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**MEETING AGENDA OF THE  
PLANNING COMMISSION OF THE TOWN OF FRISCO  
FRISCO TOWN HALL  
1 MAIN STREET  
FRISCO, COLORADO 80443  
JUNE 4, 2026  
5:00 PM**

**Roll Call:**

April Connolly, Candice De, Lina Lesmes, Jessica Forsyth, Andy Stabile, Ira Tane, Kelsey Withrow

**Minutes:**

Approval of the May 21, 2026, Planning Commission meeting minutes

**Public Comments:**

Citizens making comments during Public Comments on items not on the agenda shall state their names and addresses for the record, be topicspecific, and limit comments to no longer than three minutes. No Planning Commission action is taken on public comments. The Commission will take all comments under advisement and if a response is appropriate the individual making the comment will receive a formal response from the town at a later date.

**Agenda Items:**

- Agenda Item #1: **Work Session UDC-26-0002, Drive-through Facilities and Tavern Terminology:** A work session to discuss proposed amendments to Chapter 180 of the Code of Ordinances, concerning drive-through facilities and tavern terminology.
- Agenda Item #2: **Work Session UDC-26-0001: Landscaping and Revegetation Requirements:** A work session to discuss proposed amendments to Chapter 180 of the Code of Ordinances, concerning landscaping.

**Staff and Commissioner Updates:**

**Adjourn:**



## RECORD OF PROCEEDINGS

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**Meeting of the Planning Commission for the Town of Frisco  
Town Hall, 1 East Main Street  
Thursday, May 21, 2026, at 5:00 P.M.**

**Call to Order:** Lina Lesmes, Chair, opened the meeting at 5:00 p.m.

**Roll Call:** Present: April Connolly, Lina Lesmes, Kelsey Withrow, Jessica Forsyth, Andy Stabile & Candice De arrived at 5:01 p.m.  
Absent: Ira Tane

**Minutes:** Approval of the April 16, 2026, Planning Commission meeting minutes  
The minutes were approved unanimously.

**Public Comment (non-agenda items):** There were no public comments.

**Agenda Items:**

**1. Planning Commission to Elect Officers**

MOTION MADE BY PLANNING COMMISSION MEMBER WITHROW TO APPOINT ANDY STABILE AS CHAIR AND CANDICE DE AS VICE-CHAIR. MOTION SECONDED BY PLANNING COMMISSION MEMBER FORSYTH. MOTION CARRIED UNANIMOUSLY.

**2. Planning File No. MAJ-26-0002:** A sketch plan review of the Major Site Plan application for a proposed residential development consisting of eight (8) new townhomes and one existing home to remain. Location: 40 and 42 Granite Street / Lots 6-12, Block 3, King Solomon Sub #2 Applicant: Ed Enck representing MACATR LLC, Shawna R Brooks, Angela D Burger, PRO PROPERTIES LLC (owners).

Emma Heth, Planner II, presented the staff report and explained the proposal to construct eight new townhomes and keep one existing house at 40 and 42 Granite Street. Heth noted that a minor site plan application was approved in 2024 to relocate the house at 40 Granite to the northwest corner of the site and demolish a detached garage to prepare for future development. The house at 42 Granite will be demolished as part of this application. The new units will be spread across 4 buildings.

Heth noted that Staff is encouraging the applicant to consider constructing a sidewalk along Granite Street as part of this project, according to the Granite Street plan. However, the applicant is not required to construct the sidewalk. Staff requested that the Commission comment on the building designs, roof pitches, tandem parking, snow storage, and access and if they have concerns.

## COMMISSION QUESTIONS FOR STAFF:

- Commissioners asked about the roof pitches and design pitches and if they are viewed as each building or as a whole. Heth reviewed that each building is looked at individually but the Code is not clear on the specific amount of pitches needed.
- Commissioners asked about the parking and access. Heth replied that the tandem parking is in individual garages or in front of garages. Heth also mentioned that it would be up to Public Works if they would allow the four driveway accesses or if they would require them to be combined for shared access.
- Commissioners requested an elevation of all buildings in one image, including the already existing home. Heth replied that has not been submitted.
- Commissioners asked if the existing house would be residential. Heth replied yes.
- Commissioners asked about the bedrooms in the existing house. Heth replied that since it was separated with walls and a door it meets the definition of a bedroom through Planning.
- Commissioners asked about the common amenity space identified on the plan and if it was required. Heth replied that it is not required; the applicant is just providing it.
- Commissioners asked for further information regarding snow storage and requirements to be adjacent to parking area. Emma explained that the code does say it has to be adjacent to the area.
- Commissioners asked if the proposed development would impact the future Granite Street improvements. Heth replied no, parking in that plan is on the opposite side of the street.
- Commissioners asked about the County's access permit. Heth explained that the sidewalk out of Unit 4 would have to be redirected. The County does not allow a pedestrian connection if there is no pedestrian infrastructure in the ROW.
- Commissioners asked about landscaping. Heth referred landscaping questions to the applicant.
- Commissioners asked about the 30 foot driveway separation and Public Works waivers. Kent replied that the Commissioners can provide their input and Staff will distribute to Public Works.
- Commissioners asked about requiring a sidewalk. Heth replied that the Town Attorney weighed in on this question and there is not strong enough code language to require the applicant to make improvements that are outlined in the other town plans.
- Commissioners asked if the topic of providing affordable or workforce housing ever came up. Heth replied she was unsure of initial conversations.

The applicant, Ed Enck, of SDC, representing the property owners introduced Rhonda Campbell and Scott Campbell, presented and explained that the developer moved the existing house and added the duplex so they sit on the property closest to the single-family residence, aiding in the transition to townhomes being proposed closer to existing higher density.

Enck noted they made the courtyard larger as an amenity. Enck noted that they have had no negative feedback on this design layout from other projects they built with the same layouts and noted that they reduced the original access points off Granite Street to compromise with Public Works. Enck replied there is a modeling error and there are no bulk plane encroachments. Enck noted that the office space in the existing home is 49 sq. ft. Enck stated he heard the comments on snow storage and will address. Enck reviewed the architectural design overall concept and noted it is contemporary but gives a nod to the mining main street towns with the flat roofs and some pitched roofs and recognized the materials have proven successful throughout town.

#### COMMISSION QUESTIONS FOR APPLICANT:

- Commissioners asked the applicant if they considered affordable housing incentives. Enck replied that bonus density does not pencil out for a developer since a larger unit is more desirable and the affordable units cost more than you can sell them for.
- Commissioners asked if the roofs will sustain a hot tub. Enck replied yes.
- Commissioners asked if the sidewalks don't meet doors intentionally. Enck replied that was a drawing error, the sidewalks will meet doors.
- Commissioners asked why the applicant finds the structure meets the roof pitch requirements. Enck replied that the look comes from the old mining main street historical look and noted that the sloped roofs are the patio roofs to mimic the historical look. Enck acknowledged that they can add more pitched elements if the Commission wanted them.
- Commissioners asked for more information on the pedestrian flow throughout the development. Enck replied that every front door gets to the paved surface in the right-of-way and they have been working with Public Works on the Complete Street plan so it does not conflict. Enck stated that they want to ensure what they do is not dug up by the Town when Granite Street plans are further designed and implemented. Enck explained he wanted people to be able to access the common area courtyard.
- Commissioners asked about snow removal from the rooftop decks. Enck replied that most are semi-covered, it will be by hand and then they will throw snow off into designated snow storage areas.
- Commissioners asked who these are designed for. Rhonda Campbell replied they are typically selling units to people out of state and in the front range.
- Commissioners asked if there would be gas hook-ups. Enck replied yes but they can discuss all electric noting the hydronic heating would take a lot of electricity and people are also asking for air conditioning lately.
- Commissioners asked for verification on the structure being demolished. Campbell replied there are two kitchens in that structure.

Public Comment opened at 5:52 p.m.

#### PUBLIC COMMENTS:

Gail Culp, 46 Granite Street - Expressed concern with snow removal; primarily with all the driveways facing the alley and where will town's snow be stored on alley. Additionally, she requested information about the geothermal project and whether this new project can tie in.

Public Comment closed at 5:54 p.m.

#### COMMISSIONER DISCUSSION:

- Commissioners agreed they supported the overall design.
- Commissioners requested additional pitched roof elements to meet the intent of the Code.
- Commissioners agreed that there are concerns with snow storage that should need to be fine-tuned and shown to be functional.
- Commissioners agreed that they appreciated the concept of the courtyard but it could be more continuous.
- Commissioners noted that the applicant should add bollards or something similar to ensure the driveway corners do not naturally expand.

- Commissioners requested the applicant submit a schematic showing all structures at time of full site plan submittal.
- Commissioners requested the applicant do their best to provide pedestrian connections to make this corner feel safer than it is now.
- Commissioners noted they do not like the proximity of driveways to each other.
- Commissioners thanked the applicant for the transitional design between adjacent lots in the vicinity and for keeping track of the Granite Street complete streets project.
- Commissioners noted that the pedestrian walkways could be altered to improve mobility.
- Commissioners noted that the tandem spaces could align better and recommended the applicant adjust.
- Commissioners noted they wished the applicant was providing affordable housing.

**3. Planning File No. TELECOM-25-0002:** A Telecommunication Special Use Permit Application for the installation of a new telecommunication facility to be in place for up to two years. Location: 103 W Main Street / Public Right-of-Way Applicant: Ben Feldman, BMF Development LLC, representing AT&T and NHPF West Main LLC.

Commissioner Stabile informed the Commission that he did not take part in the application design and so was not recusing himself.

Kris Valdez, Principle Planner, presented the staff report noting that as part of the construction of 101 W Main Street, the existing rooftop AT&T facility must be removed. Additionally, to ensure service continuity during this period a temporary tower is proposed to be located in the public right-of-way and will be operational for a duration of up to two years. Valdez noted that the telecommunications facility ensures a reliable communication infrastructure for residents and visitors while maintaining critical services during redevelopment activities, such as emergency response.

#### COMMISSION QUESTIONS FOR STAFF:

- Commissioners asked about the barrier around it and if there would be signage on it. Valdez replied that there would be warning signage on the fencing.
- Commissioners asked how many parking spaces would be impacted. Valdez said four to five.
- Commissioners asked if there were alternate sites looked at. Valdez replied yes, there were several. One would have been within the wetland setback. Other town owned properties were reviewed but it would not provide adequate service for I-70 and the community.
- Commissioners asked about the W Main parking lot area. Valdez replied due to electrical service it could not go there.
- Commissioners noted they wanted to receive more information about the impact and location if this was placed within the wetland setback. Valdez referred to the applicant.
- Commissioners asked if the applicant is paying the Town to utilize the parking spaces in the ROW. Valdez replied she did not know.
- Commissioners asked for information on the brown box on the RF diagram. Valdez replied she did not know what it was.
- Commissioners asked if this would be shorter than the flagpole at 101 W Main St. Valdez replied yes.

The applicant, Ben Feldman, of BMF Development LLC, representing AT&T, introduced himself and explained this location stating that this is a hub for the small cell on Main Street light poles and so the temporary tower needs to be close to this building to keep the small cell equipment working in service.

Brett Ruby of The NHP Foundation reviewed locations that were looked at included Town Hall and every other empty lot that was owned by the Town in the area. Ruby noted they looked at the area along Creekside Drive but it was not feasible due to the infrastructure in that location.

#### COMMISSION QUESTIONS FOR APPLICANT:

- Commissioners asked for further information on the location looked at within the wetland setback. Ruby replied that it would be not just in the setback but extremely close to the wetlands.
- Commissioners asked about the pad of the platform. Feldman replied it was about 17' x 17' concrete blocks that go on a steel platform.
- Commissioners asked if there could be a lower level of service with a smaller impact in the wetland setback. Feldman replied that the Town wanted to keep service available on I-70 and if it was pushed back in the setback it would reduce coverage.
- Commissioners asked if there could be two smaller towers. Feldman replied that would be difficult and a higher expense. Ruby replied that the cost to an affordable project needs to be weighed in since NHP Foundation has a lease obligation to AT&T.
- Commissioners asked what the timeline was to install this. Feldman replied after they receive a building permit, it will be a day for a crane to get the platform installed and then a couple weeks to get all equipment up and connected.
- Commissioners asked if private property was looked at. Ruby replied no.
- Commissioners asked how this would be visibly screened and safety preserved. Feldman replied concrete barriers and reflectors would be added along with fencing for safety.
- Commissioners asked where they are at with a permanent site. Feldman replied they think it will go on the existing foundation when building is demolished and may be a tree appearance.
- Commissioners noted they would like to add a condition limiting this approval for two years.
- Commissioners asked if there was a payment to the Town. Feldman said the revocable license does have a payment but he does not know what it is.

Public Comment opened at 6:34 p.m.

PUBLIC COMMENTS: None

Public Comment opened at 6:34 p.m.

#### COMMISSIONER DISCUSSION:

- Commissioners had mixed opinions about whether this is the best location for this tower to go.
- Commissioners noted they do not like the overflow into the right-of-way and this is obtrusive.
- Commissioners noted that the encroachment of the existing building is already 15' into the wetland setback and could push the tower further into wetlands than the Commissioners would be comfortable with.
- Commissioners stated that they did not appreciate the timeline and the cost restraints of the project.
- Commissioners agreed they wanted to add a condition that this may not remain for more than two years.
- Commissioners asked the applicant when the permanent tower could be started. Ruby replied at least twelve months.
- Kent stated that the Commission should not take the cost of payment to the Town to use the right-of-use space is not in the Planning Commission purview.
- Valdez showed the alternative locations that were looked at.

**MOTION:**

With respect to File No. TELEC-25-0002, I Forsyth moved that the recommended findings set forth in the May 21, 2026, staff report be made and that the recommended conditions set forth therein be taken and that the Planning Commission hereby APPROVES the request for a Telecommunication Special Use Permit Application for the installation of a new telecommunication facility to be in place for up to two years, located at 103 W Main Street / Public Right-of-Way with an additional condition that it be installed for no more than two (2) years.

**MOTION SECONDED BY PLANNING COMMISSIONER WITHROW**

**VOTE: FORSYTH - YEA, DE – YEA, WITHROW – YEA, CONNOLLY – YEA, STABILE - YEA**

**NOES: LESMES – NAH**

**MOTION: PASSED**

- 4. Planning File No. UDC-26-0003:** A public hearing to consider amending Chapter 180 of the Code of Ordinances of the Town of Frisco, concerning the Unified Development Code, by amending Table 5-1 and Amending Section 180-5.2.8, to permit residential uses in the Light Industrial District

Katie Kent, Community Development Director, reviewed the staff memo provided in the Commissioner's packet. Kent reviewed the background of the item along with proposed code changes noting that modifications made since the last Commission discussion on this topic included direction from Council to have a priority period for on-site employees, and then open the availability to those employed for a business within the community and to limit the size of unit(s) to no greater than the square footage of the ground floor. Kent requested the Commission provide feedback on the suggested 100% AMI used in proposed language. Kent noted that this is a formal recommendation to Town Council which will require a vote.

**COMMISSIONER DISCUSSION:**

Commissioners discussed the topics and provided the following overall feedback:

- Commissioners asked for clarification of whether Council wanted an income cap. Kent replied yes, they wanted a cap; however, a number was not discussed.
- Commissioners asked if priority for employee would be given every time a tenant moves out and if an employee was not interested it would then be noticed with the AMI and work restrictions. Kent replied yes.
- Commissioners asked if there was a timeline of how long a tenant could occupy the unit. Kent responded, not currently but this detail would be figured out after Commissioner's recommendation and Council's approval.
- Commissioners asked what would happen if a tenant that was employed by that business took a job elsewhere in Summit County. Kent said the unit would have to be offered to another employee and if an employee was not interested it would be opened to persons employed within the County.
- Commissioners discussed if people that were employed in the county would have to requalify with proof of employment and AMI every 12 months. Kent confirmed the SCHL would do the monitoring.
- Commissioners ask if the units could ever be sold. Kent said no.
- Commissioners asked about parking. Kent said they would need to meet affordable housing regulations.

- Commissioners asked if the Mixed-Use Parking Credit could be used. Kent said yes, it is allowed in Light Industrial as well.
- Commissioners asked if the covenant would be attached to a business. Kent said it would be identified by the address unit that would be given by Summit County GIS. The covenant would be recorded in the clerks office on the property.
- Commissioners asked if the units are owned by the business or leased. Kent said it depends on which unit you are looking at; some buildings rent spaces and some buildings are condominiumized with different owners.
- Commissioners recommended the term “submitted” should be changed to “the standard Town covenant shall be required and recorded” in the process.
- Commissioners agreed with Staff recommendation that employees should get first right of refusal.
- Commissioners asked for clarification on whether the AMI is the income level or the rental rate. Kent explained that all the Town covenants match the rental rate with income and there is no buffer currently.
- Commissioners discussed the proposed 100% AMI and supported a 20% buffer in income to adjust for the high rental rates.
- Commissioners had mixed feelings about whether the employer or owner of the business could be allowed to live in the unit.
- Commissioners questioned whether one unit would be allowed under the multi-unit dwelling use type, which is defined as three or more dwelling units. Commissioners instructed Staff to ensure future language allows for one or two units to be built.
- Commissioners inquired if there could be a restriction on how long someone could lease these units. Kent mentioned that a new housing law was adopted last year that limits the reasons a landlord could terminate or not renew a lease but will look into it more.

Public Comment opened at 7:36 p.m.

PUBLIC COMMENTS: None

Public Comment opened at 7:36 p.m.

#### MOTION:

Commissioner Forsyth made a motion to continue Planning File No. UDC-26-0003, a public hearing amending Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, to a date to be determined.

#### **MOTION SECONDED BY PLANNING COMMISSIONER STABILE**

**VOTE: LESMES – YEA, FORSYTH - YEA, DE – YEA, WITHROW – YEA, CONNOLLY – YEA, STABILE - YEA**

**NOES: NONE**

**MOTION: PASSED**

#### **Staff and Commissioner Updates:**

1. There will be a meeting on June 4, 2026, which will include two work sessions; one on drive-through locations and the other on landscaping modifications to the code.
2. There will be no meeting on June 18, 2026.

#### **Adjournment:**

There being no further business, Commissioner Withrow made a motion to adjourn, seconded by Commissioner Connelly, and it was unanimous. The meeting adjourned at 8:00 P.M.

Respectfully submitted,  
Kimberly Jackson  
Community Development Department



## PLANNING COMMISSION STAFF MEMORANDUM

June 4, 2026

TO: Planning Commission

FROM: Emma Heth, Planner II

RE: Work session to discuss proposed amendments to Chapter 180 of the Code of Ordinances, concerning drive-through facilities and tavern terminology.

### SUMMARY

Before the Planning Commission on June 4, 2026 is a work session for proposed modifications to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado, regarding drive-through facilities and tavern terminology. Staff has drafted proposed code amendments based on the recommendations from Town Council during their work session, but want to give Planning Commission a work session opportunity to discuss the changes and specifically whether to allow drive-through facilities in other zoning districts by right or conditional use. Following this Planning Commission work session, another work session will be held with Town Council to confirm their direction.

The proposed code amendments would add "drive-through facility" as an accessory use in the Table of Uses. The proposed definition of "drive-through facility" is similar to the existing definition of "drive-through business," with some clarification. The proposed amendments also remove all instances of the word "tavern" from the Table of Uses and parking requirement tables because it is not defined.

### DESCRIPTION

Town Code Sections 180-5.1. Table of allowed uses, 180-5.3. Accessory uses and structures, 180-9.2. Definitions of general use categories, and 180-9.3. General definitions regulate uses in the Town of Frisco by defining the uses and listing in which zoning districts they are allowed. Updates to these Sections are being proposed following feedback from Town Council, Planning Commission, and the community that there is a desire to limit the areas where drive-through establishments are allowed.

The proposed changes include:

- §180-5.1. Table of uses: Adding a use for "Drive-through facility" within the accessory uses category.
  - Staff requests the Planning Commission discuss which Zoning Districts should have "drive-through facility" as a permitted or conditional use.

- §180-5.3. Accessory uses and structures: Adding a new subsection 4 with requirements for drive-through facilities.
  - Staff requests the Planning Commission discuss these requirements.
- §180-6.13. Parking and loading regulations: Removing the term “tavern” from Table 6-1 and Table 6-2, which regulate the minimum required parking spaces by use.
  - While drafting the language for drive-through establishments, the Town Attorney suggested that the Town consider modifying the stacking space requirements in the parking section to complement the stacking requirements outlined in the “Public Right-of-Way” section of 180-5.3.4. The suggested change would be from 5 stacking spaces per drive-up window to “the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane.”
  - Staff is seeking feedback from the Planning Commission if they support this language as it would give the Commission some leeway to require additional stacking spaces while recognizing that it also introduces ambiguity that we may want to avoid in the future.
- §180-9.2. Definitions of general use categories and §180-9.3. General definitions: Amending the definitions of general use categories and specific uses to add clarity and align with the proposed language in the other sections.

Below is the language being considered:

180-5.1.5. *Table of Allowed Uses.*

| TABLE 5-1 TABLE OF ALLOWED USES                                  |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                        |
|------------------------------------------------------------------|----------------------------------------------|-------------|----|----|----|----|-----------------------|----|----|----|----|-------|----|----|------------------------|
| ● = Permitted    ◐ = Conditional Use<br>Blank cell = Not allowed |                                              | Residential |    |    |    |    | Commercial/ Mixed-Use |    |    |    |    | Other |    |    | Use-specific Standards |
| Use Category                                                     | Use Type                                     | RS          | RN | RL | RM | RH | GW                    | CO | LI | CC | MU | OS    | PR | PF |                        |
| COMMERCIAL USES                                                  |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                        |
| Food and Beverage                                                | Fast food restaurant                         |             |    |    |    |    | ●                     | ●  |    | ●  | ◐  |       |    |    |                        |
|                                                                  | Microbrewery, distillery and/or tasting room |             |    |    |    |    | ●                     | ●  |    | ●  | ●  |       |    |    |                        |
|                                                                  | Restaurant, bar, <del>tavern</del>           |             |    |    |    |    | ●                     | ●  |    | ●  | ●  |       | ◐  |    |                        |
| INDUSTRIAL USES                                                  |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                        |
| ACCESSORY USES                                                   |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                        |
| Accessory Uses                                                   | Accessory building and use                   | ●           | ●  | ●  | ●  | ●  | ●                     | ●  | ●  |    |    |       |    | ●  |                        |
|                                                                  | Accessory dwelling unit                      | ◐           | ●  | ●  | ●  | ●  | ●                     | ●  | ●  | ●  | ●  |       | ◐  | ◐  | 180-5.3.1              |

|  |                                   |   |   |   |   |   |   |   |   |   |   |   |   |   |                   |
|--|-----------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|-------------------|
|  | Home occupation                   | ● | ● | ● | ● | ● |   |   |   | ● |   |   |   |   |                   |
|  | Home office                       | ● | ● | ● | ● | ● | ● | ● |   | ● | ● |   |   |   |                   |
|  | <u>Drive-through facility</u>     |   |   |   |   |   | ● | ● |   |   | ● |   |   |   | <u>180-5.3.4.</u> |
|  | Solar energy facility             | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | 180-5.3.3         |
|  | Electric Vehicle Charging Station | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● | ● |                   |

#### DISTRICT LEGEND

RS = Residential Single-Household District  
 RN = Residential Traditional Neighborhood District  
 RL = Residential Low Density District  
 RM = Residential Medium Density District  
 RH = Residential High Density District  
 GW = Gateway District  
 CO = Commercial Oriented District  
 LI = Light Industrial District  
 CC = Central Core District  
 MU = Mixed-Use District  
 OS = Open Space District  
 PR = Parks and Recreation District  
 PF = Public Facilities District

(Ord. No. 17-04, 6-27-17; Ord. No. 19-04, 4-9-19; Ord. No. 20-23, 1-26-21; Ord. No. 22-12, 10-11-22; Ord. No. 23-09, § 7, 3-28-23; Ord. No. 24-12, § 1, 10-22-24)

#### Section 180-5.3.4.: Drive-Through Facility.

- A. Purpose and Intent. The purpose of these standards is to ensure that drive-through facilities are designed to protect the safety of pedestrians and motorists, prevent traffic congestion on public streets, and minimize negative impacts on adjacent properties.
- B. Vehicle Stacking Requirements and Traffic Flow.
  1. All drive-through facilities must provide dedicated off-street stacking lanes as outlined in Section 180-6.13. Parking. The facility must also meet all parking requirements for its principal use.
  2. Public Right-of-Way. Stacking lanes must be designed so that no idling vehicle is likely to ever extend into a public street, alley, or sidewalk.
  3. Separation. Stacking lanes must be physically separated from parking areas and drive aisles by a raised curb, median, or painted striping.
- C. Site Design:
  1. No stacking lane or service window shall be located within 50 feet of any residential property line.
  2. Pedestrian Safety.
    - No Intersections. Drive-through lanes should not intersect the main pedestrian path leading to the building's primary entrance.

