unchanged.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the Keep Fort Collins Great Fund the sum of ONE HUNDRED NINETY-THREE THOUSAND NINE HUNDRED THIRTY-EIGHT DOLLARS ($193,938) to be expended in the KFCG Fund for transfer of fund residual to various city funds as follows:

Transportation Services Fund	$ 64,000
Transit services fund	$ 32,969
General Fund	$ 86,302
Recreation Fund	$ 10,667

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

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Mayor

ATTEST:

_____
City Clerk

Effective Date: December 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

7. Second Reading of Ordinance No. 194, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Magpie Meander Natural Area and Soft Gold Park and a Temporary Construction Easement on Soft Gold Park to Willox Development Partners, LLC.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, conveys a drainage easement to Willox Development Partners, LLC (“WDC”) across Soft Gold Park (“Soft Gold”) and Magpie Meander Natural Area (“Magpie Meander”) and a temporary construction easement on Soft Gold. The Willox Farm project is a proposed residential development located immediately north of Soft Gold and Magpie Meander. The proposed drainage easement alignment follows an existing drainage swale that carries stormwater from parcels north of the City-owned land into a remnant oxbow of the Poudre River. The temporary construction easement on Soft Gold will primarily provide for the installation of a City-owned public underground electric transmission line that will serve the new development and construction of a paved trail segment.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jonathan Piefer, Senior Real Estate Specialist
Missy Nelson, Senior Technical Project Manager
Tawnya Ernst, Land Conservation Lead Specialist

SUBJECT

Second Reading of Ordinance No. 194, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Magpie Meander Natural Area and Soft Gold Park and a Temporary Construction Easement on Soft Gold Park to Willox Development Partners, LLC.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 18, 2025, conveys a drainage easement to Willox Development Partners, LLC ("WDC") across Soft Gold Park ("Soft Gold") and Magpie Meander Natural Area ("Magpie Meander") and a temporary construction easement on Soft Gold. The Willox Farm project is a proposed residential development located immediately north of Soft Gold and Magpie Meander. The proposed drainage easement alignment follows an existing drainage swale that carries stormwater from parcels north of the City-owned land into a remnant oxbow of the Poudre River. The temporary construction easement on Soft Gold will primarily provide for the installation of a City-owned public underground electric transmission line that will serve the new development and construction of a paved trail segment.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The 32-acre Magpie Meander Natural Area and 17.5-acre Soft Gold Park are located west of College Avenue between Willox Lane and Hickory Street. Magpie Meander (initially known as Hickory Park Natural Area) is set on a historic river oxbow where a high groundwater table supports a forested wetland, stream, and small pond in the southeast corner. A significant portion of the remanent river oxbow is owned by the City and is included in this natural area. A short, paved spur trail (0.16 mile) runs through the natural area connecting visitors to McMurry Natural Area and the Poudre River Trail. The adjacent Soft Gold Park offers a ballfield, sports field, picnic area, partially paved trail, bike pump track, and 1-acre dog park.

An undefined portion of this section of Magpie was purchased with Stormwater funds. As such, the City Stormwater Utilities Department has been consulted on this project and has confirmed the proposed easements do not affect any property interests owned or claimed for stormwater purposes.

WDC submitted the Development Plan for the Project in May 2022. The Planning and Zoning Commission approved the Development Plan on March 21, 2024, and it is currently in the final stages of Final Development Plan approval. WDC purchased the 19-acre property ("Willox Farm") currently proposed for development in August 2022. The development proposal includes 62 single family residential units, a trail that will connect Willox Lane to Soft Gold Park, and improvements to West Willox Lane. Without the proposed easements from the City, the development would not be feasible, and WDC has worked closely with the City to accommodate both the Natural Areas Department and the Parks Department, and to determine the least intrusive easements possible.

Drainage Easement

Willox Farm is currently an undeveloped property, and any stormwater that flows from the site follows a natural drainage course generally to the south, across City property. The planned development will create impermeable surfaces typical with this type of development. As a condition of development approval, the developer is required to obtain the necessary easements to handle stormwater runoff prior to being able to submit a Final Plan.

There is an existing swale on the west side of Soft Gold and east side of Magpie Meander that conveys most of the current runoff from the Willox Farm parcel to the oxbow of the river. A small portion of the historic flows also run down the east side of the park and are captured in a grass swale and pipe that outlet into Wood Duck Pond on Magpie Meander. The proposed stormwater outfall for Willox Farm is located on Soft Gold and Magpie Meander and roughly follows the current drainage path.

The Willox Farm drainage system proposed would treat runoff before it leaves the site; current designs call for the site's runoff to be captured and directed towards an onsite rain garden and detention pond. The design meets all water quality and Low Impact Development (LID) criteria, which will reduce sediment and pollutants per City standards. From the detention pond, the water would be released via pipe/flared end section into the existing swale located on Soft Gold's northwest corner, flow southward across Magpie Meander and into the oxbow before reaching the Poudre River. Current drainage flows for the 10-year & 100-year events are 11.2 cfs and 28.6 cfs. The proposed design from the detention pond, as required by the Stormwater Criteria Manual, would release at the current 2-year historic rate of 6.6 cfs into City-owned land. The Parks Department deferred to Natural Areas to process the stormwater outfall request through Natural Areas' easement policy.

The City of Fort Collins Natural Areas and Conserved Lands Easement Policy (adopted by Council January 3, 2012) states the following:

"Drainage Facilities for Private Development. Drainage facilities that serve new development (such as detention, retention, or water quality ponds) shall be located on private land within the development and not on City-owned natural areas or conserved land. Easements for conveyance facilities will be considered on a case-by-case basis when the city-owned land is located between the private parcel and the historic receiving channel or stream. The design of the new flow conveyance must utilize existing drainages to the maximum extent feasible and must blend into the surrounding terrain, must not impact the existing geomorphic character of the drainage and must enhance the natural habitat features and character of the site."

Natural Areas staff review of the stormwater outfall easement request has focused on minimizing impacts to Magpie Meander. The developer, with feedback from Natural Areas, Planning, Parks, and Stormwater staff have submitted several alternatives.

Alternative A

This alternative proposes to outlet stormwater from the detention pond on the Willox property into an existing pond on the north end of Soft Gold. This alternative would require a large, disturbed area within

Soft Gold. The park pond does not have the capacity to hold the stormwater release from the Willox Farm detention pond and the irrigation water from a future irrigation line.

Alternative B

Alternative B proposes to outlet flows to the east side of Soft Gold Park. This alternative would significantly impact the Soft Gold Park property, requiring larger easements and more construction on the park property. A swale would need to be constructed along the east side of Soft Gold Park, roughly 1,300 linear feet, to connect to the existing swale on the southeast side of Soft Gold. From the swale, water would flow into an existing series of pipes that outlet into Wood Duck Pond on Magpie Meander.

Construction of this swale could potentially impact two existing trees within the park, the existing eastern park fence, and the existing pipes would need to be upsized to handle this additional flow and potentially lowered to allow for a 0.5% sloped swale from the north.

Alternative C (Preferred)

This alternative places the entire storm pipe and flows within an existing drainage swale which traverses portions of Soft Gold and Magpie Meander and ultimately discharges to the Poudre River. This drainage way is well established, with substantial vegetation to minimize the potential for future erosion.

The requested drainage easement begins at the northwest corner of Soft Gold, is 30 feet wide and approximately 350 feet long. It extends approximately 185 linear feet on Soft Gold and the remaining 165 feet are on Magpie Meander.

Were other options analyzed/considered?

Alternatives that would not cross Natural Areas' property are limited at best for several reasons:

1) The City's Stormwater Criteria Manual requires developers to design stormwater outfall alignments so any swale or pipe that carries stormwater must ultimately outlet into a natural drainageway. Examples of natural drainageways include the Poudre River, Spring Creek and remnant oxbows.

2) Based on the proposed development site's topography, stormwater currently runs to the south, southeast, and southwest before connecting with the remnant oxbow and the Poudre River.

3) Natural Areas owns all property along the north bank of the Poudre River between Shields Street and College Avenue with the exception of approximately 770 linear feet encompassed by Legacy Park.

4) Alignments that would remain entirely on Parks and/or private property were not contemplated. For example, the Hickory Village mobile home park that runs along the east boundary of both the proposed development site and Soft Gold prevents an alternative alignment in that direction.

The City's execution of the drainage easement is contingent upon Willox Farm complying with all applicable Federal, State and local regulations.

Temporary Construction Easement

To connect the proposed new development to City Utilities, the developer requested the ability to extend service lines across Soft Gold. Initially, this was to include both sanitary sewer and electric lines. However, the sewer line alignment has been re-routed through the Hickory Village property to the east. An underground electric line is proposed to run east along the north boundary of Soft Gold and then head south before tying into existing City utility lines in Hickory Street. Once the electric line is installed it will be operated and maintained by City Light and Power. A Notice of Alignment will be executed to document the location of the electric line.

Installation of the electric line is expected to have temporary and to a lesser degree, a permanent impact to Soft Gold Park and its users. The line will be bored to protect the trees and all trees in the area have been assessed as part of the final development plans. A new electric vault will be installed on the east side of Soft Gold. Light and Power requires a 10'-paved trail to accommodate their utility vehicles to access their vault. Access will be from the development north of the park via a new trail spur and continue south to the turnaround point. Items throughout Soft Gold that will be revised during construction of the electric line and as part of the compensation for that construction include:

1) ±7,060 SF of existing crusher fines trail removed and replaced with 8ft concrete trail.

2) ±4,360 SF of the existing 6ft concrete trail to be removed and rebuilt with 10 ft concrete trail.

3) ±2,700 SF of proposed concrete trail added to the north side of the park.

4) ±850 SF of proposed concrete will be added to provide a turnaround point for Light and Power maintenance vehicles.

5) ±313 LF of the existing underground electric line to be removed and relocated.

6) ±1,700 LF of proposed electrical main line installed along the east side of the park.

Irrigation sleeves throughout the park underneath the proposed trail.

CITY FINANCIAL IMPACTS

The following costs and fees will be charged to WDC as consideration for the easements:

Natural Areas Easement Application fee		$5,000
Mitigation Fee- $3,985/ac. @ 0.24 acres	$3,985	
Drainage Easement Cost - $43,560/ac. x 0.241/ac. @ 50% of fair market value		$5,249
Temporary Construction Easement Cost:		$28,000

(TCE Consideration includes $9,075 for the Permanent Utility Alignment, $4,850 for the Temporary Construction Easement and $14,075 for Expenses [Cost of appraisal and Real Estate Services staff time]).

The application fee and mitigation fee will be paid to the Natural Areas Department to support administrative costs and land conservation efforts. The mitigation fee is set in the Natural Areas' easement policy and provides a cost per acre for mitigation with a minimum of one acre. The drainage easement fee will be split between the Parks Department (53%) and Natural Areas (47%) for their respective portions of land encumbered by the easement. The Parks Department will receive the entirety of costs and fees for the temporary construction easement and alignment. Natural Areas and Real Estate Services retained a third-party appraiser to calculate the underlying fee value of the City property, which was used by City Staff as the basis for the easement value calculations.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its January 10, 2024, meeting, the Land Conservation and Stewardship Board voted (7-2) to recommend that Council approve the conveyance of the drainage easement, Alternative C, to Willox Development Partners, LLC across Magpie Meander Natural Area and Soft Gold Park.

The Planning and Zoning Commission approved the Willox Farm Development project on March 21, 2024.

The Parks and Recreation Advisory Board has been apprised of the proposed easements and alignment, most recently at the October 22, 2025, meeting.

Note: The extended timeline between easement application, review, and bringing to Council resulted from several changes in easement location and coordinating to ensure the drainage easement was not considered ahead of Final Development Review for this project.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in November 18, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/

1. Ordinance No. 194, 2025

ORDINANCE NO. 194, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT
DRAINAGE EASEMENT ON MAGPIE MEANDER NATURAL
AREA AND SOFT GOLD PARK AND A TEMPORARY
CONSTRUCTION EASEMENT ON SOFT GOLD PARK TO
WILLOX DEVELOPMENT PARTNERS, LLC

A. The 32-acre Magpie Meander Natural Area and 17.5-acre Soft Gold Park are located west of College Avenue between Willox Lane and Hickory Street.

B. The Willox Farm project is a proposed residential development located immediately north of Soft Gold Park and Magpie Meander Natural Area (the "Project"). Willox Development Partners, LLC ("WDC") is developing the Project.

C. WDC submitted the Development Plan for the Project in May 2022. The Planning and Zoning Commission approved the Development Plan on March 21, 2024, and it is currently in the final stages of Final Development Plan approval. The Project will include 62 single family residential units, a trail that will connect Willox Lane to Soft Gold Park, and improvements to West Willox Lane.

D. The Project requires a drainage easement across both Soft Gold Park and Magpie Meander Natural Area for stormwater conveyance and outfall into a remnant oxbow of the Poudre River (the "Drainage Easement") and a temporary construction easement across Soft Gold Park for the installation of an electric line to serve the Project and replacement and construction of trails (the "TCE").

E. The State of Colorado is engaged in a formal rulemaking process pursuant to HB24-1379 to develop a regulatory process governing dredge and fill activities. WDC's work conducted under the Drainage Easement may be considered state-regulated dredge and fill activity, but it is currently unknown whether those regulations will impact the Project. The State rulemaking is expected to be completed by December 31, 2025.

F. The form of the Drainage Easement with its terms and conditions is shown in Exhibit A, attached hereto and incorporated herein by this reference. The area of the Drainage Easement is described in Exhibit B to the Drainage Easement. Execution of the Drainage Easement by the City is contingent upon WDC or its successor complying with all applicable Federal, State, and local regulations, including, if applicable, any State of Colorado regulations governing dredge and fill activities relating to the Drainage Easement.

G. The City determined the fair market value of the Drainage Easement is $5,249. WDC will pay the City the fair market value for the Drainage Easement, plus a $5,000 easement application fee and $3,985 for environmental mitigation. The application fee and mitigation fee will be paid to the Natural Areas Department to support administrative costs and land conservation efforts. The Drainage Easement fee will be

split between the Parks Department (53%) and Natural Areas (47%) for their respective portions of land encumbered by the Drainage Easement.

H. The form of the TCE with its terms and conditions is shown in Exhibit B, attached hereto and incorporated herein by this reference. The area of the TCE is described in Exhibit B to the TCE.

I. The City has determined the fair market value of the TCE is $4,850. WDC will pay the City the fair market value for the TCE, plus $9,075 for the permanent electric line alignment and $14,075 for appraiser and City staff costs. The Parks Department will receive the entirety of costs and fees for the TCE and alignment.

J. Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Drainage Easement and the TCE on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council hereby authorizes the City Manager to execute the Drainage Easement substantially in the form attached hereto as Exhibit A with such modifications or additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance. The City Manager's execution of the Drainage Easement shall be contingent upon the City Manager's determination that Willox Development Partners, LLC or its successor has complied with all applicable Federal, State, and local regulations, including, if applicable, the State of Colorado's regulations governing dredge and fill activities relating to the Drainage Easement.

Section 3. The City Council hereby authorizes the Mayor to execute the TCE substantially in the form attached hereto as Exhibit B with such modifications or additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 12, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Easement with Terms and Conditions
Exhibit B – Temporary Construction Easement

EASEMENT WITH TERMS AND CONDITIONS

Soft Gold Park and Magpie Meander Natural Area

Grantor: City of Fort Collins, Colorado, a municipal corporation
Grantor Signing Authority and Title: City Manager
Grantor Mailing Address: P.O. Box 580, Fort Collins, Colorado 80522
Grantor Phone Number/Email: 970-416-2245 / wflowers@fcgov.com

Grantee: Willox Development Partners, LLC
Grantee Signing Authority and Title: James Righeimer, Manager
Grantee Mailing Address: 4040 MacArthur Blvd., Ste. 250, Newport Beach, CA 92660
Grantee Phone Number/Email: (714) 404-7867 / jim@rfcomsites.com

Easement Appurtenant to Grantee's Property? ☒ Y ☐ N: If yes, see **Exhibit C**.
Effective Date: _____
Easement Improvements: 30' x 350' Stormwater outfall channel and 16'-long underground outlet pipeline, as shown in the Plans (also referred to herein as "Improvements")
Consideration: $5,249.00 easement fee and $3,985.00 mitigation fee = $9,234.00
Special Restoration Requirements? ☒ Y ☐ N: If yes, see **Exhibit D.**

Exhibits [check all that apply]**:**
☒ Exhibit A – Grantor's Property (number of pages): One (1)
☒ Exhibit B – Easement Area (number of pages):
☒ Exhibit C – Grantee's Property (number of pages): One (1)
☒ Exhibit D – Special Restoration Requirements (number of pages): Three (3)
☒ Exhibit D-1– General Resource Protection Standards (number of pages): Nine (9)
☒ Exhibit E– Plans (number of pages): One (1)

All checked exhibits are attached and incorporated into this Deed by reference.

This **EASEMENT WITH TERMS AND CONDITIONS** (the "Deed") is made and entered into on the Effective Date by and between Grantor and Grantee.

1. Grantor's Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the "Property" or "Grantor's Property").

2. Grant of Easement – Consideration. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive easement (the "Easement") on, over, under, and across the Property as described more fully on **Exhibit B**, (the "Easement Area"), for the benefit of Grantee's Property described more fully on **Exhibit C**, if

applicable, subject to the conditions and restrictions set forth below. The Easement includes the right of ingress and egress to the Easement Area, and the right to install, maintain, and use gates in all fences that cross the Easement Area now or in the future.

3. Purpose and Use of Easement. Grantee may use the Easement to install, access, operate, maintain, repair, reconstruct, relocate, improve, enlarge, replace, inspect, and remove, at any time and from time to time, the Easement Improvements, and for the temporary storage and staging of materials and equipment. Grantor further grants to Grantee:

- The right of ingress to and egress from the Easement Area over and across Grantor's Property by means of any roads and lanes thereon, or as otherwise agreed in writing by Grantor;
- The right to mark the location of the Easement Area by suitable markers set in the ground; and
- The right to install temporary fencing and gates for security and safety purposes during construction activities.

After initial installation of the Improvements, if Grantee wishes to relocate or replace the Improvements with any other number or type of similar improvements, either in the original location or at any alternate location or locations within the Easement Area, such improvements must be consistent with the intended purposes of the Easement, and Grantee must give Grantor advance notice of any change in the type, number or location of improvements and cannot proceed until Grantor has provided its written consent, which shall not be unreasonably withheld or delayed.

The parties agree that the Easement Improvements are accurately described in the Plans which have been approved and accepted by each of the parties. The Plans, being the complete plan set for the Easement Improvements, are the Exhibit E to this Conveyance, but, for purposes of recordation and execution, only the cover page is attached hereto.

4. Grantor's Rights in Easement Area.

A. Grantor reserves the right to use the Easement Area for purposes that will not interfere with Grantee's full enjoyment of the rights granted herein, including but not limited to Grantor's right to operate or allow others to operate utility improvements within the Easement Areas.

B. Grantor may plant or maintain permanent trees, shrubs or other plant material in the Easement Area provided that no such plantings may be planted directly over the Grantee's Improvements. Grantor may install or utilize signs or paths over the Easement Area, and may pave, surface in some other manner, or otherwise improve the Easement Area as Grantor desires. Additionally, Grantor may install permanent buildings or structures over the Easement Area; however, Grantor agrees to remove such structures at its expense if reasonably required for Grantee's access to the Easement Area, and to assume all risk, repair, and maintenance if any damage occurs to these permanent buildings and/or structures as a result of Grantee's reasonable use of or activities over or within the Easement Area.

5. Grantee's Obligations Regarding Easement Areas.

A. All activities by the Grantee on the Easement Area, including access across Grantor's Property, must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of said property, any improvements thereon, and the Grantor's intended purposes therefore. Access shall be limited to the reasonable means necessary to provide access to the Easement Area, and Grantee shall, to the extent reasonably practicable, use existing streets, roads, or other similar facilities, including any Grantee owned property interests adjoining the Easement Area, to avoid any unnecessary disruption of Grantor's use and possession of the Property. Access does not permit Grantee to use, occupy, or traverse any portion of the Property not included within the Easement Area by means of any heavy machinery, equipment, or vehicles, provided that Grantee may seek to acquire a temporary construction easement from Grantor to allow the same.

B. Grantee must maintain its Improvements in an entirely secure, safe and sanitary condition, and repair the Improvements as necessary to ensure the Improvements do not cause injury or damage to persons or property.

C. Grantee shall notify Grantor a minimum of one business day prior to performing any construction, maintenance, repair, or other work on or within the Easement Area and shall in advance of any non-emergency work submit a construction plan and schedule to Grantor for approval, which approval shall not be unreasonably delayed or withheld. Grantee may seek to acquire a temporary construction easement from Grantor if working on Grantor's Property outside of the Easement Area. Notwithstanding these notification requirements, in cases of emergency repair, Grantee shall notify Grantor of the emergency and provide related construction plans and schedules as soon as reasonably practicable.

D. In the event damage occurs from Grantee's use of or activities over or within the Easement Area or on Grantor's Property, including but not limited to the installation, maintenance, or operation of the Improvements within the Easement Area, Grantee agrees to make such repairs or take such other action as may be necessary to restore the Easement Area and Grantor's Property to a condition comparable to their condition prior to Grantee's activities in the Easement Area, including but not limited to the reseeding and replanting of any disturbed areas in a manner reasonably satisfactory to the Grantor, and the provision of ongoing maintenance of any seeded or planted areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee's activities, until such time as any such repair and restoration is fully established and stabilized. If applicable, Grantee shall comply with the special restoration requirements on **Exhibit D**.

6. Maintenance of the Easement Area.

A. Grantor will maintain the surface of the Easement Area (except for the Easement

Improvements) in a sanitary condition in compliance with any applicable weed, nuisance or other legal requirements; however, Grantor is not responsible for any conditions directly caused by Grantee's use and occupancy of the Easement Area.

B. Grantor will not deposit, or permit, or allow to be deposited, earth, rubbish, debris, or any other substance or material, whether combustible or noncombustible, on the Easement Area.

7. As-Built Drawings. Grantee will provide Grantor with as-built drawings accurately depicting the location and nature of the Improvements constructed within the Easement Area no later than thirty (30) days following completion of the Improvements, and no later than thirty (30) days following a change in the type, number or location of the Improvements, as described in Section 3.

8. Representations of Grantor. Grantor makes no representations or warranties as to lawful ownership of Grantor's Property.

9. Recordation. Grantee will record this Deed in the records of the Larimer County Clerk and Recorder and furnish evidence of such recording to Grantor. This Deed will not be valid until it is recorded. If this Deed has not been recorded with the Larimer County Clerk and Recorder within ninety (90) days of the Effective Date, then this Deed will be null and void and have no force and effect whatsoever, and the parties will be relieved of any remaining obligations hereunder as of the date of such termination.

10. Abandonment. Should Grantee fail to construct the Improvements within five (5) years from the date of this Deed, or should Grantee permanently discontinue maintaining and using the Improvements within the Easement Area for a period of five (5) years, this shall constitute an abandonment of the Easement, the Improvements and Grantee's rights under this Deed, and the Easement shall automatically terminate, and Grantee shall, at its own sole cost and expense, remove all Improvements from the Easement Area, provided that Grantee shall consult with Grantor in advance of any such removal, and Grantor shall be entitled to require Grantee to leave some or all such Improvements in place. If Grantee removes the Improvements from the Easement Area, Grantee shall carry out such removal consistent with the requirements set forth in Section 5 and restore the Easement Area, at its sole cost and expense, to a condition comparable to its condition just prior to Grantee's removal activities. Grantee shall then execute and record a termination or quitclaim to Grantor of the Easement.

11. Indemnity and Insurance.

A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors and assigns from and against all claims that may accrue to Grantee for personal injury, death or property damage resulting from or arising out of Grantee's use of the Easement Area or other activities on Grantor's Property. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor and Grantee,

for any liability to third parties arising out of Grantee's use of the Easement Area or other activities on Grantor's Property, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the Easement Area, and for any actions or omissions by Grantee in violation of this Deed.

B. Grantee shall procure, pay for, and keep in full force and effect during the term of this Deed a comprehensive policy of general liability insurance covering the Improvements and insuring Grantee in an amount not less than One Million dollars ($1,000,000.00) covering bodily injury, including death to persons, personal injury, and property damage liability arising out of a single occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the Easement Area or on Grantor's Property, the operation, maintenance, or use of the Improvements (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles. Such coverage must also include coverage for such other risks as are customarily required by private institutional mortgage lenders with regard to property similar in construction, location, and use as the Improvements. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of Grantee, and in such event the cost of such insurance shall be paid for by Grantee promptly upon receipt of an invoice covering such charges.

12. Notices. Any notice or other communication relating to this Deed must be in writing and shall be deemed given (i) when delivered personally, or (ii) on the first business day which is three (3) days following mailing by certified mail, electronic mail, return receipt requested and postage prepaid, or (iii) the next business day after sending by a nationally recognized overnight delivery service, and addressed to the party at its respective address on the first page of this Deed.

13. Default, Remedies and Litigation Expenses. If a party to this Deed is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance or damages or both. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default. In the event a party defaults in any of its covenants or obligations and the party not in default commences and substantially prevails in any legal or equitable action against the defaulting party, the defaulting party expressly agrees to pay all reasonable expenses of the litigation, including a reasonable sum for attorneys' fees or similar

costs of legal representation.

14. Assignment. Grantee may not assign its rights under this Deed without the prior written consent of Grantor.

15. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, and assigns. This Deed is to be construed and enforced according to the laws of Colorado, and venue in any proceeding related to this Deed shall be in Larimer County, Colorado. If any term of this Deed is determined by any court to be unenforceable, the other terms of this Deed shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this Deed as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

16. Authority. Each person executing this Deed represents and warrants that he or she is duly authorized to execute this Deed in his or her individual or representative capacity as indicated.

IN WITNESS WHEREOF, Grantee has hereunder set its hand and seal the day and year written below; and Grantor has caused this Deed to be executed by its City Manager attested to by its City Clerk, and its corporate seal to be hereunto affixed, all pursuant to Ordinance No. _____2025, passed on final reading by the City Council of the City of Fort Collins on the _____ day of _____, 2025.

[Signatures on following pages]

GRANTOR:

THE CITY OF FORT COLLINS, COLORADO
a municipal corporation

_____
Date

_____
City Manager

ATTEST:

_____
City Clerk

_____
(Printed name)

APPROVED AS TO FORM:

_____
Assistant City Attorney

_____
(Printed name)

ACCEPTED BY GRANTEE:

Willox Development Partners, LLC

Date

James Righeimer, Manager

EXHIBIT A

Legal Description of the Property

24.3129 acres, more or less, located in the North Half (N/2) of Section 2, Township 7 North, Range 69 West, 6th P.M., Larimer County, Colorado, being more particularly described as Lot 1 of Lakewood Estates Mobile Home Park, City of Fort Collins, County of Larimer, State of Colorado, which was conveyed by Mike G. Ligeros to The City of Fort Collins, Colorado, by Warranty Deed dated February 28, 1995, recorded at Reception No. 19950012453, Office of the Clerk and Recorder, Larimer County, Colorado.

Also known as 500 Hickory St., Fort Collins, CO 80524; Parcel Number: 9702205901

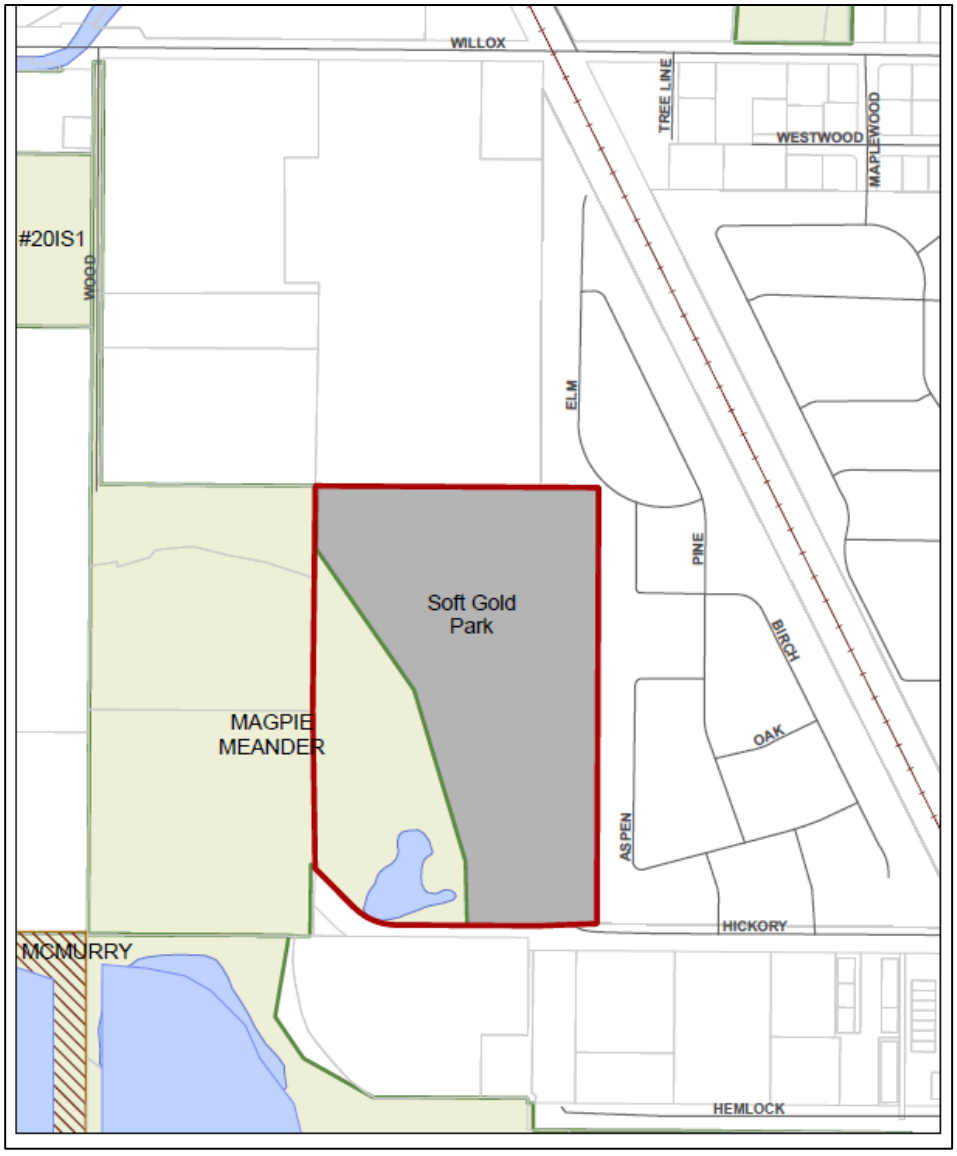


EXHIBIT B
Legal Description and Depiction of the Easement Area

DESCRIPTION

A parcel of land being a portion of Lot 1, Lakewood Estates Mobile Home Park, recorded as Book 1638, Page 616 of the Records of Larimer County and situate within the North Half of Section 2, Township 7 North, Range 69 West of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado, being more particularly described as follows;

Considering the North line of the Southeast Quarter of the Northwest Quarter of Section 2 as bearing North 89° 19' 45" West with the Center-East-Northwest 1/64th corner being a 3 ¼" aluminum cap on #6 rebar stamped LS 38106 and the Center-North 1/16th corner being a 2 ½" aluminum cap on #6 rebar and with all bearings contained herein relative thereto:

BEGINNING at the Center-East-Northwest 1/64th corner of Section 2, said point being the Northwest corner of Lot 1, Lakewood Estates Mobile Home Park;

THENCE along the North line of the Southeast Quarter of the Northwest Quarter of Section 2, also being the North line of Lot 1, Lakewood Estates Mobile Home Park, South 89° 19' 45" East a distance of 40.00 feet;

THENCE departing said North line, South 00° 59' 22" West a distance of 10.00 feet;

THENCE North 89° 19' 45" West, a distance of 10.00 feet;

THENCE South 00° 59' 22" West, a distance of 340.00 feet;

THENCE North 89° 19' 30" West, a distance of 30.00 feet to the West line of Lot 1, Lakewood Estates Mobile Home Park;

THENCE along said West line, North 00° 59' 22" East, a distance of 350.00 feet to the POINT OF BEGINNING.

The above-described parcel of land contains 10,600 square feet or 0.243 acres, more or less (±).

May be subject to easements, rights-of-way, covenants and restrictions of record.

Exhibit attached hereto and made a part hereof.

SURVEYOR'S CERTIFICATE

I, Robert C. Tessely, a Colorado Registered Professional Land Surveyor, do hereby certify that this property description was prepared under my personal supervision and checking, that it is true and correct to the best of my knowledge, information and belief and is in accordance with applicable standards of practice. This is not a guaranty or warranty, either expressed or implied. {4 CCR 730-1}



Robert C. Tessely
Colorado Professional Land Surveyor No. 38470
For and on behalf of EPS Group, Inc.

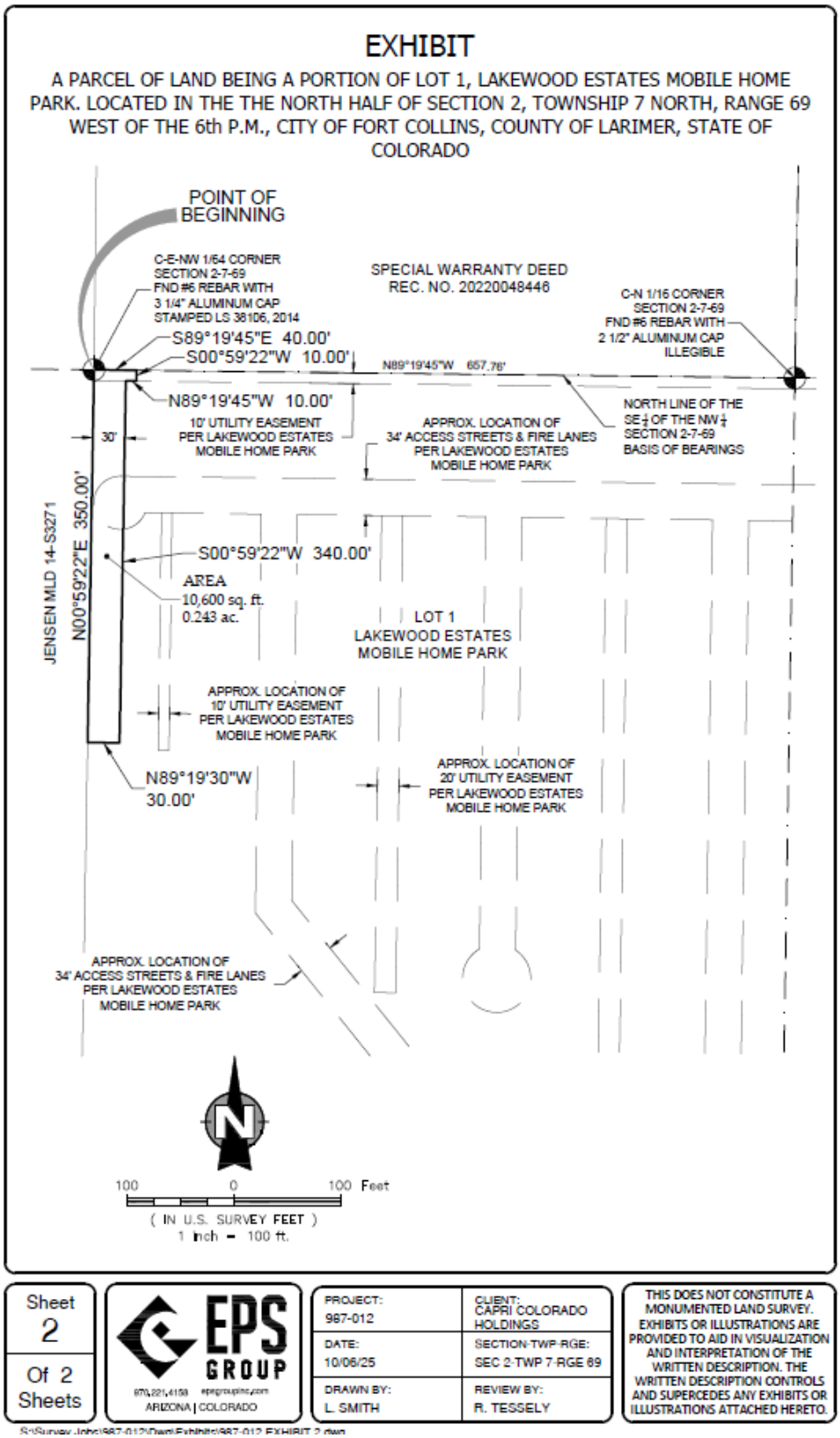
EPS GROUP, INC.
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158

Sheet 1 Of 2 Sheets	EPS GROUP 970.221.4158 epsgroupinc.com ARIZONA | COLORADO	PROJECT: 987-012	CLIENT: CAPRI COLORADO HOLDINGS
		DATE: 10/06/25	SECTION-TWP-RGE: SEC 2-TWP 7-RGE 69
		DRAWN BY: L. SMITH	REVIEW BY: R. TESSELY

THIS DOES NOT CONSTITUTE A MONUMENTED LAND SURVEY. EXHIBITS OR ILLUSTRATIONS ARE PROVIDED TO AID IN VISUALIZATION AND INTERPRETATION OF THE WRITTEN DESCRIPTION. THE WRITTEN DESCRIPTION CONTROLS AND SUPERCEDES ANY EXHIBITS OR ILLUSTRATIONS ATTACHED HERETO.

S:\Survey Jobs\987-012\Dwg\Exhibits\987-012 EXHIBIT 2.dwg

EXHIBIT B continued
Legal Description and Depiction of the Easement Area



Sheet 2 Of 2 Sheets	EPS GROUP 970.221.4158 epsgroupinc.com ARIZONA | COLORADO	PROJECT: 987-012	CLIENT: CAPRI COLORADO HOLDINGS
		DATE: 10/06/25	SECTION-TWP-RGE: SEC 2-TWP 7-RGE 69
		DRAWN BY: L. SMITH	REVIEW BY: R. TESSELY

THIS DOES NOT CONSTITUTE A MONUMENTED LAND SURVEY. EXHIBITS OR ILLUSTRATIONS ARE PROVIDED TO AID IN VISUALIZATION AND INTERPRETATION OF THE WRITTEN DESCRIPTION. THE WRITTEN DESCRIPTION CONTROLS AND SUPERCEDES ANY EXHIBITS OR ILLUSTRATIONS ATTACHED HERETO.

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Exhibit C

Legal Description and Depiction of Grantee's Property

A tract of land situate in the Northeast ¼ of the Northwest ¼ of Section 2, Township 7 North, Range 69 West of the 6th P.M., which considering the North line of tne Northeast ¼ of said Northwest ¼ as bearing N 89 degrees 58'09" E and with all bearings contained within relative thereto, is contained within the boundary lines which begin at a point on the East line of the Northeast ¼ of said Northwest ¼ which bears S 00 degrees 04'08" E 320.80 feet from the North ¼ corner of said Section 2, an run thence along said East line, S 00 degrees 04'08: E 964 74 feet to the center-North 1/16 corner of said Section 2; thence along the South line of the Northeast ¼ of said Northwest ¼, S 89 degrees 53'50" W 662.52 feet; thence departing said South line, N 00 degrees 05'34" W 592.81 feet; thence S 89 degrees 53'50" W 100.00 feet; thence N 00 degrees 05'34" W 370.00 feet; thence N 89 degrees 53'50" E, 100.00 feet; thence N 00 degrees 05'34" W 323.56 feet to a point on the North line of the Northeast ¼ of said Northwest ¼; thence along said North line, N 89 degrees 58'09" E 482.05 feet; thence departing said North line, S 00 degrees 04'08" E 320.80 feet; thence N 89 degrees 58'09" E 181.00 feet to the Point of Beginning,
County of Larimer,
State of Colorado

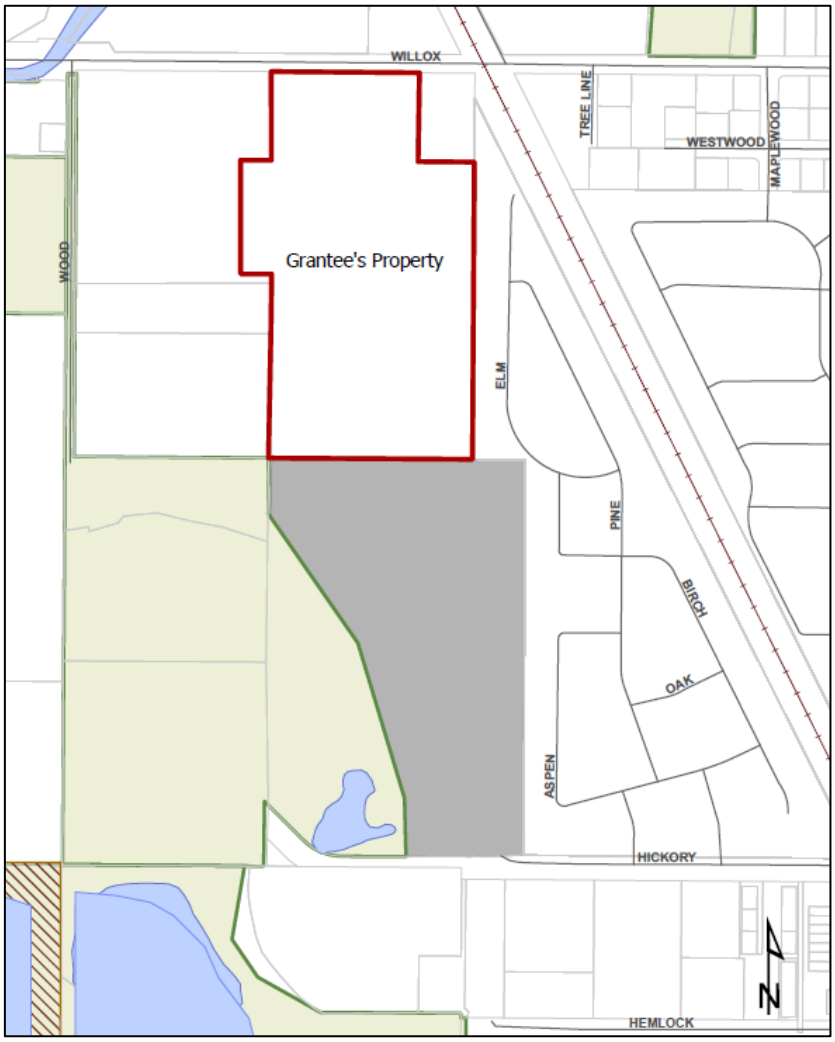


Exhibit D

Special Restoration/Mitigation and Monitoring Requirements

All Grantee's activities on the Easement Areas, and any access across the Property, must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of the Property and the Grantor's use thereof. If damage results from the maintenance, operation or presence of the Facilities, or Grantee's activities on the Easement Areas or elsewhere on the Property, Grantee will make such repairs or take such other action as may be necessary to restore the Property to a condition reasonably comparable to its prior condition, including without limitation the provision of ongoing maintenance of any seeded or planted areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee's activities, until such time as any such repair and restoration is fully established and stabilized. Such restoration shall be completed in accordance with the Grantor's then-current specifications for comparable work on City of Fort Collins natural areas. For the purpose of the initial installation of the Facilities, Grantee agrees to rely on the Grantor's applicable Resource Protection Standards (RPS) to specify current standards for activities undertaken in City of Fort Collins Natural Areas, a copy of which is attached as **Exhibit "D-1"** and incorporated herein by reference. The parties acknowledge that sensitive vegetation, habitat or other natural conditions may require special effort by Grantee to protect, restore, or replace in the event they are disturbed by Grantee's activities.

Following final grading and initial seeding of the Easement Areas after initial reconstruction of the Facilities, Grantee must seek the issuance of a Certificate of Conditional Acceptance from the Grantor. Upon such issuance, the Grantor will assume responsibility for ongoing vegetation management, including weed control, mowing, and reseeding, as needed, in areas disturbed by said reconstruction and seeded in accordance with RPS and the provisions of this Agreement. The current one-time charge for the Grantor to assume and perform said vegetation management for initial installation of the Improvements is $3,985.00 per acre of disturbance. The Grantor may from time to time, at its sole discretion, revise this estimated cost to reflect then current estimates for vegetation management costs, and such updated estimate will be the applicable charge for vegetation management in connection with future disturbance of the Easement Area, if any. In accordance with this requirement, Grantee will compensate the Grantor in the amount of $3,985.00, due upon the Grantor's issuance of a Certificate of Conditional Acceptance for the final grading and initial seeding. This one-time vegetation management cost is in addition to the consideration stated above for the conveyance of the Easements.

Grantee will from time to time consult with the Grantor to ascertain applicable standards for identification of wildlife species and wildlife habitat on the Property, and, except for emergencies shall conform its maintenance and other activities on the Easement Areas to the then current City of Fort Collins standards for identification and protection of the same. Grantee is responsible for obtaining from the Grantor's Natural Areas Department any permits required by the City Code for wildlife monitoring activities.

Exhibit D continued

Special Restoration/Mitigation and Monitoring Requirements

Willox Farm – Tufted Loosestrife Monitoring Plan

Goals

1. To assess baseline conditions of waterflow, water quality, and tufted loosestrife (TL – *Lysimachia thyrsiflora*) population and habitat preferences prior to development.
2. To monitor changes to waterflow, water quality, and monitor TL population changes post-construction.

Questions

Determine Baseline Conditions

1. What is typical waterflow and water quality in Magpie Meander pre-construction?
2. What is TL's distribution and abundance pre-construction?
3. What is TL's relationship to resource conditions, including water quality, water level, and distance to water during the summer season?

Monitoring Post-construction Changes

1. Does the waterflow and water quality in Magpie Meander post-construction significantly differ from pre-construction conditions?
2. Is the TL population diminished in distribution and/or abundance in the three years post construction within the provided polygons representing TL occurrence (hereafter, "TL occurrence polygons")? If so, to what extent is the TL population diminished?
3. Has the prevalence/distribution of *Typha angustifolia*, *Typha latifolia*, *Phalaris arundinacea*, and *Cirsium arvense* increased in the three years post construction within TL occurrence polygons? If so, to what extent has the prevalence/distribution of *Typha angustifolia*, *Typha latifolia*, *Phalaris arundinacea*, and *Cirsium arvense* increased?

Methods

TL Population Assessment

- Pre-construction: Between 15 July – 31 August, record the location of each individual TL plant within TL occurrence polygons. If only a single individual plant is observed, document as a point. If two or more individuals are observed within 1 meter or each other (or otherwise visibly forming a patch or cluster), document as a polygon and provide a count of individuals within that polygon. Record the number of TL individuals which are flowering.
- Post-construction: For three years following construction, annually document TL populations as directed immediately above in the Pre-construction TL Population Assessment description. Assess the mean annual percent change in TL polygon size or number of individuals between pre-construction data and each year of post-construction data.

Establishing Habitat Preferences

- Pre-construction: Measure distance to water (for individuals/polygons rooted in soil) or depth of water (for individuals/polygons located in standing water). For polygons, measure and report range of water depth at 10 locations within each polygon or range of distances to water for individuals within a polygon.
- Develop polygons representing occurrence of *Typha angustifolia*, *Typha latifolia*, *Phalaris arundinacea*, and *Cirsium arvense* within the TL occurrence polygons. If only a single individual

plant is observed, document as a point. If two or more individuals are observed within one meter of each other (or otherwise visibly forming a patch or cluster), document as a polygon and provide a count of individuals within that polygon.

- Post-construction: For each of three years post-construction, record each individual of *Typha angustifolia*, *Typha latifolia*, *Phalaris arundinacea*, and *Cirsium arvense* within the provided polygons representing TL occurrence. If only a single individual plant is observed, document as a point. If two or more individuals are observed within one meter of each other (or otherwise visibly forming a patch or cluster), document as a polygon and provide a count of individuals within that polygon. Document troublesome species as described directly above during the pre-construction phase of the project. Assess whether polygon size or number of individuals of *Typha angustifolia*, *Typha latifolia*, *Phalaris arundinacea*, and *Cirsium arvense* has changed in the three years post-construction.

Water Quality

- Pre-construction: Measure salinity, CaCO3, pH, alkalinity, nitrogen and phosphorus three times at each of the three provided water sampling locations, between 15 July – 31 August and when water is present in the outfall. If possible, conduct monitoring within 24 hours of a large rain event. Please associate the sampling location with each water sample taken and processed.
- Post-construction: Each year for three years post-construction, measure salinity, CaCO3, pH, alkalinity, nitrogen and phosphorus three times at each of the three provided water sampling locations, between 15 July – 31 August and when water is present in the outfall. Assess mean changes in salinity, CaCO3, pH, alkalinity, nitrogen and phosphorus between the pre-construction data and the three years post-construction for each water sampling location.
- Retain a qualified environmental professional (approved by the City) to perform the monitoring and lab analysis.

Water Level

- Pre- and Post-Construction: Install staff (depth) gauge and benchmark, at the water sampling location within the TL occurrence polygon. Record water depth a minimum of 3 times annually between 31 March – 31 August, within 24 hours of rain event.
- Assess changes in mean water depth between pre-construction values and each of the three years post-construction.
- If a ≥50-year flood event occurs during the three years post-construction, the Contractor shall, within one week, determine the high-water mark (e.g., through debris lines, sediment deposits, or gauge data) and, where possible, estimate the duration of elevated flows to assess potential impacts to TL habitat. In addition, the Contractor shall assess and document evidence of soil scouring or surface erosion, particularly signs of bare or exposed mineral soil, sediment displacement, or uprooted vegetation within TL occurrence polygons.

Exhibit D continued

Special Restoration/Mitigation and Monitoring Requirements

Willox Farm – Tufted Loosestrife Monitoring Plan

Timeline

Year	Stage	Parameter/Task			
		Population/ Recruitment	**Habitat**	**Water Quality**	**Water Level**
1 – 2026 Baseline	Pre-con	Mid-Summer (15 July – 31 August)	Mid-Summer (15 July – 31 August)	3x (15 July – 31 August)	Install benchmark and staff gauge/Collect 3 measurements when water is present (31 March – 31 August)
2 – 2027	Post-con	Mid-Summer (15 July – 31 August)	Mid-Summer (15 July – 31 August)	3x (15 July – 31 August)	Collect 3 measurements when water is present (31 March – 31 August)
3 – 2028	Post-con	Mid-Summer (15 July – 31 August)	Mid-Summer (15 July – 31 August)	3x (15 July – 31 August)	Collect 3 measurements when water is present (31 March – 31 August)
4 – 2029	Post-con	Mid-Summer (15 July – 31 August)	Mid-Summer (15 July – 31 August)	3x (15 July – 31 August)	Collect 3 measurements when water is present (31 March – 31 August)

Party responsible for data collection
Willox Farms

Reporting requirements
Provide annual report to the City by December 31st each year.

Exhibit D-1

General Resource Protection Standards

Updated March 2020

Introduction

This document lists the various resource protection standards that may be required as conditions of granting an easement, license to enter, or right-of-way (collectively referred to in this document as "easements") on City Natural Areas and other conserved lands, in order to protect or restore natural resource values. These measures are consistent with the requirements in the City Land Use Code for Ecological Characterization Studies and for Resource Protection associated with development projects. The measures will be evaluated for each easement request and applied as needed, depending on the site location, characteristics of the site, and on the nature of the easement.

The applicable resource protection standards will be specifically included in the terms of the easement agreement. They must also be included as notes on the approved construction plans for the easement request. The easement holder ("Grantee") must provide these standards to all contractors who will be doing work for the Grantee within the easement area. The City may also attach some or all of these requirements as an addendum to the Grantee's Development Agreement, if applicable.

These resource protection standards are current as of March 2020. They may be updated from time to time by the Natural Areas Department based on new information about the resources of the City's natural areas or on new information about best management practices. Applicants must contact the Natural Resources Department for a current list of standards.

The Grantee is responsible for completing, or requiring all its contractors and sub-contractors to complete, each of the following conditions that the City determines is applicable to the Grantee's project:

Plans and Permits

Prior to starting any construction on the Project:

1. Submit final plans to the City and ensure that they have been approved and signed on behalf of the City. Confirm that all permanent and temporary easements have been approved by City Council and that the easement documents have been signed by both parties and recorded at the County Clerk's Office. Plans must include: 1'-2' contours; property lines with adjoining property ownership shown; all wetlands; streams; ditches; riparian areas; prairie dog colonies; raptor nests and raptor nests buffer zones; all existing and proposed man-made structures; all existing utilities; all needed easements for access, construction staging areas, and construction (limits of disturbance); construction plans and profiles; restoration plans; and general notes stating all construction and restoration requirements.

2. Obtain a City Excavation Permit.

3. Perform field investigations and surveys to determine the presence and location of sensitive plants or animal species and geological or archeological features.
4. Develop an erosion control plan. This plan must comply with the City's *Storm Drainage Design Criteria and Construction Standards*. Ensure that the erosion control plan has been approved and signed by the City.

5. Contact the Corps of Engineers to obtain a 404 permit and/or clearance of the project. Submit two

copies of the permit, or the letter of clearance from the Corps, to the City.

6. Conduct a Preble's meadow jumping mouse survey according to U.S. Fish and Wildlife Service guidelines. Submit two copies of the report and letter of clearance from the U.S. Fish and Wildlife Service to the City.

7. Conduct a Ute ladies' tresses orchid survey according to U.S. Fish and Wildlife Service guidelines. Submit two copies of the report and letter of clearance from the U.S. Fish and Wildlife Service to the City.

Construction Coordination and Project Acceptance

8. Arrange for the City's designated representative to attend the pre-construction meeting to meet the contractors, discuss the importance of the resource protection requirements, discuss and approve the construction schedule and establish lines of communication to be used during construction.

9. Maintain ongoing communication with the City's representative during construction to communicate progress, changes in schedule, problems, and periodic inspections.

10. Once the project has been completed, arrange for the City's representative to inspect the project site to verify that the project was completed, and the site restored according to the applicable plans and agreements. Once the City accepts the restoration work, the City will generally take over the vegetation maintenance, per the specific terms of the easement agreement.

11. Provide the City with Drawings of Record within sixty (60) days after the completion of the improvements.

Wildlife

12. Raptors: Survey the site to determine if any of the following species are present and check with the City for information on possible nesting, feeding or roosting sites.

    a. All construction falling within raptor nest buffer zones will adhere to construction requirements for these zones.

    b. If the site is used as a winter-feeding area by large birds of prey, construction cannot take place from October 15 through March 15 to avoid disturbing feeding eagles and large hawks, unless otherwise directed by the City.

    c. If a bald eagle and/or ferruginous hawk winter night roost is located near the proposed easement, construction cannot take place from October 15 through March 15 to avoid disturbing night-roosting eagles and/or hawks.

    d. If a Swainson's hawk nest is located near the proposed easement, construction cannot take place from April 1 through July 15 to avoid disrupting the nesting cycle of the hawk.

    e. If a red-tailed hawk nest is located near the proposed easement, construction cannot take place from March 1 through July 15 to avoid disrupting the nesting cycle of the hawk.

f. If burrowing owls are nesting within 330 feet of the limits of development, construction cannot take place from April 1 through August 1 to avoid disrupting the nesting cycle of the owls.

13. If construction will be taking place in or through an area that contains or may contain prairie dogs, either relocate the prairie dogs or fumigate the burrows immediately prior to any grading. Relocation of Prairie dogs between February 1 and August 1 is not permitted. Burrowing owl survey required prior to fumigation. Proof of prairie dog eradication required prior to grading.

14. Perform the wildlife surveys described below, notify the City of the survey results and obtain approval of construction schedule prior to starting construction. These surveys may be done several months prior to construction, but if done more than 30 days prior to construction they must be performed again within 30 days prior to the start of construction to verify results.

a. The site may contain den sites for red foxes. Conduct surveys to determine if any foxes are denning within 100 feet of the limits of development. If foxes are found to be denning within 100 feet, then construction cannot take place during the normal denning and pup-rearing season (February 1 through October 1).

b. The site may contain den sites for coyotes. Conduct surveys to determine if any coyotes are denning within 300 feet of the limits of development. If coyotes are found to be denning within 300 feet, then construction cannot take place during the normal denning and pup-rearing season (February 1 through October 1).

c. The site may contain den sites for badgers. Conduct surveys to determine if any badgers are denning within 300 feet of the limits of development. If badgers are found to be denning within 300 feet, then construction cannot take place during the normal denning and young-rearing season (January 1 through August 1).

Plants

15. The site may contain plant species listed as rare in Colorado. If a rare plant is discovered prior to or during construction activities, notify the City. The City may, in its discretion, require the Grantee to remove all such plants within the limits of disturbance prior to construction, keep plants alive and replant after construction is completed, or the City may salvage existing plants and shrubs for transplanting to other sites.

16. The site may contain native shrubs and/or trees that may be within the limits of development. Any native shrubs/trees removed to allow construction or damaged during construction must be replaced or mitigated as approved by city staff and detailed in the mitigation plan.

Structures

17. Remove, store, protect and replace any man-made structures (e.g., kiosks, raptor perch poles, prairie dog barriers and fencing) within the limits of disturbance.

18. Repair any damage to concrete bike trails, fences, parking lots, or any other improvements caused directly or indirectly by the construction. Repair/replace improvements immediately to

current City standards, including matching the color of the concrete.

Field Demarcation

19. Install orange construction fencing to mark the easement limits (limits of disturbance) on the site. Do not begin any construction activities until the City's representative has approved the fence location.

20. Post temporary signs informing the public that this is the Grantee's project and indicating the purpose of the project and the Grantee's phone number. Signs must be posted at the locations designated by the City.

Erosion Control

21. Have erosion control measures in place and approved by a City representative prior to any construction.

22. Obtain erosion control and de-watering permits as necessary.

Grading/Construction

23. Required documentation that equipment has been washed/disinfected prior to arriving on site to prevent the spread of noxious species.

24. For areas with native vegetation, strip topsoil in all areas of excavation to a depth of 8 inches and stockpile separately. Wetland and upland soils must be stockpiled separately from each other. Place the topsoil in an 8-inch layer on top of the subsoil in the corresponding zone immediately following the completion of construction.

25. For areas with non-native vegetation, strip the top 2 inches of topsoil from the entire construction easement area and remove the topsoil from the site to remove the non- native vegetation seed source. Then strip 8 inches of topsoil from the area to be excavated and stockpile separately. Wetland and upland soils must be stockpiled separately from each other. Place the topsoil in an 8-inch layer on top of the subsoil in the corresponding zone immediately following the completion of construction.

26. Maintain a safe work area and protect the safety and welfare of Grantee's employees, contractors or subcontractors, and the general public, including without limitation providing barricades and safety fences around excavations and drop-offs left open at the end of a workday. Safety precautions must be in compliance with all applicable laws, rules and regulations.

27. Compact backfill in trenches to 95% Standard Proctor Density. Test the compacted soils at 100' intervals horizontally and 2' intervals vertically within the area of excavation to ensure that this requirement has been met. Submit to the City all laboratory Proctor density results, and a copy of all field compaction tests. After compaction to final subgrade (8" below finished grade), the top 6 inches of subsoil must be ripped (no more than 20" between intervals), and the previously stripped and stockpiled topsoil materials spread evenly over the excavated areas. Soils in backfilled, compacted, topsoil trenches must match the grade of the surrounding undisturbed areas.

28. Set all manhole covers, valve lids, vaults, etc. below or flush with the finished topsoil surface. If any improvements are approved for construction above the final grade, they must be painted with a color approved by the City.

29. Remove the upper sections of all existing manholes to be abandoned and fill the holes with soil. This soil must be compacted to 95% Standard Proctor Density to prevent settlement.

30. Remove the upper sections of all existing manholes to be retained, but that are not flush with the finished topsoil surface and rebuild to be flush with the topsoil surface.

31. Bring to grade (match surrounding topography) all settled and eroded areas along the existing pipeline, if any, to be abandoned during construction of the new pipeline. Repair any settlement that occurs over the existing pipeline or new pipelines after completion and acceptance of the project by the City. Any necessary repairs must be conducted in a manner and at a time directed by the City. Repaired areas must be restored as per restoration requirements outlined in this document or in the easement agreement.

32. Areas within the limits of disturbance that have been driven over, compacted or rutted by equipment must be scarified to a depth of 8" (not to exceed 10" between intervals), and regraded to original grade and contours.

33. Meet with the City's representative to discuss and get approval of the final grading and the seeding/mulching process prior to reseeding. Seed all disturbed and topsoiled areas with a seed mix of native species specified by the City. The seed must be drilled into the soil an appropriate depth for the species in the mix and existing conditions, using a range drill (not a Brillion). Immediately following seeding, roll the seeded areas with a sheep's foot roller to lightly compact and imprint the soil. This removes air voids, provides better seed-soil contact and provides indentions in the soil that will capture moisture. All seeded areas must then be hydromulched in accordance with the City's *Storm Drainage Design Criteria and Construction Standards*. Following final grading and initial seeding of the Construction Easement Area and acceptance by the City, the City will be responsible for ongoing restoration management, including weed control, mowing, and reseeding, as needed, in areas disturbed and seeded in accordance with this paragraph. The cost for the City to perform restoration management over the next five to ten years is calculated to be three thousand nine hundred eighty-five dollars ($3,985.00) per acre of disturbance, or $3,985 for disturbed areas less than 1-acre, based on grassland/shrubland cover types. Restoration management fees will be determined on a case-by-case basis for other cover types.

Any requirements listed above that are not completed in a timely manner may be corrected by the City at the Grantee's expense. The City will bill the Grantee for the cost of the correction plus management costs.

Standards and Guidelines for Restoration
Updated March 2020

PART 1 – GENERAL

1.1 DESCRIPTION
This section covers the requirements for the revegetation of utility easements on City Natural Areas and Open Lands. This includes but is not necessarily limited to upland and wetland soil stockpiling, preparation, and placement, soil amendments, seeding, mulching, sediment and erosion control fabrics, watering and initial care, and final inspection and acceptance by the City. This section addresses all areas disturbed during the work shown or indicated in the executed utility easement documents and approved project plans.

1.2 PROJECT MONITORING
The recipient of the utility easement (Grantee) shall notify the Natural Areas Department (NAD) at least three (3) working days prior to the commencement of any work. NAD will monitor the progress of the work throughout. NAD will also, at its discretion, collect samples during construction of seed, soil additives, water, or any other materials it deems necessary to ensure specifications are met.

1.3 SUBMITTALS

General - The Grantee shall be required to submit statements of guarantee and/or certifications from vendors who supply seed, mulches, tackifiers, and any soil amendments or other materials utilized on the project. These submittals are detailed in Part 2 – Materials.

Required Soils Testing – The Grantee shall, if requested by NAD, sample project soils and submit them for analysis to a qualified soil testing laboratory prior to the start of any seeding operations. As least one soil sample per project soil type must be collected. The location of soil samples shall be jointly determined by the Grantee and NAD. Soil Samples shall be analyzed for the following minimum parameters:

1. pH
2. % Organic Matter
3. Texture (actual % sand, silt, clay, not an estimate)
4. CEC (Contaminants of Emerging Concern)
5. Nitrate, Phosphorous, Potassium, Zinc, Iron, Copper, and Manganese (results in ppm)

The laboratory shall be informed of the species proposed to be planted and the general nature of the project. Based on this information, the laboratory shall provide written recommendations for soil amendments. This report shall be submitted to NAD, where it will be reviewed and approved or modified prior to any soil preparation or seeding.

1.4 GRANTEE'S SITE RESPONSIBILITIES
It shall be the responsibility of the Grantee to locate and protect all utilities, structures, roadways, parking areas, fences, survey markers, existing vegetation (e.g. trees), etc. on all work sites. Any damage caused by the Grantee or their subcontractors shall be immediately repaired or corrected by the Grantee at no expense to the City of Fort Collins.

1.5 CLEANING
All work sites shall be kept clean and free from all debris. At the conclusion of work, the Grantee shall remove and haul from the site all excess materials, debris, and equipment. Any damage

(e.g. damaged fencing, damaged road surfaces, excessive tire furrows, mud tracked onto pavement, etc.) resulting from the Grantee's activities shall be repaired by the Grantee to the satisfaction of NAD at no expense to the City of Fort Collins.

1.6 INSPECTION; ACCEPTANCE

Initial inspection – The Grantee shall give the NAD three (3) working days written notice prior to the beginning of any revegetation work. The Grantee and NAD will inspect the site and verify that all utility work has been completed in accordance with specifications, including but not limited to backfill and compaction, final site grading, replacement of topsoil, removal of all construction materials, and site cleanup. When this has been verified, NAD will notify the Grantee in writing that revegetation work may begin.

Conditional Acceptance - When work has been completed on the project or on any portion or phase of the project designated in the documents and plans, the Grantee and NAD shall inspect the site together and determine whether or not the work is complete and has been done in accordance with easement documents and specifications. If mutual agreement cannot be reached on these issues, the determinations made by NAD shall be final. Deficiencies in the work, if any, shall be noted and a checklist of these deficiencies given to the Grantee by NAD. The Grantee shall immediately correct any deficiencies listed on the checklist. When all checklist items are completed to the satisfaction of NAD, NAD shall issue a Certificate of Conditional Acceptance.

Final Inspection & Final Approval- The Grantee shall pay the City of Fort Collins Natural Area Department a lump sum of $3,985 per acre disturbed, or $3,985 for disturbances less than 1-acre, prior to signing and recording the easement. Once the initial restoration is completed the Grantee is issued a conditional letter of acceptance as defined above, the City will assume maintenance responsibility for the revegetated area. This acceptance **DOES NOT** relieve the Grantee from the warranty of the work as defined below in the **Warranty** paragraph**.**

Warranty - The Grantee shall warrant all seeded areas against defective materials and workmanship for two growing seasons from the date of Conditional Acceptance. At any time during the warranty period, NAD may order any samples collected at the time of seeding to be tested for purity, weed content, species present, etc. The Grantee shall be responsible for the cost of these tests. The Grantee shall rework and reseed (in accordance with the provisions in the original project specifications) any areas that are dead, diseased, contain too many weedy species, or in the opinion of NAD are in an unhealthy condition as a result of defective materials or workmanship, at no cost to the City. Any and all reseeding or other remedial measures required shall be completed within ten days of notification by NAD.

PART 2. MATERIALS

2.1 GENERAL

All materials used shall be new and without flaws or defects of any type and shall be the best of their class and kind. All materials furnished shall be free of noxious weeds as defined in Article III, Section 20-41 of the Code of the City of Fort Collins, including but not limited to Russian Knapweed, Canada Thistle, Field Bindweed, Johnsongrass, Leafy Spurge, and Kochia. Any materials which have become wet, moldy, or otherwise damaged in transit or in storage will not be used.

All materials shall be furnished in original manufacturers shipping bags or containers and remain in these bags or containers until they are used. All materials shall be stored in a manner which will prevent contact with precipitation, surface water, or any other contaminating substance.

2.2 SEED

The seed mix will be specified by NAD. All seed shall be mixed by a wholesale seed supplier in the proportions determined by NAD in order to obtain the application rate specified by NAD. All seed shall conform to all current State and Federal regulations and will be subject to the testing provisions of the Association of Official Seed Analysis. All seed and seed mixes shall be furnished in bags or containers clearly labeled to show the name and address of the supplier, the common, scientific, and variety name(s) of the seed(s), the lot number, point of origin, net weight, percent of weed content, and the guaranteed percentage of purity and germination.

These labels shall be submitted to NAD for approval prior to seeding. The Grantee shall furnish to NAD a signed statement certifying that the seed furnished is from a lot that has been tested by a recognized laboratory for seed testing within six months prior to the date of delivery.

2.3 FERTILIZER

Fertilizers are not permitted.

2.4 MULCH

General - The type of mulching material to be used shall be designated by NAD.

Hay or Straw Mulch - All hay or straw mulch shall be grass hay or straw. At least seventy-five (75%) percent of the mulch by weight shall be ten (10”) inches or more in length. Mulch shall not contain any noxious weed, must, mold, cake, or decay. All mulch must be certified, copies of certification to be submitted to NAD for approval prior to transport to the construction site.

Native Grass Hay Mulch – At least seventy-five (75%) of the mulch by weight shall be ten (10”) inches or more in length. Native grass hay mulch shall be certified, copies of the certification to be submitted to NAD for approval prior to transport to the construction site.

Hydraulic Mulch - Hydromulch material shall consist of at least ninety (90%) percent virgin wood cellulose fiber and be free of any substance or factor which might inhibit germination or growth of grass seed. The wood cellulose fibers shall have the property of becoming evenly dispersed and suspended when agitated in water. Hydraulic mulch shall be clean and shall not contain the seeds of noxious weeds or unspecified grasses. It shall be dyed a color to allow visual metering of its application. When sprayed uniformly on the surface of the soil, the fibers shall from a blotter-like ground cover which readily absorbs water and allows infiltration to the underlying soil. Weight specifications for hydraulic mulch from suppliers and for all applications shall refer only to air dry weight of the fiber, a standard equivalent to ten (10%) percent moisture. The hydraulic mulch material shall be supplied in packages having a gross weight not in excess of one hundred (100 lbs.) pounds and shall be marked by the manufacturer to show the air-dry weight content.

The Grantee shall obtain and submit to the project manager certifications from suppliers of hydraulic mulch that laboratory and field testing of their product has been accomplished, and that it meets all the foregoing requirements pertaining to wood cellulose fiber mulch.

2.5 ORGANIC TACKIFIER/BINDER

Tackifier, if needed for hydro mulching operations, shall be approved by NAD prior to its use. Tackifier shall be an approved commercial grade product (such as "M-Binder" from Ecology Controls, P.O. Box 1275, Carpinteria, CA 93013) suitable for use with virgin wood cellulose fiber mulch. Any tackifier

shall be a non-toxic, non-corrosive, all organic powder which forms a resilient, re-wetable membrane when combined with wood fiber mulches and water. Tackifier materials shall be furnished in original manufacturer's bags or containers clearly labeled to show the name and address of the supplier, and the material chemical contents. Labels and certificates shall be submitted to NAD

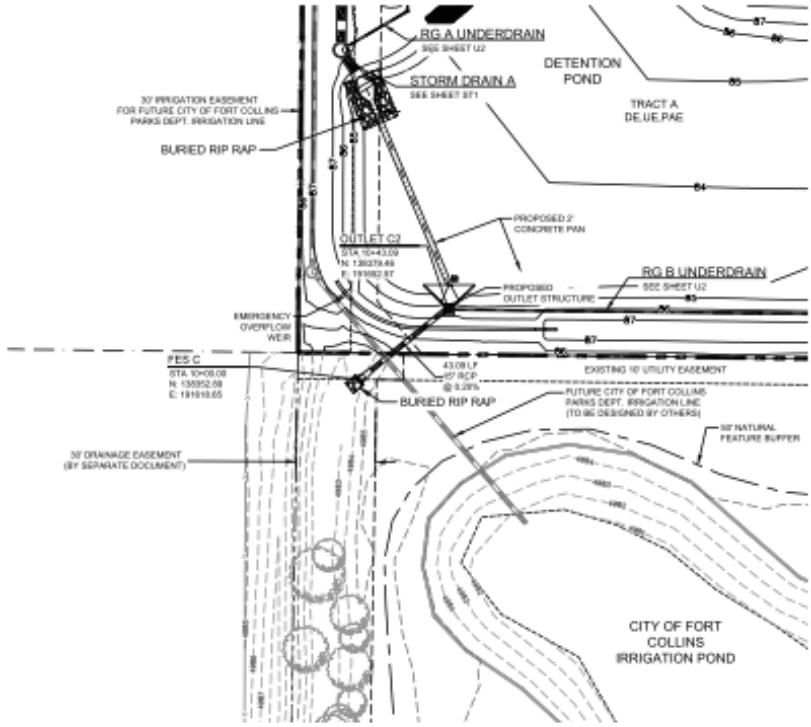
2.6 EROSION CONTROL NETTING, BLANKETS, MATS, FABRICS

Erosion control blankets, mats, or other commercial products for stabilizing land disturbed areas may be required in certain areas. If so, the type, manufacturer, and installation method for these products will be specified by NAD.

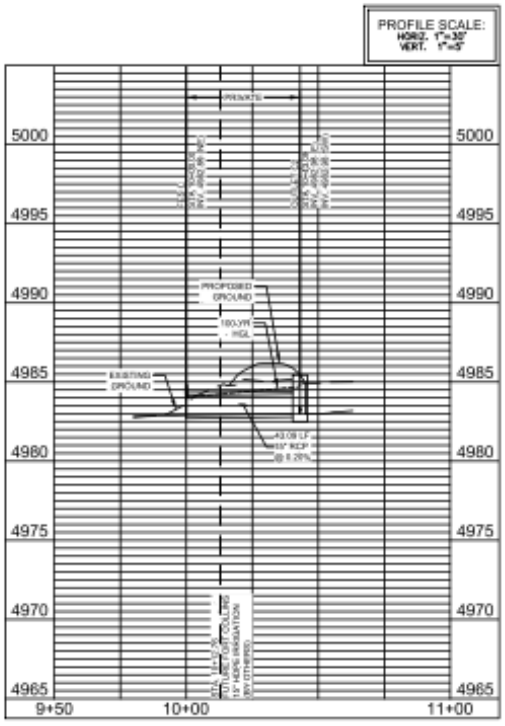
2.7 WATER

All water used on projects under this Contract shall be free of any substances harmful to plant germination and growth, or to the environment in general. The Grantee shall be responsible for furnishing and applying water which meets these requirements. NAD may, at the Grantee's expense, submit samples of water used on any project for laboratory analysis (of a reasonable number and kind) to ensure the quality of the water.

EXHIBIT E
Plans



STORM DRAIN C



TEMPORARY CONSTRUCTION EASEMENT
(City Property-Development Review)

Grantor: City of Fort Collins, Colorado, a municipal corporation
Grantor Signing Authority and Title: Jenni Arndt, Mayor
Grantor Mailing Address: C/O Real Estate Services, P.O. Box 580, Fort Collins, CO 80522
Grantor Phone Number/Email: (970) 221-6211 / RealEstateServices@fcgov.com

Grantee: Willox Development Partners, LLC, a Colorado limited liability company
Grantee Signing Authority and Title: James Righeimer, Manager
Grantee Mailing Address: 1510 Larimer Ridge Pkwy, Timnath, CO 80547
Grantee Phone Number/Email: 970-532-5891 / kristin@tbgroup.us

Project: Utilities and other Infrastructure Improvements to be installed by Grantee pursuant to the approved plans (the "Plans") and specifications set forth in the Final Development Plan FDP240005 and associated documents, including any amendments thereto

Effective Date: Upon Grantor's issuance of a Development Construction Permit for the Project, but no later than twelve (12) months after the date of mutual execution of this TCE
Expiration Date: One (1) year after the Effective Date, subject to the extension and revival permissions provided herein

Consideration: $28,000, being $9,075 (Alignment) + $4,850 (TCE) + $14,075 (Expenses)

Exhibit A – Larger Parcel Description: 1 page
Exhibit B – TCE Area Legal Description: 3 pages
Exhibit B – TCE Area Depiction: 3 pages

This **TEMPORARY CONSTRUCTION EASEMENT** (the "TCE") is made and entered into by and between Grantor and Grantee on the dates written below, and the above referenced Exhibits A through C are attached hereto and made a part of this TCE.

1. Grantor's Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the "Larger Parcel").

2. Grant of Easement. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration, and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its agents, contractors, successors, and assigns, a temporary construction easement (the "Easement") on, over, under, and across that certain portion of the Larger Parcel described more fully on **Exhibit B** and depicted on **Exhibit C** (the "TCE Area"), subject to the conditions and restrictions set forth below.

3. Purpose and Use of Easement.

A. During the term of this TCE, Grantee may use the TCE Area for the following temporary activities related to the Project:

- Construction activities;
- Marking the location of the TCE Area by suitable markers set in the ground;
- Storage and staging of materials and equipment;
- Fencing and gates for security and safety purposes;
- Ingress and egress to the construction site;
- The right to use existing gates in all fences which now cross or shall hereafter cross the TCE Area; and
- Restoration activities in accordance with this TCE.

B. Grantee's use of the Easement is subject to the following:

- Grantee may only access the TCE Area from any adjoining public right of way or other legal access point, and Grantee has no right of ingress and egress across any portion of the Larger Parcel not included in the TCE Area;
- If Grantor's main access to the Larger Parcel is located within the TCE Area, Grantee must allow for Grantor's reasonable access to the Larger Parcel;
- All activities by Grantee on the TCE Area must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of said property and Grantor's intended purposes and uses therefor;
- Grantee shall protect all trees located on the Larger Parcel from any damage by Grantee's construction activities, except as otherwise authorized in the Plans;
- Trees that need to be replaced due to construction related activities are to be born solely by Grantee and per assigned mitigation values as determined by City Forester, as provided for in the Plans.
- Grantee shall restore the TCE Area in accordance with Section 6 below and in accordance with the Plans;
- Any damage to Parks' irrigation infrastructure shall be repaired or replaced by Grantee at no cost to the City at the direction of the Grantor's Parks Department.
- Grantee shall have no right to install, maintain, or use new gates in any fences, unless it obtains the prior written consent of Grantor;
- Grantee shall provide Grantor notice of the date it intends to commence construction operations for the Project, insofar as said operations pertain to the TCE Area, at least seven (7) calendar days prior to such date, and Grantee shall coordinate such work in the TCE Area with Grantor;
- All activities by Grantee within the TCE Area must be carried out in a secure and sanitary manner and to prevent injury or damage to persons or property;
- Grantee shall provide Grantor notice of any accident, emergency, or other dangerous or hazardous occurrence within one calendar day of such occurrence and Grantee must make best efforts to correct or mitigate any such occurrence as soon as practicably possible; and

- Grantee shall not be permitted to enter any portion of any building located within the TCE Area without obtaining the prior written consent of Grantor.

4. Grantor's Rights in the TCE Area. Grantor reserves the right to use the TCE Area for any purposes that will not interfere with Grantee's full enjoyment of the rights granted herein, including but not limited to the following:

- To operate or allow others to operate utility improvements within the TCE Area;
- To grant to third parties the right to use the TCE Area;
- To plant and maintain trees, shrubs, or other landscaping; and
- To install and/or utilize other improvements.

5. Maintenance of the TCE Area. During the term of this TCE, the Grantee will maintain the surface of the TCE Area, specifically limited to any conditions directly caused by Grantee's use and occupancy of the TCE Area or conditions reasonably within Grantee's control. Grantee will not deposit, or permit, or allow to be deposited any hazardous or combustible substance or material within the TCE Area.

6. Restoration of TCE Area.

A. Prior to the Expiration Date, Grantee, in accordance with the requirements of this Section 6 and the requirements of the Plans, will make such repairs or take such other action as may be necessary to restore the TCE Area to a condition comparable to its condition as of the Effective Date (the "Construction Repairs"), including but not limited to the reseeding and replanting of any disturbed areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee's activities.

B. The parties acknowledge that the infrastructure improvements set forth in the Plans shall be considered part of the Construction Repairs and are authorized alterations to the Larger Parcel.

C. The Grantee agrees to provide to Grantor a two-year maintenance guarantee and a two-year repair guarantee covering the design, construction, and maintenance of the Construction Repairs (the "Construction Guarantees"). The Construction Guarantees shall commence upon the date of the City's final approval and acceptance of the Construction Repairs, which shall be in writing (the "Final Approval"). Subject to the foregoing, the ownership of the Construction Repairs shall pass to Grantor upon Final Approval.

D. If the Grantee is required by Grantor to perform work pursuant to the Restoration Guarantees after the automatic expiration of this TCE (the "Additional Work"), the terms and provisions of this TCE shall govern, and this TCE shall be revived for the limited purpose of Grantee's completion of the Additional Work. Any rights granted under this Paragraph 6(D) shall automatically expire upon Final Approval.

E. The parties agree that the Plans may contain more specific details regarding the Construction Repairs, and that the Plans shall control in the event of a conflict between this TCE and the Plans, insofar as they pertain to the specific requirements of Grantee.

7. Term.

A. This TCE will commence on the Effective Date and will automatically terminate thirty (30) days after final completion of the Project, but in no event later than the Expiration Date. However, Grantee may unilaterally terminate this TCE prior to the Expiration Date by providing written notice to Grantor.

B. Grantee shall have the unilateral option to extend the Expiration Date of this TCE for an additional twelve (12) months (the "Extended Expiration Date"), by providing Grantor written notice thereof and consideration therefore at least fifteen (15) days prior to the Expiration Date. The consideration due and payable for this extension of the Expiration Date shall be four thousand eight hundred fifty dollars ($4,850).

C. Other than the potential extension under Section 6(D) or the potential extension up to the Extended Expiration Date under Section 7(B), no additional extension of this TCE term shall be effective unless an amendment hereto is executed by both parties.

8. No Recordation. The parties agree that this TCE shall not be recorded by either party.

9. Authority. Each person executing this TCE represents and warrants that he or she is duly authorized to execute this TCE in his or her individual or representative capacity as indicated.

10. Representations of Grantor. Grantor makes no representations or warranties as to the lawful ownership of the Larger Parcel, and Grantee assumes responsibility for all due diligence related to this transaction.

11. Indemnity and Insurance.

A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors, and assigns from and against all claims that may accrue to Grantee for personal injury, death, or property damage resulting from or arising out of the Grantee's use of the TCE Area or other activities on the Larger Parcel. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor and Grantee, for any liability to third parties arising out of Grantee's use of the Easement Area or other activities on Grantor's Larger Parcel, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the Easement Area, and for any actions or omissions by Grantee in violation of this Conveyance.

B. Grantee shall procure, pay for, and keep in full force and effect during the term of the TCE a comprehensive policy of general liability insurance insuring Grantee in an

amount not less than One Million Dollars ($1,000,000.00) covering bodily injury, including death to persons, personal injury, and property damage liability arising out of a single occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the TCE Area or on Grantor's property (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles.

C. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor.

D. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving the Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of the Grantee, and in such event the cost of such insurance shall be paid for by the Grantee promptly upon receipt of an invoice covering such charges.

12. Notice.

A. Any notice or other communication relating to this TCE must be in writing and shall be deemed given upon actual receipt at the physical or electronic mailing addresses set forth above, which may be amended by providing written notice to the other party.

B. Grantee shall provide written notice to Grantor at least fifteen (15) days prior to the commencement of any construction operations in the TCE Area, including any Additional Work to be performed pursuant to this TCE.

13. Default, Remedies and Litigation Expenses. If a party to this TCE is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance and/or damages. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default.

14. Assignment. The Grantee may not assign its rights under this TCE without the prior written consent of the acting Director of the Parks Department of the City of Fort Collins, Colorado. Assignment of this TCE shall not relieve the Grantee of its obligations under this TCE, and the Grantee shall remain jointly and severally liable for the Grantee's performance required by this TCE.

15. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All of the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their agents, contractors, successors, and assigns. The parties agree that this TCE is to be construed and

enforced according to the laws of Colorado, and venue for any proceeding relating to the subject matter of this TCE shall be in Larimer County, Colorado. If any term of this TCE is determined by any court to be unenforceable, the other terms of this TCE shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this TCE as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

16. Final Agreement. This TCE represents the entire understanding and agreement between the parties with respect to the subject matter hereof and supersedes and replaces all previous oral and written representations, understandings, and agreements between the parties pertaining to the subject matter of this TCE.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date(s) written below, but this TCE shall be effective as of the Effective Date, subject to the final passage of an Ordinance by the City Council of the City of Fort Collins, Colorado.

[Signatures on the following page(s)]

GRANTOR:

City of Fort Collins, Colorado

Date:_____ By: _____
Jeni Arndt, Mayor

ATTEST:

_____

_____
(Print Name, Title)

APPROVED AS TO FORM:

_____
Assistant City Attorney

_____
(Print Name, Title)

GRANTEE:

Willox Development Partners, LLC

By: DocuSigned by: James Righeimer 6263E46FEA5D4FD... _____
James Righeimer, Manager

Date: 11/4/2025

Exhibit A
Larger Parcel Description
(Page 1 of 1)

Larger Parcel Description:

24.3129 acres, more or less, located in the N/2 of Section 2, T7N, R69W, 6th PM, Larimer County, Colorado, being more particularly described as Lot 1 of Lakewood Estates Mobile Home Park, recorded at Book 1638, Page 616, Clerk and Recorder's Records, Larimer County, Colorado.

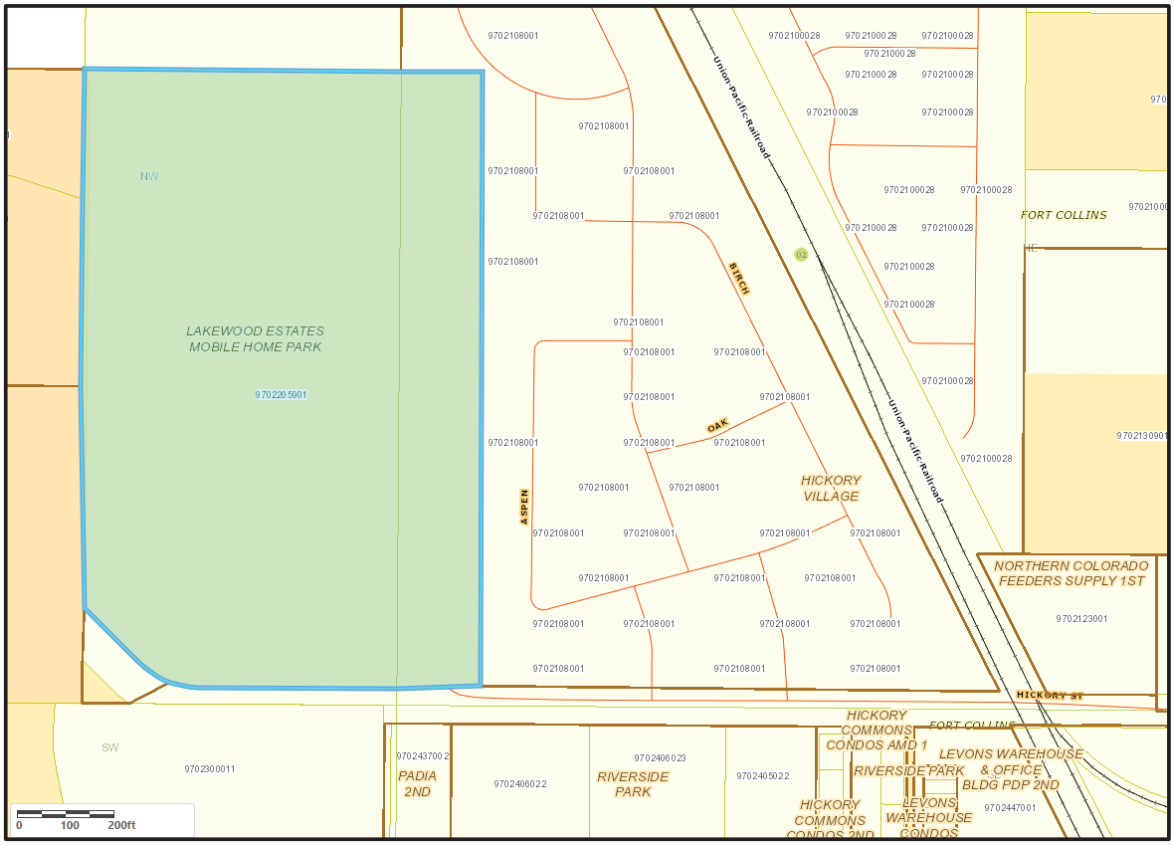
Location Address:

520 Hickory St
Fort Collins, CO 80524

Assessor Parcel Number:

9702205901

Map:



Docusign Envelope ID: 2A1D22A7-926C-4AF4-865F-C73F08A77538

Exhibit B
TCE Area Legal Description
(Page 1 of 3)

DESCRIPTION

A parcel of land being a portion of Lot 1, Lakewood Estates Mobile Home Park, recorded as Book 1638, Page 616 of the Records of Larimer County and situate within the North Half of Section 2, Township 7 North, Range 69 of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado, being more particularly described as follows;

Considering the north line of the Southeast Quarter of the Northwest Quarter of Section 2 as bearing North 89° 19' 45" West with the Center-East-Northwest 1/64th corner being a 3 ¼" aluminum cap on #6 rebar stamped LS 38106 and the Center-North 1/16th corner being a 2 ½" aluminum cap on #6 rebar and with all bearings contained herein relative thereto:

BEGINNING at the Center-North 1/16th corner of Section 2, said point being on the north line of Lot 1, Lakewood Estates Mobile Home Park, said point being **POINT OF BEGINNING 1**;
THENCE South 08° 09' 29" East, a distance of 7.89 feet;
THENCE along the arc of a curve to the right, a distance of 69.02 feet, said curve has a radius of 261.42 feet, a delta of 15° 07' 36" and is subtended by a chord bearing South 87° 39' 55" East, a distance of 68.82 feet;
THENCE along the arc of a curve to the right, a distance of 55.04 feet, said curve has a radius of 60.44 feet, a delta of 52° 10' 09" and is subtended by a chord bearing South 54° 01' 02" East, a distance of 53.15 feet;
THENCE North 33° 29' 42" East, a distance of 11.62 feet;
THENCE South 56° 30' 18" East, a distance of 18.25 feet;
THENCE South 33° 29' 42" West, a distance of 15.98 feet;
THENCE along the arc of a curve to the left, a distance of 48.66 feet, said curve has a radius of 131.84 feet, a delta of 21° 08' 41" and is subtended by a chord bearing South 37° 47' 26" West, a distance of 48.38 feet;
THENCE along the arc of a curve to the left, a distance of 128.40 feet, said curve has a radius of 149.73 feet, a delta of 49° 07' 50" and is subtended by a chord bearing South 02° 39' 11" West, a distance of 124.50 feet;
THENCE along the arc of a curve to the right, a distance of 134.59 feet, said curve has a radius of 217.00 feet, a delta of 35° 32' 16" and is subtended by a chord bearing South 04° 08' 36" East, a distance of 132.45 feet;
THENCE South 13° 37' 32" West, a distance of 54.99 feet; THENCE South 02° 01' 55" East, a distance of 41.58 feet;
THENCE North 89° 56' 58" East, a distance of 54.85 feet; THENCE South 00° 03' 02" East, a distance of 827.80 feet;
THENCE North 90° 00' 00" East, a distance of 10.82 feet; THENCE South 01° 01' 23" West, a distance of 16.75 feet;
THENCE North 89° 20' 01" West, a distance of 30.51 feet;
THENCE North 00° 03' 02" West, a distance of 824.17 feet;
THENCE South 89° 56' 58" West, a distance of 45.96 feet;
THENCE along the arc of a curve to the left, a distance of 90.58 feet, said curve has a radius of 439.00 feet, a delta of 11° 49' 20" and is subtended by a chord bearing South 01° 04' 15" East, a distance of 90.42 feet;
THENCE South 81° 53' 29" West, a distance of 20.00 feet;
THENCE along the arc of a curve to the right, a distance of 9.13 feet, said curve has a radius of 459.00 feet, a delta of 01° 08' 23" and is subtended by a chord bearing North 06° 27' 40" West, a distance of 9.13 feet;
THENCE along the arc of a curve to the right, a distance of 49.56 feet, said curve has a radius of 45.00 feet, a delta of 63° 06' 20" and is subtended by a chord bearing North 02° 57' 02" West, a distance of 47.10 feet;
THENCE along the arc of a curve to the right, a distance of 101.28 feet, said curve has a radius of 459.00 feet, a delta of 12° 38' 34" and is subtended by a chord bearing North 06° 18' 41" East, a distance of 101.08 feet;
THENCE North 02° 01' 55" West, a distance of 186.65 feet;
THENCE North 21° 09' 10" West, a distance of 10.00 feet;
THENCE along the arc of a curve to the left, a distance of 35.01 feet, said curve has a radius of 60.32 feet, a delta of 33° 15' 11" and is subtended by a chord bearing North 66° 21' 52" West, a distance of 34.52 feet;
THENCE along the arc of a curve to the left, a distance of 25.32 feet, said curve has a radius of 102.46 feet, a delta of 14° 09' 22" and is subtended by a chord bearing South 89° 21' 32" West, a distance of 25.25 feet;
THENCE along the arc of a curve to the left, a distance of 60.89 feet, said curve has a radius of 209.50 feet, a delta of 16° 39' 15" and is subtended by a chord bearing South 67° 52' 55" West, a distance of 60.68 feet;
THENCE South 60° 33' 30" West, a distance of 39.01 feet;
THENCE along the arc of a curve to the right, a distance of 38.73 feet, said curve has a radius of 116.00 feet, a delta of 19° 07' 41" and is subtended by a chord bearing South 70° 07' 21" West, a distance of 38.55 feet;
THENCE South 79° 41' 11" West, a distance of 74.53 feet;
THENCE along the arc of a curve to the left, a distance of 74.47 feet, said curve has a radius of 219.52 feet, a delta of 19° 26' 14" and is subtended by a chord bearing South 69° 00' 48" West, a distance of 74.12 feet;
THENCE along the arc of a curve to the left, a distance of 28.45 feet, said curve has a radius of 213.14 feet, a delta of 07° 38' 54" and is subtended by a chord bearing South 57° 14' 16" West, a distance of 28.43 feet;
THENCE along the arc of a curve to the left, a distance of 58.84 feet, said curve has a radius of 235.49 feet, a delta of 14° 19' 00" and is subtended by a chord bearing South 46° 15' 20" West, a distance of 58.69 feet;
THENCE along the arc of a curve to the left, a distance of 38.13 feet, said curve has a radius of 287.63 feet, a delta of 07° 35' 46" and is subtended by a chord bearing South 35° 17' 57" West, a distance of 38.10 feet;
THENCE along the arc of a curve to the left, a distance of 49.27 feet, said curve has a radius of 129.56 feet, a delta of 21° 47' 23" and is subtended by a chord bearing South 20° 36' 23" West, a distance of 48.97 feet;

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PROJECT:	CLIENT:
987-012	CAPRI COLORADO LLC
DATE:	SECTION-TWP-RGE:
11/04/25	S2-T7N-R69W
DRAWN BY:	REVIEW BY:
L. SMITH	R. TESSELY

THIS EXHIBIT IS NOT A MONUMENTED LAND SURVEY. IT IS MEANT TO AID IN THE VISUALIZATION OF THE ACCOMPANYING WRITTEN DESCRIPTION. THE WRITTEN DESCRIPTION SUPERCEDES THE EXHIBIT DRAWING.

DESCRIPTION

THENCE along the arc of a curve to the left, a distance of 44.65 feet, said curve has a radius of 396.50 feet, a delta of 06° 27' 05" and is subtended by a chord bearing South 06° 29' 09" West, a distance of 44.62 feet;
THENCE along the arc of a curve to the left, a distance of 51.62 feet, said curve has a radius of 122.99 feet, a delta of 24° 02' 46" and is subtended by a chord bearing South 08° 45' 47" East, a distance of 51.24 feet;
THENCE along the arc of a curve to the left, a distance of 21.21 feet, said curve has a radius of 203.96 feet, a delta of 05° 57' 33" and is subtended by a chord bearing South 23° 45' 56" East, a distance of 21.20 feet;
THENCE along the arc of a curve to the left, a distance of 46.01 feet, said curve has a radius of 426.27 feet, a delta of 06° 11' 04" and is subtended by a chord bearing South 29° 50' 15" East, a distance of 45.99 feet;
THENCE along the arc of a curve to the left, a distance of 42.92 feet, said curve has a radius of 1077.98 feet, a delta of 02° 16' 52" and is subtended by a chord bearing South 34° 04' 13" East, a distance of 42.92 feet;
THENCE along the arc of a curve to the right, a distance of 64.14 feet, said curve has a radius of 352.57 feet, a delta of 10° 25' 26" and is subtended by a chord bearing South 29° 59' 56" East, a distance of 64.06 feet;
THENCE along the arc of a curve to the right, a distance of 54.17 feet, said curve has a radius of 193.40 feet, a delta of 16° 02' 58" and is subtended by a chord bearing South 16° 45' 44" East, a distance of 54.00 feet;
THENCE along the arc of a curve to the right, a distance of 70.90 feet, said curve has a radius of 514.64 feet, a delta of 07° 53' 35" and is subtended by a chord bearing South 04° 47' 27" East, a distance of 70.84 feet;
THENCE South 00° 50' 40" East, a distance of 55.68 feet;
THENCE South 02° 16' 34" West, a distance of 13.37 feet;
THENCE South 80° 53' 27" West, a distance of 16.10 feet;
THENCE North 13° 14' 26" West, a distance of 15.54 feet;
THENCE North 00° 50' 40" West, a distance of 56.17 feet;
THENCE along the arc of a curve to the left, a distance of 68.14 feet, said curve has a radius of 494.64 feet, a delta of 07° 53' 35" and is subtended by a chord bearing North 04° 47' 27" West, a distance of 68.09 feet;
THENCE along the arc of a curve to the left, a distance of 48.57 feet, said curve has a radius of 173.40 feet, a delta of 16° 02' 58" and is subtended by a chord bearing North 16° 45' 44" West, a distance of 48.41 feet;
THENCE along the arc of a curve to the left, a distance of 60.51 feet, said curve has a radius of 332.57 feet, a delta of 10° 25' 26" and is subtended by a chord bearing North 29° 59' 56" West, a distance of 60.42 feet;
THENCE along the arc of a curve to the right, a distance of 43.72 feet, said curve has a radius of 1097.98 feet, a delta of 02° 16' 52" and is subtended by a chord bearing North 34° 04' 13" West, a distance of 43.71 feet;
THENCE along the arc of a curve to the right, a distance of 48.17 feet, said curve has a radius of 446.27 feet, a delta of 06° 11' 04" and is subtended by a chord bearing North 29° 50' 15" West, a distance of 48.15 feet;
THENCE along the arc of a curve to the right, a distance of 23.29 feet, said curve has a radius of 223.96 feet, a delta of 05° 57' 33" and is subtended by a chord bearing North 23° 45' 56" West, a distance of 23.28 feet;
THENCE along the arc of a curve to the right, a distance of 60.01 feet, said curve has a radius of 142.99 feet, a delta of 24° 02' 46" and is subtended by a chord bearing North 08° 45' 47" West, a distance of 59.57 feet;
THENCE along the arc of a curve to the right, a distance of 46.90 feet, said curve has a radius of 416.50 feet, a delta of 06° 27' 05" and is subtended by a chord bearing North 06° 29' 09" East, a distance of 46.87 feet;
THENCE along the arc of a curve to the right, a distance of 56.88 feet, said curve has a radius of 149.56 feet, a delta of 21° 47' 23" and is subtended by a chord bearing North 20° 36' 23" East, a distance of 56.53 feet;
THENCE along the arc of a curve to the right, a distance of 40.78 feet, said curve has a radius of 307.63 feet, a delta of 07° 35' 46" and is subtended by a chord bearing North 35° 17' 57" East, a distance of 40.75 feet;
THENCE along the arc of a curve to the right, a distance of 63.84 feet, said curve has a radius of 255.49 feet, a delta of 14° 19' 00" and is subtended by a chord bearing North 46° 15' 20" East, a distance of 63.67 feet;
THENCE along the arc of a curve to the right, a distance of 30.69 feet, said curve has a radius of 232.34 feet, a delta of 07° 34' 07" and is subtended by a chord bearing North 57° 11' 29" East, a distance of 30.67 feet;
THENCE along the arc of a curve to the right, a distance of 81.17 feet, said curve has a radius of 239.52 feet, a delta of 19° 25' 03" and is subtended by a chord bearing North 69° 02' 53" East, a distance of 80.79 feet;
THENCE North 79° 41' 08" East, a distance of 74.76 feet;
THENCE along the arc of a curve to the left, a distance of 32.05 feet, said curve has a radius of 96.00 feet, a delta of 19° 07' 41" and is subtended by a chord bearing North 70° 07' 21" East, a distance of 31.90 feet;
THENCE North 60° 33' 36" East, a distance of 38.77 feet;
THENCE along the arc of a curve to the right, a distance of 39.11 feet, said curve has a radius of 229.50 feet, a delta of 09° 45' 48" and is subtended by a chord bearing North 64° 27' 50" East, a distance of 39.06 feet;
THENCE North 71° 30' 54" East, a distance of 44.43 feet;
THENCE along the arc of a curve to the left, a distance of 28.98 feet, said curve has a radius of 95.00 feet, a delta of 17° 28' 51" and is subtended by a chord bearing North 61° 12' 36" East, a distance of 28.87 feet;
THENCE North 21° 09' 10" West, a distance of 133.48 feet to Point A;
THENCE along the arc of a curve to the right, a distance of 26.43 feet, said curve has a radius of 404.10 feet, a delta of 03° 44' 52" and is subtended by a chord bearing South 89° 07' 57" West, a distance of 26.43 feet;
THENCE along the arc of a curve to the right, a distance of 62.35 feet, said curve has a radius of 173.45 feet, a delta of 20° 35' 49" and is subtended by a chord bearing North 78° 41' 42" West, a distance of 62.02 feet;

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PROJECT:	CLIENT:
987-012	CAPRI COLORADO LLC
DATE: 11/04/25	SECTION-TWP-RGE: S2-T7N-R69W
DRAWN BY: L. SMITH	REVIEW BY: R. TESSELY

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DESCRIPTION

THENCE along the arc of a curve to the left, a distance of 37.69 feet, said curve has a radius of 307.89 feet, a delta of 07° 00' 53" and is subtended by a chord bearing North 71° 54' 14" West, a distance of 37.67 feet;
THENCE along the arc of a curve to the right, a distance of 5.58 feet, said curve has a radius of 30.20 feet, a delta of 10° 35' 41" and is subtended by a chord bearing North 70° 04' 44" West, a distance of 5.58 feet;
THENCE North 89° 19' 45" West, a distance of 477.55 feet;
THENCE South 00° 59' 22" West, a distance of 5.00 feet;
THENCE North 89° 19' 45" West, a distance of 10.00 feet;
THENCE South 00° 59' 22" West, a distance of 15.17 feet;
THENCE North 89° 00' 38" West, a distance of 30.00 feet;
THENCE North 00° 59' 21" East, a distance of 25.00 feet to the Center-East-Northwest 1/64th corner;
THENCE South 89° 19' 45" East, along the north line of said Lot 1, a distance of 567.36 feet;
THENCE along the arc of a curve to the left, a distance of 53.57 feet, said curve has a radius of 153.53 feet, a delta of 19° 59' 33" and is subtended by a chord bearing South 78° 59' 32" East, a distance of 53.30 feet;
THENCE along the arc of a curve to the left, a distance of 19.16 feet, said curve has a radius of 384.10 feet, a delta of 02° 51' 31" and is subtended by a chord bearing North 89° 34' 38" East, a distance of 19.16 feet;
THENCE North 08° 09' 29" West, a distance of 9.31 feet to said north line of Lot 1;
THENCE South 89° 19' 45" East, a distance of 20.24 feet, along said North line, to **POINT OF BEGINNING 1**, containing 69,429 square feet or 1.60 acres, more or less;

LESS: **EXCEPTED AREA**

COMMENCING at aforementioned Point A;
THENCE North 86° 00' 02" East, a distance of 20.93 feet to **POINT OF BEGINNING 2**;
THENCE along the arc of a curve to the right, a distance of 62.42 feet, said curve has a radius of 241.42 feet, a delta of 14° 48' 46" and is subtended by a chord bearing South 86° 24' 35" East, a distance of 62.24 feet;
THENCE along the arc of a curve to the right, a distance of 48.95 feet, said curve has a radius of 25.00 feet, a delta of 112° 10' 59" and is subtended by a chord bearing South 22° 54' 42" East, a distance of 41.50 feet;
THENCE along the arc of a curve to the left, a distance of 43.22 feet, said curve has a radius of 169.73 feet, a delta of 14° 35' 19" and is subtended by a chord bearing South 25° 53' 08" West, a distance of 43.10 feet;
THENCE along the arc of a curve to the right, a distance of 34.41 feet, said curve has a radius of 95.00 feet, a delta of 20° 45' 05" and is subtended by a chord bearing South 28° 58' 01" West, a distance of 34.22 feet;
THENCE North 21° 09' 10" West, a distance of 118.84 feet to **POINT OF BEGINNING 2**, containing 5,032 square feet or 0.12 acres, more or less;

Net Area contains 64,397 square feet or 1.48 acres, more or less;

May be subject to easements, rights-of-way, covenants and restrictions of record.

Exhibit attached hereto and made a part hereof.

SURVEYOR'S CERTIFICATE

I, Robert C. Tessely, a Colorado Professional Land Surveyor, do hereby certify that this property description was prepared under my personal supervision and checking, that it is true and correct to the best of my knowledge, information and belief and is in accordance with applicable standards of practice. This is not a guaranty or warranty, either expressed or implied. {4 CCR 730-1}.



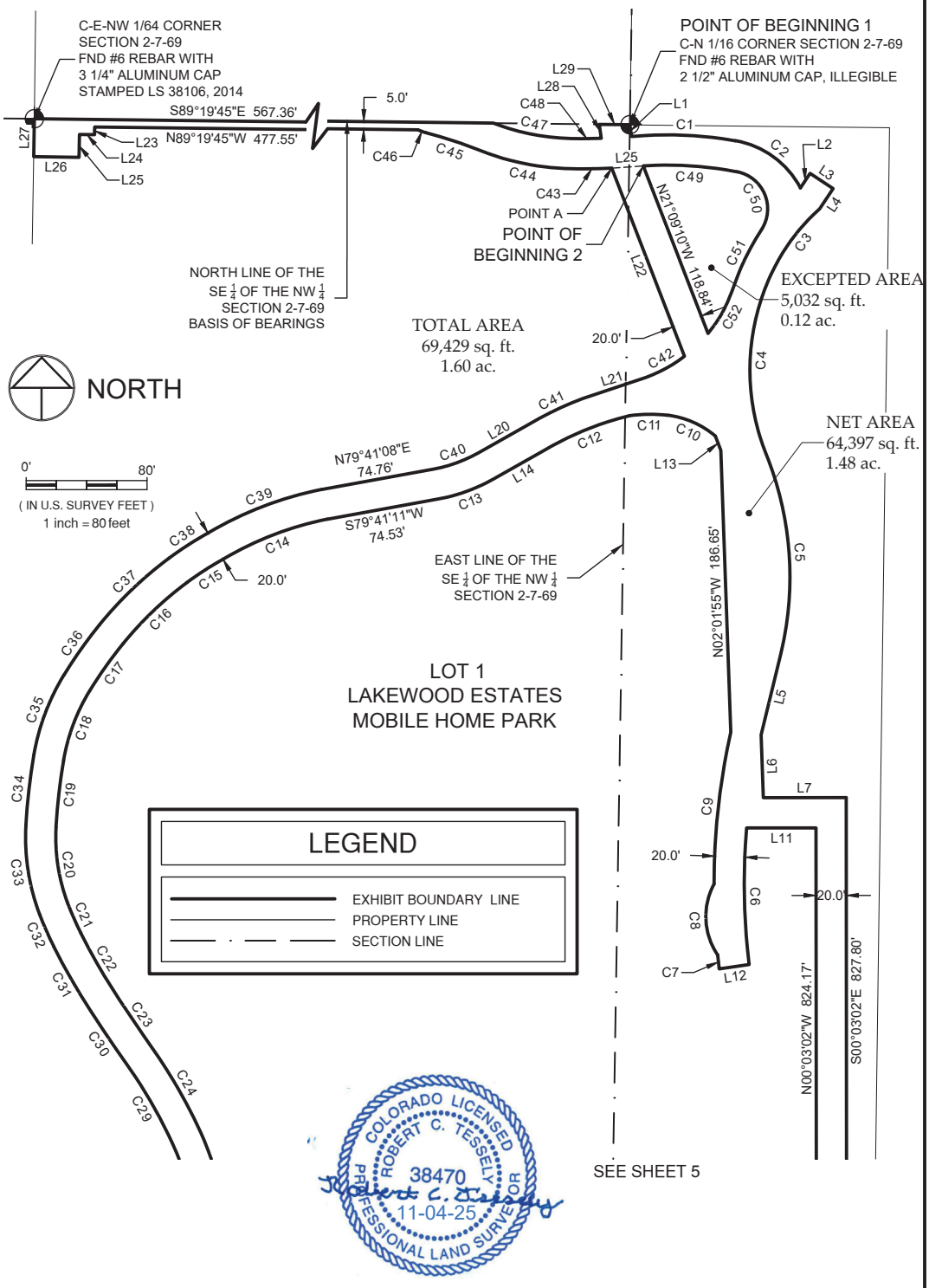
Robert C. Tessely
Colorado Professional Land Surveyor No. 38470
For and on behalf of EPS Group, Inc.

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PROJECT:	CLIENT:
987-012	CAPRI COLORADO LLC
DATE:	SECTION-TWP-RGE:
11/04/25	S2-T7N-R69W
DRAWN BY:	REVIEW BY:
L. SMITH	R. TESSELY

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Exhibit C
TCE Area Depiction
(Page 1 of 3)



COLORADO LICENSED
ROBERT C. TESSELY
38470
PROFESSIONAL LAND SURVEYOR
11-04-25

Robert C. Tessely
Colorado Professional Land Surveyor No. 38470
For and on behalf of EPS Group, Inc.

Sheet	
4	
Of 6 Sheets	

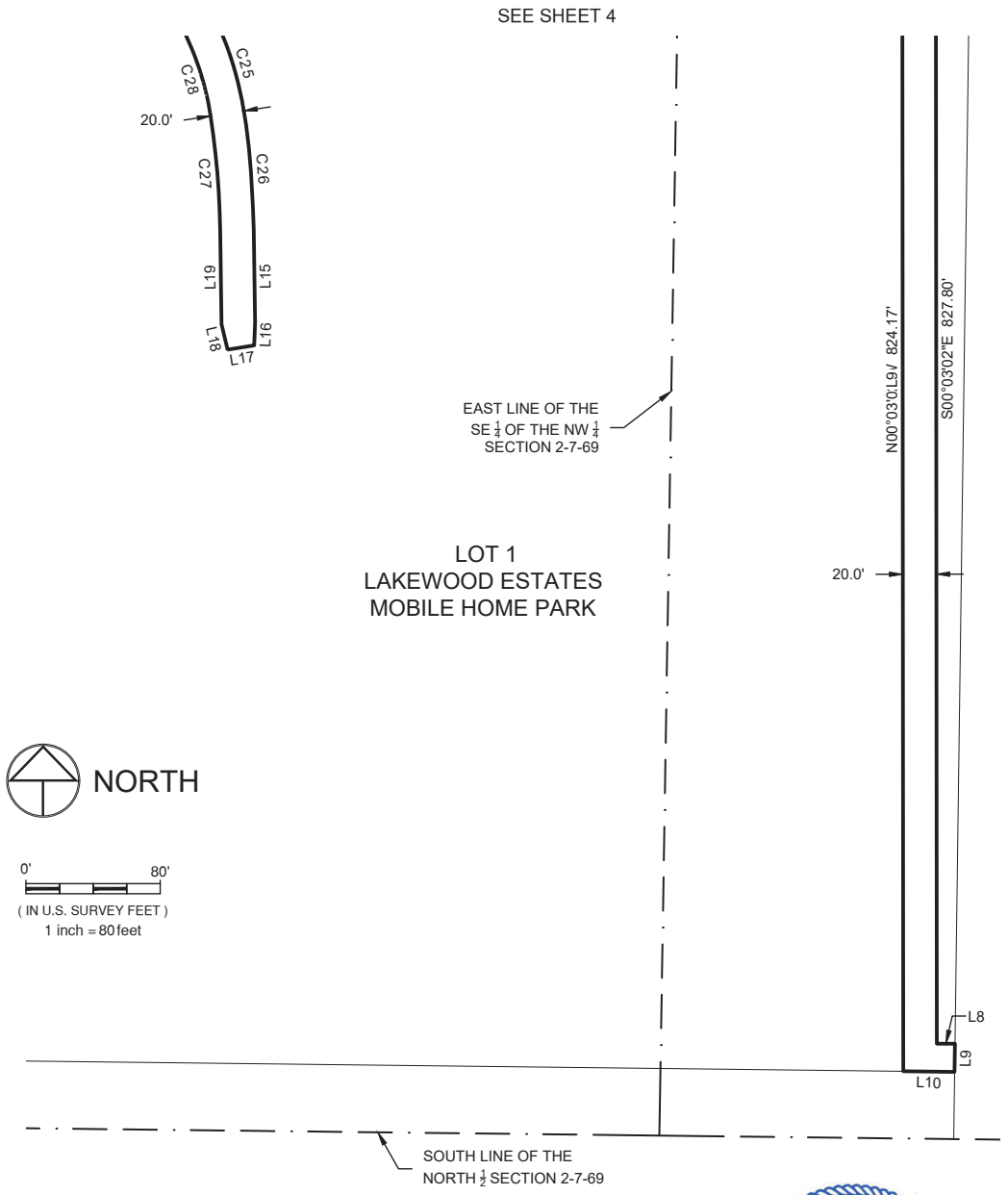
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987-012	CAPRI COLORADO LLC
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EXHIBIT



LEGEND

- EXHIBIT BOUNDARY LINE
- PROPERTY LINE
- SECTION LINE

COLORADO LICENSED
ROBERT C. TESSELY
38470
11-04-25
PROFESSIONAL LAND SURVEYOR

Robert C. Tessely
Colorado Professional Land Surveyor No. 38470
For and on behalf of EPS Group, Inc.

Sheet 5 Of 6 Sheets	
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PROJECT: 987-012	CLIENT: CAPRI COLORADO LLC
DATE: 11/04/25	SECTION-TWP-RGE: S2-T7N-R69W
DRAWN BY: L. SMITH	REVIEW BY: R. TESSELY

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EXHIBIT

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	69.02'	261.42'	15°07'36"	S87°39'55"E	68.82'
C2	55.04'	60.44'	52°10'09"	S54°01'02"E	53.15'
C3	48.66'	131.84'	21°08'41"	S37°47'26"W	48.38'
C4	128.40'	149.73'	49°07'50"	S02°39'11"W	124.50'
C5	134.59'	217.00'	35°32'16"	S04°08'36"E	132.45'
C6	90.58'	439.00'	11°49'20"	N01°04'15"W	90.42'
C7	9.13'	459.00'	1°08'23"	N06°27'40"W	9.13'
C8	49.56'	45.00'	63°06'20"	N02°57'02"W	47.10'
C9	101.28'	459.00'	12°38'34"	N06°18'41"E	101.08'
C10	35.01'	60.32'	33°15'11"	N66°21'52"W	34.52'
C11	25.32'	102.46'	14°09'22"	S89°21'32"W	25.25'
C12	60.89'	209.50'	16°39'15"	S67°52'55"W	60.68'
C13	38.73'	116.00'	19°07'41"	S70°07'21"W	38.55'
C14	74.47'	219.52'	19°26'14"	S69°00'48"W	74.12'
C15	28.45'	213.14'	7°38'54"	S57°14'16"W	28.43'
C16	58.84'	235.49'	14°19'00"	S46°15'20"W	58.69'
C17	38.13'	287.63'	7°35'46"	S35°17'57"W	38.10'
C18	49.27'	129.56'	21°47'23"	S20°36'23"W	48.97'
C19	44.65'	396.50'	6°27'05"	S06°29'09"W	44.62'
C20	51.62'	122.99'	24°02'46"	S08°45'47"E	51.24'
C21	21.21'	203.96'	5°57'33"	S23°45'56"E	21.20'
C22	46.01'	426.27'	6°11'04"	S29°50'15"E	45.99'
C23	42.92'	1077.98'	2°16'52"	S34°04'13"E	42.92'
C24	64.14'	352.57'	10°25'26"	S29°59'56"E	64.06'
C25	54.17'	193.40'	16°02'58"	S16°45'44"E	54.00'
C26	70.90'	514.64'	7°53'35"	S04°47'27"E	70.84'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C27	68.14'	494.64'	7°53'35"	N04°47'27"W	68.09'
C28	48.57'	173.40'	16°02'58"	N16°45'44"W	48.41'
C29	60.51'	332.57'	10°25'26"	N29°59'56"W	60.42'
C30	43.72'	1097.98'	2°16'52"	N34°04'13"W	43.71'
C31	48.17'	446.27'	6°11'04"	N29°50'15"W	48.15'
C32	23.29'	223.96'	5°57'33"	N23°45'56"W	23.28'
C33	60.01'	142.99'	24°02'46"	N08°45'47"W	59.57'
C34	46.90'	416.50'	6°27'05"	N06°29'09"E	46.87'
C35	56.88'	149.56'	21°47'23"	N20°36'23"E	56.53'
C36	40.78'	307.63'	7°35'46"	N35°17'57"E	40.75'
C37	63.84'	255.49'	14°19'00"	N46°15'20"E	63.67'
C38	30.69'	232.34'	7°34'07"	N57°11'29"E	30.67'
C39	81.17'	239.52'	19°25'03"	N69°02'53"E	80.79'
C40	32.05'	96.00'	19°07'41"	N70°07'21"E	31.90'
C41	39.11'	229.50'	9°45'48"	N64°27'50"E	39.06'
C42	28.98'	95.00'	17°28'51"	N61°12'36"E	28.87'
C43	26.43'	404.10'	3°44'52"	S89°07'57"W	26.43'
C44	62.35'	173.45'	20°35'49"	N78°41'42"W	62.02'
C45	37.69'	307.89'	7°00'53"	N71°54'14"W	37.67'
C46	5.58'	30.20'	10°35'41"	N70°04'44"W	5.58'
C47	53.57'	153.53'	19°59'33"	S78°59'32"E	53.30'
C48	19.16'	384.10'	2°51'31"	N89°34'38"E	19.16'
C49	62.42'	241.42'	14°48'46"	S86°24'35"E	62.24'
C50	48.95'	25.00'	112°10'59"	S22°54'42"E	41.50'
C51	43.22'	169.73'	14°35'19"	S25°53'08"W	43.10'
C52	34.41'	95.00'	20°45'05"	S28°58'01"W	34.22'

LINE TABLE		
LINE	LENGTH	BEARING
L1	7.89'	S08° 09' 29"E
L2	11.62'	N33° 29' 42"E
L3	18.25'	S56° 30' 18"E
L4	15.98'	S33° 29' 42"W
L5	54.99'	S13° 37' 32"W
L6	41.58'	S02° 01' 55"E
L7	54.85'	N89° 56' 58"E
L8	10.82'	N90° 00' 00"W
L9	824.17'	N00° 03' 02"W
L10	30.51'	N89° 20' 01"W
L11	45.96'	S89° 56' 58"W
L12	20.00'	S81° 53' 29"W
L13	10.00'	N21° 09' 10"W
L14	39.01'	S60° 33' 30"W
L15	55.68'	S00° 50' 40"E

LINE TABLE		
LINE	LENGTH	BEARING
L16	13.37'	S02° 16' 34"W
L17	16.10'	S80° 53' 27"W
L18	15.54'	N13° 14' 26"W
L19	56.17'	N00° 50' 40"W
L20	38.77'	N60° 33' 36"E
L21	44.43'	N71° 30' 54"E
L22	133.48'	N21° 09' 10"W
L23	5.00'	S00° 59' 22"W
L24	10.00'	N89° 19' 45"W
L25	15.17'	S00° 59' 22"W
L26	30.00'	N89° 00' 38"W
L27	25.00'	N00° 59' 21"E
L28	9.31'	N08° 09' 29"W
L29	20.24'	S89° 19' 45"E



Robert C. Tessely
Colorado Professional Land Surveyor No. 38470
For and on behalf of EPS Group, Inc.

Sheet 6 Of 6 Sheets

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PROJECT:	CLIENT:
987-012	CAPRI COLORADO LLC
DATE:	SECTION-TWP-RGE:
11/04/25	S2-T7N-R69W
DRAWN BY:	REVIEW BY:
L. SMITH	R. TESSELY

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File Attachments for Item:

8. Second Reading of Ordinance No. 195, 2025, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

This Ordinance, unanimously adopted on First Reading on November 18, 2025, updates City Code to modify the Contracted Residential Waste Collection Program to give the City Manager the authority to approve annual rate increases above 3% that are agreed upon following the method established in the contract and to set a deadline for annual rate increase approval.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Josh Birks, Deputy Director, Sustainability Services
Megan DeMasters, Manager, Environmental Sustainability
Emily Wenger, Lead Specialist, Environmental Sustainability

SUBJECT

Second Reading of Ordinance No. 195, 2025, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 18, 2025, updates City Code to modify the Contracted Residential Waste Collection Program to give the City Manager the authority to approve annual rate increases above 3% that are agreed upon following the method established in the contract and to set a deadline for annual rate increase approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The first annual rate increase for the Residential Trash and Recycling Collection Program went into effect on September 30, 2025. During the rate increase evaluation and approval process, staff identified the need for additional clarity in the code regarding approval authority for rate increases and timing requirements for completing negotiations. Recommended changes to City Code Section 2-32 provide this additional clarity.

Approval authority for annual rate increases above 3%:

- **What:** This amendment to the Code gives the City Manager explicit authority to approve annual rate increases above 3% when the contractor follows the methodology established in the contract for rate increases above 3%.

- **Context:** While the contract anticipates an annual 3% increase, the contractor may petition annually for rate increases above 3% due to uncontrollable cost changes (disposal/processing tip fees or regulatory changes). Petitions must document how tip fee changes justify the increase, using twelve-month average tip fees to account for market volatility.

The City Manager currently has express authority to execute amendments to the contract when the amendments do not increase costs to program customers without a commensurate service improvement,

substantially modify the purposes of the contract, or increase the obligations and responsibilities of the City as set forth in the contract.

- **Why:** This change streamlines procedures by allowing staff to apply contractual methodology without requiring Council approval for regular annual increases. It also aligns the City Manager's approval authority with other contract-related duties.

Deadline for approval of annual rate increases:

- **What:** This amendment sets a deadline of 45 days before the anniversary date of the service commencement date (September 30, 2024) for annual rate increases to be approved.

- **Why:** This deadline ensures that rate negotiations conclude with sufficient time to communicate rate increases to residents

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

The City contractor was engaged and has no concerns with the addition of a deadline to complete negotiations to code.

ATTACHMENTS

First Reading attachments available in November 18, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/

1. Ordinance No. 195, 2025

ORDINANCE NO. 195, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 12-32 OF THE CODE OF THE CITY OF FORT COLLINS TO UPDATE THE RESIDENTIAL WASTE COLLECTION PROGRAM

A. Colorado Revised Statutes Section 30-15-401(7.5) authorizes the City to establish a residential waste collection program (the "Program").

B. On April 18, 2023, through Ordinance No. 054, 2023, the Council authorized the City to establish the Program, and through Ordinance No. 055, 2023, authorized the City to enter a contract with a contractor to provide residential waste collection services under the Program. The City's contractor began providing residential waste collection services under the Program on September 30, 2024, pursuant to a contract for services (the "Contract").

C. The Contract provides for an annual three percent increase in service rates, and also allows the contractor to petition annually for rate increases above three percent due to uncontrollable cost changes, which are limited to increases in disposal or processing tip fees or regulatory changes.

D. The Code provisions that govern the Program authorize the City Manager to execute amendments to the Contract, but only under certain circumstances. Specifically, Section 12-32(a) of the Code of the City of Fort Collins provides that "[t]he City Manager may approve and execute future amendments to the contract that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate the program, so long as such amendments do not increase costs to program customers without a commensurate service improvement, substantially modify the purposes of the contract, or increase the obligations and responsibilities of the City as set forth in the contract."

E. City staff has recommended revisions to the Program that are consistent with the original intent of the Program. The Contract authorizes rate increases above three percent when there are uncontrollable cost changes, which would necessitate an amendment to formalize. At the same time, the City Code prohibits the City Manager from executing an amendment without Council approval that increases program costs but does not include a commensurate service improvement. This Ordinance simplifies the amendment process by expressly authorizing the City Manager to execute annual rate increases in accordance with the Contract process without City Council action.

F. Additionally, staff has recommended that the Program be improved by requiring price increases to be finalized not less than 45 days in advance of when they take effect so that ample notice of rate increases can be given to Program customers.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

FORT COLLINS that Section 12-32(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-32. City contract; City administrative fee; rates.

(a) The City may enter into an agreement with a licensed collector to become the City's contracted waste collector, subject to the following:

(1) The City's contracted waste collector shall provide residential waste collection services under the City's residential waste collection program and the dumpster program. The contract shall establish all appropriate terms and conditions, including rates for residential waste collection services, for the contracted waste collector's provision of residential waste services to the City. The contract shall also establish all appropriate terms and conditions for the dumpster program.

(2) All rates under the contract shall be in amounts that reasonably relate to the services provided for such rates.

(3) The City Manager may approve and execute future amendments to the contract that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate the program, so long as such amendments do not increase costs to program customers without a commensurate service improvement, substantially modify the purposes of the contract, or increase the obligations and responsibilities of the City as set forth in the contract.

(4) The City Manager may also approve and execute future amendments to the contract for an annual rate adjustment, if any, made in accordance with the terms of the contract for an annual rate adjustment. Any amendment to the contract for an annual rate adjustment shall be fully executed not less than 45 days prior to the effective date of the amendment.

Introduced, considered favorably on first reading on November 18, 2025, and approved on second reading for final passage on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 12, 2025
Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

9. First Reading of Ordinance No. 196, 2025, Making a Supplemental Appropriation of Unanticipated Revenue for Payment of Contingency Fees.

The purpose of this item is to appropriate funding authority in the General Fund to make the required fee payment for the recovery of an insurance settlement benefitting the City.

December 2, 2025

AGENDA ITEM SUMMARY

City Council

STAFF

Trevor Nash, Senior Accounting Manager

SUBJECT

First Reading of Ordinance No. 196, 2025, Making a Supplemental Appropriation of Unanticipated Revenue for Payment of Contingency Fees.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate funding authority in the General Fund to make the required fee payment for the recovery of an insurance settlement benefitting the City.

STAFF RECOMMENDATION

Staff recommends adoption of this Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Larimer County Solid Waste Facility at 5887 S. Taft Hill Road ("Landfill") is a regional solid waste processing and disposal site operated and maintained by the Larimer County ("County"). Since 1967, the Landfill site has been and is currently owned in the following undivided interests: 50% Fort Collins, 25% Larimer County and 25% City of Loveland. Fort Collins operated the Landfill from 1963 until January 1, 1975, after which the County operated the Landfill pursuant to an agreement among the City, the City of Loveland and the County (collectively the "Parties") dated November 21, 1974. The County remains the current operator.

The Parties have collaborated since 2018 to assess and propose corrective measures for environmental contamination of groundwater detected at the Landfill, in cooperation with the Colorado Department of Public Health and Environment ("CDPHE") and entered into an intergovernmental agreement ("IGA") to take remediation measures and to allocate costs therefor.

In 2021, the City retained outside legal counsel on a contingency fee basis to research and determine if the City had any insurance policy or coverage that would respond to a claim for groundwater contamination at the Landfill, given that pollution exclusions became standard provisions in commercial or general liability policies in the 1980s. In its research, outside counsel located a policy in place with coverage at the Landfill prior to the pollution exclusion, made a claim on behalf of the City, and facilitated a settlement agreement in 2025 between the insurer and the City. These efforts resulted in a $550,000 recovery by the City under the insurance policy.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate $192,500 of unanticipated settlement revenue received in 2025 in the General Fund to be expended for the required contingency fee payment. Any amount appropriated above the actual expenditure will revert to the General Fund reserves balance at the end of the 2025 fiscal year.

The City Manager has determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 196, 2025

ORDINANCE NO. 196, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF
UNANTICIPATED REVENUE FOR PAYMENT OF
CONTINGENCY FEES

A. The Larimer County Solid Waste Facility at 5887 S. Taft Hill Road ("Landfill") is a regional solid waste processing and disposal site operated and maintained by Larimer County ("County").

B. Since 1967, the Landfill site has been and is currently owned in the following undivided interests: 50% Fort Collins, 25% Larimer County and 25% City of Loveland.

C. Fort Collins operated the Landfill from 1963 until January 1, 1975, after which the County operated the Landfill pursuant to an agreement among the City, the City of Loveland and the County (collectively the "Parties") dated November 21, 1974. The County remains the current operator.

D. The Parties have collaborated since 2018 to assess and propose corrective measures for environmental contamination of groundwater detected at the Landfill, in cooperation with the Colorado Department of Public Health and Environment ("CDPHE") and entered into an intergovernmental agreement ("IGA") to take remediation measures and to allocate costs therefor.

E. In 2021, the City retained outside legal counsel on contingency fee basis to research and determine if the City had any insurance policy or coverage that would respond to a claim for groundwater contamination at the Landfill, given that pollution exclusions became standard provisions in commercial or general liability policies in the 1980s.

F. In its research, outside counsel located an insurance policy in place with coverage at the Landfill prior to the pollution exclusion, made a claim on behalf of the City, and facilitated a settlement agreement in 2025 between the insurer and the City.

G. The City received unanticipated revenues from this settlement in 2025 in the form of an insurance recovery payment in the amount of $550,000. This Ordinance appropriates funds to make a contingency fee payment to outside counsel. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting programs or capital expenses throughout the City, including making available revenues for remediation in future fiscal years.

H. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not

exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

I. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the General Fund and that this appropriation will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new revenue or other funds in the General Fund the sum of ONE HUNDRED NINETY-TWO THOUSAND FIVE HUNDRED DOLLARS ($192,500) to be expended in the General Fund for payment of the contingency fee.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

10. First Reading of Ordinance No. 197, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.

The purpose of this item is to request an appropriation of $25,023.67 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Emily Land, Director of Philanthropy & Strategic Partnerships

SUBJECT

First Reading of Ordinance No. 197, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.

EXECUTIVE SUMMARY

The purpose of this item is to request an appropriation of $25,023.67 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

STAFF RECOMMENDATION

Staff recommends the adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

The City received several individual philanthropic donations in 2025 totaling $25,023.67 to support various departments, and these funds are currently unappropriated. Both Section 2.5 of the City's Financial Management Policy 2 – Revenue, as approved by City Council, and the Administrative Philanthropic Governance Policy 6.04, adopted by the City Manager, (together the "City Give Policies"), provide the bases and processes for the responsible and efficient management of charitable donations to the City.

Gifts totaling $25,023.67 have been received for various programs. These gifts include: $696.00 to benefit the Arts and Culture Fund received through the Lincoln Center Box Office from various donors, $10,000 from Connexion to support the Holiday Lighting Ceremony, $7,160 to benefit the Youth Golf Scholarship Fund received from CB & Potts, $275 from various donors to benefit the Utilities Payment Assistance Fund, and $6,000 received from an individual donor to support the forestry department, and $892.67 from a NoCO Foundation endowment fund to benefit youth sports.

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate in the current fiscal year into the Funds as detailed in the table below in new philanthropic revenue received by City Give in the amount of $25,023.67 and authorize expenditures against those revenues for the purposes and in the amounts as directed by donors to support various City departments to support a range of programs and services.

Fund	Project	Amount	Lapsing/Non-lapsing
Cultural Services Fund	Arts & Culture Fund	$696.00	Lapsing
General Fund	Holiday Lighting Sponsorship	$10,000.00	Lapsing
General Fund	Living Tribute Trees	$6,000.00	Lapsing
Recreation Fund	Youth Sports	$892.67	Lapsing
Golf Fund	Youth Golf Scholarship Fund	$7,160.00	Non-lapsing
Light & Power Fund	Utilities Payment Assistance Fund	$25.00	Non-lapsing
Light & Power Fund	Utilities Payment Assistance Fund	$250.00	Non-lapsing

The donations will be spent from the designated fund solely for the donors' intended purpose. The funds have been received and accepted according to City Give Policies.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 197, 2025

ORDINANCE NO. 197, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED PHILANTHROPIC
REVENUE RECEIVED THROUGH CITY GIVE

A. The City has received generous donations in 2025 through its City Give program, both large and modest, as philanthropic gifts to the public and the City programs and activities to serve the community.

B. The appropriation of these funds benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting programs or capital expenses throughout the City, including, but not limited to, cultural services, golf, forestry, and youth sports.

C. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

D. The City Manager has recommended the appropriations described in Section 1 of this Ordinance and determined that the amount of each of these appropriations are available and previously unappropriated from the respective funds named in Section 1 will not cause the total amount appropriated in each such fund to exceed the current estimate of actual and anticipated revenues to be received in those funds during this fiscal year.

E. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds, a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

F. The City Council wishes to designate the appropriation in the Light and Power Fund, which is for the Payment Assistance Fund, and the appropriation in the Golf Fund, which is for the Youth Golf Scholarship Fund, as appropriations that shall not lapse until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2025 to be expended as designated by the donors in

support of the various City programs and services as described in the Agenda Item Summary.

Cultural Services Fund	$	696.00
General Fund	$	16,000.00
Recreation Fund	$	892.67
Golf Fund	$	7,160.00
Light & Power Fund	$	275.00

Section 2. The appropriations in Section 1 in the Light and Power Fund, which is for the Payment Assistance Fund, and the Golf Fund, which is for the Youth Golf Scholarship Fund, are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

11. First Reading of Ordinance No. 198, 2025, Making Supplemental Appropriations from the Colorado Division of Criminal Justice for Restorative Justice Services and Approving a Modification to an Intergovernmental Grant Agreement with the Colorado Division of Criminal Justice.

The purpose of this item is to appropriate $4,000 of unanticipated grant revenue from the Colorado Division of Criminal Justice Juvenile Diversion Fund awarded for the period of July 1, 2025 – June 30, 2026. This grant supports the Restorative Justice programs in the Housing and Community Vitality Department in Sustainability Services and approves the corresponding modification to the City's intergovernmental agreement with the State of Colorado.

Restorative Justice Programs (Programs) are part of the City's Conflict Transformation Works team, which also provide mediation services. The Programs will provide restorative justice services as an accountability option for 35 youth referred from the 8th Judicial District Attorney's Office.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Perrie McMillen, Manager, Conflict Transformation Works
Mary-Claire Geiss, Senior Specialist
Carisa Clinton, Senior Grants Analyst

SUBJECT

First Reading of Ordinance No. 198, 2025, Making Supplemental Appropriations from the Colorado Division of Criminal Justice for Restorative Justice Services and Approving a Modification to an Intergovernmental Grant Agreement with the Colorado Division of Criminal Justice.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate $4,000 of unanticipated grant revenue from the Colorado Division of Criminal Justice Juvenile Diversion Fund awarded for the period of July 1, 2025 – June 30, 2026. This grant supports the Restorative Justice programs in the Housing and Community Vitality Department in Sustainability Services and approves the corresponding modification to the City's intergovernmental agreement with the State of Colorado.

Restorative Justice Programs (Programs) are part of the City's Conflict Transformation Works team, which also provide mediation services. The Programs will provide restorative justice services as an accountability option for 35 youth referred from the 8th Judicial District Attorney's Office.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Restorative Justice Services and its three programs: RESTORE for shoplifting offenses, Restorative Justice Conferencing Program (RJCP), and Reflect Program for all other offenses, have been partially grant-funded since inception in 2000. Since it began, Restorative Justice Services has provided a restorative justice alternative to more than 3,200 young people who committed chargeable offenses in our community. The Council yearly accepts grant funds from the Colorado Division of Criminal Justice (CDCJ) to support Restorative Justice Services.

This CDCJ grant helps fund support for youth referred to the program from the 8th Judicial District Attorney's Office. Restorative Justice is an alternative method of holding a young person accountable by facilitating meeting(s) with the responsible youth, the victim/victim representative, and members of the community to determine the harm done by the crime and how to repair the harm. Criminal Justice Officials are optimistic that repeat offenses by youth will be reduced by identifying and repairing the harm caused by the crime and the needs and concerns of the victims and affected community will be addressed.

These Programs help young people understand how family, friends, victims and community are harmed by their actions and hold them accountable for the harm they caused. The intention is that these young people will make better future decisions and not commit the same or a similar crime again. Reducing future criminal behavior and keeping young people out of the justice system both contribute positively to a safer and healthier community. Addressing the needs and concerns of those harmed by crime and community members also has a positive effect on the overall health and safety of the community. As part of the programs, youth and families are referred to appropriate community resources based on needs identified during program participation.

CITY FINANCIAL IMPACTS

The item appropriates $4,000 to cover personnel costs for the Restorative Justice Specialist and the Conflict Transformation Works Program Assistant for time spent on the Restorative Justice Services Program's Conflict Transformation Works program.

The grant from CDCJ is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to $4,000.

The City received previous funding under this grant in July 2025 shown in the table below. This action will bring total unanticipated grant revenue for Restorative Justice Services to $39,637.

Prior Grant Appropriation	$35,637
Funds to be Appropriated with this Action	$4,000
Total Grant Award	**$39,637**

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 198, 2025

ORDINANCE NO. 198, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS FROM THE
COLORADO DIVISION OF CRIMINAL JUSTICE FOR
RESTORATIVE JUSTICE SERVICES AND APPROVING A
MODIFICATION TO AN INTERGOVERNMENTAL GRANT
AGREEMENT WITH THE COLORADO DIVISION OF CRIMINAL
JUSTICE

A. Restorative Justice Programs ("Restorative Justice") within the City's Housing and Community Vitality Department operates three programs: RESTORE for shoplifting offenses; the Restorative Justice Conferencing Program; and the Reflect Program for all other offenses.

B. Restorative Justice holds young offenders accountable by helping them understand how family, friends, victims, and the community are harmed by their actions, and holding offenders accountable for the harm they caused to help them make better decisions in the future.

C. Since its inception, Restorative Justice has provided restorative justice alternatives to more than 3,200 young people who have committed chargeable offenses in our community.

D. Restorative Justice has been partially grant-funded since 2000 and has accepted reimbursement-based grant funds on an annual basis from the Colorado Division of Criminal Justice ("CDCJ") to support City Restorative Justice programs. The CDJC entered into its current grant agreement with the City in June 2024 (the "IGA"), which is attached hereto as Exhibit A and incorporated herein by reference. The IGA provided the City with $53,428 for the State's 2024-2025 Fiscal Year. The State's 2024-2025 Fiscal Year ran from July 1, 2024, through June 30, 2025. The City Council approved the IGA through Ordinance No. 117, 2025.

E. Restorative Justice received an award of $35,637 from the CDCJ Juvenile Diversion fund through a State of Colorado Grant Modification Option Letter to the IGA (the "2026 Option") for the State's 2025-2026 Fiscal Year. The State's 2025-2026 Fiscal Year runs from July 1, 2025, through June 30, 2026. The 2026 Option is attached hereto as Exhibit B and incorporated herein by reference. The 2026 Option extended the IGA through June 30, 2026. The 2026 Option also added a new statement of work to the IGA and added a new budget under the IGA in the amount of $35,637, but otherwise retained the requirements contained in the IGA for the City to expend the funds provided to the City. The City Council approved the 2026 Option as a modification of the IGA through Ordinance No. 117, 2025.

F. Restorative Justice received an additional award of $4,000 from the CDCJ Juvenile Diversion fund through a State of Colorado Grant Modification Option Letter to the IGA (the "2026 Option Letter 3") for the State's 2025-2026 Fiscal Year. The 2026

Option Letter 3 is attached hereto as Exhibit C and incorporated herein by reference. The 2026 Option Letter 3 only modifies the IGA by increasing the amount of the grant agreement for the 2025-2026 fiscal year. Restorative Justice will use the $4,000 in additional grant funds to assist young people referred to Restorative Justice from the 8th Judicial District Attorney's Office.

I. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of reducing future criminal behavior and keeping young people out of the justice system, contributing positively to a safer, healthier community. Addressing the needs and concerns of those harmed by crime and community members also has a positive effect on the overall community health and safety.

J. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

K. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the General Fund and that this appropriation will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

L. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant.

M. The City Council wishes to designate the appropriation herein for the Colorado Division of Criminal Justice Restorative Justice Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

N. Section 1-22 of the City Code requires that all intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to the City Council for review, and any approval thereof shall be by ordinance or resolution of the City Council, subject to certain exceptions. Further, the City is authorized to enter into intergovernmental agreements to provide any function, service, or facility under Article II, Section 16 of the Charter of the City of Fort Collins and Colorado Revised Statutes Section 29-1-203, and City staff recommends approval of the 2026 Option Letter 3.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of FOUR THOUSAND DOLLARS ($4,000) to be expended in the General Fund for the Colorado Division of Criminal Justice Restorative Justice Grant.

Section 2. The appropriation herein for the Colorado Division of Criminal Justice Restorative Justice Grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Section 3. The City Council hereby approves the IGA, as modified by the 2026 Option Letter 3, the latter of which is attached hereto as Exhibit C.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Grant Award Letter (Intergovernmental Agreement)
Exhibit B – State of Colorado Grant Modification Option Letter
Exhibit C – State of Colorado Grant Modification Option Letter 3

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GRANT AWARD LETTER
(Intergovernmental Grant Agreement)
SUMMARY OF GRANT AWARD TERMS AND CONDITIONS

State Agency Department of Public Safety, Division of Criminal Justice	**DCJ Grant Number** 2025-DV-25-30008-08
Grantee City of Fort Collins	**Federal Unique Entity Identifier (UEI)** VEJ3BS5GK5G1
Grant Issuance Date (Start Date) The later of July 1, 2024 or the date the State Controller or an authorized delegate signs this Grant Letter	**Grant Expiration Date (End Date)** June 30, 2025
Grant Amount State Fiscal Year 2024-2025: $40,428 **Total for all State Fiscal Years: $40,428**	**Grant Authority (State Authority)** The Division of Criminal Justice is authorized to disburse these funds by Colorado Revised Statute 24-33.503 and 507. Authority to enter into this Grant exists in the Juvenile Diversion Program, as defined in the Colorado Revised Statute 19-2.5-402.

Grant Description
Funding for the juvenile diversion program/services in the 8th Judicial District.

Grant Purpose
Per Colorado Statute, the goal of diversion is to prevent further involvement of juveniles in the formal justice system (19-2.5-102 (17) C.R.S.). Juvenile diversion programs should be individually designed alternatives to the formal court system for youth between the ages of 10-17 who have been taken into custody for misdemeanor or felony offenses. Diversion programs should concentrate on holding the youth accountable for their behavior while involving them in programs and activities to prevent future criminal and delinquent behavior. This award is a formula grant, and is not competitive.

Exhibits and Order of Precedence
The following Exhibits and attachments are included with this Grant:

1. Exhibit A1, Sample Option Letter.
2. Exhibit A2, Sample Grant Funding Change Letter
3. Exhibit B, Grant Requirements.
4. Exhibit C, Special Conditions.
5. Exhibit D, Statement of Work.
6. Exhibit E, Budget.

In the event of a conflict or inconsistency between this Grant and any Exhibit or attachment, such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:

1. Exhibit C, Special Conditions.
2. The provisions of the other sections of the main body of this Agreement.
3. Exhibit B, Grant Requirements.
4. Exhibit D, Statement of Work.
5. Exhibit E, Budget.

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SIGNATURE PAGE

THE SIGNATORIES LISTED BELOW AUTHORIZE THIS GRANT

STATE OF COLORADO
Jared S. Polis, Governor
Department of Public Safety
Stan Hilkey, Executive Director

DocuSigned by:
Matthew M. Lunn, PhD
8C8341EFA6124C4...

By: Matthew M. Lunn, PhD, Director, Division of Criminal Justice

Date: 06/18/2024 | 11:29:42 AM PDT

In accordance with §24-30-202, C.R.S., this Agreement is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

DocuSigned by:
Lyndsay Clelland
363D680603F0405...

By: Lyndsay J. Clelland, Contract and Grant Coordinator, Division of Criminal Justice

Effective Date: 06/18/2024 | 3:40:34 PM MDT

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1. GRANT

As of the Grant Issuance Date, the State Agency shown on the first page of this Grant Award Letter (the "State") hereby obligates and awards to Grantee shown on the first page of this Grant Award Letter (the "Grantee") an award of Grant Funds in the amounts shown on the first page of this Grant Award Letter. By accepting the Grant Funds provided under this Grant Award Letter, Grantee agrees to comply with the terms and conditions of this Grant Award Letter and requirements and provisions of all Exhibits to this Grant Award Letter.

2. TERM

A. Initial Grant Term and Extension

The Parties' respective performances under this Grant Award Letter shall commence on the Grant Issuance Date and shall terminate on the Grant Expiration Date unless sooner terminated or further extended in accordance with the terms of this Grant Award Letter. Upon request of Grantee, the State may, in its sole discretion, extend the term of this Grant Award Letter in accordance with **§16.D**.

B. Early Termination in the Public Interest

The State is entering into this Grant Award Letter to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If this Grant Award Letter ceases to further the public interest of the State or if State or other funds used for this Grant Award Letter are not appropriated, or otherwise become unavailable to fund this Grant Award Letter, the State, in its discretion, may terminate this Grant Award Letter in whole or

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in part by providing written notice to Grantee that includes, to the extent practicable, the public interest justification for the termination. If the State terminates this Grant Award Letter in the public interest, the State shall pay Grantee an amount equal to the total reimbursement payable under this Grant Award Letter that corresponds to the Work satisfactorily completed, as determined by the State, less payments previously made. This subsection shall not apply to a termination of this Grant Award Letter by the State for breach by Grantee.

3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

A. "**Budget**" means the budget for the Work described in **Exhibit E, Budget**.

B. "**Business Day**" means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays listed in §24-11-101(1), C.R.S.

C. "**CJI**" means criminal justice information collected by criminal justice agencies needed for the performance of their authorized functions, including, without limitation, all information defined as criminal justice information by the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy, as amended and all Criminal Justice Records as defined under §24-72-302, C.R.S.

D. "**CORA**" means the Colorado Open Records Act, §§24-72-200.1, *et seq.*, C.R.S.

E. "**Grant Award Letter**" means this letter which offers Grant Funds to Grantee, including all attached Exhibits, all documents incorporated by reference, all referenced statutes, rules and cited authorities, and any future updates thereto.

F. "**Grant Funds**" means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under this Grant Award Letter.

G. "**Grant Expiration Date**" means the Grant Expiration Date shown on the first page of this Grant Award Letter.

H. "**Grant Issuance Date**" means the Grant Issuance Date shown on the first page of this Grant Award Letter.

I. "**Exhibits**" exhibits and attachments included with this Grant as shown on the first page of this Grant

J. "**Extension Term**" means the period of time by which the Grant Expiration Date is extended by the State through delivery of an updated Grant Award Letter

K. "**Goods**" means any movable material acquired, produced, or delivered by Grantee as set forth in this Grant Award Letter and shall include any movable material acquired, produced, or delivered by Grantee in connection with the Services.

L. "**Incident**" means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access or disclosure of State Confidential Information or of the unauthorized modification, disruption, or destruction of any State Records.

M. "**Initial Term**" means the time period between the Grant Issuance Date and the Grant Expiration Date.

N. "**Party**" means the State or Grantee, and "Parties" means both the State and Grantee.

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O. "**PCI**" means payment card information including any data related to credit card holders' names, credit card numbers, or the other credit card information as may be protected by state or federal law.

P. "**PII**" means personally identifiable information including, without limitation, any information maintained by the State about an individual that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. PII includes, but is not limited to, all information defined as personally identifiable information in §§24-72-501 and 24-73-101, C.R.S.

Q. "**PHI**" means any protected health information, including, without limitation any information whether oral or recorded in any form or medium: **(i)** that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and **(ii)** that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual. PHI includes, but is not limited to, any information defined as Individually Identifiable Health Information by the federal Health Insurance Portability and Accountability Act.

R. "**Services**" means the services to be performed by Grantee as set forth in this Grant Award Letter, and shall include any services to be rendered by Grantee in connection with the Goods.

S. "**State Confidential Information**" means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to, PII, PHI, PCI, Tax Information, CJI, and State personnel records not subject to disclosure under CORA. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has been communicated, furnished, or disclosed by the State to Contractor which (i) is subject to disclosure pursuant to CORA; (ii) is already known to Contractor without restrictions at the time of its disclosure to Contractor; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Contractor to the State; (iv) is disclosed to Contractor, without confidentiality obligations, by a third party who has the right to disclose such information; or (v) was independently developed without reliance on any State Confidential Information.

T. "**State Fiscal Rules**" means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a), C.R.S.

U. "**State Fiscal Year**" means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.

V. "**State Records**" means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.

W. "**Subcontractor**" means third-parties, if any, engaged by Grantee to aid in performance of the Work. This establishes a **procurement** relationship. The subcontractor provides goods or services for the benefit of the purchaser.

X. **"Subgrantee"** means third-parties, if any, engaged by Grantee to aid in performance of the Work. This establishes a **grant** relationship. The beneficiary, not the purchaser, receives

benefit from the work. There may be multiple tiers of subgrantees that do not include procurement transactions.

Y. "**Work**" means the delivery of the Goods and performance of the Services described in this Grant Award Letter.

Z. "**Work Product**" means the tangible and intangible results of the Work, whether finished or unfinished, including drafts. Work Product includes, but is not limited to, documents, text, software (including source code), research, reports, proposals, specifications, plans, notes, studies, data, images, photographs, negatives, pictures, drawings, designs, models, surveys, maps, materials, ideas, concepts, know-how, and any other results of the Work. "Work Product" does not include any material that was developed prior to the Grant Issuance Date that is used, without modification, in the performance of the Work.

Any other term used in this Grant Award Letter that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

4. STATEMENT OF WORK

Grantee shall complete the Work as described in this Grant Award Letter and in accordance with the provisions of **Exhibit E, Budget**. The State shall have no liability to compensate or reimburse Grantee for the delivery of any goods or the performance of any services that are not specifically set forth in this Grant Award Letter.

5. PAYMENTS TO GRANTEE

A. Maximum Amount

Payments to Grantee are limited to the unpaid, obligated balance of the Grant Funds. The State shall not pay Grantee any amount under this Grant that exceeds the Grant Amount for each State Fiscal Year shown on the first page of this Grant Award Letter. Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available. The State shall not be liable to pay or reimburse Grantee for any Work performed or expense incurred before the Grant Issuance Date or after the Grant Expiration Date.

B. Reimbursement of Grantee Costs

The State shall reimburse Grantee's allowable costs, not exceeding the maximum total amount described in this Grant Award Letter for all allowable costs described in this Grant Award Letter and shown in the Budget, except that Grantee may adjust the amounts between each line item of the Budget without formal modification to this Agreement as long as the Grantee provides notice to and receives approval from the State of the change, the change does not modify the total maximum amount of this Grant Award Letter or the maximum amount for any state fiscal year, and the change does not modify any requirements of the Work. The State shall only reimburse allowable costs if those costs are: **(i)** reasonable and necessary to accomplish the Work and for the Goods and Services provided; and **(ii)** equal to the actual net cost to Grantee (i.e. the price paid minus any items of value received by Grantee that reduce the cost actually incurred).

C. Close-Out

Grantee shall close out this Grant within 45 days after the Grant Expiration Date. To complete close out, Grantee shall submit to the State all deliverables (including documentation) as

defined in this Grant Award Letter and Grantee's final reimbursement request or invoice. The State will withhold allowable costs until all final documentation has been submitted and accepted by the State as substantially complete.

6. REPORTING - NOTIFICATION

A. Performance and Final Status

Grantee shall submit all financial, performance and other reports to the State no later than the end of the close out described in **§5.C**, containing an evaluation and review of Grantee's performance and the final status of Grantee's obligations hereunder.

B. Violations Reporting

Grantee shall disclose, in a timely manner, in writing to the State, all violations of federal or State criminal law involving fraud, bribery, or gratuity violations potentially affecting this Award. The State may impose any penalties for noncompliance allowed under 2 CFR Part 180 and 31 U.S.C. 3321, which may include, without limitation, suspension or debarment.

7. GRANTEE RECORDS

A. Maintenance and Inspection

Grantee shall make, keep, and maintain, all records, documents, communications, notes and other written materials, electronic media files, and communications, pertaining in any manner to this Grant for a period of three years following the completion of the close out of this Grant. Grantee shall permit the State to audit, inspect, examine, excerpt, copy and transcribe all such records during normal business hours at Grantee's office or place of business, unless the State determines that an audit or inspection is required without notice at a different time to protect the interests of the State.

B. Monitoring

The State will monitor Grantee's performance of its obligations under this Grant Award Letter using procedures as determined by the State. Grantee shall allow the State to perform all monitoring based on the State's risk analysis of Grantee. The State shall have the right, in its sole discretion, to change its monitoring procedures and requirements at any time during the term of this Agreement. The State shall monitor Grantee's performance in a manner that does not unduly interfere with Grantee's performance of the Work. If Grantee enters into a subcontract or subgrant then Grantee shall contain provisions permitting both Grantee and the State to perform all monitoring of that subcontractor or subgrantee.

C. Final Audit Report

Grantee shall promptly submit to the State a copy of any final audit report of an audit performed on Grantee's records that relates to or affects this Grant or the Work, whether the audit is conducted by Grantee or a third party. Additionally, if Grantee is required to perform a single audit under 2 CFR 200.501, *et seq.*, then Grantee shall submit a copy of the results of that audit to the State within the same timelines as the submission to the federal government.

8. CONFIDENTIAL INFORMATION-STATE RECORDS

A. Confidentiality

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Grantee shall hold and maintain, and cause all Subgrantees and Subcontractors to hold and maintain, any and all State Records that the State provides or makes available to Grantee for the sole and exclusive benefit of the State, unless those State Records are otherwise publically available at the time of disclosure or are subject to disclosure by Grantee under CORA. Grantee shall not, without prior written approval of the State, use for Grantee's own benefit, publish, copy, or otherwise disclose to any third party, or permit the use by any third party for its benefit or to the detriment of the State, any State Records, except as otherwise stated in this Grant Award Letter. Grantee shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. If Grantee or any of its Subgrantees or Subcontractors will or may receive the following types of data, Grantee or its Subgrantees or Subcontractors shall provide for the security of such data according to the following: **(i)** the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to this Grant as an Exhibit, if applicable, **(ii)** the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, **(iii)** the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and **(iv)** the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to this Grant, if applicable. Grantee shall immediately forward any request or demand for State Records to the State's principal representative.

B. Other Entity Access and Nondisclosure Agreements

Grantee may provide State Records to its agents, employees, assigns, Subgrantees and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns, Subgrantees and Subcontractors who require access to perform their obligations under this Grant Award Letter. Grantee shall ensure all such agents, employees, assigns, Subgrantees and Subcontractors sign nondisclosure agreements with provisions at least as protective as those in this Grant, and that the nondisclosure agreements are in force at all times the agent, employee, assign, Subgrantees or Subcontractor has access to any State Confidential Information. Grantee shall provide copies of those signed nondisclosure restrictions to the State upon request.

C. Use, Security, and Retention

Grantee shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information wherever located. Grantee shall provide the State with access, subject to Grantee's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of this Grant, Grantee shall return State Records provided to Grantee or destroy such State Records and certify to the State that it has done so, as directed by the State. If Grantee is prevented by law or regulation from returning or destroying State Confidential Information, Grantee warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

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D. Incident Notice and Remediation

If Grantee becomes aware of any Incident, it shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. After an Incident, Grantee shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State at no additional cost to the State.

E. Safeguarding PII

If Grantee or any of its Subgrantees or Subcontractors will or may receive PII under this Agreement, Grantee shall provide for the security of such PII, in a manner and form acceptable to the State, including, without limitation, State non-disclosure requirements, use of appropriate technology, security practices, computer access security, data access security, data storage encryption, data transmission encryption, security inspections, and audits. Grantee shall be a "Third-Party Service Provider" as defined in §24-73-103(1)(i), C.R.S. and shall maintain security procedures and practices consistent with §§24-73-101 *et seq.*, C.R.S.

9. CONFLICTS OF INTEREST

Grantee shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Grantee under this Grant. Grantee acknowledges that, with respect to this Grant, even the appearance of a conflict of interest shall be harmful to the State's interests and absent the State's prior written approval, Grantee shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Grantee's obligations under this Grant. If a conflict or the appearance of a conflict arises, or if Grantee is uncertain whether a conflict or the appearance of a conflict has arisen, Grantee shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration.

10. INSURANCE

Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S. (the "GIA"). Grantee shall ensure that any Subgrantees and Subcontractors maintain all insurance customary for the completion of the Work done by that Subgrantee or Subcontractor and as required by the State or the GIA.

11. REMEDIES

In addition to any remedies available under any exhibit to this Grant Award Letter, if Grantee fails to comply with any term or condition of this Grant, the State may terminate some or all of this Grant and require Grantee to repay any or all Grant funds to the State in the State's sole discretion. The State may also terminate this Grant Award Letter at any time if the State has determined, in its sole discretion, that Grantee has ceased performing the Work without intent to resume performance, prior to the completion of the Work.

12. DISPUTE RESOLUTION

Except as herein specifically provided otherwise disputes concerning the performance of this Grant that cannot be resolved by the designated Party representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager or official designated by Grantee for resolution.

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13. NOTICES AND REPRESENTATIVES

Each Party shall identify an individual to be the principal representative of the designating Party and shall provide this information to the other Party. All notices required or permitted to be given under this Grant Award Letter shall be in writing, and shall be delivered either in hard copy or by email to the representative of the other Party. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this **§13**.

14. RIGHTS IN WORK PRODUCT AND OTHER INFORMATION

Grantee hereby grants to the State a perpetual, irrevocable, non-exclusive, royalty free license, with the right to sublicense, to make, use, reproduce, distribute, perform, display, create derivatives of and otherwise exploit all intellectual property created by Grantee or any Subcontractors or Subgrantees and paid for with Grant Funds provided by the State pursuant to this Grant.

15. GOVERNMENTAL IMMUNITY

Liability for claims for injuries to persons or property arising from the negligence of the Parties, their departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, *et seq*. C.R.S. No term or condition of this Contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

16. GENERAL PROVISIONS

A. Assignment

Grantee's rights and obligations under this Grant are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Grantee's rights and obligations approved by the State shall be subject to the provisions of this Grant Award Letter.

B. Captions and References

The captions and headings in this Grant Award Letter are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in this Grant Award Letter to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

C. Entire Understanding

This Grant Award Letter represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into this Grant Award Letter.

D. Modification

The State may modify the terms and conditions of this Grant by issuance a formal amendment to this Agreement, properly executed and approved in accordance with applicable Colorado State law and State Fiscal Rules. Modifications permitted under this Agreement, other than

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Agreement amendments, shall conform to the policies issued by the Colorado State Controller.

i. For each fiscal year of the Grant, the State shall issue an updated **Exhibit D, Statement of Work** and **Exhibit E, Budget** by Option Letter substantially equivalent to Exhibit A1, Sample Option Letter each fiscal year (July 1 through June 30). Work shall not begin on a new fiscal year until such an Option Letter is effective. The provisions of the Option Letter shall become part of and be incorporated into this Grant.

ii. The State may, at the State's discretion, issue an updated **Exhibit D, Statement of Work** and **Exhibit E, Budget** by Option Letter substantially equivalent to **Exhibit A1, Sample Option Letter** to reflect changes during the fiscal year. The provisions of the Option Letter shall become part of and be incorporated into this Grant.

iii. Grantee may terminate the grant if the Grantee cannot adhere to the approved **Exhibit D, Statement of Work** and **Exhibit E, Budget** as updated from time to time.

iv. The State may, at the State's discretion, use an Option Letter or Grant Funding Change letter substantially equivalent to **Exhibit A1, Sample Option Letter** or **Exhibit A2, Sample Grant Funding Change Letter** to modify the grant agreement. If exercised, the provisions of the Option Letter or Grant Funding Change Letter shall become part of and be incorporated into the grant agreement.

v. The State may increase or decrease the quantity of goods/services described **Exhibit D, Statement of Work** and **Exhibit E, Budget** based upon the rates established in the Grant. If the State exercises the option, it will provide written notice to Grantee at least 15 days prior to the end of the current grant term in a form substantially equivalent to **Exhibit A1, Sample Option Letter**.

vi. The State may add or delete the goods/services described **Exhibit D, Statement of Work** and **Exhibit E, Budget** as long as the change does not change the overall scope of the approve grant. If the State exercises the option, it will provide written notice to Grantee at least 15 days prior to the end of the current grant term in a form substantially equivalent to **Exhibit A1, Sample Option Letter**.

E. Statutes, Regulations, Fiscal Rules, and Other Authority

Any reference in this Grant Award Letter to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Grant Issuance Date. Grantee shall strictly comply with all applicable Federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. Digital Signatures

If any signatory signs this agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into this Contract by reference.

G. Severability

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The invalidity or unenforceability of any provision of this Grant Award Letter shall not affect the validity or enforceability of any other provision of this Grant Award Letter, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under the Grant in accordance with the intent of the Grant.

H. Survival of Certain Grant Award Letter Terms

Any provision of this Grant Award Letter that imposes an obligation on a Party after termination or expiration of the Grant shall survive the termination or expiration of the Grant and shall be enforceable by the other Party.

I. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described above, this Grant Award Letter does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Any services or benefits which third parties receive as a result of this Grant are incidental to the Grant, and do not create any rights for such third parties.

