

ALTERNATE VERSION

ORDINANCE NO. 172, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE 5, SECTION 10 OF THE LAND USE CODE OF THE CITY OF  
FORT COLLINS FOR THE PURPOSE OF ESTABLISHING A THREE-YEAR  
ESTABLISHMENT PERIOD FOR STREET TREES

A. The Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan ("Plan"), in March of 2025. This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses the current state of the urban forest, emphasizes why trees are an important component of our community's infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

B. In the City's current Land Use Code and Plan, the requirements for the establishment of street trees are unclear regarding when the City assumes responsibility for maintenance and care. Setting a three-year establishment period creates more predictability and gives clear parameters for both the City and developer regarding when the applicant developer is done replacing trees before the City takes over maintenance and care for street trees.

C. The Plan sets forth other recommendations to assist in ensuring the long-term survivability of street trees which are in practice and have been successful. Examples of these recommendations include planting street trees in phases and planting trees during the shoulder seasons to avoid planting in the hottest and coldest timeframes of the year.

D. This Ordinance further supports tree establishment and survivability amending Division 5.10 of the City's Land Use Code regarding Landscaping and Tree Protection to incorporate specific placement and planting requirements for street trees.

E. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City's Land Use Code. On October 16, 2025, City staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of requiring a commercial tree removal permit.

F. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Article 5, Section 10 of the Land Use Code be updated, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 5.10.1(D) and 5.10.1(I) of the Land Use Code is hereby amended to read as follows:

### 5.10.1 LANDSCAPING AND TREE PROTECTION

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- (D) Landscape Planning and Design. Any landscape plan required must meet at least the standards in this Subsection.

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- (e) Street Trees. Planting of street trees shall occur in the adjoining street right-of-way. Except as described in Subsection (D)(1)(e) b. below, the street tree plantings in connection with the development shall occur as described in Subsections (D)(1)(e) a. through e. below:

(I) Placement:

- a. Between curb and sidewalk. Canopy shade trees shall be planted at twenty-foot to thirty-foot spacing (averaged along the entire front and sides of the block face) in the center of all such parkway areas. If two (2) or more consecutive residential lots along a street each measure between forty (40) and sixty (60) feet in street frontage width, one (1) tree per lot may be substituted for the twenty-foot to thirty-foot spacing requirement.
- b. Behind attached sidewalk. Canopy shade trees shall be established in an area ranging from three (3) to seven (7) feet behind the sidewalk at the spacing intervals as required in Subsection (D)(1)(e)(I) above.
- c. Attached sidewalk greater than 10 feet. Canopy shade trees shall be established in planting cutout areas of at least thirty-two (32) square feet at twenty-foot to thirty-foot spacing, except in the Downtown District where tree cutouts shall mimic or exceed existing design or character to adjacent Street Frontage Types as provided in Section 2.4.1.
- d. Overhead utility lines. Ornamental trees shall be planted in substitution for the required canopy shade trees where overhead lines, fixtures, and underground utilities may prevent normal growth and maturity.

(II) Planting:

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- a. Street tree permits. Street tree permits must be obtained by the City before any planting in the right-of-way is conducted per Municipal Code Article 3, Section 27-31. Upon permit approval and approval of other landscape element initial installation, financial guarantee held per subsection (I), may be partially or fully released.
- b. ~~Planted in phases~~ Phased planting. In any multi-phase development plan, all street trees plantings per phase must be grouped so that the trees are planted at once or over large continuous areas of the development rather than on a lot by lot over time to the maximum extent feasible; and such planting may only occur after the irrigation is functioning and right-of-way turfgrass, if present, is established. The City Forester, through conversations in partnership with the landscape contractor and applicant developer, makes the final decision as to what timing is groupings are feasible.
- c. Timing. Street trees must only be planted during shoulder seasons, March through June, and September through November, to avoid the hottest and coldest periods of the year.
- d. Three-year establishment period. The establishment period of three full growing seasons (March through November) begins once all street trees in a phased planting as specified in (D)(e)(II)(b) development plan phase have been permitted and planting has been approved by City of Fort Collins Forestry Division and Zoning Department, and the following applies:
  - (I) The applicant developer is responsible for replacing dead, dying or damaged street trees as identified by the City during semi-annual spring and fall inspections. Any tree identified pursuant to a semi-annual inspection shall be replaced within the year of the inspection.
  - (II) At the end of the three-year establishment period, any remaining dead, dying or damaged street trees identified at final inspection shall either be replaced by the applicant developer or the applicant developer shall submit payment in

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lieu to the City of Fort Collins Forestry Division to plant any remaining street trees identified at final inspection. The fair market value payment in lieu fee per tree is determined by the City Forester and may be adjusted annually based on market rates.

- (III) After the establishment period, the Forestry Division will plant any remaining street trees with the provided payment in lieu and assume maintenance responsibility of the street trees.
- (f) Utilities and Traffic. Landscape, utility and traffic plans shall be coordinated. Minimum dimension requirements for the most common tree/utility and traffic control device separations are shown below. Exceptions to these requirements may occur, as approved by the Director, where utilities or traffic control devices are not located in their standard designated locations. Tree/utility and traffic control device separations shall not be used as a means of avoiding the planting of required street trees. Required separations are:

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- (VI) Street trees must be placed at least four (4) feet away from the edges of driveways and alleys.
- (VII) Street trees on local streets planted within the standard abutting utility easement may conflict with utilities. Additional conduit may be required to protect underground electric lines.

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- (I) **Landscape and Irrigation Installation and Escrow.** All landscaping and irrigation shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. Except as provided herein, no certificate of occupancy is authorized to be issued for any building on any portion of a property required by this Section to have a landscape plan, unless all landscaping has been installed and maintained according to an approved landscape plan for the property, all irrigation has been installed and maintained according to an approved irrigation plan for the property, and:
  - (1) If such landscaping and irrigation installations have not been completed, a certificate of occupancy may be issued upon the receipt by the City of surety in the form of an acceptable bond, cash deposit, or equivalent conditioned on and guaranteeing the installation of the

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entire landscaping shown on the approved landscaping plan and the irrigation system shown on the approved irrigation plan or the installation pursuant to an approved phasing plan.

(a) The surety must be in the amount of one hundred twenty-five percent (125%) of the estimated cost of the landscaping installation, irrigation installation, or both as applicable, determined by an executed contract to install the landscaping, irrigation, or both, or by adequate appraisals of the cost.

(b) Any surety provided pursuant to this requirement shall be released upon an inspection by the City verifying installation is completed or certification issued by a landscape contractor not involved in the installation that the required landscaping program and irrigation system have been completed and maintained until the time the verification by the City or certification accepted by the City in accordance with the landscape plan. The surety may be released in full or in portions covering completed installation.

(2) For a non-potable system intended to be turned over to the Parks Department, the amount of the surety may be reduced after installation is completed, to twenty-five percent (25%) of the actual cost of such system, and the system must be warrantied and maintained for five (5) years. If the non-potable system fails, a potable tap shall be supplied at no cost to the City.

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Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on December 16, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: December 26, 2025  
Approving Attorney: Stefanie Boster

Exhibit: None