- **Marked Crossings. Where a pedestrian path must cross a drive-through lane, it must be clearly marked with contrasting pavement, specialized striping, or raised crosswalks.**

Section 180-6.13.3.A.: Table 6-1 Required Number of Parking Spaces by Land Use

| USE CATEGORY      | USE TYPE                              |                                                   | PARKING SPACE REQUIREMENTS |
|-------------------|---------------------------------------|---------------------------------------------------|----------------------------|
| Commercial        | <b><u>Drive-through facility</u></b>  | <b><u>Stacking spaces per drive-up window</u></b> | <b><u>5.0</u></b>          |
| Food and Beverage | Fast food restaurant                  | Per 150 square feet of GFA (non-seating area)     | 1.0                        |
|                   |                                       | Plus Per 250 square feet of GFA (seating area)    | 1.0                        |
|                   |                                       | <b><u>Stacking spaces per drive-up window</u></b> | <b><u>5.0</u></b>          |
|                   | Restaurant, bar <del>and tavern</del> | Per 250 square feet of GFA                        | 1.0                        |

Section 180-6.13.3.D.: Table 6-2 Minimum Required Parking Spaces – Central Core District and Mixed-Use Districts Fronting West Main Street

| USE                                                                                                                                                                                                                                                                                                   | PARKING SPACE REQUIREMENTS |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Restaurants <del>and</del> Bars <del>and Taverns</del> [1]                                                                                                                                                                                                                                            | 0.0                        |
| Notes:<br>[1] Any change in the use from retail, restaurant, <del>or</del> bar <del>or tavern</del> GFA approved by the Town using the parking provisions contained herein to other uses (permitted or conditional) must provide parking spaces in the amounts and locations required by the Article. |                            |

#### 180-9.2.3. Commercial Uses

B. *Food and Beverage.* Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. **Drive-through facilities may be an accessory use where permitted in the Table of Uses.**

D. *Offices.* Uses that provide executive, management, administrative, or professional services, but do not involve the sale of merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. **Drive-through facilities may also be an accessory use for the purpose of providing services where permitted in the Table of Uses.**

E. *Personal Services.* Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. **Accessory uses may include drive-throughs where permitted in the Table of Uses.**

G. *Retail*. Uses involving the sale of a product directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Examples include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, household product stores, and similar uses.

Accessory uses may include drive-throughs where permitted in the Table of Uses.

### 180-9.3. General definitions

*Drive-Through Facility*. A **business-facility** that offers drive-through service where customers remain seated in a vehicle occupying a drive-through service lane to the point of a window or other service area. Drive-through uses do not include the dispensing of fuel, electric vehicle charging, washing of vehicles, or parking lot pickup of retail items.

*Microbrewery, Distillery, and/or Tasting Room*. A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

*Restaurant*. An establishment where food and drink are prepared, table service is provided, and consumption takes place primarily within the principal structure.

*Restaurant, Fast Food*. An establishment where food and/or beverages are sold in a take-out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, ~~and/or ordering and pick-up of food may take place from an automobile~~. Fast food restaurants shall not include a drive-through facility unless such a facility is permitted as an accessory use in the zoning district in which the fast food restaurant is located.

Staff requests that the Planning Commission discuss the following questions:

- In which zoning districts does the Planning Commission support allowing drive-through facilities as a conditional use or permitted use?
- Does the Planning Commission support the proposed design requirements for drive-through facilities?
- Does the Planning Commission want to change the stacking space requirement for drive-through establishments to suggested language from the Town Attorney stating “the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane”?

## BACKGROUND

In the spring/summer of 2025, the Town Council reviewed an Ordinance related to the amount of drive through signs permitted within the Town. During these conversations, the Council stated they would like to consider not allowing drive-through facilities on Main Street in the future.

During a work session at their February 19, 2026 meeting, the Planning Commission indicated support for limiting all types of drive-through establishments. They indicated that they would like to prohibit them on Main Street (including the Mixed-Use Zoning District) but allow them on Summit Boulevard. The Commissioners noted that they did not feel prepared at the meeting to have a fully informed discussion on the topic.

During a work session at their February 24, 2026 meeting, the Town Council indicated support for prohibiting all types of drive-through establishments in all zoning districts except the Commercial Oriented District (CO), where they would be allowed. There was some discussion about allowing drive-through facilities as a conditional use in the Mixed Use and/or Gateway Districts, but the majority of Council members supported prohibiting them. The Town Council also requested that staff provide more information about limiting the number of drive-throughs allowed in the community.

Given the changes on Town Council and the desire to give Planning Commission more time to consider the topic, Staff is bringing this forward for a second work session with each group prior to a formal recommendation from Planning Commission.

Frisco Town Code, Chapter 180, Table 5-1, Table of Allowed Uses, does not specifically include drive-through facilities. Therefore, the Town currently allows drive-through establishments where the principal use (financial service, restaurant, retail, etc.) incorporates a drive-through. However, any drive-through is required to comply with the below sections of code which do have regulations around drive-throughs:

1. In Table 6-1, Required Number of Parking Spaces by Land Use, a “commercial use with drive-through” and “fast food restaurant” requires 5.0 stacking spaces per window.
2. Chapter 180-6.19, Signs restricts the number of signs permitted per drive-through lane.
3. Chapter 180, Article 9 includes the following definitions:

*Drive-Through Business.* A business that offers drive-through service where customers remain seated in a vehicle occupying a drive through service lane to the point of a window or other service area.

*Restaurant, Fast Food.* An establishment where food and/or beverages are sold in a take-out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, and/or ordering and pick-up of food may take place from an automobile.

Examples of uses where drive-through establishments are currently allowed (Refer to Attachment B, [Town Zoning Map](#), for district locations):

| Use                                                  | Notes                                                                                                                                                                                                                                                                                                       | Zoning Districts Currently Allowed |                            |                     |                  |                         |                               |
|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|----------------------------|---------------------|------------------|-------------------------|-------------------------------|
|                                                      |                                                                                                                                                                                                                                                                                                             | <i>Gateway</i>                     | <i>Commercial Oriented</i> | <i>Central Core</i> | <i>Mixed-Use</i> | <i>Light Industrial</i> | <i>Parks &amp; Recreation</i> |
| <b>Office, Financial Services</b>                    | Many banks include a drive-through.                                                                                                                                                                                                                                                                         | Allowed                            | Allowed                    | Allowed             |                  |                         |                               |
| <b>Retail</b>                                        | While the Town does not currently have drive-through retail establishments, they are common elsewhere.                                                                                                                                                                                                      | Allowed                            | Allowed                    | Allowed             | Allowed          | Conditional             | Conditional                   |
| <b>Restaurant, Fast Food</b>                         | Definition: An establishment where food and/or beverages are sold in a take-out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, <b>and/or ordering and pick-up of food may take place from an automobile</b> | Allowed                            | Allowed                    | Allowed             | Conditional      |                         |                               |
| <b>Restaurant, bar, tavern</b>                       | Restaurant definition: An establishment where food and drink are prepared, table service is provided, and consumption takes place primarily within the principal structure.                                                                                                                                 | Allowed                            | Allowed                    | Allowed             | Allowed          |                         | Conditional                   |
| <b>Microbrewery, Distillery, and/or Tasting Room</b> | Definition: A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.  | Allowed                            | Allowed                    | Allowed             | Allowed          |                         |                               |

## ANALYSIS

Key reasons for limiting drive-through establishments within certain zone districts could include reducing traffic congestion, lowering air pollution from idling cars, and enhancing pedestrian safety by decreasing vehicle-pedestrian conflicts. Restricting drive-throughs can encourage more walkability and improve aesthetics by reducing pavement sprawl while fostering a stronger community character. Factors to be considered include:

- *Traffic Congestion & Safety:* Cars waiting in a drive-through queue could back up onto streets, blocking traffic flow.
- *Environmental & Health Impact:* Idling vehicles in drive-through lanes increase greenhouse gas emissions, worsening air quality.
- *Urban Design & Walkability:* Drive-throughs require larger amounts of asphalt than a typical parking lot, creating heat islands, increasing noise/light pollution, and reducing the street-level vibrancy to encourage walkable, pedestrian-friendly neighborhoods.
- *Neighborhood Disruption:* Late-night drive-through operations in or near residential areas could cause increased noise, litter, and disturbances.

Key reasons for not limiting drive-through establishments within town could include an interest in increasing revenues and sales tax to the Town and maintaining auto-oriented businesses along highways where visitors passing through on I-70 or Highway 9 may be drawn to businesses where they can stay in their vehicles. Factors to be considered include:

- *Higher Revenue and Sales:* Drive-through windows are a source of revenue for quick-service restaurants.
- *Lower Operating Costs:* Drive-through models are often smaller than traditional, sit-down restaurants, requiring less staff and reduced maintenance.
- *Attraction of New Business:* Limiting drive-throughs can cause a town to miss out on new, expanding, and popular brands that rely on the model for growth.
- *Sales Tax Retention:* Without convenient options, consumers may drive to neighboring towns, taking tax dollars out of the community.
- *Accessibility for People with Disabilities:* Drive-throughs are a vital, easy-to-use amenity for individuals with mobility challenges, avoiding the need to navigate parking lots or enter buildings.
- *Support for Busy Families:* Drive-throughs allow parents to get food without the stress of unbuckling children in a parking lot.
- *Technological Improvements in Congestion Management:* In some cases, innovations in modern, high-efficiency, multi-lane, and technology-driven (AI, conveyor belts) drive-throughs are designed to move cars faster and reduce backups.
- *Versatility Beyond Fast Food:* Drive-throughs are not just for burgers; they provide necessary convenience for banks, pharmacies, and coffee shops, which are essential services for daily life.

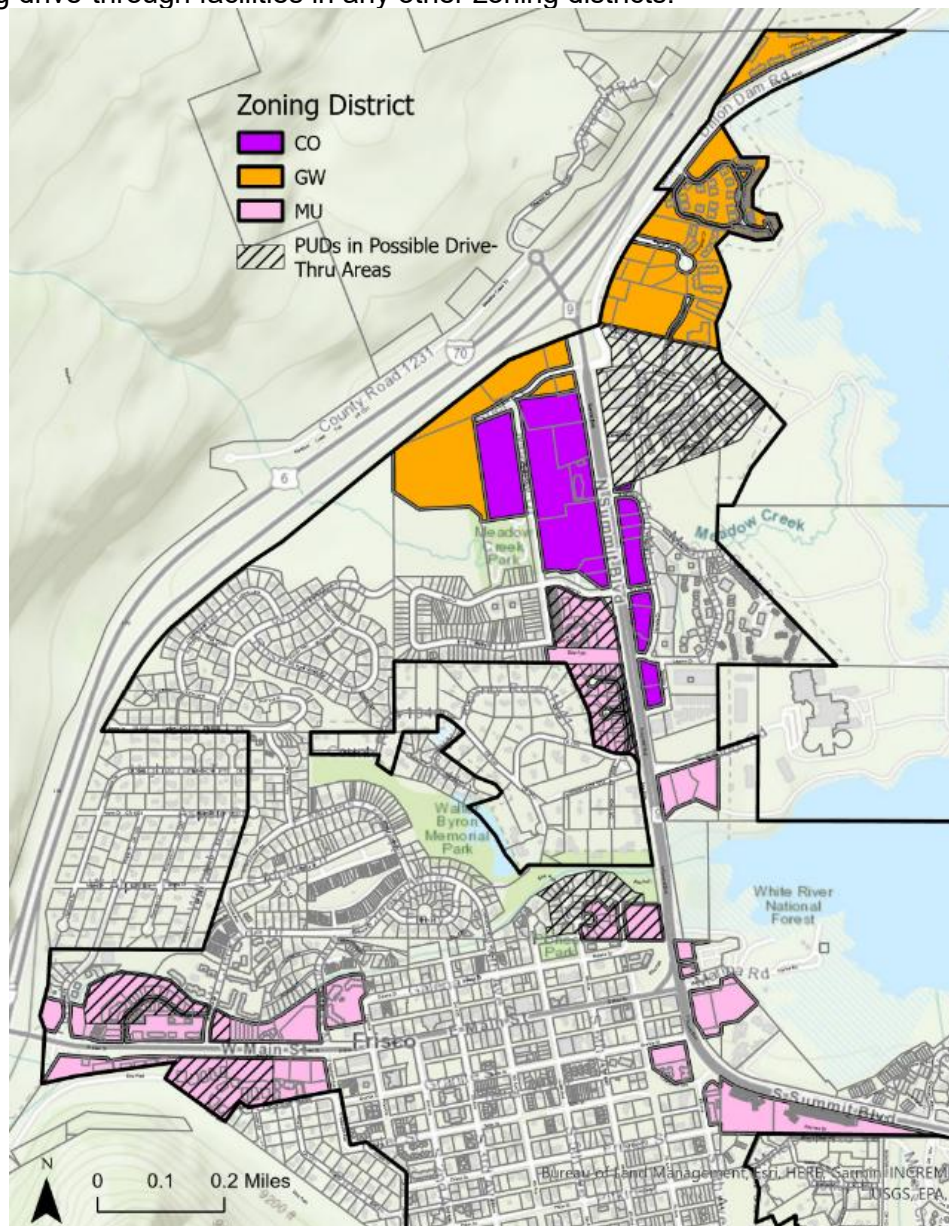
### Existing Drive-throughs in the Town

| Business             | Location          | Zoning District |
|----------------------|-------------------|-----------------|
| Alpine Bank          | 701 N Summit Blvd | CO              |
| Taco Bell            | 865 N Summit Blvd | CO              |
| Wendy's              | 940 N 10 Mile Dr  | Lakepoint PUD   |
| McDonalds/First Bank | 960 N 10 Mile Dr  | Lakepoint PUD   |
| Starbucks            | 980 N 10 Mile Dr  | Lakepoint PUD   |

|               |                    |               |
|---------------|--------------------|---------------|
| KFC           | 1000 Lakepoint Dr  | Lakepoint PUD |
| BMO Bank      | 1000 N Summit Blvd | CO            |
| Dunkin Donuts | 912 N Summit Blvd  | CO            |

### Conditional Use Zoning Districts

Staff requests that the Planning Commission discuss which zoning districts should allow drive-through facilities as a permitted or conditional use. Staff has heard that both Planning Commission and Town Council support drive-through facilities as an allowed use in the Commercial-Oriented District and prohibited in the Central Core District. Planning Commission should consider whether drive-through facilities should be permitted or conditional in other zone districts, specifically the Gateway and/or Mixed-Use Zoning Districts. PUDs are shown below as an overlay to show where additional use limitations may be in place. Staff does not recommend considering drive-through facilities in any other zoning districts.



Conditional use applications are reviewed and approved by the Planning Commission based on the following criteria:

1. The conditional use is consistent with the purpose and intent of the zone district in which it is proposed to be located, furthers the applicable goals of the Frisco Community Plan, and is a desirable use that will contribute to the general welfare of the community; and
2. The conditional use is compatible with the mix of development in the immediate vicinity of the parcel in terms of density, height, bulk, architecture, landscaping, and open space, as well as with any applicable adopted regulatory master plan or PUD; and
3. The conditional use is consistent and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses and enhances the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development; and
4. The location, size, design and operating characteristics of the proposed conditional use minimizes adverse effects, including visual impacts, impacts on pedestrian and vehicular circulation, parking, refuse and recycling services/area, service delivery, noise, vibrations and odor on surrounding properties; and
5. There are adequate public facilities and services to serve the conditional use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems and schools; and
6. The Community Development Director may recommend and the Planning Commission may impose such conditions on a conditional use that are necessary to maintain the integrity of the Town's Zone Districts and to ensure the conditional use complies this Chapter; is compatible with surrounding land uses; and is served by adequate public facilities. This includes, but is not limited to, imposing conditions on size, bulk, location, open space, landscaping, buffering, lighting, signage, off-street parking and other similar design features, the construction of public facilities to serve the conditional use and limitations on the operating characteristics and hours of operation.

Allowing drive-through businesses as a conditional use in the Gateway and Mixed-Use Zoning Districts would maintain the possibility of drive-through businesses in these areas in the future, but only with consideration from the Planning Commission. This would allow additional scrutiny from the Planning Commission of whether the use aligns with the Town's goals, neighborhood compatibility, and impacts on traffic and pedestrian circulation.

### Stacking Spaces

While drafting the language for drive-through establishments, the Town Attorney suggested that the Town consider modifying the stacking space requirements in the parking section to complement the stacking requirements outlined in the "Public Right-of-Way" section of the proposed Section 180-5.3.4. Drive through facility. The suggested change would be from 5 stacking spaces per drive-up window to "the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane."

Current language for stacking space requirements is within Table 6-1, Required Number of Parking Spaces By Land Use, which states 5.0 stacking spaces per drive-up window are required for fast food restaurants. In the current draft language, this section would be moved

from “Fast food restaurants” to a general commercial category for “Drive-through facilities,” but no other changes would be made.

|                                     |     |
|-------------------------------------|-----|
| Stacking spaces per drive-up window | 5.0 |
|-------------------------------------|-----|

Staff is seeking feedback from the Planning Commission if they support the Town Attorney’s proposed language as it would give the Commission some leeway to require additional stacking spaces while recognizing that it also introduces ambiguity that we may want to avoid in the future.

If supported by Planning Commission, the Parking Space Requirements for “Drive-through facility” in Table 6-1, Required Number of Parking Spaces By Land Use would state “the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane.”

### Tavern Terminology

While analyzing the table of uses and definitions of restaurants and related uses, staff noticed that the term “tavern” was included in the Table of Uses as part of the category “Restaurant, bar, tavern,” but the term “tavern” is not defined. Staff does not see a reason that “taverns” need to be specified in the table of uses and so recommends removing the term. Taverns would be considered a restaurant use. The only other use of the term is in Tables 6-1 and 6-2, so staff recommends removing the term there as well, to only read “Restaurant, bar” in all instances.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission provide guidance on proposed changes to the code sections relevant to drive-through facilities and tavern terminology. Specifically:

- In which zoning districts does the Planning Commission support allowing drive-through facilities as a conditional use or allowed use?
- Does the Planning Commission support the proposed design requirements for drive-through facilities?
- Does the Planning Commission want to change the stacking space requirement for drive-through establishments to suggested language from the Town Attorney stating “the amount reasonably anticipated to avoid stacking of vehicles onto adjacent rights of way, but not less than 5 per lane”?

## **ATTACHMENTS**

Attachment A – Proposed modifications to Sections 180-5.1. Table of allowed uses, 180-5.3. Accessory uses and structures, 180-6.13. Parking and loading regulations, 180-9.2. Definitions of general use categories, and 180-9.3. General definitions

Attachment B – Town of Frisco Zoning Map

Attachment A: Proposed modifications to Sections 180-5.1. Table of allowed uses, 180-5.3. Accessory uses and structures, 180-6.13. Parking and loading regulations, 180-9.2. Definitions of general use categories, and 180-9.3. General definitions

180-5.1.5. Table of Allowed Uses.

| TABLE 5-1 TABLE OF ALLOWED USES                                  |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
|------------------------------------------------------------------|----------------------------------------------|-------------|----|----|----|----|-----------------------|----|----|----|----|-------|----|----|--------------------------|--|
| ● = Permitted    ① = Conditional Use<br>Blank cell = Not allowed |                                              | Residential |    |    |    |    | Commercial/ Mixed-Use |    |    |    |    | Other |    |    | Use-specific Standards   |  |
| Use Category                                                     | Use Type                                     | RS          | RN | RL | RM | RH | GW                    | CO | LI | CC | MU | OS    | PR | PF |                          |  |
| COMMERCIAL USES                                                  |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| Food and Beverage                                                | Fast food restaurant                         |             |    |    |    |    | ●                     | ●  |    | ●  | ①  |       |    |    |                          |  |
|                                                                  | Microbrewery, distillery and/or tasting room |             |    |    |    |    | ●                     | ●  |    | ●  | ●  |       |    |    |                          |  |
|                                                                  | Restaurant, bar, <del>tavern</del>           |             |    |    |    |    | ●                     | ●  |    | ●  | ●  |       | ①  |    |                          |  |
| Offices                                                          | Financial service                            |             |    |    |    |    | ●                     | ●  |    | ●  |    |       |    |    |                          |  |
|                                                                  | Medical office                               |             |    |    |    |    | ①                     | ●  | ●  | ●  | ●  |       |    |    | 180-5.2.12<br>180-5.2.15 |  |
|                                                                  | Office                                       |             |    |    |    | ①  | ①                     | ●  | ●  | ●  | ●  |       |    |    | 180-5.2.12               |  |
| Personal Services                                                | Personal services, General                   |             |    |    |    | ①  | ●                     | ●  |    | ●  | ●  |       |    |    |                          |  |
| Retail                                                           | Artisan studio or gallery                    |             |    |    |    |    | ●                     | ●  |    | ●  | ●  |       |    |    |                          |  |
|                                                                  | Light retail                                 |             |    |    |    |    | ●                     | ●  | ①  | ●  | ●  |       | ①  |    |                          |  |
|                                                                  | Medical marijuana dispensary                 |             |    |    |    |    | ●                     | ●  | ●  |    | ●  |       |    |    | 180-5.2.6                |  |
|                                                                  | Professional trade                           |             |    |    |    |    |                       |    | ●  |    |    |       |    |    |                          |  |
|                                                                  | Professional trade retail                    |             |    |    |    |    |                       |    | ●  |    |    |       |    |    |                          |  |
|                                                                  | Regional retail                              |             |    |    |    |    | ●                     | ●  |    |    |    |       |    |    |                          |  |
|                                                                  | Retail marijuana                             |             |    |    |    |    | ●                     | ●  | ●  |    | ●  |       |    |    | 180-5.2.9                |  |
| Vehicles and Equipment                                           |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
|                                                                  | Auto fuel sales                              |             |    |    |    |    | ①                     | ●  |    |    | ①  |       |    |    |                          |  |
|                                                                  | Auto service or wash                         |             |    |    |    |    | ●                     | ●  | ●  |    |    |       |    |    |                          |  |
| INDUSTRIAL USES                                                  |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| ACCESSORY USES                                                   |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| Accessory Uses                                                   | Accessory building and use                   | ●           | ●  | ●  | ●  | ●  | ●                     | ●  | ●  |    |    |       |    | ●  |                          |  |
|                                                                  | Accessory dwelling unit                      | ①           | ●  | ●  | ●  | ●  | ●                     | ●  | ●  | ●  | ●  |       | ①  | ①  | 180-5.3.1                |  |
|                                                                  | Home occupation                              | ①           | ①  | ①  | ①  | ①  |                       |    |    | ①  |    |       |    |    |                          |  |
|                                                                  | Home office                                  | ●           | ●  | ●  | ●  | ●  | ●                     | ●  |    | ●  | ●  |       |    |    |                          |  |
|                                                                  | <del>Drive-through facility</del>            |             |    |    |    |    | ①                     | ①  |    |    | ①  |       |    |    | <del>180-5.3.4.</del>    |  |
|                                                                  | Solar energy facility                        | ●           | ●  | ●  | ●  | ●  | ●                     | ●  | ●  | ●  | ●  | ●     | ●  | ●  | 180-5.3.3                |  |
|                                                                  | Electric Vehicle Charging Station            | ●           | ●  | ●  | ●  | ●  | ●                     | ●  | ●  | ●  | ●  | ●     | ●  | ●  |                          |  |
| DISTRICT LEGEND                                                  |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| RS = Residential Single-Household District                       |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| RN = Residential Traditional Neighborhood District               |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| RL = Residential Low Density District                            |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| RM = Residential Medium Density District                         |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| RH = Residential High Density District                           |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| GW = Gateway District                                            |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| CO = Commercial Oriented District                                |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| LI = Light Industrial District                                   |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| CC = Central Core District                                       |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| MU = Mixed-Use District                                          |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| OS = Open Space District                                         |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| PR = Parks and Recreation District                               |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |
| PF = Public Facilities District                                  |                                              |             |    |    |    |    |                       |    |    |    |    |       |    |    |                          |  |

(Ord. No. 17-04, 6-27-17; Ord. No. 19-04, 4-9-19; Ord. No. 20-23, 1-26-21; Ord. No. 22-12, 10-11-22; Ord. No. 23-09, § 7, 3-28-23; Ord. No. 24-12, § 1, 10-22-24)

Section 180-5.3.4.: Drive-Through Facility.

- A. Purpose and Intent. The purpose of these standards is to ensure that drive-through facilities are designed to protect the safety of pedestrians and motorists, prevent traffic congestion on public streets, and minimize negative impacts on adjacent properties.
- B. Vehicle Stacking Requirements and Traffic Flow.

1. All drive-through facilities must provide dedicated off-street stacking lanes as outlined in Section 180-6.13. Parking. The facility must also meet all parking requirements for its principal use.

2. Public Right-of-Way. Stacking lanes must be designed so that no idling vehicle is likely to ever extend into a public street, alley, or sidewalk.

3. Separation. Stacking lanes must be physically separated from parking areas and drive aisles by a raised curb, median, or painted striping.
- C. Site Design:

1. No stacking lane or service window shall be located within 50 feet of any residential property line.

2. Pedestrian Safety.

a. No Intersections. Drive-through lanes should not intersect the main pedestrian path leading to the building’s primary entrance.

b. Marked Crossings. Where a pedestrian path must cross a drive-through lane, it must be clearly marked with contrasting pavement, specialized striping, or raised crosswalks.

Section 180-6.13.3.A.: Table 6-1 Required Number of Parking Spaces by Land Use

| USE CATEGORY      | USE TYPE                              |                                                | PARKING SPACE REQUIREMENTS |
|-------------------|---------------------------------------|------------------------------------------------|----------------------------|
| Commercial        | <u>Drive-through facility</u>         | <u>Stacking spaces per drive-up window</u>     | <u>5.0</u>                 |
| Food and Beverage | Fast food restaurant                  | Per 150 square feet of GFA (non-seating area)  | 1.0                        |
|                   |                                       | Plus Per 250 square feet of GFA (seating area) | 1.0                        |
|                   |                                       | <u>Stacking spaces per drive-up window</u>     | <u>5.0</u>                 |
|                   | Restaurant, bar <del>and tavern</del> | Per 250 square feet of GFA                     | 1.0                        |

Section 180-6.13.3.D.: Table 6-2 Minimum Required Parking Spaces – Central Core District and Mixed-Use Districts Fronting West Main Street

| USE                                                                                                                                                                                                                                                                                               | PARKING SPACE REQUIREMENTS |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Restaurants <del>and</del> Bars <del>and Taverns</del> [1]                                                                                                                                                                                                                                        | 0.0                        |
| Notes:<br>[1] Any change in the use from retail, restaurant, <u>or</u> bar <del>or tavern</del> GFA approved by the Town using the parking provisions contained herein to other uses (permitted or conditional) must provide parking spaces in the amounts and locations required by the Article. |                            |

180-9.2.3. Commercial Uses

B. *Food and Beverage.* Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Drive-through facilities may be an accessory use where permitted in the Table of Uses.