J. Waiver

A Party's failure or delay in exercising any right, power, or privilege under this Grant Award Letter, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

K. Accessibility

Grantee shall comply with and adhere to Section 508 of the U.S. Rehabilitation Act of 1973, as amended, and §§24-85-101, *et seq*., C.R.S. Grantee shall comply with all State of Colorado technology standards related to technology accessibility and with Level AA of the most current version of the Web Content Accessibility Guidelines (WCAG), incorporated in the State of Colorado technology standards and available at https://www.w3.org/TR/WCAG21/.

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EXHIBIT A1, SAMPLE OPTION LETTER

State Agency Insert Department's or IHE's Full Legal Name	**Option Letter Number** Insert the Option Number (e.g. "1" for the first option)
Grantee Insert Grantee's Full Legal Name, including "Inc.", "LLC", etc...	**Original Agreement Number** Insert CMS number or Other Agreement Number of the Original Contract
Current Agreement Maximum Amount Initial Term State Fiscal Year 20xx $0.00 Extension Terms State Fiscal Year 20xx $0.00 State Fiscal Year 20xx $0.00 State Fiscal Year 20xx $0.00 State Fiscal Year 20xx $0.00 Total for All State Fiscal Years $0.00	**Option Agreement Number** Insert CMS number or Other Agreement Number of this Option **Agreement Performance Beginning Date** Month Day, Year **Current Agreement Expiration Date** Month Day, Year

1. **OPTIONS:**
   - A. Option to extend for an Extension Term
   - B. Option to change the quantity of Goods under the Agreement
   - C. Option to change the quantity of Services under the Agreement
   - D. Option to modify Agreement rates
   - E. Option to initiate next phase of the Agreement
2. **REQUIRED PROVISIONS:**
   - A. **For use with Option 1(A):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option for an additional term, beginning Insert start date and ending on the current Agreement expiration date shown above, at the rates stated in the Original Agreement, as amended.
   - B. **For use with Options 1(B and C):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to Increase/Decrease the quantity of the Goods/Services or both at the rates stated in the Original Agreement, as amended.
   - C. **For use with Option 1(D):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to modify the Agreement rates specified in Exhibit/Section Number/Letter. The Agreement rates attached to this Option Letter replace the rates in the Original Agreement as of the Option Effective Date of this Option Letter.
   - D. **For use with Option 1(E):** In accordance with Section(s) Number of the Original Agreement referenced above, the State hereby exercises its option to initiate Phase indicate which Phase: 2, 3, 4, etc, which shall begin on Insert start date and end on Insert ending date at the cost/price specified in Section Number.
   - E. **For use with all Options that modify the Agreement Maximum Amount:** The Agreement Maximum Amount table on the Agreement's Signature and Cover Page is hereby deleted and replaced with the Current Agreement Maximum Amount table shown above.
3. **OPTION EFFECTIVE DATE:**
   - F. The effective date of this Option Letter is upon approval of the State Controller or , whichever is later.

STATE OF COLORADO Jared S. Polis, Governor INSERT-Name of Agency or IHE INSERT-Name & Title of Head of Agency or IHE _____ By: Name & Title of Person Signing for Agency or IHE Date: _____	In accordance with §24-30-202, C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate. **STATE CONTROLLER** **Robert Jaros, CPA, MBA, JD** By:_____ Name of Agency or IHE Delegate-Please delete if agreement will be routed to OSC for approval Option Effective Date: _____

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EXHIBIT A2, GRANT FUNDING CHANGE LETTER

State Agency Insert Department's or IHE's Full Legal Name	**Grant Funding Change Letter Number** Insert the Option Number (e.g. "1" for the first option)
Contractor Insert Contractor's Full Legal Name, including "Inc.", "LLC", etc...	**Original Grant Number** Insert CMS number or Other Contract Number of the Original Contract
Current Contract Maximum Amount Initial Term State Fiscal Year 20xx $0.00 Extension Terms State Fiscal Year 20xx $0.00 State Fiscal Year 20xx $0.00 State Fiscal Year 20xx $0.00 State Fiscal Year 20xx $0.00 Total for All State Fiscal Years $0.00	**Grant Funding Change Letter Contract Number** Insert CMS number or Other Contract Number of this Option **Contract Performance Beginning Date** Month Day, Year **Current Contract Expiration Date** Month Day, Year

1. GRANT FUNDING CHANGE

In accordance with **§Insert Section Number** of the Original Grant referenced above, the State Agency listed above commits the following funds to the grant:

A. The funding available for State Fiscal Year 20xx is Increased/Decreased by $Amount of Change, because Insert Reason For Change.

B. The total funding avail for all State Fiscal Years as of the effective date of this Grant Funding Change Letter is shown as the current contract maximum above.

2. TERMINOLOGY

All terminology used in this Grant Funding Change Letter shall be interpreted in accordance with the Original Grant referenced above.

3. NO ORDER FOR WORK

This Grant Funding Change Letter modifies the available funding only and does not constitute an order or authorization for any specific services or goods under the Grant.

4. GRANT FUNDING CHANGE LETTER EFFECTIVE DATE:

The effective date of this Grant Funding Change Letter is upon approval of the State Controller or , whichever is later.

STATE OF COLORADO
Jared S. Polis, Governor
INSERT-Name of Agency or IHE
INSERT-Name & Title of Head of Agency or IHE

_____
By: Name & Title of Person Signing for Agency or IHE

Date: _____

In accordance with §24-30-202 C.R.S., this Option is not valid until signed and dated below by the State Controller or an authorized delegate.

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

By:_____
Name of Agency or IHE Delegate-Please delete if contract will be routed to OSC for approval

Grant Funding Change Letter Effective Date:_____

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EXHIBIT B, GRANT REQUIREMENTS

The following terms as used herein shall be construed and interpreted as follows:

1. AUDIT REQUIREMENTS

A. DUE DATE:

I. PROJECT START:

The Grantee must submit the most recent audit or financial review, including the corresponding governance/management letter, to DCJ within thirty (30) days of request; and, if the most recent audit/financial review has not already been submitted to DCJ, it must be submitted within thirty (30) days of the start of this project.

II. PROJECT DURATION AND END:

The Grantee assures that it will procure an audit or financial review, incorporating this grant award, by an independent Certified Public Accountant (CPA), licensed to practice in Colorado. The audit or financial review incorporating this grant award must be completed and received by DCJ within nine (9) months of the end of the fiscal years that includes the end date of the grant, or within thirty (30) days of the completion of such audit or review, whichever is earlier.

B. REPORT/AUDIT TYPE:

I. If your entity expended $750,000 or more in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), your organization is required to arrange for a single organization-wide audit conducted in accordance with the provisions of Title 2 C.F.R. Subpart F (§ 200.500 et seq.)

II. **[*NOT APPLICABLE TO SUBGRANTEES AS DEFINED IN §3.DD. "SUBGRANTEE"]*** If your entity expends less than $750,000 in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), your organization is required to arrange for either an audit or financial review as follows:

1. Grantees that have revenue greater than $300,000 from all sources during the entity's fiscal year are required by DCJ to obtain a financial audit.
2. Grantees that have revenue less than $300,000 from all sources during the entity's fiscal year are required by DCJ to obtain a financial audit or financial review. A compilation is not sufficient to satisfy this requirement.

C. REPORT/AUDIT COSTS:

The Grantee accepts responsibility for the costs of a financial program audit to be performed by the Department of Public Safety in the event that the audit report or financial review:

I. does not meet the applicable federal audit or DCJ standards;

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II. is not submitted in a timely manner; or,

III. does not provide an audit response plan with corresponding corrections made sufficient to satisfy any audit findings.

D. FAILURE TO COMPLY:

The grantee understands and agrees that DCJ or the federal awarding office (DOJ) may withhold award funds, or may impose other related requirements, if the grantee does not satisfactorily and promptly address outstanding issues from audits required by Part 200 Uniform Requirements, by the terms of this award, by the current addition of the DOJ Grants Financial Guide, or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

1. ADDITIONAL REPORTING REQUIREMENTS

In addition to quarterly report requirements these grant funds may have additional report requirements. The additional reports may include, but is not limited to, reporting progress and statistics directly into a federal Performance Management Tool (PMT).

2. FINANCIAL AND ADMINISTRATIVE MANAGEMENT

A. The Grantee assures that fund accounting, auditing, monitoring, evaluation procedures and such records as necessary will be maintained to assure adequate internal fiscal controls, proper financial management, efficient disbursement of funds received, and maintenance of required source documentation for all costs incurred. These principles must be applied for all costs incurred whether charged on a direct or indirect basis.

B. All expenditures must be supported by appropriate source documentation. Only actual, approved, allowable expenditures will be permitted.

C. The Grantee assures that it will comply with the applicable Administrative Guide of the Division of Criminal Justice (Guide), located at the Division of Criminal Justice Grants website. However, such a guide cannot cover every foreseeable contingency, and the Grantee is ultimately responsible for compliance with applicable state and federal laws, rules and regulations. In the event of conflicts or inconsistencies between the Guide and any applicable state and federal laws, rules and regulations, such conflicts or inconsistencies shall be resolved by applicable state and federal laws, rules and regulations.

3. PROCUREMENT AND CONTRACTS

A. Grantee assures that open, competitive procurement procedures will be followed for all purchases under the grant. All contracts for professional services, of any amount, and equipment purchases over five thousand dollars (per item, with a useful life of at least one year) must receive prior approval by the DCJ. Grantee shall submit Form 16 – Professional Services/Consultant Certification and/or Form 13 – Equipment Procurement Certification Form.

B. Grantee may not assign its rights or duties under this grant without the prior written consent of the DCJ.

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4. AWARD CHANGE REQUESTS

A. Grantee may request budget modifications by submitting a request to DCJ. DCJ reserves the right to make and authorize modifications, adjustments, and/or revisions to the Contract for the purpose of making changes in budget categories, extensions of grant award dates, changes in goals and objectives, and other modifications as described in the body of the Contract.

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EXHIBIT C, SPECIAL CONDITIONS

The following program specific requirements are imposed by the State concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

The following Special Conditions documents, if checked, are incorporated herein.

☒ 2021 State Juvenile Diversion Grant Program Special Conditions

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EXHIBIT D, STATEMENT OF WORK

The Statement of Work contained within the DocuSign Envelope is incorporated herein.

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EXHIBIT E, BUDGET

The Budget and Budget Narrative contained within the DocuSign Envelope is incorporated herein.

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EXHIBIT D – STATEMENT OF WORK

Project Summary

Fort Collins Restorative Justice Services will provide restorative justice services as an accountability option for 65 youth referred from the 8th Judicial District Attorney's Office or from law enforcement in lieu of a summons to the DAs Office. Through the restorative justice process, youth will be held accountable for the harm they caused while being recognized for their positive qualities. Each youth will help develop a contract where they can repair the harm they caused to the people affected by the incident, including their community, family and themselves. The people harmed by the crime and community members will be included in every restorative conference. By completing the program, youth are kept from going further into the justice system.

Project Plan

Restorative Justice Services' philosophy is a theory of justice that emphasizes identifying and repairing the harm caused by crime.

This project will provide Restorative Justice as a diversion option for youth referred from the 8th Judicial District Attorney's Office as well as youth referred from law enforcement in lieu of a summons to the DAs Office.
In restorative justice, the purpose is to respond to the crime by identifying, involving the stakeholders (victim, offender, community), and holding the youth accountable for repairing the harm. The concerns for the youth, the harmed parties and the community are balanced.

Youth are screened at intake for substance abuse (SA) and mental health (MH). When recommended, further assessment and/or treatment become requirements of the diversion program. RJS staff monitor contract completion and have a completion meeting with the responsible youth and their parent/guardian

The contract has 3 primary sections:
Giving back to the victim
Giving back to the community
Giving back to the self and family

To reflect restorative justice philosophy, most contracts include requirements to repair harm to victim and community. There is a minimum requirement of 20 restorative hours for a contract. The contract may contain treatment or supervision requirements; such as: counseling, drug/alcohol assessment or monitoring, participation in classes or programs, school counseling, contact or supervision, support groups, mentoring etc. Each contract is designed for the specific incident and youth. The contract may include requirements from RJ staff based on screening and/or family requests but other contract requirements are determined by the conference participants. Conference participants include: youth responsible for causing harm, their support, harmed persons, their support, community representatives, affected community members and (often) peer community members.

RJS accepts youth (10-17) referred from the 8th Judicial District Attorney's Office or those that are referred in lieu of a summons to the DAs office. Most juveniles are referred pre-file; some are referred post-file especially if a victim requests RJ. RJS staff have a face-to-face intake meeting with the youth and parent/guardian. Decisions about required referrals are made at this point. Screening tools used by the DAs and also by RJS include: ARNA, CRAFFT, GAINSS.

The youth and family are required to comply with what is recommended based on the screening (counseling, further assessment, drug/alcohol monitoring/classes, etc.). RJS works with and refers to many community agencies including: the Center for Family Outreach, the CSU Center for Family and Couples Therapy (CFCT), LifeStance Counseling, Summitstone Health Center, IMatter and others. Families always have the option to use a provider of their choice for mental health services. Insurance is considered in weighing options.

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RJS accept youth (10-17) who commit chargeable offenses in our community and are referred by the DAs Office or referred in lieu of a summons. We do not accept sex or DV offenses. For non-shoplifting cases, RJS staff invite the victim/s to participate. If they do not want to participate or have a personal representative participate, the case is sent to the REFLECT Program, which does not require victim involvement but rather trained victim surrogates. The process is voluntary for all participants. The youth must admit to their involvement in the incident. If there is monetary restitution, and the victim provides written verification of this damage, the youth and family must agree to pay it. RJS accepts petty, misdemeanor and felony cases. Most cases referred are misdemeanors and some are felonies. RJS also accepts youth on probation when a new offense is referred in lieu of sending the probationer back to court.

RJS will provide restorative justice conferencing services to 70 youth, their families, and the victims of their crimes. The approach taken is Restorative Justice, an inclusive, accountability-based approach that addresses the needs and concerns of youth who caused harm and their families, the people who were harmed or impacted by the crimes, affected community members as well as the general community. The primary purpose of a restorative justice approach is to identify the harm caused by an incident and to bring affected parties together to find ways to repair the harm. As part of the restorative process, RJS works with juveniles involved in these incidents to be accountable for the harm they caused and also to address the issues underlying their criminal behavior.
Each RJ circle is built based on the needs and what will be of greatest benefit to the primary participants; the responsible youth and the people who were harmed.

For example, an accountability contract can be adjusted and individualized to be accessible and doable for a youth with learning disabilities. RJS attempts to include family members, school support people, peer and adult community members in the circle to assure support and understanding for the youth, in addition to accountability. RJS does the same for participating harmed parties. During the intake process screening is done for mental health issues as well as substance abuse. When identified, addressing these issues becomes part of the requirements for completing the program. They are considered "repairing the harm done to self.

Services:
The services within the program include:

- intake meeting with responsible youth and parent/s including screening for substance abuse and mental health
- resource referrals based on screening results
- preconference meetings with facilitators
- the restorative justice conference (face-to-face meeting with victim, victim support, community members and family)
- accountability contract requirements
- check-ins and availability of staff during contract phase
- one or more follow-up meetings to verify contract compliance and assess how the youth and family have progressed.

RJ staff are always available by phone or in person for questions or concerns. RJS also provides pre-conferencing services and resource referrals for the people harmed by the incident, family members and community members. In house services that support the direct services to youth responsible for harm, the people harmed and the community include: review and assessment of cases, background checks, records maintenance, case management services, volunteer recruitment, training and management, supervision and monitoring of contract compliance, collecting and reporting data, referral assistance for community service, counseling and other support services in the community. In addition, RJS does pre- and post- surveys for each youth and participant satisfaction surveys for victims, community, parents and all other participants. RJ staff also reviews and deliver letters of apology, restitution and other appropriate contract items. RJS trains staff and volunteers to adhere to the RJ Facilitator Code of Conduct and Standards of Training and Practice set forth by the Colorado’s Restorative Justice Coordinating Council and Colorado Coalition of Restorative Justice Directors.

Restorative practices used as part of the programming:

- Restorative Justice Family/Community Conferences
- Youth assets emphasis in circle and contract
- Victim/Community Impact panels
- Meaningful Community Service
- Restitution
- Victim/Community representation in every circle
- Restorative contracts
- Pre-conferencing services
- Completion interviews and contract review
- Restorative language and approach throughout.

Graduated sanctions are built into the system. If a youth re-offends while in the program, RJ staff consult with the DA representative, who determines next steps on a case-by-case basis with input from RJ staff.

If a youth referred by probation re-offends while in the program, the additional sanctions are handled by the Probation Officer. In all cases, staff communicate with the referring agency about the offender's participation in the program, and any completed contract items.

Noncompliance: If a youth does not complete his/her contract by the deadline, we work with the youth and family on the issues that caused noncompliance. Extensions are given for good reason, and support as needed.

Goals & Outcomes

GOAL 1	
Goal 1	To prevent further involvement in the formal justice system for youth who commit crimes in the community.
Objective 1.1	
Objective	Provide Restorative Justice conferencing as a diversion option for 65 youth
Outcome	65 youth will be served. 90% of youth will complete program requirements.
Measurement	Number of youth receiving services during the time period. Percentage of youth who complete vs noncomplete. 90% or more of youth are happy with their experience.
Timeframe	July 1, 2024- June 30, 2025
Objective 1.2	
Objective	Give the victim and community a voice in the restorative justice process.
Outcome	100% of RJ circles include victim and community members and/or representatives and their concerns are considered as part of the process. Victims and community help identify the harm caused by crimes youth commit in our community and provide meaningful ways for the youth to repair the harm done. 95% of victim and community reps are happy with their RJ experience.
Measurement	Case files and participant satisfaction surveys. 100% of RJ conferences will include one or more victim and community representatives.
Timeframe	July 1, 2024- June 30, 2025

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Exhibit E – Budget

Budget Summary	
Personnel	$ 40,428
Supplies & Operating	$ 0
Travel	$ 0
Equipment	$ 0
Consultants / Contracts	$ 0
Indirect	$ 0
Total	**$ 40,428**

Personnel: Budget & Budget Narrative Details								
Position Title	**Annual Base Salary**	**Annual Base Salary to Be Paid by Diversion Funds**	**% To Be Paid by Diversion Funds**	**Annual Fringe**	**Annual Fringe to Be Paid by Diversion Funds**	**% to Be Paid by Diversion Funds**	**Total Annual Base Salary + Fringe**	**Total Base Salary + Fringe to Be Paid by Diversion Funds**
RJ Sr. Specialist	$ 79,887	$ 32,564	40.76 %	$ 25,057	$ 7,864	31.38 %	$ 104,944	$ 40,428
Budget Narrative and Justification:	This position is the RJ Program Sr. Specialist and is a classified employee; Full time. Job classification is determined by an assessment of the duties. Job duties related to Diversion include: program coordination and case management for all RJ programming, volunteer management and training, Communication with RJ referral sources, updating program procedures as needed, DA intake meetings and other communications, administering mental health screening and making referrals, collaborating with community partners, contacting victims and addressing their needs in the RJ process, assessing all cases to determine best fit, best program and needed resources. Medical: $12,523; Dental: 612; Life 101; LTD 443; FICA 6,111; 401K 5,193; WC 74.							
Personnel Total:	$ 79,887	$ 32,564	40.76 %	$ 25,057	$ 7,864	31.38 %	$ 104,944	$ 40,428

Non-Personnel: Budget & Budget Narrative Details		
Budget Item	**Amount To Be Paid By Grant Funds**	**Budget Narrative and Justification**
SUPPLIES & OPERATING		
Supplies & Operating Total	**$0**	
TRAVEL		
Travel Total	**$0**	
EQUIPMENT		
Equipment Total	**$0**	
CONSULTANTS/CONTRACTS (PROFESSIONAL SERVICES)		
Consultants/Contracts Total	**$0**	
INDIRECT		
Indirect Total	**$0**	
Total Non-Personnel	**$0**	

DocuSign

Certificate Of Completion

Envelope Id: DE62EE885DBC4D1EADBA1308C1C11AC7
Status: Completed
Subject: DCJ Grant Juvenile Diversion 2025-DV-25-30008-08 City of Fort Collins
Source Envelope:
Document Pages: 24
Signatures: 2
Certificate Pages: 5
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-07:00) Mountain Time (US & Canada)

Envelope Originator:
OAJJA Grants
700 Kipling St
Lakewood, CO 80215
cdps_dcj_oajjagrants@state.co.us
IP Address: 165.127.87.1

Record Tracking

Status: Original
6/18/2024 12:07:42 PM
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Security Appliance Status: Connected
Pool: FedRamp

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Pool: CDPS Contracts and Grants
Location: DocuSign

Signer Events	Signature	Timestamp
Matthew M. Lunn, PhD matthew.lunn@state.co.us Security Level: Email, Account Authentication (None)	DocuSigned by: Matthew M. Lunn, PhD 8C8341EFA6124C4... Signature Adoption: Pre-selected Style Using IP Address: 165.127.87.1	Sent: 6/18/2024 12:12:36 PM Viewed: 6/18/2024 12:29:07 PM Signed: 6/18/2024 12:29:42 PM
Electronic Record and Signature Disclosure: Accepted: 6/18/2024 12:29:07 PM ID: bd91a6da-fbd8-4d50-a52d-06eaa5297af8		
Lyndsay Clelland lyndsay.clelland@state.co.us Contract, Grant and Compliance Coordinator Division of Criminal Justice Security Level: Email, Account Authentication (None)	DocuSigned by: Lyndsay Clelland 363D680603F0405... Signature Adoption: Pre-selected Style Using IP Address: 174.29.130.140	Sent: 6/18/2024 12:29:43 PM Viewed: 6/18/2024 3:40:24 PM Signed: 6/18/2024 3:40:34 PM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Gary Fugo gary.fugo@state.co.us Security Level: Email, Account Authentication (None)	COPIED	Sent: 6/18/2024 3:40:36 PM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Carbon Copy Events	Status	Timestamp
Kate Ferebee Kate.Ferebee@state.co.us Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 12/5/2023 12:36:38 PM ID: a4ce6fe0-5dc1-4316-9e51-12a02feed373	COPIED	Sent: 6/18/2024 3:40:36 PM
Michael Burtis Michael.Burtis@state.co.us Analyst IV DCJ CDPS Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via DocuSign	COPIED	Sent: 6/18/2024 3:40:37 PM

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/18/2024 12:12:36 PM
Certified Delivered	Security Checked	6/18/2024 3:40:24 PM
Signing Complete	Security Checked	6/18/2024 3:40:34 PM
Completed	Security Checked	6/18/2024 3:40:37 PM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

Electronic Record and Signature Disclosure created on: 8/10/2022 3:16:46 PM
Parties agreed to: Matthew M. Lunn, PhD, Kate Ferebee

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, CDPS Contracts and Grants (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact CDPS Contracts and Grants:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: sarah.white@state.co.us

To advise CDPS Contracts and Grants of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at sarah.white@state.co.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from CDPS Contracts and Grants

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to sarah.white@state.co.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with CDPS Contracts and Grants

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to sarah.white@state.co.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify CDPS Contracts and Grants as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by CDPS Contracts and Grants during the course of your relationship with CDPS Contracts and Grants.

Docusign Envelope ID: DA8CA277-B0E2-4FE1-8610-559E258C512F

Grantee: City of Fort Collins Community Development and Neighborhood Services
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

State of Colorado Grant Modification

Option Letter

State Agency	**Agreement Performance Beginning Date**
Department of Public Safety, Division of Criminal Justice	July 1, 2024
	Current Agreement Expiration Date
Grantee	June 30, 2026
City of Fort Collins	**Current Agreement Maximum Amount**
Grantee UEI	**Initial Term**
VEJ3BS5GK5G1	State Fiscal Year 2025 $ 53,428
Option Letter Number	**Extension Terms**
02	State Fiscal Year 2026 $ 35,637
Original Agreement Number	
2025-DV-25-30008-08	Total for all State Fiscal Years $ 89,065
Option Agreement Number	
2026-DV-26-463-08	

Options:
Option to add additional Term

Required Provisions:

In accordance with Section(s) **16(D)(i)** of the Original Agreement referenced above, the State hereby exercises its option for an additional term, beginning **July 1, 2025** and ending on the current agreement expiration date shown above.

The Agreement Maximum Amount table on the Agreement's Signature and Cover Page is hereby deleted and replaced with the Current Agreement Maximum Amount table shown above.

A revised Exhibit D, Statement of Work is hereby incorporated into this document and shall replace all other prior Fiscal Year versions.

A revised Exhibit E, Budget is hereby incorporated into this document and shall replace all other prior Fiscal Year versions.

Docusign Envelope ID: DA8CA277-B0E2-4FE1-8610-559E258C512F

Grantee: City of Fort Collins Community Development and Neighborhood Services
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

Option Effective Date:
The effective date of this Option Letter is upon approval of the State Controller.

STATE OF COLORADO
Jared S. Polis, Governor
Department of Public Safety
Stan Hilkey, Executive Director

DocuSigned by:
Matthew M. Lunn Ph.D.
8C8341EFA6124C4...

By: Dr. Matthew M. Lunn, PhD
Director, Division of Criminal Justice

Date: 06/25/2025 | 8:23:19 AM PDT

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

DocuSigned by:
Lyndsay Clelland
363D680603F0405...

By: Lyndsay J. Clelland
Grant Coordinator, Division of Criminal Justice

Amendment Effective Date: 06/25/2025 | 10:35:36 AM

In accordance with §24-30-202, C.R.S., this Agreement is not valid until signed and dated by the State Controller or an authorized delegate.

Docusign Envelope ID: DA8CA277-B0E2-4FE1-8610-559E258C512F

Grantee: City of Fort Collins - Conflict Transformation Works
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

EXHIBIT D, STATEMENT OF WORK

Project Summary

Fort Collins Conflict Transformation Works will provide restorative justice services as an accountability option for 35 youth referred from the 8th Judicial District Attorney's Office. Through the restorative justice process, youth will be held accountable for the harm caused while being recognized for their positive qualities. Each youth will help develop a contract where they can repair the harm they caused to the people affected by the incident, including their community, family and themselves. The people harmed by the crime and community members will be included in every restorative conference. By completing the program, youth are kept from going further into the justice system.

Project Plan

This project will provide Restorative Justice as a diversion option for youth referred from the 8th Judicial District Attorney's Office. In restorative justice, the purpose is to respond to the crime by identifying the harm caused, involving the people who were impacted and holding the youth accountable for repairing the harm. The concerns for the youth, the harmed parties and the community are balanced. In this project there is a strong emphasis on identifying and recognizing a responsible youth's strengths, making this part of the assessment and discussion at all parts of the program.

Most juveniles are referred pre-file; some are referred post-file.

Youth are screened at intake for substance abuse (SA) and mental health (MH). When recommended, further assessment and/or treatment become requirements of the program. CTW staff monitor contract completion and have a completion meeting with the responsible youth and their support people. The contract has 3 primary sections: Giving back to the victim (harmed persons), Giving back to the community, Giving back to the self and family. There is a minimum requirement of 20 restorative hours for a contract. The contract may contain treatment or supervision requirements such as: counseling, drug/alcohol assessment or monitoring, participation in classes or programs, school counseling, contact or supervision, support groups, mentoring etc. Each contract is designed for the specific incident and youth. The contract may include requirements from CTW staff based on screening and/or family requests but other contract requirements are determined by the conference participants.

Conference participants include: youth responsible for causing harm, their support, harmed persons, their support, community representatives, affected community members and (often) peer community members. CTW staff have a face-to-face intake meeting with the youth and support. Decisions about required referrals are made at this point. Screening tools used by the DAs and also by RJS include: ARNA, CRAFFT, GAINSS. The youth and family are required to comply with what is recommended based on the screening (counseling, further assessment, drug/alcohol monitoring/classes, etc.).

CTW works with and refers to many community agencies including: the Center for Family Outreach, the CSU Center for Family and Couples Therapy (CFCT), LifeStance Counseling, Summitstone Health Center, IMatter and others. Families always have the option to use a provider of their choice for mental health services. Insurance is considered in weighing options.

For non-shoplifting cases, CTW staff invite the victim (harmed persons) to participate. If they do not want to participate or have a personal representative participate, the case is sent to the REFLECT Program, which uses trained victim surrogates.

The process is voluntary for all participants. The youth must admit to their involvement in the incident. If there is monetary restitution, and the victim provides written verification of this damage, the youth and family must agree to pay it.

CTW accepts petty, misdemeanor and felony cases. Most cases referred are misdemeanors and some are felonies. RJS also accepts youth on probation when a new offense is referred in lieu of sending the probationer back to court.

Each RJ circle is built based on the needs and what will be of greatest benefit to the primary participants; the responsible youth and the people who were harmed. For example, an accountability contract can be adjusted and individualized to be accessible and doable for a youth with learning disabilities. CTW includes family members, school support people, peer and adult community members in the circle to assure support and understanding for the youth, in addition to accountability. CTW does the same for participating harmed parties.

CTW works on cultural, developmental and gender appropriateness by building every RJ circle individually, including the youth, family and harmed person in deciding who should be part of the circle. Youth and their support people also have choice in determining how the youth can repair harm, what service the youth chooses to do to give back to the community. The CTW programs have a very strong emphasis on the youth's strengths, making this part of the assessment and discussion at all parts of the program: intake, pre-conference, conference, contract development and completion circle.

During the intake process screening is done for mental health issues as well as substance abuse. When identified, addressing these issues becomes part of the requirements for completing the program. They are considered "repairing the harm to self."

Services: The services within the program include:
• intake meeting with responsible youth and parent/s including screening for substance abuse and mental health
• resource referrals based on screening results
• preconference meetings with facilitators
• the restorative justice conference (face-to-face meeting with victim, victim support, community members and family)
• accountability contract requirements
• check-ins and availability of staff during contract phase
• one or more follow-up meetings to verify contract compliance and assess how the youth and family have progressed.
• contact and relationship opportunities with community volunteers
• CTW staff are always available by phone or in person for questions or concerns.
• CTW provides pre-conferencing services and resource referrals for the people harmed by the incident, family members and community members.

In house services that support the direct services to youth responsible for harm, the people harmed and the community include: review and assessment of cases, background checks, records maintenance, case management services, volunteer recruitment, training and management, supervision and monitoring of contract compliance, collecting and reporting data, referral assistance for community service, counseling and other support services in the community.

In addition, CTW does pre and post surveys for each youth and participant satisfaction surveys for victims, community, parents and all other participants. CTW staff also reviews and delivers letters of apology, restitution and other

appropriate contract items.

CTW trains staff and volunteers to adhere to the RJ Facilitator Code of Conduct and Standards of Training and Practice set forth by the Colorado's Restorative Justice Coordinating Council and Colorado Coalition of Restorative Justice Directors. Restorative practices used as part of the programming: , Restorative Justice Family/Community Conferences , Youth assets emphasis in circle and contract , Victim/Community Impact panels , Meaningful Community Service , Restitution , Victim/Community representation in every circle , Restorative contracts , Pre-conferencing services , Completion interviews and contract review , Restorative language and approach throughout.

Graduated sanctions are built into the system we work with.
• If a youth re-offends while in the program, RJ staff consult with the DA representative, who determines next steps on a case-by-case basis with input from RJ staff.
• If a youth referred by probation re-offends while in the program, the additional sanctions are handled by the Probation Officer.
• In all cases, we communicate with the referring agency about the youth's participation in the program, and any completed contract items.

Noncompliance: If a youth does not complete his/her contract by the deadline, we work with the youth and family on the issues that caused noncompliance. Extensions are given for good reason, and support as needed. If the youth continues to be noncompliant, we refer them back to the DAs office, who determines next steps on a case-by-case basis with input from RJ staff.

Goals and Objectives

Goal 1: To prevent further involvement in the formal justice system for youth who commit crimes in our community.

- Objective 1.1
  - Objective: Provide Restorative Justice conferencing as a diversion option for 35 youth
  - Outcome: 35 youth will be served. 90% of youth will complete program requirements.
  - Measurement: Number of youth receiving services during the time period. Percentage of youth who complete vs noncomplete. 90% or more of youth are happy with their experience.
  - Timeline: 7/1/2025-6/30/2026

- Objective 1.2
  - Objective: Provide the opportunity for victim and community to have a voice in the restorative justice process.
    Outcome: 100% of RJ circles include victim and community members and/or representatives and their concerns are considered as part of the process. Victims and community help identify the harm caused by crimes youth commit in our community and provide meaningful ways for the youth to repair the harm done.
    95% of victim and community reps are happy with their RJ experience.
  - Measurement: Case files and participant satisfaction surveys.
    100% of RJ conferences will include one or more victim and community representatives.
  - Timeline: 7/1/2025-6/30/2026

Docusign Envelope ID: DA8CA277-B0E2-4FE1-8610-559E258C512F

Grantee: City of Fort Collins - Conflict Transformation Works
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

EXHIBIT E, BUDGET

Personnel

Position Title: Restorative Justice Specialist
Name: Mary-Claire Geiss
Total # hours per week: 40

	Base Pay	% Paid by Grant	Amount Paid by Grant Funds
Salary	$ 82,683	27%	$ 22,324.41
Fringe/Benefits	$ 24,861	24%	$ 5,966.64
Subtotal	$ 107,544		$ 28,291.05
Additional funding for position	City of Fort Collins		
Narrative	This position is the RJ Program Sr. Specialist and is a classified employee; Full time. Job classification is determined by an assessment of the duties. Job duties related to Diversion include: program coordination and case management for all RJ programming, volunteer management and training, Communication with RJ referral sources, updating program procedures as needed, DA intake meetings and other communications, administering mental health screening and making referrals, collaborating with community partners, contacting victims and addressing their needs in the RJ process, assessing all cases to determine best fit, best program and needed resources. Benefits include: Medical: $12,443; Dental: 608; Life 100; LTD 406; FICA 6,072; 401K 5,159; WC 73.		

Position Title: CTW Program Assistant
Name: Laurie Linam
Total # hours per week: 25

	Base Pay	% Paid by Grant	Amount Paid by Grant Funds
Salary	$ 51,480	14%	$ 7,207.20
Fringe/Benefits	$ 4,616	3%	$ 138.48
Subtotal	$ 56,096		$ 7,345.68

Grantee: City of Fort Collins - Conflict Transformation Works
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

Additional funding for position	City of Fort Collins
Narrative	This position is the CTW Program Assistant. It is a part-time hourly position serving the CTW programs. The classification is determined by an assessment of the duties. This position assists program specialists with case management responsibilities. Job duties related to Diversion include: data entry and case management support for all RJ programming; conducting intake meetings with DA referrals and families; corresponding through email and phone with referral partners and program participants; facilitating restorative justice circles as needed; administering mental health screening and making referrals. This job is part-time with limited benefits. Benefits are FICA and Workman's Comp at 9% of salary.

Personnel Subtotal: $ 35,636.73

Supplies and Operating

Item	Amount	Budget Narrative

Supplies and Operating Subtotal: $0.00

Travel

Item	Amount	Budget Narrative

Travel Subtotal: $ 0

Equipment

Item	# of Items Charged to Grant	Unit Cost	Amount	Budget Narrative

Equipment Subtotal: $ 0

Consultants / Contracts

Name	Amount	Budget Narrative

Consultants / Contracts Subtotal: $ 0

Indirect

Effective Date	Expiration Date	Amount	Budget Narrative

Indirect Subtotal: $ 0

Docusign Envelope ID: DA8CA277-B0E2-4FE1-8610-559E258C512F

Grantee: City of Fort Collins - Conflict Transformation Works
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

Overall Budget Summary

	Funding Request
Personnel	$ 35,636.73
Supplies and Operating	$ 0
Travel	$ 0
Equipment	$ 0
Consultants / Contracts	$ 0
Subgrants	$ 0
Indirect Costs	$ 0
Total	$ 35,637

docusign

Certificate Of Completion

Envelope Id: DA8CA277-B0E2-4FE1-8610-559E258C512F
Status: Completed
Subject: 2026-DV-26-463-08 - 2026 Diversion - City of Fort Collins - Conflict Transformation Works
Source Envelope:
Document Pages: 8
Signatures: 2
Certificate Pages: 5
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-07:00) Mountain Time (US & Canada)

Envelope Originator:
OAJJA Grants
700 Kipling St
Lakewood, CO 80215
cdps_dcj_oajjagrants@state.co.us
IP Address: 165.127.87.1

Record Tracking

Status: Original
6/25/2025 8:56:14 AM
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cdps_dcj_oajjagrants@state.co.us
Location: DocuSign

Security Appliance Status: Connected
Pool: FedRamp

Storage Appliance Status: Connected
Pool: CDPS Contracts and Grants
Location: Docusign

Signer Events	Signature	Timestamp
Matthew M. Lunn Ph.D. Matthew.lunn@state.co.us Security Level: Email, Account Authentication (None)	DocuSigned by: Matthew M. Lunn Ph.D. 8C8341EFA6124C4... Signature Adoption: Pre-selected Style Using IP Address: 165.127.87.1	Sent: 6/25/2025 8:58:52 AM Viewed: 6/25/2025 9:23:03 AM Signed: 6/25/2025 9:23:19 AM
Electronic Record and Signature Disclosure: Accepted: 6/25/2025 9:23:03 AM ID: 92a4aff4-7e35-4256-99b8-f68c2bf14868		
Lyndsay Clelland lyndsay.clelland@state.co.us Contract, Grant and Compliance Coordinator Division of Criminal Justice Security Level: Email, Account Authentication (None)	DocuSigned by: Lyndsay Clelland 363D680603F0405... Signature Adoption: Pre-selected Style Using IP Address: 174.16.157.76	Sent: 6/25/2025 9:23:20 AM Viewed: 6/25/2025 10:24:59 AM Signed: 6/25/2025 10:35:36 AM
Electronic Record and Signature Disclosure: Not Offered via Docusign		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Kinsey Garrett kinsey.garrett@state.co.us Security Level: Email, Account Authentication (None)	COPIED	Sent: 6/25/2025 10:35:37 AM
Electronic Record and Signature Disclosure: Accepted: 2/13/2025 9:00:59 AM ID: 7c15a595-b4a6-4f0b-ac05-bc85b178243e		

Carbon Copy Events	Status	Timestamp
Kate Ferebee Kate.Ferebee@state.co.us Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 12/5/2023 12:36:38 PM ID: a4ce6fe0-5dc1-4316-9e51-12a02feed373	COPIED	Sent: 6/25/2025 10:35:37 AM
DCJ GMS dcjgms@state.co.us Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 6/14/2024 10:14:04 AM ID: c36f597f-bb29-4102-b870-1674cfd2acdb	COPIED	Sent: 6/25/2025 10:35:38 AM

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/25/2025 8:58:53 AM
Certified Delivered	Security Checked	6/25/2025 10:24:59 AM
Signing Complete	Security Checked	6/25/2025 10:35:36 AM
Completed	Security Checked	6/25/2025 10:35:38 AM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

Electronic Record and Signature Disclosure created on: 8/10/2022 3:16:46 PM
Parties agreed to: Matthew M. Lunn Ph.D., Kinsey Garrett, Kate Ferebee, DCJ GMS

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, CDPS Contracts and Grants (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact CDPS Contracts and Grants:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: sarah.white@state.co.us

To advise CDPS Contracts and Grants of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at sarah.white@state.co.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from CDPS Contracts and Grants

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to sarah.white@state.co.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with CDPS Contracts and Grants

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to sarah.white@state.co.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify CDPS Contracts and Grants as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by CDPS Contracts and Grants during the course of your relationship with CDPS Contracts and Grants.

Docusign Envelope ID: F238CCF7-1776-4819-B8E5-27CA987403AE

Grantee: City of Fort Collins - Conflict Transformation Works
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

State of Colorado Grant Modification

Option Letter 3

State Agency

Department of Public Safety, Division of Criminal Justice

Grantee

City of Fort Collins

Grantee UEI

VEJ3BS5GK5G1

Option Letter Number

03

Original Agreement Number

2025-DV-25-30008-08

Option Agreement Number

2026-DV-26-463-08

Agreement Performance Beginning Date

07/01/25

Current Agreement Expiration Date

06/30/26

Current Agreement Maximum Amount

Fisal Year and Amount: 2025	$ 53,428.00
Fiscal Year and Amount: 2026	$ 39,637.00
Total for all State Fiscal Years:	$ 93,065.00

1. Options:

A. Option to change the quantity of Services under the Agreement

2. Required Provisions:

A. In accordance with Section(s) Number **§16.D** of the Original Agreement referenced above, the State hereby exercises its option to Increase the quantity of the Goods/Services or Both at the rates stated in the Original Agreement, as amended.

B. The Agreement Maximum Amount table on the Agreement's Signature and Cover Page is hereby deleted and replaced with the Current Agreement Maximum Amount table shown above.

C. A revised Exhibit E, Budget is hereby incorporated into this document and shall replace all other prior Fiscal Year versions.

3. Option Effective Date:

The effective date of this Option Letter is upon approval of the State Controller.

Docusign Envelope ID: F238CCF7-1776-4819-B8E5-27CA987403AE

Grantee: City of Fort Collins - Conflict Transformation Works
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

STATE OF COLORADO
Jared S. Polis, Governor
Department of Public Safety
Stan Hilkey, Executive Director

DocuSigned by:
Matthew M. Lunn Ph.D.
8C8341EFA6124C4...

By: Dr. Matthew M. Lunn, PhD
Director, Division of Criminal Justice

Date: 10/22/2025 | 9:41:47 AM PDT

STATE CONTROLLER
Robert Jaros, CPA, MBA, JD

DocuSigned by:
Lyndsay Clelland
363D680603F0405...

By: Lyndsay J. Clelland
Grant Coordinator, Division of Criminal Justice

Amendment Effective Date: 10/22/2025 | 7:06:51 PM MDT

In accordance with §24-30-202, C.R.S., this Agreement is not valid until signed and dated by the State Controller or an authorized delegate.

Docusign Envelope ID: F238CCF7-1776-4819-B8E5-27CA987403AE

Grantee: City of Fort Collins - Conflict Transformation Works
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

Exhibit E, Budget

Personnel

Position Title: Restorative Justice Specialist
Name: Mary-Claire Geiss
Total # hours per week: 40

	Base Pay	% Paid by Grant	Amount Paid by Grant Funds
Salary	$ 82,683	31.83775%	$ 26,324.41
Fringe/Benefits	$ 24,861	24.0%	$ 5,966.64
Subtotal	$ 107,544		$ 32,291.05
Additional funding for position	City of Fort Collins		
Narrative	BUDGET REALLOCATION INCREASES THE SALARY PAID FROM GRANT FUNDS FROM 27% TO 31.83775% This position is the RJ Program Sr. Specialist and is a classified employee; Full time. Job classification is determined by an assessment of the duties. Job duties related to Diversion include: program coordination and case management for all RJ programming, volunteer management and training, Communication with RJ referral sources, updating program procedures as needed, DA intake meetings and other communications, administering mental health screening and making referrals, collaborating with community partners, contacting victims and addressing their needs in the RJ process, assessing all cases to determine best fit, best program and needed resources. Benefits include: Medical: $12,443; Dental: 608; Life 100; LTD 406; FICA 6,072; 401K 5,159; WC 73.		

Position Title: CTW Program Assistant
Name: Laurie Linam
Total # hours per week: 25

	Base Pay	% Paid by Grant	Amount Paid by Grant Funds
Salary	$ 51,480	14.0%	$ 7,207.20
Fringe/Benefits	$ 4,616	3.0%	$ 138.48
Subtotal	$ 56,096		$ 7,345.68
Additional funding for position	City of Fort Collins		
Narrative	This position is the CTW Program Assistant. It is a part-time hourly position serving the CTW programs. The classification is determined by an assessment of the duties. This position assists program specialists with case management responsibilities. Job duties related to Diversion include: data entry and case management support for all RJ programming; conducting intake meetings with DA referrals and families; corresponding through email and phone with referral partners and program participants; facilitating restorative justice circles as needed; administering mental health screening and making referrals. This job is part-time with limited benefits. Benefits are FICA and Workman's Comp at 9% of salary.		

Personnel Subtotal: $ 39,636.73

Docusign Envelope ID: F238CCF7-1776-4819-B8E5-27CA987403AE

Grantee: City of Fort Collins - Conflict Transformation Works
Project: Restorative Justice Services
Grant #: 2026-DV-26-463-08

Supplies and Operating

Item	Amount	Budget Narrative
NA	$ 0.00	

Supplies and Operating Subtotal: $0.00

Travel

Item	Amount	Budget Narrative
NA	$ 0.00	

Travel Subtotal: $ 0

Equipment

Item	# of Items Charged to Grant	Unit Cost	Amount	Budget Narrative
NA			$ 0.00	

Equipment Subtotal: $ 0

Consultants / Contracts

Name	Rate (if known)	Amount	Budget Narrative
NA		$ 0.00	

Consultants / Contracts Subtotal: $ 0

Indirect

Effective Date	Expiration Date	Amount	Budget Narrative
NA		$ 0.00	

Indirect Subtotal: $ 0

Overall Budget Summary

	Funding Request
Personnel	$ 39,636.73
Supplies and Operating	$ 0
Travel	$ 0
Equipment	$ 0
Consultants / Contracts	$ 0
Subgrants	$ 0
Indirect Costs	$ 0
Total	$ 39,637

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Certificate Of Completion

Envelope Id: F238CCF7-1776-4819-B8E5-27CA987403AE
Status: Completed
Subject: OAJJA - Option Letter 03 - 2026-DV-26-463-08 - Juvenile Diversion - City of Fort Collins
Source Envelope:
Document Pages: 4
Signatures: 2
Certificate Pages: 5
Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-07:00) Mountain Time (US & Canada)

Envelope Originator:
OAJJA Grants
700 Kipling St
Lakewood, CO 80215
cdps_dcj_oajjagrants@state.co.us
IP Address: 165.127.87.1

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Status: Original
10/22/2025 8:49:55 AM
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Location: DocuSign

Security Appliance Status: Connected
Pool: FedRamp

Storage Appliance Status: Connected
Pool: CDPS Contracts and Grants
Location: Docusign

Signer Events	Signature	Timestamp
Matthew M. Lunn Ph.D. Matthew.lunn@state.co.us Director Security Level: Email, Account Authentication (None)	DocuSigned by: Matthew M. Lunn Ph.D. 8C8341EFA6124C4... Signature Adoption: Pre-selected Style Using IP Address: 97.122.177.59	Sent: 10/22/2025 8:52:57 AM Viewed: 10/22/2025 10:41:39 AM Signed: 10/22/2025 10:41:47 AM
Electronic Record and Signature Disclosure: Accepted: 10/22/2025 10:41:39 AM ID: c935f38e-505b-4d66-a2a0-f96f9006a894		
Lyndsay Clelland lyndsay.clelland@state.co.us Contract, Grant and Compliance Coordinator Division of Criminal Justice Security Level: Email, Account Authentication (None)	DocuSigned by: Lyndsay Clelland 363D680603F0405... Signature Adoption: Pre-selected Style Using IP Address: 174.198.165.185	Sent: 10/22/2025 10:41:48 AM Viewed: 10/22/2025 7:06:46 PM Signed: 10/22/2025 7:06:51 PM
Electronic Record and Signature Disclosure: Not Offered via Docusign		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Rebecca Ballast rebecca.lindhorst-ballast@state.co.us Security Level: Email, Account Authentication (None)	COPIED	Sent: 10/22/2025 7:06:52 PM Viewed: 10/23/2025 10:10:01 AM
Electronic Record and Signature Disclosure: Not Offered via Docusign		

Carbon Copy Events	Status	Timestamp
Kate Ferebee Kate.Ferebee@state.co.us Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Accepted: 12/5/2023 12:36:38 PM ID: a4ce6fe0-5dc1-4316-9e51-12a02feed373	COPIED	Sent: 10/22/2025 7:06:52 PM
Breanne Nugent breanne.nugent1@state.co.us CJ - Grant Contract Specialist CDPS Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via Docusign	COPIED	Sent: 10/22/2025 7:06:52 PM

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/22/2025 8:52:57 AM
Certified Delivered	Security Checked	10/22/2025 7:06:46 PM
Signing Complete	Security Checked	10/22/2025 7:06:51 PM
Completed	Security Checked	10/22/2025 7:06:52 PM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

Electronic Record and Signature Disclosure created on: 8/10/2022 3:16:46 PM
Parties agreed to: Matthew M. Lunn Ph.D., Kate Ferebee

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Getting paper copies

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Withdrawing your consent

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To advise CDPS Contracts and Grants of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at sarah.white@state.co.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from CDPS Contracts and Grants

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to sarah.white@state.co.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with CDPS Contracts and Grants

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to sarah.white@state.co.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify CDPS Contracts and Grants as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by CDPS Contracts and Grants during the course of your relationship with CDPS Contracts and Grants.

File Attachments for Item:

12. First Reading of Ordinance No. 199, 2025, Authorizing a Transfer of Appropriated Matching Grant Funds for the Colorado Parks and Wildlife Grant Related to the Soapstone Prairie Headwaters Restoration Project.

The original appropriation ordinance omitted the need for authorization to move in kind personnel costs from a lapsing budget within the Natural Areas Fund into a non-lapsing budget within the same fund. The original explanation is as follows:

The purpose of this item is to support the Natural Areas Department (NAD) in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project (Project) aims to improve ecological function and habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex;

- Create seven pools using beaver dam analog wood structures to support amphibian habitat;

- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing; and

- Include Native and Indigenous community members in restoration planting activities.

NAD was awarded $25,500 through the Colorado Parks and Wildlife (CPW) Wetlands for Wildlife grant (**Attachment 1**). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.

This Ordinance will enable the NAD to complete the Project and fulfill final monitoring and reporting obligations under the CPW grant.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Bernadette Kuhn, Senior Environmental Planner
Carisa Clinton, Senior Grants Analyst

SUBJECT

First Reading of Ordinance No. 199, 2025, Authorizing a Transfer of Appropriated Matching Grant Funds for the Colorado Parks and Wildlife Grant Related to the Soapstone Prairie Headwaters Restoration Project.

EXECUTIVE SUMMARY

The original appropriation ordinance omitted the need for authorization to move in kind personnel costs from a lapsing budget within the Natural Areas Fund into a non-lapsing budget within the same fund. The original explanation is as follows:

The purpose of this item is to support the Natural Areas Department (NAD) in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project (Project) aims to improve ecological function and habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex;

- Create seven pools using beaver dam analog wood structures to support amphibian habitat;

- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing; and

- Include Native and Indigenous community members in restoration planting activities.

NAD was awarded $25,500 through the Colorado Parks and Wildlife (CPW) Wetlands for Wildlife grant (**Attachment 1**). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.

This Ordinance will enable the NAD to complete the Project and fulfill final monitoring and reporting obligations under the CPW grant.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

CPW provides annual funding through the Wetlands for Wildlife Grant to restore, enhance, and create wetland and riparian habitat in Colorado. NAD staff partnered with CPW biologists for three years to design and implement this project as a major priority in restoring habitat for the Northern Leopard Frog (NLF), a rare amphibian listed as a Species of Greatest Conservation Need. NAD completed construction in November 2024, including installation of seven beaver dam analogs – wood structures built with cottonwood longs and willows – to form amphibian breeding, foraging, and overwintering pools. NAD also installed a grazing enclosure fence to allow vegetation and soil recovery, and 1,000 native willow stakes with the Native and Indigenous community to improve wildlife habitat.

The $25,500 CPW grant, awarded in June 2025, will fund post-construction adaptive management activities such as wetland delineation, pool depth monitoring, and the preparation of as-built drawings by an external consultant.

CITY FINANCIAL IMPACTS

This item appropriates the matching grant amount of $47,253 required per the terms of the grant awarded by CPW of $25,500 to fund the final phase of restoration work. The match comes from in-kind personnel costs incurred in a lapsing budget within the Natural Areas Fund into a non-lapsing matching grant budget within the same fund. The City will not incur additional costs through this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Outreach has included a restoration planting event in collaboration with Native and Indigenous community members, educational programming for Wellington students, and site visits with county, state, and federal partners.

The project is also featured in a national restoration database: https://pbr.riverscapes.net/projects

In 2025, NAD staff are teaching Wellington students about stream restoration and Northern Leopard Frogs, bringing county, state, and federal partners on site visits, and presenting the project at local and regional conferences.

ATTACHMENTS

1. Ordinance No. 131, 2025 (copy)
2. Ordinance No. 199, 2025

ORDINANCE NO. 131, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS MAKING SUPPLEMENTAL APPROPRIATIONS OF GRANT FUNDS FROM COLORADO PARKS AND WILDLIFE FOR THE SOAPSTONE PRAIRIE HEADWATERS RESTORATION PROJECT

A. The City's Natural Areas Department ("NAD") has undertaken the Soapstone Prairie Headwaters Restoration Project to restore ecological function and improve habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area.

B. This project includes the installation of beaver dam analog ("BDA") structures to support breeding and overwintering habitat for the Northern Leopard Frog, a species of greatest conservation need, as well as implementation of wildlife-friendly grazing enclosures and native willow plantings in partnership with Indigenous community members.

C. NAD has completed the project's design, permitting, construction, and community engagement phases, and now seeks to complete the final adaptive management phase, including post-construction wetland delineation, pool depth monitoring, and preparation of as-built drawings.

D. Colorado Parks and Wildlife ("CPW") has awarded a $25,500 Wetlands for Wildlife grant to the City to fund this final phase of the project.

E. The grant requires no cash match and will be supported by a $47,253 in-kind contribution of staff time funded from the existing appropriations in the Natural Areas Fund (Fund 272).

F. This appropriation will allow the NAD to complete required monitoring and reporting obligations under the grant and support the long-term ecological success of the restoration project.

G. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of enhancing wetland and riparian ecosystems; supporting biodiversity and habitat for species of conservation concern, including the Northern Leopard Frog; fostering climate resilience through nature-based restoration; and engaging local communities in stewardship of public natural areas.

H. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not

COPY

exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

I. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Natural Areas Fund and that this appropriation will not cause the total amount appropriated in the Natural Areas Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

J. Article V, Section 11 of the City Charter authorizes the City Council to designate in an ordinance appropriating funds from a federal, state, or private grant or donation that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but instead continue until the earlier of the expiration of the grant or the City's expenditure of all funds received therefrom.

K. The City Council wishes to designate the appropriation herein for the Soapstone Prairie Headwaters Restoration Grant Project as one that shall not lapse until the earlier of the expiration of the grant or the expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Natural Areas Fund the sum of TWENTY-FIVE THOUSAND FIVE HUNDRED DOLLARS ($25,500) to be expended in the Natural Areas Fund for Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Grant Project.

Section 2. The appropriation herein for Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Grant Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

COPY

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: September 12, 2025
Approving Attorney: April Silva

Exhibit: None

COPY

ORDINANCE NO. 199, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING A TRANSFER OF APPROPRIATED MATCHING GRANT FUNDS FOR THE COLORADO PARKS AND WILDLIFE GRANT RELATED TO THE SOAPSTONE PRAIRIE HEADWATERS RESTORATION PROJECT

A. The City's Natural Areas Department ("Natural Areas Department") is implementing the Soapstone Prairie Headwaters Restoration Project (the "Project") to restore ecological function and improve habitat within a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area.

B. On September 2, 2025, the City Council adopted Ordinance No. 131, 2025, which appropriated $25,000 in grant funds awarded by Colorado Parks and Wildlife ("CPW") through the Wetlands for Wildlife program to support the project's final adaptive-management phase.

C. The CPW grant requires a matching contribution of $47,253 in in-kind personnel costs. These personnel costs are currently budgeted within a lapsing project budget in the Natural Areas Fund but must be re-appropriated into a non-lapsing matching-grant budget in the same fund to comply with the grant's requirements.

D. Appropriating and reassigning these in-kind matching funds will allow the Natural Areas Department to complete the Project, including wetland delineation, pool-depth monitoring, and preparation of as-built drawings, and to fulfill all final monitoring and reporting obligations under the CPW grant.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of enhancing wetland and riparian ecosystems; improving habitat for the Northern Leopard Frog, a Species of Greatest Conservation Need; supporting climate-resilient restoration; and engaging local and Indigenous community partners in stewardship of public natural areas.

F. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

G. The City Manager has recommended the transfer of $47,253 from a lapsing account in the Natural Areas Fund to a non-lapsing account within the Natural Areas Fund and determined that the purpose for which the transferred funds are to be expended

remains unchanged, and that this appropriation will not cause the total amount appropriated in that fund to exceed the current estimate of actual and anticipated revenues for the fiscal year.

H. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City's expenditure of all funds received from such grant or donation.

I. The City Council wishes to designate the appropriation herein for matching grant funds for the Colorado Parks and Wildlife grant related to the Project as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The unexpended and unencumbered appropriated amount of FORTY-SEVEN THOUSAND TWO HUNDRED FIFTY-THREE DOLLARS ($47,253) is authorized for transfer from the lapsing capital project account in the Natural Areas Fund to the non-lapsing capital project account in the Natural Areas Fund and appropriated therein to be expended as match funds for Colorado Parks and Wildlife for the Project.

Section 2. The appropriation herein for Colorado Parks and Wildlife for the Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: April Silva

Exhibit: None

File Attachments for Item:

13. First Reading of Ordinance No. 200, 2025, Amending the Code of the City of Fort Collins to Rename the Cultural Services Department as the Arts and Culture Department and Rename the Cultural Services and Facilities Fund as the Arts and Culture Fund.

The purpose of this item is to amend City Code to officially rename the Cultural Services Department as the Arts and Culture Department and to rename the Cultural Services and Facilities Fund as the Arts and Culture Fund. This update reflects the department's evolving role in supporting community cultural programs, public arts initiatives, facilities, and partnerships, while better aligning the department's name with its mission and the City's broader arts and culture objectives. The name change will also coincide with the department's website transition on December 10, 2025, providing a consistent public-facing identity across all communications and platforms.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Eileen May, Director, Arts and Culture

SUBJECT

First Reading of Ordinance No. 200, 2025, Amending the Code of the City of Fort Collins to Rename the Cultural Services Department as the Arts and Culture Department and Rename the Cultural Services and Facilities Fund as the Arts and Culture Fund.

EXECUTIVE SUMMARY

The purpose of this item is to amend City Code to officially rename the Cultural Services Department as the Arts and Culture Department and to rename the Cultural Services and Facilities Fund as the Arts and Culture Fund. This update reflects the department's evolving role in supporting community cultural programs, public arts initiatives, facilities, and partnerships, while better aligning the department's name with its mission and the City's broader arts and culture objectives. The name change will also coincide with the department's website transition on December 10, 2025, providing a consistent public-facing identity across all communications and platforms.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Cultural Services Department has historically managed a portfolio of cultural programs, venues, and public art initiatives, including the Lincoln Center, The Gardens on Spring Creek, FoCo POP, community events, and arts partnerships. Over time, the department's work has expanded to include broader arts advocacy, community engagement, and support for the local creative ecosystem.

Renaming the department as the Arts and Culture Department and the fund as the Arts and Culture Fund provides clarity about the department's mission, aligns with current practice and public perception, and enhances communication with residents, artists, organizations, and partners. This change also reflects the City's ongoing commitment to arts and culture as an integral component of community vibrancy, economic development, and quality of life.

The Ordinance does not impact department operations, staffing, or programs beyond the official name change, and it aligns with prior City Council priorities and the strategic direction outlined in the FoCo Creates Master Plan.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

This item has been reviewed by relevant staff and stakeholders. It has been recommended to proceed to Council for approval.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 200, 2025

ORDINANCE NO. 200, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO RENAME THE CULTURAL SERVICES DEPARTMENT AS THE ARTS AND CULTURE DEPARTMENT AND RENAME THE CULTURAL SERVICES AND FACILITIES FUND AS THE ARTS AND CULTURE FUND

A. The City's Cultural Services Department exists within the City's Community Services Service Area. The City seeks to rename the Cultural Services Department as the Arts and Culture Department to better reflect the work and mission of the Department. Amendments to the Code of the City of Fort Collins are required to effectuate this name change. Additionally, the new name of the Department will be used on the City's new website, which will go live on December 10, 2025.

B. The Cultural Services and Facilities Fund holds City funds to expend on cultural services and related facilities. To align with the name of the Arts and Culture Department, City staff has recommended renaming the Cultural Services and Facilities Fund as the Arts and Culture Fund.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 2-143 of the Code of the City of Fort Collins, as amended by Ordinance No. 091, 2025, and effective April 1, 2026, is hereby amended to read as follows:

Sec. 2-143. - Arts and Culture Board

. . .

(b) The Board shall have the following functions:

(1) To assist, advise and make recommendations to the Director of ~~Cultural Services~~ the Arts and Culture Department and City Council on arts and culture matters and regarding opportunities to promote awareness, understanding, advocacy, and appreciation for the value of arts and culture in the community. This may include providing assistance, advice and recommendations regarding the following programs, facilities and plans:

. . .

(4) To review proposals for funding from the Cultural Development and Programming Account and the Tourism Programming Account, as requested by the Director of ~~Cultural Services~~the Arts and Culture Department;

(5) To advise and make recommendations to the ~~Cultural Services~~Arts and Culture Department and the City Council regarding works of art funded by or donated to the Art in Public Places program, as required in Chapter 23, Article XII of the City Code, and following the established and published Art in Public Places Guidelines, as defined in Section 23-302.

Section 2. Section 2-145 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-145. Cultural Resources Board.

(a) The City shall have a Cultural Resources Board, hereafter referred to in this Section as the "Board." The Board shall consist of seven (7) members.

(b) The Board shall have the following functions:

(1) To advise and make recommendations to the Director ~~of Cultural Services and Facilities~~ the Arts and Culture Department and the City Council as to rules, regulations, policies, administrative and budgetary matters pertaining to the ~~Cultural Services~~Arts and Culture Department's programs, services and facilities and any other cultural facility constructed or operated by the City;

(2) To review proposals for funding from the Cultural Development and Programming Account and the Tourism Programming Account, following established and published guidelines, and to submit recommendations regarding such proposals to the City Council to be approved by the City Council by resolution;

(3) To advise and make recommendations to the City Manager regarding any proposed revisions to the guidelines used by the Cultural Resources Board to make the funding recommendations referred to in Paragraph (2) above; and

(4) To assist, advise and make recommendations to the Director of ~~Cultural Services and Facilities~~ the Arts and Culture Department and the City Council on arts and culture related matters and regarding opportunities to promote awareness, understanding, and appreciation for, the value of cultural resources in the community.

(c) All terms of members of the Board shall terminate April 1, 2026.

Section 3. Section 2-145 of the Code of the City of Fort Collins will be repealed in its entirety on April 1, 2026, pursuant to Section 4 of Ordinance No. 091, 2025, of the City of Fort Collins. Nothing in this Ordinance is intended to impact such repeal.

Section 4. Section 8-76 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 8-76. Arts and Culture fund.

There is hereby created a fund to account for arts and cultural activities known as the ~~cultural services and facilities~~Arts and Culture ~~f~~Fund. Revenues for the fund shall include user fees and receipts for cultural activities as well as operating transfers from other funds. Expenditures shall be made for approved purposes in connection with the arts, cultural services and related facilities of the City.

Section 5. Section 23-303(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-303. Accounting methods.

. . .

(c) Contributions to APP for each Utility will be kept and spent in such Utility's own fund, with the exception of maintenance, administration, repair and display costs. Each Utility fund will pay its share of maintenance, administration, repair and display costs annually to the APP program cost center in the ~~Cultural Services and Facilities~~Arts and Culture Fund. Monies credited to such Utility funds for APP shall be expended only for the acquisition or lease of works of art that provide a betterment to such utility or that are otherwise determined by the City Council to be for a specific utility purpose that is beneficial to the rate payers of such Utility.

Section 6. Section 23-307 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-307. Administration.

The Director of the ~~Cultural Services~~Arts and Culture Department shall administer the provisions of this Article in a manner consistent with the APP Guidelines. The guidelines shall provide for the selection of works of art; the placement and presentation of works of art; the maintenance, repair and care of works of art; the payment for works of art; the acceptance of donations of works of art; and such other matters as the Director deems necessary and appropriate.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

14. First Reading of Ordinance No. 201, 2025, Amending Chapter 9, Article I of the Code of the City of Fort Collins for the Purpose of Updating Local Amendments to the 2024 International Fire Code.

The purpose of this item is to modify the City's local amendments to the 2024 International Fire Code (IFC), adopted earlier this year.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Shawn McGaffin, Division Chief/Fire Marshal, Poudre Fire Authority

SUBJECT

First Reading of Ordinance No. 201, 2025, Amending Chapter 9, Article I of the Code of the City of Fort Collins for the Purpose of Updating Local Amendments to the 2024 International Fire Code.

EXECUTIVE SUMMARY

The purpose of this item is to modify the City's local amendments to the 2024 International Fire Code (IFC), adopted earlier this year.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The International Fire Code (IFC) is part of a suite of interconnected construction codes published by the International Code Council every three years, which also includes the International Building Code, International Residential Code, among others (the International Codes). The most recent suite of International Codes was published in 2024.

Each code cycle, the City of Fort Collins adopts the most up-to-date International Codes along with local amendments.

While adoption of the other 2024 International Codes was delayed, the Fort Collins City Council adopted the 2024 IFC with local amendments on June 27, 2025 (Ordinance No. 051, 2025), following its adoption by the Poudre Valley Fire Protection District Board on February 25, 2025. In addition to the City of Fort Collins, the Town of Timnath, and Larimer County also adopted their respective local amendments.

- Larimer County adopted on July 29, 2025
- Town of Timnath adopted July 22, 2025.

Since the 2024 IFC's adoption, Fort Collins City Staff have drafted ordinances to adopt the remaining 2024 International Codes with local amendments. Concurrently with those ordinances, PFA is recommending the City Council adopt this Ordinance, which would make minor corresponding adjustments to the City's local amendments to the 2024 IFC to maintain consistency and avoid conflicting language between the City's various adopted 2024 International Codes

Modifications include:

• Adjusting the height of letters and numbers on wayfinding signs

• Replacing the local amendments to Chapter 10 amendments with a reference to the 2024 International Building Code

• Adding Fire Lane signage in Appendix D

• Replacing the diagrams in Appendix D with correct diagrams

These modifications are customer-focused and promote consistency across jurisdictions, reducing confusion between the fire and building codes. These modifications were anticipated, given the delay in adoption of the other 2024 International Codes.

These modifications to the 2024 IFC were considered and approved by the Poudre Valley Fire Protection District Board on October 28, 2025.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its November 20, 2025, meeting, the Building Review Commission voted unanimously (6-0) in support of Council adoption of the proposed modifications to the Fire Code.

PUBLIC OUTREACH

The 2024 IFC and amendments will be posted on the Poudre Fire Authority's website.

ATTACHMENTS

1. Ordinance No. 201, 2025

ORDINANCE NO. 201, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 9, ARTICLE I OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF UPDATING LOCAL AMENDMENTS TO THE 2024 INTERNATIONAL FIRE CODE

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. On June 17, 2025, City Council adopted Ordinance No. 051, 2025, and the *2024 International Fire Code* with local amendments.

E. The *2024 International Fire Code* and local amendments were initially adopted separately from the other ten interconnected basic construction codes, which were still undergoing review.

E. Now that the other ten interconnected basic construction codes have been reviewed and are ready for adoption concurrently with this Ordinance, the City's local amendments to the *2024 International Fire Code* require some corrections to align with the other ten codes.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that the local amendments to the *2024 International Fire Code* be updated, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 9-2 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 9-2. - Amendments and deletions to the 2024 International Fire Code.

The 2024 *International Fire Code* adopted in §9-1 is amended to read as follows:

. . .

6. **Section 202 General Definitions** is amended to ~~read as follows~~ modify, or add, in alphabetical order, the following definitions:

. . .

. . .

32. A new **Section 505.1.7 Interior wayfinding** is added to read as follows:

505.1.7 Interior wayfinding. *Approved* wayfinding signage shall be posted in conspicuous locations within buildings to provide clear direction to locate any suite, apartment, or unit within the building. Interior wayfinding signage shall be a minimum of ~~two inches~~one inch in height with a minimum 1/4 inch stroke. Directory type signage intended to provide general listings or wayfinding to groups of occupants shall not be subject to the dimensional requirements of this section.

. . .

37. **Section 507.5.1 Where required** is amended to read as follows:

507.5.1 Where required. Where the furthest portion of a facility or building or portion thereof hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.

Exceptions:

1. For Group R-3, one- and two-family dwellings, and Group U occupancies, the distance requirement shall be 400 feet (121 m).
2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, ~~the distance requirement shall be~~ the *fire code official* is authorized to extend the distance requirement up to 600 feet (183 m).

37.1 **Section 510.1 Emergency responder communications enhancement systems in new buildings** is amended to read as follows:

510.1 Emergency responder communications enhancement systems in new buildings. *Approved* in-building emergency responder communications enhancement system (ERCES) for emergency responders shall be provided in all new buildings. In-building ERCES within the building shall be based on the existing coverage levels of the public safety communications systems utilized by the jurisdiction, measured at the exterior of the building. The ERCES, where required, shall be of a type determined by the *fire code official* and the *frequency license holder(s)*. This section shall not require improvement of the existing public safety communications systems.

Exceptions:

. . .

4. ~~One-story~~ In all buildings not exceeding 10,000~~12,000~~ square feet ~~(1115 m^2) with no below-ground area(s)~~ and any Type V construction building not exceeding 15,000 square feet.

. . .

52. **Section 903.2.10 Group S-2 parking garages** is amended to read as follows:

903.2.10 Group S-2 parking garages. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-2 occupancy where any of the following conditions exists:

1. ~~Where the *fire area* of the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, exceeds 12,000 square feet (1115 m^2).~~ Where a Group S-2 fire area exceeds 5,000 square feet (464.5 m^2).

. . .

. . .

54. **Section 903.3.1.2.3 Attics** is amended to add subsection 5 and its Exceptions to read as follows:

5. In buildings containing dwelling or sleeping units, the automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, regardless of the fire sprinkler installation standard allowed for other portions of the building.

Exceptions:

1. Buildings that do not contain more than 6 individual dwelling units or sleeping units and the units are separated from each other with a 1-hour fire barrier.

2. Buildings that do not contain more than 12 individual dwelling units or sleeping units and is divided into no more than 6 individual dwellings units (complying with number 1 above) by a minimum 2-hour fire ~~wall~~ barrier to the roof deck.
3. Buildings containing only Group R-3 occupancy.

. . .

59. **Section 907.5.2.1.3.2 Smoke alarm signal in sleeping rooms** is amended to read as follows:

907.5.2.1.3.2 Smoke alarm signal in sleeping rooms. In sleeping rooms of Group R-1, R-2 and 1-1 occupancies that are required by Section 907.2.8 or 907.2.9 to have a *fire alarm system*, the audible alarm signal activated by single- or multiple-station smoke alarms in the *dwelling unit* or *sleeping unit* shall be a 520-Hz signal complying with NFPA 72~~ or an alternative means approved by the *fire code official*~~.

Where a sleeping room smoke alarm is unable to produce a 520-Hz alarm signal, the 520-Hz alarm signal shall be provided by a *listed* notification appliance or an alternative means approved by the *fire code official*.

. . .

81. A new **CHAPTER 68 APPENDIX ADOPTION STATUS** is added to read as follows:

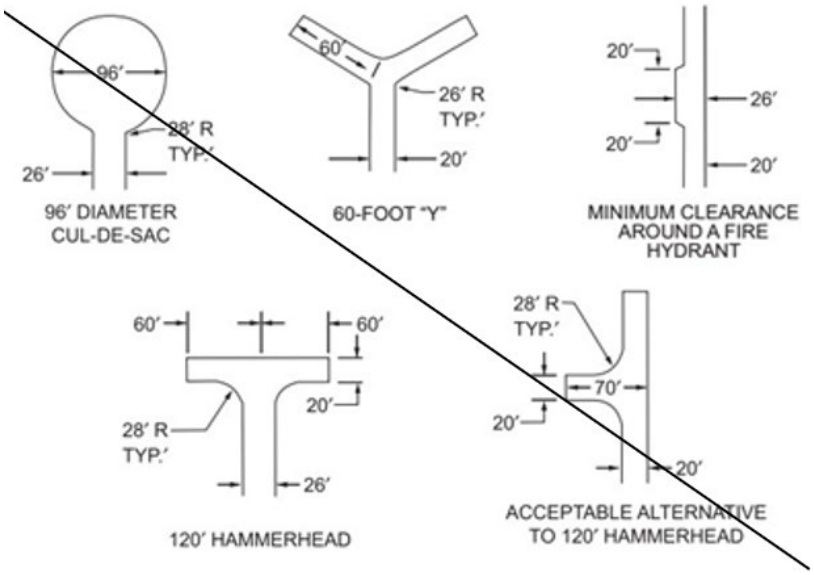
APPENDIX	**TITLE**	**STATUS**
A	Board of Appeals	~~Adopted, with amendments~~ Not Adopted
. . .	. . .	. . .

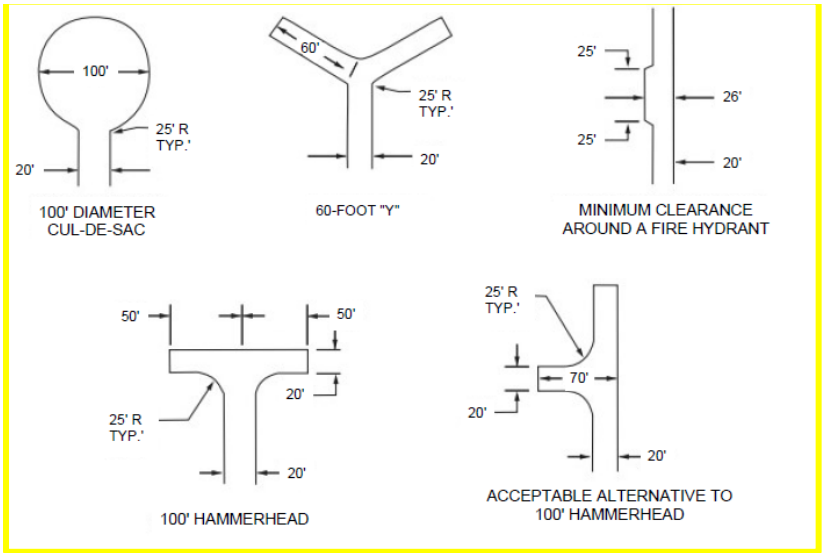
. . .

85. **APPENDIX D FIRE APPARATUS ACCESS ROADS** is deleted in its entirety and replaced with the following:

. . .

FIGURE D103.1 - DEAD END FIRE APPARATUS ACCESS ROAD TURNAROUND





. . .

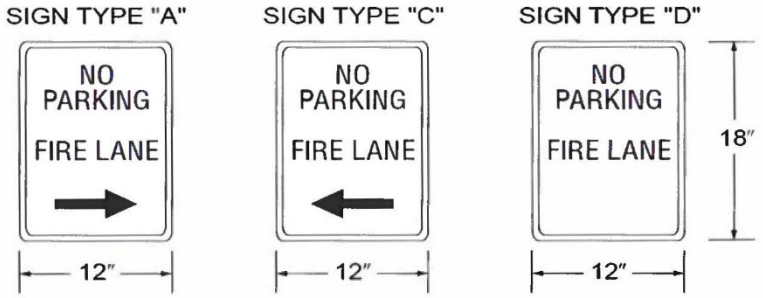
D103.4 Dead Ends. Dead-end fire apparatus access roads in excess of 150 feet (46 m) shall be provided with width and turnaround provisions in accordance with Table D103.~~5~~4.

. . .

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure D 103.6 or other *approved* sign. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall

be posted on one or both sides of the fire apparatus road as required by Sections D103.8.1 or D103.8.2.

FIGURE D103.6 - FIRE LANE SIGNS



D103.6.1 Roads 20 to 26 feet in width. *Fire lanes* signs as specified in D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width. *Fire lanes* signs as specified in D103.6 shall be posted on one side of the fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

. . .

. . .

Section 2. Chapter 10 of the *2024 International Fire Code*, entitled "MEANS OF EGRESS," along with all its local amendments contained in paragraphs 61 through 67 of Section 9-2 of the Code of the City of Fort Collins are hereby deleted in their entirety and replaced with the following local amendment, with all subsequent paragraph numbers renumbered:

61. **CHAPTER 10 MEANS OF EGRESS** is deleted in its entirety and replaced with the following:

CHAPTER 10 MEANS OF EGRESS

SECTION 1001 ADMINISTRATION

1001.1 General. Any buildings or portions thereof regulated by this code shall be provided with a means of egress system as required by Chapter 10 of the adopted *International Building Code*.

Section 3. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 4. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: None

File Attachments for Item:

15. Public Hearing and First Reading of Ordinance No. 202, 2025, Adopting an Update to Appendix C of the Larimer County Urban Area Street Standards Pertaining to "Streetscape Standards" for the City of Fort Collins.

The purpose of this item is to seek City Council adoption of Ordinance No. 202, 2025, which replaces the “City of Fort Collins Streetscape Standards” document that is Appendix C to the Larimer County Urban Area Street Standards (LCUASS). The current version was last adopted by City Council on February 26, 2013. The newly adopted version will have the same title.

The Streetscape Standards relate to the treatment of parkways (between the curb and sidewalk), medians, intersections, roundabouts, and key gateway intersections. The update primarily involves addressing requirements of Senate Bill 24-005 (Prohibit Landscaping Practices for Water Conservation), concerns for City maintenance staff and public safety, and concerns about increasing maintenance costs.

Policy revisions to the LCUASS require a public hearing process for their adoption (LCUASS Section 1.6.2.A). Under Section 2(g) of the Council’s Rules of Meeting Procedures adopted in Resolution 2024-148, “[i]tems for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements.” Comments on a Public Hearing item on the Consent Calendar may be made during general public comment or the item may be withdrawn for individual consideration by a Councilmember or the City Manager.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Dana Hornkohl, Capital Projects Manager

SUBJECT

Public Hearing and First Reading of Ordinance No. 202, 2025, Adopting an Update to Appendix C of the Larimer County Urban Area Street Standards Pertaining to "Streetscape Standards" for the City of Fort Collins.

EXECUTIVE SUMMARY

The purpose of this item is to seek City Council adoption of Ordinance No. 202, 2025, which replaces the "City of Fort Collins Streetscape Standards" document that is Appendix C to the Larimer County Urban Area Street Standards (LCUASS). The current version was last adopted by City Council on February 26, 2013. The newly adopted version will have the same title.

The Streetscape Standards relate to the treatment of parkways (between the curb and sidewalk), medians, intersections, roundabouts, and key gateway intersections. The update primarily involves addressing requirements of Senate Bill 24-005 (Prohibit Landscaping Practices for Water Conservation), concerns for City maintenance staff and public safety, and concerns about increasing maintenance costs.

Policy revisions to the LCUASS require a public hearing process for their adoption (LCUASS Section 1.6.2.A). Under Section 2(g) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148, "[i]tems for which a public hearing is required may be considered as part of the Consent Calendar, and if any item is not pulled from the Consent Calendar for individual consideration and is adopted as part of the Consent Calendar, it will be deemed to have been the subject of a public hearing as required by any applicable Code or other legal requirements." Comments on a Public Hearing item on the Consent Calendar may be made during general public comment or the item may be withdrawn for individual consideration by a Councilmember or the City Manager.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Streetscape Standards are currently Appendix C of the (LCUASS) and were adopted by City Council in 2013. The previous version of these standards (the Streetscape Design Standards & Guidelines) document was adopted in 2001. The proposed update to the Streetscape Standards is Exhibit A to the Ordinance (attached to this AIS as **Attachment 1** in a version that shows the changes being proposed).

The Streetscape Standards document sets forth a whole approach toward streets as landscaped public spaces that contribute to Fort Collins's identity. It is used by staff in designing City capital projects, operations, and budgets, as well as by developers and property owners providing landscaping in the City right-of-way as part of new development and redevelopment. Staff from Planning, Parks (including Forestry and Parks Planning and Development, Utilities, Engineering, and Streets) evaluated and proposed updates. This mimics the interdepartmental "Streetscape Team" convened for the 2013 update who envisioned that these standards would be routinely updated.

In March 2024, the Governor approved Colorado General Assembly Senate Bill 24-005, Prohibit Landscaping Practices for Water Conservation (**Attachment 2**). The bill addresses climate change, water supply, nonnative grasses, and turf usage. It identifies "functional turf" as the type of high-water-need grass, composed of non-native grasses or those not hybridized for arid conditions, which are regularly mowed and which is only allowed in certain recreational and community spaces and prohibits nonfunctional turf (installing functional turf in areas where it is not allowed), artificial turf, and invasive plant species. The bill applies to local entities and regulations must comply with the law on or before January 1, 2026. A team of City staff began meeting in August 2024 with the goal of updating the Streetscape Standards and identified the following priorities.

- Compliance with Senate Bill 24-005
- City maintenance staff and traveling public safety
- Escalating maintenance costs
- Conflicts between infrastructure, trees, vegetation, and utilities
- Setting up streetscapes for success (trees and vegetation)
- City staff responsibilities related to the standards
- Low Impact Development practices in the right-of-way
- Consistency with the new Land Use Code
- Consistency between streetscapes constructed by development and City capital projects
- References to external standards rather than embedded standards

These updates intend to further City policies including the Strategic Plan, Transportation and Mobility Objective #1 to make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins; Our Climate Future, Big Move #3 for a climate resilient community; and the Water Efficiency Plan goal to improve efficiency and resilience on public landscapes.

To meet the deadline imposed by the Senate bill, the team opted to take a phased approach to the updates. Phase 1 changes would focus on critical updates. The Planning and Zoning Commission would review these changes in advance of City Council consideration before the end of 2025. Phase 2 changes would focus on less critical updates that required discussion with City boards and commissions as well as the development and construction communities and the public. Phase 2 changes would advance through various boards and commissions as well as public outreach in 2026 and 2027. Funding will need to be identified to prepare the various illustrations needed for the Phase 2 updates.

Streetscape Standards Update Priorities

Phase 1	Phase 2
Compliance with Senate Bill 24-005	Corrections and fine tuning of Phase 1 work
Remove static plant list and refer to online City list	Update all photos and figures (which were removed during Phase 1)
Remove irrigation standards and refer to City irrigation standards	Additional safety improvements
Locate irrigation backflow preventers and controllers in parkways	Administrative, technical, and operational topics
Reduce maintenance where traffic control is challenging	
Establish minimum widths for landscaping and trees	
Encourage parking pull-offs for medians and roundabouts	

Below is a selected list of Phase 1 Streetscape Standards changes. The "text only" update to Streetscape Standards is included as **Attachment 1**.

- Define turf-type grasses
    - "…continuous plant coverage that is native or hybridized for arid conditions, with a low water requirement."
    - "Once established, such low-water turf-type grass typically requires approximately one watering per week during the average growing season. Turf-type grasses allowed in Fort Collins streetscapes must not exceed an average of 11 gallons of water per square foot per year. Any turf-type grass installed must meet hydrozone requirements in the Fort Collins Land Use Code."
- Reduce maintenance where traffic control is challenging
- Establish minimum widths for landscaping and trees
- Encourage parking pull-offs for medians and roundabouts
- Remove static plant list and refer to online City list
- Remove irrigation standards and refer to City irrigation standards
- Locate irrigation backflow preventers and controllers in parkways
- Provide maintenance acceptance memorandum for City capital projects

If approved, the proposed Phase 1 Streetscape Standards updates will comply with State law and help protect City maintenance staff and the traveling public. They will continue to provide for the aesthetically pleasing medians and parkways residents have grown accustomed to seeing.

CITY FINANCIAL IMPACTS

Staff resources and maintenance budgets for streetscapes have not grown at the same pace as the expansion of this infrastructure over the twelve years since the Streetscape Standards were last updated. As new development and City capital projects add streetscape elements, maintenance staff have identified the staffing, equipment, and materials required to support this growth. City budget requests have periodically included additional resources for routine maintenance; however, budget allowances and funding increases have not consistently aligned with the scale of new infrastructure. In addition, no dedicated funding has been established for streetscape refreshes—an investment similar in purpose to the 2050 tax's ongoing support for community and neighborhood park reinvestment, which promotes long-term maintenance and replacement of public assets.

One of the fastest increasing costs associated with maintenance of streetscapes is the cost for traffic control to protect City maintenance staff and the traveling public. Increases in the number of near misses and crashes involving City maintenance staff have led to more traffic control measures to perform routine maintenance in medians, parkways, and roundabouts. Narrow medians and median islands are particularly challenging and require significantly more traffic control per area of streetscape. Proposed updates to the Streetscapes Standards limit installations in these areas to help reduce maintenance needs. This helps reduce overall maintenance costs while allowing staff to focus on streetscapes that can be effectively and efficiently maintained. These updates will allow staff to maintain the current level of service for most streetscapes for a longer period.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff presented the Phase 1 Streetscape Standards updates to the Planning and Zoning Commission at their work session on November 14, 2025. The commission was supportive of the proposed updates and suggested additional outreach be conducted with the Transportation Board and Water Commission as well as highlighting safety for the traveling public. Staff will present the updated Streetscape Standards to the Water Commission, Parks and Recreation Board, Natural Resources Advisory Board, and Transportation Board as part of the Phase 2 revision process.

PUBLIC OUTREACH

Staff will work with the Community and Public Involvement Office to develop a public outreach plan as part of the Phase 2 revision process.

ATTACHMENTS

1. Revised Streetscape Standards showing proposed changes (highlight/strike)
2. Colorado General Assembly Senate Bill 24-005
3. Presentation
4. Ordinance No. 202, 2025

Streetscape Standards Fort Collins

LARIMER COUNTY URBAN AREA STREET STANDARDS | APPENDIX C

City of Fort Collins

LARIMER COUNTY
COMMITTED TO EXCELLENCE

Streetscape Standards

Larimer County Urban Area Street Standards Appendix C: City of Fort Collins Streetscape Design Standards and Guidelines
~~February 26, 2013~~
Updated 2025

~~Community Development and Neighborhood Services~~
~~Planning Division~~Planning, Development, and Transportation
281 North College Avenue
Fort Collins, CO 80524
~~970-221-6376~~
970-221-6601

fcgov.com/cityplanning

For additional copies, please download from our website, or contact us using the information above.

Acknowledgements: Updated 2025 Standards

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This 2025 Streetscape Standards update represents Phase One of a two phase process. Comments on this document may be sent to Dana Hornkohl at dhornkohl@fcgov.com.

Acknowledgements: Original 2013 Standards

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Daman Holland

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SECTION 1

Purpose and Intent

Based on the City of Fort Collins's vision to foster a thriving and engaged community through operational excellence and a culture of innovation and mission to ~~create a vibrant, world class~~deliver exceptional service for an exceptional community, these standards set forth a coordinated approach to the design and management of streets as visually appealing public spaces that contribute to Fort Collins's distinct identity. These standards intend to further one or more of the following City policies:

- Strategic Plan, Transportation and Mobility Objective #1 to make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins
- Our Climate Future, Big Move #3 for a climate resilient community
- Water Efficiency Plan goal to improve efficiency and resilience on public landscapes

The plans and policies set forth in this Section are not intended to be interpreted or applied as binding standards, terms, conditions, requirements, or procedures. These plans and policies are solely intended to provide guidance in the interpretation and application of the Streetscape Standards that have been adopted to implement the plans and policies referred to herein.

The term "streetscape" generally encompasses the visual and pedestrian environment of a street. These streetscape standards involve parameters for tree-lined streets and sidewalks, parkways, other landscaping along street edges, and landscaped medians in ~~arterial~~ streets.

In addition to plantings, streetscapes may also encompass various urban design elements in certain settings. Examples include special curb treatments and median edges, low planter ~~walls~~ and landscape walls, railings, bollards, planter pots, stone features, public art, pylons, specialty lighting, signal and light pole treatments, specialty paving, transit stops and furnishings, and the like.

Streetscape elements such as parkways and medians offer solutions to many engineering challenges of the urban environment. Tree-lined parkways provide a buffer between pedestrians and vehicular traffic, increasing pedestrian safety and comfort. Parkways also provide space for streetlights, signs, underground utilities, and snow storage. Medians create opportunities for pedestrian refuge islands at crossing locations, and they also provide access control by limiting the number of full-movement driveways and intersections along a street. Parkways and medians both provide physical barriers along travel lanes, which encourages drivers to slow down. While serving many functional purposes, parkways and medians also provide opportunities to cultivate a particular aesthetic through landscaping and other visual features. The utilitarian and aesthetic purposes of these public spaces should coexist harmoniously.

Every streetscape project involves its own context and constraints. Still, there is a need for standards to set the bar for level of quality and investment. These

standards provide a framework for programming, budgeting, designing, maintaining, and renovating various incremental projects as part of a whole approach.

Exact details must then be adapted to fit and function with the unique context and constraints which exist in every project. The context and constraints include existing conditions that are expected to remain for the long term, and future change planned or envisioned by the City.

SECTION 2

Applicability ~~&~~and Use

These standards apply to all projects involving streetscapes in the City right-of-way including:

- Private development projects for which an application is submitted on or after January 1, 2026.
- City capital projects installed on and after January 1, 2026.
- Any other ~~miscellaneous maintenance and~~ renovation projects and efforts for which an application is submitted on or after January 1, 2026.

Private development and public capital projects may involve construction of new streets, and/or changes to existing streets.

The standards are intended to be used by:

- Staff, in the design and management of ~~C~~city streetscapes over time.
- Landscape architects and designers.
- Developers and decision makers in the development review process.
- Property owners, where plans and activities involve streetscapes.
- Citizens, City Councils, and staff, in discussions involving streetscape issues.

SECTION 3

Project Plan Submittal and Review

Streetscape projects that are part of development applications follow a standard City development review process, which will include collaboration with staff on streetscape design.

City capital projects involving streetscapes are reviewed administratively by interested City departments in an internal process of collaboration and routing of plans.

3.1 SAFETY PROCEDURES

In addition to public safety, streetscape projects must consider safety concerns for people working within the right-of-way in the design, installation, and maintenance of streetscapes. Safety plans are created on a case-by-case basis for streetscapes, and design teams are encouraged to coordinate directly with the City Parks Department to discuss safety issues and strategies for minimizing potential hazards.

General safety procedures include:

- Strategic vehicular pullout area(s) for maintenance vehicles to park directly within a median
- Locations for vehicles to temporarily park directly within lanes of traffic or left turn bays
- Designing plant groupings, mulch, and boulders to allow people to walk freely through a median
- Offsetting plants from median curblines
- Locating irrigation infrastructure within parkways when possible, or within wider portions of medians when the infrastructure cannot be placed in a parkway

For more information on City Parks Department safety procedures, please contact the City Parks Department for additional information about medians safety procedures.

3.2~~1~~ STREETSCAPE PROJECT DESCRIPTION REQUIRED

For streetscapes to be successful, it is important for City staff in multiple departments to have a clear understanding of the design intent, assumptions, and the needs for maintenance, monitoring, and replacements of plants or other components.

A project description is needed to supplement technical project plans. The purpose is to prompt designers and staff to record the whole story of the streetsc~~s~~ape project.

3.2~~1~~.1 Streetscape Project Description required.

All streetscape projects involving landscaping and urban design elements ~~shall~~ must include a Streetscape Project Description developed by the project consultant(s) or City staff, as applicable, ~~in collaboration with any~~

~~project consultants,~~ upon completion of design. The description ~~shall~~ must:

- Be concise and avoid technical jargon.
- Include relevant commentary in addition to objective facts and information.
- Describe the design intent, assumptions, and maintenance and renovations that will be needed over time to realize the design intent.
- Note all aspects of the project from initial grading and soil preparation, to irrigation systems, to planting and establishment procedures, to management and maintenance.
- Explain how the project complies with applicable provisions under these Streetscape Standards.
- Note outstanding issues that need to be monitored over time.

Examples of topics to be addressed include:

- Reasons and concepts for all project decisions including planting, irrigation, mulches, boulders, hardscape, and urban design elements.
- Plant species needing pruning or trimming, frequency and timing for pruning or trimming, specific weeding control practices, annual clean-up, and dividing or periodic replacing to achieve the intent.
- Water requirements of plant species.
- Plant species with a limited track record in streetscapes that warrant monitoring.
- Mulches that need replenishing or clean-up.
- Long-term maintenance needs regarding silt build-up.
- Urban design features that may need touch ups, replacements, stocking of parts, or other maintenance and renovations.
- For arterial street medians and parkways, a typical traffic control plan for maintenance.
- Any other information useful for future understanding and management of the streetscape.

~~**3.1.2 Project Statement File.**~~

~~Staff shall maintain Project Statements for streetscapes on file.~~

3.2.2 Landscape Plan Required; Required Elements for Landscape Plans.

Every Streetscape Project Description must include a landscape plan. Streetscape landscape plans may be included with a larger development landscape plan provided the plan meets Streetscape Standards as applied to the streetscapes within the landscape plan. All landscape plans must include, at a minimum:

- The items required by the City for Development Review applications.

- Survey of existing trees, tree inventory and mitigation table provided by the Forestry Division, tree protection notes, and a legend showing trees to be preserved and protected in place and trees to be removed.
- A plant list: quantity, species (common and scientific names), species diversity percentage, water demand, caliper, and method of transplant. There must be unique symbols for each species, and all species must be labeled with abbreviations to match the legend. Mitigation trees must be identified and labeled.
- Hydrozones or plants with similar water demands should be grouped within irrigation zones.
- Calculations for streetscape water use, which may not exceed an average of 11 gallons per square foot per year, must be calculated separately from any larger development landscape plan. Water use calculations do not include water for streetscape trees.
- Separate sheet/layer for ground cover (mulches and boulders)
- Ditch easements, top of embankment, access easements, utility easements, sight triangles, and other maintenance easements must be identified.
- Existing irrigation infrastructure including point of connection, backflow, controller, valve boxes, and approximate location of the mainline must be identified.

SECTION 4

~~All~~ ~~Streets~~Landscape Standards

The following standards apply to all street classifications city-wide, except where specific areas have applicable planning documents that set forth alternative standards tailored to the area~~.~~ and except that no parkway or median landscaping will be allowed on bridges (note that potted planting, which is not landscaping, is allowed on bridges).

The City of Fort Collins maintains a recommended plant list. Designers are encouraged to select plants from this list. On a case-by-case basis, designers may propose plants not on the list based on the design intent for the particular project.

4.1 STREET TREES

~~Rows~~ Groupings of street trees along street edges are the fundamental, unifying element of continuity in city streetscapes.

Street trees can be considered as multi-functional public infrastructure that:

- Defines the street as distinct space, providing a unifying framework for abutting developments.
- Provides canopy shading and stormwater interception along streets and sidewalks to reduce glare and ~~summer~~ urban heat island effect~~build-up~~.
- Provides a buffer between pedestrians on the sidewalk and vehicles in the roadway, which increases pedestrian safety and comfort.
- ~~Provides space for streetlights and signs, and for snow storage in winter.~~

4.1.1 Tree planting in parkways.

Where~~ver the~~ a sidewalk is separated from the curb in accordance with the *Larimer County Urban Area Street Standards*, ~~rows~~groupings of canopy shade trees ~~shall~~ must be planted in the parkway spaced at an average interval not exceeding 430 ~~foot intervals~~ feet, and centered between the curb and the sidewalk.

Design teams and applicants must coordinate with the Forestry Division for field locating trees, approving and tagging trees at nurseries, issuing a permit for planting, and inspections after planting.

4.1.2 Species groupings within tree ~~rows~~groupings.

To the extent reasonably feasible, street tree ~~rows~~ groupings in landscape areas, whether inside or outside of the sidewalk, ~~shall~~ must be in groupings ~~of~~ in which no more than three trees in the grouping are~~, five, or more~~ of ~~a single~~the same species. The intent is to provide a degree of species diversity

within a deliberate, repeating design pattern.

Designers are encouraged to arrange changes in species to reflect roadway conditions, such as open stretches of roadway between access points, stretches approaching intersections and driveways, and/or changes in adjoining land use.

4.1.3 Street trees in sidewalk cutouts.

If a project involves a new sidewalk that must be attached to the curb due to unique constraints or context, then the sidewalk width ~~shall~~ must be wide enough to incorporate planting cutouts with tree grates to the maximum extent feasible.

- ~~To the maximum extent feasible,~~ ~~s~~Such sidewalks ~~shall~~ must be at least 12~~-~~ to 15 feet wide with cutouts at least ~~25~~32 square feet at ~~3~~20~~-~~ to ~~5~~30-foot spacing. Larger cutouts with more than ~~25~~32 square feet are encouraged. The distance from the back of the tree grate to the back of the sidewalk must be a minimum of 4.5 feet.

- In all cases, trees in sidewalk cutouts ~~shall~~ must be located at least 8 feet away from buildings and offset from building entrances.

- If such an attached sidewalk has an abutting landscape area, then 8 feet ~~shall~~ must be the minimum width in which canopy trees shall be provided in sidewalk cutouts.

- The minimum area of any sidewalk cutouts ~~shall~~ must be 32~~16~~ square feet, using 4~~8~~x4-foot tree grates. Larger cutouts with more than 32~~16~~ square feet of area are encouraged, for example 4x12~~6~~-foot or 4x16~~9~~-foot tree grates, to support tree health.

- The soil surface in a sidewalk cutout ~~shall~~ must be level with the bottom of the sidewalk slab. Trees ~~shall~~ must then be planted with the top of the root flare~~ball~~ 1~~-~~ to 2 inches above the soil surface.

- Cutouts are preferred over trees grates. Where tree grates are allowed, ~~A~~all tree grates ~~shall~~ must be installed per manufacturer's instructions. Tree grate ~~F~~frames ~~shall~~ must be set in a true, flat plane to prevent rocking of the grate. ~~The grate or a template shall be set in the frame before concrete is poured to ensure the final installation is square and flat.~~

- Tree grates must be able to withstand the loads of snow clearing equipment without breaking.

- Grates ~~shall~~ must be of a pedestrian-safe ADA-compliant style with slot openings 3/8-inch or less.

- A spacing interval up to ~~5~~40 feet ~~shall be permitted~~is allowed for street trees in grates where abutting commercial buildings face the street with no intervening vehicle use area

between the street and the building.

4.1.4 Tree planting outside of sidewalks where existing constraints preclude parkway tree planting or sidewalk cutouts.

Where a sidewalk is attached to the curb and is less than 8 feet in width, canopy shade trees shall, to the extent reasonably feasible, be established in an area ranging from ~~3~~4 to 7 feet behind the sidewalk at ~~3~~20 to 4~~3~~0 foot intervals. This standard shall also apply where unusual constraints preclude tree planting in a parkway.

Any such planting will typically require coordination with abutting property owners.

4.1.5 Adjustment of spacing intervals.

The ~~Director or the~~ City Forester may approve or require larger or smaller spacing intervals to better fit the growth habits of different street tree species, for safe use of the street or sidewalk, for a stretch of shade intolerant xeric landscaping, and to better fit with existing trees or other existing conditions unique to the location.

4.1.6 Overhead power line conflicts.

Ornamental trees may be planted in substitution of the canopy shade trees where overhead lines and fixtures prevent normal growth and maturity.

4.1.7 Spacing from driveways.

No tree shall be planted closer than ~~4~~8 feet from any driveway or alley.

4.1.8 Tree separation from utilities.

Landscape and utility plans ~~shall~~ must be coordinated. Utility separations must meet the minimum standards of the Fort Collins Land Use Code. ~~Following are the minimum dimension requirements for the most common tree/utility separations.~~ The specified distance is measured as the horizontal separation from the center of the proposed tree to the edge of the existing or proposed utility.

- ~~40 feet between canopy shade trees and streetlights. Fifteen (15) feet between ornamental trees and streetlights.~~
- ~~10 feet between trees and water or sewer lines.~~
- ~~4 feet between trees and gas lines.~~

- ~~4 feet between trees and underground electric lines shall be provided to the extent reasonably feasible.~~

Exceptions to these requirements may occur where utilities are not located in their standard designated locations, as approved by the City Forester ~~or the Director~~. Tree-~~/~~utility separations shall not be used as a means of avoiding the planting of required street trees.

4.1.9 Irrigation provided to trees.

Irrigation must be provided to new and existing trees if applicable. Irrigation to trees must be on a separate zone from other plant material.

4.2

~~PARKWAY LANDSCAPING -~~ TURF-TYPE GRASS

Turf-type grass in parkways provides a multi-functional solution for landscaped edges along city streets of all classifications. The term "turf-type grass" as used throughout these Streetscape Standards means continuous plant coverage that is native or hybridized for arid conditions, with a low water requirement. Once established, such low-water turf-type grass typically requires approximately one watering per week during the average growing season. Turf-type grasses allowed in Fort Collins streetscapes must not exceed an average of 11 gallons of water per square foot per year. Any turf-type grass installed must meet hydrozone requirements in the Fort Collins Land Use Code.~~Two main types of t~~Turf-type grasses may be used in Fort Collins streetscapes.~~: cool-season turfgrasses, and warm-season native shortgrasses. Cool-season turfgrasses include improved varieties of Kentucky Bluegrass, Tall Fescue, Perennial Ryegrass, and Wheatgrasses. Warm-season native shortgrasses include improved varieties of Buffalograss and Blue Grama.~~

Efficiently irrigated, mowed ~~cool-season~~ turf-type grass provides a uniform and resilient living ~~green~~ edge to city streets over a long growing season. The ~~green~~ living edge, along with street trees, is a unifying element that helps define ~~C~~city streets as continuous spaces~~, in conjunction with street trees~~.

~~Cool-season turfgrass can be a sustainable, functional landscape solution consistent with "xeriscape" and "water-wise" landscaping principles. These principles recognize cool-season turfgrass as an appropriate use of water in high visibility, multi-functional, high-use areas, and parkways typically fit that description. Cool-season turf grass can be reasonably drought tolerant, depending on the species and improved variety. Problems resulting from periods of neglect are relatively easy to correct, and the turf rarely, if ever, needs replacement.~~

~~Non-gardeners and typical commercial crews can readily maintain cool-season turf grass. It naturally inhibits weeds, and mowing is an efficient way to control weeds that do occur. It works well in conjunction with street trees with tolerance for shading. In winter, dormant turf is easy to keep tidy and trash-free. It tolerates foot traffic better than any other living ground cover.~~

~~Blue Grama and Buffalograss have very low irrigation and mowing needs. They are active and green for a shorter season than cool-season turf grasses, but have an attractive straw color when dormant. They can offer a beautiful alternative to cool-season turf grasses with their fine textures and soft gray-green color. They require full sun and significant weed control to maintain a high quality appearance in city landscapes. They do not tolerate shady spots, high levels of foot traffic, or overwatering. They are not as competitive with weeds, and weeds stand out in contrast to the texture and color of the grasses.~~

4.2.1 Requirements.

Section 5 includes parkway landscaping standards for ~~A~~arterial ~~S~~streets. Section 6 includes parkway landscaping standards for ~~C~~collector and ~~L~~local Streets.

4.2.2 Prohibitions.

No artificial turf or artificial plants may be included in any streetscape. Turf or grass that is not hybridized for arid conditions or has a high water requirement, or both, may not be included in any streetscape.

4.3

~~PARKWAY LANDSCAPING -~~ ALTERNATIVES TO TURF-TYPE GRASS

Alternatives to irrigated turf-type grass can be an appropriate choice for property owners abutting collector and local streets. Alternatives to turf-type grass must meet the same watering restrictions as turf-type grass. Alternatives can also be appropriate for arterial street projects in special plan areas where such alternatives are recommended.

Mulched planting beds can be an acceptable alternative solution to turf-type grass for parkway landscaping in some situations. With appropriate plant selection and proper maintenance, it can offer seasonal interest and add character.

This alternative ~~typically requires~~can require less water than ~~cool-season~~some turf-type grass. ~~With appropriate plant selection and proper maintenance it can offer seasonal interest and add character.~~ While maintenance needs can be less frequent than a cool-season turf-type grass mowing regime, they can be more complex and occasionally more time-consuming, as weeding, trimming, mulching and replacing materials are important to keep the plantings healthy and attractive. Mulched planting beds are not suited for heavy foot traffic, so incorporating footpaths may help guide pedestrians to preferred crossing points.

~~4.3.1 Where Appropriate.~~

~~Alternatives to irrigated turf grass can be an appropriate choice for property owners abutting collector and local streets, depending on whether the parkway is governed by an approved Development Plan. Alternatives can also be appropriate for arterial street projects in special plan areas that have recommended alternatives.~~

4.3.1~~2~~ Requirements.

Section 5 includes parkway landscaping requirements for ~~A~~arterial ~~S~~streets. Section 6 includes parkway landscaping requirements for ~~C~~collector and ~~L~~local Streets.

4.4

SIGHT DISTANCE TRIANGLES AT INTERSECTIONS

Sight distance generally refers to the line of sight from a driver at an unsignalized intersection to approaching vehicles that the driver needs to see in order to safely enter traffic.

4.4.1 Requirements.

A visual sight distance triangle, free of any structures or landscape elements ~~shall~~ must be maintained at street intersections and driveways, as required in Figure 7-16 in the *Larimer County Urban Area Street Standards*. Sight distance triangles must be shown on plans, and plants and boulders within the sight distance triangles must meet height restrictions. The following note should be included on applicable plan sheets: "SIGHT DISTANCE TRIANGLE: BOULDERS AND ULTIMATE PLANTS HEIGHTS MUST NOT BE TALLER THAN 24 INCHES ABOVE FLOWLINE WITHIN SIGHT DISTANCE TRIANGLE." The note may also refer to Section 4.4 of these Standards and Figure 7-16 of the *Larimer County Urban Area Street Standards*.

Deciduous trees may be ~~permitted~~ allowed to encroach into the clearance triangle provided that the lowest leaves ~~shall~~ must be at least ~~six (6)~~8 feet from grade and are spaced so that they do not obstruct line of sight. For trees less than 10 feet tall, the lowest leaves must be at least 6 feet from grade.

4.5 LOW IMPACT DEVELOPMENT – STORMWATER MANAGEMENT

In a "Low Impact Development" (LID) approach to streetscapes, landscaped parkways and medians are depressed rather than raised, to help manage stormwater runoff closer to the source. Depressed landscape areas are designed with special soil mixes, corresponding plantings, and other design techniques to infiltrate and filter runoff, instead of concentrating and conveying all runoff to centralized detention and treatment facilities.

The City's Stormwater Criteria Manual, which governs the management of stormwater in the city, describes design~~, plant selection,~~ and maintenance techniques applicable to streetscapes.

4.5.1 LID in Public Right-of-Way~~encouraged~~.

LID techniques and technologies are ~~encouraged~~allowed on a case-by-case basis within public right-of-way, ~~whenever~~ provided the drainage patterns and the infrastructure allow~~s~~ for such measures to be used. LID will not be allowed near bus stops or other roadway areas carrying heavy (weighty) vehicle loads. No infiltration systems will be allowed within or under pavement in public right-of-way.

4.5.2 ~~Low Impact Development~~LID streetscape projects.

In any streetscape where a ~~Low Impact Development~~LID approach is used, Streetscape ~~Standards~~ requirements under this manual shall be adapted or modified as needed per the Stormwater Criteria Manual. The project description must include expected lifespan and any remediation needs for the LID based on silt load. LID maintenance must be defined by the development agreement for the project, if applicable.

SECTION 5

Arterial Streets

The city's arterial streets are complex and expensive public infrastructure, combining virtually all utility and transportation systems of the city. Arterial streets have a functional purpose in addressing~~Besides the functional~~ needs for traffic and utilities~~,~~. ~~a pervasive theme throughout t~~The City's Comprehensive Plan also recognizes the less tangible~~is the importance~~ purpose of streets as public space. As high-visibility public space, arterials create first impressions, are experienced by all residents on a daily basis, and play a large role in determining the character and conveying the civic intention of the City of Fort Collins.

Arterial streetscapes vary widely~~,~~: from the Downtown core, to suburban residential areas, to the Natural Areas in the Poudre River valley.

Some arterials~~s~~ streets feature ~~are distinguished by the inclusion of~~ medians ~~along~~ within street corridors and ~~in~~ roundabouts. ~~Besides~~In addition to managing traffic, medians provide ~~very~~ high-visibility space for landscaping~~,~~ and provide a refuge for pedestrians crossing the road. Medians can humanize the scale of a wide street~~,~~ and add beauty and civic identity. ~~They~~Medians are a highly visible mainstay of urban design, and thus are a major aspect of the City's streetscape efforts.

5.1 ARTERIAL STREETSCAPES MAP

The Arterial Streetscapes Map recognizes differences between various ~~arterials~~ roadways throughout the city. It indicates where a "Standard Arterial Streetscape" approach should apply, and where other corridor segments and gateway intersections warrant their own tailored approach to streetscape design and management.

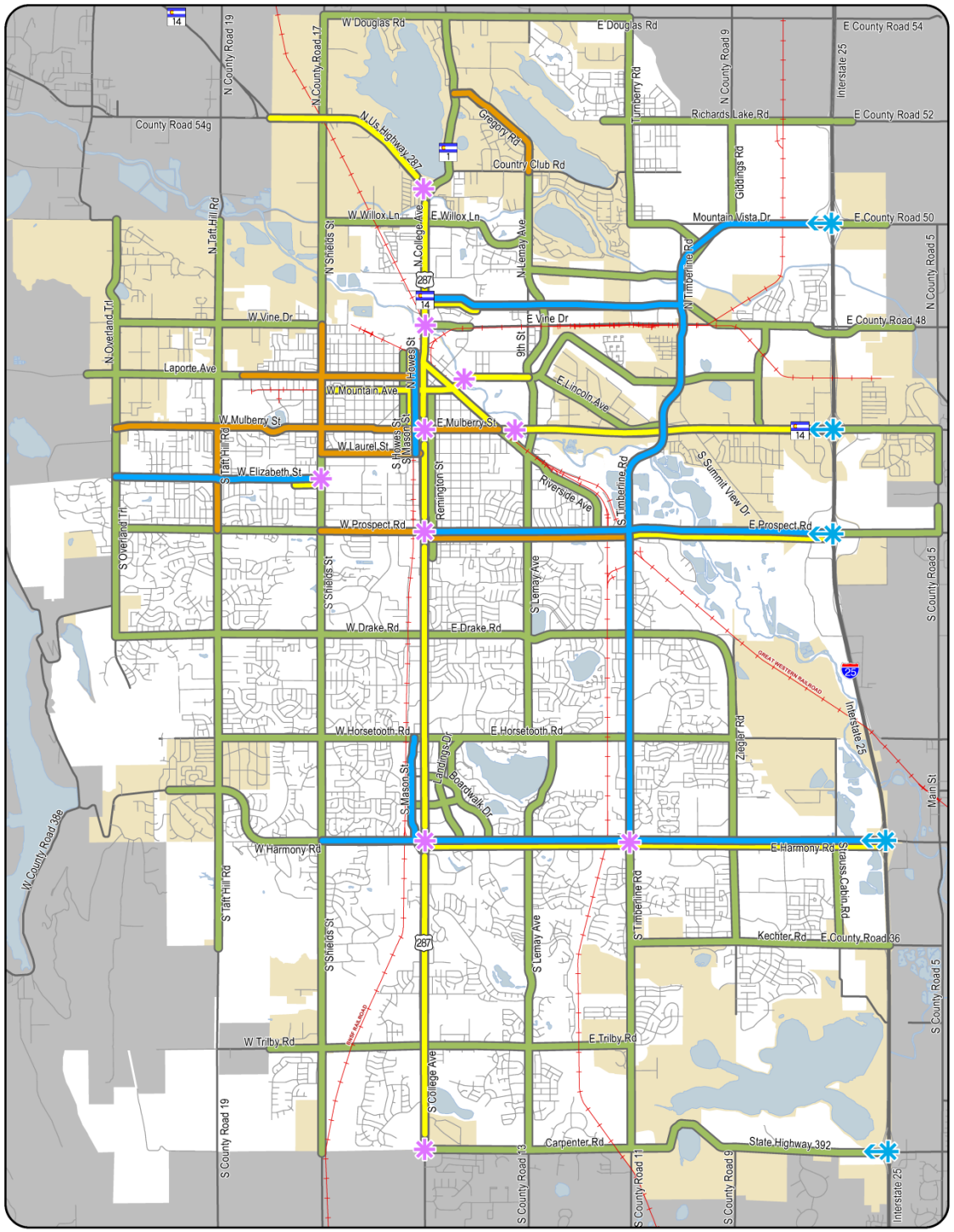
The ~~m~~Map works in conjunction with design standards in the following chapters to guide investment in streetscapes throughout the city.

The types of Arterial Streetscapes and Gateways are:

- Standard Arterial Streetscapes.
- Enhanced Travel Corridors.
- Special Planning Areas.
- Streetscapes ~~c~~Constrained by Existing Development.
- Gateway Intersections.
- Community Entrance Gateways (at Interstate 25).

Streetscape Design Standards and Guidelines

Arterial Streetscapes



Streetscape Types

- Standard Arterial Streetscape
- Enhanced Travel Corridor
- Special Planning Area
- Constrained by Existing Development

- Gateway Intersections
- Community Entrance Gateway (Interstate)
- Unincorporated Land in GMA
- City Limits

0 1 2 3 Miles

N W E S

City of Fort Collins

CITY OF FORT COLLINS
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5.2

ARTERIAL STREETSCAPE DESIGN: STANDARD ARTERIAL STREETSCAPES - MEDIANS

The primary focus of "Standard Arterial Streetscapes" is on medians, including ~~the medians in~~those within roundabouts. While m~~M~~any arterial~~s~~ streets have medians, some do not.

Median standards emphasize ~~mixed plantings of~~a mix of perennials, grasses, shrubs, and tree groupings, with a mulched ground surface. These standards aim to reflect Fort Collins's western regional character by using plants with low water requirements that are adapted to the harsh roadway environment.~~The intent of these standards is to reflect Fort Collins' western regional character with regionally-specific plants suited to the harsh roadway environment.~~

Planting compositions must include:

- Varied plant forms, textures, and foliage in addition to flowers that provide ~~a long season of~~ interest throughout changing seasons.
- Coordinated, repeating groupings of plants to form an overall pattern.
- Accent groupings to add detail and variation within the overall pattern.
- Related elements such as mulches and boulders.

When designing arterial streetscapes, strong consideration should be given to the safety of maintenance crews and the traffic impact of the necessary safety protocols used during maintenance.

5.2.1 Median width measurements.

All references to median widths are from ~~face~~back of curb to ~~face~~back of curb.

5.2.2 Median grading.

The ground surface in landscaped medians shall be crowned with a high point in the center, with slopes not to exceed ~~7~~12:1 or approximately 8.3~~14~~ percent. This standard shall not apply where a median has a cross slope due to opposing traffic lanes and curbs having different elevations, such that a crown may not be feasible; nor shall this standard apply where a LID approach has been approved.

5.2.3 Median grading in roundabouts.

The ground surface in center medians in roundabouts shall be crowned with slopes not to exceed ~~7~~12:1 or approximately 8.3~~14~~ percent. The intent of this standard is to increase the visual prominence of landscaping, and work in conjunction with planting and hardscape elements to achieve year-round screening of visibility across the roundabout to a height of at least 4 feet.

5.2.4 Median planting general approach.

Tree groupings and mixed plantings of other plant types ~~shall~~ must be established and maintained in medians that are at least 6 feet wide, except where safety or sight distances would be impacted. Medians less than 6 feet

wide must be paved rather than planted. Paving options are discussed in section 5.2.14.

~~This standard shall not apply in the following situations:~~

- ~~Trees shall not be planted in medians less than seven feet wide.~~
- ~~Medians less than three feet wide shall be paved rather than planted.~~

5.2.5 Median tree groupings:

- Canopy shade trees, ornamental trees, and evergreen trees ~~shall~~ must be planted in groups of three, five, or more to the extent reasonably feasible, and grouped so that no more than three trees in the grouping are of a single species. Open intervals ~~shall~~ must be provided between the groups.
- Open intervals between tree groups ~~shall~~ must constitute 30-60% of the length of a given median. These percentages are intended to convey a general proportion rather than a precisely measured formula.
- Determination of the open intervals ~~shall~~ must be based on the design intent and growth assumptions for trees over a given time frame.
- Where median length allows, repetition of tree groupings is encouraged.
- Tree species diversity must meet requirements in the Fort Collins Municipal Code and Land Use Code.

5.2.6 Tree separation from median edges.

~~Separation of t~~Trees must be separated from concrete edges ~~shall be provided by designers~~ as ~~needed~~ required in this Subsection based on assumptions for growth and pruning over a given time frame. The following minimum separations ~~shall~~ must be provided ~~for tree types as listed in Exhibit List of Recommended Plants~~:

~~Large canopy trees - 2.5 feet.~~

~~Ornamental trees - 1.5 feet.~~

~~Large evergreen trees - 7 feet.~~

~~Small evergreen trees - 5 feet.~~

- Ornamental trees – 2.5 feet from back of curb
- Large evergreen trees – 9 feet from back of curb
- Small evergreen trees – 7 feet from back of curb
- No columnar or low-branched trees are allowed unless there is safe clearance (18 inches) between the back of curb and the tree at mature size
- No columnar or low-branched trees are allowed in sight distance triangles
- No trees are allowed in medians less than 6 feet wide

5.2.7 ~~Evergreen tree setbacks from face of curbs~~Street widening.

~~Evergreen trees shall be set back from the face of curbs:~~

~~Large evergreen trees - 9 feet.~~

~~Small evergreen trees - 7 feet.~~

- Wherever roads are widened, retain existing trees to the extent reasonably feasible. Land Use Code Tree Preservation and Mitigation sections should be applied.
- The Landscape Plan should include tree protection guidelines that refer to parkway width (10 feet minimum on arterials, 8 feet minimum on all other streets), or median size, installation of irrigation, and who maintains irrigation.

5.2.8 Staggered median tree groupings if space permits.

Tree groupings may~~shall~~ be staggered rather than aligned in straight rows, where median width permits a stagger of at least 2 feet. In narrower medians with inadequate space for staggered groupings, trees may be required to be planted in straight rows.

5.2.9 Mixed plantings.

Mixed plantings of perennials, ornamental grasses, shrubs, and shrubby trees ~~shall~~ must be ~~planted~~installed and maintained to cover approximately 50%~~at least 75%~~ of the median area with living material within 5 years of initial planting, based on ~~assumptions for~~ growth and maintenance assumptions made ~~of plants~~ by the designer. No more than 50% of the median area may be covered by nonliving material.

- Mixed plantings ~~shall~~ must be composed of groups of at least 3 plants per group, with each group composed of a single species.
- ~~Mixed plantings shall be composed for understory conditions at tree groupings, and open conditions in intervals between tree groupings.~~
- Mixed plantings ~~shall~~ must be arranged in an informal pattern rather than formal rows or geometrically-shaped groupings. The informal pattern ~~shall~~ must include coordinated, repeating groupings of plants in an overall composition, rather than random placement. ~~Plantings shall be designed and maintained to span the full width of the median at maturity.~~
- Mixed planting standards apply to all medians ~~3~~6 feet wide or wider.
- Perennials must be planted no closer than 12 inches from the back of curb. Shrubs must be planted so that they are no closer than 12 inches from the back of curb at mature size.
- Ornamental grasses must be limited to large groupings. The proportion of ornamental grass must be limited to no more than 10% of the total number of plants.
- There must be no understory plantings within a 5-foot diameter of existing or proposed tree trunks.
- Plantings and plant groupings must be spaced or arranged to allow safe passage for

maintenance workers through medians.

- Plant symbols depicted on the Landscape Plan must represent full growth habit of plants. Height and width of plants at full maturity must be included in the plant table.

- Every plant must be identified with a unique symbol that includes the first two letters of the genus and species, e.g. Quercus macrocarpa (QU MA).

- The use of perennial groundcover plants is encouraged to help with weed control, erosion, and loss of mulch to wind and water events.

5.2.10 Mixed plantings – two options for intensity.

Two options for mixed plantings ~~shall be permitted~~are allowed:

- Perennial Garden Style.

- Shrub Garden Style.

Perennial Garden Style: This option emphasizes the maximum degree of planting intensity, color, and variety, with perennials used for the full length of a median. This results in a higher number of different plant groupings and a higher total number of plants to achieve ~~the required~~approximately ~~75~~50% plant coverage.

Shrub Garden Style: This option allows the use of larger shrubs and shrubby trees to achieve ~~the required~~approximately ~~75~~50% plant coverage with a lower number of different plant groupings, ~~and~~ lower total number of plants, and decreased maintenance needs.

5.2.11 Perennial Garden Style requirements.

~~An average of at least~~At least 4 groupings of perennials or ornamental grasses, and up to 3 groupings of shrubs per 250 square feet ~~shall~~ must be planted and maintained, with emphasis on providing color and/or texture over a long growing season. Groupings ~~shall~~ must be composed of a single species with at least 3 plants.

5.2.12 Shrub Garden Style requirements.

~~An average of at least~~Up to 3 groupings of shrubs per 250 square feet ~~shall~~ must be planted and maintained, with emphasis on color and/or texture over a long growing season. Groupings ~~shall~~ must be composed of single species with at least 3 plants.

~~In open areas at the ends of medians at intersections, at least 4 perennial or ornamental grass groupings and 3 shrub groupings shall be planted and maintained, with emphasis on color and/or texture over a long growing season.~~

5.2.13 Decision on options.

The garden style option to be used in any project ~~shall~~ must be approved by the Director based on consideration of the relative importance of a given median to community image, intensity of adjacent land uses, the width and length of the median, traffic control requirements for maintenance, and City budget considerations. In general, the Perennial Garden Style is more appropriate in higher-activity, mixed-

use areas. The Shrub Garden Style is generally more appropriate in residential and other lower-activity areas. The garden styles can also be combined, such as Perennial Garden Style at the ends of a median and Shrub Garden Style in the middle of the same median.

5.2.14 Median noses ~~and narrow ribbons~~ - planting.

Median noses~~areas 3-7~~ that are 6 feet wide may~~shall~~ be planted with low mixed planting under 30 inches in height from the flowline. Median noses with a width of 6 feet or less must be paved with concrete. On a case-by-case basis, it may be an option to embed boulders or cobbles in the concrete, stamp a pattern, or use pavers for visual interest.

5.2.15 Plants and mulches in conjunction.

Plant groupings ~~shall~~ must be designed in association with either cobble/stone mulch or organic mulch. Plants selected to feature green leaves and flowers are generally complemented by organic mulch, while stone mulch can detract from their effects. Stone mulch can complement evergreens, other plants selected to feature distinct forms or textures, and xeric plants with grey-green foliage.

When mulches are mixed, the patterns ~~shall~~ must be in sweeping curves, and not rectangular blocks or strips along the edge.

5.2.16 Mulches.

~~Organic mulch shall be used, either solely or in combination with stone mulch to add visual interest with a design pattern. Organic mulch shall be undyed shredded woody material. If a combination is used, the pattern shall be designed in conjunction with plant groupings, and the pattern shall span the full width of the median rather than dividing the median lengthwise into linear strips or lining the edge of the median.~~

Organic mulch, consisting of undyed shredded woody material, must be used either alone or in combination with stone mulch to enhance visual interest. When combined, the mulch pattern must be designed in coordination with plant groupings and extend across the full width of the median. These patterns should flow in sweeping curves rather than forming rectangular blocks, linear strips, or edging along the median.

Stone mulch, if used, ~~shall~~ must consist of 2~~-~~ to 4-inch stone combined with groupings of 4~~-~~ to 12 inch ~~or larger~~ stone that is hand placed as accents for visual interest and to separate abutting organic and stone mulches. Larger stone ~~shall~~ should be placed first, to be embedded, mingled, and settled with the smaller stone rather than loosely dumped.

5.2.17 Boulders.

Boulders may be used in medians with a curb height of at least 12 inches, to structure and complement plant groupings. Boulders must be set back at least 12 inches from back of curb and must have a maximum height of 18 inches above curb. They ~~shall~~ must be designed and placed in deliberate groupings ~~in association~~to be embedded and mingled with the planting and mulch design pattern, and any low walls or slopes. They ~~shall~~ must be placed prior to planting and mulching, and

slightly sunk into the ground~~, to be embedded and mingled with mulches and plantings~~. ~~Permitted b~~Boulders ~~shall~~ must be tan Masonville sandstone quarry blocks, rounded river boulders, or weathered moss rock boulders. Boulder selection ~~shall~~ must be based on continuing an established theme, or establishing a theme where none exists.

5.2.18 Median hardscape – edges and paving.

Hardscape treatments depend on different median widths and different contexts throughout the city, ~~shall~~ must comply with the following requirements:

A. In median areas that are at least ~~7~~6 feet wide, a barrier~~double~~ curb edge ~~shall~~ must be installed where a project includes 1) a new median, or 2) an existing median that lacks splash blocks or has splash blocks that warrant replacement. The barrier curb must be at least 8 inches tall as measured from the flowline, and the top of curb must be at least 12 inches wide with a maximum slope of 8.3 percent. The purpose of this standard is to provide additional depth for planting areas, space for maintenance personnel, an additional correction barrier for vehicles leaving the roadway, and a visual design that complements the curb and gutter. Where a median tapers to less than ~~7~~6 feet, the ~~upper~~ curb ~~shall~~ must return across the median to enclose the upper landscape area.

The following exceptions to the barrier~~double~~ curb shall apply:

1) Sloped concrete splash blocks with integral tan tint and exposed aggregate finish ~~shall be permitted~~may be used in lieu of a barrier~~double~~ curb if a median project is located in a street segment or area of the city where existing splash blocks have a previously established theme and are expected to remain for a long term.

2) Where a median is less than ~~7~~6 feet wide, the edge ~~shall~~ must be a standard 6-inch curb with no barrier~~double~~ curb or splash block.

B. Along existing and proposed median corridors with median landscaping and limited vehicular access, a vehicular pull-out must be provided for maintenance vehicle parking.

C. Median areas under ~~3~~6 feet wide ~~shall~~ must be paved rather than planted. Paving ~~shall~~ must be rectangular concrete or brick pavers set on a concrete base. On a case-by-case basis, it may be an option to embed boulders or cobbles in the concrete, stamp a pattern, or use pavers for visual interest.

The following exception to pavers shall apply: where existing tan exposed-aggregate concrete median paving establishes a prevailing theme, ~~it shall be permitted for paving of~~a medians ~~under~~ 6 feet wide may be paved with tan exposed aggregate concrete.

5.2.19 Roundabout planting and hardscape.~~:~~

Roundabout central medians in Standard Arterial Streetscape areas ~~shall~~ must be developed and maintained with tree groupings and mixed plantings in the Perennial ~~Variety~~ Garden Style, with boulders and a mulched ground surface. Landscape walls may be included to reinforce the pattern and provide year-round structure for plantings. Any landscape walls should be built from locally sourced and readily available materials so that replacements can be easily found if necessary.

Apron paving and any special curbs ~~shall~~ must be designed for visual interest with tinted, textured concrete, pavers, or similar material. Aprons must be wide enough for maintenance vehicles to park without restricting the turning movements of oversized vehicles.

Irrigation controllers and backflows must be located in the center of the roundabout or in the parkway to avoid damage from vehicles.

Radial median arms must be paved in single-lane roundabouts. Radial medians arms in double-lane roundabouts may be planted with landscaping with a height of less than 30 inches from flowline. During maintenance, City crews will close one vehicle lane on each side of the radial median arm. Double-lane roundabouts must be designed to allow for normal and oversized traffic flow during maintenance operations.

Design of each individual roundabout ~~shall~~ must be unique unless multiple roundabouts are related in a pair or group as part of a single traffic management project. Design elements include planting themes, plant species, apron paving, and other hardscape details.

5.3

ARTERIAL STREETSCAPE DESIGN: STANDARD ARTERIAL STREETSCAPES - PARKWAYS

The City maintains ~~most~~some arterial street parkways, with exceptions ~~in a limited number of situations~~ where other arrangements are made with another entity. Turf-type grass provides a range of benefits as a solution to arterial street parkways as described in Section 4. The benefits described are relevant for all street classifications, but are particularly relevant for arterials, which form a continuous city-wide framework of public space.

5.3.1 Irrigated Turf-Type ~~g~~Grass.

Parkways in Standard Arterial Streetscapes shall consist of ~~irrigated~~ turf-type grass (or turf-type grass alternatives) and street tree plantings as described in Chapter 4. Appropriate irrigation, including dedicated irrigation for trees ~~shall~~ must be provided to maintain health of plantings with efficient use of water.

5.4

ARTERIAL STREETSCAPE DESIGN: ENHANCED TRAVEL CORRIDORS ~~(ETC'S)~~

Standard Arterial Streetscape standards may or may not be adequate and appropriate for design and maintenance of ~~these~~Enhanced Travel ~~c~~Corridors (ETCs), depending on unique circumstances in each ETC.

~~These arterial corridors~~ETCs are intended to evolve as a framework that incorporates and supports high frequency transit with special emphasis on walkability and bicycling.

5.4.1 Tailored streetscape approach.

For streetscape projects where previous ETC plans do not define a streetscape approach, the Standard Arterial Streetscape standards in Section 5.2 shall be considered as the minimum requirement for the level of quality and investment.

Design and maintenance shall then be adapted to unique circumstances in each corridor as appropriate, based on study of and response to:

~~1.~~ • Guiding policies for ETC~~'~~s.

~~2.~~ • Established precedents in the corridor that are consistent with the vision and policies for ETC~~'~~s.

Examples of permissible design variations include:

~~3.~~ • Planting patterns to reinforce the pattern of transit facilities.

~~4.~~ • Hardscape elements – edge treatments, paving, planters, and the like, particularly where related to transit stops and shelters.

~~5.~~ • Urban design amenities in a coordinated program, particularly including paving, furnishings, and structures at transit stops and shelters.

- Safety considerations for maintenance workers and the impact of safety protocols to the traveling public.

In all cases, design ~~shall~~ must include repeating elements to create a theme for the corridor and avoid clutter of unrelated elements.

5.5

ARTERIAL STREETSCAPE DESIGN: ~~OTHER~~ SPECIAL PLANNING AREAS

Special planning areas have subarea plans, corridor plans, or other planning documents that recognize their unique context and character. The level of specific direction for streetscapes varies among the plans.

These areas warrant their own distinctive streetscapes with tailored design and maintenance characteristics~~, rather than the Standard Arterial Streetcape~~.

5.5.1 Tailored streetscape approach.

For streetscape projects where plan documents are not definitive, the Standard Arterial Streetscape standards in Section 5.2 shall be considered as the minimum requirement for the level of quality and investment, and may be considered as a reference for design.

Design and maintenance shall then be adapted by project designers and staff based on study of and response to the context and any established precedents that are consistent with the vision and policies for the area, and are thus expected to remain.

Examples of permissible design variations on the Standard Arterial Streetscape include:

~~6.~~ • Distinct patterns of trees and other plant groupings.

~~7.~~ • Signature plant species.

~~8.~~ • Hardscape elements - such as edge treatments, paving, low planter walls or landscape walls, and the like.

~~9.~~ • Urban design amenities such as paving, street furnishings, and transit stop shelters or other themed structures in a coordinated program.

In all cases, design ~~shall~~ must include repeating elements to create a theme for the area and avoid clutter.

5.6

ARTERIAL STREETSCAPE DESIGN: CONSTRAINED CORRIDORS AND SEGMENTS

These are arterial corridors and segments where the Standard Arterial Streetscape is not feasible due to physical constraints of existing development. Typically, both parkways and medians are constrained.

5.6.1 Tailored streetscape approach.

Streetscape projects in these areas shall incorporate aspects of a Standard Arterial Streetscape to the extent reasonably feasible. The allocation of available space and the compromises on each component of the ~~street~~ design shall be determined on a project-by-project basis.

The most important aspects to consider in the streetscape approach are safe sidewalks, ~~and~~ street trees as described in Chapter 4, ~~and~~ the safety of maintenance workers, and the impact of safety protocols to the traveling public.

5.7

ARTERIAL STREETSCAPE DESIGN: GATEWAY INTERSECTIONS

~~These~~Gateway intersections are exceptional locations where the Standard Arterial Streetscape should be augmented with additional intensity of streetscape development in any capital projects. These locations warrant the highest level of investment for design, construction and maintenance.

The intent is to highlight entryways into the city~~,~~ and ~~also~~ edges of districts within the city. The locations consist of intersections, whether signalized or roundabouts, extending outward as appropriate to include medians and parkways associated with the intersection.

5.7.~~2~~1 Components.

Streetscape projects at gateway intersections ~~shall~~ must be enhanced with a coordinated program of components including at least four of the following, with consideration given to the likelihood of damage and the ability for easy repairs:

- Plantings of annual flowers in beds or large pots. These should be placed as far as possible from traffic while maintaining truck access for weekly maintenance

and fertilization. Annuals must be on dedicated irrigation zones that are accessible for repair.

- Railings or low walls.
- Bollards.
- Pedestrian lighting/ other specialty lighting.
- Columns, pylons or other urban design structures.
- Signal or light pole treatments.
- Color themes in repeated components.
- Special paving.
- Sculpture or other public art ~~in addition to the components listed above~~.

5.8 ARTERIAL STREETSCAPE DESIGN: COMMUNITY ENTRANCE GATEWAYS (I-25)

Interstate 25 interchanges act as major community entrances, in conjunction with the arterial streets leading into Fort Collins from the interchanges.

Future improvements to the interchanges are expected to include gateway design features to reinforce the community entrance role.

Design and management of any such interchange improvements, and ~~and~~ arterial streetscapes near the interchanges, may present opportunities for coordination.

For example, any interchange gateway features may be appropriate to extend westward along a segment of the arterial streetscape. If such features are not appropriate to be extended, they may still influence, or be influenced by, the character of the arterial streetscape.

SECTION 6

Collector and Local Streets

6.1 PARKWAY LANDSCAPING

Streetscapes ~~on~~ along collector and local streets typically consist of parkways only. The primary purpose of parkway landscaping is to support street trees and complement them in serving multiple functions:~~The primary intent for parkway landscaping is to provide a setting for street trees, and work in conjunction with street trees for a number of purposes:~~

- Define streets as the framework of public space within which individual properties fit.
- Contribute to the attractiveness and visual interest of the street edge.
- Mark the transition from public to private space.
- Blend public interests in street infrastructure with interests of abutting property owners who are required to maintain these parkways by City Code.

6.1.1 Two approaches.

Two main approaches to landscaping parkways are ~~permitted~~ allowed in collector and local streets: turf-type grasses, and mulched planting beds. Pros and cons of each are discussed in Section 4.In both approaches, appropriate irrigation ~~shall~~ must be provided to maintain the health of plantings with efficient use of water.

In ~~developments~~areas where there is no development plan that specifies parkway landscaping, the owner of the property abutting the parkway may select either approach, regardless of any ~~H~~homeowners ~~A~~association (HOA) covenants that may apply to the development, and shall be responsible for the installation and maintenance of the parkway landscaping in accordance with Section 24-42 of the City Code.

6.1.2 Approved development plans govern.

In developments with approved landscape plans, the parkway landscaping must be in accordance with the plan.

A ~~Homeowners Association (~~HOA~~)~~, or a property owner with notice to and opportunity for comment from the HOA, may request a Parkway Landscaping Amendment to an approved plan for parkway landscaping. Such a request by a property owner shall be limited to the parkway strip abutting the lot of the property owner and shall be reviewed by the Director in accordance with Section 6~~2~~.3~~2~~.10(E~~D~~) of the Land Use Code.

6.1.3 New development landscape plans.

Where a developer desires to offer non-turf-type grass options to homeowners, the landscape plan ~~shall~~ must contain notes and drawings specifying options for non-turf ground cover plantings, with consistent mulch and a recommended plant palette. The

landscape plan notes must also recommend a generic irrigation design.

6.1.4 Turf-type grass.

Turf-type grass ~~shall be permitted~~is allowed, ~~including both cool-season turfgrasses and warm-season native shortgrasses~~ as discussed in Section 4. The choice of grass species and variety can make a major difference in water use needs, ease of establishment, survival of the grass, weeding, mowing, and renovation requirements.

6.1.5 Boulders.

Boulders must be set back at least 2 feet from back of curb and at least 2 feet from the edge of the sidewalk. Boulders must have a maximum height of 12 inches above curb.

6.1.6~~5~~ Mulched planting beds.

Non-turf ground cover plantings ~~shall be permitted~~are allowed, including mulched planting beds and ground cover plantings. With an understanding of plant selection and proper irrigation and maintenance, these plantings can provide seasonal interest with little water required.

Property owners are encouraged to incorporate choices that provide a degree of congruence with neighboring properties in terms of mulches and character of plantings.

6.1.7~~6~~ Requirements for non-turf ground cover plantings:

A. Landscaping ~~shall~~ must be designed, installed and maintained so that at least 50% of the area ~~shall be~~is covered with live plant material within 3 years from installation.

B. Plant materials ~~shall~~ must be under 2 feet tall if within 5 feet of a driveway and under 3 feet tall in other areas. Owners are encouraged to select plants that maintain these height limits with little or no pruning.

C. Plant materials must not obscure the line of sight for traffic or obstruct the sidewalk. Plantings of any height that obstruct the line of sight or cause safety concerns may be required to be kept trimmed to a lower height or removed so visibility is provided/maintained.

D. No fences or thorny/prickly plant material are allowed.

E. In mulched planting beds, the soil surface ~~shall~~ must be 2 to ~~-~~3 inches below the curb and sidewalk to allow for mulch to be contained. To avoid clutter, no additional timbers, concrete products, plastic or metal edging, or similar material shall be included.

~~F.~~ Exception: if edging is needed to keep turf-type grass out of mulched areas~~,~~ (perpendicular to the street)~~,~~ such edging ~~shall~~ must be flush or within 1 inch of the ground surface, so it is not a visible element and to prevent exposed sharp edges of the edging.

~~G.~~ F. Plant materials and mulch must be kept off the street and sidewalk.

~~H.~~ G. Avoid cutting tree roots when~~if~~ converting an established turf-type grass parkway to a planting bed.

H. Within a tree's dripline, minimize grade changes to protect the tree roots.

SECTION 7

Maintenance Standards

The purpose of this Section is to foster a consistent, high-quality appearance for all streetscapes, whether maintained by the City~~,~~ or its agents, or by private developers, businesses, or individuals.

Given the high visibility of city streetscapes, the public is able to observe both the maintenance practices ~~in the field as well as~~and the results of that maintenance. ~~The p~~Public perception of a well-maintained landscape is shaped~~promoted~~ by practices that promote~~which benefit~~ the health of ~~the~~ landscape materials~~, and achieve~~ensure a neat~~,~~ and well-cared for appearance, and that contribute to the City's water resource sustainability goals. Quality maintenance is a function of workmanship, funding, ~~knowledge~~expertise, and technique. These standards are designed~~attempt~~ to ensure that ~~all~~ streetscapes are cared for in a manner ~~which~~ that reflects the high ~~esteem~~regard that citizens have for these important public spaces. ~~Generally~~In general, all landscaping ~~shall~~ must be maintained in ~~a~~ healthy condition with a neat and attractive appearance throughout the growing season. ~~A neat and attractive appearance is essential.~~ Irrigation systems, structures, and sidewalks ~~shall~~ must be maintained to represent the original integrity of the design and installation.

7.1 TREE MAINTENANCE AND MANAGEMENT REQUIREMENTS

7.1.1 Separate standards document.

A separate document, ~~T~~the *City of Fort Collins Tree Management Standards and Best Management Practices*, contains the City's standards for planting and maintenance for all trees in the public rights-of-way and applies~~y~~ whether the work is performed for the City contractually, by the City, or by private entities or individuals. Exceptions to the standards and practices require written approval of the City Forester.

7.1.2 Permits for tree work.

A permit must be obtained from the City Forester before ~~any~~ planting, pruning, or removing~~al, or destruction of~~ any tree or shrub within the public right-of-way of any street or sidewalk. Businesses performing this work must be licensed by the City. No tree shall be cut back in such a manner that its health will be impaired or it creates an unsafe condition. An exception to this rule may occur to provide emergency relief of an immediate danger to persons or property. Any such emergency procedures must be reported promptly to the City Forester with plans for completion or follow-up work submitted for approval. See the *City of Fort Collins Tree Management Standards and Best Management Practices* for details on acceptable pruning practices.

7.2
MAINTENANCE RESPONSIBILITIES

Maintenance responsibilities vary among different street types, and ~~also~~ with specific circumstances of abutting properties.

7.2.1 Maintenance responsibility~~ies~~ standards and requirements.~~:~~

Unless otherwise specified in a written agreement, the following maintenance responsibilities and requirements apply.

A. Street trees located on the City right-of-way are the responsibility of the City Forestry Division to manage, maintain, and replace ~~on all streets~~, regardless of who maintains the surface.

~~B.~~ Exception: some streetscape projects include a warranty period for establishment of newly planted trees and/or a development agreement in which the project is responsible for maintenance.

B. ~~C.~~ Medians ~~on~~irrigated by a City-owned water source in arterial streets ~~shall~~ will be maintained by the City.

Exception: some streetscape projects include a warranty period for establishment of median landscaping and/or a development agreement in which the project is responsible for maintenance.

C. ~~D.~~ Parkway landscaping on ~~C~~collector and ~~L~~local streets shall be maintained by the adjacent property owner in accordance with City Code.

D. ~~E.~~ Parkway landscaping on arterial streets ~~shall~~ will be the responsibility of the City if there is no developer, individual, organization, or homeowners~~'~~ association that ~~prefers~~ enters into an agreement with the City to maintain them, or that can be fairly assigned~~allocated~~ the maintenance responsibility based on their unique benefit.

E. ~~F.~~ The following ~~four~~ three other different scenarios for planting and continuing maintenance are possible, depending on circumstances:

1) The developer installs the landscape and the City takes responsibility for tree maintenance after a warranty period for full tree establishment during which time specific obligations are met. The landscape ~~surface~~ (turf-type grass, other plantings, mulches, irrigation) ~~must~~ continues to be maintained by the developer, homeowners~~'~~ association, or other responsible party.

2) The developer installs the landscape and, after meeting required obligations during the first two years after installation, the City takes responsibility for both tree and landscape ~~surface~~ maintenance.

3) The landscape is part of a City ~~C~~capital ~~Improvements~~ Pproject, and a contractor does the landscape work. Following final completion, ~~T~~the City is responsible for tree maintenance and may or may not be

responsible for ~~surface~~ landscape maintenance.

~~4) Adopt A Median -- the City encourages homeowners' associations, business groups, and other civic groups to take part in the Adopt-A-Median program. Contact the City Parks Division at 221-6660 for further information.~~

7.3

ACCEPTANCE OF NEW ARTERIAL STREETSCAPE PROJECTS FOR CITY MAINTENANCE

7.3.1 Streetscape installed to City standards.

Any new streetscape landscaping not designed and installed to these standards may be rejected by the City Parks ~~Division~~ Department for inclusion in its maintenance program. Developers and City capital projects ~~shall~~ must notify the City Parks ~~Division~~ Department and conduct ~~a walk-through~~an inspection with Parks and Forestry Division staff at the end of the warranty period. Any defects in the landscaping or irrigation system ~~shall~~ must be corrected by the project that installed the streetscape.

7.3.2 Inspections.

- Inspections must be completed at major milestones during the installation process. Contact Parks and Forestry Division staff for a list of milestones.
- Parks will inspect plants twice per year, in the spring and late summer of the warranty period to assess plant mortality and replacement needs.
- Replacements must be completed:
  - Early enough in the growing season (no later than September) to allow for establishment of trees and plants before irrigation is turned off.
  - Before the end of the growing season while replacement plants are still readily available. Lack of availability of the correct varieties could delay replacements until the following growing season.
  - Refer to the Forestry Division for optimal tree planting time requirements.

7.4

GENERAL MAINTENANCE STANDARDS

7.4.1 Trash.

Trash ~~shall~~ must be removed on a regular basis and before every mowing.

7.4.2 Turf-type grass.

~~Cool-season t~~Turf-type grasses that can be maintained at 3-inches or less according to best practices for turf-grass maintenance must be maintained at a 3-inch cut during the growing season. Trimming ~~shall~~ must be concurrent with mowing, to match height of open turf-type grass, around mowing obstructions such as trees, curbs, and vacuum breakers. Extra care must be taken to avoid damaging tree and plant material with trimmers and

mowers. Turf-type grass ~~shall~~ must be edged concurrent with mowing ~~when needed~~ to prevent growth over edges. Visible clippings ~~shall~~ must be removed from sidewalks and streets. Any irrigation tree rings damaged by mowing or trimming must be repaired immediately.
~~Buffalograss and Blue grama~~ Turf-type grasses that cannot be maintained at 3-inches or less according to best practices for turf-grass maintenance must be maintained at a maximum height of 12 inches.

7.4.3 Shrubs.

Shrubs ~~shall~~ must be pruned as needed to: ~~1) achieve the design intent; 2~~1) remove dead or diseased branches; and ~~3~~2) support plant health and vigor. Dead shrubs ~~shall~~ must be removed and replaced immediately. Shrubs ~~shall~~ must not extend over the curb or sidewalk. Shrubs that create sight line or access problems must be removed and replaced with a more appropriate plant species.

7.4.4 Perennials.

Perennials ~~shall~~ must be deadheaded and trimmed throughout the growing season as appropriate for the ~~design intent for~~health of each species. Depending upon ~~design intent~~plant needs and seasonal interest, perennials and ornamental grasses shall be cut back in late fall or early spring prior to new growth. Dead perennials ~~shall~~ must be removed immediately and replaced per the design intent.

7.4.5 Annuals.

Planting of annuals in the spring ~~shall~~ must be in designated annual flower beds or pots. Annuals ~~shall~~ must be regularly deadheaded of spent blooms. Annuals ~~shall~~ must be removed in the fall after the first hard ~~freeze~~frost.

7.4.6 Mulch.

Mulch ~~shall~~ must be replenished as needed to maintain complete coverage of the soil surface with a depth of 2~~-~~ to 4 inches.~~, with~~ In addition to careful placement and reduced depth ~~as needed~~ underneath plants, mulch should be dished away from the base of plant material to avoid burying leaves or tender stems. Contact the Forestry Division for additional mulch requirements specific to trees.

7.4.7 Weeds.

All landscaped areas ~~shall~~ must be kept free of weeds and invasive grasses ~~that are not part of the design intent~~. Weeding may be done manually or by the use of herbicide and/ or pre-emergent. The use of any restricted-use herbicide~~s~~ or soil sterilant~~s~~ is prohibited. In accordance with Best Management Practices, the effectiveness of the herbicide ~~shall~~ must be monitored and the weed management plan adjusted accordingly.

7.4.8 Off-Season Watering.

Early- and late-season watering shall be considered for trees that were planted before irrigation has been turned on for the growing season or after irrigation has been turned off for the growing season. Winter watering must be included for all trees planted late in the season.

7.5 MAINTENANCE ACCEPTANCE MEMORANDUM FOR CITY CAPITAL PROJECTS

When a City capital project involves installing a new streetscape, the project manager should coordinate with other City departments to prepare a maintenance acceptance memorandum. The memorandum should address the ultimate maintenance responsibilities for each streetscape element, including funding or personnel needs that could require a budget offer.

SECTION 8

Irrigation Standards

Proper watering systems help achieve City sustainability goals and citizen expectations for public spaces. Irrigation of parkway and median plant material is necessary to maintain a quality appearance and long-term health of streetscape plantings.

It is the City's intent to be a good steward of water resources consistent with "xeriscape" and "water-wise" principles related to social, environmental, and economic sustainability.

All irrigation systems ~~will~~ must be designed to meet the needs of each unique landscape by following best management practices and up-to-date technology. Without proper irrigation design and maintenance, good stewardship of the landscapes is not achievable.

8.1

IRRIGATION SYSTEM DESIGN~~irrigation system design~~

8.1.1 General design standards.

Irrigation design and installation ~~shall~~ must comply with the following general standards:

- In parkways and medians where the Parks Division will ultimately take over maintenance, irrigation system design should follow the Parks Irrigation Standards. In parkways and medians that will be maintained by an entity other than the City, irrigation system design should follow Section 5.10.1(H) of the Land Use Code.

~~A.~~ • Irrigation design ~~shall~~ must be done by a certified irrigation designer unless otherwise approved by the ~~Parks~~appropriate City ~~D~~department.

~~B.~~ • Irrigation system design and installation ~~shall~~ must be monitored, inspected, and approved through the City Development Review process. If a streetscape is to be maintained by the City Parks Department, ~~by~~ the City Parks Department must monitor, inspect, or approve the design and installation. Irrigation systems ~~shall~~ must be installed and maintained so that irrigation equipment will not spray onto any streets, walkways, or features ~~and~~ or onto structures that could be damaged by water.

~~C.~~ • The irrigation system must comply with the International Plumbing Code and with the City of Fort Collins Electrical Code.

~~D.~~ • Any deviation in taps from the approved construction plans must be approved by City of Fort Collins Utilities or the applicable water provider prior to installation. Any water service line ~~shall~~ must be coordinated with the water provider. ~~City of Fort Collins Utilities.~~

~~E.~~ • Any deviation in layout of the irrigation system from the approved construction plans must be reviewed and approved by the City

Parks ~~Division~~Department before ~~prior to~~ or during installation.

~~F.~~ • The irrigation system ~~shall~~ must be designed to provide full coverage and matched precipitation rates.

~~G. Lateral piping shall be sized based on flow demands in gallons per minute (gpm); with velocities not to exceed 5.5 feet per second.~~

~~H.~~ • Xeriscape principles ~~shall~~ must be utilized in the design of the irrigation system.

~~I.~~ • All designs ~~shall~~ must meet the industry's Best Management Practices from the Irrigation Association and ALCC (Associate Landscape Contractors of Colorado).

~~J.~~ • Newly installed irrigation systems ~~shall be~~are subject to water audits.

~~K. The minimum distribution uniformity for spray heads shall be .55; for rotor heads it shall be .65; for stream rotors it shall be .75; and for impact heads it shall be .65.~~

~~L. Design considerations shall include: 1) shrub and perennial beds are to be zoned separately from turf areas; 2) sloped areas will have separate zoning for heads at the higher elevations from those at the lower elevation; 3) areas with different exposures are to be zoned separately; and 4) In-head check valves are to be used for all areas adjacent to walkways and at the bottom of berms and pond areas.~~

~~M. Xeric irrigation and drip systems come in a wide variety of configurations. The correct application shall be approved for each landscape design by the City Parks Department.~~

~~N. Trees planted in non-turf irrigated landscape areas require short-term and long-term irrigation and should be on individual or separate zones. Supplemental emitters shall be installed on top and around the root ball for short term health. Perimeter irrigation of the root ball shall be installed for long term and permanent irrigation.~~

~~O. The contractor shall install the saddle for the PVC or AC pipe.~~

~~P.~~ • The backflow prevention device and water meter ~~shall~~ must meet the City of Fort Collins standards~~, and the flow meter shall be *Data Industrial*~~.

~~Q. A curb stop shall be installed between the meter pit and the backflow prevention device for isolation purposes. The curb stop shall be sleeved from the valve to grade and covered with a round valve box.~~

~~R. A blowout tube no larger than ¼" shall be placed between the meter pit-curb stop and the back flow prevention device. The injection port on the blow out tube shall be sweated on, attaching a female adapter with a threaded brass plug.~~

~~S. A blowout tee shall be installed immediately downstream of the backflow prevention device.~~

8.2

~~MATERIALS STANDARDS~~CONTROL SYSTEM

~~8.2.1 Pipe:~~

~~A. Copper shall be type K rigid conforming to *ASTM Standard B88*.~~

~~B. Mainline shall be Class 200 PVC, NSF approved. If 3 inches or larger, use ringtite pipe.~~

~~C. Laterals shall be Class 200 PVC, NSF approved.~~

~~D. No laterals shall be smaller than 1-inch pipe.~~

~~E. Trickle tubing shall be weather and UV resistant material.~~

~~F. Polyethylene drip pipe shall be NSF approved, SDR pressure-rated pipe, only as approved for drip applications.~~

~~G. Funny pipe shall be used only for pop-up spray heads, and shall be compatible with the elbows needed for the sprinkler heads.~~

~~*H*. Lateral fittings shall be Schedule 40, Type 1, PVC solvent-weld, with *ASTM Standards D2466* and *D1784*.~~

~~I. Copper or cast bronze fittings, soldered or threaded per installation details shall be used for all copper pipe.~~

~~J. Mainline fittings shall be ductile iron for 3-inch and larger pipe; and shall be PVC Schedule 80 for smaller pipe.~~

~~K. Sleeving shall be ductile iron or PVC pipe under all paved surfaces. Sizes shall be a minimum of two sizes larger than the pipe being sleeved, but shall in no case be smaller than 2-inch diameter pipe.~~

~~8.2.2 Valves:~~

~~A. Remote control zone valves shall be electrically operated, appropriate for the water supply, with manual bleed device and flow control stem. Valves shall have a slow-opening and slow-closing action for protection against surge pressure. Brand and model shall be Rainbird PE Series Remote Control Valves, scrubber option with self cleaning screen unless City specifies other brand and model.~~

~~B. Valves used for two-wire system shall be properly grounded per manufacturers recommendation.~~

~~C. Drip valves, bubbler valves, and micro-spray valves shall be accompanied by pressure-reducing devices matched with recommended filters to assure proper operation and reduced failure of such equipment.~~

~~D. Isolation gate valves shall be *Kennedy* 1571X or *Matco* #100M, able to withstand a continuous operating pressure of 150 psi. Clear waterway shall be equal to full diameter of pipe. Shall be opened by turning square nut to the left (wheel opening is unacceptable).~~

E. Manual drain valves shall be ¾-inch ball valve with tee handle, *Watts* #B-6000, or approved equal.

Quick coupler valves shall be 1-inch brass, *Rainbird* #5RC units with rubber cover. Supply 1-inch brass key for *Rainbird* 55K.

F. Spears True Union ball valves shall be installed upstream of the remote control zone valve. Equivalent substitutes shall be accepted.

G. Valve boxes shall have matching locking cover which shall be *Carson*, *Pentex* or approved equal. Box sizes shall be as specified to house one valve per box.

8.2.3 Control System:

A. Controllers shall must have smart controller technology, must comply with Land Use Code requirements, and shall must be approved by the City Parks Department. The number of stations shall must include two extra stations for possible future use. The controller box shall must be weather tight and vandal resistant with locking exterior disconnect.

B. The Control System Enclosure shall be Hofman Model A242408LP with A24P24 steel panel, Model A-FK1208 floor stand kit and AL-2BR lock kit, or approved equal.

C. The surge protection shall be an 8-foot copper grounding rod, #4 solid copper wire, grounding buss receptacle, ground terminal strip and Irritrol SPD-587 surge protector per manufacturer's specifications and details.

D. The master valve shall be normally opened.

E. Control wiring shall be #14 solid copper direct burial UF or PE cable, UL approved, or larger, per system design and manufacturer's recommendations.

F. Five-wire systems shall have a consistent color scheme throughout: Red = live; White = ground; Black, Blue and Green = extra.

G. If two-wire systems are used, approved shielded wire or manufacturers recommended wire shall be used.

H. Approved wire connectors and water-proofing sealant shall be used to join control wires to zone valve wires. The wire connectors shall be what each specific manufacturer recommends. Twowire systems shall use manufacturers specified wire per warranty provisions.

8.2.4 Sprinkler heads.

All sprinkler heads shall be of the same manufacturer as specified on the plans, marked with the manufacturer's name and model in such a way that materials can be identified without removal from the system. The City will specify brands and models to match other equipment in use in public systems in the vicinity. Gear driven rotor heads shall be Hunter or approved equal. Pop-up spray heads shall be Hunter, Rainbird, or approved equal. All heads should have pressure regulating device integrated in them to maintain proper

~~operating pressure. They also shall have anti-water draining valves to avoid water waste when not in operation. (Example: Rain Bird 1804 PRS/SAM heads. A minimum of 4" pop-up is required.)~~

8.3 INSTALLATION PREPARATION

8.3.1 Utility locates.

Locate all utilities prior to trenching and protect from damage. ~~Required calls shall include, but are not limited to the following: City Parks Division, 221-6660, for locates and 1-800-922-1987 for utility locates within the City of Fort Collins. Contact other utilities as required.~~

8.3.2 Preliminary inspection.

The Contractor ~~shall~~ must inspect tap and any existing irrigation system, as applicable, prior to work.

8.4 INSTALLATION PROCEDURES

8.4.1 Water service connections (taps).~~:~~

~~A.~~ • Forty-eight hours prior to connection, the contractor ~~shall~~ must contact the City of Fort Collins Water Utilities, at 970-221-6700 to schedule the work for water taps and inspections. A minimum two weeks prior notice shall be given to the Water Meter Shop, 970-221-6759, for installations ~~which~~ that will require meters and/or backflow devices larger than 2 inches.

~~B.~~ • The contractor shall be responsible for excavation, connection to corporation stop at the water main, providing and installing the saddle for the PVC or A.C. pipe, making the connection to the existing water service, backfill and compaction, and pavement / shoulder / surface treatment replacement as needed. Soldered joints or fittings are permissible above grade or inside a vault. No solder, sealants, fluxes, pipe dope, and other materials shall contain any lead. All taps and installations are subject to approval and inspection by the City of Fort Collins Water Utilities or applicable water utility. Install meter as specified in a precast vault. Inspection of service line (where appropriate), vault, water meter and backflow ~~is to~~must be coordinated with the City of Fort Collins Utilities or applicable water provider.

~~C. The contractor shall install a winterization assembly downstream of the meter vault a minimum of 6 feet away from the outside of the meter vault on the copper pipe.~~

~~D. Copper pipe shall be soldered so that a continuous bead shows around the joint circumference. Insert a dielectric union wherever a copper-based metal (copper, brass, bronze) and an iron-based metal (iron, galvanized steel, stainless steel) are joined.~~

~~8.4.2 Pipe trenching:~~

~~A. Install pipe in open-cut trenches of sufficient width to facilitate thorough tamping/ puddling of~~

suitable backfill material under and over pipe.

B. Trenches shall be as straight as possible, but when a bend of 20 degrees or more is necessary, proper fittings shall be used to reduce stress on the pipe.

C. Trench depths for mainlines shall be a minimum of 24 inches deep from top of pipe to finished grade.

D. Trench depths for laterals shall be a minimum of 16 inches deep from top of pipe to finished grade.

8.4.3 Sleeving:

A. Wires shall be in separate sleeves from pipe, and shall be 2-inch minimum size pipe.

B. Sleeves shall have traceable marker tape on upper side and both ends for future locates.

C. Sleeves shall be installed at a depth which permits the encased pipe or wiring to remain at the specified burial depth.

D. Boring for sleeving shall not be permitted unless an obstruction in a pipe path cannot be moved, or pipe cannot be re-routed.

E. Any mainline installed in existing sleeves at a greater depth than adjacent pipe shall have a manual drain valve at each end if the sleeve is longer than 20 feet, or at one end if the sleeve is less than 20 feet.

F. Sleeves shall be installed so ends extend past edge of curb, gutter, sidewalk, bikepath or other obstruction, a minimum of 2 feet.

G. Sleeves shall be marked with an "x" chiseled in walk (or other surface) directly over the sleeve location.

H. Sleeves shall be laid to drain at minimum grade of 5 inches per 100 feet.

I. Sleeves shall be bedded in 2 inches of fill sand and covered by 6 inches of fill sand.

J. Sleeves installed for future use shall be capped at both ends.

K. Sleeving shall not have joints unless necessary due to length of sleeving run. If joints are necessary, only solvent welded joints are allowed.

L. Compaction of backfill for sleeves shall be 95% of *Standard Proctor Density*, *ASTM D698-78*. Use of water (puddling) around sleeves for compaction, is prohibited.

8.4.4 Pipe installation:

A. Teflon tape shall be used on all threaded joints; only Schedule 80 pipe may be threaded.

B. Reducing of pipe size shall be done with reducing insert couplings, at least 6 inches beyond the last tee of the larger pipe.

C. PVC lateral pipe shall be snaked from side to side within the trench.

D. Cut pipe ends shall be cut square and deburred. Pipe ends shall be cleaned before using primer and solvent cement. Pipe ends shall be joined in a manner recommended by manufacturer and in accordance with accepted industry practices. Joints shall cure for 30 minutes before handling, and 24 hours before allowing water in the pipe.

E. Backfill shall be free from rubbish, stones larger than two 2-inch diameter, frozen material and vegetative matter. Backfill shall not be placed in freezing weather. If backfill material is rocky, the pipe shall be bedded in 2 inches of fill sand covered by 6 inches of fill sand.

F. After puddling or tamping, all trenches shall be left slightly mounded to allow for settling.

G. Backfill shall be compacted to proper densities depending on whether the surface area over the line will be paved or landscaped.

