

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 24-13**

AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE UNIFIED DEVELOPMENT CODE, BY AMENDING SECTION 180-6.17, CONCERNING REFUSE MANAGEMENT AND SCREENING REQUIREMENTS FOR MULTIFAMILY RESIDENTIAL, MIXED-USE, AND NON-RESIDENTIAL DEVELOPMENTS WHICH HAD BEEN CONSTRUCTED AND RECEIVED CERTIFICATE OF OCCUPANCIES ON OR BEFORE MARCH 22, 2022.

WHEREAS, the Town of Frisco, Colorado (“Town”) is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, the zoning and land use powers conferred upon the Town by the State of Colorado as a Home Rule Municipality empower the Town to manage land use to ensure the public health, safety, and welfare; and

WHEREAS, the Town of Frisco currently regulates land uses within the Town limits in accordance with Chapter 180 “Unified Development Code” of the Frisco Town Code, adopted pursuant to its Home Rule Constitutional authority and the Local Government Land Use Control Enabling Act of 1974, as amended, §29-20-101, et seq. C.R.S; and

WHEREAS, the Town Council desires to amend the Unified Development Code in order to address screening requirements for recycling enclosures that were initially required through Ordinance 22-04; and

WHEREAS, these updates to the Town’s Unified Development Code will allow for an administrative review and approval of proposed screening of recycling facilities under requirements that are less stringent for multifamily residential, mixed-use, and non-residential developments which have been constructed and received Certificate of Occupancies on or before March 22, 2022; and

WHEREAS, the Town of Frisco Planning Commission has reviewed the proposed amendments on September 19, 2024, and has made a recommendation to approve the amendments with modifications to the Town Council; and

WHEREAS, the Town Council held Public Hearings on October 22, 2024, and November 12, 2024, to receive public comment, evidence and testimony relative to the proposed amendments to the Frisco Town Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 180-6.17 of the Frisco Town Code, concerning refuse management, is hereby amended to read as follows:

§ 180-6.17. Refuse management.

180-6.17.1. *General Standards.* All nonresidential, mixed-use, and multi-family residential development projects containing five or more units shall utilize dumpster enclosures for the storage of all refuse, recycling, grease traps, and compost collection. Dumpster enclosures shall provide space for the collection and storage of recyclable materials, including compost, in an amount equal to the space provided for the collection and storage of trash materials, and shall meet the following standards:

- A. Equal space for refuse, recycling, and compost collection must be accommodated within the dumpster enclosure in an amount determined to be acceptable by the waste collection provider, based upon the size and use of the development.
- B. Storage and collection containers shall be clearly labeled or identified to indicate the type of materials accepted.

180-6.17.2. *Design Standards for Enclosures.*

- A. All refuse and recycling dumpsters and facilities shall be located within a dumpster enclosure. Enclosures shall be four-sided structures with a roof and gated access adequate to allow for the collection of materials stored within the dumpster enclosure. The use of chain link fence as a screening material is prohibited.
- B. Dumpster enclosures shall utilize solid, opaque materials to a height of six feet. The exterior materials shall be similar to or complementary to those used on the exterior of the primary structure or structures on the site.
- C. Dumpster enclosures shall be designed to provide a separate pedestrian access into the enclosure.
- D. Enclosures must be wildlife proof. The dumpster enclosure shall be of sufficient design and construction to prevent access by wildlife. The enclosure doors must have a latching mechanism sufficient to prevent entry by wildlife. The side of the structure must extend to within two inches of the ground, and ventilation openings must be covered with a heavy gauge steel mesh or other material of sufficient strength to prevent access by wildlife. Mesh openings shall not exceed one-quarter inch in width. ~~Management and maintenance of refuse and receptacles is also subject to Section 127-17 of the Frisco Town Code.~~

180-6.17.3. *Location.*

- A. Dumpster locations shall not impair vehicular access or snow removal operations.
- B. Dumpster locations shall have adequate space in front to facilitate access for collection equipment.
- C. Dumpster locations shall not be located within any utility easement or front yard setback. Dumpster enclosures are exempt from the setback requirement for "structures" (as defined in Chapter 180, Article IX) in that they may be located within a side and rear yard setback.
- D. Dumpsters shall be located in such a way that encourages the sharing of such facilities by multiple uses.
- E. Dumpster enclosures shall be located on-site in a manner that allows for easy vehicular access to the dumpster by the collection services, and where possible, in a manner that does not require backing movements into public rights-of-way, with the exception of alleys.

180-6.17.4. *Exceptions In the Central Core District.* An applicant may propose recycling and compost collection facilities in a separate location within the project site, not adjacent to refuse

collection, with approval of the Planning Commission, if the following criteria are met:

- A. Adequate space is provided on site for the collection and storage of recyclables and clearly shown on the plans.
- B. A dumpster enclosure sized for refuse, recycling, and compost collection would create an undue hardship for the property owner, and not allow the desired use of the property.

180-6.17.5. *Retrofitting Incentive for Existing Developments.*

A. Multifamily residential, mixed-use, and non-residential developments may convert up to three existing parking spaces in order to retrofit on-site (internal or external) parking spaces to accommodate the installation of a refuse, recycling and compost collection area to serve the needs of the development. Such conversions may be allowed through administrative approval when the Director finds that the following criteria have been met:

- 1. ~~A.~~ The required or approved parking on site is not reduced by more than ten percent.
- 2. ~~B.~~ The refuse, recycling, and compost collection area is centrally located such that is easily accessible to all residents.
- 3. ~~C.~~ Adequate space exists for the refuse, recycling, and compost collection facility to be accessed by service vehicles.
- 4. ~~D.~~ That the property owner or homeowner's association has signed an agreement with the Director stipulating that the building will maintain a contract for on-going recycling and compost service to the development.

B. Multifamily residential, mixed-use, and non-residential developments which have been constructed and received Certificate of Occupancies on or before March 22, 2022 may construct or establish screening that varies from the screening requirements for recycling facilities set forth in sections 180-6.17.2 and 180-6.17.3 above, if necessary to accommodate the installation of a recycling collection area to serve the needs of the development. Screening variances may be allowed through administrative approval when the Director finds that the following criteria have been met:

- 1. Recycling facilities are provided as wildlife resistant; and
- 2. Adequate space exists for the recycling collection facility to be accessed by service vehicles; and
- 3. If partial screening is proposed (ex: four walls but no roof), the proposed structure shall meet all building and safety codes.
- 4. Screening is provided from public areas including ROWs, public lands, etc.
- 5. Screening is provided from adjacent properties to the greatest extent possible.
- 6. Screening may be provided in various forms including but not limited to walls, fences, mature landscaping, or other methods proposed by the Applicant and determined by the Director to provide substantial screening of the facility.

Section 2. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THE 22ND DAY OF OCTOBER 2024.

INTRODUCED, PASSED ON SECOND READING AND PUBLICATION AND POSTING ORDERED THIS 12TH DAY OF NOVEMBER 2024.

TOWN OF FRISCO, COLORADO:

Frederick J. Ihnken, Mayor

ATTEST:

Stacey Nell, Town Clerk