D. *Offices.* Uses that provide executive, management, administrative, or professional services, but do not involve the sale of merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Drive-through facilities may also be an accessory use for the purpose of providing services where permitted in the Table of Uses.

E. *Personal Services.* Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Accessory uses may include drive-throughs where permitted in the Table of Uses.

G. *Retail.* Uses involving the sale of a product directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Examples include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, household product stores, and similar uses. Accessory uses may include drive-throughs where permitted in the Table of Uses.

180-9.3. General definitions

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*Microbrewery, Distillery, and/or Tasting Room.* A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

*Restaurant.* An establishment where food and drink are prepared, table service is provided, and consumption takes place primarily within the principal structure.

*Restaurant, Fast Food.* An establishment where food and/or beverages are sold in a take-out fashion, no table service is provided, and all or a significant portion of the consumption takes place outside the confines of the restaurant, ~~and/or ordering and pick-up of food may take place from an automobile.~~ Fast food restaurants shall not include a drive-through facility unless such a facility is permitted as an accessory use in the zoning district in which the fast food restaurant is located.

Town of Frisco Zoning

Historic Overlay District

Parcels

Town Boundary

1- Mountainside

2- Northway

3- Frisco Place

4- Royal Mountain Ranch

5- Creek at Frisco

6- Residence at Creekside Estates

7- Frisco Park Filing 1 and 2

8- The Reserve at Frisco

9- River Pines

10- Mountain Pines

11- Crossroads at Frisco

12- Lakepoint

13- 101 W Main Housing

14- Rivercrest Townhomes

GW - Gateway

CC - Central Core

CO - Commercial-Oriented

LI - Light Industrial

MU - Mixed Use

OS - Open Space

PF - Public Facilities

PR - Parks & Recreation

RS - Residential Single-Household

RN - Residential Traditional Neighborhood

RL -Residential Low Density

RM - Residential Medium Density

RH - Residential High Density

0

500

1,000

2,000 Feet

1in = 600ft

Scale: 1:7,200

N

This map is for display purposes only and is not survey accurate. Do not use for legal convenience. Map printed 10/2020.

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## **STAFF REPORT**

**TO: PLANNING COMMISSION**  
**FROM: KATIE KENT, COMMUNITY DEVELOPMENT DIRECTOR**  
**RE: WORK SESSION: UDC-26-0001, TOWN CODE, CHAPTER 180-6.14,**  
**LANDSCAPING AND REVEGETATION REQUIREMENTS**  
**DATE: JUNE 4, 2026**

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### **Summary & Background:**

Before the Planning Commission on June 4, 2026, is a work session to discuss proposed modifications to Chapter 180 of the Code of Ordinances of the Town of Frisco, Colorado. The changes were initiated in response to new statutory requirements and a long standing need expressed by staff to update the landscaping and revegetation requirements to be more practical and meet the community's needs. At the work session, Staff will:

1. Review the requirements outlined in Senate Bill 24-0005, a water conservation law that strictly prohibits the installation of nonfunctional turf, artificial turf, and invasive plant species on commercial, industrial, institutional, and common interest community (HOA) properties. The legislation applies to new developments and redevelopments.
2. Review the requirements outlined in House Bill 25-1113, a water conservation law that expands on SB24-0005 and limits the installation of nonfunctional turf and artificial turf in new residential and commercial developments. The bill expands on previous state regulations to promote drought-friendly landscaping across Colorado.
3. Provide a brief review of relevant portions of the Colorado Wildfire Resiliency Code (CWRC) in relation to safeguarding life and property within the Wildland-Urban Interface (WUI) through providing mandatory, state-wide minimum standards for home hardening and defensible space in mapped wildfire-risk areas. This includes identified zones around structures to reduce the risk of embers destroying homes.

4. Present specific questions to Commissioners to receive guidance on how to write portions of the landscaping and revegetation requirements to meet the community's needs including:
  - a. Should Planning require application submittals for the conversion or replacement of turf?
  - b. Should Planning require application submittals for removal of dead and diseased trees?
  - c. Should dead or diseased tree removal require replacement; if yes, how about trees removed in the immediate WUI zone?
  - d. What does the Commission think is an adequate tree and shrub count for residential and non-residential developments that respects the required defensible space zones but also provides a natural appearance within Town?
  - e. Does the Commission want to expand alternatives for landscaping to areas in addition to Main Street, East and West Main Street, and Summit Boulevard?
  - f. Does the Commission want to exempt 0-5' from a structure from lot coverage since it is required to be gravel, stones, etc. through new legislation?
5. Receive additional feedback from Commissions on the landscaping and revegetation requirements draft.

Staff encourages the Commission to keep in mind the intent of landscape regulations which include managing environmental risks and maintaining community character. Landscaping is important to aid in drainage, stabilize slopes, provide buffers, increase property values and enhance neighborhood curb appeal. Staff's intent on revising the landscaping regulations is not just to bring it into conformance with state legislation but also recognizing that water conservation and wildfire resiliency are needs that are becoming more important in our community and Colorado. Our intent in these modifications is to find the balance to how much, where, and what type of landscaping shall be required while ensuring the town is also supporting water conservation and wildfire resiliency.

#### *Senate Bill 24-0005*

The primary intent of SB24-0005 was to reduce outdoor water demands by limiting the amount of non-native, cool season, high water use turf in landscaping. The bill intended for communities to replace the practice of installing nonfunctional, high water use turfgrasses (turf) with "water-wise landscaping" that reduces outdoor water consumption "without adversely impacting quality of life or landscape functionality." The bill did not apply to new residential development.

#### *House Bill 25-113*

The primary intent of HB25-1113 was to expand the requirements of SB24-0005. HB25-1113 added definitions for functional artificial turf and nonfunctional artificial turf and

required communities to adopt standards that prohibit nonfunctional artificial turf. This bill also defined compliance to include new and redeveloped multifamily development with more than twelve (12) units and requires local governments to create standards/practices to reduce irrigation demands in all other new residential developments.

### *2025 Colorado Wildfire Resiliency Code (CWRC)*

The CWRC was created to achieve numerous objectives that included protecting structures against embers and establishing defensible space. Through the mandatory requirements outlined in this Code, the town's current landscaping requirements contradict what is permitted with regards to vegetation within defensible space zones. Exceptions to the CWRC include:

- Detached tool sheds under 120 square feet and 10 feet from buildings
- Alterations or repairs affecting less than 25% of roofs or walls
- Additions under 500 square feet

A commonly use term today is the Wildland-Urban Interface ("WUI"). This is known as the transitional zone where human development meets or intermingles with undeveloped wildland vegetation and flammable fuels. This area matters since it is where the man-made structures blend with natural, combustible vegetation and is highly susceptible to wildfires. To assist in fire mitigation, defensible spaces and fire-resistant building material requirements are becoming more stringent in Colorado.

### **Analysis:**

#### *Attachment 1, Draft 180-6.14. Landscaping and Revegetation Requirements.*

Attachment 1 includes:

- A Table of Contents on page 1 to assist understanding the new layout. This may be rearranged as the regulations are finalized.
- Text boxes on the right side of the pages to provide insight or highlight questions for the Planning Commission
- Page 24 contains staff notes regarding other parts of the Town Code that may need to be modified at the same time as 180-6.14 due to potential inconsistencies and/or general clean-up related to turf, irrigation, and/or landscaping. Staff has included these for Commissioners to see how landscaping is connected to other parts of the Town Code.

### *Applicable Definitions*

Through the above stated legislation, the Town is incorporating required definitions into the landscaping regulations. These are included in the draft regulations under 180-6.14.8.

### *Technical Questions for Planning Commission*

- a. Should Planning require application submittals for the conversion or replacement of turf (Refer to page 2 of Attachment 1)?

- Staff is considering allowing property owners to convert, or replace, turf to xeriscaping without needing to submit an Administrative Site Plan for landscape modifications.
  - ✓ Pro: Convenience for property owners not to have to draw up a site plan, submit an application, and wait for a planner to review.
  - ✓ Pro: Provides an incentive to property owners to remove turf.
  - ✓ Con: Planning will not be able to verify that proposed replacement is in conformance with the plant list and other parts of the landscaping regulations.
- b. Should Planning require application submittals for removal of dead and diseased trees (Refer to page 2 of Attachment 1)?
  - Staff is considering allowing property owners to remove dead or diseased trees without needing to submit an Administrative Site Plan.
    - ✓ Pro: Convenience for property owners not to have to draw up a site plan, submit an application, and wait for a planner to review.
    - ✓ Pro: Provides an incentive to property owners to remove dead or diseased trees for wildfire mitigation.
    - ✓ Con: Planning will not be able to verify that removed tree(s) are dead or diseased.
    - ✓ Con: If the Town wants to require replacement of dead/diseased trees, then the Town cannot document new trees were planted.
- c. Should dead or diseased tree removal require replacement; if yes, how about trees removed in the immediate WUI zone (Refer to pages 2 and 5 of Attachment 1)?
  - Staff is unsure if tree replacement should be required when dead/diseased trees are removed.
    - ✓ Pro: Convenience for property owners not to have to find a location for new trees that meet WUI requirements.
    - ✓ Pro: Cost savings for property owners who want to reduce wildfire hazard by not having to purchase and install replacement trees.
    - ✓ Pro: Provides an incentive to property owners to remove dead or diseased trees for wildfire mitigation.
    - ✓ Con: Not requiring replacement contradicts the intent of having a minimum amount of vegetation per project along with species diversity and minimum tree caliper and height requirements.
    - ✓ Con: Overall impact of reduced trees in Town which could make an impact to the appearance of neighborhoods and community character.
- d. What does the Commission think is an adequate tree and shrub count for residential and non-residential developments that respects the required defensible space zones but also provides a natural appearance within Town (Refer to pages 3 and 4 of Attachment 1)?

- Staff would like to modify the current requirements to:
  1. Match Silverthorne's residential requirements as outlined for their 1-3 units not with common entity:

*Per Dwelling Unit:  
Three (3) trees and six (6) shrubs; or  
Four (4) trees and three (3) shrubs; or  
Five (5) trees and no shrubs.*

2. Merge existing Frisco requirements with Summit County for Nonresidential requirements:

*Three trees and two shrubs for every 1500 sq. ft. of floor area*

*Table 1: Tree and Shrub Count Examples*

| TREE AND SHRUB COUNT EXAMPLES     |                                                                                                                                     |                                                                                                           |                                                                                                                                                                                      |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | Frisco (Existing)                                                                                                                   | Summit County                                                                                             | Silverthorne                                                                                                                                                                         |
| <b>Residential</b>                | 1 tree for every 875 sq. ft. project area<br><br>1 shrub every 1500 sq. ft. project area                                            | Minimum of three (3) trees and two (2) shrubs shall be provided for each actual unit                      | *1-3 units not with common entity. Per Dwelling Unit:<br><br>Three (3) trees and six (6) shrubs;<br><br>Four (4) trees and three (3) shrubs; or<br><br>Five (5) trees and no shrubs. |
| <b>Commercial/ Nonresidential</b> | Dependent on project type:<br><br>1 tree for 1000-1500 sq. ft. of project area<br><br>1 shrub for 1500-2500 sq. ft. of project area | Minimum of three (3) trees and two (2) shrubs shall be provided for every 1,000 square feet of Floor Area | *4 or more residential/common entity, commercial:<br><br>Trees: 30% landscape area (tree = 120 sq. ft.)<br><br>Shrubs: 10% of landscape area (shrub = 20 sq. ft.)                    |

- e. Does the Commission want to expand alternatives for landscaping to areas in addition to Main Street, East and West Main Street, and Summit Boulevard (Refer to page 4 of Attachment 1)?

- In an effort to reduce wildfire risk and reduce water usage, while still promoting aesthetics, Staff would like to know if the Commission wants to allow alternatives (public art, public patios/seating, planter boxes, etc) as an alternative to tree and shrub counts along:
  - Dillon Dam Road
  - Lusher Court

○ Ten Mile Drive

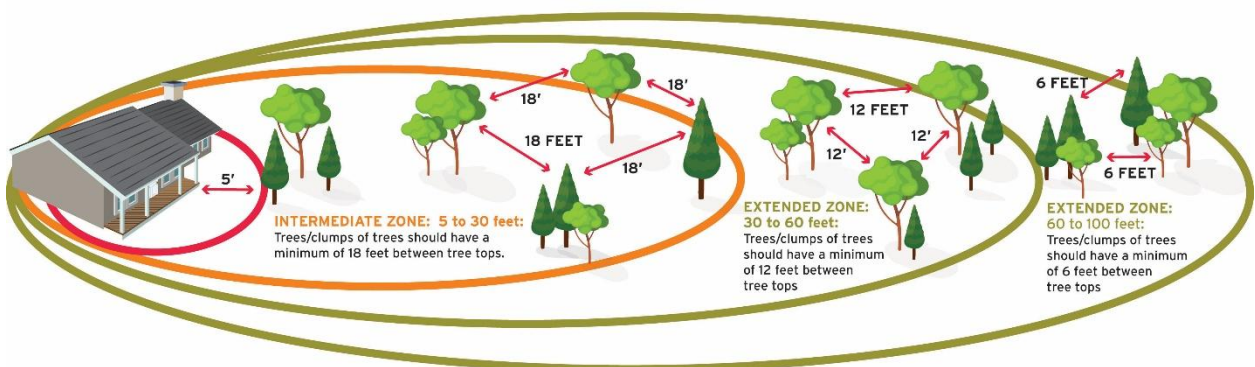
This would be in addition to landscape alternatives currently allowed on Main Street, East and West Main Street, and Summit Boulevard.

- ✓ Pro: Reduces water usage if trees and shrubs reduced.
- ✓ Pro: Reduces wildfire risk with less trees and shrubs.
- ✓ Pro: Promotes more public spaces in other commercial areas.
- ✓ Con: Difficult to determine what should be counted as an alternative when applicants bring forward patios/public seating that are not in a location easily accessed by the public.

- f. Does the Commission want to exempt the square footage 0-5' from a structure from the definition of lot coverage since it is required to be gravel, stones, etc. through new legislation (Refer to page 5 of Attachment 1)?
- With the new CWRC requirement to only have noncombustible materials like gravel, rock, or concrete 0-5' from a structure, the Town could consider allowing that sq. ft. to be exempt from lot coverage. Staff does not support this concept but wants to receive the Commission's input. A suggestion for the Commission to consider and provide feedback on is:

*Lot Coverage. The percentage of total lot area used for parking, roads, drives; and above or below-grade structures or improvements, including, but not limited to, hot tubs, decks, patios, and sheds. The following elements are excluded from the calculation of lot coverage: Two feet of roof eaves as measured perpendicular from the exterior building wall; **the square footage of the area identified as the Immediate Zone 0-5' from the structure;** ground-mounted solar energy facilities as an accessory use; 100 percent of publicly used non-vehicular pathways and three feet of the width of privately used non-vehicular pathways; and approved dumpster enclosures that provide adequate space for recycling containers.*

**TREE SPACING**



Source: National Fire Protection Association®. All rights reserved. Visit [www.nfpa.org](http://www.nfpa.org)

- ✓ Pro: Does not penalize property owners with lot coverage calculations required by state legislature.
- ✓ Con: By exempting this sq. ft. from lot coverage, it allows a property owner to add additional lot coverage through driveways, structures, etc. This then reduces drainage capability and has less permeable area on a property.
- ✓ Con: Owners could be encouraged to pave the first 5' adjacent to the structure rather than utilize permeable, noncombustible landscaping such as cobble and rock.

**Alignment with Comprehensive Plan:**

Goals and strategies from the 2025 Frisco Comprehensive Plan that are applicable to the Landscaping and Revegetation Requirements include:

***Goal R.1: Conserve and manage freshwater resources efficiently to ensure sustainable water availability and meet the community's long-term needs.***

5. *Update the UDC to create a more robust water conservation program. Encourage native planting and limit the use of turf grass which requires more water to grow. Prohibit outdoor watering for properties outside of the Town boundaries that use town water. Consider additional education and resources for waterwise landscape and low-impact development at a residential and commercial scale. Ensure new developments follow water conservation and water quality protection guidelines/regulations.*

***Goal R.2: Strengthen wildfire and hazard mitigation efforts and improve infrastructure resiliency to protect the community.***

1. *Pursue wildfire mitigation effort. Focus on the WUI, the watershed above Tenmile Creek, and create a buffer zone between natural and developed areas.*

***Goal R.3: Manage development in relationship to water and sewer capacity.***

***Goal R.4: Promote climate action through new and existing development.***

4. *Support comprehensive sustainable design standards including solar orientation, landscaping guidelines, and water conservation and consider updating the UDC while considering affordability implications.*

**Staff Recommendation:**

Staff requests the following feedback from the Planning Commission:

1. Are there questions on understanding SB24-0005, HB25-1113, and the CWRC?
2. Should Planning require application submittals for the conversion or replacement of turf?
3. Should Planning require application submittals for removal of dead and diseased trees?

4. Should dead or diseased tree removal require replacement; if yes, how about trees removed in the immediate WUI zone?
5. What does the Commission think is an adequate tree and shrub count for residential and non-residential developments that respects the required defensible space zones but also provides a natural appearance within Town?
6. Does the Commission want to expand alternatives for landscaping to areas in addition to Main Street, East and West Main Street, and Summit Boulevard?
7. Does the Commission want to exempt 0-5' from a structure from lot coverage since it is required to be gravel, stones, etc. through new legislation?
8. Does the Planning Commission want to have another work session on modifications by themselves or a joint work session with the Council to discuss proposed modifications as they are further drafted by Staff?

**Attachments:**

- Attachment 1 – DRAFT 180-6.14 Landscaping and Revegetation
- Attachment 2 – Existing 180-6.14 Landscaping and Revegetation
- Attachment 3 – House Bill 25-1113
- Attachment 4 – Senate Bill 24-0005
- Attachment 5 – 2025 Colorado Wildfire Resiliency Code

## 180-6.14. LANDSCAPING AND REVEGETATION

### DRAFT TABLE OF CONTENTS

#### *180-6.14. Landscaping and Revegetation Requirements.*

##### *180-6.14.1. Purpose.*

##### *180-6.14.2. Applicability.*

##### *180-6.14.3. Modifications to the Landscape Standards.*

##### *180-6.14.4. Landscaping Requirements By Project Type.*

- A. Residential Development: single-household and two household.*
- B. Non-Residential Development.*
- C. Public Projects.*
- D. Additions to Existing Developments.*

##### *180-6.14.5. Required Wildfire Mitigation.*

- A. The creation of defensible space around structures is required for all new construction that affects the exterior of a structure and/or a structure's footprint.*
- B. The following standards apply to the creation of defensible space around a structure:*
- C. The Immediate Zone.*
- D. The Intermediate Zone.*
- E. Extended Zone.*

##### *180-6.14.6. General Landscape Requirements.*

- A. Species Diversity.*
- B. Parking Area Landscaping.*
- C. Additional Screening.*
- D. Protection of Existing Vegetation*
- E. Revegetation of Disturbed Land.*
- F. Completion.*
- G. Landscape Maintenance.*
- H. Xeriscape Requirements.*

##### *180-6.14.7. Plant Materials.*

- A. Planting Requirements.*
- B. The following further limits the type of planting that can occur on a site:*
- C. Prohibited Landscaping.*
- D. Noxious Weeds.*
- E. Plant Materials List*

##### *180-6.14.8. Landscape Definitions.*

##### *180-6.14.9. Landscape Plan Submittal Requirements.*

## 180-6.14. Landscaping and Revegetation Requirements.

180-6.14.1. *Purpose.* The purpose of this section is to provide landscaping standards for sites undergoing development or redevelopment in the Town of Frisco. It is the Town's goal that landscape design protects the area's unique natural beauty and environment, enhances its aesthetic appeal, and reduces wildfire ignition risk while promoting water conservation principles.

When reviewing and answering questions, keep purpose in mind. Purpose can be edited

### 180-6.14.2. *Applicability.*

- A. The requirements of this Section shall apply to all landscaping planted, installed, or removed, within the Town with the exception of:
1. Turf conversion. Conversion or replacement of turf on a site with a prior approval shall not require a site plan provided that:
    - a. Overall landscaped area and quantities are maintained; and
    - b. Existing trees are preserved unless within five feet from the structure; and
    - c. The turf conversion or replacement is consistent with applicable standards in the Tree and Plant list.
  2. Dead Trees. Removal of dead trees on private property shall not require a permit from the Town of Frisco, and do not require replacement.

Having this be exempt encourages people to do it but is it supported by Town?

Clarify from PC if want permits submitted and if want tree replacement

A letter from landscaper is currently required and people tend to skip it and just cut them down without getting permit

180-6.14.3. *Modifications to the Landscape Standards.* The Community Development Director is authorized to modify the standards set forth in this Section upon finding that:

- A. The strict application of these standards is not possible due to wildfire urban interface requirements for defensible space; and
- B. The modification is consistent with the purpose of this section; and
- C. The modification is the minimum modification that would afford relief and would be the least modification of the applicable provisions of this chapter.

Suggested language to have solution if small lot cannot meet landscaping requirements due to defensible space requirements (similar to Stthorne code language)

The Community Development Director shall require that an applicant requesting a modification supply the information necessary to substantiate the reasons for the requested modification. The details of any action granting modifications will be recorded and entered in the files of the planning division.

180-6.14.4. *Landscaping Requirements By Project Type*. Required trees should be planted predominantly in the front setback and the side yards to increase the visual buffer of the building and paving from the street, enhance the site, and provide a landscape buffer to adjacent properties. Spacing of plant material shall be appropriate for each species planted. In proposing landscaping to meet the requirements of this Article applicants shall use materials from the Plant Materials List in Section 180-CITE SECTION. Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence that the proposed plant material is suitable to the climate and placement on the site.

Existing Code has: "Residential", "Mixed Use", "Commercial", "Commercial and Mixed-Use Large", and "Public".

Proposing to now just have "Residential", "Nonresidential" and "Public"

#### A. *Residential Development*

1. Existing on-site trees and shrubs that remain healthy and undisturbed during the site's development may be credited for required landscaping provided they meet the minimum size, species, and location requirements.
2. The following are per-dwelling-unit minimum requirements:
  - a. Three (3) trees and six (6) shrubs; or
  - b. Four (4) trees and three (3) shrubs; or
  - c. Five (5) trees and no shrubs.
3. All deciduous trees used to meet the landscaping requirements shall be a minimum of one-and-one-half-inch-caliper and a minimum of eight (8) feet in height, measured as shown in Figure 6.14.CITE FINAL #. All trees (existing and proposed) not meeting the one-and- one-half-inch caliper or eight foot-high standard will not count toward the landscaping requirements.

What does PC think about options of tree/shrubs mix? Draft copies Silverthorne language for residential

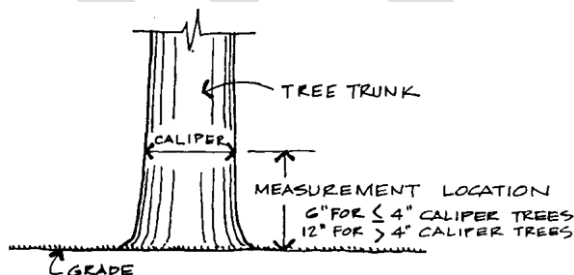


Figure 6.14.CITE FINAL # Tree Caliper Measurement

4. All evergreen trees used to meet the landscaping requirements shall be six (6) feet or greater. All trees (existing and proposed) not meeting the six-foot-high standard will not count toward the landscaping requirements.
5. All shrubs used to meet the landscaping requirements shall be at least one and one-half (1.5) feet tall and a minimum five-gallon container when planted.

6. A minimum of one tree shall be planted within the yard setback adjacent to any public street for every 30 feet of total street frontage or fraction thereof. Street trees shall be placed at least eight feet away from the edges of driveways and alleys and to the extent reasonably feasible, be positioned at evenly spaced intervals.

B. *Non-Residential and Mixed-Use Development.* To the greatest extent possible, existing healthy trees shall be saved upon development of a property unless it can be demonstrated that site restrictions necessitate their removal. Existing on-site trees and shrubs that remain healthy and undisturbed during the site's development may be credited for required landscaping provided they meet the minimum size, species, and location requirements.