8.4.5 Thrust blocks:

A. Thrust blocks shall be installed where PVC mainline 2.5 inches or larger changes direction over 20 degrees.

B. Thrust blocks shall consist of a minimum of one cubic foot of concrete.

C. No concrete shall be allowed to remain on pipe joints.

D. Wiring shall be placed away from thrust blocks to avoid contact with concrete.

8.4.6 Valve installation:

A. Valves shall be installed at least 12 inches from, and aligned with, with adjacent walls or paved edges.

B. Automatic Remote Valves shall be installed so that valves are accessible for repairs. Make electrical connections so as to allow pigtail so solenoids can be removed from the valve with 24 inches (minimum) slack to allow the ends to be pulled 12 inches above ground. The zone wire should be coiled. Flush completely before installing the valve. Thoroughly flush piping system under full head of water for three minutes through furthest valve, before installing heads.

C. The top of the valve box shall be flush with the finish grade.

D. The valve assembly shall include the ball valve and union per detail for ease of maintenance and repair. Valves shall be installed in valve boxes per details.

E. Quick couple valves shall be installed in 10-inch round locking valve boxes. Valves shall be flush completely before installation. Thoroughly flush the piping system under a full head of water for three minutes through the furthest valve.

F. Isolation gate valves shall be installed in the valve box.

G. Valve boxes shall be branded with the following codes: "SV" and the controller valve number per as-built plans for all remote control valves; "DV" for all drain valves; "GV" for all isolation valves; "DRGV" for all drip system isolation valves; "QC" for all quick coupling valves; "WA" for all winterization assemblies; "FM" for all flow meter assemblies; and "MV" for all master valve assemblies. Use a branding iron stamp with 3-inch high letters.

H. Valve boxes shall NOT rest on mainlines. Brick or other non-compressible material shall be used per details.

I. Valves shall be installed in boxes with adequate space to access valves with ease. Valves shall not be too deep to be accessible for repairs. A 3-inch depth of ¾-inch washed gravel shall be placed in the bottom of each valve box with enough space to fully turn valve for removal per detail.

J. Six-inch valve boxes shall be limited to wire splices, drip end caps, and drains.

8.4.7 Head installation:

A. Heads shall be set plumb and level with the finish grade. In sloped areas, heads shall be tilted as necessary to provide the full radius spray pattern.

B. Lateral lines shall be flushed before installing heads. Thoroughly flush the piping system under a full head of water for three minutes through the furthest head, before installing the heads. Cap the risers if a delay of head installation occurs.

C. Pop-up heads along walks and bikeways shall be bedded in a 6 inch layer of sand under the base of the head. Heads that border sidewalks and curbs shall be 1-1 ½ inches from the concrete.

D. Nozzles appropriate for best performance shall be installed.

E. Nozzles and radius of throw shall be adjusted to minimize overspray onto hard surfaces.

8.4.8 Electrical connections:

A. New connections shall be approved through the City of Fort Collins Electric Utilities. Call 221-6700 to obtain power information and request connection. Actual connection to transformer or other power source will be done by the City of Fort Collins Electric Utilities. Work shall be coordinated and scheduled by calling 221-6700.

B. All work other than actual connection, including access to the transformer box where applicable, shall be supplied by the contractor.

C. All materials shall be provided by the contractor. When working near any City electric facility, prior coordination and approval is required.

8.4.9 Controller Installation:

A. Controllers shall be installed in an above-ground location suitable to

~~prevent vandalism and provide protection from adverse weather conditions, and per City direction.~~

~~B. All exposed wiring to and from the controller shall be encased in galvanized metal conduit.~~

~~C. Exterior controllers to be installed on a 6-inch thick concrete pad.~~

~~D. Controllers shall be installed per City direction and manufacturers specifications. Surge protection, grounding rods and other accessory components shall be included as specified.~~

~~E. Wire markers shall be attached to the ends of control wires inside the controller unit. Label wires with the identification number of the remote control valve activated by the wire.~~

~~**8.4.10 Wiring:**~~

~~A. Wiring shall comply with City of Fort Collins Electrical Code.~~

~~B. The power source shall be brought to the controller via a ground fault receptacle installed within the controller casing.~~

~~C. Control wires shall be strung as close as possible to the mainline, consistently along and slightly below one side of the pipe.~~

~~D. A minimum loop of 24 inches shall be left at each valve and controller, and at each splice, at the ends of each sleeve, at 100-foot intervals along continuous runs of wiring, and changes of direction of 90 degrees or more.~~

~~E. Band wires together at ten (10) foot intervals with pipe wrapping tape.~~

~~F. Install common ground wire and one control wire for each remote control valve. Multiple valves on a single control wire are prohibited. Install three extra wires, as specified, to the furthest valve on the system and/or each branch of the system.~~

8.5 TESTING

8.5.1 Testing requirements.~~:~~

~~A.~~ • All tests ~~shall~~ must be run in the presence of staff from the City Parks Department or from such other department that is responsible for accepting the work. Schedule all tests a minimum of forty-eight hours in advance. Repeat any failed tests until full acceptance is obtained.

~~B.~~ • An operational test ~~shall~~ must activate each remote control valve from the controller.

~~C.~~ • The contractor ~~shall~~ must replace, adjust or move heads and nozzles as needed to obtain acceptable performance of the system as directed by staff.

~~D.~~ • The contractor ~~shall~~ must replace defective valves, wiring or other appurtenances to correct operational deficiencies.

8.6 COMPLETION SERVICES

8.6.1 Requirements upon completion of construction.~~:~~

~~A.~~ • When project construction is complete, the contractor ~~shall~~ must request a punchlist inspection for construction acceptance from the City Parks ~~Division~~Department.

~~B.~~ • The system ~~shall~~ must be demonstrated to staff from the City Parks ~~Division~~Department.

~~C.~~ • Product ordering information ~~shall~~ must be provided to City Parks ~~Division~~Department staff including model numbers, sizes and styles for all components.

~~D.~~ • Electronic as-built drawings ~~shall~~ must be provided.

~~E.~~ •Two sets of 11" x 17" as-built drawings ~~shall~~ must be provided, showing the system as installed with each sheet clearly marked **"As-built Drawings,"~~,~~** the name of the project, and all information clearly provided.

~~F. The as-built drawings provided shall consist of one set of reproducible mylars, no larger than 24" x 36", and one set of all sheets reduced to 11" x 17", with each station color coded, and each sheet plastic laminated.~~

~~G.~~ • A completed backflow test for the backflow prevention device ~~shall~~ must be provided by a licensed backflow tester.

~~H.~~ • All excess materials, tools, rubbish and debris ~~shall~~ must be removed to leave a cleaned-up site.

- The system must be maintained in optimal working condition for the duration of time until final acceptance. Periodic adjustments must be made to achieve the most effective and efficient application of water.

8.6.2 Warranty ~~and maintenance~~ period.~~:~~

~~A.~~ A two-year ~~warranty and~~ maintenance guarantee period and a five-year repair guarantee covering all errors or omissions in the design and/or construction provided by the contractor shall begin upon construction acceptance by the City Parks Division.

~~B. The system shall be maintained in optimal working condition for the duration of the period between construction acceptance and final acceptance. Periodic adjustments shall be made to achieve the most effective and efficient application of water.~~

8.6.3 Final acceptance.~~:~~

A. The contractor ~~shall~~ must schedule a final acceptance inspection by the City Parks ~~Division~~Department. at least thirty days before the end of the ~~one~~two-year maintenance period. To schedule the inspection the contractor must contact the

City Parks Department at least thirty days before the requested inspection date.

B. The contractor ~~shall~~ must provide operating keys, servicing tools, test equipment, warranties/guarantees, maintenance manuals, and the contractor's affidavit of release of liens. Submittal of all these items must be accompanied by a transmittal letter and delivered to the City Parks ~~Division~~Department offices (delivery at the project site is not acceptable.)

C. The yearly backflow test report on the backflow device ~~shall~~ must be submitted to the City Parks Division.

8.7 GUARANTEE/WARRANTY AND REPLACEMENT

8.7.1 Requirements.

For a two year ~~the~~ period following construction acceptance notice by the City, and ~~prior to~~ before final acceptance and an additional three-year repair period after final acceptance, all irrigation materials, equipment, workmanship and other appurtenances are to be guaranteed and warranted against defects. Settling of trenches or other depressions, damages to structures or landscaping caused by settling and other defects ~~shall~~ must be corrected by the contractor at no cost to the City. Repairs ~~shall~~ must be made within seven days of notification by the City ~~Parks Division~~. The guarantee and warranty shall apply to all originally installed materials and equipment, and to replacements made during the guarantee/warranty period.

SECTION 9

Fine Grading and Soil Preparation Standards

9.1
GENERAL STANDARDS

Soil preparation is a crucial part of streetscape landscaping success. Individual projects may require specially tailored soil preparation, beyond the scope of these minimum standards, for sustainable health of specialized plantings.

9.1.1 Soil testing.

Soil~~s~~ tests conducted by a soil testing lab ~~the CSU Soils Lab~~ must be completed and submitted to the City for review; and recommendations in the lab reports ~~shall~~ must be followed in all cases. Generally this will include soil amendment and fertilizer recommendations; and in some cases, complete replacement of topsoil may be required.

9.1.2 Topsoil required.

If a landscape area is undisturbed, topsoil ~~shall~~ must be stripped to a 6-inch depth, or to topsoil depth as determined by field inspection. Stockpile and re-spread stripped topsoil over landscape areas after rough grades are established. If the site has been disturbed, or sufficient topsoil is not available, topsoil ~~shall~~ must be imported to achieve ~~six~~ 6-inch depth in all landscaped areas.

9.2
SUBMITTALS

9.2.1 Soil Amendments.

Submit a representative sample and written confirmation from the supplier of soil amendment material composition including: percent organic matter, salts, nutrient composition and trademark.

9.2.2 Topsoil.

Submit a representative sample and written confirmation from supplier of topsoil material composition including: percent organic matter, salts, and nutrient composition.

9.3
MATERIALS STANDARDS

9.3.1 Soil Amendment.

Premium 3, by *A-1 Organics,* or an approved equal high quality composted material containing a minimum of 50% organic matter shall be required for all soil amendment. The mixture ~~shall~~ must be free from clay subsoil, stones, lumps, plants or roots, sticks, weed stolons, seeds, high salt content and other materials harmful to plant life. The compost ~~shall~~ must be coarsely ground with an even composition and have an acidity in the range of pH 5.5 to pH 7.0. All material ~~shall~~ must be sufficiently composted such that no original source material used is recognizable.

9.3.2 Topsoil.

Topsoil must be taken from a well drained, arable site and ~~shall~~ must be reasonably free of subsoil, stones,

clods, sticks, roots and other objectionable extraneous matter or debris. No stones or other materials over 2 inches in size shall be allowed. Topsoil ~~shall~~ must contain no toxic materials and have an acidity in the range of pH 5.5 to pH 8.5.

~~**9.3.3. Fertilizer.**~~

~~Triple superphosphate with a chemical analysis of 0-46-0 shall be incorporated into soil along with soil amendment.~~

9.4 ROUGH GRADING OPERATIONS

9.4.1 Utility locates.

All utilities ~~shall~~ must be located prior to trenching and ~~shall~~ must be protected from damage. Required calls ~~shall~~ include~~,~~ but may~~are~~ not be limited to, Colorado 811 ~~the following: 221-6660 for Parks Division locates and 1-800-922-1987 for utility locates~~.

9.4.2 Acceptance of rough grading by other contractors.

The landscape contractor ~~shall~~ must inspect and confirm that any rough grading from other contractors is per approved plans, and allows for 6-inch minimum depth of topsoil and specified soil amendments.

9.4.3 Clearing and grubbing.

The contractor ~~shall~~ must grub and remove unsuitable woody and rock material present in the surface grade.

9.4.4 Maintain drainage.

The contractor ~~shall~~ must take precautions to accommodate proper drainage and flow during and after grading and soil preparation.

9.4.5 Kill weeds.

Remove all weeds and ~~A~~apply herbicide to areas where noxious weed beds have been established and/or where seed mix is to be planted. Herbicide must be applied by certified contractors at the rate recommended by the manufacturer, after proper notification has been ~~done~~ given, and in accordance with the chemical applicator's standards.

9.4.6 Rip planting areas.

Rip to ~~8~~12-inch depth with agriculture subsoiler in all areas to receive plantings, stopping 6 inches back from any pavement. Remove all objects greater than 2 inches in diameter.

9.5 FINISH GRADING OPERATIONS

9.5.1 Topsoil placement ~~shall include the following~~ procedures.~~:~~

A. Spread 6 inches of topsoil over the entire landscaped area and grade to smooth and even lines. Establish swales and drainage as required per plans.

B. Evenly distribute soil amendment at a rate of 3 cubic yards per 1,000 square feet of area, or 1-inch depth over the entire area to be prepared. Modify the rate if a soil test or approved landscape plan recommends otherwise. Till amendments into the top 6 inches of soil. Compact to a firm, but not hard density (80% of *Standard Proctor Density* at 2% optimum moisture). ~~Evenly distribute triple~~

~~superphosphate fertilizer at the rate of 15 pounds per 1,000 square feet. Modify the type and rate if a soil test recommends otherwise.~~

C. Trim finish grade elevations adjacent to paved areas to one inch below pavement finish grade.

SECTION 10

Grass Seeding Standards

10.1 GRASS SEEDING

10.1.1 Seed Mixes.

Seed mixes ~~shall~~ must be approved by the City Parks ~~Division~~ Department or from such other department that is responsible for approving the work based on the activity to take place, planned irrigation method, and maintenance to be performed in the area being seeded.

~~10.1.2 Pre-approved Dryland Mix.~~

~~For temporary or permanent unmowed and non-irrigated areas, the following mix shall be permitted:~~

~~45% Blue Grama,~~
~~25% Buffalograss (treated), and~~
~~30% Little Bluestem.~~

~~10.1.3 Pre-approved turfgrass mix.~~

~~For irrigated, mowed areas, the following mixes shall be permitted: 1) a blend of five turf type dwarf Tall Fescues, or 2) a mix of Kentucky Bluegrass varieties and up to 15% Perennial Rye.~~

10.1.42 Submittals.

Certificates showing State, Federal or other inspection showing source and origin ~~shall~~ must be submitted.

10.1.53 Seed quality.

Seed ~~shall~~ must be ~~of~~ fresh, clean, new crop seed composed of the varieties approved by the City with tested minimum percentages of purity and germination clearly labeled on the package. All seed ~~shall~~ must be at least 99.9% free of *Poa annua* and all weeds.

10.1.64 Mulch for seeded areas.

Mulch depends on the slope of the seeded area as follows:

A. For slopes 30% and less, native grass straw without weed seed and consisting of grasses as specified for the seeded application ~~shall~~ must be used~~.~~ (See Section 10.1.12) unless Hydromulch is used as provided in subsection B below.

B. For slopes 30% and greater: Hydromulch using *Weyerhauser* "Silva-Fiber" mulch or approved equal ~~shall~~ must be used. The mulch ~~shall~~ must not contain any substance ~~which~~ that might inhibit germination or growth of grass seed. The mulch ~~shall~~ must be dyed a green color to allow metering of its application. See Section 10.1.13.

10.1.75 Tackifier.

Teratack III, or approved equal ~~shall~~ must be used.

10.1.86 Netting.

For slopes greater than 30%, *Soil Saver* jute netting or approved equal ~~shall~~ must be used. Netting ~~shall~~ must be stapled with No. 11 gauge steel wire forged into a 6-inch long U-shape, and painted for visibility in mowed areas. See Section 10.1.14.

10.1.97 Fertilizer.

Fertilizer must be determined and incorporated into the soil based on the results of soil testing. See section 9.1.1 of these standards. ~~Fertilizer with a formula of 18-46-0 shall be used on all areas to be seeded. Apply 8 pounds per 1,000 square foot of seeded area and rake lightly into top 1/8 inch of soil just prior to seeding operation.~~

10.1.1~~0~~8 Inspection.

The contractor ~~shall~~ must (1) inspect finish grade and trim where needed to obtain finish grades of one inch below adjacent pavements. (2) Verify positive drainage away from all structures. (3) Verify or complete removal of rock and debris larger than one inch from all areas to be seeded.

10.1.1~~1~~9 Weather for seeding.

Seed ~~shall~~ must not be sown in windy weather or when ground is frozen or otherwise untillable.

10.1.1~~0~~2 Methods for seeding:

A. A brillion type drill or hydraulic seeding methods may be used. Drill the seed in a manner such that after surface is raked and rolled, the seed has ¼-inch of cover.

B. Hydraulic seeding ~~shall~~ must be used in areas that are not accessible for machine methods. A hydraulic pump capable of being operated at 100 gallons per minute and at 100 pounds per square inch pressure ~~shall~~ must be used. The equipment ~~shall~~ must have an acceptable pressure gauge and a nozzle adaptable to hydraulic seeding requirements. Storage tanks ~~shall~~ must have a means of agitation and a means of estimating the volume used or remaining in the tank. Do not seed and mulch in the same operation.

10.1.1~~3~~3 Seeding rates.

Follow the recommended seeding rate for the specific type of seed.~~The following rates of application shall apply:~~

~~A. Dryland Mix - 12 pounds pure live seed per acre.~~

~~B. Irrigated Mix - 9 pounds pure live seed per acre for the Tall Fescue blend, or 4 pounds pure live seed for the Kentucky Blue/Perennial Rye mix.~~

10.1.1~~2~~4 Mulching operations for native grass ~~mulch~~areas ~~Seed~~.~~:~~

Mulch ~~shall~~ must be applied at a rate of ~~two~~ 2 tons per acre within 24 hours after seeding.

10.1.1~~3~~5 Hydromulching operations.

Wood cellulose fibers ~~shall~~ must be evenly dispersed by agita~~ta~~tion in water. When sprayed uniformly on the soil surface, the fibers shall form a blotter-like ground cover that readily absorbs water and allows infiltration to the underlying soil. Cellulose fiber mulch ~~shall~~ must be added with the proportionate quantities of water and other approved materials in the slurry tank. All ingredients ~~shall~~ must be mixed to form a homogenous slurry. Using the color of the mulch as a metering agent, ~~spray~~ apply the slurry mixture uniformly over the seeded area. Apply with tacki~~a~~fier used at a rate of 120 pounds per acre. Unless

otherwise ordered for specific areas, fiber mulch ~~shall~~ must be applied at the rate of 2,000 pounds per acre. Hydraulic mulching ~~shall~~ must not be performed in the presence of free surface water resulting from rains, melting snow or other causes.

10.1.1~~4~~6 Mulch netting operations.

Mulched areas over 30% slope ~~shall~~ must be stabilized with netting. If the contractor fails to net and subsequent soil erosion occurs, the contractor ~~shall~~ must re-establish the finish grade, soil preparation, seed bed, and apply netting at no cost to the City.

10.1.1~~5~~7 Watering.

Immediately after seeding and mulching, water the seeded area ~~slightly~~ to a depth of 2 inches, but with care so that no erosion takes place and no gullies are formed. Water lightly ~~two~~ 2 times per day and keep the seeded area moist until ~~turf~~grass is established. Extreme care must be taken when watering ~~S~~sloped areas ~~shall be hand watered~~ until turf-type grass is established to prevent erosion. Water these areas more often but for shorter periods of time.

10.1.1~~6~~8 Clean up.

All hydromulch and other mulch materials ~~shall~~ must be removed from all plant materials, fences, concrete and other areas except for the seed bed.

10.1.1~~7~~9 Protection of seeded areas for establishment.

The contractor ~~shall~~ must provide and install barriers as required to protect seeded areas from pedestrian and vehicular damage. Signage ~~shall~~ must be provided if needed.

~~EXHIBIT A~~

~~List of Recommended Plants~~

~~The list below contains recommended plant species for streetscapes. This list will be monitored by staff as part of an ongoing program with periodic updates based on evaluation of success of plantings over time.~~

~~Designers of individual streetscape projects may propose plants not on the list based on the design intent for the particular project.~~

List of Recommended Plants

Last Amended 11.8.2012

	Comments
	Key: CO native status as determined by USDA Plants Database
Canopy Shade Trees	
Acer negundo - Boxelder 'Sensation'	-
Catalpa speciosa - Northern Catalpa	Tolerant of alkaline soils; holds a strong dominant leader; male tree so no boxelder bugs
Celtis occidentalis - Northern Hackberry	-
Gleditsia triacanthos v. inermis - Honeylocust 'Imperial,' 'Shademaster', 'Skyline'	Wrap young trees
Gymnocladus dioicus - Kentucky Coffeetree 'Espresso'	-
Quercus buckleyi - Texas Red Oak	Many seed sources, not predictably cold hardy
Quercus macrocarpa - Bur Oak	Slow growing
Quercus muehlenbergii - Chinkapin Oak	-
Quercus robur - English Oak, Skymaster	-
Quercus shumardii - Shumard Oak	From a northern source
Tilia americana - American Linden 'Boulevard', 'Frontyard', 'Legend', 'Sentry'	Do not use in along roads that are treated with deicing salts
Tilia cordata - Littleleaf Linden 'Chancellor', 'Dropmore', 'Greenspire', 'Norlin', 'Olympic', 'Prestige', 'Shamrock'	Do not use in along roads that are treated with deicing salts
Tilia x euchlora - Redmond Linden	Do not use in along roads that are treated with deicing salts
Tilia x flavescens - Glenleven Linden	Do not use in along roads that are treated with deicing salts
Ulmus davidiana - David Elm	-
Ulmus japonica x U. wilsoniana – Elm 'Accolade', 'Triumph'	Use in smaller quantities
Ornamental Trees	-
Acer grandidentatum - Wasatch Maple	-
Acer tataricum - Tatarian maple 'Hot Wings', 'Pattern Perfect'	-
Crataegus crusgalli - Thornless Cockspur Hawthorn	-
Malus sp. - Crabapple 'Adams', 'Profusion', 'Radiant', 'Spring Snow', 'Thunderchild'	Spring Snow' has some limited fireblight problems.
Pyrus calleryana - Flowering Pear 'Aristocrat', 'Capital', 'Chanticleer', 'Cleveland Select', 'Redspire'	-
Quercus gambelli - Gambel Oak	-
Quercus alba x robur – Oak 'Crimson Spire'	-
Syringa reticulata - Japanese Tree Lilac 'Ivory Silk'	-

	Comments
-	-
Large Evergreen Trees	-
Picea Pungens - Blue Spruce 'Fat Albert', 'Baby Blue Eyes'	Sensitive to salt.
Pinus nigra - Austrian Pine	Only use in wide medians.
Small Evergreen Trees	-
Juniperus scopulorum - Rocky Mountain Juniper 'Cologreen', 'Moonglow', 'Wichita Blue'	-
Juniperus monosperma - Oneseed Juniper	Very low water use
Picea pungens - Dwarf Blue Spruce 'Sester', 'Globosa', 'Montgomery'	-
Pinus mugho - Mugo Pine 'Tannenbaum'	-
-	-
Shrubby Trees/Large Shrubs	-
Acer grandidentatum - Bigtooth Maple	-
Quercus gambelli - Gambel Oak	-
Cercocarpus ledifolius - Curlleaf Mountain-Mahogany	-
Xanthoceras sorbifolia - Yellowhorn	-
Rhus glabra, R. glabra cismontana - Smooth Sumac, Rocky Mountain Smooth Sumac	-
Deciduous Shrubs	-
Amelanchier alnifolia - Regent Serviceberry	-
Amorpha canescens - Leadplant	Deadhead
Amorpha nana - Dwarf Leadplant	Deadhead
Aronia arbutifolia - Red Chokeberry	-
Aronia melanocarpa - Chokeberry, Dwarf Iroquois Beauty	-
Artemisia tridentata - Tall Western Sage	-
Atriplex canescens - Fourwing Saltbush	-
Caragana pygmaea - Pygmy Peashrub	-
Caragana rosea - Rose Peashrub	-
Ceratoides lanata - Winterfat	-
Cercocarpus ledifolius - Curl Leaf Mountain Mahogany	Can grow to be quite large with too much water
Cercocarpus ledifolius intricatus - Little Leaf Mountain Mahogany	-
Cercocarpus montanus - True Mountain Mahogany	-
Chamaebatiaria millefolium - Fernbush	Deadhead
Chrysothamnus nauseosus nauseosus - Dwarf Blue Rabbitbrush	Gets large with irrigation

CO native status as determined by USDA Plants Database

	Comments
Chrysothamnus nauseosus albiculatus - Tall Blue Rabbitbrush	- CO native status as determined by USDA Plants Database
Chrysothamnus nauseosus graveolens - Green Rabbitbrush	-
Caryopteris incana - Blue Mist Spirea	Shear back after blooming, prune out dead wood annually
Caryopteris x clandonensis - Dark Knight Spirea	Used on Harmony project
Cotoneaster apiculatus - Cranberry Cotoneaster	-
Cotoneaster horizontalis - Rock Cotoneaster	-
Cytisus scoparius 'Burkwoodii' - Red Burkwoodii Broom	-
Ephedra equisetina - Bluestem Joint Fir	-
Ephedra viridis - Mormon Tea	-
Euonymus alatus 'Compactus' - Dwarf Burning Bush	-
Fallugia paradoxa - Apache Plume	-
Ligustrum vulgare 'Lodense' - Lodense Privet	-
Physocarpus monogynus - Mountain Ninebark	-
Physocarpus opulifolius - Ninebark	-
Potentilla fruticosa - Potentilla	-
Potentilla fruticosa davurica 'Prairie Snow' - Prairie Snow Potentilla	-
Potentilla fruticosa 'Yellow Gem' - Yellow Gem Potentilla	-
Prunus besseyi 'Pawnee Buttes' - Creeping Western Sand Cherry	-
Rhus aromatica'Gro-low' - Fragrant Dwarf Sumac	Needs ample space
Rhus glabra cismontana - Rocky Mountain Sumac	Needs ample space
Rhus trilobata 'Autumn Amber' - Creeping Three-leaf Sumac	-
Ribes aureum - Golden Currant	-
Ribes cereum - Wax Currant	-
Rosa x *var.* - Shrub Rose	Remove deadwood each spring, many will continue blooming if deadheaded.
Spiraea nipponica - Snowmound Spirea	-
Spiraea thunbergii - Mellow Yellow Spirea	-
Spiraea x *vanhouttei* - Vanhoutte Spirea	-
Symphoricarpos occidentalis - Snowberry	-
Symphoricarpos orbiculatus - Red Coralberry	-
Symphoricarpos x *chenaultii* - 'Hancock' Coralberry	-
Syringa meyeri - Dwarf Korean Lilac	Looks best when deadheaded after blooming
Syringa patula 'Miss Kim' - Miss Kim Dwarf Lilac	Looks best when deadheaded after blooming
-	-

	Comments
Evergreen Shrubs	-
Juniperus chinensis - Chinese Juniper	-
Juniperus communis - Common Juniper	-
Juniperus horizontalis - Creeping Juniper	-
Juniperus monosperma - Oneseed Juniper	-
Juniperus scopulorum - Rocky Mountain Juniper	-
Picea pungens - Globe Spruce	-
Pinus mugo - Mugo Pine	-
-	-
Evergreen (Broad-leafed)	-
Arctostaphylos uva-ursi - Kinnikinnick	-
Arctostaphylos x coloradoensis panchito - Panchito Manzanita	-
Euonymus kiautschovicus - Manhattan Euonymus	-
Yucca filamentosa - Adam's needle Yucca	
Yucca glauca - Soapweed	-
Ornamental Grasses	-
Boutelous gracilis - Blue Grama Grass	Winter interest; cut back in spring
Bouteloua gracilis - 'Blonde Ambition' Blue Grama Grass	-
Deschampsia caespitosa - Tufted Hair Grass	-
Festuca ovina glauca - Blue Fescue	-
Pennisetum alopecuroides - Fountain Grass	This acts more like an annual
Schizachyrium scoparium - Little Bluestem	-
Sorghastrum nutans - Indiangrass	-
Perennials	-
Achillea filipendulina 'Parker's Variety' - Tall Yellow Yarrow	Deadhead
Achillea 'Moonshine' - Moonshine Yarrow	Deadhead
Asclepias tuberosa - Butterfly Weed	-
Agastache 'Coronado Red' - Coronado Red Hyssop	Do not cut back until spring to promote overwintering
Agastache cana 'Sonoran Sunset' - Sonoran Sunset Hyssop	Do not cut back until spring to promote overwintering
Agastache rupestris - Sunset Hyssop	Do not cut back until spring to promote overwintering
-	-
Artemisia frigida - Fringed Sage	-
Artemisia schmidtiana - Silver Mound Sage	Cut back in mid-summer when sprawls

CO native status as determined by USDA Plants Database

	Comments
Artemisia versicolor - Sea Foam Sage	-
Coreopsis verticillata 'Zagreb' - Coreopsis	Grows well in rocky, well drained soil
Echinacea purpurea - Purple Coneflower	Deadhead, if too much irrigation, will get root fungus
Echinacea purpurea 'White Swan' - White Coneflower	Deadhead, if too much irrigation, will get root fungus
Erigeron speciosus var. macranthus - Aspen Fleabane, Aspen Daisy	-
Gailardia aristata - Native Blanket Flower	Short lived
Geranium cinereum - 'Ballerina' Cranesbill	-
Geranium dalmaticum - Compact Rose Cranesbill	Alpine and rock gardens, does not seed out
Geranium endressii - 'Wargrave Pink' Pink Cranesbill	Attractive to pollinators
Geranium himalayense 'Plenum' - Birch Double Cranesbill	Very showy
Geranium x 'Johnson's Blue' - Blue Cranesbill	-
Geranium sanguineum - Bloody Cranesbill	-
Hemerocallis spp. - Daylily	Deadhead, cut back in late fall
Hesperaloe parviflora - Red False Yucca	Needs good drainage, don't use bark mulch around crown, marginal hardiness
Lavandula angustifolia - Lavender	Shear back after bloom, can have winter dieback
Liatris punctata - Gayfeather, Dotted Blazing Star	-
Liatris spicata 'Floristan Violet' - Purple Gayfeather	-
Linum flavum 'Compactum' - Yellow Flax	-
Lychnis coronaria - Rose Compion	Bennial, reseeds aggressively
Oenothera macrocarpa - Missouri Primrose	Self sows
Penstemon pinifolius - Pineleaf Penstemon	Shear back after bloom
Penstemon strictus - Rocky Mountain Pentstemon	Deadhead
Persicaria affinis - Himalayan Border Jewel	-
Rudbeckia fulgida 'Goldsturm' - Black-Eyed Susan	Other varieties may live longer
Salvia pachyphylla - Mojave Sage	Marginal hardiness, needs excellent drainage
Sedum 'Autumn Joy' - Stonecrop	-
Groundcovers	-
Alyssum montanum - Mountain Basket of Gold	-
Callirhoe involucrata - Winecups	Self sows. Cut back after first flush of blooms to promote new growth
Ceratostigma plumbaginoides - Plumbago	Can die out in winter
Euonymus fortunei - Euonymus	Invasive in some states
Polygonum reynoutria - Fleeceflower	Considered invasive in many states; plant where it can be contained

CO native status as determined by USDA Plants Database

An Act

SENATE BILL 24-005

BY SENATOR(S) Roberts and Simpson, Bridges, Hinrichsen, Buckner, Cutter, Exum, Fields, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Winter F., Fenberg;
also REPRESENTATIVE(S) McCormick and McLachlan, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Duran, Epps, Froelich, Garcia, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lukens, Mabrey, Martinez, Marvin, Mauro, Ortiz, Parenti, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Weissman, Willford, McCluskie.

CONCERNING THE CONSERVATION OF WATER IN THE STATE THROUGH THE PROHIBITION OF CERTAIN LANDSCAPING PRACTICES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 99 to title 37 as follows:

ARTICLE 99
Prohibition of Nonfunctional Turf,
Artificial Turf, and Invasive Plant Species

37-99-101. Legislative declaration. (1) THE GENERAL ASSEMBLY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

FINDS THAT:

(a) AS COLORADO CONTINUES TO GRAPPLE WITH THE IMPACTS OF CLIMATE CHANGE, GREEN URBAN SPACES, SUCH AS URBAN TREE CANOPIES, ARE A VITAL ADAPTATION TOOL FOR MITIGATING THE IMPACTS OF CLIMATE CHANGE, ESPECIALLY FOR MITIGATING THE URBAN HEAT ISLAND EFFECT, WHICH CAN INCREASE ENERGY COSTS, AIR POLLUTION, AND HEAT-RELATED ILLNESSES AND DEATHS;

(b) HOWEVER, WATER SUPPLY IN THE WESTERN UNITED STATES IS UNDER INCREASING PRESSURE DUE TO CLIMATE CHANGE AND INCREASING DEMAND;

(c) MANY COMMUNITIES IN THE STATE OVERUSE NONNATIVE GRASS FOR LANDSCAPING PURPOSES, WHICH REQUIRES LARGE AMOUNTS OF WATER TO MAINTAIN;

(d) WHILE THERE ARE APPROPRIATE AND IMPORTANT USES FOR TURF, INCLUDING FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES SUCH AS USE IN PARKS, SPORTS FIELDS, AND PLAYGROUNDS, MUCH OF THE TURF IN THE STATE IS NONFUNCTIONAL, LOCATED IN AREAS THAT RECEIVE LITTLE, IF ANY, USE, AND COULD BE REPLACED WITH LANDSCAPING THAT ADHERES TO WATER-WISE LANDSCAPING PRINCIPLES WITHOUT ADVERSELY IMPACTING QUALITY OF LIFE OR LANDSCAPE FUNCTIONALITY;

(e) PROHIBITING THE INSTALLATION, PLANTING, OR PLACEMENT OF NONFUNCTIONAL TURF IN APPLICABLE PROPERTY IN THE STATE CAN HELP CONSERVE THE STATE'S WATER RESOURCES;

(f) INSTALLED VEGETATION THAT ADHERES TO WATER-WISE LANDSCAPING PRINCIPLES CAN HELP REDUCE OUTDOOR DEMAND OF WATER; AND

(g) ADDITIONALLY, ARTIFICIAL TURF CAN CAUSE NEGATIVE ENVIRONMENTAL IMPACTS, SUCH AS EXACERBATING HEAT ISLAND EFFECTS IN URBAN AREAS AND RELEASING HARMFUL CHEMICALS, INCLUDING PLASTICS, MICROPLASTICS, AND PERFLUOROALKYL AND POLYFLUOROALKYL CHEMICALS, INTO THE ENVIRONMENT AND WATERSHEDS.

(2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT

PREVENTING THE INSTALLATION, PLANTING, OR PLACEMENT OF NONFUNCTIONAL TURF, ARTIFICIAL TURF, AND INVASIVE PLANT SPECIES IN APPLICABLE PROPERTY IN THE STATE IS:

(a) A MATTER OF STATEWIDE CONCERN; AND

(b) IN THE PUBLIC INTEREST.

37-99-102. Definitions. AS USED IN THIS ARTICLE 99, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) (a) "APPLICABLE PROPERTY" MEANS:

(I) COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL PROPERTY;

(II) COMMON INTEREST COMMUNITY PROPERTY; OR

(III) A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR TRANSPORTATION CORRIDOR.

(b) "APPLICABLE PROPERTY" DOES NOT INCLUDE RESIDENTIAL PROPERTY.

(2) "ARTIFICIAL TURF" MEANS AN INSTALLATION OF SYNTHETIC MATERIALS DEVELOPED TO RESEMBLE NATURAL GRASS.

(3) "COMMERCIAL, INSTITUTIONAL, OR INDUSTRIAL" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(b).

(4) "COMMON INTEREST COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (8).

(5) "COMMON INTEREST COMMUNITY PROPERTY" MEANS PROPERTY WITHIN A COMMON INTEREST COMMUNITY THAT IS OWNED AND MAINTAINED BY A UNIT OWNERS' ASSOCIATION, SUCH AS ENTRYWAYS, PARKS, AND OTHER COMMON ELEMENTS AS DEFINED IN SECTION 38-33.3-103 (5).

(6) "DEPARTMENT" MEANS THE DEPARTMENT OF PERSONNEL CREATED IN SECTION 24-1-128 (1).

(7) "FUNCTIONAL TURF" MEANS TURF THAT IS LOCATED IN A RECREATIONAL USE AREA OR OTHER SPACE THAT IS REGULARLY USED FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES, WHICH MAY INCLUDE PLAYGROUNDS; SPORTS FIELDS; PICNIC GROUNDS; AMPHITHEATERS; PORTIONS OF PARKS; AND THE PLAYING AREAS OF GOLF COURSES, SUCH AS DRIVING RANGES, CHIPPING AND PUTTING GREENS, TEE BOXES, GREENS, FAIRWAYS, AND ROUGHS.

(8) "INVASIVE PLANT SPECIES" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(e).

(9) "LOCAL ENTITY" MEANS A:

(a) HOME RULE OR STATUTORY CITY, COUNTY, CITY AND COUNTY, TERRITORIAL CHARTER CITY, OR TOWN;

(b) SPECIAL DISTRICT; AND

(c) METROPOLITAN DISTRICT.

(10) "MAINTAIN" OR "MAINTAINING" MEANS AN ACTION TO PRESERVE THE EXISTING STATE OF NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR AN INVASIVE PLANT SPECIES THAT HAS ALREADY BEEN INSTALLED, PLANTED, OR PLACED.

(11) "NATIVE PLANT" MEANS A PLANT SPECIES THAT IS INDIGENOUS TO THE STATE OF COLORADO.

(12) "NEW DEVELOPMENT PROJECT" MEANS A NEW CONSTRUCTION PROJECT THAT REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN CHECK, OR DESIGN REVIEW.

(13) (a) "NONFUNCTIONAL TURF" MEANS TURF THAT IS NOT FUNCTIONAL TURF.

(b) "NONFUNCTIONAL TURF" INCLUDES TURF LOCATED IN A STREET RIGHT-OF-WAY, PARKING LOT, MEDIAN, OR TRANSPORTATION CORRIDOR.

(c) "NONFUNCTIONAL TURF" DOES NOT INCLUDE TURF THAT IS DESIGNATED TO BE PART OF A WATER QUALITY TREATMENT SOLUTION

REQUIRED FOR COMPLIANCE WITH FEDERAL, STATE, OR LOCAL AGENCY WATER QUALITY PERMITTING REQUIREMENTS THAT IS NOT IRRIGATED AND DOES NOT HAVE HERBICIDES APPLIED.

(14) "REDEVELOPMENT PROJECT" MEANS A CONSTRUCTION PROJECT THAT:

(a) REQUIRES A BUILDING OR LANDSCAPING PERMIT, PLAN CHECK, OR DESIGN REVIEW; AND

(b) RESULTS IN A DISTURBANCE OF MORE THAN FIFTY PERCENT OF THE AGGREGATE LANDSCAPE AREA.

(15) "SPECIAL DISTRICT" HAS THE MEANING SET FORTH IN SECTION 32-1-103 (20).

(16) "TRANSPORTATION CORRIDOR" MEANS A TRANSPORTATION SYSTEM THAT INCLUDES ALL MODES AND FACILITIES WITHIN A DESCRIBED GEOGRAPHIC AREA, HAVING LENGTH AND WIDTH.

(17) "TURF" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(i).

(18) "UNIT OWNERS' ASSOCIATION" HAS THE MEANING SET FORTH IN SECTION 38-33.3-103 (3).

(19) "WATER-WISE LANDSCAPING" HAS THE MEANING SET FORTH IN SECTION 37-60-135 (2)(l).

37-99-103. Prohibition of nonfunctional turf, artificial turf, and invasive plant species - local entities - construction or renovation of state facilities. (1) ON AND AFTER JANUARY 1, 2026, A LOCAL ENTITY SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES, AS PART OF A NEW DEVELOPMENT PROJECT OR REDEVELOPMENT PROJECT, ON ANY PORTION OF APPLICABLE PROPERTY WITHIN THE LOCAL ENTITY'S JURISDICTION.

(2) ON OR BEFORE JANUARY 1, 2026, A LOCAL ENTITY SHALL ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS

REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS ON APPLICABLE PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(3) THE DEPARTMENT SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW ANY PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES AS PART OF A PROJECT FOR THE CONSTRUCTION OR RENOVATION OF A STATE FACILITY, WHICH PROJECT DESIGN COMMENCES ON OR AFTER JANUARY 1, 2025.

(4) NOTHING IN THIS SECTION PROHIBITS:

(a) A LOCAL ENTITY FROM MAINTAINING, OR ALLOWING ANY PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED BEFORE JANUARY 1, 2026;

(b) THE DEPARTMENT FROM MAINTAINING, OR ALLOWING ANY PERSON TO MAINTAIN, ANY NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES INSTALLED, PLANTED, OR PLACED AT A STATE FACILITY BEFORE JANUARY 1, 2025;

(c) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING, OR ALLOWING ANY PERSON TO INSTALL, GRASS SEED OR SOD THAT IS A NATIVE PLANT OR HAS BEEN HYBRIDIZED FOR ARID CONDITIONS;

(d) A LOCAL ENTITY OR THE DEPARTMENT FROM ESTABLISHING PROHIBITIONS ON, OR REQUIREMENTS FOR, NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION; OR

(e) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING, OR ALLOWING ANY PERSON TO INSTALL, ARTIFICIAL TURF ON ATHLETIC FIELDS OF PLAY.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or

part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act does not apply to projects approved by the department of personnel or a local entity before the effective date of this act.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED Friday March 15th 2024 at 2:15 pm
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

December 14, 2025

Streetscape Standards Update

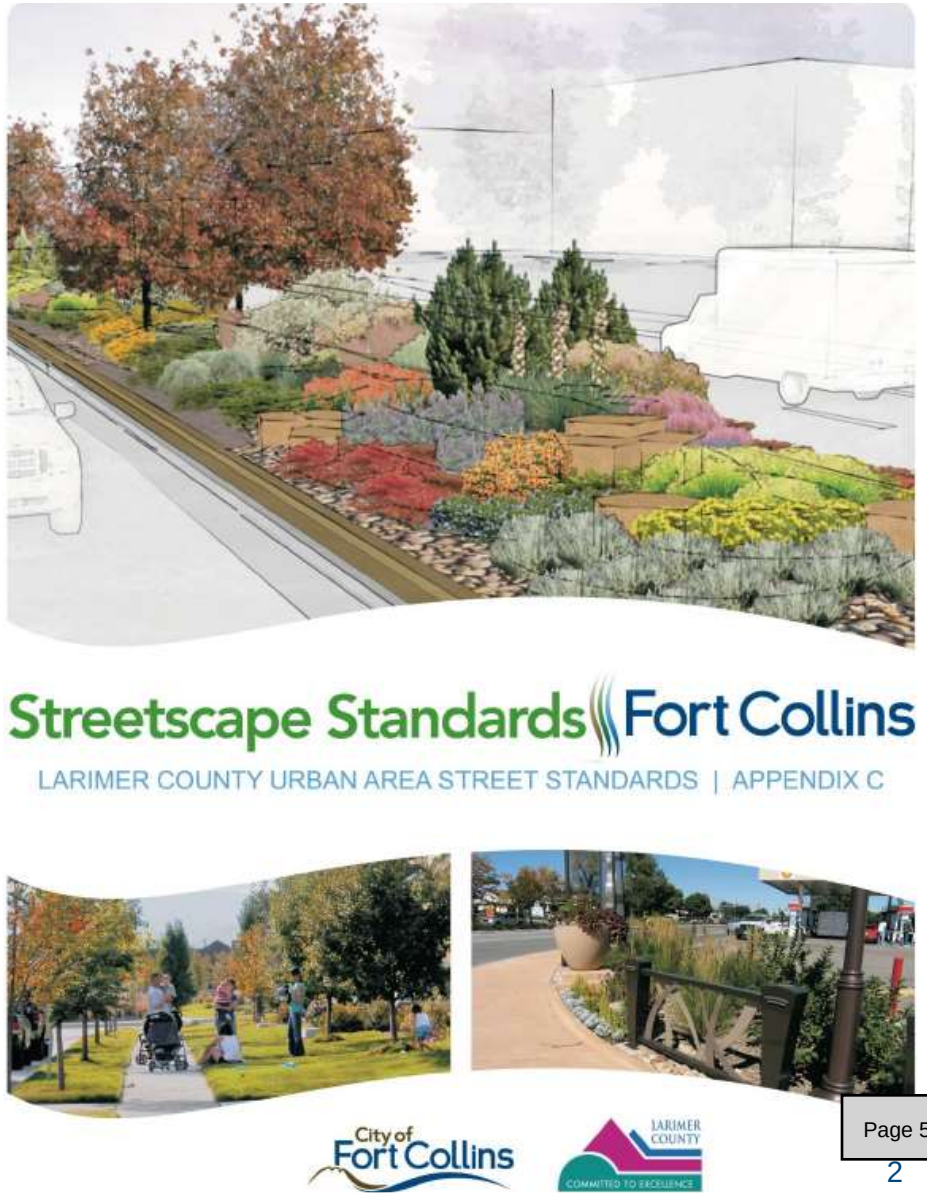
Dana Hornkohl

Director, Civil Engineering/Capital Projects Manager



Background – Streetscape Standards

- Appendix C of Larimer County Urban Area Street Standards (LCUASS)
- Last adopted by City Council February 26, 2013
- Community Development and Neighborhood Services, Planning Division
- The purpose of the standards is to ensure the streetscape environment within the public right-of-way is attractive and links the public street corridors together through a coordinated city-wide approach to streetscapes.
- The term "streetscape" generally encompasses the visual and pedestrian environment of a street. The standards deal with the treatment of parkway strips (between the curb and sidewalk), medians, intersections, roundabouts, and key gateway intersections.



Need for Updates (1) – Senate Bill 24-005



SENATE BILL 24-005

BY SENATOR(S) Roberts and Simpson, Bridges, Hinrichsen, Buckner, Cutter, Exum, Fields, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Winter F., Fenberg;
also REPRESENTATIVE(S) McCormick and McLachlan, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Duran, Epps, Froelich, Garcia, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lukens, Mabrey, Martinez, Marvin, Mauro, Ortiz, Parenti, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Weissman, Willford, McCluskie.

CONCERNING THE CONSERVATION OF WATER IN THE STATE THROUGH THE PROHIBITION OF CERTAIN LANDSCAPING PRACTICES.

Senate Bill 24-005

- Addressing climate change, water supply, nonnative grasses, turf usage
- Definition of “Functional Turf”
- Prohibition of nonfunctional turf, artificial turf, and invasive plant species - local entities - construction or renovation of state facilities.
- Change regulations by January 1, 2026

Need for Updates (2) – Staff Safety

- Safety and Maintenance Concerns
  - Increasing numbers of documented close calls and accidents involving streetscape maintenance staff
  - Increasing damage to streetscape elements due to greater numbers of accidents
  - Increasing temporary traffic control measures and costs to protect staff during maintenance to maintain current levels of service









Need for Updates (3) - Maintenance













Guiding Principles

- What are the priorities we are trying to accomplish with medians and parkways?
- References to external standards rather than embedding standards that will become outdated.
- Responsibility for reviewing, maintaining, and enforcing the standards.
- Consistency with new Land Use Code.
- Where can trees be successful?
- Conflicts between trees, vegetation, and utilities.
- Low Impact Development (LID) in the right-of-way.
- Consistency between development and capital projects.
- Maintenance & safety concerns.

Phased Approach





Phase 1

- Compliance with Senate Bill 24-005
- Remove static plant list and refer to online City list
- Remove irrigation standards and refer to City irrigation standards
- Locate irrigation backflow preventors and controllers in parkways
- Reduce maintenance where traffic control is challenging
- Minimum widths for landscaping and trees
- Encourage parking pull-offs for medians and roundabouts

Phase 2

- Update all photos and figures
- Corrections and fine tuning of Phase 1 work
- Additional safety improvements around remote irrigation control, standards for pull-offs, areas to avoid intensive landscaping, treatments for narrow medians
- Administrative, technical, and operational topics

Selected Phase 1 Updates







- Defining turf-type grasses
- "…continuous plant coverage that is native or hybridized for arid conditions, with a low water requirement."
- "Once established, such low-water turf-type grass typically requires approximately one watering per week during the average growing season. Turf-type grasses allowed in Fort Collins streetscapes must not exceed an average of 11 gallons of water per square foot per year. Any turf-type grass installed must meet hydrozone requirements in the Fort Collins Land Use Code."

- Reduce maintenance where traffic control is challenging
- Minimum widths for landscaping and trees
- Encourage parking pull-offs for medians and roundabouts

- Remove static plant list and refer to online City list
- Remove irrigation standards and refer to City irrigation standards
- Locate irrigation backflow preventors and controllers in parkways

Timeline



- Phase 1
  - Working group began August 14, 2024
  - Finalized, September 25, 2025
  - Planning and Zoning Commission Work Session, November 14, 2025
  - City Council adoption first reading, December 2, 2025
  - City Council adoption second reading, December 16, 2025
  - Regulations go into effect December 26, 2025 (meeting SB24-005 deadline of January 1, 2026)
- Phase 2 working group, Spring 2026
  - Public Outreach
  - Water Commission
  - Parks and Recreation Board
  - Natural Resources Advisory Board
  - Transportation Board

Thank you!

ORDINANCE NO. 202, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AN UPDATE TO APPENDIX C OF THE LARIMER COUNTY
URBAN AREA STREET STANDARDS PERTAINING TO
"STREETSCAPE STANDARDS" FOR THE CITY OF FORT COLLINS

A. At its January 2, 2001, meeting, the City Council approved Ordinance No. 186, 2000, which adopted the Larimer County Urban Area Street Standards ("LCUASS"). LCUASS provides streetscape standards specific for each local entity.

B. The Streetscape Design Standards and Guidelines ("Streetscape Standards") for Fort Collins were originally adopted in 2001 and incorporated into the LCUASS for application within the City.

C. At its February 26, 2013, meeting, the City Council approved Ordinance No. 151, 2012, which adopted the current version of the Streetscape Standards.

D. The Streetscape Standards, included as Appendix C of the LCUASS, establish detailed guidance for designing streets that function as safe, visually appealing landscaped public spaces and reinforce the City's distinctive character. The Streetscape Standards address the design and treatment of parkways (the area between curb and sidewalk), medians, intersections, roundabouts, and key gateway intersections.

E. The Streetscape Standards are used by:

- developers and property owners providing landscaping in the City right-of-way as part of new development and redevelopment,
- by staff in reviewing and inspecting such development, and
- by staff in designing City capital projects, operations, and budgets.

F. The Streetscape Standards consider community values, City policies, and the strategies outlined in the Strategic Plan, Our Climate Future, and the Water Efficiency Plan. The recommended updates to the LCUASS are intended to advance key City objectives, including the Strategic Plan, Transportation and Mobility Objective #1 to make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins; Our Climate Future, Big Move #3 for a climate resilient community; and the Water Efficiency Plan goal to improve efficiency and resilience on public landscapes.

G. Colorado Senate Bill 24-005 prohibits specific landscaping practices and installations as of January 1, 2026. To ensure compliance with Senate Bill 24-005 and alignment with the City's priorities and values, the existing Streetscape Standards must be amended as set forth in this Ordinance.

H. LCUASS Section 1.6.2.A. states that policy revisions to the LCUASS may be made by City Council by ordinance provided a public hearing regarding the policy revisions is held and City staff makes a recommendation on the policy revisions.

I. City Staff has prepared and recommended the revisions to the Streetscape Standards to set forth in this Ordinance to:

- Develop streetscapes well-equipped to survive, even thrive, despite a changing climate and finite resources;
- Define and allow for turf-type grasses, which are native or hybridized for arid conditions and have a low water requirement;
- Comply with Colorado Senate Bill 24-005, which prohibits specific landscaping practices and installations as of January 1, 2026;
- Address safety concerns for Parks and Forestry crews performing maintenance in the rights-of-way as well as safety concerns for the traveling public;
- Address escalating maintenance costs and reduce maintenance required where traffic control is challenging;
- Minimize conflicts among infrastructure, trees, vegetation, and utilities;
- Provide guidelines for low impact development practices for streetscapes where appropriate;
- Be consistent with the Land Use Code;
- Aim for consistency between streetscapes constructed by development and City capital projects; and
- Clarify and update information and responsibilities throughout the standards.

J. On November 14, 2025, the Planning and Zoning Commission received a presentation on the proposed revisions to the Streetscape Standards, and City Staff solicited input on the updates. The Commission expressed support for the proposed revisions but did not take formal action on the proposed Streetscape Standards, because updating the LCUASS does not require modification of the City's Land Use Code.

K. City Council has determined that the proposed policy revisions to the Streetscape Standards comport with the principles and policies contained in City Plan, the Strategic Plan, Our Climate Future, and the Water Efficiency Plan, and are in the best interests of the City and, accordingly, should be adopted.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the 2025 update to Appendix C of the Larimer County Urban Area Street Standards pertaining to "Streetscape Standards" for the City, a copy of which is

attached hereto as Exhibit A, is hereby adopted for inclusion in the Larimer County Urban Area Street Standards:

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Heather N. Jarvis

Exhibit: Exhibit A: Streetscape Standards – Larimer County Urban Area Street Standards Appendix C

Streetscape Standards Fort Collins

LARIMER COUNTY URBAN AREA STREET STANDARDS | APPENDIX C

City of Fort Collins

LARIMER COUNTY
COMMITTED TO EXCELLENCE

Streetscape Standards

Larimer County Urban Area Street Standards Appendix C: City of Fort Collins Streetscape Design Standards and Guidelines
Updated 2025

Planning, Development, and Transportation
281 North College Avenue
Fort Collins, CO 80524
970-221-6601

fcgov.com/cityplanning

For additional copies, please download from our website, or contact us using the information above.

Acknowledgements: Updated 2025 Standards

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This 2025 Streetscape Standards update represents Phase One of a two phase process. Comments on this document may be sent to Dana Hornkohl at dhornkohl@fcgov.com.

Acknowledgements: Original 2013 Standards

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Daman Holland

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SECTION 1

Purpose and Intent

Based on the City of Fort Collins's vision to foster a thriving and engaged community through operational excellence and a culture of innovation and mission to deliver exceptional service for an exceptional community, these standards set forth a coordinated approach to the design and management of streets as visually appealing public spaces that contribute to Fort Collins's distinct identity. These standards intend to further one or more of the following City policies:

- Strategic Plan, Transportation and Mobility Objective #1 to make significant progress toward the City's Vision Zero goal to have no serious injury or fatal crashes for people walking, biking, rolling or driving in Fort Collins
- Our Climate Future, Big Move #3 for a climate resilient community
- Water Efficiency Plan goal to improve efficiency and resilience on public landscapes

The plans and policies set forth in this Section are not intended to be interpreted or applied as binding standards, terms, conditions, requirements, or procedures. These plans and policies are solely intended to provide guidance in the interpretation and application of the Streetscape Standards that have been adopted to implement the plans and policies referred to herein.

The term "streetscape" generally encompasses the visual and pedestrian environment of a street. These streetscape standards involve parameters for tree-lined streets and sidewalks, parkways, other landscaping along street edges, and landscaped medians in streets.

In addition to plantings, streetscapes may also encompass various urban design elements in certain settings. Examples include special curb treatments and median edges, low planter and landscape walls, railings, bollards, planter pots, stone features, public art, pylons, specialty lighting, signal and light pole treatments, specialty paving, transit stops and furnishings, and the like.

Streetscape elements such as parkways and medians offer solutions to many engineering challenges of the urban environment. Tree-lined parkways provide a buffer between pedestrians and vehicular traffic, increasing pedestrian safety and comfort. Parkways also provide space for streetlights, signs, underground utilities, and snow storage. Medians create opportunities for pedestrian refuge islands at crossing locations, and they also provide access control by limiting the number of full-movement driveways and intersections along a street. Parkways and medians both provide physical barriers along travel lanes, which encourages drivers to slow down. While serving many functional purposes, parkways and medians also provide opportunities to cultivate a particular aesthetic through landscaping and other visual features. The utilitarian and aesthetic purposes of these public spaces should coexist harmoniously.

Every streetscape project involves its own context and constraints. Still, there

is a need for standards to set the bar for level of quality and investment. These standards provide a framework for programming, budgeting, designing, maintaining, and renovating various incremental projects as part of a whole approach.

Exact details must then be adapted to fit and function with the unique context and constraints which exist in every project. The context and constraints include existing conditions that are expected to remain for the long term, and future change planned or envisioned by the City.

SECTION 2

Applicability and Use

These standards apply to all projects involving streetscapes in the City right-of-way including:

- Private development projects for which an application is submitted on or after January 1, 2026.
- City capital projects installed on and after January 1, 2026.
- Any other renovation projects and efforts for which an application is submitted on or after January 1, 2026.

Private development and public capital projects may involve construction of new streets, and/or changes to existing streets.

The standards are intended to be used by:

- Staff, in the design and management of city streetscapes over time.
- Landscape architects and designers.
- Developers and decision makers in the development review process.
- Property owners, where plans and activities involve streetscapes.
- Citizens, City Councils, and staff, in discussions involving streetscape issues.

SECTION 3

Project Plan Submittal and Review

Streetscape projects that are part of development applications follow a standard City development review process, which will include collaboration with staff on streetscape design.

City capital projects involving streetscapes are reviewed administratively by interested City departments in an internal process of collaboration and routing of plans.

3.1 SAFETY PROCEDURES

In addition to public safety, streetscape projects must consider safety concerns for people working within the right-of-way in the design, installation, and maintenance of streetscapes. Safety plans are created on a case-by-case basis for streetscapes, and design teams are encouraged to coordinate directly with the City Parks Department to discuss safety issues and strategies for minimizing potential hazards.

General safety procedures include:

- Strategic vehicular pullout area(s) for maintenance vehicles to park directly within a median
- Locations for vehicles to temporarily park directly within lanes of traffic or left turn bays
- Designing plant groupings, mulch, and boulders to allow people to walk freely through a median
- Offsetting plants from median curblines
- Locating irrigation infrastructure within parkways when possible, or within wider portions of medians when the infrastructure cannot be placed in a parkway

For more information on City Parks Department safety procedures, please contact the City Parks Department for additional information about medians safety procedures.

3.2 STREETSCAPE PROJECT DESCRIPTION REQUIRED

For streetscapes to be successful, it is important for City staff in multiple departments to have a clear understanding of the design intent, assumptions, and the needs for maintenance, monitoring, and replacements of plants or other components.

A project description is needed to supplement technical project plans. The purpose is to prompt designers and staff to record the whole story of the streetscape project.

3.2.1 Streetscape Project Description required.

All streetscape projects involving landscaping and urban design elements must include a Streetscape Project

Description developed by the project consultant(s) or City staff, as applicable, upon completion of design. The description must:

- Be concise and avoid technical jargon.
- Include relevant commentary in addition to objective facts and information.
- Describe the design intent, assumptions, and maintenance and renovations that will be needed over time to realize the design intent.
- Note all aspects of the project from initial grading and soil preparation, to irrigation systems, to planting and establishment procedures, to management and maintenance.
- Explain how the project complies with applicable provisions under these Streetscape Standards.
- Note outstanding issues that need to be monitored over time.

Examples of topics to be addressed include:

- Reasons and concepts for all project decisions including planting, irrigation, mulches, boulders, hardscape, and urban design elements.
- Plant species needing pruning or trimming, frequency and timing for pruning or trimming, specific weeding control practices, annual clean-up, and dividing or periodic replacing to achieve the intent.
- Water requirements of plant species.
- Plant species with a limited track record in streetscapes that warrant monitoring.
- Mulches that need replenishing or clean-up.
- Long-term maintenance needs regarding silt build-up.
- Urban design features that may need touch ups, replacements, stocking of parts, or other maintenance and renovations.
- For arterial street medians and parkways, a typical traffic control plan for maintenance.
- Any other information useful for future understanding and management of the streetscape.

3.2.2 Landscape Plan Required; Required Elements for Landscape Plans.

Every Streetscape Project Description must include a landscape plan. Streetscape landscape plans may be included with a larger development landscape plan provided the plan meets Streetscape Standards as applied to the streetscapes within the landscape plan. All landscape plans must include, at a minimum:

- The items required by the City for Development Review applications.

- Survey of existing trees, tree inventory and mitigation table provided by the Forestry Division, tree protection notes, and a legend showing trees to be preserved and protected in place and trees to be removed.

- A plant list: quantity, species (common and scientific names), species diversity percentage, water demand, caliper, and method of transplant. There must be unique symbols for each species, and all species must be labeled with abbreviations to match the legend. Mitigation trees must be identified and labeled.

- Hydrozones or plants with similar water demands should be grouped within irrigation zones.

- Calculations for streetscape water use, which may not exceed an average of 11 gallons per square foot per year, must be calculated separately from any larger development landscape plan. Water use calculations do not include water for streetscape trees.

- Separate sheet/layer for ground cover (mulches and boulders)

- Ditch easements, top of embankment, access easements, utility easements, sight triangles, and other maintenance easements must be identified.

- Existing irrigation infrastructure including point of connection, backflow, controller, valve boxes, and approximate location of the mainline must be identified.

SECTION 4

Landscape Standards

The following standards apply to all street classifications city-wide, except where specific areas have applicable planning documents that set forth alternative standards tailored to the area and except that no parkway or median landscaping will be allowed on bridges (note that potted planting, which is not landscaping, is allowed on bridges).

The City of Fort Collins maintains a recommended plant list. Designers are encouraged to select plants from this list. On a case-by-case basis, designers may propose plants not on the list based on the design intent for the particular project.

4.1 STREET TREES

Groupings of street trees along street edges are the fundamental, unifying element of continuity in city streetscapes.

Street trees can be considered as multi-functional public infrastructure that:

- Defines the street as distinct space, providing a unifying framework for abutting developments.
- Provides canopy shading and stormwater interception along streets and sidewalks to reduce glare and urban heat island effect.
- Provides a buffer between pedestrians on the sidewalk and vehicles in the roadway, which increases pedestrian safety and comfort.

4.1.1 Tree planting in parkways.

Where a sidewalk is separated from the curb in accordance with the *Larimer County Urban Area Street Standards*, groupings of canopy shade trees must be planted in the parkway spaced at an average interval not exceeding 30 feet, and centered between the curb and the sidewalk.

Design teams and applicants must coordinate with the Forestry Division for field locating trees, approving and tagging trees at nurseries, issuing a permit for planting, and inspections after planting.

4.1.2 Species groupings within tree groupings.

To the extent reasonably feasible, street tree groupings in landscape areas, whether inside or outside of the sidewalk, must be in groupings in which no more than three trees in the grouping are the same species. The intent is to provide a degree of species diversity within a deliberate, repeating design pattern.

Designers are encouraged to arrange changes in species to reflect roadway conditions, such as open stretches of roadway between access points, stretches approaching intersections and driveways, and/or changes in adjoining land use.

4.1.3 Street trees in sidewalk cutouts.

If a project involves a new sidewalk that must be attached to the curb due to unique constraints or context, then the sidewalk width must be wide enough to incorporate planting cutouts with tree grates to the maximum extent feasible.

- Such sidewalks must be at least 12 to 15 feet wide with cutouts at least 32 square feet at 20 to 30-foot spacing. Larger cutouts with more than 32 square feet are encouraged. The distance from the back of the tree grate to the back of the sidewalk must be a minimum of 4.5 feet.

- In all cases, trees in sidewalk cutouts must be located at least 8 feet away from buildings and offset from building entrances.

- If such an attached sidewalk has an abutting landscape area, then 8 feet must be the minimum width in which canopy trees shall be provided in sidewalk cutouts.

- The minimum area of any sidewalk cutouts must be 32 square feet, using 8x4-foot tree grates. Larger cutouts with more than 32 square feet of area are encouraged, for example 4x12-foot or 4x16-foot tree grates, to support tree health.

- The soil surface in a sidewalk cutout must be level with the bottom of the sidewalk slab. Trees must then be planted with the top of the root flare 1 to 2 inches above the soil surface.

- Cutouts are preferred over trees grates. Where tree grates are allowed, all tree grates must be installed per manufacturer's instructions. Tree grate frames must be set in a true, flat plane to prevent rocking of the grate.

- Tree grates must be able to withstand the loads of snow clearing equipment without breaking.

- Grates must be of a pedestrian-safe ADA-compliant style with slot openings 3/8-inch or less.

- A spacing interval up to 40 feet is allowed for street trees in grates where abutting commercial buildings face the street with no intervening vehicle use area between the street and the building.

4.1.4 Tree planting outside of sidewalks where existing constraints preclude parkway tree planting or sidewalk cutouts.

Where a sidewalk is attached to the curb and is less than 8 feet in width, canopy shade trees shall, to the extent reasonably feasible, be established in an area ranging from 4 to 7 feet behind the sidewalk at 20 to 30 foot intervals. This standard shall also apply where unusual constraints preclude tree planting in a parkway.

Any such planting will typically require coordination with abutting property owners.

4.1.5 Adjustment of spacing intervals.

The City Forester may approve or require larger or smaller spacing intervals to better fit the growth habits of different street tree species, for safe use of the street or sidewalk, for a stretch of shade intolerant xeric landscaping, and to better fit with existing trees or other existing conditions unique to the location.

4.1.6 Overhead power line conflicts.

Ornamental trees may be planted in substitution of the canopy shade trees where overhead lines and fixtures prevent normal growth and maturity.

4.1.7 Spacing from driveways.

No tree shall be planted closer than 4 feet from any driveway or alley.

4.1.8 Tree separation from utilities.

Landscape and utility plans must be coordinated. Utility separations must meet the minimum standards of the Fort Collins Land Use Code. The specified distance is measured as the horizontal separation from the center of the proposed tree to the edge of the existing or proposed utility.

Exceptions to these requirements may occur where utilities are not located in their standard designated locations, as approved by the City Forester. Tree-utility separations shall not be used as a means of avoiding the planting of required street trees.

4.1.9 Irrigation provided to trees.

Irrigation must be provided to new and existing trees if applicable. Irrigation to trees must be on a separate zone from other plant material.

4.2 TURF-TYPE GRASS

Turf-type grass in parkways provides a multi-functional solution for landscaped edges along city streets of all classifications. The term “turf-type grass” as used throughout these Streetscape Standards means continuous plant coverage that is native or hybridized for arid conditions, with a low water requirement. Once established, such low-water turf-type grass typically requires approximately one watering per week during the average growing season. Turf-type grasses allowed in Fort Collins streetscapes must not exceed an average of 11 gallons of water per square foot per year. Any turf-type grass installed must meet hydrozone requirements in the Fort Collins Land Use Code. Turf-type grasses may be used in Fort Collins streetscapes.

Efficiently irrigated, mowed turf-type grass provides a uniform and resilient living edge to city streets over a long growing season. The living edge, along with street trees, is a unifying element that helps define city streets as continuous spaces.

4.2.1 Requirements.

Section 5 includes parkway landscaping standards for arterial streets. Section 6 includes parkway landscaping standards for collector and local Streets.

4.2.2 Prohibitions.

No artificial turf or artificial plants may be included in any streetscape. Turf or grass that is not hybridized for arid conditions or has a high water requirement, or both, may not be included in any streetscape.

4.3 ALTERNATIVES TO TURF-TYPE GRASS

Alternatives to irrigated turf-type grass can be an appropriate choice for property owners abutting collector and local streets. Alternatives to turf-type grass must meet the same watering restrictions as turf-type grass. Alternatives can also be appropriate for arterial street projects in special plan areas where such alternatives are recommended.

Mulched planting beds can be an acceptable alternative solution to turf-type grass for parkway landscaping in some situations. With appropriate plant selection and proper maintenance, it can offer seasonal interest and add character.

This alternative can require less water than some turf-type grass. While maintenance needs can be less frequent than a cool-season turf-type grass mowing regime, they can be more complex and occasionally more time-consuming, as weeding, trimming, mulching and replacing materials are important to keep the plantings healthy and attractive. Mulched planting beds are not suited for heavy foot traffic, so incorporating footpaths may help guide pedestrians to preferred crossing points.

4.3.1 Requirements.

Section 5 includes parkway landscaping requirements for arterial streets. Section 6 includes parkway landscaping requirements for collector and local Streets.

4.4 SIGHT DISTANCE TRIANGLES AT INTERSECTIONS

Sight distance generally refers to the line of sight from a driver at an unsignalized intersection to approaching vehicles that the driver needs to see in order to safely enter traffic.

4.4.1 Requirements.

A visual sight distance triangle, free of any structures or landscape elements must be maintained at street intersections and driveways, as required in Figure 7-16 in the *Larimer County Urban Area Street Standards*. Sight distance triangles must be shown on plans, and plants and boulders within the sight distance triangles must meet height restrictions. The following note should be included on applicable plan sheets: “SIGHT DISTANCE TRIANGLE: BOULDERS AND ULTIMATE PLANTS HEIGHTS MUST NOT BE TALLER THAN 24 INCHES ABOVE FLOWLINE WITHIN SIGHT DISTANCE TRIANGLE.” The note may also refer to Section 4.4 of these Standards and Figure 7-16 of the *Larimer County Urban Area Street Standards*.

Deciduous trees may be allowed to encroach into the clearance triangle provided that the lowest leaves must be at least 8 feet from grade and are spaced so that they do not obstruct line of sight. For trees less than 10 feet tall, the lowest leaves must be at least 6 feet from grade.

4.5

LOW IMPACT DEVELOPMENT – STORMWATER MANAGEMENT

In a "Low Impact Development" (LID) approach to streetscapes, landscaped parkways and medians are depressed rather than raised, to help manage stormwater runoff closer to the source. Depressed landscape areas are designed with special soil mixes, corresponding plantings, and other design techniques to infiltrate and filter runoff, instead of concentrating and conveying all runoff to centralized detention and treatment facilities.

The City's Stormwater Criteria Manual, which governs the management of stormwater in the city, describes design and maintenance techniques applicable to streetscapes.

4.5.1 LID in Public Right-of-Way.

LID techniques and technologies are allowed on a case-by-case basis within public right-of-way, provided the drainage patterns and the infrastructure allow for such measures to be used. LID will not be allowed near bus stops or other roadway areas carrying heavy (weighty) vehicle loads. No infiltration systems will be allowed within or under pavement in public right-of-way.

4.5.2 LID streetscape projects.

In any streetscape where a LID approach is used, Streetscape requirements under this manual shall be adapted or modified as needed per the Stormwater Criteria Manual. The project description must include expected lifespan and any remediation needs for the LID based on silt load. LID maintenance must be defined by the development agreement for the project, if applicable.

SECTION 5

Arterial Streets

The city's arterial streets are complex and expensive public infrastructure, combining virtually all utility and transportation systems of the city. Arterial streets have a functional purpose in addressing needs for traffic and utilities. The City's Comprehensive Plan also recognizes the less tangible purpose of streets as public space. As high-visibility public space, arterials create first impressions, are experienced by all residents on a daily basis, and play a large role in determining the character and conveying the civic intention of the City of Fort Collins.

Arterial streetscapes vary widely: from the Downtown core, to suburban residential areas, to the Natural Areas in the Poudre River valley.

Some arterial streets feature medians within street corridors and roundabouts. In addition to managing traffic, medians provide high-visibility space for landscaping and provide a refuge for pedestrians crossing the road. Medians can humanize the scale of a wide street and add beauty and civic identity. Medians are a highly visible mainstay of urban design, and thus are a major aspect of the City's streetscape efforts.

5.1

ARTERIAL STREETSCAPES MAP

The Arterial Streetscapes Map recognizes differences between various roadways throughout the city. It indicates where a "Standard Arterial Streetscape" approach should apply, and where other corridor segments and gateway intersections warrant their own tailored approach to streetscape design and management.

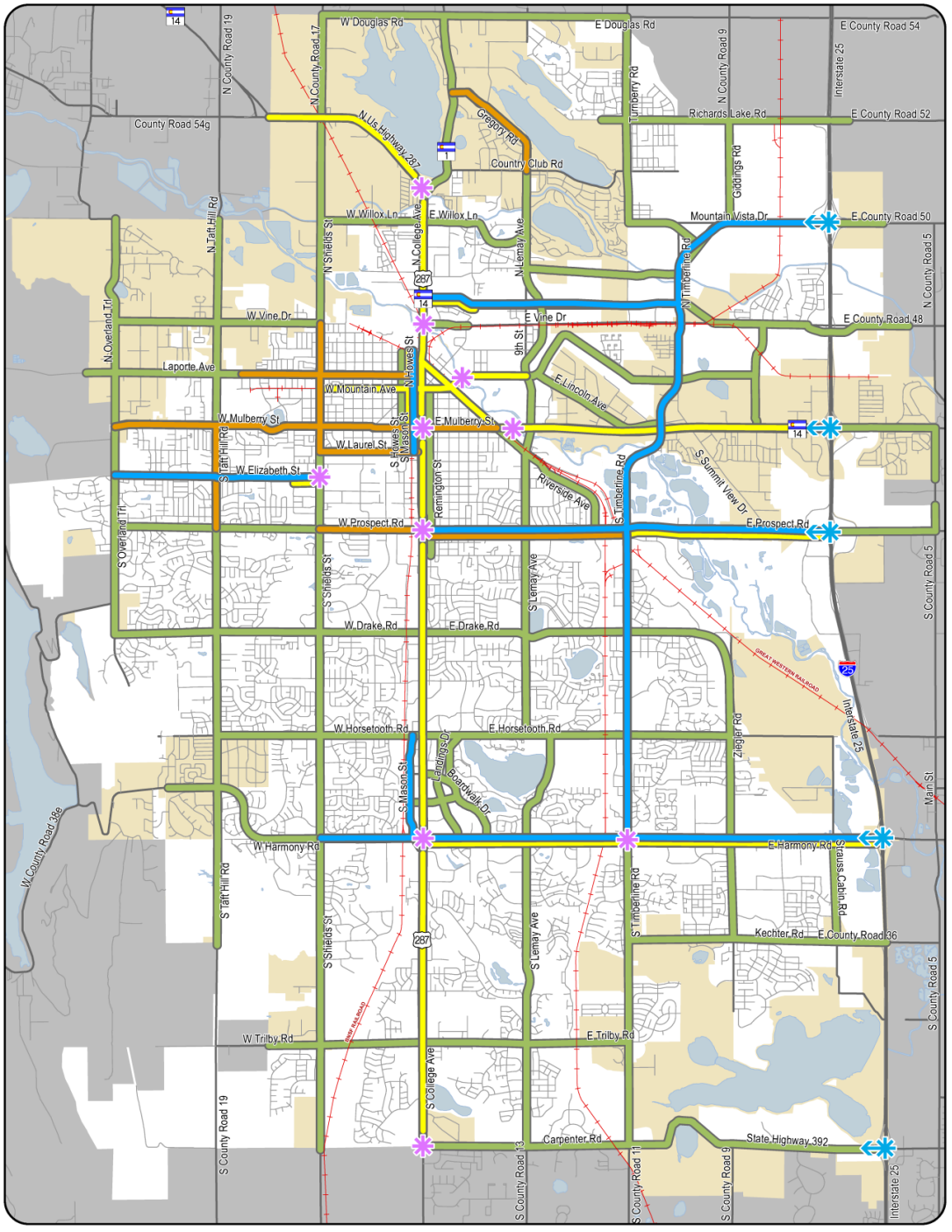
The Map works in conjunction with design standards in the following chapters to guide investment in streetscapes throughout the city.

The types of Arterial Streetscapes and Gateways are:

- Standard Arterial Streetscapes.
- Enhanced Travel Corridors.
- Special Planning Areas.
- Streetscapes Constrained by Existing Development.
- Gateway Intersections.
- Community Entrance Gateways (at Interstate 25).

Streetscape Design Standards and Guidelines

Arterial Streetscapes



Streetscape Types

- Standard Arterial Streetscape
- Enhanced Travel Corridor
- Special Planning Area
- Constrained by Existing Development

- Gateway Intersections
- Community Entrance Gateway (Interstate)
- Unincorporated Land in GMA
- City Limits

0 1 2 3 Miles

N W E S

City of Fort Collins

CITY OF FORT COLLINS
GEOGRAPHIC INFORMATION SYSTEM MAP PRODUCTS

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5.2

ARTERIAL STREETSCAPE DESIGN: STANDARD ARTERIAL STREETSCAPES - MEDIANS

The primary focus of "Standard Arterial Streetscapes" is on medians, including those within roundabouts. While many arterial streets have medians, some do not.

Median standards emphasize a mix of perennials, grasses, shrubs, and tree groupings, with a mulched ground surface. These standards aim to reflect Fort Collins's western regional character by using plants with low water requirements that are adapted to the harsh roadway environment.

Planting compositions must include:

- Varied plant forms, textures, and foliage in addition to flowers that provide interest throughout changing seasons.
- Coordinated, repeating groupings of plants to form an overall pattern.
- Accent groupings to add detail and variation within the overall pattern.
- Related elements such as mulches and boulders.

When designing arterial streetscapes, strong consideration should be given to the safety of maintenance crews and the traffic impact of the necessary safety protocols used during maintenance.

5.2.1 Median width measurements.

All references to median widths are from back of curb to back of curb.

5.2.2 Median grading.

The ground surface in landscaped medians shall be crowned with a high point in the center, with slopes not to exceed 12:1 or approximately 8.3 percent. This standard shall not apply where a median has a cross slope due to opposing traffic lanes and curbs having different elevations, such that a crown may not be feasible; nor shall this standard apply where a LID approach has been approved.

5.2.3 Median grading in roundabouts.

The ground surface in center medians in roundabouts shall be crowned with slopes not to exceed 12:1 or approximately 8.3 percent. The intent of this standard is to increase the visual prominence of landscaping, and work in conjunction with planting and hardscape elements to achieve year-round screening of visibility across the roundabout to a height of at least 4 feet.

5.2.4 Median planting general approach.

Tree groupings and mixed plantings of other plant types must be established and maintained in medians that are at least 6 feet wide, except where safety or sight distances would be impacted. Medians less than 6 feet wide must be paved rather than planted. Paving options are discussed in section 5.2.14.

5.2.5 Median tree groupings:

- Canopy shade trees, ornamental trees, and evergreen trees must be planted in groups of three, five, or more to the extent reasonably feasible, and grouped so that no more than three trees in the grouping are of a single species. Open intervals must be provided between the groups.
- Open intervals between tree groups must constitute 30-60% of the length of a given median. These percentages are intended to convey a general proportion rather than a precisely measured formula.
- Determination of the open intervals must be based on the design intent and growth assumptions for trees over a given time frame.
- Where median length allows, repetition of tree groupings is encouraged.
- Tree species diversity must meet requirements in the Fort Collins Municipal Code and Land Use Code.

5.2.6 Tree separation from median edges.

Trees must be separated from concrete edges as required in this Subsection based on assumptions for growth and pruning over a given time frame. The following minimum separations must be provided:

- Ornamental trees – 2.5 feet from back of curb
- Large evergreen trees – 9 feet from back of curb
- Small evergreen trees – 7 feet from back of curb
- No columnar or low-branched trees are allowed unless there is safe clearance (18 inches) between the back of curb and the tree at mature size
- No columnar or low-branched trees are allowed in sight distance triangles
- No trees are allowed in medians less than 6 feet wide

5.2.7 Street widening.

- Wherever roads are widened, retain existing trees to the extent reasonably feasible. Land Use Code Tree Preservation and Mitigation sections should be applied.
- The Landscape Plan should include tree protection guidelines that refer to parkway width (10 feet minimum on arterials, 8 feet minimum on all other streets), or median size, installation of irrigation, and who maintains irrigation.

5.2.8 Staggered median tree groupings if space permits.

Tree groupings may be staggered rather than aligned in straight rows, where median width permits a stagger of at

least 2 feet. In narrower medians with inadequate space for staggered groupings, trees may be required to be planted in straight rows.

5.2.9 Mixed plantings.

Mixed plantings of perennials, ornamental grasses, shrubs, and shrubby trees must be installed and maintained to cover approximately 50% of the median area with living material within 5 years of initial planting, based on growth and maintenance assumptions made by the designer. No more than 50% of the median area may be covered by nonliving material.

- Mixed plantings must be composed of groups of at least 3 plants per group, with each group composed of a single species.
- Mixed plantings must be arranged in an informal pattern rather than formal rows or geometrically-shaped groupings. The informal pattern must include coordinated, repeating groupings of plants in an overall composition, rather than random placement.
- Mixed planting standards apply to all medians 6 feet wide or wider.
- Perennials must be planted no closer than 12 inches from the back of curb. Shrubs must be planted so that they are no closer than 12 inches from the back of curb at mature size.
- Ornamental grasses must be limited to large groupings. The proportion of ornamental grass must be limited to no more than 10% of the total number of plants.
- There must be no understory plantings within a 5-foot diameter of existing or proposed tree trunks.
- Plantings and plant groupings must be spaced or arranged to allow safe passage for maintenance workers through medians.
- Plant symbols depicted on the Landscape Plan must represent full growth habit of plants. Height and width of plants at full maturity must be included in the plant table.
- Every plant must be identified with a unique symbol that includes the first two letters of the genus and species, e.g. Quercus macrocarpa (QU MA).
- The use of perennial groundcover plants is encouraged to help with weed control, erosion, and loss of mulch to wind and water events.

5.2.10 Mixed plantings – two options for intensity.

Two options for mixed plantings are allowed:

- Perennial Garden Style.
- Shrub Garden Style.

Perennial Garden Style: This option emphasizes the maximum degree of

planting intensity, color, and variety, with perennials used for the full length of a median. This results in a higher number of different plant groupings and a higher total number of plants to achieve approximately 50% plant coverage.

Shrub Garden Style: This option allows the use of larger shrubs and shrubby trees to achieve approximately 50% plant coverage with a lower number of different plant groupings, lower total number of plants, and decreased maintenance needs.

5.2.11 Perennial Garden Style requirements.

At least 4 groupings of perennials or ornamental grasses, and up to 3 groupings of shrubs per 250 square feet must be planted and maintained, with emphasis on providing color and/or texture over a long growing season. Groupings must be composed of a single species with at least 3 plants.

5.2.12 Shrub Garden Style requirements.

Up to 3 groupings of shrubs per 250 square feet must be planted and maintained, with emphasis on color and/or texture over a long growing season. Groupings must be composed of single species with at least 3 plants.

5.2.13 Decision on options.

The garden style option to be used in any project must be approved by the Director based on consideration of the relative importance of a given median to community image, intensity of adjacent land uses, the width and length of the median, traffic control requirements for maintenance, and City budget considerations. In general, the Perennial Garden Style is more appropriate in higher-activity, mixed-use areas. The Shrub Garden Style is generally more appropriate in residential and other lower-activity areas. The garden styles can also be combined, such as Perennial Garden Style at the ends of a median and Shrub Garden Style in the middle of the same median.

5.2.14 Median noses - planting.

Median noses that are 6 feet wide may be planted with low mixed planting under 30 inches in height from the flowline. Median noses with a width of 6 feet or less must be paved with concrete. On a case-by-case basis, it may be an option to embed boulders or cobbles in the concrete, stamp a pattern, or use pavers for visual interest.

5.2.15 Plants and mulches in conjunction.

Plant groupings must be designed in association with either cobble/stone mulch or organic mulch. Plants selected to feature green leaves and flowers are generally complemented by organic mulch, while stone mulch can detract from their effects. Stone mulch can complement evergreens, other plants selected to feature distinct forms or textures, and xeric plants with grey-green foliage.

When mulches are mixed, the patterns must be in sweeping curves, and not rectangular blocks or strips along the edge.

5.2.16 Mulches.

Organic mulch, consisting of undyed shredded woody material, must be used either alone or in combination with stone mulch to enhance visual interest. When combined, the mulch pattern must be designed in coordination with plant groupings and extend across the full width of the median. These patterns should flow in sweeping curves rather than forming rectangular blocks, linear strips, or edging along the median.

Stone mulch, if used, must consist of 2 to 4-inch stone combined with groupings of 4 to 12 inch stone that is hand placed as accents for visual interest and to separate abutting organic and stone mulches. Larger stone should be placed first, to be embedded, mingled, and settled with the smaller stone rather than loosely dumped.

5.2.17 Boulders.

Boulders may be used in medians with a curb height of at least 12 inches, to structure and complement plant groupings. Boulders must be set back at least 12 inches from back of curb and must have a maximum height of 18 inches above curb. They must be designed and placed in deliberate groupings to be embedded and mingled with the planting and mulch design pattern, and any low walls or slopes. They must be placed prior to planting and mulching, and slightly sunk into the ground. Boulders must be tan Masonville sandstone quarry blocks, rounded river boulders, or weathered moss rock boulders.
Boulder selection must be based on continuing an established theme, or establishing a theme where none exists.

5.2.18 Median hardscape – edges and paving.

Hardscape treatments depend on different median widths and different contexts throughout the city, must comply with the following requirements:

A. In median areas that are at least 6 feet wide, a barrier curb edge must be installed where a project includes 1) a new median, or 2) an existing median that lacks splash blocks or has splash blocks that warrant replacement. The barrier curb must be at least 8 inches tall as measured from the flowline, and the top of curb must be at least 12 inches wide with a maximum slope of 8.3 percent. The purpose of this standard is to provide additional depth for planting areas, space for maintenance personnel, an additional correction barrier for vehicles leaving the roadway, and a visual design that complements the curb and gutter. Where a median tapers to less than 6 feet, the curb must return across the median to enclose the upper landscape area.

   The following exceptions to the barrier curb shall apply:

   1) Sloped concrete splash blocks with integral tan tint and exposed aggregate finish may be used in lieu of a barrier curb if a median project is located in a street segment or area of the city where existing splash blocks have a previously established theme and are expected to remain for a long term.

2) Where a median is less than 6 feet wide, the edge must be a standard 6-inch curb with no barrier curb or splash block.

B. Along existing and proposed median corridors with median landscaping and limited vehicular access, a vehicular pull-out must be provided for maintenance vehicle parking.

C. Median areas under 6 feet wide must be paved rather than planted. Paving must be rectangular concrete or brick pavers set on a concrete base. On a case-by-case basis, it may be an option to embed boulders or cobbles in the concrete, stamp a pattern, or use pavers for visual interest.

The following exception to pavers shall apply: where existing tan exposed-aggregate concrete median paving establishes a prevailing theme, a median under 6 feet wide may be paved with tan exposed aggregate concrete.

5.2.19 Roundabout planting and hardscape.

Roundabout central medians in Standard Arterial Streetscape areas must be developed and maintained with tree groupings and mixed plantings in the Perennial Garden Style, with boulders and a mulched ground surface. Landscape walls may be included to reinforce the pattern and provide year-round structure for plantings. Any landscape walls should be built from locally sourced and readily available materials so that replacements can be easily found if necessary.

Apron paving and any special curbs must be designed for visual interest with tinted, textured concrete, pavers, or similar material. Aprons must be wide enough for maintenance vehicles to park without restricting the turning movements of oversized vehicles.

Irrigation controllers and backflows must be located in the center of the roundabout or in the parkway to avoid damage from vehicles.

Radial median arms must be paved in single-lane roundabouts. Radial medians arms in double-lane roundabouts may be planted with landscaping with a height of less than 30 inches from flowline. During maintenance, City crews will close one vehicle lane on each side of the radial median arm. Double-lane roundabouts must be designed to allow for normal and oversized traffic flow during maintenance operations.

Design of each individual roundabout must be unique unless multiple roundabouts are related in a pair or group as part of a single traffic management project. Design elements include planting themes, plant species, apron paving, and other hardscape details.

5.3

ARTERIAL STREETSCAPE DESIGN: STANDARD ARTERIAL STREETSCAPES - PARKWAYS

The City maintains some arterial street parkways, with exceptions where other arrangements are made with another entity. Turf-type grass provides a range of benefits as a solution to arterial

street parkways as described in Section 4. The benefits described are relevant for all street classifications, but are particularly relevant for arterials, which form a continuous city-wide framework of public space.

5.3.1 Irrigated Turf-Type Grass.

Parkways in Standard Arterial Streetscapes shall consist of turf-type grass (or turf-type grass alternatives) and street tree plantings as described in Chapter 4. Appropriate irrigation, including dedicated irrigation for trees must be provided to maintain health of plantings with efficient use of water.

5.4

ARTERIAL STREETSCAPE DESIGN: ENHANCED TRAVEL CORRIDORS

Standard Arterial Streetscape standards may or may not be adequate and appropriate for design and maintenance of Enhanced Travel Corridors (ETCs), depending on unique circumstances in each ETC.

ETCs are intended to evolve as a framework that incorporates and supports high frequency transit with special emphasis on walkability and bicycling.

5.4.1 Tailored streetscape approach.

For streetscape projects where previous ETC plans do not define a streetscape approach, the Standard Arterial Streetscape standards in Section 5.2 shall be considered as the minimum requirement for the level of quality and investment.

Design and maintenance shall then be adapted to unique circumstances in each corridor as appropriate, based on study of and response to:

- Guiding policies for ETCs.
- Established precedents in the corridor that are consistent with the vision and policies for ETCs.

Examples of permissible design variations include:

- Planting patterns to reinforce the pattern of transit facilities.
- Hardscape elements – edge treatments, paving, planters, and the like, particularly where related to transit stops and shelters.
- Urban design amenities in a coordinated program, particularly including paving, furnishings, and structures at transit stops and shelters.
- Safety considerations for maintenance workers and the impact of safety protocols to the traveling public.

In all cases, design must include repeating elements to create a theme for the corridor and avoid clutter of unrelated elements.

5.5

ARTERIAL STREETSCAPE DESIGN: SPECIAL PLANNING AREAS

Special planning areas have subarea plans, corridor plans, or other planning documents that recognize their unique context and character. The level of

specific direction for streetscapes varies among the plans.

These areas warrant their own distinctive streetscapes with tailored design and maintenance characteristics.

5.5.1 Tailored streetscape approach.

For streetscape projects where plan documents are not definitive, the Standard Arterial Streetscape standards in Section 5.2 shall be considered as the minimum requirement for the level of quality and investment, and may be considered as a reference for design.

Design and maintenance shall then be adapted by project designers and staff based on study of and response to the context and any established precedents that are consistent with the vision and policies for the area, and are thus expected to remain.

Examples of permissible design variations on the Standard Arterial Streetscape include:

- Distinct patterns of trees and other plant groupings.
- Signature plant species.
- Hardscape elements - such as edge treatments, paving, low planter walls or landscape walls, and the like.
- Urban design amenities such as paving, street furnishings, and transit stop shelters or other themed structures in a coordinated program.

In all cases, design must include repeating elements to create a theme for the area and avoid clutter.

5.6

ARTERIAL STREETSCAPE DESIGN: CONSTRAINED CORRIDORS AND SEGMENTS

These are arterial corridors and segments where the Standard Arterial Streetscape is not feasible due to physical constraints of existing development. Typically, both parkways and medians are constrained.

5.6.1 Tailored streetscape approach.

Streetscape projects in these areas shall incorporate aspects of a Standard Arterial Streetscape to the extent reasonably feasible. The allocation of available space and the compromises on each component of the design shall be determined on a project-by-project basis.

The most important aspects to consider in the streetscape approach are safe sidewalks, street trees as described in Chapter 4, the safety of maintenance workers, and the impact of safety protocols to the traveling public.

5.7

ARTERIAL STREETSCAPE DESIGN: GATEWAY INTERSECTIONS

Gateway intersections are exceptional locations where the Standard Arterial Streetscape should be augmented with additional intensity of streetscape development in any capital projects. These locations warrant the highest

level of investment for design, construction and maintenance.

The intent is to highlight entryways into the city and edges of districts within the city. The locations consist of intersections, whether signalized or roundabouts, extending outward as appropriate to include medians and parkways associated with the intersection.

5.7.1 Components.

Streetscape projects at gateway intersections must be enhanced with a coordinated program of components including at least four of the following, with consideration given to the likelihood of damage and the ability for easy repairs:

- Plantings of annual flowers in beds or large pots. These should be placed as far as possible from traffic while maintaining truck access for weekly maintenance and fertilization. Annuals must be on dedicated irrigation zones that are accessible for repair.
- Railings or low walls.
- Bollards.
- Pedestrian lighting/ other specialty lighting.
- Columns, pylons or other urban design structures.
- Signal or light pole treatments.
- Color themes in repeated components.
- Special paving.
- Sculpture or other public art.

5.8 ARTERIAL STREETSCAPE DESIGN: COMMUNITY ENTRANCE GATEWAYS (I-25)

Interstate 25 interchanges act as major community entrances, in conjunction with the arterial streets leading into Fort Collins from the interchanges.

Future improvements to the interchanges are expected to include gateway design features to reinforce the community entrance role.

Design and management of any such interchange improvements, and arterial streetscapes near the interchanges, may present opportunities for coordination.

For example, any interchange gateway features may be appropriate to extend westward along a segment of the arterial streetscape. If such features are not appropriate to be extended, they may still influence, or be influenced by, the character of the arterial streetscape.

SECTION 6

Collector and Local Streets

6.1 PARKWAY LANDSCAPING

Streetscapes along collector and local streets typically consist of parkways only. The primary purpose of parkway landscaping is to support street trees and complement them in serving multiple functions:

- Define streets as the framework of public space within which individual properties fit.
- Contribute to the attractiveness and visual interest of the street edge.
- Mark the transition from public to private space.
- Blend public interests in street infrastructure with interests of abutting property owners who are required to maintain these parkways by City Code.

6.1.1 Two approaches.

Two main approaches to landscaping parkways are allowed in collector and local streets: turf-type grasses, and mulched planting beds. Pros and cons of each are discussed in Section 4.In both approaches, appropriate irrigation must be provided to maintain the health of plantings with efficient use of water.

In areas where there is no development plan that specifies parkway landscaping, the owner of the property abutting the parkway may select either approach, regardless of any homeowners association (HOA) covenants that may apply to the development, and shall be responsible for the installation and maintenance of the parkway landscaping in accordance with Section 24-42 of the City Code.

6.1.2 Approved development plans govern.

In developments with approved landscape plans, the parkway landscaping must be in accordance with the plan.

A HOA, or a property owner with notice to and opportunity for comment from the HOA, may request a Parkway Landscaping Amendment to an approved plan for parkway landscaping. Such a request by a property owner shall be limited to the parkway strip abutting the lot of the property owner and shall be reviewed by the Director in accordance with Section 6.3.10(E) of the Land Use Code.

6.1.3 New development landscape plans.

Where a developer desires to offer non-turf-type grass options to homeowners, the landscape plan must contain notes and drawings specifying options for non-turf ground cover plantings, with consistent mulch and a recommended plant palette. The landscape plan notes must also recommend a generic irrigation design.

6.1.4 Turf-type grass.

Turf-type grass is allowed, as discussed in Section 4. The choice of grass species and variety can make a major

difference in water use needs, ease of establishment, survival of the grass, weeding, mowing, and renovation requirements.

6.1.5 Boulders.

Boulders must be set back at least 2 feet from back of curb and at least 2 feet from the edge of the sidewalk. Boulders must have a maximum height of 12 inches above curb.

6.1.6 Mulched planting beds.

Non-turf ground cover plantings are allowed, including mulched planting beds and ground cover plantings. With an understanding of plant selection and proper irrigation and maintenance, these plantings can provide seasonal interest with little water required.

Property owners are encouraged to incorporate choices that provide a degree of congruence with neighboring properties in terms of mulches and character of plantings.

6.1.7 Requirements for non-turf ground cover plantings:

A. Landscaping must be designed, installed and maintained so that at least 50% of the area is covered with live plant material within 3 years from installation.

B. Plant materials must be under 2 feet tall if within 5 feet of a driveway and under 3 feet tall in other areas. Owners are encouraged to select plants that maintain these height limits with little or no pruning.

C. Plant materials must not obscure the line of sight for traffic or obstruct the sidewalk. Plantings of any height that obstruct the line of sight or cause safety concerns may be required to be kept trimmed to a lower height or removed so visibility is provided/maintained.

D. No fences or thorny/prickly plant material are allowed.

E. In mulched planting beds, the soil surface must be 2 to 3 inches below the curb and sidewalk to allow for mulch to be contained. To avoid clutter, no additional timbers, concrete products, plastic or metal edging, or similar material shall be included.

   Exception: if edging is needed to keep turf-type grass out of mulched areas (perpendicular to the street) such edging must be flush or within 1 inch of the ground surface, so it is not a visible element and to prevent exposed sharp edges of the edging.

F. Plant materials and mulch must be kept off the street and sidewalk.

G. Avoid cutting tree roots when converting an established turf-type grass parkway to a planting bed.

H. Within a tree's dripline, minimize grade changes to protect the tree roots.

SECTION 7

Maintenance Standards

The purpose of this Section is to foster a consistent, high-quality appearance for all streetscapes, whether maintained by the City or its agents, or by private developers, businesses, or individuals.

Given the high visibility of city streetscapes, the public is able to observe both the maintenance practices and the results of that maintenance. Public perception of a well-maintained landscape is shaped by practices that promote the health of landscape materials, ensure a neat and well-cared for appearance, and that contribute to the City's water resource sustainability goals. Quality maintenance is a function of workmanship, funding, expertise, and technique. These standards are designed to ensure that streetscapes are cared for in a manner that reflects the high regard that citizens have for these important public spaces. In general, all landscaping must be maintained in healthy condition with a neat and attractive appearance throughout the growing season. Irrigation systems, structures, and sidewalks must be maintained to represent the original integrity of the design and installation.

7.1

TREE MAINTENANCE AND MANAGEMENT REQUIREMENTS

7.1.1 Separate standards document.

A separate document, the *City of Fort Collins Tree Management Standards and Best Management Practices,* contains the City's standards for planting and maintenance for all trees in the public rights-of-way and applies whether the work is performed for the City contractually, by the City, or by private entities or individuals. Exceptions to the standards and practices require written approval of the City Forester.

7.1.2 Permits for tree work.

A permit must be obtained from the City Forester before planting, pruning, or removing any tree or shrub within the public right-of-way of any street or sidewalk. Businesses performing this work must be licensed by the City. No tree shall be cut back in such a manner that its health will be impaired or it creates an unsafe condition. An exception to this rule may occur to provide emergency relief of an immediate danger to persons or property. Any such emergency procedures must be reported promptly to the City Forester with plans for completion or follow-up work submitted for approval. See the *City of Fort Collins Tree Management Standards and Best Management Practices* for details on acceptable pruning practices.

7.2
MAINTENANCE RESPONSIBILITIES

Maintenance responsibilities vary among different street types, and with specific circumstances of abutting properties.

7.2.1 Maintenance responsibility standards and requirements.

Unless otherwise specified in a written agreement, the following maintenance responsibilities and requirements apply.

A. Street trees located on the City right-of-way are the responsibility of the City Forestry Division to manage, maintain, and replace, regardless of who maintains the surface.

Exception: some streetscape projects include a warranty period for establishment of newly planted trees and/or a development agreement in which the project is responsible for maintenance.

B. Medians irrigated by a City-owned water source in arterial streets will be maintained by the City.

Exception: some streetscape projects include a warranty period for establishment of median landscaping and/or a development agreement in which the project is responsible for maintenance.

C. Parkway landscaping on collector and local streets shall be maintained by the adjacent property owner in accordance with City Code.

D. Parkway landscaping on arterial streets will be the responsibility of the City if there is no developer, individual, organization, or homeowners association that enters into an agreement with the City to maintain them, or that can be fairly assigned the maintenance responsibility based on their unique benefit.

E. The following three other different scenarios for planting and continuing maintenance are possible, depending on circumstances:

1) The developer installs the landscape and the City takes responsibility for tree maintenance after a warranty period for full tree establishment during which time specific obligations are met. The landscape (turf-type grass, other plantings, mulches, irrigation) continues to be maintained by the developer, homeowners association, or other responsible party.

2) The developer installs the landscape and, after meeting required obligations during the first two years after installation, the City takes responsibility for both tree and landscape maintenance.

3) The landscape is part of a City capital project, and a contractor does the landscape work. Following final completion, the City is responsible for tree maintenance and may or may not be responsible for landscape maintenance.

7.3

ACCEPTANCE OF NEW ARTERIAL STREETSCAPE PROJECTS FOR CITY MAINTENANCE

7.3.1 Streetscape installed to City standards.

Any new streetscape landscaping not designed and installed to these standards may be rejected by the City Parks Department for inclusion in its maintenance program. Developers and City capital projects must notify the City Parks Department and conduct an inspection with Parks and Forestry Division staff at the end of the warranty period. Any defects in the landscaping or irrigation system must be corrected by the project that installed the streetscape.

7.3.2 Inspections.

- Inspections must be completed at major milestones during the installation process. Contact Parks and Forestry Division staff for a list of milestones.
- Parks will inspect plants twice per year, in the spring and late summer of the warranty period to assess plant mortality and replacement needs.
- Replacements must be completed:
    - Early enough in the growing season (no later than September) to allow for establishment of trees and plants before irrigation is turned off.
    - Before the end of the growing season while replacement plants are still readily available. Lack of availability of the correct varieties could delay replacements until the following growing season.
    - Refer to the Forestry Division for optimal tree planting time requirements.

7.4

GENERAL MAINTENANCE STANDARDS

7.4.1 Trash.

Trash must be removed on a regular basis and before every mowing.

7.4.2 Turf-type grass.

Turf-type grasses that can be maintained at 3-inches or less according to best practices for turf-grass maintenance must be maintained at a 3-inch cut during the growing season. Trimming must be concurrent with mowing, to match height of open turf-type grass, around mowing obstructions such as trees, curbs, and vacuum breakers. Extra care must be taken to avoid damaging tree and plant material with trimmers and mowers. Turf-type grass must be edged concurrent with mowing to prevent growth over edges. Visible clippings must be removed from sidewalks and streets. Any irrigation tree rings damaged by mowing or trimming must be repaired immediately.

Turf-type grasses that cannot be maintained at 3-inches or less according to best practices for turf-grass

maintenance must be maintained at a maximum height of 12 inches.

7.4.3 Shrubs.

Shrubs must be pruned as needed to: 1) remove dead or diseased branches; and 2) support plant health and vigor. Dead shrubs must be removed and replaced immediately. Shrubs must not extend over the curb or sidewalk. Shrubs that create sight line or access problems must be removed and replaced with a more appropriate plant species.

7.4.4 Perennials.

Perennials must be deadheaded and trimmed throughout the growing season as appropriate for the health of each species. Depending upon plant needs and seasonal interest, perennials and ornamental grasses shall be cut back in late fall or early spring prior to new growth. Dead perennials must be removed immediately and replaced per the design intent.

7.4.5 Annuals.

Planting of annuals in the spring must be in designated annual flower beds or pots. Annuals must be regularly deadheaded of spent blooms. Annuals must be removed in the fall after the first hard frost.

7.4.6 Mulch.

Mulch must be replenished as needed to maintain complete coverage of the soil surface with a depth of 2 to 4 inches. In addition to careful placement and reduced depth underneath plants, mulch should be dished away from the base of plant material to avoid burying leaves or tender stems. Contact the Forestry Division for additional mulch requirements specific to trees.

7.4.7 Weeds.

All landscaped areas must be kept free of weeds and invasive grasses. Weeding may be done manually or by the use of herbicide and/or pre-emergent. The use of any restricted-use herbicide or soil sterilant is prohibited. In accordance with Best Management Practices, the effectiveness of the herbicide must be monitored and the weed management plan adjusted accordingly.

7.4.8 Off-Season Watering.

Early- and late-season watering shall be considered for trees that were planted before irrigation has been turned on for the growing season or after irrigation has been turned off for the growing season. Winter watering must be included for all trees planted late in the season.

7.5

MAINTENANCE ACCEPTANCE MEMORANDUM FOR CITY CAPITAL PROJECTS

When a City capital project involves installing a new streetscape, the project manager should coordinate with other City departments to prepare a maintenance acceptance memorandum. The memorandum should address the ultimate maintenance responsibilities for each streetscape element, including funding or personnel needs that could require a budget offer.

SECTION 8

Irrigation Standards

Proper watering systems help achieve City sustainability goals and citizen expectations for public spaces. Irrigation of parkway and median plant material is necessary to maintain a quality appearance and long-term health of streetscape plantings.

It is the City's intent to be a good steward of water resources consistent with "xeriscape" and "water-wise" principles related to social, environmental, and economic sustainability.

All irrigation systems must be designed to meet the needs of each unique landscape by following best management practices and up-to-date technology. Without proper irrigation design and maintenance, good stewardship of the landscapes is not achievable.

8.1 IRRIGATION SYSTEM DESIGN

8.1.1 General design standards.

Irrigation design and installation must comply with the following general standards:

- In parkways and medians where the Parks Division will ultimately take over maintenance, irrigation system design should follow the Parks Irrigation Standards. In parkways and medians that will be maintained by an entity other than the City, irrigation system design should follow Section 5.10.1(H) of the Land Use Code.
- Irrigation design must be done by a certified irrigation designer unless otherwise approved by the appropriate City department.
- Irrigation system design and installation must be monitored, inspected, and approved through the City Development Review process. If a streetscape is to be maintained by the City Parks Department, the City Parks Department must monitor, inspect, or approve the design and installation. Irrigation systems must be installed and maintained so that irrigation equipment will not spray onto any streets, walkways, or features or onto structures that could be damaged by water.
- The irrigation system must comply with the International Plumbing Code and with the City of Fort Collins Electrical Code.
- Any deviation in taps from the approved construction plans must be approved by City of Fort Collins Utilities or the applicable water provider prior to installation. Any water service line must be coordinated with the water provider.
- Any deviation in layout of the irrigation system from the approved construction plans

must be reviewed and approved by the City Parks Department before or during installation.

- The irrigation system must be designed to provide full coverage and matched precipitation rates.
- Xeriscape principles must be utilized in the design of the irrigation system.
- All designs must meet the industry's Best Management Practices from the Irrigation Association and ALCC (Associate Landscape Contractors of Colorado).
- Newly installed irrigation systems are subject to water audits.

8.2 CONTROL SYSTEM

Controllers must have smart controller technology, must comply with Land Use Code requirements, and must be approved by the City Parks Department. The number of stations must include two extra stations for possible future use. The controller box must be weather tight and vandal resistant with locking exterior disconnect.

8.3 INSTALLATION PREPARATION

8.3.1 Utility locates.

Locate all utilities prior to trenching and protect from damage.

8.3.2 Preliminary inspection.

The Contractor must inspect tap and any existing irrigation system, as applicable, prior to work.

8.4 INSTALLATION PROCEDURES

8.4.1 Water service connections (taps).

- Forty-eight hours prior to connection, the contractor must contact the City of Fort Collins Water Utilities, at 970-221-6700 to schedule the work for water taps and inspections. A minimum two weeks prior notice shall be given to the Water Meter Shop, 970-221-6759, for installations that will require meters and/or backflow devices larger than 2 inches.
- The contractor shall be responsible for excavation, connection to corporation stop at the water main, providing and installing the saddle for the PVC or A.C. pipe, making the connection to the existing water service, backfill and compaction, and pavement / shoulder / surface treatment replacement as needed. Soldered joints or fittings are permissible above grade or inside a vault. No solder, sealants, fluxes, pipe dope, and other materials shall contain any lead. All taps and installations are subject to approval and inspection by the City of Fort Collins Water Utilities or applicable water

utility. Install meter as specified in a precast vault. Inspection of service line (where appropriate), vault, water meter and backflow must be coordinated with the City of Fort Collins Utilities or applicable water provider.

8.5 TESTING

8.5.1 Testing requirements.

- All tests must be run in the presence of staff from the City Parks Department or from such other department that is responsible for accepting the work. Schedule all tests a minimum of forty-eight hours in advance. Repeat any failed tests until full acceptance is obtained.
- An operational test must activate each remote control valve from the controller.
- The contractor must replace, adjust or move heads and nozzles as needed to obtain acceptable performance of the system as directed by staff.
- The contractor must replace defective valves, wiring or other appurtenances to correct operational deficiencies.

8.6 COMPLETION SERVICES

8.6.1 Requirements upon completion of construction.

- When project construction is complete, the contractor must request a punchlist inspection for construction acceptance from the City Parks Department.
- The system must be demonstrated to staff from the City Parks Department.
- Product ordering information must be provided to City Parks Department staff including model numbers, sizes and styles for all components.
- Electronic as-built drawings must be provided.
- Two sets of 11” x 17” as-built drawings must be provided, showing the system as installed with each sheet clearly marked **“As-built Drawings,”** the name of the project, and all information clearly provided.
- A completed backflow test for the backflow prevention device must be provided by a licensed backflow tester.
- All excess materials, tools, rubbish and debris must be removed to leave a cleaned-up site.

- The system must be maintained in optimal working condition for the duration of time until final acceptance. Periodic adjustments must be made to achieve the most effective and efficient application of water.

8.6.2 Warranty period.

A two-year maintenance guarantee period and a five-year repair guarantee covering all errors or omissions in the design and/or construction provided by the contractor shall begin upon construction acceptance by the City Parks Division.

8.6.3 Final acceptance.

A. The contractor must schedule a final acceptance inspection by the City Parks Department. at least thirty days before the end of the two-year maintenance period. To schedule the inspection the contractor must contact the City Parks Department at least thirty days before the requested inspection date.

B. The contractor must provide operating keys, servicing tools, test equipment, warranties/guarantees, maintenance manuals, and the contractor's affidavit of release of liens. Submittal of all these items must be accompanied by a transmittal letter and delivered to the City Parks Department offices (delivery at the project site is not acceptable.)

C. The yearly backflow test report on the backflow device must be submitted to the City Parks Division.

8.7 GUARANTEE/WARRANTY AND REPLACEMENT

8.7.1 Requirements.

For a two year period following construction acceptance notice by the City, and before final acceptance and an additional three-year repair period after final acceptance, all irrigation materials, equipment, workmanship and other appurtenances are to be guaranteed and warranted against defects. Settling of trenches or other depressions, damages to structures or landscaping caused by settling and other defects must be corrected by the contractor at no cost to the City. Repairs must be made within seven days of notification by the City. The guarantee and warranty shall apply to all originally installed materials and equipment, and to replacements made during the guarantee/warranty period.

SECTION 9

Fine Grading and Soil Preparation Standards

9.1

GENERAL STANDARDS

Soil preparation is a crucial part of streetscape landscaping success. Individual projects may require specially tailored soil preparation, beyond the scope of these minimum standards, for sustainable health of specialized plantings.

9.1.1 Soil testing.

Soil tests conducted by a soil testing lab must be completed and submitted to the City for review; and recommendations in the lab reports must be followed in all cases. Generally this will include soil amendment and fertilizer recommendations; and in some cases, complete replacement of topsoil may be required.

9.1.2 Topsoil required.

If a landscape area is undisturbed, topsoil must be stripped to a 6-inch depth, or to topsoil depth as determined by field inspection. Stockpile and re-spread stripped topsoil over landscape areas after rough grades are established. If the site has been disturbed, or sufficient topsoil is not available, topsoil must be imported to achieve 6-inch depth in all landscaped areas.

9.2

SUBMITTALS

9.2.1 Soil Amendments.

Submit a representative sample and written confirmation from the supplier of soil amendment material composition including: percent organic matter, salts, nutrient composition and trademark.

9.2.2 Topsoil.

Submit a representative sample and written confirmation from supplier of topsoil material composition including: percent organic matter, salts, and nutrient composition.

9.3

MATERIALS STANDARDS

9.3.1 Soil Amendment.

Premium 3, by *A-1 Organics*, or an approved equal high quality composted material containing a minimum of 50% organic matter shall be required for all soil amendment. The mixture must be free from clay subsoil, stones, lumps, plants or roots, sticks, weed stolons, seeds, high salt content and other materials harmful to plant life. The compost must be coarsely ground with an even composition and have an acidity in the range of pH 5.5 to pH 7.0. All material must be sufficiently composted such that no original source material used is recognizable.

9.3.2 Topsoil.

Topsoil must be taken from a well drained, arable site and must be reasonably free of subsoil, stones, clods, sticks, roots and other

objectionable extraneous matter or debris. No stones or other materials over 2 inches in size shall be allowed. Topsoil must contain no toxic materials and have an acidity in the range of pH 5.5 to pH 8.5.

9.4 ROUGH GRADING OPERATIONS

9.4.1 Utility locates.

All utilities must be located prior to trenching and must be protected from damage. Required calls include but may not be limited to, Colorado 811.

9.4.2 Acceptance of rough grading by other contractors.

The landscape contractor must inspect and confirm that any rough grading from other contractors is per approved plans, and allows for 6-inch minimum depth of topsoil and specified soil amendments.

9.4.3 Clearing and grubbing.

The contractor must grub and remove unsuitable woody and rock material present in the surface grade.

9.4.4 Maintain drainage.

The contractor must take precautions to accommodate proper drainage and flow during and after grading and soil preparation.

9.4.5 Kill weeds.

Remove all weeds and apply herbicide to areas where noxious weed beds have been established and/or where seed mix is to be planted. Herbicide must be applied by certified contractors at the rate recommended by the manufacturer, after proper notification has been given, and in accordance with the chemical applicator's standards.

9.4.6 Rip planting areas.

Rip to 12-inch depth with agriculture subsoiler in all areas to receive plantings, stopping 6 inches back from any pavement. Remove all objects greater than 2 inches in diameter.

9.5 FINISH GRADING OPERATIONS

9.5.1 Topsoil placement procedures.

A. Spread 6 inches of topsoil over the entire landscaped area and grade to smooth and even lines. Establish swales and drainage as required per plans.

B. Evenly distribute soil amendment at a rate of 3 cubic yards per 1,000 square feet of area, or 1-inch depth over the entire area to be prepared. Modify the rate if a soil test or approved landscape plan recommends otherwise. Till amendments into the top 6 inches of soil. Compact to a firm, but not hard density (80% of *Standard Proctor Density* at 2% optimum moisture).

C. Trim finish grade elevations adjacent to paved areas to one inch below pavement finish grade.

SECTION 10

Grass Seeding Standards

10.1

GRASS SEEDING

10.1.1 Seed Mixes.

Seed mixes must be approved by the City Parks Department or from such other department that is responsible for approving the work based on the activity to take place, planned irrigation method, and maintenance to be performed in the area being seeded.

10.1.2 Submittals.

Certificates showing State, Federal or other inspection showing source and origin must be submitted.

10.1.3 Seed quality.

Seed must be fresh, clean, new crop seed composed of the varieties approved by the City with tested minimum percentages of purity and germination clearly labeled on the package. All seed must be at least 99.9% free of *Poa annua* and all weeds.

10.1.4 Mulch for seeded areas.

Mulch depends on the slope of the seeded area as follows:

A. For slopes 30% and less, native grass straw without weed seed and consisting of grasses as specified for the seeded application must be used (See Section 10.1.12) unless Hydromulch is used as provided in subsection B below.

B. For slopes 30% and greater: Hydromulch using *Weyerhauser* "Silva-Fiber" mulch or approved equal must be used. The mulch must not contain any substance that might inhibit germination or growth of grass seed. The mulch must be dyed a green color to allow metering of its application. See Section 10.1.13.

10.1.5 Tackifier.

Teratack III, or approved equal must be used.

10.1.6 Netting.

For slopes greater than 30%, *Soil Saver* jute netting or approved equal must be used. Netting must be stapled with No. 11 gauge steel wire forged into a 6-inch long U-shape, and painted for visibility in mowed areas. See Section 10.1.14.

10.1.7 Fertilizer.

Fertilizer must be determined and incorporated into the soil based on the results of soil testing. See section 9.1.1 of these standards.

10.1.8 Inspection.

The contractor must (1) inspect finish grade and trim where needed to obtain finish grades of one inch below adjacent pavements. (2) Verify positive drainage away from all structures. (3) Verify or complete removal of rock and debris larger than one inch from all areas to be seeded.

10.1.9 Weather for seeding.

Seed must not be sown in windy weather or when ground is frozen or otherwise untillable.

10.1.10 Methods for seeding:

A. A brillion type drill or hydraulic seeding methods may be used. Drill the seed in a manner such that after surface is raked and rolled, the seed has ¼-inch of cover.

B. Hydraulic seeding must be used in areas that are not accessible for machine methods. A hydraulic pump capable of being operated at 100 gallons per minute and at 100 pounds per square inch pressure must be used. The equipment must have an acceptable pressure gauge and a nozzle adaptable to hydraulic seeding requirements. Storage tanks must have a means of agitation and a means of estimating the volume used or remaining in the tank. Do not seed and mulch in the same operation.

10.1.11 Seeding rates.

Follow the recommended seeding rate for the specific type of seed.

10.1.12 Mulching operations for native grass areas.

Mulch must be applied at a rate of 2 tons per acre within 24 hours after seeding.

10.1.13 Hydromulching operations.

Wood cellulose fibers must be evenly dispersed by agitation in water. When sprayed uniformly on the soil surface, the fibers shall form a blotter-like ground cover that readily absorbs water and allows infiltration to the underlying soil. Cellulose fiber mulch must be added with the proportionate quantities of water and other approved materials in the slurry tank. All ingredients must be mixed to form a homogenous slurry. Using the color of the mulch as a metering agent, apply the slurry mixture uniformly over the seeded area. Apply with tackifier used at a rate of 120 pounds per acre. Unless otherwise ordered for specific areas, fiber mulch must be applied at the rate of 2,000 pounds per acre. Hydraulic mulching must not be performed in the presence of free surface water resulting from rains, melting snow or other causes.

10.1.14 Mulch netting operations.

Mulched areas over 30% slope must be stabilized with netting. If the contractor fails to net and subsequent soil erosion occurs, the contractor must re-establish the finish grade, soil preparation, seed bed, and apply netting at no cost to the City.

10.1.15 Watering.

Immediately after seeding and mulching, water the seeded area to a depth of 2 inches, but with care so that no erosion takes place and no gullies are formed. Water lightly 2 times per day and keep the seeded area moist until grass is established. Extreme care must be taken when watering sloped areas until turf-type grass is established to prevent erosion. Water these areas more often but for shorter periods of time.

10.1.16 Clean up.

All hydromulch and other mulch materials must be removed from all plant materials, fences, concrete and other areas except for the seed bed.

10.1.17 Protection of seeded areas for establishment.

The contractor must provide and install barriers as required to protect seeded areas from pedestrian and vehicular damage. Signage must be provided if needed.

File Attachments for Item:

16. First Reading of Ordinance No. 203, 2025, Amending Section 20-102 of the Code of the City of Fort Collins for the Purpose of Adjusting Snow and Ice Removal Requirements.

The purpose of this item is to update the requirements for snow removal from sidewalks within the City to allow for up to two inches of snow accumulation.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Lori F. Schwarz, AICP, PDT Deputy Director/Planning and Development Services Director
John Hernandez, Senior Code Compliance Supervisor

SUBJECT

First Reading of Ordinance No. 203, 2025, Amending Section 20-102 of the Code of the City of Fort Collins for the Purpose of Adjusting Snow and Ice Removal Requirements.

EXECUTIVE SUMMARY

The purpose of this item is to update the requirements for snow removal from sidewalks within the City to allow for up to two inches of snow accumulation.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

While reviewing options to respond to staffing reductions as well as providing sustainable level of service adjustments, Section 20-102 regarding snow removal was identified as an area for modification. Currently, any accumulation of snow is required to be removed from sidewalks within 24 hours. In many cases, weather conditions typically resolve these issues within 48 hours.

Additionally, many Home Owners' Associations (HOAs) and multi-family developments utilize contractors for snow removal from sidewalks and private roadways. Often these contracts have provisions that indicate snow of two inches or greater is necessary for the contractors to respond. This has caused challenges between these organizations and the City in ensuring compliance of this section of the City Code with snowfalls less than two inches.

The Ordinance will still require removal of any level of ice accumulation in the sidewalk area within the 24 hour time frame.

CITY FINANCIAL IMPACTS

Staff anticipates a reduction in the number of properties that receive snow abatement, which will reduce overall contractor costs and case management responsibilities.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 203, 2025

ORDINANCE NO. 203, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 20-102 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF ADJUSTING SNOW AND ICE REMOVAL REQUIREMENTS

A. Currently, Section 20-102 of the Code of the City of Fort Collins requires owners and occupants of property in the City to remove any accumulation of snow or ice from the sidewalks abutting such property within twenty-four hours. Violation of this requirement is a civil infraction and subject to penalties and potential abatement actions by the City.

B. It is in the public interest to allow for a minimal level of snow accumulation without triggering the removal requirement under Section 20-120.

C. In many instances, weather conditions resolve snow accumulation on sidewalks within forty-eight hours.

D. Additionally, many Homeowners' Associations and multi-family developments in the City utilize contractors for snow removal from their sidewalks and private roadways. Often these contracts contain limitation provisions that indicate the contractors will only respond when snow accumulation is two inches or greater.

E. To better align with these snow removal contracts and help these organizations ensure compliance with City Code when snowfall is less than two inches, staff has recommended Council amend Section 20-120 to allow for less than two inches of snow accumulation on sidewalks without requiring snow removal.

F. Section 20-120 will still require the removal of any accumulation of ice on sidewalks.

G. This Ordinance is anticipated to reduce overall contractor costs and case management responsibilities for the City's Code Compliance team.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 20-102 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 20-102. - Removal of snow and ice from sidewalks required; lien.

(a) The owners or occupants of property abutting sidewalks within the City shall at all times keep the sidewalks abutting the lot or lots owned or occupied by them free and clear of snow and ice. If any such owners or occupants shall fail to

remove the snow and ice from the sidewalks abutting their property within twenty-four (24) hours after the accumulation of ~~snow and~~ ice or two (2) inches or more of snow, then the City Manager may at once have the hazard corrected by removal of snow and ice from the sidewalk or by the application of abrasive material; and the cost, including inspection and other incidental costs in connection therewith, including the costs for carrying charges and costs of administration, shall be assessed against the property abutting the snow obstruction and the owner thereof.

. . .

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: None

File Attachments for Item:

17. First Reading of Ordinance No. 204, 2025, Amending Section 20-42 of the Code of the City of Fort Collins for the Purpose of Adjusting Weed and Grass Removal Requirements.

The purpose of this item is to update the maximum height for weeds and unmowed grasses from six inches to nine inches.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Lori F. Schwarz, AICP, PDT Deputy Director/Planning and Development Services Director
John Hernandez, Senior Code Compliance Supervisor

SUBJECT

First Reading of Ordinance No. 204, 2025, Amending Section 20-42 of the Code of the City of Fort Collins for the Purpose of Adjusting Weed and Grass Removal Requirements.

EXECUTIVE SUMMARY

The purpose of this item is to update the maximum height for weeds and unmowed grasses from six inches to nine inches.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

While reviewing options to respond to staffing reductions as well as providing sustainable level of service adjustments, Section 20-42 regarding weeds and unmowed grasses was identified as an area for modification. Currently, City Code requires weeds and grasses to be maintained at a height no greater than six inches. Many jurisdictions consider twelve inches of grass and weed height to constitute a nuisance concern while maintaining six inches of grass and weed height appears to be a more aesthetic standard.

Annually, the Code Compliance team receives requests to allow higher grass heights to support pollinator species. Additionally, in wetter seasons, grasses grow more quickly, which has caused concerns for property owners when they are out of town. Staff has recommended adjusting the maximum height of weeds and unmowed grasses to nine inches to respond to these concerns but also not allow nuisance conditions to occur.

CITY FINANCIAL IMPACTS

Staff anticipates a reduction in the number of properties that receive high grass and weeds abatement, which will reduce overall contractor costs and case management responsibilities.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 204, 2025

ORDINANCE NO. 204, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 20-42 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF ADJUSTING WEED AND GRASS REMOVAL REQUIREMENTS

A. For many years, Section 20-42 of the Code of the City of Fort Collins declared weeds and unmowed grasses exceeding a height of six inches to be a nuisance and menace to the health and safety of the inhabitants of the city.

B. Staff has determined that it is in the public interest to increase the allowable height of weeds and unmowed grasses under City Code to support pollinator species and provide more flexibility for property owners who are unable to maintain their yards during wetter seasons when grasses grow more quickly.

C. At the same time, maintaining aesthetic limits on the heights of weeds and unmowed grasses helps prevent nuisance conditions within the city.

D. Staff has recommended this Ordinance to increase the maximum allowable height for weeds and unmowed grasses under City Code Section 20-42 to nine inches.

E. This Ordinance is anticipated to reduce overall contractor costs and case management responsibilities for the City's Code Compliance team.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 20-42 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 20-42. - Weeds, unmowed grasses, refuse and rubbish nuisances prohibited.

. . .

(c) It shall be unlawful for the owner or occupant of any property to permit weeds to grow upon such property to a height of more than nine (9)~~six (6)~~ inches.

(d) Except as is provided in Subsection (e), (f) or (g) of this Section, it is unlawful for the owner or occupant of any property to permit grasses to grow upon such property to a height of more than nine (9)~~six (6)~~ inches; provided, however, that this Subsection shall not be applicable to any ornamental grass so long as it is used solely or in combination with any other ornamental grass or grasses, as a supplement to the property's overall landscaped area and does not constitute in square footage more than twenty (20) percent of the property's overall landscaped area.

. . .

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: None

File Attachments for Item:

18. First Reading of Ordinance No. 205, 2025, Authorizing an Intergovernmental Agreement with Housing Catalyst to Assign Certain City Property Rights.

The purpose of this item is to authorize the City to assign its rights of first refusal and offer under HB24-1175 by entering into an intergovernmental agreement with Housing Catalyst. HB24-1175 gives local governments rights of first refusal and offer to purchase qualifying multifamily properties for the purpose of providing long-term affordable housing or mixed-income development. It also allows local governments to assign those rights to a local housing authority. Assigning the City's rights to Housing Catalyst will create a more streamlined and timely process for Housing Catalyst to respond to opportunities to purchase.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Vanessa Fenley, Sr. Housing Manager
Sue Beck-Ferkiss, Social Policy & Housing Programs Manager

SUBJECT

First Reading of Ordinance No. 205, 2025, Authorizing an Intergovernmental Agreement with Housing Catalyst to Assign Certain City Property Rights.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the City to assign its rights of first refusal and offer under HB24-1175 by entering into an intergovernmental agreement with Housing Catalyst. HB24-1175 gives local governments rights of first refusal and offer to purchase qualifying multifamily properties for the purpose of providing long-term affordable housing or mixed-income development. It also allows local governments to assign those rights to a local housing authority. Assigning the City's rights to Housing Catalyst will create a more streamlined and timely process for Housing Catalyst to respond to opportunities to purchase.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

HB24-1175 was signed into law on May 30, 2024, and went into effect in August 2024. It creates a right of first refusal and a right of first offer for local governments to make an offer to purchase certain types of multifamily rental properties to provide long-term affordable or mixed-income housing. The act also specifies the timeframes in which qualifying properties are required to notify the local government of a sale and in which the local government is required to respond to a notice and submit an offer. The rights created under this act are set to terminate on December 31, 2029, per state statute. Key provisions of HB24-1175 are summarized below.

Eligible Properties

A local government has a right of first refusal to make a matched offer for the purchase of properties that are existing restricted affordable housing projects of at least five units, with the requirement that the local government would preserve those units as affordable housing. Owners of these properties are required to give notice to the local government and the Colorado Housing and Finance Authority (CHFA) when affordability restrictions are expiring and when selling the property. Once the local government has received notice of intent to sell a property, the local government has 14 days to preserve its right of first refusal and an additional 30 days to make an offer.

The act also creates a right of first offer for other multifamily properties that are at least 30 years old and have between 15 and 100 units in the property, with the requirement that the local government would use the property to provide long-term affordable housing or mixed-income development. Upon receiving a notice of intent to sell the property, the local government has seven days to either indicate the local government is interested in receiving due diligence information to assess whether it wants to make a first offer or waiving its rights to purchase the property. After the local government has received any due diligence information from the seller, the local government has 14 days to make an offer or waive its rights.

Assignment of Rights

HB24-1175 allows a local government to assign its rights to a local or regional housing authority on either a case-by-case basis or as a blanket assignment, covering all qualifying properties in the jurisdiction. Housing Catalyst, as the housing authority for the City of Fort Collins, is eligible to accept the City's rights.

City staff considered the impacts of retaining its rights, assigning rights to Housing Catalyst on a case-by-case basis, or assigning its rights to Housing Catalyst as a blanket assignment covering all qualifying properties. The City is not ideally positioned to independently make an offer on multifamily properties and would rely on partnerships with Housing Catalyst and other housing providers to acquire and preserve affordable housing. While the City could retain its rights, assess each situation, and assign its rights to Housing Catalyst on a case-by-case basis, this would create additional administrative hurdles that may impact Housing Catalyst's ability to make an offer given the tight timelines outlined in the act. To create a streamlined process that best enables the community to acquire properties and create or preserve affordable housing, staff has recommended making a blank assignment of its rights of first refusal and offer to Housing Catalyst. These rights would terminate on December 31, 2029, as specified by HB24-1175. The City or Housing Catalyst can terminate the intergovernmental agreement prior to this date with 90 days' notice.

An assignment of rights would require an executed intergovernmental agreement with Housing Catalyst to assign its rights. City staff have negotiated a draft intergovernmental agreement with Housing Catalyst.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

City staff worked with Housing Catalyst to draft the intergovernmental agreement.

ATTACHMENTS

1. Ordinance No. 205, 2025

ORDINANCE NO. 205, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH
HOUSING CATALYST TO ASSIGN CERTAIN CITY PROPERTY
RIGHTS

A. Colorado's House Bill 24-1175 (enacted as Chapter 286 of the 2024 Colorado Session Laws) (the "Act") creates a right of first refusal and a right of first offer for local governments for certain types of multifamily rental properties to provide long-term affordable or mixed-income housing. The Act also specifies the timeframes in which qualifying properties are required to notify the local government of a sale and in which the local government is required to respond to a notice and submit an offer. The rights created under the Act will sunset on December 31, 2029.

B. A local government may assign its rights under the Act to a local or regional housing authority or the Colorado Housing and Finance Authority ("CHFA") on either a case-by-case basis or as a blanket assignment, covering all qualifying properties in the jurisdiction. Housing Catalyst, a body corporate and politic, as the housing authority for the City of Fort Collins is eligible to accept the City's rights of first refusal and rights of first offer under the Act.

C. To create a streamlined process that best enables the community to acquire properties and create or preserve affordable housing, City staff recommends making a blank assignment of its rights of first refusal and offer to Housing Catalyst.

D. A form of the assignment to Housing Catalyst (the "Assignment") is attached hereto as Exhibit A.

E. While the rights of first offer and rights of first refusal granted to the City under the Act have some financial value, the City cannot ascertain the total value of the rights because the City cannot know which qualifying properties will be offered for sale before the end of 2029.

F. Section 23-111(a) of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

G. Section 23-114 of the City Code authorizes the City Council to dispose of interests in real property for less than fair market value provided that the City Council determines that such disposition serves a bona fide public purpose.

H. Section 1-22 of the City Code requires that all intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to the City Council for review, and any approval thereof shall be by ordinance or resolution of the City Council, subject to certain exceptions. Further, the City is

authorized to enter intergovernmental agreements to provide any function, service, or facility under Article II, Section 16 of the Charter of the City of Fort Collins and Colorado Revised Statutes Section 29-1-203.

I. City staff has recommended that the City grant the Assignment at no cost to Housing Catalyst.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Assignment on the terms and conditions described herein is in the best interests of the City and serves a bona fide public purpose in accordance with the requirements of Section 23-114 of the City Code because:

a. The Assignment promotes health, safety or general welfare and benefits a significant segment of the residents of Fort Collins because it supports a governmental housing authority conducting its work to preserve and create affordable housing;
b. The Assignment supports the City's goal of helping to preserve and create affordable housing;
c. The financial support provided through the grant of the Assignment to Housing Catalyst can be leveraged through benefits to the City's cooperative relationship with Housing Catalyst;
d. The financial benefit to Housing Catalyst is not substantial relative to the public purpose of preserving and creating long-term affordable housing; and
e. Granting the Assignment will not interfere with current City projects or work programs, hinder workload schedules or divert resources needed for primary City functions or responsibilities.

Section 2. The City Council hereby authorizes the City Manager to execute the Assignment substantially in the form attached hereto as Exhibit A with such additions, modifications or deletions to the terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Intergovernmental Agreement to Assign Rights under HB24-1175

INTERGOVERNMENTAL AGREEMENT
Relating to the City's Rights of First Refusal and First Offer for Affordable Housing under HB24-1175

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement"), is made and entered into by and between the City of Fort Collins, Colorado, a Colorado municipal corporation ("City"), and Housing Catalyst, a body corporate and politic formerly known as the Housing Authority of the City of Fort Collins, ("Housing Catalyst"), to be effective January 1, 2026.

Whereas, the Colorado General Assembly through HB24-1175 created rights of first refusal and first offer for the City for certain properties; and

Whereas, HB24-1175 authorizes the City to assign these rights to a housing authority in its jurisdiction; and

Whereas, the City would like to assign these rights to Housing Catalyst and Housing Catalyst would like to accept these rights.

Now, therefore, the Parties agree as follows:

Pursuant to C.R.S. 29-4-1202(2)(f), the City assigns to Housing Catalyst its right of first refusal for all qualifying properties for which the City has such a right under C.R.S. 29-4-1202. Housing Catalyst accepts such right, all liability of the City regarding the exercise of such right, and responsibility for performing all requirements pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes as if it were the City. This assignment includes the City's right of first refusal for the apartment complex located at 3644 South Timberline Road in Fort Collins, known as Fox Meadows, for which the City received a notice of listing for sale on October 31, 2025 and for which the City preserved its rights on November 13, 2025.

Further, Pursuant to C.R.S. 29-4-1203(2)(d), the City assigns to Housing Catalyst its right of first offer for all qualifying properties for which the City has such a right under C.R.S. 29-4-1203. Housing Catalyst accepts such right, all liability of the City regarding the exercise of such right, and responsibility for performing all requirements pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes as if it were the City.

The City agrees to post a notice of this assignment to its website as required by C.R.S. 29-4-1202(2)(f)(I). The City will include the following contact information for Housing Catalyst in the notice:

Housing Catalyst
1715 W. Mountain Avenue
Fort Collins, Colorado 80521

General Provisions

Entire Agreement; Amendment; Termination. This Agreement constitutes the entire agreement between the Parties, and supersedes any previous contracts, understandings, or agreements of the Parties, whether verbal or written, concerning the City's Right of First Refusal or First Offer to purchase multifamily housing pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes. Any amendment to this Agreement must be in writing and signed by both Parties. Either Party may terminate this Agreement for convenience with 90 days' written notice to the other Party. Termination of this Agreement for convenience by either Party shall not affect any transaction then in process as a result of a notice given by a residential seller to Housing Catalyst pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes.

Assignment. No assignment of this Agreement or the rights and obligations thereunder shall be valid, except an assignment by Housing Catalyst to an entity that is wholly owned by Housing Catalyst, an entity in which Housing Catalyst has an ownership interest, or an entity in which an entity wholly owned by Housing Catalyst or of which Housing Catalyst is the sole member has an ownership interest. Housing Catalyst's responsibility to perform all requirements pursuant to Part 12 of Article 4 of Chapter 29 of the Colorado Revised Statutes for a property shall not be impacted by any assignment of a right of first refusal or a right of first offer by Housing Catalyst for that property or by any subsequent assignment.

No Third Party Beneficiaries. Enforcement of this Agreement and all rights and obligations hereunder are reserved solely to the City and Housing Catalyst. Any services or benefits that third parties receive as a result of this Agreement are incidental to the Agreement, and do not create any rights for such third parties.

Authority. The persons who sign and execute this Agreement represent that they are duly authorized to execute this Agreement in their representative capacity on behalf of a Party.

Liability; Governmental Immunity. Each Party shall be solely responsible for its actions, including the actions of its employees, agents, or contractors. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, of the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq*.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT:

CITY:
CITY OF FORT COLLINS, COLORADO,
a Colorado municipal corporation

By: _____
Kelly DiMartino
City Manager

Date: _____

APPROVED AS TO FORM:

By: _____
Asst. City Attorney

HOUSING CATALYST:
Housing Catalyst, a body corporate and politic formerly known as the Housing Authority of the City of Fort Collins

By: _____
Julie J. Brewen, Chief Executive Officer

Date: _____

File Attachments for Item:

19. First Reading of Ordinance No. 206, 2025, Making a Supplemental Appropriation from Benefits Fund Prior Year Reserves for Unanticipated Expenditures.

The purpose of this item is to request supplemental appropriations of $1,000,000 from the Benefits Fund to cover unanticipated medical claims expenses that could potentially exceed 2025 budgeted appropriations.

The City's Benefits Plan is a self-funded health plan in which premiums from both the employee and employer are recorded as revenue in the Benefits fund to pay for plan administration, medical/dental claims, and insurance premiums.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Teresa Roche, Human Resources Executive
Kelley Vodden, Director of Compensation, Benefits, and Wellbeing
Chris Martinez, IES Financial Planning and Analysis Manager

SUBJECT

First Reading of Ordinance No. 206, 2025, Making a Supplemental Appropriation from Benefits Fund Prior Year Reserves for Unanticipated Expenditures.

EXECUTIVE SUMMARY

The purpose of this item is to request supplemental appropriations of $1,000,000 from the Benefits Fund to cover unanticipated medical claims expenses that could potentially exceed 2025 budgeted appropriations.

The City's Benefits Plan is a self-funded health plan in which premiums from both the employee and employer are recorded as revenue in the Benefits fund to pay for plan administration, medical/dental claims, and insurance premiums.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

As the City operates under a self-funded health plan, the Benefits team must project out and budget for all benefit plan expenditures based on market cost trends of medical, dental, pharmaceutical (Rx), insurance premiums and the projected number of subscribers to the plan. Forecasting these projections is a partnered effort with the City's Benefits consultant who provides trend analysis and plan utilization models to define the resources needed to support the City's Benefits Plan (the "Plan").

Through August 2025, the Medical plan was demonstrating a positive year-to-date claims trend and forecasts projected the Plan would finish 2025 under budget. However, beginning in mid-3rd Quarter, some claims began to incur higher medical costs, which are now forecasted to continue through the remainder of the 2025 fiscal year, ending December 31, 2025.

The City is covered under a stop loss insurance provision for high dollar claims where the City is reimbursed funds for claims that exceed $250,000. However, the timing of these expense reimbursements back to the City may not be recognized and processed in time for closeout of the 2025 fiscal year. This could result in required claims expenses exceeding previously budgeted appropriations in the Benefits Fund.

Given the impact of these high-cost claims and the indeterminate timing of stop loss reimbursements of these claims before the 2025 year-end closeout, the Benefits team has recommended an additional appropriation of $1,000,000 from the Benefits Fund reserves to authorize payment of additional and

unanticipated expenditure, in compliance with Article V, Section 8 of the City Charter. Staff analyzed revenues in the Benefits Fund and have concluded that this supplemental appropriation from Fund reserves will not impact the City's 2026 budget for these functions and that balance of Fund reserves will remain within policy guidelines.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate $1,000,000 from reserves in the Benefit Fund for additional, unanticipated claims expenses incurred in the remainder of the 2025 fiscal year. Any amount appropriated above the actual expenditures will revert to the Fund reserves balance at the end of the fiscal year.

The City Manager has determined that these appropriations are available and previously unappropriated from their designated City Fund, the Benefits Fund, and will not cause the total amount appropriated in that Fund to exceed the current estimate of actual and anticipated revenues.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 206, 2025

ORDINANCE NO. 206, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FROM
BENEFITS FUND PRIOR YEAR RESERVES FOR
UNANTICIPATED EXPENDITURES

A. The City's Benefits Plan (the "Plan") is a self-funded health plan in which premiums collected from both the employer and employees are recorded as revenue in the Benefits Fund to pay for plan administration, medical/dental claims, and insurance premiums. Accordingly, the Benefits team makes efforts to project out and budget for all benefit plan expenditures based on market cost trends of medical, dental, and pharmaceutical expenses, insurance premiums, and the projected number of subscribers to the plan. Forecasting these variables is required to calculate the amount of revenue the City will need to collect from both the employer and employees to meet the budgeted plan expenditures.

B. Through the first and second fiscal quarters of 2025, actual claim expenses were less than those budgeted. However, in the third fiscal quarter of 2025, some claims began to incur higher than anticipated costs. These increased costs are anticipated to continue through the remainder of the 2025 fiscal year, ending December 31, 2025.

C. The Plan includes coverage under a stop loss policy, which will reimburse some expenses; however, stop loss coverage payments for claim expenses in the final quarter of the 2025 fiscal year may not be processed and received until the 2026 fiscal year.

D. This appropriation of reserves in the Benefits Fund to authorize unanticipated claims expenses will benefit the public health, safety, and welfare of the residents of Fort Collins and will serve the public purpose of supporting City employee health and wellness.

E. Article V, Section 8 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Benefits Fund and that this appropriation will not cause the total amount appropriated in the Benefits Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from prior year reserves in the Benefits Fund the sum of ONE MILLION DOLLARS ($1,000,000) to be expended in the Benefits Fund for unanticipated expenditures.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

20. First Reading of Ordinance No. 207, 2025, Authorizing an Intergovernmental Agreement with Larimer County Relating to an Exchange of Real Property on East Vine Drive and Real Property on Mountain Avenue and Allow for Construction of a Municipal Court or Payment.

The purpose of this item is to authorize an intergovernmental agreement to exchange real property with Larimer County and allow for construction of a municipal court.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Tracy Ochsner, Operation Services Director
Ralph Campano, Real Estate Services Manager
Will Flowers, Senior Specialist, Real Estate Services

SUBJECT

First Reading of Ordinance No. 207, 2025, Authorizing an Intergovernmental Agreement with Larimer County Relating to an Exchange of Real Property on East Vine Drive and Real Property on Mountain Avenue and Allow for Construction of a Municipal Court or Payment.

EXECUTIVE SUMMARY

The purpose of this item is to authorize an intergovernmental agreement to exchange real property with Larimer County and allow for construction of a municipal court.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

City staff has negotiated an agreement with Larimer County to exchange the City's two parcels on Mountain Avenue between Mason and Howes Streets (the "Mountain Avenue Properties") for the County's property at 614 East Vine Drive.

As part of the Agreement, the City will receive title to the parcel located at 614 East Vine Drive, which is approximately 8.74 acres. The City has identified this site as the preferred location for a future downtown Parks maintenance facility, as well as a north Transit maintenance and storage facility. The City and County have agreed the Vine Drive property is worth $4,660,000. The County currently has a fueling site on the property. As part of the Agreement, the County will 1) close up the fueling site through the Colorado Division of Oil and Public Safety, and 2) if permitted by the State of Colorado, leave the cleaned fuel tanks of which the City may take possession.

Larimer County has identified the City's Mountain Avenue Properties as the preferred future site of a Larimer County Justice Center expansion. Under the Agreement, the County will receive a total of 1.83 acres, comprised of two parcels and housing the following six buildings:

117 N. Mason Street – City flex space & winter overflow shelter for the Fort Collins Rescue Mission

117 N. Mason Street – City Flex space & winter overflow shelter for the Fort Collins Rescue Mission

200 W. Mountain Avenue – FC Moves and Global Village Museum

212 W. Mountain Avenue – Center for Family Outreach and TAC 212

256 W. Mountain Avenue – Mountain Café

257 W. Mountain Avenue – City Safe Occupational Health Clinic

112-113 N. Howes Street – Restorative Justice

The City and County have agreed that the Mountain Avenue Properties are worth $5,650,000. As part of the Agreement, the City would have the option through 2028 to receive $990,000 by mid-2029 or receive a $990,000 credit from the County towards a partnership with the County to construct a 25,000-30,000 square foot Municipal Court as part of a larger Justice Center expansion. If the City decides to partner with the County to build the expanded Justice Center, the City and County would have to negotiate a joint facility agreement and the City would be responsible for its proportional costs to build and maintain the building. The City would be able to house the Municipal Court and ancillary operations there until at least through 2056, at which time the County could require the City to move out. If the Country requires the City to move out, the County would have to pay the City fair market value for the City-funded space.

The City will maintain possession of the Mountain Avenue Properties through 2028. All leases that are currently in place for the Mountain Avenue Properties will terminate, and all City departments and tenants located therein will vacate, no later than December 31, 2028.

CITY FINANCIAL IMPACTS

The City's financial impacts for the land exchange are as discussed above, with the City either 1) receiving a $990,000 credit toward the construction of Municipal Court space in the expanded Larimer County Justice Center, or 2) receiving a payment of $990,000 by mid-2029.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 207, 2025

ORDINANCE NO. 207, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH
LARIMER COUNTY RELATING TO AN EXCHANGE OF REAL
PROPERTY ON EAST VINE DRIVE AND REAL PROPERTY ON
MOUNTAIN AVENUE AND ALLOW FOR CONSTRUCTION OF A
MUNICIPAL COURT OR PAYMENT

A. City staff has negotiated an agreement (the "Agreement") with Larimer County to exchange the City's two parcels on Mountain Avenue between Mason and Howes Streets (the "Mountain Avenue Properties") for the County's property at 614 East Vine Drive. The form of the Agreement is attached hereto as Exhibit A.

B. As part of the Agreement, the City will receive title to the parcel located at 614 East Vine Drive, which is approximately 8.74 acres. The City has identified this site as the preferred location for a future downtown Parks maintenance facility, as well as a north Transit maintenance and storage facility. The City and County have agreed the Vine Drive property is worth $4,660,000. The legal description of 614 East Vine Drive is shown on Page 11 of Exhibit A, which is attached hereto.

C. Larimer County has identified the Mountain Avenue Properties as the preferred future site of a Larimer County Justice Center expansion. Under the Agreement, the County will receive the Mountain Avenue Properties, which total approximately 1.83 acres, comprised of two parcels and housing the following six buildings:

- 117 N. Mason Street – City flex space & winter overflow shelter for the Fort Collins Rescue Mission
- 200 W. Mountain Avenue – FC Moves and Global Village Museum
- 212 W. Mountain Avenue – Center for Family Outreach and TAC 212
- 256 W. Mountain Avenue – Mountain Café
- 257 W. Mountain Avenue – City Safe Occupational Health Clinic
- 112-113 N. Howes Street – Restorative Justice

D. The City and County have agreed that the Mountain Avenue Properties are worth $5,650,000.

E. The legal description of the Mountain Avenue Properties is shown on Page 10 of Exhibit A, which is attached hereto.

F. As part of the Agreement, the City would have the option through 2028 to receive $990,000 by mid-2029 or receive a $990,000 credit from the County towards a partnership with the County to construct a 25,000-30,000 square foot municipal court as part of a larger Justice Center expansion. If the City decides to partner with the County to build the expanded Justice Center for a municipal court, the City and County are required to negotiate a joint facility agreement, and the City would be responsible for its proportional costs to build and maintain the building. The City would be able to house the

municipal court and ancillary operations there until at least through 2056, at which time the County could require the City to vacate. If the Country requires the City to vacate, the County must pay the City fair market value for the space.

G. The City will maintain possession of the Mountain Avenue Properties through 2028. All leases that are currently in place for the Mountain Avenue Properties will be terminated, and all City departments and tenants located therein will vacate no later than December 31, 2028.

H. The Agreement also provides that if either the City or the County attempts to sell the property that it receives under the Agreement, the other party has a right of first refusal to purchase the property. The right of first refusal extends through 2050.

I. Section 23-111(a) of the City Code authorizes the City Council to sell, convey, exchange or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

J. Section 1-22 of the City Code requires that all intergovernmental agreements or cooperative activities between the City and other governmental entities be submitted to the City Council for review, and any approval thereof shall be by ordinance or resolution of the City Council, subject to certain exceptions. Further, the City is authorized to enter into intergovernmental agreements to provide any function, service, or facility under Article II, Section 16 of the Charter of the City of Fort Collins and Colorado Revised Statutes Section 29-1-203.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that exchanging the City's Mountain Avenue Properties for Larimer County's 614 East Vine Drive on the terms and conditions described herein is in the best interests of the City.

Section 2. The City Council hereby authorizes the City Manager to execute the Agreement substantially in the form attached hereto as Exhibit A with such additions, modifications or deletions to the terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Agreement for: 1) Exchange of Real Estate Including Land And Any and All Improvements and 2) Rights of First Refusal to Purchase Back Property

AGREEMENT FOR: 1) EXCHANGE OF REAL ESTATE INCLUDING LAND AND ANY AND ALL IMPROVEMENTS AND 2) RIGHTS OF FIRST REFUSAL TO PURCHASE BACK PROPERTY

This Agreement is made by and between the County of Larimer, a political subdivision of the State of Colorado, whose address is 200 W. Oak St, Fort Collins, CO 80521, hereinafter referred to as "the County," and the City of Fort Collins, a municipal corporation of the State of Colorado, whose address is 300 Laporte Avenue, Fort Collins, CO 80521, hereinafter referred to as "the City."

WITNESSETH:

In consideration of the mutual promises and covenants contained herein and the respective values of the real properties which are the subject of this Agreement, the County and the City agree to exchange properties. The County shall receive fee title to the property which is described in the attached Exhibit "A" (the Mountain Property) and the City shall receive fee title to the property which is described in the attached Exhibit "B" (the Vine Property). Together, the Mountain Property and the Vine Property are referred to herein as "the Properties".

The agreement for the exchange of the Properties is subject to the following conditions:

1. Effective Date. The Effective Date of this Agreement is January 1, 2026.

2. Value of the Properties. The Parties agree and stipulate that the fair market value of the Mountain Property is $5,650,000. The Parties agree and stipulate that the fair market value of the Vine Property is $4,660,000.

3. Deeds; Closing. The City will convey fee title to the Mountain Property to the County by Special Warranty Deed. The County will convey fee title to the Vine Property to the City by Special Warranty Deed. Execution of such Deeds shall occur not later than February 27, 2026, at a place, date and hour agreed upon by the Parties (the "Closing"). The general form for the Special Warranty Deeds is attached hereto as Exhibit C.

4. The Properties. The Parties agree the Mountain Property and the Vine Property include all improvements located thereon and all of owner's rights, title, and interest in and to all appurtenances thereto, including but not limited to the following:

   Appurtenances Generally. The Mountain Property and the Vine Property shall each include all improvements now located thereon, including any fences, buildings, landscaping, and other improvements, and all fixtures of a permanent nature. In addition, they shall include all right, title and interest in and to easements, rights-of-way, future interests, and rights to the same belonging and inuring to the benefit of each Property, and in and to all strips and gores of land

lying between each Property and adjoining property or streets, roads or highways, open or proposed.

Taps. All water taps, gas taps, sewer taps, and any other utility services belonging or in any way appertaining to each of the Properties.

Other Rights. All water rights and all mineral rights benefiting each Property.

5. Tax Status. The Parties are both governmental entities and are tax exempt; accordingly, no tax shall be apportioned.

6. Encumbrances. The Properties to be conveyed under this Agreement shall be free and clear of all liens for special improvements installed as of the date of the Parties' signatures hereon, whether assessed or not. The Properties to be conveyed under this Agreement shall be free and clear of all liens and encumbrances, except for the leases described in Section 7 below and recorded and/or apparent easements. Title for each property shall be merchantable in the respective owners prior to the date of the exchange.

7. Leases. Fee ownership of the Properties shall be delivered to the respective new owners at Closing and shall not be subject to any leases or tenancies, except that this requirement shall not apply to any leases existing as of the Effective Date covering any portion of the Mountain Property. The Parties further agree:

    a. By January 1, 2026, the City will provide to the County a copy of all leases covering any portion of the Mountain Property.
    b. The City must ensure that all leases, tenancies and City-use covering any portion of the Mountain Property will terminate as of December 31, 2028, and that by December 31, 2028 no lease for which the City is the Lessor shall prevent Larimer County from being able to raze any building on the Mountain Property. If the City fails to comply with this provision, the Parties stipulate this shall have an irreparable harm upon the County, and that the County shall be entitled to an injunction in Larimer County District Court to prevent any person from entering and using any building on the Mountain Property and requiring the City to undertake, at the City's sole expense, any steps necessary to terminate any leases and tenancies such that County can take full possession and raze any and all buildings.
    c. After Closing and prior to termination of all leases, tenancies, and City-use as outlined in subsection 7(b), the Parties agree:
        i. The City has the irrevocable right to access, manage and control the Mountain Property, as it best determines in its sole discretion. The County shall have no responsibility to compensate the City for the

City's management of the Mountain Property. The County shall not be responsible for managing any lease or tenancy. The County shall not be responsible for any repair, maintenance, liability, or regulatory enforcement on the Mountain Property.

ii. The County will have no right of access, possession, or use of the Mountain Property without the written permission of the City. The County will not disturb the City or any of its tenants in their possession or use of the Mountain Property.

iii. The City will collect and retain all rent due and payable under all such leases and tenancies for the Mountain Property.

iv. The City will be responsible for any damages relating to the Mountain Property resulting from its negligence or the negligence of its officers, employees, tenants and contractors.

v. The City, at its sole cost and expense, will keep in full force and effect a policy of general liability insurance covering the Mountain Property and the improvements thereon, insuring the City in an amount not less than one million dollars ($1,000,000) covering bodily injury, including death to persons, personal injury and property damage liability arising out of a single occurrence. Such coverage will include, without limitation, legal liability of the City for property damage, bodily injuries, and deaths of persons in connection with the operation, maintenance, or use of the Mountain Property.

8. Fuel Site. Not later than January 31, 2026, or by mutually agreed upon extended date, the County shall complete the steps necessary to effectuate the closure of the fuel site on the Vine Property in accordance with applicable rules of the Colorado Division of Oil and Public Safety, up to and including required testing. Testing shall require the removal, disassembly and cleaning of the fuel tanks. If allowed by the state, the cleaned and disassembled fuel tanks will remain on the property. Any future actions regarding the fuel tanks and related equipment shall be the responsibility of the City.

9. Improvements. Subject to Section 8, the Parties agree that all of the improvements currently located on the Properties to be conveyed pursuant to the terms of this Agreement shall remain, except the AssetWorks card reader equipment. The City shall take ownership and responsibility of such improvements upon conveyance of the Properties.

10. Condition of Properties; Risk of Loss. Subject to Section 7 above, the Parties agree that the improvements and real property to be conveyed pursuant to the terms of this Agreement are being received and accepted in "as is" condition. The conveying party is not responsible for any repair, maintenance, condition, remediation or any other issue,

claim or damage arising out of the Property to be conveyed, and the receiving party agrees to accept all responsibility for such Property upon conveyance. Parties agree to maintain their property including all improvements until conveyance. City agrees to maintain any improvements within leased premises as reflected in Section 7 until termination of such lease, subject to normal wear and tear. After Closing, the receiving party bears the risk of loss to the Property it receives.

11. Due Diligence. The Parties agree to undertake, complete and disclose, as appropriate, the following by January 31, 2026:

    a. Each Party, at their own expense, may order a title commitment for the Property that they are to receive;
    b. Each Party may, at their own expense, conduct an inspection upon the Property they are to receive. Such inspection may include, but is not limited to, issues such as asbestos, environmental, hazardous waste, or hazardous materials. The Party conducting the inspection shall coordinate in writing with the other Party to schedule the inspection. The Party conducting the inspection shall be responsible for any harm relating to the inspection caused by its own negligence and that of its contractors;
    c. Each Party may, at their own expense and using the type of survey it chooses, conduct a survey of the Property they are to receive;
    d. Each Party will submit to the other Party a disclosure statement describing any and all issues with the Property it currently owns known to that disclosing Party that would reasonably be considered material to whether the other Party would decide to continue with the purchase of the Property or terminate this Agreement; and
    e. Each Party shall disclose any known or suspected restrictions, obligations or requirements that may exist upon either Property, including improvements, based upon historical designations or potential historical designation.

12. City Use Space in the Justice Center. The Parties acknowledge the intent of the County is to expand the existing Larimer County Justice Center located at 201 Laporte Avenue. Upon completion of any expansion undertaken of the Justice Center (which includes the expansion of the existing building at 201 Laporte Ave or creation of any new building on the Mountain Property), the Parties agree that the City may use not less than 25,000 square feet but not more than 30,000 square feet within the Justice Center ("City Use Space"). The Parties further agree:

    a. The Parties must execute an agreement that addresses buildout and operations of the City Use Space by December 31, 2027.

i. The agreement must provide that the City shall be solely responsible for all appropriate and proportional associated costs of the design, build, maintenance and operation of the City Use Space.

ii. The agreement must provide that the City will have the right to possess, use and control the City Use Space for the life of the Justice Center, which for purposes of the agreement shall be the later of December 31, 2056, or when the County ceases to use the Justice Center for Eighth Judicial District Court operations. The agreement shall further provide that if after December 31, 2056, the County chooses to continue to use the Justice Center structure, but convert the use of the Justice Center to a non-judicial use, the County shall provide the City one (1) year advanced notice and upon the City vacating the City Use Space the County shall pay the City the then Fair Market Value for any remaining useful life of the City Use Space. If the Justice Center is razed or otherwise replaced after December 31, 2056, no compensation shall be provided to either party.

iii. The design of the City Use Space must be consistent with the remainder of the Justice Center. The specific design of any municipal courts should be compatible with other courtrooms within the Justice Center.

iv. The specific space to be used by the City shall be mutually agreed to by the Parties.

v. The agreement must apportion operational and maintenance costs between the Parties, with the City's operation costs proportional to the square footage of the City Use Space in relation to the square footage of the Justice Center and the same proportion of the common use areas.

vi. The City shall not be responsible for paying rent for the City Use Space at any time.

b. The City Use Space may only be used for Municipal Court and ancillary City services relating directly to the Municipal Court, and no other city operations may use the City Use Space. No ancillary City services related directly to the Municipal Court may occur in the City Use Space unless a Municipal Court is housed within the City Use Space.

c. The County will credit the City $990,000 toward the City's proportional costs of the design and build of the City Use Space. At the City's discretion, on or before December 31, 2028, the City can elect to receive a payment of $990,000 instead of receiving a credit towards the design and build of a Municipal Court space within the Justice Center. If the City elects to receive a payment rather than a credit, the County shall pay the City $990,000 by June 30, 2029, and the City forfeits any use, possession or control of the City Use Space contemplated within this Agreement.

d. At any time, if City does not need or is not using all or a part of the City Use Space, the Parties agree to discuss the potential reallocation of all or part of the City Use Space for use by the County for state or county judicial operations, and if that option is agreeable, the terms therefore.

13. Amendments. This Agreement may be modified or amended only by a duly authorized written instrument approved by the City Manager of the City and the County Manager of the County. Oral amendments to this Agreement are not permitted.

14. Termination Prior to Closing. Prior to Closing, if a Party finds objectionable the results of any report, disclosure or other information from any actions undertaken in Section 11 of this Agreement, such Party shall notify the other Party, and agrees to negotiate in good faith an acceptable resolution; however if no such resolution can be reached, the objecting Party may terminate this Agreement without any further obligation by either Party. The objecting Party must terminate this Agreement by February 13, 2026, or all such objections shall be deemed waived.

15. Termination After Closing. After Closing, this Agreement may only be terminated by written amendment.

16. Rights of First Refusal. The Special Warranty Deeds shall provide that upon final conveyance of the Properties, each Party shall have a Right of First Refusal to purchase the Property that it conveyed away if the other Party shall attempt to sell the Property at any time before December 31, 2050.

17. Survival. All warranties, covenants, representations, agreements, and guarantees contained in this Agreement shall survive the Closing, execution, and delivery of the Special Warranty Deeds and any other documents contemplated by this Agreement; and all Parties shall continue to be bound by this Agreement until all of their respective obligations hereunder have been performed or satisfied. No such warranty, covenant, representation, or agreement shall merge with said Special Warranty Deeds.

18. Breaches and Remedies. If a Party breaches any of its material obligations under this Agreement, the other Party may declare the defaulting Party in breach of this Agreement and pursue any remedies available at law or in equity. Without limiting the foregoing, if the County breaches this Agreement by failing to allow the City to possess, use and control the City Use Space as provided by Section 12, the City shall be entitled to specific performance to such possession, use and control, subject to the other obligations of this Agreement.

19. Public Purpose. The Parties acknowledge and agree that the exchange of the Properties subject to this Agreement is in the best interest of the City's and County's residents, respectively, and that the exchange serves a public purpose.

20. Recordation. This Agreement shall be recorded against the Properties in the records of the Larimer County Clerk and Recorder by the City.

21. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Parties and supersedes any prior agreement or understanding relating to the subject matter of this Agreement.

22. Exhibits. All exhibits referred to in this Agreement are incorporated into this Agreement by reference.

23. Assignment. This Agreement may not be assigned by any Party.

24. Drafting. Each Party acknowledges having had the opportunity to participate in the drafting of this Agreement. This Agreement shall not be construed against any Party based upon authorship.

25. Warranty Against Certain Breaches and Defaults. The parties hereto represent and warrant as of the date hereof and as of the date of Closing that neither the execution of this Agreement nor the consummation of the transaction provided for herein constitutes, or will result in, any breach of any of the terms, conditions, or provisions, or constitute a default under any indenture, charter, bylaw, mortgage, loan agreement, lien, lease, license, judgment, decree, order, instrument, or other verbal or written agreement to which the seller is a party of or is subject to, or to which any of the Properties is subject to.