1. A minimum of three (3) trees and two (2) shrubs shall be provided for every 1,500 square feet of floor area.
2. All deciduous trees used to meet the landscaping requirements shall have a minimum two-inch caliper.
3. All evergreen trees used to meet the landscaping requirements shall have a minimum height of eight (8) feet.
4. All shrubs used to meet the landscaping requirement shall be at least one and one-half (1.5) feet tall and a minimum five-gallon container when planted.
5. The following alternative forms of landscaping may be used to meet the vegetation requirements:
  - a. For properties fronting Main Street or Summit Boulevard: Up to 50 percent of the landscaping required by Sections 180-6.14.CITE FINAL SECTION may be provided in the form of street furniture, planter boxes, or other forms of landscaping. To be substituted for landscaping that is otherwise required; planter boxes shall have a minimum plantable area of 16 square feet. Each bench or each 16 square feet of plantable planter box area or other non-vegetative landscaping may be substituted for one required tree.
  - b. For properties fronting Main Street, East and West Main Street or Summit Boulevard: Up to 25 percent of the landscaping required by Sections 180-6.14.CITE FINAL SECTION may be provided in the form of public art or public space such as a patio, plaza, or outdoor seating area. To be substituted for landscaping required by Sections 180-6.14.CITE FINAL SECTION public spaces shall have a minimum area of 100 square feet. Each 100 square feet of public space may be substituted for one required tree.

What does PC think about tree/shrubs mix? Note that below is an option to require more landscaping for screening

Alternatives exist in code now. Does PC want to expand to properties off Main Street and Summit Blvd? (Dillon Dam Road? Lusher Court? Ten Mile Drive?)

C. *Public Projects*. For projects undertaken by the Town or projects which will serve a public purpose and benefit such as, but not limited to: public parks, recreation areas and rights-of-way, the amount of trees and shrubs required shall be determined by the Town. The Town shall be guided by the comparison with similar uses within Town or within the region to determine appropriate landscaping requirements.

Existing language in Code which has been useful for development projects at PRA and transit center

D. *Additions to Existing Developments*. In determining landscape requirements for additions to existing structures, the required amount of landscaping in this Article shall be in accordance with this section. A nonconforming use or structure that is nonconforming due to inadequacies in its provision of landscaping may be expanded, changed, or altered provided that landscaping is provided for the expansion in accordance with this section.

#### 180-6.14.5. *Required Wildfire Mitigation*.

F. The creation of defensible space around structures is required for all new construction that affects the exterior of a structure and/or a structure's footprint.

G. The following standards apply to the creation of defensible space around a structure:

1. The property shall be divided into three (3) zones shown in the table below. The zones shall measure from the eaves of the building or structure including attached structures or protrusions, such as a deck on the property.

| Zone              | Distance        |
|-------------------|-----------------|
| Immediate Zone    | 0' to 5'        |
| Intermediate Zone | 5' to 30'       |
| Extended Zone     | 30' and greater |

0 to 5' from structure essentially only allows noncombustible hardscaping. Due to this being required, does PC want to exempt this area from lot coverage calculations? Staff does not support this suggestion but wants verification from the Commission.

2. Except as may be required to remove dead or diseased trees, no portion of any property may be "clear cut" in order to achieve defensible space.
3. Except as may be required to remove dead or diseased trees, no more trees shall be allowed to be removed than are necessary in order for the landowner to create defensible space around a property.

Not sure how to verify dead/diseased trees; a letter from landscaper is currently required and people tend to skip it and just cut them down without getting permit

H. *The Immediate Zone*. The following specific standards apply to the creation of defensible space within the immediate zone (0 to 5 feet).

1. All trees including limbs along with shrubs, conifers and other landscaping materials shall be removed.

2. All vegetation and combustible and flammable materials shall be moved away from exterior walls, under the eaves, and/or decks. This includes: mulch, shredded rubber, ground fuels, flammable plants, leaves, needles, and firewood piles.
3. Surface materials shall be noncombustible hardscaping such as rock, gravel, concrete, sand or stone/concrete pavers.
- I. *The Intermediate Zone.* The following specific standards apply to the creation of defensible space within the intermediate zone (5 to 30 feet):
  1. All dead and diseased trees, shrubs, and other landscaping materials shall be removed.
  2. Healthy deciduous trees may be added if they are planted in small irregular islands or clusters.
  3. Other healthy, firewise trees, shrubs, and other landscaping material shall be preserved if they are well spaced so as to reduce the risk of a fire spreading to other vegetation or structures, but shall be pruned to remove dead branches.
  4. Shrubs shall be spaced at least 10 feet away from the edge of tree branches.
- J. *Extended Zone:* The following specific standards apply to the creation of defensible space within the extended zone (30 feet and greater):
  1. All dead and diseased trees, shrubs, and other landscaping materials shall be removed.
  2. Healthy trees, shrubs, and other landscaping materials required by an existing approved landscape plan shall be preserved.
  3. Other healthy, firewise trees, shrubs, and other landscaping material shall be preserved if they are well spaced so as to reduce the risk of a fire spreading to other vegetation or structures, but shall be pruned to remove dead branches.
  4. Healthy deciduous trees may be added if they are planted in small irregular islands or clusters.
  5. Groups of trees with a minimum of 12 feet between the widest portion of individual crowns of each grouping shall be preserved to allow buffers to remain and to prevent wind throw.

#### 180-6.14.6. *General Landscape Requirements.*

- I. *Species Diversity.* To prevent uniformity and insect or disease susceptibility, species diversity is required and extensive monocultures of trees are prohibited. Species diversity does not apply to existing trees or trees planted in excess of the minimum number required by this article. The following minimum requirements shall apply to any development plan:

| Number of required trees on site | Maximum percentage of any one species |
|----------------------------------|---------------------------------------|
| 1—9                              | No diversity required                 |
| 10—19                            | 45 percent                            |
| 20—39                            | 33 percent                            |
| 40 or more                       | 25 percent                            |

J. *Parking Area Landscaping*. In addition to the landscaping required in 180-6.14.CITE FINAL SECTION landscaping is required under this section to reduce the visual impacts created by parking areas.

1. Any parking lot providing 20 or more parking spaces shall have an area equal to at least six percent of the total paved area landscaped. In parking areas providing 20 or more parking spaces, at least 50 percent of the landscaping required by this section must be internal to the parking area. The remainder of the landscaped area may be external to the parking area so long as it is within ten feet of the perimeter of the paved area.
2. All landscaping required by this section shall include at a minimum, one tree and two shrubs for every 150 square feet of landscape area required, or fraction thereof. All required trees and shrubs must meet the minimum plant size requirements set forth in Section 180-6.14.CITE FINAL SECTION
3. Internal parking lot landscaping provided shall be proportionately dispersed so as to define aisles and limit unbroken rows of parking.
4. Parking lot islands shall be a minimum of eight (8) feet in width and eight (8) feet in length and contain at least one tree.
5. Parking lot islands may not be used in the calculation of required snow storage.
6. Except in the Central Core District, parking lots abutting a property line shall incorporate a landscaped buffer between the property line and the paved surface of the parking lot. Required landscaped buffers shall meet the following standards:
  - a. Buffers shall be a minimum of ten feet wide
  - b. The location and type of all plantings shall meet sight distance requirements.
  - c. The following incentive is available:
    - i. If a landscaped buffer incorporates double the plant quantities and area required above, or double the requirement in Section 180-6.14.3.F, Parking Area Landscaping, whichever is greater, then the applicant may locate up to 75 percent of the required parking in

6. pasted from non-residential dev't standards and will be deleted from that

the front of the building along the principal street façade, with approval by the Planning Commission.

7. Except in the Central Core District, where a building abuts parking or paved areas, a landscaped area shall be provided that varies from five to ten feet in width.
  - a. Required landscaped areas shall meet the following standards:
    - i. At least half of the landscaped areas shall be ten feet in width.
    - ii. This landscaped area shall be at least 50 percent of the length of the building.
    - iii. Landscaping shall also comply with Section 180-6.14.ii.
  - b. The following incentive is available:
  - c. If less than 50 percent of the required parking spaces are located in front of the building along the principal street façade, the landscaped buffer may be reduced to a minimum of 35 percent of the length of the building, with approval by the Planning Commission.

Figure 6-CITE FIGURE NUMBER AND TITLE

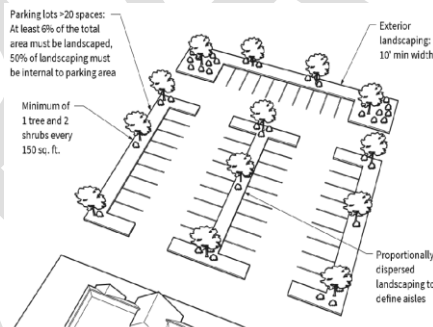
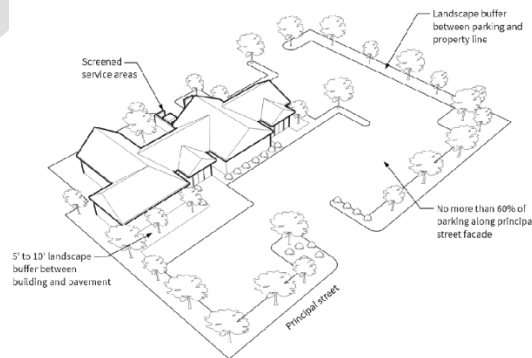


Figure 6-CITE FIGURE NUMBER AND TITLE



### C. Additional Screening.

1. Additional landscape screening may be required when it is determined by Community Development Department staff or Planning Commission to be in the best interest of the affected properties only if it is determined that:
  - a. The proposed development will have a substantial adverse impact on an adjacent property; and
  - b. The substantial adverse impact is due to an impact of the proposed development that is unique and peculiar to the proposed development and not of the type normally associated with the type of development proposed.
2. Additional landscaping, not to exceed 20 percent of the landscaping otherwise required may be required in areas including, but not limited to:
  - a. At the edges (perimeter) of a parking lot and between parking lots.
  - b. Between building development and recreational trails or open space.
  - c. Between multifamily or commercial development and a road or other public spaces.
  - d. Between commercial and residential areas.
  - e. On slopes of over 15 percent. Developers shall be required to place additional trees in sufficient numbers to screen such properties from major thoroughfares, such as Highway 9 and Main Street.

**D. *Protection of Existing Vegetation***

1. Prior to the issuance of any grading or building permit, existing trees, shrubs, and/or sensitive native landscape areas that are to be preserved shall be defined in the field. These plants and areas shall be defined by a minimum of a four-foot-high visibility fence (polyethylene, painted, wooden slat, snow fence, etc.) which is to be located no closer than the drip line of the vegetation to be preserved and which is to remain and be maintained throughout the construction period.
2. Construction debris storage/staging areas shall be located away from vegetation, at least one (1) foot outside the drip line of tree, to be preserved.
3. Any removed qualifying trees that are not subject to the exceptions set forth in Section 180-6.14.CITE FINAL SECTION shall be replaced unless replacement would conflict with required defensible space or fuel-reduction standards with a one for one and a half

(1:1.5) replacement ratio.<sup>1</sup> All replacement plant material shall conform to the requirements by plant type set forth in 180-6.14.CITE FINAL SECTION, Plant Sizes.

4. All coniferous trees with a diameter of six inches or more and all deciduous trees with a diameter of three inches or more, measured one foot above the ground shall be defined as a qualifying tree and may be removed without replacement, only as follows:
  - a. Trees on land to be occupied by buildings, parking, and paving plus a maximum eight-foot clearance strip adjacent to the perimeter thereof.
  - b. Diseased trees, trees damaged by natural causes, and other trees that interfere with utility lines may be removed only upon authorization of the State Forester or other qualified person and authorization of the Town.
  - c. Trees whose removal is necessary for fire safety or wildland fire defense may be removed upon authorization of a qualified specialist and authorization of the Town.
- E. *Revegetation of Disturbed Land.* Development activities should only disturb, clear, or grade the area necessary for construction.
  1. All areas disturbed by grading or construction, not being formally landscaped, shall be mulched and revegetated with seeding and/or other plant materials. All seeded areas shall receive seeding mulch (e.g., straw-crimped in place or hydromulch, etc.). In order to promote growth and increase soil contact all rocks larger than three inches in diameter shall be removed, and a minimum of three inches of topsoil shall be installed utilizing existing stockpiled topsoil from the site, when possible. Seeded areas in excess of 3:1 (horizontal:vertical) slope (33 percent) shall receive biodegradable erosion control blankets, to reduce potential for damage from heavy, concentrated storm-water runoff. Seed mixes and other plant material shall be selected from the "Plant Materials List - Frisco

Staff to research if this is still best requirement for seeding/revegetation

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<sup>1</sup>The total diameter (in inches) of the replacement trees, must be one and a half times greater than the total diameter (in inches) of those trees removed, (e.g. -one removed 12-inch diameter coniferous tree may be replaced with two nine-inch-diameter coniferous trees, or three six-inch diameter coniferous trees, etc.) with a minimum diameter replacement for coniferous trees of four inches and for deciduous trees of two inches. The tree replacement requirements of this paragraph may be partially waived on a case-by-case basis as determined by Planning Commission for project sites that have at least 50 percent more again, the number of trees that would be required. In the case of these significantly forested sites, whenever possible, building and paving placement should occur in the least densely forested area of the lot to take advantage of any naturally occurring openings that would result in the removal of fewer trees.

Colorado". Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission based on competent evidence that the proposed plant material is suitable to the climate and placement on the site.

2. Keep vehicles and construction equipment out of undisturbed areas to preserve the natural ground cover and vegetation.
3. Following construction, stockpiled topsoil should be uniformly redistributed to a depth of three inches.
4. Topsoil shall consist of adequate and fully composted organic material.

F. *Completion.*

1. All approved landscaping must be completed prior to the issuance of certificates of occupancy generally in the months of May through October. Certificates of Occupancy will be issued during the remainder of the year prior to completion of approved landscaping only if the applicant provides a guarantee of improvements which is acceptable to the Town.
2. In the case of a drought, as determined by the Town, the property, the property owner may request from the Community Development Department an extension on the landscape installation time frame. If approved, the owner will be required to submit a bid from a local landscape contractor, along with one hundred fifty percent (150%) of the estimated cost of materials and labor, to be completed by the date given by the Community Development Department.

Completion section is new and copied from Silverthorne. 1. Already followed by Town but not clear in Code. Staff unsure of using 2. Since not sure who/how drought declared

G. *Landscape Maintenance.*

1. Landscaping shall be maintained in good health and condition for perpetuity. If any vegetative landscaping required by this Article shall die the owner of the property on which it is located shall replace it with the vegetation required by the approved landscape plan within one year of the death of the vegetation. Where irrigation systems have been installed, these systems shall be kept operable, including adjustments, replacements, repairs and cleaning needed as part of regular maintenance.
2. Noxious Weeds. It is the duty of any property owner or occupant to control noxious weeds which aggressively invade native plant communities or are carriers of detrimental insects, diseases, or parasites and it is unlawful to permit such noxious weeds to grow as noted in Chapter 61, Brush, Grass and Weeds.

- H. *Xeriscape Requirements.* Xeriscape is a landscape concept which promotes water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native or drought tolerant vegetation, limiting the amount and type of irrigation and other related measures to conserve water and create a native

landscape. The following specific requirements shall be met for all development subject to the mandatory landscaping requirement, unless specifically exempted by another part of the Landscaping Regulations:

1. All front, side and rear yards, exclusive of permitted access drives, walkways, parking lots and accessory structures, shall be left in natural vegetation.
2. *Water Conservation.* All landscape plans should be designed to incorporate water conservation materials and techniques through application of xeriscape landscaping principles while also prioritizing low-fuel, ignition-resistant plant materials.
  - a. *Maximum Amount of Irrigated Area.* The maximum amount of irrigated area cannot exceed twenty percent (20%) of the pervious area on a site.
  - b. Permanent irrigation systems shall be limited to functional turf areas and other specific areas where irrigation is demonstrated to be necessary due to site constraints or plant establishment needs, as approved by the Town. All permanent irrigation systems shall be clearly identified and labeled on the landscape plan, including system type and areas to be irrigated, to demonstrate compliance with this section. Temporary irrigation methods used for plant establishment, including hoses or other non-permanent systems, are permitted and are not subject to these requirements.
  - c. Irrigation Systems for trees and shrubs that are X or XX as allowed by these regulations shall be designed as a drip irrigation system or other high-efficiency irrigation technology. XXX plants may only have temporary irrigation systems at the discretion of the Town to ensure successful plant establishment.
  - d. Spray or sprinkler irrigation shall only be permitted for functional turf areas or seasonal planting beds.
  - e. Permanent irrigation systems shall not be required for water-wise landscaping designs where plant species are identified as drought tolerant or suitable for non-irrigated establishment.
  - f. Where irrigation systems are not being installed, the Town encourages an applicant to provide temporary, supplemental watering beyond natural precipitation for new plants and revegetation for no more than two (2) years to ensure successful plant establishment as required by these regulations. Revegetation can be established without supplementing natural precipitation if the revegetation procedures outlined above are followed.

Staff notes clean-up is needed here to clarify if they are supposed to show on the CMP that they are maintaining as much natural vegetation as possible during construction.

H.1. to restrict adding new turf/landscaping. However, does this language makes sound like no new trees allowed?

Maximum amount of irrigated area requested by Staff and copied from Summit County

- g. Outside irrigation shall follow day and time watering schedules as outlined in Frisco Town Code, Chapter 171.
- h. All irrigation systems shall be designed with at least two (2) zones to control the amount of water to planting areas and the lawn area so that water can be applied at differing rates based on species need.
- i. All irrigation systems shall be designed with a rain sensor that prevents irrigation if it is raining or if the soils and plants are moist. All irrigation systems shall be maintained per the provisions listed in Section 180-6.14 CITE SECTION.
- j. All irrigation systems shall have timers.

#### 180-6.14.7. *Plant Materials.*

- A. *Planting Requirements.* Frisco has a harsh environment and careful plant selection and installation of landscape materials is essential to successful establishment of the landscaping. All new plant materials shall use species from the required plant list included in the Required Plant Materials List (CITE FINAL TABLE). Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence that the proposed plant material is suitable to the climate and placement on the site.
- B. The following further limits the type of planting that can occur on a site:
  - 1. Trees, shrubs or other plants within an irrigated area shall be limited to species shown as either a X or XX plant in Table 3-2, unless other plants are approved by the Town for location in irrigated areas (X: Thrives in slightly dry conditions, and once established, generally requires about one (1) inch of water per week; XX: Thrives in dry conditions, and once established, generally requires about one-half (½) inch of water per week).
  - 2. Trees, shrubs or other plants outside of an irrigated area shall be limited to a species shown as a XXX plant in Table 3-2, unless other plants are approved by the Town for location outside of irrigated areas (XXX: thrives in dry conditions, and once established, generally requires one-half (½) inch of water every two (2) weeks).
  - 3. Planting of Firewise plant materials, as noted in Table 3-2 is encouraged.
- C. *Prohibited Landscaping.* The following shall be prohibited:
  - 1. *Nonfunctional Turf, nonfunctional artificial turf, and invasive plant species.* As part of a new development project, or redevelopment project, no applicable property shall install, plant, or place, any

Should this section be moved up to stand out more?

nonfunctional turf, nonfunctional artificial turf, or invasive species as defined in this section.

2. Nothing in this section prohibits:

- a. A local entity from maintaining, or allowing any person to maintain, any nonfunctional turf, nonfunctional artificial turf, artificial turf, or invasive plant species installed, planted, or placed before January 1, 2026; or
- b. Installation of artificial turf on athletic fields of play; or
- c. Notwithstanding any provision of this section to the contrary, an applicant shall be allowed to install grass seed or sod that:
  - i. Is a native plant;
  - ii. Has been hybridized for arid conditions; or
  - iii. Is a low-water grass

D. *Noxious Weeds*. It is the duty of any property owner or occupant to not plant and to control noxious weeds which aggressively invade native plant communities or are carriers of detrimental insects, diseases, or parasites and it is unlawful to permit such noxious weeds to grow as noted in Chapter 61, Brush, Grass and Weeds.

E. *Plant Materials List*

1. Plant materials listed are those determined to be suitable for Frisco's arid alpine environment. Landscaping materials required by this Article shall be chosen from this section. Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence, that the proposed plant is suitable to the climate and placement on the site.
2. *Xeriscape Rating* has been included to help the applicant select a mixture of drought tolerant materials, likely to survive in this climate with little water.

\* - Native

X - Thrives in slightly dry conditions. Once established, these plants generally require about 1" of water per week.

XX - Thrives in dry conditions. Once established, these plants generally require about ½" of water per week.

XXX - Thrives in very dry conditions. Once established, these plants generally require about ½" of water every 2 weeks.

Table needs to be titled still. Copied from Summit County's code

Staff needs to find out if this is the best way to do grasses, since it is hard for contractors to find these exact mixes.

| Scientific Name                | Common Name                       | Approx. Water Needs | Firewise/Fire Resistant Plant Material | Native Colorado Plant Material | Approx. Mature Height |
|--------------------------------|-----------------------------------|---------------------|----------------------------------------|--------------------------------|-----------------------|
| <b>TREES and SHRUBS</b>        |                                   |                     |                                        |                                |                       |
| <i>Purshia tridentata</i>      | Antelope Bitterbush               | X                   | YES                                    | YES                            | 1 - 2'                |
| <i>Populus tremuloides</i>     | Aspen                             | X                   | YES                                    | YES                            | 35 - 50'              |
| <i>Populus balsamifera</i>     | Balsam Poplar                     | X                   | YES                                    | YES                            | 25 - 98'              |
| <i>Prunus cerasifera</i>       | Cherry, Cistena (Purpleleaf Plum) | X                   | YES                                    | NO                             | 15 - 30'              |
| <i>Aronia melanocarpa</i>      | Chokeberry, Black                 | X                   | YES                                    | NO                             | 3 - 6'                |
| <i>Padus virginiana</i>        | Chokecherry, Native               | X                   | YES                                    | YES                            | 10 - 15'              |
| <i>Picea pungens</i>           | Colorado Blue Spruce              | X                   | NO                                     | YES                            | 80'                   |
| <i>Malus sp.</i>               | Crabapple, Radiant & Spring Snow  | X                   | YES                                    | NO                             | 15 - 25'              |
| <i>Prunus padus commutata</i>  | Mayday                            | X                   | YES                                    | NO                             | 30'                   |
| <i>Pinus mugo</i>              | Mugo Pine                         | X                   | NO                                     | NO                             | 3 - 5'                |
| <i>Rosa glauca</i>             | Rose, Redleaf                     | X                   | YES                                    | NO                             | 6 - 8'                |
| <i>Amelanchier</i>             | Serviceberry                      | X                   | YES                                    | YES                            | 6 - 18'               |
| <i>Prunus virginiana</i>       | Shubert Chokecherry               | X                   | YES                                    | NO                             | 10 - 30'              |
| <i>Sorbaria sorbifolia</i>     | Spirea, Rock or Ashleaf           | X                   | YES                                    | NO                             | 6 - 8'                |
| <i>Abies lasiocarpa</i>        | Subalpine Fir                     | X                   | NO                                     | YES                            | 36 - 72'              |
| <i>Pinus aristata</i>          | Bristlecone Pine                  | XX                  | NO                                     | YES                            | 50'                   |
| <i>Picea englemannii</i>       | Engelmann Spruce                  | XX                  | NO                                     | YES                            | 80 - 100'             |
| <i>Lonicera tatarica</i>       | Honeysuckle, Carnold's Red        | XX                  | YES                                    | NO                             | 4 - 6'                |
| <i>Juniperus communis</i>      | Juniper                           | XX                  | NO                                     | YES                            | < 3'                  |
| <i>Arctostaphylos uva-ursi</i> | Kinnikinick                       | XX                  | YES                                    | YES                            | 1'                    |
| <i>Syringa vulgaris</i>        | Lilac, Canadian & Common          | XX                  | YES                                    | NO                             | 7 - 16'               |
| <i>Pinus flexilis</i>          | Limber Pine                       | XX                  | NO                                     | YES                            | 35'                   |

|                                       |                                 |     |     |     |           |
|---------------------------------------|---------------------------------|-----|-----|-----|-----------|
| <i>Pinus contorta</i>                 | Lodgepole Pine                  | XX  | NO  | YES | 35 - 70'  |
| <i>Acer ginnala</i>                   | Maple, Ginnala (Amur)           | XX  | YES | NO  | 6 - 10'   |
| <i>Physocarpus monogynus</i>          | Mountain Ninebark               | XX  | YES | YES | 2 - 6'    |
| <i>Cotoneaster acutifolius</i>        | Peking Cotoneaster              | XX  | YES | NO  | 2 - 3'    |
| <i>Potentilla</i>                     | Potentilla                      | XX  | YES | YES | 2-3'      |
| <i>Rubus</i>                          | Raspberry, Wild                 | XX  | YES | NO  | 4 - 6'    |
| <i>Pseudotsuga menziesii</i>          | Rocky Mountain Douglas Fir      | XX  | YES | YES | 70 - 100' |
| <i>Rosa woodsii</i>                   | Rose, Woods                     | XX  | YES | YES | 2 -3'     |
| <i>Shepherdia canadensis</i>          | Buffaloberry, Russet or Silver  | XXX | YES | YES | 4 - 6'    |
| <i>Ribes alpinum</i>                  | Currant, Alpine                 | XXX | YES | NO  | 5'        |
| <i>Ribes aureum</i>                   | Currant, Golden                 | XXX | YES | YES | 2 - 3'    |
| <i>Ribes rubrum</i>                   | Currant, Red Lake               | XXX | NO  | NO  | 4'        |
| <i>Ribes cereum</i>                   | Currant, Squaw or Wax           | XXX | YES | YES | < 3'      |
| <i>Chamaebatiaria millefolium</i>     | Fernbush                        | XXX | NO  | NO  | 6'        |
| <i>Ribes inerme</i>                   | Gooseberry, Pixwell & Whitestem | XXX | NO  | YES | 8'        |
| <i>Artemisia tridentata</i>           | Sage, Big Leaf                  | XXX | YES | YES | 1 - 1.5'  |
| <i>Caragana arborescens</i>           | Siberian Peashrub               | XXX | NO  | NO  | > 6'      |
| PERRENNIALS, GROWDCOVERS, and ANNUALS |                                 |     |     |     |           |
| <i>Osteospermum</i>                   | African Daisy                   | X   | YES | NO  | < 1'      |
| <i>Ajuga</i>                          | Ajuga, Bugleweed                | X   | YES | NO  | <.5'      |
| <i>Aurinia saxatilis</i>              | Basket of Gold                  | X   | YES | NO  | 1'        |
| <i>Campanula rotundifolia</i>         | Bellflower, Harebell            | X   | YES | YES | 1'        |
| <i>Iberis spp.</i>                    | Candytuft                       | X   | YES | NO  | 9 - 18"   |
| <i>Aquilegia</i>                      | Columbine                       | X   | YES | YES | 1 - 2'    |
| <i>Heuchera spp.</i>                  | Coral Bells                     | X   | YES | NO  | 1 - 2'    |
| <i>Leucanthemum spp.</i>              | Daisy, Shasta & Painted         | X   | YES | NO  | 2 - 3'    |
| <i>Delphinium spp.</i>                | Delphinium                      | X   | YES | NO  | .5 - 3'   |