26. Notices. Any notice or other communication given by either Party to the other relating to this Agreement must be in writing and shall be deemed given (i) when delivered personally or by email; (ii) on the first business day which is three (3) days following mailing by certified mail, return receipt requested or with tracking, and postage prepaid; or (iii) the next business day after sending by a nationally recognized overnight delivery service and addressed to the party at its respective address as set forth here:

COUNTY:	CITY:	Copy to:
Larimer County Attn: Facilities Director; Facilities Real Estate Manager 200 W. Oak #4100 Fort Collins, CO 80521 Email Address: ken.cooper@larimer.org; jmjohnson@larimer.org	City of Fort Collins Attn: Operations Services Director PO Box 580 Fort Collins, CO 80522 tochsner@fcgov.com	City of Fort Collins Attn: City Attorney's Office PO Box 580 Fort Collins, CO 80522 caoadmin@fcgov.com

27. Appropriations; Failure to Pay Obligations. Any obligation of either Party for fiscal years after calendar year 2025 are subject to annual appropriation by that Party's governing body, in their sole discretion, of funds sufficient and intended for such purposes; provided however, that the County agrees and warrants that it has appropriated in 2025 sufficient funds intended for the purpose to pay the $990,000 credit or payment obligation under subsection 12(c) above. The City agrees and warrants that should the City fail to pay its proportional maintenance and operational costs within ninety (90) days of being invoiced by County, or the City fails to appropriate and budget sufficient funds to pay for the City's proportional maintenance and operational costs under this Agreement for any future year, that the City must vacate the premises within six (6) months and shall automatically terminate any rights to possession, use or control of the City Use Space. If the City fails to vacate, the Parties stipulate this shall have an irreparable harm upon the County, and that the County shall be entitled to an injunction in Larimer County District Court.

28. Immunity. Nothing in this Agreement shall be construed to waive the City's or the County's immunity under the Colorado Governmental Immunity Act.

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CITY OF FORT COLLINS, COLORADO

Dated:_____ By: _____
City Manager

ATTEST: APPROVED AS TO FORM:

_____ _____
City Clerk Assistant City Attorney

LARIMER COUNTY, COLORADO

Dated:_____ By: _____
Chair, Board of County Commissioners

ATTEST: APPROVED AS TO FORM:

_____ _____
Deputy Clerk Deputy County Attorney

Exhibit "A"

City of Fort Collins:
1.83 acres, more or less, located in the Northeast Quarter (NE/4) of Section 11, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being more particularly described as the following two (2) tracts of land:

Tract 1: 1.03 acres, more or less, located in the Northeast Quarter (NE/4) of Section 11, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being more particularly described as all of Lot 2, of the Replat of Lots 1 through 49, Block 31, of the Map of the Town of Fort Collins, Larimer County, Colorado, recorded April 26, 1999, at Reception No. 19990035509, Clerk and Recorder's Records, Larimer County, Colorado; and

Tract 2: 0.8 acres, more or less, located in the Northeast Quarter (NE/4) of Section 11, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being more particularly described as all of Lot 4, of the Replat of Lots 1 through 49, Block 31, of the Map of the Town of Fort Collins, Larimer County, Colorado, recorded April 26, 1999, at Reception No. 19990035509, Clerk and Recorder's Records, Larimer County, Colorado.

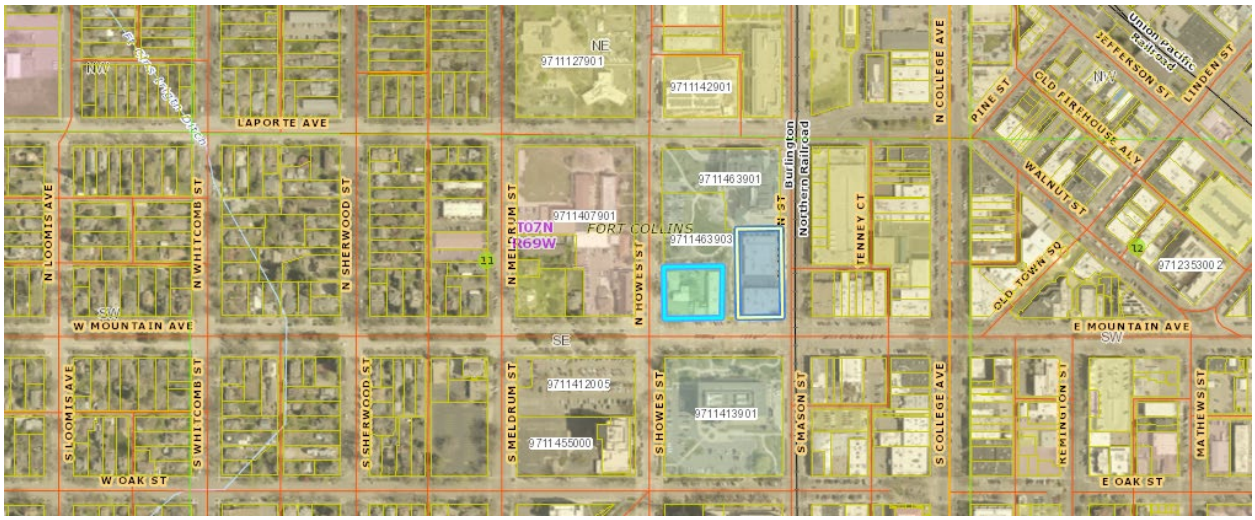


Exhibit "B"

Board of County Commissioners of Larimer County:
8.74 acres, more or less, located in the South Half (S/2) of Section 1 and the North Half (N/2) of Section 12, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being more particularly described as the following two (2) tracts of land:

Tract 1: 7.89 acres, more or less, located in the South Half (S/2) of Section 1 and the North Half (N/2) of Section 12, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being more particularly described as all of Lot 1, Larimer County Shops Minor Subdivision, a Plat of which was recorded May 10, 1996, at Reception No. 19960032878, Clerk and Recorder's Records, Larimer County, Colorado; and

Tract 2: 0.85 acres, more or less, located in the South Half (S/2) of Section 1 and the North Half (N/2) of Section 12, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado, being more particularly described in that certain Warranty Deed dated June 14, 2002, from Linda D. Rubin and Ronald B. Vaughan to the Board of County Commissioners County of Larimer, State of Colorado, recorded at Reception No. 2002066137, Clerk and Recorder's Records, Larimer County, Colorado.

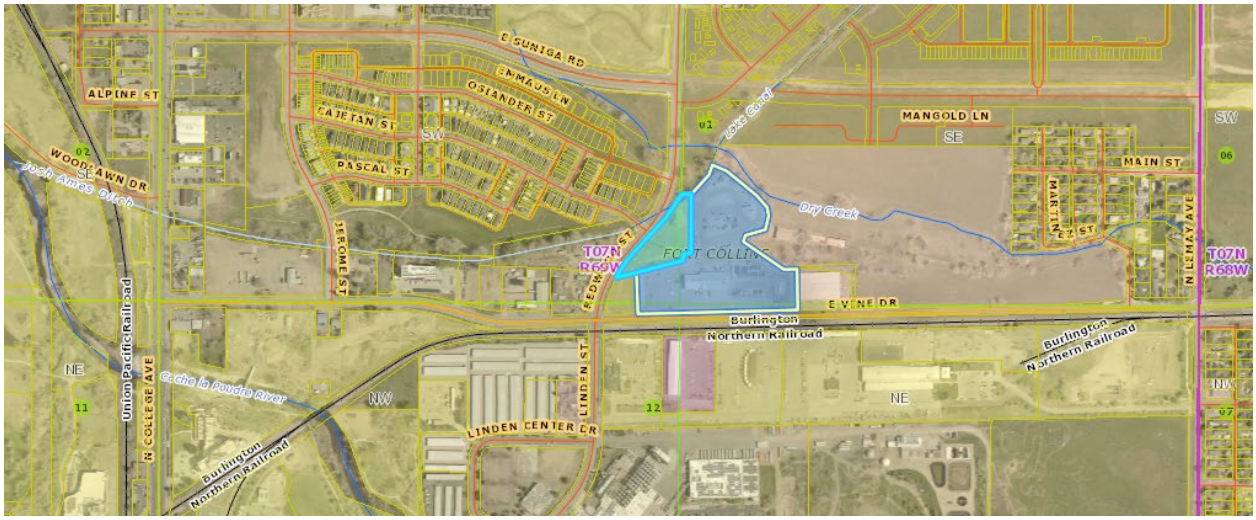


Exhibit "C"

Form of Deed

SPECIAL WARRANTY DEED

Grantor:
Grantor Signing Authority and Title:
Grantor Mailing Address:

Grantee:
Grantee Signing Authority and Title:
Grantee Mailing Address:

Effective Date: _____

Consideration: $10 and other good and valuable consideration

Attachment A (number of pages): X
Attachment B (number of pages): X

This **SPECIAL WARRANTY DEED** is made on the Effective Date between Grantor and Grantee.

Grantor, for and in consideration of the sum of the Consideration above and other good and valuable consideration to Grantor in hand, paid by Grantee, the receipt and adequacy of which are hereby confessed and acknowledged, has granted, bargained, sold, and conveyed, and by these presents does hereby grant, bargain, sell, convey, and confirm unto Grantee and Grantee's successors and assigns forever, those certain parcels of real property, together with all improvements, if any, situate, lying, and being in the County of Larimer, State of Colorado, more particularly described on **Attachment A**, attached hereto and incorporated herein by this reference, which real property shall be hereinafter referred to as the "Property".

TOGETHER with all and singularly the hereditaments and appurtenances thereto belonging, or in any way appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, interest, claim, and demandwhatsoever of Grantor, either in law or equity, of, in or to the Property, with the hereditaments and appurtenances, subject to the terms of the agreement that was effective January 1, 2026 recorded at [insert reception number] in the records of the Larimer County Clerk and Recorder.

TO HAVE AND TO HOLD the Property above bargained and described with the appurtenances unto Grantee and its successors and assigns forever. And Grantor, for itself and its personal representatives, successors and assigns, does covenant, grant, bargain, and agree to and with Grantee and its successors and assigns, that at the time of the ensealing and delivery of these presents Grantor is wellseized of the Property; has good, sure, perfect, absolute, and indefeasible estate in law, in fee simple; has good right, full power, and lawful authority to grant, bargain, sell, and convey the same in manner and form as aforesaid; that, except as hereinafter provided, the same are free from all former and other grants, bargains, sales, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever; and the Grantor shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of Grantee and Grantee's successors and assigns against all and every person or persons lawfully claiming the whole or any part thereof by, through or under Grantor, subject to all existing easements and rights-of-way in place or of record; any restrictions, reservations, or exceptions contained in any United States or State of Colorado Patents of record; all zoning and other governmental rules and regulations; statutory lien rights resulting from the inclusion of the Property in any special taxing or improvement districts; all oil, gas or other mineral reservations or exceptions of record; and general property taxes, assessments, and charges for 2025 and all subsequent years. Grantor's warranty of title is further subject to the encumbrances set forth on **Attachment B**, attached hereto and incorporated herein by this reference.

AND SUBJECT TO a Right of First Refusal. Grantee, for Grantee and Grantee's heirs, successors, and assigns, hereby agrees that until December 31, 2050, Grantee will not sell the Property, or any part thereof, without first offering same to Grantor for purchase. If, at any time before December 31, 2050, Grantee receives a bona fide third-party offer to purchase or otherwise acquire title to the Property, or any part thereof, any contract which may be entered into between Grantee and such bona fide purchaser shall specifically provide that the transaction shall be subject to the right of first refusal set forth in this document. In the event that Grantee enters into such contract with a bona fide third-party purchaser, Grantor shall have the right to purchase and acquire title to the Property, or the portion thereof described in such contract, upon the same terms and conditions as therein provided or, at Grantor's option, for cash. Grantee shall submit to Grantor a duplicate original of an executed contract with the bona fide third-party purchaser within five days of execution, and then Grantor shall have thirty days to notify Grantee whether Grantor intends to exercise the right of first refusal. If Grantor fails to exercise the right of first refusal or disclaims such right in writing, Grantee can pursue the sale with the bona fide third-party purchaser, but such failure to exercise the right or written disclaimer shall not extinguish the right of first refusal should the sale with the bona fine third-party purchaser not be consummated, or should some portion of the Property remain owned by Grantee after a sale.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first written below.

GRANTOR:

_____ _____

Date Signature of Signing Authority

APPROVED AS TO FORM:

_____

STATE OF COLORADO)
)
ssCOUNTY OF_____)

The foregoing instrument was acknowledged before me this day of _____, _____, by_____, [as_____for _____].Witness my hand and official seal.
My Commission expires:

_____

Notary Public

ACCEPTED BY GRANTEE:

Date

ATTEST:

City Clerk

(Print Name)

APPROVED AS TO FORM:

(Print Name)

File Attachments for Item:

21. First Reading of Ordinance No. 224, 2025, Amending Section 2-31 of the Code of the City of Fort Collins Concerning Allowing Executive Sessions to Discuss Any Matter Authorized by Colorado Open Meetings Law.

The purpose of this item is to amend City Code that describes the bases for City Council executive sessions to add language approved by Fort Collins voters in the November 4, 2025, election. The additional basis for City Council executive sessions is to discuss any matter authorized by Colorado Open Meetings Law.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Carrie Daggett, City Attorney
Jenny Lopez Filkins, Sr. Deputy City Attorney

SUBJECT

First Reading of Ordinance No. 224, 2025, Amending Section 2-31 of the Code of the City of Fort Collins Concerning Allowing Executive Sessions to Discuss Any Matter Authorized by Colorado Open Meetings Law.

EXECUTIVE SUMMARY

The purpose of this item is to amend City Code that describes the bases for City Council executive sessions to add language approved by Fort Collins voters in the November 4, 2025, election. The additional basis for City Council executive sessions is to discuss any matter authorized by Colorado Open Meetings Law.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Colorado law requires governing bodies of local governments such as City Council to conduct their business in meetings open to the public, except for executive sessions. Colorado Open Meetings Law lists several bases for local government governing bodies to meet in executive session. Article II, Section 11 of the City Charter and Fort Collins Municipal Code Section 2-31 authorize City Council, by two-thirds (2/3) vote, to meet in executive session, which is closed to the public.

On November 4, 2025, a coordinated election was held, and Fort Collins voters approved a City Charter amendment to allow City Council to add a new basis for meeting in executive session. The new basis is for consideration of any matter authorized by the Colorado Open Meetings law, as amended.

The proposed amendments to Section 2-31 of the City Code will add the voter-approved basis for City Council to meet in executive session.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

This amendment effectuates a change approved by the Fort Collins voters.

ATTACHMENTS

1. Ordinance No. 224, 2025

ORDINANCE NO. 224, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-31 OF THE CODE OF THE CITY OF FORT COLLINS CONCERNING ALLOWING EXECUTIVE SESSIONS TO DISCUSS ANY MATTER AUTHORIZED BY COLORADO OPEN MEETINGS LAW

A. Colorado law requires governing bodies of local governments such as City Council to conduct meetings open to the public, except for executive sessions. Similarly, Fort Collins Municipal Code Section 2-31 allows City Council, by two-thirds (2/3) vote, to meet in executive session, which is closed to the public.

B. A coordinated election was held on November 4, 2025, and voters approved a City Charter amendment that added a basis for executive sessions. The additional basis for executive sessions is to discuss and consider any matter authorized by the Colorado Open Meetings Law, as amended.

C. Section 2-31 of the City Code addresses the bases for executive sessions with more detail and consistent with Article II, Section 11 of the City Charter.

D. Proposed amendments to Section 2-31 will add the voter-approved basis for City Council to meet in executive session.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 2-31 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-31. Executive sessions.

(a) The City Council, and any committee of the City Council, may, by two-thirds (⅔) majority vote of those members present and voting, hold an executive session upon announcement of the topic for discussion in the executive session, which announcement shall include a specific citation to the provision of this Section that authorizes the City Council or Council committee to meet in executive session, and shall identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is to be held. Said executive session may be held only at a regular or special meeting and only for the purposes of considering any of the following matters and providing direction, through individual expressions of opinion, to City staff or other persons with regard to such matters:

(1) Personnel matters restricted to those described in Subparagraphs a. through d. below. Except as provided in Subparagraph c. below, "personnel matters" shall not include discussions concerning any member of the City Council or members of City boards and commissions, or discussions concerning the

appointment of persons to fill such positions, or to discussions of personnel policies that do not require the discussion of matters personal to particular employees:

a. Matters involving the hiring, appointment, dismissal, demotion, promotion, assignment and discipline of City personnel, and the review and discussion of the performance and proposed compensation and benefits of the City Manager, City Attorney and Municipal Judge.

b. Consideration of complaints or charges against individual City personnel, provided that such matter shall not be considered in executive session if the individual concerned requests that the matter be considered in open session.

c. Consideration of actual or hypothetical situations involving potential conflicts of interests with individual Councilmembers or City board or commission members, provided that no executive session shall be held for the purpose of concealing the fact that a member of the City Council or of a City board or commission has a financial or personal interest in the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest from the City.

d. Consideration and discussion of strategy matters relating to negotiations with employee groups including unions.

(2) Meetings with the City Attorney or other attorneys representing the City regarding specific legal questions related to litigation or potential litigation involving the City and/or the manner in which particular policies, practices or regulations of the City may be affected by existing or proposed provisions of federal, state or local law.

(3) Consideration of water and real property acquisitions and sales by the City.

(4) Consideration of electric utility matters if such matters pertain to issues of competition in the electric utility industry.

(5) Consideration, by the Council or any board or commission established under Article XII, Section 7(e) of the City Charter, of matters pertaining to issues of competition in providing the telecommunication facilities and services authorized in Article XII, Section 7 of the City Charter and City Code Section 26-398 including, without limitation, matters subject to negotiation, strategic planning, pricing, sales and marketing, development phasing and any other matter allowed under Colorado law.

(6) Consideration of any other matter authorized to be discussed in executive session by the Colorado Open Meetings law, as amended.

(b) No final legislative action shall be taken by the City in executive session. Such final legislative action may be taken only in an open meeting.

(c) Executive sessions shall be closed to the general public, but the City Council may permit any person or group to attend such sessions. Councilmembers not present and voting for a regular or special Council meeting may nonetheless participate in an executive session that is part of that meeting using remote technology.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Carrie Daggett

Exhibit: None

File Attachments for Item:

22. First Reading of Ordinance No. 225, 2025, Making a Supplemental Appropriation for the Poudre Fire Authority Intergovernmental Agreement.

The purpose of this item is to appropriate funding authority in the General Fund to enable the completion of contractual payments to the Poudre Fire Authority (PFA) from higher than forecasted Use Tax revenue within Fiscal Year 2025.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Caleb Weitze, Chief Financial Officer
Jennifer Poznanovic, Sales Tax and Revenue Director
Lawrence Pollack, Budget Director

SUBJECT

First Reading of Ordinance No. 225, 2025, Making a Supplemental Appropriation for the Poudre Fire Authority Intergovernmental Agreement.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate funding authority in the General Fund to enable the completion of contractual payments to the Poudre Fire Authority (PFA) from higher than forecasted Use Tax revenue within Fiscal Year 2025.

STAFF RECOMMENDATION

Staff recommends adoption of this Ordinance on First Reading.

BACKGROUND / DISCUSSION

2024 IGA

Per the Second Amended and Restated Intergovernmental Agreement Establishing the Poudre Fire Authority, executed in 2024 (the "IGA") between the City and the Poudre Valley Fire Protection District (the "District") for the continuation of the entity known as the Poudre Fire Authority (the "PFA"), the formula for revenue allocations to the PFA from the City and District were updated to ensure a predictable revenue stream for the PFA. Per Section 5.1 (Annual Budget) of, and Exhibit A (Funding Formula and Revenue Allocation Formula) to, the IGA, the City provides the PFA with an annual forecast of its anticipated, base sales and use tax and property tax revenues in April and August, and the City budgets these amounts. The City's contribution to the PFA, per the IGA, is then calculated as a percentage of these base tax revenues, with some further adjustments of the base property tax revenues. As revenues are collected throughout the fiscal year, the City then adjusts its contributions monthly, based on actual sales tax, use tax, and property tax receipts.

Forecasted v. Actual Revenues in 2025

For sales tax revenues, actual collections in 2025 are less than expected, likely due to changes in national and global economic conditions and consumer spending behaviors. However, use tax collections for the same period are higher than anticipated, because use tax collections are more dynamic - and more difficult to forecast – than sales tax collections. Therefore, even though the City has experienced significant softening in actual sales tax revenues throughout 2025, use tax collections are strong. Further, the City

received significant, unanticipated one-time revenue in 2025 from tax compliance and enforcement activities, such as payments from audits and voluntary disclosure agreements.

City's Annual Contribution

The financial structure of the IGA requires fiscal planning through an adopted annual City budget, including the City's contributions to the PFA. The IGA structure is also designed to adjust the City's contributions to the PFA for any differences between forecasted and actual revenues. Ordinance No. 225, 2025 represents this second step in the PFA contribution structure by appropriating amounts of unanticipated revenues to align the City's budgeted PFA contributions to reflect actual collections.

In the absence of the 2025 appropriation in Ordinance No. 225, 2025, the full contribution to PFA for 2025, reflecting increased contributions from unanticipated City revenues received in 2025, would be delayed until 2026, through either the annual Reappropriation Ordinance or other supplemental appropriation.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate $400,000 of unanticipated use tax revenue in the General Fund to be expended for the required City contribution to PFA per the IGA. Any amount appropriated above actual contribution costs will revert to the General Fund reserves balance at the end of the 2025 fiscal year.

The City Manager has determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 225, 2025

ORDINANCE NO. 225, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FOR THE POUDRE FIRE AUTHORITY INTERGOVERNMENTAL AGREEMENT

A. On November 3, 1987, the City of Fort Collins (the "City") and the Poudre Valley Fire Protection District (the "District") entered into an intergovernmental agreement providing for the continuation of an independent governmental entity known as the Poudre Fire Authority (the "PFA") which was originally formed in 1981, for the purpose of providing fire protection services within the City and the District.

B. After 1987, the City and the District entered into two addenda to the Agreement. In 2014, the City and the District entered into an Amended and Restated Intergovernmental Agreement Establishing the Poudre Fire Authority. In 2024, Council approved, by adoption of Resolution 2024-119, that the City enter into a Second Amended and Restated Intergovernmental Agreement Establishing the Poudre Fire Authority (the "IGA"), including a revised revenue allocation formula to calculate the required contributions from City and the District to the PFA to help ensure a predicable revenue stream for the PFA for its operations and capital needs.

C. Per Section 5.1 (Annual Budget) of the IGA, the City includes the required PFA contributions in the City budget, based on forecasted sales and use and property taxes. The IGA further requires that budgeted contributions be adjusted based on actual sales tax, use tax, and property tax receipts.

D. During the course of the 2025 fiscal year, the City has collected fewer properly filed and remitted sales taxes, increased use taxes, and increased sales tax payments from audit and enforcement activities than were anticipated and budgeted. Therefore, the City contribution to the PFA must be, pursuant to the IGA, adjusted accordingly.

E. This appropriation affects the required adjustment of the City PFA contributions, and further, benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of funding necessary emergency response and other important public services provided by the PFA.

F. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

G. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the General Fund and that this appropriation will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new revenue or other funds in the General Fund the sum of FOUR HUNDRED THOUSAND DOLLARS ($400,000) to be expended in the General Fund for Support to Poudre Fire Authority IGA compliance

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

23. Resolution No. 2025-105, Regarding the Northern Colorado Water Alliance.

The purpose of this item is to adopt the guiding principles of the Northern Colorado Water Alliance (Alliance), of which the City of Fort Collins is a participating member, along with approximately sixteen other Northern Colorado entities and municipalities. The Alliance works to identify water-related challenges that could benefit from broad collaboration and action. This includes identifying ways to keep water in Northern Colorado to support the vitality, resilience, and well-being of Northern Colorado communities, rather than allowing the unimpeded purchase and transfer of these limited water resources to the Denver metro area or other communities outside of the region. The Alliance principles serve as a guide for member organizations as opportunities emerge to engage on this issue.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jill Oropeza, Utilities Senior Director, Sciences & Planning

SUBJECT

Resolution No. 2025-105, Regarding the Northern Colorado Water Alliance.

EXECUTIVE SUMMARY

The purpose of this item is to adopt the guiding principles of the Northern Colorado Water Alliance (Alliance), of which the City of Fort Collins is a participating member, along with approximately sixteen other Northern Colorado entities and municipalities. The Alliance works to identify water-related challenges that could benefit from broad collaboration and action. This includes identifying ways to keep water in Northern Colorado to support the vitality, resilience, and well-being of Northern Colorado communities, rather than allowing the unimpeded purchase and transfer of these limited water resources to the Denver metro area or other communities outside of the region. The Alliance principles serve as a guide for member organizations as opportunities emerge to engage on this issue.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The Alliance is an outgrowth of the former Regional Leadership Initiative “StratOp” group, which was established in 2019 as a forum to discuss regional water issues. Today, the NoCo WA has grown beyond the original four communities to include over 17 different entities including regional municipalities, Larimer County, water districts, special districts, and is facilitated by the NoCo Foundation. A full list of Alliance members is included here (**Attachment 1**).

In recent years, the work of the Alliance has focused on identifying and collaboratively addressing water-related challenges. The members of the alliance have identified a shared goal of keeping water in Northern Colorado for the benefit of Northern Colorado communities, rather than allowing the unimpeded purchase and transfer of this limited resource to Denver metro or other communities outside of the region.

Due to the unique needs and missions of the involved organizations and the complexities and challenges of water ownership and management in Colorado, a set of guiding principles for the Alliance was developed as a first step, ahead of identifying any actions (**Attachment 2**).

These principles do not bind members to any specific actions, but rather, aim to:

- Articulate the shared interest of the member organizations of retaining water in the region for local beneficial use by Northern Colorado communities.
- Express the intent that when out-of-region transfers do occur, the group will work to secure appropriate mitigation for the loss of those resources.
- Acknowledge each entity's right to engage in water markets in ways that support their interests, while acting in good faith, to achieve the stated goals.
- Encourage members to work together in good faith, through collaboration and transparency.

If the City chooses to engage in future collaborative projects or initiatives that are identified by the Alliance, these principles will be used to guide the work.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Northern Colorado Water Alliance Fact Sheet
2. Northern Colorado Water Alliance Principles (May 2025)
3. Resolution 2025-105

Northern Colorado Water Alliance

ABOUT THE ALLIANCE

The Northern Colorado Water Alliance (NoCO WA) is a collaborative forum for representatives of water providers in the northern Colorado Front Range region. The forum is used to discuss, learn about, and take action on not only the water-focused *issues* affecting the region's communities but also each organization's *approach* to addressing these challenges. Members recognize that there are mutual interests across water providers in the region and that a collaborative approach is needed to achieve the group's goal of successfully protecting water.

Water providers in the region face a series of risks and challenges that prompted the formation of the Alliance. These include communication-focused challenges, such as siloed water knowledge and complex regional systems, as well as governance challenges, such as tensions between different types of water users. Challenges also include those beyond members' direct control, such as concerning hydrological conditions, users' increasing demand for water, and economic conditions increasing the cost of infrastructure projects. Municipal members also face the risk of rising water costs' impacts on the cost of development, which may impede their housing affordability goals. This underscores another challenge: different types of water providers' varying levels of involvement in local land use planning/control. Recent purchases of water rights from entities outside of the region present another risk to protecting the region's water supplies.

Because the Alliance itself is not a decision-making body, takeaways from discussions are intended to inspire member organizations to adopt new approaches and techniques to mitigate the water-related risks and challenges affecting the region as a whole or individual communities within it.

The mission of the Northern Colorado Water Alliance:

Collaborating and educating for the protection of water resources and systems to ensure a resilient future for the northern Colorado Front Range.

MEMBERSHIP

The Alliance is convened by the **Community Foundation of Northern Colorado** and has 17 diverse member organizations, including the following local municipalities, water districts, counties, and other special districts:

Municipalities:

- Berthoud, Town of
- Eaton, Town of
- Evans, City of
- Fort Collins, City of
- Greeley, City of
- Johnstown, Town of
- Loveland, City of
- Milliken, Town of
- Severance, Town of
- Timnath, Town of
- Wellington, Town of
- Windsor, Town of

Water Districts:

- North Weld County WD
- Little Thompson WD

Other Special Districts:

- Platte River Power Authority
- Northern Water

Counties:

- Larimer County

Northern Colorado Water Principles

Updated May 27, 2025

WHEREAS, Members of the Northern Colorado Water Alliance represent a variety of special districts, municipal and county governments, and utilities facing different **jurisdictional opportunities and challenges** regarding the protection of water;

WHEREAS, The citizens, civic leaders, water providers, and other water users of Northern Colorado have gone to **extraordinary lengths since the 1860s** to responsibly plan for, develop, and operate complex water systems that are essential to the region's economy and quality of life;

WHEREAS, The citizens, civic leaders, water providers, and other water users of Northern Colorado are **currently making significant investments** in additional projects to increase water system resiliency, meet future demands, and provide a greater level of water security in the region;

WHEREAS, Northern Colorado's **high quality of life** is tied to the health and well-being of communities and depends directly on the availability of water resources;

WHEREAS, **Nothing in this resolution is intended to cause harm** to Northern Colorado communities or infringe on the ability of members to fulfill their organizational missions;

WHEREAS, Water is a building block of the **regional economy** and is critical to the further economic development of the region;

WHEREAS, **Collaboration and partnerships** among water providers and other entities in Northern Colorado enable agreements to develop, maintain, and improve water storage, delivery, and treatment infrastructure that benefit water users in the region;

WHEREAS, Each water provider has the **right to acquire** sufficient water resources to meet its water users' current and future demand;

WHEREAS, Each individual water right owner has the **right to sell and/or transfer** their water rights;

WHEREAS, It is the intent of the Northern Colorado Water Alliance to be **transparent** with water right owners and mutual ditch companies that manage water rights and not to diminish the value of those rights or alter the water market;

WHEREAS, We respect Colorado's **current system of water rights** that is based on the doctrine of prior appropriation and other federal, state, and local laws and regulations that honor rights and obligations under existing permits, approvals, and agreements;

WHEREAS, Availability of water for **agricultural, environmental, and recreational** uses is tied to the **economic and cultural value and character** of the region; and

WHEREAS, The parties will, in their discretion and in **good faith**, interpret and implement the stated goals; therefore, be it

RESOLVED, That **[insert organization name here]** will support efforts to **retain water for local beneficial use** by discouraging the further transfer of water to entities within the Denver metropolitan area; and will support efforts to seek **appropriate mitigation to offset impacts** to affected communities in circumstances where water must be transferred to the Denver metropolitan area.

DRAFT

_____
[Name, Title]

ATTEST:

_____
[Name, Title]

DRAFT

RESOLUTION 2025-105
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REGARDING THE NORTHERN COLORADO WATER ALLIANCE

A. The Northern Colorado Water Alliance ("Alliance") is a collaborative forum for representatives of water providers and other interested organizations in the northern Colorado Front Range Region (also, "Region"). The Alliance is not a separate legal entity or decision-making body.

B. The City of Fort Collins ("City") is a home rule municipality, owns a portfolio of water rights and water contracts, and owns and operates a water utility that provides treated water service.

C. Current members of the Alliance are: the City, Town of Berthoud, Town of Eaton, City of Evans, City of Greeley, Town of Johnstown, City of Loveland, Town of Milliken, Town of Severance, Town of Timnath, Town of Wellington, Town of Windsor, North Weld County Water District, Little Thompson Water District, Platte River Power Authority, Northern Colorado Water Conservancy District, and Larimer County.

D. Water providers in the Region face various risks and challenges that prompted the formation of the Alliance, including the following:

- Communication-focused risks and challenges, including siloed water knowledge, complex regional systems, and governance challenges, such as tensions between different types of water users;
- Risks and challenges beyond members' direct control, including hydrological conditions, users' increasing demand for water, and economic conditions increasing the cost of infrastructure projects;
- Rising water costs' impacts on the cost of development, which may impede the housing affordability goals of municipalities;
- Different types of water providers having varying levels of involvement in local land use planning and land control; and
- Recent purchases of water rights by entities outside of the Region, including entities within the Denver metropolitan area.

E. Members use the Alliance to discuss, learn about, and collaborate on water-related issues, issues affecting the Region's communities, and each organization's approach to addressing challenges. Because the Alliance itself is not a decision-making body, takeaways from discussions are intended to inspire members to adopt new approaches and techniques to mitigate the water-related risks and challenges affecting the Region as a whole or individual communities within it.

F. There are mutual interests across water providers in the Region, and a collaborative approach is needed to achieve the goal of successfully protecting the Region's water.

G. Members of the Alliance have articulated the following mission for the Alliance: collaborating and educating for the protection of water resources and systems to ensure a resilient future for the northern Colorado Front Range.

H. Members of the Alliance desire to collaborate specifically to support efforts: to retain water for local beneficial use by discouraging the further transfer of water to entities outside of the Region; and to seek appropriate mitigation to offset impacts to affected communities in circumstances where water must be transferred outside of the Region.

I. In support of the foregoing, members of the Alliance have articulated the following principles, which are not intended to bind any member to specific actions:

- Members of the Alliance represent a variety of special districts, municipal and county governments, and utilities facing different jurisdictional opportunities and challenges regarding the protection of water;
- The citizens, civic leaders, water providers, and other water users of Northern Colorado have gone to extraordinary lengths since the 1860s to responsibly plan for, develop, and operate complex water systems that are essential to the Region's economy and quality of life;
- The citizens, civic leaders, water providers, and other water users of Northern Colorado are currently making significant investments in additional projects to increase water system resiliency, meet future demands, and provide a greater level of water security in the Region;
- Northern Colorado's high quality of life is tied to the health and well-being of communities and depends directly on the availability of water resources;
- Nothing in these principles is intended to cause harm to Northern Colorado communities or infringe on the ability of members to fulfill their organizational missions;
- Water is a building block of the regional economy and is critical to the further economic development of the region;
- Collaboration and partnerships among water providers and other entities in Northern Colorado enable agreements to develop, maintain, and improve water storage, delivery, and treatment infrastructure that benefit water users in the region;
- Each water provider has the right to acquire sufficient water resources to meet its water users' current and future demand;
- Each individual water right owner has the right to sell and/or transfer their water rights;
- It is the intent of the Alliance to be transparent with water right owners and mutual ditch companies that manage water rights and not to diminish the value of those rights or alter the water market;
- The Alliance respects Colorado's current system of water rights that is based on the doctrine of prior appropriation and other federal, state, and local laws and regulations that honor rights and obligations under existing permits, approvals, and agreements;

- Availability of water for agricultural, environmental, and recreational uses is tied to the economic and cultural value and character of the region; and
- The members of the Alliance will, in their discretion and in good faith, interpret and implement the stated goals.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Manager is hereby authorized to continue to participate in the Northern Colorado Water Alliance to further the policy and related goals of the City.

Section 2. City Council expresses support for the Alliance's mission stated in Recital G and for the principles set forth in Recital I above, which are not intended to bind the City to any specific position(s) or action(s).

Section 3. City Council expresses support of the desire to collaborate with other members of the Northern Colorado Water Alliance to support efforts: to retain water for local beneficial use by discouraging the further transfer of water to entities within the Denver metropolitan area; and to seek appropriate mitigation to offset impacts to affected communities in circumstances where water must be transferred outside of the Region.

Passed and adopted on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 2, 2025
Approving Attorney: Eric Potyondy

Exhibit: None

File Attachments for Item:

24. Resolution 2025-106 Authorizing an Intergovernmental Agreement with Larimer County to Acquire 1303 North Shields Street.

The purpose of this item is to seek Council approval of the acquisition of 1303 N. Shields Street, and the associated intergovernmental agreement with Larimer County. Larimer County and the City have executed a purchase and sale agreement for conveyance of the property that is contingent upon Council approval.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Katie Donahue, Natural Areas Director
Tawnya Ernst, Land Conservation Lead Specialist
Will Flowers, Senior Real Estate Specialist

SUBJECT

Resolution 2025-106 Authorizing an Intergovernmental Agreement with Larimer County to Acquire 1303 North Shields Street.

EXECUTIVE SUMMARY

The purpose of this item is to seek Council approval of the acquisition of 1303 N. Shields Street, and the associated intergovernmental agreement with Larimer County. Larimer County and the City have executed a purchase and sale agreement for conveyance of the property that is contingent upon Council approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

The 12-acre property which includes a 1/3-mile stretch of the Poudre River immediately south of North Shields Pond Natural Area has been on Natural Areas' priority list for many years. Its acquisition will support Natural Areas' long running efforts to conserve the riparian corridor and extend river restoration efforts that have taken place on both North Shields Ponds and adjoining, downstream natural areas. These restoration efforts – which encompass 53 acres surrounding the County property – had been previously constrained by the County's parcel. With this purchase, Natural Areas will be able to expand the improvement of ecological function of the river and adjacent riparian areas through restoration efforts. The acquisition also has the potential to improve recreational access points and trails for fishing and walking. The property includes the Shields Street River Access parking lot which the City currently leases from the County for public parking.

Larimer County uses the property as its headquarters for their Emergency Services (EMS) team. The County recently purchased a replacement property for the EMS headquarters on North Taft Hill Road and is in the process of constructing the new facilities. County staff were aware of the City's interest in the property and approached Natural Areas' staff when it found a replacement property for EMS.

The County and City have executed a purchase and sale agreement on the property that is contingent upon Council approval.

CITY FINANCIAL IMPACTS

The property's purchase price is $1,690,000. This purchase price is based on appraised value established by a third-party appraiser hired jointly by the City and County.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its November 12, 2025, meeting, the Land Conservation and Stewardship Board voted unanimously (9-0) in support of Council's approval of this acquisition and the associated intergovernmental agreement.

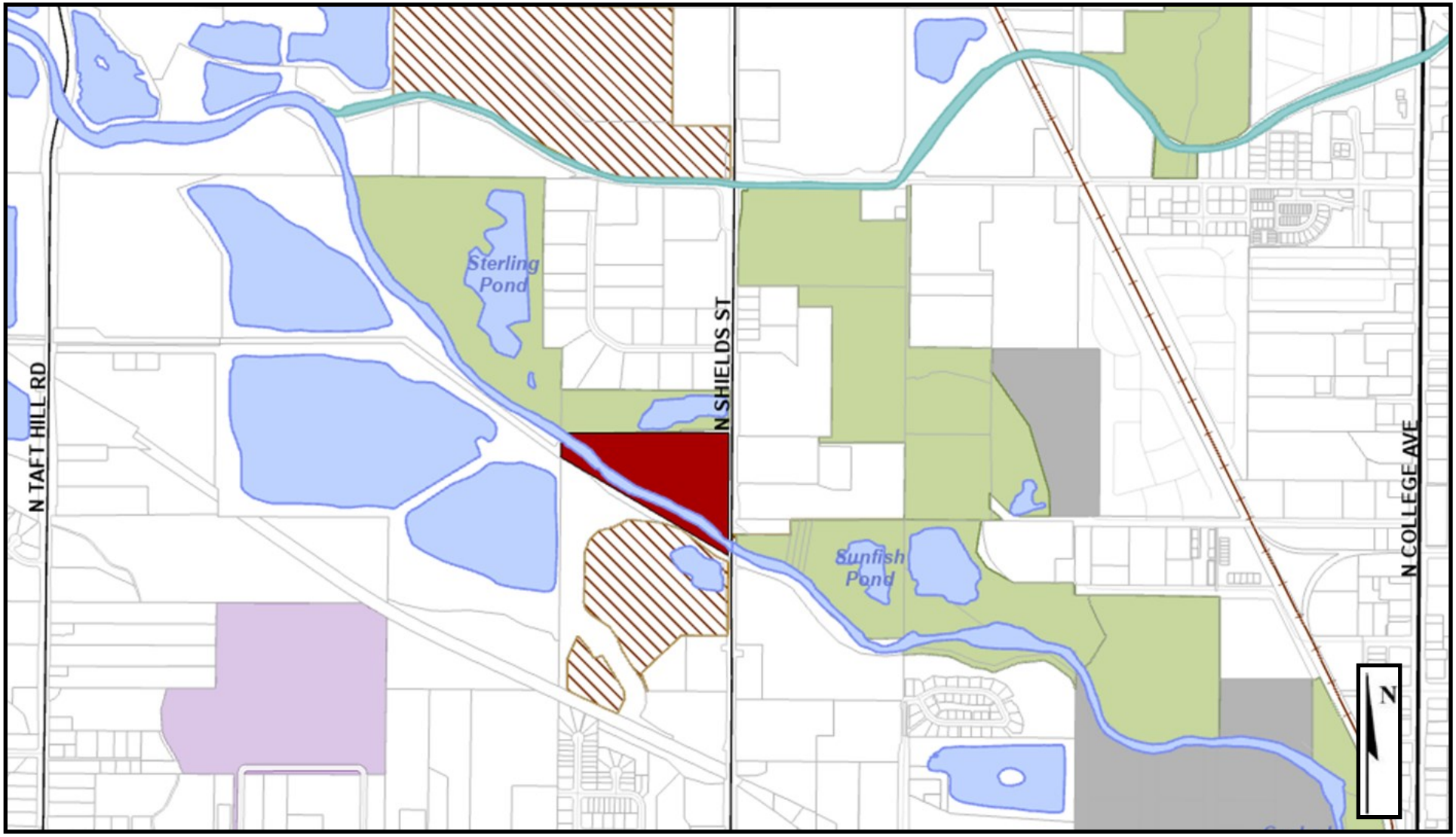
PUBLIC OUTREACH

None.

ATTACHMENTS

1. Vicinity Map
2. Land Conservation Stewardship Board meeting minutes excerpt, dated November 12, 2025
3. Resolution No. 2025-106

1303 N. Shields Street —Vicinity Map



Larimer County Emergency Services Property

Natural Areas

Parks

Schools

Conservation Easements

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS

City of Fort Collins Boards & Commissions

Land Conservation & Stewardship Board
November 12, 2025
Regular Meeting – Excerpt

Members:

Ross Cunniff, Chair	Holger Kley, Member
Scott Mason, Vice Chair	Elena Lopez, Member
Denise Culver, Member	Mark Sears, Member
Jennifer Gooden, Member	Tom Shoemaker, Member
Steve Joyce, Member	

1. CALL TO ORDER: Meeting was called to order at 5:30 pm.

2. ROLL CALL:

LCSB: Denise Culver, Scott Mason, Tom Shoemaker, Mark Sears, Steve Joyce, Jennifer Gooden, Holger Kley, Elena Lopez, Ross Cunniff

NAD Staff: Julia Feder, Tawnya Ernst, Matt Parker, Nick Van Lanen, Elaine Calaba, Katie Donahue, Emily Shingler, Mary Boyts

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Excerpt related to this Council Meeting Agenda Item: Acquisition of 1303 N. Shields Street from Larimer County.

6. ACTION ITEMS

Acquisition of 1303 N. Shields Street

Tawnya Ernst, Land Conservation Lead Specialist stated she was seeking a recommendation from the LCSB that City Council approve the acquisition of 1303 N. Shields Street from Larimer County. Per City of Fort Collins Municipal Code Section 1-22 agreements between the City and other governmental entities involving direct monetary payment of more than $5,000 must be approved by City Council.

The 12-acre property which includes a 1/3-mile stretch of the Poudre River immediately south of North Shields Pond Natural Area has been on Natural Areas' priority acquisition list for many years. Its acquisition will support Natural Areas' long running efforts to conserve the riparian corridor and extend river restoration efforts that have taken place on adjoining, downstream natural areas.

Discussion

LCSB: Who is going to use this land; how does this space get used?

Staff: Natural Areas has been leasing part of the property for 8-10 years to provide parking and recreational river access. The onboarding process will identify potential use of the existing infrastructure. The parcel sits just east of an area where NAD has done major riparian corridor restoration. Natural Areas sees a huge opportunity to do additional restoration on this property connecting areas that have been the focus for previous work to enhance ecological function.

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Land Conservation & Stewardship Board

Regular Meeting

LCSB Question: Would staff find it unlikely that it would be more natural area? It's easy to envision spending hundreds of thousands of dollars if it's trying to restore the property to a natural state.

Staff: As part of the standard onboarding process a phase one environmental assessment will be conducted and staff will evaluate any existing infrastructure and potential uses. The existing ecological condition of this property is in is not uncommon for the properties that we've historically acquired in the urban context. Values that staff considered when prioritizing this acquisition include habitat connectivity and river restoration opportunities. Acquisition of the site also provides an opportunity to reduce the visitor use footprint by moving from two parking areas to one, enhancing safety for visitors accessing the area.

LCSB Comment: The river has traditionally not been well cared for, but it has become a vision of the community to acquire it, to piece it together. I would invite some sort of a tour of Magpie Meander and McMurray to view those areas where there has been a huge effort to restore some of the natural stream function; they're really coming along beautifully. Most places do take a little imagination to consider what it could become.

LCSB Question: How do you decide the worth of the property?

LCSB Comment: The Board has had a long-time vision of trying to conserve the entire river corridor. There is not a cap on how much NAD would pay for a parcel except that it cannot pay more than reasonable fair market value. Prioritizing the river corridor can mean buying properties that are less glamorous and will take a lot more TLC.

LCSB Comment: There is probably a couple hundred thousand dollars' worth of work to get rid of the gravel parking lots and get rid of the fuel stuff and tear down the buildings.

Staff: NAD facilities team is excited to explore the site's existing capacity for additional staff offices and equipment storage as part of the onboarding process. The existing building is move-in ready.

Staff: It will take investment to rehabilitate the ecological health of this site. It's really hard to come by a property in the urban context without facilities on it, without some kind of structure.

LCSB Question: Is it too much to pay or not? The Board didn't see an appraisal or any information to substantiate the purchase price.

Staff: Natural Areas has a land acquisition policy that was approved by City Council. The policy states that any properties or acquisitions being considered that either are $2 million or more or could be considered controversial, must receive special attention from City Council. Typically, that's handled via a confidential memo to City Council. The City has a Real Estate Services department that reviews any appraisals that are obtained. NAD typically obtains an appraisal for acquisitions or uses the Real Estate Services team who have qualified appraisers on staff to

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conduct an in-house market valuation.

LCSB Comment: Normally the Board receives property information during confidential executive sessions with the opportunity to ask questions, but not to make decisions. The Board has received probably half a dozen updates on this parcel over the past couple of years so are much more intimately familiar with it than the public.

LCSB Comment: Members reiterate offer to guide a tour of NA river properties.

LCSB Comment: Member states they felt like there used to be more property information provided during executive sessions including cost benefit and appraisal; they would like that level of information in future land conservation updates.

LCSB Comment: This parcel costs almost $141,000 per acre; it's a lot of money. We hear people complaining about the cost of the Hughes property at $80,000 per acre. I will vote for this but would like more information.

LCSB Comment: Member states they would like property coordinates included in land conservation update maps as well as aerial images.

Staff: Staff can incorporate some of these pieces into the January quarterly land conservation update.

LCSB Question: If NAD keeps the buildings for storage, maintenance facility, offices, etc. versus for visitor amenities, does that affect what portion of the purchase price would be blue versus green funds?

Staff: Anything included in the purchase price, including existing infrastructure, is acquired using green dollars. The ballot language is not specific in distinguishing or separating out portions of properties. Operations and restoration are split after acquisition.

Member Culver made a motion that the Land Conservation and Stewardship Board recommend that City Council approve the acquisition of 1303 N. Shields Street from Larimer County. Member Gooden seconded the motion.

Chair Cunniff amended the motion: the Land Conservation and Stewardship Board recommend that City Council approve the acquisition of 1303 N. Shields Street from Larimer County and the associated Intergovernmental Agreement. The amended motion passed unanimously, 9-0.

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RESOLUTION 2025-106
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH
LARIMER COUNTY TO ACQUIRE 1303 NORTH SHIELDS
STREET

A. The City seeks to acquire Larimer County's 12-acre property located at 1303 North Shields Street as a City Natural Area (the "Property"). The acquisition will support Natural Areas' long running efforts to conserve the Poudre River corridor and extend river restoration efforts that have taken place on both North Shields Ponds and adjoining, downstream natural areas.

B. Larimer County seeks to sell the Property, as it no longer requires the Property for an emergency services facility. Larimer County and the City have agreed upon an acquisition price of $1,690,000. This purchase price is based on appraised value established by a third-party appraiser hired jointly by the City and Larimer County. A copy of the Purchase and Sale Agreement is attached hereto as Exhibit A. The City Manager executed the Purchase and Sale Agreement, but it is expressly contingent upon City Council approval.

C. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other approving authority.

D. City Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter contracts with governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

E. Section 1-22 of the Code of the City of Fort Collins requires City Council approval of intergovernmental agreements, subject to certain exceptions that are inapplicable to the Purchase and Sale Agreement.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council hereby approves of the Purchase and Sale Agreement with Larimer County that is attached hereto as Exhibit A.

Passed and adopted on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 2, 2025
Approving Attorney: Ted Hewitt

Exhibit: Exhibit A – Purchase and Sale Agreement

Docusign Envelope ID: DEF4C9A5-A4CC-4B22-8434-C07B8BFCB6CC

AGREEMENT OF PURCHASE AND SALE OF REAL PROPERTY
(City Purchaser)

☐ Residential ☒ Commercial ☐ Industrial ☐ Vacant Land ☐ Conservation Easement

Property Address/APN: 1303 N Shields Street, Fort Collins, Colorado 80524
Seller: Board of County Commissioners of Larimer County, Colorado
Seller Signing Authority and Title: Board Chair
Seller Phone Number/Email: 970-498-5907 / jmjohnson@larimer.org
Seller Mailing Address: 200 W. Oak Street
Fort Collins, CO 80521

Purchaser: City of Fort Collins, Colorado, a municipal corporation
Purchaser Signing Authority and Title: Kelly DiMartino, City Manager
Purchaser Phone Number/Email: 970-227-0640 / wflowers@fcgov.com
Purchaser Mailing Address: City of Fort Collins, Real Estate Services
P.O. Box 580
Fort Collins, Colorado 80522

Title Company: Heritage Title Company
Title Company Phone Number/Email: 970-494-5910/nmcfarland@heritagetco.com
Title Company Mailing Address: 3491 E. Harmony Road, Ste. 110
Fort Collins, CO 80528

Consideration
Purchase Price: $1,690,000.00
Earnest Money Deposit: $100,000.00
Other (see Exhibit C for specifics): N/A

Effective Date: 11/12/2025 Click or tap to enter a date.
Inspection Deadline: November 18, 2026
Closing Date: December ___, 2026

☒ **Exhibit A** - Property Legal Description (# of pages): 1
☒ **Exhibit B** - Form of Conveyance Deed (# of pages): 3
☐ **Exhibit C** - Special Terms and Conditions Addendum (# of pages): N/A
☐ **Exhibit D** - Lease Addendum (# of pages): N/A
☐ **Exhibit E** - Water Rights Addendum (# of pages): N/A
☐ **Exhibit F** - Mineral Rights Addendum (# of pages): N/A
☐ **Exhibit G** - Conservation Easement Addendum (# of pages): N/A

This **AGREEMENT OF PURCHASE AND SALE OF REAL PROPERTY** (the "Agreement") is made and entered into on the Effective Date by and between Seller and Purchaser. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged,

Docusign Envelope ID: DEF4C9A5-A4CC-4B22-8434-C07B8BFCB6CC

Purchaser, and Purchaser agrees to acquire from Seller, the Property as defined below on the terms and conditions set forth in this Agreement. This Agreement is also subject to any Exhibit A through G checked above, which is attached hereto and incorporated by this reference.

1. Description of Property. The real property which is the subject matter of this Agreement is that certain parcel of real property located in Larimer County, Colorado, which is legally described on Exhibit A (the "Property"). The Property includes all improvements located thereon and all of Seller's rights, title, and interest in and to all appurtenances thereto, including but not limited to the following:

A. Appurtenances Generally. The Property shall include all improvements now located thereon, including any fences, buildings, landscaping, and other improvements, and all fixtures of a permanent nature. In addition, the Property shall include all of Seller's right, title and interest in and to easements, rights-of-way, future interests, and rights to the same belonging and inuring to the benefit of the Property, and in and to all strips and gores of land lying between the Property and adjoining property or streets, roads or highways, open or proposed.

B. Taps. All water taps, gas taps, and sewer taps belonging or in any way appertaining to the Property.

C. Water Rights. All rights to place water to a beneficial use associated with the Property. Such rights include those that are: confirmed in a court decree; set forth in an agreement or contract; represented by shares in a corporation, such as ditch or reservoir company; confirmed in a well permit; and unadjudicated. Such water includes: the water of any natural stream or natural lake; the water of any ditch or reservoir; tributary and nontributary groundwater; and the water from any water provider.

D. Mineral Rights. Any and all interests in all minerals, ores, metals of any kind and character, and all coal, asphaltum, oil, gas, or other like substances, including sand and gravel, all geothermal resources in, on, or under the Property, and all other mineral rights as are owned by Seller at the time of this Agreement.

2. Purchase Price and Earnest Money Deposit.

☐ No Earnest Money Deposit is required in connection with this transaction, the mutuality of the promises of the parties hereto being deemed adequate consideration, and the entire amount of the Purchase Price, along with closing costs and customary prorations, will be payable by Purchaser to Seller in immediately available funds at the time of closing, as hereinafter set forth; or

☒ Purchaser will make the Earnest Money Deposit indicated above within ten (10) days following the Effective Date by check or immediately available funds to the Title Company as part payment to Seller. The balance of the Purchase Price along with closing costs and customary prorations, will be payable by Purchaser to Seller in immediately available funds at the time of closing, as hereinafter set forth.

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3. Contingencies. This Agreement is contingent upon the following:

A. Appraisal. The Parties have obtained a joint appraisal, Report dated August 24, 2025, with an effective valuation date of July 28, 2025. The Parties have received copies of the appraisal and both represent they are satisfied with the mutually agreed upon Purchase Price..

B. Disclosures. Within ten (10) days following the Effective Date, and immediately upon any later discovery by Seller of any disclosure issue not previously submitted to Purchaser, Seller will provide to Purchaser a disclosure statement describing any and all issues with the Property known to Seller that would reasonably be considered material to whether or not Purchaser would decide to continue with the purchase of the Property or terminate this Agreement. Purchaser may object to any disclosed issue by providing to Seller written notice by the Inspection Deadline in accordance with paragraph 6 below.

C. Lead-Based Paint. Unless exempt, if the improvements, if any, on the Property include one or more residential dwellings for which a building permit was issued prior to January 1, 1978, Seller shall provide Purchaser with a completed and signed Lead-Based Paint Disclosure form within ten (10) days following the Effective Date.

D. Title Insurance/Evidence of Title.

1. Within ten (10) days following the Effective Date, Purchaser will order a Title Insurance Commitment from the Title Company, together with copies of all documents of record related to exceptions identified in the Title Commitment (together referred to as the "Title Commitment"). The Title Commitment must show title to the Property in Seller's name, subject only to those exceptions set forth on Schedule B-2 to the Title Commitment that are acceptable to Purchaser. Purchaser is responsible for the cost of the Title Commitment and Title Insurance.

2. If the Title Commitment discloses title defects unsatisfactory to Purchaser and subject to which Purchaser need not take title, Purchaser may give Seller written notice of such defects by the date ten (10) days after Purchaser's receipt of the Title Commitment, and no later than ten (10) days after notice of any title change or discovery of any title defect not disclosed by the Title Commitment. Seller must attempt in good faith to cure such defects prior to closing, at its expense, without any other manner affecting the terms of this Agreement.

3. If any instrument or deposit is necessary in order to correct a defect in or objection to title, the following apply:

a) Any instrument will be in a form and contain terms and conditions the Title Company may reasonably require so as to be sufficiently satisfied and omit such defects or objection.

b) Any deposit will be made with the Title Company.

Docusign Envelope ID: DEF4C9A5-A4CC-4B22-8434-C07B8BFCB6CC

c) Seller agrees to execute, acknowledge, and deliver any required instrument and to make any required deposit.

4. If the Title Company refuses to omit any title defect or objection prior to closing, then Purchaser, at its election, has the right to:

a) Accept such title as Seller is able to convey, without any reduction of the purchase price; or

b) Rescind this Agreement and, upon such rescission pursuant to this paragraph, Purchaser will be entitled to the return of the amount of money theretofore paid to Seller or its agent. Upon such payment, this Agreement will be null and void and of no further effect, and all parties to this Agreement will be released from all obligations hereunder.

5. If Seller is unable to convey title as provided in this paragraph to Purchaser due to an act or omission of Seller, Seller is in default and continues to be liable under this Agreement.

6. Notwithstanding the foregoing:

a) Any title condition consisting of monetary liens, deeds of trust, or other financial encumbrances against the Property must be removed by Seller at or prior to closing, and Seller's failure to cause the removal of the same will constitute a default by Seller under this Agreement; and

b) In the event Seller fails to cause the removal of a financial encumbrance against the Property prior to closing, Purchaser has the right to pay amounts required to do so at closing, and to receive a credit for such payment against the Purchase Price.

E. Survey/Legal Description.

☒ The parties each acknowledge that a legal description of the Property is attached in Exhibit A and incorporated by reference into this Agreement, and each acknowledges having received a copy of any such description. The parties agree that it is their intent that the referenced legal description describes the Property except as otherwise expressly provided, and agree to work in good faith and cooperatively to correct technical errors that any such legal description is determined to contain; or

☒ Purchaser and ☒ Seller, will within one hundred twenty (120) days following the Effective Date, jointlyacquire an updated, signed, and sealed (i) ALTA/ACSM boundary survey or (ii) Land Survey Plat ("Survey"). Purchaser and Seller will equally

share the cost of the survey. The Survey must include staked property corners and a plat describing courses and distances between the corners, and total acreage of the Property.

1. If Purchaser is not satisfied with the matters disclosed by the Survey, Purchaser may give written notice of the specific survey-related defects to Seller within ten (10) days following the date of receipt of the Survey. Seller may, by written notice within ten (10) days of receipt of the defect notice, elect to cure the survey defects or not to cure them.

2. Unless Seller elects to cure the survey defects, Purchaser may, by written notice at or before closing:

a) Expressly waive the survey defects and proceed to closing;

b) Terminate this Agreement; or

c) In its sole discretion, elect to cure the survey defects and apply a portion of the Purchase Price as is necessary to cause the removal of the survey defects, and the proceeds from this transaction to be otherwise distributed to Seller upon closing is reduced by that applied amount.

3. If Seller elects to cure the survey defects, Seller may postpone closing for a reasonable period of time not to exceed sixty (60) days. Seller shall promptly provide written notice to Purchaser of any such required postponement of closing at the time of Seller's election to cure pursuant to paragraph 3.E.1. If, after making that election, Seller is unable to cure within the time allowed, Purchaser will be entitled to proceed in accordance with the options stated in subparagraphs 3.E.2a through 3.E.2c above.

4. Seller and Purchaser agree to update the legal description of the Property or any portion thereof to be conveyed hereunder as required to correct errors in the legal description identified by the Survey.

4. Representations of Seller. Seller represents and warrants, as of the Effective Date and as of closing that, to the best of Seller's knowledge:

A. There is no litigation proceeding, including but not limited to, any eminent domain proceeding, pending (or to Seller's knowledge threatened) against, or relating to any part of the Property, nor does Seller know of or have reasonable grounds to know of any basis for any such action.

B. Seller has not received notice of, and to the best of Seller's knowledge, there are no violations of any laws, orders, regulations, or requirements of any governmental authority affecting all or any part of the Property.

C. Seller has the unconditional right and power to execute and deliver this Agreement and to consummate the transaction(s) contemplated by this Agreement.

D. Seller has not received notice of default or breach by Seller of any of the covenants, conditions, restrictions, rights-of-way, or easements affecting the Property or any portion thereof; no default or breach now exists or will exist at the time of closing; and no event or condition has occurred and is continuing that, with or without notice and/or the passage of time, will constitute such a default or breach.

E. Seller represents that it has provided to Purchaser all environmental reports and any other documentation in Seller's possession related to the Property.

5. Seller's Environmental Representations. Seller represents and warrants as of the Effective Date and as of closing, that, to the best of Seller's knowledge:

A. The Property has never been used as a landfill, waste dump, or mine.

B. No property in the vicinity of the Property has ever been used as a landfill, waste dump or mine.

C. There has been no installation in, or production, release, disposal, or storage in the vicinity of the Property of any hazardous material, hazardous waste or other toxic or regulated substances by any owner, tenant or previous owner or previous tenant, or any other activity which could have resulted in an environmental condition requiring investigation or remediation on the Property.

D. There is no anticipated, threatened, or pending proceeding or inquiry by any governmental authority or agency with respect thereto.

6. Inspection. Purchaser or any designee of Purchaser has the right to make inspections of the physical condition of the Property and the improvements located thereon at Purchaser's expense. These inspections may include, but are not limited to, environmental assessments and inspections regarding compliance with any building or fire code, environmental protection, pollution or land use or zoning laws, rules, or regulations, including, but not limited to, any laws relating to the disposal or existence of any hazardous substance or other regulated substance in or on the Property. If Purchaser does not provide to Seller written notice of any unsatisfactory condition, as determined in Purchaser's sole discretion, signed by an authorized representative of Purchaser, on or before the Inspection Deadline, Purchaser waives any objection to the physical condition of the Property and the improvements located thereon as of that date. If Purchaser provides written notice of any unsatisfactory condition, signed by an authorized representative of Purchaser, to Seller on or before the Inspection Deadline, and Seller does not cure such conditions prior to closing, Purchaser may terminate this Agreement. Upon such termination, all payments and things of value received hereunder by Seller must be returned to Purchaser within ten (10) days. Purchaser is responsible and will pay for any damage that occurs to the Property and the improvements located thereon as a result of these inspections.

7. Maintenance of the Property/Title. Seller must keep, or cause to be kept, the Property in its condition as of the Effective Date until closing, subject to normal wear-and-tear and seasonal

changes, and agrees not to commit or permit waste thereon. Seller must not cause or permit new liens, easements, or other encumbrances on the title to the Property, except as expressly agreed by Purchaser in writing.

8. Risk of Loss. Seller shall bear all risk of loss with respect to the Property up until closing in accordance with this Agreement. In the event of damage to any portion of the Property by fire or other casualty prior to closing, then this Agreement may be terminated at the option of Purchaser. This option shall be exercised, if at all, by Purchaser's written notice thereof to Seller within ten (10) days after receipt of written notice from Seller of such fire or other casualty. Upon the exercise of such option to terminate, this Agreement shall become null and void and neither party shall have any further liability or obligations hereunder, except as otherwise provided in this Agreement. If Purchaser does not elect to terminate, Seller shall assign and transfer to Purchaser at closing all of Seller's right, title and interest in and to all insurance proceeds or other compensation paid or payable to Seller on account of such fire or casualty together with the amount of the deductible relating thereto.

9. Closing. All references to "close" or "closing" in this Agreement are deemed to mean the successful transfer of title of the Property from Seller to Purchaser. The parties agree to close on or before the Closing Date at the office location of the Title Company or at such other reasonable time, date, or location as the parties may mutually agree. All Title Company escrow fees shall be paid by Purchaser. If the close does not occur on or before the Closing Date, then the remedies on default pursuant to paragraph 15 below shall apply.

10. Proration. Real property taxes and assessments and similar expenses, in accordance with local practice, will be prorated as of the date of closing.

11. Method of Conveyance. Seller will convey the real property portion of the Property to Purchaser at the time of closing by deed in the form attached hereto as Exhibit B. The personal property portion of the Property, if any, shall be transferred to Purchaser by Seller at the time of closing by bill of sale or other appropriate transfer document, free and clear of all liens and encumbrances.

12. Possession. Seller will deliver possession of the Property to Purchaser upon closing.

13. Brokers.

☒ Seller and Purchaser each represent and warrant to the other that such party has not employed, retained, or consulted any broker, agent, or other real estate professional with respect to the Property; or

☐ Seller has retained a real estate broker and shall be and hereby is solely responsible for paying any and all commission due as a result of this sale transaction to said broker. Purchaser has engaged the services of William C. Flowers, REALTOR®, licensed Employing Broker in the State of Colorado and classified employee of the City of Fort Collins, Real Estate Services. Any and all commissions due, shall be paid in accordance with a brokerage cooperation/compensation

agreement. To the extent permitted by law, Seller and Purchaser, each indemnify and hold the other harmless from and against all claims, demands, causes of action, debts, liabilities, judgments, and damages, including, without limitation, any related litigation expenses that may be asserted or recovered against the other on account of any breach of this representation and warranty.

14. 1031 Exchange. If Seller requests, Purchaser agrees to make reasonable efforts to cooperate with Seller in the achievement of a tax-deferred real estate exchange pursuant to Section 1031 of the Internal Revenue Code and the Treasury Regulations implementing that Section. In particular, Purchaser may be asked, and Purchaser hereby agrees, to cooperate in and consent to the assignment of Seller's rights in this Agreement for the purpose of such an exchange. Purchaser shall not be required to incur any additional liability or expense in connection with Seller's tax-deferred exchange transaction.

15. Remedies on Default. If any note or check received as the Earnest Money Deposit hereunder or any other payment due hereunder is not paid, honored, or tendered when due, or if any other obligation hereunder is not performed as herein provided, the remedies are:

A. If Purchaser is in default, then the Earnest Money Deposit, if any, is forfeited by Purchaser and may be retained by Seller, and both parties will be released from all obligations under this Agreement. It is agreed that the Earnest Money Deposit is liquidated damages and is Seller's sole and only remedy for Purchaser's failure to perform the obligations of this Agreement. Seller may recover direct damages as may be proper and Seller expressly waives the remedies of specific performance and additional damages.

B. If Seller is in default, Purchaser may elect to treat this Agreement as terminated, in which case all payments and things of value received hereunder will be returned to Purchaser, and Purchaser may recover such damages as may be proper, or Purchaser may elect to treat this Agreement as being in full force and effect, and Purchaser will have the right to an action for specific performance or damages, or both.

16. Litigation Expenses. In the event any party defaults in any of its covenants or obligations, and a party not in default commences and prevails in any legal or equitable action against the defaulting party, the defaulting party expressly agrees to pay all reasonable expenses of the litigation, including a reasonable sum for attorneys' fees or similar costs of legal representation.

17. Governing Law/Venue. The parties intend and agree that this Agreement is to be construed and enforced according to the laws of Colorado, and that venue in any proceeding related to the subject matter of this Agreement will be in Larimer County, Colorado.

18. Recommendation of Legal and Tax Counsel. By signing this Agreement, Seller acknowledges that Seller has been advised that this Agreement has important legal consequences, and has received the recommendation to consider the examination of title and consultation with legal and tax or other counsel before signing this Agreement.

19. Notices. Any notice or other communication given by either party to the other relating to this Agreement must be in writing and shall be deemed given (i) when delivered personally; (ii)

on the first business day which is three (3) days following mailing by certified mail, return receipt requested or with tracking, and postage prepaid; or (iii) the next business day after sending by a nationally recognized overnight delivery service and addressed to the party at its respective address as set forth above.

20. Headings. Paragraph headings are used for convenience of reference and in no way define, limit, or prescribe the scope or intent of any provision under this Agreement.

21. Construction. Words of the masculine gender include the feminine and neuter gender and when the sentence so indicates, words of the neuter gender refer to any gender. Words in the singular include the plural and vice versa. Definitions of defined terms are intended to apply throughout this Agreement. This Agreement is to be construed according to its fair meaning, and as if prepared by all parties, and is deemed to be and contain the entire understanding and agreement between the parties.

22. Binding Effect/Joint and Several Liability. This Agreement is binding upon and inures to the benefit of the parties and their respective heirs, administrators, successors, and assigns. If Seller consists of more than one individual or entity, each such individual or entity is jointly and severally liable for any and all obligations of Seller hereunder.

23. Time is of the Essence. It is agreed that time is of the essence of this Agreement and each and every provision.

24. Time Frames. All periods and time frames referred to in this Agreement shall be defined as calendar days and not business days.

25. Assignment. This Agreement must not be assigned by either of the parties hereto without the prior written consent of the other party.

26. Entire Agreement, Modification. This Agreement constitutes the entire contract between the parties relating to the conveyance of the Property, and any prior agreements pertaining thereto, whether oral or written, have been merged and integrated into this Agreement. No subsequent modification of any of the terms of this Agreement will be valid, binding upon the parties, or enforceable unless made in writing and signed by the parties.

27. Counterpart, Facsimile, and Electronic Signatures. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement. Signatures may be delivered by facsimile copy or electronic format. Facsimile and electronic signatures are binding on the parties as if they were originals.

28. Recording. Purchaser ☐ may or ☒ may not record this Agreement in the real property records of the Larimer County Clerk and Recorder.

29. Authority. Each person executing this Agreement represents and warrants that he or she is duly authorized to execute this Agreement in his or her individual or representative capacity as

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indicated.

30. Appropriation. To the extent this Agreement or any provision in it requires payment of any nature in fiscal years subsequent to the current fiscal year and constitutes a multiple fiscal year debt or financial obligation of the Purchaser, it shall be subject to annual appropriation by Fort Collins City Council.

31. Council Approval. As this Agreement is an intergovernmental agreement under Section 1-22 of the Code of the City of Fort Collins, Council approval of this Agreement is required. Purchaser may terminate this Agreement without penalty and without further obligation and receive the Earnest Money Deposit back if the Fort Collins City Council does not approve this Agreement on or before December 2, 2025.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first written below.

LARIMER COUNTY CLERK SEAL COLORADO

SELLER:
Board of County Commissioners Larimer County, Colorado

Kristin Stephens
Chair

ATTEST:

Deputy Clerk of the Board
Date: 11/4/2025

APPROVED AS TO FORM:

Deputy County Attorney
Date: 10/22/2025

STATE OF COLORADO)
) ss
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 4 day of November, 2025, by Kristin Stephens as Chair of the Board of County Commissioners, Larimer County, Colorado.

Witness my hand and official seal.

Notary Public

DEIRDRE E O'NEILL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20194004164
MY COMMISSION EXPIRES JAN 30, 2027

My Commission expires: 01/30/2027

PURCHASER:
City of Fort Collins

DocuSigned by:
Kelly DiMartino
0B86D5871D89400...

11/17/2025
Date

Kelly DiMartino, City Manager

ATTEST:

DocuSigned by:
Diana Coldiron
934E243B639B429...

City Clerk

D Coldiron
(Print Name)

Signed by:
SEAL

APPROVED AS TO FORM:

DocuSigned by:
Ted Hewitt
0071938290D24D5...

Assistant City Attorney

Ted Hewitt
(Print Name)

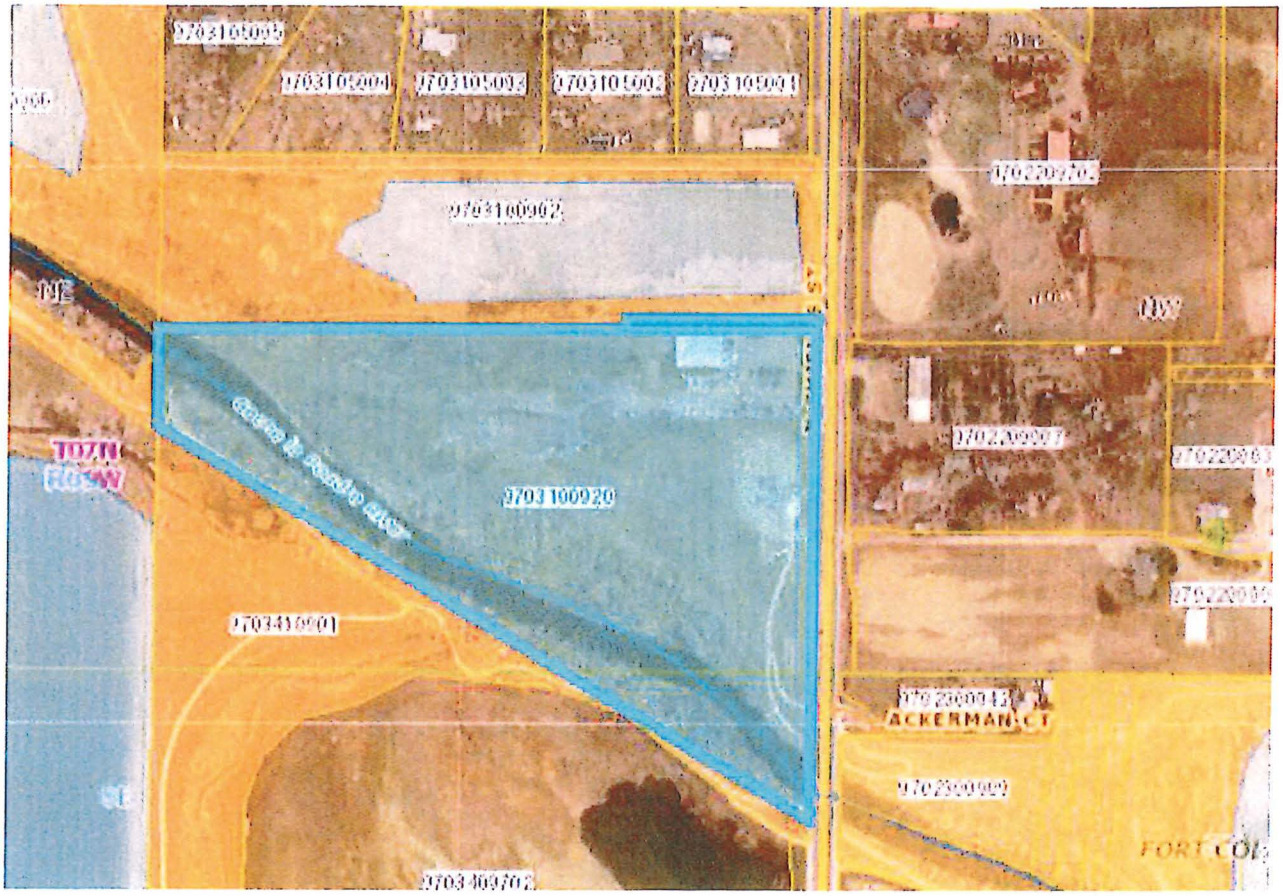
EXHIBIT A

Property Legal Description

Address: 1303 N Shields Street, Fort Collins, Colorado 80524

Parcel Numbers: [1] 97031-00-947, [2] 97031-00-920

Legal Description: [1] TR IN NE 1/4 3-7-69, [2] TR IN NE 1/4 3-7-69 DESC: BEG AT PT FROM WH E 1/4 COR IS N 89 31' 30' E 30 FT, S 0 19' 30' E 661.42 FT, TH S 89 31' 30' W 370 FT, N 0 19' 30' W 20 FT, N 89 31' 30' E 370 FT, S 0 19' 30' E 20 FT TPOB



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EXHIBIT B

General Form of the Special Warranty Deed

SPECIAL WARRANTY DEED

Grantor: Board of County Commissioners of Larimer County, Colorado
Grantor Signing Authority and Title: Click or tap here to enter text.
Grantor Mailing Address: 200 W. Oak Street, Fort Collins, CO 80521

Grantee: City of Fort Collins, Colorado, a municipal corporation
Grantee Signing Authority and Title: Kelly DiMartino, City Manager
Grantee Mailing Address: P.O. Box 580, Fort Collins, Colorado 80522

Effective Date: Click or tap to enter a date.

Consideration: One Million Six Hundred Ninety Thousand Dollars ($1,690,000.00)

Exhibit A (number of pages): One (1)
Exhibit B (number of pages): One (1)

This **SPECIAL WARRANTY DEED** is made on the Effective Date between Grantor and Grantee.

W I T N E S S E T H :

That Grantor, for and in consideration of the sum of the Consideration above and other good and valuable consideration to Grantor in hand, paid by Grantee, the receipt and adequacy ofwhich are hereby confessed and acknowledged, has granted, bargained, sold, and conveyed, and by these presents does hereby grant, bargain, sell, convey, and confirm unto Grantee and Grantee'ssuccessors and assigns forever, those certain parcels of real property, together with all improvements, if any, situate, lying, and being in the County of Larimer, State of Colorado, more particularly described on **Exhibit A**, attached hereto and incorporated herein by this reference, which real property shall be hereinafter referred to as the "Property".

TOGETHER with all and singularly the hereditaments and appurtenances thereto belonging, or in any way appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and all estate, right, title, interest, claim, and demand whatsoever of Grantor, either in law or equity, of, in or to the Property, with the hereditaments andappurtenances.

TO HAVE AND TO HOLD the Property above bargained and described with the appurtenances unto Grantee and its successors and assigns forever. And Grantor, for itself and its personal representatives, successors and assigns, does covenant, grant, bargain, and agree to and with Grantee and its successors and assigns, that at the time of the ensealing and delivery of these presents Grantor is well seized of the Property; has good, sure, perfect, absolute, and indefeasible estate in law, in fee simple; has good right, full power, and lawful authority to

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grant, bargain, sell, and convey the same in manner and form as aforesaid; that, except as hereinafter provided, the same are free from all former and other grants, bargains, sales, liens, taxes, assessments, and encumbrances of whatever kind or nature whatsoever; and the Grantor shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of Grantee and Grantee's successors and assigns against all and every person or persons lawfully claiming the whole or any part thereof by, through or under Grantor, subject to all existing easements and rights-of-way in place or of record; any restrictions, reservations, or exceptions contained in any United States or State of Colorado Patentsof record; all zoning and other governmental rules and regulations; statutory lien rights resulting from the inclusion of the Property in any special taxing or improvement districts; all oil, gas or other mineral reservations or exceptions of record; and general property taxes, assessments, and charges for the year as dated below by Grantor and all subsequent years. Grantor's warranty of title is further subject to the encumbrances set forth on **Exhibit B**, attached hereto and incorporatedherein by this reference.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year first written below.

County,

LARIMER COUNTY CLERK SEAL COLORADO

GRANTOR:
Board of County Commissioners Larimer

Colorado

Kristin Stephens
Chair

ATTEST:

Deputy Clerk of the Board
Date: 11/4/2025

APPROVED AS TO FORM:

Deputy County Attorney
Date: 10/22/2025

STATE OF COLORADO)
) ss
COUNTY OF Larimer)

The foregoing instrument was acknowledged before me this 4th day of November, 2026, by Kristin Stephens as Chair of the Board of County Commissioners, Larimer County, Colorado.

Witness my hand and official seal.

Dianne Cheney
Notary Public

DIANNE CHENEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224016260
MY COMMISSION EXPIRES APR 22, 2026

My Commission expires: April 22, 2026

Docusign Envelope ID: DEF4C9A5-A4CC-4B22-8434-C07B8BFCB6CC

ACCEPTED BY GRANTEE:

Date

Kelly DiMartino, City Manager

ATTEST:

City Clerk

(Print Name)

APPROVED AS TO FORM:

Assistant City Attorney

(Print Name)

Docusign Envelope ID: DEF4C9A5-A4CC-4B22-8434-C07B8BFCB6CC

EXHIBIT A

To the Special Warranty Deed

Address: 1303 N Shields Street, Fort Collins, Colorado 80524

Parcel Numbers: [1] 97031-00-947, [2] 97031-00-920

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EXHIBIT B

To the Special Warranty Deed

Encumbrances

To be replaced upon receipt of a title commitment

File Attachments for Item:

25. Resolution 2025-107 Establishing a Process for City Council Selection and Appointment of a District 6 Councilmember to Fill a Vacancy Due to the Election of Emily Francis as Mayor.

The purpose of this item is to establish the process to be used in filling a vacancy in the District 6 Council seat. Mayor Pro Tem and District 6 Councilmember Emily Francis will vacate the seat when she is sworn in as Mayor on January 13, 2026.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Delynn Coldiron, City Clerk
Carrie Daggett, City Attorney

SUBJECT

Resolution 2025-107 Establishing a Process for City Council Selection and Appointment of a District 6 Councilmember to Fill a Vacancy Due to the Election of Emily Francis as Mayor.

EXECUTIVE SUMMARY

The purpose of this item is to establish the process to be used in filling a vacancy in the District 6 Council seat. Mayor Pro Tem and District 6 Councilmember Emily Francis will vacate the seat when she is sworn in as Mayor on January 13, 2026.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Council has filled six vacancies since 1992. The process used has differed over time; however, in contrast to most other Council appointment processes, there are some important Charter requirements that govern the process for filling this vacancy. Revised requirements were approved by voters at the recent November 4, 2025 election and provide, in part, that:

a. If a district Councilmember office becomes vacant, the vacancy will be publicly and promptly announced on the City's website; and

b. If a district Councilmember office becomes vacant, Council has 35 business days to choose a new member; and

c. The office that has been vacated will appear on the next regular municipal election ballot for which the process requirements can be met.

In this case, the date of the District 6 vacancy will be January 13, 2026, the day Mayor Pro Tem Emily Francis will be sworn in as Mayor. This gives Council until March 5, 2026, to fill the vacancy accounting for two City holidays within that timeframe.

TIMELINE

This timeline reflects the goal of having a Councilmember appointed and sworn in prior to the Council retreat proposed to start the weekend of January 23, 2026. This will ensure participation by all Councilmembers in setting Council priorities for the next two years.

- **December 2, 2025**
  - Consideration of a Resolution setting out the process for filling the District 6 vacancy; includes direction for the City Clerk to start advertising for the vacancy and accepting applications
  - Motions to call a Special Meeting on January 13, 2026 and a Work Session and Special Meeting on January 14, 2026
- **December 3, 2025** (or as soon thereafter as possible) begin advertising for the vacancy
  - Launch of a webpage specific to the vacancy with a spotlight on the City's home page to highlight that applications are being accepted
  - Press releases in both the Coloradoan and the Collegian
  - Advertisements in the Coloradoan over the following two weeks
  - Social media outreach
  - Nextdoor post to District 6 residents
- Applications will be available at fcgov.com and at the City Clerk's office at 300 Laporte Avenue. The application packet will include:
  - General information and Timeline
  - Application Form
  - Financial Disclosure Statement
  - Applicant Affidavit (must be notarized)
  - District 6 map
- **December 31, 2025**
  - Deadline for applications from interested candidates (5:00 p.m.)
  - Candidate information emailed to Council and posted on City webpage
- **January 8, 2026**
  - Candidate information will be included in Thursday agenda packets
- **January 13, 2026** – Special Meeting
  - Public comment for outgoing Councilmembers
  - Outgoing Councilmember comments
  - Swearing in and seating of new Councilmembers
  - Selection of Mayor Pro Tem
  - Consideration of Resolutions for outgoing Councilmembers
  - Opportunity for newly seated Council to determine the pool of applicants to be interviewed
    - If more than 5 candidates, reduce the pool of applicants through a series of motions and votes
  - Opportunity for Council to make any adjustments, if needed, to the process to fill the District 6 vacancy

- Reception

- **January 14, 2026**
  - Conduct applicant interviews and consideration of a Resolution making an appointment
- **January 20, 2026** – Regular Meeting & Work Session
  - Swear in new Councilmember
  - Preview of Council Retreat
  - Finance and Budget Discussion at Work Session after regular meeting is adjourned
- **January 24 and 31, 2026**
  - Council Retreat dates

INTERVIEW AND SELECTION PROCESS

At the November 18, 2025, Work Session, Councilmembers expressed support for calling a Work Session and Special Meeting for the purpose of interviewing and selecting a District 6 Councilmember. January 14, 2026, is the proposed date for the Work Session and Special Meeting and will be called for by motion at the December 2, 2025 Regular Meeting. Applicants will have been reduced to no more than five during a Special Meeting scheduled for January 13, 2026.

Proposed process for interviews:

- Members of the public will be invited to provide comments to the City Council at any time at CityLeaders@fcgov.com or in care of the City Clerk at 300 Laporte Avenue, Fort Collins, CO, or PO Box 580, Fort Collins, CO 80522, regarding the applicants and the Council's selection of an appointee. Any related public comment received by noon on January 14, 2026 will be provided to Council as part of read-before packets
- The Work Session will start at 6:00 p.m. in the Council Information Center (CIC) at City Hall (300 Laporte Ave)
- Applicants will be interviewed one at a time, with remaining candidates sequestered throughout interviews
  - The order of candidates will be determined by a random drawing done in the City Clerk's Office prior to the Work Session
- The Mayor will open each interview, provide preliminary information, and give the applicant an opportunity to provide a time-limited opening statement (time determined by Mayor; previous process was 2 minutes)
- Each Councilmember will ask their respective questions, starting with the Mayor (time determined by Mayor; previous process was 5 minutes/question; 30 minutes total)
- Councilmember follow up questions (time determined by Mayor)
- Each applicant will be given an opportunity for a time-limited closing statement (time determined by Mayor; previous process was 2 minutes)
- Total time per interview: Approximately 40 minutes or as determined by Mayor
- A five minute break will occur between interviews to change applicants
- Total time for the interview portion of the meeting: Approximately 3.5 hours

15-minute break to allow Council to move to Council Chambers to convene the Special Meeting. Once convened, the following process will occur:

- Public comment on applicants
- Council questions and discussion about candidates
- Motion for adoption of the Resolution, with name inserted in the blank
    - Series of motions and votes to finalize the adopted Resolution (with appointee named)
    - Voting will be conducted by roll-call

The swearing in ceremony for the selected applicant will occur at the regular meeting on January 20, 2026.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Public outreach and advertising will begin on December 3, 2025, following the adoption of this Resolution.

ATTACHMENTS

1. Application Packet with Associated Attachments
2. Resolution 2025-107

APPLICATION FOR COUNCILMEMBER – DISTRICT 6

APPLICATION DEADLINE: 5:00 p.m. on December 31, 2025
(late applications will not be accepted/considered)

[PLEASE NOTE: THIS APPLICATION WILL BE A PUBLIC DOCUMENT]

*PLEASE TYPE OR USE BLACK INK. ATTACHMENTS TO APPLICATION MUST BE LIMITED TO **TWO PAGES** IN TOTAL. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR APPOINTMENT.*

Return completed application – applications must be received by the December 31 deadline:

In person:	*Mail:*	*Email:*
City Clerk's Office 300 LaPorte Avenue	City Clerk's Office PO Box 580 Fort Collins, CO 80522	cityclerk@fcgov.com

Eligibility Requirements:

United States citizen
Registered voter in the city for one year immediately prior to appointment
At least 21 years of age
A resident of Council District 6 at the time of application forward
Never convicted of a felony prohibited for elective office in the Colorado Constitution

If you have questions or need more information, contact the City Clerk's Office at 970.221.6515

NAME: _____

RESIDENCE ADDRESS: _____ ZIP: _____

PHONE: _____ EMAIL: _____

ARE YOU 21 YEARS OF AGE OR OLDER? Yes No

HAVE YOU BEEN A REGISTERED VOTER IN FORT COLLINS FOR AT LEAST A YEAR? Yes No

DO YOU RESIDE IN DISTRICT 6? Yes No

HAVE YOU EVER BEEN CONVICTED OF THE FELONY OF EMBEZZLEMENT OF PUBLIC MONEYS, BRIBERY, PERJURY, SOLICITATION OF BRIBERY OR SUBORNATION OF PERJURY? Yes No

RECENT AND/OR RELEVANT EXPERIENCE (Work, Volunteer, Community, Personal or Other; please include dates):

HOW WOULD YOU DESCRIBE THE VISION OF THE CITY OF FORT COLLINS?

BRIEFLY EXPLAIN WHAT YOU BELIEVE ARE THE THREE MOST IMPORTANT ISSUES FACING THE FORT COLLINS COMMUNITY AT THIS TIME, AND HOW YOU BELIEVE THE CITY COUNCIL CAN PLAY A ROLE IN ADDRESSING EACH.

1.

2.

3.

SPECIAL QUALIFICATIONS APPLICABLE TO CITY COUNCIL:

WHY DO YOU WANT TO SERVE ON CITY COUNCIL?

PLEASE SPECIFY ANY ACTIVITIES THAT MIGHT CREATE A SERIOUS CONFLICT OF INTEREST IF YOU SHOULD BE APPOINTED TO THE CITY COUNCIL:

OTHER COMMENTS:

By signing and submitting my application to the City of Fort Collins, I swear or affirm under penalty of perjury pursuant to the laws of the *State of Colorado:*

- *that I meet the eligibility requirements of the position sought and*
- *that the information provided in this application is true and correct to the best of my knowledge.*

Signature: _____ Date_____

PROPOSED COUNCIL INTERVIEW AND SELECTION PROCESS FOR FILLING DISTRICT 6 VACANCY

The City Council interview and selection process for filling the District 6 vacancy will be undertaken at a Work Session and Special Meeting of the Council on January 14, 2026. The number of candidates will have been reduced to no more than five (5) during a Special Meeting scheduled for January 13, 2026. The Work Session on January 14 will begin at 6:00 p.m. in the Council Information Center (CIC). The approved process for interviews is as follows:

Step 1. The Mayor will open each interview, provide preliminary information and give each applicant a time-limited opportunity to provide an opening statement. The order of applicants will be determined by a random drawing done by the City Clerk's Office. Applicants will be sequestered during questioning of other applicants.

Step 2. Questioning of all applicants will proceed, beginning with the Mayor asking for each applicant to answer in turn, and then continuing with each successive Councilmember asking a question for each of the applicants to answer. There will be opportunity for follow up or clarifying questions from Councilmembers after the applicants have responded to each question.

Step 3. After the completion of Councilmember questions, each applicant will have a time-limited opportunity to provide a closing statement.

Step 4. A five minute break will occur between interviews to change applicants. The interview process is expected to take approximately 3.5 hours.

A 15-minute break will be taken after interviews to allow Council to move to Council Chambers to convene the Special Meeting.

The approved process for selection is as follows:

Step 1. Members of the public will be invited to provide comments to the City Council at any time at CityLeaders@fcgov.com or in care of the City Clerk at 300 Laporte Avenue, Fort Collins, CO, or PO Box 580, Fort Collins, CO 80522, regarding the applicants and the Council's selection of an appointee. Any related public comment received by noon on January 14, 2026 will be provided to Council as part of read-before packets.

Step 2. Council will take action to select an appointee. The public will have an opportunity to comment at the beginning of the discussion, with the time limit for comment set by the Mayor based on the number of speakers.

Step 3. After completion of public comment, Council will discuss the applicants.

Step 4. Council will consider a Resolution with a blank for the name of the appointee. After discussing the applicants, Council will then, by motion, propose appointees until the Resolution with the named appointee receives a majority vote.

The swearing in ceremony for the selected applicant will occur at Council's Regular Meeting scheduled for January 20, 2026.

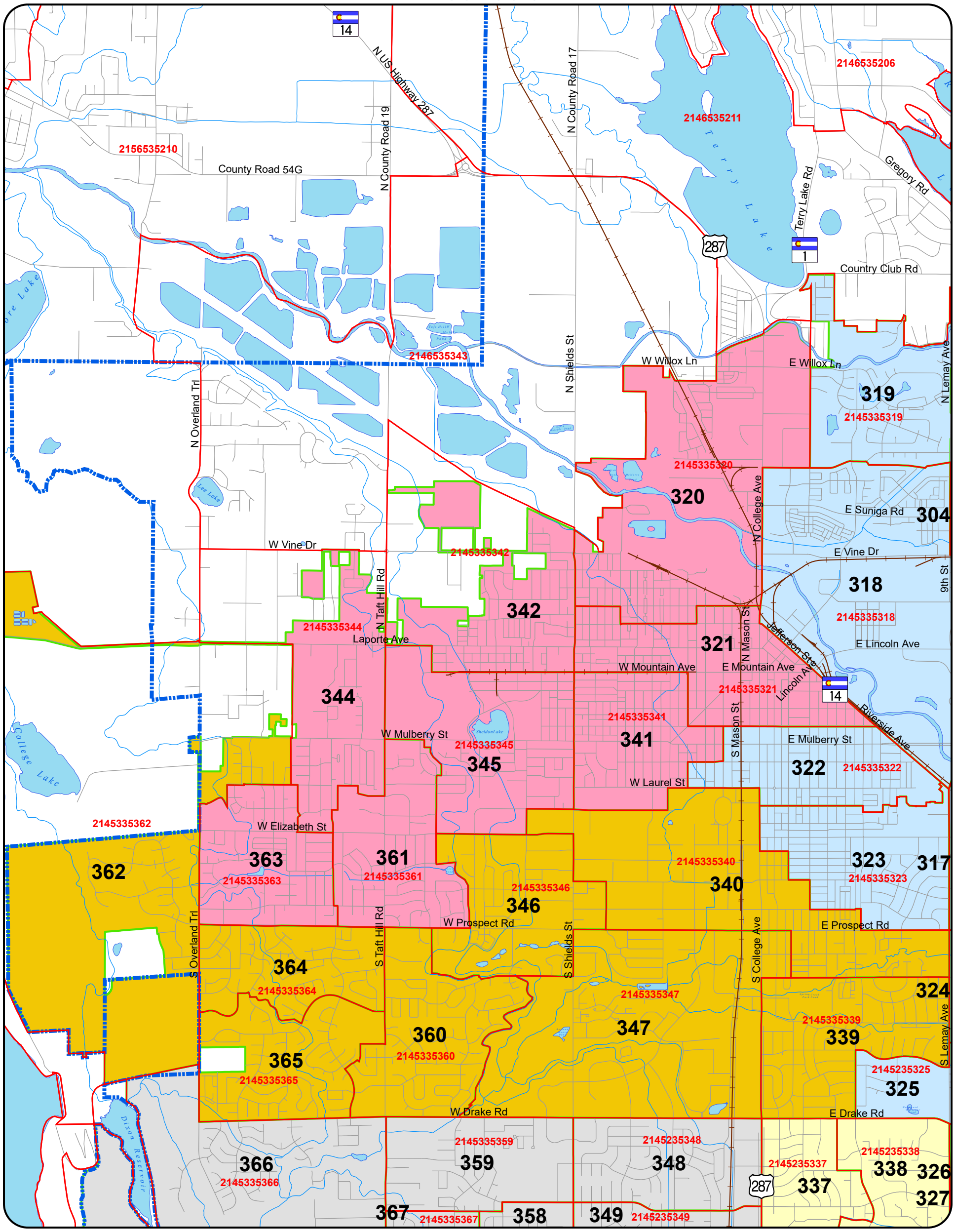
TIMELINE TO FILL 2026 DISTRICT 6 VACANCY

DATE	ACTION
December 2, 2025 – Regular Meeting	Consideration of Resolution establishing a process for City Council selection and appointment of a District 6 Councilmember and direction for the City Clerk to advertise for the vacancy and accept applications Motion to call a Special Meeting on January 13, 2026 Motion to call a Work Session and Special Meeting on January 14, 2026
December 3, 2025 or as soon thereafter as possible	Begin advertising
December 31, 2025	Deadline to receive applications from interested candidates (by 5:00 p.m.). Candidate information will be emailed to Council and posted on the City webpage
January 8, 2026	Candidate information will be included in Thursday Agenda packets
January 13, 2026 Special Meeting	Public Comment for Outgoing Councilmembers Outgoing Councilmember comments Swearing in and seating of new Councilmembers Selection of a Mayor Pro Tem Consideration of Resolutions for outgoing Councilmembers Opportunity for newly seated Council to determine the pool of applicants to be interviewed (no more than 5) Opportunity for Council to make any adjustments, if needed, to the process being used to fill the District 6 vacancy Reception
January 14, 2026	Work Session to conduct applicant interviews Special Meeting to select new District 6 Councilmember

DATE	ACTION
January 20, 2026	Swear in and seat new Councilmember Preview of Council Retreat Work Session on Finance and Budget
January 24 and 31, 2026	Council Retreat dates

City of Fort Collins

District 6



Scale 1:32,000

0 0.25 0.5 0.75 1 Miles

CITY OF FORT COLLINS
GEOGRAPHIC INFORMATION SYSTEM MAP PRODUCTS

These map products and all underlying data are developed for use by the City of Fort Collins for its internal purposes only, and were not designed or intended for general use by members of the public. The City makes no representation or warranty as to its accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement of location of any map features thereon. THE CITY OF FORT COLLINS MAKES NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR PARTICULAR PURPOSE, EXPRESSED OR IMPLIED, WITH RESPECT TO THESE MAP PRODUCTS OR THE UNDERLYING DATA. Any users of these map products, map applications, or data, accepts them AS IS, WITH ALL FAULTS, and assumes all responsibility of the use thereof, and further covenants and agrees to hold the City harmless from and against all damage, loss, or liability arising from any use of this map product, in consideration of the City's having made this information available. Independent verification of all data contained herein should be obtained by any users of these products, or underlying data. The City disclaims, and shall not be held liable for any and all damage, loss, or liability, whether direct, indirect, or consequential, which arises or may arise from these map products or the use thereof by any person or entity.

Council Districts
DIST_LEGEND

- District 1 - Susan Gutowsky
- District 2 - Julie Pignataro
- District 3 - Tricia Canonico
- District 4 - Melanie Potyondy
- District 5 - Kelly Ohlson
- District 6 - Emily Francis
- County Precincts

- Water Features
- Growth Management Area
- Railroad Lines
- 77 City Precinct Numbers
- 2145235205 Larimer County Precinct Numbers

County Precinct Number
County Number
State Representative Number
State Senatorial Number
Congressional District

N W E S

City of Fort Collins GIS

Effective: January 9, 2024

Printed: November 04, 2025

FINANCIAL DISCLOSURE STATEMENT

Printed Name: _____

Choose *one column only* and then check appropriate boxes within that column.

Column 1	Column 2	Column 3
Filing as: ☐ Mayor/Councilmember *(currently seated – not seeking reelection)*	**Filing as:** ☐ Council Candidate *(new candidates and incumbents)*	**Filing as:** ☐ City Manager ☐ City Attorney
Type of Filing: ☐ Post-Election/Appointment Filing ☐ Annual Filing	**Type of Filing:** ☐ Candidate Filing	**Type of Filing:** ☐ Post-Appointment Filing ☐ Annual Filing
Status: ☐ This is my first filing as an elected/appointed official *(answer all questions completely)* ☐ This amends my previous filing dated_____ *(answer all questions completely)* ☐ There have been no changes since my previous filing dated _____ *(skip to signature line)*	**Status:** ☐ This is my first filing as a candidate *(answer all questions completely)* ☐ This amends my previous filing dated_____ *(answer all questions completely)*	**Status:** ☐ This is my first filing as an appointed official *(answer all questions completely)* ☐ This amends my previous filing dated_____ *(answer all questions completely)* ☐ There have been no changes since my previous filing dated _____ *(skip to signature line)*

List the source or sources of any income, including capital gains, whether or not taxable, of the person making disclosure and such person's spouse. (It is not necessary to list amounts.)

Indicate any financial interest in excess of $10,000 in any business entity.

Provide the legal description of any interest in real property owned by the person making disclosure or such person's spouse.
Identify by name all offices and directorships held by the person making disclosure and such person's spouse.
List the name of each creditor to whom the person making disclosure or such person's spouse owes money in excess of $10,000.
List businesses with which the person making disclosure, or such person's spouse, are associated that do business with or are regulated by the City of Fort Collins and the nature of such business or regulation.
Provide any additional information which the person making disclosure might desire.

Signature: _____

Date

AFFIDAVIT OF APPLICANT

STATE OF COLORADO)

COUNTY OF LARIMER) ss.

CITY OF FORT COLLINS)

I, the undersigned, being first duly sworn, depose and state that I am a citizen of the United States, at least twenty-one (21) years of age, have been for one (1) year immediately preceding the date of this proposed appointment a registered electro of the City of Fort Collins, am a resident of District 6, and have never been convicted of the felony of embezzlement of public moneys, bribery, perjury, solicitation of bribery or subornation of perjury. I further certify that my residence address is _____ _____, (District 6), Fort Collins, Colorado and that I am not a candidate, directly or indirectly, of any political party and will serve if appointed.

_____
Signature of Applicant

Subscribed and sworn to before me this _____ day of December 2025 by _____ _____.

_____
Notary Public

RESOLUTION 2025-107
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING A PROCESS FOR CITY COUNCIL SELECTION
AND APPOINTMENT OF A DISTRICT 6 COUNCILMEMBER TO
FILL A VACANCY DUE TO THE ELECTION OF EMILY FRANCIS
AS MAYOR

A. At the November 4, 2025, municipal election, Mayor Pro Tem Emily Francis, the Councilmember representing Council District 6, was elected to the office of Mayor.

B. The swearing in of Mayor Pro Tem Francis as Mayor on January 13, 2026, will create a vacancy in the District 6 Councilmember office.

C. Section 18 of Article II of the Charter of the City of Fort Collins provides for the appointment by the City Council to fill a vacancy on Council, to serve until the next regular municipal election.

D. In the interest of timely carrying out its duty to so appoint a District 6 Councilmember in an efficient, fair and effective manner, the City Council at its Work Session on November 18, 2025, and in connection with this Resolution, has considered various options and schedules for proceeding.

E. In light of those discussions, the City Council desires to proceed with the posting, application, selection and appointment process as set forth herein.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Public Information and Application Process:

A. The City Clerk will post and distribute to various media information regarding the vacancy and the application process, beginning on Wednesday, December 3, 2025.

B. The form of application includes a notarized affidavit and financial disclosure statement. Per City Charter, applicants must meet the following qualifications:

1. United States citizen;
2. Registered voter in the city for one year immediately prior to the appointment;
3. At least 21 years of age;
4. Resident of Council District 6; and
5. Never convicted of a felony identified in the Colorado Constitution as a bar to holding public office.

C. Applications may be emailed to the City Clerk's Office at cityclerk@fcgov.com, hand-delivered to the City Clerk's Office, 300 LaPorte Avenue, or mailed to the City Clerk's Office at PO Box 580, Fort Collins, CO 80522, and must be received by the City Clerk by 5:00 p.m. on Wednesday, December 31, 2025, in order to be considered.

D. All application materials will be posted for public review promptly after the closing of the application period and will be provided to Council as part of the materials for the planned special meeting on January 13, 2026. The materials will be available to the public and City Council for subsequent steps in the selection process.

Section 2. Selecting Finalists to be Interviewed:

A. It is Council's current plan to interview five candidates at a work session on Wednesday, January 14, 2026.

B. If the City Clerk receives more than five applications from candidates meeting the minimum requirements stated above, the City Council will consider and decide on January 13 by adopting a resolution setting the pool of candidates to be interviewed by Council.

Section 3. Council Interview Process:

A. The Council will interview all final candidates at a work session planned for January 14, 2026, at 6:00 pm.

B. Candidates being interviewed will be sequestered until their interview has been completed. The interview will include a time-limited opportunity to provide an opening statement and then questioning by the Mayor and each Councilmember using set questions that will be provided as part of the agenda packet for the special meeting. There will be an opportunity for follow up or clarifying questions by Councilmembers.

C. After the completion of Councilmember questions, each applicant will have a brief, time-limited opportunity to provide a closing statement.

Section 4. Input and Selection Process:

A. Members of the public will be invited to provide comments to the City Council at any time at CityLeaders@fcgov.com or in care of the City Clerk at the address above, regarding the applicants and the Council's selection of an appointee.

B. Council will take action to select an appointee at a planned special meeting on Thursday, January 14, 2026, after the work session. The public will have an opportunity to comment at the beginning of the discussion on the resolution making the appointment, as on all discussion items, with the time limit for comment set by the Mayor based on the number of speakers.

C. After completion of public comment, Council will discuss the applicants.

D. As part of the agenda for the selection, the City Clerk will provide a resolution with a blank for the name of the appointee as part of the Council's agenda materials. After discussing the applicants, Council will then act by motion to approve the resolution with a proposed appointee, taking successive votes and amendments as necessary to adopt the resolution with a named appointee that receives a majority vote.

Section 5. Swearing In of Appointee:

A. Legal swearing in of the appointed Councilmember may take place in the office of the City Clerk at a mutually convenient time after the January 14, 2026, appointment.

B. Ceremonial swearing in of the appointed Councilmember will take place at the Regular Council meeting on Tuesday, January 20, 2026.

Section 6. Council may make modifications to the procedures or schedule set forth above as it determines appropriate in light of the circumstances of the process as it proceeds.

Passed and adopted on December 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 2, 2025
Approving Attorney: Carrie Daggett

Exhibit: None

File Attachments for Item:

26. First Reading of Ordinance No. 208, 2025, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.

The purpose of this item is to amend City Code to establish the 2026 compensation of the Chief Judge. Council met in executive session on November 25, 2025, to conduct the performance review of Chief Judge Jill Hueser and to review the salary market analysis for this position.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Teresa Roche, Human Resources Executive

SUBJECT

First Reading of Ordinance No. 208, 2025, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Chief Judge.

EXECUTIVE SUMMARY

The purpose of this item is to amend City Code to establish the 2026 compensation of the Chief Judge. Council met in executive session on November 25, 2025, to conduct the performance review of Chief Judge Jill Hueser and to review the salary market analysis for this position.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Council is committed to compensating employees in a manner which is market-based, competitive, and tied to performance. The goal as an employer is to attract, retain, engage, develop, and reward a diverse and competitive workforce to meet the needs of the community now and in the future. To accomplish this goal, Council and the Chief Judge meet twice a year to discuss performance and set goals for the coming year.

The 2025 salary of the Chief Judge is $218,141.

Based on the market analysis for this position and guided by the City's compensation principles and Council's discussion during recent performance review, staff has recommended the 2026 salary for this position.

Resolution 2019-099 establishes the process for evaluating the performance of the City Manager, City Attorney, and Chief Judge. It states that any change in compensation for these employees will be adopted by Council by Ordinance. This Ordinance will amend City Code to establish the 2026 compensation for the Chief Judge.

CITY FINANCIAL IMPACTS

The City financial impact will be the new base salary for the Chief Judge as approved by Council.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Benchmark Cities Market Information
2. Ordinance No. 208, 2025

City Judge

Benchmark Cities Market Information

November 2025

Regional Base Salary Percentiles	10th	25th	50th	75th	90th
2026 (2025 Forecast	$208,836	$216,511	$223,261	$226,587	$234,417
2025 (Actual)	$202,753	$210,205	$216,759	$219,987	$227,590
2025 (2024 Forecast)	$200,850	$207,517	$212,015	$219,390	$225,921
2024	$195,000	$201,473	$205,839	$213,000	$219,341

3% projection in 2026 in anticipation of regional salary movement for local municipalities.

Chief Judge

Benchmark Cities (Regional) Market Information

November 2025

Local Entity	Specific Plan	Plan Type	Employer %	Employee %	Social Security	Defined Benefit Available	Retiree Healthcare	Eligibility	Match	Total Contributions[1]	Vesting Schedule (Years)	Salary	Year of Last Increase	Car Allowance	Annual/ Retention Bonus	Length of Service
Fort Collins, CO	**Exec. Plan**	**401a**	**10%**	**0%**	**Yes**	**No**	**No**	**Immediate**	**No**	**28.40%**	**Immediate**	**$218,141**	**2025**			**5 years**
Arvada, CO	Exec. Match	401a	11%	8%	No	No	Yes	Immediate	Exec ~ $25,000	19% + Healthcare + $25,000	Immediate	$228,186	2025			4 years
Aurora, CO	Exec. Plan	401a	10%	10%	Yes	No	$244/mo	Immediate	~$15,000	32.4% + $244/mo + $15,000	3	$211,913	2024	$500		<1 year
Boulder, CO	Exec. Plan[2]	401a	14%	8%	No	No	No	Immediate	No	22%	5	$202,000	2025			2 years
Broomfield, CO	No	401a	6%	6%	Yes	No/Frozen	Yes	Immediate	No	24.4% + Healthcare	5	$233,854	2025			4 years
Denver, CO	No	DB	18%	8.45%	Yes	DERP	No	Immediate	No	38.85%	5	$222,222	2025			2 years
Greeley, CO	No	401k	6%	4%	Yes	No	No	Immediate	No	$0	5	$209,532	2025			6 years
Lakewood, CO	No	401a	13%	11%	No	No	Yes	Immediate	No	24% + Healthcare	5	$219,242	2025	$4,800		6 years
Longmont, CO	No	401a	5%	6%	No	Yes	Yes	Immediate	No	11% + Healthcare	3	$215,376	2025			9 years
Loveland, CO	No	401a	9%	3%	Yes	No	No	6 months	No	$0	3	$175,000	2024			1 year
Thornton, CO	Exec. Plan	401a	7.6%	6%	Yes	No	Yes	Immediate	No	28% + Healthcare	5	$210,429	2025	$4,440	$1,837	3 years
Westminster, CO	No	401a	11.25%	11%	No	No	part or 401h	Immediate	No	$0	5	$218,427	2025	$6,000		3 years

[1] Total Contributions into Retirement assumes the Employer and Employee contribution, plus the match (assuming they take advantage of it), plus Social Security (if included) and Retiree Healthcare.

[2] Can choose between/either the Statewide Defined Benefit Plan or the Executive 401a Plan.

Blank cells indicate data points not provided through any of our data collection sources.

ORDINANCE NO. 208, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-606 OF THE CODE OF THE CITY OF FORT COLLINS AND SETTING THE SALARY OF THE CHIEF JUDGE

A. Pursuant to Article VII, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the Chief Judge.

B. The City is committed to compensating its employees in a manner which is fair, competitive and understandable.

C. The City's pay philosophy is based on total compensation, which includes not only base salary but also deferred compensation payments, vacation and holiday leave, and amounts paid by the City for medical, dental, life and long-term disability insurance.

D. The City Council supports a compensation philosophy of paying employees a competitive salary and is setting the salary of the Chief Judge based on established market data.

E. The City Council met with the Chief Judge on November 25, 2025, to conduct a review and establish goals for her performance.

F. The City Council believes the annual base salary of the Chief Judge for 2026 should be established at the amount of $_____ effective January 5, 2026.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 2-606 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-606. - Salary of the Chief Judge.

The base salary to be paid to the Chief Judge shall be ~~two hundred eighteen thousand one hundred forty one dollars ($218,141)~~ _____ ($_____) per annum, payable in biweekly installments, which sum shall be charged to general government expense.

Section 2. The effective date of the salary adjustment shall be January 5, 2026.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Carrie Daggett

Exhibit: None

File Attachments for Item:

27. First Reading of Ordinance No. 209, 2025, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

The purpose of this item is to amend City Code to establish the 2026 salary of the City Manager. Council met in executive session on November 25, 2025, to conduct the performance review of City Manager Kelly DiMartino and to review the salary market analysis for this position.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Teresa Roche, Human Resources Executive

SUBJECT

First Reading of Ordinance No. 209, 2025, Amending Section 2-596 of the Code of the City of Fort Collins and Setting the Salary of the City Manager.

EXECUTIVE SUMMARY

The purpose of this item is to amend City Code to establish the 2026 salary of the City Manager. Council met in executive session on November 25, 2025, to conduct the performance review of City Manager Kelly DiMartino and to review the salary market analysis for this position.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Council is committed to compensating employees in a manner which is market based, competitive and based on performance. The goal as an employer is to attract, retain, engage, develop and reward a diverse and competitive workforce to meet the needs of the community now and in the future. To accomplish this goal, Council and the City Manager meet twice a year to discuss performance and set goals for the coming year.

The 2025 salary for the City Manager is $330,736.

Based on the market analysis for this position and guided by the City's compensation principles and Council's discussion during recent performance review, staff has recommended the 2026 salary for this position.

Resolution 2019-099 establishes the process for evaluating the performance of the City Manager, City Attorney, and Chief Judge. It states that any change in compensation for these employees will be adopted by Council by Ordinance. This Ordinance will amend City Code to establish the 2026 compensation for the City Manager.

CITY FINANCIAL IMPACTS

The City financial impact will be the new base salary for the City Manager as approved by Council.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Benchmark Cities (National and Regional) Market Information
2. Ordinance No. 209, 2025

City Manager

Benchmark Cities Market Information

November 2025

National Base Salary Percentiles					
	10th	25th	50th	75th	90th
2026 Forecast	$288,400	$309,000	$339,702	$396,558	$429,551
2025 Actual	**$280,000**	**$300,000**	**$329,808**	**$385,008**	**$417,040**
2025 Forecast	$270,109	$294,985	$325,065	$396,702	$427,104
2024	$262,242	$286,393	$315,597	$385,148	$414,664
4.5% projection in 2026 in anticipation of Peer salary movement for municipalities.					

Regional Base Salary Percentiles					
	10th	25th	50th	75th	90th
2026 Forecast	$302,647	$324,448	**$329,600**	$345,050	$354,730
2025 Actual	**$293,832**	**$314,998**	**$320,000**	**$335,000**	**$344,398**
2025 Forecast	$269,407	$284,967	$312,539	$325,483	$337,657
2024	$261,560	$276,667	$303,436	$316,003	$327,822
3% projection in 2026 in anticipation of Regional salary movement for local municipalities.					

City Manager

Benchmark Cities (National) Market Information

November 2025

Peer City	Specific Plan	Plan Type	Employer %	Employee %	Social Security	Defined Benefit Available	Retiree Healthcare	Eligibility	Match	Total Contributions[1]	Vesting Schedule (Years)	Car or Car Allowance	Salary	Year of Last Increase	Length of Service	Population
Fort Collins, CO	**Exec. Plan**	**401a**	**10%**	**0%**	**Yes**	**No**	**No**	**Immediate**	**3%**	**28.40%**	**Immediate**	**$12,000**	**$330,736**	**2025**	**3 years**	**170,507**
Anaheim, CA	Exec. Plan	401a	5%	5%	No	Yes	Yes	Yes	No	10% + Healthcare	Immediate	$7,200	$386,697	2025	5 years	340,512
Ann Arbor, MI	Yes	401a	15%	7.5%	Yes	No	Yes	Yes	No	34.9% + Healthcare	3		$280,000	2025	4 years	119,381
Asheville, NC		State DB	12.1%	6%	Yes	Yes	No	Immediate	No	30.50%	5	$6,000	$273,261	2025	7 years	95,056
Austin, TX		DB	12%	10%	No	Yes	Yes	Immediate	DROP	22% + Healthcare	5	No	$488,821	2025	1.5 years	979,882
Boulder, CO	Exec. Plan[2]	401a	14%	8%	No	No	No	Immediate	No	22%	5		$328,221	2025	4 years	105,898
Durham, NC		State DB	12.1%	6%	Yes	Yes	No	Immediate	No	30.50%	5	$6,000	$297,000	2025	4 years	296,186
Eugene, OR	Exec. Plan	401a	5%	5%	No	Yes	No	Immediate	No	10%	Immediate		$319,218	2025	6 years	177,899
Greensboro, NC		State DB	12.1%	6%	Yes	Yes	No	Immediate	No	30.50%	5		$300,000	2024	1.5 year	302,296
Hayward, CA	Exec. Plan	401a	6%	0%	No	Yes	No	Immediate	No	6%	Immediate	$5,400	$385,008		<1 year	155,675
Irving, TX	Exec. Plan	401a	5%	5%	No	Yes	No	Immediate	DROP	10%	Immediate	$6,600	$332,361	2024	11 years	254,373
Mesa, AZ	Exec. Plan	401a	Max	0%	Yes	Yes	yes- 20 years	Immediate	$8,000	Max + 12.4 + $8,000 + Healthcare	Immediate	$7,200	$345,000	2025	<1 year	511,648
Naperville, IL	Exec. Plan	401a	$20,000	0%	Yes	Yes	No	Immediate	No	$20,000 + 12.4%	Immediate	No	$246,301	2025	17 years	150,245
Oklahoma City, OK	Exec. Plan	401a	8%	8%	No	Yes	Yes	Immediate	No	16% + Healthcare	Immediate	$7,000	$329,808	2025	7 years	702,767
Palo Alto, CA	Yes	401a	75% of Max	0%	No	Yes	Yes	Immediate	No	75% of Max + Healthcare	5	No	$435,487	2025	7 years	65,882
Plano, TX	Exec. Plan	401a	5%	5%	No	Yes	Yes	Immediate	No	10% + Healthcare	Immediate	$12,000	$417,040	2025	6 years	290,190
Saramento, CA	Exec. Plan	401a	10%	0%	No	Yes	Yes	Immediate	No	10% + Healthcare	Immediate	$6,000	$352,000		Interim	526,384
Santa Monica, CA	Exec. Plan	401a	5%	5%	No	Yes	No	Immediate	No	10%	Immediate		$410,604		<1 year	89,922
Savannah, GA											Immediate	$7,200	$305,206	2025	4 years	147,748
Tallahassee, FL	Exec. Plan	401k	5%	Elective	No	Yes	No	Immediate	Deferred Match	5%	Immediate	No	$304,648	2025	7 years	202,221
Wilmington, NC		State DB	12.1%	6%	Yes	Yes	No	Immediate	No	30.50%	5	$6,000	$280,000	2025	4 years	122,698

[1] Total Contributions into Retirement assumes the Employer and Employee contribution, plus the match (assuming they take advantage of it), plus Social Security (if included) and Retiree Healthcare.

[2] Can choose between/either the Statewide Defined Benefit Plan or the Executive 401a Plan.

Blank cells indicate data points not provided through any of our data collection sources.

City Manager

Benchmark Cities (Regional) Market Information

November 2025

Local Entity	Specific Plan	Plan Type	Employer %	Employee %	Social Security	Defined Benefit Available	Retiree Healthcare	Eligibility	Match	Total Contributions[1]	Vesting Schedule (Years)	Car or Car Allowance	Salary	Year of Last Increase	Annual/ Retention Bonus	Length of Service	Population
Fort Collins, CO	**Exec. Plan**	**401a**	**10%**	**0%**	**Yes**	**No**	**No**	**Immediate**	**3%**	**28.40%**	**Immediate**	**$12,000**	**$330,736**	**2025**		**3 years**	**178,000**
Arvada, CO	Exec. Match	401a	11%	8%	No	No	Yes	Immediate	Exec ~$25,000	19% + $25,000 + Healthcare	Immediate	$6,000	$320,000	2025		<1 year	121,414
Aurora, CO	Exec. Plan	401a	10%	10%	Yes	No	$244/mo	Immediate	~$15,000	32.4% + $15,000 +$244/mo Healthcare	3	$7,200	$344,850	2025		1 year	395,052
Boulder, CO	Exec. Plan[2]	401a	14%	8%	No	No	No	Immediate	No	22%	5		$328,221	2025		4 years	105,898
Broomfield, CO	No	401a	6%	6%	Yes	No/Frozen	Yes	Immediate	No	24.4% + Healthcare	5	$8,400	$317,221	2025		6 years	76,860
Greeley, CO[3]	No	401k	6%	4%	Yes	No	No	Immediate	2%	26.40%	5	$7,200	$318,474	2025		3 years	112,000
Lakewood, CO	No	401a	13%	11%	No	No	Yes	Immediate	No	24% + Healthcare	5	$8,400	$362,825	2025		16 years	155,961
Larimer County	No	401a	8%	8%	Yes	No	Yes	Immediate	No	28.4% + Healthcare	5		$291,040	2025		3 years	373,965
Littleton, CO	Exec. Match	401a	8%	5%	Yes	No	No	Immediate	~$11,250	25.4% + ~$11,250	5	$6,000	$254,117	2025		3 years	44,591
Longmont, CO	No	401a	5%	6%	No	Yes	Yes	Immediate	No	11% + Healthcare	3	$6,000	$314,998	2025		13 years	98,630
Loveland, CO	No	401a	9%	3%	Yes	No	No	6 mos.	No	24.4%	3	$7,200	$305,000	2024		1 year	82,000
Thornton, CO	Exec. Plan	401a	8%	12.6%	Yes	No	Yes	Immediate	1%	35%	5	$6,600	$342,591	2025		1 year	144,922
Westminster, CO	No	401a	11.25%	11%	No	No	Part of 401h	Immediate	No	22.25%	5	$6,000	$335,000	2025		<1 year	114,875

[1] Total Contributions into Retirement assumes the Employer and Employee contribution, plus the match (assuming they take advantage of it), plus Social Security (if included) and Retiree Healthcare.

[2] Can choose between/either the Statewide Defined Benefit Plan or the Executive 401a Plan.

[3] Greeley's City Manager has resigned effective December 2, 2025.

Blank cells indicate data points not provided through any of our data collection sources.

ORDINANCE NO. 209, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-596 OF THE CODE OF THE
CITY OF FORT COLLINS AND SETTING THE SALARY
OF THE CITY MANAGER

A. Pursuant to Article III, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the City Manager.

B. The City is committed to compensating its employees in a manner that is fair, competitive and understandable.

C. The City Council supports a compensation philosophy of paying employees a competitive salary based on established market data and performance and may adjust the salary of the City Manager to bring that salary more in line with the approved market data.

D. The City Council met with the City Manager on November 25, 2025, to conduct a review and establish next year's goals.

E. The City Council believes that the base salary of the City Manager should be established at the amount of $_____ effective January 5, 2026.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 2-596 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-596. - Salary of the City Manager.

The base salary to be paid the City Manager shall be ~~three hundred thirty thousand seven hundred thirty-six dollars ($330,736)~~_____ ($_____) per annum, payable in biweekly installments. Forty (40) percent of such sum shall be charged to the city electric utility, twenty (20) percent to the city water utility and forty (40) percent to general government expense.

Section 2. The effective date of the salary adjustment shall be January 5, 2026.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Carrie Daggett

Exhibit: None

File Attachments for Item:

28. First Reading of Ordinance No. 210, 2025, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

The purpose of this item is to amend City Code to establish the 2026 compensation of the City Attorney. Council met in executive session on November 25, 2025, to conduct the performance review of City Attorney Carrie Daggett and to review the salary market analysis for this position.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Teresa Roche, Human Resources Executive

SUBJECT

First Reading of Ordinance No. 210, 2025, Amending Section 2-581 of the Code of the City of Fort Collins and Setting the Salary of the City Attorney.

EXECUTIVE SUMMARY

The purpose of this item is to amend City Code to establish the 2026 compensation of the City Attorney. Council met in executive session on November 25, 2025, to conduct the performance review of City Attorney Carrie Daggett and to review the salary market analysis for this position.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Council is committed to compensating employees in a manner which is market-based, competitive, and tied to performance. The goal as an employer is to attract, retain, engage, develop, and reward a diverse and competitive workforce to meet the needs of the community now and in the future. To accomplish this goal, Council and the City Attorney meet twice a year to discuss performance and set goals for the coming year.

The 2025 salary of the City Attorney is $265,369.

Based on the market analysis for this position and guided by the City's compensation principles and Council's discussion during recent performance review, staff has recommended the 2026 salary for this position.

Resolution 2019-099 establishes the process for evaluating the performance of the City Manager, City Attorney, and Chief Judge. It states that any change in compensation for these employees will be adopted by Council by Ordinance. This Ordinance will amend City Code to establish the 2026 compensation for the City Attorney.

CITY FINANCIAL IMPACTS

The City financial impact will be the new base salary of the City Attorney as approved by Council.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Benchmark Cities (National and Regional) Market Information
2. Ordinance No. 210, 2025

City Attorney

Benchmark Cities Market Information

November 2025

National Base Salary Percentiles					
	10th	25th	50th	75th	90th
2026 Forecast	$230,350	$259,690	$283,672	$363,508	$377,782
2025 Actual	**$223,640**	**$252,126**	**$275,410**	**$352,920**	**$366,779**
2025 Forecast	$216,353	$236,949	$269,794	$329,740	$355,420
2024	**$210,051**	**$230,048**	**$261,936**	**$320,136**	**$345,068**
3% projection in 2026 in anticipation of Peer salary movement for municipalities.					

Regional Base Salary Percentiles					
	10th	25th	50th	75th	90th
2026 Forecast	$245,616	$253,668	$273,330	$281,190	$287,962
2025 Actual	**$238,462**	**$246,280**	**$265,369**	**$273,000**	**$279,575**
2025 Forecast	$245,349	$251,318	$265,369	$272,167	$280,440
2024	$238,203	$243,998	$257,640	$264,240	$272,272
3% projection in 2026 in anticipation of Regional salary movement for local municipalities.					

City Attorney

Benchmark Cities (National) Market Information

November 2025

Peer City	Specific Plan	Plan Type	Employer %	Employee %	Social Security	Defined Benefit Available	Retiree Healthcare	Eligibility	Match	Total Contributions [1]	Vesting Schedule (Years)	Salary	Year of Last Increase	Length of Service
Fort Collins, CO	**Exec. Plan**	**401a**	**10%**	**0%**	**Yes**	**No**	**No**	**Immediate**	**4.5%**	**31.40%**	**Immediate**	**$265,369**	**2025**	**10 years**
Anaheim, CA	Exec. Plan	401a	5%	5%	No	Yes	Yes	Immediate	No	10% + Healthcare	Immediate	$367,439	2025	7 years
Ann Arbor, MI	Yes	DB	15%	7.5%	No	Yes	Yes	Immediate	No	22.5% + Healthcare	5	$223,874	2025	3 years
Asheville, NC		State DB	12.1%	6%	Yes	Yes	No	Immediate	No	30.50%	5	$223,095	2025	6 years
Boulder, CO	Exec. Plan[2]	401a	14%	8%	No	No	No	Immediate	No	22%	5	$270,819	2025	4 years
Durham, NC		State DB	12.1%	6%	Yes	Yes	No	Immediate	No	30.50%	5	$264,048	2025	6 years
Greensboro, NC		State DB	12.1%	6%	Yes	Yes	No	Immediate	No	30.50%	5	$290,000	2025	<1 year
Hayward, CA	Exec. Plan	401a	6%	0%	No	Yes	No	Immediate	No	6%	Immediate	$366,496	2025	17 years
Irving, TX	Exec. Plan	State DB	11%	6%	Yes	Yes	No	Immediate	DROP	29.40%	Immediate	$353,544	2024	10 years
Mesa, AZ	Exec. Plan	DB	11%	11%	Yes	Yes	Yes-20 years	Immediate	$9,000	34.4+% + Healthcare + $9,000	Immediate	$280,000	2024	10 years
Oklahoma City, OK	Exec. Plan	401a	8%	8%	No	Yes	Yes	Immediate	No	16% + Healthcare	Immediate	$231,109	2025	19 years
Palo Alto, CA	Yes	401a	25% of Max	0%	No	Yes	Yes	Immediate	No	25% of Max + Healthcare	5	$359,258	2024	11 years
Plano, TX	Exec. Plan	401a	5%	0%	No	Yes	Yes	Immediate	DROP	5% + Healthcare	Immediate	$290,182	2024	12 years
Saramento, CA	Exec. Plan	401a	10%	0%	No	Yes	Yes	Immedate	No	10% + Healthcare	Immediate	$351,048	2025	2 years
Santa Monica, CA	Exec. Plan	401a	5%	6%	No	Yes	No	Immediate	No	11%	Immediate	$395,392	2025	interim
Savannah, GA												$260,608	2024	6 years
Tallahassee, FL	Exec. Plan	401k	5%	Elective	No	Yes	No	Immediate	Deferred Match	5%	Immediate	$249,298	2025	1 year
Wilmington, NC		State DB	12.1%	6%	No	Yes	No	Immediate	No	18.10%	5	$208,819	2025	2 years

[1] Total Contributions into Retirement assumes the Employer and Employee contribution, plus the match (assuming they take advantage of it), plus Social Security (if included) and Retiree Healthcare.

[2] Can choose between/either the Statewide Defined Benefit Plan or the Executive 401a Plan.

Blank cells indicate data points not provided through any of our data collection sources.

City Attorney

Benchmark Cities (Regional) Market Information

November 2025

Local Entity	Specific Plan	Plan Type	Employer %	Employee %	Social Security	Defined Benefit Available	Retiree Healthcare	Eligibility	Match	Total Contributions[1]	Vesting Schedule (Years)	Salary	Year of Last Increase	Length of Service
Fort Collins, CO	**Exec. Plan**	**401a**	**10%**	**0%**	**Yes**	**No**	**No**	**Immediate**	**4.5%**	**31.40%**	**Immediate**	**$265,369**	**2025**	**10 years**
Arvada, CO	Exec. Match	401a	11%	8%	No	No	Yes	Immediate	Exec ~ $25,000	19% + Healthcare + $25,000	Immediate	$238,203	2025	6 years
Aurora, CO	Exec. Plan	401a	10%	10%	Yes	No	$244/mo	Immediate	~$15,000	32.4% + $244/mo. Healthcare + $25,000	3	$239,500		<1 year
Boulder, CO	Exec. Plan[2]	401a	14%	8%	No	No	No	Immediate	No	22%	5	$270,819	2025	4 years
Broomfield, CO	No	401a	6%	6%	Yes	No/Frozen	Yes	Immediate	No	24.4% + Healthcare	5	$285,896	2025	5 years
Denver, CO	No	DB	18%	8.45%	Yes	DERP	No	Immediate	No	38.85%	5	$216,061	2024	3 years
Greeley, CO	No	401k	6%	4%	Yes	No	No	Immediate	2%	26.4%	5	$246,280	2025	1 year
Lakewood, CO	No	401a	13%	11%	No	No	Yes	Immediate	No	24% + Healthcare	5	$273,000	2025	4 years
Larimer County	No	401a	8%	8%	Yes	No	Yes	Immediate	No	28.4% + Healthcare	5	$253,803	2025	5 years
Longmont, CO	No	401a	5%	6%	No	Yes	Yes	Immediate	No	11% + Healthcare	3	$268,203	2025	16 years
Loveland, CO	No	401a	9%	3%	Yes	No	No	6 months	No	24.4%	3	$280,000	2025	1 year
Thornton, CO	Exec. Plan	401a	7.6%	7.6%	Yes	No	Yes	Immediate	1%	29.6% + Healthcare	5	$259,828	2025	4 years
Westminster, CO	No	401a	11.3%	11%	No	No	part or 401h	Immediate	No	22.3%	5	$277,876	2025	10 years

[1] Total Contributions into Retirement assumes the Employer and Employee contribution, plus the match (assuming they take advantage of it), plus Social Security (if included) and Retiree Healthcare.

[2] Can choose between/either the Statewide Defined Benefit Plan or the Executive 401a Plan.

Blank cells indicate data points not available due to vacant positions or provided through any of our data collection sources.

ORDINANCE NO. 210, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-581 OF THE CODE OF THE CITY OF FORT COLLINS AND SETTING THE SALARY OF THE CITY ATTORNEY

A. Pursuant to Article VI, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the City Attorney.

B. The City is committed to compensating its employees in a manner that is fair, competitive and understandable.

C. The City Council supports a compensation philosophy of paying employees a competitive salary based on established market data and performance, and may adjust the salary of the City Attorney to bring that salary more in line with the approved market data.

D. The City Council met with the City Attorney on November 25, 2025, to conduct a review and establish goals for her performance.

E. The City Council believes the base salary of the City Attorney for 2026 should be established at the amount of $_____ effective January 5, 2026.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 2-581 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-581. Salary of the City Attorney.

The base salary to be paid the City Attorney shall be ~~two hundred sixty five thousand three hundred sixty nine dollars ($265,369)~~ _____ ($_____) per annum, payable in biweekly installments. Sixty (60) percent of such sum shall be charged to general government expense, twenty (20) percent to the City water utility and twenty (20) percent to the City electric utility.

Section 2. The effective date of the salary adjustment shall be January 5, 2026.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Jenny Lopez Filkins

Exhibit: None

File Attachments for Item:

29. Items Related to the Adoption of the 2024 International Codes, the 2023 National Electric Code, and the 2025 Colorado Wildfire Resiliency Code, with local amendments.

First Reading of Ordinance No. 211, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Building Code and Adopting the 2024 International Building Code, with Amendments.

First Reading of Ordinance No. 212, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Energy Conservation Code and Adopting the 2024 International Energy Conservation Code, with Amendments.

First Reading of Ordinance No. 213, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Residential Code and Adopting the 2024 International Residential Code, with Amendments.

First Reading of Ordinance No. 214, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Existing Building Code and Adopting the 2024 International Existing Building Code, with Amendments.

First Reading of Ordinance No. 215, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Swimming Pool and Spa Code and Adopting the 2024 International Swimming Pool and Spa Code, with Amendments.

First Reading of Ordinance No. 216, 2025, Amending Chapter 5, Article II, Division 3 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Property Maintenance Code and Adopting the 2024 International Property Maintenance Code, with Amendments.

First Reading of Ordinance No. 217, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Mechanical Code and Adopting the 2024 International Mechanical Code, with Amendments.

First Reading of Ordinance No. 218, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fuel Gas Code and Adopting the 2024 International Fuel Gas Code, with Amendments.

First Reading of Ordinance No. 219, 2025, Amending Chapter 5, Article V, Division 1 of the Code of the City of Fort Collins for the Purpose of Repealing the Colorado Plumbing Code and adopting the 2024 International Plumbing Code, with Amendments.

First Reading of Ordinance No. 220, 2025, Amending Chapter 5 of the Code of the City of Fort Collins for the Purpose of Adopting the 2025 Colorado Wildfire Resiliency Code and Appendices, with Amendments.

First Reading of Ordinance No. 221, 2025, Amending Chapter 5, Article III of the Code of the City of Fort Collins for the Purpose of Repealing the 2020 National Electrical Code and adopting the 2023 National Electrical Code, with Amendments.

First Reading of Ordinance No. 222, 2025, Amending the Land Use Code of the City of Fort Collins to Add Wildfire Resiliency Landscaping Requirements.

The purpose of this item is to adopt the 2024 International Codes (2024 I-Codes) and the 2023 National Electric Code, which represent the most up-to-date, comprehensive, and fully integrated body of codes regulating building construction and systems using prescriptive and performance-related provisions. The purpose of the 2024 I-Codes is to establish minimum construction requirements to safeguard the public health, safety, and general welfare by regulating structural strength and stability, sanitation, light and ventilation, energy conservation, and property protection from hazards attributed to the built environment within the City of Fort Collins.

The 2024 I-Codes will replace the 2021 editions which were adopted by the City on April 5, 2022 (2021 I-Codes). The I-Codes are reviewed and voted on by code officials and construction industry professionals from across the country and published every three years under the oversight of the *International Code Council (ICC)*. These core 2024 I-Codes represent the latest construction publications from the ICC.

This item also includes ordinances to adopt the 2025 Colorado Wildfire Resiliency Code, which is an adaptation of the 2024 International Wildland-Urban Interface Code published by the ICC.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Marcus Coldiron, Chief Building Official

SUBJECT FOR DISCUSSION

Items Related to the Adoption of the 2024 International Codes, the 2023 National Electric Code, and the 2025 Colorado Wildfire Resiliency Code, with local amendments.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 211, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Building Code and Adopting the 2024 International Building Code, with Amendments.

B. First Reading of Ordinance No. 212, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Energy Conservation Code and Adopting the 2024 International Energy Conservation Code, with Amendments.

C. First Reading of Ordinance No. 213, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Residential Code and Adopting the 2024 International Residential Code, with Amendments.

D. First Reading of Ordinance No. 214, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Existing Building Code and Adopting the 2024 International Existing Building Code, with Amendments.

E. First Reading of Ordinance No. 215, 2025, Amending Chapter 5, Article II, Division 2 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Swimming Pool and Spa Code and Adopting the 2024 International Swimming Pool and Spa Code, with Amendments.

F. First Reading of Ordinance No. 216, 2025, Amending Chapter 5, Article II, Division 3 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Property Maintenance Code and Adopting the 2024 International Property Maintenance Code, with Amendments.

G. First Reading of Ordinance No. 217, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Mechanical Code and Adopting the 2024 International Mechanical Code, with Amendments.

H. First Reading of Ordinance No. 218, 2025, Amending Chapter 5, Article IV of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fuel Gas Code and Adopting the 2024 International Fuel Gas Code, with Amendments.

I. First Reading of Ordinance No. 219, 2025, Amending Chapter 5, Article V, Division 1 of the Code of the City of Fort Collins for the Purpose of Repealing the Colorado Plumbing Code and adopting the 2024 International Plumbing Code, with Amendments.

J. First Reading of Ordinance No. 220, 2025, Amending Chapter 5 of the Code of the City of Fort Collins for the Purpose of Adopting the 2025 Colorado Wildfire Resiliency Code and Appendices, with Amendments.

K. First Reading of Ordinance No. 221, 2025, Amending Chapter 5, Article III of the Code of the City of Fort Collins for the Purpose of Repealing the 2020 National Electrical Code and adopting the 2023 National Electrical Code, with Amendments.

L. First Reading of Ordinance No. 222, 2025, Amending the Land Use Code of the City of Fort Collins to Add Wildfire Resiliency Landscaping Requirements.

The purpose of this item is to adopt the 2024 International Codes (2024 I-Codes) and the 2023 National Electric Code, which represent the most up-to-date, comprehensive, and fully integrated body of codes regulating building construction and systems using prescriptive and performance-related provisions. The purpose of the 2024 I-Codes is to establish minimum construction requirements to safeguard the public health, safety, and general welfare by regulating structural strength and stability, sanitation, light and ventilation, energy conservation, and property protection from hazards attributed to the built environment within the City of Fort Collins.

The 2024 I-Codes will replace the 2021 editions which were adopted by the City on April 5, 2022 (2021 I-Codes). The I-Codes are reviewed and voted on by code officials and construction industry professionals from across the country and published every three years under the oversight of the *International Code Council (ICC)*. These core 2024 I-Codes represent the latest construction publications from the ICC.

This item also includes ordinances to adopt the 2025 Colorado Wildfire Resiliency Code, which is an adaptation of the 2024 International Wildland-Urban Interface Code published by the ICC.

STAFF RECOMMENDATIONS

Staff recommends adoption of these Ordinances on First Reading.

BACKGROUND / DISCUSSION

Since 1924, the City of Fort Collins has periodically reviewed, amended, and adopted the latest nationally recognized building standards available at the time. The City has updated the minimum construction standards 17 times since 1924. Building codes and standards are reviewed and voted on by code officials and construction industry professionals from across the country and published every three years under the oversight of the *International Code Council (ICC)*. The core 2024 I-Codes represent the latest construction publications from ICC.

The code updates include the following scope of work:

1. **2024 International Codes** are a complete replacement of the following previously adopted building codes:

- 2021 International Building Code
- 2021 International Residential Code
- 2021 International Mechanical Code
- 2021 International Fuel Gas Code
- 2021 International Energy Conservation Code

- 2021 International Existing Building Code
- 2021 International Swimming Pool and Spa Code
- 2021 International Property Maintenance Code
- Colorado Plumbing Code (being replaced by the 2024 International Plumbing Code)

2. 2023 National Electric Code is a complete replacement of the previously adopted 2020 National Electrical Code; however, the local amendments are unchanged.

3. State Bills/Laws:

- 2025 Colorado Wildlife Resiliency Code
- HB25-1273 Residential Building Stair Modernization

4. Local Amendment highlights:

- Removing redundancies with 2024 International Codes
- Increase flexibility for EV Charging
- Simplify Accessory Dwelling Units (ADU) Requirements
- Update compliance path using Modeled Energy Code Targets
- Increase Accuracy of Water Demand Estimates
- Improve Visitability (Guest Accessibility)
- Codify requirements for Community-Based Shelters & Temporary Emergency Uses

REVIEW PROCESS & OUTREACH

The implementation of new building standards can impact the construction industry and local economy. To better understand these impacts, a building code review committee (Code Review Committee) was convened to review the new codes and all local amendments**.** In addition to representation from several surrounding jurisdictions, the Code Review Committee represented a wide spectrum of volunteers from across the local construction industry including private developers, residential and commercial builders, architects, engineers, representatives from the energy conservation sector, and Poudre Fire Authority.

Starting in March 2025, the Code Review Committee began meeting to discuss new code, proposed amendments, and current amendments. This committee completed their review on July 30, 2025, with support to adopt the 2024 I-Codes and amendments. While this review process has required considerable time and resources, it produces enforceable and effective building codes and amendments that the community and construction industry create and support together while continuing to align with the City's goals and priorities.

Generally, the Code Review Committee focused on the following themes when considering local amendments:

- Align our regulations with other jurisdictions for consistent quality/safety outcomes and customer experience
- Advance City goals from City Plan, Our Climate Future and other guiding documents with impact
- Improve customer experience through simplicity, consistency and optionality

- Consider short-term and long-term costs and savings implications
- Remove redundancies and overlap where I-Codes have caught up to local amendments

In addition to the Code Review Committee, an Energy Code Advisory Committee was also created and tasked with providing feedback on and participating in the development of the energy code and local amendments. This group was similarly represented by a wide range of building and design professionals. The Energy Code Advisory Committee ran in parallel with the Code Review Committee, and the two convened prior to finalizing the review of the proposed I-Codes with local amendments.

Between August and November 2025, following the completion of the committees, staff presented the proposed 2024 I-Codes and local amendments to numerous Boards, Commissions, and external community groups seeking feedback on and support of the adoption.

City Boards and Commissions	
Energy Board (8/14/25)	Natural Resource Advisory Board (10/15/25)
Air Quality Advisory Board (8/25/25)	Building Review Commission (10/30/25)
Affordable Housing Board (10/2/25)	Planning and Zoning Commission (11/14 & 11/20/25)
Water Commission (informational memo, Oct)	PFA Fire Board (11/18/25)
Disability Advisory Board (informational memo, 10/25)	
External groups	
Northern Colorado Home Builders Association (10/2/25)	Fort Collins Board of Realtors (11/13/2025)
Chamber of Commerce - LLAC (10/10/25)	

KEY UPDATES AND CHANGES

A handful of new local amendments are being proposed, some of which support the City's sustainability and Our Climate Future goals. Part of the focus for this adoption is to simplify our local amendments and achieve greater regional alignment. Additionally, this adoption is intended to address compliance requirements in recently approved state legislation, which significantly impacts building codes throughout the state.

Additionally, some of our existing local amendments have been modified or fully omitted from the proposed adoption. Some current amendments are no longer needed, as they are now represented in the new 2024 I-Codes (codes have caught up to us), while other amendments did not have the intended outcomes, have proven to be ineffective, or were cumbersome as previously written.

Relevant State Mandates:

- HB25-1273: Residential Building Stair Modernization. Signed by the Governor on 5/13/2025, this bill requires any jurisdiction with a population over 100,000 to adopt a building code to allow up to 5 stories of a multifamily residential building that satisfies certain life/safety requirements to be served by a single exit.
- SB23-166: The Colorado Wildfire Resiliency Code. Signed into law on May 12, 2023, this bill established a state Wildfire Resiliency Code Board that was tasked with defining the Wildland Urban Interface (WUI) and adopting rules for jurisdictions in an area within the WUI by July 1, 2025. This bill, as amended by SB25-142: Changes to Wildfire Resiliency Code Board (signed into law on June 3,

2025), also requires that jurisdictions adopt a code that meets or exceeds the standards adopted by the Wildfire Resiliency Code Board by April 1, 2026.

On July 1, 2025, the Wildfire Resiliency Code Board adopted the 2025 Colorado Wildfire Resiliency Code, which is an adaptation of the 2024 International Wildland Urban Interface Code, published by the International Code Council as part of the 2024 I-Codes.

The Code Review Committee strongly recommended adopting the Colorado Wildfire Resiliency Code at the same time as the other building codes, but postponing its enforcement to allow impacted community members additional time to familiarize themselves with the new requirements. As this code impacts multiple departments and their processes, postponing its enforcement will also give staff the ability to better coordinate and implement.

In addition to building standards, the model 2025 Colorado Wildfire Resiliency Code also includes landscape requirements. The City's landscape standards are generally found within the Land Use Code. Therefore, these new landscape standards are proposed to be added to Section 5.10.1 of the Land Use Code within a new subsection (L).

Strategic Local Amendments:

- Increase Flexibility for EV Charging: After introducing EV charging requirements in the 2021 I-Code adoption, staff has received substantial feedback regarding their implementation and the impact these requirements have had on new and existing developments and buildings. Proposed changes to our local amendments will add some flexibility of choice and design in the application of the requirements while still maintaining strong alignment with city plans and Council priorities. This includes some trade-off options for builders and developers that want to install more EV chargers than the minimum required by code. Changes to the EV charging requirements also include revised language that better aligns with the recently adopted changes to the Land Use Code. The Affordable Housing Electric Vehicle Infrastructure Offset Program is ongoing and has provided fee credits to at least three developments to date.
- Simplify Accessory Dwelling Units (ADU) Requirements: Adoption of Appendix BC in the 2024 International Residential Code allows flexibility in adding an ADU to an existing dwelling. The provisions in the appendix provide tradeoffs that lessen the complexity, construction waste, and financial impacts of such projects while maintaining life and safety considerations.
- Update Energy Code Compliance Targets: As part of the energy code process, Fort Collins has developed targets for energy use (EUI) and carbon emissions (CO_2e) spanning code years 2024, 2027, and 2030. To reach this goal, Fort Collins plans to utilize existing performance modeling code paths that have been adapted to use these EUI and CO_2e targets for corresponding code years. The deliverable is an energy compliance report demonstrating code compliance for the current code year. Establishing targets out to year 2030 will enable the building community to plan years in advance. This continues to move new construction beyond the traditional prescriptive code approach in the International Energy Conservation Code (IECC).

  The City's approach would encourage a shift to efficient electric space and water heating that results in improved comfort, health and safety, electric grid resiliency, reduced energy burden, and an intent to improve cost of construction. Once established, EUI and CO_2e targets for new construction will subsequently require higher performance each code cycle through a stepped approach to the 2030 code. Recognizing this as an innovative approach, the City was awarded a U.S. Department of Energy federal grant in July of 2023 through the Infrastructure Investment and Jobs Act. The grant supported the establishment of a community advisory group, who engaged and advised staff throughout the development and implementation of the modeled performance code path, which was an input into the broader code review committee. More information on this advisory group can be found as an attachment to the AIS (Attachment 3).

The U.S. Department of Energy completed analysis of the economic impacts of updating the residential provisions of the 2021 IECC to the 2024 IECC. This analysis indicates an annual energy cost savings of 5.5% and a small reduction in cost of construction, resulting in life cycle cost savings of $2,496 for dwellings in our climate zone. Revised building energy code amendments and the modeled compliance path could result in increased costs to construction of approximately $1,600-$3,500 as builders choose to install high-efficiency electric heating equipment.

- Increase Accuracy of Water Demand Estimates: The Water Demand Calculator (WDC) is a method used to right-size plumbing distribution systems in residential buildings, by using a more accurate method to estimate peak flow rate. The proposed local amendment to the 2024 International Plumbing Code requires the WDC to be used for multi-unit residential buildings and allows it as optional for single-unit residential. The current method outlined in the International Plumbing Code has not been updated in decades to account for greater fixtures' efficiency levels installed in today's buildings. Actual peak flows are much lower today than the current method uses. Right sizing plumbing distribution systems inside a building can save on water development fees and costs before construction, material costs during construction, and energy and water use after occupancy.
- Improve Visitability (Guest Accessibility): A visitability amendment was added and adopted with the 2021 I-Codes. Visitability is a common term used in building and accessibility codes. However, the definition and requirements associated with visitability vary between those codes. For added clarity and ease of understanding, our proposed local amendment will change the nomenclature to "guest accessibility." Additionally, allowing the required main floor guest accessible bathroom to be accessible from a bedroom in addition to the living, dining or kitchen will add additional flexibility in design while still providing improved accessibility.
- Codify Community-Based Shelters & Temporary Emergency Uses: A proposed local amendment to Appendix E in the 2024 International Existing Building Code will codify the City's long-standing program, which allows for an alternative means of compliance with the permitting process and life/safety requirements associated with community based and seasonal overflow shelters. This program allows facilities, after obtaining a building permit and meeting all life/safety requirements, to operate as a community-based shelter for no more than 180 days in a 12-month period and seasonal overflow shelters to operate from the beginning of November through the end of April.

  This amended appendix to the International Existing Building Code also provides the ability to extend temporary uses to other existing structures in the case of an emergency event declared by local, state or federal entities.

Follow up from the September 9, 2025, City Council Work Session:

- *Councilmembers expressed interest in integrating the ability to require gender-neutral bathroom signage in existing buildings.*

  Staff have identified three options for introducing required gender-neutral bathroom signage in existing buildings:

  1. Require gender-neutral signage for an existing single user restroom in an existing building for any alteration to that restroom that requires a permit.
  2. Require gender-neutral signage in an existing building possessing a single user restroom, for any alteration that requires a permit.
  3. Require gender-neutral signage for all existing single user restrooms.

  Staff recommends option 1 as it most closely aligns with the purpose and intent of the building codes. This option requires adding gender-neutral signage when work is already being performed on the bathroom. The 2024 International Existing Building Code (IEBC) clearly states that existing

buildings that were in compliance with the codes at the time they were built shall still be considered in compliance, and only new work is subject to current code requirements. The only exceptions to that are smoke and carbon monoxide alarms and non-compliant accessible routes. Additionally, this option does not require additional staff resourcing and is less likely to add additional costs to the customer.

Option 2 detours slightly from standard building code administration practices as it would require the signage to be updated if any part of the building is altered and a building permit is required, even if the alteration does not include a single user restroom. As an example, when a building owner or tenant is replacing a faulty water heater or furnace, or replaces a window, etc., code would require them to update their signage on any single user restroom. This adds time and more than likely, additional inspection stops for staff as well as additional costs to the customer.

Option 3 is a significant detour from standard building code administration practices as adoption would immediately put buildings that were code compliant at the time they were built in violation. This option would require additional resourcing as staff would need to research what buildings have single-user restrooms, verify if they had adequate signage and if not, start a violation process to notify the building owner and help them find compliance. This option also adds additional cost to building owners.

- *Councilmembers expressed interest in understanding the comparison between state requirements in more detail.*

Colorado Wildfire Resiliency Code: This code is being split between the Building Code (Chapter 5 of City Code) and the Land Use Code. Structure hardening requirements and related code sections will be housed in the Building Code, and the Land Use Code will house site and area requirements. This will streamline integrating the requirements into both the development review process and building permitting process.

Local amendments were added to better address structures older than 50 years, allowing flexibility in protecting identified historic resources. Additionally, language was provided to clarify the types of work exempt from this code, assessing additions based on their contribution to the total square footage of the structure; any additions that result in a total square footage for the structure that exceeds the square footage at the time of the code's adoption by more than 500 square feet will trigger the code requirements. Sections referencing conformance, fees, scope and definitions were also slightly modified to remain consistent with other local codes without impacting the intent and purpose of the Colorado Wildfire Resiliency Code.

Residential Building Stair Modernization: There is no difference between the proposed local amendment to the 2024 International Building Code and the requirements mandated in HB25-1273.

Colorado's Model Electric Ready and Solar Ready Code: Cities and counties adopting building code(s) after July 1, 2023, are required by state law to adopt Colorado's Model Electric Ready and Solar Ready Code. This code ensures that new homes and buildings are equipped with infrastructure and design features to accommodate solar PV, electric vehicles and future switching to electric equipment and appliances. Although the City's current energy code already includes provisions for electric ready, solar ready and EV infrastructure, we've revised our local amendments for the 2024 adoption to include language from Colorado's Model Electric Ready and Solar Ready code and to meet or exceed the minimum electric vehicle infrastructure requirements.

Low Energy and Carbon Code: Colorado developed and published a Model Low Energy and Carbon Code (MLECC) based on the 2024 International Energy Conservation Code (IECC). This code encourages reduced carbon emissions for new and renovated homes and buildings. Cities

and counties adopting building code(s) after July 1, 2026 are required to adopt Colorado's MLECC, or a code that stretches beyond. The code was developed to accommodate all Colorado cities and counties with recognition that some see this as a big leap where others, like Fort Collins may already meet or exceed the code.

There is a distinct difference between Colorado's MLECC and Fort Collins' proposed Path to Zero Carbon New Construction by 2030. The MLECC relies on builders choosing decarbonization options that increase the number of credits they apply toward compliance.

The proposed Fort Collins Path to Zero Carbon New Construction by 2030 supports Big Move 6 of Our Climate Future and establishes energy use and carbon emissions targets spanning three code cycles, 2024, 2027 and 2030. Each cycle establishes a new milestone of energy and carbon emissions reduction ultimately reaching zero by the 2030 code. This is achieved by lowering the energy use of homes and buildings to a degree where renewable energy can offset the entirety of energy use and carbon emissions.

- *Councilmembers were interested in reviewing a more detailed cost impact analysis of the 2024 I-Codes with local amendments.*

  City staff performed a cost analysis of the International Energy Conservation Code (IECC) for residential single family and multifamily new construction. As a starting point we referenced two established cost analysis reports, one from the Department of Energy and Pacific Northwest National Laboratory and the other from the National Association of Home Builders and Home Innovation Research Labs. It is important to note that both reported a reduction in the cost of construction from the 2021 IECC to the 2024 IECC. Staff then expanded the analysis to include Fort Collins specific measures (amendments) that would change from the 2021 to the 2024 IECC. Reviews of costs were conducted through interviews with builders, contractors, local energy consultants and costs determined through the previously mentioned analysis. Some measures added cost while others reduced cost, and some were determined to be no-cost as there was no change from the 2021 IECC. These were added to the already negative cost of construction averaged (-$2,011) from the previous analysis reports.

  Cost measures, including Fort Collins amendments, were both subtracted from and added to the cost of construction as summarized below.

  - Additions (heat pump space and water heat, demand response t-stats, pipe insulation, lighting controls, energy consultant fees per dwelling) = +$5,821
  - Reductions (duct testing, ceiling insulation, compact plumbing hot water distribution, slab-on-grade insulation) = -$1,802

	2024 I-Codes (without International Energy Conservation Code - IECC)	**Local amendments** (without IECC)	**IECC – 2021 to 2024**
Cost impact	**-$2,227 to $1000**	**Neutral**	**$2,008 per residential unit**

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its October 30, 2025, meeting, the Building Review Commission voted unanimously (6-0) in support of Council adoption of the proposed changes to the building codes.

On November 14 and November 20, 2025, the Planning & Zoning Commission heard the building code ordinances including updates to the Land Use Code regarding wildfire resiliency landscape requirements. The Planning & Zoning Commission voted unanimously (5-0) in support of Council adoption of the proposed changes on November 20, 2025.

At its October 15, 2025, meeting, the Natural Resource Advisory Board heard and discussed the building code ordinances. The Natural Resource Advisory Board voted unanimously (7-0) in support of Council adoption of the proposed changes on November 20, 2025.

The proposed changes to the building codes were also discussed by the following boards:

- The Energy Board discussed the proposed changes at its August 14, 2025, meeting and agreed to provide a memorandum in support of Council adoption. The memorandum of support is included as an attachment.

- The Air Quality Advisory Board discussed the proposed changes at its August 25, 2025, meeting and agreed to provide a memorandum in support of Council adoption. The memorandum of support is included as an attachment.

- The Affordable Housing Board discussed the proposed changes at its October 2, 2025, meeting and agreed to provide a memorandum in support of Council adoption. The Board plans to provide a memo to Council in between 1st and 2nd reading.

- The Poudre Fire Authority Fire Board discussed the proposed changes at its November 18, 2025, meeting. Although staff did not request action, the Fire Board was supportive of the proposed changes.

ATTACHMENTS

1. 2024 Building Code Adoption Committee Summary
2. Memorandum from the Energy Board in Support of the 2024 International Energy Conservation Code Adoption, September 2, 2025
3. Memorandum from the Air Quality Advisory Board in Support of Adoption of the 2024 International Code Local Amendments, November 17, 2025
4. Community Advisory Group Summary for Zero Carbon Construction Energy Code
5. Presentation
6. Ordinance No. 211, 2025 (2024 International Building Code with amendments)
7. Ordinance No. 212, 2025 (2024 International Energy Conservation Code with amendments)
8. Ordinance No. 213, 2025 (2024 International Residential Code with amendments)
9. Ordinance No. 214, 2025 (2024 International Existing Building Code with amendments)
10. Ordinance No. 215, 2025 (2024 International Swimming Pool and Spa Code with amendments)
11. Ordinance No. 216, 2025 (2024 International Property Maintenance Code with amendments)
12. Ordinance No. 217, 2025 (2024 International Mechanical Code with amendments)
13. Ordinance No. 218, 2025 (2024 International Fuel Gas Code with amendments)
14. Ordinance No. 219, 2025 (2024 International Plumbing Code with amendments)
15. Ordinance No. 220, 2025 (2025 Colorado Wildfire Resiliency Code with amendments – Building Standards)
16. Ordinance No. 221, 2025 (2023 National Electrical Code with amendments)
17. Ordinance No. 222, 2025 (2025 Colorado Wildfire Resiliency Code with amendments – Land Use Standards)

2024 Building Code Adoption Committee

Purpose:

The building code adoption committee is made up of builders, developers, code consultants, architects, engineers and City staff. This group will review the 2024 ICC Building Codes and amendments to discuss changes, their impact and alignment with community plans and goals.

Schedule:

The committee will meet every Wednesday from March 12th- July 30th from 10am to 1pm. Schedule and recordings will be updated as needed below:

Wed 6/5/2024: Introduction Recording

Wed 3/12/2025: Topic - 2024 IBC Recording

Wed 3/19/2025: Topic - 2024 IBC Recording

Wed 3/26/2025: Topic - 2024 IBC Recording

Wed 4/2/2025: Topic - 2024 IBC Recording

Wed 4/9/2025: Topic - 2024 IBC & IFGC Recording

Wed 4/16/2025: Topic - 2024 IMC and IEBC Recording

Wed 4/23/2025: Topic - 2024 IPC and ISPSC Recording

Wed 4/30/2025: Topic - 2024 IPMC and IRC Recording

Wed 5/7/2025: Topic - 2024 IRC Recording

Wed 5/14/2025: Topic - 2024 IRC Recording

Wed 5/21/2025: Topic - 2024 IRC Recording

Wed 5/28/2025: CANCELED

Wed 6/4/2025: Misc. topics from prior meetings: Recording

Wed 6/11/2025: Topic - New State Codes (WUI, Colorado EV &Solar) Recording

Wed 6/18/2025: CANCELED

Wed 6/25/2025: CANCELED

Wed 7/2/2025: CANCELED

Wed 7/9/2025: Topic - 2024 IECC commercial: Recording

Wed 7/16/2025: Topic - 2024 IECC residential Recording

Wed 7/23/2025: Topic - 2024 IECC proposed amendments Recording

Wed 7/30/2025: Topic - 2024 IECC proposed amendments Recording

2024 Building Code Adoption Committee

Members:

Cragon Sims	Project Manager – Landmark Homes
Steve Boehme	High Country Construction
Adam Hess	Hartford Homes
Jason Kersley	[AU] Workshop
Jon Tschetter	Hartford Homes
Michael Hutsell	MH Design Co
Andrew Paulick	Dream Finders Homes
Becca Mueller	CSU – Building Department Manager/CBO
Mike Doddridge	Doddridge Construction
Mike Missimer	MGI Mechanical
Jeff Schnieder	Armstead Construction
Steve Steinbicker	Architecture West
Paul Higman	GS Services LTD
Katie Quintana	PFA
Eric Fried	Larimer County CBO
Theresa Cambell	Loveland CBO
Russ Weber	Safebuilt CBO
Kelly Dykstra	Wellington CBO
Caleb Sulzen	Building Code Guru

Staff:

Marcus Coldiron	CBO
Russ Hovland	Plan Review Supervisor
Damien Wilson	Lead Building Inspector
Brad Smith	Sr. Project Manager – Building Energy Code
Mariel Miller	Water Conservation Manager

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Utilities – Energy Board
700 Wood St.
PO Box 580
Fort Collins, CO 80522

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970.416.2208 - fax
fcgov.com

MEMORANDUM

DATE: September 2, 2025

TO: Mayor Arndt and City Councilmembers

FROM: Brian Smith, Energy Board Chairperson

RE: 2024 International Energy Conservation Code Adoption

BACKGROUND

At our regular meeting on August 14, 2025, the Fort Collins Energy Board received an update on Fort Collins Light & Power staff (Staff) proposed adoption of specific appendices from the 2024 International Energy Conservation Code (IECC). This was presented by Brad Smith, Senior Project Manager with Staff.

ENERGY BOARD DUTIES AND FUNCTIONS

The Energy Board has considered the proposed code adoptions as presented by staff in accordance with our chartered duties and functions, specifically:

(1) To advise the City Council and staff regarding the development and implementation of the Our Climate Future Plan (OCF);

(2) To advise the City Council and staff in developing City policies that encourage the incorporation of energy conservation and efficiency, carbon emissions reduction and renewable energy into the development and provision of City utility services, the design and construction of City transportation projects, and the way in which the City impacts the overall built environment within the community;

(3) To advise the City Council and staff regarding the alignment of energy programs and policies with City, ratepayer and community values and service delivery expectations.

Overview

- The energy use of residential and commercial buildings accounts for 2/3 of the community carbon emissions in Fort Collins. It will be very challenging to achieve the community's climate goals and improve local air quality without reducing emissions from new residential and commercial buildings.
- Staff is proposing to adopt appendices from the 2024 IECC to help reduce emissions in new residential and commercial buildings. This will be accomplished through performance

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pathways for new construction that "meet specified site energy use and specified emissions (i.e., fossil fuel) by building type."

- Staff has been working with neighboring cities and counties to ensure regional alignment of code adoption. According to staff, neighboring cities and counties are adopting the 2024 IECC and potentially some with same appendices.
- Historically adoption of building energy codes and local amendments have improved the ongoing operation of the built environment, including reduced ongoing energy costs and improved air quality for owners and renters in Fort Collins. This code cycle, buildings will likely recognize 5% reduction in energy use, adding up to substantial savings over the life of a building.
- Eliminating wasteful electricity use in buildings at the time of construction will reduce upward pressure on already increasing utility rates by reducing future need for additional electricity generation.