|                                |                                   |    |     |     |            |
|--------------------------------|-----------------------------------|----|-----|-----|------------|
| <i>Leontopodium alpinum</i>    | Edelweiss                         | X  | YES | NO  | 6 - 8"     |
| <i>Chamerion angustifolium</i> | Fireweed                          | X  | YES | YES | 2 - 6'     |
| <i>Digitalis</i>               | Foxglove                          | X  | YES | NO  | 3 - 7'     |
| <i>Geranium spp.</i>           | Geranium                          | X  | YES | NO  | 2'         |
| <i>Alchemilla</i>              | Lady's Mantle                     | X  | YES | NO  | 1 - 1.5'   |
| <i>Lamium spp.</i>             | Lamium                            | X  | YES | NO  | <1'        |
| <i>Liatris spp.</i>            | Liatris, Blazing Star, Gayfeather | X  | YES | YES | 6 - 24"    |
| <i>Lychnis chalcedonica</i>    | Maltese Cross                     | X  | YES | NO  | 14 - 39"   |
| <i>Argyranthemum</i>           | Marguerite Daisy                  | X  | YES | NO  | 1 - 3'     |
| <i>Viola tricolor</i>          | Pansy                             | X  | YES | NO  | < 1'       |
| <i>Echinacea</i>               | Purple Coneflower                 | X  | YES | NO  | 2 - 3'     |
| <i>Cerastium tomentosum</i>    | Snow in Summer                    | X  | YES | NO  | 6 - 12"    |
| <i>Saponaria officinalis</i>   | Soapwort                          | X  | YES | NO  | 1 - 2.5'   |
| <i>Galium odoratum</i>         | Sweet Woodruff                    | X  | YES | NO  | 4 - 8"     |
| <i>Viola</i>                   | Viola                             | X  | YES | NO  | < 1'       |
| <i>Minuartia obtusiloba</i>    | Alpine Sandwort                   | XX | YES | YES | 1 - 2"     |
| <i>Aster spp.</i>              | Aster                             | XX | YES | YES | 1 - 2'     |
| <i>Rudbeckia hirta</i>         | Black-Eyed Susan                  | XX | YES | YES | 3'         |
| <i>Persicaria affinis</i>      | Border Jewel                      | XX | YES | NO  | 8 - 12"    |
| <i>Cosmos spp.</i>             | Cosmos                            | XX | YES | NO  | 3 - 6"     |
| <i>Thymophylla tenuiloba</i>   | Dahlberg Daisy                    | XX | YES | NO  | < 1'       |
| <i>Hemerocallis spp.</i>       | Daylily                           | XX | YES | NO  | < 0.5'     |
| <i>Dianthus spp.</i>           | Dianthus                          | XX | YES | NO  | .5 - 2'    |
| <i>Senecio cineraria</i>       | Dusty Miller                      | XX | YES | NO  | 0.5 - 1.5' |
| <i>Erigeron spp.</i>           | Erigeron/Fleabane                 | XX | YES | YES | 3 - 24"    |
| <i>Gazania spp.</i>            | Gazania                           | XX | YES | NO  | > 1'       |
| <i>Solidago</i>                | Goldenrod                         | XX | YES | YES | 2'         |
| <i>Sempervivum spp.</i>        | Hens & Chicks                     | XX | YES | NO  | < .5'      |

|                                 |                            |    |     |     |             |
|---------------------------------|----------------------------|----|-----|-----|-------------|
| <i>Carpobrotus edulis</i>       | Iceplant                   | XX | YES | NO  | > 0.5'      |
| <i>Iris spp.</i>                | Iris, Bearded              | XX | YES | NO  | 1 - 3'      |
| <i>Polemonium caeruleum</i>     | Jacobs Ladder              | XX | YES | YES | 1 - 2'      |
| <i>Stachys byzantina</i>        | Lamb's Ears                | XX | YES | NO  | 0.75 - 1.5' |
| <i>Calendula spp.</i>           | Marigold                   | XX | YES | NO  | 8 - 18"     |
| <i>Origanum vulgare</i>         | Oregano                    | XX | YES | NO  | 1 - 3'      |
| <i>Pulsatilla ludoviciana</i>   | Pasque Flower              | XX | YES | YES | 15"         |
| <i>Paeonia</i>                  | Peony                      | XX | YES | NO  | 3 - 5'      |
| <i>Petunia</i>                  | Petunia                    | XX | YES | NO  | 1 - 1.5"    |
| <i>Phlox subulata</i>           | Phlox, Creeping            | XX | YES | YES | < .5'       |
| <i>Scabiosa</i>                 | Pincushion Flower          | XX | YES | NO  | 1 - 1.5'    |
| <i>Papaver nudicaule</i>        | Poppy, Iceland             | XX | YES | NO  | 1 - 3'      |
| <i>Papaver orientale</i>        | Poppy, Oriental            | XX | YES | NO  | 1 - 3'      |
| <i>Potentilla spp.</i>          | Potentilla, Cinquefoil     | XX | YES | YES | < .5'       |
| <i>Geum spp.</i>                | Prairie Smoke              | XX | YES | YES | 1.5'        |
| <i>Portulaca oleracea</i>       | Purslane                   | XX | YES | NO  | 2'          |
| <i>Arabis alpina</i>            | Rockcress                  | XX | YES | NO  | <1'         |
| <i>Armeria maritima</i>         | Sea Pink                   | XX | YES | NO  | 0.5'        |
| <i>Nierembergia gracilis</i>    | Starry Eyes                | XX | YES | NO  | < 1'        |
| <i>Limonium spp.</i>            | Statice                    | XX | YES | NO  | 6 - 24"     |
| <i>Sedum spp.</i>               | Stonecrop                  | XX | YES | YES | < 1'        |
| <i>Helianthemum nummularium</i> | Sunrose                    | XX | YES | NO  | > 1'        |
| <i>Thymus spp.</i>              | Thyme                      | XX | YES | NO  | < 0.5'      |
| <i>Diascia intergerrima</i>     | Twinspur                   | XX | YES | NO  | 12 - 18"    |
| <i>Veronica umbrosa</i>         | Veronica, Creeping         | XX | YES | NO  | < 0.5'      |
| <i>Veronica liwanensis</i>      | Veronica, Turkish & Woolly | XX | YES | NO  | < 0.5'      |

|                                 |                                      |     |                                                                                                                                                                                                                                                                |     |          |
|---------------------------------|--------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------|
| <i>Vinca minor</i>              | Vinca Vine,<br>Periwinkle,<br>mrytle | XX  | YES                                                                                                                                                                                                                                                            | NO  | < 1'     |
| <i>Achillea lanulosa</i>        | Yarrow                               | XX  | YES                                                                                                                                                                                                                                                            | YES | 1.5 - 2' |
| <i>Centaurea cyanus</i>         | Bachelor Buttons                     | XXX | YES                                                                                                                                                                                                                                                            | NO  | 16 - 35" |
| <i>Gaillardia</i>               | Blanket Flower                       | XXX | YES                                                                                                                                                                                                                                                            | YES | 2 - 3'   |
| <i>Eschscholzia californica</i> | California Poppy                     | XXX | YES                                                                                                                                                                                                                                                            | NO  | 1 - 2'   |
| <i>Euphorbia polychroma</i>     | Cushion Spurge                       | XXX | YES                                                                                                                                                                                                                                                            | NO  | 12 - 18" |
| <i>Oenothera</i>                | Evening Primrose                     | XXX | YES                                                                                                                                                                                                                                                            | YES | 4'       |
| <i>Penstemon strictus</i>       | Penstemon,<br>Rocky Mtn.             | XXX | YES                                                                                                                                                                                                                                                            | YES | 1.5'     |
| <i>Antennaria</i>               | Pussytoes                            | XXX | YES                                                                                                                                                                                                                                                            | YES | < 0.5'   |
| <i>Eriogonum umbellatum</i>     | Sulphurflower                        | XXX | YES                                                                                                                                                                                                                                                            | YES | < 0.5'   |
| GRASS MIXES                     |                                      |     |                                                                                                                                                                                                                                                                |     |          |
|                                 | <b>Short Grass Mixture</b>           | X   |                                                                                                                                                                                                                                                                |     |          |
| <i>Lolium perenne</i>           | Perennial Ryegrass                   | 25% | A premium lawn mix for consistently watered and mowed lawns. Similar mix as used in sod. Not recommended for wildflowers.                                                                                                                                      |     |          |
| <i>Festuca rubra</i>            | Chewings Fescue                      | 30% |                                                                                                                                                                                                                                                                |     |          |
| <i>Poa pratensis</i>            | Kentucky Bluegrass,<br>Limousine     | 20% |                                                                                                                                                                                                                                                                |     |          |
| <i>Poa pratensis</i>            | Kentucky Bluegrass,<br>Marquis       | 20% |                                                                                                                                                                                                                                                                |     |          |
| <i>Lolium multiflorum</i>       | Annual Ryegrass                      | 5%  |                                                                                                                                                                                                                                                                |     |          |
|                                 | <b>Short Dry Grass Seed Mixture</b>  | XX  |                                                                                                                                                                                                                                                                |     |          |
| <i>Festuca trachyphylla</i>     | Hard Fescue                          | 30% | Drought tolerant low growing grass mix that can be left unmowed. Requires little water once established. Use with wildflowers only if not watering on a regular basis. With regular watering, this mix will out compete wildflowers. Grows 6" to 8" in height. |     |          |
| <i>Festuca rubra</i>            | Creeping Red Fescue                  | 30% |                                                                                                                                                                                                                                                                |     |          |
| <i>Festuca ovina</i>            | Sheep Fescue                         | 25% |                                                                                                                                                                                                                                                                |     |          |
| <i>Poa compressa</i>            | Canada Bluegrass                     | 10% |                                                                                                                                                                                                                                                                |     |          |
| <i>Poa secunda</i>              | Canby Bluegrass                      | 5%  |                                                                                                                                                                                                                                                                |     |          |

|                                               |                         |     |                                                                                                                                                                                                                   |  |  |
|-----------------------------------------------|-------------------------|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| <b>Aggressive Grass Seed Mixture</b>          |                         | XXX |                                                                                                                                                                                                                   |  |  |
| <i>Bromus inermis</i>                         | Smooth Brome grass      | 15% | Quick cover mix that contains tall non-native aggressive grasses. Provides a crop or field look. Use for erosion control & reclamation. For very steep slopes & poor soils. With water, Can grow to 4' in height. |  |  |
| <i>Agropyron cristatum</i>                    | Crested Wheatgrass      | 15% |                                                                                                                                                                                                                   |  |  |
| <i>Thinopyrum intermedium</i>                 | Intermediate Wheatgrass | 10% |                                                                                                                                                                                                                   |  |  |
| <i>Poa pratensis</i>                          | Kentucky Bluegrass      | 10% |                                                                                                                                                                                                                   |  |  |
| <i>Dactylis glomerata</i>                     | Orchardgrass            | 10% |                                                                                                                                                                                                                   |  |  |
| <i>Festuca rubra</i>                          | Creeping Red Fescue     | 10% |                                                                                                                                                                                                                   |  |  |
| <i>Festuca arundinacea</i>                    | Tall Fescue             | 10% |                                                                                                                                                                                                                   |  |  |
| <i>Lolium perenne</i>                         | Perennial Ryegrass      | 5%  |                                                                                                                                                                                                                   |  |  |
| <i>Phleum pratense</i>                        | Timothy                 | 5%  |                                                                                                                                                                                                                   |  |  |
| <i>Bromus marginatus</i>                      | Mountain Broomegrass    | 5%  |                                                                                                                                                                                                                   |  |  |
| <i>Lolium</i>                                 | Annual Ryegrass         | 5%  |                                                                                                                                                                                                                   |  |  |
| <b>Summit Hills Grass Seed Mixture</b>        |                         | XXX |                                                                                                                                                                                                                   |  |  |
| <i>Elymus trachycaulus</i>                    | *Slender Wheatgrass     | 25% | Mixture of primarily bunch type grasses to provide a "natural" look. With water, can grow to 3' in height. Good companion with wildflowers. * Denotes native.                                                     |  |  |
| <i>Festuca trachyphylla</i>                   | Hard Fescue             | 20% |                                                                                                                                                                                                                   |  |  |
| <i>Festuca ovina</i>                          | *Sheep Fescue           | 20% |                                                                                                                                                                                                                   |  |  |
| <i>Festuca arundinacea</i>                    | Tall Fescue             | 15% |                                                                                                                                                                                                                   |  |  |
| <i>Poa ampla</i>                              | *Big Bluegrass          | 10% |                                                                                                                                                                                                                   |  |  |
| <i>Poa secunda</i>                            | *Canby Bluegrass        | 10% |                                                                                                                                                                                                                   |  |  |
| <b>Native High Country Grass Seed Mixture</b> |                         | XXX |                                                                                                                                                                                                                   |  |  |
| <i>Elymus trachycaulus</i>                    | Slender Wheatgrass      | 30% | 100% Native mix. With water, can grow to 3' in height. Good companion for wildflowers.                                                                                                                            |  |  |
| <i>Poa secunda</i>                            | Canby Bluegrass         | 15% |                                                                                                                                                                                                                   |  |  |
| <i>Poa ampla</i>                              | Big Bluegrass           | 10% |                                                                                                                                                                                                                   |  |  |
| <i>Festuca ovina</i>                          | Idaho Fescue            | 10% |                                                                                                                                                                                                                   |  |  |

|                               |                    |     |  |
|-------------------------------|--------------------|-----|--|
| <i>Festuca ovina</i>          | Sheep Fescue       | 10% |  |
| <i>Pascopyrum smithii</i>     | Western Wheatgrass | 10% |  |
| <i>Elymus gmelinii</i>        | Blue Wildrye       | 5%  |  |
| <i>Deschampsia caespitosa</i> | Tufted Hairgrass   | 5%  |  |

180-6.14.8. Landscape Definitions. The following words and phrases, when used in this section, shall have the meanings ascribed to them below.

*Applicable Property means:*

- A. Common interest community property; or,
- B. A street right-of-way, parking lot, or median; or
- C. Residential housing premises property containing more than twelve dwelling units

*Functional artificial turf* means artificial turf that is:

- A. Located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include a playground, a sports field, a picnic ground, an amphitheater, and a portion of a park; or
- B. A component of a product designed and approved by a professional engineer for civil infrastructure projects, including but not limited to revetments for slopes, channels, levees, and dams.

*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 a playground, a sports field, and a picnic ground. Functional turf does not include decorative or unused lawn areas.

*Nonfunctional turf* means turf that is not functional turf and includes turf located in a street right-of-way, parking lot, median, or transportation corridor. Nonfunctional turf does not include turf that is designated to be part of 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.

*Nonfunctional artificial turf* means artificial turf that is not functional artificial turf.

Staff still needs to compare with definitions in all of Town Code to ensure no contradictions

Should not need "Applicable Property" when completed if have new regs for all development as drafted

Need to add irrigation and watering definitions

*Turf* means continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots.

*Turf, artificial* means an installation of synthetic materials developed to resemble natural grass.

180-6.14.9. *Landscape Plan Submittal Requirements.* The applicant shall provide landscape, irrigation, and grading plans that cover the entire property. There may be a separate landscape plan, however, in most cases it can be configured with a site plan. All landscape plans must contain the following information including identification of defensible space zone, fuel-modification treatments, and ignition-resistant landscaping measures:

- A. Property lines and dimensions.
- B. Existing and finished grade.
- C. North arrow and both graphic and written scales.
- D. Name of Applicant and landscape consultants, if any.
- E. A legend indicating all proposed plant materials with common and botanical names, indication of drought tolerant plants, sizes, maximum spacing, caliper size, and quantities.
- F. Method of irrigation.
- G. Location of all plant material, other landscape features (including, but not limited to, wetlands, water bodies, rock outcroppings, detention areas, retaining walls) and buildings and paved areas (both existing and proposed).
- H. Ground surfaces and materials by type, such as paving, sod, mulch, edger, seed mixes, shrub and flower beds, etc., shall be clearly indicated with a note as to the percentage of plant coverage.
- I. Clearly labeled locations and calculations for amounts for all of the required landscape vegetation, including the percentage of drought tolerant plantings and any required parking area landscaping.
- J. A tree survey with the size and location of all existing coniferous trees with a diameter of six inches or more and all deciduous trees with a diameter of three inches or more measured one foot above the ground. The tree survey shall be prepared by and Colorado licensed surveyor.
- K. Identify which existing trees will remain on the property and how they will be protected from damage during construction.
- L. If snow storage is required, the location of all snow storage areas in relation to proposed landscaped areas must be shown.
- M. Identify construction debris storage and staging areas.

- N. Additional information may be required by the Town on a case-by-case basis if such information is deemed necessary to determine compliance with provisions of this Chapter.
- O. Identification of Wildland-Urban Interface (WUI) areas, defensible space zones, and proposed compliance with Firewise requirements, including plant spacing, limbing heights, and fuel-break treatments.
- P. Any turf and artificial turf must be identified with the functional use specified, including an explanation for the proposed footprint and why it is necessary.

DRAFT

Town Code in entirety to review prior to bringing forward for further adoption

1. Lot Coverage definition – consider exempting the sq. ft. 0-5' from structure
2. Non Residential Development Standards “parking lot landscaping” needs to be deleted
3. Turf is also defined in Chapter 13-2 of Town Code specific to Block 17-27, inclusive, of the Frisco Cemetery.
  - a. cemetery allows Blocks 17 through Block 27 shall be turf.
4. Fences within the first eight (8') of a structure are required to be noncombustible or ignition-resistant.
  - a. This requires modifications to Town Code, 180-6.18, Fences and Walls:
5. Ensure 180-5.5 reduction for Affordable Housing Developments with regards to landscaping makes sense after we have final draft of landscape regs (ensure there is still a quantity to reduce by 20%, a species mix to be increased, and a minimum tree caliper to be reduced)
6. 180-6.17, Refuse Management: Should we add a section that landscaping is allowed in locations identified in 180-6.14? The reason would be to connect the dots better since we cannot allow landscaping for screening dumpsters where the wildfire zones don't allow landscaping.
7. 180-5.2.3, Outdoor Storage Areas. Should we add a section that landscaping is allowed in locations identified in 180-6.14? The reason would be to connect the dots better since we cannot allow landscaping for screening dumpsters where the wildfire zones don't allow landscaping.
8. 180-6.19. Signs. Same as above two comments but this section currently says “encourages” around freestanding sign so not sure if really needed.
9. 180-9. Define “building footprint” if use in nonresidential tree count requirements
  - a. Suggestion: *Building footprint is the total ground area covered by a structure, defined by the perimeter of its exterior walls, including foundation walls and attached enclosed garages. This measurement strictly represents the enclosed living or working space that touches the ground and specifically excludes unenclosed or attached exterior structures such as decks, patios, porches, stoops, carports, and overhangs*
10. Per Ryan T: suggest different definition to state if HOA established on a property with outdoor irrigation, a separate irrigation sub meter is required.

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## § 180-6.14. Landscaping and revegetation requirements.

180-6.14.1. *Purpose.* The purpose of this section is to provide landscaping standards for sites undergoing development in the Town of Frisco. It is the Town's goal that landscape design protects the area's unique natural beauty and environment and enhances its aesthetic appeal. Since mountain climactic conditions affect the probability of plant establishment, landscape improvements must respect the unique mountain environment of Frisco. Key elements of good landscape design practices and appropriate use of plant materials that consider Frisco's semiarid climate must be considered during the design and construction process. Reduction of environmental and visual impacts within and between developments, consideration of on-site characteristics, encouragement of plantings that require less water and long-term maintenance, and control and reduction of noxious weeds, are all integral aspects of Town design objectives for landscaping.

180-6.14.2. *Applicability.* All projects requiring a development application or building permit and any landscape improvements within the Town of Frisco shall meet the landscaping requirements of this Section and Firewise Landscaping practices in accordance with Section 65-4, Amendments to the International Fire Code.

180-6.14.3. *Landscaping Requirements By Project Type.* Plant materials shall be required in amounts determined by the type of development and lot size as follows:

A. *Residential Development.*

1. For every 875 square feet of project lot area or fraction thereof, a minimum of one tree must be planted on the site. One shrub shall be required for every 1,500 square feet.
2. A minimum of one tree shall be planted within the yard setback adjacent to any public street for every 30 feet of total street frontage or fraction thereof. Street trees shall be placed at least eight feet away from the edges of driveways and alleys and to the extent reasonably feasible, be positioned at evenly spaced intervals.

B. *Mixed-Use Development.* Except as provided in subpart D:

1. For every 1,000 square feet of project lot area or fraction thereof, a minimum of one tree must be planted on the site. One shrub shall be required for every 1,500 square feet of project lot area or fraction thereof.
2. Mixed-use projects are eligible for substitution of hardscape and planter boxes for a portion of the landscaping required as outlined in Section 180-6.14.4, Required Vegetation.

C. *Commercial Development.* Except as provided in subpart D:

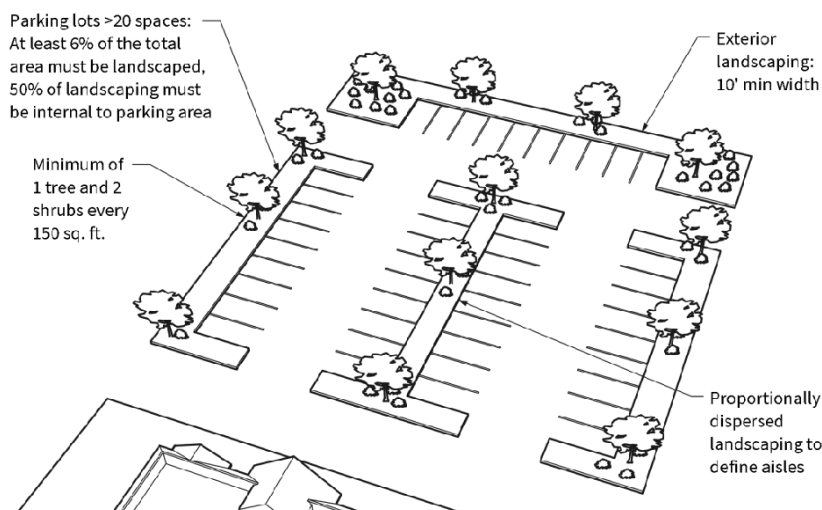
1. For every 1,125 square feet of project lot area or fraction thereof, a minimum of one tree must be planted on the site. One shrub shall be required for every 1,750 square feet of project lot area or fraction thereof.
2. Commercial projects are eligible for substitution of hardscape and planter boxes for a portion of the landscaping required as outlined in Section 180-6.14.4, Required Vegetation.

D. *Commercial and Mixed-Use Large Project Development.*

1. For commercial and mixed-use large projects as defined in this Chapter, for every 1,500 square feet of project lot area or fraction thereof, a minimum of one tree shall be planted on the site. One shrub shall be required for every 2,500 square feet of project lot area or fraction thereof.
2. Large projects are eligible for substitution of hardscape and planter boxes for a portion of the landscaping required as outlined in Section 180-6.14.4, Required Vegetation.

- E. *Public Projects.* For projects undertaken by the Town or projects which will serve a public purpose and benefit such as, but not limited to: public parks, recreation areas and rights-of-way, the amount of trees and shrubs required shall be determined by the Town. The Town shall be guided by the comparison with similar uses within Town or within the region to determine appropriate landscaping requirements.
- F. *Parking Area Landscaping.* In addition to the landscaping required in Sections 180-6.14.3.B, C, and D, landscaping is required under this section to reduce the visual impacts created by parking areas in multi-family residential, mixed-use, and commercial projects.
1. Any parking lot providing 20 or more parking spaces shall have an area equal to at least six percent of the total paved area landscaped. In parking areas providing 20 or more parking spaces, at least 50 percent of the landscaping required by this section must be internal to the parking area. The remainder of the landscaped area may be external to the parking area so long as it is within ten feet of the perimeter of the paved area.
  2. All landscaping required by this section shall include at a minimum, one tree and two shrubs for every 150 square feet of landscape area required, or fraction thereof. All required trees and shrubs must meet the minimum plant size requirements set forth in Section 180-6.14.4.A.
  3. Internal parking lot landscaping provided shall be proportionately dispersed so as to define aisles and limit unbroken rows of parking.
  4. Parking lot islands shall be a minimum of eight feet in width and length and contain at least one tree.
  5. Parking lot islands may not be used in the calculation of required snow storage.