RECOMMENDATIONS

- The Board recommends city council approve the proposed code changes by staff for the following reasons:
    - The proposed code amendment offers developers a performance path to achieve the specified site energy use and emissions targets. The performance path provides developers with greater flexibility to find the most cost-effective pathway towards achieving compliance. This approach to code compliance is preferred over mandating a prescriptive set of upgrades that can be cost prohibitive.
    - The adoption of the code amendment will further regional alignment of codes and maintain Fort Collins as a leader in code adoption.
    - The adoption of the code will further reduce the cost of ownership and maintenance of homes and commercial buildings. There are many upward pressures on the cost of construction, however this board recognizes the long-term benefits will outweigh the upfront costs.
    - The adoption of the code is one of the primary regulatory actions council can take in reducing emissions from buildings and will be an important, ongoing strategy in achieving the community's climate goals.

As always, the Energy Board is grateful for the opportunity to provide comment and appreciates City Council's consideration.

Respectfully submitted on behalf of the Energy Board,

DocuSigned by:
E45AEF5D1D6C4CA...
Brian Preston Smith
Energy Board Chairperson

cc: Brian Tholl, Energy Services Director
Brad Smith, Project Manager
Christie Fredrickson, Energy Board Support

City Clerk's Office
300 LaPorte Avenue
PO Box 580
Fort Collins, CO 80522

970.221.6515
970.221.6295 - fax
Boardsandcommissions@fcgov.com

MEMORANDUM

DATE: November 17, 2025
TO: Mayor and City Councilmembers
FROM: The Air Quality Advisory Board
RE: Adoption of the 2024 International Code Local Amendments

Dear Mayor and Councilmembers,

The Air Quality Advisory Board approves the adoption of the 2024 International Code.

Updating international codes to replace prior editions is a habitual practice for our city. Our building officials have also cited local amendments that could help with sustainability goals. Specifically:

- **EV Charging** - providing trade-off options for building and developers that want to install more EV chargers than minimum requirement
- **Energy Code** - implementation of EUI and C02e targets
- **Water Demand Calculator** - a methodology used to right-size plumbing distribution systems in residential buildings

We ask the Council to endorse the additional measures suggested. The code review committee process has been meeting for almost a year, and we ask that approval be expedited to meet our environmental challenges.

Very Respectfully,

The Air Quality Advisory Board

cc: Kelly DiMartino, City Manager
Jacob Castillo, Chief Sustainability Officer
Kelly Ohlson, City Council Liaison to the AQAB
Selina Lujan de Albers, Manager Environmental Sustainability & AQAB Staff Liaison
Marcus Coldiron, Chief Building Official
Brad Smith, Sr. Project Manager, Energy Services

Zero Carbon Construction Code (ZC3)

Community Advisory Group & Stakeholder Summary (Jan–July 2025)

Project Overview

The **Zero Carbon Construction Code (ZC3)** project aims to adopt a zero-carbon construction code for **new buildings by 2030**, aligning with the *Our Climate Future* plan and advancing citywide decarbonization goals. This four- and one-half year initiative is supported by a funding award from the U.S. Department of Energy and the Bipartisan Infrastructure Law and led in partnership with national experts from the University of Central Florida – Florida Solar Energy Center, New Buildings Institute, and the International Code Council. The Colorado Energy Office is the supporting state agency.

The code will be **performance-based**, using **Energy Use Intensity (EUI)** and carbon emission metrics to guide compliance. It will offer **flexible pathways** for builders, allowing innovation and choice in how targets are met—**without mandating a gas ban**. The ZC3 will apply to **new construction only**, not retrofits.

- **Target Adoption**: Late 2025
- **Implementation target**: 2026

Stakeholder & Advisory Group Engagement

In early 2025, the city convened a **Community Advisory Group** made up of builders, affordable housing partners, sustainability groups, building code consultants, community members, utilities, and City staff (*full makeup of group at bottom). This group met monthly from January to July 2025 to discuss opportunities, concerns, and strategies related to the new code. Meeting topics included the performance-based code framework, affordability, emissions targets, industry capacity, and education.

Recurring themes across meetings included:

- Strong support for reducing emissions and improving long-term housing quality.
- Emphasis on **health, comfort, energy savings**, and **equity**.
- Concerning short-term **costs**, **labor readiness**, and **builder training**.
- Desire for **phased implementation**, **clear compliance options**, and **education** for builders and the public.

Meeting Schedule and topics:

The advisory group met a total of 7 times in 2025, with the following schedule and focus areas:

- January 23, 2025 – Project kickoff, project definitions, background, and scope
- February 19, 2025 – Compliance pathway approach, requirements and barriers
- March 31, 2025 – Zero carbon definitions, example modeling review
- April 25, 2025 – Impacts on housing costs & affordability

- May 25, 2021 – Housing costs (continued) and Implementation resources
- June 18, 2025 – Review and evaluate established targets and proposed trajectory
- July 23, 2025 – Overview of appendices and final methodology

Key Technical Insights

Energy Code Framework

- Currently allows for multiple compliance paths: Prescriptive, Total UA, and Performance Path (preferred), ERI / ASHRAE 90.1.
- Transitioning to a single path (Performance path) enables real-world energy outcomes, trade-offs, and data-informed decisions for all new buildings and homes.
- Incremental EUI targets (starting in 2026) aim for approximately 11% efficiency improvement per code cycle to meet 2030 goals. Historically, past energy code cycles have seen 5-8% improvements in efficiency but have been as high as 19%.

Code Scope

- Focus on operational carbon emissions only (embodied carbon may be addressed in the future).
- Efficient electric homes can likely meet 2024 energy targets without requiring renewables.
- Gas homes will likely need renewables like solar PV or battery storage to comply.

Electric Grid Readiness

- Platte River Power Authority (PRPA) is on track for 88% carbon-free electricity by 2030.
- Grid integration studies are ongoing to support renewable expansion.

Affordability & Equity Discussions

Stakeholders expressed concern about potential short-term cost increases due to high-performance materials, rising interest rates, and limited labor availability. Smaller builders in particular highlighted fears of added complexity, permitting delays, and the ability to recover costs.

However, there was also a clear focus on the **long-term benefits** of zero-carbon buildings, including:

- **Lower utility bills** and **improved indoor air quality**
- **Better long-term home value** and durability
- **Healthier homes for all residents**, with all new builds being built to the same standard according to the code.

Key solutions discussed:

- Expanded **training and education** for builders, HVAC professionals, and the public.
- Public awareness campaigns to shift expectations and understanding of "better" homes.
- Financial support in the form of **incentives**, **rebates**, and **state/local funding**.

Quotes from the Advisory Group

“Education of builders and the HVAC industry is going to be key.”

“Educate the public that their air could be cleaner and their health better... if realtors and the public understand better houses, the industry will provide better houses.”

“We all want to build the most efficient and healthy homes the market can support.”

“There will be some pushback... demand is high, and labor is not easily trained or replaced.”

“I do not see the value proposition for adding complexity and cost vs. housing affordability.”

“The city should act as a partner rather than a regulator…prefer to see support for our growth and making the economy better.”

“...the code is good BUT, it cannot raise the cost of homes even $1. Every cost increase that occurs eliminates buyers from the possibility of purchasing a home.”

“Energy code changes are needed. The negatives will be short-term. Long-term, we’ll be ahead of the curve in building better homes.”

Community Advisory Group participants:

Adam Berry	Colorado Energy Office
Rusty Buick	EnergyLogic, Inc
Sara Coutts	Habitat for Humanity
Gabe Dunbar	Saunders Construction
Forrest Hancock	Montava Development & Construction, LLC
Jason Harrington	Harrington Construction LLC
Mark Houdashelt	Fort Collins Sustainability Group
Campbell Johnson	NOCO, AeroSeal
Carly Johansson	Housing Catalyst
Brian Johnston	CO-WY Workforce Development Climate Resilience Engine
Tony Mitchell	Citizens for Climate Education
Max Moss	Montava Development & Construction, LLC
Ken Orgoglioso	Citizens for Climate Education, Colorado Green Latinos
Andrew Paulick	Dream Finders Homes
Alex Pray	Platte River Power Authority
Karen Ramsey	Building Wellness
Tarik Simmons	NOCO AeroSeal
Caleb Sulzen	Building Code Guru
Mark Teplitsky	Peak81 Commercial Construction Consulting
Warren Vann	Community Member
Dr John Volckens	Colorado State University – Environmental Engineering
Kevin VonFeldt	Platte River Power Authority

Staff:

Sue Beck-Ferkiss	Fort Collins Social Sustainability
Maren Bzdek	Fort Collins Historic Preservation
Max Duggan	Fort Collins Utilities
Vanessa Fenley	Fort Collins Social Sustainability
Peeyoosha Hiremath	Fort Collins Utilities, Light & Power
Nicole Koehn	Fort Collins Utilities
Cody Snowdon	Fort Collins Utilities, Light & Power
Brad Smith	Fort Collins Utilities
Kimberly Stein	Fort Collins Utilities
Damien Wilson	Fort Collins Building Services

10/15/2025

2024 Building Codes

Marcus Coldiron
Chief Building Official



Staff Recommendation

Background

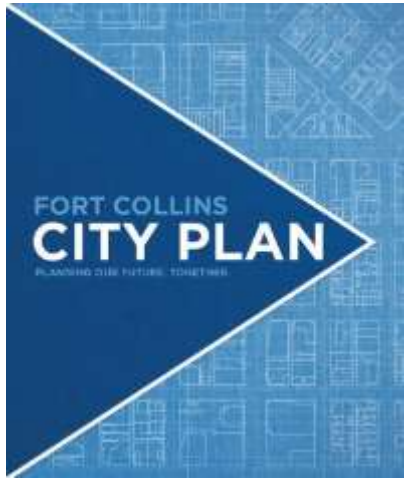
- The City has reviewed, amended and adopted the latest nationally recognized building standards available every three years, since 2006 and has adopted building codes since 1924.
- Code's Purpose: Safeguard public health, safety, and general welfare by regulating structural strength and stability, sanitation, light and ventilation, and energy conservation
- Local Amendments: Strategic alignment to Citywide plans and policies above and beyond requirements outlined in the I-Codes prescriptively.

Recommendation

- Staff recommends adoption of the Code package to update from the current 2021 codes to the 2024 I-Codes, including local amendments.

Approach

- Building codes are a critical piece of accomplishing community goals and vison, closely aligning with many City plans.
- Collaboration and alignment regionally, where able to.
- Simplify and clarify existing local amendments.
- Consider the impact to housing affordability.
- Incremental change to support incremental impact and cost

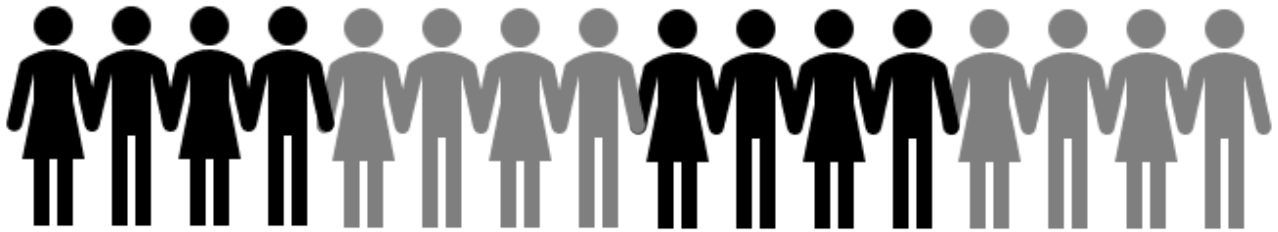




Timeline

Fort Collins steps to building code adoption (January 2025 – January 2026)

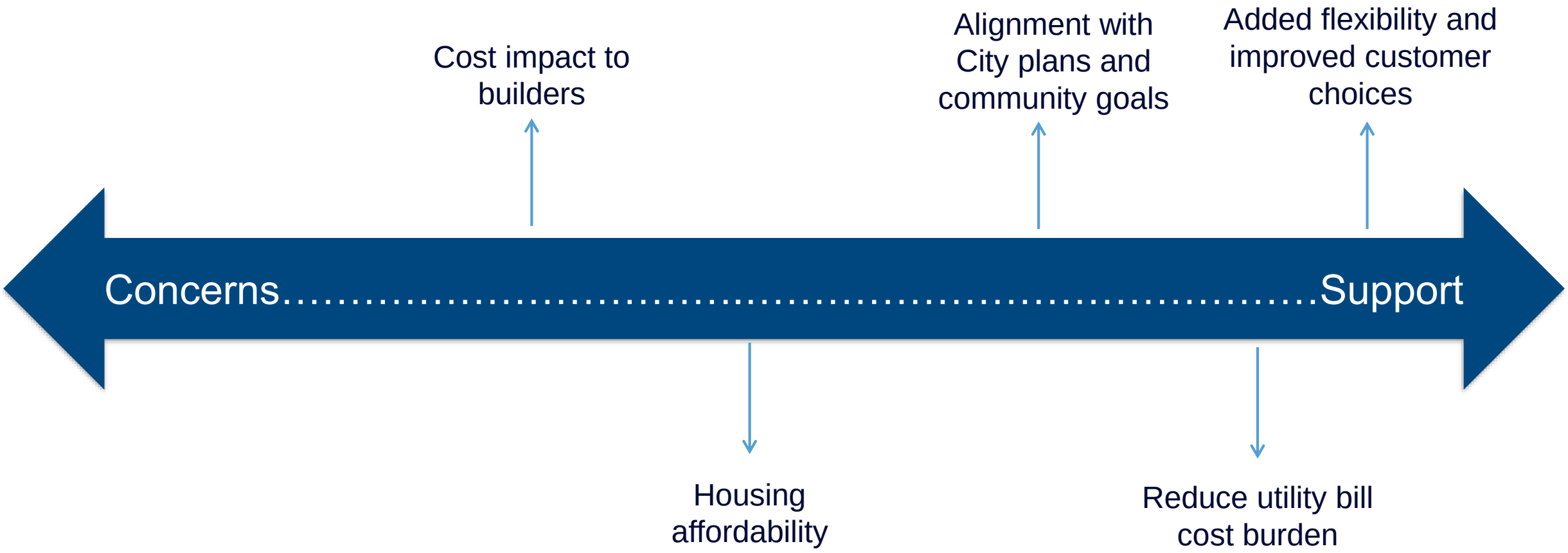
- ICC Code Release ✓
- Staff Review ✓
- Code Review Committee & Energy Code Advisory Board ✓
- Council work Session ✓
- Boards and Commissions ✓
- City Council Regular Session



Boards, Commissions and Public Engagement

City Boards and Commissions	
Energy Board (8/14)	PFA Fire Board (11/18)
Air Quality Advisory Board (8/25)	Planning & Zoning Commission (11/20)
Affordable Housing Board (10/2)	Water Commission (memo)
Natural Resource Advisory Board (10/15)	Disability Advisory Board (memo)
Building Review Commission (10/30)	
External Groups	
Northern CO Home Builders Association (10/2)	Fort Collins Board of Realtors (11/13)
Fort Collins Chamber of Commerce (LLAC) (10/10)	

Community Feedback



Key Changes



State Requirements

- Residential Building Stair Modernization – Multifamily up to 5 stories served by 1 exit
- Colorado Wildfire Resiliency Code

Key Local Amendments

- EV charging requirements update
- ADU appendix
- Water Demand Calculator
- Emergency Use appendix – Community Based Shelters, Seasonal Overflow Shelter and Emergency Events
- Energy code updates – Prescriptive to Modeled Performance Path

Gender Neutral Signage – Existing Buildings

Staff Recommendation:

Require gender-neutral signage for an existing single user restroom in an existing building for any alteration to that restroom that requires a permit.

Other options:

1. Require gender-neutral signage in an existing building possessing a single user restroom, for any alteration that requires a permit.

2. Require gender-neutral signage for all existing single user restrooms.

State vs Local code comparison

Colorado Wildfire Resiliency Code

No significant differences. Split between LUC and Building Code. Small changes adding flexibility in protecting identified historic resources and to align with other local codes.

Residential Building Stair Modernization

No changes between local code and state requirements



State vs Local Energy code comparison

State of Colorado Model Electric Ready and Solar Ready Code

- This code ensures that new homes and buildings are equipped with infrastructure and design features to accommodate solar PV, electric vehicles and future switching to electric equipment and appliances. Fort Collins meets this code.

State of Colorado Model Low Energy and Carbon Code

- This code encourages reduced carbon emissions for new and renovated homes and buildings. Cities and counties adopting building code(s) after July 1, 2026 are required to adopt this code, or a code that stretches beyond. Fort Collins aims to meet or exceed this code.



Fort Collins Path to Zero Carbon New Construction by 2030

- The proposed code supports Big Move 6 of Our Climate Future and establishes energy use and carbon emissions targets for new construction spanning three code cycles, 2024, 2027 and 2030. Each cycle establishes a new milestone of energy and carbon emissions reduction ultimately reaching zero by the 2030 code.

Cost Impact analysis

Analysis of the International Codes for residential single family and multifamily new construction started with two established cost analysis reports, one from the Department of Energy and the other from the National Association of Home Builders. Both reported a reduction in the cost of construction from the 2021 to the 2024 codes. Staff then expanded the analysis to include Fort Collins specific amendments changing from the 2021 to the 2024 code.

	2024 I-Codes (without IECC)	Local amendments (without IECC)	Energy Code update – 2021 to 2024
Cost impact	-$2,227 to $1,000	Neutral	$2,008 per residential unit*

*Does not include any available tax credits. i.e.: State of Colorado's available 2026 heat pump space and water heating tax credit of $1,250

Recommendation

Staff recommend adoption of the code package to update the current 2021 codes to the 2024 I-codes including local amendments.

Back up slides

Residential Building Stair Modernization (IBC)



- HB – 1273 requires any jurisdiction with a population over 100k to adopt a building code to allow up to a 5-story multifamily building to be served by a single exit
- Must meet specific life/safety requirements: fire suppression, fire rated stairwell, egress width etc.
- Increases design options and especially useful for infill projects
- Encourages higher density

Colorado Wildfire Resiliency Code

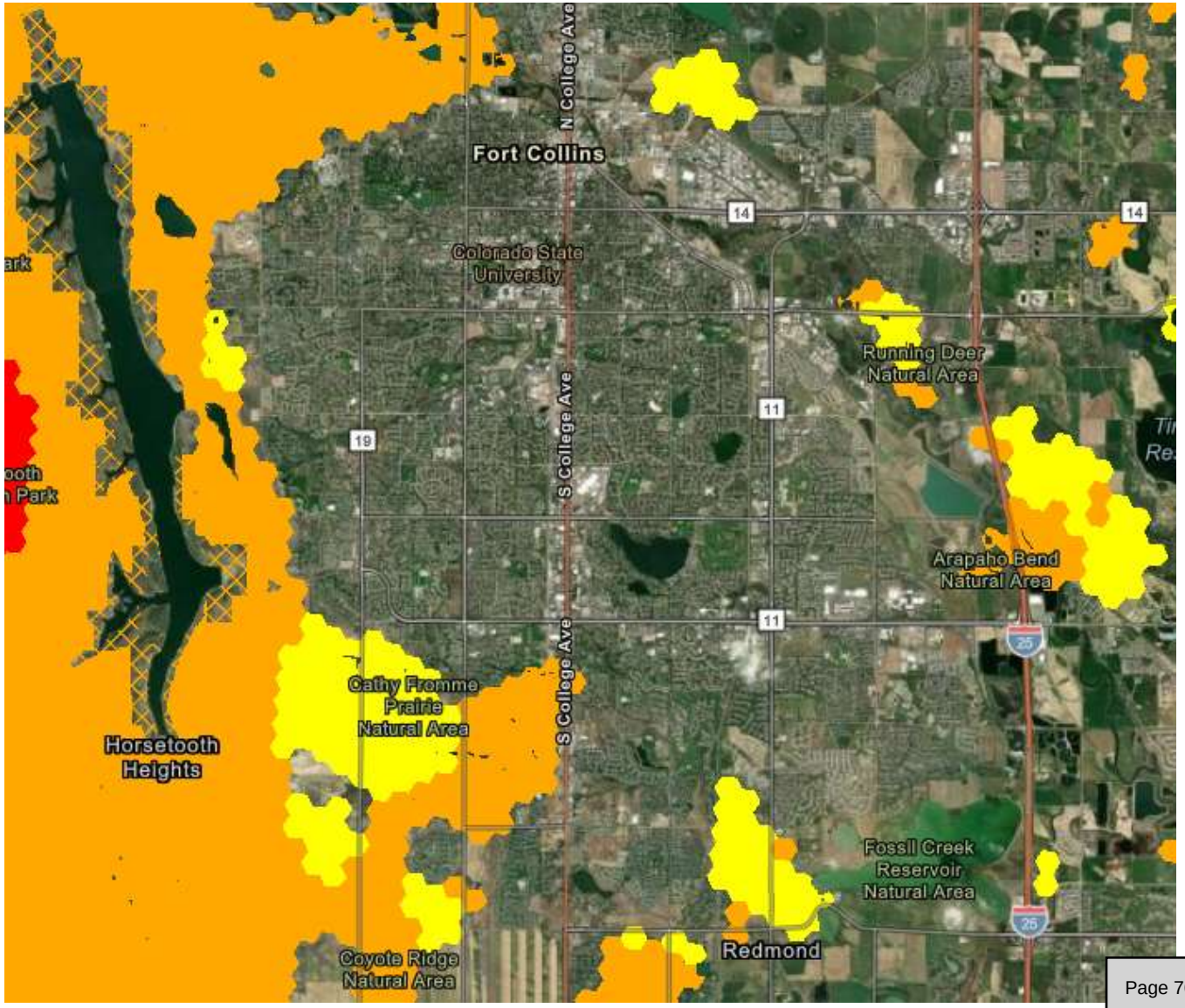
- HB23-166 established a Wildfire Resiliency Code Board tasked with defining the Wildland Urban Interface (WUI) and adopting rules for jurisdictions within the WUI
- Jurisdictions within the WUI must adopt a code by 4/1/2026
- Includes exterior hardening and material requirements, establishes a landscaping buffer area and provides ongoing maintenance requirements
- Proposed to adopt with the larger building code adoption but setting an effective date of **4/1/2026**



Colorado Wildfire Resiliency Code Map

- Most of Fort Collins does not fall within the WUI
- Largest impacts to NW and SW Fort Collins
- Some impact NE and SE Fort Collins

[2025 Colorado Wildfire Resiliency Code Map]



EV Charging (IBC)



- Revised language to align with newest Land Use Code
  - Provided parking spaces vs required parking spaces
- Separated new buildings and additions requirements for clarity.
  - Additions providing new parking must comply with the percentages required for new buildings
  - Additions not providing new parking must provide at least one EVSE installed space
- Design flexibility added
  - Trade offs provided for installing above minimum requirements
  - Encourages additional EV installed and EV Ready installations

EV Charging - Example

New residential project -100 parking spaces provided

	EVSE Installed	EV Ready (receptacle installed)	EV Capable (conduit only)
Standard compliance path	10	20	40
Alternative 1	15	20	10
Alternative 2	10	30	10

EV Parking Table

TABLE 3604.5—MINIMUM PERCENTAGE OF PARKING SPACES PROVIDED IN NEW BUILDINGS THAT MUST BE ELECTRIC VEHICLE PARKING SPACES, EV READY SPACES, AND EV CAPABLE SPACES.

City of Fort Collins Occupancy Classification for EV Charging Infrastructure	EVSE - installed	EV - Ready	EV – capable
Tier 1			
Residential	10%	20%	40%
Affordable housing	Min of 1 space	15%	20%
Tier 2			
Mercantile	5%	15%	20%
Assembly	5%	15%	20%
Institutional	5%	15%	20%
Business	5%	15%	20%
Educational	5%	15%	20%
Factory	5%	15%	20%
Tier 3			
High hazard	1%	5%	15%
Storage	1%	5%	15%
Utility and misc. group	1%	5%	15%

Accessory Dwelling Unit – Appendix (IRC)



- Provides additional flexibility when adding an ADU to an existing dwelling.
- Requires interconnected smoke and carbon monoxide alarms that alerts occupants in both dwellings simultaneously in lieu of a 1-hour fire rated assembly.
- Prioritizes early alert over fire resistance
- This lessens complexity, construction waste, financial impacts while maintaining life/safety considerations

Water Demand Calculator (IPC & IRC)

- Water Demand Calculator is a method used to right size plumbing distribution systems in buildings
- Required for multi-unit residential projects and an option for single unit residential projects
- Can result in savings on water development fees (ELCO and FCLWD) and material cost during construction
- This method requires designing to modern peak flows which can save energy, water use after occupancy and improve water quality



Temporary Emergency Uses – Appendix E (IEBC)

Codifies a long-standing program allowing facilities to act as Community-Based Shelters and Seasonal Overflow Shelters without the need to perform a change of occupancy.

Provides the ability to extend temporary uses to other existing structures in the case of an emergency event declared by local, state or federal entities.

Community Based Shelters	Seasonal Overflow Shelters	Emergency Events
• Facilities must obtain a building permit and meet minimum life/safety requirements. • Limited to 180 days per 12-month period. • 15 occupants maximum	• Facilities must obtain a building permit and meet minimum life/safety requirements. • Allows operation from November-April • Occupants limited by floor area	• Facilities must obtain a building permit and meet minimum life/safety requirements. • Requires emergency event declaration • Code official authorized to increase number of occupants during an emergency

Energy Code: Enhanced outcomes using Modeled Performance



- **Meeting required Colorado Electric Ready and Solar Ready code.**
- **Developed *"Path to Zero Carbon New Construction by 2030"***
  - Moves from traditional *"Prescriptive"* path to *"Performance"* modeling

Prescriptive Path

- Follow set rules
- Component-based (insulation, window, HVAC)
- Limited flexibility
- Less utilized path for new builds

Modeled Performance Path

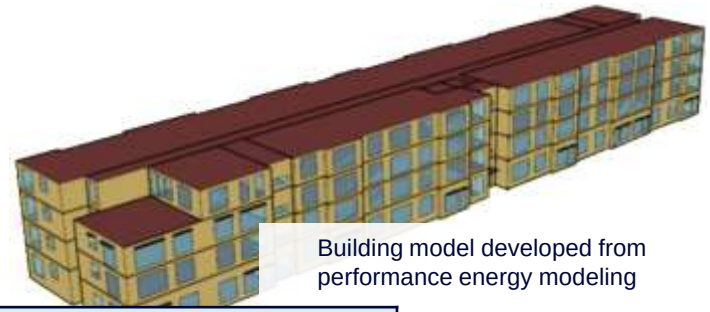
- Utilizes energy modeling / simulations
- Allow trade-offs (e.g. better windows vs less insulation)
- Energy and Carbon targets de-bias code from fossil fuel
- Emphasis on QA and verification

Benefits of Modeled Performance Path

- Flexibility for designers and builders
- Supports innovation & new technologies
- Optimized energy savings
- Better alignment with community goals

Energy Code – Setting a Trajectory to Zero Carbon

- **Spans three code cycles: 2024, 2027, and 2030**
  - Building community sees future energy targets years in advance



Building model developed from performance energy modeling

Commercial

Building Type	2024 code EUI target	2027 code EUI target[b]	2030 code EUI target[b]
Apartment	29	26	24
Medium Office (5k-50k ft2)	23	21	20
Strip Mall	35	30	25

Residential

Energy Rating Index (ERI) *- not including renewable energy*			**CO_2e Index** *- including renewable energy*		
Adopted IECC code year			**Adopted IECC code year**		
2024	**2027[b]**	**2030[b]**	**2024**	**2027[b]**	**2030[b]**
50	46	42	50	25	0

b. These are projected ERI and CO_2e targets for buildings constructed under the 2027 and 2030 code cycles. These are not required for the 2024 code cycle.

ORDINANCE NO. 211, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 2 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2021 INTERNATIONAL BUILDING CODE AND ADOPTING THE 2024 INTERNATIONAL BUILDING CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

F. The adoption of the interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

G. The City Council has determined that it is in the best interests of the health, safety and welfare of the City and its residents that the *2024 International Building Code* be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to the City Charter Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the

hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

J. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the 2021 *International Building Code* ("IBC") and adopts 2024 IBC as amended by this Ordinance.

Section 2. Section 5-26(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

(a) Pursuant to the power and authority conferred on the City Council by ~~C.R.S. §~~Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the ~~*2021*~~2024 *International Building Code* (~~*2021*~~*2024 IBC)* published by the International Code Council, second printing (August 2024), as amended by the City, which shall have the same force and effect as though set forth in full herein. The subject matter of the codes adopted herein includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures exclusive of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories above grade and their accessory structures, for the purpose of protecting the public health, safety and general welfare. As provided in the ~~*2021*~~*2024 International Building Code,* Appendices are not adopted except as expressly set forth in § 5-27.

Section 3. Section 5-27 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 5-27. Amendments and Deletions to the 2024 International Building Code.

The *2024 International Building Code* adopted in § 5-26(a) is amended as follows:

1. **Section 101. Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code* of the City of Fort Collins, hereinafter referred to as "this code."

2. **Section 101.4 Referenced codes** is amended to read as follows:

[A] 101.4 Referenced codes. The other codes specified in Sections 101.4.1 through ~~101.4.7~~ 101.4.11 and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

3. **Sections 101.4.1 Gas** through **101.4.7 Existing buildings** are deleted in their entirety and replaced with the following:

~~**[A] 101.4.1 Gas.** The provisions of the *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.~~

~~**[A] 101.4.2 Mechanical.** The provisions of the *International Mechanical Code* shall apply to the installation, *alterations*, *repairs* and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.~~

~~**[A] 101.4.3 Plumbing.** The provisions of the *International Plumbing Code* shall apply to the installation, *alteration*, *repair* and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.~~

~~[**A] 101.4.4 Property maintenance.** The provisions of the *International Property Maintenance Code* shall apply to *existing structures* and premises; equipment and *facilities*; light, *ventilation,* space heating, sanitation, life and fire safety hazards; responsibilities of *owners*, operators and occupants; and occupancy of existing premises and *structures*.~~

~~**[A] 101.4.5 Fire prevention.** The provisions of the *International Fire Code* shall apply to matters affecting or relating to *structures*, processes and premises from the hazard of fire and *explosion* arising from the storage, *handling* or use of *structures*, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of *structures* or premises; and from the construction, extension, *repair*, *alteration* or removal of fire suppression, *automatic sprinkler systems* and alarm systems or fire hazards in the *structure* or on the premises from occupancy or operation.~~

~~**[A] 101.4.6 Energy.** The provisions of the *International Energy Conservation Code* shall apply to all matters governing the design and construction of *buildings* for energy efficiency.~~

~~**[A] 101.4.7 Existing buildings.** The provisions of the *International Existing Building Code* shall apply to matters governing the *repair*, *alteration*, *change of occupancy, addition* to and relocation of *existing buildings*.~~

101.4.1 Gas. All references to the *International Fuel Gas Code* shall mean the fuel gas code currently in effect as enacted by the City.

101.4.2 Mechanical. All references to the *International Mechanical Code* shall mean the mechanical code currently in effect as enacted by the City.

101.4.3 Plumbing. All references to the *International Plumbing Code* shall mean the *International Plumbing Code* to the extent adopted by the *Colorado Plumbing Code* currently in effect as enacted by the City.

101.4.4 Property Maintenance. All references to the *International Property Maintenance Code* shall mean the property maintenance code currently in effect as enacted by the City.

101.4.5 Fire Prevention. All references to the *International Fire Code* shall mean the fire code currently in effect as enacted by the City.

101.4.6 Energy. All references to the *International Energy Conservation Code* shall mean the energy code currently in effect as enacted by the City.

101.4.7 Existing buildings. All references to existing *buildings* shall be regulated pursuant to the adopted *International Property Maintenance Code* or the *International Existing Building Code* currently in effect as enacted by the City.

101.4.8 Residential. All references to the *International Residential Code* shall mean the residential code currently in effect as enacted by the City.

101.4.9 Areas prone to flooding. All references to “flood hazard” and “areas prone to flooding” in this code and appendices adopted therewith subject to applicable regulations and requirements set forth in Chapter 10 of the City Code, entitled “Flood Prevention and Protection.”

101.4.10 Electrical. All references to the *National Electrical Code* shall mean the electrical code currently in effect as enacted by the City.

101.4.11 Pool and Spa. All references to the *Pool and Spa Code* shall mean the *International Swimming Pool and Spa Code* currently in effect as enacted by the City.

101.4.12 Wildfire Resiliency. All references to the *Wildland-Urban Interface Code*, the *Colorado Wildfire Resiliency Code*, or CWRC, shall mean the *Colorado Wildfire Resiliency Code* currently in effect as enacted by the City.

4. **Section 103 CODE COMPLIANCE AGENCY** is deleted in its entirety and replaced with the following:

~~**SECTION 103 CODE COMPLIANCE AGENCY**~~

~~**[A] 103.1 Creation of enforcement agency.** The **[INSERT NAME OF DEPARTMENT]** is hereby created and the official in charge thereof shall be known as the *building official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

~~**[A] 103.2 Appointment.** The *building official* shall be appointed by the chief appointing authority of the *jurisdiction*.~~

~~**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy building official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *building official*.~~

SECTION 103 CODE ADMINISTRATION

103.1 Entity charged with code administration. The Community Development and Neighborhood Services Department (CDNS) is charged with the administration and enforcement of this code.

The *building official*, appointed by the City Manager, is charged with the direct overall administration and enforcement of this code and, in the performance of said duties, may delegate the necessary authority to the appropriate technical, administrative, and compliance staff under the supervision the *building official*.

5. **Section 104.2.4.1 Flood hazard areas** is deleted in its entirety and replaced with the following:

~~**[A] 104.2.4.1 Flood hazard areas.** The *building official* shall not grant modifications to any provision required in *flood hazard areas* as established by Section 1612.3 unless a determination has been made that:~~

~~1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the *site* render the elevation standards of Section 1612 inappropriate.~~

~~2. A determination that failure to grant the variance would result in exceptional hardship by rendering the *lot* undevelopable.~~
~~3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; cause fraud on or victimization of the public; or conflict with existing laws or ordinances.~~
~~4. A determination that the variance is the minimum necessary to afford relief, considering the *flood* hazard.~~
~~5. Submission to the applicant of written notice specifying the difference between the *design flood elevation* and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the *design flood elevation* increases risks to life and property.~~

104.2.4.1 Flood hazard areas. For *existing buildings* or *structures* regulated under the scope of this code that are in whole or in part located in *flood hazard areas*, construction documents shall be submitted as established in accordance with Chapter 10 of the City Code, entitled "Flood Prevention and Protection."

6. **Section 105.2 Work exempt from permit** is amended to read as follows, with the subsections for **Gas** and **Mechanical** being retained in their entirety:

105.2 Work exempt from permit. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. One-story, detached, accessory *structures* used ~~as tool and storage sheds, playhouses and similar uses,~~ for lawn and garden equipment storage, tool storage and similar uses, including arbors, pergolas, and similar structures, provided that the floor area is not greater than 120 square feet (11 m^2) nor greater than 8 feet (2.438 m) in height measured from grade, the structures do not house flammable liquids in quantities exceeding 10 gallons (38 L) per *building*, and the *structures* are located at least 3 feet (0.914 m) from an adjoining property line.

2. Fences, other than swimming pool barriers, not over ~~7 feet (2134 mm)~~ 6 feet (1829 mm) high.

3. Oil derricks

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the ~~bottom of the footing~~ low side grade to the top of the wall, unless supporting a surcharge ~~or impounding Class I, II and IIIA liquids~~ provided

the horizontal distance to the next uphill retaining wall is at least equal to the total height of the lower retaining wall.

5. Water tanks supported directly ~~on~~ upon grade if the capacity is not greater than 5,000 gallons (18 927 L) and the ratio of height to diameter or width is not greater than 2:1.

6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any *basement* or *story* below and are not part of an *accessible route*.

7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated *swimming pools* accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.

10. Shade cloth or maximum 6 mil single layer poly-roofed *structures* constructed for nursery or agricultural purposes, not including service systems, and no entry by the general public.

11. Swings and other playground equipment or playhouse/play *structures* accessory to detached one- and two-family *dwellings* provided that the equipment or structure does not exceed 120 square feet (11.15 m^2) in floor area or 8 feet (2.438 m) in height measured from grade, no more than one elevated playhouse or play structure is designed per lot, and said equipment or structure is used exclusively for play. Elevated play houses or play structures shall not exceed 64 square feet (5.9 m^2) in floor area or 6 feet (1.82 m) in height as measured from the floor to the highest point of such structure.

12. Window awnings ~~in Group R-3 and U occupancies,~~ supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support, storm windows, storm doors, and rain gutter installation except that, for structures fifty (50) years of age or older, historic review pursuant to Chapter 14 of the City Code must be completed first.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

14. Decks or slabs not exceeding 200 square feet (18.58 m^2) in area, not more than 30 inches (762 mm) above *grade plane*, not attached to a *building*, and not serving an exit door required by Chapter 10.

15. Roofing repair or replacement work not exceeding one square (100 square feet) of covering per *building*.

16. Replacement of nonstructural siding that is not installed on or over a fire-rated assembly when the removal of siding is performed in accordance with State laws regarding asbestos and lead paint except that, for structures fifty (50) years of age or older, historic review pursuant to Chapter 14 of the City Code must be completed first.

17. Temporary *special event structures*.

18. Shade sails that are freestanding and not more than 120 square feet or taller than 8 feet from grade.

Electrical:

. . .

4. Replacement of lighting controls, ceiling fans, and interior light fixtures provided the new fixture is rated at less or equal power consumption rate compared to the fixture being replaced.

. . .

Plumbing:

. . .

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, ~~and the removal and reinstallation of water closets~~ repair and replacement of garbage disposal units and dishwashers directly connected to the sanitary sewer system, including the necessary replacement of all tail pipes and traps, or the repair, maintenance, and replacement of sinks, faucets, drains, showers, tubs, and toilets, provided that such repairs do not involve or require the replacement or rearrangement of valves~~,~~ or pipes ~~or fixtures~~.

7. A new **Section 105.2.1.1 Emergency disaster no-fee permit** is added to read as follows:

105.2.1.1 Emergency disaster no-fee permit. When the *building official* determines there is an emergency or disaster event that has caused substantial damage to structures within the City, the *building official* is authorized to issue

a no-fee *permit* to allow the permit-holder to make temporary repairs to a structure to address damages caused by the emergency or disaster event to make the structure safe and/or allow occupancy. A no-fee *permit* will expire after 180 days, at which time a regular building *permit* will need to be obtained to otherwise bring the structure into compliance with this code. The *building official* is authorized to extend a no-fee permit under this section for good cause.

8. **Section 105.3.2 Time limitation of application** is amended to read as follows:

105.3.2 Time limitation of application An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding ~~90~~ 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Applications that have been deemed abandoned for 30 days or more will be considered void, unless the *building official* determines, in their reasonable discretion, that an extension of no more than 180 days should be allowed due to conditions beyond the applicant's control.

9. **Section 105.5 Expiration** is amended to read as follows:

105.5 Expiration. Every *permit* issued shall become invalid unless the work on the *site* authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the *site* by such *permit* is suspended or abandoned for a period of 180 days after the time the work is commenced. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Regardless of when the permit was issued relative to the effective date of this code, any work authorized by a *permit* regulated by this code or any other building construction code administered by the *building official,* that involves the construction or alteration of an exterior building component, assembly or finish material, such as the foundation, wall and roof framing, sheathing, siding, fenestration, and roof covering, shall be fully finished for permanent outdoor exposure within 24 months of the date of the issuance of such *permit.*

10. A new **Section 105.8 Transfer of permits** is added to read as follows:

105.8 Transfer of permits. A current valid building *permit* may be transferred from one party to another upon written application to the *building official* with consent of both parties. When any changes are made to the original plans and specifications that substantially differ from the plans submitted with the permit, as determined by the *building official*, a new plan review fee shall be paid as calculated in accordance with

Section 109. A fee of $50 shall be paid to cover administrative costs for all building *permit* transfers. No change shall be made to the expiration date of the original *permit*.

11. **SECTION 106 FLOOR AND ROOF DESIGN LOADS** is deleted in its entirety.

~~**SECTION 106 FLOOR AND ROOF DESIGN LOADS**~~

~~**[A] 106.1 Live loads posted.** In commercial or industrial *buildings*, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m^2), such design *live loads* shall be conspicuously posted by the *owner* or the *owner's* authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.~~

~~**[A] 106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.~~

~~**[A] 106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a *building*, *structure* or portion thereof, a *load* greater than is permitted by this code.~~

12. **Section 107.3.1 Approval of construction documents** is amended to read as follows:

107.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved,* in writing or by stamp indicating the approved *permit* number ~~as "Reviewed for Code Compliance"~~. One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the *site* of work and shall be open to inspection by the *building official* or a duly authorized representative.

13. **SECTION 109 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION 109 FEES**~~

~~**[A] 109.1 Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.~~

~~**[A] 109.2 Schedule of permit fees.** Where a *permit* is required, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**[A] 109.3 Permit valuations.** The applicant for a *permit* shall provide an estimated value of the work for which the *permit* is being issued at time of application. Such~~

~~estimated valuations shall include the total value of work, including materials and labor, for which the *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the *building official*, the valuation is underestimated, the *permit* shall be denied, unless the applicant can show detailed estimates acceptable to the *building official*. The building official shall have the authority to adjust the final valuation for permit fees.~~

~~**[A] 109.4 Work commencing before permit issuance.** Any *person* who commences any work before obtaining the necessary *permits* shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees.~~

~~**[A] 109.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.~~

~~**[A] 109.6 Refunds.** The *building official* is authorized to establish a refund policy.~~

SECTION 109 FEES

109.1 Payment of fees. No *permit* shall be valid until applicable fees prescribed by Chapter 7.5 of the City Code have been paid, except for emergency *permits* issued pursuant to Section 105.2.1 of this code.

109.2 Work commencing before permit issuance. In addition to the penalties set forth in Section 114.4 of this code, any person or firm who, before obtaining the necessary *permit(s)*, commences any construction of, or work on, a *building*, *structure*, electrical, gas, mechanical or plumbing system that is not otherwise exempt from obtaining a *permit*, may be subject to a stop work order and a work without a *permit* fee in addition to the required *permit* fee as established by the *building official*.

14. **Section 111.2 Certificate issued** is amended to read as follows:

111.2 Certificate issued. After the *building official* inspects the building or *structure* and does not find violations of the provisions of this code or other laws that are enforced by ~~the department~~ CDNS, the *building official* shall issue a certificate of occupancy that ~~contains~~ may contain the following:

. . .

15. **SECTION 113 MEANS OF APPEALS** is deleted in its entirety and replaced with the following:

~~**SECTION 113 MEANS OF APPEALS**~~

~~**[A] 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *building official*.~~

~~**[A] 113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**[A] 113.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and who are not employees of the *jurisdiction*.~~

~~**[A] 113.4 Administration.** The *building official* shall take action without delay in accordance with the decision of the board.~~

SECTION 113 MEANS OF APPEALS

113.1 General. The Building Review Commission (hereafter "Commission") established in § 2-173 of the City Code is hereby empowered in accordance with the procedures set forth in this Section and as authorized under § 2-173 of the City Code to hear and decide appeals of orders, decisions, or determinations made by the *building official* relative to the application and interpretation of this code; to determine the suitability of alternative materials or alternative methods of construction; and to grant *permit* extensions and reinstatements as prescribed by Section 105.5. The *building official* shall serve as the Secretary of the Commission. The Commission shall adopt rules of procedure in accordance with § 2-172 of the City Code for conducting its business and shall render all decisions and findings in writing.

113.2 Applications/Hearings. When a building *permit* applicant or a holder of a building *permit* desires relief from any decision of the *building official* related to the enforcement of this code, except as is otherwise limited in Section 113.4, such building *permit* applicant, building *permit* holder, or representative thereof may appeal the decision of the *building official* to the Commission, stating that such decision by the *building official* was based on an erroneous interpretation of the building regulations or that an alternative design, alternative materials and/or the alternative methods of construction proposed by the appellant are equivalent to those prescribed by this code, considering structural strength, effectiveness, fire resistance, durability, safety and any other pertinent factors.

The Commission shall hear and decide all appeals made to it and shall have the authority to rule in favor of the appellant when the Commission determines that the interpretation of the building regulations of the City by the *building official* was erroneous, or when the Commission determines an alternative design, alternative materials and/or the alternative methods proposed by the appellant are equivalent to those prescribed by this code, considering structural strength, effectiveness, fire resistance, durability, safety and any other pertinent factors. The Commission shall require that sufficient evidence be submitted to substantiate any claims made regarding the proposed alternative design, alternative materials and/or alternative methods of construction.

113.3 Fees and Notification. Persons desiring to appeal to the Commission any decision of the *building official* as provided in this Section shall file a request on the form promulgated by the *building official* and pay the applicable fee at the time of filing. Written notice of hearings shall be given to the Appellant and, with respect to appeals concerning accessibility under Chapter 11 of this code, to the City staff liaison for the Disability Advisory Board at least four days prior to the hearing by delivering the same to such party's last known email address.

113.4 Limitations. The Building Review Commission shall have no authority with respect to any of the following functions:

1. The administration of this code except as expressly provided herein;
2. Waiving requirements of this code, except as provided in this Section;
3. Modifying the applicable provisions of, or granting variances to, this code, or approving the use of alternative designs, alternative materials and/or alternative methods of construction except as provided for in this Section and based upon a specific appeal from a determination or decision of the *building official* on an individual case basis; and
4. Modifying, interpreting, or ruling on the applicability or intent of the zoning and land use regulations or other laws of the City except as expressly empowered otherwise.

16. **Section 114.4 Violation Penalties** is amended to read as follows:

114.4 Violation penalties. Any *person* who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or *repairs* a *building* or *structure* in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, ~~shall be subject to penalties as prescribed by law~~ commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

17. **SECTION 202 DEFINITIONS** is amended to modify, or add, in alphabetical order, the following definitions:

. . .

COMMISSIONING. A process to verify and document that the selected *building* and systems have been designed, installed, and function in accordance with the *construction documents*, manufacturers' specifications, and minimum code requirements.

. . .

DWELLING. ~~A *building* that contains one or two *dwelling units* used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.~~ A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other *structures* designed or used primarily for temporary occupancy. Any *dwelling* shall be deemed to be a principal *building*.

DWELLING UNIT. ~~A single unit providing complete, independent living *facilities* for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~ One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family *dwelling* or mixed-use *building*.

. . .

HEIGHT, BUILDING. ~~The vertical distance from *grade plane* to the average height of the highest roof surface.~~ The vertical distance in feet measured from the average of the finished ground level at the center of all walls of a building or structure to the highest point of the roof surface or structure.

. . .

ROOM, SLEEPING (BEDROOM). A habitable room within a *dwelling* or other housing unit designed primarily for the purpose of sleeping. The presence of a bed, cot, mattress, convertible sofa or other similar furnishing used for sleeping purposes shall be prima facie evidence that such space or room is a sleeping room. The presence of closets or similar storage *facilities* shall not be considered relevant factors in determining whether or not a room is a sleeping room.

. . .

TOWNHOUSE. ~~A *building* that contains three or more attached *townhouse units*.~~ A single-family *dwelling unit* constructed as part of a group of two or more attached individual *dwelling units* each of which is separated from the other from the foundation to the roof and is located entirely on a separately recorded and platted parcel of land

(site) bounded by property lines, which parcel is deeded exclusively for such single-family *dwelling*.

. . .

VOLATILE ORGANIC COMPOUND (VOC): Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. VOCs include a variety of chemicals, some of which may have short-and long-term adverse health effects emitted as gases from certain solids or liquids.

. . .

18. **Section 310.4.1 Care facilities within a dwelling** is amended to read as follows:

310.4.1 Care facilities within a dwelling. Except as provided in C.R.S. § 26-6-104.5 (concerning family child care homes), c~~C~~are *facilities* for five or fewer *persons* receiving care that are within a single-family *dwelling* are permitted to comply with the *International Residential Code* ~~provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 of this code or Section P2904 of the *International Residential Code*~~.

19. **Section 310.4.2 Lodging houses** is amended to read as follows:

310.4.2 Lodging houses. *Owner*-occupied *lodging houses* with five or fewer *guestrooms* shall be constructed in accordance with this code or the *International Residential Code*~~, provided that facilities constructed using the *International Residential Code* are protected by an *automatic sprinkler system* installed in accordance with Section P2904 of the *International Residential Code*~~.

20. A new **Section 502.2 Premises identification during construction** is added to read as follows:

502.2 Premises identification during construction. The approved *permit* number and street address shall be displayed and be plainly visible and legible from the public street or road fronting the property on which any *building* is being constructed or remodeled.

21. A new **Section 503.1.2.1 Common ownership** is added to read as follows:

503.1.2.1 Common ownership. The fire separation distance and exterior wall/opening protection requirements of Sections 705.5 and 705.8 do not apply for a *structure* built and located on or across a property line, provided that the property on both sides of the property line is held in common ownership and will remain so for the duration that said *building* is located across that property line. All other code requirements and fire separation distances to other property

lines and assumed property lines set forth in Section 705.3 shall apply. Common ownership documentation must be recorded at the Larimer County Clerk's Office and submitted to the *building official* for review and approval.

22. **CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS** is deleted in its entirety and replaced with the following:

~~**CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS**~~

~~**SECTION 901 GENERAL**~~

~~**901.1 Scope.** The provisions of this chapter shall specify where fire protection and *life safety systems* are required and shall apply to the design, installation and operation of *fire protection* and *life safety systems*.~~

~~. . .~~

~~**SECTION 918 EMERGENCY RESPONDER COMMUNICATION COVERAGE**~~

~~**[F] 918.1 General.** In *building* two-way emergency responder communication coverage shall be provided in all new *buildings* in accordance with Section 510 of the *International Fire Code*.~~

CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS

SECTION 901 ADMINISTRATION

901.1 General. Any *buildings* or portion thereof regulated by this code shall be provided with fire protection and life systems as required by Chapter 9 of the *International Fire Code*.

23. **Section 1006.3.4 Single exits** is amended to read as follows:

1006.3.4 Single exits. A single *exit* or access to a single *exit* shall be permitted from any *story or occupiable roof* where one of the following conditions exists:

1. ~~The *occupant load*, number of *dwelling units* and exit access travel distance do not exceed the values in~~ All requirements of Table 1006.3.4(1) or 1006.3.4(2) are met.

. . .

24. **TABLE 1006.3.4(1) STORIES AND OCCUPIABLE ROOFS WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-2 OCCUPANCIES** is amended to read as follows:

TABLE 1006.3.4(1)—STORIES AND OCCUPIABLE ROOFS WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-2 OCCUPANCIES

STORY OR OCCUPIABLE ROOF	OCCUPANCY	MAXIMUM ~~OCCUPANT LOAD PER STORY AND OCCUPIABLE ROOF~~ NUMBER OF DWELLING UNITS	MAXIMUM EXIT ACCESS TRAVEL DISTANCE ~~(feet)~~	MAXIMUM FLOOR AREA PER STORY	MINIMUM STAIRWAY WIDTH	CONSTRUCTION TYPE
Basement, first, second, or third story above grade plane and occupiable roofs over the first or second story above grade plane[a, b, c]	R-2[a, b, c]	4 dwelling units	125 feet	Per chapter 5	Per chapter 10	Per chapter 5
Fourth and or fifth story above grade plane	R-2[a, b, c, f, g]	4 dwelling units	125 feet[d]	4000 square feet[e]	48 inches[b, c]	Type I, Type II or Type IV
~~Fourth~~ Sixth story above grade plane and higher	NP	NA	NA			

For SI: 1 foot = 304.8 mm.
NP = Not Permitted.
NA = Not Applicable.

a. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1031.
b. This table is used for Group R-2 occupancies consisting of dwelling units. For Group R-2 occupancies consisting of sleeping units, use Table 1006.3.4(2).
c. This table is for occupiable roofs accessed through and serving individual dwelling units in Group R-2 occupancies. For Group R-2 occupancies with occupiable roofs that are not accessed through and serving individual units, use Table 1006.3.4(2).
d. 20 ft maximum distance of travel to the exit stairway from the exit or entry of any dwelling.
e. May have a floor with a square footage up to 6,000 sq ft, provided the exit stairway width is equal to or greater than a number of inches that is in the same ratio to 48 as the square footage of the floor is to 4000. Maximum required width is 54".
f. Electrical receptacles may not be installed in an exit stairway enclosure and publicly accessible electrical receptacles may not be installed in corridors between dwelling units and the exit stairway.
g . Openings to the exit stairway enclosure shall only be allowed to serve as exit access from normally occupied spaces, exit access from the exit stair way enclosure to another protected exit component, or access to the exterior from the exit stairway enclosure.

. . .

25. **Section 1010.1.4 Floor elevation** is amended to read as follows:

1010.1.4 Floor elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2 percent slope). All exterior steps, slabs, walks, decks and patios serving as exterior door landings or exterior stairs shall be adequately and permanently secured in place by *approved* methods to prevent such landings or stairs from being undermined or subject to significant displacement due to improper placement of supporting backfill or due to inadequate anchoring methods.

Exceptions:

. . .

7. Exterior doors serving individual *dwelling units*, other than the main entrance door to a *dwelling unit*, may open at one intervening exterior step that is equally spaced between the interior floor level above and exterior landing below, provided that the step has a minimum tread depth of 12 inches, a maximum riser height of 7 ¾ inches (19.68cm), and a minimum width equal to the door width, and further provided that the door does not swing over the step.

26. **Section 1011.11 Handrails** is amended to read as follows:

1011.11 Handrails. *Flights of stairways* of more than 1 riser shall have *handrails* on each side and shall comply with Section 1014. Where glass is used to provide the *handrail*, the *handrail* shall also comply with Section 2407.

. . .

27. **Section 1031.5.3 Drainage** is amended to read as follows:

1031.5.3 Drainage. Area wells shall be designed for proper drainage by connecting to the *building's* foundation drainage system required by Section 1805.

Exceptions:

1. A drainage system for area wells is not required where the foundation is on well-drained soil or sand-gravel mixture soils in accordance with the United Soil Classification System, Group I Soils, in accordance with Section 1803.5.1.
2. A drainage system is not required for new window wells on additions to existing dwellings where no foundation drainage system exists.

28. **Section 1102.1 Design** is amended to read as follows:

1102.1 Design. *Buildings* and *facilities* shall be designed and constructed to be *accessible* in accordance with this code and the most recently published edition of ICC A117.1.

29. **Section 1107.2 Electrical vehicle charging stations** is amended to read as follows, with exception #1 being deleted in its entirety:

1107.2 Electrical vehicle charging stations. *Electrical vehicle charging stations* shall comply with Sections 1107.2.1 and 1107.2.2.

Exceptions~~:~~

~~1. *Electrical vehicle charging stations* provided to serve Group R-3 and R-4 occupancies are not required to comply with this section.~~

~~2.~~ Electric vehicle charging stations used exclusively by buses, trucks, other delivery vehicles, law enforcement vehicles and motor pools are not required to comply with this section.

30. **Section 1107.2.2 Vehicle space size** is amended to read as follows:

1107.2.2 Vehicle space size. At least one a~~A~~ccessible vehicle space~~spaces~~ shall be equipped with an electric vehicle charging system and comply with the requirements for a van accessible parking space that is 132 inches (3350 mm) minimum in width with an adjoining access aisle that is 60 inches (1525 mm) minimum in width.

31. **Section 1108.2 Design** is amended to read as follows:

1108.2 Design. *Dwelling units* and *sleeping units* that are required to be *Accessible units, Type A units* and *Type B units* shall comply with the applicable portions of Chapter 11 of ICC A117.1. Units required to be *Type A units* are permitted to be designed and constructed as *Accessible units*. Units required to be *Type B units* are permitted to be designed and constructed as *Accessible units* or as *Type A units*.

When any building or buildings classified as Group R, Division 1 or Group R, Division 2 Occupancy are constructed as a single building project (or any phase thereof) on any one site, and such building project (or phase) contains one or more accessible *dwelling units* as required by this chapter or Colorado law, said building project (or phase) shall be constructed such that all required *accessible dwelling units* in such building project (or phase) provide the same functional features as are provided in the *non-accessible dwelling units* in such building project (or phase). Furthermore, all such functional features except dwelling unit bedroom-types shall be provided in the same proportion as in the non-accessible units. At least 50 percent of the required accessible *dwelling units* shall be constructed with the distribution of *accessible dwelling unit* bedroom-types being proportionally the same as the distribution of *non-accessible dwelling unit* bedroom-types, provided that at least one of each *dwelling*

unit bedroom-type constructed in the building project (or phase) is an *accessible dwelling unit*.

For purposes of this Section the following definitions shall apply: *Dwelling unit* bedroom-type shall mean the number of bedrooms within the *dwelling unit*. Functional feature shall mean a closet, garage, carport, patio, deck, additional room (such as a bedroom, bathroom, den, storeroom, laundry or similar room) or any other significant feature built at the time of original construction that offers occupants improved convenience or comfort. Aesthetic or decorative features such as colors, architectural design elements, trim and finish materials, decorative heating appliances not providing the primary comfort heat source, lighting fixture style, cabinet and hardware style, plumbing fixture style, the type and location of windows and glazed lights, or any similar miscellaneous features shall not be construed as functional features.

32. **TABLE 1108.6.1.1 ACCESSIBLE DWELLING UNITS AND SLEEPING UNITS** is amended to read as follows:

TABLE 1108.6.1.1—ACCESSIBLE DWELLING UNITS AND SLEEPING UNITS

TOTAL NUMBER OF UNITS PROVIDED	MINIMUM REQUIRED NUMBER OF ACCESSIBLE UNITS WITHOUT ROLL-IN SHOWERS	MINIMUM REQUIRED NUMBER OF ACCESSIBLE UNITS WITH ROLL-IN SHOWERS[a]	TOTAL NUMBER OF REQUIRED ACCESSIBLE UNITS
1 to 25	1	0	1
26 to 50	~~2~~1	~~0~~1	2
51 to 75	~~3~~2	~~1~~2	4
76 to 100	~~4~~3	~~1~~2	5
101 to 150	5	2	7
151 to 200	6	2	8
201 to 300	7	3	10
301 to 400	8	4	12
401 to 500	9	4	13
501 to 1000	2% of total	1% of total	3% of total
Over 1000	20, plus 1 for each 100, or fraction thereof, over 1,000	10, plus 1 for each 100, or fraction thereof, over 1,000	30, plus 2 for each 100, or fraction thereof, over 1,000

[a] Required roll-in showers shall have a minimum interior floor area of 36 inches by 60 inches.

33. A new **Section 1108.6.2.3.1.1 R-2 accessible roll-in showers** is added to read as follows:

1108.6.2.3.1.1 R-2 accessible roll-in showers. All roll-in showers provided in *accessible units*, *Type A units*, or *Type B* units in Group R-2

occupancies, shall have a minimum interior floor area of 36 inches (91 cm) by 60 inches (152 cm).

34. A new **Section 1403.8.1 Vinyl siding on buildings** is added to read as follows:

1403.8.1 Vinyl siding on new buildings. Vinyl siding on *buildings* shall be installed over one-hour fire-rated assemblies listed for exterior fire exposure, in both the vertical and horizontal plane or in accordance with the adopted *Colorado Wildfire Resiliency Code* (CWRC), whichever is more restrictive.

Exception: Repairs less than 100 square feet in total area unless subject to the CWRC.

35. A new **Section 1403.11.3 Polypropylene siding on buildings** is added to read as follows:

1403.11.3 Polypropylene siding on buildings. Polypropylene siding on *buildings* shall be installed over one-hour fire-rated assemblies listed for exterior fire exposure, in both the vertical and horizontal plane or in accordance with the CWRC, whichever is more restrictive.

Exception: Repairs less than 100 square feet in total area unless subject to the CWRC.

36. **Section 1403.14 Insulated vinyl siding** is amended to read as follows:

1403.14 Insulated vinyl siding. Insulated *vinyl siding* shall be certified and *labeled* as conforming to the requirements of ASTM D7793 by an *approved agency* and shall be installed over one-hour fire-rated assemblies listed for exterior fire exposure, in both the vertical and horizontal plane or in accordance with the CWRC, whichever is more restrictive.

Exception: Repairs less than 100 square feet in total area unless subject to the CWRC.

37. **Section 1404.3 Vapor retarders** is amended to read as follows:

1404.3 Vapor retarders. Vapor retarder materials shall be classified in accordance with Table 1404.3(1). If provided on the interior side of frame walls, a~~A~~ vapor retarder shall be provided ~~on the interior side of frame walls~~ in accordance with Table 1404.3(2) and Table 1404.3(3) or 1404.3(4) as applicable, or an *approved* design using accepted engineering practice for hygrothermal analysis. Vapor retarders shall be installed in accordance with Section 1404.3.2. The appropriate *climate zone* shall be selected in accordance with Chapter 3 of the *International Energy Conservation Code*.

. . .

38. A new **Section 1504.7.1 Impact resistance of asphalt shingles** is added to read as follows:

1504.7.1 Impact resistance of asphalt shingles. Asphalt shingles shall be Class 4 impact resistant, comply with UL 2218, and be installed in accordance with the manufacturer's installation instructions.

Exceptions:

1. When existing asphalt shingles are less than Class 4 impact resistant, and the owner wishes to replace the existing asphalt shingles with tiles of a similar color or style, but no Class 4 impact resistance shingles that are similar color or style to the existing asphalt shingles are available, the *building official* may approve alternate materials that are less than Class 4 impact resistant; however, the *building official* will impose the highest class of impact resistance for which shingles of a matching color or style to the existing asphalt shingles are available. If no impact resistant materials are available, the *building official* may approve non-impact resistant materials if the alternate materials meet all other applicable requirements of this code.

2. When the owner is repairing or adding to existing asphalt singles that are less than Class 4 impact resistant, the owner may use the same or similar materials as the current existing asphalt shingles, even if that same or similar material is not impact resistant, provided the repair does not exceed 49% of the roof area or an addition that does not exceed 50% of the original building size.

39. **Section 1505.1 General** is deleted in its entirety and replaced with the following:

~~**[BF] 1505.1 General.** Fire classification of roof assemblies shall be in accordance with Section 1505. The minimum fire classification of roof assemblies installed on buildings shall comply with Table 1505.1 based on type of construction of the building. Class A, B and C *roof assemblies* and *roof coverings* required to be *listed* by this section shall be tested in accordance with ASTM E108 or UL 790. In addition, *fire-retardant-treated woodroof coverings* shall be tested in accordance with ASTM D2898.~~

~~**Exception:** *Skylights and sloped glazing* that comply with Chapter 24 or Section 2610.~~

1505.1 New Construction. Roofs shall be covered with materials listed as Class A. Class A roofing shall be tested in accordance with UL 790 or ASTM E108.

Exceptions:

1. Noncombustible *roof coverings* as defined in Section 1507.3, 1507.4, 1507.5 may be applied in accordance with the manufacturer's specifications in place of a fire-retardant roofing assembly.

2. Skylights and sloped glazing that comply with Chapter 24 or Section 2610 of this code.

40. **TABLE 1505.1 MINIMUM ROOF ASSEMBLY CLASSIFICATION FOR TYPES OF CONSTRUCTION** is deleted in its entirety.

~~**[BF] TABLE 1505.1—MINIMUM ROOF ASSEMBLY CLASSIFICATION FOR TYPES OF CONSTRUCTION**[a, b]~~

~~IA~~	~~IB~~	~~IIA~~	~~IIB~~	~~IIIA~~	~~IIIB~~	~~IV~~	~~VA~~	~~VB~~
~~B~~	~~B~~	~~B~~	~~C[c]~~	~~B~~	~~C[c]~~	~~B~~	~~B~~	~~C[c]~~

~~For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m^2.~~

~~a. Unless otherwise required in accordance with the *International Wildland-Urban Interface Code* or due to the location of the building within a fire district in accordance with Appendix D.~~

~~b. Nonclassified roof coverings shall be permitted on buildings of Group U occupancies, where there is a minimum fire-separation distance of 6 feet measured from the leading edge of the roof.~~

~~c. Buildings that are not more than two stories above grade plane and having not more than 6,000 square feet of projected roof area and where there is a minimum 10-foot fire separation distance from the leading edge of the roof to a lot line on all sides of the building, except for street fronts or public ways, shall be permitted to have roofs of No. 1 cedar or redwood shakes and No. 1 shingles constructed in accordance with Section 1505.7.~~

41. **Section 1507.2.1 Deck requirements** is amended to read as follows:

1507.2.1 Deck requirements. Asphalt shingles shall be fastened to solidly sheathed decks. Gaps in solidly sheathed or plank decking shall not exceed 1/8 inch.

42. **Section 1512.1 General** is amended to read as follows with the exceptions being retained in their entirety:

1512.1 General. Materials and methods of application used for recovering or replacing an existing *roof covering* shall comply with the requirements of Chapter 15. Any existing *roof covering* system may be replaced with a *roof covering* of the same materials and classification, provided that the replacement *roof covering* has a minimum rating of Class C.

. . .

43. **Section 1608.2 Ground snow loads** is deleted in its entirety and replaced with the following:

~~**1608.2 Ground snow loads.** The ground snow *loads* to be used in determining the design snow *loads* for roofs shall be determined in accordance with the reliability-targeted (strength based) ground snow load values in Chapter 7 of ASCE 7 or Figures 1608.2(1) through 1608.2(4) for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be determined in accordance with Chapter 7~~

~~of ASCE 7 and shall be *approved* by the *building official*. Snow loads are zero for Hawaii, except in mountainous regions as *approved* by the *building official*.~~

1608.2 Ground snow loads. The design snow *load* Pg, in pounds per square foot (psf), shall be:
50 psf (Ultimate) for Risk Category I and II,
51 psf (Ultimate) for Risk Category III,
62 psf (Ultimate) for Risk Category IV,
or the design ground snow *load* values shall comply with ASCE 7-22, ASCE Design Geodatabase, published 2025. In no case shall the Ground Snow Load be less than 50 psf (Ultimate). The ASCE Design Geodatabase is available at https://asce7hazardtool.online.

The design roof snow *load* values shall be determined from Chapter 7, ASCE 7-22, including all applicable factors, and loading and drifting considerations. In no case shall the final design roof snow *load* be less than a uniformly distributed load of 43 psf (Ultimate).

44. **Section 1609.3 Basic wind speed** is deleted in its entirety and replaced with the following:

~~**1609.3 Basic wind speed.** The *basic wind speed*, *V*, in mph, for the determination of the wind *loads* shall be determined by Figures 1609.3(1) through 1609.3(4).~~

~~The *basic wind speed*, *V*, for use in the design of *Risk Category* I *buildings* and *structures* shall be obtained from Figure 1609.3(1).~~
~~The *basic wind speed*, *V*, for use in the design of *Risk Category* II *buildings* and *structures* shall be obtained from Figure 1609.3(2).~~
~~The *basic wind speed*, *V*, for use in the design of *Risk Category* III *buildings* and *structures* shall be obtained from Figure 1609.3(3).~~
~~The *basic wind speed*, *V*, for use in the design of *Risk Category* IV *buildings* and *structures* shall be obtained from Figure 1609.3(4).~~

~~*Basic wind speeds* for Hawaii, the US Virgin Islands and Puerto Rico shall be determined by using the ASCE Wind Design Geodatabase. The ASCE Wind Design Geodatabase is available at https://asce7hazardtool.online, or an approved equivalent.~~

~~The *basic wind speed*, *V*, for the special wind regions indicated near mountainous terrain and near gorges shall be in accordance with local *jurisdiction* requirements. The *basic wind speeds*, *V*, determined by the local *jurisdiction* shall be in accordance with Chapter 26 of ASCE 7.~~

~~In nonhurricane-prone regions, when the *basic wind speed*, *V*, is estimated from regional climatic data, the *basic wind speed*, *V*, shall be determined in accordance with Chapter 26 of ASCE 7.~~

1609.3 Basic design wind speed. The basic design wind speed V, in mph, for the determination of the wind loads shall be:
130 miles per hour (Ultimate) for Risk Category I,
140 miles per hour (Ultimate) for Risk Category II,
150 miles per hour (Ultimate) for Risk Category III,
155 miles per hour (Ultimate) for Risk Category IV,
or shall comply ASCE 7-22, ASCE Design Geodatabase published 2025. The ASCE Design Geodatabase is available at https://asce7hazardtool.online.

45. **Section 1612.2 Design and construction** is amended to read as follows:

1612.2 Design and construction. The design and construction of *buildings* and *structures* located in *flood hazard areas*, including *coastal high hazard areas and coastal A zones*, shall be in accordance with Chapter 5 of ASCE 7 and ASCE 24 and with the provisions of Chapter 10 of the City Code, Flood Prevention and Protection. Elevators, escalators, conveying systems and their components shall conform to ASCE 24 and ASME A17.1/CSA B44 as applicable. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall, prior to being issued a building permit, demonstrate that the cumulative effect of the proposed buildings and structures on design flood elevations, including fill, when combined with all other existing and anticipated development, will not increase the design flood elevation more than one foot or a more restrictive value as adopted by the community at any point within the City.

Exception: *Temporary structures* complying with Section 3103.6.1.3.

46. **Section 1809.5 Frost protection** is amended to read as follows:

1809.5 Frost protection. Except where otherwise protected from frost, foundations and other permanent supports of *buildings* and *structures* shall be protected from frost by one or more of the following methods:

1. Extending ~~below the frost line of the locality~~30 inches below grade.
2. Constructing in accordance with ASCE 32.
3. Erecting on solid rock.

. . .

47. A new **Section 1811 Radon-Resistant Construction** is added to read as follows:

Section 1811: Radon-Resistant Construction. New R-2, R-3, and R-4 Occupancies and new I-1 and I-2 nursing homes shall provide radon reduction systems complying with Appendix BE of the *International Residential Code*.

48. A new **Section 2902.1.4 Touch-free toilet facilities** is added to read as follows:

2902.1.4 Touch-free toilet facilities. Toilet facilities installed for occupancies associated with food preparation or food service to the public shall be provided with:

1. Automatic touch-free water control valves on lavatories,

2. Automatic touch-free paper towel dispensers, and

3. Toilet facilities exit doors that allow exiting without requiring touching by hand of any door hardware such as knobs, levers, sliding bolts, latches and similar devices.

   Exception: Toilet facilities designed for single occupant use may be provided with exit door locking hardware to afford privacy, doors may swing inward or outward.

49. **Section 2902.2 Separate facilities** is deleted in its entirety and replaced with the following:

~~**[P] 2902.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be provided for each sex.~~

~~**Exceptions:**~~

~~1. Separate toilet facilities shall not be required for *dwelling units* and *sleeping units*.~~

~~2. Separate toilet facilities shall not be required in structures or tenant spaces with a total *occupant load*, including both employees and customers, of 15 or fewer.~~

~~3. Separate toilet facilities shall not be required in mercantile occupancies in which the maximum *occupant load* is 100 or fewer.~~

~~4. Separate toilet facilities shall not be required in business occupancies in which the maximum *occupant load* is 25 or fewer.~~

~~5. Separate toilet facilities shall not be required to be designated by sex where single-user toilet rooms are provided in accordance with Section 2902.1.2.~~

~~6. Separate toilet facilities shall not be required where rooms having both water closets and lavatory fixtures are designed for use by all persons regardless of sex and privacy is provided for water closets in accordance with Section 405.3.4 of the *International Plumbing Code* and for urinals in accordance with Section 405.3.5 of the *International Plumbing Code*.~~

2902.2 Required restroom facilities. Where plumbing fixtures are required, they shall be achieved either by gender-neutral single-user restrooms or by multi-user (multi-fixture) restrooms. Gender-specific multi-user restrooms are only allowed if they are provided for each sex. Gender-neutral multi-user restrooms are allowed only where water closets and showers are each provided in compartments with walls or partitions 4 inches maximum from finished floor and 6 inches minimum below ceiling or 84 inches high and a door enclosing the fixtures to ensure privacy. Urinals must be

located in an area visually separated from the remainder of the facility or each urinal must be located in a stall with a door. The number of fixtures shall be calculated based on the average of the number of male/female fixtures in Table 2902.1.

Exceptions:

1. For mercantile occupancies in which the maximum occupant load is 100 or fewer, one gender-neutral single-user restroom is allowed.
2. For buildings or tenant spaces in which the maximum occupant load is 25 or fewer, one gender-neutral single-user restroom is allowed.

50. **Section 3310.1 Stairways required** is amended to read as follows:

3310.1 Stairways required. Where *building* construction exceeds ~~40 feet (12 192 mm)~~ 20 feet (6096 mm) in height above the lowest level of fire department vehicle access, a temporary or permanent *stairway* shall be provided. As construction progresses, such *stairway* shall be extended to within one floor of the highest point of construction having secured decking or flooring.

51. A new **CHAPTER 36 SUSTAINABLE BUILDING CONSTRUCTION PRACTICES** is added to read as follows:

CHAPTER 36 SUSTAINABLE BUILDING CONSTRUCTION PRACTICES

Section 3601 General

3601.1 Scope. The provisions of this chapter shall govern sustainable building construction practices for new construction and additions and remodels.

Section 3602 Resource Efficiency

3602.1 Construction waste management. For remodels over 1,500 square feet, additions over 1,500 square feet, and all new *buildings*, a signed construction waste declaration of responsibility is required at the time of application for a building *permit*; the construction waste recycling regulations shall be implemented; all concrete, asphalt, masonry, wood, metals and cardboard shall be recycled; and all mixed construction and demolition materials (as defined in § 12-16 of the City Code) shall be delivered to any facility identified in and disposed of in accordance with § 12-22(c) of the City Code. Compliance shall be certified by inspection and documentation and submission of a signed final construction waste management report.

Exemption: Basement finish projects.

3602.1.1 Building demolitions. *Buildings* or portions of *buildings* that are removed shall be processed in such a way as to safely remove all asbestos and lead paint contaminants. For all demolitions, excluding non-structural demolitions under 1000 square feet, a signed demolition waste declaration of responsibility is

required at the time of application for a demolition permit. All metals, asphalt, concrete and masonry that are free of asbestos and lead paint shall be recycled, and where possible, all remaining materials, such as doors, windows, cabinets, fixtures, and wood, shall be recycled. All mixed construction and demolition materials (as defined in § 12-16 of the City Code) shall be delivered to any facility identified in and disposed of in accordance with § 12-22(c) of the City Code. Compliance shall be certified by inspection, documentation, and submission of a signed final demolition waste management report.

3602.1.2 Recycle chutes. New *buildings* provided with trash chutes or existing *buildings* renovated that add a new trash chute shall provide an additional equivalent chute adjacent to the trash chute for the purpose of recycling. Separate bins shall be provided in the termination room to prevent recycled items from entering the trash bin. Chutes must be appropriately labeled “Landfill” or “Recycle.”

Section 3603 Indoor Environmental Quality (IEQ)

3603.1 Indoor Air Quality (IAQ)

3603.1.1 Heating, Ventilating, and Air Conditioning Design. Prior to and during construction, reasonable efforts shall be made to minimize the release of particulates and accumulation of debris, and the specific requirements of this Section shall apply.

3603.1.2 Air handling system access. The arrangement and location of air handling system components including, but not limited to, air handler units, fans, coils and condensate pans, shall allow access for cleaning and *repair* of the air handling surfaces of such components. Piping, conduits, and other building components shall not be located so as to obstruct the required access.

3603.1.3 Durability of air handling surfaces. Surfaces exposed to airflow within air handling systems shall be constructed of materials that are resistant to deterioration and will not break away, crack, peel, flake off, or show evidence of delamination or continued erosion when tested in accordance with the erosion test in UL 181.

3603.1.4 Airstream surfaces. Materials exposed to airflow within ducts, within air plenums, or on top of suspended ceilings, shall not break away, crack, peel, flake off, or show evidence of delamination or continued erosion when tested in accordance with the erosion test in UL 181.

3603.1.5 New building and first time completed tenant finish spaces pollutant flush-out. After all interior finishes are installed, the *building* or space shall be flushed out by ventilating at a minimum rate of 0.30 cfm per ft^2 of outside air or the design outdoor airflow rate determined from the *International Mechanical Code*,

whichever is greater, for at least 14 days while maintaining an internal temperature of at least 60°F, and relative humidity not higher than 60 percent. Occupancy shall be permitted to start 1 day after start of the flush-out, provided that flush-out continues for the full 14 days. The *building* or space shall not be "baked out" by increasing the temperature of the space above the occupied set point.

Exception: All residential buildings.

3603.2 Acoustical control. Minimum requirements for exterior-to-interior sound transmission, interior sound transmission, and background sound levels in new construction and additions, except as noted hereunder, shall be provided as specified in Sections 3603.1.1 and 3601.1.2.

3603.2.1 Exterior sound transmission. Where a Group A1, A3, E and I occupancy *building*, a Group B occupancy *building* used for educational purposes, or a Group R occupancy *building* is constructed at a location listed herein, the wall assemblies making up the *building thermal envelope* or professional analysis of effected walls shall have a composite sound transmission class (STC) rating of 39 or greater in the following locations:

1. Within 500 feet (152 m) of a multi-lane highway designed for high-speed travel by large numbers of vehicles, and having no traffic lights, stop signs, or other regulations requiring vehicles to stop; fire stations; heavy industrial or manufacturing areas or facilities; commercial storage facilities with back-up alarms; outdoor music amphitheaters; or sports arena or stadium;

2. Within 250 feet (76 m) of a roadway containing 4 or more traffic lanes; or

3. Within 1,000 feet (305 m) of an active railway.

3603.2.2 Interior sound transmission. Interior wall and floor-ceiling assemblies, separating interior rooms and spaces shall be designed in accordance with the following requirements:

1. Wall and floor-ceiling assemblies separating adjacent tenant spaces, tenant spaces and public places, hotel rooms, motel rooms, patient rooms in nursing homes and hospitals, and adjoining classrooms shall have a composite STC rating of 50 or greater.

2. Wall and floor-ceiling assemblies separating classrooms from restrooms and showers shall have a composite STC rating of 53 or greater.

3. Wall and floor-ceiling assemblies separating classrooms from music rooms, mechanical rooms, cafeterias, gymnasiums, and indoor swimming pools shall have a composite STC rating of 60 or greater.

Exception: Residential Group R occupancies addressed in Section 1206 of this code.

Section 3604 Electrical vehicle charging.

3604.1 Scope. The provisions of this Section shall control the design and construction for Electric Vehicle Charging.

Exceptions:

1. For every level-3 EV fast charge parking space installed, five type 2 EVPS can be removed.
2. For every EVPS installed in excess of what is required by Table 3604.5, 3 EV-ready or 6 EV-capable spaces can be removed.
3. For every EV-ready space installed in excess of what is required by Table 3604.5, 3 EV-capable spaces can be removed.
4. Parking spaces associated with *structures* and tenant spaces intended for quick transactions, including takeout, pickup, and drop-off shall be exempt.
5. All new and existing developments where the *EV*-capacity requirements would require an upgrade of an existing transformer are exempt.

3604.2 Definitions applicable to this Chapter.

Affordable Housing: Residential occupancies that meet the criteria for affordable housing established in the Land Use Code Section 5.2.1.

Electric Vehicle (EV): A vehicle registered for on-road use, primarily powered by an electric motor that draws current from a rechargeable storage source that is charged by being plugged into an electrical current source.

Electric Vehicle Supply Equipment (EVSE). The electrical conductors and associated equipment external to an *electric vehicle* that provide a connection between the premises wiring and the *electric vehicle* to provide *electric vehicle* charging.

Electric Vehicle Fast Charger. *EVSE* with a minimum power output of 20 kW, also known as level-3 charger.

Electric Vehicle Capable Space. A designated parking space that is provided with a minimum conduit of 1 inch sized for a continuous dedicated branch circuit from a *building* electrical panelboard to the parking space and with sufficient physical space in the same *building* electrical panelboard to accommodate a dual-pole circuit breaker.

Electric Vehicle Ready Space. A parking space that is provided with one continuous 40-amp, 208/240-Volt dedicated branch circuit for *EVSE* that is terminated at a receptacle *EVSE* within the parking space. If an Electric Vehicle Load Management System is specified, then the electrical requirements may be adjusted per the current National Electric Code.

Electric Vehicle Parking Space (EVPS). A parking space or spaces with minimum of level 2 *EVSE* capable of supplying a minimum 40-amp dedicated branch circuit rated at 240-Volt from a *building* electrical panelboard. If an Electric Vehicle Load Management System is specified, then the electrical requirements may be adjusted per the current National Electric Code.

3604.3 Electric Vehicle Supply Equipment. All *EVSE* shall be sized and installed in accordance with article 625 of the currently adopted National Electrical Code.

3604.4 Accessibility. All *Electric Vehicle Ready Spaces* and *EVPS* shall meet all requirements in Chapter 11 of this code. The total amount of required accessible parking spaces shall be removed from the total number of available spaces when calculating the required percentage of spaces for EV.

3604.5 New buildings. All new *buildings* or any *building* undergoing a primary or partial change of occupancy or use in which more than 50% of the total building area is changing must provide EVPS as outlined in Table 3604.5, based on either the total number of parking spaces actually provided or the total number of parking spaces required by the Land Use Code, whichever is smaller. A parking schedule or plan shall be shown on the submitted plans that lists the parking spaces and the provided EVPS in accordance with Table 3604.5.

3604.6 Existing buildings. Existing *buildings* that provide on-site parking and undergo a renovation or alteration in which the scope of work is more than 50% of the total *building area,* shall provide at least one EVSE-installed space.

3604.7 Additions. All additions must provide EVPS as outlined in Table 3604.5, based on the total number of parking spaces provided. A parking schedule or plan shall be shown on the submitted plans that list the parking spaces and the provided EVPS in accordance with Table 3604.5.

Exception: Additions that do not provide additional parking spaces must provide at least one EVSE-Installed space.

TABLE 3604.5—MINIMUM PERCENTAGE OF PARKING SPACES PROVIDED IN NEW BUILDINGS THAT MUST BE ELECTRIC VEHICLE PARKING SPACES, EV READY SPACES, AND EV CAPABLE SPACES.

City of Fort Collins Occupancy Classification for EV Charging Infrastructure	EVSE - installed	EV - Ready	EV – capable
Tier 1			
Residential	10%	20%	40%
Affordable housing	Min of 1 space	15%	20%
Tier 2			
Mercantile	5%	15%	20%
Assembly	5%	15%	20%
Institutional	5%	15%	20%
Business	5%	15%	20%
Educational	5%	15%	20%
Factory	5%	15%	20%
Tier 3			
High hazard	1%	5%	15%
Storage	1%	5%	15%
Utility and misc. group	1%	5%	15%

52. **APPENDIX C GROUP U AGRICULTURAL BUILDINGS** is adopted in its entirety.

53. **APPENDIX E SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS** is adopted in its entirety.

54. **APPENDIX I PATIO COVERS** is adopted in its entirety.

Section 4. Section 5-29 of the Code of the City of Fort Collins is hereby deleted in its entirety.

~~**Sec. 5-29. - Violations and penalties.**~~

~~The following section of the *International Building Code* contains a penalty clause, which is amended in its entirety to read as follows:~~

~~"**113.4 Violations, penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, within or on, alters or repairs a building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under~~

~~the provisions of this code, shall be guilty of a misdemeanor subject to the penalties and fines pursuant to Section 1-15 of the City Code.~~

~~"**113.5 Work commencing before permit issuance.** In addition to penalties set forth in Subsection R113.4, any person or firm who, before obtaining the necessary permit(s), commences any construction of, or work on, a building, structure, electrical, gas, mechanical or plumbing system that is not otherwise exempted from obtaining a permit, shall be subject to a processing and penalty fee in addition to the standard, prescribed permit fee. Such additional fee shall be equal to the permit fee, except that such fee shall be not less than fifty dollars ($50.) nor more than one thousand dollars ($1,000.) for the first such violation. A person or firm committing the same such violation repeatedly is subject to processing and penalty fees equal to double the amount of the permit fee or double the amount of the preceding violation, whichever is greater, for every same such subsequent violation committed thereafter within any 180-day period. The foregoing fees may be appealed to the City Manager pursuant to Chapter 2, Article VI of the City Code."~~

Section 5. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 6. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Jenny Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 212, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 2 OF THE CODE
OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2021
INTERNATIONAL ENERGY CONSERVATION CODE AND ADOPTING THE
2024 INTERNATIONAL ENERGY CONSERVATION CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times; and

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year; and

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

F. The adoption of the interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its citizens that the *2024 International Energy Conservation Code* be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to the City Charter Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the

hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

J. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

K. Attached as Exhibit B and incorporated herein by reference is the *City of Fort Collins Building Code Residential Air Tightness Testing Protocol, New Attached and Detached Single Family Dwellings*, dated December 16, 2025, which is referenced in Paragraph 84 of Section 3 of this Ordinance, regarding IECC Section R402.5.1.2.

L. Attached as Exhibit C and incorporated herein by reference is the *City of Fort Collins New Multifamily Air Tightness Testing Protocol*, dated December 16, 2025, which is referenced in Paragraph 25 of Section 3 of this Ordinance, regarding IECC Section C402.6.2.2.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the 2021 *International Energy Conservation Code* ("IECC") and adopts the 2024 IECC as amended by this Ordinance.

Section 2. Section 5-26(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

(b) Pursuant to the power and authority conferred on the City Council by ~~C.R.S. §~~Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the ~~*2021*~~*2024 International Energy Conservation Code* published by the International Code Council, first printing (August 2025 update), as amended by the City, which shall have the same force and effect as though set forth in full herein and which shall apply exclusively to the design and construction of all buildings that are classified as residential buildings not more than three (3) stories above grade and their systems; new portions of such existing buildings and their systems; and new systems and equipment in such existing buildings, exclusive of detached one- and two-family dwellings, multiple single-family dwellings (townhouses), for the purpose of establishing minimum requirements for minimum energy efficiency. As provided in the ~~*2021*~~*2024 International Energy Conservation Code*, Appendices are not adopted except as expressly set forth in § 5-31.

Section 3. Section 5-31 of the Code of the City of Fort Collins is hereby repealed and re-enacted to read as follows:

Sec. 5-31. - Amendments and deletions to the 2024 International Energy Conservation Code.

The *2024 International Energy Conservation Code* adopted in § 5-26(b) is amended as follows:

1. **Section C101.1 Title** is amended to read as follows:

   C101.1 Title. This code shall be known as the *Energy Conservation Code* of the City of Fort Collins and shall be cited as such. It is referred to herein as "this code."

2. **Section C102.4 Referenced codes and standards** is amended to read as follows:

   C102.4 Referenced codes and standards. The codes and standards referenced in this code shall be those listed in Chapter 6 of this code and those listed in Section 101.4 of the adopted *International Building Code*, entitled "Referenced Codes," and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections C102.4.1 and C102.4.2.

3. **SECTION C103 CODE COMPLIANCE AGENCY** is deleted in its entirety and replaced with the following:

   ~~**SECTION C103 CODE COMPLIANCE AGENCY**~~

   ~~**C103.1 Creation of enforcement agency.** The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the authority having jurisdiction (AHJ). The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

   ~~**C103.2 Appointment.** The AHJ shall be appointed by the chief appointing authority of the jurisdiction.~~

   ~~**C103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the AHJ shall have the authority to appoint a deputy AHJ, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the AHJ.~~

   SECTION C103 CODE ADMINISTRATION

   C103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled "CODE ADMINISTRATION."

C103.2 Permits. Procedures related to permits, required inspections, payment of fees and obtaining required approvals shall be as set forth in Chapter 1 of the adopted *International Building Code*.

4. **Section C105.2 Information on construction documents** is amended by adding at the end the following new items:

. . .

19. Location and size of the *solar-ready zone*, structural design loads and roof dead load and roof live load, and pathways for routing of conduit from the *solar-ready zone* to the electrical service panel.

20. Locations for condensate drainage where *combustion equipment* for space heating and water heating is installed.

5. **SECTION C106 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION C106 FEES**~~

~~**C106.1 Fees.** A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.~~

~~**C106.2 Schedule of permit fees.** A fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**C106.3 Valuation of work.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at the time of application. Such estimated valuations shall include the total value of the work, including materials and labor. Where, in the opinion of the *code official*, the valuation is underestimated, the permit shall be denied unless the applicant can show detailed estimates acceptable to the *code official*. The final valuation shall be approved by the *code official*.~~

~~**C106.4 Work commencing before permit issuance.** Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the *code official* that shall be in addition to the required permit fees.~~

~~**C106.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**C106.6 Refunds.** The *code official* is authorized to establish a refund policy.~~

SECTION C106 FEES

C106.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled "Fees."

6. **Section C107.2.2 Building thermal envelope** is amended to read as follows:

> **C107.2.2 Building thermal envelope.** Inspections shall verify the type of insulation, *R*-values, location of insulation, *thermal bridge mitigation, fenestration, U-factor*, SHGC and VT, and that *air leakage* controls are installed, as required by the code, *approved* plans and specifications. At the request of the *code official* a letter of proof, or intent to contract with an approved third party air leakage test agency describing the air barrier inspection sequencing shall be provided to the *code official* prior to completion of rough framing or insulation inspections and shall be signed by the building owner or the building owner's representative.

7. **SECTION C109 MEANS OF APPEALS** is deleted in its entirety and replaced with the following:

~~**SECTION C109 MEANS OF APPEALS**~~

~~**C109.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.~~

~~**C109.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**C109.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**C109.4 Administration.** The *code official* shall take action in accordance with the decisions of the board.~~

SECTION C109 MEANS OF APPEALS

C109.1 Means of appeals. Appeals of decisions, determinations and interpretations of this code shall be made pursuant to the applicable provisions of

Section 113 of the adopted *International Building Code*, entitled "MEANS OF APPEALS."

8. A new **SECTION C111 WAIVERS** is added to read as follows:

SECTION C111 WAIVERS

C111.1 Scope. The following waivers shall be permitted to be requested if buildings meet the requirements of Section C111.2.

C111.2 Buildings Impacted by a Natural Disaster. The *code official* is permitted to authorize, upon appeal in specific cases, a waiver from the requirements of Section C410 where, owing to a declared natural disaster that has destroyed *buildings* or resulted in other exceptional and extraordinary circumstances as determined by the *code official*, and the *code* official determines enforcement of the provisions of Section C410 will result in unnecessary hardship.

9. A new **SECTION C112 VIOLATIONS** is added to read as follows:

SECTION C112 VIOLATIONS

C112.1 Violations. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who alters or repairs a *building* or structure in violation of the approved construction documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

10. **SECTION C202 GENERAL DEFINITIONS** is amended to modify or add, in alphabetical order, the following definitions:

. . .

ALL-ELECTRIC BUILDING. A *building* that has no natural gas or propane plumbing installed within the *building*, and that uses electricity as the sole source of energy for its space heating and cooling, water heating (including pools and spas), cooking appliances, and clothes drying appliances. *All-electric buildings* may include solar thermal water and pool heating.

. . .

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The term *code official* is interchangeable with the term *building official*.

. . .

COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, service water heating, cooking, clothes drying, or lighting that uses *fuel gas* or *fuel oil*.

. . .

CONTINUOUS AIR BARRIER. The combination of interconnected materials, assemblies, and flexible sealed joints and components of the *building thermal envelope* that provides air tightness to a specified permeability.

. . .

CORE AND SHELL. The first phase of a commercial project that has the outer building envelope constructed and may contain interior lighting and heating and has not received a permanent Certificate of Occupancy.

. . .

ELECTRIC HEAT. An indoor environmental primary heat source that is a ground-source electric heat pump or a cold climate heat pump specifically designed to heat at the Winter Outdoor, Design Dry-Bulb temperature for Climate Zone 5b as determined by Section C302.1. The heat pump system shall not be gas or propane fuel fired.

. . .

FIRST TENANT FINISH. The first build-out of a space in a *core and shell* that is credited towards meeting the requirements of this code.

. . .

FUEL GAS. A natural gas, manufactured gas, liquefied petroleum gas, or mixtures of these gases.

FUEL OIL. Kerosene or any hydrocarbon oil having a flash point of not less than 100ºF (38℃).

FUTURE ELECTRIC EQUIPMENT. Equipment or appliances necessary to support future all-electric space heating, water heating, cooking, or clothes drying.

. . .

MULTI ZONE BUILDING. Building or enclosure that consists of more than one occupancy class or rating separated by a boundary layer designed to control the movement of air between the different zones.

. . .

11. **Section C302.1 Interior design conditions** is deleted in its entirety and replaced with the following:

~~**C302.1 Interior design conditions.** The interior design temperatures used for heating and cooling load calculations shall be a maximum of 72°F (22°C) for heating and minimum of 75°F (24°C) for cooling.~~

C302.1 Exterior and interior local design parameters. The following thermal design parameters, in °F, shall be used for mechanical load calculations and designs and shall be shown on construction documents**:**

Winter Outdoor, Design Dry-bulb = 6
Winter Indoor, Design Dry-bulb = 72
Summer, Outdoor Design Dry-bulb = 91
Summer, Indoor Design Dry-bulb = 75
Summer, Outdoor Design Wet-bulb = 62
Summer, Indoor Design Wet-bulb = 62

12. **Section C401.2.1 International Energy Conservation Code** is amended to read as follows:

C401.2.1 International Energy Conservation Code. *Commercial buildings* shall comply with Appendix CZ and one of the following:

1. Prescriptive Compliance. The Prescriptive Compliance option requires compliance with Sections C402 through C406 and Section C408. *Dwelling units* and *sleeping units* in Group R-2 buildings shall be deemed to be in compliance with this chapter, provided that they comply with Section R406.
2. *Simulated Building Performance*. The *Simulated Building Performance* option requires compliance with Section C407.
3. Integrated Design Assistance. The Integrated Design Assistance option requires compliance with Section C411.

Exception: *Additions, alterations, repairs* and changes of occupancy to existing buildings complying with Chapter 5.

13. **Section C401.2.2 ASHRAE 90.1** is deleted in its entirety.

~~**C401.2.2 ASHRAE 90.1.** *Commercial buildings* shall comply with the requirements of ANSI/ASHRAE/IES 90.1.~~

14. **Section C402.1.1.3 Equipment buildings** is amended to read as follows, with item #5 being deleted in its entirety:

C402.1.1.3 Equipment and maintenance buildings. *Buildings* that comply with the following shall be exempt from the *building thermal envelope* provisions of this code:

1. Are separate *buildings* with floor area not more than 1,200 square feet (111 m2).
2. Are intended to house either electric equipment with installed equipment power totaling not less than 7 watts per square foot (75 W/m^2) or maintenance equipment, and are not intended for human occupancy.
3. Have a heating system capacity not greater than ~~20,000~~17,000 Btu/h (~~6~~5 kW) and a heating *thermostat* setpoint that is restricted to not more than 50°F (10°C) and have permanent signage installed at the thermostat identifying the thermostat setpoint limitation.
4. Have an average wall and roof *U*-factor less than 0.2 in Climate Zones 1 through 5 and less than 0.12 in Climate Zones 6 through 8.
5. ~~Comply with the roof solar reflectance and thermal *emittance* provisions for Climate Zone 1.~~

15. A new **Section C402.1.1.4 Seasonally-occupied restrooms** is added to read as follows:

C402.1.1.4 Seasonally-occupied restrooms. *Buildings* that comply with the following shall be exempt from the *building thermal envelope* provisions of this code:

1. Are primarily intended for use as restrooms.
2. Are not intended for occupancy during the period from November through March.
3. Are separate *buildings* with floor area not more than 1,200 square feet (111 m^2).
4. Have a heating system capacity not greater than 17,000 Btu/h (5 kW) and a heating *thermostat* setpoint that is restricted to not more than 50°F (10°C) and have permanent signage installed at the thermostat identifying the thermostat setpoint limitation.
5. Have an average wall and roof *U*-factor less than 0.2.

16. **TABLE C402.1.2 OPAQUE BUILDING THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS, *U*-FACTOR METHOD[a,b]** is deleted in its entirety and replaced with the following:

~~**TABLE C402.1.2 OPAQUE BUILDING THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS, *U*-FACTOR METHOD[a,b]**~~

CLIMATE ZONE	0 AND 1		2		3		4 EXCEPT MARINE		5 AND MARINE 4		6		7		8	
	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R
Roofs																
Insulation entirely above roof deck	U-0.048	U-0.039	U-0.039	U-0.039	U-0.039	U-0.039	U-0.032	U-0.032	U-0.032	U-0.032	U-0.032	U-0.032	U-0.028	U-0.028	U-0.028	U-0.028
Metal buildings	U-0.035	U-0.035	U-0.035	U-0.035	U-0.035	U-0.035	U-0.035	U-0.035	U-0.035	U-0.035	U-0.031	U-0.029	U-0.029	U-0.029	U-0.026	U-0.026
Attic and other	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.021	U-0.021	U-0.021	U-0.021	U-0.021	U-0.021	U-0.017	U-0.017	U-0.017	U-0.017
Walls, above grade																
Mass[f]	U-0.151	U-0.151	U-0.151	U-0.123	U-0.123	U-0.104	U-0.104	U-0.090	U-0.090	U-0.080	U-0.080	U-0.071	U-0.071	U-0.071	U-0.037	U-0.037
Metal building	U-0.079	U-0.079	U-0.079	U-0.079	U-0.079	U-0.052	U-0.052	U-0.050	U-0.050	U-0.050	U-0.050	U-0.050	U-0.044	U-0.039	U-0.039	U-0.039
Metal framed	U-0.077	U-0.077	U-0.077	U-0.064	U-0.064	U-0.064	U-0.064	U-0.064	U-0.055	U-0.055	U-0.049	U-0.049	U-0.049	U-0.042	U-0.037	U-0.037
Wood framed and other[c]	U-0.064	U-0.064	U-0.064	U-0.064	U-0.064	U-0.064	U-0.064	U-0.064	U-0.051	U-0.051	U-0.051	U-0.051	U-0.051	U-0.051	U-0.032	U-0.032
Walls, below grade																
Below-grade wall[c]	C-1.140	C-1.140[e]	C-1.140	C-1.140[e]	C-1.140	C-1.140[e]	C-0.119	C-0.092	C-0.119	C-0.092	C-0.092	C-0.063	C-0.063	C-0.063	C-0.063	C-0.063
Floors																
Mass[d]	U-0.322	U-0.322[e]	U-0.107	U-0.087	U-0.074	U-0.074	U-0.057	U-0.051	U-0.057	U-0.051	U-0.051	U-0.051	U-0.042	U-0.042	U-0.038	U-0.038
Joist/framing	U-0.066	U-0.066[e]	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.033	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027	U-0.027
Slab-on-grade floors																
Unheated slabs	F-0.73[e]	F-0.73	F-0.73[e]	F-0.73	F-0.73[e]	F-0.54	F-0.52	F-0.52	F-0.52	F-0.51	F-0.51	F-0.434	F-0.51	F-0.434	F-0.434	F-0.424
Heated slabs	F-0.69	F-0.69	F-0.69	F-0.69	F-0.66	F-0.66	F-0.62	F-0.62	F-0.62	F-0.62	F-0.62	F-0.602	F-0.602	F-0.602	F-0.602	F-0.602
Opaque doors																
Nonswinging door	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31
Swinging door[g]	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37	U-0.37
Garage door < 14% glazing[h]	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31

~~For SI: 1 pound per square foot = 4.88 kg/m2, 1 pound per cubic foot = 16 kg/m3.~~

~~a. Where assembly U-factors, C-factors and F-factors are established in ANSI/ASHRAE/IES 90.1 Appendix A, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table, and provided that the construction, excluding the cladding system on walls, complies with the appropriate construction details from ANSI/ASHRAE/IES 90.1 Appendix A.~~

~~b. Where U-factors have been established by testing in accordance with ASTM C1363, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table. The R-value of continuous insulation shall be permitted to be added to or subtracted from the original tested design.~~

~~c. Where heated slabs are below grade, below-grade walls shall comply with the U-factor requirements for above-grade mass walls.~~

~~d. "Mass floors" shall be in accordance with Section C402.1.3.4.~~

~~e. These C-, F- and U-factors are based on assemblies that are not required to contain insulation.~~

~~f. "Mass walls" shall be in accordance with Section C402.1.3.4.~~

~~g. Swinging door U-factors shall be determined in accordance with NFRC-100.~~

~~h. Garage doors having a single row of fenestration shall have an assembly U-factor less than or equal to 0.44 in Climate Zones 0 through 6 and less than or equal to 0.36 in Climate Zones 7 and 8, provided that the fenestration area is not less than 14 percent and not more than 25 percent of the total door area.~~

TABLE C402.1.2 OPAQUE BUILDING THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS, *U*-FACTOR METHOD[a,b]

CLIMATE ZONE 5	All other	Group R
Roofs		
Insulation entirely above roof deck	U-0.032	U-0.032
Metal buildings	U-0.035	U-0.035
Attic and other	U-0.021	U-0.021
Walls, above grade		
Mass[e]	U-0.067	U-0.067
Metal building	U-0.049	U-0.049
Metal framed	U-0.052	U-0.052
Wood framed and other[i]	U-0.046	U-0.046
Walls, below grade		
Below-grade wall[c]	C-0.092	C-0.092
Floors		
Mass[d]	U-0.057	U-0.051
Floor - steel joist	U-0.029	U-0.029
Wood joist/framing	U-0.027	U-0.027
Slab-on-grade floors		
Unheated slabs[h]	F-0.52	F-0.51

Heated slabs	F-0.62	F-0.62
Opaque doors		
Non-swinging door	U-0.31	U-0.31
Swinging door[f]	U-0.37	U-0.37
Garage door <14% glazing[g]	U-0.31	U-0.31

For SI: 1 pound per square foot = 4.88 kg/m2, 1 pound per cubic foot = 16 kg/m3.

a. Where assembly *U*-factors, *C*-factors and *F*-factors are established in ANSI/ASHRAE/IES 90.1 Appendix A, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table, and provided that the construction, excluding the cladding system on walls, complies with the appropriate construction details from ANSI/ASHRAE/IES 90.1 Appendix A.
b. Where *U*-factors have been established by testing in accordance with ASTM C1363, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table. The *R*-value of continuous insulation shall be permitted to be added to or subtracted from the original tested design.
c. Where heated slabs are below grade, below-grade walls shall comply with the *U*-factor requirements for above-grade mass walls.
d. "Mass floors" shall be in accordance with Section C402.1.3.4.
e. "Mass walls" shall be in accordance with Section C402.1.3.4.
f. Swinging door *U*-factors shall be determined in accordance with NFRC-100.
g. Garage doors having a single row of fenestration shall have an assembly *U*-factor less than or equal to 0.44 in Climate Zones 0 through 6 and less than or equal to 0.36 in Climate Zones 7 and 8, provided that the fenestration area is not less than 14 percent and not more than 25 percent of the total door area.
h. Vertical insulation located below grade shall be installed in accordance with Section C402.2.4 and shall be extended the distance provided in TABLE C402.1.3 or to top of footing.
i. Class 1 vapor retarders shall not be installed on the interior of framed walls where exterior ci value is less than R-7.5.

17. **Section C402.1.2.1.8 Mechanical equipment penetrations** is deleted in its entirety.

~~**C402.1.2.1.8 Mechanical equipment penetrations.** Where the total area of through penetrations of mechanical equipment is greater than 1 percent of the opaque above-grade wall area, such area shall be calculated as a separate wall assembly, in accordance with either Section C402.1.2.1.5 or Section C402.1.4 using a published and approved U-factor for that equipment or a default U-factor of 0.5.~~

18. **TABLE C402.1.3 OPAQUE BUILDING THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, *R*-VALUE METHOD[a]** is deleted in its entirety and replaced with the following:

~~**TABLE C402.1.3 OPAQUE BUILDING THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, *R*-VALUE METHOD[a]**~~

CLIMATE ZONE	0 AND 1		2		3		4 EXCEPT MARINE		5 AND MARINE 4		6		7		8	
	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R	All Other	Group R
Roofs																
Insulation entirely above roof deck	R-20ci	R-25ci	R-25ci	R-25ci	R-25ci	R-25ci	R-30ci	R-30ci	R-30ci	R-30ci	R-30ci	R-30ci	R-35ci	R-35ci	R-35ci	R-35ci
Metal buildings[b]	R-19 + R-11 LS	R-19 + R-11 LS	R-19 + R11 LS	R-19 + R-11 LS	R-19 + R-11 LS	R-19 + R-11 LS	R-19 + R-11 LS	R-19 + R-11 LS	R-19 + R-11 LS	R-19 + R-11 LS	R-25 + R-11 LS	R-30 + R-11 LS	R-30 + R-11 LS	R-30 + R-11 LS	R-25 + R-11 + R-11 LS	R-25 + R-11 + R-11 LS
Attic and other	R-38	R-38	R-38	R-38	R-38	R-38	R-49	R-49	R-49	R-49	R-49	R-49	R-60	R-60	R-60	R-60
Walls, above grade																
Mass[f]	R-5.7ci[c]	R-5.7ci	R-5.7ci	R-7.6ci	R-7.6ci	R-9.5ci	R-9.5ci	R-11.4ci	R-11.4ci	R-13.3ci	R-13.3ci	R-15.2ci	R-15.2ci	R-15.2ci	R-25ci	R-25ci
Metal building	R-13 + R-6.5ci	R-13 + R-6.5ci	R-13 + R-6.5ci	R-13 + R-13ci	R-13 + R-6.5ci	R-13 + R-13ci	R-13 + R-13ci	R-13 + R-14ci	R-13 + R-14ci	R-13 + R-14ci	R-13 + R-14ci	R-13 + R-14ci	R-13 + R-17ci	R-13 + R-19.5ci	R-13 + R-19.5ci	R-13 + R-19.5ci
Metal framed[h, i]	R-0 + R-10ci or R-13 + R-5ci or R-20 + R-3.8ci	R-0 + R-10ci or R-13 + R-5ci or R-20 + R-3.8ci	R-0 + R-10ci or R-13 + R-5ci or R-20 + R-3.8ci	R-0 + R-12.6ci or R-13 + R-7.5ci or R-20 + R-6.3ci	R-0 + R-12.6ci or R-13 + R-7.5ci or R-20 + R-6.3ci	R-0 + R-12.6ci or R-13 + R-7.5ci or R-20 + R-6.3ci	R-0 + R-12.6ci or R-13 + R-7.5ci or R-20 + R-6.3ci	R-0 + R-12.6ci or R-13 + R-7.5ci or R-20 + R-6.3ci	R-0 + R-15.2ci or R-13 + R-10ci or R-20 + R-9ci	R-0 + R-15.2ci or R-13 + R-10ci or R-20 + R-9ci	R-0 + R-17.3ci or R-13 + R-12.5ci or R-20 + R-11ci	R-0 + R-17.3ci or R-13 + R-12.5ci or R-20 + R-11ci	R-0 + R-17.3ci or R-13 + R-12.5ci or R-20 + R-11ci	R-0 + R-21ci or R-13 + R-15.6ci or R-20 + R-14.3ci	R-0 + R-24ci or R-13 + R-18.8ci or R-20 + R-17.5ci	R-0 + R-24ci or R-13 + R-18.8ci or R-20 + R-17.5ci
Wood framed and other[h, i]	R-0 + R-12ci or R-13 + R-3.8ci or R-20	R-0 + R-12ci or R-13 + R-3.8ci or R-20	R-0 + R-12ci or R-13 + R-3.8ci or R-20	R-0 + R-12ci or R-13 + R-3.8ci or R-20	R-0 + R-12ci or R-13 + R-3.8ci or R-20	R-0 + R-12ci or R-13 + R-3.8ci or R-20	R-0 + R-12ci or R-13 + R-3.8ci or R-20	R-0 + R-12ci or R-13 + R-3.8ci or R-20	R-0 + R-16ci or R-13 + R-7.5ci or R-20 + R-3.8ci or R-27	R-0 + R-16ci or R-13 + R-7.5ci or R-20 + R-3.8ci or R-27	R-0 + R-16ci or R-13 + R-7.5ci or R-20 + R-3.8ci or R-27	R-0 + R-16ci or R-13 + R-7.5ci or R-20 + R-3.8ci or R-27	R-0 + R-16ci or R-13 + R-7.5ci or R-20 + R-3.8ci or R-27	R-0 + R-16ci or R-13 + R-7.5ci or R-20 + R-3.8ci or R-27	R-0 + R-27.5ci or R-13 + R-18.8ci or R-20 + R-14ci	R-0 + R-27.5ci or R-13 + R-18.8ci or R-20 + R-14ci

Walls, below grade																
Below-grade wall[d]	NR	NR	NR	NR	NR	NR	R-7.5ci	R-10ci	R-7.5ci	R-10ci	R-10ci	R-15ci	R-15ci	R-15ci	R-15ci	R-15ci
Floors																
Mass[e]	NR	NR	R-6.3ci	R-8.3ci	R-10ci	R-10ci	R-14.6ci	R-16.7ci	R-14.6ci	R-16.7ci	R-16.7ci	R-16.7ci	R-20.9ci	R-20.9ci	R-23ci	R-23ci
Joist/framing	R-13	R-13	R-30	R-30	R-30	R-30	R-30	R-30	R-30	R-30	R-38	R-38	R-38	R-38	R-38	R-38
Slab-on-grade floors																
Unheated slabs	NR	NR	NR	NR	NR	R-10 for 24" below	R-15 for 24" below	R-15 for 24" below	R-15 for 24" below	R-20 for 24" below	R-20 for 24" below	R-20 for 48" below	R-20 for 24" below	R-20 for 48" below	R-20 for 48" below	R-25 for 48" below
Heated slabs[g]	R-7.5 for 12" below + R-5 full slab	R-7.5 for 12" below + R-5 full slab	R-7.5 for 12" below + R-5 full slab	R-7.5 for 12" below + R-5 full slab	R-10 for 24" below + R-5 full slab	R-10 for 24" below + R-5 full slab	R-15 for 24" below + R-5 full slab	R-15 for 24" below + R-5 full slab	R-15 for 36" below + R-5 full slab	R-15 for 36" below + R-5 full slab	R-15 for 36" below + R-5 full slab	R-20 for 48" below + R-5 full slab	R-20 for 48" below + R-5 full slab	R-20 for 48" below + R-5 full slab	R-20 for 48" below + R-5 full slab	R-20 for 48" below + R-5 full slab

~~For SI: 1 inch = 25.4 mm, 1 pound per square foot = 4.88 kg/m2, 1 pound per cubic foot = 16 kg/m3. ci = Continuous Insulation, NR = No Requirement, LS = Liner System.~~

~~a. Assembly descriptions can be found in ANSI/ASHRAE/IES 90.1 Appendix A.~~
~~b. Where using R-value compliance method, a thermal spacer block shall be provided, otherwise use the U-factor compliance method in Table C402.1.2.~~
~~c. R-5.7ci is allowed to be substituted with concrete block walls complying with ASTM C90, ungrouted or partially grouted not less than 32 inches on center vertically and not less than 48 inches on center horizontally, with ungrouted cores filled with materials having a maximum thermal conductivity of 0.44 Btu-in/h-ft2°F.~~
~~d. Where heated slabs are below grade, below-grade walls shall comply with the R-value requirements for above-grade mass walls.~~
~~e. "Mass floors" shall be in accordance with Section C402.1.3.4.~~
~~f. "Mass walls" shall be in accordance with Section C402.1.3.4.~~
~~g. The first value is for perimeter insulation and the second value is for full, under-slab insulation. Perimeter insulation and full-slab insulation components shall be installed in accordance with Section C402.2.4.~~
~~h. The first value is cavity insulation; the second value is continuous insulation. Therefore, "R-0 + R-12ci" means R-12 continuous insulation and no cavity insulation; "R-13 + R-3.8ci" means R-13 cavity insulation and R-3.8 continuous insulation; "R-20" means R-20 cavity insulation and no continuous insulation. R-13, R-20 and R-27 cavity insulation, as used in this table, apply to a nominal 4-inch, 6-inch and 8-inch-deep wood or cold-formed steel stud cavities, respectively.~~
~~i. Where the required R-value in Table C402.1.3 is met by using continuous insulation such that cavity insulation is not required, the R-value is applicable to any wall framing spacing.~~

TABLE C402.1.3
OPAQUE BUILDING THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, *R*-VALUE METHOD[a]

CLIMATE ZONE 5	All other	Group R
Roofs		
Insulation entirely above roof deck	R-30ci	R-30ci

Metal buildings[b]	R-19+R-11 LS	R-19+R-11 LS
Attic and other	R-49	R-49
Walls, above grade		
Mass[f]	R13ci	R-13ci
Metal building	R-13+R-15ci	R-13+R-15ci
Metal framed	R-13+R-10ci	R-13+R-10ci
Wood framed and other[h,i,j]	R-15+R-7.5ci or R-20+5ci	R-15+R-7.5ci or R-20+5ci
Walls, below grade		
Below-grade wall[d]	R-10ci	R-10ci
Floors		
Mass[e]	R-14.6ci	R-16.7ci
Floor - steel joist	R-30+7.5ci	R-30+7.5ci
Wood joist/framing	R-38	R-38
Slab-on-grade floors		
Unheated slabs	R-15 for 24" below	R-20ci for 24" below
Heated slabs[g]	R-15 for 36" below+R-5 full slab	R-15 for 36" below+R-5 full slab
Opaque doors		
Opaque non-swinging doors	R-4.75	R-4.75

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 4.88 kg/m2, 1 pound per cubic foot = 16 kg/m3.
ci = Continuous Insulation, NR = No Requirement, LS = Liner System.

a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA 90.1 Appendix A.
b. Where using *R*-value compliance method, a thermal spacer block shall be provided, otherwise use the *U*-factor compliance method in Table C402.1.2.
c. R-5.7ci is allowed to be substituted with concrete block walls complying with ASTM C90, ungrouted or partially grouted not less than 32 inches on center vertically and not less than 48 inches on center horizontally, with ungrouted cores filled with materials having a maximum thermal conductivity of 0.44 Btu-in/h-ft^{2}°F.
d. Where heated slabs are below grade, below-grade walls shall comply with the R-value requirements or above-grade mass walls.
e. "Mass floors" shall be in accordance with Section C402.1.3.4.
f. "Mass walls" shall be in accordance with Section C402.1.3.4.
g. The first value is for perimeter insulation and the second value is for full, under-slab insulation. Perimeter insulation and full-slab insulation components shall be installed in accordance with Section C402.2.4.
h. The first value is cavity insulation; the second value is continuous insulation. Therefore, "R-0 + R-12ci" means R-12 continuous insulation and no cavity insulation; "R-13 + R-3.8ci" means R-13 cavity insulation and R-3.8 continuous insulation; "R-20" means R-20 cavity insulation and no continuous insulation. R-13, R-20 and R-27 cavity insulation, as used in this table, apply to a nominal 4-inch, 6-inch and 8-inch-deep wood or cold-formed steel stud cavities, respectively.
i. Where the required *R*-value in Table C402.1.3 is met by using continuous insulation such that cavity insulation is not required, the *R*-value is applicable to any wall framing spacing.
j. Class 1 vapor retarders shall not be installed on the interior of framed walls where exterior ci value is less than R-7.5.

19. **Section C402.1.3.3 Suspended ceilings** is amended to read as follows:

Section C402.1.3.3 Suspended ceilings. Insulation installed on suspended ceilings having removable ceiling tiles shall not be considered part of the minimum thermal resistance (*R-value*) of roof insulation in roof-ceiling construction.

Exception: Suspended ceilings with heated plenums over parking garages where access to mechanical systems is required and that meet the following criteria:

1. Insulation is a minimum of R-19 and is supported in a permanent manner by a support no greater than 24 inches on center.
2. Walls that are part of the building thermal envelope are insulated in accordance with either Table C402.1.2 or Table C402.1.3.
3. The plenum above the parking garage is heated by a heating system whose output capacity does not exceed 12 Btu/h for each square foot.

20. **Section C402.2 Specific insulation and installation requirements** is amended to read as follows:

C402.2 Specific insulation and installation requirements. Insulation in *building thermal envelope* opaque assemblies shall ~~be installed in accordance~~ comply with either ~~Section C303.2 and~~ Sections C402.2.1 through C402.2.7, or an *approved* design and Section C402.2.4 Slabs-on-grade. All insulation shall be installed to meet the requirements of a Grade 1 insulation installation in accordance with Appendix A of ANSI/RESNET/ICC 301.

21. **Section C402.2.4 Slabs-on-grade** is amended to read as follows:

C402.2.4 Slabs-on-grade. ~~Where installed, t~~The perimeter insulation for slab-on-grade shall be placed on the outside of the foundation or on the inside of the foundation wall and shall be installed as *continuous insulation* and without thermal breaks. ~~For i~~Installations shall comply~~ing~~ with Table C402.1.3~~,~~ and the perimeter insulation shall extend downward from the top of the slab for the minimum distance shown in the table or to the top of the footing, whichever is less, or downward to not less than the bottom of the slab and then horizontally to the interior or exterior for the total distance shown in the table. Where horizontal sections of insulation require compressive strength for vehicle traffic and are not greater than eight inches horizontally, a structural thermal material with an *R*-value not less than R-1.8 shall suffice to maintain an installation without thermal breaks. Where installed, full slab insulation shall be continuous under the entire area of the slab-on-grade floor, except at structural column locations and service penetrations. Insulation required at the *heated slab* perimeter shall not be required to extend below the bottom of the heated slab and shall be continuous with the full slab insulation.

Exception: Where the slab-on-grade floor is greater than 24 inches (610 mm) below the finished exterior grade, perimeter insulation is not required.

22. **Section C402.6.1 Air barriers** is amended to read as follows:

C402.6.1 Air barriers. A continuous *air barrier* shall be provided throughout the *building thermal envelope*. The *air barrier* is permitted to be located at any combination of inside, outside or within the *building thermal envelope*. The *air barrier* shall comply with Sections C402.6.1.1 and C402.6.1.2. ~~The *air leakage* performance of the air barrier shall be verified in accordance with Section C402.6.2.~~ The *air barrier* boundaries and their surface area shall be clearly identified on the approved construction drawings. If the building within the *air barrier* boundary is divided into *zones*, the following shall also be clearly identified on the approved construction drawings:

1. The *zone*(s);
2. The surface area of each *zone*; and
3. The *zones* to be tested for maximum building air infiltration and exfiltration.

. . .

23. **Section C402.6.2 Air leakage compliance** is amended to read as follows:

C402.6.2 Air leakage compliance. *Air leakage* of the *building thermal envelope* shall be tested by an *approved* third party air leakage testing agency in accordance with Section C402.6.2.1. The measured *air leakage* shall not be greater than ~~0.35~~0.25 cubic feet per minute per square foot (~~1.8~~1.2 L/s x m^2) of the *building thermal envelope* area at a pressure differential of 0.3 inch water gauge (75 Pa) with the calculated *building thermal envelope* surface area being the sum of the *above*- and *below*-grade *building thermal envelope*.

Exceptions:

1. Where the measured *air leakage* rate is greater than ~~0.35~~0.25 cfm/ft^2 (~~1.8~~1.2 L/s × m^2) ~~but is not greater than 0.45 cfm/ft^2 (2.3 L/s × m2)~~, the *approved* third party shall perform a diagnostic evaluation using a smoke tracer, ~~or~~ infrared imaging, or acoustic measurement. The evaluation shall be conducted while the building is pressurized or depressurized along with a visual inspection of the *air barrier* in accordance with ASTM E1186. All identified leaks shall be sealed ~~where such sealing can be made without damaging existing building components~~ and the building shall be re-tested and shall not exceed the measured *air leakage* rate specified in this section. ~~A report specifying the corrective actions taken to seal leaks shall be deemed to establish compliance with the requirements of this section where submitted to the *code official* and the *building* owner. Where the measured *air leakage* rate is greater than 0.45 cfm/ft^2 (2.3 L/s × m^2), corrective actions must be made to the *building* and an additional test completed for which the results are 0.45 cfm/ft^2 (2.3 L/s × m^2) or less.~~

~~2. Buildings in Climate Zone 2B.~~

~~3. Buildings larger than 25,000 square feet (2323 m^2) floor area in Climate Zones 0 through 4, other than Group I and R occupancies, that comply with Section C402.6.2.3.~~

~~4~~ 2. As an alternative, *buildings* or portions of *buildings* containing Group I-1 and R-2 occupancies shall be permitted to be tested by an *approved* third party air leakage testing agency in accordance with Section C402.6.2.2. The reported *air leakage* of the ~~*building thermal envelope*~~ *dwelling units or sleeping units* shall not be greater than 0.27 cfm/ft^2 (1.4 L/s × m^2) of the *testing unit enclosure area* at a pressure differential of 0.2 inch water gauge (50 Pa).

24. **Section C402.6.2.1 Whole building test method and reporting** is amended to read as follows:

C402.6.2.1 Whole building test method and reporting. The *building thermal envelope* shall be tested by an *approved* third party in accordance with ASTM E3158 or an equivalent *approved* method. A report that includes the tested surface area, floor area, air by volume, stories above grade, and *air leakage rates* shall be submitted to the *code official* and the building *owner*. The test method shall be a *building envelope* or operational envelope test and shall be a multi-point regression, in both pressurization and depressurization reaching building pressures of 75 Pa, with the results averaged over a single zone, two or more subsections tested as a single zone, or a *multi zone building*.

Exceptions:

. . .

25. **Section C402.6.2.2 Dwelling and sleeping unit enclosure method and reporting** is deleted in its entirety and replaced with the following:

~~**C402.6.2.2 Dwelling and sleeping unit enclosure method and reporting.** The building thermal envelope shall be tested for air leakage in accordance with ASTM E779, ANSI/RESNET/ICC 380, ASTM E1827 or an equivalent approved method. Where multiple dwelling units or sleeping units or other spaces are contained within one building thermal envelope, each shall be considered an individual testing unit, and the building air leakage shall be the weighted average of all tested unit results, weighted by each testing unit enclosure area. Units shall be tested without simultaneously testing adjacent units and shall be separately tested as follows:~~

~~1. Where buildings have less than eight total dwelling or sleeping units, each testing unit shall be tested.~~

~~2. Where buildings have eight or more dwelling or sleeping units, the greater of seven units or 20 percent of the units in the building shall~~

~~be tested, including a top floor unit, a middle floor unit, a ground floor unit and a unit with the largest testing unit enclosure area. For each tested unit that exceeds the maximum air leakage rate, an additional three units shall be tested, including a mixture of testing unit types and locations.~~

~~3. Enclosed spaces with not less than one *exterior wall* in the *building thermal envelope* shall be tested in accordance with Section C402.6.2.1.~~

~~**Exception:** Corridors, stairwells, and enclosed spaces having a conditioned floor area not greater than 1,500 square feet (139 m^2) shall be permitted to comply with Section C402.6.2.3 and either Section C402.6.2.3.1 or Section C402.6.2.3.2.~~

C402.6.2.2 Dwelling and sleeping unit enclosure method and reporting. The *building thermal envelope* shall be tested in accordance with ASTM E779, ANSI/RESNET/ICC 380, ASTM E1827 and the *City of Fort Collins New Multifamily Air Tightness Testing Protocol*, dated December 16, 2025 (Ordinance No. 212, 2025). Documentation of the testing results shall be submitted to the *code official* prior to approval. If the *building* or *dwelling unit* fails *air leakage* testing, the testing agency is required to perform a diagnostic evaluation in accordance with ASTM E1186. The testing agency can use additional methods to discover leaks. Corrections based on these diagnostics must be made and the unit must be re-tested until it meets the required *air leakage* prior to submitting results to the *code official*. The measured *air leakage* shall not exceed 0.27 cfm/ft^2 (1.4 L/s m^2) of the testing unit enclosure area at a pressure differential of 0.2 inch water gauge (50 Pa). Units shall be tested separately with an unguarded blower door test as follows:

1. Where *buildings* have fewer than eight testing units, each testing unit shall be tested.
2. For *buildings* with eight or more testing units, 20 percent of the testing units in the *building* shall be tested, including at least one of each unit type and approximately an equal number of units on each floor level. For each tested unit that exceeds the maximum *air leakage* rate, corrections to the unit must be made and the unit must be re-tested until it meets the required *air leakage*, and an additional two units of this type in the same *building* shall be tested and meet the required *air leakage*.
3. A final inspection report shall be provided for inspections completed by the *registered design professional* or *approved* agency. The inspection report shall be provided to the *building owner* or *owner's* authorized agent and the *code official*. The report shall identify deficiencies found during inspection and details of corrective measures taken.

Exception: Corridors, stairwells, and enclosed spaces, other than a *dwelling unit* and *sleeping unit*, having a conditioned floor area not greater than 1,500 square feet (139 m^2) may alternatively comply with Section C402.6.2.3 and either Section C402.6.2.3.1 or Section C402.6.2.3.2.

26. **Section C402.6.2.3 Building thermal envelope design and construction verification criteria** is amended to read as follows:

C402.6.2.3 Building thermal envelope design and construction verification criteria. ~~Where Section C402.6.2.1 and C402.6.2.2 are not applicable t~~The installation of the continuous *air barrier* shall be verified by the *code official*~~, a *registered design professional* or~~ and an *approved air leakage* testing agency in accordance with the following:

1. A review of the construction documents and other supporting data shall be conducted to assess compliance with the requirements in Section C402.6.1.
2. Inspection of continuous *air barrier* components and assemblies shall be conducted during construction while the *air barrier* is still accessible for inspection and repair to verify compliance with the requirements of Sections C402.6.2.3.1 and C402.6.2.3.2. ~~The *air barrier* shall be provided with access for inspection and repair.~~
3. An ~~final~~ *air barrier* and air sealing inspection report ~~shall be provided for inspections~~ completed by the ~~*registered design professional* or~~ *approved air leakage* testing agency~~. The inspection report~~ shall be provided to the *building owner* or *owner's* authorized agent and the *code official* at the time of framing and insulation inspection. The report shall identify deficiencies found during the review of the construction documents and inspection and details of corrective measures taken or to be undertaken.

27. **Section C402.6.4 Doors and access openings to shafts, chutes, stairways and elevator lobbies** is amended to read as follows:

C402.6.4 Doors and access openings to shafts, chutes, stairways and elevator lobbies. Doors and *access* openings from *conditioned space* to shafts, chutes, stairways and elevator lobbies not within the scope of the *fenestration* assemblies covered by Section C402.6.3 shall be gasketed, weather-stripped or sealed. Doors and *access* openings on vertical walls from *conditioned* space to unconditioned attic space shall be insulated to a minimum of R-7.

Exceptions:

1. Door openings required to comply with Section 716 of the *International Building Code.*

2. Doors and door openings required by the *International Building Code* to comply with UL 1784.

28. **Section C403.4.1.1 Heat pump supplementary heat** is amended to read as follows:

C403.4.1.1 Heat pump supplementary heat. Heat pumps having supplementary electric resistance heat shall have controls that limit supplemental heat operation to only those times when outdoor temperatures are less than or equal to 15°F (-9.4°C) and when one of the following applies:

1. The vapor compression cycle cannot provide the necessary heating energy to satisfy the *thermostat* setting.
2. The heat pump is operating in defrost mode.
3. The vapor compression cycle malfunctions.
4. The *thermostat* malfunctions.

29. A new **Section C403.4.9 Demand response** is added to read as follows:

C403.4.9 Demand response.

C403.4.9.1 Demand responsive controls. Electric heating and cooling systems shall be provided with *demand responsive controls* capable of executing the following actions in response to a *demand response signal*:

1. Automatically increasing the zone operating cooling setpoint by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C) and 4°F (2°C).
2. Automatically decreasing the zone operating heating setpoint by the following values: 1°F (0.5°C), 2°F (1°C), 3°F (1.5°C) and 4°F (2°C). Where a *demand response signal* is not available, the heating and cooling system controls shall be capable of performing all other functions. Where thermostats are controlled by direct digital control including, but not limited to, an energy management system, the system shall be capable of *demand responsive control* and capable of adjusting all thermal setpoints to comply. The *demand responsive controls* shall comply with either Section C403.4.9.1.1 or C403.4.9.1.2.

Exceptions:

1. Group I occupancies.
2. Group H occupancies.
3. Controls serving data center systems.
4. Occupancies or applications requiring precision in indoor temperature control where *approved* by the *code official*.
5. Buildings with energy storage capacity for not less than a 25 percent load reduction at peak load for a period of not less than 3 hours.

30. A new **Section C403.4.9.1.1 Air conditioners and heat pumps with two or more stages of control and cooling capacity of less than 65,000 Btu/h** is added to read as follows:

> **C403.4.9.1.1 Air conditioners and heat pumps with two or more stages of control and cooling capacity of less than 65,000 Btu/h.** Thermostats for air conditioners and heat pumps with two or more stages of control and a cooling capacity less than 65,000 Btu/h (19 kW) shall be provided with a demand responsive control that complies with the communication and performance requirements of AHRI 1380.

31. A new **Section C403.4.9.1.2 All other heating and cooling systems** is added to read as follows:

> **C403.4.9.1.2 All other heating and cooling systems.** Thermostats for heating and cooling systems not covered by Section C403.4.9.1.1 shall be provided with a demand responsive control that complies with one of the following:
>
> 1. Certified OpenADR 2.0a VEN, as specified under Clause 11, Conformance.
> 2. Certified OpenADR 2.0b VEN, as specified under Clause 11, Conformance.
> 3. Certified by the manufacturer as being capable of responding to a demand response signal from a certified OpenADR 2.0b VEN by automatically implementing the control functions requested by the VEN for the equipment it controls.
> 4. IEC 62746-10-1.
> 5. The communication protocol required by a controlling entity, such as a utility or service provider, to participate in an automated demand response program.
> 6. The physical configuration and communication protocol of ANSI/CTA 2045-A or ANSI/CTA 2045-B.

32. **Section C403.13.3.1 Protection of piping insulation** is amended to read as follows:

> **C403.13.3.1 Protection of piping insulation.** Piping insulation exposed to the weather shall be protected from physical damage, including that caused by sunlight, moisture, equipment maintenance and wind. The protection shall provide shielding from solar radiation that can cause degradation of the material. The protection shall be removable and reusable for not less than 6 inches (152 mm) from the connection to the equipment piping for maintenance. Adhesive tape, paint products applied to HVAC system insulating materials, and other similar applications that require maintenance shall not be permitted as a means of insulation protection.

33. A new **Section C404.10 Demand responsive water heating** and **TABLE C404.10 DEMAND RESPONSIVE CONTROLS FOR WATER HEATING** are added to read as follows:

C404.10 Demand responsive water heating. Electric storage water heaters with a rated water storage volume of 40 gallons (151 L) to 120 gallons (454 L) and a nameplate input rating equal to or less than 12 kW shall be provided with *demand responsive controls* in accordance with Table C404.10 or another equivalent approved standard.

Exceptions:

1. Water heaters that provide a hot water delivery temperature of 180°F (82°C) or greater.
2. Water heaters that comply with Section IV, Part HLW or Section X of the ASME Boiler and Pressure Vessel Code.
3. Water heaters that use 3-phase electric power.

TABLE C404.10
DEMAND RESPONSIVE CONTROLS FOR WATER HEATING

Equipment Type	Standards Applicable to Controls	
	Manufactured Before 7/1/2025	Manufactured On or After 7/1/2025
Electric storage water heaters	AHRI Standard 1430 or ANSI/CTA-2045-B Level 1 and also capable of initiating water heating to meet the temperature set point in response to a *demand response signal*.	ANSI/CTA-2045-B Level 2, except “Price Stream Communication” functionality as defined in the standard.

34. **Section C405.2.7.1 Daylight shutoff** is amended to read as follows:

C405.2.7.1 Daylight shutoff. Lights shall be automatically turned off within 30 minutes after sunrise if ~~when~~ daylight is present ~~and satisfies the lighting needs~~.

35. **Section C405.2.7.3 Lighting setback** is amended to read as follows:

C405.2.7.3 Lighting setback. Lighting that is not controlled in accordance with Section C405.2.7.2 shall comply with the following:

1. Be controlled so that the total wattage of such lighting is automatically reduced by not less than 50 percent by selectively switching off or dimming luminaires at one of the following times:

~~1.1 From not later than midnight to not earlier than 6 a.m.~~

~~1.2~~1.1 From not later than 1 hour after *building* or business closing to not earlier than 1 hour before *building* or business opening.

~~1.3~~1.2 During any time where activity has not been detected for 15 minutes or more.

2. Luminaires serving exterior parking areas ~~and having a rated input wattage of greater than 40 watts and a mounting height of 24 feet (7315 mm) or less above the ground~~ shall be controlled so that the total wattage of such lighting is automatically reduced by not less than 50 percent during any time where activity has not been detected for 15 minutes or more. Not more than 1,500 watts of lighting power shall be controlled together.

36. **Section C405.2.9 Interior parking area lighting control** is amended to read as follows, with the exception to item #1 being deleted in its entirety:

C405.2.9 Interior parking area lighting control. Interior parking area lighting shall be controlled by an occupant sensor complying with Section C405.2.1.1 or a time-switch control complying with Section C405.2.2.1. Additional lighting controls shall be provided as follows:

1. Lighting power of each luminaire shall be automatically reduced by not less than ~~30~~50 percent when there is no activity detected within a lighting zone for ~~20~~15 minutes. ~~Lighting zones for this requirement shall be not larger than 3,600 square feet (334.5 m^2.)~~

~~**Exception:** Lighting zones provided with less than 1.5 footcandles of illumination on the floor at the darkest point with all lights on are not required to have *automatic* light-reduction controls.~~

. . .

37. **Section C405.3.3 Lighting power for sleeping units and dwelling units** is amended to read as follows:

C405.3.3 Lighting power for sleeping units and dwelling units. *Sleeping units* in Group I-2 occupancies that are patient rooms shall comply with Sections C405.3.1 and C405.3.2. For all other *sleeping units* and *dwelling units*, permanently installed lighting, including lighting integrated into range hoods and exhaust fans, shall be provided by lamps capable of operating with an efficacy of not less than 65 lumens per watt or luminaires capable of operating with an efficacy of not less than 45 lumens per watt. *Sleeping units* shall have control devices or systems that are configured to automatically switch off all permanently installed luminaires, switched receptacles, televisions, and to adjust the heating, ventilating and air conditioning system set point by raising it at least 5°F (3°C) in the cooling mode and lowering it at least 5°F (3°C) in the heating mode whenever the *sleeping unit* is unoccupied. All permanently wired

luminaires located in bathrooms within *sleeping units* shall be equipped with occupant sensors that require manual intervention to energize circuits.

Exceptions:

1. Lighting integral to other appliances.
2. Antimicrobial lighting used for the sole purpose of disinfecting.
3. Luminaires with an input rating of less than 3 watts.
4. Lighting and switched receptacles controlled by card key controls.
5. Existing *buildings* undergoing an occupancy change to R-1 and that have no more than 8 sleeping units.

38. **Section C405.13 Energy monitoring** is amended to read as follows:

C405.13 Energy monitoring. New *buildings* with ~~a gross *conditioned floor area* of not less than 10,000 square feet (929 m^2)~~ greater than or equal to 600 amp electric service shall be equipped to measure, monitor, record and report energy consumption data in accordance with Sections C405.13.1 through C405.13.6 for load categories indicated in Table C405.13.2 and Sections C405.13.7 through C405.13.11 for end-use categories indicated in Table C405.13.8.

Exceptions:

1. *Dwelling units* in R-2 occupancies.
2. Individual tenant spaces are not required to comply with this section provided that the space has its own utility services and meters and has less than 5,000 square feet (464.5 m^2) of *conditioned floor area*.

39. **Section C405.15 Renewable energy systems** and all of **Sections C405.15.1** through **C405.15.4** are deleted in their entirety.

~~**C405.15 Renewable energy systems.** *Buildings* in Climate Zones 0 through 7 shall comply with Sections C405.15.1 through C405.15.4.~~

~~**C405.15.1 On-site renewable energy systems.** *Buildings* shall be provided with on-site renewable electricity generation systems with a direct current (DC) nameplate power rating of not less than 0.75 watts per square foot (8.1 W/m^2) multiplied by the sum of the gross *conditioned floor area* of all floors, not to exceed the combined gross *conditioned floor area* of the three largest floors.~~

~~**Exceptions:** The following buildings or building sites shall comply with Section C405.15.2:~~

~~1. A *building site* located where an unshaded flat plate collector oriented toward the equator and tilted at an angle from horizontal equal to the latitude receives an annual daily average incident solar radiation less than 1.1 kBtu/ft^2per day (3.5 kWh/m^2/day).~~

2. A *building* where more than 80 percent of the roof area is covered by any combination of permanent obstructions such as, but not limited to, mechanical equipment, vegetated space, access pathways or occupied roof terrace.

3. Any *building* where more than 50 percent of the roof area is shaded from direct-beam sunlight by natural objects or by structures that are not part of the *building* for more than 2,500 annual hours between 8:00 a.m. and 4:00 p.m.

4. A *building* with gross *conditioned floor area* less than 5,000 square feet (465 m^2).

C405.15.2 Off-site renewable energy. *Buildings* that qualify for one or more of the exceptions to Section C405.15.1 or do not meet the requirements of Section C405.15.1 with an on-site renewable energy system shall procure off-site renewable electrical energy, in accordance with Sections C405.15.2.1 and C405.15.2.2, that shall be not less than the total off-site renewable electrical energy determined in accordance with Equation 4-11.

Equation 4-11 $TRE_{off} = (REN_{off} \times 0.75\ W / ft^2 \times FLRA - IRE_{on}) \times 15$

where:

TRE_{off} = Total off-site renewable electrical energy in kilowatt-hours (kWh) to be procured in accordance with Table C405.15.2.

REN_{off} = Annual off-site renewable electrical energy from Table C405.15.2, in units of kilowatt-hours per watt of array capacity.

FLRA = The sum of the gross conditioned floor area of all floors not to exceed the combined floor area of the three largest floors.

IRE_{on} = Annual on-site renewable electrical energy generation of a new on-site renewable energy system, to be installed as part of the building project, whose rated capacity is less than the rated capacity required in Section C405.15.1.

TABLE C405.15.2 ANNUAL OFF-SITE RENEWABLE ENERGY REQUIREMENTS

CLIMATE ZONE	ANNUAL OFF-SITE RENEWABLE ELECTRICAL ENERGY (kWh/W)
1A, 2B, 3B, 3C, 4B and 5B	1.75
0A, 0B, 1B, 2A, 3A and 6B	1.55
4A, 4C, 5A, 5C, 6A and 7	1.35

C405.15.2.1 Off-site procurement. The building *owner*, as defined in the *International Building Code*, shall procure and be credited for the total amount of off-site renewable electrical energy, not less than required in accordance with Equation 4-11, with one or more of the following:

1. *Physical renewable energy* power purchase agreement.
2. *Financial renewable energy* power purchase agreement.
3. *Community renewable energy facility*.
4. Off-site renewable energy system owned by the building property owner.
5. *Renewable energy investment fund*.
6. *Green retail tariff*.

The generation source shall be located where the energy can be delivered to the *building site* by any of the following:

1. Direct connection to the off-site renewable energy facility.
2. The local utility or distribution entity.
3. An interconnected electrical network where energy delivery capacity between the generator and the building site is available.

C405.15.2.2 Off-site contract. The renewable energy shall be delivered or credited to the *building site* under an energy contract with a duration of not less than 10 years. The contract shall be structured to survive a partial or full transfer of ownership of the building property.

C405.15.3 Renewable energy certificate (REC) documentation. The property *owner* or owner's authorized agent shall demonstrate that where renewable energy certificates (RECs) or energy attribute certificates (EACs) are associated with on-site and off-site renewable energy production required by Sections C405.15.1 and C405.15.2, all of the following criteria for RECs and EACs shall be met:

1. The RECs and EACs are retained and retired by or on behalf of the property owner or tenant for a period of not less than 15 years or the duration of the contract in Section C405.15.2.2, whichever is less.
2. The RECs and EACs are created within a 12-month period of the use of the REC.
3. The RECs and EACs are from a generating asset placed in service not more than 5 years before the issuance of the certificate of occupancy.

C405.15.4 Renewable energy certificate purchase. A *building* that qualifies for one or more of the exceptions to Section C405.15.1, and where it can be demonstrated to the *code official* that the requirements of Section C405.15.2 cannot be met, the building owner shall contract the purchase of renewable

~~electricity products before the certificate of occupancy is issued. The purchase of renewable electricity products shall comply with the Green-e Energy National Standard for renewable electricity products equivalent to five times the amount of total off-site renewable energy calculated in accordance with Equation 4-11.~~

40. **Section C406.1.1 Additional energy efficiency credit requirements** is amended to read as follows:

C406.1.1 Additional energy efficiency credit requirements. *Buildings* shall comply with measures from Section C406.2 to achieve not less than the number of required efficiency credits from Table C406.1.1(1) based on building occupancy group and *climate zone.* Where a project contains multiple occupancies, the total required energy credits from each building occupancy shall be weighted by the gross *conditioned floor area* to determine the weighted-average project energy credits required. Accessory occupancies shall be included with the primary occupancy group for the purposes of Section C406. All *buildings* shall also comply with Section C406.1.1.3.

Exceptions:

. . .

41. A new **Section C406.1.1.3 Limit on energy credits from renewable energy** and **TABLE C406.1.1.3 LIMITS ON ENERGY CREDITS FROM RENEWABLE ENERGY** are added to read as follows:

C406.1.1.3 Limit on energy credits from renewable energy. For buildings utilizing renewable energy in accordance with energy credit ID R01 to achieve the required energy credits required in either Section C406.1.1.1 or Section C406.1.1.2, the number of energy credits achieved through renewable energy shall not exceed the limits in Table C406.1.1.3.

TABLE C406.1.1.3 LIMITS ON ENERGY CREDITS FROM RENEWABLE ENERGY

Building Occupancy Group	Maximum Renewable Energy Credits Allowed
R-2, R-4, and I-1	5
I-2	26
R-1	37
B	35
A-2	5
M	5
E	32
S-1 and S-2	35
All Other	6

42. **Section C406.1.2 Additional renewable and load management credit requirements** is deleted in its entirety.

~~**C406.1.2 Additional renewable and load management credit requirements.** *Buildings* shall comply with measures from Section C406.3 to achieve not less than the number of required renewable and load management credits from Table C406.1.2 based on building occupancy group and *climate zone*. Where a project contains multiple occupancies, credits in Table C406.1.2 from each building occupancy shall be weighted by the gross floor area to determine the weighted-average project energy credits required. Accessory occupancies shall be included with the primary occupancy group for the purposes of Section C406.~~

~~**Exception:** Where a *building* achieves more energy efficiency credits in Section C406.2 than are required in Section C406.1.1, the renewable and load management credits required in Table C406.1.2 shall be permitted to be reduced by the amount of surplus energy efficiency credits.~~

43. **Section C406.2 Additional energy efficiency credits achieved** is deleted in its entirety and replaced with the following:

~~**C406.2 Additional energy efficiency credits achieved.** Each energy efficiency credit measure used to meet credit requirements for the project shall have efficiency that is greater than the requirements in Sections C402 through C405. Measures installed in the project that meet the requirements in Sections C406.2.1 through C406.2.6 shall achieve the base credits listed for the measure and occupancy type in Tables C406.2(1) through C406.2(9) or, where calculations required by Sections C406.2.1 through C406.2.6 create or modify the table credits, the credits achieved shall be based on the calculations.~~

~~Energy credits achieved for measures shall be determined by one of the following, as applicable:~~

~~1. The measure's energy credit shall be the base energy credit from Tables C406.2(1) through C406.2(9) for the measure where no adjustment factor or calculation is included in the description of the measure in Section C406.2.~~

~~2. The measure's energy credit shall be the base energy credit for the measure adjusted by a factor or equation as stated in the description of the measure in Section C406.2. Where adjustments are applied, each measure's energy credit shall be rounded to the nearest whole number.~~

~~3. The measure's energy credit shall be calculated as stated in the measure's description in Section C406.2, where each individual measure credit shall be rounded to the nearest whole number.~~

~~Energy credits achieved for the project shall be the sum of the individual measure's energy credits. Credits are available for the measures listed in this section. Where a project contains multiple building occupancy groups:~~

~~1. Credits achieved for each occupancy group shall be summed and then weighted by the conditioned floor area of each occupancy group to determine the weighted average project energy credits achieved.~~

~~2. Improved envelope efficiency (E01 through E06), HVAC performance (H01) and lighting reduction (L06) measure credits shall be determined for the building or permitted conditioned floor area as a whole. Credits for other measures shall be determined for each occupancy separately. Credits shall be taken from applicable tables or calculations for each occupancy and weighted by the building occupancy group floor area.~~

C406.2 Additional energy credits achieved. Energy credit measures shall achieve credits as follows:

1. Each energy credit measure from the energy efficiency category (energy credit ID E01-E06, H01-H05, W01-W10, P01, L01-L06, and Q01-Q04) used to meet credit requirements for the project shall have efficiency that is greater than the requirements in Sections C402 through C405.
2. Energy credit measures in the renewable energy and load management category in Sections C406.2.9 through C406.2.13 (energy credit ID G01-G05) require load management and control sequences shall be capable of and configured to automatically provide the load management operation specified based on indication of a peak period related to high short-term electric prices, grid condition, or peak building load. A peak period shall be initiated by a demand response signal from the controlling entity, such as a utility or service operator. Where communications are disabled or unavailable, all demand-responsive controls shall continue backup demand response based on a local schedule or building-demand monitoring. The local building schedule shall be adjustable without programming and reflect the electric rate peak period dates and times. The load management control sequences shall be activated for peak period control by one of the following:

    2.1 A certified OpenADR 2.0a or OpenADR 2.0b Virtual End Node (VEN), as specified under Clause 11, Conformance, in the applicable OpenADR 2.0 Specification.

    2.2 A device certified by the manufacturer as being capable of responding to a demand response signal from a certified OpenADR 2.0b VEN by automatically implementing the control functions requested by the VEN for the equipment it controls.

    2.3 The physical configuration and communication protocol of ANSI/CTA-2045-A or ANSI/CTA-2045-B.

    2.4 For air conditioners and heat pumps with two or more stages of control and cooling capacity of less than 65,000 Btu/h (19 kW),

thermostats with a demand responsive control that complies with the communication and performance requirements of AHRI 1380.

2.5 A device that complies with IEC 62746-10-1.

2.6 An interface that complies with the communication protocol required by a controlling entity to participate in an automated demand response program.

2.7 Where the controlling entity does not have a demand response signal available for the building type and size, local load management control shall comply with one of the following:

2.7.1 Building demand management controls that monitor building electrical demand and initiate controls to minimize monthly or peak time period demand charges.

2.7.2 A local building schedule that reflects the electric rate peak period dates and times where buildings are less than 25,000 gross square feet (2322 m²).

A binary input to the control system shall be provided that activates the demand response sequence.

3. Measures installed in the project that meet the requirements in Sections C406.2.1 through C406.2.16 shall achieve the base credits listed for the measure and occupancy type in Tables C406.2(1) through C406.2(9) or, when calculations are required by Sections C406.2.1 through C406.2.16 create or modify the credits from Tables C406.2(1) through C406.2(9), the credits achieved shall be based on the calculations. Energy credits achieved for measures shall be determined by one of the following, as applicable:

3.1 The measure's energy credit shall be the base energy credit from Tables C406.2(1) through C406.2(9) for the measure where no adjustment factor or calculation is included in the description of the measure in Section C406.2.

3.2 The measure's energy credit shall be the base energy credit for the measure adjusted by a factor or equation as stated in the description of the measure in Section C406.2. Where adjustments are applied, each measure's energy credit shall be rounded up to the nearest whole number.

3.3 The measure's energy credit shall be calculated in accordance with the measure's description in Section C406.2. Each individual measure credit shall be rounded up to the nearest whole number.

4. Energy credits achieved for the project shall be the sum of the individual measures' energy credits. Where a project contains multiple building occupancy groups:

4.1 Credits achieved for each occupancy group shall be summed and then weighted by the conditioned floor area of each occupancy group to determine the weighted average project energy credits achieved.

4.2 Improved envelope efficiency (energy credit ID E01 through E06), HVAC performance (energy credit ID H01), and lighting reduction (energy credit ID L06) measure credits shall be determined for the *building* or permitted *conditioned floor area* as a whole. Credits for other measures shall be determined for each occupancy separately. Credits shall be taken from applicable tables or calculations for each occupancy and weighted by the *building* occupancy group floor area.

44. **TABLE C406.2(1) BASE ENERGY CREDITS FOR GROUP R-2, R-4 AND I-1 OCCUPANCIES[a]** is amended by adding two rows to read as follows:

TABLE C406.2(1) BASE ENERGY CREDITS FOR GROUP R-2, R-4 AND I-1 OCCUPANCIES[a]

ID	Energy Credit Measure	Section	Climate Zone		
			. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

45. **TABLE C406.2(2) BASE ENERGY CREDITS FOR GROUP I-2 OCCUPANCIES[a]** is amended by adding two rows to read as follows:

TABLE C406.2(2) BASE ENERGY CREDITS FOR GROUP I-2 OCCUPANCIES[a]

ID	Energy Credit Measure	Section	Climate Zone		
			. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

46. **TABLE C406.2(3) BASE ENERGY CREDITS FOR GROUP R-1 OCCUPANCIES[a]** is amended by adding two rows to read as follows:

TABLE C406.2(3) BASE ENERGY CREDITS FOR GROUP R-1 OCCUPANCIES[a]					
ID	Energy Credit Measure	Section	Climate Zone		
			. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

47. **TABLE C406.2(4) BASE ENERGY CREDITS FOR GROUP B OCCUPANCIES[a]** is amended by adding two rows to read as follows:

TABLE C406.2(4) BASE ENERGY CREDITS FOR GROUP B OCCUPANCIES[a]					
ID	Energy Credit Measure	Section	Climate Zone		
			. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

48. **TABLE C406.2(5) BASE ENERGY CREDITS FOR GROUP A-2 OCCUPANCIES[a]** is amended by adding two rows to read as follows:

TABLE C406.2(5) BASE ENERGY CREDITS FOR GROUP A-2 OCCUPANCIES[a]					
ID	Energy Credit Measure	Section	Climate Zone		
			. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

49. **TABLE C406.2(6) BASE ENERGY CREDITS FOR GROUP M OCCUPANCIES[a]** is amended by adding two rows to read as follows:

TABLE C406.2(6) BASE ENERGY CREDITS FOR GROUP M OCCUPANCIES[a]

ID	Energy Credit Measure	Section	Climate Zone		
			. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

50. **TABLE C406.2(7) BASE ENERGY CREDITS FOR GROUP E OCCUPANCIES[a]** is amended by adding two rows to read as follows:

TABLE C406.2(7) BASE ENERGY CREDITS FOR GROUP E OCCUPANCIES[a]					
ID	Energy Credit Measure	Section	Climate Zone		
			. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

51. **TABLE C406.2(8) BASE ENERGY CREDITS FOR GROUP S-1 AND S-2 OCCUPANCIES[a]** is amended by adding two rows to read as follows:

TABLE C406.2(8) BASE ENERGY CREDITS FOR GROUP S-1 AND S-2 OCCUPANCIES[a]					
ID	Energy Credit Measure	Section	Climate Zone		
			. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

52. **TABLE C406.2(9) BASE ENERGY CREDITS FOR OTHER OCCUPANCIES[a,b]** is amended by adding two rows to read as follows:

TABLE C406.2(9) BASE ENERGY CREDITS FOR OTHER OCCUPANCIES[a,b]			
ID		Section	Climate Zone

	Energy Credit Measure		. . .	5B	. . .
. . .	. . .	. . .	. . .	. . .	. . .
R01	Renewable energy	C406.3.1	. . .	11	. . .
O01	Refrigerants	C406.2.16	. . .	2	. . .
. . .	. . .	. . .	. . .	. . .	. . .

53. A new **Section C406.3.1.1 Off-site renewable energy** is added to read as follows:

C406.3.1.1 Off-site renewable energy. Buildings that procure off-site renewable energy shall comply with Sections C406.3.1.1.1 through C406.3.1.1.3.

54. A new **Section C406.3.1.1.1 Off-site renewable energy requirements** and **TABLE C406.3.1.1.1(1) ANNUAL OFF-SITE RENEWABLE ENERGY REQUIREMENTS** are added to read as follows:

C406.3.1.1.1 Off-site renewable energy requirements. Off-site renewable energy shall be procured in accordance with Table C406.3.1.1.1(1).

TABLE C406.3.1.1.1(1) ANNUAL OFF-SITE RENEWABLE ENERGY REQUIREMENTS

Climate Zone	Annual Off-Site Renewable Electrical Energy (kWh/W)[a]
5B	1.75

a. Annual off-site renewable energy systems with 1.35 kWh/W to 1.75 kWh/W renewable electrical energy shall be reduced to 9 credits in TABLES C406.2(1), (2), (3), (4), (5), (6), (7), (8), (9). Systems with less than 1.35 kWh/W renewable electrical energy shall receive 0 credits.

55. A new **Section C406.3.1.1.2 Off-site procurement** is added to read as follows:

C406.3.1.1.2 Off-site procurement. The building owner, as defined in the adopted *International Building Code*, shall be credited for the total amount of off-site renewable electrical energy procured with one or more of the following:

1. *Physical renewable energy power purchase agreement*.
2. *Financial renewable energy power purchase agreement*.
3. *Community renewable energy facility*.
4. Off-site renewable energy system owned by the building owner.
5. *Renewable energy investment fund*.
6. *Green retail tariff*.

The generation source for off-site renewable electrical energy shall be located where the energy can be delivered to the *building site* by any of the following:

1. Direct connection to the off-site renewable energy facility.
2. The local utility or distribution entity.
3. An interconnected electrical network where energy delivery capacity between the generator and the *building site* is available.

56. A new **Section C406.3.1.1.3 Off-site contract** is added to read as follows:

C406.3.1.1.3 Off-site contract. The renewable energy shall be delivered or credited to the *building site* under an energy contract with a duration of not less than 15 years. The contract shall be structured to survive a partial or full transfer of ownership of the *building* property.

57. A new **Section C406.3.9 O01 Refrigerants** and **TABLE C406.3.9 ENERGY CREDIT ADJUSTMENT FOR REFRIGERANT GWP LEVEL** are added to read as follows:

C406.3.9 O01 Refrigerants. Projects that select equipment for space heating and *service water heating* that utilize low global warming potential (GWP) or ultra-low GWP refrigerants may receive energy credits for this measure calculated as follows:

Equation 4-34 $EC_{O01_ach} = EC_{O01_base} \times EC_{O01_adj}$

where:

EC_{O01_ach} = Refrigerant credit achieved for the project.
EC_{O01_base} = O01 base energy credit from Tables C406.2(1) through C406.2(9).
EC_{O01_adj} = Energy credit adjustment factor from Table C406.2.16.

TABLE C406.3.9 ENERGY CREDIT ADJUSTMENT FOR REFRIGERANT GWP LEVEL

Refrigerant Category	GWP Limit (kgCO2e)	$EC_{O01\ adj}$
Ultra-low GWP	< 10	100%
Low GWP	10 to 50	50%
Other	> 150	0%

58. **Section C407.2 Mandatory requirements** is amended to read as follows:

C407.2 Mandatory requirements. Compliance based on *simulated building performance* requires that a *proposed design* meet all the following:

1. The requirements of the sections indicated within Table C407.2(1)
2. The requirements of CZ103.1.~~An annual *energy cost* that is less than or equal to the percentage of the annual *energy cost* (PAEC) of the *standard reference design* calculated in Equation 4-34. Energy prices~~

shall be taken from a source *approved* by the *code official*, such as the Department of Energy, Energy Information Administration's State Energy Data System Prices and Expenditures reports. *Code officials* shall be permitted to require time-of-use pricing in *energy cost* calculations. The reduction in *energy cost* of the *proposed design* associated with *on-site renewable energy* shall be not more than 5 percent of the total *energy cost*. The amount of renewable energy purchased from off-site sources shall be the same in the *standard reference design* and the *proposed design*.

Equation 4-34 $PAEC = 100 \times (0.80 + 0.025 - EC_r / 1{,}000)$

where:

PAEC = The percentage of the annual energy cost of the standard reference design.

EC_r = Energy efficiency credits required for the building in accordance with Section C406.1 (do not include load management and renewable credits).

Exceptions:

1. Jurisdictions that require site energy (1 kWh = 3413 Btu) rather than *energy cost* as the metric of comparison.
2. Where energy use based on source energy expressed in Btu or Btu per square foot of *conditioned floor area* is substituted for the *energy cost*, the energy use shall be calculated using source energy factors from Table C407.2(2). For electricity, US locations shall use values from eGRID subregions. Locations outside the United States shall use the value for "All other electricity" or locally derived values.

59. **TABLE C407.2(1) REQUIREMENTS FOR SIMULATED BUILDING PERFORMANCE** is amended to read as follows:

TABLE C407.2(1)
REQUIREMENTS FOR SIMULATED BUILDING PERFORMANCE

SECTION[a]	TITLE
Envelope	
. . .	. . .
C402.2.4	Slabs-on-grade
. . .	. . .
Other	
C410	Electric Ready, and Solar Ready
. . .	. . .

59. **TABLE C407.4.1(1) SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS** is amended to read as follows:

TABLE C407.4.1(1) SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS		
BUILDING COMPONENT CHARACTERISTICS	**STANDARD REFERENCE DESIGN**	**PROPOSED DESIGN**
. . .	. . .	. . .
On-site renewable energy	~~Where a system providing on-site renewable energy has been modeled in the proposed design, the same system shall be modeled identically in the standard reference design except the rated capacity shall meet the requirements of Section C405.15.1~~ ~~Where no system is designed or included in the proposed design, model an unshaded photovoltaic system with the following characteristics:~~ ~~Size: rated capacity per Section C405.15.1.~~ ~~Module type: crystalline silicone panel with glass cover, 19.1% nominal efficiency and temperature coefficient of -0.35%/°C. Performance shall be based on a reference temperature of 77°F (25°C), air mass of 1.5 atmosphere and irradiance of 317 Btu/h × ft^2 (1000 W/m^2).~~ ~~Array type: rack-mounted array with installed nominal operating cell temperature (INOCT) of 103°F (45°C).~~ ~~Total system losses (DC output to AC output): 11.3%. Tilt: 0 degrees (mounted horizontally). Azimuth: 180 degrees.~~ *On-site renewable energy* shall not be included in the standard reference design.	As proposed
. . .	. . .	. . .

60. **Section C408.2 Mechanical systems and service water-heating systems commissioning and completion requirements** is amended to read as follows:

C408.2 Mechanical systems and service water-heating systems commissioning and completion requirements.

. . .

Exceptions: The following systems are exempt:

1. *Buildings* with less than 10,000 square feet (929 m^2) gross *conditioned floor area* ~~and combined heating, cooling and service water heating capacity of less than 960,000 Btu/h (281 kW)~~.
2. ~~Components within *dwelling* units and *sleeping units* served by one of the following systems:~~ Systems included in Section C403.5 that serve individual *dwelling units* and *sleeping units*.
   ~~2.1. Simple unitary or packaged HVAC equipment listed in Table C403.3.2(1), C403.3.2(2), C403.3.2 (4) or C403.3.2(5), each~~

~~serving one *zone* and controlled by a single *thermostat* in the *zone* served.~~

~~2.2. Two-pipe heating systems installed in the dwelling, serving one or more *zones*.~~

61. **Section C408.2.5.2 Final commissioning report** is amended to read as follows:

C408.2.5.2 Final commissioning report. A report of test procedures and results identified as "Final Commissioning Report" shall be delivered to the *building owner* or owner's authorized agent and shall be made available to the *code official* upon request. The report shall be organized with mechanical system and service hot water system findings in separate sections to allow independent review. The report shall include the following:

1. Results of functional performance tests.
2. Disposition of deficiencies found during testing, including details of corrective measures used ~~or proposed~~.
3. Functional performance test procedures used during the commissioning process including measurable criteria for test acceptance, provided herein for repeatability.

Exception: Deferred tests that cannot be performed at the time of report preparation due to climatic conditions.

62. A new **SECTION C410 ELECTRIC READY AND SOLAR READY** is added to read as follows:

SECTION C410 ELECTRIC READY AND SOLAR READY

C410.1 Scope. This section establishes requirements for electric readiness, solar readiness, and *electric vehicle (EV)* readiness in *commercial buildings*.

C410.2 Compliance. *Commercial buildings* shall comply with Sections C410.3 through C410.5.

C410.3 Electric Ready.

C410.3.1 General. The provisions of Section C410.3 shall apply to all new *buildings*, *additions*, and *first tenant finish* permits.

C410.3.1.1 First Tenant Finishes. In the case that a *first tenant finish* to a commercial *core and shell* building or unfinished space is used to satisfy any requirements of Section C410.3, the *code official* shall not issue a Certificate of Occupancy to the tenant until the requirements of Section C410.3.2 are met.

C410.3.2 Additional Electric Infrastructure. *Combustion equipment* in *commercial buildings* shall meet the electric infrastructure requirements of Sections C410.3.2.1 or C410.3.2.2.

Exceptions:

1. Interior fireplaces that do not serve as a primary source of heating.
2. Exterior fireplaces and fire pits.
3. Additions to buildings that do not provide new space heating equipment shall not be required to provide additional electrical infrastructure to the existing space heating equipment.