**Figure 6-J: Parking Lot Design**



- G. *Additions to Existing Developments.* In determining landscape requirements for additions to existing developments or structures, the required amount of landscaping in this Article shall be determined by the amount of soil disturbance and project type per Section 180-6.14.3. A nonconforming use or structure that is nonconforming due to inadequacies in its provision of landscaping may be expanded, changed, or altered provided that landscaping is provided for the expansion in accordance with this section.

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180-6.14.4. *Required Vegetation.* Required trees should be planted predominantly in the front setback and the side yards to increase the visual buffer of the building and paving from the street, enhance the site, and provide a landscape buffer to adjacent properties. Spacing of plant material shall be appropriate for each species planted. In proposing landscaping to meet the requirements of this Article applicants shall use materials from the Plant Materials List in Section 180-6.14.8. Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence that the proposed plant material is suitable to the climate and placement on the site.

A. *Plant Sizes.* Plant materials used to satisfy the requirements of this Article must comply with the following minimum size requirements at the time of installation:

1. *Deciduous Trees.*

- a. Fifty percent three-inch minimum diameter measured 12 inches above the ground. If only one tree is required, then it must be at least three inches in diameter.
- b. Fifty percent two-inch minimum diameter measured 12 inches above the ground.
- c. When there are an odd number of trees required, then the larger specimen is required.
- d. Deciduous trees should be planted in groups of three or more to achieve a clustered effect, or as a single specimen tree.

2. *Coniferous (Evergreen) trees.*

- a. Twenty-five percent ten-foot minimum height. When only one tree is required, then it must be a minimum of ten feet in height.
- b. Twenty-five percent eight-foot minimum height.
- c. Fifty percent six-foot minimum height.
- d. When there are an odd number of trees required, then the largest specimen required by this section is required.

3. *Shrubs (Deciduous and Evergreen).*

- a. Five-gallon container, with minimum height or spread of two feet.

B. *Landscape Alternatives for Mixed-Use, Commercial and Large Projects.* The following alternative forms of landscaping may be used to meet the vegetation requirements:

1. For properties fronting Main Street or along Summit Boulevard: Up to 50 percent of the landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D may be provided in the form of street furniture, planter boxes, or other forms of landscaping. To be substituted for landscaping that is otherwise required; planter boxes shall have a minimum plantable area of 16 square feet. Each bench or each 16 square feet of plantable planter box area or other non-vegetative landscaping may be substituted for one required tree.
2. For properties fronting Main Street, East and West Main Street or along Summit Boulevard: Up to 25 percent of the landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D may be provided in the form of public art or public space such as a patio, plaza, or outdoor seating area. To be substituted for landscaping required by Sections 180-6.14.3.B, 180-6.14.3.C, or 180-6.14.3.D public spaces shall have a minimum area of 100 square feet. Each 100 square feet of public space may be substituted for one required tree.

C. *Species Diversity.* To prevent uniformity and insect or disease susceptibility, species diversity is required and extensive monocultures of trees are prohibited. Species diversity does not apply to

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existing trees or trees planted in excess of the minimum number required by this article. The following minimum requirements shall apply to any development plan:

| Number of required trees on site | Maximum percentage of any one species |
|----------------------------------|---------------------------------------|
| 1—9                              | No diversity required                 |
| 10—19                            | 45 percent                            |
| 20—39                            | 33 percent                            |
| 40 or more                       | 25 percent                            |

180-6.14.5. *General Landscape Requirements.*

- A. *Yard Landscaping Required.* Except for the placement of landscaping required in this Article and except for such lawn area as permitted by Section 180-6.14.5.C.1, all front, side and rear yards, exclusive of permitted access drives, walkways, parking lots and accessory structures, shall be left in natural vegetation.
- B. *Additional Screening Requirements.*
1. Additional landscape screening may be required when it is determined by Community Development Department staff or Planning Commission to be in the best interest of the affected properties. Additional landscaping may be deemed to be in the best interest of the affected properties only if it is determined by the Community Development Department that:
    - a. The proposed development will have a substantial adverse impact on an adjacent property; and
    - b. The substantial adverse impact is due to an impact of the proposed development that is unique and peculiar to the proposed development and not of the type normally associated with the type of development proposed.
  2. Additional landscaping, not to exceed 20 percent of the landscaping otherwise required may be required in areas including, but not limited to:
    - a. At the edges (perimeter) of a parking lot and between parking lots.
    - b. Between building development and recreational trails or open space.
    - c. Between multifamily or commercial development and a road or other public spaces.
    - d. Between commercial and residential areas.
    - e. On slopes of over 15 percent. Developers shall be required to place additional trees in sufficient numbers to screen such properties from major thoroughfares, such as Highway 9 and Main Street.
- C. *Water Conservation.* All landscape plans should be designed to incorporate water conservation materials and techniques through application of xeriscape landscaping principles. Xeriscape is a method of landscaping that promotes water conservation by minimizing the amount of native vegetation removed, limiting new vegetation to native or drought tolerant vegetation, limiting the amount and type of irrigation and other related measures to conserve water and create a native landscape.
1. *Maximum Amount of Lawn Area.* The maximum amount of lawn/sod area shall not exceed ten percent of the undeveloped area of the site.

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2. *Plant Materials.* The selection of plant materials shall be based on the Town of Frisco's climate and site-specific conditions. All new plant materials shall use species found in the "Plant Materials List - Frisco Colorado" of this Chapter. These species have been selected either because they are a native species to this climate or have a demonstrated ability to survive in this harsh alpine climate with minimal water and no threat of competition. Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence that the proposed plant material is suitable to the climate and placement on the site.
- D. *Limit of Work Area.* Prior to approval of any grading or building permit, existing trees, shrubs, and/or sensitive native landscape areas that are to be preserved shall be defined in the field. These plants and areas shall be defined by a minimum of a four-foot-high visibility fence (polyethylene, painted, wooden slat, snow fence, etc.) which is to be located no closer than the drip line of the vegetation to be preserved and which is to remain and be maintained throughout the construction period until ready for revegetation.
  - E. *Revegetation of Disturbed Land.* Development activities should only disturb, clear, or grade the area necessary for construction.
    1. All areas disturbed by grading or construction, not being formally landscaped, shall be mulched and revegetated with seeding and/or other plant materials. All seeded areas shall receive seeding mulch (e.g., straw-crimped in place or hydromulch, etc.). In order to promote growth and increase soil contact all rocks larger than three inches in diameter shall be removed, and a minimum of three inches of topsoil shall be installed utilizing existing stockpiled topsoil from the site, when possible. Seeded areas in excess of 3:1 (horizontal:vertical) slope (33 percent) shall receive biodegradable erosion control blankets, to reduce potential for damage from heavy, concentrated storm-water runoff. Seed mixes and other plant material shall be selected from the "Plant Materials List - Frisco Colorado". Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission based on competent evidence that the proposed plant material is suitable to the climate and placement on the site.
    2. Keep vehicles and construction equipment out of undisturbed areas to preserve the natural ground cover and vegetation.
    3. Following construction, stockpiled topsoil should be uniformly redistributed to a depth of three inches.
    4. Topsoil shall consist of adequate and fully composted organic material.
  - F. *Noxious Weeds.* It is the duty of any property owner or occupant to control noxious weeds which aggressively invade native plant communities or are carriers of detrimental insects, diseases, or parasites and it is unlawful to permit such noxious weeds to grow as noted in Chapter 61, Brush, Grass and Weeds.
  - G. *Credit for Preservation of Existing Trees.* The use of existing healthy, undamaged vegetation is encouraged because it is already established on the site and is natural to the area. Existing healthy trees (including Lodge Pole pine) may be substituted for up to 50 percent of the tree landscaping required by this Article, on a tree-for-tree basis, in cases where the existing trees meet or exceed the standards for required vegetation and minimum plant sizes.
  - H. *Protection of Existing Vegetation.*
    1. Existing vegetation including trees, shrubs, and/or sensitive native landscape areas that are to be preserved on the site shall be identified on the required landscape plan and shall be protected during construction.

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- a. This vegetation shall be identified on the site by a minimum of a four-foot-high visibility fence (polyethylene, painted wooden slat, snow fence, etc.). This fence is to be located no closer than the drip line of the vegetation to be preserved and shall remain and be maintained throughout the construction period until ready for revegetation.
    - b. Construction debris storage/staging areas shall be located away from vegetation to be preserved.
    - c. Snow storage and snow shedding areas may not overlap sensitive landscape areas, such as those which include non-flexible deciduous trees, shrubs, and formal planting beds.
  2. All coniferous trees with a diameter of six inches or more and all deciduous trees with a diameter of three inches or more, measured one foot above the ground shall be defined as a qualifying tree and may be removed without replacement, only as follows:
    - a. Trees on land to be occupied by buildings, parking, and paving plus a maximum eight-foot clearance strip adjacent to the perimeter thereof.
    - b. Diseased trees, trees damaged by natural causes, and other trees that interfere with utility lines may be removed only upon authorization of the State Forester or other qualified person and authorization of the Town.
    - c. Trees whose removal is necessary for fire safety or wildland fire defense may be removed upon authorization of a qualified specialist and authorization of the Town.
  3. Any removed qualifying trees that are not subject to the exceptions set forth in Section 180-6.14.5.H shall be replaced with a one for one and a half (1:1.5) replacement ratio.<sup>1</sup>

All replacement plant material shall conform to the requirements by plant type set forth in Section 180-6.14.4.A, Plant Sizes.
  - I. *Irrigation System Requirements.* Landscape improvements shall be properly irrigated during that period of time necessary for the plant to be established on the site and on an ongoing basis so as to maintain the landscape in good health and condition. The applicant must indicate what method of irrigation is proposed for any required landscape improvements. As indicated on the "Plant Materials List - Frisco Colorado", some species may not require formal irrigation after their establishment period. It is encouraged that temporary, above ground piping and heads or hand watering be used for these plants during their establishment period to promote water conservation once the plant has become established.
- 180-6.14.6. *Landscape Maintenance.* Landscaping shall be maintained in good health and condition for perpetuity. If any vegetative landscaping required by this Article shall die the owner of the property on which it is located shall replace it with the vegetation required by the approved landscape plan within one year of the death of the vegetation.

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<sup>1</sup>The total diameter (in inches) of the replacement trees, must be one and a half times greater than the total diameter (in inches) of those trees removed, (e.g.-one removed 12-inch diameter coniferous tree may be replaced with two nine-inch-diameter coniferous trees, or three six-inch diameter coniferous trees, etc.) with a minimum diameter replacement for coniferous trees of four inches and for deciduous trees of two inches. The tree replacement requirements of this paragraph may be partially waived on a case-by-case basis as determined by Planning Commission for project sites that have at least 50 percent more again, the number of trees that would be required. In the case of these significantly forested sites, whenever possible, building and paving placement should occur in the least densely forested area of the lot to take advantage of any naturally occurring openings that would result in the removal of fewer trees.

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180-6.14.7. *Landscape Plan Submittal Requirements.* The applicant shall provide landscape, irrigation, and grading plans that cover the entire property. There may be a separate landscape plan, however, in most cases it can be configured with a site plan. All landscape plans must contain the following information:

- A. Property lines and dimensions.
- B. Existing and finished grade.
- C. North arrow and both graphic and written scales.
- D. Name of Applicant and landscape consultants, if any.
- E. A legend indicating all proposed plant materials with common and botanical names, indication of drought tolerant plants, sizes, maximum spacing, caliper size, and quantities.
- F. Method of irrigation.
- G. Location of all plant material, other landscape features (including, but not limited to, wetlands, water bodies, rock outcroppings, detention areas, retaining walls) and buildings and paved areas (both existing and proposed).
- H. Ground surfaces and materials by type, such as paving, sod, mulch, edger, seed mixes, shrub and flower beds, etc., shall be clearly indicated with a note as to the percentage of plant coverage.
- I. Clearly labeled locations and calculations for amounts for all of the required landscape vegetation, including the percentage of drought tolerant plantings and any required parking area landscaping.
- J. A tree survey with the size and location of all existing coniferous trees with a diameter of six inches or more and all deciduous trees with a diameter of three inches or more measured one foot above the ground. The tree survey shall be prepared by and Colorado licensed surveyor.
- K. Identify which existing trees will remain on the property and how they will be protected from damage during construction.
- L. If snow storage is required, the location of all snow storage areas in relation to proposed landscaped areas must be shown.
- M. Identify construction debris storage and staging areas.
- N. Additional information may be required by the Town on a case-by-case basis if such information is deemed necessary to determine compliance with provisions of this Chapter.

180-6.14.8. *Plant Materials List - Frisco Colorado.*

- A. Plant materials listed are those determined to be suitable for Frisco's arid alpine environment. Landscaping materials required by this Article shall be chosen from this section. Alternative plant materials may be considered if it is determined by the Community Development Department or Planning Commission on competent evidence, that the proposed plant is suitable to the climate and placement on the site.
- B. Information has been included to help the applicant select a mixture of drought tolerant materials, likely to survive in this climate with little water.

\* - Native

X - Thrives in slightly dry conditions. Once established, these plants generally require about 1" of water per week.

XX - Thrives in dry conditions. Once established, these plants generally require about ½" of water per week.

XXX - Thrives in very dry conditions. Once established, these plants generally require about ½" of water every 2 weeks.

1. *Grass Mixes:*

|                                  | Xeriscape Rating |                                                                                                                                                                                                                                                                                      |
|----------------------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short Grass Mixture              | X                | A premium lawn mix for consistently watered and mowed lawns. Similar mix as used in sod. Not recommended for wildflowers.                                                                                                                                                            |
| Perennial Ryegrass               | 25%              |                                                                                                                                                                                                                                                                                      |
| Chewings Fescue                  | 30%              |                                                                                                                                                                                                                                                                                      |
| Kentucky Bluegrass, Limousine    | 25%              |                                                                                                                                                                                                                                                                                      |
| Kentucky Bluegrass, Marquis      | 20%              |                                                                                                                                                                                                                                                                                      |
| Short Dry Grass Seed Mixture     | XX               | Drought tolerant low growing grass mix that can be left unmowed. Requires little water once established. Use with wildflowers only if not watering, this mix will out compete wildflowers. Grows 6" to 8" in height.                                                                 |
| Hard Fescue                      | 30%              |                                                                                                                                                                                                                                                                                      |
| Creeping Red Fescue              | 30%              |                                                                                                                                                                                                                                                                                      |
| Sheep Fescue                     | 25%              |                                                                                                                                                                                                                                                                                      |
| Canada Bluegrass                 | 10%              |                                                                                                                                                                                                                                                                                      |
| Canby Bluegrass                  | 5%               | Quick cover mix that contains tall non-native aggressive grasses. Use for erosion control & reclamation. For very steep slopes and poor soils. With water can grow 4' in height. Do Not use with wildflowers and not recommended for home properties. Provides a crop or field look. |
| Aggressive Grass Seed Mixture    | XXX              |                                                                                                                                                                                                                                                                                      |
| Intermediate Wheatgrass          | 20%              |                                                                                                                                                                                                                                                                                      |
| Crested Wheatgrass               | 15%              |                                                                                                                                                                                                                                                                                      |
| Kentucky Bluegrass               | 10%              |                                                                                                                                                                                                                                                                                      |
| Orchardgrass                     | 10%              |                                                                                                                                                                                                                                                                                      |
| Creeping Red Fescue              | 10%              |                                                                                                                                                                                                                                                                                      |
| Tall Fescue                      | 10%              |                                                                                                                                                                                                                                                                                      |
| Perennial Ryegrass               | 5%               |                                                                                                                                                                                                                                                                                      |
| Timothy                          | 5%               |                                                                                                                                                                                                                                                                                      |
| Mountain Broomegrass             | 5%               | Mixture of primarily bunch type grasses to provide a "natural" look. With water, can grow to 3' in height. Good companion with wildflowers.                                                                                                                                          |
| Annual Ryegrass                  | 5%               |                                                                                                                                                                                                                                                                                      |
| Summit Hills Grass Seed Mixture  | XXX              |                                                                                                                                                                                                                                                                                      |
| Slender Wheatgrass *             | 25%              |                                                                                                                                                                                                                                                                                      |
| Hard Fescue                      | 20%              |                                                                                                                                                                                                                                                                                      |
| Sheep Fescue *                   | 20%              |                                                                                                                                                                                                                                                                                      |
| Tall Fescue                      | 15%              |                                                                                                                                                                                                                                                                                      |
| Big Bluegrass *                  | 10%              | * 100% Native mix. With water, can grow to 3' in height. Good companion for wildflowers. This mix meets Summit County recommendations for reclamation.                                                                                                                               |
| Canby Bluegrass *                | 10%              |                                                                                                                                                                                                                                                                                      |
| Native High Country Grass Seed * | XXX              |                                                                                                                                                                                                                                                                                      |
| Slender Wheatgrass               | 15%              |                                                                                                                                                                                                                                                                                      |
| Bluebunch Wheatgrass             | 15%              |                                                                                                                                                                                                                                                                                      |
| Sandberg Bluegrass               | 10%              |                                                                                                                                                                                                                                                                                      |
| Indian Ricegrass                 | 10%              |                                                                                                                                                                                                                                                                                      |
| Idaho Fescue                     | 10%              |                                                                                                                                                                                                                                                                                      |
| Western Wheatgrass               | 10%              |                                                                                                                                                                                                                                                                                      |
| Blue Wildrye                     | 10%              |                                                                                                                                                                                                                                                                                      |
| Rocky Mountain Fescue            | 10%              |                                                                                                                                                                                                                                                                                      |
| Tufted Hairgrass                 | 5%               |                                                                                                                                                                                                                                                                                      |
| Canby Bluegrass                  | 5%               |                                                                                                                                                                                                                                                                                      |

2. *Trees:*

|                              | Xeriscape Rating |                         | Xeriscape Rating |
|------------------------------|------------------|-------------------------|------------------|
| Coniferous Trees             |                  | Deciduous Trees         |                  |
| Bristlecone Pine *           | XX               | Aspen *                 |                  |
| Colorado Spruce *            |                  | Balsam Poplar *         |                  |
| Colorado Blue Spruce *       |                  | Narrowleaf Cottonwood * |                  |
| Engelmann Spruce *           |                  | Shubert Chokecherry     | X                |
| Rocky Mountain Douglas Fir * |                  |                         |                  |
| Subalpine Fir *              |                  |                         |                  |

3. *Shrubs:*

|                                 | Xeriscape Rating |                              | Xeriscape Rating |
|---------------------------------|------------------|------------------------------|------------------|
| Alder, Thinleaf *               |                  | Mountain Ninebark *          | XX               |
| Birch, Bog *                    |                  | Mugo Pine                    | X                |
| Birch, Western River *          |                  | Peking Cotoneaster           | XX               |
| Buffaloberry, Silver *          | XXX              | Potentilla                   | XX               |
| Chokecherry, Native *           | X                | Raspberry, Boulder           |                  |
| Chokecherry, Shubert's          | X                | Raspberry, Wild              | XX               |
| Currant, Alpine                 | XXX              | Rose, Canadian               |                  |
| Currant, Golden                 | XXX              | Rose, Harrison's Yellow      |                  |
| Currant, Red Lake               | XXX              | Rose, Redleaf                | X                |
| Currant, Squaw or Wax *         | XXX              | Rose, Woods                  | XX               |
| Dogwood, Red                    |                  | Sage, Big Leaf               | XXX              |
| Elder, Red-berried *            |                  | Serviceberry                 | X                |
| Gooseberry, Pixwell & Whitestem | XXX              | Siberian Peashrub            | XXX              |
| Honeysuckle, Arnold's Red       | XX               | Snowberry, Mountain *        |                  |
| Honeysuckle, Twinberry *        |                  | Spirea, Rock                 |                  |
| Juniper                         | XX               | Thimbleberry *               |                  |
| Kinnikinnick *                  | XX               | Waxflower                    |                  |
| Lilac, Canadian & Common        | XX               | Willow, Bluestem             |                  |
| Mahonia, Creeping *             |                  | Willow, Dwarf Arctic         |                  |
| Mountain Lover *                |                  | Willow, Golden or Mountain * |                  |

4. *Perennials/Groundcover:*

|         | Xeriscape Rating |                          | Xeriscape Rating |
|---------|------------------|--------------------------|------------------|
| Ajuga   | X                | Liatris                  | X                |
| Allium  |                  | Lily                     |                  |
| Alyssum | XX               | Locoweed, Rocky Mountain |                  |

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|-------------------------|-----|-----------------------------|-----|
| Anthemis                | XX  | Lupine *                    |     |
| Aster *                 | XX  | Mallow                      |     |
| Baby's Breath, Creeping | XX  | Maltese Cross               | X   |
| Balsam Arrowroot *      |     | Meadow Rue *                |     |
| Barren Strawberry       |     | Mints                       |     |
| Basket of Gold          | X   | Monarda                     |     |
| Bellflower              | X   | Moneywort                   |     |
| Bergenia                |     | Monkeyflower, Red & Yellow  |     |
| Bishop's Weed           | XX  | Monkshood                   |     |
| Black-Eyed Susan        | XX  | Pansy                       | X   |
| Bleeding Heart          |     | Pasque Flower *             | XX  |
| Blue Bells (Mertensia)  |     | Penstemon *                 | XXX |
| Blue Eyed Grass         |     | Phlox, Creeping *           | XX  |
| Border Jewel            | XX  | Pink Plumes *               |     |
| Buttercup, Creeping     |     | Poppy, Iceland              |     |
| Campion, Moss           |     | Poppy, Oriental             | XX  |
| Candytuft               | X   | Potentilla, Creeping        | XX  |
| Columbine *             | X   | Primula                     |     |
| Coral Bells             | X   | Purple Coneflower           | X   |
| Cornflower              |     | Pussytoes *                 | XXX |
| Cow Parsnip *           |     | Rockcress                   | XX  |
| Creeping Charlie        |     | Sage Buttercup *            |     |
| Cushion Spurge          | XXX | Salvia                      | XX  |
| Daisy, Shasta & Painted |     | Sandwort                    | XX  |
| Daylily                 | XX  | Saxifrage                   |     |
| Delphinium              | X   | Scabiosa                    | XX  |
| Dianthus                | XX  | Sea Pink                    | XX  |
| Draba                   |     | Sedum                       | XX  |
| Edelweiss               | X   | Senecio                     |     |
| English Daisy           |     | Shooting Star *             |     |
| Erigeron/Fleabane       | XX  | Silky Phacelia *            |     |
| Evening Primrose        | XXX | Silver Mound                | XX  |
| Fireweed                | X   | Silverweed *                |     |
| Flax, Blue              | XXX | Snow in Summer              | X   |
| Forget-me-not           |     | Snow Lover                  |     |
| Foxglove                | X   | Snow on the Mountain        |     |
| Gaillardia              | XXX | Soapwort                    | X   |
| Gentian *               |     | Strawberry, Domestic & Wild |     |
| Geranium *              | X   | Statice                     | XX  |
| Geum                    | XX  | Sulphurflower *             | XXX |
| Goldenrod               | XX  | Sunrose                     | XX  |
| Harebell *              | X   | Sweet William               |     |
| Hens & Chicks           | XX  | Sweet Woodruff              | X   |
| Hop Vine                |     | Tansy                       |     |
| Iceplant                | XX  | Thyme                       | XX  |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|---------------------------|----|
| Indian Paintbrush *                                                                                                                                                                                |    | Veronica, Spike           |    |
| Iris, Bearded                                                                                                                                                                                      | XX | Veronica, Creeping        | XX |
| Iris, Rocky Mountain & Siberian *                                                                                                                                                                  |    | Veronica, Turkish & Wooly | XX |
| Irish & Scotch Moss                                                                                                                                                                                |    | Viola                     |    |
| Jacob's Ladder *                                                                                                                                                                                   | XX | Yarrow *                  | XX |
| Lady's Mantle                                                                                                                                                                                      | X  |                           |    |
| Lamb's Ears                                                                                                                                                                                        | XX |                           |    |
| Lamium                                                                                                                                                                                             | X  |                           |    |
| Larkspur, Native *                                                                                                                                                                                 |    |                           |    |
| Sources:<br>Colorado State University, Summit County Extension Office; Frisco, Colorado<br>Neils Lunsford Inc.; Silverthorne, Colorado<br>Summit County Landscaping Guide; Summit County, Colorado |    |                           |    |

(Ord. No. 17-04, 6-27-17; Ord. No. 20-23, 1-26-21)

# An Act

HOUSE BILL 25-1113

BY REPRESENTATIVE(S) Smith and McCormick, Bacon, Boesenecker, Brown, Camacho, Duran, Froelich, Joseph, Lindsay, Martinez, Sirota, Stewart R., Titone, McCluskie;  
also SENATOR(S) Roberts, Bridges, Cutter, Danielson, Daugherty, Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Michaelson Jenet, Snyder, Wallace, Weissman, Winter F.

CONCERNING LIMITING THE USE OF CERTAIN LANDSCAPING PRACTICES IN  
NEW RESIDENTIAL DEVELOPMENT.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly 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

*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.*

increasingly scarce 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 multifamily property in the state can help conserve the state's water resources;

(f) Requiring local governments to regulate turf in new residential properties can help preserve the limited water in our state;

(g) Many communities and developments develop in a water-wise manner already and are appreciated; and

(h) Installed vegetation that adheres to water-wise landscaping principles can help reduce outdoor demand for water while avoiding heat islands.

(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.