C410.3.2.1 Commercial building less than 10,000 Square Feet and all R-Occupancies. *Commercial buildings* that have a gross floor area of less than 10,000 square feet (929 m^2), and all Group R-2, R-3, and R-4 occupancies four stories or greater in height above *grade plane*, shall comply with Sections C410.3.2.1.1 through C410.3.2.1.5.

C410.3.2.1.1 Combustion Equipment. *Combustion equipment* shall be provided with all of the following:

1. A dedicated, appropriately phased branch circuit sized to accommodate *future electric equipment* or appliances.

   1.1 Electrical infrastructure serving future electric space heating shall comply with Section C410.3.2.1.1.1.

   1.2 Electrical infrastructure serving future electrical water heating equipment shall comply with Section C410.3.2.1.1.2.

   1.3 Electrical infrastructure serving future electric cooking equipment or clothes drying equipment shall be sized to serve a comparable capacity to meet the equipment load in accordance with the *National Electrical Code*.

2. An electric receptacle or junction box that meets the requirements of Section C410.3.2.1.4 and is connected to the electrical panel through the branch circuit. Each electrical receptacle or junction box shall have reasonable access to the *combustion equipment* or dedicated physical space for *future electric equipment* with no obstructions other than the current *combustion equipment*.

   Exception: Conduit installed with a pull string to a location of a future transformer or future electrical panel with service size determined at the time of a future permit.

3. Where *combustion equipment* is used for space or water heating, dedicated physical space shall be provided for all *future electric equipment*, including an electric resistance backup coil for ducted systems. Physical space occupied by existing *combustion equipment* shall be permitted to count towards satisfying the physical space requirement, where *approved* by the *code official*.

   Exception: Buildings with installed air conditioning systems shall not be required to provide additional dedicated physical space for an outdoor heat pump.

C410.3.2.1.1.1 Space heating electric infrastructure sizing. Electric infrastructure for future electric space heating equipment shall be sized to accommodate at least one of the following:

1. An electrical capacity not less than the nameplate space heating combustion equipment heating capacity multiplied by the value in Table C410.3.2.1.1.1, in accordance with Equation 4-39.

   Equation 4-39 $VA_S = Q_{com} \times P_S$

   where:

   VA_S = The required electrical capacity of the electrical infrastructure in volt-amps.

   Q_{com} = The nameplate heating capacity of the combustion equipment in kBtu/h.

   P_S = The VA per kBtu/h from Table C410.3.2.1.1.1 in VA/kBtu/h.

2. An electrical capacity not less than the peak space heating load of the building areas served by the space heating *combustion equipment*, calculated in accordance with Section C403.1.1, multiplied by the value for the 99.6 percent design heating temperature in Table C410.3.2.1.1.1, in accordance with Equation 4-40.

   Equation 4-40 $VA_S = Q_{design} \times P_S$

   where:

   VA_S = The required electrical capacity of the electrical infrastructure in volt-amps.

Q_{design} = The 99.6 percent design heating load of the spaces served by the *combustion equipment* in kBtu/h.

P_s = The VA per kBtu/h from Table C410.3.2.1.1.1 in VA/kBtu/h.

3. An *approved* alternate design that uses no energy source other than electricity or *on-site renewable energy*.

TABLE C410.3.2.1.1.1 ALTERNATE ELECTRIC SPACE HEATING EQUIPMENT CONVERSION FACTORS (VA/kBtu/h)

99.6% Heating Design Temperature	***P_s***
Temperature Range (ºF)	**VA / kBtu/h**
>50	N/A
>45 and ≤50	94
>40 and ≤45	100
>35 and ≤40	107
>30 and ≤35	115
>25 and ≤30	124
>20 and ≤25	135
>15 and ≤20	149
>10 and ≤15	164
>5 and ≤10	184
>0 and ≤5	210
>-5 and ≤0	243
>-10 and ≤-5	289
>-15 and ≤-10	293

C410.3.2.1.1.2 Water heating electric infrastructure sizing. An individual 240-volt branch circuit with an ampacity of not less than 30 shall be provided for future electric water heating equipment with a capacity of not more than 75,000 Btu/h (22 kW). Electric infrastructure for future electric water heating equipment with a capacity of greater than 75,000 Btu/h (22 kW) shall be sized to accommodate one of the following:

1. An electrical capacity not less than the combustion equipment water heating capacity multiplied by the value in Table C410.3.2.1.1.2 plus electric capacity to serve recirculating loads as shown in Equation 4-41.

Equation 4-41 $VA_w = (Q_{capacity} \times P_w) + [Q_{recirc} \times 293(VA/(Btu/h))]$

where:

VA_W = The required electrical capacity of the electrical infrastructure in volt-amps.

$Q_{capacity}$ = The nameplate heating capacity of the combustion equipment in kBtu/h.

P_W = The VA per kBtu/h from Table C410.3.2.1.1.2 in VA/kBtu/h.

2. An alternate design that complies with this code, where *approved* by the *code official*, and uses no energy source other than electricity or *on-site renewable energy*.

TABLE C410.3.2.1.1.2 ALTERNATE ELECTRIC WATER HEATING EQUIPMENT CONVERSION FACTORS (VA / kBtu/h)

99.6% Heating Design Temperature	***Ps***
Temperature Range (ºF)	**VA / kBtu/h**
>55 and ≤60	118
>50 and ≤55	123
>45 and ≤50	129
>40 and ≤45	136
>35 and ≤40	144
>30 and ≤35	152
>25 and ≤30	162
>20 and ≤25	173
>15 and ≤20	185
>10 and ≤15	293
>5 and ≤10	293
>0 and ≤5	293
≤0	293

C410.3.2.1.2 Electric Panel Space. The electrical panel shall have reserved physical space for a minimum two-pole or three-pole circuit breaker for each branch circuit provided for *future electric equipment* or appliances. The physical space in the electrical panel for each circuit breaker shall be sized with sufficient breaker capacity to meet the electrical demand of the *future electric equipment* or appliance that is sized to serve a comparable capacity to meet the heating load.

C410.3.2.1.3 Labeling. The junction box or receptacle and the dedicated circuit breaker space serving *future electric equipment* or appliances in the electrical panel shall be labeled for their intended use.

C410.3.2.1.4 Adjacency. The electrical receptacle or junction box shall be provided within 3 feet of the *combustion equipment* or appliances or within 3 feet of the dedicated physical space for *future electric equipment* or appliances.

Exception: For *combustion equipment* dedicated to space or water heating, the electrical receptacle or junction box shall be located not more than 6 feet from the *combustion equipment* or the dedicated physical space for *future electric equipment*.

C410.3.2.1.5 Condensate Drain. Where *combustion equipment* dedicated to space heating and water heating is installed, a location shall be provided for condensate drainage.

C410.3.2.2 Commercial Buildings 10,000 Square Feet or Greater. All *commercial buildings* that have a gross floor area of 10,000 square feet (929 m^2) or greater shall comply with Sections C410.3.2.2.1 through C410.3.2.2.5.

Exception: Group R-2, R-3, R-4 occupancies four stories or greater in height above *grade plane* shall comply with Section C410.3.2.1.

C410.3.2.2.1 Combustion Equipment. *Combustion equipment* shall be provided with all of the following:

1. A junction box that is located in the same physical space as the *combustion equipment*, reasonably accessible, and connected to the electrical panel by continuous conduit and/or raceways.

2. Dedicated electrical panel space for an appropriately phased branch circuit sized to accommodate *future electric equipment* or appliances.

    2.1. Electrical capacity sizing for future electric space heating equipment shall comply with Section C410.3.2.1.1.1.
    2.2. Electrical capacity sizing for future electric water heating equipment shall comply with Section C410.3.2.1.1.2.
    2.3. Electrical infrastructure serving future electric cooking equipment or clothes drying equipment shall be sized to serve a comparable capacity to meet the equipment load in accordance with the *National Electrical Code*.

3. Where *combustion equipment* is used for space and water heating, dedicated physical space shall be provided for all *future electric equipment*. Physical space occupied by existing *combustion equipment* shall be permitted to count towards

satisfying the physical space requirement, where *approved* by the *code official*.

C410.3.2.2.2 Electrical Panel Space. The electrical panel shall have reserved physical space for a minimum two-pole or three-pole circuit breaker for each branch circuit provided for *future electric equipment* or appliances. The physical space in the electrical panel for each circuit breaker shall be sized with sufficient breaker capacity to meet the electrical demand of the *future electric equipment* or appliance that is sized to serve a comparable capacity to meet the heating load.

C410.3.2.2.3 Labeling. The dedicated circuit breaker space serving *future electric equipment* or appliances in the electrical panel shall be labeled "For future electric equipment."

C410.3.2.2.4 Physical Space. Dedicated physical space shall be provided for additional electric equipment, including but not limited to transformers and cabinets, necessary for electrical service to *future electric equipment* or appliances**.**

C410.4 Solar ready.

C410.4.1 General. The provisions of Section C410.4 shall apply to new *buildings*, and major renovations and *additions*.

C410.4.2 Solar-Ready Zone. A *solar-ready zone* shall be located on the roof of all new *commercial buildings* that are oriented between 110 and 270 degrees of true north or have low-sloped roofs. *Solar-ready zones* shall comply with Sections C410.4.2.1 through C410.4.2.6.

Exceptions:

1. A *building* with a permanently-installed, on-site renewable energy system that meets the following criteria:

   1.1 The system produces the energy output equivalent to covering 40 percent of the net roof area with solar photovoltaic calculated as the horizontally projected gross roof area less that area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or setback areas required by the *International Fire Code*.

   1.2 The system is located on the roof or overhang of the *building* or another structure located within 250 feet of the *building*, on the *building* premises, on covered parking, or another *approved* location installed with the *building* project and under the same property ownership.

2. A *building* with a *solar-ready zone* that is shaded for more than 70 percent of daylight hours annually.
3. A *building* where a licensed design professional certifies that the incident solar radiation available to the *building* is not suitable for a *solar-ready zone*.
4. A *building* where a licensed design professional certifies that the *solar-ready zone* area required by Section C410.4.4 cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas, or other obstructions.

C410.4.2.1 Construction Document Requirements for a Solar-Ready Zone. Construction documents shall indicate the *solar-ready zone*.

C410.4.2.1.1 Roof Loads and Documentation. The structural design loads for roof dead load and roof live load shall be indicated on the construction documents.

C410.4.2.1.2 Interconnection Pathway. Construction documents shall indicate at least one potential pathway for routing of conduit and/or raceway from the *solar-ready zone* to an electrical service panel, which shall be labeled as “Potential Pathway” on the construction documents.

C410.4.2.2 Solar-Ready Zone Area. The total *solar-ready zone* area shall be at least 40 percent of the roof area calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or set back areas required by the *International Fire Code*. The *solar-ready zone* shall be a single area or smaller, separated sub-zone areas. For sloped roofs, each sub-zone area shall be at least 200 square feet (18.6 m^2), and the sides of each rectangular area shall be at least 11 feet (3.35 m) in length. For low-sloped or flat roofs, each sub-zone area shall be at least 330 square feet (30.7 m^2), with a minimum length running generally north to south of 15 feet (4.57 m) and a minimum length running generally east to west of 22 feet (6.7 m), and the sides of each rectangular area shall be at least 11 feet (3.35 m) in length.

The *solar-ready zone* shall be located on the roof or overhang of the *building* or another structure located within 250 feet of the *building*, on the *building* premises, on covered parking, or another *approved* location installed with the *building* project and under the same property ownership.

C410.4.2.3 Obstructions. *Solar-ready zones* shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights, and roof-mounted equipment.

C410.4.2.6 Electrical Service Reserved Space. The main electrical service panel shall have a minimum bus bar rating of at least 200 amps. The main electrical service panel shall have a reserved space to allow installation of a dual-pole circuit breaker for future solar electric. This space shall be labeled "For Future Solar Electric." The reserved space shall be positioned at the end of the panel that is opposite from the panel supply conductor connection.

C410.4.3 Commercial Solar Panel Capacity.

C410.4.3.1 General. The provisions of this section shall apply to new *buildings*, and major renovations and *additions*.

C410.4.3.2 Electric Service Reserved Space. The main electrical service panel shall have a minimum bus bar rating of at least 200 amps. The main electrical service panel shall have sufficient reserved space to allow installation of a dual pole circuit breaker for future solar electric installation and the reserved space shall be labeled "For Future Solar Electric." The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

Exception: A *commercial building* that must comply with the solar ready provisions of Section C410.4.2 or that has a permanently-installed on-site renewable energy system that provides electricity to the *building's* electrical system.

63. A new **SECTION C411 INTEGRATED DESIGN ASSISTANCE** is added to read as follows:

SECTION C411 INTEGRATED DESIGN ASSISTANCE

C411.1 Scope. This section establishes criteria for compliance using Appendix G of ASHRAE 90.1, entitled Performance Rating Method, in accordance with the City of Fort Collins Integrated Design Assistance Program referred to herein as "IDAP".

C411.2 Requirements for Integrated Design Assistance. Participation in this compliance path requires:

1. The project must be an active participant in IDAP.
2. The project must have qualified for the Design Incentive.

C411.3 Documentation. The documentation required for compliance is the energy report based on the submitted CD drawing package and approved by the IDAP program manager.

C411.3.1 Compliance report. Permit submittals shall include the energy report documenting that the proposed design has annual energy costs less than or

equal to the annual energy costs of the baseline building adjusted to current code and in accordance with IDAP. The report shall include the following information:

1. Address of the *building*.
2. An inspection checklist documenting the building component characteristics of the *proposed design.* The inspection checklist shall show the estimated annual energy cost for both the baseline building adjusted to current code and the *proposed design*.
3. Name of individual completing the compliance report.
4. Name and version of the compliance software tool.

C411.3.2 Additional documentation. The *code official* may also require production of documentation of the building component characteristics of the Baseline Building including the code Building Performance Factor and proposed Building Performance Factor.

64. **Section C501.2 Compliance** is amended to read as follows:

C501.2 Compliance. *Additions*, *alterations*, *repairs*, and changes of occupancy to, or relocation of, existing *buildings* and structures shall comply with Sections C502, C503, C504 and C505 of this code, as applicable, and with the provisions for *alterations*, *repairs*, *additions* and changes of occupancy or relocation, respectively, in the *International Building Code*, *International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code*, *International Property Maintenance Code*~~, *International Private Sewage Disposal Code*~~ and NFPA 70, as adopted by the City. Changes where unconditioned space is changed to conditioned space shall comply with Section C502.

Exceptions:

1. *Additions*, *alterations*, *repairs* or changes of occupancy complying with ANSI/ASHRAE/IES 90.1.
2. *Additions*, *alterations*, *repairs* or changes of occupancy do not need to comply with the requirements of C402.2.4 Slabs-on-grade floors when it would require the demolition of existing permanent building construction components.

65. **Section C502.3.7 Additional energy efficiency credit requirements** is amended to read:

C502.3.7 Additional energy efficiency credit requirements. *Additions* shall comply with sufficient measures from Sections C406.2 and C406.3 to achieve not less than 50 percent of the number of required efficiency credits from Table C406.1.1(1) based on building occupancy group and *climate zone*. Where a project contains multiple occupancies, credits from Table C406.1.1(1) for each building occupancy shall be weighted by the gross floor area to determine the

project weighted average energy credits required. Accessory occupancies shall be included with the primary occupancy group for purposes of this section. *Alterations* to the existing building that are not part of the *addition*, but are permitted with an *addition*, shall be permitted to be used to achieve the required credits. All a*dditions* shall also comply with Section C406.1.1.3.

Exceptions:

. . .

66. **Section C502.3.8 Renewable energy systems** is deleted in its entirety.

~~**C502.3.8 Renewable energy systems.** *Additions* shall comply with Section C405.15 for the *addition* alone.~~

67. A new **APPENDIX CZ COMMERCIAL PERFORMANCE PATH TO ZERO CARBON BUILDING** is added to read as follows:

APPENDIX CZ
COMMERCIAL PERFORMANCE PATH TO ZERO CARBON BUILDING

SECTION CZ101
GENERAL

CZ101.1 Purpose. This appendix provides requirements that lead to achievement of zero emissions buildings and identifies future targets that achieve zero emissions buildings by the 2030 code cycle.

CZ101.2 Scope. New *buildings* shall comply with the requirements in this appendix.

SECTION CZ102
GENERAL DEFINITIONS

CARBON DIOXIDE EQUIVALENT (CO2e). A measure used to compare the impact of various greenhouse gases based on their global warming potential (GWP). CO2e approximates the time-integrated warming effect of a unit mass of a given greenhouse gas relative to that of carbon dioxide (CO2). GWP is an index for estimating the relative global warming contribution of atmospheric emissions of a particular greenhouse gas compared to emissions of an equal mass of CO2.

COMMUNITY RENEWABLE ENERGY FACILITY. A facility that generates electricity with photovoltaic, solar thermal, geothermal energy, or wind energy systems, and is qualified as a community energy facility under applicable state and local utility statutes and rules.

DIRECT OWNERSHIP. An off-site renewable energy system under the ownership or control of the building project *owner*.

GREEN RETAIL PRICING. A program by the retail electricity provider to provide 100 percent renewable energy to the building project *owner*.

GROSS SITE EUI. The energy use intensity (EUI) as measured by the total amount of energy consumed on the site, in total, with no contributions or deductions from onsite energy generation or offsite energy generation procurements. Gross Site EUI shall be measured by total energy consumed and not take into consideration any *net* value of energy consumption or deductions made from the *gross* energy consumption by renewable onsite energy generation or offsite energy procurement.

NET ONSITE ELECTRICITY CONSUMPTION. The electricity consumption of the site as measured when contributions from eligible onsite or off-site renewable energy systems are taken into consideration and subtracted from the *gross* onsite electricity consumption. The net onsite electricity consumption shall be measured as the total amount of eligible renewable energy attributable to the building site subtracted from the gross total amount of onsite electricity consumed by the building site.

RENEWABLE ENERGY INVESTMENT FUND (REIF). A fund established by a jurisdiction to accept payment from building project owners to construct or acquire interest in qualifying renewable energy systems, together with their associated RECs, on the building project owner's behalf.

RENEWABLE ENERGY POWER PURCHASE AGREEMENT (PPA), FINANCIAL. A financial arrangement between a renewable electricity generator and a purchaser wherein the purchaser pays or guarantees a price to the generator for the project's renewable generation. Also known as a "financial power purchase agreement" and "virtual power purchase agreement."

RENEWABLE ENERGY POWER PURCHASE AGREEMENT (PPA), PHYSICAL. A contract for the purchase of renewable electricity from a specific renewable electricity generator to a purchaser of renewable electricity.

SECTION CZ103
COMPLIANCE

CZ103.1 Compliance. Compliance with this appendix shall be demonstrated using the *Simulated Building Performance* option of Section C401.2.1 and by following Sections CZ103.2 through CZ103.5.

CZ103.2 Building energy compliance. The proposed building model performance (*Gross Site EUI*) shall not exceed the applicable code year values in Table CZ103.2(1) using the energy modeling procedures described in Section C407.4 and Section CZ103.3; however, the proposed building shall be modeled with no on-site renewable energy generation. Buildings with multiple occupancy types listed in Table CZ103.2(1) may develop a performance target based on an area weighted average EUI calculated by floor area of each occupancy type.

TABLE CZ103.2(1) *GROSS SITE EUI* TARGETS BY CODE YEAR[a]

Building Type	2024 Performance Target (kBtu/ft²/year)	2027 Performance Target[b] (kBtu/ft²/year)	2030 Performance Target[b] (kBtu/ft²/year)
Apartment (Type R2)	29	26	24
Primary School	39	24	19
Small Office (<5,000 sf)	20	19	17
Medium Office (5,000-50,000 sf)	23	21	20
Large office (>50,000 sf)	38	31	23
Secondary School	26	22	19
Warehouse	11	10	9
Retail Store	36	35	34
Small Hotel (<75,000 sf)	41	33	25
Large Hotel (>75,000 sf)	61	54	48
Hospital	74	69	65
Restaurant	228	177	126
Strip Mall	35	30	25

a. Building types not found within this table shall comply with C407 Simulated Building Performance and CZ103.2.2 Building Emission Compliance.

b. These are projected EUI targets for buildings constructed under the 2027 and 2030 code cycles and are not required for the 2024 code.

CZ103.2.1 Building emission compliance. The annual energy emissions (AEE_p) of the *proposed design* shall be less than or equal to the annual *energy* emissions (AEE_b) of the *standard reference design* as modified in Equation CZ-1. Electricity energy emissions for the *standard reference design* [Equation CZ-2] and *proposed design* [Equation CZ-3] shall be calculated using the long-run marginal emission rates from Table CZ103.4 for each time period. The calculation shall be made using month-hour (288 values) or annual-hour values (24 values). For fossil fuels and thermal energy, the *CO2e* emissions shall be calculated by multiplying the *CO2e* emission factors taken from Table CZ103.3.2 by the annual consumption. Compliance using Equation CZ-1 shall be demonstrated using the emissions factor *CO2F* found in Table CZ103.2.1.

TABLE CZ103.2.1 EMISSION FACTORS

Emission Factor (*CO2F*)		
2024	**2027[a]**	**2030[a]**
0.95	0.50	0.0

a. These are projected CO2F targets for buildings constructed under the 2027 and 2030 code cycles and are not required for the 2024 code.

Equation CZ-1 $AEE_p \leq AEE_b * CO2F$

where:

AEE_x = Annual Energy Emissions of the *proposed design* (AEE_p) or *standard reference design* (AEE_b).

CO2F = Emission Factor, found in Table CZ103.2.1

Equation CZ-2 $AEE_b = \Sigma[qB_{e,t} \times e_{e,t}] + \Sigma [Q_i \times e_i]$

Equation CZ-3 $AEE_p = \Sigma[qP_{e,t} \times e_{e,t}] + \Sigma [Q_i \times e_i] - AE$

where:

$qB_{e,t}$ = *Standard reference design* electricity consumption for time period *t*, MWh

$qP_{e,t}$ = *Proposed design net onsite electricity consumption* for time period *t*, MWh

$e_{e,t}$ = Long-run marginal *CO2e* emissions rate for electricity in time period *t*, found in Table CZ103.4

Q_i = Annual energy consumption for fossil fuels or thermal energy, MWh

e_i = *CO2e* emissions rate found in Table CZ103.3.2 for fossil fuel or thermal energy type *i*

AE = Avoided CO2e emissions resulting from the purchase of off-site renewable energy, calculated using Equation CZ-4

CZ103.2.2 Avoided emissions. The avoided emissions from off-site renewable energy procurement shall be calculated as shown in the following equation and meet the requirements of Section CZ103.4.

Equation CZ-4 $AE = \Sigma[Q_g \times REF \times AE_g] * PF$

where:

Q_g = annual renewable electricity procured for renewable energy generator type *g*, MWh

g = index for generator type

AE_g = annual avoided *CO2e* emissions rate for renewable energy generator type *g* from Table CZ103.5(2), kg/MWh

REF = Offsite Renewable Energy Factor which shall equal 0.75

PF = Procurement energy Factor from Table CZ103.5(1)

CZ103.3 Calculation procedure. Except as specified by this section, the *standard reference design* and *proposed design* area shall be configured and analyzed using identical methods and techniques.

CZ103.3.1 Building specifications. The *standard reference design* and *proposed design* shall be configured and analyzed as specified by Table C407.4.1(1) with the following modifications:

1. The Heating systems fuel type for the *standard reference design* shall be electric.
2. The Cooling systems fuel type for the *standard reference design* shall be electric.
3. The *Service water heating* fuel type for the *standard reference design* shall be electric.

For the purpose of compliance with this section, the *standard reference design* and *proposed design* shall comply with all footnotes contained in Table C402.1.2.

CZ103.3.2 Emission rates for fossil fuels and thermal energy. The emissions factors for fossil fuels or thermal energy to be used in the calculations in Section CZ103.2.1 shall be as specified in Table CZ103.3.2.

TABLE CZ103.3.2 CO2E EMISSION FACTORS FOR FOSSIL FUELS AND THERMAL ENERGY

Fossil Fuels Delivered to Buildings	CO2e Emissions, kg/MWh
Natural Gas	277
Liquified Petroleum Gas or Propane	295
Fuel Oil (Residual)	334
Fuel Oil (Distillate)	324
Coal	382
Gasoline	337
Other Fuels not Specified in this Table	382

CZ103.4 Long range marginal emission rates. The long-run marginal emission rates (LRMERs) for the Cambium Generation and Emission Assessment Region $RMPA_c$, to be used for calculations in Section CZ103.2 ($e_{e,t}$ in Equations CZ-2 and CZ-3), shall be as specified in Table CZ103.4. The LRMERs are based on a 20-year CO2e time horizon. The Cambium Generation and Emission Assessment Regions are shown in Figure CZ-103.4. Where comparing or combining *CO2e* values, a consistent GWP time-horizon shall be used for all estimates of *CO2e*.

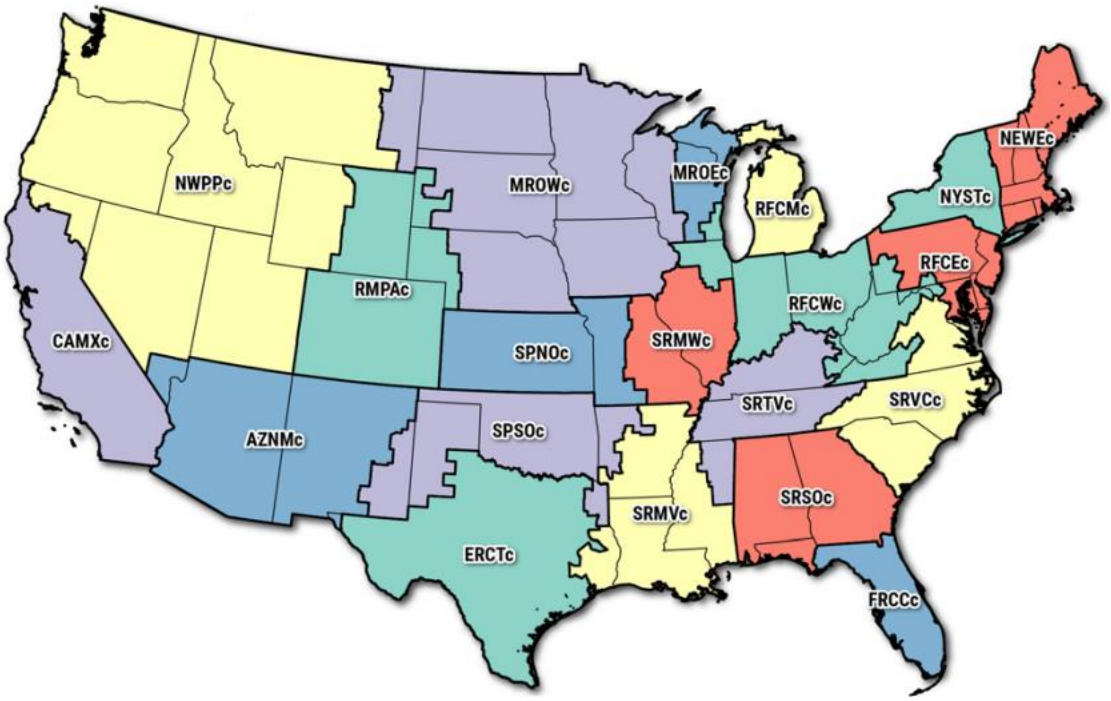


FIGURE CZ-103.4 CAMBIUM GENERATION AND EMISSION ASSESSMENT REGIONS (2021 VERSION)

TABLE CZ103.4 RMPAc - HOURLY AND AVOIDED EMISSIONS (kg/MWh)													
Hour	January	February	March	April	May	June	July	August	September	October	November	December	Annual
-	223	237	171	158	175	188	209	237	243	227	265	258	217
1	227	232	173	162	174	206	223	240	256	238	269	253	222
2	225	231	168	154	179	198	234	247	244	229	276	259	222
3	229	233	174	155	180	199	234	258	253	222	269	261	224
4	227	225	183	155	175	176	222	244	250	234	259	245	217
5	215	206	175	145	159	157	171	214	231	223	254	240	200
6	224	205	152	140	137	144	145	189	214	203	243	240	187
7	213	182	154	129	146	148	139	170	184	185	226	223	176
8	181	162	150	135	150	144	142	160	183	184	207	200	167
9	172	164	143	138	141	139	132	155	174	188	213	189	162
10	166	174	134	133	146	138	131	154	170	181	220	195	161
11	174	190	140	136	139	138	127	152	166	182	208	190	161
12	178	180	137	140	136	139	124	160	165	190	210	188	161
13	182	171	136	141	141	141	125	160	157	193	208	201	162

14	174	172	135	135	133	133	125	152	155	179	216	217	159
15	198	192	141	147	137	138	127	157	170	193	244	232	172
16	214	212	173	154	152	139	148	184	195	211	233	245	187
17	215	204	193	169	172	150	174	209	215	204	235	238	198
18	209	206	192	175	175	172	181	214	216	204	235	242	202
19	219	204	181	169	173	187	197	218	203	212	230	256	205
20	223	210	180	167	169	184	182	206	210	218	233	244	202
21	223	210	174	161	173	200	193	217	225	229	242	249	208
22	233	216	172	161	183	199	194	230	228	211	255	251	212
23	224	225	166	158	174	182	201	225	232	215	263	263	211

CZ103.5 Off-site renewable energy. Buildings that do not have on-site renewable energy systems sufficiently sized to fully comply with Section CZ103.2.2 shall procure off-site renewable energy in accordance with Sections CZ103.5.1 through CZ103.5.3.

TABLE CZ103.5(1) PROCUREMENT FACTOR FOR USE WITH OFF-SITE RENEWABLE ENERGY

Building Type	Procurement Factor
Apartment (Type R2)	1
Primary School	1
Small Office (<5,000 sf)	1
Medium Office (5,000-50,000 sf)	1
Large Office (>50,000 sf)	1
Secondary School	1
Warehouse	1
Retail Store	1
Small Hotel (<75,000 sf)	1
Large Hotel (>75,000 sf)	1
Hospital	3.5
Restaurant	10
Strip Mall	1
All Other[a]	10

a. Includes the following building types: Laundromat, Food Processing Establishments, Emergency Systems, Crematory, or other buildings with high process loads as determined by the *code official* on a case-by-case basis.

TABLE CZ103.5(2) AVOIDED EMISSIONS FROM OFF-SITE PURCHASE OF RENEWABLE ENERGY (kg/MWh)

GEA Region	Solar	Wind	Hydro	Geothermal
RMPAc	159	195	187	191

CZ103.5.1 Off-site procurement. The *building owner* shall be credited for the total amount of off-site renewable energy required by Equation CZ-1. Procured off-site energy shall comply with the requirements applicable to at least one of the following:

1. *Community renewable energy facility*.
2. *Financial renewable energy power purchase agreement*.
3. *Direct Ownership*.
4. *Renewable Energy Investment Fund.*
5. *Green Retail Pricing*.
6. The energy source shall produce electricity from solar, wind, or geothermal energy.

Exceptions:

1. Hydropower from new generation capacity on a non-impoundment or new generation capacity on an existing impoundment that meets one of the following conditions:
   - 1.1. The hydropower facility complies with the Low Impact Hydropower Certification Handbook and is certified by a nationally recognized accreditation organization.
   - 1.2. The hydropower facility complies with UL 2854 and is certified by an organization that has the standard in its ISO/IEC 17065 scope of accreditation.
   - 1.3. The hydropower facility consists of a turbine in a pipeline or a turbine in an irrigation canal.

For facilities falling under Exception 1.1 or 1.2, only output generated during the period of certification is eligible for RECs sale in accordance with the provisions of this section. Renewables from new impoundments of water are not eligible.

CZ103.5.1.1 Location of energy generation. The generation source shall be located where the energy can be delivered to the *building site* by any of the following:

1. Direct connection to the off-site renewable energy facility.
2. The local utility or distribution entity.
3. An interconnected electrical network where energy delivery capacity between the generator and the building site is available (Informative Note: Examples of interconnected electrical networks include regional

power pools and regions served by independent system operators or regional transmission organizations).

CZ103.5.2 Off-site contract. The renewable energy shall be delivered or credited to the *building site* under an energy contract duration of not less than 15 years. The contract shall be structured to survive a partial or full transfer of ownership of the building property. The total required off-site renewable energy shall be procured in equal installments over the duration of the off-site contract.

CZ103.5.3 Renewable Energy Certificate (REC) documentation. The property *owner* or owner's authorized agent shall demonstrate that where RECs are associated with on-site and off-site renewable energy production, the following criteria shall be met:

1. The RECs shall be retained and retired by, or on behalf of the property owner or tenant for a period of not less than 15 years.
2. The RECs shall be created within a 12-month period of the use of the REC.
3. The RECs represent a generating asset constructed not more than 5 years before the issuance of the certificate of occupancy.

68. **Section R105.2 Information on construction documents** is amended to read as follows:

. . .

10. Window unit area square footage as a percentage of individual wall area by specific elevation.
11. Locations for condensate drainage where *combustion equipment* for space heating and water heating is installed.

69. A new **Section R105.6 Permits** is added to read as follows:

R105.6 Permits. Procedures related to permits, required inspections, payment of fees and obtaining required approvals shall be as set forth in Chapter 1 of the adopted *International Building Code*.

70. **SECTION R106 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION R106 FEES**~~

~~**R106.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.~~

~~**R106.2 Schedule of permit fees.** Where a permit is required, a fee for each permit~~

~~shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**R106.3 Permit valuation.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at the time of application. Such estimated valuations shall include the total value of the work, including materials and labor. Where, in the opinion of the code official, the valuation is underestimated, the permit shall be denied unless the applicant can show detailed estimates acceptable to the code official. The final valuation shall be approved by the code official.~~

~~**R106.4 Work commencing before permit issuance.** Any person who commences any work before obtaining the necessary permits shall be subject to an additional fee established by the code official that shall be in addition to the required permit fees.~~

~~**R106.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**R106.6 Refunds.** The code official is authorized to establish a refund policy.~~

SECTION R106 FEES

R106.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled “FEES.”

71. **SECTION R109 MEANS OF APPEALS** is deleted in its entirety and replaced as follows:

~~**SECTION R109 MEANS OF APPEALS**~~

~~**R109.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.~~

~~**R109.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**R109.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**R109.4 Administration.** The *code official* shall take action in accordance with the decision of the board.~~

SECTION R109 MEANS OF APPEALS

R109.1 General. Appeals of decisions, determinations and interpretations of this code shall be made pursuant to the applicable provisions of Section 113 of the adopted *International Building Code*, entitled "MEANS OF APPEALS."

72. A new **SECTION R111 VIOLATIONS** is added to read as follows:

SECTION R111 VIOLATIONS

R111.1 General. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who alters or repairs a *building* or structure in violation of the approved construction documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

73. **SECTION R202 GENERAL DEFINITIONS** is amended to modify, or add, in alphabetical order, the following definitions:

. . .

ARCHITECTURAL SHADING. Architectural shading includes roof eaves, exterior overhangs, fins, latticework, vertical trellises, horizontal pergolas, porches, and decks that block direct solar radiation in the summer.

. . .

COMBUSTION EQUIPMENT. Any equipment or appliance used for space heating, service water heating, cooking, clothes drying, or lighting that uses *fuel gas* or *fuel oil*.

. . .

74. **Section R401.2 Application** is amended to read as follows:

R401.2 Application. Residential buildings shall comply with Section R401.2.1, R401.2.2, R401.2.3 or R401.2.4, and new buildings shall comply with Appendix RZ.

Exception: *Additions*, *alterations*, *repairs* and *changes of occupancy* to *existing buildings* complying with Chapter 5.

75. **Section R401.2.1 Prescriptive compliance option** is amended to read as follows:

R401.2.1 Prescriptive compliance option. The Prescriptive Compliance Option requires compliance with Sections R401 through R404, ~~and~~ R408 and R409 and the requirements of the sections indicated within Table R405.2(1).

76. **TABLE R402.1.2 MAXIMUM ASSEMBLY *U*-FACTORS[a] AND FENESTRATION REQUIREMENTS** is deleted in its entirety and replaced with the following:

~~**TABLE R402.1.2 MAXIMUM ASSEMBLY *U*-FACTORS[a] AND FENESTRATION REQUIREMENTS**~~

~~CLIMATE ZONE~~	~~0~~	~~1~~	~~2~~	~~3~~	~~4 EXCEPT MARINE~~	~~5 AND MARINE 4~~	~~6~~	~~7 AND 8~~
~~Vertical fenestration U-factor~~	~~0.5~~	~~0.5~~	~~0.4~~	~~0.3~~	~~0.3~~	~~0.28[d]~~	~~0.28[d]~~	~~0.27[d]~~
~~Skylight U-factor~~	~~0.6~~	~~0.6~~	~~0.6~~	~~0.53~~	~~0.53~~	~~0.5~~	~~0.5~~	~~0.5~~
~~Glazed vertical fenestration SHGC~~	~~0.25~~	~~0.25~~	~~0.25~~	~~0.25~~	~~0.4~~	~~NR~~	~~NR~~	~~NR~~
~~Skylight SHGC~~	~~0.28~~	~~0.28~~	~~0.28~~	~~0.28~~	~~0.4~~	~~NR~~	~~NR~~	~~NR~~
~~Ceiling U-factor~~	~~0.035~~	~~0.035~~	~~0.03~~	~~0.03~~	~~0.026~~	~~0.026~~	~~0.026~~	~~0.026~~
~~Insulation entirely above roof deck~~	~~0.039~~	~~0.039~~	~~0.039~~	~~0.039~~	~~0.032~~	~~0.032~~	~~0.032~~	~~0.028~~
~~Wood-framed wall U-factor~~	~~0.084~~	~~0.084~~	~~0.084~~	~~0.06~~	~~0.045~~	~~0.045~~	~~0.045~~	~~0.045~~
~~Mass wall U-factor[b]~~	~~0.197~~	~~0.197~~	~~0.165~~	~~0.098~~	~~0.098~~	~~0.082~~	~~0.06~~	~~0.057~~
~~Floor U-factor~~	~~0.064~~	~~0.064~~	~~0.064~~	~~0.047~~	~~0.047~~	~~0.033~~	~~0.033~~	~~0.028~~
~~Basement wall U-factor~~	~~0.36~~	~~0.36~~	~~0.36~~	~~0.091[c]~~	~~0.059~~	~~0.05~~	~~0.05~~	~~0.05~~
~~Unheated slab F-factor[e]~~	~~0.73~~	~~0.73~~	~~0.73~~	~~0.54~~	~~0.51~~	~~0.51~~	~~0.48~~	~~0.48~~
~~Heated slab F-factor[e]~~	~~0.74~~	~~0.74~~	~~0.74~~	~~0.66~~	~~0.66~~	~~0.66~~	~~0.66~~	~~0.66~~
~~Crawl space wall U-factor~~	~~0.477~~	~~0.477~~	~~0.477~~	~~0.136~~	~~0.065~~	~~0.055~~	~~0.055~~	~~0.055~~

~~For SI: 1 foot = 304.8 mm.~~

~~a. Nonfenestration *U*-factors and *F*-factors shall be obtained from measurement, calculation, an *approved source*, or Appendix RF where such appendix is adopted or *approved*.~~

~~b. Mass walls shall be in accordance with Section R402.2.6. Where more than half the insulation is on the interior, the mass wall *U*-factors shall not exceed 0.17 in Climate Zones 0 and 1, 0.14 in Climate Zone 2, 0.12 in Climate Zone 3, 0.087 in Climate Zone 4 except Marine, 0.065 in Climate Zone 5 and Marine 4, and 0.057 in Climate Zones 6 through 8.~~

~~c. In Warm Humid locations as defined by Figure R301.1 and Table R301.1, the basement wall *U*-factor shall not exceed 0.360.~~

~~d. A maximum *U*-factor of 0.30 shall apply in Marine Climate Zone 4 and Climate Zones 5 through 8 to vertical fenestration products installed in buildings located either:~~

~~1. Above 4,000 feet in elevation above sea level, or~~

~~2. In windborne debris regions where protection of openings is required by Section R301.2.1.2 of the International Residential Code.~~

~~e. *F*-factors for slabs shall correspond to the *R*-values of Table R402.1.3 and the installation conditions of Section R402.2.10.1.~~

TABLE R402.1.2 MAXIMUM ASSEMBLY *U*-FACTORS[a] AND FENESTRATION REQUIREMENTS

CLIMATE ZONE	FENESTRATION *U*-FACTOR	SKYLIGHT *U*-FACTOR	GLAZED VERTICAL FENESTRATION SHGC[d]	CEILING *U*-FACTOR	INSULATION ENTIRELY ABOVE ROOF DECK	WOOD FRAME WALL *U*-FACTOR[e]	MASS WALL *U*-FACTOR[b]	FLOOR *U*-FACTOR	*BASEMENT* WALL *U*-FACTOR	CRAWL SPACE WALL U-FACTOR
5	0.28/0.25[f]	0.50	0.35/43[g]	0.026	0.032	0.045	0.082	0.028	0.050	0.050

For SI: 1 foot = 304.8mm

a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.
b. Mass walls shall be in accordance with Section R402.2.5. Where more than half the insulation is on the interior, the mass wall *U*-factors shall not exceed 0.065.
c. In Warm Humid locations as defined by Figure R301.1 and Table R301.1, the basement wall *U*-factor shall not exceed 0.360.
d. The SHGC column applies to all glazed fenestration.
e. Class 1 vapor retarders shall not be installed on the interior of framed walls where exterior ci value is less than R-7.5.
f. Where the sum area of all window units within an elevation is greater than 30% of the total wall area elevation, as provided per Section R105.2 Information on construction documents, the second U-factor shall be required.
g. Where the SHGC exceeds 0.35 on wall elevations that orient west or southwest, horizontal or vertical *architectural shading* optimized for solar noon on the summer solstice shall be installed to block solar radiation.

77. **TABLE R402.1.3 INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT[a]** is deleted in its entirety and replaced with the following:

~~**TABLE R402.1.3 INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT[a]**~~

~~CLIMATE ZONE~~	~~0~~	~~1~~	~~2~~	~~3~~	~~4 EXCEPT MARINE~~	~~5 AND MARINE 4~~	~~6~~	~~7 AND 8~~
~~Vertical fenestration *U*-factor~~	~~0.5~~	~~0.5~~	~~0.4~~	~~0.3~~	~~0.3~~	~~0.28[g]~~	~~0.28[g]~~	~~0.27[g]~~
~~Skylight *U*-factor~~	~~0.6~~	~~0.6~~	~~0.6~~	~~0.53~~	~~0.53~~	~~0.5~~	~~0.5~~	~~0.5~~
~~Glazed vertical fenestration SHGC~~	~~0.25~~	~~0.25~~	~~0.25~~	~~0.25~~	~~0.4~~	~~NR~~	~~NR~~	~~NR~~
~~Skylight SHGC~~	~~0.28~~	~~0.28~~	~~0.28~~	~~0.28~~	~~0.4~~	~~NR~~	~~NR~~	~~NR~~
~~Ceiling *R*-value~~	~~30~~	~~30~~	~~38~~	~~38~~	~~49~~	~~49~~	~~49~~	~~49~~
~~Insulation entirely above roof deck~~	~~25ci~~	~~25ci~~	~~25ci~~	~~25ci~~	~~30ci~~	~~30ci~~	~~30ci~~	~~35ci~~

Wood-framed wall *R*-value[e]	13 or 0&10ci	13 or 0&10ci	13 or 0&10ci	20 or 13&5ci or 0&15ci	30 or 20&5ci or 13&10ci or 0&20ci	30 or 20&5ci or 13&10ci or 0&20ci	30 or 20&5ci or 13&10ci or 0&20ci	30 or 20&5ci or 13&10ci or 0&20ci
Mass wall *R*-value[f]	45720	45720	45753	45882	45882	13/17	15/20	19/21
Floor *R*-value[h]	13 or 7+5ci or 10ci	13 or 7+5ci or 10ci	13 or 7+5ci or 10ci	19 or 13+5ci or 15ci	19 or 13+5ci or 15ci	30 or 19+7.5ci or 20ci	30 or 19+7.5ci or 20ci	38 or 19+10ci or 25ci
Basement wall *R*-value[b, e]	0	0	0	5ci or 13[d]	10ci or 13	15ci or 19 or 13&5ci	15ci or 19 or 13&5ci	15ci or 19 or 13&5ci
Unheated slab *R*-value & depth[c]	0	0	0	10ci, 2 ft	10ci, 3 ft	10ci, 3 ft	10ci, 4 ft	10ci, 4 ft
Heated slab *R*-value & depth[c]	R-5ci edge and R-5 full slab	R-5ci edge and R-5 full slab	R-5ci edge and R-5 full slab	R-10ci, 2 ft and R-5 full slab	R-10ci, 3 ft and R-5 full slab	R-10ci, 3 ft and R-5 full slab	R-10ci, 4 ft and R-5 full slab	R-10ci, 4 ft and R-5 full slab
Crawl space wall *R*-value[b, e]	0	0	0	5ci or 13[d]	10ci or 13	15ci or 19 or 13&5ci	15ci or 19 or 13&5ci	15ci or 19 or 13&5ci

For SI: 1 foot = 304.8 mm.

NR = Not Required, ci = Continuous Insulation.

a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.

b. "5ci or 13" means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "10ci or 13" means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "15ci or 19 or 13&5ci" means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.

c. Slab insulation shall be installed in accordance with Section R402.2.10.1.

d. Basement wall insulation is not required in Warm Humid locations as defined by Figure R301.1 and Table R301.1.

e. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, "13&5" means R-13 cavity insulation plus R-5 continuous insulation.

f. Mass walls shall be in accordance with Section R402.2.6. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

g. A maximum U-factor of 0.30 shall apply in Marine Climate Zone 4 and Climate Zones 5 through 8 to vertical fenestration products installed in buildings located either:

   1. Above 4,000 feet in elevation.
   2. In windborne debris regions where protection of openings is required by Section R301.2.1.2 of the International Residential Code.

h. "30 or 19+7.5ci or 20ci" means R-30 cavity insulation alone or R-19 cavity insulation with R-7.5 continuous insulation or R-20 continuous insulation alone.

TABLE R402.1.3 INSULATION MINIMUM *R*-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT[a]

CLIMATE ZONE	FENESTRATION *U*-FACTOR[b]	SKYLIGHT *U-FACTOR*[b]	GLAZED VERTICAL FENESTRATION SHGC[b]	CEILING *R*-VALUE	INSULATION ENTIRELY ABOVE ROOF DECK	WOOD FRAME WALL *R*-VALUE[g]	MASS WALL *R*-VALUE[f]	FLOOR *R*-VALUE	*BASEMENT*[c,e] WALL *R*-VALUE	SLAB[d] *R*-VALUE & DEPTH	CRAWL SPACE[c,e] WALL *R*-VALUE
5	0.28/0.25[h]	0.50	0.35/0.43[i]	49	30ci	30 or 20&5ci or 13&10ci or 0&20ci	13/17	38	19ci or 19 or 13&5ci or exterior 10ci	10ci, 3 ft	19ci or 19 or 13&5ci

For SI: 1 foot = 304.8 mm
ci = continuous insulation

a. *R*-values are minimums. *U*-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed *R*-value of the insulation shall be not less than the *R*-value specified in the table.
b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
c. "5ci or 13" means R-5 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "10ci or 13" means R-10 continuous insulation (ci) on the interior or exterior surface of the wall or R-13 cavity insulation on the interior side of the wall. "15ci or 19 or 13 + 5ci" means R-15 continuous insulation (ci) on the interior or exterior surface of the wall; or R-19 cavity insulation on the interior side of the wall; or R-13 cavity insulation on the interior of the wall in addition to R-5 continuous insulation on the interior or exterior surface of the wall.
d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation *R*-value for slabs. The install of c*ontinuous insulation* shall be required for all heated slabs. The slab-edge insulation for heated slabs shall not be required to extend below the slab. Insulation located below grade shall be extended the distance provided in the table or to top of footing.
e. The first value is cavity insulation; the second value is continuous insulation. Therefore, as an example, "13 + 5" means R-13 cavity insulation plus R-5 continuous insulation.
f. Mass walls shall be in accordance with Section R402.2.5. The second *R*-value applies where more than half of the insulation is on the interior of the mass wall where more than half the insulation is on the interior, the mass wall *U*-factor shall be the same as the frame wall *U*- factor.
g. Class 1 vapor retarders shall not be installed on the interior of framed walls where exterior ci value is less than R-7.5.
h. Where the sum area of all window units within an elevation is greater than 30% of the total wall area elevation, as provided per Section R105.2 Information on construction documents, the second U-factor shall be required.
i. Where the SHGC exceeds 0.35 on wall elevations that orient west or southwest, horizontal or vertical *architectural shading* optimized for solar noon on the summer solstice shall be installed to block solar radiation.

78. **Section R402.2 Specific insulation requirements** is amended to read as follows:

R402.2 Specific insulation requirements. In addition to the requirements of Section R402.1, insulation shall meet the specific requirements of Sections R402.2.1 through R402.2.13. All insulation shall be installed to meet the requirements of a Grade 1 insulation installation in accordance with Appendix A of ANSI/RESNET/ICC 301.

79. **Section R402.2.5 Access hatches and doors** is amended to read as follows:

R402.2.5 Access hatches and doors. Access hatches and doors from conditioned to unconditioned spaces such as attics and crawl spaces shall be insulated to the same R-value required by Table R402.1.3 for the wall or ceiling in which they are installed.

Exceptions:

1. Vertical ~~doors~~ entries providing access from *conditioned spaces* to unconditioned spaces that ~~comply with the *fenestration* requirements of Table R402.1.3 based on the applicable *climate zone* specified in Chapter 3~~ are not required to be a swinging door shall be less than or equal to U-0.10 or have an average insulation *R*-value of R-10 or greater. If foam plastic insulation is used, it shall comply with Section R303.5.3 of the *International Residential Code*, entitled Attics.

. . .

80. **Section R402.2.9.1 Basement wall insulation installation** is amended to read as follows:

R402.2.9.1 Basement wall insulation installation. Where *basement walls* are insulated, the insulation shall be installed from the top of the *basement wall* down to ~~10 feet (3048 mm) below grade or to~~ the basement floor, ~~whichever is less,~~ or in accordance with the *proposed design* or the *rated design*, as applicable.

81. **Section R402.2.10.1 Slab-on-grade floor insulation installation** is amended to read as follows:

R402.2.10.1 Slab-on-grade floor insulation installation. For buildings complying with Section R401.2.1, R401.2.2, and R401.2.3, the slab edge *continuous insulation* shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below grade shall extend the ~~vertical~~ distance provided in Table R402.1.3, but need not exceed the footing depth in accordance with Section R403.1.4 of the *International Residential Code*. Where a proposed design includes insulation extending away from the *building*, it shall be protected by pavement or by not less than 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall*. Where horizontal sections of insulation not greater than 8 inches (203.2 mm) require compressive strength, a structural thermal material with an R-value not less than R-1.8 shall suffice to maintain an installation without thermal breaks. Full-slab insulation shall be continuous under the entire area of the slab-on-grade floor, except at structural column locations and service penetrations. Slab edge insulation required at the *heated slab* perimeter shall not be required to extend below the bottom of the *heated slab* and shall be continuous with the full slab insulation.

82. **Section R402.2.11.1 Crawl space wall insulation installations** is deleted in its entirety and replaced with the following:

~~**R402.2.11.1 Crawl space wall insulation installations.** Where installed, *crawl space wall* insulation shall be secured to the wall and extend~~

~~downward from the sill plate to not less than the top of the foundation wall footing.~~

~~**Exception:** Where the *crawl space wall* insulation is installed on the interior side of the wall and the crawl space floor is more than 24 inches (610 mm) below the exterior grade, the crawl space wall insulation shall be permitted to extend downward from the sill plate at the top of the foundation wall to not less than the interior floor of the crawl space.~~

~~Exposed earth in crawl space foundations shall be covered with a continuous Class I vapor retarder in accordance with the International Building Code or International Residential Code, as applicable. Joints of the vapor retarder shall overlap by 6 inches (153 mm) and be sealed or taped. The edges of the vapor retarder shall extend not less than 6 inches (153 mm) up stem walls and shall be attached to the stem walls.~~

R402.2.11.1 Crawl space wall insulation installations. Where crawl space wall insulation is installed, it shall be permanently fastened to the interior or exterior wall and shall extend downward from the top of foundation wall to the footing. Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder in accordance with the adopted *International Building Code* or the *International Residential Code*, as applicable. Joints of the vapor retarder shall overlap by 12 inches (304.8 mm) and be sealed or taped. The edges of the vapor retarder shall extend 12 inches (304.8 mm) up stem walls and 6 inches (153 mm) up footings and shall be attached and sealed to the stem walls and footing pads.

83. **TABLE R402.5.1.1 AIR BARRIER, AIR SEALING AND INSULATION INSTALLATION[a]** is amended to read as follows:

TABLE R402.5.1.1 AIR BARRIER, AIR SEALING AND INSULATION INSTALLATION[a]

COMPONENT	AIR BARRIER CRITERIA	INSULATION INSTALLATION CRITERIA
General requirements	~~A continuous air barrier shall be installed in the building envelope.~~The *building*'s thermal envelope shall contain a continuous air barrier that is in alignment with the insulation on the conditioned and unconditioned side of the assembly.[b] All penetrations, b~~B~~reaks or joints in the air barrier shall be air sealed.	~~Air-permeable insulation shall not be used as an air sealing material.~~ Air-permeable insulation shall be enclosed inside the air barrier assembly.[b]
. . .	. . .	. . .

Walls	The junction of the foundation and the sill plate shall be sealed. The junction of the top plate and the top of exterior walls and interior walls that are adjacent to or abut unconditioned space shall be sealed.Knee walls shall have an air barrier installed on both sides of the insulation and be sealed on all edges.	Cavities within corners and headers of frame walls shall be insulated by completely filling the cavity with a material having a thermal resistance, *R*-value, of not less than R-3 per inch. Exterior building thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier.
Knee wall	Knee walls shall have an air barrier installed on both sides of the insulation and be sealed on all edges ~~between conditioned space and unconditioned space~~.	Insulation installed in a knee wall assembly shall be installed in accordance with Section R402.2.3. Air-permeable insulation shall be enclosed inside an air barrier assembly.
. . .	. . .	. . .
Rim joists	Rim joists shall include an exterior air barrier[b] The junctions of the rim board to the sill plate and the rim board and the subfloor shall be air sealed.	Rim joists shall be insulated so that the insulation maintains permanent contact with the exterior rim board[b]
. . .	. . .	. . .

a. Inspection of log walls shall be in accordance with the provisions for ICC 400.
b. Air barrier and insulation full enclosure is not required in unconditioned/ventilated attic spaces and rim joists.

84. **Section R402.5.1.2 Air leakage testing** is amended to read as follows, with Exception 1 being deleted in its entirety:

R402.5.1.2 Air leakage testing. The *building* or each *dwelling unit* or *sleeping unit* in the *building* shall be tested for air leakage. Testing shall be conducted in accordance with ANSI/RESNET/ICC 380, ASTM E779, ASTM E1827 or ASTM E3158. Testing shall also be conducted in accordance with the *City of Fort Collins Building Code Residential Air Tightness Testing Protocol*, *New Attached and Detached Single Family Dwellings*, dated December 16, 2025 (Ordinance No. 212, 2025), and reported at a pressure differential of 0.2-inch water gauge (50 Pa). Where required by the *code official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall identify the technician conducting the test and their applicable testing certifications, and shall be signed by the ~~party~~ technician conducting the test and provided to the *code official*. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope* have been sealed.

During testing:

. . .

6. Supply and return registers, where installed at the time of the test, shall be fully open.
7. The connection to an attached garage(s) must be verified either as not exceeding 5 Pa, as tested pressure not lower than -45 Pa with respect to (WRT) house at a pressure differential of 0.2 inch water gauge (50 Pa), or as not exceeding 100 CFM with respect to (WRT) house through the Open

a Door test as documented in the *City of Fort Collins Building Code Air Tightness Testing Protocol, New Attached and Detached Single Family Dwellings*.

Exception~~Exceptions~~:

~~1. For heated, attached private garages and heated, detached private garages accessory to one- and two-family dwellings and townhouses not more than three stories above *grade plane* in height, *building thermal envelope* tightness and insulation installation shall be considered acceptable where the items in Table R402.5.1.1, applicable to the method of construction, are field verified. Where required by the *code official*, an *approved* third party independent from the installer shall inspect both *air barrier* and insulation installation criteria. Heated, attached private garage space and heated, detached private garage space shall be thermally isolated from all other habitable, *conditioned spaces* in accordance with Sections R402.2.13 and R402.4.5, as applicable.~~

~~2.~~ Where tested in accordance with Section R402.5.1.2.1, testing of each *dwelling unit* or *sleeping unit* is not required.

85. **Section R402.5.1.2.1 Unit sampling** is amended to read as follows:

R402.5.1.2.1 Unit sampling. For *buildings* with eight or more *dwelling units* or *sleeping units*, a minimum of seven or 20 percent of the *dwelling units* or *sleeping units,* whichever is greater, shall be tested including one of each unit type and a like number of units on each floor. ~~Tested units shall include a top-floor unit, a ground-floor unit, a middle-floor unit and the *dwelling unit* or *sleeping unit* with the largest *testing unit enclosure area*.~~ Where the air leakage rate of a tested unit is greater than the maximum permitted rate, corrective actions shall be taken and the unit retested until it passes. For each tested *dwelling unit* or *sleeping unit* with an air leakage rate greater than the maximum permitted rate, three additional units, including the corrected unit, shall be tested. Where *buildings* have fewer than eight *dwelling units* or *sleeping units,* each unit shall be tested.

86. **Section R402.5.1.3 Maximum air leakage rate** is amended to read as follows:

Section R402.5.1.3 Maximum air leakage rate. Where tested in accordance with Section R402.5.1.2, the air leakage rate for *buildings*, *dwelling units* or *sleeping units* shall be as follows:

1. Where complying with Section R401.2.1, R401.2.2 or R401.2.3, the *building* or the *dwelling units* or *sleeping units* in the *building* shall have an air leakage rate not greater than ~~4.0 air changes per hour in Climate Zones 0, 1 and 2;~~ 3.0 air changes per hour ~~in Climate Zones 3 through 5; and 2.5 air changes per hour in~~

~~Climate Zones 6 through 8~~ or 0.16 CFM per square foot of *testing unit enclosure area*.

~~2. Where complying with Section R401.2.2 or R401.2.3, the *building* or the *dwelling units* or *sleeping units* in the building shall have an air leakage rate not greater than 4.0 air changes per hour, or 0.22 cubic feet per minute per square foot [1.1 L/(s × m^2)] of the *building thermal envelope* area or the dwelling *testing unit enclosure area*, as applicable.~~

~~Exceptions~~Exception:

1. Where *dwelling units* or *sleeping units* are attached or located in an R-2 occupancy, and are tested without simultaneously testing adjacent *dwelling units* or *sleeping units*, the air leakage rate is permitted to be not greater than 0.27 cubic feet per minute per square foot [1.4 L/(s × m^2)] of the *testing unit enclosure area*. Where adjacent *dwelling units* are simultaneously tested in accordance with ASTM E779, the air leakage rate is permitted to be not greater than 0.27 cubic feet per minute per square foot [1.4 L/(s × m^2)] of the *testing unit enclosure area* that separates *conditioned space* from the exterior.

~~2. Where *buildings* have 1,500 square feet (139.4 m^2) or less of *conditioned floor area*, the air leakage rate is permitted to be not greater than 0.27 cubic feet per minute per square foot [1.4 L/(s × m^2)].~~

87. **Section R402.6 Maximum fenestration *U*-factor and SHGC** is amended to read as follows:

R402.6 Maximum fenestration *U*-factor and SHGC. The area-weighted average maximum *fenestration U-factor* permitted using tradeoffs from Section R402.1.5 or R405 or R406 shall be ~~0.48 in Climate Zones 4 and 5 and 0.40 in Climate Zones 6 through 8~~ 0.32 for vertical *fenestration*, and 0.75 ~~in Climate Zones 4 through 8~~ for skylights. The area-weighted average maximum *fenestration SHGC* permitted using tradeoffs from Section R405 or R406 ~~in Climate Zones 0 through 3~~ shall be ~~0.40~~ 0.35. Fenestration with an *SHGC* not greater than 0.43 shall be permitted, but where installed on wall elevations that orient west or southwest, horizontal or vertical *architectural shading* optimized for solar noon on the summer solstice shall be installed to block solar radiation.

Exception: The maximum *U-factor* and *SHGC* for *fenestration* shall not be required in storm shelters complying with ICC 500.

88. **Section R403.1.2 Heat pump supplementary heat** is amended to read as follows:

R403.1.2 Heat pump supplementary heat. Heat pumps having supplementary electric-resistance, *fuel gas* or *liquid fuel* heating systems shall have controls that are configured to prevent supplemental heat operation when the capacity of the heat pump compressor can meet the heating load and when outdoor temperature exceeds 15°F (-9.4°C). Supplemental heat operation shall be limited to only where one of the following applies:

1. The vapor compression cycle cannot provide the necessary heating energy to satisfy the *thermostat* setting.
2. The heat pump is operating in defrost mode.
3. The vapor compression cycle malfunctions.
4. The *thermostat* malfunctions.

75. **Section R403.3.4 Duct systems located in conditioned space** is deleted in its entirety and replaced with the following:

~~**R403.3.4 Duct systems located in conditioned space.** For duct systems to be considered inside a conditioned space, the space conditioning equipment shall be located completely on the conditioned side of the building thermal envelope. The ductwork shall comply with the following, as applicable:~~

~~1. The *ductwork* shall be located completely on the conditioned side of the *building thermal envelope*.~~

~~2. *Ductwork* in ventilated attic spaces or unvented attics with vapor diffusion ports shall be buried within ceiling insulation in accordance with Section R403.3.5 and shall comply with the following:~~

~~2.1. The ductwork leakage, as measured either by a rough-in test of the supply and return ductwork or a post-construction duct system leakage test to outside the building thermal envelope in accordance with Section R403.3.7, is not greater than 1.5 cubic feet per minute (42.5 L/min) per 100 square feet (9.29 m2) of conditioned floor area served by the duct system.~~

~~2.2. The ceiling insulation R-value installed against and above the insulated ductwork is greater than or equal to the proposed ceiling insulation R-value, less the R-value of the insulation on the ductwork.~~

~~3. Ductwork contained within wall or floor assemblies separating unconditioned from conditioned space shall comply with the following:~~

~~3.1. A continuous air barrier shall be installed as part of the building assembly between the ductwork and the unconditioned space.~~

~~3.2. Ductwork shall be installed in accordance with Section R403.3.3.~~

~~**Exception:** Where the building assembly cavities containing *ductwork* have been air sealed in accordance with Section R402.5.1 and insulated in accordance with Item 3.3, *duct* insulation is not required.~~

~~3.3. Not less than R-10 insulation, or not less than 50 percent of the required insulation *R-value* specified in Table R402.1.3, whichever is greater, shall be located between the *ductwork* and the unconditioned space.~~

~~3.4. Segments of *ductwork* contained within these building assemblies shall not be considered completely inside *conditioned space* for compliance with Section R405 or R406.~~

R403.3.4 Ducts located in conditioned space. For *ductwork* to be considered inside *conditioned space*, the *space conditioning equipment* and *duct system* shall be located completely within the *building thermal envelope* and air barrier boundary.

76. **Section R403.3.8 Duct system leakage** is amended to read as follows:

R403.3.8 Duct system leakage. The total measured *duct system* leakage shall not be greater than ~~the values in Table R403.3.8, based on~~4.0 cubic feet per minute (113.2 L/min) per 100 square feet of the *conditioned floor area*~~, number of ducted returns, and location of the *duct system*~~. For *buildings* complying with Section R405 or R406, where *duct system* leakage to outside is tested in accordance with ANSI/RESNET/ICC 380 or ASTM E1554, the leakage to outside value shall not be used for compliance with this section, but shall be permitted to be used in the calculation procedures of Section R405 and R406. Where *space conditioning equipment* is not installed at time of testing, the supply and return *duct system* leakage shall not be greater than 3.0 cubic feet per minute (84.9 L/min) per 100 square feet (9.3 m^2) of the conditioned floor area.

77. **Section R403.3.9 Unit sampling** is amended to read as follows:

R403.3.9 Unit sampling. For *buildings* with eight or more *dwelling units* or *sleeping units,* the *duct systems* in the greater of seven or 20 percent of the *dwelling units* or *sleeping units*, including one of each unit type and a like number of units on each floor, shall be tested~~, including a top floor unit, a ground floor unit, a middle floor unit and the unit with the largest *conditioned floor area*~~. Where buildings have fewer than eight *dwelling units* or *sleeping units*, the *duct systems* in each unit shall be tested. Where the leakage of a *duct system* is greater than the maximum permitted *duct system* leakage, corrective actions shall be made to the *duct system* and the *duct system* shall be system retested until it passes. For each tested *dwelling unit* or *sleeping unit* that has a greater total duct system leakage than the maximum permitted *duct system* leakage, an additional three *dwelling units* or *sleeping units*, including the corrected unit, shall be tested.

78. **Section R403.4.1 Protection of piping insulation** is amended to read as follows:

R403.4.1 Protection of piping insulation. Piping insulation exposed to weather shall be protected from damage, including that caused by sunlight, moisture, physical contact and wind. The protection shall provide shielding from solar radiation that can cause degradation of the material and shall be removable not less than 6 feet (1828 mm) from the equipment for maintenance. Adhesive tape, paint products and similar applications that require maintenance shall be prohibited.

79. A new **Section R403.5.4 Demand responsive water heating** and **TABLE R403.5.4 DEMAND RESPONSIVE CONTROLS FOR WATER HEATING** are added to read as follows:

R403.5.4 Demand responsive water heating. Storage water heaters that use electricity for water heating with a rated water storage volume of 40 gallons (150 L) to 120 gallons (450 L) and a nameplate input rating equal to or less than 12 kW shall be provided with *demand responsive controls* in accordance with Table R403.5.4.

Exceptions:

1. Water heaters that are required to provide a constant hot water delivery temperature of 180°F (82°C) or greater.
2. Water heaters that comply with Section IV, Part HLW or Section X of the *ASME Boiler and Pressure Vessel Code*.
3. Water heaters that use three-phase electric power.

TABLE R403.5.4 DEMAND RESPONSIVE CONTROLS FOR WATER HEATING

Equipment Type	Controls	
	Manufactured before 7/1/2025	Manufactured on or after 7/1/2025
Electric storage water heaters	AHRI 1430 (I-P) or ANSI/CTA-2045-B Level 1 and also capable of initiating water heating to meet the temperature set point in response to a *demand response signal*.	AHRI 1430 (I-P)

80. **Section R403.6.3 Testing** is amended by deleting Exception 3.

. . .

Exceptions:

. . .

3. Where tested in accordance with Section R403.6.4, testing of each mechanical system is not required.

81. **Section R403.6.4 Unit Sampling** is deleted in its entirety.

R403.6.4 Unit sampling. For buildings with eight or more *dwelling units* or *sleeping units*, the mechanical *ventilation* systems in the greater of seven units or 20 percent of the total units shall be tested. Tested systems shall include systems in a top floor unit, systems in a ground floor unit, systems in a middle floor unit, and the systems in the *dwelling unit* or *sleeping unit* with the largest *conditioned floor area*. Where *buildings* have fewer than eight *dwelling units* or *sleeping units*, the *mechanical ventilation systems* in each unit shall be tested. Where the *ventilation* flow rate of a mechanical *ventilation* system is less than the minimum permitted rate, corrective actions shall be taken and the system retested until it passes. For each tested *dwelling unit* or *sleeping unit* system with a *ventilation* flow rate lower than the minimum permitted, three additional systems, including the corrected system, shall be tested.

82. **Section R403.7 Equipment sizing and efficiency rating** is amended to read as follows:

R403.7 Equipment sizing and efficiency rating. Heating and cooling *equipment* shall be sized in accordance with ACCA Manual S based on *building* loads calculated in accordance with ACCA Manual J or other *approved* heating and cooling calculation methodologies. New or replacement heating and cooling equipment shall have an efficiency rating equal to or greater than the minimum required by federal law for the geographic location where the equipment is installed designed and sized in accordance with Section M1401.3 of the *International Residential Code*, and performance will be performance tested and verified in accordance with Section M1309 of the *International Residential Code*.

83. **Section R403.7.1 Electric-resistance space heating** is amended to read as follows:

R403.7.1 Electric-resistance space heating. Detached one- and two-family dwellings, and townhouses and *dwelling units* in Climate Zones 4 through 8 using electric-resistance space heating shall limit the total installed heating capacity of all electric-resistance space heating serving the *dwelling unit* to not more than 2.0 kW or shall install a heat pump in accordance with Section R403.7.2 in the largest space that is not used as a bedroom.

84. A new **Section R403.7.2 Space heating for electrification** is added to read as follows:

R403.7.2 Space heating for electrification. Space heating equipment shall be constructed with or pre-wired to support a ground-source electric heat pump or an

electric cold climate heat pump that is specifically designed to heat at the Winter Outdoor, Design Dry-Bulb temperature defined in Section C302.1. Supplementary heat shall meet the requirements of Section R403.1.2.

85. **Section R404.4 Renewable energy certificate (REC) documentation** is deleted in its entirety.

~~**R404.4 Renewable energy certificate (REC) documentation.** Where renewable energy generation is used to comply with this code, documentation shall be provided to the *code official* by the property owner or owner's authorized agent demonstrating that where renewable energy certificates (RECs) or energy attributable certificates (EACs) are associated with that portion of renewable energy used to comply with this code, the RECs or EACs shall be retained, or retired, on behalf of the property owner.~~

86. **Section R405.1 Scope** is amended to read as follows:

R405.1 Scope. This section establishes criteria for compliance using *simulated building performance* analysis. Such analysis shall include heating, cooling, mechanical *ventilation* and service water-heating energy only. ~~Such analysis shall be limited to *dwelling units*. Spaces other than *dwelling units* in Group R-2, R-3 or R-4 buildings shall comply with Sections R402 through R404.~~

87. A new **Section R405.1.1 Space heating for electrification** is added to read as follows:

R405.1.1 Space heating for electrification. In addition to all required sections, new *buildings*, *additions*, or *alterations* where the primary heat source is electrical shall comply with Section R403.7.2.

88. **Section R405.2 Simulated building performance compliance** and **TABLE R405.2 REQUIREMENTS FOR SIMULATED BUILDING PERFORMANCE** are amended to read as follows:

R405.2 Simulated building performance compliance. Compliance based on *simulated building performance* requires that a *building* comply with the following:

1. The requirements of the sections indicated within Table R405.2(1).

. . .

TABLE R405.2(1) REQUIREMENTS FOR SIMULATED BUILDING PERFORMANCE AND PRESCRIPTIVE COMPLIANCE	
SECTION[a]	**TITLE**
. . .	. . .

Mechanical	
. . .	. . .
TABLE R405.2(2)	Compactness of the hot water distribution system
. . .	. . .

. . .

89. A new **TABLE 405.2(2) COMPACTNESS OF THE HOT WATER DISTRIBUTION SYSTEM** is added to read as follows:

TABLE R405.2(2) COMPACTNESS OF THE HOT WATER DISTRIBUTION SYSTEM

HWDS = factor for the compactness of the hot water distribution system.

Compactness ratio[a] factor[b]		HWDS
1 story	2 or more stories	
≤ 60% or ≤ 70% stacked Multi-Family units	≤ 30%	0.05

a. The factor for the compactness of the hot water distribution system is the ratio of the area of the rectangle that bounds the source of hot water and the fixtures that it serves (the "hot water rectangle") divided by the floor area of the dwelling, defined as any occupiable living space where plumbing fixtures may exist.
   1. Sources of hot water include water heaters, or in multifamily *buildings* with central water heating systems, circulation loops or electric heat traced pipes.
   2. The hot water rectangle shall include the source of hot water and the points of termination of all hot water fixture supply piping.
   3. The hot water rectangle shall be shown on the floor plans and the areas shall be computed to the nearest square foot.
   4. Where there is more than one water heater, and each water heater serves different plumbing fixtures and appliances it is permissible to establish a separate hot water rectangle for each hot water distribution system and add the area of these rectangles together to determine the compactness ratio.
   5. The basement, crawl space, or attic shall be counted as a story when it contains the water heater. The attic or crawl space areas do not contribute to the floor area of the dwelling.
   6. Compliance shall be demonstrated by providing a drawing on the plans that shows the hot water distribution system rectangle(s), comparing the area of the rectangle(s) to the floor area of the dwelling and identifying the appropriate compactness ratio and *HWDS* factor.

b. Failure to meet compliance with the Compactness ratio factor shall require a hot water circulation system in the dwelling unit. This system shall have controls that comply with Section R403.5.1.1.1 or Section C404.6.1.1 and shall have no more than 16 ounces in the piping from the circulation loop to the plumbing fixtures and appliances. The volume shall be calculated in accordance with TABLE C404.5.2.1.

90. **Section R405.5.4.2 Compliance report for certificate of occupancy** is amended to read as follows:

R405.5.4.2 Compliance report for certificate of occupancy. A compliance report generated for submission prior to obtaining the certificate of occupancy shall include the following:

. . .

8. A passing “Confirmed” energy rating report, including the Home Energy Rating Certificate with corresponding Home Energy Rating System (HERS) score, reflecting as-built data, is required to receive a Certificate of Occupancy for final approval of a completed home.

91. **TABLE R406.2 REQUIREMENTS FOR ENERGY RATING INDEX** is amended to read as follows:

TABLE R406.2 REQUIREMENTS FOR ENERGY RATING INDEX

SECTION[a]	TITLE
. . .	. . .
Building Thermal Envelope	
. . .	. . .
R402.6	Maximum fenestration U-Factor and SHGC
. . .	. . .
Mechanical	
. . .	. . .
R403.7, ~~except Section R403.7.1~~	Equipment sizing and efficiency rating
. . .	. . .
TABLE R405.2(2)	Compactness of the hot water distribution system
. . .	. . .
Other	
R409	Electric ready and solar ready

a. Reference to a code section includes all of the relative subsections except as indicated in the table.
b. The factor for the compactness of the hot water distribution system is the ratio of the area of the rectangle that bounds the source of hot water and the fixtures that it serves (the "hot water rectangle") divided by the floor area of the dwelling, defined as any occupiable living space where plumbing fixtures may exist.
   1. Sources of hot water include water heaters, or in multifamily *buildings* with central water heating systems, circulation loops or electric heat traced pipes.
   2. The hot water rectangle shall include the source of hot water and the points of termination of all hot water fixture supply piping.
   3. The hot water rectangle shall be shown on the floor plans and the areas shall be computed to the nearest square foot.
   4. Where there is more than one water heater, and each water heater serves different plumbing fixtures and appliances it is permissible to establish a separate hot water rectangle for each hot water distribution system and add the area of these rectangles together to determine the compactness ratio.
   5. The basement, crawl space, or attic shall be counted as a story when it contains the water heater. The attic or crawl space areas do not contribute to the floor area of the dwelling.
   6. Compliance shall be demonstrated by providing a drawing on the plans that shows the hot water distribution system rectangle(s), comparing the area of the rectangle(s) to the floor area of the dwelling and identifying the appropriate compactness ratio and *WDS* factor.
c. Failure to meet compliance with the Compactness ratio factor shall require a hot water circulation system in the dwelling unit. This system shall have controls that comply with Section R403.5.1.1.1 or Section C404.6.1.1 and shall have no more than 16 ounces in the piping from the circulation loop to the plumbing fixtures and appliances. The volume shall be calculated in accordance with TABLE C404.5.2.1.

92. **Section R406.7.2.2 Confirmed compliance report for a certificate of occupancy** is amended to read as follows:

R406.7.2.2 Confirmed compliance report for a certificate of occupancy. A confirmed compliance report submitted for obtaining the certificate of occupancy shall be made site and address specific and include the following:

. . .

7. A passing "Confirmed" energy rating report that includes a registry ID from the overseeing organization, reflecting as-built data, is required to receive a Certificate of Occupancy for final approval of a completed home.

93. A new **SECTION R409 ELECTRIC READY AND SOLAR READY** is added to read as follows:

SECTION R409 RESIDENTIAL ELECTRIC READY AND SOLAR READY

R409.1 Scope. This section establishes requirements for electric readiness and solar readiness in *residential buildings*.

R409.2 Compliance. *Residential buildings* shall comply with Sections R409.3 through R409.4.

R409.3 Electric ready.

R409.3.1 General. The provisions of Section R409.3 shall apply to all new *buildings*, major renovations, and *additions*.

R409.3.2 Additional electric infrastructure. *Combustion equipment* in *residential buildings* shall meet the requirements of Sections R409.3.2.1 through R409.3.2.5.

Exceptions:

1. Interior fireplaces that do not serve as a primary source of heating.
2. Exterior fireplaces and firepits.

R409.3.2.1 Combustion equipment. *Combustion equipment* shall be provided with all of the following:

1. A dedicated, appropriately phased branch circuit sized to accommodate *future electric equipment* or appliances to serve a comparable capacity to meet the heating load.

   1.1 The branch circuits serving future electric clothes drying equipment and cooking equipment shall be sized with a rating not less than 240 volts and not less than 30 amperes.

2. An electric receptacle or junction box that meets the requirements of Section R409.3.2.4 and is connected to the electrical panel through the branch circuit. Each electrical receptacle or junction box shall have reasonable access to the *combustion equipment* or dedicated physical space for *future electric equipment* with no obstructions other than the current *combustion equipment*.

3. Where *combustion equipment* is used for space or water heating, dedicated physical space shall be provided for *future electric equipment*, including an electric resistance backup coil for ducted systems, if applicable. Physical space occupied by existing *combustion equipment* shall be permitted to count towards satisfying the physical space requirement, subject to approval by the *code official*.

Exception: *Dwelling units* with installed air conditioning systems are not required to provide additional dedicated physical space for an outdoor heat pump.

R409.3.2.2 Electrical panel space. The electrical panel shall have a reserved space for a minimum two-pole circuit breaker for each branch circuit provided for *future electric equipment* or appliances. The electrical panel shall be sized for the electrical load necessary to meet an equivalent electrical load for any *combustion equipment*. Electrical loads shall be calculated in accordance with the *National Electrical Code*.

R409.3.2.3 Labeling. The junction box or receptacle and the dedicated circuit breaker space serving *future electric equipment* or appliances in the electrical panel shall be labeled for their intended use.

R409.3.2.4 Adjacency. The electrical receptacle or junction box must be provided within 3 feet of the *combustion equipment* or appliances, or within 3 feet of the dedicated physical space for *future electric equipment* or appliances.

Exception: For *combustion equipment* dedicated to space or water heating, the electrical receptacle or junction box shall be located not more than 6 feet from the *combustion equipment* or the dedicated physical space for *future electric equipment*.

R409.3.2.5 Condensate drain. Where *combustion equipment* for space heating and water heating is installed, a location shall be provided for condensate drainage.

R409.4 Solar ready.

R409.4.1 General. The provisions of Section 409.4 shall apply to new *buildings*, and major renovations and *additions*.

R409.4.2 Solar-ready zone for single family and townhouses. New detached one- and two-family dwellings and townhouses with at least 600 square feet (55.7 m^2) of roof area that is either oriented between 110 degrees and 270 degrees of true north or a low sloped roof shall comply with Sections R409.4.2.1 through R409.4.2.8.

Exceptions:

1. New detached one- and two-family dwellings and townhouses with a permanently installed on-site renewable energy system that provides electricity to the *dwelling unit's* electrical system.

2. A detached one- or two-family dwelling or townhouse where all areas of the roof that would otherwise meet the requirements of this section are in full or partial shade for more than 70 percent of daylight hours annually.

R409.4.2.1 Construction document requirements for solar-ready zone. Construction documents shall indicate the *solar-ready zone*.

R409.4.2.2 Solar-ready zone areas. The total *solar-ready zone* area for each detached one- or two-family dwelling or townhouse shall be at least 300 square feet (27.9 m^2) exclusive of mandatory access or setback areas required by the *International Fire Code*. The *solar-ready zone* shall be

composed of areas at least 5 feet (1524 mm) in width and at least 80 square feet (7.43 m^2) exclusive of access or setback areas required by the *International Fire Code*.

Exception: New townhouses three stories or less in height above grade plane and with a total floor area less than or equal to 2,000 square feet (185.8 m^2) of conditioned space per townhouse unit shall have a *solar-ready zone* area of at least 150 square feet (13.9 m^2).

R409.4.2.3 Obstructions. *Solar-ready zones* shall be free from obstructions, including but not limited to vents, chimneys, and roof-mounted equipment.

R409.4.2.4 Shading. The *solar-ready zone* shall be set back from any existing or new permanently affixed object on the *building* or site that is located south, east, or west of the *solar-ready zone* a distance not less than two times the object's height above the nearest point on the roof surface. Such objects include, but are not limited to, taller portions of the building itself, parapets, chimneys, antennas, signage, rooftop equipment, trees, and roof plantings either existing at the time of permit application or planned for on the construction documents.

R409.4.2.5 Roof load documentation. The structural design loads of roof dead load and roof live load shall be clearly indicated on the construction documents.

R409.4.2.6 Interconnection pathway. Construction documents shall indicate at least one potential pathway for routing of conduit and/or raceway from the *solar-ready zone* to the electrical service panel and shall be labeled as "Potential Pathway" on the construction documents.

R409.4.2.7 Electrical service reserved space. The main electrical service panel shall have sufficient reserved space, which shall be labeled "For Future Solar Electric," to allow the installation of a dual pole circuit breaker for future solar electric installation. The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

R409.4.2.8 Construction documentation certificate. A permanent certificate, indicating the *solar-ready zone* and other requirements of Sections R409.4.2.1 through R409.4.2.7, shall be posted near the electrical distribution panel, water heater, or another conspicuous location.

R409.4.3 Solar-ready zone for multifamily. New Group R-2, R-3, and R-4 *buildings* three stories or less in height above *grade plane* that have a roof oriented between 110 and 270 degrees of true north or have low-sloped roofs

shall have a *solar-ready zone* that complies with Sections R409.4.3.1 through R409.4.3.6.

Exceptions:

1. A *building* with a permanently installed, on-site renewable energy system that meets the following criteria:

   1.1 The system produces the energy output equivalent to covering 40 percent of the net roof area with solar photovoltaic calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or setback areas required by the *International Fire Code*.

   1.2 The system is located on the roof or overhang of the *building* or on the roof or overhang of another structure located within 250 feet (76200 mm) of the *building*, on the *building site*, on covered parking, or another *approved* location installed with the *building* project and under the same property ownership.

2. A *building* with a *solar-ready zone* that is shaded for more than 70 percent of daylight hours annually.

3. A *building* where a licensed design professional certifies that the incident solar radiation available to the *building* is not suitable for a *solar-ready zone*.

4. A building where a licensed design professional certifies that the *solar-ready zone* area required by Section R409.4.3.2 cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas, or other obstructions.

R409.4.3.1 Construction document requirements for solar-ready zone. Construction documents shall indicate the *solar-ready zone*.

R409.4.3.2 Solar-ready zone area. The total *solar-ready zone* area shall be at least 40 percent of the roof area calculated as the horizontally projected gross roof area less the area covered by skylights, occupied roof decks, vegetative roof areas, and mandatory access or setback areas required by the *International Fire Code*. The *solar-ready zone* shall be a single area or smaller, separated sub-zone areas. For sloped roofs, each sub-zone area shall be at least 200 square feet (18.6 m^2) and no side of any rectangular area shall be less than 11 feet (3.35 m) in length. For low-sloped or flat roofs, each sub-zone area shall be at least 330 square feet (30.7 m^2), with a minimum length running generally north to south of 15 feet (4.57 m) and a minimum length running generally east to west of 22 feet (6.7 m), and no side of any rectangular area shall be less than 11 feet (3.35 m) in length. The *solar-ready zone* shall be located on the roof or overhang of the *building* or on the roof or overhang of another structure located within

250 feet of the *building*, on the *building site*, on covered parking, or another *approved* location installed with the *building* project and under the same property ownership.

R409.4.3.3 Obstructions. *Solar-ready zones* shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights, and roof-mounted equipment.

R409.4.3.4 Roof loads and documentation. The structural design loads for roof dead load and roof live load shall be indicated on the construction documents.

R409.4.3.5 Interconnection pathway. Construction documents shall indicate at least one potential pathway for routing of conduit and/or raceway from the *solar-ready zone* to an electrical service panel and shall be labeled as "Potential Pathway" on the construction documents.

R409.4.3.6 Electrical service reserved space. The main electrical service panel shall have a minimum bus bar rating of not less than 200 amps. The main electrical service panel shall have a reserved space to allow installation of a dual pole circuit breaker for future solar electric. This space shall be labeled "For Future Solar Electric." The reserved space shall be positioned at the end of the panel that is opposite from the panel supply conductor connection.

R409.4.4 Electric service reserved space for solar capacity. The main electrical service panel shall have sufficient reserved space, which shall be labeled "For Future Solar Electric," to allow installation of a dual pole circuit breaker for future solar electric installation. The reserved space shall be positioned at the opposite (load) end from the input feeder location or main circuit location.

Exception: A *residential building* that already must comply with the solar ready provisions of either Section R409.4.2 or R409.4.3 or that has a permanently-installed on-site renewable energy system that provides electricity to the *building's* electrical system.

94. **Section R501.2 Compliance** is amended to read as follows:

. . .

Exception: *Additions*, *alterations*, *repairs* or changes of occupancy do not need to comply with the requirements of Section R402.2.10 Slab-on-grade floors when it would require the demolition of existing permanent building construction components.

95. **Section R502.2 Prescriptive compliance** is amended to read as follows:

R502.2 Prescriptive compliance. Additions shall comply with Sections R502.2.1 through ~~R502.2.5~~R502.3.

96. **Section R502.2.1 Building thermal envelope** is amended to read as follows:

R502.2.1 Building thermal envelope. New *building thermal envelope* assemblies that are part of the *addition* shall comply with Sections R402.1, R402.2, R402.4.1 through R402.4.5, and R402.5.

Exceptions:

1. New *building thermal envelope* assemblies are exempt from the requirements of Section R402.5.1.2.
2. Where new construction roof lines for *additions* are built to match existing roof lines, a minimum of uncompressed R-16 insulation extending over the wall top plate at the eaves shall be allowed.
3. Where demolition of existing permanent building construction components is required to meet the requirements of R402.2.10, Slab-on-grade floors.

97. **Section R502.2.2 Heating and cooling systems** is amended to read as follows:

R502.2.2 Heating and cooling systems. New HVAC ~~*ductwork* newly~~ systems installed as part of an *addition* shall comply with Section R403 and Section M1309 of the *International Residential Code*.

Exception: Where ductwork from an existing heating and cooling system is extended to an *addition*, Sections R403.3.7 and R403.3.8 shall not be required.

98. A new **Section R502.3 Compliance** is added to read as follows:

R502.3 Compliance. An *addition* shall be deemed to comply with this code either where the *existing building* with the *addition* complies prescriptively (using the Component performance alternative), or where the *existing building* with the *addition* does not use more energy than the *existing building* without the *addition* and demonstrates compliance using either Simulated building performance energy cost or ERI compliance option listed below. *Existing building* envelope and energy features shall be determined in accordance with ANSI/RESNET/ICC 301 standard.

Exceptions: Unaltered portions of the *existing building* or *building* system are not required to comply with this code section if at least one of the following is true:

1. The *existing building* was constructed to the 2012 *International Energy Conservation Code* or a later version.
2. The *addition* is less than 30% of the total conditioned floor area of the

existing building.

3. The *building* has undergone documented energy efficiency upgrades to the envelope within the last 10 years.

99. A new **Section R502.3.1 Existing plus addition (Prescriptive compliance)** is added to read as follows:

R502.3.1 Existing plus addition (Prescriptive compliance). Component performance alternative compliance verification completed in accordance with Section R402.1.5 shall demonstrate that the existing *building* plus the *addition*, has a total thermal conductance that is less than or equal to the total thermal conductance of the existing *building* prior to the *addition*. This method requires the project to create two Component performance alternative compliance verification reports as outlined in Section R502.3.1.1.

100. A new **Section R502.3.1.1 Reporting** is added to read as follows:

R502.3.1.1 Reporting. The following are required at time of permit application submittal:

1. A Component performance alternative compliance benchmark report of the existing structure prior to construction.
2. A Component performance alternative compliance report of the existing *building*, plus the *addition* based on the proposed design.

101. A new **Section R502.3.2 Existing building plus addition compliance (Simulated Building Performance)** is added to read as follows:

R502.3.2 Existing building plus addition compliance (Simulated Building Performance). Simulated building performance compliance verification completed in accordance with Section R405 shall demonstrate that the existing *building* plus the *addition* uses no more energy than the existing *building* did prior to the *addition*. This method requires the project to create cost compliance verification reports at three stages as outlined in Section R502.3.2.2.

102. A new **Section R502.3.2.2 Reporting** is added to read as follows:

R502.3.2.2 Reporting. The following are required at time of permit application submittal:

1. A baseline Simulated building performance cost compliance report of the existing structure prior to construction.
2. A projected Simulated building performance cost compliance report of the existing *building* plus the *addition* based on the proposed design for the *building* in its entirety.

For Certificate of Occupancy, a final confirmed Simulated building

performance cost compliance report shall be submitted prior to final inspection.

103. A new **Section R502.3.3 Existing plus addition compliance (Energy Rating Index (ERI) Alternative)** is added to read as follows:

R502.3.3 Existing plus addition compliance (Energy Rating Index (ERI) Alternative). An ERI score shall demonstrate that the existing *building* plus the *addition* uses no more energy than the existing *building* did prior to the *addition*. This method requires the project to obtain an ERI score at three stages as outlined in Section R502.3.3.1.

104. A new **Section R502.3.3.1 Reporting** is added to read as follows:

R502.3.3.1 Reporting. For permitting, the following are required:

1. A baseline ERI score of the existing structure prior to construction.
2. A projected ERI score of the existing *building* plus the *addition* based on the proposed design for the *building* in its entirety.

For Certificate of Occupancy, a confirmed ERI report shall be submitted prior to final inspection.

105. A new **Appendix RZ Residential Performance Path to Zero Carbon Building** is added to read as follows:

APPENDIX RZ
RESIDENTIAL PERFORMANCE PATH TO ZERO CARBON BUILDING

SECTION RZ101
GENERAL

RZ101.1 Purpose. This appendix provides requirements to be applied over the course of the 2024, 2027, and 2030 code cycles that will result in all new residential buildings reaching zero carbon by the 2030 code. Appendix RZ is specifically for new residential buildings as defined in Chapter 2. The Zero Carbon Residential Building Provisions are designed to work with residential occupancies where the Energy Rating Index (ERI) can be applied including one- and two-family dwellings and townhouses as well as Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane. This appendix is not intended to apply to existing building projects as the ERI values used in the appendix were determined based on analysis for new construction building projects.

RZ101.2 Scope. New *residential buildings* shall comply with the requirements of this appendix.

RZ101.3 Application. *Residential buildings* shall comply with Section R406 except

as amended by this appendix.

Exception: *Additions*, *alterations*, *repairs* and changes of occupancy to *existing buildings* complying with Chapter 5.

RZ101.4 Certificate. A permanent certificate shall be completed by the builder or other *approved* party and posted on a wall in the space where the furnace is located, a utility room or an *approved* location inside the *building*. Where located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory *label*, service disconnect *label* or other required labels. The certificate shall indicate the following:

1. The predominant *R-values* of insulation installed in or on ceilings, roofs, walls, foundation components such as slabs, *basement walls*, *crawl space walls* and floors and *ducts* outside *conditioned spaces*.
2. *U*-factors of *fenestration* and the *solar heat gain coefficient* (SHGC) of *fenestration*. Where there is more than one value for any component of the *building thermal envelope*, the certificate shall indicate both the value covering the largest area and the area weighted average value if available.
3. The results from any required *duct system* and *building thermal envelope* air leakage testing performed on the *building*.
4. The types, sizes and efficiencies of heating, cooling and service water-heating equipment. Where a gas-fired unvented room heater, electric furnace or baseboard electric heater is installed in the residence, the certificate shall indicate "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency is not required to be indicated for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.
5. Where on-site photovoltaic panel systems have been installed, the array capacity, inverter efficiency, panel tilt and orientation shall be noted on the certificate.
6. For *buildings* where an *Energy Rating Index* score is determined in accordance with Section R406, the *Energy Rating Index* score and *CO_2e Index*, both with and without any on-site generation, shall be listed on the certificate.
7. The code edition under which the structure was permitted.
8. Where a *solar-ready zone* is provided, the certificate shall indicate its location and dimensions.

SECTION RZ102
GENERAL DEFINITIONS

CO_2e INDEX. A numerical integer value, calculated in accordance with ANSI/RESNET/ICC 301, that represents the relative Carbon Dioxide equivalence (CO_2e) emissions of a *rated design* as compared with the CO_2e emissions of the CO_2e reference design, where an Index value of 100 represents the CO_2e performance of the CO_2e reference design and an Index value of 0 (zero)

represents a home that emits zero net CO_2e annually.

COMMUNITY RENEWABLE ENERGY FACILITY (CREF). A facility that produces energy from *renewable energy resources* and that is qualified as a community energy facility under applicable jurisdictional statutes and rules.

FINANCIAL RENEWABLE ENERGY POWER PURCHASE AGREEMENT (FPPA). A financial arrangement between a renewable electricity generator and a purchaser wherein the purchaser pays or guarantees a price to the generator for the project's renewable generation. Also known as a financial power purchase agreement and virtual power purchase agreement.

PHYSICAL RENEWABLE ENERGY POWER PURCHASE AGREEMENT (PPPA). A contract for the purchase of renewable electricity from a specific renewable electricity generator by a purchaser of renewable electricity.

SECTION RZ103
ZERO NET ENERGY RESIDENTIAL BUILDINGS

RZ103.1 Scope. This section establishes criteria for compliance using an *Energy Rating Index* (ERI) analysis. Such analysis shall be limited to *dwelling units*. Spaces other than *dwelling units* in Group R-2, R-3 or R-4 buildings shall comply with Sections R402 through R404.

RZ103.2 ERI compliance. Compliance based on the *ERI* requires that the *rated design* meets the requirements indicated within Table R406.2 and Section RZ103.

RZ103.3 Building thermal envelope. The *building thermal envelope* shall comply with Section R406.3.

RZ103.4 Energy Rating Index. The *Energy Rating Index* (ERI) shall be determined in accordance with ANSI/RESNET/ICC 301. Where a CREF provides electrical energy or where electrical energy is provided by a PPPA or FPPA in accordance with Section RZ103.4.1, the on-site power production (OPP) shall be adjusted in accordance with Equation RZ-1.

Equation RZ-1 $Adjusted\ OPP = OPP_{kWh} + CREF_{kWh} + PPPA_{kWh} + FPPA_{kWh}$

where:

OPP_{kWh} = Annual electrical energy from *on-site renewable energy*, in units of kilowatt-hours (kWh).

$CREF_{kWh}$ = Annual electrical energy from a CREF, in kWh.

$PPPA_{kWh}$ = Where not included as OPP, the annual electrical energy contracted from a PPPA, in kWh.

$FPPA_{kWh}$ = Where not included as OPP, the annual electrical energy contracted from a FPPA, in kWh.

RZ103.4.1 Renewable energy contract. To receive $CREF_{kWh}$ or $PPPA_{kWh}$ or $FPPA_{kWh}$ credit, the renewable energy shall be delivered or credited to the *building site* under an energy contract with a duration of not less than 15 years. The contract shall be structured to survive a partial or full transfer of ownership of the building property. The renewable capacity credited to the dwelling shall not be credited to any other entity.

RZ103.5 ERI and CO_2e Index compliance (replaces Section R406.2). Compliance based on the *ERI* and *CO_2e Index* requires that the *rated design* and as-built *dwelling unit* meet all of the following requirements:

1. Maximum *ERI* values shall be as indicated in Table RZ103.5.
2. Maximum *CO_2e Index* shall be as indicated in Table RZ103.5, and determined in accordance with ANSI/RESNET/ICC 301. Where a *CREF* provides electrical energy or where electrical energy is provided by a *PPPA* or *FPPA* in accordance with Section RZ103.4.1, the on-site power production (OPP) shall be adjusted in accordance with Equation RZ-2.

Equation RZ-2 Adjusted OPP = $OPP_{kWh} + CREF_{kWh} + PPPA_{kWh} + FPPA_{kWh}$

where:

OPP_{kWh} = Hourly electrical energy from *on-site renewable energy*, in units of kilowatt-hours (kWh).

$CREF_{kWh}$ = Hourly electrical energy from a *CREF*, in units of kilowatt-hours (kWh).

$PPPA_{kWh}$ = Where not included as OPP, the hourly electrical energy contracted from a *PPPA*, in units of kilowatt-hours (kWh).

$FPPA_{kWh}$ = Where not included as OPP, the hourly electrical energy contracted from a FPPA, in units of kilowatt-hours (kWh).

Any electrical storage system impacts, including electrical losses, that adjust the time of delivered renewable energy shall be included.

TABLE RZ103.5 MAXIMUM ENERGY RATING AND CO2e INDEX

Date of adoption of amended IECC Code	2024	2027[b]	2030[b]
Energy Rating Index (ERI) Not Including Renewable Energy	50	46	42
CO_2e Index Including Adjusted OPP[a]	50	25	0

a. CO2e values will typically be equal to or lower than ERI values.
b. These are projected ERI and CO2e targets for buildings constructed under the 2027 and 2030 code

cycles. These targets are not required for the 2024 code cycle.

RZ103.6 Verification by approved agency. Verification shall comply with Section R406.6.

RZ103.7 Documentation. Documentation shall comply with Section R406.7.

RZ103.7.1 Confirmed compliance report for a certificate of occupancy (replaces Section R406.7.2.2). A confirmed compliance report submitted for obtaining the certificate of occupancy shall be site- and address-specific and shall include the following:

1. Building street address or other *building site* identification.
2. Declaration of *ERI* and *CO_2e Index* on title page and on *building* plans.
3. The name of the individual performing the analysis and generating the report.
4. The name and version of the compliance software tool.
5. Documentation of all inputs entered into the software used to produce the results for the *ERI reference design* and the as-built *dwelling unit*. A final confirmed certificate indicating that the as-built *building* has been verified to comply with Sections R406.2, R406.4 and R406.5. The certificate shall report the energy features that were confirmed to be in the *building*, including component level insulation *R*-values or *U*-factors; results from any required *duct system* and *building thermal envelope* air leakage testing; and the type and rated efficiencies of the heating, cooling, mechanical *ventilation* and service water-heating equipment installed. The certificate shall report the estimated *dwelling unit* energy use by fuel type, inclusive of all end uses.
6. Where *on-site renewable energy* systems have been installed on or in the *building*, the certificate shall report the following:

    6.1. Type
    6.2. Production size
    6.3. The registered ERI value with renewables
    6.4. The ERI without renewable energy that complies with Table RZ103.5 and the rated renewable energy system power.

7. Where *off-site renewable energy* systems have been installed on or in the *building*, the certificate shall report the following:

    7.1. The registered *CO_2e Index* without the off-site power
    7.2. The *CO_2e Index* that complies with Table RZ103.5 with the purchased renewable energy.

8. Compliance with RZ103.4.1 shall require submittal of a copy of the contract for the off-site energy.

SECTION RZ104
REFERENCED STANDARDS

RZ104.1 General. See Table RZ104.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title, and the section or sections of this appendix that reference the standard.

TABLE RZ104.1 REFERENCED STANDARDS

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
ANSI/RESNET/ICC 301	ANSI/RESNET/ICC 301-2022 Standard for the calculation and labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index.	RZ102, RZ103.4, RZ103.5

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit:
- Exhibit A - Notice of Publication
- Exhibit B - City of Fort Collins Building Code Residential Air Tightness Testing Protocol, New Attached and Detached Single Family Dwellings
- Exhibit C - City of Fort Collins New Multifamily Air Tightness Testing Protocol

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Tiegan Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

City of Fort Collins Residential Air Tightness Testing Protocol,
New Buildings or Attached and Detached Single Family Dwellings

Approved Testers
Test results will only be accepted from individuals that hold any of the following certifications: RESNET Rater or RFI, BPI Building Analyst or BPI IDL, or other building performance professional approved by the Building Official.

Building or dwelling unit air leakage testing code reference
2024 International Energy Conservation Code (IECC) as amended by the City of Fort Collins. Section **R402.5.1.2 Air leakage testing**. Testing is required for all residential energy code compliance paths and for all residential buildings and dwelling units.

Testing protocol
- A multi-point air tightness test shall be conducted based on the ANSI/Residential Energy Services Network (ANSI/RESNET)/ICC 380, ASTM E779, ASTM E1827 or ASTM E3158.

Compliance requirement
The building or dwelling unit air change rate shall not exceed 3.0 ACH50 *or* 0.16 CFM per square foot (sq ft) of *dwelling unit enclosure area* when tested at a 50 Pascal (Pa) test pressure.

Submittal requirement
Output from the blower door testing / analysis software showing, at a minimum, the following information:
- Building address
- Date of test
- Test technician* and company conducting the test
- Building volume (cubic feet) and/or sq ft of dwelling unit enclosure area that encloses the building thermal envelope as defined within the IECC.
- Building leakage rate at 50 Pa test pressure (corrected CFM50)
- Percent uncertainty in the corrected CFM50, at the 95% confidence level (+/- 5%)
- Building air change rate at 50 Pa test pressure (ACH50 = CFM50 x 60/volume) *or* (CFM50 / sq ft dwelling unit enclosure area)

*The tester must be identified on the software report. This info may be handwritten on the report.

Note
One example of measurement software meeting the requirements above is TECTITE, published by 'The Energy Conservatory'. TEC software options are available at www.energyconservatory.com.

Attached garage isolation
Isolation testing of attached garages from adjoining conditioned areas shall be verified in accordance with the following:

Testing protocol

- Set up the building in accordance with the testing protocol for building or dwelling unit air leakage above.
- Garage doors to the exterior shall be closed.
- Place a pressure tap in the garage and close the door between house and garage, without crimping the sensing tube (recommendation: use rigid metal tube where it passes through doorway).
- Adjust the blower door fan speed such that the building interior is depressurized to -50 Pa with respect to (WRT) the outdoors.
- Measure the house pressure (Pa) WRT the garage.

NOTE: Where tested pressure falls below -45 Pa the tester may proceed with "Open a Door" test below.

Testing Protocol – Open a Door

- Follow the above "Testing Protocol" again and note the Pa WRT garage.
- Using the tables below, locate and note the "multiplier" that corresponds to the Pa WRT garage from above. *Ex: if the house Pa WRT garage is 36 the multiplier will be 0.96.*
- Note the house CFM50 with door from house to garage closed.
- Open the door from house to garage and return the building to -50 Pa WRT outdoors making note of the house CFM50 with door from house to garage open.
- Subtract the CFM50 with door from house to garage closed from the CFM50 with door to garage open.
- Multiply the difference between the two CFM50 numbers by the "multiplier" from step two.
- If the result is less than or equal to 100 CFM the house WRT garage passes.

Pa WRT garage (step 1 above)	Multiplier
44	0.37
43	0.43
42	0.49
41	0.56
40	0.63
39	0.70
38	0.78
37	0.87
36	0.96
35	1.06

Pa WRT garage (step 1 above)	Multiplier
34	1.17
33	1.29
32	1.42
31	1.56
30	1.71
29	1.88
28	2.07
27	2.27
26	2.50
25	2.76

Pa WRT garage (step 1 above)	Multiplier
24	3.04
23	3.36
22	3.73
21	4.14
20	4.61
19	5.15
18	5.77
17	6.50
16	7.36
15	8.38

Compliance and submittal requirement

The house pressure with respect to the garage shall be in the range of -45 to -50 Pa, or the Open a Door test shall be less than or equal to 100 CFM. Record the test result on the report using "House pressure WRT garage = _X_Pa". 'X' being the pressure measurement. Or record the Open a Door test result using "Open a Door = _X_CFM". 'X' being the CFM measurement. This may be recorded within the *'Comments'* section of TECTITE. *Example below.*

Rooms containing fuel-burning appliances isolation

Where open combustion air ducts provide combustion air to open combustion fuel-burning appliances, the appliances and combustion air opening shall be located outside the building thermal

envelope or enclosed in a room that is isolated from inside the thermal envelope.

Testing protocol

- Set up the building in accordance with the protocol for whole-house air leakage, above.
- Place a pressure tap in the mechanical room and close the door between house and mechanical room, without crimping the sensing tube (recommendation: use rigid metal tube where it passes through doorway).
- Adjust the blower door fan speed to so that the building interior is depressurized to -50 Pascals with respect to the outdoors.
- Measure the house pressure with respect to the mechanical room.

Compliance and submittal requirement

The house pressure with respect to the mechanical room shall be in the range of -45 to -50Pa. Record the test result on the report using “House pressure WRT mechanical room = _X_Pa”. ‘X’ being the pressure measurement. This may be recorded within the *‘Comments’* section of TECTITE. *Example below.* Natural draft appliances must also pass a Combustion Safety Test.

Example:

BUILDING LEAKAGE TEST Page 4 of 4

Date of Test: 4/17/2022 Test File: Untitled

Comments

House pressure WRT garage = -46.7 Pa, or Open a Door = 94 CFM

House pressure WRT mechanical room = -48.1 Pa

City of Fort Collins New Multifamily Air Tightness Testing Protocol

Code reference and application

2024 International Energy Conservation Code (IECC) Sections C402.6.2.2 and R402.5.1.2 as amended by the City of Fort Collins, requires that stacked multifamily individual dwelling units meet the air tightness requirement below. It does not apply to attached-single-family dwellings such as duplexes, townhomes, and rowhouses.

Approved testers

Test results will only be accepted from individuals holding any of the following certifications: RESNET Rater or RFI, BPI Building Analyst or BPI IDL, or other professional approved by the Building Official.

Compliance requirements

- Apartment exterior air barrier must be continuous and unbroken, separating the conditioned space of the building from the exterior and any unconditioned spaces or mechanical rooms.
- Units must be compartmentalized to minimize uncontrolled pathways for smoke and other indoor air pollutants to transfer between units. Walls, ceilings, floors, and doors that separate each apartment from neighboring apartments, corridors, common space, utility chases, floors above and below, stairwells and elevator shafts must be air sealed.
- **The maximum air leakage rate** at 50 Pascal test pressure **shall not exceed 0.27 CFM50/square foot** (1.4 L/s m^2) **of testing / *dwelling unit* enclosure area** as defined within the IECC.

Unit sampling

- Where buildings have fewer than eight testing units, each testing unit shall be tested.
- For *buildings* with eight or more units, a minimum of seven or 20 percent of the testing units in the *building,* whichever is greater, shall be tested, including at least one of each unit type and approximately an equal number of units on each floor level. For each tested unit that exceeds the maximum air leakage rate, corrections to the unit must be made and the unit re-tested until it meets the required air leakage, and an additional two units of this type in the same *building* shall be tested and meet the required air leakage.

Testing

- A multi-point air tightness test shall be conducted based on the ANSI/Residential Energy Services Network (ANSI/RESNET)/ICC 380 ASTM E779, ASTM E1827 or ASTM E3158.

Submittal requirement

Output from the blower door testing / analysis software showing, at a minimum, the following information:

- Building address, dwelling model unit type and unit number
- Date of test
- Name of test technician and company conducting the test
- Sq ft of dwelling unit enclosure area as defined within the IECC
- Percent uncertainty in the corrected CFM50, at the 95% confidence level (+/- 5%)
- Dwelling unit air change rate (CFM50 / sq ft dwelling unit enclosure area)

Note

An example of measurement software meeting the requirements above is TECTITE, published by 'The Energy Conservatory'. TEC software options are available at www.energyconservatory.com.

ORDINANCE NO. 213, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 2 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2021 INTERNATIONAL RESIDENTIAL CODE AND ADOPTING THE 2024 INTERNATIONAL RESIDENTIAL CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

F. The adoption of the interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that the *2024 International Residential Code* be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in the newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the

hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

J. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the 2021 *International Residential Code* ("IRC") and adopts the 2024 IRC as amended by this Ordinance.

Section 2. Section 5-26(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

(c) Pursuant to the power and authority conferred on the City Council by ~~C.R.S. §~~Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the ~~*2021*~~*2024 International Residential Code* published by the International Code Council, second printing (October 2024), as amended by the City, which shall have the same force and effect as though set forth in full herein. The subject matter of the *International Residential Code* adopted herein includes comprehensive provisions and standards for the protection of the public health and safety by prescribing regulations governing the construction, alteration, enlargement, relocation, replacement, repair, equipment, use and occupancy, location, removal and demolition of, and its applicability is hereby limited to, individual nonattached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories above grade in height with a separate means of egress, and their accessory structures. As provided in the ~~*2021*~~*2024 International Residential Code*, Appendices are not adopted except as expressly set forth in Section 5-30.

Section 3. Section 5-30 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 5-30. Amendments and Deletions to the 2024 International Residential Code.

The *2024 International Residential Code* adopted in § 5-26(c) is amended to read as follows:

1. **Section R101.1 Title** is amended to read as follows:

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Fort Collins, and shall be cited as such and will be referred to herein as "this code."

2. **Section R101.2 Scope** is amended to read as follows:

R101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, movement, enlargement, replacement, *repair*, equipment, use and occupancy, location, removal and demolition of detached one- and two-family *dwellings* and *townhouses* not more than three *stories above grade plane* in height with a separate means of egress and their *accessory structures* not more than three *stories above grade plane* in height.

Exception: The following shall be permitted to be constructed in accordance with this code ~~where provided with an automatic sprinkler system complying with Section P2904~~:

1. Live/work units located in *townhouses* and complying with the requirements of Section 508.5 of the *International Building Code*.
2. *Owner*-occupied *lodging houses* with five or fewer *guestrooms*.
3. A care facility with five or fewer *persons* receiving custodial care within a *dwelling unit*.
4. A care facility with five or fewer persons receiving medical care within a *dwelling unit*.
5. A day care facility for five or fewer *persons* of any age receiving care within a *dwelling unit*.

3. **Section R102.4 Referenced codes and standards** is amended to read as follows:

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Section 101.4 of the adopted *International Building Code*, entitled "Referenced Codes," and shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the *listing* of the *equipment* or *appliance*, the conditions of the *listing* and manufacturer's instructions shall apply."

4. **SECTION 103 CODE COMPLIANCE AGENCY** is deleted in its entirety and replaced with the following:

~~**SECTION R103 CODE COMPLIANCE AGENCY**~~

~~**R103.1 Creation of agency.** The **[INSERT NAME OF DEPARTMENT]** is hereby created and the official in charge thereof shall be known as the *building official*. The function of the agency shall be the implementation, administration and~~

~~enforcement of the provisions of this code.~~

~~**R103.2 Appointment.** The *building official* shall be appointed by the chief appointing authority of the *jurisdiction*.~~

~~**R103.3 Deputies.** In accordance with the prescribed procedures of this *jurisdiction* and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *building official*.~~

SECTION R103 CODE ADMINISTRATION

R103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled "CODE ADMINISTRATION."

5. **Section 104.2.3.1 Flood hazard areas** is deleted in its entirety and replaced with the following:

~~**R104.2.3.1 Flood hazard areas.** The building official shall not grant modifications to any provisions required in flood hazard areas as established by Table R301.2 unless a determination has been made that:~~

~~1. There is good and sufficient cause showing that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section R306 inappropriate.~~
~~2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.~~
~~3. The granting of modification will not result in increased flood heights, additional threats to public safety or extraordinary public expense; cause fraud on or victimization of the public; or conflict with existing laws or ordinances.~~
~~4. The modification is the minimum necessary to afford relief, considering the flood hazard.~~
~~5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.~~

104.2.3.1 Flood hazard areas. For *existing buildings* or *structures* regulated under the scope of this code that are in whole or in part located in *flood hazard areas*, construction documents shall be submitted as

established in accordance with Chapter 10 of the City Code, entitled “Flood Prevention and Protection.”

6. **Section R105.2 Work exempt from permit** is amended to read as follows, with the subsections for **Gas** and **Mechanical** being retained in their entirety:

R105.2 Work exempt from permit. Exemption from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this *jurisdiction*. *Permits* shall not be required for the following:

Building:

1. Other than *storm shelters*, one-story detached *accessory structures* for lawn and garden equipment storage, tool storage and similar uses, including arbors, pergolas, and similar structures, provided that the floor area does not exceed ~~200~~120 square feet (~~18.58~~11.15 m^2) or 8 feet (2438 mm) in height, the structures do not house flammable liquids in quantities exceeding 10 gallons (38 L) per building, and the structures are located at least 3 feet from an adjoining property line.

2. Fences not over ~~7 feet (2134 mm)~~ 6 feet (1829 mm) high.

3. *Retaining walls* that are not over 4 feet (1219 mm) in height measured from the ~~bottom of the footing~~ low side grade to the top of the wall, unless supporting a surcharge, provided that the horizontal distance to the next uphill retaining wall is at least equal to the total height of the lower retaining wall.

4. Water tanks supported directly upon *grade* if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks and driveways.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

8. Swings and other playground equipment or playhouse/play structures provided that such does not exceed 120 square feet (11.15 m^2) in floor area nor greater than 8 feet (2438 mm) in height measured from grade, no more than one elevated playhouse or play structure is designed per lot, and said equipment or structure is used exclusively for play. Elevated playhouses or play structures shall not exceed 64 square feet (5.9 m^2)

of floor area nor 6 feet (1829 mm) in height measured from the floor to the highest point of such structure.

9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support. Storm window, storm door and rain gutter installation except that, for structures that are fifty years of age or older, historic review pursuant to Chapter 14 of the City Code must be completed first.

10. Decks not exceeding 200 square feet (18.58 m^2) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* or *townhouse* and do not serve the exit door required by Section R318.4.

11. Roofing repair or replacement work not exceeding one square (100 square feet) of covering per building.

12. Replacement of nonstructural siding that is not installed on or over a fire-rated assembly when removal of siding is performed in accordance with State laws regarding asbestos and lead paint except that, for structures fifty (50) years of age or older, historic review pursuant to Chapter 14 of the City Code must be completed first.

13. Shade cloth or maximum 6 mil single layer poly-roofed structures constructed for nursery or agricultural purposes, not including service systems, and no entry by the general public.

14. Temporary special event structures.

15. Shade sails that are freestanding and not more than 120 square feet (11.15 m^2) or taller than 8 feet (2438 mm) from grade.

Electrical:

. . .

6. Replacement of lighting controls, ceiling fans and interior light fixtures provided the new fixture is rated at less or equal power consumption rate.

. . .

Plumbing:

. . .

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the ~~removal and reinstallation of water closets~~ repair and

replacement of garbage disposal units and dishwashers directly connected to the sanitary sewer system, including the necessary replacement of all tail pipes and traps, or the repair, maintenance, and replacement of sinks, faucets, drains, showers, tubs, and toilets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

7. **Section R105.3.2 Time limitation of application** is amended to read as follows:

R105.3.2 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Applications that have been deemed abandoned for 30 days or more will be considered void, unless the *building official* determines, in their reasonable discretion, that an extension of no more than 180 days should be allowed due to conditions beyond the applicant's control.

8. **Section R105.5 Expiration** is amended by adding a second paragraph to read as follows:

R105.5 Expiration. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Regardless of when the permit was issued relative to the effective date of this code, any work authorized by a *permit* regulated by this code or any other building construction code administered by the *building official* that involves the construction or alteration of an exterior building component, assembly or finish material, such as the foundation, wall and roof framing, sheathing, siding, fenestration, and roof covering, shall be fully finished and completed for permanent outdoor exposure within 24 months of date of this issuance of such *permit*.

9. A new **Section R105.10 Premises Identification** is added to read as follows:

R105.10 Premises Identification During Construction. The approved *permit* number and street address number shall be displayed and plainly visible and legible from the public street or road fronting the property on which any new *building* is being constructed.

10. A new **Section R105.11 Transfer of permits** is added to read as follows:

R105.11 Transfer of permits. A current valid building *permit* may be transferred from one party to another upon written application to the *building official* with consent of both parties. When any changes are made to the original plans and specifications that substantially differ from the plans submitted with the *permit*, as determined by the *building official*, a new plan review fee shall be paid as calculated in accordance with Section R108. A fee of $50 shall be paid to cover administrative costs for all building *permit* transfers. No change shall be made to the expiration date of the original *permit*.

11. **Section R106.1.4 Information for construction in flood hazard areas** is deleted its entirety and replaced with the following:

~~**R106.1.4 Information for construction in flood hazard areas.** For *buildings* and structures located in whole or in part in flood hazard areas as established by Table R301.2, *construction documents* shall include:~~

~~1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.~~
~~2. The elevation of the proposed lowest floor, including *basement*; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including *basement*, above the highest adjacent *grade*.~~
~~3. The elevation of the bottom of the lowest horizontal structural member in coastal high-hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2 or otherwise delineated by the *jurisdiction*.~~
4. ~~If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the *building official* and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.~~

R106.1.4 Information for construction in flood hazard areas. For *buildings* or structures regulated under the scope of this code that are in whole or in part located in flood hazard areas, construction documents shall be submitted in accordance with Chapter 10 of the City Code, entitled "Flood Prevention and Protection."

12. A new **Section R106.1.6 Grading performance plans and certificate** is added to read as follows:

R106.1.6 Grading performance plans and certificate. Every building *permit* application for a new *building* regulated by this code shall be accompanied by a site drainage/grading performance plan as prescribed by City standards. Drainage plans shall be submitted to and approved by the City's Stormwater Utility prior to the issuance of a *permit*.

13. **Section R106.3.1 Approval of construction documents** is amended to read as follows:

R106.3.1 Approval of construction documents. Where the *building official* issues a *permit*, the *construction documents* shall be *approved* in writing or by a stamp indicating the approved *permit* number ~~that states "REVIEWED FOR CODE COMPLIANCE"~~. One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

14. **SECTION R108 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION R108 FEES**~~

~~**R108.1 Payment of fees.** A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.~~
~~**R108.2 Schedule of permit fees.** On *buildings*, structures, electrical, gas, mechanical and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~
~~**R108.3 Building permit valuations.** Building *permit* valuation shall include total value of the work for which a *permit* is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.~~
~~**R108.4 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.~~
~~**R108.5 Refunds.** The *building official* is authorized to establish a refund policy.~~
~~**R108.6 Work commencing before permit issuance.** Any *person* who commences work requiring a *permit* on a *building*, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* shall be subject to a fee established by the applicable governing authority that shall be in addition to the required *permit* fees.~~

SECTION R108 FEES

R108.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled "FEES."

R108.2 Work commencing before permit issuance. In addition to penalties set forth in R113.4, any *person* or firm who, before obtaining the necessary *permit(s)*, commences any construction of, or work on, a *building*, *structure*, electrical, gas, mechanical or plumbing system that is not otherwise exempted from obtaining a

permit, may be subject to a stop work order and a work without a *permit* fee in addition to the required *permit* fee as established by the *building official*.

15. A new **Section R109.1.7 Site Survey required** is added to read as follows*:*

R109.1.7 Site Survey required. A survey or improvement location certificate of the site on which a new *building* or *addition* is to be constructed may be required by the *building official* to verify that the *structure* is located in accordance with the approved plans and any other regulations of the City.

16. **SECTION R112 MEANS OF APPEALS** is deleted in its entirety and replaced with the following:

~~**SECTION R112 MEANS OF APPEALS**~~

~~**R112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *building official*.~~

~~**R112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**R112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the *jurisdiction*.~~

~~**R112.4 Administration.** The *building official* shall take action without delay in accordance with the decision of the board.~~

SECTION R112 MEANS OF APPEALS

R112.1 General. Appeals of decisions, determinations and interpretations of this code shall be made pursuant to applicable provisions as set forth in Section 113 of the adopted *International Building Code*, entitled “MEANS OF APPEALS.”

17. **Section R113.4 Violation penalties** is deleted in its entirety and replaced with the following amended to read as follows:

~~**R113.4 Violation penalties.** Any *person* who violates a provision of this code or~~

~~fails to comply with any of the requirements thereof or who erects, constructs, alters or *repairs* a *building* or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.~~

R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a *building* or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

18. **SECTION R202 DEFINITIONS** is amended to modify, or add, in alphabetical order, the following definitions:

[RB] BASEMENT. ~~A *story* that is not a *story above grade plane* (see "*Story above grade plane*").~~ That portion of a *building* located partly or completely below grade, wherein the underside of the floor system immediately above is 72 inches (1829 mm) or more above the surface of an approved permanent basement floor system.

. . .

CITY shall mean the municipal corporation of Fort Collins, Colorado, including its physical location and boundaries.

. . .

[RB] CRAWL SPACE. ~~An underfloor space that is not a *basement*~~. That portion of a *building* that is conditioned or non-conditioned space located partly or completely below grade (excluding the under-floor space beneath below-grade structural floor systems), wherein the underside of the adjacent finished floor above is less than 72 inches (1829 mm) above the bottom surface of such crawl space.

. . .

DOWN DIRECTIONAL LUMINAIRE. Down directional luminaire lighting directs light straight down from the fixture.

. . .

[RB] DWELLING. ~~Any *building* that contains one or two *dwelling units* used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.~~ A *building* used exclusively for

residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any *dwelling* shall be deemed to be a principal *building*.

[RB] DWELLING UNIT. ~~A single unit providing complete independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the definition applicable in Chapter 11, see Section N1101.6. For the definition applicable in Chapter 24, see Section G2403.~~ One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family *dwelling* or mixed-use *building*.

. . .

FLOOR AREA. The area included within the surrounding exterior walls of a *building* or portion thereof, exclusive of vent shafts and courts. The *floor area* of a *building*, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

. . .

FULLY SHIELDED LUMINAIRE. A light fixture that has a solid barrier (cap) at the top of the fixture in which the lamp (bulb) is located. The fixture is angled so the lamp is not visible below the barrier (no light visible below the horizontal angle).

. . .

GUEST ACCESSIBILITY. A residence's ease of access for persons with disabilities.

. . .

HEIGHT, BUILDING. ~~The vertical distance from *grade plane* to the average height of the highest roof surface.~~ The vertical distance in feet measured from the average of the finished ground level at the center of all walls of a *building* or structure to the highest point of the roof surface or structure.

. . .

ROOM, SLEEPING (BEDROOM). A habitable space within a *dwelling* or other housing unit designed primarily for the purpose of sleeping. The presence of a bed, cot, mattress, convertible sofa or other similar furnishing used for sleeping purposes is indicia for determining that such space or room qualifies as a *sleeping*

room. The presence of closets and similar storage facilities is not considered a relevant factor in determining whether or not a room is a *sleeping room*.

. . .

SITE. A parcel of land bounded by a property line or a designated portion of a public right-of-way.

. . .

[RB] TOWNHOUSE. ~~A *building* that contains three or more attached *townhouse units*.~~ A single-family *dwelling unit* constructed in a group of two or more attached individual units, each of which is separated from the other from the foundation to the roof and is located entirely on a separately recorded and platted parcel of land (site) bounded by property lines that is deeded exclusively for such single-family *dwelling*.

. . .

19. **Section 301.1.3 Engineered Design** is amended to read as follows:

R301.1.3 Engineered design. When a building of otherwise conventional light-frame construction contains structural elements ~~exceeding the limits of Section R301 or otherwise~~ not conforming to this code, these elements shall be designed in accordance with accepted engineering practice. The extent of such design need only demonstrate compliance of nonconventional elements with other applicable provisions and shall be compatible with the performance of the conventional framed system. Engineered design in accordance with the adopted *International Building Code* is permitted for all *buildings*, ~~and~~ *structures*, and ~~parts~~ portions thereof, included in the scope of this code.

20. **Section R301.2 Climatic and geographic design criteria** is amended to read as follows:

R301.2 Climatic and geographic design criteria. *Buildings* shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Climatic and geographic design criteria are ~~Additional criteria shall be established by the local *jurisdiction* and~~ set forth in Table R301.2. The thermal design parameters shown below shall be used for mechanical load calculations and designs.

21. **TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA** is deleted in its entirety and replaced with the following:

~~TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA~~

GROUND SNOW LOAD[o]	WIND DESIGN				SEISMIC DESIGN CATEGORY[f]	SUBJECT TO DAMAGE FROM			ICE BARRIER UNDERLAYMENT REQUIRED[h]	FLOOD HAZARDS[g]	AIR FREEZING INDEX[i]	MEAN ANNUAL TEMP[j]
	Speed (mph)	Topographic effects[k]	Special wind region[l]	Windborne debris zone[m]		Weathering[a]	Frost line depth[b]	Termite[c]				
—	—	—	—	—	—	—	—	—	—	—	—	—
MANUAL J DESIGN CRITERIA[n]												
Elevation			Altitude correction factor[d]	Coincident wet bulb	Indoor winter design relative humidity	Indoor winter design dry-bulb temperature			Outdoor winter design dry-bulb temperature		Heating temperature difference	
—			—	—	—	—			—		—	
Latitude			Daily range	Summer design gains	Indoor summer design relative humidity	Indoor summer design dry-bulb temperature			Outdoor summer design dry-bulb temperature		Cooling temperature difference	
—			—	—	—	—			—		—	

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(1). The grade of masonry units shall be determined from ASTM C34, ASTM C55, ASTM C62, ASTM C73, ASTM C90, ASTM C129, ASTM C145, ASTM C216 or ASTM C652.

b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the ultimate design wind speeds map [Figure R301.2(2)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The jurisdiction shall fill in this section of the table to establish the design criteria using Table 10A from ACCA Manual J or established criteria determined by the jurisdiction.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with: the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas); and the title and date of the currently effective Flood Insurance Study or other flood hazard study and maps adopted by the authority having jurisdiction, as amended.

h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

l. In accordance with Figure R301.2(2), where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.

o. The jurisdiction shall fill in this section of the allowable stress design table using the Ground Snow Loads in Figure R301.2(3).

TABLE R301.2 FORT COLLINS APPLICABLE CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA			
GROUND SNOW LOAD[a]	**WIND DESIGN SPEED[b]**	**SPECIAL WIND REGION**	**WINDBORNE DEBRIS ZONE**
35 psf	140 mph	Yes	No

SEISMIC DESIGN CATEGORY	**SUBJECT TO DAMAGE FROM**		
	Weathering	**Frost line depth**	**Termite**
B	Severe[c]	30 inches	Slight to moderate

ICE BARRIER UNDERLAYMENT	**FLOOD HAZARDS**	**AIR FREEZING INDEX**	**MEAN ANNUAL TEMP**
Required	July 16, 1979	906	48.4°F

MANUAL J DESIGN CRITERIA			
Elevation:	4987	**Outdoor winter design dry-bulb temp:**	6°F
Latitude:	40.5853	**Heating temp difference**	66°F
Altitude correction factor:	0.83	**Indoor summer design relative humidity:**	50°F
Daily Range:	High	**Indoor summer design dry-bulb temp:**	75°F
Coincident wet bulb:	62°F	**Outdoor summer design dry-bulb temp:**	91°F
Indoor winter design dry-bulb temp:	72°F	**Cooling temp difference:**	16°F

a. As an alternate to the basic 35 psf ground snow load, location-specific ground snow load values can be used that are provided in the Geodatabase of geocoded design ground snow load values, which can be accessed at the ASCE 7 Hazard Tool at https://asce7hazardtool.online/ or shall be determined in accordance with section 1608 of the International Building Code or approved equivalent.

b. The basic design wind speed V, in mph, for the determination of the wind loads shall be: 140 miles per hour (Ultimate) or shall comply with ASCE 7-22, ASCE Design Geodatabase published 2025. The ASCE Design Geodatabase is available at https://asce7hazardtool.online.

c. Where weathering requires a higher strength concrete or higher grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, “negligible,” “moderate” or “severe” for concrete as determined from Figure R301.2(1). The grade of masonry units shall be determined from ASTM C34, ASTM C55, ASTM C62, ASTM C73, ASTM C90, ASTM C129, ASTM C145, ASTM C216 or ASTM C652.

22. **SECTION R306 FLOOD-RESISTANT CONSTRUCTION** is deleted in its entirety and replaced with the following:

~~**SECTION R306 FLOOD-RESISTANT CONSTRUCTION**~~

~~**R306.1 General.** Buildings and structures constructed in whole or in part in flood hazard areas established in Table R301.2, and substantial improvement and repair~~

of substantial damage of buildings and structures located in whole or in part in flood hazard areas, shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures that are located in more than one flood hazard area, including A Zones, Coastal A Zones and V Zones, shall comply with the provisions associated with the most restrictive flood hazard area. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24.

R306.1.1 Alternative provisions. As an alternative to the requirements in Section R306, ASCE 24 is permitted subject to the limitations of this code and the limitations therein.

R306.1.2 Structural systems. Structural systems of buildings and structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation.

R306.1.3 Flood-resistant construction. Buildings and structures erected in areas prone to flooding shall be constructed by methods and practices that minimize flood damage.

R306.1.4 Establishing the design flood elevation. The design flood elevation shall be used to define flood hazard areas. At a minimum, the design flood elevation shall be the higher of the following:

1. The base flood elevation at the depth of peak elevation of flooding, including wave height, that has a 1-percent (100-year flood) or greater chance of being equaled or exceeded in any given year.
2. The elevation of the design flood associated with the area designated on a flood hazard map adopted by the community, or otherwise legally designated.

R306.1.4.1 Determination of design flood elevations. If design flood elevations are not specified, the building official is authorized to require the applicant to comply with either of the following:

1. Obtain and reasonably use data available from a federal, state or other source.
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval.

R306.1.4.2 Determination of impacts. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall demonstrate that the effect of the proposed buildings and structures on design flood elevations, including fill, when combined with other existing and anticipated flood hazard area

encroachments, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

R306.1.5 Lowest floor. The lowest floor shall be the lowest floor of the lowest enclosed area, including basement, and excluding any unfinished flood-resistant enclosure that is useable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the building or structure in violation of this section.

R306.1.6 Protection of mechanical, plumbing and electrical systems. Electrical systems, equipment and components; heating, ventilating, air-conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall be located at or above the elevation required in Section R306.2 or R306.3. If replaced as part of a substantial improvement, electrical systems, equipment and components; heating, ventilating, air-conditioning and plumbing appliances and plumbing fixtures; duct systems; and other service equipment shall meet the requirements of this section. Systems, fixtures, and equipment and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

Exception: Locating electrical systems, equipment and components; heating, ventilating, air-conditioning; plumbing appliances and plumbing fixtures; duct systems; and other service equipment is permitted below the elevation required in Section R306.2 or R306.3 provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the required elevation in accordance with ASCE 24. Electrical wiring systems are permitted to be located below the required elevation provided that they conform to the provisions of the electrical part of this code for wet locations.

R306.1.7 Protection of water supply and sanitary sewage systems. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems in accordance with the plumbing provisions of this code. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters in accordance with the plumbing provisions of this code and Chapter 3 of the International Private Sewage Disposal Code.

R306.1.8 Flood-resistant materials. Building materials and installation methods used for flooring and interior and exterior walls and wall coverings below the elevation required in Section R306.2 or R306.3 shall be flood damage-resistant materials that conform to the provisions of FEMA TB-2.

R306.1.9 Manufactured homes. The bottom of the frame of new and replacement manufactured homes on foundations that conform to the requirements of Section R306.2 or R306.3, as applicable, shall be elevated to or above the elevations specified in Section R306.2 (flood hazard areas

including A Zones) or R306.3 in coastal high-hazard areas (V Zones and Coastal A Zones). The anchor and tie-down requirements of the applicable state or federal requirements shall apply. The foundation and anchorage of manufactured homes to be located in identified floodways shall be designed and constructed in accordance with ASCE 24.

R306.1.10 As-built elevation documentation. A registered design professional shall prepare and seal documentation of the elevations specified in Section R306.2 or R306.3.

R306.2 Flood hazard areas (including A Zones). Areas that have been determined to be prone to flooding and that are not subject to high-velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1 1/2 feet (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be designated as Coastal A Zones and are subject to the requirements of Section R306.3. Buildings and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R306.2.1 through R306.2.4.

R306.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas, not including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 1 foot (305 mm), or not less than 3 feet (915 mm) if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1 foot (305 mm), or the design flood elevation, whichever is higher.
4. Attached garages and carports shall comply with one of the following:
    - 4.1. The floors shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.
    - 4.2. The floors shall be at or above grade on not less than one side. Where an attached garage or carport is enclosed by walls, the walls shall have flood openings that comply with Section R306.2.2 and the attached garage or carport shall be used only for parking, building access or storage.
5. Detached accessory structures and detached garages shall comply with one of the following:
    - 5.1. The floors shall be elevated to or above the elevations required in Item 1 or Item 2, as applicable.
    - 5.2. Floors below the elevations required in Item 1 or 2, as applicable, must be:
        - 5.2.1. Used only for parking or storage.

5.2.2. One story and not larger than 600 square feet (55.74 m2).
5.2.3. Anchored to resist flotation, collapse or lateral movement resulting from design flood loads.
5.2.4. Equipped with flood openings that comply with Section R306.2.2.
5.2.5. Constructed of flood-damage-resistant materials that comply with Section R306.1.8. Have mechanical, plumbing and electrical systems, if applicable, that comply with Section R306.1.6.
5.2.6 Have mechanical, plumbing and electrical systems, if applicable, that comply with Section R306.1.6.

Exception: Enclosed areas below the elevation required in this section, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R306.2.2.

R306.2.2 Enclosed area below required elevation. Enclosed areas, including crawl spaces, that are below the elevation required in Section R306.2.1 shall:

1. Be used solely for parking of vehicles, building access or storage.
2. Be provided with flood openings that meet the following criteria and are installed in accordance with Section R306.2.2.1:
   2.1. The total net area of nonengineered openings shall be not less than 1 square inch (645 mm2) for each square foot (0.093 m2) of enclosed area where the enclosed area is measured on the exterior of the enclosure walls, or the openings shall be designed as engineered openings and the construction documents shall include a statement by a registered design professional that the design of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters as specified in Section 2.7.2.2 of ASCE 24.
   2.2. Openings shall be not less than 3 inches (76 mm) in any direction in the plane of the wall.
   2.3. The presence of louvers, blades, screens and faceplates or other covers and devices shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.

Exceptions: The following shall not be required to comply with this section:

1. Elevator shafts.
2. Utility chases that protect utility lines from freezing, provided that the utility chases are the minimum size necessary to protect the utility lines and do not provide access for a person to enter the space.

R306.2.2.1 Installation of openings. The walls of enclosed areas shall have openings installed such that:

1. There shall be not less than two openings on different sides of each

enclosed area; if a building has more than one enclosed area, each area shall have openings.

2. The bottom of each opening shall be not more than 1 foot (305 mm) above the higher of the final interior grade or floor and the finished exterior grade immediately under each opening.
3. Openings shall be permitted to be installed in doors and windows; doors and windows without installed openings do not meet the requirements of this section.

R306.2.3 Foundation design and construction. Foundation walls for buildings and structures erected in flood hazard areas shall meet the requirements of Chapter 4.

Exception: Unless designed in accordance with Section R404:

1. The unsupported height of 6-inch (152 mm) plain masonry walls shall be not more than 3 feet (914 mm).
2. The unsupported height of 8-inch (203 mm) plain masonry walls shall be not more than 4 feet (1219 mm).
3. The unsupported height of 8-inch (203 mm) reinforced masonry walls shall be not more than 8 feet (2438 mm).

For the purpose of this exception, unsupported height is the distance from the finished grade of the under-floor space to the top of the wall.

R306.2.4 Tanks. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground tanks shall be installed at or above the elevation required in Section R306.2.1 or shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

R306.3 Coastal high-hazard areas (including V Zones and Coastal A Zones, where designated). Areas that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave action or wave-induced erosion shall be designated as coastal high-hazard areas. Flood hazard areas that have been designated as subject to wave heights between 1 1/2 feet (457 mm) and 3 feet (914 mm) or otherwise designated by the jurisdiction shall be designated as Coastal A Zones. Buildings and structures constructed in whole or in part in coastal high-hazard areas and Coastal A Zones, where designated, shall be designed and constructed in accordance with Sections R306.3.1 through R306.3.10.

R306.3.1 Location and site preparation.

1. New buildings and buildings that are determined to be substantially improved pursuant to Section R104.3.1 shall be located landward of the reach of mean high tide.
2. For any alteration of sand dunes and mangrove stands, the building official shall require submission of an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

R306.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structural members supporting the lowest floor, with the exception of piling, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1 foot (305 mm) or the design flood elevation, whichever is higher. Where stem wall foundations are permitted in Coastal A Zones in accordance with Section R306.3.3, the bottom of the lowest horizontal structural member supporting the lowest floor is the top of the foundation wall, or top of the portion of the foundation wall, supporting the slab.
2. Basement floors that are below grade on all sides are prohibited.
3. Attached garages used only for parking, building access or storage, and carports shall comply with Item 1 or shall be at or above grade on not less than one side and, if enclosed with walls, such walls shall comply with Item 7.
4. Detached accessory structures and detached garages shall comply with either of the following:
    4.1. The bottom of the lowest horizontal structural member supporting the floors shall be elevated to or above the elevation required in Item 1.
    4.2. Floors below the elevations required in Item 1 must be:
        4.2.1. Used only for parking or storage.
        4.2.2. One story and not larger than 100 square feet (9.29 m2).
        4.2.3. Anchored to resist flotation, collapse or lateral movement resulting from design flood loads.
        4.2.4. Constructed of flood damage-resistant materials that comply with Section R306.1.8.
        4.2.5. Equipped with mechanical, plumbing and electrical systems, if applicable, that comply with Section R306.1.6.
5. The use of fill for structural support is prohibited.
6. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
7. Walls and partitions enclosing areas below the elevation required in this section shall meet the requirements of Sections R306.3.5 and R306.3.6.

R306.3.3 Foundations. Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns and shall comply with the following:

1. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R306.3.5.
2. Pilings shall be designed in accordance with ASCE 24 to have

adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift) and pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling.

3. Columns and their supporting foundations shall be designed in accordance with ASCE 24 to resist combined wave and wind loads, lateral and uplift, and shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the columns. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24.
4. Flood and wave loads shall be determined in accordance with ASCE 7 and shall include loads associated with the design flood. Wind loads shall be those required by this code.
5. Foundation designs and construction documents shall be prepared and sealed in accordance with Section R306.3.9.

Exception: In Coastal A Zones, stem wall foundations supporting a floor system above and backfilled with soil or gravel to the underside of the floor system shall be permitted provided that the foundations are designed to account for wave action, debris impact, erosion and local scour. Where soils are susceptible to erosion and local scour, stem wall foundations shall have deep footings to account for the loss of soil.

R306.3.4 Concrete slabs. Concrete slabs used for parking, floors of enclosures, landings, decks, walkways, patios and similar uses that are located beneath structures, or slabs that are located such that if undermined or displaced during base flood conditions could cause structural damage to the building foundation, shall be designed and constructed in accordance with one of the following:

1. To be structurally independent of the foundation system of the structure, to not transfer flood loads to the main structure, and to be frangible and break away under flood conditions prior to base flood conditions. Slabs shall be a maximum of 4 inches (102 mm) thick, shall not have turned-down edges, shall not contain reinforcing, shall have isolation joints at pilings and columns, and shall have control or construction joints in both directions spaced not more than 4 feet (1219 mm) apart.
2. To be self-supporting, structural slabs capable of remaining intact and functional under base flood conditions, including erosion and local scour, and the main structure shall be capable of resisting any added flood loads and effects of local scour caused by the presence of the slabs.

R306.3.5 Walls below required elevation. Walls and partitions are permitted below the elevation required in Section R306.3.2, provided that such walls and partitions are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design, or a resistance to an ultimate load of not less than 17 and not more than 33 pounds per square foot (814 and 1580 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design or an ultimate load of 33 pounds per square foot (1580 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
    4.1. The walls and partitions below the required elevation have been designed to collapse from a water load less than that which would occur during the base flood.
    4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.
5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R306.2.2, Item 2.

Exceptions: The following shall not be required to comply with this section:

1. Elevator shafts.
2. Utility chases that protect utility lines from freezing, provided that the utility chases are the minimum size necessary to protect the utility lines and do not provide access for a person to enter the space.

R306.3.6 Enclosed areas below required elevation. Enclosed areas below the elevation required in Section R306.3.2 shall be used solely for parking of vehicles, building access or storage.

R306.3.6.1 Protection of building envelope. An exterior door that meets the requirements of Section R609 shall be installed at the top of stairs that provide access to the building and that are enclosed with walls designed to break away in accordance with Section R306.3.5.

~~**R306.3.7 Stairways and ramps.** Stairways and ramps that are located below the lowest floor elevations specified in Section R306.3.2 shall comply with one or more of the following:~~

~~1. Be designed and constructed with open or partially open risers and guards.~~

~~2. Stairways and ramps not part of the required means of egress shall be designed and constructed to break away during design flood conditions without causing damage to the building or structure, including foundation.~~

~~3. Be retractable, or able to be raised to or above the lowest floor elevation, provided that the ability to be retracted or raised prior to the onset of flooding is not contrary to the means of egress requirements of the code.~~

~~4. Be designed and constructed to resist flood loads and minimize transfer of flood loads to the building or structure, including foundation.~~

~~Areas below stairways and ramps shall not be enclosed with walls below the elevation required in Section R306.3.2 unless such walls are constructed in accordance with Section R306.3.5.~~

~~**R306.3.8 Decks and porches.** Attached decks and porches shall meet the elevation requirements of Section R306.3.2 and shall either meet the foundation requirements of this section or shall be cantilevered from or knee braced to the building or structure. Self-supporting decks and porches that are below the elevation required in Section R306.3.2 shall not be enclosed by solid, rigid walls, including walls designed to break away. Self-supporting decks and porches shall be designed and constructed to remain in place during base flood conditions or shall be frangible and break away under base flood conditions.~~

~~**R306.3.9 Construction documents.** The construction documents shall include documentation that is prepared and sealed by a registered design professional that the design and methods of construction to be used meet the applicable criteria of this section.~~

~~**R306.3.10 Tanks.** Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. Above-ground tanks shall be installed at or above the elevation required in Section R306.3.2. Where elevated on platforms, the platforms shall be cantilevered from or knee braced to the building or shall be supported on foundations that conform to the requirements of Section R306.3.~~

SECTION R306 FLOOD-RESISTANT CONSTRUCTION

R306.1 General. *Buildings* and *structures* constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with the provisions of Chapter 10 of the City Code, entitled Flood Prevention and Protection. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the applicant shall demonstrate that the cumulative effect of the proposed *buildings* and *structures* on design flood elevations, including fill,

when combined with all other existing and anticipated development, will not increase the design flood elevation more than one foot at any point within the City.

23. **Section R309.2 One- and two-family dwellings automatic sprinkler systems** is amended to read as follows:

R309.2 ~~One and~~ Two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in ~~one and~~ two-family *dwellings*.

Exception: An automatic sprinkler system shall not be required for *additions* or *alterations* to *existing buildings* that are not already provided with a sprinkler system.

24. **Section R310.2.2 Alterations, repairs and additions** is amended by deleting exception #2.

. . .

Exceptions:

. . .

~~2. Installation, *alteration* or repairs of plumbing or *mechanical system.*~~

25. **Section R310.4 Interconnection** is amended to read as follows:

R310.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in accordance with Section ~~R310.3~~R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual *dwelling unit*. Physical interconnection of smoke alarms shall not be required where *listed* wireless alarms are installed and all alarms sound upon activation of one alarm.

Exception: Interconnection of smoke alarms in existing areas shall not be required where installation would require the removal of interior wall or ceiling finishes, unless there is an attic, crawl space, or basement available to provide access for interconnection without the removal of interior finishes.

26. **Section R311.2.2 Alterations, repairs and additions** is amended to read as follows, with the exceptions being deleted in their entirety:

R311.2.2 Alterations, repairs and additions. Where *alterations*, *repairs* or *additions* requiring a *permit* occur, or where one or more *sleeping rooms* are added or created in existing *dwellings*, the individual *dwelling unit* shall be equipped with *carbon monoxide alarms* located as required for new *dwellings*.

~~**Exceptions:**~~

~~1. Work involving the exterior surfaces of *dwellings*, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck.~~
~~2. Installation, *alteration* or repairs of plumbing systems.~~
~~3. Installation, *alteration* or repairs of *mechanical systems* that are not fuel fired.~~

27. **Section R322.1 Dwelling units or sleeping units** is amended to read as follows:

R322.1 Dwelling units ~~or sleeping units~~. Where there are four or more dwelling *units ~~or sleeping units~~* in a single structure, the applicable provisions of Colorado Revised Statutes Section 9-5-101 *et. seq.*, and the provisions of Chapter 11 of the adopted *International Building Code* for Group R-3 shall apply. Nothing in this section shall abrogate or otherwise modify an owner's duties or responsibilities under the Americans with Disabilities Act or any other state or federal law or regulation regarding accessibility.

28. A new **Section R322.4 Guest accessibility** is added to read as follows:

R322.4 Guest accessibility. A new *dwelling unit* with habitable space on the first story shall provide at least one bathroom group or half bath on the first story that is designed and constructed to meet the *guest accessibility* requirements of this section.

R322.4.1 Bathrooms within dwelling units. A bathroom group or half bath designated for *guest accessibility* must have a minimum clear opening of 30 inches (762 mm).

R322.4.2 Wall reinforcement. A bathroom group or half bath designated for *guest accessibility* must have reinforced walls that meet the following standards:

1. Lateral nominal wood blocking, with minimum dimensions of 2 inches (50.8 mm) by 6 inches (152.4 mm), must be installed flush with stud edges of bathroom walls; and
2. The centerline of the blocking must be 34 inches (863.6 mm) from and parallel to the interior floor level.

Exception: Blocking is not required in the portion of the wall located directly behind the lavatory.

R322.4.3 Lighting and environmental controls. Light switches, receptacles and other environmental controls located in a bathroom or a half bath designated for *guest accessibility* must be no higher than 48 inches (1219.2 mm) above the interior floor level. Receptacles shall be a minimum of 15 inches (381 mm) above the interior floor level.

R322.4.4 Guest accessibility routes within the dwelling unit. A bathroom group or half bath designated for *guest accessibility* must be visitable by a route through the living room, dining room, bedroom or kitchen that provides a minimum clear width of 32 inches (812.8 mm), and any interior doors on the route must have lever handles.

29. A new **SECTION R333 RESOURCE EFFICIENCY** is added to read as follows:

SECTION R333 RESOURCE EFFICIENCY

R333.1 Construction waste management. For remodels over 1,500 square feet, additions over 1,500 square feet, and all new buildings, a signed construction waste declaration of responsibility is required at the time of application for a building permit; the construction waste recycling regulations shall be implemented; all concrete, asphalt, masonry, wood, metals, and cardboard shall be recycled; and all mixed construction and demolition materials (as defined in § 12-16 of the City Code) shall be delivered to any facility identified in and disposed of in accordance with § 12-22(c) of the City Code. Compliance shall be certified by inspection and documentation and submission of a signed final construction waste management report.

Exception: Basement finish projects.

R333.1.1 Building demolitions. *Buildings or* portions of *buildings* that are removed shall be processed in such a way as to safely remove all asbestos and lead paint contaminants. For all demolitions, excluding non-structural demolitions under 1000 square feet a signed demolition waste declaration of responsibility is required at the time of application for a demolition permit. All metals, asphalt, concrete, and masonry that are free of asbestos and lead paint shall be recycled, and where possible, all remaining materials, such as doors, windows, cabinets, fixtures, and wood, shall be recycled. All mixed construction and demolition materials (as defined in § 12-16 of the City Code) shall be delivered to any facility identified in and disposed of in accordance with § 12-22(c) of the City Code. Compliance shall be certified by inspection, documentation, and submission of a signed final demolition waste management report.

R333.2 Exterior lighting. All exterior lighting fixtures shall be *down directional* and *fully shielded luminaires* and shall have a nominal correlated color temperature (CCT) of no greater than 3000 Kelvin.

R333.3 Operations and maintenance. In new *buildings*, operation and maintenance information addressing all installed systems shall be provided to the *building* owner.

R333.4 Electrical Vehicle Ready. All new single family *dwellings* with an attached garage or carport shall be provided one continuous 40-amp, 208/240-Volt dedicated branch circuit for electric vehicle supply equipment that is terminated at a receptacle or electric vehicle supply equipment.

Exception: In cases where a transformer upgrade is required.

30. **Section R401.1 Application** is deleted in its entirety and replaced with the following:

~~**R401.1 Application.** The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for *buildings*. In addition to the provisions of this chapter, the design and construction of foundations in flood hazard areas as established by Table R301.2 shall meet the provisions of Section R306. Wood foundations shall be designed and installed in accordance with AWC PWF.~~

~~**Exception:** The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:~~

~~1. In buildings that have not more than two floors and a roof.~~
~~2. Where interior basement and foundation walls are constructed at intervals not exceeding 50 feet (15 240 mm).~~

~~Wood foundations in Seismic Design Category D0, D1 or D2 shall be designed in accordance with accepted engineering practice.~~

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for *buildings*. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding shall meet the provisions of Section R306. All foundations shall be designed by a qualified professional licensed in the State of Colorado. Such designs shall be performed in accordance with accepted and approved engineering practices, including considerations for soil load-bearing capacities, surface and subsurface water conditions, adequate foundation and floor drainage, adequate ventilation of enclosed interior foundation spaces, and foundation waterproofing and damp-proofing. Final engineer's reports, indicating their acceptance of the above requirements, shall be submitted to the *building official* prior to the issuance of the Certificate of Occupancy

Exception: Foundations for non-habitable detached accessory *buildings*.

31. A new **Section R401.5 Wood foundations** is added to read as follows:

R402.5 Wood foundations. Wood foundations shall be designed and installed in accordance with ANSI/AWC Permanent Wood Foundation Design Specification (PWF). Wood foundations in Seismic Design Category D0, D1 or D2 shall be designed in accordance with accepted engineering practice by a qualified professional licensed in the State of Colorado.

32. A new **Section R401.6 Placement of Backfill** is added to read as follows:

R401.6 Placement of Backfill. The excavation outside the foundation, including utility trenches and excavation ramps, shall be backfilled with soil that is substantially free of organic material, construction debris and cobbles, boulders, and solid soil masses larger than 6 inches (152 mm) diameter, and free of frozen soil. The backfill shall be placed in lifts and compacted as set forth in the engineering documents. The backfill shall be placed in a manner that does not damage the foundation or the waterproofing or damp-proofing material. Excavation ramps shall be backfilled in such a manner that the ramp does not become a conduit for surface water to flow toward the foundation. Where excavations include more than one *structure*, a specially engineered drainage system may be required by the *building official*.

33. **Section R405.1 Concrete or masonry foundations** is deleted in its entirety and replaced with the following:

~~**R405.1 Concrete or masonry foundations.** Drains shall be provided around concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below *grade*. Drainage tiles, gravel or crushed stone drains, perforated pipe or other *approved* systems or materials shall be installed at or below the top of the footing or below the bottom of the slab and shall discharge by gravity or mechanical means into an *approved* drainage system. Gravel or crushed stone drains shall extend not less than 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Except where otherwise recommended by the drain manufacturer, perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on not less than 2 inches (51 mm) of washed gravel or crushed rock not less than one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.~~

~~**Exception**: A drainage system is not required where the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I soils, as detailed in Table R401.4.1(2).~~

R405.1 Concrete or masonry foundations. Drains consisting of piping conforming with ASTM Designation D2729-89 shall be provided adjacent to the lowest concrete or masonry foundations that retain earth and enclose spaces that are partially or entirely located below grade. Unless perimeter drains are designed to daylight, they shall terminate in sump pits with an electrical power source permanently installed within 36 inches (914 mm) of the sump opening. Piping for sump pumps shall discharge at least 60 inches (1524 mm) away from foundations, or as otherwise approved by the *building official*. Drains shall be installed in bedding materials that are of such size and installed in such manner to allow

ground water to seep into the perimeter drain. Filter fabric or other measures to restrict the passage of fines shall be used to further protect the perimeter drain from blockage.

Exceptions:

1. A drainage system is not required where it has been determined by the engineer of record that the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I soils, as detailed in Table R401.4.1(2).
2. Existing buildings that do not have foundation drains.

34. A new **Section R405.3 Landscape irrigation** is added to read as follows:

R405.3 Landscape irrigation. Landscape irrigation systems, other than drip systems, shall be installed such that the ground surface within 60 inches (1524 mm), measured perpendicular from the foundation, is not irrigated.

35. **Section R408.2 Openings for under-floor ventilation** is amended to read as follows:

R408.2 ~~Openings for u~~Under-floor ventilation. Under-floor ventilation shall be provided per Section R408.3 (conditioned crawl), except where high groundwater conditions exist that would require vented under-floor space (unconditioned crawl). Ventilation openings through foundation or exterior walls surrounding the under-floor space shall be provided in accordance with this section. The minimum net area of ventilation openings shall be not less than 1 square foot (0.0929 m^2) for each 150 square feet (14 m^2) of under-floor area. One ventilation opening shall be within 3 feet (915 mm) of each external corner of the under-floor space. Ventilation openings shall be covered for their height and width with any of the following materials provided that the least dimension of the covering shall not exceed ¼ inch (6.4 mm), and operational louvers are permitted:

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.
2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.
3. Cast-iron grill or grating.
4. Extruded load-bearing brick vents.
5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.
6. Corrosion-resistant wire mesh, with the least dimension being ⅛ inch (3.2 mm) thick.

Exceptions:

1. The total area of ventilation openings shall be permitted to be reduced to $^1/_{1,500}$ of the under-floor area where the ground surface is covered with an *approved* Class I vapor retarder material.
2. Where the ground surface is covered with an *approved* Class 1 vapor retarder material, ventilation openings are not required to be within 3 feet

(915 mm) of each external corner of the under-floor space provided that the openings are placed to provide cross *ventilation* of the space.

36. A new **Section R408.3.1 Spaces under below-grade floors** is added to read as follows:

R408.3.1 Spaces under below-grade floors. Mechanical ventilation systems for spaces under below-grade floors shall be designed by a professional engineer and installed in accordance with such designs, or a mechanical ventilation system for spaces under below-grade floors shall be provided with an active, fan assisted submembrane depressurization system installed per Appendix BE, Radon Control Methods. In addition, the space above the soil-gas-retarder and below the floor shall be provided with continuously operated mechanical exhaust ventilation at a rate equal to 1 cubic foot per minute for each 50 square feet (4.65 m^2) of under-floor area and either mechanical supply air at the same rate or an air pathway (such as a duct or transfer grille) to the common area that is not located in rooms containing open combustion fuel burning appliances.

37. **Section R702.7 Vapor retarders** is amended to read as follows, with the exceptions being deleted in their entirety:

R702.7 Vapor retarders. Vapor retarder materials shall be classified in accordance with Table R702.7(1). If provided on the interior side of frame walls, a~~A~~ vapor retarder shall be provided ~~on the interior side of frame walls of the class indicated~~ in accordance with Table R702.7(2), and ~~including compliance with~~ Table R702.7(3) or R702.7(4) where applicable. Class I vapor retarders are not allowed on basement foundation walls or any concrete or masonry below grade wall. An *approved* design using accepted engineering practice for hygrothermal analysis shall be permitted as an alternative. Vapor retarders shall be installed in accordance with Section R702.7.2.

The *climate zone* shall be determined in accordance with Section ~~N1101.7~~R301.1 of the *International Energy Conservation Code*.

~~**Exceptions:**~~

~~1. *Basement walls.*~~

~~2. Below-grade portion of any wall.~~

~~3. Construction where accumulation, condensation or freezing of moisture will not damage the materials.~~

~~4. A vapor retarder shall not be required in *Climate Zones* 1, 2 and 3.~~

~~5. In *Climate Zones* 4 through 8, a vapor retarder shall not be required where the assembly complies with Table R702.7(5).~~

38. **TABLE R702.7(2) VAPOR RETARDER OPTIONS** is deleted in its entirety.

~~TABLE R702.7(2) VAPOR RETARDER OPTIONS~~			
~~CLIMATE ZONE~~	~~VAPOR RETARDER CLASS~~		
	~~CLASS I[a]~~	~~CLASS II[a]~~	~~CLASS III~~
~~1, 2~~	~~Not Permitted~~	~~Not Permitted~~	~~Permitted~~
~~2, 4 (except Marine 4)~~	~~Not Permitted~~	~~Permitted[c]~~	~~Permitted~~
~~Marine 4, 5, 6, 7, 8~~	~~Permitted[b,c]~~	~~Permitted[c]~~	~~See Table R702.7(3)~~

~~a. A responsive vapor retarder shall be allowed on the interior side of any frame wall in all climate zones.~~
~~b. In frame walls, use of a Class I vapor retarder that is not a responsive vapor retarder on the interior side with a Class I vapor retarder on the exterior side shall require an approved design.~~
~~c. Where a Class I or II vapor retarder is used in combination with foam plastic insulating sheathing or insulated siding installed as continuous insulation on the exterior side of frame walls, the continuous insulation shall comply with Table R702.7(4) and the Class I or II vapor retarder shall be a responsive vapor retarder.~~

39. **Section R702.7.2 Vapor retarder installation** is amended to read as follows:

R702.7.2 Vapor retarder installation. Vapor retarders shall be installed in accordance with the manufacturer's instructions, accepted installation methods or an *approved* design. Where a vapor retarder also functions as a component of a continuous *air barrier*, the vapor retarder shall be installed as an *air barrier* in accordance with Section ~~N1102.5.1.1~~R402.5.1.1 of the *International Energy Conservation Code*.

Class I, II, and III vapor retarders are all permitted in climate zone 5. A responsive vapor retarder shall be allowed on the interior side of any frame wall in all climate zones. In frame walls, use of a Class I vapor retarder that is not a responsive vapor retarder on the interior side with a Class I vapor retarder on the exterior side shall require an approved design. Where a Class I or II vapor retarder is used in combination with foam plastic insulating sheathing or insulated siding installed as continuous insulation on the exterior side of frame walls, the continuous insulation shall comply with Table R702.7(4) and the Class I or II vapor retarder shall be a responsive vapor retarder.

40. A new **Section R703.11.3 Vinyl siding and soffits on buildings** is added to read as follows:

R703.11.3 Vinyl siding and soffits on buildings. Vinyl siding and soffits on *buildings* shall be installed over one-hour fire-rated assemblies listed for exterior fire exposure, in both the vertical and horizontal plane or in accordance with the adopted *Colorado Wildfire Resiliency Code*, whichever is more restrictive.

Exception: Repairs less than 100 square feet (9.3 m^2) unless subject to the *Colorado Wildfire Resiliency Code*.

41. A new **Section R703.13.2 Insulated vinyl siding and soffits on buildings** is added to read as follows:

R703.13.2 Insulated vinyl siding and soffits on buildings. Insulated vinyl siding and soffits on *buildings* shall be installed over one-hour fire-rated assemblies listed for exterior fire exposure, in both the vertical and horizontal plane or in accordance with the adopted *Colorado Wildfire Resiliency Code*, whichever is more restrictive.

Exception: Repairs less than 100 square feet (9.3 m^2) unless subject to the *Colorado Wildfire Resiliency Code*.

42. **Section R703.14 Polypropylene siding** is amended to read as follows:

R703.14 Polypropylene siding. *Polypropylene siding* shall be certified and *labeled* as conforming to the requirements of ASTM D7254, and those of Section R703.14.2 or Section R703.14.3, by an *approved* agency. *Polypropylene siding* on *buildings* shall be installed over one-hour fire-rated assemblies listed for exterior fire exposure, in both the vertical and horizontal plane or in accordance with the adopted *Colorado Wildfire Resiliency Code*, whichever is more restrictive.

Exception: Repairs less than 100 square feet (9.3 m^2) unless subject to the *Colorado Wildfire Resiliency Code*.

43. **Section R902.1 Roofing assemblies** is deleted in its entirety and replaced with the following:

~~**R902.1 Roof assemblies.** Roof decks shall be covered with materials as set forth in Section R904 or with roof coverings as set forth in Section R905. Class A, B or C roof assemblies shall be installed in jurisdictions designated by law as requiring their use or where the edge of the roof deck is less than 3 feet (914 mm) from a lot line. Where Class A, B or C roof assemblies are required, they shall be tested in accordance with ASTM E108 or UL 790. Where required, the roof assembly shall be listed and identified as to class by an approved testing agency.~~

~~**Exceptions:**~~

~~1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.~~

~~2. Class A roof assemblies include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible roof decks.~~

~~3. Class A roof assemblies include minimum 16 ounces per square foot (4.882 kg/m2) copper sheets installed over combustible roof decks.~~

~~4. Class A roof assemblies include slate installed over underlayment over combustible roof decks.~~

R902.1 Roofing covering materials. Roofs shall be covered with materials listed as Class A and with materials as set forth in Section R904 and roof coverings as set forth in Section R905. Class A roofing shall be tested in accordance with UL

790 or ASTM E108. Roof assemblies with coverings of brick, masonry, slate, clay or concrete roof tile, exposed concrete roof deck, ferrous or copper shingles or sheets, or metal sheets and shingles shall be considered Class A roof coverings.