**SECTION 2.** In Colorado Revised Statutes, 37-99-102, **amend** (1)(a)(II), (1)(a)(III), (7), and (17); **repeal** (1)(b); and **add** (1)(a)(IV), (1.5), (6.5), (10.5), (12.5), (14.5), and (18.5) as follows:

**37-99-102. Definitions.** As used in this article 99, unless the context otherwise requires:

(1) (a) "Applicable property" means:

(II) Common interest community property; or

(III) A street right-of-way, parking lot, median, or transportation corridor; OR

(IV) APPLICABLE RESIDENTIAL REAL PROPERTY.

(b) ~~"Applicable property" does not include residential property.~~

(1.5) "APPLICABLE RESIDENTIAL REAL PROPERTY" MEANS A MULTIFAMILY RESIDENTIAL HOUSING PREMISES PROPERTY THAT INCLUDES MORE THAN TWELVE DWELLING UNITS.

(6.5) "FUNCTIONAL ARTIFICIAL TURF" MEANS ARTIFICIAL TURF THAT IS:

(a) LOCATED IN A RECREATIONAL USE AREA OR OTHER SPACE THAT IS REGULARLY USED FOR CIVIC, COMMUNITY, OR RECREATIONAL PURPOSES, WHICH MAY INCLUDE A PLAYGROUND, A SPORTS FIELD, A PICNIC GROUND, AN AMPHITHEATER, A PORTION OF A PARK, AND THE PLAYING AREA OF A GOLF COURSE, SUCH AS A DRIVING RANGE, CHIPPING AND PUTTING GREEN, TEE BOX, GREEN, FAIRWAY, AND ROUGH; OR

(b) A COMPONENT OF A PRODUCT DESIGNED AND APPROVED BY A PROFESSIONAL ENGINEER FOR CIVIL INFRASTRUCTURE PROJECTS, INCLUDING BUT NOT LIMITED TO:

(I) COVERS FOR SOLID WASTE FACILITIES AND BROWNFIELD SITES;  
AND

(II) REVETMENTS FOR SLOPES, CHANNELS, LEVEES, AND DAMS.

(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~~ A PLAYGROUND, A SPORTS FIELD, A PICNIC

GROUND, AN AMPHITHEATER, A PORTION OF A PARK, AND THE PLAYING AREA OF A GOLF COURSE, SUCH AS A DRIVING RANGE, CHIPPING AND PUTTING GREEN, TEE BOX, GREEN, FAIRWAY, AND ROUGH.

(10.5) "MULTIFAMILY RESIDENTIAL HOUSING PREMISES PROPERTY" MEANS COMMON INTEREST PROPERTY SUCH AS ENTRYWAYS, PARKS, AND OTHER COMMON ELEMENTS AS DEFINED IN SECTION 38-33.3-103 (5).

(12.5) "NONFUNCTIONAL ARTIFICIAL TURF" MEANS ARTIFICIAL TURF THAT IS NOT FUNCTIONAL ARTIFICIAL TURF.

(14.5) "RESIDENTIAL REAL PROPERTY" HAS THE MEANING SET FORTH IN SECTION 39-1-102 (14.5).

(17) "Turf" ~~has the meaning set forth in section 37-60-135 (2)(i)~~ MEANS CONTINUOUS PLANT COVERAGE CONSISTING OF NONNATIVE GRASSES OR GRASSES THAT HAVE NOT BEEN HYBRIDIZED FOR ARID CONDITIONS AND WHICH, WHEN REGULARLY MOWED, FORM A DENSE GROWTH OF LEAF BLADES AND ROOTS.

(18.5) "URBAN TREE" MEANS A PERENNIAL WOODY PLANT WITH A SINGLE OR MULTIPLE TRUNKS THAT SUPPORT A CANOPY OF BRANCHES AND LEAVES AND THAT PROVIDES ECOLOGICAL, SOCIAL, AND ECONOMIC BENEFITS WITHIN A BUILT ENVIRONMENT.

**SECTION 3.** In Colorado Revised Statutes, 37-99-103, **amend** (1), (3), (4)(a), (4)(b), (4)(d), and (4)(e); and **add** (4)(f) and (5) as follows:

**37-99-103. Prohibition of nonfunctional turf, nonfunctional 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, NONFUNCTIONAL 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.

(3) The department shall not install, plant, or place, or allow any person to install, plant, or place, any nonfunctional turf, NONFUNCTIONAL 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, NONFUNCTIONAL ARTIFICIAL 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, NONFUNCTIONAL ARTIFICIAL TURF, artificial turf, or invasive plant species installed, planted, or placed at a state facility before January 1, 2025;

(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; OR

(f) A LOCAL ENTITY OR THE DEPARTMENT FROM INSTALLING OR PRESERVING URBAN TREES.

(5)(a) ON AND AFTER JANUARY 1, 2028, A LOCAL ENTITY SHALL NOT INSTALL, PLANT, OR PLACE, OR ALLOW A PERSON TO INSTALL, PLANT, OR PLACE, ANY NONFUNCTIONAL TURF, NONFUNCTIONAL ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES, AS PART OF A NEW DEVELOPMENT PROJECT OR REDEVELOPMENT PROJECT, ON ANY PORTION OF APPLICABLE PROPERTIES THAT INCLUDE MULTIFAMILY RESIDENTIAL HOUSING PREMISES PROPERTY.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, A LOCAL ENTITY OR THE DEPARTMENT SHALL NOT RESTRICT A PERSON FROM INSTALLING OR ALLOWING ANOTHER PERSON TO INSTALL GRASS SEED OR SOD THAT:

(I) IS A NATIVE PLANT;

(II) HAS BEEN HYBRIDIZED FOR ARID CONDITIONS; OR

(III) IS A LOW-WATER GRASS.

(c) ON OR BEFORE JANUARY 1, 2028, EACH LOCAL ENTITY WITH LAND USE PLANNING AND ZONING AUTHORITY SHALL ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS TO:

(I) REGULATE THE INSTALLATION OF NONFUNCTIONAL TURF IN ORDER TO REDUCE IRRIGATION WATER DEMAND ON APPLICABLE PROPERTY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION; AND

(II) INCLUDE CONSIDERATION OF APPLICABLE RESIDENTIAL REAL PROPERTY.

**SECTION 4.** In Colorado Revised Statutes, add 37-99-104 as follows:

**37-99-104. Regulation of turf in new residential property - local entities - exemptions.** (1) ON OR BEFORE JANUARY 1, 2028, EACH LOCAL ENTITY WITH LAND USE PLANNING AND ZONING AUTHORITY SHALL ENACT OR AMEND ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS WITHIN THE LOCAL ENTITY'S JURISDICTION TO REGULATE THE INSTALLATION OF TURF TO REDUCE IRRIGATION WATER DEMAND FOR ALL RESIDENTIAL REAL PROPERTY THAT IS NOT APPLICABLE RESIDENTIAL REAL PROPERTY.

(2) ON AND AFTER JANUARY 1, 2028, WHEN ENACTING OR AMENDING ORDINANCES, RESOLUTIONS, REGULATIONS, OR OTHER LAWS REGULATING NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS, EACH LOCAL ENTITY WITH LAND USE PLANNING AND ZONING AUTHORITY SHALL REGULATE THE INSTALLATION OF TURF TO REDUCE IRRIGATION WATER DEMAND FOR ALL RESIDENTIAL REAL PROPERTY THAT IS NOT APPLICABLE RESIDENTIAL REAL PROPERTY.

(3) EACH LOCAL ENTITY WITH LAND USE PLANNING AND ZONING AUTHORITY MAY CHOOSE THE STANDARD OR MECHANISM BY WHICH IT REGULATES TURF IN NEW DEVELOPMENT PROJECTS AND REDEVELOPMENT PROJECTS OF RESIDENTIAL REAL PROPERTY PURSUANT TO THIS SECTION.

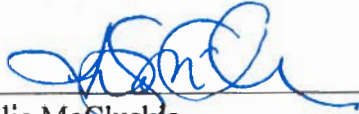
(4) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE

CONTRARY, NEITHER A LOCAL ENTITY NOR THE DEPARTMENT SHALL RESTRICT A PERSON FROM INSTALLING OR ALLOWING ANOTHER PERSON TO INSTALL GRASS SEED OR SOD THAT:

- (a) IS A NATIVE PLANT;
- (b) HAS BEEN HYBRIDIZED FOR ARID CONDITIONS; OR
- (c) IS A LOW-WATER GRASS.

**SECTION 5. Act subject to petition - effective date.** 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES



James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

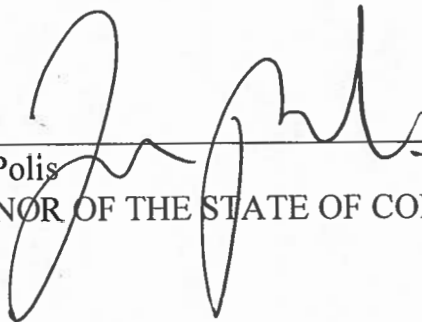


Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES



Esther van Mourik  
SECRETARY OF  
THE SENATE

APPROVED Tuesday May 20<sup>th</sup> 2025 at 1:05 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO

# 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

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*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;

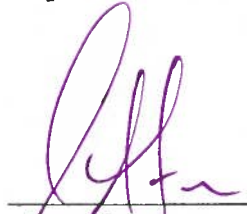
(d) A LOCAL ENTITY OR THE DEPARTMENT FROM ESTABLISHING PROHIBITIONS ON, OR REQUIREMENTS FOR, NONFUNCTIONAL TURF, ARTIFICIAL TURF, OR INVASIVE PLANT SPECIES THAT ARE MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION; OR

(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.



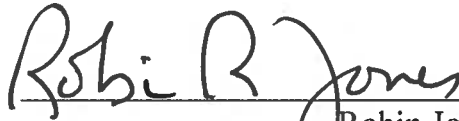
Steve Fenberg  
PRESIDENT OF  
THE SENATE



Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

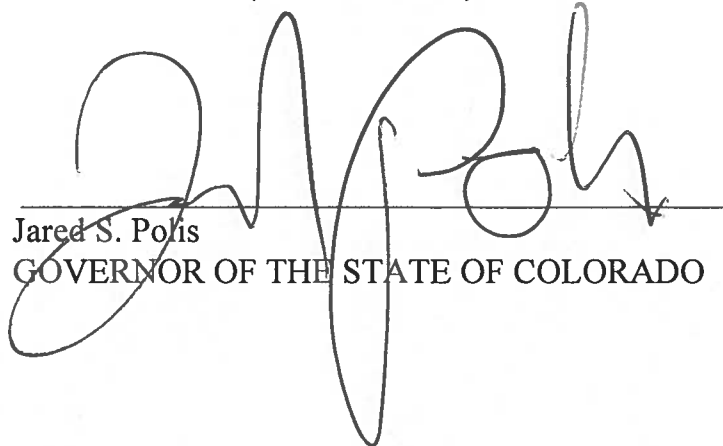


Cindi L. Markwell  
SECRETARY OF  
THE SENATE



Robin Jones  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED Friday March 15<sup>th</sup> 2024 at 2:15 pm  
(Date and Time)



Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO



**COLORADO**  
Wildfire  
Resiliency  
Code Board

**2025**

# Colorado Wildfire Resiliency Code

01 June 2025



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**CWRC Version 1.0**

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# Attributions

## ATTRIBUTIONS

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# Chapter 1 - Scope and Administration

## PART 1 GENERAL PROVISIONS

### SECTION 101 SCOPE AND GENERAL REQUIREMENTS

**101.1 Title.** These regulations shall be known as the Colorado Wildfire Resiliency Code as adopted by [NAME OF JURISDICTION], hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises that contain *occupiable* and/or *habitable space*, or change in use resulting in an occupiable and/or habitable space, unless excepted, within the *wildland-urban interface* areas of Colorado, as designated in this code.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided that such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

**101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

**101.2.2 Factory-Built Structures (nonresidential, residential, and tiny homes).** Structure hardening provisions of this code for factory-built structures as defined by sections 24-32-3302(9), (10), (11), and (35), C.R.S., are in accordance with Rules adopted by the Division of Housing in 8 CCR 1302-1, Rule 2 Codes and Standards.

**101.2.3 HUD Code Homes.** Homes built to the HUD Manufactured Home Construction and Safety Standards are exempt from structure hardening requirements on their first installation. Homes built to the HUD Manufactured Home Construction and Safety Standards which are moved into an applicable Wildfire Resiliency code area are subject to the provisions of this code as required by the authority having jurisdiction.

**101.3 Purpose.** The purpose of this code is to establish minimum regulations for the safeguarding of life and for property protection. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present.

The unrestricted use of property in *wildland-urban interface* areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to



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provide adequate fire protection facilities to control the spread of fire in *wildland-urban interface* areas shall be in accordance with this code.

This code shall supplement the jurisdiction's building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the *wildland-urban interface* areas.

**101.4 Retroactivity.** The provisions of the code shall apply to conditions arising after the adoption thereof, conditions not legally in existence at the adoption of this code and conditions that, in the opinion of the *code official*, constitute a distinct hazard to life or property.

**Exception:** Provisions of this code that specifically apply to existing conditions are retroactive.

**101.5 Additions or alterations.** Additions or alterations shall be permitted to be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided that, when the work increases the footprint of the existing structure by 500 square feet or greater, the addition or alteration conforms to that required for a new building or structure.

**Exception:** Provisions of this code that specifically apply to existing conditions are retroactive.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

**101.6 Roof coverings.** The *roof covering* on buildings or structures in existence prior to adoption of this code that are replaced or have 25 percent or more of the surface area of the roof replaced, or where work to reconstruct, alter, or repair the *roof covering* effectively replaces such material, shall require the entirety of the *roof covering* to be replaced with a *roof covering* required for new construction specified in Sections 403.2 through 403.2.2.

**Exception:** Existing *roof coverings* that are compliant with Section 403.2.

**101.7 Exterior walls.** The exterior walls of building or structures in existence prior to adoption of this code where 25 percent or more of the total exterior wall surface area is replaced, or where work to reconstruct, alter or repair the exterior walls effectively replaces the exterior wall material, shall require the entirety of the exterior wall surface area, including attachments, to be replaced with materials required for new construction specified in Section 404.3 through 404.3.2



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and the immediate zone within 5 feet of the structure shall be made to comply with Section 503.1.

**Exception:** Existing exterior walls that are compliant with Section 404.3.

**101.8 Maintenance.** Buildings, structures, landscape materials, vegetation, *defensible space* or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

## SECTION 102—APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code, or any other adopted code, specify different materials, methods of construction or other requirements, the most restrictive shall govern.

**102.2 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**102.3 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.4 Referenced codes and standards.** The codes and standards referenced in this code are listed throughout this code. 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 102.4.1 and 102.4.2.

**102.4.1 Conflicts.** Where conflicts occur between provisions of this code and the referenced codes and standards, the provisions of this code shall govern.

**102.4.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

**102.5 Subjects not regulated by this code.** Where applicable standards or requirements are not set forth in this code, or are contained within other laws, codes, regulations, ordinances or policies adopted by the authority having jurisdiction, compliance with applicable standards of other nationally recognized safety standards, as *approved*, shall be deemed as prima facie evidence of compliance with the intent of this code. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

**102.6 Matters not provided for.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof,



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which are not specifically provided for by this code, shall be determined by the *code official* consistent with the necessity to establish the minimum requirements to safeguard the public health, safety and general welfare.

**102.7 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**102.8 Existing conditions.** The legal occupancy or use of any structure or condition existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code* or the *International Property Maintenance Code*, or as is deemed necessary by the *code official* for the general safety and welfare of the occupants and the public.

**102.9 Historic structures.** A variance 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 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.

**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.

**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.
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.
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.



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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.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### 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 104—DUTIES AND POWERS OF THE CODE OFFICIAL

**104.1 Powers and duties of the code official.** The *code official* is hereby authorized to enforce the provisions of this code.

**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.



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**104.2.1 Technical assistance.** To determine compliance with this code, the *code official* is authorized to require the owner, the owner's authorized agent or the person in possession or control of the building or premises to provide a technical opinion and report.

**104.2.1.1 Costs.** A technical opinion and report shall be provided without charge to the jurisdiction.

**104.2.1.2 Preparer qualifications.** The technical opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety 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.

**104.2.1.3 Content.** The technical opinion and report shall analyze the properties of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management to identify and propose necessary recommendations.

**104.2.1.4 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*.

**104.2.2 Alternative materials, design and methods.** 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 has been *approved*.

**104.2.2.1 Approval authority.** An alternative material, design or method shall be *approved* where the *code official* finds that the proposed alternative is satisfactory and complies with Sections 104.2.2.2 through 104.2.2.7, as applicable.

**104.2.2.2 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.

**104.2.2.3 Compliance with code intent.** An alternative material, design or method of construction shall comply with the intent of the provisions of this code.



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**104.2.2.4 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.

**104.2.2.5 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*.

**104.2.2.5.1 Fire tests.** Tests conducted to demonstrate equivalent fire safety in support of an alternative material, design or method of construction application shall be of a scale that is sufficient to predict fire safety performance of the end use configuration. Tests shall be performed by a party acceptable to the *code official*.

**104.2.2.6 Reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall comply with Sections 104.2.2.6.1 and 104.2.2.6.2.

**104.2.2.6.1 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*.

**104.2.2.6.2 Other reports.** Reports not complying with Section 104.2.2.6.1 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 fire safety 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.

**104.2.2.7 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



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method of construction, prepared by a peer reviewer that is *approved* by the *code official*.

**104.2.3 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 conformance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of the written request and action granting modifications shall be recorded and entered into the files of the code enforcement agency.

**104.3 Applications and permits.** The *code official* is authorized to receive applications, review construction documents and issue permits for construction regulated by this code, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**104.4 Access to Property.** For the purpose of inspecting and enforcing the provisions of this code and the terms and conditions of any permit issued under this code, the *code official* is authorized to enter upon private property at reasonable times and upon reasonable notice for the purpose of determining compliance with this code and to evaluate conditions relative to the permit application.

**104.4.1 Authorization.** The owner or occupant of the property having a permit under this code shall allow the *code official* access to the property to perform the required inspections. If access is denied, the *code official* shall apply to the Court with jurisdiction to seek authority to access the property.

**104.5 Identification.** The *code official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**104.6 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

**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 structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

**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.

**104.7.2 Inspections.** The *code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.



**104.7.3 Code alternatives and modifications.** Application for alternative materials, design and methods of construction and equipment in accordance with Section 104.2.2; modifications in accordance with Section 104.2.3; and documentation of the final decision of the *code official* for either shall be in writing and shall be retained in the official records.

**104.7.4 Tests.** The *code official* shall keep a record of tests conducted to comply with Sections 104.2.1.4 and 104.2.2.5.

**104.7.5 Fees.** The *code official* shall keep a record of fees collected and refunded in accordance with Section 106.

**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 rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of any act or omission in the discharge of official duties.

**104.8.1 Legal defense.** 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 and 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 final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**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.

**104.9.1 Materials and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good working order and *approved*.

**104.10 Other agencies.** When requested to do so by the *code official*, other officials of this jurisdiction shall assist and cooperate with the *code official* in the discharge of the duties required by this code.

## SECTION 105—TEMPORARY USES, EQUIPMENT AND SYSTEMS

**105.1 General.** The *code official* is authorized to issue a permit for temporary uses, equipment and 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.

**105.2 Conformance.** Temporary uses, equipment and systems shall conform to the requirements of this code as necessary to ensure health, safety and general welfare.



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**105.3 Temporary service utilities.** The *code official* is authorized to give permission to temporarily supply service utilities.

**105.4 Termination of approval.** The *code official* is authorized to terminate such permit for temporary uses, equipment and systems and to order the same to be discontinued.

## SECTION 106—FEES

**106.1 General.** An AHJ has the authority to establish fees.

## SECTION 107—STOP WORK ORDER

**107.1 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.

**107.2 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.

**107.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

**107.4 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.

## Chapter 2 - Definitions

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; and the singular number includes the plural and the plural the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in other International Codes, such terms shall have the meanings ascribed to them as in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

### SECTION 202 DEFINITIONS

**ACCESSORY STRUCTURE.** A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

**AGRICULTURAL BUILDING.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

**APPROVED.** Acceptable to the *code official*.

**BUILDING.** Any structure intended for supporting or sheltering any occupancy.

**CLASS A TESTS.** Class A Tests are applicable to *roof coverings* that are expected to be effective against severe fire exposure, afford a high degree of fire protection to the *roof deck*, do not slip from position, and are not expected to present a flying brand hazard.

**CODE OFFICIAL.** The official designated by the jurisdiction to interpret and enforce this code, or the *code official's* authorized representative.

**DEFENSIBLE SPACE.** An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.



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**EMBELLISHMENTS.** Elements incorporated in design and construction for ornamental or decorative purpose that are not integral to the structure or structural support.

**FIRE INTENSITY CLASSIFICATION.** The level of fire intensity identified for areas where significant fuel hazards and associated dangerous fire behavior may exist, based upon vegetative fuels, topography, weather conditions, and flame length value.

**FIRE-RESISTANCE-RATED CONSTRUCTION.** The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the *wildland-urban interface* area.

**FIRE-RETARDANT-TREATED WOOD.** Fire-retardant-treated wood is any wood product that, when impregnated with chemicals by a pressure process or other means during manufacture, shall have, when tested in accordance with ASTM E84 or UL 723, a listed *flame spread index* of 25 or less. The ASTM E84 or UL723 test shall be continued for an additional 20-minute period and the flame front shall not progress more than 10.5 feet beyond the centerline of the burners at any time during the test.

**FLAME SPREAD INDEX.** A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E84.

**FUEL MODIFICATION.** A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

**HABITABLE SPACE.** A space in a building for living, sleeping, eating or cooking.

**HEAVY TIMBER CONSTRUCTION.** As described in Section 602.4 of the 2024 *International Building Code*.

**HOME IGNITION ZONE.** Home Ignition Zone is the home and the area around the home (or structure). The HIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

**IGNITION-RESISTANT BUILDING MATERIAL.** A type of building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildfire exposure of burning embers and small flames.



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**IGNITION-RESISTANT VEGETATION.** Plants that are less likely to readily ignite from a flame or other ignition source and produce fewer embers. While they can still be damaged by fire, their foliage and stems don't significantly contribute to the intensity of the fire.

**LOG WALL CONSTRUCTION.** A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is not less than 6 inches. Log wall construction shall follow requirements of ICC 400.

**MULTILAYERED GLAZED PANELS.** Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

**NONCOMBUSTIBLE.** As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire.
2. Any material conforming to ASTM E136 shall be considered noncombustible within the meaning of this section.
3. For the purposes of this code, fire-rated gypsum board tested in accordance with ASTM C1396 with no less than a 1-hour fire-resistance-rating with fire exposure from the outside only is considered a noncombustible material.

**OCCUPIABLE SPACE.** A room or enclosed space designed for human occupancy in which individuals congregate for amusement, education or similar purposes or in which occupants are engaged at labor.

**ROOF ASSEMBLY.** A system designed to provide weather protection and resistance to design loads. The system consists of a *roof covering* and *roof deck* or a single component serving as both the *roof covering* and the *roof deck*. A *roof assembly* can include an underlayment, thermal barrier, ignition barrier, insulation or a vapor retarder.

**ROOF COVERING.** The covering applied to the *roof deck* for weather resistance, fire classification or appearance.

**ROOF DECK.** The flat or sloped surface not including its supporting members or vertical supports.



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**SLOPE.** The variation of terrain from the horizontal; the number of feet rise or fall per 100 feet measured horizontally, expressed as a percentage.

**STRUCTURE.** That which is built or constructed.

**STRUCTURE IGNITION ZONE.** Structure Ignition Zone is the structure and the area around the structure (or home). The SIZ takes into account both the potential of the structure to ignite and the quality of *defensible space* surrounding it.

**TREE CROWN.** The primary and secondary branches growing out from the main stem, together with twigs and foliage.

**WILDLAND-URBAN INTERFACE.** That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels.



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## Chapter 3 - Wildfire Hazard Identification

### SECTION 301 GENERAL

**301.1 Scope.** The provisions of this chapter provide methodology to establish and record wildfire hazard based on the findings of fact to be regulated by this code.

**301.2 Objective.** The objective of this chapter is to provide simple baseline criteria for determining *wildland-urban interface* areas based on the wildfire hazard.

### SECTION 302 WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

**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.

### SECTION 303 MAPPING AND APPLICABILITY

**303.1 Mapping of Wildfire Hazard Areas.** Wildfire Hazard shall be recorded on official maps. These maps identify areas subject to the provisions of this code and shall be available for public inspection through an accessible online platform and at designated local government offices.

**303.1.1 Map.** This map shall be based on a combination of factors including, but not limited to, vegetative fuels, topography, local weather patterns, and fire behavior modeling data.

**303.1.2 Locally Developed Mapping.** The AHJ may develop and adopt local maps designating wildfire hazard and *fire intensity classifications* within its jurisdictional boundaries in accordance with Sections 303.1 through 303.3.

**303.2 Fire Intensity Classification.** *Fire Intensity Classification* shall be identified on the map in accordance with Section 303.1. *Fire Intensity Classification* is determined by expected wildfire behavior, including flame length and suppression difficulty and is separated into three levels: low, moderate, and high. The identified *fire intensity classification* establishes code requirements for construction and mitigation.

**303.2.1 Low Fire Intensity Classification.** *Low Fire Intensity Classification* is identified in areas with light to medium surface fuels, such as grasses, shrubs, and scattered low-density vegetation. These fuels are often discontinuous, which limits flame propagation but can sustain burning under moderate weather conditions. Fires in this class may occur on gentle to moderate *slopes*, where topography begins to influence the rate of spread. Although flame lengths remain relatively small—typically less than two feet—limited spotting may occur, especially with wind. Trained firefighters with protective equipment and standard hand tools can usually suppress these fires through



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direct attack, particularly on *slopes* under 30 percent. Mechanized equipment is typically unnecessary.