44. **Section R905.1.2 Ice barriers** is amended to read as follows:

R905.1.2 Ice barriers. In areas where there has been a history of ice forming along the eaves causing a backup of water as designated in Table R301.2, an ice barrier shall be installed for asphalt shingles, *metal roof shingles*, mineral-surfaced roll roofing, slate and slate-type shingles, wood shingles and wood shakes. The ice barrier shall consist of not fewer than two layers of *underlayment* cemented together, or a self-adhering polymer-modified bitumen sheet shall be used in place of normal *underlayment* and extend from the lowest edges of all roof surfaces to a point not less than 24 inches (610 mm) inside the exterior wall line of the *building*.

On roofs with slope equal to or greater than 8 units vertical in 12 units horizontal (67-percent slope), the ice barrier shall be applied not less than 36 inches (914 mm) measured along the roof slope from the eave edge of the *building*.

Exceptions:

1. Detached *accessory structures* not containing *conditioned floor area*.
2. Re-roofing where the existing roof covering has not been removed.

45. **Section R905.2.1 Sheathing requirements** is amended to read as follows:

R905.2.1 Sheathing requirements. Asphalt shingles shall be fastened to *wood structural panels* or solid lumber sheathing. Gaps in the solid decking shall not exceed ⅛ inch.

46. A new **Section R905.2.4.2 Impact resistance of asphalt shingles** is added to read as follows:

R905.2.4.2 Impact resistance of asphalt shingles. Asphalt shingles shall be Class 4 impact resistant, tested in accordance with UL 2218, and installed in accordance with the manufacturer's installation instructions.

Exceptions:

1. When existing asphalt shingles are less than Class 4 impact resistant, and the owner wishes to replace the existing asphalt shingles with tiles of a similar color or style, but no Class 4 impact resistance shingles that are similar color or style to the existing asphalt shingles are available, the *building official* may approve alternate materials that are less than Class 4 impact resistant; however, the *building official* will impose the highest class of impact resistance for which shingles of a matching color or style

to the existing asphalt shingles are available. If no impact resistant materials are available, the *building official* may approve non-impact resistant materials if the alternate materials meet all other applicable requirements of this code.

2. When the owner is repairing or adding to existing asphalt singles that are less than Class 4 impact resistant, the owner may use the same or similar materials as the current existing asphalt shingles, even if that same or similar material is not impact resistant provided the repair does not exceed 49% of the roof area or the addition does not exceed 50% of the original *building* size.

47. **Section R908.1 General** is amended to read as follows:

R908.1 General. Materials and methods of application used for recovering or replacing an existing *roof covering* shall comply with the requirements of ~~this chapter~~Chapter 9.

Exceptions:

1. *Reroofing* shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section R905 for roofs that provide *positive roof drainage*.
2. For roofs that provide positive drainage, recovering or replacing an *existing roof covering* shall not require the secondary (emergency overflow) drains or *scuppers* of Section R903.4.1 to be added to an existing roof.
3. Any existing roof covering system may be replaced with a roof covering of the same materials and classification, provided the replacement roof covering has a minimum rating of Class C.

48. **Section R1004.1 General** is amended to read as follows:

R1004.1 General. Factory-built fireplaces shall be *listed* and *labeled* and shall be installed in accordance with the conditions of the *listing*. Factory-built fireplaces shall be tested in accordance with UL 127. Solid fuel fireplaces, fireplace stoves and solid-fuel-type room heaters shall also comply with §5-110 of the City Code and must be installed with a spark arrestor.

49. **Section R1004.4 Unvented gas log heaters** is deleted in its entirety.

~~**R1004.4 Unvented gas log heaters.** An unvented gas log heater or a fireplace insert shall not be installed in a factory-built *fireplace* unless the *fireplace* system has been specifically tested, *listed* and *labeled* for such use in accordance with UL 127.~~

50. **CHAPTER 11 [RE] ENERGY EFFICIENCY** is deleted in its entirety and replaced with the following:

~~**CHAPTER 11 [RE] ENERGY EFFICIENCY**~~

~~**SECTION N1101 (R101) GENERAL**~~

~~**N1101.1 (R101.2) Scope.** This chapter applies to the design and construction of residential buildings as regulated by this code.~~

~~. . .~~

~~**SECTION N1113 (R505) CHANGE OF OCCUPANCY OR USE**~~

~~**N1113.1 (R505.1) General.** Any space that is converted to a dwelling unit or portion thereof from another use or occupancy shall comply with this chapter.~~

~~**Exception:** Where the simulated building performance option in Section N1105 is used to comply with this section, the annual energy cost of the proposed design is permitted to be 110 percent of the annual energy cost allowed by Section N1105.2.~~

~~**N1113.1.1 (R505.1.1) Unconditioned space.** Any unconditioned or low-energy space that is altered to become a *conditioned space* shall comply with Section N1109.6.~~

CHAPTER 11 [RE] ENERGY EFFICIENCY

SECTION R1101 GENERAL

R1101.1 General. Any buildings or portion thereof regulated by this code shall comply with the adopted *International Energy Conservation Code*—Residential Provisions (IECC-R).

51. A new **SECTION M1309 TESTING AND VERIFICATION** is added to read as follows:

SECTION M1309 TESTING AND VERIFICATION

M1309.1 General. Installed heating, cooling and *ventilation* systems shall be performance-tested and adjusted per the Residential New Construction Mechanical Systems Testing Guide as currently adopted by the City of Fort Collins and to operate within design specifications, in accordance with ANSI/ACCA QI 5-2010 *HVAC Quality Installation Specification*. Documentation of results must be submitted to the *building official* prior to the issuance of the certificate of occupancy.

52. **Section M1401.3 Equipment and appliance sizing** is deleted in its entirety and replaced with the following:

~~**M1401.3 Equipment and appliance sizing.** Heating and cooling *equipment* and *appliances* shall be sized in accordance with ACCA Manual S or other *approved* sizing methodologies based on building loads calculated in accordance with ACCA Manual J or other *approved* heating and cooling calculation methodologies.~~

~~**Exception:** Heating and cooling *equipment* and *appliance* sizing shall not be limited to the capacities determined in accordance with ACCA Manual S where either of the following conditions applies:~~

~~1. The specified *equipment* or *appliance* utilizes multistage technology or variable refrigerant flow technology and the loads calculated in accordance with the *approved* heating and cooling calculation methodology are within the range of the manufacturer's published capacities for that *equipment* or *appliance*.~~

~~2. The specified *equipment* or *appliance* manufacturer's published capacities cannot satisfy both the total and sensible heat gains calculated in accordance with the *approved* heating and cooling calculation methodology and the next larger standard size unit is specified.~~

M1401.3 Heating and cooling system design. The design of new heating and cooling systems shall meet the requirements of this section. Design documents shall be submitted to the *building official* at the time of application for a building *permit*.

53. A new **Section M1401.3.1 Equipment and appliance sizing** is added to read as follows:

M1401.3.1 Equipment and appliance sizing. Heating and cooling *equipment* and *appliances* shall be sized in accordance with ACCA Manual S, based on design building loads calculated in accordance with ACCA Manual J, or other equivalent methodology approved by the *building official*, using thermal design parameters in Table R301.2 as amended. The total equipment or *appliance* output capacity shall be between the following limits, as applicable for the equipment type:

1. 95% and 115% of calculated system cooling load, for air conditioners and heat pumps;
2. 95% and 125% of calculated system cooling load, for heat pumps with winter heating dominated requirements;
3. 100% and 140% of calculated system heating load, for warm air systems, unless dictated by the cooling equipment selection; and
4. 100% and 115% of calculated system heating load, for heating boilers.

When there is no equipment available to satisfy these applicable capacity limits, the next largest nominal piece of equipment that is available may be used.

54. A new **Section M1401.3.2 Room loads** is added to read as follows:

M1401.3.2 Room loads. Room-by-room design heating and cooling loads shall be calculated in the design of new heating and cooling systems.

55. A new **Section M1401.3.3 Matched components** is added to read as follows:

M1401.3.3 Matched components. Air-conditioning, Heating and Refrigeration Institute (AHRI) matched evaporators, condensing units and air handlers shall be required in the design of new heating and cooling systems.

56. A new **Section M1402.4 Total electric heating** is added to read as follows:

M1402.4 Total electric heating. Primary indoor central heating systems utilizing only electric heat shall utilize a ground source heat pump system(s) or cold climate heat pump system(s) specifically designed to heat in cold climates and at the Winter Outdoor, Design Dry-Bulb temperature defined in Section C301.5 of the *International Energy Conservation Code* and Table R301.2 of this code. The heat pump system shall not be gas or propane fuel fired. Electric resistance strip heat shall only serve as emergency back-up heat or supplemental heat at outdoor temperatures below 15°F as necessary.

57. **Section M1414.1 General** is amended to read as follows:

M1414.1 General. Fireplace stoves shall be *listed*, *labeled* and installed in accordance with the terms of the listing. Fireplace stoves shall be tested in accordance with UL 737**.** Wood burning *appliances* shall meet the latest emission standards as required by the State of Colorado and Federal Regulation 40 CFR Part 60, Subpart AAA.

58. A new **Section M1501.2 Indoor depressurization** is added to read as follows:

M1501.2 Indoor depressurization. Ducted exhaust systems shall not induce or create a negative pressure sufficient to cause back-drafting of naturally vented, open combustion-chamber or fuel-burning appliances, nor create negative pressure in excess of negative 3 Pa in the immediate proximity of combustion chambers of such appliances.

59. **Section M1502.4.2 Duct installation** is amended to read as follows:

M1502.4.2 Duct installation. Exhaust ducts shall be supported at intervals not to exceed 12 feet (3658 mm) and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow.

Exhaust duct joints shall be sealed in accordance with Section M1601.4.1 and shall be mechanically fastened. Ducts shall not be joined with screws or similar fasteners ~~that protrude more than ⅛ inch (3.2 mm) into the inside of the duct~~. Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation.

60. **Section M1505.4 Whole-house mechanical ventilation system** is deleted in its entirety and replaced with the following:

~~**M1505.4 Whole-house mechanical ventilation system.** Whole-house mechanical ventilation systems shall be designed in accordance with Sections M1505.4.1 through M1505.4.4.~~

M1505.4 Whole-dwelling unit mechanical ventilation system. For new *dwellings*, a mechanical exhaust system, supply system, or combination thereof shall be installed for each *dwelling unit* to provide whole-*dwelling unit ventilation*. Such system shall comply with Sections M1505.4.1 through M1505.5. System design documents must be submitted to the *building official* at the time of application for a *building permit*.

61. **Section M1601.1 Duct design** is amended to read as follows:

M1601.1 Duct design. *Duct systems* serving heating, cooling and *ventilation equipment* in new *buildings*, or new duct systems in *additions*, shall be designed and fabricated ~~installed~~ in accordance with the provisions of this section and ACCA Manual D~~, the *appliance* manufacturer's installation instructions~~ or other *approved* methods.

62. **Section M1601.1.1 Above-ground duct systems** is amended to read as follows, with item #7 being deleted in its entirety:

M1601.1.1 Above-ground duct systems. Above-ground *duct systems* shall conform to the following:

. . .

6. *Duct systems* shall be constructed of materials having a *flame spread index* of not greater than 200.
~~7. Stud wall cavities and the spaces between solid floor joists to be used as air plenums shall comply with the following conditions:~~
~~7.1. These cavities or spaces shall not be used as a plenum for supply air.~~
~~7.2. These cavities or spaces shall not be part of a required fire-resistance-rated assembly.~~
~~7.3. Stud wall cavities shall not convey air from more than one floor level.~~
~~7.4. Stud wall cavities and joist-space plenums shall be isolated from~~

~~adjacent concealed spaces by tight-fitting fireblocking in accordance with Section R302.11. Fireblocking materials used for isolation shall comply with Section R302.11.1.~~

~~7.5. Stud wall cavities in the outside walls of building envelope assemblies shall not be utilized as air plenums.~~

~~7.6. Building cavities used as plenums shall be sealed.~~

~~8~~7. Volume dampers, equipment and other means of supply, return and exhaust air adjustment used in system balancing shall be provided with access.

63. A new **Section M1601.4.11 Construction debris and contamination** is added to read as follows:

M1601.4.11 Construction debris and contamination. Mechanical air-handling systems and their related ducts shall be protected from the entrance of dirt, debris, and dust during the construction and installation process. Prior to passing final inspection or issuance of a certificate of occupancy, such systems shall be substantially free of construction-related contaminants.

64. **Section M1602.2 Return air openings** is amended to read as follows:

M1602.2 Return air openings. A return air path shall be provided in all habitable rooms by means of ducts or transfer grills. Return air openings for heating, *ventilation* and air conditioning systems shall comply with all of the following:

. . .

65. **Section G2404.3 (301.3) Listed and labeled** is amended to read as follows:

G2404.3 (301.3) Listed and labeled. *Appliances* regulated by this code shall be *listed* and *labeled* for the application in which they are used unless otherwise *approved* in accordance with Section R104.2.2. ~~The approval of unlisted *appliances* in accordance with Section R104.2.2 shall be based upon *approved* engineering evaluation.~~

66. **Section G2406.2 (303.3) Prohibited locations** is amended by deleting items #3 and #4.

. . .

~~3. A single wall-mounted *unvented room heater* is installed in a bathroom and such *unvented room heater* is equipped as specified in Section G2445.6 and has an input rating not greater than 6,000 *Btu*/h (1.76 kW). The bathroom shall meet the required volume criteria of Section G2407.5.~~

~~4. A single wall-mounted *unvented room heater* is installed in a bedroom and such *unvented room heater* is equipped as specified in Section G2445.6 and has an input rating not greater than 10,000 *Btu*/h (2.93 kW). The bedroom shall meet the required volume criteria of Section G2407.5.~~

~~. . .~~

67. **Section G2407.11 (304.11) Combustion air ducts** is amended by adding a new Item #9 to read as follows:

. . .

9. All combustion air openings or ducts shall be readily identifiable with an approved label or by other means warning persons that obstruction of such openings or ducts may cause fuel-burning equipment to release combustion products and dangerous levels of carbon monoxide into the *building*.

68. **Section G2415.12 (404.12) Minimum burial depth** is amended to read as follows:

G2415.12 (404.12) Minimum burial depth. Underground *piping systems* shall be installed a minimum depth of ~~12 inches (305 mm)~~18 inches (457.2 mm) below grade~~, except as provided for in Section G2415.12.1~~.

69. **Section G2415.12.1 (404.12.1) Individual outside appliances** is deleted in its entirety.

~~**G2415.12.1 (404.12.1) Individual outdoor appliances**. Individual lines to outdoor lights, grills and other *appliances* shall be installed not less than 8 inches (203 mm) below finished grade, provided that such installation is *approved* and is installed in locations not susceptible to physical damage~~

70. **Section G2417.4.1 (406.4.1) Test pressure** is deleted in its entirety and replaced with the following:

~~**G2417.4.1 (406.4.1) Test pressure.** The test pressure to be used shall be not less than 1½ times the proposed maximum working pressure, but not less than 3 psig (20 kPa gauge). Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the *piping* greater than 50 percent of the specified minimum yield strength of the pipe.~~

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be 10 psi minimum for non-welded pipe and 60 psi minimum for welded pipe.

71. **Section G2425.8 (501.8) Appliances not required to be vented** is amended to read as follows:

G2425.8 (501.8) Appliances not required to be vented. The following *appliances* shall not be required to be vented:

1. Electric ~~R~~ranges.
2. Electric ~~B~~built-in domestic cooking units *listed* and marked for optional venting.
3. Hot plates and laundry stoves.
4. *Type 1 clothes dryers (Type 1 clothes dryers* shall be exhausted in accordance with the requirements of Section G2439).
5. Refrigerators.
6. Counter *appliances*.
7. ~~Room heaters *listed* for unvented use.~~

Where the *appliances* listed in Items 5 through ~~7~~6 are installed so that the aggregate input rating exceeds 20 Btu per hour per cubic foot (207 W/m3) of volume of the room or space in which such *appliances* are installed, one or more shall be provided with venting *systems* or other *approved* means for conveying the *vent gases* to the outdoor atmosphere so that the aggregate input rating of the remaining *unvented appliances* does not exceed 20 Btu per hour per cubic foot (207 W/m3). Where the room or space in which the *appliance* is installed is directly connected to another room or space by a doorway, archway or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations.

72. **Section G2427.6.5 (503.6.6) Minimum height** is amended to read as follows:

G2427.6.5 (503.6.6) Minimum height. A Type B or L gas *vent* shall terminate not less than 5 feet (1524 mm) in vertical height above the highest connected *appliance draft hood* or *flue collar*. A Type B-W gas *vent* shall terminate not less than 12 feet (3658 mm) in vertical height above the bottom of the wall *furnace*. All gas vents shall terminate a minimum of 22 inches (559 mm) above the surface or grade directly below.

73. **TABLE G2427.8 (503.8) THROUGH-THE-WALL VENT TERMINAL CLEARANCE** is amended to read as follows:

TABLE G2427.8 (503.8) THROUGH-THE-WALL VENT TERMINAL CLEARANCE			
FIGURE CLEARANCE	**CLEARANCE LOCATION**	**MINIMUM CLEARANCE FOR DIRECT-VENT TERMINALS**	**MINIMUM CLEARANCES FOR NONDIRECT-VENT TERMINALS**
A	Clearance above finished grade level, veranda,	~~12 inches~~ 22 inches	

	porch, deck or balcony	
. . .	. . .	. . .

74. **SECTION G2445 (621) UNVENTED ROOM HEATERS** is deleted in its entirety.

~~**SECTION G2445 (621)—UNVENTED ROOM HEATERS**~~

~~**G2445.1 (621.1) General.** *Unvented room heaters* shall be *listed* in accordance with ANSI Z21.11.2 and shall be installed in accordance with the conditions of the listing and the manufacturer's instructions.~~

~~**G2445.2 (621.2) Prohibited use.** One or more *unvented room heaters* shall not be used as the sole source of comfort heating in a *dwelling unit*.~~

~~**G2445.3 (621.3) Input rating.** *Unvented room heaters* shall not have an input rating in excess of 40,000 *Btu*/h (11.7 kW).~~

~~**G2445.4 (621.4) Prohibited locations.** The location of *unvented room heaters* shall comply with Section G2406.2.~~

~~**G2445.5 (621.5) Room or space volume.** The aggregate input rating of all *unvented appliances* installed in a room or space shall not exceed 20 *Btu*/h per *cubic foot* (207 W/m3) of volume of such room or space. Where the room or space in which the *appliances* are installed is directly connected to another room or space by a doorway, archway or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations.~~

~~**G2445.6 (621.6) Oxygen-depletion safety system.** *Unvented room heaters* shall be equipped with an oxygen-depletion-sensitive safety shutoff system. The system shall shut off the gas supply to the main and *pilot burners* when the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer, but not lower than 18 percent. The system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the room heater.~~

~~**G2445.7 (621.7) Unvented decorative room heaters.** An unvented decorative room heater shall not be installed in a *factory-built fireplace* unless the *fireplace* system has been specifically tested, *listed* and *labeled* for such use in accordance with UL 127.~~

~~**G2445.7.1 (621.7.1) Ventless firebox enclosures.** Ventless firebox enclosures used with unvented decorative room heaters shall be *listed* as complying with ANSI Z21.91.~~

75. A new **Section G2447.6 (623.8) Gas cooking appliances** is added to read as follows:

G2447.6 (623.8) Gas cooking appliances. Gas cooking appliances shall be supplied with an exhaust system vented to the outside in accordance with Section M1503. Ducts serving gas appliance exhaust systems shall not terminate in an attic or crawl space or areas inside the *building*, induce or create negative pressure in excess of negative 3 Pa, or adversely affect gravity-vented appliances.

76. A new **Section G2451.3 (630.3) Combustion and ventilation air** is added to read as follows:

G2451.3 (630.3) Combustion and ventilation air. Where infrared heaters are installed, natural or mechanical means shall provide outdoor ventilation air at a rate of not less than 4 cfm per 1,000 Btu/h (0.38 m^3/min/kW) of the aggregate input rating of all such heaters installed in the space. Outdoor exhaust openings for removing flue products shall terminate above the level of the heaters.

77. A new **Section P2501.3 Compliance** is added to read as follows:

P2501.3 Compliance. Plumbing shall conform to and be installed in accordance with the provisions of Chapters 25 through 33 of the *International Plumbing Code*.

78. **Section P2503.5.1 Rough Plumbing** is amended to read as follows:

P2503.5.1 Rough plumbing. DWV systems shall be tested on completion of the rough piping installation by water, by air~~ for piping systems other than plastic~~, or by a vacuum~~ of air for plastic piping systems~~, without evidence of leakage. The test shall be applied to the drainage system in its entirety or in sections after rough-in piping has been installed, as follows:

. . .

79. **Section P2903.1 Water supply system design criteria** is amended to read as follows:

P2903.1 Water supply system design criteria. The water service and water distribution systems shall be designed and sized for peak demand using values shown in Table P2903.1 or Appendix E of the *International Plumbing Code*.

80. **Section P2903.2 Maximum flow and water consumption** is amended to read as follows:

P2903.2 Maximum flow and water consumption. The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table P2903.2 and, except for fixture types that are not labeled under the WaterSense® program, shall be Environmental Protection Agency (EPA) WaterSense® labeled fixtures.

81. **TABLE P2903.2 MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING FIXTURES AND FIXTURE FITTINGS[b]** is amended to read as follows:

TABLE P2903.2 MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING FIXTURES AND FIXTURE FITTINGS[b]

PLUMBING FIXTURE OR	MAXIMUM FLOW RATE OR QUANTITY
Lavatory faucet	1.5~~2.2~~ gpm at 60 psi
Shower head[a]	1.8~~2.5~~ gpm at 80 psi
Sink faucet	1.8~~2.2~~ gpm at 60 psi
Water closet	1.1~~1.6~~ gallons per flushing cycle, with minimum MaP threshold of 600 grams. Dual flush gallons per flushing cycle: Average of three flushes (two reduced flushes and one full flush)[c]

For SI: 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.
a. A hand-held shower spray shall be considered to be a shower head.
b. Consumption tolerances shall be determined from referenced standards.
c. In existing *buildings* not increasing the *building* size, a 1.28 gpf maximum water closet is allowed.

82. **CHAPTER 34 GENERAL REQUIREMENTS** through **CHAPTER 43 CLASS 2 REMOTE-CONTROL, SIGNALING AND POWER-LIMITED CIRCUITS** are deleted in their entirety and replaced with the following:

~~**CHAPTER 34 GENERAL REQUIREMENTS**~~

~~**SECTION E3401 GENERAL**~~

~~**E3401.1 Applicability.** The provisions of Chapters 34 through 43 shall establish the general scope of the electrical system and equipment requirements of this code. Chapters 34 through 43 cover those wiring methods and materials most commonly encountered in the construction of one- and two-family dwellings and~~

~~structures regulated by this code. Other wiring methods, materials and subject matter covered in NFPA 70 are also allowed by this code.~~

~~. . .~~

~~CHAPTER 35 ELECTRICAL DEFINITIONS~~

~~. . .~~

~~CHAPTER 36 SERVICES~~

~~. . .~~

~~CHAPTER 37 BRANCH CIRCUIT AND FEEDER REQUIREMENTS~~

~~. . .~~

~~CHAPTER 38 WIRING METHODS~~

~~. . .~~

~~CHAPTER 39 POWER AND LIGHTING DISTRIBUTION~~

~~. . .~~

~~CHAPTER 40 DEVICES AND LUMINAIRES~~

~~. . .~~

~~CHAPTER 41 APPLIANCE INSTALLATION~~

~~. . .~~

~~CHAPTER 42 SWIMMING POOLS~~

~~. . .~~

~~CHAPTER 43 CLASS 2 REMOTE-CONTROL, SIGNALING AND POWER-LIMITED CIRCUITS~~

~~. . .~~

~~E4304.5 Installation of conductors and cables.~~ ~~Class 2 equipment shall be installed in a neat and workmanlike manner. Cables and conductors installed exposed on the surface of ceilings and sidewalls shall be supported by the building structure in such a manner that they will not be damaged by normal building use.~~

~~Such cables shall be supported by straps, staples, hangers, cable ties or similar fittings designed so as to not damage the cable. Nonmetallic cable ties and other nonmetallic accessories used to secure and support cables located in stud cavity and joist space plenums shall be *listed* as having low smoke and heat release properties. The installation shall comply with Table E3802.1 regarding cables run parallel with framing members and furring strips. The installation of wires and cables shall not prevent access to equipment nor prevent removal of panels, including suspended ceiling panels. Raceways shall not be used as a means of support for Class 2 circuit conductors, except where the supporting raceway contains conductors supplying power to the functionally associated equipment controlled by the Class 2 conductors. [300.11(C)(2), 300.22(C)(1), 722.24(A) and 725.24]~~

CHAPTER 34 ELECTRICAL REQUIREMENTS

SECTION 3401 ADMINISTRATION

3401.1 General. Any buildings or portion thereof regulated by this code shall comply with the *National Electrical Code* as adopted by the City. All references in this code to any section of Chapters 34 through 43 inclusive shall instead refer to the applicable corresponding sections of the *National Electrical Code*.

83. **APPENDIX BA MANUFACTURED HOUSING USED AS DWELLINGS** is adopted in its entirety.

84. **APPENDIX BB TINY HOUSES** is adopted in its entirety.

85. **APPENDIX BC ACCESSORY DWELLING UNITS (ADU)** is adopted in its entirety, and is amended to read as follows:

. . .

BC101.2 Conditions. ADUs shall be permitted without requiring a *change of occupancy* where in compliance with all of the following:

1. An ADU shall be permitted within an existing single-family detached *dwelling* or within an existing *townhouse unit* that is within the scope of the *International Residential Code.*
2. Only one ADU shall be permitted for each ~~primary *dwelling unit*~~ lot.
3. ~~The *owner* of a property containing an ADU shall reside in either the primary *dwelling unit* or the ADU, as of the date of *permit* approval.~~
4. ~~3~~.An ADU shall have a separate house number from the primary *dwelling unit*.
5. ~~4~~.ADUs shall be secondary in size and function to the primary *dwelling unit* and shall comply with the Land Use Code. ~~all of the following limits:~~

   ~~5.1. Not less than 190 square feet (17.65 m^2) in area.~~

~~5.2. Not more than 50 percent of the area of the primary *dwelling unit*.~~

~~5.3. Not more than 1,200 square feet (111 m^2) in area.~~

~~6~~5. An attached ADU shall be provided with a separate entrance from that serving the primary *dwelling unit,* either from the exterior of the *building* or from a common hallway located within the *building*.

~~7. An ADU shall have a maximum number of two bedrooms.~~

~~8~~6. The location of a detached ADU shall comply with Section R302.

~~9~~7. An ADU shall be provided with adequate provisions for electricity, water supply and sewage disposal.

SECTION BC102 DEFINITIONS

BC102.1 Definitions. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein:

ACCESSORY DWELLING UNIT (ADU). ~~An *addition* or *alteration* that is an additional, subordinate dwelling unit on the same *lot*, and is entirely within a dwelling unit, attached to a *dwelling unit* or in a detached structure~~ Any structure meeting the definition of an attached or detached accessory dwelling unit as defined under the Land Use Code.

. . .

86. **APPENDIX BD HOME DAY CARE OCCUPANCY** is adopted in its entirety.

87. **APPENDIX BE RADON CONTROL METHODS** is adopted in its entirety, and is amended to read as follows:

. . .

BE101.1 General. ~~This appendix contains requirements for new construction in *jurisdictions* where radon-resistant construction is required~~ Radon-resistant construction is required for all new dwellings constructed under this code as prescribed in this Appendix.

~~Inclusion of this appendix by *jurisdictions* shall be determined through the use of locally available data or determination of Zone 1 designation in Figure BE101.1 and Table BE101.1.~~

FIGURE BE101.1 EPA MAP OF RADON ZONES

. . .

BE103.1 General. The following construction techniques are intended to resist radon entry and prepare the *building* for post-construction radon mitigation~~, if necessary (see Figure BE103.1). These techniques are required in areas where designated by the *jurisdiction*~~.

. . .

BE103.2 Subfloor preparation. A layer of gas-permeable material ~~shall~~ may be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the *living spaces* of the *building*, to facilitate future installation of a *subslab depressurization system*, if needed. Each radon reduction vent pipe riser shall serve no more than 4,000 square feet of uninterrupted under slab/floor area. The gas-permeable layer shall consist of one of the following:

1. A uniform layer of clean aggregate, not less than 4 inches (102 mm) thick. The aggregate shall consist of material that will pass through a 2-inch (51 mm) sieve and be retained by a ¼-inch (6.4 mm) sieve.
2. A uniform layer of sand (native or fill), not less than 4 inches (102 mm) thick, overlain by a layer or strips of geotextile drainage matting designed to allow the lateral flow of soil gases.

   Exception: A sand base course is not required under geotextile drainage matting where the concrete slab is installed on well-drained ground or sand-gravel mixture soils classified as Group 1 according to the United Soil Classification as detailed in Table R401.4.1(2).
3. Other materials, systems or floor designs with demonstrated capability to permit depressurization across the entire subfloor area.

BE103.3 Soil-gas-retarder. ~~Flexible sheeting material complying with section R506.3.3 shall be placed on top of the gas-permeable layer prior to casting the slab or placing the floor assembly to serve as a *soil-gas-retarder* by bridging any cracks that develop in the slab or floor assembly, and to prevent concrete from entering the void spaces in the aggregate base material. The sheeting shall cover the entire floor area with separate sections of sheeting lapped not less than 12 inches (305 mm). The sheeting shall fit closely around any pipe, wire or other penetrations of the material. Punctures or tears in the material shall be sealed or covered with additional sheeting.~~The soil in crawl spaces shall be covered with a continuous layer of a minimum 6-mil (0.15 mm) polyethylene or 3 mil (0.75 mm) cross-laminated polyethylene soil-gas-retarder. The ground cover shall be lapped not less than 12 inches at joints and sealed or taped. The edges of the ground cover shall extend a minimum of 12 inches (152 mm) up onto all foundation walls enclosing the under-floor space and be sealed to the wall and any footing pads. 6-mil polyethylene also shall be sealed and mechanically fastened to the wall. An interior perimeter drain tile loop shall be connected to a plumbing tee or other approved connection as per BE103.5.3.

. . .

BE103.5 Passive submembrane depressurization system. In *buildings* with *crawl space* foundations, the following components of a passive *submembrane depressurization system* shall be installed during construction.

~~**Exception:** *Buildings* in which an *approved* mechanical *crawl space* ventilation system or other equivalent system is installed.~~

~~**BE103.5.1 Ventilation**. *Crawl spaces* shall be provided with vents to the exterior of the *building*. The minimum net area of ventilation openings shall comply with Section R408.1.~~

BE103.5.2 Soil-gas-retarder. The soil in *crawl spaces* shall be covered with a continuous layer of minimum 6-mil (0.15 mm) polyethylene *soil-gas-retarder*. The ground cover shall be lapped not less than 12 inches (305 mm) at joints and shall extend to all foundation walls enclosing the *crawl space* area.

. . .

BE103.13 Provisions for future depressurization fan installation. Permanent provisions shall be made for the future installation of an in-line fan to be connected to every radon vent pipe. Such designated fan locations shall be outside of the conditioned envelope of the *building*, such as in the attic, garage and similar locations, excluding *crawl spaces* and other interior under-floor spaces. Designated locations shall accommodate an unobstructed permanent cylindrical space with the following minimum dimensions: 12 inches (305 mm) measured radially around the radon vent pipe along a vertical distance of 30 inches (760 mm). Designated fan locations shall be permanently accessible for servicing and maintenance. An electrical receptacle outlet shall be provided within 48 inches (1219 mm) of and within sight from designated fan locations and installed so as to not be covered by insulation. A light fixture shall be installed in the area of future fan location.

SECTION BE104 TESTING

BE104.1 TESTING. Where radon-resistant construction is required, radon testing shall be as specified in Items 1 through ~~11~~10:

. . .

9. Written radon test results shall be provided by the test lab or testing party. The final written test report with results less than 4 picocuries per liter (pCi/L) shall be provided to the *code official* or a fan installed as per Item 10.
10. Where the radon test result is 4 pCi/L or greater, the fan for the radon

vent pipe shall be installed as specified in Sections BE103.9 and BE103.12.

~~11. Where the radon test result is 4 pCi/L or greater, the system shall be modified and retested until the test result is less than 4 pCi/L.~~

. . .

88. **APPENDIX BF PATIO COVERS** is adopted in its entirety.

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Jenny Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 214, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 2 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2021 INTERNATIONAL EXISTING BUILDING CODE AND ADOPTING THE 2024 INTERNATIONAL EXISTING BUILDING CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes ought to be adopted and that any counterpart *International* codes previously adopted should be repealed, both to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

F. The adoption of the interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resources Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

G. The City Council has determined that it is in the best interests of the health, safety and welfare of the City and its residents that the *2024 International Existing Building Code* be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in the newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the

hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

J. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the 2021 *International Existing Building Code* ("IEBC") and adopts the 2024 IEBC as amended by this Ordinance.

Section 2. Section 5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 5-32. - Adoption of standards.

Pursuant to the power and authority conferred on the City Council by ~~C.R.S. §~~Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the ~~*2021*~~*2024 International Existing Building Code*, published by the International Code Council, second printing (July 2024), as amended by the City, which shall have the same force and effect as though set forth in full herein. The subject matter of the ~~*2021*~~*2024 International Existing Building Code* includes comprehensive provisions and standards regulating and controlling the repair, alteration, change of occupancy, addition to and relocation of existing buildings for the purposes of protecting public health, safety and general welfare.

Section 3. Section 5-33 of the Code of the City of Fort Collins is hereby repealed and re-enacted to read as follows:

Sec. 5-33. - Amendments and deletions to the 2024 International Existing Building Code.

The *2024 International Existing Building Code* adopted in § 5-32 is amended as follows:

1. **Section 101.1 Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Existing Building Code* of the City of Fort Collins, herein-after referred to as "this code."

2. **Section 102.4 Referenced codes and standards** is amended to read as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Section 101.4 of the adopted *International Building Code,* entitled "Referenced Codes", and shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

3. **SECTION 103 CODE COMPLIANCE AGENCY** is deleted in its entirety and replaced with the following:

~~**SECTION 103 CODE COMPLIANCE AGENCY**~~

~~**[A] 103.1 Creation of agency.** The [INSERT NAME OF DEPARTMENT] is hereby created, and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

~~**[A] 103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.~~

~~**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.~~

SECTION 103 CODE ADMINISTRATION

103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code,* entitled "Code Administration."

4. **Section 104.2.4.1 Flood hazard areas** is deleted in its entirety and replaced with the following:

~~**[A] 104.2.4.1 Flood hazard areas.** For *existing buildings* located in *flood hazard areas* for which *repairs, alterations and additions* constitute *substantial improvement*, the *code official* shall not grant modifications to provisions related to flood resistance unless a determination is made that:~~

~~1. The applicant has presented good and sufficient cause that the unique characteristics of the size, configuration or topography of the site~~

~~render compliance with the flood-resistant construction provisions inappropriate.~~

~~2. Failure to grant the modification would result in exceptional hardship.~~

~~3. The granting of the modification will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing laws or ordinances.~~

~~4. The modification is the minimum necessary to afford relief, considering the flood hazard.~~

~~5. A written notice will be provided to the applicant specifying, if applicable, the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and that construction below the design flood elevation increases risks to life and property.~~

104.2.4.1 Flood hazard areas. For *existing buildings* or *structures* regulated under the scope of this code that are in whole or in part located in *flood hazard areas*, construction documents shall be submitted as established in accordance with Chapter 10 of the City Code, entitled “Flood Prevention and Protection.”

5. **Section 105.3.2 Time limitation of application** is amended to read as follows:

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding ~~90~~180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Applications that have been deemed abandoned for 30 days or more will be considered void, unless the *building official* determines, in their reasonable discretion, that an extension of no more than 180 days should be allowed due to conditions beyond the applicant’s control.

6. **SECTION 108 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION 108 FEES**~~

~~**[A] 108.1 Payment of fees**. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.~~

~~**[A] 108.2 Schedule of permit fees.** Where a permit is required, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**[A] 108.3 Permit valuations.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include total value of work, including materials and labor for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the *code official*, the valuation is underestimated, the permit shall be denied unless the applicant can show detailed estimates acceptable to the *code official*. The *code official* shall have the authority to adjust the final valuation for permit fees.~~

~~**[A] 108.4 Work commencing before permit issuance.** Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the *code official* that shall be in addition to the required permit fees.~~

~~**[A] 108.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition of work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**[A] 108.6 Refunds.** The *code official* is authorized to establish a refund policy.~~

SECTION 108 FEES

108.1 Payment of fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code,* entitled "Fees."

108.2 Work commencing before permit issuance. All items related to work commencing before permit issuance shall be made pursuant to the applicable provisions of Section 109.2 of the adopted *International Building Code,* as amended.

7. **Section 112 MEANS OF APPEALS** is deleted in its entirety and replaced with the following:

~~**SECTION 112 MEANS OF APPEALS**~~

~~**[A] 112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for~~

~~conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.~~

~~**[A] 112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**[A] 112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**[A] 112.4 Administration.** The *code official* shall take action without delay in accordance with the decision of the board.~~

SECTION 112 MEANS OF APPEALS

112.1 General. Appeals of decisions, determinations and interpretations of this code shall be made pursuant to the applicable provisions of Section 113 of the adopted *International Building Code,* entitled "MEANS OF APPEALS."

8. **Section 113.4 Violation Penalties** is deleted in its entirety and replaced with the following:

~~**[A] 113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who *repairs* or alters or changes the occupancy of a building or structure in violation of the *approved* construction documents or directive of the *code official* or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law.~~

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or *repairs* a building or structure in violation of the *approved* construction documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

9. A new **Section 302.6 Restroom signage** is added to read as follows:

302.6 Restroom signage. Any alteration to a single user restroom that requires a building permit shall be provided with gender-neutral signage.

10. **Section 703.1 General** is amended to read as follows:

703.1 General. *Alterations* shall be done in a manner that maintains the level of fire protection ~~provided~~ required.

11. **Section 708.1 Minimum requirements** is deleted in its entirety and replaced with the following:

~~**708.1 Minimum requirements.** Level 1 *alterations* to *existing buildings* or structures do not require the entire building or structure to comply with the energy requirements of the *International Energy Conservation Code* or *International Residential Code*. The *alterations* shall conform to the energy requirements of the *International Energy Conservation Code* or *International Residential Code* as they relate to new construction only.~~

708.1 Minimum requirements. The scope of work in Level 1 *alterations* shall conform to the energy requirements of the *International Energy Conservation Code*. *Existing building* area not affected by the alteration is not required to comply with the energy requirements of the *International Energy Conservation Code* except where the space undergoes a change of occupancy that would result in an increase in demand for either fossil fuel or electrical energy per Section C505 or R505 of the *International Energy Conservation Code*.

12. **Section 809.1 Minimum requirements** is deleted in its entirety and replaced with the following:

~~**809.1 Minimum requirements.** Level 2 *alterations* to *existing buildings* or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the *International Energy Conservation Code* or *International Residential Code*. The *alterations* shall conform to the energy requirements of the *International Energy Conservation Code* or *International Residential Code* as they relate to new construction only.~~

809.1 Minimum requirements. The scope of work in Level 2 *alterations* shall conform to the energy requirements of the *International Energy Conservation Code*. *Existing building* area not affected by the alteration is not required to comply with the energy requirements of the *International Energy Conservation Code* except where the space undergoes a change of occupancy that would result in an increase in demand for either fossil fuel or electrical energy per Section C505 or R505 of the *International Energy Conservation Code*.

13. **Section 907.1 Minimum requirements** is deleted in its entirety and replaced with the following:

~~**907.1 Minimum requirements.** Level 3 *alterations* to *existing buildings* or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the *International Energy Conservation Code* or~~

~~*International Residential Code*. The *alterations* shall conform to the energy requirements of the *International Energy Conservation Code* or *International Residential Code* as they relate to new construction only.~~

907.1 Minimum requirements. The scope of work in Level 3 *alterations* shall conform to the energy requirements of the *International Energy Conservation Code*. *Existing building* area not affected by the alteration is not required to comply with the energy requirements of the *International Energy Conservation Code* except where the space undergoes a change of occupancy that would result in an increase in demand for either fossil fuel or electrical energy per Section C505 or R505 of the *International Energy Conservation Code*.

14. **Section 1103.3 Flood hazard areas** is deleted in its entirety and replaced with the following:

~~**[BS] 1103.3 Flood hazard areas.** *Additions* and *foundations* in *flood hazard areas* shall comply with the following requirements:~~

~~1. For horizontal *additions* that are structurally interconnected to the *existing building*:~~

~~1.1. If the *addition* and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *International Building Code*, or Section R306 of the *International Residential Code*, as applicable.~~

~~1.2. If the *addition* constitutes *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *International Building Code*, or Section R306 of the *International Residential Code*, as applicable.~~

~~1.3. If the *addition* does not constitute *substantial improvement*, the *addition* is not required to comply with the flood design requirements for new construction, provided that both of the following apply:~~

~~1.3.1. The *addition* shall not create or extend any nonconformity of the *existing building* with the flood-resistant construction requirements.~~

~~1.3.2. The *lowest floor* of the *addition* shall be at or above the lower of the *lowest floor* of the *existing building* or the *lowest floor* elevation required in Section 1612 of the *International Building Code*, or Section R306 of the *International Residential Code*, as applicable.~~

~~2. For horizontal *additions* that are not structurally interconnected to the *existing building*:~~

~~2.1. The *addition* shall comply with Section 1612 of the *International Building Code*, or Section R306 of the *International Residential Code*, as applicable.~~

~~2.2. If the *addition* and all other proposed work, when combined, constitute *substantial improvement*, the *existing building* and the *addition* shall comply with Section 1612 of the *International Building Code*, or Section R306 of the *International Residential Code*, as applicable.~~

~~3. For vertical *additions* and all other proposed work that, when combined, constitute *substantial improvement*, the *existing building* shall comply with Section 1612 of the *International Building Code*, or Section R306 of the *International Residential Code*, as applicable.~~

~~4. For a new foundation, replacement foundation or a foundation raised or extended upward, the foundation shall comply with Section 1612 of the *International Building Code*, or Section R306 of *the International Residential Code*, as applicable.~~

1103.3 Flood hazard areas. For *buildings* or structures regulated under the scope of this code that are in whole or in part located in *flood hazard areas*, construction documents shall be submitted as established in accordance with Chapter 10 of the City Code, entitled "Flood Prevention and Protection."

15. **Appendix E TEMPORARY EMERGENCY USES** is adopted in its entirety, and is amended to read as follows:

APPENDIX E TEMPORARY EMERGENCY USES

SECTION E101 GENERAL

E101.1 Scope. The provisions of this appendix shall apply to the use, installation, *alteration*, relocation and location of *existing buildings* and any service utilities or systems that serve such *existing buildings* during or based on the response to the emergency and the use of a c*ommunity based shelter* or *seasonal overflow shelter*.

. . .

E101.1.2 Temporary use. Where temporary uses during emergencies exceed 180 days, judgement shall be used by the *code official* to allow for temporary uses and conditions to continue for the duration of the emergency based on the needs of the emergency. The *code official* is authorized to grant extensions for demonstrated cause. Temporary use as a *community based shelter* or *seasonal overflow shelter* may not exceed 180 days in a 12 month period.

SECTION E102 DEFINITIONS

E102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

. . .

COMMUNITY BASED SHELTER. An accessory use to a facility owned and operated by a place of worship, public benefit corporation as defined by the Colorado Revised Statutes, or a tax exempt corporation as defined by Section 503 of the U.S. Internal Revenue Code, that provides overnight accommodations on a temporary basis for a maximum of fifteen (15) persons.

. . .

SEASONAL OVERFLOW SHELTER. A homeless shelter that allows persons experiencing homelessness to stay on its premises overnight from the beginning of November through the end of April the following year, unless, because of inclement weather, specific and limited exceptions to such seasonal limitations are granted by the *code official*. *Community based shelter* services are exempt from this definition.

. . .

SECTION E105 PERMITS

. . .

E105.2 Community based shelter and seasonal overflow shelter permits. Any *owner* or *owner's authorized agent* who intends to use a building or structure for the purposes of a *community based shelter* or *seasonal overflow shelter*, shall first submit an application to the *code official* and obtain the required *permit*.

SECTION E106 GENERAL STANDARDS ~~FOR EMERGENCY USES~~

. . .

E106.2 Intent. The intent of this section is to provide a reasonable level of safety in a structure repurposed for *emergency use* or use as a *community based shelter* or *seasonal overflow shelter*.

. . .

E106.4.2 Training and practice drills. Training of staff and practice drills shall comply with Sections 405 and 406 of the *International Fire Code*. Structures in place for longer than 30 days shall conduct evacuation drills in accordance with Section 405.3 of the *International Fire Code* based on the temporary use as determined by the Fire Code Official.

E106.4.3 Fire protection. An evaluation shall be performed to decide on fire protection needed utilizing NFPA 550 as determined by the Fire Code Official.

. . .

E106.5 Means of egress. Means of egress shall comply with Section 1011.5, in addition to Sections E106.5.1 through E106.5.~~3~~4.

Exception: In Group I-2 occupancies, in areas where corridors are used for movement of care recipients in beds, the clear width of ramps and corridors shall be not less than 48 inches (1219 mm).

. . .

E106.5.4 Egress width. A 4 foot wide exit aisle shall be maintained throughout the entire sleeping area to the exit(s). Exit aisles shall be always maintained unobstructed and free of trip hazards.

. . .

E106.7.1 Portable heating, cooling and cooking equipment. Portable heating, cooling and cooking equipment shall not be used in *community based shelters* or *seasonal overflow shelters*. Portable heating, cooling and cooking equipment for *emergency* use shall be used in accordance with the *International Fire Code*, their listing and manufacturer's instructions.

E106.8 Posting. During hours of operation, signage indicating that the building or structure is occupied shall be posted outside the building, in a location approved by the Fire Code Official.

E106.9 Existing violations. All existing building and fire code violations must be corrected prior to issuance of a temporary certificate of occupancy.

. . .

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Tiegan Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 215, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 2 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE AND ADOPTING THE 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both in order to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

F. The adoption of the interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that the *2024 International Swimming Pool and Spa Code* be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the

hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

J. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the 2021 *International Swimming Pool and Spa Code* ("ISPSC") and adopts 2024 ISPSC as amended by this Ordinance.

Section 2. Section 5-34 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 5-34. - Adoption of standards.

Pursuant to the power and authority conferred on the City Council by ~~C.R.S. §~~Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the ~~*2021*~~*2024 International Swimming Pool and Spa Code*, published by the International Code Council, second printing (August 2024), as amended by the City, which shall have the same force and effect as though set forth in full herein. The subject matter of the ~~*2021*~~*2024 International Swimming Pool and Spa Code* adopted herein includes comprehensive provisions and standards regulating and controlling the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas for the purpose of protecting public health, safety and general welfare.

Section 3. Section 5-35 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 5-35. - Amendments and deletions to the 2024 International Swimming Pool and Spa Code.

The *2024 International Swimming Pool and Spa Code* adopted in § 5-34 is amended as follows:

1. **Section 101.1 Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Swimming Pool and Spa Code* of the City of Fort Collins, hereinafter referred to as "this code."

2. **Section 102.7 Referenced codes and standards** is amended to read as follows:

The codes and standards referenced in this code shall be those that are listed in Chapter 11 of this code and those listed in Section 101.4 of the adopted *International Building Code*, entitled "Referenced Codes," and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements.

3. **SECTION 103 CODE COMPLIANCE AGENCY** is deleted in its entirety, and replaced with the following:

~~**SECTION 103 CODE COMPLIANCE AGENCY**~~

~~**[A] 103.1 Creation of agency.** The **[NAME OF DEPARTMENT]** is hereby created and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

~~**[A] 103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.~~

~~**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.~~

SECTION 103 CODE ADMINISTRATION

103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled "CODE ADMINISTRATION."

4. **SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL** is deleted in its entirety and replaced with the following:

~~**SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL**~~

~~**[A] 104.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this code.~~

[A] 104.2 Determination of compliance. The code official shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2.1 Listed compliance. Where this code or a referenced standard requires equipment, materials, products or services to be listed and a listing standard is specified, the listing shall be based on the specified standard. Where a listing standard is not specified, the listing shall be based on an approved listing criteria. Listings shall be germane to the provision requiring the listing. Installation shall be in accordance with the listing and the manufacturer's instructions, and where required to verify compliance, the listing standard and manufacturer's instructions shall be made available to the code official.

[A] 104.2.2 Technical assistance. To determine compliance with this code, the code official is authorized to require the owner or owner's authorized agent to provide a technical opinion and report.

[A] 104.2.2.1 Cost. A technical opinion and report shall be provided without charge to the jurisdiction.

[A] 104.2.2.2 Preparer qualifications. The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.2.3 Content. The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon to identify and propose necessary recommendations.

[A] 104.2.2.4 Tests. Where there is insufficient evidence of compliance with the provisions of this code, the code official shall have the authority to require tests as evidence of compliance. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized test standards, the code official shall approve the testing procedures. Such tests shall be performed by a party acceptable to the code official.

[A] 104.2.3 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction

not specifically prescribed by this code, provided that any such alternative is not specifically prohibited by this code and has been approved.

Exception: Performance-based alternative materials, designs or methods of construction and equipment complying with the *International Code Council Performance Code*.

[A] 104.2.3.1 Approval authority. An alternative material, design or method of construction shall be approved where the code official finds that the proposed alternative is satisfactory and complies with Sections 104.2.3 through 104.2.3.7, as applicable.

[A] 104.2.3.2 Application and disposition. Where required, a request to use an alternative material, design or method of construction shall be submitted in writing to the code official for approval. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons the alternative was not approved.

[A] 104.2.3.3 Compliance with code intent. An alternative material, design or method of construction shall comply with the intent of the provisions of this code.

[A] 104.2.3.4 Equivalency criteria. An alternative material, design or method of construction shall, for the purpose intended, be not less than the equivalent of that prescribed in this code with respect to all of the following, as applicable:

1. Quality.
2. Strength.
3. Effectiveness.
4. Durability.
5. Safety, other than fire safety.
6. Fire safety.

[A] 104.2.3.5 Tests. Tests conducted to demonstrate equivalency in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict performance of the end use configuration. Tests shall be performed by a party acceptable to the code official.

[A] 104.2.3.6 Reports. Supporting documentation, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.3.6.1 and 104.2.3.6.2.

[A] 104.2.3.6.1 Evaluation reports. Evaluation reports shall be issued by an approved agency and use of the evaluation report shall require approval by the code official for the installation. The alternate material,

design or method of construction and product evaluated shall be within the scope of the code official's recognition of the approved agency. Criteria used for the evaluation shall be identified within the report and, where required, provided to the code official.

[A] 104.2.3.6.2 Other reports. Reports not complying with Section 104.2.3.6.1 shall describe criteria, including but not limited to any referenced testing or analysis, used to determine compliance with code intent and justify code equivalence. The report shall be prepared by a qualified engineer, specialist, laboratory or specialty organization acceptable to the code official. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

[A] 104.2.3.7 Peer review. The code official is authorized to require submittal of a peer review report in conjunction with a request to use an alternative material, design or method of construction, prepared by a peer reviewer that is approved by the code official.

[A] 104.2.4 Modifications. Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases provided that the code official shall first find that one or more special individual reasons make the strict letter of this code impractical, that the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of the written request for and action granting modifications shall be recorded and entered in the files of the department of building safety.

[A] 104.2.4.1 Flood hazard areas. The code official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 of the International Building Code unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 of the *International Building Code* inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; cause fraud on or victimization of the public; or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

[A] 104.3 Applications and permits. The code official shall receive applications, review construction documents and issue permits, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

[A] 104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the code official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the code official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the code official shall require the building to meet the requirements of Section 1612 of the International Building Code or Section R306 of the International Residential Code, as applicable.

[A] 104.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *code official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code. If such structure or premises is occupied, the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

[A] 104.4.1 Warrant. Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner's authorized agent or occupant or person having charge, care or control of the structure or premises shall not fail or neglect, after a proper request is made as herein provided, to permit entry therein by the code official for the purposes of inspection and examination pursuant to this code.

[A] 104.5 Identification. The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notices and orders. The code official shall issue necessary notices or orders to ensure compliance with this code. Notices of violations shall be in accordance with Section 113.

[A] 104.7 Official records. The code official shall keep official records as required by Sections 104.7.1 through 104.7.5. Such official records shall be retained for not less than 5 years or for as long as the building or structure to which such records relate remains in existence, unless otherwise provided by other regulations.

[A] 104.7.1 Approvals. A record of approvals shall be maintained by the code official and shall be available for public inspection during business hours in accordance with applicable laws.

[A] 104.7.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

[A] 104.7.3 Code alternatives and modifications. Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.3; modifications in accordance with Section 104.2.4; and documentation of the final decision of the code official for either shall be in writing and shall be retained in the official records.

[A] 104.7.4 Tests. The code official shall keep a record of tests conducted to comply with Sections 104.2.2.4 and 104.2.3.5.

[A] 104.7.5 Fees. The code official shall keep a record of fees collected and refunded in accordance with Section 109.

[A] 104.8 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be personally liable, either civilly or criminally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of any act or omission in the discharge of official duties.

[A] 104.8.1 Legal defenses. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code or other laws or ordinances implemented through the enforcement of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not

~~be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

~~**[A] 104.9 Approved materials and equipment.** Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.~~

~~**[A] 104.9.1 Materials and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good working condition and approved.~~

SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The duties and powers of the *code official* shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled "CODE ADMINISTRATION."

5. **SECTION 105 PERMITS** is deleted in its entirety and replaced with the following:

~~**SECTION 105 PERMITS**~~

~~**[A] 105.1 Where required.** Any owner, or owner's authorized agent who desires to construct, enlarge, alter, repair, move, or demolish a pool or spa or to erect, install, enlarge, alter, repair, remove, convert or replace any system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *code official* and obtain the required permit for the work. A permit shall not be required for replastering or resurfacing of an existing pool or spa.~~

~~**[A] 105.2 Application for permit.** Each application for a permit, with the required fee, shall be filed with the *code official* on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or the owner's authorized agent. The permit application shall contain such other information required by the code official.~~

~~**[A] 105.3 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.~~

~~**[A] 105.4 Permit issuance.** The application, construction documents and other data filed by an applicant for permit shall be reviewed by the *code official*. If the *code official* finds that the proposed work conforms to the requirements of this code~~

and laws and ordinances applicable thereto, and that the fees specified in Section 109.1 have been paid, a permit shall be issued to the applicant.

[A] 105.4.1 Approved construction documents. When the *code official* issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "APPROVED." Such *approved* construction documents shall not be changed, modified or altered without authorization from the *code official*. Work shall be done in accordance with the *approved* construction documents.

The *code official* shall have the authority to issue a permit for the construction of a part of a system before the entire construction documents for the whole system have been submitted or *approved*, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire system will be granted.

[A] 105.4.2 Validity. The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. Any permit presuming to give authority to violate or cancel the provisions of this code shall not be valid.

The issuance of a permit based on construction documents and other data shall not prevent the *code official* from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations being carried on thereunder where in violation of this code or of other ordinances of this jurisdiction.

[A] 105.4.3 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The *code official* is authorized to grant, in writing, one or more extensions of time, for a period not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 105.4.4 Extensions. Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The *code official* shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. The fee for an extension shall be one-half the amount required for a new permit for such work.

~~**[A] 105.4.5 Suspension or revocation of permit.** The *code official* shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the construction documents on which the permit or approval was based.~~

SECTION 105 PERMITS

105.1 General. All items related to permits shall be as determined in accordance with Section 105 of the adopted *International Building Code*, entitled "PERMITS."

6. **SECTION 106 TEMPORARY STRUCTURES, EQUIPMENT AND SYSTEMS** is deleted in its entirety and replaced with the following:

~~**SECTION 106 TEMPORARY STRUCTURES, EQUIPMENT AND SYSTEMS**~~

~~**[A] 106.1 General.** The code official is authorized to issue a permit for temporary structures, equipment or systems. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.~~

~~**[A] 106.2 Conformance.** Temporary structures, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.~~

~~**[A] 106.3 Temporary service utilities.** The code official is authorized to give permission to temporarily supply service utilities in accordance with Section 110.~~

~~**[A] 106.4 Termination of approval.** The code official is authorized to terminate such permit for a temporary structures, equipment, or system and to order the same to be discontinued.~~

SECTION 106 TEMPORARY STRUCTURES, EQUIPMENT AND SYSTEMS

106.1 General. All items related to temporary structures, equipment, and systems shall be as determined in accordance with Section 108 of the adopted *International Building Code*, entitled "TEMPORARY STRUCTURES, EQUIPMENT AND SYSTEMS."

7. **SECTION 107 CONSTRUCTION DOCUMENTS** is deleted in its entirety and replaced with the following:

~~**SECTION 107 CONSTRUCTION DOCUMENTS**~~

~~**[A] 107.1 Construction documents.** Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The *code official* shall require construction~~

~~documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code.~~

~~**[A] 107.2 Retention of construction documents.** One set of *approved* construction documents shall be retained by the *code official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of *approved* construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.~~

SECTION 107 CONSTRUCTION DOCUMENTS

107.1 Construction documents. All items related to construction documents shall be as determined in accordance with Section 107 of the adopted *International Building Code*, entitled "CONSTRUCTION DOCUMENTS.

8. **SECTION 109 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION 109 FEES**~~

~~**[A] 109.1 Fees.** A permit shall not be valid until the fees prescribed by law have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.~~

~~**[A] 109.2 Schedule of permit fees.** Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority~~

~~**[A] 109.3 Permit valuations.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as mechanical equipment and permanent systems. Where, in the opinion of the *code official*, the valuation is underestimated, the permit shall be denied unless the applicant can show detailed estimates to the *code official*. The code official shall have the authority to adjust the final valuation for permit fees.~~

~~**[A] 109.4 Work commencing before permit issuance.** Any person who commences any work on a mechanical system before obtaining the necessary permits shall be subject to a fee as established by the code official that shall be in addition to the required permit fees.~~

~~**[A] 109.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**[A] 109.6 Refunds.** The *code official* is authorized to establish a refund policy.~~

SECTION 109 FEES

109.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled "FEES."

9. **SECTION 110 SERVICE UTILITIES** is deleted in its entirety and replaced with the following:

~~**SECTION 110 SERVICE UTILITIES**~~

~~**[A] 110.1 Connection of service utilities.** A person shall not make connections from a utility, source of energy, fuel, power, water system or sewer system to any building or system that is regulated by this code for which a permit is required until authorized by the *code official*.~~

~~**[A] 110.2 Temporary connection.** The *code official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, power, water system or sewer system for the purpose of testing systems or for use under a temporary approval.~~

~~**[A] 110.3 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 110.1 or 110.2. The *code official* shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.~~

SECTION 110 SERVICE UTILITIES

110.1 General. All items relating to connection and disconnection of service utilities shall be as specified in Section 112 of the adopted *International Building Code*, entitled "SERVICE UTILITIES."

10. **SECTION 111 INSPECTIONS** is deleted in its entirety and replaced with the following:

~~SECTION 111 INSPECTIONS~~

~~[A] 111.1 General.~~ ~~Construction or work for which a permit is required shall be subject to inspection by the code official and such construction or work shall remain visible and able to be accessed for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain available and exposed for inspection purposes. Neither the *code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.~~

~~[A] 111.2 Preliminary inspection.~~ ~~Before issuing a permit, the *code official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.~~

~~[A] 111.3 Required inspections and testing.~~ ~~Pool and spa installations or alterations thereto, including equipment, piping, and appliances related thereto, shall be inspected by the *code official* to ensure compliance with the requirements of this code.~~

~~[A] 111.4 Other inspections.~~ ~~In addition to the inspections specified in Sections 111.2 and 111.3, the *code official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.~~

~~[A] 111.5 Inspection request.~~ ~~It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.~~

~~[A] 111.6 Approval required.~~ ~~Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *code official*. The *code official*, upon notification, shall make the requested inspection and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *code official*.~~

~~[A] 111.7 Approved agencies.~~ ~~Test reports submitted to the *code official* for consideration shall be developed by *approved* agencies that have satisfied the requirements as to qualifications and reliability.~~

[A] 111.8 Evaluation and follow-up inspection services. Prior to the approval of a closed, prefabricated system and the issuance of a permit, the *code official* shall require the submittal of an evaluation report on each prefabricated system indicating the complete details of the system, including a description of the system and its components, the basis on which the system is being evaluated, test results and similar information, and other data as necessary for the *code official* to determine conformance to this code.

[A] 111.9 Evaluation service. The *code official* shall designate the evaluation service of an *approved* agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

[A] 111.10 Follow-up inspection. Except where ready access is provided to systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the *code official* shall conduct the frequency of in-plant inspections necessary to ensure conformance to the *approved* evaluation report or shall designate an independent, *approved* inspection agency to conduct such inspections. The inspection agency shall furnish the *code official* with the follow-up inspection manual and a report of inspections on request, and the system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

[A] 111.11 Test and inspection records. Required test and inspection records shall be available to the *code official* at all times during the fabrication of the system and the installation of the system, or such records as the *code official* designates shall be filed.

[A] 111.12 Special inspections. Special inspections of alternative engineered design systems shall be conducted in accordance with Sections 111.12.1 and 111.12.2.

[A] 111.12.1 Periodic inspection. The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the *approved* construction documents. Discrepancies shall be brought to the immediate attention of the contractor for correction. Records shall be kept of inspections.

[A] 111.12.2 Written report. The registered design professional shall submit a final report in writing to the *code official* upon completion of the installation, certifying that the alternative engineered design conforms to the *approved* construction documents. A notice of approval for the system shall not be issued until a written certification has been submitted.

~~**[A] 111.13 Testing.** Systems shall be tested as required by this code. Tests shall be made by the permit holder and the *code official* shall have the authority to witness such tests.~~

~~**[A] 111.14 New, altered, extended or repaired systems.** New systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed by this code.~~

~~**[A] 111.15 Equipment, material and labor for tests.** Equipment, material and labor required for testing a system or part thereof shall be furnished by the permit holder.~~

~~**[A] 111.16 Reinspection and testing.** Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.~~

SECTION 111 INSPECTIONS

111.1 General. All items relating to inspections shall be as specified in Section 110 of the adopted *International Building Code*, entitled "INSPECTIONS."

11. **SECTIONS 112 MEANS OF APPEAL** is deleted in its entirety and replaced with the following:

~~**SECTION 112 MEANS OF APPEALS**~~

~~**[A] 112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.~~

~~**[A] 112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**[A] 112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**[A] 112.4 Administration.** The code official shall take action without delay in accordance with the decision of the board.~~

SECTION 112 MEANS OF APPEAL

112.1 Means of Appeal. Appeals of decisions, determinations and interpretations of this *code* shall be made pursuant to the applicable provisions of Section 113 of the adopted *International Building Code*, entitled "MEANS OF APPEALS."

12. **SECTIONS 113 VIOLATIONS** is deleted in its entirety and replaced with the following:

~~**SECTION 113 VIOLATIONS**~~

~~**[A] 113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.~~

~~**[A] 113.2 Notice of violation.** The *code official* shall serve a notice of violation or order to the person responsible for the erection, installation, *alteration*, extension, repair, removal or demolition of work in violation of the provisions of this code, or in violation of a detail statement or the *approved* construction documents there under, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.~~

~~**[A] 113.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the *code official* shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful pool or spa in violation of the provisions of this code or of the order or direction made pursuant thereto.~~

~~**[A] 113.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the *approved* construction documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~**[A] 113.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent violation, or to prevent illegal use of a pool or spa, or~~

~~to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.~~

~~**[A] 113.6 Unsafe systems.** Any system regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of a system regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe system is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.~~

~~**[A] 113.6.1 Authority to condemn a system.** Where the *code official* determines that any system, or portion thereof, regulated by this code has become hazardous to life, health or property or has become insanitary, the *code official* shall order in writing that such system either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective system after receiving such notice.~~

~~Where such a system is to be disconnected, written notice as prescribed in Section 113.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.~~

~~**[A] 113.6.2 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service in accordance with Section 110.3.~~

~~**[A] 113.6.3 Connection after order to disconnect.** A person shall not make connections from any energy, fuel, power supply or water distribution system, or supply energy, fuel or water to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the *code official* or the use of which has been ordered to be discontinued by the code official until the *code official* authorizes the reconnection and use of such equipment.~~

~~When any system is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the *code official* shall institute any appropriate action to prevent, restrain, correct or abate the violation.~~

SECTION 113 VIOLATIONS

113.1 General. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who alters or repairs a building or structure in violation of the *approved* construction documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, commits a civil

infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

13. **SECTIONS 114 STOP WORK ORDER** is deleted in its entirety and replaced with the following:

~~**SECTION 114 STOP WORK ORDER**~~

~~**[A] 114.1 Authority.** Where the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.~~

~~**[A] 114.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.~~

~~**[A] 114.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.~~

~~**[A] 114.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction.~~

SECTION 114 STOP WORK ORDER

114.1 General. All items relating to stop work orders shall be as specified in Section of the adopted *International Building Code*, entitled "MEANS OF APPEALS."

14. **SECTION 304 FLOOD HAZARD AREAS** is deleted in its entirety and replaced with the following:

~~**SECTION 304 FLOOD HAZARD AREAS**~~

~~**304.1 General.** The provisions of Section 304 shall control the design and construction of pools and spas installed in *flood hazard areas*.~~

~~**[BS] 304.2 Determination of impacts based on location.** Pools and spas located in flood hazard areas indicated within the International Building Code or the International Residential Code shall comply with Section 304.2.1 or 304.2.2.~~

Exception: Pools and spas located in riverine *flood hazard areas* that are outside of designated floodways and pools and spas located in *flood hazard areas* where the source of flooding is tides, storm surges or coastal storms.

[BS] 304.2.1 Pools and spas located in designated floodways. Where pools and spas are located in designated floodways, documentation shall be submitted to the *code official* that demonstrates that the construction of the pools and spas will not increase the design flood elevation at any point within the jurisdiction.

[BS] 304.2.2 Pools and spas located where floodways have not been designated. Where pools and spas are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool or spa and any associated grading and filling, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

[BS] 304.3 Pools and spas in coastal high-hazard areas and coastal A zones. Pools and spas installed in coastal high-hazard areas and coastal A zones shall be designed and constructed in accordance with ASCE 24.

[BS] 304.4 Protection of equipment. Equipment shall be elevated to or above the design flood elevation.

Exception: Equipment for pools, spas and water features shall be permitted below the required elevation provided that the equipment is elevated to the highest extent practical, is anchored to prevent flotation and resist flood forces, and is protected to prevent water from entering or accumulating within the components during conditions of flooding.

304.5 GFCI protection. Electrical equipment installed below the design flood elevation shall be supplied by branch circuits that have ground-fault circuit interrupter protection for personnel.

SECTION 304 FLOOD HAZARD AREAS

304.1 Flood hazard areas. For buildings or structures regulated under the scope of this code that are in whole or in part located in flood hazard areas, construction documents shall be submitted as established in accordance with Chapter 10 of the City Code, entitled “Flood Prevention and Protection.”

304.2 GFCI protection. Electrical equipment installed below the design flood elevation shall be supplied by branch circuits that have ground-fault circuit interrupter protection for personnel.

15. **Section 403.1 Maximum bather load** and **TABLE 403.1 MAXUMUM BATHER LOAD** are deleted in their entirety and replaced with the following:

~~**403.1 Maximum bather load.** The maximum bather load of Class B and Class C pools shall be in accordance with Table 403.1.~~

~~**TABLE 403.1 MAXIMUM BATHER LOAD**~~

~~POOL/DECK AREA~~	~~SHALLOW INSTRUCTIONAL OR WADING AREAS~~	~~DEEP AREA (NOT INCLUDING THE DIVING AREA)~~	~~DIVING AREA (PER EACH DIVING BOARD)~~
~~Pools with minimum deck area~~	~~15 sq. ft. per user~~	~~20 sq. ft. per user~~	~~300 sq. ft.~~
~~Pools with deck area at least equal to water surface area~~	~~12 sq. ft. per user~~	~~15 sq. ft. per user~~	~~300 sq. ft.~~
~~Pools with deck area at least twice the water surface area~~	~~8 sq. ft. per user~~	~~10 sq. ft. per user~~	~~300 sq. ft.~~
~~For SI: 1 square foot = 0.09 square meters.~~			

403.1 Maximum bather load. The maximum bather occupant load shall be in accordance with Section 1004 of the adopted *International Building Code*, entitled "Occupant Load."

16. **Section 410.1 Toilet facilities** is amended to read as follows:

410.1 Toilet facilities. Class A and B pools shall be provided with toilet facilities having the required number of plumbing fixtures in accordance with the *International Building Code* ~~or the *International Plumbing Code*~~. Class C pools shall provide an exterior shower and a minimum of two single-user (gender neutral) restrooms, each with a water closet, lavatory, and shower.

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Jenny Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 216, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE II, DIVISION 3 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE AND ADOPTING THE 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both in order to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. The *International Property Maintenance Code* constitutes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance of such structures.

F. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

G. The adoption of the eleven interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

H. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that the *2024 International Property Maintenance Code* be adopted, with local amendments as set forth in this Ordinance.

I. Pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

J. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

K. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the 2021 *International Property Maintenance Code* ("IPMC") and adopts the 2024 IPMC as amended by this Ordinance.

Section 2. Section 5-46 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 5-46. – Adoption of standards.

Pursuant to the power and authority conferred on the City Council by ~~C.R.S. §~~Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the ~~*2021*~~*2024* *International Property Maintenance Code*, published by the International Code Council, third printing (November 2024), as amended by the City, which shall have the same force and effect as if set forth in full herein. The subject matter of the codes adopted herein includes minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. As provided in the ~~*2021*~~*2024* *International Property Maintenance Code*, Appendices are not adopted except as expressly set forth in Section 5-47.

Section 3. Section 5-47 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 5-47. – Amendments and deletions to the 2024 International Property Maintenance Code.

The *2024 International Property Maintenance Code* adopted in § 5-46 is amended as follows:

1. **Section 101.1 Title** is amended to read as follows:

   101.1 Title. These regulations shall be known as the *Property Maintenance Code* of the City of Fort Collins, hereinafter referred to as "this code."

2. **Section 101.2 Scope** is amended to read as follows:

   101.2 Scope. Except as otherwise specified, ~~T~~the provisions of this code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises*, *structures*, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an *owner's* authorized agent, *operators* and *occupants*; the *occupancy* of existing *structures* and *premises*, and for administration, enforcement and penalties.

3. **Section 102.2 Maintenance** is amended to read as follows:

   102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working ~~order~~condition. An *owner*, *owner's* authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing *structures*. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, *structures* and *premises*.

4. **Section 102.3 Application of other codes** is amended to read as follows:

   102.3 Application of other codes. Repairs, additions or alterations to a *structure*, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code*, ~~and~~ NFPA 70 and all other applicable sections of the City Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the ~~*International Zoning Code*~~ City's Land Use Code.

5. **Section 102.8 Referenced codes and standards** is amended to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in ~~Chapter 8 and~~ Section 101.4 of the adopted *International Building Code,* entitled "Referenced Codes", and shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

6. **SECTION 103 CODE COMPLIANCE AGENCY** is deleted in its entirety, and replaced with the following:

~~**SECTION 103—CODE COMPLIANCE AGENCY**~~

~~**[A] 103.1 Creation of agency.** The **[INSERT NAME OF DEPARTMENT]** is hereby created and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

~~**[A] 103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.~~

~~**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.~~

SECTION 103 CODE ADMINISTRATION

103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled "CODE ADMINISTRATION."

7. **SECTION 104 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION 104—FEES**~~

~~**[A] 104.1 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the applicable governing authority.~~

~~**104.2 Refunds.** The *code official* is authorized to establish a refund policy.~~

SECTION 104 FEES

104.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled "FEES."

8. **Section 105.1 General** is deleted in its entirety and replaced with the following:

~~**[A] 105.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this code.~~

105.1 General. The duties and powers of the *code official* shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled "CODE ADMINISTRATION."

9. **Section 105.3 Right of entry** is deleted in its entirety and replaced with the following:

~~**[A] 105.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a *structure* or on any *premises* a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the *code official* is authorized to enter the *structure* or *premises* at all reasonable times to inspect or perform the duties imposed by this code. If such *structure* or *premises* is occupied, the *code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.*~~

105.3 Right of entry. When the *code official* has obtained a warrant or other remedy provided by law to secure entry, no *owner* or *occupant* or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the *code official* for the purpose of inspection, examination or abatement pursuant to this code. Any such failure to permit entry upon request pursuant to a valid inspection warrant shall be a misdemeanor punishable by the provisions set forth in City Code §1-15.

10. **Section 105.6.2 Inspections** is amended to read as follows:

105.6.2 Inspections. The code official shall have the authority to conduct inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each. Whenever

necessary to make an inspection to enforce any of the provisions of this code, or whenever the *code official* has probable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous, unfit for occupancy, or unlawful, the *code official* may enter such building or *premises* at all reasonable times to inspect it or to perform any duty imposed upon the *code official* by this code. If such building or *premises* is occupied, the *code official* shall present proper credentials and request entry. If such building or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other persons having charge or control of the building or *premises* and request entry. If such entry is refused, or, if after reasonable efforts to contact the *owner* or *occupant*, the *owner* or *occupant* cannot be found or fails to respond or consent to the request, the *code official* may seek an inspection warrant from the Municipal Judge to secure entry for inspection or abatement.

11. **SECTIONS 106 MEANS OF APPEAL** is deleted in its entirety and replaced with the following:

~~**SECTION 106—MEANS OF APPEALS**~~

~~**106.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.~~

~~**[A] 106.2 Limitations of authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**106.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**106.4 Administration.** The *code official* shall take action without delay in accordance with the decision of the board.~~

SECTION 106 MEANS OF APPEAL

106.1 Means of Appeal. Appeals of decisions, determinations and interpretations of this *code* shall be made pursuant to the applicable provisions of Section 113 of the adopted *International Building Code*, entitled “MEANS OF APPEALS.”

12. **Section 107.3 Prosecution of violation** is amended to read as follows:

107.3 Prosecution of violation. Any *person* failing to comply with a notice of violation or order served in accordance with Section 109.4 commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense ~~shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*~~. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the *structure* in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate.

13. **Section 107.4 Violation penalties** is amended to read as follows:

107.4 Violation penalties. Any *person* who ~~shall~~ violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, ~~shall be prosecuted within the limits provided by state or local laws~~ commits a civil infraction and is subject to §1-15(f) of the City Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

14. A new **Section 109.1.6 Historical** is added to read as follows:

109.1.6 Historical. For any site, *structure*, or object 50 years of age or older and subject to any of the processes contained in Chapter 14 of the City Code that in the *code official's* judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsanitary or otherwise unfit for human habitation or *occupancy*, the *code official* shall order the *owner* to repair the site, *structure*, or object to make it safe and sanitary unless the owner has complied with all applicable requirements of Chapter 14 or the *code official* has determined that such site, structure, or object is an *imminent danger*.

15. **Section 109.4.1 Form** is deleted in its entirety and replaced with the following:

~~**109.4.1 Form.** Such notice shall be in accordance with all of the following:~~

~~1. Be in writing.~~
~~2. Include a description of the real estate sufficient for identification.~~
~~3. Include a statement of the violation or violations and why the notice is being issued.~~

~~4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or *structure* into compliance with the provisions of this code.~~
~~5. Inform the property *owner* or *owner*'s authorized agent of the right to appeal.~~
6. ~~Include a statement of the right to file a lien in accordance with Section 107.3.~~

109.4.1 Form. Such notice shall be in accordance with all the following:

1. **General**. The *code official* and any officer, as the term *officer* is defined in § 19-63 of the City Code, are authorized to give written notice to any *owner* or *occupant* whose building or property is in violation of the provisions of this code. Such notice may be personally served upon such person or, if not personally served, shall be deposited in the United States mail, addressed to the *owner* of record at the address on the assessment roll of the Larimer County Assessor or at such other, more recent address as may be available to the City.

2. **Notice**. The notice shall include a description of the real estate sufficient for identification, include a statement of the violation or violations and why the notice is being issued, and state that if the violation is not corrected on or before the date and time stipulated in the notice, a citation may issue and the correction or demolition may be done by the City and any costs of abatement, repair or demolition, including the cost of inspection, the cost of any grading or sloping necessary to protect the public safety, and other incidental costs in connection therewith, and an amount not to exceed one hundred percent of the costs for carrying charges and costs of administration, will be charged against the property, in addition to any other penalty and costs or orders that may be imposed. The notice shall also state that if the *owner* desires a hearing before the Building Review Commission to contest the declaration and order of vacation, condemnation, repair, removal or demolition, such owner shall request a hearing, in writing, to the *code official* within ten days of mailing of the notice. The notice shall further state that failure to timely file a request for such hearing shall be a waiver of the right to contest the declaration, assessment or order at any later date.

3. **Abatement**. If the building or property has not been brought into compliance with this code within the time period set forth in the notice and, if the *owner* has not requested a hearing before the Building Review Commission to contest said declaration or any other *code official's* orders as provided in Subparagraph #1 above, the demolition or abatement may be performed by City personnel or by private contractors, as the *code official* shall determine. In the event of such demolition and abatement by the city, the cost, including inspection,

demolition and any other incidental costs in connection therewith, and an amount not to exceed one hundred percent of the costs for carrying charges and administration, shall be assessed against the building or property.

4. **Assessment**. Any cost assessment shall be a lien in the several amounts assessed against each property until paid and shall have priority over all other liens, except general taxes and prior special assessment liens. If any such assessment is not paid within thirty days after it has been certified by the *code official* and billed by the City to the *owner* by deposit in the United States mail addressed to the owner of record at the address as shown on the tax rolls or such other, more recent address as may be available to the City, and any agents, representatives or *occupants* as may be known, the Financial Officer, or their designee is hereby authorized to certify to the County Treasurer the list of delinquent assessments, giving the name of the *owner* as it appears of record, the number of the lot and block and the amount of the assessment plus a ten-percent penalty. The certification is to be the same in substance and in form as required for the certification of other taxes. The County Treasurer, upon receipt of such certified list, is hereby authorized to place it upon the tax list for the current year and to collect the assessment in the same manner as general property taxes are collected, together with any charges as may by law be made by the county treasurer and all laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes, and the redemption thereof shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending building or property is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this code, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

16. A new **Section 109.10 Responsibilities and obligations** is added to read as follows:

109.10 Responsibilities and obligations. Every *owner* and *occupant* shall be subject to the responsibilities and obligations set forth in this code as follows:

1. Every *owner* remains liable for violations of duties imposed by this code even though an obligation is imposed on the *occupants* of the building and even though the *owner* has by agreement imposed on the *occupant* or *property manager* the duty of furnishing required equipment or of complying with this code. Nothing herein shall be construed as limiting or interfering with in any way the right of any persons to establish by written contract specific responsibilities of *owners*, *property managers* and *occupants* for the purpose of leasing or renting a building or premises. Every *owner* or agent, in addition to being responsible for maintaining the building in a

sound structural condition, shall be responsible for keeping that part of the building or *premises* which the *owner* occupies or controls in a safe condition, including the shared or public areas in a building containing two or more dwelling units.

2. An *owner* shall not permit another person to occupy *premises* which are not in a sanitary and safe condition, and which do not comply with the requirements of this code.
3. *Occupants* of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or *premises* which they occupy and control.
4. Every *occupant* shall, when required by this code, the City Code or the *Health Officer*, furnish and maintain approved devices, equipment or facilities necessary to keep the *premises* safe and sanitary.

17. **Section 110.5 Cost of emergency repairs** is amended to read as follows:

110.5 Costs of emergency repairs. For the purposes of this section, the *code official* shall employ, or cause to be employed, the necessary labor and procure materials to perform the work required as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action, including a lien upon the property pursuant to Section 109.4.1, against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

18. **Section 201.3 Terms defined in other codes** is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the City Code, the Land Use Code and any other code adopted by reference in the City Code, including the *International Building Code*, *International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, ~~International Zoning Code,~~* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

19. **SECTION 202 GENERAL DEFINITIONS** is amended to modify, or add, in alphabetical order, the following definitions:

ABANDONED. Any building or *premises* covered under this code that is unoccupied or *vacant* and in such a state of disrepair, lack of maintenance, or neglect as to pose a public nuisance.

ADDITION. An extension or increase in floor area, number of stories, or height of a building or structure.

ALTERATION. Any construction or renovation to an existing structure other than repair or *addition*.

. . .

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representatives. The term *code official* is interchangeable with the term *building official*.

. . .

GOOD CONDITION. A condition that is fully functional, operational and substantially free from decay, deterioration, damage or other defects and capable of performing the tasks for which designed and in the manner intended without risk of injury or damage to persons or adjoining property resulting from detachment or failure of such elements or components thereof.

GRADE PLANE. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the structure and a point 6 feet (1829 mm) from the building.

. . .

HAZARDOUS. Whatever is dangerous to human life or is detrimental to the public health as determined by the *Health Officer*, the fire code official, or the *code official*.

HEALTH OFFICER. The legally designated head of the Larimer County Department of Health and Environment or such person's authorized agent.

[A] HISTORIC BUILDING. ~~Any building or *structure* that is one or more of the following:~~

~~1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of *Historic* Places, in the National Register of *Historic* Places.~~

~~2. Designated as *historic* under an applicable state or local law.~~

~~3. Certified as a contributing resource within a National Register or state or locally designated *historic* district.~~

A building or *structure* that has been designated by official action of the legally constituted authority of the City Council as having special historical, architectural or geographical significance. For purposes of this code, this term also shall include buildings or structures listed in the State Register of Historic Properties as published by the History Colorado or the National Register of Historic Places as published by the United States Department of the Interior.

. . .

IMMINENT DANGER. An existing condition that ~~could~~is reasonably likely to cause immediate serious or life-threatening injury or death ~~at any time~~.

. . .

LIMIT STATE. A condition beyond which a *structure* or member becomes unfit for service and is judged to be no longer useful for its intended function (serviceability limit state) or to be unsafe (strength limit state).

. . .

[A] OWNER. ~~Any *person*, agent, *operator*, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.~~ Any *person* whose name appears on the tax bill for the property or who, alone or jointly or severally with others, has legal title to any dwelling or *dwelling unit*, with or without actual possession thereof, or has charge, care or control of any dwelling or *dwelling unit* as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or assignee of rents. *Owner* shall not include, except for vacant *structures* or *premises* as provided for in state law, any *person*, group of persons, company, association or corporation who holds only a security interest or easement on the real property upon which the dwelling or *dwelling unit* is situated.

. . .

PRIMARY FUNCTIONS. A major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer service lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, and janitorial closets are not areas containing a primary function. Entrances, corridors and restrooms are considered areas containing a primary function.

PROPERTY MANAGER. Any person, group of persons, company, firm or corporation charged with the care and control of a building, structure or *premises* who performs services with respect to such building, *structure* or *premises* under a contract with the *owner* thereof or who otherwise acts as representative of an *owner* with respect to such building, *structure* or *premises*.

PUBLIC NUISANCE. A hazard or condition that poses an unreasonable risk to the life, health and safety of persons or property.

. . .

RENTAL DWELLING UNIT. One or more rooms occupied or intended to be occupied as a unit exclusively for residential purposes that is leased, rented or sublet for compensation (including money or services or the sharing of expenses) and that is located in a boarding house or a single-family, two-family or multi-family *dwelling*.

RENTAL HOUSING. Any building or mobile home or portion thereof, including the lot, tract or parcel of land on which the same is located, containing any *dwelling unit*, or guest room which is leased, rented or sublet to a family or person(s) for compensation.

REPAIR. The restoration to *good condition* of any part of an existing building for the purpose of its maintenance.

. . .

SUBSTANDARD. Condition(s) that through neglect, deterioration, or damage no longer meet the minimum requirements of the currently adopted code as it relates to the specific condition(s) identified. Even though such condition(s) may not be found dangerous at the time of their discovery, such condition(s), if not corrected, may pose a risk to the health and safety of the public, the occupants or property thereof pursuant to Section 109.1.5.

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a *structure* whereby the cost of restoring the *structure* to its before-damaged condition would equal or exceed fifty percent of the market value of the *structure* before the damage occurred.

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code or the City Code, any repair, alteration, addition, or improvement of a building or *structure*, the cost of which equals or exceeds fifty percent (50%) of the market value of the *structure* before the improvement or repair is started. If the *structure* has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include: (1) any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the *code official* and that is the minimum necessary to assure safe living conditions; or (2) any alteration of a *historic building*, provided that the alteration will not preclude the ***structure's*** continued designation as a *historic building*.

SUBSTANTIAL STRUCTURAL DAMAGE. A condition where: (1) in any story, the vertical elements of the lateral-force resisting system, in any direction and

taken as a whole, have suffered damage such that the lateral load-carrying capacity has been reduced by more than twenty percent (20%) from its pre-damaged condition; or (2) the vertical load-carrying components supporting more than thirty percent (30%) of the *structure's* floor or roof area have suffered a reduction in vertical load-carrying capacity to below seventy-five percent (75%) of the adopted *International Building Code's* required strength levels calculated by either the strength or allowable stress method.

SUBSTANTIALLY PLUMB. A wall or other vertical member shall be considered substantially plumb when a plumb line passing through the center of gravity does not fall outside the middle one-third (1/3) of the base.

TECHNICALLY INFEASIBLE. An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

. . .

VACANT. The state of *premises* or a *structure* thereon being indefinitely uninhabited or unoccupied by lawfully authorized *tenants*, *owners*, and other persons.

. . .

20. **Section 302.2 Grading and drainage** is amended to read as follows:

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any *structure* located thereon. Drainage of paved areas, yards and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a *public nuisance*. Abandoned or unprotected excavations shall be considered a *public nuisance* and shall be filled to the original or adjoining site elevation.

Exception: *Approved* retention areas and reservoirs and temporary retention ponds, detention ponds, channels and other water features such as pools, ponds, and similar approved excavations designed for recreational or aesthetic purposes that are maintained in a condition that does not pose a health or safety hazard, or a *public nuisance*.

21. A new **Section 302.3.1 Walkway surfaces** is added to read as follows:

302.3.1 Walkway surfaces. Walkways shall be stable, slip resistant, flush, and even to the extent possible. Where walkways cannot be made flush and even, they shall conform to the following requirements:

1. Adjoining walkway surfaces shall be made flush and level, to the extent practicable.
2. Changes in levels up to ½ inch (6mm) may be vertical and without edge treatment.
3. Changes in levels greater than ½ inch (6mm) and less than 4 inches shall be considered a trip hazard and shall be transitioned by means of a ramp that complies with the adopted *International Building Code* or the *International Residential Code*, whichever applies.

22. **Section 302.5 Rodent harborage** is amended to read as follows:

302.5 Rodent harborage. *Structures* and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly ~~exterminated~~ eliminated by *approved* means or processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. The *owner* of any building or *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing such. The *owner(s)* of any building or structure shall be responsible for *pest elimination* in the public or shared areas of the *structure* and exterior *premises*.

23. **Section 304.14 Insect screens** is amended to read as follows:

304.14 Insect screens. ~~During the period from [Date] to [Date] e~~Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good ~~working~~ condition.

Exception: Screens shall not be required ~~where other *approved* means, such as air curtains or insect repellant fans, are employed~~ for owner-occupied dwelling units where no rooms are leased or rented.

24. A new **Section 304.20 Area wells** is added to read as follows:

304.20 Area wells. All area wells, stair wells, light wells and any other bulkhead enclosures attached to any building shall be protected with guards conforming to this section around the entire opening, or be provided with an equivalent barrier, when such wells are located less than thirty-six (36) inches (194 mm) from the nearest intended walking surface and are deeper than thirty-six (36) inches below

the surrounding ground level, with the side walls of such well having a slope steeper than two horizontal to one vertical.

Exceptions:

1. The access side of stairways need not be barricaded.
2. Area wells provided for emergency escape and rescue windows may be protected with approved grates or covers that are releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.
3. Covers and grates may be used over stairways and other openings used exclusively for services access or for admitting light or ventilation.

25. A new **Section 305.4.1 Public stairways** is added to read as follows:

305.4.1 Public stairways. Public stairways used for egress routes in areas serving more than one *rental dwelling unit* or guestroom shall be maintained in *good condition*.

26. **Section 309.2 Owner** is amended to read as follows:

309.2 Owner. The *owner* of any *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing the *structure*. The *owner*(s) shall be responsible for pest elimination in the public or shared areas of the *structure* and exterior *premises*.

27. **Section 309.3 Single Occupant** is deleted in its entirety.

~~**309.3 Single occupant.** The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential *structure* shall be responsible for *pest elimination* on the *premises*.~~

28. **Section 404.2 Minimum room widths** is deleted in its entirety.

~~**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.~~

29. **Section 404.3 Minimum ceiling heights** is deleted in its entirety.

~~**404.3 Minimum ceiling heights.** *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a minimum clear ceiling height of 7 feet (2134 mm).~~

~~**Exceptions:**~~

~~1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.~~

~~2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.~~

~~3. In one- and two-family dwellings, rooms occupied exclusively for *bathrooms*, *toilet rooms* and laundry rooms having a minimum ceiling height of 6 feet 8 inches (2033 mm).~~

~~4. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.~~

30. **Section 404.4 Habitable room requirements** is amended to read as follows:

404.4 Habitable room requirements. Every habitable room shall comply with the requirements of Sections 404.4.1~~1~~2 through 404.4.5.

31. **Section 404.4.1 Room area** is deleted in its entirety.

~~**404.4.1 Room area.** Every habitable room shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one *person* shall contain not less than 50 square feet (4.6 m2) of floor area for each *occupant* thereof.~~

32. **Section 404.4.5 Other requirements** is amended to read as follows:

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light~~,~~ and *ventilation*~~, room area, ceiling height and room width~~ requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

33. **Section 404.5 Overcrowding** is deleted in its entirety.

~~**404.5 Overcrowding.** *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements of Table 404.5.~~

34. **Section 404.5.1 Sleeping area** is deleted in its entirety.

~~**404.5.1 Sleeping area.** The minimum *occupancy* area required by Table 404.5 shall not be included as a sleeping area in determining the minimum *occupancy* area for sleeping purposes. Sleeping areas shall comply with Section 404.4.~~

35. **Section 404.5.2 Combined spaces** is deleted in its entirety.

~~**404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.~~

36. **Section 404.6 Efficiency unit** is deleted in its entirety.

~~**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:~~

~~1. A unit occupied by not more than one *occupant* shall have a minimum clear floor area of 120 square feet (11.2 m2). A unit occupied by not more than two *occupants* shall have a minimum clear floor area of 190 square feet (17.7 m2). A unit occupied by three *occupants* shall have a minimum clear floor area of 260 square feet (24.2 m2). These required areas shall be exclusive of the areas required by Items 2 and 3.~~

~~2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.~~

~~3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.~~

~~4. The maximum number of *occupants* shall be three.~~

37. **Section 602.2 Residential occupancies** is amended to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature ~~for the locality indicated in Appendix D of the *International Plumbing Code*~~ indicated in Table R301.2 in the *International Residential Code*. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

38. **Section 602.3 Heat supply** is amended to read as follows:

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat ~~during the period from [Date] to [Date]~~ to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in ~~Appendix D of the *International Plumbing Code*~~ Table R301.2 in the *International Residential Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

39. **Section 602.4 Occupiable work spaces** is amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat ~~during the period from [Date] to [Date]~~ to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

40. A new **Section 602.6 Return air** is added to read as follows:

602.6 Return air. The return air from one *dwelling unit* shall not be discharged into another *dwelling unit* through the heating, *ventilation*, or cooling system, unless otherwise approved by an unapproved-dwelling-unit exception process (UDU).

41. **Section 605.2 Receptacles** is amended to read as follows:

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location. Receptacle outlets installed in kitchens, bathrooms, garages, unfinished basements, or exterior locations and any receptacles that are installed within six (6) feet from the top inside edge of the bowl of a sink or outside edge of a bathtub or shower shall have ground fault circuit interrupter protection.

42. **Section 606.1 General** is amended to read as follows:

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, ~~Appendix N, except where otherwise specified by the authority having jurisdiction~~ as specified by the State of Colorado's Conveyance Regulations at 7 Colorado Code of Regulations 1101-8.

43. **Section 702.4 Emergency escape and rescue openings** is amended to read as follows:

702.4 Emergency escape and rescue openings. Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and ~~both of~~ all the following:

1. Required *emergency escape* and *rescue openings* shall be operational from the inside of the room without the use of keys or tools.

2. Bars, grilles, grates or similar devices are permitted to be placed over *emergency escape* and *rescue openings* provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.11 of the *International Building Code* or with Section R310 of the *International Residential Code*. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

3. The minimum net clear opening size shall comply with the *Building Code* that was in effect at the time of construction or shall provide a minimum net clear opening of no less than 720 square inches, whichever is greater, and shall not have a sill height greater than forty-eight (48) inches as measured above the interior floor level of the room in which such opening is located.

44. **APPENDIX A BOARDING STANDARD** is adopted in its entirety.

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to

facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Tiegan Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 217, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE IV OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2021 INTERNATIONAL MECHANICAL CODE AND ADOPTING THE 2024 INTERNATIONAL MECHANICAL CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both in order to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

F. The adoption of the interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that the *2024 International Mechanical Code* be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the

hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins Coloradoan such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

J. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the 2021 *International Mechanical Code* ("IMC") and adopts 2024 IMC as amended by this Ordinance.

Section 2. Section 5-106 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 5-106. – Adoption of standards.

Pursuant to the power and authority conferred on the City Council by ~~C.R.S. §~~Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the ~~*2021*~~*2024* *International Mechanical Code*, published by the International Code Council, second printing (May 2024), as amended by the City, which shall have the same force and effect as though set forth in full herein. The subject matter of the ~~*2021*~~*2024* *International Mechanical Code* adopted herein includes comprehensive provisions and standards regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling and refrigeration systems, incinerators, miscellaneous heat-producing appliances for the purposes of protecting public health, safety and general welfare. None of the ~~*2021*~~*2024* *International Mechanical Code* Appendices are adopted.

Section 3. Section 5-107 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 5-107. – Amendments and deletions to the 2024 International Mechanical Code.

The *2024 International Mechanical Code* adopted in § 5-106 is amended as follows:

1. **Section 101.1 Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Mechanical Code* of the City of Fort Collins, hereinafter referred to as "this code."

2. **Section 102.8 Referenced codes and standards** is amended to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in ~~Chapter 15 and such codes and standards~~ Section 101.4 of the adopted *International Building Code,* entitled "Referenced Codes", and shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the *equipment* or *appliance*, the conditions of the listing and the manufacturer's installation instructions shall apply.

3. **Section 103 CODE COMPLIANCE AGENCY** is deleted in its entirety and replaced with the following:

~~**SECTION 103 CODE COMPLIANCE AGENCY**~~

~~**[A] 103.1 Creation of agency.** The **[NAME OF DEPARTMENT]** is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

~~**[A] 103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction.~~

~~**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.~~

SECTION 103 CODE ADMINISTRATION

103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code,* entitled "CODE ADMINISTRATION."

4. **Section 105.1.1 Annual permit** is deleted in its entirety.

~~**[A] 105.1.1 Annual permit.** Instead of an individual construction permit for each *alteration* to an already *approved* system or *equipment* or application installation, the code official is authorized to issue an annual permit upon~~

~~application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the *building*, structure or on the premises owned or operated by the applicant for the permit.~~

5. **Section 105.1.2 Annual permit records** is deleted in its entirety.

~~**[A] 105.1.2 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of *alterations* made under such annual permit. The code official shall have access to such records at all times or such records shall be filed with the code official as designated.~~

6. **SECTION 108 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION 108 FEES**~~

~~**[A] 108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.~~

~~**[A] 108.2 Schedule of permit fees.** Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**[A] 108.3 Permit valuations.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at the time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as mechanical *equipment* and permanent systems. Where, in the opinion of the code official, the valuation is underestimated, the permit shall be denied unless the applicant can show detailed estimates to the code official. The code official shall have the authority to adjust the final valuation for permit fees.~~

~~**[A] 108.4 Work commencing before permit issuance.** Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to a fee established by the code official that shall be in addition to the required permit fees.~~

~~**[A] 108.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**[A] 108.6 Refunds.** The code official is authorized to establish a refund policy.~~

SECTION 108 FEES

108.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code,* entitled "FEES."

108.2 Work commencing before permit issuance. All items related to work commencing before permit issuance shall be made pursuant to the applicable provisions of Section 109.2 of the adopted *International Building Code.*

7. **Section 111.3 Testing** is deleted in its entirety and replaced with the following:

~~**[A] 111.3 Testing.** Mechanical systems shall be tested as required in this code and in accordance with Sections 111.3.1 through 111.3.3. Tests shall be made by the permit holder and observed by the code official.~~

111.3 Testing. Installed heating, cooling and *ventilation systems* shall be performance-tested by an *approved* agency and adjusted to operate within design specifications, in accordance with ANSI/ACCA QI 5 *HVAC Quality Installation Specification*. Documentation of results shall be submitted to the *building official* prior to approval.

Exception: *Buildings* subject to commissioning requirements in Section C408 of the *International Energy Conservation Code*.

8. **SECTION 112 MEANS OF APPEAL** is deleted in its entirety and replaced with the following:

~~**SECTION 112 MEANS OF APPEALS**~~

~~**[A] 112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.~~

~~**[A] 112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have the authority to waive requirements of this code.~~

~~**[A] 112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**[A] 112.4 Administration.** The code official shall take action without delay in accordance with the decision of the board.~~

SECTION 112 MEANS OF APPEALS

112.1 General. Appeals of decisions, determinations and interpretations of this code shall be made pursuant to the applicable provisions of Section 113 of the adopted *International Building Code,* entitled "MEANS OF APPEALS."

9. **SECTION 113 BOARD OF APPEALS** is deleted in its entirety.

~~**SECTION 113 BOARD OF APPEALS**~~

~~**[A] 113.1 Membership of board.** The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

10. **Section 114.4 Violation Penalties** is deleted in its entirety and replaced with the following:

~~**[A] 114.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [**SPECIFY OFFENSE**], punishable by a fine of not more than [**AMOUNT**] dollars or by imprisonment not exceeding [**NUMBER OF DAYS**], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

11. **SECTION 202 GENERAL DEFINITIONS** is amended to modify, or add, the following definitions in alphabetical order:

. . .

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The term *code official* is interchangeable with the term *building official*.

. . .

MULTIFAMILY. Any *building* housing Group R-1, R-2 or R-4 occupancies.

. . .

WHOLE-DWELLING UNIT MECHANICAL VENTILATION SYSTEM. An exhaust system, supply system, or combination thereof that is designed to mechanically exchange indoor air for outdoor air when operating continuously or through a programmed intermittent schedule to satisfy the whole-dwelling ventilation rate.

. . .

12. A new **Section 309.2 Total Electric Heating** is added to read as follows:

309.2 Total Electric Heating. Primary indoor central heating systems utilizing only electric heat shall utilize a ground source heat pump system(s) or cold climate heat pump system(s) specifically designed to heat in cold climates and at the Winter Outdoor, Design Dry-Bulb temp defined in Section C301.5 of the *International Energy Conservation Code*. The heat pump system shall not be gas or propane fuel fired. Electric resistance strip heat shall serve only as emergency backup heat or supplemental heat at outdoor temperatures below 15°F as necessary.

Exceptions:

1. Where the total heating load is less than or equal to 6.0 Btu/h/ft^2 at design temperature, electric resistance heating shall be permitted.
2. Where conduit with pull string sized to accommodate future heating electrical requirements is installed.

13. **Section 403.3.2 Group R-2, R-3 and R-4 occupancies** is amended to read as follows:

403.3.2 Group R-2, R-3 and R-4 occupancies. The design of local exhaust systems ~~and ventilation systems~~ for outdoor air in Group R-2, R-3 and R-4 *occupancies* shall comply with Sections 403.3.2.1 through 403.3.2.~~5~~7.

14. **Section 403.3.2.1 Outdoor air for dwelling units** is amended to read as follows:

403.3.2.1 Outdoor air for dwelling units. An outdoor air ventilation system consisting of a mechanical exhaust system, supply system or combination thereof shall be installed for each *dwelling unit*. Local exhaust

or supply systems, including outdoor air ducts connected to the return side of an air handler, are permitted to serve as such system. The outdoor air ventilation system shall be designed to provide the required rate of outdoor air continuously during the period that the *building* is occupied, and the system design documents shall be submitted, as required by the *building official*, at the time of application for a building *permit*. The minimum continuous outdoor airflow rate shall be determined in accordance with Equation 4-9.

Equation 4-9 $Q_{OA} = 0.03A_{floor} + 7.5(N_{br} + 1)$

where:

Q_{OA} = outdoor airflow rate, cfm

A_{floor} = conditioned floor area, ft^2

N_{br} = number of bedrooms; not to be less than one

Exceptions:

1. The outdoor air ventilation system is not required to operate continuously where the system has controls that enable operation for not less than 1 hour of each 4-hour period. The average outdoor airflow rate over the 4-hour period shall be not less than that prescribed by Equation 4-9.
2. The minimum mechanical ventilation rate determined in accordance with Equation 4-9 shall be reduced by 30 percent provided that both of the following conditions apply:
   2.1. A ducted system supplies *ventilation air* directly to each bedroom and to one or more of the following rooms:
      2.1.1. Living room.
      2.1.2. Dining room.
      2.1.3. Kitchen.
   2.2. The whole-house ventilation system is a *balanced ventilation system*.

15. A new **Section 403.3.2.6 Sound ratings for fans** is added to read as follows:

403.3.2.6 Sound ratings for fans. Whole-*dwelling unit ventilation* fans shall be rated for sound at maximum of 1.5 sones, in accordance with the procedures of the Home Ventilating Institute (*HVI 915, Procedure for Loudness Rating of Residential Fan Products*). Heating, ventilating and air conditioning air handlers and remote-mounted fans need not meet sound requirements.

16. A new **Section 403.3.2.7 Performance verification** is added to read as follows:

403.3.2.7 Performance verification. Performance of installed mechanical *ventilation* systems shall be verified in accordance with The City of Fort Collins Residential New Construction Mechanical Systems Testing Guide as part of the Multifamily Residential Mechanical Systems Performance Report provided to the *building official*.

17. **Section 504.1 Installation** is amended to read as follows:

504.1 Installation. Clothes dryers shall be exhausted in accordance with the manufacturer's instructions. Dryer exhaust systems shall be independent of all other systems and shall convey the moisture and any products of *combustion* to the outside of the *building*. Dryer exhaust duct terminations shall not be located within 36 inches (914 mm) of exterior openings into *conditioned spaces*, crawl spaces, and attic spaces.

Exception: This section shall not apply to *listed* and *labeled* condensing (ductless) clothes dryers.

18. **Section 506.3.11 Grease duct enclosures** is amended to delete the exception.

. . .

~~**Exception:** A grease duct enclosure shall not be required for a grease duct that penetrates only a nonfire-resistance-rated roof/ceiling assembly.~~

19. **Section 511.1 General** is amended to read as follows:

511.1 General. Where a subslab soil exhaust system is provided, the duct for such systems shall conform to the requirements of ~~this section.~~Appendix BE of the *International Residential Code*, entitled “Radon Control Methods.”

20. **Section 601.5 Return air openings** is amended to read as follows:

601.5 Return air openings. Return air openings for heating, ventilation and air-conditioning systems shall comply with all of the following:

. . .

9. Return air taken from a closet smaller than 30 square feet (2.8 m^2) shall require ~~the closet door be undercut not less than 1½ inches (38 mm) or have either~~ a louvered door or an air transfer grille, each with a net free area of not less than 30 square inches (19 355 mm^2).

. . .

11. Return air for a *dwelling* shall be taken from inside the *dwelling*. Dilution of return air with *outdoor air* is permitted. A return air path shall be provided in all habitable rooms by means of ducts or transfer grills.

Exceptions:

. . .

21. **Section 602.2.1 Stud cavity and joist space plenums** is deleted in its entirety and replaced with the following:

~~**602.2.1 Stud cavity and joist space plenums.** Stud wall cavities and the spaces between solid floor joists to be utilized as air plenums shall comply with the following conditions:~~

~~1. Such cavities or spaces shall not be utilized as a *plenum* for supply air.~~

~~2. Such cavities or spaces shall not be part of a required fire-resistance-rated assembly.~~

~~3. Stud wall cavities shall not convey air from more than one floor level.~~

~~4. Stud wall cavities and joist space *plenums* shall comply with the floor penetration protection requirements of the *International Building Code*.~~

~~5. Stud wall cavities and joist space *plenums* shall be isolated from adjacent concealed spaces by *approved* fireblocking as required in the *International Building Code*.~~

~~6. Stud wall cavities in the outside walls of *building* envelope assemblies shall not be utilized as air *plenums*.~~

602.2.1 Stud cavity and joist space plenums. *Building* framing cavities shall not be used as ducts or plenums.

22. A new **Section 603.19 Construction debris and contamination** is added to read as follows:

603.19 Construction debris and contamination. Mechanical air-handling systems and their related ducts shall be protected from the entrance of dirt, debris, and dust during the construction and installation process. Prior to passing final inspection or issuance of a Certificate of Occupancy, such systems shall be substantially free of construction-related contaminants.

23. **Section 801.19 Multistory prohibited** is amended to read as follows:

801.19 Multistory prohibited. Common venting systems for *appliances* located on more than one floor level shall be prohibited, except engineered systems

where all of the *appliances* served by the common vent are located in rooms or spaces that are accessed only from the outdoors. The *appliance* enclosures shall not communicate with the occupiable areas of the building.

24. A new **Section 903.1.1 Solid fuel fireplaces and appliances** is added to read as follows:

903.1.1 Solid fuel fireplaces and appliances. Solid fuel fireplaces, fireplace stoves and solid-fuel-type room heaters shall comply with § 5-110 of the City Code.

25. **Section 903.3 Unvented gas logs heaters** is deleted in its entirety.

~~**903.3 Unvented gas log heaters.** An unvented gas log heater shall not be installed in a factory-built fireplace unless the fireplace system has been specifically tested, listed and labeled for such use in accordance with UL 127.~~

26. **SECTION 929 UNVENTED ALCOHOL FUEL-BURNING DECORATIVE APPLIANCES** is deleted in its entirety.

~~**SECTION 929 UNVENTED ALCOHOL FUEL-BURNING DECORATIVE APPLIANCES**~~

~~**929.1 General.** *Unvented alcohol fuel-burning decorative appliances* shall be *listed* and *labeled* in accordance with UL 1370 and shall be installed in accordance with the conditions of the listing, manufacturer's installation instructions and Chapter 3.~~

27. **Section 1109.2.5 Refrigerant pipe shafts** is amended to read as follows:

1109.2.5 Refrigerant pipe shafts. Refrigerant piping that penetrates two or more floor/ceiling assemblies shall be enclosed in a fire-resistance-rated shaft enclosure. The fire-resistance-rated shaft enclosure shall comply with Section 713 of the *International Building Code*.

Exceptions:

1. *Refrigeration* systems using R-718 refrigerant (water).
2. Piping in a direct refrigeration system ~~using Group A1 refrigerant~~ where the refrigerant quantity does not exceed the limits of Table 1103.1 or the limits in ASHRAE standards 15 and 34 for the smallest occupied space through which the piping passes.
3. Piping located on the exterior of the *building* where vented to the outdoors.

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Tiegan Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 218, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE IV OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2021 INTERNATIONAL FUEL GAS CODE AND ADOPTING THE 2024 INTERNATIONAL FUEL GAS CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both in order to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

F. The adoption of the interconnected basic construction codes has been presented to community groups and feedback has been received by the Water Commission, Energy Board, Commission on Disability, Natural Resources Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that the *2024 International Fuel Gas Code* be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the

hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

J. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the 2021 *International Fuel Gas Code* ("IFGC") and adopts the 2024 *International Fuel Gas Code* as amended by this Ordinance.

Section 2. Section 5-111 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 5-111. - Adoption of standards for fuel gas piping, equipment and accessories.

Pursuant to the power and authority conferred on the City Council by Colorado Revised Statutes Section ~~C.R.S. §~~31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the ~~*2021*~~*2024 International Fuel Gas Code*, published by the International Code Council, second printing (June 2024), which shall have the same force and effect as though set forth in full herein except as amended pursuant to §5-112 of the City Code. The subject matter of the ~~*2021*~~*2024 International Fuel Gas Code* adopted herein includes comprehensive regulations governing the design, installation, maintenance, alteration and inspection of fuel gas piping systems, fuel gas utilization equipment and related accessories for the purposes of protecting public health, safety and general welfare. None of the ~~*2021*~~*2024 International Fuel Gas Code* Appendices are hereby adopted.

Section 3. Section 5-112 of the Code of the City of Fort Collins is hereby repealed and re-enacted to read as follows:

Sec. 5-112. - Amendments and deletions to the 2024 International Fuel Gas Code.

The *2024 International Fuel Gas Code* adopted in § 5-111 is amended as follows:

1. **Section 101.1 Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fuel Gas Code* of the City of Fort Collins, hereinafter referred to as "this code."

2. **Section 102.8 Referenced codes and standards** is amended to read as follows:

Section 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are *listed* in ~~Chapter 8~~ Section 101.4 of the adopted *International Building Code,* entitled "Referenced codes," and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the *equipment* or *appliance*, the conditions of the listing and the manufacturer's installation instructions shall apply.

3. **SECTION 103 (IFGC) CODE COMPLIANCE AGENCY** is deleted in its entirety and replaced with the following:

~~**SECTION 103 (IFGC) CODE COMPLIANCE AGENCY**~~

~~**[A] 103.1 Creation of agency.** The [insert name of department] is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

~~**[A] 103.2 Appointment.** The code official shall be appointed by the chief appointing authority of the jurisdiction.~~

~~**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.~~

SECTION 103 CODE ADMINISTRATION

103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code,* entitled "CODE ADMINISTRATION."

4. **Section 104.2.4.1 Flood hazard areas** is deleted in its entirety and replaced with the following:

~~**[A] 104.2.4.1 Flood hazard areas.** The code official shall not grant modifications to any provision required in flood hazard areas as established~~

~~by Section 1612.3 of the International Building Code unless a determination has been made that:~~

~~1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 of the International Building Code inappropriate.~~

~~2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.~~

~~3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; cause fraud on or victimization of the public; or conflict with existing laws or ordinances.~~

~~4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.~~

~~5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.~~

104.2.4.1 Flood hazard areas. For *existing buildings* or *structures* regulated under the scope of this code that are in whole or in part located in *flood hazard areas*, construction documents shall be submitted as established in accordance with Chapter 10 of the City Code, entitled “Flood Prevention and Protection.”

5. **Section 105.1.1 Annual permit** and **Section 105.1.2 Annual permit records** are deleted in their entirety.

~~**[A] 105.1.1 Annual permit.** Instead of an individual construction permit for each *alteration* to an already *approved* system or *equipment* installation, the *code official* is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.~~

~~**[A] 105.1.2 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of *alterations* made under such annual permit. The *code official* shall have access to such records at all times or such records shall be filed with the *code official* as designated.~~

6. **SECTION 108 (IFGC) FEES** is deleted in its entirety and replaced with the following:

~~**SECTION 108 (IFGC) FEES**~~

~~**[A] 108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.~~

~~**[A] 108.2 Schedule of permit fees.** Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**[A] 108.3 Permit valuations.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as plumbing *equipment* and permanent systems. Where, in the opinion of the *code official*, the valuation is underestimated, the permit shall be denied unless the applicant can show detailed estimates acceptable to the *code official*. The *code official* shall have the authority to adjust the final valuation for permit fees.~~

~~**[A] 108.4 Work commencing before permit issuance.** Any person who commences any work on a mechanical system before obtaining the necessary permits shall be subject to a fee established by the *code official* that shall be in addition to the required permit fees.~~

~~**[A] 108.5 Related fees.** The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.~~

~~**[A] 108.6 Refunds.** The *code official* is authorized to establish a refund policy.~~

SECTION 108 FEES

108.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code,* entitled “FEES.”

108.2 Work commencing before permit issuance. All items related to work commencing before permit issuance shall be made pursuant to the applicable provisions of Section 109.2 of the adopted *International Building Code.*

7. **SECTION 112 (IFGC) MEANS OF APPEAL** is deleted in its entirety and replaced with the following:

~~**[A] SECTION 112 (IFGC) MEANS OF APPEALS**~~

~~**[A] 112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the *code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *code official*.~~

~~**[A] 112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**[A] 112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**[A] 112.4 Administration.** The *code official* shall take action without delay in accordance with the decision of the board.~~

SECTION 112 MEANS OF APPEAL.

112.1 General. Appeals of decisions, determinations and interpretations of this code shall be done in accordance with the applicable provisions and procedures of Section 113 of the adopted *International Building Code*, entitled “MEANS OF APPEALS.”

8. **Section 113.4 Violation penalties** is deleted in its entirety and replaced with the following:

~~**[A] 113.4 Violation penalties.** Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the *approved construction documents* or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, shall be guilty of a **[SPECIFY OFFENSE]**, punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding **[NUMBER OF DAYS]**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *code official*, or of a permit or certificate issued under the provisions

of this code, commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

9. **Section 301.3 Listed and labeled** is amended to read as follows:

301.3 Listed and labeled. *Appliances* regulated by this code shall be *listed* and *labeled* for the application in which they are used unless otherwise *approved* in accordance with Section 105. ~~The approval of unlisted appliances in accordance with Section 105 shall be based on *approved* engineering evaluation.~~

10. **Section 303.3 Prohibited locations** is amended to read as follows:

303.3 Prohibited locations. *Appliances* shall not be located in sleeping rooms, bathrooms, toilet rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The *appliance* is a direct-vent *appliance* installed in accordance with the conditions of the listing and the manufacturer's instructions.
2. Vented room heaters, wall furnaces, vented decorative *appliances*, vented gas fireplaces, vented gas *fireplace* heaters and decorative *appliances* for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section 304.5.
3. ~~A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 6,000 Btu/h (1.76 kW). The bathroom shall meet the required volume criteria of Section 304.5.~~
4. ~~A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section 621.6 and has an input rating not greater than 10,000 Btu/h (2.93 kW). The bedroom shall meet the required volume criteria of Section 304.5.~~
5. ~~5~~3. The *appliance* is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an *approved* self-closing device. *Combustion air* shall be taken directly from the outdoors in accordance with Section 304.6.
6. ~~6~~4. A clothes dryer is installed in a residential bathroom or toilet room having a permanent opening with an area of not less than 100 square inches (0.06 m^2) that communicates with a space outside of a sleeping room, bathroom, toilet room or storage closet.

11. **Section 304.11 Combustion air ducts** is amended to read as follows:

304.11 Combustion air ducts. *Combustion air* ducts shall comply with all of the following:

1. Ducts shall be constructed of galvanized steel complying with Chapter 6 of the *International Mechanical Code* or of a material having equivalent corrosion resistance, strength and rigidity.

   Exception: Where the installation of galvanized steel ducts is not practical due to existing finish materials w~~W~~ithin dwellings units~~,~~ that are undergoing *alteration* or reconstruction, unobstructed stud and joist spaces shall not be prohibited from conveying *combustion air*, provided that not more than one required fireblock is removed.

. . .

9. All *combustion air* openings or ducts shall be readily identifiable with an *approved* label or by other means warning persons that obstruction of such openings or ducts may cause fuel-burning *equipment* to release *combustion products* and dangerous levels of carbon monoxide into the building.

12. **Section 305.1 General** is amended to read as follows:

305.1 General. *Equipment* and *appliances* shall be installed as required by the terms of their approval, in accordance with the conditions of listing, the manufacturer's instructions and this code. Manufacturers' installation instructions shall be available on the job site at the time of inspection. Where a code provision is less restrictive than the conditions of the listing of the *equipment* or *appliance* or the manufacturer's installation instructions, the conditions of the listing and the manufacturer's installation instructions shall apply.

~~Unlisted *appliances approved* in accordance with Section 301.3 shall be limited to uses recommended by the manufacturer and shall be installed in accordance with the manufacturer's instructions, the provisions of this code and the requirements determined by the *code official*.~~

13. **Section 404.12 Minimum burial depth** is amended to read as follows:

404.12 Minimum burial depth. Underground *piping* systems shall be installed a minimum depth of ~~12~~ 18 inches ~~(305~~ 457 mm) below grade ~~except as provided for in Section 404.12.1~~.

14. **Section 404.12.1 Individual outdoor appliances** is deleted in its entirety.

~~**404.12.1 Individual outdoor appliances.** Individual lines to outdoor lights, grills and other *appliances* shall be installed not less than 8 inches (203 mm) below finished grade, provided that such installation is *approved* and is installed in locations not susceptible to physical damage.~~

15. **Section 406.4.1 Test pressure** is deleted in its entirety and replaced with the following:

~~**406.4.1 Test pressure.** The test pressure to be used shall be not less than 1½ times the proposed maximum working pressure, but not less than 3 psig (20 kPa gauge). Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the *piping* greater than 50 percent of the specified minimum yield strength of the pipe.~~

406.4.1 Test pressure. The test pressure to be used for non-welded pipe shall not be less than 10 psi.

16. **Section 501.8 Appliances not required to be vented** is amended to read as follows:

501.8 Appliances not required to be vented. The following *appliances* shall not be required to be vented:

1. Electrical r~~R~~anges.
2. Built-in domestic cooking units *listed* and marked for optional venting.
3. Hot plates and laundry stoves.
4. Type 1 clothes dryers (Type 1 clothes dryers shall be exhausted in accordance with the requirements of Section 614).
5. A single booster-type automatic instantaneous water heater, where designed and used solely for the sanitizing rinse requirements of a dishwashing machine, provided that the heater is installed in a commercial kitchen having a mechanical exhaust system. Where installed in this manner, the draft hood, if required, shall be in place and unaltered and the draft hood *outlet* shall be not less than 36 inches (914 mm) vertically and 6 inches (152 mm) horizontally from any surface other than the heater.
6. Refrigerators.
7. Counter appliances.
8. ~~Room heaters *listed* for unvented use.~~

~~9~~8. Direct-fired makeup air heaters.

~~10. Other *appliances listed* for unvented use and not provided with flue collars.~~

~~11~~9. Specialized *appliances* of limited input such as laboratory burners and gas lights.

Where the *appliances* listed in Items 5 through ~~11~~9 are installed so that the aggregate input rating exceeds 20 British thermal units (Btu) per hour per cubic foot (207 watts per m^3) of volume of the room or space in which such *appliances* are installed, one or more shall be provided with venting systems or other *approved* means for conveying the vent gases to the outdoor atmosphere so that the aggregate input rating of the remaining unvented *appliances* does not exceed 20 Btu per hour per cubic foot (207 watts per m^3). Where the room or space in which the *appliance* is installed is directly connected to another room or space by a doorway, archway or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations.

17. **Section 503.6.6 Minimum height** is amended to read as follows:

> **503.6.6 Minimum height.** A Type B or L gas vent shall terminate not less than 5 feet (1524 mm) in vertical height above the highest connected *appliance* draft hood or flue collar. A Type B-W gas vent shall terminate not less than 12 feet (3658 mm) in vertical height above the bottom of the wall furnace. All gas vents shall terminate a minimum of 22 inches (559 mm) above the surface or grade directly below.

18. **Section 621 (IFGC) UNVENTED ROOM HEATERS** is deleted in its entirety.

~~**SECTION 621 (IFGC) UNVENTED ROOM HEATERS**~~

~~**621.1 General.** Unvented room heaters shall be *listed* in accordance with ANSI Z21.11.2 and shall be installed in accordance with the conditions of the listing and the manufacturer's instructions. Unvented room heaters utilizing fuels other than fuel gas shall be regulated by the *International Mechanical Code*.~~

~~**621.2 Prohibited use.** One or more unvented room heaters shall not be used as the sole source of comfort heating in a *dwelling unit*.~~

~~**621.3 Input rating.** Unvented room heaters shall not have an input rating in excess of 40,000 Btu/h (11.7 kW).~~

~~**621.4 Prohibited locations.** Unvented room heaters shall not be installed within *occupancies* in Groups A, E and I. The location of unvented room heaters shall comply with Section 303.3.~~

~~**621.5 Room or space volume.** The aggregate input rating of all unvented *appliances* installed in a room or space shall not exceed 20 Btu/h per cubic foot (207 W/m^3) of volume of such room or space. Where the room or space in which the *appliances* are installed is directly connected to another room or space by a doorway, archway or other opening of comparable size that cannot be closed, the volume of such adjacent room or space shall be permitted to be included in the calculations.~~

~~**621.6 Oxygen-depletion safety system.** Unvented room heaters shall be equipped with an oxygen-depletion-sensitive safety shutoff system. The system shall shut off the gas supply to the main and pilot burners when the oxygen in the surrounding atmosphere is depleted to the percent concentration specified by the manufacturer, but not lower than 18 percent. The system shall not incorporate field adjustment means capable of changing the set point at which the system acts to shut off the gas supply to the room heater.~~

~~**621.7 Unvented decorative room heaters.** An unvented decorative room heater~~

~~shall not be installed in a factory-built *fireplace* unless the *fireplace* system has been specifically tested, *listed* and *labeled* for such use in accordance with UL 127.~~

~~**621.7.1 Ventless firebox enclosures.** Ventless firebox enclosures used with unvented decorative room heaters shall be *listed* as complying with ANSI Z21.91.~~

19. A new **Section 623.3.1 Kitchens with gas cooking** is added to read as follows:

623.3.1 Kitchens with gas cooking. Gas cooking *appliances* in residential kitchens shall be supplied with an exhaust system vented to the outside. Ducts serving kitchen exhaust systems shall not terminate in an attic or *crawl space* or areas inside the building and shall not induce or create a negative pressure in excess of negative 3 Pa or adversely affect gravity-vented *appliances*.

20. **Section 630.3 (IFGS) Combustion and ventilation air** is amended to read as follows:

630.3 (IFGS) Combustion and ventilation air. Where ~~unvented~~ infrared heaters are installed, natural or mechanical means shall provide outdoor ventilation air at a rate of not less than 4 cfm per 1,000 Btu/h (0.38 m^3/min/kW) of the aggregate input rating of all such heaters installed in the space. Exhaust openings for removing flue products shall be above the level of the heaters.

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Jenny Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 219, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE V, DIVISION 1 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE COLORADO PLUMBING CODE AND ADOPTING THE 2024 INTERNATIONAL PLUMBING CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to align eleven interconnected basic construction codes under one publication year.

C. The eleven interconnected basic construction codes are the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, *International Fire Code*, and the *International Wildland-Urban Interface Code* to the extent adopted by the *Colorado Wildfire Resiliency Code*.

D. The City Council has determined that the 2024 publication year of these interconnected basic construction codes should be adopted and that any counterpart *International* codes previously adopted should be repealed, both in order to align the publication years of the codes and because the 2024 publications contain improvements in construction code regulation.

E. Previously, City Council adopted Ordinance No. 035, 2011, adopting the *Colorado Plumbing Code* (the "CPC") as published at 3 Colorado Code of Regulations 720-1, and codified the CPC at Section 5-125 of the Code of the City of Fort Collins, with local amendments thereto.

F. The state's code update cycle is significantly delayed compared to the City's, and the CPC has not yet been updated to align with the *2024 International Plumbing Code*.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that the plumbing code of the City of Fort Collins be amended to adopt the *2024 International Plumbing Code* and to repeal the previously adopted *Colorado Plumbing Code,* both to align with the publication years of the other construction codes and to update the requirements pertaining to maximum flow and water consumption.

H. City staff has conducted a significant public outreach program, working with the regulated construction industry and building professionals.

I. The adoption of the interconnected basic construction codes has been presented to community groups and feedback has been received from the Water Commission, Energy Board, Commission on Disability, Natural Resource Advisory Board, Poudre Fire Authority Board, Building Review Commission, Affordable Housing Board, and Air Quality Advisory Board.

J. Pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

K. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 25, 2025.

L. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the *Colorado Plumbing Code* and adopts the *2024 International Plumbing Code* as amended by this Ordinance.

Section 2. Section 5-125 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 5-125. - Adoption of standards.

Pursuant to the power and authority conferred on the City Council by Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the *2024 International Plumbing Code* (*2024 IPC)* published by the International Code Council, second printing (May 2024), as amended by the City, which shall have the same force and effect as though set forth in full herein. The subject matter of the *2024 International Plumbing Code* includes comprehensive provisions and standards regulating the installation, alteration or repair of plumbing and drainage systems in the City, for the purpose of protecting public health, safety, and general welfare. As provided in the *2024 International Plumbing Code,* Appendices are not adopted except as expressly set forth in § 5-126.

Section 3. Section 5-126 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 5-126. - Amendments and deletions to the 2024 International Plumbing Code.

The *2024 International Plumbing Code* adopted in § 5-125 is amended as follows:

1. **Section 101.1 Title** is amended to read as follows:

   101.1 Title. These regulations shall be known as the *Plumbing Code* of the City of Fort Collins, hereinafter referred to as "this code."

2. **Section 102.8 Referenced codes and standards** is amended to read as follows:

   102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in ~~Chapter 15 and such codes and standards~~ Section 101.4 of the adopted *International Building Code*, entitled "Referenced Codes", and shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

3. **Section 103 CODE COMPLIANCE AGENCY** is deleted in its entirety and replaced with the following:

   ~~**SECTION 103 CODE COMPLIANCE AGENCY**~~

   ~~**[A] 103.1 Creation of agency.** The **[INSERT NAME OF DEPARTMENT]** is hereby created and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

   ~~**[A] 103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.~~

   ~~**[A] 103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.~~

   SECTION 103 CODE ADMINISTRATION

   103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code*, entitled "CODE ADMINISTRATION."

4. **Section 105.2 Exempt work** is amended to read as follows:

105.2 Exempt work. The following work shal l be exempt from the requirement for a permit:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the ~~removal and reinstallation of water closets~~repair and replacement of garbage disposal units and dishwashers directly connected to the sanitary sewer system, including the necessary replacement of all tail pipes and traps, or the repair, maintenance, and replacement of sinks, faucets, drains, showers, tubs, and toilets, provided that such repairs do not involve or require the replacement or rearrangement of valves~~,~~ or pipes ~~or fixtures.~~

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

5. **SECTION 108 FEES** is deleted in its entirety and replaced with the following:

~~**SECTION 108 FEES**~~

~~**[A] 108.1 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.~~

~~**[A] 108.2 Schedule of permit fees.** Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.~~

~~**[A] 108.3 Permit valuations.** The applicant for a permit shall provide an estimated value of the work for which the permit is being issued at time of application. Such estimated valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. Where, in the opinion of the building official, the valuation is underestimated, the permit shall be denied, unless the applicant can show detailed estimates acceptable to the building official. The building official shall have the authority to adjust the final valuation for permit fees.~~

~~**[A] 108.4 Work commencing before permit issuance.** Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to a fee established by the code official that shall be in~~

~~addition to the required permit fees.~~

~~**[A] 108.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law~~

~~**[A] 108.6 Refunds.** The code official is authorized to establish a refund policy.~~

SECTION 108 FEES

108.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code,* entitled "FEES."

108.2 Work commencing before permit issuance. All items related to work commencing before permit issuance shall be made pursuant to the applicable provisions of Section 109.2 of the adopted *International Building Code.*

6. **SECTION 112 MEANS OF APPEAL** is deleted in its entirety and replaced with the following:

~~**SECTION 112 MEANS OF APPEALS**~~

~~**[A] 112.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.~~

~~**[A] 112.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code.~~

~~**[A] 112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction.~~

~~**[A] 112.4 Administration.** The code official shall take action without delay in accordance with the decision of the board.~~

SECTION 112 MEANS OF APPEALS

112.1 General. Appeals of decisions, determinations and interpretations of this code shall be made pursuant to the applicable provisions of Section 113 of the adopted *International Building Code*, entitled "MEANS OF APPEALS."

7. **SECTION 113 BOARD OF APPEALS** is deleted in its entirety.

~~**SECTION 113 BOARD OF APPEALS**~~

~~**[A] 113.1 Membership of board.** The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

8. **Section 114.4 Violation Penalties** is deleted in its entirety and replaced with the following:

~~**[A] 114.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a **[SPECIFY OFFENSE]**, punishable by a fine of not more than **[AMOUNT]** dollars or by imprisonment not exceeding **[NUMBER OF DAYS]**, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who alters or repairs a building or structure in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

9. **SECTION 202 GENERAL DEFINITIONS** is amended to modify, or add, in alphabetical order, the following definitions:

. . .

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. The term *code official* is interchangeable with the term *building official*.

. . .

DIRECT SUPERVISION. Direct supervision means that the supervising licensed master plumber, journeyman plumber, or residential plumber is physically present at the same physical addresses listed on the permits and where the apprentice is working or no more than five minutes distance from the apprentice.

. . .

FIXTURE DRAIN. ~~The drain from the trap of a fixture to a junction with any other drain pipe~~ That portion of a plumbing drainage system that connects the trap drain to any other drain pipe receiving the discharge from one or more plumbing fixtures.

. . .

GRAYWATER. ~~Waste discharged from lavatories, bathtubs, showers, clothes washers and laundry trays~~ Wastewater that, before being treated or combined with other wastewater, is collected from fixtures within residential, commercial, or industrial buildings or institutional facilities for the purpose of being put to beneficial uses. Sources of graywater are limited to discharges from bathroom and laundry room sinks, bathtubs, showers, and laundry machines. Graywater does not include the wastewater from toilets, urinals, kitchen sinks, dishwashers, or non-laundry utility sinks.

. . .

RECLAIMED WATER. ~~Nonpotable water that has been derived from the treatment of wastewater by a facility or system licensed or permitted to produce water meeting the jurisdiction's water requirements for its intended uses. Also known as "recycled water."~~Domestic wastewater that has received secondary treatment by a domestic wastewater treatment works (centralized system or a localized system) and such additional treatment as to enable the wastewater to meet the standards for approved uses.

. . .

TRAP DRAIN. That portion of horizontal piping between the weir of a trap and the point where it intersects with the vent serving that same trap (trap arm).

. . .

10. **Section 305.1 Protection against contact** is deleted in its entirety and replaced with the following:

~~**305.1 Protection against contact.** Metallic piping, except for cast iron, ductile iron and galvanized steel, shall not be placed in direct contact with steel framing members, concrete or cinder walls and floors or other masonry. Metallic piping~~

~~shall not be placed in direct contact with corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than 0.008 inch (8 mil) (0.203 mm) and the sheathing shall be made of plastic. Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.~~

305.1 Protection against contact. Piping except for, for cast iron, ductile iron, and galvanized steel shall not be placed in direct contact with steel framing members. Piping shall not be placed in direct contact with concrete or cinder walls and floors, other masonry, and corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than .025 inch (.64 mm). Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

11. **Section 308.5 Interval of support** is amended to read as follows:

308.5 Interval of support. Pipe shall be supported in accordance with Table 308.5(1). Hanger support rods shall be sized in accordance with Table 308.5(2).

Exception: The interval of support for piping systems designed to provide for expansion/contraction shall conform to the engineered design in accordance with Section 316.1.

12. **TABLE 308.5 HANGER SPACING** is amended to read as follows:

TABLE 308.5(1) HANGER SPACING		
PIPING MATERIAL	**MAXIMUM HORIZONTAL SPACING (feet)**	**MAXIMUM VERTICAL SPACING (feet)**
. . .	. . .	. . .

13. A new **TABLE 308.5(2) HANGER ROD SIZE** is added to read as follows:

TABLE 308.5(2) HANGER ROD SIZE	
Pipe and Tube Size	**Rod Size**
½” – 4”	3/8”
5” – 8”	½”
10” – 12”	5/8”

14. **Section 308.7.1 Location** is amended to read as follows:

308.7.1 Location. For pipe sizes greater than 4 inches (102 mm), restraints shall be provided for drain pipes utilizing mechanical joints at all changes in direction and at all changes in diameter greater than two pipe sizes. Braces, blocks, rodding and other suitable methods as specified by the coupling

manufacturer shall be utilized.

15. **Section 308.9 Parallel water distribution systems** is amended to read as follows:

308.9 Parallel water distribution systems. Piping bundles for manifold systems shall be supported in accordance with Table 308.5(1). Support at changes in direction shall be in accordance with the manufacturer's instructions. Where hot water piping is bundled with cold water piping, hot water piping shall be insulated in accordance with Section 607.5.

16. **Section 312.1 Required tests** is amended to read as follows:

312.1 Required tests. The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.11 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and he or she shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. Plumbing system piping shall be tested with either water or~~, for piping systems other than plastic,~~ by air. ~~After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.~~

17. **Section 312.3 Drainage and vent air test** is amended to read as follows:

312.3 Drainage and vent air test. ~~Plastic piping shall not be tested using air.~~ An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.

18. **Section 312.4 Drainage and vent vacuum test** is deleted in its entirety.

~~**312.4 Drainage and vent vacuum test.** The portion of the drainage and vent system under test shall be evacuated of air by a vacuum-type pump to achieve a uniform gauge pressure of negative 5 pounds per square inch or a negative 10 inches of mercury column (-34 kPa). This pressure shall be held without the removal of additional air for a period of 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.~~

19. **Section 312.6 Water supply system test** is amended to read as follows:

312.6 Water supply system test. Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system; or~~, for piping systems other than plastic,~~ by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 111.

20. **Section 312.10 Shower liner test** is deleted in its entirety.

~~**312.10 Shower liner test.** Where shower floors and receptors are made watertight by the application of materials required by Section 421.5.2, the completed liner installation shall be tested. The pipe from the shower drain shall be plugged watertight for the test. The floor and receptor area shall be filled with potable water to a depth of not less than 2 inches (51 mm) measured at the threshold. Where a threshold of 2 inches (51 mm) high or greater does not exist, a temporary threshold shall be constructed to retain the test water in the lined floor or receptor area to a level not less than 2 inches (51 mm) deep measured at the threshold. The water shall be retained for a test period of not less than 15 minutes, and there shall not be evidence of leakage.~~

21. **Section 312.11.2 Testing** is amended to read as follows:

312.11.2 Testing. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation and at least annually by a certified cross connection control technician, in accordance with the applicable testing procedures associated with each specific certifying agency. When applicable, t~~T~~he testing procedure shall be performed for the identified backflow prevention assembly in its entirety in accordance with one of the following applicable standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10~~, or~~ CSA B64.10.1 or the testing procedures provided in the 10th Edition Manual of Cross-Connection Control from the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research. ~~Test gauges shall comply with ASSE 1064.~~

22. A new **SECTION 317 GRAYWATER** is added to read as follows:

SECTION 317 GRAYWATER

317.1 General. Graywater use shall comply with Article V, Division 3 of the City

Code and other applicable sections of this code.

23. **Section 403.1 Minimum number fixtures** is amended to read as follows:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided in the minimum number as shown in Table 403.1, based on the actual use of the building or space. Uses not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the *International Building Code*. Lavatory to water closet or urinal ratios in accordance with Table 403.1 shall be maintained in all restrooms.

24. **Section 405.3.2 Public lavatories** is amended to read as follows:

405.3.2 Public lavatories. In employee and *public* toilet facilities, the required lavatory shall be located in the same room as the required water closet.

Exception: Lavatories located outside a toilet room located within a classroom serving students from that classroom only. These toilet rooms and lavatories shall not count toward the total fixture count required by Table 403.1.

25. **Section 410.4 Substitution** is amended to read as follows:

410.4 Substitution. Where restaurants or spaces classified as an A2 occupancy provide drinking water in a container free of charge, drinking fountains shall not be required in ~~those~~ these restaurants and A2 occupancies. In other *occupancies* where three or more drinking fountains are required, *water dispensers* shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains.

26. A new **Section 421.7 Shower head location** is added to read as follows:

421.7 Shower head location. Showerheads shall be located on the sidewall of shower compartments or be arranged so the shower head does not discharge directly at the entrance to the compartment and the bather can adjust the valve prior to stepping into the shower spray.

Exception: Showers of the roll in type installed in accordance with 2009 ANSI A117.1.

27. A new **Section 421.8 Shower valve location** is added to read as follows:

421.8 Shower valve location. A shower or tub/shower control valve shall be installed only where the spout and/or shower head discharges into an approved tub or shower compartment.

Exception: Emergency Showers.

28. **Section 425.3 Water closet seats** is amended by adding a new exception to read as follows:

425.3 Water closet seats. Water closets shall be equipped with seats of smooth, nonabsorbent material. Seats of water closets provided for *public* or employee toilet facilities shall be of the hinged open-front type. Integral water closet seats shall be of the same material as the fixture. Water closet seats shall be sized for the water closet bowl type.

Exception: Water closets installed in public restrooms for the purpose of complying with accessible fixtures as required by Section 404 fitted with the "AXS-Wingman Universal Design Water Closet Seat" having a closed front are allowed.

29. A new **Section 504.6.1 Collection of relief valve discharge** is added to read as follows:

504.6.1 Collection of relief valve discharge. A means shall be provided to capture the discharge from a relief valve and convey it to the sanitary drainage system or exterior of the structure either by gravity or a pumped discharge.

Exceptions:

1. Replacements for existing water heaters.
2. Where a water sensing device wired to a normally closed solenoid valve installed in the water supply piping to the heater is placed within the water heater drain pan.

30. A new **Section 504.6.1.1 Pumped discharge of relief valve collection** is added to read as follows:

504.6.1.1 Pumped discharge of relief valve collection. Pumps used to discharge the clear water collection of relief valves shall have an operating temperature equal to or exceeding that of the relief valve discharge temperature and shall have a gpm rating equal to or greater than the discharge of the relief valve.

31. **Section 504.7 Required pan** is amended to read as follows:

504.7 Required pan. Where a storage tank-type water heater or a hot water storage tank is installed in a location where water leakage from the tank will cause damage, the tank shall be installed in a pan constructed of one of the following:

1. Galvanized steel or aluminum of not less than 0.0236 inch (0.6010 mm) in thickness.
2. Plastic not less than 0.036 inch (0.9 mm) in thickness.
3. Other *approved* materials.

A plastic pan installed beneath a gas-fired water heater shall be constructed of material having a flame spread index of 25 or less and a smoked-developed index of 450 or less when tested in accordance with ASTM E84 or UL723.

Water heaters installed in pans shall comply with Section 314.2.3.2.

Unless the pan is constructed of material having a flame spread index of 25 or less and a smoke-developed index of 450 or less when tested in accordance with ASTM E84 or UL 723.

Exception: Replacements for water heaters that did not have a pan previously installed to code in effect at the time of original installation.

32. **Section 603.1 Size of water service pipe** is amended to read as follows:

603.1 Size of water service pipe. The water service pipe shall be sized to supply water to the structure in the quantities and at the pressures required in this code. The water service pipe shall not be less than ¾ inch (19.1 mm) in diameter. In residential occupancies, the water service pipe shall be sized according to Appendix E.

33. A new **Section 603.1.1 Water service line freeze protection** is added to read as follows:

603.1.1 Water service line freeze protection. Water service lines shall be protected from freezing by being installed 54 inches deep below grade or by other approved methods.

34. **Section 604.1 General** is amended to read as follows:

604.1 General. The design of the water distribution system shall conform to *accepted engineering practice*. Methods utilized to determine pipe sizes shall be *approved*. In residential occupancies, the water distribution system shall be sized according to Appendix E.

35. **Section 604.4 Maximum flow and water consumption** and **TABLE 604.4 MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING FIXTURES AND FIXTURE FITTINGS** are amended to read as follows, with the exceptions being deleted in their entirety:

604.4 Maximum flow and water consumption. The maximum water consumption flow rates and quantities for all plumbing fixtures and fixture fittings shall be in accordance with Table 604.4, and such fixtures and fittings shall be Environmental Protection Agency (EPA) WaterSense® labeled fixtures, excluding fixtures and fixture fittings that are not labeled under the WaterSense® program.

~~**Exceptions:**~~

~~1. Blowout design water closets having a water consumption not greater than 31/2 gallons (13 L) per flushing cycle.~~
~~2. Vegetable sprays.~~
~~3. Clinical sinks having a water consumption not greater than 41/2 gallons (17 L) per flushing cycle.~~
~~4. Service sinks.~~
~~5. Emergency showers.~~

TABLE 604.4 MAXIMUM FLOW RATES AND CONSUMPTION FOR PLUMBING FIXTURES AND FIXTURE FITTINGS

PLUMBING FIXTURE OR FIXTURE FITTING	MAXIMUM FLOW RATE OF QUANTITY[b]
Lavatory faucet, private	~~2.2 gpm at 60 psi~~ 0.5 gallon per minute at 60 psi for non-residential occupancy 1.5 gallons per minute at 60 psi for Groups R and I occupancies
Lavatory faucet, public (metering)	0.25 gallon per metering cycle minimum 10 second cycle setting for water run time
~~Lavatory, public (other than metering)~~	~~0.5 gpm at 60 psi~~
Shower head [a,c] (includes handheld)	~~2.0 gpm at 80 psi~~ 1.8 gallons per minute at 80 psi 2.0 gallons per minute at 80 psi for Groups I and E occupancies
Sink faucet	~~2.2 gpm at 60 psi~~ 1.8 gallons per minute at 60 psi
Urinal	~~1.0 gallon per flushing cycle~~ 0.5 gallons per flushing cycle
Residential Water closet	~~1.6 gallons per flushing cycle~~ 1.1 gallons per flushing cycle, with minimum MaP (solid-waste removal performance threshold) of 600 grams. Dual Flush gallons per flushing cycle: Average of three flushes (two reduced flushes and one full flush). 1.28 gallons per flushing cycle water closet allowed for existing buildings not increasing the building size.
Commercial Water Closet	1.28 gallons per flushing cycle, with minimum MaP (solid-waste removal performance threshold) of 600 grams. Dual Flush gallons per flushing cycle: Average of three flushes (two reduced flushes and
Pre-rinse Spray Valves (food service)	Must meet federal Department of Energy WaterSense® criteria per 10 CFR 431, subpart O
Bar sinks (food service)	2.2 gallons per minute at 60 psi

For SI: 1 gallon = 3.785 L, 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

a. A hand-held shower spray is a shower head.
b. Consumption tolerances shall be determined from referenced standards.
c. Shower heads shall comply with all requirements for high-efficiency showerheads in ASME A112.18.1-2020/CSA B125.1

36. **Section 605.15.2 Solvent cementing** is deleted in its entirety.

~~**605.15.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture, and an *approved* primer shall be applied. Solvent cement, orange in color and conforming to ASTM F493, shall be applied to joint surfaces. The joint shall be made while the cement is wet, and in accordance with ASTM D2855. Solvent cement joints shall be permitted above or below ground.~~

~~**Exception:** A primer is not required where all of the following conditions apply:~~

1. ~~The solvent cement used is *third-party certified* as conforming to ASTM F493.~~
2. ~~The solvent cement used is yellow in color.~~
3. ~~The solvent cement is used only for joining ½-inch (12.7 mm) through 2-inch-diameter (51 mm) CPVC/AL/CPVC pipe and CPVC fittings.~~
4. ~~The CPVC fittings are manufactured in accordance with ASTM D2846.~~
5. ~~The joint is made in accordance with ASTM F3328.~~

37. **Section 608.9.1 Signage required** is deleted in its entirety and replaced with the following:

~~**608.9.1 Signage required.** Nonpotable water outlets, such as hose connections, open-ended pipes and faucets, shall be identified with signage that reads as follows: "Nonpotable water is utilized for [application name]. CAUTION: NONPOTABLE WATER – DO NOT DRINK." The words shall be legibly and indelibly printed on a tag or sign constructed of corrosion-resistant waterproof material or shall be indelibly printed on the fixture. The letters of the words shall be not less than 0.5 inch (12.7 mm) in height and in colors in contrast to the background on which they are applied. In addition to the required wordage, the pictograph shown in Figure 608.9.1 shall appear on the required signage.~~

608.9.1 Signage required.

1. Plumbing fixtures flushed with nonpotable water shall be identified with signage that reads as follows:

   "Nonpotable water is used to flush this fixture. CAUTION: NONPOTABLE WATER – DO NOT DRINK."

   In addition to the required wordage, the pictograph shown in figure 608.8.1 shall appear on the required signage.

2. A permanent warning sign must also be visible at all fixtures from which graywater is collected. The sign must state that:

"WATER FROM THIS FIXTURE IS REUSED. CHEMICALS, EXCRETA, PETROLEUM OILS AND HAZARDOUS MATERIALS MUST NOT BE DISPOSED DOWN THIS DRAIN."

3. For both types of fixtures indicated in subsections 1.2(E)(1)(b)(1)(i) and (ii), the words shall be legibly and indelibly printed on a tag or sign constructed of corrosion-resistant waterproof material or shall be indelibly printed on the fixture. The letters of the words shall be not less than 0.5 inch (12.7 mm) in height and in colors in contrast to the background on which they are applied.

38. **Section 608.9.2 Distribution pipe labeling and marking** is deleted in its entirety and replaced with the following:

~~**608.9.2 Distribution pipe labeling and marking.** Non-potable distribution piping shall be purple in color and shall be embossed, or integrally stamped or marked, with the words: "CAUTION: NONPOTABLE WATER – DO NOT DRINK" or the piping shall be installed with a purple identification tape or wrap. Pipe identification shall include the contents of the piping system and an arrow indicating the direction of flow. Hazardous piping systems shall also contain information addressing the nature of the hazard. Pipe identification shall be repeated at intervals not exceeding 25 feet (7620 mm) and at each point where the piping passes through a wall, floor or roof. Lettering shall be readily observable within the room or space where the piping is located.~~

608.9.2 Distribution pipe labeling and marking. Nonpotable distribution piping shall be purple in color or the piping shall be installed with a purple identification tape or wrap the entire length of the piping and shall be embossed, or integrally stamped or marked, with the words: "CAUTION: NONPOTABLE WATER – DO NOT DRINK".

39. A new **Section 608.17.2.1 Essentially nontoxic fluid conditioning chemical** is added to read as follows:

608.17.2.1 Essentially nontoxic fluid conditioning chemical. When the conditioning chemical introduced is an essentially nontoxic transfer fluid the potable supplier to the boiler shall, at a minimum, be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA B64.3.

40. A new **Section 608.17.11 Connection to graywater system or reclaimed water system** is added to read as follows:

608.17.11 Connection to graywater system or reclaimed water system. The potable water system connection to a graywater system must be protected against backflow by an air gap or reduced pressure principle backflow prevention assembly.

41. **Section 705.10.2 Solvent cementing** is deleted in its entirety.

~~**705.10.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F656 shall be applied. Solvent cement not purple in color and conforming to ASTM D2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D2855. Solvent-cement joints shall be permitted above or below ground.~~

~~**Exception:** A primer is not required where both of the following conditions apply:~~

~~1. The solvent cement used is *third-party certified* as conforming to ASTM D2564.~~

~~2. The solvent cement is used only for joining PVC drain, waste and vent pipe and fittings in nonpressure applications in sizes up to and including 4 inches (102 mm) in diameter.~~

~~3. The joint is made in accordance with ASTM F3328.~~

42. **Section 706.3 Installation of fittings** is amended to read as follows:

. . .

Exception: Back-to-back water closet connections to double sanitary tees shall be permitted where the horizontal developed length between the outlet of the water closet and the connection to the double sanitary tee pattern is 18 inches (457 mm) or greater. Fixture crosses will not be required to meet this exception.

43. **TABLE 706.3 FITTINGS FOR CHANGE IN DIRECTION** is amended by deleting footnotes a and b:

TABLE 706.3 FITTINGS FOR CHANGE IN DIRECTION			
TYPE OF FITTING PATTERN	**CHANGE IN DIRECTION**		
	Horizontal to vertical	**Vertical to horizontal**	**Horizontal to horizontal**
. . .	. . .	. . .	. . .
Quarter bend	X	X~~[a]~~	X~~[a]~~
Short sweep	X	X~~[a,b]~~	X~~[a]~~
. . .	. . .	. . .	. . .
For SI: 1 inch = 25.4 mm. ~~a. The fittings shall only be permitted for a 2-inch or smaller fixture drain.~~ ~~b. Three inches or larger.~~ c. For a limitation on double sanitary tees, see Section 706.3.			

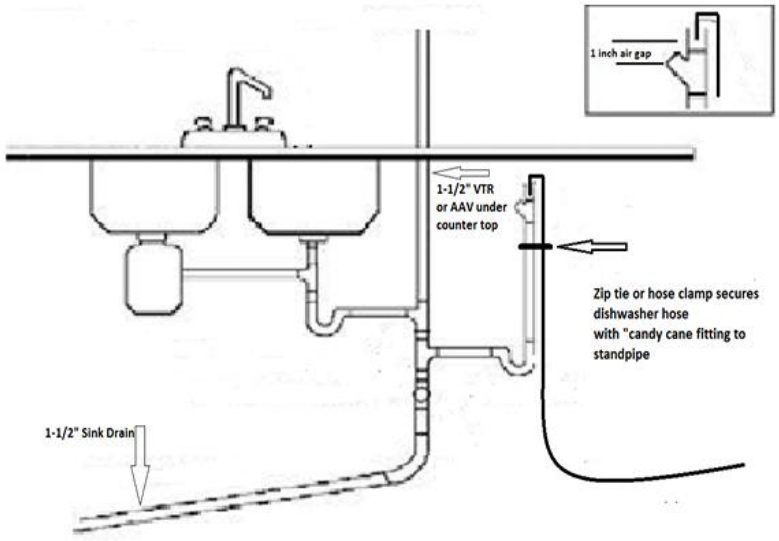
44. **Section 708.1.3 Building drain and building sewer junction** is amended to read as follows:

708.1.3 Building drain and building sewer junction. The junction of the

building drain and the *building sewer* shall be served by a cleanout that is located at the junction or within 10 feet (3048 mm) of the *developed length* of piping upstream of the junction. For the requirements of this section, the removal of the water closet shall not be required to provide cleanout access. When the cleanout is installed at the junction of the *building drain* and *building sewer*, it shall be an approved two way fitting with a single riser not to exceed 4 feet in depth or a two riser cleanout using back to back combination fittings or equal of schedule 40 material.

45. A new **Section 802.1.8 Domestic dishwashing machines** is added to read as follows:

802.1.8 Domestic dishwashing machines. Domestic dishwashing machines may be connected to a separately trapped stand pipe provided with an air break (with drain hose secured to the underside of the counter top) or air gap as shown in the illustration below. Refer to 2024 IPC 409.4 for additional waste connections.



46. **Section 802.3 Installation** is amended to read as follows:

802.3 Installation. Indirect waste piping shall discharge through an *air gap* or *air break* into a waste receptor. Waste receptors shall be trapped and vented and shall connect to the building drainage system. ~~Indirect waste piping that exceeds 30 inches (762 mm) in *developed length* measured horizontally, or 54 inches (1372 mm) in total developed length, shall be trapped.~~

Exception: Where a waste receptor receives only clearwater waste and does not directly connect to a sanitary drainage system, the receptor shall not require a trap.

47. **Section 802.4 Waste receptors** is amended by adding a new exception to read as follows:

802.4 Waste receptors. For other than hub drains that receive only clear-water waste and standpipes, a removable strainer or basket shall cover the outlet of waste receptors. Waste receptors shall not be installed in concealed spaces. Waste receptors shall not be installed in plenums, crawl spaces, attics, interstitial spaces above ceilings and below floors. *Ready access* shall be provided to waste receptors.

Exception: Where equipment is installed in a crawl space, a waste receptor shall be allowed with an approved backwater valve installed.

48. **Section 903.1.1 Roof extension unprotected** is amended to read as follows:

903.1.1 Roof extension unprotected. Open vent pipes that extend through a roof shall be terminated not less than ~~**[NUMBER]**~~ 6 inches (mm) above the roof.

49. **Section 903.2 Frost closure** is deleted in its entirety.

~~**903.2 Frost closure.** Where the 97.5 percent value for outdoor design temperature is 0°F (-18°C) or less, vent extensions through a roof or wall shall be not less than 3 inches (76 mm) in diameter. Any increase in the size of the vent shall be made not less than 1 foot (305 mm) inside the thermal envelope of the building.~~

50. **Section 912.1 Horizontal wet vent permitted** is amended by adding a new exception to read as follows:

912.1 Horizontal wet vent permitted. Any combination of fixtures within two *bathroom groups* located on the same floor level is permitted to be vented by a horizontal wet vent. The wet vent shall be considered to be the vent for the fixtures and shall extend from the connection of the dry vent along the direction of the flow in the drain pipe to the most downstream *fixture drain* connection to the *horizontal branch drain*. Each wet-vented *fixture drain* shall connect independently to the horizontal wet vent. Only the fixtures within the *bathroom groups* shall connect to the wet-vented *horizontal branch drain*. Any additional fixtures shall discharge downstream of the horizontal wet vent.

Exception: Fixtures other than those considered to be bathroom group fixtures, of equivalent drainage fixture units, may be included in the wet vented section provided the total number of drainage fixture units does not exceed the total number included in two bathroom groups and the fixtures not considered bathroom fixtures are valued at one drainage fixture unit or less.

51. **Section 1002.1 Fixture traps** is amended by adding a new exception #5 to read as follows:

. . .

Exceptions:

. . .

5. Trench and floor drains connected to a sand oil interceptor need not be individually trapped provided the drain piping from the trench or floor drains is turned down after entering the interceptor so the discharge point is a minimum of 4 inches below the standing water level of the interceptor.

52. **Section 1003.1 Where required** is amended by adding a new exception to read as follows:

1003.1 Where required. Interceptors and separators shall be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the *public sewer*, the private sewage system or the sewage treatment plant or processes.

Exception: Where special regulations exist by the local wastewater and/or sanitation district into which the grease trap or interceptor effluent is transported and/or treated. These regulations may supersede this requirement.

53. **Section 1003.3.2 Food waste disposers restriction** is amended to read as follows:

1003.3.2 Food waste disposers restriction. A food waste disposer shall not discharge to a grease interceptor, except when using a gravity interceptor equal to or greater than 500 gallon capacity.

54. **Section 1101.3 Prohibited drainage** is amended to read as follows:

1101.3 Prohibited drainage. Storm water shall not be drained into *sewers* intended for sewage only. Storm water from roof drains shall not discharge over public walkways except when an approved grated trough or trench drain sized to accept the calculated discharge is installed in the walkway. The discharge shall be diverted vertically from a height not greater than 12 inches to the grate.

Exception: Secondary drains.

55. **Section 1301.2.2 Filtration Required** is amended to read as follows:

1301.2.2 Filtration required. Nonpotable water utilized for water closet and urinal flushing applications shall be filtered by a 100-micron (0.1 mm) or finer filter.

Exception: Reclaimed water sources shall not be required to comply with these requirements. Graywater treatment systems installed in accordance with Article V, Division 3 of City Code do not need to meet additional filtration requirements.

56. A new **Section 1301.3.1 Distribution pipe labeling and marking** is added to read as follows:

1301.3.1. Distribution pipe labeling and marking. Nonpotable distribution piping shall comply with Section 608.9.2.

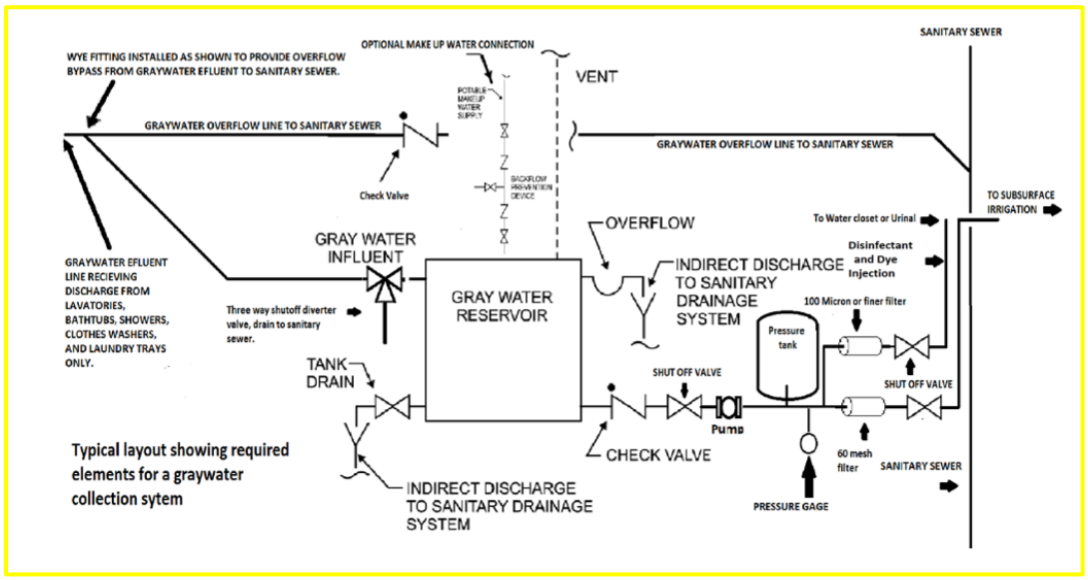
57. A new **Section 1301.3.2 Signage required graywater treatment works** is added to read as follows:

1301.3.2 Signage required graywater treatment works. For each room that contains graywater treatment works components, a sign that says "CAUTION GRAYWATER TREATMENT WORKS, DO NOT DRINK, DO NOT CONNECT TO THE POTABLE DRINKING WATER SYSTEM. NOTICE: CONTACT BUILDING MANAGEMENT BEFORE PERFORMING ANY WORK ON THIS WATER SYSTEM" must be posted on any door providing entrance to the room.