**Key Characteristics Include:**

1. **Fuels:** Light to medium surface fuels, including grasses, shrubs, and scattered vegetation (e.g., WNL, USL fuel types).
2. **Flame Length:** Less than 2 feet.
3. **Rate of Spread:** Low, increasing with *slopes* over 20 percent.
4. **Spotting:** Very short-range spotting is possible under windy conditions.
5. **Terrain Influence:** More active fire behavior on moderate *slopes* (20 to 30 percent).
6. **Suppression Difficulty:** Easily suppressed by trained firefighters using basic protective gear and hand tools. Direct attack is effective, and mechanized support is rarely needed.

**303.2.2 Moderate Fire Intensity Classification.** *Moderate Fire Intensity Classification* is identified in areas with moderate to heavy fuel loads, such as dense shrubs, small trees, and accumulated ground fuels. Fires in this class present continuous horizontal and vertical fuel arrangements, allowing flames to reach up to 8 feet in length. Fire behavior is notably influenced by moderate to steep *slopes*, often accelerating the spread. Short-range spotting becomes more common, complicating suppression efforts. Ground crews typically require mechanized support, such as engines and dozers, to establish control lines. Aircraft assistance may be necessary, particularly in inaccessible terrain. There is a significant increase in the potential for property damage and risk to life, especially in *wildland-urban interface* areas.

**Key Characteristics Include:**

1. **Fuels:** Moderate to heavy fuels, including dense shrublands, small trees, timber litter, and canopy fuels (e.g., USH, UIH fuel types).
2. **Flame Length:** Up to 8 feet.
3. **Rate of Spread:** Moderate to high, increasing significantly on *slopes* over 30 percent.
4. **Spotting:** Short-range spotting is common.
5. **Terrain Influence:** Steep *slopes* (30 percent or greater) increase fire spread and intensity.
6. **Suppression Difficulty:** Challenging for ground crews without support from engines, dozers, or aircraft. Dozers and plows are generally effective on moderate terrain.

**303.2.3 High Fire Intensity Classification.** *High Fire Intensity Classification* is identified in areas with heavy, continuous fuel loads, such as dense forest canopies, thick



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understory growth, and heavy dead/downed material. Fires in this class frequently occur on steep *slopes*, often exceeding 40 percent, where topography dramatically increases the rate of spread and severity. Flame lengths can exceed 30 feet, and both short- and medium-range spotting are common, particularly in windy conditions. Direct suppression by ground crews is typically ineffective, requiring indirect attack strategies, such as backburns and aerial retardant drops. Fires in this class pose extreme risk to life, property, and firefighter safety, especially in rugged or remote areas.

**Key Characteristics Include:**

1. **Fuels:** Heavy fuels, including dense forests, urban core areas with heavy fuel loads, and canopy-dominated regions (e.g., WNH, USH, UCH fuel types).
2. **Flame Length:** Up to 30 feet or more.
3. **Rate of Spread:** Rapid, especially on *slopes* greater than 40 percent.
4. **Spotting:** Short-range spotting is common; medium-range spotting is possible under windy conditions.
5. **Terrain Influence:** *Slopes* over 40 percent amplify intensity and spread, creating dangerous conditions for suppression.
6. **Suppression Difficulty:** Direct attack by ground forces and dozers is generally ineffective. Indirect strategies (backburning, aerial support) are often necessary.

These fires present significant danger to life, property, and responder safety.

**303.3 Applicability of Code Provisions.** The requirements of this code shall apply to all parcels located within designated Wildfire Hazard Areas and corresponding *fire intensity classifications* as identified on the official maps. The level of structure hardening, *defensible space*, and other mitigation measures required shall correspond to the applicable *fire intensity classification*—Low, Moderate, or High—as established by the board.

Structures and parcels identified with low *fire intensity classification* shall be constructed and maintained in accordance with the provisions for Class 1 structure hardening and site and area requirements.

Structures and parcels identified with moderate to high *fire intensity classifications* shall be constructed and maintained in accordance with the provisions for Class 2 structure hardening and site and area requirements.

## SECTION 304 GROUND-TRUTHING

**304.1 Purpose.** This section establishes a process for owners or the owners authorized representative to request a ground-truthing review of their property's Wildfire Hazard or *fire intensity classification* as identified on state or locally adopted maps. The intent is to provide an opportunity to verify that mapping accurately reflects current, site-specific conditions.



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**304.2 Determination of Fire Intensity Classification and Code Requirements.** As determined by the *code official*, the *fire intensity classification* and associated requirements shall be based on a review of the vegetative fuels on the parcel and within 300' of the parcel boundary, topography, local weather patterns, and fire behavior modeling data and in accordance with the following *fire intensity classifications*:

**304.2.1** Low *Fire Intensity Classification* in accordance with Section 303.2.1

**304.2.2** Moderate *Fire Intensity Classification* in accordance with Section 303.2.2

**304.2.3** High *Fire Intensity Classification* in accordance with Section 303.2.3

This determination shall be made based on existing conditions or conditions that have been established by a development plan approved by the local jurisdiction. Technical documentation shall be submitted in support of such request by a qualified wildfire professional and in accordance with Section 104.2.



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# Chapter 4- Structure Hardening

## SECTION 401 GENERAL

**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.
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.
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.

## SECTION 402 BUILDING MATERIAL

**402.1 Building material.** Building materials shall comply with any one of the requirements in Section 402.2 through 402.4.

**402.2 Noncombustible material.** *Noncombustible* material shall comply with the definition of *noncombustible* materials in Section 202.

**402.3 Fire-retardant-treated wood.** *Fire-retardant-treated wood* shall be identified for exterior use and shall meet the requirements of Section 2303.2 of the 2024 *International Building Code*.

**402.4 Ignition-resistant building material.** Material shall be tested on the front and back faces in accordance with the extended ASTM E84 or UL 723 test, for a total test period of 30 minutes, or with the ASTM E2768 test. The materials shall bear identification showing the fire test results. Panel products shall be tested with a ripped or cut longitudinal gap of 1/8 inch. The materials, when tested in accordance with the test procedures set forth in ASTM E84 or UL 723



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for a test period of 30 minutes, or with ASTM E2768, shall comply with Sections 402.4.1 through 402.4.3.3. Materials or products which melt, drip or delaminate to the extent that the flame front is interrupted are not permitted.

**Exception:** Materials composed of a combustible core and a noncombustible exterior covering made from either aluminum at a minimum 0.019 inch thickness or corrosion-resistant steel at a minimum 0.0149 inch thickness shall not be required to be tested with a ripped or cut longitudinal gap.

**402.4.1 Flame spread.** The material shall exhibit a *flame spread index* not exceeding 25.

**402.4.2 Flame front.** The material shall exhibit a flame front that does not progress more than 10 feet 6 inches beyond the centerline of the burner at any time during the test.

**402.4.3 Weathering.** *Ignition-resistant building materials* shall maintain their performance in accordance with this section under conditions of use. The materials shall meet the performance requirements for weathering (including exposure to temperature, moisture and ultraviolet radiation) contained in Sections 402.4.3.1 through 402.4.3.3, as applicable to the materials and conditions of use.

**402.4.3.1 Evaluation requirements for weathering.** Fire-retardant-treated wood, wood-plastic composite materials and plastic lumber materials shall be evaluated after weathering in accordance with Method A “Test Method for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing” in ASTM D2898.

**402.4.3.2 Wood-plastic composite materials.** Wood-plastic composite materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m<sup>2</sup> in the horizontal orientation, then weathering in accordance with ASTM D7032 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.

**402.4.3.3 Plastic lumber materials.** Plastic lumber materials shall also demonstrate acceptable fire performance after weathering by the following procedure: first testing in accordance with ASTM E1354 at an incident heat flux of 50 kW/m<sup>2</sup> in the horizontal orientation, then weathering in accordance with ASTM D6662 and then retesting in accordance with ASTM E1354 and exhibiting an increase of no more than 10 percent in peak rate of heat release when compared to the peak heat release rate of the nonweathered material.



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## SECTION 403 CLASS 1 STRUCTURE HARDENING

**403.1 General.** Class 1 structure hardening shall be in accordance with Sections 403.2 through 403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a low fire hazard severity.

**403.2 Roofing.** Roofs shall have a *roof covering* or *roof assembly* classified as Class A when tested in accordance with ASTM E108 or UL 790.

**403.2.1 Flame and ember protection of roofs.** For roof assemblies where the roof covering profile creates a space between the roof covering and roof deck, the space shall resist the entry of flames and embers by one or more of the following methods:

1. Firestopping with noncombustible material of the space between the roof covering and the roof deck.
2. Installation of one layer of cap sheet complying with ASTM D3909 over the combustible roof deck.
3. Installation of a listed Class A classified roof assembly.

**403.2.2 Roof valley flashings.** Valley flashings shall be not less than 0.019 inch (No. 26 galvanized sheet gage) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of cap sheet complying with ASTM D3909 running the full length of the valley.

**403.3 Gutters and downspouts.** Gutters and downspouts shall be constructed of *noncombustible* material.

**403.4 Ventilation Openings.** Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be in accordance with Section 403.4.1 or Section 403.4.2 as applicable.

**403.4.1 Performance Requirements.** Ventilation openings shall be fully covered with listed vents, tested in accordance with ASTM E2886, to demonstrate compliance with all the following requirements:

1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

**403.4.2 Prescriptive Requirements.** Ventilation openings for enclosed attics, enclosed rafter spaces, and underfloor spaces shall be covered with *noncombustible* 404.3 corrosion-resistant mesh with openings not to exceed 1/8-inch.



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## SECTION 404 CLASS 2 STRUCTURE HARDENING

**404.1 General.** Class 2 structure hardening shall be in accordance with Sections 404.2 through 404.10.1 as well as the provisions of Class 1 structure hardening in Sections 403.2-403.4.2 and shall apply to buildings and structures hereafter constructed, modified or relocated into or within areas of the *wildland-urban interface* having a moderate or high fire hazard severity. See also Sections 101.6-101.7.

**404.2 Protection of eaves.** Eaves and soffits shall be protected on the exposed underside by *noncombustible material, ignition-resistant materials*, or by materials approved for not less than 1-hour *fire-resistance-rated construction, 5/8-inch Type X drywall*, 2-inch nominal dimension lumber, or 1 inch nominal *fire-retardant-treated wood* or 3/4 inch nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*. Fascias are required and shall be protected on the backside by *noncombustible material, ignition-resistant materials*, or by materials approved for not less than 1-hour *fire-resistance-rated construction, 5/8-inch Type X drywall*, or 2- inch nominal dimension lumber.

**404.3 Exterior Walls.** Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Exterior wall assemblies with a minimum of 1-hour fire-resistance rating, rated for exposure on the exterior side.
2. *Approved noncombustible materials.*
3. *Heavy timber or log wall construction.*
4. *Noncombustible materials* complying with Section 402.2 on the exterior side.
5. *Fire-retardant treated wood* complying with Section 402.3 on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.
6. *Ignition-resistant materials* complying with Section 402.4 on the exterior side.

Such material shall extend from the top of the foundation to the underside of the eave or the underside of the roof sheathing.

### **Exceptions:**

1. Exterior wall *embellishments* and architectural trim (exclusive of trim on exterior windows and doors) not to exceed 5 percent of the square footage of the exterior wall.
2. Roof or wall top cornice projections and similar assemblies.
3. Solid wood rafter tails and solid wood blocking installed between rafters having minimum dimension 2 inch nominal.

**404.3.1 Exterior Wall Coverings.** Exterior wall coverings shall be limited to the following:

1. *Noncombustible materials.*
2. *Fire-retardant-treated wood.*
3. *Ignition-resistant building materials.*



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**Exception:** Where options 1 or 2 in section 404.3 are used, vinyl siding may be used as an exterior covering.

**404.3.2 Flashing.** A minimum of 6 inches of metal flashing or *noncombustible* material applied vertically between the wall sheathing and the exterior cladding shall be installed at the ground, decking, and roof intersections.

Combustible sheathing products exposed by the gap created at the base of the exterior walls, posts, or columns must be protected with *noncombustible material* or *ignition-resistant building materials* while still permitting drainage and moisture control from behind exterior cladding.

**404.4 Underfloor enclosure.** Buildings or structures shall have underfloor areas enclosed to the ground or comply with exterior walls in accordance with Section 404.3.

**404.5 Decking.** Unenclosed decks shall have the deck walking surface constructed of one of the following:

1. *Approved noncombustible* materials
2. Class A rated material

**Exception:** Composite decking material with a minimum of Class B rating

3. *Fire-retardant-treated wood* identified for exterior use and meeting the requirements of Section 2303.2 of the 2024 *International Building Code*
4. *Ignition-resistant building materials* in accordance with Section 402.4.

**404.6 Appendages and Projections.** Appendages and projections shall be constructed in accordance with Section 404.3.

**404.7 Exterior Glazing.** Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, *multilayered glazed panels*, glass block or have a fire protection rating of not less than 20 minutes.

**404.8 Exterior Doors.** Exterior doors shall be *approved noncombustible* construction, solid core wood not less than 1 ¾-inches thick, or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 404.7.

**Exception:** Vehicle access doors.

**404.9 Vehicle Access Door Perimeter Gap.** Exterior vehicle access doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the head, sill, and jamb of doors from exceeding ⅛ inch as approved by the AHJ.

Gaps between doors and door openings shall be controlled by one of the following methods:

1. Weather-stripping products made of materials that: (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, when the maximum allowable difference in tensile strength values between exposed and



non-exposed samples does not exceed 10 percent; and (b) exhibit a V-2 or better flammability rating when tested to UL 94 (Standards for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances).

2. Door overlaps onto jambs and headers.
3. Garage door jambs and headers covered with metal flashing.

**404.10 Detached Accessory Structures.** Detached *accessory structures* located less than 50 feet from a building containing *habitable* or *occupiable space* shall have exterior walls constructed in accordance with Section 404.3 through 404.3.2.

**404.10.1 Underfloor areas.** Where the detached structure is located and constructed so that the structure or any portion thereof projects over a descending *slope* surface greater than 10 percent, the area below the structure shall have underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 404.3 or underfloor protection in accordance with Section 404.4 or with 1/8-inch metal corrosion-resistant screen with a hardened zone within 5 feet.

**Exception:** The enclosure shall not be required where the underside of exposed floors and exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour *fire-resistance-rated construction*, *heavy timber construction*, *noncombustible* materials on the exterior side, or *fire-retardant-treated wood* on the exterior side. The *fire-retardant-treated wood* shall be labeled for exterior use and meet the requirements of Section 2303.2 of the 2024 *International Building Code*.



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# Chapter 5- Site and Area Requirements

## SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter shall apply to parcels subject to this code.

**501.2 Reference.** As needed, the *code official* shall refer to the Home Ignition Zone (HIZ) Guide as developed by the Colorado State Forest Service.

Where conflicts occur between provisions of this code and the HIZ Guide, the provisions of this code shall govern. The provisions of this code, as applicable, shall take precedence over the provisions in the referenced standard.

## SECTION 502 CLASS 1 REQUIREMENTS

### 502.1 Structure Ignition Zone 1 (0-5 feet): Immediate Zone

**502.1.1 Objective.** This zone is designed to reduce or eliminate ember ignition and direct flame contact with the structure, decks, stairs, and attachments.

**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.

**502.1.3 Plantings.** Remove all plantings including shrubs, slash, combustible mulch and other woody debris, with the exception of ignition-resistant vegetation.

**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.

### 502.2 Site Signage

**502.2.1 Marking of roads.** *Approved* signs or other *approved* notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof.

**502.2.2 Marking of fire protection equipment.** Fire protection equipment and fire hydrants shall be clearly identified in a manner *approved* by the *code official* to prevent obstruction.



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**502.2.3 Address markers.** Buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located in a manner *approved* by the *code official*.

### 502.3 Retaining Walls

**502.3.1 Retaining Walls.** Retaining walls shall be constructed with either *noncombustible* or ignition-resistant materials when any of the following conditions exist:

1. The retaining wall is within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure.
2. The retaining wall is integral to the support of a structure regulated by this code.
3. The retaining wall is integral to the egress from a structure regulated by this code to a public way, easement, or private road.

### 502.4 Fencing

**502.4.1 Fencing.** Fencing within 8 feet of a structure regulated by this code or up to the property line when the property line is less than 8 feet away from the structure shall be constructed with *noncombustible* or ignition-resistant materials.

**Exception:** Vinyl fencing. Vinyl fencing may be allowed.

## SECTION 503 CLASS 2 REQUIREMENTS

**503.1 General.** Class 2 site and area requirements shall be in accordance with Sections 503.2 through 503.3.2 and include all requirements of Class 1 in Sections 502.1 through 502.4.

### 503.2 Structure Ignition Zone 2 (5-30 feet) Intermediate Zone

**503.2.1 Objective.** This zone is designed to give an approaching fire less fuel, which will help reduce its intensity as it gets nearer to structures.

**503.2.2 Dead Materials.** Within the *fuel modification* area, hazardous dead plant material must be removed from live vegetation.

**503.2.3 Fuels Accumulation.** Avoid large accumulations of surface fuels such as logs, branches, slash and combustible mulch.

**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.



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**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.

**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.

### **503.3 Structure Ignition Zone 3 (30-100 feet) Expanded Zone**

**503.3.1 Objective.** This zone focuses on mitigation that keeps fire on the ground.

**503.3.2 Tree Spacing.** *Tree crowns* within this zone shall be spaced at a minimum of 6-10 feet.



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## Appendix A: PERMITS

*The provisions of this appendix apply only when adopted by the governing body in the final ordinance.*

**A101.1 General.** Where not otherwise provided in the requirements of the *International Building Code* or *International Fire Code*, permits are required in accordance with Sections A101.2 through A101.9.

**A101.2 Permits required.** Unless otherwise exempted, buildings or structures regulated by this code shall not be erected, constructed, altered, repaired, moved, converted, changed, or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the *code official*.

For buildings or structures erected for temporary uses, see Section 105.

**A101.3 Permit application.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Appendix B.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the *code official*.

**A101.3.1 Preliminary inspection.** Before a permit is issued, the *code official* is authorized to inspect and approve the systems, equipment, buildings, devices, premises and spaces or areas to be used.

**A101.3.2 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



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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.

**A101.4 Permit approval.** Before a permit is issued, the *code official*, or an authorized representative, shall review and approve permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from agencies or departments concerned.

**A101.5 Permit issuance.** The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the *code official*. If the *code official* finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the *code official* is allowed to issue a permit to the applicant.

When the *code official* issues the permit, the *code official* shall endorse in writing or stamp the plans and specifications APPROVED. Such *approved* plans and specifications shall not be changed, modified or altered without authorization from the *code official*, and work regulated by this code shall be done in accordance with the *approved* plans.

**A101.5.1 Refusal to issue a permit.** Where the application or construction documents do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefor.

**A101.6 Validity of permit.** The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

**A101.7 Expiration.** Every permit issued by the *code official* under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit is allowed to apply for an extension of the time within which work is allowed to commence under that permit where the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The *code official* is authorized to extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.



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**A101.8 Retention of permits.** Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the *code official* or other authorized representative.

**A101.9 Revocation of permits.** Permits issued under this code can be suspended or revoked where it is determined by the *code official* that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.
4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him or her under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. The permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The *code official* is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

## Appendix B: CONSTRUCTION DOCUMENTS

*The provisions of this appendix apply only when adopted by the governing body in the final ordinance.*

**B101.1 General.** Plans, engineering calculations, diagrams and other data shall be submitted in the format as required by the jurisdiction. The construction documents shall be prepared and submitted where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the *code official* is authorized to require additional documentation.

**Exception:** Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

**B101.2 Information on plans and specifications.** Plans and specifications shall be drawn to scale on substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

**B101.3 Site plan.** In addition to the requirements for plans in the *International Building Code*, site plans shall include topography, landscape and vegetation details and locations of structures or building envelopes. The *code official* is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted. Identify the *fire intensity classification*.

**B101.3.1 Defensible Space Site Plans.** Defensible space site plans shall be prepared and submitted to the *code official* for review and approval as part of the site plans required for a permit. The *code official* is authorized to waive or modify the requirement for a defensible space site plan where the application for permit is for alteration or repair or where otherwise warranted.

**B101.5 Other data and substantiation.** Where required by the *code official*, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

**B101.6 Retention of plans.** One set of *approved* plans, specifications and computations 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.

**B101.7 Examination of documents.** The *code official* shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.



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**B101.8 Amended construction documents.** Work shall be installed in accordance with the *approved* construction documents, and changes made during construction that are not in compliance with the *approved* documents shall be resubmitted for approval as an amended set of construction documents.

**B101.9 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**B101.10 Phased approval.** The *code official* is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

## Appendix C: INSPECTION AND ENFORCEMENT

*The provisions of this appendix apply only when adopted by the governing body in the final ordinance.*

**C101.1 Inspection.** Inspections shall be in accordance with Sections C101.1.1 through C101.1.4.3.

**C101.1.1 General.** Construction or work for which a permit is required by this code 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* by the *code official*.

It shall be the duty of the permit applicant to cause the work to remain visible and able to be accessed 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.

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.

Where required by the *code official*, a survey of the lot shall be provided to verify that the mitigation features are provided and the building or structure is located in accordance with the *approved* plans.

**C101.1.2 Authority to inspect.** The *code official* shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the *code official* for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

**C101.1.2.1 Approved inspection agencies.** The *code official* is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

**C101.1.2.2 Inspection requests.** 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.

**C101.1.2.3 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 inspections and shall



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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*.

**C101.1.3 Reinspections.** To determine compliance with this code, the *code official* can cause a structure to be reinspected. A fee can be assessed for each inspection or reinspection where work for which inspection is called is not complete or where corrections called for are not made.

Reinspection fees can be assessed where the *approved* plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the *code official*.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. Where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

**C101.1.4 Testing.** Installations shall be tested as required in this code and in accordance with Sections C101.1.4.1 through C101.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the *code official*.

**C101.1.4.1 New, altered, extended or repaired installations.** New installations and parts of existing installations that have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

**C101.1.4.2 Apparatus, instruments, material and labor for tests.** Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

**C101.1.4.3 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

**C101.2 Enforcement.** Enforcement shall be in accordance with Sections C101.2.1 and C101.2.2.

**C101.2.1 Authorization to issue corrective orders and notices.** Where the *code official* finds any building or premises that are in violation of this code, the *code official* is authorized to issue corrective orders and notices.

**C101.2.2 Service of orders and notices.** Orders and notices authorized or required by this code shall be given or served on the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if such person is not found on the



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premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

**C101.3 Compliance with orders and notices.** Compliance with orders and notices shall be in accordance with Sections C101.3.1 through C101.3.8.

**C101.3.1 General compliance.** Orders and notices issued or served as provided by this code shall be complied with by the owner, the owner's authorized agent, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, then such corrective orders or notices shall be complied with by the owner or the owner's authorized agent.

**C101.3.2 Compliance with tags.** building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section C101.3.1.

**C101.3.3 Removal and destruction of signs and tags.** A sign or tag posted or affixed by the *code official* shall not be mutilated, destroyed or removed without authorization by the *code official*.

**C101.3.4 Citations.** Persons operating or maintaining an occupancy or premises subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the *code official* shall be guilty of a misdemeanor.

**C101.3.5 Unsafe conditions.** Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

**C101.3.5.1 Record.** The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

**C101.3.5.2 Notice.** Where an unsafe condition is found, the *code official* shall serve on the owner, owner's authorized agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or



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requires the unsafe structure to be demolished. Such notice shall require the person thus notified, or their designee, to declare to the *code official* within a stipulated time, acceptance or rejection of the terms of the order.

**C101.3.5.2.1 Method of service.** Such notice shall be deemed properly served where a copy thereof is served by one of the following methods:

1. Delivered to the owner or the owner's authorized agent personally.
2. Sent by certified or registered mail addressed to the owner or the owner's authorized agent at the last known address with a return receipt requested.
3. Delivered in any other manner as prescribed by local law.

Where the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on the owner's authorized agent or on the person responsible for the structure shall constitute service of notice on the owner.

**C101.3.5.3 Placarding.** Upon failure of the owner, the owner's authorized agent or the person responsible to comply with the notice provisions within the time given, the *code official* shall post on the premises or on defective equipment a placard bearing the word "UNSAFE" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**C101.3.5.3.1 Placard removal.** The *code official* shall remove the unsafe condition placard whenever the defect or defects on which the unsafe condition and placarding action were based have been eliminated. Any person who defaces or removes an unsafe condition placard without the approval of the *code official* shall be subject to the penalties provided by this code.

**C101.3.5.4 Abatement.** The owner, the owner's authorized agent, operator or occupant of a building, structure or premises deemed unsafe by the *code official* shall abate, correct or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

**C101.3.5.5 Summary abatement.** Where conditions exist that are deemed hazardous to life and property, the *code official* is authorized to abate or correct summarily such hazardous conditions that are in violation of this code.

**C101.3.5.6 Evacuation.** The *code official* shall be authorized to order the immediate evacuation of any occupied building, structure or premises deemed unsafe where such hazardous conditions exist that present imminent danger to the occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or reenter until authorized to do so by the *code official*.



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**C101.3.6 Prosecution of violation.** If the notice of violation is not complied with promptly, the *code official* is authorized to 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 occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**C101.3.7 Violation penalties.** An AHJ has the authority to establish fees.

**C101.3.8 Abatement of violation.** In addition to the imposition of the penalties herein described, the *code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.



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