58. A new **Figure 1301.4 TYPICAL GRAYWATER COLLECTION SYSTEM** is added to read as follows:

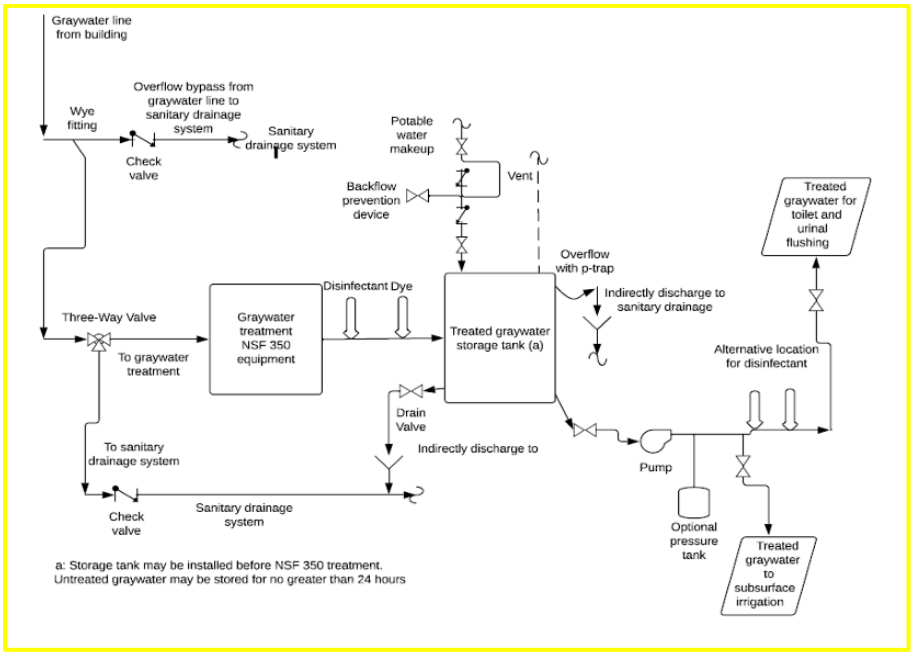
Figure 1301.4 TYPICAL GRAYWATER COLLECTION SYSTEM

(This figure is typical only, not a schematic)



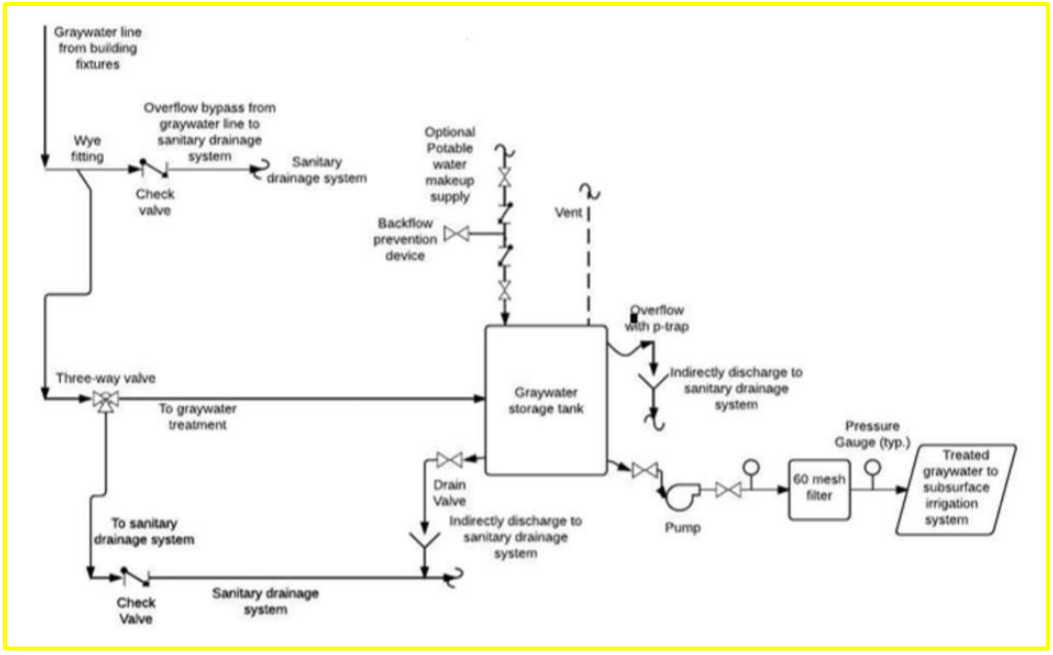
59. A new **Figure 1301.5 TYPICAL GRAYWATER SYSTEM FOR TOILET AND URINAL FLUSHING** is added to read as follows:

Figure 1301.5 TYPICAL GRAYWATER SYSTEM FOR TOILET AND URINAL FLUSHING



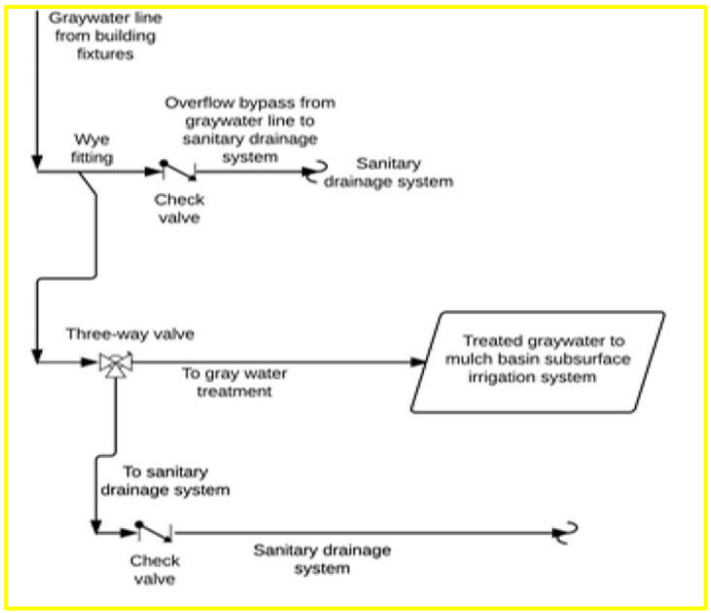
60. A new **Figure 1301.6 TYPICAL GRAYWATER SYSTEM FOR DISBURSED SUBSURFACE IRRIGATION SYSTEM** is added to read as follows:

Figure 1301.6 TYPICAL GRAYWATER SYSTEM FOR DISBURSED SUBSURFACE IRRIGATION SYSTEM



61. A new **Figure 1301.7 TYPICAL GRAYWATER SYSTEM FOR MULCH BASIN SUBSURFACE IRRIGATION** is added to read as follows:

Figure 1301.7 TYPICAL GRAYWATER SYSTEM FOR MULCH BASIN SUBSURFACE IRRIGATION



62. **Section 1301.9.2 Materials** is amended by adding an exception to read as follows:

1301.9.2 Materials. Where collected on-site, water shall be collected in an *approved* tank constructed of durable, nonabsorbent and corrosion-resistant materials. The storage tank shall be constructed of materials compatible with any disinfection systems used to treat water upstream of the tank and with any systems used to maintain water quality in the tank. Wooden storage tanks that are not equipped with a makeup water source shall be provided with a flexible liner.

Exception: Tanks are not required if the graywater use is comprised of only subsurface irrigation and flows into a mulch basin system, where the mulch basin volume is three times the anticipated average daily flow.

63. **Section 1301.9.5 Overflow** is deleted in its entirety and replaced with the following:

~~**1301.9.5 Overflow.** The storage tank shall be equipped with an overflow pipe having a diameter not less than that shown in Table 606.5.4. The overflow pipe shall be protected from insects or vermin and shall discharge in a manner consistent with storm water runoff requirements of the jurisdiction. The overflow pipe shall discharge at a sufficient distance from the tank to avoid damaging the tank foundation or the adjacent property. Drainage from overflow pipes shall be directed to prevent freezing on roof walkways. The overflow drain shall not be equipped with a shutoff valve. A cleanout shall be provided on each overflow pipe in accordance with Section 708.~~

Section 1301.9.5 Overflow. The storage tank shall be equipped with an overflow pipe having a diameter not less than that shown in Table 606.5.4. The overflow pipe shall be protected from insects or vermin. The overflow drain shall not be equipped with a shutoff valve and shall discharge into the sanitary sewer either directly, or indirectly with a trap in the drain line to keep odors from escaping the tank. A cleanout shall be provided on each overflow pipe in accordance with Section 708.

64. **Section 1301.9.8 Draining of tanks** is amended to read as follows:

1301.9.8 Draining of tanks. Tanks shall be provided with a means of emptying the contents for the purpose of service or cleaning. Tanks shall be drained by using a pump or by a drain located at the lowest point in the tank. The tank drain pipe shall discharge into the sanitary sewer either directly, or indirectly with a trap in the drain line to keep odors from escaping the tank ~~as required for overflow pipes~~ and shall not be smaller in size than specified in Table 606.5.7. Not less than one cleanout shall be provided on each drain pipe in accordance with Section 708.

65. **Section 1301.11 Trenching requirements for nonpotable water piping** is deleted in its entirety.

~~**1301.11 Trenching requirements for nonpotable water piping.** Nonpotable water collection and distribution piping and reclaimed water piping shall be separated from the *building sewer* and potable water piping underground by 5 feet (1524 mm) of undisturbed or compacted earth. Nonpotable water collection and distribution piping shall not be located in, under or above cesspools, septic tanks, septic tank drainage fields or seepage pits. Buried nonpotable water piping shall comply with the requirements of Section 306.~~

~~**Exceptions:**~~

~~1. The required separation distance shall not apply where the bottom of the nonpotable water pipe within 5 feet (1524 mm) of the *sewer* is not less than 12 inches (305 mm) above the top of the highest point of the *sewer* and the pipe materials conform to Table 702.3.~~

~~2. The required separation distance shall not apply where the bottom of the potable water service pipe within 5 feet (1524 mm) of the nonpotable water pipe is not less than 12 inches (305 mm) above the top of the highest point of the nonpotable water pipe and the pipe materials comply with the requirements of Table 605.4.~~

~~3. Nonpotable water pipe is permitted to be located in the same trench with a *building sewer*, provided that such *sewer* is constructed of materials that comply with the requirements of Table 702.2.~~

~~4. The required separation distance shall not apply where a nonpotable water pipe crosses a *sewer* pipe, provided that the pipe is sleeved to not less than 5 feet (1524 mm) horizontally from the *sewer* pipe centerline on both sides of such crossing, with pipe materials that comply with Table 702.2.~~

~~5. The required separation distance shall not apply where a potable water service pipe crosses a nonpotable water pipe, provided that the potable water service pipe is sleeved for a distance of not less than 5 feet (1524 mm) horizontally from the centerline of the nonpotable pipe on both sides of such crossing, with pipe materials that comply with Table 702.2.~~

~~6. Irrigation piping located outside of a building and downstream of the backflow preventer is not required to meet the trenching requirements where nonpotable water is used for outdoor applications.~~

66. **Section 1301.12 Outdoor outlet access** is deleted in its entirety.

~~**1301.12 Outdoor outlet access.** Sill cocks, hose bibbs, wall hydrants, yard hydrants and other outdoor outlets supplied by nonpotable water shall be located in a locked vault or shall be operable only by means of a removable key.~~

67. **Section 1302.1 General** is amended to read as follows:

1302.1 General. The provisions of ASTM E2635 and Section 1302 shall govern the construction, installation, alteration and repair of on-site nonpotable water reuse systems for the collection, storage, treatment and distribution of on-site sources of nonpotable water as permitted by the jurisdiction. All plumbing systems utilizing nonpotable water reuse systems shall have a reduced pressure backflow preventer device installed at the water service entrance immediately downstream of the building water service shut off valve.

68. **Section 1302.6.1 Graywater used for fixture flushing** is amended to read as follows:

1302.6.1 Graywater used for fixture flushing. Graywater used for flushing water closets and urinals shall be disinfected and treated by an on-site water reuse treatment system complying with NSF 350. Graywater used for toilet and urinal flushing shall be dyed with blue or green food grade vegetable dye and be visibly distinct from potable water.

69. A new **Section 1302.7.3 Overflow** is added to read as follows:

1302.7.3 Overflow. Storage tank for on-site nonpotable systems must include an overflow line without a shut off valve. The overflow line shall be connected to the sanitary sewer indirectly. The overflow line must be the same or larger diameter line than the tank influent line. The overflow line connected indirectly must be trapped to prevent the escape of gas vapors from the tank.

70. A new **Section 1302.7.4 Venting** is added to read as follows:

1302.7.4 Venting. Storage tank for on-site nonpotable systems must be vented. Indoor tanks must be vented to the atmosphere outside the building or connected to the plumbing vent system.

71. A new **Section 1302.7.5 Tank drains** is added to read as follows:

1302.7.5 Tank drains. Storage tank for on-site nonpotable systems must include a valved drain. The drain shall be indirectly connected to the sanitary sewer. The tank drainline must be the same or larger diameter line than the tank influent line.

72. **Section 1302.8.1 Bypass valve** is amended to read as follows:

1302.8.1 ~~Bypass valve~~System bypass. One three-way diverter valve listed and labeled to NSF 50 or other *approved* device shall be installed on collection piping upstream of ~~each storage tank, or drain field~~any graywater treatment equipment, as applicable, to divert untreated on-site reuse sources to the sanitary *sewer* to allow servicing and inspection of the system. Bypass valves shall be installed downstream of fixture traps and vent connections. Bypass valves shall be marked to indicate the direction of flow, connection ~~and~~ graywater treatment works, storage tank or ~~drainfield connection~~and graywater subsurface irrigation systems. Bypass valves shall be ~~provided with access that allows for removal~~installed in accessible locations. Two shutoff valves shall not be installed to serve as a bypass valve. In addition to the bypass valve a series of drainage fittings shall be installed in the collection piping upstream of the bypass valve in a configuration that will allow the graywater from the plumbing fixtures to automatically flow directly into the sanitary sewer system in the event the filter or other parts of the collection system become clogged to the point of not allowing the effluent free flow through the system. The overflow line connected to the sanitary sewer shall be equipped with a backwater valve.

73. **SECTION 1303 NONPOTABLE RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS** is deleted in its entirety.

~~**SECTION 1303 NONPOTABLE RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS**~~

~~**1303.1 General.** The provisions of Section 1303 shall govern the construction, installation, alteration and repair of rainwater collection and conveyance systems for the collection, storage, treatment and distribution of rainwater for nonpotable applications, as permitted by the jurisdiction.~~

~~**1303.1.1 Fire protection systems.** The storage, treatment and distribution of nonpotable water to be used for fire protection systems shall be in accordance with the *International Fire Code*.~~

~~**1303.2 Collection surface.** Rainwater shall be collected only from above-ground impervious roofing surfaces constructed from *approved* materials and where *approved*, vehicular parking or pedestrian walking surfaces.~~

~~**1303.3 Debris excluders.** Downspouts and leaders shall be connected to a debris excluder or equivalent device that is designed to remove leaves, sticks, pine needles and similar debris to prevent such from entering the storage tank.~~

~~**1303.4 First-flush diverter.** First-flush diverters shall operate automatically and shall not rely on manually operated valves or devices. Diverted rainwater shall not be drained to the roof surface, and shall be discharged in a manner consistent with the storm water runoff requirements of the jurisdiction. First-flush diverters shall be provided with access for maintenance and service.~~

~~**1303.5 Roof gutters and downspouts.** Gutters and downspouts shall be constructed of materials that are compatible with the collection surface and the rainwater quality for the desired end use. Joints shall be watertight.~~

~~**1303.5.1 Slope.** Roof gutters, leaders and rainwater collection piping shall slope continuously toward collection inlets. Gutters and downspouts shall have a slope of not less than ⅛ inch per foot (10.4 mm/m) along their entire length, and shall not permit the collection or pooling of water at any point.~~

~~**Exception:** Siphonic drainage systems installed in accordance with the manufacturer's instructions shall not be required to have a slope.~~

~~**1303.5.2 Size.** Gutters and downspouts shall be installed and sized in accordance with Section 1106.6 and local rainfall rates.~~

~~**1303.5.3 Cleanouts.** Cleanouts shall be provided in the water conveyance system to allow access to all filters, flushes, pipes and downspouts.~~

1303.6 Drainage. Water drained from the roof washer or debris excluder shall not be drained to the sanitary sewer. Such water shall be diverted from the storage tank and discharge in a location that will not cause erosion or damage to property in accordance with the International Building Code. Roof washers and debris excluders shall be provided with an automatic means of self-draining between rain events, and shall not drain onto roof surfaces.

1303.7 Collection pipe. Rainwater collection and conveyance systems shall utilize drainage piping *approved* for use within plumbing drainage systems to collect and convey captured rainwater. Vent piping *approved* for use within plumbing venting systems shall be utilized for vents within the rainwater system. Collection and vent piping materials shall comply with Section 702.

1303.7.1 Installation. Collection piping conveying captured rainwater shall be installed in accordance with Section 704.

1303.7.2 Joints. Collection piping conveying captured rainwater shall utilize joints *approved* for use with the distribution piping and appropriate for the intended applications as specified in Section 705.

1303.7.3 Size. Collection piping conveying captured rainwater shall be sized in accordance with drainage sizing requirements specified in Section 710.

1303.7.4 Marking. Additional marking of collection piping conveying captured rainwater for reuse shall not be required beyond that required for sanitary drainage, waste and vent piping by Chapter 7.

1303.8 Filtration. Collected rainwater shall be filtered as required for the intended end use. Filters shall be provided with *access* for inspection and maintenance. Filters shall utilize a pressure gauge or other *approved* method to provide indication when a filter requires servicing or replacement. Filters shall be installed with shutoff valves installed immediately upstream and downstream to allow for isolation during maintenance.

1303.9 Disinfection. Where the intended application for rainwater requires disinfection or other treatment or both, it shall be disinfected as needed to ensure that the required water quality is delivered at the point of use. Where chlorine is used for disinfection or treatment, water shall be tested for residual chlorine in accordance with ASTM D1253. The levels of residual chlorine shall not exceed that allowed for the intended use in accordance with the requirements of the jurisdiction.

1303.10 Storage tanks. Storage tanks utilized in nonpotable rainwater collection and conveyance systems shall comply with Sections 1301.9 and 1303.10.1 through 1303.10.3.

1303.10.1 Location. Storage tanks shall be located with a minimum horizontal distance between various elements as indicated in Table 1303.10.1.

TABLE 1303.10.1 LOCATION OF RAINWATER STORAGE TANKS	
ELEMENT	**MINIMUM HORIZONTL DISTANCE FROM STORAGE TANK (feet)**
Critical root zone (CRZ) of protected trees	2
Lot line adjoining private lots	5
Seepage pits	5
Septic tanks	5
For SI: 1 foot = 304.8 mm.	

1303.10.2 Inlets. Storage tank inlets shall be designed to introduce collected rainwater into the tank with minimum turbulence, and shall be located and designed to avoid agitating the contents of the storage tank.

1303.10.3 Outlets. Outlets shall be located not less than 4 inches (102 mm) above the bottom of the storage tank and shall not skim water from the surface.

1303.11 Valves. Valves shall be supplied on rainwater collection and conveyance systems in accordance with Section 1303.11.1.

1303.11.1 Backwater valve. Backwater valves shall be installed on each overflow and tank drain pipe. Backwater valves shall be in accordance with Section 714.

1303.12 Pumping and control system. Mechanical equipment including pumps, valves and filters shall be provided with *access* that allows for removal in order to perform repair, maintenance and cleaning. The minimum flow rate and flow pressure delivered by the pumping system shall be appropriate for the application and in accordance with Section 604.

1303.13 Water pressure-reducing valve or regulator. Where the water pressure supplied by the pumping system exceeds 80 psi (552 kPa) static, a pressure-reducing valve shall be installed to reduce the pressure in the rainwater distribution system piping to 80 psi (552 kPa) static or less. Pressure-reducing valves shall be specified and installed in accordance with Section 604.8.

1303.14 Distribution piping. Distribution piping utilized in rainwater collection and conveyance systems shall comply with Sections 1303.14.1 through 1303.14.3.

Exception: Irrigation piping located outside of the building and downstream of a backflow preventer.

1303.14.1 Materials, joints and connections. Distribution piping shall conform to the standards and requirements specified in Section 605 for nonpotable water.

1303.14.2 Design. Distribution piping systems shall be designed and sized in accordance with Section 604 for the intended application.

1303.14.3 Labeling and marking. Nonpotable rainwater distribution piping labeling and marking shall comply with Section 608.9.

1303.15 Tests and inspections. Tests and inspections shall be performed in accordance with Sections 1303.15.1 through 1303.15.9.

1303.15.1 Roof gutter inspection and test. Roof gutters shall be inspected to verify that the installation and slope are in accordance with Section 1303.5.1. Gutters shall be tested by pouring not less than 1 gallon (3.8 L) of water into the end of the gutter opposite the collection point. The gutter being tested shall not leak and shall not retain standing water.

1303.15.2 First-flush diverter test. First-flush diverters shall be tested by introducing water into the collection system upstream of the diverter. Proper diversion of the first amount of water shall be in accordance with the requirements of Section 1303.4.

1303.15.3 Collection pipe and vent test. Drain, waste and vent piping used for rainwater collection and conveyance systems shall be tested in accordance with Section 312.

1303.15.4 Storage tank test. Storage tanks shall be tested in accordance with Section 1301.9.10.

1303.15.5 Water supply system test. The testing of makeup water supply piping and distribution piping shall be conducted in accordance with Section 312.6.

1303.15.6 Inspection and testing of backflow prevention assemblies. The testing of backflow preventers and backwater valves shall be conducted in accordance with Section 312.11.

1303.15.7 Inspection of vermin and insect protection. Inlets and vents to the system shall be inspected to verify that each is protected to prevent the entrance of insects and vermin into the storage tank and piping systems in accordance with Section 1301.7.

~~**1303.15.8 Water quality test.** The quality of the water for the intended application shall be verified at the point of use in accordance with the requirements of the jurisdiction.~~

~~**1303.15.9 Collected raw rainwater quality.** ASTM E2727 shall be used to determine what, if any, site conditions impact the quality of collected raw rainwater and whether those site conditions require treatment of the raw water for the intended end use or make the water unsuitable for specific end uses.~~

~~**1303.16 Operation and maintenance manuals.** Operation and maintenance manuals shall be supplied with rainwater collection and conveyance systems in accordance with Sections 1303.16.1 through 1303.16.4.~~

~~**1303.16.1 Manual.** A detailed operations and maintenance manual shall be supplied in hardcopy form with all systems.~~

~~**1303.16.2 Schematics.** The manual shall include a detailed system schematic, and the locations and a list of all system components, including manufacturer and model number.~~

~~**1303.16.3 Maintenance procedures.** The manual shall provide a maintenance schedule and procedures for all system components requiring periodic maintenance. Consumable parts, including filters, shall be noted along with part numbers.~~

~~**1303.16.4 Operations procedures.** The manual shall include system startup and shutdown procedures, as well as detailed operating procedures.~~

74. **CHAPTER 14 SUBSURFACE GRAYWATER SOIL ABSORPTION SYSTEMS** is deleted in its entirety.

~~**CHAPTER 14 SUBSURFACE GRAYWATER SOIL ABSORPTION SYSTEMS**~~

~~**SECTION 1401 GENERAL**~~

~~**1401.1 Scope.** The provisions of this chapter shall govern the materials, design, construction and installation of subsurface graywater soil absorption systems connected to nonpotable water from on-site water reuse systems.~~

~~**1401.2 Materials.** Above-ground drain, waste and vent piping for subsurface graywater soil absorption systems shall conform to one of the standards listed in Table 702.1. Subsurface graywater soil absorption systems, underground building drainage and vent pipe shall conform to one of the standards listed in Table 702.2.~~

1401.3 Tests. Drain, waste and vent piping for subsurface graywater soil absorption systems shall be tested in accordance with Section 312.

1401.4 Inspections. Subsurface graywater soil absorption systems shall be inspected in accordance with Section 111.

1401.5 Disinfection. Disinfection shall not be required for on-site nonpotable water reuse for subsurface graywater soil absorption systems.

1401.6 Coloring. On-site nonpotable water reuse for subsurface graywater soil absorption systems shall not be required to be dyed.

SECTION 1402 SYSTEM DESIGN AND SIZING

1402.1 Sizing. The system shall be sized in accordance with the sum of the output of all water sources connected to the subsurface graywater soil absorption system. Where graywater collection piping is connected to subsurface landscape irrigation systems, graywater output shall be calculated according to the gallons-per-day-per-occupant number based on the type of fixtures connected. The graywater discharge shall be calculated by the following equation:

Equation 14-1 $C = A \times B$

where:

A = Number of occupants:

Residential—Number of occupants shall be determined by the actual number of occupants, but not less than two occupants for one bedroom and one occupant for each additional bedroom. Commercial—Number of occupants shall be determined by the International Building Code.

B = Estimated flow demands for each occupant:

Residential—25 gallons per day (94.6 Lpd) per occupant for showers, bathtubs and lavatories and 15 gallons per day (56.7 Lpd) per occupant for clothes washers or laundry trays. Commercial—Based on type of fixture or water use records minus the discharge of fixtures other than those discharging graywater.

C = Estimated graywater discharge based on the total number of occupants.

1402.2 Percolation tests. The permeability of the soil in the proposed absorption system shall be determined by percolation tests or permeability evaluation.

1402.2.1 Percolation tests and procedures. Not fewer than three percolation tests in each system area shall be conducted. The holes shall be spaced uniformly in relation to the bottom depth of the proposed absorption system.

More percolation tests shall be made where necessary, depending on system design.

1402.2.1.1 Percolation test hole. The test hole shall be dug or bored. The test hole shall have vertical sides and a horizontal dimension of 4 inches to 8 inches (102 mm to 203 mm). The bottom and sides of the hole shall be scratched with a sharp-pointed instrument to expose the natural soil. Loose material shall be removed from the hole and the bottom shall be covered with 2 inches (51 mm) of gravel or coarse sand.

1402.2.1.2 Test procedure, sandy soils. The hole shall be filled with clear water to not less than 12 inches (305 mm) above the bottom of the hole for tests in sandy soils. The time for this amount of water to seep away shall be determined, and this procedure shall be repeated if the water from the second filling of the hole seeps away in 10 minutes or less. The test shall proceed as follows: Water shall be added to a point not more than 6 inches (152 mm) above the gravel or coarse sand. Thereupon, from a fixed reference point, water levels shall be measured at 10-minute intervals for a period of 1 hour. Where 6 inches (152 mm) of water seeps away in less than 10 minutes, a shorter interval between measurements shall be used, but in no case shall the water depth exceed 6 inches (152 mm). Where 6 inches (152 mm) of water seeps away in less than 2 minutes, the test shall be stopped and a rate of less than 3 minutes per inch (7.2 s/mm) shall be reported. The final water level drop shall be used to calculate the percolation rate. Soils not meeting the requirements of this section shall be tested in accordance with Section 1402.2.1.3.

1402.2.1.3 Test procedure, other soils. The hole shall be filled with clear water, and a minimum water depth of 12 inches (305 mm) shall be maintained above the bottom of the hole for a 4-hour period by refilling whenever necessary or by use of an automatic siphon. Water remaining in the hole after 4 hours shall not be removed. Thereafter, the soil shall be allowed to swell not less than 16 hours or more than 30 hours. Immediately after the soil swelling period, the measurements for determining the percolation rate shall be made as follows: any soil sloughed into the hole shall be removed and the water level shall be adjusted to 6 inches (152 mm) above the gravel or coarse sand. Thereupon, from a fixed reference point, the water level shall be measured at 30-minute intervals for a period of 4 hours, unless two successive water level drops do not vary by more than 1/16 inch (1.59 mm). Not fewer than three water level drops shall be observed and recorded. The hole shall be filled with clear water to a point not more than 6 inches (152 mm) above the gravel or coarse sand whenever it becomes nearly empty. Adjustments of the water level shall not be made during the three measurement periods except to the limits of the last measured water level drop. Where the first 6 inches (152 mm) of water seeps away in less than 30 minutes, the time interval between

measurements shall be 10 minutes and the test run for 1 hour. The water depth shall not exceed 5 inches (127 mm) at any time during the measurement period. The drop that occurs during the final measurement period shall be used in calculating the percolation rate.

1402.2.1.4 Mechanical test equipment. Mechanical percolation test equipment shall be of an approved type.

1402.2.2 Permeability evaluation. Soil shall be evaluated for estimated percolation based on structure and texture in accordance with accepted soil evaluation practices. Borings shall be made in accordance with Section 1402.2.1.1 for evaluating the soil.

1402.3 Subsurface graywater soil absorption site location. The surface grade of all soil absorption systems shall be located at a point lower than the surface grade of any water well or reservoir on the same or adjoining lot. Where this is not possible, the site shall be located so surface water drainage from the site is not directed toward a well or reservoir. The soil absorption system shall be located with a minimum horizontal distance between various elements as indicated in Table 1402.3. Private sewage disposal systems in compacted areas, such as parking lots and driveways, are prohibited. Surface water shall be diverted away from any soil absorption site on the same or neighboring lots.

TABLE 1402.3 LOCATION OF SUBSURFACE GRAYWATER SOIL ABSORPTION SYSTEM

ELEMENT	MINIMUM HORIZONTAL DISANCE	
	Storage tank (feet)	Absorption field (feet)
Buildings	5	2
Lot line adjoining private property	5	5
Public water main	10	10
Seepage pits	5	5
Septic tanks	0	5
Streams and lakes	50	50
Water service	5	5
Water wells	50	100
For SI: 1 foot = 304.8 mm.		

SECTION 1403 INSTALLATION

1403.1 Installation. Absorption systems shall be installed in accordance with Sections 1403.1.1 through 1403.1.5.

1403.1.1 Absorption area. The total absorption area required shall be computed from the estimated daily graywater discharge and the design-loading rate based on the percolation rate for the site. The required absorption area equals the estimated graywater discharge divided by the design-loading rate from Table 1403.1.1.

TABLE 1403.1.1 DESIGN LOADING RATE	
PERCOLATION RATE (minutes per inch)	**DESIGN LOADING FACTOR (gallons per square foot per day)**
0 to less than 10	1.2
10 to less than 30	0.8
30 to less than 45	0.72
45 to 60	0.4
For SI: 1 minute per inch = min/25.4 mm, 1 gallon per square foot = 40.7 L/m^2.	

1403.1.2 Seepage trench excavations. Seepage trench excavations shall be not less than 1 foot (305 mm) in width and not greater than 5 feet (1524 mm) in width. Trench excavations shall be spaced not less than 2 feet (610 mm) apart. The soil absorption area of a seepage trench shall be computed by using the bottom of the trench area (width) multiplied by the length of pipe. Individual seepage trenches shall be not greater than 100 feet (30 480 mm) in developed length.

1403.1.3 Seepage bed excavations. Seepage bed excavations shall be not less than 5 feet (1524 mm) in width and have more than one distribution pipe. The absorption area of a seepage bed shall be computed by using the bottom of the trench area. Distribution piping in a seepage bed shall be uniformly spaced not greater than 5 feet (1524 mm) and not less than 3 feet (914 mm) apart, and greater than 3 feet (914 mm) and not less than 1 foot (305 mm) from the sidewall or headwall.

1403.1.4 Excavation and construction. The bottom of a trench or bed excavation shall be level. Seepage trenches or beds shall not be excavated where the soil is so wet that such material rolled between the hands forms a soil wire. Smeared or compacted soil surfaces in the sidewalls or bottom of seepage trench or bed excavations shall be scarified to the depth of smearing or compaction and the loose material removed. Where rain falls on an open excavation, the soil shall be left until sufficiently dry so a soil wire will not form when soil from the excavation bottom is rolled between the hands. The bottom area shall then be scarified and loose material removed.

1403.1.5 Aggregate and backfill. Not less than 6 inches (152 mm) in depth of aggregate, ranging in size from 1/2 to 2 1/2 inches (12.7 mm to 64 mm), shall be laid into the trench below the distribution piping elevation. The aggregate shall be evenly distributed not less than 2 inches (51 mm) in depth over the top of the distribution pipe. The aggregate shall be covered with approved synthetic materials or 9 inches (229 mm) of uncompacted marsh hay or straw. Building paper shall not be used to cover the aggregate. Not less than 9 inches (229 mm) of soil backfill shall be provided above the covering.

~~**1403.2 Distribution piping.** Distribution piping shall be not less than 3 inches (76 mm) in diameter. Materials shall comply with Table 1403.2. The top of the distribution pipe shall be not less than 8 inches (203 mm) below the original surface. The slope of the distribution pipes shall be not less than 2 inches (51 mm) and not greater than 4 inches (102 mm) per 100 feet (30 480 mm).~~

~~TABLE 1403.2 DISTRIBUTION PIPE~~	
~~MATERIAL~~	~~STANDARD~~
~~Polyethylene (PE) plastic pipe~~	~~ASTM F405~~
~~Polyvinyl chloride (PVC) plastic pipe~~	~~ASTM D2729~~
~~Polyvinyl chloride (PVC) plastic pipe with a 3.5-inch O.D. and solid cellular core or composite wall~~	~~ASTM F1488~~
~~For SI: 1 inch = 25.4 mm.~~	

~~**1403.2.1 Joints.** Joints in distribution pipe shall be made in accordance with Section 705.~~

75. **Appendix E Sizing of Water Piping System** is adopted in its entirety, and is amended to read as follows:

. . .

E102.2.1 Fixture demand. Estimate the supply demand of the building main and the principal branches and risers of the system by totaling the corresponding demand from the applicable parts of Table E103.3(2) and Table E103.3(2)(a).

Exception: For apartment houses and vacation timeshares, the supply demand for fixtures and appliances listed in Table E103.3(2)(a) shall be estimated using the International Association of Plumbing and Mechanical Officials Water Demand Calculator. The supply demand for other fixtures in these occupancies shall be estimated using Tables E103.3(2) and E103.3(3). The peak flow rates shall be added together, and the total added to the continuous demand.

Note: The requirements listed in this exception are based on the technical paper entitled “Peak Water Demand Study,” published by the International Association of Plumbing and Mechanical Officials on October 2024 (IAPMO Study 4-2-24). Both the Water Demand Calculator and a copy of this technical paper are available for download at: https://www.iapmo.org/water-demand-calculator/.

. . .

TABLE E103.3(2)(a) DESIGN FLOW RATES FOR USE WITH THE WATER DEMAND CALCULATOR IN RESIDENTIAL OCCUPANCIES	
FIXTURE AND APPLIANCES	MAXIMUM DESIGN FLOW RATE
Bar Sink	1.5 gallons per minute

Bathtub	5.5 gallons per minute
Bidet	2.0 gallons per minute
Clothes Washer	3.5 gallons per minute
Combination Bath/Shower	5.5 gallons per minute
Dishwasher	1.3 gallons per minute
Kitchen	1.8 gallons per minute
Laundry and Bar Sink Faucets	1.8 gallons per minute
Lavatory Faucet	1.5 gallons per minute
Shower, per head	1.8 gallons per minute
Water Closet, 128 GPF, Gravity Tank	1.1 gallons per flush
For SI units: 1 gallon per minute = 0.06 L/s.	

. . .

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Tiegan Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 220, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF ADOPTING THE 2025 COLORADO WILDFIRE RESILIENCY CODE AND APPENDICES, WITH AMENDMENTS

A. The unrestricted use of property in wildland-urban interface areas is a potential threat to life and property from fire and resulting erosion.

B. On July 1, 2025, the Wildfire Resiliency Code Board ("Board") created in Colorado Revised Statutes 24-33.5-1236(2), within the Division of Fire Prevention and Control in the Colorado Department of Public Safety, adopted the *2025 Colorado Wildfire Resiliency Code* ("CWRC") at 8 Code of Regulations Colorado 1507-39(3).

C. The CWRC establishes minimum regulations to safeguard life and property from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to provide adequate fire protection facilities to control the spread of fire in wildland-urban interface areas.

D. Colorado Revised Statutes Section 24-33.5-1237(2)(a), as amended by Colorado Senate Bill 25-142, requires any governing body with jurisdiction in an area within the wildland-urban interface that has authority to adopt building codes to adopt a code that meets or exceeds the minimum standards set forth in the CWRC within nine months of its adoption by the Board.

E. The City of Fort Collins has jurisdiction in an area within the wildland-urban interface and has authority to adopt building codes; therefore, the City is required to adopt a code meeting or exceeding the standards set forth in the CWRC.

F. The CWRC is an adaptation of Chapters 1, 2, 3, and 5 of the *2024 International Wildland Urban Interface Code*, published by the International Code Council.

G. The City is concurrently adopting, with local amendments, the 2024 publications of the following ten other interconnected basic construction codes published by the International Code Council: the *International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code*, *International Swimming Pool and Spa Code, International Existing Building Code, International Plumbing Code*, and the *International Fire Code*.

H. The CWRC is also intended to be interconnected with these basic construction codes.

I. The City Council has determined that it is in the best interests of the health, safety and welfare of the City and its residents that the *2025 Colorado Wildfire Resiliency Code* be adopted, with local amendments as set forth in this Ordinance.

J. Pursuant to the City Charter Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

K. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins *Coloradoan* such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

L. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Chapter 5 of the City of Fort Collins is hereby amended by the addition of a new Article IX, which reads in its entirety as follows:

CHAPTER 5

Article IX. Wildfire Resiliency Standards

Sec. 5-370. - Adoption of standards.

Pursuant to the power and authority conferred on the City Council by Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, there is hereby adopted by reference as the wildfire resiliency code of the City, for the purposes of safeguarding life and property from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and mitigating structure fires from spreading to wildland fuels, the *2025 Colorado Wildfire Resiliency Code*, published by the Division of Fire Prevention and Control in the Colorado Department of Public Safety on June 1, 2025, and its referenced standards for the construction and maintenance of all property, buildings, and structures. Except as to any portion of this wildfire resiliency code that is hereinafter amended by the City in this Chapter, this wildfire resiliency code shall include all articles and appendices in the *2025 Colorado Wildfire Resiliency Code*. The wildfire resiliency code is adopted and incorporated fully as if set forth at length herein and the provisions shall be controlling within the City.

Sec. 5-371. - Amendments and Deletions to the 2025 Colorado Wildfire Resiliency Code.

The *2025 Colorado Wildfire Resiliency Code* as adopted in § 5-370 is amended as follows:

1. **Section 101.1 Title** is amended to read as follows:

   101.1 Title. These regulations shall be known as the Colorado Wildfire Resiliency Code as adopted by ~~[NAME OF JURISDICTION]~~the City of Fort Collins, hereinafter referred to as "this code."

2. **Section 102.9 Historic Structures** is amended to read as follows:

   102.9. Historic Structures. A ~~variance~~ modification is authorized to be issued for the repair or rehabilitation of a historic structure or construction of a contributing structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the ~~variance~~ modification is the minimum necessary to preserve the historic character and design of the structure, within the spirit of this code.

   Exception: Within wildfire hazard areas, historic structures that do not meet one or more of the following designations:
   1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
   2. Determined as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
   3. Designated as historic under a state or local historic preservation program.

3. **Section 102.9.1 Historic preservation exemption** is deleted in its entirety.

   ~~**102.9.1 Historic preservation exemption.** The authority having jurisdiction may establish a historic preservation exemption or exemptions in their jurisdiction that consists of the spirit and intent of this code.~~

4. **Section 102.10 Work exempt from permit under this code** is amended to read as follows:

   102.10 Work exempt from permit under this code. Exemptions from code requirements shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the jurisdiction. Compliance with this code shall not be required for the following:
   1. Interior alterations of existing structures.

2. Additions that do not increase the footprint of a structure by more than 500 square feet compared to the condition of the structure on April 1, 2026, as determined based on city and county records.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected compared to the condition of the exterior walls on April 1, 2026, as determined based on city and county records.
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent of the surface area of the exterior *roof covering* or an attachment thereto is affected compared to the condition of the exterior *roof covering* on April 1, 2026, as determined based on city and county records.
5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.
6. Painting, staining and similar maintenance or restorative work.
7. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
8. *Accessory structures* and buildings of an accessory character classified as Utility and Miscellaneous Group U (including Agricultural Structures) located more than 50 feet from a structure containing *occupiable* or *habitable space*.
9. Fences located more than 8 feet from a habitable structure.
10. Any thirty-five acre parcel with only one residential structure on it that does not abut a residential or commercial area.

5. **SECTION 103—CODE COMPLIANCE AGENCY** is deleted in its entirety and replaced with the following:

~~**SECTION 103—CODE COMPLIANCE AGENCY**~~

~~**103.1 Creation of agency.** The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the *code official*. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~

~~**103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.~~

~~**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy *code official*, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the *code official*.~~

SECTION 103—CODE COMPLIANCE AGENCY

103.1 Entity charged with code administration. The entity charged with code administration shall be as determined in accordance with Section 103 of the adopted *International Building Code,* entitled "Code Administration."

6. **Section 105.2 Conformance** is amended to read as follows:

105.2 Conformance. Temporary uses, equipment and systems shall conform to the requirements of this code and all other applicable local, state and federal regulations, as necessary to ensure health, safety and general welfare.

7. **Section 106.1 General** is deleted in its entirety and replaced with the following:

~~**106.1 General.** An AHJ has the authority to establish fees.~~

106.1 Fees. All items relating to fees shall be as specified in Section 109 of the adopted *International Building Code*, entitled "FEES."

8. **Section 202 Definitions** is amended to modify, or add, the following definitions in alphabetical order:

. . .

AUTHORITY HAVING JURISDICTION (AHJ). The City Council of the City of Fort Collins.

. . .

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the *code official*'s authorized representative. The term *code official* is interchangeable with the term building official.

. . .

9. **Section 301.1 Scope** is amended to read as follows:

301.1 Scope. The provisions of this chapter provide methodology to establish and record wildfire hazard based on the ~~findings of fact~~ Colorado Wildfire Resiliency State Code Map (CWRC Map), developed and amended from time to time by the Division of Fire Prevention and Control within the Colorado Department of Public Safety and the Colorado State Forest Service at the direction of the Colorado Wildfire Resiliency Code Board, to be regulated by this code.

10. **Section 302.1 Declaration** is amended to read as follows:

302.1 Declaration. The AHJ shall declare the *wildland-urban interface* areas within the jurisdiction as defined by this code. The *wildland-urban interface* areas shall be based on the ~~findings of fact~~ CWRC Map.

11. **Section 401.1 Scope** is amended to read as follows:

401.1 Scope. Exterior design and construction of new buildings and structures within the *wildland-urban interface* areas of Colorado shall be constructed in accordance with this chapter.

Exceptions:

1. Buildings of an accessory character classified as Group U occupancy (including *agricultural buildings*) of any size located at least 50 feet from a structure containing *occupiable* or *habitable space*.
2. One-story detached accessory, nonhabitable structures, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet and the structure is located greater than or equal to 10 feet from the nearest adjacent occupiable structure.
3. The reconstruction, replacement, alteration, or repair of the exterior walls of an existing building, when less than 25 percent of the surface area of all exterior walls is affected compared to the condition of the exterior walls on April 1, 2026, as determined based on city and county records.
4. The reconstruction, replacement, alteration, or repair of the exterior *roof covering* of an existing building, when less than 25 percent of the surface area of the exterior *roof covering* or an attachment thereto is affected compared to the condition of the exterior *roof covering* on April 1, 2026, as determined based on city and county records.
5. Alterations or repairs to the exterior of an existing structure, or an attachment to it, when less than twenty-five percent of the exterior of the structure is affected by the alteration or repair.
6. Additions that do not increase the footprint of a structure by more than 500 square feet compared to the condition of the structure on April 1, 2026, as determined based on city and county records.
7. Modifications may be considered for structures older than 50 years, if otherwise required to meet the standards in Chapter X of the City Code to protect identified historic resources. Additional site and area requirements may be needed to offset approved modifications and lower fire risk.

12. **Section 502.1.2 Materials** is deleted in its entirety.

~~**502.1.2 Materials.** Use *noncombustible*, hard surface materials in this zone, such as rock, gravel, sand, concrete, bare earth or stone/concrete pavers.~~

~~**Exception:** Ignition-resistant plantings, per an approved list by the AHJ that is not less than that created by the Colorado State Forest Service, are allowed in the Immediate Zone.~~

13. **Section 502.1.3 Plantings** is deleted in its entirety.

    ~~**502.1.3 Plantings.** Remove all plantings including shrubs, slash, combustible mulch and other woody debris, with the exception of ignition-resistant vegetation.~~

14. **Section 502.1.4 Trees** is deleted in its entirety.

    ~~**502.1.4 Trees.** There shall be no planting of new trees in the immediate zone. Mature trees of no less than 10-inch diameter at 4.5 feet above ground level may be maintained.~~
    ~~*Tree crowns* extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.~~
    ~~Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.~~

15. **Section 503.2.4 Trees** is deleted in its entirety.

    ~~**503.2.4 Trees.** *Tree crowns* extending to within 10 feet of any structure shall be pruned to maintain a minimum clearance of 10 feet.~~
    ~~Prune tree branches to a height of 6-10 feet from the ground or a third of the total height of the tree, whichever is less.~~

16. **Section 503.2.4.1 Tree Spacing** is deleted in its entirety.

    ~~**503.2.4.1 Tree Spacing.** *Tree crowns* within this zone shall be spaced to prevent structure ignition and promote fuel discontinuity to limit fire spread.~~

17. **Section 503.2.5 Shrubs** is deleted in its entirety.

    ~~**503.2.5 Shrubs.** Shrub groups within this zone shall be spaced to prevent structure ignition. Shrubs shall be at least 10 feet away from the edge of tree branches.~~

18. **Section 503.3.2 Tree Spacing** is deleted in its entirety.

    ~~**503.3.2 Tree Spacing.** *Tree crowns* within this zone shall be spaced at a minimum of 6-10 feet.~~

19. **Section C101.3.7 Violation penalties** is deleted in its entirety and replaced with the following:

    ~~**C101.3.7 Violation penalties.** An AHJ has the authority to establish fees.~~

    C101.3.7 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a *building* or *structure* in violation of the *approved* construction

documents or directive of the *code official*, or of a permit or certificate issued under the provisions of this code, commits a civil infraction and is subject to the provisions contained in § 1-15(f) of the City Code. Each day that a violation continues shall be deemed a separate offense.

Section 2. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 3. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Section 4. Violations of Article XI of Chapter 5 of the Code of the City of Fort Collins, set forth above, shall be subject to enforcement on or after April 1, 2026.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities, and will make special communication arrangements for persons with disabilities. Please call (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Jenny Gelderloos

City Clerk

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact (970) 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A petición, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

ORDINANCE NO. 221, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 5, ARTICLE III OF THE CODE OF THE CITY OF FORT COLLINS FOR THE PURPOSE OF REPEALING THE 2020 NATIONAL ELECTRICAL CODE AND ADOPTING THE 2023 NATIONAL ELECTRICAL CODE, WITH AMENDMENTS

A. Since 1924, the City has reviewed, amended and adopted the latest nationally recognized building standards available for the times.

B. Upon recommendation of City staff, the City Council has determined that it is in the best interests of the City to update its basic construction codes to align with more recent publications.

C. On October 6, 2020, the City Council adopted the National Electrical Code, 2020 Edition ("2020 NEC") in Ordinance No. 114, 2020.

D. The Colorado Department of Regulatory Agencies ("DORA") adopted the updated National Fire Protection Association standard number 70, hereinafter known as the National Electrical Code, 2023 Edition ("2023 NEC"), effective August 1, 2023.

E. The 2023 NEC was adopted by DORA as the minimum standards governing the "planning, laying out, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power," in the State of Colorado.

F. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents to update the Fort Collins City Code from the 2020 NEC standards to the updated 2023 NEC standards as amended.

G. Pursuant to the City Charter, Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

H. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins Coloradoan such notice of hearing concerning adoption of the 2024 International Codes on November 16, 2025, and November 23, 2025.

I. Attached as Exhibit A and incorporated herein by reference is the Notice of Public Hearing dated November 16, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby repeals the National Electrical Code, 2020 Edition and adopts National Electrical Code, 2023 Edition as amended by this Ordinance.

Section 2. Section 5-80 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

Sec. 5-80. – Adoption of standards.

Pursuant to the power and authority conferred on the City Council by Colorado Revised Statutes Section 31-16-202 and Article II, Section 7 of the Charter, the City Council has adopted the National Electrical Code, 2023 Edition, as promulgated by the National Fire Protection Association, as amended by the City, which shall have the same force and effect as though set forth in full herein. The subject matter of the National Electrical Code, 2023 Edition includes comprehensive provisions and standards regulating electrical wiring methods and regulating the installation, alteration and repair of electrical systems in the City, for the purpose of protecting public health, safety, and general welfare.

Section 3. Section 5-82 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 5-82. – Amendments to ~~code adopted~~ the National Electrical Code.

National Electrical Code, ~~2020~~2023 Edition, adopted in Code § 5-80, is hereby amended in the following respects by the addition of the following new Sections:

. . .

Section 4. The codifier of the Code of the City of Fort Collins is hereby directed to amend all existing cross references in the City Code and the Land Use Code in accordance with the provisions of this ordinance.

Section 5. The City Attorney and the City Clerk are hereby authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins City Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Madelene Shehan

Exhibit: Exhibit A – Notice of Publication

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the Council of the City of Fort Collins, Colorado, on the 2nd day of December, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances that adopt by reference the *2024 International Building Code, 2024 International Residential Code, 2024 International Energy Conservation Code, 2024 International Mechanical Code, 2024 International Fuel Gas Code, 2024 International Existing Building Code, 2024 International Swimming Pool and Spa Code, 2024 International Property Maintenance Code,* and the *2024 International Plumbing Code*, each promulgated by the International Code Council, the *2023 National Electrical Code* and the *2025 Colorado Wildfire Resiliency Code*, together with local amendments.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of adopting the *International Building Code*, *International Residential Code*, *International Energy Conservation Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Swimming Pool and Spa Code*, *International Property Maintenance Code*, *International Plumbing Code*, *National Electrical Code*, and the *Colorado Wildfire Resiliency Code*, with local amendments by said ordinances is to provide for protection of public health, safety and welfare of the City and its residents.

Individuals who wish to address Council via remote public participation can do so through Zoom at **https://zoom.us/j/98241416497.** (The link and instructions are also posted at **www.fcgov.com/councilcomments.**) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

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This notice is given and published by order of the City of Fort Collins, Colorado.

Dated this 16th day of November, 2025.

Tiegan Gelderloos

City Clerk

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ORDINANCE NO. 222, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE OF THE CITY OF FORT COLLINS TO ADD WILDFIRE RESILIENCY LANDSCAPING REQUIREMENTS

A. The City of Fort Collins, as a home-rule municipality, is authorized by Article XX, Section 6 of the Colorado Constitution, the provisions of state statutes, and its City Charter to develop and implement policies and ordinances regulating the development of land within the City.

B. In 2024, City Council approved Ordinance 055, 2024, with an effective date of May 27, 2024, to adopt the current Land Use Code by reference to replace the previous Land Use Code originally adopted in 1997.

C. When the current Land Use Code was adopted, City Council and staff understood that the Land Use Code would be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document responsive to community needs and changing conditions.

D. The State of Colorado adopted Senate Bill 23-166 in 2023 in response to the increasing wildfire risk within Colorado. The bill established the Wildfire Resiliency Code Board tasked with (1) defining which areas of the state are within the wildland-urban interface and subject to heightened wildfire risk; and (2) adopting a wildfire resiliency code setting forth minimum standards for hardening structures and reducing fire risk in the defensible space surrounding structures in the wildland-urban interface.

E. Because portions of the city are located within the wildland-urban interface, the City is required to adopt code standards that meet or exceed the Wildfire Resiliency Code Board adopted wildfire resiliency code.

F. The Land Use Code amendments contained in this Ordinance pertain to landscaping requirements for properties within the wildland-urban interface for the purpose of reducing fire risk in the defensible space surrounding structures and are intended to meet or exceed the minimum requirements of the Wildfire Resiliency Code Board adopted wildfire resiliency code.

G. Requirements for hardening structures within the wildland-urban interface that meet or exceed the minimum requirements of the Wildfire Resiliency Code Board adopted wildfire resiliency code are being added separately to the City's building codes.

H. On November 20, 2025, the Planning and Zoning Commission unanimously recommended on a 5-0 vote (Peel and Connelly absent) that City Council adopt the proposed Land Use Code Amendments.

I. City Council has determined that adoption of the amendments set forth in this Ordinance is in the best interests of the city and promote the general public health, safety, and welfare.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 5.10.1 of the Land Use Code is hereby amended by the addition of a new Subsection (L) which reads in its entirety as follows:

5.10.1 Landscaping and Tree Protection

. . .

(L) Wildfire Resiliency – Defensible Space Landscaping.

(1) Pursuant to C.R.S. § 24-33.5-1237(2)(a), the City must adopt requirements that meet or exceed the model Colorado Wildfire Resiliency Code adopted by the State of Colorado Wildfire Resiliency Code Board to mitigate wildfire risk within wildland-urban interface areas related to the construction and use of certain structures and the site and area where such structures are located. This Subsection (L) addresses the maintenance and management of defensible space around certain structures regarding landscaping materials and plantings and is intended to meet the requirements of the Colorado Wildfire Resiliency Code. The purposes of the requirements in this Subsection (L) are to protect life and property by mitigating the spreading of wildland fires to structures, from structures to wildland fuels, and between structures. Requirements regarding other issues such as structure hardening and contained in the model Colorado Wildfire Resiliency Code have been adopted into Chapter 5 of the Code of the City of Fort Collins.

(2) The provisions of this Subsection (L) shall take precedence over all other landscape standards of this Code to the extent there is a conflict. The most up to date version of the Colorado State Forest Service Home Ignition Zone Guide may be utilized in interpreting and applying this Subsection (L), however, the provisions of this Subsection (L) shall take precedence over the Home Ignition Zone Guide to the extent there is a conflict.

(3) This Subsection (L) is not subject to the modification of standards procedure set forth in Division 6.8, Modification of Standards, nor the variance procedure set forth in Division 6.14, Variances. The Director shall have the authority to grant modifications to this Subsection (L) in response to a written request. Director decisions must be issued in writing and are not subject to appeal. In order to grant a modification, the Director must find all of the following:

(a) Compliance with the strict application Subsection (L) is impractical;

(b) The requested modification is in conformance with the intent and purpose of Subsection (L); and

(c) The requested modification does not lessen health, life, and fire safety requirements.

(4) The requirements of this Subsection (L) apply to building permit applications submitted on and after April 1, 2026, for a structure, or portion of a structure, within areas classified as low, moderate, or high fire intensity on the current online version of the State of Colorado Wildfire Resiliency Code Map ("Resiliency Map") except for building permit applications for the following, with listed calculations measured from the condition of the building or structure existing as of April 1, 2026:

(a) Interior alterations of existing structures.

(b) Additions to existing structures that do not increase the footprint of the structure by more than five-hundred (500) square feet.

(c) One-story detached accessory structures not containing habitable floor space, such as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed one-hundred twenty (120) square feet and the structure is located greater than or equal to ten (10) feet from the nearest adjacent structure containing habitable floor space.

(d) Accessory buildings and accessory structures classified as Utility and Miscellaneous Group U, as defined in the amended International Building Code adopted in Chapter 5 of the Code of the City of Fort Collins, located more than fifty (50) feet from a structure containing habitable floor space.

(e) Fences located more than eight (8) feet from a structure containing habitable floor space.

(f) Any thirty-five (35) acre or larger lot containing only one structure containing habitable floor space that does not abut a developed lot.

(5) Structures that must comply with this Subsection (L) must meet the buffer requirements set forth in (a) and (b) below. The specified buffers and requirements within each buffer shall only extend to the property line of the lot where such structure is located.

(a) A minimum five (5) foot buffer (the "Immediate Zone'") surrounding structures located within any area shown on the Resiliency Map as low, medium, or high fire intensity classification must be maintained as follows:

(I) The Immediate Zone must be maintained free of slash, combustible mulch, or other woody debris.

(II) Only the following landscaping materials and plantings may be located within the Immediate Zone:

(i) Noncombustible hard surfaced materials such as rock, gravel, sand, concrete, bare earth, or stone/concrete pavers.

(ii) Ignition resistant plantings set forth on the list maintained by the Director.

(III) Trees.

(i) No new trees may be planted in the Immediate Zone. Existing mature trees of no less than ten (10) inch diameter at four and a half (4.5) feet above ground level may be maintained.

(ii) Tree crowns extending to within ten (10) feet of any structure that requires a building permit shall be pruned to maintain a minimum clearance of ten (10) feet.

(iii) Prune tree branches to a height of six (6) to ten (10) feet from the ground or a third of the total height of the tree, whichever is less.

(b) For all structures located within moderate and high fire intensity classifications on the Resiliency Map, two additional buffers are required to be maintained at all times as described in below Subsections (I) and (II).

(I) A buffer extending from the edge of the Immediate Zone to a minimum of thirty feet around any structure (the "Intermediate Zone") must be maintained at all times free of large accumulations of slash, combustible mulch, or other woody debris and in compliance with the following restrictions on trees and shrubs:

(i) Trees.

(A) Tree crowns extending to within ten (10) feet of any structure must be pruned to maintain a minimum clearance of ten (10) feet.

(B) Prune tree branches to a minimum height of six (6) feet from the ground or a third of the total height of the tree, whichever is less.

(C) Tree Spacing. Tree crowns within thirty (30) feet of any structure must be spaced at least ten (10) feet from each other to prevent structure ignition and promote fuel discontinuity to limit fire spread.

(ii) Shrubs. Shrub groups are five (5) or more shrubs within a ten (10) foot radius of each other. Groups shall be spaced at least ten (10) feet between each other and from the edge of tree branches to prevent structure ignition.

(II) A buffer extending from the edge of the Intermediate Zone to a minimum of one-hundred (100) feet around any structure (the “Expanded Zone”) must be maintained at all times in which all tree crowns must be spaced at a minimum of six (6) feet apart.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Brad Yatabe

Exhibit: None

File Attachments for Item:

30. First Reading of Ordinance No. 223, 2025, Repealing Article XI, Chapter 12, of the Code of the City of Fort Collins Pertaining to Building Energy and Water Scoring and Reenacting Article XI, Chapter 12 as Benchmark and Building Performance.

The purpose of this Ordinance is to repeal Article Chapter 12, Article XI of the City Code and reenact Chapter 12, Article XI as the Building Benchmark and Performance. Policy framework recommendations and modifications to Chapter 12 include adding the Building Performance Standards (BPS) Program. Over several years, staff has co-developed a policy that balances our unique community needs and forward climate action. This ordinance requires commercial buildings over 10,000 square feet (sq. ft.) to take action to meet established Energy Use Intensity (EUI) targets for specific building types or meet a reduction target, identified as a percentage EUI reduction. Staff has adjusted the policy based on recent feedback. This BPS program aligns with the 2024-2026 adopted City Council priorities and the Our Climate Future plan.

December 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jacob Castillo, Chief Sustainability Officer
Brian Tholl, Energy Services Director

SUBJECT

First Reading of Ordinance No. 223, 2025, Repealing Article XI, Chapter 12, of the Code of the City of Fort Collins Pertaining to Building Energy and Water Scoring and Reenacting Article XI, Chapter 12 as Benchmark and Building Performance.

EXECUTIVE SUMMARY

The purpose of this Ordinance is to repeal Article Chapter 12, Article XI of the City Code and reenact Chapter 12, Article XI as the Building Benchmark and Performance. Policy framework recommendations and modifications to Chapter 12 include adding the Building Performance Standards (BPS) Program. Over several years, staff has co-developed a policy that balances our unique community needs and forward climate action. This ordinance requires commercial buildings over 10,000 square feet (sq. ft.) to take action to meet established Energy Use Intensity (EUI) targets for specific building types or meet a reduction target, identified as a percentage EUI reduction. Staff has adjusted the policy based on recent feedback. This BPS program aligns with the 2024-2026 adopted City Council priorities and the Our Climate Future plan.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

BPS are policies that set energy performance targets for existing commercial buildings. Their purpose is to improve building efficiency, lower utility costs, and support communities' advance toward long-term climate and resilience goals.

Under a BPS, building owners measure and report their energy use, then work toward meeting performance targets over time. The proposed targets focus on reducing total energy use and improving energy intensity in buildings, which account for over two-thirds of local greenhouse gas (GHG) emissions. Tactics to reduce use include improving building operations and tenant engagement as well as increasing efficiency, such as improving lighting, heating, ventilation and air conditioning equipment and settings.

To comply, building owners will need to meet performance targets or reduce building energy use by a reduction percentage over the compliance period through 2035.

Benefits for Individual Building Owners:

- Lower operating costs through reduced energy use and improved system performance.
- Increased asset value as buildings become more efficient, comfortable and market-competitive.
- Improved tenant satisfaction and retention due to better indoor air, comfort and safety.
- Future-proofing against rising energy prices and market expectations.
- Program-provided incentives, technical assistance and financing that help offset upgrade costs.

Benefits for the Community:

- Reduced greenhouse gas emissions, supporting Fort Collins' Our Climate Future goals.
- Improved air quality and public health through more efficient and cleaner buildings.
- Lower overall energy demand, enhancing grid reliability, reducing peak loads and minimizing increased costs.
- Local economic benefits, including job creation in construction, engineering and technical services.
- Enhanced community resilience through buildings better prepared for extreme weather.

Council Engagement

Staff has held four council work sessions leading up to First Reading of this ordinance. Previous work session summaries have been included as attachments to this agenda item summary. The following provide a high-level overview of content provided during the work sessions:

- April 23, 2024 Work Session: Staff introduction of BPS, including alignment of a BPS with council priorities and the framework for action for local goals.
- June 11, 2024 Work Session: Staff presentation and discussion on benefits of building upgrades, identified likely costs and implementation strategies including planned engagement with building owners.
- Jan. 14, 2025 Work Session: Presentation of options for how to customize BPS requirements for local implementation.
- Oct. 28, 2025 Work Session: Presentation of technical support pilot results and discussion related to incentive versus a regulatory building upgrade approach.

Changes Since Oct. 28, 2025 Work Session:

During the Oct. 28, 2025 Work Session, councilmembers expressed support for taking both a regulatory and incentive-based approach for building upgrades, and identified key policy changes using the staff recommended policy levers. Staff proposes the following policy changes based on feedback provided:

<u>Compliance Timeline:</u>

Staff now recommends implementing a BPS with a target compliance deadline of 2035. The extended timeline allows staff to support building owners by maximizing available resources over a longer period. This adjustment should provide approximately $12 million in additional resources toward compliance.

The extended compliance period also ensures adequate time for community education, engagement and action by building owners.

Covered Buildings:

The proposed BPS would cover approximately 730 buildings, about one-third of which are already in compliance. These buildings use approximately 20% of energy in Fort Collins, and a focus on a regulatory approach is a strategic investment in our community. Excluding the specific building types below will still achieve roughly 75% of the original outcomes identified by the policy.

Exclude buildings under 10,000 sq. ft.*:* While there are about 300 buildings between 5,000 and 10,000 sq. ft., they only represent about 5% of total energy savings. Excluding these buildings allows staff to focus on an incentive-based approach and collaborate directly with these building owners.

Exclude multi-family buildings: Excluding multi-family buildings from the covered buildings will lessen GHG and energy savings by approximately 20%.

Exclude new construction: Buildings constructed in compliance with the 2024 International Energy Conservation Code (IECC) code or subsequent codes will also be exempt from the BPS policy. This clearly delineates covered buildings, reducing potential confusion or overlapping regulation within the building community.

Building Targets and Compliance Requirements:

The proposed ordinance states an EUI target for individual covered buildings. EUI, measured in thousand British thermal units (kBTU/sq. ft.), is a common metric that accounts for all fuels used in a building, including electricity and natural gas. Utilities already tracks EUI through its building scoring benchmarking program. Widely used nationally, and in both Denver and the State of Colorado, EUI provides an objective comparison of energy use while accounting for weather, building size and property type.

Alternative Compliance Pathways:

In addition to the above changes, staff has included Code language in the Ordinance that better describes definitions and compliance pathways for building owners. Alternative compliance pathways ensure buildings are not tasked with meeting unachievable targets. Recommended “off-ramps” include the Standard Percent Reduction which outline the minimum reduction a building would need to achieve compliance regardless of property type, along with timeline and target adjustments, and waivers.

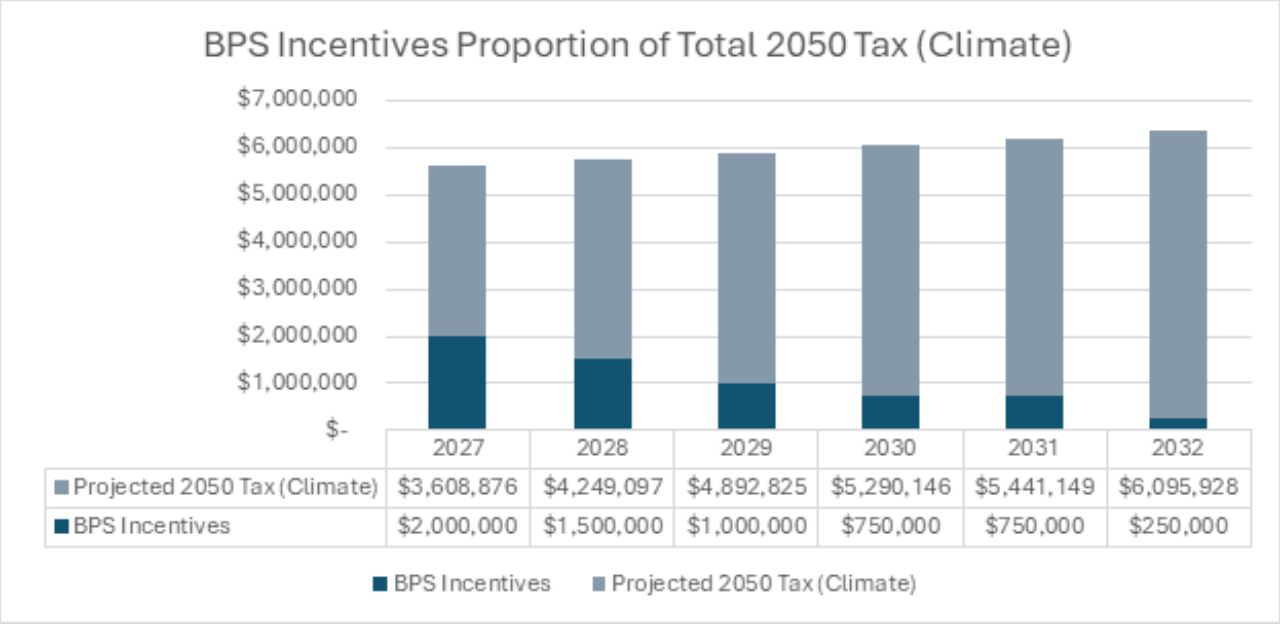
Enhanced Resources and Incentives:

In addition to the structural changes above, staff has continued implementation planning to simplify the building owner compliance process and enhance incentives. Staff has included plans to support building owners with additional incentives using the 2050 tax based on the Our Climate Future Strategic Funding Plan allocation criteria identified below:

- Strategic Allocation: BPS outcomes focus on reducing building emissions, which are the largest source of emissions in our community. Moving beyond an incentive-based approach to building energy use increases the likelihood of reaching 2050 goals. Prioritizing performance first also ensures the building stock is better prepared for future electrification.
- People Centered: OCF is fundamentally people-centered, and the Strategic Funding Plan prioritizes work that positively impacts the community. Incentives supported by the 2050 tax will help maintain affordability by reducing out-of-pocket equipment upgrades for building owners.
- Interconnected Allocation: Funding prioritized by the Strategic Funding Plan should be interconnected with City priorities, council priorities, and other strategic plans. BPS align with several council priorities, City plans, Fort Collins Utilities’ plans, and other City department vision and workplans.

Staff will propose allocating the following budgets from 2050 tax over the next three budget cycles to support BPS implementation. Staff will also continue to leverage other Utilities, grant, state and federal funding sources on behalf of building owners.

The graph below shows BPS incentives as a proportion of the total projected 2050 tax. Please note that the numbers included below are projections only and should not be considered final.



	2027	2028	2029	2030	2031	2032
Projected 2050 Tax (Climate)	$3,608,876	$4,249,097	$4,892,825	$5,290,146	$5,441,149	$6,095,928
BPS Incentives	$2,000,000	$1,500,000	$1,000,000	$750,000	$750,000	$250,000

Implementation Plan and Resource Planning:

Supporting Program Resource Development & Timeline:

If adopted in December, staff will develop program resources for implementation in the first half of 2026 and plan formal communication with covered building owners in mid-2026. This work will include finalizing supporting building owner support resources and securing technical support partners to assist with compliance.

Streamlined Implementation:

Council feedback during the Oct. 28 Work Session emphasized the importance of simplifying the compliance process for building owners. Utilities' efficiency programs have traditionally offered voluntary "turnkey" services that minimize the number of program touchpoints for participants. For example, residential programs support homeowners by coordinating directly with contractors to solicit project estimates, assist with project management, and pay incentives directly to contractors to reduce upfront costs. Staff will work with program partners to simplify the compliance process ahead of program launch.

Supporting Incentives:

Staff is committed to providing targeted incentives that support building owners, expanding existing rebates and technical assistance. Utilities currently distributes approximately $2.2 million annually in incentives and technical assistance for local businesses. Additional funds supported by 2050 tax revenue will effectively double the budget available to businesses and building owners during the early years of the BPS compliance period. A strengthened short-term incentive strategy, including bonus incentives for early adopters, will help encourage early participation in building upgrades.

CITY FINANCIAL IMPACTS

Most program resources have been established through Utilities enterprise funds. Energy Services staff, included in the ongoing budget offer, will support policy implementation. As for the 2050 tax, staff proposes those climate funds support an enhanced incentive-based framework and will be included in the next budget cycle for consideration.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Various boards have reviewed the program framework prior to the last Council work session. Memos of support and council consideration were provided with October 28, 2025, materials.

PUBLIC OUTREACH

In late 2022, Utilities staff launched an internal task force composed of City and Platte River Power Authority staff. These discussions helped shape the external policy Task Force, composed of experts representing industries that would likely be significantly impacted by BPS. Our external Task Force met throughout 2023 and brought critical perspectives to define policy recommendations for a truly implementable local BPS. Also in 2023, Utilities formed a Technical Committee, composed of a consultant experienced in BPS technical work and a group of local experts with deep expertise in building science. The Technical Committee supported Task Force recommendations with extensive data review while balancing a real-world understanding of Fort Collins buildings (accounting for our local buildings, technical feasibility, upgrade timelines, and costs).

Staff has continued to meet with City boards and commissions and have held a minimum of 40 community education and information sessions on the topic. Information has been provided throughout policy development and shared through the City's public engagement website at *ourcity.fcgov.com*.

ATTACHMENTS

1. Work Session Summary Memos April 2024 through November 2025
2. Comparison of Old Article XI, Chapter 12 to Current Article XI, Chapter 12
3. Presentation
4. Ordinance No. 223, 2025

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Fort Collins Utilities – Customer Connections
222 Laporte Ave
PO Box 580, Fort Collins, CO 80522

970-212-2900
Utilities@fcgov.com

MEMORANDUM

Date: April 30, 2024

To: Mayor and City Councilmembers

Through: Kelly DiMartino, City Manager
Tyler Marr, Deputy City Manager
Jacob Castillo, Chief Sustainability Officer

From: Brian Tholl, Energy Services Manager
Katherine Bailey, Program Manager

Subject: April 23, 2024 Work Session Summary: Building Performance Standards (BPS)

BOTTOM LINE

The purpose of this memo is to document the summary of discussions during the April 23, 2024 Work Session. All Councilmembers were present and Councilmember Pignataro joined remotely. A BPS policy aims to reduce energy use in commercial and multi-family buildings in alignment with Our Climate Future (OCF) and supports the adopted Council priority to reduce climate pollution and air pollution through best practices, emphasizing electrification.

DISCUSSION SUMMARY

The majority of Councilmembers expressed general support for the policy. They requested more information on topics related to the BPS recommendations and expressed interest in further discussion.

Questions and subsequent discussion included:

- The role of policy adoption within the City strategy of reducing climate and air pollution
- Understanding current participation in the C-PACE (Commercial Property Assessed Clean Energy) financial program
- The impacts of BPS in other jurisdictions
- Clarification of proposed covered buildings including single-family residential, townhomes, row homes, condos, and industrial properties
- Relationship of BPS to existing building energy and water scoring reporting policy (§ 12-203 of Municipal Code)
- Potential for compliance waivers for vacant buildings and other unique circumstances
- Small building pathway including extended timeline and lower performance targets
- Timeframe for adoption and implementation

CC: Gretchen Stanford, Utilities Deputy Director

Travis Storin, Chief Financial Officer

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- Contributing community members and organizations on policy Task Force and Technical Committee

In addition, Councilmembers requested more information on the following topics for the next discussion:

- What specific support will be available to help building owners identify opportunities to use less energy?
- What resources will be available to prevent rents from increasing significantly resulting from a BPS policy?
- What type of engagement is planned to ensure building owners of covered buildings will hear about, and understand, adopted requirements?
- What type of resources will be needed to implement and administer the policy?
- Provide more specifics on which environmental groups were engaged, and when, along with departments represented during City staff engagement. (See attachments 1 and 2.)

NEXT STEPS

- Revisit BPS topic in a future Work Session (tentatively scheduled for June 11, 2024) to provide additional background on Council questions and feedback.
- Councilmembers requested additional information on cadence of updates on progress and challenges toward meeting OCF goals.
    - A memo including the 2022 community inventory, progress to goals, and updated Council Roadmap will be provided by Q3 2024.
- Provide additional information on City staff and environmental groups engaged (see attachments 1 and 2).

ATTACHMENTS

- Attachment 1: List of engaged environmental groups and engaged City of Fort Collins Environmental Services staff, list of internal Task Force members and department
- Attachment 2: Organizational Chart

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Fort Collins Utilities – Customer Connections
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WORK SESSION MEMORANDUM

Date: June 18, 2024

To: Mayor and City Councilmembers

Through: Tyler Marr, Deputy City Manager
Gretchen Stanford, Utilities Deputy Director

From: Brian Tholl, Energy Services Manager
Katherine Bailey, Program Manager

Subject: **June 11, 2014 Work Session: Proposed Building Performance Standards (BPS) Policy Discussion**

BOTTOM LINE

The purpose of this memo is to document the summary of discussions during June 11, 2024 Work Session. All Councilmembers were present and in person, with the exception of Councilmember Canonico. The proposed Building Performance Standards (BPS) policy supports the adopted Council priority to reduce climate pollution and air pollution, as well as the Our Climate Future goal to reduce carbon emissions. To achieve these through a successful BPS implementation, sufficient resources are critical.

DISCUSSION SUMMARY

Councilmembers showed general support for the proposed resources and requested more information on topics related to BPS implementation.

Questions and subsequent discussion included:

- Clarification of proposed BPS policy coverage of Fort Collins municipal buildings and other public buildings in Fort Collins.
- Costs related to City buildings under the proposed policy.
- Planned community engagement and communications, including relevant target/goal information.

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- The forecasted resources that will be needed for implementation, including forecasted incremental costs.
- Methodology used for creating targets that account for behavioral or operational changes.
- More details on multi-family properties, including resources to mitigate negative impacts on naturally occurring affordable housing.
- The qualifications and criteria for building owners to take alternative pathways and those administrative processes.
- Exploring the possibility to leverage voter approved 2050 tax for funding BPS policy initiatives.

In addition, Councilmembers requested more information on the following topics:

- Status of City buildings in compliance with BPS targets and associated estimated costs.
- Details around incremental costs associated with implementation.
- Summary of input from the Climate Equity Committee (next meeting scheduled for June 24, 2024).
- Support for under-resourced buildings and outline of procedures related to compliance pathways.

NEXT STEPS

- Provide additional information on topics identified above in a follow-up memo.
    - Staff anticipate providing additional information no later than July 15, 2024.

CC: Kelly DiMartino, City Manager
Jacob Castillo, Chief Sustainability Officer

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Fort Collins Utilities – Light and Power
222 Laporte Ave
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Utilities@fcgov.com

WORK SESSION MEMORANDUM

Date: January 21, 2025

To: Mayor and City Councilmembers DS

Through: Kelly DiMartino, City Manager KD

Jacob Castillo, Chief Sustainability Officer Initial JC

From: Brian Tholl, Energy Services Manager BPT

Katherine Bailey, Energy Services Program Manager DS KB

Subject: January 14, 2025 Building Performance Standards (BPS) Policy Discussion

BOTTOM LINE

The purpose of this memo is to document a summary of discussions during the January 14, 2025 Work Session. All Councilmembers except Councilmember Ohlson were present and none were remotely attending. The proposed Building Performance Standards (BPS) policy supports the adopted Council priority to reduce climate pollution and air pollution, as well as the Our Climate Future goal to reduce carbon emissions.

DISCUSSION SUMMARY

Work session discussion was centered on policy alignment and possible tensions related to council priorities, especially regarding affordable housing, climate and economy. Councilmembers asked for more information on specific buildings' likely experiences. Questions and subsequent discussion included the following content:

- Councilmembers showed support for a 6-month pilot effort related to BPS implementation. This pilot is a voluntary opportunity for a limited number of building owners to complete the technical assessment and support to determine potential pathways to policy compliance

- Staff understand the outcomes of a proposed pilot would include:
  - Test and/or validate staff assumptions used in policy development through engagement with local building owners focused on building upgrades and associated costs
  - Test and/or validate process steps and resources required to implement a successful policy
  - Identify tensions and opportunities associated with economic impact and provide information regarding implementation feasibility

- Considering staff resources and timeline, staff can commit to:
  - Develop criteria and methods for enrollment of up to 5 buildings of varying building types and energy use
  - Conduct onsite analysis of opportunities and incorporate building owner insights

CC: Tyler Marr, Deputy City Manager

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  - Conduct customer journey map exercise to gain understanding of customer pain points to refine the implementation process

- The pilot will examine unique properties, complementing broader community analyses. Staff anticipate the small sample size is unlikely to represent average findings, but will outline potential compliance pathways for individual buildings, providing insights to assist in continued policy development and implementation

- Councilmembers expressed interest in hearing pilot findings and considering policy during this council period, considering environmental goals and impacts

- Policy implementation focused questions included:
  - Vendor support vs internal staff resources
    - Importance of providing continuous customer service and guidance for covered buildings to minimize disruption
  - Importance of safety nets and/or waivers for unique buildings such as historic properties to avoid conflicting regulations or policies
  - Financial resources including direct City support available to a broad spectrum of businesses and owners
    - Support for incentives for early adopters
    - Potential additional incentives contingent upon rent increase limits in affordable housing
    - Consideration of additional resources for specific under-resourced market segments, including multi-family
  - Municipal building costs
    - Municipal buildings have a higher cost per square foot as upgrades encompass leading by example in attaining 2050 goals (rather than the proposed community 2030 goals)

- General clarity and common understanding of the policy, including relationship between building targets and maximum reduction caps and policy impacts on new construction
  - Clarity around maximum reduction caps. The proposed Fort Collins policy recommends a 15% maximum cap for 5,000 to 10,000 sq ft buildings and a 25% maximum cap for 10,000 sq ft buildings and larger. This percentage is the maximum any building would need to reduce their energy use regardless of how high above the absolute target their energy use may be
  - Distinction between State and locally covered buildings and requirements

- Declining incentive program participation and methods of increasing efficiency through regulatory and economic methods

NEXT STEPS

- Provide a follow-up memo outlining timeline and scope for technical pilot work

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- Council requested staff return in six months to discuss initial findings
- Attached is the executive summary of work identifying local under-resourced buildings and their barriers to efficiency
    - Staff are exploring best means to incorporate findings

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Utilities Customer Connections
700 Wood St
PO Box 580, Fort Collins, CO 80522

WORK SESSION MEMORANDUM

Date: November 4, 2025

To: Mayor and City Councilmembers

Through: Kelly DiMartino, City Manager DS

Jacob Castillo, Chief Sustainability Officer Initial

Travis Walker, Light & Power Director DS

From: Brian Tholl, Energy Services Director Initial

Subject: October 28, 2025, Work Session Summary: Building Performance Standards

BOTTOM LINE

The purpose of this memo is to document the summary of discussions during the Oct. 28, 2025 Building Performance Standards (BPS) Work Session. All Councilmembers were present and Councilmember Pignataro attended remotely.

DISCUSSION SUMMARY

Staff presented high level findings from requested BPS pilot activities, including a customer journey map activity and information collected during technical support assessments completed across six buildings in Fort Collins. Discussion was centered on potential pathways forward including a consideration of the policy as presented or adjusted through a variety of levers considering tradeoffs between council priorities. There was general support to bring the policy framework to a regular council meeting for consideration for adoption. Questions and subsequent discussion included the following content:

- Several Councilmembers shared feedback on the staff options presented, including a hybrid method that includes a regulatory approach along with an enhanced incentive-based framework.
- Councilmembers asked questions about the availability of 2050 climate tax funds and/or other state and federal options. Staff explained they are exploring several funding sources, including 2050 tax budget, to support a local BPS policy.
- Several Councilmembers expressed the desire for an enhanced incentive-based framework to support a regulatory approach, including an increased incentive for early adopters.
- Several Councilmembers expressed feedback related to excluding multi-family buildings from the list of covered buildings.
- Council discussed extending the policy timeline to 2032 and how that would impact Our Climate Future emissions goals.
- Councilmembers supported encouraging simplicity in the compliance process, noting the customer journey map identified too many steps and negative sentiment.

CC: Tyler Marr, Deputy City Manager, Katherine Bailey, Energy Services Project Manager

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- Council shared concerns around federal preemption issues and ongoing legal challenges in other jurisdictions.
- Councilmembers requested more information on the following items:
    - Detail on estimated cost for City buildings to come into compliance
- Greenhouse gas (GHG) impacts of displacement associated with vehicle miles traveled
    - Data on the specific GHG impact of excluding multi-family properties
- Councilmembers requested a written response to the Service Area Request submitted by the Fort Collins Sustainability Group relating to BPS targets.

NEXT STEPS

Staff will bring a BPS framework recommendation for Council consideration to the Dec. 2, 2025 City Council Meeting. Options for proposed adoption will include a revised staff recommendation based on feedback collected during this work session.

FOLLOW-UP ITEMS

- Provide a follow up memo outlining responses to the questions above
- Respond to Service Area Request relating to GHG target development

ARTICLE XI. - BUILDING BENCHMARKING AND PERFORMANCE

Sec. 12-201. - Purpose and applicability.

(a) ~~(a)~~ The purpose of this Article is to establish ~~a Building Energy~~benchmarking and ~~Water Scoring Program~~performance programs that ~~requires~~require owners of ~~existing~~covered buildings ~~("Covered Buildings")~~ to benchmark building energy and water performance~~,~~ and ~~makes such building performance information publicly available, in the interest of increasing~~increase transparency and access to community building information~~,~~ as outlined in §12-203.

(1) Improve and ~~enhanced coordination and efficiencies among City energy~~ increase commercial building performance efficiency ~~programs~~ through building performance standards as outlined in §12-204 and §12-205 with the option of selecting one of two compliance pathways: Meeting site EUI targets outlined in Table 1; or achieving a minimum standard percent reduction as outlined in §12-205. Attainment of these requirements shall be demonstrated through annual benchmarking reports as outlined in §12-204(j).

(2) Building Benchmarking and ~~partner organizations~~Performance Standards are powerful tools to improve building performance and reduce energy use across ~~public, nonprofit, and private sectors.~~ Fort Collins. In alignment with the City's community-developed and council-adopted, Our Climate Future plan, benchmarking and performance programs are critical to reduce greenhouse gas emissions. As of 2025, buildings in Fort Collins accounted for over two thirds of our local greenhouse gas emissions. Improving building efficiency reduces greenhouse gas emissions and costs for owners and rate payers. It can also increase occupancy and tenant retention, improve health, safety, and comfort of occupants.

~~(b~~

(3) The provisions of this Article shall:

~~(1)~~

a. Apply to any ~~person~~building owner who owns a ~~Covered Building~~covered building or is a registered agent of an entity owning a ~~Covered Building~~covered building within the City limits; and

~~(2)~~

b. Apply to aggregated utility usage data reported in a statistical format; including ENERGY STAR® score.

~~(c~~

(4) This Article shall not apply to Fort Collins Utilities customer financial data or other data protected from disclosure under ~~§~~ §26-26 of this Code, unless requested in writing by the utility customer.

~~(d~~ (5) This Article applies to privately owned covered buildings as defined in §12-202 and in C.R.S. § 25-7-142.

(6) Benchmarking requirements shall apply to water use beginning on July 1, 2027.

Sec. 12-202. - Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meaning ascribed to them in this section. Words, terms, and phrases defined in the rules, regulations, policies and procedures adopted by the City Manager shall have the meaning set forth therein:

Baseline year means a calendar year of benchmarking reported data that building owner of a covered building selects to comply with standard percent reduction within one of these three (3) calendar years: 2023, 2024, or 2025.

Benchmarking ~~shall mean~~ means annually measuring a ~~Covered Building's energy~~ covered building's performance using the ENERGY STAR® Portfolio Manager® tool~~.~~ or other City-approved tool.

~~*Covered building* shall mean any building or group of adjacent~~*Building* means any single structure utilized or intended for supporting or sheltering any occupancy, except if a single structure contains two or more individually metered units operating independently that have stand-alone heating, cooling, hot water, and other mechanical systems, and no shared interior common areas. *Building* also means two (2) or more structures utilized or intended for supporting or sheltering any occupancy that:

(1) Is serviced by a common energy meter;
(2) has a common heating or cooling system;
(3) share interior common areas; or
(4) whose configuration otherwise prevents an accurate determination of the energy consumption attributable to each individual structure.

Building performance standards (BPS) means the performance targets that a covered building must meet to achieve the energy requirements as outlined in §12-204.

***Exception*:** For the purposes of compliance with building performance standards in §12-204, multifamily residential, buildings ~~in the City of Fort Collins with a~~ under ten thousand (10,000) square feet total Gross Floor Area ~~that is~~, and buildings constructed in compliance with the 2024 International Energy Conservation Code (IECC) or subsequent codes are excluded. These buildings will still need to comply with benchmarking requirements in §12-203.

Campus means a collection of two or more buildings that are owned and operated by the same building owner, have a shared purpose and function as a single property.

Covered building means a commercial or multifamily building comprising a gross floor area of five thousand (5,000) square feet or ~~larger and is a commercial covered building as~~more that is occupied by a single occupant or a group of tenants.

> ***Exception*:** Excludes public buildings, aside from City-owned buildings, and buildings used fifty (50) percent or more for industrial or agricultural processes, as such activities are defined by ENERGY STAR® Portfolio Manager® ~~or Commercial Building Energy Consumption Survey (CBECS) published by the United States Energy Information Administration (EIA). Covered buildings include apartment and condominium buildings three stories or more in height above grade and representing multifamily structures defined by a typical R-2 occupancy by the International Building Code.~~ tool or other City-approved tool.

~~*Energy Efficiency Program* shall mean the administrative program funded by the City of Fort Collins Utilities providing rebate and incentive money for energy efficiency upgrades for new construction and existing commercial buildings.~~

ENERGY STAR® Portfolio Manager® ~~shall mean~~means the online tool created by the US Environmental Protection Agency used to measure and track a building's energy use, water consumption, waste diversion and greenhouse gas emissions.

Energy use intensity ~~or (~~*EUI* ~~shall mean~~*)* means a building's total amount of energy ~~use~~for all fuel types used by a building, expressed as energy per square foot per year as a function of its size and other characteristics. A whole building's EUI is typically measured in thousands of BTU per square foot per year (kBTU/~~ft²~~ ft ^{2}/yr).

Final performance standard means the numeric site EUI target or standard percentage reduction target the covered buildings shall achieve during the 2035 calendar year and thereafter as reported in the ENERGY STAR® Portfolio Manager® tool or other City-approved tool as outlined in §12-205.

Gross floor area ~~or (~~*GFA*) shall mean the total building area, as measured from the outside surface of each exterior wall of the building, including above-grade and below-grade space.

Interim performance standard means the numeric site EUI target or standard percentage reduction target the covered buildings shall achieve during the 2031 calendar year as reported in the benchmarking tool.

kBtu means thousand British thermal units.

Mixed-use building means a building that contains two or more property types.

Multifamily building means, for the purposes of this Article, a covered building that includes apartments and condominium buildings three stories or more in height above grade and representing multifamily structures defined by a typical R-2 occupancy by the

International Building Code. Individual multifamily buildings within a complex are benchmarked together as a campus. (If any building within the campus is three [3] stories or more above grade, the whole complex is covered together and reports as one single entity if the total square footage~~, measured between the principal exterior surfaces of the enclosing fixed walls of a building, as defined in the ENERGY STAR® Portfolio Manager® definitions.~~ of all buildings combined is at least five thousand [5,000] square feet.).

Occupancy ~~shall mean~~ means the percentage of a property's gross floor area that is occupied and operational.

Owner ~~shall mean~~ means the person or entity, including common interest ownership groups having a legal or equitable interest in real property and the associated asset features of a covered building during the calendar year in which benchmarking ~~is~~or building performance standards as required ~~under~~in §12-203~~(b)(1).~~ and §12-204.

Property financial distress means the property owned by the building owner is experiencing at least one of the following conditions:

(1) The property has been included on the City's, Larimer County's annual tax lien sale list within the previous two years;
(2) The property is an asset subject to a court-appointed receiver that controls the asset due to financial stress;
(3) The property is owned by a financial institution as a result of a default by a borrower;
(4) The property has been acquired by a deed in lieu of foreclosure; or
(5) The property is the subject of a senior mortgage subject to a notice of default.

Property type means the building property use type that the building owner selects in the ENERGY STAR® Portfolio Manager® tool as listed in §12-205.

Public building ~~shall mean~~ means a covered building owned by:

(1) The state;
(2) A local government;
(3) A district or special district regulated under Title 32 of the Colorado Revised Statutes;
(4) A state institution of higher education;
(5) A private institution of higher education as defined in C.R.S §23-18-102(9);
(6) A school district created pursuant to Article 30, Title 22 of the Colorado Revised Statues; and
(7) A charter school authorized pursuant to Part 1 of Article 30.5, Title 22 of the Colorado Revised Statutes.

Renewable energy means electricity generated from a source that is not depleted when used.

Reporting ~~ or *report shall mean* *reports* means the data submitted each year via the ENERGY STAR® Portfolio Manager® tool or other City-approved tool using ~~a template~~templates and submission ~~link~~links to be distributed and publicized by the City of Fort Collins. All information expressly denoted as mandatory by either ENERGY STAR® Portfolio Manager® or the City shall be included in the submission. Energy and water shall be separately reported.

Site energy-use intensity or *Site EUI* means a measurement of a building's site energy use relative to the building's size, calculated by dividing the total net energy the building consumes in one year by the building's gross floor area, excluding any parking garage, and that is reported in thousands of British thermal units per square foot per year.

Standard percent reduction means the minimum required percentage reduction as defined in §12-205 (b).

Unoccupied means a building without occupants or tenants other than security, maintenance staff, or construction workers during a construction or renovation project.

Water use intensity ~~or~~ *(WUI shall mean)* means a building's water use expressed as all water sources divided by the building square feet (not including parking or irrigated area). A whole building's WUI is typically expressed in gallons per square foot per year (gal/~~ft²~~ ft ^{2}/yr).

Weather-normalized means a method for modifying the measured building energy use in a specific weather year to energy use under normal weather conditions.

Sec. 12-203. ~~-~~ - Building ~~energy~~benchmarking and ~~water score~~ reporting.

~~(a)~~

Reporting properties. ~~Owners~~ Building owners of commercial and multifamily covered buildings, including City-owned covered buildings, with a gross floor area equal to or greater than five thousand (5,000) square feet, shall ~~begin benchmarking~~benchmark building energy and water usage through ENERGY STAR® Portfolio Manager® ~~starting June 1, 2022~~ or other City-approved tool, and follow an annual reporting cycle thereafter~~:~~ .

~~(b~~ (1) *Ongoing compliance*. Each covered building owner will report on an annual basis, as follows:

~~(1)~~a. *Benchmarking*. The ~~Owner~~building owner shall provide the information necessary to benchmark energy and water usage as defined in ~~§ 12-202~~ §12-202 for the previous calendar year, such that reported data encompasses January 1 to December 31 of the prior calendar year~~.~~ .

~~(2)~~

b. *Reporting*. For every building subject to this Article, the ~~Owner~~building owner shall annually submit to the City ~~an~~ energy and water benchmarking ~~report~~reports according to the schedule set forth herein. The

~~report~~reports shall be based on data entered into ENERGY STAR® Portfolio Manager® or other City-approved tool reflecting the energy and water performance information for the whole building during the full calendar year reported. The report shall, at minimum, include the building address, facility gross square footage, property type, and the individual or entity responsible for submitting the benchmarking ~~report.~~ reports.

~~(3)~~

c. *Transparency*. Reported benchmarking information and data obtained from reports submitted pursuant to this Article, including ENERGY STAR® score~~,~~ (if available), Energy Use Intensity, and Water Use Intensity, shall be available to the public, consistent with City open data policies, as adopted in Resolution No. 2017-014 and as amended from time to time.

Sec. 12-204. ~~(c) -~~ **Building** ~~*Performance Standards.* The City Manager will promulgate rules consistent with §12-207 and pursuant to capital expansion projects, facilities master plan and design standards for City-owned buildings~~**performance standards.**

(a) *Properties covered by* ~~December 31, 2022, establishing~~ *building performance standards*. Building owners of covered buildings with a gross floor area equal to or greater than ten thousand (10,000) square feet, shall comply with building performance standards as outlined in this Article.

(b) *Benchmarking*. Building owners of covered buildings shall continue to ~~achieve a reduction in building~~ provide the information necessary to benchmark energy ~~use of seven percent (7%) by 2026, compared to 2021~~and water usage as required in §12-203.

(c) *In general.* Building owners of covered buildings shall demonstrate compliance with the building performance standards during the 2031 interim target year and 2035 final target year, through benchmarking reports showing the prior year performance shall be submitted no later than June 1, 2032, and June 1, 2036. The 2035 compliance targets must be maintained each subsequent year until ordinance language is changed.

(d) *Interim targets.* Interim targets will be uniquely assigned to each building to reflect a midpoint between 2025 reported benchmarked use and 2035 target use based on a straight line from the building's 2025 reported energy use to their final target EUI. If 2025 benchmarked data is not available, interim targets included in §12-205 will be used until accurate benchmarking data are submitted, at which point it will be assigned based on building use.

(e) *Change in ownership.* Responsibility to comply shall not be affected by changes in ownership or owner/tenant lease agreements. Approved adjustments will be reevaluated upon change in ownership.

(f) *Changes in property type*. If a covered building's property type changes the established target will be changed to the new property type.

(g) *Renewable energy.* Renewable energy generated on-site, as measured in kWh, will be credited towards energy use, lowering the target EUI.

(h) *Transparency.* The City shall publish each building's final and interim building standards and the buildings' performance against those standards on an annual basis.

(i) *Building performance standards in City-owned buildings*. *City*-owned building energy performance will be included in annual reports submitted to City Council as required in ~~§12-208.~~ §12-203, and City-owned covered buildings will be subject to building performance standards requirements defined in this Article.

(j) *Demonstrating building compliance.*

(1~~Sec. 12-204. - Data verification; records retention.~~

~~(a)~~ Owners ~~are required to submit accurate and complete data as defined in this Article and~~ of covered buildings shall use the ENERGY STAR® Portfolio Manager® ~~How to Get Utility Data into Portfolio Manager® and by using the data quality checker~~ tool ~~within ENERGY STAR® Portfolio Manager® for each Covered Building in their portfolio~~or other City-approved tool, to demonstrate ~~:~~

~~(b) Owners shall maintain~~ the following ~~records for a period of at least three years, and shall make such records available for inspection during business hours upon reasonable notice from the City:~~ :

~~(1) ENERGY STAR® Portfolio Manager® account data;~~

a. In the compliance benchmarking report due on June 1, 2032, a demonstration that the covered building has met the interim site EUI target or standard percent reduction for calendar year 2031.

b. In the compliance benchmarking report due on June 1, 2036, a demonstration that the covered building has met the site EUI target or standard percent reduction for calendar year 2035.

(2) Each covered building must maintain compliance with the final building performance standards each subsequent year until ordinance language is changed.

(k) *State covered buildings.* For buildings that are also covered by the State of Colorado building performance standards requirements as defined in 5 CCR 1001-32, those buildings shall be deemed in compliance with the Fort Collins requirements if the State of Colorado has determined they are in compliance with the State requirements.

(l) *Disclosure upon sale.* The owner of a covered building shall disclose the covered building's compliance status in documentation concerning the sale of the covered building to all prospective buyers prior to the sale of the building, including all performance targets, any approved alternate compliance pathways, and any penalties assessed.

(m)*Data Verification*. Covered buildings must submit third-party data verification for benchmarking

~~(2) Proof of tenant~~ data ~~requests for~~ of baseline, interim, and final target years at the City's request.

Section 12-205. - Performance metrics.

(a) Building owners of covered buildings must reduce energy ~~or space~~ use through one of the following building performance standards compliance pathways:

(1) Meet the site EUI targets included in Table 1 by demonstrating that the building's weather normalized site EUI during the interim and final target calendar years are less than or equal to the applicable site EUI targets; or

(2) Meet the standard percent reduction.

(b) *Standard percent reduction:* Instead of achieving the site EUI targets in Table 1, a covered building owner may opt to comply by achieving and maintaining the standard reduction target based on their covered building's weather-normalized site EUI as compared to the covered building's baseline year. Under this compliance pathway, the covered building must:

(1) In 2031, achieve and maintain a standard percent reduction of twelve (12) percent in comparison to the covered building's benchmarked baseline weather-normalized site EUI.

(2) In 2035, achieve and maintain a standard percent reduction of twenty-five (25) percent in comparison to the covered building's benchmarked baseline weather-normalized site EUI.

(c) ~~attribute~~*Establishing baseline EUI.*

(1) Building owners who will use the standard reduction pathway must report to City which year they will use as baseline through a City-approved form. If building owners do not select a baseline year, the City will assign the year with the highest weather normalized site EUI.

(2) For existing covered buildings where no baseline data is available, the City will establish reasonable baseline data based on benchmarking data for that covered building from ~~any separately metered tenants; and~~other years if available, or on the average reported use for that property type if historical benchmarking data is not available.

~~(3) Any back-up information substantiating the energy data and space use attribute information entered into the ENERGY STAR® Portfolio Manager®.~~

(3) For new covered buildings, the baseline data shall be the predicted weather normalized site EUI for that covered building if one was submitted as part of energy code compliance. If no predicted EUI is available, program administrators will establish a reasonable baseline based on the average reported use for that property type.

Table 1: Building Performance Targets by Property Type

Property Type	Interim Site EUI	Final Site EUI
Adult Education	85	77
Ambulatory Surgical Center	117	105
Aquarium	122	112
Automobile Dealership	78	71
Bank Branch	91	82
Bar/Nightclub	264	249
Barracks	103	96
Bowling Alley	64	57
Casino	122	112
College/University	103	93
Convenience Store with Gas Station	262	237
Convenience Store without Gas Station	262	237
Convention Center	122	112
Courthouse	94	84
Data Center	Note i	Note i
Distribution Center	60	54
Drinking Water Treatment & Distribution	147	131
Enclosed Mall	130	119
Energy/Power Station	147	131
Fast Food Restaurant	264	249
Financial Office	63	56
Fire Station	68	62
Fitness Center/Health Club/Gym	68	61
Food Sales	262	237
Food Service	264	249
Hospital (*General Medical & Surgical) (Excluded)*	*191*	*173*
Hotel	71	65
Ice/Curling Rink	122	112
Indoor Arena	44	40
K-12 School (Excluded)	53	48
Laboratory	240	215
Library	70	63
Lifestyle Center	106	96
Mailing Center/Post Office	93	83
Manufacturing/Industrial Plant (Excluded)	*87*	*79*

Property Type	Interim Site EUI	Final Site EUI
Medical Office	63	56
Mixed Use Property	Note ii	Note ii
Movie Theater	102	92
Multifamily Housing (Excluded)	47	43
Museum	77	69
Non-Refrigerated Warehouse	40	36
Office	63	56
Other	73	66
Other – Education	85	77
Other – Entertainment/Public Assembly	61	55
Other – Lodging/Residential	75	69
Other – Mall	79	72
Other – Public Services	94	84
Other – Recreation	122	112
Other – Restaurant/Bar	235	219
Other – Services	63	56
Other – Specialty Hospital	116	104
Other – Technology/Science	147	131
Other – Utility	122	109
Outpatient Rehabilitation/Physical Therapy	117	105
Parking	Note iii	Note iii
Performing Arts	74	67
Personal Services (Health/Beauty, Dry Cleaning, etc.)	93	83
Police Station	94	84
Pre-school/Daycare	62	56
Prison/Incarceration	94	84
Race Track	122	112
Refrigerated Warehouse	69	61
Repair Services (Vehicle, Shoe, Locksmith, etc.)	59	52
Residence Hall/Dormitory	66	61
Residential Care Facility	102	94
Restaurant	235	219
Retail Store	55	49
Roller Rink	122	112
Self-Storage Facility	4	4
Senior Living Community	74	68
Social/Meeting Hall	50	45
Stadium (Closed)	122	112
Stadium (Open)	122	112
Strip Mall	112	103
Supermarket/Grocery Store	164	148

Property Type	Interim Site EUI	Final Site EUI
Swimming Pool	122	112
Transportation Terminal/Station	122	112
Urgent Care/Clinic/Other Outpatient	73	66
Veterinary Office	89	80
Vocational School	85	77
Wastewater Treatment Plant	147	131
Wholesale Club/Supercenter	96	87
Worship Facility	39	35
Zoo	122	112

i. Data Centers. ENERGY STAR® Portfolio Manager® provides estimates that allow buildings to identify these spaces' energy usage. The installation of a sub-meter to provide an accurate measure of data center energy data is strongly encouraged and considered a best practice. Energy use from data centers as defined by ENERGY STAR® Portfolio Manager® may be excluded from whole building data for the purposes of attaining BPS targets.

ii. Mixed Use Property. Mixed Use properties shall report their actual space use types to determine an EUI target which will be weighted by GFA.

iii. Parking. Using ENERGY STAR® Portfolio Manager® instructions, users with submetered parking may exclude that energy use and gross floor area from their benchmarking report. If data is not submetered, include the parking square footage in the benchmarking report and Portfolio Manager will estimate out parking's energy usage.

Section 12.206. - Building performance standards adjustments.

(a) *Adjusted Timeline.*

(1) To apply for a timeline adjustment, a covered building owner must ~~(c) Any person who fails, neglects or refuses to~~ submit an application on a City-approved form requesting an adjusted timeline, including:

a. The specific adjusted timeline needed.
b. Documentation of the need for the adjusted timeline.
c. The covered building owner's plan to achieve the performance targets within the adjusted timeline.
d. Purchase orders for necessary equipment demonstrating purchase and delivery dates, and/or any additional documentation supporting the need for an adjustment, as requested by the City.

(2) Building owners applying for an adjusted timeline must submit their application at least 30 days before December 31, 2031, for the interim performance standard, or at least 30 days before December 31, 2035, for the final performance standard.

a. Building owners will be eligible for an adjustment if they meet one or more of the following criteria:

1. Covered buildings undergoing a major renovation that does not align with the interim target dates but that will achieve the final target.

2. Building owners experiencing significant supply chain or workforce delays.

3. Building owners who can demonstrate a plan to replace building heating and cooling systems at end of life where the system end of life occurs after the compliance period but within five (5) years of the final target.

4. Building owners can demonstrate that the property meets one or more of the conditions defined as property financial distress in §12-202.

5. Buildings that require updates to the electrical distribution infrastructure that cannot be completed in time to meet the building performance standard deadline.

6. Building owners that purchased a covered building within the twelve (12) month period before a required building performance standard deadline.

7. Building owners that qualify for a waiver for benchmarking during the interim and final building performance standard target years.

8. Building owners who have made a good faith effort to comply but encountered circumstances that prevented compliance through no fault of the building owner, as approved by the City Manager.

(3) If the City learns that an adjustment was granted based on materially inaccurate submissions, then the City may revoke or modify the adjustment.

(b) *Adjusted Targets.* To apply for a target adjustment, a covered building owner must submit an application on a City-approved form at least thirty (30) days before December 31, 2031, for the interim performance standard or at least thirty (30) days before December 31, 2035, for the final performance standard requesting an adjusted target, including:

(1) A third-party data verification for the previous year of benchmarking data.

(2) An energy audit completed by an approved energy auditor demonstrating improvement pathways.

a. The audit report must include the achievable weather-normalized site EUI for the building, based on the results and recommendations of the audit.

b. Energy auditors must be certified by the Association of Energy Engineers (AEE), ASHRAE, the Energy Management Association, the Building Performance Institute, or other certification approved by the City.

c. Energy auditors must certify that the results of the energy audit are accurate and complete ~~data as required by this Article is subject to enforcement under § 12-206 of this Code.~~ .

(3) Narrative detailing the building characteristics (e.g., year of construction, state, City, or federal historical status, etc.) and any functional variations that qualify for an adjustment with a plan that shall include, at a minimum:

a. description of the circumstances that prevent the building from reasonably complying;

b. a physical description of the covered property;

c. an inventory of all major energy using equipment including their age, efficiency, fuel type, designed performance, and capacity as indicated on the nameplate;

d. recommendations, including engineering calculations, for proposed performance;

e. a timeline by which proposed improvements will be achieved; and

The City may request other information from the covered building owner in order to generate a standard performance adjustment target.

(4) Building owners will be eligible for an adjustment if they meet one or more of the following criteria:

a. Building owners can demonstrate that the property meets one or more of the conditions defined as property financial distress in §12-202.

b. Building owners whose buildings have inherent and unique characteristics of the physical building that make the weather normalized site EUI target and standard percent reduction unachievable.

c. Building owners who have made a good faith effort to comply but encountered circumstances that prevented compliance through no fault of the building owner, as approved~~Sec. 12-205. - Exemptions; variance.~~

~~(a) Owners may apply annually to the City Manager for exemption from the benchmarking and reporting requirements of this Article and in the manner described in any rules and regulations promulgated~~ by the City Manager.

(5) If the City learns that an adjustment was granted based on materially inaccurate submissions, then the City may revoke or modify the adjustment.

(6) The City Manager's determination regarding applicability of an adjustment under this section shall be final; no further administrative review or appeal to the City shall be available to an owner aggrieved by such determination.

Sec. 12-207. - Building benchmarking and building performance standards annual waivers.

(a) Each year, building owners may apply to the City Manager for a one-year waiver from the benchmarking reporting and/or building performance standards if a building will not meet its targets under §12-205. In order to apply for this waiver condition, the building owner must submit an application at least thirty (30) days before the benchmarking deadline of June 1 and thirty at least thirty (30) days before December 31, 2031, for the interim performance standard and at least thirty (30) days before December 31, 2035, for the final performance standard. The City Manager, or their delegate will review and render a decision on any application for ~~exemption or variance~~waivers from the requirements of this Article. ~~An exemption or variance may~~ Building owners' will be ~~granted~~eligible for ~~any building that meets at least~~a waiver if they meet one or more of the following criteria:

(1) The building had an average physical occupancy of less than sixty (60) percent~~,~~ throughout the calendar year for which benchmarking is required, based on criteria set forth in rules, regulations, policies and procedures adopted by the City Manager;

~~(2) The building is used 50% or more for industrial or agricultural processes, as such activities are defined by ENERGY STAR® Portfolio Manager®;~~

~~(3) The Owner can demonstrate the subject building's performance information is or involves a confidential business practice, including trade secret, privileged, or confidential commercial information. To qualify for this exemption, the Owner shall specifically identify the information it believes to be confidential and provide a written statement describing the manner in which public disclosure would cause substantial harm to the Owner's competitive position in efficient energy usage alone will not be considered confidential commercial information; and~~

~~(4) The building is a "public building" as defined by §12-202.~~

~~(5) The covered building meets the criteria for a waiver from benchmarking or reporting deadlines under C.R.S. §25-7-142 (5).~~

~~(6~~

(2) A demolition permit was issued or demolition is scheduled that will prevent achievement of the targets;

(3) The covered building did not have a certificate of occupancy or temporary certificate of occupancy for all twelve months of the year prior to the building performance standard target year or benchmarking compliance year;

(4) The building owners of the property can demonstrate that the property meets one or more of the conditions defined as property financial distress in §12-202;

(5) The City Manager determines that, due to special circumstances unique to the applicant's building and not based on a condition caused by actions of the applicant, strict compliance with ~~the benchmarking and reporting~~any requirements under this Article would cause undue hardship or would not be in the public interest.

~~(b~~

(b) If a building owner receives a one-year benchmarking waiver approval, it does not exempt them from the building performance standard requirements.

(c) Any owner requesting a waiver shall provide the City any and all documentation requested to substantiate the request or otherwise assist the City in the waiver determination.

(d) If the City learns that a waiver was granted based on materially inaccurate submissions, then the City may revoke or modify the waiver.

(e) The City Manager's determination regarding applicability of ~~an exception or variance~~a waiver under this section shall be final; no further administrative review or appeal to the City shall be available to an ~~Owner~~owner aggrieved by such determination.

Sec. 12-208. - Records retention.

(a) Owners are required to submit accurate and complete data as defined in this Article and ENERGY STAR® Portfolio Manager® or from other City-approved benchmarking guidance.

(b) Owners shall maintain the following records for a period of at least seven years, and shall make such records available for inspection during business hours upon reasonable notice from the City:

(1) Account data from City-approved benchmarking tool.

(2) Proof of tenant~~206.~~ data requests for energy or space use attribute data from any separately metered tenants.

(3) Any back-up information substantiating the energy and space use attribute information entered into the ENERGY STAR® Portfolio Manager® or City-approved benchmarking tool.

(4) Demonstration of compliance with the chosen Building Performance Standards compliance pathway for Building Performance Standards covered buildings, including results from the ENERGY STAR® Portfolio Manager® or City-approved benchmarking tool.

(5) Any waiver or adjustment submissions regarding compliance status.

(6) Records of any upgrades made to comply with the building performance standards requirements (e.g., receipts, invoices).

(c) Any building owner who fails, neglects or refuses to submit accurate and complete data as required by this Article is subject to enforcement under §12-210 of this Code.

Sec. 12-209. - Implementation.

The City Manager may adopt such other rules and regulations concerning the benchmarking and ~~reporting of~~ building performance ~~information~~standards requirements as may be necessary to implement the provisions of this Article not in conflict with such provisions. Any adopted rules and regulations shall be clearly stated and shall become effective upon the filing of such regulations with the office of the City Clerk and the posting of a notice of the adoption of the regulations on the City's website. Such notice shall include the effective date of the regulations, and notice that the full text of the regulations is on file in the office of the City Clerk.

Sec. 12-~~207.~~ 210. - Violations and penalties.

(a) Any ~~person~~building owner who violates ~~§12-203 or §12-204 without an applicable exception or variance~~ §12-203 commits a civil infraction and is subject to the penalty provisions of ~~§1-15(~~ §1-15(f) of the Code. Failure to comply with benchmarking in §12-203 in any calendar year shall constitute a single violation in that calendar year.

(b) Any building owner who fails to comply with meeting the applicable interim or final site EUI target or standard percent reduction in §12-204 and §12-205 shall, severally and for each and every violation in noncompliance respectively, be liable for a civil infraction and subject to a civil penalty in the amount of up to seventy cents ($0.70) for each required kBtu reduction that the building owner fails to achieve.

(c) For the purposes of ~~this Article,~~ §12-204 and §12-205, each active violation and every calendar quarter during which the violation continues shall constitute a separate violation.

(d) Unpaid fines may result in a lien on the property and shall continue at all times against the property until the amount is fully paid.

(e) Notwithstanding the citation service requirements otherwise set forth in ~~§ 19-65~~ §19-65 of the Code, citations for violations of this section will be deemed properly served when ~~delivered~~sent to the covered building owner or other responsible party by first-class mail at the last known address of said party, as reflected in the records of the City, County, or State. A copy of the citation may also be posted in a conspicuous place on the covered building.

~~Failure to comply with §12-203 or §12-204 in any calendar year shall constitute a single violation in that calendar year.~~

Sec. 12-~~208.~~ 211. - Evaluation.

The City Manager shall present an annual report to the City Council each year evaluating the ~~Building Energy and Water Scoring~~building Benchmarking Program output and outcomes~~.~~ and additional information on building Performance Standards as available.

Secs. 12-~~209~~212—12-219. - Reserved.

12-02-2025

Building Performance Standards Policy Update

Brian Tholl

Energy Services Director





Building Performance Standards Policy

Develop policy framework for improving performance of built environment

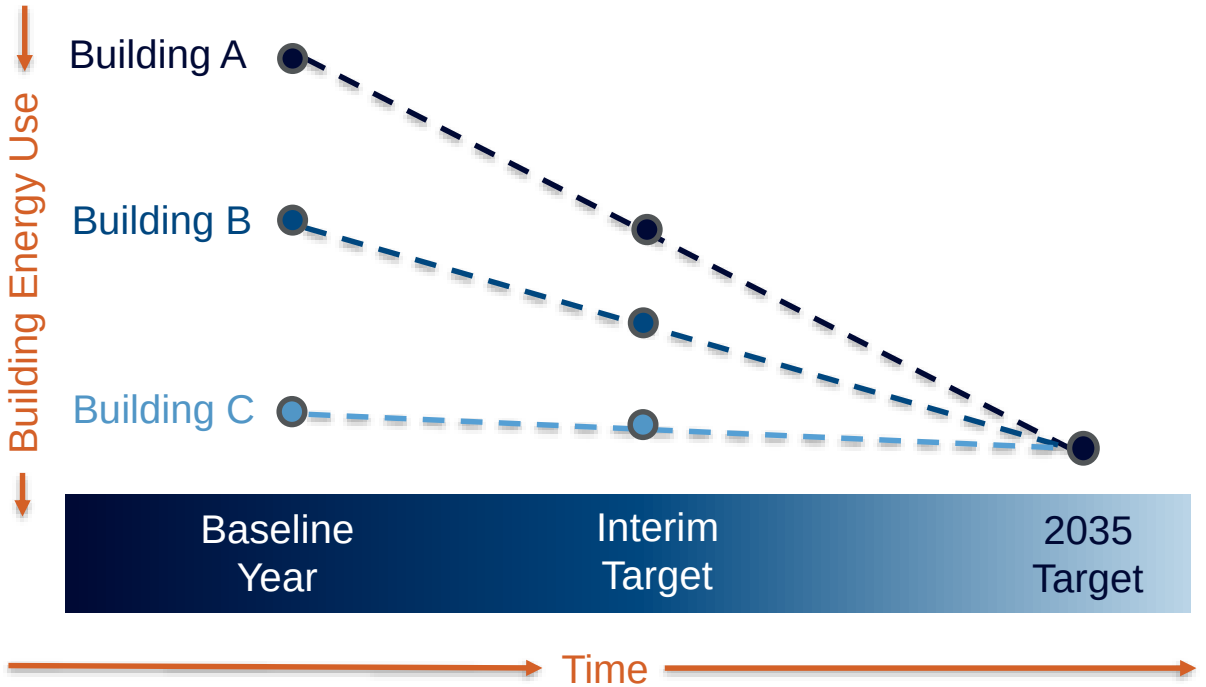
OCF Driven

- Building emissions reduction
- Optimize energy use for pursuing 100% renewable electricity



Building Performance Standards (BPS)

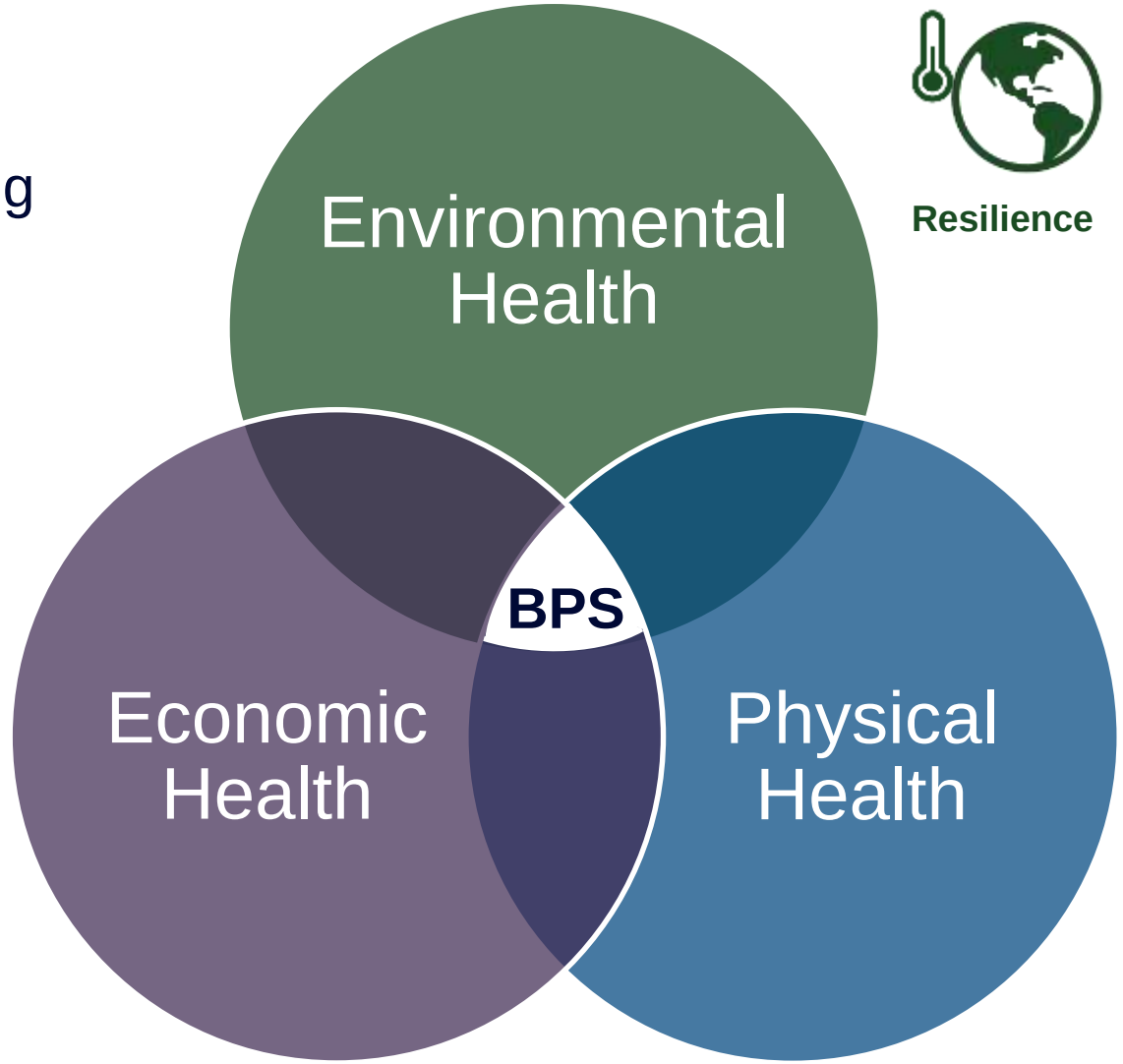
- BPS require buildings to meet energy performance targets by specific deadlines.
- BPS focus on flexibility, providing options and off-ramps.
- Efficient buildings are already meeting performance targets.



BPS drive gradual efficiency improvements in existing buildings

BPS Benefits

Regulatory actions, including BPS, are necessary for achieving OCF emissions goals





Energy burden through use and rate pressure



Occupancy & tenant retention



Economic growth, resale value, competitiveness

Resilience



Emissions impact



Natural Gas impact

Health



Safety



Comfort



BPS Overview: Proposed Covered Buildings in Fort Collins

Building Size	Building Count	Building Count	Timeline	Reduction	Reduction Target	Estimated Upgrade Cost (Per Square Foot)
	Number of total buildings	Buildings that need to act	Compliance requirement timeline	Standard Percent Reduction	Average reduction to target	
10,000+ square feet	650	430 (66%)	2035	25%	13%	$5.80 to $6.30
State covered 50,000+ square feet	80	60 (77%)	2030	29%	17%	$4.40 to $4.70

Based on 2023 reported benchmarking data; some buildings are campuses which include multiple structures
Excludes buildings without 2023 reported data

Council Feedback From Oct. 28 Work Session

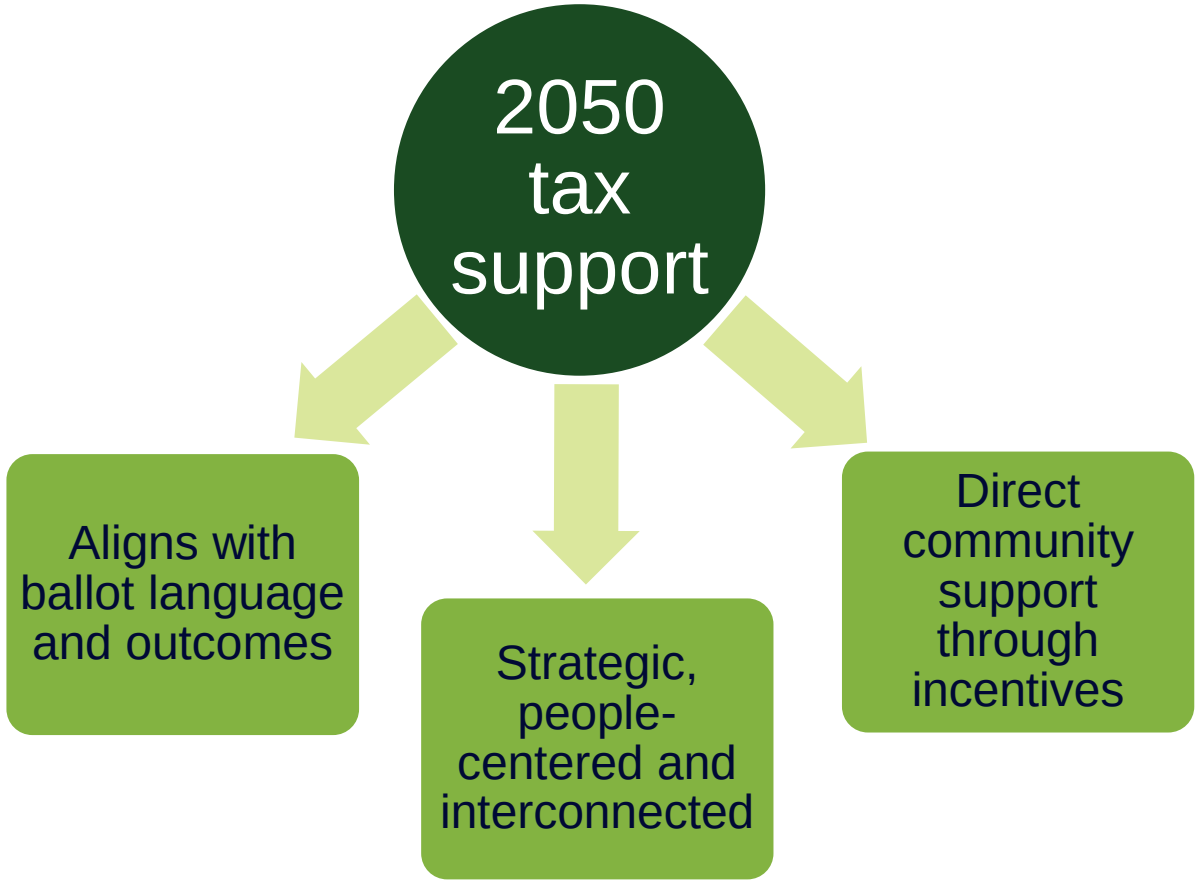
- Support regulatory BPS with incentives & services
- Modify covered buildings, specifically multi-family buildings
- Simplify building owner compliance process
- Monitor policy performance, including City building investments

Modifications to BPS policy for Dec. 2, 2025 First Reading

Changes from policy development	Mitigation impact and justification	Trade-offs presented to City Council
Extend compliance period to 2035 (previously proposed 2030 and 2035 for small buildings)	**Minimal** – Shifts outcomes - Emphasize an incentive-first approach. Timeline allows broad communication and options for building owners and extends 2050 tax investment	+ Allows additional planning, flexibility during economic uncertainty - Higher likelihood of missing interim climate policy goals
Exclude buildings 5,000-10,000 sq. ft. (310 buildings)	**Minimal** – 5% reduced policy impacts, costs - Excluding takes incentive-first approach for small buildings, focused BPS regulatory on bigger buildings	+ Reduced operating expense pressure - Does not improve energy use or building conditions for small business
Exclude multi-family buildings (148 multi-family campuses)	**High** – 17% reduced policy impacts, costs - Direct council feedback on excluding multi-family to not risk short-term building owner investment on housing affordability	+ Reduces upward housing affordability pressure - Does not improve energy use and owners not required to reduce rate pressure/improve living conditions
Exclude new construction (construction after 2024 IECC)	**Minimal** – increase for inflation - Reduce potential for regulatory overlap	- Dependance on compliance with 2024 IECC

Proposed BPS modifications achieve 75% of original proposed policy outcomes

Incentives Using 2050 Tax Allocation



Year	Projected 2050 Tax Budget
2027	$2 million
2028	$1.5 million
2029	$1 million
2030	$750,000
2031	$750,000
2032	$250,000

Additional incentives double incentives for existing buildings early in compliance period

Next Steps



- Staff recommend adoption on First Reading
- Continued refinement of building owner support
- Leverage federal, state, and Utilities funding
- Prepare for communication rollout and early engagement

Questions?

Brian Tholl
Energy Services Director

ORDINANCE NO. 223, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING ARTICLE XI, CHAPTER 12, OF THE CODE OF THE CITY OF FORT COLLINS PERTAINING TO BUILDING ENERGY AND WATER SCORING AND REENACTING ARTICLE XI, CHAPTER 12 AS BENCHMARK AND BUILDING PERFORMANCE

A. The City of Fort Collins' strategic vision seeks to build a culture of innovation.

B. On March 3, 2015, City Council adopted Resolution 2015-030, recognizing the 2015 Climate Action Plan Framework ("2015 CAP Framework"), which contains a high level analysis of the strategies necessary to reduce Fort Collins' community-wide greenhouse gas emissions and established goals to reduce emissions to twenty (20) percent below 2005 levels by 2020; and additionally, established the goals of reducing emissions to eighty (80) percent levels by 2030 and to be carbon neutral by 2050.

C. On December 15, 2015, City Council adopted Resolution 2015-115, approving the 2015 Energy Policy, which establishes goals for reducing energy in existing buildings.

D. On March 1, 2016, City Council adopted Resolution 2016-023, approving the 2015 Water Efficiency Plan and establishing a goal to reduce water use to one hundred thirty (130) gallons per capita per day by 2030 of which goal community building water scoring serves an integral component in identifying strategies.

E. On April 19, 2016, City Council adopted Ordinance No. 046, 2016, recognized the electric utility benefits of community building energy scoring by authorizing funding from the Electric Utility Fund to establish a Building Energy Disclosure and Scoring effort to manage or reduce peak demand and overall electric service loads.

F. On October 2, 2018, City Council adopted Resolution 2018-094, establishing a community-wide one hundred (100) percent renewable electricity goal by 2030, in furtherance of the City's 2015 Climate Action Plan ("CAP") Framework (adopted by Resolution 2015-030), 2015 Energy Policy goals.

G. On December 4, 2018, City Council adopted Ordinance No. 144, 2018, creating the Fort Collins Building Energy and Water Scoring (BEWS) program under Art. XI Chapter 12 of the City Code, to increase transparency and access to building information, and enhance coordination among community efficiency programs and partner organizations across public, nonprofit, and private sectors.

H. Community building performance scoring is an identified strategy in the City's Our Climate Future Plan (2021) which addresses energy and water goals, and the absence of this data reduces the efficacy of measures targeting these community goals.

I. Public Building Benchmarking and Performance data provides transparent energy and water performance information to prospective tenants and investors and thereby improves the City's ability to attract tenants and investors seeking to live and work in a world-class City.

J. On September 7, 2021 Colorado HB 21-1286 became effective (codified at Colorado Revised Statutes ("C.R.S.") Section 25-7-142), requiring owners of commercial, multifamily, and public buildings with gross floor areas of fifty thousand (50,000) square feet or more to report annual energy use to the Colorado Energy Office, which building performance reporting is similar to the City's BEWS program though expressly does not preempt local building scoring ordinances.

K. Building Performance Standards (BPS) programs set energy performance targets for existing commercial buildings 10,000 square feet (sq. ft.) to meet established Energy Use Intensity (EUI) targets for specific building types or meet a reduction target, identified as a percentage reduction over the compliance period through 2035.

L. Staff has recommended that City Council adopt the Building Benchmarking and Performance (BBP) program updates set out in this Ordinance in furtherance of Council's support of the 2024-2026 adopted City Council priorities and the Our Climate Future plan, as administered by Utilities Customer Connections staff.

M. The Energy Board considered the Building Performance Standards as proposed by staff at the April 23, 2024, Council meeting, and provided a memorandum in support dated July 15, 2024.

N. The City Manager and staff have recommended that the program adjustments and City Code language clarifications set out in this Ordinance go into effect for all BBP reporting due for reporting years starting January 1, 2026.

O. The City Council finds and determines that the adoption of this Ordinance is necessary for the public's health, safety and welfare and, therefore, wishes to repeal Article XI, Chapter 12, of the Code of the City of Fort Collins pertaining to Building Energy and Water Scoring and reenacting Article XI, Chapter 12 as Benchmark and Building Performance as set forth herein.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Article XI of Chapter 12 of the Code of the City of Fort Collins is repealed and reenacted to read as follows:

~~ARTICLE XI. - BUILDING ENERGY AND WATER SCORING~~

Sec. 12-201. - Purpose and applicability.

(a) The purpose of this Article is to establish a Building Energy and Water Scoring Program that requires owners of existing buildings ("Covered Buildings") to benchmark building energy and water performance, and makes such building performance information publicly available, in the interest of increasing transparency and access to community building information, and enhanced coordination and efficiencies among City energy efficiency programs and partner organizations across public, nonprofit, and private sectors.

(b) The provisions of this Article shall:

(1) Apply to any person who owns a Covered Building or is a registered agent of an entity owning a Covered Building within the City limits; and

(2) Apply to aggregated utility usage data reported in a statistical format; including ENERGY STAR® score.

(c) This Article shall not apply to Fort Collins Utilities customer financial data or other data protected from disclosure under § 26-26 of this Code, unless requested in writing by the utility customer.

(d) This Article applies to privately owned covered buildings as defined in §12-202 and in C.R.S. §25-7-142.

Sec. 12-202. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this section. Words, terms and phrases defined in the rules, regulations, policies and procedures adopted by the City Manager shall have the meaning set forth therein:

Benchmarking shall mean measuring a Covered Building's energy performance using the ENERGY STAR® Portfolio Manager® tool.

Covered building shall mean any building or group of adjacent buildings in the City of Fort Collins with a Gross Floor Area that is five thousand (5,000) square feet or larger and is a commercial covered building as defined by ENERGY STAR® Portfolio Manager® or Commercial Building Energy Consumption Survey (CBECS) published by the United States Energy Information Administration (EIA). Covered buildings include apartment and condominium buildings three stories or more in height above grade and representing multifamily structures defined by a typical R-2 occupancy by the International Building Code.

Energy Efficiency Program shall mean the administrative program funded by the City of Fort Collins Utilities providing rebate and incentive money for energy efficiency upgrades for new construction and existing commercial buildings.

ENERGY STAR® Portfolio Manager® shall mean the online tool created by the US Environmental Protection Agency used to measure and track a building's energy use, water consumption, waste diversion and greenhouse gas emissions.

Energy use intensity or *EUI* shall mean a building's energy use expressed as energy per square foot per year as a function of its size and other characteristics. A whole building's EUI is typically measured in thousands of BTU per square foot per year (kBTU/ft^2/yr).

Gross floor area or *GFA* shall mean the total property square footage, measured between the principal exterior surfaces of the enclosing fixed walls of a building, as defined in the ENERGY STAR® Portfolio Manager® definitions.

Occupancy shall mean the percentage of a property's gross floor area that is occupied and operational.

Owner shall mean the person or entity including common interest ownership groups having a legal or equitable interest in real property and the associated asset features of a covered building during the calendar year in which benchmarking is required under §12-203(b)(1).

Public building shall mean a covered building owned by:

(1) The state;
(2) A local government;
(3) A district or special district regulated under Title 32 of the Colorado Revised Statutes;
(4) A state institution of higher education;
(5) A private institution of higher education as defined in C.R.S §23-18-102(9);
(6) A school district created pursuant to Article 30, Title 22 of the Colorado Revised Statues; and
(7) A charter school authorized pursuant to Part 1 of Article 30.5, Title 22 of the Colorado Revised Statutes.

Reporting or *report* shall mean the data submitted each year via the ENERGY STAR® Portfolio Manager® tool using a template and submission link to be distributed and publicized by the City of Fort Collins. All information expressly denoted as mandatory by either ENERGY STAR® Portfolio Manager® or the City shall be included in the submission.

Water use intensity or *WUI* shall mean a building's water use expressed as all water sources divided by the building square feet (not including parking or irrigated area). A whole building's WUI is typically expressed in gallons per square foot per year (gal/ft^2/yr).

Sec. 12-203. - Building energy and water score reporting.

(a) *Reporting properties.* Owners of commercial and multifamily covered buildings, including City-owned covered buildings, with a gross floor area greater than five thousand (5,000) square feet, shall begin benchmarking building energy and water usage through ENERGY STAR® Portfolio Manager® starting June 1, 2022, and follow an annual reporting cycle thereafter:

(b) *Ongoing compliance*. Each covered building owner will report on an annual basis, as follows:

(1) *Benchmarking*. The Owner shall provide the information necessary to benchmark energy and water usage as defined in § 12-202 for the previous calendar year, such that reported data encompasses January 1 to December 31 of the prior calendar year .

(2) *Reporting*. For every building subject to this Article, the Owner shall annually submit to the City an energy and water benchmarking report according to the schedule set forth herein. The report shall be based on data entered into ENERGY STAR® Portfolio Manager® reflecting the energy and water performance information for the whole building during the full calendar year reported. The report shall, at minimum, include the building address, facility gross square footage, property type, and the individual or entity responsible for submitting the benchmarking report.

(3) *Transparency*. Reported benchmarking information and data obtained from reports submitted pursuant to this Article, including ENERGY STAR score, Energy Use Intensity, and Water Use Intensity, shall be available to the public, consistent with City open data policies, as adopted in Resolution No. 2017-014 and as amended from time to time.

(c) *Building Performance Standards.* The City Manager will promulgate rules consistent with §12-207 and pursuant to capital expansion projects, facilities master plan and design standards for City-owned buildings by December 31, 2022, establishing performance standards to achieve a reduction in building energy use of seven percent (7%) by 2026, compared to 2021 benchmarking data. City-owned building energy performance will be included in annual reports submitted to City Council as required in §12-208.

Sec. 12-204. - Data verification; records retention.

(a) Owners are required to submit accurate and complete data as defined in this Article and ENERGY STAR® Portfolio Manager® How to Get Utility Data into Portfolio Manager® and by using the data quality checker tool within ENERGY STAR® Portfolio Manager® for each Covered Building in their portfolio.

(b) Owners shall maintain the following records for a period of at least three years, and shall make such records available for inspection during business hours upon reasonable notice from the City:

(1) ENERGY STAR® Portfolio Manager® account data;

(2) Proof of tenant data requests for energy or space use attribute data from any separately metered tenants; and

(3) Any back-up information substantiating the energy data and space use attribute information entered into the ENERGY STAR® Portfolio Manager®.

(c) Any person who fails, neglects or refuses to submit accurate and complete data as required by this Article is subject to enforcement under § 12-206 of this Code.

Sec. 12-205. - Exemptions; variance.

(a) Owners may apply annually to the City Manager for exemption from the benchmarking and reporting requirements of this Article and in the manner described in any rules and regulations promulgated by the City Manager. The City Manager, or their delegate will review and render a decision on any application for exemption or variance from the requirements of this Article. An exemption or variance may be granted for any building that meets at least one of the following criteria:

(1) The building had an average physical occupancy of less than sixty (60) percent, throughout the calendar year for which benchmarking is required, based on criteria set forth in rules, regulations, policies and procedures adopted by the City Manager;

(2) The building is used 50% or more for industrial or agricultural processes, as such activities are defined by ENERGY STAR® Portfolio Manager®;

(3) The Owner can demonstrate the subject building's performance information is or involves a confidential business practice, including trade secret, privileged, or confidential commercial information. To qualify for this exemption, the Owner shall specifically identify the information it believes to be confidential and provide a written statement describing the manner in which public disclosure would cause substantial harm to the Owner's competitive position in efficient energy usage alone will not be considered confidential commercial information; and

(4) The building is a "public building" as defined by §12-202.

(5) The covered building meets the criteria for a waiver from benchmarking or reporting deadlines under C.R.S. §25-7-142 (5).

(6) The City Manager determines that, due to special circumstances unique to the applicant's building and not based on a condition caused by actions of the applicant, strict compliance with the benchmarking and reporting requirements would cause undue hardship or would not be in the public interest.

~~(b) The City Manager's determination regarding applicability of an exception or variance under this section shall be final; no further administrative review or appeal to the City shall be available to an Owner aggrieved by such determination.~~

~~**Sec. 12-206. - Implementation.**~~

~~The City Manager may adopt such other rules and regulations concerning the benchmarking and reporting of building performance information as may be necessary to implement the provisions of this Article not in conflict with such provisions.~~

~~**Sec. 12-207. - Violations and penalties.**~~

~~Any person who violates §12-203 or §12-204 without an applicable exception or variance commits a civil infraction and is subject to the penalty provisions of §1-15(f) of the Code. Notwithstanding the citation service requirements otherwise set forth in § 19-65 of the Code, citations for violations of this section will be deemed properly served when delivered to the covered building owner or other responsible party by first-class mail at the last known address of said party, as reflected in the records of the City, County, or State. A copy of the citation may also be posted in a conspicuous place on the covered building.~~

~~Failure to comply with §12-203 or §12-204 in any calendar year shall constitute a single violation in that calendar year.~~

~~**Sec. 12-208. - Evaluation.**~~

~~The City Manager shall present an annual report to the City Council each year evaluating the Building Energy and Water Scoring Program output and outcomes.~~

~~**Secs. 12-209—12-219. - Reserved.**~~

ARTICLE XI. - BUILDING BENCHMARKING AND PERFORMANCE

Sec. 12-201. - Purpose and applicability.

(a) The purpose of this Article is to establish benchmarking and performance programs that require owners of covered buildings to benchmark building energy and water performance and increase transparency and access to community building information as outlined in §12-203.

(1) Improve and increase commercial building performance efficiency through building performance standards as outlined in §12-204 and §12-205 with the option of selecting one of two compliance pathways: Meeting site EUI targets outlined in Table 1; or achieving a minimum standard percent reduction as outlined in §12-205. Attainment of these requirements shall be demonstrated through annual benchmarking reports as outlined in §12-204(j).

(2) Building Benchmarking and Performance Standards are powerful tools to improve building performance and reduce energy use across Fort Collins. In alignment with the City's community-developed and council-adopted, Our Climate Future plan, benchmarking and performance programs are critical to reduce greenhouse gas emissions. As of 2025, buildings in Fort Collins accounted for over two thirds of our local greenhouse gas emissions. Improving building efficiency reduces greenhouse gas emissions and costs for owners and rate payers. It can also increase occupancy and tenant retention, improve health, safety, and comfort of occupants.

(3) The provisions of this Article shall:

a. Apply to any building owner who owns a covered building or is a registered agent of an entity owning a covered building within the City limits; and

b. Apply to aggregated utility usage data reported in a statistical format; including ENERGY STAR® score.

(4) This Article shall not apply to Fort Collins Utilities customer financial data or other data protected from disclosure under §26-26 of this Code, unless requested in writing by the utility customer.

(5) This Article applies to privately owned covered buildings as defined in §12-202 and in C.R.S. § 25-7-142.

(6) Benchmarking requirements shall apply to water use beginning on July 1, 2027.

Sec. 12-202. - Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meaning ascribed to them in this section. Words, terms, and phrases defined in the rules, regulations, policies and procedures adopted by the City Manager shall have the meaning set forth therein:

Baseline year means a calendar year of benchmarking reported data that building owner of a covered building selects to comply with standard percent reduction within one of these three (3) calendar years: 2023, 2024, or 2025.

Benchmarking means annually measuring a covered building's performance using the ENERGY STAR® Portfolio Manager® tool or other City-approved tool.

Building means any single structure utilized or intended for supporting or sheltering any occupancy, except if a single structure contains two or more individually metered units operating independently that have stand-alone heating, cooling, hot water, and other

mechanical systems, and no shared interior common areas. *Building* also means two (2) or more structures utilized or intended for supporting or sheltering any occupancy that:

(1) Is serviced by a common energy meter;
(2) has a common heating or cooling system;
(3) share interior common areas; or
(4) whose configuration otherwise prevents an accurate determination of the energy consumption attributable to each individual structure.

Building performance standards (BPS) means the performance targets that a covered building must meet to achieve the energy requirements as outlined in §12-204.

***Exception*:** For the purposes of compliance with building performance standards in §12-204, multifamily residential, buildings under ten thousand (10,000) square feet total Gross Floor Area, and buildings constructed in compliance with the 2024 International Energy Conservation Code (IECC) or subsequent codes are excluded. These buildings will still need to comply with benchmarking requirements in §12-203.

Campus means a collection of two or more buildings that are owned and operated by the same building owner, have a shared purpose and function as a single property.

Covered building means a commercial or multifamily building comprising a gross floor area of five thousand (5,000) square feet or more that is occupied by a single occupant or a group of tenants.

***Exception*:** Excludes public buildings, aside from City-owned buildings, and buildings used fifty (50) percent or more for industrial or agricultural processes, as such activities are defined by ENERGY STAR® Portfolio Manager® tool or other City-approved tool.

ENERGY STAR® Portfolio Manager® means the online tool created by the US Environmental Protection Agency used to measure and track a building's energy use, water consumption, waste diversion and greenhouse gas emissions.

Energy use intensity (*EUI)* means a building's total amount of energy for all fuel types used by a building, expressed as energy per square foot per year as a function of its size and other characteristics. A whole building's EUI is typically measured in thousands of BTU per square foot per year (kBTU/ft ^{2} /yr).

Final performance standard means the numeric site EUI target or standard percentage reduction target the covered buildings shall achieve during the 2035 calendar year and thereafter as reported in the ENERGY STAR® Portfolio Manager® tool or other City-approved tool as outlined in §12-205.

Gross floor area (GFA) shall mean the total building area, as measured from the outside surface of each exterior wall of the building, including above-grade and below-grade space.

Interim performance standard means the numeric site EUI target or standard percentage reduction target the covered buildings shall achieve during the 2031 calendar year as reported in the benchmarking tool.

kBtu means thousand British thermal units.

Mixed-use building means a building that contains two or more property types.

Multifamily building means, for the purposes of this Article, a covered building that includes apartments and condominium buildings three stories or more in height above grade and representing multifamily structures defined by a typical R-2 occupancy by the International Building Code. Individual multifamily buildings within a complex are benchmarked together as a campus. (If any building within the campus is three [3] stories or more above grade, the whole complex is covered together and reports as one single entity if the total square footage of all buildings combined is at least five thousand [5,000] square feet.).

Occupancy means the percentage of a property's gross floor area that is occupied and operational.

Owner means the person or entity, including common interest ownership groups having a legal or equitable interest in real property and the associated asset features of a covered building during the calendar year in which benchmarking or building performance standards as required in §12-203 and §12-204.

Property financial distress means the property owned by the building owner is experiencing at least one of the following conditions:

(1) The property has been included on the City's, Larimer County's annual tax lien sale list within the previous two years;
(2) The property is an asset subject to a court-appointed receiver that controls the asset due to financial stress;
(3) The property is owned by a financial institution as a result of a default by a borrower;
(4) The property has been acquired by a deed in lieu of foreclosure; or
(5) The property is the subject of a senior mortgage subject to a notice of default.

Property type means the building property use type that the building owner selects in the ENERGY STAR® Portfolio Manager® tool as listed in §12-205.

Public building means a covered building owned by:

(1) The state;
(2) A local government;
(3) A district or special district regulated under Title 32 of the Colorado Revised Statutes;
(4) A state institution of higher education;
(5) A private institution of higher education as defined in C.R.S §23-18-102(9);
(6) A school district created pursuant to Article 30, Title 22 of the Colorado Revised Statues; and
(7) A charter school authorized pursuant to Part 1 of Article 30.5, Title 22 of the Colorado Revised Statutes.

Renewable energy means electricity generated from a source that is not depleted when used.

Reporting or *reports* means the data submitted each year via the ENERGY STAR® Portfolio Manager® tool or other City-approved tool using templates and submission links to be distributed and publicized by the City of Fort Collins. All information expressly denoted as mandatory by either ENERGY STAR® Portfolio Manager® or the City shall be included in the submission. Energy and water shall be separately reported.

Site energy-use intensity or *Site EUI* means a measurement of a building's site energy use relative to the building's size, calculated by dividing the total net energy the building consumes in one year by the building's gross floor area, excluding any parking garage, and that is reported in thousands of British thermal units per square foot per year.

Standard percent reduction means the minimum required percentage reduction as defined in §12-205 (b).

Unoccupied means a building without occupants or tenants other than security, maintenance staff, or construction workers during a construction or renovation project.

Water use intensity (WUI) means a building's water use expressed as all water sources divided by the building square feet (not including parking or irrigated area). A whole building's WUI is typically expressed in gallons per square foot per year (gal/ft ^{2} /yr).

Weather-normalized means a method for modifying the measured building energy use in a specific weather year to energy use under normal weather conditions.

Sec. 12-203. - Building benchmarking and reporting.

Reporting properties. Building owners of commercial and multifamily covered buildings, including City-owned covered buildings, with a gross floor area equal to or greater than five thousand (5,000) square feet, shall benchmark building energy and water usage

through ENERGY STAR® Portfolio Manager® or other City-approved tool, and follow an annual reporting cycle thereafter.

(1) *Ongoing compliance*. Each covered building owner will report on an annual basis, as follows:

a. *Benchmarking*. The building owner shall provide the information necessary to benchmark energy and water usage as defined in § 12-202 for the previous calendar year, such that reported data encompasses January 1 to December 31 of the prior calendar year.

b. *Reporting*. For every building subject to this Article, the building owner shall annually submit to the City energy and water benchmarking reports according to the schedule set forth herein. The reports shall be based on data entered into ENERGY STAR® Portfolio Manager® or other City-approved tool reflecting the energy and water performance information for the whole building during the full calendar year reported. The report shall, at minimum, include the building address, facility gross square footage, property type, and the individual or entity responsible for submitting the benchmarking reports.

c. *Transparency*. Reported benchmarking information and data obtained from reports submitted pursuant to this Article, including ENERGY STAR® score (if available), Energy Use Intensity, and Water Use Intensity, shall be available to the public, consistent with City open data policies, as adopted in Resolution No. 2017-014 and as amended from time to time.

Sec. 12-204. - Building performance standards.

(a) *Properties covered by building performance standards.* Building owners of covered buildings with a gross floor area equal to or greater than ten thousand (10,000) square feet, shall comply with building performance standards as outlined in this Article.

(b) *Benchmarking*. Building owners of covered buildings shall continue to provide the information necessary to benchmark energy and water usage as required in §12-203.

(c) *In general.* Building owners of covered buildings shall demonstrate compliance with the building performance standards during the 2031 interim target year and 2035 final target year, through benchmarking reports showing the prior year performance shall be submitted no later than June 1, 2032, and June 1, 2036. The 2035 compliance targets must be maintained each subsequent year until ordinance language is changed.

(d) *Interim targets.* Interim targets will be uniquely assigned to each building to reflect a midpoint between 2025 reported benchmarked use and 2035 target use based on a straight line from the building's 2025 reported energy use to their final target EUI. If 2025 benchmarked data is not available, interim targets included in §12-205 will be used until

accurate benchmarking data are submitted, at which point it will be assigned based on building use.

(e) *Change in ownership.* Responsibility to comply shall not be affected by changes in ownership or owner/tenant lease agreements. Approved adjustments will be reevaluated upon change in ownership.

(f) *Changes in property type*. If a covered building's property type changes the established target will be changed to the new property type.

(g) *Renewable energy.* Renewable energy generated on-site, as measured in kWh, will be credited towards energy use, lowering the target EUI.

(h) *Transparency.* The City shall publish each building's final and interim building standards and the buildings' performance against those standards on an annual basis.

(i) *Building performance standards in City-owned buildings. City*-owned building energy performance will be included in annual reports submitted to City Council as required in §12-203, and City-owned covered buildings will be subject to building performance standards requirements defined in this Article.

(j) *Demonstrating building compliance.*

(1) Owners of covered buildings shall use the ENERGY STAR® Portfolio Manager® tool or other City-approved tool, to demonstrate the following:

a. In the compliance benchmarking report due on June 1, 2032, a demonstration that the covered building has met the interim site EUI target or standard percent reduction for calendar year 2031.

b. In the compliance benchmarking report due on June 1, 2036, a demonstration that the covered building has met the site EUI target or standard percent reduction for calendar year 2035.

(2) Each covered building must maintain compliance with the final building performance standards each subsequent year until ordinance language is changed.

(k) *State covered buildings.* For buildings that are also covered by the State of Colorado building performance standards requirements as defined in 5 CCR 1001-32, those buildings shall be deemed in compliance with the Fort Collins requirements if the State of Colorado has determined they are in compliance with the State requirements.

(l) *Disclosure upon sale.* The owner of a covered building shall disclose the covered building's compliance status in documentation concerning the sale of the covered building to all prospective buyers prior to the sale of the building, including all performance targets, any approved alternate compliance pathways, and any penalties assessed.

(m) *Data Verification*. Covered buildings must submit third-party data verification for benchmarking data of baseline, interim, and final target years at the City's request.

Section 12-205. - Performance metrics.

(a) Building owners of covered buildings must reduce energy use through one of the following building performance standards compliance pathways:

(1) Meet the site EUI targets included in Table 1 by demonstrating that the building's weather normalized site EUI during the interim and final target calendar years are less than or equal to the applicable site EUI targets; or

(2) Meet the standard percent reduction.

(b) *Standard percent reduction:* Instead of achieving the site EUI targets in Table 1, a covered building owner may opt to comply by achieving and maintaining the standard reduction target based on their covered building's weather-normalized site EUI as compared to the covered building's baseline year. Under this compliance pathway, the covered building must:

(1) In 2031, achieve and maintain a standard percent reduction of twelve (12) percent in comparison to the covered building's benchmarked baseline weather-normalized site EUI.

(2) In 2035, achieve and maintain a standard percent reduction of twenty-five (25) percent in comparison to the covered building's benchmarked baseline weather-normalized site EUI.

(c) *Establishing baseline EUI.*

(1) Building owners who will use the standard reduction pathway must report to City which year they will use as baseline through a City-approved form. If building owners do not select a baseline year, the City will assign the year with the highest weather normalized site EUI.

(2) For existing covered buildings where no baseline data is available, the City will establish reasonable baseline data based on benchmarking data for that covered building from other years if available, or on the average reported use for that property type if historical benchmarking data is not available.

(3) For new covered buildings, the baseline data shall be the predicted weather normalized site EUI for that covered building if one was submitted as part of energy code compliance. If no predicted EUI is available, program administrators will establish a reasonable baseline based on the average reported use for that property type.

Table 1: Building Performance Targets by Property Type

Property Type	Interim Site EUI	Final Site EUI
Adult Education	85	77
Ambulatory Surgical Center	117	105
Aquarium	122	112
Automobile Dealership	78	71
Bank Branch	91	82
Bar/Nightclub	264	249
Barracks	103	96
Bowling Alley	64	57
Casino	122	112
College/University	103	93
Convenience Store with Gas Station	262	237
Convenience Store without Gas Station	262	237
Convention Center	122	112
Courthouse	94	84
Data Center	Note i	Note i
Distribution Center	60	54
Drinking Water Treatment & Distribution	147	131
Enclosed Mall	130	119
Energy/Power Station	147	131
Fast Food Restaurant	264	249
Financial Office	63	56
Fire Station	68	62
Fitness Center/Health Club/Gym	68	61
Food Sales	262	237
Food Service	264	249
Hospital (*General Medical & Surgical) (Excluded)*	*191*	*173*
Hotel	71	65
Ice/Curling Rink	122	112
Indoor Arena	44	40
K-12 School (Excluded)	53	48
Laboratory	240	215
Library	70	63
Lifestyle Center	106	96
Mailing Center/Post Office	93	83
Manufacturing/Industrial Plant (Excluded)	*87*	*79*
Medical Office	63	56
Mixed Use Property	Note ii	Note ii
Movie Theater	102	92
Multifamily Housing (Excluded)	47	43
Museum	77	69
Non-Refrigerated Warehouse	40	36

Property Type	Interim Site EUI	Final Site EUI
Office	63	56
Other	73	66
Other – Education	85	77
Other – Entertainment/Public Assembly	61	55
Other – Lodging/Residential	75	69
Other – Mall	79	72
Other – Public Services	94	84
Other – Recreation	122	112
Other – Restaurant/Bar	235	219
Other – Services	63	56
Other – Specialty Hospital	116	104
Other – Technology/Science	147	131
Other – Utility	122	109
Outpatient Rehabilitation/Physical Therapy	117	105
Parking	Note iii	Note iii
Performing Arts	74	67
Personal Services (Health/Beauty, Dry Cleaning, etc.)	93	83
Police Station	94	84
Pre-school/Daycare	62	56
Prison/Incarceration	94	84
Race Track	122	112
Refrigerated Warehouse	69	61
Repair Services (Vehicle, Shoe, Locksmith, etc.)	59	52
Residence Hall/Dormitory	66	61
Residential Care Facility	102	94
Restaurant	235	219
Retail Store	55	49
Roller Rink	122	112
Self-Storage Facility	4	4
Senior Living Community	74	68
Social/Meeting Hall	50	45
Stadium (Closed)	122	112
Stadium (Open)	122	112
Strip Mall	112	103
Supermarket/Grocery Store	164	148
Swimming Pool	122	112
Transportation Terminal/Station	122	112
Urgent Care/Clinic/Other Outpatient	73	66
Veterinary Office	89	80
Vocational School	85	77
Wastewater Treatment Plant	147	131

Property Type	Interim Site EUI	Final Site EUI
Wholesale Club/Supercenter	96	87
Worship Facility	39	35
Zoo	122	112

i. Data Centers. ENERGY STAR® Portfolio Manager® provides estimates that allow buildings to identify these spaces' energy usage. The installation of a sub-meter to provide an accurate measure of data center energy data is strongly encouraged and considered a best practice. Energy use from data centers as defined by ENERGY STAR® Portfolio Manager® may be excluded from whole building data for the purposes of attaining BPS targets.

ii. Mixed Use Property. Mixed Use properties shall report their actual space use types to determine an EUI target which will be weighted by GFA.

iii. Parking. Using ENERGY STAR® Portfolio Manager® instructions, users with submetered parking may exclude that energy use and gross floor area from their benchmarking report. If data is not submetered, include the parking square footage in the benchmarking report and Portfolio Manager will estimate out parking's energy usage.

Section 12.206. - Building performance standards adjustments.

(a) *Adjusted Timeline.*

(1) To apply for a timeline adjustment, a covered building owner must submit an application on a City-approved form requesting an adjusted timeline, including:

a. The specific adjusted timeline needed.
b. Documentation of the need for the adjusted timeline.
c. The covered building owner's plan to achieve the performance targets within the adjusted timeline.
d. Purchase orders for necessary equipment demonstrating purchase and delivery dates, and/or any additional documentation supporting the need for an adjustment, as requested by the City.

(2) Building owners applying for an adjusted timeline must submit their application at least 30 days before December 31, 2031, for the interim performance standard, or at least 30 days before December 31, 2035, for the final performance standard.

a. Building owners will be eligible for an adjustment if they meet one or more of the following criteria:

1. Covered buildings undergoing a major renovation that does not align with the interim target dates but that will achieve the final target.

2. Building owners experiencing significant supply chain or workforce delays.

3. Building owners who can demonstrate a plan to replace building heating and cooling systems at end of life where the system

end of life occurs after the compliance period but within five (5) years of the final target.

4. Building owners can demonstrate that the property meets one or more of the conditions defined as property financial distress in §12-202.

5. Buildings that require updates to the electrical distribution infrastructure that cannot be completed in time to meet the building performance standard deadline.

6. Building owners that purchased a covered building within the twelve (12) month period before a required building performance standard deadline.

7. Building owners that qualify for a waiver for benchmarking during the interim and final building performance standard target years.

8. Building owners who have made a good faith effort to comply but encountered circumstances that prevented compliance through no fault of the building owner, as approved by the City Manager.

(3) If the City learns that an adjustment was granted based on materially inaccurate submissions, then the City may revoke or modify the adjustment.

(b) *Adjusted Targets.* To apply for a target adjustment, a covered building owner must submit an application on a City-approved form at least thirty (30) days before December 31, 2031, for the interim performance standard or at least thirty (30) days before December 31, 2035, for the final performance standard requesting an adjusted target, including:

(1) A third-party data verification for the previous year of benchmarking data.

(2) An energy audit completed by an approved energy auditor demonstrating improvement pathways.

a. The audit report must include the achievable weather-normalized site EUI for the building, based on the results and recommendations of the audit.

b. Energy auditors must be certified by the Association of Energy Engineers (AEE), ASHRAE, the Energy Management Association, the Building Performance Institute, or other certification approved by the City.

c. Energy auditors must certify that the results of the energy audit are accurate and complete.

(3) Narrative detailing the building characteristics (e.g., year of construction, state, City, or federal historical status, etc.) and any functional variations that qualify for an adjustment with a plan that shall include, at a minimum:

a. description of the circumstances that prevent the building from reasonably complying;

b. a physical description of the covered property;

c. an inventory of all major energy using equipment including their age, efficiency, fuel type, designed performance, and capacity as indicated on the nameplate;

d. recommendations, including engineering calculations, for proposed performance;

e. a timeline by which proposed improvements will be achieved; and

The City may request other information from the covered building owner in order to generate a standard performance adjustment target.

(4) Building owners will be eligible for an adjustment if they meet one or more of the following criteria:

a. Building owners can demonstrate that the property meets one or more of the conditions defined as property financial distress in §12-202.

b. Building owners whose buildings have inherent and unique characteristics of the physical building that make the weather normalized site EUI target and standard percent reduction unachievable.

c. Building owners who have made a good faith effort to comply but encountered circumstances that prevented compliance through no fault of the building owner, as approved by the City Manager.

(5) If the City learns that an adjustment was granted based on materially inaccurate submissions, then the City may revoke or modify the adjustment.

(6) The City Manager's determination regarding applicability of an adjustment under this section shall be final; no further administrative review or appeal to the City shall be available to an owner aggrieved by such determination.

Sec. 12-207. - Building benchmarking and building performance standards annual waivers.

(a) Each year, building owners may apply to the City Manager for a one-year waiver from the benchmarking reporting and/or building performance standards if a building will not meet its targets under §12-205. In order to apply for this waiver condition, the building owner must submit an application at least thirty (30) days before the benchmarking deadline of June 1 and thirty at least thirty (30) days before December 31, 2031, for the interim performance standard and at least thirty (30) days before December 31, 2035, for the final performance standard. The City Manager, or their delegate will review and render a decision on any application for waivers from the requirements of this Article. Building owners' will be eligible for a waiver if they meet one or more of the following criteria:

(1) The building had an average physical occupancy of less than sixty (60) percent throughout the calendar year for which benchmarking is required, based on criteria set forth in rules, regulations, policies and procedures adopted by the City Manager;

(2) A demolition permit was issued or demolition is scheduled that will prevent achievement of the targets;

(3) The covered building did not have a certificate of occupancy or temporary certificate of occupancy for all twelve months of the year prior to the building performance standard target year or benchmarking compliance year;

(4) The building owners of the property can demonstrate that the property meets one or more of the conditions defined as property financial distress in §12-202;

(5) The City Manager determines that, due to special circumstances unique to the applicant's building and not based on a condition caused by actions of the applicant, strict compliance with any requirements under this Article would cause undue hardship or would not be in the public interest.

(b) If a building owner receives a one-year benchmarking waiver approval, it does not exempt them from the building performance standard requirements.

(c) Any owner requesting a waiver shall provide the City any and all documentation requested to substantiate the request or otherwise assist the City in the waiver determination.

(d) If the City learns that a waiver was granted based on materially inaccurate submissions, then the City may revoke or modify the waiver.

(e) The City Manager's determination regarding applicability of a waiver under this section shall be final; no further administrative review or appeal to the City shall be available to an owner aggrieved by such determination.

Sec. 12-208. - Records retention.

(a) Owners are required to submit accurate and complete data as defined in this Article and ENERGY STAR® Portfolio Manager® or from other City-approved benchmarking guidance.

(b) Owners shall maintain the following records for a period of at least seven years, and shall make such records available for inspection during business hours upon reasonable notice from the City:

(1) Account data from City-approved benchmarking tool.

(2) Proof of tenant data requests for energy or space use attribute data from any separately metered tenants.

(3) Any back-up information substantiating the energy and space use attribute information entered into the ENERGY STAR® Portfolio Manager® or City-approved benchmarking tool.

(4) Demonstration of compliance with the chosen Building Performance Standards compliance pathway for Building Performance Standards covered buildings, including results from the ENERGY STAR® Portfolio Manager® or City-approved benchmarking tool.

(5) Any waiver or adjustment submissions regarding compliance status.

(6) Records of any upgrades made to comply with the building performance standards requirements (e.g., receipts, invoices).

(c) Any building owner who fails, neglects or refuses to submit accurate and complete data as required by this Article is subject to enforcement under § 12-210 of this Code.

Sec. 12-209. - Implementation.

The City Manager may adopt such other rules and regulations concerning the benchmarking and building performance standards requirements as may be necessary to implement the provisions of this Article not in conflict with such provisions. Any adopted rules and regulations shall be clearly stated and shall become effective upon the filing of

such regulations with the office of the City Clerk and the posting of a notice of the adoption of the regulations on the City's website. Such notice shall include the effective date of the regulations, and notice that the full text of the regulations is on file in the office of the City Clerk.

Sec. 12-210. - Violations and penalties.

(a) Any building owner who violates §12-203 commits a civil infraction and is subject to the penalty provisions of §1-15(f) of the Code. Failure to comply with benchmarking in §12-203 in any calendar year shall constitute a single violation in that calendar year.

(b) Any building owner who fails to comply with meeting the applicable interim or final site EUI target or standard percent reduction in §12-204 and §12-205 shall, severally and for each and every violation in noncompliance respectively, be liable for a civil infraction and subject to a civil penalty in the amount of up to seventy cents ($0.70) for each required kBtu reduction that the building owner fails to achieve.

(c) For the purposes of ~~this Article,~~ §12-204 and §12-205, each active violation and every calendar quarter during which the violation continues shall constitute a separate violation.

(d) Unpaid fines may result in a lien on the property and shall continue at all times against the property until the amount is fully paid.

(e) Notwithstanding the citation service requirements otherwise set forth in §19-65 of the Code, citations for violations of this section will be deemed properly served when sent to the covered building owner or other responsible party by first-class mail at the last known address of said party, as reflected in the records of the City, County, or State. A copy of the citation may also be posted in a conspicuous place on the covered building.

Sec. 12-211. - Evaluation.

The City Manager shall present an annual report to the City Council each year evaluating the building Benchmarking Program output and outcomes and additional information on building Performance Standards as available.

Secs. 12-212—12-219. - Reserved.

Introduced, considered favorably on first reading on December 2, 2025, and approved on second reading for final passage on December 16, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: December 26, 2025
Approving Attorney: Yvette Lewis-Molock

Exhibit: None